

Obituaries



RUSSELL RAY HEIN
Russell "Rusty" Ray Hein, 50 years old and a longtime resident of TorC, NM passed away Sunday, Nov. 11, 2018 at Care in Carlsbad, NM. He was

born July 13, 1968 to John and Earlene Hein. Survivors include his parents John and Earlene Hein, his sister Pam (Henry Varela), brother Clay Hein, nephew Marcos Varela, nieces Rebecca Varela (Thomas Borunda), Teresa Varela (Lucas Lee), Angelina Hein, Great nephews Tristan Varela, Sean Lee and Brody Lee, great nieces Realyynn Lee and Aviana Boninda and numerous uncles, aunts and cousins. Cremation took place and a memorial celebration service will be held Jan. 5, 2019 at 12 p.m. at the Moose Lodge. ***

PLEA

Continued from Page A1 have been responsible for by statute in a second-degree murder conviction, and the Attorney General's Office agreed to drop the felony charge of tampering with evidence. Judge Murphy noted that the defense has indicated that they will argue for a sentence with less than 12 years in prison.

She also ensured that Montoya understood that she as a judge is not bound to the agreements negotiated between the defense attorney and the District Attorney's Office. Judge Murphy pointed out that by signing the plea agreement, Mr. Montoya was surrendering a number of Constitutional rights, such as the right to a jury trial, the right to remain silent and be presumed innocent until proven guilty beyond a reasonable doubt, the right to confront and cross examine witnesses the State would have called to testify against him had the case gone to trial, the right to present evidence on his own behalf and

to present witnesses who would testify in support of that evidence, the right to appeal the conviction he was agreeing to in the plea agreement as well as the sentence that the judge will impose, that he would be giving up any legal excuses or defenses related to this case, and that he will be considered a convicted felon and will lose his Second Amendment rights as a result.

Montoya affirmed his agreement with each query as presented by Judge Murphy.

FACTUAL BASIS DETERMINATION

Judge Murphy then conferred with Ron Lolordo from the District Attorney's Office on the topic of ensuring that the defendant had met "Factual Basis" requirements, meaning that there was agreement between Montoya's version of the chain of events in relation to the crime he is pleading to and that his version lines up with what the evidence indicates after lab testing and investigative work.

Miranda Montoya's death was attributed to "massive blunt force trauma," Lolordo stated, referring to the autopsy report filed as a result of the coroner's investigation, adding that the finding characterized her injuries as "inflicted, not accidental."

This is important as it should help to ensure that an innocent defendant accused of a crime isn't pleading guilty for an offense they did not commit. It also ensures that a guilty party is acknowledging their role in a particular crime, and accepting their role in a crime.

Mr. Lolordo stated for the record that the prosecution has a solid case, describing the manner in which the DA's Senior Investigator R.D. Hays had noted the marks and bruises on the victim's head and matched that to the unique pattern located on Montoya's ring. Furthermore, the ring - a skull with jeweled eyes - had blood from the victim present at the site of the jewels, matching the wounds to Miranda's head. Tying those injuries to Montoya, and coupled with the coroner's report performed at autopsy, the District Attorney's Office felt they had a solid case, Lolordo relayed to the court.

In establishing that determining factual basis was covered, Prosecutor Lolordo stated for the record that the plea might have been prepared earlier, however, the defense looked at evidence and wanted more items tested, and the defense didn't feel comfortable proceeding further until additional items were tested and the results from those tests were received from the State Crime Lab.

The defense concurred that factual basis, but stated for the record that there was possibly one piece of evidence that might possibly have been a basis for defense for his client, and that came back inconclusive. Defense Attorney Lee Deschamps was referring to DNA evidence.

'OVERWHELMING' EVIDENCE & REASON FOR PLEA

Deschamps further offered that he reviewed the evidence with Montoya, and stated that while Montoya does not have recollection of that particular piece of evidence, the evidence that the State had amassed was "overwhelming."

Judge Murphy then addressed the defendant, Steven Montoya, asking him, "Do you now agree that the State could have proven and had sufficient evidence to show that you caused the death of Miranda Montoya?" "That's why I entered a 'No Contest' plea," Montoya stated.

That, apparently, wasn't quite the answer Judge Murphy required from the defendant.

She repeated, "That's why I am asking, do you agree the State has sufficient evidence to convict you of causing the death

of Miranda Montoya by inflicting injury to her head?"

Montoya simply answered, "Yes."

After a brief bench conference was requested, the proceedings continued.

Judge Murphy reiterated all that the day's testimony had established, including that Montoya responded that he understood he was pleading no contest to second-degree murder and that he understood that the penalty could be up to 15 years of incarceration and a fine up to \$12,500 followed by two years of parole. Also that Montoya understood

the Constitutional rights he was waiving, and confirmed his place of birth as well as his status as a legal citizen of the United States.

Lolordo then stated for the record that the reason the District Attorney's Office entered into the plea agreement was to spare Miranda's "extremely bright" and aware six-year-old son from having to be called to the witness stand and relive what he witnessed.

Montoya will remain at the Sierra County Detention Center, where he works as a trustee in the kitchen, until January 2,

citing a shortage during the holidays at the local jail. On January 2, he would return to a detention facility in Los Lunas, and then will undergo a diagnostic 60-day psychological evaluation.

Judge Murphy confirmed Montoya's agreement to waive the time limit. Judge Murphy then stated that, following the diagnostic evaluation being completed, she would order a presentence report.

Upon review of the aforementioned diagnostic evaluation and presentence report, the court would docket the sentence portion for this case. ***



DELIVER THE GOODS - The American Legion Auxiliary Unit 44 assembled, wrapped and delivered 46 Christmas cookie trays to businesses in Elephant Butte, Arrey and TorC to say thank you for their support throughout the year.

AMERICAN LEGION POST 44 AND AUXILIARY UNIT 44 MEMBER NEWS

By Ginny Lucero
Merry Christmas and Happy New Year.

Wednesday, Dec. 26 a lasagna dinner will be served beginning at 5:30 p.m. Dry Creek will be providing the music for your listening and dancing pleasure.

Thursday, Dec. 27 its free pool, chips and salsa all day. Bunco will begin at

1 p.m. Game night starts at 6 p.m. with specials on pizza and hot dogs.

Friday, Dec. 28 fun pool starts at 4:30 p.m., the kitchen opens at 5 p.m. and Bill will start karaoke at 6 p.m.

New Year's Eve we begin with Ladies Day on Monday, Dec. 31; all drinks are \$.25 off and free pool all day. At 5 p.m. it's a

pot luck dinner, around 6 p.m. Bill will start with country dance music and then karaoke. Mark your calendars for a great New York New Year's Eve celebration.

Thanks to our Veterans for our freedom each and every day. Keep our troops away and at home in your thoughts and prayers. Don't forget to wear your red shirt on Friday to honor all our Veterans. ***

Lopez Charged With Harboring a Felon

By Carlos Padilla
HERALD Reporter

Local law enforcement officers looking for a wanted felon successfully apprehended the subject of the arrest warrant and charged a second individual, charging him with harboring a known fugitive from justice, last week.

According to a criminal complaint filed in Sierra County Magistrate Court, Truth or Consequences Police Department (TCPD) officers were at a home located in the 1900-block of South Broadway on Monday, Dec. 17, when Christoval Lopez emerged from the home at about 4:30 p.m., and gave the officers consent to go inside and look for Ashlyn Riggs.

Lopez told the police of-

ficers on scene that Ms. Riggs had been there earlier that day, but left some time before officers arrived.

After being in the home for several minutes, TCPD officers located Ms. Riggs hiding under a counter behind a refrigerator. Ms. Riggs was taken into custody and escorted out of the home and into a waiting police officer's patrol unit located near the home.

When officers spoke to Mr. Lopez, he reportedly confirmed that he knew Ms. Riggs was supposed to check into a rehabilitation facility in Roswell. Lopez further stated that he was aware that Ms. Riggs had been charged with felony counts related to drug crimes. Lopez reportedly also told the

officers that he knew that if she did not go to rehab, that she would be go to prison for 3-1/2 years.

Officers then informed Mr. Lopez that he was under arrest for harboring or aiding a felon, a fourth degree felony, and placed Lopez into handcuffs.

TCPD Sgt. Venable transported Lopez to the Sierra County Detention Center, where Lopez was booked on the felony charge and processed by jail staff.

The charges referenced in this article are accusations based upon an investigation conducted by commissioned law enforcement officers. All parties are presumed innocent unless and until they are proven guilty in a court of law. ***

FIRST BAPTIST CHURCH
220 Broadway - 894-3005
Sunday
9:30 a.m. Bible Study
10:45 a.m. Worship
Wednesday
6:00 p.m. Bible Study
Team KID
Pastor: Dudley Bristow

Welcome to Truth or Consequences
CHURCH OF CHRIST
BIBLE STUDY
10:00 A.M.
ASSEMBLY
10:55 A.M.
EVENING SERVICE
6:00 P.M.
WEDNESDAY EVENING
6:00 P.M.
1500 E. Third St.
TorC, NM

IMPACT CHURCH
307 Rock Canyon Rd.
Elephant Butte, NM
Sunday: 10 a.m. Service
Pastor:
Bob & Jennafer Daugherty
www.impact-ministriestorc.com

NEW HOPE REVIVAL CHURCH
800 Third Ave.
TorC, N.M.
Sunday Worship 10:00
Forward Students Ministries
Wed. 6:30 p.m.
Pastor Caleb Cooper

The Churches of Sierra County Welcome You & Invite You To Worship And Bible Study

OUR LADY OF PERPETUAL HELP CATHOLIC CHURCH
515 North Date - Office 894-7804
MASS SCHEDULE
Weekday - 8:00 a.m.
Saturday - 5:30 p.m.
Sunday - 9:00 & 11:00 a.m.
Holy Days 8:00 a.m. & 5:30 p.m.
Confession
Saturday 4:30 to 5:00 p.m.
Fr. Marcos Reyna

FIRST UNITED METHODIST CHURCH
426 Austin • 894.2553
Candle Light Services
Christmas Eve • 6 p.m.
Sunday School - 9:00 to 10:00 a.m.
Fellowship - 10:00 to 10:30 a.m.
Worship Service - 10:30 to 11:30 a.m.
Pastor Xavier Torres

CH - CH - What's Missing? UR
Travel East on 3rd, take right fork to
DESERT SPRINGS LUTHERAN CHURCH
Rocky Mountain Synod of the ELCA
1685 Caballo Road
Scripture Study - 9:00 a.m.
Worship Service - 10:00 a.m.
Rev. Peter Cacerdo - 575.740.4214
Good Fellowship and Coffee After Service

FELLOWSHIP ALLIANCE
A Family Friendly Christian Church
Bill Winkler, Pastor
1601 E. 6th - 894-0507
Sunday Worship 9:00 & 11:00 am
Adult Bible Class 10:00 am
Children's Bible Class.....11:00 am

EPISCOPAL CHURCH SERVICES
HILLSBORO
CHRIST CHURCH
Holy Communion 8:00 a.m.
TRUTH or CONSEQUENCES
ST. PAUL'S EPISCOPAL CHURCH
407 Cedar Street
Christmas Eve Candlelight
Communion Service 7:00 p.m.
Sunday Service 10:30 a.m.
Free Community Dinner
5:00 P.M. - Last Sat. of the month
Phone 894-9596

ST. JOHN'S LUTHERAN CHURCH
Missouri Synod
1220 Marshall, TorC
1st & 3rd Tuesday
11:00 a.m.
Pastor: Joseph Pellegrino

Thank You Sierra County and TorC For Your Support The Past 70+ Years!
The Tooley Family