

AO 91 (Rev. 11/11) Criminal Complaint

FILED
U.S. DISTRICT COURT
DISTRICT OF NEW MEXICO
2016 AUG 16 AM 8:33
CLERK-LAS CRUCES

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America)

v.)

JESSE DENVER HANES)

Case No. 16mj3195

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 August 12, 2016 in the county of Doña Ana in the District of New Mexico, the defendant(s) violated:

Code Section	Offense Description
18 U.S.C. § 2119(2)	Carjacking Resulting in Serious Bodily Injury;
18 U.S.C. § 924(c)(1)(A)(iii)	Discharging a Firearm During the Commission of a Crime of Violence;
18 U.S.C. § 922(g)	Possession of a Firearm by a Felon.

This criminal complaint is based on these facts:

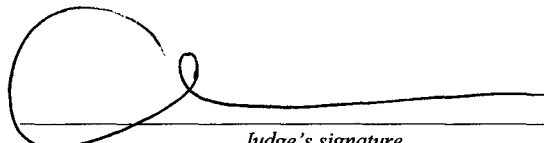
See attached "Affidavit"

Continued on the attached sheet.


Complainant's signature
George A. Dougherty Jr., Special Agent FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: 8/16/16


Judge's signature
Honorable Carmen E. Garza, US Magistrate Judge
Printed name and title

City and state: Las Cruces, New Mexico

Attachment A

I, George A. Dougherty Jr., being first duly sworn, hereby depose and state as follows:

INTRODUCTION

I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since January 5, 1997. In my past 19 years of commissioned law enforcement experience I have responded to and investigated hundreds of criminal allegations, both violent and non-violent in nature. By virtue of my employment with the FBI, I am authorized to conduct investigations into violations of federal laws, to include the trafficking of illegal narcotics, the illegal possession of firearms, and various Federal criminal violations. I am currently assigned to the FBI Albuquerque Division, Las Cruces Resident Agency's Southern New Mexico Safe Streets Task Force and have worked in Las Cruces since June 2008. Prior to working in New Mexico, I was assigned to the Salt Lake City Division of the FBI for approximately 11 years. My experience as a Special Agent, as a direct result of my duties in this and other investigations, includes participation in surveillance, and writing affidavits for and executing search warrants. My experience also includes the seizure of drugs and weapons, the analysis of phone toll and financial records, the analysis of data derived from the use of pen registers, trap and traces, and wiretaps, conducting confidential source debriefs, and conducting post-arrest subject/cooperating defendant interviews.

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 agencies, and from my or other agents' 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, or others 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 forth only those facts that I believe are necessary to establish probable cause to support a criminal complaint against JESSE DENVER HANES with Carjacking Resulting in Serious Bodily Injury, in violation of 18 U.S.C. § 2119(2), Discharging a Firearm During the Commission of a Crime of Violence, in violation of 18 U.S.C. § 924(c)(1)(A)(iii), and Being a Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g).

APPLICABLE STATUTES

Title 18 U.S.C. § 2119 makes it a federal crime for a person to take a motor vehicle that has been transported, shipped, or received in interstate or foreign commerce from the person or presence of another by force and violence or by intimidation, with the intent to cause death or serious bodily harm. Under subsection (2) of this title, if serious bodily injury results from the carjacking, more serious penalties apply. Under 18 USC § 1365(h)(4)(A)-(E), serious bodily injury is defined as any of the following: a cut, abrasion, bruise, burn, or disfigurement; physical pain; illness; impairment of the function

of a bodily member, organ, or mental faculty; or any other injury to the body, no matter how temporary.

Title 18 U.S.C. § 924(c)(1)(A) makes it a federal crime for any person who, during and in relation to any crime of violence for which the person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm. Under subsection (iii) of this title, if the firearm is discharged, more serious penalties apply.

Title 18 U.S.C. § 922(g)(1) makes it a federal crime for any person, who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, to possess any firearm that has been shipped or transported in interstate or foreign commerce.

FACTS

On or about August 12, 2016, at approximately 3:41 p.m., Hatch Police Officer Jose Chavez, wearing an official police uniform and driving a marked police vehicle, performed a traffic stop of a silver 1991 Lexus sedan, bearing an Ohio license plate, on Franklin Street, in Hatch, New Mexico. During the traffic stop, an occupant of the vehicle, who was later identified as HANES, fired a handgun at Officer Chavez, striking Officer Chavez in the upper torso. Officer Chavez later died as a result of the gunshot wound.

HANES, along with an additional subject, later identified as James D. Nelson, and another passenger fled the area in the silver Lexus. Nelson and the additional passenger exited the vehicle at some point. As they walked away, Nelson heard a gunshot and

turned to see that HANES had shot himself in the leg/groin area for an unknown reason. HANES then fled the area as the sole occupant of the Lexus.

HANES drove south-bound on Interstate 25 and pulled into the Ft. Seldon rest area near Radium Springs, New Mexico. Once there, HANES exited his vehicle and approached two individuals, (Victim 1 and Victim 2), as they walked towards their vehicle. HANES demanded the keys to Victim 1's vehicle and he/she refused. HANES then presented a handgun and again demanded Victim 1's keys and, once again, Victim 1 refused. HANES turned towards Victim 2 with the gun still in his hand and demanded that he/she give him the car keys. Victim 2 told HANES that he/she did not have any keys, and HANES quickly walked away.

HANES then approached another individual (Victim 3), pointed a handgun at Victim 3 and demanded his/her car keys. Victim 3 complied and gave HANES the car keys belonging to a red 2015 Chevrolet Cruze, bearing a Nevada license plate, which Victim 3 had rented from HERTZ Vehicles LLC. After getting the keys from Victim 3, HANES demanded that Victim 3 get into the car. Victim 3 refused to enter the vehicle with HANES, and HANES then fired his handgun, striking Victim 3 in the leg area causing serious bodily injury. HANES then fled the area in the Chevrolet Cruze, which he had just taken from Victim 3 by force.

Doña Ana County Sheriff's Office (DASO) was made aware of the incident by witnesses. DASO soon located the red Chevrolet Cruze and began chasing the vehicle. DASO ultimately deflated the vehicle's tires near the 23000 block of New Mexico Highway 185. The vehicle continued for a short distance and then crashed. HANES, the sole occupant of the vehicle, then began waving around a handgun and refused to follow

DASO's verbal commands. After a short period of time, HANES finally submitted to DASO's commands and exited the vehicle, where he was taken into custody at approximately 5:00 p.m. on August 12, 2016.


A .45 caliber Kimber handgun bearing serial #KU265807, was recovered from the cabin area of the red Chevrolet Cruze, which was the firearm believed to be possessed and discharged by HANES during the course of the carjacking. HANES and Victim 3 were transported to and treated at University Medical Center in El Paso, Texas, and, at the time of this affidavit, are both expected to survive their injuries.

Agents have determined that HANES has been convicted of at least one prior felony, Robbery, in 2013.


I also know, based on my training and experience and in consultation with agents from the Bureau of Alcohol, Tobacco, and Firearms (ATF), that there are no commercially manufactured firearms in the state of New Mexico. Accordingly, I believe the Kimber handgun that HANES possessed and discharged had traveled in interstate commerce to be present in the state of New Mexico. Additionally, I know there are no commercially manufactured vehicles in the state of New Mexico, thus, the Chevrolet Cruze had to travel in interstate and foreign commerce to be present in the state of New Mexico.

Based on the facts provided above, I believe there is probable cause that HANES committed the following crimes: Carjacking Resulting in Serious Bodily Injury, in violation of 18 U.S.C. § 2119(2); Discharging a Firearm During the Commission of a Crime of Violence, in violation of 18 U.S.C. § 924(c)(1)(A)(iii); and Being a Felon in

Possession of a Firearm, in violation of 18 U.S.C. § 922(g). AUSA Renee Camacho reviewed this affidavit and approved the federal prosecution of HANES.


George A. Dougherty Jr.
Special Agent, FBI

Subscribed and sworn before me this 16th day of August 2016.


Honorable Carmen E. Garza
United States Magistrate Judge