

FOR IMMEDIATE RELEASE:

May 17, 2018

Contact: James Hallinan

(505) 660-2216

AG Balderas: Convicted Sex Offender Going Back to Jail for Visiting Elementary School

Albuquerque, NM – This morning, Attorney General Hector Balderas announced that convicted sex offender and habitual probation violator Timothy O’Hara is going back to jail. O’Hara was convicted of six counts of Sexual Exploitation of Children by Distribution in 2009, was found guilty of probation violations in 2015, and after he was released from prison in late 2017 Attorney General Balderas charged him with violating his probation yet again for visiting an elementary school, among other violations. Second Judicial District Judge Jewell agreed with the Office of the Attorney General finding O’Hara guilty of violating his probation and yesterday sentenced O’Hara to 364 days in jail at the Metropolitan Detention Center.

“If sex offenders violate their conditions of release, even a decade after their crimes, we will pursue justice just as aggressively,” said Attorney General Balderas. “We have no higher priority than protecting our children from sexual violence and exploitation.”

Please see attached for the motion to revoke probation and a photo of O’Hara.

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**SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO**

No: D-202-CR-2007-05025

STATE OF NEW MEXICO
Plaintiff,

v.

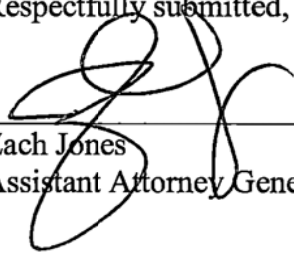
TIMOTHY O'HARA,
DOB: 4/26/1966

Defendant,

MOTION TO REVOKE PROBATION

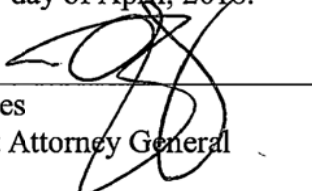
Zach Jones, Assistant Attorney General, moves the Court to revoke defendant's probation pursuant to Sec. 31-21-15. The State alleges that the defendant violated probation as described in the attached Probation Violation Report.

Respectfully submitted,



Zach Jones
Assistant Attorney General

I hereby certify that a true and correct copy of the foregoing was emailed to counsel for the defendant, Rose Osborn, on the 10th day of April, 2018.



Zach Jones
Assistant Attorney General



STATE OF NEW MEXICO CORRECTIONS DEPARTMENT
PROBATION AND PAROLE DIVISION

Report of Violation (Probation)

Date: 03/19/2018

To: THE HONORABLE BRIANA ZAMORA
DISTRICT ATTORNEY'S OFFICE

From: REGION II SP OP

District: ABQ SEX OFFENDER SUP UNIT

Officer: BLAKE POLLARD

Re: OHARA, TIMOTHY PATRICK

Cause #: D-202-CR-2007-05025

Sentenced: 12/02/2015

Sentence: 5 year(s), 0 month(s), 0 day(s)

Crime: SEXUAL EXPLOITATION OF CHILDREN - CAUSE - CHILD >13 <18, SEXUAL EXPLOITATION OF
CHILDREN - CAUSE - CHILD >13 <18, SEXUAL EXPLOITATION OF CHILDREN - CAUSE - CHILD >13 <18,
SEXUAL EXPLOITATION OF CHILDREN - CAUSE - CHILD >13 <18, SEXUAL EXPLOITATION OF CHILDREN
- CAUSE - CHILD >13 <18, SEXUAL EXPLOITATION OF CHILDREN - CAUSE - CHILD >13 <18

Probation begins: 01/02/2017

Expiration Date: 01/01/2022

Date Arrested: 3/12/18

Date Absconded: n/a

Delinquency Began: 2/4/18

Arresting Agency: New Mexico Probation and Parole

Officers: B. Pollard and C. Tully

Where In Custody: Metropolitan Detention Center

Charge: Technical Violations

Dual Supervision: ☐ Yes ☒ No

Interpreter required: ☐ _____

(1) Details of Violation:

(2) Supporting Evidence:

(3) Probationer's Version:

(4) Previous Preliminary Reports or Arrests:

(5) Adjustments:

a.) Social and Environmental:

b.) Financial:

c.) Health:

d.) Employment:

e.) Emotional:

Details of Violation

OHARA, TIMOTHY PATRICK, D-202-CR-2007-05025, has violated the following conditions of his/her Order of Probation:

1. STANDARD CONDITION 4-ASSOCIATION I will not associate with any person identified by my Probation/Parole Officer as being detrimental to my Probation supervision, which may include persons having a criminal record, other probationers and parolees, and victims or witnesses of my crime or crimes.

SUPPORTING EVIDENCE: Mr. O'Hara was associating with his co-defendant/father on 3/9/18.

Mr. O'Hara has been ordered on multiple occasions including at his first meeting with me on 12/20/17 not to associate with his father and co-defendant Patrick O'Hara. In addition to being his codefendant Tim O'Hara has alleged previously to be a victim of sexual abuse throughout his childhood at the hands of Patrick O'Hara further reinforcing this decision. This order was addressed again on 1/5/18 when Mr. O'Hara called and admitted to having deleted text messages from his father and this was documented in the Preliminary Probation Violation Report submitted on 2/12/18.

On 3/5/18 Probation and Parole Officer (PPO) Dan Montoya informed me that he had spoken with former probationer Patrick O'Hara whom he had supervised until his release from probation on 3/1/17. During this conversation PPO Montoya noted that Patrick O'Hara seemed very familiar with what is going on with Timothy O'Hara's supervision but he had assumed that this information was being passed through Betty O'Hara (Timothy's mother and Patrick's wife) until Patrick mentioned seeing Timothy at the bank on 3/1/18. I pulled up Mr. O'Hara's GPS points on this date that showed he was at the Wells Fargo Bank on Menaul and San Pedro from 9:05 hrs to 9:42 hrs and noted to confront Mr. O'Hara about this the next time we meet.

I met with Mr. O'Hara next on 3/9/18 in the field with PPO Charles Tully. I asked Mr. O'Hara when the last time he had seen his father Patrick O'Hara. Mr. O'Hara admitted he had seen his father "today" when he went to pick up his mother. I then asked if he had also seen him at the bank on 3/1/18 and he denied having seen him. Mr. O'Hara was ordered to report to our Office on 3/12/18 where he was taken into custody. He contested that he had not associated with his father and should not be arrested. I asked Mr. O'Hara what the protocol was if he sees his father and Mr. O'Hara replied that he is to leave immediately and then to call me and inform me of this incident immediately. I asked if he had done either action and he admitted that he had not.

2. STANDARD CONDITION 5-SUPV LEVEL I will follow all orders and instructions of my Probation/Parole Officer including actively participating in and successfully completing any level of supervision and/or treatment program, which may include Community Corrections, ISP, Elec Monitoring or other supervision/treatment program, as deemed appropriate by the Probation/Parole Officer.

SUPPORTING EVIDENCE: Mr. O'Hara violated the following conditions of the Sex Offender Behavioral Contract:

(Section 7) Additional Conditions – D) I will not engage in cursing or grooming activities. Cruising is defined as driving by or frequenting a location for the purposes of identifying potential victims. Grooming is defined as bringing into your confidence, or attempting to do so, potential victims or their family members.

(Section 8) Victim Specific Conditions – B) I will get prior permission from my Probation/Parole Officer and or appropriate Organizational Authority to go to places where children under eighteen gather. This includes, but is not limited to: schoolyards, parks, playgrounds, swimming pools, community centers, amusement parks, arcades, school bus stops, and any establishment that is intended for the entertainment of children.

During a review of Mr. O'Hara's GPS points I noted that Mr. O'Hara appeared to be on the grounds of the Our Lady of Fatima Catholic Church and School on 3/4/18, two times, for brief periods. I noted this for further investigation and verified prior to meeting with Mr. O'Hara on 3/9/18 that a school is still present on this property and that it is clearly marked as such. I confronted Mr. O'Hara with this activity and he stated he had just gone there on Sunday to drop his mother off and pick her up from church services there. He questioned "so I am not allowed there on Sundays? School isn't in session." I asked him if he was allowed to go to a elementary school at midnight on a Saturday and he replied "no." I asked him to point out the difference between the schools and

why there would be a difference in the rules and he was unable to. I asked him how often he was going to the school and he admitted that he "takes his mother there most Sundays." I was able to verify he was also on school grounds on 2/11/18 and 2/4/18. At no time did Mr. O'Hara gain my permission prior to visiting this school.

3. STANDARD CONDITION 9-DRUGS I will not buy, sell, consume, possess or distribute any controlled substances or illegal synthetic substances except those legally prescribed for my use by a State Certified Medical Doctor. I will also provide urine or breath test specimens for laboratory analysis upon request of the Probation and Parole division.

SUPPORTING EVIDENCE: Mr. O'Hara failed to call the UA hotline as ordered on 3/6/18. When confronted with this violation on 3/12/18 Mr. O'Hara claimed not to have any knowledge that he missed this call-in.

Probationer's Version

Mr. O'Hara will have the opportunity to present his version at the Probation Revocation Hearing.

Previous Preliminary Reports or Arrests

1. Standard Cond. 5-SUPV LEVEL I will follow all orders and instructions of my Probation/Parole Officer including actively participating in and successfully completing any level of supervision and/or treatment program, which may include Community Corrections, ISP, Elec Monitoring or other supervision/treatment program, as deemed appropriate by the Probation/Parole Officer.

SUPPORTING EVIDENCE: By having failed to follow all orders and instructions of his/her Probation Officer including participating in and successfully completing any level of supervision/treatment program, On 8/22/2013 probationer O'Hara admitted to this officer he had looked at adult pornography on his I pad while doing school research. At first he stated it was "pop ups" but as the interview continued he admitted he had a relapse and went actively searching for pornography.

Mr. O'Hara was doing community service at this office for his current mishap. He was also placed on weekend house arrest for four weekends. Furthermore, he is now attending SAA (sex addicts anonymous), per the recommendation of his sex offender counselors, 2x per week. This is additional to his regular scheduled sex offender meetings. This Officer respectfully recommends that this Probationer be continued under supervision at this time.

PPO Tully submitted a Preliminary Probation Violation Report on 8/23/13 recommending that Mr. O'Hara's probation be continued.

1. Standard Cond. 5-SUPV LEVEL I will follow all orders and instructions of my Probation/Parole Officer including actively participating in and successfully completing any level of supervision and/or treatment program, which may include Community Corrections, ISP, Elec Monitoring or other supervision/treatment program, as deemed appropriate by the Probation/Parole Officer.

SUPPORTING EVIDENCE: Per sex offender behavioral contract (section 6) computer electronics/entertainment: E. Conditions of personal computers, computer tablets, cell phones. I will keep a minimum of 30 days website history and all of my web browsers.

Probationer Ohara's phone was searched and all of his web and text messages were void of any recent history. He admitted to deleting to this as he stated "I just do it because I can't stand all the messages."

PPO Tully submitted a Preliminary Probation Violation Report on 2/11/14 recommending that Mr. O'Hara's probation be continued.

1. STANDARD CONDITION 5-SUPV LEVEL I will follow all orders and instructions of my

Name: OHARA, TIMOTHY PATRICK
Cause #: D-202-CR-2007-05025

Probation/Parole Officer including actively participating in and successfully completing any level of supervision and/or treatment program, which may include Community Corrections, ISP, Elec Monitoring or other supervision/treatment program, as deemed appropriate by the Probation/Parole Officer.

SUPPORTING EVIDENCE: By having failed to follow all orders and instructions of his/her Probation Officer including participating in and successfully completing any level of supervision/treatment program. On 10-28-2015 probationer called this officer to report he had been viewing pornography. He said he was viewing pornography from a computer he purchased from the UNM bookstore. A search of his computer verified he indeed was looking at pornography and dating sites. This is a violation of the sex offender behavioral contract.

(Section 6) paragraph A) states: I will not purchase possess or subscribe to any sexually oriented or sexually stimulating material. This includes but is not limited to: Sexual devices, books, magazines, video/audio tapes, pictures, DVD's, CD ROMs, and internet websites.

Probationer visited these websites: adultfriendfinder, bangbros18.com, Albuquerque.backpage, and Albuquerque amateur webcam. Probationer said he was lonely and looking to meet someone. Probationer further stated he signed up on adultfriendfinder and his username is loboneedsome1. Additionally, he stated he knows the rules of supervision but he said he gave in to his porn addictions.

(Section 6) COMPUTERS/ELECTRONICS/ENTERTAINMENT paragraph C) states: I understand that I will disclose any and all electronic devices to my Probation/Parole Officer that I have possession of and if needed, I will supply all of my email addresses, usernames and passwords.

This officer was unaware probationer had owned a computer or had email addresses until Mr. O'Hara contacted this Officer on 10-28-2015 to report he had viewed pornography. This Officer asked how and where you viewed pornography. His response was "I looked at it on my lap top computer." During a search of his computer, Officer Daniel Montoya discovered Mr. O'Hara had been on adultfriendfinder. In the recent history section of his computer it shows he has a username of loboneedsome1.

(Section 6) COMPUTERS/ELECTRONICS/ENTERTAINMENT paragraph D) states: I understand that any computer, camera, tablet, cell phone, thumb drive (USB drive), memory or any other electronic device I have access to, including hard drive and removable drives may be examined for inappropriate content at any time. In appropriate content includes but is not limited to: Sexually stimulating material, Pornography (adult or child), adult websites, social networking sites, such as, but not limited to Facebook, Myspace and Mocospace, dating websites, and personal ads to include cell phone applications.

Probationer visited these websites: adultfriendfinder, bangbros18.com, Albuquerque.backpage, and Albuquerque amateur webcam. Probationer said he was lonely and looking to meet someone. Probationer further stated he signed up on adultfriendfinder and his username is loboneedsome1. Additionally, he stated he knows the rules of supervision but he said he gave in to his porn addictions. PPO Montoya conducted a field search of probationer's computer. The report reflects one hundred pornographic images. However, PPO Montoya discovered over a thousand pornographic images on Tim O'Hara's computer. (see attached evidence)

(Section 6)) COMPUTERS/ELECTRONICS/ENTERTAINMENT paragraph E *Conditions of personal computers, computer tablets and cell phones* subsection b states: I will not utilize any computer cleaning software or document shredders without my Probation/Parole Officer's consent. Shredder software was found on probationer's computer. It's a software program that allows permanent deletion of files that cannot be traced. Probationer never reported he had a computer or the fact there is a shredder program found in his computer that can delete files permanently.

2. **STANDARD CONDITION 2-REPORTING** I will report to my Probation/Parole Officer as often as required and will submit completed and truthful written reports as required by my Probation/Parole Officer. All communication with my Probation/Parole Officer will be truthful and accurate and I will promptly reply to any correspondence or communication I may receive from the Probation Office.

SUPPORTING EVIDENCE: By having failed to report to his/her Probation/Parole Officer as often as required and submit completed and truthful written reports.

On 10-28-2015 probationer called this officer to report he had looked at pornography. He was questioned how and where he was able to view pornography. Mr. O'Hara stated he owns a lap top computer. Prior to October 28th, this officer was unaware he owned a computer. In addition, he obtained Comcast cable that is set up at

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his mother's home address under his name. He never asked this officer for permission to have cable. This officer has conducted numerous field contacts to probationer's residence. This officer would have never found the computer at his residence as he had it set up at his mother's house. Mr. O'Hara admitted he was manipulating the rules, and the reason he bought the computer was for school work. He also said he bought it for his mother to use.

At the Probation Violation Hearing held on 12/2/15 Judge Jewell sentenced Mr. O'Hara to 730 days in the Department of Corrections. Upon completion of this sentence he was reinstated to probation on a new term of probation with all conditions of the original term.

1. Standard Cond. 5-SUPV LEVEL I will follow all orders and instructions of my Probation/Parole Officer including actively participating in and successfully completing any level of supervision and/or treatment program, which may include Community Corrections, ISP, Elec Monitoring or other supervision/treatment program, as deemed appropriate by the Probation/Parole Officer.

SUPPORTING EVIDENCE: Mr. O'Hara reported to his counselor and then to me that he had received text messages from his father, Pat O'Hara, whom is also a felon and his co-defendant and whom he is ordered to have no contact with. Mr. O'Hara reported that he deleted these text messages as he was concerned he would get into trouble for them which is a violation of the following Sex Offender Behavioral Contract condition:

(Section 6) Computers/Electronics/Entertainment – E) d. I will keep a minimum of 30 days website history in any and all of my electronic devices to include web browsers/text messages/applications.

Mr. O'Hara was given a strong verbal warning that he cannot delete any history from his devices within a 30 day period and that doing so only makes him look more suspicious and not less. In addition, he was ordered to obtain detailed cell phone billing from this date forward in order to spot any future deleted text history.

2. Standard Cond. 7-EMPLOYMENT Unless exempted, I will make every effort to obtain and hold a legitimate job and fulfill all financial obligations required of me including support of my family. I shall cooperate with my Probation Officer in any effort to assist me in obtaining employment. If I lose my job for any reason, I shall report this fact to my probation/Parole Officer within 48 hours of the change.

SUPPORTING EVIDENCE: Mr. O'Hara has not put forth a good faith effort in conducting a search for employment. Mr. O'Hara is reapplying for SSI after being denied multiple times over a 5 year period. As Mr. O'Hara is homeless and given his past denials I ordered that he be subject to job searches until such time he is approved for SSI. Initially I had him fill out at least 2 job searches per day but after observing via GPS points that Mr. O'Hara would park in his car for hours during normal work hours instead of apply for additional jobs I ordered him to begin filling out a log of his activities during the weekdays. Mr. O'Hara failed to do this after a single week of compliance only providing a partial log of 2/5/18 and no logs at all for 2/6/18 and 2/7/18 when I met with him on 2/7/18. In addition I inquired how his interview with Subway went earlier the same date and he admitted to removing himself from consideration from the position when he learned there were no part-time positions and only 3 full-time positions. When asked why he had done this Mr. O'Hara explained that he was worried it would interfere with his application for SSI if he were to accept a full-time position. I informed Mr. O'Hara that he does not yet have SSI and that it would have been in his best interest financially to accept any job offered to him much less meet his work requirement for his probation. I next met with Mr. O'Hara on 2/9/18 during which he admitted to also having failed to follow through with applying at Friedman's Recycling, a place I know to hire felons on supervision for sex offenses, when learning that they too expected full-time work.

As Mr. O'Hara is not meeting his work requirement and has no intention to do so I am having him complete 24 hours of community service per week with the Bernalillo County Clean Team in lieu of completing further job searches.

I submitted a Preliminary Probation Violation Report on 2/12/18 recommending that Mr. O'Hara's probation be continued.

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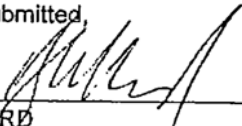
Adjustment

Mr. O'Hara was released from the Department of Corrections on 12/18/17 after completing his parole term in-house. Mr. O'Hara was unable to provide an address for an approved parole plan and as such was homeless, residing at the Albuquerque Opportunity Center, upon his release from custody. As Mr. O'Hara had already been on probation previously for this offense when I first met with him on 12/20/17 I went over my expectations for him on supervision at length including the fact that he cannot associate with his father/co-defendant and felon Patrick O'Hara. On 1/5/18 Mr. O'Hara had already received texts from his father, deleted this evidence from his phone, and only informed me about any of this after he mentioned it in counseling and was told he had to by his counselor. Given the further facts as laid out in this violation report I have to believe that Mr. O'Hara has completely disregarded this order since his release from custody on 12/18/17 knowing that his father is no longer on supervision and or GPS and that if we won't be able to easily demonstrate their association. Mr. O'Hara also took himself out of consideration for multiple full-time job offers rather than risk his pending SSI application status, a status that Mr. O'Hara admits he has been in for the past 5 years without receiving an approval. Mr. O'Hara then decided it was okay to visit a school in order take his mother there. Mr. O'Hara had previously been told that if his mother's need for the car would put his probation in jeopardy that he can return his mother's car to her and he can use the bus. But again that would have not been to Mr. O'Hara's liking and thus he chose to ignore this option. Mr. O'Hara already had his probation revoked once and has been on this term of probation for less than 3 months, already violating 5 conditions between this report and the 2/12/18 Preliminary Violation Report. I have no reason to believe that Mr. O'Hara's compliance with his orders of probation will improve if reinstated.

Recommendation

It is respectfully requested that the District Attorney's Office file a Motion to Revoke Probation and that a NO BOND BENCH WARRANT be issued. If found to be in violation of his conditions of probation, it is recommended that Mr. O'Hara's probation be revoked and he be incarcerated for the remainder of his sentence.

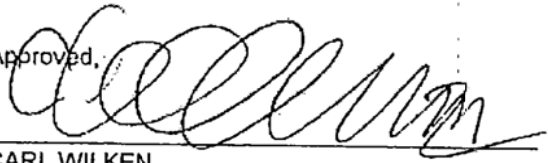
Respectfully submitted,



BLAKE POLLARD

Probation-Parole Officer
ABQ SEX OFFENDER SUP UNIT REGION II SP
OP

Approved,



CARL WILKEN

Supervisor
ABQ SEX OFFENDER SUP UNIT REGION II SP
OP

cc: File

Name: OHARA, TIMOTHY PATRICK
Cause #: D-202-CR-2007-05025

Served on Defendant on _____, 20____ at _____ AM/PM by

Probation/Parole Officer or Designee _____

PPO or Designee Signature: _____ Phone # _____

Defendant's Signature _____

XC: Defendant's Attorney of Record
OHARA, TIMOTHY PATRICK, 472389