

UNITED STATES DISTRICT COURT

for the

JAN 17 2026

District of New Mexico

United States of America

v.

Richard SEPULVEDA

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MITCHELL R. ELFERS
CLERK OF COURT

Case No. 26-206 MJ

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 January 12, 2026 in the county of Dona Ana in the
District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*

Title 26 USC 5861 (d)

Possesion of a Firearm (Molotov Cocktail) not registered to him in the
National Firearms

This criminal complaint is based on these facts:

See attached "Affidavit"

 Continued on the attached sheet.CHRISTIAN CORTES Digitally signed by CHRISTIAN CORTES
Date: 2026.01.20 16:36:38 -07'00*Complainant's signature*

Christian D. Cortes ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

*by telephone.*Date: 1/17/2026*Jerry H. Ritter*City and state: Las Cruces, NM

U.S. Magistrate Judge Jerry H. Ritter

Printed name and title

AFFIDAVIT

Your Affiant, Christian D. Cortes, is a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and has been employed since November 2025. Prior to ATF, your Affiant was employed by the United States Border Patrol as a Patrol Agent and served as a Texas State Trooper for the Texas Department of Public Safety. As part of the training to become an ATF Special Agent, your Affiant attended six months of specialized training sponsored by the Federal Law Enforcement Training Center in Glynco, Georgia. As a result of this training, your Affiant has been certified as a federal investigator and has received specific training involving violations of federal laws. Your Affiant is currently assigned to the Las Cruces, New Mexico Field Office.

Your Affiant, being duly sworn, states the following to be true and correct to the best of his knowledge and belief based upon his personal observations and from information provided by knowledgeable law enforcement agents who are involved in the investigation of **Richard SEPULVEDA**. The facts outlined in this narrative are not meant to be a complete narrative of all that has occurred in connection with this investigation but are only a summary of facts necessary to set forth probable cause in support of the arrest warrant and does not purport to set forth all the Affiant's knowledge regarding this investigation.

RELEVANT STATUTES AND DEFINITIONS

As a result of my training and experience as an ATF Special Agent, I am familiar with federal criminal laws and know that it is a violation of Title 26 United States Code § 5861(d), where it is unlawful for any person to receive or possess a National Firearms Act (NFA) firearm (Molotov Cocktail) which is not registered to him/her in the National Firearms Registration and Transfer Record (NFRTR).

OVERVIEW OF THE INVESTIGATION

1. At approximately 4:33 am on January 12, 2026, a witness called 911 and reported a fire at the Villa Del Telshor Apartments, apartment 2, located on the second floor. Las Cruces Fire Department (LCFD) Fire Fighters from station one arrived on scene and extinguished the fire. A LCFD Fire Investigator was requested by the fire fighters to assist with an origin and cause determination.
2. Fire Investigator Lucio Avalos arrived at the fire scene and examined the scene. The Investigator collected a 40oz Miller Highlife glass bottle with fire residue on the bottle neck that contained a liquid. The investigator described the liquid odor as gasoline. Investigator Avalos emptied the contents of the miller High life bottle onto the ground and collected the bottle as evidence. The Investigator classified the fire as incendiary. The Investigator determined the fire was initiated on the second-floor apartment 2 from an improvised incendiary device commonly identified as a Molotov Cocktail which acted as the heat source.
3. On January 13, 2026, Las Cruces Fire Department (LCFD) contacted the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Las Cruces Field office, in reference to the incident the day before. LCFD informed ATF agents that a neighbor's Ring camera caught the criminal act in its entirety.
4. SA Cortes watched a surveillance video taken from the Ring camera and learned the following information. The video revealed a bald male subject (later identified as Richard SEPULVEDA) wearing a dark in color jacket, black pants and white shoes. SEPULVEDA stepped out from the left side of the stairway directly in front of the door where apartment 1 is located. SEPULVEDA walked to the stairway and walked upstairs holding 2-bottles, one is left hand and the other bottle under his left arm. SEPULVEDA reached the top of the stairway and out of view from the camera. A few moments passed and a bright orange flash was seen. SEPULVEDA came back into the camera's view and urgently walked downstairs holding what appeared to be a lit Molotov Cocktail. Once on the first floor SEPULVEDA attempted to pull the lit wick (a strip of porous material up which liquid fuel is drawn by capillary action to the flame in a candle, lamp or lighter) out of the Molotov Cocktail and started a second smaller fire on the first floor. SEPULVEDA holding the lit Molotov Cocktail walked around the corner of the apartment building out of camera view. SEPULVEDA walked back into camera view empty handed and

attempted to extinguish the second smaller fire by stomping on it with his left foot. SEPULVEDA picked up the burning material (wick) with his right hand threw it into the gravel and tried to stomp on it and dragged it across the gravel.

5. On January 13, 2026 Industry Operations Investigator Curtis Smith conducted a query of SEPULVEDA on NFRTR. The query revealed that SEPULVEDA is not registered as a possessor or manufacturer of any Destructive Device in the NFRTR.
6. SA Cortes obtained a copy of the lease agreement and the personal identifiers for the lessee at Villa Del Telshor Aparments, 1955 Telshor apartment 1, which reflected the current and only lessee as Richard Sepulveda.
7. SA Cortes obtained SEPULVEDA's New Mexico Driver's License photograph and compared the driver's license photograph to the individual in the surveillance video. SA Cortes identified the individual in the video as SEPULVEDA.
8. On January 15, 2026, SA Cortes applied for and received a signed search warrant for the property of Villa Del Telshor Apartments, apartment 1 located at 1955 Telshor Blvd, City of Las Cruces, County of Dona Ana, State of NM ("Subject Premise") from Judge Martinez.
9. SA Cortes located the following items from inside the apartment located at 1955 S Telshor apartments, during the execution of the search warrant:
 - a. 2-white shoes that appeared to be black burn marks; (these shoes appeared to matched the description of the ones worn by SEPULVEDA the morning of the incident).
 - b. 5-lighters, (commonly used to ignite wicks on Molotov Cocktails).
 - c. 2-Miller High Life bottle caps were also recovered from the trash bin, (the bottle caps match the same brand and logo as the bottles used to create the Molotov Cocktails).
10. In front of apartment 1, on the gravel SA Cortes recovered burned material, the location of the burned material matches the same area where SEPULVEDA dropped the burning wick and dragged it across the ground to extinguish it.

11. Based on the preceding information, it is your Affiant's belief that on January 12, 2026, in Dona Ana County of the District of New Mexico, Richard SEPULVEDA violated Title 26 United States Code§ 5861(d) by possessing a Destructive Device (Molotov Cocktail).
12. This complaint was reviewed and approved by Assistant United States Attorney Richard C. Williams.

CHRISTIAN CORTES Digital signature by CHRISTIAN CORTES
Date: 2026.01.16 22:37:25-07'00'

Christian D. Cortes, Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

Subscribed and sworn to before by telephone. JHR
me this 17th day of January, 2026


U.S. MAGISTRATE JUDGE
Jerry H. Ritter