

NEW MEXICO LAW ENFORCEMENT ACADEMY
REGULAR BOARD MEETING

April 18, 2013

9:00 a.m.

New Mexico Junior College
5317 N. Lovington Highway
Hobbs, New Mexico 88240

REPORTED BY: Jan A. Williams, RPR, NM CCR 14

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Page 2		Page 3	
1		1	AGENDA ITEM INDEX
2		2	ITEM PAGE
3		3	1 Call to Order 6
4	BOARD MEMBERS	4	2 Roll Call 6
5	Nate Korn, Vice Chairman	5	3 Approval of Agenda 14
6	James R. Coon	6	4 Approval of Minutes, January 8, 2013 15
7	Ray Schultz	7	5 John Beasley 16
8	Harry Betz	8	6 Ramiro Garza 16
9	Robert Shilling	9	7 Jeffrey Harris 16
10	John Gratton	10	8 Raymond Hernandez 17
11	Patrick Barncastle	11	9 Joshua Hessinger 56
12	Jaime Quezada	12	10 Denny Hill 17
13		13	11 Aaron Jones 18
14	ALSO PRESENT	14	12 Roland Lassiter 18
15	Louis Medina	15	13 Steven Miller 19
16	Jack Jones	16	14 Andres Munoz 23
17	Mark Reynolds	17	15 Keith Rightsell 23
18	Rick Word	18	16 Robert Rosales 38
19	Monique Lopez	19	17 Jeremiah Phillips 50
20	Monica Medrano	20	18 James Aguilar 50
21		21	19 Caleb Coate 50
22		22	19A Christina Garcia 56
23		23	20 Jeremy Flint 70
24		24	21 Isidro Gonzales 70
25		25	22 Alfonso Rodriguez 71

Page 4		Page 5	
1	AGENDA ITEM INDEX (CONTINUED)	1	AGENDA ITEM INDEX (CONTINUED)
2	ITEM PAGE	2	ITEM PAGE
3	23 Samuel Fodge 76	3	47 Vince Crespin 91
4	24 Kevin Case 83	4	48 James Lujan 91
5	25 Nathan Lerner 83	5	49 Ronald Morlang 91
6	26 Zane Ward 83	6	50 Juan Saucedo 91
7	27 Teresa Lemon 85	7	51 Filberto Sigala 91
8	28 Carlos Salazar 89	8	52 Paul Ielacqua 93
9	29 Daniel Burge 90	9	54 Chrissie Vigil 109
10	30 Thomas Lett 90	10	55 Steven Montano 111
11	31 Moises Pena 90	11	56 Louis Reynolds 124
12	32 Larry Flynn 90	12	57 Director's Report 152
13	33 Bradley Ahrensfield 90	13	58 Public Comments 164
14	34 Daniel Barde 90	14	59 Ratification of Certifications for Law Enforcement Officers 164
15	35 Stephanie Coon 90	15	60 Ratification of Certifications for Public Safety Telecommunicators 166
16	36 Daniel Derouen 90	16	61 LEA Memorial-DPS/MTD Officer Robert Potter 167
17	37 Jerry Ford 90	17	62 Formal Hearing Backlog: Board Action for Solutions, Hearing Officer Training and Management 127
18	38 Brandon Moon 90	18	63 Misconduct Cases: Board Review of Misconduct Cases, Tracking and Management 127
19	39 Christopher Pino 90	19	64 Individual Board Member Comments 168
20	40 Michael Proctor 90	20	65 Scheduling of Next Meeting 169
21	41 Roberto Rangel 90	21	66 Adjournment 172
22	42 Ventura Salas 90	22	Attachments: LEA Case Management Snapshot, Misconduct Synopsis, 4/18/13; email, 4/17/13
23	43 Dennis Sedillo 90	23	
24	44 Pete Vargas 90	24	
25	45 Jeffrey Hogan 90	25	

Page 6	Page 7
<p>1 ITEM NO. 1: CALL TO ORDER 2 MR. KORN: I'll call this meeting of the New 3 Mexico Law Enforcement Academy Board to order. 4 Usually our first order of business would be 5 roll call. But in light of the recent events in 6 Boston, I think that it would be appropriate to have a 7 moment of silence for all the law enforcement people 8 that were responding, all the first responders, ENTs, 9 and especially, of course, for the people that lost 10 their lives and were injured in that terrible, 11 terrible terrorist attack. So if we can just have a 12 moment of silence. 13 Thank you. 14 My name is Nate Korn. And I am the Vice 15 Chair of the Law Enforcement Academy Board. Gary King 16 is our chairman. And he would normally begin this 17 proceeding, but unfortunately he sends his regrets. 18 He's out of state traveling and he's not able to 19 attend.</p> <p>19 ITEM NO. 2: ROLL CALL 20 MR. KORN: Normally we begin with roll call. 21 And Mr. King has established a nice policy I think 22 where we introduce ourselves and tell our affiliation. 23 So I'd like to continue that policy. So starting from 24 my left, if we could say who we are for the roll call 25 and also what our affiliation is.</p>	<p>1 MR. GRATTON: John Gratton, I'm president of 2 NMSU Carlsbad, and I serve as a citizen representative 3 to the Board. 4 MR. BARNCASTLE: I'm Pat Barncastle, I'm a 5 representative from the District Attorney's offices. 6 MR. SCHULTZ: Good morning. Ray Schultz, 7 Chief of the Albuquerque Police Department. And I am 8 the chiefs representative. 9 MR. COON: Good morning. I'm Rob Coon, I'm 10 the Sheriff of Chaves County, Roswell. And I'm the 11 sheriffs representative. 12 MR. KORN: I'm Nate Korn. I am also a 13 citizen representative and I serve as Vice Chair 14 during this year. 15 MR. SHILLING: Good morning. Robert 16 Shilling, Chief of the New Mexico State Police, State 17 Police representative. 18 MR. QUEZADA: Good morning. Jaime Quezada, 19 Las Cruces Police Department, detective, representing 20 the line officers. 21 MR. BETZ: Good morning. Harry Betz, Chief 22 of Police Santa Ana, tribal representative. 23 MS. LOPEZ: Monique Lopez, New Mexico Law 24 Enforcement Academy. 25 MR. KORN: We would like to welcome everybody</p>
Page 8	Page 9
<p>1 to our quarterly meeting. Just a couple of things to 2 get things started that are outside of the formal 3 agenda. First is we are pleased to have a new member 4 on our Board. This is his first meeting. His name is 5 Jaime Quezada. He comes to us from Las Cruces. 6 And he's a gentleman that, although he looks 7 so young, has had two decades of experience in Las 8 Cruces. And I wonder if Mr. Quezada could introduce 9 himself and perhaps say a few words. 10 MR. QUEZADA: My name is Jaime Quezada, I'm a 11 detective with the Las Cruces Police Department, I've 12 been there for about 17 years. The majority of that 13 time I've actually been a detective. The guys there 14 call me an actual street detective. I'm out there 15 working with them hand in hand. 16 I'm also assigned with the U.S. Marshal's 17 fugitive task force. I've also worked with the FBI 18 gang task force. And currently, as my position is 19 detective, I'm actually with the targeting 20 neighborhood threats unit and the gang unit. It is a 21 privilege and an honor to be here. I thank everybody 22 for allowing me to be here. I'm excited. 23 MR. KORN: Welcome to the Board. 24 MR. QUEZADA: Thank you. 25 MR. KORN: So we are today enjoying the</p>	<p>1 facility of the community college here in Hobbs. And 2 it's by the courtesy of the department of training for 3 one of our academies, because Hobbs actually is a 4 satellite academy for the New Mexico Law Enforcement 5 Academy. 6 So we are very happy to be here. We're very 7 impressed with the college, the campus. And all of us 8 were invited to a tour of the campus and the facility 9 by Angie Byrd, who is the director of the academy. 10 And we have been treated graciously and kindly and 11 we're delighted to be here. I'm very impressed. 12 And I wonder, Angie, if you might be able to 13 say a few words and introduce yourself. 14 MS. BYRD: Nate Korn, members of the Board, 15 we are absolutely excited that you are here today. On 16 behalf of the president, Dr. McCleerey, who is here in 17 the audience, and dean, Dr. August Fons, we welcome 18 you. 19 I wanted to give a little history. 20 Unfortunately Dr. Fons couldn't be here today, he had 21 a death in the family. So he wanted me to make sure I 22 extended his sincere appreciation for your service on 23 the Board. 24 A little history. Dr. Fons started the 25 academy at Hobbs Police Department over 15 years ago.</p>

Page 10	Page 11
<p>1 And when he retired as captain, the New Mexico Junior 2 College, Dr. McCleerey, opened his doors to us. And 3 the academy then started here at the junior college. 4 Since I came on, we have added the 5 certification by waiver academy, the telecommunicator 6 academy, and the advanced training. We also do 7 outreach training in which we travel to agencies and 8 conduct biennium training for them. 9 The cadets here receive 32 college credit 10 hours. And we encourage them to finish up their 11 education, which they can do 100 percent online to 12 achieve their Associate's degree. So we are, you 13 know, really strongly trying to make law enforcement 14 more academic and allow them to achieve their goals. 15 Currently we are going to have two cert by 16 waiver academies and another telecommunicator academy 17 in September along with the basic academy. So that 18 just gives you a little history on what we're about 19 here. 20 And I want to introduce the president, I 21 wanted him to say a few words today about the college. 22 Dr. Steve McCleerey. 23 MR. McCLEEREY: Mr. Chairman, members of the 24 Board, thank you for being in Lea County. I know it's 25 a long way for many of you to travel. We've had a</p>	<p>1 long partnership with the State Academy Board and the 2 State Academy once the State agreed that we would 3 become a satellite academy. 4 I think the most important thing was the 5 association with all the southeastern corner of the 6 state, law enforcement agencies up and down, because 7 they provide the expertise. And we understand that 8 those officers have jobs to do, but they share their 9 time graciously with us to come here and train. And I 10 think the advantage of that is you see a lot of 11 different looks, a lot of different fields. 12 And I think from the inception Dr. Fons did a 13 great job. Dr. Fons is a true paramilitary 14 professional. And that's how he approaches that. And 15 he handed that baton to Director Byrd who has 16 maintained that standard. I tell everybody every day 17 that, if you have no standards at all, you'll meet 18 them every day. 19 I'll tell you that, if you come to one of our 20 graduations, if you come to one of our academy events, 21 the standard is always being raised. The expectation 22 is always being raised. When you do that, people will 23 meet that standard. And you cannot take your foot off 24 the accelerator. 25 I think Director Byrd and the people that she</p>
<p>Page 12</p> <p>1 works with and I think certainly the agencies that we 2 partner with have insisted that you have to bring the 3 product to the end with a bar that is sufficiently 4 high enough to guarantee to the people that we're 5 producing a graduate that will excel. 6 Great careers in law enforcement, great 7 careers, absolutely great. But you're training people 8 who, once they're certified, once they have an agency, 9 have the power to take a life. And we do not take 10 that lightly at all. 11 So I want to tell you, I am very appreciative 12 of the fact that you drove down here, very 13 appreciative. We would welcome you for any of your 14 board meetings any time. And we'll continue to try to 15 be as gracious a host as we possibly can. 16 And then the final thing that I would say to 17 you is in these little sacks over here, our 18 foundation, New Mexico Junior College Foundation, 19 provided some of that. We purposely put an umbrella 20 in there so that, when you walk outside, we want you 21 to take that umbrella and pretend that we're getting 22 some rain. Okay. And we're hoping you bring us good 23 luck. And then we hope, when you go back to your 24 community, that you'll do the same thing there. 25 And then the final piece is spend some money</p>	<p>Page 13</p> <p>1 while you're here. We really need the gross receipts 2 tax. Thank you very much. 3 MR. KORN: Thank you, President McCleerey. 4 I'd like to congratulate you on a beautiful facility 5 and also having the wisdom of having Director Byrd as 6 part of your academy. She's very enthusiastic and 7 quite a woman. 8 And while I'm on that topic, I suppose I also 9 have to congratulate Board Member Gratton who used to 10 be the president of this college. 11 MR. GRATTON: I was vice president. So Angie 12 and August worked with me. And so I still miss those 13 people. But they tolerate me coming back once in 14 awhile. So it's good to see everybody again. 15 MS. BYRD: Good to see you. 16 MR. KORN: One final note. I think it's 17 appropriate to thank for their service a Board Member 18 who has retired from the Board. Mark Myers retired 19 from the Board when he retired from the Las Cruces 20 Police Department. And I think it's appropriate to 21 thank him for his service. 22 He served about two years. He was faithful, 23 he attended every meeting. He had a wry sense of 24 humor that I think the Board all enjoyed. But most of 25 all he had an insight into everything we did from</p>

Page 14	Page 15
<p>1 disciplinary matters to curriculum. 2 And I know that many of us on the board 3 appreciated his insights when it came to 4 deliberations. So although he's not here today to 5 accept the compliment, at least we have it on the 6 record that, on behalf of the Board, I thank him for 7 his service. 8 ITEM NO. 3: APPROVAL OF AGENDA 9 MR. KORN: So now back to the formal agenda. 10 The next item would be item No. 3, which is approval 11 of the agenda. Do I have a motion? 12 MR. GRATTON: I so move. 13 MR. KORN: We have a motion by John Gratton. 14 MS. LOPEZ: There are a few changes to the 15 agenda. 16 MR. KORN: Oh. Thank you. 17 MS. LOPEZ: We added 19A, Christina Garcia. 18 She's in the folder in front of you guys. We're also 19 removing agenda item No. 46, Joseph Lopez, and 20 removing agenda item No. 53, Richard Ayala. 21 MR. KORN: So we're removing what numbers? 22 MS. LOPEZ: Number 46 and No. 53. 23 MR. KORN: And we're adding 19A. 24 MS. LOPEZ: 19A. 25 MR. KORN: Thank you. And Monique Lopez is</p>	<p>1 the administrative assistant to the academy. And she 2 is the one that puts together the packages. And 3 putting together the packages is a herculean job, 4 getting it organized and keeping it straight. 5 And it's something that without her I don't 6 know how we would keep everything going at these 7 meetings. So thank you very much. 8 So moving on with the agenda then, it would 9 be approval of the agenda as amended. There was a 10 motion by John Gratton. And a second? 11 MR. BARNCASTLE: I'll second. 12 MR. KORN: A second by Pat Barncastle. All 13 in favor? 14 (Those in favor so indicate.) 15 MR. KORN: All opposed? It's unanimously 16 carried. 17 ITEM NO. 4: APPROVAL OF MINUTES, JANUARY 8, 2013 18 MR. KORN: Next is the approval of the 19 minutes from January 8, our last meeting. Do I have a 20 motion? 21 MR. COON: Mr. Chairman, I make a motion we 22 accept the minutes of the January 8 meeting. 23 MR. KORN: A motion by Sheriff Coon. 24 MR. GRATTON: I'll second. 25 MR. KORN: A second by John Gratton. All in</p>
<p>1 favor? 2 (Those in favor so indicate.) 3 MR. KORN: All opposed? It's unanimous we 4 agree. 5 Next we're moving on to the disciplinary 6 matters. I know that there's probably a large group 7 of people that have come all this way to be heard. It 8 is the intent of the Board that we give everybody 9 their time. We generally limit these things to about 10 five minutes. The Board can always choose to extend 11 that if they desire. 12 What I'd like to do is call your name in 13 groups of three. If you're here, if you would raise 14 your hand, and then you would have an opportunity to 15 address us. 16 ITEM NOS. 5, 6, AND 7: JOHN BEASLEY, RAMIRO GARZA, 17 AND JEFFREY HARRIS 18 MR. KORN: So the first group would be No. 5, 19 John Beasley; No. 6, Ramiro Garza; and No. 7, Jeffrey 20 Harris. Are any of you here? One person. And your 21 name, sir? 22 MR. BEASLEY: John Beasley. 23 MR. KORN: Would you please come up. 24 Mr. Beasley, welcome. And would you like to address 25 the Board?</p>	<p>1 MR. BEASLEY: I'm not really sure what to 2 say. I don't really understand what I need to do up 3 here to be honest. 4 MR. KORN: We have a background of your case 5 and we've read it. So if there's anything you would 6 like to say in addition to the background, we would be 7 happy to hear you or you don't have to say anything. 8 MR. BEASLEY: Honestly basically everything 9 that I've read in this narrative is correct. 10 MR. KORN: Okay. Is there anything else? 11 MR. BEASLEY: That's all. 12 MR. KORN: Thank you for coming, sir. 13 ITEM NOS. 8, 9, AND 10: RAYMOND HERNANDEZ, JOSHUA 14 HESSINGER, AND DENNY HILL 15 MR. KORN: The next group of three will be 16 Raymond Hernandez, Joshua Hessinger, and Denny Hill. 17 Are any of you folks here? None of those three are 18 here. 19 SPEAKER: Joshua Hessinger is en route. 20 MR. KORN: Joshua Hessinger is en route? 21 SPEAKER: He is on his way. 22 MR. KORN: So we will note that. Thank you, 23 sir, for pointing that out. Would you be kind enough 24 to maybe give us a high sign when he gets here. 25 SPEAKER: Yes.</p>

Page 18	Page 19
<p>1 ITEM NOS. 11, 12, AND 13: AARON JONES, ROLAND 2 LASSITER, AND STEVEN MILLER 3 MR. KORN: The next group of three would be 4 Aaron Jones, Roland Lassiter, and Steven Miller. I 5 have one hand up. Sir, your name? 6 MR. LASSITER: Roland Lassiter. 7 MR. KORN: You are Roland Lassiter? And the 8 other hand? 9 MR. MILLER: Steve Miller. 10 MR. KORN: Okay. Mr. Lassiter, you would be 11 first. 12 MR. LASSITER: Good morning, Chairman, Board 13 Members. I just want to say, it's pretty much here 14 what I've done. It was a lack of poor judgment, 15 trying get by on as little as possible, which I 16 shouldn't have. I should have followed the policy and 17 procedures that I know better that I should have done. 18 Just lack of -- laziness got me in trouble 19 with this. I just ask that you approve the stipulated 20 order that we have in place. And I'll be willing to 21 accept whatever you guys offer me. It's a good lesson 22 learned, yeah. I'll never see you guys here again. 23 Just one of those things that I learned a good lesson 24 off of it. 25 MR. KORN: Thank you. Members of the Board,</p>	<p>1 questions? Anybody. No questions from the Board. 2 Thank you, sir, for coming. 3 MR. LASSITER: Thank you. 4 MR. KORN: Before we go to Mr. Miller, I 5 realize I neglected to ask the Board, did anybody want 6 to ask any questions of Mr. Beasley? No. Okay. So 7 now, sir, Mr. Miller, we're up to you. 8 MR. D'AMATO: Good morning, Members of the 9 Board, Mr. Chair. I will speak very briefly on behalf 10 of Mr. Miller. As the notes reflect, he accepted 11 responsibility for being arrested. 12 MR. KORN: Sir, if I can interrupt. Just for 13 the record. 14 MR. D'AMATO: Thank you. I'm sorry. My name 15 is John D'Amato, I'm standing in for Mr. Ian King, who 16 represented Mr. Miller at the informal process with 17 the Director. 18 We're asking you to adopt the proposed 19 recommendation of one month. I understand that that 20 is a little shy of the four months guideline or matrix 21 that the Board has presented. But in this particular 22 case, I think it's warranted only because from the 23 very beginning Mr. Miller accepted responsibility, was 24 quite forthright, and resigned from his agency, the 25 Albuquerque Police Department.</p>
Page 20	Page 21
<p>1 He's a fine young man and is currently 2 employed in a law enforcement capacity. We would ask 3 you to consider the one month, ranging it to a max of 4 four months suspension. Thank you. I'll turn it over 5 to Mr. Miller. 6 MR. MILLER: Good morning. I'd like to 7 express my sincerest apologies to the New Mexico Law 8 Enforcement Academy and the Albuquerque Police 9 Department. The conduct that I displayed that night 10 was not reflective of my position and the high 11 standards that have been set for my profession. 12 My actions on that night were extremely 13 inappropriate and embarrassing and I have taken full 14 responsibility. And before this said incident I feel 15 that I have honorably served as a law enforcement 16 officer in the military and the Albuquerque Police 17 Department. 18 And I would just like to thank the Law 19 Enforcement Academy Board for the opportunity to 20 explain my actions. And I can assure that this 21 behavior does not represent my true character, it will 22 never be repeated, and a harsh lesson has been 23 learned. Thank you. 24 MR. KORN: Thank you, sir. Wait. Members of 25 the Board.</p>	<p>1 MR. COON: I've got a question. Mr. Miller, 2 were you arrested for DWI? 3 MR. MILLER: Yes, I was. 4 MR. COON: Were you convicted of DWI? 5 MR. MILLER: Yes, I was. 6 MR. COON: What was your blood alcohol? 7 MR. MILLER: 0.11. 8 MR. COON: Was that on duty or off duty? 9 MR. MILLER: Off duty. 10 MR. COON: Was your case adjudicated in 11 court? 12 MR. MILLER: It has been. 13 MR. COON: Okay. And you're working 14 somewhere else in a law enforcement capacity? 15 MR. MILLER: I'm actually working at Sandia 16 National Labs for the Department of Energy. 17 MR. COON: Okay. 18 MR. KORN: Any other questions from the 19 Board? 20 MR. QUEZADA: I do have one question. What 21 was the careless act as far as the careless driving? 22 MR. MILLER: I was pulled over for the 23 careless because I have a large truck. And I didn't 24 make my U turn from the left turn lane because I would 25 have ran over the sidewalk on the other side. So I</p>

Page 22	Page 23
<p>1 made my U turn from the lane next to the left turn 2 lane so I had enough room to make my U turn so I 3 wouldn't run on to the sidewalk. 4 MR. QUEZADA: Thank you. 5 MR. D'AMATO: Mr. Chair, Board Members, one 6 other item. Mr. Miller has completed his first 7 offender program. He will be on probation for one 8 year. That will be expunged relatively soon. But 9 he's completed all the court requirements that the 10 judgment and sentence calls for. 11 MR. KORN: Any other questions from the 12 Board? Nobody. I did have one question. Where did 13 this happen, where is the jurisdiction? 14 MR. MILLER: Albuquerque. 15 MR. KORN: Oh, it was in Albuquerque. As you 16 note the guidelines of the Board are dramatically 17 greater than one month. Is there a reason that the 18 Board should consider such a lesser misconduct 19 penalty? 20 MR. MILLER: I have taken full 21 responsibility. I completed the consequences that 22 have been issued to me from the court. 23 MR. KORN: Okay. Thank you, sir. Thank you, 24 Mr. D'Amato. 25 ITEM NOS. 14, 15, AND 16: ANDRES MUNOZ, KEITH</p>	<p>1 RIGHTSELL, AND ROBERT ROSALES 2 MR. KORN: The next three will be, starting 3 with No. 14, Andres Munoz, Keith Rightsell, and Robert 4 Rosales. All three are here. So, sir, starting with 5 Mr. Munoz. 6 MR. MUNOZ: Good morning, all. First of all 7 I do take full responsibility for my actions on the 8 date of the incident. Prior to that no other incident 9 in my ten-year career with the New Mexico State 10 Police. That is no excuse for my action. I take full 11 responsibility. I am sorry. 12 The only thing I ask of the Board for my 13 stipulated disciplinary action is to look into -- take 14 into consideration that I have been out of law 15 enforcement since the date of the incident, which is 16 roughly eight months. If you would please reconsider 17 the five-month suspension and possibly reduce that. 18 Other than that I am fully ready to accept the other 19 stipulation or the rest of it. Excuse me. 20 MR. COON: Where did this happen at? 21 MR. MUNOZ: This happened in Las Cruces. 22 MR. KORN: Other questions from the Board? 23 Anybody? 24 MR. COON: Have you gone to court and been 25 adjudicated on this.</p>
<p>Page 24</p> <p>1 MR. MUNOZ: I did not face any charges, no, 2 sir. 3 MR. KORN: Have you entered any rehab 4 programs that might be involved with alcohol or drugs? 5 MR. MUNOZ: Yes, sir. I did attend 6 counseling sessions. I personally did it myself. 7 MR. KORN: And are those continuing? 8 MR. MUNOZ: As of right now, no. It did 9 happen for a span of two months. As a matter of fact, 10 while I was on administrative leave. 11 MR. KORN: Other questions from the Board? 12 Anybody. No. Mr. Munoz, thank you very much for 13 appearing. 14 Next would be Mr. Rightsell, Keith Rightsell. 15 MR. RIGHTSELL: Thank you, Members of the 16 Board. Let me first start off by saying how humble I 17 am to be in front of you today. I would respectfully 18 request that the Director's recommendation of the 19 three-month suspension be shortened based on several 20 factors. 21 In my particular incident, there was three 22 allegations of mishandling of property. Case one 23 included a cell phone that was collected, case two 24 including some pornographic DVDs that were collected, 25 and case three involved some CDs that were collected</p>	<p>Page 25</p> <p>1 in reference to three different cases. 2 I would submit to you that all of those cases 3 were handled appropriately and within department 4 policy. The problem arose when that property was 5 unable to be located within the property room. There 6 was an investigation which was done. 7 The allegations that were made was that there 8 was no paperwork to show that. I have the paperwork 9 here today for your review. Those allegations were 10 sustained simply because I had left the employment of 11 the department. 12 I left the employment of the department not 13 as a result of this investigation but as a personal 14 issue between my wife and another member of the 15 department. That's what caused me to leave that 16 department. So one issue had nothing to do with the 17 other issue. 18 As far as the DVDs that were released to the 19 owner, they were released to the owner. I did not do 20 a report indicating that they were released to the 21 owner. That was my fault. I have accepted 22 responsibility for that from day one without any 23 excuse for that. I should have done that. 24 As far as the other incidents, again I have 25 all the paperwork, all the statements, copies of the</p>

Page 26	Page 27
<p>1 IA that I gave where I explained the situation and 2 what occurred to that property, how it occurred. 3 This is not a violation of law, there was no 4 allegations of theft or dishonesty during the 5 investigation or anything like that. It was an 6 investigation as to where the property went. I would 7 be happy to answer any questions from the Board. 8 MR. COON: Mr. Rightsell, were you asked to 9 take a polygraph? 10 MR. RIGHTSSELL: I was. 11 MR. COON: And why did you not take the 12 polygraph? 13 MR. RIGHTSSELL: As I explained earlier, I had 14 made the decision to leave the department in August 15 after I found out that my wife was having an 16 inappropriate relationship with a coworker. I started 17 applying to multiple other agencies. 18 I went through the entire IA process and 19 cooperated 100 percent fully. When it came time that 20 I was offered a position with another agency, I went 21 ahead and took that position. Again one incident 22 didn't have anything to do with the other. I just 23 felt that I couldn't work for that department because 24 of the family issues that I was involved with. 25 MR. KORN: Chief Schultz.</p>	<p>1 MR. SCHULTZ: Mr. Chairman, Mr. Rightsell, 2 why did you leave the Valencia County Sheriff's 3 Department? 4 MR. RIGHTSSELL: Why did I leave the Valencia 5 County Sheriff's Department? I was terminated while 6 on probation after the election of the new sheriff. 7 MR. SCHULTZ: It was not related to any 8 specific incident? 9 MR. RIGHTSSELL: Absolutely not, absolutely 10 not. 11 MR. KORN: Anybody else? Yes, Chief Betz. 12 MR. BETZ: Mr. Rightsell, is there anything 13 that validates that you had returned the property to 14 the owner, the CDs? 15 MR. RIGHTSSELL: Well, the DVDs or the CDs 16 or -- there was three incidences. Anything that 17 validates the return of the DVDs to the owner, no. 18 And the reason for that was this was a large case in 19 which a lot of property was recovered. 20 When I contacted the victim, he was 21 embarrassed by the fact that they were pornographic 22 DVDs. He initially told me he did want to be listed 23 as a victim. Understanding his position in the 24 community, I went ahead and booked that property in. 25 But I didn't list his name as a victim.</p>
<p>1 When that case was resolved successfully, I 2 received prosecution and conviction on all of those 3 subjects, when we started releasing the property back 4 to the rightful owners, I personally released that 5 property back to him, back to the original owner. 6 However, because I had never done an incident 7 report listing him as a victim in the initial portion 8 of the investigation at his request, there was no 9 supplement done on the backside of that. I did notify 10 the property clerk that I had returned that property. 11 Therein that was the issue that I had. I failed to do 12 the report indicating what I had done. 13 I thought I was doing the right thing by 14 keeping his name out of it. It was a sensitive 15 nature. I mean who would really want to go to court 16 and testify that they had pornographic DVDs stolen 17 from their residence. 18 This was also in conjunction with working 19 with the District Attorney's Office on this as to what 20 we were going to charge, what crimes. Because that 21 was a misdemeanor larceny, that case was never -- was 22 never prosecuted. We stayed with all the felony 23 charges and received the prosecution on that. 24 So this incident did not have any negative 25 impact on any criminal cases or convictions or</p>	<p>1 anything like that. It was property that we took for 2 safekeeping, property that I released back, which in 3 accordance with our policy at the department, which I 4 have a copy of here for you today if you would like to 5 look at it, allows me to return that property. 6 So it wasn't necessarily a mishandling of 7 evidence. It was the not doing the report. That's 8 where I was wrong. 9 MR. BETZ: Thank you. 10 MR. KORN: Any other questions by the Board? 11 MR. GRATTON: I have one question. 12 Mr. Rightsell, so those DVDs were in your possession 13 during that time? 14 MR. RIGHTSSELL: No, no. They were in the 15 property room. 16 MR. GRATTON: So you did check them into the 17 property room? 18 MR. RIGHTSSELL: Yes, yes. Everything went 19 into the property room for safekeeping. It was all 20 kept for the duration of the case. When the case was 21 adjudicated, we started releasing property back to 22 owners. 23 In this particular case, we had a lot of 24 property that was released as the case went. 25 Everything that was considered -- that was going to be</p>

Page 30	Page 31
<p>1 a misdemeanor crime, we released that property right 2 back. The cell phones, there was a dozen cell phones 3 that had been stolen. 4 All of those phones were actually converted 5 to department use with the authorization of the phone 6 company and the department. So that left me with the 7 pornographic DVDs with no name for them to be tied to, 8 no case for them to be tied to. 9 So what I did is, when we transferred the 10 cell phones to department use, I returned those CDs 11 back to the individual. 12 MR. BARNCASTLE: Mr. Chairman. 13 MR. KORN: Sir. 14 MR. BARNCASTLE: Mr. Rightsell, is this a 15 common practice by the Roswell Police Department, to 16 take items into safekeeping and then not prepare 17 supplemental reports on them, has this happened 18 before? 19 MR. RIGHTSELL: It has happened before. 20 There are instances in which detectives -- and I was a 21 detective at the time. Where we come across property 22 and we'll release it back to the owner right out of 23 the office or what would be considered a field 24 release. 25 Not all property is always booked in all the</p>	<p>1 time. There are exceptions for everything. And our 2 policy allows for that to occur. 3 MR. BARNCASTLE: So this was not evidence? 4 MR. RIGHTSELL: No. It was just safekeeping. 5 It was safekeeping. It was never used in any criminal 6 proceeding. And again the only reason it was done in 7 the fashion that it was was at the request of the 8 owner. 9 Because of the sensitive nature, he didn't 10 want his name associated with those particular items 11 and he did not want to be a victim. He didn't want to 12 be listed in any reports, which we all know are 13 public. So I was trying to do the right thing by 14 complying with his request. 15 MR. BARNCASTLE: So these were items that 16 were not seized but they were turned over to you? 17 MR. RIGHTSELL: They were recovered. 18 MR. BARNCASTLE: They were recovered. 19 MR. RIGHTSELL: Yeah. As the course of the 20 investigation went on, we were able to find the 21 suspects. And the suspects voluntarily -- they were 22 all juveniles. They were all juveniles that had gone 23 around and stolen packages off of people's porches, 24 UPS packages and such. 25 So when we got on their trail and were able</p>
<p>Page 32</p> <p>1 to work the case, their parents turned in the property 2 and things like that. There was never any search 3 warrants done for this property or anything like that. 4 There was absolutely no paper trail as it pertained to 5 these items or any other items. 6 MR. BARNCASTLE: I think I'm aware of that 7 case now, I know which one you're talking about. 8 Thank you. 9 MR. KORN: Any other Board Members? I have a 10 couple questions, Mr. Rightsell. 11 MR. RIGHTSELL: Sure. 12 MR. KORN: You have explained the DVDs. What 13 about the cell phones, were they part of the same 14 case? 15 MR. RIGHTSELL: No. That was a separate 16 case. The cell phone was originally recovered by 17 another officer in a criminal sexual communication 18 with a minor case. That case had no leads. I worked 19 it. 20 I even checked that phone out to photograph 21 it, process it, return it to evidence, rechecked it 22 out with the authorization of my supervisor in an 23 attempt to make contact with the suspect. 24 So for a period of about five days, I had 25 that cell phone secured in my office trying to make</p>	<p>Page 33</p> <p>1 contact with the suspect. I was never able to make 2 good contact with the subject or progress in that 3 case. That phone was ultimately returned to property. 4 I have a letter here from Detective Jeff 5 Prince, who was a TSU detective, which is like a crime 6 scene detective. He's a processing officer for 7 evidence. In his letter, which I'll make available to 8 the Board, it says, "In reference to the missing 9 cellular phone, I assisted Officer Rightsell in 10 photographing the phone and its images. A few days 11 later, on April 5th, 2012, myself and Officer 12 Rightsell both walked from the office to the property 13 room, where I watched Officer Rightsell hand the phone 14 over to the property clerk. Myself and Officer 15 Rightsell then left the building and went to lunch." 16 In our organization detectives handle 17 property over the counter I guess would be the best 18 way to explain it. So if I wanted your water bottle 19 for property, you would give me that as the property 20 clerk. It would be your responsibility to log that 21 into my custody. When I give it back to you, it's 22 your responsibility to log it back in. 23 There is no log of that being logged back in. 24 However, I did turn it in. I made that aware. I had 25 another officer with me when I turned it back in. He</p>

Page 34	Page 35
<p>1 made it aware to the Internal Affairs investigator. 2 MR. KORN: So you were never accused of 3 keeping the cell phone? 4 MR. RIGHTSSELL: Absolutely not, no. 5 MR. KORN: And if I read this correctly, the 6 cell phone was found in the property area? 7 MR. RIGHTSSELL: I have not been privy to any 8 of that information. So I don't know what the status 9 of that is. 10 MR. KORN: The syllabus we received says the 11 cell phone was recovered. 12 MR. RIGHTSSELL: Okay. 13 MR. KORN: But it says that you pointed to it 14 in the desk. 15 MR. RIGHTSSELL: Yes. She came up to check if 16 I had the property. I had the property. I had the 17 property because I was trying to make contact with a 18 suspect. 19 MR. KORN: That was before you turned it back 20 in? 21 MR. RIGHTSSELL: Yes. 22 MR. KORN: So the communication in here that 23 it's in the desk was actually during the time that you 24 were investigating the case and before you turned it 25 back in?</p>	<p>1 MR. RIGHTSSELL: Yes. With my Commander 2 Stevenson's approval. I had gone to him and said, 3 hey, I would think that the only way we're going to 4 get this guy is if I can make contact with him posing 5 as 13-year-old female. I tried to do that. I wasn't 6 very successful in it. The phone was returned to 7 property. 8 MR. KORN: And the CDs and cases that were a 9 part of this? 10 MR. RIGHTSSELL: The CDs and cases were from a 11 third incident. What they were were a -- I took them 12 as evidence on a vehicle burglary as a patrol officer. 13 They were broken, the cases, where somebody had left 14 them in the seat of a car and then kneeled on them. 15 I took them to be processed for evidence for 16 fingerprints on the vehicle burglary. They were 17 turned into property. I have the property sheets here 18 where they were booked in. I'll make that available 19 to you. It's got my signature on it and it's got the 20 locker number they were assigned to they went in. 21 Also again, in a letter from Detective 22 Prince, who is the property technician who is 23 responsible for handling this, he says, "In 24 October 2011, while working in TSU and handling the 25 evidence, I personally observed three MPM broken CD</p>
<p>Page 36</p> <p>1 cases referenced in the complaint. They were present 2 in the processing room. And although I did not 3 process these, they were booked in contrary to the IA 4 complaint." 5 So they had made it all the way into the 6 processing room. Where they went after that I don't 7 know because I have no contact with them. I don't 8 operate in that portion of the building, I don't have 9 access to it. 10 MR. KORN: So did you take them out after 11 that? 12 MR. RIGHTSSELL: No. Absolutely not. I had 13 nothing to do with them ever again. As a matter of 14 fact, those came up missing -- I was first asked about 15 those a year ago. So this has gone on. They had 16 known that these items had been misplaced for over a 17 year prior to me ever being asked about them. 18 MR. KORN: What happened with that particular 19 case? 20 MR. RIGHTSSELL: There was no leads in that 21 case. 22 MR. KORN: And then the IA investigation that 23 was done on you, how did that resolve? 24 MR. RIGHTSSELL: It was sustained. And 25 according to the letter that I received, it was</p>	<p>Page 37</p> <p>1 sustained because I left the employ of the Roswell 2 Police Department. It was not for cause or not as a 3 result of the investigation. Since I accepted 4 employment with another agency, they closed it and 5 sustained it. 6 MR. KORN: Okay. And you said there are 7 certain documents that you wanted us to have as part 8 of this? 9 MR. RIGHTSSELL: Well, if you would like to 10 see any of the documents I have here. 11 MR. KORN: Well, Mr. Rightsell, if you would, 12 during one of the breaks, perhaps you can talk to 13 Director Byrd and see if you can get those photocopied 14 so we'll have those and you'll have your originals. 15 MR. RIGHTSSELL: Yes, sir. 16 MR. KORN: Any other questions? 17 MR. COON: I've got one question. This case 18 had lane dormant basically for a year? 19 MR. RIGHTSSELL: Yes, sir. 20 MR. COON: Until you put in your two weeks 21 notice? 22 MR. RIGHTSSELL: Yes. 23 MR. COON: So all the action on this case was 24 from the time you put in your two weeks notice to the 25 time you worked across town?</p>

<p style="text-align: right;">Page 38</p> <p>1 MR. RIGHTSSELL: Yes. 2 MR. COON: Thank you. 3 MR. KORN: And I gather that your wife works 4 for the Roswell Police Department, is that why you 5 resigned? 6 MR. RIGHTSSELL: No. I left the employment of 7 the Roswell Police Department because my wife was 8 having an affair with another member of the 9 organization. So I decided that wasn't a good place 10 for me to be anymore. 11 MR. KORN: Okay. Very good. Other Board 12 Members, any questions? No. Okay Mr. Rightsell, 13 thank you for coming. 14 MR. RIGHTSSELL: Thank you. 15 MR. KORN: Mr. Rosales. 16 MR. ROSALES: First I would like to say thank 17 you for allowing me the opportunity to speak to you 18 today. I'm very embarrassed to be standing in front 19 of you today. I would just like to explain to you 20 what happened. 21 This incident actually originated on 22 December 8th, which was Friday. On this day I learned 23 that my fiancée of ten years -- she's a nurse in Santa 24 Fe. She was having a three-year long affair with a 25 guy that she works with.</p>	<p style="text-align: right;">Page 39</p> <p>1 I learned that night that she had an 2 apartment up there, a dog, you know, everything. And 3 also the \$500 for a student loan that I was giving her 4 she was using to help fund that apartment. 5 That night I left, got my things, moved out. 6 We were staying with her mom. She had recently moved 7 out of our house because of problems. She has a 8 15-year-old son who is very violent. And she called 9 me back to stay with her because she feared for her 10 kid's safety. I was the only one who could control 11 him. 12 That Friday night I moved out after learning 13 of this. No violence. I'm not a violent person at 14 all. I didn't know about the affair, everything that 15 had happened. That weekend was the state football 16 championship. I'm from Silver City. It was 17 St. Michael's High School. All of her family was 18 coming up. 19 And, of course, I was in charge of the 20 barbecue. She had begged me to come back, we'll talk 21 about it, just to be civil for the weekend because all 22 her family is going to be here and put on a happy face 23 for her family. I agreed to. I shouldn't have. The 24 whole weekend was -- you know, it was hard to be there 25 in that situation. But the whole weekend I was just</p>
<p style="text-align: right;">Page 40</p> <p>1 thinking about what I needed to do. 2 That Sunday afternoon I was sitting down with 3 her brother. We were watching the Cowboys football 4 game. I was drinking a couple beers with him, a few 5 beers with him. He left probably about five o'clock. 6 He lives in El Paso. I didn't consume any alcohol 7 after that. 8 It was probably around nine o'clock at night 9 when I decided that I was going to pack my things and 10 move out, when I was going to see my daughter and my 11 other three stepkids I call them, but see them all off 12 to school, not to make any kind of a scene. 13 Like I say she's a nurse at the hospital in 14 Santa Fe. And she takes Ambien. It's a hypnotic 15 sleeping aid. She's also on antidepressants. And she 16 was drinking with her family members that day as well. 17 It was about nine o'clock and I decided to 18 log in our system and take the day off. I didn't want 19 to make a scene with the kids. I wanted them all to 20 be gone and I was going to move out. And I had in my 21 mind already that I was going to get a temporary order 22 to remove my daughter from the home until she figures 23 out what to do with this oldest son. 24 Approximately -- it was about two in the 25 morning. I was laying in bed and I couldn't sleep at</p>	<p style="text-align: right;">Page 41</p> <p>1 all. I was tossing and turning. It was about two in 2 the morning. She got up and yelled at one of her 3 kids. She took her Ambien medication. I thought she 4 was out. 5 It was probably about three. I got out of 6 bed. I couldn't sleep at all. I had not drank 7 anything since about four or five o'clock that 8 afternoon. I had already called off to work because I 9 was going to move out the next day. 10 I did go to the kitchen. I did drink a small 11 glass of Crown Royal, I don't know, just a small 12 amount. I couldn't even tell you how much. 13 Immediately after that I went back to the bedroom. 14 I had -- originally I was going to go to 15 work. I had my gun belt there, my uniforms all laid 16 out. When I was getting into bed, I knocked over my 17 handcuffs and they fell and hit the table. She 18 awakened. 19 And when she woke up, she asked me what's 20 going on. I told her nothing, I don't want to talk 21 about it. She could barely talk. When she takes this 22 medication, she has memory loss, she engages in sexual 23 activity, she walks around in her underwear outside, 24 makes phone calls, overeats. I mean it's like dealing 25 with a heavily intoxicated person.</p>

Page 42	Page 43
<p>1 I told her did not want to talk about it. I 2 didn't want to explain to her what was going on at the 3 time. She insisted, she kept pushing the issue. I 4 finally told her I'm going to leave, I'm moving out. 5 And I'm going to take my daughter with me. 6 Prior to that she had mentioned some other 7 things, she started -- we weren't arguing at all. 8 There was no yelling, no argument, nothing. When I 9 told her that I was leaving, I was going to take my 10 daughter, she laughed. She said no, you're not. She 11 said she's not your daughter. She's six years old. 12 When she said that, I'm not going to lie, it 13 cut me down to the bone. And at that point is when I 14 had my -- my duty belt was right there. And I did put 15 the gun to my head for a brief second. And she 16 laughed. She smirked, she laughed, she picked up the 17 phone, dialed 911. 18 I immediately dropped the mag, unloaded it. 19 And she said -- she was on the phone with dispatch. 20 Never any yelling, never any screaming, crying, 21 nothing. She told dispatch that I was going to shoot 22 myself. And I had already dropped the gun at that 23 time. She says give it to me. 24 I gave her the gun. She hung up the phone. 25 She walked to her daughter's bedroom. I later went in</p>	<p>1 there. I said give me back my gun. She gave it back 2 to me. And I went and I holstered it. And I left the 3 round in the mag on the floor. And I went to bed. 4 She was sleeping with her daughter. She came back in. 5 I apologize. 6 A few minutes later the officers arrived. 7 When they came into the room, I was embarrassed. I 8 thought, you know, that I was going to go to the 9 hospital. And I was going to -- it was going to be an 10 embarrassing moment for me. Because that's our 11 standard operating procedures, to be taken to the 12 hospital. That's what I was expecting. 13 When they asked me to get out of bed, when I 14 stepped out of bed, there was an officer there. I 15 stepped with my heel on the round that I had ejected. 16 When I stepped on it, I kicked it to the side. It was 17 right next to the mag. 18 When the officers came in and they separated, 19 lieutenant -- I don't mean to say his name. But the 20 lieutenant that came in, as soon as he walked in the 21 door, he gave me this look. And this same 22 lieutenant -- a couple of months before there was an 23 investigation done on him where they asked me to lead 24 the investigation where he was on duty joyriding in a 25 borrowed Polaris side-by-side ATV with another</p>
<p>1 lieutenant. 2 They ended up wrecking the vehicle when he 3 wasn't supposed to be there. So the captain asked me 4 to investigate that. I found the crash. He ended up 5 getting disciplined for it. 6 And when he walked in, he gave me this look, 7 you know. And I just -- you know, I didn't know what 8 to think. And so I was sitting in the kitchen. The 9 officer that was there, he asked me if I had consumed 10 any alcohol. I told him that I had drank a couple 11 beers earlier in the day. 12 The next thing I know he comes in -- well, I 13 could hear him talking to Leslie. And when she wakes 14 up from this medication, it takes her about a good two 15 hours to really understand what's going on. And I 16 heard her at one time say no matter what I tell you, 17 you're not going to stop asking me until I tell you he 18 did something. 19 And he says, well, I believe you're just 20 covering up for him. They ended up shutting the door. 21 I was standing there. I was expecting to go to the 22 hospital. They come in and tell me I'm under arrest. 23 And they stuck me with all these different charges. 24 And I was shocked. I couldn't believe what was going 25 on.</p>	<p>1 And they took me straight to jail, straight 2 to the holding facility, straight to jail. They gave 3 me a breath test at the station. I blew a 0.03. They 4 were on the news saying that I was drunk. I didn't 5 appreciate that at all. And it was very embarrassing 6 for me. 7 When I got ahold of the police report, you 8 know -- well, before that I was telling the lieutenant 9 I sat there and I heard you -- heard her give you all 10 these different stories. One statement she gave an 11 officer was that I gave her the gun and I later walked 12 back in and she gave it back to me, which is what 13 happened. 14 Another statement she told the officer was 15 that she never touched the gun because she was scared 16 and didn't know what to do with it. Another statement 17 she said she got the gun, wrapped it in a blanket, and 18 left it with me on the bed. 19 One statement she said that I walked into the 20 room and she woke up when she heard a noise. Another 21 statement said that she heard the TV on, went in 22 there, I was in the living room watching TV, and we 23 started talking in there. 24 MR. KORN: If I could interrupt you. Just a 25 question for you first. Are you a proponent for what</p>

Page 46	Page 47
<p>1 the Director has put down for your proposed penalty? 2 MR. ROSALES: I'm not objecting to any 3 penalty that he gives me. I mean I did something 4 stupid. I didn't assault anybody. I mean these 5 charges are totally false. 6 But I did briefly, when she told me that it 7 wasn't my daughter, I did, you know, put the gun to my 8 head very briefly. I snapped out of it real quick. I 9 did do that. And I'm not saying that I don't deserve 10 to be punished. 11 I mean, during the internal investigation, 12 Sergeant Alderete, our Internal Affairs sergeant, he 13 unsustained the allegations after a two-month 14 investigation. He unsustained it. When I talked to 15 the chief, the chief told me that he's never, ever 16 regretted having to fire anybody before. 17 He told me you're the only one that I've ever 18 had to regret doing this. And it's not because I 19 think that these allegations are true. The only 20 reason why I'm doing it is because you admitted the 21 thought of suicide and you're a liability to the city. 22 And if something were to happen, we can lose the Santa 23 Ana Star Center. Those were his words exactly. And I 24 had a union rep present with me. 25 MR. KORN: So let me see if the Board has any</p>	<p>1 questions. Board Members, any questions? 2 MR. BETZ: Are you employed at this time? 3 MR. ROSALES: Yes, sir. 4 MR. BETZ: With who? 5 MR. ROSALES: No. I'm unemployed. 6 MR. KORN: Any other questions from the 7 Board? 8 Is there anything else that you would like to 9 present? 10 MR. ROSALES: The charges have been 11 temporarily dismissed as long as I check myself in to 12 counseling. 13 MR. KORN: And have you done that? 14 MR. ROSALES: Yes, sir. I've been doing that 15 about -- a couple weeks ago I got a letter from my 16 lawyer, from the DA, who is temporarily dismissing the 17 charges if I complete a total of six months of 18 counseling, I continue my counseling for six months, 19 which will be next month. And that's where I'm at 20 now. 21 MR. KORN: Thank you. 22 MR. BARNCASTLE: Mr. Chairman, I do have one 23 question. 24 MR. KORN: Yes, sir. 25 MR. BARNCASTLE: Are you formally going</p>
<p>1 through a preprosecution diversion program or a 2 conditional discharge program? 3 MR. ROSALES: I don't have all the documents. 4 The only one I have is this -- I can't even pronounce 5 it, nolle -- 6 MR. BARNCASTLE: Nolle prosequi. 7 MR. ROSALES: Yes. This was assuming that I 8 complete my six months of counseling, which I've been 9 going on my own since December. And again I'm not 10 here to try to say that I did nothing and don't 11 deserve punishment. What I did was stupid. 12 MR. BARNCASTLE: Has the Director been 13 provided copies of the sergeant's review or the 14 sergeant's investigation that was conducted that found 15 that there was -- 16 MR. ROSALES: No, sir. 17 MR. BARNCASTLE: We don't have those? 18 MR. ROSALES: No, sir. I have requested it. 19 I have requested it numerous times through my union 20 rep. And I haven't gotten those. 21 MR. BARNCASTLE: Okay. I misunderstood you 22 then. I understood that you had copies of those with 23 you. 24 MR. ROSALES: No, no, no. What I was told -- 25 what I was told by the chief and what I was told by my</p>	<p>1 union rep, I haven't seen the documents. But that's 2 what was told by the chief and my union rep, what the 3 findings were. 4 MR. BARNCASTLE: So does the District 5 Attorney's Office have copies of those? 6 MR. ROSALES: I'm not even sure of that. 7 MR. BARNCASTLE: Thank you. 8 MR. GRATTON: Mr. Chairman, I have one 9 question. Mr. Rosales, is your understanding your 10 record will be expunged after six months or the 11 charges just won't be filed? What is your 12 understanding of that whole process? 13 MR. ROSALES: My understanding is that these 14 are all going to be dismissed once I complete -- 15 finish my six months of counseling. I mean I'm not 16 sure of the exact -- I'm not a lawyer. I don't 17 understand the exact terms. But, you know, to me, if 18 something is dismissed, it's dismissed. 19 MR. GRATTON: Thank you, sir. 20 MR. KORN: Board Members, any other 21 questions? 22 MR. QUEZADA: Just one question. The nolle 23 pros, it has been filed, is that what -- 24 MR. ROSALES: Yes. I have that right here. 25 MR. QUEZADA: Okay.</p>

Page 50	Page 51
<p>1 MR. KORN: And, Mr. Rosales, could you 2 perhaps ask Director Byrd if you can make a photocopy 3 of that and give that to the Board as well. You can 4 do that after the meeting. Thank you, sir. 5 MR. ROSALES: Thank you. 6 ITEM NOS. 17, 18, AND 19: JEREMIAH PHILLIPS, JAMES 7 AGUILAR, AND CALEB COATE 8 MR. KORN: The next three would be No. 17, 9 Jeremiah Phillips; No. 18, James Aguilar; and No. 19, 10 Caleb Coate. So it looks like one hand is up. Is 11 that Mr. Aguilar? Sir, would you like to appear 12 before the Board then? Oh, I'm sorry. Are you coming 13 up? No. Mr. Aguilar, you're up. 14 MR. HESSINGER: Excuse me, sir. I apologize. 15 I don't know if I needed to check in with you. I'm 16 Josh Hessinger. 17 MR. KORN: We'll call you shortly. You can 18 have a seat. Right now we're hearing Mr. Aguilar. 19 MR. AGUILAR: Good morning, gentlemen. Again 20 I'm very embarrassed to be here. I'm just here to 21 just kind of produce -- per the union attorney and the 22 psychologist I last saw give a chronology that helps 23 not shed light but explain, because if I try to 24 explain it to you gentlemen, we could be here all day 25 because it's a very unique issue.</p>	<p>1 Something that two separate psychologists 2 feel that shouldn't have happened in the first place. 3 And it was completely handled inappropriately and 4 incorrectly. I estimated ten. So I don't know if I 5 could offer it now or hand it off to somebody else for 6 the Board. 7 I reluctantly agreed to the suspension only 8 because it's my best option to get this second opinion 9 done, which I was having problems with the original 10 psychologist's office trying to get that file in order 11 for the second opinion psychologist to handle that. I 12 still don't have it. 13 But I do have -- I went out on my own for 14 anger management through a Presbyterian plan with a 15 referral and had a consultation with a second -- for 16 the second opinion. And she offered a letter. And 17 everything is here in the packet. 18 Like I said, if I try to go through 19 everything, we could be here for hours just trying to 20 explain it. But the chronology kind of breaks it 21 down, simplifies it. 22 MR. KORN: Thank you, Mr. Aguilar. Questions 23 from the Board? 24 MR. SHILLING: Mr. Chairman, I have a 25 question.</p>
<p>1 MR. KORN: Chief Shilling. 2 MR. SHILLING: And I guess this might also be 3 for legal counsel. We typically deal with conduct 4 issues, not fit for duty issues. This is the first 5 one I've seen. So I'm looking for a little guidance 6 from you on that. 7 MR. AGUILAR: And may I also add, this fit 8 for duty, the claims that they were advising that it 9 had to be done, I've never had those issues before. 10 The only disciplinary issues I've ever had were 11 computer traffic, three computer traffics. So I've 12 never had any issues as far as use of force. 13 MR. SHILLING: For me then there's no 14 sustained Internal Affairs allegation of misconduct in 15 conjunction with this fitness for duty? 16 MR. AGUILAR: Yes, sir. 17 MR. SHILLING: There is not? 18 MR. AGUILAR: None. 19 MR. SHILLING: Okay. 20 MR. KORN: I think there's a question. 21 MR. SCHULTZ: I have a question as well. 22 Does your department not have a policy that you must 23 be fit for duty in order to perform the duties of your 24 job? 25 MR. AGUILAR: I understand in the SOP there</p>	<p>1 is one. The day that I agreed with anger management 2 with the chief, the next day they were picking up my 3 gear, advising that I had to go for a fitness for 4 duty. I was being ordered for a fitness for duty. 5 MR. SCHULTZ: So, Mr. Chairman, Chief 6 Shilling, my understanding would be, since he was 7 unable to perform the duties, that would be a 8 violation of policy of almost every organization if 9 you can't do your job. 10 MR. SHILLING: I'm just curious, because this 11 is the first one that I've seen that isn't correlated 12 with a sustained allegation of misconduct of some 13 kind. 14 MR. AGUILAR: It was stated several times 15 that my work product was not the issue. 16 MR. KORN: So before we go on, there was a 17 question for our counsel. Mark Reynolds is our 18 counsel. Do you have an opinion? 19 MR. REYNOLDS: Yes. Mr. Vice Chair and Chief 20 Shilling, I do believe -- this is unusual to me too. 21 But I do believe it is something that the Board can 22 take up. The Board can take action on a certification 23 of an officer that doesn't meet the requirements of 24 the Law Enforcement Training act. 25 Fit for duty is one of the requirements</p>

Page 54	Page 55
<p>1 within the Law Enforcement Training Act. So even 2 though we haven't seen one where the issue is whether 3 or not the officer is fit for duty, I do believe it is 4 something that is within the jurisdiction of this 5 Board.</p> <p>6 MR. SHILLING: Thank you.</p> <p>7 MR. KORN: Thank you. Sheriff Coon.</p> <p>8 MR. COON: Sir, are you on medical leave with 9 your department or have you been terminated?</p> <p>10 MR. AGUILAR: I was terminated on March 14th.</p> <p>11 MR. COON: What was the grounds of your 12 termination?</p> <p>13 MR. AGUILAR: Due to Dr. Rogers' report.</p> <p>14 MR. COON: One doctor. So that's why you've 15 done the second opinion?</p> <p>16 MR. AGUILAR: That's why I'm still trying to 17 get the second opinion evaluation done. It was agreed 18 to so long as it was Dr. DiVasto. Dr. DiVasto had 19 advised me that he had trained Dr. Rogers and stated 20 that he would not do it, it would be a conflict of 21 interest.</p> <p>22 So I was trying to seek out a second, in 23 which I made contact with Dr. Lori Martinez, a police 24 psychologist. And shortly after I was told 25 Dr. DiVasto was not going to do it, I was terminated</p>	<p>1 the next day.</p> <p>2 MR. COON: Okay. Thank you.</p> <p>3 MR. KORN: There was another question.</p> <p>4 MR. GRATTON: I'm satisfied. Thank you.</p> <p>5 MR. KORN: Anybody else have any questions of 6 Mr. Aguilar? Mr. Aguilar, thank you for coming.</p> <p>7 MR. AGUILAR: And the packets, would that 8 be --</p> <p>9 MR. KORN: You have packets for all of us 10 now?</p> <p>11 MR. AGUILAR: Yes, sir. I made ten copies.</p> <p>12 MR. KORN: You're very prepared. We would 13 like that. Could you give that to us at a break.</p> <p>14 MR. AGUILAR: Yes, sir.</p> <p>15 MR. KORN: Were those packets available to 16 the Director at the time you had your meeting with 17 him?</p> <p>18 MR. AGUILAR: No, sir. I still have not been 19 able to meet with Dr. Martinez yet, which it was last 20 Sunday we had a three-and-a-half-hour interview.</p> <p>21 MR. KORN: Thank you very much for appearing. 22 Thanks for bringing your document. Caleb Coate. Did 23 I pronounce that correctly? It's No. 19 on the 24 agenda. He's not here.</p> <p>25 ITEM NO. 19A: CHRISTINA GARCIA</p>
<p>Page 56</p> <p>1 MR. KORN: The last one before we go back to 2 you, sir, is Christina Garcia. Is Christina Garcia 3 here? No. Christina Garcia is not here.</p> <p>4 So we're going to hear from Mr. Hessinger. 5 Mr. Hessinger is No. 9. Sir, would you like to 6 address the Board?</p> <p>7 MR. HESSINGER: Yes, sir, I would. About a 8 year and a half ago, I was on patrol, normal duty. 9 And another deputy that I work with was a field 10 training officer. And I had a training with him that 11 evening. They had stopped a vehicle and ended up 12 arresting one of the passengers for a misdemeanor 13 traffic warrant.</p> <p>14 This particular deputy, he is on our SWAT 15 team and he carries a lot of gear. And usually when 16 he gets -- arrests somebody, one of us will transport 17 for him. I was the closest one in the area. So once 18 he made the arrest, I went to transport for him.</p> <p>19 I picked up -- the individual that he had 20 arrested was a female. At that time I transported the 21 female to the prisoner transport center, which is 22 downtown Albuquerque. Probably only a couple miles 23 from where he had arrested her.</p> <p>24 During that time I had spoke to the female 25 prisoner. She had asked me to exchange a phone number</p>	<p>Page 57</p> <p>1 with her. Against better judgment I did do that, I 2 exchanged a phone number with this prisoner at that 3 time. I transported her to the transport center. She 4 was booked accordingly. And several days later I did 5 make contact with that -- the prisoner that we did 6 transport.</p> <p>7 A few months later -- I should say at the 8 time I was married. A few months later my wife found 9 out that I was speaking to another female and at that 10 time filed a complaint through the department that I 11 had violated SOP as far as starting I guess a 12 relationship with a prisoner that I had transported.</p> <p>13 My wife and I have since been divorced. I 14 started living with that particular individual as 15 well, that female that I had transported that evening. 16 It was an extremely regrettable mistake.</p> <p>17 I went through -- my Internal Affairs 18 lasted -- I guess I was on admin leave actually for 19 three months through this investigation. The 20 department took my gun and my badge. And I was stuck 21 in warrants for two months, which was probably the 22 worst thing ever. Not having my gun and badge was a 23 horrible, horrible feeling.</p> <p>24 At the conclusion of my IA investigation, I 25 received a ten-day suspension. I was allowed to do</p>

Page 58	Page 59
<p>1 five days in abeyance and ended up serving two days of 2 the suspension. 3 The suspension has gone out of my file at 4 this time. It's been over a year. It was the first 5 discipline that I had received through the department. 6 And it was the last discipline I received as well. 7 I've stayed out of trouble. It was an 8 extremely regrettable mistake. I just ask the Board 9 to be lenient I guess as far as any additional 10 punishment. 11 MR. KORN: Thank you, Mr. Hessinger. We'll 12 see if the Board has questions. 13 MR. COON: I have a question. 14 MR. KORN: Sheriff Coon. 15 MR. COON: You said your wife was mad at you 16 for speaking to this lady? 17 MR. HESSINGER: Absolutely, yes, sir. 18 MR. COON: But just speaking? 19 MR. HESSINGER: At the time I was texting 20 back and forth with this individual quite a bit. I 21 was talking to her on a daily basis. I had met up 22 with her several times. It hadn't been anything I 23 guess physical at that point. 24 But once my wife found out that I was 25 communicating with this other individual, we</p>	<p>1 started -- of course, it started tremendous problems 2 within my marriage. And once that started happening, 3 I started staying at friends' houses and whatnot and 4 moved out of my residence. 5 Once I moved out of my residence, that's when 6 I continued the relationship with the female that I 7 had met on duty. At that point that's when we ended 8 up going through a divorce. 9 MR. COON: Thank you. 10 MR. KORN: Mr. Barncastle. 11 MR. BARNCASTLE: Mr. Vice Chairman, in the 12 misconduct narrative, sir, it states here that, 13 "Respondent had misused a restricted database for 14 information relating to the warrant." 15 MR. HESSINGER: Yes, sir. 16 MR. BARNCASTLE: What does that mean? 17 MR. HESSINGER: When I was actually living 18 with the female, once me and my wife had separated and 19 I was living with the female, I had run her through 20 our LEADS, which is our database that checks criminal 21 history or I guess any violation of the law. 22 At that point I was informed -- or not 23 informed. But I became aware that she had a 24 misdemeanor traffic warrant again for a failure to 25 appear, which come to find out she had received from</p>
<p>Page 60</p> <p>1 that same evening. 2 What happened was she was a passenger in her 3 own vehicle. So she was a back passenger in the 4 vehicle that was pulled over. The individual that was 5 driving actually has the same name, which is -- Karina 6 was her name. I guess kind of a somewhat unique name. 7 The citation was given to the driver. But it 8 was written out to her as a passenger, which she was 9 unaware of it. So she received a failure to appear 10 warrant because, of course, she didn't go to court for 11 the citation that she was not aware she had. 12 But as far as using the database, I did run 13 her through that. And I did find out that she did a 14 have a warrant. I informed her that she did have a 15 warrant and she needed to take care of it, which she 16 did take care of the warrant. But at that point she 17 made contact with the court and took care -- or went 18 through the process as far as paying for her warrant 19 and taking care of the citation. 20 MR. BARNCASTLE: Thank you, sir. 21 MR. HESSINGER: Yes, sir. 22 MR. KORN: Chief Schultz. 23 MR. SCHULTZ: That second event happened 24 while you were on administrative assignment? 25 MR. HESSINGER: No, sir. That was before my</p>	<p>Page 61</p> <p>1 Internal Affairs investigation took place. So this 2 was -- I believe the -- when I originally met her was 3 in I believe September. My Internal Affairs complaint 4 wasn't filed until January of the following year. 5 So it was within that span, between September 6 and January, when I was still on duty and still had 7 access to all of my normal -- I was still working as a 8 uniform officer. So that's when I had run her through 9 LEADS. 10 Once my Internal Affairs investigation 11 started in January, when my IA complaint was filed, 12 that's when they moved me into warrants. And I was 13 basically in warrants from January until April. And 14 that's when I received my suspension. And I believe 15 it's been a year April 10. 16 MR. KORN: Any questions, Chief Schultz? 17 MR. COON: Mr. Vice Chair, sir, are you still 18 employed with Bernalillo County? 19 MR. HESSINGER: Yes, sir. 20 MR. COON: Okay. Thank you. 21 MR. KORN: Any other questions from the 22 Board? 23 MR. QUEZADA: I have one question, 24 Mr. Chairman. Why did you run her that time, the 25 second time?</p>

Page 62	Page 63
<p>1 MR. HESSINGER: Well, in our new LEADS -- we 2 had just recently got LEADS not too long before that, 3 sir. And at that point it brought up a photo from the 4 driver's license. So I was actually showing another 5 individual that I worked with who she was, who I was 6 dating, and whatnot. 7 It had nothing to do whatsoever with trying 8 to find her criminal history, because I had no idea 9 she had a warrant or she was even -- or there was even 10 a possibility of that. 11 So it was still wrong of me to run her, it 12 had nothing to do with work. It wasn't for a car stop 13 or anything like that. It was still I guess misuse of 14 the system. But it was to simply to show another 15 individual I was working with a photo of her, sir. 16 MR. QUEZADA: Thank you. 17 MR. KORN: Other questions? I have a couple 18 of questions. When you were suspended, the documents 19 here say you were suspended for three months with pay. 20 I gather you were getting your full pay? 21 MR. HESSINGER: Yes, sir. They put me on 22 administrative leave. 23 MR. KORN: But you were getting paid just as 24 if you were an officer or was that reduced? 25 MR. HESSINGER: Yes, sir. They did take my</p>	<p>1 gun and badge. 2 MR. KORN: I understand that. Were you 3 getting full pay? 4 MR. HESSINGER: Yes, sir. 5 MR. KORN: Another question. You were 6 driving to WMDC, right? 7 MR. HESSINGER: It was PTC at that time, sir. 8 MR. KORN: It was downtown? 9 MR. HESSINGER: Yes, sir. 10 MR. KORN: So when you were driving there, it 11 was en route to driving her to the jail facility that 12 you exchanged telephone numbers? 13 MR. HESSINGER: Yes, sir. It was between I 14 believe it was 10th and Central. 15 MR. KORN: So she was in custody at the time 16 that you were exchanging numbers? 17 MR. HESSINGER: Yes. 18 MR. KORN: Are you telling the board that it 19 was she that asked you for your telephone number? 20 MR. HESSINGER: Absolutely, yes, sir. 21 MR. KORN: And then you agreed? 22 MR. HESSINGER: Yes, sir. 23 MR. KORN: But you did not ask her for her 24 number? 25 MR. HESSINGER: No, sir.</p>
<p>Page 64</p> <p>1 MR. KORN: But you did call her several days 2 later, she did not initiate the call to you? 3 MR. HESSINGER: No. Once she asked me for my 4 number, I gave her my number. And that's when I 5 received her number as well. And it was I believe 6 three or four days later when I texted her first, sir. 7 MR. KORN: So she asked you for your number, 8 but she didn't initiate a call? 9 MR. HESSINGER: No, sir. 10 MR. KORN: Okay. Any other questions from 11 the Board? Sir, thank you for coming. 12 MR. HESSINGER: Yes, sir. 13 MR. KORN: Is there anybody that has come in 14 that's in the disciplinary matters, Nos. 5 through 19A 15 since we started? Ma'am. 16 MS. BEASLEY: Can I talk to you on behalf of 17 my husband, John Beasley, is now the time? 18 MR. KORN: John Beasley was No. 5? 19 MS. BEASLEY: He was No. 1. 20 MR. KORN: Yes, sure. Would you like to come 21 up too, Mr. Beasley. You are Ms. Beasley? 22 MS. BEASLEY: I am. 23 MR. KORN: Okay. Would you like to address 24 the Board? 25 MS. BEASLEY: I would. The events that took</p>	<p>Page 65</p> <p>1 place that night, on August 10, is not typical of my 2 family or my husband. And we have been married for 3 21 years and have never let stress from work or our 4 family affect our behavior. We've raised both of our 5 girls to be respectful to us and to others. 6 The night that John and I were arguing it 7 escalated. He asked me to back off, to leave him 8 alone. And I didn't. And I don't think that the 9 information that everyone has received is represented 10 in a correct manner. 11 Things were said that night and done. And I 12 think that the officers that did come that were on 13 duty misread maybe what we were saying. My husband 14 did slap my daughter that night. She was 15 disrespectful. She came in when we were arguing, 16 which is not common for us. Especially to do in front 17 of our girls. 18 And she, of course, took my side and said 19 quit -- stop being an asshole or something to that 20 point. But did call him an asshole. I don't think he 21 reacted to her because he was mad at me. He reacted 22 to her because she was being disrespectful, which 23 normally she does not do to her dad. He has spanked 24 her one time when she was five years old. He doesn't 25 believe in using force.</p>

Page 66	Page 67
<p>1 You know, I think that John has paid his 2 consequences. He was put on leave with pay. He has 3 had to address the department. He has had to address 4 his family. He's had to address his SRO position that 5 he developed in Artesia.</p> <p>6 And he also has had to address the NASRO 7 program because he also developed the State program 8 last year. He's no longer in the SRO program. And I 9 think it's because of the events that happened that 10 night.</p> <p>11 He's a supervisor on patrol. He has lost his 12 passion because of the kids. So now our community is 13 hurting because our SRO -- the night of the family 14 matter has carried over to his profession.</p> <p>15 You know, we normally don't let stress come 16 into our home from our work. But that night we did. 17 And it escalated. And he was asked if he shows any 18 remorse about what he did to Kayla. Of course, you 19 have remorse when you discipline your child.</p> <p>20 But as a parent in today's society, we're 21 going to raise a daughter that's respectful. And you 22 don't call your dad an asshole. And, you know, 23 30 days isn't much. But it is a lot for someone who 24 doesn't do that, who doesn't act in that manner, who 25 is a good man and a good police officer.</p>	<p>1 Anger management, he's not an angry man. In 2 21 years one time he let the stress get to him. This 3 is a man who teaches kids how to behave in our 4 society, in our community, and they look up to him. 5 And all of this has tore our family apart. And I'm 6 asking that you relook at his 30 days. You know, I do 7 think he's paid his consequence.</p> <p>8 MR. KORN: Thank you, Ms. Beasley. How old 9 is your daughter?</p> <p>10 MS. BEASLEY: She is 17 and she's here today.</p> <p>11 MR. KORN: Okay. Members of the Board, any 12 questions for Ms. Beasley or Mr. Beasley? No 13 questions?</p> <p>14 MR. BARNCASTLE: I have one question.</p> <p>15 MR. KORN: Yes, sir. Mr. Barncastle.</p> <p>16 MR. BARNCASTLE: Thank you for being here.</p> <p>17 MS. BEASLEY: Thank you for having me.</p> <p>18 MR. BARNCASTLE: Thank you for making us more 19 aware of the situation.</p> <p>20 MS. BEASLEY: Well, my husband is a firm 21 believer that, if you do something wrong, you pay the 22 price. And he feels that he -- the department 23 obviously thinks he's done something wrong. And the 24 Director asked that -- you know, he's not that type of 25 dad.</p>
<p>Page 68</p> <p>1 And I know, if I would have called my dad an 2 asshole, I would probably have been laying flat on the 3 ground 20 years ago. But it was a slap. And you know 4 what, I'm at fault. And I think probably most of us 5 have -- when our kids have been disrespectful have 6 acted in that manner. And he didn't think before he 7 did it.</p> <p>8 MR. BARNCASTLE: Thank you.</p> <p>9 MR. KORN: Do you have anything to add, 10 Mr. Beasley?</p> <p>11 MR. BEASLEY: I do. When I came up here at 12 first, I was unsure how to react.</p> <p>13 MR. KORN: You were No. 1, weren't you?</p> <p>14 MR. BEASLEY: I was No. 1. I didn't know 15 whether to plead the case, whether to speak about it. 16 What you had in your narrative, it was -- you know, I 17 read over it. It was correct. I did what I did. I 18 was told at my informal that there is other ways to 19 discipline your children.</p> <p>20 I was kind of offended by that. I think I 21 did a really good job raising my two girls. And I 22 don't lose my cool. Anger management was one of the 23 things -- I teach anger management classes. I know 24 how to control my stress, my anger.</p> <p>25 That particular night I tried to walk away</p>	<p>Page 69</p> <p>1 several times from an incident. And it escalated and 2 escalated and escalated. I did walk off. I threw a 3 little temper tantrum. And not in front of my girls, 4 it was away from them.</p> <p>5 And it just -- from there it just escalated 6 even more. I'm sorry for what I did. I guess it was 7 a mistake. You shouldn't discipline your children. I 8 don't know. I don't know. That's really all I have 9 to say. I'm sorry.</p> <p>10 MR. KORN: Thank you, Mr. Beasley. Before 11 you go, Board, any questions?</p> <p>12 MR. QUEZADA: I do have one, Mr. Chairman.</p> <p>13 MR. KORN: Mr. Quezada.</p> <p>14 MR. QUEZADA: You're an SRO at a high school, 15 middle school?</p> <p>16 MR. BEASLEY: I was an SRO at a middle 17 school.</p> <p>18 MR. QUEZADA: And your daughter was how old 19 at the time?</p> <p>20 MR. BEASLEY: She is in high school, 17.</p> <p>21 MR. QUEZADA: Was that a regular duty day 22 when this occurred?</p> <p>23 MR. BEASLEY: Yes.</p> <p>24 MR. QUEZADA: Anything happen that day?</p> <p>25 MR. BEASLEY: I had a lot of issues the day</p>

Page 70	Page 71
<p>1 before with a certain commander that I was really 2 stressed over. And I didn't want to discuss it with 3 my family. My wife insisted that I talk to her and I 4 didn't want to discuss it. That's what led up to 5 that.</p> <p>6 MR. QUEZADA: Thank you, sir.</p> <p>7 MR. KORN: Sir, it does say that you kicked a 8 hole in the door and also damaged a wall and small 9 desk.</p> <p>10 MR. BEASLEY: Yes, that's correct.</p> <p>11 MR. KORN: On your way out.</p> <p>12 MR. BEASLEY: On my way out.</p> <p>13 MR. KORN: Thank you, Mr. Beasley.</p> <p>14 MR. BEASLEY: Yes.</p> <p>15 ITEM NOS. 20, 21, 22, AND 23: JEREMY FLINT, ISIDRO 16 GONZALES, ALFONSO RODRIGUEZ, AND SAMUEL FODGE</p> <p>17 MR. KORN: We are up to the next session, 18 which is called cautionary letters. There are four 19 people in the cautionary letters. I'll read the four 20 names. If you're here, please raise your hand.</p> <p>21 Number 20 is Jeremy Flint, No. 21 is Isidro 22 Gonzales, No. 22 is Alfonso Rodriguez, and No. 23 is 23 Samuel Fodge. And we have one hand up. Two hands up. 24 You, sir, would be who?</p> <p>25 MR. RODRIGUEZ: Alfonso Rodriguez.</p>	<p>1 MR. KORN: Alfonso Rodriguez. And you, sir, 2 in the back?</p> <p>3 MR. FODGE: Samuel Fodge.</p> <p>4 MR. KORN: Okay. So, Mr. Rodriguez, you 5 would be first.</p> <p>6 MR. RODRIGUEZ: I was hoping I wouldn't have 7 to get up here and do a narrative. I guess you guys 8 have some of this in front of you or a lot of it in 9 front of you. On August 16th of 2011, I got into a 10 confrontation with a guy in front of my daughter's 11 school over him being double parked and blocking 12 everybody from leaving.</p> <p>13 I was sitting in my truck and I was off duty. 14 I asked him to move. He looked in the mirror and told 15 me to fuck off or fuck you or something at that point. 16 I got out of the truck. I was just going to ask him 17 to move his car. He got out of his car with a stick. 18 It ended up being a 22-inch baton that was an inch 19 around.</p> <p>20 By the time he got out of the car and grabbed 21 that from the seat, I was within a couple steps of 22 him. I didn't want to step back and get hit with the 23 end of that stick. So I stepped forward and basically 24 put him into the area between his door and the A 25 pillar of his car just to prevent from getting hit.</p>
<p>Page 72</p> <p>1 I thought I was going to get hit. I just 2 didn't want to get hurt by that stick. He knew I was 3 a sheriff's deputy so he started screaming that I had 4 a gun, I had a gun.</p> <p>5 I got put on administrative leave. I was on 6 leave for eight months. During that time I did a 7 polygraph and passed it very successfully. I never 8 pointed a gun at him, never drew a gun. That was 9 pretty much the crux of it. If you guys have any 10 questions of me.</p> <p>11 MR. KORN: Thank you, sir. Questions for 12 Mr. Rodriguez? Mr. Quezada.</p> <p>13 MR. QUEZADA: You say that the gentleman knew 14 that you were a sheriff?</p> <p>15 MR. RODRIGUEZ: Yes.</p> <p>16 MR. QUEZADA: How did he know that?</p> <p>17 MR. RODRIGUEZ: It's a small school. 18 Everybody -- I've gone to that -- I've been a part of 19 that school since my Goddaughter -- my Goddaughter is 20 I think in the eighth or ninth grade now. She just 21 turned 15. She started there when she was in 22 kindergarten. So she went K through six there.</p> <p>23 And then my youngest daughter started 24 kindergarten there. And then my middle daughter is in 25 preschool there currently. So we know all the</p>	<p>Page 73</p> <p>1 parents. My wife and I are huge into our kids' 2 education. My first daughter is in the gifted 3 program.</p> <p>4 We're always there. We're there for 5 everything, for field trips, for school activities. 6 And I know a lot of the parents. When I first started 7 there, I was a detective. So I would take my daughter 8 to school in my unit in the morning. I was always in, 9 you know, normal detective clothes, a Polo or 10 something like that.</p> <p>11 So pretty much everybody there -- there's 12 only a few -- there's me. There's a Valencia County 13 guy that takes his daughter there. There's a couple 14 APD officers that take their daughters there. So 15 everybody kind of knows who all the law enforcement 16 officers are that go to the school.</p> <p>17 MR. QUEZADA: When you were taking care of 18 the issue in the parking, did you feel that you were 19 using your duty or as a regular civilian per se at the 20 time?</p> <p>21 MR. RODRIGUEZ: You know what, that 22 never even crossed -- that never crossed my mind. 23 I've been asked that. But I didn't -- I didn't get 24 out of -- I didn't get out of my truck thinking, oh, 25 I'm a big, bad police officer and I can tell this guy</p>

Page 74

1 what to do.
 2 He was just -- the school ground ends in a --
 3 that road we were on ends in a cul-de-sac. It was the
 4 second day of school. There was a ton of traffic
 5 there. Parents, grandparents, everybody is there to
 6 take their kids to school the first couple of days.
 7 So he was double parked. And I thought he
 8 was somebody else. I didn't know who -- I thought he
 9 was a different guy. So I ended -- I don't know how I
 10 ended up behind him. But I ended up behind him. And
 11 then there were cars coming southbound. So there was
 12 nowhere for anybody to go, everybody was trapped until
 13 he moved.
 14 So my original intent was just to ask him,
 15 hey, can you please move, we've got to go, we all have
 16 things to do, people behind us have to go to work, we
 17 have other things going on and we need to go. About
 18 halfway -- by the time I got to the trunk of his car,
 19 he lurched the car forward.
 20 And that's when I was like, ooh, this may not
 21 be good. And I was kind of already committed. I had
 22 my badge in my wallet. So I pulled my wallet out of
 23 my pants. And I was like, well, if he freaks out, I'm
 24 just going to tell him, hey, look, I'm one of the
 25 cops, chill out. I'm not here to kick your butt or

Page 76

1 that recommendation.
 2 MR. COON: Okay.
 3 MR. RODRIGUEZ: There's the only reason I'm
 4 here. I'm not asking you to drop the letter of
 5 caution.
 6 MR. COON: Okay.
 7 MR. KORN: Other questions? Mr. Rodriguez,
 8 thank you for coming.
 9 Mr. Fodge.
 10 MR. FODGE: Mr. Chairman, Members of the
 11 Board, this is going to be a hard thing. I'm kind of
 12 an emotional person. I apologize. I'm standing in
 13 front of you in definitely not the kind of standpoint
 14 I would like to be.
 15 This is an embarrassment to myself,
 16 humiliating to be standing in front of you, my
 17 department, members of my former department. I ask
 18 that you accept the letter of caution that the
 19 Director has recommended. I do believe it to be
 20 extremely fair.
 21 And in this nature I had started work with
 22 the Eddy County Sheriff's Department on November 5th
 23 of 2012, where on the first day I had gone out with my
 24 lieutenant to do my firearms, my state firearms qual.
 25 And during that time frame, getting up and

Page 75

1 anything like that, just relax.
 2 And before I could even get to his door, he
 3 jumped out of his car. And then he grabbed that baton
 4 from the rear seat. So by the time that happened, I
 5 was already --
 6 MR. QUEZADA: Did he face any charges?
 7 MR. RODRIGUEZ: Nope, not at all.
 8 MR. KORN: Any other questions from the
 9 Board?
 10 MR. GRATTON: Mr. Rodriguez, had you and
 11 Mr. Trujillo had any confrontations prior to this
 12 incident?
 13 MR. RODRIGUEZ: No, sir. That was the first
 14 time I had ever seen him. But he told people that he
 15 knew who I was, he knew I was a sheriff's deputy.
 16 MR. GRATTON: There was no history between
 17 you two?
 18 MR. RODRIGUEZ: No. No, sir. And I've never
 19 seen him since that day either. The first and last
 20 time I ever met that man.
 21 MR. KORN: Sheriff Coon.
 22 MR. COON: Mr. Chairman, Mr. Rodriguez, are
 23 you here to fight a letter of caution?
 24 MR. RODRIGUEZ: No, sir. I was told that I
 25 should probably show up and ask you guys to approve

Page 77

1 down from the ground several times, trying to get my
 2 rifle to site in, I just felt a small pinch on my
 3 shoulder. I didn't figure it to be anything as of
 4 yet, the difference between injury and hurt as we all
 5 know in this line of work. So I didn't report it as
 6 an injury.
 7 A few days later it was told to us that it
 8 was important and stressed highly by our county safety
 9 administrator to report injuries. I did not want to
 10 be considered one of those that gets injured all the
 11 time or to be just hired and automatically on light
 12 duty. So I still didn't report it, thinking once
 13 again still it was just a hurt and not an injury.
 14 A few days later, during the county
 15 orientation, when it was stressed and told to us that
 16 failure to do so could result in a disciplinary
 17 action, I still considered it just a hurt, I'll get
 18 over it, I'll be done with it, it will get over, no
 19 big deal. I still did not report it.
 20 I was advised that, after a 15-day period of
 21 not reporting it, failure to do so -- that we would be
 22 responsible for it. I was okay with that. When it
 23 came time for a training that was scheduled to come up
 24 for defensive tactics, I informed my supervisor of the
 25 injury.

Page 78

1 I had gone to the doctor. And the doctor
 2 suggested I do some physical therapy to help it go
 3 away. I informed him of it. He asked me to write a
 4 memo. And I wrote that memo reporting it as an
 5 off-duty injury instead of just coming out and saying
 6 that it was on duty.
 7 It went up to my supervisor and it went to
 8 the training department. Approximately a week or two
 9 later, I was speaking with my lieutenant. And I
 10 informed him that I had misreported the injury that I
 11 had lied about or that I had wrote the memo and lied
 12 about the injury. And at that point he asked me what
 13 had happened, what had occurred.
 14 I told him when it happened. And he asked me
 15 to write a follow-up memo in reference to it. And I
 16 did. I admit I was wrong. I put my integrity at
 17 stake. It doesn't matter what anyone else -- I mean
 18 it does matter what everybody else thinks.
 19 However, in this particular case, I did not
 20 want to be in my own -- my own sense of integrity to
 21 be considered a liar. So I came out and I admitted to
 22 my lieutenant and my department that I had lied about
 23 the initial memo.
 24 I received a disciplinary action from my
 25 department for failure to report an injury. I

Page 80

1 closer than Santa Fe. You are 70 miles away. And
 2 they have advanced training here. That might be an
 3 easier process for you than driving to Santa Fe for
 4 that class.
 5 MR. FODGE: The next one coming up that's
 6 available that I was aware -- to answer your question,
 7 no. I did not check with the academy here in Hobbs.
 8 The Director was very kind to ask his secretary to
 9 call the advanced training department while we were in
 10 the office with him.
 11 And the next available class that they had
 12 was May 15th. So I went ahead and just considered
 13 that one. However, it's a four-hour course. And my
 14 department, to be in compliance with their
 15 disciplinary action, the sheriff wants me to complete
 16 an eight-hour course, which only I've been able to
 17 find through the Law Enforcement Academy.
 18 It's four hour courses. However, through
 19 them any -- through the sheriff and the county
 20 administrator, through Ms. Trujillo, Ms. Trujillo has
 21 advised that the academy is creating an ethics
 22 instructor course, which is going to be I'm sure
 23 considerably more than the eight-hour requirement.
 24 And they have asked that when that becomes
 25 available, which it's supposed to become available on

Page 79

1 received a verbal reprimand, a documented verbal
 2 reprimand for untruthfulness. I received a 30-hour
 3 suspension without pay and was assigned to take an
 4 eight-hour ethics class.
 5 I have since then served my 30 hours
 6 consecutively within the same pay period. And I am
 7 currently working with Ms. Trujillo with the advanced
 8 training department at the Law Enforcement Academy in
 9 Santa Fe to find or to schedule the next ethics class
 10 that is available to me.
 11 I do apologize to the Board, my department,
 12 and people that know me as well as my family. This is
 13 not an action I take lightly. And this is not what I
 14 represent. I ask that you consider or that you accept
 15 the letter of caution that I might be able to continue
 16 to work for the citizens of New Mexico in the capacity
 17 of a law enforcement officer.
 18 MR. KORN: Thank you, Mr. Fodge. Do we have
 19 questions from the Board?
 20 MR. GRATTON: I have just one question,
 21 Mr. Vice Chairman.
 22 MR. KORN: Mr. Gratton.
 23 MR. GRATTON: Mr. Fodge, you live in Carlsbad
 24 I assume. Have you checked into taking the ethics
 25 class at the Law Enforcement Academy here? It's a lot

Page 81

1 the calendar in mid-May I was advised and the class
 2 set for June, that I was to sign up and attend that
 3 class.
 4 MR. GRATTON: Thank you.
 5 MR. KORN: Other questions from the Board?
 6 Chief Betz.
 7 MR. BETZ: Mr. Fodge, who are you employed
 8 with at this time?
 9 MR. FODGE: I'm employed with the Eddy County
 10 Sheriff's Department.
 11 MR. BETZ: Thank you.
 12 MR. KORN: I have a question for you,
 13 Mr. Fodge. It indicates that, in the Artesia Police
 14 Department, you were discharged. What was the reason
 15 for that discharge?
 16 MR. FODGE: It was a discharge under
 17 incompleteness of probationary period.
 18 MR. KORN: What was the reason for the
 19 discharge, though? During probation?
 20 MR. FODGE: Yes, sir. There was an IA
 21 conducted by the current chief at that time who stated
 22 that I had lied in my application for employment.
 23 MR. KORN: What was the allegation of the lie
 24 involving?
 25 MR. FODGE: Involving information on the

Page 82	Page 83
<p>1 application was -- incorrectly put injuries, civil 2 cases, and then a report allegation. 3 MR. KORN: So was this something about prior 4 injuries when you were in Artesia as well? 5 MR. FODGE: Part of it was, sir. But that 6 entire IA I have through my documentation -- I didn't 7 bring that documentation with me. I didn't know I was 8 going to need it. 9 MR. KORN: That's okay. 10 MR. FODGE: However, I was shown that that 11 information that was in the IA is incorrect. And it 12 was brought back up to the city council, in which they 13 even took it back to an executive session and 14 referenced that information. 15 MR. KORN: And then you moved to Loving and 16 you resigned from Loving. What was the reason that 17 you resigned? 18 MR. FODGE: Because I was hired by the 19 Carlsbad Police Department. It was closer and the pay 20 was considerably more. 21 MR. KORN: Okay. Thank you. Any other 22 questions? No. Mr. Fodge, thank you for coming and 23 appearing. 24 MR. FODGE: Thank you, Mr. Chairman. 25 ITEM NOS. 24, 25, 26, AND 27: KEVIN CASE, NATHAN</p>	<p>1 LERNER, ZANE WARD, AND TERESA LEMON 2 MR. KORN: The next group we'll talk about is 3 letters of no action. And there are four cases in 4 that. If any persons are here in regard to that, 5 please raise your hand. Number 24 is Kevin Case, 6 No. 25 is Nathan Lerner, No. 26 is Zane Ward, and 7 No. 27 is Teresa Lemon. We had two hands up. Sir, 8 your name is? 9 MR. WARD: Zane Ward. 10 MR. KORN: Mr. Ward. And the other hand? 11 MS. LEMON: I'm Teresa Lemon. 12 MR. KORN: Teresa Lemon. Okay. Mr. Ward, 13 you would be first. 14 MR. WARD: I really don't have a whole lot to 15 add to this. I was told by Director Medina to appear 16 here in case any Member of the Board had any 17 questions, that I could be here to answer them. And 18 that's it. 19 MR. KORN: That's the reason you're here? 20 MR. WARD: Yes, sir. 21 MR. KORN: Members, does anybody have a 22 question about the matter before us? 23 MR. SCHULTZ: Mr. Chairman, if I may. 24 MR. KORN: Chief Schultz. 25 MR. SCHULTZ: Mr. Ward, did you have sex on</p>
<p>1 duty? 2 MR. WARD: No, sir. 3 MR. SCHULTZ: You were working? 4 MR. WARD: I'm sorry? 5 MR. SCHULTZ: You were working, correct? 6 MR. WARD: On? 7 MR. SCHULTZ: During your shift? 8 MR. WARD: No. We never -- we never had 9 intercourse. 10 MR. GRATTON: I'm going to follow up on Chief 11 Schultz's question. In the thing I'm reading, 12 Mr. Ward, it states that there was an 13 interrelationship with a one-time sexual act of oral 14 copulation during work time. 15 MR. WARD: That was during the lunch break, 16 yes. 17 MR. GRATTON: But that was during your 18 working hours, right? 19 MR. WARD: Yes. 20 MR. GRATTON: Is the lunch break considered 21 part of your shift? 22 MR. WARD: Yes. Then yes. 23 MR. GRATTON: Okay. Fine. Thank you. 24 MR. KORN: Other questions by Board Members? 25 Mr. Ward, thank you very much. And Teresa Lemon.</p>	<p>1 MS. LEMON: Mr. Chairman, Members of the 2 Board, I'm here for the same reason, to just answer 3 any questions that you may have and to support 4 Mr. Medina's recommendation for no action. 5 MR. KORN: Members of the Board, are there 6 any questions for Ms. Lemon? 7 MR. COON: I have a question, Mr. Chairman. 8 MR. KORN: Sheriff Coon. 9 MR. COON: Ms. Lemon, were you ever 10 terminated for this? 11 MS. LEMON: For this, yes. 12 MR. KORN: Other questions? Anybody else? I 13 do have a question also. 14 MS. LEMON: Yes, sir. 15 MR. KORN: It was alleged by the Pecos Valley 16 Narcotics Task Force that you had shared information 17 with someone under investigation? 18 MS. LEMON: Yes, sir. 19 MR. KORN: And those allegations were 20 sustained by the Artesia Police Department? 21 MS. LEMON: Actually the allegations weren't 22 sustained. They never were able to prove or disprove 23 whether I gave information to outside sources about a 24 pending search warrant. 25 Their reasoning for believing that it</p>

Page 86	Page 87
<p>1 happened was, when they got to the place where they 2 were going to serve the search warrant, that the items 3 they were looking for weren't there. And items they 4 were looking for were based off an informant that was 5 burned in a search warrant. 6 MR. KORN: So it says in our materials 7 that -- 8 MS. LEMON: One thing -- 9 MR. KORN: I'm sorry. I didn't mean to cut 10 you off. 11 MS. LEMON: The City of Artesia terminated me 12 for that and several other issues that they had with 13 me at the time. And I didn't bring that with me. But 14 it was for basically failure to follow policy. 15 And they had at one point turned all of this 16 over even to the FBI, because they wanted the FBI to 17 file charges on me for leaking information on the 18 warrants that they were going to serve. And the FBI 19 told them time and time again in recorded 20 conversations that there was absolutely no proof 21 whatsoever that I had given any information to anybody 22 about any pending search warrants. 23 I was driving down the interstate in Arkansas 24 to attend my aunt's funeral in Tennessee when I got 25 the call from my sergeant that they were going to</p>	<p>1 serve these search warrants, because he was under 2 orders to report everything to me regardless of 3 whether I was on duty or off. 4 The person that alleged -- I had my sister, 5 my father, and my daughter in the car with me. He 6 called and told me he was going to go serve a couple 7 of search warrants. I said call me when you're done, 8 I'm on my department's cell phone, so I know everybody 9 is safe. 10 He called when they're done, they're safe, I 11 keep driving. They have my department phone records. 12 I made no other calls. I didn't have a personal cell 13 phone. The girl that alleged I made -- that I did 14 this was -- I had helped put her in -- in the federal 15 pen, if you will, on drug charges just a couple of 16 months prior. 17 She was friends with my cousin's daughter who 18 has a meth problem. And so she was in federal custody 19 in Midland, Texas. And when they debriefed her, she 20 said, if someone had given any information out, that 21 it would have been me basically just because she was 22 mad because I helped put her in the pen. 23 MR. KORN: So, ma'am, where it says, "An 24 agency investigation determined that the Respondent 25 engaged in regular conversations with a family member</p>
<p>Page 88</p> <p>1 and the Respondent often divulged confidential 2 information about narcotics investigations and the 3 targets thereof and that the Respondent's actions 4 jeopardized ongoing investigations," did the 5 department make that finding? 6 MS. LEMON: I can't answer that because I 7 don't know. What happened was the city -- the city 8 did indeed terminate my employment. It would take six 9 hours to explain to you guys exactly what happened. 10 MR. KORN: That's okay. Just tell me, as far 11 as you know, you don't have any knowledge whether they 12 made that finding or not? 13 MS. LEMON: They based that finding off of 14 one officer saying that. 15 MR. KORN: So they made a finding? 16 MS. LEMON: I assume they did. 17 MR. KORN: As far as you know? I mean if you 18 don't know, that's okay. 19 MS. LEMON: The way they do it is they have 20 the IA -- and I've got it out in the car, if you need 21 it. It's like 600 pages long. 22 MR. KORN: That's okay. Did they make the 23 finding or don't you know? I mean that's okay. 24 MS. LEMON: The recommendation was for 25 termination. And the city council terminated my</p>	<p>Page 89</p> <p>1 employment. 2 MR. KORN: Okay. Thank you. Other 3 questions? Chief Schultz. 4 MR. SCHULTZ: Mr. Chairman, ma'am, did you 5 retire from PERA? 6 MS. LEMON: No, sir. I wasn't PERA. 7 MR. SCHULTZ: Okay. 8 MR. KORN: Other questions? Ma'am, thank 9 you. 10 ITEM NO. 28: CARLOS SALAZAR 11 MR. KORN: Next is Notice of Final Decision, 12 Carlos Salazar. 13 ITEM NOS. 29, 30, AND 31: DANIEL BURGE, THOMAS LETT, 14 AND MOISES PENA 15 MR. KORN: Voluntary relinquishment, Daniel 16 Burge, Thomas Lett, and Moises Pena. We have 17 Mr. D'Amato standing. Are you representing one of 18 those? 19 MR. D'AMATO: I'm representing Thomas Lett. 20 MR. KORN: You're representing Thomas Lett. 21 MR. D'AMATO: Yes, sir. 22 MR. KORN: And other people that I mentioned, 23 there's no one else in the room? 24 MR. D'AMATO: Mr. Chairman, Members of the 25 Board, thank you. I would simply ask that you accept</p>

Page 90	Page 91
<p>1 the voluntary relinquishment for Mr. Burge, Daniel 2 Burge, No. 29 on the docket. 3 MR. KORN: I'm sorry. You're appearing for 4 Burge, not for Mr. Lett? 5 MR. D'AMATO: Both. 6 MR. KORN: For Mr. Burge and Mr. Lett? 7 MR. D'AMATO: Yes. 8 MR. KORN: So you're appearing for both. And 9 you're asking that both be approved for their 10 voluntary relinquishment? 11 MR. D'AMATO: That's correct. 12 MR. KORN: Am I correct that it's the Board's 13 policy to indicate that voluntary relinquishment while 14 under investigation, is that the way we're doing this? 15 MR. D'AMATO: That may apply to No. 29. It 16 will not apply to No. 30. 17 MR. KORN: We can study that. 18 MR. D'AMATO: Very good. Thank you. 19 MR. KORN: Questions of Mr. D'Amato? 20 Anybody? Mr. D'Amato, thank you. 21 MR. D'AMATO: Thank you. 22 ITEM NOS. 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 23 43, 44, AND 45: LARRY FLYNN, BRADLEY AHRENSFIELD, 24 DANIEL BARDE, STEPHANIE COON, DANIEL DEROUEN, JERRY 25 FORD, BRANDON MOON, CHRISTOPHER PINO, MICHAEL PROCTOR,</p>	<p>1 ROBERTO RANGEL, VENTURA SALAS, DENNIS SEDILLO, PETE 2 VARGAS, AND JEFFREY HOGAN 3 MR. KORN: Next are default orders of 4 revocation. Those are items Nos. 32 through 45. I'll 5 read all the names on this one. If anybody is here, 6 then please raise your hand. 7 Number 32, Larry Flynn; No. 33, Bradley 8 Ahrensfield; No. 34, Daniel Barde; No. 25, Stephanie 9 Coon; No. 36, Daniel Derouen; No. 27, Jerry Ford; 10 No. 38, Brandon Moon; No. 39, Christopher Pino; 11 No. 40, Michael Proctor; No. 41, Roberto Rangel; 12 No. 42, Ventura Salas; No. 43, Dennis Sedillo; No. 44, 13 Pete Vargas; and No. 45, Jeffrey Hogan. Any of you 14 folks here today? No. 15 ITEM NOS. 47, 48, 49, 50, AND 51: VINCE CRESPIN, 16 JAMES LUJAN, RONALD MORLANG, JUAN SAUCEDO, AND 17 FILBERTO SIGALA 18 MR. KORN: So we're up to the formal 19 hearings, which we'll discuss in closed chambers. 20 That takes us to other matters. Should we 21 take a break? Do we have a motion? 22 MR. GRATTON: So moved. 23 MR. KORN: By Mr. Gratton. 24 MR. COON: Second. 25 MR. KORN: Second by Mr. Coon. All in favor.</p>
Page 92	Page 93
<p>1 (Those in favor so indicate.) 2 MR. KORN: Any opposed. We'll take a break. 3 Thank you. 4 (Break.) 5 MR. KORN: I'll call our meeting back to 6 order. 7 At the start of the break, Chief Shilling and 8 after that six other people came to remind me of the 9 same thing, that one of the people that we all respect 10 very, very highly was not acknowledged. So I'd like 11 to ask Chief Shilling if he would like to do the 12 acknowledgment. 13 MR. SHILLING: I don't see him. Oh, okay. 14 Members of the Board and the public, being a part of 15 DPS, I was remiss in not introducing the new Deputy 16 Director at the Law Enforcement Academy, Mr. Jack 17 Jones. And he hit the ground running. And we're 18 excited to have him at the Law Enforcement Academy. 19 And I just wanted to introduce Mr. Jack Jones. 20 MR. JONES: Thanks, Chief. 21 MR. KORN: I think Sheriff Coon has a word. 22 MR. COON: I've known Jack for a long time. 23 MR. JONES: Easy, Chief. 24 MR. COON: I know Jack was with the State 25 Police. You cut Jack right now, he'll bleed gray and</p>	<p>1 black all over the floor. He's just a gentleman. And 2 I think we're so fortunate and lucky to get Jack to 3 come back to New Mexico and come into this academy, 4 we're just really fortunate. Jack, you're still a 5 good friend and I hope to see you around a lot. 6 MR. JONES: Thank you, Sheriff. 7 MR. BETZ: I was able to pick on him last 8 night so I'm not going to say anything today. 9 MR. KORN: And was there somebody else that 10 had a comment? Mr. Barncastle. 11 MR. BARNCASTLE: Well, sir, I just felt that 12 we needed to make sure we introduced him. 13 MR. KORN: Yes. Thank you. And I am 14 particularly embarrassed because Jack Jones and I 15 likewise have been friends since 19 -- we were 16 debating this. 1980 or '81. 17 And Jack represents what I believe to be the 18 highest level of law enforcement quality and acumen 19 and devotion. And I'm proud to call him my friend 20 and, as Sheriff Coon has said, delighted that he is 21 Deputy Director of our academy. So thank you. 22 MR. JONES: Thank you, Mr. Chair. 23 ITEM NO. 52: PAUL IELACQUA 24 MR. KORN: So moving ahead with discipline, 25 we're up to No. 52. And that's Paul Ielacqua.</p>

Page 94

1 MR. IELACQUA: Ielacqua.
 2 MR. KORN: Ielacqua. And you're appearing
 3 here with counsel, Mr. D'Amato?
 4 MR. IELACQUA: Yes, sir.
 5 MR. KORN: Just a moment. Apparently I
 6 should mention that we have four formal hearings.
 7 They would be items No. 47 through 51. Those hearings
 8 have recommendations to us by a Hearing Officer. We
 9 will be deciding those in closed session.
 10 And usually the Board does not deal with
 11 people commenting at that time. So we won't do that.
 12 If you're here for it, we will be making decisions at
 13 the end of our closed hearing.
 14 And now we're up to Mr. Ielacqua.
 15 MR. D'AMATO: Ielacqua.
 16 MR. KORN: Ielacqua. And before you begin I
 17 did want to say that, as a matter of interest to the
 18 Board and to Mr. Ielacqua, I was contacted by someone
 19 that would have liked to have been here but couldn't.
 20 And I did want to speak on his behalf. And I told
 21 him, if he sent me an email, I would read it at least
 22 on the record.
 23 And it is from Marshall Katz. He's the Chief
 24 of Aviation Police. He was as I learned later a
 25 complainant in this matter. And I'll read this email

Page 96

1 questions, I could be reached at a public service
 2 number," which he provides.
 3 So that will become part of our record. And
 4 now that I've massacred your name I don't know how
 5 many times, would you like to speak or your attorney
 6 on your behalf?
 7 MR. D'AMATO: By way of background,
 8 Mr. Chair, Members of the Board, in 2008 there was a
 9 default order of revocation that was under 99-0281-P
 10 signed off by then Chief Sigata December 15, 2008.
 11 Since that time -- and this was based on an LEA-90
 12 form making some relatively significant allegations of
 13 wrongdoing.
 14 Paul was terminated by Chief Katz back in
 15 2008. And since 2008 Paul has become the Paul that we
 16 all knew prior to the incident or the allegations in
 17 the LEA-90 form. He is currently employed with the
 18 Public Defender's Office as a chief investigator or
 19 one of the investigators there I should say.
 20 And I have had the privilege of knowing Paul
 21 in a professional capacity, when he was a police
 22 officer, opposing him at times in DWI arrests. And
 23 you'll have to understand if you're not familiar with
 24 the way Albuquerque is laid out.
 25 There is an Albuquerque Aviation Police

Page 95

1 so it's part of the record. "During my tenure as
 2 chief with the Albuquerque Aviation Police Department,
 3 I was compelled for numerous administrative reasons to
 4 terminate three of my employees. Paul Ielacqua unlike
 5 the others understood and accepted his discipline.
 6 " As a result we continued our professional
 7 friendship, even after his separation from city
 8 service. Several years ago Paul applied for a
 9 position as an investigator with the Public Defender's
 10 Office. I encouraged him to put me down as a
 11 reference.
 12 "Once he interviewed, I was contacted by
 13 their office and supplied them with an honest
 14 evaluation of his history including his ability to
 15 identify, field test, and assist in the prosecution of
 16 the highest number of DWI arrests in my department.
 17 "I also suspect that they receive hundreds of
 18 applications. Nevertheless, Paul was selected and
 19 conducts follow-up interviews and investigations as
 20 well as trains their respective department employees.
 21 "I am of the firm conviction that Paul
 22 Ielacqua has gone through a renaissance or a rebirth.
 23 And as a result he would make a fine addition to any
 24 police department. In closing, I fully support his
 25 reinstatement. Should any Board Members have

Page 97

1 Department, Albuquerque Police Department, Bernalillo
 2 County Sheriff's Department all having generally a
 3 same locus of DWI searches and arrests.
 4 While Paul was at the airport, he pretty much
 5 outpaced both other departments in his DWI arrests.
 6 Not only did he make more arrests, he pretty much had
 7 a 98 or 99 percent conviction rate. He was dedicated,
 8 he was committed, he stood for and practiced on a
 9 daily basis everything that this Board hopes all of
 10 its certified officers could achieve.
 11 He was in a bad point in his life in 2008,
 12 when he engaged in conduct which would support a
 13 suspension or revocation. He wants an opportunity to
 14 come back and be a police officer again in New Mexico.
 15 Paul will have distributed at the close of
 16 what I'm about to tell you a little bit more
 17 information that's publicized his arrests, his history
 18 as a police officer, and some of the more notoriety,
 19 if you would, in his arrests and cases.
 20 I would urge the Board to consider allowing
 21 him to be back as a certified sworn police officer
 22 with a period of probation to allay any concerns that
 23 the Board may have. With that I will turn this over
 24 to Mr. Ielacqua.
 25 MR. IELACQUA: Ladies and gentlemen of the

Page 98	Page 99
<p>1 Board, before we start I would like to hand this out 2 to you. This is just a little history about me. I 3 got in trouble one time in me career of 17 years. I'm 4 on my 17th year. I got in trouble one time. 5 And I would like to pass this out. This is I 6 think approximately maybe a little more than 30 7 letters of commendation. I also was in the front page 8 of the Santa Fe New Mexican for being I guess our DWI 9 expert out there. If I may approach, I would like to 10 hand this to you. 11 MR. KORN: You can give that to Ms. Monique 12 Lopez or Mr. Jones. We'll review that in closed 13 session as well. But please, if you would like to 14 address us, that would be fine. 15 MR. IELACQUA: I would. It's kind of tough. 16 I'd heard some of the officers talk about their 17 spouses stepping out on them. Unfortunately that 18 happened to me several times. And, in fact, in a year 19 after me not being a police officer, my spouse 20 remarried one of those people. 21 As a police officer, as a father, and as a 22 husband, I always try to do the right thing. I 23 supported a family of four on a policeman's income for 24 12 years. I put a wife through college and I worked 25 myself pretty much to death where my health went bad,</p>	<p>1 gallbladder collapsed, shingles, et cetera. 2 On her last liaison -- you know, anger gets 3 the best of us. And it comes out in very negative 4 ways. Some in violent behavior, domestic violence. 5 For me it was -- I seeked comfort with a mistress I 6 guess you could say. I mean I didn't have to take 7 care of her. But we were friends. And I stayed with 8 her for five years. 9 The question would probably be did I have sex 10 on duty. Yes, I did. Approximately about five times 11 a year, maybe 25 times in the five years that I was 12 with her. Her and I are still friends today. 13 If I sit up here and said that I wished none 14 of that would have ever happened, it would be pretty 15 accurate. But on the other hand, it's made me a 16 stronger person. Because when you wake up in a house 17 with nothing in there because they took it all and 18 you've lost everything that you ever worked for and 19 everything that you ever cared about to include the 20 law enforcement community, which you want your 21 brothers and sisters to respect you. And I used to 22 worry quite a bit about that. 23 But what I found is being honest, being true 24 to yourself, and being true to that community you get 25 forgiveness. I will apologize for what I've done.</p>
Page 100	Page 101
<p>1 And I'm here today in front of you wanting to be a 2 police officer again. It's been five years. And I'm 3 still blue. 4 In my present capacity, I'm very lucky to 5 work at the Public Defender's because I get to work 6 with baby defense attorneys that are not very pro cop. 7 But I get to teach them why officers do what they do, 8 why they act the way they do, and why things happen 9 the way they do. 10 And I really, really have gotten a positive 11 response and feedback from all of them. One of the 12 next classes I'm going to be putting on for them is 13 use of force. And I'm going to play videos of 14 officers getting killed in the line of duty. So they 15 know why officers do what they do and why they act 16 like they do. 17 I'm proud of the work I do there. And like I 18 explained to them, they're protecting the 19 Constitution. They have a job to do. And while I as 20 an ex-police officer do include -- I started my career 21 in corrections. I don't judge them. 22 And I expect the same, that they don't judge 23 me for being an ex-police officer or other officers. 24 And it seems to work out pretty good. 25 So I'm here today just asking for</p>	<p>1 forgiveness. Not only from the Board but from the 2 entire law enforcement community. And that's all I 3 have. 4 MR. KORN: Thank you, sir. Does the Board 5 have any questions of Mr. Ielacqua? Chief Schultz. 6 MR. SCHULTZ: Sir, the original incident that 7 occurred back in 2007, the owner of the escort 8 service, did you know him, did you know who he was? 9 MR. IELACQUA: I know who he is. I don't 10 know him personally. 11 MR. SCHULTZ: Did you know him at the time? 12 MR. IELACQUA: Yes. 13 MR. SCHULTZ: So you knew him at the time and 14 you knew he was involved in running an escort service? 15 MR. IELACQUA: Yes, I did. 16 MR. SCHULTZ: That's all I have. 17 MR. KORN: Other board questions. I have a 18 question. And I understand you've talked about your 19 encounters, your sexual encounters. We don't really 20 have the prior Board's indication of why they 21 attributed the revocation that they did. 22 But I notice in the materials we did get that 23 was -- it seems to make reference to the fact that you 24 were sent to investigate whether illegal activity was 25 going on. And you went there, determined that illegal</p>

Page 102	Page 103
<p>1 activity was going on, and then reported it was not; 2 is that part of the prior case? 3 MR. D'AMATO: And I think, if I may, 4 Mr. Chair, the bottom of page 1, top of page 2 of the 5 Default Order of Revocation, do you have that in front 6 of you? 7 MR. KORN: I do. But actually, if 8 Mr. Ielacqua is willing to reply, I would like to hear 9 it from him. 10 MR. D'AMATO: Well, I'm going to reference 11 him to that point. I think that's what you're 12 referring to. 13 MR. KORN: I would like him to respond to 14 that, if you're willing to have your client do that. 15 MR. D'AMATO: Of course. 16 MR. KORN: Sir, would you respond to that? 17 MR. IELACQUA: Initially I was called out to 18 the Wyndham Hotel. 19 MR. KORN: Well, wait. Just so I get the 20 synopsis of this first, if I read this right, it says 21 that you were called to the hotel to investigate 22 whether illegal activity occurred. That you stayed 23 there a particular period of time and determined it 24 was and then reported it was not. Is that a correct 25 synopsis?</p>	<p>1 MR. IELACQUA: That is not accurate, no. 2 MR. KORN: Okay. Thank you, sir. Please 3 explain. 4 MR. IELACQUA: At that time there was no 5 illegal activity. I went up to the room. I listened 6 at the door. I heard some girls giggling and 7 laughing. I heard a male voice. I knocked on the 8 door, identified myself. At that point he opened the 9 door. 10 Everyone was fully clothed. I explained to 11 the girls that they needed to leave, that they were 12 not welcome. At that point they exited out. I then 13 told the gentleman that was in the room that they're 14 not welcome here and that I know what he's up to and 15 he knows what he's up to and that it's not going to go 16 on there. 17 At that point I left. Like I said everybody 18 was fully clothed. I didn't see anything at that 19 point that I felt that was illegal in nature going on 20 that I could effect an arrest. And I went downstairs. 21 And I started talking to the escort girls. 22 MR. KORN: And also the escort owner? 23 MR. IELACQUA: Not at that point, no. To 24 understand this you have to go back a little bit. 25 That particular -- I can't remember his name. That</p>
<p>Page 104</p> <p>1 escort owner was starting to frequent the airport area 2 hotels. I did report that to supervisors. 3 And at one point I even took an MVD picture 4 and I believe I put it -- I can't remember it's been 5 so long. Either in my sergeant's or my chief's box 6 and made them aware. I had gone to day shift for a 7 bit. And then when I came back is when this 8 particular incident happened. 9 When I went downstairs to talk to the young 10 ladies, the escort ladies, I was curious if it was the 11 same guy. And I asked them who is your boss. And I 12 said is he a big guy with a beard. I didn't know his 13 name at the time. And they said yes. I said, well, 14 tell him Officer Ielacqua was here and I want to talk 15 to him. 16 MR. KORN: So, sir, when it says that you 17 reported to your supervisors that no suspicious 18 illegal activity was going on, that would be false, 19 that would be a lie, wouldn't it? 20 MR. IELACQUA: Well, I don't remember saying 21 no suspicious activity. But I do remember saying no 22 illegal activity, because at that point I hadn't seen 23 anything illegal. 24 MR. KORN: Wouldn't that be splitting hairs? 25 MR. IELACQUA: Possibly, yeah. In hindsight,</p>	<p>Page 105</p> <p>1 yes. 2 MR. KORN: So the prior Board which was five 3 years before us, and most of us weren't on that Board, 4 determined it was enough to revoke your license? 5 MR. IELACQUA: Right. 6 MR. KORN: Okay. And now, Mr. D'Amato, if I 7 could ask you a question, we only have one page in our 8 packet. Are you saying there's pages we're missing? 9 MR. D'AMATO: All I have in front of me is 10 the Default Order of Revocation, the letter over then 11 Director Ortiz's signature dated December 15th. And 12 you're more than welcome to supplement -- 13 MR. KORN: It's a standard letter? 14 MR. D'AMATO: A standard letter and a Default 15 Order of Revocation. 16 MR. KORN: Okay. Was that made after a 17 formal hearing or an informal hearing? 18 MR. D'AMATO: I don't believe there was an 19 informal hearing. There was no response from 20 Respondent at that time when the Notice of 21 Contemplated Action was issued. And it just 22 automatically went to a default. 23 MR. KORN: So it was just a default order of 24 revocation. 25 MR. D'AMATO: Correct.</p>

Page 106

1 MR. KORN: Okay.

2 MR. D'AMATO: If you wish additional

3 information that I have from the administrative side

4 or municipal side?

5 MR. KORN: No, that's fine.

6 MR. D'AMATO: Very good. Thank you.

7 MR. KORN: Other questions about anything,

8 Board Members?

9 MR. QUEZADA: I do have a question,

10 Mr. Chairman. How many years were you on at the time

11 when that incident took place?

12 MR. IELACQUA: Let's see. I started with the

13 aviation in 2001 and I left in '08.

14 MR. QUEZADA: So how many years experience

15 did you have at that time?

16 MR. IELACQUA: I started in 1996 in

17 corrections until 2008. So what is that, 12, 13.

18 MR. QUEZADA: And then you've been working

19 now with the Public Defender's Office?

20 MR. IELACQUA: Yes, for a couple years now.

21 MR. QUEZADA: So with all that experience

22 now, looking back at it, is there a possibility of

23 more illegal activity taking place or do you still

24 stand to your same decision that day?

25 MR. IELACQUA: Yes and no. There are some

Page 108

1 the Board's recommendations from five years ago?

2 MR. MEDINA: Yes, sir. We have the file. I

3 have the file in front of me. And it contains the

4 Notice of Contemplated Action, it contains the Notice

5 of Final Decision, and a copy of the revocation

6 default that's not executed. It exists. But for some

7 reason it's not here in this file.

8 MR. BARNCASTLE: Is there anything in that

9 documentation that alludes to the fact that he did

10 make this report to either the vice unit or to

11 substantiate that claim that he makes?

12 MR. MEDINA: The information that you've just

13 asked about, it's not stated in the report that was

14 presented to the Director's office at that time. But

15 it doesn't mention anything about a vice unit.

16 MR. BARNCASTLE: I have no further questions.

17 MR. KORN: Sheriff Coon.

18 MR. COON: Mr. Chairman, I won't even try

19 your name, but I think I can beat Nate. Were there

20 other guys involved in this? You said there was three

21 other officers that were fired.

22 MR. IELACQUA: No. I don't think it was over

23 this incident, no. Sheriff, however, though, on that

24 evening, with the upgrade supervisor, myself, the

25 upgrade supervisor, and I can't remember if it was one

Page 107

1 other things, if I may. On that evening I did stay

2 logged out with dispatch the entire time that I was

3 with the escort owner. I did on the computer, KDT in

4 the vehicle, get ahold of APD dispatch and try to make

5 contact with the vice unit that night.

6 No vice units were in service. I asked the

7 dispatcher if I could have the phone number. And the

8 dispatcher wrote me back and said no, it has to be a

9 supervisor and it can't be an upgrade supervisor,

10 which we had that night, an upgrade supervisor.

11 MR. QUEZADA: Okay. Thank you.

12 MR. KORN: Other questions by the Board?

13 MR. BARNCASTLE: I do have one question. The

14 documents and the transmission that you just referred

15 to, are those available to us or were those available

16 to the previous Board that you know of?

17 MR. IELACQUA: I don't know. I remember in

18 IA I brought that up. But I don't know if they ever

19 investigated it. From what I remember, I think they

20 said they did. And it should be available.

21 MR. BARNCASTLE: Do you have access to -- do

22 you have those in your file?

23 MR. IELACQUA: I do not, no.

24 MR. BARNCASTLE: I'd like to ask the

25 Director, do we have access to that previous file or

Page 109

1 or two other officers all met back at the police

2 station and looked through the law book. And we all

3 came up with the same conclusion at that point. We

4 could not find anything that I could have charged him

5 with.

6 MR. COON: Okay. Thank you.

7 MR. KORN: Other questions? Okay.

8 MR. D'AMATO: Thank you.

9 MR. KORN: Thank you both for appearing.

10 MR. IELACQUA: Thank you.

11 ITEM NO. 54: CHRISSIE VIGIL

12 MR. KORN: We are now up to No. 54 since 53

13 has been removed. Number 54, Chrissie Vigil. Is she

14 here? Would you like to step forward.

15 MS. VIGIL: It's actually Chrissie.

16 MR. KORN: Ms. Vigil, would you like to

17 address the Board.

18 MS. VIGIL: I would, sir. Chairman, Members

19 of the Board, on September 1st, 2012, Sheriff Ben

20 Vigil handed me a golden colored sheriff badge. It is

21 then that I placed that badge close to my heart and

22 took the oath before Sheriff Vigil to protect the

23 citizens of San Miguel County.

24 I have been employed by the San Miguel County

25 Sheriff's Department for about seven months now. And

Page 110

1 being with the department, I have learned and
 2 experienced a lot and continue to learn. Also gained
 3 a new family.
 4 I have a proven track record of following the
 5 rules and being a dutiful deputy. My heart is
 6 committed to being of service to the community and San
 7 Miguel County Sheriff's Department.
 8 During my service I have transported many
 9 prisoners, from murderers to juveniles. I have served
 10 warrants and other documents, conducted DWI
 11 checkpoints, and saturation patrols with integrity and
 12 professionalism.
 13 This is not just a job to me but an
 14 opportunity to do something meaningful and good for my
 15 community. I did not decide to be a deputy because I
 16 needed to make an income. I decided to become a
 17 deputy because I wanted to make a difference in
 18 people's lives. I wanted to be part of the solution,
 19 not part of the problem.
 20 I have done my best to make positive changes
 21 in my life by going to school and achieving my high
 22 school diploma, Associate's in criminal justice, and
 23 continuing my education as a full-time student now on
 24 my third year in college studying towards my
 25 Bachelor's in criminal justice.

Page 112

1 one of you of information that I believe is pertinent
 2 to my case today.
 3 MR. KORN: Mr. Jones is accepting that from
 4 you. And we will review that in closed session when
 5 it's passed down to us.
 6 MR. MONTANO: Okay.
 7 MR. KORN: Would you like to address us?
 8 MR. MONTANO: Yes. Basically what I'm here
 9 for is because I put in a request to attend the
 10 certification by waiver program through the State of
 11 New Mexico State Academy. I work currently with the
 12 Jicarilla Apache Police Department.
 13 I hold a rank of sergeant at that department.
 14 I've been with that department a little over four
 15 years. I've actually been in law enforcement service
 16 for close to five years. I have worked just about all
 17 my career with the Jicarilla Apaches. I did work for
 18 Rio Arriba County for approximately nine months and
 19 then went back to the reservation.
 20 Within your packets I would like to let you
 21 know that there are six pieces to that packet. The
 22 first is going to contain academy documents that I
 23 received from the academy as I was doing my requests.
 24 The second is going to be a history from when I was a
 25 youngster to today.

Page 111

1 I am currently maintaining a 4.0 GPA. My
 2 choice to become a deputy was because I wanted to do
 3 something that would show my ability and my potential
 4 to help others in their lives to make the right
 5 decisions and treat everyone with dignity and respect
 6 while following law enforcement protocol.
 7 I have made mistakes in my life as you can
 8 see. However, I have fulfilled all my obligations
 9 imposed on me by the courts. I would like you,
 10 Chairman, Members of the Board, Director, to give me
 11 the opportunity and chance to become a law enforcement
 12 officer which has always been my dream. Thank you.
 13 MR. KORN: Thank you, ma'am. Questions from
 14 the Board? Any Board Member? Thank you very much for
 15 coming and appearing.
 16 MS. VIGIL: Thank you, Chairman. Thank you,
 17 Board. Thank you, Director.
 18 ITEM NO. 55: STEVEN MONTANO
 19 MR. KORN: Next is Steven Montano. Is he
 20 here? Mr. Montano.
 21 MR. MONTANO: Hello, Mr. Chairman and Members
 22 of the Board.
 23 MR. KORN: I see you're bringing quite a bit
 24 of material.
 25 MR. MONTANO: Yes. I have a packet for each

Page 113

1 Number three is going to be an incident that
 2 happened when I was 18 years old. And this incident
 3 is the part of this whole case that is holding me from
 4 being able to obtain my certification by waiver.
 5 Number four is going to be some pardon documents from
 6 the governor's office that I received on this
 7 incident.
 8 Number 5 will be 13 letters of character
 9 basically from community members, our priest, most of
 10 my peers at work, people from the community. Just
 11 different letters from different people explaining a
 12 little bit about my character within the community.
 13 And number six is going to be finally the completed
 14 application for the certification by waiver that I had
 15 turned in.
 16 Like I say I'm just seeking to be able to
 17 attend the certification by waiver. When this whole
 18 thing started, I applied for the certification by
 19 waiver. And on January 4th I received a letter from
 20 Ms. Marisa Tapia and Mr. Shea in reference to my
 21 application.
 22 I had been approved to attend the academy for
 23 the cert by waiver. I went and appeared at the
 24 academy on January 9th. And lo and behold I failed my
 25 mile and a half run. So they sent me home.

Page 114	Page 115
<p>1 I asked Ms. Tapia what do I need to do to get 2 into the next class in August. And she said, well, by 3 looking at your records, the only thing that's going 4 to be expired is your physical. So I said no problem, 5 I'll take care of it. 6 So I went back to -- I went back home. I let 7 Sheriff Rodella know about what had happened with my 8 run. He said no problem. We'll go ahead and just 9 take care of it in August. 10 During that time I just -- I got fed up with 11 the shenanigans that was going on with the Rio Arriba 12 County and I decided to go back to the reservation and 13 work there, if they had me. So I went back and talked 14 to the chief. 15 And he said sure, come on back, you're an 16 excellent police officer. So he hired me back on. 17 And I explained to him the only thing that I need for 18 the academy is the physical. So he sent me to the 19 physical. 20 And upon my return Ms. -- I'm not sure if it 21 was Ms. Lopez or Ms. Tapia was still in the office 22 there. And she said, well, it's good except that 23 there has been a discrepancy on your application. So 24 I said okay. Well, can you explain more to me. 25 So she directed me to talk to Mr. Phil</p>	<p>1 Gallegos. Apparently he was the one that was taking 2 care of that part of the academy. Upon talking to 3 Mr. Gallegos, he said that on the LEA-6 I had marked 4 that I had been previously convicted of a felony. 5 I said yes. But if you look at my 6 application, there's also the letter from the 7 governor, there's the pardon certificate from the 8 governor stating that I was pardoned of all my actions 9 and I had paid all my dues, I did everything the 10 courts asked of me. 11 And he said, well, what you're going to need 12 to do is bring me a case file. And I'll have Director 13 Medina go over the file and he'll make his decision. 14 Well, I didn't hear from him, didn't hear from them, 15 and didn't hear from them. 16 So I don't remember exactly what date I went 17 back to the academy. And I requested to speak to 18 Mr. Medina personally. Well, Mr. Medina was probably 19 busy. I know from being -- from a background of 20 supervisors, I know that supervisors don't just sit in 21 their office twiddling their thumbs. 22 Anyway so he couldn't see me that day. But 23 he did instruct his assistant to take some copies of 24 some of the documents and he would get back to me. 25 So a couple days later he sent me a letter stating</p>
Page 116	Page 117
<p>1 that I was denied. And he stated some codes that he 2 was referring to. 3 And then I started seeing what I could do to 4 be able to continue my journey in the law enforcement 5 field. I asked again if there was anything that I 6 could do as far as to see if I could get the 7 certification going. 8 He basically sent me another letter stating 9 that once again he was denying my request. And he did 10 state the opinion from Tom Udall, I believe it's 11 09-92-02. And it refers to the pardons by the 12 governor. 13 On the letter he did state a few parts of 14 that opinion. I went into the opinion and I looked at 15 it. And in your packets you'll find there's four 16 different places that I feel that within that opinion 17 it states there that yes, I could possibly be 18 certified by the State Academy Board and by the State 19 Academy to do the certification by waiver. 20 So within this -- I'll go to the incident now 21 like I say. It happened when I was 18 years old, 22 35 years ago. The incident that happened was I went 23 with a so-called friend in broad daylight to a house 24 in -- I believe it was in San Miguel County. 25 And my friend used to live there. And we</p>	<p>1 would go out there, we would go fishing, stuff like 2 that. We went out there. And one day he said, hey, I 3 need to go pick up some stuff from a friend of mine. 4 So I said, oh, okay, let's go. I figured broad 5 daylight, you know, no one was going to be doing 6 anything wrong in broad daylight. 7 Anyway so we go to this house and we approach 8 the house. And he says, well, there's nobody here, 9 but I've got a key to the back door. So he goes 10 around, opens the door, and we go in the house. And 11 I'm just standing there in the living room looking at 12 pictures. 13 I don't know who lives at this house or any 14 information at all. I'm not even from that community. 15 Anyway the next thing I know he's taking out some kind 16 of a stereo or something like that. And I asked him, 17 well, do you need some help. 18 And he said no, my friend had purchased this 19 from me but he never paid me for it. So he gave me 20 the key to come and get it, he's out of town. I said 21 fine, no problem. So I just kind of stood there 22 looking around. 23 The next thing I know a San Miguel County 24 Sheriff's officer is telling me to get on the ground. 25 I tried to explain what had happened, that I was just</p>

Page 118	Page 119
<p>1 there with my friend. And I had no idea that he had 2 broken into the house.</p> <p>3 So anyway so I get arrested. And then after 4 all the hoopla and warrants and everything like that, 5 we do go to court. And apparently my friend or 6 so-called friend was 17 at the time. So he got his 7 sentence and was done with it before my trial even 8 came up.</p> <p>9 We did go to court. And he admitted that I 10 had no idea what he was doing. He admitted that I 11 don't know who the guy is. As a matter of fact, I 12 just saw the name, I believe it was on the court 13 statements pertaining to what his name is. I couldn't 14 even tell you where that house is today.</p> <p>15 But anyways so I get convicted. I got -- I 16 had four counts on me. One was burglary, one was 17 larceny, one was conspiracy, and one was contributing 18 to the delinquency of a minor.</p> <p>19 When it was all said and done, after the 20 courts, the judge said that I was dismissing all of 21 them except for the burglary. He told me the only 22 reason that he was going to charge me with burglary of 23 a dwelling house is because I was in the residence 24 without the owner's permission.</p> <p>25 And I said okay. This had been my first</p>	<p>1 offense. I didn't know what was going on. He gave 2 me -- he sentenced me to a 30-day work release because 3 I was working at the time. And he gave me two years 4 probation.</p> <p>5 I did everything I could to do well. There's 6 a letter in that packet stating that I was released 7 from probation early for being an excellent 8 probationer. I have never been in trouble again.</p> <p>9 As far as my part, I've never hid this from 10 anyone. Every application I've ever put in I've 11 included this, because I have the pardon to back it 12 up.</p> <p>13 The federal government decided it was fine. 14 They let me go through their academy. I graduated 15 with honors. I received the Executive Director's 16 Award through the academy. And I don't believe that 17 after 35 years I should still be punished for this 18 mistake that I made 35 years ago.</p> <p>19 The other thing I would like to point out is 20 I believe that I would say probably just about 21 everyone in this room did something dumb when they 22 were kids, you know. Sure, I was just over 18. I was 23 just becoming an adult. And this was my mistake. And 24 I feel that I've paid for it. I have been paying 25 throughout my life with this thing hanging over my</p>
Page 120	Page 121
<p>1 head.</p> <p>2 Once this incident came up, I did go to the 3 governor's office. And I talked to Legal Aid, 4 Patricia Cason I believe it is. And I asked her, is 5 there any way to do an expungement, is there any way 6 that I can make this better.</p> <p>7 And she said, you know what, sir, you've done 8 everything you can. You've got the highest pardon. 9 The State of New Mexico does not recognize 10 expungements. And she said the only thing I can 11 suggest is that you go in front of the Board.</p> <p>12 So that brings me here today.</p> <p>13 MR. KORN: Thank you, Mr. Montano. Questions 14 from the Board?</p> <p>15 MR. BETZ: I've got one. It's been 35 years 16 and all that time you're never omitted or denied the 17 trouble you got in?</p> <p>18 MR. MONTANO: No, no, sir. Never have.</p> <p>19 MR. BETZ: Right now what's your present 20 rank?</p> <p>21 MR. MONTANO: Sergeant.</p> <p>22 MR. BETZ: At Jicarilla?</p> <p>23 MR. MONTANO: Yes.</p> <p>24 MR. BETZ: And have you attended Artesia, the 25 Law Enforcement Training Center?</p>	<p>1 MR. MONTANO: Yes, sir. And graduated with 2 honors.</p> <p>3 MR. BETZ: Thank you.</p> <p>4 MR. KORN: Anything else, Chief Betz? Other 5 questions from the Board?</p> <p>6 MR. BARNCASTLE: I have one question. In the 7 charging document indicting you for that burglary and 8 several other offenses, the judgment sentence was in 9 '79. It shows just a few months after that. Why did 10 you wait 20 years to seek a pardon?</p> <p>11 MR. MONTANO: As you'll see in some of the 12 documents there, I wasn't making a whole lot of good 13 decisions. At one point my life -- I was just about 14 to graduate from school. And about two weeks from 15 graduation they told me that I was missing a credit to 16 be able to graduate.</p> <p>17 So they denied me graduation. Back in those 18 days I used to say, you know what, I don't need an 19 education. And then after going out into the real 20 life, then I started realizing, yes, I do need these 21 things.</p> <p>22 So I believe it was in 1995 I went for a GED 23 and got a diploma because I couldn't get a decent job 24 anywhere. I can't really say why. I just never 25 thought I would need it until then.</p>

Page 122	Page 123
<p>1 And then luckily I had already met my wife.</p> <p>2 And she encouraged me a lot to do it and to try and</p> <p>3 get this thing straightened out, because it was always</p> <p>4 a cloud over my head.</p> <p>5 MR. BARNCASTLE: Thank you.</p> <p>6 MR. KORN: Other questions? I have one. Did</p> <p>7 you say that -- maybe I misunderstood you. You had</p> <p>8 been working four years at Jicarilla?</p> <p>9 MR. MONTANO: Yes. I started out with</p> <p>10 Jicarilla. And I worked with them for two and a half</p> <p>11 years. And then I went to Rio Arriba County for about</p> <p>12 nine months. And then I went back to the Jicarilla,</p> <p>13 and now I've been with them just a little over a year.</p> <p>14 MR. KORN: As a law enforcement officer, I</p> <p>15 assume you were at Jicarilla because of the FLETC</p> <p>16 certification or is that not true?</p> <p>17 MR. MONTANO: I'm not understanding.</p> <p>18 MR. KORN: Were you a law enforcement officer</p> <p>19 at Rio Arriba and at Jicarilla?</p> <p>20 MR. MONTANO: Yes.</p> <p>21 MR. KORN: And was that by virtue of, at</p> <p>22 least at Jicarilla, your FLETC law enforcement</p> <p>23 certification?</p> <p>24 MR. MONTANO: Yes. They require that law</p> <p>25 enforcement officers on the Jicarilla reservation pass</p>	<p>1 the FLETC academy within a year.</p> <p>2 MR. KORN: So you weren't a state certified</p> <p>3 officer at that time, you only worked on the Jicarilla</p> <p>4 property?</p> <p>5 MR. MONTANO: Yes.</p> <p>6 MR. KORN: And how did you work in Rio</p> <p>7 Arriba?</p> <p>8 MR. MONTANO: Sheriff Tommy Rodella hired me.</p> <p>9 And he said as long as -- I'll put you to work as long</p> <p>10 as you make sure to attend the certification by waiver</p> <p>11 to get --</p> <p>12 MR. KORN: Oh. And that's when you started</p> <p>13 going there.</p> <p>14 MR. MONTANO: Yes. That's when I started</p> <p>15 working there. I had actually had a house fire. And</p> <p>16 he was a supposedly friend of the family of my</p> <p>17 in-laws. And he went over and he offered me this job</p> <p>18 that just sounded so great that I couldn't refuse.</p> <p>19 And when I got there, it was like what happened.</p> <p>20 MR. KORN: So the cert by waiver would be by</p> <p>21 virtue of the FLETC certification; would that be fair?</p> <p>22 MR. MONTANO: Yes.</p> <p>23 MR. KORN: Any other questions from the</p> <p>24 Board? No. Chiefs. Okay. Sir, thank you very much</p> <p>25 for appearing.</p>
Page 124	Page 125
<p>1 ITEM NO. 56: LOUIS REYNOLDS</p> <p>2 MR. KORN: The last matter before we go into</p> <p>3 closed session would be the matter of Louis Reynolds.</p> <p>4 Is he here today? Mr. Reynolds? Now a question, just</p> <p>5 one moment.</p> <p>6 Mr. Director, the only thing in our packet or</p> <p>7 at least the packet that I have is kind of a</p> <p>8 background summary. But I don't have a summary of the</p> <p>9 actual matter for which Mr. Reynolds is here.</p> <p>10 MR. MEDINA: I apologize for that, Mr. Vice</p> <p>11 Chairman. The direction from the Board at the last</p> <p>12 meeting was to make a determination on the status of</p> <p>13 any Attorney General's Office investigation that was</p> <p>14 being conducted at that time and the status of an</p> <p>15 Internal Affairs investigation that was conducted</p> <p>16 also. And that with the presentation is in today's</p> <p>17 background.</p> <p>18 MR. KORN: I understand that.</p> <p>19 MR. MEDINA: Originally it was a letter of</p> <p>20 caution.</p> <p>21 MR. KORN: I understand that. But without</p> <p>22 the context of the prior matter, it's a little hard</p> <p>23 for the Board to put the continuity together.</p> <p>24 MR. MEDINA: Yes, sir.</p> <p>25 MR. KORN: So, Mr. Reynolds, would you like</p>	<p>1 to tell us what your case is about.</p> <p>2 MR. LOUIS REYNOLDS: Yes, sir. From the last</p> <p>3 meeting, it was a misconduct for -- I believe I</p> <p>4 brought that copy. I did not bring that copy.</p> <p>5 MR. KORN: That's okay. You can just give us</p> <p>6 a summary.</p> <p>7 MR. LOUIS REYNOLDS: It was a misconduct</p> <p>8 letter from the IA investigation for possibly</p> <p>9 receiving a bribe, which was not --</p> <p>10 MR. KORN: Sheriff Coon just reminded me.</p> <p>11 The gift cards.</p> <p>12 MR. LOUIS REYNOLDS: Yes, sir.</p> <p>13 MR. KORN: Would you please address the</p> <p>14 Board.</p> <p>15 MR. LOUIS REYNOLDS: And then it was two</p> <p>16 cases combined in one, destroying of evidence or</p> <p>17 asking another officer to dispose of evidence that was</p> <p>18 not involved in this case.</p> <p>19 MR. KORN: Yes. I remember it. Okay.</p> <p>20 Please continue or would you like to address us.</p> <p>21 MR. LOUIS REYNOLDS: You ask me the</p> <p>22 questions, I'm pretty much --</p> <p>23 MR. MEDINA: Mr. Vice Chair, if I may.</p> <p>24 MR. KORN: Yes, sir.</p> <p>25 MR. MEDINA: And this actually probably lies</p>

Page 126	Page 127
<p>1 with me to present you the information that was 2 requested at the Board. 3 MR. KORN: Okay. 4 MR. MEDINA: And I can do that. The 5 information that I did research at the request of the 6 Board was that he was interviewed by an Attorney 7 General investigator. 8 MR. KORN: Is it different than what's here? 9 MR. MEDINA: No. It's the same thing. 10 MR. KORN: You're going to read what's here? 11 MR. MEDINA: That is correct. 12 MR. KORN: That's okay. I'm sure the Board 13 can read what's here. Does the Board have any 14 questions? 15 MR. BARNCASTLE: Well, Mr. Chair, at the last 16 meeting, I guess obviously the Board was not -- felt 17 that we needed additional information. And that's why 18 we asked you to reassign or have the AG's office look 19 into this matter. 20 They obviously looked into it. And what type 21 of a report or what type of information other than 22 this right here that doesn't tell us anything do we 23 have? 24 MR. MEDINA: Sir, at the last board meeting, 25 the direction was to determine the status of the AG</p>	<p>1 investigation and the IA investigation, which was 2 conducted previously by his agency. 3 At the last Board meeting, it was determined 4 that when Mr. Reynolds spoke, that there was an 5 Attorney General's investigation. We did not know 6 about that until the day that he informed us when he 7 spoke to the Board. And the request was to determine 8 the status of that AG investigation. 9 MR. SCHULTZ: Mr. Chair, Mr. Medina, so the 10 AG did not provide that information? 11 MR. MEDINA: That is correct. 12 MR. SCHULTZ: So we're still open to that? 13 MR. MEDINA: That is correct. 14 MR. LOUIS REYNOLDS: Mr. Vice Chair, I am no 15 way involved in that side of anything. But what this 16 tells me is that the investigation is ongoing. 17 MR. BARNCASTLE: Thank you. That's my 18 question. Obviously we'll be discussing this in 19 greater length during our closed session. 20 MR. MEDINA: Correct. 21 MR. BARNCASTLE: Thank you. 22 MR. LOUIS REYNOLDS: If I may, Board, I would 23 like to let the Board know that, when I got the call 24 that week before the last Board meeting, when I got 25 back to my town, I called the AG's department and</p>
Page 128	Page 129
<p>1 asked them if I can come up and visit them. 2 I didn't want this lingering longer than it 3 was. I knew I was going to be -- I was already on 4 paid administrative leave at that time. I didn't want 5 this to linger longer than this Board meeting. 6 It sounds to me that, because the Board is 7 not getting the information that they need, this may 8 linger longer. I'm asking the Board if they could 9 possibly make a decision, because I would like to get 10 back to my community and serve my people in 11 Alamogordo. 12 I did bring my wife on the allegation there 13 was an affair before this and told her that. And so, 14 if possible, I'd like to get back on the streets. Our 15 department is short-handed. And I don't like leaving 16 my guys short-handed on the street. 17 MR. KORN: Thank you, sir. Any questions 18 from the Board? Anybody. Sir, thank you for coming 19 and appearing. 20 So we are at a juncture where usually we go 21 into closed session. And today we will be following 22 suit. So prior to that there are two matters that I 23 would also ask the Board to take a vote on as far as 24 going into closed session. 25 ITEM NOS. 62 AND 63: FORMAL HEARING BACKLOG: BOARD</p>	<p>1 ACTION FOR SOLUTIONS, HEARING OFFICER TRAINING AND 2 MANAGEMENT; MISCONDUCT CASES: BOARD REVIEW OF 3 MISCONDUCT CASES, TRACKING AND MANAGEMENT 4 MR. KORN: And that would be item Nos. 62 and 5 63. Number 62 is formal hearing backlog and No. 63 is 6 misconduct cases. And each of those have two 7 different reasons for going into closed session. 8 And I have asked Mr. Reynolds to help me with 9 the technical verbiage of doing that. If you would, 10 sir. 11 MR. REYNOLDS: So, Mr. Vice Chair, for items 12 62 and 63, I think it would be appropriate, if you are 13 capable, to give us the range of case numbers that the 14 Board will be discussing in executive session, because 15 they will be under 10-15-1(H)(1), which is licensing 16 matters. 17 And so if you can identify those range of 18 case numbers, I don't think we need to list all of 19 them, and then make the database that I believe that 20 you have redacted for only the name and case number as 21 part of the record, we will have sufficiently advised 22 the public of what we're going to discuss in that 23 executive session. 24 MR. KORN: Thank you. Let me get that just 25 one moment. So this would be the item that's</p>

Page 130	Page 131
<p>1 identified as the LEA Case Management Snapshot for the 2 Board meeting today.</p> <p>3 The latest case would be 13-034 and the 4 earliest case would be 07-001. And it would be all 5 those cases inclusive. And I will make arrangements 6 to provide the record with all those cases and the 7 names and the LEA offense with everything else 8 redacted.</p> <p>9 MR. REYNOLDS: Very well. So, Mr. Chair, 10 with that on the record, I would invite a Board Member 11 to make a motion to go into executive session pursuant 12 to NMSA Section 10-15-1(H)(1) and (H)(2) to discuss 13 those matters listed on the agenda under items 5 14 through 56 minus items 46 and 53 and all those cases 15 just identified by the Vice Chairman Korn on the 16 record, the list of which will be made part of the 17 record. That would be the motion to be adopted.</p> <p>18 MR. KORN: I would so move.</p> <p>19 MR. GRATTON: I will second.</p> <p>20 MR. KORN: And Mr. Gratton will second. And 21 so we would do it by a call of asking if we agree?</p> <p>22 MR. REYNOLDS: You need a roll call vote on 23 that agreement.</p> <p>24 MR. KORN: Monique, would you call the roll 25 of people that would agree to that.</p>	<p>1 MS. LOPEZ: Pat Barncastle. 2 MR. BARNCASTLE: Yes. 3 MS. LOPEZ: Chief Shilling. 4 MR. SHILLING: Yes. 5 MS. LOPEZ: Sheriff Coon. 6 MR. COON: Agreed. 7 MS. LOPEZ: Chief Betz. 8 MR. BETZ: Yes. 9 MS. LOPEZ: Chief Schultz. 10 MR. SCHULTZ: Yes. 11 MS. LOPEZ: Jaime Quezada. 12 MR. QUEZADA: Yes. 13 MS. LOPEZ: Nate Korn. 14 MR. KORN: Yes. 15 MS. LOPEZ: John Gratton. 16 MR. GRATTON: Yes. 17 MR. KORN: So the motion passes unanimously. 18 We will go into closed session. 19 For the people that are in our meeting, 20 obviously the Board has a large number of things to 21 deliberate plus the other two items. So from 22 experience this is going to be three hours. So enjoy 23 a long lunch. 24 And so while not calling a time, I would say 25 it could be up to three hours or it could be faster,</p>
<p>Page 132</p> <p>1 if we're able. But I don't want you thinking it's 2 going to be an hour. Do you think I've accurately 3 stated that? Okay. So thank you. We'll go into 4 closed session now.</p> <p>5 (Executive Session from 12:00 p.m. to 5:00 6 p.m.)</p> <p>7 MR. KORN: Good afternoon. We have to thank 8 everybody for waiting. We're very sorry for the time 9 it's taken. But as a board we try to give each and 10 every matter the full attention that they deserve and 11 so sometimes I think we take longer.</p> <p>12 None of us likes to be here this long. But 13 all of us on the Board are committed to doing the best 14 job we can and sometimes that just takes a lot of 15 time. So to those who had to wait, we're sorry. But 16 we do the best job we can.</p> <p>17 So with that we are back on the record. I 18 suppose that we would want to take a vote for what?</p> <p>19 MR. REYNOLDS: No need to go back on the 20 record. We just need to state for the record that 21 only those items identified in the motion to go into 22 executive session were discussed in executive session. 23 And now you're back in open session.</p> <p>24 MR. KORN: Fine. So we would state that. 25 And do we have to then take a roll call vote again?</p>	<p>Page 133</p> <p>1 MR. REYNOLDS: You may. It's not required by 2 the Open Meetings Act. It may be appropriate since 3 it's been such a long time.</p> <p>4 MR. KORN: Okay. Just so we can go through 5 it, could we announce ourselves from the left. 6 Mr. Gratton.</p> <p>7 MR. GRATTON: John Gratton, yes. 8 MR. BARNCASTLE: Pat Barncastle, yes. 9 MR. SCHULTZ: Ray Schultz, yes. 10 MR. COON: Rob Coon, yes. 11 MR. KORN: Nate Korn, yes. 12 MR. SHILLING: Robert Shilling, yes. 13 MR. QUEZADA: Jaime Quezada, yes. 14 MR. BETZ: Harry Betz, yes.</p> <p>15 MR. KORN: The Board is trying to make this 16 as efficient as we can. So what we've done is gone 17 through the record to figure out those cases that we 18 will agree with the recommendation of the Director. 19 So I will identify those cases. And then I'll ask one 20 of my Board Members to make a motion to accept the 21 recommendation of the Director.</p> <p>22 Those cases in which we'll be doing that are 23 the following: No. 5, John Beasley; No. 6, Ramiro 24 Garza; No. 10, Denny Hill; No. 11, Aaron Jones; 25 No. 14, Andres Munoz; No. 19, Caleb Coate; No. 19A,</p>

Page 134	Page 135
<p>1 Christina Garcia; No. 20, Jeremy Flint; No. 21, Isidro 2 Gonzales; No. 22, Alfonso Rodriguez; No. 23, Samuel 3 Fodge. Then letters of no action would be No. 24, 4 Kevin Case; No. 25, Nathan Lerner. 5 Do I have a motion to accept the 6 recommendation of the Director? 7 MR. GRATTON: I so move. 8 MR. KORN: John Gratton moves. 9 MR. COON: Second. 10 MR. KORN: Seconded by Sheriff Coon. 11 MR. SHILLING: Mr. Vice Chair. 12 MR. KORN: Yes. 13 MR. SHILLING: I would like the record to 14 reflect that, on the acceptance of the Director's 15 recommendation on item No. 14, Andres Munoz, I recused 16 myself from the room on that case. 17 MR. KORN: Thank you for pointing that out. 18 That's true, you recused yourself. And that would be 19 true of Chief Schultz on No. 11, Aaron Jones, and for 20 Chief Schultz on Ramiro Garza and for Chief Schultz on 21 Christina Garcia. 22 MR. SCHULTZ: And Phillips. 23 MR. KORN: And Phillips. What number is 24 that? 25 MR. SCHULTZ: Number 17.</p>	<p>1 MR. KORN: Phillips I didn't mention this 2 time. So we have a motion and we have a second. Can 3 we have a vote. Those in favor say aye. 4 (Those in favor so indicate.) 5 MR. KORN: Those opposed. Let the record 6 reflect the ayes are unanimous. 7 The next grouping will be persons that we did 8 not agree with the Director on. For those persons 9 that are in this group, if you hear your name called, 10 obviously you'll be here. We would encourage you to 11 talk to the Director as soon as possible. There may 12 be discussions you can have so that you can still 13 resolve those today. 14 So those people would be No. 7, Jeffrey 15 Harris; No. 8, Raymond Hernandez; No. 9, Joshua 16 Hessinger; No. 12, Roland Lassiter; No. 13, Steven 17 Miller; No. 16, Robert Rosales; No. 17, Jeremiah 18 Phillips; No. 26, Zane Ward; No. 27, Teresa Lemon; and 19 No. 28, Carlos Salazar. 20 And I would point out, as I'm sure my friend 21 Chief Shilling would remind me, that in regard to 22 Carlos Salazar, Chief Shilling did not participate. 23 And that would be true of Roland Lassiter, Chief 24 Shilling did not participate. Likewise Chief Schultz 25 did not participate in item No. 13, Steven Miller, and</p>
Page 136	Page 137
<p>1 No. 17, Jeremiah Phillips. Do I have a motion? 2 MR. SCHULTZ: Mr. Chairman, I'll make the 3 motion we reject the findings on the items you just 4 stated from the Director. 5 MR. BETZ: I'll second that motion. 6 MR. KORN: Seconded by Chief Betz. All in 7 favor. 8 (Those in favor so indicate.) 9 MR. KORN: All opposed. Let the record show 10 that it's unanimous in favor. And now we're moving on 11 to voluntary relinquishment. In regard to the 12 voluntary relinquishment, the Board would note that 13 the record will reflect that the voluntary 14 relinquishment was as a result of the issuance of an 15 LEA-90. Those persons are Daniel Burge, Thomas Lett, 16 and Moises Pena. Do I have a motion in regard to the 17 voluntary relinquishment? 18 MR. BETZ: I make a motion for 29, 30, and 31 19 for voluntary relinquishment. 20 MR. COON: Second. 21 MR. KORN: A motion by Chief Betz to accept 22 voluntary relinquishment and seconded by Sheriff Coon. 23 All in favor say aye. 24 (Those in favor so indicate.) 25 MR. KORN: All opposed. Let the record</p>	<p>1 reflect it's unanimous for the ayes. 2 The next group would be the default orders of 3 revocation. Now, that group is composed of Nos. 32 4 through 45. For this motion we will exclude No. 33, 5 which is Bradley Ahrensfield. So No. 32 is Larry 6 Flynn; No. 34 is Daniel Barde; No. 35, Stephanie Coon; 7 No. 36, Daniel Derouen; No. 37, Jerry Ford; No. 38, 8 Brandon Moon; No. 39, Christopher Pino; No. 40, 9 Michael Proctor; No. 41, Roberto Rangel; No. 42, 10 Ventura Salas; No. 43, Dennis Sedillo; No. 44, Pete 11 Vargas; and No. 45, Jeffrey Hogan. 12 Let the record reflect that Chief Schultz 13 recused himself in No. 40 and Chief Shilling recused 14 himself from No. 34. Do I have a motion? 15 MR. BETZ: I make a motion to go ahead and 16 accept the default orders of revocation on 32, 34, 35, 17 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45. 18 MR. KORN: Do we have a second? 19 MR. GRATTON: I second. 20 MR. KORN: Second by John Gratton. All in 21 favor. 22 (Those in favor so indicate.) 23 MR. KORN: All opposed. Let the record 24 reflect it's unanimous for the ayes. 25 In regard to Bradley Ahrensfield, this is</p>

Page 138	Page 139
<p>1 another default order of revocation. We had discussed 2 the record being fully stated by the Director. And in 3 anticipation of that being done, could I have a motion 4 to accept the default order of revocation? 5 MR. GRATTON: I so move for the acceptance. 6 MR. BARNCASTLE: I second. 7 MR. KORN: John Gratton moves and Pat 8 Barncastle seconds. All in favor. 9 (Those in favor so indicate.) 10 MR. KORN: All opposed. Let the record 11 reflect that all in favor is unanimous. 12 Formal hearings. With regard to the formal 13 hearings, the following formal hearings would be 14 considered accepted. I'm sorry. The following formal 15 hearings would be accepting the findings of fact and 16 accepting the recommendations of the Hearing Officer. 17 Those names would be Vince Crespín, James 18 Lujan, and Filberto Sigala. Do I have a motion to 19 accept the recommendations and accept the penalty of 20 the Hearing Officer? 21 MR. BARNCASTLE: I move that we accept the 22 recommendations as stipulated to by the Hearing 23 Officer. 24 MR. KORN: And penalty? 25 MR. BARNCASTLE: And accept the penalties as</p>	<p>1 well. 2 MR. KORN: We have a motion. Do we have a 3 second? 4 MR. COON: I'll second. 5 MR. KORN: Sheriff Coon seconds. All in 6 favor say aye. 7 (Those in favor so indicate.) 8 MR. KORN: All opposed. The ayes are 9 unanimous. 10 And that leaves the following two, Nos. 49 11 and 50, Ronald Morlang and Juan Saucedo. Do we have a 12 motion? 13 MR. SCHULTZ: Mr. Chairman, I make the motion 14 that we accept the findings of fact in this case; 15 however, we reject the proposed discipline recommended 16 by the Hearing Officer specifically in these two 17 cases. 18 In case No. 49 involving Ronald Morlang, that 19 case involved a juvenile victim and violence resulting 20 in extenuating circumstances. Case No. 50 involving 21 Juan Saucedo also involved extreme threats of 22 violence. And, therefore, for the case of Morlang, we 23 recommend a revocation of 36 months. In the case of 24 Saucedo, we recommend revocation of certification. 25 MR. GRATTON: I'll second that motion.</p>
Page 140	Page 141
<p>1 MR. KORN: John Gratton seconds. All in 2 favor say aye. 3 (Those in favor so indicate.) 4 MR. KORN: All opposed. The ayes are 5 unanimous. 6 Moving on to No. 52, Paul Ielacqua. In 7 regard to Paul Ielacqua, this is a request for 8 reinstatement. Do we have a motion? 9 MR. SCHULTZ: Mr. Chairman, I make the motion 10 that we reject the request for reinstatement at this 11 time. However, I would also like to add that we would 12 be willing to reconsider this one year from today's 13 date. 14 MR. KORN: Do I have a second? 15 MR. COON: Second. 16 MR. KORN: A second by Sheriff Coon. All in 17 favor. 18 (Those in favor so indicate.) 19 MR. KORN: All opposed. Let the record show 20 it's unanimous. 21 The next one is the repeal of the Director's 22 decision of denial. The first case is No. 54 which is 23 Chrissie Vigil. Do we have a motion? 24 MR. COON: Mr. Chairman, I make a motion we 25 reject the appeal.</p>	<p>1 MR. KORN: Do we have a second? 2 MR. GRATTON: I'll second. 3 MR. KORN: A second by John Gratton. All in 4 favor. 5 (Those in favor so indicate.) 6 MR. KORN: All opposed. The ayes have it 7 unanimously. 8 Next is Steven Montano. This is another 9 repeal of the Director's decision of denial. Do we 10 have a motion? 11 MR. BETZ: Mr. Chairman, I would like to make 12 a motion that we go ahead and actually reverse the 13 Director's decision of denial and accept him to attend 14 the certification course by meeting all the other 15 requirements. 16 MR. KORN: We have a motion. Do we have a 17 second? 18 MR. SHILLING: Second. 19 MR. KORN: A second by Chief Shilling. All 20 in favor. 21 (Those in favor so indicate.) 22 MR. KORN: All opposed. The ayes are 23 unanimous. 24 The next case is Louis Reynolds, No. 56. Do 25 we have a motion? I'll make the motion. The motion</p>

Page 142

1 would be to reject the recommendation of the Director.
 2 Do we have a second?
 3 MR. BARNCASTLE: I'll second that motion.
 4 MR. KORN: Seconded by Pat Barncastle. All
 5 in favor say aye.
 6 (Those in favor so indicate.)
 7 MR. KORN: All opposed. Let the record
 8 reflect the ayes are unanimous.
 9 MR. SCHULTZ: Mr. Chairman, if I could add,
 10 on item No. 56, if we could remand that back for a
 11 formal hearing and an issuance of an NCA from the
 12 Director.
 13 MR. KORN: So we're going to ask the Director
 14 to remand that to an NCA.
 15 MR. MEDINA: That would be an NFD.
 16 MR. KORN: Notice of Final Decision.
 17 MR. SCHULTZ: That's fine, NFD.
 18 MR. KORN: So that's what we're requesting
 19 the Director do. Do we need to take another vote on
 20 that? Should we vote on that?
 21 MR. REYNOLDS: Yes, I believe you should.
 22 MR. KORN: Okay. Just to have it complete,
 23 let's vote on the original motion as amended by Chief
 24 Schultz. All in favor.
 25 (Those in favor so indicate.)

Page 144

1 to one month with one year probation and attend the
 2 law enforcement course on ethics.
 3 MR. KORN: And you're really making a
 4 recommendation to reject?
 5 MR. BARNCASTLE: A recommendation to reject,
 6 correct.
 7 MR. GRATTON: I second the motion.
 8 MR. KORN: And John Gratton seconds your
 9 motion. So the motion is to reject the Director's
 10 recommendation. Do we have a vote on that? All in
 11 favor say aye.
 12 (Those in favor so indicate.)
 13 MR. KORN: All opposed. Okay. The ayes are
 14 unanimous. And the last one that I missed is James
 15 Aguilar. And who would like to make the motion?
 16 MR. SCHULTZ: Mr. Chairman, I would make the
 17 recommendation that we reject the Director's
 18 recommendation as provided here today on James Aguilar
 19 and suggest that the Director renegotiate with
 20 Mr. Aguilar to include a suspension to remain in
 21 effect until a minimum of two out of three favorable
 22 fit for duty reports have been completed by a
 23 certified psychologist by the State of New Mexico.
 24 MR. KORN: Thank you, Chief Schultz. A
 25 second?

Page 143

1 MR. KORN: All opposed. Let the record show
 2 that the vote was unanimous for the ayes.
 3 MR. KORN: That concludes the misconduct
 4 portion of the Board meeting. Yes, sir.
 5 MR. SCHULTZ: Mr. Chairman, I was kind of
 6 keeping track as you were going through. I'm not sure
 7 if we actually were specific on item No. 15, item
 8 No. 18, and item No. 51.
 9 MR. KORN: Thank you. So 15, 18, and 51. So
 10 51 we did, that was a formal hearing.
 11 MR. GRATTON: I think we did 51.
 12 MR. SCHULTZ: I didn't mark it off. I was
 13 trying to mark them off as we went along.
 14 MR. REYNOLDS: Mr. Vice Chair, I was keeping
 15 track. And yes, we did not take formal action on 15
 16 or 18, but we did on 51. We accepted the Hearing
 17 Officer's recommendations.
 18 MR. KORN: Thank you. Thank you for your
 19 eagle eye. Okay. In regard to No. 15, let the record
 20 show that Sheriff Coon recused himself. And that is a
 21 rejection of the Director's recommendation. Do we
 22 have a motion for that?
 23 MR. BARNCASTLE: Mr. Chairman, I would like
 24 to make a motion that we reject the Director's
 25 recommendation and amend that three-month suspension

Page 145

1 MR. COON: Second.
 2 MR. KORN: A second by Sheriff Coon. All in
 3 favor.
 4 (Those in favor so indicate.)
 5 MR. KORN: All opposed. Let the record show
 6 the ayes are unanimous. So I think now that concludes
 7 our misconduct portion.
 8 Should we take a five-minute recess so the
 9 Director can talk to people or should we keep going?
 10 MR. MEDINA: Mr. Vice Chair, it's going to
 11 take a little more than five minutes probably to
 12 arrange some of those things.
 13 Those whose matters were rejected who are
 14 still here, at the conclusion of the meeting, if you
 15 would come up and see us. That way we can discuss
 16 another alternative that might be acceptable regarding
 17 what was presented today. Does that make sense?
 18 MR. KORN: I think, Mr. Director, the goal
 19 would be, for the persons that might be willing to
 20 talk to you, perhaps we can resolve their cases today.
 21 MR. MEDINA: Correct.
 22 MR. KORN: So for that it wouldn't be at the
 23 conclusion of the meeting, it would be part of that.
 24 Shall we take ten minutes?
 25 Those of you whose cases have been resolved,

Page 146	Page 147
<p>1 there's no more reason for you to stay here unless you 2 want to. And you're certainly free to go. And that 3 would be an appropriate way to conclude this portion 4 of it, if the Board agrees. 5 MR. REYNOLDS: Mr. Vice Chair. 6 MR. GRATTON: I move for a 15-minute recess 7 so that Director Medina can take care of issues with 8 the rejections. 9 MR. KORN: Mark Reynolds. 10 MR. REYNOLDS: That's fine. Louis, do you 11 need to be here for the ratifications of 12 certifications? Just a suggestion that we do take a 13 short break. But we can move the Director's report to 14 later on the agenda. And then we can come back and 15 start moving through the other items that the Director 16 doesn't need to be here for. 17 So my advice would be to take a short break, 18 maybe not a 15-minute break, maybe a ten-minute break, 19 and move the Director's report to somewhere later on 20 the agenda, maybe after item 63. 21 That would be your motion. A ten-minute 22 break and then amend the agenda to that effect so that 23 it gives Louis more time to work out everything before 24 we need him back at this meeting. 25 MR. KORN: Okay. Actually I was going to</p>	<p>1 move some of the agenda items, but I think Louis would 2 have to be there for it. Why don't we take a 3 ten-minute break and see if those can be resolved now. 4 MR. REYNOLDS: Okay. 5 MR. GRATTON: I made my motion for a 6 ten-minute break. 7 MR. BARNCASTLE: Second. 8 MR. KORN: All in favor. 9 (Those in favor so indicate.) 10 MR. KORN: It carries unanimously. 11 (Recess.) 12 MR. KORN: I'll call the meeting back to 13 order. The first item we'll take on the agenda will 14 be item No. 63. We'll go a little bit out of order. 15 On this we talked about misconduct cases and 16 management in closed session. 17 I'll make the motion. The motion is to 18 present the Director with an employment memo on how 19 the Board processes misconduct cases and how he can 20 improve. So I would make that motion. I would ask 21 for a second. 22 MR. COON: Second. 23 MR. KORN: A second by Sheriff Coon. Mark, 24 did I put it in appropriate form? 25 MR. REYNOLDS: I believe so.</p>
Page 148	Page 149
<p>1 MR. KORN: I would ask for a voice vote. All 2 in favor. 3 (Those in favor so indicate.) 4 MR. KORN: All opposed. 5 (Those not in favor so indicate.) 6 MR. KORN: Let the record show that no votes 7 are from Chief Shilling and Chief Betz. Other than 8 that the rest of the Board did vote in the 9 affirmative. Therefore, the motion carries. 10 The next one on the agenda is formal hearing 11 backlog, board actions for solutions, Hearing Officer 12 training and management. The background of this is 13 that the Board has observed that there are currently 14 about 15 backlog cases of formal hearings. 15 We note that the current Hearing Officer at 16 his best could only do one a week but as a practice 17 actually does more like one a month. So that means 18 that the backlog now has become either 15 weeks or, in 19 the worst-case scenario, 15 months. 20 For this reason the Board has concluded that 21 in order to make the efficiency of the Board and to 22 make the Board process go quicker, we are going to 23 look at the opportunity of hiring additional Hearing 24 Officers. 25 We would note that this would not cost the</p>	<p>1 LEA any more money because those hearings would be 2 conducted by one Hearing Officer or they could be 3 conducted by five Hearing Officers. It's the same 15 4 that are outstanding now. 5 So with that background, for the record I 6 will make a motion. The first motion would be that we 7 nominate and select a committee of Board Members that 8 would be less than a quorum that would be able to 9 contact other Board Members as well as other 10 information that they can cull in order to select 11 Hearing Officers primarily with a background of law 12 enforcement. 13 We feel -- and again I speak for myself, but 14 I don't think I have opposition on the Board. We feel 15 that a career law enforcement officer that has 15, 20, 16 or 30 years in law enforcement knows how law 17 enforcement officers think, will have the community at 18 heart, and will be able to make proper decisions not 19 based on a vacuum but based rather on a law 20 enforcement career, doing the best thing for the 21 officer and the community. 22 So, therefore, we will primarily be looking 23 at ex-law enforcement officers or current law 24 enforcement officers that have demonstrated over that 25 period of time an ability to show good judgment under</p>

Page 150

1 many circumstances.
 2 So the first motion would be to ask for the
 3 Board to approve a committee to vet Hearing Officers.
 4 So I would make that motion. Is there a second?
 5 MR. COON: Second.
 6 MR. KORN: A second by Sheriff Coon. All in
 7 favor.
 8 (Those in favor so indicate.)
 9 MR. KORN: All opposed. The motion is
 10 unanimous.
 11 The second would be to select Members of the
 12 Board that will be vetting for Hearing Officers. I
 13 would ask for people that are showing interest.
 14 Sheriff Coon, Chief Schultz, Pat Barncastle, and
 15 myself. I would like to be in there too. I'm sorry,
 16 Harry. I didn't see your hand up. So that's five.
 17 And I do believe we can only take four.
 18 MR. REYNOLDS: Yes.
 19 MR. KORN: Is that correct?
 20 MR. REYNOLDS: Yes.
 21 MR. KORN: So are you withdrawing then,
 22 Harry?
 23 MR. BETZ: Yes, as long as you already have
 24 your four.
 25 MR. KORN: Is that okay?

Page 152

1 MR. COON: Second.
 2 MR. KORN: A second by Sheriff Coon. All in
 3 favor say aye.
 4 (Those in favor so indicate.)
 5 MR. KORN: All opposed. That motion carries
 6 as well.
 7 ITEM NO. 57: DIRECTOR'S REPORT
 8 MR. KORN: So now we're back to No. 57, which
 9 is the Director's report.
 10 MR. MEDINA: Board Members, audience, the
 11 following information is a description of the
 12 activities that have taken place at the Law
 13 Enforcement Academy since the January 8, 2013, board
 14 meeting.
 15 And I will just say that I'm including the
 16 satellite academies, because in the past we've never
 17 have. And quite frankly they are an extension and an
 18 arm of the Law Enforcement Academy. And I'm not
 19 taking credit for what they do. But since they are an
 20 extension, I want to highlight also the work that
 21 they've done in that period.
 22 We had a cert by waiver class, No. 78, that
 23 graduated 11 officers on March 11th. The Hobbs
 24 Satellite Academy did cert by waiver class No. 13 that
 25 had 18 officers. The Las Cruces Satellite Academy

Page 151

1 MR. BETZ: Yeah.
 2 MR. KORN: Okay. So the four people would be
 3 myself, Sheriff Coon, Chief Schultz, and Pat
 4 Barncastle. We'll take a motion to vote on the
 5 appropriateness of us being the vetting committee.
 6 That's my motion. Do we have a second?
 7 MR. GRATTON: Second.
 8 MR. KORN: Second by John Gratton. All in
 9 favor say aye.
 10 (Those in favor so indicate.)
 11 MR. KORN: All opposed. Okay. There are no
 12 nays. The motion carries unanimously.
 13 The second motion would be once the committee
 14 has selected other Hearing Officers, and it could be
 15 as many as six, we would then want to have a session
 16 where we instruct the Hearing Officers as to the
 17 Board's expectations and desires so that, since they
 18 are acting as the Board in making their decisions,
 19 they will be better able to make those decisions.
 20 So we would ask for a motion for the
 21 committee to be able to discuss with the Hearing
 22 Officers our expectations and also have our legal
 23 staff, which would be Mark Reynolds and Rick Word,
 24 also advise them. And so the motion is for
 25 instruction after we vet them. Do I have a second?

Page 153

1 No. 42 graduated 13 cadets. The APD Satellite Academy
 2 No. 108 graduated nine cadets.
 3 We had two PST academies. And one of them
 4 was at Hobbs. We had cert by waiver challenge on
 5 January 10, February 7, and March 1st, which was a
 6 total of ten officers who challenged the cert by
 7 waiver. Our basic police officer training class,
 8 No. 185, is in week 15 this week. And they are
 9 scheduled to graduate June 14th.
 10 We also presented numerous advanced training
 11 courses, January 9 through April 1st, which were
 12 general police instructor, ethics refresher, legal
 13 update, domestic violence, general police instruction,
 14 defensive tactics refresher, and elder abuse.
 15 Thankfully we had Ms. Selena Trujillo return
 16 from maternity leave. And she has picked up the
 17 workload considerably, which is allowing us to be more
 18 efficient. Instructor Manuel Overby attended a
 19 defensive tactics training course at the FLETC
 20 January 28th through February 1st and took the lead on
 21 basic police officer training No. 185 in the defensive
 22 tactics course.
 23 Also in the Director's report I want to
 24 present our Deputy Director, Mr. Jack Jones, who is
 25 going to give you an update on the Law Enforcement

Page 154	Page 155
<p>1 Academy.</p> <p>2 MR. KORN: Thank you, Mr. Medina. And</p> <p>3 Assistant Director Jones, it is a delight to hear from</p> <p>4 you.</p> <p>5 MR. JONES: Vice Chairman, Board Members,</p> <p>6 it's an honor to be here today. Some of the things I</p> <p>7 just want to tell you about is one of the things that</p> <p>8 Director Medina and I have done since I have taken</p> <p>9 over the deputy director's job at the Law Enforcement</p> <p>10 Academy is we have changed the face of what the Law</p> <p>11 Enforcement Academy is going to do.</p> <p>12 We are going to revise how we do business</p> <p>13 with the satellite academies and how we do business</p> <p>14 with the chiefs of police, the sheriffs departments,</p> <p>15 and the sheriffs themselves. We want to be more</p> <p>16 user-friendly.</p> <p>17 We're going to streamline the process of how</p> <p>18 we put in applications for law enforcement agencies</p> <p>19 for cert by waivers for the basic academies so that it</p> <p>20 is a more streamlined process and that you control the</p> <p>21 things that you need to have done inside that process</p> <p>22 itself.</p> <p>23 We've talked about several things that we</p> <p>24 need to do. All of it falls within NMAC itself.</p> <p>25 We're going to stay within the NMAC, we're going to</p>	<p>1 work the rules within the NMAC.</p> <p>2 And I think that what's going to happen is</p> <p>3 our changing the face of what we do at the New Mexico</p> <p>4 Law Enforcement Academy is going to make it more</p> <p>5 conducive for us to put out a better product for those</p> <p>6 cadets that will be graduating from the satellite</p> <p>7 academies and through our academy itself.</p> <p>8 A couple things we've already changed is, as</p> <p>9 an example, at this last academy, we added live fire</p> <p>10 vehicle stops, live fire shooting house, and we've</p> <p>11 done tactical drills on the range itself. That has</p> <p>12 never been done in the academy before.</p> <p>13 And what we want to do is take those</p> <p>14 processes that we just changed and change the whole</p> <p>15 face of the academy with what we're going to do to</p> <p>16 bring in new cadets and bring those cadets in to train</p> <p>17 them, to motivate them to doing things that they need</p> <p>18 to do so that they will be a better cadet when they</p> <p>19 get on the street for the sheriffs departments and the</p> <p>20 police departments.</p> <p>21 We want to make sure that they have the</p> <p>22 ability to do that job as a basic police cadet. And</p> <p>23 when you get them as a police or sheriffs officer,</p> <p>24 they are able to do the things that you need. Some of</p> <p>25 this is a pilot program.</p>
Page 156	Page 157
<p>1 And I've talked to a couple Members of the</p> <p>2 Board. Vice Chair, I would like to ask if there would</p> <p>3 be a possibility that we might in the future consider</p> <p>4 doing two Board meetings a quarter for the next two</p> <p>5 quarters possibly, because there are things that we do</p> <p>6 need to talk about that are changes we want to make</p> <p>7 inside the NMAC itself to reduce this academy from a</p> <p>8 20-week academy to an 18-week or 16-week academy.</p> <p>9 We think we've got a program that we can do</p> <p>10 that. We want to be able to present that to the Board</p> <p>11 and do it reasonable so that you understand what we're</p> <p>12 trying to do and how we're going to do that. We want</p> <p>13 you to feel comfortable about the direction we want to</p> <p>14 take it.</p> <p>15 And we can then ensure that we meet all of</p> <p>16 the requirements that are in the NMAC and what you</p> <p>17 need as a chief of police or a sheriff or department</p> <p>18 in the State of New Mexico.</p> <p>19 MR. KORN: Thank you, Assistant Director. So</p> <p>20 are you saying that you would like us to decide today</p> <p>21 about the two meetings per quarter for the next two</p> <p>22 quarters?</p> <p>23 MR. JONES: Sir, I would like you to consider</p> <p>24 it for the next meeting. What I would like to do is</p> <p>25 at the next meeting present to this Board -- which</p>	<p>1 will be in July I believe. Present to this Board the</p> <p>2 things that we would like you to consider.</p> <p>3 And we need to process that so we can get</p> <p>4 this done by October so that, when we restart our</p> <p>5 classes in January, we can have a new look of what we</p> <p>6 need to do throughout the State of New Mexico with our</p> <p>7 satellite academies.</p> <p>8 And I might add that Sergeant Bode is here</p> <p>9 from San Juan Community College and we have Angie Byrd</p> <p>10 here as director of the community college here in</p> <p>11 Hobbs. It's something that we need to do. We need to</p> <p>12 change the look of what we're doing and how we do</p> <p>13 business and do it more streamlined at our academy.</p> <p>14 MR. KORN: If the Board were willing to do it</p> <p>15 perhaps in late May or early June and then the next</p> <p>16 one in July, would that work with your time frame or</p> <p>17 would that be too soon for you?</p> <p>18 MR. JONES: If that is within the procedures</p> <p>19 and we can do that, it is not too soon for us, sir,</p> <p>20 no, sir.</p> <p>21 MR. KORN: Just so I can kind of poll the</p> <p>22 Board members, would we be willing -- oh. I'm sorry.</p> <p>23 MR. REYNOLDS: Mr. Vice Chair, the only</p> <p>24 problem with that, and correct me if I'm wrong, but I</p> <p>25 did hear a mentioning of rule changes. And if we're</p>

Page 158	Page 159
<p>1 going to do NMAC changes, then we have a process that 2 we have to follow for a rule process. I think that 3 would be too fast for rule changes.</p> <p>4 MR. KORN: We can do a special meeting just 5 to announce them, couldn't we?</p> <p>6 MR. REYNOLDS: You certainly could. You just 7 need a certain amount of time for them to be 8 publicized for public comment.</p> <p>9 MR. KORN: So late May would be six weeks 10 away and early June longer than that.</p> <p>11 MR. JONES: Sir, what I would like to do is 12 present to the Board what we would like to do and then 13 decide the process and how we would go about that to 14 make that happen. Our timeline that I would like to 15 see aggressively is that we would have the rule 16 changes and we could proceed with this in January of 17 next year to make this happen.</p> <p>18 MR. KORN: You just want to pick our brains 19 now to see if we are kind of on the same track?</p> <p>20 MR. JONES: Yes, sir.</p> <p>21 MR. KORN: Okay. So I think with that in 22 mind, it's not really rule changes, it's just picking 23 our brain at a special meeting.</p> <p>24 MR. JONES: What I would like to do is 25 present to the Board the things that we are looking at</p>	<p>1 to make this a 16-week academy, why we would like to 2 make this a 16-week academy and why we can do that. 3 And I think there are a lot of things that we are 4 doing at the Law Enforcement Academy that is 5 duplication of effort.</p> <p>6 And how we would go about letting you have 7 the feeling that we can do this and do it succinctly 8 and correctly so that we don't have any lapse of 9 anything that's in the NMAC and that we are capable of 10 training your future police officers in a manner that 11 you would want to have on the street.</p> <p>12 MR. KORN: I think Chief Shilling had a 13 comment.</p> <p>14 MR. SHILLING: Mr. Vice Chair, I did. I was 15 going to save it for closing comments, but this is an 16 opportune time.</p> <p>17 I don't remember when, but it was early on in 18 my Board career here, one of the reasons things are 19 such a mess is it's not that the academy is 20 duplicating efforts necessarily. It's that 21 legislators legislate through law training for law 22 enforcement that is inappropriate, that it should be 23 brought to the Board and adopted by the Board.</p> <p>24 And so the academy -- and I know because we 25 have one -- is always trying to play catch-up with</p>
Page 160	Page 161
<p>1 state statute when they plug in mandatory training in 2 some new child abuse law or something like that. And 3 it has resulted in a lot of duplication of effort.</p> <p>4 But my original point I wanted to make is, 5 based on the Deputy Director's comments, what I had 6 said probably a couple years ago is I think we need to 7 get proactive as a Board in educating the legislature 8 about this process.</p> <p>9 These warm and fuzzy bills that get passed in 10 the State House with mandatory law enforcement 11 training attached to it, they have absolutely no clue 12 of the impact it has on the academy, on this Board, 13 and every other academy around the state.</p> <p>14 And I think what the Deputy Director is 15 talking about is NMAC is a mess. It needs to be 16 cleaned up and reconciled. There's a lot of 17 duplication in there because of what the State House 18 has done.</p> <p>19 But I would be happy to spearhead an effort 20 somehow before the next 30-day session next year about 21 trying to educate the legislators about what a train 22 wreck they cause when they legislate mandatory 23 training.</p> <p>24 That's what the NMAC rules are for, that's 25 what this Board is for, is to see presentations and</p>	<p>1 adopt training for law enforcement. And it has just 2 created a mess and it's gone by the wayside for too 3 many years. Thank you.</p> <p>4 MR. KORN: I think that's an excellent point 5 I had a small occasion to see how our government works 6 in the State House, and I know just what Chief 7 Shilling is talking about. He's right. And that 8 would be wonderful. So we can talk about that at one 9 of the meetings the next time too.</p> <p>10 So just to get a feeling for the Board, would 11 we be willing as a group to have a meeting at the end 12 of May, early June? Okay. So I think we have a vote 13 of confidence. I wonder if we can maybe do that 14 informally and maybe have the Director call for times 15 and then we'll select times.</p> <p>16 MR. JONES: The other thing I would like to 17 state is that the New Mexico Law Enforcement Academy 18 with Class No. 185 has validated some of the things 19 that we wanted to do for a long time. And that's look 20 at our firearms program and our EVOC program. We were 21 blessed this time with a 65-man academy. And what we 22 were able to do was divide that academy into half.</p> <p>23 And I could not have done this without the 24 support of several agencies, New Mexico State Police, 25 Albuquerque Police Department. Had your instructors</p>

Page 162	Page 163
<p>1 not come up to assist us with this, we would not have 2 been able to validate the things we did. Alamogordo 3 sent me two police officers, a lieutenant and an 4 officer, for four weeks to help me validate this 5 firearms training and the EVOC training. 6 It could not have happened had the rest of 7 the law enforcement agencies throughout the State of 8 New Mexico, Game and Fish. All participated in this 9 to make this an effort so we could identify those 10 things that were issues, things that we needed to 11 correct and look at. 12 It was basically a pilot program. We're 13 still within the NMAC rules, we have not violated 14 anything there. I just want you to know that we 15 validated a lot of things that we were trying to do 16 and looking at. 17 So I know that we can do this. I know that 18 we can present this in a possible 16-week, maybe an 19 18-week academy, 16-week academy. The 17th week they 20 would be looking at study sessions and then they might 21 graduate the 17th week or the 18th week. 22 But we need to reduce this so we can start 23 maybe having two academies per year through the Law 24 Enforcement Academy or maybe two academies per year 25 from each one of the satellite academies. That would</p>	<p>1 really assist law enforcement throughout the state. 2 Those who do not have their own academies, it would be 3 a big effort to support them. 4 So I appreciate the opportunity to be here. 5 I am excited and jazzed about being the Deputy 6 Director. Police training is where I want to be and 7 not up here often. Okay, sir. Thank you very much. 8 MR. KORN: Thank you, sir. Any comments from 9 the Board? 10 I did want to make a comment. I wanted to 11 tell you that I have heard from both Academy Director 12 Byrd and also Director Bode that they endorse your 13 plans of avoiding duplication. 14 Also I was lucky enough to be invited by you 15 to see your EVOC program and also your live fire at 16 night. And I was highly impressed with not only the 17 professionalism of you and your staff, but also by the 18 enthusiasm of those cadets. They were very, very 19 excited about doing stuff that had never really been 20 done before and they were doing it very well. 21 And just on a personal note, I got to observe 22 you training some of those cadets. And I've never 23 seen such a qualified trainer as yourself. You 24 remembered their names, you encouraged them, you were 25 complimentary to all, and also gave them good advice.</p>
Page 164	Page 165
<p>1 So I'm delighted that you are the Assistant Director 2 with our academy and I want to thank you. 3 MR. JONES: Thank you very much. Sir, you 4 know some of the good things. Sheriff Coon could have 5 put me in jail at one time in my life. 6 MR. COON: We would have probably went 7 together, Jack. 8 MR. JONES: Thank you very much. 9 MR. KORN: Thank you. Thank you, Director 10 Medina. 11 ITEM NO. 58: PUBLIC COMMENTS 12 MR. KORN: So next on the agenda is public 13 comments. Do we have anybody here to comment 14 publicly? 15 MS. LOPEZ: There was no one signed up. 16 MR. KORN: No one signed up. Folks in the 17 back? 18 SPEAKER: No, thank you. 19 ITEM NO. 59: RATIFICATION OF CERTIFICATIONS FOR LAW 20 ENFORCEMENT OFFICERS 21 MR. KORN: Next is ratification of 22 certifications for law enforcement officers by me. 23 MR. SHILLING: Mr. Vice Chair, for 24 clarification we're on item No. 59 I believe, 25 ratification of certifications for law enforcement</p>	<p>1 officers. And in reference to item No. 59, 2 Mr. Director, are they all sequential or are there any 3 hiccups in this? 4 MS. LOPEZ: There are some cert by waivers 5 down on the fourth page. 6 MR. SHILLING: Okay. 7 MS. LOPEZ: There are three of them that 8 you'll have to say individually. 9 MR. SHILLING: So my motion will be that 10 Certification No. 12-0223-P through No. 12-0316-P, 11 Certification No. 98-0274-P, Certification 12 No. 12-0317-P through No. 12-0331-P, Certification 13 No. 13-0001-P through 13-0024-P, Certification 14 No. 89-0015-P, No. 13-0025-P, No. 13-0026-P, 15 No. 02-0160-P, No. 13-0027-P and No. 0028-P, 16 No. 89-0331-P, and No. 13-0029-P through No. 13-0046-P 17 all be ratified. 18 Again my motion would be all the 19 aforementioned law enforcement officer certifications 20 be ratified. 21 MR. KORN: We have a motion. Do we have a 22 second? 23 MR. GRATTON: Second. 24 MR. KORN: John Gratton seconds. All in 25 favor say aye.</p>

Page 166	Page 167
<p>1 (Those in favor so indicate.) 2 MR. KORN: All opposed. The ayes carry 3 unanimously. 4 ITEM NO. 60: RATIFICATION OF CERTIFICATIONS FOR 5 PUBLIC SAFETY TELECOMMUNICATORS 6 MR. KORN: The next item on the agenda is 7 No. 60, ratification of certifications for public 8 safety telecommunicators. 9 MR. SHILLING: Mr. Vice Chair, I'll put forth 10 the motion that we approve the ratification of the 11 following telecommunicator certifications: Starting 12 with Certification No. 12-0106-PST through 13 No. 12-0118-PST, Certification No. 12-0120-PST through 14 No. 12-0127-PST, and Certification No. 13-0001-PST 15 through No. 13-0028-PST. 16 For the aforementioned certifications, I make 17 a motion that they be ratified and approved by the 18 Board. 19 MR. COON: I second that. 20 MR. KORN: We have a motion and a second. 21 All in favor say aye. 22 (Those in favor so indicate.) 23 MR. KORN: All opposed. There are no nays. 24 The ayes have it. Thank you, Chief Shilling, for 25 that. You saved me.</p>	<p>1 MR. SHILLING: I'm trying to pull my weight. 2 ITEM NO. 61: LEA MEMORIAL-DPS/MTD 3 OFFICER ROBERT POTTER 4 MR. KORN: The next will be item No. 61 on 5 the agenda, the LEA memorial for DPS and Motor 6 Transportation Officer Robert Potter. Director 7 Medina. 8 MR. MEDINA: Correct. I'm requesting 9 authorization to place DPS/Motor Transportation 10 Division Officer Robert Potter on the memorial wall 11 located outside the New Mexico Law Enforcement Academy 12 grounds. 13 Approval has already been received from the 14 committee members regarding this request. And 15 attached in your information is a summary of what 16 occurred when Officer Potter died. And I would 17 request that the Board approve his name being posted 18 on the memorial wall. 19 MR. SHILLING: Mr. Chairman, a question. 20 MR. KORN: Chief Shilling. 21 MR. SHILLING: Director, just so we get it on 22 the record, the approval of the committee members 23 thing you mentioned is the Attorney General's 24 committee that makes a determination that it was 25 indeed a line-of-duty death, correct?</p>
<p>1 MR. MEDINA: That is correct. 2 MR. SHILLING: Okay. 3 MR. COON: Mr. Chair. 4 MR. KORN: Sheriff Coon. 5 MR. COON: It would be my honor to nominate 6 Mr. Robert A. Potter to be on the wall at DPS. 7 MR. KORN: Do we have a second? 8 MR. GRATTON: I second. 9 MR. KORN: John Gratton seconds. We have a 10 motion and a second. All in favor say aye. 11 (Those in favor so indicate.) 12 MR. KORN: All opposed nay. It's unanimous. 13 We all agree. Thank you, Director Medina. 14 ITEM NO. 64: INDIVIDUAL BOARD MEMBER COMMENTS 15 MR. KORN: We're up to individual board 16 comments. Are there any? 17 MR. COON: Mr. Chair. 18 MR. KORN: Sheriff Coon. 19 MR. COON: I would just like to recognize the 20 chief next door here. I think Albuquerque and the 21 State of New Mexico and this Board are going to sorely 22 miss the chief. I think Albuquerque made a big 23 mistake. I hope you go on to bigger and better 24 pastures. But we're sure going to miss you here in 25 New Mexico.</p>	<p>1 MR. KORN: I agree for the record. Thank you 2 for doing that. 3 Other board comments? 4 MR. GRATTON: I have one comment. I don't 5 know if Angie left. But I want to extend my 6 appreciation to New Mexico Junior College for hosting 7 us today. They did a wonderful job. And we thank you 8 guys very much. 9 MR. SHILLING: Amen. 10 MR. KORN: Thank you. 11 ITEM NO. 65: SCHEDULING OF NEXT MEETING 12 MR. KORN: Next is scheduling of the next 13 meeting. Director Medina, in light of what we 14 discussed with your Assistant Director, do you think 15 we might be able to do this by email with your staff? 16 Do it in late May? 17 MR. MEDINA: Scheduling for the special 18 meeting or the July meeting? 19 MR. KORN: It's so far away it would in 20 effect be the next regular meeting. We would publish 21 it. 22 MR. MEDINA: So I understand, you want to 23 make this the regular meeting instead of the special 24 meeting that was discussed earlier? 25 MR. KORN: I think what the Board is saying</p>

Page 170

1 is we'll have two regular meetings over the course of
 2 the next quarter, one in late May or early June and
 3 then one in July.
 4 MR. MEDINA: Yes, sir. I'll defer to Monique
 5 regarding scheduling.
 6 MR. KORN: I was just thinking, in light of
 7 the hour and in light of everybody's schedules,
 8 perhaps we can do that by email the way Monique
 9 sometimes does it.
 10 MS. LOPEZ: Yes. Can we look at maybe early
 11 June.
 12 MR. KORN: Sure. If you want to send that,
 13 maybe the Board members can send you something.
 14 MR. GRATTON: Mr. Vice Chair, we talked about
 15 this a little bit. And maybe what would work for you
 16 and Louis is that perhaps the Board would be better --
 17 instead of making two trips up to wherever in a
 18 three-month period, I know speaking for myself I would
 19 prefer to cover two days at one time and do both board
 20 meetings at one time, if that's agreeable to people.
 21 MR. KORN: That's kind of hard for me. But I
 22 mean, if everybody else wants to, I'll consider it.
 23 Just by a show of hands, how many people would like to
 24 do it back to back two days?
 25 Okay. Chief Schultz, are you okay with that?

Page 172

1 MR. KORN: And I think we have reached the
 2 conclusion. So I would accept or encourage a motion
 3 for adjournment.
 4 MR. GRATTON: I move for adjournment.
 5 MR. KORN: John Gratton moves.
 6 MR. BETZ: I'll second.
 7 MR. KORN: Sheriff Coon says we should stay.
 8 All in favor of adjournment say aye.
 9 (Those in favor so indicate.)
 10 MR. KORN: Any nays? The ayes have it.
 11 Thank you again for your hospitality, Angie.
 12 (At 6:15 p.m. the meeting was adjourned.)
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Page 171

1 MR. SCHULTZ: I don't have a problem with it.
 2 But a lot of the agenda is disciplinary cases. And
 3 now we're going to put more burden on the staff to
 4 push a lot more cases through.
 5 So we would actually have a full two days of
 6 agenda compared to how much time can actually be spent
 7 on dealing with the issue of reformatting the academy
 8 process as per the direction of Assistant Director
 9 Jones. So I'm just thinking, by trying to do two days
 10 back to back, we may not have two days worth of work.
 11 MR. KORN: That's true. Well, can we keep
 12 that notion available and then the Director will talk
 13 to Monique. I guess that would be your direction, if
 14 you would have enough real work, and also to meet the
 15 deadlines of the timeline that's required by the NMAC
 16 rules. Okay. So thank you.
 17 MS. LOPEZ: Where do you want to have the
 18 next one?
 19 MR. KORN: I think the next location is
 20 Ruidoso in July. So May or June would be probably
 21 Albuquerque or Santa Fe. And then the one after that
 22 we'll be back in Hobbs. Okay. So with that we'll do
 23 the scheduling by email.
 24 MR. MEDINA: Yes, sir.
 25 ITEM NO. 66: ADJOURNMENT

Page 173

1 REPORTER'S CERTIFICATE
 2
 3 I, JAN A. WILLIAMS, New Mexico CCR #14, DO
 4 HEREBY CERTIFY that on April 18, 2013, the proceedings
 5 in the above captioned matter were taken before me,
 6 that I did report in stenographic shorthand the
 7 proceedings set forth herein, and the foregoing pages
 8 are a true and correct transcription to the best of my
 9 ability.
 10 I FURTHER CERTIFY that I am neither employed
 11 by nor related to nor contracted with (unless excepted
 12 by the rules) any of the parties or attorneys in this
 13 case, and that I have no interest whatsoever in the
 14 final disposition of these proceedings.
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 25 (6576K) JAW

A

aaron 3:13 18:1,4 133:24 134:19	act 21:21 53:24 54:1 66:24 84:13 100:8,15 133:2	affect 65:4
abeyance 58:1	acted 68:6	affiliation 6:22,25
ability 95:14 111:3 149:25 155:22 173:9	acting 151:18	affirmative 148:9
able 6:17 9:12 31:20,25 33:1 55:19 79:15 80:16 85:22 93:7 113:4,16 116:4 121:16 132:1 149:8,18 151:19,21 155:24 156:10 161:22 162:2 169:15	action 5:18 23:10,13 37:23 53:22 77:17 78:24 79:13 80:15 83:3 85:4 105:21 108:4 129:1 134:3 143:15	afternoon 40:2 41:8 132:7
absolutely 9:15 12:7 27:9,9 32:4 34:4 36:12 58:17 63:20 86:20 160:11	actions 20:12,20 23:7 88:3 115:8 148:11	ag 126:25 127:8,10
abuse 153:14 160:2	activities 73:5 152:12	agencies 10:7 11:6 12:1 26:17 154:18 161:24 162:7
academic 10:14	activity 41:23 101:24 102:1,22 103:5 104:18,21,22 106:23	agency 12:8 19:24 26:20 37:4 87:24 127:2
academies 9:3 10:16 152:16 153:3 154:13,19 155:7 157:7 162:23 162:24,25 163:2	actual 8:14 124:9	agenda 3:1,5 4:1 5:1 8:3 14:8,9,11 14:15,19,20 15:8,9 55:24 130:13 146:14,20,22 147:1,13 148:10 164:12 166:6 167:5 171:2,6
academy 1:7 6:2,14 7:24 9:4,5,9 9:25 10:3,5,6,16,17 11:1,2,3,20 13:6 15:1 20:8,19 79:8,25 80:7 80:17,21 92:16,18 93:3,21 112:11,22,23 113:22,24 114:18 115:2,17 116:18,19 119:14,16 123:1 152:13,18,24,25 153:1 154:1,10,11 155:4,7,9,12,15 156:7,8,8 157:13 159:1,2,4,19 159:24 160:12,13 161:17,21,22 162:19,19,24 163:11 164:2 167:11 171:7	acumen 93:18	aggressively 158:15
accelerator 11:24	add 52:7 68:9 83:15 140:11 142:9 157:8	ago 9:25 36:15 47:15 56:8 68:3 95:8 108:1 116:22 119:18 160:6
accept 14:5 15:22 18:21 23:18 76:18 79:14 89:25 133:20 134:5 136:21 137:16 138:4,19,19,21 138:25 139:14 141:13 172:2	added 10:4 14:17 155:9	agree 16:4 130:21,25 133:18 135:8 168:13 169:1
acceptable 145:16	adding 14:23	agreeable 170:20
acceptance 134:14 138:5	addition 17:6 95:23	agreed 11:2 39:23 51:7 53:1 54:17 63:21 131:6
accepted 19:10,23 25:21 37:3 95:5 138:14 143:16	additional 58:9 106:2 126:17 148:23	agreement 130:23
accepting 112:3 138:15,16	address 16:15,24 56:6 64:23 66:3 66:3,4,6 98:14 109:17 112:7 125:13,20	agrees 146:4
access 36:9 61:7 107:21,25	adjourned 172:12	ags 126:18 127:25
accurate 99:15 103:1	adjournment 5:23 171:25 172:3,4 172:8	aguilar 3:20 50:7,9,11,13,18,19 51:22 52:7,16,18,25 53:14 54:10 54:13,16 55:6,6,7,11,14,18 144:15,18,20
accurately 132:2	adjudicated 21:10 23:25 29:21	ahead 26:21 27:24 80:12 93:24 114:8 137:15 141:12
accused 34:2	admin 57:18	ahold 45:7 107:4
achieve 10:12,14 97:10	administrative 15:1 24:10 60:24 62:22 72:5 95:3 106:3 128:4	ahrensfield 4:13 90:23 91:8 137:5 137:25
achieving 110:21	administrator 77:9 80:20	aid 40:15 120:3
acknowledged 92:10	admit 78:16	airport 97:4 104:1
acknowledgment 92:12	admitted 46:20 78:21 118:9,10	alamogordo 128:11 162:2
	adopt 19:18 161:1	albuquerque 1:24 7:7 19:25 20:8 20:16 22:14,15 56:22 95:2 96:24 96:25 97:1 161:25 168:20,22 171:21
	adopted 130:17 159:23	alcohol 21:6 24:4 40:6 44:10
	adult 119:23	alderete 46:12
	advanced 10:6 79:7 80:2,9 153:10	alfonso 3:25 70:16,22,25 71:1 134:2
	advantage 11:10	allay 97:22
	advice 146:17 163:25	allegation 52:14 53:12 81:23 82:2 128:12
	advise 151:24	
	advised 54:19 77:20 80:21 81:1 129:21	
	advising 52:8 53:3	
	affair 38:8,24 39:14 128:13	
	affairs 34:1 46:12 52:14 57:17 61:1,3,10 124:15	

<p>allegations 24:22 25:7,9 26:4 46:13,19 85:19,21 96:12,16</p> <p>alleged 85:15 87:4,13</p> <p>allow 10:14</p> <p>allowed 57:25</p> <p>allowing 8:22 38:17 97:20 153:17</p> <p>allows 29:5 31:2</p> <p>alludes 108:9</p> <p>alternative 145:16</p> <p>ambien 40:14 41:3</p> <p>amen 169:9</p> <p>amend 143:25 146:22</p> <p>amended 15:9 142:23</p> <p>amount 41:12 158:7</p> <p>ana 7:22 46:23</p> <p>andres 3:16 22:25 23:3 133:25 134:15</p> <p>anger 51:14 53:1 67:1 68:22,23,24 99:2</p> <p>angie 9:9,12 13:11 157:9 169:5 172:11</p> <p>angry 67:1</p> <p>announce 133:5 158:5</p> <p>answer 26:7 80:6 83:17 85:2 88:6</p> <p>anticipation 138:3</p> <p>antidepressants 40:15</p> <p>anybody 19:1,5 23:23 24:12 27:11 46:4,16 55:5 64:13 74:12 83:21 85:12 86:21 90:20 91:5 128:18 164:13</p> <p>anymore 38:10</p> <p>anyway 115:22 117:7,15 118:3</p> <p>anyways 118:15</p> <p>apache 112:12</p> <p>apaches 112:17</p> <p>apart 67:5</p> <p>apartment 39:2,4</p> <p>apd 73:14 107:4 153:1</p> <p>apologies 20:7</p> <p>apologize 43:5 50:14 76:12 79:11 99:25 124:10</p> <p>apparently 94:5 115:1 118:5</p> <p>appeal 140:25</p> <p>appear 50:11 59:25 60:9 83:15</p> <p>appeared 113:23</p> <p>appearing 24:13 55:21 82:23 90:3 90:8 94:2 109:9 111:15 123:25 128:19</p>	<p>application 81:22 82:1 113:14,21 114:23 115:6 119:10</p> <p>applications 95:18 154:18</p> <p>applied 95:8 113:18</p> <p>apply 90:15,16</p> <p>applying 26:17</p> <p>appreciate 45:5 163:4</p> <p>appreciated 14:3</p> <p>appreciation 9:22 169:6</p> <p>appreciative 12:11,13</p> <p>approach 98:9 117:7</p> <p>approaches 11:14</p> <p>appropriate 6:5 13:17,20 129:12 133:2 146:3 147:24</p> <p>appropriately 25:3</p> <p>appropriateness 151:5</p> <p>approval 3:5,6 14:8,10 15:9,17,18 35:2 167:13,22</p> <p>approve 18:19 75:25 150:3 166:10 167:17</p> <p>approved 90:9 113:22 166:17</p> <p>approximately 40:24 78:8 98:6 99:10 112:18</p> <p>april 1:9 33:11 61:13,15 153:11 173:4</p> <p>area 34:6 56:17 71:24 104:1</p> <p>arguing 42:7 65:6,15</p> <p>argument 42:8</p> <p>arkansas 86:23</p> <p>arm 152:18</p> <p>arose 25:4</p> <p>arrange 145:12</p> <p>arrangements 130:5</p> <p>arrest 44:22 56:18 103:20</p> <p>arrested 19:11 21:2 56:20,23 118:3</p> <p>arresting 56:12</p> <p>arrests 56:16 95:16 96:22 97:3,5,6 97:17,19</p> <p>arriba 112:18 114:11 122:11,19 123:7</p> <p>arrived 43:6</p> <p>artesia 66:5 81:13 82:4 85:20 86:11 120:24</p> <p>asked 26:8 36:14,17 41:19 43:13 43:23 44:3,9 56:25 63:19 64:3,7 65:7 66:17 67:24 71:14 73:23 78:3,12,14 80:24 104:11 107:6</p>	<p>108:13 114:1 115:10 116:5 117:16 120:4 126:18 128:1 129:8</p> <p>asking 19:18 44:17 67:6 76:4 90:9 100:25 125:17 128:8 130:21</p> <p>assault 46:4</p> <p>asshole 65:19,20 66:22 68:2</p> <p>assigned 8:16 35:20 79:3</p> <p>assignment 60:24</p> <p>assist 95:15 162:1 163:1</p> <p>assistant 15:1 115:23 154:3 156:19 164:1 169:14 171:8</p> <p>assisted 33:9</p> <p>associated 31:10</p> <p>associates 1:22 10:12 110:22 173:22</p> <p>association 11:5</p> <p>assume 79:24 88:16 122:15</p> <p>assuming 48:7</p> <p>assure 20:20</p> <p>attached 160:11 167:15</p> <p>attachments 5:24</p> <p>attack 6:10</p> <p>attempt 32:23</p> <p>attend 6:18 24:5 81:2 86:24 112:9 113:17,22 123:10 141:13 144:1</p> <p>attended 13:23 120:24 153:18</p> <p>attention 132:10</p> <p>attorney 50:21 96:5 124:13 126:6 127:5 167:23</p> <p>attorneys 7:5 28:19 49:5 100:6 173:12</p> <p>attributed 101:21</p> <p>atv 43:25</p> <p>audience 9:17 152:10</p> <p>august 9:17 13:12 26:14 65:1 71:9 114:2,9</p> <p>aunts 86:24</p> <p>authorization 30:5 32:22 167:9</p> <p>automatically 77:11 105:22</p> <p>available 33:7 35:18 55:15 79:10 80:6,11,25,25 107:15,15,20 171:12</p> <p>aviation 94:24 95:2 96:25 106:13</p> <p>avoiding 163:13</p> <p>awakened 41:18</p> <p>award 119:16</p> <p>aware 32:6 33:24 34:1 59:23</p>
---	---	---

60:11 67:19 80:6 104:6

awhile 13:14

ayala 14:20

aye 135:3 136:23 139:6 140:2

142:5 144:11 151:9 152:3

165:25 166:21 168:10 172:8

eyes 135:6 137:1,24 139:8 140:4

141:6,22 142:8 143:2 144:13

145:6 166:2,24 172:10

B

baby 100:6

bachelors 110:25

back 12:23 13:13 14:9 28:3,5,5

29:2,21 30:2,11,22 33:21,22,23

33:25 34:19,25 39:9,20 41:13

43:1,1,4 45:12,12 56:1 58:20

60:3 65:7 71:2,22 82:12,13 92:5

93:3 96:14 97:14,21 101:7

103:24 104:7 106:22 107:8

109:1 112:19 114:6,6,12,13,15

114:16 115:17,24 117:9 119:11

121:17 122:12 127:25 128:10,14

132:17,19,23 142:10 146:14,24

147:12 152:8 164:17 170:24,24

171:10,10,22

background 17:4,6 96:7 115:19

124:8,17 148:12 149:5,11

backlog 5:18 128:25 129:5 148:11

148:14,18

backside 28:9

bad 73:25 97:11 98:25

badge 57:20,22 63:1 74:22 109:20

109:21

bar 12:3

barbecue 39:20

barde 4:14 90:24 91:8 137:6

barely 41:21

barncastle 2:8 7:4,4 15:11,12

30:12,14 31:3,15,18 32:6 47:22

47:25 48:6,12,17,21 49:4,7

59:10,11,16 60:20 67:14,15,16

67:18 68:8 93:10,11 107:13,21

107:24 108:8,16 121:6 122:5

126:15 127:17,21 131:1,2 133:8

133:8 138:6,8,21,25 142:3,4

143:23 144:5 147:7 150:14

151:4

based 24:19 86:4 88:13 96:11

149:19,19 160:5

basic 10:17 153:7,21 154:19

155:22

basically 17:8 37:18 61:13 71:23

86:14 87:21 112:8 113:9 116:8

162:12

basis 58:21 97:9

baton 11:15 71:18 75:3

bean 1:22 173:22

beard 104:12

beasley 3:7 16:16,19,22,22,24

17:1,8,11 19:6 64:16,17,18,19

64:21,21,22,25 67:8,10,12,12,17

67:20 68:10,11,14 69:10,16,20

69:23,25 70:10,12,13,14 133:23

beat 108:19

beautiful 13:4

becoming 119:23

bed 40:25 41:6,16 43:3,13,14

45:18

bedroom 41:13 42:25

beers 40:4,5 44:11

begged 39:20

beginning 19:23

behalf 9:16 14:6 19:9 64:16 94:20

96:6

behave 67:3

behavior 20:21 65:4 99:4

behold 113:24

believe 44:19,24 53:20,21 54:3

61:2,3,14 63:14 64:5 65:25

76:19 93:17 104:4 105:18 112:1

116:10,24 118:12 119:16,20

120:4 121:22 125:3 129:19

142:21 147:25 150:17 157:1

164:24

believer 67:21

believing 85:25

belt 41:15 42:14

ben 109:19

bernalillo 61:18 97:1

best 33:17 51:8 99:3 110:20

132:13,16 148:16 149:20 173:8

better 18:17 57:1 120:6 151:19

155:5,18 168:23 170:16

betz 2:6 7:21,21 27:11,12 29:9

47:2,4 81:6,7,11 93:7 120:15,19

120:22,24 121:3,4 131:7,8

133:14,14 136:5,6,18,21 137:15

141:11 148:7 150:23 151:1

172:6

biennium 10:8

big 73:25 77:19 104:12 163:3

168:22

bigger 168:23

bills 160:9

bit 58:20 97:16 99:22 103:24

104:7 111:23 113:12 147:14

170:15

black 93:1

blanket 45:17

bleed 92:25

blessed 161:21

blew 45:3

blocking 71:11

blood 21:6

blue 100:3

board 1:8 2:4 5:18,20,21 6:2,14

7:3 8:4,23 9:14,23 10:24 11:1

12:14 13:9,17,18,19,24 14:2,6

16:8,10,25 18:12,25 19:1,5,9,21

20:19,25 21:19 22:5,12,16,18

23:12,22 24:11,16 26:7 29:10

32:9 33:8 38:11 46:25 47:1,7

49:20 50:3,12 51:6,23 53:21,22

54:5 56:6 58:8,12 61:22 63:18

64:11,24 67:11 69:11 75:9 76:11

79:11,19 81:5 83:16 84:24 85:2

85:5 89:25 92:14 94:10,18 95:25

96:8 97:9,20,23 98:1 101:1,4,17

105:2,3 106:8 107:12,16 109:17

109:19 111:10,14,14,17,22

116:18 120:11,14 121:5 123:24

124:11,23 125:14 126:2,6,12,13

126:16,24 127:3,7,22,23,24

128:5,6,8,18,23,25 129:2,14

130:2,10 131:20 132:9,13

133:15,20 136:12 143:4 146:4

147:19 148:8,11,13,20,21,22

149:7,9,14 150:3,12 151:18

152:10,13 154:5 156:2,4,10,25

157:1,14,22 158:12,25 159:18

159:23,23 160:7,12,25 161:10

163:9 166:18 167:17 168:14,15

168:21 169:3,25 170:13,16,19

boards 90:12 101:20 108:1 151:17
bode 157:8 163:12
bone 42:13
book 109:2
booked 27:24 30:25 35:18 36:3
 57:4
borrowed 43:25
boss 104:11
boston 6:5
bottle 33:18
bottom 102:4
box 104:5
bradley 4:13 90:23 91:7 137:5,25
brain 158:23
brains 158:18
brandon 4:18 90:25 91:10 137:8
break 55:13 84:15,20 91:21 92:2,4
 92:7 146:13,17,18,18,22 147:3,6
breaks 37:12 51:20
breath 45:3
bribe 125:9
brief 42:15
briefly 19:9 46:6,8
bring 12:2,22 82:7 86:13 115:12
 125:4 128:12 155:16,16
bringing 55:22 111:23
brings 120:12
broad 116:23 117:4,6
broken 35:13,25 118:2
brother 40:3
brothers 99:21
brought 62:3 82:12 107:18 125:4
 159:23
building 33:15 36:8
burden 171:3
burge 4:9 89:13,16 90:1,2,4,6
 136:15
burglary 35:12,16 118:16,21,22
 121:7
burned 86:5
business 6:3 154:12,13 157:13
busy 115:19
butt 74:25
byrd 9:9,14 11:15,25 13:5,15
 37:13 50:2 157:9 163:12

C

cadet 155:18,22

cadets 10:9 153:1,2 155:6,16,16
 163:18,22
caleb 3:21 50:7,10 55:22 133:25
calendar 81:1
call 3:3,4 6:1,1,4,19,20,24 8:14
 16:12 40:11 50:17 64:1,2,8
 65:20 66:22 80:9 86:25 87:7
 92:5 93:19 127:23 130:21,22,24
 132:25 147:12 161:14
called 39:8 41:8 68:1 70:18 87:6
 87:10 102:17,21 127:25 135:9
calling 131:24
calls 22:10 41:24 87:12
campus 9:7,8
cant 48:4 53:9 88:6 103:25 104:4
 107:9 108:25 121:24
capable 129:13 159:9
capacity 20:2 21:14 79:16 96:21
 100:4
captain 10:1 44:3
captioned 173:5
car 35:14 62:12 71:17,17,20,25
 74:18,19 75:3 87:5 88:20
cards 125:11
care 60:15,16,17,19 73:17 99:7
 114:5,9 115:2 146:7
cared 99:19
career 23:9 98:3 100:20 112:17
 149:15,20 159:18
careers 12:6,7
careless 21:21,21,23
carlos 4:8 89:10,12 135:19,22
carlsbad 7:2 79:23 82:19
carried 15:16 66:14
carries 56:15 147:10 148:9 151:12
 152:5
carry 166:2
cars 74:11
case 4:4 5:24 17:4 19:22 21:10
 24:22,23,25 27:18 28:1,21 29:20
 29:20,23,24 30:8 32:1,7,14,16
 32:18,18 33:3 34:24 36:19,21
 37:17,23 68:15 78:19 82:25 83:5
 83:16 102:2 112:2 113:3 115:12
 125:1,18 129:13,18,20 130:1,3,4
 134:4,16 139:14,18,19,20,22,23
 140:22 141:24 173:13
cases 5:20,20 25:1,2 28:25 35:8,10

35:13 36:1 82:2 83:3 97:19
 125:16 129:2,3,6 130:5,6,14
 133:17,19,22 139:17 145:20,25
 147:15,19 148:14 171:2,4
cason 120:4
catchup 159:25
cause 37:2 160:22
caused 25:15
caution 75:23 76:5,18 79:15
 124:20
cautionary 70:18,19
ccr 1:22 173:3,23
cd 35:25
cds 24:25 27:14,15 30:10 35:8,10
cell 24:23 30:2,2,10 32:13,16,25
 34:3,6,11 87:8,12
cellular 33:9
center 46:23 56:21 57:3 120:25
central 63:14
cert 10:15 113:23 123:20 152:22
 152:24 153:4,6 154:19 165:4
certain 37:7 70:1 158:7
certainly 12:1 146:2 158:6
certificate 115:7 173:1
certification 10:5 53:22 112:10
 113:4,14,17,18 116:7,19 122:16
 122:23 123:10,21 139:24 141:14
 165:10,11,11,12,13 166:12,13,14
certifications 5:14,15 146:12
 164:19,22,25 165:19 166:4,7,11
 166:16
certified 12:8 97:10,21 116:18
 123:2 144:23
certify 173:4,10
cetera 99:1
chair 6:14 7:13 19:9 22:5 53:19
 61:17 93:22 96:8 102:4 125:23
 126:15 127:9,14 129:11 130:9
 134:11 143:14 145:10 146:5
 156:2 157:23 159:14 164:23
 166:9 168:3,17 170:14
chairman 2:5 6:15 10:23 15:21
 18:12 27:1 30:12 47:22 49:8
 51:24 53:5 59:11 61:24 69:12
 75:22 76:10 79:21 82:24 83:23
 85:1,7 89:4,24 106:10 108:18
 109:18 111:10,16,21 124:11
 130:15 136:2 139:13 140:9,24

141:11 142:9 143:5,23 144:16
154:5 167:19
challenge 153:4
challenged 153:6
chambers 91:19
championship 39:16
chance 111:11
change 155:14 157:12
changed 154:10 155:8,14
changes 14:14 110:20 156:6
157:25 158:1,3,16,22
changing 155:3
character 20:21 113:8,12
charge 28:20 39:19 118:22
charged 109:4
charges 24:1 28:23 44:23 46:5
47:10,17 49:11 75:6 86:17 87:15
charging 121:7
chaves 7:10
check 29:16 34:15 47:11 50:15
80:7
checked 32:20 79:24
checkpoints 110:11
checks 59:20
chief 7:7,16,21 26:25 27:11 46:15
46:15 48:25 49:2 52:1 53:2,5,19
60:22 61:16 81:6,21 83:24 84:10
89:3 92:7,11,20,23 94:23 95:2
96:10,14,18 101:5 114:14 121:4
131:3,7,9 134:19,20,20 135:21
135:22,23,24 136:6,21 137:12
137:13 141:19 142:23 144:24
148:7,7 150:14 151:3 156:17
159:12 161:6 166:24 167:20
168:20,22 170:25
chiefs 7:8 104:5 123:24 154:14
child 66:19 160:2
children 68:19 69:7
chill 74:25
choice 111:2
choose 16:10
chrissie 5:9 109:11,13,15 140:23
christina 3:22 14:17 55:25 56:2,2
56:3 134:1,21
christopher 4:19 90:25 91:10
137:8
chronology 50:22 51:20
circumstances 139:20 150:1

citation 60:7,11,19
citizen 7:2,13
citizens 79:16 109:23
city 39:16 46:21 82:12 86:11 88:7
88:7,25 95:7
civil 39:21 82:1
civilian 73:19
claim 108:11
claims 52:8
clarification 164:24
class 79:4,9,25 80:4,11 81:1,3
114:2 152:22,24 153:7 161:18
classes 68:23 100:12 157:5
cleaned 160:16
clerk 28:10 33:14,20
client 102:14
close 97:15 109:21 112:16
closed 37:4 91:19 94:9,13 98:12
112:4 124:3 127:19 128:21,24
129:7 131:18 132:4 147:16
closer 80:1 82:19
closest 56:17
closing 95:24 159:15
clothed 103:10,18
clothes 73:9
cloud 122:4
clue 160:11
coate 3:21 50:7,10 55:22 133:25
codes 116:1
collapsed 99:1
collected 24:23,24,25
college 1:10 9:1,7 10:2,3,9,21
12:18 13:10 98:24 110:24 157:9
157:10 169:6
colored 109:20
combined 125:16
come 11:9,19,20 16:7,23 30:21
39:20 44:22 59:25 64:13,20
65:12 66:15 77:23 93:3,3 97:14
114:15 117:20 128:1 145:15
146:14 162:1
comes 8:5 44:12 99:3
comfort 99:5
comfortable 156:13
coming 13:13 17:12 19:2 38:13
39:18 50:12 55:6 64:11 74:11
76:8 78:5 80:5 82:22 111:15
128:18

commander 35:1 70:1
commendation 98:7
comment 93:10 158:8 159:13
163:10 164:13 169:4
commenting 94:11
comments 5:13,21 159:15 160:5
163:8 164:11,13 168:14,16
169:3
committed 74:21 97:8 110:6
132:13
committee 149:7 150:3 151:5,13
151:21 167:14,22,24
common 30:15 65:16
communicating 58:25
communication 32:17 34:22
community 9:1 12:24 27:24 66:12
67:4 99:20,24 101:2 110:6,15
113:9,10,12 117:14 128:10
149:17,21 157:9,10
company 30:6
compared 171:6
compelled 95:3
complainant 94:25
complaint 36:1,4 57:10 61:3,11
complete 47:17 48:8 49:14 80:15
142:22
completed 22:6,9,21 113:13
144:22
completely 51:3
compliance 80:14
compliment 14:5
complimentary 163:25
complying 31:14
composed 137:3
computer 52:11,11 107:3
concerns 97:22
conclude 146:3
concluded 148:20
concludes 143:3 145:6
conclusion 57:24 109:3 145:14,23
172:2
conditional 48:2
conductive 155:5
conduct 10:8 20:9 52:3 97:12
conducted 48:14 81:21 110:10
124:14,15 127:2 149:2,3
conducts 95:19
confidence 161:13

confidential 88:1
conflict 54:20
confrontation 71:10
confrontations 75:11
congratulate 13:4,9
conjunction 28:18 52:15
consecutively 79:6
consequence 67:7
consequences 22:21 66:2
consider 20:3 22:18 79:14 97:20
 156:3,23 157:2 170:22
considerably 80:23 82:20 153:17
consideration 23:14
considered 29:25 30:23 77:10,17
 78:21 80:12 84:20 138:14
conspiracy 118:17
constitution 100:19
consultation 51:15
consume 40:6
consumed 44:9
contact 32:23 33:1,2 34:17 35:4
 36:7 54:23 57:5 60:17 107:5
 149:9
contacted 27:20 94:18 95:12
contain 112:22
contains 108:3,4
contemplated 105:21 108:4
context 124:22
continue 6:23 12:14 47:18 79:15
 110:2 116:4 125:20
continued 4:1 5:1 59:6 95:6
continuing 24:7 110:23
continuity 124:23
contracted 173:11
contrary 36:3
contributing 118:17
control 39:10 68:24 154:20
conversations 86:20 87:25
converted 30:4
convicted 21:4 115:4 118:15
conviction 28:2 95:21 97:7
convictions 28:25
cool 68:22
coon 2:5 4:15 7:9,9 15:21,23 21:1
 21:4,6,8,10,13,17 23:20,24 26:8
 26:11 37:17,20,23 38:2 54:7,8
 54:11,14 55:2 58:13,14,15,18
 59:9 61:17,20 75:21,22 76:2,6

85:7,8,9 90:24 91:9,24,25 92:21
 92:22,24 93:20 108:17,18 109:6
 125:10 131:5,6 133:10,10 134:9
 134:10 136:20,22 137:6 139:4,5
 140:15,16,24 143:20 145:1,2
 147:22,23 150:5,6,14 151:3
 152:1,2 164:4,6 166:19 168:3,4
 168:5,17,18,19 172:7
cooperated 26:19
cop 100:6
copies 25:25 48:13,22 49:5 55:11
 115:23
cops 74:25
copulation 84:14
copy 29:4 108:5 125:4,4
corner 11:5
correct 17:9 65:10 68:17 70:10
 84:5 90:11,12 102:24 105:25
 126:11 127:11,13,20 144:6
 145:21 150:19 157:24 162:11
 167:8,25 168:1 173:8
corrections 100:21 106:17
correctly 34:5 55:23 159:8
correlated 53:11
cost 148:25
couldnt 9:20 26:23 40:25 41:6,12
 44:24 94:19 115:22 118:13
 121:23 123:18 158:5
council 82:12 88:25
counsel 52:3 53:17,18 94:3
counseling 24:6 47:12,18,18 48:8
 49:15
counter 33:17
counts 118:16
county 7:10 10:24 27:2,5 61:18
 73:12 76:22 77:8,14 80:19 81:9
 97:2 109:23,24 110:7 112:18
 114:12 116:24 117:23 122:11
couple 8:1 32:10 40:4 43:22 44:10
 47:15 56:22 62:17 71:21 73:13
 74:6 87:6,15 106:20 115:25
 155:8 156:1 160:6
course 6:8 31:19 39:19 59:1 60:10
 65:18 66:18 80:13,16,22 102:15
 141:14 144:2 153:19,22 170:1
courses 80:18 153:11
court 1:23 21:11 22:9,22 23:24
 28:15 60:10,17 118:5,9,12

courtesy 9:2
courts 111:9 115:10 118:20
cousins 87:17
cover 170:19
covering 44:20
cowboys 40:3
coworker 26:16
crash 44:4
created 161:2
creating 80:21
credit 10:9 121:15 152:19
crespin 5:3 91:15 138:17
crime 30:1 33:5
crimes 28:20
criminal 28:25 31:5 32:17 59:20
 62:8 110:22,25
crossed 73:22,22
crown 41:11
cruces 7:19 8:5,8,11 13:19 23:21
 152:25
crux 72:9
crying 42:20
culdesac 74:3
cull 149:10
curious 53:10 104:10
current 81:21 148:15 149:23
currently 8:18 10:15 20:1 72:25
 79:7 96:17 111:1 112:11 148:13
curriculum 14:1
custody 33:21 63:15 87:18
cut 42:13 86:9 92:25

D

da 47:16
dad 65:23 66:22 67:25 68:1
daily 58:21 97:9
damaged 70:8
damato 19:8,14,15 22:5,24 89:17
 89:19,21,24 90:5,7,11,15,18,19
 90:20,21 94:3,15 96:7 102:3,10
 102:15 105:6,9,14,18,25 106:2,6
 109:8
daniel 4:9,14,16 89:13,15 90:1,24
 90:24 91:8,9 136:15 137:6,7
database 59:13,20 60:12 129:19
date 23:8,15 115:16 140:13
dated 105:11
dating 62:6

daughter 40:10,22 42:5,10,11
 43:4 46:7 65:14 66:21 67:9
 69:18 72:23,24 73:2,7,13 87:5
 87:17
daughters 42:25 71:10 73:14
day 11:16,18 25:22 38:22 40:16
 40:18 41:9 44:11 50:24 53:1,2
 55:1 69:21,24,25 74:4 75:19
 76:23 104:6 106:24 115:22
 117:2 127:6
daylight 116:23 117:5,6
days 32:24 33:10 57:4 58:1,1 64:1
 64:6 66:23 67:6 74:6 77:7,14
 115:25 121:18 170:19,24 171:5
 171:9,10
deadlines 171:15
deal 52:3 77:19 94:10
dealing 41:24 171:7
dean 9:17
death 9:21 98:25 167:25
debating 93:16
debriefed 87:19
decades 8:7
december 38:22 48:9 96:10
 105:11
decent 121:23
decide 110:15 156:20 158:13
decided 38:9 40:9,17 110:16
 114:12 119:13
deciding 94:9
decision 26:14 89:11 106:24 108:5
 115:13 128:9 140:22 141:9,13
 142:16
decisions 94:12 111:5 121:13
 149:18 151:18,19
dedicated 97:7
default 91:3 96:9 102:5 105:10,14
 105:22,23 108:6 137:2,16 138:1
 138:4
defenders 95:9 96:18 100:5
 106:19
defense 100:6
defensive 77:24 153:14,19,21
defer 170:4
definitely 76:13
degree 10:12
deliberate 131:21
deliberations 14:4

delight 154:3
delighted 9:11 93:20 164:1
delinquency 118:18
demonstrated 149:24
denial 140:22 141:9,13
denied 116:1 120:16 121:17
dennis 4:23 91:1,12 137:10
denny 3:12 17:14,16 133:24
denying 116:9
department 7:7,19 8:11 9:2,25
 13:20 19:25 20:9,17 21:16 25:3
 25:11,12,15,16 26:14,23 27:3,5
 29:3 30:5,6,10,15 37:2 38:4,7
 52:22 54:9 57:10,20 58:5 66:3
 67:22 76:17,17,22 78:8,22,25
 79:8,11 80:9,14 81:10,14 82:19
 85:20 87:11 88:5 95:2,16,20,24
 97:1,1,2 109:25 110:1,7 112:12
 112:13,14 127:25 128:15 156:17
 161:25
departments 87:8 97:5 154:14
 155:19,20
deputy 56:9,14 72:3 75:15 92:15
 93:21 110:5,15,17 111:2 153:24
 154:9 160:5,14 163:5
derouen 4:16 90:24 91:9 137:7
description 152:11
deserve 46:9 48:11 132:10
desire 16:11
desires 151:17
desk 34:14,23 70:9
destroying 125:16
detective 7:19 8:11,13,14,19 30:21
 33:4,5,6 35:21 73:7,9
detectives 30:20 33:16
determination 124:12 167:24
determine 126:25 127:7
determined 87:24 101:25 102:23
 105:4 127:3
developed 66:5,7
devotion 93:19
dialed 42:17
didnt 21:23 26:22 27:25 31:9,11
 39:14 40:6,18 42:2 44:7 45:4,16
 46:4 60:10 64:8 65:8 68:6,14
 70:2,4 71:22 72:2 73:23,23,24
 74:8 77:3,5,12 82:6,7 86:9,13
 87:12 99:6 103:18 104:12

115:14,14,15 119:1 128:2,4
 135:1 143:12 150:16
died 167:16
difference 77:4 110:17
different 11:11,11 25:1 44:23
 45:10 74:9 113:11,11 116:16
 126:8 129:7
dignity 111:5
diploma 110:22 121:23
directed 114:25
direction 124:11 126:25 156:13
 171:8,13
director 9:9 11:15,25 13:5 19:17
 37:13 46:1 48:12 50:2 55:16
 67:24 76:19 80:8 83:15 92:16
 93:21 105:11 107:25 111:10,17
 115:12 124:6 133:18,21 134:6
 135:8,11 136:4 138:2 142:1,12
 142:13,19 144:19 145:9,18
 146:7,15 147:18 153:24 154:3,8
 156:19 157:10 160:14 161:14
 163:6,11,12 164:1,9 165:2 167:6
 167:21 168:13 169:13,14 171:8
 171:12
directors 5:12 24:18 108:14
 119:15 134:14 140:21 141:9,13
 143:21,24 144:9,17 146:13,19
 152:7,9 153:23 154:9 160:5
discharge 48:2 81:15,16,19
discharged 81:14
disciplinary 14:1 16:5 23:13
 52:10 64:14 77:16 78:24 80:15
 171:2
discipline 58:5,6 66:19 68:19 69:7
 93:24 95:5 139:15
disciplined 44:5
discrepancy 114:23
discuss 70:2,4 91:19 129:22
 130:12 145:15 151:21
discussed 132:22 138:1 169:14,24
discussing 127:18 129:14
discussions 135:12
dishonesty 26:4
dismissed 47:11 49:14,18,18
dismissing 47:16 118:20
dispatch 42:19,21 107:2,4
dispatcher 107:7,8
displayed 20:9

dispose 125:17
disposition 173:14
disprove 85:22
disrespectful 65:15,22 68:5
distributed 97:15
district 7:5 28:19 49:4
divasto 54:18,18,25
diversion 48:1
divide 161:22
division 167:10
divorce 59:8
divorced 57:13
divulged 88:1
docket 90:2
doctor 54:14 78:1,1
document 55:22 121:7
documentation 82:6,7 108:9
documented 79:1
documents 37:7,10 48:3 49:1
 62:18 107:14 110:10 112:22
 113:5 115:24 121:12
doesnt 53:23 65:24 66:24,24
 78:17 108:15 126:22 146:16
dog 39:2
doing 28:13 29:7 46:18,20 47:14
 90:14 112:23 117:5 118:10
 129:9 132:13 133:22 149:20
 155:17 156:4 157:12 159:4
 163:19,20 169:2
domestic 99:4 153:13
dont 15:5 17:2,7 34:8 36:6,7,8
 41:11,20 43:19 46:9 48:3,10,17
 49:16 50:15 51:4,12 65:8,20
 66:15,22 68:22 69:8,8 74:9
 83:14 88:7,11,18,23 92:13 96:4
 100:21,22 101:9,19 104:20
 105:18 107:17,18 108:22 115:16
 115:20 117:13 118:11 119:16
 121:18 124:8 128:15 129:18
 132:1 147:2 149:14 159:8,17
 169:4 171:1
door 43:21 44:20 70:8 71:24 75:2
 103:6,8,9 117:9,10 168:20
doors 10:2
dormant 37:18
double 71:11 74:7
downstairs 103:20 104:9
downtown 56:22 63:8

dozen 30:2
dps 92:15 167:5,9 168:6
dr 9:16,17,20,24 10:2,22 11:12,13
 54:13,18,18,19,23,25 55:19
dramatically 22:16
drank 41:6 44:10
dream 111:12
drew 72:8
drills 155:11
drink 41:10
drinking 40:4,16
driver 60:7
drivers 62:4
driving 21:21 60:5 63:6,10,11
 80:3 86:23 87:11
drop 76:4
dropped 42:18,22
drove 12:12
drug 87:15
drugs 24:4
drunk 45:4
due 54:13
dues 115:9
dumb 119:21
duplicating 159:20
duplication 159:5 160:3,17
 163:13
duration 29:20
duties 52:23 53:7
dutiful 110:5
duty 21:8,8,9 42:14 43:24 52:4,8
 52:15,23 53:4,4,25 54:3 56:8
 59:7 61:6 65:13 69:21 71:13
 73:19 77:12 78:6 84:1 87:3
 99:10 100:14 144:22
dvds 24:24 25:18 27:15,17,22
 28:16 29:12 30:7 32:12
dwelling 118:23
dwi 21:2,4 95:16 96:22 97:3,5
 98:8 110:10

E

eagle 143:19
earlier 26:13 44:11 169:24
earliest 130:4
early 119:7 157:15 158:10 159:17
 161:12 170:2,10
easier 80:3

easy 92:23
eddy 76:22 81:9
educate 160:21
educating 160:7
education 10:11 73:2 110:23
 121:19
effect 103:20 144:21 146:22
 169:20
efficiency 148:21
efficient 133:16 153:18
effort 159:5 160:3,19 162:9 163:3
efforts 159:20
eight 23:16 72:6
eighth 72:20
eighthour 79:4 80:16,23
either 75:19 104:5 108:10 148:18
ejected 43:15
el 40:6
elder 153:14
election 27:6
email 5:25 94:21,25 169:15 170:8
 171:23
embarrassed 27:21 38:18 43:7
 50:20 93:14
embarrassing 20:13 43:10 45:5
embarrassment 76:15
emotional 76:12
employ 37:1
employed 20:2 47:2 61:18 81:7,9
 96:17 109:24 173:10
employees 95:4,20
employment 25:10,12 37:4 38:6
 81:22 88:8 89:1 147:18
en 17:19,20 63:11
encounters 101:19,19
encourage 10:10 135:10 172:2
encouraged 95:10 122:2 163:24
ended 44:2,4,20 56:11 58:1 59:7
 71:18 74:9,10,10
endorse 163:12
ends 74:2,3
energy 21:16
enforcement 1:7 5:14 6:2,6,14
 7:24 9:4 10:13 11:6 12:6 20:2,8
 20:15,19 21:14 23:15 53:24 54:1
 73:15 79:8,17,25 80:17 92:16,18
 93:18 99:20 101:2 111:6,11
 112:15 116:4 120:25 122:14,18

122:22,25 144:2 149:12,15,16
 149:17,20,23,24 152:13,18
 153:25 154:9,11,18 155:4 159:4
 159:22 160:10 161:1,17 162:7
 162:24 163:1 164:20,22,25
 165:19 167:11
engaged 87:25 97:12
engages 41:22
enjoy 131:22
enjoyed 13:24
enjoying 8:25
ensure 156:15
entered 24:3
enthusiasm 163:18
enthusiastic 13:6
entire 26:18 82:6 101:2 107:2
ents 6:7
escalated 65:7 66:17 69:1,2,2,5
escort 101:7,14 103:21,22 104:1
 104:10 107:3
especially 6:8 65:16
established 6:21
estimated 51:4
et 99:1
ethics 79:4,9,24 80:21 144:2
 153:12
evaluation 54:17 95:14
evening 56:11 57:15 60:1 107:1
 108:24
event 60:23
events 6:4 11:20 64:25 66:9
everybody 7:25 8:21 11:16 13:14
 16:8 71:12 72:18 73:11,15 74:5
 74:12 78:18 87:8 103:17 132:8
 170:22
everybodys 170:7
evidence 29:7 31:3 32:21 33:7
 35:12,15,25 125:16,17
evoc 161:20 162:5 163:15
exact 49:16,17
exactly 46:23 88:9 115:16
example 155:9
excel 12:5
excellent 114:16 119:7 161:4
excepted 173:11
exceptions 31:1
exchange 56:25
exchanged 57:2 63:12

exchanging 63:16
excited 8:22 9:15 92:18 163:5,19
exclude 137:4
excuse 23:10,19 25:23 50:14
executed 108:6
executive 82:13 119:15 129:14,23
 130:11 132:5,22,22
exists 108:6
exited 103:12
exlaw 149:23
expect 100:22
expectation 11:21
expectations 151:17,22
expecting 43:12 44:21
experience 8:7 106:14,21 131:22
experienced 110:2
expert 98:9
expertise 11:7
expired 114:4
expires 173:23
explain 20:20 33:18 38:19 42:2
 50:23,24 51:20 88:9 103:3
 114:24 117:25
explained 26:1,13 32:12 100:18
 103:10 114:17
explaining 113:11
expolice 100:20,23
express 20:7
expunged 22:8 49:10
expungement 120:5
expungements 120:10
extend 16:10 169:5
extended 9:22
extension 152:17,20
extenuating 139:20
extreme 139:21
extremely 20:12 57:16 58:8 76:20
eye 143:19

F

face 24:1 39:22 75:6 154:10 155:3
 155:15
facility 9:1,8 13:4 45:2 63:11
fact 12:12 24:9 27:21 36:14 98:18
 101:23 108:9 118:11 138:15
 139:14
factors 24:20
failed 28:11 113:24

failure 59:24 60:9 77:16,21 78:25
 86:14
fair 76:20 123:21
faithful 13:22
falls 154:24
false 46:5 104:18
familiar 96:23
family 9:21 26:24 39:17,22,23
 40:16 65:2,4 66:4,13 67:5 70:3
 79:12 87:25 98:23 110:3 123:16
far 21:21 25:18,24 52:12 57:11
 58:9 60:12,18 88:10,17 116:6
 119:9 128:23 169:19
fashion 31:7
fast 158:3
faster 131:25
father 87:5 98:21
fault 25:21 68:4
favor 15:13,14 16:1,2 91:25 92:1
 135:3,4 136:7,8,10,23,24 137:21
 137:22 138:8,9,11 139:6,7 140:2
 140:3,17,18 141:4,5,20,21 142:5
 142:6,24,25 144:11,12 145:3,4
 147:8,9 148:2,3,5 150:7,8 151:9
 151:10 152:3,4 165:25 166:1,21
 166:22 168:10,11 172:8,9
favorable 144:21
fbi 8:17 86:16,16,18
fe 38:24 40:14 79:9 80:1,3 98:8
 171:21
feared 39:9
february 153:5,20
fed 114:10
federal 87:14,18 119:13
feedback 100:11
feel 20:14 51:2 73:18 116:16
 119:24 149:13,14 156:13
feeling 57:23 159:7 161:10
feels 67:22
fell 41:17
felony 28:22 115:4
felt 26:23 77:2 93:11 103:19
 126:16
female 35:5 56:20,21,24 57:9,15
 59:6,18,19
fiancee 38:23
field 30:23 56:9 73:5 95:15 116:5
fields 11:11

fight 75:23
figure 77:3 133:17
figured 117:4
figures 40:22
filberto 5:7 91:17 138:18
file 51:10 58:3 86:17 107:22,25
 108:2,3,7 115:12,13
filed 49:11,23 57:10 61:4,11
final 12:16,25 13:16 89:11 108:5
 142:16 173:14
finally 42:4 113:13
find 31:20 59:25 60:13 62:8 79:9
 80:17 109:4 116:15
finding 88:5,12,13,15,23
findings 49:3 136:3 138:15 139:14
fine 20:1 84:23 95:23 98:14 106:5
 117:21 119:13 132:24 142:17
 146:10
fingerprints 35:16
finish 10:10 49:15
fire 46:16 123:15 155:9,10 163:15
firearms 76:24,24 161:20 162:5
fired 108:21
firm 67:20 95:21
first 6:3,7 8:3,4 16:18 18:11 22:6
 23:6 24:16 36:14 38:16 45:25
 51:2 52:4 53:11 58:4 64:6 68:12
 71:5 73:2,6 74:6 75:13,19 76:23
 83:13 102:20 112:22 118:25
 140:22 147:13 149:6 150:2
fish 162:8
fishing 117:1
fit 52:4,7,23 53:25 54:3 144:22
fitness 52:15 53:3,4
five 16:10 32:24 40:5 41:7 58:1
 65:24 99:8,10,11 100:2 105:2
 108:1 112:16 145:11 149:3
 150:16
fiveminute 145:8
fivemonth 23:17
flat 68:2
fletc 122:15,22 123:1,21 153:19
flint 3:23 70:15,21 134:1
floor 43:3 93:1
flynn 4:12 90:23 91:7 137:6
fodge 4:3 70:16,23 71:3,3 76:9,10
 79:18,23 80:5 81:7,9,13,16,20
 81:25 82:5,10,18,22,24 134:3

folder 14:18
folks 17:17 91:14 164:16
follow 84:10 86:14 158:2
followed 18:16
following 61:4 110:4 111:6 128:21
 133:23 138:13,14 139:10 152:11
 166:11
followup 78:15 95:19
fons 9:17,20,24 11:12,13
foot 11:23
football 39:15 40:3
force 8:17,18 52:12 65:25 85:16
 100:13
ford 4:17 90:25 91:9 137:7
foregoing 173:7
forgiveness 99:25 101:1
form 96:12,17 147:24
formal 5:18 8:2 14:9 91:18 94:6
 105:17 128:25 129:5 138:12,12
 138:13,14 142:11 143:10,15
 148:10,14
formally 47:25
former 76:17
forth 58:20 166:9 173:7
forthright 19:24
fortunate 93:2,4
forward 71:23 74:19 109:14
found 26:15 34:6 44:4 48:14 57:8
 58:24 99:23
foundation 12:18,18
four 19:20 20:4 41:7 64:6 70:18
 70:19 80:18 83:3 94:6 98:23
 112:14 113:5 116:15 118:16
 122:8 150:17,24 151:2 162:4
fourhour 80:13
fourth 165:5
frame 76:25 157:16
frankly 152:17
freaks 74:23
free 146:2
frequent 104:1
friday 38:22 39:12
friend 93:5,19 116:23,25 117:3,18
 118:1,5,6 123:16 135:20
friends 59:3 87:17 93:15 99:7,12
friendship 95:7
front 14:18 24:17 38:18 65:16
 69:3 71:8,9,10 76:13,16 98:7

100:1 102:5 105:9 108:3 120:11
fuck 71:15,15
fugitive 8:17
fulfilled 111:8
full 20:13 22:20 23:7,10 62:20
 63:3 132:10 171:5
fulltime 110:23
fully 23:18 26:19 95:24 103:10,18
 138:2
fund 39:4
funeral 86:24
further 108:16 173:10
future 156:3 159:10
fuzzy 160:9

G

gained 110:2
gallbladder 99:1
gallegos 115:1,3
game 40:4 162:8
gang 8:18,20
garcia 3:22 14:17 55:25 56:2,2,3
 134:1,21
gary 6:14
garza 3:8 16:16,19 133:24 134:20
gather 38:3 62:20
gear 53:3 56:15
ged 121:22
general 126:7 153:12,13
generally 16:9 97:2
generals 124:13 127:5 167:23
gentleman 8:6 72:13 93:1 103:13
gentlemen 50:19,24 97:25
getting 12:21 15:4 41:16 44:5
 62:20,23 63:3 71:25 76:25
 100:14 128:7
gift 125:11
gifted 73:2
giggling 103:6
girl 87:13
girls 65:5,17 68:21 69:3 103:6,11
 103:21
give 9:19 16:8 17:24 33:19,21
 42:23 43:1 45:9 50:3,22 55:13
 98:11 111:10 125:5 129:13
 132:9 153:25
given 60:7 86:21 87:20
gives 10:18 46:3 146:23

giving 39:3
glass 41:11
go 12:23 19:4 28:15 41:10,14 43:8
 44:21 51:18 53:3,16 56:1 60:10
 69:11 73:16 74:12,15,16,17 78:2
 87:6 103:15,24 114:8,12 115:13
 116:20 117:1,1,3,4,7,10 118:5,9
 119:14 120:2,11 124:2 128:20
 130:11 131:18 132:3,19,21
 133:4 137:15 141:12 146:2
 147:14 148:22 158:13 159:6
 168:23
goal 145:18
goals 10:14
goddaughter 72:19,19
goes 117:9
going 10:15 15:6 28:20 29:25 35:3
 39:22 40:9,10,20,21 41:9,14,20
 42:2,4,5,9,12,21 43:8,9,9 44:15
 44:17,24 47:25 48:9 49:14 54:25
 56:4 59:8 66:21 71:16 72:1
 74:17,24 76:11 80:22 82:8 84:10
 86:2,18,25 87:6 93:8 100:12,13
 101:25 102:1,10 103:15,19
 104:18 110:21 112:22,24 113:1
 113:5,13 114:3,11 115:11 116:7
 117:5 118:22 119:1 121:19
 123:13 126:10 128:3,24 129:7
 129:22 131:22 132:2 142:13
 143:6 145:9,10 146:25 148:22
 153:25 154:11,12,17,25,25
 155:2,4,15 156:12 158:1 159:15
 168:21,24 171:3
golden 109:20
gonzales 3:24 70:16,22 134:2
good 7:6,9,15,18,21 12:22 13:14
 13:15 18:12,21,23 19:8 20:6
 23:6 33:2 38:9,11 44:14 50:19
 66:25,25 68:21 74:21 90:18 93:5
 100:24 106:6 110:14 114:22
 121:12 132:7 149:25 163:25
 164:4
gotten 48:20 100:10
government 119:13 161:5
governor 115:7,8 116:12
governors 113:6 120:3
gpa 111:1
grabbed 71:20 75:3

gracious 12:15
graciously 9:10 11:9
grade 72:20
graduate 12:5 121:14,16 153:9
 162:21
graduated 119:14 121:1 152:23
 153:1,2
graduating 155:6
graduation 121:15,17
graduations 11:20
grandparents 74:5
gratton 2:7 7:1,1 13:9,11 14:12,13
 15:10,24,25 29:11,16 49:8,19
 55:4 75:10,16 79:20,22,23 81:4
 84:10,17,20,23 91:22,23 130:19
 130:20 131:15,16 133:6,7,7
 134:7,8 137:19,20 138:5,7
 139:25 140:1 141:2,3 143:11
 144:7,8 146:6 147:5 151:7,8
 165:23,24 168:8,9 169:4 170:14
 172:4,5
gray 92:25
great 11:13 12:6,6,7 123:18
greater 22:17 127:19
gross 13:1
ground 68:3 74:2 77:1 92:17
 117:24
grounds 54:11 167:12
group 16:6,18 17:15 18:3 83:2
 135:9 137:2,3 161:11
grouping 135:7
groups 16:13
guarantee 12:4
guess 33:17 52:2 57:11,18 58:9,23
 59:21 60:6 62:13 69:6 71:7 98:8
 99:6 126:16 171:13
guidance 52:5
guideline 19:20
guidelines 22:16
gun 41:15 42:15,22,24 43:1 45:11
 45:15,17 46:7 57:20,22 63:1
 72:4,4,8,8
guy 35:4 38:25 71:10 73:13,25
 74:9 104:11,12 118:11
guys 8:13 14:18 18:21,22 71:7
 72:9 75:25 88:9 108:20 128:16
 169:8

H

hadnt 58:22 104:22
hairs 104:24
half 56:8 113:25 122:10 161:22
halfway 74:18
hand 8:15,15 16:14 18:5,8 33:13
 50:10 51:5 70:20,23 83:5,10
 91:6 98:1,10 99:15 150:16
handcuffs 41:17
handed 11:15 109:20
handle 33:16 51:11
handled 25:3 51:3
handling 35:23,24
hands 70:23 83:7 170:23
hanging 119:25
happen 22:13 23:20 24:9 46:22
 69:24 100:8 155:2 158:14,17
happened 23:21 30:17,19 36:18
 38:20 39:15 45:13 51:2 60:2,23
 66:9 75:4 78:13,14 86:1 88:7,9
 98:18 99:14 104:8 113:2 114:7
 116:21,22 117:25 123:19 162:6
happening 59:2
happy 9:6 17:7 26:7 39:22 160:19
hard 39:24 76:11 124:22 170:21
harris 3:9 16:17,20 135:15
harry 2:6 7:21 133:14 150:16,22
harsh 20:22
havent 48:20 49:1 54:2
head 42:15 46:8 120:1 122:4
health 98:25
hear 17:7 44:13 56:4 102:8 115:14
 115:14,15 135:9 154:3 157:25
heard 16:7 44:16 45:9,9,20,21
 98:16 103:6,7 163:11
hearing 5:18,18 50:18 94:8,13
 105:17,17,19 128:25 129:1,5
 138:16,20,22 139:16 142:11
 143:10,16 148:10,11,15,23
 149:2,3,11 150:3,12 151:14,16
 151:21
hearings 91:19 94:6,7 138:12,13
 138:13,15 148:14 149:1
heart 109:21 110:5 149:18
heavily 41:25
heel 43:15
hell 92:25 115:13
hello 111:21

help 39:4 78:2 111:4 117:17 129:8
162:4
helped 87:14,22
helps 50:22
herculean 15:3
hernandez 3:10 17:13,16 135:15
hes 6:17,17 8:6 14:4 20:1 22:9
33:6 46:15 55:24 66:4,8,11 67:1
67:7,23,24 93:1 94:23 103:14,15
117:15,20 161:7
hessinger 3:11 17:14,16,19,20
50:14,16 56:4,5,7 58:11,17,19
59:15,17 60:21,25 61:19 62:1,21
62:25 63:4,7,9,13,17,20,22,25
64:3,9,12 135:16
hey 35:3 74:15,24 117:2
hiccups 165:3
hid 119:9
high 12:4 17:24 20:10 39:17 69:14
69:20 110:21
highest 93:18 95:16 120:8
highlight 152:20
highly 77:8 92:10 163:16
highway 1:10
hill 3:12 17:14,16 133:24
hindsight 104:25
hired 77:11 82:18 114:16 123:8
hiring 148:23
history 9:19,24 10:18 59:21 62:8
75:16 95:14 97:17 98:2 112:24
hit 41:17 71:22,25 72:1 92:17
hobbs 1:11 9:1,3,25 80:7 152:23
153:4 157:11 171:22
hogan 4:25 91:2,13 137:11
hold 112:13
holding 45:2 113:3
hole 70:8
holstered 43:2
home 40:22 66:16 113:25 114:6
honest 17:3 95:13 99:23
honestly 17:8
honor 8:21 154:6 168:5
honorably 20:15
honors 119:15 121:2
hoopla 118:4
hope 12:23 93:5 168:23
hopes 97:9
hoping 12:22 71:6

horrible 57:23,23
hospital 40:13 43:9,12 44:22
hospitality 172:11
host 12:15
hosting 169:6
hotel 102:18,21
hotels 104:2
hour 80:18 132:2 170:7
hours 10:10 44:15 51:19 79:5
84:18 88:9 131:22,25
house 39:7 99:16 116:23 117:7,8
117:10,13 118:2,14,23 123:15
155:10 160:10,17 161:6
houses 59:3
huge 73:1
humble 24:16
humiliating 76:16
humor 13:24
hundreds 95:17
hung 42:24
hurt 72:2 77:4,13,17
hurting 66:13
husband 64:17 65:2,13 67:20
98:22
hypnotic 40:14

I

ia 26:1,18 36:3,22 57:24 61:11
81:20 82:6,11 88:20 107:18
125:8 127:1
ian 19:15
id 6:23 13:4 16:12 20:6 92:10
98:16 107:24 128:14
idea 62:8 118:1,10
identified 103:8 130:1,15 132:21
identify 95:15 129:17 133:19
162:9
ielacqua 5:8 93:23,25 94:1,1,2,4
94:14,15,16,18 95:4,22 97:24,25
98:15 101:5,9,12,15 102:8,17
103:1,4,23 104:14,20,25 105:5
106:12,16,20,25 107:17,23
108:22 109:10 140:6,7
ill 6:1 11:19 15:11,24 18:20,22
20:4 33:7 35:18 70:19 77:17,18
91:4 92:5 94:25 114:5 115:12
116:20 123:9 133:19 136:2,5
139:4,25 141:2,25 142:3 147:12

147:17 166:9 170:4,22 172:6
illegal 101:24,25 102:22 103:5,19
104:18,22,23 106:23
im 7:1,4,4,9,9,10,12 8:10,14,16,19
8:22 9:11 13:8 17:1 19:14,15
21:15 32:6 38:18 39:13,16 42:4
42:4,5,12 44:22 46:2,9,20 47:5
47:19 48:9 49:6,15,16 50:12,15
50:20,20 52:5 53:10 54:16 55:4
67:5 68:4 69:6,9 73:25 74:23,24
74:25 76:3,4,11,12 80:22 81:9
83:11 84:4,10,11 85:2 86:9 87:8
89:19 90:3 93:8,19 97:16 98:3
100:1,2,4,12,13,17,25 102:10
112:8 113:16 114:20 117:11,14
122:17 125:22 126:12 128:8
135:20 138:14 143:6 150:15
152:15,18 157:22,24 164:1
167:1,8 171:9
images 33:10
immediately 41:13 42:18
impact 28:25 160:12
important 11:4 77:8
imposed 111:9
impressed 9:7,11 163:16
improve 147:20
inappropriate 20:13 26:16 159:22
inappropriately 51:3
inception 11:12
inch 71:18
incidences 27:16
incident 20:14 23:8,8,15 24:21
26:21 27:8 28:6,24 35:11 38:21
69:1 75:12 96:16 101:6 104:8
106:11 108:23 113:1,2,7 116:20
116:22 120:2
incidents 25:24
include 99:19 100:20 144:20
included 24:23 119:11
including 24:24 95:14 152:15
inclusive 130:5
income 98:23 110:16
incompletion 81:17
incorrect 82:11
incorrectly 51:4 82:1
index 3:1 4:1 5:1
indicate 15:14 16:2 90:13 92:1
135:4 136:8,24 137:22 138:9

139:7 140:3,18 141:5,21 142:6
 142:25 144:12 145:4 147:9
 148:3,5 150:8 151:10 152:4
 166:1,22 168:11 172:9
indicates 81:13
indicating 25:20 28:12
indication 101:20
indicting 121:7
individual 5:21 30:11 56:19 57:14
 58:20,25 60:4 62:5,15 168:14,15
individually 165:8
informal 19:16 68:18 105:17,19
informally 161:14
informant 86:4
information 34:8 59:14 65:9
 81:25 82:11,14 85:16,23 86:17
 86:21 87:20 88:2 97:17 106:3
 108:12 112:1 117:14 126:1,5,17
 126:21 127:10 128:7 149:10
 152:11 167:15
informed 59:22,23 60:14 77:24
 78:3,10 127:6
initial 28:7 78:23
initially 27:22 102:17
initiate 64:2,8
injured 6:9 77:10
injuries 77:9 82:1,4
injury 77:4,6,13,25 78:5,10,12,25
inlaws 123:17
inside 154:21 156:7
insight 13:25
insights 14:3
insisted 12:2 42:3 70:3
instances 30:20
instruct 115:23 151:16
instruction 151:25 153:13
instructor 80:22 153:12,18
instructors 161:25
integrity 78:16,20 110:11
intent 16:8 74:14
intercourse 84:9
interest 54:21 94:17 150:13
 173:13
internal 34:1 46:11,12 52:14
 57:17 61:1,3,10 124:15
interrelationship 84:13
interrupt 19:12 45:24
interstate 86:23

interview 55:20
interviewed 95:12 126:6
interviews 95:19
intoxicated 41:25
introduce 6:22 8:8 9:13 10:20
 92:19
introduced 93:12
introducing 92:15
investigate 44:4 101:24 102:21
investigated 107:19
investigating 34:24
investigation 25:6,13 26:5,6 28:8
 31:20 36:22 37:3 43:23,24 46:11
 46:14 48:14 57:19,24 61:1,10
 85:17 87:24 90:14 124:13,15
 125:8 127:1,1,5,8,16
investigations 88:2,4 95:19
investigator 34:1 95:9 96:18
 126:7
investigators 96:19
invite 130:10
invited 9:8 163:14
involved 24:4,25 26:24 101:14
 108:20 125:18 127:15 139:19,21
involving 81:24,25 139:18,20
isidro 3:24 70:15,21 134:1
isnt 53:11 66:23
issuance 136:14 142:11
issue 25:14,16,17 28:11 42:3
 50:25 53:15 54:2 73:18 171:7
issued 22:22 105:21
issues 26:24 52:4,4,9,10,12 69:25
 86:12 146:7 162:10
item 3:1,2 4:1,2 5:1,2 6:1,19 14:8
 14:10,10,19,20 15:17 16:16
 17:13 18:1 22:6,25 50:6 55:25
 70:15 82:25 89:10,13 90:22
 91:15 93:23 109:11 111:18
 124:1 128:25 129:4,25 134:15
 135:25 142:10 143:7,7,8 146:20
 147:13,14 152:7 164:11,19,24
 165:1 166:4,6 167:2,4 168:14
 169:11 171:25
items 30:16 31:10,15 32:5,5 36:16
 86:2,3 91:4 94:7 129:11 130:13
 130:14 131:21 132:21 136:3
 146:15 147:1
ive 8:11,13,17 17:9 18:14 21:1

37:17 46:17 47:14 48:8 52:5,9
 52:10,11 53:11 58:7 72:18,18
 73:23 75:18 80:16 88:20 92:22
 96:4 99:25 112:14,15 117:9
 119:9,10,10,24 120:15 122:13
 132:2 156:1 163:22

J

jack 2:12 92:16,19,22,24,25 93:2
 93:4,14,17 153:24 164:7
jail 45:1,2 63:11 164:5
jaime 2:8 7:18 8:5,10 131:11
 133:13
james 2:5 3:20 5:4 50:6,9 91:16
 138:17 144:14,18
jan 1:22 173:3,22
january 3:6 15:17,19,22 61:4,6,11
 61:13 113:19,24 152:13 153:5
 153:11,20 157:5 158:16
jaw 1:25 173:25
jazzed 163:5
jeff 33:4
jeffrey 3:9 4:25 16:17,19 91:2,13
 135:14 137:11
jeopardized 88:4
jeremiah 3:19 50:6,9 135:17
 136:1
jeremy 3:23 70:15,21 134:1
jerry 4:17 90:24 91:9 137:7
jicarilla 112:12,17 120:22 122:8
 122:10,12,15,19,22,25 123:3
job 11:13 15:3 52:24 53:9 68:21
 100:19 110:13 121:23 123:17
 132:14,16 154:9 155:22 169:7
jobs 11:8
john 2:7 3:7 7:1 14:13 15:10,25
 16:16,19,22 19:15 64:17,18 65:6
 66:1 131:15 133:7,23 134:8
 137:20 138:7 140:1 141:3 144:8
 151:8 165:24 168:9 172:5
jones 2:12 3:13 18:1,4 92:17,19,20
 92:23 93:6,14,22 98:12 112:3
 133:24 134:19 153:24 154:3,5
 156:23 157:18 158:11,20,24
 161:16 164:3,8 171:9
joseph 14:19
josh 50:16
joshua 3:11 17:13,16,19,20

135:15
journey 116:4
joyriding 43:24
juan 5:6 91:16 139:11,21 157:9
judge 100:21,22 118:20
judgment 18:14 22:10 57:1 121:8
 149:25
july 157:1,16 169:18 170:3 171:20
jumped 75:3
junction 128:20
june 81:2 153:9 157:15 158:10
 161:12 170:2,11 171:20
junior 1:10 10:1,3 12:18 169:6
jurisdiction 22:13 54:4
justice 110:22,25
juvenile 139:19
juveniles 31:22,22 110:9

K

karina 60:5
katz 94:23 96:14
kayla 66:18
kdt 107:3
keep 15:6 87:11 145:9 171:11
keeping 15:4 28:14 34:3 143:6,14
keith 3:17 22:25 23:3 24:14
kept 29:20 42:3
kevin 4:4 82:25 83:5 134:4
key 117:9,20
kick 74:25
kicked 43:16 70:7
kids 39:10 40:19 41:3 66:12 67:3
 68:5 73:1 74:6 119:22
killed 100:14
kind 17:23 40:12 50:21 51:20
 53:13 60:6 68:20 73:15 74:21
 76:11,13 80:8 98:15 117:15,21
 124:7 143:5 157:21 158:19
 170:21
kindergarten 72:22,24
kindly 9:10
king 6:14,21 19:15
kitchen 41:10 44:8
kneeled 35:14
knew 72:2,13 75:15,15 96:16
 101:13,14 128:3
knocked 41:16 103:7
know 10:13,24 14:2 15:6 16:6

18:17 31:12 32:7 34:8 36:7 39:2
 39:14,24 41:11 43:8 44:7,7,7,12
 45:8,16 46:7 49:17 50:15 51:4
 66:1,15,22 67:6,24 68:1,3,14,16
 68:23 69:8,8 72:16,25 73:6,9,21
 74:8,9 77:5 79:12 82:7 87:8 88:7
 88:11,17,18,23 92:24 96:4 99:2
 100:15 101:8,8,9,10,11 103:14
 104:12 107:16,17,18 112:21
 114:7 115:19,20 117:5,13,15,23
 118:11 119:1,22 120:7 121:18
 127:5,23 159:24 161:6 162:14
 162:17,17 164:4 169:5 170:18

knowing 96:20

knowledge 88:11

known 36:16 92:22

knows 73:15 103:15 149:16

korn 2:5 6:1,13,20 7:12,12,25

8:23,25 9:14 13:3,16 14:9,13,16
 14:21,23,25 15:12,15,18,23,25
 16:3,18,23 17:4,10,12,15,20,22
 18:3,7,10,25 19:4,12 20:24
 21:18 22:11,15,23 23:2,22 24:3
 24:7,11 26:25 27:11 29:10 30:13
 32:9,12 34:2,5,10,13,19,22 35:8
 36:10,18,22 37:6,11,16 38:3,11
 38:15 45:24 46:25 47:6,13,21,24
 49:20 50:1,8,17 51:22 52:1,20
 53:16 54:7 55:3,5,9,12,15,21
 56:1 58:11,14 59:10 60:22 61:16
 61:21 62:17,23 63:2,5,8,10,15
 63:18,21,23 64:1,7,10,13,18,20
 64:23 67:8,11,15 68:9,13 69:10
 69:13 70:7,11,13,17 71:1,4
 72:11 75:8,21 76:7 79:18,22
 81:5,12,18,23 82:3,9,15,21 83:2
 83:10,12,19,21,24 84:24 85:5,8
 85:12,15,19 86:6,9 87:23 88:10
 88:15,17,22 89:2,8,11,15,20,22
 90:3,6,8,12,17,19 91:3,18,23,25
 92:2,5,21 93:9,13,24 94:2,5,16
 98:11 101:4,17 102:7,13,16,19
 103:2,22 104:16,24 105:2,6,13
 105:16,23 106:1,5,7 107:12
 108:17 109:7,9,12,16 111:13,19
 111:23 112:3,7 120:13 121:4
 122:6,14,18,21 123:2,6,12,20,23
 124:2,18,21,25 125:5,10,13,19

125:24 126:3,8,10,12 128:17
 129:4,24 130:15,18,20,24
 131:13,14,17 132:7,24 133:4,11
 133:11,15 134:8,10,12,17,23
 135:1,5 136:6,9,21,25 137:18,20
 137:23 138:7,10,24 139:2,5,8
 140:1,4,14,16,19 141:1,3,6,16,19
 141:22 142:4,7,13,16,18,22
 143:1,3,9,18 144:3,8,13,24
 145:2,5,18,22 146:9,25 147:8,10
 147:12,23 148:1,4,6 150:6,9,19
 150:21,25 151:2,8,11 152:2,5,8
 154:2 156:19 157:14,21 158:4,9
 158:18,21 159:12 161:4 163:8
 164:9,12,16,21 165:21,24 166:2
 166:6,20,23 167:4,20 168:4,7,9
 168:12,15,18 169:1,10,12,19,25
 170:6,12,21 171:11,19 172:1,5,7
 172:10

L

labs 21:16
lack 18:14,18
ladies 97:25 104:10,10
lady 58:16
laid 41:15 96:24
lane 21:24 22:1,2 37:18
lapse 159:8
larceny 28:21 118:17
large 16:6 21:23 27:18 131:20
larry 4:12 90:23 91:7 137:5
las 7:19 8:5,7,11 13:19 23:21
 152:25
lassiter 3:14 18:2,4,6,6,7,10,12
 19:3 135:16,23
lasted 57:18
late 157:15 158:9 169:16 170:2
latest 130:3
laughed 42:10,16,16
laughing 103:7
law 1:7 5:14 6:2,6,14 7:23 9:4
 10:13 11:6 12:6 20:2,7,15,18
 21:14 23:14 26:3 53:24 54:1
 59:21 73:15 79:8,17,25 80:17
 92:16,18 93:18 99:20 101:2
 109:2 111:6,11 112:15 116:4
 120:25 122:14,18,22,24 144:2
 149:11,15,16,16,19,23 152:12,18

153:25 154:9,10,18 155:4 159:4 159:21,21 160:2,10 161:1,17 162:7,23 163:1 164:19,22,25 165:19 167:11	letters 70:18,19 83:3 98:7 113:8 113:11 134:3	62:2 88:21 92:22 104:5 123:9,9 131:23 132:12 133:3 150:23 161:19
lawyer 47:16 49:16	letting 159:6	longer 66:8 128:2,5,8 132:11 158:10
laying 40:25 68:2	level 93:18	look 23:13 29:5 43:21 44:6 67:4 74:24 115:5 126:18 148:23 157:5,12 161:19 162:11 170:10
laziness 18:18	liability 46:21	looked 71:14 109:2 116:14 126:20
lea 5:17,24 10:24 130:1,7 149:1 167:2,5	liaison 99:2	looking 52:5 86:3,4 106:22 114:3 117:11,22 149:22 158:25 162:16 162:20
lea6 115:3	liar 78:21	looks 8:6 11:11 50:10
lea90 96:11,17 136:15	license 62:4 105:4 173:23	lopez 2:13 7:23,23 14:14,17,19,22 14:24,25 98:12 114:21 131:1,3,5 131:7,9,11,13,15 164:15 165:4,7 170:10 171:17
lead 43:23 153:20	licensing 129:15	lori 54:23
leads 32:18 36:20 59:20 61:9 62:1 62:2	lie 42:12 81:23 104:19	lose 46:22 68:22
leaking 86:17	lied 78:11,11,22 81:22	loss 41:22
learn 110:2	lies 125:25	lost 6:8 66:11 99:18
learned 18:22,23 20:23 38:22 39:1 94:24 110:1	lieutenant 43:19,20,22 44:1 45:8 76:24 78:9,22 162:3	lot 11:10,11 27:19 29:23 56:15 66:23 69:25 71:8 73:6 79:25 83:14 93:5 110:2 121:12 122:2 132:14 159:3 160:3,16 162:15 171:2,4
learning 39:12	life 12:9 97:11 110:21 111:7 119:25 121:13,20 164:5	louis 2:11 5:11 124:1,3 125:2,7,12 125:15,21 127:14,22 141:24 146:10,23 147:1 170:16
leave 24:10 25:15 26:14 27:2,4 42:4 54:8 57:18 62:22 65:7 66:2 72:5,6 103:11 128:4 153:16	light 6:4 50:23 77:11 169:13 170:6 170:7	loving 82:15,16
leaves 139:10	lightly 12:10 79:13	lovington 1:10
leaving 42:9 71:12 128:15	liked 94:19	luck 12:23
led 70:4	likes 132:12	luckily 122:1
left 6:24 21:24 22:1 25:10,12 30:6 33:15 35:13 37:1 38:6 39:5 40:5 43:2 45:18 103:17 106:13 133:5 169:5	likewise 93:15 135:24	lucky 93:2 100:4 163:14
legal 52:3 120:3 151:22 153:12	limit 16:9	lujan 5:4 91:16 138:18
legislate 159:21 160:22	line 7:20 77:5 100:14	lunch 33:15 84:15,20 131:23
legislators 159:21 160:21	lineofduty 167:25	lurched 74:19
legislature 160:7	linger 128:5,8	
lemon 4:7 83:1,7,11,11,12 84:25 85:1,6,9,11,14,18,21 86:8,11 88:6,13,16,19,24 89:6 135:18	lingering 128:2	M
length 127:19	list 27:25 129:18 130:16	maam 64:15 87:23 89:4,8 111:13
lenient 58:9	listed 27:22 31:12 130:13	mad 58:15 65:21 87:22
lerner 4:5 83:1,6 134:4	listened 103:5	mag 42:18 43:3,17
leslie 44:13	listing 28:7	maintained 11:16
lesser 22:18	little 9:19,24 10:18 12:17 18:15 19:20 52:5 69:3 97:16 98:2,6 103:24 112:14 113:12 122:13 124:22 145:11 147:14 170:15	maintaining 111:1
lesson 18:21,23 20:22	live 79:23 116:25 155:9,10 163:15	majority 8:12
lett 4:10 89:13,16,19,20 90:4,6 136:15	lives 6:9 40:6 110:18 111:4 117:13	making 67:18 94:12 96:12 121:12 144:3 151:18 170:17
letter 33:4,7 35:21 36:25 47:15 51:16 75:23 76:4,18 79:15 105:10,13,14 113:19 115:6,25 116:8,13 119:6 124:19 125:8	living 45:22 57:14 59:17,19 117:11	male 103:7
	lo 113:24	
	loan 39:3	
	located 25:5 167:11	
	location 171:19	
	locker 35:20	
	locus 97:3	
	log 33:20,22,23 40:18	
	logged 33:23 107:2	
	long 10:25 11:1 38:24 47:11 54:18	

man 20:1 66:25 67:1,3 75:20
management 5:19,20,24 51:14
 53:1 67:1 68:22,23 129:2,3
 130:1 147:16 148:12
mandatory 160:1,10,22
manner 65:10 66:24 68:6 159:10
manuel 153:18
march 54:10 152:23 153:5
marisa 113:20
mark 2:12 13:18 53:17 143:12,13
 146:9 147:23 151:23
marked 115:3
marriage 59:2
married 57:8 65:2
marshall 94:23
marshals 8:16
martinez 54:23 55:19
massacred 96:4
material 111:24
materials 86:6 101:22
maternity 153:16
matrix 19:20
matter 24:9 36:13 44:16 66:14
 78:17,18 83:22 94:17,25 118:11
 124:2,3,9,22 126:19 132:10
 173:5
matters 14:1 16:6 64:14 91:20
 128:22 129:16 130:13 145:13
max 20:3
mcclerey 9:16 10:2,22,23 13:3
mean 28:15 41:24 43:19 46:3,4,11
 49:15 59:16 78:17 86:9 88:17,23
 99:6 170:22
meaningful 110:14
means 148:17
medical 54:8
medication 41:3,22 44:14
medina 2:11 83:15 108:2,12
 115:13,18,18 124:10,19,24
 125:23,25 126:4,9,11,24 127:9
 127:11,13,20 142:15 145:10,21
 146:7 152:10 154:2,8 164:10
 167:7,8 168:1,13 169:13,17,22
 170:4 171:24
medinas 85:4
medrano 2:14
meet 11:17,23 53:23 55:19 156:15
 171:14

meeting 1:8 5:22 6:1 8:1,4 13:23
 15:19,22 50:4 55:16 92:5 124:12
 125:3 126:16,24 127:3,24 128:5
 130:2 131:19 141:14 143:4
 145:14,23 146:24 147:12 152:14
 156:24,25 158:4,23 161:11
 169:11,13,18,18,20,23,24 172:12
meetings 12:14 15:7 133:2 156:4
 156:21 161:9 170:1,20
member 5:21 8:3 13:9,17 25:14
 38:8 83:16 87:25 111:14 130:10
 168:14
members 2:4 9:14 10:23 18:13,25
 19:8 20:24 22:5 24:15 32:9
 38:12 40:16 47:1 49:20 67:11
 76:10,17 83:21 84:24 85:1,5
 89:24 92:14 95:25 96:8 106:8
 109:18 111:10,21 113:9 133:20
 149:7,9 150:11 152:10 154:5
 156:1 157:22 167:14,22 170:13
memo 78:4,4,11,15,23 147:18
memorial 167:5,10,18
memorialdps 5:17 167:2
memory 41:22
mention 94:6 108:15 135:1
mentioned 42:6 89:22 167:23
mentioning 157:25
mess 159:19 160:15 161:2
met 58:21 59:7 61:2 75:20 109:1
 122:1
meth 87:18
mexican 98:8
mexico 1:7,10,11,24 6:2 7:16,23
 9:4 10:1 12:18 20:7 23:9 79:16
 93:3 97:14 112:11 120:9 144:23
 155:3 156:18 157:6 161:17,24
 162:8 167:11 168:21,25 169:6
 173:3,23
michael 4:20 90:25 91:11 137:9
michaels 39:17
middle 69:15,16 72:24
midland 87:19
midmay 81:1
miguel 109:23,24 110:7 116:24
 117:23
mile 113:25
miles 56:22 80:1
military 20:16

millar 3:15 18:2,4,9,9 19:4,7,10
 19:16,23 20:5,6 21:1,3,5,7,9,12
 21:15,22 22:6,14,20 135:17,25
mind 40:21 73:22 158:22
mine 117:3
minimum 144:21
minor 32:18 118:18
minus 130:14
minutes 3:6 15:17,19,22 16:10
 43:6 145:11,24
mirror 71:14
misconduct 5:20,20,24 22:18
 52:14 53:12 59:12 125:3,7 129:2
 129:3,6 143:3 145:7 147:15,19
misdemeanor 28:21 30:1 56:12
 59:24
mishandling 24:22 29:6
misplaced 36:16
misread 65:13
misreported 78:10
missed 144:14
missing 33:8 36:14 105:8 121:15
mistake 57:16 58:8 69:7 119:18
 119:23 168:23
mistakes 111:7
mistress 99:5
misunderstood 48:21 122:7
misuse 62:13
misused 59:13
moises 4:11 89:14,16 136:16
mom 39:6
moment 6:6,11 43:10 94:5 124:5
 129:25
money 12:25 149:1
monica 2:14
monique 2:13 7:23 14:25 98:11
 130:24 170:4,8 171:13
montano 5:10 111:18,19,20,21,25
 112:6,8 120:13,18,21,23 121:1
 121:11 122:9,17,20,24 123:5,8
 123:14,22 141:8
month 19:19 20:3 22:17 47:19
 144:1 148:17
months 19:20 20:4 23:16 24:9
 43:22 47:17,18 48:8 49:10,15
 57:7,8,19,21 62:19 72:6 87:16
 109:25 112:18 121:9 122:12
 139:23 148:19

moon 4:18 90:25 91:10 137:8
morlang 5:5 91:16 139:11,18,22
morning 7:6,9,15,18,21 18:12
 19:8 20:6 23:6 40:25 41:2 50:19
 73:8
motion 14:11,13 15:10,20,21,23
 91:21 130:11,17 131:17 132:21
 133:20 134:5 135:2 136:1,3,5,16
 136:18,21 137:4,14,15 138:3,18
 139:2,12,13,25 140:8,9,23,24
 141:10,12,16,25,25,25 142:3,23
 143:22,24 144:7,9,9,15 146:21
 147:5,17,17,20 148:9 149:6,6
 150:2,4,9 151:4,6,12,13,20,24
 152:5 165:9,18,21 166:10,17,20
 168:10 172:2
motivate 155:17
motor 167:5,9
move 14:12 40:10,20 41:9 71:14
 71:17 74:15 130:18 134:7 138:5
 138:21 146:6,13,19 147:1 172:4
moved 39:5,6,12 59:4,5 61:12
 74:13 82:15 91:22
moves 134:8 138:7 172:5
moving 15:8 16:5 42:4 93:24
 136:10 140:6 146:15
mpm 35:25
mtd 5:17 167:2
multiple 26:17
municipal 106:4
munoz 3:16 22:25 23:3,5,6,21
 24:1,5,8,12 133:25 134:15
murderers 110:9
mvd 104:3
myers 13:18

N

name 6:13 8:4,10 16:12,21 18:5
 19:14 27:25 28:14 30:7 31:10
 43:19 60:5,6,6 83:8 96:4 103:25
 104:13 108:19 118:12,13 129:20
 135:9 167:17
names 70:20 91:5 130:7 138:17
 163:24
narcotics 85:16 88:2
narrative 17:9 59:12 68:16 71:7
nasro 66:6
nate 2:5 6:13 7:12 9:14 108:19

131:13 133:11
nathan 4:5 82:25 83:6 134:4
national 21:16
nature 28:15 31:9 76:21 103:19
nay 168:12
nays 151:12 166:23 172:10
nca 142:11,14
necessarily 29:6 159:20
need 13:1 17:2 74:17 82:8 88:20
 114:1,17 115:11 117:3,17
 121:18,20,25 128:7 129:18
 130:22 132:19,20 142:19 146:11
 146:16,24 154:21,24 155:17,24
 156:6,17 157:3,6,11,11 158:7
 160:6 162:22
needed 40:1 50:15 60:15 93:12
 103:11 110:16 126:17 162:10
needs 160:15
negative 28:24 99:3
neglected 19:5
neighborhood 8:20
neither 173:10
never 18:22 20:22 28:6,21,22 31:5
 32:2 33:1 34:2 42:20,20 45:15
 46:15 52:9,12 65:3 72:7,8 73:22
 73:22 75:18 84:8,8 85:22 117:19
 119:8,9 120:16,18 121:24
 152:16 155:12 163:19,22
nevertheless 95:18
new 1:7,10,11,24 6:1 7:16,23 8:3
 9:4 10:1 12:18 20:7 23:9 27:6
 62:1 79:16 92:15 93:3 97:14
 98:8 110:3 112:11 120:9 144:23
 155:3,16 156:18 157:5,6 160:2
 161:17,24 162:8 167:11 168:21
 168:25 169:6 173:3,23

news 45:4
nfd 142:15,17
nice 6:21
night 20:9,12 39:1,5,12 40:8 65:1
 65:6,11,14 66:10,13,16 68:25
 93:8 107:5,10 163:16
nine 40:8,17 112:18 122:12 153:2
ninth 72:20
nm 1:22
nmac 154:24,25 155:1 156:7,16
 158:1 159:9 160:15,24 162:13
 171:15

nmsa 130:12
nmsu 7:2
noise 45:20
nolle 48:5,6 49:22
nominate 149:7 168:5
nope 75:7
normal 56:8 61:7 73:9
normally 6:15,20 65:23 66:15
northwest 1:23
nos 16:16 17:13 18:1 22:25 50:6
 64:14 70:15 82:25 89:13 90:22
 91:4,15 128:25 129:4 137:3
 139:10
note 13:16 17:22 22:16 136:12
 148:15,25 163:21
notes 19:10
notice 37:21,24 89:11 101:22
 105:20 108:4,4 142:16
notify 28:9
notion 171:12
notoriety 97:18
november 76:22
number 14:22 35:20 56:25 57:2
 63:19,24 64:4,4,5,7 70:21 83:5
 91:7 95:16 96:2 107:7 109:13
 113:1,5,8,13 129:5,20 131:20
 134:23,25
numbers 14:21 63:12,16 129:13
 129:18
numerous 48:19 95:3 153:10
nurse 38:23 40:13

O

oath 109:22
objecting 46:2
obligations 111:8
observe 163:21
observed 35:25 148:13
obtain 113:4
obviously 67:23 126:16,20 127:18
 131:20 135:10
occasion 161:5
occur 31:2
occurred 26:2,2 69:22 78:13
 101:7 102:22 167:16
oclock 40:5,8,17 41:7
october 35:24 157:4
offduty 78:5

offended 68:20
offender 22:7
offense 119:1 130:7
offenses 121:8
offer 18:21 51:5
offered 26:20 51:16 123:17
office 28:19 30:23 32:25 33:12
 49:5 51:10 80:10 95:10,13 96:18
 106:19 108:14 113:6 114:21
 115:21 120:3 124:13 126:18
officer 5:17,18 20:16 32:17 33:6,9
 33:11,13,14,25 35:12 43:14 44:9
 45:11,14 53:23 54:3 56:10 61:8
 62:24 66:25 73:25 79:17 88:14
 94:8 96:22 97:14,18,21 98:19,21
 100:2,20,23 104:14 111:12
 114:16 117:24 122:14,18 123:3
 125:17 129:1 138:16,20,23
 139:16 148:11,15 149:2,15,21
 153:7,21 155:23 162:4 165:19
 167:3,6,10,16
officers 5:14 7:20 11:8 43:6,18
 65:12 73:14,16 97:10 98:16
 100:7,14,15,23 108:21 109:1
 122:25 143:17 148:24 149:3,11
 149:17,23,24 150:3,12 151:14
 151:16,22 152:23,25 153:6
 159:10 162:3 164:20,22 165:1
offices 7:5
oh 14:16 22:15 50:12 73:24 92:13
 117:4 123:12 157:22
okay 12:22 17:10 18:10 19:6
 21:13,17 22:23 34:12 37:6 38:11
 38:12 48:21 49:25 52:19 55:2
 61:20 64:10,23 67:11 71:4 76:2
 76:6 77:22 82:9,21 83:12 84:23
 88:10,18,22,23 89:2,7 92:13
 103:2 105:6,16 106:1 107:11
 109:6,7 112:6 114:24 117:4
 118:25 123:24 125:5,19 126:3
 126:12 132:3 133:4 142:22
 143:19 144:13 146:25 147:4
 150:25 151:2,11 158:21 161:12
 163:7 165:6 168:2 170:25,25
 171:16,22
old 42:11 65:24 67:8 69:18 113:2
 116:21
oldest 40:23

omitted 120:16
once 11:2 12:8,8 13:13 49:14
 56:17 58:24 59:2,5,18 61:10
 64:3 77:12 95:12 116:9 120:2
 151:13
onetime 84:13
ongoing 88:4 127:16
online 10:11
ooh 74:20
open 127:12 132:23 133:2
opened 10:2 103:8
opens 117:10
operate 36:8
operating 43:11
opinion 51:8,11,16 53:18 54:15,17
 116:10,14,14,16
opportune 159:16
opportunity 16:14 20:19 38:17
 97:13 110:14 111:11 148:23
 163:4
opposed 15:15 16:3 92:2 135:5
 136:9,25 137:23 138:10 139:8
 140:4,19 141:6,22 142:7 143:1
 144:13 145:5 148:4 150:9
 151:11 152:5 166:2,23 168:12
opposing 96:22
opposition 149:14
option 51:8
oral 84:13
order 3:3 6:1,2,3 18:20 40:21
 51:10 52:23 92:6 96:9 102:5
 105:10,15,23 138:1,4 147:13,14
 148:21 149:10
ordered 53:4
orders 87:2 91:3 137:2,16
organization 33:16 38:9 53:8
organized 15:4
orientation 77:15
original 28:5 51:9 74:14 101:6
 142:23 160:4
originally 32:16 41:14 61:2
 124:19
originals 37:14
originated 38:21
ortiz 105:11
outpaced 97:5
outreach 10:7
outside 8:2 12:20 41:23 85:23

167:11
outstanding 149:4
overby 153:18
overeats 41:24
owner 25:19,19,21 27:14,17 28:5
 30:22 31:8 101:7 103:22 104:1
 107:3
owners 28:4 29:22 118:24

P

pack 40:9
packages 15:2,3 31:23,24
packet 51:17 105:8 111:25 112:21
 119:6 124:6,7
packets 55:7,9,15 112:20 116:15
page 3:2 4:2 5:2 98:7 102:4,4
 105:7 165:5
pages 88:21 105:8 173:7
paid 62:23 66:1 67:7 115:9 117:19
 119:24 128:4
pants 74:23
paper 32:4
paperwork 25:8,8,25
paramilitary 11:13
pardon 113:5 115:7 119:11 120:8
 121:10
pardoned 115:8
pardons 116:11
parent 66:20
parents 32:1 73:1,6 74:5
parked 71:11 74:7
parking 73:18
part 13:6 32:13 35:9 37:7 72:18
 82:5 84:21 92:14 95:1 96:3
 102:2 110:18,19 113:3 115:2
 119:9 129:21 130:16 145:23
participate 135:22,24,25
participated 162:8
particular 19:21 24:21 29:23
 31:10 36:18 56:14 57:14 68:25
 78:19 102:23 103:25 104:8
particularly 93:14
parties 173:12
partner 12:2
partnership 11:1
parts 116:13
paso 40:6
pass 98:5 122:25

passed 72:7 112:5 160:9
passenger 60:2,3,8
passengers 56:12
passes 131:17
passion 66:12
pastures 168:24
pat 7:4 15:12 131:1 133:8 138:7
 142:4 150:14 151:3
patricia 120:4
patrick 2:8
patrol 35:12 56:8 66:11
patrols 110:11
paul 5:8 93:23,25 95:4,8,18,21
 96:14,15,15,20 97:4,15 140:6,7
pay 62:19,20 63:3 66:2 67:21 79:3
 79:6 82:19
paying 60:18 119:24
pecos 85:15
peers 113:10
pen 87:15,22
pena 4:11 89:14,16 136:16
penalties 138:25
penalty 22:19 46:1,3 138:19,24
pending 85:24 86:22
people 6:6,8 11:22,25 12:4,7
 13:13 16:7 70:19 74:16 75:14
 79:12 89:22 92:8,9 94:11 98:20
 113:10,11 128:10 130:25 131:19
 135:14 145:9 150:13 151:2
 170:20,23
peoples 31:23 110:18
pera 89:5,6
percent 10:11 26:19 97:7
perform 52:23 53:7
period 32:24 77:20 79:6 81:17
 97:22 102:23 149:25 152:21
 170:18
permission 118:24
person 16:20 39:13 41:25 76:12
 87:4 99:16
personal 25:13 87:12 163:21
personally 24:6 28:4 35:25 101:10
 115:18
persons 83:4 135:7,8 136:15
 145:19
pertained 32:4
pertaining 118:13
pertinent 112:1

pete 4:24 91:1,13 137:10
phil 114:25
phillips 3:19 50:6,9 134:22,23
 135:1,18 136:1
phone 24:23 30:5 32:16,20,25
 33:3,9,10,13 34:3,6,11 35:6
 41:24 42:17,19,24 56:25 57:2
 87:8,11,13 107:7
phones 30:2,2,4,10 32:13
photo 62:3,15
photocopied 37:13
photocopy 50:2
photograph 32:20
photographing 33:10
physical 58:23 78:2 114:4,18,19
pick 93:7 117:3 158:18
picked 42:16 56:19 153:16
picking 53:2 158:22
picture 104:3
pictures 117:12
piece 12:25
pieces 112:21
pillar 71:25
pilot 155:25 162:12
pinch 77:2
pino 4:19 90:25 91:10 137:8
place 18:20 38:9 51:2 61:1 65:1
 86:1 106:11,23 152:12 167:9
placed 109:21
places 116:16
plan 51:14
plans 163:13
play 100:13 159:25
plead 68:15
please 16:23 23:16 70:20 74:15
 83:5 91:6 98:13 103:2 125:13,20
pleased 8:3
plug 160:1
plus 131:21
point 42:13 58:23 59:7,22 60:16
 62:3 65:20 71:15 78:12 86:15
 97:11 102:11 103:8,12,17,19,23
 104:3,22 109:3 119:19 121:13
 135:20 160:4 161:4
pointed 34:13 72:8
pointing 17:23 134:17
polaris 43:25
police 7:7,16,17,19,22 8:11 9:25

13:20 19:25 20:8,16 23:10 30:15
 37:2 38:4,7 45:7 54:23 66:25
 73:25 81:13 82:19 85:20 92:25
 94:24 95:2,24 96:21,25 97:1,14
 97:18,21 98:19,21 100:2 109:1
 112:12 114:16 153:7,12,13,21
 154:14 155:20,22,23 156:17
 159:10 161:24,25 162:3 163:6
policemans 98:23
policy 6:21,23 18:16 25:4 29:3
 31:2 52:22 53:8 86:14 90:13
poll 157:21
polo 73:9
polygraph 26:9,12 72:7
poor 18:14
porches 31:23
pornographic 24:24 27:21 28:16
 30:7
portion 28:7 36:8 143:4 145:7
 146:3
posing 35:4
position 8:18 20:10 26:20,21
 27:23 66:4 95:9
positive 100:10 110:20
possession 29:12
possibility 62:10 106:22 156:3
possible 18:15 128:14 135:11
 162:18
possibly 12:15 23:17 104:25
 116:17 125:8 128:9 156:5
posted 167:17
potential 111:3
potter 5:17 167:3,6,10,16 168:6
power 12:9
practice 30:15 148:16
practiced 97:8
prefer 170:19
prepare 30:16
prepared 55:12
preprosecution 48:1
presbyterian 51:14
preschool 72:25
present 2:10 36:1 46:24 47:9
 100:4 120:19 126:1 147:18
 153:24 156:10,25 157:1 158:12
 158:25 162:18
presentation 124:16
presentations 160:25

presented 19:21 108:14 145:17
 153:10
president 7:1 9:16 10:20 13:3,10
 13:11
pretend 12:21
pretty 18:13 72:9 73:11 97:4,6
 98:25 99:14 100:24 125:22
prevent 71:25
previous 107:16,25
previously 115:4 127:2
price 67:22
priest 113:9
primarily 149:11,22
prince 33:5 35:22
prior 23:8 36:17 42:6 75:11 82:3
 87:16 96:16 101:20 102:2 105:2
 124:22 128:22
prisoner 56:21,25 57:2,5,12
prisoners 110:9
privilege 8:21 96:20
privy 34:7
pro 100:6
proactive 160:7
probably 16:6 40:5,8 41:5 56:22
 57:21 68:2,4 75:25 99:9 115:18
 119:20 125:25 145:11 160:6
 164:6 171:20
probation 22:7 27:6 81:19 97:22
 119:4,7 144:1
probationary 81:17
probationer 119:8
problem 25:4 87:18 110:19 114:4
 114:8 117:21 157:24 171:1
problems 39:7 51:9 59:1
procedures 18:17 43:11 157:18
proceed 158:16
proceeding 6:16 31:6
proceedings 173:4,7,14
process 19:16 26:18 32:21 36:3
 49:12 60:18 80:3 148:22 154:17
 154:20,21 157:3 158:1,2,13
 160:8 171:8
processed 35:15
processes 147:19 155:14
processing 33:6 36:2,6
proctor 4:20 90:25 91:11 137:9
produce 50:21
producing 12:5

product 12:3 53:15 155:5
profession 20:11 66:14
professional 1:23 11:14 95:6
 96:21
professionalism 110:12 163:17
program 22:7 48:1,2 66:7,7,8
 73:3 112:10 155:25 156:9
 161:20,20 162:12 163:15
programs 24:4
progress 33:2
pronounce 48:4 55:23
proof 86:20
proper 149:18
property 24:22 25:4,5 26:2,6
 27:13,19,24 28:3,5,10,10 29:1,2
 29:5,15,17,19,21,24 30:1,21,25
 32:1,3 33:3,12,14,17,19,19 34:6
 34:16,16,17 35:7,17,17,22 123:4
proponent 45:25
proposed 19:18 46:1 139:15
pros 49:23
prosecuted 28:22
prosecution 28:2,23 95:15
prosequi 48:6
protect 109:22
protecting 100:18
protocol 111:6
proud 93:19 100:17
prove 85:22
proven 110:4
provide 11:7 127:10 130:6
provided 12:19 48:13 144:18
provides 96:2
pst 153:3
psychologist 50:22 51:11 54:24
 144:23
psychologists 51:1,10
ptc 63:7
public 5:13,15 31:13 92:14 95:9
 96:1,18 100:5 106:19 129:22
 158:8 164:11,12 166:5,7
publicized 97:17 158:8
publicly 164:14
publish 169:20
pull 167:1
pulled 21:22 60:4 74:22
punished 46:10 119:17
punishment 48:11 58:10

purchased 117:18
purposely 12:19
pursuant 130:11
push 171:4
pushing 42:3
put 12:19 37:20,24 39:22 42:14
 46:1,7 62:21 66:2 71:24 72:5
 78:16 82:1 87:14,22 95:10 98:24
 104:4 112:9 119:10 123:9
 124:23 147:24 154:18 155:5
 164:5 166:9 171:3
puts 15:2
putting 15:3 100:12

Q

qual 76:24
qualified 163:23
quality 93:18
quarter 156:4,21 170:2
quarterly 8:1
quarters 156:5,22
question 21:1,20 22:12 29:11
 37:17 45:25 47:23 49:9,22 51:25
 52:20,21 53:17 55:3 58:13 61:23
 63:5 67:14 79:20 80:6 81:12
 83:22 84:11 85:7,13 99:9 101:18
 105:7 106:9 107:13 121:6 124:4
 127:18 167:19
questions 19:1,1,6 21:18 22:11
 23:22 24:11 26:7 29:10 32:10
 37:16 38:12 47:1,1,6 49:21
 51:22 55:5 58:12 61:16,21 62:17
 62:18 64:10 67:12,13 69:11
 72:10,11 75:8 76:7 79:19 81:5
 82:22 83:17 84:24 85:3,6,12
 89:3,8 90:19 96:1 101:5,17
 106:7 107:12 108:16 109:7
 111:13 120:13 121:5 122:6
 123:23 125:22 126:14 128:17
quezada 2:8 7:18,18 8:5,8,10,10
 8:24 21:20 22:4 49:22,25 61:23
 62:16 69:12,13,14,18,21,24 70:6
 72:12,13,16 73:17 75:6 106:9,14
 106:18,21 107:11 131:11,12
 133:13,13
quick 46:8
quicker 148:22
quit 65:19

quite 13:7 19:24 58:20 99:22
111:23 152:17
quorum 149:8

R

rain 12:22
raise 16:13 66:21 70:20 83:5 91:6
raised 11:21,22 65:4
raising 68:21
ramiro 3:8 16:16,19 133:23
134:20
ran 21:25
range 129:13,17 155:11
rangel 4:21 91:1,11 137:9
ranging 20:3
rank 112:13 120:20
rate 97:7
ratification 5:14,15 164:19,21,25
166:4,7,10
ratifications 146:11
ratified 165:17,20 166:17
ray 2:6 7:6 133:9
raymond 3:10 17:13,16 135:15
reached 96:1 172:1
react 68:12
reacted 65:21,21
read 17:5,9 34:5 68:17 70:19 91:5
94:21,25 102:20 126:10,13
reading 84:11
ready 23:18
real 46:8 121:19 171:14
realize 19:5
realizing 121:20
really 10:13 13:1 17:1,2 28:15
44:15 68:21 69:8 70:1 83:14
93:4 100:10,10 101:19 121:24
144:3 158:22 163:1,19
rear 75:4
reason 22:17 27:18 31:6 46:20
76:3 81:14,18 82:16 83:19 85:2
108:7 118:22 146:1 148:20
reasonable 156:11
reasoning 85:25
reasons 95:3 129:7 159:18
reassign 126:18
rebirth 95:22
receipts 13:1
receive 10:9 95:17

received 28:2,23 34:10 36:25
57:25 58:5,6 59:25 60:9 61:14
64:5 65:9 78:24 79:1,2 112:23
113:6,19 119:15 167:13
receiving 125:9
recess 145:8 146:6 147:11
rechecked 32:21
recognize 120:9 168:19
recommend 139:23,24
recommendation 19:19 24:18
76:1 85:4 88:24 133:18,21 134:6
134:15 142:1 143:21,25 144:4,5
144:10,17,18
recommendations 94:8 108:1
138:16,19,22 143:17
recommended 76:19 139:15
reconciled 160:16
reconsider 23:16 140:12
record 14:6 19:13 49:10 94:22
95:1 96:3 110:4 129:21 130:6,10
130:16,17 132:17,20,20 133:17
134:13 135:5 136:9,13,25
137:12,23 138:2,10 140:19
142:7 143:1,19 145:5 148:6
149:5 167:22 169:1
recorded 86:19
records 87:11 114:3
recovered 27:19 31:17,18 32:16
34:11
recused 134:15,18 137:13,13
143:20
redacted 129:20 130:8
reduce 23:17 156:7 162:22
reduced 62:24
reference 25:1 33:8 78:15 95:11
101:23 102:10 113:20 165:1
referenced 36:1 82:14
referral 51:15
referred 107:14
referring 102:12 116:2
refers 116:11
reflect 19:10 134:14 135:6 136:13
137:1,12,24 138:11 142:8
reflective 20:10
reformatting 171:7
refresher 153:12,14
refuse 123:18
regard 83:4 135:21 136:11,16

137:25 138:12 140:7 143:19
regarding 145:16 167:14 170:5
regardless 87:2
regret 46:18
regrets 6:16
regrettable 57:16 58:8
regretted 46:16
regular 1:8 69:21 73:19 87:25
169:20,23 170:1
rehab 24:3
reinstatement 95:25 140:8,10
reject 136:3 139:15 140:10,25
142:1 143:24 144:4,5,9,17
rejected 145:13
rejection 143:21
rejections 146:8
related 27:7 173:11
relating 59:14
relationship 26:16 57:12 59:6
relatively 22:8 96:12
relax 75:1
release 30:22,24 119:2
released 25:18,19,20 28:4 29:2,24
30:1 119:6
releasing 28:3 29:21
relinquishment 89:15 90:1,10,13
136:11,12,14,17,19,22
relook 67:6
reluctantly 51:7
remain 144:20
remand 142:10,14
remarried 98:20
remember 103:25 104:4,20,21
107:17,19 108:25 115:16 125:19
159:17
remembered 163:24
remind 92:8 135:21
reminded 125:10
remiss 92:15
remorse 66:18,19
remove 40:22
removed 109:13
removing 14:19,20,21
renaissance 95:22
renegotiate 144:19
rep 46:24 48:20 49:1,2
repeal 140:21 141:9
repeated 20:22

reply 102:8
report 5:12 25:20 28:7,12 29:7
 45:7 54:13 77:5,9,12,19 78:25
 82:2 87:2 104:2 108:10,13
 126:21 146:13,19 152:7,9
 153:23 173:6
reported 1:22 102:1,24 104:17
reporters 173:1
reporting 1:23 77:21 78:4
reports 30:17 31:12 144:22
represent 20:21 79:14
representative 7:2,5,8,11,13,17
 7:22
represented 19:16 65:9
representing 7:19 89:17,19,20
represents 93:17
reprimand 79:1,2
request 24:18 28:8 31:7,14 112:9
 116:9 126:5 127:7 140:7,10
 167:14,17
requested 48:18,19 115:17 126:2
requesting 142:18 167:8
requests 112:23
require 122:24
required 133:1 171:15
requirement 80:23
requirements 22:9 53:23,25
 141:15 156:16
research 126:5
reservation 112:19 114:12 122:25
residence 28:17 59:4,5 118:23
resigned 19:24 38:5 82:16,17
resolve 36:23 135:13 145:20
resolved 28:1 145:25 147:3
respect 92:9 99:21 111:5
respectful 65:5 66:21
respectfully 24:17
respective 95:20
respond 102:13,16
respondent 59:13 87:24 88:1
 105:20
respondents 88:3
responders 6:7
responding 6:7
response 100:11 105:19
responsibility 19:11,23 20:14
 22:21 23:7,11 25:22 33:20,22
responsible 35:23 77:22

rest 23:19 148:8 162:6
restart 157:4
restricted 59:13
result 25:13 37:3 77:16 95:6,23
 136:14
resulted 160:3
resulting 139:19
retire 89:5
retired 10:1 13:18,18,19
return 27:17 29:5 32:21 114:20
 153:15
returned 27:13 28:10 30:10 33:3
 35:6
reverse 141:12
review 5:20 25:9 48:13 98:12
 112:4 129:2
revise 154:12
revocation 91:4 96:9 97:13 101:21
 102:5 105:10,15,24 108:5 137:3
 137:16 138:1,4 139:23,24
revoke 105:4
reynolds 2:12 5:11 53:17,19 124:1
 124:3,4,9,25 125:2,7,12,15,21
 127:4,14,22 129:8,11 130:9,22
 132:19 133:1 141:24 142:21
 143:14 146:5,9,10 147:4,25
 150:18,20 151:23 157:23 158:6
richard 14:20
rick 2:13 151:23
rifle 77:2
right 24:8 28:13 30:1,22 31:13
 42:14 43:17 49:24 50:18 63:6
 84:18 92:25 98:22 102:20 105:5
 111:4 120:19 126:22 161:7
rightful 28:4
rightsell 3:17 23:1,3 24:14,14,15
 26:8,10,13 27:1,4,9,12,15 29:12
 29:14,18 30:14,19 31:4,17,19
 32:10,11,15 33:9,12,13,15 34:4
 34:7,12,15,21 35:1,10 36:12,20
 36:24 37:9,11,15,19,22 38:1,6
 38:12,14
rio 112:18 114:11 122:11,19 123:6
road 74:3
rob 7:9 133:10
robert 2:7 3:18 5:17 7:15 23:1,3
 133:12 135:17 167:3,6,10 168:6
roberto 4:21 91:1,11 137:9

rodella 114:7 123:8
rodriguez 3:25 70:16,22,25,25
 71:1,4,6 72:12,15,17 73:21 75:7
 75:10,13,18,22,24 76:3,7 134:2
rogers 54:13,19
roland 3:14 18:1,4,6,7 135:16,23
roll 3:4 6:4,19,20,24 130:22,24
 132:25
ronald 5:5 91:16 139:11,18
room 22:2 25:5 29:15,17,19 33:13
 36:2,6 43:7 45:20,22 89:23
 103:5,13 117:11 119:21 134:16
rosales 3:18 23:1,4 38:15,16 46:2
 47:3,5,10,14 48:3,7,16,18,24
 49:6,9,13,24 50:1,5 135:17
roswell 7:10 30:15 37:1 38:4,7
roughly 23:16
round 43:3,15
route 17:19,20 63:11
royal 41:11
rpr 1:22 173:22
ruidoso 171:20
rule 157:25 158:2,3,15,22
rules 110:5 155:1 160:24 162:13
 171:16 173:12
run 22:3 59:19 60:12 61:8,24
 62:11 113:25 114:8
running 92:17 101:14

S

sacks 12:17
safe 87:9,10
safekeeping 29:2,19 30:16 31:4,5
safety 5:16 39:10 77:8 166:5,8
salas 4:22 91:1,12 137:10
salazar 4:8 89:10,12 135:19,22
samuel 4:3 70:16,23 71:3 134:2
san 109:23,24 110:6 116:24
 117:23 157:9
sandia 21:15
santa 7:22 38:23 40:14 46:22 79:9
 80:1,3 98:8 171:21
sat 45:9
satellite 9:4 11:3 152:16,24,25
 153:1 154:13 155:6 157:7
 162:25
satisfied 55:4
saturation 110:11

<p>saucedo 5:6 91:16 139:11,21,24 save 159:15 saved 166:25 saw 50:22 118:12 saying 24:16 45:4 46:9 65:13 78:5 88:14 104:20,21 105:8 156:20 169:25 says 33:8 34:10,13 35:23 42:23 44:19 86:6 87:23 102:20 104:16 117:8 172:7 scared 45:15 scenario 148:19 scene 33:6 40:12,19 schedule 79:9 scheduled 77:23 153:9 schedules 170:7 scheduling 5:22 169:11,12,17 170:5 171:23 school 39:17 40:12 69:14,15,17,20 71:11 72:17,19 73:5,8,16 74:2,4 74:6 110:21,22 121:14 schultz 2:6 7:6,6 26:25 27:1,7 52:21 53:5 60:22,23 61:16 83:23 83:24,25 84:3,5,7 89:3,4,7 101:5 101:6,11,13,16 127:9,12 131:9 131:10 133:9,9 134:19,20,20,22 134:25 135:24 136:2 137:12 139:13 140:9 142:9,17,24 143:5 143:12 144:16,24 150:14 151:3 170:25 171:1 schultzs 84:11 screaming 42:20 72:3 se 73:19 search 32:2 85:24 86:2,5,22 87:1 87:7 searches 97:3 seat 35:14 50:18 71:21 75:4 second 15:10,11,12,24,25 42:15 51:8,11,15,16 54:15,17,22 60:23 61:25 74:4 91:24,25 112:24 130:19,20 134:9 135:2 136:5,20 137:18,19,20 138:6 139:3,4,25 140:14,15,16 141:1,2,3,17,18,19 142:2,3 144:7,25 145:1,2 147:7 147:21,22,23 150:4,5,6,11 151:6 151:7,8,13,25 152:1,2 165:22,23 166:19,20 168:7,8,10 172:6 seconded 134:10 136:6,22 142:4</p>	<p>seconds 138:8 139:5 140:1 144:8 165:24 168:9 secretary 80:8 section 130:12 secured 32:25 sedillo 4:23 91:1,12 137:10 see 11:10 13:14,15 18:22 37:10,13 40:10,11 46:25 58:12 92:13 93:5 103:18 106:12 111:8,23 115:22 116:6 121:11 145:15 147:3 150:16 158:15,19 160:25 161:5 163:15 seeing 116:3 seek 54:22 121:10 sought 99:5 seeking 113:16 seen 49:1 52:5 53:11 54:2 75:14 75:19 104:22 163:23 seized 31:16 select 149:7,10 150:11 161:15 selected 95:18 151:14 selena 153:15 send 170:12,13 sends 6:16 sense 13:23 78:20 145:17 sensitive 28:14 31:9 sent 94:21 101:24 113:25 114:18 115:25 116:8 162:3 sentence 22:10 118:7 121:8 sentenced 119:2 separate 32:15 51:1 separated 43:18 59:18 separation 95:7 september 10:17 61:3,5 109:19 sequential 165:2 sergeant 46:12,12 86:25 112:13 120:21 157:8 sergeants 48:13,14 104:5 serve 7:2,13 86:2,18 87:1,6 128:10 served 13:22 20:15 79:5 110:9 service 1:23 9:22 13:17,21 14:7 95:8 96:1 101:8,14 107:6 110:6 110:8 112:15 serving 58:1 session 70:17 82:13 94:9 98:13 112:4 124:3 127:19 128:21,24 129:7,14,23 130:11 131:18 132:4,5,22,22,23 147:16 151:15</p>	<p>160:20 sessions 24:6 162:20 set 20:11 81:2 173:7 seven 109:25 sex 83:25 99:9 sexual 32:17 41:22 84:13 101:19 share 11:8 shared 85:16 shea 113:20 shed 50:23 sheets 35:17 shenanigans 114:11 sheriff 7:10 15:23 27:6 54:7 58:14 72:14 75:21 80:15,19 85:8 92:21 93:6,20 108:17,23 109:19,20,22 114:7 123:8 125:10 131:5 134:10 136:22 139:5 140:16 143:20 145:2 147:23 150:6,14 151:3 152:2 156:17 164:4 168:4 168:18 172:7 sheriffs 7:11 27:2,5 72:3 75:15 76:22 81:10 97:2 109:25 110:7 117:24 154:14,15 155:19,23 shes 13:6 14:18 38:23 40:13,15 42:11,11 67:10 shift 84:7,21 104:6 shilling 2:7 7:15,16 51:24 52:1,2 52:13,17,19 53:6,10,20 54:6 92:7,11,13 131:3,4 133:12,12 134:11,13 135:21,22,24 137:13 141:18,19 148:7 159:12,14 161:7 164:23 165:6,9 166:9,24 167:1,19,20,21 168:2 169:9 shingles 99:1 shocked 44:24 shoot 42:21 shooting 155:10 short 146:13,17 shortened 24:19 shorthand 173:6 shorthanded 128:15,16 shortly 50:17 54:24 shoulder 77:3 shouldnt 18:16 39:23 51:2 69:7 show 25:8 62:14 75:25 111:3 136:9 140:19 143:1,20 145:5 148:6 149:25 170:23 showing 62:4 150:13</p>
---	---	---

shown 82:10
shows 66:17 121:9
shutting 44:20
shy 19:20
side 21:25 43:16 65:18 106:3,4
 127:15
sidebyside 43:25
sidewalk 21:25 22:3
sigala 5:7 91:17 138:18
sigata 96:10
sign 17:24 81:2
signature 35:19 105:11
signed 96:10 164:15,16
significant 96:12
silence 6:6,11
silver 39:16
simplifies 51:21
simply 25:10 62:14 89:25
sincere 9:22
sincerest 20:7
sir 16:21 17:12,23 18:5 19:2,7,12
 20:24 22:23 23:4 24:2,5 30:13
 37:15,19 47:3,14,24 48:16,18
 49:19 50:4,11,14 52:16 54:8
 55:11,14,18 56:2,5,7 58:17
 59:12,15 60:20,21,25 61:17,19
 62:3,15,21,25 63:4,7,9,13,20,22
 63:25 64:6,9,11,12 67:15 70:6,7
 70:24 71:1 72:11 75:13,18,24
 81:20 82:5 83:7,20 84:2 85:14
 85:18 89:6,21 93:11 94:4 101:4
 101:6 102:16 103:2 104:16
 108:2 109:18 120:7,18 121:1
 123:24 124:24 125:2,12,24
 126:24 128:17,18 129:10 143:4
 156:23 157:19,20 158:11,20
 163:7,8 164:3 170:4 171:24
sister 87:4
sisters 99:21
sit 99:13 115:20
site 77:2
sitting 40:2 44:8 71:13
situation 26:1 39:25 67:19
six 42:11 47:17,18 48:8 49:10,15
 72:22 88:8 92:8 112:21 113:13
 151:15 158:9
slap 65:14 68:3
sleep 40:25 41:6

sleeping 40:15 43:4
small 41:10,11 70:8 72:17 77:2
 161:5
smirked 42:16
snapped 46:8
snapshot 5:24 130:1
socalled 116:23 118:6
society 66:20 67:4
solution 110:18
solutions 5:18 129:1 148:11
somebody 35:13 51:5 56:16 74:8
 93:9
somewhat 60:6
son 39:8 40:23
soon 22:8 43:20 135:11 157:17,19
sop 52:25 57:11
sorely 168:21
sorry 19:14 23:11 50:12 69:6,9
 84:4 86:9 90:3 132:8,15 138:14
 150:15 157:22
sounded 123:18
sounds 128:6
sources 85:23
southbound 74:11
southeastern 11:5
span 24:9 61:5
spanked 65:23
speak 19:9 38:17 68:15 94:20 96:5
 115:17 149:13
speaker 17:19,21,25 164:18
speaking 57:9 58:16,18 78:9
 170:18
spearhead 160:19
special 158:4,23 169:17,23
specific 27:8 143:7
specifically 139:16
spend 12:25
spent 171:6
splitting 104:24
spoke 56:24 127:4,7
spouse 98:19
spouses 98:17
sro 66:4,8,13 69:14,16
st 39:17
staff 151:23 163:17 169:15 171:3
stake 78:17
stand 106:24
standard 11:16,21,23 43:11

105:13,14
standards 11:17 20:11
standing 19:15 38:18 44:21 76:12
 76:16 89:17 117:11
standpoint 76:13
star 46:23
start 24:16 92:7 98:1 146:15
 162:22
started 8:2 9:24 10:3 26:16 28:3
 29:21 42:7 45:23 57:14 59:1,1,2
 59:3 61:11 64:15 72:3,21,23
 73:6 76:21 100:20 103:21
 106:12,16 113:18 116:3 121:20
 122:9 123:12,14
starting 6:23 23:2,4 57:11 104:1
 166:11
state 6:17 7:16,16 11:1,2,2,6 23:9
 39:15 66:7 76:24 92:24 112:10
 112:11 116:10,13,18,18 120:9
 123:2 132:20,24 144:23 156:18
 157:6 160:1,10,13,17 161:6,17
 161:24 162:7 163:1 168:21
stated 53:14 54:19 81:21 108:13
 116:1 132:3 136:4 138:2
statement 45:10,14,16,19,21
statements 25:25 118:13
states 59:12 84:12 116:17
stating 115:8,25 116:8 119:6
station 45:3 109:2
status 34:8 124:12,14 126:25
 127:8
statute 160:1
stay 39:9 107:1 146:1 154:25
 172:7
stayed 28:22 58:7 99:7 102:22
staying 39:6 59:3
stenographic 173:6
step 71:22 109:14
stephanie 4:15 90:24 91:8 137:6
stepkids 40:11
stepped 43:14,15,16 71:23
stepping 98:17
steps 71:21
stereo 117:16
steve 10:22 18:9
steven 3:15 5:10 18:2,4 111:18,19
 135:16,25 141:8
stevensons 35:2

stick 71:17,23 72:2
stipulated 18:19 23:13 138:22
stipulation 23:19
stolen 28:16 30:3 31:23
stood 97:8 117:21
stop 44:17 62:12 65:19
stopped 56:11
stops 155:10
stories 45:10
straight 15:4 45:1,1,2
straightened 122:3
streamline 154:17
streamlined 154:20 157:13
street 1:23 8:14 128:16 155:19
 159:11
streets 128:14
stress 65:3 66:15 67:2 68:24
stressed 70:2 77:8,15
stronger 99:16
strongly 10:13
stuck 44:23 57:20
student 39:3 110:23
study 90:17 162:20
studying 110:24
stuff 117:1,3 163:19
stupid 46:4 48:11
subject 33:2
subjects 28:3
submit 25:2
substantiate 108:11
successful 35:6
successfully 28:1 72:7
succinctly 159:7
sufficiently 12:3 129:21
suggest 120:11 144:19
suggested 78:2
suggestion 146:12
suicide 46:21
suit 128:22
suite 1:23
summary 124:8,8 125:6 167:15
sunday 40:2 55:20
supervisor 32:22 66:11 77:24 78:7
 107:9,9,10 108:24,25
supervisors 104:2,17 115:20,20
supplement 28:9 105:12
supplemental 30:17
supplied 95:13

support 85:3 95:24 97:12 161:24
 163:3
supported 98:23
suppose 13:8 132:18
supposed 44:3 80:25
supposedly 123:16
sure 9:21 17:1 32:11 49:6,16
 64:20 80:22 93:12 114:15,20
 119:22 123:10 126:12 135:20
 143:6 155:21 168:24 170:12
suspect 32:23 33:1 34:18 95:17
suspects 31:21,21
suspended 62:18,19
suspension 20:4 23:17 24:19 51:7
 57:25 58:2,3 61:14 79:3 97:13
 143:25 144:20
suspicious 104:17,21
sustained 25:10 36:24 37:1,5
 52:14 53:12 85:20,22
swat 56:14
sworn 97:21
syllabus 34:10
synopsis 5:25 102:20,25
system 40:18 62:14

T

table 41:17
tactical 155:11
tactics 77:24 153:14,19,22
take 11:23 12:9,9,21 23:7,10,13
 26:9,11 30:16 36:10 40:18 42:5
 42:9 53:22,22 60:15,16 62:25
 73:7,14 74:6 79:3,13 88:8 91:21
 92:2 99:6 114:5,9 115:23 128:23
 132:11,18,25 142:19 143:15
 145:8,11,24 146:7,12,17 147:2
 147:13 150:17 151:4 155:13
 156:14
taken 20:13 22:20 43:11 132:9
 152:12 154:8 173:5
takes 40:14 41:21 44:14 73:13
 91:20 132:14
talk 37:12 39:20 41:20,21 42:1
 64:16 70:3 83:2 98:16 104:9,14
 114:25 135:11 145:9,20 156:6
 161:8 171:12
talked 46:14 101:18 114:13 120:3
 147:15 154:23 156:1 170:14

talking 32:7 44:13 45:23 58:21
 103:21 115:2 160:15 161:7
tantrum 69:3
tapia 113:20 114:1,21
targeting 8:19
targets 88:3
task 8:17,18 85:16
tax 13:2
teach 68:23 100:7
teaches 67:3
team 56:15
technical 129:9
technician 35:22
telecommunicator 10:5,16 166:11
telecommunicators 5:16 166:5,8
telephone 63:12,19
tell 6:22 11:16,19 12:11 41:12
 44:16,17,22 73:25 74:24 88:10
 97:16 104:14 118:14 125:1
 126:22 154:7 163:11
telling 45:8 63:18 117:24
tells 127:16
temper 69:3
temporarily 47:11,16
temporary 40:21
ten 38:23 51:4 55:11 145:24 153:6
tenday 57:25
tenminute 146:18,21 147:3,6
tennessee 86:24
tenure 95:1
tenyear 23:9
teresa 4:7 83:1,7,11,12 84:25
 135:18
terminate 88:8 95:4
terminated 27:5 54:9,10,25 85:10
 86:11 88:25 96:14
termination 54:12 88:25
terms 49:17
terrible 6:9,10
terrorist 6:10
test 45:3 95:15
testify 28:16
texas 87:19
texted 64:6
texting 58:19
thank 6:12 8:21,24 10:24 13:2,3
 13:17,21 14:6,16,25 15:7 17:12
 17:22 18:25 19:2,3,14 20:4,18

20:23,24 22:4,23,23 24:12,15
 29:9 32:8 38:2,13,14,16 47:21
 49:7,19 50:4,5 51:22 54:6,7 55:2
 55:4,6,21 58:11 59:9 60:20
 61:20 62:16 64:11 67:8,16,17,18
 68:8 69:10 70:6,13 72:11 76:8
 79:18 81:4,11 82:21,22,24 84:23
 84:25 89:2,8,25 90:18,20,21
 92:3 93:6,13,21,22 101:4 103:2
 106:6 107:11 109:6,8,9,10
 111:12,13,14,16,16,17 120:13
 121:3 122:5 123:24 127:17,21
 128:17,18 129:24 132:3,7
 134:17 143:9,18,18 144:24
 154:2 156:19 161:3 163:7,8
 164:2,3,8,9,9,18 166:24 168:13
 169:1,7,10 171:16 172:11
thankfully 153:15
thanks 55:22 92:20
thats 11:14 17:11 25:15 29:7
 43:10,12 47:19 49:1 54:14,16
 59:5,7 61:8,12,14 64:4,14 66:21
 69:8 70:4,10 74:20 80:5 82:9
 83:18,19 88:10,18,22,23 90:11
 93:25 97:17 101:2,16 102:11
 106:5 108:6 114:3 123:12,14
 125:5 126:12,17 127:17 129:25
 134:18 142:17,18 146:10 150:16
 151:6 159:9 160:24,24 161:4,19
 170:20,21 171:11,15
theft 26:4
therapy 78:2
thereof 88:3
theres 16:6 17:5 52:13,20 73:11
 73:12,12,13 76:3 89:23 105:8
 115:6,7 116:15 117:8 119:5
 146:1 160:16
theyre 12:8 87:10,10 100:18
 103:13
theyve 152:21
thing 11:4 12:16,24 23:12 28:13
 31:13 44:12 57:22 76:11 84:11
 86:8 92:9 98:22 113:18 114:3,17
 117:15,23 119:19,25 120:10
 122:3 124:6 126:9 149:20
 161:16 167:23
things 8:1,2 16:9 18:23 32:2 39:5
 40:9 42:7 65:11 68:23 74:16,17

100:8 107:1 121:21 131:20
 145:12 154:6,7,21,23 155:8,17
 155:24 156:5 157:2 158:25
 159:3,18 161:18 162:2,10,10,15
 164:4
think 6:5,21 11:4,10,12,25 12:1
 13:16,20,24 19:22 32:6 35:3
 44:8 46:19 52:20 65:8,12,20
 66:1,9 67:7 68:4,6,20 72:20
 92:21 93:2 98:6 102:3,11 107:19
 108:19,22 129:12,18 132:2,11
 143:11 145:6,18 147:1 149:14
 149:17 155:2 156:9 158:2,21
 159:3,12 160:6,14 161:4,12
 168:20,22 169:14,25 171:19
 172:1
thinking 40:1 73:24 77:12 132:1
 170:6 171:9
thinks 67:23 78:18
third 1:23 35:11 110:24
thomas 4:10 89:13,16,19,20
 136:15
thought 28:13 41:3 43:8 46:21
 72:1 74:7,8 121:25
threats 8:20 139:21
three 16:13 17:15,17 18:3 23:2,4
 24:21,25 25:1 27:16 35:25 40:11
 41:5 50:8 52:11 57:19 62:19
 64:6 95:4 108:20 113:1 131:22
 131:25 144:21 165:7
threeandahalfhour 55:20
threemonth 24:19 143:25 170:18
threeyear 38:24
threw 69:2
thumbs 115:21
tied 30:7,8
time 8:13 11:9 12:14 16:9 26:19
 29:13 30:21 31:1 34:23 37:24,25
 42:3,23 44:16 47:2 55:16 56:20
 56:24 57:3,8,10 58:4,19 61:24
 61:25 63:7,15 64:17 65:24 67:2
 69:19 71:20 72:6 73:20 74:18
 75:4,14,20 76:25 77:11,23 81:8
 81:21 84:14 86:13,19,19 92:22
 94:11 96:11 98:3,4 101:11,13
 102:23 103:4 104:13 105:20
 106:10,15 107:2 108:14 114:10
 118:6 119:3 120:16 123:3

124:14 128:4 131:24 132:8,15
 133:3 135:2 140:11 146:23
 149:25 157:16 158:7 159:16
 161:9,19,21 164:5 170:19,20
 171:6
timeline 158:14 171:15
times 48:19 53:14 58:22 69:1 77:1
 96:5,22 98:18 99:10,11 161:14
 161:15
today 8:25 9:15,20 10:21 14:4
 24:17 25:9 29:4 38:18,19 67:10
 91:14 93:8 99:12 100:1,25 112:2
 112:25 118:14 120:12 124:4
 128:21 130:2 135:13 144:18
 145:17,20 154:6 156:20 169:7
today's 66:20 124:16 140:12
told 27:22 41:20 42:1,4,9,21 44:10
 45:14 46:6,15,17 48:24,25,25
 49:2 54:24 68:18 71:14 75:14,24
 77:7,15 78:14 83:15 86:19 87:6
 94:20 103:13 118:21 121:15
 128:13
tolerate 13:13
tom 116:10
tommy 123:8
ton 74:4
top 102:4
topic 13:8
tore 67:5
tossing 41:1
total 47:17 153:6
totally 46:5
touched 45:15
tough 98:15
tour 9:8
town 37:25 117:20 127:25
track 110:4 143:6,15 158:19
tracking 5:20 129:3
traffic 52:11 56:13 59:24 74:4
traffics 52:11
trail 31:25 32:4
train 11:9 155:16 160:21
trained 54:19
trainer 163:23
training 5:18 9:2 10:6,7,8 12:7
 53:24 54:1 56:10,10 77:23 78:8
 79:8 80:2,9 120:25 129:1 148:12
 153:7,10,19,21 159:10,21 160:1

160:11,23 161:1 162:5,5 163:6
163:22
trains 95:20
transcription 173:8
transferred 30:9
transmission 107:14
transport 56:16,18,21 57:3,6
transportation 167:6,9
transported 56:20 57:3,12,15
110:8
trapped 74:12
travel 10:7,25
traveling 6:17
treat 111:5
treated 9:10
tremendous 59:1
trial 118:7
tribal 7:22
tried 35:5 68:25 117:25
trips 73:5 170:17
trouble 18:18 58:7 98:3,4 119:8
120:17
truck 21:23 71:13,16 73:24
true 11:13 20:21 46:19 99:23,24
122:16 134:18,19 135:23 171:11
173:8
trujillo 75:11 79:7 80:20,20
153:15
trunk 74:18
try 12:14 48:10 50:23 51:18 98:22
107:4 108:18 122:2 132:9
trying 10:13 18:15 31:13 32:25
34:17 51:10,19 54:16,22 62:7
77:1 133:15 143:13 156:12
159:25 160:21 162:15 167:1
171:9
tsu 33:5 35:24
turn 20:4 21:24,24 22:1,1,2 33:24
97:23
turned 31:16 32:1 33:25 34:19,24
35:17 72:21 86:15 113:15
turning 41:1
tv 45:21,22
twiddling 115:21
two 8:7 10:15 13:22 24:9,23 37:20
37:24 40:24 41:1 44:14 51:1
57:21 58:1 68:21 70:23 75:17
78:8 83:7 109:1 119:3 121:14

122:10 125:15 128:22 129:6
131:21 139:10,16 144:21 153:3
156:4,4,21,21 162:3,23,24 170:1
170:17,19,24 171:5,9,10
twomonth 46:13
type 67:24 126:20,21
typical 65:1
typically 52:3

U

udall 116:10
ultimately 33:3
umbrella 12:19,21
unable 25:5 53:7
unanimous 16:3 135:6 136:10
137:1,24 138:11 139:9 140:5,20
141:23 142:8 143:2 144:14
145:6 150:10 168:12
unanimously 15:15 131:17 141:7
147:10 151:12 166:3
unaware 60:9
understand 11:7 17:2 19:19 44:15
49:17 52:25 63:2 96:23 101:18
103:24 124:18,21 156:11 169:22
understanding 27:23 49:9,12,13
53:6 122:17
understood 48:22 95:5
underwear 41:23
unemployed 47:5
unfortunately 6:16 9:20 98:17
uniform 61:8
uniforms 41:15
union 46:24 48:19 49:1,2 50:21
unique 50:25 60:6
unit 8:20,20 73:8 107:5 108:10,15
units 107:6
unloaded 42:18
unsure 68:12
unsustained 46:13,14
untruthfulness 79:2
unusual 53:20
update 153:13,25
upgrade 107:9,10 108:24,25
ups 31:24
urge 97:20
use 30:5,10 52:12 100:13
userfriendly 154:16
usually 6:3 56:15 94:10 128:20

V

vacuum 149:19
valencia 27:2,4 73:12
validate 162:2,4
validated 161:18 162:15
validates 27:13,17
valley 85:15
vargas 4:24 91:2,13 137:11
vehicle 35:12,16 44:2 56:11 60:3,4
107:4 155:10
ventura 4:22 91:1,12 137:10
verbal 79:1,1
verbiage 129:9
vet 150:3 151:25
vetting 150:12 151:5
vice 2:5 6:13 7:13 13:11 53:19
59:11 61:17 79:21 107:5,6
108:10,15 124:10 125:23 127:14
129:11 130:15 134:11 143:14
145:10 146:5 154:5 156:2
157:23 159:14 164:23 166:9
170:14
victim 27:20,23,25 28:7 31:11
139:19
videos 100:13
vigil 5:9 109:11,13,15,16,18,20,22
111:16 140:23
vince 5:3 91:15 138:17
violated 57:11 162:13
violation 26:3 53:8 59:21
violence 39:13 99:4 139:19,22
153:13
violent 39:8,13 99:4
virtue 122:21 123:21
visit 128:1
voice 103:7 148:1
voluntarily 31:21
voluntary 89:15 90:1,10,13
136:11,12,13,17,19,22
vote 128:23 130:22 132:18,25
135:3 142:19,20,23 143:2
144:10 148:1,8 151:4 161:12
votes 148:6

W

wait 20:24 102:19 121:10 132:15
waiting 132:8
waiver 10:5,16 112:10 113:4,14

113:17,19,23 116:19 123:10,20
152:22,24 153:4,7
waivers 154:19 165:4
wake 99:16
wakes 44:13
walk 12:20 68:25 69:2
walked 33:12 42:25 43:20 44:6
45:11,19
walks 41:23
wall 70:8 167:10,18 168:6
wallet 74:22,22
want 10:20 12:11,20 18:13 19:5
27:22 28:15 31:10,11,11 40:18
41:20 42:1,2 70:2,4 71:22 72:2
77:9 78:20 94:17,20 99:20
104:14 128:2,4 132:1,18 146:2
151:15 152:20 153:23 154:7,15
155:13,21 156:6,10,12,13
158:18 159:11 162:14 163:6,10
164:2 169:5,22 170:12 171:17
wanted 9:19,21 10:21 33:18 37:7
40:19 86:16 92:19 110:17,18
111:2 160:4 161:19 163:10
wanting 100:1
wants 80:15 97:13 170:22
ward 4:6 83:1,6,9,9,10,12,14,20
83:25 84:2,4,6,8,12,15,19,22,25
135:18
warm 160:9
warrant 56:13 59:14,24 60:10,14
60:15,16,18 62:9 85:24 86:2,5
warranted 19:22
warrants 32:3 57:21 61:12,13
86:18,22 87:1,7 110:10 118:4
wasnt 29:6 35:5 38:9 44:3 46:7
61:4 62:12 89:6 121:12
watched 33:13
watching 40:3 45:22
water 33:18
way 10:25 16:7 17:21 33:18 35:3
36:5 70:11,12 88:19 90:14 96:7
96:24 100:8,9 120:5,5 127:15
145:15 146:3 170:8
ways 68:18 99:4
wayside 161:2
week 78:8 127:24 148:16 153:8,8
162:19,21,21
weekend 39:15,21,24,25

weeks 37:20,24 47:15 121:14
148:18 158:9 162:4
weight 167:1
welcome 7:25 8:23 9:17 12:13
16:24 103:12,14 105:12
went 26:6,18,20 27:24 29:18,24
31:20 33:15 35:20 36:6 41:13
42:25 43:2,3 45:21 51:13 56:18
57:17 60:17 72:22 78:7,7 80:12
98:25 101:25 103:5,20 104:9
105:22 112:19 113:23 114:6,6
114:13 115:16 116:14,22 117:2
121:22 122:11,12 123:17 143:13
164:6
weve 10:25 17:5 65:4 74:15
133:16 152:16 154:23 155:8,10
156:9
whatnot 59:3 62:6
whats 41:19 44:15 120:19 126:8
126:10,13 155:2
whatsoever 62:7 86:21 173:13
wife 25:14 26:15 38:3,7 57:8,13
58:15,24 59:18 70:3 73:1 98:24
122:1 128:12
williams 1:22 173:3,22
willing 18:20 102:8,14 140:12
145:19 157:14,22 161:11
wisdom 13:5
wish 106:2
wished 99:13
withdrawing 150:21
wmdc 63:6
woke 41:19 45:20
woman 13:7
wonder 8:8 9:12 161:13
wonderful 161:8 169:7
wont 49:11 94:11 108:18
word 2:13 92:21 151:23
words 8:9 9:13 10:21 46:23
work 26:23 32:1 41:8,15 53:15
56:9 62:12 65:3 66:16 74:16
76:21 77:5 79:16 84:14 100:5,5
100:17,24 112:11,17 113:10
114:13 119:2 123:6,9 146:23
152:20 155:1 157:16 170:15
171:10,14
worked 8:17 13:12 32:18 37:25
62:5 98:24 99:18 112:16 122:10

123:3
working 8:15 21:13,15 28:18
35:24 61:7 62:15 79:7 84:3,5,18
106:18 119:3 122:8 123:15
workload 153:17
works 12:1 38:3,25 161:5
worry 99:22
worst 57:22
worstcase 148:19
worth 171:10
wouldnt 22:3 71:6 104:19,24
145:22
wrapped 45:17
wreck 160:22
wrecking 44:2
write 78:3,15
written 60:8
wrong 29:8 62:11 67:21,23 78:16
117:6 157:24
wrongdoing 96:13
wrote 78:4,11 107:8
wry 13:23
wyndham 102:18

X

Y

yeah 18:22 31:19 104:25 151:1
year 7:14 22:8 36:15,17 37:18
56:8 58:4 61:4,15 66:8 98:4,18
99:11 110:24 122:13 123:1
140:12 144:1 158:17 160:20
162:23,24
years 8:12 9:25 13:22 38:23 42:11
65:3,24 67:2 68:3 95:8 98:3,24
99:8,11 100:2 105:3 106:10,14
106:20 108:1 112:15,16 113:2
116:21,22 119:3,17,18 120:15
121:10 122:8,11 149:16 160:6
161:3
yelled 41:2
yelling 42:8,20
youll 11:17 12:24 37:14 96:23
116:15 121:11 135:10 165:8
young 8:7 20:1 104:9
youngest 72:23
youngster 112:25
youre 12:7 13:1 16:13 21:13 32:7

42:10 44:17,19 46:17,21 50:13
55:12 69:14 70:20 83:19 87:7
89:20 90:3,8,9 93:4 94:2,12
96:23 102:11,14 105:12 111:23
114:15 115:11 120:16 126:10
132:23 144:3 146:2
youve 54:14 99:18 101:18 106:18
108:12 120:7,8

Z

zane 4:6 83:1,6,9 135:18

0

0 21:7 45:3 111:1
00 1:9 132:5,5
0028p 165:15
020160p 165:15
03 45:3
07001 130:4
08 106:13
099202 116:11

1

1 3:3 6:1 64:19 68:13,14 102:4
129:15 130:12
10 3:12 17:13 61:15 65:1 133:24
153:5
100 10:11 26:19
10151 129:15 130:12
108 153:2
109 5:9
10th 63:14
11 3:13 18:1 21:7 133:24 134:19
152:23
111 5:10
11th 152:23
12 3:14 18:1 98:24 106:17 132:5
135:16 173:23
120106pst 166:12
120118pst 166:13
120120pst 166:13
120127pst 166:14
120223p 165:10
120316p 165:10
120317p 165:12
120331p 165:12
124 5:11
127 5:19,20

13 3:15 5:25,25 18:1 106:17 113:8
135:16,25 152:24 153:1 173:23
130001p 165:13
130001pst 166:14
130024p 165:13
130025p 165:14
130026p 165:14
130027p 165:15
130028pst 166:15
130029p 165:16
130046p 165:16
13034 130:3
13yearold 35:5
14 1:22 3:5,16 22:25 23:3 133:25
134:15 173:3,23
14th 54:10 153:9
15 3:6,17 9:25 22:25 72:21 96:10
143:7,9,15,19 148:14,18,19
149:3,15 153:8 172:12
152 5:12
15day 77:20
15minute 146:6,18
15th 80:12 105:11
15yearold 39:8
16 3:7,8,9,18 22:25 135:17
1630 1:23
164 5:13,14
166 5:16
167 5:17
168 5:21
169 5:22
16th 71:9
16week 156:8 159:1,2 162:18,19
17 3:10,12,19 5:25 8:12 50:6,8
67:10 69:20 98:3 118:6 134:25
135:17 136:1
172 5:23
17th 98:4 162:19,21
18 1:9 3:13,14,20 5:25 50:6,9
113:2 116:21 119:22 143:8,9,16
152:25 173:4
185 153:8,21 161:18
18th 162:21
18week 156:8 162:19
19 3:15,21 50:6,9 55:23 93:15
133:25
1980 93:16
1995 121:22

1996 106:16
19a 3:22 14:17,23,24 55:25 64:14
133:25
1st 109:19 153:5,11,20

2

2 3:4 6:19 102:4 130:12
20 3:23 68:3 70:15,21 121:10
134:1 149:15
2001 106:13
2007 101:7
2008 96:8,10,15,15 97:11 106:17
201 1:23
2011 35:24 71:9
2012 33:11 76:23 109:19
2013 1:9 3:6 15:17 152:13 173:4
20week 156:8
21 3:24 65:3 67:2 70:15,21 134:1
22 3:25 70:15,22 134:2
22inch 71:18
23 3:16,17 4:3 70:15,22 134:2
24 4:4 82:25 83:5 134:3
25 4:5 82:25 83:6 91:8 99:11
134:4
26 4:6 82:25 83:6 135:18
27 4:7 82:25 83:7 91:9 135:18
28 4:8 89:10 135:19
28th 153:20
29 4:9 89:13 90:2,15 136:18

3

3 3:5 14:8,10
30 4:10 66:23 67:6 79:5 89:13
90:16 98:6 136:18 149:16
30day 119:2 160:20
30hour 79:2
31 4:11 89:13 136:18 173:23
32 4:12 10:9 90:22 91:4,7 137:3,5
137:16
33 4:13 90:22 91:7 137:4
34 4:14 90:22 91:8 137:6,14,16
35 4:15 90:22 116:22 119:17,18
120:15 137:6,16
36 4:16 90:22 91:9 137:7,17
139:23
37 4:17 90:22 137:7,17
38 3:18 4:18 90:22 91:10 137:7,17
39 4:19 90:22 91:10 137:8,17

4

43 3:6 5:25,25 15:17 111:1
40 4:20 90:22 91:11 137:8,13,17
41 4:21 90:22 91:11 137:9,17
42 4:22 90:22 91:12 137:9,17
 153:1
43 4:23 90:23 91:12 137:10,17
44 4:24 90:23 91:12 137:10,17
45 4:25 90:23 91:4,13 137:4,11,17
46 14:19,22 130:14
47 5:3 91:15 94:7
48 5:4 91:15
49 5:5 91:15 139:10,18
4th 113:19

5

5 3:7 16:16,18 64:14,18 113:8
 130:13 132:5 133:23
50 3:19,20,21 5:6 91:15 139:11,20
500 39:3
51 5:7 91:15 94:7 143:8,9,10,11,16
52 5:8 93:23,25 140:6
53 14:20,22 109:12 130:14
5317 1:10
54 5:9 109:11,12,13 140:22
55 5:10 111:18
56 3:11,22 5:11 124:1 130:14
 141:24 142:10
57 5:12 152:7,8
58 5:13 164:11
59 5:14 164:19,24 165:1
5th 33:11 76:22

6

6 3:3,4,8 16:16,19 133:23 172:12
60 5:15 166:4,7
600 88:21
61 5:17 167:2,4
62 5:18 128:25 129:4,5,12
63 5:20 128:25 129:5,5,12 146:20
 147:14
64 5:21 168:14
65 5:22 169:11
6576k 1:25 173:25
65man 161:21
66 5:23 171:25

7

7 3:9 16:16,19 135:14 153:5
70 3:23,24 80:1
71 3:25
76 4:3
78 152:22
79 121:9

8

8 3:6,10 15:17,19,22 17:13 135:15
 152:13
81 93:16
83 4:4,5,6
85 4:7
87102 1:24
88240 1:11
89 4:8
890015p 165:14
890331p 165:16
8th 38:22

9

9 1:9 3:11 17:13 56:5 135:15
 153:11
90 4:9,10,11,12,13,14,15,16,17,18
 4:19,20,21,22,23,24,25
91 5:3,4,5,6,7
911 42:17
93 5:8
98 97:7
980274p 165:11
99 97:7
990281p 96:9
9th 113:24