

STATE OF NEW MEXICO
COUNTY OF COLFAX
EIGHTH JUDICIAL DISTRICT
PRESIDING JUDGE: Emilio J. Chavez

FILED IN MY OFFICE
EIGHTH JUDICIAL DIST. COURT
COLFAX COUNTY, NM ON

2016 APR 21 AM 9:13

DEBRAE R. STRUCK
CLERK OF THE
DISTRICT COURT

NO. D-809-CR-201500008

STATE OF NEW MEXICO,

Plaintiff,

vs.

Steven Garcia Jr.
DOB: 01/19/1993
SSN: 585-97-5257

Defendant.

**JUDGMENT AND SENTENCE
AND ORDER OF COMMITMENT TO THE NEW MEXICO DEPARTMENT OF
CORRECTIONS**

THIS MATTER came before the court for sentencing on **April 15, 2016**. The State of New Mexico, Donald Gallegos, Eighth Judicial District Attorney, was represented by Tim Scheiderer, Deputy District Attorney. Defendant appeared in person and with his attorney, Ben A. Mondragon. On February 8, 2016, Defendant pled **GUILTY** to the following charges **that occurred on or about December 15, 2014**:

COUNT 1: Aggravated Assault Upon a Peace Officer (Deadly Weapon), contrary to NMSA 1978, § 30-22-22, a third degree felony.

COUNT 5: Aggravated Assault (Deadly Weapon), contrary to NMSA 1978, §30-3-2, a fourth degree felony.

COUNT 6: Aggravated Assault (Deadly Weapon), contrary to NMSA 1978, §30-3-2, a fourth degree felony.

COUNT 7: Aggravated Assault (Deadly Weapon), contrary to NMSA 1978, §30-3-2, a fourth degree felony.

COUNT 9: Shooting At or From a Motor Vehicle (No Great Bodily Harm), contrary to NMSA 1978, §30-3-8, a fourth degree felony.

COUNT 10: Shooting At or From a Motor Vehicle (No Great Bodily Harm), contrary to NMSA 1978, §30-3-8, a fourth degree felony.

COUNT 11: Shooting At or From a Motor Vehicle (No Great Bodily Harm), contrary to NMSA 1978, §30-3-8, a fourth degree felony.

COUNT 12: Shooting At or From a Motor Vehicle (No Great Bodily Harm), contrary to NMSA 1978, §30-3-8, a fourth degree felony.

COUNT 13: Shooting At or From a Motor Vehicle (No Great Bodily Harm), contrary to NMSA 1978, §30-3-8, a fourth degree felony.

The following charges were *DISMISSED* by the District Attorney in open court based on the parties' agreement regarding the merger of offenses:

COUNT 2: Aggravated Assault Upon a Peace Officer (Deadly Weapon), contrary to NMSA 1978, § 30-22-22, a third degree felony.

COUNT 3: Aggravated Assault Upon a Peace Officer (Deadly Weapon), contrary to NMSA 1978, § 30-22-22, a third degree felony.

COUNT 4: Aggravated Assault Upon a Peace Officer (Deadly Weapon), contrary to NMSA 1978, § 30-22-22, a third degree felony.

COUNT 8: Aggravated Assault (Deadly Weapon), contrary to NMSA 1978, §30-3-2, a fourth degree felony.

Defendant also admitted to the use of a firearm as to Counts 1, 5, 6, 7, 9, 10, 11, 12, and 13, pursuant to NMSA 1978, §31-18-16(A), with the State agreeing to hold the firearm enhancements in abeyance, but reserving the right to invoke the enhancements should Defendant violate his probation or parole.

The Court having considered the arguments and recommendations of the parties, it hereby ORDERS AND SENTENCES:

1. Defendant is convicted and stands guilty of the crime as charged in Count 1 of the Amended Criminal Information of: Aggravated Assault Upon a Peace Officer (Deadly Weapon). The court determines the crime to be a serious violent offense for purposes of NMSA 1978, §33-2-34, and commits Defendant to the custody of the New Mexico Department of Corrections for a period of three (3) years, followed by a two (2) year period of parole.
2. Defendant is convicted and stands guilty of the crime as charged in Count 5 of the Amended Criminal Information of: Aggravated Assault (Deadly Weapon). The court determines the crime to be a serious violent offense pursuant to NMSA 1978, §33-2-34, and commits Defendant to the custody of the New Mexico Department of Corrections for a period of eighteen (18) months, followed by a one (1) year period of parole.
3. Defendant is convicted and stands guilty of the crime as charged in Count 6 of the Amended Criminal Information of: Aggravated Assault (Deadly Weapon). The court determines the crime to be a serious violent offense pursuant to NMSA 1978, §33-2-34, and commits Defendant to the custody of the New Mexico Department of Corrections for a period of eighteen (18) months, followed by a one (1) year period of parole.
4. Defendant is convicted and stands guilty of the crime as charged in Count 7 of the Amended Criminal Information of: Aggravated Assault (Deadly Weapon). The court determines the crime

to be a serious violent offense pursuant to NMSA 1978, §33-2-34, and commits Defendant to the custody of the New Mexico Department of Corrections for a period of eighteen (18) months, followed by a one (1) year period of parole.

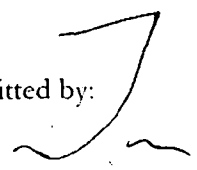
5. Defendant is convicted and stands guilty of the crime as charged in Count 9 of the Amended Criminal Information of: Shooting At or From a Motor Vehicle (No Great Bodily Harm). The court determines the crime to be a serious violent offense pursuant to NMSA 1978, §33-2-34, and commits Defendant to the custody of the New Mexico Department of Corrections for a period of eighteen (18) months, followed by a one (1) year period of parole.
6. Defendant is convicted and stands guilty of the crime as charged in Count 10 of the Amended Criminal Information of: Shooting At or From a Motor Vehicle (No Great Bodily Harm). The court determines the crime to be a serious violent offense pursuant to NMSA 1978, §33-2-34, and commits Defendant to the custody of the New Mexico Department of Corrections for a period of eighteen (18) months, followed by a one (1) year period of parole.
7. Defendant is convicted and stands guilty of the crime as charged in Count 11 of the Amended Criminal Information of: Shooting At or From a Motor Vehicle (No Great Bodily Harm). The court determines the crime to be a serious violent offense pursuant to NMSA 1978, §33-2-34, and commits Defendant to the custody of the New Mexico Department of Corrections for a period of eighteen (18) months, followed by a one (1) year period of parole.
8. Defendant is convicted and stands guilty of the crime as charged in Count 12 of the Amended Criminal Information of: Shooting At or From a Motor Vehicle (No Great Bodily Harm). The court determines the crime to be a serious violent offense pursuant to NMSA 1978, §33-2-34, and commits Defendant to the custody of the New Mexico Department of Corrections for a period of eighteen (18) months, followed by a one (1) year period of parole.

9. Defendant is convicted and stands guilty of the crime as charged in Count 13 of the Amended Criminal Information of: Shooting At or From a Motor Vehicle (No Great Bodily Harm). The court determines the crime to be a serious violent offense pursuant to NMSA 1978, §33-2-34, and commits Defendant to the custody of the New Mexico Department of Corrections for a period of eighteen (18) months, followed by a one (1) year period of parole.
10. The firearm enhancements in Counts 1, 5, 6, 7, 9, 10, 11, 12, and 13 shall be held in abeyance. The State has the right to invoke the enhancements should Defendant violate his probation or parole.
11. The above sentences are to run consecutively for a total period of incarceration of fifteen (15) years, followed by a two (2) year period of parole.
12. Of the fifteen (15) year period of incarceration imposed above, three (3) of those years shall be suspended, leaving Defendant to serve twelve (12) years in the New Mexico Department of Corrections. Upon completion of the prison term, Defendant shall be released under mandatory parole supervision for a period of two (2) years, subject to the statutory provisions relating to conditions of parole and supervision and return of parolees.
13. As a condition of the suspended sentence, Defendant shall be placed on supervised probation with the Adult Probation and Parole Office (APPO) for a period of three (3) years under the following conditions:
 - A. Prior to leaving Colfax County to travel out-of-state and/or travel in-state, Defendant shall immediately report to the APPO to obtain prior approval and to receive the required travel documents pursuant to §31-5-20-Interstate Compact for Adult Supervision and APPO probationary requirements.

- B. Defendant shall submit a DNA sample and pay the \$100 registry fee as required by statute.
- C. Defendant shall pay a \$5.00 fee on each count pursuant to NMSA 1978, §31-12-11, for a total of \$45.00.
- D. Defendant shall pay \$75.00 for conviction of a felony to the Crime Victims Reparation Fund, pursuant to NMSA 1978, §31-12-13.
14. Defendant shall receive pre-sentence confinement credit from December 18, 2014 to April 15, 2016, for a total of 485 days. Defendant shall also receive pre-confinement credit for all additional days after April 15, 2016, while he awaits transport to the New Mexico Department of Corrections.
15. Any bond monies posted are hereby released to the person posting same on this case only.
16. The Sheriff of Colfax County or his designee shall immediately transport Defendant to the New Mexico Department of Corrections, Reception and Diagnostic Center, Central New Mexico Correctional Facility, P.O. Drawer 1328, 1525 Morris Road, Los Lunas, New Mexico 87031-1328 (505) 865-1622, and deliver custody of said Defendant to the appropriate authorities forthwith.


Emilio J Chavez
DISTRICT COURT JUDGE

Submitted by:



Tim Scheiderer
Deputy District Attorney

Approved by:

ELECTRONICALLY APPROVED 4/18/14
Ben A. Mondragon
Attorney for the Defendant