

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  
2025 JUN -5 PM 11:53  
BACKGROUN  
VESTIGATIONS

Name: Muniz, Gabriella Arrest Date: \_\_\_\_\_  
Address: [REDACTED] Driver Lic. #: [REDACTED]  
Albuquerque, NM 87114 Citation #: \_\_\_\_\_  
D.O.B. 02/14/1998 Arrest #: \_\_\_\_\_  
S.S.N. [REDACTED] Docket #: **T 4 FR 2025 - 0 4 4 2 8**  
Charge(s): Abandonment or Abuse of a Child Resulting in Death Date Filed: \_\_\_\_\_

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.

Gabriella Muniz was advised of her constitutional rights pursuant to Miranda to which she stated she understood. She told us she, Victor, and C.M. fell asleep in the bed around 7am. She advised they all slept until she woke up to check on the baby. Gabriella advised the baby did not wake her up, so she was concerned. Gabriella explained she uses fentanyl and methamphetamine while pregnant. She stated she now primarily uses methamphetamine, and the last time she used it was

yesterday midday. She said she and Victor went to a friend's house while Susan watched C.M.. They used narcotics while at the friend's house. Gabriella advised she used approximately 1 gram of methamphetamine. She said she never uses narcotics in the home. She stated Victor used methamphetamine yesterday as well. She confirmed she and Victor went out last night, but did not clarify where they went.

Gabriella acknowledged that C.M. is currently on a safety plan through CYFD, with Susan Muniz being the safety monitor. She said Susan is supposed to come to the home three times a day to check on C.M. She also said Susan is supposed to ensure Gabriella and Victor are not under the influence while caring for the baby.

The bed is observed to be in the back corner in the room. Gabriella advised Victor was sleeping closest to the wall, C.M. was in the middle, and Gabriella was on the other side. Gabriella advised C.M. has a crib that is wood.

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.

It was 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, Gabriella confirmed they were all three sleeping in the same bed, with C.M. sleeping between them. Additionally, Gabriella advised she used methamphetamine, last using it yesterday. 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. Gabriella knew she was not supposed to be using narcotics while caring for C.M.

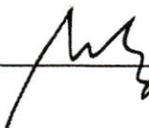
Based on the totality of Affiant's investigation, Gabriella Muniz knowingly, intentionally or negligently placed C.M. in a situation that resulted in his death.

Contrary to  
Section(s)

Abandonment or Abuse of a Child Resulting in Death

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.**

  
2239 HRS  
JUDGE

06/05/2025

DATE

*Delaney Grimes 348*

Detective Delaney Grimes  
AFFIANT

06/05/2025

DATE

6948/348

MAN NO.

**ASSISTANT DISTRICT ATTORNEY**

**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