

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

# 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).

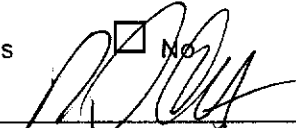
I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

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

Continued on the attached sheet and made a part hereof:

Yes

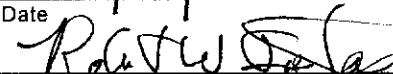
No

  
Signature of Complainant

SA David D. Cordova  
Special Agent  
Federal Bureau of Investigation

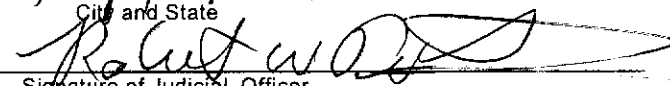
AUSA - CB  
Sworn to before me and subscribed in my presence,

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).



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

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



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U.S. Magistrate Judge  
Robert W. Ionta