

If the judge is unavailable, defendant must be brought forthwith before designee for setting of conditions of release. A defendant accused of a bailable offense may not be held without the setting of conditions of release (Magistrate Court Rule 18)

ORIGINAL SIGNED COPY-COURT; ADDITIONAL COPIES- DEFENDANT AND ADMINISTRATOR'S COPY
STATE OF NEW MEXICO
-VS-

ARTICLE 2
INITIATION OF PROCEEDINGS
SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

FILED IN
BACKGROUND INVESTIGATIONS
2025 JUN -5 PM 11:38

Name: Gonzales, Victor
Address: [REDACTED]
Albuquerque, NM 87114
D.O.B. 09/10/1978
S.S.N. [REDACTED]

Arrest Date: _____
Driver Lic. #: [REDACTED]
Citation #: _____
Arrest #: _____
Docket #: T 4 FR 2025 - 04427

Charge(s): Abandonment or Abuse of a Child Resulting in Death;
Receipt, transportation or possession by certain persons;
Receiving stolen property

Date Filed: 6/5/25

Affiant – Detective Delaney Grimes Man #: 348

CRIMINAL COMPLAINT – ARREST WARRANT AFFIDAVIT

On June 5, 2025, North Area Command Deputies were dispatched to [REDACTED] for a four-month-old who was not conscious and not breathing. Deputies responded to the residence and contacted Gabriella Muniz and Victor Gonzalez. The four-month-old is known to Affiant but will be referred to as C.M. (DOB:1/28/2025). Deputies arrived on scene and attempted life saving measures and were unsuccessful. Time of death was called by medical personnel at 1544.

Deputies were informed by Victor on scene that this morning C.M. was teething and was fussy so that he took off work. He stated that he, Gabriella, and C.M. fell asleep with the baby on the bed lying between them for approximately 2 hours. Victor stated when he woke up the baby was unresponsive. Victor stated that it did not appear that C.M.'s airway was blocked.

It was advised on scene that Gabriella had stated Victor's arm was on top of C.M. when she woke up.

When Deputies arrived on scene Gabriella was observed attempting to enter a Gray Toyota Tacoma, bearing Oklahoma License Plate [REDACTED] which she stated she was an attempt to grab cigarettes.

During the investigation it was learned that C.M. was born drug exposed to Fentanyl and Methamphetamine on January 28, 2025. A CYFD referral reported that the mother, Gabriella Muniz, had used methamphetamine and fentanyl the day before C.M. was born. Furthermore, the referral states that Gabriella left the baby at the hospital, returned to retrieve her belongings and saw the baby but did not care for him.

Affiant knows that a welfare check was requested on June 03, 2025, for C.M. The welfare check was set by CYFD worker Aspen Garcia due to no contact with C.M. and the family. This cad number was [REDACTED] Affiant also learned C.M. was currently on a safety plan through CYFD due to being drug exposed.

Victor and Gabriella were transported to the John Price Law Enforcement Center for formal interviews.

Victor Gonzales was advised of his constitutional rights pursuant to Miranda to which he stated he understood. Victor told Detectives he, Gabriella, and C.M. took a nap, going to sleep around 12pm today. All three of them fell asleep in the bed.

Victor advised he believes Gabriella was holding C.M. prior to him falling asleep. He explained Gabriella woke him up when C.M. was not breathing and he called 911 and began CPR. 911 was called around 1503 hours. Victor advised he was aware of the dangers of co-sleeping with the baby, stating it was something everyone knows. He said they sometimes co-sleep with C.M. because they fall asleep while holding him. Victor stated he is normally a light sleeper. He acknowledged that C.M. is currently on a safety plan through CYFD, with Susan Muniz being the safety monitor. He said Susan is supposed to come to the home three times a day to check on C.M. He also said Susan is supposed to take C.M. if she believes he or Gabriella are under the influence.

Victor explained he does use narcotics, with powdered fentanyl being the drug he uses most often. Victor stated the last time he used powdered fentanyl was yesterday at his friend's house. He advised Gabriella watched C.M. while he went to a friend's house to do drugs. Victor told Detectives he sometimes uses drugs in the home with the child present. He stated he uses them in the bathroom; however, the baby is not in the bathroom with him when he does it. Victor advised he uses narcotics about once a day. He stated Gabriella also uses narcotics in the bathroom of the home.

It was advised that Gabriella's mom, Susan Muniz, watched the baby yesterday while they went to their friend's house to use drugs. Susan advised she did not watch C.M. yesterday and last night Victor's truck did not leave and the front door to the residence was open.

Victor advised C.M. does not have any medical issues.

Upon serving a search warrant on the residence, a tray with a white powdery substance residue was located in the bathroom in a drawer next to the sink. The bathroom sink was running and the sink was almost full of water when Deputies entered the residence. Based on affiant's training, knowledge, and experience, the substance appears consistent with the powdered fentanyl Victor described he uses. On the same tray, a loaded syringe with a brown liquid substance was located. This substance tested presumptive positive for heroine using a NIC field test kit. Based on affiant's training, knowledge, and experience, the brown liquid substance is consistent with heroine, an illegal narcotic. Additionally, two small baggies with a white crystal-like substance were located in the same vicinity. Through affiant's training, knowledge, and experience, this substance is consistent with methamphetamine.

Four sandwich bags with large chunks of a white crystal-like substance, a 5-gallon buckets of marijuana, and a jar lid with white crystal-like substance were located in the residence. Based on affiant's training, knowledge, and experience, the white crystal-like substance is consistent with methamphetamine.

Based on the above, Victor told Detectives he understood the dangers of co-sleeping. He confirmed they were all three sleeping in the same bed, with C.M. sleeping with them. Additionally, Victor advised he uses powdered fentanyl daily, sometimes smoking it in the bathroom of the home. He explained C.M. is in the home when he uses narcotics in the bathroom. Co-sleeping, especially while under the influence of narcotics, placed C.M. in a dangerous situation leading to his death. Additionally, C.M. was born drug exposed and was on a safety plan. Victor knew he was not supposed to be using narcotics while caring for C.M.

While serving a search warrant on Victor's vehicle (a Toyota Tacoma bearing Oklahoma license plate QKB664), a firearm was located in both the vehicle and the home. Victor confirmed he is the sole operator of the vehicle. Victor stated he did not know who the gun in the car belonged to. Victor was confirmed to be a convicted felon within the last 10 years. The firearm is a Glock 44 with serial number AHFB351. Upon running it through law enforcement databases, the firearm returned as stolen.

Based on the totality of Affiant's investigation, Victor Gonzales knowingly, intentionally or negligently placed C.M. in a situation that resulted in his death. He also possessed a firearm as a convicted felon within the last 10 years. Additionally, Victor was in possession of a stolen firearm, as the gun returned as stolen.

Contrary to Section(s) Abandonment or Abuse of a Child Resulting in Death; Receipt, transportation or possession by certain persons; Receiving stolen property NMSA 1978.

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.

Delaney Grimes 348

 2239 HRS

 JUDGE
 06/05/25

 DATE

Detective Delaney Grimes

 AFFIANT
 6/5/2025 6948 / 348

 DATE MAN NO.

ADA Rebekah Reyes on 6/5/2025

 ASSISTANT DISTRICT ATTORNEY

SO25060007379

 BCSO CAD INCIDENT OR CASE #

This complaint may not be filed without the prior payment of a filing fee, unless approved by the District Attorney or a law enforcement officer authorized to serve an Arrest or Search Warrant. Approval of the District Attorney or a law enforcement officer is not other wise required.

CF001
METROPOLITAN COURT RULE 7-201

Approved: Supreme Court, October 1, 1974; amended effective September 1, 1990; April 1, 1991; November 1, 1991.
 - Court - Defendant - Attorney - District Attorney