

AO 91 (Rev. 08/09) Criminal Complaint

FILED
U.S. DISTRICT COURT
DISTRICT OF NEW MEXICO
2010 NOV -8 AM 11:36
CLERK-LAS CRUCES

UNITED STATES DISTRICT COURT

for the
District of New Mexico

United States of America

v.

Steve Soto

Case No. 10-2904 M.J

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 October 7, 2010 in the county of Dona Ana in the
Judicial District of New Mexico, the defendant(s) violated:

Code Section
18 USC Section 922 (g) (1)

Offense Description
It shall be unlawful for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year to receive or possess a firearm which affected interstate commerce

This criminal complaint is based on these facts:

See Attachment A

Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 8 Nov 2010

City and state: Las Cruces, NM

Complainant's signature
Joel D. Marquez Special Agent - ATF
Printed name and title
Judge's signature
GREGORY B. WORMUTH
U.S. MAGISTRATE JUDGE
Printed name and title

ATTACHMENT A

UNITED STATES OF AMERICA

V.

ANTHONY STROMBERG

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, Las Cruces 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 Steve Soto, a convicted felon, possessed a firearm that affected interstate commerce.
3. On or about Wednesday, October 13, 2010, Las Cruces Police Department (LC PD) Police Detective Kacee Thatcher called me via cell phone requesting assistance concerning a multi-convicted felon that just recently barricaded himself at his residence, threatening to commit suicide. Officer Thatcher forwarded offense reports from various members of the Las Cruces Police Department. The following is a summary of what occurred on Thursday, October 7, 2010:

The Las Cruces Police Department dispatcher received a report that Steve Soto barricaded himself in his residence (a mobile home), 6303 Aldrich, Las Cruces, New Mexico and wanted to kill himself with a firearm. LC PD uniformed police officers, detectives and members of the LC PD SWAT/Hostage Negotiation team were dispatched. At the scene, LCPD

GBW



Officer R. Gutierrez spoke to Soto's girlfriend, Susanne Gutierrez. Girlfriend Gutierrez stated that everything started when she got into an argument with Soto around Saturday; causing Soto to leave messages on her phone that he was going to kill himself. Girlfriend Gutierrez stated further that earlier in the day of this incident, October 7, 2010, Soto called her stating he had a gun to his head - she could hear him cock the hammer on the weapon. She added that Soto removed the original bullets from the firearm and replaced them with hollow-point ammunition he recently purchased. **Soto told her not to call the police or he would kill a police officer when he went.** Girlfriend Gutierrez stated further that Soto is paranoid schizophrenic and bipolar and uses prescription pills, heroin, cocaine and methamphetamines.

The LC PD SWAT/Negotiation team eventually convinced Soto to come out of the residence about 3 hours later where he exited the front door with his hands in the air.

LC PD Detective Kacee Thatcher interviewed Soto's father, Steve Soto Sr. who stated that his son has been living with him and his wife Thelma for about two years. He stated further that their son Steve Soto has knowledge and access to the firearms in the residence. Mr. and Mrs. Soto signed a consent form allowing officers to search the residence. During the search, officers found 8 rifles, 1 shotgun and 2 revolvers; and a bucket containing miscellaneous ammunition.

4. On October 14, 2010, I ordered the certified Judgment and Sentence documents from the Dona Ana County District Clerk's Office. I picked up the records on October 18, 2010, however the records were incomplete and had to be reordered. Steve Soto has the following criminal history:

1995 – Cause No. CR-95-714 Grand Jury Indictment – two (2) counts
Count One – Armed Robbery
Count Two – Conspiracy to Commit Armed Robbery

(Certified Judgment and Sentence determination is still pending from Dona Ana Clerk's office)

1997 – Cause No. CR-95-714 Order Revoking Probation and Imposing Sentence- to serve 18 months and a term of 1 year parole for the above offense (unsure which count).

4/14/1999 – Cause No. CR-98-777; Soto pleaded to each count of:

- Count One - Residential Burglary (3rd degree felony)
- Count Two – Conspiracy to Commit Residential Burglary (4th degree felony)

- Count Three – Larceny (4th degree felony)
- Count Four – Possession of Burglary Tools (4th degree felony)

Soto was sentenced to a total of 7 ½ years confinement to the New Mexico Corrections Department; followed by 2 years parole. However, he was ordered to serve half of the sentence (4.5 years) followed by 2 years parole.

7/28/2005 – Order Revoking Probation and Imposing Judgment and Sentence for the offenses for Cause No. CR-98-777 above. The court sentenced SOTO to a term of 11 years and 6 months in custody followed by 2 years parole. However, he was credited with 10 years and 83 days of confinement.

5. The following firearms and ammo were recovered from Soto's residence following his surrender to the Las Cruces Police Department:
- 1 – Remington, model 1894, .44 caliber rifle, serial number 20195585
 - 1- Savage, model 110, .270 caliber rifle, serial number F333406
 - 1 – Ruger, model LR, .22 caliber long rifle, serial number 240-19014
 - 1 – Marlin, model 60, .22 caliber long rifle, serial number 06230021
 - 1 – unknown make/model, 12 gauge shotgun, serial number P260026
 - 1 – Westfield, model M728, 30/30 caliber rifle, serial number 665323
 - 1 – Czech, model SKS, unknown caliber, serial number B59674
 - 1 – Czech, unknown model, unknown caliber, serial number 1455
 - 1 – Interarms, model Mark X, .22 caliber long rifle, serial number 264WM
 - 1 – Ruger, model single shot, .22 caliber revolver, serial number 26222511
 - 1 – Ruger, model Blackhawk, .357 caliber revolver, serial number 3328105
6. On October 26, 2010, ATF agent Dennis King, Interstate Nexus expert, advised me that the interstate nexus query on the firearms listed above indicates that none of them were manufactured in the state of New Mexico, thereby affecting interstate commerce.

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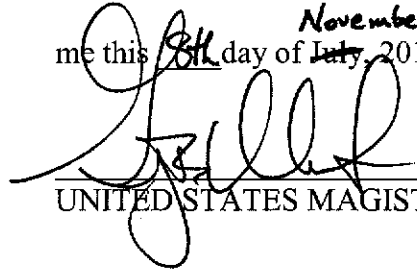
7. Based on the above information your affiant believes there is probable cause that Steve Soto violated Title 18 U.S.C., Sections 922 (g) (1) – It shall be unlawful for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year to receive or possess a firearm which affected interstate commerce.



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

Subscribed and sworn to before

me this ^{November} 8th day of ~~July~~, 2010



UNITED STATES MAGISTRATE JUDGE