

**STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT**

FILED 1st JUDICIAL DISTRICT COURT
Santa Fe County
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KATHLEEN VIGIL CLERK OF THE COURT
Jessica E Castaneda

STATE ETHICS COMMISSION,

Plaintiff,

v.

ALISHA TAFOYA LUCERO, in her official
capacity as the Secretary of the New Mexico
Corrections Department,

Defendant.

D-101-CV-2025-02343

No. _____

Case assigned to Wilson, Matthew Justin

COMPLAINT FOR DECLARATORY JUDGMENT

1. The Nondisclosure of Sensitive Personal Information Act (“NSPIA”), NMSA 1978, §§ 10-16I-1 to -4 (2025), effective as of July 1, 2025, prohibits New Mexico state agency employees from intentionally disclosing sensitive personal information, including information regarding an individual’s immigration status and national origin, to anyone outside of the state agency, except in limited, enumerated circumstances.

2. Both before and after July 1, 2025, employees of the New Mexico Corrections Department, Adult Probation and Parole Division, Regions I and II, have intentionally disclosed information regarding the immigration status and national origin of New Mexico probationers to one or more agents of the United States Immigration Customs and Enforcement (“ICE”) and, moreover, have facilitated the arrest by ICE agents of New Mexico probationers, resulting both in the detention and deportation of those New Mexico probationers and hardships to their New Mexican and American family members.

3. NSPIA authorizes Plaintiff State Ethics Commission to “institute a civil action in district court if a violation has occurred or to prevent a violation of the Nondisclosure of Sensitive Personal Information Act.” § 10-16I-4.

4. While the Commission has good ground to commence a civil action against Defendant Tafoya Lucero, in her official capacity as Secretary of the New Mexico Corrections Department, for injunctive relief to prevent violations of NSPIA, there is an “actual controversy” under New Mexico’s Declaratory Judgment Act, NMSA 1978, §§ 44-6-1 to -15 (1975), as to whether two separate, federal statutes—8 U.S.C. §§ 1373 and 1644—lawfully prohibit the Commission from commencing that civil action.

5. The Commission therefore brings this declaratory judgment action to establish that §§ 1373 and 1644 do not lawfully prohibit the Commission from commencing a civil action to enforce or prevent violations of NSPIA, because (i) §§ 1373 and 1644 do not preempt NSPIA under the Supremacy Clause; and (ii) §§ 1373 and 1644 violate the anticommandeering rule of the Tenth Amendment to the United States Constitution.

PARTIES

6. Plaintiff State Ethics Commission is a bipartisan, independent state agency established by Article V, Section 17(A) of the State Constitution with constitutional and statutory authority to enforce New Mexico’s ethics laws, including the authority to commence civil actions to enforce NSPIA. *See* N.M. Const. art. V, § 17(C); NMSA 1978, § 10-16I-4 (2025).

7. The Commission is comprised of three Democratic members, three Republican members, and one “decline to state” (*i.e.*, independent) member. *See* N.M. Const. art. V, § 17(A); NMSA 1978, § 10-16G-3(B) (2019).

8. On September 9, 2025, the Commission unanimously authorized the filing of this complaint. *See* Ex. 1, State Ethics Comm’n Res. 2025-14 (Sept. 9, 2025).

9. Defendant Tafoya Lucero is the Secretary of the New Mexico Corrections Department. The Commission brings this action against Defendant Tafoya Lucero in her official capacity only.

JURISDICTION AND VENUE

10. The Court has jurisdiction under N.M. Const., Art. VI, § 13; NMSA 1978, § 44-6-2 (1975); and NMSA 1978, § 44-6-13 (1975). *See infra*, at ¶¶ 92–99.

11. Venue is proper in this Court. NMSA 1978, § 38-3-1(G) (1988).

FACTUAL ALLEGATIONS

Probation and Parole Division employees have a practice of intentionally providing the immigration status and national origin of New Mexico probationers to federal ICE agents.

12. The Adult Probation and Parole Division is one of the six divisions comprising the New Mexico Corrections Department. NMSA 1978, § 9-3-3(B) (2005).

13. After a New Mexico District Court sentences an individual to a term of probation, the probationer reports to the Probation and Parole Division for initial intake.

14. At initial intake, Probation and Parole Division employees collect information regarding the individual’s national origin and immigration status. *See* Ex. 2, N.M. Corrections Dep’t, Probation Parole Div., Probation/Parole Intake Data Sheet.

15. Probation and Parole Division employees then enter information collected at initial intake into the New Mexico Corrections Department’s Offender Management Network Information (“OMNI”) system, a database that tracks over 26,000 offenders following intake.

16. Probation officers may access the OMNI database and ascertain a probationer’s national origin and immigration status.

17. OMNI also includes information regarding whether a probationer has been removed from the United States.

18. At least since December 2024, employees of the Probation and Parole Division have communicated with federal ICE agents regarding New Mexico probationers. *See* Ex. 3, Eml. from V. Troncoso, Probation and Parole Officer II, to L. Lakey, ICE (Dec. 20, 2024).

19. At least since April 2025, employees in the Probation and Parole Division have provided information regarding probationers' national origin and immigration status to one or more ICE agents and have facilitated the arrest of New Mexico probationers by ICE agents.

20. At least since April 2025, ICE agents have been present on premises owned or controlled by the New Mexico Corrections Department or the Probation and Parole Division and have taken probationers into custody on property owned or controlled by the New Mexico Corrections Department or the Probation and Parole Division.

21. On information and belief, supervisors within the Probation and Parole Division have been aware that Probation and Parole Division employees have provided information regarding probationers' national origin and immigration status to ICE agents and that ICE agents have been present on premises owned or controlled by the New Mexico Corrections Department or the Probation and Parole Division premises to arrest New Mexico probationers.

22. On information and belief, probation officers within the Probation and Parole Division began contacting ICE agents to remove "problem probationers"—*i.e.*, individuals who have committed serious criminal offenses or who are otherwise difficult to supervise.

23. The practice by probation officers of providing sensitive personal information to ICE agents and facilitating the arrest and detention of New Mexico probationers has more recently extended to any individual who certain probation officers suspect of having an unlawful

presence in the United States based on the national origin and immigration status that the Probation and Parole Division collects.

24. Despite the Legislature's enactment of NSPIA, effective July 1, 2025, this practice, which is now illegal in New Mexico, has continued since that day, resulting in several, additional probationers being taken into ICE custody and causing hardships to their family members, many of whom are both New Mexicans and American citizens.

25. Take, for example, the cases of Juan Lamas Aguilar, Moises Llaguno and Melvin Escobar-Arauz.

Juan Lamas Aguilar

26. Juan Lamas Aguilar has been present in the United States since approximately 2008, when he was twelve years old. *See* Ex. 4, Decl. of Lamas Aguilar ¶ 14.

27. Lamas Aguilar attended Albuquerque Public Schools and, since high school, has lived and resided in Albuquerque, working as a refrigerator technician. *See id.*

28. Lamas Aguilar has a fiancé and a nine-month-old child. He has a house in northeast Albuquerque. *See id.*

29. On January 25, 2025, Lamas Aguilar was arrested and, on July 7, 2025, he pled guilty to driving under the influence, a misdemeanor, and entered into a plea and disposition agreement with the State. *See* Ex. 5, Plea and Disposition Agreement, *State v. Lamas-Aguilar*, D-202-CR-2025-00757 (July 7, 2025).

30. This was Lamas Aguilar's first offense. *See* Ex. 6, Judgment and Sentence, at 1–3, *State v. Lamas-Aguilar*, D-202-CR-2025-00757 (July 7, 2025).

31. The Honorable Lucy Solimon, District Court Judge for the Second Judicial District Court, took Lamas Aguilar's guilty plea and sentenced him to 90 days of supervised

probation or until the first-offender program was completed. *See* Ex. 6, Judgment and Sentence, at 1–3, *State v. Lamas-Aguilar*, D-202-CR-2025-00757 (July 7, 2025).

32. The Court expressly permitted Lamas Aguilar to telephonically report for probation. *See id.* at 4.

33. At 1:30 p.m. on Monday, July 7, 2025, following his sentence, Lamas Aguilar reported for initial intake to the Probation and Parole Office, at 111 Gold Avenue, in Albuquerque, New Mexico. Because the computers were down, Lamas Aguilar was instructed to return the following day. *See* Ex. 4, Decl. of Lamas Aguilar ¶ 5.

34. On Tuesday, July 8, 2025, at 8:00 a.m., Lamas Aguilar again reported for intake to the Probation and Parole Office, at 111 Gold Avenue, in Albuquerque, New Mexico. *See id.* ¶ 6.

35. After Lamas Aguilar completed all the intake forms he was required to complete, Probation and Parole Division employees told him to wait a few days and then to call to find out which probation officer had been assigned to him. *See id.*

36. At around 2:00 p.m. on that same day, Tuesday, July 8, 2025, Lamas Aguilar received a call from the Probation and Parole Office and spoke with Probation Officer Ashley Moseley. *See id.* ¶ 7.

37. During that conversation, Moseley informed Lamas Aguilar that she was Lamas Aguilar’s temporary probation officer. *See id.*

38. Moseley also told Lamas Aguilar that he needed to return to the Probation and Parole Office at 8:00 a.m. on Thursday, July 10, 2025, “to sign one paper for her.” *See id.*

39. On Thursday, July 10, 2025, Lamas Aguilar returned to the Probation and Parole Office, at 111 Gold Avenue, in Albuquerque, New Mexico. *See id.* ¶ 8.

40. When Lamas Aguilar arrived, he met Moseley and was asked to sit in the waiting area. *See id.*

41. As Lamas Aguilar was waiting, another Probation and Parole Division employee asked if he was “Juan Lamas.” *See id.*

42. Lamas Aguilar was then led into another room to sign the paperwork that Moseley had called him to sign. *See id.* ¶ 9.

43. There, an ICE agent arrested Lamas Aguilar. *See id.*

44. After spending 22 days in an ICE detention facility in El Paso, Texas, Lamas Aguilar was transferred to the Tarrant County Detention Facility in Estancia, New Mexico, where he is currently held in ICE detention. *See id.* ¶¶ 13, 15; *see also* Ex. 7, Screenshot of ICE Locator for Juan Lamas Aguilar (Sept. 10, 2025).

Moises Llaguno

45. As Lamas Aguilar was being handcuffed in the Probation and Parole Office, at 111 Gold Avenue, he saw Moises Llaguno, who was also in ICE custody, being led into the same room. *See* Ex. 4, Decl. of Lamas Aguilar ¶ 9.

46. From 2007 until June 10, 2025, Llaguno resided in and around Bernalillo County, New Mexico.

47. Llaguno is married and, before his arrest, resided in west Albuquerque.

48. On February 17, 2024, Llaguno was arrested, and on June 18, 2025, he pled guilty to, and was convicted of, driving while under the influence, and entered into a plea and disposition agreement with the State. *See* Ex. 8, Plea and Disposition Agreement, *State v. Llaguno*, D-202-CR-2024-01951 (June 18, 2025); *See* Ex. 9, Amended Information, *State v. Llaguno*, D-202-CR-2024-01952 (Nov. 1, 2024).

49. The Honorable Joseph Montano, District Court Judge for the Second Judicial District Court, took Llaguno's guilty plea and sentenced him to a sentence of 364 days, of which 334 days were suspended and of which he received 18 days of pre-sentence confinement credit, and a term of supervised probation of 334 days. *See* Ex. 8, Plea and Disposition Agreement, *State v. Llaguno*, D-202-CR-2024-01951 (June 18, 2025).

50. In the Order Setting Conditions of Release, Judge Montano ordered Llaguno to report to the Probation and Parole Division by Monday, June 23, 2025, before 3:00 p.m. *See* Ex. 10, Order Setting Conditions of Release, *State v. Llaguno*, D-202-CR-2024-01951 (June 18, 2025).

51. Llaguno was booked into the Metropolitan Detention Center on June 23, 2025.

52. Llaguno was assigned to Probation Officer Joanna Bojorquez-Cardenas. *See* Unsupervised Order of Probation, *State v. Llaguno*, D-202-CR-2024-01951 (Aug. 4, 2025).

53. On information and belief, Bojorquez-Cardenas contacted Llaguno and directed him to report to the Probation and Parole Office, at 111 Gold Avenue, in Albuquerque, New Mexico, at 8:00 a.m. on Thursday, July 10, 2025, to complete paperwork.

54. Llaguno followed Bojorquez-Cardenas's instructions and reported to the Probation and Parole Office, at 111 Gold Avenue, in Albuquerque, New Mexico, at 8:00 a.m. on Thursday, July 10, 2025. *See* Ex. 4, Decl. of Lamas Aguilar ¶ 10.

55. Shortly after he appeared at the Probation and Parole Office at 111 Gold Avenue on Thursday, July 10, 2025, and while at the office, Llaguno was arrested by ICE agents and taken into ICE custody. *See id.*

56. On information and belief, after Llaguno was taken into ICE custody on Thursday, July 10, 2025, his spouse called the Law Office of the Public Defender, which had

represented Llaguno in the matter of *State v. Llaguno*, D-202-CR-2024-01951, to report his arrest by ICE agents.

57. While in custody, Llaguno and Lamas Aguilar traveled together from the Probation and Parole Office at 111 Gold Avenue to an ICE facility near the Albuquerque airport and, from there, to the ICE Processing Center in El Paso, Texas. *See* Ex. 4, Decl. of Lamas Aguilar ¶ 12.

58. Four days later, on July 14, 2025, Llaguno was removed from the United States. *See id.*

Melvin Escobar-Arauz

59. Melvin Escobar-Arauz is married to Isabel Chavez, a New Mexican and American citizen who was born and raised in Pecos, New Mexico; has a young daughter with her; lived in Pecos, New Mexico; has a social security number; and, worked in Santa Fe. *See* Ex. 11, Decl. of Isabel Chavez ¶¶ 2, 4.

60. On Wednesday, August 7, 2024, Escobar-Arauz's brother-in-law called law enforcement because Escobar-Arauz was intoxicated, "revving" his dirt bike engine at 10:00 p.m., and had a verbal altercation with his spouse. *See* Ex. 12, Crim. Compl., at 1, *State v. Escobar-Arauz*, M-48-FR-2025-00251 (San Miguel Cnty Mag. Ct., Aug. 8, 2024).

61. When New Mexico State Police ("NMSP") officers arrived, Escobar-Arauz refused to turn down his music. When Escobar-Arauz turned to go inside his residence, NMSP Officer Parra-Medina grabbed him, which led to an allegation of Escobar-Arauz's resistance and his subsequent arrest. *See id.* at 2.

62. After being bound over from magistrate court, on November 14, 2024, the State charged Escobar-Arauz with battery upon a peace officer, disorderly conduct and resisting a

peace officer. *See* Ex. 13, Criminal Information, *State v. Escobar-Arauz*, D-412-CR-2024-00290 (Nov. 14, 2024).

63. On June 25, 2025, Escobar-Arauz pled guilty to three counts of battery upon a peace officer and entered into a plea and disposition agreement with the State. *See* Ex. 14, Plea and Disposition Agreement, *State v. Escobar-Arauz*, D-412-CR-2024-00290 (July 3, 2025).

64. The Honorable Flora Gallegos, District Court Judge for the Fourth Judicial District Court, took Escobar-Arauz's guilty plea and sentenced him to a sentence of three years of supervised probation on a conditional discharge. *See* Ex. 14, Plea and Disposition Agreement, *State v. Escobar-Arauz*, D-412-CR-2024-00290 (July 3, 2025).

65. Judge Gallegos ordered Escobar-Arauz to report to the Probation and Parole Division no later than Monday, July 7, 2025. *See* Ex. 15, Conditional Discharge, *State v. Escobar-Arauz*, D-412-CR-2024-00290 (July 7, 2025).

66. On or about Monday, July 7, 2025, Escobar-Arauz and his spouse reported to the probation and parole office in Las Vegas, New Mexico, where Escobar-Arauz completed the probation intake paperwork. *See* Ex. 11, Decl. of Isabel Chavez ¶ 3.

67. State employees at the probation and parole office in Las Vegas informed Escobar-Arauz that he would be allowed to report to the probation office in Santa Fe so that he would not miss work at his employment in Santa Fe. *See id.* ¶ 4.

68. In late July 2025 or early August 2025, Escobar-Arauz reported to the probation office in Santa Fe for the first time and was assigned a probation officer. *See id.* ¶ 6.

69. His assigned probation officer was Allenray Roybal. *See id.* ¶ 7.

70. At his first appointment, Escobar-Arauz was instructed to return to the probation office in Santa Fe on Thursday, August 14, 2025, at 10:30 a.m. to provide a urine sample. *See id.* ¶ 9.

71. On Thursday, August 14, 2025, at 10:30 a.m., Escobar-Arauz reported as instructed to the probation office in Santa Fe to provide a urine sample; however, he was told that his probation officer, Roybal, was not present and that he needed to report back on Monday, August 18, 2025, at 9:00 a.m. *See id.* ¶ 10.

72. On Monday, August 18, 2025 at 9:00 a.m., Escobar-Arauz again reported as instructed to the probation office in Santa Fe to provide a urine sample. *See id.* ¶ 11.

73. Shortly after arriving at the probation office in Santa Fe, however, Escobar-Arauz was arrested by ICE agents inside of the probation and parole office. *See id.* ¶ 12.

74. Roybal was present in the Santa Fe probation office on August 18, 2025, when Escobar-Arauz was taken into ICE custody. *See id.* ¶ 14.

75. At that same time, other New Mexico probationers were instructed to report to the Santa Fe probation office under false pretenses and, upon arrival, were arrested by ICE agents within the probation office in Santa Fe. *See id.* ¶ 15.

76. Escobar-Arauz is currently being held in an ICE detention facility in El Paso, Texas. *See id.* ¶ 16; *see also* Ex. 16, Screenshot of ICE Locator for Melvin Escobar-Arauz (Sept. 10, 2025).

The Commission has good ground to institute a civil action for injunctive relief against Defendant Tafoya Lucero to prevent violations of NSPIA

77. Article V, Section 17(C) of the New Mexico Constitution provides that the Commission “shall have such other powers and duties and administer or enforce such other acts as further provided by law.” N.M. Const. art. V, § 17(C).

78. In Section 10-16I-4, the Legislature authorized the Commission to “institute a civil action in district court if a violation has occurred or to prevent a violation of the Nondisclosure of Sensitive Personal Information Act.” § 10-16I-4.

79. NSPIA prohibits state agency employees from intentionally disclosing information, acquired by virtue of their state employment, about an individual’s immigration status and national origin to anyone outside of the state agency, unless the disclosure satisfies one of nine enumerated, narrow exceptions. § 10-16I-3.

80. None of the nine exceptions set forth in Section 10-16I-3 permit state agency employees to provide an individual’s immigration status and national origin, when acquired by virtue of state employment, to federal ICE agents for the purpose of assisting in the enforcement of federal immigration laws, absent a court order. *See* § 10-16I-3; § 10-16I-3(C).

81. Thus, in NSPIA, the Legislature prohibited state agency employees from intentionally disclosing an individual’s immigration status and national origin, when acquired by virtue of state employment, to federal ICE agents for the purpose of assisting in the enforcement of federal immigration laws, again, unless necessary to comply with a court order. *See* § 10-16I-3; § 10-16I-3(C).

82. In view of the allegations in the foregoing paragraphs of this complaint, the Commission has good ground to “institute a civil action in district court” seeking injunctive relief against Defendant Tafoya Lucero “to prevent a violation of the Nondisclosure of Sensitive Personal Information Act.” § 10-16I-4.

There is an “actual controversy” whether the Commission may lawfully commence a civil action to enforce NSPIA and to prevent violations of NSPIA.

83. In light of federal law, however, there is an actual controversy whether the Commission may lawfully institute a civil action for injunctive relief against Defendant Tafoya

Lucero “to prevent a violation” of NSPIA by employees of the New Mexico Corrections Department who have a practice of sending immigration status and citizenship information, acquired by virtue of their state employment, to federal ICE agents.

84. In 8 U.S.C. §§ 1373(a) and 1644, Congress prohibited *inter alia* the State of New Mexico and State of New Mexico entities and officials, including Plaintiff State Ethics Commission, from “*prohibit[ing], or in any way restrict[ing]*, any government entity or official from sending to . . . the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.” § 1373(a) (emphasis added).

85. 8 U.S.C. § 1373, provides:

(a) Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

(b) Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

- (1) Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.
- (2) Maintaining such information.
- (3) Exchanging such information with any other Federal, State, or local government entity. . . .

§ 1373.

86. Similarly, 8 U.S.C. § 1644, provides:

Notwithstanding any other provision of Federal, State, or local law, no State or local government entity may be prohibited, or in any way

restricted, from sending to or receiving from the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of an alien in the United States.

§ 1644.¹

87. In *United States v. Colorado, et al.*, No. 1:25-cv-01391-GPG-KAS (D. Colo.), the United States recently asserted that §§ 1373(a) and 1644 preempt a Colorado law prohibiting Colorado state employees from disclosing immigration status and citizenship information for the purpose of assisting in federal immigration enforcement. See First Am. Compl., ¶ 92, *United States v. Colorado, et al.*, No. 1:25-cv-01391-GPG-KAS (D. Colo., Aug. 25, 2025).

88. Several federal courts, however, have determined that §§ 1373 and 1644 do not preempt state nondisclosure laws² and, moreover, violate the anticommandeering rule of the Tenth Amendment.³

89. Despite the judicial activity surrounding §§ 1373 and 1644, neither the Supreme Court of the United States, the United States Court of Appeals for the Tenth Circuit, the United

¹ Despite the minor differences between § 1373 and § 1644, federal courts have treated these sections in tandem and identically. See, e.g., *Cnty. of Ocean v. Grewal*, 475 F. Supp. 3d 355, 371 (D.N.J. 2020), *aff'd sub nom. Ocean Cnty. Bd. of Commissioners v. Att'y Gen. of State of New Jersey*, 8 F.4th 176 (3d Cir. 2021); *City of Chicago v. Barr*, 405 F. Supp. 3d 748, 763 (N.D. Ill. 2019), *aff'd and remanded*, 957 F.3d 772 (7th Cir. 2020), *opinion amended and superseded*, 961 F.3d 882 (7th Cir. 2020), and *aff'd and remanded*, 961 F.3d 882 (7th Cir. 2020), and *opinion withdrawn in part*, 513 F. Supp. 3d 828 (N.D. Ill. 2021).

² See, e.g., *United States v. California*, 921 F.3d 865, 887–89 (9th Cir. 2019); *Ocean Cnty. Bd. of Comm'rs v. Att'y Gen. of State of N.J.*, 8 F.4th 176, 181–82 (3rd Cir. 2021); *Colorado*, 455 F.Supp.3d at 1059; *City of Philadelphia v. Sessions*, 309 F.Supp.3d 289, 329 (E.D. Pa. 2018) *aff'd in part, vacated in part sub nom. City of Philadelphia v. Att'y Gen. of the United States*, 916 F.3d 276 (3d Cir. 2019).

³ See e.g., *California*, 921 F.3d at 890–91; *City of Chicago v. Barr*, 961 F.3d 882, 908–09 (7th Cir. 2020); *Oregon v. Trump*, 406 F.Supp.3d 940, 971 (D. Or. 2019), *aff'd in part, vacated in part, remanded sub nom. City & Cnty. of San Francisco v. Garland*, 42 F.4th 1078 (9th Cir. 2022); *Colorado v. United States Dep't of Just.*, 455 F.Supp.3d 1034, 1059 (D. Colo. 2020); but see *City of New York v. United States*, 179 F.3d 29, 34–35 (2d Cir. 1999).

States District Court for the District of New Mexico, nor any New Mexico court has been called to determine whether §§ 1373 and 1644 are unconstitutional, in violation of the anticommandeering rule of the Tenth Amendment.⁴

90. Moreover, no court has determined whether §§ 1373 and 1644 lawfully preempt NSPIA, thus rendering unlawful any civil action for injunctive relief by the Commission against Defendant Tafoya Lucero “to prevent a violation” of NSPIA by employees of the New Mexico Corrections Department who send immigration status and citizenship information, acquired by virtue of their state employment, to federal ICE agents.

91. Before commencing a civil action seeking relief under NSPIA that might entail a violation of a federal statute, the Commission seeks a declaratory judgment that §§ 1373 and 1644 violate the Tenth Amendment’s anticommandeering rule, that §§ 1373 and 1644 do not preempt NSPIA, and, therefore, the Commission may lawfully “institute a civil action in district court if a violation has occurred or to prevent a violation of the Nondisclosure of Sensitive Personal Information Act.” § 10-16I-4.⁵

⁴ In *City of Albuquerque v. Barr*, 515 F. Supp. 3d 1163 (Jan., 28, 2021, D.N.M.), when considering a motion for preliminary injunction to enjoin the imposition of conditions on the United States Department of Justice’s award of Byrne JAG grants related to the enforcement of immigration laws, the district court concluded that Albuquerque had “made a strong showing that it would likely succeed on the merits of its ultra vires cause of action premised on [the argument that §§ 1373 and 1644 amount to] a violation of [34 U.S.C.] Section 10228.” *Id.* at 1178. The court, therefore, did not consider whether §§ 1373 and 1644 contravene the Tenth Amendment’s anticommandeering rule. *See id.* at 1180 (“[T]he Court need not address Plaintiff’s other likelihood-of-success-on-the-merits arguments concerning its other causes of action, like the APA and Tenth Amendment causes of action.”).

⁵ *See generally State ex rel. Maloney v. Sierra*, 1970-NMSC-144, ¶ 20, 82 N.M. 125 (“Future confusion and possible litigation will be avoided by a present determination of the question involved. Public officers should have the right to have their legal duties judicially determined. In this way only can the disastrous results of well-intentioned but illegal acts be avoided with certainty.”) (quotation marks and citation omitted); *Id.* ¶ 25 (“The reported cases bear ample evidence that public officers and boards frequently have resorted to an action for declaratory

The Court has jurisdiction to issue a declaratory judgment in this case.

92. The Commission is a constitutionally independent state agency with constitutionally and legislatively delegated authority to sue and be sued and, under Section 10-16I-4, is further authorized to commence civil actions in New Mexico district court to enforce NSPIA. *See* N.M. Const. art. V, § 17(C); § 10-16I-4.

93. The Commission, therefore, has a real interest and standing to commence a declaratory judgment action to establish that §§ 1373 and 1644 do not preempt NSPIA or render illegal any civil action by the Commission against Defendant Tafoya Lucero “to prevent a violation” of NSPIA by employees of the New Mexico Corrections Department who send immigration status and citizenship information, acquired by virtue of their state employment, to federal ICE agents absent a court order. *Cf. Wyoming ex rel. Crank v. United States*, 539 F.3d 1236, 1242 (10th Cir. 2008) (“Federal regulatory action that preempts state law creates a sufficient injury-in-fact to satisfy [Article III standing].” (citations omitted)).

94. Defendant Tafoya Lucero would be a proper party defendant to a civil action instituted by the Commission for injunctive relief to prevent violations of NSPIA by state employees in the Probation and Parole Department.

95. As Secretary of the New Mexico Corrections Department, Defendant Tafoya Lucero has “general supervisory and appointing authority over all department employees” and the power to “take administrative action by issuing orders and instructions, not inconsistent with

relief to obtain determination of a controversy with some other public officer or board, involving questions of official power or duty.”) (quotation marks and citation omitted); *Taos Cnty. Bd. of Educ. v. Sedillo*, 1940-NMSC-026, ¶ 24, 44 N.M. 300 (“It is not necessary that any breach should be first committed, any right invaded, or wrong done. The purpose of the act, as expressed in. . . [the Declaratory Judgment Act] is to settle and to afford relief from uncertainty and insecurity with respect to rights, status and other legal relations; and is to be liberally construed and administered.”) (quotation marks and citation omitted).

the law, to assure implementation of and compliance with the provisions of law for whose administration or execution [she] is responsible and to enforce those orders and instructions by appropriate administrative actions or actions in the courts[.]” NMSA 1978, § 9-3-5(B)(1), (5).

96. Defendant Tafoya Lucero thus has a real interest in this legal question and “may oppose the declaration sought.” *State ex rel. Stratton v. Roswell Indep. Sch.*, 1991-NMCA-013, ¶ 44, 111 N.M. 495 (citing *Taos Cnty. Bd. of Educ. v. Sedillo*, 1940-NMSC-026, ¶ 24, 44 N.M. 300).

97. Last, the controversy is both non-theoretical and ripe for adjudication.

98. Based on facts alleged herein, the Commission has good ground to “institute a civil action in district court” seeking injunctive relief against Defendant Tafoya Lucero “to prevent a violation of” NSPIA; first, however, the Commission seeks declaratory relief to establish the legality of that civil action under federal law.

99. Under the Declaratory Judgment Act, §§ 44-6-1 to -15, therefore, the Court has jurisdiction to resolve this controversy and construe “the constitution of the United States or any of the laws of the state of New Mexico or the United States, or any statute thereof.” § 44-6-13.

**COUNT I – DECLARATORY JUDGMENT
(8 U.S.C. §§ 1373 AND 1644 VIOLATE THE ANTICOMMANDEERING RULE OF THE
TENTH AMENDMENT TO THE UNITED STATES CONSTITUTION.)**

100. Plaintiff incorporates by reference the foregoing paragraphs of this complaint as though fully set forth herein.

101. This case presents an “actual controversy” under NMSA 1978, § 44-6-2—namely, whether, under the anticommandeering doctrine of the Tenth Amendment, §§ 1373 and 1644 lawfully prohibit NSPIA and lawfully prohibit the Commission from instituting a civil action in New Mexico district court against Defendant Tafoya Lucero “to prevent a violation” of NSPIA

by employees of the New Mexico Corrections Department who have a practice of sending immigration status and citizenship information, acquired by virtue of their state employment, to federal ICE agents absent a court order.

102. “The anticommandeering doctrine . . . is simply the expression of a fundamental structural decision incorporated into the Constitution, i.e., the decision to withhold from Congress the power to issue orders directly to the States.” *Murphy v. Nat’l Collegiate Athletic Ass’n*, 584 U.S. 453, 470 (2018).

103. “The basic principle—that Congress cannot issue direct orders to state legislatures—applies in either event[,]” that is, where a federal law commands state legislatures to enact certain laws or, like §§ 1373 and 1644, prohibits state legislatures from enacting certain laws. *Murphy*, 584 U.S. at 475.

104. Relatedly, under the anticommandeering doctrine, “[t]he Federal Government may not command the States’ officers . . . to administer or enforce a federal regulatory program.” *Printz v. United States*, 521 U.S. 898, 935 (1997); accord *Murphy*, 584 U.S. at 473.

105. Sections 1373 and 1644 unequivocally prohibit state legislatures, state agencies, and state officers from “prohibit[ing], or in any way restrict[ing], any government entity or official from sending” information concerning an individual’s citizenship or immigration status to federal ICE agents. § 1373.

106. Sections 1373 and 1644, therefore, not only prohibit what laws the New Mexico Legislature may enact but also instruct the New Mexico Legislature how it may regulate the conduct of state officers and state employees with respect to information that state officers and state employees only possess by virtue of their state employment.

107. Congress does not have that power, the power to regulate States. *See Murphy*, 584 U.S. 487 (citing *New York v. United States*, 505 U.S. 144, 166 (1992)).

108. Accordingly, §§ 1373 and 1644 violate the anticommandeering rule of the Tenth Amendment and, therefore, do not lawfully prohibit NSPIA and do not lawfully prohibit the Commission from instituting a civil action to enforce NSPIA.

**COUNT II – DECLARATORY JUDGMENT
(8 U.S.C. §§ 1373 AND 1644 DO NOT PREEMPT NSPIA.)**

109. Plaintiff incorporates by reference the foregoing paragraphs of this complaint as though fully set forth herein.

110. This case presents an “actual controversy” under NMSA 1978, § 44-6-2—namely, whether §§ 1373 and 1644 preempt NSPIA, such that the Commission may not lawfully institute a civil action to enforce the statute.

111. The Supremacy Clause provides that “[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.” U.S. Const. art. VI, cl. 2.

112. “Preemption is based on the Supremacy Clause, and that Clause is not an independent grant of legislative power to Congress. Instead, it simply provides ‘a rule of decision.’ It specifies that federal law is supreme in case of a conflict with state law.” *Murphy*, 584 U.S. at 477 (quoting *Armstrong v. Exceptional Child Ctr., Inc.*, 575 U.S. 320, 324 (2015)).

113. Federal law does not preempt NSPIA because, as a threshold matter, there is no conflict between federal law and NSPIA regarding the duties that federal law and NSPIA impose on New Mexico state agency employees.

114. There is no conflict between NSPIA and federal law, because the nondisclosure duty that NSPIA imposes on state agency employees contains an express carve-out for compliance with federal law. *See* NMSA 1978, § 10-16I-3(D) (2025).

115. NSPIA’s mandate that state agency employees shall not intentionally disclose sensitive personal information with anyone outside of the state agency does not apply “when such disclosure is: . . . (D) required by federal statute.” *Id.*

116. Sections 1373 and 1644 do not impose any affirmative duty on New Mexico state agency employees (or anyone else) to send information regarding individuals’ immigration status or citizenship to federal immigration enforcement agents. *See* §§ 1373 & 1644.

117. There is no conflict, therefore, between §§ 1373 and 1644 and NSPIA regarding what is required of New Mexico state employees; accordingly, those federal statutes do not preempt NSPIA.

118. In addition to the threshold requirement of a conflict between federal and state law—a requirement that is unmet here with respect to the duties of state employees—§§ 1373 and 1644 could only preempt NSPIA if the federal statutes “satisfy two requirements.” *Murphy*, 584 U.S. at 477.

119. First, the federal statutes “must represent the exercise of a power conferred on Congress by the Constitution; pointing to the Supremacy Clause will not do.” *Id.*

120. Second, “since the Constitution ‘confers upon Congress the power to regulate individuals, not States,’” *id.* (quoting *New York*, 505 U.S. at 166), the federal statute “must be best read as one that regulates private actors.” *Id.*

121. Sections 1373 and 1644 satisfy neither requirement to lawfully preempt a conflicting state law under the Supremacy Clause.

122. First, under the anticommandeering doctrine of the Tenth Amendment, the Constitution does not confer on Congress the power to prohibit what laws the New Mexico Legislature may enact or to instruct the New Mexico Legislature how it may regulate the conduct of New Mexico state officers and employees with respect to information they possess only by virtue of their New Mexico employment.

123. Second, §§ 1373 and 1644 are not “best read as [statutes] that regulate[] private actors.” *Murphy*, 584 U.S. at 477.

124. Rather, §§ 1373 and 1644 are statutes that regulate *public* actors; the statutes regulate those federal, state, and local governmental entities and officers that have the power to prohibit and restrict other governmental entities and governmental employees regarding the disclosure of information.

125. Because “every form of preemption is based on federal law that regulates the conduct of private actors, not the States[,]” *Murphy*, 584 U.S. at 479, §§ 1373 and 1644 do not preempt NSPIA under the Supremacy Clause.

126. Because §§ 1373 and 1644 do not preempt NSPIA, the federal statutes do not lawfully preempt the Commission from instituting a civil action to enforce NSPIA.

**COUNT III – DECLARATORY JUDGMENT
(NSPIA IS NOT PREEMPTED UNDER FIELD OR OBSTACLE PREEMPTION.)**

127. Plaintiff incorporates by reference the foregoing paragraphs of this complaint as though fully set forth herein.

128. This case presents an “actual controversy” under NMSA 1978, § 44-6-2—namely, whether NSPIA is otherwise impliedly preempted under the doctrines of “field” preemption or “obstacle” preemption, such that the Commission may not lawfully institute a civil action to

enforce the statute. *See Gade v. Nat'l Solid Wastes Mgmt. Ass'n*, 505 U.S. 88, 98 (1992) (citation omitted).

129. While “[t]he Federal Government has broad constitutional powers in determining what aliens shall be admitted to the United States, [and] the period they may remain,” *Takahashi v. Fish and Game Comm’n*, 334 U.S. 410, 419 (1948), NSPIA does not purport to regulate in or supplement federal law in the “field” of immigration.

130. Rather, like other New Mexico statutes regulating when state employees may disclose certain categories of information acquired through state employment, NSPIA regulates when state employees may and may not disclose an array of information that state agencies possess about individuals, information which state employees have access to by virtue of their state employment. *Compare* NMSA 1978, § 10-16-6 (2011) (prohibiting the disclosure of confidential information), *with* § 10-16I-3 (regulating the disclosure and nondisclosure of sensitive personal information).

131. Accordingly, NSPIA is not preempted because NSPIA does not purport to supplement federal law in the field of immigration.

132. Last, NSPIA does not “stand[] as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.” *Hines v. Davidowitz*, 312 U.S. 52, 67 (1941).

133. Under the Tenth Amendment, Congress has no valid purpose or objective in instructing state legislatures to direct state employees to work toward the accomplishments and execution of Congress’s purposes and objectives. *See Printz*, 521 U.S. at 926 (citing *New York*, 505 U.S. at 176, 188); *see also Murphy*, 584 U.S. at 473 .

134. Considering Congress’s purposes and objectives related to immigration enforcement, the New Mexico Legislature’s choice in NSPIA not to allow state agency employees to intentionally disclose immigration status and citizenship information “is not an ‘obstacle’ to that enforcement effort . . . [because] refusing to help is not the same as impeding.” *California*, 921 F.3d at 888 (citation omitted). “If such were the rule, obstacle preemption could be used to commandeer state resources and subvert Tenth Amendment principles.” *Id.* (citation omitted).

135. Nothing in NSPIA involves any “affirmative *interference* with federal law enforcement at all.” *City of Chicago v. Sessions*, 888 F.3d 272, 282 (7th Cir. 2018), *vacated in part on other grounds*, No. 17-2991, 2018 WL 4268817 (7th Cir. June 4, 2018).

136. Accordingly, NSPIA is not preempted as an “obstacle” to the federal government’s ability to achieve the full purposes and objectives of Congress pertaining to immigration.

137. Because §§ 1373 and 1644 do not preempt NSPIA, the federal statutes do not lawfully preempt the Commission from instituting a civil action to enforce NSPIA.

REQUEST FOR RELIEF

WHEREFORE, the State Ethics Commission requests the Court to enter relief as follows:

- a. An order declaring that 8 U.S.C. §§ 1373 and 1644 do not lawfully prohibit the Commission from commencing a civil action to enforce NSPIA.
- b. Such other relief as the Court deems just and proper.

Respectfully submitted: September 12, 2025

STATE ETHICS COMMISSION

By: /s/ Jeremy Farris
Jeremy Farris

Connor G. Woods
800 Bradbury Dr. SE, Suite 215
Albuquerque, NM 87106
(505) 827-7800
jeremy.farris@sec.nm.gov
connor.woods@sec.nm.gov



NEW MEXICO STATE ETHICS COMMISSION

Hon. William F. Lang, Chair
Jeffrey L. Baker, Member
Stuart M. Bluestone, Member
Hon. Celia Castillo, Member
Hon. Gary Clingman, Member
Hon. Dr. Terry McMillan, Member
Dr. Judy Villanueva, Member

**RESOLUTION NO. 2025-14 Authorizing the Filing of a Declaratory
Judgment Action Regarding the Nondisclosure of Sensitive Personal
Information Act.**

WHEREAS, THE NEW MEXICO STATE ETHICS COMMISSION
("Commission") met virtually on September 9, 2025, at 9:00 a.m.;

WHEREAS, the Commission has the authority to investigate violations of and
institute a civil action to enforce or to prevent a violation of the
Nondisclosure of Sensitive Personal Information Act, NMSA 1978, Sections
10-16I-1 to -4 (2025);

WHEREAS, the Executive Director sought the approval of the Commission
to commence a declaratory judgment action against Alisha Tafoya Lucero,
in her official capacity as Secretary of the New Mexico Corrections
Department, in order to establish that, under federal law, the Commission
may lawfully institute a civil action against Secretary Tafoya Lucero to
prevent violations of the Nondisclosure of Sensitive Personal Information
Act;

NOW, THEREFORE, BE IT RESOLVED by the New Mexico State Ethics
Commission:

1. The Commission's staff are authorized to prepare, file, and litigate a

declaratory judgment action in any court of competent jurisdiction against Alisha Lucero Tafoya, in her official capacity as Secretary of the New Mexico Corrections Department.

2. The Executive Director is instructed to provide regular updates on the status of the matter at the Commission's meetings during closed session.

Adopted by the New Mexico State Ethics Commission this 9th day of September 2025.

A handwritten signature in dark ink, appearing to read 'W. Lang', with a large, stylized loop at the end.

The Hon. William F. Lang
New Mexico State Ethics Commission
Chair

EXHIBIT**2**

CMIS: _____

Intake UA Result: _____

PSR: _____ New Case: _____

ECA: _____

PROBATION/PAROLE INTAKE DATA SHEET

TODAY'S DATE: _____ TIME: _____
Are you on: Probation Parole. If you're on probation, is this your first time? Yes No

NAME AS IT APPEARS ON COURT DOCUMENTS

(LAST) _____

(FIRST) _____

(MIDDLE) _____

What other names (or nicknames) have you used? Females include maiden name and former married names: _____

DATE OF BIRTH _____ PLACE OF BIRTH _____

SEX: MALE FEMALE AGE: _____

PHYSICAL CHARACTERISTICS:

HEIGHT: _____ WEIGHT: _____ EYE COLOR: _____

HAIR COLOR: _____

SOCIAL SECURITY NUMBER _____ PHONE NUMBER _____

RACE OR NATIONALITY _____ RELIGION _____

DRIVERS LICENSE OR ID CARD NUMBER _____

ISSUING STATE: _____ EXPIRATION DATE: _____

HOME ADDRESS _____

Is this your mailing address? If not, what is that address? _____

Type of Residence (house, mobile home, apartment, etc.): _____

If living in an apartment/mobile home park, what is the name? _____

How long have you lived here? _____

What are the major cross-streets closest to your home? _____

What is your marital status (circle one)? SINGLE MARRIED WIDOWED DIVORCED

Are you a U. S. Citizen? If no, give country of citizenship and alien registration number: _____

HAVE YOU EVER BEEN IN A MENTAL HEALTH FACILITY?

YES

NO

HAVE YOU EVER BEEN IN A JUVENILE DETENTION CENTER?

YES

NO

HAVE YOU EVER ABSCONDED FROM SUPERVISION?

YES

NO

HAVE YOU EVER ESCAPED FROM JAIL OR PRISON?

YES

NO

WHAT LANGUAGES DO YOU SPEAK/READ/WRITE? _____

From: Troncoso, Vanessa, CD <Vanessa.Troncoso@cd.nm.gov>
Sent on: Friday, December 20, 2024 6:41:59 PM
To: Lee <lee.lakey@ice.dhs.gov>
Subject: NMSA 14-2-1.2 DOB [REDACTED] Per [REDACTED] 1995

Hello, I got your info from Josh Walker. are you able to tell me anything on this guy?

Vanessa Troncoso
Probation and Parole Officer II
Region II-Unit B High Risk
615 1st Street NW
Albuquerque, NM 87102
505-252-7702 Phone
vanessa.troncoso@cd.nm.gov

DECLARATION OF JUAN LAMAS AGUILAR

STATE OF NEW MEXICO)

COUNTY OF TORRANCE)

I, Juan Lamas Aguilar, state and declare as follows:

1. I have personal knowledge of the matters set forth below, am over the age of eighteen, and am otherwise competent to make this declaration.

2. On Monday, July 7, 2025, Judge Lucy Solimon, Second Judicial District Court, sentenced me to a deferred sentence for 90 days and a 90-day term of supervised probation, following my guilty plea to driving under the influence of intoxicating liquor, a misdemeanor. *See Ex. A, Order Deferring Sentence, at 1-2, State v. Lamas-Aguilar, CR-2025-00757 (2d Jud. Dist. Ct.).*

3. Judge Solimon also imposed as a condition of probation that I was required to enter and complete the DWI First Offenders Program. *See id.* at 4.

4. As a special condition of probation, Judge Solimon also ordered that telephonic reporting was permitted during my 90-day probation term. *Id.*

5. At 1:30pm on July 7, 2025, following my sentence, I reported for intake to the Probation and Parole Office, on Gold Avenue, in Albuquerque, New Mexico. Because the computers were down, I was instructed to return the following day.

6. On Tuesday, July 8, 2025, at 8:00am, I again reported for intake to the Probation and Parole Office, on Gold Avenue, in Albuquerque, New Mexico. I completed all of the intake forms I was asked to complete. I was told to wait a few days and then to call to find out what probation officer had been assigned to me.

7. At around 2:00pm on that same day, Tuesday, July 8, 2025, I received a call from the Probation and Parole Office and spoke with a woman who called herself Ashley. She

informed me that she was my temporary probation officer. Ashley also told me that I needed to return to the Probation and Parole Office at 8:00am on Thursday, July 10, 2025, to sign one paper for her.

8. On Thursday, July 10, 2025, I returned to the Probation and Parole Office, on Gold Avenue, in Albuquerque, New Mexico. When I arrived I met Ashley, and I was asked to sit in the waiting area. As I was waiting, another probation officer asked if I was "Juan Lamas." This officer was a white male, who was muscular and had hair, and appeared to be in his thirties. I do not know his name.

9. I was then led into another room to sign the paperwork that Ashely had called me to sign. There, I was arrested by an ICE agent. This ICE agent was a Hispanic male. I do not know his name.

10. As I was being handcuffed, I saw Moises Llaguno. Mr. Llaguno was being led into the same room. He was also in ICE custody.

11. Later, Mr. Llaguno informed me that he was also asked by a probation and parole office to report to the Probation and Parole Office, on Gold Avenue, in Albuquerque, New Mexico, at 8:00am on Thursday, July 10, 2025, to complete paperwork.

12. Mr. Llaguno and I were transported from the Probation and Parole Office to the ICE office near the airport. Later, we were taken to an ICE detention facility in El Paso, Texas. After spending three days in an ICE detention center in El Paso, Mr. Llaguno was deported to Mexico.

13. After spending 22 days in an ICE detention facility in El Paso, I was transferred to the Torrance County Detention Facility.

14. I have been present in the United States since I was twelve years old. I attended Albuquerque Public Schools and, since high school, have lived and resided in Albuquerque, working as a refrigerator technician. I have a fiancé and a nine-month old child. I have a house in northeast Albuquerque.

15. I am currently being held in ICE detention in the Torrance County Detention Facility and am awaiting a hearing. The A-number that ICE has assigned to me is 240079565.

16. The statement provided below is true and correct under penalty of perjury under the laws of the State of New Mexico.

Signed:



JUAN LAMAS AUGUILAR

August 19, 2025



SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

CR#: 2025-00757
DA#: 2025-00774-1

STATE OF NEW MEXICO,

Plaintiff,

vs.

JUAN LAMAS-AGUILAR,
DOB: 12/06/1996
SSN: XXX-XX-XXXX

Defendant.

PLEA AND DISPOSITION AGREEMENT

The State of New Mexico and Defendant agree to this disposition of this cause number:

PLEA

CHARGES: Defendant agrees to plead GUILTY to the following crime(s):

1. DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR, a
misdemeanor ~~degree felony~~ offense occurring on or about January 25, 2025, as charged in Count
1 of Information CR 2025-00757.

TERMS

This agreement is made according to the following conditions:

SENTENCING AGREEMENT: At initial sentencing only, the State agrees to a probated
sentence on the condition of ~~unsupervised~~ ^{supervision} probation, as ~~permitted by probation~~ ^{for 3 months, or until First offender Program}. There are no ^{requirements}
other agreements to sentence. Unless otherwise specified, Defendant waives all claims to any and ^{are}
all items seized as part of this investigation. Any such items will be forfeited to the ^{completed}
investigating/seizing agency absent the claims of innocent owners. **Following conviction and**
prior to the imposition of sentence, any sentencing agreement is expressly conditioned on
the following requirements: 1) if applicable, Defendant must appear for any Pre-Sentence

Report interview or 60-day diagnostic evaluation; 2) Defendant must not violate any Federal, State or Local laws; 3) Defendant must not violate any condition of release, parole or probation, and; 4) Defendant must comply with any other applicable court orders. If Defendant violates any of these conditions prior to sentencing on this matter, the State reserves the right to void the previously-negotiated sentencing agreement, and the Court may sentence Defendant to imprisonment absent the conditions of any previously-negotiated limitation.

PENALTIES: The maximum penalties for these crimes are:

1. DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS (DWI)(FIRST OFFENSE), a misdemeanor offense with a basic sentence of not more than ninety (90) days incarceration, complete mandatory alcohol screening, complete twenty-four (24) hours community service, complete DWI First Offenders program, install ignition interlock device for one (1) year and/or as required by MVD, and a fine of not more than \$500, followed by a period of probation which may extend beyond ninety (90) days but shall not exceed one (1) year.

POTENTIAL INCARCERATION: If the court accepts this agreement, Defendant may be ordered to serve a period of incarceration at initial sentencing. Defendant may also be ordered to serve a period of probation. If ordered to serve a period of probation, within twenty-four (24) hours Defendant must check into probation at the Probation and Parole office located at 111 Gold SE, Albuquerque, NM 87102. If the probation is later violated in any way, the State may seek to incarcerate Defendant for the balance of the sentence and impose habitual offender enhancements as provided for by law.

If Defendant is incarcerated on a "Serious Violent Offense" pursuant to §33-2-34, NMSA 1978, as amended, then the statutory provisions as to earned meritorious deductions shall apply.

CAP: Any "cap" or other limitation on incarceration shall be a limitation on imprisonment only at initial sentencing. **If Defendant violates any of the conditions listed in the "Sentencing Agreement" section above, the State may recommend a sentence and the Court may impose a sentence of imprisonment without considering the limitation.**

CHARGES TO BE DISMISSED: The following charges will be dismissed or will not be

filed: **Counts remaining of CR 2025-00757.** Absent any violations such as those described in the "Sentencing Agreement" section above, the State will not bring additional habitual offender proceedings against Defendant except as outlined below in the sections labeled "Undisclosed Prior Convictions" and "Habitual Offender Proceedings."

RESTITUTION: If applicable, restitution will be ordered in accordance with §31-17-1, NMSA 1978. Defendant, in cooperation with Probation and Parole authorities, will prepare a restitution plan to be incorporated into the Court's sentence. Defendant agrees to make restitution payments on all charges arising out of these DA file numbers, even if those charges are dismissed or not filed because of this Agreement. Defendant agrees not to discharge the restitution obligation in bankruptcy.

WAIVER OF IN-PERSON CONFRONTATION AT FUTURE PROBATION

REVOCATION HEARING: If the Court grants Defendant probation, and if, at any time, Defendant transfers probation to any location outside of Bernalillo County, or if Defendant is arrested in any location outside of Bernalillo County as a fugitive, Defendant agrees and stipulates that the State's witness(es) may appear at any probation hearing through any telephonic, webcam, or voice over internet protocol (VoIP) service at any future probation violation hearing, including any future adjudicatory hearing. Defendant gives up any rights, objections, or requests for an in-person confrontation of any of the State's witness(es) in such a hearing. The Parties agree that the discretion to appear through said alternative means will rest solely with the State.

UNDISCLOSED PRIOR CONVICTIONS: The State may bring additional habitual offender proceedings, as provided by law, based on any convictions not admitted in this plea. The State may also choose to withdraw this plea agreement or void any sentencing agreement if it discovers any such convictions.

STIPULATIONS

TIME LIMITS: By entering this agreement with the State, Defendant waives Defendant's rights under the rules governing time of commencement of trial until the agreement is either accepted or rejected by the court.

WAIVER OF DEFENSES AND APPEAL: Unless this plea is rejected or withdrawn, Defendant gives up all motions, defenses, objections, or requests which Defendant has made or

could make concerning the Court's entry of judgment against Defendant if that judgment is consistent with this agreement. Defendant specifically waives Defendant's right to appeal as long as the court's sentence is imposed according to the terms of this agreement.

REJECTION OF PLEA: If, after reviewing this Agreement and any related pre-sentence report, the Court finds the provisions of this agreement unacceptable, the Court may 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 proceeding shall be admissible against Defendant in any criminal proceedings.

CERTIFICATIONS AND AGREEMENT: I have read and I understand this Agreement. I am entering this Agreement of my own free will and choice. No force, threats or unlawful influence of any kind has been made to get me to enter this Agreement. I have discussed the case and my constitutional rights with my lawyer, and I am satisfied with the advice and assistance of my attorney. Prior to entering this Agreement, my attorney and I have fully discussed all aspects of this case. My attorney has, to my complete satisfaction, answered all of my questions and fully explained the charges against me and any potential defenses to them.

I certify that I can read and understand the English language, or, if I do not read and understand English, that an interpreter has been provided to me. I understand that, if I am not a citizen of the United States of America, being convicted may affect my immigration or naturalization status, up to and including my deportation. If applicable, I certify that I, with the assistance of my attorney, have fully explored the possibility of such effects upon my immigration status and have chosen to enter this Agreement in full knowledge of those possible consequences, regardless of whether our investigation of the likely immigration ramifications is later revealed to be mistaken.

I understand that when I plead guilty I give up the following rights: my right to a trial by jury, my right to confront, cross-examine, and compel the attendance of witnesses both for and against me, my privilege against self-incrimination, and the right to appeal the matters relating to this Agreement.

I understand that the State may void any sentencing agreement, including any cap on incarceration, or the State may choose to withdraw this Agreement if I:

1. fail to appear for any Pre-Sentence Report interview, 60-day diagnostic evaluation, or other scheduled court hearing, including, but limited to, a sentencing hearing, or;
2. violate any Federal, State or Local laws, or;
3. violate any condition of release, parole or probation, or;
4. fail to comply with any other applicable court orders, or;
5. fail to turn myself in to begin serving any period of incarceration as court ordered.

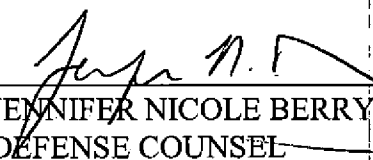
I understand that if the court grants me probation, a suspended sentence, a deferred sentence or a conditional discharge, the terms and conditions of the sentence are subject to modification if I violate any of the terms or conditions imposed.

07/07/25
DATE


JUAN LAMAS-AGUILAR
DEFENDANT

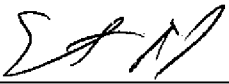
I certify I have discussed this case with my client in detail and have advised Defendant of Defendant's constitutional rights and all possible defenses. I certify that Defendant has read, or that I have read to Defendant, this Agreement and that Defendant understands the terms contained herein. I certify that, if applicable, Defendant and I have made sufficient efforts to determine the possible effects of this Agreement on Defendant's immigration status, and are satisfied with our investigation of those possible effects such that Defendant chooses to enter this Agreement regardless. I believe that the plea and disposition set forth herein are appropriate under the facts of this case. I agree with the plea outlined in this agreement and its terms and conditions.

7/7/25
DATE

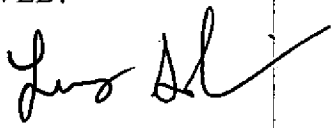

JENNIFER NICOLE BERRY
DEFENSE COUNSEL

I have reviewed this matter and agree that the plea and disposition are appropriate and are in the interest of justice.

7/7/25
DATE


STEVEN DIAMOND
PROSECUTOR

APPROVED:


LUCY SOLIMON
DISTRICT JUDGE

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO,
Plaintiff,

CR#: 2025-00757
DA#: 2025-00774-1

vs.

JUAN LAMAS-AGUILAR,
Defendant.

DOB: 12/06/1996
SSN: XXX-XX-XXXX
FBI#:
Address:

- ☐ **CONDITIONAL DISCHARGE**
☒ **ORDER DEFERRING SENTENCE**
☐ **JUDGMENT, SENTENCE AND -**
 ☐ **FULLY SUSPENDED SENTENCE**
 ☐ **PARTIALLY SUSPENDED SENTENCE**
 ☐ **COMMITMENT TO THE METROPOLITAN DETENTION CENTER**
 ☐ **COMMITMENT TO THE N.M. DEPARTMENT OF CORRECTIONS**

THIS MATTER having come before the Honorable LUCY SOLIMON, District Court Judge, on July 7, 20 25, for sentencing, the State appearing and being represented by STEVEN DIAMOND, Defendant appearing in person and represented by counsel of record, JENNIFER NICOLE BERRY, and Defendant having been convicted on July 7, 20 25, of the following crimes pursuant to:

- ☒ **Guilty Plea(s)**
 ☐ **Guilty Plea Pursuant to North Carolina v. Alford**
 ☐ **No Contest Plea(s)**
 ☐ **Verdict(s)**
 ☐ **Provisional Plea of Guilty subject to a Conditional Discharge**

Defendant is hereby sentenced to the custody of the:

- ☐ **Bernalillo County Metropolitan Detention Center**
☐ **New Mexico Department of Corrections**

for the following term(s) of imprisonment:

Case Number 2025-00757	Statute Number	Class PM/M/F4/ F3/F2/F1	State Tracking Number	Date Of Offense	Serious Violent Offense Y/N*	Charging Document (Circle One)	
Count Number 1	66-8-102	misdemeanor		January 25, 2025	N	Indictment Information	
Offense Name DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR	<input type="checkbox"/> Conditional Discharge –STOP <input checked="" type="checkbox"/> Deferred Sentence – STOP <input type="checkbox"/> Sentence – Enter Sentence Data Below			Concurrent to Counts	Consecutive to Counts	Enhancement Code (Circle)	Parole (Circle)
	Years	Months	Days			FA O H HO	Y N
						Years	Years
Case Number 2025-00757	Statute Number	Class PM/M/F4/ F3/F2/F1	State Tracking Number	Date Of Offense	Serious Violent Offense Y/N*	Charging Document (Circle One)	
Count						Indictment Information	
Offense Name	<input type="checkbox"/> Conditional Discharge –STOP <input type="checkbox"/> Deferred Sentence – STOP <input type="checkbox"/> Sentence – Enter Sentence Data Below			Concurrent to Counts	Consecutive to Counts	Enhancement Code (Circle)	Parole (Circle)
	Years	Months	Days			FA O H HO	Y N
						Years	Years
Case Number 2025-00757	Statute Number	Class PM/M/F4/ F3/F2/F1	State Tracking Number	Date Of Offense	Serious Violent Offense Y/N	Charging Document (Circle One)	
Count						Indictment Information	
Offense Name	<input type="checkbox"/> Conditional Discharge –STOP <input type="checkbox"/> Deferred Sentence – STOP <input type="checkbox"/> Sentence – Enter Sentence Data Below			Concurrent to Counts	Consecutive to Counts	Enhancement Code (Circle)	Parole (Circle)
	Years	Months	Days			FA O H HO	Y N
						Years	Years

Enhancements: FA = Firearm, O= Old Age, H = Handicap, HO = Habitual Offender

* Applies to crimes committed after July 1, 1999. See below for any special enumerations required for this status.

SENTENCE SPECIFICS:

☐ **Enumeration of Discretionary Special Violent Offender or Aggravation Findings for Count(s) _____.**

☒ **Total Sentence** of ____ years, ____ months, 90 days.

☐ **Consecutive** to the sentence imposed in Case Number

☐ **Concurrent** to the sentence imposed in Case Number

☐ **Actual Term of Incarceration.** Defendant is to be incarcerated for ____ years, ____ months, ____ days in

☐ New Mexico Corrections Department

☐ Metropolitan Detention Center

☐ MDC Good Time ☐ Authorized ☐ Not authorized

☐ Community Custody Program (CCP) ☐ Authorized ☐ Ordered

SENTENCE FORM

☐ **Suspended Sentence** ____ years, ____ months, ____ days of the total sentence is suspended.

☒ **Deferred Sentence** Sentence is deferred for ____ years, ____ months 90 days.

☐ **Conditional Discharge.** Without adjudication of guilt, further proceedings are deferred for ____ years, ____ months, ____ days pursuant to:

☐ NMSA §31-20-13

☐ NMSA §30-31-28 (Controlled Substances Act; only for violations of §30-31-23)

PAROLE

☒ Defendant, if imprisoned at any time in the New Mexico Corrections Department, shall be placed on **parole** for ____ year(s) after release and be required to pay parole costs. (1 year for 4th degree felonies; 2 years for all other felonies)

PROBATION

☒ **Probation.** Probation term of ____ years, ____ months 90 days

☒ Supervised, or until FOP requirement, completed

☐ Unsupervised

☐ **No Probation.**

PROBATION CONDITIONS:

In addition to all standard conditions of probation

☒ **Defendant Shall Obtain and Maintain Full-time Employment** (30 hours/week or more), or full-time education, or a combination of employment and education.

☒ **Defendant Shall Enter, Attend, and Successfully Complete Counseling/Treatment Program(s)** as required by the plea and disposition agreement and/or as recommended by probation authorities. These may include but are not limited to

- ☐ Alcohol/Substance Abuse Treatment
- ☐ Anger/Conflict Management
- ☐ Domestic Violence Counseling
- ☐ Victim Impact Program

☒ **DWI First Offenders Program through the METROPOLITAN COURT**

☒ **Defendant Shall Not Have or Use Any Illegal Drugs Nor Alcoholic Beverages** nor enter or remain in any tavern, bar, or lounge.

☒ **Random Urinalysis**

☒ **Defendant Shall Perform Community Service** in a program/facility approved by probation authority. The following are mandatory; _____

- ☒ 1st DWI 24 hours;
- _____ 2nd DWI 48 hours;
- _____ 3rd DWI 96 hours

☒ **Defendant Shall Not Drive Without a Valid New Mexico Driver's License and Insurance.**

☒ **Alcohol Screening Is Ordered 66-8-102E & K**

☒ **Defendant Shall Install an Interlock Device In Every Vehicle To Which Defendant Has Access**

☐ **Defendant Shall Pay Restitution**

☐ in the amount of \$ _____

OR

☐ as determined by probation authorities

☐ **Defendant Shall Not Have Contact or Association with Any Street Gangs or their members.**

☐ **Defendant Shall Not Have Contact or Association with Co-Defendants** _____

☐ **Defendant Shall Not Have Contact with Victim(s) or Family(ies) of Victim(s).** Defendant shall not contact in person, by phone, or through anyone other than Defendant's probation officer or attorney any of the following persons or their families: _____

☐ **Defendant Shall Not Go to or Within** _____ of above named persons or their families residences or work places.

☐ **Defendant Shall Not Go to or Remain in Any of the Following Areas** or neighborhoods except when physically accompanied by a police or probation officer: _____

☐ **Defendant Shall Register as a Sex Offender** pursuant to section NMSA 1978 §29-11A-1, *et seq.*, as amended.

☐ **Crime stopper Donation** of \$ _____

☒ **Defendant Shall Not Possess Weapons**

☒ **STEPS Program**

Special Conditions of probation as Follows: _____

Telephonic Reporting Permitted

PROBATION COSTS:

- ☐ Probation Costs shall be waived.
- ☒ Probation Costs shall be determined by the probation office based on ability to pay.
- ☐ Defendant shall pay \$ _____ per month.
- ☒ Probation costs shall be waived for any month that Defendant is paying for:
- ☐ Treatment
 - ☒ Restitution
 - ☒ Counseling
 - ☐ Other

FEES & FINES

Defendant must pay the following:

- ☐ Controlled Substance Fee \$75. §31-12-8
- ☐ DNA Fee of \$100 and provide DNA sample as directed. §29-16-11 & §29-3-10
- ☐ Domestic Violence Fund Fee of \$5.00. §31-12-11A
- ☐ Crime Victim Reparation Fee §31-12-13
- ☐ Felony - \$75
 - ☐ Misdemeanor - \$50

DWI Offenses:

- ☒ Chemical/Other Testing Fee of \$85. §31-12-7A
- ☒ Comprehensive Community Corrections Fee of \$75. §31-12-7B
- ☐ Subsequent Offense Mandatory Fine §66-8-102F
- ☐ 2nd Offense: \$500
 - ☐ 3rd Offense: \$750

*will be
conducted
to pre-sentence
confinement
credit*

☐

PRE-SENTENCE CONFINEMENT CREDIT

Pre-sentence confinement credit in the amount of 3 days is awarded as of this date, and post-sentence confinement credit until transported to the Corrections is also awarded if Defendant is imprisoned at any time pursuant to the above conviction(s). The Defendant shall not receive pre-sentence confinement credit towards any period of probation.

DISMISSAL OF REMAINING CHARGES

- ☒ Counts remaining of CR 2025-00757 will be dismissed.

Loan

District Judge: LUCY SOLIMON
Division: XXX

SFB

Jennifer Nicole Berry
JENNIFER NICOLE BERRY
505 Marquette NW
Albuquerque, NM 87102
(505) 369-3600

STEVEN DIAMOND
520 Lomas Blvd. NW
Albuquerque, NM 87102
(505) 222-1099



U.S. Immigration and Customs Enforcement

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Search Results: 1

JUAN LAMAS AGUILAR

Country of Birth : Mexico

Status : In ICE Custody

State: NM

Current Detention Facility: [TORRANCE COUNTY DETENTION CENTER](#)

** Click on the Detention Facility name to obtain facility contact information*

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EXHIBIT

8

STATE vs. MOISES LLAGUNO

D-202-CR-2024-00290

PLEA AND DISPOSITION AGREEMENT PAGE 8

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

SECOND JUDICIAL DISTRICT COURT

CR # D-202-CR-2024-00290

DA # 2024-03055-1

1951 80

STATE OF NEW MEXICO,
Plaintiff,

vs.

Moises Llaguno,

Defendant.

DOB: 12/25/1971

SSN: XXX-XX-0000

- ☐ CONDITIONAL DISCHARGE
☐ ORDER DEFERRING SENTENCE
☒ JUDGMENT, SENTENCE AND -
 ☐ FULLY SUSPENDED SENTENCE
 ☒ PARTIALLY SUSPENDED SENTENCE
 ☐ COMMITMENT TO THE METROPOLITAN DETENTION CENTER
 ☐ COMMITMENT TO THE N.M. DEPARTMENT OF CORRECTIONS

THIS MATTER having come before the Honorable Joseph Montano, District Court Judge, on June 18, 2025, for sentencing, the State appearing and being represented by Sean Cairns, Defendant appearing and represented by counsel of record, Luke Jobe, and Defendant having been convicted on June 28, 2025, of the following crimes pursuant to:

- ☒ Guilty Plea(s)
☐ Guilty Plea Pursuant to North Carolina v. Alford
☐ No Contest Plea(s)
☐ Verdict(s)
☐ Provisional Plea of Guilty subject to a Conditional Discharge

Defendant is hereby sentenced to the custody of the:

- ☒ Bernalillo County Metropolitan Detention Center
☐ New Mexico Department of Corrections

for the following terms of imprisonment:

STATE vs. MOISES LLAGUNO

D-202-CR-2024-00290

PLEA AND DISPOSITION AGREEMENT PAGE 9

Case Number D-202-CR-2024-00290	Statute Number	Class	State Tracking Number	Date Of Offense	Serious Violent Offense	Charging Document	
Count Number 1	66-8-102(F)(2)	<input type="checkbox"/> PM <input checked="" type="checkbox"/> M <input type="checkbox"/> F4 <input type="checkbox"/> F3 <input type="checkbox"/> F2 <input type="checkbox"/> F1	2024-03055 -1	2/18/2024	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	<input type="checkbox"/> Indictment <input checked="" type="checkbox"/> Information	
Offense Name Driving While Under the Influence (3rd Offense)	<input type="checkbox"/> Conditional Discharge –STOP <input type="checkbox"/> Deferred Sentence – STOP <input checked="" type="checkbox"/> Sentence – Enter Sentence Data Below			Concurrent to Counts	Consec-utive to Counts	Enhancement Code	Parole <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
	Years	Months	Days				
				364			Years

Enhancements: FA = Firearm, O= Old Age, H = Handicap, HO = Habitual Offender

* Applies to crimes committed after July 1, 1999. See below for any special enumerations required for this status.

STATE vs. MOISES LLAGUNO

D-202-CR-2024-00290

PLEA AND DISPOSITION AGREEMENT PAGE 10

SENTENCE SPECIFICS:

- ☐ Enumeration of Discretionary Special Violent Offender or Aggravation Findings for Count(s) ____.

☒ Total Sentence of ____ years, ____ months, 360 days.

☐ Consecutive to the sentence imposed in Case Number

☐ Concurrent to the sentence imposed in Case Number

☒ Actual Term of Incarceration. Defendant is to be incarcerated for ____ years, ____ months, 30 days in

☐ New Mexico Corrections Department

☒ Metropolitan Detention Center

☒ MDC Good Time

☐ Authorized

☒ Not authorized

☐ Community Custody Program (CCP)

☐ Authorized

☐ Ordered

SENTENCE FORM

☒ Suspended Sentence. ____ years, ____ months, 334 days of the total sentence is suspended.

☐ Deferred Sentence. Sentence is deferred for ____ years, ____ months ____ days.

☐ Conditional Discharge. Without adjudication of guilt, further proceedings are deferred for ____ years, ____ months, ____ days pursuant to:

☐ NMSA §31-20-13

☐ NMSA §30-31-28 (Controlled Substances Act; only for violations of §30-31-23)

PAROLE

☒ Defendant, if imprisoned at any time in the Department of Corrections, shall be placed on a period of parole as required by Section 31-21-10, NMSA.

PROBATION

☒ Probation. Probation term of ____ years, ____ months, 334 days

☒ Supervised

☐ Unsupervised

☐ No Probation.

PROBATION CONDITIONS:

STATE vs. MOISES LLAGUNO
D-202-CR-2024-00290
PLEA AND DISPOSITION AGREEMENT PAGE 11

<p><u>In addition to all standard conditions of probation</u></p> <p><input type="checkbox"/> <u>Defendant Shall Obtain and Maintain Full-time Employment, Attend School Full-time, or a Combination of Both</u></p> <p><input checked="" type="checkbox"/> <u>Defendant Shall Enter, Attend, and Successfully Complete Counseling/Treatment Program(s) as required by the plea and disposition agreement and/or as recommended by probation authorities.</u> <u>These may include but are not limited to</u></p> <p><input checked="" type="checkbox"/> <u>Alcohol/Substance Abuse Treatment</u></p> <p><input checked="" type="checkbox"/> <u>Anger/Conflict Management</u></p> <p><input checked="" type="checkbox"/> <u>Domestic Violence Counseling</u></p> <p><input checked="" type="checkbox"/> <u>Victim Impact Program</u></p> <p><input checked="" type="checkbox"/> <u>DWI First Offenders Program through the METROPOLITAN COURT</u></p> <p><input checked="" type="checkbox"/> <u>Defendant Shall Not Have or Use Any</u></p> <p><input checked="" type="checkbox"/> <u>Illegal Drugs Nor</u></p> <p><input checked="" type="checkbox"/> <u>Alcoholic Beverages</u></p> <p><input checked="" type="checkbox"/> <u>nor enter or remain in any tavern, bar, or lounge.</u></p> <p><input checked="" type="checkbox"/> <u>Random Urinalysis</u></p> <p><input checked="" type="checkbox"/> <u>Defendant Shall Perform Community Service in a program/facility approved by probation authority.</u> <u>The following are mandatory; _____</u></p> <p><u>_____ 1st DWI 24 hours;</u></p> <p><u>_____ 2nd DWI 48 hours;</u></p> <p><input checked="" type="checkbox"/> <u>3rd DWI 96 hours</u></p> <p><input type="checkbox"/> <u>Defendant Shall Not Drive Without a Valid New Mexico Driver's License and Insurance.</u></p> <p><input type="checkbox"/> <u>Alcohol Screening Is Ordered 66-8-102E & K</u></p> <p><input type="checkbox"/> <u>Defendant Shall Install an Interlock Device In Every Vehicle To Which Defendant Has Access</u></p>	<p><input type="checkbox"/> <u>Defendant Shall Pay Restitution to _____</u></p> <p><input type="checkbox"/> <u>in the amount of \$ _____</u></p> <p>OR</p> <p><input type="checkbox"/> <u>as deemed appropriate by probation</u></p> <p><input type="checkbox"/> <u>Defendant Shall Not Have Contact or Association with Any Street Gangs or their members.</u></p> <p><input type="checkbox"/> <u>Defendant Shall Not Have Contact or Association with Co-Defendants</u></p> <p><input type="checkbox"/> <u>Defendant Shall Not Have Contact with Victim(s) or Family(ies) of Victim(s). Defendant shall not contact in person, by phone, or through anyone other than Defendant's probation officer or attorney any of the following persons or their families:</u></p> <p><input type="checkbox"/> <u>Defendant Shall Not Go to or Within</u> <u>of above named persons or their families residences or work places.</u></p> <p><input type="checkbox"/> <u>Defendant Shall Not Go to or Remain in Any of the Following Areas or neighborhoods except when physically accompanied by a police or probation officer;</u></p> <p><input type="checkbox"/> <u>Defendant Shall Register as a Sex Offender pursuant to section NMSA 1978 §29-11A-1, et seq., as amended.</u></p> <p><input type="checkbox"/> <u>Crime stopper Donation of \$ _____.</u></p> <p><input type="checkbox"/> <u>Defendant Shall Not Possess Weapons</u></p> <p><input checked="" type="checkbox"/> <u>STEPS Program</u></p>
---	---

Special conditions of probation as follows: _____

STATE vs. MOISES LLAGUNO

D-202-CR-2024-00290

PLEA AND DISPOSITION AGREEMENT PAGE 12

PROBATION COSTS:

- ☐ Probation Costs shall be waived.
- ☒ Probation Costs shall be determined by the probation office based on ability to pay.
- ☐ Defendant shall pay \$ _____ per month.
- ☐ Probation costs shall be waived for any month that Defendant is paying for:
 - ☐ Treatment
 - ☐ Restitution
 - ☐ Counseling
 - ☐ Other

FEES & FINES

Defendant must pay the following:

- ☐ Controlled Substance Fee \$75. §31-12-8
- ☐ DNA Fee of \$100 and provide DNA sample as directed. §29-16-11 & §29-3-10
- ☐ Domestic Violence Fund Fee of \$5.00. §31-12-11A
- ☐ **Crime Victim Reparation Fee** §31-12-13
 - ☐ **Felony - \$75**
 - ☐ **Misdemeanor - \$50**

DWI Offenses:

- ☒ Chemical/Other Testing Fee of \$85. §31-12-7A
- ☐ Comprehensive Community Corrections Fee of \$75. §31-12-7B
- ☒ **Subsequent Offense Mandatory Fine** §66-8-102F
 - ☐ **2nd Offense: \$500**
 - ☒ **3rd Offense: \$750**

PRE-SENTENCE CONFINEMENT CREDIT


- ☒ Pre-sentence confinement credit in the amount of 18 days is awarded as of this date, and post-sentence confinement credit until transported to the Corrections is also awarded if Defendant is imprisoned at any time pursuant to the above conviction(s). The Defendant shall not receive pre-sentence confinement credit towards any period of probation.

DISMISSAL OF REMAINING CHARGES

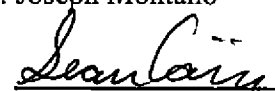
- ☐ **Counts of CR #.**



Luke Jobe
COUNSEL FOR DEFENDANT



DISTRICT COURT JUDGE: Joseph Montano
DIVISION: XXVI



Sean Cairns
520 Lomas Blvd NW
Albuquerque, NM 87102



STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

Case No. D-202-CR-2024-01951
DA#: 2024-03055-1

STATE OF NEW MEXICO,
Plaintiff,

v.

MOISES LLAGUNO,
A.K.A.(s) Moises Llagano-Manuel; Moises Manuel,
Defendant.

AMENDED INFORMATION

Candace Coulson, Deputy District Attorney for the Second Judicial District of the State of New Mexico, accuses Moises Llaguno of Aggravated Driving While Under the Influence of Intoxicating Liquor or Drugs (.16 or above)(5126), and charges:

**COUNT 1: AGGRAVATED DRIVING WHILE UNDER THE INFLUENCE OF
INTOXICATING LIQUOR OR DRUGS (.16 OR ABOVE) (5126)**

That on or about February 17, 2024, in Bernalillo County, New Mexico, the above-named defendant did drive a vehicle in this state and had an alcohol concentration of sixteen one hundredths (.16) or more in the person's blood or breath within three hours of driving the vehicle and the alcohol concentration resulted from alcohol consumed before or while driving the vehicle, a special fourth degree felony, contrary to Section 66-8-102(D)(1), NMSA 1978.

/s/ Candace Coulson
Candace Coulson, Deputy District Attorney
for the Second Judicial District, State of New Mexico

STATE OF NEW MEXICO)
)
COUNTY OF BERNALILLO)

VERIFICATION

Candace Coulson, Deputy District Attorney, being duly sworn, says that the facts stated in the foregoing Information are true according to the best of her information and belief.

/s/ Candace Coulson
Deputy District Attorney

CJC

CASE INFORMATION

DA FILE#: 2024-03055-1

MET.CT.#: T-4-DW-2024-000290

PD#: N/A

LEA/RPT#: Albuquerque Police Department / 24-0013935

PROSECUTOR: Candace Coulson, Deputy District Attorney

DOB: 12/25/1971

SS#:

ADD: 222 Rose Dr , Bernalillo, NM 87004; 10200 Central Ave SW Space 28, Albuquerque, NM 87121; 6 Arnold, Los Lunas, NM 87031

BOOKING/ARREST DATE:

BOOKING/ARREST#: 24-02734

STN: Not Available

DEF.ATTY: None

CJC

PENALTIES

Count 1: **Aggravated Driving While Under the Influence of Intoxicating Liquor or Drugs (.16 or above)(5126)**, a fourth degree felony with a basic sentence of 24 months and not more than \$5,000 fine, including a mandatory imprisonment term of not less than 12 months .

4th Degree Felony: Basic sentence of 18 months imprisonment and not more than \$5,000 fine.

3rd Degree Felony: Basic sentence of 3 years imprisonment and not more than \$5,000 fine.

2nd Degree Felony: Basic sentence of 9 years imprisonment and not more than \$10,000 fine.

1st Degree Felony: Basic sentence of 18 years imprisonment and not more than \$15,000 fine.

USE OF FIREARM ALTERATION TO BASIC SENTENCE (FE): basic sentence of imprisonment increased by 1 year for first offense in which a firearm is used and 3 years for subsequent offenses in which a firearm is used for incidents occurring on or before June 30, 2020; basic sentence of imprisonment increased by 3 years for first offense in which a firearm is used and 5 years for subsequent offenses in which a firearm is used for incidents occurring on or after July 1, 2020.

USE OF HATE CRIME ENHANCEMENT: Basic sentence of imprisonment is increased by one (1) year, unless second offense, then the basic sentence is increased by two (2) years.

Special Penalty: (Receiving or Transferring a Stolen Vehicle (Possession) only) Basic sentence of one year and/or \$5,000 fine.

Misdemeanor: Less than 1 year in the County Jail and/or not more than \$1,000 fine.

Petty Misdemeanor: Not more than 6 months in the County Jail and/or not more than \$500 fine.

Penalty for Driving While Under the Influence - Felony Offense:

(4th): Basic sentence of 18 months and not more than \$5,000 fine, including a mandatory imprisonment term of not less than 6 months;
(5th): Basic sentence of 24 months and not more than \$5,000 fine, including a mandatory imprisonment term of not less than 12 months;
(6th): Basic sentence of 30 months and not more than \$5,000 fine, including a mandatory imprisonment term of not less than 18 months;
(7th or Subsequent): Basic sentence of 36 months and not more than \$5,000 fine, including a mandatory imprisonment term of not less than 24 months.

Penalty for Driving While Under the Influence - Misdemeanor: If 1st Offense, basic sentence is maximum 90 days jail and \$500 fine, and if aggravated an additional 48 hours jail time; if 2nd Offense, basic sentence is mandatory 72 hours in jail and \$500 fine to maximum of 364 days and \$1,000 fine, and if aggravated an additional 96 hours jail time; if 3rd Offense, basic sentence is a mandatory 30 days in jail and \$750 fine to maximum of 364 days and \$1,000 fine, and if aggravated an additional mandatory 60 days jail time.

Penalty for Driving While License Suspended or Revoked: Traffic Code Misdemeanor, Special Penalty: not less than 4 days nor more than 364 days and fine up to \$1,000 (non-DWI related suspension/revocation); or not less than 7 consecutive days imprisonment and mandatory fine not less than \$300 nor more than \$1,000 (DWI revocation).

Penalty for Reckless Driving: Upon first conviction, basic sentence of 5 days to 90 days imprisonment, and/or \$25 to \$100 fine. Upon a second or subsequent conviction, basic sentence of 10 days to 6 months imprisonment, and/or \$50 to \$1,000 fine.

Penalty for Traffic Code Misdemeanor: fine of not more than \$300 or imprisonment for not more than 90 days or both.

Penalty Assessment Misdemeanor: See Schedule in Traffic Code, Section 66-8-116.

1st Degree Felony for Child Abuse (Intentionally Caused) (Resulting in Death) (Child Under 12): Life imprisonment.

2nd Degree Felony Resulting in the Death of a Human Being: Basic sentence of 15 years but not less than 10 years nor more than 20 years imprisonment and not more than \$12,500 fine.

3rd Degree Felony Resulting in the Death of a Human Being: Basic sentence of 6 years but not less than 4 years nor more than 8 years imprisonment and not more than \$15,000 fine.

2nd Degree Felony, Sexual Offense Against A Child: Basic sentence of 15 years imprisonment and not more than \$12,500 fine.

3rd Degree Felony, Sexual Offense Against A Child: Basic sentence of 6 years imprisonment and not more than \$5,000 fine.

OPEN CHARGE OF MURDER

Penalty for FIRST DEGREE MURDER (Willful and Deliberate) or (Depraved Mind)

CAPITAL FELONY: Life Imprisonment, to be followed by a minimum five year parole term upon release.

SECOND DEGREE MURDER: Basic sentence of 15 years imprisonment and not more than \$12,500 fine, to be followed by a two year parole term.

VOLUNTARY MANSLAUGHTER: Basic sentence of 6 years imprisonment and not more than \$15,000 fine, to be followed by a two year parole term.

INVOLUNTARY MANSLAUGHTER: 4th Degree Felony: Basic sentence of 18 months imprisonment and not more than \$5,000 fine, to be followed by a one year parole.

Penalty for FIRST DEGREE MURDER (Felony Murder):

CAPITAL FELONY: Life Imprisonment, to be followed by a minimum five year parole term upon release.

EXHIBIT

10

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURTSTATE OF NEW MEXICO,
Plaintiff,

v.

No. D-202-CR- 2024 - 01951Moises Uaguno
Defendant.DOB: xx/xx/1971SSN: xxx-xx-0000**ORDER SETTING CONDITIONS OF RELEASE**

In entering this Order Setting Conditions of Release, the Court has considered the results of the Pretrial Risk Assessment, the financial resources of the defendant, and the factors outlined in 5-401 (C), as available.

Pretrial detention motion

- ☐ A pretrial detention motion has been filed by the State.
- ☐ The motion for pretrial detention was granted and the order of pretrial detention remains in effect.
- ☐ The motion for pretrial detention was denied. Defendant is subject to the conditions of release in this Order.
- [Either party may file a motion to review under 5-409 (K) and said motion will be considered by the assigned judge.]
- ☒ A pretrial detention motion has not been filed by the State.

Release on recognizance or unsecured bond:

It is ordered that the defendant be released from custody on:

- ☐ Personal recognizance.
- ☐ Unsecured appearance bond of \$_____.
- ☐ Third-party custody release to: _____ (individual or organization).

I/We agree to supervise the defendant; to use every effort to assure the defendant's appearance at all scheduled hearings; and to notify the court immediately if the defendant violates any conditions of release.

Signature of Custodian

Address (city/zip)

Area Code/Telephone #

Defendant's conditions of release:

The court **FINDS** that the following conditions of release are the least restrictive conditions necessary to reasonably assure the appearance of the defendant as required and the safety of any other person and the community. The defendant shall not violate any federal, state or local criminal law and shall:

- a. ☐ Be on Pretrial Service supervision and abide by all conditions set by the Court and by Pretrial Services;

- b. ☐ Report to Pretrial Services in person (during business hours) within 24 hours of release. *Pretrial Services is located at 401 Roma Ave. NW, 6th Floor. NW corner of Roma Ave. and Fourth St. The phone number for Pretrial Services is (505)841-5479.*
- c. ☐ Not possess any firearms or dangerous weapons;
- d. ☐ Not return to the location of the alleged incident;
- e. ☐ Not consume alcohol;
- f. ☐ Not consume cannabis, cannabis products, or synthetic cannabinoids without a certification from a licensed medical practitioner;
- g. ☐ Not buy, sell, consume, or possess illegal drugs;
- h. ☐ Notify the court of any change of address;
- i. ☐ Not leave the county of Bernalillo, State of New Mexico without prior permission of the court;
- j. ☐ Maintain weekly contact with the defendant's attorney/seek and consult with an attorney;
- k. ☐ Avoid all contact with the alleged victim or any witness who may testify in this case;
- l. ☐ Have an ignition interlock device installed on any vehicle the defendant may drive;(☐ camera capable ignition interlock device)
- m. ☐ Reside at _____ unless otherwise agreed to by the court;
- n. ☐ Submit to drug or alcohol testing on the request of _____;
- o. ☐ Not leave the defendant's residence between the hours of _____ p.m. and _____ a.m. without prior permission of the court;
- p. ☐ Maintain employment, or, if unemployed, actively seek employment;
- q. ☐ Maintain or commence an educational program;
- r. ☐ Submit to medical, psychological, psychiatric, or substance abuse treatment;
- s. ☐ Remain at _____ for a period of _____;
- t. ☐ Avoid all contact with _____;
- u. ☐ Abide by geographical restrictions (GPS);
- v. ☐ Not take or use any narcotic drugs without a prescription from a licensed medical practitioner;
- w. ☐ Drive only with a valid New Mexico Driver's License and insurance;
- x. ☒ Other conditions Report to Adult Probation & Parole by
Monday June 23 before 3 PM

Release on secured bond:

☐ The court **FINDS** that release on non-monetary conditions will not reasonably assure the appearance of the defendant. The court notes that the only purpose for imposing a secured bond is to ensure the defendant appears for all necessary court hearings and for trial. The court further notes that, under the New Mexico Supreme Court case *State v. Brown*, a secured bond cannot be used for the purpose of detaining a defendant who may pose a danger to the safety of the community. 2014-NMSC-038. In setting the amount of the secured bond, the court has considered the available information concerning defendant's financial resources and has set the lowest bond amount that will reasonably ensure the defendant's appearance in court.

In making the determination in setting a secured bond, the court finds the following particularized factors require imposition of a secured bond in the amount set forth below:

- ☐ The defendant has failed to appear _____ times for court hearings on prior cases and the present matter.
- ☐ A warrant has been issued for the defendant's failure to appear for court hearings _____ times on prior cases and the present matter.
- ☐ Other particularized factors considered by the court: _____

Secured bond of \$ _____, secured by:

- ☐ cash at ten percent (10%) of total bond.

- ☐ Real property bond executed on Form 9-304 NMRA.
☐ Either one hundred percent (100%) cash or a surety bond executed on Form 9-304 NMRA.
☐ Defendant already posted a bond through _____

Defendant's acceptance of conditions of release and promise to appear:

I understand the above conditions of release and agree to them.

I understand that the court may have me arrested at any time, without notice, to review and reconsider these conditions.

I understand that my conditions of release may be revoked and I may be charged with a separate criminal offense if I intimidate or threaten a witness, the victim, or an informant, or if I otherwise obstruct justice.

I further understand that my conditions of release may be revoked if I violate a federal, state, or local criminal law.

I agree to appear before the court on _____, at _____ a.m./p.m. located at 400 Lomas Blvd. NW, Albuquerque, New Mexico before Judge _____ and at any other times and places required in this case by any court.

I understand that if I fail to appear as required, my bond, if any, may be forfeited, and I may be prosecuted and sent to jail or the penitentiary for the separate offense of failure to appear. I agree to comply fully with each of the conditions imposed on my release and to notify the court promptly if I change the address indicated below.

Waind
Defendant's signature

Date of signature

Date and time of release

(505) 208-8300

Cell phone number

Alternate phone number

Email Address

10200 Central Ave SW ABO, NM, 87121
Mailing address (include city, state and zip code)

Physical address (include city, state and zip code)

CCP is authorized in all cases by default, subject to the terms of the MOU between this Court and the County. The Court may also choose not to authorize CCP in any given case or may grant an override to authorize CCP in a case which might not qualify under the MOU. If no box is checked, CCP is authorized, subject to the terms of the MOU.

☐ No CCP ☐ CCP override authorized subject to MDC internal policies and review

Judicial approval of conditions:

Joseph Montano
District Court Judge Joseph Montano

[Signature]
Assistant District Attorney Signature

[Signature]
Defense Counsel Signature

\$ _____ Posted on _____
by _____ Rev-verified
by _____
Date _____

COUNTY OF SAN MIGUEL)

9. At this first appointment, my husband was told to return to the probation office in Santa Fe on Thursday, August 14, 2025, at 10:30 a.m. to provide a urine sample.

10. On August 14, 2025, at 10:30 a.m., my husband reported to the probation office in Santa Fe to provide a urine sample. However, he was told that his probation officer, Mr. Roybal, was not there and that he needed to report back on Monday, August 18, 2025, at 9:00 a.m.

11. On Monday, August 18, 2025, at 9:00 a.m., my husband reported to the probation office in Santa Fe for the urine sample appointment.

12. Shortly after arriving on August 18, 2025, my husband was arrested by ICE agents inside the probation office.

13. After my husband was detained, I ~~called~~ ^{went to} the probation office in Santa Fe and ^{ICL} asked to speak with his probation officer, Mr. Roybal, so that I could ask why ICE agents were in the probation office. The front desk receptionist informed me that Mr. Roybal was not in the office. However, I could hear Mr. Roybal's voice in the background.

14. My husband told me that both Mr. Roybal and another bilingual female probation officer were present in the probation office in Santa Fe on August 18, 2025.

15. My husband also told me that other individuals were also arrested by ICE agents on August 18, 2025, inside the probation office in Santa Fe.

16. My husband is currently in ICE detention.

17. When my husband was arrested by ICE agents, he was complying with all of the rules of probation, was not drinking, and was only working and staying with me and our daughter.

18. The statement provided above is true and correct under penalty of perjury under the laws of the State of New Mexico.

Signed:

A handwritten signature in cursive script, reading "Isabel Chavez", written over a horizontal line.

ISABEL CHAVEZ

August 26, 2025



CRIMINAL COMPLAINT

EXHIBIT**12**FILED IN
SAN MIGUEL MAGISTRATE COURT

AUG 08 2024

BY [Signature] CLERK

STATE OF NEW MEXICO

COUNTY OF **SAN MIGUEL**CITY OF **PECOS****MAGISTRATE**

COURT

STATE OF NEW MEXICO

V.

ESCOBAR-ARAUZ, MELVIN ELISANDRO, DefendantNo.: M-48-FR-2024-00251Address: **2001 HOPEWELL ST, SANTA FE, NM 87505**Judge Assigned: CMZDate Of Birth: **03/15/1993** Social Security Number: **517-92-3885**Agency Case #: **NMSPR2411343**Height: **5' 08"** Weight: **150 lbs** Hair: **BRO** Eyes: **BRO** Race: **W**

STN: _____

Driver License Number: **517923885** State: **NM**Arrest Date: **08/07/2024****CRIMES: BATTERY UPON A PEACE OFFICER, BATTERY UPON A PEACE OFFICER, BATTERY UPON A PEACE OFFICER, DISORDERLY CONDUCT, RESISTING, EVADING OR OBSTRUCTING AN OFFICER**

The undersigned, under penalty of perjury, complains and says that

(Count 1) **Battery Upon a Peace Officer** on or about the 7th day of August, 2024, in SAN MIGUEL County, State of New Mexico, the above-named defendant touched or applied force in a manner that physically injured, jeopardized the safety of or challenged the authority of (Officer Ferran), knowing or having reason to know that (Officer Ferran) was a peace officer with (New Mexico State Police) in the lawful performance of his/her duties, a fourth degree felony, contrary to NMSA 1978, Section 30-22-24 (1971).

(Charge Code 0225)(30-22-24)

(Count 2) **Battery Upon a Peace Officer** on or about the 7th day of August, 2024, in SAN MIGUEL County, State of New Mexico, the above-named defendant touched or applied force in a manner that physically injured, jeopardized the safety of or challenged the authority of (Officer Parra-Medina), knowing or having reason to know that (Officer Parra-Medina) was a peace officer with (New Mexico State Police) in the lawful performance of his/her duties, a fourth degree felony, contrary to NMSA 1978, Section 30-22-24 (1971).

(Charge Code 0225)(30-22-24)

(Count 3) **Battery Upon a Peace Officer** on or about the 7th day of August, 2024, in SAN MIGUEL County, State of New Mexico, the above-named defendant touched or applied force in a manner that physically injured, jeopardized the safety of or challenged the authority of (Officer Patrick Griswold), knowing or having reason to know that (Officer Patrick Griswold) was a peace officer with (New Mexico State Police) in the lawful performance of his/her duties, a fourth degree felony, contrary to NMSA 1978, Section 30-22-24 (1971).

(Charge Code 0225)(30-22-24)

(Count 4) **Disorderly Conduct** on or about the 7th day of August, 2024, in SAN MIGUEL County, State of New Mexico, the above-named defendant engaged in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tended to disturb the peace, a petty misdemeanor, contrary to NMSA 1978, Section 30-20-1 (1967).

(Charge Code 1535)(30-20-01(A))

(Count 5) **Resisting, Evading or Obstructing an Officer** on or about the 7th day of August, 2024, in SAN MIGUEL County, State of New Mexico, the above-named defendant resisted or abused [Officers Griswold, Parra-Medina and Ferran, an officer with New Mexico State Police] in the lawful performance of [his/her] duties, a misdemeanor, contrary to NMSA 1978, Section 30-22-1(D) (1981).

(Charge Code 1550)(30-22-01(D))

To Wit: On Wednesday, August 7, 2024, at approximately 11:44 p.m., I Officer Leticia Ferran with the New Mexico State Police was on duty in full uniform displaying my Badge of Office #390. I was further in operation of a New Mexico State Police Marked Unit #201. I was dispatched to 25 Sage Lane in Pecos, San Miguel County. New Mexico State Police Dispatch advised of a third-party call. Dispatch stated the reporting party was calling in regard to his brother-in-law. The reporting party stated his brother-in-law was causing a disturbance. The reporting party also advised his brother-in-law has been armed with a firearm in the past.

Upon arrival at approximately 11:05 p.m., I made contact with a female later identified as Isabel Chavez. Chavez stated her husband, (later identified as Melvin Escobar-Arauz) arrived at their residence highly intoxicated and was being disorderly. Chavez stated Escobar-Arauz was revving his dirt bike engine. Chavez asked Escobar-Arauz to stop because their 3-year-old daughter was scared and started crying. Chavez stated she also asked Escobar-Arauz to stop revving the engine due to the fact it was already 10:00 p.m., and they live in a trailer park as well. Escobar-Arauz began yelling at Chavez's father in his face. Chavez stated she told Escobar-Arauz to stop yelling at her father. At that point Escobar-Arauz got in Chavez's face and began yelling at her. Chavez's father witnessed the verbal altercation and went across the street to his son's house, (Chavez's brother). Chavez's brother called Law Enforcement.

I observed Escobar-Arauz sitting outside his residence. Escobar-Arauz was sitting in his lawn chair. Escobar-Arauz had music playing very loud. I made contact with Escobar-Arauz and asked him to lower his music. Escobar-Arauz did not lower his music when advised to the second time. Escobar-Arauz was asked to lower his music for the consideration of his neighbors sleeping. Officer Juan Parra-Medina asked Escobar-Arauz for his identification. Escobar-Arauz refused to provide identification.

I walked over to Chaves and asked her if she was willing to stay at her parents' house for the night due to Escobar-Arauz being intoxicated and their verbal altercation. Chaves stated she and their 3-year-old daughter would stay at her father's residence.

I turned around to advise Escobar-Arauz they were going to be separated for the night and that was when I observed Escobar-Arauz attempting to go inside the residence. Officer Parra-Medina grabbed Escobar-Arauz arm to prevent him from entering the residence. I assisted Officer Parra-Medina and pulled Escobar-Arauz back towards his lawn chair. Escobar-Arauz tensed up, took a wide stance and put his chest out, in an aggressive fighting manner. Officer Parra-Medina and I attempted to sit Escobar-Arauz back down in the chair, but he was resisting and fell out of the chair and onto the floor. Officer Parra-Medina and I stood Escobar-Arauz back up from the ground and once again, Escobar-Arauz was confrontational. Officer Patrick Griswold and Officer Parra-Medina attempted to take Escobar-Arauz to the patrol unit to have seat there. Escobar-Arauz continued to resist and fight, Escobar-Arauz was taken down to the ground while Officers Griswold, Parra-Medina and I placed him in handcuffs.

Escobar-Arauz kicked Officers Griswold, Parra-Medina and I. Escobar-Arauz grabbed both Officer Parra-Medina's wrist as well as mine and would not let go.

Escobar-Arauz sustained several small abrasions to his face, head, ear and neck. The location Escobar-Arauz was taken down was in a driveway with gravel on the ground.

Escobar-Arauz was transported to the Pecos State Police Office located at 466 NM 63 in Pecos.

Medic 73 arrived at the Pecos Office. Escobar-Arauz, refused medical attention however, due to the use of force used by Officers, Medics checked him out. Escobar-Arauz was cleared by the Medics.

Escobar-Arauz was transported from the Pecos State Police Office to the Alta Vista Regional Hospital located at 104 Legion Drive in Las Vegas. Escobar-Arauz was medically cleared for incarceration.

Escobar-Arauz was booked into the San Miguel County Detention Center located at 26 NM-283 in Las Vegas, New Mexico without further incident.

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 FALSE STATEMENT IN A CRIMINAL COMPLAINT.

Complainant: _____

Name: FERRAN, LETICIA

ID Number (if any): 6549

Title (if any): PATROLMAN

Agency (if any): NEW MEXICO STATE POLICE

This complaint may not be filed without the 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.

Approved: _____

DISTRICT ATTORNEY OR LAW ENFORCEMENT OFFICER

[As amended, approved by the Supreme Court of New Mexico, effective September 1, 1990; April 1, 1991; November 1, 1991.]

If Probable Cause Determination required:

Probable Cause Found

Probable Cause Not Found, and Defendant Released from Custody

Judge: _____

Date: _____

Time: _____

Pretrial Services

Public Safety Assessment - Court Report

8/8/2024 7:18:12 AM

Name: MELVIN ESCOBAR-ARAUZ	Case Number: M-48-FR-2024-00251	PID: 11489665
YOB: 1993	PSA Assessment Date: 8/8/2024	Arrest Date: 8/8/2024

New Violent Criminal Activity Flag: No

New Criminal Activity Scale



Failure to Appear Scale



Charge(s):	Count (s)	Statute	Degree
Battery upon a Peace Officer	3	30-22-24	4th Degree Felony
Disorderly Conduct	1	30-20-1(A) & 31-19-1	Petty Misdemeanor
Resisting, Evading or Obstructing an Officer (Resisting)	1	30-22-1(D) & 31-19-1	Misdemeanor

Risk Factors:	Responses:
1. Age at Current Arrest	23 or older
2. Current Violent Offense	Yes
a. Current Violent Offense & 20 Years Old or Younger	No
3. Pending Charge at the Time of the Offense	No
4. Prior Misdemeanor Conviction	No
5. Prior Felony Conviction	No
a. Prior Conviction	No
6. Prior Violent Conviction	0 Violent Convictions
7. Prior Failure to Appear in Past 2 Years	0
8. Prior Failure to Appear Older than 2 Years	No
9. Prior Sentence to Incarceration	No

Recommendations: **RECOMMENDATION - ROR**

New Criminal Activity (NCA) Scaled Score						
Failure to Appear (FTA) Scaled Score	1	2	3	4	5	6
1	ROR	ROR				
2	ROR	ROR	PML 1	PML 2	PML 3	
3		PML 1	PML 2	PML 2	PML 3	PML 4
4		PML 1	PML 2	PML 3	PML 3	PML 4
5		PML 2	PML 3	PML 3	PML 4	PML 4
6				PML 4	PML 4	PML 4



STATEMENT OF PROBABLE CAUSE

CASE #: **NMSPR2411343**

FILED IN
SAN MIGUEL MAGISTRATE COURT

STATE OF NEW MEXICO

SAN MIGUEL

COUNTY

PECOS

CITY

IN THE MAGISTRATE COURT

-- VS --

Name: **ESCOBAR-ARAUZ, MELVIN ELISANDRO**

Address: **2001 HOPEWELL ST**

City/Zip: **SANTA FE NM 87505**

D.O.B.: **03/15/1993**

S.S.N.: **517-92-3885**

AUG 08 2024
BY LM CLERK

M-48-FR-2024-00251

The above defendant has been arrested without warrant for the following reasons (set forth a plain concise and definitive statement of facts establishing probable cause): The following incident(s) occurred within **SAN MIGUEL PECOS**

On Wednesday, August 7, 2024, at approximately 11:44 p.m., I Officer Leticia Ferran with the New Mexico State Police was on duty in full uniform displaying my Badge of Office #390. I was further in operation of a New Mexico State Police Marked Unit #201. I was dispatched to 25 Sage Lane in Pecos, San Miguel County. New Mexico State Police Dispatch advised of a third-party call. Dispatch stated the reporting party was calling in regard to his brother-in-law. The reporting party stated his brother-in-law was causing a disturbance. The reporting party also advised his brother-in-law has been armed with a firearm in the past.

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I observed Escobar-Arauz sitting outside his residence. Escobar-Arauz was sitting in his lawn chair. Escobar-Arauz had music playing very loud. I made contact with Escobar-Arauz and asked him to lower his music. Escobar-Arauz did not lower his music when advised to the second time. Escobar-Arauz was asked to lower his music for the consideration of his neighbors sleeping. Officer Juan Parra-Medina asked Escobar-Arauz for his identification. Escobar-Arauz refused to provide identification.

I walked over to Chaves and asked her if she was willing to stay at her parents' house for the night due to Escobar-Arauz being intoxicated and their verbal altercation. Chaves stated she and their 3-year-old daughter would stay at her father's residence.

I turned around to advise Escobar-Arauz they were going to be separated for the night and that was when I observed Escobar-Arauz attempting to go inside the residence. Officer Parra-Medina grabbed Escobar-Arauz arm to prevent him from entering the residence. I assisted Officer Parra-Medina and pulled Escobar-Arauz back towards his lawn chair. Escobar-Arauz tensed up, took a wide stance and put his chest out, in an aggressive fighting manner. Officer Parra-Medina and I attempted to sit Escobar-Arauz back down in the chair, but he was resisting and fell out of the chair and onto the floor. Officer Parra-Medina and I stood Escobar-Arauz back up from the ground and once again, Escobar-Arauz was confrontational. Officer Patrick Griswold and Officer Parra-Medina attempted to take Escobar-Arauz to the patrol unit to have seat there. Escobar-Arauz continued to resist and fight, Escobar-Arauz was taken down to the ground while Officers Griswold, Parra-Medina and I placed him in handcuffs.

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Escobar-Arauz was transported to the Pecos State Police Office located at 466 NM 63 in Pecos.

Medic 73 arrived at the Pecos Office. Escobar-Arauz, refused medical attention however, due to the use of force used by Officers, Medics checked him out. Escobar-Arauz was cleared by the Medics.

Escobar-Arauz was transported from the Pecos State Police Office to the Alta Vista Regional Hospital located at 104 Legion Drive in Las Vegas. Escobar-Arauz was medically cleared for incarceration.

Escobar-Arauz was booked into the San Miguel County Detention Center located at 26 NM-283 in Las Vegas, New Mexico without further incident.

Officer's Signature: _____

Date: **8/8/2024**

Name: **FERRAN, LETICIA**



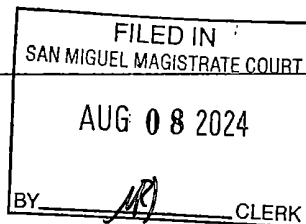
New Mexico
Courts

Mauricela Romero <lvemmdr@nmcourts.gov>

Administrative Office of the Courts - New Job Created [Ref #: 7444162][08/08/24 1:30 PM MDT]

1 message

NM Office of the Courts <aoces@nmcourts.gov>
Reply-To: aoces@nmcourts.gov
To: lvemmdr@nmcourts.gov, aoces@nmcourts.gov



Thu, Aug 8, 2024 at 9:31 AM

Las Vegas Magistrate Court, San Miguel County,

This email is to notify you of a new job that has been entered into the scheduling system with your email address as the requestor.

Please review the details below for accuracy and completeness and let us know if anything is amiss.

Be sure to quote the booking reference (#7444162) in all correspondence

Booking Details

- **Customer:** Las Vegas Magistrate Court, San Miguel County
- **Location:** San Miguel Magistrate Court 1927 7th Street, Las Vegas, NM 87701
- **Language:** Spanish
- **Requested By:** Mauricela Romero (505-454-4828)
- **Expected Start Date:** 08/08/24 1:30 PM MDT
- **Expected End Date:** 08/08/24 2:30 PM MDT
- **Booking Mode:** Video (Scheduled), **Phone (if applicable):**
- **Judge:** Christian Montano
- **Type of Proceeding:** Arraignments
- **Case Number:** M-48-FR-2024-00251
- **Additional Notes:** Google Meet joining info
Video call link: <https://meet.google.com/svw-qfqr-zei>
Or dial: (US) +1 620-412-8752 PIN: 952 251 655#

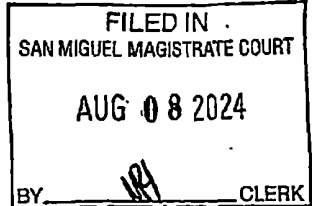
Notes

Google Meet joining info
Video call link: <https://meet.google.com/svw-qfqr-zei>
Or dial: (US) +1 620-412-8752 PIN: 952 251 655#

Best Regards, The Administrative Office of the Courts Team.

505-469-5728
aocjmk@nmcourts.gov

STATE OF NEW MEXICO
SAN MIGUEL COUNTY MAGISTRATE COURT IN LAS VEGAS



STATE OF NEW MEXICO

v
Melvin Elisandro Escobar-arauz, Defendant
DOB: 03/15/1993 SSN: 517-92-3885

No. M-48-FR-2024-00251

Assigned Judge: Christian Montano, I

FELONY FIRST APPEARANCE

Defendant, you have been charged with the following:

Violation	Penalty Range for Degree	Type	Statute	Offense Date
Battery Upon A Peace Officer		4th Degree Felony	30-22-24	08/07/2024
Battery Upon A Peace Officer		4th Degree Felony	30-22-24	08/07/2024
Battery Upon A Peace Officer		4th Degree Felony	30-22-24	08/07/2024
Disorderly Conduct		Petty Misdemeanor	30-20-1(A) & 31-19-1	08/07/2024
Resisting, Evading Or Obstructing An Officer (resisting)		Misdemeanor	30-22-1(D) & 31-19-1	08/07/2024

1. Interpreter required? ☒ No ☐ Yes, Language: Spanish by A. Gustave
2. ☐ Defendant, through counsel, waives formal reading of rights and/or charges. _____
3. (Rule 6-501) The defendant has viewed the ☐ 'Advice of Rights' video or ☒ has been advised of their rights
4. Do you understand your rights? ☒ Yes ☐ No
5. Do you understand the charges and potential penalties? ☒ Yes ☐ No
6. Do you want an attorney? ☒ Yes ☐ No ☐ Waiver of Counsel Filed
7. Can you hire your own attorney? ☐ Yes ☒ No EOA by date: _____
Defendant Incarcerated - ☒ Yes ☐ No

Probable Cause (Rule 6-203):

- ☐ Found prior to First Appearance Date: _____/Time: _____
☒ Found at First Appearance
☐ Not Found (Fill out Form 9-207A) ☐ Probable cause not required

Bond: Complete Order Setting Conditions of Release form and Bond 9-303 NMRA:

Bond Type: ☐ Own Recognizance ☒ Unsecured Appearance Bond in the amount of \$ 2,000
Secured bond of \$ _____, secured by (check only one):
☐ cash at 10 % of total bond ☐ real property bond ☐ either 100% cash or a surety bond
☐ The prosecutor having filed a motion for pretrial detention, the magistrate court's jurisdiction is thereby terminated, and the district court shall acquire exclusive jurisdiction over the case.
☐ Conditions of release delayed no more than 24 hours pending 6-501(F) hearing.
☐ Defendant is to be held without bond pending 6-403(C)(2) / 5-403(C)(2) hearing.

Set For (hearing type): ☐ 24 hour hearing ☐ 3 day COR hearing ☐ Status ☒ Preliminary ☐ Other _____

Commitment Status: ☒ Release this docket only ☐ Return to custody

Date: 8-8-24 Time: 1330

(M)
Arraignment Judge

*I acknowledge that I received the above information and verify the below personal information is accurate.

[Signature]
Defendant's Signature

*Include any necessary corrections on the lines provided below.

*You will receive courtesy text message reminders of future criminal court dates to the cell phone number you provide.

UNKNOWN
2001 Hopewell ST Santa Fe NM 87505

DOB: 03/15/1993, SSN: 517-92-3885

phone 505-7958205

Distribution 2 copies-Return of Service 1-copy-Court 1 copy-Defendant

Page 1 of 6

Felony Packet

San Miguel County Magistrate Court in Las Vegas 1927 7th Street
Las Vegas NM 87701 Phone: 505-425-5204 (fax) 505-425-0422 website: www.nmcourts.gov

Case No M-48-FR-2024-00251

STATE OF NEW MEXICO
SAN MIGUEL COUNTY MAGISTRATE COURT IN LAS VEGAS

State of New Mexico

v

MELVIN ELISANDRO ESCOBAR-ARAUZ, Defendant

DOB: 03/15/1993 SSN: 517-92-3885

FILED IN	
SAN MIGUEL MAGISTRATE COURT	
AUG 08 2024	
BY <u>MA</u>	CLERK
No. M-48-FR-2024-00251	

ORDER SETTING CONDITIONS OF RELEASE

Release on recognizance or unsecured bond:

It is ordered that the defendant be released from custody upon:

(check and complete applicable alternatives)

- ☐ Personal recognizance.
- ☒ Unsecured appearance bond of \$ 2,000.
- ☐ Third-party custody release to: _____ (individual or organization).

I/We agree to supervise the defendant; to use every effort to assure the defendant's appearance at all scheduled hearings; and to notify the court immediately in the event that the defendant violates any conditions of release.

Signature of Custodian

Area Code/Telephone #

Address (city/zip)

Defendant's conditions of release:

The court FINDS that the following conditions of release are the least restrictive conditions necessary to reasonably assure the appearance of the defendant as required and the safety of any other person and the community. The defendant shall not violate any federal, state, or local criminal law and shall:

(complete and check only applicable conditions prior to signature by defendant)

- ☒ not possess firearms or dangerous weapons;
- ☒ not return to the location of the alleged incident;
- ☒ not consume alcohol;
- ☒ not consume cannabis, cannabis products or synthetic cannabinoids without a certification from a licensed medical practitioner;
- ☒ not buy, sell, consume, or possess illegal drugs;
- ☒ notify the court of any change of address;
- ☒ not leave the (county of _____) (State of NM) without prior permission of the court;
- ☒ maintain contact with the defendant's attorney/seek and consult with an attorney; Weekly
- ☒ avoid all contact with the alleged victim or anyone who may testify in this case;
- ☒ have an ignition interlock device installed on any vehicle the defendant may drive;
- ☐ camera capable ignition interlock device;
- ☐ be on pretrial supervision and abide by all conditions set by the court and by pretrial services;
- ☐ reside at _____ (address) unless otherwise agreed to by the court;
- ☒ submit to drug or alcohol testing upon the request of _____;
- ☒ not leave the defendant's residence between the hours of 7 p.m. and 7 a.m. without prior permission of the court;
- ☐ maintain employment, or, if unemployed, actively seek employment;
- ☐ maintain or commence an educational program;
- ☐ (other conditions) _____

Distribution 2 copies-Return of Service 1-copy-Court 1 copy-Defendant

Page 4 of 6

San Miguel County Magistrate Court in Las Vegas 1927 7th Street
Las Vegas NM 87701 Phone: 505-425-5204 (fax) 505-425-0422 website: www.nmcourts.gov

Felony Packet

Case No M-48-FR-2024-00251

Release on secured bond:

[] The court **FINDS** that release on non-monetary conditions will not reasonably assure the appearance of the defendant. In making this determination, the court finds the following particularized factors require imposition of a secured bond in the amount set forth below:

Secured bond of \$ _____, secured by (check only one):

- [] cash at 10 % of total bond.
[] real property bond executed on Form 9-304 NMRA.
[] either 100% cash or a surety bond executed on Form 9-304 NMRA.

Defendant's acceptance of conditions and promise to appear:

I understand the above conditions of release and agree to them.

I understand that the court may have me arrested at any time, without notice, to review and reconsider these conditions.

I understand that my conditions of release may be revoked and I may be charged with a separate criminal offense if I intimidate or threaten a witness, the victim, or an informant, or if I otherwise obstruct justice.

I further understand that my conditions of release may be revoked if I violate a federal, state, or local criminal law.

I agree to appear before the San Miguel County Magistrate Court in Las Vegas on _____, at _____
(a.m.) (p.m.) located at 1927 7th Street
Las Vegas NM 87701 and thereafter at such times and places required in this case by any court.

I understand, that if I fail to appear as required, my bond, if any, may be forfeited, and I may be prosecuted and sent to [jail] [the penitentiary] for the separate offense of failure to appear. I agree to comply fully with each of the conditions imposed on my release and to notify the court promptly in the event I change the address indicated below.

Defendant's signature

Date of signature

Cell phone number

Alternate phone number

Email address

Mailing address (include city, state, and zip code)

Physical address (include city, state, and zip code)

Judicial approval of conditions:

Completed by Detention Center:

Judge's Signature

Date and Time of release

Detention Officer

Distribution 2 copies-Return of Service 1-copy-Court 1 copy-Defendant

Page 5 of 6

Felony Packet

San Miguel County Magistrate Court in Las Vegas 1927 7th Street
Las Vegas NM 87701 Phone: 505-425-5204 (fax) 505-425-0422 website: www.nmcourts.gov

Case No M-48-FR-2024-00251

STATE OF NEW MEXICO
SAN MIGUEL COUNTY MAGISTRATE COURT IN LAS VEGAS

State of New Mexico

v

MELVIN ELISANDRO ESCOBAR-ARAUZ, Defendant



No. M-48-FR-2024-00251

CONDITIONAL ORDER OF APPOINTMENT
CONTRACT DEFENSE COUNSEL

This matter having come before the court, the court finds:

(please check appropriate box or boxes)

THE COURT FINDS THAT:

- ☒ the defendant is incarcerated.
☐ the defendant is not incarcerated.

THE COURT FURTHER FINDS THAT:

- ☐ the defendant is indigent and unable to obtain counsel.
☐ the defendant is not indigent, but is unable to obtain counsel.

IT IS THEREFORE ORDERED THAT:

- ☐ the Law Offices of the Public Defender is appointed to represent the defendant in the above-entitled case.
☒ **Tomas Rey Benavidez (Tomas R Benavidez Law Office PO Box 785 Las Vegas NM 87701, 575-779-1060)**, an attorney on contract with the Law Offices of the Public Defender, shall represent the defendant in the above-entitled case.

IT IS FURTHER ORDERED THAT:

- ☐ the application fee is waived.
☒ the application fee is required.

Judge

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing was served on August 8, 2024 to:

Fourth Judicial District Attorney- San Miguel
County

Emailed

Tomas Rey Benavidez

Tomas R Benavidez Law Office
Emailed

MELVIN ELISANDRO ESCOBAR-ARAUZ

2001 Hopewell ST
Santa Fe, NM 87505

Adam Muniz, Clerk

Distribution 2 copies-Return of Service 1-copy-Court 1 copy-Defendant

Page 3 of 6

Felony Packet

San Miguel County Magistrate Court in Las Vegas 1927 7th Street
Las Vegas NM 87701 Phone: 505-425-5204 (fax) 505-425-0422

website: www.nmcourts.gov

Case No M-48-FR-2024-00251

State of New Mexico

v

MELVIN ELISANDRO ESCOBAR-ARAUZ, Defendant

No. M-48-FR-2024-00251

NOTICE OF PRELIMINARY EXAMINATION
Trailing Docket

TO: State of New Mexico
Prosecutor: Fourth Judicial District Attorney- San Miguel County
Defendant: MELVIN ELISANDRO ESCOBAR-ARAUZ
Defendant Attorney: Tomas Rey Benavidez

YOU ARE ordered to appear for a Preliminary Examination before the Honorable Christian Montano, I as follows:
Date of Hearing: **Tuesday, September 17, 2024**

Time of Hearing: **9:00 AM Mountain Time**

Place of Hearing: Courtroom 1
San Miguel County Magistrate Court
1927 7th Street
Las Vegas, NM 87701

If you fail to appear a warrant may be issued for your arrest.

Mauricela Romero, Clerk

New Mexico Courts comply with the Americans with Disabilities Act and Title VI. If you need accommodations or the services of an interpreter in court, email or call the court as soon as possible to inform us. Please notify the clerk of the court of the nature of any disability at least five (5) days before any hearing so appropriate accommodations can be made.

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing was served on August 08, 2024 to:

Fourth Judicial District Attorney- San Miguel County Emailed

Tomas Rey Benavidez Tomas R Benavidez Law Office
Emailed


Mauricela Romero, Clerk



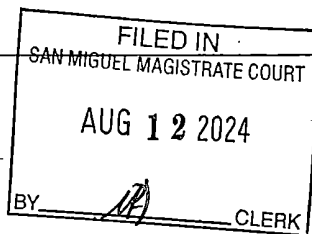
New Mexico
Courts

Mauricela Romero <lvemmdr@nmcourts.gov>

Administrative Office of the Courts - New Job Created [Ref #: 7477606][09/17/24 9:00 AM MDT]

1 message

NM Office of the Courts <aoces@nmcourts.gov>
Reply-To: aoces@nmcourts.gov
To: lvemmdr@nmcourts.gov, aoces@nmcourts.gov



Mon, Aug 12, 2024 at 10:10 AM

Las Vegas Magistrate Court, San Miguel County,

This email is to notify you of a new job that has been entered into the scheduling system with your email address as the requestor.

Please review the details below for accuracy and completeness and let us know if anything is amiss.

Be sure to quote the booking reference (#7477606) in all correspondence

Booking Details

- **Customer:** Las Vegas Magistrate Court, San Miguel County
- **Location:** San Miguel Magistrate Court 1927 7th Street, Las Vegas, NM 87701
- **Language:** Spanish
- **Requested By:** Mauricela Romero (505-454-4828)
- **Expected Start Date:** 09/17/24 9:00 AM MDT
- **Expected End Date:** 09/17/24 10:00 AM MDT
- **Booking Mode:** Video (Scheduled), **Phone (if applicable):**
- **Judge:** Christian Montano
- **Type of Proceeding:** Preliminary Hearings
- **Case Number:** M-48-FR-2024-00251
- **Additional Notes:**
Google Meet joining info
Video call link: <https://meet.google.com/ygh-maku-drg>
Or dial: (US) +1 682-238-5455 PIN: 759 810 342#

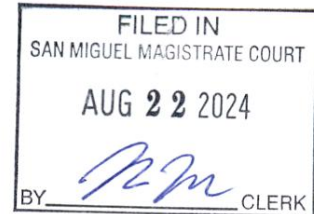
Notes

Google Meet joining info
Video call link: <https://meet.google.com/ygh-maku-drg>
Or dial: (US) +1 682-238-5455 PIN: 759 810 342#

Best Regards, The Administrative Office of the Courts Team.

505-469-5728
aocjmk@nmcourts.gov

STATE OF NEW MEXICO
COUNTY OF **SAN MIGUEL**
IN THE MAGISTRATE COURT



STATE OF NEW MEXICO
PLAINTIFF,
VS.

NO. M-48-FR-202400251

MELVIN ESCOBAR-ARAUZ,
DEFENDANT.

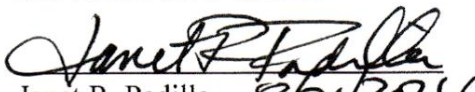
ENTRY OF APPEARANCE

COMES NOW THOMAS A. CLAYTON, DISTRICT ATTORNEY, through undersigned counsel and enters his appearance herein on behalf of the State of New Mexico, and respectfully requests that all further notices hereunder be directed to the undersigned.

RESPECTFULLY SUBMITTED,

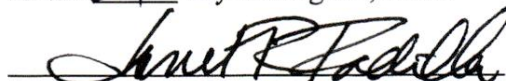
THOMAS A. CLAYTON
DISTRICT ATTORNEY

By:


Janet R. Padilla
Chief Deputy District Attorney
P.O. Box 2025
Las Vegas, NM 87701
505-425-9372

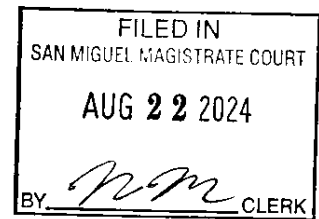
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was sent via electronic disclosure to opposing counsel, Tomas Rey Benavidez, on the 21 day of August, 2024.


Janet R. Padilla

DA Case No. 2024-S0956-30

STATE OF NEW MEXICO
COUNTY OF **SAN MIGUEL**
IN THE MAGISTRATE COURT



STATE OF NEW MEXICO

PLAINTIFF,

VS.

NO. M-48-FR-202400251

MELVIN ESCOBAR-ARAUZ,

DEFENDANT.

NOTICE OF INTENT TO CALL WITNESSES

COMES NOW the State of New Mexico through undersigned counsel and pursuant to the provisions of *Rule 6-504 NMRA 2001*, gives notice that it may call the following witnesses to testify in the above-captioned cause

1. Officer Leticia Ferran, NMSP, Santa Fe, NM 87507
2. Officer Juan Parra-Medina, NMSP, Santa Fe, NM 87507
3. Officer Patrick Griswold, NMSP, Santa Fe, NM 87507
4. Isabel Chavez, 25 Sage Lane, Pecos, NM

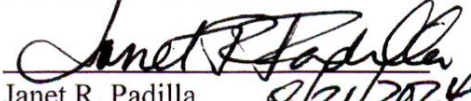
5. Any witness called, revealed, or disclosed by defendant or whose name appears on defendant's witness list, any co-defendant in this cause, and any witness revealed in discovery provided to the defendant.

The state reserves the right to supplement this witness list.

RESPECTFULLY SUBMITTED,

THOMAS A. CLAYTON
DISTRICT ATTORNEY

By:


Janet R. Padilla
Chief Deputy District Attorney
P.O. Box 2025
Las Vegas, NM 87701
505-425-9372
8/21/2024

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of
the foregoing pleading was sent via electronic
disclosure to opposing counsel, Tomas Rey Benavidez,
on the 21 day of August, 2024.


Janet R. Padilla

NO. M-48-FR-202400251

STATE OF NEW MEXICO
COUNTY OF SAN MIGUEL
IN THE MAGISTRATE COURT

STATE OF NEW MEXICO
PLAINTIFF,


VS.

NO. M-48-FR-202400251

MELVIN ESCOBAR-ARAUZ,
DEFENDANT.

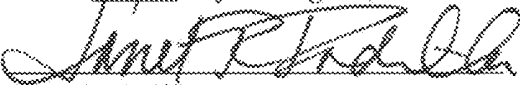
WITNESS LIST

NAME	ADDRESS
Officer Leticia Ferran	NMSP Santa Fe NM 87507
Officer Juan Parra-Medina	NMSP Santa Fe, NM 87507
Officer Patrick Griswold	NMSP Santa Fe, NM 87507
Isabel Chavez	25 Sage Lane Pecos, NM


Janet R. Padilla
Chief Deputy District Attorney
P.O. Box 2025
Las Vegas, NM 87701
505-425-9372

CERTIFICATE OF SERVICE

I hereby certify that a true and correct
copy of the foregoing pleading was sent via
electronic disclosure to opposing counsel, Tomas Rey Benavidez,
on the 29 day of August, 2024.


Janet R. Padilla

DA Case No. 2024-S9956-30

STATE OF NEW MEXICO
SAN MIGUEL COUNTY MAGISTRATE COURT IN LAS VEGAS

STATE OF NEW MEXICO

v.

MELVIN ELISANDRO ESCOBAR-ARAUZ, DEFENDANT

FILED IN
San Miguel County
Magistrate Court in
Las Vegas
9/17/2024

No. M-48-FR-2024-00251

TO: MELVIN ELISANDRO ESCOBAR-ARAUZ, Defendant
2001 Hopewell ST
Santa Fe NM 87505

A bench warrant for your arrest has been issued pursuant to Magistrate Court Rule 6-207 and Section 35-6-5 NMSA 1978.

This means that you could be **arrested and jailed** at any time without further notice to you. Your driver's license may have also been suspended, pursuant to Section 66-5-30 NMSA, 1978, and you may be referred to a private collection agency for further action.

Effective immediately, any state income tax refund owed to you may be intercepted by this court, and credited to this outstanding debt, pursuant to the Tax Refund Intercept Program Act, Sections 7-2C-1 through 14, NMSA 1978.

You must contact the court indicated below, in person, by telephone, or by mail to resolve any issues. If you do not agree with this notice please contact the court.

To resolve this matter, you are required to pay whatever the court has ordered you to pay. You must also be in compliance with any other court-imposed conditions.

The Magistrate Court is located at:
1927 7TH STREET
LAS VEGAS NM 87701

The telephone number is:
505-425-5204

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing was served on 09/17/2024 to:

Melvin Elisandro Escobar-arauz

2001 Hopewell ST
Santa Fe, NM 87505


Adam Muniz, Clerk

Please visit our website at <http://www.nmcourts.gov/caselookup/app> to see a register of actions in your case.

STATE OF NEW MEXICO
SAN MIGUEL COUNTY MAGISTRATE COURT IN LAS VEGAS

STATE OF NEW MEXICO

v.

MELVIN ELISANDRO ESCOBAR-ARAUZ, Defendant. No. **M-48-FR-2024-00251**

Aliases: Agency: NMSP D1/

Current Known Address: 2001 Hopewell ST
Santa Fe NM 87505

Correspondence Address: 2001 Hopewell ST, Santa Fe, NM 87505

Bond: \$ **HOLD WITHOUT BOND**

DL#: NM-517923885 S.S.#: **517-92-3885** DOB: **03/15/1993** WEIGHT: 150 Lbs. EYES: Brown
GENDER: HEIGHT: 5 Ft. 8 In. HAIR: Brown Race:

CHARGE(S):	STATUTE(S):	CITATION(S)	OFFENSE DATE
Battery Upon A Peace Officer	30-22-24		08/07/2024
Battery Upon A Peace Officer	30-22-24		08/07/2024
Battery Upon A Peace Officer	30-22-24		08/07/2024
Disorderly Conduct	30-20-1(A) & 31-19-1		08/07/2024
Resisting, Evading Or Obstructing An Officer (resisting)	30-22-1(D) & 31-19-1		08/07/2024

BENCH WARRANT

THE STATE OF NEW MEXICO TO ANY OFFICER AUTHORIZED TO EXECUTE THIS WARRANT:

YOU ARE HEREBY COMMANDED to arrest the above-named defendant and bring the defendant before this court to answer the following charges unless released as indicated in the return: **FAILURE TO APPEAR IN COURT AS ORDERED; PRELIMINARY EXAMINATION ON TUESDAY, SEPTEMBER 17, 2024 AT 9 AM**

[XX] **1. BOND:** The defendant may be released on **bond** in the amount of \$ **HOLD WITHOUT BOND**

[] **2. PAYMENT:** The defendant failed to appear either on a traffic citation (other than citation issued for violation listed in Section 66-8-122 or 66-8-125 NMSA 1978) or a citation issued by an official authorized by law and may be released on a plea of guilty and payment of \$ **OR**

[] **3. PAYMENT:** The defendant failed to pay fines and costs as ordered by the court and defendant may be released upon **payment** of the outstanding fine and court costs in the amount of \$; or upon serving days in jail at a rate of \$288.00 per day in lieu of fines and costs.

THIS WARRANT MAY BE EXECUTED:

WARRANT MAY BE EXECUTED WITHIN THE STATE

The clerk of this court shall cause this warrant to be entered into a law enforcement information system maintained by NMSP/DPS.

Dated 9/17/24 AM


Christian Montano, I, Judge

RETURN

The defendant was arrested and taken into custody on the _____ day of _____, _____.

[] The defendant was released on bond in the amount set forth above.

[] The defendant was release upon receipt of the fine and court costs set forth above.

I have caused this warrant to be removed from the law enforcement information system identified in this warrant.

Printed Name

Signature

Title & Badge No.

Agency

STATE OF NEW MEXICO
COUNTY OF **SAN MIGUEL**
IN THE MAGISTRATE COURT

STATE OF NEW MEXICO
PLAINTIFF,

VS.

NO. M-48-FR-202400251

MELVIN ESCOBAR-ARAUZ,
DEFENDANT.

CERTIFICATE OF COMPLIANCE


COMES NOW the undersigned Chief Deputy District Attorney, on behalf of the Plaintiff herein, the State of New Mexico, and states and certifies, pursuant to Rule 6-504 NMRA 2001, that he has transmitted to counsel of defendant, pursuant to the provision of Rule 6-504, all materials and documents in his possession enumerated in the provisions of Rule 6-504 for disclosure by the State, as follows:

1. Report, Disclosed 9/17/24
2. Video: Patrol_Invest._(mp4)_, Disclosed 9/18/24
3. Video: Patrol_Invest._(mp4)_-2, Disclosed 9/18/24
4. Video: Patrol_Invest._(mp4)_-3, Disclosed 9/18/24
5. Video: Patrol_Invest._(mp4)_-4, Disclosed 9/18/24
6. Video: Patrol_Invest._(mp4)_-5, Disclosed 9/18/24
7. Video: Patrol_Invest._(mp4)_-6, Disclosed 9/18/24
8. Video: Patrol_Invest._(mp4)_-7, Disclosed 9/18/24
9. Video: Use_of_Force_(mp4)_, Disclosed 9/18/24
10. Video: Use_of_Force_(mp4)_-2, Disclosed 9/18/24

It is further acknowledged that the plaintiff herein has a continuing duty to disclose Rule 6-504 information and documents concerning this cause, as they become available to the Plaintiff herein, and that the undersigned attorney for the Plaintiff will abide by said continuing duty to disclose. The undersigned Chief Deputy District Attorney has maintained, and will continue to maintain through trial(s) of this cause, an "open file" policy on the D.A. file(s) pertaining to this cause, including all witness statements, police reports, lab reports and investigative reports in said file(s) pertaining to this cause.

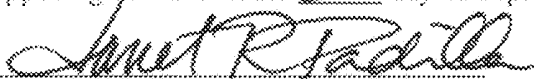
RESPECTFULLY SUBMITTED,
THOMAS A. CLAYTON
DISTRICT ATTORNEY

By:


Janet R. Padilla
Chief Deputy District Attorney
P.O. Box 2025
Las Vegas, NM 87701
505-425-9372

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was sent via electronic disclosure to Tomas Rey Benavidez, opposing counsel on the 20 day of September, 2024.


Janet R. Padilla

NO. M-48-FR-202400251

IN THE MAGISTRATE COURT
COUNTY OF SAN MIGUEL
STATE OF NEW MEXICO

IA

No. M-48-FR-202400251
Presiding Judge: Christian Montano

STATE OF NEW MEXICO
Plaintiff,

MEL ESCOBAR-ARAUZ,
DOB: XX-XX-1993,
SSN: XXX-XX-3885,

MOTION TO QUASH WARRANT

COMES NOW Defendant by and through his defense Counsel Tomas R. Benavidez and files this Motion to Quash Bench. The bench warrant was issued on September 17, 2024, for failure to appear for Preliminary Hearing.

The bench warrant should be quashed or cancelled for the following reasons:

1. Marvin Escobar-Arauz is a Spanish speaker and did not understand google meet instruction. He did try to join with google meet several times.

2. Mr. Escobar-Arauz did not purposefully miss court. He was trying to join and was seen by Ms. Amara Aaron trying to join.

Mr. Escobar-Arauz said, on September 17, 2024, he tried calling in by video and not know how to communicate and did not know how to unmute his phone.

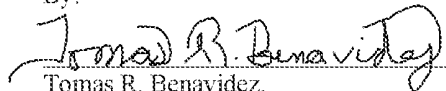
3. Mr. Escobar-Arauz has been keeping in touch with his defense counsel.

4. Mr. Escobar-Arauz has complied with all other conditions of release and will continue to do so.

5. Chief Deputy District Attorney Janet Padilla does not appear concur with said motion.

WHEREFORE, Defendant respectfully requests that this Court grant this motion and for such other relief as the Court deems appropriate.

By:



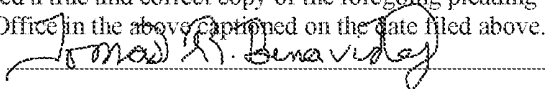
Tomas R. Benavidez,
Attorney for Defendant

10/28/2024

Date

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing pleading to be served upon Counsel of Record for the District Attorney's Office in the above captioned on the date filed above.



IN THE MAGISTRATE COURT
COUNTY OF SAN MIGUEL
STATE OF NEW MEXICO

No. **M-48-FR-202400251**

Presiding Judge: Christian Montano



STATE OF NEW MEXICO
Plaintiff,

MELVIN ESCOBAR-ARAUZ,
DOB: XX-XX-1993,
SSN: XXX-XX-3885,

CANCELING
ORDER QUASHING BENCH WARRANT


COMES NOW the Court, upon the defendant's motion to quash bench warrant, the defendant and the court being fully informed in the premises, hereby quashes any outstanding bench warrants issued for the Defendant in the above cause number. The Court being fully informed in the premises orders the following:

THE COURT HEREBY ORDERS: That any outstanding bench warrant issued on September 17, 2024, for failure to appear for Preliminary Hearing, and any other warrant outstanding in the above captioned matter in San Miguel County, New Mexico is hereby quashed.

IT IS FURTHER ORDERED; that Defendant is further ordered to abide by conditions of release.

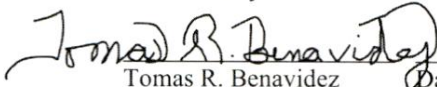
IT IS SO ORDERED:

Date



The Honorable Christian Montano
Magistrate Court Judge

Submitted by:

 10/28/2024
Tomas R. Benavidez Date
Attorney for Defendant

Approved/Disapproved by:

Does Not Oppose 10/28/2024
Janet Padilla Date
Chief Deputy District Attorney

STATE OF NEW MEXICO
SAN MIGUEL COUNTY MAGISTRATE COURT IN LAS VEGAS



STATE OF NEW MEXICO

v.

MELVIN ELISANDRO ESCOBAR-ARAUZ, Defendant. No. **M-48-FR-2024-00251**

Aliases:

Agency: *1 NMSP*

DL#: NM-517923885 S.S.#: **517-92-3885** DOB: **03/15/1993** WEIGHT: 150 Lbs. EYES: Brown

GENDER: Male HEIGHT: 5 Ft. 8 In. HAIR: Brown

CHARGE(S):	STATUTE(S):	CITATION(S)	OFFENSE DATE
Battery Upon A Peace Officer	30-22-24		08/07/2024
Battery Upon A Peace Officer	30-22-24		08/07/2024
Battery Upon A Peace Officer	30-22-24		08/07/2024
Disorderly Conduct	30-20-1(A) & 31-19-1		08/07/2024
Resisting, Evading Or Obstructing An Officer (resisting)	30-22-1(D) & 31-19-1		08/07/2024

Date of Warrant: 09/17/2024

ORDER FOR CANCELLATION OF WARRANT

You are hereby ordered to remove and/or clear from NCIC/NMCIC/Central Dispatch and return to the court the warrant for the arrest of the defendant described above because:

- [XX] A written motion has been filed to cancel warrant and concurrence was made.
[] A hearing has been held and all parties were notified.
[] The case against the defendant has been dismissed.
[] The defendant has appeared for arraignment.
[] All fines and fees paid.
[] Defendant surrendered him/herself to the Court on _____.
[] Defendant is deceased
[] The judge ordered recall because _____
[] The warrant was quashed because it was issued in error.
[] A new warrant has been issued nunc pro tunc on this date to correct the warrant form.
[] Juvenile warrant is recalled upon defendant reaching adult age.
[] Because defendant has fulfilled all obligations.
[] Warrant has been served.

Case Assigned Judge: Christian Montano, *I-for*

Dated: 10/30/2024

Rege *10-30-24*

Judge

Cancellation Sent To: *DPS*

Faxed Confirmation

Date: *10/30/24*

Time: _____

Initials: Corrina Cordova

Confirmation Receipt from Fax Machine

Via Telephone

Date: _____

Time: _____

Initials: Corrina Cordova

Confirmed by: _____

_____ Copy Mailed/Hand Delivered to Defendant

Order for Cancellation of Warrant

Court Information:

San Miguel County Magistrate Court 1927 7th Street

Las Vegas NM 87701 phone 505-425-5204 (fax) 505-425-0422 web site: www.nmcourts.gov

State of New Mexico

v

MELVIN ELISANDRO ESCOBAR-ARAUZ, Defendant

No. M-48-FR-2024-00251

NOTICE OF PRELIMINARY EXAMINATION

TO: State of New Mexico
Prosecutor: Thomas A. Clayton; Fourth Judicial District Attorney- San Miguel County
Officer: Leticia Ferran, Ofc. NMSP
Defendant: MELVIN ELISANDRO ESCOBAR-ARAUZ
Defendant Attorney: Tomas Rey Benavidez

YOU ARE ordered to appear for a Preliminary Examination before the Honorable Christian Montano, I as follows:

Date of Hearing: **Tuesday, November 19, 2024**

Time of Hearing: **9:00 AM Mountain Time**

Place of Hearing: Courtroom I
San Miguel County Magistrate Court
1927 7th Street
Las Vegas, NM 87701

Matter to be Heard:

If you fail to appear a warrant may be issued for your arrest.

Corrina Cordova, Clerk

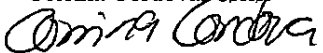
New Mexico Courts comply with the Americans with Disabilities Act and Title VI. If you need accommodations or the services of an interpreter in court, email or call the court as soon as possible to inform us. Please notify the clerk of the court of the nature of any disability at least five (5) days before any hearing so appropriate accommodations can be made.

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing was served on October 31, 2024 to:

Thomas A. Clayton	Emailed
Fourth Judicial District Attorney- San Miguel County	
Tomas Rey Benavidez	Emailed
MELVIN ELISANDRO ESCOBAR-ARAUZ	2001 Hopewell ST Santa Fe, NM 87505

Corrina Cordova, Clerk



IN THE MAGISTRATE COURT
COUNTY OF SAN MIGUEL
STATE OF NEW MEXICO

No. **M-48-FR-202400251**

Presiding Judge: Christian Montano



STATE OF NEW MEXICO
Plaintiff,

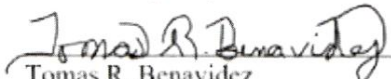
MELVIN ELISANDRO ESCOBAR-ARAUZ,
DOB: XX-XX-1993,
SSN: XXX-XX-3885,
Defendant.

WAIVER OF PRELIMINARY HEARING OR PRESENTATION OF GRAND JURY

I have been informed of the criminal charge against me, and my right to have a preliminary hearing or presentation to a grand jury upon those charges.

I do hereby freely and voluntarily waive my right to a preliminary hearing or presentation to a grand jury. I request an expedient filling of the bind-over to district court and the criminal information.

Acknowledged by:


Tomas R. Benavidez
Attorney for the Defendant


Melvin Elisandro Escobar-Arauz
Defendant



STATE OF NEW MEXICO

SAN MIGUEL COUNTY MAGISTRATE COURT IN LAS VEGAS

State of New Mexico

v

Melvin Elisandro Escobar-arauz, Defendant

No. M-48-FR-2024-00251

ORDER ON PRELIMINARY EXAMINATION

On November 01, 2024,

Per the criminal complaint, the following **charge(s)** appeared before the court for preliminary examination:

1	Battery upon a Peace Officer	4th Degree Felony	30-22-24	Bindover
2	Battery upon a Peace Officer	4th Degree Felony	30-22-24	Bindover
3	Battery upon a Peace Officer	4th Degree Felony	30-22-24	Bindover
4	Disorderly Conduct	Petty Misdemeanor	30-20-1(A) & 31-19- 1	Bindover
5	Resisting, Evading or Obstructing an Officer (Resisting)	Misdemeanor	30-22-1(D) & 31-19- 1	Bindover

A preliminary examination on the offense(s) set forth in the complaint was waived. The state appeared through Fourth Judicial District Attorney- San Miguel County. The defendant appeared in person and through counsel, Tomas Rey Benavidez.

(check all that apply)¹

☒ It is hereby ORDERED that the defendant is BOUND OVER FOR TRIAL in the district court as to the following **count(s)**: 1-3

☐ As to the following **count(s)**, the court FINDS there is no probable cause to believe that the charged offense was committed and that the defendant committed the offense. It is hereby ORDERED that the defendant is DISCHARGED as to the following **count(s)**:

It is hereby ORDERED that the defendant is bound over for all misdemeanor charges listed in the complaint. ²

IT IS SO ORDERED.

Dated: 11/5/24

Judge

USE NOTES

1. Every count listed in the complaint must be accounted for in this bind-over order.
2. If the court finds probable cause for any felony offense, all misdemeanor charges in the complaint must be included in this bind-over order.
3. Attach copy of Complaint, any Warrants issued, Appearance Bond or Bail Bond, and Order Specifying Conditions of Release.
[As amended by Supreme Court Order No. 14-8300-020, effective for all cases pending or filed on or after December 31, 2014.]

STATE OF NEW MEXICO
COUNTY OF **SAN MIGUEL**
FOURTH JUDICIAL DISTRICT COURT

ENDORSED
Fourth Judicial District Court
San Miguel, Mora & Guadalupe

NOV 14 2024

Magistrate Court No: M-48-FR-202400251

Deputy Clerk

NO: D-412-CR-2024-00290
JUDGE: **FLORA GALLEGOS**

SAN MIGUEL COUNTY IN LAS VEGAS FILED

STATE OF NEW MEXICO,
PLAINTIFF,

VS.

CC

MELVIN ESCOBAR-ARAUZ

Address: 2001 Hopewell Street, Santa Fe, NM, 87505
DOB: March 15, 1993
SSN: 517-92-3885,
DEFENDANT.

11/15/2024 9:17 AM

Crime(s): Battery Upon a Peace Officer, (**Charge Code 0225**)
Battery Upon a Peace Officer, (**Charge Code 0225**)
Battery Upon a Peace Officer, (**Charge Code 0225**)
Disorderly Conduct, (**Charge Code 1535**) Magistrate Court
Resisting, Evading or Obstructing an Officer, (**Charge Code 1550**)

CRIMINAL INFORMATION

COMES NOW the Fourth Judicial District Attorney, of San Miguel County, State of New Mexico, by and through its Chief Deputy District Attorney, Janet R. Padilla, and accuses the above-named Defendant of the crimes of:

Count 1:

Battery Upon a Peace Officer, on or about August 07, 2024, in San Miguel County, New Mexico, the above-named defendant touched or applied force in a manner that physically injured, jeopardized the safety of or challenged the authority of Officer Ferran, knowing or having reason to know that Officer Ferran was a peace officer in the lawful performance of her duties, a fourth degree felony, contrary to NMSA 1978, Section 30-22-24 (1971).

Count 2:

Battery Upon a Peace Officer, on or about August 07, 2024, in San Miguel County, New Mexico, the above-named defendant touched or applied force in a manner that physically injured, jeopardized the safety of or challenged the authority of Officer Parra-Medina, knowing or having reason to know that Officer Parra-Medina was a peace officer in the lawful performance of his duties, a fourth degree felony, contrary to NMSA 1978, Section 30-22-24 (1971).

Count 3:

Battery Upon a Peace Officer, on or about August 07, 2024, in San Miguel County, New Mexico, the above-named defendant touched or applied force in a manner that physically injured, jeopardized the safety of or challenged the authority of Officer Griswold, knowing or having reason to know that Officer Griswold was a peace officer in the lawful performance of his duties, a fourth degree felony, contrary to NMSA 1978, Section 30-22-24 (1971).

Count 4:

Disorderly Conduct, on or about August 07, 2024, in San Miguel County, New Mexico, the above-named defendant engaged in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tended to disturb the peace, a petty misdemeanor, contrary to NMSA 1978, Section 30-20-1(A) (1967).

Count 5:


Resisting, Evading or Obstructing an Officer, on or about August 07, 2024, in San Miguel County, New Mexico, the above-named defendant resisted or abused Officer Griswold or Officer Parra-Medina or Officer Ferran in the lawful performance of their duties, a misdemeanor, contrary to NMSA 1978, Section 30-22-1(D) (1981).

The Defendant has waived the preliminary hearing.

RESPECTFULLY SUBMITTED,


THOMAS A. CLAYTON
DISTRICT ATTORNEY

By:


Janet R. Padilla 11/13/2024
Chief Deputy District Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was sent via electronic disclosure to opposing counsel, Tomas Rey Benavidez, on the 13 day of November, 2024.


Janet R. Padilla

No. M-48-FR-202400251

EXHIBIT

13

STATE OF NEW MEXICO
COUNTY OF SAN MIGUEL
FOURTH JUDICIAL DISTRICT COURT

2024 NOV 14 PM 3:04

Magistrate Court No. M-48-FR-202400251

NO: D-412-CR-2024-00290
JUDGE: FLORA GALLEGOS

STATE OF NEW MEXICO,
PLAINTIFF,

VS.

MELVIN ESCOBAR-ARAUZ

Address: 2001 Hopewell Street, Santa Fe, NM, 87505
DOB: March 15, 1993
SSN: 517-92-3885,
DEFENDANT.

Crime(s): Battery Upon a Peace Officer, (Charge Code 0225)
Battery Upon a Peace Officer, (Charge Code 0225)
Battery Upon a Peace Officer, (Charge Code 0225)
Disorderly Conduct, (Charge Code 1535)
Resisting, Evading or Obstructing an Officer, (Charge Code 1550)

CRIMINAL INFORMATION

COMES NOW the Fourth Judicial District Attorney, of San Miguel County, State of New Mexico, by and through its Chief Deputy District Attorney, Janet R. Padilla, and accuses the above-named Defendant of the crimes of:

Count 1:

Battery Upon a Peace Officer, on or about August 07, 2024, in San Miguel County, New Mexico, the above-named defendant touched or applied force in a manner that physically injured, jeopardized the safety of or challenged the authority of Officer Ferran, knowing or having reason to know that Officer Ferran was a peace officer in the lawful performance of her duties, a fourth degree felony, contrary to NMSA 1978, Section 30-22-24 (1971).

Count 2:

Battery Upon a Peace Officer, on or about August 07, 2024, in San Miguel County, New Mexico, the above-named defendant touched or applied force in a manner that physically injured, jeopardized the safety of or challenged the authority of Officer Parra-Medina, knowing or having reason to know that Officer Parra-Medina was a peace officer in the lawful performance of his duties, a fourth degree felony, contrary to NMSA 1978, Section 30-22-24 (1971).

Count 3:

Battery Upon a Peace Officer, on or about August 07, 2024, in San Miguel County, New Mexico, the above-named defendant touched or applied force in a manner that physically injured, jeopardized the safety of or challenged the authority of Officer Griswold, knowing or having reason to know that Officer Griswold was a peace officer in the lawful performance of his duties, a fourth degree felony, contrary to NMSA 1978, Section 30-22-24 (1971).

Count 4:

Disorderly Conduct, on or about August 07, 2024, in San Miguel County, New Mexico, the above-named defendant engaged in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tended to disturb the peace, a petty misdemeanor, contrary to NMSA 1978, Section 30-20-1(A) (1967).

Count 5:

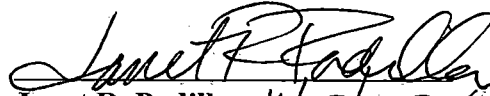
Resisting, Evading or Obstructing an Officer, on or about August 07, 2024, in San Miguel County, New Mexico, the above-named defendant resisted or abused Officer Griswold or Officer Parra-Medina or Officer Ferran in the lawful performance of their duties, a misdemeanor, contrary to NMSA 1978, Section 30-22-1(D) (1981).

The Defendant has waived the preliminary hearing.

RESPECTFULLY SUBMITTED,


THOMAS A. CLAYTON
DISTRICT ATTORNEY

By:


Janet R. Padilla 11/13/2024
Chief Deputy District Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was sent via electronic disclosure to opposing counsel, Tomas Rey Benavidez, on the 13 day of November, 2024.


Janet R. Padilla

No. M-48-FR-202400251

FOURTH JUDICIAL DISTRICT COURT
COUNTY OF SAN MIGUEL
STATE OF NEW MEXICO



FILED
4th JUDICIAL DISTRICT COURT
San Miguel County
7/3/2025 4:24 PM
CLERK OF THE COURT
RT

NO. D-412-CR-202400290
(Judge Flora Gallegos)

STATE OF NEW MEXICO
Plaintiff,

vs.

MELVIN ESCOBAR-ARAUZ,
DOB: 03/15/1993
SSN: 517-92-3885,
Defendant.

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:

Count I: Battery Upon a Peace Officer, (Charging Code 0225), contrary to §30-22-24, a fourth degree felony, said offense occurring on August 7, 2024. *of*

Count II: Battery Upon a Peace Officer, (Charging Code 0225), contrary to §30-22-24, a fourth degree felony, said offense occurring on August 7, 2024. *y*

Count III: Battery Upon a Peace Officer, (Charging Code 0225), contrary to §30-22-24, a fourth degree felony, said offense occurring on August 7, 2024. *y*

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

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

1. Three (3) years supervised probation with Adult Probation and Parole on a **CONDITIONAL DISCHARGE**.
2. Count I and Count II shall run **CONSECUTIVE** to each other.
3. Count III shall run **CONCURRENT** to Count I.
4. Defendant shall apply and successfully complete the Fourth Judicial Adult Drug Court Program or the Behavioral Health Court. If not accepted, complete an alcohol and drug assessment and follow all treatment recommendations.

5. Defendant understands that if he violates his probation and is subsequently sentenced to New Mexico Department of Corrections, he is subject to the full sentence for each count.
 6. Defendant shall have no contact with victims or witnesses in this case.
 7. Defendant shall forfeit all items seized, if any, by law enforcement to the arresting agency.
 8. Defendant shall receive pre-sentence confinement credit, for:
08/08/2024 - 08/08/2024 = 1 days (JAIL)
Zero (0) days (HOUSE ARREST), as provided by law.
 9. As a special condition of probation and parole, individuals may be subject to the Sanction Violator Program for technical violations. Sanctions for technical violations will apply, except for major violations and state laws.
 1. 24-hour community service
 2. 3-day sanction
 3. 7-day sanction
 4. 14-day sanction
 5. 21-day sanctionFull Revocation Violation after 5th sanction
-
2. **Acknowledgment:** The defendant understands and acknowledges all of the terms and conditions contained within this plea and disposition agreement are incorporated by reference into this judgment and sentence in this matter.
 3. **Additional Charges.** The following charges will be dismissed, or if not yet filed, shall not be brought against the defendant: All other charges in the Criminal Information.
 4. **Restitution.** N/A.
 5. **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.
 6. **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.

Defendant understands that the following crimes involve the use or attempted use of physical force or the threatened use of a deadly weapon and as such constitute a crime of misdemeanor domestic violence under federal law: *Assault (NMSA 1978, §30-3-1)*; *Assault Against a Household Member (HHM) (NMSA 1978, §30-3-12)*; *Battery (NMSA 1978 §30-3-4)*; *Battery Against a HHM (NMSA 1978, §3-3-15)*; *Aggravated Battery (NMSA 1978 §30-3-5)*; *Aggravated Battery Against a HHM (NMSA 1978, §30-3-16)*; *Criminal Sexual Contact (NMSA 1978, §30-9-12)*; and *Public Affray (NMSA 1978, §30-20-2)*. Defendant understands that if the defendant enters a plea for one of these crimes and if the defendant is in a qualifying relationship with the victim that the entry of a plea for this crime will affect 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. Defendant understands that a "qualifying relationship" means that the defendant is a current or former spouse of the victim, a parent or guardian of the victim, a person who has a child with the victim, a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian, and/or a person similarly situated to a spouse, parent, or guardian of the victim. Defendant understands that under state law, the Administrative Office of the Courts is required to report convictions of misdemeanor crimes of domestic violence to the Federal Bureau of Investigations (FBI). Defendant understands that, even if there is insufficient evidence presented in the current case to support a finding that the defendant was in a qualifying relationship with the victim, if defendant was in fact in a qualifying relationship with the victim, the defendant may be

~~subject to federal prosecution for the possession, receipt, shipping, transportation, or purchase of firearms or ammunition.~~

~~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 and I acknowledge that, if I am represented by an attorney, my attorney had advised me of the requirement to register.~~

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, 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 immigration consequences of this plea agreement.

I understand that an entry of a plea for a crime of domestic violence or felony will affect my 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.

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.



Melvin Escobar-Arauz
Defendant

06/25/25

Date

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.



Tomas Benavidez
Defense Counsel

6/25/2025/

Date

PROSECUTOR REVIEW

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



Prosecutor

6/27/2025

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 information.
2. **As to Count I:** That the defendant understands the range of possible sentences for the offenses charged from probation to a maximum of eighteen (18) months incarceration, and a five thousand dollar (\$5,000.00) fine, followed by a one (1) year period of parole.

3. **As to Count II:** That the defendant understands the range of possible sentences for the offenses charged from probation to a maximum of eighteen (18) months incarceration, and a five thousand dollar (\$5,000.00) fine, followed by a one (1) year period of parole.
4. **As to Count III:** That the defendant understands the range of possible sentences for the offenses charged from probation to a maximum of eighteen (18) months incarceration, and a five thousand dollar (\$5,000.00) fine, followed by a one (1) year period of parole.
5. That the defendant understands the following constitutional rights which the defendant gives up by pleading guilty:
- (a) the right to trial by jury, if any;
 - (b) the right to 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;
 - (f) the right to appeal the conviction.
6. That the defendant wishes to give up the constitutional rights of which the defendant has been advised.
7. That there exists a basis in fact for believing the defendant is guilty of the offense charged and that an independent record for such factual basis has been made.

8. That the defendant and the prosecutor have entered into a plea agreement and that the defendant understands and consents to its terms.
9. That the plea is voluntary and not the result of force, threats or promises other than a plea agreement.
10. That under circumstances, it is reasonable that the defendant plead guilty.
11. That the defendant understands that a conviction 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.
12. That the defendant understands that a plea of guilty or no contest to a crime of domestic violence or a felony, will affect the defendant's constitutional right to bear arms, including shipping, receiving, possessing or owning any firearm or ammunition, all of which are punishable under federal law for a person convicted of domestic violence or a felony.
- ~~13. That the defendant understands that a conviction may require the defendant to register as a sex offender under the Sex Offender Registration and Notification Act and that if the defendant is represented by counsel, the defendant has been advised by counsel of the requirement to register.~~

On the basis of these findings, I conclude that the defendant knowingly, voluntarily, and intelligently pleads guilty to the above charge^s and accepts such plea. These findings shall be made a part of the record in the above-styled case.


Honorable Flora Gallegos
District Judge

3 July 2025
Date

STATE OF NEW MEXICO
COUNTY OF SAN MIGUEL
FOURTH JUDICIAL DISTRICT



FILED
4th JUDICIAL DISTRICT COURT
San Miguel County
7/7/2025 2:00 PM
CLERK OF THE COURT
CD

State of New Mexico, Plaintiff,

v.

MELVIN ESCOBAR-ARAUZ, Defendant

YOB: 1993 SSN: xxx-xx-3885

STN:

No. D-412-CR-2024-00290

CONDITIONAL DISCHARGE

This matter came before the Honorable Flora Gallegos, District Court Judge on ~~July~~ 3, 2025.

The State appeared and was represented by Janet Padilla and the defendant appeared via Google

Meet and was represented by counsel Tomas Benavidez.

OFFENSES CHARGED/DISPOSITION/SENTENCE

Count: 1 – Battery upon a Peace Officer, 30-22-24, a 4th Degree Felony.

Date of Offense: August 7, 2024

Date of Sentence: July 3, 2025

Disposition: Guilty; Conditional Discharge Pending

It is adjudged that defendant has received a Conditional Discharge.

Sentence: It is hereby ordered that, without adjudication of guilt, further proceedings be deferred for a period of 18 months pursuant to [x] NMSA 31-20-13 (cum. Supp. 1996) or [] NMSA 30-31-28 (cum. Supp. 1996) (Controlled Substances Act), and the defendant be placed on Supervised probation to be supervised by Adult Probation and Parole. Counts 1, 2 and 3 shall run consecutive to each other for a total of 3 years probation.

The defendant shall receive pre-sentence confinement credit towards the total sentence as follow:
1 day toward the total sentence.

Count: 2 – Battery upon a Peace Officer, 30-22-24, a 4th Degree Felony.

Date of Offense: August 7, 2024

Date of Sentence: July 3, 2025

Disposition: Guilty; Conditional Discharge Pending

It is adjudged that defendant has received a Conditional Discharge.

Sentence: It is hereby ordered that, without adjudication of guilt, further proceedings be deferred for a period of 18 months pursuant to [x] NMSA 31-20-13 (cum. Supp. 1996) or [] NMSA 30-31-28 (cum. Supp. 1996) (Controlled Substances Act), and the defendant be placed on Supervised probation to be supervised by Adult Probation and Parole. Counts 1, 2 and 3 shall run consecutive to each other for a total of 3 years probation.

The defendant shall receive pre-sentence confinement credit towards the total sentence as follow:
1 day toward the total sentence.

Count: 3 – Battery upon a Peace Officer, 30-22-24, a 4th Degree Felony.

Date of Offense: August 7, 2024

Date of Sentence: July 3, 2025

Disposition: Guilty; Conditional Discharge Pending

It is adjudged that defendant has received a Conditional Discharge.

Sentence: It is hereby ordered that, without adjudication of guilt, further proceedings be deferred for a period of 18 months pursuant to [x] NMSA 31-20-13 (cum. Supp. 1996) or [] NMSA 30-31-28 (cum. Supp. 1996) (Controlled Substances Act), and the defendant be placed on Supervised probation to be supervised by Adult Probation and Parole. Counts 1, 2 and 3 shall run consecutive to each other for a total of 3 years probation.

The defendant shall receive pre-sentence confinement credit towards the total sentence as follow:
1 day toward the total sentence.

Count: 4 – Disorderly Conduct, 30-20-1(A) & 31-19-1, a Petty Misdemeanor.

Original charge:

Date of Offense: August 7, 2024

Disposition: Dismissed by Prosecutor Per Plea Agreement

Count: 5 – Resisting, Evading or Obstructing an Officer (Resisting), 30-22-1(D) & 31-19-1, a Misdemeanor.

Original charge:

Date of Offense: August 7, 2024

Disposition: Dismissed by Prosecutor Per Plea Agreement

SENTENCE SPECIFICS

Fine/Fees:

Total Fine: \$0.00

Total Fees: \$0.00

Total Suspended: \$0.00

Total Due: \$0.00

Sentencing/Probation Conditions:

- Restitution Amount: N/A

- Standard Conditions of Probation.

- Total term of probation is 3 years.

- All of the terms and conditions contained in the plea and disposition agreement are incorporated by reference into the judgment and sentence in this matter.

- The Defendant shall not consume or possess alcohol or drugs and shall not enter any liquor establishments.

- The Defendant shall be subject to random urinalysis and/or blood/breath alcohol tests at the discretion of his/her Adult Probation and Parole Officer or law enforcement.
- The terms and conditions of probation are made terms and conditions of the conditional discharge.
- Defendant shall not have contact or association with any street gangs or their members.
- Defendant shall have no abusive contact with the victims or witnesses in this matter including direct, indirect, via social media or via third parties.
- Defendant shall not possess weapons.
- The defendant shall forfeit any items seized by law enforcement to the arresting agency.
- Special condition: As a special condition of probation and parole, individuals may be subject to the Sanction Violator Program for technical violations. Sanctions for technical violations will apply as follows, except for major violations and violations of state laws:

24-hour community service

3-day sanction

7-day sanction

14- day sanction

21-day sanction

Full Revocation Violation after 5th sanction

- Treatment: The Defendant shall apply to the Fourth Judicial Adult Treatment Courts and successfully complete if accepted. If not accepted into Treatment Court, the Defendant shall complete a substance abuse assessment and comply with all recommendations and provide proof of completion to Adult Probation and Parole.
- Any bond posted in this matter shall be returned to the person who posted the bond upon the filing of this Order.
- Any bench warrants and/or arrest warrants previously issued in this cause, and not served are hereby rescinded.
- The defendant shall report to the Adult Probation and Parole Department or within twenty four (24) hours of his/her release from custody or no later than Monday, July 7, 2025.
- The defendant shall report to the Program Manager for Treatment Court to begin assessment for treatment court.
- The defendant shall pay the cost of probation as determined by Adult Probation and Parole Department.

SO ORDERED.



07/03/2025

Flora Gallegos
District Court Judge

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing was served on 7/17/25 to :
Janet Padilla, Esq. via: Tyler Host
Tomas Benavidez, Esq. via: Tyler Host
Treatment Court Manager
APPO

Charlynn Otero

TCAA



Search Results: 1

MELVIN ELISANDRO ESCOBAR-ARAUZ

Country of Birth : Guatemala

Status : In ICE Custody

State: TX

Current Detention Facility: [EL PASO PROCESSING CENTER](#)

** Click on the Detention Facility name to obtain facility contact information*



[BACK TO SEARCH >](#)

Related Information

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