

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

David Fehr Wiebe

Case No. 23-1707 MJ

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 12/03/2023 in the county of Hidalgo in the State and District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 554

Smuggling Goods from the United States

This criminal complaint is based on these facts:

See attached

Continued on the attached sheet.

Alan Gonzalez

Complainant's signature

Alan Gonzalez, HSI Special Agent

Printed name and title

Sworn to before me and signed telephonically in my presence.

Date: 4 Dec 2023

Damian L. Martinez

Judge's signature

City and state: Las Cruces, New Mexico

Damian L. Martinez, United States Magistrate Judge

Printed name and title

Affidavit in Support of Criminal Complaint

I, Alan Gonzalez, Special Agent of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), being duly sworn, depose and state that I am a Special Agent with HSI, and I have worked in the Deming, New Mexico office since September 13, 2020. My duties include investigating federal criminal offenses in the District of New Mexico. Prior to my employment at HSI, I was employed as a Border Patrol Agent for 14 years at the Santa Teresa, New Mexico Border Patrol Station. I have worked numerous investigations involving human and narcotics trafficking/smuggling and conspiracy to commit these crimes and received training, education, and experience with the identification and investigation of violations of Titles 8, 18, and 21 of the United States Code.

I make this Affidavit in support of an Application for a Criminal Complaint charging David Fehr Wiebe because my investigation has led me to believe Fehr committed violations of 18 USC § 554: Smuggling goods from the United States. I base the information in this Affidavit on my personal knowledge and on information that I have learned, either directly or indirectly, from witnesses, records, and other sworn law enforcement officers and agents. Additionally, unless otherwise indicated, conversations discussed herein are described in substance and part rather than verbatim. Likewise, I have not included each and every fact that my investigation has revealed. Instead, I have included only those facts necessary to show probable cause.

1. On December 3, 2023, at approximately 1101 hours a Silver 2005 Chevrolet 2500 pickup truck bearing Mexican license plate DM0330B and towing a 2010 white Ford Fusion applied for entry into the United States via the primary lane at the Antelope Wells Port of Entry. The driver, Mexican citizen Fehr Wiebe, David, gave Customs and Border Protection Officers (CBPO) a negative custom binding declaration including currency, firearms, ammunitions.
2. At primary, Fehr Wiebe stated that he had just departed the United States via the Antelope Wells POE but turned around when he was denied entry into Mexico. Fehr Wiebe explained that he was denied entry into Mexico because he lacked the proper documentation to export the Ford Fusion he was towing.
3. CBPOs referred the vehicle for a secondary inspection. While conducting a seven-point inspection of the vehicle, CBPOs found two handguns wrapped in cellophane, concealed beneath the center console. CBPOs placed Fehr Wiebe under arrest and asked him if he understood why he was being detained. Fehr Wiebe responded that it was because of the firearms in the vehicle. CBPOs asked Fehr Wiebe how many firearms

were inside the vehicle, and he stated that there was a total of fourteen (14) firearms inside the vehicle.

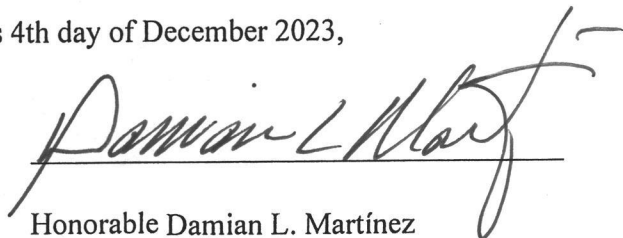
4. CBPOs continued the seven-point inspection of the vehicle and found four (4) rifles wrapped in plastic, concealed between the back seat and the back panel of the truck. CBPOs also found ten (10) more objects wrapped in plastic. The seven-point inspection in the white Ford Fusion was negative.
5. In total, the seven-point inspection of the Silver Chevrolet 2500 netted four rifle scopes, three handguns, multiple shotguns, and multiple rifles. No currency or other illegal/prohibited item was found.
6. HSI Deming Special Agents responded to the Antelope Wells POE and conducted a custodial post-Miranda interview of Fehr Wiebe. During that interview, Fehr Wiebe explained that he had traveled to Seminole, TX to purchase the weapons with the intent of smuggling them into Mexico. Fehr Wiebe stated that he agreed to smuggle the weapons for an individual in Mexico. Fehr Wiebe explained that he was going to be paid \$350 USD for smuggling each weapon. Fehr Wiebe explained that he was personally responsible for concealing the weapons and that he knew that it was illegal to export the weapons into Mexico.

Based upon the facts above, Affiant submits there is probable cause to believe that David Fehr-Weibe knowingly and intentionally violated 18 USC § 554: Smuggling goods from the United States.



Alan Gonzalez,
HSI Special Agent

SWORN to and SUBSCRIBED before me on this 4th day of December 2023,



Honorable Damian L. Martínez
United States Magistrate Judge