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Civil Suit Filed Over Repo Death

By Scott Sandlin

Journal Staff Writer

When George Marquez discovered a pickup gone from his South Valley home and the lifeless body of his brother in the driveway Aug. 9, he initially believed his brother had been killed while attempting to stop a vehicle theft.

Subsequent investigation by the Bernalillo County Sheriff's Department led to charges of murder and leaving the scene of an accident against Carl E. Coffman. The 29-year-old repo man had allegedly visited the home and office of Marquez Surveying on Viola SW, removed the 2000 Ford pickup truck and run over John Marquez, 42, of Grants.

Now Coffman, Great Western Recovery and Ford Motor Credit are defendants in a civil lawsuit filed in Cibola County District Court alleging assault and battery as well as wrongful death.

The Gaddy law firm filed the suit last month on behalf of Denise Marquez as representative of the Marquez estate and Donna Ortiz on behalf of John Marquez's two minor children.

The criminal case against Coffman is pending. He was criminally charged Aug. 10, posted \$15,000 bond and was released from custody. Coffman has not been indicted.

Coffman's criminal attorney, Bill Tinker, said the incident was an unfortunate accident.

"We believe pretty strongly it's going to come out in his favor," Tinker said. He said Coffman had been taken to the Marquez home by another repo agent to conduct a lawful repossession because Marquez had missed payments. John Marquez, he said, "appeared out of nowhere and ended up in front of him."

Tinker said his client was a decent, nonviolent guy with no criminal record. He said Coffman had tangled with Marquez during an earlier attempt at repossession and knew him to have a gun.

Coffman reported the incident to a sheriff's department substation after returning to the vehicle yard.

"I think Carl was reasonable not to turn around and go back up there for fear of being shot. He took steps to tell police as quickly as he could. He trusted the sheriff's department that they were going to get out there with an ambulance real quickly," his attorney said.

But an autopsy report says John Marquez was far from all right.

"By report, he (John Marquez) was dragged before being dislodged," the autopsy report says.

The report says reconstruction by law enforcement found Marquez "was stationary at the time he was hit by the truck. It appears there was acceleration of the truck with no attempt at braking prior to the impact. There was no evidence of the driver attempting to avoid hitting (Marquez)."

Trauma to the head, neck and trunk, including severe brain injuries, were "nearly instantaneously lethal," the autopsy report says.

Gaddy said a Ford Motor Credit representative already had gone to court to get an order that would have resulted in a law enforcement officer seizing the property, and that it was unusual to have a recovery agent going to a home after that step was initiated.

The suit seeks unspecified compensatory and punitive damages at trial.