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## Ex-NM officer who married 15-year-old charged

Updated 9:49 a.m., Saturday, July 28, 2012

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LAS CRUCES, N.M. (AP) — A 29-year-old man accused of impregnating a 15-year-old girl while he was a Truth or Consequences police officer has been charged with statutory rape of a minor, even though he later married the girl.

The [Albuquerque Journal](#) reports (<http://bit.ly/OZQbJx>) that Noah Pestak turned himself in Friday after [State Police](#) obtained an

arrest warrant. He was charged with criminal sexual penetration of a minor, contributing to the delinquency of a minor and attempting to tamper with evidence.

He was released from the [Sierra County Detention Center](#) later Friday after posting a \$25,000 cash-only bond.

State law prohibits an adult from having sex with a minor younger than 16, but the law allows an adult and minor to marry if the girl is pregnant.

His attorney, [Jeff Lahann](#), did not immediately return a phone message from [The Associated Press](#).

In May, Pestak, the son of Truth or Consequences -based Magistrate Judge [Thomas Pestak](#), married the girl in a civil ceremony led by municipal judge [Beatrice Sanders](#) using a marriage license issued upon the order of state District Court Judge [Kevin Sweazea](#). One week after the marriage, Noah Pestak resigned from his Truth or Consequences police job.

Sierra County [Sheriff Joe Baca](#), for whom Noah Pestak previously worked, has been outspoken about the case and filed a complaint against all three judges who knew about the girl's pregnancy with the state [Judicial Standards Commission](#).

Baca has said the three judges with knowledge of the situation, including Noah Pestak's father, were legally required to report the case of an adult having sex with a child under 16, even if the adult was in the process of marrying her.

The girl's father, [Chester Hamilton](#), previously told the [Journal](#) that, while he was initially enraged by the officer's relationship with his daughter, he no longer wants him prosecuted.

The evidence-tampering charge stems from Pestak's alleged effort to pay for an abortion on May 23 or 24, said special prosecutor [Scot Key](#), the chief deputy district attorney based

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in Las Cruces who was referred to the case by Socorro-based District Attorney [Clint Wellborn](#).

The prosecution's theory of the case, Key said, is that, in offering to pay for the abortion, Pestak sought to "get rid of potential evidence." Failing that, Key said, "Plan B was to marry her" and persuade her not to talk about their relationship.

According to a State Police investigator, the girl changed her mind about having the abortion after missing her appointment and returned the \$425 Pestak provided for the procedure.

"We're going forward with the matter because it's something we can't ignore," Key said Friday. "The crime has already been committed. Simply trying to put your best face forward, I don't think it escapes liability just because you're trying to fix it."

If convicted on the six counts, all fourth-degree felonies, Pestak would face a maximum prison sentence of nine years.

Information from: Albuquerque Journal, <http://www.abqjournal.com>

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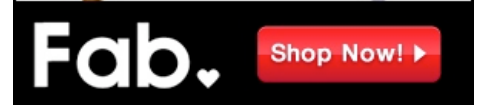
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