

STATE OF NEW MEXICO
COUNTY OF OTERO
TWELFTH JUDICIAL DISTRICT

CAUSE NO. D-1215-CR-2007-442
DIVISION

STATE OF NEW MEXICO,
Plaintiff,

v.

JADE HICKS,
Defendant.

DOB: 4-16-1988
SSN: 525-75-4861

FILED
DISTRICT COURT OF
OTERO COUNTY, N.M.

08 MAR 24 PM 8:22

JAN PERRY
CLERK BY _____

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PLEA AND DISPOSITION AGREEMENT

The State of New Mexico and the defendant hereby agree to the following disposition of this case:

Plea: The defendant agrees to plead no contest to the following offenses:

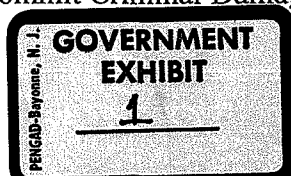
Count 1: Criminal Damage to Property (Over \$1000), on or about July 15, 2007, the above-named defendant did intentionally damage a 1996 Ford, F-250 truck owned by Theresa Romero, without the consent of the owner and did more than \$1000 in damage to the property, a fourth degree felony, contrary to Section 30-15-1, NMSA 1978.

Count 2: Criminal Damage to Property (Over \$1000), on or about July 15, 2007, the above-named defendant did intentionally damage 2003 Chevy, C-1500 truck owned by Darlene Haley, without the consent of the owner and did more than \$1000 in damage to the property, a fourth degree felony, contrary to Section 30-15-1, NMSA 1978.

Terms: This agreement is made subject to the following conditions:

1. **No agreement as to sentence.** There are no agreements as to sentencing. The maximum penalties for these charges are: 36 months imprisonment p, fine of \$10,000.00, mandatory one year parol, DNA fee of \$100.00, Domestic Violence Fee of \$10.00.
2. **Additional charges.** The following charges will be dismissed, or if not yet filed, shall not be brought against the defendant⁴:

Count 3: Conspiracy to Commit Criminal Damage to Property (Over \$1000), on or about



DISCOVERY 38

July 15, 2007, the above-named defendant did by words or acts agree together with another person to commit Criminal Damage to Property (Over \$1000) and they intended to commit Criminal Damage to Property (Over \$1000), a fourth degree felony, contrary to Section 30-28-2 and Section 30-15-1, NMSA 1978.

Count 4: Conspiracy to Commit Criminal Damage to Property (Over \$1000), on or about July 15, 2007, the above-named defendant did by words or acts agree together with another person to commit Criminal Damage to Property (Over \$1000) and they intended to commit Criminal Damage to Property (Over \$1000), a fourth degree felony, contrary to Section 30-28-2 and Section 30-15-1, NMSA 1978.

3. **Restitution.** The defendant agrees to pay restitution as follows:

Defendant will pay restitution to Theresa or Ronald Romero or their insurance carrier for the damage to their motor vehicle which liability shall be joint and severable with her co-defendants in the amount of \$5,584.11.

Defendant will pay restitution to Luana Haley or her insurance carrier for the damage to her motor vehicle which liability shall be joint and severable with her co-defendants in the amount of \$1,617.73.

4. **Effect on charging document.** That this agreement, unless rejected or withdrawn, serves to amend the complaint, indictment, or information to charge the offense to which the defendant pleads, without the filing of any additional pleading. If the plea is rejected or withdrawn, the original charges are automatically reinstated.

5. **Waiver of defenses and appeal.** Unless this plea is rejected or withdrawn, the defendant gives up any and all motions, defenses, objections or requests which the defendant has made or raised, or could assert hereafter, to the court's entry of judgment and imposition of a sentence, consistent with this agreement. The defendant waives the right to appeal the conviction that results from the entry of this plea agreement.

6. **Failure to Plead.** If the defendant fails to enter pleas of no contest or otherwise comply with any of the terms and conditions set forth in this agreement, the State of New Mexico may fully prosecute the defendant on all criminal charges that can be brought against the defendant. With respect to such a prosecution:

a. The defendant shall assert no claim under the United States Constitution, the Constitution of the State of New Mexico, any statute, Rule 410 of the New Mexico Rules of Evidence, Rule 304 F of the New Mexico Rules of Criminal Procedure for District Courts, or any other rule,

that the defendant's statements pursuant to this agreement, including the attached factual basis, or any leads derived therefrom should be suppressed or are inadmissible;

b. The defendant waives any right to claim that evidence presented in such prosecution is tainted by virtue of the statements the defendant has made; and,

c. The defendant waives any and all defenses based on the statute of limitations with respect to any such prosecution that is not time-barred on the date that this agreement is signed by the parties.

7. **Withdrawal permitted if agreement rejected.** If after reviewing this agreement and any presentence report the court concludes that any of its provisions are unacceptable, the court will allow the withdrawal of the plea, and this agreement will be void. If the plea is withdrawn by virtue of the provisions being unacceptable to the court, neither the plea nor any statements arising out of the plea proceedings shall be admissible as evidence against the defendant in any criminal proceedings.

I understand that entry of this plea agreement may have an effect upon my immigration or naturalization status.


I have read this Agreement and carefully reviewed each provision with my attorney and understand its provisions. I understand and voluntarily accepts each and every term and condition of this Agreement. I have discussed the case and my constitutional rights with my lawyer. I understand that by pleading no contest I will be giving up my right to a trial by jury, to confront, cross-examine and compel the attendance of witnesses and my privilege against self-incrimination. I understand that if the court grants me probation, a suspended sentence, a deferred sentence or a conditional discharge, the terms and conditions thereof are subject to modification in the event that I violate any of the terms or conditions imposed.

March 19, 2008
Date

Jack Reed
Defendant

DEFENSE COUNSEL REVIEW

I have reviewed the plea and disposition agreement with my client. I have discussed this case with my client and I have advised my client of my client's constitutional rights and possible defenses.



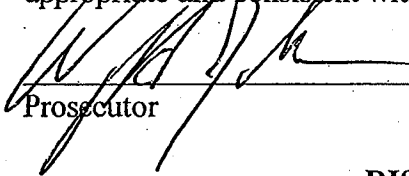
Defense counsel

3/19/08

Date

PROSECUTOR REVIEW

I have reviewed and approve this plea and disposition agreement and find that it is appropriate and consistent with the best interests of justice.



Prosecutor

3/11/08

Date

DISTRICT COURT APPROVAL

The defendant personally appearing before me and I have concluded as follows:



That the defendant understands the charges set forth in the information.



That the defendant understands the range of possible sentences for the offenses charged, from probation to a maximum of: 36 months imprisonment, fine of \$10,000.00, mandatory one year parole, DNA fee of \$100.00, Domestic Violence Fee of \$10.00, *and any habitual time.*



That the defendant understands the following constitutional rights which the defendant gives up by pleading no contest:



the right to trial by jury, if any;



the right to the assistance of an attorney at trial, and to an appointed attorney, to be furnished free of charge, if the defendant cannot afford one;



the right to confront the witnesses against the defendant and to cross-examine them as to the truthfulness of their testimony;



the right to present evidence on the defendant's own behalf, and to have the state compel witnesses of the defendant's choosing to appear and testify;



the right to remain silent and to be presumed innocent until proven guilty beyond a reasonable doubt.

That the defendant wishes to give up the constitutional rights of which the defendant has been advised.

That there exists a basis in fact for believing the defendant is guilty of the offenses charged and that an independent record for such factual basis has been made.

That the defendant and the prosecutor have entered into a plea agreement and that the defendant understands and consents to its terms.

That the plea is voluntary and not the result of force, threats or promises other than a plea agreement.

That under the circumstances, it is reasonable that the defendant plead no contest.

That the defendant understands that a conviction may have an effect upon the defendant's immigration or naturalization status.

On the basis of these findings, I conclude that the defendant knowingly, voluntarily and intelligently pleads no contest to the above charges and accepts such plea. These findings shall be made a part of the record in the above-styled case.

Frank R. Wilson
District Judge

March 19, 2008
Date

ATTEST: CERTIFIED AS A TRUE AND CORRECT COPY
OF THE ORIGINAL FILED IN THE OFFICE ON

March 24, 2008 (date)

JAN PERRY
DISTRICT COURT CLERK

Dated 2/20/09 By: Ellen A. Deskins Deputy