

# LOCAL & REGION

## Cannabis OK'd for opioid addiction

Health Department accepts recommendation for opioid use disorder to be a qualifying condition for medical marijuana program

By Steve Terrell  
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The State Medical Cannabis Advisory Board twice in recent years voted to recommend opioid use disorder as a qualifying condition for the state's medical marijuana program — only to have former Gov. Susana Martinez's health secretary reject the proposal.

The board on Friday approved a third rec-

ommendation in favor of including opioid addiction for the program. And this time, there was a sense that under Gov. Michelle Lujan Grisham — a former state Department of Health secretary who helped create the medical marijuana program — the result would be different.

Within hours of the board's decision, the new Health Department Secretary, Kathy Kun-

kel, said she'd accept its recommendation.

"Using medical cannabis is not intended as a substitute to opioids; it is medicine that can alleviate some of the painful symptoms that come with recovering from opioid dependence," Kunkel said in a statement. "Adding this as a qualifying condition for the Medical Cannabis Program is the next step towards this administration's efforts to continue reducing the number of opioid-related deaths in New Mexico."

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## Española police chief resigns after complaint made against him

Department's fifth leader in nine months previously worked in S.F. Police Department

By Dillon Mullan  
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Española police Chief Louis Carlos, who had been a long-time officer and captain in the Santa Fe Police Department, announced his resignation earlier this week amid an investigation into a complaint against him, according to Española Mayor Javier Sánchez.

Carlos had been on the job as Española's police chief and public safety director for less than a year. He was hired in May 2018 as the department's fifth chief in nine months, including interim appointments.

"We received a complaint about the chief a couple weeks ago, and we were conducting an investigation," Sánchez said in a phone interview. "In that meantime, the chief gave me his resignation on Tuesday. He said that he wanted to go back into retirement and focus on some health issues."

Sánchez would not comment further on the complaint against Carlos but said the investigation is ongoing.

When reached by text message Friday afternoon, Carlos referred all questions to Sánchez.

Carlos, in his late 40s, has worked in law enforcement in Northern New Mexico for most of the past 25 years.

He joined the Santa Fe Police Department in 1995 and climbed the ranks from patrol officer to investigator in the Crimes Against Children Unit to SWAT team member. Eventually, he became a captain and interim deputy chief before retiring from the agency in July 2015.

On his LinkedIn page, Carlos is listed as the owner and operator of TAC25 Firearms Instruction, a business that, according to its website, provides firearms instruction, training for New Mexico concealed handgun licenses, private security guard certification and private investigations.

The *New Mexican* reported at the time of Carlos' hire in Española that he had committed to four years in the chief position, which includes overseeing the police and fire departments, Animal Control Division and detention center.

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Louis Carlos

## Owens' defense assails police



Attorney argues key evidence was ignored as trial in killing of Tim Baca goes to jury

By Phaedra Haywood  
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Defense attorney Lisa A. Torrao attacked the work of the Santa Fe Police Department during her closing argument Friday in the Christopher Owens' murder trial.

The department's investigators failed to collect important evidence at the scene of the June 17, 2017, shooting that killed Tim Baca, she said, and the evidence they did gather wasn't handled properly.

"The processing system and the collection of evidence at the Santa Fe Police Department is very low integrity," she said. "They have done a terrible job collecting evidence. ... They are sloppy. They are careless."

"You don't do sloppy work and think you can put someone on trial for first-degree murder," she continued.

Among her arguments: Investigators didn't check the dumpsters at the apartment complex on Santa Fe's northwest side where Baca was shot in the chest and died in the parking lot. They didn't run tests on Baca's clothes to see if he might have fired a weapon before being killed. They didn't test eyewitnesses for drug use. They didn't submit into evidence body camera recordings from every officer at the scene. They didn't introduce evidence about whether Owens was left or right-handed.

He is left-handed, Torrao said of her client, who did not take the stand; witnesses



TOP: Prosecutor Blake Nichols points to Christopher Owens during closing arguments Friday in Owens' murder trial. The jury will begin deliberations on Monday morning.

LEFT: Owens listens to closing arguments in his murder trial.

PHOTOS BY LUIS SÁNCHEZ SATURNO THE NEW MEXICAN

said Owens fired a gun with his right hand.

During her hour-and-a-half closing remarks in the nine-day trial, Torrao said the police department decided early on that her client had shot Baca and then built its case around that assumption.

"They arrested Chris right away, and they decided right away he was guilty," she said. "And they only take the facts that support their conclusions. They don't take facts that support any other theory."

Owens, 32, is accused of shooting, Baca,

30, around 3:30 a.m. after the pair — who had first met hours earlier — parted with mutual friends at a nightclub in Santa Fe and at Buffalo Thunder Resort & Casino north of the city.

According to evidence presented at Owens' trial, the two men and four other people — Baca's wife, LaPearl Baca; a 16-year-old cousin; his wife's friend, Laray Montano; and Owens' friend, Juan Elias Torres — were on their way back from the

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## Española teen charged with rape, sexual exploitation of children

By Phaedra Haywood  
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A Rio Arriba County grand jury has charged an 18-year-old Española man — one of three defendants charged with murder in the October 2018 shooting death of an Alcalde teenager — with rape and sexual exploitation of children.

Axel Zamarron is accused of committing the sex crimes in April 2018, according to an indictment filed in state District Court on Thursday, about six months before he and two other teenagers — riding in two cars — are accused of opening fire on a vehicle carrying Cameron Martinez, 18, and three of Martinez's friends.

Martínez was fatally shot during the incident, which occurred on N.M. 68 near the casino in Olhkey Owingeh. His companions all suffered gunshot wounds.

Police have said the shooting appeared to have been a case of mistaken identity in which the shooters thought they were firing at someone who had threatened them on social media.

The indictment does not detail the rape allegation against Zamarron. The document says only that he is accused of victimizing a child between the ages of 13 and 18 over whom he was in a position of authority.

According to the indictment, the investigation that led to the charges originated with the New Mexico State Police.

"Investigators tell me that in order to protect the integrity of this investigation, there is no information available about the case at this time," a spokesman from the agency said in an email Friday.

James Hallinan, a spokesman for District Attorney Marco Serna, said Serna's office could provide more details on the case Monday.

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## Lawsuit alleges students were sexually abused at St. Catherine Indian School

By Susan Montoya Bryan  
Associated Press

ALBUQUERQUE — Religious orders once associated with a now-shuttered Catholic boarding school for Native Americans are being accused of failing to protect students from sexual abuse by clergy and faculty.

An Ohio-based order of Franciscan Friars and the Sisters of the Blessed Sacrament, headquartered in Pennsylvania, are named as defendants in a lawsuit filed this week in a New Mexico court by a team of lawyers that has represented dozens of abuse survivors over the years.

The accusations center on a student who attended St. Catherine Indian School in Santa Fe during the 1980s, but attorneys for the unnamed plaintiff say the case speaks to broader issues.

The case comes as the Catholic church wrestles with a sex abuse and cover-up scandal that has spanned the globe. New Mexico's largest diocese is among the religious organizations seeking bankruptcy protection as a result, having spent more than \$50 million over the years to settle hundreds of lawsuits.

The latest case surfaced as the plaintiff's legal team was preparing a claim against the Archdiocese of Santa Fe as part of the bankruptcy case. While the archdiocese is currently immune from separate claims outside the bankruptcy proceedings, lawyers say civil cases can be brought against other religious organizations that might be accused of bearing some responsibility.

Attorney Brad Hall, whose Albuquerque firm has filed more than 100 cases on behalf of abuse survivors, pointed to documentation from 1987 that includes

a letter from a priest to the archbishop and pope that suggested the abuse at St. Catherine possibly involved up to 70 victims.

"No one from the archdiocese or St. Catherine's Indian School has ever called law enforcement about the childhood sexual abuse, but it is clear from the files that Catholic organizations have historically interwoven in clergy criminal cases all over the country to protect their priest agents," the lawsuit states.

Officials with the Franciscan order did not immediately respond to questions about the latest allegations.

The Sisters of the Blessed Sacrament said Friday they were not aware of the matter and that the organization remained committed to its mission of serving marginalized groups, including

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The former St. Catherine Indian School in 2010. NEW MEXICAN FILE PHOTO

## Police chief

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"When you are a civil servant, a police officer, you're not immune from being targeted," Carlos said in the May 2018 interview. "All of your actions are always called into question. There's a system in place for people who believe that they've been wronged, and they can enact that system."

His mission, he said, was to reform the department to rebuild ties with the community, limit use of force and end bad behavior within the agency.

Española Officer Jeremy Apodaca, a police union leader, said at the time that he was optimistic about Carlos' ability to bring stability to a force wracked by turmoil, with several past police chiefs being ousted over criminal and civil charges against them.

Sánchez said he did not have a time frame for naming an interim chief or finding a permanent replacement for Carlos.

## Owens' defense assails police

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casino when the two men began to exchange words inside a crowded Camaro.

The fight broke out. LaPearl Baca said on the stand Thursday, because Owens and Torres had been singing along to a song on the radio and his husband, being a jester, had joshed them about getting together to practice it at night.

Owens took the joke personally, LaPearl Baca said, and began threatening to shoot her husband, and then threatened to shoot them all.

When Torres — who was driving the Camaro — pulled over, several witnesses said, they all got out of the car, and Owens made good on his threats — feigning as if the intended to shake Timothy Baca's hand before shooting him in the chest.

Owens fled the scene on foot but was arrested and charged with Baca's murder the next morning.

## Lawsuit claims sexual abuse

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Native Americans. According to the attorneys, more than 90 Native American boys were housed each year in dormitories at the school. Priests also lived in the dorms and were responsible for the safety of the children.

The lawsuit states that school officials did nothing to stop "the harmful behaviors" of at least one former priest who was accused of abusing boys at the school. The priest was eventually removed from the school after being found naked and drunk in the boys' shower, according to the lawsuit.

The priest, identified in the lawsuit as Christopher Kerr, "knew that parochial schoolchildren were trained to give unquestioning obedience to clerics, and he abused their

## Migrant child who died in custody had infection

HOUSTON — An autopsy has found that a 7-year-old girl from Guatemala died of a bacterial infection while detained by the U.S. Border Patrol, in a case that drew worldwide attention to the plight of migrant families detained at the southern U.S. border.

The El Paso County Medical Examiner's office released a

## Teen

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"Since it's juvenile they need to review for redactions," Halinan said in a text message Friday.

Zamarron turned 18 in January, according to court records.

The Santa Fe Police Department has confirmed that Zamarron was one of a handful of teens arrested and charged in a reported shooting in the parking lot of the Santa Fe Place mall in late June.

Rio Arriba County Magis-

trate Court documents say he also was involved in a fistfight in Española in June that escalated into the fatal shooting of 17-year-old Nicholas Kaye of Ohkay Owingeh.

Zamarron is not facing any charges in that crime. He was released on house arrest in November to await trial in the shooting death of Martinez.

He is scheduled to be arraigned on the charges of criminal sexual penetration and exploitation in mid-April.

The attorney representing Zamarron in the shooting case did not return a call seeking comment Friday.

report Friday of his findings in the death of 7-year-old Jakelin Caal Maquin.

Jakelin died Dec. 8, just over a day after she was apprehended by Border Patrol agents with her father Jakelin was one of two children to die in Border Patrol custody in December, raising questions about the agency's ability to care for families.

The report says traces of streptococcus bacteria were found in Jakelin's spleen, adrenal gland, liver and lungs.

Associated Press

# 'New Mexican' wins award for LANL series

The New Mexican

The Association of Health Care Journalists announced this week that it has selected the *Santa Fe New Mexican*, in partnership with the nonprofit news organization ProPublica, to receive a 2018 Award in Excellence in Health Care Journalism for a series on worker health and safety problems at Los Alamos National Laboratory.

The series, *Half Life*, by reporter Rebecca Moss, won first place for public health reporting in a large market in the national association's annual competition, which drew 350 submissions in 12 categories.

The investigation by *The New Mexican* and ProPublica found Los Alamos National Laboratory has a long history of worker health and safety violations, contributing to more than \$100 million in federal fines and lost performance bonuses for contractors

who manage lab operations.

The violations since 2006 include serious accidents and worker exposure to radiation and toxic chemicals. More than 1,400 lab workers who have filed claims for federal compensation due to radiation-linked cancers since 1996 have been denied the benefits. Some workers have spent more than a decade trying to obtain compensation, as promised under federal law; hundreds have died before their claims were resolved.

Moss also chronicled the life and death of Chad Walde, one Los Alamos National Laboratory worker who was denied federal benefits. He was diagnosed with a glioblastoma brain tumor and died in 2017, at age 44. Before his death, Walde questioned the accuracy of the lab's records of his radiation exposure over his nearly two-decade career and recalled exposure inci-

dents that were absent from his personnel file.

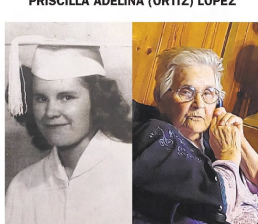
A petition to ease lab workers' access to benefits, based on documented record-keeping issues at the lab, has been pending for more than a decade.

Judges for the health care journalism competition wrote that Moss' reporting "sheds light on a national problem through the eyes of her local community ... [and] personifies the everyday Americans who serve their country's nuclear ambitions, perhaps to their personal detriment."

The project was completed as part of the ProPublica Local Reporting Network, which pays the salary and benefits of a reporter in a local newswoman and provides investigative guidance for a year. USA Today and the Milwaukee *Journal Sentinel* also won awards in the 15-year-old competition.

## FUNERAL SERVICES AND MEMORIALS

PRISCILLA ADELINA (ORTIZ) LOPEZ



Our beloved Priscilla died at home on Tuesday, March 26, 2019. Priscilla was born on October 9, 1928 in Pecos, New Mexico to Celestino and Cleofas Ortiz who preceded her in death. She is also preceded in death by her beloved husband Antonio Lopez, Mother-in-law Irene Olguin, brother Juan L. Ortiz, sister Silveria Martinez, brothers-in-law Eugenio Martinez, Ralph Olguin, Adolfo, Olguin, Lucio Olguin, Agustine Olguin, Freddie Lopez, sisters-in-law Clara Ortiz and Maria Ortiz. She is survived by her children, Tony Lopez, Aurelio Lopez, Jacobo Lopez (Veronica), Martin Lopez (Joaquina), Suzette Archuleta (Alonzo), Walter Lopez, Elizabeth Chavez (Peter) and Matthew Lopez. Grandchildren Ralph Lopez, Janis Lopez, Jaclyn Lopez, Kris Lopez, Tommy Lopez, Jennifer Cross, Paul Chavez, Alexandria Chavez, 9 Great grandchildren and 1 great-great grandchild, her loving brother Mariano Ortiz and his family, brothers-in-law Arcy, Roberto, Jose and Placido, sister-in-law Kate (Frank), friend Christine Urban. She is also survived by many nieces, nephews, cousins, friends and neighbors. Mass of Christian burial will be celebrated at St. Anthony's on Saturday, March 30th at 11:00 am, where she was an active member, with interment following the Mass at St. Anthony's Catholic Cemetery. Serving as pallbearers will be Alexandria, Jennifer, Jaclyn, Milo, Ralph, Kris, Tommy, and Gene, honorary pallbearers will be Janis, Paul, Joshua, Ralph Jr., Jason, Galenra, Lucas, and Sophia. To our beloved Mother, grandmother, great-grandmother and great-great grandmother, we thank the Lord for the many wonderful years we all shared with you. We love you and we will miss you dearly!

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LYNNETTE KIRK MACGILLIVRAY



Lynnette Kirk MacGillivray 70, died in the comfort of her own home in Eagle Idaho on March 26th. It was on her terms, the way she wished.

Lynnette was born on September 10, 1948 in Santa Fe, New Mexico, the youngest of four children to parents Jack and Helen Kirk. She went to Santa Fe High School where she met her lifetime sweetheart, Walter "Frosty" MacGillivray. They were married 43 years. Together they traveled the world, raised an amazing family, and retired together in Eagle, Idaho

where they spent the remainder of their years. Lynnette was an avid traveler, first as a flight attendant with TWA in the late 60s, then successfully owning and operating Small World Travel Agency. Her favorite place to visit was Maui, Hawaii.

Lynnette was an avid golfer, sun goddess, caregiver and matriarch. She is remembered by her friends and family for her laughter and feistiness. Lynnette cherished the holidays and special occasions and always went above and beyond to make those moments special and memorable for the ones she loved most. She was always available for her friends in time of need and was undeniably happiest in her role as mother and Nanny.

She loved above all else, her grandchildren. Her legacy lives on through her children Kirk MacGillivray and spouse Melanie MacGillivray, Lachlan MacGillivray and spouse Bree MacGillivray, Heather MacGillivray and Ashley Alessi and spouse Adam Alessi; and through her grandchildren Scott MacGillivray (15), Beckham MacGillivray (13), Liam MacGillivray (9) and Aedyn Alessi (7 months).

Lynnette's wishes were for her ashes to be reunited with her husband's, and fittingly so, they will both be returned to Maui, Hawaii; their most cherished place and also where her mother was laid to rest. The family will have a small celebration of life in the names of Lynnette and Frosty at the Lahuokalani Ka'anapali Congregational Church at a later date.

ALTAGRACIA ORTIZ DE RUIZ DEAN



Born Altigracia Ortiz de Ruiz, November 11, 1926, passed March 25, 2019. Born to Jesus Ruiz and Virginia Ortiz. She was raised by Margarito Archuleta and Simona Ortiz. Married her beloved husband Luis Encinias Dean in 1954. Luis was from Pecos, Altigracia was from a village called South San Ysidro. Together they brought 9 children, Lefroy, Amos, Lester, Luisa, Edwin, Debbie, Angela, Ruth, and Martin. From there came 15 grandchildren 32, great grandchildren. She would later become a CNA at St. Vincent's Hospital, working in the Pediatrics Ward, she would retire after 22 years. After becoming a devout Christian, she became a worship leader and sang in many churches large and small throughout the Southwest. Services will be Rivera Funeral Home Tuesday April 30th, 6PM, Wednesday April 3rd, 9am, burial at National Cemetery.

She was known for always having a hot plate of food for anyone who walked through the door.

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## Cannabis OK'd for opioid addiction

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In her first State of the State address at the beginning of this year's Legislature, Lujan Grisham specifically called for allowing marijuana to be used to help treat symptoms of opioid addiction through the Medical Cannabis Program.

"We will not stand in the way of our neighbors who are struggling with addiction and want to recover," she said in the speech. "Instead, we will help them all along the way."

In addition to the opioid recommendation, the board also unanimously recommended

that substance abuse disorder — which would include other addictive drugs such as prescription medication, alcohol, tobacco, hallucinogens and stimulants — become a qualifying condition for medical marijuana patients.

The board had also made this recommendation last year but it was rejected by former Health Department Secretary Lynn Gallagher.

Board chairwoman Dr. Laura Brown said at the meeting that marijuana is not a "treatment" for opioid or other drug addiction.

"It relieves symptoms and suffering," she said.

Brown said she recently had met with Kunkel, who is reviewing several recommendations the board — comprised of doctors — had made to Gallagher. Among those medical conditions Gallagher had rejected are autism and degenerative neurological disorders, including Alzheimer's disease.

The board rejected a proposal to make medical marijuana available to anyone who is 65 or older. Brown pointed out most of the conditions of medical conditions frequently suffered by senior citizens already are on the citizens list of qualifying conditions.

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