

UNITED STATES DISTRICT COURT

for the

District of New Mexico

11 AUG 24 AM 11:04

CLERK-LAS CRUCES

United States of America)

v.)

Joshua Jimenez)

Case No. 11-2138MJ

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 22, 2011 in the county of Grant in the
Judicial District of New Mexico, the defendant(s) violated:

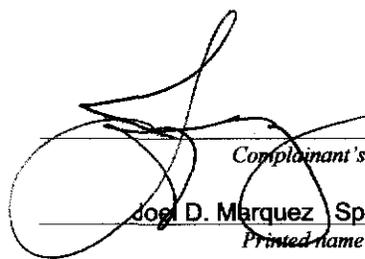
Code Section
18 USC Section 1038 (a)(1)

Offense Description
Whoever engages in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute a violation of Chapter 40, shall be fined under this title or imprisoned not more than 5 years, or both.

This criminal complaint is based on these facts:

See Attachment A

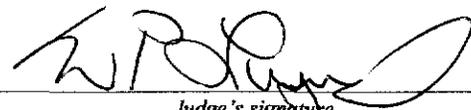
Continued on the attached sheet.


Complainant's signature
Jogi D. Marquez Special Agent - ATF
Printed name and title

Sworn to before me and signed in my presence.

Date: 8/24/11

City and state: Las Cruces, NM


Judge's signature
WILLIAM P. LYNCH
U.S. MAGISTRATE JUDGE
Printed name and title

ATTACHMENT A

UNITED STATES OF AMERICA

V.

Joshua Jimenez

AFFIDAVIT

I, Joel D. Marquez, being duly sworn, state as follows under oath:

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since February 1991. Prior to my employment with ATF, I was employed as an Agent with the United States Border Patrol for approximately 3 years. I earned a Bachelor's Degree in Criminal Justice from the University of Texas at El Paso and have completed all the required training for the ATF at the ATF National Academy located at the Federal Law Enforcement Training Center. In addition to my primary investigative duties, I am a Certified Explosives Specialist with ATF. In the performance of my official duties I have investigated and participated in numerous investigations involving federal firearms violations, and federal arson and explosives violations.
2. The following information in this affidavit is based on either my personal knowledge or facts relayed to me by other individuals, Bayard Police Department detectives, and the review of reports and/or other documents. The facts outlined in this narrative are not meant to be a complete narrative of all that has occurred in connection with this investigation, but are only a summary of facts necessary to show probable cause that Joshua Jimenez constructed and placed a hoax explosive device at Al's Transmission in Bayard, New Mexico.
3. On Monday, August 22, 2011, I spoke to Bayard Police Department Lieutenant Willy Kerin who stated that central dispatch received a phone call early that morning whereby the caller stated that the killing starts today and tomorrow and it will be at the schools. Investigators were able to link this call (via cell phone number) to a suspect that placed two hoax devices at a business on August 14, 2011. I advised Lt. Kerin to interview the suspect while I was en route to Bayard Police Department in Bayard, New Mexico. When I arrived, I learned the following:

On Sunday, August 14, 2011, at about 11:00 PM, Central Dispatch received a 911 call from concerned citizen Johnny Ortiz who was walking his dog

and noticed 2 unusual boxes near one side of the sidewalk. He described what he saw as, "one of them said Kaboom on it and there was a bunch of wires wrapped around it". He stated further that these boxes were located in front of the automotive transmission shop (Al's Transmission, 1001 Central, Bayard, New Mexico).

At about 11:17 PM, Officers located the suspicious boxes on the south side of the building, created a cordon and evacuated the area while a command post was established. The Dona Ana County Bomb Squad was notified and arrived on scene the following morning at about 2:20 AM on August 15, 2011. They found two boxes, one small brown box and one large orange LUGZ shoe box. The Bomb Squad took x-rays and noticed that the brown box did not contain anything that appeared like explosives but were unsure about the second box. This box (the LUGZ shoe box) was rendered safe by using a disruption tool. This method scattered the contents around the area and was picked up by investigators shortly thereafter. There was no explosive material in the boxes.

The orange LUGZ shoe box contained wires, sheetrock screws, a can of gray material, a tube of compound, a flex-style water line, razor blades, letters with threatening language and a variety of other items. The exterior of the box had "BOOM" handwritten in red marker. The interior of the box had TCB (TRI City Bomber) and a three-pronged pitch fork symbol handwritten in red marker.

Investigators examined the contents of the brown box and found several playing cards with distinct cuts along the corners, a mercy card from a prayer book page 13/14, a red die, a .45 caliber round, a two page letter (with distinct writing) with offensive wording that included fuck the pigs, and other comments to the affect they want to kill other gang members. The exterior of this box had "BOOM! 666, SURx13 and TCB" handwritten in red marker. The interior of the box had TRI City Bomber handwritten in red marker. Later found on the exterior of this box was a UPS label with the name of Angelina Diaz from Silver City. She is the girlfriend of Joshua Jimenez, who has been questioned in a past crime where he admitted he was a member of the gang TRI City Bombers (TCB).

4. On August 22, 2011, Bayard Police Chief Sam Charbagi and Lt. Willy Kerin brought Joshua Jimenez to the Police Department for questioning. He was read his Miranda Rights and signed the waiver of rights form on the same date, at 7:29 AM. During this interview, Joshua Jimenez admitted to placing the boxes in front of the business. When asked about the threatening call this same morning, Joshua Jimenez admitted that it was not real and no one was going to get hurt.

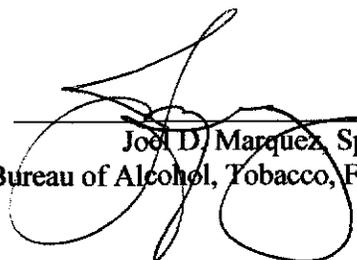
5. Also on August 22, 2011, at about 11:30 AM, ATF agents Moises Maldonado and Joel Marquez interviewed Mr. Jimenez in more detail. He admitted to constructing the devices at his home and used a red marker to write on the boxes. All of the items that were placed in the boxes he gathered from his home and his shed. He said he and two other individuals he was recruiting into the TRI City Bombers wrote the threatening letters together and placed the boxes in front of the business. He added that the playing cards were added into the box as a code. The 4 and 9 cards were the numbers of the gang and chapter; the King meant the leader of the gang; the 2 and 7 (27) cards were how many times something will happen; and the 3 card stood for TCB (TRI City Bomber).

6. Also on August 22, 2011, Joshua Jimenez consented to a search of his residence by signing an ATF Consent Form; #8 Hurley Street, Bayard, New Mexico. ATF agents Raphael Martinez, Joel Marquez, Moises Maldonado, and David Tabullo along with Bayard Police Lt. Willy Kerin searched the residence. Investigators noticed the rear bedroom walls were littered with graffiti that included writing such as TCB, TRI City Bombers, and the distinct three-pronged pitchfork. The following was of significance and taken into ATF custody:
 - 1 – white notepad with a faded imprint of the three-pronged pitchfork
 - 1 – yellow sheet of paper with a “cherry bomb” drawing
 - 1- Partial deck of cards with the distinct corners cut
 - 1- prayer book missing pages 13- 16
 - 1- red sharpie
 - 7- round .45 caliber ammo
 - 1- flex hose (plumbing)
 - 1- pair of LUGZ sneakers
 - razor blades

7. Based on the above information your affiant believes there is probable cause that Joshua Jimenez violated Title 18 U.S.C., Sections 1038 (a) (1) – whoever engages in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute a violation of Chapter 40 of this title, shall be fined under this title or imprisoned not more than 5 years or both.

8. Title 18 USC, Chapter 40, Section 844 (i) – whoever maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce.

This affidavit was reviewed and approved by AUSA Jake Wishard.



Joel D. Marquez, Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

Subscribed and sworn to before

me this 24th day of August, 2011



UNITED STATES MAGISTRATE JUDGE