

AO 91 (Rev. 5/85) Criminal Complaint

FILED
At Albuquerque NM
SEP 13 2007

United States District Court

DISTRICT OF New Mexico

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

MATTHEW J. DYKMAN
CLERK

Gerald Allen Mora
Born: 1987

CASE NUMBER: 07-MJ-1807

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 September 2, 2007 in Cibola county, in the State and District of New Mexico defendant(s), who is an Indian, did, Language of Offense)

within the exterior boundaries of Laguna Pueblo, in Indian Country, unlawfully kill Loren Alan Kie, an Indian, with malice aforethought and premeditation, and aid and abet

in violation of Title 18 United States Code, Section(s) 1153, 1111, and 2.

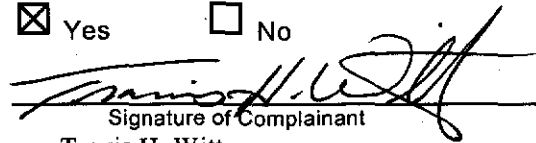
I further state that I am a(n) Special Agent with the Federal Bureau of Investigation and that this complaint is based on the following facts:

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

Travis H. Witt
Special Agent
Federal Bureau of Investigation

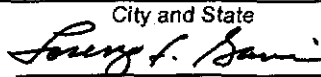
Sworn to before me and subscribed in my presence,

9-13-07

at

Albuquerque, New Mexico

Date LORENZO F. GARCIA
CLERK U.S. 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.)
)
GERALD ALLEN MORA,)
Born 1987)
_____)

AFFIDAVIT

I, TRAVIS H. WITT, being duly sworn, deposes and says as follows:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and I am currently assigned to the Violent Crime Squad, which investigates violent crimes that occur on Indian Reservations in the State of New Mexico.

2. This affidavit is made in support of a Criminal Complaint against GERALD ALLEN MORA for the murder of LOREN ALAN KIE, an Indian, and for aiding and abetting.

Information set forth herein was obtained as a result of my investigation and that of other law enforcement officers.

3. GERALD ALLEN MORA is an enrolled member of the Jicarilla Apache Indian Tribe who resides on the Jicarilla Apache Indian Reservation in the State of New Mexico.

4. LOREN ALAN KIE, born in 1969, now deceased, was an enrolled member of the Laguna Pueblo Indian Tribe, who resided on the Pueblo of Laguna in the State and District of New Mexico.

5. The murder committed by GERALD ALLEN MORA and

1 two juveniles of LOREN ALAN KIE took place on the Pueblo of
2 Laguna in the State of New Mexico.

3 6. On September 5, 2007, officers of the Laguna
4 Police Department responded to a residence located on Laguna
5 Pueblo. Investigation revealed the residence to be occupied
6 by LOREN ALAN KIE. Officers observed LOREN ALAN KIE
7 obviously deceased. The body of LOREN ALAN KIE had been
8 severely beaten and the bedroom in which LOREN ALAN KIE's
9 body was located appeared to have been the scene of a violent
10 struggle and attack upon LOREN ALAN KIE. Laguna Police
11 Department requested the assistance of the Federal Bureau of
12 Investigation. The Federal Bureau of Investigation responded
13 and initiated an investigation.

14 7. On September 6, 2007, the New Mexico Office of
15 the Medical Investigator took possession of the body of LOREN
16 ALAN KIE and an autopsy was conducted. Findings of the
17 autopsy included the following: LOREN ALAN KIE had numerous
18 blunt force trauma to the head and torso, numerous stab
19 wounds, a fractured wrist, a dislocated shoulder, missing
20 teeth, and skull fractures. Cause of death was declared to
21 be blunt force trauma.

22 8. On September 12, 2007, GERALD ALLEN MORA was
23 interviewed and provided the following:

24 On the evening of September 1, 2007, at
25 approximately 10:00 p.m., GERALD ALLEN MORA, his father, and
26 his cousin, JUVENILE 2, went to the home of LOREN ALAN KIE
27 for a visit. GERALD ALLEN MORA was driving his pickup truck.
28 GERALD ALLEN MORA's father and LOREN ALAN KIE drank beer.

1 Later in the evening the group picked up JUVENILE
2 1.

3 Sometime shortly after 12:00 midnight, the group
4 dropped GERALD ALLEN MORA's father off at a bar. GERALD
5 ALLEN MORA then drove himself, along with JUVENILE 2 and
6 JUVENILE 1 back to LOREN ALAN KIE's residence. The three
7 hoped to get more alcohol. The three entered LOREN ALAN
8 KIE's residence while LOREN ALAN KIE was asleep and started
9 to search the residence for alcohol. LOREN ALAN KIE was
10 awakened.

11 GERALD ALLEN MORA asked LOREN ALAN KIE where he
12 kept his beer and his fifth of liquor. LOREN ALAN KIE
13 responded that he did not know. JUVENILE 2 talked with LOREN
14 ALAN KIE to distract him while GERALD ALLEN MORA and JUVENILE
15 1 continued to search for alcohol. JUVENILE 2 entered the
16 bedroom where LOREN ALAN KIE was and hit LOREN ALAN KIE with
17 a stick. JUVENILE 2 continued to hit LOREN ALAN KIE with the
18 stick. JUVENILE 1 joined in and continued to attack LOREN
19 ALAN KIE. JUVENILE 1 had a knife and started to attack LOREN
20 ALAN KIE with the knife "sticking him". The attack
21 continued. GERALD ALLEN MORA could not watch and left the
22 room. JUVENILE 2 and JUVENILE 1 followed shortly thereafter.

23 The three got into GERALD ALLEN MORA's truck and
24 fled the area. JUVENILE 2 said "He's gone" meaning that
25 LOREN ALAN KIE was dead. JUVENILE 2 and JUVENILE 1 continued
26 to say things like "We fucked him up." They were talking
27 with a "ganster" attitude that sounded like bragging.

28 GERALD ALLEN MORA dropped JUVENILE 2 and JUVENILE 1

1 off at the bridge so that they could get rid of the weapons
2 that were used in the attack on LOREN ALAN KIE.

3 9. On September 12, 2007, JUVENILE 1 was
4 interviewed and provided the following:

5 On the evening of September 1, 2007, JUVENILE 1 was
6 called by his friend JUVENILE 2 who advised that he and his
7 cousin were coming to pick him up. JUVENILE 2 said "We're
8 going to party."

9 JUVENILE 1 then rode with JUVENILE 2, and his
10 cousin GERALD ALLEN MORA, and GERALD ALLEN MORA's father to a
11 bar where they tried to get some beer. They could not get
12 carry out beer, so GERALD ALLEN MORA's father stayed behind
13 to drink at the bar.

14 GERALD ALLEN MORA then drove JUVENILE 2 and
15 JUVENILE 1 to see a guy he knew, LOREN ALAN KIE. The three
16 went to the home of LOREN ALAN KIE and visited with him for
17 thirty minutes or so. GERALD ALLEN MORA asked LOREN ALAN KIE
18 where his beer was. GERALD ALLEN MORA was digging around in
19 LOREN ALAN KIE's house looking for alcohol.

20 After a bit, LOREN ALAN KIE said "Get the fuck out
21 of here!" LOREN ALAN KIE had gotten enough of having people
22 searching through his house.

23 GERALD ALLEN MORA started "talking shit" to LOREN
24 ALAN KIE calling him a "punk", and "bitch", and things like
25 that.

26 LOREN ALAN KIE said words to the effect of "I'm
27 gonna kill all you guys if you don't leave."

28 GERALD ALLEN MORA then hit LOREN ALAN KIE in the

1 face and knocked him down. LOREN ALAN KIE got up mad. Then
2 GERALD ALLEN MORA, JUVENILE 2 and JUVENILE 1 all jumped LOREN
3 ALAN KIE. LOREN ALAN KIE was beaten with fists, and then a
4 police nightstick that JUVENILE 2 got from under the bed.

5 LOREN ALAN KIE was bleeding all over. JUVENILE 1
6 grabbed a brick that was holding the bed up and hit LOREN
7 ALAN KIE in the head with it, and then again. JUVENILE 2
8 picked up the brick and hit LOREN ALAN KIE in the head with
9 it again. LOREN ALAN KIE screamed for help. JUVENILE 2 got
10 a large folding knife from the dresser and handed the knife
11 to JUVENILE 1 and said "finish him". JUVENILE 1 stabbed
12 LOREN ALAN KIE in the ribs and dropped the knife. JUVENILE 1
13 may have stabbed LOREN ALAN KIE more times before dropping
14 the knife. JUVENILE 2 picked up the knife and stabbed LOREN
15 ALAN KIE. JUVENILE 1 and JUVENILE 2 then each bashed LOREN
16 ALAN KIE in the head with the brick again.

17 GERALD ALLEN MORA was saying prayers or something
18 and said "Let's go." GERALD ALLEN MORA hit LOREN ALAN KIE
19 with the nightstick.

20 The three then left taking the weapons with them.
21 In the truck the three talked about being cool and not
22 talking about what had happened. The three agreed that if
23 any one of them were caught, that they would not say anything
24 about the other two. They disposed of the weapons.

25 10. On September 12, 2007, JUVENILE 2 was
26 interviewed and provided the following:

27 On the evening of September 1, 2007, JUVENILE 2 was
28 with his cousin, GERALD ALLEN MORA, and his friend, JUVENILE

1 1. The three tried to get beer, but could not. They then
2 went to the home of LOREN ALAN KIE to try to get some money
3 or beer, or find a fifth of liquor that they thought that
4 LOREN ALAN KIE might have.

5 When they got to the house the door was unlocked.
6 The three went in. LOREN ALAN KIE was sleeping. GERALD
7 ALLEN MORA started asking LOREN ALAN KIE where he kept his
8 beer and his bottle. LOREN ALAN KIE said he did not know.
9 GERALD ALLEN MORA became increasingly demanding saying
10 "Bullshit!" GERALD ALLEN MORA got in LOREN ALAN KIE's face.
11 GERALD ALLEN MORA socked LOREN ALAN KIE in the face. They
12 were in LOREN ALAN KIE's bedroom. GERALD ALLEN MORA said to
13 JUVENILE 2 and JUVENILE 1 "Kill him!"

14 JUVENILE 1 turned off the light and hit LOREN ALAN
15 KIE in the head with a nightstick. JUVENILE 1 gave the
16 nightstick to JUVENILE 2 They tried to pick up the bed to
17 roll LOREN ALAN KIE off of the bed. JUVENILE 1 picked up a
18 brick. JUVENILE 2 hit LOREN ALAN KIE a couple more times.
19 JUVENILE 1 smashed LOREN ALAN KIE in the head with the brick
20 six or seven times as JUVENILE 2 and GERALD ALLEN MORA
21 watched. LOREN ALAN KIE sat up and JUVENILE 2 socked him in
22 the face twice. JUVENILE 1 continued to smash LOREN ALAN KIE
23 with the brick. LOREN ALAN KIE laid on the bed. JUVENILE 2
24 hit him a couple more times with the nightstick.

25 JUVENILE 1 pulled a knife and stabbed LOREN ALAN
26 KIE twice in the side and then in the throat. JUVENILE 1
27 then started hitting LOREN ALAN KIE with the brick.

28 JUVENILE 2 and GERALD ALLEN MORA walked from the

1 room, followed by JUVENILE 1. Outside, GERALD ALLEN MORA
2 said "It's too late, we're gonna have to kill him."

3 JUVENILE 1 said "I'll do it." JUVENILE 1 grabbed a
4 weed whacker and walked back into the house. LOREN ALAN KIE
5 was choking on his own blood. JUVENILE 1 started beating
6 LOREN ALAN KIE with the weed whacker.

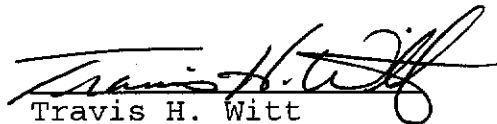
7 The three then departed and disposed of the
8 weapons.

9 11. On September 12, 2007, a consensual search was
10 conducted on the Chevrolet pickup truck that was driven by
11 GERALD ALLEN MORA on September 1 and 2, 2007. Red stains in
12 the truck field tested positive for blood. Stains were found
13 on the driver's seat, the rear seat, and on the passenger
14 side interior door handle.

15
16 Based on the above, the affiant believes probable
17 cause exists to charge GERALD ALLEN MORA with the murder of
18 LOREN ALAN KIE, and for aiding and abetting in violation of
19 Title 18, United States Code, Sections 1153, 1111, and 2.

20 I swear that this information is true to the best
21 of my knowledge and belief.

22 Respectfully submitted,

23 

24 Travis H. Witt
25 Special Agent
Federal Bureau of Investigation

26 Subscribed and sworn to
before me this 13th day
of September, 2007.

27 
28 UNITED STATES MAGISTRATE JUDGE