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Ex-NPD officer gets 2.25 years for sex with teen

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By Hank Stephenson

For the Nogales International

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33 Former Nogales Police Officer Mariano Amado Garibay was sentenced to two years three months in prison for a sexual relationship he struck up with a 16-year-old member of the Nogales Police Explorers program.

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“You took advantage of a very young girl and there’s frankly no excuse for what you did,” said Superior Court Judge James A. Soto.

“You’ll get out of prison in a little over two years but my guess is this girl is going to be suffering emotionally for many years after that. I hope you think about that while you’re in prison.”

Garibay previously pleaded guilty to three of 11 counts of sexual conduct with a minor.

Prosecutor Charlene Laplante asked the court for a heavier sentence of five years and three months, but Soto said because the sexual encounters happened in a relatively short time period, and because the 29-year-old defendant had no prior record, the shorter sentence was more reasonable.

Garibay, who had sex with his victim between December 2009 and March 2010 with the first time being on her 16th birthday, told the court he was sorry for his crimes and that “emotions just got the best of me.”

Laplante called Garibay a sexual predator who took advantage of a young girl and who knew that what he was doing was wrong and illegal, but who only stopped because he got busted.

“He carried on this relationship until he was discovered,” she said. “It wasn’t that he stopped this behavior, it was that he got caught.”

Garibay was arrested in May after the victim told police that she was having a sexual relationship with the officer and that she was scared she was pregnant. He was arrested after detectives set up and recorded a phone call between him and the girl.

Garibay will not be eligible for parole and was ordered to pay \$3,657 in restitution while he is in prison. He will also have to register as a sex offender when he is released from prison, and was ordered to have no contact with the victim or her family.

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Comments

RIO RICO KNIGHT wrote on Feb 23, 2011 10:31 AM:

" You know, I can respect people having different opinions about this case and the sentencing, particularly if they know the officer and are his friends (though I will say he is the main culprit here). But... to use this case as one more salvo in the movement to assign blame for anything going wrong in our community, our state and our nation to undocumented people is TOO MUCH. I am sure someone out there is cooking up a theory about undocumented people being involved in the Tucson shooting of Congresswoman Giffords. We need to get back our humanity and take care of the neediest people among us. "

david1 wrote on Feb 22, 2011 4:48 PM:

" The people that think the actions of this man were "ok" obviously do not have any moral standards in their lives. How could you ever justify what this man did? This was a teenage girl. Teenager's decisions as a whole are usually irrational and they often make decisions simply based on their emotions and their current situations. This was a grown man who knew perfectly well what he was doing. I hope and pray that if those who justify this man's actions have daughters, you never have to go through something like this. Just to think that anything like this could ever happen to my daughter makes my blood boil. Shame on you and anyone who would ever justify the actions of a man (or woman) who would take advantage of the innocent. The only part of this story that makes me upset is that he only got 2.5 yrs. "

tanacious wrote on Feb 22, 2011 2:53 PM:

" my answer is to Muneca03, I'm of the same opinion, how far are we going to let this illigals do what they want ? this was not a rape !, I have a relative that is going through false accusations from an illgal woman here who only wants to get her papers that law that protects them and gives them legal status. there is an abuse going on here that doesn't get reported nor makes the front page; its our young male citizens being victims of these women who will lie, and cheat and use these men to get their legal status here. who will help our boys ? they loose their jobs, go to jail and loose their dignity. "

muneca03 wrote on Feb 21, 2011 12:11 PM:

" At strange1 and imdavid thanks at least someone understand!!!! not like wise other people well the girl got no punishment as everyone knows of course she play the innocent game as they all do but its all good she will pay some day she exactly new who he was and how old was he, he never lie to her about his age nor did he ever lie to her mother, her mother new what was going on with this relationship but of course her been illegal as well as her mother all they wanted is to play this little game in order to get some kind of protection to not be deported sucks but very true. "

donmanuel wrote on Feb 18, 2011 3:54 PM:

" Shame on you imdavid, children and the elderly need our care, protection and need to know that they're safe in our company. You're probably not from the USA originally because in the USA rape of any stature is illegal. I do not know how your sons and daughters (if you have any) are fareing in life, I sure hope they know better than to listen to your very sick and illegal way of looking at children's wellbeing. "

strange1 wrote on Feb 18, 2011 2:03 PM:

" I get that what he did was wrong but what is the punishment for the girl? Remember a man goes as far as the women / girl lets him, and our mothers have been telling us this for YEARS! "

imdavid wrote on Feb 17, 2011 1:16 PM:

" yes, an idiotic sentence alright, should not be any jail time, the girl was willing and 29 and 16? please nothing wrong with it, my wife was 16 when we married and i was 27. this country needs to stop criminalizing natural behavior. "

taichijan wrote on Feb 15, 2011 10:23 AM:

" What a joke 2 1/4 years for a police officer who should know better. judge soto i am dismayed at your logic and what seems like disrespect for lives of children. you are suppose to protect them "

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