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## KOB-4 interviews Josh Kastenberg: Mother wants answers after son found dead in New Mexico jail

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## **Mother wants answers after son found dead in New Mexico jail**

Tommy Lopez

**KOB-4**

**December 10, 2020**

ALBUQUERQUE, N.M.- Juan Archuleta's family wants answers about what caused his death while in jail.

"It's gotten to a point that I can hear his voice calling me in the morning," said Juan's mother, Margie Benavidez. "It's just so bad. It's just so heartbreaking. He took part of me with him."

Benavidez said she spoke with her son, who was at the Rio Arriba Detention Center, hours before he died in October. She said he sounded fine.

His body was found the next morning.

The warden would not comment.

The medical examiner's office and the Rio Arriba County Sheriff's Office are investigating. However, a spokesperson with the sheriff's office said they do not suspect foul play, and they don't consider Archuleta's death suspicious.

The results of an autopsy are pending.

Archuleta's mother saw her son's body after his death. She took pictures which show bruises and cuts to multiple parts of his body.

"I didn't expect to see what I saw," Benavidez said. "I didn't expect to witness my son that way."

Benavidez said it's hard for her to believe that there was no foul play.

There are questions about whether Archuleta should have been in jail in the first place.

He was ticketed for drinking in public. After he didn't show up for court, an arrest warrant was issued.

Archuleta appeared before a judge in Española Municipal Court who issued a \$500 bond, which Archuleta could not pay.

In the court file, there's no explanation of why he wasn't simply let go. Legal experts say judges need to give that explanation.

"You have to explain, if you're a judge, to the defendant why it is that you're assessing them money," said former judge and UNM professor Joshua Kastenber.

Archuleta had a long record, and Kastenber believes that's a big factor in the judge setting bail.

"You want judges to be able to exercise their discretion, but without a ruling, we don't know what this particular judge had in his or her thought processes," he said.

He says the judge may have explained it in court.

Jennifer Burrill, a public defender in Santa Fe and vice president of the New Mexico Criminal Defense Lawyers Association, says a history of not showing up to court would be the biggest factor.

Judges have immunity, but if the family feels someone's at fault, it can try to take legal action against the jail.

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