

UNITED STATES DISTRICT COURT

MAY 29 2015

for the

District of New Mexico

MATTHEW J. DYKMAN
CLERK JM

United States of America)

v.)

ANDREW STEVEN ROMERO)

YOB 1987)

SSN 8065)

Case No.

15 mJ 1857

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 May 25, 2015 in the county of Sandoval in the
 District of New Mexico, the defendant(s) violated:

Code Section

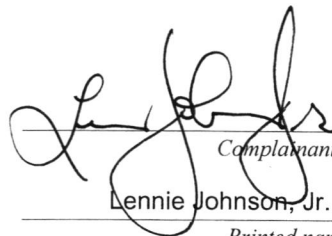
18 U.S.C. 922(g)(1)

Offense Description

Felon in Possession of a Firearm and Ammunition

This criminal complaint is based on these facts:

See attachment.

☒ Continued on the attached sheet.

Complainant's signature

Lennie Johnson, Jr., Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: May 29, 2015

*Judge's signature*City and state: Albuquerque, New Mexico

U.S. Magistrate Judge Karen B. Molzen

Printed name and title

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

VS.

ANDREW STEVEN ROMERO

YEAR OF BIRTH: 1987

AFFIDAVIT

I, the undersigned, being duly sworn, hereby depose and state as follows:

I am a Special Agent of the Federal Bureau of Investigation and have been employed in that capacity since December 2007. I am currently assigned to Albuquerque Division and investigate major crimes and investigations including, but not limited to, criminal enterprise matters and violent crimes. 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 Title 18, United States Code.

The information set forth in this affidavit has been derived from my own investigation or communicated to me by other sworn law enforcement officers or from reliable sources. I have not included each and every fact known to me concerning this investigation. I have set forth only the facts which I believe are required to establish the necessary foundation for an order authorizing the arrest of Andrew Steven ROMERO. I request that an Arrest Warrant be issued for Andrew Steven ROMERO based on the following information, which I believe to be true and accurate.

On or about May 25, 2015, Rio Rancho Police Department Officer Gregg Benner conducted a traffic stop at approximately 8:04 p.m. near 3301 Southern Boulevard SE in Rio Rancho, New Mexico. The vehicle he stopped was a 1999 Dodge Durango with New Mexico license plate 331RAT and vehicle registration number 1B4HR28Y1XF576683. Records checks showed that the vehicle was registered to Tabitha Littles, who was the driver of the vehicle at the time of the traffic stop. A male passenger was also present in the vehicle, but he gave false information to Officer Benner about his identity.

Officer Benner was shot and killed a short time later, in the area of 900 Pinetree Road SE in Rio Rancho, New Mexico. Officer Benner was transported to University of New Mexico Hospital, where he was later pronounced dead at 8:52 p.m.

During the course of the traffic stop, but before Officer Benner was killed, Ms. Littles began to drive away. A short time later, the unidentified male pushed Ms. Littles out of the vehicle and took control of the vehicle. The unidentified male also shot a firearm, striking Ms. Littles in the

foot. Officer Benner made contact with Ms. Littles, and was also shot by the unidentified male. The unidentified male fled in the vehicle.

Other officers made contact with Ms. Littles, who provided information about what occurred before and after the traffic stop. Ms. Littles said the unidentified male passenger was Andrew Steven ROMERO, her boyfriend of approximately one month. Ms. Littles described his appearance as skinny with short hair and a prominent neck tattoo. She said he often threatened her with a black Beretta firearm.

Ms. Littles said that she smoked a bowl and a half of methamphetamines the morning of May 25, and that Andrew Steven ROMERO forced her to drive him around later in the day. They drove around Rio Rancho because he was looking for places to commit robberies.

Ms. Littles said that Andrew Steven ROMERO saw a police vehicle on Southern Boulevard SE and was acting "paranoid." She said she was scared for her life and swerved to get the officer's attention.

Ms. Littles stated that Andrew Steven ROMERO gave false identification information to Officer Benner, and she said she was scared because Andrew Steven ROMERO was holding a firearm against her side. She said Officer Benner walked toward the passenger side of the vehicle when Andrew Steven ROMERO put the vehicle in drive and demanded that she flee. Ms. Littles said she drove a short distance when Andrew Steven ROMERO pushed her from the driver's side of the vehicle and shot her in the foot. She said the officer stopped to check on her, and then chased after Andrew Steven ROMERO. She then heard multiple gunshots and saw the officer fall to the ground after asking her the name of the unidentified male. Andrew Steven ROMERO continued to flee in the vehicle.

Officers began searching for Andrew Steven ROMERO, who was believed to be in a silver, Chevrolet sedan during the early morning hours of May 26, 2015. Officers pursued the vehicle, and a firearm was thrown from the passenger's side of the vehicle at a gas station located at Rio Bravo Boulevard and Broadway in Albuquerque, New Mexico. Andrew Steven ROMERO was arrested at the gas station, and he was in the front passenger seat of the car at the time of his arrest. The firearm was retrieved.

Andrew Steven ROMERO was transported to the New Mexico State Police Station in Albuquerque, New Mexico. He was advised of *Miranda* rights, stated he understood his rights, and agreed to speak with officers. Andrew Steven ROMERO confirmed he was with Ms. Littles in Rio Rancho, New Mexico on May 25, 2015 and that they were pulled over by an officer. He said he became anxious when the officer was questioning him, and he and Ms. Littles began to drive away. He was scared when the officer followed him, and also by the way Ms. Littles was driving, so he pushed Ms. Littles out of the driver's seat of the vehicle and the vehicle came to a rolling stop.

Andrew Steven ROMERO said he pulled out a firearm and fired shots at Officer Benner as the officer approached the vehicle. Andrew Steven ROMERO did not know how many shots he fired at Officer Benner, and he said he was unsure if he struck the officer. Andrew Steven

ROMERO said that the Beretta firearm that was recovered by officers was the same firearm he used to shoot at Officer Benner.

The firearm is described as a Beretta, model M90, 9mm handgun with serial number M9-152076. When the firearm was recovered, there was round of ammunition in the chamber and 10 rounds of ammunition in the magazine. The rounds that were located in the magazine were not removed. The round that was in the chamber and the top round in the magazine are R-P Luger, hollow point, 9mm cartridges.

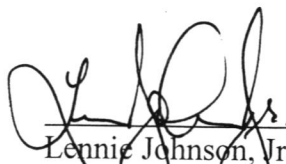
The Beretta firearm qualifies as a firearm pursuant to 18 U.S.C. 921(a)(3). The firearm is a weapon that is designed to expel a projectile by the action of an explosive, and it contains the frame or receiver of any such weapon.

Your Affiant conducted a criminal history query of Andrew Steven ROMERO and learned that he has prior felony convictions. In June 2006, Andrew Steven ROMERO was convicted of Voluntary Manslaughter, Tampering with Evidence, and Aggravated Assault (Deadly Weapon), in cause number CR 2005-03349. In March 2010, Andrew Steven ROMERO was convicted of Contributing to the Delinquency of a Minor in cause number CR 2010-00229. In January 2015, Andrew Steven ROMERO was convicted of Aggravated Assault (Deadly Weapon) (Firearm Enhancement) and Possession of a Destructive Device by a Felon in cause number CR 2014-00107; Trafficking (by Distribution) (Heroin) in cause number CR 2013-001772; and Receiving or Transferring a Stolen Motor Vehicle in cause number CR 2015-00263. Each of these convictions was in the Second Judicial Court, County of Bernalillo, State of New Mexico.

Through training and experience, your Affiant knows it is contrary to federal law, 18 U.S.C. § 922(g)(1), for a person previously convicted of a felony crime to possess a firearm and/or ammunition.

Your Affiant knows through training and experience that the above-referenced firearm and ammunition were not manufactured in the State of New Mexico, but were found in the State of New Mexico, therefore affecting interstate commerce.

Respectfully submitted,



Lennie Johnson, Jr.
Special Agent, Federal Bureau of Investigation

Subscribed and sworn before me this 29th day of May, 2015.

Karen B. Molzen
UNITED STATES MAGISTRATE JUDGE