

November 30, 2021

Chief Harold Medina  
Chief of Police  
Albuquerque Police Department  
400 Roma Ave. NW  
Albuquerque, NM 87102

Review of the death of Justin Anaya on May 9, 2021.  
APD # 21-0035608. DA case# 2021-05841-1

Dear Chief Medina,

I have been asked by Raul Torrez, the Second Judicial District Attorney, to review the accidental death of Justin Anaya on May 9, 2021 to determine if the facts justify a review for potential prosecution. After a review of all available evidence, including police reports, witness statements, videos, and photographs, I conclude that Justin Anaya was struck and killed by a tractor-trailer as he was fleeing from police officers. and there is no police conduct which could support prosecutorial review. No charges will be filed: the case will be closed. This decision does not limit administrative or criminal action by other agencies, or civil actions by other parties.

#### RELEVANT FACTS

On the night of May 5, 2021, an individual, later identified as Justin Anaya, was seen breaking windows in vehicles in the parking lots of motels along Iliff Rd. N.W., near Coors and Interstate 40. Police officers began searching for him, and he was spotted running in a nearby parking lot and identified by a witness as the man who had been breaking car windows. Anaya ran through the motel parking lots, jumping fences until he reached the chain link fence bordering east bound Interstate 40. He jumped that fence and ran onto the freeway where he was struck by a tractor-trailer truck. He died of his injuries.

## CONCLUSION

My review of the evidence reveals no police conduct which could possibly support criminal prosecution. Justin Anaya died an accidental death while fleeing police officers. There is therefore, no police conduct which would justify a review for potential prosecution: consequently, no charges will be considered against any of the Albuquerque Police Department Officers involved in the chase. The case will be closed.

Very truly yours,



Michael Cox

Special Prosecutor

Cc: Raul Torrez, District Attorney, Second Judicial District

Detective Tod Babcock, Albuquerque Police Department