

Complaint & Investigation Request **To the Civilian Police Oversight Agency**

Request for Investigation and Determination:

Section C of the Mission Statement, of the Albuquerque Police Department Civilian Police Oversight Agency states, “*Provide civilians and police officers a fair and impartial system for the investigations and determinations on civilian police complaints.*” We, the undersigned, respectfully request the Civilian Police Oversight Board conduct an investigation and make a determination predicated on the following complaint based on the following information.

- 1. Request for Investigation of Albuquerque Police Department Detective Jodi Gonterman for possible perjury, possible subornation of perjury and possible intimidation of witnesses in a criminal investigation.**
- 2. Request for Investigation of Albuquerque Police Department Homicide Unit Supervisor Sergeant John/Jane Doe for possible malfeasance or nonfeasance.**
- 3. Request for Investigation of Albuquerque Police Department Homicide Unit Supervisor Lieutenant John/Jane Doe for possible malfeasance or nonfeasance.**
- 4. Request for Investigation of Albuquerque Police Department Homicide Unit Supervisor Captain John/Jane Doe for possible malfeasance or nonfeasance.**
- 5. Request for Investigation of Albuquerque Police Department Homicide Unit Supervisor Deputy Chief John/Jane Doe for possible malfeasance or nonfeasance.**
- 6. Request for Investigation of Albuquerque Police Department Chief of Police Gordon Eden for possible malfeasance or nonfeasance.**

Summary:

On June 26, 2015, Jaydon Chavez-Silver was murdered as a result of an alleged drive-by shooting that occurred at approximately 10:00 pm, at 1101 Nakomis NE, Albuquerque, NM. Albuquerque Police Department Homicide Detective Jodi Gonterman was assigned as the lead detective on the investigation, and this became a very high profile murder case. Under the direction of Det. Gonterman, Christopher Cruz and Donovan Maez were falsely arrested and were wrongly incarcerated for 10 months. Esias Madrid, who was later arrested for the murder of Jaydon Chavez-Silver was, in the meantime, in the community and was also involved in at least one other homicide, possibly as many as three.

Det. Gonterman conducted an investigation that resulted in the arrest and 10 month incarceration of Donovan Maez and Christopher Cruz, as well as the arrests of Nicholas Gonzales, Dominic Conyers and, ultimately, Esias Madrid on a charge of Capital Murder and other felony charges. Defense attorneys and investigators for Christopher Cruz and Donovan Maez reviewed all Discovery information provided by the 2nd Judicial District Attorney's Office to include recordings of interviews, reports, and legal documents. As a result of the review a determination was made that both Maez and Cruz were in no way involved in the murder of Jaydon Chavez-Silver. Defense attorneys and investigators determined that Det. Gonterman supplied witnesses with a narrative and, through what appears to be intimidation coerced and forced, by way of threats, witnesses to provide the false information in the narrative supplied by Det. Gonterman for the purpose of implicating Maez and Cruz in the Chavez-Silver murder. Det. Gonterman basically threatened witnesses that if they did not acquiesce and tell her what she wanted and demanded to hear, she would charge the witnesses as conspirators in the murder of Chavez-Silver. Det. Gonterman failed to corroborate the information provided by the witnesses in their statements, and should have viewed the statements as highly suspicious and self-serving. Det. Gonterman's supervisors, at every level, failed to properly supervise Det. Gonterman by not evaluating and ensuring that the statements used by Det. Gonterman in the criminal complaint she authored and presented in her Grand Jury testimony were not problematic and were truthful. A basic supervisory responsibility includes evaluating the evidence of an ongoing case with respect to the reasonable motivation of the individuals providing the evidence. Even a cursory review

and evaluation by supervisors of the motivation of each of the “key witness” interviews, in this case, would have shown that the information provided to Det. Gonterman was the result of coercion, intimidation, threats, and in the case of Drew Dugger, a quid pro quo of charges being dropped for fabricated information. Witnesses, as outlined in this document did, in fact, acquiesce and “parroted back” to the detective the information she had supplied. She then used the false information in her Criminal Complaint against Maez, and also testified to the Grand Jury that the fabricated information were facts provided independently to her by the witnesses. Detective Gonterman’s testimony resulted in the indictments of Cruz, Maez and Nicholas Gonzales as the individuals responsible for the murder. Defense attorneys and investigators presented the results of their investigation to the of the District Attorney’s Office for the Second Judicial District which resulted in dismissal of all charges against Donovan Maez and Christopher Cruz.

The information detailed in this document outlines the information defense attorneys presented to the DA’s office along with the manner in which Detective Gonterman obtained that information in question.

The inclusion of Det. Gonterman’s supervisory chain of command in this request to the Civilian Police Oversight Agency is due to a lack of supervision over Det. Gonterman at each supervisory level where she was not adequately supervised in order to verify that the information she was testifying to, both on the Criminal Complaint and before the Grand Jury, was accurate and in itself true. The entire chain of command in this instance was derelict in its supervisory responsibilities beginning with the first line Sergeant who was responsible for overseeing homicide investigations that are conducted by the APD, up to and including Chief of Police Gorden Eden who is ultimately responsible for all criminal investigations and the actions of personnel within the Albuquerque Police Department.

The information provided in this document is the result of an analysis of the information provided by Det. Gonterman on the Criminal Complaint, her testimony before the Grand Jury that indicted Cruz, Maez and Nicholas Gonzales, as compared to what is documented in the recorded interviews of the “witnesses.” The results of this comparative analysis are very disturbing. Furthermore, the information in this document is a “snapshot”

of the manner in which the investigation was conducted. For the sake of brevity, this document is not inclusive of all the egregious, unprofessional behavior documented in the recordings of the interviews, and the manner in which the information was supplied to witnesses by Det. Gonterman and the manner in which she had the witnesses “parrot back” the information so the detective could testify that the witnesses made the statements. During the Pre-Trial Interviews of two of the witnesses they both, without hesitation, stated that Det. Gonterman had intimidated, coerced, and threatened them in order to get the witnesses to say what she wanted them to say. Both witnesses stated that the information they had provided Det. Gonterman were all lies spoken to get the detective to not arrest them and to get her to not threaten or intimidate them any longer than necessary. One spontaneously stated that along with the intimidation, threats, and coercion, Det. Gonterman proposed that she would have charges dropped for unrelated crimes if the witnesses testified that Cruz and Maez had implicated themselves to the witness in the Chavez-Silver murder. It is a well-known fact throughout the criminal justice system that law enforcement officers do not have the authority to dismiss criminal charges that have been filed.

Time line of interviews which were bases for arrest and indictment:

- 1. August 11, 2015 first interview of Nicholas Glenn, “Concerned Citizen #1” by Det. Gonterman.**
- 2. August 14, 2015, Interview of Drew Dugger, “Concerned Citizen #2” by Det. Gonterman.**
- 3. August 14, 2015, Donovan Maez arrested, Det. Gonterman swears to Criminal Complaint dated August 15, 2015.**
- 4. August 20, 2015, Interview of Rakim Ewing at the NM State Probation & Patrol Office, Det. Gonterman and Det. Leah Acata, with PO Kevin Tatum present.**
- 5. August 20, 2015, second interview of Nicholas Glenn by Det. Gonterman.**
- 6. August 24, 2015, interview of Dominic Conyers by Det. Gonterman.**
- 7. August 27, 2015 testimony of Det. Gonterman before Grand Jury.**
- 8. June 2, 2016 Charges dropped against Donovan Maez and Christopher Cruz.**
- 9. August 27, 2015 testimony of Det. Gonterman before Grand Jury.**

The listed information is provided for context while reviewing the subsequent corroborating information.

1. Detective Gonterman, knowing of Nicholas Glenn's proclivity to lie, fabricated and embellished information (by his own admission), and selectively used information provided by Glenn without verification as part of her probable cause to indict and incarcerate Donovan Maez and Christopher Cruz on an open count of murder and other serious felonies. On August 27, 2015, seven days after the August 20, 2015 re-interview of Nicholas Glenn during which he admitted that his elaborate story about being at the scene of the shooting was a lie, Det. Gonterman testified before the Grand Jury that the "Concerned Citizens" were a "credible and reliable source." The verbatim testimony from Det. Gonterman to the Grand Jury was,

"So based on the information at the time Donovan Maez was taken into custody because the information that I had was from a credible, reliable source and he gave other specific details in the case. So, being that Donovan stated that his bullet was the one that he was concerned that hit Jaydon." (Grand Jury transcript page 51, lines 16-22)

This testimony by Det. Gonterman to the Grand Jury is blatantly a misrepresentation of the facts as she knew her sources, Nicholas Glenn, Drew Dugger, Rakim Ewing and Dominic Conyers, were not credible or reliable sources of information. Glenn had seven days earlier admitted to Det. Gonterman that he was lying about the elaborate tale he had provided her regarding being at the murder scene. Glenn had admitted prior to Det. Gonterman's Grand Jury testimony that he had fabricated information thus not making him a credible and reliable source. Glenn had stated that when he told the detective that his ***"story (regarding overhearing Donovan Maez say to Armond that he was concerned about his bullet killing Jaydon and being in the car from where the shots were fired) would be more believable if I were to say I was at the party."*** During a thorough review of the Discovery Material provided to Donovan Maez's, and Christopher Cruz's Defense Attorneys John Day and Scott Wiznewski, there was not any information provided by Nicholas Glenn that would substantiate the detective's testimony that Glenn "gave other specific details in the case," which was Det. Gonterman's testimony to the Grand Jury.

2. Det. Gonterman testified before the Grand Jury on August 27, 2016 that Maez had told her during the interview that “*on the night of Jaydon’s shooting he went to this guy’s Tazzie’s house,,,,and he said, AFTER Tazzie’s house, at about one in the morning, he went to a party on Western Skies.*” (August 27, 2015, Grand Jury testimony of Det. Gonterman. Transcript page 53, lines 6-12.) Det. Gonterman later testified to the Grand Jury that “*So, Donavon stated that he, he knew Jaydon had been shot around ten p.m. but indicated that he was at Western Skies at one o’clock, so that doesn’t tell me where he was at ten.*” (August 27, 2015, Grand Jury testimony of Det. Gonterman. Transcript page 54, line 25, and page 55 lines 1-3.) In fact, Maez had told the detective that he was at Tazzie’s house and stayed there until 1:00 am. The detective at no time attempted to determine if Maez was telling the truth. Six individuals who stated they were with Maez at Tazzie’s house until very late (after the Chavez-Silver shooting) were located within days of Maez’s arrest and prior to his indictment by the Grand Jury.

3. On page 85 (bottom) and page 86 (top) Det. Gonterman testifies before the Grand Jury when responding to a direct question from one of the jurors.

- The juror asks the detective, “So you actually have possibly two eye witnesses to the shooting?” Det. Gonterman responds, “Yes.”
- The juror then asks, “But one has changed his story several times,” referring to the testimony by Det. Gonterman that Ewing had provided her. Det. Gonterman responds, “Yes.”
- The juror then asks, “But Dominic, has he changed his or was that the first testimony he gave?” Det. Gonterman responds, “*That was the first time I interviewed him, and he - - he didn’t just come out and say it. He – you know, he – it took him some time to – to tell me that, but he led up to that just giving more details.*”

Subornation of Perjury & Intimidation of Witnesses:

1. During a Pre-trial Interview (PTI) with Drew Dugger, subsequent to his arrest for failing to appear for scheduled Pre-trial interviews, Dugger's opening remark, without any questions having been asked about the information he provided Det. Gonterman, was that the information he had provided to Det. Gonterman were all lies because Gonterman had been threatening to put him in jail and intimidating him throughout the interview.

During the stated PTI, Dugger said that he made up the story about Donovan Maez's and Christopher Cruz's involvement in the murder of Chavez-Silver because he knew that was what Det. Gonterman wanted him to say. Dugger also indicated that Det. Gonterman told him that pending charges against him would be dropped if he testified against Maez and Cruz.

2. During the stated PTI with Rakim Ewing he also stated that he was intimidated by Det. Gonterman and coerced by her into telling her that he was at the scene of the shooting after he had told her on numerous occasions that he was not at the scene and, if he had been, he was too drunk to remember.

3. During the interview with Dominic Conyers, Det. Gonterman explicitly tells Conyers what she wants him to say. ***“Like, oh my God, I was so traumatized, it, I was so scared, I didn't do it but I was with them.”*** After making that statement the detective threatens to charge Conyers with serious felonies, but does tell him that if he makes these statements, ***“So, if you were just a passenger in that car you need to tell me because we can work with that.”***

Conyers latter admitted that he, Nicholas Gonzales, Nick's friend, (later identified as Esias Madrid), and two unidentified females were in the vehicle from which the shots were fired into the residence at 1101 Nakomis NE, resulting in the death of Jaydon Chavez-Silver.

The definition of subornation of perjury is, “The crime of persuading a person to commit perjury — the swearing of a false oath to tell the truth in a legal proceeding, be it spoken or written.”

The definition of intimidation of a witness in New Mexico Statute is, “(2) intimidating or threatening any witness or person likely to become a witness in any judicial, administrative, legislative or other official cause or proceeding for the purpose of preventing such individual from testifying to any fact, to abstain from testifying or to testify falsely.”

Basis for Complaint:

Det. Gonterman, during the course of her early investigation, developed Donovan Maez and Christopher Cruz as suspects in the murder of Chavez-Silver. During the course of her investigation Det. Gonterman interviewed numerous individuals in order to determine if Maez and Cruz were involved in the murder. As the investigation progressed, Det. Gonterman centered her focus on Maez and Cruz and she fell victim to the well-known theories of “Predisposing Circumstances” and “Tunnel Vision” in the Criminal Justice System. These two well-known pitfalls in the Criminal Justice System clearly overtook the investigation conducted by Det. Gonterman and resulted in the arrests and incarceration for 10 months of Maez and Cruz, neither of whom had any involvement in the murder of Jaydon Chavez-Silver.

August 11, 2015 first interview of Nicholas Glenn, “Concerned Citizen #1,” by Det. Gonterman:

On August 11, 2015, Det. Gonterman interviewed Nicholas Glenn regarding his knowledge of Donovan Maez’s and Christopher Cruz’s involvement in the murder of Chavez-Silver. Glenn advised Det. Gonterman that on the night of Jaydon Chavez-Silver’s murder (June 26, 2015) he had arrived at 1101 Nakomis St. NE where the murder had occurred approximately five minutes before the shooting. Glenn tells Det. Gonterman that he was outside, heard the shots and, *“my first instinct was to dip”* (meaning to leave). Det. Gonterman continues to

interview Glenn about his observations and actions when the shooting occurred to which Glenn provided very plausible responses detailing his activities including where he was before the shooting and how he arrived at the Nakomis residence.

Also during the August 11, 2015 interview by Det. Gonterman of Nicholas Glenn, he informed Det. Gonterman that a few days after the murder he overheard a conversation between Donovan Maez and an individual named Arman Van Dyke. Glenn informed Det. Gonterman that Donovan Maez was upset because he didn't know where the shots had gone and he, Glenn, believed that Donovan Maez was referring to the murder of Jaydon Chavez-Silver. Glenn also tells the Detective that he overheard information about Donovan Maez being in the car from which the shots were fired into the Nakomis residence resulting in the death of Jaydon Chavez-Silver. During the course of an interview with Glenn, Det. Gonterman asked Glenn, ***“Did Donovan say something about, I think my bullet's the one that killed Jaydon?”*** Glenn responded,

“I don't know, he's,,,I'm pretty,,, he's, that's what he was freaking out about, that he was scared that it was his bullet that hit Jaydon, and that's what he was, something like that, that's why he was skeptical and he was freaking out.”

Supposedly, based on the interview with Glenn, Det. Gonterman charged Donovan Maez with murder and various other criminal felony charges in her criminal complaint:

“I contacted Concerned Citizen #1 or “CC” (unnamed for their safety but can later be revealed to a Judge or District Attorney) the following: Donovan Maez was freaking out because he thought his bullet was the one who killed Jaydon when he was in a car with people who shot Bernie's house.”

At no time during the interview did Glenn mention the word bullet until Det. Gonterman specifically asked him the question using the word, bullet. The individual with whom Glenn stated Maez was having the conversation he overheard was later located by defense team investigators and stated that the conversation Glenn said he overheard, or one similar to it, never took place. The individual also stated that Glenn was known to make up, or embellish, stories that would make him (Glenn) look important.

Based on Discovery information at no time did Det. Gonterman appear to make an attempt to locate and interview Van Dyke for the purpose of corroborating the information by Glenn regarding the alleged overheard conversation between Maez and Van Dyke. Det. Gonterman, knowing that Glenn had lied to her, used the information in the Criminal Complaint and during her Grand Jury testimony.

August 14, 2015, Interview of Drew Dugger, “Concerned Citizen #2,” by Det. Gonterman.

On August 14, 2015, Det. Gonterman interviewed Drew Dugger regarding his knowledge of Donovan Maez’s and Christopher Cruz’s involvement in the murder of Chavez-Silver. Drew Dugger was identified by Det. Gonterman in the criminal complaint and during her Grand Jury testimony as “Concerned Citizen #2.” At the beginning of the interview conducted by Det. Gonterman, she informed Dugger that the reason he was in custody was that she had a warrant for Dugger’s arrest for possession of an imitation controlled substance with intent to distribute. Det. Gonterman advised Dugger that she didn’t “care about the warrant” she had for his arrest, what she wanted from Dugger was information regarding the involvement of Cruz and Maez in the murder of Jaydon Chavez-Silver. During the course of the interview on four different occasions Dugger advised Det. Gonterman that he did not have any information that would implicate Donovan Maez and Christopher Cruz in the Chavez-Silver murder. On at least two different occasions during the interview Det. Gonterman threatened to put Dugger in jail if he didn’t implicate Cruz and Maez in the Chavez-Silver murder.

Given that the interviewing detectives did not believe the information provided by Dugger on at least four occasions when he denied that Maez and Cruz had taken responsibility for the shooting, and given that the detective threatened to put him in jail, Dugger than began to make up a story that was very clearly a lie implicating Maez and Cruz so he would not be arrested and put in jail. Dugger was supplied information by Det. Gonterman, which Dugger used in the fabrication of his story. Det. Gonterman then used this information that she supplied to Dugger in her Grand Jury testimony.

The story that Dugger fabricated was an elaborate tail about his conversation with Maez and Cruz during which they implicated themselves in the murder of Jaydon Chavez-Silver.

During the Pre-trial Interview phase of this case, the investigators working with Donovan Maez's attorney, John Day, as well as Scott Wiznewski, attorney for Christopher Cruz, attended a pre-trial interview with Drew Dugger who had been arrested and incarcerated for dodging a subpoena for a pre-trial interview. The interview was conducted at the District Attorney's office with Dugger still in the custody of the Bernalillo County Detention Center. The interview was conducted with a court reporter present for the purpose of creating an official record of the interview. Upon Dugger being sworn to tell the truth, he immediately, prior to having been asked any questions, when told what the interview pertained to, stated that all of the information he had provided to APD detectives were lies. Dugger stated that he lied because the Detective (Gonterman) had threatened him, coerced him, and agreed to make a deal with him to drop other felony charges if he implicated and testified against Donovan Maez and Christopher Cruz in the murder of Jaydon Chavez-Silver. These statements by Dugger confirmed what was suspected after reviewing the recorded interview of August 14, 2015, i.e., that Det. Gonterman had suborned and intimidated Dugger to commit perjury using threats of incarceration and promises to drop criminal charges against Dugger if he testified that Maez and Cruz were responsible for the murder of Jayden Chavez-Silver.

August 14, 2015, Donovan Maez was arrested. Det. Gonterman swears to Criminal Complaint dated August 15, 2015:

Late in the evening of August 14, 2015, Donovan Maez was taken into custody by officers of the Albuquerque Police Department. Subsequent to his arrest Maez was interviewed by Det. Gonterman with respect to his involvement in the murder of Jaydon Chavez-Silver. Maez told the detective that he heard he was being blamed for the murder which led to his comment, **"I knew this was going to happen,"** meaning he knew he would be

interviewed. Maez told Det. Gonterman where he and Cruz were, and who they were with at the time of the murder of Jaydon Chavez-Silver. Det. Gonterman assumed that Maez was lying and did not, within the 13 days from the time of Maez's arrest to the date Det. Gonterman testified before the Grand Jury, make any attempt to contact the witnesses Maez stated he was with at the time of the murder. Subsequent interviews with the individuals who Maez said he was with at the time Jaydon Chavez-Silver was murdered resulted in six individuals all stating that they were with Maez and Cruz, and nowhere near the scene of the murder.

Information provided by two of the individuals charged with the murder, Nicholas Gonzales and Dominic Conyers, also corroborates the information that Maez provided at the time of his arrest, which was that he and Cruz had no part in, or knowledge of, the events leading up the murder of Jaydon Chavez-Silver.

August 20, 2015, interview of Rakim Ewing by Detectives Gonterman and Leah Acata, in the presence of NM Probation & Parole Officer Kevin Tatum at the NMPP Office:

On August 20, 2015, APD detectives interviewed Rakim Ewing regarding information that he had earlier provided detectives regarding the murder of Jaydon Chavez-Silver. The August 20, 2015 interview of Ewing was conducted subsequent to two prior interviews of Ewing.

During the course of the August 20, 2015 interview, Ewing on several occasions advised the detectives that on the night of the murder of Jaydon Chavez-Silver he had been at a party with David Zamora and two females at a location in the Westgate area of Albuquerque. Ewing stated he became so intoxicated that he did not remember with any certainty what he had done the rest of the evening or where he had gone. Det. Gonterman continually asked Ewing if he, Zamora, and the two females had followed any other vehicles from the Westgate area party on the west side of Albuquerque to Bernie's house, which was the location of the Chavez-Silver murder. Four days after the interview of Rakim Ewing, Det. Gonterman testified before the Grand Jury, which resulted in the indictment of Christopher Cruz, Donovan Maez and Nicholas Gonzales on a charge of Capital Murder as well as lesser felonies. The testimony by Det. Gonterman included information she testified was provided by Rakim Ewing. A recording of the interview of Ewing was obtained pursuant to "Discovery" and reviewed by defense

attorneys and defense investigators for Christopher Cruz and Donovan Maez. The review of the interview recording revealed that Det. Gonterman utilized the same interview technique that she used when interviewing Drew Dugger. Det. Gonterman intimidated and coerced Ewing and on several occasions, and threatened to charge him with murder and or conspiracy to commit murder. Ewing was supplied information by Det. Gonterman, and then Det. Gonterman used this information she supplied to Ewing in her Grand Jury testimony. When asked open-ended and neutral questions by Det. Gonterman, Ewing responded with a truthful and believable narrative about the information he knew and didn't know with regard to the murder of Jaydon Chavez-Silver. However, his statements did not implicate Mr. Maez, so Det. Gonterman began asking leading questions, which suggested information never previously mentioned by Ewing. At that point, after being threatened several times by Det. Gonterman that he could be charged and arrested in conjunction with the murder, Ewing began parroting information back at Det. Gonterman. For example Det. Gonterman asked Ewing if he knew how many guns fired shots at Bernie's house:

At 12:07:07 Det. Gonterman asks Ewing, *"How many people shot?"*
Ewing responds, **"No clue, probably just one."**

Det. Gonterman states, *"No, it wasn't probably just one."*
Ewing replies, **"Like, two?"**

Det. Gonterman asks, *"Why do you say, 'Or like two?'"*
Ewing responds, **"I don't know, like ..."**

Det. Gonterman states, *"Cause you heard."*
Ewing states, **"I probably was there but I don't remember; I don't remember."**

Det. Gonterman subsequently distorted this "supplied" information in her testimony to the Grand Jury. On page 62, lines 4 thru 8 of the Grand Jury transcript, Det. Gonterman testified that she asked Ewing if the shots sounded like they came from one gun. She further testified on lines 7 & 8, page 62, that Ewing responded to her question by saying, "And he said it sounded like two guns popped off." In actuality, as outlined above when asked by Det. Gonterman how many people shot, Ewing replied, "No clue, probably just one."

Another example:

At 12:13:33 Det. Gonterman asks Ewing to describe the vehicle that was in front of the vehicle he was in that allegedly contained the individuals who shot at the Nakomis residence.

Ewing responds: **“Looked like it could be like a truck, like a, I mean like a something, like an Escalade, I don’t know, something like a white Jeep, I don’t know.”**

The actual vehicle that Gonzales, Conyers and Madrid were in when they fired shots in the home on Nakomis that resulted in the death of Jaydon Chavez-Silver was the Nissan Maxima described to Ewing by Det.

Gonterman. Also on page 62, lines 9 & 10 of the Grand Jury transcript Det. Gonterman testified that Ewing told her that the vehicle in front of the vehicle he was in was Nicholas’s Nissan Maxima. Ewing did mention later that he guessed the vehicle was a Nissan Maxima after Det. Gonterman had “supplied” Ewing with the information regarding the Nissan.

Det. Gonterman advised Ewing that he previously had stated that he was at the scene of the murder, and that he had stated he had bullets flying around him coming from the car that he and David Zamora, along with two girls, were behind in a separate vehicle.

At 11:18:45 Ewing responds, **“I don’t know, I’m probably making this up, I don’t know. I’m just making this up.”**

At 11:20:50 Det. Gonterman asks Ewing,

“Remember you said that you left in a Nissan, this was before at the party you said when your buddy Dominic got beat up, whose Nissan was that?”

Ewing responds, **“I don’t know, it was some random dude.”**

Det. Gonterman states, ***“It was that Nick kid.”***

Ewing responds, **“It was?”**

Det. Gonterman states, ***“It’s Nick’s car from Rio Rancho.”***

Ewing responds, **“I don’t know Nick that well,”**

Ewing Pre-Trial Interview:

On March 7, 2016, Rakim Ewing's pre-trial interview was conducted. The interview was recorded and lasted twenty minutes. Seven minutes into the pre-trial interview, at 9:40:03 into the recording, when asked if he remembered what Det. Gonterman had asked, Ewing replied,

“She talked to me, I believe I was intimidated by her, she tried to like think I was a part of it (the Chavez-Silver murder) and I refused to, she showed up to my PO's office and tried to like intimidate me as well.”

Ewing goes on to state that he, **“Basically like I tried to the best of my knowledge to tell them (the detectives) cause I was highly intoxicated at that day that happened of the shooting, so I'm not a reliable witness.”**

Maurice Moya, investigator for Maez's attorney John Day, asked Ewing, “Was the statement (he gave to detectives) on August 20, 2015, the truth and accurate?”

Ewing responded, **“Yes, um, no, um, well, at first it started to get out of hand because I was truthful, they (the detectives) didn't believe what I had to say because I told them I was drunk and I don't remember and then all of the sudden she wanted more out of me, so I basically lied saying that like these people are involved but it's not true. So that's what they wanted me to say, which is not true, but I'm saying the truth that I wasn't there, and I was with two girls and David Zamora at a party and then once I got like drunk I ended going home, so that's my truthful story.”**

Maurice Moya asked Ewing if Det. Gonterman provided him with the names of Donovan Maez, Christopher Cruz, and Nicholas Gonzales. Ewing stated that Det. Gonterman provided him with the names of the three individuals.

Maurice Moya also asked Ewing with regards to Maez, Cruz and Gonzales, “Were they there that night?”

Ewing responds, **“I don't know, we weren't, we weren't with them.”**

August 20, 2015, second interview of Nicholas Glenn by Det. Gonterman:

On August 20, 2015, Det. Gonterman re-interviewed Nicholas Glenn regarding the information he had provided during his August 11, 2015 interview. During the August 20, 2015 interview Glenn advised Det. Gonterman that he had lied about being at the Nakomis address at the time of the murder. Glenn advised Det. Gonterman that he thought his **“story** (regarding overhearing Donovan Maez say to Arman that he was concerned about his bullet killing Jaydon and being in the car from where the shots were fired) **would be more believable if I were to say I was at the party.”**

At the time Det. Gonterman testified to this information to the Grand Jury, on August 27, 2015 seeking indictment of Maez, Cruz, and Gonzales with an open count of murder, she was aware of Glenn’s proclivity to lie, fabricate, and embellish information because Glenn had advised her that he had lied during his first interview on August 11, 2015, when he stated that he had been at the 1101 Nakomis Ave. residence when Chavez-Silver was killed when, in fact, he was not at the murder scene.

On August 24, 2015, interview of Dominic Conyers by Det. Gonterman:

On August 24, 2015, Det. Gonterman interviewed Dominic Conyers regarding the murder of Jaydon Chavez-Silver on June 26, 2015.

Detective Gonterman advised Conyers that she had obtained information indicating that he had been in the vehicle from which the shots were fired into “Bernie’s” house with Nick Gonzales, Christopher Cruz, and Donovan Maez. “Bernie” was the resident at 1101 Nakomis NE. Conyers advised Det. Gonterman that Donovan Maez and Christopher Cruz were not in the vehicle with him and Nick Gonzales. Conyers stated that the night of June 26, 2015 Cruz was driving a red vehicle; he thought Donovan Maez was with him and they (Maez and Cruz) did not drive by Bernie’s house.

Det. Gonterman asks Conyers, **“So you’re saying you were not with Chris and Pager (Pager is Donovan Maez’s street name).” Conyers replies “Yes, they were in the red car with other friends, I don’t know who they were.”**

Det. Gonterman asks Conyers who else was in the vehicle with *“you and Nick?”*

Conyers responds: **“These chicks, I don’t know their names, and one of Nick’s friends, I don’t know who he was though, a friend of Nick’s, but I don’t know his name, and a couple of chicks.”**

The individual who Conyers referred to as “Nick’s friend” was later identified as Esias Madrid. Madrid was subsequently charged with the murder of Jaydon Chavez-Silver. It should be noted that Madrid had ties to Nicholas Gonzales and Facebook photos on the Gonzales Facebook page showed either Madrid or his brother with Gonzales. Conyers had furnished Det. Gonterman with a physical description of Madrid, which matched the photos on Gonzales’s Facebook photos. Madrid was also charged and incarcerated with a murder of male in Albuquerque NM in December of 2015, approximately six months after the information was provided to Det. Gonterman that it was “Nick’s friend” who was with Nick Gonzales and Conyers in the vehicle from which the shots were fired that killed Jaydon Chavez-Silver.

Continuing in the interview with Conyers, Det. Gonterman asked Conyers background questions, and told Conyers that she knew he and Nick drove to Bernie’s house. Conyers initially denied the accusation.

Det. Gonterman became aggressive and stated to Conyers:

“Listen to me, listen to me how serious this shit is right now, ok, everybody told me the same story you did but some people were like of fuck this, I’m going to snitch because everybody else is snitching, this is a bunch of bullshit and I’m not doing down alone, and Donovan and Chris are in jail, and Chris even had his mom call me and say that you were with them. He said that you were in the car with Nicholas in that car and shots were fired. So either you’re all in Nicholas’s car together and Donovan and, or I’m sorry, Donovan and Chris are actually in the red car and the you’re in the car with Nick and both, and both cars shoot or you’re all in the same car, or you’re all in Nick’s car, cause I know for sure that there was gunfire out of Nick’s car at Bernie’s”.

Det Gonterman asked several questions regarding Conyers and Nick driving by the scene of the murder (Bernie’s house) on the night of the murder to which Conyers denied that they ever drove by Bernie’s.

Det. Gonterman remained unsuccessful in getting Conyers to state that he and Nick drove by Bernie’s house. Det. Gonterman again asked Conyers who was in the vehicle with him and Nick. Conyers again stated it was Nick driving, his friend in the front passenger seat, two females and himself in the back seat.

Det. Gonterman asked Conyers to describe Nick's friend.

Conyers states, **“He was short, he had a hat, he had broad eyebrows like I do, his eyes were a little more circular, and he was short and like a dark, light skinned person.”**

Det. Gonterman asked Conyers how old Nick's friend was and, again, what his name was.

Conyers responds, **“He was younger than me ... I don't know, I don't know his name.”**

The description provided by Conyers is that of Esias Madrid. Posted photos with Nicholas Gonzales and a young Hispanic male who very closely matched the description provided to Det. Gonterman by Conyers were on Gonzales's Facebook page. If Det. Gonterman would have looked at Nick Gonzales's Facebook page she would have found a subject matching the description provided by Conyers. The photos are of either Madrid or his brother. Continuing with the interview, after Conyers admitted that he and Nick Gonzales, Nick's friend, and the two females had driven by the 1101 Nakomis NE address and had shot guns into the residence resulting in the death of Jaydon Chavez-Silver, Det. Gonterman continued to try and get Conyers to state that Maez and Cruz had been in the vehicle from which the shots were fired. Det. Gonterman stated to Conyers:

“Ok, and if you're in that car and you don't come forward and like oh my God, I was so traumatized, it, I was so scared, I didn't do it but I was with them, it becomes a conspiracy because you're not coming forward and telling me the truth and you end up getting charged too, murder, aggravated assault 10 counts, three counts of child abuse, shooting from a motor vehicle, so if you were just a passenger in that car you need to tell me because we can work with that.”

This one statement by Det. Gonterman exemplifies how the detective supplied witnesses with the exact verbiage she wanted them to repeat. Det. Gonterman explicitly told Conyers what she wanted him to tell her in exchange for not charging him with multiple serious felonies to include murder. Det. Gonterman told Conyers that Cruz and Maez had confessed to being there, but that they were stating that Conyers was the individual who shot into the Nakomis residence. Again, as in other interviews, based on this information provided by Det. Gonterman, Conyers fabricated story in which Donovan Maez and Christopher Cruz were with him, Nick Gonzales, and an unknown female in the vehicle when the shots were fired at the Nakomis

address resulting in the death of Jaydon Chavez-Silver. The story told by Conyers deflected his involvement in the actual shooting, and based on the fact that the detective told him that Cruz and Maez had confessed to being involved, he used the opportunity to place the blame on Cruz and Maez for the death of Chavez-Silver.

Nicholas Gonzales in 2016 agreed to plea bargain with the District Attorney's office and corroborated Conyer's initial story to Det. Gonterman, i.e., that it was he, Conyers, Esias Madrid, and two females who were in the vehicle at the time of the Chavez-Silver murder. Gonzales had also reportedly corroborated the fact that Cruz and Maez were not involved in any way, were not at the scene or near the scene, or had any knowledge of the events leading up to and during the shooting that claimed the life of Jaydon Chavez-Silver.

Ramifications

The investigation conducted by Det. Gonterman into the murder of Jaydon Chavez-Silver and the lack of oversight by her supervisors within the Albuquerque Police Department has resulted in certain ramifications of a very negative nature:

1. A definitive statement cannot be made that the death of Arturo Villa could have been avoided if Esias Madrid had been arrested for the murder of Jaydon Chavez-Silver. But, without a doubt, the December 27, 2015 murder of Arturo Villa may have been prevented if Madrid would have been taken into custody for the murder of Chavez-Silver within a reasonable time after Conyers provided Det. Gonterman information and a description of "Nick's friend." As stated earlier in this document, Dominic Conyers had provided Det. Gonterman with a description and information regarding Nick Gonzales's friend who was with him, Conyers, and Gonzales at the time that they shot at the residence on Nakomis that resulted in the death of Chavez-Silver. That friend, described by Conyers, ultimately was identified as Esias Madrid. There is no doubt as indicated by those who have reviewed the information provided by Conyers that Madrid should have, and

would have been identified as a participant in the crime if Det. Gonterman would not have discounted the information provided by Conyers. Even a cursory investigation into Gonzales's friends and Facebook account should have led to developing Madrid as a suspect as photos that appear on Gonzales's account are similar to the description provided by Conyers. The photos are of Gonzales and either Madrid or his brother who look strikingly similar.

2. Donovan Maez and Christopher Cruz spent 10 months in jail for a crime they didn't commit. They will never get these 10 months back, and even more disturbing is that Maez, on at least one occasion, was physically assaulted by another inmate while incarcerated in the Bernalillo County Metropolitan Correctional Center. After his release Maez stated that he has absolutely no trust of the judicial system and law enforcement, and he believes that his incarceration proves that when a police officer targets someone, that person will be jailed regardless of the facts and the truth.
3. The damage to a successful prosecution of Nicholas Gonzales, Dominic Conyers, and Esias Madrid is unquestionable because of the inadequate and quality of investigation conducted by Det. Gonterman. Any defense attorney with a modicum of capability would use the arrests and incarceration of two innocent individuals based on the investigation conducted to destroy any credibility Det. Gonterman might have had before a criminal trial jury. Any jury would find it very difficult to believe any portion of Det. Gonterman's investigation as a result of the intimidation and coercion of witnesses that is documented in this investigation.
4. According to the Grandfather of Christopher Cruz, Christopher Cruz's brother, Anthony, was very despondent in part because of his brother's incarceration and the possibility that Christopher could be sentenced to a long prison term for a crime he did not commit. Anthony Cruz committed suicide while Christopher Cruz was incarcerated, and the presiding judge did not allow Christopher Cruz to attend his brother's funeral.

5. The families of Christopher Cruz and Donovan Maez suffered immensely both financially and emotionally, and were vilified by strangers in the press and on social media after the unjust arrest and incarceration of Cruz and Maez. Tens of thousands of dollars and countless hours were invested by the Maez family to uncover the fact that Donovan Maez and Christopher Cruz had been falsely accused and incarcerated for a murder they did not commit nor in which they were involved.
6. Stephanie Maez, the mother of Donovan Maez, suffered undue criticism from the media and elected officials, was vilified in news media reports and disparaged with respect to how Donovan was raised as a child and adolescent. The criticism not only affected her emotional state, but a lack of support by a top Democratic Party leader in New Mexico as well as a Bernalillo County Commissioner (Wayne Johnson) ultimately resulted in her resigning her position as a member of the New Mexico House of Representatives. This damaged her reputation, earnings potential, and any possibility of becoming an elected official anytime in the future are severely thwarted.

Conclusion and request for independent investigation:

As a retired police officer and federal agent, I have conducted an extensive review of the investigation into the tragic murder of Jaydon Chavez-Silver on June 26, 2015 conducted by a member of the Albuquerque Police Department. The death of Jaydon Chavez-Silver devastated his family, friends, and the entire City of Albuquerque.

The shocking fact that a “drive-by” murder, which was a common occurrence that I had witnessed as a federal agent in South Central Los Angeles and west Houston, Texas, had taken place in Albuquerque was difficult to internalize. Well before the arrests of Donovan Maez and Christopher Cruz I was certain that the investigators of the Albuquerque Police Department would competently, thoroughly, and professionally investigate this heinous crime and bring those responsible for this senseless act of violence to justice.

Immediately after the arrest of Donovan Maez, my grandson, I continued to be confident that the case would be properly investigated, and whatever involvement my grandson had in the heinous killing would be revealed.

I was very, very mistaken.

In an effort to understand the involvement of Donovan Maez and Christopher Cruz through the review of Discovery material provided by the District Attorney's Office, I learned from a former federal prosecutor who reviewed my findings that, "this was not a botched investigation, this was a corrupt investigation." Based on the information provided in this complaint, and additional investigation that should be conducted by an investigator of the Civilian Police Oversight Agency, I firmly believe the assertion of the former federal prosecutor will be borne out.

The purposes of this "Complaint and Request for Investigation" are three-fold:

1. Ensure that future investigations of this nature are assigned to competent, thorough, and professional Detectives who will not allow what is known in criminal justice studies as the "pre-disposition of consequences" and "tunnel vision" to cloud the direction of their investigation.
2. Ensure that the investigators' chain of command within the police department take their supervisory responsibilities more seriously than was evidenced by the supervisory chain of command in this case. The supervisory chain of command, if they didn't know, should have known that Det. Gonterman was focused on two suspects who were not involved in the murder of Chavez-Silver. Supervisors, at every level, have a duty to ensure that their subordinates are conducting thorough, professional, and unbiased investigations. A quality investigation that is beyond reproach, and beyond doubt of its veracity should be the norm of any investigation conducted by law enforcement officers/agents. Quality investigations should not be reserved for very high profile cases such as the heinous and senseless murder of Jaydon Chavez-Silver. The quality of the investigation in the Chavez-Silver case is well below any acceptable standard. Not only did this investigation fall way short of any acceptable standard, the investigation

was horribly tainted by the investigative techniques of intimidation, coercion, and threats that were utilized.

There is absolutely no excuse for police supervisors to not ensure that the information obtained by investigators in a criminal case be factual, without bias, and defensible in a court of law. Information obtained through coercion, intimidation, and promises to witnesses should never be a part of any criminal investigation.

3. One of the main purposes of this Complaint is to hold Det. Jodi Gonterman and her chain of command supervisors, up to and including Chief of Police Eden, accountable for the corrupt investigation that was conducted in the case of the murder of Jaydon Chavez-Silver on June 26, 2015.
4. During a recent meeting with Nicole Chavez-Lucero, the mother of Jaydon Chavez-Silver, she informed me that she had been told that the reason the charges against Donovan Maez and Christopher Cruz had been dropped was because the witnesses in this case had been threatened if they testified against Maez and Cruz. As outlined in this document, that assertion is blatantly false. The fact that Ms. Chavez-Lucero would be told witnesses had been threatened, which resulted in the dropping of charges against Maez and Cruz is totally consistent with the pattern of intimidation, coercion, and lies that have been committed by investigators in this case.

Respectfully submitted for review and action,

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