June 27, 2025

Chief Brian Redd

Salt Lake City Police Department

475 South 300 East

Salt Lake City, UT 84114

Chief Ken Wallentine

West Jordan Police Department

8040 S. Redwood Road

West Jordan, UT 84088

RE: Use of Force During Arrest (Non-Deadly)

Incident Location: 425 West 1700 South, Salt Lake City, Utah

Incident Date: September 1, 2023

WJPD Case No.: 24-41406

SLCPD Case No.: 23-196938

DA Case No.: DAINV-2024-1622

Dear Chiefs Redd and Wallentine:

This letter addresses the September 1, 2023, use of non-deadly force by Salt Lake City Police Department (“SLCPD”) Officers Lane Wolfenbarger and Paul Mullenax against Agnes Jean Martinez during arrest, which resulted in serious injury to Ms. Martinez’s leg.

On August 16, 2024, SLCPD initiated the “Salt Lake County Law Enforcement Officer Involved Critical Incident (“OICI”) Investigative Protocol,” an agreement among participating law enforcement agencies designed to ensure compliance with Utah state law for OICI investigations.[[1]](#footnote-1) *See* Utah Code § 76-2-408(2)-(3). Pursuant to the protocol, an investigative task force was called in to investigate the OICI. The task force was led by the West Jordan Police Department (“WJPD”) protocol team and comprised of law enforcement officers employed by agencies other than SLCPD. After the investigation, on September 24, 2024, the task force’s findings were presented to the Salt Lake County District Attorney’s Office (“DA’s Office”), which has the constitutional and statutory mandate to screen such matters for possible criminal charges.[[2]](#footnote-2) The DA’s Office has independently reviewed the facts developed from the OICI protocol investigation and reached its findings and conclusions in this matter.

**SUMMARY OF RELEVANT FACTS**

The following summary of the facts is based on the allegations set forth in the statement of probable cause accompanying the charging document in the criminal case against Ms. Martinez. Some additional information derived from the protocol investigation is included to provide context and assist in understanding our analysis of the officers’ use of force. Should additional or different facts subsequently come to light, the opinions and conclusions contained in this letter may change.

On September 1, 2023, at about 8:31 p.m., Officers Wolfenbarger and Mullenax observed a suspicious vehicle at 425 West 1700 South in Salt Lake City. Officers Wolfenbarger and Mullenax made contact with the driver, who was identified as Agnes Martinez.[[3]](#footnote-3) While speaking to Ms. Martinez, Officer Wolfenbarger asked her to step out of the vehicle and told her that it smelled like marijuana, to which Ms. Martinez replied that her friend just gave her some. Ms. Martinez complied and exited the vehicle. Officer Wolfenbarger told Ms. Martinez that they were going to search the vehicle and spoke with her about the search. Officer Wolfenbarger then began to search the vehicle while Officer Mullenax remained with Ms. Martinez.[[4]](#footnote-4)

At 8:35 p.m., Officer Wolfenbarger approached Ms. Martinez and told her to place her hands behind her back. Ms. Martinez questioned why, and Officer Wolfenbarger advised, “Because you’re going in handcuffs.” Ms. Martinez again questioned why, and then tensed up as Officer Wolfenbarger attempted to pull her left arm behind her back and Officer Mullenax attempted to put her right arm behind her back. As Ms. Martinez attempted to pull her arms forward, the officers gave multiple commands to stop and pushed her forward until she was leaning on the vehicle. As Ms. Martinez continued trying to pull her arms forward, Officer Wolfenbarger advised that they were going to take her to the ground next, they asked her if she wanted to go to the ground, and they continued giving commands to stop and to relax her arms. Officer Wolfenbarger then communicated to Officer Mullenax that they would be taking her to the ground, and Officer Wolfenbarger then placed his right leg next to Ms. Martinez’s left leg to trip her and pulled her towards him and down as Officer Mullenax pushed Ms. Martinez towards Officer Wolfenbarger and down to the ground. As Ms. Martinez went to the ground, her left leg became injured, and she began screaming.[[5]](#footnote-5)

As additional officers arrived to assist, Officer Wolfenbarger observed that her lower left leg appeared broken and communicated that her leg just broke.[[6]](#footnote-6) Officers then secured Ms. Martinez in handcuffs, assisted her to a seated position, and requested medical.[[7]](#footnote-7) Ms. Martinez was eventually transported via ambulance to a hospital. Notably, the limited available medical information indicates that Ms. Martinez underwent multiple surgeries while hospitalized and was ultimately discharged on September 13, 2023, with no concern for infection during her admission; she was subsequently brought to an emergency department with concern for infection on September 26, 2023, following which she had a knee amputation.

Notably, Ms. Martinez was charged with criminal offenses in connection with this matter in the Utah Third Judicial District Court, in the matter of *State of Utah v. Agnes Jean Martinez*, Case No. 231912654. That case has now been adjudicated.[[8]](#footnote-8)

**EVIDENCE DERIVED FROM PROTOCOL INVESTIGATION**

As indicated above, SLCPD invoked the OICI protocol on August 16, 2024.[[9]](#footnote-9) During the protocol investigation, Officers Wolfenbarger and Mullenax refused to be interviewed by investigators about the incident, as is their constitutional right. However, written incident reports regarding the incident, as well as testimonial evidence from Officer Wolfenbarger from the criminal proceedings against Ms. Martinez, were available and reviewed.[[10]](#footnote-10)

Protocol investigators also collected and reviewed physical evidence, including but not limited to body-worn camera recordings from Officers Wolfenbarger and Mullenax, photographs, the dispatch radio traffic recording and log, and a single page extracted from Ms. Martinez’s medical records which was provided by her attorney.[[11]](#footnote-11)

**FINDINGS AND CONCLUSIONS**

Under Utah law, an “officer-involved critical incident” includes the following:

(i) an officer’s use of deadly force;[[12]](#footnote-12)

(ii) an officer’s use of a dangerous weapon[[13]](#footnote-13) against an individual who causes injury to any individual;

(iii) death or serious bodily injury to any individual, other than the officer, resulting from an officer’s:

(A) use of a motor vehicle while the officer is on duty; or

(B) use of a government vehicle while the officer is off duty;

(iv) the death of an individual who is in custody,[[14]](#footnote-14) but excluding a death that is the result of disease, natural causes, or conditions that have been medically diagnosed prior to the individual’s death; or

(v)the death of or serious bodily injury to an individual not in custody, other than an officer, resulting from an officer’s attempt to prevent an individual’s escape from custody, to make an arrest, or otherwise to gain physical control of an individual.

Utah Code § 76-2-408(1)(f) (emphasis and footnotes added).

Based upon available evidence, we believe that the facts of this case fall within the definition of an “officer-involved critical incident,” as set forth in subsection (v) of Utah Code Section 76-2-408(1)(f). Ms. Martinez sustained an apparent broken leg when, after advising her that she was going in handcuffs, officers took her to the ground to effectuate an arrest. Ms. Martinez’s broken leg constitutes a “serious bodily injury,” which is defined under Utah law as “bodily injury that creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ, or creates a substantial risk of death.”

While we believe that this case falls within the meaning of an officer-involved critical incident, we are unaware of any facts which would support a finding that the officers used any unlawful or unreasonable force during their efforts to arrest Ms. Martinez. *See* Utah Code § 77-7-7; *see also* Utah Code § 76-2-403.[[15]](#footnote-15) Here, Officers Wolfenbarger and Mullenax took Ms. Martinez to the ground only after she continued to actively resist arrest (*e.g.*, pulling her arms forward and not relaxing her arms) and after verbal commands and softer physical control techniques were ineffective. Based on the information before us, we believe that the officers responded reasonably based on the information known to them at the time and as the situation progressed; further, we are unaware of any evidence that the amount of force used was unreasonable given the facts and circumstances (*e.g.*, Ms. Martinez’s continued active resistance to arrest).

As outlined in more detail above, we conclude that the facts of this case fall within the statutory definition of an “officer-involved critical incident.” *See* Utah Code § 76-2-408(1)(f). We further conclude that the force used by Officers Wolfenbarger and Mullenax to effectuate Ms. Martinez’s arrest was reasonable in light of the facts and circumstances that unfolded. Accordingly, we decline to file a criminal charge in this matter.

Very Truly Yours,

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Sim Gill,

Salt Lake County District Attorney

1. SLCPD invoked the protocol after being notified of a civil lawsuit and learning additional information about Ms. Martinez’s injuries. [↑](#footnote-ref-1)
2. Utah Const. Art. VIII, section 16; Utah Code §§ 17-18a-203; *see also id.* at § 77-2-2(4) (defining “screening” as the “process used by a prosecuting attorney to terminate investigative action, proceed with prosecution, move to dismiss a prosecution that has been commenced, or cause a prosecution to be diverted”). “Commencement of prosecution” is further defined as “the filing of an information or an indictment.” *Id.* at § 77-2-2(1). [↑](#footnote-ref-2)
3. Officer Mullenax recognized the vehicle from a prior contact that occurred a few days earlier at the same address and was also familiar with Ms. Martinez from that contact. [↑](#footnote-ref-3)
4. Officer Wolfenbarger began to search the vehicle at 8:33 p.m. [↑](#footnote-ref-4)
5. As captured by body-worn camera, Officer Wolfenbarger explained to another officer, “We went to take her to the ground, and I guess her leg got caught under her.” (Wolfenbarger BWC at timestamp 20:38:03). Later, as Officers Wolfenbarger and Mullenax searched her car, Officer Mullenax remarked: “I’m gonna be honest, now that I’m thinking about it, I might have actually felt her break, underneath when I went down.” (Wolfenbarger and Mullenax BWCs at timestamp 21:03:49). Then, when asked what happened by medical responders, Officer Mullenax explained, “We took her to the ground. Pretty sure he fell on the top part of her leg, like above the knee on her left. I think I fell on the lower part. And it, now that I’m thinking about it, I might have heard a crack when we hit to the ground” (Wolfenbarger and Mullenax BWCs at timestamp 21:04:16). Officer Wolfenbarger then also explained, “Went to the ground. And when she went down, I think her leg got buckled, and I’m not sure how it got caught on either us or she just didn’t move” (Wolfenbarger and Mullenax BWCs at timestamp 21:05:08). Officer Mullenax further explained, “She landed right side. . . at the very least, I know I for sure came down on the lower leg” (Wolfenbarger and Mullenax BWCs at timestamp 21:05:21). Similarly, Officer Mullenax later described in his report that Ms. Martinez landed on her right side on the ground, with her right arm underneath her, and that his left knee landed on her upper leg area. [↑](#footnote-ref-5)
6. Officer Wolfenbarger later wrote in his report that after taking her to the ground to affect an arrest, he looked down at her legs while commanding her to get on her stomach and “noticed her lower left leg had an unnatural bend to it” and he then advised other officers that her leg just broke. Officer Mullenax wrote in his report that he was unaware that Ms. Martinez’s leg had been broken until after Officer Wolfenbarger said that it was broken, and that he “then looked and observed a deformity on [her] left leg below her knee.” [↑](#footnote-ref-6)
7. The dispatch call log indicates that Officer Robert Adams and Sgt. Nathan Mienzer both arrived at scene at 8:35 p.m. The Fire Department was dispatched at 8:36 p.m. [↑](#footnote-ref-7)
8. Following plea negotiations, Ms. Martinez plead guilty to one count of Possession of a Controlled Substance (Marijuana), a Class B Misdemeanor, and the remaining charges were dismissed. (Statement of Defendant in Support of Guilty Plea, dated May 16, 2025). Ms. Martinez was sentenced and judgment entered on May 16, 2025. [↑](#footnote-ref-8)
9. *See supra* FN 1. [↑](#footnote-ref-9)
10. Officers Wolfenbarger and Mullenax have a constitutional right to remain silent and are presumed innocent of wrongdoing. [↑](#footnote-ref-10)
11. Investigators were unable to obtain Ms. Martinez’s medical records in their entirety. The extracted page indicates that Ms. Martinez was initially evaluated at St. Mark’s Hospital where a surgery was performed; she was transferred to the University of Utah on September 5, 2023, where she had a subsequent surgery on September 9, 2023, and was discharged on September 13, 2023, with no concern for infection during that admission; she was brought to the University of Utah Emergency Department with concern for infection on September 26, 2023; and she had a knee amputation on September 27, 2023. [↑](#footnote-ref-11)
12. “Deadly force” is defined as “a force that creates or is likely to create, or that the individual using the force intends to create, a substantial likelihood of death or serious bodily injury to an individual.” Utah Code § 76-2-408(1)(b). [↑](#footnote-ref-12)
13. “Dangerous weapon” is defined as “a firearm or an object that in the manner of its use or intended use is capable of causing death or serious bodily injury to an individual.” Utah Code § 76-2-408(1)(b). [↑](#footnote-ref-13)
14. “In custody” is defined as “in the legal custody of a state prison, county jail, or other correctional facility, including custody. . .” Utah Code § 76-2-408(1)(c). [↑](#footnote-ref-14)
15. Utah Code Section 77-7-7 (1) provides: “If a person is being arrested and flees or forcibly resists after being informed of the intention to make the arrest, the law enforcement officer making the arrest may use reasonable force to effect the arrest.” Utah Code Section 76-2-403 provides: “A person is justified in using any force, except deadly force, which the person reasonably believes to be necessary to effect an arrest or temporary detention or to defend the person’s self or another from bodily harm while making an arrest or temporary detention.” [↑](#footnote-ref-15)