

FILED IN MY OFFICE
8TH JUDICIAL DIST. COURT
TAOS COUNTY, N.M. ON

2018 AUG 28 PM 3:52

BERNABE P. STRUCK ✓
CLERK OF THE
DISTRICT COURT

STATE OF NEW MEXICO
COUNTY OF TAOS
EIGHTH JUDICIAL DISTRICT COURT
PRESIDING JUDGE: Jeff McElroy

NO. D-820-CR-201800167

STATE OF NEW MEXICO,
Plaintiff,

vs.

SIRAJ IBN WAHLAJ

DOB: 06/21/1978

SSN: 105-80-0214

STN: Not Available

Defendant.

Crime(s): Abuse of a Child (Does Not Result in Death or Great Bodily Harm) (6562)
Abuse of a Child (Does Not Result in Death or Great Bodily Harm) (6562)
Abuse of a Child (Does Not Result in Death or Great Bodily Harm) (6562)
Abuse of a Child (Does Not Result in Death or Great Bodily Harm) (6562)
Abuse of a Child (Does Not Result in Death or Great Bodily Harm) (6562)
Abuse of a Child (Does Not Result in Death or Great Bodily Harm) (6562)
Abuse of a Child (Does Not Result in Death or Great Bodily Harm) (6562)
Abuse of a Child (Does Not Result in Death or Great Bodily Harm) (6562)
Abuse of a Child (Does Not Result in Death or Great Bodily Harm) (6562)
Abuse of a Child (Does Not Result in Death or Great Bodily Harm) (6562)
Abuse of a Child (Does Not Result in Death or Great Bodily Harm) (6562)
Custodial Interference (Right to Custody) (0131)

ARRAIGNMENT ORDER

THIS MATTER came on for hearing before the Court for arraignment this 28 day of August, 2018, the State of New Mexico, Donald Gallegos, District Attorney for the Eighth Judicial District, being represented by Timothy R. Hasson, Deputy District Attorney, and the Defendant was personally present in Court and represented by ALOKI KOGUT. The Court informed the Defendant of the following:

1. The offense(s) charged;
2. The penalty provided by law for the offense(s);
3. The right to bail;
4. The right, if any, to trial by jury;
5. The right, if any, to the assistance of counsel at every stage of the proceedings and the right, if any, to representation by an attorney at state expense;

6. The right to remain silent and that any statements made by him or her may be used against him or her; and
7. The right, if any, to a preliminary examination. At that time, the Defendant entered a plea of NOT GUILTY / GUILTY.


 Jeff McElroy
 DISTRICT JUDGE

ORDER SETTING CONDITIONS OF RELEASE

Release on recognizance or unsecured bond:

It is ordered that the defendant be released from custody upon

(check and complete applicable alternatives)

- Personal recognizance.
- Unsecured appearance bond of \$ _____.
- Third-party custody release to: _____ (individual or organization).

I/We agree to supervise the defendant; to use every effort to assure the defendant's appearance at all scheduled hearings; and to notify the court immediately in the event that the defendant violates any conditions of release.

| | | |
|------------------------|-------------------------|--------------------------------|
| Signature of Custodian | Address (city/zip code) | Area code and telephone number |
|------------------------|-------------------------|--------------------------------|

Defendant's conditions of release:

The court FINDS that the following conditions of release are the least restrictive conditions necessary to reasonably assure the appearance of the defendant as required and the safety of any other person and the community. The defendant shall not violate any federal, state, or local criminal law, during the period of release. The defendant shall attend all future hearings in this matter, and shall:

- not possess firearms or dangerous weapons;
- not return to the location of the alleged incident;
- not consume alcohol;
- not buy, sell, consume, or possess illegal drugs;
- notify the court of any change of address;
- not leave the (County of Taos) (State of New Mexico) without prior permission of the court;

- maintain contact with the defendant's attorney/seek and consult an attorney;
- avoid all contact with the alleged victim or anyone who may testify in this case;
- have an ignition interlock device on any vehicle the defendant may drive (camera capable ignition interlock device);
- be on pretrial supervision and abide by all conditions set by the court and by pretrial services;
- reside at _____ (address) unless otherwise agreed to by the court;
- submit to a drug test or an alcohol/drug assessment with _____ and shall comply with all recommendations of same;
- Defendant shall submit to urinalysis random / _____ times each week, at HRDA, Inc. OR Tri-County Community Services.
- not leave the defendant's residence between the hours of _____ p.m. and _____ a.m. without prior permission of the court;
- maintain employment, or, if unemployed, actively seek employment;
- maintain or commence an educational program;
- undergo available medical, psychological, or psychiatric treatment, including treatment for drug or alcohol dependency and remain in a specified institution if required for that purpose.

OTHER:

- Defendant shall be released from custody.
- Defendant shall be placed on GPS / Ankle Monitor and/or SOBERLINK.
- Defendant shall undergo available medical, psychological, or psychiatric treatment, including treatment for drug or alcohol dependency and remain in a specified institution if required for that purpose.

Release on secured bond:

- The court FINDS that release on non-monetary conditions will not reasonably assure the appearance of the defendant. In making this determination, the court finds the following particularized factors require imposition of a secured bond in the amount set forth below.

_____ *Δ hold pending no-bond hearing* _____

Secured bond of \$ _____, secured by:

- Cash at 10% of total bond.
- real property bond executed on Form 9-304 NMRA.
- either 100% cash or a surety bond executed on Form 9-304 NMRA.

Defendant's acceptance of conditions and promise to appear:

I understand the above conditions of release and agree to them.

I understand that the court may have me arrested at any time, without notice, to review and reconsider these conditions.

I understand that my conditions of release may be revoked and I may be charged with a separate criminal offense if I intimidate or threaten a witness, the victim, or an informant, or if I otherwise obstruct justice.

I further understand that my conditions of release may be revoked if I violate a federal, state or local criminal law.

I agree to appear before the court on _____, at _____ (am / pm), and thereafter at such times and places required in this case by any court.

I understand that if I fail to appear as required, my bond, if any, may be forfeited, and I may be prosecuted and sent to [jail] [the penitentiary] for the separate offense of failure to appear. I agree to comply fully with each of the conditions imposed on my release and to notify the court promptly in the event I change the address indicated below.

Defendant's signature

Date

Date of release

Time of release

Cell phone number

Alternate phone number

e-mail address

Mailing address (include city, state and zip code)

Physical address (include city, state and zip code)

Judicial approval of conditions:

[Signature]

Jeff McElroy
DISTRICT JUDGE



Timothy R. Hasson
Deputy District Attorney



Attorney for Defendant

D. 1503.MVL - FAO

/jal