

SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

FILED IN MY OFFICE
SECOND JUDICIAL DISTRICT COURT
BERNALILLO COUNTY, NM
JAMES A. NOEL
5/10/2017 2:00 PM
BRITTNEY MUNOZ

CR No. 2016-00856
CR No. 2016-00856 SUPPLEMENTAL
CR No. 2017-01156 INFORMATION
DA File #: 2016-01231-1-DV; 2014-00125-1-DV

STATE OF NEW MEXICO.

Plaintiff,

vs.

TITO FAJARDO
DOB: 10/12/1977
SSN: 585-25-0063

Defendant.

JUDGMENT, PARTIALLY SUSPENDED SENTENCE AND COMMITMENT

On April 6, 2017, this case came before the Honorable JACQUELINE FLORES, District Judge, for sentencing, the State appearing by LARISSA CALLAWAY, Assistant District Attorney, the Defendant appearing personally and by his attorney COURTNEY ARONOWSKY, and the Defendant having been convicted on March 28, 2017, pursuant to a Guilty plea, accepted and recorded by the Court, of the following offenses:

1. AGGRAVATED BATTERY (GREAT BODILY HARM)(0071), a lesser included offense of Count 1 of CR 2016-00856, a third (3rd) degree felony offense, occurring on or between the 27th day of February and the 2nd day of March 2016.

2. FALSE IMPRISONMENT (0127), a lesser included offense of Count 3 of CR 2016 00856, a fourth (4th) degree felony offense, occurring on or between the 27th day of February and the 2nd day of March, 2016.

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3. CONSPIRACY TO COMMIT AGGRAVATED BATTERY (GREAT BODILY HARM)(2241), a lesser included offense of Count 10 of CR 2017-00856, a fourth (4th) degree felony offense, occurring on or between the 27th day of February and the 2nd day of March, 2016

4. AGGRAVATED ASSAULT (DEADLY WEAPON)(0056)(FIREARM ENHANCEMENT), as charged in Count 1 of CR 2017-01156 INFORMATION, a fourth (4th) degree felony offense, occurring on or about the 9th day of January, 2014.

5. POSSESSION OF A FIREARM OR DESTRUCTIVE DEVICE BY A FELON (1512), as charged in Count 2 of CR 2017-01156 INFORMATION, a fourth (4th) degree felony offense, occurring on or about the 9th day of January, 2014

The Defendant is hereby found and adjudged guilty and convicted of said crimes.

The Defendant, also, admitted his identity to and is found to be the same person convicted of the crimes enumerated in Counts 1 through 2 of the Supplemental Information filed in CR 2016-00856, pursuant to his Guilty plea, accepted and recorded by the Court on March 28, 2017, and is hereby found and adjudged to be a Habitual Offender with one (1) prior felony conviction pursuant to §31-18-17, NMSA 1978, as amended.

The Defendant is sentenced to the custody of the Corrections Department to be imprisoned for the following terms:

Three (3) years as to Count 1 of CR 2016-00856, plus one (1) year pursuant to the Habitual Offender Act,

Eighteen (18) months as to Count 3 of CR 2016-00856;

Eighteen (18) months as to Count 10 of CR 2016-00856;

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Eighteen (18) months as to Count 1 of CR 2017-01156 INFORMATION;

Eighteen (18) months as to Count 2 of CR 2017-01156 INFORMATION;

with the sentences as to Counts 1, 3 and 10 of CR 2016-00856 to be served consecutively with one another and Counts 1 and 2 of CR 2017-01156 INFORMATION to be served concurrently to each other and with the sentences of Counts 1, 3 and 10, for a total of seven (7) years, of which four (4) years is suspended, for an actual sentence of imprisonment of three (3) years.

Execution of four (4) years of the sentence is suspended and the Defendant is ordered to be placed on supervised probation for four (4) years following release from custody, on condition that the Defendant obey all rules, regulations and orders of the Probation Authorities, pay probation costs as determined by probation authorities, and observe all federal, state and city laws or ordinances.

Additional terms of probation are as follows:

1. Complete any level of supervision required by Probation Authorities.
2. Abstain from alcohol and illegal drugs.
3. Submit to random drug testing.
4. Enter and successfully complete counseling as deemed appropriate by probation authorities.
5. Probation costs are waived while defendant paying for counseling/restitution/treatment or while on Social Security.
6. Pay \$5.00 Domestic Violence Fund Fee.
7. Provide DNA sample and pay \$100.00 DNA Processing Fee.
8. No contact with named victim, lawful contact with Mary Hern allowed.
9. Comply with the STEPS Program.
10. Comply with all orders from CYFD and Family Court.

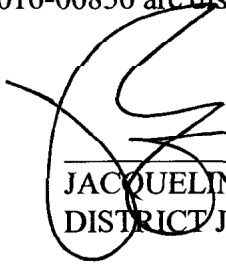
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THEREFORE, You, the Corrections Department of the State of New Mexico are hereby commanded to take the above-named Defendant in custody and confine him for the above term of three (3) years.

Defendant is to receive credit for 401 days pre-sentence confinement until delivery to the place of incarceration.

IT IS FURTHER ORDERED that Defendant be placed on parole for one (1) year as to Count 1 of CR 2016-00856 and one (1) year as to each count for all other charges after release, and be required to pay parole costs.

Count 2 and Count 4 through 9 of CR 2016-00856 are dismissed .



JACQUELINE FLORES
DISTRICT JUDGE

APPROVED:



LARISSA CALLAWAY
Assistant District Attorney

Approved electronically - MD
COURTNEY ARONOWSKY
Attorney for Defendant

5-9-17