

STATE OF NEW MEXICO
COUNTY OF EDDY
MAGISTRATE COURT

STATE OF NEW MEXICO
COUNTY OF EDDY

v.

Bobby Smith
Defendant(s)



No. M18FR201568

FILED IN
JUN 15 2015
MAGISTRATE COURT
EDDY COUNTY DIV III

CRIMINAL COMPLAINT

**CRIME: Felony Murder, 1st Degree / Shooting at Dwelling or Occupied Building;
Shooting at or from a Motor Vehicle, 2nd Degree / Tampering with Evidence, 3rd Degree /
Receiving stolen property; penalties, Firearms, 4th degree.**

(Common name of offense or offenses)

The undersigned, under penalty of perjury, complains and says that on or about the 29th day of January, 2012, in the County of Eddy, State of New Mexico, the above-named defendant(s) did:

See Attachment "A"

Contrary to Section(s) 30-2-1 (A) / 30-3-8 (B) / 30-22-5 (A)(B)1 / 30-16-11(A)(i) NMSA 1978
(set forth applicable section number of New Mexico statute, municipal code, or ordinance, and date of adoption).

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF. I UNDERSTAND THAT IT IS A CRIMINAL OFFENSE SUBJECT TO THE PENALTY OF IMPRISONMENT TO MAKE A FALSE STATEMENT IN A CRIMINAL COMPLAINT.

If Probable Cause Determination Required:

- Probable Cause Found
- Probable Cause Not Found, and Defendant Released from Custody

David Rodriguez
Complainant

Detective, Artesia Police Department
Title (if any)

Approved:

Roxanne Esquivel

Assistant District Attorney
Title

Telephonically Approved.

Judge

June 15, 2015
Date

FILED IN

JUN 15 2015

2

MAGISTRATE COURT
EDDY COUNTY DIV III

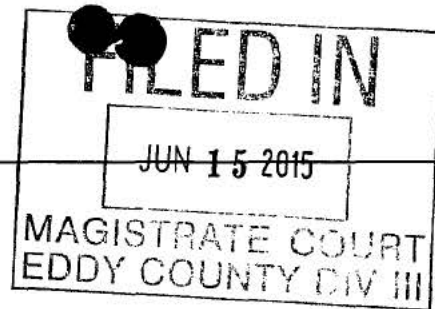
Affiant, David Rodriguez, is a full time salaried law enforcement officer currently employed by the City of Artesia, Artesia Police Department and assigned to the Criminal Investigations Division. Affiant has received specialized training in criminal investigations through the New Mexico Law Enforcement Academy, the Texas Engineering Extension Service as a Forensics Investigator, the Public Agency Training Council, Crime Scene Reconstruction and Blood Spatter with Bevel Gardner and Associates and Interview and Interrogation Techniques with BowMac. Affiant has received training in the investigation of violent crimes including but not limited to homicide investigations. Affiant has received both classroom and on the job training concerning the investigation of the above offense(s). Affiant has conducted criminal investigations that led to the arrest and conviction of persons in violation of New Mexico State Statutes.

On January 29, 2012 at approximately 2246 hours, officers of the Artesia Police Department were dispatched to the area of the Yates Petroleum building, 105 South 4th, Artesia, Eddy County, New Mexico in reference to a private security guard with Sierra Security reporting a suspicious subject. The caller, later identified as Sierra Security Guard Michael Evans, advised Regional Emergency Dispatch Authority (REDA) a male subject attempted to sneak up on him while he was parked by the Derrick Statue. Evans stated he lost sight with the male subject but then stated the subject was heading towards him. While talking with dispatch, the telephone conversation was terminated.

Sgt. Christopher Boor, Artesia Police Department Patrol Sergeant, reported when he arrived in the area, he observed a truck had crashed into the south building in the alley between 4th Street and 5th Street. Sgt. Boor reported he approached the truck and observed a male subject inside the truck in the driver's seat with an apparent gun-shot wound to the head. Sgt. Boor notified dispatch and requested EMS.

Affiant, along with other Detectives of the Artesia Police Department were notified and investigated the murder of Michael Evans that occurred on January 29, 2012 in the alley near 4th street between the Yates Petroleum Building and the Booker Building. Michael Evans was employed as a security guard with Sierra Security, and was driving a Sierra Security white Dodge pickup at the time of the murder.

Tim Argo, retired Detective with the Artesia Police department reported he viewed the security cameras from the Yates Petroleum Building and observed the Sierra Security Dodge pickup drive east bound down the alley and a subject wearing blue jeans, a green sweater or jacket with a light colored emblem on the left front, blue bandana covering the face, a black item covering the head and shoes that had a distinct with color on the front of the shoes walking down the alley west bound towards the Dodge pickup. The subject raised their left hand towards the Dodge pickup and walked up to the driver's side window while at the same time pulling an item that appears to be a chrome or nickel in color handgun from the right front of the subject's pants and point the handgun at Michael Evans. The subject then ran west bound down the alley out of the camera's view. The Dodge pickup travels a few feet down the alley and crashes into a post. Officers arrive on scene approximately 2 minutes later and found Michael Evans shot in the head. Michael Evans was transported to the Artesia General Hospital where he was pronounced dead. Michael Evans sustained a gunshot wound to his left arm and a gunshot wound to the left side of his head. The gunshot wound on his left arm entered and exited. In the wound was a clear plastic object that appeared to be wadding from a .410 caliber shotgun shell.



On January 29, 2012 at approximately 1938 hours, Officer Gracie Gonzales, Artesia Police Department Patrol Officer, was dispatched to the area of 9th & Texas, Artesia, New Mexico in reference to shots fired. Officer Gonzales reported she made contact with several tenants. Melissa and Alice Duncan told Officer Gonzales after they heard 4 or 5 shots and they came out of their apartment to see what was going on, and they saw tenant Bobby Smith walking back into his house hunched over as if he was trying to conceal something. Melissa Duncan told Officer Gonzales Bobby Smith left his residence on January 29, 2012 between 2200 and 2230. Officer Gonzales reported she made contact with Karla Parada, 906 West Texas, Apartment B in Artesia, New Mexico. Karla Parada told Officer Gonzales she heard 5 or 6 shots on January 29, 2012 and she immediately dropped to the floor. Karla Parada stated she was sitting outside and saw Bobby Smith walking away from his apartment at approximately 2100 to 2136 hours and was wearing a green sweater with a design on the front, a black bandana on his head, jeans and black shoes. Karla Parada stated she observed Bobby Smith standing by her truck looking inside and then he walked east on Texas Street. Officer Gonzales made contact with Jessica Herrera, 910 West Texas, Apartment C, in Artesia. Jessica Herrera stated they were not at home when the shots were fired but on January 28, 2012 her husband had contact with Bobby Smith and Bobby Smith made the comment that he "would shoot someone on the spot".

Officer Gonzales made contact with Marcos Herrera and asked about his encounter with Bobby Smith. Herrera stated that Smith asked him for a cigarette and while they were smoking, Smith told Herrera if he needed anyone taken care of, he would shoot them. Herrera then ended the conversation.

Affiant and other Detectives/Officers of the Artesia Police Department executed a search warrant on January 31, 2012 at 910 West Texas, Apartment D in Artesia, New Mexico to search for firearms, spent casings, bullets and clothing items. During the execution of the search warrant several items found in the apartment are consistent with the clothing items utilized by the suspect who shot and killed Michael Evans on January 29, 2012 at approximately 2246 hours in Artesia, Eddy County, New Mexico.

On January 31, 2012 when the search warrant was executed on Bobby Smith's residence located at 910 West Texas, Apartment D, Artesia, New Mexico the apartment was locked. The manager of the apartment complex was contacted and they had to break open the back door of the residence due to not having a key to the apartment. Bobby Smith was arrested near his residence on January 30, 2012 by Artesia Police Department Officers for an outstanding warrant.

Tim Argo reported while conducting the search of the apartment on January 31, 2012, he observed clothing items that matched the clothing items seen in the video. Tim Argo reported he observed blue jean pants, a green long sleeve shirt with a light colored emblem on the left front of the shirt, grey shoes with bright white shoe strings, several black head garments, a blue bandana, a spent .45 Long Colt casing, several spent and live .410 shotgun shells. Affiant was present when retired Crime Scene Investigator Tom Richards located a nickel or chrome colored Taurus Judge revolver with black grips, serial number [REDACTED] concealed in the ceiling of the defendants bedroom. The a nickel or chrome colored Taurus Judge revolver with black grips that is capable of using .45 Long Colt bullets and .410 shotgun shells. A copy of the lease agreement was obtained and it stated Bobby Smith was the tenant of the apartment.

Tim Argo reported he learned on January 31, 2012 from the Office of the Medical Investigator who conducted the autopsy on Michael Evans a .410 caliber is what killed Michael Evans.

Tim Argo reported he believes either a Taurus Judge revolver or a pistol capable of firing a .410 shotgun shell could have been the murder weapon used to kill Michael Evans to the evidence found on Michael Evans body. No casing or shotgun shell was found on scene or inside the victim's vehicle which leads Affiant to believe a revolver was used. The video surveillance footage eliminates anyone picking up a casing or shotgun shell from the crime scene.

On 09-19-2011 Gary Pitts, 702 West Quay, Artesia, New Mexico reported suspect(s) broke his front windshield to his 2011 Ford pickup, New Mexico license plate [REDACTED] with a big rock and stole his Taurus .410-45 caliber semi-automatic revolver, Model The Judge, serial number CN748018 from inside the vehicle. The weapon was entered into NCIC as a stolen firearm. When the search warrant was executed on January 31, 2012 at 910 West Texas, Apartment D, the Taurus .410-45 Caliber Judge, serial number [REDACTED] was checked through NCIC and did come back as stolen. Upon checking past addresses in the Artesia Police Department Global system for Bobby Smith it did show an address of 610 West Quay.

Affiant believes probable cause exists for the issuance for an arrest warrant for the above named defendant and request such warrant be issued.

