

AD 442 (Rev. 5/85) Warrant for Arrest

United States District Court

DISTRICT OF

New Mexico

UNITED STATES OF AMERICA

V.

Diono H. Pete

YOB: 1963

SSAN: xxx-xx-8392

WARRANT FOR ARREST

CASE NUMBER: 10-MJ-2665

10-MJ-041

TO: The United States Marshall
and any Authorized United States Officer:

YOU ARE HEREBY COMMAND TO ARREST: DIONO H. PETE

and bring him or her forthwith to the nearest magistrate to answer a(n)

Indictment Information Complaint Order of Court Violation Notice Probation Violation Petition

Charging him or her with: (brief description of offense) did assault Myron John, an adult Navajo male, causing head lacerations and a spinal fracture

In violation of Title 18, United States Code, Section(s) 1153, 113(a)(6)

Robert W. Tonta, US Magistrate Judge
Name & Title of Judicial Officer

Title of Issuing Officer

[Signature]
Signature of Judicial Officer

10/12/10 Gallup, N.M.
Date and Location

1 license plate LMF711 and VIN 1B3EJ46X6VN540964, driven by Diono H. Pete,
2 YOB: 1963, a Navajo Indian adult male. The incident occurred within the
3 exterior boundaries of the Navajo Nation.

4 3. The Dodge sedan impacted the rear tire of the motorcycle and
5 collapsed the rear seat. The rear tire of the motorcycle went under the bumper of
6 the Dodge sedan approximately 1' 7". Myron John was thrown from the
7 motorcycle into the windshield before rolling off the Dodge sedan and onto the
8 westbound shoulder. The motorcycle seat was thrown to the eastbound shoulder.
9 The drag marks from the motorcycle rear tire were evident for approximately
10 704'. There were no skid marks or evidence of braking for the Dodge sedan.

11 4. The Dodge sedan sustained a broken windshield. There was evidence
12 of a fleshy substance on the broken windshield. The sedan hood was crumpled
13 from impact with the rear of the motorcycle. The rear of the motorcycle was
14 embedded into the front of the Dodge sedan. The radiator and oil pan were
15 ruptured and had bled out before the Dodge sedan came to a complete stop. Both
16 driver and front passenger seat air bags had deployed on the Dodge sedan.

17 5. Myron John had to be airlifted to San Juan Regional Medical Center
18 for treatment for his injuries. Myron John sustained multiple lacerations to the
19 head and a spinal fracture. The doctor stated that Myron John was lucky to be
20 alive.

21 6. A crushed Budweiser can was located in the front passenger seat
22 floorboard of Dodge sedan. A fresh empty box of Budweiser was located in the
23 desert vegetation near the right rear door of the Dodge sedan along with two
24 unopened cans of Budweiser brand beer.

25

1 7. Although there was a front headlamp for the motorcycle, upon
2 separating the motorcycle from the Dodge sedan it was discovered that there was
3 no tail light for the motorcycle and that the electrical line had been disabled prior
4 to the crash.

5 8. The Intoxilizer 8000 was administered to Diono H. Pete by Navajo
6 Police Officer Eldon Barton at the Police Department, Shiprock, New Mexico. At
7 10:37 pm, Diono H. Pete had a .12 BrAC. At 10:39 pm, Diono H. Pete had a .12
8 BrAC.

9 9. On October 11, 2010, at approximately 10:34 am, your affiant
10 interviewed Diono H. Pete at the Criminal Investigations Office, Shiprock, New
11 Mexico. Your affiant identified himself through the display of his professional
12 credentials, stated the reason for the interview, and reviewed Miranda Rights with
13 Diono H. Pete. Diono H. Pete agreed to speak to affiant and signed a FD-395
14 waiver of rights form. Diono H. Pete stated he was driving home from a "friend's
15 house" where he had consumed 4 cans of Bud Light brand beer. He felt okay to
16 drive and was traveling westbound on Navajo Route 36 at a speed of 60 mph. He
17 reached down to get a piece of gum and when he looked up he saw a motorcycle
18 parked in the middle of the roadway. He did not have time to react and collided
19 with the motorcycle. Diono H. Pete stated that the Budweiser brand beer was not
20 his, but a friend of his that he could not remember the name of.

21 10. Based on the information set forth in this affidavit, your Affiant
22 submits there is probable cause to believe that on or about October 10, 2010,
23 within the exterior boundaries of the Navajo Nation Indian Reservation, Diono H.
24 Pete (an adult Indian male), did, assault another person which resulted in serious
25 bodily injury, in violation of Title 18, United States Code, Sections 1153,

1 113(a)(3) by striking Myron John (an adult Indian male) with a 1997 white 4 door
2 Dodge sedan with New Mexico license plate LMF711 causing Myron John to
3 sustain head lacerations and a spinal fracture.

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6 I swear that this information is true and correct to the best of my
7 knowledge and belief.

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Dale E. West, Criminal Investigator
NNCIS

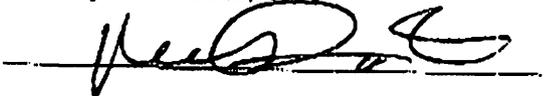
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Subscribed and sworn

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Before me, on this
12th day of October, 2010

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UNITED STATES MAGISTRATE JUDGE

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