

FILED

UNITED STATES DISTRICT COURT
BUQUERQUE, NEW MEXICO

United States District Court

JUN 28 2010

IN THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

ATTHEW J. DYKMAN
CLERK

v.

CRIMINAL COMPLAINT

STERLING SILVERSMITH, YOB: 1985

CASE NUMBER: 10-MJ-1860
10-MG-034

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 June 20, 2010 in McKinley county, in the District of New Mexico defendant(s), **Sterling Silversmith, a registered member of the Navajo Indian Tribe, used two (2) dangerous weapons (knives) to assault (stab) Donovan Roe Bitsilly (24 YOA) and Jay Bowers Levier (35 YOA), two counts; the assault resulted in serious bodily injury; the assault occurred within the exterior boundaries of the Navajo Indian Reservation,**

in violation of Title 18 United States Code, Section(s) 1153, 113 (a) 3 & 113 (a) 6.

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



Signature of Complainant

SA David D. Cordova
Special Agent
Federal Bureau of Investigation

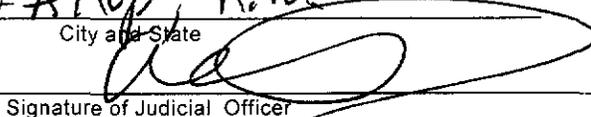
AUSA - GCM

Sworn to before me and subscribed in my presence,

Date 6/28/10

at Gallup, N.M.
City and State

Name & Title of Judicial Officer Robert W. Ionta, 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.)
)
STERLING SILVERSMITH, YOB:1985)

LO MJ 1860
LO MG 034

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 a total of approximately ten (10) years of federal law enforcement experience. I have been employed as special agent with the FBI since April 2008. 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 a criminal complaint and application for an arrest warrant for Sterling Silversmith (hereinafter Sterling), 24 YOA, a registered member of the Navajo Indian Tribe. This arrest warrant is to be conducted in connection with the assault

1 (stabbing) of Donovan Roe Bitsilly (hereinafter Donovan), 24
2 YOA, and Jay Bowers Levier (hereinafter Jay), 35 YOA, both
3 registered members of the Navajo Indian Tribe, in violation of
4 Title 18, United States Code, Section(s): 1153, 113(a)(3) &
5 113(a)(6); assault with two (2) dangerous weapons, that is two
6 (2) knives; the assault resulted in serious bodily injury. The
7 assault occurred within the exterior boundaries of the Navajo
8 Indian Reservation in Indian Country, in the county of McKinley,
9 in the State and District of New Mexico.

10
11 3) On June 20, 2010 (Sunday), at approximately 02:16
12 AM, Delaine Levier (hereinafter Delaine) reported to the Window
13 Rock Police dispatch that her husband Jay and her nephew Donovan
14 had been stabbed by Sterling Silvermsith (hereinafter Sterling),
15 her nephew. Delaine and two (2) other family members transported
16 the men from a family reunion near Whiskey Lake, New Mexico,
17 (located on the Chuska Mountains) to an area near Fort Defiance,
18 Arizona, where she met up with an ambulance from the Fort
19 Defiance Indian Health Services (FDIHS). The ambulance then
20 transported both men to the FDIHS; Donovan was treated at the
21 FDIHS. Jay was airlifted to the Flagstaff Medical Center (FMC),
22 Flagstaff, Arizona, due to the severity of his injury.

23
24 4) CI Alvernon Tsosie and FBI SA John Anderson
25 responded to the FDIHS to interview witnesses. Delaine was
26 located and interviewed; Delaine provided a recorded statement.
27 Delaine stated that she and Jay attended the "HALONA" family
28 reunion on, Saturday, June, 19, 2010. The reunion was held near

1 Whiskey Lake, New Mexico, where the family planned to camp out
2 for the night. This morning (June 20, 2010), at approximately
3 1:00 or 1:30 AM, while getting ready to go to sleep, a physical
4 altercation ensued between Donovan and Sterling, near the
5 campfire.

6
7 5) Jay attempted to stop the altercation and placed
8 Sterling into a "bear-hug." Sterling stabbed Jay in the right
9 arm and blood began squirting. Sterling also attempted to stab
10 Delaine, but missed; instead Sterling somehow struck Delaine in
11 the face. Sterling then attacked and stabbed Donovan.

12
13 6) According to Charles Blakely, Medical Doctor
14 (hereinafter Dr. Blakely), FDIHS, Donovan sustained the
15 following injuries: four (4) stab wounds in the back, three (3)
16 on the left side, and one (1) on the right side. Donovan also
17 suffered a small hemothorax in his left chest and a two (2)-inch
18 laceration to the back of his ear.

19
20 7) Dr. Blakely stated Jay had a major stab wound to
21 his right arm, which had severed arteries and nerves. Depending
22 on the total amount of damage to the arteries and nerves, Dr.
23 Blakely opined that Jay may be facing a loss of limb.

24
25 8) Allison Lesere, Registered Nurse, FMC, described
26 Jay's injury as compartment syndrome with soft tissue damage to
27 the right arm, with damage to the arteries in the arm. Jay will
28 require subsequent surgeries to repair the damage, thus

1 requiring hospitalization.

2
3 9) On June 21, 2010 (Monday), Jay was interviewed by
4 Federal Bureau of Investigation (FBI) Special Agent Hae Young
5 Lee at FMC. Jay stated that he attended the "HALONA" family
6 reunion at the top of "CHUSKA MOUNTAINS" near "WHISKEY LAKE" on
7 the night of June 19, 2010 (Saturday), where family members
8 camped out for the night.

9
10 10) Early Sunday morning, shortly after 12:00 AM, Jay
11 observed Sterling and Donavan in a physical altercation. Jay
12 observed the men rolling on the ground; Jay ran toward the men
13 in an attempt to stop the altercation. Jay observed Sterling on
14 top of Donavan; it appeared Sterling was slashing Donavan, but
15 Jay did not see a knife. Donavan appeared to be defending
16 himself.

17
18 11) Jay grabbed Sterling from behind and placed both
19 arms around his chest (in a bear hug) and attempted to remove
20 Sterling off Donavan. Jay felt a sharp pain in his right arm and
21 blood began to squirt from his arm. Jay assumed he had been
22 stabbed. Jay turned around and used a T-shirt as a tourniquet on
23 his arm. While, Jay was tending to his wound other family
24 members at the reunion intervened and stopped the altercation.

25
26 12) Donavan, who was also interviewed, provided a
27 similar account to that of Jay's. Donavan also identified
28 Sterling as the individual who assaulted (stabbed) him. Donavan

1 and Jay both denied using any weapons against Sterling.
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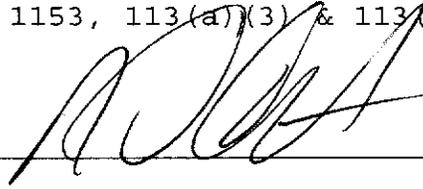
3 13) On June 21, 2010 (Monday), Sterling was
4 interviewed by Criminal Investigator Alvernon Tsosie of the
5 Navajo Department of Criminal Investigations (NDCI), after he
6 was advised of his Miranda Rights. Sterling confessed to
7 stabbing both Jay and Donovan, while at the "HALONA" family
8 reunion. Sterling stated that he and Donovan had been arguing
9 throughout the day because Donovan was disrespecting several
10 relatives at the campsite. At nightfall, they continued arguing
11 near the campfire. A physical altercation ensued; Sterling used
12 two (2) knives-one knife in each hand-to assault (stab) Donovan.
13 Sterling stabbed Donovan three (3) or four (4) times, and Jay
14 one (1) time in the arm. After the stabbing, Sterling fled the
15 crime scene on foot. When asked if either Jay or Donovan
16 possessed a weapon during the altercation, Sterling responded
17 they did not.
18

19 14) Sterling was asked about a gray and black jacket
20 recovered by law enforcement near the crime scene, which had a
21 red fluid-like substance, which appeared to be blood, on the
22 right sleeve of the jacket. Sterling stated his jacket had an
23 MP-3 player and three knives. The jacket found by law
24 enforcement had an MP-3 player and case and three (3) knives in
25 a black nylon sheath, one of which appeared to have blood.
26 Sterling claimed the knives were his and he kept them for
27 protection.
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15) The following drug paraphernalia was also found inside the left front beast jacket: A gray metal smoke pipe and a clear plastic sandwich bag containing a green leafy substance with an odor consistent with marihuana. Sterling claimed ownership of the pipe and green leafy substance, which he called "weed."

16) Based on the training, experience of the affiant, and information set forth in this affidavit, your affiant submits that there is probable cause to believe that on June 21, 2010, within the exterior boundaries of the Navajo Indian Reservation in Indian Country, in the county of McKinley, in the State and District of New Mexico, Sterling Silversmith, a registered member of the Navajo Indian Tribe, did assault Jay Bowers Levier and Donavan Roe Bitsilly with two (2) dangerous weapons, that is two (2) knives; the assault resulted in serious bodily injury; in violation of 18 United States Code, Section(s): 1153, 113(a)(3) & 113(a)(6).



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

Subscribed and sworn to before me this 28 day of June,

2010.



U.S. Magistrate Judge Robert W. Ionta