



STATE OF NEW MEXICO

First Judicial District Attorney
Santa Fe, Rio Arriba & Los Alamos Counties

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August 14, 2022

Chief Tim Johnson, New Mexico State Police
Agent Allan Benitez, New Mexico State Police

Re: Use of Force: Officer Involved Shooting – NMSP Officers Luis Mendez and Alfredo Moya
NMSP 21-23-1-0052

Chief Johnson and Agent Benitez:

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 July 4, 2021, in which New Mexico State Police Officers Luis Mendez and Alfredo Moya discharged their firearms in performance of their duties as public officers. Said incident having occurred in a field near mile marker 278 on Interstate 25 in Santa Fe County, New Mexico.

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

Santa Fe Police Department ("SFPD") Officers were initially dispatched on a welfare check for a man walking on the rail runner tracks near I-25. When SFPD Officers arrived, the subject brandished a firearm at them so officers retreated and requested assistance. NMSP Officer Ornelas initially responded and located the man walking on the train tracks. Officer Ornelas tried to speak with the male. He asked him to get off the tracks because he was worried for his safety. The male responded that he was fine and began to run away. Officer Ornelas saw the man pull a gun from his jacket and point it at him. Officer Ornelas was in fear for his life. The suspect ran away across I-25 and into a field. Officer Ornelas relayed where the male had run to a field near mile marker 278 on I-25.

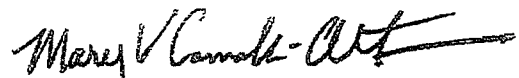
Officers Mendez and Moya located the man and pursued him in Officer Moya's police car. The man, later identified as Jaime Bravo, fired several shots towards the Officers. Officer Mendez got out of the car and pursued Bravo on foot. Bravo fired three times at Officer Mendez. At one point, a shot from Bravo whistled past Officer Mendez's ear. Officer Moya also got out of his car to chase Bravo; he hears multiple gun shots fired by Bravo and returns fire several times. Officer

Mendez shoots his 9mm weapon six times towards Bravo, Officer Moya fires with his .223 at least twice, and Bravo is hit in the leg.

Both Officers approached Bravo. Officers placed him in handcuffs, removed the gun from him and started to administer aid. Bravo was transported to St. Vincent's hospital where he survived his injury.

Under the facts and circumstances of this incident, Officers Moya and Mendez acted reasonably in response to an immediate threat to protect their lives and the lives of other deputies. Therefore, Officers Moya and Mendez were justified in the use of force.

New Mexico State Police 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-Altewies
First Judicial District Attorney