

**STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT**

KEVIN NAULT,

,

Plaintiff,

v.

No. D-101-CV-2026-02530

Case assigned to Biedscheid, Bryan

**CITY OF SANTA FE and SARAH
STEVENSON,**

Defendants.

COMPLAINT FOR DAMAGES AND OTHER RELIEF

Plaintiff Kevin Nault (“Plaintiff”), through counsel, brings this Complaint against Defendant City of Santa Fe (the “City”) and Sarah Stevenson (“Stevenson”) (collectively, “Defendants”) and alleges as follows:

PARTIES

1. Plaintiff Kevin Nault resides in Santa Fe County, New Mexico, and a licensed attorney in good standing with the New Mexico state bar.

2. Defendant City of Santa Fe (the “City”) is a New Mexico municipality, a local public body under the NMTCA, and a public body under the NMCRA. The City operates the Santa Fe Police Department (“SFPD”) and employed Stevenson at all relevant times.

3. Defendant Sarah Stevenson is an SFPD police officer. On information and belief, she resides in Santa Fe County, New Mexico.

JURISDICTION AND VENUE

4. This Court has subject-matter jurisdiction because Plaintiff alleges violations of New Mexico law.

5. Personal jurisdiction exists and venue is proper in Santa Fe County pursuant to NMSA 1978, § 38-3-2.

FACTUAL ALLEGATIONS

6. This case arises from a meritless felony prosecution brought by Defendants against Plaintiff, and the irreparable harm to Plaintiff's reputation the prosecution caused.

7. During August 2023, Plaintiff resided with his then partner ("R.S."), their young child ("R.S.N), and R.S.'s teenage son from another relationship ("D.W.").

8. In August 2023, the teenage son ("D.W.") of Plaintiff's then-partner ("R.S.") became physically aggressive

9. Plaintiff was forced to restrain D.W. as both Plaintiff and R.S. had needed to do in the past.

10. Plaintiff sustained scratches and cuts during the struggle.

11. R.S. had left D.W. in Plaintiff's care prior to the incident, and did not return until after Plaintiff had deescalated the situation.

12. R.S. did not take D.W. for any medical care that night or during the following week.

13. D.W. stayed with his biological father, Daniel Wood ("Wood") following this incident.

14. D.W.'s biological father did not take D.W. for any medical care during that time.

15. In September 2023, Plaintiff and R.S. broke up, and began a contentious custody dispute over R.S.N. During that dispute, R.S. went to the SFPD and accused Plaintiff of child abuse based on the August incident with D.W.

16. SFPD conducted an investigation, during which Plaintiff sat for a voluntary interview. SFPD closed its investigation without charging Plaintiff with any wrongdoing.

17. Approximately six months following the incident, D.W. died by suicide.

18. That event set D.W.'s father, Daniel Wood ("Wood") on a misguided crusade to find someone—anyone—to blame for D.W.'s death.

19. Wood blames Plaintiff, apparently exclusively, for D.W.'s death.

20. In 2023 and 2024, Wood—a self-described “neurodivergent”—made repeated false reports to law enforcement that Plaintiff was abusing R.S.N. Those reports were investigated by SFPD and closed.

21. Wood has continuously defamed Plaintiff online on services including Reddit and Facebook.

22. Wood further launched a pressure campaign to coerce the City into firing Plaintiff, and to coerce SFPD into charging Plaintiff with a crime based on the August 2023 incident.

23. Wood sent repeated e-mails and social media messages to City officers and employees including the past and current Mayor and City Attorney, and Plaintiff’s coworkers in the City Attorney’s Office.

24. Wood also made numerous calls and visits to SFPD, and posted videos of those interactions on YouTube in an effort to create social pressure for SFPD to join his harassment campaign against Plaintiff.

25. SFPD repeatedly attempted to appease Wood. In 2024 and again in 2026, SFPD presented the information it had gathered to the First Judicial District Attorney’s Office (“FJDA”). Each time, the FJDA’s response was the same: criminal charges against Plaintiff were not viable.

26. Among other problems, D.W. had never been interviewed by law enforcement, was unavailable to testify because he had died, the available account was layered hearsay, and the only contemporaneous therapy notes were inconsistent with child abuse having occurred.

27. In April 2026, Wood met with Mayor Michael Garcia, Acting Chief of SFPD Ben Valdez, and City Attorney Marcos Martinez to again demand that Plaintiff be charged with child abuse.

28. Wood surreptitiously recorded that meeting and posted it on YouTube.

29. Wood, however, refused to let SFPD take ‘no’ for an answer, and continued his pressure campaign.

30. In May 2026, Plaintiff agreed to a second interview regarding the August 23, 2023, incident, in an effort to cooperate with law enforcement and establish his innocence.

31. At that interview, Stevenson told Plaintiff that Mayor Garcia had ordered that the case be reopened and reinvestigated.

32. On May 27, 2026, Stevenson signed a probable cause affidavit that relied on speculation and conjecture, ignored exculpatory evidence, and applied an incorrect legal standard for child abuse.

33. On June 1, 2026, SFPD and Stevenson filed a criminal complaint charging third-degree felony child abuse against Plaintiff in Santa Fe County Magistrate Court case number M-49-FR-202600501. The court then issued a criminal summons.

34. The case against Plaintiff received immediate attention from the New Mexico media, including articles in the Santa Fe New Mexican, Albuquerque Journal, and Yahoo! News.

35. On June 3, 2026, the FJDA filed a detailed nolle prosequi dismissing the criminal complaint. The filing stated that SFPD had been repeatedly advised that the case was not viable but had disregarded that legal assessment and filed the felony charge anyway.

36. The nolle prosequi further stated that the charging statement articulated the wrong legal standard; failed to articulate the substantial and unjustifiable risk required for reckless child abuse; did not properly account for the governing discipline standard; and relied on insufficient admissible evidence.

37. The FJDA stated that it had reached the same conclusion when it reviewed the police reports and gathered evidence in 2024 and again in 2026, and that SFPD's filing of a felony case did not transform insufficient evidence into sufficient evidence.

38. The nolle prosequi also emphasized that criminal charges must be supported by evidence and must not be initiated in response to external pressure.

39. On June 4, 2026, the FJDA filed a separate Notice of Declination to Prosecute. That filing stated that, after obtaining SFPD's discovery and screening the case, the FJDA found insufficient evidence to proceed and asked the court to categorize the matter as declined for prosecution.

40. The criminal proceeding thus terminated in Plaintiff's favor without a conviction, plea, probable-cause hearing, or trial.

41. Plaintiff was informed of the charges on Wednesday, June 4, 2026, prior to FJDA's dismissal, and was placed on administrative leave several days later.

42. Plaintiff suffered significant emotional distress from the charges and the broad media exposure.

43. Plaintiff was also forced to retain a criminal defense attorney to defend him in court from the baseless charges.

44. The public filing of a third-degree felony child-abuse charge predictably generated broad news and social-media exposure. The accusation associated Plaintiff's name with felony child abuse.

45. Plaintiff's livelihood depends on his reputation for trustworthiness, sound judgment, and professional integrity. The public felony charge irrevocably damaged his reputation with clients, colleagues, public officials, and the community and impaired his ability to practice law and obtain or retain professional opportunities.

46. Plaintiff has also suffered humiliation, anxiety, emotional distress, loss of enjoyment of life, and other personal injuries and actual damages in an amount to be proved at trial.

COUNT I
MALICIOUS ABUSE OF PROCESS (MALICIOUS PROSECUTION)
NEW MEXICO TORT CLAIMS ACT
(Against the City and Stevenson)

47. Plaintiff incorporates by reference all allegations in this Complaint.

48. Defendants used and actively participated in the use of judicial process by preparing and submitting the charging statement and procuring or causing the criminal complaint and summons to be filed against Plaintiff.

49. That use of process was improper because arguable probable cause did not exist, and Defendants lacked a reasonable belief, founded on known facts established after a reasonable

prefiling investigation, that the felony charge could be established to the satisfaction of a court or jury.

50. Defendants' primary motive was to accomplish an illegitimate end, including appeasing external pressure, inflicting reputational and professional harm

51. Plaintiff suffered the damages alleged above as a direct and proximate result of the misuse of process.

52. Stevenson was a law-enforcement officer acting within the scope of her duties. The NMTCA therefore waives immunity for the resulting malicious prosecution, abuse of process, and personal injuries under NMSA 1978, Section 41-4-12.

53. Under NMSA 1978, Sections 41-4-4 and 41-4-12, the City is liable for Stevenson's conduct because she acted within the scope of duty as a City employee and law-enforcement officer.

COUNT II
DEPRIVATION OF RIGHTS UNDER THE NEW MEXICO CIVIL RIGHTS ACT
("NMCRA")
N.M. CONST. art. II, §§ 4, 10, and 18
(Against the City Only)

54. Plaintiff incorporates by reference all allegations in this Complaint.

55. The City is a public body subject to the NMCRA. Under NMSA 1978, Section 41-4A-3(C), this claim is brought exclusively against the City, which is liable for conduct of persons acting on its behalf, under color of its authority, or within the course and scope of its authority.

56. Stevenson acted on behalf of, under color of, and within the course and scope of the City's authority when she investigated Plaintiff, prepared the charging statement, and caused or participated in causing the felony complaint and summons to issue.

57. Article II, Section 10 of the New Mexico Constitution protects people from unreasonable seizures. By causing a felony summons and criminal case to issue without probable cause, the City subjected Plaintiff to compulsory legal process, required him to submit to the criminal court's authority, and restrained his liberty under threat of arrest for noncompliance.

58. The seizure and compulsory criminal process were unreasonable because the known facts did not support a reasonable belief that reckless child abuse could be established, and because SFPD proceeded after repeated, specific warnings from the prosecuting authority that the evidence was insufficient and the legal standard was wrong.

59. Plaintiff invokes Article II, Section 10 as an independent state constitutional guarantee. To the extent federal law would define a summons or comparable compulsory criminal process more narrowly, Article II, Section 10 should be interpreted to protect New Mexicans from the State's use of felony process unsupported by probable cause.

60. In the alternative, Article II, Section 4 recognizes Plaintiff's inherent rights to liberty, property, safety, and happiness, and Article II, Section 18 protects those interests from governmental action that shocks the conscience or interferes with rights implicit in ordered liberty.

61. The deliberate use of a public felony accusation for an illegitimate purpose was arbitrary, conscience-shocking, and an abuse of governmental power. The felony summons imposed compulsory criminal process and an immediate legal restraint on Plaintiff's liberty. The public felony charge, together with that compulsory process, altered Plaintiff's legal status and impaired protected occupational and property interests, including his ability to practice law, maintain client relationships, and pursue professional opportunities.

62. Due-process is pleaded in the alternative and addresses the City's deliberate, arbitrary use of criminal power to impose a public felony accusation for an illegitimate end, not merely the technical issuance of a summons.

63. The City's acts and omissions caused the constitutional deprivations and actual damages alleged above.

77. Under NMSA 1978, Section 41-4A-3(B), Plaintiff may recover actual damages. As a prevailing plaintiff, he also seeks reasonable attorney fees and costs under Section 41-4A-5.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Kevin Nault respectfully requests that the Court enter judgment in

his favor and against Defendants as follows:

- A. Awarding actual and compensatory damages;
- B. Awarding reasonable attorney fees and costs as authorized by the NMCRA and other applicable law;
- C. Awarding post-judgment interest as allowed by law;
- D. Entering judgment that Defendants are liable on the claims pleaded above; and
- E. Granting such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

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