

Former Santa Clara cop allegedly involved in homicide of Bayard man in jail on sex charges

By Susan Dunlap sdunlap@scsun-news.com on Twitter @SCSunNews Posted: 07/14/2014 05:48:51 PM MDT

SILVER CITY >> Former village of Santa Clara police officer Estevan Arizaga, 27, pled guilty in March to criminal sexual penetration of a minor, criminal sexual contact of a minor, attempted criminal sexual penetration of a minor, and intentional child abuse, all third-degree felonies. Arizaga also pled guilty to two fourth-degree felonies — contributing to the delinquency of a minor and selling or giving alcoholic beverages to a minor.

Arizaga was recently mentioned in court documents regarding the death of Bayard resident Max Joe Gutierrez. Gutierrez, 32, died on the night of June 19, 2010 in the 700 block of Lusk Avenue in Bayard from a single gun-shot blast to the head. Gutierrez's wife, Jamie Fetty, was the only witness to the incident. According to documents filed in District Court in Las Cruces, Fetty was allegedly having an affair in 2010 with then-Bayard Police officer Sam Rodriguez, who is now a deputy for the Grant County Sheriff's Department.

On the night of Gutierrez's death, Rodriguez and Bayard police officer Willie Kerin responded to the call, according to the court document.

The lawsuit alleges that Fetty made conflicting statements to law enforcement regarding what happened when Gutierrez died. The lawsuit also alleges Rodriguez took control of the scene.

Arizaga was quoted in the lawsuit because he also responded to the call that night as a Santa Clara police officer and he allegedly wrote in his police report that Rodriguez told him, "the male subject had shot himself."

Arizaga was not named in the lawsuit.

Rodriguez and Fetty are both named as defendants in the civil lawsuit filed in June. Additional defendants named in the lawsuit include the city of Bayard, the Grant County Board of Commissioners, the Grant County Sheriff's Department, as well as individual officers Kerin, Grant County Sheriff's deputies Michael Leftault and Raymond Tavizon, Jr., who allegedly all responded to the call on the night of June 19, 2010, according to the court document. An additional officer, New Mexico State Police officer Tony Fetty, is also named as a defendant in the civil lawsuit, although he allegedly was not at the scene of the incident the night of Gutierrez's death, according to the lawyer for the plaintiff, Derek Garcia.

Arizaga pled guilty in the Sixth Judicial district court in March to the six counts against him. He was sentenced in May to 24 years in the New Mexico Corrections Department.

Arizaga was not employed as a Santa Clara Police officer during the period of time, from 2008 to

2009, in which he sexually molested the victim, according to a statement Santa Clara Police Chief Lonnie Sandoval made to the Sun-News at the time of Arizaga's arrest in February 2012.

In late 2011 an agent for the New Mexico State Police was called in to interview the victim, who was 13 when Arizaga began sexually molesting the child. The victim reported to the agent that in 2008 Arizaga was wrestling with the victim in the victim's bedroom and Arizaga sat on the victim's chest and began to sexually molest the victim. The acts of sexual molestation continued to escalate from there and Arizaga gave beer to the victim to get the child drunk and molest the victim in his pickup truck.

The victim was in the seventh grade. As the molestation continued, the victim moved into the eighth grade.

The victim reported to the New Mexico State Police agent that the final incident happened when both the victim and Arizaga were sleeping at the victim's grandmother's house. The victim woke up because Arizaga was trying to sodomize the victim. The victim left the bedroom and moved to another bedroom to escape Arizaga.

The New Mexico State Police agent then questioned the victim's mother and grandmother to confirm parts of the victim's story. Arizaga surrendered to the NM State Police in Silver City in February 2012 when a warrant was issued for his arrest. Arizaga was originally charged with 15 felony counts, according to a Sun-News report. At the time of his arrest, Arizaga was immediately placed on paid administrative by the village of Santa Clara Police Department while his case was pending.

Even though Arizaga is currently in prison, he could be brought to face allegations in the civil lawsuit brought on behalf of the family of Max Joe Gutierrez, according to Garcia. Garcia said he considers Arizaga a neutral witness, but he claims that could change.

"While at this time we don't have any direct evidence of criminal wrongdoing on the part of Estevan Arizaga, it is clear that he played a role in transporting the body of the deceased from the residence. As discovery progresses, we may decide to join him as a defendant to the lawsuit," Garcia said through email.

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