

AO 91 (Rev. 5/85) Criminal Complaint

United States District Court

FILED
At Albuquerque NM

NOV - 8 2010

MATTHEW J. DYKMAN
CLERK

DISTRICT OF

New Mexico

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

AMOS JOE
YOB: 1949

CASE NUMBER: 10-MJ-2901

(Name and Address of Defendant)

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief. On or about November 02, 2010 In San Juan county, in the _____ District of New Mexico Defendant(s) did, (Track Statutory Language of Offense)

Knowingly caused JANE DOE to engage in a sexual act by using force against JANE DOE, and the sexual act consisted of penetration, however slight, of JANE DOE's vagina by Defendant's finger. This sexual abuse occurred in Indian Country.

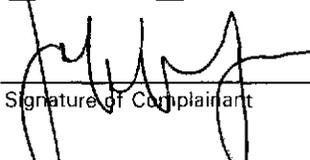
In violation of Title 18 United States Code, Section(s) 1153,2241(a)(1),2246(2)(C)

I further state that I am a(n) _____ and that this complaint is based on
Official Title

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

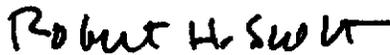
Sworn to before me and subscribed in my presence,
11-8-2010

Date

at

ALBUQUERQUE, NEW MEXICO

City and State



Signature of Judicial Officer

ROBERT HAYES SCOTT
Name & United States Magistrate Judge
Chambers 620
333 Lomas Blvd. N.W.
Albuquerque, NM 87102

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEW MEXICO

AFFIDAVIT

I, the undersigned, being duly sworn, depose, and state as follows:

I am a Criminal Investigator with the Navajo Nation Department of Criminal Investigations, assigned to the Shiprock, New Mexico, Police District. I currently have primary investigative responsibilities pertaining to major crimes on the Navajo Indian Reservation involving violations of federal law, including, but not limited to, homicides, aggravated assaults, involuntary manslaughters, and sexual assaults. The information set forth in this affidavit has been derived from my own investigative efforts, information communicated to me by other sworn law enforcement officers, or other reliable sources. In this regard, the following information was obtained.

1. In this affidavit, facts will show that AMOS JOE, an adult Native American, with a year of birth of 1949, digitally penetrated JANE DOE's vagina, who has a year of birth of 1950, by using force.
2. Reference will be made throughout this affidavit to the following individuals:
 - (A) JANE DOE is a registered member of the Navajo Indian Tribe, and she is the victim in this case;
 - (B) AMOS JOE is a registered member of the Navajo Indian Tribe, and he is the subject in this case;
 - (C) Margaret Ganz is a witness to this case;
 - (D) Kachina Ganz is a witness to this case; and,
 - (E) Kathy Meredith, Registered Nurse, is a witness to this case.

3. On Tuesday, November 02, 2010, CI Jefferson Joe received a telephone call from Shiprock Police District Police Dispatcher regarding a sexual assault report. The location of the incident was determined to have occurred at the home of AMOS JOE in Hogback, New Mexico. The location of the offense is within the confines of the Navajo Indian Reservation.

4. The investigation revealed the sexual assault occurred on or about the morning hours of November 02, 2010. JANE DOE was identified as the victim and that she is a member of the Navajo Tribe. JANE DOE has a Navajo Tribal Enrollment Census Number of ---,960.

5. On November 04, 2010, CI JOE interviewed JANE DOE in Farmington, New Mexico. JANE DOE informed CI JOE that she had been sexually assaulted on November 02, 2010.

6. CI JOE identified AMOS JOE as the assailant by the physical description, the location of his residence, and the description of the residence provided by JANE DOE. AMOS JOE is a member of the Navajo Tribe and has a Navajo Tribal Enrollment Census Number of ---,297.

7. JANE DOE told CI JOE that she had spent the night at a friend's house in Hogback, NM on Monday, November 01, 2010. JANE DOE did not have a vehicle of her own so the next morning (Tuesday, November 02, 2010) she decided to hitch hike home. JANE DOE was along US Highway 64 when she saw a person she thought she knew waving at her from across the highway. JANE DOE crossed the four lanes of highway to this person that was waving at her.

8. JANE DOE got to this person's house and realized she did not know this person. JANE DOE told this person this. AMOS JOE then grabbed JANE DOE by the arm and pulled her inside his house. There was no one else inside the house. AMOS JOE pulled JANE DOE to the floor by grabbing her arms and pulling on her hair.

9. AMOS JOE pulled JANE DOE's pants and underwear down to her ankles. AMOS JOE forcefully inserted two of his fingers into JANE DOE's vagina. JANE DOE fought with AMOS JOE and yelled at him to stop because he was hurting her. AMOS JOE was too strong for her. JANE DOE told AMOS JOE that she was going to tell on him. These statements she made to AMOS JOE made him more aggressive.

10. JANE DOE managed to get away and pull up her underwear and pants. As JANE DOE was attempting to exit AMOS JOE's house, AMOS JOE held on to her by her clothes preventing her from leaving. JANE DOE forced her way out of the house and ended up banging her knees on the floor in the process.

11. JANE DOE stated she thought she was going to be killed. JANE DOE almost got hit trying to cross the four lanes of highway in her rush to get away from her assailant. JANE DOE felt wetness around her vaginal area when she got out of the house and immediately knew she was bleeding. JANE DOE felt pain at her vaginal area.

12. JANE DOE got to the highway and motorist stopped for her. The motorist was Margaret Ganz and her daughter, Kachina Ganz. Margaret Ganz stated JANE DOE immediately started crying and shaking in her car. JANE DOE said she was raped. JANE DOE also told them that the guy "fingered" her and that she was hurting "down there", vagina. Margaret Ganz took JANE DOE to Northern Navajo Medical Center, in Shiprock, New Mexico.

13. A sexual assault evidence kit was utilized during JANE DOE'S examination in Farmington, New Mexico by Sexual Assault Nurse Examiner (S.A.N.E) Kathy Meredith to preserve evidence for subsequent laboratory analysis and comparison. The examination revealed that JANE DOE had tears to her inner and outer vaginal areas. Her clothing, including the underwear she wore at the time of the assault, was obtained as evidence also for subsequent laboratory analysis and comparison.

14. On Thursday, November 04, 2010, CI JOE and CI Louis St. Germaine interviewed AMOS JOE at Shiprock Criminal Investigations Department's office. AMOS JOE was advised of his rights. CI Germaine read and explained his rights in Navajo language. AMOS JOE agreed to answer the investigators' questions without a lawyer present.

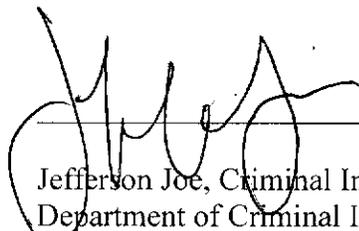
15. AMOS JOE admitted to digitally penetrating JANE DOE and admitted JANE DOE yelled at him three (3) times to stop because he was hurting her. AMOS JOE said JANE DOE told him that she was going to tell on him. AMOS JOE also admitted to hanging on to JANE DOE when she was trying to leave because he wanted to sexually assault her again. AMOS JOE said he got the scratches on his face when JANE DOE pushed him against an outside fence.

16. AMOS JOE said he was sorry for what he did and started crying in the interview room.

17. Based on the information provided, AFFIANT believes there is probable cause to believe that on or about November 02, 2010, AMOS JOE, with a year of birth of 1949, and as an enrolled member of the Navajo Indian Tribe, did, within the Navajo Indian Reservation, commit in violation of the United States Code (USC), sections 1153, Crime

on an Indian Reservation; sections 2241(a)(1), 2246(2)(C), Aggravated sexual abuse, in that AMOS JOE, while on the Navajo Indian Reservation, did commit aggravated sexual abuse by digitally penetrating JANE DOE's vagina by using force against JANE DOE.

20. The above information is true and correct to the best of my knowledge.



Jefferson Joe, Criminal Investigator
Department of Criminal Investigations
Shiprock Police District
Shiprock, New Mexico

*Subscribed and sworn to before
me this 8th day of November, 2010*

Robert H. Scott

ROBERT HAYES SCOTT
United States Magistrate Judge
Chambers 620
333 Lomas Blvd. N.W.
Albuquerque, NM 87102