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PRESS RELEASE

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SANTA FE, NM JURY HOLDS CONDO ASSOCIATION AND PROPERTY MANAGEMENT COMPANY RESPONSIBLE FOR DEATH OF RESIDENT KILLED BY STRAY BULLET WITH A \$12 MILLION VERDICT

Santa Fe, New Mexico – A jury held two defendants responsible with a 12 million dollar verdict for the estate of a 31-year old man, Andrae Davis, who was killed by a bullet that pierced the front door of his rental unit at a condominium complex in southeast Albuquerque. Mr. Davis died moments later in front of his fiancé and young children. The lawsuit was filed against Roger Cox & Associates Property Management, LLC and Eagle’s Nest Condominium Association for the wrongful death of Mr. Davis. Attorneys representing Mr. Davis’ estate and his three minor children argued that the Defendants failed to keep the complex safe for its residents and the surrounding community.

The District Court jury found that Roger Cox & Associates Property Management, LLC and Eagle’s Nest Condominium Association were negligent because they chose not to enforce their rules and regulations to keep the property safe, including failing to screen potential tenants by performing background checks, failing to monitor reported incidents of crime and respond to crime on its property, not properly maintaining its property, and not enforcing its own rules and regulations. The Estates’ attorneys, Ben Davis and Mollie McGraw, said, “The Defendants had the tools available to them and chose not to use them, unnecessarily endangering their residents. The jury’s verdict, which includes \$6 million in punitive damages, is a loud and clear message that property managers, landlords and owners must keep their residents safe from harm and criminal conduct.”



On August 17, 2011 at approximately 6:30 p.m., four or five men attacked two residents. It is believed that one of the attackers fired a shot that pierced Mr. Davis’ front door, killing him. The two men targeted in the attack lived at the complex and despite the complex's safety rules and regulations, no background check was performed on either resident. If a background check had been performed, it would have revealed that at least

one of the residents was using a fake name. Circumstantial evidence and witness testimony helped establish that the two residents were drug dealers. The four to five men who attacked them have never been apprehended.

Eagle's Nest Condominium Association and its property management company, Roger Cox & Associates Property Management, LLC, adopted the Crime Free Multi-Housing Program in 2007. The Program has been adopted by the Albuquerque Police Department and endorsed by the Apartment Association of New Mexico. The Crime Free Program was founded by former Mesa, AZ Police Officer Tim Zehring, to reduce and eliminate criminal activity in multi-family housing, including condominium units, duplexes and apartment complexes. Mr. Zehring says, "The Crime Free Program is a simple program designed to keep residents safe and protect property managers from liability. I believe if the Defendants would have followed through with the principles of the Crime Free Program, specifically applicant screening, Andrae Davis would be alive today." Mr. Zehring testified at the trial regarding the Crime Free Program.

The Albuquerque Police Department puts on a free, 8-hour course three times each year to any one interested in learning about the Crime Free Multi-Housing Program. Sgt. Elizabeth Thomson with the Albuquerque Police Department's Homicide Division has taught the Crime Free Program to landlords, property managers, association members and property owners since the mid-1990s. She is a former property manager, who was touted with turning around crime-ridden properties in Albuquerque by using the principles of the Crime Free Program. Sgt. Thomson testified about the effectiveness of the Crime-Free Program at the jury trial.

The jury awarded \$4,050,000 to the estate of Andrae Davis and \$650,000 to each of Mr. Davis' three minor children for their loss of society and companionship claims. The jury apportioned 70 percent of the liability for Mr. Davis death to the Association and its property management company. The jury also found the Eagle's Nest Condominium Association responsible for \$2.1 million in punitive damages and Roger Cox & Associates Property Management, LLC responsible for \$3.9 million in punitive damages.

Attorneys Davis and McGraw will seek to have the City of Albuquerque mandate the Crime Free Program for all multi-housing complexes, and recommend its enforcement state-wide to keep residents in multi-family housing and rental properties safe. Andrae Davis had three children: Andrae, Casey, and Kobe. Attorneys Ben Davis of Albuquerque and Mollie McGraw of Las Cruces represent Casey and Kobe Davis and the Estate of Andrae Davis. Charles Finley of Albuquerque represents Andrae ("Little Andrae") Davis II, the eldest son of Andrae Davis.

For more information and course schedules for the Albuquerque Police Department's Crime Free Multi-Housing Program, contact Laura Kuehn at (505) 256-2050.