

Man sues GPD after being wrongfully accused of a crime

Written by By Molly Ann Howell Sun Correspondent
Friday, 24 February 2023 03:19

A confusing situation of mistaken identity led to a man named Anthony Marquez being charged with a crime he did not commit. He is now suing the Gallup Police Department and the City of Gallup.

A woman called Metro Dispatch Sept. 13, 2020, to report that her ex-boyfriend was stalking her. She claimed he called her 30 times and texted her 100 times. He allegedly accused his ex of sending police to his house.

According to Anthony's attorney A. Blair Dunn's complaint document, which was filed in the State of New Mexico McKinley County Eleventh Judicial District Court, his client's name was mistakenly written down by Metro Dispatch, and that led to Gallup police officers arriving at his doorstep.

But Anthony refused to open his door for the officers, and they did not meet with him that day.

Officer Clarissa Morgan filed a police report with Anthony Marquez's name and his birth year listed. She listed his address as 6025 Alamosa Way NW in Albuquerque. On Nov. 12, 2020, Morgan filed a criminal complaint with the Magistrate Court in Gallup and charged an Anthony Marquez from Bernalillo County with harassment.

Anthony was arraigned on the harassment charges Jan. 6, 2021.

But the situation completely changed when the woman who made the original complaint was interviewed March 24, 2021. In that interview, the woman stated that her ex-boyfriend's name was Antonio Marquez, not Anthony Marquez, and she gave a different address than the one the officers originally had.

After multiple hearings, the prosecuting officer filed a nolle prosequi June 25, 2021, citing the reason for the dismissal of the charges against Anthony as "defendant is not the person who committed the alleged crime."

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Anthony filed a complaint with the GPD regarding him being falsely charged with a crime Oct. 8, 2021.

After waiting several months for the results of the internal affairs investigation regarding the conduct of the GPD, Anthony received a letter May 2, which substantiated the claims in his complaint.

According to court documents, Anthony was never told how he ended up being charged with a crime he did not commit in a place he had never visited.

Dunn said he hopes there will be an informal resolution with the Magistrate Judge sometime in the spring. A settlement conference will be held in May.

Dunn also said he still wasn't sure how Anthony came to be charged with the crime.

"We actually sent them correspondence early on asking for them to address this after it was finally dismissed and they didn't say anything, that's why we ended up filing a lawsuit," Dunn said. "They've denied that they did anything wrong, but the bottom line is they were pretty negligent in not making sure they had the right person and then continuing on once [people] started saying 'hey you've got the wrong guy here.' It took them way too long to get that fixed."

Dunn explained that despite the case getting dismissed eventually, Anthony is still seeking compensation for the time he spent trying to clear his name. It's also something that will remain on his record and will be something potential employers could see.

"Even though he wasn't convicted and it's now been dismissed, it's still out there on the internet and out there as a public record that he was charged with a crime. So we're looking to get that scrubbed out and cleaned up and make sure that he's exonerated," Dunn explained.

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The *Sun* reached out to the attorneys representing the GPD and the City of Gallup in this matter, but they did respond before press time.

Gallup Police Acting Chief Erin Toadlena-Pablo declined to comment on this lawsuit.

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