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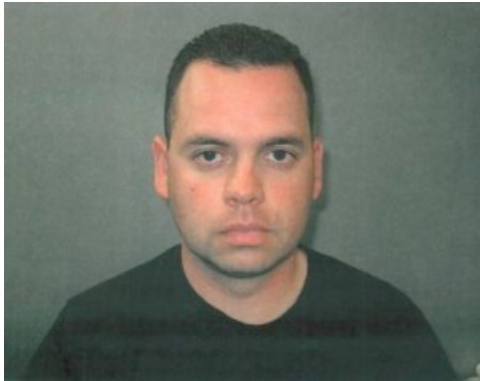
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Posted: Thursday, December 2, 2010 11:00 pm

By Wren Abbott
Nogales International | 1 comment

A former Nogales police officer will spend less than three years in prison after pleading guilty to three of 11 counts of sexual conduct with a minor.

Mariano Garibay, 29, of Rio Rico, was arrested in May after his 16-year-old victim and her family notified police that Garibay was having a sexual relationship with the girl. The 11 original charges were all for sexual conduct with a minor, a Class 6 felony in this case because the victim was over 15 at the time.

The crimes allegedly occurred between December 2009 and May 2010. Court records show that Garibay pleaded guilty to the counts that happened Dec. 8, 2009, Feb 2, 2010 and March 25, 2010.

At the time of his arrest, Garibay admitted to police that he had been in a sexual relationship with the girl. He was arrested May 18 and released May 26 on a \$30,000 surety bond. He was relieved of his duties as an NPD officer effective May 26.

"Every police department has issues that come up with employees - it doesn't matter what agency it is and how thorough a background check may be," NPD Chief Jeffrey Kirkham said this week. "Certainly an incident like this does violate the public trust, but I think our action in the matter showed that we strived to maintain that integrity and show the public that we're going to take action against it."



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Under his plea agreement with the Santa Cruz County Attorney's Office, Garibay faces a basic sentence of two years and three months in prison, a minimum sentence of one year and nine months, and a maximum sentence of two years and nine months.

At the sentencing, scheduled for Jan. 10, 2011, Superior Court Judge James Soto can also order Garibay to pay up to \$15,000 in restitution to the victim for medical and counseling fees. Garibay must also register as a sex offender.

Garibay was a sworn officer with NPD from 2008 until his arrest, but started his career with the city working in parking enforcement in 2007.

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