

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

Case No. **CR 2024 - 03636**
DA#: 2024-08946-1
PD#: D-202-PD-202401408

FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
12/12/2024 10:34:28
Katina Watson
CLERK OF THE COURT
Miramontes-Vargas, Adilene

ENDORSED
FILED IN THIS OFFICE

DEC 19 2024

METROPOLITAN COURT

STATE OF NEW MEXICO,
Plaintiff,

v.

JOSEPH MONTANO

KYLE BEARDEN,
A.K.A.(s) KYLE SAM BEARDEN; ROSE BEARDEN; X ROSE,
Defendant.

CRIMES CHARGED

RECEIPT, TRANSPORTATION OR POSSESSION OF A FIREARM OR DESTRUCTIVE
DEVICE BY A FELON (7711), AGGRAVATED ASSAULT (DEADLY WEAPON)
(FIREARM ENHANCEMENT) (0056),

GRAND JURY INDICTMENT

THE GRAND JURY CHARGES:

**COUNT 1: RECEIPT, TRANSPORTATION OR POSSESSION OF A FIREARM OR
DESTRUCTIVE DEVICE BY A FELON (7711)**

That on or about November 30, 2024, in Bernalillo County, New Mexico, the above-named
defendant, a felon as defined in Section 30-7-16(E)(3), did unlawfully receive, transport or
possess a firearm or a destructive device as defined in Section 30-7-16(E)(1) & (4), contrary to
NMSA 1978, Section 30-7-16(A) (2022).

**COUNT 2: AGGRAVATED ASSAULT (DEADLY WEAPON) (FIREARM
ENHANCEMENT) (0056)**

That on or about November 30, 2024, in Bernalillo County, New Mexico, the above-named
defendant did assault or strike at Robert Salazar, with a firearm, a deadly weapon, contrary to
NMSA 1978, Section 30-3-2(A) (1963) and 31-18-16 (2022).

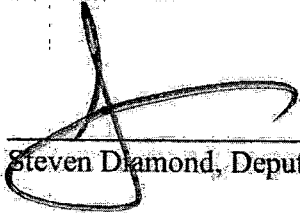
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The names of the witnesses upon whose testimony this Indictment is based are as follows:

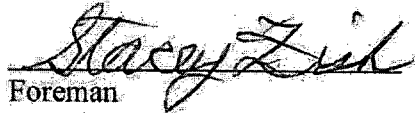
APD Crusito Gonzales-Lopez #7585

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

APPROVED:



for
Steven Diamond, Deputy District Attorney



Foreman

12/11/24

Date

STATE VS. KYLE BEARDEN
GRAND JURY INDICTMENT

CASE INFORMATION

DA FILE#: 2024-08946-1
MET.CT.#: T-4-FR-2024-008419
PD#: D-202-PD-202401408
LEA/RPT#: Albuquerque Police Department / 24-0098781
PROSECUTOR: Steven Diamond, Deputy District Attorney

DOB: 09/09/1993
SS#: 600-35-5329
FBI#: 163484NG7
SID#:
ADD: 2050 North Print St., Wichita, OK 67219

BOOKING/ARREST DATE: December 01, 2024
BOOKING/ARREST#: 24-19603
STN: Not Available

DEF ATTY: Stefanie J. Gulley
Law Offices of Stefanie J Gulley
PO Box 7756
Albuquerque, NM 87194
(505) 681-3222

PHYSICAL DESCRIPTION OF DEFENDANT:



Height: 5'09"
Weight: 132 lbs
Race: Unknown
Male
Eye Color: Brown
Hair Color: Brown
Scars/Tattoos: Tattoo, Back, CLOUDS

VE

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GRAND JURY INDICTMENT

PENALTIES

Count 1: **Receipt, Transportation or Possession of a Firearm or Destructive Device by a Felon(7711)**, a third degree felony with a basic sentence of three years and a fine of \$5,000, followed by two years parole.

Count 2: **Aggravated Assault (Deadly Weapon)(0056)**, a fourth degree felony with a basic sentence of eighteen months and a fine of \$5,000, followed by one year parole. **(Firearm Enhancement)**, a basic sentence of imprisonment increased by 3 years occurring on or after May 18, 2022.

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 or BRANDISHING 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 for incidents occurring on or before June 30, 2020; basic sentence of imprisonment increased by 3 years for first offense in which a firearm is brandished and 5 years for subsequent offenses in which a firearm is brandished for incidents occurring on or after July 1, 2020. When the offender is a serious youthful offender or a youthful offender, the basic sentence may be increased by one year for first offense in which a firearm is brandished and may be increased by 3 years for subsequent offenses in which a firearm is brandished for incidents occurring on or after July 1, 2020.

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.

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.

Penalty for Driving While Under the Influence - Felony Offense:

(4th): Basic sentence of 18 months and not more than \$5,000 fine, including a mandatory imprisonment term of not less than 6 months;

(5th): Basic sentence of 24 months and not more than \$5,000 fine, including a mandatory imprisonment term of not less than 12 months;

(6th): Basic sentence of 30 months and not more than \$5,000 fine, including a mandatory imprisonment term of not less than 18 months;

(7th or Subsequent): Basic sentence of 36 months and not more than \$5,000 fine, including a mandatory imprisonment term of not less than 24 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

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\$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.

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.

OPEN CHARGE OF MURDER

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

CAPITAL FELONY: Life Imprisonment, to be followed by a minimum five year parole term upon release.

SECOND DEGREE MURDER: Basic sentence of 15 years imprisonment and not more than \$12,500 fine, to be followed by a two year parole term.

VOLUNTARY MANSLAUGHTER: Basic sentence of 6 years imprisonment and not more than \$15,000 fine, to be followed by a two year parole term.

INVOLUNTARY MANSLAUGHTER: 4th Degree Felony: Basic sentence of 18 months imprisonment and not more than \$5,000 fine, to be followed by a one year parole.

Penalty for FIRST DEGREE MURDER (Felony Murder):

CAPITAL FELONY: Life Imprisonment, to be followed by a minimum five year parole term upon release.