

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of New Mexico



United States of America
v.
Jeremy Alexander Smith
(born in 1990)

Case No. 24mj419

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 15, 2024 in the county of Quay in the
District of New Mexico, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. § 2119(3) Carjacking Resulting in Death and 18 U.S.C. § 924(c)(1)(A)(iii) Discharge of a Firearm During and in Relation to a Crime of Violence.

This criminal complaint is based on these facts:
See attached affidavit.

Continued on the attached sheet.

Signature of Sarah Rich
Complainant's signature

Sarah Rich, FBI Special Agent
Printed name and title

Sworn to me telephonically and signed electronically.

Date: March 21, 2024

Signature of Kirtan Khalsa
Judge's signature

City and state: Albuquerque, New Mexico

Honorable Kirtan Khalsa, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF ARREST WARRANT AND CRIMINAL COMPLAINT

I, Sarah Rich, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a special agent with the Federal Bureau of Investigation (FBI) and have been a sworn law enforcement officer for more than nine (9) years. I have been with the FBI since 2014 and am currently assigned to the Albuquerque FBI's Violent Crime Task Force (VCTF). As a member of the VCTF my primary responsibility is to investigate carjackings, Hobbs Act robberies, homicides, assaults, gang-related crimes, narcotics trafficking, firearms violations, terrorism violations, cybercrime, and other violations of federal law.

2. My investigative training and experience includes, but is not limited to, interviewing subjects, targets, and witnesses; drafting affidavits for search and arrest warrants; executing search and arrest warrants; collecting evidence; conducting surveillance; and analyzing public records. Over the course of my career, I have arrested dozens of persons for offenses relating to carjackings, armed robberies, firearm violations, bank robberies, illegal narcotics, and other criminal conduct. I have also been responsible for serving subpoenas and supervising cooperating sources, as well as analyzing phone records.

3. I make this affidavit in support of the arrest of Jeremy Alexander Smith (born in 1990, hereinafter "SMITH") for violations of:

- a. 18 U.S.C. § 2119(3), Carjacking Resulting in Death; and
- b. 18 U.S.C. § 924(c)(1)(A)(iii), Discharge of a Firearm During and in Relation to a Crime of Violence.

4. The statements contained in this affidavit are based upon my investigation, training and experience, and information provided by other law enforcement officers or from other reliable sources. Because this affidavit is being submitted for the limited purpose of securing a criminal

AFFIDAVIT IN SUPPORT OF ARREST WARRANT AND CRIMINAL COMPLAINT

complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts which I believe are necessary to establish probable cause to support a criminal complaint.

SMITH'S CRIMINAL HISTORY

5. I have reviewed SMITH's criminal history and am aware that he has been arrested thirteen (13) times in South Carolina and Georgia for various offenses, including taking of a hostage by an inmate, attempted armed robbery, a parole revocation, giving false information to law enforcement, receiving stolen goods valued at \$5,000 or more, burglary, and grand larceny. Although complete analysis of his criminal history remains pending, it is apparent that SMITH has at least two felony convictions, namely (1) attempted armed robbery and (2) taking of a hostage by an inmate.

THE CURRENT INVESTIGATION

THE DISPATCH TO MILE-MARKER 318

6. On March 15, 2024, at approximately 4:47am, New Mexico State Police (NMSP) Officer John Doe¹ was dispatched to the area of mile marker 318 on Interstate 40 (hereinafter "I-40"), an area within Quay County in the District of New Mexico, to assist a disabled motorist. NMSP dispatch had received at least one call for service regarding an African American male trying to flag down passing motorists. Officer Doe arrived at the scene at approximately 5:04am.

7. According to in-car dashcam footage and footage from a body worn camera attached to Officer Doe, when Officer Doe arrived on scene, an African American male (later identified as SMITH), who was wearing a tan in color hoodie-style jacket with a different colored hood, exited the driver's area of a white BMW on the side of the road. SMITH walked to the passenger window of Officer Doe's patrol

¹ The officer's full identity is known to law enforcement, but anonymized here to protect his identity pursuant to 18 U.S.C. § 3771(a)(8).

AFFIDAVIT IN SUPPORT OF ARREST WARRANT AND CRIMINAL COMPLAINT

vehicle and the two conversed about a flat tire. Officer Doe did not exit the patrol vehicle as he sat in the driver's seat and talked with SMITH. Soon into the conversation, Officer Doe offered to give SMITH a ride to a nearby town because no repair shop was open. Officer Doe then asked SMITH to walk to the front of the patrol vehicle.

THE MURDER AND CARJACKING

8. Immediately afterward, a flash and loud noise consistent with gunfire was observed on the recording. Officer Doe appeared to have been shot; he did not respond and slumped to the right.

9. According to the recordings, SMITH then moved to the driver's side of the patrol vehicle and, after he did so, more sounds of gunfire are heard. SMITH then entered the driver's seat of Officer Doe's patrol unit and drove away from the scene with Officer Doe still inside the vehicle.

10. After initially arriving on scene, Officer Doe failed to respond to dispatch. It is common practice for officers to advise dispatch when they are on scene, and during the time officers are on scene dispatch will call them to ensure their safety.

LAW ENFORCEMENT'S RESPONSE TO SCENE OF CARJACKING AND MURDER

11. A duress signal, which was connected to Officer Doe's in-car radio or his portable radio, was activated at approximately 5:09am; that is, about five minutes after Officer Doe arrived on scene. In response, backup units were dispatched to the location where officers found an unoccupied white BMW vehicle with a flat tire at mile marker 318 on I-40.

12. Responding NMSP officers subsequently located Officer Doe's patrol vehicle near mile marker 304 on the north frontage road of I-40. The patrol vehicle appeared to have been crashed. Officer Doe was found in the vicinity with multiple gunshot wounds to the head and neck. Officer Doe was transported to a local medical facility where he later died from his injuries.

13. Officers later located two 9mm shell casings in Officer Doe's patrol vehicle. These

AFFIDAVIT IN SUPPORT OF ARREST WARRANT AND CRIMINAL COMPLAINT

casings were not issued by the NMSP and were of two different manufacturers. Officers additionally located several bullets lodged in the patrol vehicle; specifically, there was a projectile located between the center console and driver's seat, one located in the front passenger door panel, one lodged in the lockbox in the back of the patrol vehicle (normally used safely to lock a police-issue AR style semi-automatic rifle), and one projectile located in the light bar.

14. NMSP officers searched the area around the crashed patrol vehicle where they found a first responder jacket and two phones, described as a silver Apple iPhone and a black "BLU" brand cell phone, both approximately one quarter mile west of the crash site. The phones were found between the shoulder of the road and the guard fence, which was approximately 15 feet north of the road.

IDENTIFICATION OF THE BMW

15. The white BMW, which bore South Carolina license plate EA1523 with Vehicle Identification Number (VIN) WBADX7C5XBE261443, was registered to Jane Doe 1, a resident of South Carolina whose identity is known to the FBI. According to investigators in South Carolina, Jane Doe 1 had been reported missing several days prior to Officer Doe's murder. In the evening hours of March 15, 2024, Jane Doe 1 was discovered deceased, with a possible gunshot wound to the head. SMITH had been identified by investigators in South Carolina as a person of interest in the disappearance of Jane Doe 1. After the disappearance of Jane Doe 1, Jane Doe 1's roommate discovered that they were missing a Taurus 9mm pistol.

CONFIRMATION OF SMITH AS THE TARGET OF THE INVESTIGATION

16. Law enforcement determined that the silver iPhone located near the crash site previously belonged to Jane Doe 2, whose identity is known to the FBI. The FBI learned that on February 27, 2024, the Albuquerque Police Department (APD) received a domestic violence call involving SMITH and Jane Doe 2. According to APD body worn camera footage of the officers investigating that incident, SMITH

AFFIDAVIT IN SUPPORT OF ARREST WARRANT AND CRIMINAL COMPLAINT

was observed wearing a tan colored hoodie-style jacket with a different colored hood speaking with officers. The jacket is similar in appearance to the jacket worn by the assailant during the shooting death and carjacking of Officer Doe. I also observed prior booking photographs of SMITH and identified him as the same subject depicted in the in-car camera footage from Officer Doe's patrol vehicle.

17. Following the incident, law enforcement launched a large, coordinated effort across multiple jurisdictions to locate SMITH. SMITH's name and photograph were widely disseminated by media news outlets.

THE ARREST OF SMITH

18. On March 17, 2024, SMITH went to a gas station in the area of Coors Blvd. SW and Blake Rd. SW, in Albuquerque, New Mexico. SMITH utilized a South Carolina identification card to purchase items. The clerk noticed the name on the identification card, "JAREMY SMITH," was the same distinct spelling previously disseminated by media news outlets. The clerk contacted law enforcement, and Bernalillo County Sheriff's Office (BCSO) deputies and NMSP officers responded to the area to investigate. Upon arrival, officers located SMITH, who fled on foot from officers when officers attempted contact. BCSO officers pursued on foot, and a review of BCSO body worn camera footage showed SMITH reaching for his waistband as officers close in. At that point, BCSO officers fired their duty weapons striking SMITH, who was subsequently taken into custody and medical aid was rendered. A South Carolina identification card bearing the name JAREMY SMITH and a Taurus 9mm pistol was recovered near where SMITH was taken into custody. NMSP officers on scene confirmed the individual in custody was SMITH. Officers also confirmed similar facial features and facial hair as the subject observed on Officer Doe's in-car dash cam and body worn camera footage, confirming that SMITH was the individual who committed the carjacking resulting in death of Officer Doe.

19. Through further investigation following the incident with SMITH, officers learned

AFFIDAVIT IN SUPPORT OF ARREST WARRANT AND CRIMINAL COMPLAINT

SMITH was connected to a white flatbed truck. Officers observed surveillance video, captured from just before the arrest of SMITH, that depicted SMITH walking to a white flatbed truck in the area of the gas station. Officers later learned that, on March 16, 2024, a white flatbed truck was stolen from the area of Cuervo, New Mexico, which is located in the area of mile marker 291 on I-40 (approximately 134 miles east of Albuquerque and approximately 13 miles west of the crash site near mile marker 304). Officers recovered the white flatbed truck and located several items inside, including but not limited to, white Nike shoes and 9mm ammunition.

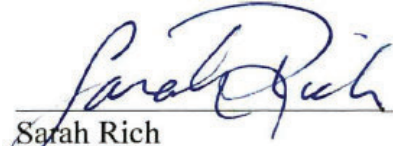
INTERSTATE NEXUS

20. Officer Doe's NMSA patrol vehicle is a Ford Explorer. Based on my training and experience, Ford Explorers are not manufactured in the state of New Mexico. Thus, by necessity, the vehicle was transported or shipped in interstate commerce before the carjacking and murder of Officer Doe in the state of New Mexico.

CONCLUSION

21. Based on the above information, I believe there is probable cause that SMITH violated 18 U.S.C. § 2119(3), that is, Carjacking Resulting in Death, and 18 U.S.C. § 924(c)(1)(A)(iii), that is, Discharge of a Firearm During and in Relation to a Crime of Violence. This affidavit has been reviewed and approved by Supervisory Assistant United States Attorney Sarah Mease, and Assistant United States Attorneys Jack Burkhead and Paul Mysliwiec. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Respectfully submitted,



Sarah Rich
Special Agent
Federal Bureau of Investigation

AFFIDAVIT IN SUPPORT OF ARREST WARRANT AND CRIMINAL COMPLAINT

Sworn telephonically to me and signed electronically
on March 21, 2024:

A handwritten signature in cursive script that reads "Kirtan Khalsa".

HONORABLE KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE
ALBUQUERQUE, NEW MEXICO