

AO 91 (Rev. 02/09) Criminal Complaint

FILED
U.S. DISTRICT COURT
DISTRICT OF NEW MEXICO
2010 DEC -7 AM 11:48
CLERK-LAS CRUCES

UNITED STATES DISTRICT COURT

for the
District of New Mexico

United States of America

v.

Matthew J. Devins

Case No.

10-3117 MJ

Defendant

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 of 08/19/2010 in the county of Dona Ana in the Judicial District of

New Mexico, the defendant violated 18 U. S. C. § 922(g)(1), 924(a)(2)

, an offense described as follows:

Possess a firearm or ammunition that had moved in or affected interstate commerce after having been convicted of a crime punishable by imprisonment for a term exceeding one year.

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Karl Jorgensen, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 12-7-10

City and state:

Las Cruces, N. M.

Judge's signature
LOURDES A. MARTINEZ
U.S. MAGISTRATE JUDGE

Printed name and title

UNITED STATES OF AMERICA

V.

Matthew DEVINS

AFFIDAVIT

I, Karl Jorgensen, being duly sworn, state as follows under oath:

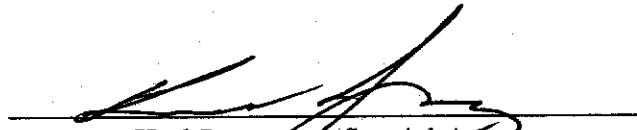
1. I am a Special Agent (S/A) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed for over 10 years. Prior to my employment with ATF, I was employed as an Agent with the United States Border Patrol for approximately 5 years. I have completed New Professional Training at the ATF National Training Academy, and Criminal Investigator Training at the Federal Law Enforcement Training Center. In the performance of my duties I have investigated and participated in investigations involving federal firearms violations, arson, and explosive violations.
2. The following information in this affidavit is based on either my personal knowledge or facts relayed to me by other individuals, law enforcement officers and the review of reports and other documents. It does not contain everything that I know about the matters described herein.
3. On or about August 19, 2010 State of New Mexico Corrections Department Probation Officers conducted a field visit at the residence of Matthew J. DEVINS, 580 Foster Road, Apt. 1, Las Cruces, New Mexico. The officers were accompanied by Dona Ana County Sex Offender Compliance Officer Deputy Brock Harvell. During the field visit Probation Officers conducted a search of DEVINS' bedroom and subsequently located a loaded Glock Model 23, .40 caliber handgun, displaying serial number: PAZ604 on the top shelf of the bedroom closet. During the search of the bedroom officers also located a handgun holster under the mattress. The firearm was rendered safe and secured by Deputy Harvell.
4. S/A Jorgensen has reviewed State of New Mexico Judgment and Sentence documents and Probation documents pertaining to Case No. D-307-CR-200900715 that document DEVINS was on supervised probation on the above date, after being convicted for the offense of Acquisition or Attempt to Acquire a Controlled Substance by Misrepresentation, a fourth degree felony, on January 26, 2010.
5. On September 9, 2010 S/A Jorgensen contacted S/A King regarding the above mentioned firearm. S/A King reviewed the descriptive information on the firearm found in the possession of DEVINS. Based on S/A Jorgensen's experience and speaking with S/A King it was determined that the firearm has traveled in interstate

Sam
HJ

commerce. S/A King advised that the firearm was not manufactured in the state of New Mexico and therefore traveled in interstate commerce.

6. Based on the above information your affiant believes that there is probable cause to believe that Matthew DEVINS violated Title 18 U.S.C 922(g)(1) , that is; possess, in or affecting commerce, any firearm or ammunition, after having been convicted of a crime punishable by imprisonment for a term exceeding one year.

This complaint was approved by United States Attorney Aaron Jordan.



Karl Jorgensen, Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

Subscribed and sworn to before

me this 7th day of December 2010


UNITED STATES MAGISTRATE JUDGE

KJ