

AO 91 (Rev. 11/11) Criminal Complaint

FILED
UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

UNITED STATES DISTRICT COURT

DEC 08 2023

for the

District of New Mexico

MITCHELL R. RIFERS
CLERK OF COURT

United States of America
v.
Jonah APODACA

Case No. 23 - 1720 MJ

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 7 to July 11, 2023 in the county of Otero in the
District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g)(1)	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

Neal Anglin / ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/8/23



Judge's signature

City and state: Las Cruces, NM

Barbara S. Evans, 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 Jonah APODACA (“APODACA” hereinafter) knowingly possessed a firearm and/or ammunition in violation of 18 U.S.C. § 922(g)(1), felon in possession of a firearm or ammunition.
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. 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.

4. 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

5. 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.

6. 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.

7. 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.

8. 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.

9. 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 had been removed and replaced with a pistol grip and the barrel appeared to be cut altering the original size and design.

10. On July 26, 2023, I received information that Jonah APODACA provided the “sawed-off” shotgun that DE LA O used to shoot the Alamogordo Police Officer.

11. On July 27, 2023, ATF Agents assisted Otero County Sheriff’s Office with serving a state arrest warrant for Jonah APODACA for an unrelated offense. APODACA was taken into custody for the state warrant and ATF Agents interviewed APODACA.

12. During the interview APODACA admitted to carrying firearms. APODACA was asked at what point has he put his hands on a shotgun. APODACA stated he came across a shotgun that DE LA O used against the cop. APODACA said DE LA O showed the shotgun to APODACA about 2 weeks before the shooting. APODACA said while DE LA O was showing him the shotgun, DE LA O put the shotgun in APODACA’s hands.

13. APODACA, then changed his statement, and stated APODACA had received the shotgun from a female about a month and a half ago. APODACA said about 3 weeks ago, he was with DE LA O at APODACA’s mom’s residence in Alamogordo, NM. DE LA O saw the

shotgun and asked APODACA if he could take it shooting. APODACA gave the shotgun to DE LA O and stated he never saw the firearm again. APODACA described the shotgun as a gray and black pump shotgun with a pistol grip. APODACA said he tried to get the shotgun back and DE LA O would not return it. DE LA O told APODACA he had to get rid of it, because it was used in a robbery. APODACA said he did not believe DE LA O, because he was told from someone that DE LA O was making modifications to the shotgun to include adding a laser.

14. APODACA was shown a photo of the Mossberg, Model 500A, 12-gauge shotgun bearing serial number K527692 recovered at the scene of the Alamogordo Officer involved shooting. APODACA stated the for-end of the shotgun was different and the side saddle was not on the firearm. APODACA said the pistol grip in the photo was more at an angle and the barrel appeared to be rusted and looked shorter than the one he provided DE LA O. APODACA stated he only had 3 bullets of ammunition that were in the shotgun and his ammunition was skinnier than the ammunition on the side saddle in the photo. APODACA said the gun in the photograph did not look like the same gun he gave DE LA O.

15. APODACA consented to a swab of his mouth for the collection of Deoxyribonucleic acid (DNA) and signed a consent to search form for his DNA. SA Boeglin collected APODACA'S DNA by utilizing two buccal swabs. These buccal swabs were later submitted to the ATF Forensic Science Laboratory for comparison to the evidence seized during the shooting involving DE LA O.

16. SA Anglin reviewed records provided from Meta Platforms, Inc., relating to APODACA's Facebook social media account "Jmoney Apdca". These records were obtained through a federal search warrant. SA Anglin reviewed messages between Facebook accounts Dominic Delao (Facebook: 100013248643401) and Jmoney Apdca (100080672303845). SA

Anglin located the following conversation consistent with APODACA providing DE LA O a shotgun.

07/07/2023

- Dominic Delao (11:19:08 UTC): Aye fr tho if you want to get rid of that shotty let me get it g that mf clean
- Jmoney Apdca (11:20:28 UTC): I got you my nigga you already know broth frfr watch ima try to get this black one and I'll give you that one k broth but be safe out there my nigga frfr

07/10/2023

- Jmoney Apdca (06:22:24 UTC): Listen to the scanner
- Dominic Delao (08:39:33 UTC): I made it g
- Jmoney Apdca (08:43:32 UTC): You unsent a message
- Jmoney Apdca (08:44:25 UTC): That's good brother love you I'll tell you when I see you what I just erased I don't want to incriminate myself
- Dominic Delao (08:47:53 UTC): For sure brother you good??
- Dominic Delao (08:48:05 UTC): I shoulda just stayed and kicked it smh
- Jmoney Apdca (08:50:47 UTC): Yea I'm good I'm high asf like frfr
- Dominic Delao (08:55:10 UTC): I was tripping when I seen that cop lol
- Jmoney Apdca (09:04:30 UTC): I know I was to I was like fuck they better not get my nigga
- Dominic Delao (09:08:27 UTC): I was tripping hahaha
- Jmoney Apdca (09:40:02 UTC): You sent a voice message.
 - SA Anglin reviewed the voice message (unified message 1092494141722412) sent from Jmoney Apdca. The message said I am glad you got away and take care of that shotgun for me.
- Dominic Delao (10:24:12 UTC): I'ma go shoot it tomorrow afternoon let's go shoot our pistols
- Jmoney Apdca (10:57:38 UTC): K brother I just lent my pistol to my lil home girl and I just got her 20 gauge
- Dominic Delao (22:35:12 UTC): Smh dawg that pistols worth more than a gauge make sure you get it back g

07/11/2023

- Jmoney Apdca (07:21:26 UTC): Brother I left my shit at my girls house will you link with me and bring me that gauge some crazy shit is going on and idk wtf is real and what ain't

17. SA Anglin spoke with a Forensic Biologist with the ATF Forensic Science Laboratory and learned APODACA'S DNA was located on the shotgun shell casing recovered from the chamber of the Mossberg, Model 500A, 12-gauge shotgun bearing serial number K527692. APODACA'S DNA was also located on ammunition from the magazine tube of the Mossberg, Model 500A, 12-gauge shotgun bearing serial number K527692.

18. SA Anglin reviewed documents relating to APODACA's criminal history and learned APODACA was previously convicted of felony offenses for Aggravated Battery Household Member (2012), Trafficking Controlled Substance with Intent (2013), Distribution of Marijuana to a Minor (2013), and Possession of a Controlled Substance (2013). These crimes are punishable by imprisonment for a term exceeding one year.

19. Based on my training, experience, and consultation with other trained Special Agents of the ATF, it is my understanding that the Mossberg, Model 500A, 12-gauge shotgun bearing serial number K527692 was manufactured in Connecticut. Therefore, the firearm had traveled in interstate commerce in order to be present in the state of New Mexico.

20. Furthermore in 18 U.S.C. § 921(A)(17)(A) the term "Ammunition" means ammunition or cartridge casing, primers, bullets, or propellant powders. Based on my training, experience and consultations with other trained Special Agents of the ATF, it is my understanding that the propellant powders contained inside of ammunition are not manufactured in the state of New Mexico. Therefore, the ammunition had traveled in interstate commerce in order to be present in the state of New Mexico.

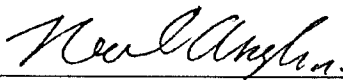
21. This violation occurred in Alamogordo, County of Otero, in the District of New Mexico.

22. This affidavit has been reviewed by AUSA Sarah Davenport.

CONCLUSION

23. Based upon the foregoing, I submit there is probable cause to believe that during the month of July 2023, within the District of New Mexico, APODACA knowingly possessed a firearm and/or ammunition in violation of 18 U.S.C. § 922(g)(1), felon in possession of a firearm or ammunition.

Respectfully submitted,



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

Subscribed and sworn to before me on December 8th, 2023.



The Honorable Barbara S. Evans
United States Magistrate Judge