

FILEDUnited States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of Court**UNITED STATES DISTRICT COURT**

for the

District of New Mexico

United States of America)

v.)

DESHAUN BEGAY)
(YOB 2003))

Case No. 24-MJ-972

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of _____ in the county of San Juan in the
_____ District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 1153

Offenses committed within Indian Country

18 U.S.C. § 113(a)(3)

Assault with a dangerous weapon, with intent to do bodily harm

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.*Complainant's signature*

Tyler Rackham, Special Agent FBI

Printed name and title

Telephonically sworn and electronically signed.

Date: 07/09/2024City and state: Farmington, New Mexico*Judge's signature*

Hon. B. Paul Briones, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF COMPLAINT

I, Tyler Jack Rackham, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”). I have been employed with the FBI since January 2020. As such, I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent with statutory arrest authority charged with conducting criminal investigations of alleged violations of federal criminal statutes, including Title 18 of the United States Code. Prior to my employment by the FBI, I was a Law Enforcement Officer in the State of Utah for six years. I am presently assigned to the Farmington Resident Agency (RA), Albuquerque Division, where my duties include investigating violations of Federal law, specifically those violations occurring on the Navajo Indian Reservation.

2. I have received training and gained experience in the investigation and enforcement of major crimes including murder, firearms offenses, and other federal crimes. Additionally, I have received training and experience in interview techniques, arrest procedures, search warrant applications, the execution of searches and seizures, and various other criminal laws and procedures. I have previously participated in investigations within Indian Country involving the crimes enumerated below.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, law enforcement officers, and witnesses. Because this affidavit is submitted for the limited purpose of securing a criminal

complaint, I have not included each and every fact known to me concerning the investigation. I have set forth only those facts that I believe are necessary to establish that probable cause to support a criminal complaint as explained below.

4. This affidavit is being submitted in support of a criminal complaint charging Deshaun Begay (**Begay**), year of birth 2003, with 18 U.S.C. §§ 1153 and 113(a)(3), assault with a dangerous weapon with intent to do bodily injury in Indian Country.

RELEVANT STATUTES

5. 18 U.S.C. § 1153(a), in relevant part, states: “Any Indian who commits against the person or property of another Indian or other person any of the following offenses, namely, murder, manslaughter, . . . a felony assault under section 113 . . . shall be subject to the same law and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States.”

PROBABLE CAUSE

6. On July 4, 2024, Navajo Nation Police Department (NNPD) was notified of an assault that occurred in their jurisdiction. Officers responded to the area where they found S.P. with multiple injuries to his/her face and head. S.P. was transported to Northern Navajo Medical Center (NNMC) for treatment.

7. During an interview with S.P. investigators were told that **Begay** had been in a relationship with S.P. since April 2024. S.P. began staying with **Begay** sometime in May 2024. Since that time there had been four separate incidents of domestic violence. S.P. never notified law enforcement of the prior incidents because

Begay told S.P. that his aunt worked at the Police Department so they would not believe S.P. anyway.

8. Regarding the July 4, 2024, incident S.P. told investigators he/she was with **Begay** at his residence. S.P. and **Begay** had been drinking during the night and later began to be intimate with each other.

9. **Begay** eventually became angry with S.P. and questioned why S.P. had left him the day prior when S.P. went to get groceries. **Begay** was verbally abusive and eventually became physically abusive. **Begay** hit S.P. in the face multiple times with his fist. **Begay** also bit S.P. near the lip leaving bite marks and a laceration. The laceration later received stitches at the hospital. **Begay** also bit S.P. on the stomach leaving bite marks.

10. **Begay** continued to hit S.P. and eventually retrieved a dog leash, which **Begay** used to hit S.P.. After hitting S.P. with a dog leash, **Begay** eventually retrieved a 10-pound dumbbell. **Begay** then used the dumbbell to hit S.P. on the top of the head. After hitting S.P. with the dumbbell S.P. recalled hearing **Begay** searching for something in a drawer. **Begay** then pulled a chain out of the drawer. The chain had a padlock attached to it. **Begay** began to hit S.P. with the padlock and chain. S.P. told investigators they thought they would be killed by **Begay**.

11. S.P. was eventually able to flee but **Begay** pursued. S.P. was pushed to the ground by **Begay** and he began to kick S.P. while S.P. was on the ground. **Begay**'s sister, T.B., told **Begay** that she was going to call the police. **Begay** then began to walk toward T.B.. This gave S.P. time to get up and run to a vehicle. S.P. locked

himself/herself in the vehicle for safety. S.P. retrieved a tire iron from the vehicle for protection. When S.P. confirmed that Begay was not near the vehicle, S.P ran to a neighboring residence to get help. S.P. was unable to contact the neighbor but saw the police arriving at the residence. Responding Officers asked S.P. to drop the tire iron and S.P. complied. S.P asked law enforcement to be placed in the police car for safety. **Begay** was arrested on tribal charges and transported to the Kayenta Jail.

12. S.P. received multiple injuries including lacerations near their lip, eyebrow, and on the top of the head. S.P. received stitches near the mouth, and eye. S.P received staples on the top of the head. S.P. had bruising on her face, back, and stomach. Medical records also indicate S.P. suffered a nasal bone fracture.

13. Police records indicate that the call for service was placed to police by T.B.. During the call T.B., stated that her brother was fighting with his girlfriend.

ADDITIONAL INVESTIGATION

14. Begay's residence, where the incident occurred, is located on the Navajo Reservation. Specifically, investigators determined the location to be near Global Position System (GPS) Coordinates: Latitude 36.8127619 N, Longitude -108.7164263, which is within the exterior boundaries of the Navajo Nation Indian Reservation, Indian Country.

15. Records state that S.P. and **Begay** are both enrolled members of Navajo Nation.

CONCLUSION

12. Based on the above information, I submit that there is probable cause to believe that Deshaun Begay (**Begay**) violated 18 U.S.C. §§ 1153 and 113(a)(3), assault with a dangerous weapon in Indian Country.

13. Therefore, I respectfully request that the Court approve the attached criminal complaints and issue arrest warrants.

14. This complaint was reviewed and approved by Supervisory United States Attorney Elisa Dimas



Tyler Jack Rackham
Special Agent
Federal Bureau of Investigation

Subscribed to and sworn before me
this 9th day of July 2024



United States Magistrate Judge