

FILED
 UNITED STATES DISTRICT COURT
 ALBUQUERQUE, NEW MEXICO

JUL 26 2010
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MATTHEW J. DYKMA
 CLERK

United States District Court

DISTRICT OF New Mexico

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

Felix Washburn
 Date of Birth 1989

CASE NUMBER: 10-MJ-2091
10-MG-036

(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 May 25, 2010 in San Juan county, in the District of New Mexico defendant(s) did, (Track Statutory Language of Offense) **did commit Involuntary Manslaughter, for the death of Mae Tyler, in the commission of an unlawful act not amounting to a felony, while driving under the influence of alcohol, in violation of Title 18 United States Code, Section(s) 1153 and 1112.**

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

Sworn to before me and subscribed in my presence,

Robert W. Gentry
Robert W. Gentry
 United States Magistrate Judge

at

John A. Pierson
 Signature of Complainant

John A. Pierson
 Special Agent
 Federal Bureau of Investigation

Gallup, NM
Robert W. Gentry
 Signature of Judicial Officer

COURT
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GCM/AUSA

NEW MEXICO

ALBUQUERQUE, NEW MEXICO

United States of America)

vs)

FELIX WASHBURN

DATE OF BIRTH: 1989)

Social Security Number XXX-XX-7858

AFFIDAVIT

1) I am a regularly appointed Special Agent (SA) of the Federal Bureau of Investigation (FBI) assigned to the Albuquerque Division of the FBI. I have been an SA for 8 years and primarily investigate violent crimes on the Navajo Indian Reservation. The following facts were determined during the course of an investigation conducted by agents of the FBI and Navajo Nation Police Department Criminal Investigators.

2) On May 25, 2010, the Navajo Nation Police Department (NNPD) in Shiprock, NM, was notified at approximately 2:50 am of a vehicle fatality. Information received from NNPD radio dispatch was Police Officers on scene were investigating a vehicle crash which resulted in a fatality along Route 5012. The location was further described as being about eight miles south of Navajo Route 13 and about five miles north of the Sanostee, New Mexico community. One individual was reported deceased on scene, later identified as Mae Tyler.

3) Criminal Investigator (CI) Louis St. Germaine arrived on scene at approximately 3:58 am. Police radio communications revealed that Officers were also in the area searching for a person believed to be involved in the crash. The involved vehicle was noticeably absent from the scene which exhibited only crash artifacts and a body. The vehicle involved in the crash was later identified as a Ford Explorer SUV, operated by Felix Washburn. The vehicle was heading southbound with three occupants inside. The driver was Felix, and the two passengers were Mae Tyler and Dorena Yazzie. Both

1 Felix and Mae had been drinking early in the evening. The vehicle was
2 driving on a straight road. Felix lost control, the vehicle overturned once,
3 ejecting Mae and Felix, and allowing the vehicle to come to rest upright.
4 Dorena was able to stay inside with no injuries. Felix then got back into the
5 crashed vehicle with flat tires and drove away from the scene. Approximately
a 1/2 mile from the crash the vehicle stopped. Felix fled the scene on foot.

6 4) Dorena was interviewed by CI St. Germaine regarding the events
7 of that evening. Dorena said that she was with both Mae and Felix, who had
8 been doing extensive drinking that evening at Ryan Lee's residence. She
9 pleaded with Felix to let her drive but he refused. He wouldn't give up the
10 vehicle keys. She asked many times until Felix became angry. As all three of
11 them left Ryan's residence, Dorena occupied the front right passenger seat and
12 Mae sat in the rear, and Felix was driving. Dorena said that Felix immediately
13 started driving very fast and she pleaded with him to slow down. Felix told
14 Dorena to "shut up and let me drive." Felix ran off the roadway on the
15 opposite side then swerved the other way, went across the road, and rolled
16 over once. She saw Felix get ejected, but she was able to remain inside. When
17 the vehicle came to rest on all four wheels, she realized Mae was also ejected.
Felix was able to get up from the ground and jump back in the vehicle, telling
her "let's go." She refused and remained with Mae as he drove forward and
down the road. She saw him come to a stop about a half mile away.

18 5) Felix was also interviewed after being arrested. Felix admitted to
19 drinking alcohol before the crash, and also to driving the vehicle at the time of
20 the accident that resulted in Mae being killed. Felix said he could tell he was
21 too drunk to drive and can't remember much after the crash. He remembers
22 walking after the crash and getting a ride from someone. Felix does not have a
drivers license and has been driving the vehicle he crashed a lot before.

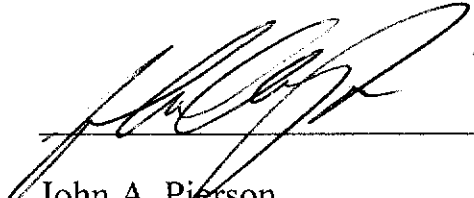
23 6) Felix was tested on a Intoxilyzer - Alcohol Analyzer, which
24 indicated a test of 0.14 on 5/25/2010 at 5:25 am. Felix was also taken to on
25 the same day of the incident to Northern Navajo Medical Center (NNMC)
26 regarding injuries sustained during the crash. A review of the medical records
27 reveal he sustained only superficial facial abrasions and contusions to his left
28 arm, which did not require hospitalization. A routine blood sample was taken
at NNMC and a blood alcohol analysis determined a blood alcohol content of

1 .165 at 7:12 a.m on 5/25/2010.

2 7) A check of the enrollment records of the Navajo Nation showed
3 both Felix Washburn and Mae Tyler are enrolled members of the Navajo
4 Indian tribe. The location of the crash and incident is located within the
5 exterior boundaries of the Navajo Indian Reservation.

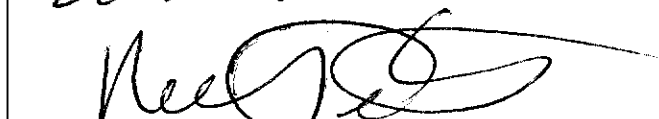
6 8) Based on the above, your affiant believes probable cause exists to
7 believe Felix Washburn, an Indian person, committed the following offense:
8 Did commit Involuntary Manslaughter, for the death of Mae Tyler, in the
9 commission of an unlawful act not amounting to a felony (Drunk Driving,
10 New Mexico State Law 66-8-102), in violation of Title 18, United States
11 Code 1112; and that the offenses occurred in Indian Country, to wit the
12 Navajo Indian Reservation, in violation of Title 18, United States Code 1153.

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John A. Pierson
Special Agent
Federal Bureau of Investigation

Subscribed and sworn before me on
this 26 day of July, 2010



United States Magistrate Judge