

STATE OF NEW MEXICO  
THIRTEENTH JUDICIAL DISTRICT COURT  
COUNTY OF VALENCIA

In the Matter of an Extreme Risk  
Firearm Protection Order for  
THOMAS WAYNE RODRIGUEZ

Case No.: D-1314-FP-2024-3

**TEMPORARY EXTREME RISK FIREARM PROTECTION ORDER**

**THIS MATTER** comes before the Court upon a Petition for an Extreme Risk Firearm Protection Order. The Court having reviewed the Petition and the sworn affidavit of the Reporting Party, and being otherwise fully advised in the premises, hereby **FINDS** and **ORDERS** as follows:

In issuing this Order, the Court has considered the following:

- Any recent act or threat of violence by the Respondent against self or others, regardless of whether the act or threat involved a firearm;
- A pattern of acts or threats of violence by the Respondent within the past twelve months, including acts or threats of violence against self or others;
- The Respondent's mental health history;
- The Respondent's abuse of controlled substances or alcohol;
- The Respondent's previous violations of any court order;
- Previous extreme risk firearm protection orders issued against the Respondent;
- The Respondent's criminal history, including arrests and convictions for violent felony offenses, violent misdemeanor offenses, crimes involving domestic violence or stalking;
- The Respondent's history of the use, attempted use or threatened use of physical violence against another person; of stalking another person; or of cruelty to animals; and
- Any recent acquisition or attempts at acquisition of a firearm by the Respondent.

In addition, the Court has considered other relevant information as follows:

---

---

---

---

Based on these specific facts, the Court finds there is probable cause to believe the Respondent poses a significant danger of causing imminent personal injury to self or others by having in the Respondent's custody or control or by purchasing, possessing or receiving a firearm before notice can be served and a hearing held.

**FIREARM PROHIBITION.** *Respondent is prohibited from having in the Respondent's possession, custody or control any firearm. Respondent is also prohibited from purchasing, receiving or attempting to purchase or receive any firearm while this Order is in effect.*

**RELINQUISHMENT OF FIREARMS.** Respondent is hereby ordered to safely relinquish (surrender) all firearms in Respondent's possession, custody or control to a law enforcement agency, a law enforcement officer or a federal firearms licensee (FFL):

within forty-eight (48) hours after you are served with this Order; OR

**xx shall be surrendered immediately**

---

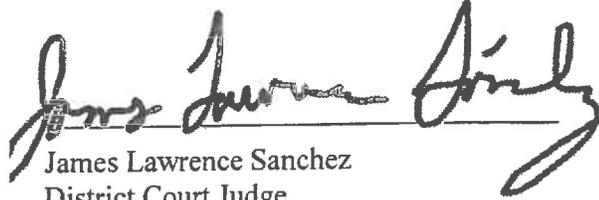
*Failure to relinquish (surrender) all firearms, is a misdemeanor offense, punishable by up to 364 days in jail and/or a \$1,000 fine, pursuant to Section 31-19-1 NMSA 1978.*

**NOTICE AND HEARING**

This Order shall remain in effect for ten (10) days or until the hearing date noted below, whichever date is earlier. A hearing to determine whether a One-Year Extreme Risk Firearm Protection Order shall be issued will be held on the date and time noted below. **Failure to appear at this hearing may result in the court issuing an order against you, which would be valid for one (1) year. You may seek the advice of an attorney for any matter associated with this Temporary Extreme Risk Firearm Protection Order.**

The hearing for a One-Year Extreme Risk Firearm Protection Order will be held before Judge **JAMES LAWRENCE SANCHEZ** on **October 9, 2024** at **11:30 a.m.** at the **THIRTEENTH** Judicial District Court, located at **1835 HWY 314, LOS LUNAS, NM 87031**. This hearing may only be continued at the request of the Respondent, but if continued must be re-set within thirty days of the Respondent's request for a continuance.

IT IS SO ORDERED.



James Lawrence Sanchez  
District Court Judge  
Thirteenth Judicial District Court  
1835 HWY 314  
LOS LUNAS, NM 87031

Issued this \_\_\_\_\_ day of 10/01/24, \_\_\_\_\_ at 1:55  am  pm  
day month year time

STATE OF NEW MEXICO  
13TH JUDICIAL DISTRICT COURT  
COUNTY OF VALENCIA

In the Matter of an Extreme Risk  
Firearm Protection Order for  
Thomas Wayne Rodriguez

**D1314 FP 2024 00 003**

Case No.: VCSO24003214

**PETITION FOR EXTREME RISK FIREARM PROTECTION ORDER**

**SECTION I. PETITIONER** (*Petitioner must be a law enforcement officer working for a law enforcement agency as defined under the Extreme Risk Firearm Protection Order Act ("Act")*)

**Petitioner is employed by the following type of agency:** Choose an item.

1. Petitioner's name: Detective C. Maycumber  
Badge/CAID Number: 5071
2. Law Enforcement Agency Petitioner works for: Valencia County Sheriff's Office
3. Law Enforcement Agency's address: {street address, city, state, and zip code}:  
543 Luna Ave Los Lunas, NM 87031
4. Law Enforcement Agency's telephone number: 505 866-2400

**SECTION II. REPORTING PARTY**

1. Reporting Party's full name: Carol Cyrus
2. Reporting Party's address: 116 B La Ladera Rd Los Lunas, NM 87031

Address sealed upon request of Reporting Party.

Click or tap here to enter text.

3. Reporting Party's relationship to Respondent: {relationship must fit one of the defined relationships under the Act}: Parent

**SECTION III. RESPONDENT**

1. Respondent's full legal name: Thomas Wayne Rodriguez

Judge James Lawrence Sánchez, Div. 1

2. Respondent's permanent address: {street address, city, state, and zip code}

116B La Ladera Road Los Lunas, NM 87031

3. Respondent's current address, if different from permanent address: Same

Click or tap here to enter text.

#### **SECTION IV. BASIS FOR PETITION**

In support of this petition, the undersigned Law Enforcement Officer swears and affirms that based upon credible information contained in the attached affidavit (*Exhibit A*) there is probable cause to believe the Respondent poses a significant danger of causing imminent personal injury to self or others by having custody or control of a firearm or by purchasing, possessing or receiving a firearm. The undersigned Law Enforcement Officer has probable cause to believe the following factors should be considered by the Court when determining whether to issue a temporary extreme risk firearm protection order:

- A recent act or threat of violence by the Respondent against self or others, regardless of whether the act or threat involved a firearm;
- A pattern of acts or threats of violence by the Respondent within the past twelve months, including acts or threats of violence against self or others;
- The Respondent's mental health history;
- The Respondent's abuse of controlled substances or alcohol;
- The Respondent's previous violations of any court order;
- Previous extreme risk firearm protection orders issued against the Respondent;
- The Respondent's criminal history, including arrests and convictions for violent felony offenses, violent misdemeanor offenses, crimes involving domestic violence or stalking;
- The Respondent's history of the use, attempted use or threatened use of physical violence against another person; of stalking another person; or of cruelty to animals; and
- Any recent acquisition or attempts at acquisition of a firearm by the Respondent.
- Other considerations: Click here to enter text.

**FIREARMS.** The quantities, types, and total number of all firearms the Petitioner believes to be in the Respondent's ownership, possession, custody, or control are listed below and/or attached as Exhibit B.

Type of Firearm	Number	Location	Ammunition
<input checked="" type="checkbox"/> Long gun (includes rifles and shotguns)	2	Click here to enter text.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
<input checked="" type="checkbox"/> Short gun (includes revolvers and pistols)	2	Click here to enter text.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
<input type="checkbox"/> Other:	Click here to enter text.	Click here to enter text.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown

**TOTAL NUMBER OF FIREARMS: 4**

**LEGAL ACTION(S) BETWEEN REPORTING PARTY AND THE RESPONDENT.**

- Lawsuit. *Please describe:* Click here to enter text.
- Complaint. *Please describe:* Click here to enter text.
- Petition. *Please describe:* Click here to enter text.
- Restraining Order. *Date Issued:* Click here to enter text. *Issued by:* Click here to enter text.
- Injunction. *Please describe:* Click here to enter text.
- Other Legal Action. *Please describe:* Click here to enter text.
- None.

For the foregoing reasons, Petitioner respectfully requests the Court enter a Temporary Extreme Risk Firearm Protection Order and schedule a hearing to be held within 10 days of the issuance of a Temporary Extreme Risk Firearm Protection Order to determine if a One-Year Extreme Risk Firearm Protection Order should be entered.

Respectfully submitted this 1 day of October, 2024.

  
 \_\_\_\_\_  
*Signature of Petitioner*

State of New Mexico

County of Valencia

SIGNED AND SWORN to before me on October 1<sup>st</sup> 2024  
date

by Cody Maucumber  
name of person making sworn statement

{Notary Seal} STATE OF NEW MEXICO  
NOTARY PUBLIC  
DOYNA M. MARTINEZ  
COMMISSION # 1111693  
EXPIRES MARCH 10, 2027

Doña M. Martinez  
Signature of notarial officer

My Commission Expires: 3-10-2027

EXHIBIT A

**AFFIDAVIT IN SUPPORT OF A PETITION FOR AN  
EXTREME RISK FIREARM PROTECTION ORDER**

**1. INFORMATION ABOUT THE PERSON WHO I BELIEVE POSES A SIGNIFICANT DANGER (RESPONDENT)**

A. The name of the person who I believe poses a significant danger of causing imminent personal injury to self or others by having custody or control or by purchasing, possessing or receiving a firearm is: {full legal name}

Thomas Wayne Rodriguez

B. My relationship to this person is (please select one):

- spouse  former spouse  
 parent  present or former step-parent  present or former parent-in-law  
 grandparent  grandparent-in-law  
 co-parent of a child  
 person whom I have had a continuing personal relationship

Describe relationship: \_\_\_\_\_

employer

school administrator

C. Address of person who I believe poses a significant danger (Respondent):

116 B La Ladera

street address

Los Lunas

city

NM

state

87031

zip code

D. Firearms I believe the Respondent has custody of, controls, owns or possesses:

Type of Firearm	Number	Location	Ammunition
<input checked="" type="checkbox"/> Long gun (includes rifles and shotguns)	2	116 B La Ladera	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/> Short gun (includes revolvers and pistols)	2	116 B La Ladera	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Other:			<input type="checkbox"/> Yes <input type="checkbox"/> No

TOTAL NUMBER OF RESPONDENT'S FIREARMS: \_\_\_\_\_

2. INFORMATION ABOUT ME (REPORTING PARTY)

A. My full name: Carol Cyrus

B. My address: 116 B La Ladera  
street address

Los Lunas NM 87031  
city state zip code

I DO NOT WANT THE RESPONDENT TO KNOW MY ADDRESS NOW OR AFTER THE HEARING FOR A ONE-YEAR EXTREME RISK FIREARM PROTECTION ORDER. I REQUEST THE COURT SEAL MY ADDRESS.

3. FACTS I WANT THE COURT TO KNOW (You may attach additional pages, if needed)

A. Any recent act or threat of violence by the respondent against self or others, regardless of whether the act or threat involved a firearm. Please describe: \_\_\_\_\_

Thomas is a known drug user and says he wants to "shoot the people outside" when his mother goes out to look for the people, there are no people

B. A pattern of acts or threats of violence by the respondent within the past twelve months, including acts or threats of violence against self or others. Please describe:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. The respondent's mental health history. Please describe: \_\_\_\_\_

Thomas will not be seen by medical personnel.

\_\_\_\_\_  
\_\_\_\_\_

D. The respondent's abuse of  controlled substances or  alcohol. Please describe:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E. The respondent's previous violations of any court order. *Please describe:*

---

---

---

---

F. Previous extreme risk firearm protection orders issued against the respondent.

*Date of Order:* \_\_\_\_\_ *Issued by:* \_\_\_\_\_

G. The respondent's criminal history, including:

arrests and convictions for violent felony offenses. *Please describe:*

Drug traffic charges out of TX

arrests and convictions for violent misdemeanor offenses. *Please describe:*

negligent discharge in the past

arrests and convictions for crimes involving domestic violence or stalking. *Please describe:* \_\_\_\_\_

H. The respondent's history of the use, attempted use or threatened use of physical violence against another person; of stalking another person; or of cruelty to animals. *Please describe:* \_\_\_\_\_

---

---

---

---

I. Any recent acquisition or attempts at acquisition of a firearm by the respondent.

*Please describe:* \_\_\_\_\_

---

---

---

---

**J.** In addition, I would like the Court to also consider the following:

---

---

---

---

4. LEGAL ACTION(S) BETWEEN THE RESPONDENT AND ME

The following are legal actions between the Respondent and me. (You may attach additional pages, if needed)

- Lawsuit. Please describe: \_\_\_\_\_
- Complaint. Please describe: \_\_\_\_\_
- Petition. Please describe: \_\_\_\_\_
- Restraining Order. Date Issued: \_\_\_\_\_ Issued by: \_\_\_\_\_
- Injunction. Please describe: \_\_\_\_\_
- Other Legal Action. Please describe: \_\_\_\_\_
- None.

5. AFFIDAVIT OF REPORTING PARTY

I, {Reporting Party's Name} MARK CYRUS, hereby swear or affirm that I believe {Respondent's Name} \_\_\_\_\_, poses a significant danger of causing imminent personal injury to self or others by having custody or control or by purchasing, possessing or receiving a firearm for the reasons sworn to in this Affidavit.

Carol Cyrus  
Signature  
CAROL CYRUS  
Printed Name

➔ Additional pages are attached to this Affidavit?  YES  NO

State of New Mexico  
County of Valencia

SIGNED AND SWORN to before me on October 1<sup>st</sup>, 2024  
date

by Carol Cyrus  
name of person making sworn statement

STATE OF NEW MEXICO  
NOTARY PUBLIC  
DONNA M. MARTINEZ  
COMMISSION # 1111693  
(Notary Seal) EXPIRES MARCH 10, 2027

Donna M Martinez  
Signature of notarial officer

My Commission Expires: 3-10-2027



### Case Report

#### Administrative

---

Case Report Number	VCSO24003214-001	Verification	Verified
Subject	SHOTS FIRED	Verification Level	
Disposition	Closed Otherwise	Jurisdiction	Valencia/El Cerro
Entered On	9/29/2024 4:58:40 PM	Grid	VCSO
Entered By	Odell, Noah	Sector	
Reported On	9/29/2024	Map	
Reporting Officer	Odell, Noah	Census/Geo Code	
Reporting Agency	VCSO - VALENCIA COUNTY SHERIFF'S OFFICE	Call Source	Informant
Report Type	Crime Report	Related Cases	
Assisted By		Means	
Occurred On (Date and Time)	Sunday 9/29/2024 3:11:21 PM	Other Means	
Or Between (Date and Time)		Motives	
Location	116 La Ladera Rd	Other Motives	
CSZ	VALENCIA, NM 87031	Vehicle Activity	
Location Name		Direction Vehicle Traveling	
		Cross Street	
		Notified	

#### For Exceptional Clearances

Clearance Basis

Exceptional Clearance Date

#### Offense

---

Offense	Negligent use Deadly Weapon PM	IBR Group	A
Code Section		Crime Against	Society
IBR Code	520	UCR Hierarchy	15
		Location Type	Residence/Home



Completed	Yes	Using	Not Applicable
Hate/Bias	None (No Bias)	Weapons	Rifle
Domestic Violence	No	Criminal Activity	Using/Consuming
Premises Entered		Type Security	
Entry		Tools	

Offense

Offense	Resist/Evade/Obstruct Officer M	Domestic Violence Premises Entered Entry	No
Code Section		Using	Not Applicable
IBR Code	90Z	Weapons	
IBR Group	B	Criminal Activity	
Crime Against	Person, Property, Society	Type Security	
UCR Hierarchy	26	Tools	
Location Type	Residence/Home		
Completed	Yes		
Hate/Bias	None (No Bias)		

Offenders

Arrestee Name: Rodriguez, Thomas Wayne

Aliases

Alias
-------

Alerts

Addresses

Address Type	Address	CSZ	County	Country
H - Home	116b Ln Ladera	Los Lunas, NM 87031	Valencia	USA - United States of America

Phones

Phone Type	Phone Number
------------	--------------



Emails

Email Address

Sex	Male	Teeth	
Race	Hispanic	Build	
Ethnicity	Hispanic or Latino	Height	5' 11"
DOB	11/29/1977	Weight	190
Age	46	Resident	Resident
Eye Color		POB	
Hair Color		DLN	501462772
Hair Style		DL State	New Mexico
Hair Length		DL Country	United States of America
Facial Hair		SSN	453-93-4618
Complexion			

Scars, Marks and Tattoos

SMT	Location	Description
-----	----------	-------------

Attire  
Employer/School  
Employer Address  
Employer CSZ  
Occupation/Grade  
MO  
Other MO  
Habitual Offender Status

Arrest Information

Arrest For	30-22-1 - Resist/Evade/Obstruct Officer M 30-7-4 - Negligent use Deadly Weapon PM	Multi-Clearance Multi-Clearance Offense FBI Number State Number	Not Applicable
Arrest Number	SUMMONED	Arrest Date	9/29/2024
Arrest Type	Summoned/Cited	Arrest Location	
Armed With	Rifle	Force Level	





DL State  
DL Country  
SSN  
Attire  
Employer/School

Employer Address  
Employer CSZ  
Occupation/Grade  
Testify  
Injury

Offender Relationships

Offender	Relationship
----------	--------------

Circumstances  
Just. Hom. Circ.

LEOKA Info

Type  
Assignment

Activity  
ORI-Other Jurisdiction

Notes

Witnesses \_\_\_\_\_

Other Entities \_\_\_\_\_

Name: GABALDON, PATRICIA

Entity Type                      Complainant

Aliases

Alias
-------

Alerts

Addresses

Address Type	Address	CSZ	County	Country
H - Home	116 La Ladera Rd	LOS LUNAS, NM 87031- 8231	VALENCIA	USA - United States of America



Phones

Phone Type	Phone Number
M - Mobile	(505) 710-9211

Email

Email Address

Sex	Female	Resident	
Race		POB	
Ethnicity		DLN	125788564
DOB		DL State	New Mexico
Age		DL Country	United States of America
Eye Color		SSN	525-67-6127
Hair Color		Attire	
Facial Hair		Employer/School	
Complexion		Employer Address	
Height		Employer CSZ	
Weight		Occupation/Grade	

Notes

Name: Cyrus, Carol

Entity Type Mother of Arrestee

Aliases

Alias

Alerts

Addresses

Address Type	Address	CSZ	County	Country
H - Home	116 La Ladera B	Los Lunas, NM 87031	Valencia	USA - United States of America

Phones

Phone Type	Phone Number



M - Mobile (505) 261-3954

Email

Email Address

Sex	Female	Resident	Resident
Race	Caucasian - Non-Hispanic	POB	
Ethnicity	Not Hispanic or Latino	DLN	501287881
DOB	4/20/1955	DL State	New Mexico
Age	69	DL Country	United States of America
Eye Color	Green	SSN	463-08-1055
Hair Color	Blond	Attire	
Facial Hair		Employer/School	
Complexion		Employer Address	
Height	5' 10"	Employer CSZ	
Weight	200	Occupation/Grade	

Notes

Properties

---

Narrative

---

Narrative Subject Initial Report

Date Entered 9/29/2024

Entered By 494 - Odell, Noah

Narrative:

On 9/29/24 at about 1511 I was dispatched to 116 B La Ladera regarding gunshots in the area.

Upon arrival, Deputies parked on the dirt road south of the residence listed above. Assisting Deputies observed an unidentified male with a rifle slung across his body in the yard of the 116A residence. Deputy Kloeppe will complete a supplemental report, outlining the sequent of events that occurred with his male. No shots were fired from this male while Deputies were on scene.

The suspect, Thomas Rodriguez and his mother Carol Cyrus came out of the residence and spoke with Deputies. Thomas



then started to walk back in the direction of the east side door and was told not to go back into the residence from Sgt Meo. Thomas ignored the commands and then went back inside the residence. Carol stayed outside and then walked to the north of the property and made contact with Deputies.

The property was surrounded and assisting Deputies were conducting call outs.

When myself and assisting Deputies went to the other side of the residence where we were able to enter the property. Carol spoke with Deputy Kloeppe, and stated she did not see Thomas shoot a gun but she did hear him shooting. She said she heard two to three shots. Carol further stated she knows he has a rifle and a pistol in one of the middle rooms in the residence.

Carol then left the property and sat in Sgt Meo's patrol vehicle while we attempted have Thomas exit the residence. Thomas came to the east side door and would only talk with us while in the doorframe, and would not leave the doorframe. Thomas was saying things along the lines of, "There are ultraviolet rays surrounding the area; you're fake cops; the ultraviolet rays mess with your leg, listen you can hear it."

Thomas was asked to exit the residence and speak with us; however, he would not listen to our commands. Thomas then shut the door and would not come outside and speak with us. Thomas did come out of the east door of the residence. He was instructed again by Deputies to come outside of the fence and speak with us. Thomas ignored commands and went back inside the residence. This is when I initiated call outs and instructed him to come out of the residence.

"Call-outs are instructing the suspect to exit the residence over the public address system installed in my patrol vehicle. It is a very loud speaker and I also utilized my airhorn and sirens in an attempt to have him exit the residence." I instructed Thomas to exit the residence with his hands up and empty of any weapons.

This started at approximately 1600 hours. I continued to conduct call outs for about 45 minutes, Thomas never exited the residence again.

SWAT was requested for this incident; however, they were not activated.

I contacted the reporting party Rebecca Gabaldon after the response to interview her over the phone. She stated she observed Thomas shoot a rifle in the air. She said he shot about two to three shots from a rifle. Rebecca was informed of the response and further informed the Sheriff's Office is going to petition to take the firearms from Thomas through the court process. Rebecca asked if responding patrols were able to take him into custody and I told her, unfortunately not.

Deputies departed the residence and went to the Valencia Mart to reconvene and complete the paperwork to have Thomas' weapons taken away. While at Valencia Mart, I was speaking with Carol and informing her about the paperwork to take Thomas' weapons away and she informed me, that Thomas does not abuse alcohol, only drugs. And this is when she also added, he shoots his guns when he is "on drugs".

Response was terminated and Carol was transported to a family members house by Sgt Meo.

Thomas will be charged for this crime and will be summoned into court.

Case Report Number:  
VCSO24003214-001



VALENCIA COUNTY SHERIFF'S  
OFFICE

Nothing further to report.

Deputy Odell #6078  
Field Services Division  
Valencia County Sheriff's Office

**Officer Narrative**

Case Number: VCSO24003214 Entered On: 9/30/2024 11:36:00 AM  
Subject: I. Montano Entered By: 627 - Montano, Isiah

## Narrative:

On September 29th 2024 I Deputy I. Montano was wearing my full-duty uniform while displaying my badge of office when being dispatched to 116 La Ladera Road for a shots fired call for service.

Upon arrival, call outs began outside of 116 La Ladera Road and contact was made with Thomas Rodriguez and his mother Carol. Thomas and his mother exited the residence however Thomas was standing at the door of the east side of the property. Thomas was given the directive no to go back inside of the residence due to his mother Carol advising Deputies that Thomas did shoot his gun and she thought that the firearm could possibly be somewhere inside of the residence. Thomas spoke to me at the door and it appeared he was having some sort of mental issues due to him saying that we weren't the real police. Also that he was seeing object in the sky and they came down to eat his legs. Thomas then went back in the house.

Moments after Thomas was seen on the west side of the trailer and spoke to Deputies for a few more moments however then returned back into the residence. Carol was transported down the road for her safety and "call outs" began by activating our emergency equipment on our marked patrol units and giving Thomas directives to exit the trailer. Deputies never regained a visual of Thomas and exited the property transporting Carol to another residence for her safety. Charges were filed on Thomas by Deputy Odell.

\*End of report

Deputy I. Montano

RTF Narrative: