

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

FILED IN

MAR 28 2024

MAGISTRATE COURT
SAN JUAN DIV. I

STATE OF NEW MEXICO,

Plaintiff,

vs.

No. M-147-DR-2024-00030

ROBERT J SHUTTLEWORTH,

DOB: 1994

SSN:

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 offense(s):

COUNT 2: DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS (.08 OR ABOVE)(1ST OFFENSE), a petty misdemeanor, contrary to §66-08-102(C)(1), NMSA 1978, occurring on or about February 15, 2024, a lesser included offense in Count 2 of the Criminal Complaint;

COUNT 3: DRIVING WHILE INTOXICATED WITH A MINOR IN THE VEHICLE, a Motor Vehicle Code misdemeanor, contrary to §66-08-102.5(A), NMSA 1978, occurring on or about February 15, 2024, as charged in Count 3 of the Criminal Complaint;

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

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

BL A

The Office of the District Attorney does not oppose to mandatory minimums and supervised probation. The State will ask for consecutive sentences.

The maximum penalties for these charges are:

Count 2: Driving While Under the Influence of Intoxicating Liquor or Drugs (.08 or above), a Motor Vehicle Code misdemeanor with a basic sentence of ninety (90) days and a fine of \$500. The Court is required to order that the Defendant undergo alcohol screening and attend DWI school. The Court must also impose a \$85.00 DWI Laboratory Fee, a \$75.00 DWI Prevention Fee and a \$5.00 Domestic Violence Treatment Fee.

Count 3: Driving While Intoxicated with a Minor in the Vehicle, a Motor Vehicle Code misdemeanor with a basic sentence of ninety (90) days and a fine of \$300. The Court must also impose a \$5.00 Domestic Violence Treatment Fee.

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

Count 1: Leaving the scene of an accident (no great bodily harm or death)

Count 4: DWI (Minor in vehicle)

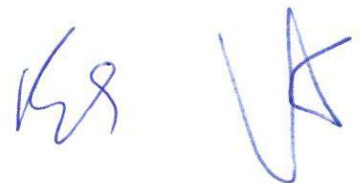
Count 5: Failure to maintain traffic lane

3. **Restitution:** The defendant agrees to pay restitution as follows:

The Defendant agrees to make restitution, if applicable, concerning all counts charged in this cause, including those counts being dismissed. Restitution amount will be determined by the Office of Adult Probation and Parole.

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

5. **Waiver of defenses and appeal:** Unless this plea is rejected or withdrawn, the defendant gives up any and all motions, defenses, objections or requests which the defendant has made or raised, or could assert hereafter, to the court's entry of judgment and imposition of a sentence consistent with this agreement. The defendant waives the right to appeal the conviction that results from the entry of this plea agreement.



6. **Withdrawal permitted if agreement rejected:** If after reviewing this agreement and any pre-sentence report the court concludes that any of its provisions are unacceptable, the court will allow the withdrawal of the plea, and this agreement will void. If the plea is withdrawn, neither the plea nor any statements arising out of the plea proceeding shall be admissible as evidence against the defendant in any criminal proceedings.

I understand that entry of this plea agreement may have an effect on 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 the 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, possession 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 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.

03/28/2024
DATE

X [Signature]
DEFENDANT - ROBERT J SHUTTLEWORTH

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.

3.28-24
DATE

[Signature]
ATTORNEY FOR DEFENDANT -
VICTOR TITUS

PROSECUTOR REVIEW

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

03/26/2024

DATE

/s/ Ian Jump

PROSECUTOR - IAN JUMP
SENIOR TRIAL DISTRICT ATTORNEY

MAGISTRATE COURT APPROVAL

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

1. The State and the Defendant hereby understand, acknowledge, and knowingly and voluntarily waive all rights to request a mitigation or an aggravation of the sentence imposed in this matter, regardless of the final sentence imposed by this Court
2. That the defendant understands the charges set forth in the information.
3. That the defendant understands the range of possible sentence(s) for the offense(s) charged, from probation to a maximum of

Count 2: Driving While Under the Influence of Intoxicating Liquor or Drugs (.08 or above), a Motor Vehicle Code misdemeanor with a basic sentence of ninety (90) days and a fine of \$500. The Court is required to order that the Defendant undergo alcohol screening and attend DWI school. The Court must also impose a \$85.00 DWI Laboratory Fee, a \$75.00 DWI Prevention Fee and a \$5.00 Domestic Violence Treatment Fee.

Count 3: Driving While Intoxicated with a Minor in the Vehicle, a Motor Vehicle Code misdemeanor with a basic sentence of ninety (90) days and a fine of \$300. The Court must also impose a \$5.00 Domestic Violence Treatment Fee.

4. 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 the assistance of an attorney at trial, and to an appointed attorney, to be furnished free of charge, if the defendant cannot afford one;
 - (c) the right to confront the witnesses against the defendant and to cross-examine them as to the truthfulness of their testimony;

BT *UA*

- (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.
5. That the defendant wishes to give up the constitutional rights of which the defendant has been advised.
 6. That there exists a basis in fact for believing the defendant is guilty of the offenses charged and that an independent record for such factual basis has been made.
 7. That the defendant and the prosecutor have entered into a plea agreement and that the defendant understands and consents to its terms.
 8. That the plea is voluntary and not the result of force, threats or promises other than a plea agreement.
 9. That under the circumstances, it is reasonable that the defendant plead guilty.
 10. 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.

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

03/28/24
DATE


MAGISTRATE JUDGE

