

FILED
13th JUDICIAL DISTRICT COURT
Valencia County
10/09/2024 14:55:10
PHILLIP ROMERO
CLERK OF THE COURT
Moctezuma, Nancy

**STATE OF NEW MEXICO
THIRTEENTH JUDICIAL DISTRICT COURT
COUNTY OF VALENCIA**

In the Matter of an Extreme Risk
Firearm Protection Order for
THOMAS RODRIGUEZ

Case No.: D-1314-FP-2024-3

ONE-YEAR EXTREME RISK FIREARM PROTECTION ORDER

THIS MATTER comes before the Court on a Petition for Extreme Risk Firearm Protection Order and hearing on **October 9, 2024**. The Court having reviewed the Petition and accompanying affidavit, having received sworn testimony, and all other relevant evidence presented, and being otherwise fully advised in the premises, hereby **FINDS** and **ORDERS** as follows:

The One-Year Extreme Risk Firearm Protection Order hearing was attended by:

Petitioner, Cody Maycumber with Valencia County Sheriff's Department,

Robyn Simms, DDA on behalf of the District Attorney's Office, the Respondent: Thomas

Rodriguez, appearing pro se and the reporting party Carol Cyrus, mother to Thomas Rodriguez.

On **October 1, 2024** a notice of this hearing was served upon the Respondent together with a copy of the Petition and a Temporary Extreme Risk Firearm Protection Order. The Court has jurisdiction of the parties and subject matter.

EVIDENCE AND FINDINGS

A. At the hearing, the Court heard evidence regarding the Respondent. This evidence included:

1. A recent act or threat of violence by the Respondent against self or others, regardless of whether the act or threat involved a firearm;

2. The Respondent's mental health history;

3. The Respondent's abuse of controlled substances or alcohol;

In addition, the Court considered other relevant evidence as follows:

The Respondent has exhibited increasingly aggressive behavior and has exhibited signs that he is actively suffering from an undiagnosed mental health disorder which he either does not recognize or refuses to recognize. His behavior is exacerbated by his use of controlled substances which seems to intensify the symptoms of his undiagnosed mental health disorder.

B. The Court received witness testimony from the reporting party, his mother, Carol Cyrus, the Petitioner/Law Enforcement, Detective Cody Maycumber with the Valencia County Sheriff's Department, and Detective Edgar Erives, with the Valencia County Sheriff's Department;

concerning the Respondent. The information provided by this/these individual(s) includes:

1. Carol Cyrus, mother of Thomas Rodriguez and also resides at her residence testified that he gets scary and spooky has an undiagnosed mental health issue and is using drugs;

2. Detective Edgar Erives testified about the incident that occurred on September 29, 2024 involving firearms, and a SWAT incident,

3. Detective Cody Maycumber testified about the incident that occurred on September 29, 2024 involving firearms, and a SWAT incident. During the incident, Thomas Rodriguez refused to come out of the home during the incident.

4. Testimony that the Respondent is actively using controlled substances that are exacerbated by the symptoms of his undiagnosed mental health disorder and causes him to be more aggressive and unpredictable.

5. Testimony that the Respondent was in possession of firearms which were taken by the New Mexico State Police.

C. The court has considered whether a mental health evaluation or substance abuse evaluation is appropriate. Based upon the facts established at this hearing, the Court finds that *the evidence supports a recommendation that the Respondent obtain:*

1. A mental health evaluation; and
2. A substance abuse evaluation.

Based upon these specific facts and evidence presented, the Court finds, by a preponderance of evidence, that Respondent poses a significant danger of causing imminent personal injury to self or others by having in the Respondent's custody or control or by purchasing, possessing or receiving a firearm.

For the foregoing reasons, the **COURT HEREBY ORDERS:**

RESPONDENT IS PROHIBITED FROM HAVING IN THE RESPONDENT'S POSSESSION, CUSTODY OR CONTROL ANY FIREARMS. RESPONDENT IS ALSO PROHIBITED FROM PURCHASING, RECEIVING OR ATTEMPTING TO PURCHASE OR RECEIVE A FIREARM WHILE THIS ORDER IS IN EFFECT.

EXPIRATION DATE OF ORDER

This Order shall remain in effect until October 9th, 2025, unless otherwise modified by the Court.

This Order is a final order and Respondent may immediately appeal this Order.

RELINQUISHMENT OF FIREARMS

Upon being served with this One-Year Extreme Risk Firearm Protection Order, *Respondent is ordered to safely relinquish (surrender) all firearms in Respondent's possession, custody or control to a law enforcement agency, a law enforcement officer or a federal firearms licensee (FFL):*

IMMEDIATELY UPON SERVICE OF THIS ORDER ON THE RESPONDENT.

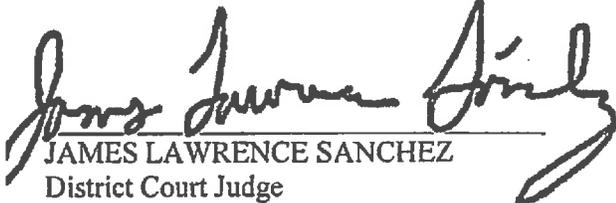
FAILURE TO RELINQUISH (SURRENDER) ALL FIREARMS, IS A MISDEMEANOR OFFENSE, PUNISHABLE BY UP TO 364 DAYS IN JAIL, AND/OR A \$1,000 FINE, PURSUANT TO SECTION 31-19-1 NMSA 1978.

TERMINATION OR EXTENSION OF ORDER

Notice to Petitioner: this One-Year Extreme Risk Firearm Protection Order will last until the expiration date noted above. The Petitioner may request an extension of this order at any time before the expiration of this Order. An extension of this Order may be granted for one additional year.

Notice to Respondent: You have the right to request a hearing to terminate this Order at any time while this Order is in effect. You may seek the advice of an attorney as to any matter connected with this order.

IT IS SO ORDERED.


JAMES LAWRENCE SANCHEZ
District Court Judge

Issued this 9TH day of October, 2024 at 2:30 pm

A copy of this Order was hand delivered to the Petitioner, Detective Cody Maycumber.

A copy of this Order will be provided to the Reporting parties by Detective Cody Maycumber.

A copy of this Order will be personally served upon the Respondent following issuance of the Order.