

**ENDORSED COPY**

**FILED**

STATE OF NEW MEXICO  
COUNTY OF DONA ANA  
THIRD JUDICIAL DISTRICT

09 APR 13 AM 10:32

DISPATCH COURT  
DONA ANA COUNTY, NM  
NADINE SANCHEZ

STATE OF NEW MEXICO,

v.

GILBERT MEDRANO VASQUEZ,

DOB: [REDACTED]

D-307-CR-200801199

SSN: [REDACTED]

Judge Douglas R. Driggers

**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 offense:

**Possession of Drug Paraphernalia**, a misdemeanor, contrary to §30-31-25.1(A), NMSA 1978, occurring on or about July 18, 2008, as charged as an included offense in the Grand Jury Indictment;

**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 this charge are:

**Possession of Drug Paraphernalia**, a misdemeanor with a basic sentence of three hundred sixty-four (364) days and a fine of \$1,000. The Court must also impose a \$5.00 Domestic Violence Treatment Fee.

2. **Additional charges.** The following charges will be dismissed, or if not yet filed, shall not be brought against the defendant:

The original charge of Child Abuse - Negligently Cause (No Death or Great Bodily Harm) the Grand Jury Indictment is amended as reflected above.

3. **Restitution.** The defendant agrees to pay restitution as follows: Restitution will be ordered in accordance with §31-17-1, NMSA 1978. The defendant agrees to make restitution on all charges whether or not dismissed or not filed pursuant to this agreement.

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 **Effect on charging document.** That this agreement, unless rejected or withdrawn, serves to amend the complaint, indictment or information to charge the offense to which the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 If the plea is rejected or withdrawn, the original charges are automatically reinstated.

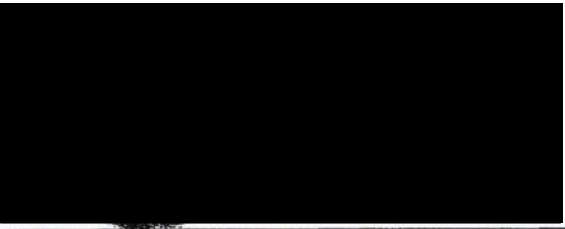
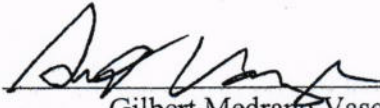
5. **Waiver of defenses and appeal.** Unless this plea is rejected or withdrawn, the defendant gives up any and all motions, defenses, objections or requests which the defendant has made or raised, or could assert hereafter, to the court's entry of judgment and imposition of a sentence consistent with this agreement. The defendant waives the right to appeal the conviction that results from the entry of this plea agreement.
6. **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, 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, and I acknowledge that, if I am represented by an attorney, my attorney has advised me of the of the immigration consequences of this plea agreement.

*(Domestic Violence or felony cases only)* I understand that an entry plea for a crime of domestic violence or felony will affect my constitutional right to bear arms, including shipping, receiving, possession or owning any firearm or ammunition, all of which are crimes punishable under federal law for a person convicted of domestic violence.

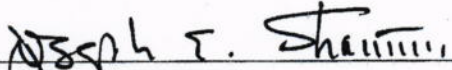
*(If Applicable)* I understand that entry of this plea agreement may require me to register as a sex offender under the Sex offender Registration and Notification Act (Sections 29-11A-1 through 29-11A-10, NMSA 1978), and I acknowledge that, if I am represented by an attorney, my attorney has advised me of the requirement to register.

I have read and understand the above. 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.

RIGHT THUMB PRINT: 	SIGNATURE:  Gilbert Medrano Vasquez
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**DEFENSE COUNSEL REVIEW**

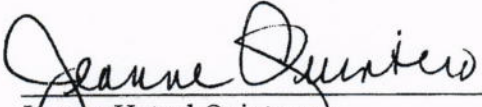
I have reviewed the plea and disposition agreement with my client. I have discussed this case with my client and I have advised my client of my client's constitutional rights and possible defenses.

  
 \_\_\_\_\_  
 Joseph E. Shattuck  
 Defense Counsel

4/10/09  
 \_\_\_\_\_  
 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.

  
 \_\_\_\_\_  
 Jeanne Hetzel Quintero  
 Prosecutor

4/9/09  
 \_\_\_\_\_  
 Date

**DISTRICT COURT APPROVAL**

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

1. That the defendant understands the charges set forth in the indictment.
2. That the defendant understands the range of possible sentences for the offenses charged, from probation to a maximum of:

**Possession of Drug Paraphernalia**, a misdemeanor with a basic sentence of three hundred sixty-four (364) days and a fine of \$1,000. The Court must also impose a \$5.00 Domestic Violence Treatment Fee.

~~If the Court finds that due to the nature of this offense and the resulting harm that this crime is a serious violent offense or this offense is classified as a serious violent offense pursuant to §33-2-34, NMSA 1978, the Defendant's meritorious deductions shall not exceed a maximum of four (4) days per month of time served.~~

~~Any basic sentence shall be enhanced pursuant to §31-18-17, NMSA 1978 as an habitual criminal offender, if the defendant has any undisclosed prior felony convictions.~~

3. That the defendant understands the following constitutional rights which the defendant gives up by pleading no contest:
- (a) the right to trial by jury, if any;
  - (b) 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;
  - (c) the right to confront the witnesses against the defendant and to cross-examine them as to the truthfulness of their testimony;
  - (d) 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;
  - (e) the right to remain silent and to be presumed innocent until proven guilty beyond a reasonable doubt.
4. That the defendant wishes to give up the constitutional rights of which the defendant has been advised.
5. 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.
6. That the defendant and the prosecutor have entered into a plea agreement and that the defendant understands and consents to its terms.
7. That the plea is voluntary and not the result of force, threats or promises other than a plea agreement.
8. That under the circumstances, it is reasonable that the defendant plead no contest.

*jud 4/9/09*  
*jud 4/9/09*

*as a lesser included offense,*



9. That the defendant understands that a plea of guilty or no contest may have an effect upon the defendant's immigration or naturalization status, and that, if the defendant is represented by counsel, the defendant has been advised by counsel of the immigration consequences of the plea.
10. *N/A* (*Domestic Violence or felony cases only*) That the defendant understands that a plea of guilty or no contest for a crime of domestic violence or a felony will effect the defendant's constitutional right to bear arms, including shipping, receiving, possessing or owning any firearm or ammunition, all of which are crimes punishable under federal law for a person convicted of domestic violence.
11. *N/A* (*If applicable*) That if the defendant pleads guilty/no contest to a crime for which registration as a sex offender is or maybe required, and if the defendant is represented by counsel, the court shall determine that the defendant has been advised by counsel of the registration requirement under the Sex Offender Registration and Notification Act (Sections 29-11A-1 through 29-11A-10 NMSA 1978).

On the basis of these findings, I conclude that the defendant knowingly, voluntarily and intelligently pleads no contest to the above charges <sup>of Count 1 lesser included offense of Poss. of Drug Paraphernalia</sup> and accepts such plea. These findings shall be made a part of the record in the above-styled case. *Child Abuse - Negl. Cases (No Death or GBH) is hereby dismissed with prejudice.*

*R. Schultz*

District Judge

*4/10/09*

Date

Name: Gilbert Medrano Vasquez  
 Address: [REDACTED]  
 DOB: [REDACTED]  
 SSN: [REDACTED]  
 POB: Las Cruces, New Mexico  
 Height: 5'08  
 Weight: 165  
 Color of Eyes: Brown  
 Color of Hair: Black  
 FBI No.: [REDACTED]  
 Marks/Tattoos: Tattoo, Back, "Chiques"; Tattoo, Shoulder, right, skeleton; Tattoo, Arm, left, Virgin Mary  
 Aliases: Gilbert Vasquez; Gilbert Vasquey;  
 Booking Slip No.: 0800022975  
 State Tracking No.: 006080008438

jen for pfg 2008-3024