

TORT NOTICE OF CLAIM No. 2 (11 pages)

41-4-16. Notice of Claims.

A. Every person who claims damages from the state or any local public body under the Tort Claims Act {41-4-1 to 41-4-27 NMSA 1978} shall cause to be presented to the Risk Management Division for claims against the state, the mayor of the municipality for claims against the municipality, the superintendent of the school district for claims against the school district, the county clerk of a county for claims against the county, or to the administrative head of any other local public body for claims such local public body, within ninety days after an occurrence giving rise to a claim for which immunity has been waived under Tort Claims Act, a written notice stating the time, place and circumstances of the loss or injury.

DATE OF INCIDENT: 1/19/2020 and 2/16/2023

TIME OF INCIDENT: _____

STATE AGENCY INVOLVED: Sandoval County Sheriff, Sandoval County Commission, and specifically Commissioners Bruch, and Block, Sandoval County District Attorney, NMDOT, NM State Legislature, and specifically Senator Brenda McKenna, Senator Pat Woods, Representative Matthew McQueen, Governor Michelle Grisham, NMLB, and County Manager Wayne Johnson

CLAIMANT’S NAME & ADDRESS: _

Patience O’Dowd, 39 Llano del Norte, Placitas, NM; for the Wild Horse Observers Association
Gary Miles, 37 Llano del Norte, Placitas, NM; for the Wild Horse Observers Association

PHONE #: 505-610-7644 Patience O’Dowd
505-867-0004 Gary Miles

LOCATION OF ACCIDENT: Placitas/ La Madera/NM

Please describe how the incident occurred and why you feel State Agency is at fault:
Death of two Protected Legally Wild Horses pursuant to NMSA 77-18-5.

These State and County Officials and Agencies of NM have created a dangerous and lawless atmosphere and environment for wild horses and wild horse activists in New Mexico. This has culminated in the death of two NM State’s Wild Horses during the NM legislative session this year. Accident reports are attached along with other documentation. Attachments 1 – 11.

They have, condoned, allowed, and rewarded, those that break the law against our natural resources, our protected, native, legally wild, and biologically wild horse.

They reward them over and over by trying to put those who break the laws that protect our wild horses in charge of our wild horses and more.

They work to create humanitarian issues for our wild horses in order to get rid of them, though the overwhelming majority of people they represent want them.

They work for hidden agendas non-transparently for projects the public should know about on the BLM lands in Placitas but they can't do them as easily with the wild horses in this official wildlife corridor which they also undermine and put in danger.

They retaliate by disallowing lawful and proactive wild horse activists on teams regarding Placitas Wild Horses at Sandoval County by writing bylaws that exclude those that successfully take those that break the Wild Horse protection laws to court and win.

They scream at us for legally recording a meeting or a call.

They have both harassed wild horse activists and not protected wild horse activists and

They refuse to work with wild horse activists proactively while defaming wild horse activists.

They conspire to refuse to install standard road safety improvements that are installed across NM for cattle, elk, deer, etc. and refuse to do so for the Wild Horses and Deer in Placitas (though they are installed in other parts of Sandoval County on rt 550, I25, and La Madera.)

They refuse to refer to these legally wild horses as "wild", while they work to create a humanitarian issue to get rid of them as "Free Roaming Horses", this showing their utter contempt for the rule of law.

They let people off after they have been charged with animal cruelty (he pled guilty to) and multiple serious crimes against the wild horses, including perjury to a police officer for car insurance claims.

They cover up for those who hit wild horses intentionally, or due to speeding, or reckless driving, or intent.

They collaborate with the local and NM media against the wild horse advocates and the wild horses.

They don't investigate people who create a dangerous nuisance by placing locally grown apples next to the road, in the same location where the man that was let off was going 70 to 90 mph in a 35mph zone and right where he hit a young black stallion.

They defame us at legislature as if we are lawlessly cutting federal BLM fences.

Some of them (congresspersons) neigh openly at legislature, in session, but when a wild horse activist hangs his head and shakes his head when he believes he hears lies in committee, he is shamed and belittled and later literally manhandled by security, though the meeting is over and he is quietly standing in a hallway. He is kicked out of the building, and is almost killed by being shoved at a deep stairwell for not one thing. This is due to defamation with intent.

They disallow our speech at legislature various ways, one being they kick us off zoom meeting (an open meeting act violation).

They do not answer our IPRA's and we have to file IPRAS to multiple agencies to try and catch them withholding public information and then they lie in their responses.

They disallow our representation at legislature, refusing to work with us and have stopped carrying our bills.

They systemically conspire to pass wild horse wipe out bills and cruelty bills behind "Animal Protection groups".

They ignore our need for biodiversity in ungulates and the wild horse is the only ungulate in NM that is not a ruminant and is not spewing green-house gasses like ruminants.

They ignore our need to move forward together in this time of climate change and this is more unequal protection we receive from Legislature and Senators Pat Woods, Brenda McKenna, and sadly Matthew

McQueen.

They pass road safety laws for livestock and game animals while disallowing equal protection under the law at legislature with respect to ROAD SAFETY when NM is no. 1 on traffic deaths.

See all underlined legal issues in Attachment no. 6.

We bring proactive bills, alternatives, and compromises to the table and are instead ignored and lied to.

All of this while they conspire together creating a dangerous atmosphere for both wild horses, wild horse activists, and Placitans, in Placitas and at legislature and work to create a humanitarian issue to get rid of our wild horses a public trust and a natural resource.

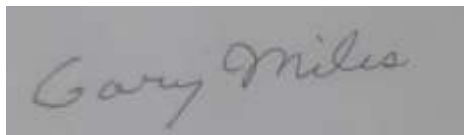
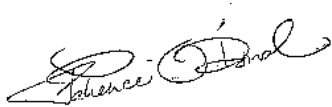
See Attachments 1-11 below

What are you making claim for: Please check one

- Bodily Injury Property and
Other, & Civil Rights and Constitutional
Damages Section XX 21, Harassment and
Defamation.

Please see this document and attachments.

Property damage include the loss, pain, and suffering of the two wild horses which were known to this community and hit due to the lawless atmosphere created by those named herein.



Signature of Claimant or lawful representative

Risk Management Division
P.O. Box 6850
Santa Fe, NM
87502

Phone #: 827-0442
Fax #: 827-2969
Email pac.claims@gsd.nm.gov

Sandoval County Clerk

Anne Brady-Romero

Sandoval County Clerk

Phone: [505-867-7572](tel:505-867-7572) / Fax: 505-771-8610

email: Clerk@sandovalcountynm.gov

Attachment 1

CRASH INVESTIGATION SH 19874 Rev July 2018 NMDOT/UCR E July 2018 E_JULY_2018		SANDOVAL COUNTY SHERIFF'S OFFICE REPORTING DEPARTMENT				STATE OF NEW MEXICO UNIFORM CRASH REPORT 710496477																							
<input type="checkbox"/> Private Property <input type="checkbox"/> Secondary Crash		<input type="checkbox"/> Fatal <input type="checkbox"/> Injury		Property Damage Only <input type="checkbox"/> Under \$500 <input checked="" type="checkbox"/> \$500 or More		<input type="checkbox"/> Hit-and-Run <input type="checkbox"/> School Bus Directly Involved <input type="checkbox"/> School Bus Indirectly Involved <input type="checkbox"/> Commercial Vehicle Involved		Case Number: 23000097 Agency: 1024 - SANDOVAL COUNTY SHERIFFS OFFICE		CAD Num: 23009764																			
Crash Date: 01/19/2023		Crash Time: 0030		City Occurred In: PLACITAS				County: SANDOVAL																					
Day of Week: THURSDAY		Occurred On: (Route No. or Name): NM 165						At Intersection With: PINON RIDGE DR.																					
Other Location: 0.20 MI		Direction: EAST		Permanent Landmark - County Line - Intersection - Milepost: MILE MARKER 4						Lat:		Long:																	
Crash Occurred: ON ROADWAY			First Harmful Event: COLLISION W/ANIMAL				Manner of Impact:			Manner of Crash:																			
<input type="checkbox"/> Work Zone-Construction <input type="checkbox"/> Work Zone-Maintenance <input type="checkbox"/> Work Zone-Utility		Tribal Land?: NO		Analysis Code: HORSE						Location of First Harmful Event: ON ROADWAY																			
TRAFFIC UNIT 01																													
VEHICLE NO.: HEADED 01		MV Type: IN TRANSPORT		Direction: E		On: NM 165		Left Scene of Crash?: NO		Posted Speed: 50		Safe Speed: 50																	
Driver's Last Name: PADILLA				Driver's First Name: BRITTANY				Driver's Middle Name: NOELLE																					
Driver's Street Address: 3 CALLE TARADDEI APT A						City: PLACITAS		State: NM		Zip Code: 87043-8606		Phone: (505) 999-6205																	
Date of Birth: --/~/1990		Driver's License Number: 2391		State: NM		Type: D		CDL: N		Status: V		Restrictions:		Endorsements:		Expires: 01/23/2028		Interlock: NO		Occupation: UNKNOWN									
Incident Responder: NO				# of Occupants: 1		Seat Pos: LF		Age: 32		Sex: F		Race: C		Injury Code: O		OP Code: 3		OP Used: YES		Airbag Deploy: F		Ejected: N		EMS Number: 43		Med Trans: NT			
Supplemental Occupant Information																													
Vehicle Information																													
Year: 2022		Vehicle Make: KIA MOTORS CORP.				Vehicle Model: SOUL				Color: BLK		Veh Use1: NS		Veh Use2: P		Veh Use3:		Veh. Towed?: YES		Veh. Disabled?: YES									
Body Style: PC		Cargo Body Type:		Lic. Year: 2024		State: NM		License Plate Number: BCWT59				VIN: -----811028				Damage Severity: HEAVY		Extent: DISABLED											
Towed By: RIO RANCHO TOWING						Towed To: 200 INDUSTRIAL PARK LOOP NE RIO RANCHO, NM 8						Veh. Towed?: YES		Veh. Disabled?: YES															
Gross Vehicle/Comb Weight Rating:				HazMat Placard? (Cargo Only):		HazMat Released (Cargo Only):		Hazmat Placard 4-digit OR Hazmat Name AND 1-digit #						DOT #															
State #		Number of Axles		Carrier Type Code																									
Carrier's Name:						Street Address:						Carrier City:						State:		Carrier's Zip:									
Owner's Last Name: PADILLA				Owner's First Name: BRITTANY				Owner's Middle Name: NOELLE				Owner's Company Name:																	
Street Address: 3 CALLE TARADDEI APT A						Owner's City: PLACITAS				State: NM		Owner Zip: 87043-8606		Owner's Phone: (505) 999-6205															
Insured By: (Name of Company): NEW MEXICO INSURANCE CARD						Policy Number: AOS2984644164013				Trailer or Towed Vehicles (1):		Type:		Year:		Make:		Lic Year:		Lic State:		License Num:							
Trailer or Towed Vehicles (2):		Type:		Year:		Make:		Lic Year:		Lic State:		License Num:		Trailer or Towed Vehicles (3):		Type:		Year:		Make:		Lic Year:		Lic State:		License Num:			
Crash Report Number: 710496477				STATE OF NEW MEXICO UNIFORM CRASH REPORT NM STATUTE 66-7-209 ISSUING AGENCY COPY												Sheet 1 Of 3													
Case Number: 23000097																													

Condition Information

Lighting DARK - NOT LIGHTED		Weather CLEAR		Intersection Type NOT AN INTERSECTION		Relation To Junction NON-JUNCTION	
Work Zone Location			Work Zone Type		Workers Present		Law Enforcement Present
Road Character STRAIGHT	Road Grade UPHILL	Road Condition DRY		Road Surface PAVED CENTER STRIPE		Traffic Control NO CONTROLS	
Road Lanes 2 LANES		Road Design Div PAINTED DIVIDER (>4 FT)		Road Design FULL ACCESS CONTROL (E.G. HIGHWAY OR INTERSTATE)			
APPARENT CONTRIBUTING FACTORS				DRIVER'S ACTIONS		SEQUENCE OF EVENTS	
ANIMAL(S) IN ROADWAY				GOING STRAIGHT		FIRST EVENT ANIM	
						SECOND EVENT	
						THIRD EVENT	
						FOURTH EVENT	
						FIFTH EVENT ANIM	
DRIVER/PEDESTRIAN/PEDALCYCLIST SOBRIETY			DRIVER/PEI/PEDALCYCLIST PHYSICAL CONDITION			PEDESTRIAN/PEDALCYCLIST ACTION	
HAD NOT CONSUMED ALCOHOL			NO APP. DEFECTS			<input type="checkbox"/> At Intersection <input type="checkbox"/> Not at Intersection	
						Actions Prior to Crash	
						Actions at Time of Crash	
Breath Test Results		Driver Physical Condition - Other				Location at Time of Crash	

NARRATIVE

ON JANUARY 19, 2023 AT APPROXIMATELY 0030 HRS I, DEPUTY PATRICK M. HEIN OF THE SANDOVAL COUNTY SHERIFF'S OFFICE, WAS DISPATCHED TO HWY 165 IN REFERENCE A VEHICLE THAT WAS INVOLVED IN A CRASH AT MILE MARKER 4. UPON MY ARRIVAL I MADE CONTACT WITH THE DRIVER, IDENTIFIED AS BRITANY PADILLA, OF A BLACK KIA BEARING NEW MEXICO LICENSE PLATE BCWTS9. THE VEHICLE WAS IN THE EASTBOUND LANE AND A BROWN HORSE ON THE SIDE OF THE ROADWAY.

MRS. PADILLA INFORMED ME SHE WAS DRIVING BACK FROM RIO RANCHO AND OBSERVED A HORSE JUMP WESTBOUND INTO THE MIDDLE OF THE ROADWAY. MRS. PADILLA STATED SHE WAS DRIVING AT APPROXIMATELY 50 MILES PER HOUR AND ATTEMPTED TO BREAK BEFORE STRIKING THE HORSE. MRS. PADILLA STATED SHE HIT THE BACK END OF THE HORSE BEFORE SHE WAS ABLE TO COME TO A COMPLETE STOP. MRS. PADILLA WAS SEEN BY EMS BUT REFUSED TRANSPORT AND HAD NO APPARENT INJURIES.

THE ENTIRE FRONT BUMPER OF MRS. PADILLA'S VEHICLE WAS REMOVED FROM THE FRONT END. THE HOOD WAS COMPLETELY DENTED INWARD TOWARDS THE ENGINE CAUSING IT TO BREAK THROUGH A SMALL PORTION OF THE FRONT WINDSHIELD CRACKING IT ENTIRELY. SMALL PIECES OF BROWN HAIR AND BLOOD FROM THE HORSE TRANSFERRED TO THE FRONT OF THE VEHICLE. THE DAMAGE TO THE VEHICLE AND THE TIRE MARKINGS PRESENT ON THE GROUND WERE CONSISTENT WITH MRS. PADILLA'S STORY OF THE INCIDENT. THE VEHICLE WAS DISABLED DUE TO THE DAMAGE AND WAS REMOVED FROM THE ROADWAY VIA RIO RANCHO TOWING COMPANY.


THE HORSE WAS STILL ALIVE UPON ARRIVAL BUT WAS SEVERELY INJURED. DEPUTY F. ORTEGA OF THE SANDOVAL COUNTY SHERIFF'S OFFICE UTILIZED HIS DUTY RIFLE TO PUT DOWN THE HORSE. THE HORSE WAS THEN REMOVED FROM THE ROADWAY TO CLEAR TRAFFIC. LIEUTENANT F. TOMLINSON WAS NOTIFIED OF THE HORSE'S BODY AND ALL DEBRIS WAS REMOVED FROM THE ROADWAY.

PHOTOS OF THE INCIDENT WERE TAKEN AND WILL BE ADDED TO THIS REPORT. MRS. PADILLA WAS PROVIDED CONTACT INFORMATION WITH THIS CASE NUMBER FOR INSURANCE PURPOSES. THIS CONCLUDES MY INVOLVEMENT IN THIS CASE. ANY FURTHER INFORMATION WILL BE ADDED VIA A SUPPLEMENTAL AT A LATER DATE.

VIOLATION 01

VEH NO.	Last Name	First Name	Middle Name	Violation (Common Name)	Action
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CONCLUSION

Time Notified 0035	Time Arrived 0000	Notified By SANDOVAL COUNTY REGIONAL DISPATCH	Supervisor at Scene		
Time Roadway Cleared 0200	Time Incident Cleared 0215	Checked By 92061 - BENALLY, JASON - 1/23/2023			
Officer's Signature 	Officer's Name HEIN, PATRICK	Rank DEPUTY	ID Number 93194	District 1E	Report Date 01/19/2023

Crash Report Number: 710496477	STATE OF NEW MEXICO UNIFORM CRASH REPORT NM STATUTE 66-7-209 ISSUING AGENCY COPY	Sheet 2 Of 3
Case Number: 23000097		

Attachment 2

STATE OF NEW MEXICO UNIFORM CRASH REPORT - SUPPLEMENTAL NARRATIVE

Crash Date	Crash Time	Crash Report Number	Agency Case Number		
01/19/2023	00:30	23-000097	23000097		
Officer/Person Submitting Supplemental Report		Rank	ID Number	District	Report Date
ORTEGA, FLAVIO		DEPUTY	93160	1E	01/19/2023
NARRATIVE					
<p>ON JANUARY 19, 2023 AT ABOUT 0030 HOURS I WAS DISPATCHED TO A MOTOR VEHICLE VS HORSE CRASH ON HWY 164 AND PINON RIDGE DR. DISPATCH ADVISED OF AIRBAG DEPLOYMENT UNKNOWN OF INJURIES AT THE TIME. DEPUTY P. HEIN MAN NUMBER 257 WAS ALSO IN ROUT TO THE CRASH.</p> <p>ON MY ARRIVAL I OBSERVED VEHICLE ONE TO BE A BLACK 2022 KIA SOUL BEARING NEW MEXICO PLATE OF BCWT59 WITH HEAVY FRONTEND DAMAGE. VEHICLE ONE WAS FACING EASTBOUND ON THE EASTBOUND LANES OBSTRUCTING TRAFFIC. I ALSO OBSERVED A HORSE ON THE WESTBOUND LANES LAYING IN THE MIDDLE OF THE ROAD TRYING TO STAND UP. THE HORSE SEEMED BADLY INJURED WITH WHAT I COULD SEE TWO BROKEN LEGS AND BLEEDING FROM MULTIPLE AREAS.</p> <p>AS I WAS EXITING MY UNIT THE DRIVER CAME TO ME AND I MADE SURE SE WAS OKAY AND STATED SHE WAS. DEPUTY HEIN STATED HE DID NOT HAVE A RIFLE TO PUT THE HORSE DOWN AND ASKED ME TO EUTHANIZE THE ANIMAL WITH MY RIFLE. I THEN PROCEEDED TO EUTHANIZE THE HORSE WITH ONE SHOT IN THE BACK OF THE HEAD. I MADE SURE TO POINT IN THE DIRECTION OF A BERM RIGHT NEXT TO THE HORSE FOR SAFETY. NOTHING FURTHER FOLLOWS IF ADDITIONAL INFORMATION BECOMES AVAILABLE A SUPPLEMENTAL REPORT WILL BE SUBMITTED.</p>					


Attachment 3

GOVERNMENTAL PROTECTED WILD HORSE SABOTAGE IN PLACITAS NM

Posted on January 27, 2023 by whoa

<https://whoanm.org/wordpress/?p=1143>

Attachment 4

		SANDOVAL COUNTY SHERIFF'S OFFICE REPORTING DEPARTMENT				STATE OF NEW MEXICO UNIFORM CRASH REPORT 710495483											
E_JULY_2018		<input type="checkbox"/> Private Property <input type="checkbox"/> Secondary Crash		<input type="checkbox"/> Fatal <input type="checkbox"/> Injury		<input type="checkbox"/> Under \$500 <input checked="" type="checkbox"/> \$500 or More		<input type="checkbox"/> Hit-and-Run <input type="checkbox"/> School Bus Directly Involved <input type="checkbox"/> School Bus Indirectly Involved <input type="checkbox"/> Commercial Vehicle Involved		Case Number: 23000270 CAD Num: 23025994							
Crash Date: 02/16/2023 Crash Time: 1947		City Occurred In: BERNALILLO				County: SANDOVAL											
Day of Week: THURSDAY		Occurred On: (Route No. or Name) NM HIGHWAY 165				At Intersection With:											
Other Location: 53 FT		Direction: WEST		Permanent Landmark - County Line - Intersection - Milepost: CAMINO DEL TORREON				Lat: 35.3071550 Long: -106.43937									
Crash Occurred: ON ROADWAY		First Harmful Event: COLLISION W/ANIMAL				Manner of Impact:		Manner of Crash:									
<input type="checkbox"/> Work Zone-Construction <input type="checkbox"/> Work Zone-Maintenance <input type="checkbox"/> Work Zone-Utility		Tribal Land?: NO		Analysis Code: HORSE		Location of First Harmful Event: ON ROADWAY											
TRAFFIC UNIT 01																	
VEHICLE NO. HEADED: 01		MV Type: IN TRANSPORT		Direction: W		On: NM HIGHWAY 165		Left Scene of Crash?: NO		Posted Speed: 45	Safe Speed: 45						
Driver's Last Name: MC KENZIE			Driver's First Name: EVAN			Driver's Middle Name: ALLEN											
Driver's Street Address: 54 CAMINO DEL OSO						City: PLACITAS		State: NM Zip Code: 87043-9342		Phone:							
Date of Birth: 1998		Driver's License Number: 0894		State: NM	Type: D	CDL: N	Status: V	Restrictions:	Endorsements:	Expires: 06/11/2027	Interlock: NO	Occupation: STUDENT					
Incident Responder: NO				# of Occupants: 1		Seat Pos: LF		Age: 24	Sex: M	Race: H	Injury Code: O	OP Code: 6	OP Used: YES	Airbag Deploy: N	Ejected: N	EMS Number: NA	Med Trans: NT
Supplemental Occupant Information																	
Vehicle Information																	
Year: 2004		Vehicle Make: MAZDA		Vehicle Model: 4D		Color: WHI	Veh Use1: OS	Veh Use2: P	Veh Use3:	Veh. Towed?: YES		Veh. Disabled?: YES					
Body Style: PC	Cargo Body Type:	Lic. Year: 2025	State: NM	License Plate Number: 7964SUS		VIN: JM1BK12F341101267						Damage Severity: MODERATE Extent: DISABLED					
Towed By: CARTERS TOWING				Towed To: 3330 DROVER AVE NE RIO RANCHO, NM 87124								14-Top: 01,02,11,12 15-Undercarriage:					
Gross Vehicle/Comb Weight Rating:			HazMat Placard? (Cargo Only):		HazMat Released (Cargo Only):		Hazmat Placard 4-digit OR Hazmat Name:			AND:		1-digit #:	DOT #:				
State #:		Number of Axles:	Carrier Type Code:														
Carrier's Name:			Street Address:			Carrier City:			State:	Carrier's Zip:							
Owner's Last Name: MCKENZIE			Owner's First Name: GREGORY			Owner's Middle Name: ALLEN			Owner's Company Name:								
Street Address: 54 CAMINO DEL OSO			Owner's City: PLACITAS			State: NM	Owner Zip: 87043-9342		Owner's Phone:								
Insured By: (Name of Company) AAA				Policy Number: NMA116320523		Trailer or Towed Vehicles (1):	Type:	Year:	Make:	Lic Year:	Lic State:	License Num:					
Trailer or Towed Vehicles (2):		Type:	Year:	Make:	Lic Year:	License Num:	Trailer or Towed Vehicles (3):	Type:	Year:	Make:	Lic Year:	Lic State:	License Num:				
Crash Report Number: 710495483				Case Number: 23000270				STATE OF NEW MEXICO UNIFORM CRASH REPORT NM STATUTE 66-7-209 NMDOT COPY				Sheet 1 Of 4					

Condition Information

Lighting DARK LIGHTED		Weather CLEAR		Intersection Type NOT AN INTERSECTION		Relation To Junction NON-JUNCTION	
Work Zone Location			Work Zone Type		Workers Present		Law Enforcement Present
Road Character CURVE RIGHT	Road Grade LEVEL	Road Condition DRY		Road Surface PAVED CENTER AND EDGE LINE		Traffic Control NO PASSING ZONE	
Road Lanes 2 LANES		Road Design Div PAINTED DIVIDER (>4 FT)		Road Design ONE-WAY			
APPARENT CONTRIBUTING FACTORS				DRIVER'S ACTIONS		SEQUENCE OF EVENTS	
ANIMAL(S) IN ROADWAY				GOING STRAIGHT		FIRST EVENT ANIM	
						SECOND EVENT	
						THIRD EVENT	
						FOURTH EVENT	
						FIVE ANIM	
DRIVER/PEDESTRIAN/PEDALCYCLIST SOBRIETY			DRIVER/PED/PEDALCYCLIST PHYSICAL CONDITION			PEDESTRIAN/PEDALCYCLIST ACTION	
HAD NOT CONSUMED ALCOHOL			NO APP. DEFECTS			<input type="checkbox"/> At Intersection <input type="checkbox"/> Not at Intersection	
						Actions Prior to Crash	
						Actions at Time of Crash	
Breath Test Results		Driver Physical Condition - Other			Location at Time of Crash		

NARRATIVE

ON FEBRUARY 16, 2023 AT ABOUT 1947 HOURS I WAS DISPATCHED TO HWY 165-MILE MARKER 5 IN REGARDS TO A MOTOR VEHICLE VS. HORSE CRASH. DISPATCH ADVISED THEY HAD NO REPORTS OF INJURIES AND NO AIRBAG DEPLOYMENT. PER DISPATCH THE HORSE WAS STILL ALIVE AND TRYING TO GET UP BUT HAD BOTH RIGHT LEGS BROKEN.

ON MY ARRIVAL OBSERVED VEHICLE ONE TO BE A WHITE 2004 MAZDA 3 BEARING NEW MEXICO VETERAN PLATE OF 79645US WITH HEAVY FRONTEND DAMAGE. THE VEHICLE HAD HEAVY CONTACT DAMAGE ON THE FRONT AND HOOD OF VEHICLE ONE. I ALSO OBSERVED DAMAGE ON THE REAR TOP PORTION OF THE VEHICLE AND THE HORSE LAYING ON THE RIGHT SIDE OF THE VEHICLE. THE HORSE'S FRONT PORTION OF ITS BODY WAS IN THE FRONT RIGHT TIRE OF THE VEHICLE. THE HORSE HAD SUCCEEDED TO HIS INJURIES BEFORE MY ARRIVAL. THE DRIVER WAS IDENTIFIED AS EVAN ALLEN MCKENZIE DOB: ██████████ 1998.

DRIVER ONE STATED HE WAS TRAVELING WESTBOUND ON HWY 165 WHEN HE TURNED TO LOWER HIS MUSIC ON THE RADIO. DRIVER ONE STATED WHEN HE LOOKED UP THE HORSE WAS ON THE ROADWAY AND COULD NOT AVOID MAKING CONTACT WITH THE HORSE. HE DID NOT REMEMBER EXACTLY WHAT HAPPENED AFTER IMPACT JUST REMEMBERS GETTING OUT AND THE HORSE STILL ALIVE TRYING TO GET UP BUT HAD ITS LEGS BROKEN. SCSO ANIMAL CONTROL WAS CALLED OUT TO THE SCENE AND STATED NO HORSE SHOES WERE VISIBLE INDICATING THE HORSE WAS WILD AND WE VERIFIED BY SEARCHING FOR A CHIP AND FOUND NONE. THE HORSE WAS IDENTIFIED AS A WILD HORSE FROM PLACITAS.

WHILE I WAS THERE INVESTIGATING THE SCENE, GARY MILES ARRIVED ON SCENE ALONG WITH TWO OTHER FEMALES. THEY STARTED ASKING IF IT WAS SPEED RELATED AND WHO WAS INVOLVED IN THE CRASH. I EXPLAINED TO THEM IT WAS STILL UNDER INVESTIGATION AND NEEDED TO LEAVE THE AREA. THEY REFUSED AND WOULD LEAVE AND COMEBACK TO THE HORSE. GARY ATTEMPTED TO TAKE THE HORSE BUT EXPLAINED TO HIM WE HAD ARRANGED FOR THE HORSE TO BE TAKEN FROM THE SCENE. DEPUTY K. SAIZ ARRIVED ON SCENE SHORTLY AFTER AND TOOK THE DEAD HORSE IN A TRAILER. GARY MILES LEFT SHORTLY AFTER.

ON SCENE I OBSERVED SKID MARKS THAT WERE MEASURED TO BE 99.3 FEET LONG. THE POINT OF IMPACT WAS IN THE MIDDLE OF THE WESTBOUND LANE, THE VEHICLE WAS STILL ON THE TRAVEL LANE AND THE HORSE WAS ALMOST COMPLETELY ON THE SHOULDER WHEN I ARRIVED ON SCENE. I THEN DID A SPEED ANALYSIS DOING THE SPEED FORMULA (S= $\sqrt{30DF}$). IMPUTING 30 TIMES THE 99.3 FEET LONG SKID MARKS FOR THE DISTANCE AND A COEFFICIENT OF FRICTION OF 0.75 DUE TO DRY ROAD CONDITIONS THAT DAY. THE FORMULA SHOWED AN ESTIMATED SPEED OF 47.26 MPH IN A 45-MPH AREA. THE CRASH WAS CAUSED BY BEING NIGHT TIME AND NOT SEEING THE HORSE ON THE ROADWAY. THE VEHICLE WAS TOWED BY CARTERS TOWING FROM THE LOCATION WITHOUT FURTHER INCIDENT.

PHOTOGRAPHS WERE TAKEN OF THE SCENE AND WILL BE AVAILABLE ALONG WITH THIS REPORT. A DIAGRAM WILL ALSO BE CREATED WITH MEASUREMENTS OF THE SCENE, BOTH WILL BE AVAILABLE ALONG WITH THIS POLICE CRASH REPORT. NOTHING FURTHER FOLLOWS IF ADDITIONAL INFORMATION BECOMES AVAILABLE A SUPPLEMENTAL REPORT WILL BE CREATED.

VIOLATION 01

VEH NO. 01	Last Name MC KENZIE	First Name EVAN	Middle Name ALLEN	Violation (Common Name) DRIVER INATTENTION	Action WARNING
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Attachment 5

Opposition to Sandoval County NM Proposed Ordinance to Ban Feeding or Watering of Wild Horses in Placitas to “improve road safety”. “Cattle” Guards for Safety are prevalent across NM and US, but NONE in Placitas.

Posted on [March 17, 2023](#) by [whoa](#)

While **BULLS ROLL CARS** and kill people.

<https://whoanm.org/wordpress/?p=1262>

Attachment 6

Postponement Request of SB301 and SB271 (Scheduled in HAAWC Tues) for Negotiation of NM Wild Equine Board under NM State Parks Dept.

Posted on [March 6, 2023](#) by [whoa](#)

<https://whoanm.org/wordpress/?p=1240>

Attachment 7

Meeting with Representative McQueen 2/14/2023

Posted on [March 6, 2023](#) by [whoa](#)

<https://whoanm.org/wordpress/?p=1227>

Attachment 8

WHOA’s proactive and respectful road safety suggestions to NMDOT in 2019 and to Sandoval County Manager NM in 2021. (However, neither interested. . . clearly rather risk people, rather than protect wild horses.)

Posted on [February 20, 2023](#) by [whoa](#)

<https://whoanm.org/wordpress/?p=1205>

Attachment 9

REQUEST FOR NEGOTIATION

Posted on [February 16, 2023](#) by [whoa](#)

<https://whoanm.org/wordpress/?p=1201>

Attachment 10

Upheld by NM Courts – DNA Testing Requirement => Placitas Spanish Horses

Posted on [November 5, 2015](#) by [whoa](#)

<https://whoanm.org/wordpress/?p=326>

Attachment 11

Press Release: Poll- Placitans Want Wild Horses to Remain

Posted on August 30, 2014 by whoa

<https://whoanm.org/wordpress/?p=275>