

IN THE MAGISTRATE COURT  
STATE OF NEW MEXICO  
COUNTY OF LUNA

v.

David W. Eckert  
1470 South Animas  
Lordsburg, New Mexico 88045 Defendant(s)

No. MS - 2013 - 1

**AFFIDAVIT FOR SEARCH WARRANT**  
**Attachment "A"**

*Affiant, Officer Robert Chavez, is a commissioned, full-time, salaried Law Enforcement Officer employed as a Police Officer by the Deming Police Department, and being duly sworn upon oath states the following:*

*I have reason to believe that on the following described premises or person of:*

A brown 1998 Dodge displaying New Mexico JGS-311 with a VIN #3B7KC26Z9WM274255 and the person of David W. Eckert with a date of birth of 08/08/1959, to include but not limited to his anal cavity.

*In the city or county designated above there is now being concealed:*

**Attachment "B"**

Illegal narcotics and /or any other controlled substance(s) and/or suspected illegal narcotics and/or any other suspected controlled substance(s) including, but not limited to any drug or substance listed in Schedules I through V of the Controlled Substance Act or regulations adopted thereto..

Illegal narcotics paraphernalia, including but not limited to all equipment, products and/or materials of any kind that are apparently used, intended for use and/or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling and/or otherwise introducing into the human body, a controlled substance or controlled substance analog in violation of the Controlled Substance Act.

*Approved  
Dowling DDH  
11/2/13*

IN THE 6<sup>th</sup> JUDICIAL DISTRICT COURT  
STATE OF NEW MEXICO  
COUNTY OF LUNA

v.

David W. Eckert, Defendant(s)

No. MS-2013-1

**AFFIDAVIT FOR SEARCH WARRANT**  
**Attachment "C"**

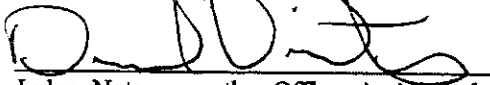
I am a certified law enforcement officer of the State of New Mexico currently commissioned by the City of Deming as a Detective Sergeant.

1. I Officer Robert Chavez was contacted by Sgt. Detective Orosco in reference to a brown 1998 Dodge pick- up truck that failed to stop at the posted stop sign at the intersection of Deming Del-Sol and Pine Street.
2. I was traveling East bound on Pine Street and did locate the brown 1998 Dodge pick-up traveling West bound on Pine Street from Deming del-Sol.
3. I conducted a traffic stop with the brown 1998 Dodge pick-up displaying New Mexico JGS-311 with a VIN#3B7KC26Z9WM274255 in the parking lot of 1021 E. Pine Street (Wal-Mart) parking lot.
4. I approached the driver who was later identified as David W. Eckert and informed him for the reason for the stop.
5. While speaking with Mr. Eckert I did notice that he was avoiding eye contact with me as I asked him for his driver's license, registration and proof of insurance.
6. As Mr. Eckert handed me the documents that were requested I did notice his left hand began to shake at which time I had Mr. Eckert step out of the vehicle. Once outside of the vehicle Mr. Eckert was asked if he had any weapons or anything else that might harm me which he stated "no".
7. I then conducted a Terry Pat Down on Mr. Eckert's person to search for any weapons which none were found.
8. While Mr. Eckert was standing outside of the vehicle I did notice his posture to be erect and he kept his legs together. A short time later I informed Mr. Eckert that a uniformed patrol Officer was coming to issue him a citation for the stop sign violation.
9. Officer Villegas did arrive and issued Mr. Eckert his citation for stop sign violation.
10. Mr. Eckert was then informed that he was free to go.
11. As Mr. Eckert turned to walk back towards his vehicle, I asked him for verbal consent to search his vehicle for any illegal narcotics and/or weapons at that time he did give consent.
12. I then asked Mr. Eckert if I could search his person for any illegal narcotics and/or weapons. At that time he stated that he had a problem with me searching his person.
13. I then informed Mr. Eckert that an open air search was going to be conducted on the vehicle and reminded him that he had given verbal consent to search his vehicle as well.
14. Hidalgo County K-9 Officer walked his K-9 around the vehicle which the K-9 alerted to the driver's side of the vehicle. A short time later the K-9 made entry into the cab of the vehicle and once again alerted to the driver's side seat.
15. Mr. Eckert was then informed of the K-9 alerting to the seat and was informed that a search warrant was going to be obtained. Hidalgo County K-9 Officer did inform me that he had dealt with Mr. Eckert on a previous case and stated that Mr. Eckert was known to insert drugs into his anal cavity and had been caught in Hidalgo County with drugs in his anal cavity.
16. Mr. Eckert was then placed into investigated detention and was transported to the Deming Police Department.

Approved,  
Dougherty DDA  
11/2/13

17. Mr. Eckert's vehicle was tagged for evidence and was later transferred to the Deming Police Department's impound lot awaiting a search warrant.
18. At approximately 1401 hrs., I contacted DDA Dougherty and informed of the incident. DDA Dougherty did approve pursuit of a search warrant for Mr. Eckert's vehicle and also for Mr. Eckert's person to include Mr. Eckert's anal cavity.

Subscribed and sworn to or  
 declared and affirmed to before  
 me in the above-named county  
 of the State of New Mexico this  
2 day of Jan, 2013.



Judge, Notary, or other Officer Authorized  
 to Administer Oaths

My Commission Expires: \_\_\_\_\_



Signature of Affiant

**Officer Chavez, Deming Police Dept.**

Official Title (if any)

NOTE: This affidavit shall be filed in the same file as the Search Warrant. If no criminal proceedings are filed, the affidavit and warrant shall be filed in a miscellaneous file.

Distribution Instructions

1 copy-Goes with Search Warrant; return to Court

1 copy-Defendant

1 copy-Court

Criminal Form 9-213

*Approved  
 Dougherty  
 1/2/13*

### RETURN AND INVENTORY

I received the attached Search Warrant on Jan 2, 2013 and executed it on Jan 2, 2013, at 1419 o'clock (a.m.) (p.m.). I searched the person or premises described in the Warrant and I left a copy of the Warrant with

David W. Seibert

(name the person searched or owner at the place of search) together with a copy of the inventory for the items seized.

The following is an inventory of property taken pursuant to the warrant:

(attach separate inventory if necessary)

nothing located on Mr. Seibert's person, vehicle

Search findings.

This inventory was made in the presence of Off. H. Quaker (name of applicant for the search warrant) and David W. Seibert

(name of owner of premises or property. If not available, name of other credible person witnessing the inventory.)

This inventory is a true and detailed account of all the property taken pursuant to the Warrant.

[Signature]  
Signature of Officer

[Signature]  
Signature of Owner of Property or Other Witness

Return made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ (a.m.) (p.m.).

\_\_\_\_\_  
(Judge) (Clerk)

After careful search, I could not find at the place, or on the person described, the property described in this warrant.

\_\_\_\_\_  
Officer

\_\_\_\_\_  
Date

**Officer Robert Chavez #12**

*2/21/12*

Affiant

*Approved:  
Dougherty  
11/1/12*