



STATE OF NEW MEXICO

First Judicial District Attorney

Santa Fe, Rio Arriba & Los Alamos Counties

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August 14, 2022

Sheriff Adan Mendoza, Santa Fe County Sheriff's Office
Agent Jeremy Stricklin, New Mexico State Police

**Re: Use of Force: Officer Involved Shooting – Deputy Martin Arellano
NMSP 21-23-1-0072**

Sheriff Mendoza and Agent Stricklin:

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 September 16, 2021, in which Santa Fe County Sheriff's Office ("SFSO") Deputy Martin Arellano discharged his firearms in performance of his duties as a public officer. Said incident having occurred near the Allsup's at 2 Camino Vista Del Monte in Santa Fe County, New Mexico.

Based upon a review of the information provided to our office, the evidence demonstrates Deputy Arellano'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.

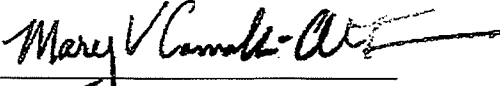
Deputies were dispatched to the Allsup's at 2 Camino Visto Del Monte for a shots fired call. An employee of the Allsup's, Marvin Montoya had arrived at work drunk and had barricaded himself in the restroom. When Deputies arrived Mr. Montoya exited the restroom and walked to a lot west of the Allsup's. Montoya had a gun on him as was waving it around, both towards deputies but also at himself and in the air. At one point, Montoya fired his gun into the air. The SFSO negotiator arrived and attempted to speak with Montoya. However, this proved to agitate him further, and he continued to walk away from the Allsup's still waiving his gun around, pointing it at deputies and to his own head.

SWAT Deputies, including Deputy Arellano responded and lined up to approach Montoya, but assumed he was walking away from their position. Deputy Arellano was then surprised when Montoya popped out of a bush that was near to him and other deputies. Montoya pointed the gun directly at him and other deputies, so Arellano fired one shot at Montoya but missed. Montoya then pointed his gun at the deputies again, so Arellano fired again hitting him in the chest.

Deputies then approached Montoya, kicked his gun away from him and administered aid. Montoya was transported to St. Vincent's hospital where he survived his injuries.

Under the facts and circumstances of this incident, Deputy Arellano acted reasonably in response to an immediate threat to protect his life and the lives of other deputies. Therefore, Deputy Arellano was 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.



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