

AO 91 (Rev. 11/11) Criminal Complaint

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

for the
District of New Mexico

MAY 14 2020

United States of America
v.
Luke Avery Platero (YOB 1990)

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Case No. *20mj1098*

MITCHELL R. ELFERS
CLERK

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 10, 2020 in the county of Cibola in the
District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. §§ 1153(a) and 113(a)(6)	Assault resulting in serious bodily injury, crime in Indian Country

This criminal complaint is based on these facts:

See attached Affidavit, attached hereto and incorporated herein.

Continued on the attached sheet.

Lorraine Hardy
Complainant's signature

Lorraine Hardy, FBI Special Agent
Printed name and title

Electronically Submitted and Telephonically Sworn to me on this date.

Date: 05/13/2020

Jerry H. Ritter
Judge's signature

City and state: Albuquerque, New Mexico

Jerry H. Ritter, United States Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

INTRODUCTION

I, Lorraine Hardy being duly sworn, depose and say:

1. I am employed as a Special Agent with the Federal Bureau of Investigation (FBI) and have been a law enforcement officer for more than 5 years. I am currently assigned to the Albuquerque Violent Crime Task Force. I primarily investigate violent repeat offenders, armed robberies, gangs and Indian Country Crimes. My investigative training and experience includes, but is not limited to, interviewing subjects, targets, and witnesses, writing and executing search/arrest warrants, conducting surveillance, analyzing records and collecting evidence.
2. This affidavit is submitted in support of an arrest warrant and criminal complaint charging LUKE AVERY PLATERO with violations of Title 18 U.S.C. §§ 1153(a) Crimes in Indian Country and 113(a)(6) Assault resulting in serious bodily injury.

CURRENT INVESTIGATION

3. On May 10, 2020, at approximately 3:30 a.m. a Navajo Tribal Police Officer K.A. (YOB 1983) was flagged down on Route 7071 by N.T. (YOB 1969) , a friend of LUKE PLATERO (YOB 1990). N.T. told the Officer that PLATERO had called her and told her he had beat up K.P. (YOB 1970) (herein after referred to as John Doe) and needed an ambulance. N.T. told the Officer where John Doe lived.
4. Behind a residence at Rural address 1176, Route 7071, To'Hajiilee, New Mexico 87026, the Officer discovered a man, later identified as John Doe, laying in the back yard between a camping trailer and a truck covered in blood with visible injuries to the head. The Officer called for an ambulance and started looking for the subject. The subject, later identified as PLATERO, was found inside a vehicle nearby. PLATERO admitted to the Officer that he assaulted John Doe with a baseball bat.

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

5. PLATERO was arrested and transported to the Crown Point Jail for Tribal charges of Aggravated Assault and Possession of Alcohol. PLATERO told the Officer the metal baseball bat that was used in the incident was in the back of the vehicle he was found in. PLATERO gave verbal consent for the Officer to retrieve the baseball bat. The Officer recovered the bat and booked it into evidence at the Navajo Tribal Police Department.

6. John Doe was transported by ambulance to UNMH with serious head injuries, to include two substantial brain bleeds, concussion, and blood loss. John Doe underwent emergency surgery and is in critical condition.

7. PLATERO was mirandized and interviewed at the Crown Point Jail. PLATERO stated that the John Doe came at him first with a bat but PLATERO was able to avoid him. John Doe seemed drunk and was not able to make contact with PLATERO. John Doe continued coming at PLATERO and PLATERO stated he didn't want to deal with the John Doe anymore so he picked up a fist sized rock and hit the John Doe in the back of the head with it. John Doe fell down to the ground. PLATERO stated he had a lot of rage inside from previous altercations with the John Doe. PLATERO picked up the bat and hit the victim in the head, arms, and legs with it several times. PLATERO left the victim on the ground and later called a neighbor for help.

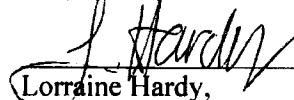
8. John Doe and PLATERO are both recognized tribal members of the Navajo Nation. The incident took place within the exterior boundaries of the To'Hajiilee Reservation of the Navajo Nation, which is Indian Country.

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

CONCLUSION

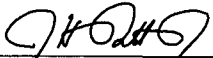
9. Based on the above information, I believe that there is probable cause to believe that LUKE AVERY PLATERO violated Title 18 U.S.C. §§ 1153(a) Crimes in Indian Country and 113(a)(6) Assault resulting in serious bodily injury. Accordingly, I am seeking an arrest warrant for LUKE AVERY PLATERO. This affidavit was reviewed by Supervisory Assistant U.S. Attorney Kyle Nayback for legal sufficiency.

Respectfully submitted,



Lorraine Hardy,
Special Agent,
Federal Bureau of Investigation

Electronically submitted and telephonically sworn to me on May 13, 2020:



HONORABLE JERRY H. RITTER
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF NEW MEXICO