

**SECOND JUDICIAL DISTRICT COURT  
COUNTY OF BERNALILLO  
STATE OF NEW MEXICO**

Shelly Swope

**ANDREW JONES,**

**Plaintiff,**

vs.

**No. D-202-CV-2014-03426**

**THE CITY OF ALBUQUERQUE  
POLICE DEPARTMENT,  
And THE DEPARTMENT OF PUBLIC  
SAFETY OF THE STATE OF NEW MEXICO,**

**Defendants.**

**COMPLAINT TO ENFORCE THE INSPECTION OF  
PUBLIC RECORDS ACT, FOR PRODUCTION OF PUBLIC  
RECORDS, AND FOR DAMAGES, COSTS AND ATTORNEYS' FEES**

COMES NOW Plaintiff, by and through his attorneys, Kennedy Law Firm and Abbott Law Firm, L.L.C., and state:

1. This action is brought pursuant to NMSA 1978 §14-2-12 to enforce the provisions of the Inspection of Public Records Act, NMSA 1978 §14-2-1 to §14-2-12 ("IPRA").
2. Plaintiff has been appointed the personal representative for the estate of James Matthew Boyd. (See Attached, Plaintiff's **Exhibit 1**).
3. James Matthew Boyd was a resident of the State of New Mexico in the County of Bernalillo.
4. Andrew Jones has retained the Kennedy Law Firm to investigate whether the City of Albuquerque is liable for the killing of the decedent.
5. The Albuquerque Police Department is a division of the City of Albuquerque in the State of New Mexico.
6. The Department of Public Safety is a division of the State of New Mexico.

7. The Kennedy Law Firm is obligated under rules of professional conduct to investigate the facts leading up to the killing of James Boyd.

8. Defendant City of Albuquerque Police Department is a public agency operating under the laws of the State of New Mexico.

9. Defendant DPS is a public agency operating under the laws of the State of New Mexico.

10. As used in the IPRA, the term "public records" means all documents, papers, letters, books, maps, tapes, photographs, recordings and other materials, regardless of physical form or characteristics, that are used, created, received, maintained or held by or on behalf of any public body and relate to public business, whether or not the records are required by law to be created or maintained. NMSA 1978 §14-2-6.

11. Plaintiff, through the Kennedy Law Firm, made written requests for public records pursuant to IPRA. The Defendants have refused to produce many of the requested items.

12. On April 8, 2014, the Kennedy Law Firm e-mailed the Albuquerque Police Department's records custodian, Mr. Chavez, a written request for records related to the shooting of Boyd, to include recordings and CIT training contracts relevant to the officers' training. (See Attached, Plaintiff's **Exhibit 2** and **Exhibit 3**).

13. On April 8, 2014, Plaintiff made an IPRA request to the Department of Public Safety specifically requesting the lapel/belt audio and/or video of any police officer who was present at the shooting among other records. (See Attached, Plaintiff's **Exhibit 4**).

14. On April 9, 2014, Mr. Chavez e-mailed The Kennedy Law Firm acknowledging receipt of the IPRA request. (See Attached, Plaintiff's **Exhibit 5**).

15. On April 22, 2014, the Department of Public Safety Records Custodian, Regina Chacon, responded to Plaintiff's IPRA request refusing to provide the lapel/belt audio and/or video

recordings made by police officers who were present at the shooting. (See Attached, Plaintiff's **Exhibit 6**).

16. On April 29, 2014, The Kennedy Law Firm emailed Mr. Chavez and requested an estimated date for delivery of requested materials. (See Attached, Plaintiff's **Exhibit 7**).

17. On April 29, 2014, Albuquerque City Attorney Kathryn Levy responded to The Kennedy Law Firm, saying a response would be sent the next day. (See Attached, Plaintiff's **Exhibit 8**).

18. On April 29, 2014, The Kennedy Law Firm responded, asking if they should expect the requested audio/transcript recordings and materials from Mr. Chavez. (See Attached, Plaintiff's **Exhibit 9**).

19. On April 29, 2014, Ms. Levy responded that the information would be addressed in the letter response from her, which was to be sent the next day. (See Attached, Plaintiff's **Exhibit 10**).

20. On May 6, 2014, The Kennedy Law Firm emailed Ms. Levy, asking for the estimated time of arrival for the City's IPRA response. (See Attached, Plaintiff's **Exhibit 11**).

21. On May 7, 2014, The Kennedy Law Firm called Ms. Levy's office and was transferred to Ms. Levy's assistant's voicemail. The Kennedy Law Firm left a voicemail and then followed up with another email to Ms. Levy. (See Attached, Plaintiff's **Exhibit 12**).

22. On May 7, 2014, Ms. Levy responded in an email, saying that the CIT contracts and a formal response would be available on May 8, 2014. (See Attached, Plaintiff's **Exhibit 13**).

23. On May 9, 2014, Ms. Levy sent an email to Ms. Kennedy along with an accompanying email, which contained one (1) Crisis Intervention Technician (CIT) contract. (See Attached, Plaintiff's **Exhibit 14 and Exhibit 15**).

24. Defendants have denied Plaintiff's IPRA requests, citing IPRA 14-2-1(A)(4) NMSA 1978. Both Defendants have also cited a purported request by the federal government that these public agencies not release the requested materials.

25. "The United States is an indivisible 'Union of sovereign States'" Arizona v. United States, \_\_\_ U.S. \_\_\_, 132 S. Ct. 2492, 2511 (2012) (Scalia, J.) (dissenting). The defendants have cited no authority allowing them to ignore the State of New Mexico's law requiring disclosure of public records due to the request of federal government officials.

26. 14-2-1(A)(4) NMSA 1978 states "Every person has a right to inspect public records of this state except ... law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime. Law enforcement records include evidence in any form received or compiled in connection with a criminal investigation or prosecution by a law enforcement or prosecuting agency, including inactive matters or closed investigations to the extent that they contain the information listed in this paragraph".

27. Defendant has made no attempt or effort to make non-exempt information, documents or material evidence available for Plaintiff's review, nor indicate how the records requested fall within the cited exemption.

28. The records requested reveal no confidential sources.

29. The information requested reveals no methods.

30. The information requested reveals no information or individuals accused but not charged with a crime; Plaintiff's brother has already been identified, is deceased, and will not be charged with a crime.

31. The identity of the shooting officers is already known and public information.

#### **FACTS OF REQUEST**

32. This court has jurisdiction to hear this matter.
33. Venue for this action is appropriate in the Second Judicial District Court, in the County of Bernalillo, in the State of New Mexico
34. Plaintiff is a proper party to enforce the provisions of the IPRA by bringing this action. NMSA 1978 §14-2-12.
35. Defendants have wrongfully and illegally refused and failed to produce the public records sought by Plaintiff as set out above.
36. The public is entitled to the greatest possible information regarding the affairs of government and the official acts of public officers and employees.
37. The public's right to access to public records is the rule and secrecy is the exception.
38. The public has a right to the disclosure of the information requested as it has an interest in the activities of police agencies, particularly when those police agencies are responsible for the death of a member of the community and then seek to conceal the circumstances of the death from the public.
39. Such procedures of the Albuquerque Police officers and the Department of Public Safety officers and supporting agencies must be assessed to assure citizens that the New Mexico state constitution is being upheld through the proper adherence to rules and procedures.
40. In this matter, the public's right to access the public records sought by Plaintiff outweighs any interest in confidentiality or administrative claims of privilege for the specific request, relating to the safety of our citizens.
41. It is the intent of the legislature, and the public policy of the State of New Mexico, that to provide the public with such information is an essential function of a representative government and an integral part of the routine duties of public officers and employees.

42. Protected personal identifier information contained in public records may be redacted by a public body before inspection or copying of a record. The presence of protected personal identifier information on a record does not exempt the record from inspection. NMSA 1978 §14-2-1B. (Amended by 2011, c. 134, s. 2, eff. 7/1/2011).

43. IPRA provides that requester may be awarded damages when the failure to provide a timely explanation of a denial is determined to be unreasonable. NMSA 1978 §14-2-11C. The award of damages for failure to provide a timely explanation of a denial shall not exceed one hundred dollars (\$100) per day. *Id.*

44. In this enforcement action, Plaintiff has incurred damages, costs, expenses and is entitled to an award of reasonable attorneys' fees.

45. IPRA provides that a district court may issue a writ of mandamus or order an injunction or other appropriate remedy to enforce the provisions of the Inspection of Public Records Act. NMSA 1978 §14-2-12B. Accordingly, Plaintiff seeks an Order from this court requiring Defendants to produce the Public Records sought by Plaintiff (except for documents protected from disclosure by the DPPA and the NMDPPA).

46. IPRA provides that the court shall award damages, costs and reasonable attorneys' fees to any person whose written request has been denied and is successful in a court action to enforce the provisions of the Inspection of Public Records Act. NMSA 1978 §14-2-12D.

Wherefore, Plaintiff requests this Court to:

- A. Order Defendants to produce all information, documents, reports and other materials relevant to Plaintiff's records requests of April 8, 2014 related to the shooting death of James Boyd.

- B. Order Defendants to produce all records sought by Plaintiff in its Requests (except for documents protected from disclosure by the DPPA and the NMDPPA and protected personal identifier information contained in public records which may be redacted).
- C. Award damages, costs and reasonable attorneys' fees to Plaintiff.
- D. Grant such other and further relief as to the Court seems proper.

Respectfully Submitted,

KENNEDY LAW FIRM

/s/ Joseph P. Kennedy

Joseph P. Kennedy

Shannon L. Kennedy

Theresa V. Hacsí

*Co-Counsel for Plaintiff*

1000 Second Street NW

Albuquerque, New Mexico 87102

(505) 244-1400; Fax (505) 244-1406

Matt Abbott, Esquire

**ABBOTT LAW FIRM, L.L.C.**

*Co-Counsel for the Plaintiff*

2100 Morris Avenue

Birmingham, AL 35203

(205) 338-7800; Fax: (205) 224-5573

FILED IN MY OFFICE  
DISTRICT COURT CLERK  
4/11/2014 8:52:46 AM  
GREGORY T. IRELAND

SECOND JUDICIAL DISTRICT COURT  
STATE OF NEW MEXICO  
COUNTY OF BERNALILLO

Lorenzo Renteria

D-202-CV-2014-02393

IN RE APPOINTMENT OF PERSONAL  
REPRESENTATIVE TO PURSUE  
WRONGFUL DEATH CLAIM ON BEHALF  
OF JAMES BOYD, deceased

**ORDER APPOINTING PERSONAL REPRESENTATIVE  
FOR JAMES BOYD IN ACCORDANCE WITH NMSA 1978 § 41 -2-1 et seq.**

This matter having come before the court on Movant's, Andrew Jones, Petition to Appoint Personal Representatives for the Estate of James Boyd, deceased, under the Wrongful Death Act, and the Court being fully advised,

FINDS: That the Petition is well taken and should be granted.

IT IS therefore ORDERED that Andrew Jones is appointed Personal Representative of the Estate of James Boyd for the purpose of investigating, pursuing and resolving a wrongful death action under NMSA Section 41-2-1 et seq.



C. SHANNON BACON  
DISTRICT COURT JUDGE



Submitted by:

KENNEDY LAW FIRM

/s/ Shannon L. Kennedy

Shannon L. Kennedy

Joseph P. Kennedy

Theresa V. Hacsí

*Attorneys for Movant*

1000 Second Street NW

Albuquerque, New Mexico 87102

(505) 244-1400 F:(505) 244-1406

# THE KENNEDY LAW FIRM

1000 2<sup>nd</sup> Street, N.W.

Albuquerque, New Mexico 87102

Tel. (505) 244-1400; Fax (505) 244-1406

e-mail: [kennedylaw@civilrightslawnewmexico.com](mailto:kennedylaw@civilrightslawnewmexico.com)

April 8, 2014

*via electronic mail to:*

City of Albuquerque, Legal Department

Attn: Kathryn Levy

Email: [klevy@cabq.gov](mailto:klevy@cabq.gov)

Albuquerque Police Department

City of Albuquerque, Inspection of Public Records Department

Attn: Reynaldo Chavez

Email: [chavezr@cabq.gov](mailto:chavezr@cabq.gov)

RE: IPRA Request re Audio Recordings,  
Transcripts from Incident (DOI: 3/16/2014), and  
CIT Training Contract

Dear Ms. Levy and Mr. Chavez:

Please accept this correspondence as a request for public records under the New Mexico Public Records Act, NMSA 1978, § 14-2. The Kennedy Law Firm requests copies of any and all existing audio recordings, and/or transcripts of audio recordings, from the officer involved shooting incident occurring on or about March 16, 2014 in the foothills of Albuquerque, New Mexico and involving James Boyd (DOB: 4/8/75). We, specifically, request the lapel/belt video and/or audio of APD officer Keith Sandy. We also request CAD reports and master recordings of the incident. We request any documents that show the identities of any/all Albuquerque Police Department (APD) officers who were present at the scene of the incident on the date of the aforementioned incident. We request any/ all reports written by APD officers who were at the scene or any reports or supplemental reports regarding the shooting of James Boyd.

We request any written communication within the City about the shooting of James Boyd.

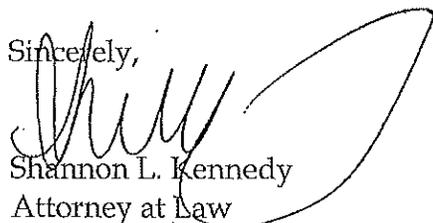
To the extent of state law, we request copies of any complaints filed against Keith Sandy or Dominic Perez.



Also, pursuant to the above stated public records statute, The Kennedy Law Firm requests a complete copy of the contract and/or agreement entered into by the City of Albuquerque and/or Albuquerque Police Academy, in regards to the crisis intervention training (CIT) of officers in its employ or certified by the above named agencies as "crisis intervention technicians". Specifically, we request information regarding the CIT certification and training process for individuals employed by the Albuquerque Police Department.

Contact our office with any questions or concerns you may have. Thank you for your assistance in this matter.

Sincerely,



Shannon L. Kennedy  
Attorney at Law  
KENNEDY LAW FIRM

SLK/kes

# IPRA re Audio/Transcript from Incident (DOI: 3/16/14), and CIT Training Contract

kes@civilrightslawnewmexico.com [kes@civilrightslawnewmexico.com]

**Sent:** 4/8/2014 3:37 PM

**To:** "Kathryn Levy" <KLew@cabq.gov>, "Reynaldo Chavez" <chavezr@cabq.gov>

**Cc:** "Joseph Kennedy" <jpk@civilrightslawnewmexico.com>, "Shannon Kennedy" <slk@civilrightslawnewmexico.com>, th@civilrightslawnewmexico.com, "Tiffany McCree" <tmm@civilrightslawnewmexico.com>

Dear Ms. Levy and Mr. Chavez:

Attached, please find one (1) IPRA request letter.

Feel free to contact me directly with any questions or concerns you may have. Thank you.

Sincerely,

Katherine Stimpson  
Paralegal  
Kennedy Law Firm  
1000 2nd Street NW  
Albuquerque, NM 87102  
[kes@civilrightslawnewmexico.com](mailto:kes@civilrightslawnewmexico.com)  
office: (505) 244-1400  
fax: (505) 244-1406

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**Attachments:** [IPRA to City and APD Records 4.8.14.pdf](#)

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# THE KENNEDY LAW FIRM

1000 2<sup>nd</sup> Street, N.W.

Albuquerque, New Mexico 87102

Tel. (505) 244-1400; Fax (505) 244-1406

e-mail: [kennedylaw@civilrightslawnewmexico.com](mailto:kennedylaw@civilrightslawnewmexico.com)

April 8, 2014

via electronic mail to:

New Mexico Department of Public Safety

Attn: Records Custodian

Email: [dps.ipra@state.nm.us](mailto:dps.ipra@state.nm.us)

RE: IPRA Request for Belt-tape Audio and  
Transcript of Incident (DOI: 3/16/14)

Dear Records Custodian:

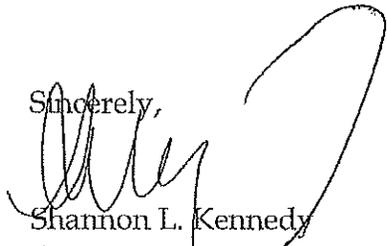
Please accept this correspondence as a request for public records under the New Mexico Public Records Act, NMSA 1978, § 14-2. The Kennedy Law Firm requests copies of any and all existing audio recordings, and/or transcripts of audio recordings, from the Albuquerque Police Department officer involved shooting incident occurring on or about March 16, 2014 involving James Boyd (DOB: 4/8/75). We, specifically, request the lapel/belt audio and/or video of any police officer who was present at the shooting. Also, provide the following:

1. We request any documents that will reveal the identities of any/all New Mexico State Police/ New Mexico Department of Public Safety (NMSP/NMDPS) officers who were present at the scene of the incident on the date of the aforementioned incident;
2. any/ all reports written by NMSP/NMDPS officers who were at the scene or any reports or supplemental reports regarding the shooting of James Boyd;
3. any/ all electronic mail or communications regarding the above reference incident.

Contact our office with any questions or concerns you may have. Thank you for your assistance in this matter.



Sincerely,

A handwritten signature in black ink, appearing to read 'Shannon L. Kennedy', written over the printed name.

Shannon L. Kennedy  
Attorney at Law

KENNEDY LAW FIRM

# RE: IPRA re Audio/Transcript from Incident (DOI: 3/16/14), and CIT Training Contract

Chavez, Reynaldo L. [chavezr@cabq.gov]

**Sent:** 4/9/2014 7:28 AM

**To:** kes@civilrightslawnewmexico.com

**Cc:** "Levy, Kathryn C." <KLevy@cabq.gov>

**Ms. Stimpson,**

**This email will acknowledge receipt of your public records request dated April 08, 2014. Please be advised we are reviewing your request to determine what public records are responsive and whether any exceptions to their production apply. We will continue our review and contact you prior to the expiration of fifteen (15) days from the receipt of your request. Please do not hesitate to contact me if you have any questions or comments.**

**Kind regards,**

**Reynaldo L. Chavez**  
**APD Records Custodian/IPRA Manager**  
**Office: (505) 768-2007**  
**Cell: (505) 235-2160**  
**chavezr@cabq.gov**

---

**From:** kes@civilrightslawnewmexico.com [mailto:kes@civilrightslawnewmexico.com]  
**Sent:** Tuesday, April 08, 2014 4:37 PM  
**To:** Levy, Kathryn C.; Chavez, Reynaldo L.  
**Cc:** Joseph Kennedy; Shannon Kennedy; tvh@civilrightslawnewmexico.com; Tiffany McCree  
**Subject:** IPRA re Audio/Transcript from Incident (DOI: 3/16/14), and CIT Training Contract

Dear Ms. Levy and Mr. Chavez:

Attached, please find one (1) IPRA request letter.

Feel free to contact me directly with any questions or concerns you may have. Thank you.

Sincerely,

Katherine Stimpson  
Paralegal  
Kennedy Law Firm  
1000 2nd Street NW  
Albuquerque, NM 87102  
kes@civilrightslawnewmexico.com  
office: (505) 244-1400  
fax: (505) 244-1406



**CONFIDENTIALITY NOTICE:** This message is confidential and intended only for the use of the



# NEW MEXICO DEPARTMENT OF PUBLIC SAFETY

POST OFFICE BOX 1628 • SANTA FE, NEW MEXICO 87504-1628



**SUSANA MARTINEZ**  
GOVERNOR

**GREGORY J. FOURATT**  
CABINET SECRETARY-DESIGNATE

OFFICE OF THE SECRETARY  
505/ 827-3370

MOTOR TRANSPORTATION POLICE  
505/ 476-2457

SPECIAL INVESTIGATIONS  
505/ 841-8053

**PETE N. KASSETAS**  
CHIEF/ DEPUTY SECRETARY  
LAW ENFORCEMENT OPERATIONS

OFFICE OF THE CHIEF  
NEW MEXICO STATE POLICE  
505/ 827-9219

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505/ 827-3332

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**PATRICK M. MOONEY**  
DEPUTY SECRETARY  
STATEWIDE LAW ENFORCEMENT  
SERVICES AND SUPPORT

OFFICE OF THE DEPUTY SECRETARY  
505/ 827-9277

INFORMATION TECHNOLOGY  
505/ 827-9262

TRAINING AND RECRUITING  
505/ 827-9251

April 22, 2014  
VIA FIRST CLASS MAIL & E-MAIL

Katherine Stimpson  
Kennedy Law Firm  
1.000 2<sup>nd</sup> Street NW  
Albuquerque, NM 87102  
kes@civilrightslawnewmexico.com

Dear Ms. Stimpson:

The New Mexico Department of Public Safety (DPS) carefully reviewed your request pursuant to the Inspection of Public Records Act, NMSA 1978, §§ 14-2-1, et seq. (IPRA) for information related to the March 16, 2014 death of James M. Boyd. New Mexico State Police (NMSP) is created by statute as a division contained within the DPS. NMSA 1978, § 29-2-1. It is the duty of law enforcement officers with the NMSP to investigate all violations of criminal laws of the state. NMSA 1978, § 29-1-1.

On March 16, 2014, law enforcement officers with NMSP provided assistance to the Albuquerque Police Department (APD) pursuant to their statutory duty to cooperate with other state law enforcement agencies in the detection and investigation of possible criminal conduct. NMSA 1978, § 29-3-2. As a result, NMSP is in possession of investigative reports, audio/video evidence, and investigatory materials that would be responsive to the areas outlined in your request.

DPS, consistent with the IPRA, desires to provide the public with the "greatest possible information regarding the affairs of government." NMSA 1978, § 14-2-5. However, there are occasions where certain material may be withheld on the basis of the law enforcement exception found in NMSA 1978, § 14-2-1(A)(4) where release of the requested information poses a demonstrable and serious threat to an ongoing criminal investigation. The legislature has recognized in these instances a competing public policy interest in providing for the proper enforcement of criminal laws which is achieved, in part, by allowing investigators to identify and properly interview witnesses and secure evidence.

The circumstances surrounding the death of Mr. Boyd have resulted in a pending criminal investigation by the Federal Bureau of Investigation (FBI). NMSP is required by state law to cooperate with the FBI in its "criminal identification and investigation" into this matter. NMSA 1978, § 29-3-3. The FBI has specifically requested that DPS not publicly release evidence related to this investigation in order to maintain the integrity of its investigation. Further, through federal subpoena, the FBI has sought the records that are covered by your public records request. The attached subpoena is responsive to your



**CALEA**  
ACCREDITED LAW ENFORCEMENT AGENCY



request and release will not compromise the investigation. In addition, the release of the NMSP primary incident report would not present demonstrable and serious risk to the ongoing investigation and, as such, it is attached.

The NMSP law enforcement investigatory reports and materials related to this request identify emergency, non-emergency, and civilian personnel who were on-scene before, during, and after the incident. In varying degrees, all of these individuals are witnesses to the events surrounding the death of Mr. Boyd. These investigatory reports and materials note specific actions or inactions, impressions, observations, and statements of these numerous and varied individuals who were on-scene. The public release of these materials at this juncture would interfere with, and threaten the integrity of, the FBI investigation into the events that transpired on March 16, 2014.

It is critical for the FBI investigators assigned to this matter to have an opportunity to review all of the investigatory materials in the possession of NMSP to assess investigatory leads prior to conducting follow-up and, more specifically, interviewing witnesses. In any active investigation, it is essential for investigators to have as much information as possible prior to formally interviewing potential subjects and witnesses in order to ask appropriate and relevant questions; evaluate the credibility and veracity of their statements; and, when necessary, confront witnesses with evidence, reports, and/or prior statements.

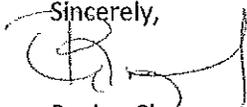
The premature public release of information in this instance would reveal the names of potential witnesses; permit potential witnesses, if they chose, to modify or tailor their versions of events in light of information learned from a review of these records; and, reveal to potential witnesses the strengths, weaknesses, and completeness of the investigation. These serious and demonstrable concerns are the basis for asserting a law enforcement privilege to temporarily withhold production of public records responsive to your request.

As indicated, the investigation into the death of Mr. Boyd has been classified as an active on-going criminal investigation by the FBI. The records that you have requested will be preserved and provided to you when the release of such records no longer jeopardizes the law enforcement investigation.

DPS is cognizant of not only the high profile nature of this investigation but, also, the need for the public to have accurate and complete information about the events under investigation as soon as reasonably practical. The information produced and withheld pursuant to your request was done so at the direction of State Police Chief Pete Kassetas.

DPS is able to confirm that APD officer Keith Sandy was previously employed with NMSP. Personnel records, other than matters of opinion in personnel files, are subject to inspection. NMSA 1978, § 14-2-1(A)(4). The release of these documents does not pose a demonstrable and serious threat to the ongoing investigation and, as such, they are available for your inspection.

Sincerely,



Regina Chacon  
Records Custodian  
Department of Public Safety

Rec'd 4/2/14 @ 10:30  
Luis Morcado

# United States District Court

FOR THE DISTRICT OF NEW MEXICO

TO:

New Mexico State Police  
Santa Fe, New Mexico  
Attn: Custodian of Records

## SUBPOENA TO TESTIFY BEFORE GRAND JURY

SUBPOENA FOR:  
 PERSON  DOCUMENT(S) OR OBJECT(S)

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date, and time specified below.

PLACE PETE V. DOMENICI United States Courthouse 333 Lomas NW Albuquerque, New Mexico	ROOM GRAND JURY ROOM
	DATE AND TIME Commencing 4/8/14 at 8:30 through conclusion of the grand jury session

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):\*

Please see additional information on reverse.

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

CLERK  (By) Deputy Clerk   DAMON P. MARTINEZ ACTING UNITED STATES ATTORNEY	DATE  March 31, 2014	NAME, ADDRESS AND PHONE NUMBER OF ASSISTANT U.S. ATTORNEY HOLLAND S. KASTRIN Assistant U.S. Attorney Post Office Box 607 Albuquerque, New Mexico 87103 (505) 346-7274 0124914001
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

\* If not applicable, enter "none".

# RE: IPRA re Audio/Transcript from Incident (DOI: 3/16/14), and CIT Training Contract

kes@civilrightslawnewmexico.com [kes@civilrightslawnewmexico.com]

Sent: 4/29/2014 8:24 AM

To: "Chavez, Reynaldo L." <chavezr@cabq.gov>

Cc: "Levy, Kathryn C." <KLevy@cabq.gov>, "Joseph Kennedy" <jpk@civilrightslawnewmexico.com>, "Shannon Kennedy" <slk@civilrightslawnewmexico.com>, tvh@civilrightslawnewmexico.com, "Tiffany McCree" <tmm@civilrightslawnewmexico.com>

Good morning, Mr. Chavez:

May I request an estimated date of delivery for the requested materials? Please see emails below, and attached IPRA request.

Thank you for the update and for your continued assistance with this request.

Sincerely,

Katherine Stimpson  
Paralegal  
Kennedy Law Firm  
1000 2nd Street NW  
Albuquerque, NM 87102  
[kes@civilrightslawnewmexico.com](mailto:kes@civilrightslawnewmexico.com)  
office: (505) 244-1400  
fax: (505) 244-1406

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----- Original Message -----

Subject: RE: IPRA re Audio/Transcript from Incident (DOI: 3/16/14), and  
CIT Training Contract

From: <[kes@civilrightslawnewmexico.com](mailto:kes@civilrightslawnewmexico.com)>

Date: Wed, April 09, 2014 9:24 am

To: "Chavez, Reynaldo L." <chavezr@cabq.gov>

Cc: "Levy, Kathryn C." <KLevy@cabq.gov>, "Joseph Kennedy"  
<[jpk@civilrightslawnewmexico.com](mailto:jpk@civilrightslawnewmexico.com)>, "Shannon Kennedy"

<[slk@civilrightslawnewmexico.com](mailto:slk@civilrightslawnewmexico.com)>, [tvh@civilrightslawnewmexico.com](mailto:tvh@civilrightslawnewmexico.com),

"Tiffany McCree" <[tmm@civilrightslawnewmexico.com](mailto:tmm@civilrightslawnewmexico.com)>

Thank you.

Sincerely,

Katherine Stimpson  
Paralegal  
Kennedy Law Firm  
1000 2nd Street NW  
Albuquerque, NM 87102  
[kes@civilrightslawnewmexico.com](mailto:kes@civilrightslawnewmexico.com)



# IPRA re Boyd and CIT contract

Levy, Kathryn C. [KLewy@cabq.gov]

Sent: 4/29/2014 2:20 PM

To: kes@civilrightslawnewmexico.com

---

Dear Kate: This is in response to the email you sent Reynaldo Chavez this morning. I will send you a formal response tomorrow but the CIT contracts should be available by the end of the week.

Kathy

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# RE: IPRA re Boyd and CIT contract

kes@civilrightslawnewmexico.com [kes@civilrightslawnewmexico.com]

Sent: 4/29/2014 2:45 PM

To: "Levy, Kathryn C." <KLewy@cabq.gov>

Thank you, Ms. Levy.

Will I be hearing about the other portions (audio/transcripts, supplementals, etc.) from Mr. Chavez?

I'll be looking for your letter. Have a good afternoon.

Sincerely,

Katherine Stimpson  
Paralegal  
Kennedy Law Firm  
1000 2nd Street NW  
Albuquerque, NM 87102  
[kes@civilrightslawnewmexico.com](mailto:kes@civilrightslawnewmexico.com)  
office: (505) 244-1400  
fax: (505) 244-1406

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----- Original Message -----

Subject: IPRA re Boyd and CIT contract  
From: "Levy, Kathryn C." <KLewy@cabq.gov>  
Date: Tue, April 29, 2014 2:20 pm  
To: <[kes@civilrightslawnewmexico.com](mailto:kes@civilrightslawnewmexico.com)>

Dear Kate: This is in response to the email you sent Reynaldo Chavez this morning. I will send you a formal response tomorrow but the CIT contracts should be available by the end of the week.

Kathy

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# RE: IPRA re Boyd and CIT contract

Levy, Kathryn C. [KLewy@cabq.gov]

Sent: 4/29/2014 2:57 PM

To: kes@civilrightslawnewmexico.com

That will be in the letter, too.

---

**From:** kes@civilrightslawnewmexico.com [mailto:kes@civilrightslawnewmexico.com]

**Sent:** Tuesday, April 29, 2014 3:45 PM

**To:** Levy, Kathryn C.

**Subject:** RE: IPRA re Boyd and CIT contract

Thank you, Ms. Levy.

Will I be hearing about the other portions (audio/transcripts, supplementals, etc.) from Mr. Chavez?

I'll be looking for your letter. Have a good afternoon.

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Subject: IPRA re Boyd and CIT contract

From: "Levy, Kathryn C." <[KLewy@cabq.gov](mailto:KLewy@cabq.gov)>

Date: Tue, April 29, 2014 2:20 pm

To: <[kes@civilrightslawnewmexico.com](mailto:kes@civilrightslawnewmexico.com)>

Dear Kate: This is in response to the email you sent Reynaldo Chavez this morning. I will send you a formal response tomorrow but the CIT contracts should be available by the end of the week.

Kathy



# RE: IPRA re Boyd and CIT contract

kes@civilrightslawnewmexico.com [kes@civilrightslawnewmexico.com]

Sent: 5/6/2014 8:22 AM

To: "Levy, Kathryn C." <KLevy@cabq.gov>

Cc: "Joseph Kennedy" <jpk@civilrightslawnewmexico.com>, "Shannon Kennedy" <slk@civilrightslawnewmexico.com>, tm@civilrightslawnewmexico.com, "Tiffany McCree" <tmm@civilrightslawnewmexico.com>

Good morning, Ms. Levy:

May I ask for an ETA on the IPRA response letter we'd been corresponding about, below?

Thank you.

Sincerely,

Katherine Stimpson  
Paralegal  
Kennedy Law Firm  
1000 2nd Street NW  
Albuquerque, NM 87102  
[kes@civilrightslawnewmexico.com](mailto:kes@civilrightslawnewmexico.com)  
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----- Original Message -----

Subject: RE: IPRA re Boyd and CIT contract  
From: "Levy, Kathryn C." <KLevy@cabq.gov>  
Date: Tue, April 29, 2014 2:57 pm  
To: <[kes@civilrightslawnewmexico.com](mailto:kes@civilrightslawnewmexico.com)>

That will be in the letter, too.

---

**From:** [kes@civilrightslawnewmexico.com](mailto:kes@civilrightslawnewmexico.com) [mailto:[kes@civilrightslawnewmexico.com](mailto:kes@civilrightslawnewmexico.com)]  
**Sent:** Tuesday, April 29, 2014 3:45 PM  
**To:** Levy, Kathryn C.  
**Subject:** RE: IPRA re Boyd and CIT contract

Thank you, Ms. Levy.

Will I be hearing about the other portions (audio/transcripts, supplementals, etc.) from Mr. Chavez?

I'll be looking for your letter. Have a good afternoon.

Sincerely,



# RE: IPRA re Boyd and CIT contract

kes@civilrightslawnewmexico.com [kes@civilrightslawnewmexico.com]

Sent: 5/7/2014 1:32 PM

To: "Levy, Kathryn C." <KLevy@cabq.gov>

Cc: "Joseph Kennedy" <jpk@civilrightslawnewmexico.com>, "Shannon Kennedy" <slk@civilrightslawnewmexico.com>, tvh@civilrightslawnewmexico.com, "Tiffany McCree" <tmm@civilrightslawnewmexico.com>

Good afternoon, Ms. Levy:

I tried to give your office a call this morning, regarding the below referenced request, and was transferred to your assistant, Sandra's, voicemail.

Please contact our office to give some kind of an indication as to when the City and/or APD will be responding to our IPRA request, dated April 8, 2014? I appreciate your prompt attention to this matter.

Sincerely,

Katherine Stimpson  
Paralegal  
Kennedy Law Firm  
1000 2nd Street NW  
Albuquerque, NM 87102  
[kes@civilrightslawnewmexico.com](mailto:kes@civilrightslawnewmexico.com)  
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----- Original Message -----

Subject: RE: IPRA re Boyd and CIT contract

From: <[kes@civilrightslawnewmexico.com](mailto:kes@civilrightslawnewmexico.com)>

Date: Tue, May 06, 2014 8:22 am

To: "Levy, Kathryn C." <KLevy@cabq.gov>

Cc: "Joseph Kennedy" <[jpk@civilrightslawnewmexico.com](mailto:jpk@civilrightslawnewmexico.com)>, "Shannon Kennedy" <[slk@civilrightslawnewmexico.com](mailto:slk@civilrightslawnewmexico.com)>, [tvh@civilrightslawnewmexico.com](mailto:tvh@civilrightslawnewmexico.com), "Tiffany McCree" <[tmm@civilrightslawnewmexico.com](mailto:tmm@civilrightslawnewmexico.com)>

Good morning, Ms. Levy:

May I ask for an ETA on the IPRA response letter we'd been corresponding about, below?

Thank you.

Sincerely,

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Paralegal  
Kennedy Law Firm  
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Albuquerque, NM 87102  
[kes@civilrightslawnewmexico.com](mailto:kes@civilrightslawnewmexico.com)



# RE: IPRA re Boyd and CIT contract

Levy, Kathryn C. [KLewy@cabq.gov]

**Sent:** 5/7/2014 1:40 PM

**To:** kes@civilrightslawnewmexico.com

**Cc:** "Joseph Kennedy" <jpk@civilrightslawnewmexico.com>, "Shannon Kennedy" <slk@civilrightslawnewmexico.com>, tvh@civilrightslawnewmexico.com, "Tiffany McCree" <tmm@civilrightslawnewmexico.com>

Dear Ms. Stimpson:

There was some confusion on the issue of the CIT contract(s) which I believe we have clarified. The contract(s) should be available by tomorrow and I will email those to you. As to the Boyd document request, I will provide you the formal response tomorrow morning and any documents which can be released. Thank you for your patience.

Kathy

Kathryn Levy  
Deputy City Attorney

**From:** kes@civilrightslawnewmexico.com [mailto:kes@civilrightslawnewmexico.com]  
**Sent:** Wednesday, May 07, 2014 2:33 PM  
**To:** Levy, Kathryn C.  
**Cc:** Joseph Kennedy; Shannon Kennedy; tvh@civilrightslawnewmexico.com; Tiffany McCree  
**Subject:** RE: IPRA re Boyd and CIT contract

Good afternoon, Ms. Levy:

I tried to give your office a call this morning, regarding the below referenced request, and was transferred to your assistant, Sandra's, voicemail.

Please contact our office to give some kind of an indication as to when the City and/or APD will be responding to our IPRA request, dated April 8, 2014? I appreciate your prompt attention to this matter.

Sincerely,

Katherine Stimpson  
Paralegal  
Kennedy Law Firm  
1000 2nd Street NW  
Albuquerque, NM 87102  
[kes@civilrightslawnewmexico.com](mailto:kes@civilrightslawnewmexico.com)  
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# IPRA request dated April 8, 2014

Levy, Kathryn C. [KLewy@cabq.gov]

**Sent:** 5/9/2014 2:08 PM

**To:** slk@civilrightslawnewmexico.com

**Cc:** kes@civilrightslawnewmexico.com

Dear Ms. Kennedy:

This letter is in response to your IPRA request dated April 8, 2014. Attached is a CAD from which a list of some of the personnel on scene can be ascertained. As to the remaining items requested, please be identified that the same (with exceptions as noted below) are exempt from disclosure at the present time pursuant to Sec. 14-2-1A (4) and (8) NMSA 1978. In addition, the Federal Bureau of Investigation is conducting an investigation and requested that in order to maintain the integrity of the investigation and to avoid tainting witness testimony, the disclosure of the information at this time be addressed through the Freedom of Information Act. You will be notified when materials are no longer exempt and the requested documents will be provided except to the extent exemptions other than those cited are still applicable. As to your request regarding complaints filed against Keith Sandy or Dominic Perez, please advise when you are available to review and inspect the same (the documents will be available after noon on Tuesday, May. Although unclear from your request, I will assume you are not limiting your request to citizen complaints and will provide any non-exempt Internal Affairs materials as well.

By separate email, I will forward the current "CIT contract". I have requested older contracts and provide those on Tuesday for inspection along with the other documents being produced. Please do not hesitate to contact me if you have any questions.

Sincerely,

Kathy

Kathryn Levy  
Deputy City Attorney

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# IPRA response - CIT contract

Levy, Kathryn C. [KLewy@cabq.gov]

**Sent:** 5/9/2014 2:09 PM

**To:** slk@civilrightslawnewmexico.com

**Cc:** kes@civilrightslawnewmexico.com

---

<<KeyScan\_KS810P.pdf>> See attached as per my electronic correspondence of this date.

Kathryn Lewy

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**Attachments:** [KeyScan\\_KS810P.pdf](#)

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