

**FILED**

AO 91 (Rev. 11/11) Criminal Complaint

United States District Court  
Albuquerque, New Mexico**UNITED STATES DISTRICT COURT**

for the

District of New Mexico

Mitchell R. Elfers  
Clerk of Court

United States of America )

v. )

DEVIN WYACO )

YOB 1991 )

Case No. **24mj1365**\_\_\_\_\_  
*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 Septemberr 19, 2024 in the county of McKinley County in the  
\_\_\_\_\_  
District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 1153

Offenses committed within Indian Country

18 U.S.C. § 113(a)(3)

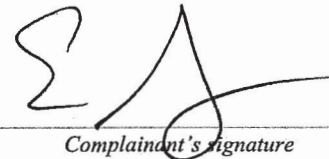
Assault with a Dangerous Weapon

18 U.S.C. § 924(c)(1)(A)(iii)

Using and carrying a firearm during and in relation to a crime of violence, and  
possessing said firearm in furtherance of such crime, discharging said  
firearm.

This criminal complaint is based on these facts:

See attached affidavit, incorporated by reference

☒ Continued on the attached sheet.*Complainant's signature*

Eli Grady, Special Agent FBI

*Printed name and title*

Telephonically sworn and electronically signed.

Date: 09/20/2024*Judge's signature*City and state: Farmington, New Mexico

Hon. B. Paul Briones, U.S. Magistrate Judge

*Printed name and title*

AFFIDAVIT IN SUPPORT OF  
CRIMINAL COMPLAINT AND ARREST WARRANT

I, Eli Grady, being duly sworn, state as follows:

1. This affidavit is made in support of a Criminal Complaint for DEVIN WYACO, (hereinafter referred to as WYACO), date of birth 1991.

2. I am a Special Agent with the FBI and have been so employed since July 2018. I am currently assigned to the Albuquerque Field Office, Gallup Resident Agency. My primary duties as a Special Agent with the FBI include investigating crimes occurring in Indian Country. I have gained experience in the conduct of such investigations through previous case investigations, formal training, and in consultation with law enforcement partners in local, state, tribal, and federal law enforcement agencies. As a Federal Agent, I am authorized to investigate violations of the laws of the United States and have authority to execute criminal complaints and search warrants issued under the authority of the United States.

3. This affidavit is based upon my personal investigation at the scene, as well as information reported to me by other federal, state, tribal, and local law enforcement officers during the course of their official duties. Throughout this affidavit, reference will be made to law enforcement officers. Law enforcement officers are those federal, state, tribal, and local law enforcement officers who have directly participated in this investigation. This affidavit is also based upon information gained from interviews with cooperating citizen witnesses, whose reliability is established separately herein.

4. Based on my training, experience, and the facts set forth in this affidavit, I believe there is probable cause that violations of 18 U.S.C. § 1153 - Offenses committed in Indian country, 18 U.S.C. § 113(a)(3) – Assault with a Dangerous Weapon, and 18 U.S.C. § 924(c)(1)(A)(iii): Using and carrying a firearm during and in relation to a crime of violence, and possessing said firearm in furtherance of such crime, discharging said firearm have been committed by WYACO.

5. Because this affidavit is submitted for the limited purpose of securing authorization for the proposed warrant, I have not included each and every fact known to me concerning this investigation. This affidavit is intended to show that there is sufficient probable cause for the requested arrest warrant.

PROBABLE CAUSE

6. On September 19, 2024, the Federal Bureau of Investigation (FBI), Albuquerque (AQ), Gallup Resident Agency, were contacted by Zuni Police Department (ZPD) regarding a shooting that occurred on the crossroads of U.S. Highway 53 and Zuni Middle School Drive (approximate coordinates 35.421, -108.5014) located in Zuni, New Mexico, within the boundaries of the Pueblo of Zuni Indian Reservation.

7. At approximately 0100 hours, ZPD received an emergency call regarding the shooting. In summary, the caller stated: R.B., year of birth 1994 (hereinafter referred to as JOHN DOE), had been shot in the abdomen during a drive by shooting.

8. ZPD responded to the scene where JOHN DOE's girlfriend, A.C., year of birth 1991 (hereinafter referred to as WITNESS 1) reported to police that JOHN DOE and WITNESS 1 were riding their bikes in the area of the shooting when they noticed a white Chevrolet Impala with tinted windows (hereinafter referred to as TARGET VEHICLE) drive past them. The TARGET VEHICLE turned down Middle School Drive, did a U-turn and then stopped. The TARGET VEHICLE turned back onto U.S. Highway 53 towards JOHN DOE and WITNESS 1. As the TARGET VEHICLE passed them, one shot was fired from the passenger side striking JOHN DOE.

9. JOHN DOE was transported via ambulance to Zuni Hospital before being transported to the University of New Mexico (UNM) Hospital with a gunshot wound to the abdomen.

10. A canvass of the area was conducted by investigators. Video surveillance of the incident was recorded from Major Market Inc, 1254 NM-53, Zuni, NM. Management allowed investigators to view the surveillance footage which showed TARGET VEHICLE turning down Zuni Middle School Drive, doing a U-turn and then stopping in the road. The passenger exited TARGET VEHICLE and walked back towards the rear of vehicle as the trunk opened, the passenger closed the trunk, and returned to the passenger side of TARGET VEHICLE. TARGET VEHICLE turned back onto U.S. Highway 53 towards JOHN DOE and WITNESS 1. In the recording a loud noise, resembling a gunshot, could be heard. Additionally, ZPD located a 9mm casing in the roadway near where the incident occurred.

11. Investigators made telephone contact with JOHN DOE, who described the TARGET VEHICLE. JOHN DOE recognized the vehicle as belonging to a resident of 1293A



State Highway 53 in Zuni, NM. Initially JOHN DOE believed one of the occupants in the vehicle was WYACO and the TARGET VEHICLE belonged to S.L., year of birth 1992, (hereinafter referred to SUBJECT 1). JOHN DOE stated it was dark outside and hard to see who it could have been. JOHN DOE believed it also could have been SUBJECT 1's two brothers, S.A.L., year of birth 1993 and S.G.L., year of birth 2006.

12. A federal search warrant to search the residence located at 1293A State Highway 53 in Zuni, NM was granted by Honorable Judge Karen Molzen, United States District Court of New Mexico on September 19, 2024 at 1625 hours.

13. Following the execution of the federal search warrant, investigators interviewed the occupants of the residence. Of those SUBJECT 1 provided details from the incident. SUBJECT 1 left the house with her boyfriend, WYACO, in the TARGET VEHICLE. SUBJECT 1 and WYACO had been in a verbal argument while driving around Zuni, NM. SUBJECT 1 stated JOHN DOE and WITNESS 1 rode their bikes near the TARGET VEHICLE and threw an unknown object at the vehicle. This action irritated WYACO, leading to TARGET VEHICLE driving past JOHN DOE and WITNESS 1 before stopping on Zuni Middle School Drive. SUBJECT 1 stated WYACO got out of the vehicle and retrieved a handgun from the trunk of the vehicle. SUBJECT 1 did not know WYACO had a firearm. WYACO then returned to the passenger seat of the vehicle and instructed her to exit back onto Highway 53 towards JOHN DOE and WITNESS 1. At that point, WYACO fired one round out of the passenger side window striking JOHN DOE.

14. SUBJECT 1 did not know where WYACO fled to but stated WYACO was still in possession of the firearm.

15. Information provided to law enforcement by tribal police indicated SUBJECT 1, WYACO and JOHN DOE are enrolled members of Pueblo of Zuni Indian Reservation.

### CONCLUSION

16. Based on the information set forth in this affidavit, I believe there is probable cause to charge WYACO with a violation of 18 U.S.C. § 1153 - Offenses committed in Indian country, 18 U.S.C. § 113(a)(3) – Assault with a Dangerous Weapon, and 18 U.S.C. § 924(c)(1)(A)(iii): Using and carrying a firearm during and in relation to a crime of violence, and possessing said firearm in furtherance of such crime, discharging said firearm.

17. Assistant United States Attorney Elisa Dimas has reviewed and approved this affidavit.

I swear that this information is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read 'Eli Grady', written over a horizontal line.

Eli Grady  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me this \_\_20th\_\_ day of September 2024.

A handwritten signature in black ink, appearing to read 'B. Paul Briones', written over a horizontal line.

B. PAUL BRIONES  
UNITED STATES MAGISTRATE JUDGE