

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT

FILED

2005 MAR 24 PM 2

STATE OF NEW MEXICO,

Plaintiff,

DISTRICT COURT
DONA ANA COUNTY,
JOHN D. NEIL

vs.

SHAWN BOHANNON,

Defendant.

No. CR-2005

Judge: **THIS CASE HAS BEEN ASSIGNED TO**

STEWART D. BARTHOLOMEW

CHARGES: Child Abuse - Intentional (No Death or Great Bodily Harm) or in the alternative: Child Abuse - Negligently Cause (No Death or Great Bodily Harm), Contributing to the Delinquency of a Minor (2 counts), Criminal Sexual Penetration in the Fourth Degree (School Employee) (10 counts), Criminal Sexual Contact of a Minor in the Fourth Degree (School Employee)(2 counts) and False Imprisonment

Jdg Cano-Garcia

GRAND JURY INDICTMENT

THE GRAND JURY CHARGES:

Count 1: **Child Abuse - Intentional (No Death or Great Bodily Harm)**, on or about September 9, 2003, in Dona Ana County, New Mexico, the above-named defendant did intentionally and without justification, cause [REDACTED] a child under the age of eighteen years, to be placed in a situation that may endanger her life or health, to wit: gave [REDACTED] energy pills, a third degree felony, contrary to §30-6-1(C), NMSA 1978.

OR IN THE ALTERNATIVE:

Child Abuse - Negligently Cause (No Death or Great Bodily Harm), on or about September 9, 2003, in Dona Ana County, New Mexico, the above-named defendant did negligently and without justification, cause [REDACTED] a child under the age of eighteen years, to be placed in a situation that may endanger her life or health, to wit: gave [REDACTED] [REDACTED], and the defendant knew or should have known of the danger involved and acted with reckless disregard for the child's safety or health, a third degree felony, contrary to §30-6-1(C), NMSA 1978.

Count 2: **Contributing to the Delinquency of a Minor**, on or between May 1, 2002 and May 31, 2004, in Dona Ana County, New Mexico, the above-named defendant did commit an act or omit the performance of a duty, which caused or tended to cause or encourage the delinquency of [REDACTED] [REDACTED], who was under the age of eighteen years, a fourth degree felony, contrary to §30-6-3, NMSA 1978.

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Count 3: **Contributing to the Delinquency of a Minor**, on or between May 1, 2002 and May 31, 2004, in Dona Ana County, New Mexico, the above-named defendant did commit an act or omit the performance of a duty, which caused or tended to cause or encourage the delinquency of [REDACTED] [REDACTED], who was under the age of eighteen years, a fourth degree felony, contrary to §30-6-3, NMSA 1978.

Count 4: **Criminal Sexual Penetration in the Fourth Degree (School Employee)**, on or between November 1, 2003 and October 31, 2004, in Dona Ana County, New Mexico, the above-named defendant did cause [REDACTED] to engage in sexual intercourse, and [REDACTED] was at least thirteen but less than eighteen years of age and was not the spouse of the defendant, and the defendant was a person who was a licensed school employee, and the defendant learned that [REDACTED] was a student in the school and the defendant was at least eighteen years of age and at least four years older than [REDACTED], a fourth degree felony, contrary to §30-9-11(A)&(F), NMSA 1978.

Count 5: **Criminal Sexual Penetration in the Fourth Degree (School Employee)**, on or between November 1, 2003 and October 31, 2004, in Dona Ana County, New Mexico, the above-named defendant did cause [REDACTED] to engage in sexual intercourse, and [REDACTED] was at least thirteen but less than eighteen years of age and was not the spouse of the defendant, and the defendant was a person who was a licensed school employee, and the defendant learned that [REDACTED] was a student in the school and the defendant was at least eighteen years of age and at least four years older than [REDACTED], a fourth degree felony, contrary to §30-9-11(A)&(F), NMSA 1978.

Count 6: **Criminal Sexual Penetration in the Fourth Degree (School Employee)**, on or between November 1, 2003 and October 31, 2004, in Dona Ana County, New Mexico, the above-named defendant did cause [REDACTED] to engage in sexual intercourse, and [REDACTED] was at least thirteen but less than eighteen years of age and was not the spouse of the defendant, and the defendant was a person who was a licensed school employee, and the defendant learned that [REDACTED] was a student in the school and the defendant was at least eighteen years of age and at least four years older than [REDACTED], a fourth degree felony, contrary to §30-9-11(A)&(F), NMSA 1978.

Count 7: **Criminal Sexual Penetration in the Fourth Degree (School Employee)**, on or between November 1, 2003 and October 31, 2004, in Dona Ana County, New Mexico, the above-named defendant did cause [REDACTED] to engage in sexual intercourse, and [REDACTED] was at least thirteen but less than eighteen years of age and was not the spouse of the defendant, and the defendant was a person who was a licensed school employee, and the defendant learned that [REDACTED] was a student in the school and the defendant was at least eighteen years of age and at least four years older than [REDACTED], a fourth degree felony, contrary to §30-9-11(A)&(F), NMSA 1978.

Count 8: **Criminal Sexual Penetration in the Fourth Degree (School Employee)**, on or between November 1, 2003 and October 31, 2004, in Dona Ana County, New Mexico, the above-named defendant did cause [REDACTED] to engage in sexual intercourse, and [REDACTED] was at least thirteen but less than eighteen years of age and was not the spouse of the defendant, and the defendant was a person who was a licensed school employee, and the defendant learned that [REDACTED] was a student in the school and the defendant was at least eighteen years of age and at least four years older than [REDACTED], a fourth degree felony, contrary to §30-9-11(A)&(F), NMSA 1978.

Count 9: **Criminal Sexual Penetration in the Fourth Degree (School Employee)**, on or between November 1, 2003 and October 31, 2004, in Dona Ana County, New Mexico, the above-named defendant did cause [REDACTED] to engage in sexual intercourse, and [REDACTED] was at least thirteen but less than eighteen years of age and was not the spouse of the defendant, and the defendant was a person who was a licensed school employee, and the defendant learned that [REDACTED] was a student in the school and the defendant was at least eighteen years of age and at least four years older than [REDACTED], a fourth degree felony, contrary to §30-9-11(A)&(F), NMSA 1978.

Count 10: **Criminal Sexual Penetration in the Fourth Degree (School Employee)**, on or between November 1, 2003 and October 31, 2004, in Dona Ana County, New Mexico, the above-named defendant did cause [REDACTED] to engage in sexual intercourse, and [REDACTED] was at least thirteen but less than eighteen years of age and was not the spouse of the defendant, and the defendant was a person who was a licensed school employee, and the defendant learned that [REDACTED] was a student in the school and the defendant was at least eighteen years of age and at least four years older than [REDACTED], a fourth degree felony, contrary to §30-9-11(A)&(F), NMSA 1978.

Count 11: **Criminal Sexual Penetration in the Fourth Degree (School Employee)**, on or between November 1, 2003 and October 31, 2004, in Dona Ana County, New Mexico, the above-named defendant did cause [REDACTED] to engage in sexual intercourse, and [REDACTED] was at least thirteen but less than eighteen years of age and was not the spouse of the defendant, and the defendant was a person who was a licensed school employee, and the defendant learned that [REDACTED] was a student in the school and the defendant was at least eighteen years of age and at least four years older than [REDACTED], a fourth degree felony, contrary to §30-9-11(A)&(F), NMSA 1978.

Count 12: **Criminal Sexual Penetration in the Fourth Degree (School Employee)**, on or between November 1, 2003 and October 31, 2004, in Dona Ana County, New Mexico, the above-named defendant did cause [REDACTED] to engage in cunnilingus, and [REDACTED] was at least thirteen but less than eighteen years of age and was not the spouse of the defendant, and the defendant was a person who was a licensed school employee, and the defendant learned that [REDACTED]

[REDACTED] was a student in the school and the defendant was at least eighteen years of age and at least four years older than [REDACTED], a fourth degree felony, contrary to §30-9-11(A)&(F), NMSA 1978.

Count 13: Criminal Sexual Penetration in the Fourth Degree (School Employee), on or between November 1, 2003 and October 31, 2004, in Dona Ana County, New Mexico, the above-named defendant did cause [REDACTED] to engage in the insertion, to any extent his finger into the vagina of [REDACTED], and [REDACTED] was at least thirteen but less than eighteen years of age and was not the spouse of the defendant, and the defendant was a person who was a licensed school employee, and the defendant learned that [REDACTED] was a student in the school and the defendant was at least eighteen years of age and at least four years older than [REDACTED], a fourth degree felony, contrary to §30-9-11(A)&(F), NMSA 1978.

Count 14: Criminal Sexual Contact of a Minor in the Fourth Degree (School Employee), on or between November 1, 2003 and October 31, 2004, in Dona Ana County, New Mexico, the above-named defendant did touch or apply force to the intimate parts of [REDACTED], who was at least thirteen but less than eighteen years of age, to wit: her vagina and the defendant was a person who was a licensed school employee, an unlicensed school employee, a school contract employee, a school health service provider or a school volunteer and the defendant learned that [REDACTED] was a student in the school and the defendant was at least eighteen years of age and at least four years older than [REDACTED], a fourth degree felony, contrary to §30-9-13(B), NMSA 1978.

Count 15: Criminal Sexual Contact of a Minor in the Fourth Degree (School Employee), on or between November 1, 2003 and October 31, 2004, in Dona Ana County, New Mexico, the above-named defendant did intentionally caused [REDACTED] to touch the intimate parts of the defendant, to wit: his penis and the defendant was a person who was a licensed school employee, an unlicensed school employee, a school contract employee, a school health service provider or a school volunteer and the defendant learned that [REDACTED] was a student in the school and the defendant was at least eighteen years of age and at least four years older than [REDACTED], a fourth degree felony, contrary to §30-9-13(B), NMSA 1978.

Count 16: False Imprisonment, on or between October 1, 2004 and October 31, 2004, in Dona Ana County, New Mexico, the above-named defendant did restrain or confine [REDACTED] against will and with the knowledge that he had no authority to do so, a fourth degree felony, contrary to §30-4-3, NMSA 1978.

The name of the witness upon whose testimony this Indictment is based is Investigator Robyn Gojkovich.