

AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
District of New Mexico

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

United States of America
v.
Christopher COOK

Case No.

15 mj 28

15 JAN -6 AM 11:12
KH
CLERK-ALBUQUERQUE

Defendant

CRIMINAL COMPLAINT

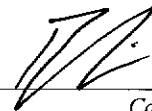
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 01/03/2015 in the county of Bernalillo in the _____ District of
New Mexico, the defendant violated Title 18 U. S. C. § 922(g)(1)
, an offense described as follows:
On 1/3/2015, Christopher COOK, a convicted felon, unlawfully possessed an FEG, model PJK-9HP, 9mm caliber
semiautomatic pistol with serial number B89503 that has traveled in and affected interstate commerce in violation of
Title 18 U.S.C 922(g)(1).

This criminal complaint is based on these facts:

See Attached

☒ Continued on the attached sheet.



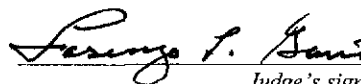
Complainant's signature

Brandon Garcia, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 01/06/2015



Judge's signature

City and state: Albuquerque, New Mexico

Printed name and title
LORENZO F. GARCIA
United States Magistrate Judge

Page 2 of 5 Pages

Criminal Complaint - Continued.

United States of America

V.

Christopher COOK

SSN: 8661

1. Brandon Garcia, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being duly sworn, deposes and states:
2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). I have been employed with ATF since February of 2005. I am an investigative, or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7), in that I am an officer of the United States who is empowered by law to conduct investigations and make arrests for the offenses enumerated in Title 18 and 26, United States Code.
3. Through the ATF, I have received specialized training in the enforcement of federal firearms, explosives, and arson laws. My training and experience has involved, among other things: (1) the debriefing of defendants, witnesses and informants, as well as others who have knowledge of the purchase, possession, distribution, and transportation of firearms and of the laundering and concealment of proceeds of firearms and drug trafficking; (2) surveillance; (3) analysis and processing of documentary, electronic, and physical evidence; (4) the legal and illegal purchase of firearms; (5) the execution of arrest and search warrants seeking firearms, narcotics, and DNA (6) and firearms trafficking to include a Title III wire interception investigation.
4. As a Special Agent with the ATF, I have conducted physical surveillance, interviewed sources of information and defendants, served and reviewed countless telephone and financial subpoenas, served search warrants and arrest warrants, investigated firearms and drug trafficking, National Firearms Act (NFA) violations, Hobbs Act violations, undercover firearms and narcotic investigations, and the interception of wire communications.

RAH
72

Page 3 of 5 Pages

Criminal Complaint - Continued.

United States of America

V.

Christopher COOK

SSN: 8661

Further, I have testified in judicial proceedings in federal court involving prosecutions relating to violations of federal firearms laws.

5. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

6. In the early morning hours of January 3, 2015, an Albuquerque Police Department (APD) patrol officer initiated a traffic stop in the area of San Mateo and San Mateo Ln in Albuquerque, NM. As the officer approached the driver's side door of the vehicle, the driver, and sole occupant of the vehicle, opened the driver's door and fired approximately five (5) rounds from a 9mm caliber semiautomatic pistol, striking the officer multiple times. The officer's significant injuries, as a result of being shot, caused the officer to fall to the ground. The officer then fired multiple rounds in return at the driver of the vehicle. The vehicle was struck, however, the driver apparently was not. According to the officer's lapel video, the driver apparently attempted to flee in the vehicle but struggled while attempting to start the vehicle. The driver then abandoned the vehicle and fled on foot. The vehicle was determined to have been stolen.
7. A search warrant was obtained for the vehicle and the Albuquerque Police Department's Criminalistics Unit processed the crime scene for evidence. A partial fingerprint of Christopher COOK was located on the outside of the driver's side door. Another fingerprint on a liquor bottle of "Johnny Walker" inside the vehicle also contained Christopher COOK's fingerprint. Investigators also located an FEG, model PHK-9HP, 9mm caliber semiautomatic pistol with serial number B89503 in the vehicle. The firearm was located in the "locked back" position. A semiautomatic pistol will reach the "locked back" position once all of the ammunition has been expended from the magazine.

AS
70

Page 4 of 5 Pages

Criminal Complaint - Continued.

United States of America

V.

Christopher COOK

SSN: 8661

8. Later in the evening on January 3, 2015, your Affiant interviewed a Source of Information (SOI) close to Christopher COOK. The SOI was provided with a blurry photograph taken from the officer's lapel video. The SOI advised your Affiant the individual in the photograph was Christopher COOK.
9. On January 5, 2015, the Albuquerque Police Department's Metropolitan Forensic Laboratory DNA analyst located a DNA profile on the grip, trigger, and slide of the firearm. The DNA analyst provided the APD Homicide Detective with a memorandum indicating there was an unconfirmed offender match from the New Mexico DNA Identification System (NMDIS). The information provided by the DNA analyst identified the DNA as being that of Christopher John COOK. APD detectives then obtained an arrest warrant for Christopher COOK for various charges associated with Christopher COOK shooting the APD officer.
10. Your Affiant determined Christopher COOK has been convicted of at least six (6) prior felony crimes to include Felon in Possession of a Firearm (CR-199802215), Residential Burglary (CR-199803512), Commercial Burglary (CR-199901002), Conspiracy Armed Robbery with a Deadly Weapon (CR-200003548), Residential Burglary (CR-200101873), and Aggravated Assault on a Police Officer (CR-200700069). All prior felonies were prosecuted out of the Second Judicial District, County of Bernalillo, State of New Mexico with the exception of CR-200700069, which was prosecuted out of the Seventh Judicial District, County of Tarrant, State of New Mexico.
11. Due to ongoing ballistic and criminalistics analysis, your Affiant has not test fired the firearm; however, based on the circumstances, your Affiant is confident the firearm fires and functions as designed. Further, your Affiant determined the firearm was not manufactured in the State of New Mexico and was recovered in the State of New Mexico, therefore affecting interstate commerce.

Handwritten initials: JH
W

Page 5 of 5 Pages

Criminal Complaint - Continued.

United States of America

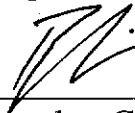
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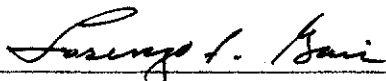
12. Based upon these facts, your Affiant opines there is probable cause to suggest Christopher COOK, a previously convicted felon, possessed the above firearm in violation of Title 18 U.S.C 922(g)(1).

Respectfully submitted,



Brandon Garcia
Special Agent
ATF

Subscribed and sworn to before me
on January 6, 2015:



UNITED STATES MAGISTRATE JUDGE

RENZO F. GARCIA
United States Magistrate Judge