



STATE OF NEW MEXICO

First Judicial District Attorney

Santa Fe, Rio Arriba & Los Alamos Counties

Mary Carmack-Altwhies
District Attorney

Santa Fe Main Office
327 Sandoval Street
PO Box 2041
Santa Fe, NM 87504-2041
Telephone: (505) 827-5000
Fax: (505) 827-5076

Espanola Office
1122 Industrial Park Road
PO Box 1209
Espanola, NM 87532
Telephone: (505) 753-7131
Fax: (505) 753-7133

August 10, 2022

Sheriff Adan Mendoza, Santa Fe County Sheriff's Office
Agent Lawrence Guzardo, New Mexico State Police

**Re: Use of Force: Officer Involved Shooting – Corporal Christopher Zook, and Deputies
Jacob Martinez and Leonardo Guzman
NMSP 21-23-3-0052**

Sheriff Mendoza and Agent Guzardo:

The First Judicial District Attorney's Office has completed its review of the New Mexico State Police ("NMSP") investigation regarding the use of force incident on June 23, 2021, in which Santa Fe County Sheriff's Office ("SFSO") Deputies Zook, Martinez and Guzman discharged their firearms in performance of their duties as a public officer. Said incident having occurred near Siler Road and Rufina, close to Cerrillos Road, within the City of Santa Fe, Santa Fe County, New Mexico.

Based upon a review of the information provided to our office, the evidence demonstrates that Deputies Zook, Martinez and Guzman's use of force was justified and reasonable. *See*, NMSA 1978, §30-2-6(A) and §30-2-6(B), *see also State v. Mantelli* 2002-NMCA-033, *see also* UJI 14-5173.

Deputies were involved in a lengthy chase with suspect, Nathan J. Roybal. Suspect had two active warrants and was driving a stolen vehicle. Deputies attempted to pull over the driver of the stolen vehicle but were unsuccessful because the suspect led them on a lengthy chase. The suspect committed aggravated fleeing while attempting to elude the deputies including speeding, running multiple stop signs and lights and reversing towards Deputies vehicles in an attempt to ram them.

The stolen vehicle finally came to a stop near the intersection of Rufina and Siler. The three deputies positioned themselves behind his car (Guzman and Martinez) and in a parking lot to the left of the vehicle (Zook). As Deputy Guzman gave verbal commands to the suspect to exit the vehicle, the suspect leaned out of the car and pointed a gun in the direction of Guzman and Martinez. All 3 deputies heard the suspect "rack" his gun. Martinez then fired upon Roybal. All three Deputies then began to fire at the car.


After multiple shots were fired, Roybal opened his driver side door and appeared to point his gun towards Deputies again, before dropping it and running towards the sidewalk facing the driver side of the car. It is important to note, that Deputy Guzman could not see that Roybal had dropped his gun due to his vantage point. Deputy Martinez did see the subject drop his gun and ceased firing. However, he also saw him raising his arm towards deputies as he ran. Deputy Zook did not observe the Roybal drop his gun and continued firing, and he assumed that Roybal was still an active threat.

Roybal was hit three times, twice in his back and once in his neck from the front. Deputies initially did not realize that Roybal was deceased. They placed handcuffs on him and then administered CPR, but he was declared deceased at the scene.

A subsequent search of the vehicle yielded no further firearms.

Under the facts and circumstances of this incident, all three Deputies acted reasonably in response to an immediate threat to protect their lives and the lives of the other deputies near Roybal. Therefore, Deputies Zook, Guzman and Martinez were justified in the use of force.

New Mexico State Police and the Santa Fe County Sheriff's Office may release any evidence to the rightful owners of the property provided there are not any pending criminal charges or civil action arising out of this incident.



Mary Carmack-Altwies
First Judicial District Attorney