

AO 91 (Rev. 5/85) Criminal Complaint

UNITED STATES DISTRICT COURT

FILED At Albuquerque NM

MAR 12 2009

DISTRICT OF NEW MEXICO

MATTHEW J. DYKMAN CLERK

UNITED STATES OF AMERICA v.

(Name and Address of Defendant)

Reynaldo Romero-LEON YOB: 1966 SOC: 5921

CRIMINAL COMPLAINT

CASE NUMBER: 09-MJ-673

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 March 11, 2009 in Bernalillo county, in the Judicial District of New Mexico defendant(s) did, (Track Statutory Language of Offense)

Being a convicted felon, and ordered deported alien under, possess a firearm, to wit: A Sig Sauer, model P226, 9 millimeter pistol, serial number U399814, and 15 rounds of Winchester 9mm ammunition, which had traveled in interstate or foreign commerce.

In violation of Title 18 United States Code, Section(s) 922(g)(1), and (g)(5)(a)

I further state that I am a Detective with the Albuquerque Police Department, assigned to the ATF Task Force and that this complaint is based on the following facts: Your Complainant, Danny Garcia, being duly sworn states that I am a ATF Task Force Agent for the United States Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, and have so been employed by the Albuquerque Police Department for the past 18 years. In this capacity your Complainant routinely investigates violations of federal criminal statutes, and has specifically investigated violations related to convicted felons who are found to be in possession of firearms. It is the request of your Complainant, that a Federal Arrest Warrant be issued for the above captioned individual, based on the following information, which your Complainant believes true and accurate.

Continued on the attached sheet and made a part hereof: [x] Yes [ ] No

Signature of Complainant (Handwritten signature)

Sworn to before me and subscribed in my presence,

3/12/09 Date

Albuquerque, NM City and State

Don J. Svet, U.S. Magistrate Judge Name and Title of Judicial Officer

Signature of Judicial Officer (Handwritten signature)

3/12/09 APPROVED: Larry King (AUSA)

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On February 11 2009, Complainant was contacted by Detective M. Krueger of the Albuquerque Police Department. Detective Krueger advised Complainant that Albuquerque Police Department Detectives had arrested a subject identified as Reynaldo Romero-LEON for aggravated assault on a Police Officer after an investigation into possible narcotics trafficking. Detective Krueger advised that his investigation found that Romero-LEON was possibly a previously convicted felon.

Complainant went to the Albuquerque Police Department Foothills Substation and contacted Albuquerque Police Department Nuisance Abatement Officer A. Wickline. Officer Wickline told Complainant that earlier this date he, Detective W. Lovette, and Officer J. Romero went to 10405 Princess Jeanne Northeast Albuquerque, Bernalillo County, New Mexico. Officer Wickline stated that Officers had received a referral from Albuquerque City Housing advising that there were possibly unauthorized residents and drug sales coming from the residence, which is under HUD section eight housing. Officer Wickline told Complainant that as Officers approached the residence the saw a female, identified as Virgen Garcia, the listed resident, in the back yard hanging clothes. Officer Wickline advised that he contacted Garcia, and asked her if he and the Officers could go inside the residence and speak to her about the complaints. Officer Wickline stated that Garcia agreed and as they were walking toward the open door to the residence, Officer Wickline asked Garcia if there was anyone inside the residence. Officer Wickline stated that Garcia advised that her boyfriend was inside. Officers entered the residence, and as the Officers walked into the living room, Officer Wickline stated that he saw a male subject identified as Romero-LEON laying on the couch. Officer Wickline stated that he opened the front door to allow other officers inside, and as he turned back toward Romero-LEON, he saw that Officer Romero was struggling to gain control of ROMERO-LEON. Officer Wickline stated that he grabbed Romero-LEON'S left arm, and saw that Romero-LEON had a pistol in his right hand. Officer Wickline stated that Officer Romero grabbed the pistol away from Romero-LEON. Romero-LEON was arrested and transported to the Foothills substation for questioning.

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Officers identified the pistol as a Sig Sauer P226 pistol, serial number U399814.

Complainant contacted Officer J. Romero who told Complainant that earlier this date he was assisting Officers Wickline and Lovette in conducting an investigation at 10405 Princess Jeanne Northeast. Officer Romero stated that as he and the other Officers walked into the living room of the residence, he saw Romero-LEON laying on the couch. Officer Romero stated that he saw Romero-LEON holding a pistol. Officer Romero stated that as Garcia was attempting to get her baby from Romero-LEON, he grabbed the pistol which was pointed at him and wrestled it away from Romero-LEON.

Romero-LEON was arrested and a search of his person found the magazine to the Sig Sauer pistol in his pocket. The magazine was loaded with 15 rounds of Winchester 9mm ammunition.

Complainant contacted Romero-LEON, and read him his Constitutional Rights per Miranda in Spanish, which he stated he understood. Romero-LEON admitted to possessing the Sig Sauer pistol. Romero-LEON told Complainant that he found the pistol while doing yard work. Romero-LEON stated that he was laying on the couch with his child, and that the pistol was at his side and the magazine was in his pocket when the Officers contacted him. Romero denied pointing the pistol at the Officers. Romero-LEON told Complainant if he had pointed the pistol at the Officer he would have killed them. Complainant asked Romero-LEON if he had ever been incarcerated, and Romero-LEON stated that he had. Romero-LEON stated that he spent two years in prison and 5 years on probation for drug possession. Complainant asked Romero-LEON if he understood that as a convicted felon he could not possess a firearm, and Romero-LEON advised that he did. Romero-LEON continually told Complainant that he would be a man and take responsibility for possessing the Sig Sauer pistol.

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Complainant conducted an NCIC criminal history query on Romero-LEON. The query revealed that Romero-LEON'S criminal history dates to 1996, with arrests for trafficking crack cocaine (five times), conspiracy, failure to appear (three times), possession with intent to distribute a controlled substance, possession of a controlled substance, probation violation (twice), alien present without admission or parole, and alien inadmissibility under section 212.

Complainant conducted a query of the State of New Mexico Judiciary website, which revealed the following:

- On March 19, 2002, Romero-LEON was convicted of the felony crime of trafficking of a controlled substance, case number D 202 CR 200101499.
- On June 25, 2002 Romero-LEON was convicted of the felony crime of trafficking of a controlled substance, case number D202 CR 9702652.

Complainant contacted Immigration and Customs Enforcement (ICE) Officer James Heinlein, and requested a query of Romero-LEON be conducted through ICE databases in order to determine Romero-LEON'S immigration status. Officer Heinlein advised that Romero-LEON was an "ordered deported alien" (alien # 7402056) who was under an order of supervision. Officer Heinlein advised that due to the lack of diplomatic relations with the country of Cuba, Romero-LEON could not be deported; therefore Romero-LEON was under an order of supervision, and as such Romero-LEON was not entitled to possess a firearm. Officer Heinlein told Complainant that possession of a firearm violated the conditions of Romero-LEON'S supervision by ICE.

Romero-LEON was subsequently transported to the Regional Correction Center in Albuquerque.

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Complainant examined the Sig Sauer , model P226 pistol, serial number U399814. Complainant test fired the Sig Sauer pistol, which functioned as designed. Complainant examined the Winchester 9mm ammunition. Complainant noted that there were fifteen rounds of Winchester 9mm ammunition in the magazine found in Romero-LEON'S pocket.

Through training and experience Complainant knows that Sig Sauer firearms and Winchester ammunition are not manufactured in the state of New Mexico, and therefore had to have traveled in interstate or foreign commerce to be physically present in Albuquerque, Bernalillo County New Mexico on March 11, 2009.

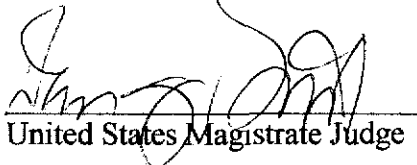
Through training and experience Complainant also knows that it is a violation of federal law, specifically 18 U.S.C. 922(g) (1), and 18 U.S.C 922(g)(5), for a person who is a previously convicted felon or a an illegal alien to possess a firearm or ammunition; therefore Reynaldo Romero-LEON was in violation of federal law when he possessed the Sig Sauer , model P226 pistol, serial number U399814 and fifteen rounds of Winchester ammunition.



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Danny L. Garcia, Task Force Officer  
Bureau of Alcohol Tobacco, Firearms  
and Explosives

Subscribed and sworn before me this 12th day of March, 2009.



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United States Magistrate Judge