



STATE OF NEW MEXICO  
First Judicial District Attorney  
Santa Fe, Rio Arriba & Los Alamos Counties

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District Attorney

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Dear Captain Goret:

This office has received the referral from the New Mexico State Police on an officer involved shooting that Agent Daniel Martinez reviewed. The case number is NMSP 22-23-2-0023 and involved Officer Maxim Alaniz Espanola Police Department. The shooting occurred in Rio Arriba county. The incident occurred on May 15, 2022.

Although it is standard practice to review officer involved shooting cases, the First Judicial District Attorney's Office will not review use of force cases for justifiability and reasonableness unless the officer's actions resulted in a death or great bodily injury. *See*, Justifiable homicide by public officer or public employee NMSA 1978, §30-2-6(A) and §30-2-6(B), *see also State v. Mantelli* 2002-NMCA-033, *see also* Uniform Jury Instruction 14-5173.

Per our office policy, the First Judicial District Attorney's Office will review a completed investigation once it is turned over within ninety (90) days to determine if the law enforcement officer's actions were justified. However, if the District Attorney concludes that there are any grounds for a finding of unjustified use of force, the District Attorney will appoint a Special Prosecutor for review and potential prosecution.

If during the NMSP investigation, your Agent determines that probable cause exists to charge an officer with a crime, they should forward a completed case file to our office for prosecution per the standard procedure of case submission to the First Judicial District Attorney's Office.

As is the case with any officer involved shooting, the public demands transparency and accountability. As you know, these cases are important and involve a tremendous number of resources. As such, we must limit those resources to the cases that resulted in a death of great bodily injury. If you have any questions or would like to discuss how we can continue to collaborate on these important cases, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink that reads "Mary Carmack-Altwies". The signature is written in a cursive style with a long horizontal flourish at the end.

Mary Carmack-Altwies  
First Judicial District Attorney