

FILEDUNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICOfor the
District of New Mexico

SEP 30 2024

MITCHELL R. ELFERS
CLERK OF COURTUnited States of America
v.
LEWIS MICHAEL BIGMOUTH

Case No.

24MJ1416

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 January 5, 2024 in the county of Otero in the
City of Mescalero District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 113(a)(6)

Assault Resulting in Serious Bodily Injury

18 U.S.C. § 1151, 1153(a)

Crimes occurring in Indian Country.

This criminal complaint is based on these facts:

See attached affidavit.

☐ Continued on the attached sheet.Jason Webb
Complainant's signature

Jason Webb, Special Agent, BIA-OJS

Printed name and title

Sworn to before me via telephone. and signed in my presence.Date: 30
09/24/2024City and state: Las Cruces, New MexicoGregory B. Wormuth
Judge's signature

Gregory B. Wormuth, Chief U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

1. I, Jason Paul Webb, a Special Agent with the Bureau of Indian Affairs (BIA) Office of Justice Service (OJS), being duly sworn, depose and state as follows:
2. I have been employed as a Special Agent of the BIA since November 2022. I am classified, trained, and employed as a federal law enforcement officer with statutory arrest authority charged with conducting criminal investigations of alleged violations of federal criminal statutes, including Title 18 of the United States Code. I am currently assigned as a criminal investigator for the Bureau of Indian Affairs Mescalero Agency, New Mexico. I am currently assigned to investigate Title 18 violations occurring on the Mescalero Apache Reservation, New Mexico. During my tenure with the BIA, I have investigated numerous crimes including, but not limited to child sexual abuse, domestic violence, aggravated assault, and murder
3. I am the case agent investigating the Lewis Bigmouth case. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, law enforcement officials, and witnesses. I have read reports, had discussions

with investigators, and have relied on their information as part of this affidavit. My BIA investigation began in approximately June 2024. Through the course of my investigation, I have read, and reviewed, reports generated by the BIA and the Mescalero Apache Tribal Court. I have also read open-source information regarding Bigmouth. I have reviewed audio and video recordings, met with victims and witnesses identified in this investigation, and reviewed evidence, including, but not limited to, photographs, digital evidence, physical evidence, and medical reports as it relates to this investigation. This affidavit does not include all the information I know about the case. Unless otherwise noted, the dates I refer to in this affidavit are approximate.

RELEVANT STATUTES

4. This investigation concerns alleged violations, including violations of:
 - A. 18 U.S.C. §§ 113(a)(6), 1153 which provides, in relevant part, whoever, within Indian Country, assaults resulting in serious bodily injury is guilty of a federal offense.

FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE

5. On January 5, 2024, BIA Police Officer Thomas Decker responded to Lincoln County Medical Center (LCMC) regarding an assault. The incident occurred off the roadway of Carrizo Canyon Road near the Mescalero Big Game Hunts Lodge (MBGHL) on the Mescalero Apache Indian Reservation.
6. Upon arrival, Officer Decker contacted the victim, who is identified as John Doe in this affidavit. John Doe had suffered a severe injury to his nose. Approximately 1/3 of the skin and cartilage was cut off from the tip of his nose. Officer Decker also observed swelling,

redness, and bruising on John Doe's left cheek bone below his left eye, likely from being struck by an object.

7. John Doe stated he was with Lewis Bigmouth when his vehicle got stuck in the snow between the Inn of the Mountain Gods (IMG) Resort and Casino, and MBGHL. At this point, John Doe and Bigmouth got into a physical altercation. Bigmouth struck John Doe in face on the nose with a beer bottle. When they exited the vehicle, they resumed fighting on the ground where Bigmouth continued to strike John Doe multiple times on the face with the beer bottle.
8. On January 5, 2024, at approximately 10:12 p.m., Special Agent Jason Webb, Bureau of Indian Affairs, Office of Justice Services (BIA-OJS), conducted an interview with John Doe at the Emergency Room (ER), at Lincoln County Medical Center (LCMC).
9. At approximately 12:30 p.m., John Doe stated he picked up his friend Lewis Bigmouth at his mother's house in Carrizo Trails to run errands in Ruidoso. He took Bigmouth to the bank to get money, then they went to Walgreens to purchase alcohol. The two later went to Midtown to order pizza and waited across the street at the Win Place and Show (WPS) Bar Package Liquor Store while the pizza was cooking. After the pizza was done, they went to IMG where they drank more alcohol.
10. Later, Bigmouth wanted to go to another place to drink. At this point he was heavily intoxicated. When John Doe and Bigmouth were traveling on Carrizo Canyon Road between the IMG and the MBGHL, they traveled off the roadway and got the vehicle stuck in the snow.

11. John Doe was driving, and Bigmouth was sitting in the front passenger seat when the two got into a verbal altercation that turned physical after the vehicle got stuck in the snow. When they were trying to get his vehicle unstuck, Bigmouth began to get upset and started fighting with John Doe. Bigmouth struck John Doe on the face with a Corona beer bottle. John Doe initially saw Bigmouth grab the bottle at the neck of the bottle before Bigmouth hit his face. John Doe did not remember how many times he was struck on the face.
12. John Doe disclosed he owned a handgun that was stored under the front middle console in his vehicle during the time of the incident. The handgun was not used during the incident.
13. Initially, John Doe did not realize how severe his injuries were. John Doe was more focused on getting his truck unstuck from the snow. Bigmouth immediately left the scene after the incident and caught a ride from a random person. John Doe stated there were no witnesses present during the incident.
14. John Doe said Bigmouth had been drinking all day and was heavily intoxicated at the time of the incident. Bigmouth was drinking glass bottles of Corona beer and 99 Bananas liquor that afternoon. John Doe had also consumed alcohol before the incident. John Doe stated he grew up with Bigmouth and has known him for a long time.
15. At approximately 5:25 p.m., after the physical altercation, John Doe called his mother to help him pull his truck out the snow. They then traveled to John Doe's residence.
16. After John Doe went home, he took a shower and noticed how severe his injuries were. His mother took him to the hospital for medical treatment.
17. Immediately following the incident, John Doe was treated at the LCMC. Medical records from that visit reflect that John Doe told medical personnel he was assaulted with a glass

bottle that resulted in an avulsion of the end of his nose. John Doe also had pain and swelling in the right hand. John Doe displayed facial swelling over the maxilla (jaw) and zygomatic (bone near eye socket) on the left side. The CT scan of face disclosed significant for nasal fracture and nasal septal fractures. After reviewing images and noting the severity of his injuries, LCMC plastics team determined they were not suited for this injury and recommended transfer to University Medical Center (UMC) in El Paso, Texas for further treatment and surgery.

18. John Doe was transferred to UMC for further medical treatment the same day. Medical records reflect that John Doe's injuries included avulsion (pulling or tearing away) of the tip of the nose, nondisplaced bilateral nasal bone fractures, and offset/overlapped fracture of the anterior nasal septum. John Doe's injuries required several surgeries to reconstruct his complex nasal defect and laceration including procedures to remove a large flap of skin from John Doe's forehead to rebuild the shape of his nose repair the supratrochlear artery (artery that supplies blood to the forehead), as well as debridement of soft tissue, muscle, and fascia of the nose.
19. Based on John Doe's injuries and statement, Officer Decker obtained a tribal criminal complaint and arrest warrant for Bigmouth. However, after the incident, Bigmouth fled the area. He was not arrested on the tribal warrant until April 24, 2024. Bigmouth was booked at Lincoln County Detention Center for tribal charges that include aggravated battery.
20. On June 10, 2024, Special Agent Jacob Glossop, BIA-OJS, took over as the primary case agent for this investigation. The same day, Agent Jacob Glossop conducted a follow up interview with John Doe.

21. John Doe again stated the incident occurred right off Carrizo Canyon Road (AKA Route 4) between MBGHL and the IMG.
22. In addition to the statements that John Doe initially gave law enforcement, John Doe described how after he picked up Bigmouth on the date of the incident, he took Bigmouth to run errands in Ruidoso where they went to Bigmouth's bank to cash his check because Bigmouth had just been paid. Then they went to Walgreens, where Bigmouth purchased a six pack of Corona bottles, a pint of Jose Cuervo, and four (4) shots of 99 Bananas liquor. They also went to Walmart because Bigmouth needed a knife. Bigmouth bought a camping set that include a knife, hatchet, and other camping gear. Afterwards, they went to midtown to order pizza and had a beer at WPS, before heading to the IMG eat their pizza and have some beers.
23. After they left the IMG, John Doe wanted to take Bigmouth, who was intoxicated, home. He told Bigmouth he had plans and needed to be somewhere later. As they were driving, Bigmouth attacked him and hit his face approximately 3-4 times. He hit him repeatedly on the nose, right temple, and jaw. John Doe thought he was hit with a beer bottle but could not confirm a 100% if it was a beer bottle. He said it was something hard, and he assumed it was a beer bottle because he knew Bigmouth had a beer bottle in his cup holder. The fight caused John Doe to drive off the roadway. After they exited the truck, they began to fight in the front of his truck. John Doe said he had a handgun in his truck, and he was afraid Bigmouth would get John Doe's gun and shoot John Doe with it, because Bigmouth knew John Doe had a handgun in the vehicle. John Doe said he was afraid for his life when they were fighting because he knew Bigmouth knew about the handgun.
24. John Doe stated when they were fighting in front of the truck, John Doe was on the ground with Bigmouth on top of him. Bigmouth punched him approximately 4-5 times with a closed

fist on the face. John Doe told him to stop multiple times, but he wouldn't stop. John Doe stated Bigmouth was on top of him for approximately 10 seconds. John Doe did not realize how severe his injuries were, but he remembers his face was wet with blood.

25. John Doe called his mother to come help him. While John Doe was on the phone, Bigmouth was yelling at him, stating, "You want me to end this now." Moments later Bigmouth left the scene and caught a ride with a random person.
26. Agent Glossop was given consent to take pictures of John Doe's injuries. Agent Glossop observed a large scar on the tip of John Doe's nose from the skin graft that covered the missing portion of the nose. He has a large scar on his forehead approximately 7cm long that runs from the top of his forehead near his hairline to his left eyebrow. The scar splits into a Y near his eyebrow. The scars are very significant. John Doe was very emotional about the scars and indicated he felt shamed because of his scars.
27. John Doe shared some photographs of his injuries post-surgery at UMC. A piece of his skin from his forehead was removed and attached to his nose with multiple stitches clearly displaying disfigurement to his face.
28. Agent Glossop also interviewed John Doe's mother. She stated John Doe called her during the incident stating he needed help and Bigmouth was attacking him. She could hear Bigmouth cussing and yelling at John Doe in the background. She heard Bigmouth state, "he was going to fuck him up," and that he wanted to go back and "do some more." John Doe's mom lost the call due to bad service. John Doe's mom arrived on scene to help her son, and assisted in getting his truck out the snow. Moments later another individual stopped to assist with getting John Doe's truck out of the snow.

29. John Doe's mom initially observed John Doe's face to be bloody, but she could not see that the tip of the nose was missing at this time. Upon arrival at their residence, John Doe took a shower, at which point he washed the blood off his face and realized the tip of his nose was cut off. John Doe's mom stated she could see the skeleton portion inside his nose. She transported John Doe to the hospital and called the police.
30. John Doe's mom stated when she cleaned out John Doe's vehicle a couple days after the incident, she found an Ozark Trail camping kit box in the back seat of the vehicle. The Ozark Trail camping kit included a small hatchet, roll of green para cord, two (2) carabiners, and a black flashlight. The box was missing a knife. She also found empty Corona bottles, 99 Bananas bottles, and an empty box of pizza.
31. On April 30, 2024, at approximately 5:01 p.m., Bigmouth was interviewed at the Lincoln County Detention Center (LCDC). Bigmouth waived his *Miranda* rights and agreed to provide a statement. Andrew Ottaway, Mescalero Apache Tribal Defense Attorney, was present during the interview. Bigmouth stated John Doe is a childhood friend he has known for years, and that their families are close. Bigmouth said he had not hung out with John Doe for a while until a year ago, when he ran into him at a feast. Bigmouth got John Doe's number and started to hang out with him.
32. Bigmouth said he is bothered by what he did to John Doe. John Doe was a good friend and would help him out a lot. John Doe would provide rides when needed. The day of the incident, John Doe picked Bigmouth up and took him to run errands in Ruidoso. Bigmouth just got paid from work and he wanted to pay some bills and get some stuff. Bigmouth was hoping to have a good time.

33. Bigmouth stated they both were drinking and were heavily intoxicated. When they were driving home, they ran off the road and got stuck in the snow. Bigmouth said he sat there in John Doe's vehicle for a minute and blacked out. Bigmouth said he woke up in another car. Bigmouth did not remember what he did to John Doe.
34. Bigmouth stated he remembers getting picked up on a tribal warrant by Officer Decker. He read the tribal criminal complaint that got served to him. Bigmouth stated, "he could not believe what he did to him." Bigmouth said he would like to receive treatment and that he "feels bad for what he did to him." Bigmouth further stated that John Doe "didn't deserve what he did to him." Bigmouth stated, he "guessed he hurt him really bad." Bigmouth indicated he wanted to apologize to John Doe, but said he never tried to reach out to John Doe, because he was scared.
35. Bigmouth stated he remembers having blood on his arms. He thinks John Doe threw the first punch. Bigmouth said John Doe blamed him for them getting stuck in the snow, which made Bigmouth mad and set him off. Bigmouth said he was bleeding on his face from the car running off the road and that he thinks John Doe might have hit him, but he didn't remember. Bigmouth said he was raging, and his anger got ahold of him.
36. On June 10, 2024, Agent Glossop, requested a certificate of Indian blood verification for John Doe and Bigmouth. The Mescalero Apache Tribal Enrollment clerk provided their certificates of Indian blood confirming both John Doe and Bigmouth are enrolled tribal members of the Mescalero Apache Tribe.
37. On June 13, 2024, Agent Glossop requested a land status verification for the location where the incident occurred. Mescalero Apache Tribal Land Officer provided a land status

verification confirming that the incident location is within the exterior boundaries of the Mescalero Apache Reservation.

38. There is probable cause to believe that Lewis Bigmouth, an enrolled member of the Mescalero Apache Tribe with some quantum of Indian blood, assaulted John Doe, resulting in serious bodily injury, within the Mescalero Apache Reservation, in violation of 18 U.S.C. §§ 113(a)(8).

AUSA Joni Stahl approved this complaint.

Jason Webb

Jason Webb

Bureau of Indian Affairs

SUBSCRIBED AND SWORN TO *via telephone* BEFORE ME ON

9/30/2024

J.B. Stahl

UNITED STATES MAGISTRATE JUDGE