

The Salinas **Californian**

Salinas police deny man's account of officer shootout

The Salinas Californian - Salinas, Calif.

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Date: Dec 22, 2010

Start Page: n/a

Section: NEWS

Text Word Count: 896

Document Text

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Salinas police vehemently denied Tuesday a former suspect's statement that two gang task force officers fired at him and his friend even after they complied with their orders in a shootout earlier this month.

"Officers are not out there getting shot at because nothing happened," said police Chief Louis Fetherolf in response to the statement released by Juan Anthony Ortiz.

"Those comments, from my point of view, are just a bunch of nonsense," the chief said.

But in a statement issued through his attorney, Tom Worthington, Ortiz says that's exactly what the officers did during the violent Dec. 11 traffic stop at East Laurel Drive and North Sanborn Road.

The statement from Ortiz comes a day after he was released from jail.

Police have said Ortiz was a passenger in a blue Honda driven by Nicholas Ruelas Martinez when the two gang task force officers pulled them over. They have said the officers believed that the occupants in the car were suspects in a recent homicide.

The car, Fetherolf said Tuesday, matched the description of a vehicle seen at a number of different homicides.

Worthington said in the statement that Ortiz had no idea why they were pulled over, but the two had completely complied with the gang task force officers' orders.

On Monday, the Monterey County District Attorney's Office decided to not file criminal charges against Ortiz, citing a lack of evidence.

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Worthington said that though his client has had run ins with the law, he has lived a life of a law-abiding citizen in the past four years.

That day, he said, Ortiz had been helping another friend move some appliances and had needed to run errands before heading to work. Because his wife was using their car, Ortiz asked Martinez for a ride, the statement said.

In the shootout, police have said, 37-year-old Ortiz received minor gunshot wounds to his head and hand.

At the time of the stop, Worthington said police ordered the pair out of the car.

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

Police have said Martinez had pulled out a handgun and began firing at the officers, who in turn fired back -- striking him several times. They said a handgun was recovered.

Married with a 3-year-old son, the statement says, Ortiz worked at a good job and spends a majority of his time with his family.

Both Ortiz and Martinez are known gang members with an "extensive [criminal] history," said Lalo Viegas, a spokesman for the Salinas Police Department.

"The initial publication was absolutely incorrect about him having a firearm," Worthington said. "This did not happen. We wanted to make sure he had an opportunity to tell what happened."

He said no further comments will be made until Worthington completes his own investigation.

Martinez is listed in serious, but stable condition at a Bay Area hospital, police said. He was listed in critical condition immediately after the shooting.

He has been formally charged with two counts each of attempted murder and assault with a deadly weapon, both of which have gun and gang enhancements attached. He also faces charges of being a felon in possession of a gun and having a strike for a prior violent felony.

Meanwhile, Martinez has yet to be arraigned on charges because of hospitalization.

On Tuesday, a county judge set a Dec. 29 hearing for Martinez's case. It's unclear, however, whether he'll make an appearance.

Chuck Olvis, a managing deputy district attorney, told Judge Timothy Roberts that Martinez is scheduled to undergo surgery today in San Jose and should take a little more than a week to recover.

Also at the hearing were Odilon Martinez and Anna Ancheta, who identified themselves as Martinez's parents.

Anxious over their son's situation, the two said, they have not been allowed to see Martinez since the incident. They said they learned of Martinez's surgery at Tuesday's hearing.

"We just want to know his condition," Odilon Martinez said. "I know it's a big case ..., but they should let us know his condition -- that's our major concern."

A Salinas Police spokesman said the parents are not briefed on their son's medical condition because of federal privacy laws that protect patients.

While still in the dark over the events, Ancheta said that her son had been doing well since being off parole in March. She said her son managed to secure a good job.

Villegas, the police spokesman, said Martinez is considered an inmate of the county jail even though he is not physically at the facility and therefore not allowed visitors. However, inmates at the county jail are allowed scheduled, supervised visits.