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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA)
)
VS.)
)
SCOTT DANIEL BENAVIDEZ)
Year of birth: 1981)
SSAN: XXX-XX-9997)

AFFIDAVIT

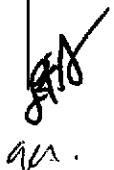
I, the undersigned, being duly sworn, hereby depose
and state as follows:

1. I am a Special Agent (SA) of the Federal Bureau of
Investigation (FBI) and have been employed in that capacity for
approximately two years. I am currently assigned to the
Albuquerque Division and have primary investigative
responsibilities in violent and other major crimes and federal
violations. The information set forth in this affidavit has
been derived from my own investigation or communicated to me by
other sworn law enforcement officers or from other reliable
sources.

2. On July 26, 2010, officers of the Santa Ana Pueblo
Police Department (PD), the Bureau of Indian Affairs (BIA) and
the Federal Bureau of Investigation initiated an investigation
regarding the assault of Lance Denger, year of birth 1961.

1 Denger is an officer with the Santa Ana Pueblo PD and was struck
2 by a vehicle as he manned a stop point outside the village of
3 Santa Ana Pueblo. The alleged assault was perpetrated by the
4 driver of that vehicle, Scott Daniel Benavidez, year of birth
5 1981, an enrolled member of Santo Domingo Pueblo. After Denger
6 was struck, officers of the Santa Ana Pueblo PD pursued the
7 vehicle until its driver appeared to lose control and crashed.
8 Emergency medical personnel extricated the driver of the
9 vehicle, Benavidez, and the passenger, Devon Valencia, and they
10 were both transported to the University of New Mexico Hospital
11 (UNMH). The vehicle was a Silver Chrysler Sebring, VIN#
12 1C3EL46X56N146354, bearing New Mexico license plate LJK552.
13 Officer Denger was also transported to UNMH for evaluation.
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16 3. On July 26, 2010, Denger was located by Special Agent
17 (SA) Anthony J. Costanza of the FBI and SA Jose Figeroa of the
18 BIA at UNMH. He agreed to be interviewed and provided the
19 following information. Denger, and other officers of the Santa
20 Ana Pueblo PD, were stationed at the entrance to the village of
21 Santa Ana Pueblo during a tribal feast celebration. He and the
22 other officers were charged with directing traffic to and from
23 the village parking area. At approximately 5:05 p.m., he was
24 notified that there had been a hit-and-run in the parking area,
25 perpetrated by the driver of a Silver Chrysler Sebring.
26 Officers at the stop point spotted a vehicle matching this
27 description in line to exit the village and surrounded the
28 vehicle when it entered the stop point area. They commanded the



1 driver to stop the vehicle. Dengel positioned himself directly
2 in the front of the vehicle, placed his hands on the hood and
3 told the driver to stop. He then felt the vehicle suddenly
4 accelerate and attempted to move out of the way. He was caught
5 by the front corner of the vehicle and thrown into the air,
6 making contact with the windshield and the sideview mirror on
7 the driver's side of the Sebring. He recalls sliding down the
8 side of the vehicle and hitting the ground hard. Before he was
9 hit, Dengel identified a male driver of the vehicle. The other
10 officers on scene also confirmed that the driver was male.
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13 4. On the same date, Devon Lynelle Valencia, year of
14 birth 1983, was located at UNMH. Valencia is an enrolled member
15 of San Felipe Pueblo and was a passenger in the vehicle that
16 struck Dengel. She agreed to be interviewed and provided the
17 following information. Valencia and her boyfriend, Scott
18 Benavidez traveled to Bernalillo and purchased two 24-ounce
19 bottles of "Four Loco" malt liquor before driving to Santa Ana
20 Pueblo in order to attend the feast celebration. Valencia
21 stated that she drank about half a can. Benavidez was driving
22 at this time. She advised that the vehicle was a Silver
23 Chrysler Sebring and that it belonged to her mother, Geraldine
24 Garcia. After attending the feast she and Benavidez returned to
25 the vehicle to drive home. She started out driving the Sebring,
26 but complained that she was unable to drive and asked Benavidez
27 to drive instead. She is taking medication prescribed by her
28 doctor at the Santa Fe Cancer Center and a side effect of this

1 medication is fatigue and "blackouts," periods of time for which
2 she has no memory. After Benavidez took over the driving she
3 recalls nothing else, except that at one point he attempted to
4 wake her, she thinks as they were getting close to the stop
5 point at the exit to the village. She next recalls waking up
6 after the accident, hurt and scared, with Benavidez telling her
7 to remain still as they waited for paramedics to respond.

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10 5. Later that night, Benavidez was located at UNMH. He
11 is an enrolled member of Santo Domingo Pueblo. He agreed to be
12 interviewed and provided the following information. Benavidez
13 and his girlfriend, Devon Valencia, decided on the morning of
14 July 26, 2010, to attend the feast celebration at Santa Ana
15 Pueblo. Valencia told Benavidez that she wanted to obtain
16 alcoholic drinks so he drove them to a country store at the
17 intersection of U.S. 550 and NM 4. At the store they purchased
18 two 24 ounce bottles of Four Loco. They then traveled to Santa
19 Ana Pueblo. Since the Pueblo was not allowing visitors to drive
20 into the village at this time, but expecting them instead to
21 take a shuttle, Benavidez and Valencia decided to detour to a
22 Giants gas station/convenience store. There, they purchased
23 non-alcoholic drinks and returned to Santa Ana Pueblo. This
24 time they were allowed to drive all the way into the village.
25 During this period, before leaving the vehicle, Benavidez stated
26 that he drank about half a can of Four Loco while Valencia drank
27 approximately three-fourths of her can. They attended the
28 dances and met up with family and friends. He stated that he

1 felt "buzzed," and that Valencia was also showing signs of
2 intoxication, including speaking loudly and frequently, despite
3 her usually quiet nature. After about an hour and a half they
4 decided to return home. Benavidez recalled that Valencia lost
5 her balance twice on the way to the vehicle due to her
6 intoxication and that he had to assist her. He initially
7 maintained that Valencia drove them both from the parking lot,
8 through the exit of the village and out to Bernalillo. However,
9 he later advised that, in truth, while Valencia did drive the
10 car in the beginning, they switched off when she told him she
11 was unable to drive. Benavidez began driving the vehicle well
12 before they approached the Santa Ana Pueblo PD Officers at the
13 stop point. Benavidez recalls the officers telling him to "slow
14 down" and to "stop." He stated that he panicked, as he was
15 concerned about the two open bottles of alcohol in the vehicle,
16 and that when Valencia told him to "keep going," he did so. He
17 recalls seeing the officer in front of the vehicle before he
18 accelerated. He further recalls being pursued by police
19 vehicles and traveling, at times, as much 75-80 m.p.h.
20 Benavidez advised that when he attempted to turn into a
21 neighborhood, he lost control of the vehicle and it rolled over.

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24 6. Based on the information set forth in this affidavit,
25 your affiant submits that there is probable cause to believe
26 that on July 26, Scott Daniel Benavitez, a twenty-nine year old
27 male and enrolled member of Santa Domingo Pueblo, did assault
28 with a dangerous weapon, to wit, a Silver Chrysler Sebring, VIN#

JS
ah

1 1C3EL46X56N146354, bearing New Mexico license plate LJK552,
2 Lance Denger, and that the assault occurred in the state and
3 district of New Mexico and within exterior boundaries of the
4 Santa Ana Pueblo, in violation of Title 18, United States Code,
5 Sections 1153 and 113(a)(3).

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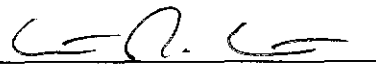
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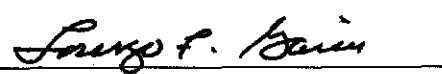
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I swear that this information is true and correct to
be best of my knowledge.


ANTHONY COSTANZA
Special Agent,
Federal Bureau of Investigation

Subscribed to and sworn to
before me, this 27th of July, 2010



UNITED STATES MAGISTRATE JUDGE,
Albuquerque, NM

Reviewed and approved by SAUSA Glynette Carson-McNabb