

**“Safe”  
Ad Back-Up  
6/15/10**

SCRIPT	VISUAL	BACK-UP
<p>You think your children are safe – because the sex offender registry lets you know if predators are in your neighborhood or working at your school.</p>		<p><b>The New Mexico Department Of Public Safety Developed Registry To Provide The Public With Information On Sex Offenders.</b> According to the New Mexico sex offender registry website, “The New Mexico Department of Public Safety (DPS) developed this site according to the requirements of the New Mexico State Statute [Search Statute Online] [Help (pdf)]. This web page was created to provide information to the public concerning the location of sex offenders residing in the State of New Mexico. The DPS hopes this site will increase and promote public awareness.” [New Mexico Sex Offender Registry, accessed 6/12/10]</p> <p><b>The Sex Offender Registration Act Allowed Public Access To Information On Offenders Who Commit Certain Sex Crimes.</b> According to the statute, “29-11A-5.1. Public access to information regarding certain registered sex offenders; active community notification; internet web site. A. If a sex offender is convicted of one of the following sex offenses, the county sheriff shall forward registration information obtained from the sex offender to the district attorney for the judicial district in which the sex offender resides and, if the sex offender is a resident of a municipality, the chief law enforcement officer for the municipality in which the sex offender resides: (1) aggravated criminal sexual penetration or criminal sexual penetration in the first, second or third degree, as provided in Section 30-9-11 NMSA 1978; (2) criminal sexual contact of a minor in the second, third or fourth degree, as provided in Section 30-9-13 NMSA 1978; (3) sexual exploitation of children, as provided in Section 30-6A-3 NMSA 1978; (4) sexual exploitation of children by prostitution, as provided in Section 30-6A-4 NMSA 1978; or (5) attempt to commit any of the sex offenses set forth in Paragraphs (1) through (4) of this subsection, as provided in Section 30-28-1 NMSA 1978.” [New Mexico Compilation Commission, 29-11A-5.1, Sex Offender Registration and Notification Act, accessed 7/7/10]</p>
<p>But check again.</p> <p>When a New Mexico high school janitor and coach were both charged with sexual contact with students ...District Attorney Susana Martinez cut deals and allowed these child predators to avoid publically registering as sex offenders.</p>	<p>When a New Mexico High School janitor and coach were both charged with sexual contact with students...Susana Martinez. Plea bargains that kept them off the public sex offender registry</p> <p>Case No. D-307-CR-200501498</p> <p>Case No. D-307-CR-200500683</p>	<p><b><u>Hatch Valley High Coach Charged With Rape; Avoided Having To Appear On Public Sex Offender Registry In Plea Deal With Martinez’s Office</u></b></p> <p><b>Headline: “Coach Charged With Rape.”</b> Bohannon was arrested and initially charged with raping a 16 year old Hatch Valley High School student. “A Hatch Valley High School assistant football coach was arrested...on statutory rape charges for alleged sexual misconduct with a student who was 16. Dona Ana County sheriff’s deputies arrested Shawn Bohannon at his Hatch home.” [Albuquerque Journal, 3/19/05]</p> <p><b>Student Alleged Coach Bohannon Molested Her In A Football Locker Room After She Told Him She Would No Longer Have Sex With Him.</b> According to the Associated Press, “A Hatch Valley High School assistant football coach is accused of statutory rape involving a student. Shawn Bohannon was arrested...at his home on 10 counts of criminal sexual penetration by a licensed school employee, two counts of criminal sexual contact and one count of false imprisonment...An 18-year-old girl told a Dona Ana County sheriff’s investigator that she and Bohannon began having a sexual relationship in November 2003 when she was 16 years old, and that he was very persistent, court records state. The girl said she told Bohannon in February 2004 that she would no longer have sex with</p>

him. But later that year, she alleges Bohannon took her into the football locker room, grabbed her and molested her even though she told him to stop.” [AP, 3/19/05]

**Shawn Bohannon Faced 29 Counts Of Criminal Sexual Penetration Of A Minor And 12 Counts Of Criminal Sexual Contact Of A Minor For Relationships With Students.** According to the Las Cruces Sun-News, “Shawn Bohannon, 36, Former Hatch Valley High School football coach and athletics director. Arrested: February 2005, Charges: 29 counts of criminal sexual penetration of a minor by a licensed school employee, 12 counts of criminal sexual contact of a minor by a licensed school employee, one count of intentional child abuse, two counts of contributing to the delinquency of a minor and one count of false imprisonment. The allegations involve three female students at the school.” [Las Cruces Sun-News, 11/20/06]

**Shawn Bohannon’s Lawyer Contended He And Martinez’s Office Entered Into A Plea Agreement So He “Would Not Have To Be Treated As A Sex Offender Nor Have To Register As A Sex Offender.”** According to the Motion To Review Conditions Of Probation Now Imposed By The Department Of Corrections And Probation & Parole Department, Bohannon’s lawyer wrote, “The parties, in negotiations, at sentencing, and as reflected in the Judgment & Sentence, because there is no mention made of it, deliberately entered a plea so that Mr. Bohannon would not have to be treated as a sex offender nor have to register as a sex offender.” [State of New Mexico vs. Shawn Bohannon, D-307-CR-200500683, Motion To Review Conditions Of Probation Now Imposed By The Department Of Corrections And Probation & Parole Department, Filed 6/26/08]

**Shawn Bohannon Was Sentenced To Five Years Probation And A Suspended Prison Sentence.** According to the Albuquerque Journal, Bohannon “was sentenced to five years’ probation...following a plea agreement stemming from a sexual misconduct case involving female students. Shawn Bohannon, 36, also agreed to give up his teaching certificate as part of an agreement to plead guilty to one count of child abuse and 14 counts of contributing to the delinquency of a minor, said Chief Deputy District Attorney Susan Riedel. State District Judge Silvia Cano-Garcia sentenced Bohannon to 24 years in prison, but suspended the prison time.” [Albuquerque Journal, 6/1/06]

### **Las Cruces High Janitor Fondled 15-Year Old Girl And Avoided Appearing On Public Sex Offender Registry In Plea Deal With Martinez’s Office**

**Hector Montes Was Indicted On Charge Of Criminal Sexual Contact Of A Minor In The Fourth Degree As A School Employee.** In 2005, Hector Lloyd Montes was indicted by a grand jury on charges of “Criminal Sexual Contact of a Minor in the Fourth Degree (School Employee), on or about November 12, 2005, in Dona Ana County, New Mexico, the above-named defendant did touch or apply force to the intimate parts of [the girl], who was at least thirteen but less than eighteen years of age, to wit: her breasts and buttocks or intentionally caused [the girl] to touch the intimate parts of the defendant to wit: his penis and defendant was person who was a licenses school employee, an unlicensed school employee, a school contract employee, a school health service provider or a school volunteer and the defendant learned that [the girl] was a student in the school and the defendant was at least eighteen years of age and at least four years older than [the girl], a fourth degree felony.” [State of New Mexico vs. Hector Montes, D-307-CR-200501498, Grand Jury Indictment, Filed 11/23/05]

		<ul style="list-style-type: none"> <li> <b>Criminal Sexual Contact Of A Minor In The Fourth Degree Would Have Required Hector Montes To Register As Sex Offender.</b> The Sex Offender Registration and Notification Act required sex offender to register if convicted of criminal sexual contact of a minor in the second, third or fourth degree. According to the statute, “29-11A-5.1. Public access to information regarding certain registered sex offenders; active community notification; internet web site. A. If a sex offender is convicted of one of the following sex offenses, the county sheriff shall forward registration information obtained from the sex offender to the district attorney for the judicial district in which the sex offender resides and, if the sex offender is a resident of a municipality, the chief law enforcement officer for the municipality in which the sex offender resides...(2) criminal sexual contact of a minor in the second, third or fourth degree, as provided in Section 30-9-13 NMSA 1978.” [New Mexico Compilation Commission, 29-11A-5.1, Sex Offender Registration and Notification Act, accessed 7/7/10; State of New Mexico vs. Hector Montes, D-307-CR-2005-01498, Grand Jury Indictment, Filed 11/23/05] </li> </ul> <p> <b>Hector Montes Received Plea Agreement With Martinez’s Office That Dropped Criminal Sexual Contact Charge.</b> According to the Las Cruces Sun-News, Montes “was assigned to the state Department of Corrections for a 60-day diagnostic evaluation, Deputy District Attorney Susan Riedel said...Montes, 24, was charged in November 2005 with criminal sexual contact of a minor in the fourth degree and contributing to the delinquency of a minor. But as part of a deal, he pleaded guilty in May to the delinquency charge and the criminal sexual contact charge was dropped. Montes was charged after a school administrator found Montes alone with a 15-year-old female student in an office at the school.” [Las Cruces Sun-News, 7/2/07] </p>
<p>Today we don’t know where these sex offenders are lurking ...because Susana Martinez didn’t do her job.</p>	<p>Today we don’t know where these sex offenders are lurking. Because Susana Martinez didn’t do her job.</p> <p>Paid For By The Committee To Elect Diane D. Denish, Inc., Ted F. Martinez, Chair</p>	<p> <b>Shawn Bohannon And Hector Montes Did Not Appear On The County, State Or National Public Sex Offender Registries.</b> Neither Shawn Bohannon nor Hector Montes were listed on Dona Ana County Sex Offender Registry, New Mexico Sex Offender Registry or the U.S. Department of Justice National Sex Offender Registry. [www.icrimewatch.net/search2.php?AgencyID=54317, accessed 6/15/10; www.nmsexoffender.dps.state.nm.us, accessed 6/15/10; www.nsopr.gov/, accessed 6/15/10] </p>