

AO 91 (Rev. 02/09) Criminal Complaint

FILED
U.S. DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES DISTRICT COURT
for the
District of New Mexico

2009 JUN 10 PM 4:08
CLERK-LAS CRUCES *VRD*

United States of America
v.
Andrew CARRILLO

Case No.

09-1638mj

Defendant

Redacted
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 12/13/2008 in the county of Chaves in the Judicial District of New Mexico, the defendant violated Title 18 U. S. C. § 922(g)(1), 922(j), 924(a)(2), an offense described as follows:

Possess a firearm and ammunition that had moved in or affected interstate commerce after having been convicted of a crime punishable by imprisonment for a term exceeding one year.

Possess a stolen firearm that had moved in or affected interstate commerce knowing or having reasonable cause to believe that the firearm was stolen

This criminal complaint is based on these facts:

See attached affidavit

Continued on the attached sheet.

[Signature]

Complainant's signature

Michael Parker, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 6-10-09

[Signature]

Judge's signature

City and state:

Las Cruces NM

William P. Lynch, U.S. Magistrate Judge

Printed name and title

CRIMINAL COMPLAINT - CONTINUED

UNITED STATES OF AMERICA

VS

Andrew CARRILLO

Affidavit of Michael P. Parker

1. Your affiant, Michael P. Parker, is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives and has been so employed since April 27, 2008. Prior to April, your affiant worked for over eight and a half years as a police officer with the Davenport, Iowa Police Department. As part of training to become an ATF Special Agent, your affiant attended six months of specialized training sponsored by the Federal Law Enforcement Training Center in Glynco, Georgia. As a result of this training, your affiant has been certified as a Federal Investigator and has received specific training involving violations of federal law. Your affiant has also received ATF specific training in the determination of probable cause and in the use of warrants and complaints to enforce federal firearms laws. Your affiant is currently assigned to the Las Cruces, New Mexico Field Office and has conducted and participated in numerous narcotics and firearms investigations.
2. Your affiant, being duly sworn, states the following to be true and correct to the best of his knowledge and belief based upon his personal observations and from information provided by knowledgeable law enforcement agents and officers who are involved in the investigation of Andrew CARRILLO.

CRIMINAL COMPLAINT - CONTINUED

3. As a result of my training and experience as an ATF Special Agent, I am familiar with federal criminal laws and know that it is a violation of Title 18 United States Code, Section 922(g)(1), for any person who has been convicted of a felony to possess any firearm or ammunition in or affecting interstate commerce, or to receive any firearm that has been shipped or transported in interstate commerce. It is a violation of Title 18 United States Code, Section 922(j), for any person to possess a stolen firearm that has affected interstate commerce knowing or having reasonable cause to believe that the firearm was stolen.

4. On December 13, 2008, Charles Lewis of Roswell, NM filed a report with the Chaves County Sheriff's Office concerning a residential burglary. Lewis reported that approximately 40 firearms had been stolen during the burglary.

5. On December 16, 2008, Detectives from the Roswell Police Department went to [REDACTED] Roswell, NM in reference to an on-going investigation. The detectives observed three subjects standing near the door on the east side of the residence. One of the subjects, identified as Andrew CARRILLO was seen placing both of his hands in his pockets and walking towards the residence. CARRILLO then quickly removed his hands and stopped. CARRILLO attempted to give a false name to officers and then attempted to flee on foot. CARILLLO was subsequently taken into custody. During a search incident to arrest of CARRILLO'S person, officers found one live round of Winchester (WIN) 9 millimeter ammunition in his pocket. CARRILLO was also found in possession of suspected methamphetamine. It was learned that CARRILLO had an active warrant

CRIMINAL COMPLAINT - CONTINUED

for his arrest. Officers noticed numerous live rounds of 9 millimeter and .22 caliber ammunition lying on the ground where CARRILLO had been seen putting his hands in his pockets.

6. Detectives conducted a protective sweep of the residence. During the protective sweep, officers observed a pistol and items of suspected drug paraphernalia. Detectives then obtained a state search warrant for the residence. During the execution of the search warrant, detectives found a total of three handguns. All of the handguns were determined to have been reported stolen.
7. The handguns recovered from [REDACTED] were identified as follows:
 - a. Ruger, model P-89, 9 millimeter pistol bearing serial number 315-84430
 - b. Ruger, Blackhawk three screw single action revolver chambered in .44 special bearing serial number 30-51162.
 - c. Ruger, Blackhawk three screw single action revolver chambered in .357 magnum bearing serial number 30-42012.
8. The handguns were later examined for latent finger prints. During the examination, a latent print was found on the Ruger, Blackhawk single action revolver chambered in .44 special, bearing serial number 30-51162. The latent finger print was identified as belonging to Andrew CARRILLO.
9. During the subsequent investigation, detectives from the Chaves County Sheriff's Office

CRIMINAL COMPLAINT - CONTINUED

conducted a post Miranda interview of a subject identified as Israel Hernandez.

Hernandez had been arrested after being found in possession of a stolen firearm. During the interview, Hernandez stated he and Andrew CARRILLO committed a burglary at a residence and stole numerous firearms. Hernandez stated that he and CARRILLO divided the stolen firearms amongst themselves. Based on the information provided by Hernandez, detectives identified the burglarized residence as belonging to Charles Lewis.

10. The stolen firearm found in the possession of Israel Hernandez and the stolen firearm found with CARRILLO'S finger print on it were determined to have been stolen during the Lewis residential burglary.

11. Andrew CARRILLO is fully identified as Andrew Matthew CARRILLO, white male, DOB: █████ 1989. A query of CARRILLO'S criminal history indicates a conviction for Possession of a Controlled Substance (Methamphetamine), a fourth degree felony. The conviction is dated on or about July 30, 2007. The conviction is out of the Fifth Judicial District, Chaves County, New Mexico. Case number D-504-CR-200700252

12. Based your affiant's training and experience as an ATF Special Agent, he is aware that Ruger firearms and Winchester ammunition are not and have never been manufactured in the State of New Mexico. Therefore, the Ruger, Blackhawk three screw single action revolver chambered in .44 special, bearing serial number 30-51162 and the round of Winchester ammunition affected interstate commerce.

CRIMINAL COMPLAINT - CONTINUED

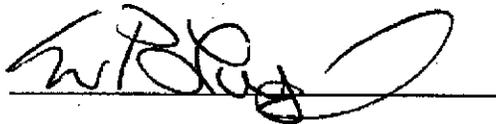
13. Based upon the above information, your affiant believes that on December 13, 2008, Andrew CARRILLO, who after having been convicted of a felony, illegally possessed a firearm and ammunition that had moved in or affected interstate commerce in violation of Title 18 USC 922(g)(1). This violation occurred within Roswell, Chaves County, in the District of New Mexico.

14. Based upon the above information, your affiant believes that on December 13, 2008, Andrew CARRILLO, illegally possessed a stolen firearm that had moved in or affected interstate commerce knowing or having reasonable cause to believe it was stolen in violation of Title 18 USC 922(j). This violation occurred within Roswell, Chaves County, in the District of New Mexico.



Michael P. Parker, Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

Subscribed and sworn in my presence, this 10th day of June 2009, and I find probable cause.



United States Magistrate Judge