

STATEMENT OF FACTS

On or about August 25, 2009, Landon called David, who she had known for several years, and told David that she needed a place to live. David told Landon that there was no room for her in his trailer, but she could stay in a camper trailer next to the full-size trailer, where he lived with his wife and daughter, until she could find someplace else to live.

On or about September 11, 2009, Landon arrived at 710 Pheasant Drive with her two minor children, who David did not know were coming. Nevertheless, David told Landon that she and her boys could stay in the camper trailer and use the bathroom in the full-size trailer whenever they needed it. Several days later, Landon's boyfriend, Brooks, moved into the camper trailer, without David's permission; however, David extended the same courtesies to Brooks, and David allowed Brooks to stay in the camper trailer with Landon and Landon's two children, rent free.

While Landon and Brooks lived in the camper trailer with Landon's two children, and for varied reasons, David's and Christy's relationship with Landon and Brooks deteriorated, culminating in the carjacking on September 27, 2009. On that date, at approximately 3:00 a.m., David and Christy heard Landon, Brooks, and an unknown female, yelling and arguing from the camper trailer. Christy went outside and told them to be quiet because they were going to wake up the neighbor and the neighbor would call David's parents.

David then went outside and told Christy to go back inside the full-size trailer. An argument then ensued between David, Brooks, and Landon, and David told them that they had to leave the camper trailer within a week or start paying rent. David then returned to the full-size trailer and Brooks followed him. Inside the full-size trailer, David and Brooks continued to argue. Christy was in her and David's bedroom (the "master bedroom") when she heard David and Brooks arguing. Christy became afraid, and brought her daughter into the master bedroom.

During the argument between David and Brooks, Brooks retrieved a small caliber handgun from his person, pointed it at David, and told David to give him the keys to a gold 1998 Ford Taurus, bearing New Mexico license plate 070PDJ and VIN 1FAFP52U4WA170258 (the "Taurus"). The Taurus belonged to Christy. David told Brooks that the keys to the Taurus were in the master bedroom and Brooks ordered David to get them.

Brooks followed David to the master bedroom, but shortly before David got to the door of the master bedroom, Brooks fired his gun and the bullet lodged into a wall. The bullet missed David by a few feet, but the force of the gun shot knocked David to the ground, sending Christy and Areanna into hysterics, thinking David had been shot. After David got to his feet, he told Christy to give him the keys to the car. Christy found the keys in a pair of David's pants and gave them to David who gave them to Brooks.

After Brooks got the keys, he went outside and gave the keys to Landon. David and Christy tried to hide Areanna under their bed, but when Brooks returned, he screamed at David and Christy and told them that he was going to kill them if they didn't tell him where Areanna was hiding, so Areanna came out from under the bed. Brooks then continued screaming at David and Christy

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and told them that they were worthless, that he (Brooks) was the "Grim Reaper," and that he was going to kill them. Brooks told Areanna that he wasn't going to kill her, but that he was going to kill her parents because they were "worthless pieces of shit" and they didn't deserve her.

Brooks told Areanna that if she wanted him to kill her parents, he would. Brooks told Areanna that she could live with him and he would buy her nice clothes. Areanna pleaded with Brooks not to kill her parents, telling him repeatedly "Please don't kill my parents." Brooks continued screaming at David and Christy and told them that he was going to kill them. Brooks then fired two more rounds in their direction, missing them by less than a foot, as they huddled together on the floor in a corner of the master bedroom for protection.

Landon then entered the full-size trailer and told Brooks that the car was loaded and that it was time to go. Brooks asked Landon what he should do, and Landon said "You do what you think is best." Landon then looked at David and Christy and said "You know what, just shoot them," and, "Hurry up so we can get the fuck out of here." Brooks then told Landon to give him a kiss, which Landon did, and then Landon went back outside to the car.

David, Christy, and Areanna continued to huddle together in the corner, and Brooks told David and Christy that he was going to kill them. Brooks then pulled a bandana over part of his (Brooks') face and prepared to shoot David, however, at that moment, the Grant County Sheriff's Office arrived at 710 Pheasant Drive, in response to a "shots fired" report from a neighbor. The police announced their presence and ordered everybody inside the full-size trailer to come out. Brooks then removed the bandana from his face, and attempted to wipe his fingerprints off the gun. He then threw the gun down the hallway leading to the master bedroom and went outside.

The Taurus Brooks and Landon attempted to take was filled with Brook's, Landon's, and Landon's children's personal belongings, in addition to several items Brooks and Landon attempted to steal from David and Christy. Through investigation, it has been determined that prior to September 27, 2009, the Taurus had been transported, shipped, or received in interstate or foreign commerce, in that it was manufactured on January 15, 1998 in Atlanta, Georgia.

Brooks and Landon were arrested by the Grant County Sheriff's Office. Brooks was charged with two counts of Aggravated Assault, three counts of Attempted Murder, three counts of Kidnapping, Felon in Possession of a Firearm, Interference with Communications, and Armed Robbery. Landon was charged with three counts of Accessory to Attempted Murder. Brooks is currently in State custody and Landon is out of custody on conditions of release.

Count 2

On or about September 27, 2009, in Grant County in the District of New Mexico, Kevin Maurice Brooks and Stephanie Landon did, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, use, carry, or possess a firearm, in violation of 18 U.S.C. § 924(c)(1)(A)(iii), as more fully set forth above.

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Ruider Martinez
U.S. Magistrate Judge

Silvia J. Powell Schnell

Complainant