



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

Dear Captain Goret:

This office has received the referral from the New Mexico State Police on an officer involved shooting that Agent Nicholas Levine reviewed. The case number is NMSP 16-23-2-0110 and involved Deputy Joseph Aquino of Rio Arriba Sheriff's Office and Officer Anthony Armijo of Espanola Police Department. The shooting occurred in Rio Arriba county. The incident occurred on November 12, 2016.

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 or 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-Altwhies".

Mary Carmack-Altwhies  
First Judicial District Attorney