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DISTRICT OF RI

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

FILED

2014 AUG 25 P 12:19

U.S. DISTRICT COURT
DISTRICT OF RHODE ISLAND

IN RE CRIMINAL COMPLAINT

)
) Misc. No.
)

1:14 MJ 188A

MOTION TO SEAL

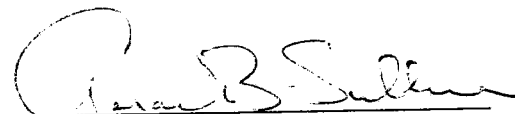
The United States of America, by and through its attorneys, Peter F. Neronha, United States Attorney, and Gerard B. Sullivan, Assistant United States Attorney, moves to seal this motion and the attached Criminal Complaint, Affidavit, Cover Sheet and Arrest Warrant.

Respectfully submitted,

UNITED STATES OF AMERICA

By its attorneys,

PETER F. NERONHA
United States Attorney



GERARD B. SULLIVAN
Assistant U.S. Attorney

SO ORDERED:



LINCOLN D. ALMOND
U.S. MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT

DATE: August 25, 2014

UNITED STATES DISTRICT COURT

for the
District of Rhode Island

United States of America
v.

Troy Lake Simonds, DOB 1988, Westerly, RI
Defendant

Case No.

1:14 MJ 188 A

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) Troy Lake Simonds,

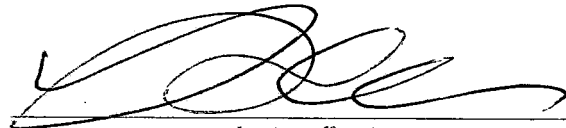
who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment
 ☐ Superseding Indictment
 ☐ Information
 ☐ Superseding Information
☒ Complaint
☐ Probation Violation Petition
☐ Supervised Release Violation Petition
☐ Violation Notice
☐ Order of the Court

This offense is briefly described as follows:

Assault with a dangerous weapon, with intent to do bodily harm in violation of 18 U.S.C. §113(a)(3).

Date: 8/25/14


Issuing officer's signature

City and state: Providence, RI

Linocohn D. Almond, U.S. Magistrate Judge
Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

UNITED STATES DISTRICT COURT

for the
District of Rhode Island

United States of America

v.

Troy Lake Simonds

DOB 1988

Westerly, RI

Defendant

Case No.

1: 14 MJ 188 A

CRIMINAL COMPLAINT

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

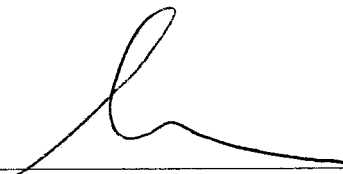
On or about the date of 08/09/2014 in the county of _____ in the _____ District of
Rhode Island, the defendant violated 18 U. S. C. § 113(a)(3), an offense described as follows:

Assault with a dangerous weapon, with intent to do bodily harm in violation of 18 U.S.C. §113(a)(3).

This criminal complaint is based on these facts:

See attached Affidavit of Special Agent, Steven A. Medieros, Federal Bureau of Investigation

☒ Continued on the attached sheet.



Complainant's signature


Special Agent Steven A. Medieros

Printed name and title

Sworn to before me and signed in my presence.

Date:

8/25/14



Judge's signature

City and state: Providence, Rhode Island

LINCOLN D. ALMOND U.S. MAGISTRATE

Printed name and title

AFFIDAVIT

I, Steven A. Medeiros, do under oath depose and say that:

1. I am a Special Agent employed by the Federal Bureau of Investigation (FBI). I have been employed as a Special Agent by the FBI for the past 18 years. I am currently assigned to the Boston Field Office, Providence Resident Agency where I primarily investigate violent crime cases. I have, in other jurisdictions to which I was previously assigned during my career, investigated cases occurring on tribal lands or "Indian Country" as that term is used under federal law.
2. I submit this affidavit in support of an arrest warrant for Troy Lake Simonds (Simonds), who was born the year 1988, and whose last known address was in Westerly, Rhode Island along with a criminal complaint charging him with Felony Assault in violation of 18 U.S.C. §113(a)(3).
3. This charge is brought under the Major Crimes Act (*Offenses Committed within Indian Country*) for a crime that occurred in Indian Country, as defined in 18 U.S.C. §1151, committed by an Indian against the person of another Indian. 18 U.S.C. §1153.
4. The facts and information contained in this affidavit are known to me as a result of my review of the preliminary investigation of this crime conducted by the Narragansett Tribal Police Department (NTPD). The facts have been reliably supplied to me by members of the NTPD gathered in the ordinary course of police business; most notably by Sergeant Edward A. McQuaide. Sgt. McQuaide has been a police officer employed by the NTPD for over 12 years and he is the officer assigned to lead this investigation for the NTPD. I have also reviewed photographic evidence as well as the reports of other NTPD officers and formal witness statements signed by civilian witnesses.
5. Each year the Narragansett Indian Tribe holds an annual gathering called the "NIT Pow-Wow" that brings thousands of people onto tribal land situated in Charlestown, RI for a celebration of Native American Indian culture and dance. Many of the people in attendance stay overnight or visit on a campground located within the 1800 acres of Narragansett Indian land. This year the pow-wow was held on August 9-10, 2014.

6. On the evening of Saturday, August 9, 2014 at approximately 10:30 PM Patrolman Sam Fry, NTPD received a report of a disturbance at the Potter Hoxie Trail near the Bunks Camping Area. Officer Fry and Sgt. McQuaide along with Environmental Management Sgt. Robin Spears immediately drove to the area in marked cruiser. NTPD Chief Antone Monroe and NTPD Officer Nelson Hazard arrived shortly after them.

7. Sgt. McQuaide and the other officers observed a large and unruly crowd of a few hundred people in the roadway. As they made their way through the crowd, they saw a male victim later identified as Andrew James Smith clutching his chest with both hands. His white T-shirt was saturated with blood. The victim declared, "You guys need to get me out of here. I just got stabbed." The victim was immediately placed into the rear of Sgt. Spears' police vehicle, a Chevy Tahoe truck, and driven to a safe location for transport to a hospital. Charlestown Police Department was notified to dispatch a rescue to a pre-designated emergency staging area.

8. The victim later reported in a written statement that at approximately 10:30 PM, he went to a campsite to visit with family. In the course of the evening, he saw that an altercation was taking place in the roadway. He went into the fray telling the participants to "stop fighting" because "we're all family." When he turned to assist a woman who had just been involved in a car accident, he was stabbed in the back left shoulder. The attacker then reached over him and stabbed him in the chest. The victim left to seek medical attention, ultimately running into responding officers. The victim told Sgt. McQuaide that he did not see the assailant and that he does not know Simonds.

9. NTPD is a very small department consisting of only four full-time officers. After the victim was removed from the threat area and was medically provided for, assistance that had been requested from various police departments began to assemble at the pre-designated emergency staging area to help NTPD quell the disturbance. Sgt. McQuaide along with other NTPD officers and backup-officers from the Rhode Island State Police, Charlestown, Hopkinton, Richmond and South Kingstown Police Departments, returned to disperse the crowd but found only 15 to 20 people still gathered in the roadway where the incident occurred.

10. All four NTPD officers were working around the clock for three days straight to provide police coverage during the pow-wow event. Over the next several days, to the

extent their other duties permitted, witnesses to the stabbing were identified and some were interviewed. Several verbally identified Simonds as the assailant who had stabbed the victim with a knife. Not all witnesses were able to say they saw the stabbing. Some of the witnesses only heard that it was Simonds who stabbed the victim. Written statements were obtained from witnesses who were willing to provide them. One witness, who did not see the actual stabbing, overheard someone unknown to her, "preaching to the crowd about getting along because they were all family." Another repeated the account of a woman running off the roadway with a car. Each of the accounts largely cross-corroborated the others and none of the written eyewitness accounts identified anyone other than Simonds as the person who stabbed the victim. However, as many as eight other individuals (not including Simonds) were tentatively identified as having been present during the crime. Those individuals have not yet been interviewed.

11. One eyewitness, whose full identity is known to me, gave an account of the genesis of the brawl and identified Simonds as the person who stabbed the victim. I will refer to this individual as Eyewitness #1. Eyewitness #1 is an adult male, born in the year 1983, who lives in Westerly, Rhode Island, is known to be friendly with the victim and is a member of the Narragansett Indian Tribe. Initially, Eyewitness #1 told NTPD Officer Hazard that he was also personally cut by Simonds and involved in the incident but refused to say anything more about it at that time. In a written statement left with the NTPD on August 11, 2014, Eyewitness #1 reported that he, too, was visiting family members at a campsite in the area of this disturbance and admitted that he was an instigator of the brawl. He admitted that he was specifically present to confront an individual that had threatened to kill him. (Eyewitness #1 identified the man by name but I will refer to him only as "the other protagonist.") After Eyewitness #1 confronted the other protagonist, the fight broke out. While fighting, Eyewitness #1 saw Simonds slide across a car, run behind the victim, reach over him, and stab him in the chest. In the melee Eyewitness #1 was himself cut across the back with a knife by Simonds. Eyewitness #1 retrieved a knife of his own from his campsite to protect himself but Simonds ran away before he returned. A girlfriend of Eyewitness #1 threw his knife away after the police arrived so that he would not get in trouble. They later showed the police where that knife was discarded and it was seized by NTPD. Eyewitness #1 has a criminal history significant for 11 arrests on a variety of charges ranging from assaults and domestic misconduct to breaking and entering.

12. NTPD Chief Monroe later recalled speaking to the man identified as the other protagonist by Eyewitness #1 when he went back to disperse the crowd on the night of the incident. In the course of directing people to stop arguing and return to their campsites, the Chief commented to the other protagonist that the stabbing should never have happened. The other protagonist responded, "Niggas want to try to jump motherfuckers. That's why they got poked the fuck up. We did what we had to do." The other protagonist is also a member of the Narragansett Indian Tribe. The other protagonist has not been further interviewed and has not provided any formal statement. The Chief wrote a Supplemental Narrative about his encounter with the other protagonist which was entered on August 15, 2014.

13. Another eyewitness whose full identity is known to me identified Simonds as the person who stabbed the victim. I will refer to this individual as Eyewitness #2. Eyewitness #2 is an adult male who was born in the year 1982, lives in Narragansett, Rhode Island and is not a member of the Narragansett Indian Tribe. Eyewitness #2 left a written statement with the NTPD on August 14, 2014 in which he reported that he saw Simonds stab the victim in the chest with a "big knife." Eyewitness #2 speculated that the motive for the stabbing was that the victim's cousin was fighting Simonds' cousin when both men jumped into the fight. Eyewitness #2 has a criminal history significant for six arrests including driving offenses, marijuana charges and obstructing a police officer.

14. A third eyewitness whose full identity is known to me identified Simonds as the person who stabbed the victim. I will refer to this individual as Eyewitness #3. Eyewitness #3 is an adult male, born the year 1987, who lives in Wakefield, Rhode Island. Eyewitness #3 is a cousin of the victim and a member of the Narragansett Indian Tribe. He left a witness statement with the NTPD on August 14, 2014 in which he reported that he heard the victim and Simonds argue then saw Simonds pull out a knife and stab the victim in the chest. Eyewitness #3 has no known criminal record.

15. A fourth eyewitness whose full identity is known to me saw Simonds stab the victim. I will refer to this individual as Eyewitness #4. Eyewitness #4 is an adult male born in the year 1987, who lives in Wakefield, Rhode Island. Eyewitness #4 is not a member of the Narragansett Indian Tribe and has no known familial relationship with either Simonds or the victim. Eyewitness #4 left a written statement with the NTPD on August 15, 2014 in which he reported that he was present when the fight broke out and that he saw Simonds go around a car and stab the victim from the back. After which he

saw Simonds run away. Eyewitness #4 has a criminal history of arrests for robbery, assault with a dangerous weapon, marijuana, and domestic misconduct.

16. A final eyewitness whose identity is known to me did not see the stabbing but saw Simonds running from the crime scene. I will refer to this individual as Eyewitness #5. Eyewitness #5 is an adult male, born in the year 1985, who lives in Narragansett, Rhode Island. Eyewitness #5 is a member of the Narragansett Indian Tribe and identified himself as a cousin of the victim. He left a written statement with the NTPD on August 14, 2014 in which he said that he observed the victim with a stab wound, heard someone identify Simonds as the assailant, and then saw Simonds running from the area. Eyewitness #5 has been arrested nine times for charges ranging from kidnapping and robbery to domestic disorderly and driving offenses.

17. The victim was treated at Rhode Island Hospital for a puncture wound to his back left shoulder and a larger wound to his left front chest which required sutures to close and five days of hospitalization. The photographs of the victim's wounds that I examined appeared to me to be consistent with an assault with a knife or other sharp cutting instrument.

18. The Major Crimes Act, 18 U.S.C. 1153 (*Offenses Committed within Indian Country*) provides in pertinent part:

(a) Any Indian who commits against the person or property of another Indian any of the following offenses, namely . . . a felony assault under section 113 . . . within the Indian Country 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.

19. Title 18 section 113 provides in pertinent part:

(a) Whoever within the special maritime and territorial jurisdiction of the United States, is guilty of an assault shall be punished as follows:


* * *

(3) Assault with a dangerous weapon, with intent to do bodily harm, by a fine under this title or imprisonment for not more than 10 years or both.

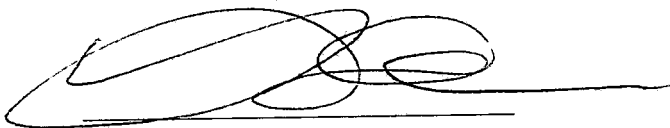
20. Both Simonds and the victim are members of the Narragansett Indian Tribe. The NTPD provided me with official documentation of their tribal membership. Simonds criminal history reflects three arrests for violating protective orders and domestic vandalism. The victim has a criminal history significant for nine arrests primarily for assaultive behavior, disorderly and domestic misconduct, as well as a driving offense.

21. To the best of my knowledge and belief it is a matter of public record that in 1983 The Narragansett Indian Tribe became federally recognized by the Secretary of the Interior as an Indian tribe located in the State of Rhode Island. *Final Determination for Federal Acknowledgment of Narragansett Indian Tribe of Rhode Island*, 48 Fed.Reg. 6177. The Tribe is primarily situated on 1800 acres of land known as the settlement lands, which were given to the Tribe in the Rhode Island Indian Claims Settlement Act ("the Settlement Act"), 25 U.S.C. §§ 1701-1716. In 1988 the Tribe deeded the settlement lands to the Secretary of the Interior as trustee under the terms and conditions of the Settlement Act. *Carcieri v. Salazar*, 555 U.S. 379, 129 S.Ct. 1058 (2009). Sgt. McQuaide and Officer Fry are familiar with the settlement lands of the Narragansett Indian Tribe that they routinely patrol in the ordinary course of their duties. They provided me with photographic documentation pinpointing the crime scene and reported to me that the crime occurred within the 1800 acres of settlement lands held in trust for the Narragansett Indian Tribe by the federal government.

21. I therefore suggest that there is probable cause to believe that, while in Indian Country, Troy Lake Simonds, who is a member of the Narragansett Indian Tribe, committed a felony assault against another member of the Narragansett Indian Tribe by use of a dangerous weapon.


STEVEN A. MEDEIROS, SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

Subscribed and sworn to before me
this 25th day of August, 2014,
in Providence, Rhode Island.


LINCOLN D. ALMOND
UNITED STATES MAGISTRATE JUDGE