

FILED
At Albuquerque NM

MAY 18 2010

AO 91 (Rev. 5/85) Criminal Complaint

United States District Court

IN THE STATE AND

DISTRICT OF NEW MEXICO

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

Alvin Charley

YOB 1974

(Name and Address of Defendant)

CASE NUMBER:

10-MJ-1473

10-MP-026

1 ½ miles Northwest of Chapter House, Lobo Valley Road, Pinedale, New Mexico

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 12, 2010 in McKinley county, in the

_____ District of New Mexico defendant(s) did, (Track Statutory

Language of Offense unlawfully assault Leo Cayaditto, an enrolled member of the Navajo Indian Tribe, with a Dangerous Weapon with the intent to do Bodily Harm, which Resulted in Serious Bodily Injury and the assault occurred within the exterior boundaries of the Navajo Indian Reservation in violation of Title 18 United States Code, Section(s) 1153, 113 (a) (3), 113 (a) (6).

I further state that I am a(n) Criminal Investigator with the Navajo Nation and that this complaint is based on the following facts:

Official Title

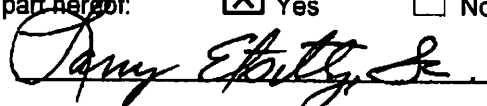
See Attached Affidavit hereby incorporated by reference as if fully restated herein.

(Authorized by Chuck Barth, SAUSA)

Continued on the attached sheet and made a part hereof:

☒ Yes

☐ No



Signature of Complainant
Larry Etsitty Sr.,
Criminal Investigator,
Navajo Nation Criminal Investigations

Sworn to before me and subscribed in my presence,

Robert W. Icard
US Magistrate Judge

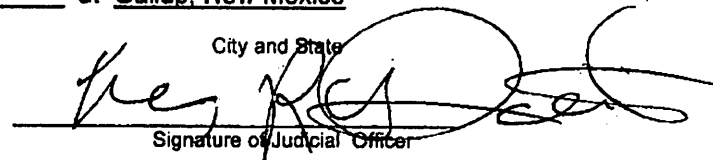
at Gallup, New Mexico

Date

5/18/10

City and State

Name & Title of Judicial Officer



Signature of Judicial Officer

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA)

VS)

Alvin Charley)

10-MJ-1473

10-MG-026

AFFIDAVIT

I am, Larry Etsitty, Sr., I am a Criminal Investigator (CI), and I have been employed for twenty-six (26) years. I am currently assigned to the Navajo Department of Criminal Investigations, Crownpoint Police District, Crownpoint, New Mexico. As a result of my personal participation in this investigation and through information submitted to me by persons named hereafter, I allege the facts in the following paragraphs to show that:

1) On Tuesday, May 12, 2010, at approximately 1:11 A.M., the Navajo Nation Police Department, Crownpoint Police District, Crownpoint, New Mexico, received information that a male individual was stabbed at a residence in Pinedale, New Mexico, location is further described to be located approximately 1 ½ mile Northwest of the Chapter House, Pinedale, New Mexico is within Indian Country.

2) According to Crownpoint Police District, Radio Dispatcher, she dispatched three (3) uniform patrol officers to the scene. Uniformed Patrol Officer Netty Johnson was

designated as the primary Officer and met with the family. She learned that two (2) brothers were engaged in a fight as it escalated into a stabbing of another individual. The brothers were identified as Alvin Charley (Charley), subject, 34 year-of age, and Kennard Tsosie, (Tsosie), 19 year of age. Both brothers involved are enrolled in the Navajo Nation.

3) The witness one stated to Officer Johnson that Alvin Charley started fighting with his younger brother, (Tsosie) in the living room while the rest of the family was asleep. Officer Johnson advised that Rescue "19" from Mariano Lake Fire Department, attended to a male individual at he doorway, who was identified as, 35 year-old, Leo Cayaditto (Cayaditto). Thereafter, an Ambulance from Med-Star, Emergency Management Services (EMS) transported him to Gallup Indian Medical Center (GIMC).

4) Thereafter, Officer Johnson continued with her preliminary investigation and learned from the family that they woke up to a loud commotion in the living room from the two brothers fighting. Cayaditto attempted to break up the fight between the two (2) brothers.

5) Your affiant interviewed Cayaditto at the GIMC, Emergency Room (ER); Cayaditto claims that he was breaking up the fight between Charley and Tsosie and dragged Charley outside the residence to keep him from hurting anyone else. Cayaditto advised that at least twice, Charley hit him. Cayaditto stated that after the second hit, he realized he was stabbed on the right of side of his abdomen; however, he

stated he later noticed he was stabbed twice, once on the chest and his right side of his body. Your affiant saw to stab wounds one on the chest and the other to his right side of the abdomen as Cayaditto was being attended to by the ER doctors.

6) Officer Johnson advised that two (2) NNP officers and two McKinley Deputies joined her in an attempt to locate Charley who had fled prior to their arrival. However, they were unsuccessful in locating him.

7) At 3:15 A.M., your affiant contacted Gallup Indian Medical Center (GIMC), Gallup, New Mexico and spoke with a nurse in the emergency room. He informed your affiant that the victim was in the process of getting a CAT scan and would return in a few minutes and that they would have a better diagnosis of the extent of the injuries. The attending medical physician advised that Cayaditto injuries are potentially life threatening. The attending physicians informed your affiant that the victim would need to undergo an immediate exploratory surgery to determine the extent of his injuries.

In view of the above facts, the affiant believes that there is probable to cause charge Alvin Charley, who is enrolled with the Navajo Tribe, with United States Code, Title 18, Section 113(a)(3), Assault With a Dangerous Weapon with Intent to do Bodily Harm and United States Code, Title 18, Section 113(a)(6), Assault Resulting in Serious Bodily Injury and Title 18, Section 1153, Crime on Indian Reservation.

Respectfully submitted,



Larry Ktsitty, Sr.,
Senior Criminal Investigator
Navajo Department of Criminal
Investigations
Crownpoint, New Mexico

Subscribed and sworn
to before me this 18 day
of May 2010.



UNITED STATES MAGISTRATE JUDGE