

## GPD officers cleared in Sylversmythe shooting

Written by By Bernie Dotson Sun Correspondent  
Friday, 05 May 2017 11:05

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### Official: Case is now closed

There won't be any charges filed against the Gallup police officers who were part of the July 2016 shooting death at the Arnold Street public housing project, officials said.

McKinley County Deputy District Attorney Earl Rhoads said in a March 20 piece of correspondence addressed to Gallup police chief Phillip Hart that, "This letter is to inform you, and the officers of your department, that I have completed my independent review of the New Mexico State Police reports in the matter," Rhoads wrote. "After lengthy, careful and multiple reviews of the reports, and particularly the pathology report, I have been authorized by (McKinley County) District Attorney Karl Gillson to inform you that there will be no criminal charges brought against these officers."

Rhoads explained in the one-page letter that Alvin Sylversmythe, 29, was an angry, suicidal and intoxicated person who weighed more than 300 pounds. Rhoads wrote that Sylversmythe, who possessed a prior criminal record dating back to 2012, "was quickly moving toward officers whilst armed with two knives and repeatedly ignoring police commands to drop the knives even after being hit multiple 12-gauge bean bag rounds."

"... The actions of these officers were clearly in the defense of themselves and anyone else who might be in the path of (Mr. Sylversmythe)," Rhoads recorded. "This was a justifiable homicide. No rational person with an understanding of New Mexico law could conclude otherwise."

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The Gallup police officers involved in the fatal shooting were Justin Benally, Clarissa Morgan, Steven Peshlakai and Dominic Molina. The four carry some 16 years of city police department experience.

The incident happened in the early morning hours of July 24 at 304 Arnold St., part of the Gallup Housing Authority, and was immediately put in the hands of the state police so as to avoid bias, officials said at the time. Sylversmythe was at the housing project hanging out and drinking with friends, witnesses said at the time. He later died at Gallup Indian Medical Center.

The shooting death was the first involving Gallup police in 13 years.

“The officers were cleared and have returned to work,” Capt. Marinda Spencer, public information officer with the GPD, said.

***By Bernie Dotson***  
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