

MAY 24 2016

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO  
MATTHEW J. DYKMAN  
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TOM BEGAYE JR.,

Defendant.

CRIMINAL NO. 16-2376 WJ

Count 1: 18 U.S.C. §§ 1153 and 1111:  
First Degree Murder;Count 2: 18 U.S.C. §§ 1153 and 1111:  
First Degree Murder (Felony Murder);Count 3: 18 U.S.C. §§ 1153, 1201(a)(2)  
and 1201(g): Kidnapping a Minor  
Resulting in Death;Count 4: 18 U.S.C. §§ 1153, 2241(c),  
2246(2)(C), and 2245: Aggravated Sexual  
Abuse Resulting In Death;Count 5: 18 U.S.C. §§ 1153, 2241(c),  
2246(2)(B), and 2245: Aggravated Sexual  
Abuse Resulting in Death;Count 6: 18 U.S.C. §§ 1153, 1201(a)(2),  
and 1201(g): Kidnapping a Minor.INDICTMENT

The Grand Jury charges:

Count 1

On or about May 2, 2016, in Indian Country, in San Juan County, in the District of New Mexico, the defendant, **TOM BEGAYE JR.**, an Indian, unlawfully killed Jane Doe with malice aforethought, in that the defendant killed Jane Doe willfully, deliberately, maliciously, and with premeditation, by striking Jane Doe with a tire iron.

In violation of 18 U.S.C. §§ 1153 and 1111.

Count 2

On or about May 2, 2016, in Indian Country, in San Juan County, in the District of New Mexico, the defendant, **TOM BEGAYE JR.**, an Indian, unlawfully caused the death of Jane Doe and the death of Jane Doe occurred as a consequence of, and while TOM BEGAYE JR., was unlawfully, knowingly, and willfully engaged in committing and attempting to commit kidnapping.

In violation of 18 U.S.C. §§ 1153 and 1111.

Count 3

On or about May 2, 2016, in Indian Country, in San Juan County, in the District of New Mexico, the defendant, **TOM BEGAYE JR.**, an Indian, who had obtained the age of eighteen (18) years, did unlawfully, knowingly, and willfully kidnap and attempt to kidnap, abduct, seize, confine, inveigle, and carry away Jane Doe, a child who had not attained the age of eighteen (18) years, for some purpose or benefit and during the perpetration of that kidnapping the death of Jane Doe resulted.

In violation of 18 U.S.C. §§ 1153, 1201(a)(2) and 1201(g).

Count 4

On or about May 2, 2016, in Indian Country, in San Juan County, in the District of New Mexico, the defendant, **TOM BEGAYE JR.**, an Indian, unlawfully and knowingly engaged in and attempted to engage in a sexual act with Jane Doe, a child who had not then attained the age of twelve (12) years, and the sexual act consisted of penetration, however slight, of the genital opening of Jane Doe by a hand and finger of the defendant, with the intent to abuse, humiliate, harass, degrade, arouse and gratify the sexual desire of any person and during the course of the offense, caused the death of Jane Doe.

In violation of 18 U.S.C. §§ 1153, 2241(c), 2246(2)(C), and 2245.

Count 5

On or about May 2, 2016, in Indian Country, in San Juan County, in the District of New Mexico, the defendant, **TOM BEGAYE JR.**, an Indian, unlawfully and knowingly engaged in and attempted to engage in a sexual act with Jane Doe, a child who had not then attained the age of twelve (12) years, and the sexual act consisted of penetration, however slight, of the vulva and anus of Jane Doe by the penis of the defendant, and during the course of the offense, caused the death of Jane Doe.

In violation of 18 U.S.C. §§ 1153, 2241(c), 2246(2)(C), and 2245.

Count 6

On or about May 2, 2016, in Indian Country, in San Juan County, in the District of New Mexico, the defendant, **TOM BEGAYE JR.**, an Indian, who had obtained the age of eighteen (18) years, did unlawfully, knowingly, and willfully kidnap and attempt to kidnap, abduct, seize, confine, inveigle, and carry away John Doe, a child who had not then attained the age of eighteen (18) years, for some purpose or benefit.

In violation of 18 U.S.C. §§ 1153, 1201(a)(2), and 1201(g).

A TRUE BILL:



Assistant United States Attorney

/s/ \_\_\_\_\_  
FOREPERSON OF THE GRAND JURY

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