

AO 91 (Rev. 5/85) Criminal Complaint

United States District Court **FILED**  
At Albuquerque NM

DISTRICT OF

New Mexico JUN 02 2010

UNITED STATES OF AMERICA  
V.

**MATTHEW J. DYKMAN**  
CLERK

**CRIMINAL COMPLAINT**

Richard Harry Yazzie  
YOB: 1954

CASE NUMBER: 10-MJ-1640  
10-MG-031

(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 May 30, 2010 In San Juan county, in the          District of New Mexico Defendant(s) did, (Track Statutory Language of Offense)

*Defendant hit and drove over Norman Yazzie resulting in serious bodily injury. This assault occurred in Indian Country.*

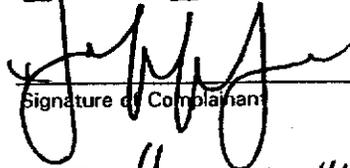
In violation of Title 18 United States Code, Section(s) 1153, 113(a)(6)

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

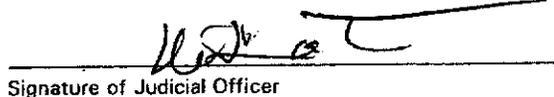
Sworn to before me and subscribed in my presence,

6/2/10  
Date

at

Gallup, N.M.   
City and State

Robert W. Torres ismagistrate  
Name & Title of Judicial Officer *Judge*

  
Signature of Judicial Officer

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

10-MJ-1640  
10-MG-031

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 RICHARD HARRY YAZZIE, an adult Native American, with a year of birth of 1954, hit and drove over NORMAN YAZZIE, who has a year of birth of 1960, resulting in serious bodily injury.
2. Reference will be made throughout this affidavit to the following individuals:
  - (A) NORMAN YAZZIE is a registered member of the Navajo Indian Tribe, and he is the victim in this case;
  - (B) RICHARD HARRY YAZZIE is a registered member of the Navajo Indian Tribe, and he is the subject in this case;
  - (C) Marjorie Yazzie is a witness to this case;
  - (D) Irene Yazzie is a witness to this case; and,
  - (E) Gary Yazzie is a witness to this case.

3. On Sunday, May 30, 2010, CI Jefferson Joe received a telephone call from the Shiprock Police District regarding an individual that was reported to have been driven over. The location of the incident was determined to have occurred at the residence of Irene Yazzie, Marjorie Yazzie, and Gary Yazzie at Mesa Farm Road, 5<sup>th</sup> Lane, Shiprock, New Mexico. The location of the offense is within the confines of the Navajo Indian Reservation.

4. The investigation revealed the assault occurred on or about the late afternoon hours of May 30, 2010. NORMAN YAZZIE was identified as the victim of the assault. NORMAN YAZZIE is a member of the Navajo Tribe and has a Navajo Tribal Enrollment Census Number of ---,320.

5. On May 30, 2010, CI JOE took photographs of NORMAN YAZZIE at Northern Navajo Medical Center Emergency Room, Shiprock, New Mexico. What appeared to be tire tread marks were visible on his chest. He had open fractures to his right lower leg. He also had internal bleeding and excess blood was being pumped out from his torso. NORMAN YAZZIE airlifted to Albuquerque, New Mexico University Hospital for advance treatment.

6. RICHARD HARRY YAZZIE was identified as the perpetrator. RICHARD H. YAZZIE is a member of the Navajo Tribe and has a Navajo Tribal Enrollment Census Number of ---,530.

7. The investigation revealed that RICHARD H. YAZZIE hit and drove over NORMAN YAZZIE at the family residence located at Mesa Farm Road, 5<sup>th</sup> Lane, Shiprock, New Mexico on Sunday, May 30, 2010. Marjorie Yazzie told CI JOE that she heard the very loud revving of a vehicle's engine by RICHARD H. YAZZIE's home and

then a vehicle speeding off traveling at a high rate of speed outside her house. Marjorie Yazzie said she next heard a loud thud right outside her house.

8. Marjorie Yazzie immediately went outside and found NORMAN YAZZIE lying on the ground near her house and RICHARD H. YAZZIE parked nearby. Marjorie Yazzie saw RICHARD H. YAZZIE sitting on the driver side and Pauline Harrison sitting on the right front passenger side of their vehicle.

9. CI JOE took photographs of the crime scene. Vehicle tire marks indicative of fast rotating tires ("peeling out") were seen from where Marjorie Yazzie saw RICHARD H. YAZZIE'S pickup parked last to where NORMAN YAZZIE was lying and to where RICHARD H. YAZZIE was parked.

10. Irene Yazzie also went outside to see what had happened. Irene Yazzie saw her son, RICHARD H. YAZZIE, sitting on the driver side parked near where NORMAN YAZZIE was laying. Irene Yazzie saw Pauline Harrison sitting on the right front passenger side looking out the window at NORMAN YAZZIE.

11. RICHARD H. YAZZIE drove away and fled the scene.

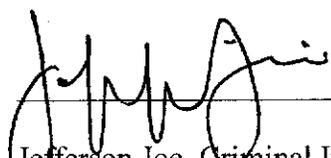
12. NORMAN YAZZIE suffered internal injuries and open fractures to his right lower leg.

13. On Tuesday, June 1, 2010, CI JOE interviewed Gary Yazzie. Gary Yazzie said he had been drinking alcoholic beverages with his brother, RICHARD H. YAZZIE, and Pauline Harrison (on the day of the incident). He said RICHARD H. YAZZIE bought the liquor at Eagle Claw Liquor Store in Cortez, Colorado. He said RICHARD H. YAZZIE was drinking Vodka from a gallon container with Pauline Harrison. Gary Yazzie said he was passed out in the extended cab portion of the pickup that his brother, RICHARD H.

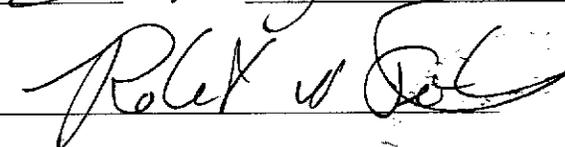
YAZZIE, was driving on May 30, 2010, and he did not know his brother had been driven over. Gary Yazzie said his brother must have thrown him out of the vehicle (after fleeing the scene) since he woke up on the side of the road towards Area 7 (several miles west of Shiprock, New Mexico).

14. Based on the information provided, AFFIANT believes there is probable cause to believe that on or about May 30, 2010, RICHARD H. YAZZIE, with a year of birth of 1954, 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 113(a)(6) Assault (resulting in serious bodily injury), in that RICHARD H. YAZZIE, while on the Navajo Indian Reservation, did assault NORMAN YAZZIE by hitting and driving over him resulting in serious bodily injury.

15. 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 before me this

2 day of June  


U.S. Magistrate Judge