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AG: APD 'mishandled' probe of Mary Han's death



An autopsy report said Albuquerque lawyer Mary Han committed suicide and died from carbon monoxide poisoning.

■ *King's office says it's not certain prominent attorney's death was suicide*

By JEFF PROCTOR
Journal Staff Writer

Longtime Albuquerque civil rights attorney Mary Han may not have killed herself in November 2010, but determining how she died has proven difficult because high-ranking Albuquerque police officials "terribly mishandled" the

investigation, according to New Mexico Attorney General Gary King's office.

King reviewed Han's death and the subsequent investigation at the request of Han's family and citizens' groups. He released his findings on Friday.

Han's law partner, Paul Kennedy, found the 53-year-old Han dead in the front seat of her BMW inside Han's garage on Colonnade Court NW on Nov. 18, 2010.

Kennedy called 911 and told a dispatcher that Han had died of an "accidental suicide," according to

a civil rights lawsuit filed by members of Han's family in November.

An autopsy report completed by OMI says Han committed suicide and died by carbon monoxide poisoning.

"The real cause of death for Albuquerque attorney Mary Han may never be determined because of the puzzling police investigation, however, the evidence does not definitively indicate she took her own life," King said in a news release.

"We have completed our review of the circumstances and APD's

handling of the death scene and we found that it was terribly mishandled due to inappropriate directions from high-ranking police and civilian administrators with the city of Albuquerque," King said in the release.

The Albuquerque Police Department and the City Attorney's Office, in written statements, called King's findings into question and challenged him to present evidence of wrongdoing.

The city attorney's statement

See AG on PAGE A2

Three accused of child abuse

■ *Man pushing stroller, 2 shoppers allegedly drunk in Santa Fe*

By BILL RODGERS
Journal Northern Bureau

SANTA FE — Pushing a baby in a stroller while drunk apparently can be a crime. So can shopping with children, if the police decide you're so inebriated you can't care for the kids.

Santa Fe police charged three people with child abuse after a motorist reported seeing a drunken man pushing a baby stroller along busy Cerrillos Road on Thursday afternoon.

That led to arrests at a nearby Wal-Mart after an officer found the man with the stroller and he was "extremely intoxicated," according to a police report. Travis Star, 28, admitted he'd been walking the 1-year-old in the stroller for about three hours.

The baby's mother and her sister, also at the store, were likewise drunk, the police say. Star, Melanie Lovato, 18, and Hillary Lovato, 22, all were booked into the Santa Fe County jail.

Three children who were with them — the 1-year-old, another baby only a month old and a 16-year-old — were placed in the care of the state Children, Youth and Families Department.

"All of the adults in this case were so impaired they weren't able to take care of the children," said SFPD spokesman.

See MAN on PAGE A6

THUMBS UP TO U.S. CITIZENSHIP



Maria Isabel Rascon gives a thumbs up to her family after she became a U.S. citizen Friday at the Albuquerque Veterans Memorial. Rascon, a former U.S. Marine who is from Mexico, and Cyril Tanlaka, left, who serves in the U.S. Army reserves and was born in Cameroon, were two of seven veterans who became citizens. Story, C1.

High court won't decide gay marriage

■ *N.M. jurists will first let lower courts weigh in on issue*

By HARRY MASSEY
The Associated Press

SANTA FE — New Mexico's highest court isn't going to immediately decide whether gay marriage is legal in the

state and instead will allow lower courts to first consider the issue.

The state Supreme Court has denied requests by same-sex couples from Santa Fe, Albuquerque and other communities who had asked the justices to declare gay marriage legal.

Two lawsuits were filed directly with the court to try

to get a speedy decision, but the justices rejected them on Thursday in brief orders without a detailed explanation. However, the justices said the gay marriage issue could be pursued in a lower court "with a right to request expedited review."

Rep. Brian Egolf, a Santa Fe lawyer handling one of the cases, said his clients—

two Santa Fe men who were denied a marriage license — will file a lawsuit in state district court soon. He said it was highly unusual for the Supreme Court to explicitly indicate there's a right to get a quick ruling in a case.

"We see this as a bit of a delay, but we're seeing this as

See HIGH on PAGE A6

Water pact for Navajos gets OK

Tribe can expand farm operations

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Albuquerque Journal

By JOHN FLECK
Journal Staff Writer

A New Mexico state court Friday approved a major water rights settlement for the Navajo Nation, awarding the tribe enough water from the San Juan River to expand its agricultural operations in northwest New Mexico.

Navajo Nation Assistant Attorney General Stanley Polack called it "a historic milestone in the Navajo Nation's efforts to secure the water rights necessary to ensure a permanent homeland for the Navajo People."

Amy Haas, chief counsel for the New Mexico Interstate Stream Commission, called the long-awaited decision "fantastic."

Albuquerque attorney Victor Marshall, who has led opposition to the deal based on fears there was not enough water in the San Juan River to meet the terms of the deal, declined comment late Friday, saying he was still reviewing the judge's 65-page decision.

The ruling by Judge James Wechsler, representing New Mexico's 11th Judicial District Court in San Juan County, grants the court's approval to a 2005 agreement between the Navajo Nation and the state of New Mexico settling the Navajos' water rights claims on the San Juan.

The agreement would allow the Navajo Nation, already one of the state's largest water rights holders, an additional 130,000 acre-feet of water for farming above and beyond the 195,400 acre-feet that the nation currently uses.

The 130,000 acre-feet is enough to irrigate about 40,000 acres of farmland.

Under the agreement, the Navajo Nation agreed to forego what might have been sub-

Problems still plague state computer system



Thomas J. Cole

SHARE has five letters, but to many people it's a four-letter word. SHARE stands for Statewide Human Resources, Accounting and Management Reporting System.

It's the computer system for state government implemented in 2006 by the administration of then-Gov. Bill Richardson at a cost of about \$28 million.

The system has been politically controversial and troubled from the start, and the cost has now reached about \$50 million. And the problems continue.

The system is still running on its original hardware and its original version of PeopleSoft software, and recent attempts to move the system to \$2.5 million in new hardware and to the newest version of PeopleSoft have been stymied by technical problems.

Also, the head of SHARE, David Holmes, has resigned. Holmes, an appointee of Gov. Susana Martinez, was one of the highest-paid employees in government, with an

INSIDE

AUTOS	C3	HOROSCOPE	B5
BRIDES	B6	LOTTERY	AZ
BUSINESS	B1	METRO & N.M.	C3
CLASSIFIEDS	C4	MOVIES	ENTERTAINER
CRIMES	A10	OUTDOORS	C30
CROSSWORD	B5, C4	SPIRITS	D1
DEAR ABBY	B5	STOCKS	B2
EDITORIALS	A8	TV	A7
HOME	B6	WEATHERLINE	B21-C33



WEATHER • A7
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See PROBLEMS on PAGE A6

See WATER on PAGE A2

AG: APD 'mishandled' case

from PAGE A1

said it was the Office of the Medical Investigator that determined it was a suicide and that the "Attorney General's involvement and action in this case are highly suspicious."

Responding to Han's death that day were 26 city employees, including high-ranking APD and city of Albuquerque officials. That response has been the subject of much speculation and criticism.

King said later in a telephone interview that he didn't anticipate any criminal charges against the current and former APD, and city of Albuquerque brass his office excoriated in its news release.

"There's nothing in what we looked at that would lead to a criminal action at this time," King said. "But it seems to us that there's more there, and I am hopeful that someone will come forward with additional information. In that case, we would obviously continue our investigation."

Liz Wallbro, Han's sister who is suing the city and APD, said in an emailed statement on Friday: "I just want justice for my sister. She spent her whole life giving justice to others."

Interim Albuquerque Police Chief Allen Banks, who was one of the higher-ups who went inside Han's home after her body was discovered, did not return several telephone messages left Friday.

His spokeswoman, Tasia Martinez, issued a written statement late Friday night on his behalf: "APD stands behind its investigation and the investigation of the State Office of the Medical Investigator."

"I am disappointed and it strikes us as strange that the AG never contacted us to discuss his concerns with the case. If indeed they have additional information on this case they should readily produce it," Banks' statement said.

King announced in his news release he believes the manner of death for Han, who was frequently at loggerheads with APD during her career, should be changed from "suicide" to "undetermined."

King's general counsel, R. David Pederson, said in an interview that the AG's Office hadn't asked OMI to change the manner of death on Han's death certificate.

"But we will certainly consider that, so long as it doesn't interfere with our investigation going forward," he said.

Pederson would not say who his



The body of Albuquerque civil rights lawyer Mary Han was found in the garage of her Northwest Albuquerque home, shown here.

investigators interviewed.

Han was well known in Albuquerque for filing high-profile cases, often aimed at police officers and department brass.

Among those at Han's home the day of her death were then-city public safety director Darren White and his spokesman, T.J. Wilham (who is a former Journal reporter); then-APD Deputy Chiefs Beth Palz and Paul Feist; Banks, who at the time was deputy chief; Valley Area Commander Rae Mason; then-City Attorney Rob Perry, who is now the city's chief administrative officer; police crime lab director Marc Adams; and four sergeants, including a designated APD spokeswoman.

APD field investigator Mike Muniz, who photographed the scene, remarked in a police report that he "immediately found it strange" so many police personnel were on scene.

King's review included an analysis of police reports, OMI documents, "independent records and other data," his news release states. His investigators also conducted "extensive interviews in conjunction with

the FBI," according to the release.

King's investigators reached several "principal findings."

■ The large number of APD personnel given access to Han's home "materially interfered with the investigation process."

■ "Significant" items were either removed from Han's death scene or were "otherwise missing," further complicating the case by thwarting scientific analysis and evidence collection.

■ A high-ranking APD official, who was not named in King's release, made a "precipitous decision" to label Han's death a suicide before any investigation had been conducted.

City Attorney David Tourek said in a written statement late Friday that the determination of Mary Han's cause of death as a suicide "was investigated by the independent, professional and non-political state Office of the Medical Investigator, which was on scene and reached its own conclusion based on scientific findings. Our understanding is that the FBI was asked to review this case and found no evidence to support

additional investigation."

The FBI has not confirmed or denied an investigation independent of the one conducted by King's office.

The civil case has been removed from state District Court and will now be heard in federal court, Rosario D. Vega-Lynn, the family's attorney, told the Journal in a text message.

Among its allegations are that two diamond rings Han always wore disappeared the day she died. The rings were family heirlooms valued at \$100,000. Kennedy is alleged to have told Han's sister that "the cops took the rings." APD did not investigate despite the sister's repeated insistence.

The suit also alleges that Han's body was removed from the car, laid on the garage floor and photographed. Moving the body before an investigation is conducted is against APD protocol.

Journal Up-front columnist Joline Gutierrez Kruger contributed to this report

Water pact for Navajos gets OK

from PAGE A1

stantially larger water rights claims on the San Juan in return for federal support for construction of a water pipeline to water-scarce Navajo country in the deserts of north-west New Mexico.

Supporters of the settlement said it removes major uncertainties over water availability for non-Indians in the San Juan basin, because of the risk that the Navajo Nation might have gone to court and won a substantially larger amount of water.

"This fully determines the Navajo Nation's rights in the San Juan Basin," Haas said in an interview.

Under a series of U.S. Supreme Court decisions, Native American communities are legally entitled to water for use on their legally established homelands, generally with higher priorities than non-Indian users who came later.

But how much water that entails is unresolved across the West, according to Julie Nania, a researcher at the University of Colorado School of Law. Unsettled Indian water rights claims in the Colorado River Basin alone could amount to more than 10 percent of the river's entire annual flow, according to Nania.

"That's a huge quantity of water," she said.

The process used in New Mexico, of a negotiated settlement rather than litigation, has been the common approach in recent decades to resolving the question.

The Navajo-New Mexico water deal has already won a congressional stamp of approval, and construction of the water pipeline is already underway. Wechsler's decision clears one of the last major hurdles, though opponents still have the option to appeal his ruling.

THE LIGHTER SIDE

God bless America, and how's everybody?

flopped. The most amazing part of the story is the pilot landed the airplane without scuffing his

HOW TO REACH US

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CIRCULATION