

District Judge Unhappy With Plea Deals

Suicide, Possible Overdose Claim Two

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allegedly 0.18, more than twice the legal limit of 0.08.

"You're having him serve a year on GPS?" Sommer asked. "Why?"

Prosecutor Natalie Perry said there were issues with his DWI fifth offense case that could lead to it being dismissed if it were argued in court.

Martinez was allegedly found passed out in his car in the fifth offense case, which happened in Rio Arriba County, Perry said.

Sommer said she did not understand why prosecutors were bringing cases they did not think were any good to prosecute.

"I don't know why you don't nolle," she said.

Sommer referred to a *nolle prosequi*, a notice by prosecutors of the intention not to pursue a case. She asked Perry why she would allow much of Martinez's sentence to be suspended.

"That's typically what we offer them on a (DWI) fourth offense," Perry said.

Sommer asked Perry what Martinez's blood-alcohol level was and Perry replied it was 0.18.

"I'm not going to take it," Sommer said, referring to the plea deal.

She said she was dissatisfied with Perry bringing a case forward that had potential issues.

"So, you're telling me, on any fourth DWI, no matter what they blow, you give them a six months (in jail) standing offer?" Sommer asked.



(SUNphoto by Wheeler Cowperthwaite) District Judge Mary Marlowe Sommer talks to a public defender (left) and two prosecutors, March 13, in Santa Fe District Court, during a private bench conference. Before she had them approach the bench, she admonished the prosecutors for offering lenient plea deals to repeat drunk driving offenders.

Perry said, if there are no other aggravating circumstances, that is the plea deal prosecutors normally extend.

Drunk driving offenders, convicted of a fourth offense, face a mandatory minimum of six months in jail and a maximum of a year-and-a-half in prison, according to state law.

Sommer said Martinez should not have been able to accrue a

fifth offense.

"Perhaps if you address this at the fourth offense, there would be no fifth offense," she said. "If you want to take this to the (Rio Arriba) judge, (you can)."

Sommer then set Martinez's case for trial, starting May 6, as a back-up case. She then took the next plea deal in line, for Manuel Herrera, a Santa Fe case.

The prosecutor attempted to

proffer the same lenient plea deal she just had rejected for Martinez.

"These are passes I'm not going to give," Sommer said.

She then called Perry, public defender Sydney West and another prosecutor to the bench for a private conference.

She did not say in open court, once she finished talking to them, what the conversation was about.

Offender Allegedly Strangled Woman

Continued from B1

emergency room, where Gallegos continued his conversation with her.

"She stated that he had obtained her cellular phone and was going through the previous call entries and began yelling at her and claiming she was a 'whore' because he assumed she was with other men," Gallegos wrote. "Victim advised that Robert threw her phone against the wall causing it to break so that she was not able to make a call to her father for help."

Once the phone was broken, Martinez allegedly wrapped a yellow rope around the woman's neck and began choking her and she began to black out, Gallegos wrote.

"She stated he then continued to punch her in the face and arms," Gallegos wrote. "Victim

also stated that Robert had a small knife in his possession and that he cut her on the left side of her face."

Martinez allegedly kicked her around on the floor of the bedroom and threw her around.

"She stated this continued throughout the night," he wrote.

During the alleged torture session, Martinez allegedly brought out a power extension cord and choked the woman with it, as well.

"Victim stated that she was able to get a hammer that was on the floor and she broke the bedroom window in an attempt to attract attention for help but was unsuccessful," Gallegos wrote. "She also stated that at one point she made it outside the residence and ran to the gate, at the driveway, but it was locked. She stated Robert caught her and drugged (sic) her back inside the residence."

Once she was back in the house, he allegedly went through her purse and found a packet of lubrication. He allegedly approached her, yelled obscenities at her and, with his hand holding the lubrication, shoved his hand down her pants.

"She stated that at that point she could feel his fingers on her vagina," Gallegos wrote.

He allegedly called her a whore once more and demanded she perform oral sex on him, Gallegos wrote.

Once he fell asleep, she was able to sneak out of the trailer and run to the gas station, where she asked them to call for help, he wrote.

The victim told Gallegos she and Martinez were just friends and Martinez had been acting odd lately and allegedly snorting cocaine.

According to a search warrant filed March 6, deputies seized from Martinez's trailer on County Road 45, among other things, an orange power extension cord, a silver Leatherman multi-tool, a yellow rope and a phone.

Magistrate Judge Joseph Madrid set Martinez's bail at \$50,000 with 50 percent to the court, \$25,000. He was released March 18.

According to online court and sex offender registry records, Martinez is a registered sex offender. He was convicted in 1995 of third-degree criminal sexual contact of a minor in Santa Fe county. He was released in 2003.

SUN Staff Report

A 49-year-old Chimayó man died March 18, from a possible overdose of alcohol, the opiate methadone and the anti-convulsion drug Gabapentin.

Michael Raymond Fresquez was last known to be alive at 5 a.m., when his mother, Elena Fresquez, heard him coughing. At the time, she thought he was just waking up. At 6:40 a.m., she tried to wake him to no avail, Rio Arriba County Sheriff's Deputy Byron Abeyta wrote in an incident report.

A Santa Fe County ambulance arrived at the house on County Road 92 shortly after Abeyta did and the medics tried to revive Michael Fresquez before a call to a doctor at the Española Hospital ended their efforts.

When Abeyta arrived, he found family members surrounding the

man's prone body, laid out on a couch, performing CPR on him.

"Elena stated that when she woke for the day she attempted to wake Michael but was unsuccessful and he was cold to the touch," Abeyta wrote. "I learned that the male was on a Methadone program and was prescribed Gabapentin."

Family members told Abeyta they knew Michael Fresquez drank on a daily basis, but they did not know of any other medical issues.

He was taken to the Office of the Medical Investigator in Santa Fe for an autopsy and his cause of death is pending the results of a toxicology test.

Michael Fresquez is survived by his two daughters, mother and five siblings, according to his obituary.

SUN Staff Report

A 57-year-old Española woman fatally shot herself in the chest, March 13.

Dolores Lopez's daughter, Jacqueline Martinez, found her lying on her bed with a gunshot wound to the chest.

Martinez went to her mother's house to bring a pot roast and thought her mother was sleeping, Officer Cory Atencio wrote in an incident report.

"She walked to the left side of the bed was (sic) she was lying," Atencio wrote. "Ms. Martinez then noticed blood on her left wrist; Ms. Martinez thought she may have tried to cut herself because she tried committing suicide before. Then she noticed a gun in Ms. Lopez's right hand."

Martinez placed her hand on

Lopez's forehead and found it to be cold to the touch.

"Ms. Martinez walked to the front of her bed, sat down (and) started crying," Atencio wrote. "Ms. Martinez called her boyfriend who informed him to call the police right away."

Atencio and firefighters arrived at the house on Carr Lane three minutes after they were dispatched.

Española Police officers classified her death as a suicide.

Martinez told officers her mother had been depressed for quite some time because of health and other issues she had been dealing with.

Lopez, a widow, is survived by her daughter, parents, brother and sister, according to her obituary.

Not Everyone Required To Report Child Abuse

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allegedly been molesting his wife's daughter and he argued she was not an "abused child" because he was not the girl's parent, guardian or custodian.

The Appeals Court disagreed and stated he met the definition of a custodian because he lived with the girl and therefore she was an "abused child."

Yarbrough wrote that K.S.'s lawyers never argued that Gregor was the allegedly molested girl's parent, guardian or custodian.

"Therefore, Defendant Sewing cannot be said to have had a mandatory duty to report (Gregor's) conduct (according to) the New Mexico Abuse and Neglect Act," Yarbrough wrote.

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NATIONAL LINEMAN APPRECIATION DAY 4/13!

America's Electric Cooperatives have designated the second Monday of April as **National Lineman Appreciation Day**. On April 13, 2015, Jemez Mountain Electric Cooperative will honor the hard working men and women who often work in challenging conditions to keep the lights on.

The full text of the resolution, which the National Rural Electric Cooperative Association (NRECA) Board adopted unanimously, follows:

"Whereas linemen leave their families and put their families and put their lives on the line every day to keep the power on; Whereas linemen work 365 days a year under dangerous conditions to build, maintain and repair the electric infrastructure; Whereas linemen are the first responders of the electric cooperative family, getting power back on and making things safe for all after storms and accidents; and whereas there will be no electric cooperatives without the brave men and women who comprise our corps of linemen; Therefore be resolved that NRECA recognize the Second Monday of April of each year as National Lineman Appreciation Day and make available to electric cooperatives, materials and support to recognize the contributions of these valuable men and women to America's Electric Cooperatives."

We proudly recognize all electric linemen for the services they perform around the clock in dangerous conditions to keep power flowing and protect the public's safety. Often times electric linemen do not receive the recognition they deserve. They work all hours of the day, often in hazardous conditions far from their families, going above and beyond to restore power to their communities. Our linemen, as well as linemen from across the nation, truly deserve this special day of recognition. **Help us honor our heroes who keep the lights on!**

Thank a Linemen.