

FILED

AO 91 (Rev. 5/85) Criminal Complaint

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO**United States District Court**

APR 15 2010

DISTRICT OF New Mexico

UNITED STATES OF AMERICA

MATTHEW J. DYKMAN

CLERK

v.

CRIMINAL COMPLAINT

Chancey Begay

CASE NUMBER:

010-MG-21
10-MJ-1105

(Name and Address of Defendant)

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 April 12, 2010 in San Juan county, in the _____ District of New Mexico defendant(s) did, (Track Statutory Language of Offense) assault Jefferson Nez, Kristen Benally, and three minor children with a dangerous weapon, with intent to do bodily harm, and without just cause or excuse. This occurred on the Navajo Indian Reservation

in violation of Title 18 UnitedStates Code, Section(s) 1153, 113(a)(3), 2.I further state that I am a(n) Special Agent - FBI 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

AUSA -

Sworn to before me and subscribed in my presence,


 Signature of Complainant
 John A. Pierson
 Special Agent
 Federal Bureau of Investigation

Date

4/15/10

at

Gallup, New Mexico
City and State

Name & Title of Judicial Officer

Robert W. Ionta US Magistrate Judge

Signature of Judicial Officer

GM/ASA

NEW MEXICO

ALBUQUERQUE, NEW MEXICO

United States of America)

vs)

Chancey Begay

DATE OF BIRTH: 1991)

010 -MG -021
10-MJ-1105

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 seven years. I am currently assigned to the Albuquerque Division of the FBI, and have primary investigative responsibility in crimes which occur in Indian Country including violent crimes such as robbery, aggravated assaults, and homicide.

2. The information set forth in this affidavit has been derived from an investigation conducted by the Navajo Nation Criminal Investigation Services (NNCIS) by Criminal Investigator (CI) Dale West of the Shiprock District, and Special Agent William Hall of the FBI, Farmington Resident Agency (FRA), as well as other law enforcement officers of the Navajo Nation Department Of Public Safety.

3. On April 13, 2010 at approximately 8:30 A.M., the FRA was notified of the shooting of an apartment in Shiprock, New Mexico (NM) occupied by three adults and three juvenile children. The shooting was done by Jarin Scott from a vehicle driven by Chancey Begay. This occurred within the confines of the Navajo Nation.

4. CI West's investigation showed that on April 12, 2010, at approximately 10:35 PM, Shiprock Police Sergeant (Sgt.) Dave Johnson was checking on an intoxicated person near

1 the Chaco river Apartments in Shiprock, NM, when he heard two gun shots. Johnson
2 looked in the direction from where the sound of the gun shots had come and observed a
3 truck driving away at a high rate of speed. Sgt. Johnson contacted his radio dispatcher and
4 requested additional units and provided a description of the truck.

5 5. Navajo Police Officer Ernest Sanisya responded to the area and saw a truck
6 matching the description given by Sgt. Johnson and initiated a traffic stop on U.S. Highway
7 491 near the Chaco River Apartments. The truck was a 2002 GMC truck with New Mexico
8 license 290MWC. The driver was Chancey Lee Begay, a Navajo Indian adult male. A
9 shotgun was lying in plain view on the right rear passenger seat floor board..

10 6. CI West arrived at the scene where the traffic stop was initiated and met with the
11 driver, Begay. CI West advised Begay of his rights via a Miranda warning. Begay advised
12 he understood his rights and agreed to speak with CI West. Begay stated that Jarin Scott
13 had asked Begay to give him a ride to the Chaco Apartments. Begay advised they were
14 friends and that he had known Scott for several years. Begay advised that Scott had shown
15 Begay where to drive to and that Scott told Begay to drive slowly through the apartment
16 complex.

17 7. Begay advised as he drove through the complex, Scott pointed a shotgun out the
18 passenger window and fired the shotgun twice. Begay stated that as soon as Scott fired, he
19 quickly drove away from the apartments and was stopped by the Navajo Police. Begay
20 stated he was unaware that Scott was going to shoot at the apartment.

21 8. After advising Jarin Scott of his rights according to Miranda, Scott advised he
22 understood his rights and agreed to speak with CI West. Scott advised he blamed Jefferson
23 Nez, Navajo Indian male, for the break up between Scott and his ex-girlfriend. Scott
24 advised he and his girlfriend had lived together for the last three years and that last month
25 they broke up. Nez is Scott's ex-girlfriend's brother. During the time Scott and his girlfriend
26 were together, Nez would always come around and try to get her drunk and cause
27 arguments. Scott stated he had been thinking about all those things Nez had done in the past
28 and felt he needed to do something about it. Scott stated he had only intended on scaring


1 Nez and that is why he shot through the window. Scott advised he had told Begay what he
2 had planned and that Begay had been supportive of him, because of their friendship.

3 9. Begay and Scott were arrested for Navajo tribal charges and the Remington Hawk,
4 model 982, 12 gauge, serial number 0055532, was taken and placed into evidence. The
5 shotgun chamber was empty, but there were two rounds in the magazine.

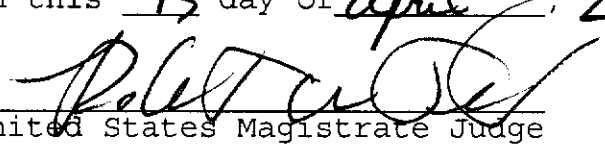
6 10. CI West observed that apartment #222 of the Chaco River Apartments, had a
7 living room window and a bedroom window damaged from the shotgun blast. There had
8 been five people in the room at the time of the incident.

9 11. Based on the information provided, there is probable cause to believe that on or
10 about April 12, 2010, Jefferson Nez, Kristen Benally, Michael Walker and three juvenile
11 children AJ, AB and CN, enrolled members of the Navajo Indian Tribe, who were within the
12 territorial jurisdiction of the Navajo Indian Reservation when they were assaulted by Jarin
13 Scott ad Chancey Begay, in violation of Title 18, United States Code, Sections 1153,
14 Section 113(a)(3), Section 2, assault with a dangerous weapon, with intent to do bodily
15 harm, and without just cause or excuse.

1 12. I swear that this information is true and correct to the best of my knowledge and
2 belief.

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5 Affiant John A. Pierson
6 Special Agent
7 Federal Bureau of Investigation
8 Gallup, New Mexico

9 Subscribed and sworn before me
10 on this 15 day of April, 2010.

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12 United States Magistrate Judge
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