

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of Court

United States of America

v.

Jay Kelly
(Year of birth 1986)Case No. **25mj1637**

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 15, 2025, in the county of San Juan in the
 District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 922(g)

Felon in possession of a firearm and ammunition

This criminal complaint is based on these facts:

See attached Affidavit, submitted by FBI Special Agent Dustin Patterson and approved by AUSA Zach Jones.

☒ Continued on the attached sheet.

Complainant's signature

FBI Special Agent Dustin Patterson

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/15/2025City and state: Albuquerque, New Mexico

Judge's signature

Honorable John F. Robbenhaar

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

Plaintiff,

vs.

JAY KELLY,

Defendant.

Case No. _____

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Dustin Patterson, being first duly sworn, hereby depose and state as follows:

INTRODUCTION & AGENT BACKGROUND

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and have been since May 2017. As such, I am a law-enforcement officer of the United States, and I am empowered by law to conduct investigations and to make arrests for criminal offenses. My current assignment is working as a Special Agent in Farmington, New Mexico, where I primarily investigate crimes that occur in Indian Country to include homicide, drug trafficking, aggravated assault, child sexual assault, kidnapping, and rape. Since joining the FBI, I have received training at the FBI Academy in Quantico, Virginia. Since the Academy, I have completed numerous in-service trainings related to federal investigations. My training and experience as a Special Agent includes, but is not limited to, processing crime scenes, conducting surveillance, interviewing subjects and witnesses, writing affidavits, examining cellular telephones, managing confidential human sources, and collecting evidence.

2. Prior to being assigned to Farmington, New Mexico, I was a Special Agent in the Portland, Oregon field office, where I worked on the Clackamas County Interagency Task Force

(CCITF). I have participated in numerous complex drug-trafficking and money laundering investigations.

3. The information set forth in this affidavit has been derived from an investigation conducted by the Farmington Resident Agency of the FBI, the Navajo Department of Criminal Investigations (NNDICI), the Navajo Police Department (NPD), and/or communicated to me by other law-enforcement officers and witnesses.

4. This affidavit is in support of criminal charges against JAY KELLY. On May 15, 2025, KELLY was detained by NPD officers after firing approximately three gunshots from a Smith & Wesson revolver behind the Shiprock Speedway gas station, located near the Bashas' Diné Market shopping center, which is located at U.S. 491 and N.M. U.S. 64 in Shiprock, New Mexico. From my investigation, I know KELLY to be a convicted felon, and thus lawfully unable to possess firearms. During a voluntary post-*Miranda* custodial interview with KELLY, he admitted knowing he is a felon, to carrying the Smith & Wesson revolver, and to firing it multiple times. The Smith & Wesson handgun used by KELLY was reported stolen from California.

5. Based on my investigation thus far, I have probable cause to KELLY violated 18 U.S.C. § 922(g)(1) by being a convicted felon in possession of a firearm and ammunition.

INVESTIGATION

6. On May 15, 2025, at approximately 9:00 a.m., NNDICI Criminal Investigator Jefferson Joe notified the FBI that a shooting occurred near the Shiprock Speedway gas station, located at 91 U.S. Highway 64 in Shiprock, San Juan County, New Mexico. Investigators at the scene reported the subject detained was JAY KELLY. The following information was learned from speaking to the responding NPD officers.

7. At approximately 8:16 a.m., NPD dispatch received reports of a male firing a gun near the Marathon gas station in Shiprock. The male was wearing black clothes and carrying a pink backpack.

8. At approximately 8:43 a.m., NPD Officers Leftfoot and Drake drove into the Bashas' parking lot. Multiple people standing in the parking lot pointed to a male wearing black clothes and carrying a pink backpack who was walking away. Officer Drake recognized the male as JAY KELLY from previous interactions, including one the previous week in which KELLY was a suspect of arson. Officers Drake and Leftfoot handcuffed KELLY. KELLY was compliant; he set down his pink backpack and jacket. After placing KELLY in the backseat of Officer Drake's patrol car, Officer Leftfoot walked to where KELLY set the pink backpack. Officer Leftfoot noticed the backpack's zipper was open, which exposed a handgun.

9. Officer Leftfoot searched KELLY's backpack incident to his arrest for being the person responsible for discharging the handgun. The firearm located inside KELLY's backpack was a .22-caliber Smith & Wesson revolver with serial number 232K205. A records check showed the firearm was stolen out of California. Within KELLY's backpack, Officer Leftfoot found approximately 100 rounds that visually matched the rounds used by that firearm. The stolen Smith & Wesson revolver and loose rounds were taken and logged into evidence by NPD.

Witness Interviews

10. After arresting KELLY, Officer Drake interviewed five witnesses. Witness 1 said KELLY spent the night (May 14 into May 15, 2025) behind the Speedway gas station. That morning (May 15, 2025), KELLY carried the revolver and fired it. Witness 1 did not know why KELLY fired the gun. Witness 1 did not see KELLY point the gun at anyone. Witness 1 knows KELLY to carry firearms. They told police KELLY has a blue-and-black backpack he hides in

different areas of Shiprock. The blue-and-black backpack has multiple firearms in it. Witness 1 did not know where the blue-and-black backpack was currently hidden.

11. Witness 2 was the reporting party. Witness 2 said while parked near the Speedway, they heard three gunshots behind the Speedway. Witness 2 exited their vehicle and saw a man in black clothes carrying a pink backpack walking where Witness 2 heard the gunshots. Witness 2 saw the male carrying a handgun, which he concealed inside his jacket as he walked.

12. Witness 3, Witness 4, and Witness 5 were all parked near the Speedway selling food. Witness 3 stated they heard at least one gunshot, but did not see anyone and could not identify who fired the gun. Witness 4 and Witness 5 reported hearing approximately three gunshots. They too could not identify anyone nor see who fired the shots.

KELLY Interview

13. A records check of KELLY confirmed he is previously convicted felon. This check also revealed two other recent criminal matters—the aforementioned arson, as well as an investigation for carrying a shotgun in January 2025. Based on the facts learned during the initial investigation, KELLY was arrested for being a felon in possession of a firearm and ammunition.

14. KELLY was transported to FBI Farmington and placed in an interview room. While Affiant spoke with the arresting NPD officer, FBI Special Agent Andrew Wright sat with KELLY to supervise. Agent Wright told KELLY he did not wish to discuss the case and was only there to supervise KELLY until Affiant returned. Agent Wright did not ask KELLY any questions. KELLY nevertheless began speaking unsolicited; he told Agent Wright that he was an adversary with Christ and therefore he was not held to the standard of regular law. KELLY said he was allowed to carry a firearm even though he was a felon, so he should not have been put in handcuffs this morning.

15. After a few minutes, Affiant returned to the interview room. On audio recording, KELLY was read his *Miranda* rights and agreed to speak with agents. During the post-*Miranda* interview, KELLY admitted possessing the handgun found in his pink backpack and firing it multiple times in the air. KELLY stated he found the gun in backpack while looking for alcohol.

CONCLUSION

16. Based on the evidence gathered during this investigation, including KELLY's admission to knowing he was a felon and to possessing and firing a firearm, I have probable cause to believe KELLY was in possession of a stolen firearm near 91 U.S. Highway 64 in Shiprock.

17. I have probable cause to believe KELLY violated 18 U.S.C. § 922(g)(1) by being a convicted felon in possession of a firearm and ammunition. Affiant swears this information to be true and correct to the best of his knowledge and belief.


18. Assistant United States Attorney Zach Jones, United States Attorney's Office, District of New Mexico, reviewed this complaint on May 15, 2025, at 3:46 p.m.

Respectfully submitted,



Dustin Patterson
FBI Special Agent
Farmington, New Mexico

Telephonically sworn and electronically
signed this 15th day of May 2025.


Honorable John F. Robbenhaar
United States Magistrate Judge