

Man charged with aggravated battery after shooting

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A 29-year-old man named Daryl Desiderio Jr. is facing multiple charges after he reportedly shot a man in the ankle.

The Gallup Police Department was dispatched to 109 E. Hill Ave. after a shooting on July 24.

According to an affidavit written by Detective Victor Rodriguez, the victim had already been transported to a local hospital by the time he arrived at the scene. At that time, the suspect hadn't been identified yet, but a bullet casing was found at the scene, next to two black dumpsters where the victim had been laying.

Another bullet casing was found by a gas meter, and clothing with blood on it was found near the dumpsters.

Rodriguez met with multiple witnesses to try find out the identity of the suspect.

One witness said she was sitting on a balcony when she saw the victim riding a bike in the alleyway. He was reportedly with Desiderio, and the two men approached a house.

The two men reportedly began to argue, and the woman reportedly heard one of them say "I don't give a f*** about your gun" before she heard a gunshot.

After the incident, Desiderio allegedly headed west. The woman said he was wearing a white

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shirt, gray sweats, and a blue bandana around his neck.

The man who lived at the house where the argument took place also spoke to Rodriguez. The man acknowledged that he knew both Desiderio and the victim, although he said he hadn't seen the argument. He told Rodriguez that Desiderio had recently been released from prison, and that he goes by the nickname "Tex." He also noted that whenever Desiderio is around "there is always trouble."

After Rodriguez spoke with the two witnesses, Gallup Patrole Officer Christopher Falder gave him Desiderio's address.

When GPD officers arrived at Desiderio's house, they met with a woman who said she would check to see if Desiderio was home.

Desiderio was home, however, when the officers spoke to him he said he hadn't gone anywhere. He said he'd just gotten out of the shower.

According to the affidavit, Rodriguez noticed that Desiderio was walking with a limp.

After speaking to Desiderio, Rodriguez headed to the hospital where the victim had been transported. He tried to meet with the victim, but the nurses said he was getting flown to the University of New Mexico Hospital in Albuquerque to receive surgery for his injury. The victim was reportedly shot in the ankle, and he had "no pulse on his foot."

On July 25, Rodriguez met with the male witness again. He was shown a photo lineup of men, and he picked out a photo of Desiderio and identified him as the suspect.

Rodriguez also spoke to the male witnesses' daughter, who said she'd been outside welding a fence with a friend when Desiderio stopped by the house. She allegedly told Desiderio that her dad wasn't home and that he needed to leave because he wasn't welcome there.

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The daughter said that Desiderio tried to help her and her friend with the welding, but they once again told him he needed to leave. That's when the victim reportedly approached the house on his bike.

Desiderio reportedly began swinging his gun around. That's when the man who owned the house came outside and told Desiderio to leave "because there is too much drama."

Then things began to turn violent. The victim was reportedly trying to leave on his bike, but then Desiderio pulled out his gun and shot him. He then reportedly walked away after shooting the man.

The daughter also said that Desiderio had come by the house two weeks ago and pulled a gun on her younger brother.

Magistrate Court Judge Virginia Yazzie signed a warrant for Desiderio's arrest on July 26. Desiderio was arrested on July 28. He is facing charges of aggravated battery, tampering with evidence, possession of a firearm by a felon, and negligent use of a deadly weapon.

This is not Desiderio's first run-in with the law. On Jan. 14, 2015, he was charged with three counts of distribution/possession with an intent to distribute marijuana. He pled guilty to the charges on April 13, 2015 and was placed on supervised probation for 18 months.

On July 11, 2016, the court issued an order revoking probation. According to the court documents, Desiderio did not complete his probation.

Eleventh Judicial District Chief Deputy District Attorney Bernadine Martin signed an order July 31 that stated Desiderio must stay in jail while he awaits trial due to the court's concern for public safety. At press time, no further court dates had been scheduled for Desiderio.

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