

FILED IN
SAN MIGUEL MAGISTRATE COURT
JAN 3 2016
BY *AM* CLERK

IN THE MAGISTRATE COURT
COUNTY OF SAN MIGUEL
STATE OF NEW MEXICO

STATE OF NEW MEXICO,

vs.

NO. M-48-FR-2017-00001

RUTH RIVERA
[REDACTED]

AFFIDAVIT FOR ARREST WARRANT

The undersigned, being duly sworn, on his oath, states that he has reason to believe that on or about December 28, 2016. In the County of San Miguel, State of New Mexico, the above named defendant did commit the crimes of:

- COUNT 1: Murder (open charge) (a 1st degree felony).**
- COUNT 2: Tampering with Evidence (a 3rd degree felony).**

The undersigned further states the following facts on oath to establish probable cause to believe that the above named defendant committed the crime charged:

Affiant, Hector Vacio, is a full time salaried law enforcement officer who has been employed by the New Mexico State Police for a period of approximately four years and six months. Affiant has received specialized training in criminal investigations through the New Mexico Law Enforcement Academy and the New Mexico State Police Academy. Affiant has received training in the investigation of violent crimes including but not limited to criminal sexual penetration of a minor investigations. Affiant has received both classroom and on the job training concerning the investigation of the above offenses. Affiant has conducted numerous criminal investigations that led to the arrest and conviction of persons in violation of New Mexico State Statutes. Affiant (I) shall herein after be referred to in the first person.

On that date, Wednesday, December 28, 2016, I was assigned as case agent regarding a suspicious death investigation that occurred at 580 State Road 3 in San Miguel County.

NMSP Officer M. Velasquez (Las Vegas) and El Pueblo Fire Department were dispatched on a medical-call to the above mentioned address for an elderly male who fell. The reporting party, Ruth Rivera, informed dispatch her father had fallen and needed help getting him up. El Pueblo Fire Department arrived on scene and observed the residence was filled with smoke. The doors and windows were opened to ventilate the smoke from the residence. A deceased male was located on the floor of the northernmost bathroom of the residence. The male was later identified as Arthur Rivera, DOB [REDACTED]. There was a large amount of blood around the body and the deceased male was covered with a blanket by El Pueblo Fire Department personnel. NMSP

Officer Velasquez observed a stove inside the residence, which appeared to have damage from an explosion/fire.

I spoke with two male individuals, Richard Bodell and Edward Madrid, who assisted Ruth Rivera when she went out of her residence to get help for Arthur Rivera. Both observed Ms. Rivera on the middle of State Road 3 flagging them down and requesting assistance. Both males entered the residence and didn't see anyone else in the residence except the deceased male on the restroom floor. Both advised there was a lot of smoke in the residence and the windows had to be open to clear out the smoke from the residence. Both males arrived on scene until paramedics arrived on scene and performed first aid.

On Wednesday night, December 28, 2016 at approximately midnight, I arrived at Christus St. Vincent's Hospital in Santa Fe, NM in order to speak with Ruth Rivera. Ms. Rivera advised she went to work at her father-in-law's residence since she is his primary caretaker. Ms. Rivera made breakfast for him and later in the day she remembered him going to the restroom. As he was in the restroom she was cooking food on the stove. Ms. Rivera explained he was taking a long time in the restroom and she heard a crash/thump noise coming from the restroom where he was at.

Ms. Rivera explained the door to the restroom was closed and she began pounding on the door but didn't know if Arthur was hearing her. She stated she heard Arthur say "ayudame" ("help me") and she went inside the restroom using another door via the closet. She observed Arthur laying on the ground with his head near the toilet and blood was coming out from his mouth. Ms. Rivera attempted to pick up Arthur Rivera but couldn't.

Ms. Rivera left the residence and went to the street to flag individuals down in order to assist her to pick Arthur up. She does not remember turning the stove off and when she went back to the trailer there was smoke inside of the trailer.

Your affiant asked Ms. Rivera if she would consent to providing the clothing she had on and she agreed. The consent was also authorized by her husband, Ronald Rivera. The clothes were handed to me by Mr. Rivera in two plastic bags. I took the clothes into my possession and separated the clothing items in individual brown bags. While separating the clothing items I observed the clothes were wet/damp and it appeared someone attempted to remove any biological samples/stain on the clothing by wetting/washing them. I also observed Ruth Rivera's shirt was missing. I spoke with the paramedic that transported her to the hospital and he informed me Ms. Rivera was wearing blue jeans, shoes, a black sweater/hoodie and shirt. The paramedic also observed Ruth Rivera's clothes were damp. It is reasonably believed that Ms. Rivera washed/removed any biological samples/stains she had with intent to remove/destroy evidence.

A search warrant for the residence was submitted and approved by District Judge Abigail Aragon. Upon execution of the search warrant the NMSP Crime Scene Team observed a silver colored knife blade located on top of the burnt gas stove. It appeared the silver colored knife blade was burnt and had what appeared to be suspected blood. There was also a black handle which appeared to belong to the silver colored knife blade and it too had suspected blood on it. Both items were collected and photographed by the NMSP Crime Scene Team.

NMSP Crime Scene Team observed a blanket covering the deceased in the master bathroom of the residence. Based on interviews conducted, this was placed on the deceased by a first-responder. The blanket was removed and there were several apparent knife-like injuries to the deceased body. The Crime Scene Team advised your affiant that there were approximately seventeen different wounds on the deceased (in the areas of his upper chest, face and head).

On Thursday, December 29, 2016, at approximately midnight, I spoke with Ms. Ruth Rivera once again. She informed me she is Arthur Rivera's caretaker and has been since 2011. She had experience taking care of elderly because she took care of her father before he passed. Ms. Rivera was asked if she wanted to take care of Arthur Rivera and she said "not really" but continued to take care of him.

Ms. Rivera stated that on December 28, 2016 she arrived at his residence at approximately 9:15 a.m. and 9:30 a.m. She advised the only individuals in the residence was Arthur and herself. She was putting groceries away and was cooking breakfast for him. Between 9:45 a.m. and 10:00 a.m., Arthur ate his breakfast and he began reading the newspaper and was watching television for approximately two hours. Arthur got up to use the restroom and Ruth was cooking lunch for him.

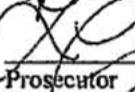
Ms. Rivera stated Arthur Rivera was taking longer in the restroom and then she heard a crash/thump noise coming from the restroom. She went to check on him but couldn't open the restroom door so she went around a second door through the closet. She observed Arthur Rivera was still sitting on the toilet and she attempted to pick him up. Ms. Rivera stated she placed her arms under his armpits and he began to put his weight on her and grab her by the shoulders. Ruth opened the other restroom door when she started smelling what appeared to smoke from the fire. Ms. Rivera stated she called 911 from her living room. The 911 call was received at 12:41 pm.

I told Ms. Rivera her statements are not consistent with the evidence found at the scene and to tell me the truth. Ms. Rivera stated he was hurting her and he wasn't understanding that she was trying to help him. She explained he was hurting her shoulders and back. Ms. Rivera stated she tried to run away from him and began to panic.

On Friday morning, December 30, 2016, NMSP Agent Ryan Kuehl attended the autopsy of Arthur Rivera at the N.M. Office of Medical Investigations (OMI) in Albuquerque. Agent Kuehl advised that he observed numerous wounds on the body. Upon information from the forensic pathologist, Arthur Rivera sustained at least fifteen wounds found on the body and five to the head (both stab and incise type wounds). The pathologist also noted three incise wounds on his left hand consistent with defensive injuries. The precise number of wounds will be identified in the forensic pathologist's report.

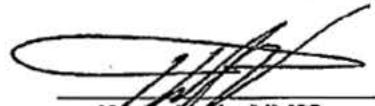
I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF.

Approved as to legal sufficiency:


T. L. Ryan Dec 30, 2016
Prosecutor


Matthew J. Sandora
Judge

12-30-16
Date


Hector Vacio, NMSP
Affiant Signature & Title

2:47 PM