

4 years imposed in May drive-by

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Keanu Farmer Gutierrez was cooperative with authorities and expressed remorse for his involvement in a non-injury shooting in May, but his conduct was serious enough to merit prison, a judge said Monday.

“This was a serious case and it needs to be treated as such,” Deputy District Attorney Jason Wilson said.

Earlier, public defender Patrick Crane suggested racial taunts inflamed the May 30 encounter between his client, a codefendant and two men who were walking in a Montrose neighborhood.

Farmer Gutierrez eventually pleaded guilty to two counts of felony menacing and illegal discharge of a firearm for his role in the broad-daylight shooting, in an active residential neighborhood near North Nevada Avenue and North Fifth Street.

He was traveling in a vehicle with another man, Marcos Campas, who previously pleaded guilty to felony menacing, but failed to show up for his sentencing hearing last week.

Farmer Gutierrez and Campas drove past two men who had just been allowed to leave a traffic stop nearby. The other two men had been passengers in a vehicle whose driver was arrested on suspected drug offenses, but they were not detained.

Campas began shouting obscenities at the two pedestrians, then he and Farmer Gutierrez got out of the car and a scuffle ensued.

Campas reportedly flashed a gun, which Farmer Gutierrez took away from him.

When he and Campas got back into their vehicle, though, Farmer Gutierrez fired out of the window, sending bullets whizzing by one of the victim’s head.

A round struck the home of an older couple, who were home at the time. The projectile was later found lodged into the framing, Montrose Police Detective Jason English said Monday. There was no evidence of a ricochet, he said.

No one was hit. Officers still on the traffic stop nearby heard the gunfire.

“I heard three gunshots,” Montrose Police Sgt. Abby Boston said Monday, detailing how she and others took off in the direction of the shots.

They were aware of an address on North Fifth associated with a barricaded subject call, although that turned out to be unrelated to the shooting. In the street, officers found multiple people in the road, including the two victims.

Montrose Police Detective Sgt. Tim Cox testified Monday to finding two spent .380 casings in the street and a live round, in addition to the bullet English later recovered from the nearby home.

The two male victims told Boston about their encounter with Farmer Gutierrez and Campas.

"He felt like the bullets were going right by his head. He definitely was affected by it. It scared him," Boston said. The man repeated similar statements throughout the investigation, she added.

Both suspects initially fled the scene, but Farmer Gutierrez later came to the police station and provided information, after speaking with his family.

Boston said Farmer Gutierrez told police "they were literally driving around, causing problems to see if (people) would react to it."

Crane said the transcripts of the interview did not reflect that; Boston clarified Farmer Gutierrez meant Campas was driving around, yelling out.

After the first volley of insults, the victims reportedly yelled racial slurs in a "back and forth," Boston said under questioning.

Both victims were apparently under the influence of a substance, it was also said in court. Charges were not brought against them.

The victims were not present in court, or involved much in the prosecution, Wilson acknowledged, but he said that does not change what happened.

"He (Farmer Gutierrez) admits to firing that gun," Wilson said, reiterating that a round struck and penetrated a nearby home and the shooting occurred in a residential neighborhood, during daylight hours.

Further, Farmer Gutierrez initially fled police and also gave the gun back to Campas, Wilson said.

"He is not a child. To say he was an addict, that he was young and stupid, doesn't excuse this," the DDA said.

Farmer Gutierrez has been on probation a number of times for various offenses and has failed at it, Wilson added.

"We have to sentence on the seriousness of (what happened). It's but for luck nobody was killed or seriously injured that day," Wilson said, asking for two years of prison for each count, to run consecutively, for a total of six years.

Over objections earlier, Wilson elicited testimony from Cox about the increase in crimes with guns.

"It's stepped up big-time. About everyone we contact anymore, it seems they're in possession of a firearm," Cox said.

Crane said his client isn't offering excuses, however, there needs to be consistency between sentences handed down in like-cases. Crane pointed to a sentence of probation last week that was given to a woman who drew and fired a weapon, but injured no one because the gun jammed.

He also read a letter from one of Farmer Gutierrez's sisters, which detailed strong familial support and children's needs.

Crane also reiterated Farmer Gutierrez helped police, even accompanying them to the scene to point out evidence.

"To say he didn't take responsibility is just a misrepresentation and false statement about what happened here," Crane said.

His client should receive probation, as recommended by a pre-sentence investigation report, or failing that, community corrections, Crane said.

"I should have known better," Farmer Gutierrez said.

"I realized once I was in here (jail), sobering up, it was stupid, ridiculous and wrong for what I did. One of those bullets could have hit somebody. I apologize for that."

District Judge Keri Yoder noted many positives about Farmer Gutierrez, including that he took responsibility.

But what actually happened that day was "extraordinarily aggravated," she said.

"This seems to be out of nowhere. ... There was no reason to confront them at all," Yoder said.

"... We have to have a responsibility that matches the severity here."

She imposed two years of prison on each of the three counts. Farmer is to serve the two years for each menacing count consecutively; the remaining two years are concurrent, for a total of four years, less 153 days of pre-sentence confinement.

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