

LAW OFFICE OF
R. ANDREW FREE
Immigration. Civil Rights. Workplace Justice.

Transgender 
Law Center
Making Authentic Lives Possible

November 19, 2018

Via Certified U.S. Mail
Via Facsimile: (505) 827-2969

Lara White-Davis
Risk Management Division Director
1100 St. Francis Dr.
Joseph Montoya Bldg., Room 2073
Santa Fe, NM 87502

Risk Management Division
P.O. Box 6850
Santa Fe, NM 87502

Re: Notice of Wrongful Death Tort Claim
Decedent: Roy Alexander (“Roxsana”) Hernandez Rodriguez, a.k.a Jeffrey Hernandez
Cibola County Correctional Center; Cibola County, New Mexico

Dear Ms. White-Davis:

This letter constitutes written notice of a personal injury and wrongful death claim for damages under the New Mexico Tort Claims Act, NMSA § 41-4-16(C).

Together with the undersigned, I represent the personal representatives and next-of-kin of Ms. Roxsana Hernandez.

Accordingly to information publicly available at present, Ms. Hernandez was admitted to and imprisoned in the Cibola County Correctional Center (“Cibola”) on or about May 15, 2018 pursuant to an Inter-Governmental Services Agreement between U.S. Immigration and Customs Enforcement and the County of Cibola.¹ Ms. Hernandez was an HIV-positive trans woman who fled Honduras to seek asylum in the United States. While in Cibola, Ms. Hernandez did not receive necessary medical care and medication, leading to her hospitalization and ultimate death.

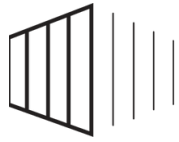
According to an independent autopsy report, Ms. Hernandez endured physical assault and abuse while in custody. Specifically, forensic evidence indicates she was handcuffed so tightly as to cause deep tissue bruising and struck repeatedly on the back and rib cage by an asp or similar instrument while her hands were restrained behind her back.

Ms. Hernandez was hospitalized on May 17, 2018. She died on May 25, 2018.

Some of the possible claims against public entities include battery, assault, negligence, failure to protect, excessive force, intentional infliction of emotional distress, deliberate indifference, wrongful death, and failure to provide proper medical/mental health care. Please preserve all documentation associated with these

¹ See <https://www.documentcloud.org/documents/4608288-Cibola-ICE-CONTRACT-MODIFICATION-AMENDMENT-032718.html>

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incidents, including but not limited to written documentation, incident reports, recorded statements, video and photographic evidence.

Please contact me if you require additional information, if this notice does not satisfy your requirements or if you have any questions or concerns.

Warm regards,

R. Andrew Free

cc: Lynly Egyes

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