

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT

FILED

2008 MAY 15 PM 4:06

DISTRICT COURT
DONA ANA COUNTY, NM
MADRE SANCHEZ

STATE OF NEW MEXICO,

Plaintiff,

vs.

JAIME A. CARDENAS,

Defendant.

No. D-307-CR-20080 773

Judge:

Deke Murphy

CHARGES: Aggravated Driving While Under the Influence of Intoxicating Liquor and/or Drugs (Refusal), Driving While License Suspended or Revoked and Open Container (Possession)

GRAND JURY INDICTMENT

THE GRAND JURY CHARGES:

Count 1: **Aggravated Driving While Under the Influence of Intoxicating Liquor and/or Drugs (Refusal)**, on or about March 30, 2008, in Dona Ana County, New Mexico, the above-named defendant did operate a motor vehicle while under the influence of intoxicating liquor or any drug to a degree that he was incapable of safely driving a vehicle and refused to submit to chemical testing as provided in the Implied Consent Act (§§66-8-105 to 66-8-112, NMSA 1978), a special felony, contrary to §66-8-102, NMSA 1978.

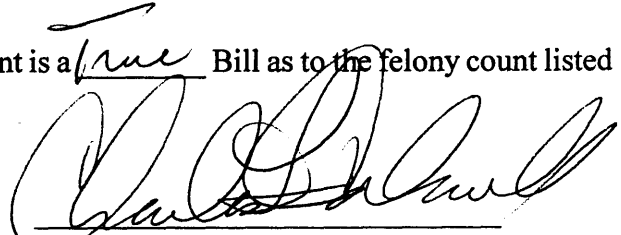
Count 2: **Driving While License Suspended or Revoked**, on or about March 30, 2008, in Dona Ana County, New Mexico, the above-named defendant did drive a motor vehicle on a public highway at a time when his privilege to do so was revoked or suspended, a misdemeanor, contrary to §66-5-39, NMSA 1978.

Count 3: **Open Container (Possession)**, on or about March 30, 2008, in Dona Ana County, New Mexico, the above-named defendant did knowingly have an alcoholic beverage in his possession on his person, while in a motor vehicle upon any public highway within this state, any bottle, can or other receptacle containing an alcoholic beverage which had been opened or had its seal broken or the contents of which had been partially removed, a penalty assessment misdemeanor, contrary to §66-8-138 and §66-8-139, NMSA 1978.

The name of the witness upon whose testimony this Indictment is based is Officer Francisco Gomez.

05/21/08
e

I hereby certify that the foregoing instrument is a True Bill as to the felony count listed above.


FOREPERSON

DATE: 5-15-2008

APPROVED:



- Amy L. Orlando
Chief Deputy District Attorney
District Attorney's Office
845 North Motel Blvd.
Second Floor, Suite D
Las Cruces, NM 88007
(505) 524-6370

Name: Jaime A. Cardenas
Address: 2230 Dona Ana Road #29, Las Cruces, NM 88007
DOB: 02/21/1966
POB: Juarez, Mexico
SSN: 585-67-2206
FBI No.: 409460DA7
Marks/Tattoos: Tattoo, Back, females; Tattoo, Arm, left, females; Tattoo, Neck, lips; Tattoo, Arm, right, baby, female, "Connie", heart with cross
Aliases: Jaime Martrinez
Booking Slip No.: 0800018627
State Tracking No.: 006080002372
Magistrate Court No.: M-14-DR-200800482

STATE OF NEW MEXICO
MAGISTRATE COURT
DONA ANA COUNTY

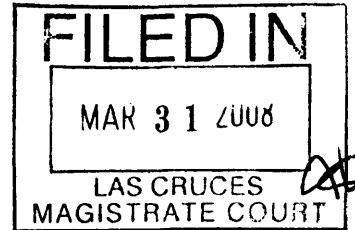
STATE OF NEW MEXICO

Plaintiff

Vs.

CARDENAS, JAIME
02-21-1966

Defendant



Date Filed 03-30-2008

FD 227165
um. v. DR. 2008.452
080

CRIMINAL COMPLAINT

CRIME: AGGRAVATED DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUG (REFUSAL), OPEN CONTAINER (POSSESSION), DRIVING WHILE SUSPENDED AND REVOKED

{Common Name of Offense(s)}

The undersigned, under penalty of perjury, complains that on the 30TH day of MARCH, 2008, in the County of Dona Ana, State of New Mexico, the above named defendant(s) did:

**SUBJECT WAS PLAYING LOUD MUSIC IN THE AREA OF 715 AUGUSTINE.
SUBJECT WAS IN THE DRIVER SEAT WITH THE KEYS IN THE IGNITION OF A LIGHT GREEN 1994 CHEVROLET GEO PRIZM AT THE INTERSECTION OF AUGUSTINE AND MESQUITE.
SUBJECT DID OPERATE A LIGHT GREEN 1994 CHEVROLET GEO PRIZM WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUG.
SUBJECT SUBMITTED TO STANDARDIZED FIELD SOBRIETY TEST WHICH HE FAILED.
SUBJECT HAD A 750 mL OF JOSE CUERVO TEQUILA OPEN AND IN THE VEHICLE.
WHEN DRIVING HISTORY REQUESTED SUBJECT CAME BACK WITH A SUSPENDED AND REVOKED DRIVERS LICENSE.
SUBJECT REFUSED TO SUBMIT TO A CHEMICAL BREATH TEST.**

{Here state the essential Facts}

contrary to Section(s) 66-8-102D3 , 66-8-138B, 66-5-37A NMSA 1978.

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF. I UNDERSTAND THAT IT IS A CRIMINAL OFFENSE SUBJECT TO THE PENALTY OF IMPRISONMENT TO MAKE A FALSE STATEMENT IN A CRIMINAL COMPLAINT.

A handwritten signature in black ink, followed by the number "764" written to the right of the signature.

Detective-Las Cruces Police Dept.
Title

Approved: _____

This complaint may not be filed without prior payment of a filing fee unless approved by the District Attorney or a law enforcement officer authorized to serve an Arrest or Search Warrant. Approval of the District Attorney or a law enforcement officer is not otherwise required.

BOND INFORMATION FORM

Defendant's Name:	JAIME A. CARDENAS	Employment:	Unemployed
Address:	2230 Dona Ana Road #29, Las Cruces, NM 88007		
Other Address:			
Community Ties:	None		
Criminal History:	<p>Convictions: Driving While Intoxicated (1988 - Las Cruces, NM); Driving While Intoxicated (1990 - Las Cruces, NM); Driving While Intoxicated (1991 - Las Cruces, NM); Driving While Intoxicated (CR-98-0929, Third Judicial District Court); Driving While Intoxicated (CR-2002-0228, Third Judicial District Court)</p> <p>Arrests: Carrying a Prohibited Weapon (1984 - El Paso, TX); Failure to Comply with Conditions of Release (2002 - Las Cruces, NM); Possession of Paraphernalia (2006 - Las Cruces, NM); Driving While License Suspended or Revoked (2007 - Las Cruces, NM); Shoplifting Under \$100 (2007 - Las Cruces, NM); Driving While License Suspended or Revoked (2007 - Las Cruces, NM); Failure to Appear (2007 - Las Cruces, NM); Failure to Appear (2008 - Las Cruces, NM); Failure to Appear, Failure to Pay Fines (2 counts) (2008 - Las Cruces, NM);</p>		

PREVIOUS ACTION IN THIS CASE:

<input checked="" type="checkbox"/>	Complaint Filed in Magistrate Court		Defendant Not Arrested
<input checked="" type="checkbox"/>	Defendant Arrested & Remains in Custody		Defendant Arrested & Posted Bond
	Arrest Warrant Issued by Magistrate Court - Defendant Remains At Large		

Magistrate Bond Amount:	\$5,000.00								
<input type="checkbox"/>	Cash Only	<input checked="" type="checkbox"/>	Secured	<input type="checkbox"/>	Unsecured	<input type="checkbox"/>	10% to Court	<input type="checkbox"/>	Personal Recognizance

The defendant is a:	<input checked="" type="checkbox"/>	Flight Risk	<input checked="" type="checkbox"/>	Danger to the Community	Reason:	
The defendant has a history of failures to appear and has been arrested at least five (5) times previously for DWI. He is a convicted felon.						

Bond Recommended By The State:	\$50,000.00			<input checked="" type="checkbox"/>	District Court Arrest Warrant Requested				
<input type="checkbox"/>	Cash Only	<input checked="" type="checkbox"/>	Secured	<input type="checkbox"/>	Unsecured	<input type="checkbox"/>	10% to Court	<input type="checkbox"/>	Personal Recognizance

WITH THE FOLLOWING SPECIAL CONDITIONS:

<input checked="" type="checkbox"/>	No contact with the victim(s) or any potential witnesses; maintain weekly contact with defense counsel; not leave Dona Ana County, NM without prior written approval of the Court; not possess firearms or other dangerous weapons; not possess or consume alcohol or enter any establishments whose primary purpose is the sale of alcoholic beverages or be in any bar; not violate any federal, state or local laws; notify the Court and defense counsel of any change of address or phone number with 24 hours of such change; no use or possession of controlled substances without a prescription from a physician; not to associate with any person who illegally uses, possesses or distributes controlled substances; no association with any known gang members.
<input checked="" type="checkbox"/>	Waiver of extradition if the defendant lives, travels or works outside the State of New Mexico.
<input checked="" type="checkbox"/>	Not to drive any motor vehicles without a valid license.

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT

STATE OF NEW MEXICO,

Plaintiff,

vs.

JAIME A. CARDENAS,

Defendant.

No. D-307-CR-20080 773

Judge:

Mike Murphy

CRIMINAL SUMMONS

To: Jaime A. Cardenas, c/o Dona Ana County Detention Center

You are notified that a Grand Jury Indictment, a copy of which is attached hereto, has been filed in this court charging that you committed the offense of: Aggravated Driving While Under the Influence of Intoxicating Liquor and/or Drugs 6th (Refusal), Driving while license suspended or revoked (Revoked for DWI), Open container on person in motor vehicle upon road.

You are ordered to appear before Judge Mike Murphy, on May 30, 2008, at 1:30 p.m., at the Dona Ana County District Court, 201 W. Picacho, Suite A, Las Cruces, New Mexico, to plead to the above charge(s).

If you fail to appear at the time and place specified, a warrant will be issued for your arrest.

Service of this summons shall be by: () personal service () U.S. mail

Robert Segura

District Judge/Clerk or Deputy Clerk

Date: 5-15-08

CERTIFICATE OF DELIVERY

I certify that I delivered a copy of the Summons and a copy of the Grand Jury Indictment in the above-styled cause to the defendant at the Dona Ana County Detention Center.

Dona Ana County Detention Center

Date: _____

2008-1423

Issued

FILED

2008 MAY 15 PM 4:06

DISTRICT COURT
DONA ANA COUNTY, NM
MADINE SANCHEZ

[Handwritten mark]

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT

FILED
2008 JUN -2 PM 1:59
DER

STATE OF NEW MEXICO,

v.

JAIME A. CARDENAS,
DOB: 02/21/1966
SSN: 585-67-2206

D-307-CR-200800773
Judge Mike Murphy

DWI REPEAT OFFENDER 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 guilty to the following offenses:

Driving While Under the Influence of Intoxicating Liquor and/or Drugs (Impaired) (Third Offense), a misdemeanor, contrary to §66-08-102(A), NMSA 1978, occurring on or about March 30, 2008, as charged as an included offense in Count 1 of the Grand Jury Indictment;

Driving While License Suspended or Revoked, a misdemeanor, contrary to §66-05-039, NMSA 1978, occurring on or about March 30, 2008, as charged in Count 2 of the Grand Jury Indictment;

Open Container (Possession), a penalty assessment misdemeanor, contrary to §66-08-138(B), NMSA 1978, occurring on or about March 30, 2008, as charged in Count 3 of the Grand Jury Indictment;

Admission of Identity: The defendant also agrees to admit that he is the person who was convicted of the following crimes and that the conviction for these crimes is valid as defined below in the section labeled "Prior Driving While Under the Influence of Intoxicating Liquor or Drugs Convictions":

a. On May 2, 1988, the Defendant was convicted of Driving While Under the Influence of Intoxicating Liquor or Any Drug, occurring on or about April 30, 1988, in Cause No. 1988-03-00398, in the Las Cruces Municipal Court, Dona Ana County, New Mexico.

b. On January 16, 1990, the Defendant was convicted of Driving While Under the Influence of Intoxicating Liquor or Any Drug, occurring on or about January 13, 1990, in Cause No. 1990-01-03226, in the Las Cruces Municipal Court, Dona Ana County, New Mexico.

10/5/08

c. On November 30, 1991, the Defendant was convicted of Driving While Under the Influence of Intoxicating Liquor or Any Drug, occurring on or about September 28, 1991, in Cause No. 1991-07-03865, in the Dona Ana County Magistrate Court, Las Cruces, New Mexico.

d. On January 30, 2002, the Defendant was convicted of Driving While Under the Influence of Intoxicating Liquor or Any Drug, occurring on or about October 10, 1998, in Cause No. D-307-CR-199800929, in the Third Judicial District, Dona Ana County, New Mexico.

e. On June 17, 2002, the Defendant was convicted of Driving While Under the Influence of Intoxicating Liquor or Any Drug, occurring on or about February 23, 2002, in Cause No. D-307-CR-200200228, in the Third Judicial District, Dona Ana County, New Mexico.

Supplemental Criminal Information: The defendant also agrees to admit his identity, and hereby does admit his identity, as the same person convicted of the crimes enumerated in the Supplemental Criminal Information filed in this cause number alleging that the defendant was convicted of Driving While Under the Influence of Intoxicating Liquor or Drugs on two prior occasions and the current offense is to be sentenced, pursuant to §66-8-102, NMSA 1978, as a misdemeanor.

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:

Count 1: **Driving While Under the Influence of Intoxicating Liquor and/or Drugs (Impaired) (Third Offense)**, a misdemeanor with a basic sentence of three hundred sixty-four (364) days and a fine of \$1,000. The mandatory minimum sentence for this offense is thirty (30) days in jail, ninety-six (96) hours of community service and a \$750 fine. The Court is required to order that the Defendant undergo alcohol screening, an interlock device be installed on the Defendant's vehicle or any vehicle to which the Defendant has access for a period of three (3) years and one of the following programs: a twenty-eight (28) day in-patient/residential/in-custody program, a ninety (90) day out-patient program or drug court. The Court must also impose a \$65.00 DWI Laboratory Fee, a \$75.00 DWI Prevention Fee and a \$5.00 Domestic Violence Treatment Fee. If the Defendant is found to have failed to comply with any condition of probation imposed by the Court, the Court must order a minimum mandatory sentence of sixty (60) consecutive days in jail and credit shall not be given for time served by the Defendant on probation.

Count 2: **Driving While License Suspended or Revoked**, a misdemeanor with a basic sentence of three hundred sixty-four (364) days and a fine of \$1,000. The mandatory minimum sentence for this offense is seven (7) days in jail and a \$300 fine. The Court must also impose a \$5.00 Domestic Violence Treatment Fee.

Count 3: **Open Container (Possession)**, a penalty assessment offense with a basic sentence of a fine of \$25.00. The Court must also impose a \$5.00 Brain Injury Services Fee, a \$2.00 Judicial Education Fee, a \$20.00 Corrections Fee, a \$3.00 Traffic Safety Fee, a \$10.00 Court Automation Fee, a \$10.00 Court Facilities Fee and 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:
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.

Prior Driving While Under the Influence of Intoxicating Liquor or Drugs Convictions:

1. **Proof.** The State will use the defendant's admission of identity on the prior Driving While Under the Influence of Intoxicating Liquor or Drugs convictions in any additional proceedings pursuant to §66-8-102, NMSA 1978. The defendant understands and agrees that the admission alone will be sufficient to prove the existence of the convictions and the defendant's identity.
2. **Validity of Conviction.** The defendant also agrees that the convictions listed in the section labeled "Admission of Identity," as well as those to which the defendant is pleading guilty in this agreement, are valid. Valid means that the defendant is the person who was convicted of the crimes, that the crimes were Driving While Under the Influence of Intoxicating Liquor


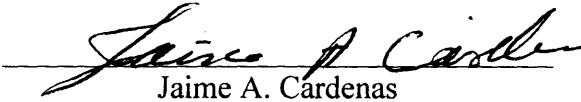
or Drugs offenses and that the defendant's constitutional rights, including the right to counsel, were explained to the defendant at the time the conviction was obtained. The defendant waives any collateral attack on the validity and effectiveness of the above convictions, including those to which the defendant is pleading guilty under this agreement. The defendant agrees not to contest the validity of the convictions as defined above if additional proceedings are brought regarding these prior convictions. If the defendant contests the validity of the convictions as defined above, the State may, at its option, reinstate any charges dismissed or not filed as a result of this agreement.

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 guilty 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.

<p>RIGHT THUMB PRINT:</p> 	<p>SIGNATURE:</p>  <p>Jaime A. Cardenas</p>
---------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------