

ROBERT GUTIERREZ JR CASES DISMISSED DUE TO HIS DEATH

On February 4, 2023, at approximately 0654 hours Officers with the Alamogordo Police Department were dispatched to a subject who had been shot in the area of Indian Wells and White Sands Boulevard.

At approximately 0705 hours, APD Officers were dispatched to the 1200 block of 23rd Street in reference to a vehicle that had just been stolen.

At approximately 0709 hours, APD Officers were dispatched to the 1600 block of Hawaii in reference to a motor vehicle accident. APD and Deputies with the Otero County Sheriffs Office responded to the crash and learned the driver had fled on foot. It was learned the vehicle that was involved in the crash was the vehicle that had just been reported stolen.

The subject was located near an abandoned house and was armed with a firearm. An Officer involved shooting occurred and ultimately the subject, Robert Gutierrez Jr, 37 years old was taken into custody.

At approximately 1822 hours, OCSO Deputies responded to an address on JJ Henry in La Luz in reference to a subject who had been shot and was deceased.

The investigation revealed this shooting occurred in the early morning hours of February 4, 2023, prior to 0654 hours. The deceased subject was identified as 31-year-old James Gutierrez Jr.

Robert Gutierrez was ultimately charged and indicted by a Grand Jury with the following crimes:

- 2nd degree murder
- Larceny (over \$500)
- Aggravated battery (great bodily harm)
- Aggravated assault (deadly weapon)
- Shooting at or from a motor vehicle (great bodily harm)
- Receipt, transport, or possession of a firearm or destructive device by a felon
- Tampering with evidence
- Unlawful taking of a motor vehicle
- Attempt to commit a felony, to wit: breaking and entering, criminal damage to property (over \$1,000)
- Possession of drug paraphernalia
- Two counts of Aggravated assault upon a peace officer (deadly weapon)
- Aggravated burglary (deadly weapon)

These cases were investigated by the Alamogordo Police Department, New Mexico State Police and the 12th Judicial Major Crimes Unit which is comprised of Investigators with the 12th Judicial District Attorney's Office, Alamogordo Police Department, Lincoln County Sheriff's Office, Otero County Sheriff's Office and the Ruidoso Police Department.

On September 14, 2024, the 12th Judicial District Attorneys Office was notified Robert Gutierrez had passed away at a hospital. It was learned while incarcerated at the Otero County Detention Center (OCDC) Robert had a medical emergency and was transported to a hospital where he ultimately passed away.

On October 24, 2024, the 12th Judicial District Attorneys Office dismissed the cases against Robert Gutierrez as he is now deceased.

12th Judicial District Attorney Scot D. Key expressed frustration with the dismissals due to the death because the victims and victims' families of these violent crimes were robbed of their day in Court, hence being once again victimized. "The Major Crimes Unit built tremendously strong cases against the defendant, and we were ready for trials in these matters."