

FOR IMMEDIATE RELEASE:

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November 3, 2016

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Attorney General Balderas Announces Filing of Criminal Complaint & Arrest Warrant for Davon Lymon for the Homicide of APD Officer Daniel Webster

Albuquerque, NM - Attorney General Hector Balderas announced today that a criminal complaint and arrest warrant for Davon Lymon have been filed for multiple felony counts, including homicide, for the death of Albuquerque Police Officer Daniel Webster.

"Now that the federal matter has been adjudicated, we will present the homicide case to a grand jury," said Attorney General Balderas.

Please see attached for a copy of the criminal complaint and warrant.

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Metropolitan Court Rule 49
STATE OF NEW MEXICO

COUNTY OF BERNALILLO

T4FR 2016-5924-1

IN THE METROPOLITAN COURT NO. _____

STATE OF NEW MEXICO

- VS -

NAM: Lymon, Davon
ADD: LKA: 332 Vermont NE
DOB: [REDACTED]
SSN: [REDACTED]

ENDORSED
FILED IN THIS OFFICE

NOV 03 2016

CLERK-METROPOLITAN COURT

WARRANT FOR ARREST

THE STATE OF NEW MEXICO TO ANY OFFICER AUTHORIZED TO EXECUTE THIS WARRANT
You are hereby commanded to arrest the above-named defendant and bring the defendant without unnecessary delay before me to answer the charge of:

Murder (Open Count), Assault with Intent to Commit a Violent Felony, Shooting from a Motor Vehicle, Receiving and Transporting a Stolen Motor Vehicle, Tampering with Evidence

BOND: No Bond Hold; No CCP

Contrary to Section (s): 30-2-1, 30-3-3, 30-3-8, 30-16D-4, 30-22-5
NMSA 1978

Dated this 3rd Day of November, 2016

[Signature]

JUDGE

RETURN WHERE DEFENDANT IS FOUND

I arrested the above-named defendant on the _____ Day of _____, 2016

And served a copy of this warrant on the _____ Day of _____, 2016

EXTRADITION APPROVAL

SIGNATURE

TITLE

An Arrest Warrant may be directed to a full-time salaried state or county law enforcement officer, a municipal police officer, a campus security officer, or an Indian tribal or pueblo law enforcement officer.

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
STATE OF NEW MEXICO
COUNTY OF BERNALILLO
IN THE METROPOLITAN COURT

TJFR 2016-5947

Name: Lymon, Davon
Address: LKA: 332 Vermont NE
Albuquerque, NM
D.O.B. [REDACTED]
S.S.N. [REDACTED]
Charge(s): Murder (Open Count), Assault with Intent to Commit a Violent Felony, Shooting from a Motor Vehicle, Receiving and Transporting a Stolen Motor Vehicle, Tampering with Evidence

Arrest Date: _____
Driver Lic. #: _____
Citation #: _____
Arrest #: _____
Docket #: _____

ENDORSED
FILED IN THIS OFFICE

Date Filed: NOV 03 2015

Affiant - Officer/Detective David Gonzales Man #: 204

CLERK-METROPOLITAN COURT

CRIMINAL COMPLAINT - ARREST WARRANT AFFIDAVIT

The undersigned, under penalty of perjury, complains and says that on or about the 21 day of October, 2015, in the County of Bernalillo, State of New Mexico, the above-named defendant(s)

Did (here state the essential facts):

Affiant is a full-time, sworn Law Enforcement Officer with the Albuquerque Police Department. Affiant is currently assigned to the Force Investigations Team. Affiant has been with the Albuquerque Police Department since 1983. Affiant's duties include follow-up investigations on all felony crimes to include but not limited to: Homicides, Criminal Sexual Penetrations, Aggravated Battery, and Aggravated Assaults. Affiant has experience and training in the writing and execution of Search and Arrest Warrants.

On October 21, 2015 at 1930 hours Albuquerque Police Officer Daniel Webster was on patrol in the southeast area of the city of Albuquerque, County of Bernalillo, State of New Mexico. Officer D. Webster conducted a traffic stop on the motorcycle for a possible stolen license plate. The traffic stop was in the Walgreens parking lot located at 10300 Central Ave. SE. Albuquerque, NM.

Officer D. Webster approached the motorcycle which was operated by a male driver later identified as Davon Lymon. Officer D. Webster spoke with Lymon and while doing so Lymon was not compliant with Officer D. Webster's orders. Officer D. Webster attempted to detain Lymon and was able to get Lymons' left wrist in handcuff restraints when Lymon stated that his right shoulder was hurt. Officer D. Webster attempted to gain compliance of Lymon without success.

Officer D. Webster reached forward in an attempt to utilize the other handcuff and secure it to the front handlebar of the motorcycle. Officer D. Webster reached across Lymon and attempted to handcuff him to the motorcycle handlebar at which time Lymon removed a firearm and discharged six (6) .40 caliber rounds at Officer D. Webster. Lymon was seated on the motorcycle when he initially fired the shots. Officer D. Webster was struck by numerous rounds to the body to include one round which struck him in the face near his chin. Officer D. Webster made a call for help and indicating shots had been fired.

Lymon ran from the scene to the north and into a neighborhood after he dropped his motorcycle helmet in the parking lot of the Walgreens. A female passenger, who was on the rear of the motorcycle, later identified as Savannah Garcia, also ran from the scene to the east. Responding officers rendered aid to Officer Webster and establish a perimeter in the area. Officer D. Webster was transported to University of New Mexico hospital.

APD criminalistics detectives located six cartridge casings in the parking lot where Officer Webster had been shot and identified them as three rounds of Winchester brand 40 caliber ammunition and three rounds of Perfecta brand 40 caliber ammunition.

The Albuquerque Police Department SWAT team, Bernalillo County Sheriff's SWAT team, as well as New Mexico State Police SWAT team responded and attempted to locate Lymon.

9.1

Albuquerque Police Department Air support assisted and observed a male subject running through yards and jumping fences. The APD SWAT and Canine Units utilized a police service dog and located Lymon hiding underneath a porch at 120 Espejo NE. Lymon was taken into custody and still had the handcuff on his left wrist. (Handcuff placed on him by Officer Webster at the traffic stop). Lymon was transported to Presbyterian hospital and treated for injuries sustained from the canine apprehension.

Special Agents with the Bureau of Alcohol Tobacco and Firearms and Explosives assisted officers and searched the area for the firearm. Law-enforcement personnel recovered the firearm in a vacant lot on the 100 block of Glorieta NE, the direction witnesses observed Lymon flee towards, after the shooting. The firearm was identified as a Taurus, model millennium, G2 PT-40, .40 caliber semi-automatic pistol, bearing serial number SHN04335. The firearm was found to contain a magazine with multiple rounds of ammunition to include one round of Perfecta brand ammunition in the chamber.

October 24, 2015 1200 hours

Davon Lymon was released from the hospital and transported to the APD Main Police Station. While being transported Davon told Officer Ivie that he did not want to give any detective a statement without his attorney. Detective Derrick Wright with the BATF Task Force had a search warrant for the DNA Standard of Davon Lymon. Detective Wright executed the search warrant for the DNA Standard at the APD Main Police Station interview room. The search warrant execution was recorded. After the standard was taken, Detective Wright advised Davon Lymon he had a warrant for his arrest for Felon in Possession of a Firearm. While Davon was in the interview room with Officers Thomas Ivie and Robert Carlson he stated " If you see that person or that cops family tell them I'm so sorry, please, I honestly don't remember what the fuck happened , I don't remember it, I hope he makes it." Davon's time in the interview room was recorded. This statement was not made as a result of being questioned by the officers.

October 26, 2015

Detective Derrick Wright obtained a BATF Firearms Trace Summary on the firearm recovered from the scene. It revealed the firearm last belonged to a Calinia Maria Milford of Stanley, New Mexico. I was able to contact Terry Milford, the husband of Calinia, by telephone. Terry said he put the gun up for sale on the internet. Terry told me he sold the firearm to a male individual on October 3, 2015 at the corner of Juan Tabo and Central. He said the individual gave him the name of "Demarkus Martinez" with an address of 1230 Martinez Ln. Espanola, NM and date of birth as 02/13/1979. He described the male individual as a Hispanic, dark complexion, approximately 6', 170 lbs, approximately 30 years old. The individual had facial hair and appeared to have afro type hair. The individual was wearing a Rastafarian type beanie cap. I asked Terry if he observed the news story reference the shooting and the individual arrested. Terry said he had. I asked him if the individual looked like the person he sold the gun to. Terry told me he did not think so because the person who he sold the gun to had facial hair and afro type hair protruding from the beanie cap he was wearing.

I contacted NMSP and asked them to check the address and name. I was advised by NMSP the address did not exist and they found was no information on the name "Demarkus Martinez." I also checked APD Data bases and could not find any "Demarkus Martinez" with the date of birth as 12/13/1979.

October 27, 2016

I conducted a telephone interview with Angelina Silva, the girlfriend of Davon Lymon. Angelina stated that she and Davon recently started a relationship and she moved in with him. She said they have been dating five to seven months. She said Davon had a temper. Angelina said if Davon ever said anything towards the police, it was that he can never go back to jail. She never saw Davon with a gun but he wanted to purchase one. Davon told Angelina if she could get a gun they could go to the shooting range.

Angelina said she did not know who the female was on the motorcycle with Davon at the time of the shooting. She heard a rumor it was supposed to be a "Samantha." She said this "Samantha" came to their house earlier and Davon told Angelina he was going to take "Samantha" to get some money or something. Davon also told Angelina "Samantha" was going to give him gas money. Angelina said she did not know too much about the motorcycle. She thought Davon was test riding it and was going to pay \$1300 for it. She described the motorcycle as black in color. She also stated Davon would always wear a helmet when riding the motorcycle.

October 28, 2015 1500 hours

Detective Babcock and I went to 532 Kentucky SE Apt. B to contact Angelina Silva and her grandmother. This was to confirm a telephone conversation I had with Angelina earlier in reference to where she stated she was the time of the shooting. In that conversation, Angelina stated she left to get a prescription for Davon and later went to her grandmother's house where she spent the night.

Angelina's grandma Mary Lovato answered the door at apartment A. Angelina also answered the door at apartment B. Angelina asked us for a business card and said she was confused. She said without her lawyer we were not allowed on her property. She became agitated and told us we were not allowed to even talk to her grandmother Mary. Mary however chose to talk with Detective T. Babcock.

DW

While they were at the apartment, an individual who said he was the boyfriend of Angelina's uncle came out of apartment B. The individual identified himself as Paul Xavier Gonzales. Paul said he was aware of the investigation and would talk to Det. Gonzales. Paul said on the evening of the shooting Angelina left at approximately 6:30 PM to pick up a prescription for Davon. Davon left right after at 6:45 PM. Davon left with a female who he thought was named "Samantha." Angelina returned to the house at approximately 7:30 PM. Angelina and Davon got into a fight because this "Samantha" showed up. Paul did not know too much about "Samantha" and described her as native and Hispanic.

Approximately 1549 hours

Detective Babcock and I contacted Alexis Chaidez, owner of the motorcycle which Davon was riding the evening of the traffic stop and shooting. The motorcycle was stolen around October 22, 2015. Alexis told me he did not report the motorcycle stolen because it was not worth that much. He also said his friend's motorcycle was also stolen and police never found it. Alexis said he found the ignition switch, which was broken off of the motorcycle, in the parking lot of his apartment. Alexis gave the broken pieces of the ignition switch to Detective Babcock who turned them over to Detective Carl Ross to be tagged. Alexis said he never gave Lymon permission to have his motorcycle.

Approximately 1620 hours

Detective Babcock and I contacted Edward Dominguez at 332 Vermont NE. Edward stated Davon lived there with Angelina for the last couple of months. The night of the shooting Edward observed Davon riding a black motorcycle with a native or Hispanic woman. He later heard Davon may have been involved in the police officer shooting. While they were at the residence they wrote the license plate of a white truck parked in the driveway.

A check of the revealed the vehicle was stolen. Auto theft detective were notified and conducted surveillance on the truck. Detectives observed two individuals enter the truck and drive off. The individuals were stopped, apprehended and identified as Edward Dominguez and Christina Chavez. They were both transported to the APD Main Police Station.

Edward Dominguez stated Davon is living in the house at 332 Vermont NE. for about 4 months.

On the day of the shooting Davon was with some girl he thought was named Samantha. He described the girl as "chicana /indian" female. They were on a black motorcycle. Davon was wearing a black helmet and the girl wasn't. Davon was also wearing what he thought was an army type camouflage jacket "looked like a tree."

Detectives Babcock and I later talked to Edward Dominguez in the hallway of the police station shortly after the interview. Dominguez told Detective Babcock the box the handgun came in was still in the closet of the bedroom where Davon stayed. Dominguez said he did not want to go on the record revealing this information. At this point we decided to obtain a search warrant for 332 Vermont NE.

October 29, 2015 0014 hours

A search warrant was obtained for 332 Vermont NE and was executed. An empty gun box was located in the closet of a bedroom where Dominguez stated Davon stayed. The gun box was for a .40 Taurus, with the serial number: 043355, printed on a tag attached to the box. The gun box and serial number matched that of the serial number and handgun found in the vacant lot on the 100 block of Espejo SE, the night of the shooting.

Approximately 0250 hours

I was advised via an email by the Chief of Police Gordon Eden that Officer Daniel Webster succumbed to his injuries.

Approximately 1130 hours

Michael Garcia a Security Threat supervisor with CYFD Camino Nuevo contacted me by telephone. Michael Garcia advised one of his employees, Youth Care Specialist II Christopher Moreno, overheard a client, Savannah Garcia, talking about the incident where a police officer was shot. Moreno was watching a news report about the incident when Savannah said the suspect was her "Homie" and she was with him at the time of the shooting. She said he was going to buy her a Poweraid at the store and did not know he was going to shoot the officer. Savannah said it really traumatized her. When Moreno showed interest and started to ask her questions, Savannah changed the subject and did not give any more information.

Approximately 1527 hours

Detective Babcock and I contacted Edward Dominguez and showed him a photograph of Savannah Garcia. Edward said she looked a little different in the photograph but it appeared to be the female on the motorcycle with Davon the night of the shooting.

DN

Approximately 1628 hours

NMSP Agent Steve Montano, Detective Babcock and I contacted and conducted an interview with Savannah Garcia at the Camino Nueve Juvenile Corrections facility. Savannah initially denied being with Lymon (afraid he would come after her) but then admitted being with him. Savannah said she only knew Lymon as "Tigger." She was high on heroin that night and could not remember details but gave information which lead to believe she was with him. Savannah said Lymon was taking her to the Walgreens to get a drink. When he was being pulled over by the police officer He stated he needed for her to stay real calm because he was about to about to do something that he was going to regret. Savannah asked him what was that supposed to mean and then heard gunshots. Savannah got off the bike and fled because she got scared.

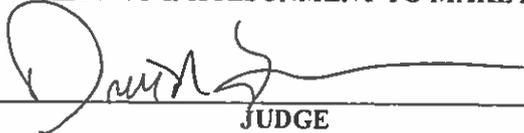
DNA results taken from the motorcycle helmet and the motorcycle were positive for Davon Lymon.

APD Fire Arm and Tool Marks report indicated the bullets and casings recovered were identified as being fired from the Taurus handgun which was recovered a few blocks from the shooting.

BATF Agent Brandon Garcia obtained cell phone records for Terry Milfords cell phone calls and found a call was made from a cell phone subscribed to Davon Lymon on October 3, 2015 confirming Terry Milfords statement.

Contrary to Section(s) 30-2-1, 30-3-3, 30-3-8, 30-16D-4, 30-22-5 NMSA 1978.

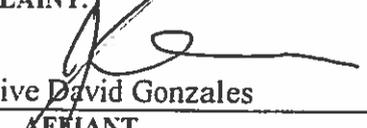
I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF. I UNDERSTAND THAT IT IS A CRIMINAL OFFENSE SUBJECT TO THE PENALTY OF IMPRISONMENT TO MAKE A FALSE STATEMENT IN A CRIMINAL COMPLAINT.



JUDGE

November 3, 2016

DATE



Detective David Gonzales
AFFIANT
Nov 3, 2016 DS
10/31/2016 204

DATE MAN NO.



ASSISTANT DISTRICT ATTORNEY
Attorney General
11/3/16

DATE

APD Case# 16-0097485
APD 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