

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

APR 15 2020

for the
District of New Mexico

MITCHELL R. ELFERS
CLERK

United States of America)
v.)
Isaiah Matthew Chavez (YOB 1991))
Case No. 20MJ1033)
)
)
)
)

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 April 15, 2020 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:

| <i>Code Section</i> | <i>Offense Description</i> |
|---------------------|--|
| 18 U.S.C. § 922(n) | Indicted Person in Possession of a Firearm or Ammunition |

This criminal complaint is based on these facts:

See attached Affidavit, attached hereto and incorporated herein.

Continued on the attached sheet.


Complainant's signature

Nancy Stemo, FBI Special Agent

Printed name and title

Electronically Submitted and Telephonically Sworn to me on this date.

Date: April 15, 2020

Kiran Khasa

City and state: Albuquerque, New Mexico

Kirtan Khalsa, United States Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Nancy Stemo, being duly sworn, depose and say:

1. I have been a law enforcement officer since May 2016 and am employed as a Special Agent with the Federal Bureau of Investigation. I am currently assigned to the Albuquerque Violent Crime Task Force (VCTF), where I primarily investigate repeat violent offenders. This affidavit is submitted in support of a criminal complaint charging Isaiah Matthew CHAVEZ, aka "EK," aka "Hardon," (YOB 1991) with the violating 18 U.S.C. § 922(n) – Indicted Person in Possession of a Firearm or Ammunition.

Background:

2. I am familiar with CHAVEZ's criminal history and am aware CHAVEZ has no prior felony convictions; however, a Grand Jury in the Second Judicial District, Bernalillo County, State of New Mexico indicted CHAVEZ for Count 1 – Aggravated Assault on a Peace Officer with a Deadly Weapon, Count 2 – Resisting, Evading, or Obstructing an Officer, and Count 3 – Reckless Driving, on October 3, 2019 (docket D-202-CR-1903218). To my knowledge, count 1 is a felony and is punishable by imprisonment for a term exceeding one year. I am aware CHAVEZ has been arraigned on the all three counts, was informed by the Court of his inability to possess firearms pursuant to his State of New Mexico case, and is currently on pre-trial release. As such, I am aware CHAVEZ may not possess a firearm or ammunition pursuant to 18 U.S.C. § 922(n), which provides that "[it] shall be unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce."

Investigation:

3. On April 7, 2020, FBI Special Agent Bryan Acee obtained a United States District Court of New Mexico search warrant for CHAVEZ and his residence, located at 2844 John Street SE,

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Albuquerque, New Mexico. The search warrant was approved by United States Magistrate Judge Karen B. Molzen and authorized agents to search the premises for 18 U.S.C. § 1962(c) – Racketeer Influenced and Corrupt Organizations (RICO), 18 U.S.C. § 1959(a) – Violent Crimes in Aid of Racketeering (VICAR), 18 U.S.C. § 1951 – Interference with Commerce by Threats or Violence, 18 U.S.C. § 931 – Possession of Body Armor by a Violent Felon, 18 U.S.C. § 924(c) – Use of a Firearm in Furtherance of a Crime of Violence or Drug Trafficking Crime, 18 U.S.C. § 922(g) – Prohibited Person in Possession of a Firearm or Ammunition, 18 U.S.C. § 922(j) – Possession of a Stolen Firearm, 18 U.S.C. § 922(n) – Indicted Person in Possession of a Firearm or Ammunition, 18 U.S.C. § 875 – Transmitting Threatening Communications, 18 U.S.C. § 371 – Conspiracy, 18 U.S.C. § 2 – Aiding and Abetting, 21 U.S.C §§ - Conspiracy to Distribute a Controlled Substance and Possession with Intent to Distribute a Controlled Substance. The warrant also authorized the search of CHAVEZ's body for tattoos evidencing membership in the Mongols Motorcycle Club (MMC) or any other gang.

4. On April 15, 2020, at approximately 4:30am, members of the Bernalillo County Sheriff's Office (BCSO) Special Weapons and Tactics (SWAT) team executed the search warrant on CHAVEZ's residence. CHAVEZ, an adult female, and three juveniles were located inside the residence and detained. During a search of the premises, law enforcement located and seized the following items:

- a. Taurus .38 caliber revolver, serial number ME776429, loaded with six rounds and
- b. Taurus .40 pistol, serial number SMR95833, loaded with one round in the chamber and 10 rounds in the magazine.

5. CHAVEZ was advised of his Miranda rights and said he understood his rights and was willing to speak with law enforcement. CHAVEZ acknowledged he was indicted for aggravated assault and was not allowed to possess weapons, including firearms or knives. CHAVEZ admitted there were

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

firearms in the residence that were kept for safety purposes and claimed ownership of the Taurus revolver and pistol.

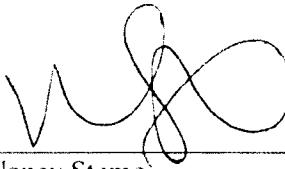
6. The Taurus revolver and Taurus pistol were located in CHAVEZ's bedroom closet and were on top of his MMC patches.

7. Based on my training and experience, I know that Taurus firearms are manufactured outside New Mexico and the specified revolver and pistol, meet the federal definition of a "firearm."

Conclusion:

8. Based on the above information, I believe that there is probable cause to believe that CHAVEZ violated 18 U.S.C. § 922(n) – Indicted Person in Possession of a Firearm or Ammunition.

Respectfully submitted,



Nancy Stemo
FBI Special Agent

Electronically submitted and telephonically sworn to me on April 15, 2020:



Kirtan Khalsa
U.S. Magistrate Judge