



IN THE MAGISTRATE COURT

COUNTY OF EDDY
CITY OF ARTESIA

State of New Mexico
v.

Alexee Tre via, Defendant(s) No. MTB-FR-2023-53

DOB: 11-2003 SSN: _____

Address: _____
Artesia NM 88210

Date filed: 05-09-23
APD # 230000163

CRIMINAL COMPLAINT

CRIME: Count 1: Murder in the 1st degree (0001) or alternatively Abuse of a child (Intentional)(resulting in death)(6438)
Count 2: Tampering with Evidence (4230)

The undersigned, under penalty of perjury, complains and says that on or about the 27th day of January, 2023, in the County of Eddy, State of New Mexico, the above-named defendant(s) did:

Kill John Doe, a human being, without lawful justification or excuse. By any of the means with which death may be caused; did knowingly, intentionally or negligently, and without justifiable cause, cause or permit John Doe, a child, to be placed in a situation that endangered or might have endangered John Doe's life or health and the abuse resulted in the death of John Doe; Did destroy, change, hide, place or fabricate physical evidence, to wit [John Doe], with the intent to prevent the apprehension, prosecution, or conviction, and the highest crime for which tampering with evidence is committed is a capital, first degree or second-degree felony.

Contrary to Section(s) 30-02-01 & 30-02-03, 30-06-01(D), 30-22-05(B)1 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 IMPROSONMENT TO MAKE A FALSE STATEMENT IN A CRIMINAL COMPLAINT.

If Probable Cause Determination Required:
 Probable Cause Found
 Probable Cause not found, and Defendant released from Custody
Judge: _____
Date: May 10, 2023
Time: 1517 Hr

B. Gonzalez # 714
Complainant
Detective Corporal
Title (if any)
Approved: _____
Deputy District Attorney
Title (if any)

STATE of NEW MEXICO

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COUNTY OF EDDY
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MAGISTRATE COURT

FILED IN
MAY 10 2023
MAGISTRATE COURT
EDDY COUNTY DIV III

STATE OF NEW MEXICO
V.

Alexee Trevizo Defendant(s)

No. MTFR-2023-53
APD# 230000163

AFFIDAVIT FOR ARREST WARRANT

The undersigned, being duly sworn, on his oath, states that he has reason to believe that on or about the 27th day of January, 2023, in the County of Eddy, State of New Mexico, the above-named defendant did commit the crime(s) of:

Count 1: Murder in the 1st degree (0001) or alternatively Abuse of a child (Intentional)(resulting in death)(6438)

Count 2: Tampering with Evidence (4230)

contrary to the statutes of the state of New Mexico.

The undersigned further states the following facts on oath to establish probable cause to believe that the above-named defendant(s) committed the crime charged.

Subscribed and sworn to or declared and affirmed to before me in Eddy County,
State of New Mexico, this 10th day of May, 2023

[Signature]

Judge, Notary, or Other Officer
Authorized to Administer Oaths

Magistrate for Eddy Co. D.D.B.

Official Title

B. Gonzales

Affiant's name (print/type)

B. Gonzales

Signature of affiant

Detective Corporal

Official title (if any)

NOTE: Article II, Section 10 of the New Mexico Constitution provides that an Arrest Warrant may issue on a sworn statement of facts showing probable cause. This affidavit is to be used only when the Complaint does not set forth sufficient probable cause

- 1) Affiant is Detective Barnabas Gonzales, employed by Artesia Police Department. Affiant has been employed as a law enforcement officer for 7 years and is currently assigned to the Criminal Investigations Division. Affiant has had training consisting of the Law Enforcement Training Academy and TEEEX forensic training. Affiant has conducted several misdemeanor and felony investigations. Several which have resulted in the arrest and convictions of the individuals, contrary to NMSA 1978.
- 2) On 01-27-23 at approximately 0245 hours, I (Detective Gonzales) was contacted in reference to a death investigation. I was advised emergency room staff at the Artesia General Hospital (AGH) had found a deceased newborn baby in the restroom trash can after a 19-year-old female had given birth in the restroom and did not tell anyone about it.
- 3) On arrival to AGH (702 N. 13th) I spoke with officers and was advised of what had happened. I was informed the suspect (Alexee Trevizo) was currently being prepped for an emergency medivac flight

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AFFIDAVIT FOR ARREST WARRANT (continued)

to Lovelace Medical Center in Roswell, NM. I did not speak with Alexee before she was flown to Roswell.

- 4) I spoke with the hospital staff one at a time who had witnessed the events and had them tell me what they witnessed. The following is a synopsis, for further details refer to the Axon body cam recordings of [REDACTED] (HT).
- 5) I was informed Alexee had gone to the emergency room for lower back pains. Alexee had denied being pregnant and told nursing staff she had regular periods and did not have sex. Alexee told nursing staff she was currently on her period. Lab work was done, and Alexee was found to be pregnant. Alexee went to the bathroom and refused to come out after being inside the restroom for an extended period of time. Alexee did not come out until nursing staff got keys from security to unlock the door and told Alexee they were coming in. Alexee opened the restroom door and went back to her room. The nursing staff found the restroom covered in blood after Alexee opened the door. The nursing staff started treatment on Alexee for what they initially thought was Alexee trying to harm herself or having pregnancy related medical problems. The nursing staff checked the toilet and found it empty. The nursing staff checked the trash can inside the restroom and found nothing on the top of the trash. The nursing staff was unsure if Alexee was experiencing an ectopic pregnancy, miscarriage or was trying to cause a self-induced miscarriage.
- 6) The nursing staff started treatment on Alexee while a housekeeper [REDACTED] was called to clean the large amount of blood inside the restroom. The housekeeper [REDACTED] cleaned up the blood first and then went to take the trash can bag out of the trash can and found it to be much heavier than usual. The housekeeper [REDACTED] said she looked through the trash can and found a tied-up trash can bag underneath other trash. The housekeeper [REDACTED] said the trash can bag was folded under with the tied end underneath itself. The housekeeper [REDACTED] said she observed what looked to be a baby through the side of the trash can bag and called the nurses over to check if it was one. Two nurses [REDACTED] came to check the bag and when they opened the trash bag, they found a newborn male that was already cold, blue, with no signs of life and a temperature of 95 degrees. One of the nurses (HT) said after they moved the deceased newborn to the room he was currently in; they had not moved anything and had left him as they found him. The items in the trash can with the newborn were paper towels and bags from the restroom and a tampon. They contacted the ER doctor Heather Vaskas who checked the newborn and called time of death as 0228 hours. Dr. Vaskas spoke with Alexee about the incident, Alexee told Dr. [REDACTED] the baby wasn't breathing when she gave birth.
- 7) I later reviewed Officer Williams body camera video of when Dr. [REDACTED] spoke with Alexee about the incident. Alexee said the newborn came out of her and she didn't know what to do with it. Alexee said it was not crying or anything when she gave birth. Alexee said she just put it in a bag. Alexee said "nothing" was crying (she referred to the newborn baby as nothing). When asked by Rosa about what Alexee did. Alexee said she put "it" in a bag.

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AFFIDAVIT FOR ARREST WARRANT (continued)

- 8) I then checked the newborn in Trauma 2 as I waited for an OMI field agent to arrive from Carlsbad. I observed what appeared to this officer to be a full-term newborn male with a partial umbilical cord on top of a medical pad on top of the medical bed.
- 9) I observed the following from AGH security footage of the emergency room for 01-27-23. The security footage has a hallway view of the restroom used by Alexee on 01-27-23.
- 10) At approximately 0139 hours, Alexee Trevizo entered the public restroom in the emergency room, Alexee had her left hand at her buttocks and appeared to be in a hurry.
- 11) At approximately 0140 hours, Rosa checked on Alexee.
- 12) At approximately 0149 hours, Rosa checked on Alexee again.
- 13) At approximately 0153 to 0156 hours, ER staff checked on Alexee .
- 14) At approximately 0157 hours, Alexee exited the bathroom.
- 15) At approximately 0208 hours, Lila (housekeeper) started cleaning bathroom.
- 16) At approximately 0226 hours, Lila found the newborn and alerted the other ER staff.
- 17) At approximately 0228 hours, the deceased newborn was taken to trauma 2 and pronounced.
- 18) On 03-28-23, I received the report of findings, postmortem examination, and toxicology report for this case from the office of the medical investigator. The postmortem examination lists the cause of death as Entrapment. The postmortem examination lists the manner of death as homicide.
- 19) The postmortem examination says the following, excerpts were taken directly from the narrative summary and opinion.
- 20) "Baby John Doe was a newborn baby boy who died shortly after birth."
- 21) "Autopsy and postmortem computed tomography showed an infant male without any anatomic abnormalities or obvious physical injuries. The lungs were aerated and there was air in the stomach, and no changes of decomposition. The connections in the heart (foramen ovale and ductus arteriosus) that allow proper blood flow in utero were still open, which is not unusual in a newborn. The adrenal glands showed microscopic hemorrhage which can be seen in hypoxia (lack of air)."
- 22) "The air in the lungs and stomach, and no evidence of decomposition, is consistent with the baby having been born alive. Based on length, weight, and organ size, he was approximately 38 weeks gestational age, which is term, and compatible with life outside the uterus."

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AFFIDAVIT FOR ARREST WARRANT (continued)

23) "Entrapment occurs when an individual is in an airtight or relatively airtight container, in this case, a tied plastic trash bag, and consumes all of the available oxygen until there is no longer enough oxygen to sustain life."

24) Due to the facts listed above I am requesting an arrest warrant for the above-named subject.