

TODAY

Inside your ALBUQUERQUE JOURNAL

METRO

Off the day care waiting list

About 1,300 New Mexico children will be added to a state program to help poor families pay for day care

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DA Dismisses Rape Charge

Man Pleads No Contest to Attempted Kidnapping

By VIC VELA
Journal Staff Writer

Daniel Martinez, accused of raping a woman after he used a paper clip to pick handcuffs and escape from State Police headquarters last year, pleaded no contest to a lesser count Friday and the rape charge was dismissed.

Martinez — who also was charged with but not convicted of rape in the 1990s as part of a sensational murder case that riveted Santa Fe — is a free man once again.

"Daniel Martinez is walking

out of jail today," said his attorney, Tom Clark, following a District Court hearing Friday.

The District Attorney's Office, in dismissing the rape charge filed against Martinez earlier this year, cited evidence problems and inconsistencies in statements from a woman whom Martinez allegedly sexually assaulted after escaping from State Police custody in May 2010.

He instead entered into a plea agreement in which he pleaded no contest to a felony charge of attempted kidnapping.

Martinez, 46, will spend the next five years on strict probation, and if he violates the rules, he faces several years in prison.

"I can certainly understand that perception that people will not be happy that he's back on the streets," said Deputy District Attorney Orlando Torres. "But, given the evidence we were dealt with, this is the best outcome."

Martinez was indicted in January on charges of kidnap-

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Daniel Martinez, right, sits with defense attorney Tom Clark Friday during a court hearing in which he pleaded no contest to attempted kidnapping.

EDDIE MOORE/JOURNAL



SPORTS

Cards soar to World Series title

St. Louis follows up its dramatic Game 6 comeback by whipping the Texas Rangers in Game 7 to win the Series

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Entertainer

Forensic Chemistry

on to be parents, Dr. Brennan and Special Agent Booth return to "Bones" on Thursday

INSIDE



HOME

Creating ghoulish gourds

Traditional art of jack-o'-lantern carving is made easier with special stencils and battery-powered saws

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Inside your JOURNAL SANTA FE



EDDIE MOORE/JOURNAL

Frederick Prescott has moved his studio into the old Nambe Mills building on Agua Fria Road, where he was preparing for today's open house.

MAGICAL METAL

ARTIST CELEBRATES 45 YEARS OF COLORFUL SCULPTURES

By KATHALEEN ROBERTS
Journal Staff Writer

A Noah's Ark menagerie greets visitors to Frederick Prescott's Santa Fe sculpture park.

A life-sized red horse prances on the blacktop. Zebras, dragons and Texas longhorns linger. A 9-foot-tall pink flamingo preens nearby.

"It's for one of the owners of the Texas Rangers," Prescott said of the latter, adding the bird duplicated a tattoo embellishing the client's wife.

"I'm doing a unicorn right now for a school," he added.

In Santa Fe for 30 years, Prescott is opening a 26,000-square-foot studio in the old Nambe Mills



See MAGICAL on PAGE 3 Frederick Prescott's client list includes sports figures and movie stars.

Motion: Sheriff Violated Order

Twist In Vehicular Homicide Case

By VIC VELA
Journal Staff Writer

Defense attorneys want the Rio Arriba County sheriff to be held in criminal contempt of court — the latest twist in the contentious prosecution of a vehicular homicide case involving defendant Juan de Dios Cordova.

A motion filed Thursday requests that a judge appoint a special prosecutor to determine if Sheriff Tommy Rodella violated a judge's gag order when the sheriff recently went on a local radio program to talk about the case.

The motion — filed in state District Court by Public Defenders Damian Horne and Kathryn Fischer, who represent Cordova — blasts Rodella's Oct. 21 appearance on Española's KDCE, where he talked about, among other things, the "exceptionally fine work in the case" done by his deputies.

The sheriff's office has come under fire for how it has handled the Cordova investigation. Most prominently, the truck that Cordova allegedly was driving when it struck and killed a motorcyclist was crushed as scrap instead of

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Accused Dealer Indicted

By VIC VELA
Journal Staff Writer

A Santa Fe County grand jury Thursday indicted an Oklahoma man on embezzlement charges for fleeing the state with thousands of dollars in merchandise — primarily Western-themed boots — that he was supposed to consign for several City Different locals.

Dems: OK for Richardson, Not for Martinez



EDDIE MOORE/JOURNAL

"The Greatest Ever" occupies a big chunk of showroom at Prescott Studios.

Magical Metal

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factory on Agua Fria at Siler Lane. His kinetic, life-sized sculpture and gallery will be on display in an open house from 10 a.m. to 6 p.m. today. The mammoth building includes a 3,000-square-foot gallery and a 10,000-square-foot fabrication studio, while the back 14,000 square feet houses All Powder Coating and Sandblasting of Santa Fe — and boasts what Prescott calls the largest oven in New Mexico.

The building means Prescott no longer has to drive to Albuquerque to finish his steroidal steel sculptures.

"We could cook 500 Thanksgiving turkeys in here," he said as he opened the mammoth oven door, flames licking from the ceiling. "You could drive a semi in there."

Prescott fires his completed pieces for up to an hour and 15 minutes at 400-410 degrees after sandblasting the surface and powder-coating them in primary colors with a spray gun. The final firing melts the powder into a glossy finish.

Prescott became an artist while he was growing up in his father's metal-working factory in Palo Alto, Calif. Born in 1949, he was the oldest son of the chief inventor and owner of the Universal Coin Meter Co., which produced coin meters for laundromats.

Prescott started working with metal at the age of 6 in a playground of band saws, punch presses and metal grinders. He quickly learned how to transform metal into art



Frederick Prescott is known for his elaborate kinetic metal sculpture scenes. This one is titled "As Good as It Gets."

If you go

WHAT: Prescott Studios Open House

WHERE: 1127 Siler Park Lane

WHEN: 10 a.m. to 6 p.m. today

PHONE: 505-424-8449

by cutting, bending and welding, and by the time he was 12, he had enrolled in a watercolor class. Meshing his love of color with his passion for metal seemed like the perfect artistic marriage.

Today he's celebrating 45 years as an artist, with a client list littered with sports figures and movie stars. When Steven Spielberg completed filming "The Color Purple," he ordered "six or seven" of Prescott's sculptures to give to the cast, Prescott said. Some got Hollywood vignettes; others got cowboys and Indians.

"He had them all delivered to them before Christmas," the artist said. "Oprah got one."

Sylvester Stallone sent his bodyguards into a Los Angeles gallery to make sure it was empty before making his selection. The "Rocky" star chose a Hollywood diorama, complete with cowboys and Indians shooting each other on the freeway, bullet holes pocking the sign.

At the height of the Chicago Bulls' dynasty, Michael Jordan's wife Juanita bought her husband a kinetic model of the basketball great dunking while Magic Johnson guards him. Jordan installed the sculpture inside his 5,000-square-foot bar, Prescott said.

Sandy Takiff, one of the Bulls' owners, ordered a similar piece encompassing the entire team, plus the bleachers and fans.

"He became one of my biggest clients," Prescott said. "He put a baby elephant in front of his house and named it Jumbo."

But even Prescott's enthusiasm for kitsch has limits. A Palm Springs couple ordered a piece comprising their mansion, their Rolls, their jet

and themselves dancing in polyester finery.

"I said no," Prescott said. "I didn't do any commissions for five years."

Like Geppetto in his toy shop, Prescott bounces from project to project, pointing out an elephant's ear on a table, a camel's hoof on a plasma cutter, a waiter, his swinging arm balancing a wine glass.

His earlier work was mostly abstract. He showed his earlier pieces at the old Elaine Horwitch Gallery, where he says he could not keep up with the orders. His cityscapes and smaller works move via swinging, weighted pendulums, while his animal pieces sway with the wind.

"When it moves, it takes on a whole new meaning," he said. "It comes alive more."

His prices range from \$1,500 for smaller pieces to \$95,000 for a Times Square scene that includes neon lights above marquee blaring "The Phantom of the Opera," "A Chorus Line" and "Late Night with Letterman" and flocks of scurrying pedestrians and taxis. The entertainment lineup needs updating, he conceded.

Ask Prescott what he hasn't made, and he pauses.

"I haven't made a turtle," he said.

And he's kept some favorites for himself.

"I've got a hot pink elephant outside the kitchen," he said. "People go, 'Look out at the pink elephant' and I'll go, 'Huh!' I always have fun with that."

Cops: Alcohol A Factor in Wreck

1 Man Dead, 1 Injured in Rollover

Journal Staff Report

Alcohol is believed to be a factor in a one-car rollover Thursday night that killed a 27-year-old Santa Fe man.

Police on Friday would not release the identity of the victim nor of the passenger who survived the wreck, because the victim's family had yet to be notified, according to Santa Fe police Lt. Louis Carlos.

The crash occurred around 9:17 p.m. after the driver lost control of his car on Richards Avenue. Police say he drove onto a median and the vehicle rolled over, eventually coming to rest on its roof.

The driver was not wearing

a seat belt and was partially ejected. He sustained severe head injuries and was declared dead at the scene, police said.

The passenger survived with minor injuries and was taken to Christus St. Vincent Regional Medical Center for observation.

"The passenger was wearing a seat belt," Carlos said. "We believe that's one of the reasons he survived."

Investigators say alcohol was a factor because of statements made by the passenger after the crash, Carlos said. That passenger, Carlos said, "was obviously under the influence of alcohol."

Carlos would not say where the men had been before the wreck, nor what their relationship was.

Prosecutor's Office Drops Rape Charge

from PAGE 1

ping and rape in connection with an assault on a woman in the hours after he escaped from State Police custody in Santa Fe in May of last year. Martinez got away after he had been arrested on a DWI charge and was taken to State Police headquarters to be processed for booking.

Before he could be taken to jail, police say, Martinez used a paper clip to get out of his handcuffs and walk out of the building undetected.

Martinez subsequently was accused of forcing a 29-year-old woman to drive him to Albuquerque in the hours after his escape.

At some point, Martinez pulled the car over and demanded that she perform oral sex on him, the woman told police. When she refused, he used his fingers to penetrate her, she said.

Martinez was found later at a barbershop in Albuquerque, about 12 hours after the initial arrest for DWI in Santa Fe.

In June 2010, Martinez told the Journal that he never sexually assaulted the woman, whom he said he had known for years. Martinez also said that she helped him escape but made up the rape allegations so that she wouldn't get in trouble for missing work.

Inconsistencies

Assistant District Attorney Jessica Hyland told state District Judge Mary Marlowe Sommer during Friday's hearing that the plea agreement was based on inconsistencies in the woman's statements and lack of physical evidence.

Hyland also said that the woman consented to the plea agreement. Although the woman was not in court, a victim's advocate from the District Attorney's Office confirmed that she was aware of Friday's proceedings and supported the plea deal.

For pleading no contest to attempted kidnapping, Martinez received a nine-year suspended prison sentence. An additional year was tacked on at sentencing — a habitual-



EDDIE MOORE/JOURNAL

Daniel Martinez, who was charged with a rape charge in connection with an assault on a woman, escaped from State headquarters last year and is set to be sentenced to a year in court Friday.

after the 2010 DWI. November, he pleaded to escaping from jail, but the DWI charges connected to the incident were dropped.

District Attorney "Spence" Pacheco said that the DWI was dismissed because of "prosecutorial problems with stop."

The officer who arrested Martinez that night, State Policeman Ben who lost his job in Santa Fe after he was caught on surveillance photographing sex with a woman in the hood of his police car this year.

Martinez has served his sentence on escape charge.

"As of today, Daniel Martinez is totally finished with all his legal problems," said.

Prior high-profile

This is not the first time that Martinez has been prosecuted for a crime.

In 1993 — in the twists and turns that attracted attention for years — Martinez was accused of sexual assault on a woman, leading to a death charge. Martinez, 58-year-old, was charged with sexual assault on a woman, Radecki.