

**FILED**

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

**United States District Court**

FEB 19 2010

DISTRICT OF New Mexico

UNITED STATES OF AMERICA

**MATTHEW J. DYKMAN**

Amended **CLERK**

**CRIMINAL COMPLAINT**

v.

**Kyle Julian**  
Date of Birth 1990

CASE NUMBER: 10-MJ-427

(Name and Address of Defendant)

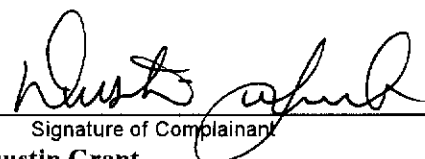
I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 8, 2010 in Rio Arriba county, in the \_\_\_\_\_ District of New Mexico defendant(s) did, (Track Statutory Language of Offense)

**did commit an act of assault with a dangerous weapon, to wit a knife, with intent to do bodily harm and without just cause or excuse** in violation of Title 18 United States Code, Section 113(a)(3) and Title 18 United States Code, Section 2.

I further state that I am a(n) Special Agent - FBI and that this complaint is based on the following facts:  
Official Title

See Attached Affidavit hereby incorporated by reference as if fully restated herein.

Continued on the attached sheet and made a part hereof:  Yes  No



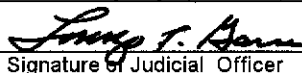
Signature of Complainant

**Dustin Grant**  
Special Agent  
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

Lorenzo F. Garcia, U.S. Magistrate Judge at  
2/19/10  
United States Magistrate Judge

Albuquerque, New Mexico

  
Signature of Judicial Officer

1 CB/AUSA

2 NEW MEXICO

3 ALBUQUERQUE, NEW MEXICO

4 United States of America )

5 vs )

6 Kyle Julian  
7 DATE OF BIRTH: 1990 )  
8 Social Security Number XXX-XX-0841

9 Amended  
10 AFFIDAVIT

11 1) I am a regularly appointed Special Agent (SA) of the Federal  
12 Bureau of Investigation (FBI) assigned to the Albuquerque Division of the  
13 FBI. I have been an SA for 1 year, and primarily investigate violent crimes  
14 on the Jicarilla Apache Indian Reservation. The following facts were  
15 determined during the course of an investigation conducted by agents of the  
16 FBI and Jicarilla Apache Police Department (JAPD) Criminal Investigator  
(CI) Lester Velarde.

17 2) The information set forth was provided from the JAPD,  
18 witnesses, and individuals involved. On February 8, 2010, the JAPD in Dulce,  
19 New Mexico, responded to the residence of Ouray Muskrat at 7 Cabin Lane,  
20 Dulce, New Mexico, for the report of a stabbing.

21 3) Ouray was having a superbowl party on February 7, 2010, at  
22 his house were the following people: Tara Muskrat (wife), Sunny Monarco,  
23 Jennifer Muskrat, Juan Medrano, Kyle Julian, Ali Tafoya, and his daughter.  
24 Some time after the superbowl was over, Ouray's wife Tara, told Ouray that  
Kyle had put his hand down her pants.

25 4) Ouray confronted Kyle about this and told him to leave, which  
26 then turned into a fight outside of the house between Kyle and Ouray. During  
27 the fight outside, Ouray remembers Kyle stabbing him in the back with a  
28 knife. Kyle's girlfriend, Ali, who was also outside picked up Kyle's knife off  
the ground during the fight. The knife is described as a black/grey handle,

*FFN*  
*DG*

1 Gerber pocket knife, with a see through design handle.

2  
3 5) Juan was watching the fight in the front yard from a distance  
4 and heard Kyle say "I'm going to kill you Ouray". He then heard someone  
5 scream that a knife had been pulled out, so he went to break the fight up. Juan  
6 stepped into the fight to assist Ouray and separate the two because it appeared  
7 that Ouray was severely injured. He noticed a grey Gerber knife on the ground  
8 but didn't know how it got there. After separating them Kyle's girlfriend took  
9 Kyle and left.


10  
11 6) Ouray was later transported to San Juan Regional Medical  
12 Center (SJRMC) where he was treated for multiple stab wounds in the back  
13 and a broken ankle. One of Ouray's lungs had been cut by the knife. The  
14 knife used in the incident was taken from Julian the next day and entered into  
15 evidence.

16  
17 7) Kyle was interviewed and stated he was confronted by Ouray  
18 that night about an allegation that he touched his wife. When he was leaving  
19 Ouray's residence he claimed Ouray came after him with a knife. No other  
20 witnesses saw, including Kyle's girlfriend Ali, a knife in Ouray's hands. Kyle  
21 remembers pulling his knife out in his left hand and he may have stabbed  
22 Ouray. He also remembers Juan coming in and joining the fight.

23  
24 8) Kyle Julian is an enrolled member of the Jicarilla Apache  
25 Tribe. The offense occurred within the exterior boundaries of the Jicarilla  
26 Apache Indian Reservation.

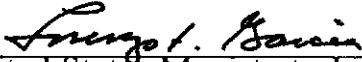
27  
28 9) Based on the above, your affiant believes probable cause  
exists to believe Kyle Julian, an Indian person, committed the following  
offenses: Assault with a dangerous weapon, to wit a knife, with intent to do  
bodily harm, and without just cause or excuse, that is he assaulted Ouray  
Muskrat, an Indian person, by stabbing him with a knife, in violation of Title  
18, United States Code, Section 113(a) (3) and Title 18 United States Code,  
Section 2; and that the offense occurred in Indian Country, to wit the Jicarilla  
Apache Indian Reservation, in violation of Title 18, United States Code  
1153.

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Dustin Grant  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn before me on  
this *19* day of February, 2010



United States Magistrate Judge