

# Monterey County The Herald

## Lawyer says client just a passenger during police shootout

By JULIA REYNOLDS

Herald Salinas Bureau

Posted: 12/22/2010 05:55:55 AM PST

Updated: 12/22/2010 08:43:39 AM PST

Click photo to enlarge



Juan Ortiz He was released from custody Monday.

The lawyer for a Salinas man released from jail without charges Monday after a Dec. 11 police shootout said Juan Anthony Ortiz was a passenger who requested a ride from a friend.

A statement released by attorney Tom Worthington on Tuesday said Ortiz "spends time with old friends and that is why he was in a car with Nicholas Martinez on Dec. 11, 2010. Mr. Ortiz had been helping another friend move some appliances and then needed to run an errand and from there, go to work."

Police say Martinez allegedly opened fire on a sheriff's deputy and California Highway Patrol officer who pulled him over on East Laurel Drive.

The officers were members of the county's joint Gang Task Force. Ortiz, 37, and Martinez, 32, are Sureño gang members, according to court records.

At least one officer shot back, hitting Martinez and Ortiz.

Martinez was critically injured and remains hospitalized. Ortiz was shot several times but was released from a hospital and booked into Monterey County Jail.

He was held for nine days before he was released late Monday when the District Attorney's Office said it would not file charges against him.

Salinas Police Chief Louis Fetherolf said officers suspected the car Martinez drove was involved in recent serious crimes.

Worthington said Ortiz doesn't know why the car was pulled over, "but when a GTF officer approached their car, he and Mr. Martinez complied with all their directives. Mr. Martinez was ultimately ordered out of the car," Worthington wrote.

"Within seconds, Mr. Ortiz heard gunshots and was hit in the back of the head with one bullet," Worthington wrote. "He ducked down until the firing stopped and then put his hands out the window to show that he had no weapon. At some point, he was hit by two more bullets."

Worthington said Tuesday that Ortiz did not see a gun, and "had he known Mr. Martinez had a gun, he would certainly not have gotten into that vehicle."

Worthington wrote that Ortiz has been a law-abiding citizen for four years.

Before that, Ortiz had a record of adult arrests dating back to 1998, when he pleaded guilty to possessing and transporting drugs for sale. He was sentenced to 240 days in county jail and three years probation.

# Monterey County The Herald

In 2001, he admitted to being a gang member and pleaded guilty to being a felon in possession of a firearm. No information was immediately available about his sentence in the case.

Martinez was scheduled for arraignment in Monterey County court Tuesday on four felony counts, including attempted murder of a police officer. The arraignment was postponed because he is hospitalized.

Julia Reynolds can be reached at 648-1187 or [jreynolds@montereyherald.com](mailto:jreynolds@montereyherald.com).