

SECOND JUDICIAL DISTRICT COURT

COUNTY OF BERNALILLO

STATE OF NEW MEXICO

No. **D 0202 CR 2013000536**  
DA#: 2013-00470-01  
STN: 001130011227

ENDORSED  
FILED IN MY OFFICE THIS

FEB 04 2013

*Angie T. Child*  
CLERK DISTRICT COURT

MARCE J. CHAVEZ

STATE OF NEW MEXICO,

KENNETH H. MARTINEZ

Plaintiff,

vs.

NEHEMIAH GRIEGO,

Defendant.

CRIMES CHARGED

OPEN COUNT OF MURDER (5 COUNTS)(0001); ABUSE OF A CHILD  
(INTENTIONAL)(DEATH-CHILD UNDER 12)(FIREARM ENHANCEMENT)(3 COUNTS)(0011)

GRAND JURY INDICTMENT

THE GRAND JURY CHARGES:

*T* COUNT 1: FIRST DEGREE MURDER (WILLFUL AND DELIBERATE), SECOND  
DEGREE MURDER (FIREARM ENHANCEMENT) AND MANSLAUGHTER (FIREARM  
ENHANCEMENT)(0001)

That on or between the 18th day and 19th day of January, 2013, in Bernalillo County, New Mexico, the above-named defendant did murder Gregory Griego, with the deliberate intention to take away the life of Gregory Griego, or any other human being, contrary to §30-2-1(A)(1), NMSA 1978; AND FURTHERMORE, the defendant is hereby notified that upon trial of this cause the finder of fact may be instructed to consider murder in the second degree (firearm enhancement), contrary to §30-2-1(B) and §31-18-16, NMSA 1978, or manslaughter (firearm enhancement), contrary to §30-2-3 and §31-18-16, NMSA 1978.

† COUNT 2: FIRST DEGREE MURDER (WILLFUL AND DELIBERATE), SECOND DEGREE MURDER (FIREARM ENHANCEMENT) AND MANSLAUGHTER (FIREARM ENHANCEMENT)(0001)

That on or between the 18th day and 19th day of January, 2013, in Bernalillo County, New Mexico, the above-named defendant did murder Sarah Griego, with the deliberate intention to take away the life of Sarah Griego, or any other human being, contrary to §30-2-1(A)(1), NMSA 1978; AND FURTHERMORE, the defendant is hereby notified that upon trial of this cause the finder of fact may be instructed to consider murder in the second degree (firearm enhancement), contrary to §30-2-1(B) and §31-18-16, NMSA 1978, or manslaughter (firearm enhancement), contrary to §30-2-3 and §31-18-16, NMSA 1978.

† COUNT 3: FIRST DEGREE MURDER (WILLFUL AND DELIBERATE), SECOND DEGREE MURDER (FIREARM ENHANCEMENT) AND MANSLAUGHTER (FIREARM ENHANCEMENT)(0001)

That on or between the 18th day and 19th day of January, 2013, in Bernalillo County, New Mexico, the above-named defendant did murder Zephaniah Griego, with the deliberate intention to take away the life of Zephaniah Griego, or any other human being, contrary to §30-2-1(A)(1), NMSA 1978; AND FURTHERMORE, the defendant is hereby notified that upon trial of this cause the finder of fact may be instructed to consider murder in the second degree (firearm enhancement), contrary to §30-2-1(B) and §31-18-16, NMSA 1978, or manslaughter (firearm enhancement), contrary to §30-2-3 and §31-18-16, NMSA 1978.

† COUNT 4: FIRST DEGREE MURDER (WILLFUL AND DELIBERATE), SECOND DEGREE MURDER (FIREARM ENHANCEMENT) AND MANSLAUGHTER (FIREARM ENHANCEMENT)(0001)

That on or between the 18th day and 19th day of January, 2013, in Bernalillo County, New Mexico, the above-named defendant did murder Jael Griego, with the deliberate intention to take away the life of Jael Griego, or any other human being, contrary to §30-2-1(A)(1), NMSA 1978; AND FURTHERMORE, the defendant is hereby notified that upon trial of this cause the finder of fact may be instructed to consider murder in the second degree (firearm enhancement), contrary to §30-2-1(B) and §31-18-16, NMSA 1978, or manslaughter (firearm enhancement), contrary to §30-2-3 and §31-18-16, NMSA 1978.

† COUNT 5: FIRST DEGREE MURDER (WILLFUL AND DELIBERATE), SECOND DEGREE MURDER (FIREARM ENHANCEMENT) AND MANSLAUGHTER (FIREARM ENHANCEMENT)(0001)

That on or between the 18th day and 19th day of January, 2013, in Bernalillo County, New Mexico, the above-named defendant did murder Angelina Griego, with the deliberate intention to take away the life of Angelina Griego, or any other human being, contrary to §30-2-1(A)(1), NMSA 1978; AND FURTHERMORE, the defendant is hereby notified that upon trial of this cause the finder of fact may be instructed to consider murder in the second degree (firearm enhancement), contrary to §30-2-1(B) and §31-18-16, NMSA 1978, or manslaughter (firearm enhancement), contrary to §30-2-3 and §31-18-16, NMSA 1978.

T COUNT 6: CHILD ABUSE (INTENTIONALLY CAUSED) (DEATH-CHILD UNDER 12)(FIREARM ENHANCEMENT)(0011)

That on or between the 18th day and 19th day of January, 2013, in Bernalillo County, New Mexico, the above-named defendant did intentionally and without justification, cause Zephaniah Griego, a child, placed in a situation that endangered child's life or health, which resulted in the death of Zephaniah Griego, contrary to §30-6-1(D) and used a firearm, contrary to §31-18-16, NMSA 1978, as amended.

T COUNT 7: CHILD ABUSE (INTENTIONALLY CAUSED) (DEATH-CHILD UNDER 12)(FIREARM ENHANCEMENT)(0011)

That on or between the 18th day and 19th day of January, 2013, in Bernalillo County, New Mexico, the above-named defendant did intentionally and without justification, cause Jael Griego, a child, placed in a situation that endangered child's life or health, which resulted in the death of Jael Griego, contrary to §30-6-1(D) and used a firearm, contrary to §31-18-16, NMSA 1978, as amended.

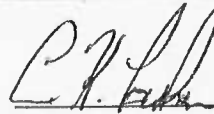
T COUNT 8: CHILD ABUSE (INTENTIONALLY CAUSED) (DEATH-CHILD UNDER 12)(FIREARM ENHANCEMENT)(0011)


That on or between the 18th day and 19th day of January, 2013, in Bernalillo County, New Mexico, the above-named defendant did intentionally and without justification, cause Angelina Griego, a child, placed in a situation that endangered child's life or health, which resulted in the death of Angelina Griego, contrary to §30-6-1(D) and used a firearm, contrary to §31-18-16, NMSA 1978, as amended.

The names of the witnesses upon whose testimony this Indictment is based are as follows:

I hereby certify that the foregoing Indictment is a TRUE Bill.

APPROVED:

  
\_\_\_\_\_  
Foreman

  
\_\_\_\_\_  
For: David L. Waymire  
Deputy District Attorney

4 Feb. 2013  
\_\_\_\_\_  
Date

PENALTIES

As to Counts 1 through 5: capital offenses, life imprisonment  
Counts 6-8: 1<sup>st</sup> degree felony offenses resulting in death

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**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.

**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.

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**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.

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**Penalty for Driving While Under the Influence, Felony Offense:**(4th or Subsequent Offense): Basic sentence of 18 months and not more than \$5,000 fine, including a mandatory jail term of not less than 6 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.

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**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.

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**OPEN CHARGE OF MURDER**

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

**CAPITAL FELONY:** Life Imprisonment

**SECOND DEGREE MURDER:** Basic sentence of 15 years imprisonment and not more than \$12,500 fine.

**VOLUNTARY MANSLAUGHTER:** Basic sentence of 6 years imprisonment and not more than \$15,000 fine.

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

**Penalty for FIRST DEGREE MURDER (Felony Murder):**

**CAPITAL FELONY:** Life Imprisonment

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