

AO 91 (Rev. 5/85) Criminal Complaint

UNITED STATES DISTRICT COURT

Judicial DISTRICT OF New Mexico

UNITED STATES OF AMERICA

FILED
UNITED STATES DISTRICT COURT
ROSWELL, NEW MEXICO

v.

Redacted CRIMINAL COMPLAINT
DEC 22 2009

Christopher "Chris" HERNANDEZ

CASE NUMBER:

09777 J 3528

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about June 22, 2009 in Lea County, in the Judicial District of New Mexico, the defendant(s) did,

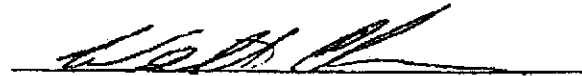
Possess a firearm which had been shipped or transported in interstate commerce after having been convicted of a crime punishable by imprisonment for a term exceeding one year.

in violation of Title 18 United States Code, Section(s) 922(g)(1).

I further state that I am a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives and that this complaint is based on the following facts:

See Attachment

Continued on the attached sheet and made a part hereof: YES NO



Signature of Complainant
Walter Coburn
Task Force Officer, ATF

Sworn to before me and subscribed in my presence,

Roswell, NM

12/22/09
Date

at _____
City and State


Name and Title of Judicial Officer


Signature of Judicial Officer

UNITED STATES OF AMERICA

v.

Christopher "Chris" HERNANDEZ

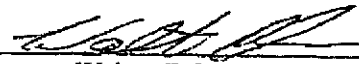
AFFIDAVIT

I, Walter Coburn, having been duly sworn, state as follows under oath:

1. I am a Task Force Officer (TFO) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have worked in Law enforcement for approximately 15 years, and for approximately 2 years I have been a TFO with ATF. In the performance of my duties with ATF I have investigated and participated in investigations involving federal firearms violations.
2. The information set forth in this Affidavit is based upon my review of criminal history records, discussions with other law enforcement officers, and the review of reports and other documents. The recitation of facts outlined in this narrative is not meant to be a complete narrative of all that has occurred in connection with this investigation, but is only a summary of facts necessary to show probable cause that Christopher "Chris" HERNANDEZ did possess a firearm that had been shipped in interstate commerce, while having previously been convicted of a felony.
3. On or about June 22, 2009 at approximately 1848 hours Officers of the Hobbs Police Department responded to an active alarm call at [REDACTED] in Hobbs, New Mexico. Upon arrival Officer Boyer observed an open window at the residence. Francisca Hernandez responded to the residence with a key and unlocked the front door. Officer Hawkins followed Francisca inside and she requested that Officers check the back bedrooms. There were no persons located inside the residence. As Officer Hawkins was exiting the residence he observed the barrel of a pistol lying on the coffee table in the living room. Officer Hawkins was aware that Chris HERNANDEZ resided at this residence and was a convicted felon. Officer Boyer asked Francisca about the gun and she responded that she did not know who it belonged to or where it came from. Officers secured the residence and contacted Detective Morris. While waiting for Detective Morris, Chris HERNANDEZ arrived at the residence. HERNANDEZ denied living at this residence or any knowledge of the firearm. Officer Hawkins contacted Shalan Savell, who resided next door at [REDACTED] and she stated that HERNANDEZ had lived at [REDACTED] for approximately one and half years. Officer Hawkins then contacted Ashley Macias by phone and she stated that she had lived at that residence with HERNANDEZ from December 2007 up until approximately three weeks ago. Ashley denied any knowledge of the gun. Detective Morris responded and obtained a search warrant for the residence from State of New Mexico 5th Judicial District Judge Maddox.

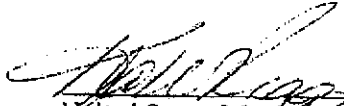
Pursuant to the search warrant the pistol was recovered from the coffee table. The pistol was a Ruger, model – P97DC, serial number 663-40425, semi-automatic pistol chambered in .45acp. This pistol was loaded with seven live rounds of hollow point ammunition. The casings of the live ammunition had the following headstamp information “CBC 45 AUTO +P.” The pistol was processed for latent prints by Hobbs Police Department Crime Scene Technician Quiroz. A latent print was discovered on the right side of the pistol. The latent print was digitally photographed. Detective Porter examined the latent print and compared the fingerprint to a fingerprint card bearing the fingerprints of Chris HERNANDEZ. Detective Porter determined that the print lifted from the firearm matched the right index finger of Chris HERNANDEZ. Detective Keenan verified Detective Porter’s findings.

4. On June 23, 2009 TFO Coburn discovered that HERNANDEZ had prior felony convictions and requested certified copies of HERNANDEZ’s judgment and sentences from the State of New Mexico 5th Judicial District Lea County District Court. TFO Coburn reviewed a certified copy of Cause Number D-506-CR-200300074. On February 18, 2003 HERNANDEZ pled guilty to Trafficking a Controlled Substance, Cocaine, a 2nd Degree Felony, and was sentenced to 9 years. TFO Coburn also reviewed a certified copy of Cause Number D-506-CR-200300075. On February 18, 2003 HERNANDEZ pled guilty to Trafficking a Controlled Substance, Cocaine, a 2nd Degree Felony, and was sentenced to 9 years. The sentence in both cases was ordered to run concurrently and all of said sentence was suspended except four years in the Penitentiary of New Mexico, followed by 2 years parole.
5. On or about July 20, 2009 ATF Special Agent (S/A) Dennis King reviewed the descriptive information on the firearm and ammunition possessed by Chris HERNANDEZ. S/A King determined that the firearm and ammunition were manufactured outside the State of New Mexico and therefore traveled in interstate or foreign commerce.
6. AUSA Alfred Perez reviewed and approved the filing of this complaint and affidavit.



 Walter Coburn
 Task Force Officer, ATF

Subscribed to and sworn to before me this
22nd day of *November* 2009



 United States Magistrate Judge