

# Former County Inmate Files Suit

By Wheeler Cowperthwaite  
SUN Staff Writer

Rhiannon Montoya filed a lawsuit against Rio Arriba County and the Tierra Amarilla Detention Center March 5, alleging she was repeatedly raped by a guard and Detention Center employees did nothing to stop the abuse.

Montoya is asking the court to award her \$1.5 million damages for the physical, mental and emotional trauma she endured when she was allegedly raped by the guard.

According to a State Police incident report, Assistant Jail Administrator Jose Luis Gallegos did not notify law enforcement of the possible rape until Aug. 6, 2013, even though Montoya's mother filed a tort claim notice June 10, 2013, stating former guard Orlando Ulibarri was allegedly sexually assaulting her daughter.

The assaults took place between mid-March 2013 and when she was sent to the jail in Gallup at the end of May, she wrote.

According to New Mexico law, any sexual contact between an inmate in a jail and a guard, is second-degree rape and consequently a second-degree felony.

State Police incident reports reveal the officer who went to the jail, Mark Sandoval, never investigated the claims of a sexual relationship between Montoya and Ulibarri.

According to Montoya's lawsuit, Ulibarri allegedly forced her to perform oral sex on him March 16, 2013, using the coercive power of threatening to have her sent to the jail in Gallup, where she was battered by fellow inmates.

An additional time in April 2013, Ulibarri allegedly forced her to have sex with him again and allow him to grope her by threatening her, she wrote.

In a grievance dated Oct. 14, 2014, Montoya wrote she was doing laundry in the laundry room sometime in March 2013, when Ulibarri allegedly approached her and made sexual advances by touching and grabbing her. "I then told him to stop and not to touch me. He did leave after he was done," Montoya wrote. "I requested to speak with someone about the issue but got no response to help me resolve it."

Montoya said, in a phone interview Monday from the women's prison in Grants, she is seeking some semblance of justice and wants the alleged rapes to come to light so they do not happen again.

"It kind of wasn't my focus because of the trial situation," she said. "I was trying to fight for my life. Since everything happened, I want there to be justice."

A jury acquitted Montoya Aug. 1, 2014, of the October 2012 first-degree murder of her uncle in Chiricahua, but found her guilty of aggravated burglary and tampering with evidence.

District Judge Mary Marlowe Sommer sentenced her to 12 years in prison for the two charges.

She appealed her conviction and it is being reviewed by the appeals court.

Montoya said the abuse started on March 16, 2013 and continued until the day she was sent to the jail in Gallup, at the end of May 2014.

Five days after the first assault, she told one of her fellow inmates.

She started writing grievances and sending them to the jail administrators. After she sent five grievances detailing the alleged abuse she was enduring, Gallegos called

her into his office, she said.

"He asked me what this was about," she said. "I said, 'I'm being assaulted' and he was like really shocked that I was bringing it to his attention. I thought they knew it happened to other people and stuff. His reaction wasn't totally concerned for my safety and then, I just became afraid."

After Gallegos allegedly called her into his office, the alleged assaults continued.

"He was like, 'Don't pursue this, you're going to regret it,'" she said. "It's not something you expect to hear from an official, who's supposed to take care of your safety."

Three to four weeks after he called her into his office, she was shipped to the jail in Gallup, she said.

Once she sent her first grievance, jail staff allegedly started harassing her, searching her bunk every day and taking her belongings.

Montoya said, even though she is in prison and a safe environment, she has panic attacks.

"I know what happened was wrong," she said. "No one should feel that fear or be violated like that or have your safety taken away. I've gone through a lot of different emotions and the part I don't think will ever go away, is, I have severe panic attacks. Even during the trial. Before (the alleged rapes) I didn't have stuff like that."

## Allegations ignored

The officer Gallegos called to investigate, Sandoval, did not write that he attempted to interview Montoya and listed the incident as closed on Aug. 21, 2013.

On Aug. 9, 2013 Ulibarri gave Sandoval his written statement. In it, he admits to bringing in a package of pills to Montoya and states she kissed him.

Sandoval wrote, in his incident report, that he only questioned Ulibarri about drugs, but never about the alleged sexual relations he was having with Montoya.

The seasoned State Police investigator sent to assist Sandoval, William Terrazas, was only interested in the drugs when he interrogated Ulibarri and never asked about the alleged sexual relations, Sandoval wrote.

Montoya said she has never been interviewed by law enforcement about the alleged sexual assaults.

Sandoval did not write that he ever interviewed Montoya or that he tried to.

Ulibarri allegedly said he brought in strips of the opiate painkiller Suboxone for Montoya.

Sandoval makes no indication that he asked Ulibarri about the alleged sexual relations he had with Montoya.

Montoya said Ulibarri never brought drugs into the jail for her and she never tested positive for opiates while incarcerated.

Ulibarri was charged in Chama Magistrate Court with bringing contraband into a jail and possession of a controlled substance: Suboxone on Sept. 5, 2013, a month after Sandoval was called to the jail to investigate by Gallegos.

Gallegos told Sandoval, on Aug. 6, 2013, that he received information about Ulibarri having a sexual relationship with Montoya during the month of March.

"Mr. Gallegos requested an investigation be conducted into the matter concerning Officer Ulibarri and Ms. Montoya," Sandoval wrote in his incident report.

# Former City Councilor Indicted

By Wheeler Cowperthwaite  
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After a second failed attempt at a plea agreement, former Española city councilor Eric Radosevich was indicted by a grand jury on two charges, following a 2014 altercation in Pojoaque.

A Santa Fe grand jury indicted him March 6, on the third-degree felony, aggravated battery with a deadly weapon: a pistol and shooting at or from a motor vehicle, a fourth-degree felony.

Radosevich has been summoned to be arraigned by District Judge T. Glenn Ellington, at 10:30 a.m., March 23 in Santa Fe District Court.

If convicted on both counts, Radosevich could face a sentence of five years and six months.

Aggravated battery with a deadly weapon carries a maximum sentence of three years, shooting at or from a vehicle carries a maximum sentence of a year and six months and using a gun while committing a crime adds a single year.

Prosecutor Natalie Perry filed a criminal information charging Radosevich with a single count of shooting at or from a motor vehicle, Oct. 9, 2014.

Perry dismissed the original charge against him, following a plea hearing Jan. 28. During that hearing, Ellington made it clear to Perry that he was not going to accept a plea deal from Radosevich that minimized the alleged seriousness of the offense with which he was charged.

During that hearing, Ellington told Perry she had three options: dismiss the charges if she thought Radosevich was innocent, dismiss the charges and bring the case to a grand jury for an indictment or continue to work out a plea deal Ellington would likely not have accepted.

Radosevich's attorney, Dan Marlowe, said during that hearing, he wanted the charges to be brought by a grand jury. He



(SUNfoto by Wheeler Cowperthwaite)

**Eric Radosevich walks out of court** Dec. 22, 2014, in Santa Fe. Radosevich resigned from his city councilor seat Dec. 18, 2014.

initially waived Radosevich's right to be indicted by a grand jury, while he thought Radosevich would be able to get a plea deal.

"Let's take it to the grand jury if that's where we are," Marlowe said. "He had the rug pulled out from him. I think this case needs to end and start again."

Ellington first rejected a proposed plea deal Nov. 17, 2014, because Radosevich would have been given a conditional discharge, meaning the charges against him would have been dismissed if he did not violate his probation.

The second time he rejected the proposed plea deal, he took issue with Radosevich possibly serving no jail time and the option to give Radosevich a conditional discharge. Had Ellington accepted the plea and given Radosevich the conditional discharge, the charges would have been dismissed if Radosevich completed his probation with no violations.

"I cannot remember, in over 25 years of practice, (where) the state initially agreed to a

conditional discharge and now is not opposing one," Ellington said, referring to the original felony charge of shooting at or from a vehicle.

When Santa Fe County Sheriff's deputies arrested Radosevich, they charged him in magistrate court with aggravated assault with a deadly weapon, aggravated battery with a deadly weapon and shooting at or from a motor vehicle.

Radosevich allegedly chased down David Perez at a gas station in Pojoaque, pistol whipped him and then shot at his truck, striking it twice, as Perez attempted to flee from him.

The altercation began when one of Radosevich's friends, who was with him, threatened Perez. Perez allegedly got a baseball bat out of his truck to confront the man who first threatened him. Perez saw three men walking toward him and fled to a nearby restaurant where he was then allegedly pistol whipped, court documents state.

# Fire Started Near San Juan Lakes

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Boyce said the blaze would have devoured her home, if not for the quick response of local firefighters. She said she found it bizarre that the fire occurred despite recent precipitation in the Valley.

"It was really a close call," she said. "At a certain time, it showed how close it came to our neighborhood. It was like one weed away. Luckily, there were so many fire departments. They really saved us."

Boyce was allowed back in her home after a couple hours. She said the fumes gave her a minor headache, but no major health complications.

To prevent a similar fire in the future, Boyce called on Wal-Mart owners and city officials to clean up dried brush from the strip of land between the store and Carr Lane.

"It can be a lot less costly if they clean the bush every year," she said. "We just knew it was a fire waiting to happen. It's kind of nerve-racking because this could be an annual thing."

Fearing the fire would be worse than it turned out to be, some city volunteers were ready to set up at recreational centers for a possible evacuation.

Fiesta Council President Bernadette Jaramillo said she saw the fire right after getting out of church, around noon. Once she got a call from city officials, she asked fellow Council members



(SUNfoto by George Morse)

**Flames consume** dried brush and cattails behind a home at the end of Camino Miramontes, after a fire that started Sunday afternoon swept through a cattail marsh and the *bosque* near the San Juan Lakes. At one point, the fire was burning directly behind the fence seen in the photo. Several homes were threatened and briefly evacuated.

if they could help with the evacuation at the Senior Center.

"We were going to make them (evacuees) more comfortable and at ease, maybe serve drinks," she said. "We were ready to hustle, to do whatever was necessary."

Community Services Department Director Mark Trujillo got

a call about the fire from Duran at about 1 p.m. Trujillo said he was ready to make the Lucero Center available to evacuees, had the fire proved to be more severe.

"We had the Lucero Center on standby if anyone eventually needed to shower, but that

shouldn't be necessary now," Trujillo said.

This wasn't the first time a bosque fire threatened city property, Duran said. There was a fire on the south side of the Valdez Bridge 10 years ago, which he said was more intense than Sunday's blaze.

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In short, we want your news. To make it easier for our readers to submit news to their newspaper, we offer the following guidance:

### Contact information:

Jennifer Garcia  
news editor  
rgsun@cybermesa.com  
753-2126 (phone)  
753-2140 (fax)

• **Write legibly.** Include a contact name and phone number in case we have questions.

### • Include basic information.

Who are you (or your club)? What are you doing? Where will your event take place? When is the event? (Date and time.)

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If an announcement must run it has to be turned in by noon Monday the week of publication.

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