

STATE OF NEW MEXICO
COUNTY OF TORRANCE
SEVENTH JUDICIAL DISTRICT

NO.: D-722-CR-2015-04

STATE OF NEW MEXICO,
Plaintiff,

vs.

MARK CHAVEZ,
Defendant.



Address:

STATE OF NEW MEXICO
COUNTY OF TORRANCE
SEVENTH JUDICIAL DISTRICT COURT
FILED

Angela Simpson
FEB 20 2017

Time: 1:42 pm
Amal Pughal Deputy

I certify that a copy was
faxed/mailed/delivered to
attorneys/parties of record
on 2/20/17 by AP

- CONDITIONAL DISCHARGE (Not applicable to DWI)**
- ORDER DEFERRING SENTENCE**
- JUDGMENT, SENTENCE AND-**
- FULLY SUSPENDED SENTENCE**
- PARTIALLY SUSPENDED SENTENCE**
- COMMITMENT TO THE TORRANCE COUNTY DETENTION CENTER**
- COMMITMENT TO THE N.M. DEPARTMENT OF CORRECTIONS**

APPEARANCE AND PLEA

THIS MATTER, having come before the Honorable Kevin R. Sweazea, District Court Judge, on February 20, 2017 for sentencing, the State appearing and being represented by Ronald LoLordo, and the Defendant appearing and represented by counsel of record Rachel Walker Al-Yasi, and the Defendant been convicted on February 20, 2017, of the following crimes pursuant to:

- Guilty Plea(s)**
- Guilty plea pursuant to *North Carolina v. Alford***
- No Contest Plea(s)**
- Verdict(s)**
- Provisional Plea of Guilty subject to a Conditional Discharge**

Case Number D-722-CR-2015-04	Statute Number	Class:	State Tracking Number	Date of Offense	Serious Violent Offense	Charging Document	
Count Number 1	30-02-01(B)	PM <input type="checkbox"/> M <input type="checkbox"/> F4 <input type="checkbox"/> F3 <input type="checkbox"/> F2 <input checked="" type="checkbox"/> F1 <input type="checkbox"/>	UNK	01/13/2014	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	Information	
Offense Name Murder in the Second Degree	<input type="checkbox"/> Conditional Discharge – STOP <input type="checkbox"/> Deferred Sentence – STOP <input checked="" type="checkbox"/> Sentence – Enter Sentence Data Below			Concurrent to Counts	Consecutive to Counts	Enhancement Code FA <input type="checkbox"/> O <input type="checkbox"/> H <input type="checkbox"/> HO <input type="checkbox"/>	Parole Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
	Years	Months	Days				
	15						
Case Number	Statute Number	Class:	State Tracking Number	Date of Offense	Serious Violent Offense	Charging Document	
Count Number		PM <input type="checkbox"/> M <input type="checkbox"/> F4 <input type="checkbox"/> F3 <input type="checkbox"/> F2 <input type="checkbox"/> F1 <input type="checkbox"/>			Y <input type="checkbox"/> N <input type="checkbox"/>	Information	
Offense Name	<input type="checkbox"/> Conditional Discharge – STOP <input type="checkbox"/> Deferred Sentence – STOP <input type="checkbox"/> Sentence – Enter Sentence Data Below			Concurrent to Counts	Consecutive to Counts	Enhancement Code (Circle) FA <input type="checkbox"/> O <input type="checkbox"/> H <input type="checkbox"/> HO <input type="checkbox"/>	Parole (Circle) Y <input type="checkbox"/> N <input type="checkbox"/>
	Years	Months	Days				
Case Number	Statute Number	Class:	State Tracking Number	Date of Offense	Serious Violent Offense	Charging Document	
Count Number		PM <input type="checkbox"/> M <input type="checkbox"/> F4 <input type="checkbox"/> F3 <input type="checkbox"/> F2 <input type="checkbox"/> F1 <input type="checkbox"/>			Y <input type="checkbox"/> N <input type="checkbox"/>	Information	
Offense Name	<input type="checkbox"/> Conditional Discharge – STOP <input type="checkbox"/> Deferred Sentence – STOP <input type="checkbox"/> Sentence – Enter Sentence Data Below			Concurrent to Counts	Consecutive to Counts	Enhancement Code (Circle) FA <input type="checkbox"/> O <input type="checkbox"/> H <input type="checkbox"/> HO <input type="checkbox"/>	Parole (Circle) Y <input type="checkbox"/> N <input type="checkbox"/>
	Years	Months	Days				

2 years
RUI

Enhancements: FA = Firearm, O = Old Age, H = Handicap, HO = Habitual Offender

Applies to crimes committed after July 1, 1999. See below for any enumerations required for this status

SENTENCE SPECIFICS

Enumeration of Discretionary Special Violent Offender or Aggravation Finding for Count(s)

Total Sentence of 15 years, _____ months, _____ days.

Consecutive to the Sentence Imposed in Case Number _____

Concurrent to the Sentence Imposed in Case Number _____

Actual Term of Incarceration: Defendant is to be incarcerated for:

12 years, _____ months, _____ days in:

New Mexico Department of Corrections

Torrance County Detention Center

TCDC Good Time Authorized Not Authorized

(Pursuant to §33-3-9 NMSA 1978, a prisoner shall not accrue good time for the mandatory portion of a sentence imposed under §66-8-102 NMSA 1978 or §66-5-39 NMSA 1978.)

Ankle Bracelet Monitoring Authorized Ordered

SENTENCE FORM

Suspended Sentence: 3 years of the total sentence is suspended.

Deferred Sentence: Sentence is deferred for _____ years, _____ months, _____ days.

Conditional Discharge: Without adjudication of guilt, further proceedings are deferred for:

_____ years, _____ months, _____ days pursuant to: §31-20-13 NMSA 1978

§30-31-28 NMSA 1978

PAROLE

Defendant, if imprisoned at any time in the New Mexico Corrections Department, shall be placed on parole for 2 year(s) after release and be required to pay parole costs. (1 year for a 4th degree felony, 2 years for a 1st, 2nd or 3rd degree felony, unless convicted for a sex offense. See §31-21-10.1 NMSA 1978 for Sexual Offender terms.)

PROBATION

Probation term of 3 years to run concurrent with Parole.

Supervised

Unsupervised

No Probation

PROBATION CONDITIONS

In Addition to all Standard Conditions of Probation

Defendant shall obtain and maintain Full-Time Employment (30 hours/week or more), full-time education (12 credit hours/semester or equivalent), or a combination of employment and education.

Defendant shall enter, and successfully complete counseling/treatment program(s) as required by statute, the plea and disposition agreement and/or as recommended by probation. These may include, but are not limited to:

- Alcohol/Substance Abuse Treatment
- Anger/Conflict Management
- Domestic Violence Counseling
- Victim Impact Panel
- DWI First Offender Program
- Parenting Classes

Defendant shall not have or use any
 Illegal Drugs / Alcohol

Defendant shall be randomly tested
 Defendant shall not enter any alcohol establishment

Defendant shall perform community service
The community service shall be in a program/facility approved by probation. The following are mandatory:

- 24 hours for a 1st DWI conviction
- 48 hours for a 2nd DWI conviction
- 96 hours for a 3rd DWI conviction
- _____ hours

Defendant shall not drive without a VALID New Mexico driver's license AND required insurance

Alcohol and/or Drug Screening in compliance with §66-8-102(K) NMSA 1978

Defendant shall install an ignition interlock in every vehicle to which Defendant has access

Defendant shall complete treatment as required by §66-8-102(L) NMSA 1978

Defendant shall pay restitution
 In the amount of \$ _____
 As determined by Probation

Defendant shall not have contact or association with co-defendants

Defendant shall not contact any victims or their family members by phone, in person, by third party communication, through any electronic communication means including, but not limited to texting, social media or email.

Defendant shall not go to or be within 25 of the victim(s) or their family members, their residences or work places.

Defendant shall not go to or remain in the following area/location: _____

except when accompanied by a police or probation officer.

Defendant shall provide a DNA sample in accordance with §29-3-10 NMSA 1978

Defendant shall not possess weapons

Progressive Discipline Program is authorized

Defendant shall register as a Sex Offender pursuant to and in accordance with §29-11A NMSA 1978

Special Conditions of Probation:

PROBATION COSTS

- Probation Costs shall be waived
- Probation Costs shall be determined by the probation office based on ability to pay
- Defendant shall pay \$50.00 per month
- Probation Costs shall be waived for any month that the defendant is paying for:
 - Treatment
 - Restitution
 - Counseling
 - Other: _____

FEES and FINES

Defendant must pay the following:

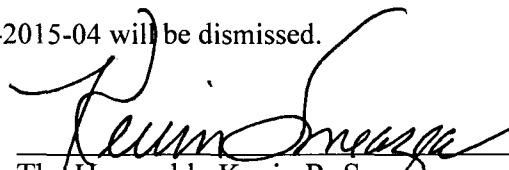
- DWI Alcohol/Drugs Fee of \$85, §31-12-7(A) NMSA 1978
- Comprehensive Community Corrections Fee of \$75, §31-12-7(B) NMSA 1978
- Controlled Substance Fee of \$75, §31-12-8 NMSA 1978
- DNA Fee of \$100, §29-16-11 NMSA 1978
- Domestic Violence Fund Fee of \$5 per count: Total: \$5.00, §31-12-11(A) NMSA 1978
- Victims Reparation Fee for a misdemeanor offense of \$50 per count: Total: _____,
§31-12-13(A)(2) NMSA 1978
- Victims Reparation Fee for a felony offense of \$75 per count: Total: \$75.00,
§31-12-13(A)(1) NMSA 1978
- DWI 1st Offense Fine of \$300, §66-8-102(E) NMSA 1978
- DWI 2nd Offense Fine of \$500, §66-8-102(F)(1) NMSA 1978
- DWI 3rd Offense Fine of \$750, §66-8-102(F)(2) NMSA 1978
- Other: Fine in the amount of \$12,500

PRESENTENCE CONFINEMENT CREDIT

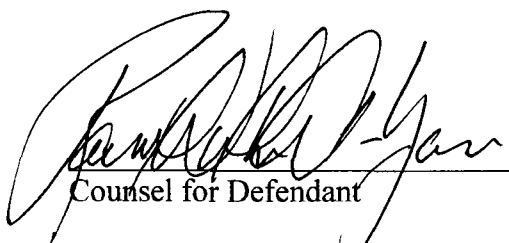
Presentence confinement credit in the amount of _____ years, _____ months, and **811 days** is awarded as of this date and post sentence confinement credit until transported to the Department of Corrections is also awarded. This time does not apply to any probationary period.

DISMISSAL OF REMAINING CHARGES

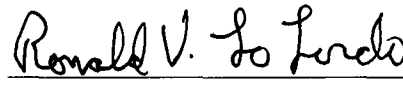
- Any Remaning Counts, if any, of D-722-CR-2015-04 will be dismissed.



 The Honorable Kevin R. Sweeza
 7th Judicial District Court Judge, Division 3



 Counsel for Defendant



 Counsel for the State of New Mexico

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