

February 6, 2018

To: Chief of Police, Michael Geier  
Albuquerque Police Department  
400 Roma Ave. NW  
Albuquerque, NM 87102

APD case # 15-0090274  
DA case # 2015-05442-1

RE: Prosecutorial review of the September 30, 2015,  
officer involved shooting regarding Oscar Manuel  
Anchondo, AKA: Anchando, and APD Lt. Scott Parsons.

Dear Chief Geier:

I have been appointed Special Prosecutor by Raul Torrez, the Second Judicial District Attorney, to review the incident of September 30, 2015 for potential prosecution. My role is to determine whether Lt. Scott Parsons should be prosecuted for his actions involved in this incident. I have reviewed all of the available evidence to include: viewing the scene, police reports from APD, BCSO, State Police, Rio Rancho PD and Bernalillo PD, witness audio recordings, witness statements transcribed and hand written, lapel videos, photos, lab reports, warrants, CAD printouts and radio logs. I conclude that it is not possible to prove beyond a reasonable doubt, that Lt. Parsons was not acting under the reasonable belief that the actions by Oscar Anchondo posed a threat of death or great bodily harm to Lt. Parsons or another. No charges will be filed: the case will be closed. My decision does not limit nor address administrative or criminal action by other agencies, or civil actions by other parties.

#### **STATEMENT OF FACTS**

On September 29th, 2015 Robert Blodgett called 911 to report that his vehicle, a 2012 gray Chrysler four door had been stolen by a male who put a gun to his head. The male would later be identified as Oscar Manuel Anchondo. At gun point, Anchondo forced Mr. Blodgett to drive him to a house, where once inside, Anchondo and two other males demanded cash, the keys to the vehicle and ordered Blodgett to strip down to his boxers. All this was done at gun point. Blodgett was allowed to leave with his clothing, and without his car. He then fled on foot and contacted 911.

On September 30, 2015, at 9:22 a.m. APD Communications Center was contacted by the Skyline GPS Company reporting that Blodgett's car was stationary at 417 Espanola NE. Within nine minutes, dispatched Officers Andrew Garcia and Sgt. Anthony Andolina arrived at that location. They observed the gray Chrysler in the front yard of the residence. There was a second vehicle at the residence with the trunk open, so they called for backup. Within minutes Officer Garcia was able to secure a man and woman at gun point from the garage. Both complied with all officer commands. A third person, later identified as Oscar Anchondo, refused repeated police commands to exit the residence. The woman, Loretta Chavez, identified the noncompliant male as "Shadow." Ms. Chavez told police that she was a lifetime friend of Shadow, they were raised together, and considered him to be her cousin. Ms. Chavez

told police that Shadow was refusing to leave the house because he had a warrant for his arrest as a parole violator. Chavez said just two days prior she was concerned for Shadow, and she had encouraged him to turn himself in for the parole violation. Shadow refused stating, "hell no, I'm not going down without a fight, cause if I get caught this time, I'm not going to see the light of day." Chavez also saw that Anchondo had three handguns with him.

Anchondo was walking in and out of the backyard of the residence, looking for an avenue of escape, but all sides of the residence were secured by APD. Officer Garcia repeatedly encouraged Anchondo to exit the residence over his PA system. Anchondo stood outside the front door of the house with a gun in hand, threatening to kill himself if officers attempted to enter the residence. After an additional ten minutes of negotiation, Anchondo walked out with a gun pointed under his own chin, threatening to kill himself if officers approached. He walked to the stolen Chrysler, still threatening to kill himself should the police intervene, while ignoring officer commands. The police allowed him to enter the stolen Chrysler, and drive away at a high rate of speed. Officer Garcia was able to observe through the front windshield that Anchondo had the gun still pointed under his chin, as he drove away northbound on Espanola.

Lt. Scott Parsons had parked his police vehicle north of 417 Espanola, and just north of the intersection of Grand and Espanola. Parsons was blocking off the street traffic while officers handled the situation at 417 Espanola. As Anchondo fled the residence northbound, Parsons was walking southbound, in the middle of the roadway with Vanessa Griego, his intern. A small crowd of pedestrians had gathered north of his vehicle. Griego overheard that Anchondo was armed and had threatened to kill himself while listening to the police radio. She saw the vehicle leave the residence speeding in her direction, and ran toward a house on the west side of Espanola to avoid being hit. She saw the vehicle almost hit Parsons, and observed him shoot at the vehicle. Griego was not in a position to see what Anchondo was doing in the vehicle.

In his interview, Parsons stated that he observed the vehicle pull out of the driveway in reverse, almost striking a police vehicle. The vehicle then rapidly accelerated in his direction. As the vehicle closed to within 30 to 40 yards, he observed a gun come up at a slant, above the steering wheel. Parsons saw that Anchondo had his arm out-stretched, with the muzzle of the gun pointed at Parsons. At that time Parsons felt in an immediate jeopardy of being shot. He also felt there was a danger towards his intern, whom he had told to run, as well as for the many civilian in the area. The raising of the gun and pointing it at him, is consistent with what Parsons said over the police radio on September 30th immediately after the shooting.

The police completed canvassing of the area, and were unable to locate any witness besides Parsons, who were able to observe Anchondo's behavior from inside the vehicle as he approached Parsons. Anchondo never gave a statement regarding the incident. There were eight spent cartridges collected at the scene from the area where Parsons fired his weapon. Criminalistics was able to determine that the 8 cartridges were fired from Parson's weapon. There were six bullet entry points into the vehicle. The trajectory of the bullets indicated that Parsons fired as the vehicle approached, and up

to the point when Parsons was in line with Anchondo. There were no bullet holes observed in the vehicle that were consistent with shots being fired after the vehicle passed. There is no evidence that Anchondo fired his weapon.

Anchondo fled the scene, and despite police efforts was able to evade capture. The Skyline GPS Company assisted the police in tracking the stolen gray Chrysler. The vehicle was located at 6410 Karlson NE, which was the residence of Anchondo's sister and brother-in-law, Sonia and Salvador Rocha-Palos. They were not home when the police arrived, but the police would later learn from them that Anchondo arrived at their residence in a panic, driving the gray Chrysler. Sonia gave Anchondo a ride and dropped him off in Bernalillo, NM, at his request. At no time did Anchondo complain about any injury, nor did she or Salvador observe any injury. The police located a handgun on the ground outside of the driver's door, in the driveway of 6410 Karlson.

Anchondo would later be arrested on October 6, 2015 in Bernalillo. He was arrested because he had threatened to kill another person, while stealing their car at gun point. He once again tried to escape from the police by pointing a gun to his own head, while threatening to kill himself as he shouted at the police, "I have nothing to live for." He finally surrendered as the stolen vehicle he was driving had gotten stuck in the mud, but only after a prolonged standoff with Rio Rancho SWAT. At the time of his arrest, police noticed an injury to his left hand and arm that was consistent with a gunshot wound. Anchondo told the police that at an earlier time he had shot himself, because he wanted to know what it felt like, should he decide to kill himself. He gave no other statement concerning the incident of September 30<sup>th</sup>.

In trying to determine why Anchondo was so desperate to not get caught, it should be noted that on September 30<sup>th</sup> Anchondo had an active warrant for his arrest as a parole violator as indicated by Laura Chavez. The warrant was issued on June 12, 2015. He also had an active warrant for violating his probation, issued on July 6, 2015. In the three days leading up to September 30<sup>th</sup>, Anchondo was the suspect in three separate automobile armed robberies, each one occurring at gunpoint. In one he was identified by police on video fleeing in a stolen Jaguar. In that case there were also latent prints located at the scene matching his known prints. He had also admitted to Laura Chavez, his cousin, that the Jaguar he was driving on September 28<sup>th</sup> was stolen, hot, and that he would have to dump it and get another car. He had seven separate felony arrests, with two separate convictions for Attempted Armed Robbery and one conviction for being a Felon in Possession of a Firearm.

### LEGAL ANALYSIS

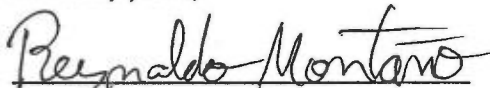
NMSA 1978, Section 30-2-6 is entitled, "justifiable homicide by public officer or public employee," and establishes that a peace officer may justifiably use deadly physical force when he reasonably believes that he or another is threatened with serious harm or deadly force. The officer need not prove the suspect posed a threat of death or great bodily harm to another; he need only offer evidence that raises the possibility. Case law has established that under Section 30-2-6, the crucial

consideration is the conduct and dangerousness of the suspect, not the classification of the crime that he or she has committed or is alleged to have committed. Under the Criminal Section of the Uniform Jury Instruction, 14-5173, the burden then falls on the prosecution to prove, beyond a reasonable doubt, that the use of deadly force was not justified. If the jury has a reasonable doubt as to whether the killing was justifiable, they must acquit the officer.

### CONCLUSION

The question presented in this case is whether, at the time Lt. Parsons fired his weapon, he was acting under the reasonable fear that he, or another, would be killed or seriously injured. As of September 30, 2015, Oscar Anchondo, who had multiple felony convictions, was avoiding arrest on warrants for violating his probation and his parole, and had vowed not to go down without a fight. Anchondo was on a downward spiral, as he was the suspect in three separate armed robberies, in the three days leading up to September 30, 2015. Just the day before, Anchondo placed a gun to a man's head, kidnapped him, and stole his car. On September 30th when the police located the car jacked vehicle, they discovered Anchondo, still armed. Anchondo refused to surrender, or to relinquish his pistol. He drove away with gun in hand, intent on escape, when he encountered Lt. Parsons walking in the middle of the street. Anchondo unexpectedly sped directly at Lt. Parsons, the handgun pointed at Parsons who fired in self-defense. There is no evidence to the contrary. The evidence strongly suggests that Lt. Parsons was justified in his concern for himself, his intern and for the public in general, in responding to the threat of deadly force or serious harm posed by Mr. Anchondo when he fired his weapon based upon those concerns. He is therefore entitled to raise the defense of justifiable homicide by public officer. Based upon these facts, there is no reasonable likelihood of successful prosecution: therefore, no charges will be filed against Lt. Parsons, and the case will be closed.

Sincerely yours,



Reynaldo Montano

Special Prosecutor

Cc: Raul Torrez, District Attorney, Second Judicial District  
Detective Hollie Anderson, Albuquerque Police Department  
Sgt. Raymond Del Greco, Albuquerque Police Department  
Attorney for Lt. Parsons, Fred Mowrer

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