

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

Tomas Medina

Case No. 24-532MJ

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 March 16, 2024 in the county of Dona Ana in the District of New Mexico, the defendant(s) violated:

Code Section 18 U.S.C. § 875(c)

Offense Description Interstate Threatening Communications

This criminal complaint is based on these facts:

See attached "Affidavit"

Continued on the attached sheet.

Complainant's signature

Pierce Wilber, FBI Task Force Officer Printed name and title

Sworn to before me and signed in my presence. MA PHONE

Date: 4/11/24

Judge's signature

City and state: Las Cruces, New Mexico

GREGORY J. FOUNTAIN, U.S. Magistrate Judge Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Pierce E Wilber, a Detective with the Las Cruces Police Department and a task force officer with the Federal Bureau of Investigation (FBI) Safe Streets Gang Task Force (SSGTF), being duly sworn, depose and state as follows:

1. I have been employed as a sworn Police Officer in the State of New Mexico since January 2010. I am a federally sworn Task Force Officer, sworn in for Title 21 and Title 18 in the month of June 2023. I am classified, trained, and employed as a law enforcement officer in the State of New Mexico with statutory arrest authority charged with conducting criminal investigations of alleged violations of federal criminal statutes, including Title 18 of the United States Code. I am currently assigned as a criminal investigator for the Las Cruces Police Department and on the (SSGTF) reporting to the Albuquerque Field Office, Las Cruces Resident Agency, New Mexico.
2. During my tenure with the Las Cruces Police Department, I have received formal and informal training in conducting a variety of criminal investigations. I have executed, or participated in the execution of, multiple search warrants. I have utilized investigative techniques including, but not limited to, consensual monitoring, witness interviews, and subject interviews.
3. Information contained in this affidavit was obtained from my own investigation and information from other duly sworn police officers and does not contain all information known by me, only facts for consideration of probable cause.
4. I make this affidavit in support of a criminal complaint that between on or about March 16, 2024, in Doña Ana County, in the District of New Mexico, Tomas Medina, unlawfully and knowingly threatened to kill an active member of the Las Cruces, New Mexico, City Council, in violation of 18 U.S.C. § 875(c).

Relevant Statutes

5. Title 18 U.S.C. § 875(c) makes it a federal crime to “transmit[] in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another.”

Probable Cause

6. On March 16, 2024, at approximately 6:18 PM, Tomas Medina (Medina) called the office of an elected Las Cruces, New Mexico, City Council member (hereinafter “V1”). The call was received by V1’s office answering machine, which is located in Las Cruces, New Mexico. The call was also transmitted to V1’s City of Las Cruces email using Cisco Messaging Systems, which allows V1s to listen to the entirety of the voice message on her email. In the phone call, which lasts approximately 49 seconds, Medina stated:

Hey [V1], my name is Tomas Medina, (505) 690-9203. I was cleaning up trash, got involved with the mafia. Clean up your goddamn town. I'm sick of it. All those faggots. "Where's the rights for people with disabilities?" [V2]—fucking faggot. Right? Fuck. You know, you know, getting blackmailed by a fucking idiot has fucking left me insane. You need to clean up your side of the fence and then think about what I want, or I'll think about it for ya, stupid little bitch, get suicidal. Cause I will kill you.

Law enforcement was able to confirm though numerous databases available to law enforcement that 505-690-9203, the number Medina used to call V1, was a Verizon cell phone number and was used by Tomas Medina.

7. On March 26, 2024, Affiant spoke with V1 who stated he/she was in fear for his/her and his/her family's safety due to the telephonic threats of Medina—whom he/she did not know and has never interacted with prior to this. V1 said, due to his/her elected position, his/her office phone number is available on the City of Las Cruces website.
8. On March 26, 2024, Mesilla Valley Regional Dispatch Authority (MVRDA) sent a onetime emergency phone ping request to Verizon Wireless for 505-690-9203 to confirm it was not located near the Las Cruces City Government building or V1's residence. Verizon sent MRVDA the response which was forwarded to this Affiant. The phone in question was located in the area of a residence in El Paso, TX 79912, and that address has been independently confirmed to be associated with Medina.
9. On, March 28, 2024, two FBI agents went to the same El Paso, Texas, address in an effort to interview Medina. After agents rang the doorbell, Medina's mother answered the door and invited the two agents into her home. The agents explained the purposed of their visit and informed her that they wanted to speak to her son. She stated that Medina was upstairs and that he had been good lately, as he had been taking his medications. When Medina came down the stairs, the agents introduced themselves and shook hands with him. The agents informed Medina why they were there: to see if they could discuss a phone call that has been made to the office of a Las Cruces City Council member. The agents then asked Medina if they could speak to him regarding this incident, and Medina responded in the affirmative. The agents and Medina then headed towards the nearby kitchen table, sat down at the table, and began discussing this incident. The interview was audio recorded and lasted about 25 minutes. (Medina's mother was present while the agents and Medina met one another, while Medina agreed to be interview, and at the beginning of the interview. In addition, although Medina's mother did not remain for the entire interview, Medina's sister, who is an attorney, was present and stood nearby and observed the entire interview.)
10. The agents began the interview by stating that they were there because of a call that Medina made on March 16, 2024, to the Las Cruces mayor's office. They asked Medina if he remember making that call, and he said he did not. Medina then asked what he said in that conversation. The agents then played the conversation for Medina. As soon as the recording finished, Medina said "I remember that." Medina was advised that the last few words of his message were a problem. Medina responded, "I see why that is a problem."

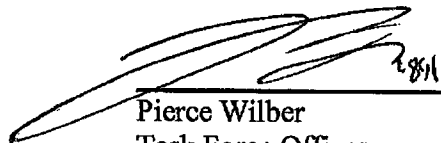
Medina was asked where he was when he made that call, to which he responded, "probably in the house, upstairs in my room." Medina was advised this was a very serious subject and he responded, "I understand, I fully grasp that."

11. Medina was asked why he made that call to V1 that day and he responded, "The feeling that no one was listening to me." Medina made references to "these people," saying he had to get away from them and made statements that he felt threatened by these people. Medina said he feels like he is always being surveilled. Medina relayed previous suicide attempts with a knife. Medina mentioned that he had been drinking on March 16, 2024, the day he made the phone call, and that his father had passed away the previous day, March 15, 2024. Medina also said, "I'm not trying to make an excuse as to why I made that phone call." Medina was asked how he got V1's work phone number and he responded, "Probably online."
12. Medina stated he does drive and that he travels between El Paso, Texas, and Las Cruces, New Mexico, with the last such trip being March 26, 2024. Medina was asked if he knew where V1's office was, and Medina said he knew where City Hall was.
13. Affiant was provided information that family members whom Medina lives with own firearms and keep them at that residence.

Conclusion


14. Your affiant submits that probable cause exists to believe that Tomas Medina violated 18 U.S.C. § 875(c), Interstate Threatening Communications.
15. Assistant United States Attorney Marisa Ong approved prosecution in this case.

Respectfully submitted,



Pierce Wilber
Task Force Officer
Federal Bureau of Investigation

Subscribed and sworn to before me this ^{VIA PHONE} 11th day of April, 2024.



The Honorable Gregory J. Fouratt
United States Magistrate Judge