

AO 91 (Rev. 5/85) Criminal Complaint

# United States District Court

State and

**FILED** DISTRICT OF

New Mexico

UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

v.

TONY CURTIS JUNIOR  
YOB: 1973

AUG - 3 2010

**CRIMINAL COMPLAINT**  
CASE NUMBER: 10-MJ-2141  
10-MG-037

MATTHEW J. DYKMAN  
CLERK

(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 07/30/2010 in McKinley county, in the State and \_\_\_\_\_ District of New Mexico defendant(s) did, (track statutory Language of Offense) commit assault against Ryan John with a dangerous weapon, with intent to do bodily harm and without just cause or excuse resulting in serious bodily injury within the exterior boundaries of Indian Country, New Mexico.

in violation of Title 18 United States Code, Section(s) 1153, 113 (a)(3) and (a)(6)

I further state that I am a FBI Special Agent and that this complaint is based on the following  
Official Title

facts: See attached Affidavit.

Continued on the attached sheet and made a part hereof:

YES

No

Sworn to before me and subscribed in my presence,

Signature of Complainant  
John A. Pierson  
Special Agent  
Federal Bureau of Investigation

Date 8/3/10

at

Gallup, New Mexico  
City and State

Robert W. Evans vs magistrate-judge  
Name & Title of Judicial Officer

  
Signature of Judicial Officer

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IN THE UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA )  
 )  
vs. )  
 )  
TONY CURTIS JUNIOR )  
YOB 1973 )  
\_\_\_\_\_ )

10-MJ-2141  
10-MG-037

AFFIDAVIT

The undersigned being duly sworn, deposes and says:

1) I, John A. Pierson, am a Special Agent of the Federal Bureau of Investigation (FBI), currently assigned to the Albuquerque Division, Gallup Resident Agency. The information set forth is known to me as a result of my own investigation or has been communicated to me by other law enforcement officers.

2) This affidavit has been made in support of a criminal complaint against TONY CURTIS JUNIOR, born in 1973, for the assault with a dangerous weapon resulting in the serious bodily injury of RYAN JOHN, born in 1988, in violation of Title 18, United States Code 1153, 113(a)(3) and 113(a)(6). TONY CURTIS JUNIOR and RYAN JOHN are both members of the Navajo Indian Tribe and the assault occurred within the exterior boundaries of Indian Country.

3) On 07/31/2010, GARRETT FREELAND was interviewed and voluntarily provided the following information. GARRETT

1 FREELAND had been drinking an alcoholic beverage the evening  
2 of 07/30/2010, near his home on the Navajo Indian Reservation.  
3 He was upset and started yelling at his neighbor's house.  
4 This was the home of ARLISS JOHN. GARRETT FREELAND could tell  
5 that someone was inside the ARLISS JOHN residence. GARRETT  
6 FREELAND knew that ARLISS JOHN had undergone back surgery and  
7 was yelling words to the effect of, "I'm gonna break your  
8 back" and "I'm gonna bury you." GARRETT FREELAND continued to  
9 drink and smoke cigarettes until he passed out.

10  
11 4) On 07/31/2010, ARLISS JOHN was interviewed and  
12 voluntarily provided the following information. On the  
13 evening of 07/30/2010, ARLISS JOHN was in his home on the  
14 Navajo Indian Reservation when he heard his neighbors yelling  
15 outside. They were saying that they were going to kill ARLISS  
16 JOHN and put him six (6) feet under. ARLISS JOHN has issues  
17 with his back which limits his mobility. There has been a  
18 dispute between his girlfriend's nephews and the neighbors for  
19 some time. These disputes will sometimes escalate into  
20 physical confrontations. Because of ARLISS JOHN's physical  
21 condition and the fact that he was there with his pregnant  
22 girlfriend and four (4) young children, ARLISS JOHN was scared  
23 for his safety. ARLISS JOHN's girlfriend called the Navajo  
24 Police and ARLISS JOHN contacted a family member asking for  
25 them to come over and make sure he and his family are safe.

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27 5) On 07/31/2010, RECHEL WILSON was interviewed and  
28 voluntarily provided the following information. On the

1 evening of 07/31/2010, RECHEL WILSON's boyfriend, RYAN JOHN,  
2 was contacted by his uncle, ARLISS JOHN. ARLISS JOHN was at  
3 home with his family and the boys next door were threatening  
4 him saying things like "I'm gonna break your back" and "we'll  
5 put you six (6) feet under." RECHEL WILSON, RYAN JOHN,  
6 BRANDON JIMENEZ and CLARAPITA JOHN all drove over to ARLISS  
7 JOHN's home to help. When they were down the hill from the  
8 home the road was too muddy to go any further. They parked  
9 and called ARLISS JOHN. ARLISS JOHN drove down the hill to  
10 meet them, picked them up and began driving up the hill. The  
11 group saw two boys and ARLISS JOHN said they were the ones  
12 threatening him. The group got out of ARLISS JOHN's car to  
13 tell the boys to leave ARLISS JOHN alone. As they walked  
14 towards the area where the boys were they met a woman, later  
15 identified as JUDY YAZZIE, who wanted to know who they were  
16 and where her son was. RECHEL WILSON said she did not know  
17 where JUDY YAZZIE's son was and they were looking for the boys  
18 that had been there to tell them to leave ARLISS JOHN alone.

19  
20 6) JUDY YAZZIE walked away and the group heard the  
21 sounds of people walking around in the dark. RYAN JOHN went  
22 towards the sound and found two (2) boys, one (1) of whom  
23 claimed his name was "Garrett." The boys threw a rock at RYAN  
24 JOHN and ran away. As the group were walking back up the hill  
25 to ARLISS JOHN's house the group got separated. ARLISS JOHN  
26 ended up with CLARAPITA JOHN. RECHEL WILSON, RYAN JOHN and  
27 BRANDON JIMENEZ ended up together and walked up the hill.  
28 When they came to a trailer that was not ARLISS JOHN's they

1 encountered JUDY YAZZIE. JUDY YAZZIE was holding a long  
2 silver pipe or pole and was with at least two (2) other men.  
3 JUDY YAZZIE wanted to know what RECHEL WILSON did with her son  
4 and claimed that RECHEL WILSON was trespassing. JUDY YAZZIE  
5 swung the pipe at RECHEL WILSON and struck her on the side of  
6 the head. RECHEL WILSON yelled at JUDY YAZZIE and JUDY YAZZIE  
7 pushed her. RECHEL WILSON pushed her back and RYAN JOHN  
8 jumped between RECHEL WILSON and JUDY YAZZIE and told everyone  
9 to stop hitting each other. At that point one (1) of the men  
10 that was with the lady came at RYAN JOHN with a small sledge  
11 hammer. RYAN JOHN saw the man, later identified as TONY  
12 CURTIS JUNIOR, and said words to the effect of "if you come at  
13 me with that, that's assault with a deadly weapon." TONY  
14 CURTIS JUNIOR then said words to the effect of "I don't care  
15 if I go down for murder." TONY CURTIS JUNIOR then swung the  
16 sledge hammer and struck RYAN JOHN in the head and it made a  
17 loud "pop"." RYAN JOHN fell to the ground, started making a  
18 snoring sound and there was blood coming from his head. When  
19 TONY CURTIS JUNIOR hit RYAN JOHN with the hammer, one (1) of  
20 the other men yelled words to the effect of, "Tony, cut it  
21 out!" RECHEL WILSON then grabbed TONY CURTIS JUNIOR and in  
22 the process ripped the white tank-top that he was wearing.  
23 RECHEL WILSON was on the ground with RYAN JOHN yelling for  
24 help. BRANDON JIMENEZ ran over to help and the men there  
25 began fighting BRANDON JIMENEZ.

26  
27 7) On 07/31/2010, RYAN JOHN was interviewed and  
28 voluntarily provided the following information. On the

1 evening of 07/30/2010, RYAN JOHN's family was contacted by  
2 RYAN JOHN's brother, ARLISS JOHN. ARLISS JOHN said that he  
3 was afraid because some people were outside his home  
4 threatening him. RECHEL WILSON, RYAN JOHN, BRANDON JIMENEZ  
5 and CLARAPITA JOHN then all drove over to ARLISS JOHN's. They  
6 ended up parking the car and walking up towards ARLISS JOHN's  
7 home when they met a female and several males. RECHEL WILSON  
8 began fighting with the female, later identified as JUDY  
9 YAZZIE, and RYAN JOHN stepped in between the two (2) to break  
10 up the fight. RYAN JOHN had one (1) hand on each female  
11 pushing them apart when he saw a man in a grey tank-top  
12 wearing prescription glasses coming towards him with a small  
13 sledge hammer in his raised hand. RYAN JOHN looked at the  
14 man, later identified as TONY CURTIS JUNIOR, and said words to  
15 the effect of, "Don't! That's assault with a deadly weapon."  
16 TONY CURTIS JUNIOR paused for a moment and then hit RYAN JOHN  
17 on the left side of his head with the sledge hammer. RYAN  
18 JOHN went to the ground.

19  
20 8) On July 31, 2010, MARVIN YAZZIE was interviewed  
21 and voluntarily provided the following information. After  
22 initially claiming that his father, BENSON YAZZIE, punched a  
23 big guy, later identified as RYAN JOHN, in the lip last night  
24 and that sent RYAN JOHN to the hospital, MARVIN YAZZIE stated  
25 that he saw his cousin, TONY CURTIS JUNIOR, hit RYAN JOHN in  
26 the head with a small sledge hammer. Last night MARVIN  
27 YAZZIE, JUDY YAZZIE, BENSON YAZZIE, JUSTIN FRANK, JEROME FRANK  
28 and TONY CURTIS JUNIOR all encountered a female and two (2)

1 males near a trailer. One (1) male, RYAN JOHN, was bigger  
2 than the other. JUDY YAZZIE and the female, later identified  
3 as RECHEL WILSON, got into a fight and RYAN JOHN took a swing  
4 at BENSON YAZZIE with his fist and missed. BENSON YAZZIE  
5 punched RYAN JOHN one (1) time in the face. TONY CURTIS  
6 JUNIOR then hit RYAN JOHN in the head with the small sledge  
7 hammer and RYAN JOHN fell to the ground. TONY CURTIS JUNIOR  
8 then started punching the RYAN JOHN on the side and kidneys  
9 with his fists when RYAN JOHN was lying on the ground. MARVIN  
10 YAZZIE then took off and did not see what happened next.  
11

12 9) On 07/31/2010, JUDY YAZZIE was interviewed and  
13 voluntarily provided the following information. The night  
14 before JUDY YAZZIE had gotten in an argument with her son,  
15 GARRETT FREELAND, when he was drunk. GARRETT FREELAND walked  
16 out and later JUDY YAZZIE wanted to find him. JUDY YAZZIE  
17 heard that there were some people with bats around in the dark  
18 and she did not want GARRETT FREELAND getting hurt. JUDY  
19 YAZZIE took a pipe she uses for her stove, TONY CURTIS JUNIOR  
20 took a small sledge hammer, JEROME FRANK took a pipe, MARVIN  
21 YAZZIE took a stick and BENSON YAZZIE had nothing in his  
22 hands. They all went looking for GARRETT FREELAND and  
23 encountered some of ARLISS JOHN's relatives, a girl, later  
24 identified as RECHEL WILSON, and two (2) boys. One (1) of the  
25 boys, later identified as RYAN JOHN, was bigger than the other  
26 and RECHEL WILSON was holding a stick. JUDY YAZZIE began  
27 fighting with the RECHEL WILSON and RYAN JOHN "jumped out."  
28 TONY CURTIS JUNIOR then hit RYAN JOHN in the head with the

1 small sledge hammer and RYAN JOHN fell to the ground. TONY  
2 CURTIS JUNIOR then started hitting RYAN JOHN in the face with  
3 his fists and RECHEL WILSON was screaming for TONY CURTIS  
4 JUNIOR to stop.

5  
6 10) On 07/31/2010, JUSTIN FRANK was interviewed in  
7 custody on unrelated charges at the Crownpoint Detention  
8 Center. JUSTIN FRANK waived his constitutional rights and  
9 provided the following information. The evening of  
10 07/30/2010, JUSTIN FRANK, MARVIN YAZZIE, TONY CURTIS, JUDY  
11 LYNN, JEROME FRANK and BENSON YAZZIE all went out near JUSTIN  
12 FRANK's house looking for some people who had been chasing  
13 JUSTIN FRANK. They found a girl, later identified as RECHEL  
14 WILSON, and a tall guy, later identified as RYAN JOHN. JUDY  
15 LYNN and RECHEL WILSON got into an argument and RYAN JOHN  
16 moved towards JUDY LYNN like he was ready to punch her with  
17 his fist. TONY CURTIS JUNIOR then hit RYAN JOHN in the head  
18 with a sledge hammer that he was holding. RYAN JOHN fell to  
19 the ground and TONY CURTIS JUNIOR started "stomping" RYAN JOHN  
20 with his fists and feet. JEROME FRANK, MARVIN YAZZIE, JUSTIN  
21 FRANK and JUDY LYNN tried to pull TONY CURTIS off of RYAN JOHN  
22 but TONY CURTIS JUNIOR kept hitting RYAN JOHN . TONY CURTIS  
23 JUNIOR just "snapped." Finally BENSON YAZZIE told TONY CURTIS  
24 to stop and TONY CURTIS JUNIOR got up off of RYAN JOHN and  
25 walked away. JUSTIN FRANK thinks that RYAN JOHN was actually  
26 trying to break up the fight between RECHEL WILSON and JUDY  
27 LYNN and was not going to punch JUDY LYNN with his fist.

28



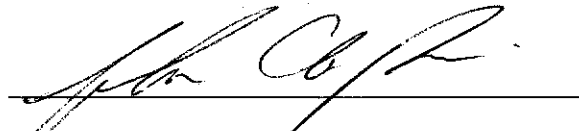
1           11) On 07/31/2010, TONY CURTIS JUNIOR was  
2 interviewed and voluntarily provided the following  
3 information. The night before TONY CURTIS JUNIOR was dropped  
4 off at his house on the Navajo Indian Reservation. Later that  
5 evening TONY CURTIS JUNIOR went out walking around with other  
6 family members to look for GARRETT FREELAND. The family  
7 believed that there was a group of people walking around with  
8 bats and GARRETT FREELAND was not accounted for. TONY CURTIS  
9 JUNIOR picked up a twenty (20) ounce sledge hammer and brought  
10 it with him for self defense. TONY CURTIS JUNIOR was with  
11 JUDY YAZZIE, MARVIN YAZZIE, JUSTIN FRANK, JEROME FRANK and  
12 BENSON YAZZIE. Everyone else in that group had a stick or  
13 pole with them. That group walked up and met a girl, later  
14 identified as RECHEL WILSON, and a guy, later identified as  
15 RYAN JOHN. RECHEL WILSON was holding a bat and RYAN JOHN was  
16 holding a flashlight and what looked to TONY CURTIS JUNIOR  
17 like a broom handle. RECHEL WILSON and JUDY YAZZIE started  
18 arguing and RYAN JOHN charged towards JUDY YAZZIE saying  
19 "don't touch her." RYAN JOHN placed his hands on JUDY YAZZIE  
20 and TONY CURTIS JUNIOR was afraid RYAN JOHN was going to push  
21 or throw JUDY YAZZIE. TONY CURTIS JUNIOR moved towards RYAN  
22 JOHN while holding the sledge hammer with both hands. TONY  
23 CURTIS JUNIOR hit RYAN JOHN in the head with the sledge hammer  
24 one (1) time to "put him down" but not intending to kill him.  
25 TONY CURTIS JUNIOR then fell to the ground with RYAN JOHN,  
26 dropped the hammer and punched RYAN JOHN in the stomach  
27 approximately two (2) times. JUDY YAZZIE told TONY CURTIS  
28 JUNIOR to stop and she and RECHEL WILSON pulled him off of

1 RYAN JOHN because RYAN JOHN was knocked out. When they pulled  
2 TONY CURTIS JUNIOR off of RYAN JOHN, TONY CURTIS JUNIOR  
3 stopped punching RYAN JOHN. Last night TONY CURTIS JUNIOR did  
4 not tell the police that he hit RYAN JOHN in the head with a  
5 sledge hammer because TONY CURTIS JUNIOR was scared. TONY  
6 CURTIS JUNIOR believes that it is possible RYAN JOHN was  
7 actually trying to break up the fight between JUDY YAZZIE and  
8 RECHEL WILSON.

9  
10 12) On 07/31/2010, affiant spoke with Charge Nurse  
11 Holly Markham at the University of New Mexico Hospital in  
12 Albuquerque, New Mexico. RYAN JOHN sustained a fractured  
13 skull that required surgery to repair. At that time RYAN JOHN  
14 was recuperating from the surgery and was expected to survive.

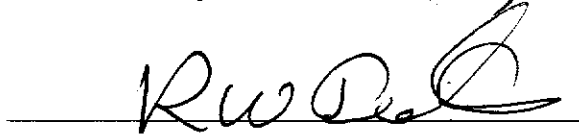
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13) Based on the above, the affiant believes probable cause exists that TONY CURTIS JUNIOR committed assault with a dangerous weapon against RYAN JOHN resulting in serious bodily injury within the exterior boundaries of Indian Country, New Mexico, in violation of Title 18, United States Code 1153, 113(a)(3) and (a)(6) on or about 07/30/2010. Therefore, the affiant respectfully requests that an arrest warrant for TONY CURTIS JUNIOR be issued.



John A. Pierson  
Special Agent  
Federal Bureau of Investigation  
Gallup, New Mexico

Subscribed and sworn to before me this 3 day of Aug,  
2010.



U.S. Magistrate