

El Diario

de EL PASO

AÑO II • NUM 945

PERIODISMO SIN FRONTERAS

Habría mentido a la Policía aspirante a juez de Corte

EL DIARIO DE EL PASO

Yahara Lisa Gutiérrez, candidata a ocupar el cargo de juez de la corte 45 del Condado de El Paso, presumiblemente mintió al momento de declarar al Departamento de Policía, el 23 de agosto de 2000, fecha en que fuera encarcelada supuestamente por conducir en estado de ebriedad.

De acuerdo al reporte de la Policía, aparentemente Gutiérrez mintió en un par de ocasiones, cuando el policía que

la arrestó le preguntó por qué llevaba consigo tarjetas de presentación con su nombre y el cargo de 'Asistente de la Procuraduría de Justicia del Condado'.

La candidata a juez de 44 años de edad, quien al momento del arresto se desempeñaba como fiscal asistente de la Procuraduría de Justicia del Condado, declaró a la Policía ser 'desempleada' y haber trabajado anteriormente como secretaria en la Procuraduría de Justicia.

"El oficial que la arrestó preguntó a AR-1 (así identifican en el reporte a Yahara Lisa Gutiérrez) por qué traía tantas tarjetas de presentación con el título de 'Asistente de la Procuraduría de Justicia del Condado'". "AR-1 respondió que las usó para trabajar en la Procuraduría de Justicia del Condado. AR-1 indicó estar actualmente desempleada", señala el reporte.



FOTO: QUENTIN EPPO

Más 10A

Yahara Lisa Gutiérrez

Habría mentido a la Policía aspirante a juez de Corte

VIENE DE LA 1A

El documento de nueve páginas, cuya copia llegó a esta redacción vía fax, con la fotografía de la candidata en la primera página y en la parte de abajo la pregunta: "¿La siguiente juez de la corte 65?", menciona que Yahara Gutiérrez fue detenida por los policías porque conducía zigzagueando y a exceso de velocidad.

Los oficiales J. Lamb, con número de placa 2001 y R. Herrera, 2051, detectaron que el vehículo Mitsubishi, tipo Montero-SUV, modelo 2000, viajaba a 90 millas por hora, y que además, atravesaba las líneas de seguridad de la carretera.

Según los datos del reporte policiaco, con número de caso 236023, la actual candidata a juez del condado fue encarcelada con cargos de conducir en estado de intoxicación.

Gutiérrez dijo que la copia del reporte llegó a esta redacción como parte de una estrategia de sus contrincentos políticos.

La candidata ha dicho que fue exonerada del cargo en su contra y que por esto el precedente fue borrado del sistema del Condado de El Paso.

Luego de un proceso legal, de acuerdo a datos de la corte, los cargos en contra de Gutiérrez se retirados el 2 de marzo de 2001, así como el caso en mención.

Este medio dejó varios mensajes en el correo de voz telefónico de la candidata Yahara Gutiérrez, pero hasta el cierre de la edición de ayer, aún no se recibía una respuesta en relación a por qué y cómo es que fueron retirados esos cargos.

aponce@diarioelcomercio.com

Exhibit "D"

Office of Theresa Cab 91556625250

-- Disposition Information --
20000C12816; Gutierrez, Yahara Lisa; Driving While Intoxica

1. Disposition	: Dism - Pros. Discretion	10. Sentence Date	:
Disp Date	: 03/02/2001	11. To Commence	:
2. Final Plea	: Not Guilty	12. Fees Due	:
3. Conv Offense	: 54040009	13. Fine	:
4. Conv OffDesc	: DRIVING WHILE INTOXICATE	Susp. Fine	:
5. Conv Degree	: Misdemeanor B	14. Court Cost	:
6. Conf Type	:	15i Attorney Fee	: \$0.00
Conf Length	:	Def. Assessed	: \$0.00
Return/Shock	: Not Applicable	16. Judge	: Alejandro Gonz
7. Jail Credit	:	17. Reporter	:
8. CSCD Time	:	18. Jury Trial	:
Comm Service	:	19. Volume/Page	: 216; 1395
9. Comment	: (Warr# D00-08403)		
20. Other Orders	Comment		

OVR

Selection:

F1-Exit

EL PASO POLICE DEPARTMENT
SUPPLEMENT REPORT

H3

Reported Date: 08/23/00 Time: 02:26 Case: 00-236023 (003) Page: 1
Code: 49.04-P PC Crime: DWI Class:
Occurrence Date: 08/23/00 Day: WEDNESDAY Time: 02:26-
Status: Closing Officer:
Location: 11 I10WEST, EP RD: 4518
ROADWAY MP 11

NARRATIVE

DEFENDANT: YAHARA LISA GUTIERREZ (01-15-63)

CHARGE: DWI

STATE OF TEXAS

COUNTY OF EL PASO

COMPLAINT AFFIDAVIT

DATE OF OCCURRENCE: 08-23-00

TIME OF OCCURRENCE: 0224HRS

The undersigned affiant, being employed by the El Paso Police Department, (the "department"), El Paso, Texas, as a peace officer, and being duly sworn, on oath makes the following statements and accusations, to the best knowledge and belief of the department on the date of the foregoing supplement report, (the "report") which is incorporated into this affidavit by reference as if quoted verbatim:

1. It is the belief of affiant, and affiant hereby charges and accuses, that the subject named in the report, YAHARA LISAGUTIERREZ(01-15-63)committed the offense of, DRIVING WHILE INTOXICATED named in the report. The report was compiled from the department's investigation of charged offense.

2. Affiant has probable cause for the said beliefs stated herein by reason of following facts, to wit: in the city and County of El Paso to wit: PC 0226 hrs. 08/23/00 Defendant was observed by officers operating a motor vehicle to wit: a 2000 Grey/white Mitsubishi Montero four door bearing Texas plates H24 FMN upon a public roadway to wit: Mile post 12 - 11 Interstate 10 West bound. While under the influence of an unknown alcoholic beverage to wit:

Officers 3. Lamb #2001 and R. Herrera #2081, unit 3F343 while enroute to the WSRCC observed vehicle exiting Sunland Park Dr. onto interstate 10. Officers observed defendant vehicle to be travelling at very high rate of speed. Officers paced the defendant vehicle and reached 90 mph. As officers were pacing the defendant vehicle they observed the vehicle to swerve across the white lines two times. Officers initiated a traffic stop by turning on the overhead lights. Once the defendant vehicle came to a stop Officer Lamb made contact with defendant and observed the defendant to be the sole occupant of the vehicle. The defendant was positioned in the driver seat with the seatbelt on, keys in the ignition and the engine running. Officer Lamb observed the defendant to have glassy bloodshot eyes. Officer Lamb requested defendant to provide the the officer with a drivers license and proof of insurance. Officer Lamb detected an odor of an unknown alcoholic beverage upon the defendants breath and person and as the defendant spoke she had slurred speech. The

Standard Trailer 1 - First Page

Reporting Officer: HERRERA R Number: 002081 Date: 08/23/00 Time: 04:38
Typed by: 2081 Number: 2081 Date: 08/23/00 Time: 04:41
Approving Officer: MATTHEWS Number: 001394 Date: 08/24/00 Time: 06:50

Reported Date: 08/23/00 Time: 02:26 Case: 00-236023 (003) Page: 2
Code: 49.04-P PC Crime: DWI Class:

defendant fumbled through her belongings and stated her license was in the rear of her vehicle. The defendant on her own will exited the vehicle to retrieve her license. Officer Lamb observed the defendant was unable to maintain her balance in exiting the vehicle. As the defendant was outside the vehicle she placed her left hand along side the vehicle to prevent her from staggering. The defendant walked along the driverside of her vehicle to the rear. The defendant walked towards the front of her vehicle and again was unable to maintain her balance. The defendant used her right arm to guide her along the driver side back to the front of the vehicle. The defendant continued to look for her license and stated she would be willing to show the officer her insurance. Officer Lamb asked the defendant where she was coming from and AR-01 replied from the Camino Real Hotel. Officer Lamb asked the defendant to step to the rear of the vehicle. Officer Lamb who S.F.S.T. certified requested if he could conduct a series of tests at which point the defendant refused. Officer Lamb noticed an object in the defendants mouth. Officer Lamb asked the defendant what she had in her mouth and replied candy. Officer Lamb asked the defendant to remove the candy from her mouth. The defendant removed the candy and Officer Lamb noticed it to be a freshly placed breath mint. The defendant stated she had the mint in her mouth the whole time. Once the mint was removed the mint was still full sized and had all its coloration to it. Officer Lamb concluded that the defendant was intoxicated. The defendant was advised of her Miranda Rights and placed under arrest. The Defendant stated she would not submit to a sample of her breath being taken. Officers videotaped AR-01 and the videotape was tagged and turned into CRC. AR-01 was subsequently booked into the El Paso County Detention Facility.

3. Affiant has read the foregoing and states that it is true and correct to the best of my knowledge.

AFFIANT

SUBSCRIBED and sworn to before me the undersigned authority this the ____ day of _____ 2000.

NOTARY PUBLIC, STATE OF TEXAS

MAGISTRATE

COURT

TRAILER 2 - Continuation Page

Reporting Officer: HERRERA R Number: 002081 Date: 08/23/00 Time: 04:38
Typed by: 2081 Number: 2081 Date: 08/23/00 Time: 04:41
Approving Officer: MATTHEWS Number: 001394 Date: 08/24/00 Time: 06:50

EL PASO POLICE DEPARTMENT
SUPPLEMENT REPORT

H3

Reported Date: 08/23/00 Time: 02:26 Case: 00-236023 (004) Page: 1
Code: 49.04-P PC Crime: DWI Class:
Occurrence Date: 08/23/00- Day: WEDNESDAY- Time: 02:26-
Status: AR CLR BY ARRST Closing Officer:
Location: 11 I10WEST, EP RD: 4518
ROADWAY MP 11

NARRATIVE

During this investigation and upon inventory of AR-01's purse. Officers located a stack of 25-30 business cards. The business cards revealed AR-01's name and under her name stated Assistant County Attorney. Arresting officer asked AR-01 why she would carry so many business cards with the title assistant county attorney. AR-01 replied she used to work at the county attorney's office. AR-01 stated she was currently unemployed. While enroute to booking arresting officer asked AR-01 what she did at the county attorney's office and AR-01 replied she was a clerk.

Standard Trailer 1 - First Page

Reporting Officer: LAMB J Number: 002001 Date: 09/02/00 Time: 07:25
Typed by: 2001 Number: 2001 Date: 09/02/00 Time: 07:42
Approving Officer: DIMATTED Number: 000410 Date: 09/02/00 Time: 21:39