

The District Attorney and the Democrat Councilwoman – Part Two

Frost McGahey, Investigative Journalist

On June 6, 2023, Francis Gonzales, a member of the Bayard Town Council and the Grant County Democratic Party, was arrested because she made a false report about an attempted break-in at her home. This report occurred during a May City Council work session where her comment could be reasonably interpreted as critical of the Bayard Police Department and, specifically Bayard Police Chief Hector Carillo.*

The break-in was investigated by the Bayard City Police and found to be false. Gonzales was charged with a misdemeanor, arrested, and released on her own recognizance. Her release was approved by Judge Hector C. Grijalva.

Bayard Police Chief Hector Carrillo said, "In this particular case, just like every other case, we look at the charge and the investigation. We don't need approval from the District Attorney's office on any felonies or misdemeanors, but we do work together. Their office was contacted and briefed on the facts of the case. It is a misdemeanor, but they also agreed to assist us in prosecuting the case."**

In New Mexico, conviction for a misdemeanor can result in a jail sentence of up to 364 days, and a fine of up to \$1,000 or both.

Over two months went by with nothing happening on the case until Chief Carrillo prodded District Attorney Michael Renteria on August 15th.

Later that afternoon Renteria appointed as a special prosecutor attorney Mathew Bradburn because the DA was shorthanded on prosecutors.

Bradburn changed the charge from False Reporting to Resisting, Evading or Obstructing an Officer, also a misdemeanor. Before the case was taken to trial, Bradburn resigned to "take his practice in a different direction." When contacted by the reason for change, Bradburn said, "I did not want to make any comment."

On November 3, Spencer Baca, Gonzales's attorney filed a motion to dismiss and cited all the reasons why the charge of Resisting and Evading was not supported by the evidence. Sources say a case could have been made for Obstructing an Officer, but that was not done by the district attorney.

An email dated November 16, shows Police Chief Carillo asking Renteria if the charge can be reversed back to the original False Reporting. Bradburn is no longer on the case. At this point the chief knows the case is being dismissed.

Renteria replied, "Chief, my office has no intention of refiling this matter, and I suggest you do the same."

On November 18th, Renteria made his one and only appearance in court in three years as a prosecutor and dismissed the case. Renteria had promised to carry a full case load when debating Norman Wheeler during the Democratic Primary.***

Later Baca filed a tort claim on Gonzales's behalf with the New Mexico Municipal League's Self-Insured Fund. After doing a risk assessment on the claim, the adjuster concluded there was no wrong doing on the part of the Bayard Police Department for the investigation and charge in the Gonzales case.

To be continued.

*Motion to Dismiss Criminal Charge, November 3, 2023 Spencer Baca, attorney

**Silver City Daily Press, June 9, 2023, Juno Ogle, Bayard councilor arrested for false report.

***Wheeler, Renteria draw sharp contrast in DA's race, Zoom Meeting, Silver City Daily Press, May 12, 2020,

Documents obtained through Inspection of Public Records (IPRA).