

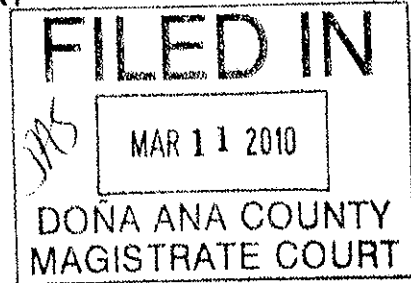
STATEMENT OF FACTS IN SUPPORT OF COMPLAINT

IN THE MAGISTRATE COURT

Dona Ana County
State of New Mexico

V.

Austin Horries Purifoy



DOB: July 1, 1991 SSN: ██████████ OLN: SEX: Male RACE: <u>Black</u>	HGT: <u>6'0"</u> WGT: <u>230</u> EYE: <u>Brown</u> HAIR: <u>Brown</u> COMP: <u>Med</u>	ADDRESS: 2709 Ridgeway Las Cruces, NM 88011 OTHER: _____
---	--	--

The undersigned, being duly sworn on his/her oath, has reason to believe that on or about the 11TH Day of March 2010, in Dona Ana County, State of New Mexico, the above-named Defendant did commit the crimes of **Burglary of a Vehicle—1 Count, Criminal Damage to Property (Under \$1000)—1 Count** contrary to section 30-16-3(B), 30-15-1, NMSA 1978.

Undersigned further states the following facts on oath to establish probable cause to believe that the above-named Defendant did commit the crimes charged.

- I. Affiant is a full-time salaried Law Enforcement Officer with the Las Cruces Police Department's Criminal Investigation Division.
- II. Affiant learned following from Officer Behne #792:
 - A. That Officer Behne #792 was flagged down at the southwest corner of Main Street and Madrid by an individual identified as Gaylon Lovelace who discovered an unknown male lying in the back seat of his car when he was about to enter it. Officer Behne initiated police report L2010055436 as a result. On scene Officer Behne put the information over the radio to look for the suspect and later took custody of Austin Purifoy who Officer Allen had detained. When Officer Behne arrived at the police station with Mr. Purifoy, Mr. Purifoy became agitated and began spitting on the ground inside of the holding cell. Inspection of Mr. Purifoy's shoes which had been removed showed them to match the footprints left behind the

FILED IN

MAR 11 2010

DONA ANA COUNTY
MAGISTRATE COURT

Neighborhood Payday Loans where a cinder block had been
thrown through a door.

- III. Affiant learned following from: Gaylon Lovelace
- A. That during the early morning of March 11, 2010 he was working late at Scientific Data Systems located at 2127 N. Main which is situated in a row of businesses on the southwest corner of Main and Madrid. He stated that when he got off of work he went to his vehicle which was parked in the lot between the row of businesses and the Neighborhood Payday Loans business that has an address of 2195 N. Main. The vehicle is a 2001 Honda Civic silver in color bearing NM 299 MWD. He stated that he didn't initially notice that the right front window of the vehicle had been shattered and he went to open the left rear door to put his backpack on the seat when he noticed a male that was lying on his back on the rear seat. He stated the male appeared to be pulling up dark underwear and he asked him what he was doing. The unknown male replied "This is your car? I thought this was Desiree's car." The male got up slowly but once he exited the car he took running west bound on Madrid. Mr. Lovelace stated the individual was wearing a black and white checkered long sleeve garment possibly a flannel. He then discovered the damage to his vehicle and later saw the feces that the unknown male had left on the right rear floor board when an officer pointed it out to him. Mr. Lovelace stated that the glove box had apparently been rifled through with the paperwork on the floorboard below the glove box and other property moved about. Observation of his vehicle showed that a small rock had apparently been thrown through it and was inside of the vehicle. Mr. Lovelace was not able to provide a clear description of the male but said that the person may have stolen change out of a film canister that he had in the glove box as some of the change had been strewn about on the floorboard.
- IV. Affiant learned the following from: investigation of the damage that occurred to the Neighborhood Payday Loans located at 2195 N. Main
- A. That the business is located on the southwest corner of Main and Madrid and was just yards away from where Mr. Lovelace's vehicle was parked in the lot. The business had damage to a glass door on the west side of the business from a piece of cinder block that had been thrown through it and was inside of the business. Foot prints leading from the damage towards Mr. Lovelace's vehicle were later found to match the footwear the Austin Purifoy was wearing when discovered by Officer Allen. The shoe had distinct dot/circular impressions throughout the length of the shoe.
- V. Affiant learned the following from: Officer T. Allen #789

FILED IN

MAR 11 2010

DONA ANA COUNTY
MAGISTRATE COURT

A. That he responded to the area of Main and Madrid in order with the burglary that Officer Behne had advised of. He stated that while on foot to the west of the row of businesses where Scientific Data Systems was located he observed a male later identified as Austin Purifoy walking near the ditch bank behind the businesses. Mr. Purifoy sat down when Officer Allen approached him to speak with him. Mr. Purifoy told him that he was outside smoking because he didn't want his girlfriend "Desiree" to see him smoking. Officer Allen later noticed that the footprints behind the loan business were the same as the footprints where Mr. Purifoy had been standing and where he had sat down. Officer Allen also observed that there appeared to be fresh feces on the right rear floor board of Mr. Lovelace's vehicle.

VI. Affiant learned the following from: Austin Purifoy (pursuant to a knowing and voluntary waiver of his Miranda rights)

A. That he lived in the area but that he didn't know the address. He stated that Desiree was actually Desiree Holguin who was his girlfriend and he said she was currently in Las Vegas, Nevada. He recalled being confronted by a male who asked him if he was taking stuff from his car. He stated that he was then contacted by a police officer. He recalled being near the Honda Civic and that a male asked him what he was doing with the car and if he was trying to take something. He stated he apologized and told the person that he had no idea that it was his car but couldn't recall mentioning anything about Desiree. He denied doing any damage to the loan business when he was confronted by the fact that his footprints were found there. He confirmed that he had spit on the ground in the holding cell because he was angry. He also confirmed that he had been wearing a black and white checkered sweater at the time but didn't know where it was.

Based upon the above-mentioned information, Affiant petitions the Court to accept this Statement of Facts for the above-mentioned Defendant charge him with **Burglary of a Vehicle—1 Count, Criminal Damage to Property (Under \$1000)—1 Count**, contrary to 30-16-3(B), 30-15-1 NMSA 1978.

Subscribed and sworn before me
In Dona Ana County, State of New
Mexico this 11th day of March
2010.



Affiant-Frank Torres #684
Detective Las Cruces Police Dept.

Judge