

AO 91 (Rev. 02/09) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
District of New Mexico**FILED**UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

JUL 09 2015

MATTHEW J. DYKMAN  
CLERK

United States of America )

v. )

BROUILLETTE, Justin )

xxx-xx-5844 )

Case No.

15 mj 2418

*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 07/08/2015 in the county of Bernalillo in the \_\_\_\_\_ District of  
New Mexico, the defendant violated Title 18 U. S. C. § 922(g)(1), 2119, and 924(c)

, an offense described as follows:

On 07/08/2015, Justin BROUILLETTE, a convicted felon, unlawfully possessed a Beretta, model 950B, .25 caliber, semiautomatic pistol bearing serial number B59119 that has traveled in and affected interstate commerce in violation of Title 18 U.S.C 922(g)(1). Justin BROUILLETTE did attempt to take a motor vehicle, a Ford Focus bearing New Mexico plate 857SXS and Vehicle Identification Number (VIN) 1FAHP3K2XCL410019, by force and violence, and with the use of a firearm, in violation of Title 18 U.S.C. 2119 and Title 18 924(c)(1)(a).

This criminal complaint is based on these facts:


See Attached

☒ Continued on the attached sheet.*Complainant's signature*

Derek Wright, Task Force Officer, ATF

*Printed name and title*

Sworn to before me and signed in my presence.

Date: 07/09/2015City and state: Albuquerque, New Mexico*Judge's signature*

Kirtan Khalsa U.S. Magistrate Judge

*Printed name and title*

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2 of 6

Criminal Complaint - Continued.

United States of America

V.

BROUILLETTE, Justin

SSN: 5844

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1. Derek Wright, a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being duly sworn, deposes and states:
2. Your Affiant is a full time salaried sworn law enforcement officer with the Albuquerque Police Department, and has been so for 9 years.
3. Approximately two of those years have been spent on the investigation of federal felony crimes. Part of your Affiant's duties for the past two years has included being a Task Force Officer for the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.
4. In this capacity your Affiant routinely investigates violations of federal criminal statutes, to include violation of federal firearms laws, and has specifically investigated violations related to subjects who are found to be in possession of illegal and altered firearms. Your Affiant requests that a Criminal Complaint and Arrest Warrant be issued for the above named defendant based on the following information, which your Affiant believes to be true and accurate.
5. 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 Titles 18 and 26, United States Code.
6. The statements contained in this affidavit are based, in part, on information provided by Special Agents and Task Force Officers of the ATF and other law enforcement officers; on conversations held with

3 of 6

police officers; and on my background and experience as a Task Force Officer of the ATF.

7. 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**

8. On July 8, 2015, Albuquerque Police Department detectives were conducting surveillance in the area of Wyoming and Central. Detectives observed a Lincoln sedan parked at a gas pump with a male, later identified as Justin BROUILLETTE, inside the vehicle not pumping fuel. Detectives observed an unknown female walk up to the Lincoln. Justin BROUILLETTE exited the driver's seat of the Lincoln and met with the unknown female. Detectives observed what they believed to be a narcotics transaction being conducted between Justin BROUILLETTE and the female. Justin BROUILLETTE returned to the Lincoln and left the parking lot.
9. Detectives conducted mobile surveillance and followed Justin BROUILLETTE to the area of Chico and Texas St NE. Justin BROUILLETTE stopped the Lincoln and met with an unknown male subject where detectives observed what they believed to be another narcotics transaction.
10. Detectives formulated a plan to have a traffic stop conducted on Justin BROUILLETTE. As Justin BROUILLETTE was traveling south on Pennsylvania St towards Central, Albuquerque police officers Werner and Maycumber attained positions behind the Lincoln as it traveled west on Central Ave towards Louisiana Blvd. The Lincoln made an abrupt



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4 of 6

southbound turn onto Alcazar St, and Ofc. Werner engaged the emergency equipment in his marked patrol car. Ofc. Werner observed Justin BROUILLETTE discharge a firearm towards him, while both were traveling south towards Zuni.

11. Justin BROUILLETTE turned west on Zuni, where he collided with a silver Ford Focus bearing New Mexico plate 857SXS and Vehicle Identification Number (VIN) 1FAHP3K2XCL410019, which was being driven by A.F. Justin BROUILLETTE exited the Lincoln and ran towards A.F.'s vehicle. Justin BROUILLETTE pointed the firearm at A.F. and ordered him out of the Ford Focus. At this same time, Ofc. Maycumber had just turned west on Zuni from Alcazar, where he observed Justin BROUILLETTE at the Ford Focus. Justin BROUILLETTE fired more rounds at officers before fleeing on foot west across Louisiana Blvd.
12. Justin BROUILLETTE was still armed and forced his way into an apartment occupied by an elderly couple. The elderly male, was able to get the firearm away from Justin BROUILLETTE and placed it in his mailbox. The elderly couple were able to escape the apartment where they met officers.
13. Albuquerque police officers established a perimeter around the apartment complex. The Albuquerque police department SWAT team responded and was eventually able to take Justin BROUILLETTE into custody.
14. Justin BROUILLETTE was transported to the University of New Mexico Hospital, where he was admitted for evaluation due to the fact that he had ingested a large amount of pills.
15. Detectives found that Justin BROUILLETTE had four (4) active felony warrants for his arrest.

5 of 6

16. The elderly male gave detectives permission, by signing a consent to search form, to search the home and collect the firearm.
17. The firearm was collected and found to be a Beretta, model 950B, .25 caliber, semiautomatic pistol bearing serial number B59119. The firearm is marked as being manufactured in Italy. ATF TFO D. Wright did not test fire the firearm as the firearm functions and fires as designed as it was utilized to fire at officers. Cartridge casings were collected and entered into evidence.
18. Your affiant conducted a criminal history query and found Justin BROUILLETTE to have two (2) previous felony convictions in cause numbers D-202-CR-201201397 for the charge of Receiving/Transferring a Stolen Motor Vehicle and D-202-CR-201203883 for the charges of Unlawful Taking of a Motor Vehicle and Conspiracy to Commit Receiving/Transferring a Stolen Motor Vehicle. Both previous felony convictions are out of the Second Judicial District Court, County of Bernalillo, State of New Mexico.
19. Your affiant confirmed that <sup>Don</sup> A. F. Ford Focus vehicle bearing New Mexico plate 857SXS and Vehicle Identification Number (VIN) 1FAHP3K2XCL410019 was not manufactured in the state of New Mexico.
20. Your affiant determined that the Beretta, model 950B, .25 caliber, semiautomatic pistol bearing serial number B59119 was not manufactured in the state of New Mexico.
21. You affiant opines that there is probable cause to believe that Justin BROUILLETTE, a previously convicted felon, did possess a firearm in

6 of 6

violation of Title 18 U.S.C. 922(g)(1), and did attempt to take a motor vehicle by force and violence, and used a firearm to do so, in violation of Title 18 U.S.C. 2119 and Title 18 924(c).

Respectfully submitted,



Derek Wright  
Task Force Officer  
ATF

Subscribed and sworn to before me  
on July 9, 2015:



UNITED STATES MAGISTRATE JUDGE