

AO 91 (Rev. 5/85) Criminal Complaint

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

FOR THE

JUL 27 2009

DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

MATTHEW J. DYKMAN
CLERK

v.

CRIMINAL COMPLAINT

(Name and Address of Defendant)

CASE NUMBER: *09-MJ-2131*

Victor VILLALOBOS
YOB: 1973

I, the complainant in this case state that to the best of my knowledge and belief. On or about July 24, 2009 in Bernalillo county, in the state and District of New Mexico the defendant(s) violated Title 18 United States Code, Section(s) 922(g)(1), and 922(k) offenses described as follows:

Being a convicted felon, possessed seven firearms, to wit :Two Henry Repeating Arms Rifles, a Western Field model M-730, 30-06 rifle, a Western Field M72,30-30 caliber rifle, a Norinco model 213 9mm pistol, a Jennings model J22, .22 LR caliber pistol, a Talon Industries, model 10, .22 LR caliber pistol, 16 rounds of PMC 9mm ammunition, 49 rounds of CCI .22 LR caliber ammunition, 11 rounds of Federal .22 LR caliber ammunition, and 16 rounds of Winchester Super X .22 LR caliber ammunition. All firearms had their serial numbers obliterated. These firearms and ammunition having traveled in interstate or foreign commerce.

The Criminal complaint is based on these facts:

Continued on the attached sheet

[Handwritten Signature]
Complainant's signature

Sworn to before me and signed in my presence,

Date: July 27, 2009 Judges Signature: *[Handwritten Signature]*

City and state: Albuquerque, NM Printed name and title _____

W. DANIEL SCHNEIDER
UNITED STATES MAGISTRATE JUDGE

*Approved
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Criminal Complaint - Continued.

United States of America

V.

Victor VILLALOBOS

YOB: 1973

SSN: 4228

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On July 24, 2009 Complainant was contacted by Albuquerque Police Department Detective J.R. Potter, who told him that at approximately 3:50 p.m. he was on duty with the Albuquerque Police Department (APD) Repeat Offender Project (ROP) when he received information from a Confidential Informant (C.I.) that a previously convicted felon and Sindicato Nuevo Mexico ("SNM") Gang Member named Victor VILLALOBOS (nicknamed "Evil") was at the Motel 6 at 1000 Avenida Cesar Chavez Northeast Albuquerque, and that VILLALOBOS was in possession of two firearms. The CI told Detective Potter that VILLALOBOS had the rifles in a vehicle it described as a teal green Ford Explorer. Through investigation, Detective Potter learned that VILLALOBOS had an outstanding misdemeanor warrant for his arrest (# M45TR200901104). ROP Detectives went to the Motel 6 on Avenida Cesar Chavez Southeast and located a teal green Ford Explorer with New Mexico license plate HLY677 in front of room 140 at the Motel 6. Detectives queried the license plate of the Teal Explorer through the New Mexico Department of Motor Vehicles, and found that the vehicle was registered to Eloy Montoya.

ROP Detective T. Welch contacted management of the Motel 6 and learned that Sharon Aragon was registered in room 140. Investigation by Detectives through police files found that Sharon Aragon was listed as VILLALOBOS' wife.

ROP Detectives and obtained photographs of Aragon and VILLALOBOS, and began surveillance on room 140 of the Motel 6.

Detectives observed VILLALOBOS and Aragon exit the room 140, enter the teal green Ford Explorer and leave the parking lot.

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ROP Detectives contacted VILLALOBOS and Aragon when they stopped at the Auto Zone parts store at 507 Bridge Southwest. VILLALOBOS, who was driving the teal Ford Explorer, was arrested and taken into custody for the outstanding warrant.

ROP Detectives began an inventory search of the vehicle prior to towing it, and while conducting the inventory search, ROP Detective K. Gagne located a Winchester 1300 Defender 12 gauge shotgun loaded with 5 rounds of 12 gauge ammunition in the rear of the Explorer. Detective Gagne observed that the serial number on the shotgun had been altered and was unreadable; however Detective Gagne also noted that the shotgun appeared fully functional. Also located in the vehicle were numerous rounds of ammunition for a .45 caliber handgun, 45/70 rifle, and 22 long rifle.

Detective K Wyckoff advised VILLALOBOS of his Constitutional Rights. VILLALOBOS stated he understood his Constitutional Rights and waived them. VILLALOBOS told Detective Wyckoff he had purchased the Ford Explorer and it belonged to him. VILLALOBOS stated the vehicle was empty when he bought it, and the property inside the vehicle was his, although VILLALOBOS denied any knowledge of firearm in the Explorer. VILLALOBOS would later tell Detectives that he bought the firearms "on the street" in Bayfield Colorado while working in the area. VILLALOBOS also stated that he bought the firearms with the serial numbers obliterated, and that he was a "Gun fanatic" even though he was a convicted felon. VILLALOBOS also told the Detectives that he bought that many firearms because he wanted to sell them.

*Auto
Zone*

Criminal Complaint - Continued.

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Detectives then obtained a State of New Mexico search warrant for room 140 at the Motel 6 at 1000 Avenida Cesar Chavez Southeast Albuquerque. Upon obtaining and serving the search warrant, the following items were found inside:

- Two Henry Repeating Arms .22 LR caliber rifles.
- A Western Field Model M-730 30-06 caliber rifle.
- A Western Field M72 30-30 caliber rifle.
- A Norinco model 213 9mm pistol.
- A Jennings, model J22 .22 LR caliber pistol.
- A Talon Industries model 10 .22 LR caliber pistol.
- 16 rounds of PMC brand 9mm ammunition.
- 49 rounds of CCI .22 LR caliber hollow point ammunition.
- 11 rounds of Federal .22 LR caliber ammunition.
- 16 rounds of Winchester Super X .22 LR caliber ammunition.
- A 45-70 rifle (Detectives were unable to identify it at the scene)
- Two other firearms, a rifle and pistol, were also seized. Detectives were Unable to identify the make, model or caliber of these firearms at the scene.

*Also
Dwain*

Detective K. Gagne observed that all of the firearms had their serial numbers obliterated; however all of the firearms appeared to be fully functional.

Complainant obtained a NCIC criminal history query on VILLALOBOS, which revealed that VILLALOBOS'S criminal history dates to 1993, with arrests for assault with a deadly weapon, auto theft, receiving stolen property, burglary, theft, conspiracy, aggravated fleeing law enforcement, receiving or transferring a stolen motor vehicle, forgery, felon in possession of a firearm, intimidation of a witness, parole violation, negligent use of a firearm, resisting or evading a police officer, tampering with evidence, unlawful carrying of a firearm in a liquor establishment, escape from jail, armed robbery, possession of marijuana, and concealing identity.

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A query of VILLALOBOS was conducted on the New Mexico Judiciary website which revealed the following:

- Auto
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- On July 18, 1996 VILLALOBOS was convicted of the felony crime of escape from jail, case number D-1116-CR-675.
 - On March 31, 1995 VILLALOBOS was convicted of the felony crime of tampering with evidence, case number D-1116-CR-9400297.
 - On May 31, 2005, VILLALOBOS was convicted of the felony crime of forgery, case number D-1116CR-200400984. Also on this date VILLALOBOS was convicted of forgery and receiving or transferring a stolen motor vehicle, case number D-1116-CR-200400991.

Through training and experience Complainant knows that Henry Repeating Arms Western Field, Norinco, Jennings, and Talon Industries firearms and PMC, CCI, Federal, 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 New Mexico on July 24, 2009.

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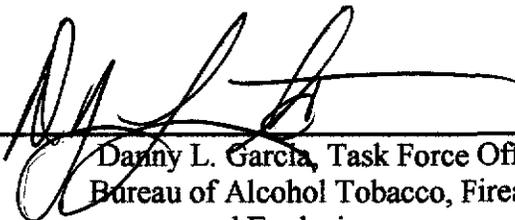
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*ACJA
DWA/SE*
Through training and experience Complainant also knows that it is contrary to Federal law, specifically 18 U.S.C. 922(g)(1) for a person previously convicted of a felony crime to be in possession of a firearm. Therefore Victor VILLALOBOS was in violation of Federal Law when he possessed the aforementioned firearms and ammunition.

Through training and experience Complainant also knows it is contrary to Federal law, specifically 18 U.S.C 922(k) to possess a firearm which contains an Altered or obliterated serial number.



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

Subscribed and sworn before me this **27th** day of July, 2009



United States Magistrate Judge