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Victim Wants Justice Served

By Mike Gallagher, Journal Investigative Reporter

It was the look in her son's eyes that made Bella Montoya leave her husband.

"The last time he hit me, it was in front of my son," the 27-year-old Montoya said. "It was so bad. I looked into my son's eyes. That's when I knew I had to leave."

"I thought things had changed," she said.

But she said in court documents that they didn't change. She was choked. Slammed against walls.

"I learned if I kept my mouth shut and didn't argue, the beatings would last less time.

"When you're in the place I was, you have no self-esteem," Montoya said in a recent interview. "I was stupid. I was a nobody."

Montoya's story is pieced together from interviews, police reports and court records.

She finally left her Rio Rancho home in the fall of 2003, but her husband followed.

Despite a restraining order filed in Sandoval County, her husband showed up at her Albuquerque apartment. He showed up at her job.

Then, he began calling her on the telephone – 30 times a day. Threatening to take their son. Threatening her.

In November 2003, he called her hundreds of times.

"On Halloween, I took my son to Cottonwood Mall for trick or treat. I came home, and all my clothes were gone out of the closet. Later, when he was evicted from the house in Rio Rancho, police found my clothes at his house.

"He broke into my work. He convinced the cleaning people to let him into where I worked. He took things from my desk.

"My tires were slashed."

Encouraged by New Mexico Legal Aid attorney Edna Frances Sprague, Montoya contacted police. Officers filed complaints in Metropolitan Court.

“Every time I filed a police report, I had to go to court,” she said.

“Fifteen police reports were filed, and I had to keep track of 15 cases and had to go to Metro Court for each one.

“I’d go to court and he wouldn’t be there,” she said. “A hearing would be scheduled for the morning. I’d take half a day off work, and it would be rescheduled for the afternoon.”

Finally, she quit her job.

Even with Sprague’s help, Montoya had trouble keeping track of when she needed to be in court. Contact with the District Attorney’s Office was spotty.

Sprague began tracking the cases, and even she had difficulty.

“It’s not my job to be the DA’s advocate,” she said.

Sprague and Montoya decided they had to get the cases under control. In the family court case, they subpoenaed Montoya’s husband’s telephone records. The records showed almost 1,000 calls in November 2003 – despite a court order that he not call her.

They gathered all the police reports and the telephone records and took them to the Albuquerque Police Department’s Stalking Unit.

Detectives opened a felony stalking investigation that eventually led to her ex-husband being indicted on one count of aggravated felony stalking, 11 misdemeanor counts of violation of an order of protection, eight misdemeanor counts of use of telephone to terrify, intimidate, threaten, harass, annoy or offend, and one count of interference with communications.

He pleaded guilty to five misdemeanor charges after Montoya agreed to the plea bargain. It’s a decision she now regrets.

He ex-husband was sentenced to one year in jail, which could be served under the jail’s intensive supervision program, and four years’ probation.

In theory, he could be released early under the intense supervision program.

Montoya says her ex-husband recently left her a telephone message, which was tape recorded:

“Food for thought. Don’t let your life end too soon because I will dictate when that happens.”

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