

AO 91 (Rev. 5/85) Criminal Complaint

UNITED STATES DISTRICT COURT

Judicial DISTRICT OF New Mexico

2010 JUN -1 PM 1:29
CLERK-LAS CRUCES

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Johnny HAYNES

CASE NUMBER: 10mj1619

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about January 10, 2007, in Luna County, in the Judicial District of New Mexico, the defendant(s) did,

Possess a short barreled shotgun not registered to him in the National Firearms Registration and Transfer Record

in violation of Title 26 United States Code, Section(s) 5861(d).

I further state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives and that this complaint is based on the following facts:

See Attachment

Continued on the attached sheet and made a part hereof: YES NO

Casey E. Dutro

Signature of Complainant
Casey E. Dutro
Special Agent, ATF

Sworn to before me and subscribed in my presence,

1 June 2010

Date
Gregory B. Wormuth, United States Magistrate Judge

Name and Title of Judicial Officer

at Las Cruces, NM
[Signature] City and State
Signature of Judicial Officer

UNITED STATES OF AMERICA

V.

JOHNNY HAYNES

AFFIDAVIT

Your affiant is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and has been so employed by the United States Department of Justice since September 20, 2004. I have completed Special Agent Basic Training at the ATF National Training Academy, and Criminal Investigator Training at the Federal Law Enforcement Training Center. My duties and responsibilities involve investigations of violations of federal firearms laws.

The following information in this affidavit is based on either my personal knowledge or facts relayed to me by other law enforcement officers. It does not contain everything that I know about the matters described herein.

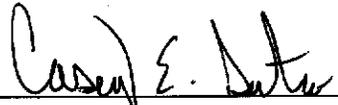
On or about January 10, 2007, Luna County Sheriff's Office Deputy David Guererro observed Johnny HAYNES driving a 2000 Chrysler at the Diamond Shamrock located at 3825 State Road 11 in Deming, NM. Deputy Guererro knew that HAYNES had a suspended driver's license and confirmed this with the National Crime Information Center (NCIC). Deputy Guererro approached HAYNES and informed him that he could not drive and that the vehicle was going to be towed. HAYNES gave Deputy Guererro consent to search the vehicle. A search of HAYNES' vehicle revealed the following firearm: One Century Arms International, Model unknown, 12 gauge short-barreled shotgun, serial number unknown.

Also on or about January 10, 2007, Southwest Border Operations Task Force (BOTF) Agent Adrian Flores interviewed HAYNES. After waiving his Miranda rights, HAYNES advised Agent Flores that he had the firearms in the vehicle because he was going to dispose of the firearms for a female named Savannah. HAYNES further stated that Savannah had given him methamphetamines as payment to dispose of the firearms. HAYNES stated that he knew that he should not have guns and drugs in the vehicle together. HAYNES was subsequently arrested.

On or about March 28, 2007, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Special Agent (SA) Casey Dutro measured the Century Arms short-barreled shotgun. The shotgun had an overall length of approximately nineteen inches and a barrel length of approximately ten and $\frac{3}{4}$ inches.

On or about February 11, 2008, SA Dutro caused a search of the National Firearms Registration and Transfer Record (NFRTR) to determine if Johnny HAYNES had any National Firearms Act (NFA) weapons registered to him. It was determined that HAYNES did not have anything registered to him in the NFRTR.

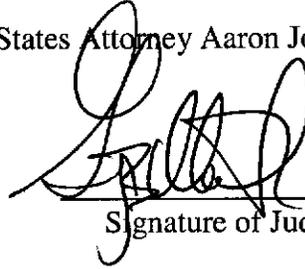
This arrest was approved by Assistant United States Attorney Aaron Jordan.



Casey B. Dutro
Special Agent - ATF

6/1/10

Date



Signature of Judicial Officer

1 June 2010

Date