

IN THE DISTRICT COURT  
STATE OF NEW MEXICO  
COUNTY OF LINCOLN  
STATE OF NEW MEXICO

COUNTY OF LINCOLN

-vs-

378523 10:57

VICENTE MONTES,  
DEFENDANT

CAUSE NO: CR-96-142

**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 No Contest to the following offenses:  
COUNT 1: ARMED ROBBERY, SECOND DEGREE FELONY WITH FIREARM ENHANCEMENT, §30-16-2, COUNT 10: CONSPIRACY,  
THIRD DEGREE FELONY, §30-29-2, NMSA 1978.

Terms: On the following understandings, terms and conditions:

1. That the following disposition will be made of the charges:  
**THE STATE WILL REQUEST 10 YEARS INCARCERATION.**
  2. That the following charges will be dismissed, or if not yet filed, shall not be brought against the Defendant:
  3. That this agreement, unless rejected or withdrawn, serves to amend the complaint, indictment, or information to charge the offense to which the Defendant pleads, without the filing of any additional pleading. If the plea is rejected or withdrawn, the original charges are automatically reinstated.
  4. Unless this plea is rejected or withdrawn, that the Defendant hereby gives up any and all motions, defenses, objections or requests which he has made or raised, or could assert hereafter, to the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.
  5. That, 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 shall be null and void. If the plea is withdrawn, neither the plea nor any statements arising out of the plea proceedings shall be admissible as evidence against the Defendant in any criminal proceedings.
- I understand that a conviction may have an effect on my immigration or naturalization status.  
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 part of this agreement, I am granted probation, a suspended sentence or a deferred sentence by the Court, the terms and conditions thereof are subject to modification in the event that I violate any of the terms or conditions imposed.

2/20/98  
DATE

Vicente Montes  
DEFENDANT

I have discussed this case with my client in detail and advised him of his constitutional rights and all possible defenses. I believe that the plea and disposition set forth herein are appropriate under the facts of this case. I concur in the entry of the plea as indicated above and on the terms and conditions set forth herein.

2/20/98  
DATE

[Signature]  
DEFENSE COUNSEL

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

2-20-98  
DATE

[Signature]  
PROSECUTOR

APPROVED:

[Signature]  
DISTRICT JUDGE

SCRA 9-4DB, Effective 9-1-90