

United States District Court

MAY 26 2010

IN THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

MATTHEW J. DYKMAN
CLERK

v.

CRIMINAL COMPLAINT

PATRICK BAPTISTE
YOB: 1959

CASE NUMBER: 10·MJ·1564
10·MG·028

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 24, 2010 in McKinley county, in the District of New Mexico, defendant(s), **did commit the unlawful, willful, deliberate, malicious, and premeditated killing of Kathleen Fransisco, a registered member of the Navajo Nation, within the exterior boundaries of the Navajo Indian Reservation, Indian Country,**

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

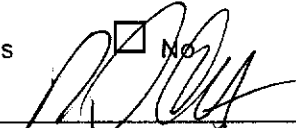
I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

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

Continued on the attached sheet and made a part hereof:

Yes

No

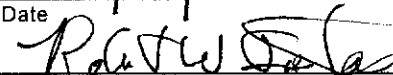

Signature of Complainant

SA David D. Cordova
Special Agent
Federal Bureau of Investigation

AUSA - CB

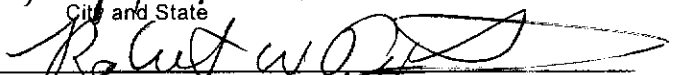
Sworn to before me and subscribed in my presence,

5/26/10
Date


Name & Title of Judicial Officer

at

Gallup, N.M.
City and State


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.)
)
Patrick Baptiste)
1959)
_____)

10.MJ.1564
10.MG.028

AFFIDAVIT

The undersigned being duly sworn, deposes and says:

1) I, David D. Cordova, am a Special Agent of the Federal Bureau of Investigation (FBI), currently assigned to the Albuquerque Division, Gallup Resident Agency. I have been so employed since April 2008. I have approximately ten (10) years of federal law enforcement experience. I have primary investigative responsibility in crimes that occur Indian Country including violent crimes such as: homicide, robbery, arson, aggravated assault, and sexual assault. 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 an application for an arrest warrant to arrest Patrick Baptiste, an Indian man. This arrest warrant is to be issued in connection with the investigation of a violation of Title 18, United States Code 1153, 1111(a), that is the unlawful, willful, deliberate, malicious, and premeditated killing of Kathleen Francisco in the District of New Mexico within the exterior boundaries of the

1 Navajo Nation Indian Reservation, Indian Country.

2
3 3) On May 24, 2010, at approximately 8:45 PM, SA David
4 D. Cordova (hereinafter SA Cordova) was notified by a Navajo
5 Nation Department of Law Enforcement, Crownpoint District Police
6 Dispatcher, that a 1995 GMC maroon extended-cab pickup truck,
7 New Mexico license plate 460 NYM, was located abandoned off
8 Highway 491 near Tohatchi, New Mexico. The dispatcher stated
9 that the pickup truck was registered to Kathleen Francisco
10 (hereinafter Kathleen), 71 years of age and that she was
11 currently missing. Kathleen was last seen with an individual,
12 later identified by the Navajo Nation Department of Law
13 Enforcement (NNDLE), Crownpoint District, as Patrick Baptiste.
14 The NNDLE feared that Kathleen's disappearance may have been the
15 result of foul play.

16
17 4) At approximately 9:55 PM, SA Cordova arrived at the
18 location of the pickup truck. SA Cordova met and was briefed by
19 the officer in charge of the crime scene, Sergeant Calvin Begay
20 (hereinafter Sergeant Begay), of the NNDLE, Crownpoint District.
21 Sergeant Begay stated that earlier that day at approximately 4:51
22 PM, Navajo Nation Dispatch received a phone call from an
23 individual claiming that Patrick Baptiste (herein after Patrick)
24 had killed Kathleen.

25
26 5) According to Sergeant Begay, Patrick told a
27 relative in Naschitti, NM, that he had killed Kathleen. Patrick
28 claimed Kathleen was dead and in the vehicle; Patrick also had

1 blood on both his hands. The vehicle was later identified as
2 Kathleen's pickup truck. The relative became alarmed and
3 notified the NNDLE Dispatch of the incident. The Crownpoint
4 Police Department initiated a search for Kathleen and the pickup
5 truck; the pickup was subsequently located on a dirt road off
6 491 west of mile marker 30.5.

7
8 6) Sergeant Begay stated that upon conducting a safety
9 clearing of the vehicle, officers observed blood in the vehicle.

10
11 7) Sergeant Begay and Navajo Nation Evidence
12 Technician Donovan Becenti took SA Cordova around the outside of
13 the vehicle. SA Cordova observed numerous prints on the exterior
14 of the vehicle, which included a palm print and red stain on the
15 passenger side rear vent window. SA Cordova also observed two
16 (2) pools of what appeared to be blood: one on interior center
17 console and a second behind the center console on the
18 floorboard. On the front passenger's seat were wire rim
19 eyeglasses without the lenses, and a shoe with red stains.

20
21 8) The vehicle was secured and subsequently
22 transported to a secure facility to be processed for evidence at
23 a later date. Attempts to locate Kathleen and or Patrick were
24 unsuccessful.

25
26 9) On the morning of May 25, 2010, SA Cordova was
27 notified by Criminal Investigator Malcolm Leslie of the NNDLE,
28 Crownpoint District, that officers of the NNDLE had apprehended

1 Patrick in a remote area near Naschitti, NM. Patrick was
2 subsequently turned over to SAs Cordova and John Pierson;
3 Patrick was transported to the FBI, Gallup Resident Agency.

4
5 10) Patrick was advised of his Miranda Rights, as per
6 form FD-395. Patrick waived his Miranda Rights and voluntarily
7 provided a statement to agents. Patrick confessed to physically
8 assaulting Kathleen at least two (2) times on May 24, 2010,
9 which subsequently caused her death.

10
11 11) Patrick first assaulted Kathleen at approximately
12 2:00 PM, at the residence of his cousin in Naschitti, NM inside
13 Kathleen's pickup truck. Patrick and Kathleen had gone to visit
14 his cousin who was outside in his utility truck when Patrick and
15 Kathleen arrived. As soon as his cousin saw Patrick, the cousin
16 ran off. Patrick became angered and proceeded to vandalize his
17 cousin's utility truck with a pipe. Patrick returned to
18 Kathleen's vehicle and attacked her. Patrick punched Kathleen in
19 the face at least six (6) times with his right fist and four (4)
20 times with his left fist. Patrick pulled Kathleen's hair while
21 she was sitting in the driver's seat and yanked her over to the
22 passenger's seat. Patrick blamed Kathleen for problems he was
23 having with his cousin. Patrick drove Kathleen's pickup truck to
24 the homes of two (2) other relatives while Kathleen lay in the
25 passenger's seat struggling to breathe.

26
27 12) The second assault occurred at approximately 4:00
28 PM or 5:00 PM at Whiskey Lake, NM. Patrick drove to the lake in

1 Kathleen's pickup truck while Kathleen continued to struggle to
2 breathe in the passenger's seat. Upon approaching a hogan, near
3 the lake, Patrick stopped, exited, and opened the passenger
4 door. Patrick pulled Kathleen out of pickup truck by her hair
5 and dumped her on the ground in front of the hogan. Patrick
6 proceeded to punched her with his fist at least six (6) times
7 and kicked her at least four (4) times. Patrick then entered the
8 vehicle and drove off while Kathleen lay on the ground, making
9 gurguling noises and struggling to breathe. Patrick was familiar
10 with the area because he used to work for the lady who owns the
11 hogan; he also fished at Whiskey Lake. Patrick blamed Kathleen
12 for the second beating.

13
14 13) Prior to taking Patrick into custody, Kathleen's
15 body was located at Whiskey Lake. The scene was processed and
16 photographed. She lay face down, with her arms folded under her
17 chest and legs extended. Kathleen had multiple injuries and
18 significant swelling to her face and around her eyes. Kathleen
19 had a large laceration on her forehead, and another near her
20 right nostril. Kathleen's hands were covered in blood.

21
22 14) Based on the training, experience of the affiant,
23 and information set forth in this affidavit, your affiant
24 submits that there is probable cause to believe that on or about
25 May 24, 2010, within the exterior boundaries of the Navajo
26 Indian Reservation, Indian Country, in the State and District of
27 New Mexico, Patrick Baptiste, an Indian man, did commit the
28 unlawful, willful, deliberate, malicious and premeditated


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killing of Kathleen Francisco, in violation of 18 U.S.C., 1153,
and 18 U.S.C. 1111 (a).



David D. Cordova
Special Agent
Federal Bureau of Investigation
Gallup, New Mexico

Subscribed and sworn to before me this 26 day of May,
2005.



U.S. Magistrate Judge
Robert W. Ionta