

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

2023 AUG -2 PM 5:10

CLERK-LAS CRUCES

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America)

v.)

Dominic Cruz DE LA O)

Case No. 23MJ1227

23MJ1227

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 July 15, 2023 in the county of Otero in the District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
26 USC Section 5861(d)	Possession of an Unregistered Weapon Made From a Shotgun

This criminal complaint is based on these facts:

See attached affidavit

Continued on the attached sheet.

Complainant's signature

Neal Anglin / ATF Special Agent

Printed name and title

Electronically submitted and signed, and telephonically sworn

Date: August 2, 2023

Judge's signature

City and state: Las Cruces, NM

Gregory B. Wormuth, Chief U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT AND ARREST WARRANT

I, Neal Anglin, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I submit this affidavit in support of a criminal complaint and arrest warrant for Dominic Cruz DE LA O ("DE LA O" hereinafter) knowingly possessed a Mossberg, Model 500A, 12-gauge shotgun bearing serial number K527692 that was modified into a weapon made from a shotgun. The weapon made from a shotgun was not registered in the National Firearms Registration and Transfer Record in violation of 26 U.S.C. § 5861(d).

2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), and have been since August 2022. Prior to my appointment with the ATF, I was a sworn law enforcement officer in the Commonwealth of Virginia for over nine (9) years, the last three of which I was assigned to the Special Investigations Bureau, Narcotics Unit. I am currently assigned to the Las Cruces Field Office, an enforcement group responsible for investigating violent crime, gangs, armed drug trafficking, and other firearm related violations. In my capacity as a law enforcement officer, I have investigated individuals for the illegal possession and use of firearms, illegal possession and distribution of controlled substances, and for commission of violent crimes. Many of these investigations involved the execution of search warrants and led to the arrest and conviction of individuals for violations of federal and state laws.

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 26 United States Code § 5861(d), where it is unlawful for any person to possess a weapon made from a shotgun that is not

registered in the National Firearms Registration and Transfer Record

4. The facts and information contained in this affidavit are based upon my personal knowledge of the investigation and information obtained from other state and federal law enforcement officers. All observations not personally made by me were relayed to me by the individuals who made them or are based on my review of reports, documents, and other physical evidence obtained during the course of this investigation.

5. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and is not intended to include each and every fact and matter observed by me or known to the government.

PROBABLE CAUSE

6. On July 15, 2023, ATF Special Agent (SA) Neal Anglin received information from New Mexico State Police (NMSP) Agents regarding an incident involving an Alamogordo Police Department (APD) Officer who had suffered a gunshot wound to the head. Based on conversations with New Mexico State Police Agents, SA Anglin learned the following.

7. On July 15, 2023, around 0200 hours, an Alamogordo Police Department (APD) Officer attempted a traffic stop for no lights on a vehicle occupied by Dominic Cruz DE LA O. The vehicle failed to stop for the APD Officer's emergency lights and audible siren. The vehicle eventually crashed in the area of First Street and Delaware Ave in Alamogordo, NM. DE LA O then exited the vehicle and APD Officer Anthony Ferguson arrived to assist. APD Officer Ferguson pursued DE LA O on foot into an alley between Delaware Ave and Maryland Ave. DE LA O fired at least one round striking APD Officer Ferguson in the head. Two APD Officers on scene then discharged their firearms towards DE LA O. A short time later, DE LA O was taken

into custody in the area and had a gunshot wound to the leg. APD Officer Ferguson was transported to the hospital where he later died from his injuries.

8. A search of the area was conducted, and law enforcement located a Mossberg, Model 500A, 12-gauge shotgun bearing serial number K527692, in the same Ally where APD Officer Ferguson was shot. The shotgun had a spent shotgun shell that had not been ejected from the chamber. The shotgun had an additional 4 rounds of shotgun ammunition in the magazine tube and 3 rounds of shotgun ammunition on the side saddle. The side saddle was attached to the shotgun in a way that completely obscured the serial number of the firearm.

9. The injuries suffered by APD Officer Ferguson were consistent with the use of a shotgun, and the ammunition located with the Mossberg, Model 500A, 12-gauge shotgun bearing serial number K527692.

10. On July 31, 2023, ATF SA Anglin measured the barrel of the Mossberg, Model 500A, 12-gauge shotgun bearing serial number K527692. The barrel length was 16 inches, and the overall length was 25.5 inches. The shotgun stock was removed and replaced with a pistol grip and the barrel appeared to be cut altering the original size and design.

11. I know that a shotgun is a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and cannot have a barrel length less than 18 inches and /or an overall length less than 26 inches.

12. Based on my training, professional and personal experience, the Mossberg, Model 500A, 12-gauge shotgun bearing serial number K527692 was modified into a weapon made from a shotgun. Your affiant knows that a weapon made from a shotgun must be registered in the National Firearms and Transfer Record.

13. An ATF Industry Operations Investigator conducted a query in the National

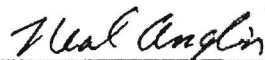
Firearms and Transfer Record. The query reflected that the Mossberg, Model 500A, 12-gauge shotgun bearing serial number K527692 was not registered in the National Firearms and Transfer Record.

14. This violation occurred in Alamogordo, County of Otero, in the District of New Mexico.

CONCLUSION

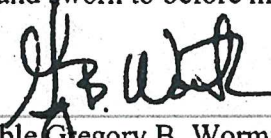
15. Based upon the foregoing, I submit there is probable cause to believe that on July 15, 2023, within the District of New Mexico, DE LA O knowingly possessed a weapon made from a shotgun (Mossberg, Model 500A, 12-gauge shotgun bearing serial number K527692), and it was not registered in the National Firearms Registration and Transfer Record in violation of 26 U.S.C. § 5861(d).

Respectfully submitted,



Neal Anglin
Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Subscribed and sworn to before me on August 2, 2023.



The Honorable Gregory B. Wormuth
United States Magistrate Judge

UNITED STATES DISTRICT COURT

for the
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United States of America
v.
Dominic Cruz DE LA O

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Case No.

23Mj1227

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) Dominic Cruz DE LA O,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
- Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

26 U.S.C. 5861(d) Possession of an unregistered weapon made from a shotgun.

Date: August 2, 2023



Issuing officer's signature

City and state: Las Cruces, NM

Gregory B. Wormuth, Chief U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

This second page contains personal identifiers provided for law-enforcement use only and therefore should not be filed in court with the executed warrant unless under seal.

(Not for Public Disclosure)

Name of defendant/offender: Dominic Cruz DE LA O

Known aliases: _____

Last known residence: 1315 Fairview, Tularosa New Mexico 88352 / Otero County Detention Center

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: TX

Date of birth: 12/24/1996

Social Security number: 601-65-6980

Height: 5'10" Weight: 190

Sex: Male Race: WHT

Hair: Brown Eyes: Brown

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: Yes

Known family, friends, and other associates (name, relation, address, phone number): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: ATF, 166 Roadrunner Pkwy. Suite 2-C, Las Cruces, NM 88011

Name and telephone numbers (office and cell) of pretrial services or probation officer (if applicable): _____

Date of last contact with pretrial services or probation officer (if applicable): _____