

UNITED STATES DISTRICT COURT

for the

District of New Mexico



United States of America

v.

Kenneth Aguirre

Defendant(s)

Case No. 25-3203 MJ

FILED  
UNITED STATES DISTRICT COURT  
LAS CRUCES, NEW MEXICO

AUG 12 2025

MITCHELL R. ELFERS  
CLERK OF COURT

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 July 5, 2025 in the county of Dona Ana in the  
District of New Mexico, the defendant(s) violated:

Code Section  
18 U.S.C. § 922(g).

Offense Description  
Felon in possession of a firearm.

This criminal complaint is based on these facts:

See Affidavit, attached and incorporated herein by reference.

☒ Continued on the attached sheet.



Complainant's signature

Chafin Cox, FBI Special Agent

Printed name and title

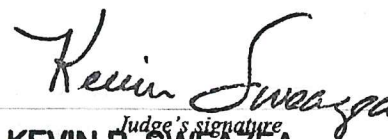
Signed and sworn to telephonically.

Date:

8/12/25

City and state:

Las Cruces, New Mexico



Judge's signature

KEVIN R. SWEAZE  
U.S. MAGISTRATE JUDGE

Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Chafin Cox, being first duly sworn, hereby depose and state as follows:

1. I make this affidavit in support of a criminal complaint that Kenneth Aguirre possessed two firearms while being a prohibited person, in violation of 18 U.S.C. § 922(g).

2. I am a Federal Bureau of Investigation (FBI) Special Agent currently assigned to the Albuquerque Division, Las Cruces Resident Agency and work closely with Las Cruces/Dona Ana Metro Narcotics (Metro Narcotics). I have been employed as a Special Agent of the FBI since July 2018. I am classified, trained, and employed as a federal law enforcement officer with statutory arrest authority charged with conducting criminal investigations of alleged violations of federal criminal statutes, including Titles 18 and 21 of the United States Code.

3. The information contained herein is based upon my own investigation as well as information supplied to me by other duly sworn law enforcement officers, and does not contain all information known by me, only facts for consideration of probable cause.

4. Before July 5, 2025, FBI Safe Streets Gang Task Force (SSGTF) and Metro Narcotics, had been investigating subject Kenneth Aguirre ("Aguirre") for drug and firearms trafficking. Investigators knew that, prior to July 5, 2025, Aguirre resided at 5800 Stern Dr., Space F4., Las Cruces, New Mexico (NM) and that one of the vehicles that Aguirre operated frequently was a red Dodge Ram Truck, bearing a NM license plate.

5. On July 5, 2025, Dona Ana County Sheriff's Office (DASO) Deputies received a call for service regarding an reported aggravated assault with a deadly weapon in which Aguirre was the subject. DASO Deputies responded to 5800 Stern Dr., Space F4., Las Cruces, NM,

(Subject Residence) and located Aguirre driving a red Dodge Ram Truck, bearing a NM license plate (Subject Vehicle). DASO Deputies approached Aguirre and took him into custody.

6. Victim 1 (V1) reported that Aguirre had come out of the Subject Residence and approached V1, Victim 2 (V2), and Victim 3 (V3). Aguirre then pulled a black handgun from his waistband and pointed it at V1, V2, and V3. V1 reported that Aguirre had pulled the handgun from his waistband and initially pointed the handgun directly at V1's head. Aguirre then pointed the handgun at V2 and V3. V2 and V3 corroborated V1's testimony. V1 reported that at some point after the incident, Aguirre got into the Subject Vehicle and left the scene and was apprehended by law enforcement.

7. Based on the facts and circumstances regarding the alleged crime, DASO Deputies applied for and obtained a magistrate court search warrant in the state of NM on July 6, 2025, for the Subject Residence. DASO Deputies executed the search warrant and recovered the following:

- (1) Diamond Back AR-15, 5.56 Nato Multi Cal rifle, serial # DB2635022;
- (1) 40 round 5.56/.223 magazine;
- (47) Rounds of .223 ammunition;
- (1) .40 caliber magazine;
- (9) .40 caliber rounds of ammunition; and
- (20) Rounds of 12 gauge shotgun ammunition

8. DASO Deputies also applied for and obtained a magistrate court search warrant in the state of NM on July 8, 2025, for the Subject Vehicle. DASO Deputies executed the search warrant and recovered the following:

- (1) Glock 27, .40 caliber handgun, serial # SCA026, with a round chambered and magazine loaded with 8 rounds; and

- (9) suspected fentanyl pills.

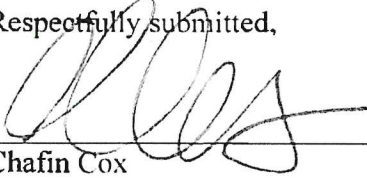
9. I have reviewed a judgement and sentencing document from Aguirre's criminal history. The document was issued in the United States District Court in the State of New Mexico (Case # 2:16CR04279-001DP). Aguirre was convicted of violations of 18 U.S.C. § 922(g)(1) (felon in possession of a firearm) and 924(a)(2), and on 1/26/2017 Aguirre was sentenced to 30 months of federal incarceration, making Aguirre a person prohibited from owning/possessing firearms.

10. I have the understanding that the Glock 27 handgun and the Diamond Back AR-15 rifle, recovered from Aguirre's possession, were not manufactured in the state of New Mexico, therefore had to have travelled in interstate commerce prior to being in Aguirre's possession.

11. Based on the facts set forth in this affidavit, I have probable cause to believe that on July 5, 2025, Kenneth Aguirre possessed two firearms, in violation of 18 U.S.C. § 922(g).

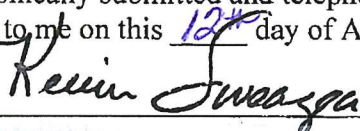
12. Assistant United States Attorney Devon Aragon Martinez has reviewed and approved this affidavit.

Respectfully submitted,



Chafin Cox  
FBI Special Agent

Electronically submitted and telephonically  
sworn to me on this 12<sup>th</sup> day of August 2025:



KEVIN R. SWEAZEA  
U.S. MAGISTRATE JUDGE