

FILED

AO 91 (Rev. 5/85) Criminal Complaint

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

United States District Court

FEB -9 2011

DISTRICT OF New Mexico

UNITED STATES OF AMERICA

MATTHEW J. DYKMAN

v.

CLERK
CRIMINAL COMPLAINT

Michael Crosby
Date of Birth 1956

CASE NUMBER:

11-MJ-267

(Name and Address of Defendant)

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 November 2007 in San Juan county, in the _____ District of New Mexico defendant(s) did, (Track Statutory Language of Offense)

did commit multiple acts of aggravated sexual abuse of a minor child under the age of twelve years in violation of Title 18 United States Code, Section(s) Section 2241 (c) and 2246 (2)(A)(D) and 1153.

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

See Attached Affidavit hereby incorporated by reference as if fully restated herein.

Continued on the attached sheet and made a part hereof:

Yes No

Sworn to before me and subscribed in my presence,

Signature of Complainant

Dustin Grant
Special Agent
Federal Bureau of Investigation

RICHARD W. PUGLISI
U.S. MAGISTRATE JUDGE

at

Albuquerque, New Mexico

United States Magistrate Judge

ALBUQUERQUE, NEW MEXICO

Signature of Judicial Officer

1 GCM/AUSA

2 NEW MEXICO

3 ALBUQUERQUE, NEW MEXICO

4 United States of America)

5 vs)

6 Michael Crosby
7 DATE OF BIRTH: 1956)
8 Social Security Number XXX-XX-4649

9 AFFIDAVIT

10
11 1) I am a regularly appointed Special Agent (SA) of the
12 Federal Bureau of Investigation (FBI) assigned to the Albuquerque
13 Division of the FBI. I have been an SA for 2 years and primarily
14 investigate violent crimes on the Navajo Indian Reservation. The
15 following facts were determined during the course of an
16 investigation conducted by agents of the FBI and Navajo Nation
Police Department Criminal Investigators and communicated to me.

17 2) On February 7, 2011, the FBI in Farmington, New Mexico,
18 was notified that a Native American female age 14, hereinafter
19 referred to as Jane Doe (JD - Year of Birth: 1996), had been
20 sexually assaulted by Michael Crosby. The location of the
21 incidents are located in Navajo Housing Authority (NHA) Subdivision
22 in Huerfano, New Mexico, and NHA Subdivision in Shiprock, New
23 Mexico, both located within the exterior boundaries of the Navajo
Indian Reservation.

24 3) JD was interviewed at Childhaven in Farmington, New
25 Mexico on 02/07/2011. JD described that approximately two months
26 after her 11th birthday or November 2007 while she lived in
27 Huerfano, New Mexico, and she was sexually assaulted by Michael
28 Crosby. JD stated that she was watching television in Michael's
room. Michael was lying on the bed playing a card game. JD started
playing cards with Michael. They were the only people in his room.

1 Michael grabbed JD and told her to lay down on the bed. Michael
2 started kissing her on the neck and was rubbing his body up and
3 down on top of her body. Michael also had his hand up JD's shirt
4 rubbing her breast. Michael told JD to "Just go with it". JD told
5 Michael to stop and then ran into the living room.

6 4) The first time JD remembered Michael "raping" her was
7 when she was 12 years old living in Huerfano, New Mexico. JD was
8 watching the movie "Cheaper By The Dozen", in Michael's room, alone
9 with Michael. Michael was lying on the bed playing cards around
10 9:00 pm at night. Michael was wearing basketball shorts, a see-
11 through knit shirt, and socks. JD remembered changing into pajamas
12 in her room and then went back into Michael's room where she sat on
13 the edge of his bed. Michael grabbed JD and put her on top of him
14 with her legs spread apart. While holding her side so JD couldn't
15 move, Michael pulled down his shorts half way down with his other
16 hand. Michael then pulled JD closer to him and pulled JD's pajama
17 bottoms down half way. Michael then put his finger into JD's vagina
18 and JD started crying because it hurt. Michael then put his penis
19 into JD's vagina. JD stated that it hurt and she didn't know what
20 to do. During this incident, Michael had used one hand to go under
21 JD's shirt, move her bra, and rub his hand on her breast. Michael
22 was holding her side and would not let her go and JD tried getting
23 away. JD remembered that a week later after this incident that she
24 started bleeding and it was her first period.

25 5) JD stated that many of the incidents where Mike put his
26 penis into her vagina happened in Mike's bedroom while she lived in
27 Huerfano.

28 6) JD stated that on many occasions, after her 11th
birthday, when she lived in Huerfano, Michael would rub his hands
on the inner thigh and groin area of her body over her clothes.
Michael would do this when he would teach JD how to drive a
vehicle. Michael would do this to JD at his house in Huerfano as
well. JD estimated that Michael would rub her inner thigh and groin
area on a weekly basis, with most of these incidents happening when

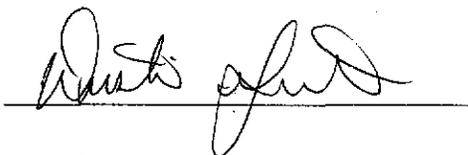
1 they both were alone in a vehicle or alone at Michael's house. The
2 unwanted rubbing started approximately November 2007 and continued
3 until January 2011 when JD lived in Shiprock. Michael had told JD
4 on numerous occasions that she better not tell or he would "do
something" to her.

5
6 7) On 02/08/2011, Michael was interviewed at the FBI Office
7 in Farmington, New Mexico regarding his involvement of sexually
8 assaulting JD. Michael was advised of his rights and he agreed to
9 speak to the FBI and Criminal Investigators from the Navajo Police
10 Department. Michael believes that three separate incidents happened
11 where he touched JD with his hand. All three incidents happened
12 approximately one month apart from each other, with the first
13 incident happening approximately November 2007 when he lived in
14 Huerfano. Michael admitted that on two of these occasions he used
15 his hand to touch JD's inner thigh and groin area over her clothes.
16 The first of these incidents Michael stated he was teaching JD to
17 drive a car. They were both sitting on the drivers side of car,
with JD sitting in his lap, and Michael was using his hand to rub
the inner thigh and groin area of JD. The second occasion happened
in the hallway at Michael's house in Huerfano and Michael used his
hand to rub JD's groin area over her clothes.

18
19 8) The third occasion happened at Michael's house in
20 Huerfano and Michael stated JD unzipped her pants, and Michael
21 rubbed his hand over JD's vagina. Michael visually demonstrated
22 that his right hand slightly rubbed over the inside of JD's vagina.
23 Michael believes that JD wanted him to rub her vagina and he
believes that she enjoyed it. Michael stated that he knew what he
was doing to JD was wrong and felt bad for what he did.

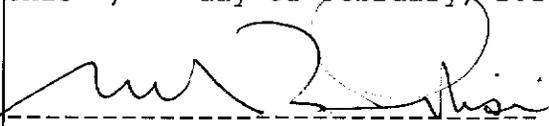
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25 9) A check of the enrollment records of the Navajo Nation
26 showed that both JD and Crosby are enrolled members of the Navajo
27 Indian tribe. The two residences where all the incidents took
28 place are located within the exterior boundaries of the Navajo
Indian Reservation.

1 10) Based on the above, your affiant submits that probable
2 cause exists to believe Michael Crosby, an Indian person, committed
3 the following offenses: Aggravated sexual abuse, that is he
4 sexually assaulted JD, an Indian juvenile, who had not yet attained
5 the age of 12 years, by the intentional touching, not through the
6 clothing, of the genitalia of another person who has not attained
7 the age of 16 years, with an intent to abuse, humiliate, harass,
8 degrade or arouse or gratify the sexual desire of any person, and
9 had contact between the penis and the vulva or the penis and the
10 anus, and contact involving the penis occurs upon penetration,
11 however, slight, in violation of Title 18, United States Code 2241
12 (c); and in violation of Title 18, United States Code 2246
13 (2) (A) (D); and that the offense occurred in Indian Country, to wit
14 the Navajo Indian Reservation, in violation of Title 18, United
15 States Code 1153.
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Dustin Grant
Special Agent
Federal Bureau of Investigation

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19
20 Subscribed and sworn before me on
21 this 9th day of February, 2011

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24 United States Magistrate Judge
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