

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

United States District Court

10 JUN -9 AM 10:19

IN THE DISTRICT OF NEW MEXICO

CLERK - LAS CRUCES

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

Dennett Jerome Chee
(DOB: 1986)
An enrolled member of the Mescalero Apache
Indian Reservation

CASE NUMBER: 10-1704 MJ

53 Carrizo Trails
Mescalero, New Mexico

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 March 6, 2010 in Otero county, in the State and Judicial District of New Mexico defendant(s) did, (Track Statutory Language)

Assault Kelani Poncho, also an enrolled member of the Mescalero Apache Indian Reservation, resulting in serious bodily injury (a compound jaw fracture). Chee kicked Poncho in the face while wearing his steel toed Forestry Boots. The assault occurred within the exterior boundaries of the Mescalero Apache Indian Reservation, the territorial jurisdiction of the United States.

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


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

See Attachment A

Continued on the attached sheet and made a part hereof:

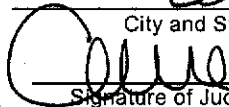
Yes No

AUSA - Mick Gutierrez
Sworn to before me and subscribed in my presence,


Signature of Complainant
SA Daniel J. Sarkozy
Special Agent
Federal Bureau of Investigation

Date 6-9-10 at Las Cruces, NM
City and State

Carmen E. Garza
Name & Title of Judicial Officer
U.S. Magistrate Judge


Signature of Judicial Officer

mg

1 Chee, causing a compound jaw fracture to Poncho's lower jaw.
2 The following day, Poncho was driven to the Lincoln County
3 Medical Center located in Ruidoso, New Mexico by a neighbor.
4 As she (Poncho) was treated by emergency medical personnel,
5 Bureau of Indian Affairs (BIA) Police Officer Eddie Smart was
6 summoned by the medical staff due to the nature of the
7 injuries. Poncho advised BIA Officer Smart that she had been
8 assaulted by an unknown female while attending a party the
9 day before. BIA Officer Smart, being advised by medical
10 personnel, suspected this story to be untrue because of the
11 force necessary to cause a compound jaw fracture. BIA
12 Officer Smart knew of a history of domestic violence within
13 the Chee/Poncho home and referred the matter to the Federal
14 Bureau of Investigation (FBI) for further investigation.

15
16 4. Poncho was transferred to the University
17 Medical Center located in El Paso, Texas (the nearest Level I
18 Trauma Center for the area) for definitive treatment. There,
19 Poncho underwent surgery to repair her lower jaw.

20
21 5. FBI Special Agent (SA) Daniel J. Sarkozy
22 interviewed Poncho. Poncho had been urged, by her father,
23 James Poncho, to tell the truth about the assault. After
24 this urging and being separated from Chee, Poncho advised
25 that the story told to BIA Officer Smart was a lie. Poncho
26 advised SA Sarkozy that she and Chee had been at a party but
27 had left because Chee's family had started teasing him and
28 calling him a "wife beater". Upon returning home, the couple

1 argued and began to physically fight. Chee began punching
2 Poncho in the face while Poncho was still seated in the
3 driver's seat of their car (Ford Explorer). She got out of
4 the car and ran away from their house and around the
5 neighbor's house (55 Carrizo Trails, home of Vincent Magoosh,
6 a close friend of Chee's). Chee chased after her. Poncho
7 remembers falling in a deep snow patch between their two
8 houses as she attempted to make her way back to her house.
9 As she fell in the deep snow, she saw Chee run past her and
10 on toward their house. She got up and continued into their
11 home where she found Chee waiting inside. The couple
12 continued to fight inside the house, first near the front
13 door and then in the family room. Poncho admitted to
14 punching and scratching Chee in the face. These punches and
15 scratches had little effect on Chee who continued beating
16 Poncho. The last thing Poncho remembers is fighting with
17 Chee in the family room. Both were on the floor, and Chee
18 reared back and kicked Poncho in the face with the bottom
19 (sole) of his forestry boot. Poncho believes this kick broke
20 her jaw. She did not know what happened next. During the
21 day leading up to the fight, Poncho remembers that she was
22 wearing blue pants, a black jacket and black shoes. After
23 being kicked and 'blacking out', Poncho woke up in her bed
24 the next morning wearing Chee's gray colored shorts (very
25 large) and his dark gray T-shirt which was on inside out.
26 She does not know how she got to bed or how she changed
27 clothes. She believes Chee changed her clothes and put her
28 into bed.

1 6. Poncho woke up at approximately 6:45 a.m. the
2 next morning (Sunday, 03/07/2010). She does not remember
3 going to bed, cleaning up the house, cleaning herself up or
4 changing clothes prior to going to bed. As she awoke, she
5 realized there was blood on the shirt she wore to bed and
6 blood on the mattress where her mouth was when she woke up.
7 She tried to drink some water but she realized that her mouth
8 would not close properly and the water she took into her
9 mouth ran out and down the front of her. Her mouth hurt and
10 she could not swallow. Still not realizing her condition,
11 she attempted to close her mouth and heard the bones in her
12 jaw 'clicking' together. She woke Chee up and told him that
13 her jaw was broken and she needed to go to the hospital.
14

15 7. Chee called the next door neighbor, Eliza
16 Yuzos, and asked her if she could take Poncho to the
17 hospital. Uzzos came over, helped Poncho into the car and
18 took her to Lincoln County Medical Center (Ruidoso, New
19 Mexico) where she was treated for a compound jaw fracture.
20 Her injuries were so severe that she was transferred to
21 University Medical Center in El Paso, Texas (Level I Trauma
22 Center to the area) where she underwent surgery to repair her
23 jaw. While Poncho was at the hospital(s) receiving
24 treatment, Chee was at home. Poncho believes Chee was
25 cleaning up the mess from the fight the night before.
26

27 8. Prior to Poncho departing their home (driven by
28 Yuzos), Vincent Magoosh came over to the Chee/Poncho house.

1 Poncho overheard Chee tell Magoosh, "I think I broke her
2 jaw". Still prior to departing for the hospital, Chee
3 instructed Poncho on what to say to the hospital and the
4 police if she was questioned. Chee told her to to say that
5 she had gotten into a fight at the party the day before with
6 an unnamed girl. Chee cautioned her not to mention where the
7 party was or what girl had broken her jaw. Poncho was afraid
8 he might do more damage to her, so she agreed to go along
9 with his rendition of the events.

10
11 9. As Yuzos drove Poncho to the hospital, Poncho
12 told her (Yuzos), " Jerome broke my jaw", using a pencil and
13 paper to communicate because she could not talk. Upon
14 arrival at the hospital (Ruidoso, New Mexico), Poncho threw
15 the papers she had written notes to Uzzos on, away. Poncho
16 did not tell doctors who or how she had broken her jaw. When
17 Bureau of Indian Affairs (BIA) Police Officer Smart arrived
18 and questioned Poncho as to what happened to her and who had
19 injured her, Poncho told the story as instructed by Chee.
20 She told Officer Smart that she had been assaulted by a girl
21 at a party in Mescalero, nothing more. Poncho admitted to
22 the interviewing agent that this was a lie. She lied because
23 she was still in fear of Chee. She continued to fear what
24 Chee might do to her even after she was transferred to
25 University Medical Center in El Paso, Texas. It was not
26 until she got additional family support from her father that
27 Poncho agreed to tell the truth that Chee was the one that
28 kicked her and broke her jaw. Chee fueled this fear when he

1 began calling Poncho's hospital room after the surgery to
2 repair her jaw. Chee threatened Poncho and told her not to
3 tell anyone what really happened to her. Chee threatened to
4 hang himself if he ever 'lost' his family. Chee called
5 Poncho in the hospital several times. He asked how she was;
6 what she had told police about the incident; if she had kept
7 to the story he had told her; told her to tell police that he
8 had been drunk; would not say where he was or who he was
9 staying with; and when Poncho told him to turn himself in, he
10 hung up on her. All of these responses from Chee made Poncho
11 believe that she was still in danger from Chee's anger. He
12 was still, according to Poncho, more concerned with his legal
13 status than her condition.

14
15 10. Eliza Yuzos (next door neighbor - 51 Carrizo
16 Trials, Mescalero, New Mexico) confirmed, during an interview
17 that she had driven Poncho to the hospital. Chee had called
18 her early that morning and asked her if she could drive
19 Poncho to the hospital. While driving to the hospital,
20 Poncho had difficulty speaking and used a pencil and paper to
21 communicate her thoughts to Yuzos. Poncho, using the pencil
22 and paper, told Yuzos that they (she and Chee) had gotten
23 into a fight; that she could not feel the bottom of her
24 mouth; and, "I think he broke my jaw."

25
26 11. Vincent Magoosh (next door neighbor - 55
27 Carrizo Trials, Mescalero, New Mexico) was also interviewed.
28 Magoosh had spoken to Chee that morning and Chee told him, "I

1 think I broke my chick's jaw." During the interview, Magoosh
2 advised seeing a knife on the ground in the back of his
3 house, near where Poncho said she had fallen in the snow.
4 Magoosh did not see Poncho or Chee during the fight.

5
6 12. Chee fled the area after the assault. While
7 on the run, Chee slept, ate and showered at family and
8 friend's homes. Chee returned to his home on numerous
9 occasions and had contact with both his children and Poncho.
10 Poncho did not call the police during these visits.

11
12 13. Chee was sought by the FBI and BIA on a Tribal
13 Arrest Warrant until he was arrested by BIA on charges on May
14 18, 2010. Chee was interviewed on May 19, 2010. Prior to
15 being interviewed, Chee was read his Miranda Rights. Chee
16 acknowledged being read and given his Miranda Rights by
17 signing an Advice of Rights form indicating he was willing to
18 provide a statement without a lawyer present. During the
19 interview, Chee admitted to attending the party the day of
20 the assault, arguing with his family and being driven home.
21 He also admitted to fighting with Poncho. He alledged that
22 Poncho had chased him from their home carrying a knife. He
23 ran from her in an attempt to get away from her. Poncho
24 caught him behind the next door neighbor's (Magoosh) home and
25 tackled him. She grabbed him around the legs and would not
26 let him go. During the struggle, he freed one of his legs
27 and kicked Poncho in the face in an attempt to get her off of
28 him. Chee was unable to describe where the knife was during

1 this portion of the struggle. FBI SA Sarkozy challenged Chee
2 regarding his rendition of events surrounding the fight
3 calling Chee's attention to his size (Chee is 5'10" and
4 weighs 215 pounds) as compared to Poncho's size (Poncho is
5 approximately 5'2" and weighs approximately 115 pounds
6 according to Chee). Chee only offered that Poncho was "wild"
7 when she gets mad. Chee was unable to provide an explanation
8 as to why, if Poncho was chasing him with a knife, he did not
9 get stabbed once she caught him. Chee explained that he knew
10 she would not stab him because they love each other.
11

12 14. Prior to Chee's arrest on May 18, 2010, he had
13 visited Poncho and children at their home on May 16, 2010.
14 On this date, Chee assaulted Poncho again. Chee was
15 questioned about the fight with Poncho on May 16, 2010 at
16 their residence. Chee said that, while visiting the
17 residence, Poncho had attacked him and he was only defending
18 himself. Poncho had been punching and scratching him. Chee
19 showed the interviewing agent a two inch long scratch on his
20 chest as evidence of this attack. He was, otherwise, unhurt.
21 Chee first stated that he did not hit Poncho, he had only
22 pushed her down in an attempt to get her away from him. Chee
23 was confronted with photographs of Poncho bearing numerous
24 bruises and an obvious broken nose. Chee was then asked if
25 he had used an open hand or a closed hand to strike Poncho.
26 Chee replied that he had used his closed hand to strike her.
27 Chee appeared surprised at the severity of Poncho's injuries.
28

1 15. Chee and Poncho are both enrolled members of
2 the Mescalero Apache Indian Tribe and reside at 53 Carrizo
3 Trials, Mescalero, New Mexico. The address of 53 Carrizo
4 Trials is located within the exterior boundaries of the
5 Mescalero Apache Indian Reservation, the jurisdiction of the
6 United States.

7
8 15. Based on the above information, the Affiant
9 believes that probable cause exists to support the following
10 criminal charges:

11
12 **Count 1:** - On March 6, 2010, Dennett Jerome Chee did commit
13 the crime of assault resulting in serious bodily injury to
14 Kelani Poncho, in violation of 18 U.S.C., Section 113(a)(6);

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16 **Count 2:** - On March 6, 2010, Dennett Jerome Chee did commit
17 the crime of assault with a dangerous weapon with intent to
18 do bodily harm against Kelani Poncho, in violation of 18
19 U.S.C., Section 113(a)(3);

20
21 **Count 3:** - On March 6, 2010, Dennett Jerome Chee did commit a
22 Crime on an Indian Reservation in violation of 18 U.S.C,
23 Section 1153(a);

24
25 **Count 4:** - On March 16, 2010, Dennett Jerome Chee did commit
26 the crime of assault resulting in serious bodily injury to
27
28

1 Kelani Poncho, in violation of 18 U.S.C., Section 113(a)(6).

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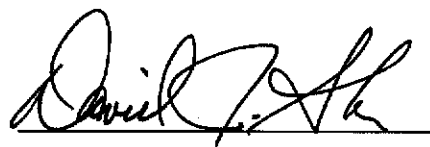
3 Count 5: - On March 16, 2010, Dennett Jerome Chee did commit
4 a Crime on an Indian Reservation in violation of 18 U.S.C,
5 Section 1153(a).

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Daniel J. Sarkozy

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Special Agent

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Federal Bureau of Investigation

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Las Cruces, New Mexico

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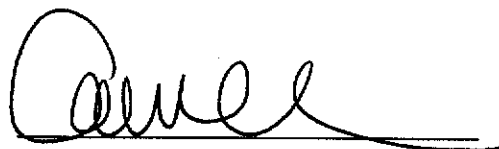
15 Subscribed and sworn to before me this 9th day of June,
16 2010.

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U.S. Magistrate Judge

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