

STATE OF NEW MEXICO
COUNTY OF RIO ARRIBA
FIRST JUDICIAL DISTRICT COURT

EUGENIO S. MATHIS, as Personal Representative
of the ESTATE OF CARL MANZANARES,
deceased,

Plaintiff,

v.

No. D-117-CV-2021-00398

BOARD OF COUNTY COMMISSIONERS OF
RIO ARRIBA COUNTY; ROADRUNNER
HEALTH SERVICES, LLC; and JOHN DOES 1-
10 in their individual and official capacities,
(employees, staff, agents of Rio Arriba County
Adult Detention Facility and Roadrunner Health
Services, LLC).

Case assigned to Ellenwood, Kathleen McGarry

Defendants.

**COMPLAINT FOR MEDICAL MALPRACTICE, WRONGFUL DEATH
AND RELATED CLAIMS**

COMES NOW, the PLAINTIFF, EUGENIO S. MATHIS, as Personal Representative of
the ESTATE OF CARL MANZANARES, by and through his attorneys COLLINS & COLLINS,
P.C. (Parrish Collins) and SANDOVAL FIRM (Richard A. Sandoval), and for his cause of action
states as follows:

I. PARTIES

1. CARL MANZANARES was, at all times relevant to this complaint, a RIO
ARRIBA COUNTY ADULT DETENTION FACILITY, (“RACADF”), inmate.

2. Defendant Board of County Commissioners of Rio Arriba County (hereinafter “Rio
Arriba County”) is a political subdivision of the State of New Mexico.

3. Eugenio S. Mathis is the personal representative of the Estate of Carl Manzanares
and brings this Complaint on behalf of the Estate.

4. Pursuant to NMSA 1978, §4-46-1, all suits or proceedings against a county are to be brought in the name of the board of county commissioners of that county.

5. As such, all claims involving Rio Arriba County and Rio Arriba County Adult Detention Facility are brought against BOARD OF COUNTY COMMISSIONERS OF RIO ARRIBA COUNTY.

6. At all times material hereto, Rio Arriba County was a governmental entity and local public body as those terms are defined in the New Mexico Tort Claims Act, NMSA 1978, §41-4-3.

7. At all times material hereto, Rio Arriba County owned, operated, supervised, directed, and controlled the RACADF, located in Tierra Amarilla, New Mexico.

8. Pursuant to NMSA 1978, §4-44-19; NMSA 1978, §§33-3-3 through 33-3-8; and NMSA 1978, §33-3-13, Rio Arriba County was statutorily obliged to provide for the confinement of inmates incarcerated under its jurisdiction and had a corresponding obligation to appropriate funds and otherwise provide the necessary funding to maintain and operate a facility for the safe incarceration and healthcare of inmates under its jurisdiction. Rio Arriba County is required to administer, manage, and supervise the health care delivery system at the RACACDF.

9. Upon information and belief, at all material times, John Does 1-10, employees, staff, and agents of Rio Arriba County and RACADF were responsible for providing correctional services at RACADF.

10. At all times material hereto, Defendant ROADRUNNER HEALTH SERVICES, LLC; (hereinafter "ROADRUNNER") was, upon information and belief, the entity contracted to provide health care services to inmates confined in RACADF.

11. Defendant ROADRUNNER is a domestic limited liability company licensed to do business in New Mexico.

12. Defendant ROADRUNNER's registered agent for service of process is Law 4 Small Business, P.C., 320 Gold Ave SW, Ste 620, Albuquerque, NM 87102.

13. At all material times, ROADRUNNER acted through its owners, officers, directors, employees, agents, or apparent agents, including, but not limited to, administrators, management, nurses, doctors, technicians, and other staff, and is responsible for their acts or omissions pursuant to the doctrines of *respondeat superior*, agency or apparent agency.

14. Upon information and belief, at all material times, John Does 1-10 employees, staff and agents of ROADRUNNER were responsible for supervising and providing health care services to inmates at RACADF.

II. JURISDICTION AND VENUE

15. All acts complained of herein occurred in RIO ARRIBA COUNTY, New Mexico.

16. A Tort Claims Notice was timely sent on 4/16/21. **PEX 1.**

17. Plaintiff incorporates the preceding paragraphs as though fully set forth herein.

18. Pursuant to NMSA 1978, §38-3-1(A), and NMSA 1978 §41-4-18(B) venue is proper as Carl Manzanares, deceased, resided in Rio Arriba County.

19. This Court has jurisdiction over the subject matter and parties to this action pursuant to the Court's general jurisdiction, N.M. Const. art. VI §13, NMSA 1978, §38-3-1.1, NMSA 1978 §41-4-18, .

20. Jurisdiction over all parties and claims are proper under Article II, § 10, of the New Mexico Constitution and the law of negligence under New Mexico law.

21. The claims against Rio Arriba County are brought under N.M. Stat. Ann. § 41-4-6, § 41-4-9 and § 41-4-10.

III. STATEMENT OF FACTS

A. MEDICAL FACTS

22. At all times relevant to the complaint, Carl Manzanares was a 35-year-old man.

23. Mr. Manzanares was admitted to Rio Arriba County Detention Center on March 11, 2021, and was evaluated for substance use, suicide risk, anxiety, and depression.

24. Mr. Manzanares was assessed to have moderately severe depression and alcohol withdrawal.

25. These evaluations suggest a higher AWS risk factor for suicide, as Mr. Manzanares had a history of alcohol abuse with and without seizures, as well as delirium tremens.

26. Mr. Manzanares was admitted to a sobering cell.

27. It was advised for Mr. Manzanares to be monitored, for his alcohol withdrawal symptoms to be scored, and for him to take Diazepam.

28. Mr. Manzanares was not appropriately monitored or treated for Alcohol Withdrawal Syndrome (AWS):

A. On 3/11/2021, Mr. Manzanares was not appropriately monitored every 6 hours, as his AWS risk factors score of 4 and AWS level of 2 indicated.

B. On 3/12/2021 and 3/13/21, he was not monitored every 2 hours as his AWS risk factor score of 4-8 and AWS level of 1 indicated.

C. On 3/13/2021 at 20:00 hours, he was not monitored every hour as his AWS risk factor score of 11 and AWS level of 3 indicated. Additionally, Mr. Manzanares's risk level at this time indicated the need for Mr. Manzanares to be treated with Valium 20 mg.

D. On 3/13/2021, Mr. Manzanares was also noted to be hallucinating.

E. On 3/14/2021 at 7:03 a.m., Mr. Manzanares was noted to be hitting his cell door.

29. Symptoms of hallucination, agitation, and an increase in AWS scoring indicates a necessity for frequent monitoring and treatment.

30. Medical providers at Rio Arriba County Detention Center failed to monitor Mr. Manzanares as appropriate given his AWS scores and failed to treat Mr. Manzanares' AWS as his scores increased.

31. Failure to monitor and treat Mr. Manzanares' AWS was grossly negligent.

32. AWS increases suicidal ideation and suicide risk factors. The failure to properly monitor Mr. Manzanares' AWS was grossly negligent and recklessly indifferent to Mr. Manzanares health and safety.

33. As a result of failure to appropriately monitor and treat Mr. Manzanares, Mr. Manzanares died by suicide on March 14, 2021.

B. FACTS SPECIFIC TO ALL RIO ARRIBA COUNTY AND RACADF DEFENDANTS

34. RACADF DEFENDANTS have a duty to reasonably and prudently operate the medical facility within RACADF.

35. RACADF maintained authority over its contractors, including those named in this COMPLAINT.

36. RACADF has the authority to terminate contracts with independent contractors with or without cause.

37. Any of the named RACADF Defendants can intercede on behalf of RACADF if independent contractors are not appropriately caring for RACADF inmates.

38. RACADF understands and recognizes that failure to treat Mr. Manzanares' medical condition constitutes recklessness under New Mexico law.

39. RACADF understands and recognizes that failure to treat Mr. Manzanares' medical condition constitutes deliberate indifference under federal law.

40. RACADF had, at all times relevant to this COMPLAINT, the authority to compel ROADRUNNER to treat Mr. Manzanares' medical condition.

41. RACADF recklessly chose not to exercise any control over the manner in which ROADRUNNER performed their duties leading to Mr. Manzanares' suicide.

42. RACADF DEFENDANTS, by and through their employees, staff, and agents, knew of Mr. Manzanares' history and failed to provide necessary and proper medical care to protect his health and safety.

C. FACTS SPECIFIC TO ROADRUNNER HEALTH SERVICES, LLC. DEFENDANTS

43. ROADRUNNER DEFENDANTS, by and through their employees, staff, and agents, knew of Mr. Manzanares' medical history, history of abusing alcohol, Alcohol Withdrawal Syndrome, and other medical conditions and failed to provide necessary and proper medical care to protect Mr. Manzanares' health and safety.

44. The failures to properly monitor and treat Mr. Manzanares was grossly negligent and reckless and did lead to the death of Mr. Manzanares.

D. FACTS COMMON TO ALL DEFENDANTS

45. ROADRUNNER knew of Mr. Manzanares' history of abusing alcohol and with wanton, willful and deliberate indifference ignored Mr. Manzanares' Alcohol Withdrawal Syndrome and deliberately refused to provide necessary and proper medical care.

46. ALL DEFENDANTS knew of Mr. Manzanares' history of abusing alcohol and with wanton, willful and deliberate indifference ignored Mr. Manzanares' AWS and deliberately refused to provide necessary and proper medical care.

47. ALL DEFENDANTS, including as of yet unidentified JOHN DOE DEFENDANTS, individually knew of Mr. Manzanares' history of abusing alcohol and with wanton, willful and deliberate indifference ignored Mr. Manzanares' AWS and deliberately refused to provide necessary and proper medical care.

48. ALL DEFENDANTS knew that Mr. Manzanares was in need of immediate treatment to control his chronic AWS.

49. ALL DEFENDANTS knew that Mr. Manzanares' Alcohol Withdrawal symptoms were worsening.

50. ALL DEFENDANTS knew that the failure to treat AWS constitutes recklessness under New Mexico law.

51. ALL DEFENDANTS know that the failure to treat chronic AWS constitutes reckless disregard of the serious medical needs of inmates under New Mexico law.

52. ALL DEFENDANTS know that the failure to treat chronic AWS constitutes deliberate indifference to the medical needs of inmates under New Mexico law.

53. ALL DEFENDANTS were complicit and acquiesced in the denial of proper medical care to Mr. Manzanares.

54. ALL DEFENDANTS conspired together to deny Mr. Manzanares necessary and proper medical care leading to physical pain, severe emotional and psychological pain, suffering, and death from complications from unmonitored symptoms related to Alcohol Withdrawal Syndrome.

**COUNT I: MEDICAL MALPRACTICE AND NEGLIGENCE
(ROADRUNNER)**

55. PLAINTIFF incorporates by reference, as if fully set forth herein, each and every allegation contained in the paragraphs above.

56. In undertaking the diagnosis, care and treatment of Mr. Manzanares, ROADRUNNER, its employees, staff, and agents were under a duty to possess and apply the knowledge, skill, and care that is used by reasonably well-qualified healthcare providers in the local community.

57. ROADRUNNER, its employees, staff, and agents breached their duties and were negligent in the management of Mr. Manzanares' health and well-being.

58. The negligence, errors, acts and omissions of ROADRUNNER, include, but are not limited to:

- A. Failure to establish, maintain and enforce evaluation, diagnosis, and treatment guidelines and standards;
- B. Failure to evaluate, treat and manage Mr. Manzanares' medical condition;
- C. Failure to take the reasonable steps to acquire proper treatment of Mr. Manzanares;
- D. Failure to refer Mr. Manzanares to appropriate specialists;
- E. Failure to develop, employ, and follow appropriate policies and procedures with regard to the assessment, treatment, and management of AWS;
- F. Failure to provide Mr. Manzanares with necessary and proper treatment for AWS; and
- G. Failure to protect and preserve the health of Mr. Manzanares.

59. As a direct and proximate result of the negligent acts and omissions of ROADRUNNER, its employees, staff and agents, Mr. Manzanares suffered a rapid and significant deterioration in health, along with physical, emotional, and psychological pain and suffering not presently determinable, but to be proven at the time of trial.

60. ROADRUNNER, its employees, staff, and agents' failures to assess, treat and manage Mr. Manzanares' medical condition was reckless and wanton with utter disregard for and deliberate indifference to the safety and welfare of Mr. Manzanares for which PLAINTIFF is entitled to punitive damages.

**COUNT II: NEGLIGENT OPERATION OF A MEDICAL FACILITY,
N.M. Stat. Ann. § 41-4-9 (Rio Arriba County)**

61. PLAINTIFF incorporates by reference, as if fully set forth herein, each and every allegation contained in the paragraphs above.

62. In undertaking the diagnosis, care and treatment of Mr. Manzanares, Defendants have a duty to possess and apply the knowledge, skill, and care that is used by reasonably well-qualified healthcare providers in the local community.

63. Defendants breached their duties and were grossly negligent and reckless in the management of Mr. Manzanares' health and safety.

64. Defendants' negligence and recklessness include, but are not limited to:

- A. Failure to evaluate, treat and manage Mr. Manzanares's AWS;
- B. Failure to develop, employ, and follow appropriate policies and procedures with regard to the assessment, treatment, and management of Mr. Manzanares' AWS;
- C. Failure to create an appropriate treatment plan;
- D. Failure to implement an appropriate treatment plan;

- E. Failure to take the reasonable steps to acquire proper treatment of Mr. Manzanares;
- F. Failure to refer Mr. Manzanares to appropriate specialists;
- G. Failure to timely transfer Mr. Manzanares to an appropriate treatment facility;
- H. Failure to protect and preserve the health of Mr. Manzanares, and;
- I. Failure to implement any AWS prevention plan whatsoever, despite Mr. Manzanares' chronic history of alcohol use and abuse, and AWS.

65. Defendants' failure to assess, treat and manage Mr. Manzanares's severe AWS was reckless, wanton and in utter disregard for the safety and welfare of Mr. Manzanares.

66. The negligent and reckless acts and omissions of Defendants were the direct and proximate cause of Mr. Manzanares' wrongful death.

67. Plaintiff is entitled to compensatory damages for the negligent acts and omissions of Defendants.

**COUNT III: NEGLIGENT OPERATION OR MAINTENANCE OF ANY
BUILDING, PUBLIC PARK, MACHINERY, EQUIPMENT OR
FURNISHINGS, N.M. STAT. ANN. § 41-4-6
(RACADF)**

68. PLAINTIFF incorporates by reference, as if fully set forth herein, each and every allegation contained in the paragraphs above.

69. RIO ARRIBA COUNTY, acting by and through RACADF, its employees, staff, and agents, is liable for the negligent operation or maintenance of any building, public park, machinery, equipment, or furnishings under N.M. Stat. Ann. § 41-4-6.

70. RIO ARRIBA COUNTY has authority over RACADF.

71. RIO ARRIBA COUNTY has authority and control over the operation of all medical facilities within RACADF correctional facilities.

72. MDC has sole authority, control and responsibility over the execution, implementation and enforcement of the PSA. RACADF has allowed numerous serious breaches and violations of the PSA, American Correctional Association (ACA) and National Commission for Correctional Health Care (NCCHC) standards, which led to the medical neglect of Mr. Manzanares. RACADF and ROADRUNNER are entrusted with the medical care of New Mexico inmates who have no other source of medical care.

73. ROADRUNNER's medical staff at RACADF lacked sufficient expertise to assess, treat and manage Mr. Manzanares' health conditions.

74. ROADRUNNER has a duty under the PSA, ACA and NCCHC to properly refer Mr. Manzanares to be seen by a physician who could effectively treat him.

75. RACADF DEFENDANTS refused or otherwise failed to enforce these provisions of the PSA, ACA and NCCHC.

76. RACADF DEFENDANTS knew that ROADRUNNER was not abiding by the terms of the PSA, ACA and NCCHC.

77. RACADF DEFENDANTS knew that ROADRUNNER was not properly and adequately treating Mr. Manzanares' medical condition.

78. RACADF DEFENDANTS knew that ROADRUNNER was not referring Mr. Manzanares to outside medical healthcare providers who could effectively and prudently treat him.

79. Such conduct amounts to negligence in running a medical facility.

80. Such conduct amounts to negligence in the treatment of Mr. Manzanares.

81. The actions of RACADF were negligent, willful, wanton, and in gross and reckless disregard for Mr. Manzanares' well-being.

82. ROADRUNNER has violated numerous provisions of ACA, NCCHC and local standards of medical care.

83. RACADF DEFENDANTS have taken no action to correct these violations or otherwise hold ROADRUNNER to ACA, NCCHC or New Mexico medical standards of care.

84. RACADF DEFENDANTS have been complicit in the failure to adhere to the basic constitutional correctional health care set forth by the NCECHC through RACADF's failure to enforce the PSA.

85. RACADF DEFENDANTS have knowingly allowed and been complicit in the violation of the ACA and NCCHC minimum mandatory standards.

86. RACADF DEFENDANTS have failed to properly maintain oversight and enforcement of the PSA.

87. RACADF has an increased duty of care to vulnerable inmates such as Mr. Manzanares who suffering AWS and a severe mental health crisis. RACADF has clinical oversight of its contractor's medical decision-making and health services operation.

88. RACADF must enforce the PSA and/or terminate independent contractors if the care provided does not meet RACADF, ACA or NCCHC standards or constitutional definitions of adequate health care.

89. RACADF did not enforce the PSA or take proper enforcement actions against ROADRUNNER, resulting in inadequate healthcare to its inmates.

90. The failures of RACADF DEFENDANTS led to the death of Mr. Manzanares.

91. Upon information and belief, RACADF personnel failed to monitor, evaluate, treat, and render first aid to Mr. Manzanares.

92. As a result of the foregoing, Mr. Manzanares suffered serious and permanent physical injuries, pain and suffering, and severe psychological and emotional distress, and death, for which PLAINTIFF is entitled to damages.

**COUNT IV: NEGLIGENT HIRING, TRAINING AND SUPERVISION
ALL DEFENDANTS(Roadrunner)**

93. PLAINTIFF incorporates by reference, as if fully set forth herein, each and every allegation contained in the paragraphs above.

94. ROADRUNNER had a duty to properly screen, supervise, educate, and train its employees regarding proper treatment of inmates suffering AWS.

95. On information and belief, ROADRUNNER failed to properly train and supervise its employees, contractors, or agents in such a manner as to properly, and adequately, assess, treat, and manage Mr. Manzanares' AWS.

96. ROADRUNNER is liable for damages caused by its employees and other agents while working within the scope of their employment under the doctrines of *respondeat superior* and agency, in an amount not presently determinable but to be proven at trial.

97. The failures of Defendants ROADRUNNER led to the death of Mr. Manzanares.

**COUNT V: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(ROADRUNNER)**

98. PLAINTIFF incorporates by reference, as if fully set forth herein, each and every allegation contained in the paragraphs above.

99. ROADRUNNER DEFENDANTS intentionally denied Mr. Manzanares proper and necessary medical care for his AWS.

100. ROADRUNNER DEFENDANTS intentionally denied Mr. Manzanares proper and necessary behavioral healthcare, including, but not limited to, supervised detoxification from alcohol and accompanying AWS.

101. ROADRUNNER DEFENDANTS intentionally denied Mr. Manzanares access to appropriate specialists for his behavioral conditions.

102. The conduct of ROADRUNNER DEFENDANTS was extreme, outrageous, and intentional, and in deliberate disregard for Mr. Manzanares' mental health.

103. Mr. Manzanares suffered severe emotional distress as a result of the conduct of DEFENDANTS.

104. As a result of the foregoing, Mr. Manzanares suffered wrongful death, pain and suffering, and severe psychological and emotional distress, for which PLAINTIFF is entitled to damages, including punitive damages.

**COUNT VI: CIVIL CONSPIRACY TO DENY PLAINTIFF MEDICAL CARE
(ROADRUNNER)**

105. PLAINTIFF incorporates by reference, as if fully set forth herein, each and every allegation contained in the paragraphs above.

106. The facts illustrated above show a conspiracy on the part of RIO ARRIBA COUNTY, RACADF and ROADRUNNER to deny Mr. Manzanares necessary, proper, and constitutionally minimal medical care.

107. As a result of said conspiracy, Mr. Manzanares suffered, severe physical and emotional distress as a result of the conduct of RIO ARRIBA COUNTY, RACADF and ROADRUNNER.

108. PLAINTIFF is entitled to recovery for Mr. Manzanares' injuries and damages, including but not limited to, physical injuries, pain and suffering, and severe psychological and emotional distress.

109. PLAINTIFF is entitled to damages, including punitive damages, against RIO ARRIBA COUNTY, RACADF and ROADRUNNER.

110. There is no Tort Claims Act waiver for civil conspiracy for Roadrunner.

111. PLAINTIFF is entitled to punitive damages against all Roadrunner.

**COUNT VII: RESPONDEAT SUPERIOR AND AGENCY
(ROADRUNNER)**

112. PLAINTIFF incorporates by reference, as if fully stated herein, each and every allegation contained in the paragraphs above.

113. ROADRUNNER is responsible to PLAINTIFF under the doctrine of *respondeat superior* for the conduct of its employees, staff, and agents.

114. ROADRUNNER is responsible to PLAINTIFF under the doctrine of agency for the conduct of its employees, staff, and agents.

**COUNT VIII: WRONGFUL DEATH
(ALL DEFENDANTS)**

115. PLAINTIFF incorporates by reference, as if fully stated herein, each and every allegation contained in the paragraphs above.

116. Defendants, acting through their employees, administrator, agents, representatives, officers, directors, designees, physicians, counselors, nurses, nurse's aides, and/or contractors, who were acting within the scope of their employment, agency, apparent agency, or contract, were negligent in the care and services they provided to Mr. Manzanares.

117. Defendants failed to use ordinary care in providing the appropriate treatment and care that is reasonable and prudent for any correctional facility to provide under the same or similar circumstances.

118. Defendants breached their duty by failing to ensure that Mr. Manzanares received proper precautions to prevent suicide, and adequate and proper supervision in an appropriate manner.

119. As a direct and proximate result of Defendants' actions and/or inactions, Mr. Manzanares suffered physical and psychological pain, suffering, and ultimately death.

COUNT IX: PUNITIVE DAMAGES (ROADRUNNER)

120. As a direct and proximate result of the actions of Defendants enumerated above, Mr. Manzanares sustained serious personal injuries, which caused or contributed to his tragic and untimely death.

121. As a direct and proximate result of the actions of Defendants enumerated above, Plaintiff is entitled to an award of monetary damages for the pain and suffering experienced prior to the death of Mr. Manzanares, the aggravating circumstances attending his death, the reasonable expenses of necessary medical care and treatment and funeral and burial costs, the monetary worth of the life of Mr. Manzanares, and hedonic damages, or damages for the loss of value of Mr. Manzanares's life itself, all to Plaintiff's damages in an amount to be determined by the Court at trial.

122. In the alternative, as a direct and proximate result of the actions of Defendants enumerated above, Mr. Manzanares experienced pain and suffering, loss of enjoyment of activities, hedonic damages, or loss of the value of life itself, all to Plaintiff's damages in an amount to be determined by the Court at trial.

123. The acts and omissions complained of in the causes of action stated above are so egregious, reckless, and wanton, and demonstrate such total disregard of the rights of Mr. Manzanares, that in addition to the actual damages ascertained and demonstrated by a preponderance of the evidence, punitive damages, or exemplary damages to punish and deter these types of acts and omissions from occurring in the future are appropriate.

WHEREFORE, PLAINTIFF requests judgment as follows:

A. Compensatory damages against all DEFENDANTS, jointly and severally, in an amount to be determined by this Court as adequate for pain, suffering, injuries and death to PLAINTIFF;

B. Compensatory damages against all DEFENDANTS, jointly and severally, in an amount to be determined by this Court as adequate for ROADRUNNER DEFENDANTS' intentional infliction of emotional distress;

C. Punitive damages in an as yet undetermined amount against ROADRUNNER;

D. Costs incurred by PLAINTIFF, including pre-judgment and post-judgment interest; and

E. Such other and further relief as the Court deems just and proper.

Respectfully Submitted:

COLLINS & COLLINS, P.C.

/s/ Parrish Collins

Parrish Collins

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Albuquerque, NM 87103

505-242-5958

parrish@collinsattorneys.com

-and-

SANDOVAL FIRM

/s/ Richard A. Sandoval

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Albuquerque, NM 87103

Telephone: (505) 242-5958 Fax (505) 242-5968

April 16, 2021

NOTICE OF TORT CLAIM

Larry DeYapp, Detention Center Administrator

#2 Main St. Bldg 2

Tierra Amarilla, NM 87575

Via Fax to (575)-588-7791 & USPS

Rio Arriba County Clerk

Rio Arriba Archive Building

7th Main Street

Tierra Amarilla, NM 87575

Via Fax to (575)-588-7418 & USPS

Sophie M. Martinez, Director

Risk Management

P.O. Box 127

Tierra Amarilla, NM 87575

Via Fax to (505)-588-0461 & USPS

Tomas Campos, County Manager

1120 Industrial Park Rd.

Espanola, NM 87532

Via Fax to (505) 753-9397 & USPS

RE: Carl Manzanares Estate v. Rio Arriba County Detention Center , Rio Arriba County,
et. al.,

Date of Incident: March 14, 2021

Gentlemen/Mesdames:

This letter is intended to provide written notice to the above captioned parties under the Tort Claims Act, NMSA 1978, §§ 41-4-1 to -4-27 regarding the actions and inaction of the Rio Arriba County Detention Center (RACDC), the County of Rio Arriba (and their employees, staff contractors and other agents) in their negligence related to their failure to provide proper

supervision and medical care to Mr. Carl Manzanares which led to his suicide in the facility on March 14, 2021. It is apparent that correctional staff did not provide proper supervision and due to this negligence, Mr. Manzanares lost his life.

Under the laws prohibiting spoliation of evidence, please take all necessary steps to preserve the following evidence associated with the subject incident:

1. All lapel videos for all correctional officers on the scene at any time of the INCIDENT including those officers that arrived after the incident for investigation of whatsoever kind.
2. Any and all log files for the duration of Mr. Manzanares incarceration at RACDC.
3. The full and complete inmate file for Mr. Carl Manzanares.
4. All booking and intake documents for Mr. Manzanares.
5. All medical records obtained or otherwise received for Mr. Manzanares.
6. All requests by RACDC, its staff, agents, or contractors, for Mr. Manzanares' medical records from any outside medical providers.
7. All correctional officer daily logs for the duration of Mr. Manzanares incarceration at the RACDC.
8. All cell check logs for checks on Mr. Manzanares for the duration of incarceration at the RACDC.
9. All other video and audio recordings related to the subject INCIDENT to include:
 - i. Video from the cell where he committed suicide.
 - ii. All video footage from the hallways leading to and from his cell for a period of 72 hours prior to the INCIDENT.
 - iii. Videos of any physical location transfers to other areas of the detention facility.
 - iv. If in segregation, all video footage on his segregation cell and hallways leading to and from his segregation cell for the 72 hours prior to the INCIDENT up to the point where he is placed on the ambulance to the hospital.
10. All recorded calls involving Mr. Manzanares as a party to the call.
11. Listing of all correctional officers and other prison staff present at the time of Mr. Manzanares' suicide, which occurred on March 14, 2021 in the Rio Arriba Detention Center.

12. Any other "Writings, Records and Photographs" as defined under Rule 11-1001 of the New Mexico Rules of Evidence:
- a. A "writing" consists of letters, words, numbers, or their equivalent set down in any form.
 - b. "recording" consists of letters, words, numbers, or their equivalent recorded in any manner.
 - c. "photograph" means a photographic image or its equivalent stored in any form.
13. Any paper or electronic files and other data generated by and/or stored on your computers and storage media (e.g., hard disks, floppy disks, backup tapes), or any other electronic data, such as voice mail in connection with the subject incident. All electronic records must be maintained and preserved even if there are hard copy printouts of said records.
14. All written notes, recordings, meeting minutes, written correspondence of any kind, witness interviews, witness statements, reports to regulatory authorities, reports to the Office of the Medical Investigator and any other writing related to or associated with the death of Mr. Manzanares.

Please contact us should you have any questions. Thank you for your consideration of this matter.

Sincerely,

COLLINS & COLLINS, P.C.

/s/Parrish Collins

Parrish Collins

PC/gtg

cc: Robert Gentile
Terry Guebert
David Ketai
Julia Purdy