

March 25, 2020

Chief Michael Geier
Albuquerque Police Department
400 Roma Ave. NW
Albuquerque, New Mexico 87102

Chief Tim Johnson
New Mexico State Police Department
4491 Cerrillos Rd.
Santa Fe, New Mexico 87507

Re: Prosecutorial Review of the December 24, 2018 shooting
death of Abdias Flores-Corado by APD Officers John Hill, Ana Lujan, and Greg Toya and
NMSP Sergeant Jeremy Vaughn.
DA Case #2018-09006-1
APD Case #18-0122423
NMSP Case # 18-23-2-0226

Dear Chief Geier and Chief Johnson:

I have been appointed as a Special Prosecutor by Second Judicial District Attorney Raul Torrez to review, for potential prosecution, the December 24, 2018 shooting death of Abdias Flores-Corado by Albuquerque Police Department Officers John Hill, Ana Lujan, and Greg Toya and New Mexico State Police Sergeant Jeremy Vaughn. After a review of all available evidence, including police reports, witness interviews, body worn cameras, photographs, laboratory and medical reports, and a visit to the scene of the shooting, I conclude that Officer Hill, Officer Lujan, Officer Toya, and Sergeant Vaughn were acting under a reasonable belief that Abdias Flores-Corado's actions posed a significant threat of death or great bodily harm to officers and the public. Accordingly, criminal charges against Officers John Hill, Ana Lujan, Greg Toya, and

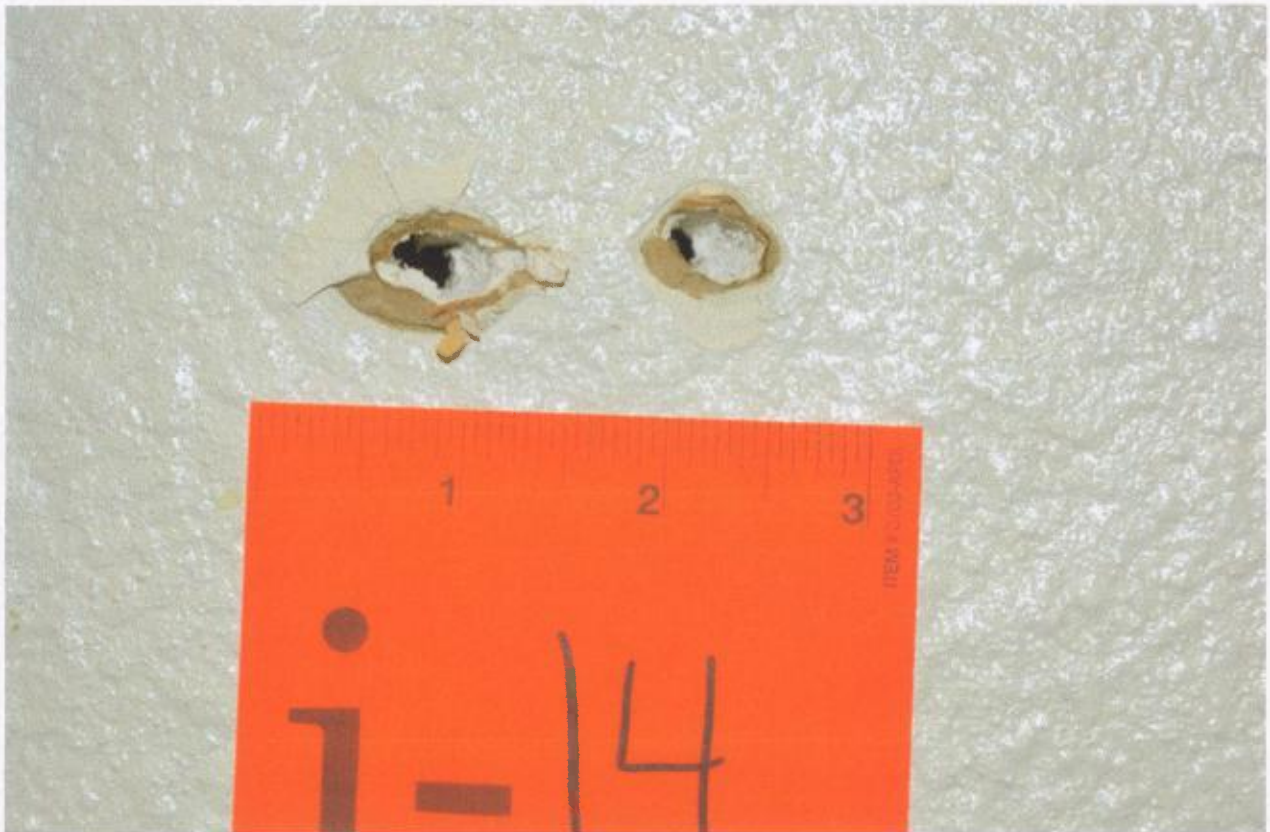
Sergeant Jeremy Vaughn for the shooting death of Abdias Flores-Corado are not warranted and the case will be closed. This decision does not limit administrative or criminal action by other agencies, or civil actions by other parties.

RELEVANT FACTUAL BACKGROUND

On the morning of December 24, 2018, several employees of the Motel 6, located at 3400 Prospect Ave. NE, observed Mr. Abdias Flores-Corado, a long-time tenant of the Motel 6, acting strangely and out of character. Mr. Flores-Corado had occupied Room 149 of the motel for several months, and many of the motel employees knew Mr. Flores-Corado to be a friendly and talkative tenant. Felix Mora, a Motel 6 laundry attendant, stated that he arrived at work at 7:00 a.m. and observed Mr. Flores-Corado walking around the motel with a flashlight, which Mr. Mora thought to be unusual. Raymond Ballejos, a Motel 6 maintenance man, stated that he arrived at work at 7:30 a.m. and observed Mr. Flores-Corado walking around the motel without a shirt. Mr. Ballejos thought this was odd, because it was a very cold December morning. Both Mr. Mora and Mr. Ballejos recognized Mr. Flores-Corado as the tenant from Room 149.

Alexandria Tsalabutie, the front desk clerk for Motel 6, stated that she arrived at work at approximately 8:00 a.m. and noticed Mr. Flores-Corado standing between the front office and the laundry room. She recognized Mr. Flores-Corado because he had been staying at the motel for a number of weeks. Mr. Flores-Corado kept going in and out of the laundry room. He went back to his motel room and then he went into the front office where Ms. Tsalabutie was working. Ms. Tsalabutie stated that Mr. Flores-Corado was not his usual self. Mr. Flores-Corado was usually very friendly and talkative, but that morning, he was very quiet, had bloodshot eyes and had an "evil look" about him. A short time after Mr. Flores-Corado left the office, Melissa Blakeman, a tenant occupying Room 106 of the motel, entered the office with her two kids and

reported that someone had shot bullets into her room through the wall. Ms. Tsalabutie, her fiancé Brandon Bannister, Mr. Ballejos, and Mr. Mora went to Room 106 to check on Ms. Blakeman's claim that someone was shooting bullets into her room. Each of these individuals reported seeing two bullet holes in the interior wall of Rm. 106. Raymond Ballejos stated that Rm. 106 and Rm. 149 shared a wall and that the bullet impacts appeared to come from Mr. Flores-Corado's room. Mr. Bannister reported that he was able to see through the bullet holes right into Room 149. Photographs of the bullet impacts in Room 106 are provided below.



Photograph of bullet impacts in Rm. 106 of the Motel 6.



Photograph of bullet impacts in Rm. 106 of the Motel 6.

Mr. Ballejos assisted in moving Ms. Blakeman and her two children out of Room 106 and into the front office. Out of concern for the safety of other motel employees, Mr. Ballejos rounded up the cleaning staff and escorted them to the front office as well. Ms. Tsalabutie locked the doors to the front office. After securing the staff in the front office, Mr. Ballejos

heard gunshots in the front and back of the motel. He walked around the motel and saw Mr. Flores-Corado holding a rifle and shooting into the air. Mr. Flores-Corado saw Mr. Ballejos and turned the gun towards him. Mr. Ballejos ran for cover and heard a gunshot behind him. Mr. Ballejos believed that Mr. Flores-Corado was shooting at him.

Ms. Tsalabutie monitored the motel surveillance cameras and observed Mr. Flores-Corado walking around the motel holding a rifle. Ms. Tsalabutie also heard about four gunshots. Mr. Flores-Corado also tried to get into the office several times and appeared to get frustrated when he could not open the locked door. Ms. Tsalabutie also heard Mr. Flores-Corado repeating the words "pop, pop, pop." Ms. Tsalabutie called 911 because she thought Mr. Flores-Corado was trying to get into the office to shoot the people inside.

Pauline Garcia was also working in the front office of the motel on the morning of December 24, 2018. She also observed the bullet holes in the wall of Room 106. Ms. Garcia watched Mr. Flores-Corado through the office window and saw that he had rifle. She observed him loading the weapon, cocking the weapon and firing the weapon. Like Ms. Tsalabutie, Ms. Garcia heard Mr. Flores-Corado repeating the words "pop, pop, pop" as he was shooting the rifle.

Michael Davalos, a motel tenant, walked outside of his motel room with his son on the morning of December 24th to get something from his truck. He observed one of the other tenants, later identified as Abdias Flores-Corado holding a rifle. Mr. Davalos was concerned for his son's safety, so he grabbed his son and headed back to their motel room. Mr. Flores Corado fired the rifle in Mr. Davalos' direction. Mr. Davalos and his son took cover behind a truck in the motel parking lot. When Mr. Flores-Corado was either reloading or trying to fix a gun jam, Mr. Davalos seized the opportunity to get his son and run back to their motel room. From his

motel room, Mr. Davalos saw Mr. Flores-Corado fire the rifle a second time. Again, Mr. Flores-Corado fired in Mr. Davalos' direction. At one point, it appeared that Mr. Flores-Corado's rifle jammed. Mr. Davalos quickly ran to his truck and grabbed an axe to defend himself. Mr. Davalos believed that Mr. Flores-Corado fired a third time in his general direction. Mr. Davalos later entered the front office and hid with members of the motel staff until officers arrived. He witnessed the officers shoot Mr. Flores-Corado. Mr. Davalos stated that he feared for his life and the life of his son when he was being fired upon.

A multi-agency task force consisting of the Albuquerque Police Department, the Bernalillo County Sheriff's Office, and the New Mexico State Police Department conducted an exhaustive investigation related to the shooting of Abdias Flores-Corado, interviewing officers involved in the shooting and other witnesses. APD Officer Marisa Martinez, one of the first officers to arrive on the scene, responded to the call of an active shooter. She parked her patrol unit approximately 100 yards from the motel and used the vehicle as cover for responding officers. Officer Martinez observed Mr. Flores-Corado with a rifle and heard numerous gunshots fired off randomly from Mr. Flores-Corado's position. Officer Martinez gave multiple commands for Mr. Flores-Corado to drop the weapon, but Mr. Flores-Corado did not do so. Because of the distance, Officer Martinez could not hear whether Mr. Flores-Corado made any statements. Officer Martinez stated that Mr. Flores-Corado appeared to be getting ready to shoot in the direction of officers when he was shot by other officers.

APD Officer Ana Lujan was on patrol duty in full uniform and displaying her badge of office when she heard over the radio that Northeast units were requesting additional officers to respond to an active shooter at the Motel 6 on Carlisle Blvd. and Prospect Ave. NE. While en route, Officer Lujan heard over the radio that the suspect continued firing gunshots even after the

first-responding officers arrived at the scene. When Officer Lujan arrived on the scene, she blocked westbound Prospect Ave. with her patrol vehicle and retrieved her department-issued AR-15. Officer John Hill and Officer Marisa Martinez were already at that location, approximately 100 yards northeast of the Motel 6. There were also officers positioned to the north and northwest of the motel. Officer Lujan heard additional gunshots almost immediately upon arriving at the scene. She believed that these gunshots were coming from the suspect. She first observed the suspect, later identified as Abdias Flores-Corado, when he walked toward the front office. He was wearing black pants and was not wearing a shirt. When Mr. Flores-Corado walked up the stairs near the front office, Officer Lujan could see that he had a rifle. Mr. Flores-Corado was standing on the second floor walkway on the northeast corner of the motel. Officer Lujan believed that Mr. Flores-Corado was acting paranoid, because he was looking in all directions and peeking around the corner of the building. Officer Lujan heard one of the officers say that if Mr. Flores-Corado raised his weapon, the officers would have to shoot.

At one point, Mr. Flores-Corado crouched behind the metal railing of the second-floor walkway. Officer Lujan heard additional gunshots. She believed that Mr. Flores-Corado was shooting at officers from the elevated position. Officer Lujan then observed Mr. Flores-Corado stand up, raise his rifle, and point it towards the officers located on the northwest side of the motel. Officer Lujan fired two shots and heard other officers fire their weapons as well. Mr. Flores-Corado fell down the stairs. Officer Lujan stated that she discharged her weapon because she saw Mr. Flores-Corado point his rifle towards the officers located on the northwest side of the motel and she believed that he was going to hurt or kill one of her fellow officers. Officer Lujan used lethal force because she wanted to prevent Mr. Flores-Corado from shooting and possibly killing an officer or a member of the public.

APD Officer Greg Toya was working patrol in the Northeast Area Command when he heard dispatch air a "shots fired" call over the radio. While en route, Officer Toya heard another officer report over the radio that there were additional gunshots in the area of the Motel 6. When Officer Toya arrived on the scene, he saw Officers John Hill, Ana Lujan, and Marisa Martinez positioned about 100 yards northeast of the Motel 6. There was also a state police officer at this location. Officer Toya believed that he was dealing with an active shooter, so he armed himself with his department-issued AR-15 rifle and took cover behind Officer Martinez's Dodge Charger. Initially, Officer Toya's view was obstructed by vehicles in the motel parking lot. When Mr. Flores-Corado walked up the stairs, Officer Toya could plainly see that Mr. Flores-Corado was holding a black rifle. Mr. Flores-Corado walked to the northeast corner of the second floor walkway, took a couple of paces west, stood for a brief moment, and then positioned himself as if he was ready to shoot. Mr. Flores-Corado held his rifle at the low-ready position, looking back and forth as if in a paranoid state and as if he was looking for a target to shoot. Officer Toya stated that Mr. Flores-Corado appeared to be taking aim at the officers positioned on Wellesley Ave. NE, just west of the motel. Officer Toya was afraid that Mr. Flores-Corado was going to shoot at the officers. At one point, Mr. Flores-Corado squatted to a shooting position. He then stood back up. When Mr. Flores-Corado started to walk south, Officer Toya fired his weapon to stop Mr. Flores-Corado's threatening actions. Officer Toya shot three or four times. Officer Toya assumed that he hit his target, because Mr. Flores-Corado twirled around and fell down the stairway. Officer Toya could see that Mr. Flores-Corado was still moving, but it was unclear whether Mr. Flores-Corado still had his weapon. Officer Toya believed that Mr. Flores-Corado was still a threat, so he fired another shot towards Mr. Flores-Corado's upper body. Other officers also fired their weapons in a second volley of gunshots.

After the shooting stopped, Officer Toya maintained visual contact of Mr. Flores-Corado while Officer John Hill and other officers moved toward the suspect on foot, using a vehicle as cover. Officer Toya lowered his weapon when the officers reached Mr. Flores-Corado's position.

Officer Toya believed that Mr. Flores-Corado had already committed aggravated assault with a deadly weapon or negligent use of a firearm. Under the circumstances, and based on prior training on active shooters, Officer Toya believed that Mr. Flores-Corado's conduct could cause great bodily harm or death to the people in the area or to the responding officers. Officer Toya shot Mr. Flores-Corado to stop the deadly threat.

New Mexico State Police (NMSP) Sergeant Jeremy Vaughn, was working on paperwork at the NMSP office on Carlisle Blvd., just north of the Motel 6. The NMSP office was informed by APD that there was a man with a gun at the Motel 6 on Prospect Ave. NE. Sergeant Vaughn retrieved his department-issued AR-15 and went to assist APD officers. When he arrived on the scene, he was informed that there was a man, later identified as Abdias Flores-Corado, walking around the Motel 6 firing a gun. Sergeant Vaughn was concerned that people were getting shot. He assessed that the threat level of a guy shooting at the public with a rifle was exceedingly dangerous. The suspect was actively committing aggravated assault with a deadly weapon which could cause great bodily harm or death to members of the public.

Sergeant Vaughn took a position on Prospect Ave., about 100 yards northeast of the motel and just west of Carlisle Blvd., alongside Officers John Hill, Ana Lujan, and Greg Toya. Sergeant Vaughn observed Mr. Flores-Corado walk toward the main office of the motel. Mr. Flores-Corado then walked up the stairs on the northeast corner of the motel. Sergeant Vaughn saw that Mr. Flores-Corado was carrying a rifle. Based on Sergeant Vaughn's observations, he believed that he and other officers were in immediate danger of being shot by the suspect. When