

STATE OF NEW MEXICO

ARTICLE 2

-VS-

INITIATION OF PROCEEDINGS

ROSAS, RAFAEL EDUARDO STATE OF NEW MEXICO

FILED IN METROPOLITAN COURT

IN THE METROPOLITAN COURT

2024 OCT - 6 PM 11: 21

Name	DOB	SSN
ROSAS, RAFAEL EDUARDO	4/2/1996	[REDACTED]
Address	CSZ	
7904 Blue Avena Ave SW	ALBUQUERQUE, NM 87121-2032	
Arrest Date	10/6/2024 9:22:02 PM	Driver License No 511536871
Citation No	Arrest No	
Docket No	T 4 FR 2024 - 07155	Date Filed 10-6-24
Complainant or Officer	Carhart, Kevin	PDID 6125

K Martinez
BACKGROUND INVESTIGATIONS

CRIMINAL COMPLAINT

The undersigned, under penalty of perjury, complains and says that on or about 10/6/2024 9:22:02 PM , in the County of Bernalillo, State of New Mexico, the above-named defendant(s) did commit the above Offense(s) (here state the essential facts):

CHARGES:

- Child solicitation by electronic communication device and meets with child (child 13 to 16)
- Statute:30-37-03.2(A) & (C)(1), NMSA
- Charge Code: 6709
- That on or about the 6th day of October, 2024, the above named defendant in the City of Albuquerque, Bernalillo County, State of New Mexico, knowingly and intentionally solicited, a child at least thirteen but less than sixteen years of age, by means of an electronic communication device to engage in sexual intercourse, sexual contact, a sexual or obscene performance, or any other sexual conduct and the defendant was at least four years older than the child and the defendant appeared for, attended or was present at a meeting that he/she arranged pursuant to the solicitation, a third degree felony, contrary to NMSA 1978, Section 30-37-3.2 (2007)

AND

- Criminal Sexual Penetration (2nd Degree) (Child 13-18) (Force or Coercion) - attempt
- Statute: 30-09-11(E)(1) & 30-28-01
- Charge Code: 4937
- That on or about the 6th day of October, 2024, the above-named defendant in City of Albuquerque, Bernalillo County, State of New Mexico did attempt to commit Felony, to wit: Criminal Sexual Penetration in the Second Degree (Child Age 13-18), in that the defendant intended to commit a Felony, to wit: Criminal Sexual Penetration in the Second Degree (Child Age 13-18), and began to do an act which constituted a substantial part of Felony, to wit: Criminal Sexual Penetration in the Second Degree (Child Age 13-18), but failed to commit the offense, a third degree felony, contrary to NMSA 1978, Sections 30-9-11(E)(1) (2009) and 30-28-1 (1963).

STATEMENT OF PROBABLE CAUSE:

On 10/06/2024 Affiant, hereafter referred to as "I", was assigned to this investigation by Sgt. J. Roybal in accordance with my duties as a Detective in the Bernalillo County Sheriff's Office Special Victims

Unit. I was notified by the NM Department of Justice that an undercover law enforcement agent posing as a 15 YOA female was communicating through social media applications with Rafael Rosas (28 YOA). The undercover agent explicitly communicated their age to Rosas on multiple occasions. Rosas engaged in sexually explicit conversations with the agent, stating that he would "Lucky your pussy until you cum".

The following is a partial transcript of the conversation between Rosas and the undercover agent; these transcripts are not intended to be verbatim:

Saturday October 5, 2024

ROSAS 1630 hours: Hey babe you available

UC 1630 hours: Depends. Im a little younger than my post say. You cool? I dnt want any drama

ROSAS 1632 hours: How young?

UC 1634 hours: 15. Just not looking for any drama

ROSAS 1638 hours: Ur not a cop are you baiting lol?

UC 1644 hours: Lol no are u [Police Car Emoji] you have to tell me if u r

ROSAS 1646 hours: Rates babe?

ROSAS 1658 hours: Sends picture of himself wearing black shirt, cross jewelry and holding up two fingers.

UC 1705 hours: U cool that I'm only 15?? I don't want any drama boo.

ROSAS 1730 hours: You got a pic or something babe?

UC 1743 hours: Ya I have one. R u cool with me only being 15 I don't want any drama. And no ops

ROSAS 1809 hours: Well hmu if you're local lol [winking tongue out emoji]

UC 1812 hours: I'm local. Can host. Wat do you want to do?

ROSAS 2036 hours: chilling WBU?

UC 2037 hours: Same. Sister is out partying for the night and I'm chillin here

ROSAS 2043 hours: Nice why didn't you go out partying too?

UC 2044 hours: I'm 15. Can't go to the bars or I wud.

ROSAS 2050 hours: Oh yup it's not that fun anyway lol

UC 2052 hours: You can always get someone to buy alcohol for you lol [winking tongue out emoji]

UC 2100 hours: I guess lol. I have only tried it once but it was beer and it was gross.

Sunday October 6, 2024

ROSAS 1445 hours: Hey [waving hand emoji]

ROSAS 1445 hours: Yo

ROSAS 1445 hours: U good?

ROSAS 1445 hours: Did u hit the balloon fiesta,?

UC 1446 hours: Yeah just woke up from a nap lol [smiling emoji] you?

ROSAS 1456 hours: U still trying to meet?

UC 1508 hours: ya if u still want to. What r we gonna do?

ROSAS 1512 hours: Idk what did you want to do? And do can you send a pic now? UC 1514 hours:

Whatever u want just kinda nervous so want to know what to expect. Ya sure.

UC 1514 hours: Sends picture

UC 1515 hours: Don't be mean

ROSAS 1520 hours: Did you want me to head over now?

UC 1522 hours: What r we going to do? I don't have a lot of experience but I'm good with whatever.

ROSAS 1527 hours: Whatever you're comfortable with send me your address.

UC 1528 hours: K but what do u want to do boo. And I can send it in a bit. Gonna get ready real quck.

ROSAS 1531 hours: How about we decide when we meet? And your good.

UC 1534 hours: I jus want to know what to expect. Don't be sus. Just making sure urn t trying to abduct me or anything lol.

ROSAS 1534 hours: When you get ready can you send me a pic doing a thumbs up tho? The lockers in that first pic throw me off lol

UC 1535 hours: Sure. Why does it throw u off lol

UC 1537 hours: And then maybe ulll be fr and tell me what we are going to do. Cuz it's kinda sus. If u don't want to hangout I get it cuz I'm 15 but cool if u do. Just not looking for drama.

ROSAS 1539 hours: Was that taken at school lol? And no worries we'll kick it for a bit lol

UC 1544 hours: Yea it was at school. K well I'm not comfortable giving the addy till I know what u wanna do. Lmk.

ROSAS 1554 hours: Idk just kick it for a bit talk see if we vibe.

ROSAS 1602 hours: Sends picture of himself

ROSAS 1604 hours: See not sketch lol

UC 1406 hours: I can do that with my friends. Up to you but hmu if u actually want the Addy. But I'm not playing games nd want to know what we gonna do.

UC 1407 hours: Sends thumbs up picture

UC 1409 hours: Also ur last pic is super cute.

ROSAS 1611 hours: Oh yup what do you want to do? Something dirty lol?

UC 1612 hours: You tell me hun [winking emoji blowing kiss]

ROSAS 1612 hours: [tongue out emoji x2 eggplant emoji monkey covering eyes emoji]

ROSAS 1613 hours: Thank you send the addy I'm not playing games either lol I want to meet

ROSAS 1614 hours: Well I want to eat that little kitty

UC 1614 hours: Oh ya? [upside down smiley face emoji]

UC 1621 hours: What else? ;) I'll be ready soon and can send u the Addy

ROSAS 1623 hours: U need more? I don't like being graphic lol

UC 1626 hours: Why not now

ROSAS 1627 hours: Because I'm trying to meet lol send the address

UC 1628 hours: And I told u boo I want to know what to expect. Excited to see u but don't be sus.

UC 1629 hours: I'm ready whenever so lmk [heart eyes emoji]

ROSAS 1629 hours: I'm ready now

UC 1630 hours: Just want to know I'm gonna be safe. There some sketchy peeps.

ROSAS 1633 hours: No worries you'll be safe lol

UC 1640 hours: Good. I feel like I can trust u. And ur cute lol

ROSAS 1644 hours: Thank you lol you want to meet then?

UC 1647 hours: Bet. But I still don't know what we are doing. I'm nervous

ROSAS 1648 hours: Nothing you're not comfortable with.

UC 1652 hours: I fr want to meet just sketch that u won't tell me what we are gonna do. Its cool if u don't wanna kick it just say so. Just want to make sure I'm safe

ROSAS 1654 hours: I can't say anymore without it being incriminating evidence lol you know this you're 15 texting with an adult.

UC 1655 hours: Woah I'm not trying to get into any trouble. R u a cop

UC 1706 hours: Lol just wasting my time. Early u said eat that kitty. Wym. I don't have a lot of experience and didn't want u to think I was lame.

ROSAS 1708 hours: You're fine, I can explain in real life lol send the addy but I have to be home by 545

ORIGINAL SIGNED COPY-COURT; ADDITIONAL COPIES- DEFENDANT AND ADMINISTRATOR'S COPY
STATE OF NEW MEXICO **ARTICLE 2**

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T 4 F R 2024 - 0 7 1 5 5

IN THE METROPOLITAN COURT

ROSAS 1715 hours: K bye or maybe I can get some lil nudes from you lol
 UC 1717 hours: Hmmmm. Like what [Kissing emoji]
 ROSAS 1722 hours: Well I wanted to eat some kitty but a picture would be nice
 UC 1723 hours: I'm no pass around. WYM eat some kitty.
 ROSAS 1726 hours: Lucky your pussy until you cum lol
 Rosas requested to meet with the undercover agent to engage in sexual intercourse. Rosas was provided a meet location within the City of Albuquerque, County of Bernalillo, New Mexico. Rosas arrived at the location at approximately 1905 hours and was detained for an interview. After being read Miranda rights, Rosas stated he understood his rights and agreed to speak with investigators. Rosas admitted to chatting with a person whom he believed to be 15 years old. He stated he arrived at meet location to "hang out" and smoke his vape with the 15 year old. When asked if he intended to engage in any sexual relations with the 15 year old, Rosas stated "no comment". When asked what he meant when he wrote that he would "eat kitty" or "lick pussy", Rosas stated he was referring to what Donald Trump said, about people eating animals. In discussing what cats he intended to eat or lick, he stated that there were strays in the area.

Contrary to Section(s) 30-9-11E - CSP 2ND DEG 11A SEX ORGAN M F ONLY 30-37-3.2 - CHILD SOLICITATION BY COMPUTER NMSA 1978.

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

K. Carhart

Approved By		Complainant	Carhart, Kevin
Date / Time		PDID	6125
Agency	Bernalillo County Sheriff's Office	Case No	SO24100014539

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 otherwise required.

CF001	Approved: Supreme Court, October 1, 1974; amended effective September 1, 1990; April 1, 1991; November 1, 1991			
METROPOLITAN COURT RULE 7-201	<input type="checkbox"/> -Court	<input type="checkbox"/> -Defendant	<input type="checkbox"/> -Attorney	<input type="checkbox"/> -DA