

**IN THE MAGISTRATE COURT
COUNTY OF TORRANCE
STATE OF NEW MEXICO**

NO. M-56-FR-2014-107

STATE OF NEW MEXICO, Plaintiff

vs.

MARK CHAVEZ, Defendant

[REDACTED]

Albuquerque, NM 87110

DOB: [REDACTED] 1963

[REDACTED]

[REDACTED]

MAGISTRATE COURT
TORRANCE COUNTY

DEC 18 2014

FIELD INQUIRY OFFICE
CLERK OF MAGISTRATE COURT

AFFIDAVIT FOR ARREST WARRANT

The undersigned, being duly sworn, upon his oath, states that he has reason to believe that on or about the **13th** day of **January 2014**, in the County of Torrance, State of New Mexico, the above named defendant did commit the crime(s) of:

- (1) Murder (30-2-1)**
- (2) Tampering with evidence (30-22-5)**

The undersigned further states the following facts on oath to establish probable cause to believe that the above-named defendant committed the crime(s) charged:

Affiant, RODGER BRUNSON, is a full time salaried law enforcement officer who has been employed by the New Mexico State Police for a period of approximately five (5) years. Affiant has received specialized training in criminal investigations through the New Mexico State Police Academy. 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 offenses. Affiant has conducted numerous criminal investigations that led to the arrest and conviction of persons in violation of New Mexico State Statutes.

On the evening of January 17, 2014, Moriarty Police Department (MPD) contacted the New Mexico State Police Investigations Bureau, requesting assistance with an investigation of a missing person, by the name of Tammie Cessna, they believed may have been the victim of foul play.

Information discovered during the investigation found Ms. Cessna last seen at the Super 8 Hotel, Moriarty, New Mexico, at approximately 6:30pm on January 13, 2014. At the time of her disappearance, Mark Chavez was employed and resided at this Super 8 Hotel. Numerous witnesses were aware of a relationship between Ms. Cessna and Mark Chavez.

Tammie Cessna was reported missing to Moriarty Police Department on January 14, 2014, when

she did not return from dropping her children off for Karate practice on the evening of January 13, 2014. A blue Honda mini-van, registered to Tammie Cessna was located in the parking lot of the Super 8 Hotel, Moriarty, New Mexico, on January 14, 2014. This was the vehicle driven by Ms. Cessna at the time she was seen last. The vehicle was sealed and seized by Moriarty Police Department, then secured at Henson's Towing, Moriarty, New Mexico.

On January 18, 2014, I obtained a search warrant for the vehicle seized by Moriarty Police Department. While executing this search warrant, the body of a female matching the description of Tammie Cessna was found inside. The body was found face up, with the legs folded over the torso, on the floor between the front and middle row seats. It was completely covered by laundered clothing and an open sleeping bag. Heavy blunt force trauma was observed all over the body. In addition, some of the fingernails were broken, suggesting self-defense. The hair on the head of the body had been chopped off. The cause of death was later determined by the medical examiner to be the combination of blunt force trauma and strangulation.

After locating the body of Ms. Cessna, I obtained a search warrant for the residence of Mark Chavez, Room #227 of the Super 8 Hotel, Moriarty, New Mexico, and the person of Mark Chavez. This search warrant was signed and served during the early morning hours of January 19, 2014. Mark Chavez answered the door of the room and no other person was found inside. He advised he was the only person occupying this room and he was the only person with access. The door to the room was sealed with evidence tape and guarded until the search warrant could be executed.

Mark Chavez was taken to Moriarty Police Department. Prior to serving the search warrant on his person, Mr. Chavez agreed to speak with New Mexico State Police Agent Richard Williamson. During their conversation, Mark Chavez would only give general statements to answer questions that warranted detailed information. He stated he had frequent access to Ms. Cessna's vehicle, including on the night of January 13, 2014. They advised Mark of Ms. Cessna's brutal murder and they believed he was involved, including chopping her hair. Mark replied multiple times, "I don't cut hair", "I'm not a barber." He did not once deny being involved in her murder.

In the hotel room occupied by Mark Chavez, a portion of the carpet, of considerable size, was found to have been saturated in blood, through to the padding below. This carpet stain was covered and appeared to have been cleaned up. Blood was also located on walls inside the hotel room and on the trashcan lid across the hallway from the room. There was woman's clothing found inside the room as well.

As the room was being searched, New Mexico State Police Agent Ray White and I served the portion of the search warrant for the person of Mark Chavez. Photographs were taken of his entire body, as well as oral DNA standards. While these photographs were being taken, I observed large, aged, bruises across the entire knuckle area on each of his hands. After the search warrants were executed, Mark Chavez was allowed to return to his room.

On January 20, 2014, Mark Chavez agreed to speak with Agent Williamson and Agent White a

second time. They again advised Mark Chavez of Ms. Cessna's brutal murder and of the belief that he was involved, because of what was found inside his residence. Mark Chavez replied, "It doesn't matter." The Agents asked Mark to provide his side of the story. He again stated, "It doesn't matter." Mark Chavez advised them the DNA found "in her" would reveal the guilty party. He further stated Ms. Cessna had been raped and that was who was with her last. However, Mark Chavez could not provide any information about the rape or who had done it, and again did not deny he was involved in the murder of Tammie Cessna.

On June 12, 2014, the first laboratory report was complete. This report confirmed to a degree of scientific certainty, Tammie Cessna to be the source of the DNA in the bloodstain found on the trashcan lid, a bloodstain found on the wall of Mark Chavez's residence, and the blood saturated carpet in Mark Chavez's residence. There was also a DNA confirmation that the woman's clothing found in Mark Chavez's residence belonged to Tammie Cessna. In addition, the DNA found in Ms. Cessna's fingernail clippings, is the DNA of Mark Chavez, to a degree of scientific certainty. Another item revealed by this report was the absence of semen and/or any male DNA in the vaginal or rectal areas of Ms. Cessna's body, which refutes Mark Chavez's claim of rape by another person.

The second and final laboratory report was complete on July 17, 2014. This report confirmed the remaining bloodstains found on the walls of Mark Chavez's residence matched the DNA of Tammie Cessna, to a degree of scientific certainty. The bloodstains found on the bedding inside the residence matched the DNA of both Tammie Cessna and Mark Chavez. In addition, bloodstains found on a jacket inside of Mark Chavez's residence also matched the DNA both of Tammie Cessna and Mark Chavez.

On October 22, 2014, New Mexico State Police Sergeant Paul Chavez, Investigations Bureau, Crime Scene Team, conducted a bloodstain pattern analysis, regarding the bloodstains located during the investigation. Sergeant Chavez has been deemed a court recognized expert in Bloodstain Pattern Analysis numerous times during his tenure. One of the points discussed in his analysis was regarding a set of bloodstains found on the west wall of Mark Chavez's residence. These bloodstains were identified as expired blood, which is blood that is forced out of a person's airway (nose or mouth). During the autopsy, blood was located in the trachea of Tammie Cessna and blood was located in and around her nose and mouth, which is consistent with blood traveling through her airway.

Sergeant Chavez also discussed the large bloodstain located on the carpet in Mark Chavez's residence. Tammie Cessna suffered internal head and neck injuries, causing internal bleeding. She did not have any external wounds that could cause a bloodstain comparable to that found in the carpet, suggesting this bloodstain was caused by blood exiting through the mouth and nose, due to gravity, while being immobile for a significant amount of time.

A final key point discussed by Sergeant Chavez was regarding the position of Tammie Cessna's body at the time of death, specifically, livor mortis and blood flow patterns from the mouth and nose. Livor mortis is the settling of red blood cells, caused by gravity after the heart stops. The livor mortis was found on the right side of the face and right ear of Tammie Cessna. In addition,

there were blood flow stains moving from the nose and mouth to the right side of the face. These observations suggest the right side of her face was facing down after death. When Tammie Cessna's body was found inside of the vehicle, the right side of her face was facing up, supporting the idea that her body was moved to the vehicle a significant time after death.

The totality of Sergeant Chavez's bloodstain pattern analysis supports the belief that Tammie Cessna was murdered inside the residence of Mark Chavez and moved into the vehicle after death. The forensic laboratory test results support the belief that only Mark Chavez and Tammie Cessna were inside the residence at the time of the murder.

Based on the information set fourth in this Affidavit, Affiant respectfully prays that this Court issue an arrest warrant for MARK CHAVEZ, the above-named defendant for the above-named charge(s).

Date: December 18, 2014

Rodger Brunson

Agent Rodger Brunson
New Mexico State Police
Investigations Bureau

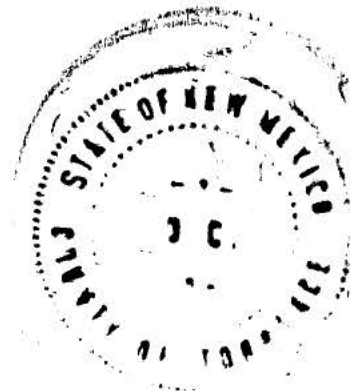
Approved as to legal sufficiency: telephonic approval by D.A. Clint Wellborn
Deputy District Attorney
12/18/14

SUBSCRIBED AND SWORN TO OR DECLARED AND AFFIRMED TO
BEFORE ME IN THE ABOVE NAMED COUNTY OF TORRANCE OF THE STATE
OF NEW MEXICO THIS 18th DAY OF December, 2014.

[Signature]
JUDGE, NOTARY OR OTHER OFFICER
AUTHORIZED TO ADMINISTER OATHS

District Judge

OFFICIAL TITLE



STATE OF NEW MEXICO

IN THE MAGISTRATE COURT
COUNTY OF TORRANCE
STATE OF NEW MEXICO

-VS-

Name: CHAVEZ MARK
 Address: [REDACTED]
 Albuquerque NM 87110
 Charge: Murder Tampering with evidence

MAGISTRATE COURT
TORRANCE COUNTY

DEC 18 2014

Arrest Date: 12/18/14
 Citation #: [REDACTED]
 Docket #: [REDACTED]
 Date Filed: [REDACTED]

Complainant or Officer: Rodger Brunson Man #: 313996
 (Print Name)

CRIMINAL COMPLAINT

The undersigned, under penalty of perjury, complains and says that on or about 13 day of January 2014
 in the County of Torrance State of New Mexico, the above-named defendant(s) did (here the essential facts):

Count 1: did kill *Tammie Cessna*, a human being, without lawful justification or excuse, by any of the means with which death may be caused, contrary to NMSA 1978, § 30-02-1. (a capital felony)

Count 2: did destroy, change, hide, place or fabricate physical evidence, to wit: altered evidence with the intent to prevent the apprehension, prosecution or conviction of any person or to throw suspicion of the commission of a crime upon another, and the highest crime for which tampering with evidence is committed is a capital, first degree or second degree felony contrary to NMSA 1978, § 30-22-05(A) & (B)(1). (a 3rd degree felony).

Contrary to Section(s)

30-2-1

30-22-5

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.

If Probable Cause Determination Required

Probable Cause Found _____ Not Found _____

(If not found, complaint dismissed & defendant released)

Date: _____ Judge: _____

Complaint Rodger Brunson NMSPTitle (if any) AGENT 313996

(man #)

Robert C. DDA, approved

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 otherwise required.