

Police: Officer 'felt in fear of his life' - - Las Cruces Sun-News (NM) - February 22, 2018 - page A6

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LAS CRUCES - The Las Cruces police officer who fatally shot a homicide suspect over the weekend "felt in fear of his life" before firing at least a dozen gunshots at the suspect who had been armed with a modified firearm, police revealed Wednesday.

It remains unclear if the suspect, 23-year-old **Nathaniel Montoya**, had brandished the loaded .22-caliber gun at the officer – who was not wearing a body camera during the Saturday incident. The officer has since been placed on administrative leave, which is standard procedure .

The discovery of the firearm and the fact that no clear video of the shooting exists were among new details of the incident that were released Wednesday by Las Cruces police Chief Patrick Gallagher during a news conference.

Gallagher said the shooting investigation is still "in its early stages" and described it as a complex undertaking because of its ties to the Feb. 16 shooting death of 29-year-old Abraham Gomez.

Gallagher said investigators have determined that Montoya and Gomez were involved in a physical altercation outside an apartment in the 2300 block of Sambrano Avenue. Police were dispatched to the scene around 7:30 p.m. after receiving reports of two men fighting, including one suspect who was described by a 911 caller as "schizo," he said.

"Apparently, these two men were friends, and one of the men was having a dispute with the other one," Gallagher said, adding that Gomez's body was found unconscious and unresponsive when police arrived on the scene.

One witness told police that he heard one of the men yell, "No please! What are you doing?" followed by a gunshot, according to a criminal complaint.

Gomez had one "small-caliber" gunshot wound to his back, Gallagher said, and died at MountainView Regional Medical Center.

Gallagher said investigators quickly identified the shooting suspect as Montoya, who had reportedly fled the shooting scene in a Dodge Durango.

"Less than hour later, his vehicle was found on (U.S.) Highway 70 with nobody in it," he said. "A witness indicated that they saw Mr. Montoya get into a dark-colored minivan and leave the scene."

Gallagher said the minivan had been left on the side off the highway on Friday night because of "vehicle problems," and that the owner tried to retrieve the vehicle the next day but was unable to locate it and subsequently filed a stolen vehicle report by noon Saturday.

Around 5 p.m., a police officer spotted Montoya driving the stolen minivan along Galina Drive and initiated a traffic stop. According to police, the minivan briefly stopped but then fled from the officer, prompting a high-speed chase that reached speeds up to 60 mph.

Gallagher said Montoya led officers on the chase for about 10 minutes and, at one point, drove the wrong way on Lohman Avenue before coming to a "halt" around 5:19 p.m. at the Valero's Corner Store, 1401 E. Lohman Ave.

As Montoya drove into the gas station, he struck another vehicle, which then hit a 33-year-old male pedestrian who sustained non-life-threatening injuries, Gallagher said.

"At that point, one of our officers approached the vehicle, still occupied by Mr. Montoya. The officer fearing for his safety fired his weapon at Mr. Montoya," who died at the scene.

Gallagher said the investigation has revealed that the officer, a seven-year veteran of the Las Cruces Police Department, fired at least 12 shots at Montoya. Police also said Montoya had not obeyed commands from the officer to show his hands.

A bystander recording the incident on their phone captured 12 gunshots in quick succession, followed by another gunshot seconds later.

During a search of the minivan, investigators found a .22-caliber, "magazine-fed" rifle, containing one round, in the front seat of the vehicle, Gallagher said. Police said the rifle had been modified to resemble a shotgun.

Gallagher said investigators have not yet been able to determine if Montoya brandished the gun at the officer. And, it is not known if the recovered gun was used in the shooting that killed Gomez. Both remain under investigation.

But, Gallagher said, "I know enough at this point that the officer felt in fear of his life."

He also said that the officer – whose name has not been publicly revealed – was not wearing his body camera during the incident, something that is being investigated internally.

"It's our understanding that (the officer) had responded the night before and was aware of the situation and was doing investigative work on the homicide," Gallagher said, "and came into work the next day and never had the chance to retrieve his body camera from the docking station because we were so busy."

Gallagher also said that at least one surveillance camera at the gas station wasn't working at the time of the shooting.

"One of (the cameras) that would have provided a very good view of the shooting incident was, unfortunately, not functioning," he said, adding that footage from two other cameras only show officers converging on the gas station.

The shooting is being investigated by the Officer-Involved Incident Task Force, which includes investigators from the Las Cruces Police Department, New Mexico State Police, New Mexico State University Police and the Doña Ana County Sheriff's Office.

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