

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

**APRIL JARAMILLO, GEORGE
ANTHONY THERAGOOD, and
JUANITO THERAGOOD,**

D-101-CV-2026-00672

Case assigned to Sanchez-Gagne, Maria

Plaintiffs,

v.

**THE CITY OF SANTA FE,
OFFICER NICHOLAS LAFLEUR,
OFFICER CHARLES OVALLE,
DETECTIVE MANUEL ROMERO,
OFFICER LUIS RUIZ, and JOHN DOE
NOS. 1-3,**

Defendants.

**PLAINTIFF APRIL JARAMILLO, GEORGE ANTHONY THERAGOOD, and JUANITO
THERAGOOD’S COMPLAINT FOR ASSAULT, BATTERY, FALSE IMPRISONMENT,
MALICIOUS ABUSE OF PROCESS, NEGLIGENT TRAINING AND SUPERVISION,
AND MULTIPLE VIOLATIONS OF THE NEW MEXICO CIVIL RIGHTS ACT**

COME NOW Plaintiffs April Jaramillo, George Anthony Theragood (Anthony Theragood), and Juanito Theragood, by and through Counsel, YOUNGERS LAW, P.A. (Joleen K. Youngers) and THE LAW OFFICE OF JAMISON BARKLEY, LLC (Jamison Barkley), and, for their Complaint for Assault, Battery, False Imprisonment, Malicious Abuse of Process, Negligent Training and Supervision, and multiple violations of the New Mexico Civil Rights Act, NMSA 1978, §§ 41-4A-1 to -13 (2021), against Defendants City of Santa Fe (“COSF”), Officer Nicholas Lefleur, Officer Charles Ovalle, Detective Manuel Romero, and Officer Luis Ruiz, do state and allege as follows:

PARTIES, JURISDICTION, & VENUE

1. Plaintiffs April Jaramillo, George Anthony Theragood, and Juanito Theragood are residents of the City of Santa Fe.
2. Plaintiffs April Jaramillo and George Anthony Theragood are the parents of Plaintiff Juanito Theragood.
3. Plaintiff Juanito Theragood was twenty years old when the initiating incident occurred.
4. The City of Santa Fe (COSF) is a political subdivision of the State of New Mexico and a “local public body” as defined by the New Mexico Tort Claims Act and the New Mexico Civil Rights Act. *See* NMSA 1978, § 41-4-3(C) (1976, as amended through 2015); *see also* § 41-4A-2.
5. The City of Santa Fe Police Department is the law enforcement agency for the City of Santa Fe and a “local public body” as defined by the New Mexico Tort Claims Act and the New Mexico Civil Rights Act. *See* § 41-4-3(C); *see also* § 41-4A-2.
6. The individually named law enforcement officers were, at all pertinent times, certified law enforcement officers employed by COSF acting within the course and scope of their duties. *See* § 41-4-3(D).
7. The individually named law enforcement officers were, at all pertinent times, acting on behalf of, under color of or within the course and scope of the authority of COSF. *See* § 41-4A-3.
8. All events giving rise to this lawsuit occurred in Santa Fe County.
9. Personal jurisdiction and venue are proper in this Court. *See* NMSA 1978, § 38-3-1(A) (1875-76, as amended through 1988).

10. As a Court of general jurisdiction, this Court has subject matter jurisdiction herein. *See* N.M. Const. Art. VI, Sec. 13.
11. Plaintiffs notified Defendants of their claims in a timely manner on or about May 31, 2024. *See* § 41-4-16(A); § *see also* 41-4A-13(A).

FACTUAL BACKGROUND

12. On the early afternoon of Sunday, March 10, 2024, Defendant City of Santa Fe, through its Police Department, initiated an effort to apprehend non-party Mr. Rick Robert Chavez.
13. Mr. Chavez had an outstanding warrant.
14. Defendant COSF had information Mr. Chavez was located at his father's house near Rodeo Road and Galisteo Road in the City of Santa Fe.
15. Defendant COSF had prior encounters with Mr. Chavez wherein he had fled.
16. Defendant COSF suspected Mr. Chavez would flee when they attempted to bring him into custody on March 10, 2024.
17. Defendant COSF deployed a Small Unmanned Aircraft System ("SUAS"), a drone, to locate and surveil Mr. Chavez.
18. Using the drone, Defendant COSF found Mr. Chavez at his father's house, as it suspected.
19. Mr. Chavez left his father's house in a silver SUV, pulling an orange Kubota front loader on a trailer.
20. The initially involved COSF officers sent a group message to the other COSF officers on duty to assist.
21. No fewer than eight COSF law enforcement officers were involved in the pursuit of Mr. Chavez.

22. Defendant COSF requested assistance from New Mexico State Police (“NMSP”), who sent several additional units.
23. Defendant COSF and NMSP pursued Mr. Chavez to two different locations within a mile of his father’s house without apprehending him.
24. In the course of the pursuit, Mr. Chavez drove over a spike strip which deflated his tires.
25. When he turned right on Yucca from Rodeo Road, Defendant COSF reported Mr. Chavez was driving twenty-two miles per hour.
26. All of the tires on Mr. Chavez’s trailer deflated and he slowed to fifteen miles per hour, then twelve miles per hour.
27. When Mr. Chavez turned onto Plaintiffs’ street, he was driving only five miles per hour and there were eight police vehicles following him.
28. Plaintiff Anthony Theragood backed out of his driveway in a black lexus sedan and began moving east on Vereda de Encanto, though he could not go far.
29. Mr. Chavez came toward Plaintiff Anthony Theragood’s black sedan, traveling west on Vereda de Encanto.
30. Mr. Chavez’s silver lexus SUV stopped in the middle of the street on Vereda de Encanto, blocking Plaintiff Anthony Theragood’s direction of travel.
31. When Plaintiff Anthony Theragood saw Mr. Chavez and the numerous police cars, he stopped his car.
32. Mr. Chavez got out of his silver lexus SUV and walked about one car length toward the passenger door of Plaintiff Anthony Theragood’s car, away from the numerous police officers.

33. As Mr. Chavez got in Plaintiff Anthony Theragood's black lexus, Plaintiff Anthony Theragood got out.
34. Plaintiff Anthony Theragood opened the driver's side door, stood on the door sill, faced the officers, and put his hands up.
35. Plaintiff Anthony Theragood's hands were empty.
36. Defendant Detective Manuel Romero and Defendant Officer Luis Ruiz discharged their handguns at Mr. Chavez and Plaintiff Anthony Theragood from the east.
37. Defendant Officer Charles Ovalle fired his handgun at Mr. Chavez and Plaintiff Anthony Theragood from the west.
38. Defendant Detective Romero emptied his entire magazine at Mr. Chavez and Plaintiff Anthony Theragood.
39. Defendant Officers Ovalle and Ruiz and Defendant Detective Romero fired seventeen or eighteen shots at Mr. Chavez and Plaintiff Anthony Theragood.
40. Defendants shot Plaintiff Anthony Theragood in the right arm.
41. Defendants struck Mr. Chavez six times; he was fatally wounded.
42. Defendant COSF released a Police Service Dog ("PSD") on Mr. Chavez and Plaintiff Anthony Theragood but the dog bit Officer Ovalle.
43. Defendant Officer Ruiz struck Officer Ovalle with gunfire.
44. Defendant COSF officers continued to point their firearms at Plaintiff Anthony Theragood.
45. Defendant COSF officers tackled Plaintiff Anthony Theragood to the ground where he hit his head.
46. Plaintiff Juanito Theragood moved toward his father.

47. Defendant Officer Nicholas LaFleur took Plaintiff Juanito Theragood to the ground.
48. Defendant Officer LaFleur handcuffed Plaintiff Juanito Theragood.
49. Plaintiff April Jaramillo was scared for the safety of her husband and son and yelled at the officers for the show of force.
50. Defendant COSF handcuffed Plaintiff April Jaramillo and locked her inside a police unit.
51. Defendant COSF detained Plaintiff April Jaramillo in handcuffs in the locked vehicle for over three hours.
52. Defendants arrested Plaintiff Anthony Theragood and held him in custody for several weeks.
53. Defendants charged Plaintiff April Jaramillo and Plaintiff Juanito Theragood with resisting, evading, or obstructing an officer, which charges were eventually dismissed.

**COUNT I: BATTERY
(PLAINTIFF APRIL JARAMILLO)**

54. Plaintiffs reallege all prior paragraphs as if fully set forth herein.
55. Defendant COSF, through its police officers, seized Plaintiff April Jaramillo when they detained her and locked her inside a police unit.
56. Defendant COSF detained Plaintiff April Jaramillo without reasonable suspicion to believe she had committed a crime.
57. Defendant COSF intentionally touched or applied force to Plaintiff April Jaramillo's body without consent or justification.
58. Defendant COSF arrested Plaintiff April Jaramillo without probable cause to believe she had committed a crime.
59. Defendants' battery and unreasonable seizure of Plaintiff April Jaramillo was the direct and proximate cause of her damages, including pain, bodily injury, loss of liberty and

personal freedom, emotional distress, mental anguish, fear, embarrassment, and humiliation.

**COUNT II: FALSE IMPRISONMENT
(PLAINTIFF APRIL JARAMILLO)**

60. Plaintiffs realleges all prior paragraphs as if fully set forth herein.
61. Defendant COSF, through its police officers, seized Plaintiff April Jaramillo when they detained her and locked her inside a police unit.
62. Defendant COSF detained Plaintiff April Jaramillo without probable cause to believe she had committed a crime.
63. Defendant COSF intentionally confined Plaintiff April Jaramillo to a locked patrol car.
64. Plaintiff April Jaramillo did not consent to be detained in the locked patrol car.
65. Keeping Plaintiff April Jaramillo confined in the patrol car was unreasonable under the circumstances and without lawful authority.
66. Defendant COSF's false imprisonment of Plaintiff April Jaramillo was the direct and proximate cause of her damages, including pain, bodily injury, loss of liberty and personal freedom, emotional distress, mental anguish, fear, embarrassment, and humiliation.

**COUNT III: MALICIOUS ABUSE OF PROCESS
(PLAINTIFF APRIL JARAMILLO)**

67. Plaintiffs realleges all prior paragraphs as if fully set forth herein.
68. Defendant COSF used process in a judicial proceeding against Plaintiff April Jaramillo by charging her with resisting, evading, or obstructing an officer.
69. Defendant COSF lacked probable cause that Plaintiff April Jaramillo resisted, evaded, or obstructed Officer Ruiz, Officer Laur, or any other officer.

70. Ms. Jaramillo had to retain a lawyer to defend her against the charges and appear in court.

71. Defendant COSF's motive in filing the criminal complaints against Plaintiff April Jaramillo herein without probable cause was to accomplish an illegitimate purpose.

72. The State dismissed the charges against Plaintiff April Jaramillo.

73. Defendant COSF's abuse of the legal process was the direct and proximate cause of Plaintiff April Jaramillo's damages, including emotional distress, mental anguish, embarrassment, humiliation.

**COUNT IV: ASSAULT
(PLAINTIFF JUANITO THERAGOOD)**

74. Plaintiffs reallege all prior paragraphs as if fully set forth herein.

75. Defendant COSF through its police officer Defendant LaFleur intentionally placed Plaintiff Juanito Theragood in apprehension of immediate harmful or offensive contact.

76. Defendant COSF and Defendant LaFleur's assault on Plaintiff Juanito Theragood was the direct and proximate cause of his damages, including pain, bodily injury, loss of liberty and personal freedom, emotional distress, mental anguish, fear, embarrassment, and humiliation.

**COUNT V: BATTERY
(PLAINTIFF JUANITO THERAGOOD)**

77. Plaintiffs reallege all prior paragraphs as if fully set forth herein.

78. Defendant COSF and Defendant Officer LaFleur intentionally touched or applied force to Plaintiff Juanito Theragood's body without consent or justification, which caused him damages.

79. Defendant LaFleur brought Plaintiff Juanito Theragood to the ground without a lawful justification.

80. Defendant LaFleur's touching of Plaintiff Juanito Theragood was not reasonable under the circumstances.
81. Defendant COSF detained Plaintiff Juanito Theragood without reasonable suspicion to believe he had committed a crime.
82. Plaintiff Juanito Theragood did not pose a threat when Defendants COSF and Defendant Lafleur touched him without his consent.
83. The individual officers were, at all pertinent times, law enforcement officers employed by COSF acting within the course and scope of their duties. *See* §§ 41-4-3(D)-(G).
84. Defendants' immunity from suit is waived. *See* Section 41-4-12.
85. Defendants' batteries and unreasonable seizures of Plaintiff were the direct and proximate cause of Plaintiff's damages, including pain, bodily injury, loss of liberty and personal freedom, emotional distress, mental anguish, fear embarrassment, and humiliation.

**COUNT VI: MALICIOUS ABUSE OF PROCESS
(PLAINTIFF JUANITO THERAGOOD)**

86. Plaintiffs reallege all prior paragraphs as if fully set forth herein.
87. Defendant COSF used process in a judicial proceeding against Plaintiff Juanito Theragood by charging him with resisting, evading, or obstructing an officer.
88. Defendant COSF lacked probable cause that Plaintiff Juanito Theragood resisted, evaded, or obstructed Officer Ruiz, Officer Laur, or any other officer.
89. Plaintiff Juanito Theragood had to retain a lawyer to defend him against the criminal charge and appear in court.
90. Defendant's motive in filing the criminal complaint against Plaintiff Juanito Theragood without probable cause was to accomplish an illegitimate purpose.
91. The State dismissed the charges against Plaintiff Juanito Theragood.

92. Defendant COSF's abuse of the legal process was the direct and proximate cause of Plaintiff Juanito Theragood's damages, including emotional distress, mental anguish, embarrassment, humiliation.

**COUNT VII: ASSAULT
(PLAINTIFF ANTHONY THERAGOOD)**

93. Plaintiffs reallege all prior paragraphs as if fully set forth herein.

94. Defendant Officers Ovalle, Ruiz, and Detective Romero used deadly force without reasonable suspicion or probable cause to believe that Plaintiff had committed a crime.

95. Defendant Officers Ovalle, Ruiz, and Detective Romero's use of deadly force risked Plaintiff's life.

96. Defendant Officers Ovalle, Ruiz, and Detective Romero's use of deadly force caused Plaintiff Anthony Theragood to reasonably fear for his life.

97. Defendant COSF officers tackled Plaintiff Anthony Theragood.

98. Defendant COSF officers pointed their firearms at Plaintiff Anthony Theragood.

99. Plaintiff Anthony Theragood did not pose a threat to anyone's safety.

100. The individual officers were, at all pertinent times, certified New Mexico law enforcement officers employed by COSF acting within the course and scope of their duties. *See* §§ 41-4-3(D)-(G).

101. Defendants' immunity from suit is waived. *See* Section 41-4-12.

102. Defendant COSF and individual Defendant Officers Charles Ovalle, Detective Manuel Romero, and Officer Luis Ruiz's assault on Plaintiff Anthony Theragood was the direct and proximate cause of his damages, including pain, bodily injury, loss of liberty and personal freedom, emotional distress, mental anguish, fear, embarrassment, and humiliation.

**COUNT VIII: BATTERY
(PLAINTIFF ANTHONY THERAGOOD)**

103. Plaintiffs reallege all prior paragraphs as if fully set forth herein.
104. Defendant Officers Ovalle, Ruiz, and Detective Romero seized Plaintiff Anthony Theragood when they used deadly force and fired their weapons in his direction.
105. Shooting at Plaintiff constituted a seizure of his person.
106. Defendants' conduct was unreasonable.
107. Defendants intentionally touched or applied force to Mr. Theragood's body without consent or justification, which caused Mr. Theragood damages.
108. Defendants had neither reasonable suspicion nor probable cause to believe that Plaintiff Anthony Theragood committed a crime.
109. Plaintiff Anthony Theragood did not pose a threat to anyone's safety when Defendants shot at him and tacked him to the ground.
110. The individually named law enforcement officers were, at all pertinent times, law enforcement officers employed by COSF acting within the course and scope of their duties. *See* §§ 41-4-3(D)-(G).
111. Defendants' immunity from suit is waived. *See* Section 41-4-12.
112. Defendants' unreasonable seizures of Plaintiff were the direct and proximate cause of Plaintiff's damages, including pain, bodily injury, loss of liberty and personal freedom, emotional distress, mental anguish, fear, embarrassment, and humiliation.

**COUNT IX: NEGLIGENT TRAINING AND SUPERVISION
(ALL PLAINTIFFS)**

113. Plaintiffs reallege all prior paragraphs as if fully set forth herein.
114. Defendant City of Santa Fe employed the Defendant individually named officers.

115. Defendant City of Santa Fe is obligated to exercise reasonable care in the training and supervision of its law enforcement officers.
116. Defendant City of Santa Fe owes a duty to the residents and inhabitants of the City of Santa Fe, including Plaintiffs, to adequately train and supervise its law enforcement officers to exercise their duties within the bounds of the law and the civil rights guaranteed by the Constitution of the State of New Mexico.
117. Defendants failed to exercise reasonable care and breached their duties to Plaintiffs.
118. Defendants' conduct was the direct and proximate cause of Plaintiff's damages, including pain, bodily injury, loss of liberty and personal freedom, emotional distress, mental anguish, fear, embarrassment, and humiliation.

**COUNT X: VIOLATIONS OF NEW MEXICO CIVIL RIGHTS ACT
ARTICLE II, SECTION 10:
RIGHT TO BE FREE FROM UNREASONABLE SEIZURE
(ALL PLAINTIFFS)**

119. Plaintiffs reallege all prior paragraphs as if fully set forth herein.
120. Defendants violated rights guaranteed to Plaintiffs by Article II, Section 10 of the Constitution of the State of New Mexico, to include the right to be free from unreasonable seizure.
121. Defendants unreasonably seized Plaintiffs.
122. The New Mexico Constitutional right to be free from unreasonable seizure has been interpreted as granting broader protections than the Fourth Amendment to the U.S. Constitution for decades. *See, e.g., State v. Leyva*, 2011-NMSC-009, ¶ 55, 149 N.M. 435, 250 P.3d 861; *State v. Attaway*, 1994-NMSC-011, ¶ 22, 117 N.M. 141, 870 P.2d 103, *holding modified by State v. Lopez*, 2005-NMSC-018, ¶ 19, 138 N.M. 9, 116 P.3d 80

(recognizing the exigency exception); *State v. Cordova*, 1989-NMSC-083, ¶ 17, 109 N.M. 211, 784 P.2d 30; *State v. Granville*, 2006-NMCA-098, ¶ 17, 140 N.M. 345, 142 P.3d 933.

123. Defendants' conduct constitutes a deprivation of rights established by Article II, Section 10 of the New Mexico Constitution.

124. Defendants' multiple violations of Plaintiffs' rights to be free from unreasonable seizure were the direct and proximate cause of Plaintiffs' damages, including pain, bodily injury, emotional distress, mental anguish, fear, embarrassment, and humiliation.

125. Defendant City of Santa Fe is liable for the actions of its officers. *See* Section 41-4A-3(C).

126. Plaintiffs were damaged.

**COUNT XI: VIOLATIONS OF NEW MEXICO CIVIL RIGHTS ACT
ARTICLE II, SECTION 18:
RIGHT TO DUE PROCESS AND FUNDAMENTAL FAIRNESS
(ALL PLAINTIFFS)**

127. Plaintiffs reallege all prior paragraphs as if fully set forth herein.

128. Defendants violated rights guaranteed to Plaintiffs by Article II, Section 18 of the Constitution of the State of New Mexico, including his right to due process.

129. Defendants deprived Plaintiffs of their right to due process.

130. Plaintiffs' rights under Article II, Section 18 of the New Mexico Constitution afford greater protections than their analogous rights under the United States Constitution.

131. Defendants' conduct constitutes a deprivation of rights established by Article II, Section 18 of the New Mexico Constitution.

132. Defendants' multiple violations of Plaintiffs' rights to due process were the direct and proximate cause of Plaintiffs' damages, including pain, bodily injury, loss of liberty, emotional distress, mental anguish, fear, embarrassment, and humiliation.

133. Defendant City of Santa Fe is liable for the actions of its officers. *See* Section 41-4A-3(C).

134. Plaintiffs were damaged.

WHEREFORE, Plaintiffs April Jaramillo, George Anthony Theragood, and Juanito Theragood pray for the following relief:

- A. Judgment against Defendants on all counts;
- B. Compensatory damages, including for pain, bodily injury, loss of liberty and personal freedom, emotional distress, mental anguish, fear, embarrassment, and humiliation, in an amount to be determined by the jury;
- C. Statutory attorney fees and costs, § 41-4A-5;
- D. Interest on the judgment; and
- E. All other relief the Court deems just and proper.

PLAINTIFFS DEMAND A JURY TRIAL.

Respectfully submitted:

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