

AO 91 (Rev. 11/11) Criminal Complaint

vh FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES DISTRICT COURT

18 FEB -7 AM 9:01

for the

District of New Mexico

CLERK-LAS CRUCES

United States of America)

v.)

RICHARD G DINWIDDIE)

Case No.

18-MJ-400

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 February 6, 2018 in the county of Grant in the
District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 922(g)(3)

Possession of firearms by an unlawful user of controlled substances

This criminal complaint is based on these facts:

See attached "Affidavit"

☒ Continued on the attached sheet.


Complainant's signature

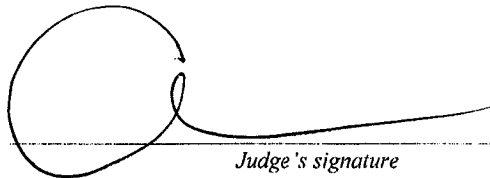
Armida Maria Macmanus, Special Agent FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

02/07/18



Judge's signature

City and state:

Las Cruces, New Mexico

U.S. Magistrate Judge Carmen E. Garza

Printed name and title

Attachment A

I, Armida Maria Macmanus, being first duly sworn, hereby depose and state as follows:

INTRODUCTION

I have been a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since November 2005, and I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C). I am currently assigned to the FBI’s Albuquerque Division, Las Cruces Resident Agency where I am assigned to investigate criminal matters. By virtue of my employment with the FBI, I am authorized to conduct investigations into violations of the laws, to include the trafficking of illegal narcotics, the illegal possession of firearms, and various Federal criminal violations. My law enforcement training includes, but is not limited to, conducting surveillance, interviewing subjects, victims, and witnesses, writing affidavits for and executing search warrants, issuing administrative subpoenas, analyzing phone records, and analyzing financial records as well as analyzing data derived from the use of pen registers, trap and trace devices, and writing affidavits for and supporting Title III investigations.

I have personal knowledge and have participated in the investigation set forth below. I am familiar with the facts and circumstances of the investigation through personal participation, from discussions with other agents and task force officers with the FBI, state and local agents, and from my review of records and reports relating to the investigation. Unless otherwise noted, wherever in this affidavit I assert that a statement was made, the information was provided by another law enforcement officer or witness who had either direct or hearsay knowledge of that statement and to whom I or others have spoken with or whose reports I have read and reviewed. Such statements are among

many statements made by others and are stated in substance and in part unless otherwise indicated. Because this affidavit is submitted for the limited purpose of establishing probable cause in support of an arrest warrant, it does not set forth each and every fact that I or others have learned during the course of this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to support a criminal complaint against Richard D. Dinwiddie (“Dinwiddie”) with possession of firearms by an unlawful user of controlled substances in violation of 18 U.S.C. § 922(g)(3).

Title 18 U.S.C. § 922(g)(3) states, in pertinent part, that “it shall be unlawful for any person . . . who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) . . . to . . . possess in or affecting commerce any firearm or ammunition.” Title 21 U.S.C. § 802(1) defines addict as “any individual who habitually uses any narcotic drug so as to endanger the public morals, health, safety, or welfare, or who is so far addicted to the use of narcotic drugs as to have lost the power of self-control with reference to his addiction.” Title 21 U.S.C. § 802(6) further defines a controlled substance as “a drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V of part B of this subchapter.” Methamphetamine is a schedule II controlled substance. 21 C.F.R. § 1308.12(d).

FACTS

On February 5, 2018, at approximately 9:30 a.m., law enforcement officers from the FBI, New Mexico State Police, Catron County Sheriff’s Office and Silver City Police Department executed a federal search warrant at Dinwiddie’s residence in Cliff, New Mexico, which is in Grant County.

During the search, officers seized approximately 6.2 grams of a substance which field-tested positive for the presence of methamphetamine and 64.6 grams of a substance which field-tested positive for marijuana. Several items such as methamphetamine pipes, scales, baggies and other paraphernalia were also recovered.

Officers also seized six firearms at the residence: 1) Colt Anaconda .45 caliber revolver (serial number MM60576), four Winchester rounds in chamber); 2) Marlin Glenfield model 60 .22 caliber, serial number 20655238 (fifteen rounds in chamber); 3) Remington Model 700 .270 caliber shotgun, serial number 270969 (three round in chamber); 4) Winchester Model 94 .30-30 caliber, serial number 2138797X; 5) Savage Arms Model 110 .30-06 caliber, serial number F227923 (with Simmons scope); and 6) Winchester model 70 .30-60 caliber, serial number G2296730. Approximately 1,000 rounds of assorted ammunition were also seized.

During the search, law enforcement officers conducted a non-custodial interview of Dinwiddie. The interview was recorded. Dinwiddie was notified that he was not under arrest and that he was not under any obligation to speak with officers. During the interview, Dinwiddie told officers he had used methamphetamine for approximately two years and Dinwiddie agreed that he uses methamphetamine approximately five days a week. Dinwiddie told officers he possessed user amounts of methamphetamine inside the bathroom located in his RV. Dinwiddie was "out partying last night because of the Super Bowl." Dinwiddie told officers he purchased the guns located at his home and that they belonged to him.

Based upon my training and experience, and in consultation with Agents from the Bureau of Alcohol, Tobacco and Firearms (ATF), I know that there are no commercially manufactured firearms in the state of New Mexico.

Based on the facts provided above, I believe there is probable cause that Dinwiddie was in possession of firearms by an unlawful user of controlled substances in violation of Title 18 U.S.C. § 922 (g)(3).

AUSA Marisa A. Ong reviewed this affidavit and approved the federal prosecution of Dinwiddie.



Armida Maria Macmanus
Special Agent, FBI

SWORN TO AND SUBSCRIBED before me this 07 day of February 2018



CARMEN E. GARZA
United States Magistrate Judge