

## **Man shot by police was on probation - 23-year-old - Las Cruces Sun-News (NM) - February 20, 2018 - page A7**

February 20, 2018 | Las Cruces Sun-News (NM) | Diana Alba Soular | Page A7

LAS CRUCES - **Nathaniel Montoya**, the 23-year-old who was shot and killed Saturday by Las Cruces police after being suspected in a killing a day earlier, was on probation for a 2016 drug possession charge at the time of the recent incidents.

On March 17, 2016, a Las Cruces police officer pulled over a car that was driving on a center lane on Picacho Avenue near Solano Drive, according to court records. The vehicle's windows were broken out, and the driver, identified as Montoya, had glass on and around him.

### **Charge filed**

The police officer "noticed that Montoya was very evasive with questions and would ignore some questions," the report stated. The officer then asked if Montoya had any weapons, to which Montoya replied he did have a knife. Montoya consented to a search, and the officer found a small Ziploc bag with 0.3 grams of methamphetamine in his left front pocket.

A fourth-degree felony charge was filed against Montoya in Doña Ana County Magistrate Court. A grand jury indictment, also in March 2016, moved the charge to 3rd Judicial District Court in Las Cruces.

A trial on the charge was postponed five times, according to court records. The most-recent date it was set for was Dec. 14, 2017.

But Montoya pleaded no contest to the charge in late November 2017.

### **Sentence issued**

Former state District Judge Fernando Macias sentenced him to 364 days of probation on Dec. 4 of last year, according to court records. Macias also granted a credit for 106 days Montoya had been in "presentence confinement," according to the documents. That meant Montoya was set to be under probation surveillance through Aug. 15 of this year.

As part of the probation terms, Montoya wasn't allowed to possess firearms or deadly weapons; also, he was prohibited from possessing or using alcohol and illegal drugs, court records state. He was also obligated to carry out 40 hours of community service.

Montoya signed an order spelling out the terms of his probation on Feb. 6, according to court records. Ten days later, the Las Cruces Police Department announced Montoya was a suspect in a fight in the 2300 block of Sambrano Drive that proved to be fatal. A 29-year-old man – who has yet to be identified by police – was found in front of a home with serious injuries. He was taken to a

hospital, where he died, authorities have said.

A day later, police attempted to pull over a purple van matching the description of one Montoya was last believed to have been in. The van fled the attempted traffic stop, led police on a vehicle pursuit around town and darted into the parking lot of Valero Corner Store, 1401 E. Lohman Ave. Montoya was driving the van, police said.

No new info released

Authorities have said at least one officer fired shots at Montoya, striking him multiple times. He died at the scene, the parking lot of the Valero.

A bystander across the street from the Valero convenience store captured a video in which 13 gunshots are heard.

LCPD has said it won't release the name of the officer who fired until an investigation into the incident has ended. The agency released no new information about the officer-involved shooting on Monday, which was a holiday for office staff.

In March 2017, a Las Cruces police officer filed a complaint against Montoya for carrying a concealed, loaded weapon not allowed by state statute, according to court documents. That charge was eventually dismissed for lack of prosecution by the district attorney's office.

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