

State of New Mexico

v.

DYON HERRERA

CASE DETAIL

| CASE # | CURRENT JUDGE | FILING DATE | COURT |
|--------------------|----------------------|-------------|--------------------------|
| D-117-CR-201800047 | Sommer, Mary Marlowe | 02/15/2018 | TIERRA AMARILLA District |

PARTIES TO THIS CASE

| PARTY TYPE | PARTY DESCRIPTION | PARTY # | PARTY NAME |
|------------|-------------------|---------|---------------------------------|
| D | Defendant | 1 | HERRERA DYON |
| | | | ATTORNEY: MANNICK PAUL D. |
| P | Plaintiff | 1 | STATE OF NEW MEXICO |
| | | | ATTORNEY: VALENCIA PETER JOSEPH |

CRIMINAL CHARGE DETAIL

| PARTY | COUNT | SEQ # | STATUTE | CHARGE | CLASS | CHARGE DATE | CIT # | PLEA | DISPOSITION | DISP DATE |
|-------|-------|-------|-----------|---|-------|-------------|-------|--------|--|------------|
| D 1 | 1 | 2 | 3-8-75(C) | Falsifying Election Documents in Municipal Election | F4 | 02/18/2016 | | | Dismissed by Prosecutor Per Plea Agreement | 10/25/2019 |
| D 1 | 2 | 2 | 3-8-75(C) | Falsifying Election Documents in Municipal Election | F4 | 02/18/2016 | | | Dismissed by Prosecutor Per Plea Agreement | 10/25/2019 |
| D 1 | 3 | 3 | 3-8-79(A) | Conspiracy to Violate the Municipal Election Code | F4 | 02/18/2016 | | Guilty | Deferred | 01/13/2020 |
| D 1 | 4 | 2 | 3-9-16(D) | Making False Statements Relative to the Municipal Election Code | F4 | 02/18/2016 | | | Dismissed by Prosecutor Per Plea Agreement | 10/25/2019 |

HEARINGS FOR THIS CASE

| HEARING DATE | HEARING TIME | HEARING TYPE | HEARING JUDGE | COURT | COURT ROOM |
|--------------|--------------|-------------------------------|------------------------|-----------------|------------------------------|
| 01/13/2020 | 4:00 PM | SENTENCING HEARING | Sommer, Mary Marlowe | TIERRA AMARILLA | |
| 10/24/2019 | 3:00 PM | PLEA CONFERENCE | Sommer, Mary Marlowe | TIERRA AMARILLA | |
| 10/15/2019 | 1:00 PM | STATUS HEARING/ CONFERENCE | Sommer, Mary Marlowe | TIERRA AMARILLA | |
| 06/26/2019 | 3:30 PM | STATUS HEARING/ CONFERENCE | Sommer, Mary Marlowe | TIERRA AMARILLA | |
| 01/10/2019 | 11:30 AM | DOCKET CALL | Sommer, Mary Marlowe | TIERRA AMARILLA | |
| 11/29/2018 | 11:30 AM | Pretrial Conference | Sommer, Mary Marlowe | TIERRA AMARILLA | |
| 08/20/2018 | 3:00 PM | MOTION HEARING | Sommer, Mary Marlowe | TIERRA AMARILLA | |
| 07/26/2018 | 1:58 PM | DOCKET CALL | Sommer, Mary Marlowe | TIERRA AMARILLA | |
| 07/26/2018 | 12:00 PM | MOTION HEARING | Sommer, Mary Marlowe | TIERRA AMARILLA | |
| 06/21/2018 | 2:00 PM | Pretrial Conference | Sommer, Mary Marlowe | TIERRA AMARILLA | |
| 03/13/2018 | 9:30 AM | ARRAIGNMENT | Wilson, Matthew Justin | TIERRA AMARILLA | Rio Arriba County Courthouse |

REGISTER OF ACTIONS ACTIVITY

| EVENT DATE | EVENT DESCRIPTION | EVENT RESULT | PARTY TYPE | PARTY # | AMOUNT |
|------------|--|--------------|------------|---------|--------|
| 08/12/2021 | ORD: OF DISMISSAL Order of Dismissal on Deferred Sentence | | | | |
| 02/17/2020 | ORD: OF PROBATION Order of Probation | | | | |
| 02/10/2020 | CLS: ORDER DEFERRING SENTENCE Order Deferring Sentence | | | | |
| 01/15/2020 | NTC: HEARING (PRESENTMENT) Notice of Hearing: Notice of Presentment on Judgment and Sentence | | | | |

| | | | |
|------------|---|---|---|
| 12/24/2019 | ORD: OF CONTINUANCE Order of Continuance Sentencing Hearing | | |
| 12/20/2019 | MTN: MOTION State of New Mexico's Unopposed Motion to Continue Sentencing Hearing | P | 1 |
| 12/18/2019 | NTC: HEARING (VACATE & RESET) Notice Vacating and Resetting Hearing | | |
| 11/15/2019 | NTC: Hearing (Sentencing) Notice Of Hearing 12/12/19 @4:30PM Matter Sentencing | D | 1 |
| 11/08/2019 | REQUEST FOR HEARING/ SETTING Request for Hearing matter: Sentencing | D | 1 |
| 11/04/2019 | RECEIPT OF CD Cd Receipt | | |
| 10/25/2019 | REQUEST FOR COPY OF TAPES/CD/AUDIO CD Request Requestor: Nathaniel King (Rio Grande Sun), (3:08:25-3:18:49 1cd 10/29/19 jn) xc : SS | | |
| 10/25/2019 | PLEA & DISPOSITION AGREEMENT Plea and Disposition Agreement | D | 1 |
| 10/24/2019 | ORD: WITHDRAWAL/ SUBSTITUTION OF COUNSEL Substitution of Counsel on Entry of Appearance Paul Mannick enters for defense | D | 1 |
| 10/17/2019 | NTC: HEARING Notice of Hearing October 24, 2019 at 3:00PM Plea Conference | | |
| 10/16/2019 | WITNESS LIST State's Second Supplemental Witness List | | |
| 10/16/2019 | CERTIFICATE OF COMPLIANCE Third Supplemental Certificate of Compliance | | |
| 10/16/2019 | REQUEST FOR HEARING/ SETTING Request for Expedited Hearing | | |
| 10/16/2019 | WITNESS LIST Final Witness List | | |
| 10/08/2019 | RESPONSE State's Response to Defendant's Motion to Withdraw as Counsel | | |
| 07/23/2019 | ORD: PRETRIAL HEARING SCHEDULED Amended Trial Scheduling Order October 15, 2019 @ 1PM Status October 30, 2019 @ 8:30 AM Selection October 31, November 1, 6 and 8 @ 8:30AM: Trial | | |
| 06/04/2019 | RESPONSE Response to State's Motion to Limit Defendant's Presence at PreTrial Witness Statements | | |
| 01/29/2019 | WITNESS LIST Supplemental State's Witness List | | |
| 01/23/2019 | ORD: PRETRIAL HEARING SCHEDULED Amended Trial Scheduling Order | | |
| 09/18/2018 | ORD: PRETRIAL HEARING SCHEDULED First Amended Trial Scheduling Order; Pre-Trial Hearing November 29, 2018 at 11:30 am Docket Call January 10, 2019 at 11:30 am Status Hearing March 4, 2019 at 9:30 am Trial April 1-5, 2019 at 8:30 am | | |
| 09/13/2018 | CERTIFICATE OF COMPLIANCE | P | 1 |

09/13/2018 First Supplemental Certificate of Compliance
ORD: PRETRIAL HEARING
SCHEDULED
Amended Trial Scheduling Order
11/29/2018 @ 2PM Pre Trial Hearing
1/10/2019 @ 2PM Docket Call
3/4/2018 @ 9:30AM Status
4/1/2019-4/5/2019 @ 8:30AM Trial

07/10/2018 NTC: HEARING (MOTION)
Notice of Hearing
July 24, 2018 at 3:30 pm
Motion for Severance

06/11/2018 RESPONSE
State's Response to Motion for Severance

05/29/2018 MTN: MOTION
Motion For Severance

05/22/2018 REQUEST FOR HEARING/
SETTING
Request for Hearing
Matter: State's Conference

05/22/2018 ORD: PRETRIAL HEARING
SCHEDULED
Amended Trial Scheduling Order
6/21/2018 @ 2PM Pre Trial Hearing
7/26/2018 @ 2PM Docket Call
8/27/2018 @ 9:30AM Status

05/17/2018 JDG: NOTICE OF JUDGE D 1
ASSIGNMENT
Notice of Judge Assignment
Reassigned to Judge Mary Marlowe Sommer due to the excusal of Judge Ellington per defense on 5/16/2018.

05/16/2018 JDG: JUDGE D 1
EXCUSAL/PEREMPTORY
CHALLENGE
Peremptory Election to Excuse District Court Judge

05/10/2018 JDG: NOTICE OF JUDGE
ASSIGNMENT
Notice of Judge Assignment
Reassigned to Judge Ellington due to the Peremptory Excusal of Judge Lidyard per Plaintiff on May 8, 2018

05/09/2018 ENTRY OF APPEARANCE D 1
Entry of Appearance

05/08/2018 JDG: JUDGE
EXCUSAL/PEREMPTORY
CHALLENGE
Notice of Excusal

04/26/2018 ORD: WITHDRAWAL/ D 1
SUBSTITUTION OF
COUNSEL
Order Allowing Withdrawal of Counsel
Y. K. Quintana

04/18/2018 MTN: TO WITHDRAW
Motion to Withdraw

04/14/2018 JDG: NOTICE OF JUDGE
ASSIGNMENT
On March 30, 2018, Governor Susana Martinez appointed Jason Lidyard to fill the vacant position in Division V of the First Judicial District. On April 14, 2018 a mass reassignment of all cases previously assigned to Judge Jennifer L. Attrep will be assigned to Judge Jason Lidyard pursuant to NMSC Rule 23-109, the Chief Judge Rule. Parties who have not previously exercised their right to challenge or excuse will have ten (10) days from May 2, 2018 to challenge or excuse Judge Jason Lidyard pursuant to Rule 1-088.1. No Pleading Required

03/27/2018 CERTIFICATE OF
COMPLIANCE
Certificate of Compliance

03/14/2018 ORD: PRETRIAL HEARING
SCHEDULED

| | | | |
|------------|---|---|---|
| | Discovery and Trial Scheduling Order; | | |
| | Pre-Trial Hearing June 26, 2018 at 1 pm | | |
| | Docket Call August 7, 2018 at 2 pm | | |
| | Status Hearing August 28, 2018 at 2 pm | | |
| | Trial September 4, 2018 at 8:00 am | | |
| 03/14/2018 | MEMORANDUM | | |
| | Memorandum of Arraignment; Not Guilty | | |
| 03/13/2018 | DEMAND FOR NOTICE | | |
| | Demand for Notice of Intention to Claim Alibi/And Or Entrapment | | |
| 03/13/2018 | WITNESS LIST | | |
| | State's Witness List | | |
| 03/13/2018 | ENTRY OF APPEARANCE | P | 1 |
| | Entry of Appearance | | |
| 03/13/2018 | ORD: CONDITIONS OF RELEASE | | |
| | Order Setting Conditions of Release | | |
| | Personal Recognizance | | |
| 03/13/2018 | WAIVER | D | 1 |
| | Waiver of Conflict | | |
| 02/19/2018 | SUMMONS ISSUED | D | 1 |
| | Criminal Summons | | |
| | Issued to Defendant | | |
| | 3/13/2018 @ 9:30AM | | |
| | Rio Arriba Courthouse, Tierra Amarilla | | |
| 02/15/2018 | STATEMENT OF JOINDER | D | 1 |
| | Statement Joinder D117CR201800048 | | |
| 02/15/2018 | OPN: GRAND JURY INDICTMENT | | |
| | Grand Jury Indictment | | |

JUDGE ASSIGNMENT HISTORY

| ASSIGNMENT DATE | JUDGE NAME | SEQ # | ASSIGNMENT EVENT DESCRIPTION |
|-----------------|----------------------|-------|------------------------------|
| 02/15/2018 | Attrep, Jennifer L. | 1 | INITIAL ASSIGNMENT |
| 04/14/2018 | Lidyard, Jason | 2 | Administrative Assignment |
| 05/08/2018 | Ellington, T. Glenn | 3 | Judge Peremptory Excusal |
| 05/16/2018 | Sommer, Mary Marlowe | 4 | Judge Peremptory Excusal |