

UNITED STATES DISTRICT COURT
 for the
 _____ District of New Mexico



United States of America

v.

)

Case No. 26-MJ-19 LF

)

)

)

)

Donald Thompson (Born in 1976)

)

*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 1, 2026 in the county of Cibola in the
 _____ District of New Mexico, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 1153 and 1111

Second Degree Murder

18 U.S.C. § 924(c)(1)(A)(iii)

Discharging a Firearm During and in Relation to a Crime of Violence

This criminal complaint is based on these facts:

See Attached.

Continued on the attached sheet.

Complainant's signature

Adam Barragan, Special Agent - FBI

Printed name and title

Sworn to telephonically and signed electronically.

Date: January 2, 2026

Judge's signature

City and state: Albuquerque, New Mexico

Honorable Laura Fashing

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Adam Barragan, being duly sworn, depose and say:

INTRODUCTION AND CRIMINAL CHARGES

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been since December 2022. As such, I am a law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7), and I am empowered by law to conduct investigations and to make arrests for criminal offenses, to include those enumerated in 18 U.S.C. § 2516. I am assigned to the FBI’s Albuquerque Field Office and currently assigned to the FBI’s Violent Crime Task Force, a joint federal and local task force investigating violations of federal law involving violent criminal offenses committed in the Albuquerque area as well as Indian County offenses, such as homicide, assault, and sexual assault. I have received training in interviewing and interrogation techniques, arrest procedures, search and seizure, search-warrant applications, conducting physical surveillance, consensual monitoring, and electronic and physical surveillance procedures at the Federal Bureau of Investigation Academy in Quantico, Virginia. I have received on-the-job training from other agents in the investigation of federal offenses, to include interference with federally protected activities, using and carrying a firearm during and in relation to a crime of violence, homicide, child sexual assault, assault on a federal officer, and other federally proscribed assaults generally. My investigative training and experience includes, but is not limited to, interviewing subjects, victims, and witnesses, and collecting evidence—including collecting and exploiting electronic devices for evidence of crimes.

2. This affidavit is based on information obtained from my training and experience, information obtained from other law enforcement officers and witnesses, and records I have reviewed. This affidavit does not set forth all of my knowledge nor summarize all of the investigative efforts in this investigation. This affidavit is in support of a criminal complaint and

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an application for a warrant to arrest **Donald THOMPSON**, (YOB 1976), a member of the Pueblo of Laguna, who I believe committed the following violations:

- a. 18 U.S.C. §§ 1153 and 1111: Second Degree Murder
- b. 18 U.S.C. § 924(c)(1)(A)(iii) – Discharging a Firearm During and in Relation to a Crime of Violence.

STATEMENT OF PROBABLE CAUSE

3. On January 1, 2026, around 9:35pm, SA Adam Barragan received a notification regarding an argument that resulted in a shooting that took place on the Pueblo of Laguna. The notification was made by Bureau of Indian Affairs (BIA) SA Cherise Garcia. The subject was listed as David THOMPSON (YOB 1976), an enrolled member of the Laguna Pueblo, and the victim was listed as S.B. (YOB 1980), a member of the Pueblo of Laguan, hereinafter referred to as “John Doe.”

4. On January 1, 2025, the Affiant responded to the scene of the shooting at 18 Paguate Day School Road, Cubero, NM 87040, an area within the exterior boundaries of the Laguna Pueblo. At the scene your Affiant observed a tribal burial ground surrounded by a fence. Your Affiant was advised by Laguna Police Department (LPD) officers that John Doe was deceased and there were three individuals detained by law enforcement. One individual, THOMPSON, told an officer that he was the one that shot John Doe. Two additional witnesses to the incident were also on scene: E.T. (YOB 1972), who is the wife of THOMPSON, and C.C. (YOB 1967), who is THOMPSON’s brother-in-law.

5. Your Affiant was advised that no life saving measures were administered to John Doe; the initial officers on scene were not able to locate a pulse and did not see any signs of life. Emergency Medical Services (EMS) also responded to the scene and determined John Doe was

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deceased. The LPD officers recognized John Doe and were able to confirm his identity. The Affiant observed John Doe, who was laying face down with one arm bent and a large pool of red liquid, suspected blood, on the ground below his chest. There were several red stains on the ground around John Doe that were also suspected blood. There did not appear to be any other trail of blood or obvious footprints leading from the entrance to the burial ground to the location where John Doe was laying.

6. The Office of the Medical Investigators (OMI) deputy responded to the scene and pronounced John Doe dead at 1:38am on January 2, 2026. Based on the initial observations of OMI it appeared to be two wounds, one on the back and one the front left chest. The front wound appeared to be larger than the rear wound. A bottle of Crown Royal was located in a pocket of John Doe.

7. Your Affiant collected two firearms from the scene of the shooting. The firearms were initially seized by LPD. One firearm was a Marlin Firearms Co. 30/30 Win rifle with a scope. The second firearm was a Remington Fieldmaster Model 572 .22 rifle. The 30/30 Win rifle had a spent shell casing chambered and three additional intact rounds in the firearm. Your Affiant knows from training and experience that both weapons meet the federal definition of a firearm set forth in 18 U.S.C. § 921(a)(3) in that each are designed to or may readily be converted to expel a projectile by the action of an explosive.

8. On January 2, 2026, your Affiant, BIA, and LPD, conducted an interview with E.T., who stated she was with THOMPSON and C.C. guarding someone who was deceased. It is a part of tribal culture to guard the body from evil spirits for several days after they have been buried. On the night of the shooting, E.T. went to the restroom at her family's house on the pueblo and when returning to the gravesite she saw a shadow that she ended up identifying as a male. The male was

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screaming and yelling for an unknown reason. As E.T. approached the gravesite, C.C. opened the gate for her, and she told him about the male. E.T. drove down towards the gravesite they were guarding which was on the opposite side of the cemetery. E.T. did not see anything further but heard the argument between John Doe and THOMPSON. It appeared they were arguing about what THOMPSON and C.C. were doing at the gravesite and John Doe stated he was going to get stuff and come back and kill them. E.T. then heard a shot and did not know what happened. She ended up calling the cops who responded to her location.

9. C.C. was also interviewed by the Agents. C.C. stated they were guarding his mother-in-law's gravesite. After E.T. came back from using the restroom, C.C. went to open the gate to the cemetery and he heard lots of noises. He initially thought that someone was having a party. E.T. told C.C. that it was "some guy" who was yelling and screaming. C.C. then heard the individual start to yell at them and told them to get out of there. This is when THOMPSON came up next to C.C. John Doe was telling them that he did not see their fire and he was going to kill them. C.C. stated he was going to tell THOMPSON that they should go and close the gate and call the cops, but that is when he heard a gunshot. C.C. stated he could not initially see that well, but he could hear what John Doe was saying. C.C. used his spotlight to search for John Doe and, as he got closer, saw John Doe. When the shot went off C.C. was not sure what direction John Doe was facing, but after he got shot, he fell towards them. After the shot, C.C. went to look for John Doe and he found John Doe but did not touch him. C.C. stated John Doe was approximately 30 to 40 yards away from them. THOMPSON was using the 30/30 Win rifle, but C.C. did not see THOMPSON bring the rifle up because C.C. was focused on the light.

10. The Agents interviewed THOMPSON, who received and waived his *Miranda* rights. THOMPSON stated he had been guarding the gravesite that last couple of days. He had

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only gotten about 10 hours of sleep total the last couple of nights. On January 1, 2025, he went back to the grave site around 5:00pm or 6:00pm and brought with him his 30/30 Win rifle. E.T. went to use the restroom and, when she came back, they went to the gate to open it for her. This is when THOMPSON heard John Doe ask them what they were doing. They told him that they were guarding the grave, but he was being aggressive. THOMPSON stated they did not know who the guy was and did not know why he was going out at night. Based on their traditions, they initially assume they do not know who the individual is and ask them their name, giving them a chance to identify themselves. John Doe just kept yelling at them. THOMPSON stated he was on the right and C.C. was on the left. THOMPSON thinks they walked past the tree towards John Doe. That is when John Doe came towards them and THOMPSON shot. THOMPSON stated he could not say what John Doe looked like, but he had a shaved head. THOMPSON stated he did not go with C.C. to check on John Doe after he was shot. THOMPSON stated C.C. got upset with him after the shot. THOMPSON stated after he pulled the trigger, he saw John Doe fall down and then heard him making breathing sounds. THOMPSON stated that he did not aim and he fired the gun from his side. THOMPSON stated he did not know if he intentionally shot John Doe, and then stated he was going to shoot a warning shot. THOMPSON also stated John Doe was about a large table distance away from him. John Doe had one hand in his pocket and the other hand was waiving around. THOMPSON could not see anything in John Doe's hands and he did not know if he had a weapon. THOMPSON stated John Doe told him he would kick his "ass." THOMPSON stated he had been drinking before the shooting. He had drunk around six to seven beers before the shooting, but had no hard alcohol or drugs. He stated he did not feel buzzed but used to be a heavy drinker in the past. THOMPSON stated he was defending himself and his brother from John Doe, and that he pulled the trigger because someone was coming towards him. When THOMPSON first

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started to speak with John Doe he chambered the round into his rifle. THOMPSON did not work the action after the shooting because John Doe fell to the ground. THOMPSON spoke about not being able to return to the cemetery and close the gate because no force or gate can stop "them" and there is "witchcraft." THOMPSON stated he has only been charged with Driving Under the Influence (DUI) in the past and has never been restricted from possessing firearms.

11. Your Affiant requested THOMPSON to consent to a breathalyzer test with LPD after the interview, but THOMPSON refused the test.

12. Based on the events described above, your Affiant effected a probable cause arrest.

13. All of the incidents described herein occurred around the Laguna cemetery, which is within the Pueblo of Laguan, a location which is Indian Country for purposes of federal law. 18 U.S.C. § 1151. The subject and all victims are also Indians for purposes of federal law. 18 U.S.C. § 1153.

CONCLUSION

14. Based on the information contained herein, I believe there is probable cause to charge THOMPSON with violations of 18 U.S.C. §§ 1153 and 1111, that being Murder in the Second Degree, and 18 U.S.C. § 924(c)(1)(A)(iii), that being Discharging a Firearm During and in Relation to a Crime of Violence.

15. Therefore, I respectfully request that the Court approve the criminal complaint and issue an arrest warrant.

16. This complaint was reviewed and approved by Supervisory Assistant United States Attorney Jack Burkhead.

17.

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Respectfully submitted,



Adam Barragan
Special Agent
Federal Bureau of Investigation

Electronically Submitted and Telephonically Sworn
this 2nd day of January 2026



LAURA FASHING
United States Magistrate Judge