

UNITED STATES DISTRICT COURT

for the

District of New Mexico

FEB 19 2026

MITCHELL R. ELFERS  
CLERK OF COURT

United States of America )

v. )

Dustin Alan Henley )

Case No. 26-MJ-669

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 October 19, 2025 in the county of Eddy in the  
District of New Mexico, the defendant(s) violated:

*Code Section*  
18 U.S.C. § 922

*Offense Description*  
Unlawful acts (felon in possession of a firearm and ammunition)

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.



*Complainant's signature*

David De Los Santos, Special Agent

*Printed name and title*

Sworn to before me and signed in my presence.

Date: 2-19-26

City and state: Roswell, NM



*Judge's signature*

Barbara Evans, U.S. Magistrate  
*Printed name and title*  
Judge

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Case No.

26-MJ-669

Defendant

## ARREST WARRANT

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) Dustin Alan Henley, DOB 10/25/1990, SSN 525-89-8120,

who is accused of an offense or violation based on the following document filed with the court:

- Indictment
- Superseding Indictment
- Information
- Superseding Information
- Complaint
- Probation Violation Petition
- Supervised Release Violation Petition
- Violation Notice
- Order of the Court

This offense is briefly described as follows:

18 U.S. Code § 922 Felon in Possession of a firearm and ammunition

Date: 2-19-26



Issuing officer's signature

City and state: Roswell, Nm

Barbara Evans, U.S. Magistrate Judge

Printed name and title

### Return

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
at (city and state) \_\_\_\_\_.

Date: \_\_\_\_\_

Arresting officer's signature

Printed name and title

## Affidavit

I, David De Los Santos, am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since August of 2006. I am classified, trained, and employed as a federal law enforcement officer 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 Albuquerque Field Office, Roswell Resident Agency, New Mexico. Prior to my current position, I investigated drugs, public corruption, and violent crimes for nine years in the San Antonio Texas Field Office, McAllen Texas Resident Agency. Prior to being a Special Agent of the FBI, I was police officer in Roswell, New Mexico for over twelve years in which I was trained in violent crimes to include officer involved shootings. Additionally, during my tenure with the FBI, I have received formal and informal training in conducting a variety of criminal investigations, including aggravated battery, Aggravated Assault investigation of individuals. During the investigation of these cases, I have executed, or participated in the execution of, numerous search warrants and seized evidence of these violations. I have utilized investigative techniques including, but not limited to, consensual monitoring, witness and subject interviews, and undercover operations.

### Relevant Statutes

1. 18 U.S. Code § 922 Unlawful acts (felon in possession of a firearm and ammunition)

### Details of the Investigation

2. On October 19, 2025, at approximately 5:57 p.m. Eddy County Sheriff's Office (ECSO) Eddy County, New Mexico Sergeant Bryce Chambers was dispatched to the area of McKittrick and Hidalgo Road, in Carlsbad, New Mexico. A witness contacted ECSO regarding a subject, identified as Dustin Alan Henley, who was observed holding a firearm, while standing outside of a red in color 2023 Chevrolet Silverado, near the intersection of McKittrick and Hidalgo Road. As the ECSO Deputy arrived on scene in his clearly marked police vehicle, HENLEY fired a .22 caliber rifle at the Deputy, striking the police vehicle one time in the engine compartment. The Deputy returned weapons fire and struck HENLEY multiple times. HENLEY dropped the rifle and fled on foot before being taken into custody.
3. The New Mexico State Police (NMSP) Investigations Bureau (IB) responded to the incident and observed a black and silver .22 caliber Black & Silver Ruger rifle serial number 0005-00345, located near McKittrick Road. There was one spent cartridge located inside of the rifle's ejection port, and the weapon was jammed from firing further. A box of .22 caliber rifle ammunition was also found on the hood of the red 2003 Chevrolet Silverado. Additionally, NMSP located a Black "Staccato P" handgun serial number P21 28948.
4. HENLEY previously pled guilty to third degree felony Unlawful Taking of a Motor Vehicle, on June 17, 2015, in the Fifth Judicial District Court, County of Eddy. (D-503-CR-201400413). HENLEY also pled guilty to fourth degree felony Contributing to the

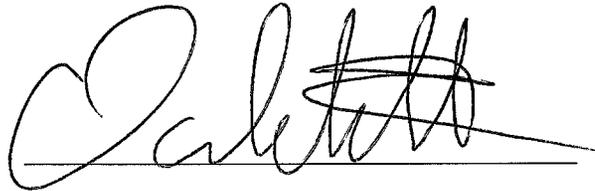
Delinquency of a Minor, on October 21, 2011, in the Fifth Judicial District Court, County of Eddy. (D-503-CR-201100200). HENLEY also pled guilty to fourth degree felony Non-Residential Burglary, Unlawful Taking of a Motor Vehicle on October 21, 2011, in the Fifth Judicial District Court, County of Eddy. (D-503-CR-201100216). HENLEY also pled guilty to fourth degree felony Shoplifting (Over \$500) on October 21, 2011, in the Fifth Judicial District Court, County of Eddy. (D-503-CR-201000273). HENLEY also pled guilty to fourth degree felony Non-Residential Burglary on June 17, 2015, in the Fifth Judicial District Court, County of Eddy. (D-503-CR-2014-00413). HENLEY also pled guilty to third degree felony Unlawful Taking of a Motor Vehicle, on June 17, 2015, in the Fifth Judicial District Court, County of Eddy. (D-503-CR-2014-00413). HENLEY also pled guilty to fourth degree felony Criminal Damage to Property (Over \$1000) on June 17, 2015, in the Fifth Judicial District Court, County of Eddy. (D-503-CR-2014-00413). Finally, HENLEY pled guilty to fourth degree felony Larceny (Over \$500 but not more than \$2,500) on June 17, 2015, in the Fifth Judicial District Court, County of Eddy. (D-503-CR-2014-00413).

5. I am aware after consultation with agents from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATF) that the firearm and ammunition listed above were manufactured outside of the State of New Mexico. By virtue of its presence in New Mexico, the firearm and ammunition travelled in and affected interstate commerce.
6. HENLEY was placed under arrest and charged with violations of New Mexico Criminal Code, Section 30-22-23 Assault with Intent to Commit a Violent Felony on a Peace Officer, 30-7-16(A)(1)&(B) Possession of a Firearm by a Felon, 30-28-1 & 30-3-8(B) Attempt to

Commit a Felony, to wit: Shooting at/from a Motor Vehicle, and 30-3-2(A) Aggravated Assault (Deadly Weapon).

**Conclusion**

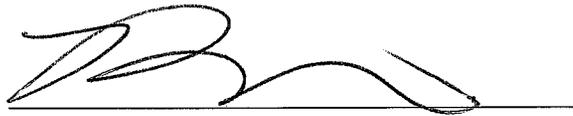
7. Based on all of the above information, your affiant submits there is probable cause to believe that Dustin Alan HENLEY has committed Unlawful acts (felon in possession of a firearm and ammunition) in violation of 18 U.S. Code § 922.
8. Prosecution of Dustin Alan HENLEY was approved by Assistant United States Attorney Randy Castellano.



David De Los Santos, Special Agent

Federal Bureau of Investigation

Subscribed and sworn before me this <sup>19<sup>th</sup></sup>~~12~~ day of February 2026.



UNITED STATES MAGISTRATE JUDGE