

**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.

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,

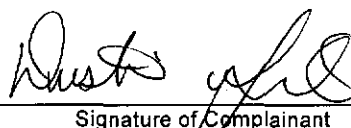
RICHARD E. PUGLISI  
U.S. MAGISTRATE JUDGE

at

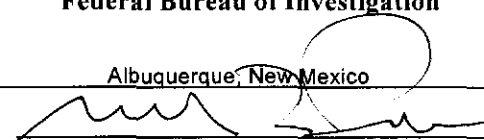
Albuquerque, New Mexico

United States Magistrate Judge

ALBUQUERQUE, NEW MEXICO



Signature of Complainant

Dustin Grant  
Special Agent  
Federal Bureau of Investigation


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

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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  
Mexico, both located within the exterior boundaries of the Navajo  
Indian Reservation.

23  
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

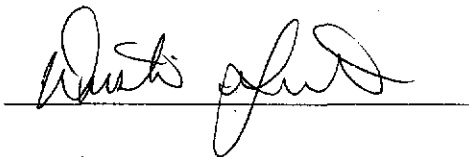
1 they both were alone in a vehicle or alone at Michael's house. The  
2 unwanted rubbing started approximately November 2007 and continued  
3 until January 2011 when JD lived in Shiprock. Michael had told JD  
4 on numerous occasions that she better not tell or he would "do  
something" to her.

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.

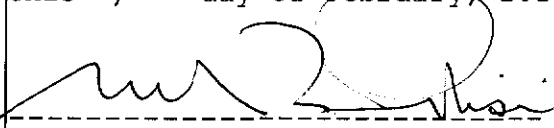
24  
25 9) A check of the enrollment records of the Navajo Nation  
26 showed that both JD and Crosby are enrolled members of the Navajo  
27 Indian tribe. The two residences where all the incidents took  
28 place are located within the exterior boundaries of the Navajo  
Indian Reservation.

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.  
16

17 

18 Dustin Grant  
19 Special Agent  
20 Federal Bureau of Investigation

21 Subscribed and sworn before me on  
22 this 9<sup>th</sup> day of February, 2011

23   
24 -----  
25 United States Magistrate Judge  
26  
27  
28