

AO 91 (Rev. 02/09) Criminal Complaint

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UNITED STATES DISTRICT COURT
for the
District of New Mexico

United States of America
v.
Daniel MOLINA

Case No. 09-1819mj

Defendant

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 of 06/14/2009 in the county of Grant in the Judicial District of New Mexico, the defendant violated Title 18 U. S. C. § 922(g)(1), 924(a)(2), an offense described as follows:

Possess a firearm and ammunition that had moved in or affected interstate commerce after having been convicted of a crime punishable by imprisonment for a term exceeding one year.

This criminal complaint is based on these facts:

See attached affidavit

Continued on the attached sheet.

Complainant's signature

Michael Parker, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 06/29/2009

Judge's signature

KAREN B. MOLZEN

Printed name and title

US Magistrate Judge

City and state: Las Cruces, New Mexico

CRIMINAL COMPLAINT - CONTINUED

UNITED STATES OF AMERICA

VS

Daniel MOLINA

Affidavit of Michael P. Parker

1. Your affiant, Michael P. Parker, is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives and has been so employed since April 27, 2008. Prior to April, your affiant worked for over eight and a half years as a police officer with the Davenport, Iowa Police Department. As part of 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 law. Your affiant has also received ATF specific training in the determination of probable cause and in the use of warrants and complaints to enforce federal firearms laws. Your affiant is currently assigned to the Las Cruces, New Mexico Field Office and has conducted and participated in numerous narcotics and firearms investigations.
2. 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 and officers who are involved in the investigation of Daniel MOLINA.
3. 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 18 United States Code, Section

CRIMINAL COMPLAINT - CONTINUED

922(g)(1), for any person who has been convicted of a felony to possess any firearm in or affecting interstate commerce, or to receive any firearm that has been shipped or transported in interstate commerce.

4. On June 14, 2009, at approximately 0110 hrs, officers from the New Mexico State Police and Grant County Sheriff's Office investigated a report of Domestic Violence in Buckhorn, NM. Officers learned a subject identified as Daniel MOLINA had threatened his thirteen year old son with a handgun. Officers learned MOLINA had left the residence of the complainant in a red Toyota 4 Runner. Officers also learned MOLINA was living in a travel trailer parked in the RV Park in Buckhorn.
5. Officers responded to the RV Park and observed a red Toyota 4 Runner parked on the south side of a white travel trailer, which was parked in space 1. Officers approached the trailer and called for MOLINA to exit. MOLINA came to the entrance of the trailer and was detained by officers. The officers asked MOLINA if he had any weapons or handguns inside the trailer or his vehicle, and MOLINA responded by saying they were locked up. MOLINA refused to tell the officers where the weapons were located.
6. Officers entered the residence and conducted a protective sweep of the residence to determine if any subjects remained inside. While conducting the protective sweep of the residence, officers observed a black semi-automatic handgun in a nylon shoulder holster lying on a table located on the left side of the trailer. After determining no other subjects were inside the trailer, officers exited and secured the trailer.

CRIMINAL COMPLAINT - CONTINUED

7. Officers obtained a state search warrant for the travel trailer, red Toyota 4 Runner, and surrounding areas. During the search of the travel trailer, officers recovered three firearms.

The firearms were identified as follows:

- Smith and Wesson, model SW9F, 9 millimeter pistol bearing serial number PAL8749.
- Remington, model 700, .243 caliber rifle bearing serial number 6698816.
- Winchester, model 70, 30-06 caliber rifle bearing serial number G1008541.

In addition to the firearms, officers recovered ammunition, handgun magazines, and a nylon shoulder holster.

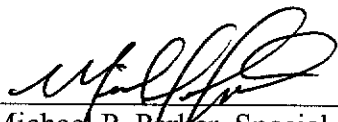
8. MOLINA was fully identified as Daniel R. MOLINA, white male, DOB 09-17-1963. A query of MOLINA'S criminal history through NCIC revealed felony convictions for Aggravated Assault upon a Peace Officer, and Escape from Jail, Case number CR-88-33, dated on or about 09-26-1988, out of the Sixth Judicial District Court, Grant County, NM and Battery upon a School Employee, Case Number CR-2000-00058, dated on or about 11-21-2000, out of the Sixth Judicial District Court, Luna County, NM.

9. Based on your affiant's training and experience as an ATF Special Agent, he is aware that Smith and Wesson firearms, Remington firearms, and Winchester firearms are not and have never been manufactured in the State of New Mexico. Therefore the Smith and Wesson, model SW9F, 9 millimeter pistol bearing serial number PAL8749, the Remington, model 700, .243 caliber rifle bearing serial number 6698816, and the Winchester, model 70, 30-06

CRIMINAL COMPLAINT - CONTINUED

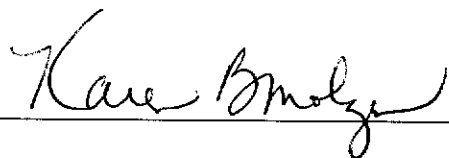
caliber rifle bearing serial number G1008541 all traveled in and affected interstate commerce.

10. Based upon the above information, your affiant believes that on or about June 14, 2009, Daniel MOLINA, who after having been convicted of a felony, illegally possessed a firearm that had moved in or affected interstate commerce in violation of Title 18 USC 922(g)(1). This violation occurred within Buckhorn, Grant County, in the District of New Mexico.
11. This complaint was approved by Assistant United States Attorney Jacob Wishard.



Michael P. Parker, Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

Subscribed and sworn in my presence, this 29th day of June 2009, and I find probable cause.



United States Magistrate Judge