

# Fuqua v. Santa Fe County Sheriff's Office: Reassessing Threat Perception and Use of Deadly Force

## Description

The United States Court of Appeals for the Tenth Circuit recently released a ruling for *Fuqua v. Santa Fe County Sheriff's Office*. This case stems from an incident in July 2021 when Deputy Leonardo Guzman pulled behind Jason Roybal's vehicle. Knowing that Roybal had outstanding warrants, Deputy Guzman activated his emergency lights to initiate a traffic stop. Instead of pulling over, Roybal attempted to flee.

Deputy Jacob Martinez and Corporal Christopher Zook, who were also driving their police vehicles, joined the pursuit of Roybal. Roybal led the three officers on a low-speed car chase. He eventually opened his window, leaned out, and fired a BB gun at the officers. In response, the officers drew their weapons and fired back.

Shortly after, Roybal opened his car door and dropped the BB gun in the process, attempting to flee the scene on foot and run towards an occupied vehicle. While Roybal was unarmed and running away, all three officers began to fire at Roybal, killing him.

## Procedural Posture

Scott Fuqua, the personal representative of Roybal's estate, filed a civil rights complaint under 42 U.S.C. § 1983 against the officers and the Santa Fe County Sheriff's Office. He alleged that the deputies used excessive and unconstitutional deadly force in violation of the Fourth Amendment and that their superiors failed to properly train and supervise them. Specifically, he contended that Roybal posed no immediate threat when he was shot and that the officers had no lawful basis to use deadly force.

The officers asserted qualified immunity, arguing that the video evidence contradicted the complaint's depiction of events. The district court, however, refused to consider the videos at that procedural stage. Thus, the district court ultimately denied the motion to dismiss, and the officers appealed to the Tenth Circuit.

## United States Court of Appeals for the Tenth Circuit

On appeal, the Tenth Circuit upheld the district court's denial of the motion to dismiss based on qualified immunity. The court first considered the officer's primary argument that the district court erred in declining to rely on the dash and body-camera footage in the motion-to-dismiss stage since they allegedly contradicted Fuqua's allegations.

The officers argued that the district court erred because "both parties submitted the videos to the court, the videos are judicially noticeable, and the videos blatantly contradict the complaint's allegations." The Tenth Circuit noted that there are three exceptions to considering evidence outside the complaint when deciding a motion to dismiss: (1) when the videos are attached to the complaint, (2) incorporated by

reference, or (3) central to the claims and indisputably authentic.

Here, neither party attached nor referenced the videos in the original or first amended complaint. Moreover, Fuqua stated that he did not want the videos to be considered until summary judgment. Thus, the court found that the district court acted properly.

The court then considered whether the videos should fall under the judicial notice exception under the Federal Rules of Evidence. Rule 201 states a court may notice a fact only if it is either generally known within the court's territorial jurisdiction or can be accurately and readily determined by a source whose accuracy cannot reasonably be questioned.

Here, the officers asserted that the submitted video evidence is public record under New Mexico law and should therefore have fallen under the judicial notice exception. The court disagreed, finding that the videos could not fall under Rule 201's scope since they contained disputed facts, unlike birth and death certificates. Thus, the court found that judicial notice could not apply.

The Tenth Circuit then examined whether the blatant contradiction exception could apply, allowing dismissal only when evidence utterly discredits the complaint. Here, footage did not clearly show Roybal threatening anyone. Rather, it showed he dropped the BB gun and fled before being shot. Thus, the court concluded that the videos did not indisputably contradict the complaint.

The court then considered whether the officers could be shielded by qualified immunity from liability, first examining whether a seizure occurred. Here, the officers unholstered and fired their guns at Roybal. The court held that by **shooting** him, the officers showed an intent to restrain him by applying physical force to his body. Therefore, the court ruled that Roybal was effectively seized.

The court then examined whether the seizure was unreasonable while considering the totality of the circumstances. The court cited *Graham v. Connor*, where the Supreme Court listed three facts for evaluating reasonableness: "[1] the severity of the crime at issue, [2] whether the suspect poses an immediate threat to the safety of the officers or others, and [3] whether he is actively resisting arrest or attempting to evade arrest by flight."

Here, Roybal had outstanding warrants and was possessing a stolen car. Further, he had led the three officers on a low-speed car chase. Since both are felonious in New Mexico, the severity weighed in favor of the officers.

The court then examined whether Roybal posed an immediate threat to the officers or civilians. The court cited *Tennessee v. Garner*, which held that officers may not use deadly force on a fleeing suspect who does not pose a significant and immediate threat of serious physical harm to officers or others. Here, Roybal had dropped the BB gun, was unarmed, and was running away. Thus, the court found Roybal was not an immediate threat when he was shot and killed.

In examining the last factor, the court held that it favored the officers since Roybal was attempting to flee and evade arrest.

In conclusion, the court found that the second factor that favored Fuqua outweighed the first and third factors that favored the officers. The court held that Roybal had the clearly established right to be free of excessive force when he was shot and killed. The Tenth Circuit then further concluded under *Garner*

that a reasonable officer would have known that firing on someone who had dropped his weapon and was running away would violate the Constitution. Therefore, the court affirmed the district court's denial of the motion to dismiss.

## Key Takeaways

*Fuqua* reinforces that officers can be held liable under the Fourth Amendment if a plaintiff plausibly alleges excessive force that violates clearly established law. It is crucial that an officer can clearly justify their perception of threat before using force, especially when deadly force is used. It is not enough to say that a suspect was noncompliant or suspicious. Articulated specific, observable facts are needed to show that the person posed an immediate threat of serious harm. In practice, this means paying close attention to what the person is doing with their hands, their body language, and any nearby weapons, and describing those details accurately in reports and later testimony.

Additionally, *Fuqua* reminds officers to slow down and reassess risks when possible. Quick escalation without clear threat indicators can expose officers and their departments to liability. Using cover, calling for backup, or employing de-escalation techniques before resorting to force often not only ensures safety but also demonstrates professionalism and adherence to constitutional standards.

Lastly, it is essential to have detailed, consistent documentation as it can make the difference between a justified and an excessive action. Reports should reflect the full context of a situation, including what the officer saw, what they perceived as the threat, what options they considered, and why they chose the level of force used.

*Fuqua v. Santa Fe County Sheriff's Office*, No. 24-2152, 157 F.4th 1288 (10th Cir. 2025)

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