

STATE OF NEW MEXICO
COUNTY BERNALILLO
METROPOLITAIN COURT

STATE OF NEW MEXICO

v.

No. T-4-DW-2020-000612

Judge: Brittany Maldonado Malott

JONATHAN JONES,
Defendant.

DOB: 7/19/1987

S.S.#: [REDACTED]

**PLEA AND DISPOSITION
AGREEMENT**

The prosecution 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 INTOXICATED 2ND OFFENSE, NMSA 66-8-102, Maximum Penalty 364 days in jail.

Terms:

On the following understandings, terms, and conditions:

1. **Agreement as to sentence.** That the following disposition will be made of the charges:

360 days suspended sentence. Defendant will be sentenced pursuant to NMSA 66-8-102(F) and NMSA 66-8-102(M), as follows:

- a. Defendant shall turn himself in within the next 90 days to serve a jail term of 96 consecutive hours **to be served on the Community Custody Program**;
- b. Defendant shall complete 48 hours of community service;
- c. Defendant shall pay a fine of \$500.00
- d. Defendant shall participate in and complete, prior to the term of probation expiring, a ninety (90) day outpatient treatment program, due to the current COVID-19 situation, telemedicine treatment shall be permitted;
- e. Defendant shall have an interlock ignition device installed onto any vehicle he operates;
- f. Defendant shall be on supervised probation for a period of one (1) year; and
- g. Probation shall permit use of medical marijuana so long as Defendant has a valid medical card.

2. **Dismissed or additional charges.** That the prosecution will dismiss the following charges:

The balance of the charges shall be dismissed, including Open Container (1st Offense) 66-8-138(B) \$25.00 fine, No Proof of Insurance 66-5-229, Negligent Use of Deadly Weapon (Intoxicated) 30-7-4(A)(2).

The following charges are not yet filed and will not be filed against the defendant:
Any additional charges that may have stemmed from this incident.

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3. **New charges.** The complaint is hereby amended to add the following charges against defendant: _____

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 **Effect on charging document.** That this agreement, unless rejected or withdrawn, serves to amend the complaint to charge the offense to which the defendant pleads, without the filing of any additional pleading. If the plea is rejected or withdrawn, the original charges are automatically reinstated.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

6. **Withdrawal permitted if agreement rejected.** That, 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 shall be null and 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 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 if I am entitled to a jury, to confront, cross-examine, and compel the attendance of witnesses, my privilege against self-incrimination, and my right to appeal my conviction. I agree to enter my plea as indicated above on the terms and conditions set forth herein. I fully understand that if, as part of this agreement, I am granted probation, a suspended sentence, or a deferred sentence by the court, the terms and conditions thereof are subject to modification in the event that I violate any of the terms or conditions imposed.

3-30-2020

Date

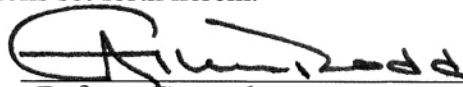

Defendant

I have discussed this case with my client in detail and I have advised my client of my client's constitutional rights and all possible defenses. I believe that the plea and disposition set forth

herein are appropriate under the facts of this case. I concur in the entry of the plea as indicated above and on the terms and conditions set forth herein.

3/30/2020

Date

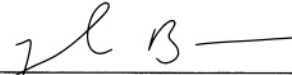


Defense Counsel

I have reviewed this matter and concur that the plea and disposition set forth herein are appropriate and are in the interests of justice.

March 31, 2020

Date



Prosecutor Joshua D. Boone

Deputy District Attorney

Approved:

Judge