

STATE OF NEW MEXICO INCIDENT REPORT

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INCIDENT NO.

2007-11424

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NARRATIVE

On Friday, May 25, 2007 at approximately 2335 hours I conducted a walk-through at Victoria's located at 2395 N. Solano in Las Cruces, NM within Dona Ana County. Agents from the Department of Public Safety's, Special Investigations Division were working an Underage Enforcement Operation in the district.

During the walk-through Sgt. Conrad Chavira observed a gentleman later identified as Mr. Jose A. Hernandez seated at the bar area. I noticed Sgt. Chavira talking to Mr. Hernandez and I walked over to assist Sgt. Chavira. The closer I got to Mr. Hernandez the more I noticed that he was obviously intoxicated. Mr. Hernandez's speech was extremely slurred and his eyes were bloodshot and glazed over. I introduced myself as a police officer to Mr. Hernandez and asked him for his identification. I asked Mr. Hernandez to walk outside with me in Spanish and I noticed that he was staggering through the bar. Sgt. Chavira gathered the bartender's information later identified as Mr. Marcos Barriga and handed it to me.

I introduced myself as a police officer and I displayed my credentials to Mr. Hernandez again while we were outside. I spoke to Mr. Hernandez in Spanish and asked him how long he had been there at Victoria's and how many drinks he had. Mr. Hernandez stated that he had consumed four beers at Victoria's and he had been there for a couple of hours. Mr. Hernandez's speech was extremely slurred and it was very hard to understand him. Mr. Hernandez was swaying while I was talking to him outside. We were waiting for Sgt. Chavira to come out before we went further in to the investigation. The security guard from the establishment came out and told me that they had just cut Mr. Hernandez off. I asked the security guard why Mr. Hernandez still had his beer in front of him and he stated, "That's his last one."

Sgt. Chavira explained the details of our investigation to Mr. Hernandez and asked him to submit to a breath test. Mr. Hernandez did give a breath test and Sgt. Chavira stated that he blew a .18. I thanked Mr. Hernandez for his cooperation and I apologized for the inconvenience. Mr. Hernandez went back inside of the establishment while the staff attempted to get him a ride home.

I returned back to the establishment and informed the owner Ms. Elodia Garcia about our findings of the investigation. I also informed Ms. Garcia and Mr. Barriga that they would be issued citations regarding the incident. Ms. Garcia was very upset and stated that her sister was a State Senator. She then demanded a business card from me which I then gave her. I issued Administrative Citation # 20476 to Mr. Marcos Barriga and Administrative Citation # 20477 to Victoria's for Sales to intoxicated persons. I also issued Mr. Barriga Non-Traffic Citation # 10502771 for the criminal portion of the violation. Mr. Barriga and Ms. Garcia signed the citations without incident. Before I left the establishment I apologized to Ms. Garcia for the inconvenience and attempted to shake her hand. Ms. Garcia mumbled something under her breath and declined to shake my hand. We then exited the establishment without incident.

