

**FILED**UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

JUL 23 2015 KH

MATTHEW J. DYKMAN  
CLERK

## UNITED STATES DISTRICT COURT

for the  
District of New Mexico

United States of America )

v. )

MARTINEZ, Thomas )

xxx-xx-4897 )

Case No.

15 mj 2572

Defendant

## 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 07/22/2015 in the county of Bernalillo in the \_\_\_\_\_ District of  
New Mexico, the defendant violated Title 18 U. S. C. § 2119 two counts, 924(c) two counts

, an offense described as follows:

On 07/22/2015, Thomas MARTINEZ did forcibly obtain a vehicle that has traveled in interstate commerce by threatened use of a firearm, and discharged the firearm towards the victim. Thomas MARTINEZ fled from Albuquerque Police officers and again forcibly obtained another vehicle that has traveled in interstate commerce, by threatened use of a firearm.

This criminal complaint is based on these facts:

See Attached

☒ Continued on the attached sheet.

Complainant's signature

Derek Wright, Task Force Officer, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 07/23/2015

Judge's signature

City and state: Albuquerque, New Mexico

Printed name and title

Criminal Complaint - Continued.

United States of America

V.

MARTINEZ, Thomas

SSN: 4897

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1. Derek Wright, a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being duly sworn, deposes and states:
2. Your Affiant is a full time salaried sworn law enforcement officer with the Albuquerque Police Department, and has been so for 9 years.
3. Approximately two of those years have been spent on the investigation of federal felony crimes. Part of your Affiant's duties for the past two years has included being a Task Force Officer for the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.
4. In this capacity your Affiant routinely investigates violations of federal criminal statutes, to include violation of federal firearms laws, and has specifically investigated violations related to subjects who are found to be in possession of illegal and altered firearms. Your Affiant requests that a Criminal Complaint and Arrest Warrant be issued for the above named defendant based on the following information, which your Affiant believes to be true and accurate.
5. 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 Titles 18 and 26, United States Code.
6. The statements contained in this affidavit are based, in part, on information provided by Special Agents and Task Force Officers of the ATF and other law enforcement officers; on conversations held with

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police officers; and on my background and experience as a Task Force Officer of the ATF.

7. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

### **PROBABLE CAUSE**

8. On 07/22/2015, Detectives with the Albuquerque Police Department were conducting surveillance at the Ramada Inn located at 25 Hotel Circle NE, Albuquerque, County of Bernalillo, and State of New Mexico. Detectives were acting on information that a wanted fugitive, Thomas MARTINEZ, was at the Ramada Inn. Thomas MARTINEZ was wanted for Armed Robbery.
9. Detectives observed Thomas MARTINEZ exiting the Ramada Inn. Detectives approached Thomas MARTINEZ and attempted to take him into custody in the parking lot. Thomas MARTINEZ fled on foot and a foot chase ensued.
10. Detective Carter pursued Thomas MARTINEZ on foot to the eastbound on-ramp to Interstate 40 at Eubank NE. At that time, Thomas MARTINEZ approached a white Chevrolet sedan that was entering the on-ramp to eastbound Interstate 40. Thomas MARTINEZ pointed a firearm at the driver of the Chevrolet sedan, stopping the vehicle.
11. E.M. was driving the Chevrolet sedan. The vehicle was further occupied by three (3) juveniles, M.C.(fourteen years of age) , F.M.(eleven years of age), and D.M. (nine years of age). The three (3) juveniles were able to exit the vehicle. E.M. was pushed over into the passenger seat of the vehicle by Thomas MARTINEZ.

12. Thomas MARTINEZ began to flee in the Chevrolet sedan. Detective Carter attempted to stop Thomas MARTINEZ from carjacking E.M., during which time Thomas MARTINEZ dragged Detective Carter with the Chevrolet sedan an unknown distance on the Interstate 40 on-ramp. Detective Carter was able to get free from the Chevrolet and was transported to the hospital for evaluation.
13. E.M. began to fight with Thomas MARTINEZ to stop the car. Thomas MARTINEZ then discharged his firearm in an attempt to shoot E.M. E.M. stated she thought Thomas MARTINEZ was going to kill her. Thomas MARTINEZ then slowed the Chevrolet sedan, and E.M. was able to jump out.
14. Thomas MARTINEZ continued to flee from Albuquerque Police in the Chevrolet sedan to the neighborhood southwest of Juan Tabo and Singing Arrow SE. Thomas MARTINEZ exited the Chevrolet sedan near the intersection of Manistee and Deer Lodge Rd SE, where he ran to 400 Manistee SE.
15. Thomas MARTINEZ then forcibly entered the driver's seat of a white Cadillac sedan occupied by F.G.(an elderly male) who was in the front passenger seat, at 400 Manistee SE. J.G., who is a family member of F.G., observed Thomas MARTINEZ attempting to steal the Cadillac with F.G. inside and confronted Thomas MARTINEZ.
16. J.G. and Thomas MARTINEZ began to fight inside of the Cadillac as Thomas MARTINEZ was driving it away. J.G. stated Thomas MARTINEZ was attempting to discharge the firearm, by pulling the trigger, while they were fighting. The firearm did not discharge.


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17. Thomas MARTINEZ began to travel south on Manistee with F.G. and J.G. still in the Cadillac. After approximately a city block, the Cadillac veered off the roadway and crashed into the front yard of a residence.
18. J.G. was able to disarm Thomas MARTINEZ. Albuquerque Police Officers arrived on scene and took Thomas MARTINEZ into custody. The firearm was found approximately one (1) yard to the east of the Cadillac's front driver's side door.
19. The firearm was collected and found to be a FN, model Five Seven, 5.7 x 28mm, semiautomatic pistol bearing serial number 386285688. The firearm is marked as being manufactured in Herstal Belgium. Your affiant did not test fire the firearm as the firearm functions and fires as designed as it was utilized to fire at E.M. When the firearm was collected it was found to contain one (1) expended cartridge casing in the chamber as well as seven (7) unexpended cartridges in the magazine.
20. Your affiant confirmed that E.M.'s vehicle, Chevrolet sedan bearing New Mexico plate 876SPP and Vehicle Identification Number 2G1WN54T6R9169254, was not manufactured in the state of New Mexico. The Chevrolet sedan is marked as being manufactured in Canada.
21. Your affiant confirmed that J.G.'s vehicle, Cadillac sedan bearing New Mexico plate GWX548 and Vehicle Identification Number 1G6DW5277PR711307, was not manufactured in the state of New Mexico. The Cadillac is marked as being manufactured in Texas.
22. Thomas MARTINEZ was advised of his Miranda rights and interviewed by Albuquerque Police Department Detectives; Thomas MARTINEZ refused to provide a statement.

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23. You affiant opines that there is probable cause to believe that Thomas MARTINEZ did take two (2) motor vehicles by force and violence, and used a firearm to do so, in violation of Title 18 U.S.C. 2119 and Title 18 924(c).

Respectfully submitted,

  
Derek Wright  
Task Force Officer  
ATF

Subscribed and sworn to before me  
on July 23, 2015:

  
UNITED STATES MAGISTRATE JUDGE