

AO 91 (Rev. 11/11) Criminal Complaint

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

AUG 3 2020

MITCHELL R. ELFERS
CLERK

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America)

v.)

Manuel A Chavira)

Case No. 20-MJ-1373

Defendant(s)

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(s) of July 18, 2020 in the county of Bernalillo in the
 District of New Mexico, the defendant(s) violated:

- | <i>Code Section</i> | <i>Offense Description</i> |
|-----------------------------------|--|
| 1. 18 U.S.C. § 2119: | Carjacking. |
| 2. 18 U.S.C. § 924 (c)(1)(A)(iii) | Discharging a firearm during and in relation to a crime of violence. |

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.



Complainant's signature

Peter Andazola FBI Task Force Officer

Printed name and title

Sworn to before me by telephone.

Date: 08/03/2020



Judge's signature

City and state: Albuquerque, New Mexico

Laura Fashing, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Peter Andazola being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT'S BACKGROUND

1. I am a New Mexico State Police (NMSP) Agent and have been so employed for the past seven years. I am currently assigned as a Task Force Officer (TFO) with the Federal Bureau of Investigation (FBI), Albuquerque Violent Crime Task Force (VCTF), where I primarily investigate repeat violent offenders involved in federal drug and firearm related crimes. I make this affidavit in support of a criminal complaint and arrest warrant charging MANUEL A. CHAVIRA with a violations of 18 U.S.C. § 2119: Carjacking, and 18 U.S.C § 924(c)(1)(A)(iii): Discharging a Firearm During and in Relation to a Crime of Violence. The violation occurred on July 18, 2020, in Bernalillo County, in the District of New Mexico.

2. This affidavit is based on my personal knowledge and information obtained from other law enforcement officers and law enforcement reports that I have reviewed. This affidavit does not set forth all of my knowledge or summarize all the investigative efforts in this investigation.

STATEMENT OF PROBABLE CAUSE

3. On July 18, 2020, Deputies with the Bernalillo County Sheriff's Department initiated an investigation at the San Jose De Arnijo Cemetery in the South East area of Albuquerque in reference to an armed robbery / carjacking. Upon arrival Deputies contacted the victim of the crime, D.M.M. and learned that while D.M.M. and her sister S.M.M., were sitting in D.M.M.'s vehicle, which was parked in the parking lot of a church, directly adjacent to the cemetery. D.M.M. was seated in the driver side of the vehicle while S.M.M. was seated in the right front passenger, when they were approached by CHAVIRA. CHAVIRA approach the passenger side of the vehicle and asked to charge his phone in D.M.M.'s vehicle. After informing CHAVIRA his phone would not maintain a charge, CHAVIRA asked to use S.M.M.'s cellular phone. S.M.M. complied with CHAVIRA's request and allowed him to place several calls in order to find a tow truck for his vehicle. After making several calls CHAVIRA returned the phone to S.M.M and advised her if the last number he dialed called back it was his mother and to tell her "Alex" tried calling her. While CHAVIRA was talking to S.M.M., D.M.M. exited the driver side of her vehicle and attempted to retrieve a sweater form the trunk. As CHAVIRA walked away, he turned around and brandish a firearm. CHAVIRA

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began telling S.M.M. and D.M.M. "I am not a bad person, but I have to take your vehicle." S.M.M. refused, but D.M.M. removed the keys from the ignition and tried to hand the keys to CHAVIRA. As S.M.M. tried to move away from CHAVIRA, CHAVIRA racked the slide on the firearm, which, based on my training and experience, indicated that he inserted a round in the chamber of the firearm. CHAVIRA pointed the firearm and began shouting "Do you want me to shoot her? Do you want me to shoot her?" At that point, D.M.M. shouted at S.M.M. to run. As D.M.M. and S.M.M. ran away, they heard gunshots being fired. Later D.M.M. and S.M.M. described the firearm, as a black in colored, .22 or .25 caliber firearm.

4. While in the parking lot, Deputies were unable to recover any casings from the scene. Deputies completed their investigation, documented the incident, and forwarded the investigation to the Violent Crime Task Force. At this point, I assumed the investigation. On July 22, 2020, I met with D.M.M. and conducted a photo array. D.M.M. positively identified CHAVIRA as the suspect in this investigation. Upon completion of the photo array, I conducted an interview with D.M.M. During the interview, I learned D.M.M. was able to identify CHAVIRA through a website she discovered online as "Albuquerque Mas Buscados." D.M.M. looked through her cellphone's internet history in order to show me the website. D.M.M. could not locate the exact website but she did provide me with another Albuquerque online KRQE News article in which CHAVIRA was the alleged suspect in a high-speed pursuit with Bernalillo County Sheriff deputies. On July 23, 2020, I met with S.M.M. and conducted a photo array. S.M.M. identified CHAVIRA as the suspect in this investigation.

RELEVANT CRIMINAL HISTORY

5. I reviewed CHAVIRA criminal history and court records, and I'm aware he has felony convictions, to include:

- a. On or about January 14, 2017, CHAVIRA was convicted of Receiving or transferring a stolen motor vehicle, Criminal Damage to property (over \$1,000) and Aggravated fleeing a law enforcement in the 2nd Judicial District Court, Bernalillo County, New Mexico Case No. D-202-CR-2017-00338.

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

- b. CHAVIRA has been arrested approximately eleven times for various offenses including but not limited to receiving or Transferring Stolen Motor Vehicle, tampering with evidence (Highest crime a Third, fourth or Indeterminate degree felony), Aggravated Assault upon a peace officer, aggravated fleeing a Law Enforcement Officer.

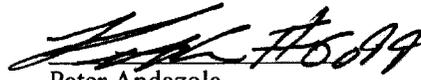
INTERSTATE NEXUS

6. During the investigation I learned that D.M.M. was driving a 2019 Honda Civic SI motor vehicle bearing vehicle identification number (VIN) # 2HGFC#A56KH751813. I conducted research and learned Honda Motor company does not manufacture vehicles in New Mexico. Therefore D.M.M. vehicle traveled in interstate commerce prior to arriving at the San Jose De Armijo cemetery.

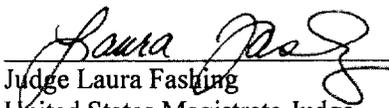
CONCLUSION

7. Based on the information contained herein, I believe probable cause exists to charge CHAVIRA with a violation of 18 U.S.C. § 2119 (Carjacking) and 18 U.S.C § 924 (c)(1)(A)(iii) (Discharging a Firearm During and in Relation to a Crime of Violence). Supervisory Assistant United States Attorney Jack Burkhead approved criminal charging in this matter.

Respectfully submitted,


Peter Andazola
FBI Task Force Officer

Electronically submitted and telephonically sworn to on August 3, 2020.


Judge Laura Fashing
United States Magistrate Judge