

ENDORSED COPY

STATE OF NEW MEXICO  
COUNTY OF DONA ANA  
IN THE THIRD JUDICIAL DISTRICT COURT

FILED

2012 MAR 13 PM 2:07

STATE OF NEW MEXICO

DISTRICT COURT  
DONA ANA COUNTY, NM

No. CR 12-305

v.

THIS CASE HAS BEEN ASSIGNED TO  
FERNANDO MACIAS

JOSE MARGARITO RAMIREZ REYES, Defendant

A/K/A JOSE "PEPE" REYES

DOB: [REDACTED]

SSN: [REDACTED]

ADDRESS: [REDACTED] El Paso, TX [REDACTED]  
[REDACTED]

### CRIMINAL COMPLAINT

#### CRIME: Extortion; and Conspiracy to Commit Extortion

The undersigned, under penalty of perjury complains and says that in the County of Dona Ana, State of New Mexico, the above named defendant did:

#### COUNT 1

**Extortion.** On or between December 1, 2011 and February 24, 2012 the Defendant communicated or transmitted a threat to expose, or impute to Gerardo Hernandez any deformity or disgrace by any means whatsoever with the intent thereby to wrongfully obtain anything of value or to wrongfully compel the person threatened to do or refrain from doing any act against his will in violation of NMSA 1978 §30-16-9(C); a third degree felony; and,

#### COUNT 2

**Conspiracy to Commit Extortion.** On or between December 1, 2011 and February 24, 2012 the Defendant did knowingly combine with another to commit Extortion, a felony, in violation of NMSA 1978 §30-28-2 and §30-16-9(C), a fourth degree felony.

#### SEE ATTACHED STATEMENT OF FACTS INCORPORATED HEREIN BY REFERENCE

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.

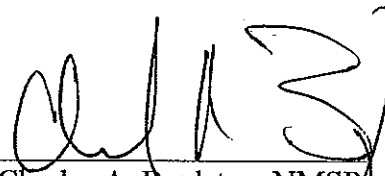
If Probable Cause Determination Required:

Probable Cause Found X; Not Found       

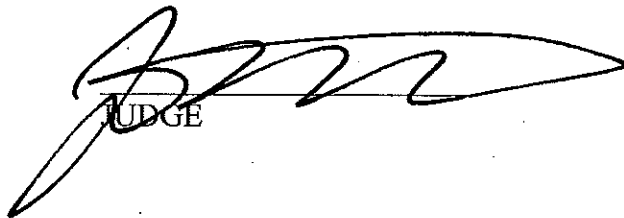
(If not found, complaint dismissed & defendant released)

Date: 13 MARCH 2012

Judge: Jacinto Palomino

  
Charles A. Boylston, NMSP

 SAC 2/15/12  
Approved / Title

  
JUDGE

STATE OF NEW MEXICO  
COUNTY OF DONA ANA  
IN THE THIRD JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO

No. CR 12-305

v.

THIS CASE HAS BEEN ASSIGNED TO  
FERNANDO MACIAS

JOSE MARGARITO RAMIREZ REYES, Defendant  
A/K/A JOSE "PEPE" REYES

DOB: [REDACTED]

SSN: [REDACTED]

ADDRESS: [REDACTED]



### WARRANT FOR ARREST

THE STATE OF NEW MEXICO  
TO ANY OFFICER AUTHORIZED TO EXECUTE THIS WARRANT:

- 1) **Extortion;** and
- 2) **Conspiracy to Commit Extortion.**

BASED ON A FINDING OF PROBABLE CAUSE, YOU ARE COMMANDED to arrest the above-named defendant and bring the defendant without unnecessary delay before this court: to answer the charges of

1) **Extortion.** On or between December 1, 2011 and February 24, 2012 the Defendant communicated or transmitted a threat to expose, or impute to Gerardo Hernandez any deformity or disgrace by any means whatsoever with the intent thereby to wrongfully obtain anything of value or to wrongfully compel the person threatened to do or refrain from doing any act against his will in violation of NMSA 1978 §30-16-9(C); a third degree felony; and

2) **Conspiracy to Commit Extortion.** On or between December 1, 2011 and February 24, 2012 the Defendant did knowingly combine with another to commit Extortion, a felony, in violation of NMSA 1978 §30-28-2 and §30-16-9(C), a fourth degree felony.

THIS WARRANT MAY BE EXECUTED:

- ☒ in any jurisdiction;  
☐ anywhere in this state;  
☐ anywhere in this county;  
☐ anywhere in this city.

The person obtaining this warrant shall cause it to be entered into a law enforcement information system:

- ☐ maintained by the state police.  
☐ \_\_\_\_\_ (identify other law enforcement information system).

BOND: 50,000 CASH

  
Judge

MARCH 13, 2012  
Date

**RETURN WHERE DEFENDANT IS FOUND**

I arrested the above-named defendant on the \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, and served a copy of this warrant on the \_\_\_\_\_ day of \_\_\_\_\_,  
and caused this warrant to be removed from the warrant information system identified in this  
warrant.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

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COUNTY OF DONA ANA  
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DISTRICT COURT  
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STATE OF NEW MEXICO

v.

No. CR12-305

JOSE MARGARITO RAMIREZ REYES, Defendant  
A/K/A JOSE "PEPE" REYES

THIS CASE HAS BEEN ASSIGNED TO  
FERNANDO MACIAS

**AFFIDAVIT FOR ARREST WARRANT**

The undersigned, being duly sworn, on his oath, states that he has reason to believe that on or between the 1<sup>st</sup> day of December 2011 and the 24<sup>th</sup> day of February 2012, in the County of Dona Ana, State of New Mexico, the above-named defendant did commit the crimes of:

- 1) **Extortion;** and
- 2) **Conspiracy to Commit Extortion.**

contrary to law of the State of New Mexico.

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

Affiant was assigned by New Mexico State Police Investigation Bureau Lieutenant Thomas Mora to investigate allegations related to the extortion of Sunland Park mayoral candidate Gerardo Hernandez occurring on or about February 16, 2012.

Affiant learned that Ricky Madrid who is a retired detective from the Las Cruces Police Department and who currently works as a contract investigator for the Third Judicial District Attorney's Office had been contacted on February 16, 2012 by Gerardo Hernandez. Gerardo Hernandez advised that he is a mayoral candidate for the City of Sunland Park.

Affiant learned that on February 16, 2012 Gerardo Hernandez was approached at his campaign camp located in front of the Sunland Park City Hall by a male subject who had instructed him to withdraw his candidacy for the office of mayor for the City of Sunland Park. The male subject advised that the "merchants from the area" were interested in keeping the same administration that is currently running the City of Sunland Park and that this group wants Gerardo Hernandez to withdraw from the mayoral race. The subject then retrieved a photograph of Gerardo Hernandez which depicted him with a topless female. The subject told Gerardo Hernandez to withdraw his name from the mayoral race or that the picture would be published. The subject then proceeded towards the campaign camp of Gerardo Hernandez's opponent, Daniel

Salinas, on the other side of the City Hall parking lot where the subject then got into a vehicle and left the area.

Affiant learned that Gerardo Hernandez did recognize the image depicted in the photograph. Gerardo Hernandez explained that he had recently been approached by a Juarez, Mexico, reporter named Jose Reyes who wanted to discuss Gerardo Hernandez's plans for the future. Gerardo Hernandez stated that Jose Reyes showed up to the meeting and, apparently, had brought a female companion with him to the interview. Gerardo Hernandez further explained that during the course of the interview that Jose Reyes suddenly turned on music at which point his female companion took off her top. The female companion has not yet been identified.

Affiant learned that Daniel Salinas was the Mayor Pro-Tem and that he was running for mayor against Gerardo Hernandez in the March 6, 2012 Sunland Park Municipal Election.

On February 21, 2012 members of the New Mexico State Police executed a search warrant on Sunland Park City Hall located at 1000 McNutt Road in Sunland Park, New Mexico.

Affiant learned that marked and unmarked law enforcement vehicles arrived at City Hall at approximately 4:25 p.m. As members of the execution team exited the vehicles and began to approach the entrance of City Hall when a Hispanic female approximately in her mid-to-late twenties was observed speaking on a cell phone, looking back at members of the execution team, and she entered City Hall in a hurried manner. Law enforcement followed behind this individual and attempted to clear and secure City Hall for purposes of preventing the destruction or tampering of evidence and to execute the search warrant.

Affiant learned that the Hispanic female that entered City Hall prior to law enforcement securing the facility had taken an immediate right towards the Mayor's office which was being occupied at that time by Daniel Salinas. This individual, upon taking the immediate right, began to run towards the Mayor's office as she continued to talk on her cell phone. These observations were further captured on surveillance video maintained by City Hall. This individual has been identified as Martah Alondra Lozano who was employed as a temporary human resources assistant for City Hall. Martah Alondra Lozano entered the Mayor's office, locked the door behind her and quickly exited through a rear exit door located in the Mayor's office.

Affiant learned that law enforcement had attempted to open the door to the Mayor's office; however, they were not initially able to enter as it had been locked by Martah Alondra Lozano. Law enforcement did hear the rear exit door to the Mayor's office slam shut. Upon entry into the Mayor's office it was observed by Officer Raul Robles that the Mayor's desk was in disarray, computer cables were left exposed and, apparently, one or more computer device had been taken in a hurried manner.

Affiant learned that Gilbert Valles who is employed as the Sunland Park IT Manager was observed in the City Manager's office on surveillance cameras contemporaneously saying to the City Manager, Jaime Aguilera, "they are coming . . . get rid of the video" referring to law enforcement's approach to the City Hall government building.

Affiant learned that on February 22, 2012 that Martah Alondra Lozano had stated to Ricky Madrid that she was in fact the person who was seen by Officer Robles and members of the search warrant execution team proceeding towards the Mayor's office. Martah Alondra Lozano stated that she had received a telephone call from Daniel Salinas instructing her to grab the two laptop computers from his office which she stated were later provided to Daniel Salinas and were placed in his possession. Martah Alondra Lozano further advised that she had observed a video that was sexual in nature involving mayoral candidate Gerardo Hernandez.

Affiant learned from a confidential source that Luz Vargas who is employed as the Sunland Park Librarian released the extortion video to media outlets on February 22, 2012 following the execution of the search warrant on City Hall. Portions of the video were aired on regional television outlets depicting mayoral candidate Gerardo Hernandez with a topless female.

Affiant learned that on February 24, 2012, at approximately 7:04 a.m., New Mexico State Police executed a search warrant on the residence of [REDACTED] Sunland Park, NM [REDACTED] and multiple vehicles to include a 2010 silver Ford pick-up truck bearing NM plate [REDACTED] which were in the possession of Daniel Salinas.

Affiant learned that Daniel Salinas had stated to members of the search warrant execution team that he had the two laptops; however, that they were stolen from him on February 23, 2012 while he was in Juarez, Mexico. Affiant did observe more than eight thousand (\$8,000.00) dollars in U.S. currency in Daniel Salinas' residence.

Affiant learned on February 24, 2012 that a computer forensic analysis was performed on the contents of Jaime Aguilera's office computer by Officer Michael Brookreson of the Las Cruces Police Department. Jaime Aguilera's City Hall computer revealed that the extortion video was on his computer on February 15, 2012 which is one (1) day prior to Gerardo Hernandez being approached with the extortion photograph by the unknown individual who demanded that he withdraw from the mayoral race. Officer Brookreson was able to determine that the extortion video depicting Gerardo Hernandez and a nude woman was opened with video editing software on Jaime Aguilera's computer. Further, a still image was taken from the video utilizing the video editing software on his computer. The still image was saved on the computer and it evidences that the user of the editing software had adjusted the lighting on the image to make the face of Gerardo Hernandez more readily transparent from the first image to the third image. Further, Officer Brookreson indicated that the video quality of the extortion video is consistent with that of an internal computer video camera.

Gerardo Hernandez indicated that there was a laptop computer present during the encounter with the topless female and that he believed that the laptop was equipped with a video camera..

On February 24, 2012 Affiant observed surveillance video footage of City Hall covering the date of February 15, 2012. Affiant observed Daniel Salinas enter Jaime Aguilera's office carrying a laptop computer. The video surveillance time-stamp corresponds with a time-stamp on Jaime Aguilera's computer that shows that Daniel Salinas was inside of Jaime Aguilera's office when Jaime Aguilera opened the video editing software, accessed the extortion video, and edited a

still photo from the video. Further, information from these sources also evidence that Daniel Salinas left Jaime Aguilera's office and provided his laptop to Martah Alondra Lozano. The still image was used the following date, February 16, 2012, in order to extort Gerardo Hernandez into withdrawing from the mayoral race of Sunland Park.

On March 6, 2012 Affiant learned from a cooperating confidential source that in December of 2011 members of the Salinas camp including, specifically, Daniel Salinas, Jaime Aguilera and Arturo Alba, had a meeting to discuss their fears that the priest from the San Martin De Porras Catholic Church was going to support Gerardo Hernandez politically. Arturo Alba indicated that he knew a guy named "Pepe" who could "dig up dirt" on Gerardo Hernandez and, as a result of the meeting, it was decided that "Pepe" would be hired by the group for two thousand (\$2,000.00) dollars which was later paid by Daniel Salinas in cash. "Pepe" subsequently infiltrated the Gerardo Hernandez campaign camp and would share intelligence with the Salinas camp. Affiant also learned from Gerardo Hernandez that "Pepe" did start to spend a lot of time at his campaign camp but that he, generally, wanted to drink alcohol or try and pick up women.

Affiant knows Arturo Alba to be employed as the Public Information Officer for the City of Sunland Park.

Affiant knows "Pepe" to be Jose Reyes. Jose Reyes used to be employed as a freelance journalist / investigative reporter for El Diario newspaper in El Paso, Texas.

Affiant learned from the cooperating confidential source that in late January of 2012 Jose Reyes had set up and obtained the extortion video. Jose Reyes advised Arturo Alba that he had the video and that he wanted an additional seven thousand (\$7,000.00) dollars for it. The video was later shown to Arturo Alba, Jaime Aguilera, and Daniel Salinas. Jose Reyes was paid an additional three thousand (\$3,000.00) dollars in cash and he was promised a future web page creation contract from the City of Sunland Park in exchange for the additional five thousand (\$5,000.00) dollars that was owed for the video.

Affiant learned from the cooperating confidential source that Jesus "Dario" Hernandez was contacted and agreed to arrange for an individual from Mexico to enter the United States for the purpose of approaching Gerardo Hernandez with the extortion photograph. Ultimately, Jesus "Dario" Hernandez did not secure this person soon enough so Daniel Salinas arranged for another individual to cross into the United States from the Santa Teresa Port of Entry by foot on February 15, 2012.

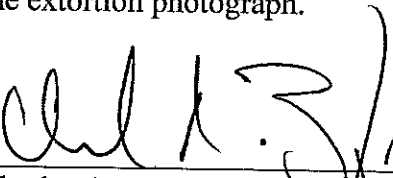
Affiant knows Jesus "Dario" Hernandez to be employed as the Public Works Director for the City of Sunland Park.

Affiant learned from the cooperating confidential source that on February 15, 2012 Angelica Marquez traveled to the Santa Teresa Port of Entry where she picked up the individual from Mexico and transported and dropped him off at La Malinche restaurant located at 3910 Doniphan Drive in El Paso, Texas, where Arturo Alba and Jaime Aguilera were waiting for him.



Affiant knows that Angelica Marquez recently stepped down from her position as the District 5 City Counselor for Sunland Park. Affiant further knows that Angelica Marquez's husband, Ernesto Rene Marquez, was running on the Salinas ticket for the District 5 City Counselor vacancy.

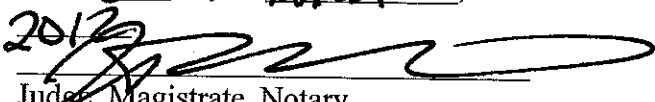
Arturo Alba and Jaime Aguilera provided the individual brought in from Mexico with a copy of the extortion photograph and they instructed him as to what to say to Gerardo Hernandez. The individual from Mexico, Arturo Alba and Jaime Aguilera then traveled to Dollar General located at 1051 McNutt Road in Sunland Park, New Mexico, where they purchased a hat and sunglasses as a disguise. The individual from Mexico was then picked up by two other unknown individuals in a sports utility vehicle and they transported him to City Hall where, ultimately, he approached Gerardo Hernandez with the extortion photograph.

  
\_\_\_\_\_  
Charles A. Boylston, Affiant

CHARLES A. BOYLSTON  
Signature of Affiant

AGENT  
Official title (if any)

Subscribed and sworn to before  
me in the above-named [county]  
[city] of the State of New Mexico  
this 13 day of MARCH,

2012  
  
\_\_\_\_\_  
Judge, Magistrate, Notary  
or Other Officer Authorized  
to Administer Oaths

*NOTE: Article II, Section 10 of the New Mexico Constitution provides that an Arrest Warrant may issue on a sworn written statement of facts showing probable cause. This Affidavit is to be used only when the Complaint does not set forth sufficient facts to establish probable cause.*