

DISTRICT COURT, El Paso County, Colorado Court Address: 270 South Tejon Street Colorado Springs, CO. 80903	
People of the State of Colorado vs. Marco Garcia-Bravo, Defendant	DATE FILED: April 1, 2021 7:34 PM
Deputy District Attorney: Donna Billek, Deborah Pearson, Michael Fisher Attorney Registration #: 30721, 28081, 39418 Address: 105 E Vermijo, Colorado Springs, CO 80903 Phone Number: (719) 520-6000 District Attorney: Michael J. Allen, #42955	▲ COURT USE ONLY ▲ Case #: D0212017CR001736 Division #: 4
PLEA AGREEMENT	

1. I am the defendant, Marco Garcia-Bravo.

2. I wish to plead guilty to the following:

**Amended Count No. 1 Conspiracy to Commit Murder in the Second Degree
C.R.S. 18-3-103(1) (Class 3 Felony)**

**Amended Count No. 3 Conspiracy to Commit Murder in the Second Degree
C.R.S. 18-3-103(1) (Class 3 Felony)**

**Amended Count 14 Crime of Violence (Sentencing Enhancer)
C.R.S. 18-1.3-406(2)(a)(I)(B)**

**Amended Count 15 Crime of Violence (Sentencing Enhancer)
C.R.S. 18-1.3-406(2)(a)(I)(B)**

3. I understand the nature of the charge(s) and the elements of each offense to which I am pleading and the effect of my plea.

4. The elements of the offense(s) to which I am pleading guilty are:

Count No. 1 Conspiracy to Commit Murder in the Second Degree CRS 18-3-201 (Class 3 Felony)

On or about March 11, 2017, Marco Antonio Garcia-Bravo, with the intent to promote or facilitate the commission of the crime of murder in the second degree, unlawfully and feloniously agreed with another person that one or more of them would engage in

Defendant's Initials M.G.

conduct which constituted that crime or an attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in pursuance of the conspiracy was committed by one or more of the conspirators; in violation of sections 18-3-103(1) and 18-2-201, C.R.S.

Crime of Violence, (SE):

- 1) That the defendant,
- 2) in the State of Colorado, at or about the date and place charged,
- 3) during the commission of, attempted commission of, conspiracy to commit, or the immediate flight from, the crime of Conspiracy to Commit Murder in the Second Degree,
- 4) unlawfully caused serious bodily injury to or the death of Natalie Partida, a person not a participant in the crime.

Count No. 3 Conspiracy to Commit Murder in the Second Degree CRS 18-3-201 (Class 3 Felony)

On or about March 11, 2017, Marco Antonio Garcia-Bravo, with the intent to promote or facilitate the commission of the crime of murder in the second degree, unlawfully and feloniously agreed with another person that one or more of them would engage in conduct which constituted that crime or an attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in pursuance of the conspiracy was committed by one or more of the conspirators; in violation of sections 18-3-103(1) and 18-2-201, C.R.S.

Crime of Violence, (SE):

- 1) That the defendant,
- 2) in the State of Colorado, at or about the date and place charged,
- 3) during the commission of, attempted commission of, conspiracy to commit, or the immediate flight from, the crime of Conspiracy to Commit Murder in the Second Degree,
- 4) unlawfully caused serious bodily injury to or the death of Natalie Partida, a person not a participant in the crime.

A person acts "**intentionally**" or "**with intent**" when his conscious objective is to cause the specific result proscribed by the statute defining the offense. It is immaterial whether or not the result actually occurred.

A person acts "**knowingly**" with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such circumstance exists. A person acts "**knowingly**" with respect to a result of his conduct when he is aware that his conduct is practically certain to cause the result.

"**Bodily injury**" means physical pain, illness, or any impairment of physical or mental condition.

"Person," when referring to the victim of a homicide, means a human being who had been born and was alive at the time of the homicidal act.

"Serious bodily injury" means any bodily injury that, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.

5. I was not on probation, bond, parole or deferred judgement and sentence, for a felony crime, at the time I committed this crime.
6. I understand that for purpose of reaching a plea agreement, the District Attorney will move to dismiss all other remaining charges in this case subject to the payment of restitution. Furthermore, the People agree to dismiss the following case(s) subject to restitution: dismiss 19CR6936.
7. As to sentencing, I agree:

a) As to Count 1, the Defendant shall serve 15 years in the Department of Corrections, plus the mandatory period of parole.

As to Count 3, the Defendant shall serve 15 years in the Department of Corrections, plus the mandatory period of parole.

The Defendant was previously convicted of Count 22 – Accessory to Crime. The Defendant shall serve 6 years in the Department of Corrections, plus the mandatory period of parole.

The sentences in Count 1 and Count 3 shall run consecutively to each other. Count 22 shall be served concurrently with Counts 1 and 3.

The Defendant shall serve a total of 30 years in the Department of Corrections, plus mandatory parole.

The Defendant has pled guilty to a Crime of Violence enhancer, agrees that the Defendant is subject to enhanced sentencing subject to C.R.S. 18-1.3-406, and agrees to waive any requirement that a jury must find aggravating facts to subject him to such aggravated sentencing.

- b) The Defendant agrees to waive sentencing reconsideration under Rule 35(b).
- c) The Defendant shall pay felony court costs, restitution and all surcharges that apply as ordered by the court. The Defendant stipulates to causation for restitution purposes.

- d) This plea agreement is conditional on my having no prior adult felony conviction(s). If it is determined prior to sentencing that I have additional felony convictions, then the district attorney will have the discretion to withdraw this plea agreement. By signing this agreement, the defendant asserts the number of prior felony convictions listed above is accurate and, that assertion, if inaccurate, would be a material breach of this agreement and the district attorney would have the discretion to withdraw this plea agreement.
- e) I agree that at the time of sentencing my attorney and I will not advocate or request any sentence or conditions not outlined in this written agreement. I agree I will not request that the court modify or strike any provisions of this plea agreement. I, further, agree that I will not present any evidence or statements from other individuals advocating for any modification or elimination of any of the agreed upon sentence or provisions outlined in this agreement. I agree that if I were to violate this provision it would be a material breach of the agreement between the parties and the district attorney will have the discretion to withdraw this plea agreement.

WAIVER OF RIGHTS

8. I speak, read and understand the English language.
9. I am not under the influence of any alcohol, medication or drugs. My physical and mental health is satisfactory. I am 24 years of age. My date of birth is 10/30/1996. I have gone to school up to and including (GED) years.
10. I have consulted with my lawyer concerning this matter and I am satisfied with what my lawyer has done for me.
11. I have been advised and understand that:
- a. I do not need to make any statement. Any statement I make may be used against me;
 - b. I have a right to a lawyer. If I cannot afford a lawyer the Court will appoint one for me;
 - c. Any plea I make must be voluntary and must not be the result of any undue influence, coercion, or force by anyone;
 - d. I have been advised of the nature of the charges against me and of my right to a preliminary hearing and a jury trial.
 - e. I have the right to plead "Not Guilty" to any offense charged against me. If I choose to plead "Not Guilty" the Constitution guarantees me:
 - i. the right to a speedy and public jury trial;

Defendant's Initials M. G

- ii. the right to representation by a lawyer before trial and at trial;
 - iii. the right to see, hear and face in open court all witnesses called to testify against me and to cross examine them;
 - iv. the right to have the prosecution prove each element of each offense charged in this matter beyond a reasonable doubt;
 - v. the right to remain silent;
 - vi. the right not to testify;
 - vii. the right to testify if I want to;
 - viii. the right to the presumption of innocence;
 - ix. the right to subpoena and call witnesses on my behalf;
 - x. the right to legal defenses and to an alibi defense if one exists;
 - xi. the right to appeal any conviction;
 - xii. I understand that if I tender a plea of guilty I give up all of these rights.
12. My plea is voluntary and is not the result of any promises or representations from anyone, including my lawyer, or of undue influence or coercion or force by anyone.
13. I expressly waive my right to trial by jury on all issues.
14. I fully understand that if the Court accepts my plea:
- a. The possible penalties for the charge(s) to which I am pleading guilty include:
As to Counts 1 and 3, enhanced by the Crimes of Violence as alleged in Counts 14 and 15: a sentence to the Department of Corrections of between ~~16 and 48~~ years, and a possible fine of between \$5000 and \$1,000,000. The minimum sentence to the Department of Corrections is mandatory.
 - b. I agree to allow the Court to determine whether any extraordinary mitigating or aggravating circumstances are present in my case and agree to waive my right to have a jury make that determination.
 - c. A mandatory period of parole of 5 years will be added to any sentence I receive and will begin immediately upon my discharge from imprisonment in the Department of Corrections.
 - d. Because I am pleading guilty to a crime of violence under §18-1.3-406, C.R.S., the Court must sentence me to the Department of Corrections to a term of at least the midpoint in the presumptive range but not more than twice the maximum term authorized in the presumptive range.
15. I understand that the Court will not be bound by any representations or promises made to me concerning penalties to be imposed or the granting or denial of probation, no matter who made them, unless written down as part of this plea agreement.

16. I agree that there is a factual basis for the plea of guilty to the crime charged in this matter and I will lay a full factual basis on the record upon entry of this plea agreement.
17. I expressly agree to waive any rights I have under C.R.S. 18-1-1101 through 1108 concerning the preservation, retention, disposal, or destruction of any evidence in this case, including evidence that may contain relevant DNA evidence. I expressly agree to waive any requirements to notice, a right to objection, or the ability to request for hearing. I waive these rights concerning any evidentiary items taken into evidence on the case I am being prosecuted for, and for any of my cases being disposed of or dismissed as part of a plea agreement. I waive any right to review a formal evidence list/summary of said evidence in all cases. I have reviewed with my counsel the discovery in the cases subject to this waiver, including a description of all evidence held in the cases subject to this waiver. The discovery will constitute a written list describing all evidence that is subject to this waiver. I agree to allow the District Attorney and/or the Custodian of Evidence to make all decisions regarding retention and/or destruction of evidence in this case. Any exceptions to this waiver will be listed out explicitly in the plea agreement.
18. If I was 18 or 19 years of age when the crime was committed and under 21 years of age when sentenced, I expressly agree to waive and give up any right I may have to be eligible for a sentence to Youth Offender Services, pursuant to C.R.S. 18-1.3-407.5.
19. I agree that if I commit any new crime between now and the time of sentencing or if I fail to appear for sentencing, unless it is unavoidable (to be determined by the judge), then any sentencing recommendation or restriction in Paragraph 7 shall not apply, and sentencing shall be left completely open to the discretion of the judge on all counts to which I have pled guilty. I agree that I will not be allowed to withdraw my pleas(s) and that the district attorney may, in addition, file any applicable violation of bail bond conditions charges.

I agree that if the Court does not accept the provision in paragraph above when the plea is entered and I commit any new crime between now and the time of sentencing or fail to appear at my sentencing hearing unless it is unavoidable (to be determined by the judge), that action is a material breach of this agreement and the district attorney will have the discretion to withdraw this plea agreement.

22. I am a citizen of the United States, or if I am not a citizen of the United States, I understand that conviction of a crime may result in deportation, exclusion from admission to the United States, or denial of naturalization. I certify that my attorney has advised me that my guilty plea may carry a risk of adverse immigration consequences, which may include deportation, a denial of naturalization, and other consequences, and in some cases, depending on the crime to which I am pleading guilty, that deportation is a certainty.

23. I understand that if my guilty plea is accepted by this Court for any of the crimes listed below, no bail is allowed:
- a. **Murder.**
 - b. Felony sexual assault involving the use of a deadly weapon;
 - c. Felony sexual assault committed against a child under 15 years of age;
 - d. **A crime of violence;**
 - e. **A felony involving the use of a firearm.**
 - f. Habitual Domestic Violence as described in C.R.S. 18-6-801(7);
 - g. Stalking if it is a second or subsequent conviction for stalking that occurred within 7 years of the previous stalking conviction, or if there was a protection order, injunction, or condition of bond, probation, or parole or any other court order which protected the victim from the defendant.
24. I agree to forfeit all weapons, magazines and ammunition held as evidence in this case, or held as evidence in any case disposed of or dismissed as part of this plea agreement, and further I agree to allow the law enforcement agency in possession of these items to dispose of them at their discretion. I agree to forfeit all drugs, drug paraphernalia, or drug-related items (e.g., scales, baggies, etc.) held as evidence in this case, or held as evidence in any case disposed of or dismissed as part of this plea agreement, and further I agree to allow the law enforcement agency in possession of these items to dispose of them at their discretion.
29. I agree to pay all restitution within the term of my original sentence. I agree to pay restitution for all counts and cases governed by this plea agreement, including counts and/or cases dismissed as part of this plea agreement. I further stipulate to causation for restitution purposes in this case and in any case(s) dismissed as part of this agreement. The restitution amount will include all losses pursuant to statute and case law, including 8% interest from the date of loss and simple interest from the date of the entry of the order at the rate of 8% per annum except such interest will not accrue during the time that the defendant is actually serving a sentence in the department of corrections. Restitution shall be payable jointly and severally with any convicted co-defendants. The District Attorney's Office will act in good faith to provide correct information establishing the amount of restitution within 91 days of sentencing. I understand that court ordered restitution is a condition of my sentence and failure to pay court ordered restitution could result in revocation or lead to the institution of other future proceedings against me. Pursuant to C.R.S. §16-18.5-105, if the court finds I failed to pay restitution when I had the ability to pay, the court may revoke my probation and impose any other sentence permitted by law, impose jail with a recommendation that I participate in a work release program, extend the period of my probation, and/or find me in contempt of court and impose any authorized penalties for contempt.

As part of my plea agreement with the People, I am agreeing to pay restitution in the other cases and counts that the People have agreed to dismiss. I understand that I engaged in misconduct in the other cases which caused a loss to victims in

those cases and that it would be helpful to me in my rehabilitation to be required to make those victims whole. In order to obtain the benefit of the plea offer presented to me by the People I am agreeing to pay restitution in case(s): dismiss 19CR6936, and the remaining counts in the current case. I understand that the restitution ordered will become a condition of the sentence the court imposes on the case to which I am entering a plea of guilty and my failure to pay that restitution could lead to revocation proceedings instituted against me in the future.

30. I understand that I may be ordered to make payments of a monetary amount as part of my sentence. I understand that if I am granted probation and I am ordered to pay a monetary amount, the payment of the monetary amount will be a condition of my probation.
- a. The court will have a designated official which shall report any failure to pay a monetary amount to the court. If my sentence is to unsupervised probation, the designated official is the division staff for the division to which my case is assigned. If my sentence is any other sentence, the designated official is the collections supervisor.
 - b. I understand that if at any time I am unable to pay the monetary amount due that I must contact the court's designated official or appear before the court to explain why I am unable to pay the monetary amount.
 - c. I understand that if I have the ability to pay the monetary amount as directed by the court or the court's designee but I willfully fail to pay, I may be imprisoned for failure to comply with the court's order to pay.
 - d. I understand that if I willfully fail to pay a monetary amount due, the court may impose part or all of a suspended sentence, may revoke my probation or may hold me in contempt of court.
 - e. I understand that if I fail to appear at a hearing to impose a suspended sentence or to revoke probation or a contempt hearing that a warrant may be issued for my arrest.
 - f. I understand that if I am found to be in contempt of court for willful failure to pay, I may be imprisoned for a period not to exceed:
 - i. For a felony, one year.
 - ii. For a misdemeanor, one-third of the maximum term of imprisonment authorized for the misdemeanor.
 - iii. For a petty offense or a traffic violation punishable by a possible jail sentence, fifteen days.
 - g. I understand that if I receive a sentence of imprisonment and then am found to be in contempt of court for willful failure to pay, the total period of

time I am ordered to be imprisoned will not exceed the maximum term of imprisonment authorized for the offense(s) to which I am pleading guilty.

31. I agree to pay any costs of prosecution ordered by the court pursuant to C.R.S. 18-1.3-701.
32. I agree that my plea will be final. Only the judge will have the power to reject this agreement later. Once I plead guilty in court, I will not be allowed to change my mind.
33. I have read and understand this entire document. I have discussed the document and my plea fully with my lawyer.

Signed by me in the presence
of my attorney on:

Date: 4 / 1 / 2021

Date: 4 / 1 / 21

[Signature]
Defendant's Signature

[Signature]
Deborah Pearson
Deputy District Attorney, #28081

Custody
Defendant's Address

[Signature]
Michael Fisher
Deputy District Attorney, #39418

/
City, State, Zip

Date: 4 / 1 / 2021

[Signature]
Attorney for Defendant, # 35655

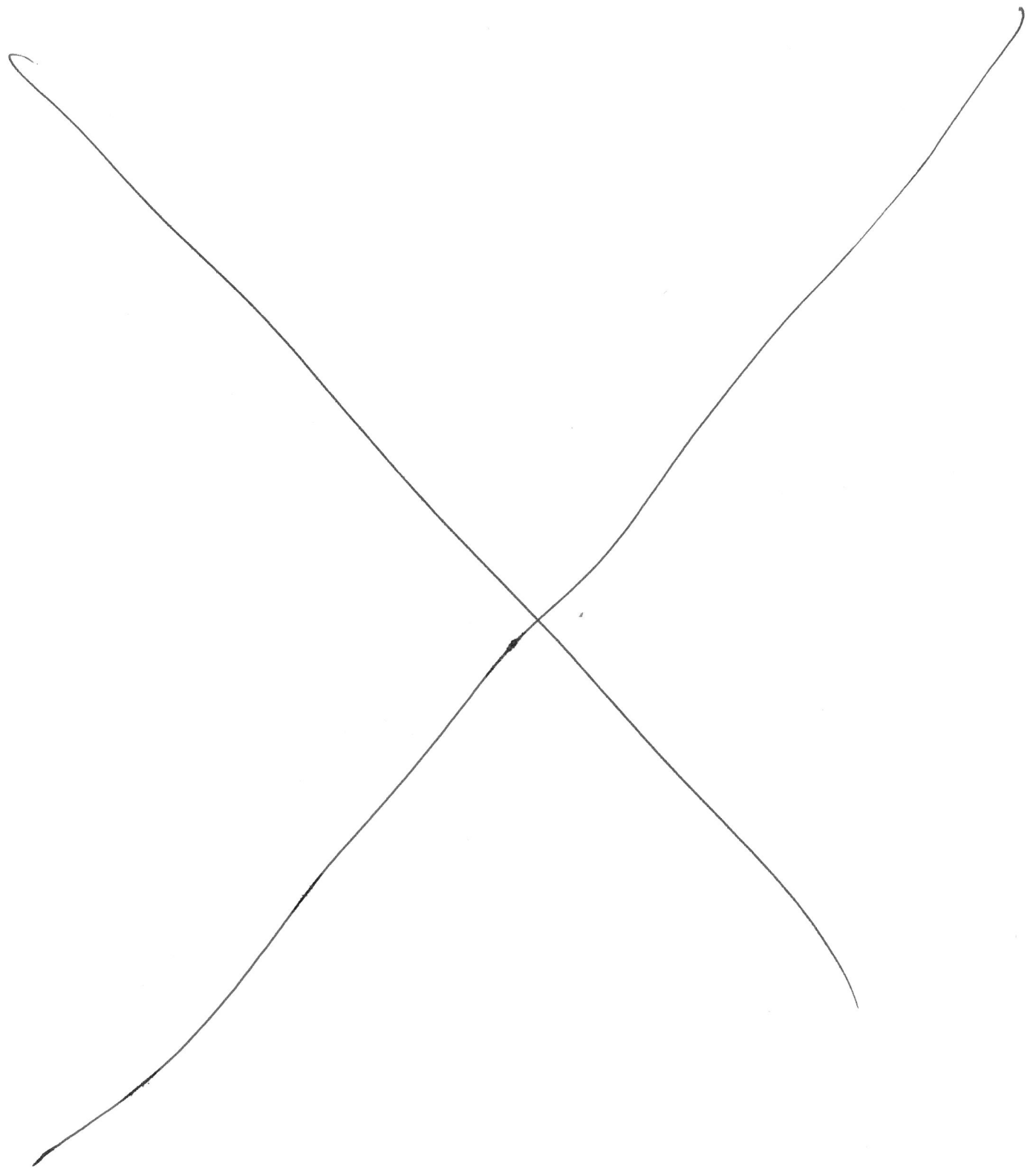
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Revised: August 2, 2019

Defendant's Initials M.G.



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