



2023 ANNUAL REPORT

Raúl Torrez
Attorney General









Dear Fellow New Mexicans,

I am pleased to share with you the annual report of the New Mexico Department of Justice for 2023. This past year was marked by transition and transformation as we established a new administration and restructured and refocused the institution around a new mission and vision.

While the pages that follow highlight some of the year's notable achievements, I wanted to take a moment to share the significance of renaming the Office of the Attorney General to the New Mexico Department of Justice. It is not a new idea. Almost a century ago, in 1933, when the legislature adopted the enabling statutes for the New Mexico attorney general, the law they enacted stated, "that the department of justice be, and same is hereby created, with the attorney general as head thereof." These legislators envisioned an attorney general serving as a minister of justice for the people of New Mexico.

For me, this original name of the institution resonates with the mission and vision that I seek to establish today. I envision an institution not centered on the single person of the attorney general, but instead one that emphasizes the every day work of a team of skilled and dedicated professionals focused on promoting good government, safeguarding the public's interest, and protecting the most vulnerable members of our community. This is the work of an institution dedicated to justice. Considering this guiding vision, the institution's original name simply better describes its work and purpose for New Mexico. By renaming the institution, the name serves as a constant reminder of our purpose.

Much of our work in 2023 was dedicated to rebuilding an institutional foundation and culture — from outfitting all of our employees with laptops to establishing the Civil Rights Division to developing cutting edge investigations and lawsuits to establishing a new identity. Turning to 2024, we are well positioned to strengthen that foundation and to build upon it. We are committed to continuing our work with vigor and excellence, and are honored to serve the people of New Mexico.

Sincerely,

A handwritten signature in black ink, appearing to be the initials "TB" followed by a long, sweeping horizontal stroke.

Mission

To promote good government, safeguard the public interest and protect vulnerable members of our community, through dedicated and professional advocacy.

Vision

To help transform New Mexico into one of the safest, healthiest and most prosperous places in the world.



Fighting for the Most Vulnerable Members of Our Community

“ Our faith in the law derives from its unwavering commitment to include the interest of all and not the favored few. Justice is our North Star and the guiding principle of a free people.”

—Attorney General Raúl Torrez



Standing Up for New Mexico's Children

STATE OF NEW MEXICO v. META PLATFORMS, INC, et. al.
D-101-CV-2023-02838

Our Office conducted an undercover investigation of Meta's platforms, creating decoy accounts of children 14 years and younger. The evidence revealed that those platforms are dangerous for New Mexico's children. For example, within three days of establishing one of the decoy profiles of a fictitious mother offering her 13 year old daughter to sex traffickers, and without any efforts to promote the account, the account reached its maximum limit of 5,000 Facebook friends and over 3,000 followers.

With accounts clearly belonging to children, the investigation discovered that the Meta platforms:

- Proactively served and directed them to a stream of egregious, sexually explicit images through recommended users and posts – even where the child has expressed no interest in this content;
- Enabled adults to find, message, and groom minors, soliciting them to sell pictures or participate in pornographic videos;
- Fostered unmoderated user groups devoted to or facilitating Commercial Sexual Exploitation of Children (“CSEC”);
- Allowed users to search for, like, share, and sell a crushing volume of Child Sexual Abuse Material (“CSAM”); and
- Allowed, and failed to detect, a fictional mother offering her 13 year old for trafficking, and solicited the 13 year old to create her own professional page and sell advertising.

The lawsuit against Meta Platforms, Inc., Chief Executive Officer Mark Zuckerberg, and the company's wholly-owned subsidiaries seeks to protect children from sexual abuse, online solicitation, and human trafficking.

Prioritizing Civil Rights

WILHEMINA YAZZIE, et. al., v. STATE OF NEW MEXICO, et. al.
LOUISE MARTINEZ, et. al., v. STATE OF NEW MEXICO, et. al.
D-101-CV-2014-00793

As his first major priority upon taking office, AG Torrez worked with Senator Joseph Cervantes in the passage of a bill to create the first ever, dedicated Civil Rights Division under the direction of the New Mexico Attorney General. Although the bill was not signed into law, AG Torrez was undeterred in his efforts to protect the civil rights of children, the elderly, people with disabilities and other disadvantaged groups across the state. AG Torrez proceeded to establish the Civil Rights Division and hired an experienced civil rights attorney.

In addition to opening investigations concerning potentially discriminatory school disciplinary practices against minority children, the NMDOJ entered into the most significant case addressing the adequacy of educational offerings to minority children in New Mexico, known as the Yazzie/Martinez case.

By entering into the case, the Attorney General's broad statutory authority to control litigation in cases like Yazzie/Martinez where the state or an officer of the state is sued in their official capacity can be used to work with the Secretary of the Public Education Department to help that agency come into compliance with the court's order.

Attorney General Torrez and our Civil Rights attorney have met with the plaintiffs' legal team which involves the New Mexico Center on Law and Poverty, and the drafters of the Tribal Remedy Framework. Additionally, our Office has met with the All Pueblo Council of Governors. Work is underway to assume control of this litigation and accelerate satisfying the terms of the judgment.

Ultimately, ensuring the educational opportunities for minority children serves New Mexico by raising the quality of education for all of our children.



A 2023 STATE-TO-STATE COMPARISON OF EDUCATION

BEST	BETTER	WORSE	WORST
1. Massachusetts	13. Indiana	26. Kansas	39. Alabama
2. New Jersey	14. Wyoming	27. Texas	40. South Carolina
3. Connecticut	15. Colorado	28. Washington	41. Delaware
4. New Hampshire	16. New York	29. Kentucky	42. Michigan
5. Florida	17. Pennsylvania	30. Tennessee	43. Louisiana
6. Utah	18. Minnesota	31. Georgia	44. Oregon
7. Wisconsin	19. Hawaii	32. Mississippi	45. Arizona
8. Illinois	20. Ohio	33. Rhode Island	46. Nevada
9. Iowa	21. Montana	34. Maine	47. West Virginia
10. Virginia	22. Missouri	35. North Dakota	48. Alaska
11. Vermont	23. North Carolina	36. California	49. Oklahoma
12. Nebraska	24. South Dakota	37. Arkansas	50. New Mexico
	25. Maryland	38. Idaho	

Protecting New Mexico's Most Vulnerable

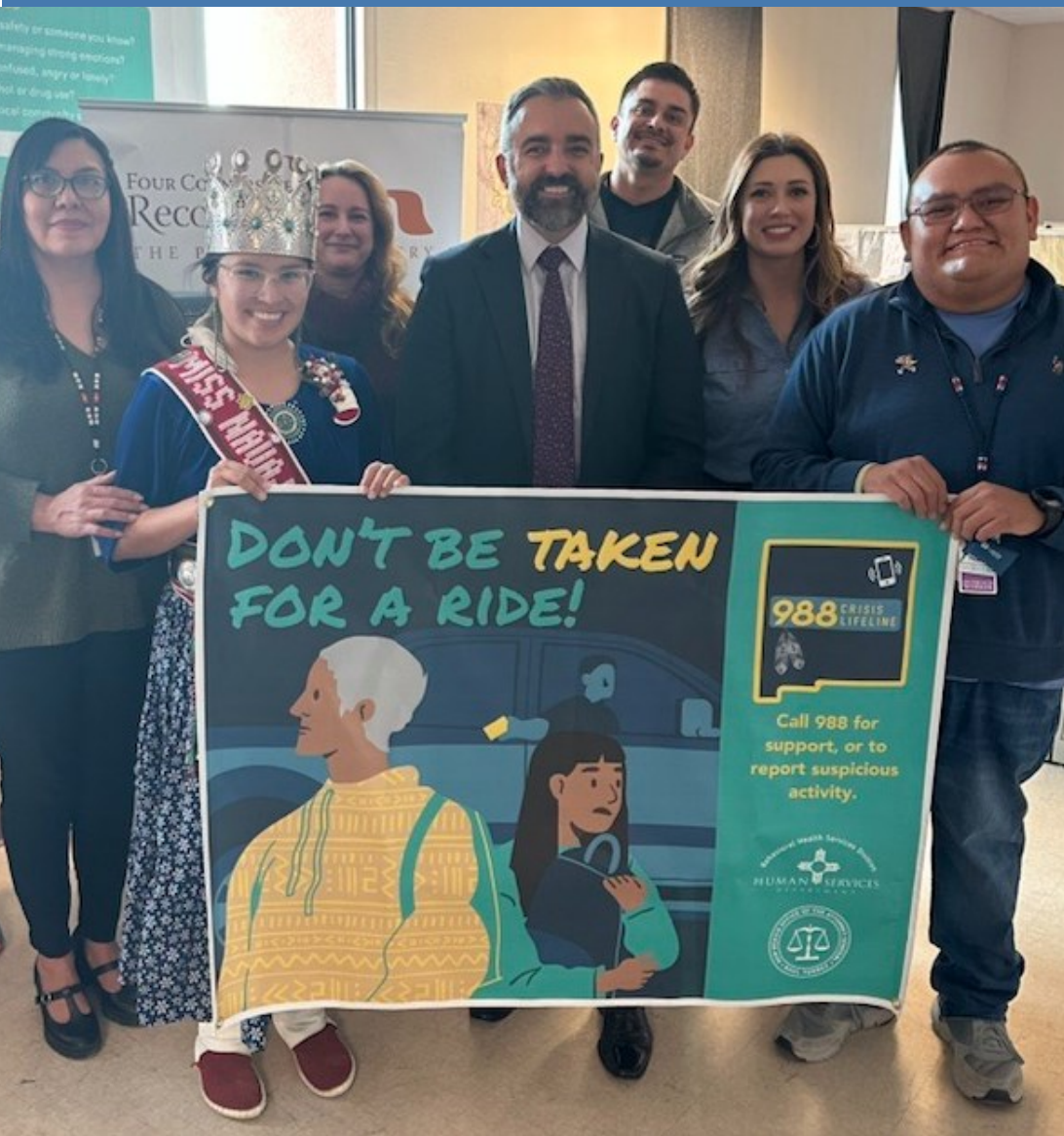
DON'T BE TAKEN FOR A RIDE

The New Mexico Human Services Department and the NMDOJ collaborated on a new public awareness campaign, "Don't Be Taken For a Ride," to report suspicious activity surrounding the behavioral health treatment scam that has been affecting our most vulnerable, unsheltered populations throughout New Mexico. The campaign utilized the 988 crisis hotline to connect calls with tips to NMDOJ special agents and to direct referrals to behavioral health services.

The campaign was designed to combat a scam that lures New Mexicans who are struggling with substance use disorders into vehicles with the promise of drugs, alcohol, money, shelter, or treatment for their conditions only to instead transport them across state lines to illegitimate recovery facilities. The NMDOJ is collaborating with the

Arizona Attorney General's Office as well as the FBI who are investigating Arizona scammers involved in these activities. The NMDOJ is gathering tips and evidence against these bad actors to support their criminal prosecution.

Since the campaign kicked off in April of 2023, the 988 crisis hotline has received over 30,000 calls, chats, and texts.



DON'T BE TAKEN FOR A RIDE!



True helpers will *never* bribe you with drugs, alcohol or money to get into a vehicle.

Call 988 for support, or to report suspicious activity.





New Mexico Attorney General Raúl Torrez discusses solutions to gun crimes with law enforcement leaders throughout New Mexico, including Chief Steve Hebbe, Chief of the Farmington Police Department and President of the New Mexico Chiefs of Police Association, and San Juan County Sheriff Shane Ferrari, Chairman of the New Mexico Sheriffs' Association.

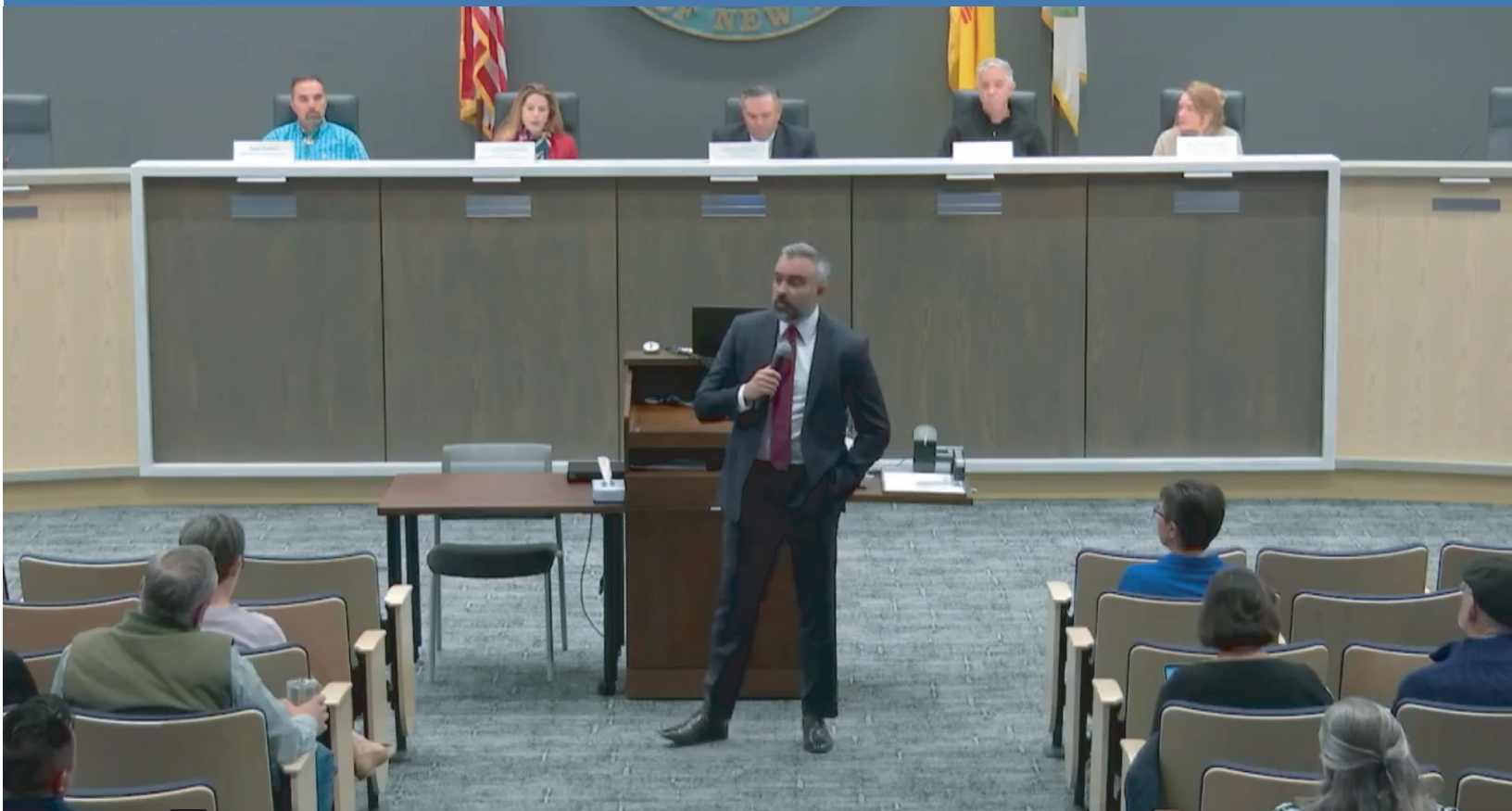
“ Police officers and treatment providers in our state describe the need to take a comprehensive, un-siloed approach to public safety that both makes **enforcement swift and certain**, and streamlines accessibility to upstream **treatment and support services that address root causes of crime.**”

—Attorney General Raúl Torrez

A Blueprint for a Coherent Public Safety Strategy

New Mexico Attorney General Raúl Torrez convened two public safety summits that hosted frontline practitioners from law enforcement and behavioral health service sectors. Both law enforcement and treatment providers hit upon remarkably similar solutions, revealing the vast common ground to address public safety from both enforcement and preventative service perspectives. Taken together, the Law Enforcement and Behavioral Health Summits yielded eight specific priorities to guide legislation and improve public safety in New Mexico, including:

1. Effective Juvenile Justice Interventions for Youth with Guns
2. Swift, Certain, and Proportional Consequences for Gun Crimes
3. Recruiting, Retention, Recognition, and Respect for the Public Service of Law Enforcement and Prosecutors
4. Eliminate Illogical Legal and Bureaucratic Frameworks
5. Establish Coherent and Reliable Funding Mechanisms
6. Expand Treatment for Behavioral Health and Substance Use Disorders
7. Develop a Coherent Strategy For Delivering Essential Services
8. Integrate the Delivery of Services with the Criminal Justice System



Fire Recovery Clinic and Office

New Mexico Attorney General Raúl Torrez and New Mexico Legal Aid hosted a free legal clinic for those affected by the Hermit's Peak/Calf Canyon Fire. At the legal clinic the New Mexico Legal Aid's Volunteer Attorney Program provided pro bono attorneys to answer questions, help explain and guide residents through important forms and provide other legal services as needed by attendees.

The NMDOJ has since partnered with District Attorney Tom Clayton from the Fourth Judicial District to have a Fire Recovery Office staffed by NMDOJ attorneys and advocates to continue to support victims of the fires.

“The Hermits Peak Calf Canyon fire devastated so many of our families, businesses, and communities,” said AG Torrez. “We are happy to partner with Legal Aid for this clinic and will continue to provide New Mexicans tailored resources to aid in their recovery. We have also created a dedicated team of advocates and attorneys who will be focused on this work for as long as it takes to help get these communities back on their feet.”



Smoke from the Calf Canyon/ Hermits Peak Fire rises to join with clouds behind an old church in Llano, near Penasco, Wednesday May 18, 2022. (Eddie Moore/Albuquerque Journal)



**Volunteer
Attorney Program**

A Program of New Mexico Legal Aid

FREE LEGAL CLINIC

Need help filing a claim through FEMA for losses due to the Hermits Peak/Calf Canyon Fire?

Securing Public Access to New Mexico's Rivers

SANTA FE  NEW MEXICAN

 40° | E-EDITION | APP | ARCHIVE | ADVERTISE | CALENDAR | NEWSTIPS | CONTACT | HELP

 NEWS | SPORTS | OPINION | PASATIEMPO | SUBSCRIBE | OBITUARIES | EMPTY STOCKING FUND | MULTIMEDIA | LIFE | CLASSIFIEDS | REAL ESTATE | JOBS | LEGALS

Attorney general cracks down on illegal waterway barriers

By Scott Wyland swyland@sfnewmexican.com Oct 31, 2023 Updated Nov 1, 2023  41



New Mexico Attorney General Raúl Torrez gestures Tuesday to an illegal barrier across the Pecos River in Terrero. The attorney general is cracking down on landowners who refuse to remove barriers 18 months after the state Supreme Court ruled the public must be allowed access to waterways crossing private lands.

Luis Sánchez Saturno/The New Mexican

STATE OF NEW MEXICO v. ERIK BRIONES, DOES 1-10

D-412-CV-2023-00367

The NMDOJ filed a lawsuit against Erik Briones and other property owners in San Miguel County who illegally and unconstitutionally deprived New Mexicans’ public access to the Pecos River. Many of the landowners threatened members of the public with physical violence when lawfully fishing, streaming or wading in the streams adjacent to their property.

This lawsuit seeks to secure every New Mexican’s right to access our state’s rivers and streams. The New Mexico Supreme Court correctly interpreted our state constitution and ruled that wealthy landowners cannot erect barriers to prevent anglers and others from walking, wading, or floating on the riverbed. While the NMDOJ respects the private property rights of landowners along these waterways, those landowners must follow the law and take down illegal barriers that restrict access to natural resources that belong to all of our citizens.

The complaint filed seeks to enjoin the defendants from blocking access to any river or stream crossing their land and to remove barriers that threaten the safety of anglers and outdoorsmen in violation of the New Mexico Constitution.



Preserving New Mexico's Environment

“ PFAS manufacturers profited at the expense of the health of New Mexicans for decades. This lawsuit aims to stop the ongoing damage to the people, environment, and economy of our state while holding those who reaped the financial rewards of this contamination accountable.”

—Secretary James Kenney, New Mexico Environment



New Mexico Environment Department Cabinet Secretary James Kenney and New Mexico Attorney General Raúl Torrez announce the lawsuit against twenty-one PFAS chemical manufacturers.

Together, the NMDOJ and the New Mexico Environment Department (NMED) filed suit against twenty-one chemical manufacturing companies, including 3M and DuPont, for contaminating our state’s natural resources and jeopardizing public health by manufacturing and distributing polyfluoroalkyl substances (PFAS).

“Forever chemicals,” PFAS are mostly known for their resistance to oil, heat, water and other elements. PFAS have contaminated our air, soil, surface water, groundwater, drinking water, wetlands and other natural resources. Once PFAS are introduced into the environment, they quickly spread and easily dissolve into water systems, making them extremely difficult and expensive to remove. PFAS have also been scientifically proven to increase the risk of liver damage, thyroid disease, obesity, infertility and cancer.

The state is seeking for defendants to pay all costs associated with the cleanup and treatment of our natural resources.



**FIREFIGHTING
FOAMS**



**MICROWAVE
POPCORN BAGS**



**WATER RESISTANT
CLOTHING**



PAINT



**STAIN RESISTANT
PRODUCT**



**PERSONAL
CARE PRODUCTS**

PFAS IN PRODUCTS



COSMETICS



**NON-STICK
COOKWARE**



**FAST FOOD
PACKAGING**



**STAIN RESISTANT
FURNITURE**



PHOTOGRAPHY



PESTICIDES

Protecting Consumers in the Clean Energy Transition

STATE OF NEW MEXICO v. NM SOLAR GROUP INC, et. al.
D-101-CV-2023-02015

The NMDOJ filed an action on behalf of consumers impacted by the unexpected closure of New Mexico Solar Group which has operated in communities across the state since 2015. Among other issues, the NMDOJ is especially concerned with assisting in the recovery of monies paid by customers for services that were not completed before the business's decision to wind down operations. In addition to the action against New Mexico Solar Group, the NMDOJ has also opened up investigations into Meraki Solar and Titan Solar, receiving a significant number of consumers complaints alleging unfair and deceptive business practices by both companies.

New Mexico should be at the forefront of adopting solar technology and concerned citizens who are making the decision to switch to solar should not be taken advantage of by these companies. The NMDOJ will aggressively protect consumer interests and those in the solar installation industry are now on notice that any unethical or deceptive business practices will not be tolerated.



LEGAL ACTION AGAINST CLOSED
SOLAR COMPANY



3831



PNM SETTLEMENT RESULTS IN \$115 MILLION RATE CREDIT TO CONSUMERS

The NMDOJ reached a settlement with the Public Service Company of New Mexico (PNM) to resolve the outstanding appeal related to the closure of the San Juan Generating Station (SJGS). Under the terms of the settlement, ratepayers will receive a \$115 million rate credit over a one-year period and PNM will be permitted to issue bonds under the Energy Transition Act (ETA). In addition, the parties agreed that the interest rate on the bonds will be capped at 5.5%, with an additional rate credit to be paid if the interest rate exceeds the cap.

NMDOJ attorneys worked diligently to get the best deal for ratepayers and were able to work with PNM to get a full rate credit and to protect ratepayers from higher interest rates by setting a cap.

Fighting for Victims of Crime

STATE OF NEW MEXICO v. LUIS ANTONIO TALAMANTES-ROMERO
D-202-CR-2021-01239

“What makes this case so horrendous is that it was completely random. Mr. Talamantes-Romero had no reason to shoot Jacqueline Vigil as she was heading to the gym early that morning. It was clear during the trial that Mr. Talamantes-Romero was on a crime spree and selfishly took the life of a beloved mother and wife in the most careless manner. We hope the justice served today poses as a reminder to our community that we will prosecute and hold criminals accountable.”

—Attorney General Raúl Torrez

CRIME

Luis Talamantes found guilty of murder in trial for 2019 Jacque Vigil killing

by: [Chris McKee](#)

Posted: Apr 26, 2023 / 06:00 AM MDT

Updated: Apr 27, 2023 / 09:03 AM MDT



Jurors convict Talamantes on all counts

SHARE



Luis Talamantes-Romero sentenced to life in prison in Jacqueline Vigil's death

By Colleen Heild / Journal Investigative Reporter May 31, 2023



Jva053123b

Jon Austria/ Albuquerque Journal|Albuquerque Journal

Officials bring in a family portrait of Jacqueline Vigil, who was killed in 2019, before a sentencing hearing in state District Court on Wednesday. (Jon Austria/Albuquerque Journal)

Fighting for Victims of Crime

STATE OF NEW MEXICO v. SERGIO ALMANZA
D-202-CR-2022-00200

Sergio Almanza was found guilty of homicide by vehicle, great bodily harm by vehicle, knowingly leaving the scene of an accident, two counts of tampering with evidence and driving an off-highway motor vehicle on a paved street or highway. Almanza faces 30 and ½ years in prison.

On December 12th, 2021, the Bhattacharya family attended the River of Lights festival at the City of Albuquerque's Botanical Gardens. As they were exiting the event the family abided by the stoplight signals and crossed the street to return to their vehicle. Pronoy and his father were abruptly struck by a vehicle where Pronoy suffered from his injuries which resulted in his death. Almanza fled the scene and in the next several days dismantled the off-road he vehicle used in the incident. Almanza continued his illegal activity by fleeing to Mexico to avoid arrest. Two months after the incident Almanza was arrested and charged.



Deputy Attorney General Greer Staley delivering closing arguments.

Jury finds Almanza guilty on all counts in boy's hit-and-run death

Olivier Uyttebroeck / Journal Staff Writer Aug 31, 2023 Updated Aug 31, 2023

2 of 7



Assistant Attorney General John Duran gets a hug from Deepshikha Chowdhury on Thursday after a jury convicted Sergio Almanza in the 2021 hit-and-run death of her son, Pronoy Bhattacharya, 7.

Eddie Moore/Journal

Deputy Attorney General Greer Staley delivered closing arguments for the state and reminded jurors that, “Pronoy was thrown 72.74 feet in the air, he landed on the ground and slid to come to rest 178 feet from where the defendant hit him.” The state also presented evidence that the crash occurred after Almanza and his friends spent an evening drinking at a local restaurant and that their table ordered a large amount of alcoholic drinks.

Pronoy’s tragic death devastated his family and shook our community to its core. His death is a stark reminder of just how fragile life can be. We owe it to him to continue the important work of eliminating drunk driving in New Mexico and holding people like Sergio Almanza accountable for their actions.


Fighting for Victims of Crime

STATE OF NEW MEXICO v. DEVIN MUNFORD

D-202-CR-2021-00986

The day of the murder Devin Munford committed felonies in two separate incidents despite being on a court ordered GPS monitor. Munford was found guilty of first degree murder, aggravated assault, armed robbery, conspiracy to commit armed robbery, tampering with evidence, and criminal damage to property. Munford was sentenced to life plus 25 years in prison.

On April 23, 2021 APD was dispatched to an apartment complex near Albuquerque High School after a 911 call came in from the victim's girlfriend. Devin Munford shot the 22 year old victim Devon Heyborne twice through the door with a shotgun – once in the chest and once in the wrist – as he went to answer the knock. Paramedics arrived and tried to perform lifesaving measures but were unsuccessful. Heyborne died on the scene.

 News Weather Sports Watch Contact Us

Albuquerque man convicted for killing another man while on ankle monitor

By KOB
October 19, 2023 - 6:42 PM



UPDATE

 **GUILTY VERDICT IN MURDER TRIAL**
DEVIN MUNFORD

KOB 4



“ It is deeply concerning how flawed our pretrial detention system is. The fact that a mother, father, brothers and sisters had to lose their loved one when the defendant should have been monitored 24/7 is unacceptable. We must do better so mothers like Angel Alire don't have to suffer for a lifetime from a broken system.”

—Attorney General Raúl Torrez

Combating Abuse and Neglect

“The abuse and neglect that Ms. Molero endured was horrific and the injuries she sustained are among the worst I have seen in my career as a prosecutor. We have a moral obligation to speak up for the most vulnerable members of our society to ensure that this never happens again.”

—Attorney General Raúl Torrez

Attorney General Believes DD Waiver Program Needs More Resources, Oversight

By Matthew Reisen | Albuquerque Journal staff writer | May 19, 2023 | Legislature & Local Government, Top Stories



(Jon Austria/The Albuquerque Journal via AP, File)

New Mexico caregivers charged with 'torture' in death of disabled autistic woman found in van

By Jorge Fitz-Gibbon

Published May 21, 2023 | Updated May 21, 2023, 5:18 p.m. ET

On Wednesday, Angelita Chacon, 52, and Patricia Hurtado, 42, were charged with abuse, neglect, false imprisonment, conspiracy to commit false imprisonment and failure to report, [USA Today reported](#).



New Mexico Attorney General Raul Torrez said the abuse suffered by Mary Melero, a 38-year-old disabled autistic woman, was so severe that it amounted to torture. Melero's caregivers and a pal were charged in the case last week.

AP

Luz Scott, 53, who was driving the van, was charged with false imprisonment and conspiracy to commit false imprisonment, the outlet reported.

Torrez said that Chacon was paid about \$5,000 a month to care for Melero through the state-funded At Home Advocacy program, which is designed to provide home care for the disabled.







**New Mexico
Department
of Justice**

Santa Fe

408 Galisteo Street
Villagra Building
Santa Fe, NM 87501

Albuquerque

201 3rd St. NW
Suite 300
Albuquerque, NM 87102

Las Cruces

1175 Commerce Dr
Suite A
Las Cruces, NM 88011

(505) 490-4060 phone
(505) 490-4883 fax
www.nmag.gov