

Former Las Cruces detective facing more felony sex charges

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LAS CRUCES >> A former detective is facing more sex crime charges, less than two weeks after authorities charged him with the sexual assault of a teenage girl.

Michael Garcia, 37, has been charged with eight felony counts, according to the Magistrate Court's online data and an LCPD news release. The felony charges are a mix of criminal sexual contact and criminal sexual penetration, all against a minor.

Garcia, who lives on the 5800 block of Megan Street in Santa Teresa, was arrested Wednesday by his former LCPD colleagues and booked into the Doña Ana County Detention Center on a \$50,000 bond, according to a news release.

Records show a criminal complaint has been filed by a Las Cruces Police Department investigator, but those documents have been sealed by Magistrate Judge Conrad Perea. Court manager Bernice Ramos described such an action as "rare," adding that Perea granted a motion to seal the file to protect the identity of the victim.

LCPD identified this victim only as a young girl, noting that she was "10 or 11 years old" when the alleged crimes began, and that they continued through her high school years. Online court records show the alleged crimes happened between 2004 and 2008. LCPD added that Garcia knew the girl outside his police employment.

Steve Almanza, Garcia's attorney, said Wednesday he

is still investigating the new charges but does not believe his client is guilty.

Garcia resigned last week from LCPD. He had been an officer there for 15 years, most recently as a detective specializing in crimes against children.

LCPD had placed Garcia on standard administrative leave Aug. 23, after he was arrested and charged with sexually assaulting a different teenage girl inside his unmarked car in May 2011, according to a court document.

For that alleged incident, Garcia is facing separate but similar charges, criminal sexual penetration, a fourth-degree felony and second-degree criminal sexual contact. He had posted, for those charges, a \$20,000 bond and left the Doña Ana County Detention Center the same day of his initial arrest.

In an interview with an LCPD detective after his Aug. 23 arrest, Garcia admitted to the sexual acts alleged by the girl, according to a criminal complaint. The detective that interviewed Garcia noted that Garcia seemed "remorseful."

Almanza said Wednesday that encounter was consensual.

The day after the arrest, LCPD issued a news release saying officials "have no reason to believe that the sexual encounter was consensual."

In New Mexico, according to attorneys and statutes, consensual sex between an adult and 17-year-old is not illegal. It's a crime if the adult is an authority figure and uses that "to coerce the child to submit." That's the statute officials allege Garcia violated.

The girl was a high school student, working with LCPD through the Las Cruces Public Schools' Excel program, the criminal complaint states. For decades, Excel has allowed high school juniors and seniors to gain first-hand career experience for elective credit. LCPS officials and LCPD counterparts have cut student ride-alongs indefinitely, they said. Administrators from both organizations said they planned to review -- and possibly revise -- related policies.

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