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Taos Magistrate Cour
Taos County
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STATE OF NEW MEXICO
COUNTY OF TAOS

IN THE EIGHTH
JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
v.

No. M-53-FR-20260000 98

Defendant's Name: Fernandez, Allyson J.
DOB: October 27, 1991
SSN: 525-93-8316
HEIGHT: 5'01''
WEIGHT: 100lbs
OLN: 506452198
LAST KNOWN ADDRESS: 14 Romero Road Vadito, NM87579

AFFIDAVIT FOR ARREST WARRANT

In addition, that the facts tending to establish the foregoing grounds for the issuance of a Search Warrant are as follows:

PROBABLE CAUSE STATEMENT

Deputy Donivan Byers or **AFFIANT** herein is a full-time salaried Law Enforcement Officer employed by the Taos County Sheriff's Office in the state of New Mexico for approximately 1 year. Affiant also has over 2 and half years' experience in law enforcement, over 6 years of corrections experience within the state of New Mexico, as well as several years experience as a member of The Gang Intelligence Unit of New Mexico. Affiant has experience and training consisting but not limited to the state of New Mexico Law Enforcement Academy, the Albuquerque Police Department Detective Academy, as well as numerous post-academy advanced training hours and has experience in investigating and processing alleged felony offenses from non-violent offenses (ie. Shoplifting/organized retail crime/ narcotics trafficking etc.) up to violent felony offenses (ie. Homicide./ aggravated battery/ aggravated assault/ kidnapping/criminal sexual penetration etc.)

The following is not too be viewed or construed as a verbatim account, rather only a summary of the events that occurred in relation to TCSO Case#26040786. Additionally this Warrant was completed after having the ability to review the evidence available in regard to my involvement in this incident.

girl had health issues...

On the date of April 26, 2026 I Detective D. Byers of the Taos County Sheriff Office was contacted by Sergeant D. Romo of the Taos County Sheriff Office at approximately 1742 p.m. Sergeant Romo advised that there was a child who was found unresponsive at 33 Picuris Road in Vadito, New Mexico 87579. The child was not expected to survive at the time and was in critical condition at the Holy Cross Hospital and the incident required law enforcement investigation as there was suspected neglect and/ or abuse of a child that resulted in the incident. I immediately proceeded to the Hospital where Detective McTague of the Taos County Sheriff Office had begun the investigation.

Upon my arrival I spoke to Detective McTague advised that she had a history of investigating suspected abuse and neglect of the child identified as EF (a 6 year old female) and mother identified as Fernandez, Allyson (date of birth October 27, 1991.) Additionally, Fernandez was a known drug dealer. Detective McTague advised that Fernandez had contacted Breana Sanchez (identified as EFs aunt date of birth December 8, 1994.) Fernandez had requested Breana make contact with her at 33 Picuris Road in reference to EF needing help to get to the Hospital. Upon Breannas arrival EF was on the floor in the kitchen and was not breathing. Breana advised that Fernandez was "just screaming." Breana then began to conduct CPR on EF in an effort to save her life. 911 was then contacted around 1611 hours. It is unclear as to who contacted 911. However, records of the call indicate that Breana asked Taos County Central Dispatch if she needed to "Narcan EF." Shortly thereafter Emergency Medical Services then arrived on scene and began to conduct life saving efforts on EFs person.

EF was then transported to Holy Cross Hospital in Taos, New Mexico. I proceeded to accompany Detective McTague in speaking to Breanna. Breana confirmed the above information. Additionally, Breana highlighted concerns she had for EFs wellbeing while in the care of Fernandez. Breanna advised that Fernandez was a known drug dealer and that the residences in which Fernandez and EF stayed were always in disarray and were not appropriate living conditions. Breanna described them as dirty and disgusting.

Detective McTague advised that Fernandez had stated that EF was taken to 3 separate hospitals within the past week and 2 separate hospitals within the past couple of days. Detective McTague proceeded to speak with Fernandez. During this time I contacted the local hospitals from Santa Fe New Mexico, Espanola, and Taos. Espanola Presbyterian Hospital advised that EF was checked into the hospital on the date of April 25, 2026, Christus St. Vincents advised that EF was checked in on the date of April 24, 2026, and Holy Cross Hospital was the current situation and date of April 26, 2026 with no prior interaction to that within at least the month of April. Fernandez described EF as having a history of asthma. Fernandez also stated that EF had been feeling sick for around a week and was diagnosed with croup but that the medical staff had given EF Tylenol and cortisol shot before sending her home. Through further investigation Fernandez advised that EF had began to vomit followed by "seizing" before becoming unresponsive.

Medical staff then made contact with me due to Fernandez suddenly being unable to stay awake while at the bedside of EF. I observed Fernandez eyes closing and Fernandez falling over forward on several occasions. This eventually became so concerning to medical staff that I was forced to remove Fernandez from the room for safety reasons and Fernandez was not allowed to participate in the later transport of EF to University of New Mexico Hospital.

Fernandez was described by medical staff as leaving the hospital for a brief time (Fernandez later confirmed and stated she was changing her clothes) before returning to hospital where she was then displaying the above behaviors. In my training and experience this is consistent with someone who is under the influence of narcotics such as fentanyl. This is often referred to as the "fentanyl lean" in street terms. As the absorption, consumption, or inhalation of the narcotic will often render its user unable to stay conscious or breathe. This causes the user to loose consciousness involuntarily. These behaviors were not displayed until after Fernandez had left the hospital before returning shortly thereafter. When speaking to Fernandez to ensure that she did not need medical assistance due to the concern for a possible overdose while at the hospital, Fernandez advised that she utilizes methadone that is not prescribed to her. During the conversation with Fernandez it should be noted that Fernandez was having difficulty with her speech as it was slurred and was unable to maintain eye contact as her eyes were unable to remain open.

I was then contacted by Deputy N. Holly who was currently at the 33 Picuris and had secured the residence pending the investigation. Deputy Holly advised that Emergency Medical Services members had returned to the residence to pick up equipment they had left inside the residence as result of their haste in the attempt to save EFs life. Deputy Holly escorted the EMS members into the residence and into the kitchen where they had been working on EF. Deputy Holly advised that in plain view on the counter directly above EF were several foils with what appeared to be burnt residue inside of them. Further more one of the foils had a white powdery substance inside of it which is consistent with suspected Fentanyl. Deputy Holly also advised that he could observe drug paraphernalia throughout the residences living room and kitchen in plain view and with out walking through the house outside of entering through the front door and walking directly to the medical equipment located in the kitchen of the residence.

At this time Detective McTague proceeded to retrieve a nighttime Search Warrant for the residence. At this time medical staff had advised that EF was not expected to survive but was going to be flown to University of New Mexico Hospital to retrieve further more specialized care. The medical staff advised that they believed EF had sustained a substantial Anoxic Brain Injury due to lack of oxygen and that EF was displaying no signs of voluntary or involuntary neurological functioning. Further they advised that EF was unable to breath on her own without the use of medical equipment which was forcing her to breath.

At this time I proceeded to place Fernandez under arrest for suspected child abuse resulting in great bodily harm or death. This was due to the following;

1. EF being seen by two separate hospitals within two days with neither of the hospitals feeling EF was in an emergency life threatening status
2. EF being described as having a seizure followed by vomiting. This was described by Fernandez. These symptoms are not commonly associated with croup or asthma directly. EF was also not ever described as having a fever or a history of seizures or vomiting. Rather the vomiting and seizure were only associated with the moments before EF became unresponsive. In my training and experience this is one of the most direct signs of drug overdose due to the exposure to fentanyl

3. EF person was found and worked on by Emergency Medical Servies directly on the floor next to the counter where Deputy Holly had described foils with burnt residue and one foil having a white powdery substance consistent with that of fentanyl powder. Fentanyl powder is known to be extremely toxic even in low doses when exposed to the human skin or lungs.

Shortly thereafter Detectives Mcarty and McTague proceeded to the residence to conduct the search warrant. Located on the counter in the kitchen directly above where EF was being treated were several foils with a burnt residue on them, numerous tooters (cylindrical straw like objects utilized to inhale or snort narcotics such as fentanyl,) one foil with a white powdery substance consistent with that of fentanyl, several lighters (utilized to ignite narcotics for inhalation, and 2 dime size clear ziploc bags with green cars on them (commonly used to hold narcotics that are measured and purchased such as fentanyl powder.

Located on the floor directly next to the counter where EF was located was a green crayon approximately 4-6 inches from that crayon was a white powdery substance consistent with that of fentanyl. That substance was later subjected to a NARC II field testing kit for cocaine to which the test indicated a presumptive positive result for cocaine. It is important to note that in Taos county and namely Penasco cocaine has been cut for distribution with fentanyl within the past several months. This has resulted in several overdoses to include at least one death this year. In the living room there was a recliner. On the recliner there was a oink blanket where EF had been described as sitting. Inside of that blanket several tooters were found with burnt residue on one end and a lighter inside of it. Throughout the living room and kitchen area were EFs medical devices such as Nebulizer and Nebulizer equipment. Within close proximity to that equipment and EFs clothing as well as snack and drinks were numerous small foils, tooters, and lighters.

Due to these factors it is suspected that EF was exposed to fentanyl. That exposure then lead to a respiratory incident. EF was rendered unresponsive and lost oxygen to her brain resulting in the above incident. Fentanyl overdose is known to cause death by causing respiratory failure. Additionally at approximately 0400 hours I spoke to Doctor Gloria Lopez-Hernandez with the University of New Mexico Hospital. Dr. Lopez-Hernandez was the doctor in charge of the care of EF.

Dr. Lopez-Hernandez reiterated the above medical conditions in relation to EFs neurological state to which she stated she did not expect EF to survive and that EF was displaying signs of brain death and expected to be brain dead. Due to state law the Dr. is unable to pull the plug (which would result in the passing of EF) until after 24 hours.

It should be noted that this is an ongoing investigation.
END OF STATEMETNT

Therefore the undersigned, under penalty of perjury, respectfully request the Honorable Judge of the (District court) grant the following warrant and complains/says that on [April 27, 2026] in the County of Taos, State of New Mexico, the above-named defendant(s) committed the following crimes and offenses:

CRIME:

COUNT#1 Abuse of a child resulting in great bodily harm or death (placed in a dangerous situation)

the above-named defendant did, intentionally and without justification, cause (EF), a child under the age of eighteen years, to be placed in a situation that may endanger his/her life or health, to wit: {exposure to fentanyl}, which resulted in the death of (EF), a first degree felony, contrary to Section 30-6-1(D), NMSA 1978

COUNT#2 Possession of a Controlled Substance (felony)

did intentionally have in the defendant's possession *[COCAINE]* believing it to be some drug or other substance the possession of which is regulated or prohibited by law, contrary to Section 30-31-23(E), NMSA 1978. (a 4th degree felony)

COUNT#3 Possession of a Controlled Substance (felony)

did intentionally have in the defendant's possession *[FENTANYL]* believing it to be some drug or other substance the possession of which is regulated or prohibited by law, contrary to Section 30-31-23(E), NMSA 1978. (a 4th degree felony)

COUNT#4 Drug paraphernalia (possession)

did use or possess with the intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Controlled Substances Act, contrary to NMSA 1978, § 30-31-25.1(A). (a misdemeanor)

DONIVAN BYERS
AFFIANT

AFFIANT SIGNATURE
TAOS COUNTY SHERIFF

SUBSCRIBED AND SWORN TO BEFORE ME IN THE ABOVE-NAMED
COUNTY OF TAOS
OF THE STATE OF NEW MEXICO THIS DAY OF [ARPIL 27, 2026].

Jeffrey Shannon JUDGE/ DISTRICT