



COMMUNITY

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Chama Snowfall Proves Troublesome



(SUNfoto by Maria Lopez Garcia)

Chama residents were faced with digging out of 3.8-feet of snow in recent weeks. The heavy snow was so troublesome that the state Department of Transportation got involved to aid in snow removal.

By Austin Fisher
SUN Staff Writer

Homes in Chama were damaged and roads were blocked by snow late last month, in what Village officials are calling an historic snowstorm.

The Chama Village Council passed a resolution, Jan. 25, declaring an emergency in the Village and asking for assistance from the state and Rio Arriba County, to remove snow that had fallen in the previous few days.

"More snowfall is forthcoming and further damage to residential homes is imminent," the resolution states. "The Village does not have the financial or other resources to effectively take care of the situation promptly."

Many villagers, especially senior citizens, were initially unable to dig themselves out of their homes, Mayor Ron Russom said in a telephone interview, and the snow made most of the Village's roads too narrow for emergency vehicles to pass.

Within 36 hours, state Department of Transportation officials sent a bulldozer, two loaders and four dump trucks to clear the state highways that enter the Village, Russom said. On Monday, Rio Arriba County cleared intersections and widened roads in the Village. Village officials designated a corner of Gallegos Park where the state dumped the snow.

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bodily injury. Brandishing a firearm is considered to be an enhancement, rather than a crime. It carries a mandatory minimum of seven years in prison.

He was acquitted on one count of child abuse, and another count of child abuse was dismissed before the case was sent to the jury.

The three counts of assault with a deadly weapon happened in August 2010, while the assault causing substantial bodily harm happened on March 24, 2014, according to court documents.

The Probation Office recommended a sentence of 16 to 17 years.

Sentencing minutes do not state why Vasquez gave Viarrial such a lengthy sentence, only that he addressed Viarrial before he was sentenced.

In New Mexico law, a threat constitutes assault and actual hit-

Investigation Clears City Officer

By Wheeler Cowperthwaite
SUN Staff Writer

An Española Police officer was cleared by a private investigator, despite the city's new insurance company requesting something be done about his behavior.

Police Chief Richard Gallegos commissioned the internal affairs investigation, Oct. 26, 2016, into one lawsuit and three tort claims filed against the city, naming Officer Greg Esparza as an alleged civil rights violator.

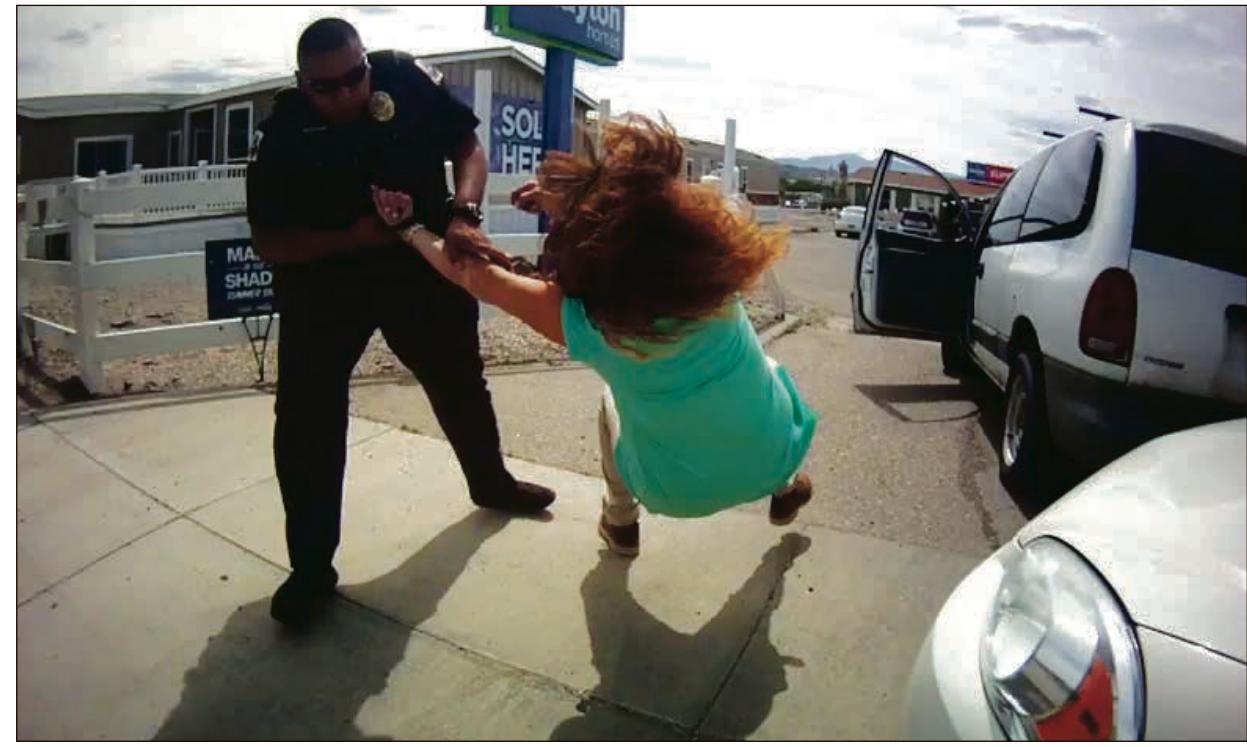
The city has not turned over the contract, following a request sent Dec. 28.

However, the contract for the internal affairs investigation into the spat between officers Cory Atencio and Anthony Armijo cost \$4,292, including Gross Receipts Tax and expenses.

Investigator Forrest Smith, with Universal Investigations LLC, was assigned to the investigation and tasked with determining whether Esparza violated Department policy, or used excessive force, in four separate incidents.

"The concern and assignment was to determine if there may be a pattern of excessive force by Officer Esparza," Smith wrote in his investigation report.

Smith spoke to five officers, but none of the people who filed complaints, tort claims or law-



(Courtesy photo)

Española Police Officer Greg Esparza throws Virginia Valdez to the ground, June 6, in a still shot taken from Officer Anthony Armijo's lapel video camera. Valdez, driving her van, was accused, by Armijo, of stealing it, following a shoplifting incident involving her relatives. While Valdez screamed that she could not get on her knees, Esparza approached and threw her to the ground.

suits with the city.

He wrote in his undated investigation report that city Human Resources Director Sally Baxter suggested he not even try to talk to the people claiming Esparza's wrongdoing because two of them had lawyers.

Smith cleared Esparza of wrongdoing in all four cases, even though the city's new in-

surance company thought otherwise.

Traveler's Insurance Claim Professional Megan Carr wrote in a Sept. 16, 2016 email to Baxter, that the company is concerned about Esparza's behavior.

"We have additional concerns about the number of excessive force claims that have been brought against Officer Esparza,

and the potential liability they create for the city in terms of establishing a pattern and practice," Carr wrote.

The first incident to which Smith was assigned, was an altercation with John Vigil on Oct. 20, 2013. Vigil, 56, of Española, sued the city and settled with the

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CHANGING SEASONS



"Talking Hands and Talking Feet" creators Paul and Melanie Zeir used song and movement to teach Los Niños Kindergarten students (off camera) about the four seasons. The are working with the District's elementary schools as part of the 21st Century Community Learning Centers initiative.

High School Officials Reveal Plan

By Barron Jones
SUN Staff Writer

Española Valley High School leaders unveiled a plan they believe could increase the District's graduation rates and improve the student's overall performance on the mandated Partnership for Assessment of Readiness for College and Careers exam.

High School Principal Robert Archuleta and Assistant Principal Ruben Salazar laid bare a plan, at the Jan. 25 Board meeting, to raise the District's graduation rates to 70 percent. The increase, if it is achieved, represents a six-point jump from School Year 2015-2016's 64-percent rate.

The 70-percent goal would translate to an overall 15-point increase from 2015's 55 percent.

Salazar said the District will start pushing credit recovery in core areas like English, math, science, social studies and Spanish.

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Man Sentenced to 20 Years for Threatening Family with Gun

By Wheeler Cowperthwaite
SUN Staff Writer

After a jury found a Pojoaque man guilty of threatening his wife and children with a gun and choking one of them, a federal District Court judge sentenced him, Jan. 26, to 20 years in prison.

Federal District Court Judge Martha Vasquez granted Prosecutor Novaline Wilson's request to sentence Gerald Viarrial, 54, to a lengthier sentence than recommended by the U.S. Probation Office in its pre-sentence report, during the sentencing hearing in Santa Fe.

The jury found Viarrial guilty, Dec. 16, 2015, on three counts of assault with a deadly weapon, brandishing a firearm while committing the assaults and aggravated assault resulting in serious

bodily injury. Brandishing a firearm is considered to be an enhancement, rather than a crime. It carries a mandatory minimum of seven years in prison.

While "assault" in federal law carries a maximum sentence of 10 years, the equivalent crime of threatening someone with a weapon in New Mexico, aggravated assault with a deadly weapon, carries a maximum sentence of two and a half years.

The other count, assault causing substantial bodily harm, would have carried a maximum sentence of three years if the charges were brought under New Mexico law.

Viarrial initially turned down a plea deal for time served, followed by another plea deal for two-and-a-half years, his lawyer, Stephen Aarons, wrote in a sentencing memorandum.

"The defendant turned down a plea offer involving time served

not because he intended to commit perjury, but because he honestly believes he has been a loving father raising his children, and that he was never afforded an opportunity to rebut testimony that had more to do about custody than criminality," Aarons wrote.

Aarons wrote that Viarrial suffers from physical and psychiatric issues, from prior abuse and accidents, and asked Vasquez to sentence him to the statutory minimum, seven years.

Because the federal justice system does not account for early release like New Mexico does, Viarrial will have to serve 85-percent of his sentence, 17 years, before he will be released on probation set to last for five years.

Aarons did not return requests for comment.

The case was pushed through on the federal level because Viarrial threatened a Native American woman.

The case

According to court documents, Viarrial forced his wife, referred to as "the mother," and her seven children to go to a shooting range in Pojoaque in August 2010.

The children are only referred to as "John Doe" or "Jane Doe."

"Upon their return to their home, Viarrial became enraged when he could not locate keys for one of his vehicles," U.S. Attorney's Office Spokesperson Elizabeth Martinez wrote in a press release, following the sentencing. "He angrily blamed the children for losing the keys, and forced the mother and the children back to the shooting range

to search for the keys."

When no one was able to find the keys, he ordered the woman and her children to line up and he paced in front of them while yelling and holding a pistol.

"The mother testified that Viarrial raised the handgun and pointed it at the two oldest children, who were then 11 and 13 years old, and threatened to kill them for being 'worthless,'" Martinez wrote.

He threatened to kill all of them, then got a phone call and was distracted, finally allowing the woman and her children to leave.

The allegations of abuse came to light on March 23, 2014, when one of the older boys reported Viarrial's abuse behavior to a social worker.

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