

If the judge is unavailable, defendant must be brought forthwith before designee for setting of conditions of release. A defendant accused of a bailable offense may not be held without the setting of conditions of release (Magistrate Court Rule 18)

2017 MAY -5 AM 10:30

ORIGINAL SIGNED COPY-COURT; ADDITIONAL COPIES- DEFENDANT AND ADMINISTRATOR'S COPY

STATE OF NEW MEXICO  
-VS-

ARTICLE 2  
INITIATION OF PROCEEDINGS  
STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
IN THE METROPOLITAN COURT

Name: Christopher Pino  
Address: [REDACTED]  
[REDACTED]  
[REDACTED]  
Charge(s): Murder, Aggravated Assault w/ Deadly Weapon

Arrest Date: [REDACTED]  
Citation #: [REDACTED]  
Arrest #: [REDACTED]  
Docket #: F4-FR-2017-2578  
Date Filed: 5-5-17

Affiant – Officer/Detective P. Moya Man #: 5166

**CRIMINAL COMPLAINT – ARREST WARRANT AFFIDAVIT**

The undersigned, under penalty of perjury, complains and says that on or about the 30 day of April, 2017, in the County of Bernalillo, State of New Mexico, the above-named defendant(s)

Affiant is a full-time, sworn Law Enforcement Officer with the Albuquerque Police Department. Affiant is currently assigned to the Southeast Impact Unit. Affiant has been with the Albuquerque Police Department since January of 2007. Affiant's duties include follow-up investigations on all violent felony crimes to include but not limited to: Aggravated Battery, Aggravated Assault, Kidnappings, Homicides and all robberies. Affiant has experience in the writing and executing of Search and Arrest Warrants.

**INVESTIGATION:**

April 30, 2017 Approximately 1208 hours

Officer Israel Martinez and Officer Lea Lopez were dispatched to Central and Solano in reference to a possible accident with injuries. Upon arrival, Officer Martinez observed a male lying in the alley way. The male appeared to be injured. While at that location, he received updated information from dispatch that the vehicle involved in the crash was still on scene but on the front side of the church. Officer Martinez contacted the driver of a red Hummer. The male was identified as Christopher Pino. It should be noted, while Officer Martinez was making contact with Pino, the male who was struck by the vehicle, later identified as Daniel "Scooby" Arballo, was immediately picked up by ambulance and rushed to UNMH Trauma for immediate medical attention. Officer Martinez was under the impression this was an accident but after speaking with the Pino for a short time he was contacted by Sgt Higdon who stated this was an intentional act and that the driver of the Hummer was a possible offender. Officer Martinez detained Pino and advised him of his Constitutional Rights per Miranda. Pino agreed to speak with officers. Pino stated he was contacted by an unknown person who lives in the area. The person stated there were two males taking stuff from his property, which is located at 3715 Silver SE. The building is an old church formally known as The Trinity Methodist Church. Pino decided to go to his property in hopes to stop the individuals from taking his belongings. When he arrived, he saw two males walking in the alleyway carrying a radio which he identified as his. Pino then intentionally struck one of the males at approximately 20 miles per hour and was trying to hit the other male so they could be contacted by police when they arrived. As he was attempting to confront the other male, a crowd started to gather in the street. It was at this time Pino decided to leave the area.

Officer Martinez did not conduct an extensive interview. SE Impact was contacted to assume case responsibility.

Approximately 1300 hours

I made contact with Billy Harper. Harper stated he was hanging out in the area of Silver and Solano when he observed a friend whom he knows as "Scooby" cleaning up weeds and branches from the property of the church. Scooby told Billy, "this was his people's church". It was unclear when Billy decided to help him out but they started to throw some trash and some branches inside the dumpster. They then obtained some speakers and while in the process of walking those to the dumpster a red Hummer turned down the alley and accelerated. The red Hummer went directly at Scooby and struck Scooby. Billy estimated a speed of 40 miles per hour. The driver then directed his attention towards Billy and told him, "you stealing from my church, you stealing from my church?" He did this while shaking a shovel at him. The male was shaking the shovel at him while threatening to harm him. Billy stated he was only a short distance away, he estimated 15 feet. This was done utilizing our distance to a door he pointed out. At this time, the vehicle backed out onto Solano and left for a short time. The vehicle came back and the driver continued to threaten Billy. Because of the actions of the driver Billy was scared of being harmed with the shovel.

1412 hours

I made contact with a witness, Gregory Kreitman. Gregory is a security guard at the Seven Clover Dispensary. Kreitman stated the following:

He was outside smoking a cigarette when he observed two homeless gentlemen in the alley way. He observed them shaking off some jeans and throwing some trash. He then saw a red Hummer "fly" down Solano and enter the alley and wreck his vehicle directly into the two males. One was able to jump out of the way but the other was struck with the vehicle and went "flying". After the collision, the vehicle reversed and went after the other male. The driver of the vehicle started yelling at the individual threatening to harm him with the vehicle. Gregory then stood in front of the male to avoid him from being harmed. The vehicle eventually drove off and turned east on Central and came back around on Silver to Solano. He continued yelling at the male, "You're going to be killed, I'm going to kill you, you stole from me". The male then drove back into the alley where he hit the other male stayed there for a short time until he heard sirens. The male then took off from the area. Gregory did not see where he went from there. Gregory never saw the male get out of the vehicle. Gregory added the driver kept telling the other male to come out into the road so he can hit him with his car. Gregory had no further details regarding the incident.

1418 hours

I made contact with Jamilex Delgado. Delgado is also an employee at the Seven Clover Dispensary. Delgado stated the following:

She observed the security guard dealing with a commotion outside. When she went outside she observed a male in hat (Billy) freaking out because it looked like a male in a red Hummer was going to crash into him. Delgado recalled seeing the red Hummer enter alley way and possibly hit something. This occurred prior to her any having knowledge of any situation that was transpiring. She initially observed a red Hummer appear to be entering and backing out of the alleyway trying to get out. Delgado observed a body in the alley way when she went outside. Delgado stated the male was threatening the other male and possibly had a shovel in his passenger seat, which may have been a bat but she was unsure. Delgado felt as though the male driver was threatening the other male's life based on the sequence of events that had taken place. The male in the red Hummer left, came back and parked near the body. Delgado believes it was to identify the person he just hit. The male continued through the alleyway. Delgado stated the male was "raging". Delgado had no further information regarding the incident.

While on scene, I made contact with Chris Pino. I told Pino I would interview him at the substation. Pino uttered he was contacted by someone who lives in a triplex close by. The person informed him that there were two individuals taking items from the church. I told Pino I will continue to speak with him at the substation so I could advise him of His Constitutional Rights per Miranda. He understood. I observed a set of speakers in the alleyway. One of the speakers appeared to be missing a cover. The cover that belonged to the speaker was just inside the gated property of the church. Officer Lucero and myself walked the perimeter of the church and could not locate any forced entry or any other type of entry. I did locate some branches inside the dumpster. There was also a green couch cushion as well. While on scene, a responsible party, Jacob Welch came to church and allowed us inside to ensure there wasn't any forced entry. Everything appeared secure and could only locate a window that was not locked. The window was closed and could not determine whether that could've been used as any point of entry.

1718 hours

I made contact with Chris Pino at the Phil Chacon Substation. As I began advising Pino of Constitutional Rights per Miranda, he stated he would speak with me. After he understood his Constitutional Rights he was reluctant in providing me a statement. Pino was asking me what he should do. I advised him I could not provide legal advice and that he would have to make the decision or he could contact an attorney. During this time, Pino stated he only wanted to detain them until the police got there. He was tired of dealing with continuous burglaries and other property crimes that have been occurring on the property. I explained to him I could not ask him any questions or engage in conversation with him. Pino continued to utter statements about the incident that occurred. Pino stated he meant to knock him down so he wouldn't leave and after that, he went after the other guy to knock him down as well. He has been dealing with fires being lit inside the property and other nuisances. He just wanted them to get arrested to send a message to others to leave the property alone. Pino stated he had a shovel in the car and wanted to knock the other guy out until the cops got there. It should be noted I did not ask any questions or partake in the conversation. When I engaged in conversation it was merely to provide understanding of his Constitutional Rights. He understood and stated this was rhetorical and explained his frustration of not knowing what else to do about these issues he's been having. Pino stated he was outside of his vehicle with the shovel threatening the other male. Pino reiterated he wanted to detain them when he saw them carrying his stereo. Pino stated he didn't have any intentions of killing or hurting anybody he just wanted them to stop. I eventually terminated the interview due to his indecision to waive his Constitutional Rights. I instructed him to contact an attorney and contact me for an interview if he wanted to.

Christopher Pino was arrested and booked into MDC for the original charges of Aggravated Battery with a Deadly Weapon and Aggravated Assault with a Deadly Weapon.

May 1, 2017 unknown time

Christopher Pino bonded out of MDC on the original charges of aggravated battery with a deadly weapon and aggravated assault with a deadly weapon.

May 1, 2017 approximately 1700 hours

I was contacted by Daniel Arballo's nurse, Miranda. She advised me, Daniel Arballo was pronounced dead at 1650 hours on May 1, 2017.

May 4, 2017

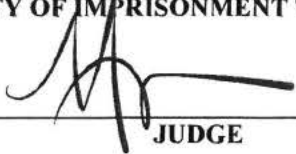
An autopsy was performed on Daniel Arballo at the New Mexico Scientific Center. The preliminary

Affiant respectfully requests Christopher Pino for the new charges of Murder (open count), and aggravated assault with a deadly weapon.

Contrary to Section(s) 30-2-1, 30-3-2

NMSA 1978.

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.



JUDGE

5/4/17

DATE



AFFIANT

May 4, 2017

#5166

DATE

MAN NO.

*TELEPHONE CALL/EMAIL ADA DAVID WAYMIRE 5/4/17*  
ASSISTANT DISTRICT ATTORNEY      DATE

Case # 170040916/171200520

APD CAD INCIDENT OR CASE #

This complaint may not be filed without the prior payment of a filing fee, unless approved by the District Attorney or a law enforcement officer authorized to serve an Arrest or Search Warrant. Approval of the District Attorney or a law enforcement officer is not other wise required.