

**FILED**  
At Albuquerque NM

MAR 01 2010

**MATTHEW J. DYKMAN**  
CLERK

**United States District Court**

IN THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

v.

**CRIMINAL COMPLAINT**

DAN KEITH BOBELU, YOB: 1990

CASE NUMBER: 10-MG-016  
10-MJ-563

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 the year January 01, 2010 in McKinley county, in the District of New Mexico defendant(s), **a registered member of the Pueblo of Zuni Indian Tribe, with the exterior boundaries of the Pueblo of Zuni Indian Reservation in Indian Country, assaulted Kent Banteah, Jr., with a dangerous weapon, that is a Glock, Model 23, .40 caliber semi-automatic pistol, intending to do bodily harm, and without just cause or excuse.**

in violation of Title 18 United States Code, Section(s) 1153 and 113 (a)3.

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:  
**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 - CB

Sworn to before me and subscribed in my presence,



Signature of Complainant  
**SA David D. Cordova**  
Special Agent  
Federal Bureau of Investigation

Date 2/26/10 at Gallup, N.M.  
City and State

Name & Title of Judicial Officer Robert W. IONFA  
US MAGISTRATE JUDGE Signature of Judicial Officer 

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

UNITED STATES OF AMERICA )  
 )  
vs. )  
 )  
DAN KEITH BOBELU, YOB: 1990 )  
 )  
 )

10-MG-016  
10-MJ-563

AFFIDAVIT

The undersigned being duly sworn, deposes and says:

1) I, David D. Cordova, am a Special Agent of the Federal Bureau of Investigation (FBI), currently assigned to the Albuquerque Division, Gallup Resident Agency. I have been so employed since April 2008. I have a total of approximately nine (9) years of federal law enforcement experience. I have primary investigative responsibility in crimes that occur in Indian Country including violent crimes such as homicide, robbery, arson, aggravated assault, and sexual assault. The information set forth is known to me as a result of my own investigation or has been communicated to me by other law enforcement officers:

2) This affidavit has been made in support of an application for an arrest warrant for Dan Keith Bobelu, a registered member of the Pueblo of Zuni Indian Tribe. This arrest warrant is to be conducted in connection with the assault of Pueblo of Zuni Tribe enrolled member, Kent

1 Banteah, Jr. (herein Kent Banteah), with a dangerous weapon,  
2 that is a Glock, Model 23, .40 caliber semi-automatic pistol,  
3 in violation of Title 18, United States Code, Section(s)  
4 1153, and 113(a)(3); assault with a dangerous weapon, with  
5 intent do bodily harm, and without just cause or excuse; and  
6 the assault occurred within the exterior boundaries of the  
7 Pueblo of Zuni Indian Reservation in Indian Country.

8  
9 3) On the evening of January 01, 2010, Criminal  
10 Investigator (CI) David Evans of the Pueblo of Zuni Police  
11 Department (ZPD), Criminal Investigations Division (CID),  
12 Zuni, New Mexico, contacted Special Agent (SA) David Cordova  
13 of the Federal Bureau of Investigation (FBI), Gallup Resident  
14 Agency (GRA), regarding Kent Banteah, Jr. CI Evans reported  
15 that on this date, at approximately 7:10 PM, ZPD Patrol  
16 Sergeant Lewayne Lallo was dispatched to the Zuni Indian  
17 Hospital (ZIH), Zuni, NM, to investigate how Kent Banteah,  
18 who was receiving medical treatment for a gunshot wound, had  
19 been injured. Earlier that evening, Kent Banteah had been  
20 shot once in the upper right arm (posterior) above the  
21 tricep. The gunshot wound caused soft tissue damage to Kent  
22 Banteah's arm and the bullet remained lodged in his arm. Kent  
23 Banteah was transferred to the Gallup Indian Medical Center  
24 (GIMC), Gallup, New Mexico, where surgery was performed to  
25 remove the bullet from the arm.

26  
27 4) SA David Cordova subsequently obtained a copy of  
28 the police report generated by ZPD Patrol Sergeant Lewayne

1 Lalio. According to the police report, Kent Banteah, Jr.  
2 (driver) and Gordon Ray Peywa (passenger) were driving  
3 southbound on Pincion Street, near House 03C, Pueblo of Zuni,  
4 New Mexico, in Kent Banteah's blue Ford Expedition , when  
5 they drove up to a unidentified, young, slim, male subject  
6 (herein UNSUB) walking down the middle of the street. The  
7 UNSUB was wearing a black leather coat, and a black ski-mask  
8 covered his face. The ski-mask had a skeleton design on it.  
9 Kent Banteah swerved to avoid hitting the UNSUB, like several  
10 vehicles ahead of him.

11  
12 5) As Kent Banteah's vehicle neared the UNSUB,  
13 Gordon Ray Peywa rolled down his window and yelled at the  
14 UNSUB to get out of the way. The UNSUB, responded with  
15 profanity, and yelled, "Fuck you! I am West Side Crip!" The  
16 UNSUB then pulled out a pistol from his waistband and fired  
17 one round at the vehicle. The round entered the passenger's  
18 side, rear door window, and struck Kent Banteah from behind  
19 in the upper right arm above the tricep. The UNSUB ran in a  
20 westerly direction toward a cluster of homes located nearby.  
21 Kent Banteah and Gordon Ray Peywa drove to the ZIH where Kent  
22 Banteah was treated for the gunshot wound and subsequently  
23 transferred to the GIMC. Patrol Sergeant Lewayne Lalio  
24 inspected and photographed the damage to Kent Banteah's Ford  
25 Expedition.

26  
27 6) On January 12, 2010, CI David Evans told SA  
28 Cordova that he (CI EVANS) had received a tip in which it was

1 reported that Dan Bobelu was the individual who was involved  
2 in the shooting of Kent Banteah.

3  
4 7) On January 25, 2010, ZPD Officers seized a  
5 Glock, Model 23, .40 caliber semi-automatic pistol, from  
6 Corey Lander Bobelu, brother of Dan Keith Bobelu, during a  
7 vehicle stop.

8  
9 8) On January 26, 2010, SA David Cordova and CI  
10 David Evans interviewed an individual (herein witness 1) who  
11 associates with Dan Keith Bobelu. According to witness 1, Dan  
12 Keith Bobelu was seen showing-off a Glock .40 caliber semi-  
13 automatic pistol at a friend's residence, on or about  
14 December 31, 2009, one day before the shooting of Kent  
15 Banteah. Dan Keith Bobelu discharged the pistol several times  
16 and insisted the casings discharged from the pistol be picked  
17 from the ground.

18  
19 9) On January 29, 2010, during a voluntary  
20 interview, Corey Lander Bobelu told investigators that Dan  
21 Keith Bobelu admitted to shooting Kent Banteah and that Dan  
22 Keith Bobelu wanted to talk to police about the incident. CI  
23 David Evans contacted Dan Keith Bobelu via telephone. Dan  
24 Keith voluntarily agreed to meet with investigators on  
25 February 01, 2010.

26  
27 10) On the afternoon of February 01, 2010, SA David  
28 Cordova and CI David Evans conducted a non-custodial

1 interview with Dan Keith Bobelu at the Zuni Police  
2 Department. Dan Keith Bobelu was wearing a black T-shirt with  
3 the words "WEST SIDE" covering the front of the T-Shirt. Dan  
4 Keith also wore a chain around his neck with a "bullet"  
5 hanging from the chain.

6  
7 11) Dan Keith Bobelu confessed to shooting at Kent  
8 Banteah and Gordon Ray Peywa, admitted to being a member of  
9 the "West Side Hustler Crips" and stated the following:

10  
11 12) On evening of January 01, 2010, he (Dan Keith  
12 Bobelu) was, on foot, walking down Pincion Street,  
13 approaching Highway 53, Pueblo of Zuni, when he heard the  
14 roaring sound of a vehicle engine come close to him. Dan  
15 Keith Bobelu jumped toward the sidewalk to get out of the way  
16 an fell on his buttocks. The vehicle stopped next to Dan  
17 Keith Bobelu. Dan Keith Bobelu then walked over to the  
18 passenger's side door, which was closest to him, and tried  
19 punching the passenger in the face. Dan Keith Bobelu  
20 recognized the vehicle occupants as Kent Banteah (AKA: Jude),  
21 driver, and the Gordon Ray Peywa (AKA: G-Dog), passenger.  
22 According to Dan Keith Bobelu, Kent Banteah and Gordon Ray  
23 Peywa are members of a rival gang called "MONEY MAKING  
24 KINGS". The "MONEY MAKING KINGS" are associated with a gang  
25 called "UPTOWN KINGS" from Albuquerque, New Mexico.

26  
27 13) Dan Keith Bobelu and Gordon Ray Peywa yelled  
28 profanity at each other and then Dan Keith Bobelu used a

1 Glock .40 caliber semi-automatic pistol and fired one round  
2 into the vehicle compartment, as he stood approximately 2 to  
3 3 feet away from the vehicle. After discharging the pistol,  
4 Dan Keith Bobelu ran off in westerly direction toward a  
5 cluster of homes nearby. Dan Keith Bobelu subsequently  
6 confessed to his brother, Lander Corey Bobelu and made  
7 admissions about the shooting to several other individuals.  
8 Dan Keith Bobelu fled the Pueblo of Zuni to Gallup, New  
9 Mexico, where he remained until January 25, 2010.

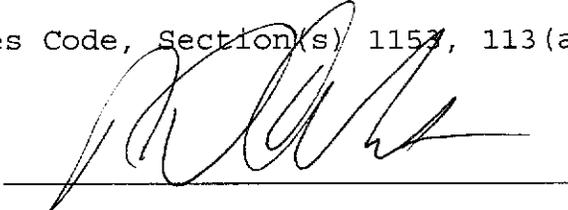
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11 14) According to Dan Keith Bobelu, on the night of  
12 the shooting, he was wearing blue pants, a black T-shirt, and  
13 a long leather coat (similar to a trench coat). Dan Keith  
14 Bobelu was also wearing a black "beanie" covering his head  
15 and a bandanna which covered his face, except his eyes. The  
16 bandanna had a skeletal design on it.

17  
18 15) On February 25, 2010, CI David Evans informed  
19 SA Cordova of a report filed in which Dan Bobelu fears  
20 retaliation from Kent Banteah. Based on that fact that Dan  
21 Keith Bobelu and Kent Banteah are members of rival gangs,  
22 violence between both gangs is likely to continue.

23  
24 16) Based on the training, experience of the  
25 affiant, and information set forth in this affidavit, your  
26 affiant submits that there is probable cause to believe that  
27 on January 01, 2010, within the exterior boundaries of the  
28 Pueblo of Zuni Indian Reservation in Indian Country, in the

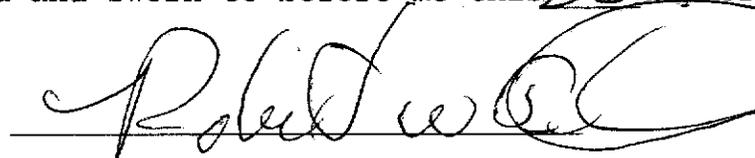
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county of McKinley, in the State and District of New Mexico;  
Dan Keith Bobelu, a registered member of the Pueblo of Zuni  
Indian Tribe, did assault Kent Banteah with a dangerous  
weapon, that is, a black Glock, Model 23, .40 caliber semi-  
automatic pistol, with in intent to do bodily harm, and  
without just cause or excuse; in violation of 18 United  
States Code, Section(s) 1153, 113(a)(3).



David D. Cordova  
Special Agent  
Federal Bureau of Investigation  
Gallup, New Mexico

Subscribed and sworn to before me this 26 day of Feb,  
2010.



U.S. Magistrate Judge Robert W. Ionta