

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

STATE OF NEW MEXICO,  
Plaintiff,

No. D-0101-CR-2023 -00041

v.

Honorable

DAVID HALLS  
Defendant.

**PLEA AND DISPOSITION AGREEMENT**

The State of New Mexico and Defendant hereby agree to the following disposition of this case:

**Plea:**

Defendant agrees to plead **No Contest** to the following offense:

Count 1: **NEGLIGENT USE OF A DEADLY WEAPON (UNSAFE HANDLING)** (4149), a petty misdemeanor offense, occurring on or about October 21, 2021, in Santa Fe County New Mexico, contrary to NMSA 1978, Section 30-7-4(a)(3), as amended, as charged in Count 1 of the Criminal Information in D101CR 202300041.

**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:

**The State agrees to a suspended sentence with six (6) months of unsupervised probation with the following conditions**

- (1) Defendant agrees that he will testify truthfully in all hearings, trials, or settings involving any and all Defendants and co-Defendants in the criminal matter.
- (2) The Defendant shall pay a \$500 fine.
- (3) The Defendant shall participate in a firearm safety course and present proof of completion to the District Attorney within sixty days of the acceptance of this plea.
- (4) As part of this agreement, Defendant agrees to take responsibility for his actions or inactions.
- (5) Defendant shall obey all federal, state, and local laws or ordinances.
- (6) Defendant shall not possess or use any alcohol or controlled substance without a valid prescription.
- (7) Defendant shall complete twenty-four (24) hours of community service.

- (8) Defendant shall have no contact with any potential witnesses or Co-Defendants in this case.
- (9) The State reserves the right to withdraw this plea and prosecute any and all charges supported by probable cause if Defendant violates the terms and conditions of this plea agreement, fails to testify at any hearing in the criminal matters, commits a new offense, fails to abide by conditions of release pending sentencing, fails to appear at any scheduled court hearing, or violates any terms and/or conditions of probation.
2. **Restitution.** N/A.
3. **Effect on charging document.** That this agreement, unless rejected or withdrawn, serves to amend the complaint, indictment, or information to charge the offense to which Defendant pleads, without the filing of any additional pleading. If the plea is rejected or withdrawn, the original charges are automatically reinstated.
4. **Waiver of defenses and appeal.** Unless the plea is rejected or withdrawn, that Defendant hereby gives up any and all motions, defenses, objections or requests which he has made or raised, or could assert hereafter, to the Court's entry of judgment against him and imposition of a sentence upon him consistent with this agreement. Defendant waives the right to appeal the conviction that results from the entry of this plea agreement.
5. **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 shall allow the withdrawal of the plea, and this agreement shall be null and void. If the plea is withdrawn, neither the plea nor any statements arising out of the plea proceedings shall be admissible as evidence against Defendant in any criminal proceedings.
6. **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 the First Judicial District, or if Defendant is arrested in any location outside of the First Judicial District 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.

I understand that a conviction 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 have read and understand the above. I have discussed the case and my constitutional rights with my lawyer. I understand that by pleading no contest 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 agree to enter my plea as indicated above on the terms and conditions set forth herein. I fully understand that if, as a part of this agreement, I am granted probation, a suspended sentence, a deferred sentence, or a conditional discharge by the court, the terms and conditions thereof are subject to modification in the event that I violate any of the terms or conditions imposed.



David Halls  
Defendant

Date

1-18-2023

#### 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.



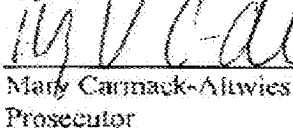
Lisa Torasco  
Defense Counsel

Date

1-18-2023

#### 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.



Mary Carmack-Altweis  
Prosecutor

Date

1-18-2023

#### DISTRICT COURT APPROVAL

Defendant personally appearing before me and I have concluded as follows:

1. That Defendant understands the charges set forth in the Criminal Information.
2. That Defendant understands the range of possible sentences for the offense charged, from a minimum of probation to a maximum of SIX MONTHS incarceration, and a FIVE HUNDRED DOLLAR (\$500) fine.
3. That Defendant understands the following constitutional rights which Defendant gives up by pleading no contest
  - (a) the right to a trial by jury, if any;

- (b) the right to the assistance of any attorney at trial, and to an appointed attorney, to be furnished free of charge, if Defendant cannot afford one;
  - (c) the right to confront the witnesses against Defendant and to cross-examine them as to the truthfulness of their testimony;
  - (d) the right to present evidence on Defendant's own behalf, and to have the state compel witnesses of Defendant's choosing to appear and testify;
  - (e) the right to remain silent and to be presumed innocent until proved guilty beyond a reasonable doubt.
4. That Defendant wishes to give up the constitutional rights of which Defendant has been advised.
  5. That there exists a basis in fact for believing Defendant is guilty of the offenses charged and that an independent record for such factual basis has been made.
  6. That Defendant and Prosecutor have entered into a plea agreement and that Defendant understands and consents to its terms.
  7. That the plea is voluntary and not the result of force, threats, or promises other than a plea agreement.
  8. That under the circumstances, it is reasonable that Defendant plead no contest.
  9. That Defendant understands that a conviction may have an effect upon Defendant's immigration or naturalization status and that, if Defendant is represented by counsel, Defendant has been advised by counsel of the immigration consequences of the plea.

On the basis of these findings, I conclude that Defendant knowingly, voluntarily and intelligently plead no contest to the above charges and accepts such plea. These findings shall be made part of the record in the above-styled case.

  
\_\_\_\_\_  
The Honorable  
District Judge

9/31/2023  
\_\_\_\_\_  
Date