

Office of the District Attorney
Officer Involved Shooting Review on DA File Number 2013-00766-1

Subject Shot: Dominik Mora-Solis
Officer Involved: Sergeant Jason Peck, APD
Date of Incident: August 6, 2012
Location: 6001 Iliff Road NW, Albuquerque, NM
APD Report # 12-073076

The investigation and legal analysis of the shooting of Dominik Mora-Solis, in which a single shot was fired by Albuquerque Police Department Sergeant Jason Peck, have been completed. Based on the circumstances of the shooting, a review of all pertinent facts, including witness statements and crime scene analysis, in conjunction with applicable New Mexico law, there does not exist sufficient evidence to proceed on any criminal charges against Sergeant Jason Peck in this matter. The District Attorney finds that the shooting was a justifiable homicide under Section 30-2-6 NMSA 1978 and Section 30-2-7 (B) NMSA 1978, as amended.

The investigation of this officer-involved shooting was conducted in accordance with the Memorandum of Understanding between the Albuquerque Police Department, the Bernalillo County Sheriff's Department, the New Mexico State Police and the Second Judicial District Attorney's Office. All three police agencies participated in the investigation and Chief Deputy District Attorney Gary Cade was present at the scene and for the briefing on the incident.

The following materials were used in our review of this case: the complete police report, the crime scene report, photographs taken at the scene, officer lapel cameras and audio recordings of all witness interviews.

SUMMARY OF FACTS

On Monday August 6, 2012, Albuquerque Police Department detectives from the department's Vice Unit and Westside Narcotics Unit conducted a briefing to arrange a "buy-bust" operation. A "buy-bust" operation is the purchase of a quantity of narcotics by an undercover police officer followed by the immediate arrest of the offender(s) involved in the transaction. The operation was directed by APD narcotics detective David Saladin and involved a total of nine (9) officers. At the briefing, Detective Saladin informed the units that the operation was for the purchase of \$240.00 of heroin and was to occur that day in the parking lot of the Furr's cafeteria at 6001 Iliff Rd. NW - the intersection of Coors Blvd. and Iliff Rd. Detective Saladin indicated that the target involved in the transaction went by the street name of "Legit". (*He was later identified as Dominik Mora-Solis*).

Following the briefing, the detectives went to the Furr's parking lot in undercover police vehicles and set up in locations throughout the parking lot for surveillance and safety reasons. Detective Saladin was working in an undercover capacity as the drug purchaser and after he arrived, made a phone call to the targets. Detective Saladin was told that the transaction was to be with "Legit" and that he would be wearing a white football jersey.

While at the location, detectives observed a male subject wearing a black football jersey. (*The subject was later identified as Michael Chavez*). He was walking through the parking lot using a cell phone and appeared to be scanning the parking lot. Chavez walked over to Detective Saladin's car and asked if he was looking for "Legit". Detective Saladin stated that he was. Chavez got into Detective Saladin's car and took the \$240.00 for the drug purchase. He then got out and walked over to a green Ford Focus which had pulled into the parking lot. He got into the green car, which drove to the north side of the parking lot, out of the view of Detective Saladin. The green car then returned and parked several spaces to the north of Detective Saladin's location. A different male got out of the green car and got into the passenger seat of Detective Saladin's car. This male (*Dominik Mora-Solis*) was wearing a white football jersey.

Mora-Solis identified himself as "Legit". He reached into his pocket and pulled out a gun, placing it on the passenger seat, under his right leg. He then rolled up the car window, which had been rolled down earlier so that surveillance officers could observe what was happening inside of the car. Detective Saladin asked about the gun several times so that the surveillance officers would know that the subject was armed. (*The conversation in Detective Saladin's car was being monitored by the surveillance officers through the use of a bluetooth earpiece and an open cell phone line*). Mora-Solis stated that he always carried the gun and that he pulled it out because it was uncomfortable in his pocket. He then pulled out a Ziploc baggie containing what appeared to be black tar heroin and a digital scale. He began to weigh an amount of the substance. As soon as Detective Saladin saw the subject pull out the heroin and scale, he gave the arrest signal to the surveillance officers.

The undercover detectives approached both the green car and Detective Saladin's car. Seven (7) detectives were assigned to secure the green car and two (2) detectives were to secure Mora-Solis in Detective Saladin's car. As the detectives approached the cars, Mora-Solis saw the police approaching and yelled at Detective Saladin to drive away. Detective Saladin could see Sergeant Peck approaching on the passenger side of the car and saw Mora-Solis remove the gun from under his leg and bring it up toward the window. Detective Saladin had a firearm on his person but decided that it was faster to physically restrain Mora-Solis. He grabbed Mora-Solis' wrist and pulled the gun down between the subject's legs. As he was struggling for the gun, Sergeant Peck opened the passenger side door. Detective Saladin began yelling, "Gun, gun, gun," and delivered two "elbow strikes" to Mora-Solis' face. Detective Saladin continued to yell, "He's got a gun." Sergeant Peck identified himself as a police officer by yelling, "Albuquerque Police Department. Let me see your hands." Sergeant Peck was wearing his police badge on a chain around his neck and was wearing a police vest with large "Police" lettering across his chest and back and a shoulder patch. Sergeant Peck saw that Detective Saladin's and Mora-Solis' hands were intertwined with each other and they were aggressively fighting over the gun, but Peck could not see the position of the gun because of the subject's hands and the large white jersey Mora-Solis was wearing.

Sergeant Peck stated that, ". . . what it looked like to me was there was a gun in one of their hands and he was going to shoot Dave [Saladin] because both of the hands were facing that direction. I was afraid that if I didn't do something, Dave was going to get killed. And if it was in his left hand, that gun was going to shoot him then turn on me." Sergeant Peck fired a single shot into the torso of Mora-Solis. Mora-Solis was then removed from the car and rescue personnel was called.

Dominik Mora-Solis was taken to the University of New Mexico Hospital for treatment. The bullet was removed and he has since been discharged from the hospital. His whereabouts are currently unknown to law enforcement. Domink Mora-Solis currently has an outstanding warrant for his arrest on charges of Aggravated Burglary with a Deadly Weapon, Attempted Armed Robbery and Aggravated Assault with a Deadly weapon in criminal cause number CR 2012-00105.

RECORDED WITNESS INTERVIEWS

APD Sergeant Jason Peck

A recorded interview of Sergeant Jason Peck was conducted on August 8, 2012 at 10:15 am. Sergeant Peck indicated that he was employed by the Albuquerque Police Department for the past eleven years and was presently assigned as the sergeant in charge of the Vice Unit. After having been advised of his constitutional rights, Sergeant Peck agreed to give a statement. The sergeant stated that his unit was working with the police department's narcotics unit because many vice cases involve narcotics deals. He stated that he was putting his unit through a month long training in which two weeks would be with the narcotics unit. As part of the training, his unit was briefed on a controlled purchase of narcotics in the area of Coors Blvd. and Illif NW. Sergeant Peck indicated that Detective Dave Saladin had already made controlled purchases of narcotics from the subjects they were investigating and that the current encounter would result in a "buy-bust," or the purchase of drugs followed by an immediate arrest at the scene. The operation was going to be monitored through an open phone line, where a cell phone would be left open and monitored by surveillance officers. Code words and visual signals would be given once the deal was completed or in an emergency. Sergeant Peck and Detective Glen Stout were part of the approach team and responsible for securing the subjects in the undercover police vehicle driven by Saladin.

Once all surveillance officers were in place, a phone call was made to make the purchase of narcotics. Sergeant Peck was monitoring the transaction through binoculars. The transaction was to occur at the Furr's parking lot on Coors Blvd. The sergeant first saw a subject wearing a white or brown jersey get out of a green Ford sedan and contact Detective Saladin at his vehicle. The subject got into Saladin's vehicle then got back out. Saladin stated over the radio that Saladin gave the subject money for the purchase and that he was going to return with the narcotics. Sergeant Peck and Detective Stout maneuvered to a position to view where the subjects were going. Both males got into the green sedan and drove through the parking lot. The sedan stopped about six or seven cars away from Saladin's vehicle. The male in the white jersey got out and walked over to Saladin's car. Sergeant Peck stated that he and Detective Stout turned on their lapel cameras around this time. They slowly converged on Saladin's vehicle, then heard the command, "Block, block, block" over the radio from one of the other detectives (*This signal indicated that the detectives were to actively secure the vehicles*).

Sergeant Peck stated that he jumped out of his vehicle, had his firearm in a "low ready" position and approached. He stated that from his training and experience, narcotics arrests of this type were very dangerous and that the drug dealers often have weapons. Sergeant Peck stated that as he left his vehicle, he had his police badge on a chain around his neck, "Police" lettering across

his chest and back and a shoulder patch on his vest. He stated that as he approached, he was screaming "Albuquerque Police Department. Let me see your hands."

As he got to the rear tire of the vehicle, he could see a violent struggle between Detective Saladin and the subject seated in the passenger seat. He was concerned because as an undercover officer, you do not disclose your identity as a police officer, except in a "life-and-death situation." He could see both hands of both subjects were intertwined with each other over the center console of the vehicle. As Sergeant Peck opened the passenger door, he immediately heard from Detective Saladin, "He's got a gun. He's got a gun. He's got a gun." He stated that he could not see what was in the passenger's hands. He reached in and grabbed the subject's right hand and placed his knee on top of the subject's right thigh to contain any movement. Detective Saladin continued to state, "He's got a gun."

Sergeant Peck stated that ". . . what it looked like to me was there was a gun in one of their hands and he was going to shoot Dave because both of the hands were facing that direction. I was afraid that if I didn't do something, Dave was going to get killed. And if it was in his left hand, that gun was going to shoot him then turn on me." Sergeant Peck aimed his firearm in the subject's upper ribs, in a downward angle. He squeezed the trigger and nothing happened. He realized that he was pushing the gun too hard at the subject, preventing the slide of the gun from moving to allow the gun to fire. He backed the gun off, squeezed the trigger a second time and the gun fired. Sergeant Peck stated that he, "could feel the fight leave the subject," and could see the subject's other hand so he did not need to fire a second shot.

Sergeant Peck indicated that he saw both of the subject's hands and did not see where the gun was. He told an assisting officer that the subject needed to be handcuffed. The subject was then removed from the vehicle. The subject talked to Sergeant Peck, asking him, "What the fuck did you hit me with?" He stated he heard over the radio, "Shots fired. Start an ambulance." He stated he also heard Detective Saladin saying, "It's a silver gun. There's a silver gun somewhere."

Sergeant Peck stated that his decision to use deadly force was based on his belief that Detective Saladin and the subject in the vehicle were struggling over a gun, which was confirmed by the comments of Detective Saladin. He stated that he was convinced that if Detective Saladin had not tried to secure the gun from the subject, Sergeant Peck would have been shot as he opened the car door. He stated that he told Detective Saladin, "I think you saved my life." He indicated that he used deadly force because he was afraid for his own life and for the life of Detective Saladin.

APD Detective David Saladin

A recorded interview of Detective David Saladin was conducted on August 6, 2012 at 5:26 pm. Detective Saladin stated that for the past several weeks prior to this incident, he had made several purchases of heroin as an undercover officer using an unwitting informant (i.e., a subject assisting in the drug deals without knowledge that he/she is assisting the police). The informant indicated that he had a drug source who could provide better heroin, so Detective Saladin had the informant arrange a drug purchase. The purchase was to be for \$240.00 worth of heroin and was to occur at the Furr's parking lot at Coors and Iliff NW. The drug purchase was to be monitored with

a cell phone bluetooth which was connected to Sergeant Glenn Stout's cell phone. Detective Saladin stated he was to meet a male subject named "Legit" who would be wearing a white football jersey.

On the afternoon of August 6, 2012, Detective Saladin drove an undercover police vehicle to the Furr's parking lot at Coors at Iliff and was contacted by a male subject wearing a black football jersey. The subject asked Detective Saladin if he was looking for "Legit". Detective Saladin stated that he was and the subject wearing the black jersey then got into Saladin's car. Detective Saladin then observed another subject wearing a white football jersey and the subject in the car then contacted the other subject. Detective Saladin, while sitting in his vehicle with the subject, gave the subject \$240.00 in currency. A green four door sedan then pulled up near Saladin's car and the subject in Saladin's car got out and got into the passenger side of the green car and the car then drove northbound in the lot. Detective Saladin stated that he thought the subjects were going to leave with the money. After a short while, he received a call from "Legit", who indicated that he would be right back. Detective Saladin then observed the green vehicle return and park approximately ten spaces away from Saladin's car. The windows on Detective Saladin's car were rolled up and he rolled them down while he was waiting so that the surveillance team could see inside of the car.

The subject in the white football jersey got out of the green car, went to Saladin's car and got into the passenger seat. The subject reached into his pocket and pulled out a gun, placing it on the passenger seat, under the subject's right leg. He then rolled up the car window. Detective Saladin stated that he asked the subject about the gun several times so that the surveillance team would know that the subject was armed. The subject stated that he always carries the gun and that he pulled it out because it was uncomfortable in his pocket. The subject then pulled out a Ziploc baggie containing what appeared to be black tar heroin. He also pulled out a digital scale and began to weigh an amount of the substance. Detective Saladin stated that as soon as he saw the subject pull out the heroin and scale, he gave the arrest signal to the surveillance team.

Detective Saladin stated that he tried to distract the subject as the arrest team approached. The subject apparently saw the police approaching and yelled at Detective Saladin to drive away. Detective Saladin could see Sergeant Peck approaching on the passenger side of the car and saw the subject remove the gun from under his leg and bring it up toward the window where Sergeant Peck was approaching. Detective Saladin grabbed the subject's wrist and pulled the gun down between the subject's legs. As he was struggling for the gun, Sergeant Peck opened the passenger side door. Detective Saladin began yelling, "Gun, gun, gun," and delivered two "elbow strikes" to the subject's face. Detective Saladin continued to yell, "He's got a gun." He then heard a gunshot and then heard Sergeant Peck yell, "We need more bodies over here." Sergeant Saladin stated that he then saw Sergeant Higdon get into the back seat and help to control the subject.

Detective Saladin stated that when you are working in an undercover capacity, you are not supposed to identify yourself as a police officer, but he felt that he needed to in this situation. After the incident, Detective Saladin stepped back while the subject was rendered aid. Detective Saladin did not see what happened to the subject's gun, but went around the passenger side of his car and saw the gun between the seat and the door jam.

Detective Saladin stated that at the time of the incident, he had a gun on his person but did not draw it because the incident happened so quickly that it was faster to grab the subject's gun than to get his own. He stated there was no doubt in his mind that the subject was aiming at Sergeant Peck when he reacted.

On August 9, 2012 at approximately 10:45 am, a second recorded interview of Detective David Saladin was conducted to clarify the circumstances occurring in the car immediately preceding the shooting. Detective Saladin indicated that the subject raised the gun to the level of the window on the car before Saladin was able to grab the subject's wrist and bring the gun down. He stated that Sergeant Peck was already assisting at the time he was using elbow strikes against the subject. He stated that the strikes were with his right elbow. After the elbow strikes and the gunshot, Detective Saladin stated that he did not see where the gun went, but that it was no longer in the subject's hands.

APD Sergeant Glen Stout

A recorded interview of Sergeant Glen Stout was conducted on August 6, 2012 at 4:48 pm. Sergeant Stout stated that earlier in the afternoon, around 3:00 pm, he was briefed on a "buy-bust" operation by Detective Saladin for a \$240.00 purchase of heroin. All of the undercover vehicles drove over to the Furr's parking lot at Coors and Iliff NW. Sergeant Stout parked on the south side of the Motel 6, facing north. While there, he saw a subject in a white shirt on his cell phone and he appeared to be looking around. He then got into the undercover police vehicle with Detective Saladin. Sergeant Stout stated that he could hear some of the conversation with the subject through a cell phone that was being used to monitor the transaction.

After approximately five minutes, a green car pulled up and the subject in Detective Saladin's car got out and got into the green car. The green car went north along the east side of the Furr's parking lot. Sergeant Stout stated that he was worried that this "might be a rip". The green car returned and the subject in the white football jersey got out of the green car and went to Detective Saladin's car. Shortly afterwards, Detective Saladin gave a "bust signal" and the undercover detectives approached. Seven of the nine detectives who were present approached and secured the occupants of the green car. The other two, Sergeant Stout and Sergeant Peck, approached Detective Saladin's car. The only two occupants of that vehicle were Detective Saladin and the subject in the white football jersey. Sergeant Stout and Sergeant Peck approached with their guns drawn and in a "low ready" position. Both were wearing raid gear which clearly identified them as police officers.

Sergeant Stout stated that he heard Sergeant Peck say, "Police", and heard Detective Saladin yell, "He has a gun." Sergeant Peck was inside of the front passenger area and both Detective Saladin and Sergeant Peck were grabbing the subject around the console and seat area. Detective Saladin repeated, "He's got a gun." Sergeant Stout stated that he was standing over Sergeant Peck's left shoulder looking into the car. The struggle took around ten to fifteen seconds. The subject had his hands down between the seat and the console. Sergeant Stout then saw Sergeant Peck fire one round into the right side of the subject. They were then able to pull him out of the car. Sergeant Stout yelled to the other officers, "Shots fired. Gunshots fired. Shots fired." Sergeant Stout indicated that he did not hear Detective Saladin mention the gun over the cell phone used to monitor the transaction and that he did not see the gun subsequent to the incident.

APD Detective Sean Higdon

A recorded interview of Detective Sean Higdon was conducted on August 6, 2012 at 5:00 pm. Detective Higdon stated that he was briefed on a “buy-bust” operation which was to occur at the Furr’s parking lot located at Coors and I-40. He stated that as he arrived, he was asked to cover the south area of the parking lot. Once he was advised that all units were in position, he observed a person coming from the motel area, next to the parking lot, who was wearing a black football jersey. This person was using his cell phone and appeared to be looking for someone. He then observed a second person wearing a white football jersey and saw a green car arrive. The subject wearing the black football jersey got into the passenger seat of Saladin’s car. Detective Higdon observed the green vehicle drive away, then return and park eight to ten spaces away from Saladin’s car.

The arrest team was to secure and arrest the subjects in the green vehicle and the subject in Detective Saladin’s vehicle. Once the “bust signal” was given, Detective Higdon blocked the driver’s side door of the green vehicle. Detective Higdon’s primary responsibility was the green car and the two people inside. Once the car was secured and he heard a gunshot, he went to Detective Saladin’s car to see if he could help. He could see Sergeant Peck inside of Saladin’s vehicle, struggling with the subject in the passenger seat. He asked Sergeant Peck what he could do to help. Sergeant Peck told him to, “Cover this guy. He had a gun.” Detective Higdon got into the back seat of Detective Saladin’s car and kept his gun on the subject until he was handcuffed.

APD Detective Darren Irwin

A recorded interview of Detective Darren Irwin was conducted on August 6, 2012 at 5:15 pm. Detective Irwin was involved in the surveillance team concerning the “buy-bust” operation in this matter. He stated that he and Detective Herman Martinez were responsible for securing the subjects in the green car. Once he heard that the “bust signal” had been given, Detective Irwin relayed over the police radio a “block, block, block” signal for everyone to approach. He stated that as he blocked the green vehicle, he heard a pop and since he was closest to Detective Saladin’s car, he ran toward the car. Detective Irwin saw Sergeant Peck with his firearm in his left hand and was holding the right hand of the subject in the passenger seat. Detective Irwin believes that he stated, “Hey, I’ve got the weapon”, when he saw the firearm “between the base of the passenger seat and the door jam on the carpet.” He then assisted in handcuffing the subject.

APD Detective Herman Martinez

A recorded interview of Detective Herman Martinez was conducted on August 6, 2012 at 5:20 pm. Detective Martinez’ statement of the events preceding the “bust signal” and the approach of the arrest team was consistent with the other responding officers in the unit. Detective Martinez’ assignment was to secure the green car involved in the incident. He did not see any of the events occurring at Detective Saladin’s vehicle. Inside of the green car, however, Detective Martinez saw what appeared to be an ounce of methamphetamine on the driver’s side floorboard. He also saw a gun in the glove box of the green car.

APD Detective William Dorian

A recorded interview of Detective William Dorian was conducted on August 6, 2012, following the shooting. Detective Dorian's statement of the events preceding the "bust signal" and of the approach of the arrest team was consistent with the other responding officers in the unit. Detective Dorian's assignment was to secure the green car involved in the incident. Following the shooting, Detective Dorian stayed at the green car with the occupants. He did not see any of the events occurring at Detective Saladin's vehicle.

APD Detective Miles Anderson

A recorded interview of Detective Miles Anderson was conducted on August 6, 2012 at 4:45 pm. Detective Miles' statement of the events preceding the "bust signal" and of the approach of the arrest team was consistent with the other responding officers in the unit. Detective Miles' assignment was to secure the green car involved in the incident. He did not see any of the events occurring at Detective Saladin's vehicle. Following the shooting, Detective Anderson stayed with Sergeant Peck while the scene was secured.

Michael Chavez

A recorded interview of Michael Chavez was conducted on August 6, 2012 at 9:21 pm. Michael Chavez was one of the occupants of the green car involved in the incident. He stated that he woke up that morning at a friend's house and needed to "get a fix" of methamphetamine. A friend who was also at the house (*Dominik Mora-Solis*) asked him if he wanted to rent a motel room. Michael agreed and went to the Motel 6 on Coors Blvd. Solis-Mora told him that he would get him some methamphetamine if Chavez would help him sell some heroin.

Chavez stated that while they were at the motel room, Mora-Solis received a phone call and they went to the Furr's parking lot next to the motel. Mora-Solis directed Chavez to get the money for the drugs from the subject in the Dodge Charger (*Detective Saladin's vehicle*). Chavez went to the Charger, got into the passenger seat and was given \$240.00 from the occupant. Chavez stated he then got out and was directed by Mora-Solis to get into a green car and hand the money to the driver. The driver gave Chavez the heroin and Chavez gave the heroin to Mora-Solis. Chavez waited in the green car as Mora Solis got out and went to the Dodge Charger. Chavez stated that shortly afterward, they were "taken down" (*arrested*) by police. Chavez stated he observed both heroin and methamphetamine in the green car. He said that this was the first time he had ever been involved in a drug transaction with Mora-Solis.

Amber Winstin

A recorded interview of Amber Winstin was conducted on August 6, 2012 at 9:28 pm. Winstin stated that she is the girlfriend of Dominik Mora-Solis. She stated that earlier that day, she, Mora-Solis and Michael Chavez went to the Motel 6 to rent a room. While they were at the motel, Winstin's mother brought her children to the room to go swimming. Shortly after arriving at the room, Chavez left. Approximately five minutes later, Mora-Solis left. She stayed in the room with

the children and a subject she knew as Richard (*Richard Turrieta*). Winstin stated that Richard told her the police were outside and that Mora-Solis would not answer his phone.

Winstin indicated that she had been with Mora-Solis since 2011 and that she had been using narcotics for several months. She stated that Mora-Solis was also using drugs and that she was not surprised if he was selling drugs because she heard he had sold drugs in the past. She also stated that he did carry a gun with him in the past, but did not know if he had one with him that day.

Richard Turrieta

A recorded interview of Richard Turrieta was conducted on August 6, 2012 at 8:51 pm. Turrieta stated that he went to Motel 6 with Amber and “Legit”, but did not know “Legit’s” real name. He stated that another subject (*Michael Chavez*) was there and rented the room. After they were at the motel for approximately an hour, Chavez and Mora-Solis said they were going to the store. After they did not return for thirty to forty minutes, Turrieta left the room to try to find them. When he returned to the room, he stated that the motel manager would not let him back into the room and said the police were there to search it.

Turrieta indicated that both Chavez and Mora-Solis use heroin but that he did not know that they were selling it.

Marco Holguin

A recorded interview of Marco Holguin was conducted on August 6, 2012 at 8:49 pm. Detectives determined that Marco Holguin was the owner and driver of the green Ford Focus involved in this incident. Holguin stated that he was only in the parking lot when all of a sudden the police arrested him. He could not explain why he was in the parking lot. When he was asked about the drugs that were in his car, Holguin said that he would not answer any more questions without an attorney.

CRIME SCENE ANALYSIS

At the time of the initial dispatch in this matter, Sergeant Jason Peck and the other detectives who were part of the arrest team were on duty wearing police department authorized uniforms and vests, displaying their badge of office and other police markings. Specifically, Sergeant Peck had his police badge on a chain around his neck, “Police” lettering across his chest and back and a shoulder patch on his vest which identified him as an Albuquerque Police Department officer.

The general scene where the incident occurred is the parking lot to the Furr’s Family Restaurant, located at 6001 Iliff NW. The parking lot is paved with a chain link fence bordering the property on the north and east sides. A gravel-landscaped median separates the Furr’s Family Restaurant from the Motel 6 on the west side. The area surrounding the parking lot was well lit by natural light at the time of the incident.

The specific scene conditions and the location and recovery of items of evidence are consistent with the statements of witnesses in this incident. (See Exhibit #1). The shooting occurred in the west facing parking spaces of the south parking lot, seven spaces south of the Furr's restaurant main entrance, inside the undercover police vehicle, a blue Dodge Charger. (See Exhibit #2). A search of the Charger revealed that the firearm possessed by Dominik Mora-Solis was a black and silver Beretta Tomcat, .32 caliber handgun. It was located between the front passenger seat and the threshold of the door. (See Exhibit #3). A digital scale was found on the floorboard of the front passenger seat. (See Exhibit #4). Two cellular phones were found in the car. One was in the center console cup holder (Exhibit #5) and another was on the front passenger seat (See Exhibit #6). A clear Ziplock plastic bag containing what appeared to be black tar heroin was found between the center console and the front passenger seat. (See Exhibit #7). A .45 caliber casing was located and collected from the left rear floorboard, underneath the driver's seat. (See Exhibit #8). The casing is consistent with the caliber of gun used by Sergeant Peck and is presumably from the shot that was fired in this incident.

The lapel cameras maintained by the officers at the time of the incident were reviewed and the contents were consistent with the subsequent statements from the officers.

On August 7, 2012, a search warrant was executed on Room 111 of Motel 6, the room which was registered to Michael Chavez and where Dominik Mora-Solis was staying prior to the shooting. Inside of the room were baby clothes, a baby swim toy, a diaper bag and a bottle on the bed. (See Exhibit #9). There was also tattoo equipment in the room. (See Exhibit #10). Two glass pipes were collected from a bag of clothing near the dresser. (See Exhibit #11). A .45 caliber handgun with one magazine and eleven bullets was found in a bag underneath the table. (See Exhibit #12). The firearm had been reported as stolen (*No information was contained in the police reports identifying where or when or from whom the firearm was stolen*).

On August 7, 2012, a search warrant was executed on the green Ford Focus involved in this incident. As a result of the search, a black .45 caliber handgun and a clear plastic bag containing marijuana were recovered from inside of the glove box. (See Exhibit #13). Two cellular phones were found in the car, one in the front passenger seat and one on the driver's seat (See Exhibit #14). A black pipe and a clear plastic bag containing methamphetamine were found on the front passenger floorboard. (See Exhibit #15). A black scale was also collected from the driver's side floorboard. (See Exhibit #16). A clear plastic bag containing heroin was found under the driver's seat. (See Exhibit #17). The purchase money for the undercover transaction was recovered in the center console, along with a clear plastic bag of methamphetamine. (See Exhibit #18).

MEDICAL REPORTS

The Second Judicial District Attorney's Office does not have the authority to subpoena medical records to review as part of the analysis of this matter. Except for the preliminary report of injuries from the University of New Mexico Hospital, the extent of the injuries to Dominik Mora-Solis cannot be determined. The preliminary report to the officers was that Dominik Mora-Solis suffered a gunshot wound to the upper right side of his chest with a wound track through lungs,

diaphragm and liver. His spleen was removed. A fully intact, mushroomed copper jacketed bullet was removed from his liver. The trajectory of the bullet was described as traveling right to left and downward.

INPUT FROM DOMINIK MORA-SOLIS

On October 8, 2012, Detective David Gonzales spoke with Dominik Mora-Solis by telephone. Mora-Solis stated that he did not want to be interviewed and already had an attorney representing him. The District Attorney's Office has since been in contact with his attorney, Houston Ross, who has indicated that he has not had contact with Mora-Solis for the past several months. Mora-Solis is currently a fugitive from justice on a different pending criminal matter, having failed to appear for a setting on the case. (CR 2012-00105: Offense Date: 10/11/2011; Charges: Aggravated Burglary with a Deadly Weapon, Attempted Armed Robbery, Aggravated Assault with a Deadly Weapon).

CRIMINAL CHARGES AGAINST DOMINIK MORA SOLIS

Dominik Mora-Solis has been charged in this incident by a Grand Jury with the following felony offenses in Indictment Number CR 2013-01644:

Aggravated Assault on a Peace Officer with a Deadly Weapon (§31-18-16 NMSA);
Trafficking by Distribution (Heroin) (§30-31-20 NMSA);
Trafficking by Possession with Intent to Distribute (Heroin) (§30-31-20 NMSA);
Trafficking by Possession with Intent to Distribute (Heroin) (§30-31-20 NMSA);
Conspiracy to Commit Trafficking (§30-28-2 NMSA);
Possession of a Firearm by a Felon (§30-7-16 NMSA) (*Dominik Mora-Solis is a convicted felon, having been convicted of the felony offenses of Aggravated Assault with a Deadly Weapon and Unlawful taking of a Motor Vehicle on March 9, 2010 in Criminal Cause Number CR 2009-06156 in the Second Judicial District Court, Bernalillo County, NM*).

That case is currently pending. (*See Exhibit #19*). Dominik Mora-Solis is presently a fugitive from justice and has warrants for his arrest in Criminal Cause Numbers CR 2012-000105 (*The criminal charges are listed in CR 2012-000105*) and CR 2013-01644. (*See Exhibits #20 and #21*).

LEGAL ANALYSIS

Applicable law:

In New Mexico, criminal liability is established only if it is proved beyond a reasonable doubt that someone has committed all the elements of an offense defined by New Mexico statute, and that the offense was committed without any statutorily defined justification or excuse. While knowingly or intentionally shooting and causing injury or death to another human being is generally prohibited as aggravated battery or murder in New Mexico, the New Mexico statutes specify certain circumstances in which the use of physical force or deadly physical force is justified. Generally, there is no dispute that the officer in an Officer-Involved Shooting intended to shoot at the person who is

wounded or killed, thus the determination of whether the conduct was criminal is primarily a question of whether there was legal justification for the officer's actions.

The New Mexico statutes provide that the use of deadly force is justified by anyone, including peace officers, in the following situations:

NMSA, Section 30-2-7 Justifiable homicide by citizen.

Homicide is justifiable when committed by any person in any of the following cases:

- A. when committed in the necessary defense of his life, his family or his property, or in necessarily defending against any unlawful action directed against himself, his wife or family;*
- B. when committed in the lawful defense of himself or of another and when there is a reasonable ground to believe a design exists to commit a felony or to do some great personal injury against such person or another, and there is imminent danger that the design will be accomplished; or*
- C. when necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed in his presence, or in lawfully suppressing any riot, or in necessarily and lawfully keeping and preserving the peace.*

The question presented in cases where self defense or defense of another are raised is whether, at the instant the person fired the shot(s) that wounded or killed another, the person reasonably believed, and actually believed that he or another person was in imminent danger of great bodily harm or death from the actions of the person who was shot. In order to establish criminal responsibility for knowingly or intentionally shooting another, the state must prove beyond a reasonable doubt that the person doing the shooting either did not really believe he or another was in imminent danger, or, if he *did* hold such belief, that belief was, in light of the circumstances, unreasonable.

In addition to the above statute, New Mexico law also states that homicide by a peace officer is legally justified under the following circumstances:

NMSA, Section 30-2-6 Justifiable homicide by public officer or public employee.

- A. Homicide is justifiable when committed by a public officer or public employee or those acting by their command and in their aid and assistance;*
 - (1) in obedience to any judgment of a competent court;*
 - (2) when necessarily committed in overcoming actual resistance to the execution of some legal process or to the discharge of any other legal duty;*
 - (3) when necessarily committed in retaking felons who have been rescued or who have escaped or when necessarily committed in arresting felons fleeing from justice; or*
 - (4) when necessarily committed in order to prevent the escape of a felon from any place of lawful custody or confinement.*
- B. For the purposes of this section, homicide is necessarily committed when a public officer or public*

employee has probable cause to believe he or another is threatened with serious harm or deadly force while performing those lawful duties described in this section. Whenever feasible, a public officer or employee should give warning prior to using deadly force.

New Mexico courts have found that Section 30-2-6 (B) is intended to provide a police officer with a wider scope of privilege than the general public with regard to the use of deadly force. A police officer may be legally justified in using deadly force in a variety of situations that would not apply to self-defense or defense of others by the ordinary citizen. Police officer justifiable homicide is sufficiently different from self-defense or defense of others that is available to ordinary citizens. For example, private citizens ordinarily may not be the aggressor and then claim self-defense. A police officer may, however, have a lawful duty to be the aggressor in the course of fulfilling his or her responsibilities to the public. This is another reason that justifiable homicide is different from simple self-defense by citizen. *State v. Mantelli*, 2002-NMCA-033, ¶22, 131 N.M. 692, 697, 42 P.3d 272, 277.

Determining whether an officer's use of force was reasonable is heavily fact-dependant. According to the United States Supreme Court, the standard for a police officer is a reasonable standard that requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight. *Graham v. Connor*, 490 U.S. 386, 396, 109 S.Ct. 1865, 104 L.Ed.2d 443 (1989). The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with 20/20 vision of hindsight. *Id.* It also must be remembered that the perspective of the officer is often made in a split-second decision and in different conditions. *Arculeta v. LaCuesta*, 1999-NMCA-113, ¶8, 128 N.M. 13, 988 P.2d 883.

Justifiable homicide is necessarily committed when a public officer has probable cause to believe he or another is threatened with serious harm or deadly force while performing lawful duties. *State v. Mantelli, Supra*. For there to be probable cause, the facts must be such as would warrant a belief by a reasonable officer based upon the expertise and experience of the officer.

"Probable cause" means the evidence presented would cause a reasonable person to believe that an offense has been committed and that the accused committed the offense. Probable cause does not require proof beyond a reasonable doubt. *New Mexico Jury Instruction 14-8006*.

Legal Analysis

Under the facts of the present case, the question to be answered is whether Sergeant Jason Peck's use of deadly force against Dominik Mora-Solis was justified under either Section 30-2-7 NMSA (*Justifiable homicide by citizen*) and Section 30-2-6 NMSA (*Justifiable homicide by public officer or public employee*).

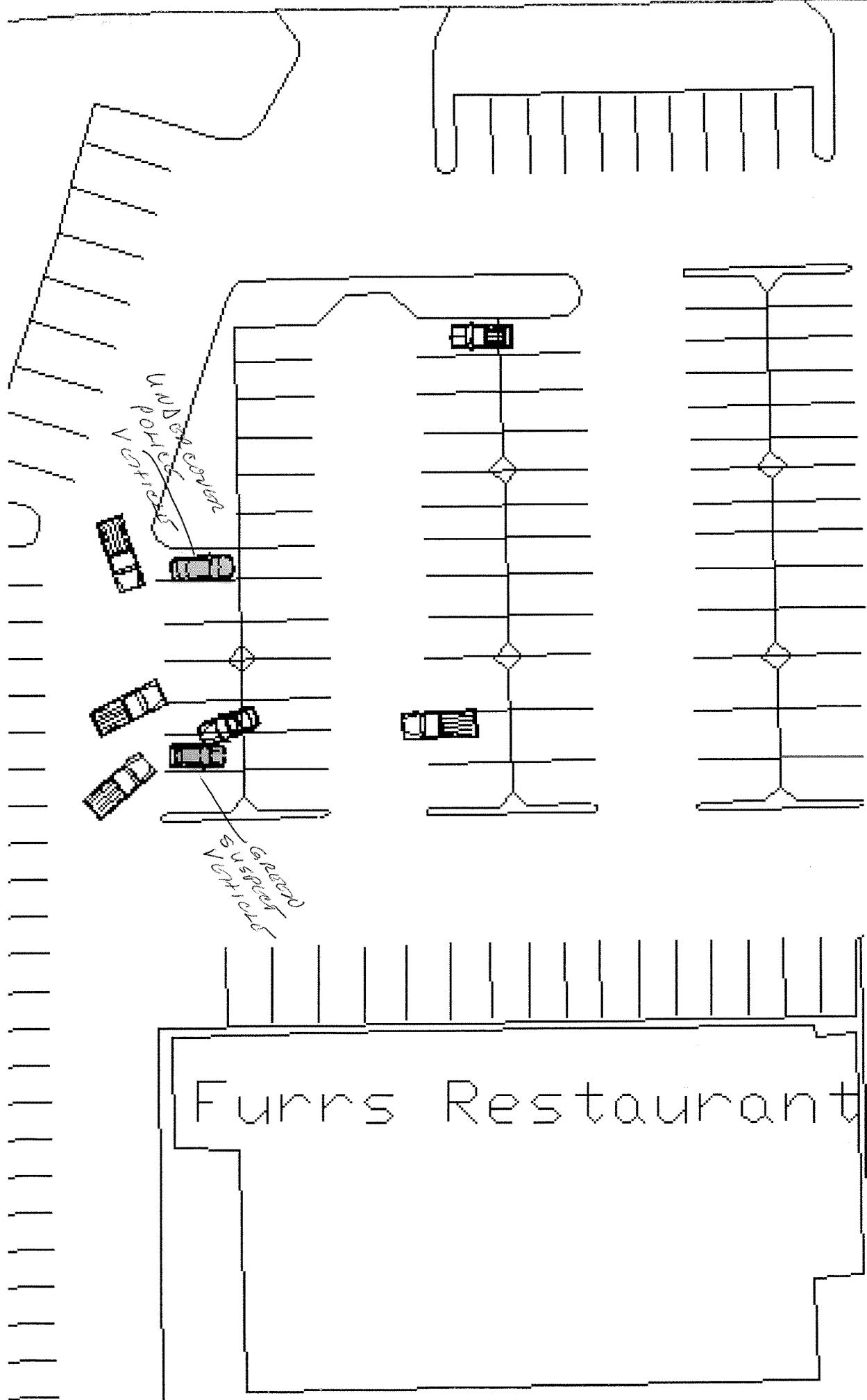
Under these statutes the following two issues must be determined: (1) Whether Sergeant Peck's action in shooting Dominik Mora-Solis was based on the officer's actual belief that he (or another person) was in danger of imminent death or great bodily harm as a result of what he saw Dominik Mora-Solis do, and 2) Whether Sergeant Peck's fear of imminent death or great bodily harm

was reasonable in light of all the circumstances of this event. This is therefore both a subjective and objective analysis of the situation and Sergeant Peck's actions.

CONCLUSION

Based on the facts available to Sergeant Jason Peck at the time of the incident, it is the conclusion of this office that there is no probable cause to charge Sergeant Peck with any crime in connection with the shooting of Dominik Mora-Solis. A thorough analysis of the evidence indicates that Sergeant Peck shot Mora-Solis in self-defense and in defense of a fellow officer, Detective David Saladin. Sergeant Peck knew that Mr. Mora-Solis was armed with a gun based on the struggle that was occurring between Mora-Solis and Detective Saladin and based on the fact that Detective Saladin was yelling several times during the struggle, "He's got a gun." Even though Sergeant Peck did not see the gun during the struggle because both subjects' hands were covering the gun, it is clear from the circumstances that Mora-Solis intended to use the firearm against the officers. Detective Saladin had to make a split-second decision to grab the gun to prevent Mora-Solis from shooting Sergeant Peck. Sergeant Peck then had to make a split-second decision to use deadly force in order to protect his own life and the life of Detective Saladin.

The District Attorney therefore finds that the shooting in this case was justified under the criminal laws of the State of New Mexico and will not pursue any criminal charges against Sergeant Jason Peck.



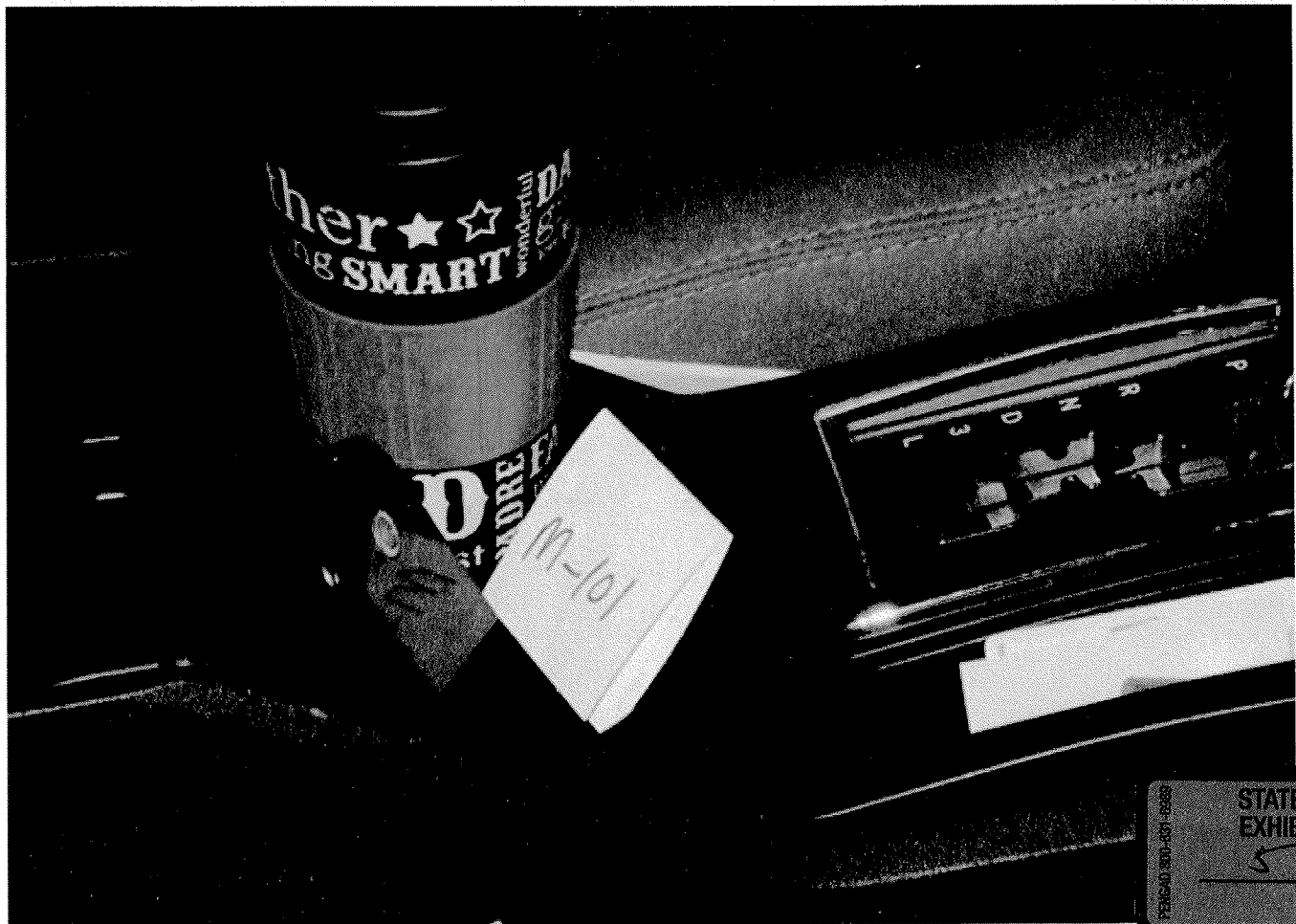
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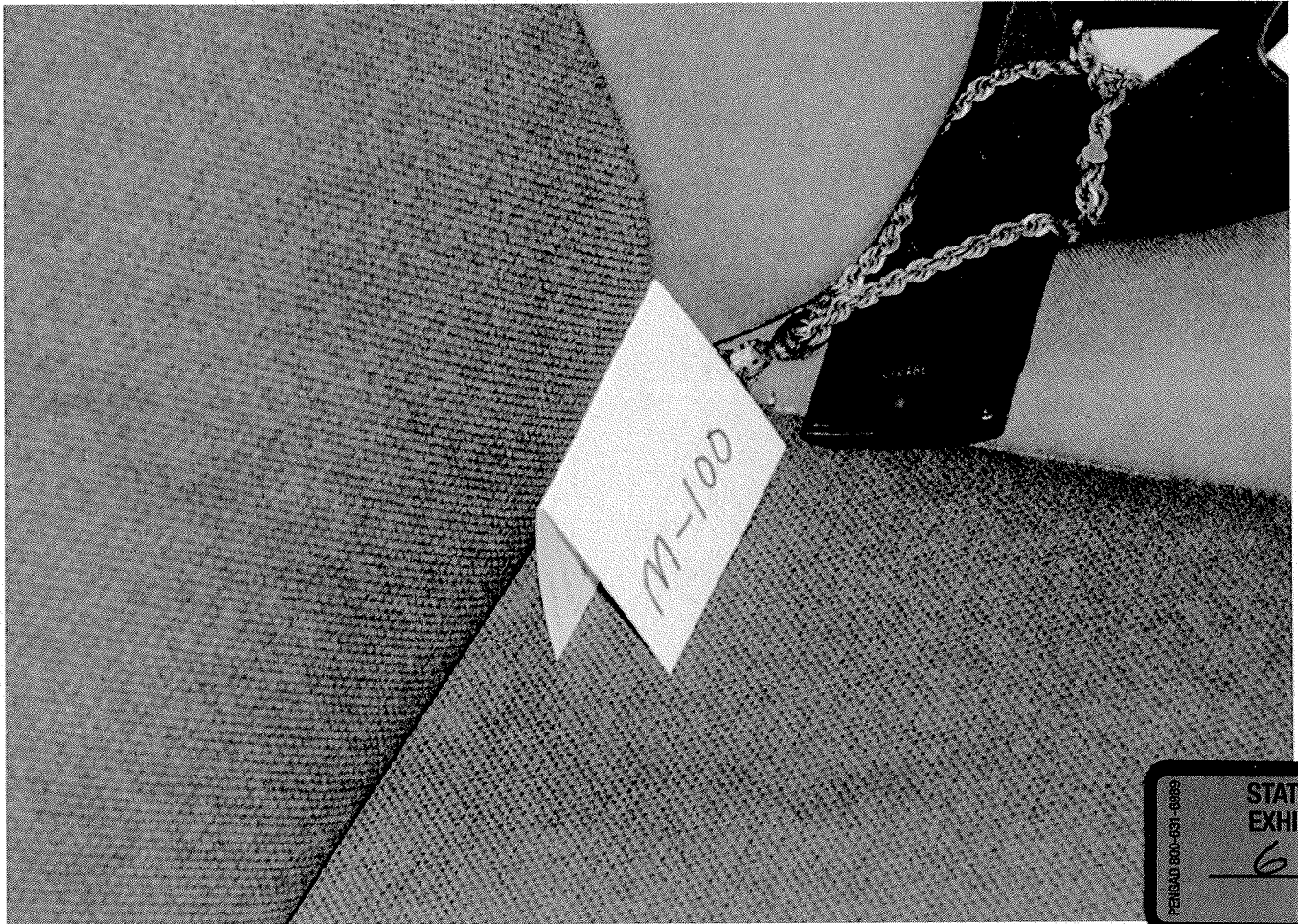




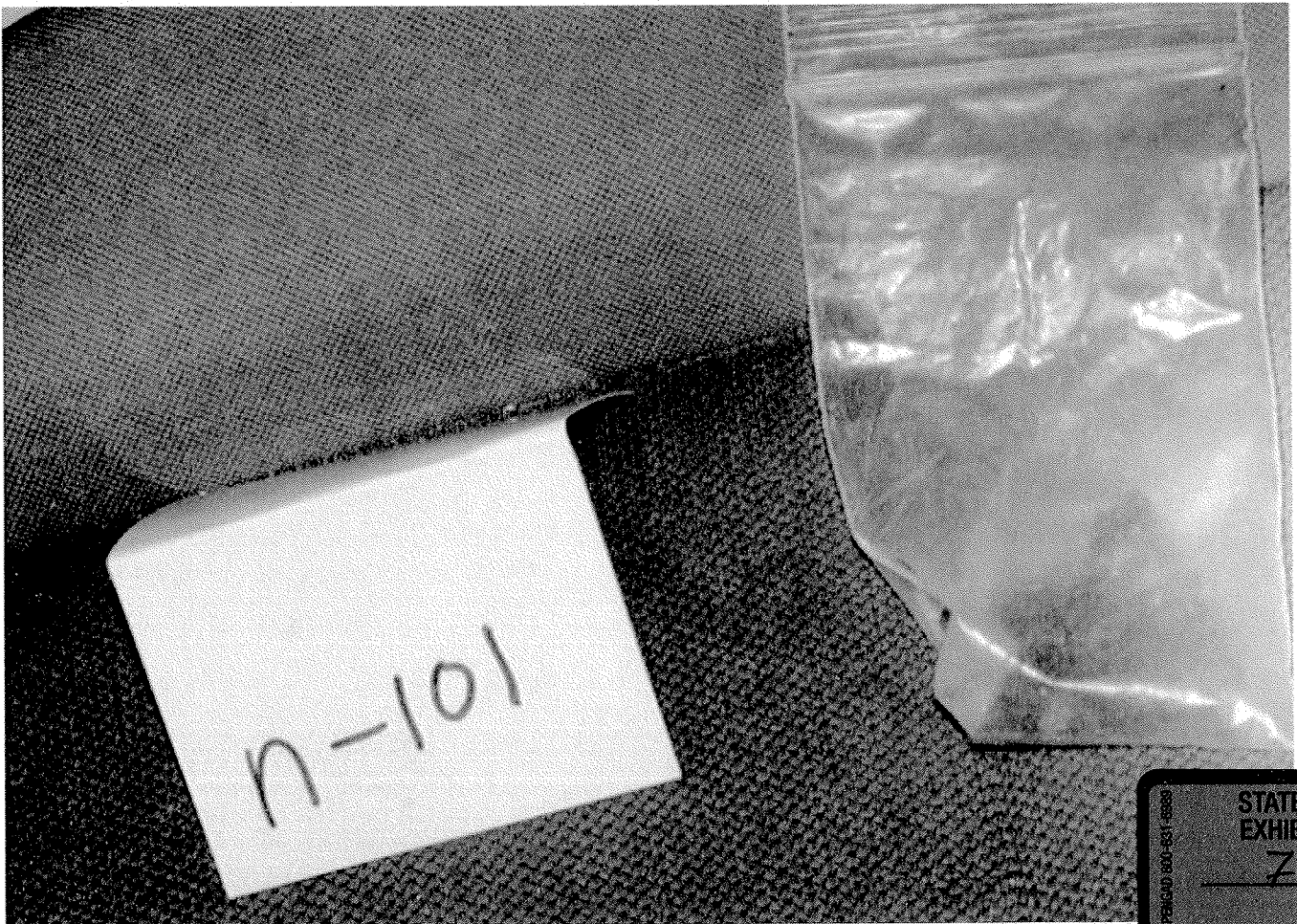
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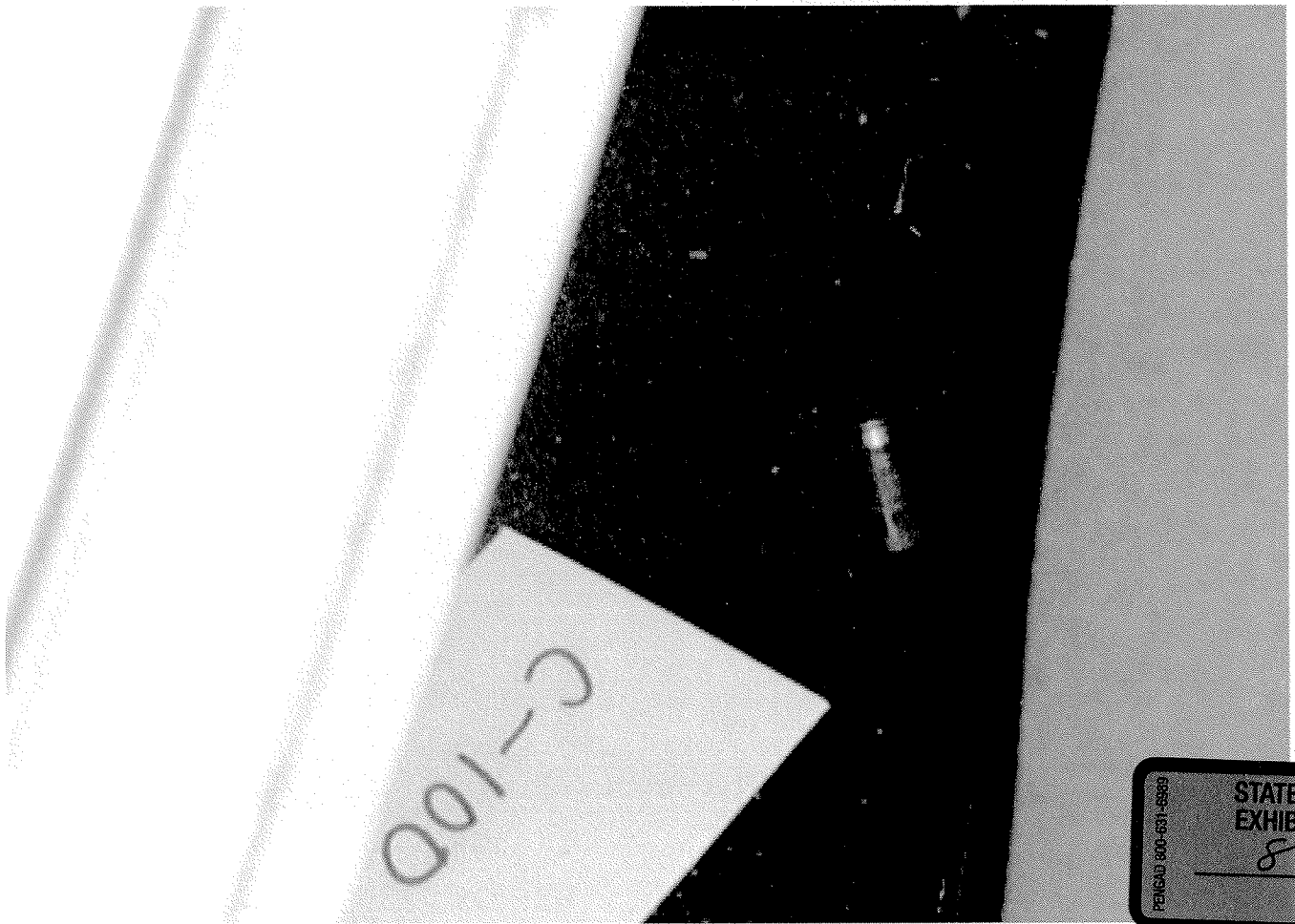
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PENGAD 310-631-6989



PEHICAD 800-631-8888
STATE'S EXHIBIT
6



PEHICAD 800-631-8888
STATE'S EXHIBIT
7



PENGAO 800-631-6989
STATE'S
EXHIBIT
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PENGAO 800-631-6989
STATE'S
EXHIBIT
9



STATE'S EXHIBIT
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STATE'S EXHIBIT
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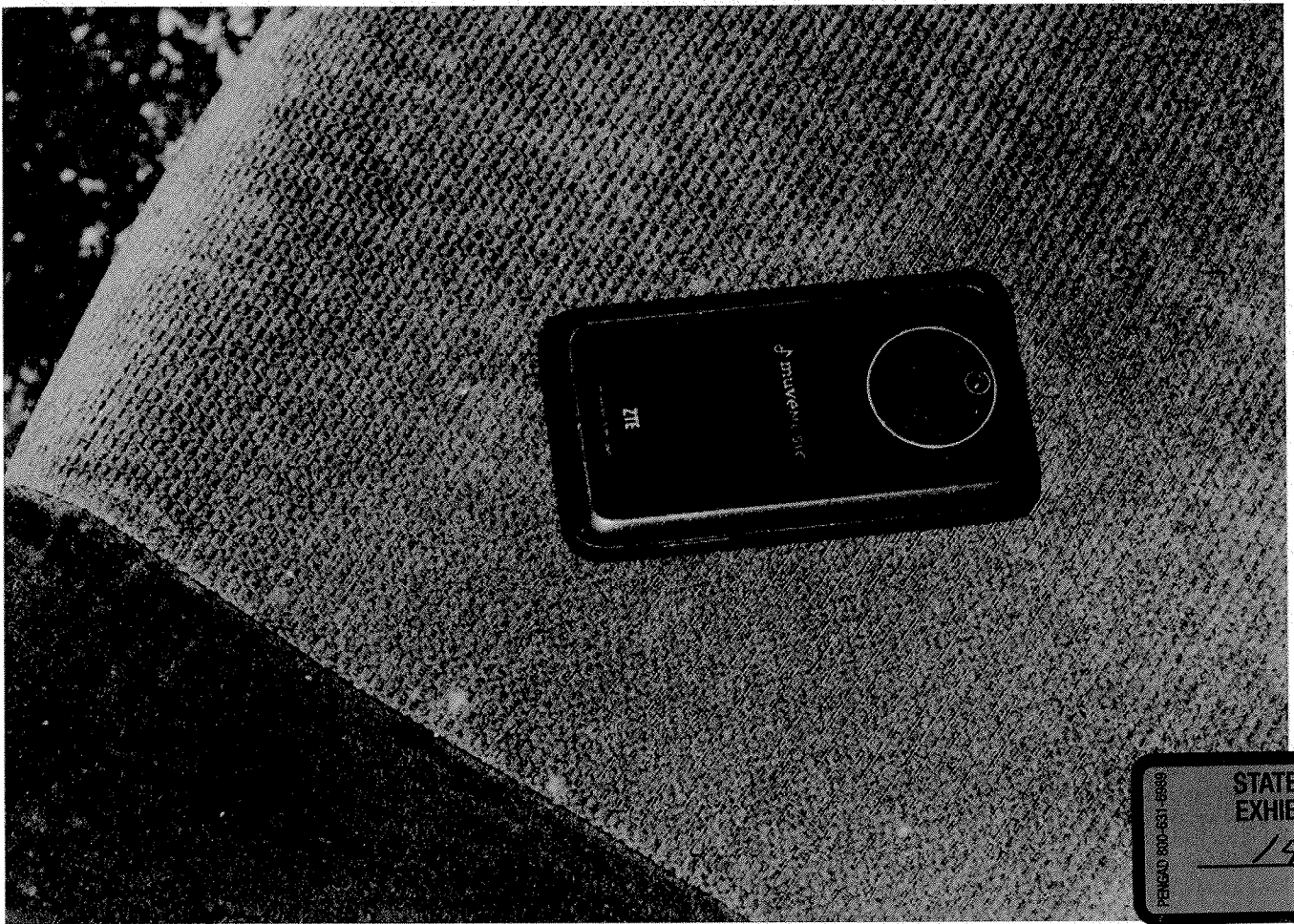
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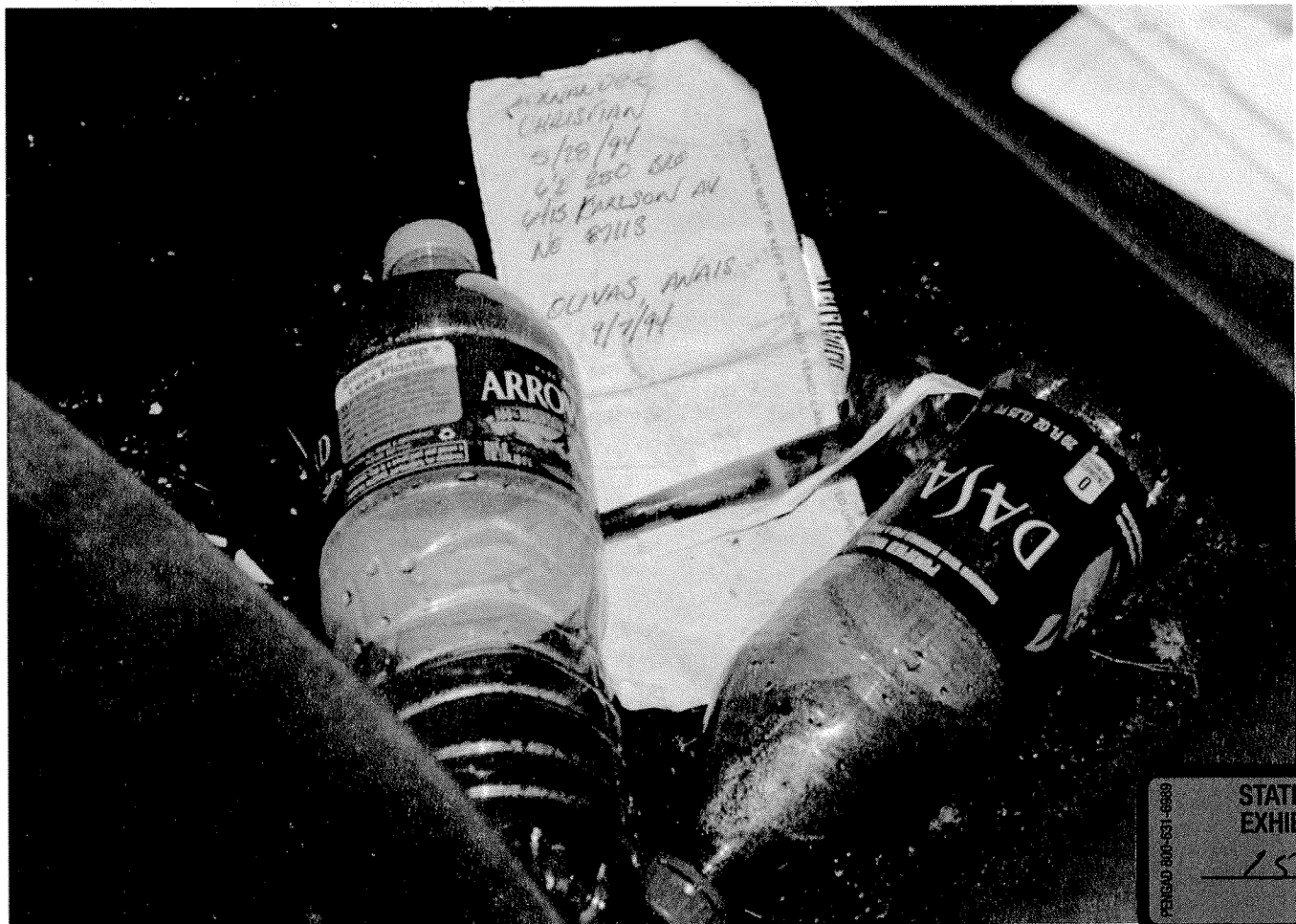


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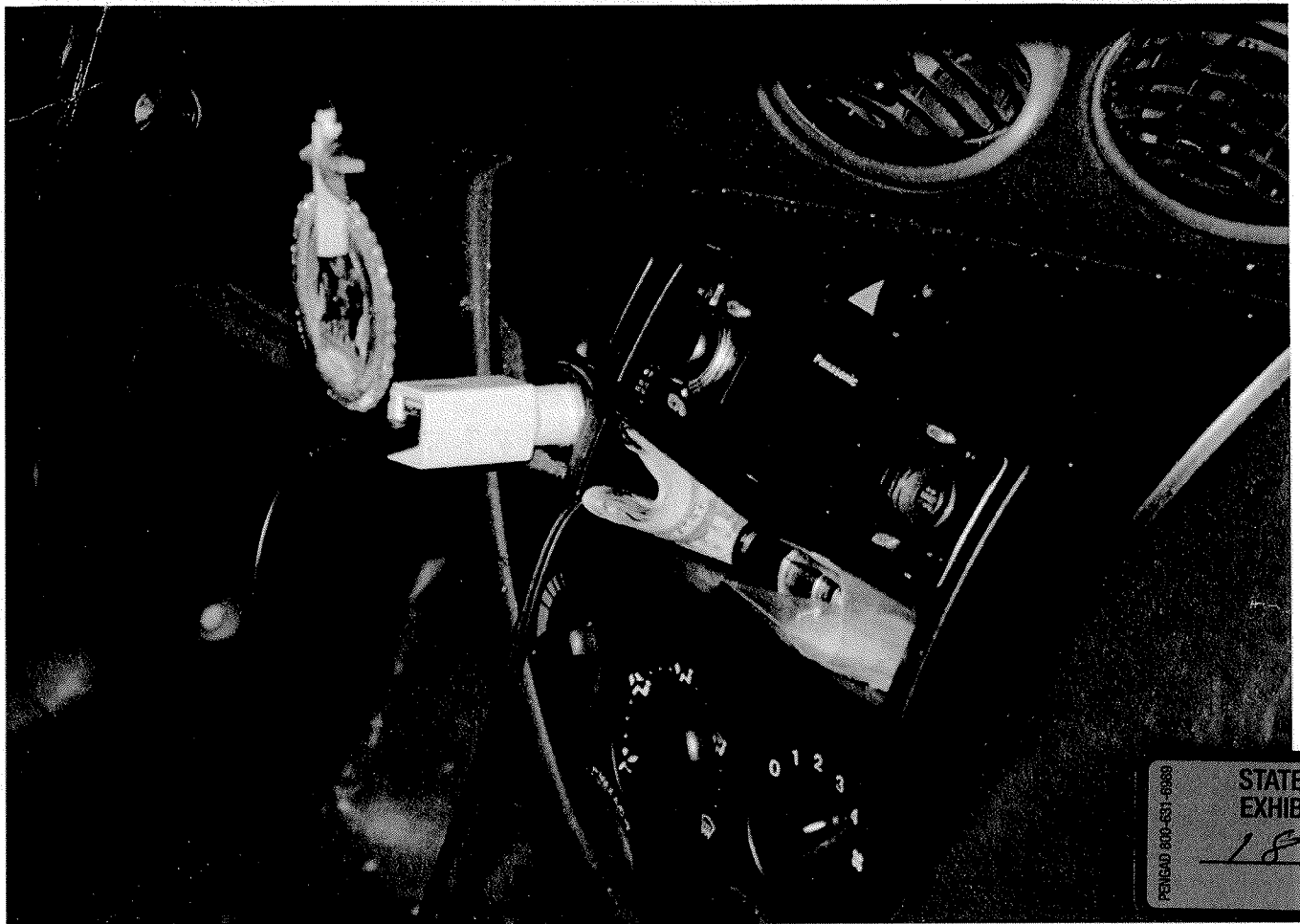
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STATE'S
EXHIBIT
16



PENNSD 800-431-8888
STATE'S
EXHIBIT
17



RENGAD 8100-631-6968
STATE'S
EXHIBIT
18

ENDORSED
FILED IN MY OFFICE THIS

APR 09 2013

Angela L. L.
CLERK DISTRICT COURT

SECOND JUDICIAL DISTRICT COURT

COUNTY OF BERNALILLO

STATE OF NEW MEXICO

No. D0202 CR 2013001644
DA#: 2013-00953-1

STATE OF NEW MEXICO,

ROSS C. SANCHEZ

Plaintiff,

vs.

DOMINIK MORA-SOLIS,
aka: DOMINIK MORA-SOLIZ; LEGIT; LEGIT ONE

Defendant.

CRIMES CHARGED

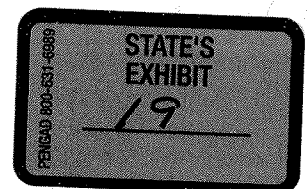
AGGRAVATED ASSAULT UPON A PEACE OFFICER (DEADLY WEAPON) (FIREARM ENHANCEMENT) (0212; TRAFFICKING (BY DISTRIBUTION) (4863); CONSPIRACY TO COMMIT TRAFFICKING (BY DISTRIBUTION) (5597); TRAFFICKING (BY POSSESSION WITH INTENT TO DISTRIBUTE) (HEROIN); TRAFFICKING (BY POSSESSION WITH INTENT TO DISTRIBUTE) (METHAMPHETAMINE); POSSESSION OF FIREARM OR DESTRUCTIVE DEVICE BY A FELON

GRAND JURY INDICTMENT

THE GRAND JURY CHARGES:

COUNT 1: AGGRAVATED ASSAULT UPON A PEACE OFFICER (DEADLY WEAPON) (FIREARM ENHANCEMENT) (0212)

That on or about the 6th day of August, 2012, in Bernalillo County, New Mexico, the above-named defendant did assault or strike at Jason Peck, who was an Albuquerque Police Department Sergeant, a peace officer in the lawful discharge of his duties, with a deadly weapon, a firearm, contrary to §30-22-22(A) and Section 31-18-16, NMSA 1978.



COUNT 2: TRAFFICKING (BY DISTRIBUTION) (4863)

That on or about the 6th day of August, 2012, in Bernalillo County, New Mexico, the above-named defendant intentionally transferred heroin, a narcotic drug which is a controlled substance, to another, knowing or believing it to be heroin, or believing it to be some drug or other substance the possession of which is regulated or prohibited by law, contrary to §30-31-20(A)(2), NMSA 1978.

COUNT 3: CONSPIRACY TO COMMIT TRAFFICKING (BY DISTRIBUTION) (5597)

That on or about the 6th day of August, 2012, in Bernalillo County, New Mexico, the above-named defendant and another person by words or acts agreed together to commit TRAFFICKING (BY DISTRIBUTION), and they intended to commit TRAFFICKING (BY DISTRIBUTION), contrary to §30-28-2 and §30-31-20, NMSA 1978.

COUNT 4: TRAFFICKING (BY POSSESSION WITH INTENT TO DISTRIBUTE) (HEROIN)

That on or about the 6th day of August, 2012, in Bernalillo County, New Mexico, the above-named defendant intentionally had heroin, a narcotic drug which is a controlled substance, in his possession, with the intent to transfer it to another, knowing or believing it to be heroin, or believing it to be some drug or other substance the possession of which is regulated or prohibited by law, contrary to Section 30-31-20(A)(3), NMSA 1978.

COUNT 5: TRAFFICKING (BY POSSESSION WITH INTENT TO DISTRIBUTE) (METHAMPHETAMINE)

That on or about the 6th day of August, 2012, in Bernalillo County, New Mexico, the above-named defendant intentionally had methamphetamine, a narcotic drug which is a controlled substance, in his possession, with the intent to transfer it to another, knowing or believing it to be methamphetamine, or believing it to be some drug or other substance the possession of which is regulated or prohibited by law, contrary to Section 30-31-20(A)(3), NMSA 1978.

COUNT 6: POSSESSION OF FIREARM OR DESTRUCTIVE DEVICE BY A FELON

That on or about the 6th day of August, 2012, in Bernalillo County, New Mexico, the above-named defendant, who had been convicted of a felony within the preceding ten years, did receive, transport or possess a semi-automatic pistol, contrary to Section 30-7-16, NMSA 1978.

The names of the witnesses upon whose testimony this Indictment is based are as follows:

D. Gonzales APD
D. Saladin APD

I hereby certify that the foregoing Indictment is a

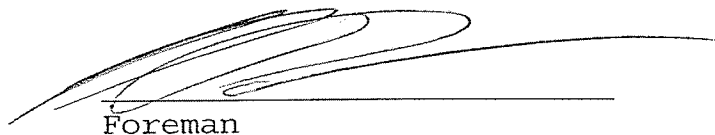
TRUE

Bill.

APPROVED:



For GREER ROSE
Assistant District Attorney


Foreman

4/8/2013

Date

State vs. DOMINIK MORA-SOLIS, aka: DOMINIK MORA-SOLIZ; LEGIT; LEGIT
ONE
GRAND JURY INDICTMENT

Page No. 4

CASE INFORMATION

DA FILE#: 2013-00953-1
STN:
MET. CT. #: CR
LEA/RPT#: APD 12-73076
ADA: GREER ROSE

DOB:
SS#:
ADD:

BOOKING/ARREST DATE:
BOOKING/ARREST#:
DEF. ATTY: PUBLIC DEFENDER
PHYSICAL DESCRIPTION OF DEFENDANT:
Height: 5'06" Weight: 161 lbs
Race: Hispanic
Eye Color: Green
Hair Color: Brown
Other:

PENALTIES

As to Counts 1, 3: 3rd Degree Felony
As to Count 2, 4 & 5 2nd Degree Felony
As to Count 6: 4th Degree Felony

4th Degree Felony: Basic sentence of 18 months imprisonment and not more than \$5,000 fine.
3rd Degree Felony: Basic sentence of 3 years imprisonment and not more than \$5,000 fine.
2nd Degree Felony: Basic sentence of 9 years imprisonment and not more than \$10,000 fine.
1st Degree Felony: Basic sentence of 18 years imprisonment and not more than \$15,000 fine.
USE OF FIREARM ALTERATION TO BASIC SENTENCE (FE): Basic sentence of imprisonment increased by 1 year for first offense in which a firearm is used and 3 years for subsequent offenses in which a firearm is used.
USE OF HATE CRIME ENHANCEMENT: Basic sentence of imprisonment is increased by one (1) year, unless second offense, then the basic sentence is increased by two (2) years.
Special Penalty: (Receiving or Transferring a Stolen Vehicle (Possession) only) Basic sentence of one year and/or \$5,000 fine.
Misdemeanor: Less than 1 year in the County Jail and/or not more than \$1,000 fine.
Petty Misdemeanor: Not more than 6 months in the County Jail and/or not more than \$500 fine.

Penalty for Driving While Under the Influence, Felony Offense: (4th or Subsequent Offense): Basic sentence of 18 months and not more than \$5,000 fine, including a mandatory jail term of not less than 6 months.
Penalty for Driving While Under the Influence - Misdemeanor: If 1st Offense, basic sentence is maximum 90 days jail and \$500 fine, and if aggravated an additional 48 hours jail time; if 2nd Offense, basic sentence is mandatory 72 hours in jail and \$500 fine to maximum of 364 days and \$1,000 fine, and if aggravated an additional 96 hours jail time; if 3rd Offense, basic sentence is a mandatory 30 days in jail and \$750 fine to maximum of 364 days and \$1,000 fine, and if aggravated an additional mandatory 60 days jail time.
Penalty for Driving While License Suspended or Revoked: Traffic Code Misdemeanor, Special Penalty: not less than 4 days nor more than 364 days and fine up to \$1,000 (non-DWI related suspension/revocation); or not less than 7 consecutive days imprisonment and mandatory fine not less than \$300 nor more than \$1,000 (DWI revocation).
Penalty for Reckless Driving: Upon first conviction, basic sentence of 5 days to 90 days imprisonment, and/or \$25 to \$100 fine. Upon a second or subsequent conviction, basic sentence of 10 days to 6 months imprisonment, and/or \$50 to \$1,000 fine.
Penalty for Traffic Code Misdemeanor: fine of not more than \$300 or imprisonment for not more than 90 days or both.
Penalty Assessment Misdemeanor: See Schedule in Traffic Code, Section 66-8-116.

1st Degree Felony for Child Abuse (Intentionally Caused) (Resulting in Death) (Child Under 12): Life imprisonment.
2nd Degree Felony Resulting in the Death of a Human Being: Basic sentence of 15 years but not less than 10 years nor more than 20 years imprisonment and not more than \$12,500 fine.
3rd Degree Felony Resulting in the Death of a Human Being: Basic sentence of 6 years but not less than 4 years nor more than 8 years imprisonment and not more than \$15,000 fine.
2nd Degree Felony, Sexual Offense Against A Child: Basic sentence of 15 years imprisonment and not more than \$12,500 fine.
3rd Degree Felony, Sexual Offense Against A Child: Basic sentence of 6 years imprisonment and not more than \$5,000 fine.

OPEN CHARGE OF MURDER

Penalty for FIRST DEGREE MURDER (Willful and Deliberate) or (Depraved Mind)
CAPITAL FELONY: Life Imprisonment
SECOND DEGREE MURDER: Basic sentence of 15 years imprisonment and not more than \$12,500 fine.
VOLUNTARY MANSLAUGHTER: Basic sentence of 6 years imprisonment and not more than \$15,000 fine.
INVOLUNTARY MANSLAUGHTER: 4th Degree Felony: Basic sentence of 18 months imprisonment and not more than \$5,000 fine.
Penalty for FIRST DEGREE MURDER (Felony Murder):
CAPITAL FELONY: Life Imprisonment

GCD
11-07015
6/11/12

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

FILED
SECOND JUDICIAL DISTRICT

2013 JUL -2 PM 12:00

State of New Mexico, Plaintiff

Case No: D-202-CR-2012-00105

v.

Issued date: 7-2-12

Handwritten signature

Dominik Mora-Solis, Defendant

Aliases: Legit One; Dominic Mora-Solis; DOMINICK MORA-SOLIS; Dominick L. Mora-Solis;
Dominik Mora-Solis

Albuquerque NM 87105

DOB: WEIGHT: 150 Lbs. EYES :Green GENDER :Male
SSN: HEIGHT: 5 Ft. 7 In. HAIR: Black

BENCH WARRANT

THE STATE OF NEW MEXICO TO ANY OFFICER AUTHORIZED TO EXECUTE THIS
WARRANT:

YOU ARE HEREBY COMMANDED to arrest **DOMINICK L MORA-SOLIZ**, and bring
him/her forthwith before this Court to answer the following:

FTA/FTC W/COND. OF RELEASE – PTS – MONICA BAKER

Grand Jury indictment / Criminal information filed on the following charges:
Aggravated burglary (deadly weapon); Armed robbery - attempt; Aggravated assault (deadly weapon)

Bond Provisions:

Bond is set in the amount of: Hold without Bond/NO CCP

Extradition Information:

The State will extradite the defendant from:

- Anywhere**
- Anywhere in the continental United States
- Any contiguous State
- Within New Mexico

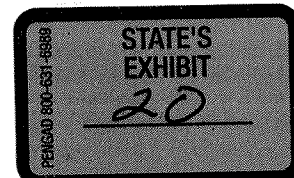
Handwritten signature of Brett R. Loveless

THE HONORABLE BRETT R. LOVELESS
DISTRICT JUDGE

RETURN

DOMINICK L MORA-SOLIZ was arrested and taken into custody on the _____ day of _____, _____.

Signature Law Enforcement Officer Date



ENDORSED
FILED IN MY OFFICE THIS

APR 09 2013

SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

D 0202 CR 2013001644 NO: CR 1644

Angela [Signature]
CLERK DISTRICT COURT

STATE OF NEW MEXICO,
Plaintiff,

ROSS C. SANCHEZ

vs.

DOMINIK MORA-SOLIS,
aka: DOMINIK MORA-SOLIZ; LEGIT; LEGIT ONE
Defendant.

ADDRESS:

DA#: 2013-00953-1
STN:
DOB:
Height: 5'06"
Race: Hispanic
Eye: Green
Other:
MET#:
OFF.#: APD 12-73076
SSN:
Weight: 161 lbs
Hair: Brown
BKG/ARR#:

BENCH WARRANT

THE STATE OF NEW MEXICO: TO ANY OFFICER AUTHORIZED TO EXECUTE THIS WARRANT

YOU ARE HEREBY COMMANDED TO ARREST and bring (him)(her) forthwith before this Court to answer the following:

Grand Jury Indictment filed on 4.9.2013 On Charge(s):

AGGRAVATED ASSAULT UPON A PEACE OFFICER (DEADLY WEAPON) (FIREARM ENHANCEMENT) (0212; TRAFFICKING (BY DISTRIBUTION) (4863); CONSPIRACY TO COMMIT TRAFFICKING (BY DISTRIBUTION) (5597); TRAFFICKING (BY POSSESSION WITH INTENT TO DISTRIBUTE) (HEROIN); TRAFFICKING (BY POSSESSION WITH INTENT TO DISTRIBUTE) (METHAMPHETAMINE); POSSESSION OF FIREARM OR DESTRUCTIVE DEVICE BY A FELON

BOND: \$100,000 CASH/CORPORATE SURETY 10% PROPERTY

TO BE HELD WITHOUT BOND

WE WILL EXTRADITE: CATEGORY 1 3 4

DISTRICT ATTORNEY:
KARI E. BRANDENBURG

[Signature]
DISTRICT JUDGE

Copies to: Court DA NCIC BCDC PROBATION

