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Bus driver's assistant accused of offering girl \$20 for sex

Eutimio Lopez, 60, of Santa Fe was arrested on suspicion of sexual exploitation of children by prostitution. Superintendent Veronica Garcia said Lopez resigned Tuesday morning.

Man had worked for public school district since 1980

By Justin Horwath
The New Mexican

A man who police say admitted offering to pay for sex with a 13-year-old girl resigned Tuesday from Santa Fe Public Schools, where he worked for decades as a bus driver's assistant tasked with ensuring the safety of children with disabilities.

Santa Fe police arrested Eutimio Lopez, 60, of Santa Fe on suspicion of

sexual exploitation of children by prostitution after the girl reported that he had propositioned her while they waited in his car for her mother to return from a medical appointment and that he also asked her if she had any friends who would engage in a sexual act for \$20, according to a police report.

Veronica Garcia, superintendent of the Santa Fe school district, said Lopez resigned Tuesday morning. The district has notified the New Mexico Public Education Department of the allegations, she added.

In his job as a bus driver's assistant, which he held since 1980, Lopez never

should have been alone with children, Garcia said, and was always in the presence of a bus driver.

Jeff Gephart, a spokesman for the school district, said Lopez worked morning and afternoon bus routes assisting students with disabilities. He also helped with a midday route serving prekindergarten children at the Nye Early Childhood Center on Agua Fria Street, Gephart said.

Parents of children on these routes will be notified of the allegations, Garcia said. The district is not aware of any allega-

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Gary Mike, front, father of 11-year-old Ashlynnne Mike, speaks Tuesday outside of federal court in Albuquerque after the man charged with her murder and sexual assault pleaded guilty. RUSSELL CONTRERAS/THE AP

Suspect in death of Navajo girl pleads guilty

Incident spurs effort to expand, improve Amber Alert system on reservation

By Russell Contreras
The Associated Press

ALBUQUERQUE — A man charged with murder, sexual assault and other counts in the death of an 11-year-old girl on the largest American Indian reservation changed his pleas to guilty Tuesday in a case that prompted calls to expand the Amber Alert system and the death penalty to tribal communities across the U.S.

More than a year after Ashlynnne Mike was killed in Navajo Nation, Tom Begaye entered his new pleas at a hearing in U.S. District Court in Albuquerque as family members of Mike cried.

Her father, Gary Mike, said after the hearing that the guilty pleas were a turning point for the family that has suffered since the killing.

"We all know that this person is guilty," he said. "He finally admitted it today."

Asked if he had a message for Begaye, Mike paused, tried to hold back tears and said, "I can't now."

Gov. Susana Martinez said in a statement that she hoped the guilty plea brought some peace to the family.

"But sadly, nothing will ever undo what was done," the Republican governor and former prosecutor said. "It's critical that we continue to do more to protect our children."

Among the charges against Begaye were aggravated sexual assault resulting in death and kidnapping resulting in death.

Prosecutors say Begaye lured the girl into his van in May 2016 and sexually assaulted her. She was reported missing, but an Amber Alert didn't go out in the state until the next day.

She was later found dead near the Arizona-New Mexico border. The Navajo Nation covers parts of those two states and Utah.

The death led to pending federal legislation that would expand the Amber Alert system to tribal communities and calls for Navajo Nation to end its opposition to the death penalty.

Sen. John McCain, R-Ariz., introduced legislation in April that would expand the notification system. He said more than 7700 American Indian children are listed as missing in the U.S.

Authorities say Begaye lured Ashlynnne and her brother into his van. The boy later told police the man took them deep into the desert then walked off with the girl and a tire iron before returning alone.

Begaye told investigators he sexually assaulted the girl and hit her twice in the head with a crowbar, and that she was still moving when he left her in the desert, according to court documents.

Her brother was able to escape.

Begaye is from the small town of Waterford near Lower

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Ashlynnne Mike



Tom Begaye

EXCHANGING GOODWILL ON NATIONAL NIGHT OUT



ABOVE: State police Maj. Gabriel Pacheco leads Elena Sena, 10, Seth Rodriguez, 6, and Xavier Sena, 14, in a bunny hop dance Tuesday at National Night Out at the Plaza.

RIGHT: Blake Foltman, 4, of Rio Rancho checks out one of the fire engines with firefighter Andrew Montoya. "I just pushed the bottom to turn on the ... 'Blake said to his mom as he paused to think of the word. Then he just made the siren sound himself. 'Oooooohhhh.' The community-police awareness event has been held nationwide since 1984.

PHOTOS BY LUIS SANCHEZ SATURNO/THE NEW MEXICAN



House panel tosses complaint against Luján

By Andrew Oxford
The New Mexican

The House Ethics Committee has closed an investigation into U.S. Rep. Ben Ray Luján after a conservative watchdog group accused him of breaking congressional rules during a sit-in at the Capitol last year.

Luján, the five-term congressman from Nambé, was among several Democrats who joined the protest on the House floor in June 2016 demanding the chamber's Republican leadership put gun control legislation to a vote.

The Foundation for Accountability and Civic Trust filed a complaint with the Office of Congressional Ethics, charging that emails about the sit-in sent by Luján's re-election campaign to supporters showed Luján was effectively fundraising while on the job.

The House Ethics Committee announced Tuesday that it voted unanimously to dismiss the matter.

A report by the committee said Luján's campaign indeed used the stunt as an opportunity to solicit donations from

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Ben Ray Luján

Claim filed in deadly police shooting

Sister seeking answers into killing of mentally ill man in apartment

By Justin Horwath
The New Mexican

A state district judge on Tuesday appointed the sister of a mentally ill man who died following a violent encounter with Santa Fe police on July 19 as personal representative of her brother's estate in investigating and pursuing a wrongful death claim.

Judge Sarah Singleton approved the petition by Roseanne Lopez, the adult sister of Anthony Benavidez, 24, who died after police assaulted a mid-town apartment where he had barricaded himself inside after using a knife to wound a mental health worker.

The appointment is a first legal step toward the potential filing of a lawsuit over the death of Benavidez in an encounter that is under investigation by state police and the subject of a Santa Fe Police Department internal investigation.

Video released by police show one city officer fired 16 rounds from a handgun and a second officer fired one round from a rifle through the window of a room where Benavidez was subsequently found on the floor.

The mother of the dead man has also raised questions about his release from a hospital



Anthony Benavidez

a day earlier after sheriff's deputies took him to Christus St. Vincent Regional Medical Center for a mental health evaluation.

Shannon Kennedy, a partner at the Albuquerque-based civil rights firm that filed the court petition, said it is her understanding that hospitals have a duty under state law not to release a patient who is found to be a danger to themselves or to the community. She said the family has requested medical records to determine what led to Benavidez's release from the hospital.

Kennedy also said the family has questions about why the body camera worn by Officer Jeremie Bisagna stopped recording minutes before Bisagna fired 16 successive shots from a handgun through a window after SWAT officers moved to arrest Benavidez.

Kennedy said attorneys have yet to review all the records in the case. But even without the context new records can provide, she said, the video footage from other officers' cameras is "really shocking" and a cause for concern about why police did not de-escalate the situation.

Generally, under state law, officers are allowed to use deadly force against someone if

they perceive an immediate and deadly threat to officers or to the public. State police, who are investigating the shooting, have said members of the Santa Fe police SWAT team decided to move in and arrest Benavidez after he wore two nonfunctioning explosive or chemical devices in the direction of officers, who were not harmed.

"My understanding is officers are trained to shoot twice and reassess," Kennedy said. "And there doesn't seem to be reassessing the appearance of any immediate threat of deadly force."

Police believe Benavidez, after being released from the hospital, broke into his old apartment at Tuscany at St. Francis, where he had been evicted for nonpayment of rent. The next day, police brought a social worker to the scene to try to talk Benavidez out of the apartment. But he stabbed the social worker with a knife and barricaded himself inside as police tried to negotiate for an hour.

Recordings released by Santa Fe police show the SWAT team move in and break a window while shouting commands at Benavidez to show his hands. Seconds after the window was smashed, Officer Bisagna fired 16 shots through the window and Officer Luke Wakefield fired one.

A short time later, Bisagna is heard on a

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In brief

State veterans service office in Santa Fe moves

The office of the Santa Fe-based veterans service officer of the New Mexico Department of Veterans' Services has moved to a new location.

Veterans Service Officer Jeff George is now on the second floor of the Gary Caruthers Building, 1208 Camino Carlos Rey, in Room 1209. His is one of 15 field offices statewide.

Veterans needing assistance with federal or state veterans benefits are encouraged to make an appointment by calling George at 505-476-7903 or emailing him at jeff.george@state.nm.us. Walk-ins are welcome.

According to data from the U.S. Veterans Affairs Department, 10,482 veterans live in Santa Fe County, ranking it fourth in veteran population among the state's 33 counties.

National Guard leader receives promotion

Gov. Susana Martinez named New Mexico National Guard Adj. Gen. Kenneth Nava to the rank of major general Monday.

Nava has served for almost 30 years in the New Mexico National Guard. As adjutant general, he has overseen some 4,000 military personnel and is the state's senior military adviser to the governor.

Maj. Gen. Nava has proven himself time and again as a capable leader both at home and abroad," Martinez said. Nava joined the New Mexico Army National Guard in 1988, first serving as a mechanic with the 7th Battalion, 200th Air Defense Artillery. After graduating from Officers Candidate School, he was commissioned as a second lieutenant in 1992. Over the course of his career, he has commanded units at the battery, battalion and brigade levels.

Abq. cop kills man after pulling him over on scooter

An Albuquerque police officer killed a man who apparently brandished a gun after he was pulled over on his moped scooter, authorities said.

The unarmed officer attempted to pull

over the driver, identified as Robert Savelli, 43, after noticing his scooter didn't have a license plate, department spokeswoman Celina Espinoza said.

Savelli refused to comply with the officer's commands, which led him to confront the driver, Espinoza said.

The officer felt threatened and opened fire on Savelli, she said. Espinoza refused to discuss the circumstances of the threat, but a spokesman told the *Albuquerque Journal* that Savelli pointed his gun at the officer.

It's the third deadly shooting this year by officers at Albuquerque Police Department as the agency implements court-ordered reforms following a U.S. Justice Department investigation of its deadly force policies.

The 2014 shooting of a homeless man who was holding two knives prompted widespread angry protests in the city and was a major part of the government investigation.

Utah sues over multistate 2015 mine waste spill

SALT LAKE CITY — The state of Utah has sued mine owners and contractors for the U.S. Environmental Protection Agency over a spill of mine waste that fouled rivers in three Western states with a massive plume of bright-yellow wastewater tainted with arsenic, lead and other heavy metals.

Utah wants cleanup compensation and unspecified damages in the 3-million-gallon Gold King Mine spill that was accidentally triggered by EPA contractors in 2015, Utah Attorney General's Office spokesman Dan Burton said Tuesday.

Utah hasn't named a damages amount because it's still investigating how much it will ultimately cost to clean up its portion of spill that left as much as 880,000 pounds of metals in rivers in Colorado, New Mexico and Utah, Burton said. The metals have settled into riverbeds, where they can get stirred up any rainstorm or heavy snowmelt, state officials have said.

Total damages from farmers, business owners and residents along the spill's path have been estimated at \$420 million.

Eddy County petitioners force tax hike election

ARTESIA — Eddy County voters have gathered enough petition signatures to force a special election to decide if tax increases

approved by county commissioners should stand.

The Eddy County Commission in May approved a one-eighth of 1 percent gross receipts tax increase to build a county detention center and another one-eighth of 1 percent increase to general purpose gross receipts, the *Rowell Daily Record* reported.

Artesia leaders, including Mayor Phillip Burch, spearheaded petition efforts.

Burch said after talking with people in the community, he is convinced that the increases will be defeated.

Eddy County Assistant County Manager Kenney Rayroux said the tax increases are estimated to generate \$3.3 million annually. The detention center costs the county about \$13 million a year to operate, and a new one could cost as much as \$70 million, Rayroux said. Collectively, the gross receipt tax increases would add an extra 33 cents of sales taxes for every \$100 spent on goods and services.

The special election could cost about \$52,000, Eddy County Clerk Robin Van Natta said. "I'm recommending an all-mail [election]," Van Natta said. "Either way, polling places or by mail is the same — we've got to spend a lot of money."

The election must take place within 60 days of the petitions being deemed qualified, Van Natta said. A notice of qualification will be issued Thursday, she said.

Man convicted in 2013 church stabbings released

ALBUQUERQUE — A man convicted of stabbing a church choir director and multiple parishioners at an Albuquerque church has been released from prison.

Records with the New Mexico Department of Corrections show that Lawrence Capener was recently released on parole after serving time for the 2013 stabbings at St. Jude Thaddeus Catholic Church.

Capener pleaded no contest to attempted murder and three counts of aggravated battery with a deadly weapon in connection with the attack that sparked panic in the Albuquerque Westside church.

Authorities say Capener vaulted over pews and lashed out at choir director Adam Alvarez, who had his back toward him.

Capener was sentenced to five years in prison.

Staff and wire reports

Concealed-carry gun bills prompt warning

By Morgan Lee
The Associated Press

A national gun-safety group on Tuesday stepped up pressure in New Mexico against proposed U.S. firearms legislation that would make states recognize concealed handgun permits from other states.

With members of Congress returning home for August recess, Americans for Responsible Solutions warned that concealed carry reciprocity legislation would undermine New Mexico's rigorous training and screening standards for people seeking to obtain licenses so they can carry concealed handguns.

Robin Luyed, director of government affairs for Americans for Responsible Solutions, warned that as many as 25 other states do not meet New Mexico's requirements for background checks and firearms safety training for people authorized to carry con-

cealed weapons. New Mexico could be forced to allow unverified people from other states to carry concealed guns in public places under the proposed legislation, according to a flier distributed by the group.

The National Rifle Association has said it has momentum in building for House and Senate bills that enshrine rights to carry concealed weapons across state lines, though current bills have yet to reach initial committee assignments for discussion.

NRA spokeswoman Catherine Mortenson emphasized that the legislation would leave in place federal prohibitions on gun possession based on felony convictions, fugitive status and other risk factors.

U.S. Rep. Steve Pearce, the lone Republican in New Mexico's delegation to Washington, is among more than 200 co-sponsors of the House reciprocity bill.

House panel tosses complaint over Luján

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his backers. But while House rules prohibit members from using the chamber, committee rooms and offices for campaign purposes, the report said evidence does not prove Luján was personally involved in putting together the emails while at the Capitol.

The committee decided, however, that one of the campaign emails broke House rules by including an image of the chamber during the sit-in, apparently taken from a television broadcast of the proceedings.

A House rule prohibits members from using the official House broadcast for political purposes. But the committee described the email as an "inadvertent, technical violation" of

the rules. "Following its review, the committee concluded that the evidence is insufficient to warrant further action against Representative Luján," the committee wrote in a final report.

Joe Shoemaker, the congressman's communications director, said in a statement that the complaint was "politically motivated" and "without merit." He said, "Congressman Luján is committed to abiding by House Rules and will continue to do so in the future."

The foundation, through its public relations firm, declined to comment.

Contact Andrew Oxford at 505-986-3093 or aoxford@sfnwmexican.com. Follow him on Twitter @andrewoxford.

Suspect in death of Navajo girl pleads guilty

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Fruitland, where Mike lived with her father and siblings, according to the FBI. The town is near the reservation.

Navajo Nation, like many Native American tribes, outlaws the death penalty. Federal prosecutors are responsible for prosecuting homicides on tribal lands and rarely challenge tribal beliefs.

Gary Mike said changing the tribal rule on the death penalty would be a decision for tribal elders.

After his daughter's death, Gary Mike filed a lawsuit against Navajo Nation for failing to have an emergency notification system that he says could have saved his daughter's life.

An Amber Alert system for the 27,000-square-mile reservation was proposed years ago but never implemented, despite the tribe having been awarded \$330,000 in federal funding as part of a U.S. Justice Department pilot project.

Half the money was used to buy equipment such as megaphones and pop-up tents, but the

rest went unspent. "We know the pain will be life-long for Ashley's parents and immediate family," Navajo Nation President Russell Beyegay said Tuesday.

"The Navajo Nation is taking every step necessary to strengthen our laws and emergency response communication system."

Russell Beyegay is not related to the defendant. In another case involving violence on the reservation, an Arizona woman who put her 17-month-old daughter in

a stroller, pushed her into the desert and left her to die on the Navajo Nation was sentenced Monday to 20 years in prison.

U.S. District Judge David Campbell said Ashley Denise Atton, 23, committed an "intentional, cold-hearted, horrendous killing of an innocent child."

Atton had pleaded guilty to second-degree murder in the September 2016 killing. Her defense attorney, Ashley Adams, did not immediately return a call for comment.

Man accused of offering girl \$20 for sex

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tions that Lopez behaved inappropriately with schoolchildren while on the job, she said. "No information was brought to my attention that I'm aware of regarding this employee."

Lopez, a Las Vegas, N.M., native, has been a would-be local political player. In 1995, he announced his first bid for public office, an unsuccessful run for a seat on the Santa Fe County Commission, according to a New Mexican article. Previously, the story said, he had helped with other political campaigns but had never been a candidate.

In 2005, he applied for appointment by Santa Fe's mayor to fill a vacancy as municipal judge.

When running for county office, Lopez told *The New Mexican* he had worked on the Santa Fe Fiesta Council since 1993. He viewed

for the role of Don Diego De Vargas three times, according to a 2009 article.

A Santa Fe police officer wrote in a complaint filed Monday that Lopez, during a voluntary interview, told police he did not touch the 13-year-old girl or use profanity. But Lopez admitted that he asked the girl to perform a sexual act, and then asked if a friend of hers who he knew to be 13 years-old "would be willing to have oral sex with him for \$20."

Police arrested Lopez on the second-degree felony charge based on his admissions to police and witness statements, according to the complaint.

Santa Fe County Magistrate Donita Sena ordered Lopez's release from jail on a \$7,500 unsecured appearance bond on the conditions that he wear an electronic monitor and have no contact with children.

Sena wrote in the order that she found no

criminal history for Lopez.

Lopez did not enter a plea at his first court appearance Monday on the felony charge, which is typical in Santa Fe County Magistrate Court. A court document said Lopez is able to hire an attorney on his own. No attorney had entered an appearance as of Tuesday, according to court records. A preliminary hearing is scheduled for 8:30 a.m. Aug. 23 in front of Santa Fe County Magistrate David Segura.

Lopez, who was booked in Santa Fe County jail on Friday and released Monday evening, has not responded to requests for comment.

A man who picked up his home telephone number Tuesday afternoon said Lopez could not be reached.

Contact Justin Horwath at 505-986-3017 or jhorwath@sfnwmexican.com.

Claim filed in deadly July 19 police shooting

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recording telling another officer he thought Benavidez was going to shoot and kill officers. But in the recordings of the incident, no officer is heard saying anything about Benavidez having a gun.

Minutes before the shooting, Bisagna's body camera was shut off after a glowing hand passed over it. The Santa Fe police chief has said an internal investigation will be conducted into whether Bisagna intentionally turned the

camera off, which would be a violation of department policy. A Christus St. Vincent spokesman has not responded to *The New Mexican's* request to explain the hospital's general policy for determining whether someone is a danger to themselves or the community and has cited patient confidentiality laws in not commenting on Benavidez's release.

Lopez, Benavidez's sister, filed the claim through a law firm

known for civil rights litigation over incidents of police misconduct. The Kennedy, Kennedy & Ives firm represented the family of James Boyd, a 38-year-old schizophrenic man who died

after a March 2014 shooting by Albuquerque police, a case that raised questions about whether Boyd was preparing to surrender and sparked protests and reform over how police interact with people with mental illness. The city of Albuquerque entered a

\$5 million settlement with Boyd's family in 2014.

Kennedy stressed that Lopez's appointment does not mean a lawsuit will be filed; rather, it represents questions raised by Benavidez's family.

"That's a part of the paradox, that you have file litigation to get answers," Kennedy said.

Contact Justin Horwath at 505-986-3017 or jhorwath@sfnwmexican.com.

Funeral services and memorials

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ISABELLA FROMAN
Isabella Froman, 100, of Santa Fe, passed away on July 30, 2017 at a local care center. Arrangements are under the direction of Bernardelli Family Funeral Service.

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