

INDIAN COUNTRY LAW ENFORCEMENT
OPERATIONAL PLAN 2011



KENNETH J. GONZALES
UNITED STATES ATTORNEY

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UNITED STATES ATTORNEY'S OFFICE – DISTRICT OF NEW MEXICO
LAW ENFORCEMENT OPERATIONAL PLAN 2011

I. Introduction

The United States Attorney's Office for the District of New Mexico (USAO) recognizes that the federal government has an obligation to American Indians and Alaska Native tribes pursuant to the federal Indian trust responsibility. It therefore has prioritized Indian Country prosecutions as an important part of the USAO's mission, and the Assistant United States Attorneys (AUSAs) assigned to prosecute Indian Country cases take seriously their obligation to pursue justice in Indian Country, and work diligently to improve the public safety for Native Americans in New Mexico. The District of New Mexico's law enforcement operational plan provides a structure that allows the USAO to be more efficient and effective in responding to the public safety crisis confronting Native communities in New Mexico.

A. Native Communities in New Mexico

New Mexico is home to 22 Indian tribes – 19 pueblos, two Apache tribes (the Jicarilla Apache Nation and the Mescalero Apache Tribe), and the Navajo Nation – and a considerable urban Indian population. The 19 pueblos are the Pueblos of Acoma, Cochiti, Isleta, Kewa, Laguna, Nambe, Okay Owingeh, Picuris, Pojoaque, Sandia, Santa Ana, Santa Clara, San Felipe, San Ildefonso, Jemez, Taos, Tesuque, Zia and Zuni.

Native Americans make up 9.7% of New Mexico's population which is the second highest percentage of all 50 states. That percentage increases to 10.7 when mixed-race Native Americans are included. The Census Bureau's 2010 American Community Survey determined that there were 193,222 Native Americans in New Mexico out of a total population of 2,009,671. This number reflects an increase of 11.4% from a population of 173,483 in 2000. Additionally, the Survey indicated that 47.7% of Native Americans in New Mexico were unemployed while 27.8 % of Native American families lived in poverty. In 2000, the Census determined that a majority – 138,839 – of Native Americans in New Mexico lived on one of the 22 reservations or pueblos in the District of New Mexico. The largest populated reservation was the New Mexico portion of the Navajo Nation with a population of 69,524, while 487 Native Americans lived in the Pueblo of Santa Ana, the smallest pueblo in New Mexico.

The 22 pueblos and tribes in New Mexico are actively engaged in preserving their indigenous languages, religion, culture, values and the environment. Pueblo and tribal leaders are committed to providing homeland security, public safety, quality education, health care, affordable housing, and economic development for their communities. Each pueblo or tribe is a sovereign nation with its own government, way of life, traditions, and culture. Each pueblo or tribe has a unique relationship with the federal and state governments. While the role of the federal government in law enforcement has increased in recent years, the primary responsibility of crime control and prevention rests directly with state, tribal and local governments.

The lack of crucial resources impedes the ability of Native communities in New Mexico to address a multitude of public safety-related issues, including violent crime, sexual assault and domestic violence, substance abuse, juvenile delinquency, education and health care. Tribal police departments in New Mexico struggle to cope with increasing workloads driven by rising crime, increased police involvement in the social concerns relating to crime, and increased community demands for police services, and are doing so with limited resources.

New Mexico leads the nation in numerous key indicators of substance abuse related morbidity and mortality. Public health statistics alone do not portray the full social impact of substance abuse in any community. Like most jurisdictions coping with the crises of widespread addiction, Native communities in New Mexico are experiencing an increase in drug trafficking, theft, and other crimes that come with increased demand for illegal drugs. Although no recent comprehensive crime survey has been conducted in the area, law enforcement officials believe that the area's high rates of homicide, property crimes, domestic abuse, assault and battery, and DUI are directly attributable to the widespread demand for and abuse of alcohol and drugs. Many criminal justice system officials share this viewpoint, and representatives from Native communities in New Mexico have expressed the view that the majority of criminal cases in Indian Country are related to chemical dependency.

B. USAO's Commitment to Native Communities in New Mexico

The USAO has always prioritized investigation and prosecution of cases originating in Indian Country in New Mexico. In light of the Department of Justice's renewed emphasis in combating crime in Indian Country and to better address public safety concerns in Native communities in New Mexico, shortly after Kenneth J. Gonzales was sworn in as United States Attorney in May 2010, he established an Indian Country Crimes Section (ICCS) in the USAO's Albuquerque Office that is dedicated to investigating and prosecuting criminal offenses committed in Native communities in New Mexico. Although ten AUSAs currently are assigned to the ICCS, there will be twelve AUSAs in the ICCS when it is fully staffed. Criminal cases originating in Native communities in New Mexico are prosecuted by the AUSAs from the ICCS in the Albuquerque office and one AUSA in the USAO's Las Cruces Branch Office.

The U.S. Attorney has selected a very capable prosecutor with many years of experience investigating and prosecuting crimes in Indian Country, to supervise the ICCS. The U.S. Attorney individually notified each Pueblo Governor and Tribal President that they and other officials from Native Communities in New Mexico that they should contact the ICCS Supervisory directly if they become aware of matters they believe should be pursued by the USAO.

In April 2010, the Department of Justice authorized the formation of an Indian Country Community Prosecution Pilot Project in the eastern part of the Navajo Nation that lies within the District of New Mexico. The USAO was one of only three districts selected to receive funding for a community prosecution team consisting of an AUSA and a Victim Witness Advocate.

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Although budgetary constraints have prevented the USAO from formally opening the doors for its community prosecution team office, the U.S. Attorney has selected Gallup, New Mexico as the site for the USAO's community prosecution team in Navajo, and has laid the groundwork for its community prosecution team's office in Gallup. When funding becomes available, the U.S. Attorney will move forward with establishing the community prosecution team office in Gallup with the expectation that the team will work closely with Navajo, federal, state and local law enforcement partners to improve public safety on the Navajo Nation.

Recognizing that a community prosecution strategy provides a valuable avenue to gain a better understanding and for meeting the needs of each of the Native communities in New Mexico, the U.S. Attorney has implemented this strategy throughout the District of New Mexico by assigning each AUSA in the ICCS to act as Tribal Liaison for specific pueblos or tribes in the District. As more fully discussed below, each Tribal Liaison is responsible for getting to know the Native communities to which he or she is assigned, its leaders, its law enforcement officers and others who can educate the USAO on the specific needs of that community so that the USAO can better address each pueblo or tribe's public safety needs.

II. Communication

In his January 11, 2010 Indian Country Law Enforcement Initiative Memorandum, the Deputy Attorney General of the United States directed that each USAO's Operational Plan include a component on "communication" addressing its processes for informing tribal law enforcement about charging decisions, including declinations, and to otherwise inform tribal leaders of the USAO's efforts to combat violent crime in Indian Country. The USAO actively and constantly seeks input from the leaders of Native communities in New Mexico as well as their judicial officers, law enforcement officers, prosecutors and social services providers so that it may consider that input in decisions affecting Indian Country. It also strives to keep leaders of its Native communities and tribal law enforcement authorities informed about the status of Indian Country cases and other important matters by various different means.

A. Soliciting Input from Native communities in New Mexico

Tribal Liaisons. The U.S. Attorney has implemented a community prosecution strategy throughout the District of New Mexico with the ICCS Supervisor serving as the District of New Mexico Tribal Liaison Coordinator and each AUSA in the ICCS serving as a Tribal Liaison for specific pueblos or tribes in the District. Generally, the Tribal Liaisons are charged with getting to know the Native communities to which he or she is assigned, its leaders, its law enforcement officers and others who can educate the USAO on the specific needs of that community so that the USAO can better address each pueblo or tribe's public safety needs, including providing training to tribal officers, officials, judges and prosecutors. More specifically, the Tribal Liaisons are responsible for communicating with leaders of their assigned pueblos or tribes at all levels about matters of importance to those communities, as well as conveying appropriate information

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about specific cases and case status. The Tribal Liaisons are to develop and maintain close contact with members of each of the following entities in their assigned communities: the pueblo or tribal Executive (either Governor or President) Officer, the pueblo or tribal council, the tribal prosecutor's office, and the tribal police chief. Tribal Liaisons are to visit their assigned pueblos or tribes at least twice a year and are otherwise to be available for additional consultation and visits upon request or as necessitated by events. The U.S. Attorney personally notified each Pueblo Governor and Tribal President of the Tribal Liaison assigned to his Pueblo or Tribe and provided contact information for the Liaison. A list of the Tribal Liaisons and Tribal Police Chiefs for each of New Mexico's 22 Native Communities is attached as Appendix A

Tribal Consultations. The USAO hosted its first District-wide tribal consultation in November 2010 as a means of promoting positive government-to-government relationships and addressing the public safety challenges in Native communities in New Mexico. Because the consultation provided an invaluable opportunity for New Mexico's Native leaders to have input and provide guidance on how the USAO and the federal law enforcement communities can work with Native leaders and tribal law enforcement officers in New Mexico to address the public safety challenges in our Native Communities, the U.S. Attorney is committed to hosting an annual District-wide consultation in addition to meeting with pueblo consortiums including the All Indian Pueblo Council, the Eight Northern Indian Pueblo Council, and the Five Sandoval Indian Pueblo Council. In addition, the U.S. Attorney has committed personally to visit each of New Mexico's 22 pueblos and tribes at least once a year.

Tribal Advisory Council. The U.S. Attorney believes that a tribal advisory council can play an important role in continuing the important government to government dialogue between the USAO and the leaders of Native communities in New Mexico on matters including public safety, and that convening an advisory council will be a critical step towards improving the USAO's coordination and collaboration with Native communities. The U.S. Attorney therefore intends to convene a tribal advisory council comprised of four pueblo and tribal leaders from Native communities in New Mexico who will advise him on issues critical to Native communities in the District. The U.S. Attorney will solicit input from leaders of Native communities in New Mexico on a process for selecting members of the council, the length of service, and frequency of advisory council meetings, and will announce the membership of the tribal advisory council before the USAO's 2011 District-wide tribal consultation.

Tribal Prosecutors Association. The USAO will be facilitating the organization of a District-wide tribal prosecutors association to provide another avenue for obtaining input about the public safety needs of Native communities in New Mexico, advising Native Communities of federal grant and training opportunities, and strengthening its communication and relationship with its tribal partners in law enforcement.

B. Keeping Native communities in New Mexico Informed

Communicating Charging and Declination Decisions. The ICCS Supervisor is responsible for reviewing each Indian Country matter referred to the USAO by federal and tribal law enforcement authorities, and determining whether the matter will be accepted for either further investigation and/or prosecution within a reasonable period. If accepted for further investigation and/or prosecution, the ICCS Supervisor will assign the matter to an AUSA who will be responsible for communicating charging decisions to the referring authorities, including tribal law enforcement, in a timely manner; regularly communicating case status information to referring authorities; and communicating regularly with law enforcement to ensure that the matter is being appropriately investigated. The ICCS Supervisor is responsible for reviewing the recommendation of the assigned AUSA to decline prosecution of an Indian Country crime matter. If the ICCS Supervisor concludes that an Indian Country crime matter must be declined, the Supervisor or the assigned AUSA will prepare a written notice of that declination, setting forth the reasons for that declination and will communicate the declination to the referring authorities in a timely manner.

Press Releases. DOJ recognizes that the public needs and deserves to be informed about the activities of the USAOs and the priorities and policies of the Attorney General, as well as its responsibility to educate the public without jeopardizing investigations and prosecutions, violating the rights of individuals or compromising national security interests. Consistent with DOJ's interest in telling the public about its law enforcement efforts and to draw attention to public safety challenges in Native communities in New Mexico, the USAO regularly distributes press releases on significant events (typically, pleas, sentencing hearings and trial verdicts) in Indian Country cases. The USAO's media distribution list includes the Native American media that cover Native communities in New Mexico as well as media outlets that serve areas in and around Native communities in New Mexico. Additionally, the USAO routinely sends press releases to tribal police chiefs whenever their departments participated in the investigation of the subject cases, thus providing tribal law enforcement authorities prompt notice of the events reported in the releases.

Indian Country Newsletter. In years past, the USAO periodically distributed an "Indian Country Newsletter" that provided information on Indian Country cases being prosecuted by the Office. Although distribution of the newsletter lapsed in 2009, the USAO has revived the Indian Country Newsletter because it provides a valuable means of communicating important information to Native communities in New Mexico. The Indian Country Newsletter provides status reports on cases that are being prosecuted by the USAO. The Newsletter also will be used to disseminate other information, including information about training programs or grant opportunities, that may be of interest to Native communities in New Mexico. It initially will be distributed twice a year. After several issues of the Newsletter have been distributed and based on input from leaders of Native communities in New Mexico, the USAO will consider more

frequent distribution of the Indian Country Newsletter, perhaps on a quarterly basis. The Indian Country Newsletters distributed in 2011 are attached as Appendices B-1 and B-2.

III. Investigations

The overwhelming majority of Indian Country cases prosecuted by the USAO's ICCS involve crimes enumerated in the Major Crimes Act, 18 U.S.C. § 1153, including homicide, child sexual and physical abuse, sexual assault, and other aggravated violent assaults. However, as the major Non-Indian population centers of the state grow closer to the pueblos and tribes, particularly in the central and northern parts of New Mexico, the USAO is experiencing an increase of crime on Indian land involving Indian and non-Indians which are brought pursuant to 18 U.S.C. § 1152, assimilating relevant New Mexico State Statutes. In calendar year 2010, the USAO prosecuted more than two hundred cases originating in Indian Country. Of the 223 cases prosecuted in 2010, 216 cases were violent crime cases; 80 (36%) of those cases were sexual assault cases and 136 (64%) involved other violent conduct; 116 (52%) of the cases originated in the Navajo Nation and the remaining 48% originated in the 21 other pueblos and tribes.¹

A. Roles of Respective Law Enforcement Partners

The Federal Bureau of Investigation (FBI) and Bureau of Indian Affairs (BIA) are the two primary federal law enforcement agencies in Indian Country in New Mexico, and the USAO enjoys good working relationships with both agencies. The USAO also enjoys good working relationships with tribal police departments based on mutual respect, and tribal police departments frequently collaborate with the FBI and BIA on investigations.

Historically, FBI and BIA have entered MOUs dividing responsibility for investigations on specific reservations based on the nature of the case. Most of those MOUs have been abrogated or become outdated over time. Under this plan, the ICCS Supervisory and Tribal Liaisons will identify, and review the status of, all existing MOUs and, after consulting with the federal agencies and seeking input from the affected Native communities, will recommend to the U.S. Attorney, on a reservation-by-reservation basis, whether the creation of a new MOU allocating the responsibilities of the federal agencies is warranted and, if so, how they should be apportioned. However, it is generally the position of the USAO that hard and fast divisions of case responsibility between FBI and BIA should be avoided, and that such divisions are unnecessary given the history of cooperation between the two agencies in this District, and their mutual recognition of each other's expertise in different areas.

¹ The Navajo Nation, located across northwestern New Mexico, is New Mexico's largest reservation and has a population of approximately 70,000 living on the New Mexico side of the reservation.

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The availability of criminal investigative resources on each of New Mexico's 22 Native communities is different. As a result, it is important to coordinate coverage of investigations to provide an effective law enforcement response to each community. For example, the Navajo Nation Department of Public Safety (NNDPS) staffs the New Mexico side of the Navajo Nation with approximately 50 patrol officers and twelve criminal investigators, and the FBI maintains a Resident Agent Offices in Gallup and Farmington staffed with five agents and six agents, respectively. The Navajo Nation has no BIA investigative presence and, because of its vast geographic span, FBI Agents who investigate major crimes on the Navajo Nation frequently are a half-day away from the crime scene. For that reason, the USAO relies heavily on NNDPS investigators and officers as first responders to many major crime scenes on the Navajo Nation.

The BIA provides primary investigative resources for the remaining 21 pueblos and tribes through (i) the Northern Pueblos Agency, which serves the Pueblos of Nambe, Picuris, Pojoaque, San Ildefonso, Ohkay Owingeh, Santa Clara, Taos and Tesuque; (ii) the Southern Pueblos Agency, which serves the Pueblos of Acoma, Cochiti, Isleta, Jemez, San Felipe, Sandia, Santa Ana, Kewa and Zia; (iii) the Jicarilla Agency, which serves the Jicarilla Apache Nation; (iv) the Laguna Agency, which serves the Pueblo of Laguna; the Mescalero Agency, which serves the Mescalero Apache Tribe; (v) the Ramah Navajo Agency, which serves the Ramah Navajo Chapter; and the Zuni Agency, which serves the Pueblo of Zuni. The BIA receives support from the FBI and tribal police departments.

B. Consideration of Relevant Federal, State and Tribal Law

It is the policy and practice of the USAO to evaluate individually each matter referred for further investigation and/or prosecution to determine whether the matter should be pursued federally or in tribal court. In making this determination, the ICCS Supervisor and AUSAs should consult with case agents and, when appropriate, tribal police and tribal prosecutors. Generally, the USAO will charge a readily provable federal felony offense arising in Indian Country whenever it presents itself irrespective of available prosecutive resources.

C. Prosecution Guidelines for Indian Country Cases

The USAO has adopted prosecution guidelines for matters arising in the District of New Mexico. Under its prosecution guidelines, the USAO evaluates each case on its own facts and in a manner that enhances the effective use of scarce resources. The prosecution guidelines are subject to changes and serve as "guidelines" as opposed to hard and fast rules. Even if a case appears to fall outside the USAO's prosecution guidelines, there may be aggravating or other special circumstances that make it suitable for federal prosecution. Aggravating circumstances could include, but are not limited to, situations in which the suspect is known to be involved in terrorism or organized crime, has an extensive criminal record, holds a position of public trust, was armed, is violent, or is otherwise an imminent threat to the community. For matters arising in Indian Country, special circumstances may exist if an Indian person is either a victim or a

perpetrator, resulting in exclusive federal jurisdiction for felonies. As the prosecution authority of sole felony jurisdiction, the USAO will accept appropriate cases on a case by case basis to address the proper prosecution of cases arising in Indian Country. Moreover, particular initiatives (for example, Weed and Seed, Project Safe Neighborhoods, and Project Safe Childhood) may result in this office considering and/or accepting cases that otherwise might not meet the requirements of these guidelines. The USAO's current prosecution guidelines for matters arising in Indian Country in New Mexico are attached as Appendix C.

D. Task Forces Operating In Indian Country

The USAO supports and encourages the establishment of multi-agency and community task forces as a force multiplier in Indian Country, and aggressively pursues opportunities to pursue opportunities to introduce new task forces and initiatives in Native communities in New Mexico. The following task forces currently operate in Indian Country in New Mexico:

1. Northern New Mexico Anti-Drug Summit Team. The Northern New Mexico Anti-Drug Summit Team was established in February 2010 and continues in operation. During the team's inaugural summit in February 2010, participants made recommendations regarding the policies, priorities and practices for addressing drug trafficking and violent crime in northern New Mexico, and to coordinated interdiction, intelligence, investigation, and prosecution efforts. The team's second summit was held April 20, 2011, and focused on expanding the scope beyond public safety issues to include public health treatment, prevention and intervention concerns. The USAO's Law Enforcement Coordinator provides coordination support and serves as the USAO's representative on a team comprised of federal, state, local and tribal entities. The team includes the following members:

- Tribal Members – Pueblo of Ohkay Owingeh Police Department, Pueblo of Santa Clara Police Department, Pueblo of Pojoaque Police Department, Pueblo of Taos Police Department, and Pueblo of Santa Clara Governor's Task Force on Youth and Families.
- Federal Members – USAO, DEA, FBI, BIA, and USMS.
- State Members – New Mexico National Guard, New Mexico Department of Public Safety, New Mexico State Police, NM HIDTA, HIDTA Region III Drug Task Force, and New Mexico Department of Health.
- Local Members – Espanola Police Department, Rio Arriba Sheriff's Office, Rio Arriba Family Care Network, New Mexico Children, Youth and Families Department – Juvenile Probation and Parole, First Judicial District Attorney, Eighth Judicial District Attorney's Office, Espanola Public Schools System, Espanola Municipal Court, and HOY Recovery Program.

2. Project Safe Pueblos Task Force – A USAO and HIDTA Native American Program Initiative (Safe Streets). In February 2010, New Mexico HIDTA requested assistance from the USAO’s Project Safe Neighborhoods Task Force in implementing the “Project Safe Pueblos” strategy. Funded by ONDCP, Project Safe Pueblos seeks to address drug, gun and gang violence on the three Pueblos in the heart of Rio Arriba County, a county that reports the highest overdose drug death rates in the United States. Members of the Project Safe Pueblos Task Force include:

- Tribal Members – Pueblo of Ohkay Owingeh Police Department, Pueblo of Pojoaque Police Department, Pueblo of Santa Clara Police Department, Ohkay Owingeh Boys and Girls Club, and Pojoaque Boys and Girls Club.
- Federal Members – USAO, FBI and DEA.
- State Members – New Mexico Department of Public Safety, New Mexico State Police Department, New Mexico National Guard, New Mexico HIDTA, and HIDTA Region III Drug Task Force.

3. Dlo’ayazhi Project Safe Neighborhoods Indian Country Pilot Project. The Dlo’ayazhi PSN Project has been in operation since 2010. The NNDPS recommended the Dlo’ayazhi, in the Eastern Agency of the Navajo Nation and located in western New Mexico, as the site for the Project as a target for gun, gang and domestic violence reduction. The target communities are remote and isolated communities and present a challenge to effectively prevent, control, and reduce violent crime, drug-related activity, and gang activity. The Dlo’ayazhi PSN Project has the additional goal of addressing domestic violence. A Domestic Violence Response Team comprised of federal, tribal and local law enforcement, judicial officers and tribal prosecutors, victim/witness advocates and healthcare providers has been tasked with coordinating the effective service of court orders and to address the needs of families affected by domestic violence in the target area. Members of the Dlo’ayazhi PSN Task Force include:

- Tribal members – NNDPS, Navajo Tribal Prosecutors Office, Navajo Nation Housing Authority, Navajo Nation Health Department, Navajo Nation Schools, and Boys & Girls Clubs of the Dine Nation.
- Federal members – USAO, FBI Safe Trails Task Force, BIA, USMS Southwest Fugitive Task Force, ATF, and IHS.
- State members – New Mexico National Guard, New Mexico State Police, New Mexico Motor Transportation Division, New Mexico Anti-Gang/Project Safe Neighborhoods Task Force, and New Mexico Gang Task Force.

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- Local members – 13th District Attorney's Office, McKinley County Sheriff's Office, and San Juan County Sheriff's Office.

Task forces for the following projects, which are no longer formally in operation, continue their work even in the absence of funding.

4. Public Housing Safety Initiative (PHSI). The PHSI was initiated in October 2006 and concluded in September 2008. The Pueblos of Ohkay Owingeh and Santa Clara were selected as an Indian Country PHSI site based on their location within Rio Arriba County, the county that leads the nation in drug overdose deaths, and their membership in the Espanola West Side Weed and Seed Project. The PHSI focused on reducing drug trafficking and drug abuse and, over the life of the Initiative, the Pueblos experienced a dramatic decrease in crime and an improved sense of security among Pueblo residents. Members of the PHSI include:

- Tribal Members – Governor's Office of the Pueblo of Ohkay Owingeh, Pueblo of Ohkay Owingeh Police Department, Pueblo of Ohkay Owingeh Housing Authority, Governor's Office of the Pueblo of Santa Clara, Pueblo of Santa Clara Police Department, Pueblo of Santa Clara Housing Authority, Eight Northern Indian Pueblos Council, Ohkay Owingeh Boys and Girls Club.
- Federal Members – USAO, FBI, BIA Northern Pueblos Agency, DEA, ATF, USMS.
- State Members – New Mexico Department of Public Safety, New Mexico State Police Department, New Mexico National Guard, and First Judicial District Attorney's Office.
- Local Members – Espanola Police Department, Rio Arriba County Sheriff's Office, and Espanola West Side Weed and Seed Steering Committee.

5. Espanola West Side Weed and Seed Project. The Espanola West Side Weed and Seed Project was in operation from October 2002 through May 2008. The Espanola West Side Weed and Seed Project included the Pueblos of Ohkay Owingeh and Santa Clara, and both pueblos participated in the Project and benefitted from the DOJ-funded Weed and Seed counter-drug strategy of interdiction, prevention, intervention, treatment, and community revitalization. Members of the Espanola West Side Weed and Seed Project included:

- Tribal members – Governor's Office of the Pueblo of Ohkay Owingeh, Pueblo of Ohkay Owingeh Police Department, Pueblo of Ohkay Owingeh Housing Authority, Governor's Office of the Pueblo of Santa Clara, Pueblo of Santa Clara Police Department, and Pueblo of Santa Clara Housing Authority.

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- Federal members – USAO, FBI, BIA Northern Pueblos Agency, DEA, ATF, and USMS.
- State members – New Mexico Department of Public Safety, New Mexico State Police Department, First Judicial District Attorney’s Office, New Mexico National Guard, and HIDTA Region III Task Force.
- Local members – Espanola Police Department, Rio Arriba County Sheriff’s Office, Rio Arriba Family Care Action Network, New Mexico Children, Youth and Families Department – Juvenile Probation and Parole, Espanola Municipal Court, HOY Recovery Program, and Chimayo Crime Prevention Organization.

6. Laguna Pueblo Weed and Seed Pilot Project. This Project was in operation from October 1998 through September 2001. The Pueblo of Laguna was one of two Native communities selected as a DOJ-funded Indian Country Weed and Seed Project site. The USAO and the Pueblo of Laguna assemble a steering committee that implemented a counter-drug strategy of interdiction, prevention, intervention, treatment and community revitalization. During the Project, the Pueblo of Laguna established a Boys and Girls Club, that provides ongoing prevention education, and many adult leaders and residents received community building and organizing training. Computer Internet education support centers were developed for each of the Pueblo’s six remote villages with grant funds and surplus computers donated by the USAO. The Pueblo of Laguna received additional grant funding, technical assistance and partner provided support to improve tribal justice, victim advocacy and law enforcement. During the Project, the Pueblo of Laguna Police Department used grant funding to purchase patrol vehicles and hardware and software to develop improved public safety communications. With the assistance of the USAO, the Pueblo of Laguna began a dialogue with the local district attorney’s office to facilitate assistance for the Pueblo’s Tribal Court. The USAO continues to assist the Pueblo of Laguna in its efforts to achieve its Public Safety and community revitalization goals. Members of the steering committee included:

- Tribal members – Governor’s Office of the Pueblo of Laguna, Pueblo of Laguna Police Department, Pueblo of Laguna Community Services, and Pueblo of Laguna Schools.
- Federal members – USAO, FBI, BIA Northern Pueblos Agency, DEA, ATF and USMS.
- State members – New Mexico Department of Public Safety, New Mexico State Police Office, 13th Judicial District Attorney’s Office, and New Mexico National Guard.
- Local members – Grants Police Department and Cibola County Sheriff’s Office.

E. Multidisciplinary Teams and Sexual Assault Response Teams

Child Protective Multidisciplinary Teams (MDTs). AUSAs in the USAO and USAO Victim Witness Advocates participate in the child protective multidisciplinary teams (MDTs) that have been established to ensure that victims of child sex abuse and child abuse and their families receive appropriate care and the services they require; to improve overall services provided by service providers by reflecting on the services each family receives; and to ensure that these cases are investigated and prosecuted. USAO representatives are responsible for providing regular status reports on cases referred to the USAO for prosecution. The following MDTs are currently operating in the District:

- 1. Crownpoint MDT.** Members of this MDT include: USAO, FBI, Indian Health Services medical, mental and field healthcare providers, Navajo Nation Social Services, school counselors, and the Farmington Sexual Assault Program. This MDT has been in operation for over 15 years and meets monthly.
- 2. Northern Pueblos MDT.** Members of this MDT include: USAO, FBI, BIA, Indian Health Service medical and mental healthcare providers, and social services representatives from the Northern Pueblos. The MDT has been in operation since October 2010 and meets quarterly. Members of this MDT recently provided training to various Pueblo members.
- 3. Gallup MDT.** Members of this MDT include: USAO, FBI, Indian Health Services medical, mental and field healthcare providers, Navajo Nation Social Services, school counselors, and the Farmington Sexual Assault Program. This MDT has been in operation for over 15 years and meets monthly.
- 4. Mescalero Apache Nation MDT.** Members of this MDT include: USAO, FBI, BIA, Indian Health Services, and tribal prosecutors. This MDT has been meeting on a monthly basis for the past 18-months.
- 5. Southern Pueblos MDT.** Members of this MDT include: USAO, FBI, BIA, and social services representatives of the Southern Pueblos. The MDT has been in place since October 2010 and meets monthly.
- 6. BIA MDT Executive Board.** This Board was set up in Spring 2010 and charged with establishing MDTs for the Northern Pueblos and Southern Pueblos, and currently oversees the operations of those two MDTs to ensure that they are meeting regularly and to provide assistance as needed. The Board meets quarterly and its members include: USAO, BIA, FBI, the chairmen of the Northern and Southern Pueblos MDTs. The Board is creating protocols for

federal agencies in the District to ensure that each victim is responded to in the same manner and that services are provided uniformly.

Crownpoint, Gallup and Dulce Sexual Assault Response Teams (SARTs). The USAO participates in SARTs in Crownpoint, Gallup and Dulce. Each SART was established approximately seven months ago and are still in the process of developing protocols. Their purpose is to review cases to ensure adult victims receive the proper services available to them throughout the community; to make appropriate referrals to agencies able to assist victims begin the healing process; to assist service providers reflect on service gaps and necessary improvements; and to ensure a proper law enforcement response if the victim is willing to move forward with prosecution. Members include: the USAO, Indian Health Services medical and mental healthcare providers, FBI, tribal prosecutors, tribal police officers and investigators, domestic violence shelter victim advocates, and the Farmington Sexual Assault Program and USAO. Each SART meets monthly.

F. Tribal, State and Local Cross-Deputation Agreements

The USAO recognizes the value of increasing the number of well-trained, available investigators of federal offenses, and of maintaining and improving the level of their investigative skills through targeted and frequent training. The USAO's ongoing efforts to increase the number of competent investigators, both overall and on reservations with specific needs, is achieved by growing participation of tribal, county and state police departments in cross-deputation programs, and by targeted efforts to grow the number of federal agents dedicated to investigating Indian Country violent crime.

Currently, six tribal police departments, Jicarilla Apache, Navajo, Jemez, Laguna, Zuni and Ramah Navajo, have cross-deputation agreements in place through the BIA's Special Law Enforcement Certification (SLEC) program. The USAO has assumed responsibility for conducting all training of tribal officers under the SLEC program and is staffing seven two-day training sessions throughout the calendar year. Three other tribal police departments in the District currently are working toward agreements with BIA to receive SLEC status. The USAO actively recruits and promotes increased tribal police participation in the program and also encourages state, county and local officers to obtain cross-deputation under SLEC so they may enforce federal law on those reservations where the tribal councils have invited their presence. The ICCS Supervisor is participating in nationwide working groups comprised of other AUSAs and BIA officials to rewrite the BIA SLEC training program.

G. Central Violations Bureau (CVB)

There is no use of the CVB citation process for violations in Indian Country in this District. The USAO is working with the Pueblo of Laguna to implement a pilot project that will develop a CVB citation process as a means of addressing minor offenses by non-Indians in

Indian Country. The Pueblo of Laguna will be the District's first CVB site and should be operational by the end of 2011, and the USAO anticipates implementing the CVB program in Pueblos that are in close proximity to Albuquerque by mid 2012.

IV. Victim Advocacy

The USAO recognized the importance of ensuring that crime victims are accorded their rights under the law. It appreciates that its responsibilities in Indian Country do not begin and end with criminal investigation and prosecution, and that one of its greatest obligations is ensuring that the victims of the crimes are accorded all of their rights to notification and participation in the criminal justice process. The USAO's Victim Witness Unit has extensive and well-defined procedures for servicing victims of violent crime.

Generally, USAO Victim Advocates coordinate the efficient delivery of their services with FBI and BIA Victim Specialists through very close cooperative relationships. The Victim Witness Unit reinforces the close coordinating relationship with FBI and FBI specialists through frequent informal meetings and other more formal meetings, including MDT meetings. By maintaining open and frequent communication with FBI and BIA, the Victim Witness Unit shares information on a case-by-case basis, and make individual decisions on which agency will provide what services to the victim. Because Indian Country Violent Crime cases are reactive in nature, AUSAs are made aware of their existence at the same time as the investigating federal agent learns of the case. Likewise, Victim Advocates learn very early of the offence and the specific situation of the victim, and at that point, discussions begin with FBI or BIA about the nature of the matter and whether USAO Advocates will make earlier contact with the victim.

Generally principal contact with the victim transitions to the USAO Victim Advocate at the point of charging. From that point on, victims receive notice of all proceedings from arrest to disposition. In addition, Victim Advocates assist with provision of direct services, including home visits, transportation to court, and assistance with victim impact statements. Among other services, the Victim Witness Unit assists victims who paid for traditional healing ceremonies recoup their expenses by submitting their victim impact statements to the court so that restitution may be ordered. The District of New Mexico is one of two Districts participating in a pilot project which allows for payment of traditional healing ceremonies for victims.

The USAO's Language Assistance Plan includes a list of court certified interpreters who speak Native languages and may be retained as needed. Victim Advocates assess the need for interpretative services at the earliest possible time and ensure that services are available. The Victim Advocates are Native speakers and often can communicate with victims in their Native languages. If they cannot, the Victim Advocates ensure that interpreters are available. They also ensure that court certified interpreters are available for court proceedings as necessary.

V. Training

The USAO recognizes that training provides a means of improving the quality of criminal investigations and increasing the number of viable cases charged in Indian Country. Training also serves to improve communication and trust between the USAO and tribal police departments. Accordingly, AUSAs in the ICCS regularly participate in training programs for tribal police departments. As previously noted, the USAO has assumed primary responsibility for all SLEC training in the District, which is conducted at tribal facilities. In addition, AUSAs have developed, and will continue to develop, presentation materials for topics including crime scene and evidence preservation, witness interviews, report writing, suspect interviews, chain of custody, search and seizure, sex crimes investigation, federal criminal procedure, and advice of rights under both federal law and ICRA. The USAO also timely responds to regular requests from tribal police departments for specific training.

The USAO will explore the applicability of cultural sensitivity training to employees whose responsibilities include Indian Country cases, and also will ensure that such employees also receive training on jurisdictional issues, federal trust responsibility, and consultation principles.

The LECC Coordinator is in regular contact with tribal police chiefs regarding their training needs, and will implement an annual training needs assessment. The Victim Witness Unit staff routinely meets with victim service providers and ensures that training needs are addressed. That Unit will implement an annual training needs assessment.

The LECC Coordinator manages or facilitates a number of programs designed to support and coordinate the objectives of the criminal justice system at various levels, provides services to witnesses and victims of federal crime, conducts training, and appries the community at large about issues related to the criminal justice system. The LECC Coordinator maintains strong collaborative partnerships among the federal, state, local and tribal law enforcement agencies to improve the effectiveness of law enforcement in the District. The LECC Coordinator, in conjunction with AUSA Tribal Liaisons, will continue to serve as a liaison between the USAO, the BIA, the FBI, and tribal law enforcement. In addition, the LECC Coordinator will continue to work to find ways to improve the working relationship between state, county and local law enforcement agencies and tribal law police departments.

The LECC Coordinator and Victim Witness Unit will continue to host training events and conferences at various venues. They will ensure these training events include topics relevant to current issues in Indian Country, domestic abuse, sexual abuse including sexual abuse of children, violence against women, and victim issues. They will be responsible for providing notice of these trainings and conferences to the leaders of Native communities in New Mexico, tribal police chiefs, and tribal service providers. Reasonable efforts will be made to ensure tribal

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law enforcement personnel have ample opportunity to attend these trainings and conferences. When possible, tuition costs for tribal law enforcement will be reduced or eliminated.

In addition to the standard trainings and conferences, when requested, the LECC, with the assistance of Tribal Liaison AUSAs, will develop and present informal training sessions at venues readily accessible to tribal law enforcement personnel. Additional training programs will be developed on an as needed basis if not already covered by other training sponsored by the LECC or other Department components. The Victim Witness Unit will continue to work with the surrounding Districts in providing collaborative training which addresses specific concerns and needs in Indian Country for victim service providers.

AUSAs in the ICCS will be encouraged to attend CLE programs relating to domestic violence, violence against women, and sexual assaults.

The LECC Coordinator and the Victim Witness Unit will continue to work directly with representatives of Native communities to provide assistance on the Collaborative Tribal Assistance Solicitation relating to available grant funds. They will keep leaders of Native communities apprised of the solicitation deadlines and will provide information and guidance on the funding parameters to assist them in applying for and receiving the maximum amount of grant funds possible.

VI. Outreach

The U.S. Attorney recognizes that prosecution alone is not the answer to addressing crime in Indian Country, and that an effective solution also involves prevention, training, and other grassroots intervention efforts. Accordingly, the U.S. Attorney, his senior management staff, the LECC Coordinator, the Victim Witness Unit, and the AUSAs in the ICCS are actively engaged in identifying and developing worthwhile outreach efforts that strengthen the ability of Native communities and their governments, including tribal police departments, to reduce and avoid criminal behavior.

The USAO is cognizant of the availability of the Department Community Relations Service for conflict resolution, facilitated mediation or conciliation between tribes and states or local governments, and will consult with CRS's regional director if it identifies conflicts in which CRS may be of service. The USAO is actively engaged in notifying Native leaders of all opportunities for governmental grants through direct contact. It acts as a clearing house to monitor the status of pending grant applications within DOJ components, such as COPS, OVW, SMART, OVC, OJJDP, BJA and BJS, and report that status to the inquiring tribes.

VII. Violence Against Women

Reducing violence against women and children in Native communities in New Mexico is a priority for the USAO and ICCS. All reports of sexual assault and/or domestic violence in Indian Country receive top priority and are immediately investigated unless there is clearly an absence of credible evidence that such crimes have been committed. The FBI takes the lead in all sexual assault investigations involving children under the age of 12 without regard to whether the case will be prosecuted in federal or tribal court, and the BIA takes the lead in all other sexual assault investigations. The BIA also assumes the lead in all domestic violence cases whenever it has been determined that a dangerous weapon was used, that the victim sustained serious bodily injuries, that the perpetrator crossed state or tribal boundaries with the requisite intent to commit the offense, or when the subject has a prior domestic violence conviction.

All reports of sexual assault and/or domestic violence will be reviewed by the USAO and will be considered for prosecution unless, in the judgment of the ICCS Supervisor and assigned AUSA, there are too many weaknesses in the case (lack of third party witnesses, lack of DNA evidence, recanting victims, etc.) to warrant an expectation that a conviction could be obtained.

The USAO has initiated a process to review records of all Indian Health Services facilities to ensure that every report of sexual assault made by a person appearing at an Indian Health Service facility seeking treatment results in a referral to law enforcement, and that all cases having credible evidence after investigation are pursued for charging. The USAO periodically will compare the number of sex assaults reported to the Indian Health Services to the number of FBI matters involving sex assault and will trace discrepancies case-by-case, to determine if any gaps in referring viable cases exist. The USAO will then close any gaps identified. The office will engage with IHS administrators to promote programs like SANE, which ensure that emergency room nurses have adequate quantities of rape kits and are trained to use, store and transmit them properly.

Domestic violence cases in Indian Country are a priority and will be treated accordingly. Further, it is recognized there are instances of misdemeanor level domestic violence in Indian Country committed by non-Indian offenders against Indian victims. In those cases, the BIA will assume the lead role in the investigation and the USAO will prosecute all such cases that meet its prosecution guidelines the same as it would for any felony level offense.

The Office on Violence Against Women selected the USAO for one of its Tribal Special AUSA Pilot Projects. The USAO has selected a seasoned tribal prosecutor with substantial experience prosecuting sexual assault and domestic violence cases arising in Indian Country, and has entered into a Memorandum of Understanding pursuant to which the tribal prosecutor will be designated as a Special AUSA and anticipates having the Special AUSA in place by October 1, 2011.

VIII. Accountability

All AUSAs in the Indian Country Crimes Section are required properly to report time spent on Indian Country matters by keeping the USA-5 and LIONS systems updated according to USAO and DOJ protocols. All AUSAs in the Indian Country Crimes Section have been trained on the proper use of the USA-5/5A system and its Indian Country categories to record their time properly, including at least weekly input of their time. This is reinforced by the USA-5 system implementation in the USAO, which will not allow AUSAs to input time more than a week after the fact, and by inclusion in all AUSAs' work plans of an element requiring timely input of accurate data into USA-5. The LIONS system is updated as significant case events occur, and case/matter data in the LIONS system is certified by AUSAs every six months. The USAO provides refresher training on the use of the USA-5 and LIONS systems and management's expectation of AUSAs in accounting for their time through its mandatory semi-annual training program.

Additionally, the Indian Country Crimes Section Supervisor maintains statistics on each Indian Country Crimes Section AUSA's total number of cases opened; number of cases and defendants charged; and number of pleas, sentencing, trials, declinations and appeals achieved. Management uses these statistics as a factor in performance evaluations, and as benchmarks to monitor and provide feedback to AUSAs on their performance.

District of New Mexico Tribal Liaison Coordinator

Glynette R. Carson McNabb
Supervisory Assistant U.S. Attorney
Indian Country Crimes Section
Office: 505.224.1524
Cell: 505.220.2472
E-mail: glynette.carson-mcnabb@usdoj.gov

District of New Mexico Individual Tribal Liaisons & Tribal Police Chiefs

PUEBLO OF ACOMA

Tribal Liaison

AUSA Kyle Nayback
Email: kyle.nayback@usdoj.gov
Office Phone: 505.224.1401
Cell Phone: 505.350.7630

Police Chief

Dominic Pargas
P.O. Box 468
Acoma, NM 87034
Office Phone: 505.552.6601/6602

PUEBLO OF COCHITI

Tribal Liaison

AUSA Jennifer M. Rozzoni
Email: Jennifer.rozzoni@usdoj.gov
Office Phone: 505.224.1460
Cell Phone: 505.350.6818

Police Chief

BIA- William McClure
4505 Columbine NE
Albuquerque, NM 87113
Office Phone: 505.346.2448

PUEBLO OF ISLETA

Tribal Liaison

Supervisory AUSA Glynette Carson McNabb
Email: Glynette.carson-mcnabb@usdoj.gov
Office Phone: 505.224.1524
Cell Phone: 505.220.2472

Police Chief

Vernon Alvarez
P.O. Box 699
Isleta, NM 87022
Office Phone: 505.869.6511

PUEBLO OF JEMEZ

Tribal Liaison

AUSA Presiliano Torrez
Email: presilliano.torrez@usdoj.gov
Office Phone: 505.224.1476
Cell Phone: 505.220.2441

Police Chief

Mike Toya
P.O. Box 708
Jemez Pueblo, NM 87024
Office Phone: 575.834.0468

JICARILLA APACHE NATION

Tribal Liaison

AUSA Presiliano Torrez
Email: presilliano.torrez@usdoj.gov
Office Phone: 505.224.1476
Cell Phone: 505.220.2441

Police Chief

Shannon Velarde
P.O. Box 890
Dulce, NM 87528
Office Phone: 575.759.3222/3223

PUEBLO OF KEWA

Tribal Liaison

AUSA Jack E. Burkhead
Email: Jack.burkhead@usdoj.gov
Office Phone: 505.224.1434
Cell Phone: 505.350.8113

Police Chief

BIA- William McClure
4505 Columbine NE
Albuquerque, NM 87113
Office Phone: 505.346.2448

PUEBLO OF LAGUNA

Tribal Liaison

AUSA Kyle Nayback
Email: kyle.nayback@usdoj.gov
Office Phone: 505.224.1401
Cell Phone: 505.350.7630

Police Chief

Michelle Ray
P.O. Box 194
Laguna Pueblo, NM 87026
Office Phone: 505.552.6654

MESCALERO APACHE NATION

Tribal Liaison

Supervisory AUSA Alfred Perez
Email: alfred.perez@usdoj.gov
Office Phone: 575.522-2338 ext. 232
Cell Phone: 575.915.5762

Police Chief

BIA – William Mitchell, Jr.
P.O. Box 189
Mescalero, NM 88340
Office Phone: 575.464.4451

PUEBLO OF NAMBE

Tribal Liaison

AUSA Mark T. Baker
Email: mark.baker@usdoj.gov
Office Phone: 505.224.1471
Cell Phone: 505.350-0205

Police Chief

BIA– Michael A. Perez
P.O. Box 4269, Fairview Station
Española, NM 87533
Office Phone: 505.753.1430/1431/1432

NAVAJO NATION

Tribal Liaison

Supervisory AUSA Gynette Carson McNabb
Email: gynette.carson-mcnabb@usdoj.gov
Office Phone: 505.224.1524
Cell Phone: 505.220.2472

Police Chief

John Billison
P.O. Box 3360,
Window Rock, AZ 86515
Office Phone: 928.871.6363

PUEBLO OF OHKAY OWINGEH

Tribal Liaison

AUSA Jack E. Burkhead
Email: jack.burkhead@usdoj.gov
Office Phone: 505.224.1434
Cell Phone: 505.350.8113

Police Chief

Donovan Trujillo
P.O. Box 42
Ohkay Owingeh, NM 87566
Office Phone: 505.852.2757

PUEBLO OF PICURIS

Tribal Liaison

AUSA Roberto Ortega
Email: roberto.ortega@usdoj.gov
Office Phone: 505.224.1519
Cell Phone: 505.681.4246

Police Chief

BIA– Michael A. Perez
P.O. Box 4269, Fairview Station
Española, NM 87533
Office Phone: 505.753.1430/1431/1432

PUEBLO OF POJOAQUE

Tribal Liaison

Supervisory AUSA Gynette Carson McNabb
Email: gynette.carson-mcnabb@usdoj.gov
Office Phone: 505.224.1524
Cell Phone: 505.220.2472

Police Chief

John Garcia
P.O. Box 58 Cities of Gold Rd., Suite 6
Santa Fe, NM 87506
Office Phone: 505.455.2295/2296

PUEBLO OF SANDIA

Tribal Liaison

AUSA Paul Spiers
Email: paul.spiers@usdoj.gov
Office Phone: 505.224.1512
Cell Phone: 505.263.7545

Police Chief

Isaac Lujan
481 Sandia Loop
Bernalillo, NM 87004
Office Phone: 505.890.1428

PUEBLO OF SAN FELIPE

Tribal Liaison

AUSA Jennifer M. Rozzoni
Email: Jennifer.rozzoni@usdoj.gov
Office Phone: 505.224.1460
Cell Phone: 505.350.6818

Police Chief

BIA- William McClure
4505 Columbine NE
Albuquerque, NM 87113
Office Phone: 505.346.2448

PUEBLO OF SAN ILDEFONSO

Tribal Liaison

AUSA Mark T. Baker
Email: mark.baker@usdoj.gov
Office Phone: 505.224.1471
Cell Phone: 505.350-0205

Police Chief

BIA- Michael A. Perez
P.O. Box 4269, Fairview Station
Española, NM 87533
Office Phone: 505.753.1430/1431/1432

PUEBLO OF SANTA ANA

Tribal Liaison

AUSA Paul Spiers
Email: paul.spiers@usdoj.gov
Office Phone: 505.224.1512
Cell Phone: 505.263.7545

Police Chief

Harry Betz
02 Dove Rd.
Bernalillo, NM 87004
Office Phone: 505.867.9178

PUEBLO OF SANTA CLARA

Tribal Liaison

AUSA Jack E. Burkhead
Email: jack.burkhead@usdoj.gov
Office Phone: 505.224.1434
Cell Phone: 505.350.8113

Police Chief

Leo Montoya
P.O. Box 580
Española, NM 87532
Office Phone: 505.753.2903

PUEBLO OF TAOS

Tribal Liaison

AUSA Roberto Ortega
Email: roberto.ortega@usdoj.gov
Office Phone: 505.224.1519
Cell Phone: 505.681.4246

Police Chief

Glen Weathers
P.O. Box 1846
Taos, NM 87571
Office Phone: 505.758.8645

PUEBLO OF TESUQUE

Tribal Liaison

Supervisory AUSA Gynette Carson McNabb
Email: gynette.carson-mcnabb@usdoj.gov
Office Phone: 505.224.1524
Cell Phone: 505.220.2472

Police Chief

Robert Frenier
Route 42, Box 360-T
Santa Fe, NM 87506
Office Phone: 505.988.9119

PUEBLO OF ZIA

Tribal Liaison

AUSA Shana B. Long
Email: shana.long@usdoj.gov
Office Phone: 505.224.1463
Cell Phone: 505.379-7231

Police Chief

BIA- William McClure
4505 Columbine NE
Albuquerque, NM 87113
Office Phone: 505.346.2448

PUEBLO OF ZUNI

Tribal Liaison

Supervisory AUSA Gynette Carson McNabb
Email: gynette.carson-mcnabb@usdoj.gov
Office Phone: 505.224.1524
Cell Phone: 505.220.2472

Police Chief

Timothy Trimble
P.O. Box 339
Zuni, NM 87327
Office Phone: 505.782-7057/7058

INDIAN COUNTRY NEWSLETTER

A NEWSLETTER FROM THE U.S. ATTORNEY'S OFFICE, DISTRICT OF NEW MEXICO

No. 22

APRIL 2011

MESSAGE FROM THE UNITED STATES ATTORNEY



UNITED STATES ATTORNEY
KENNETH J. GONZALES
DISTRICT OF NEW MEXICO

In 2009, President Obama designated April as Sexual Assault Awareness Month. This was significant because awareness months serve not only to highlight different issues that impact our society, but they also challenge citizens to learn more and to become involved in finding solutions to a collective problem. This April, I am heeding the President's call to be a partner in raising awareness on the issue of sexual violence, and I hope you will join me.

Sexual assault can be defined as any type of sexual contact or behavior that occurs by force or without the consent of the recipient of the unwanted sexual activity. Falling under the definition of sexual assault is sexual activity such as forced sexual intercourse, sodomy, child molestation, incest, fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity.

This devastating crime warrants our focused attention because it is often misunderstood and incorrectly portrayed. On the one hand, we are reluctant to talk about the issue. Yet, when sexual violence is discussed, it continues to be misunderstood. Victims are blamed and often shamed into silence. It's commonly believed that rape is something that only happens between strangers. This is not the case. Statistics show that the majority of rape victims know their perpetrator.

Regardless of whether you or someone you know has been personally affected by sexual violence, you have only to read the newspaper or turn on the television to realize the extensive nature of its impact on our society and around the world. Sexual violence knows no boundaries. It reaches people of every age, race, class, gender and sexual orientation. It affects entire communities from high schools, to college campuses, the work place and our own homes. Some populations are particularly vulnerable such as children, people with disabilities, and the elderly.

Whatever the circumstances, it must be said plainly and indisputably: no one asks or deserves to be sexually assaulted. Researchers estimate that about 18% of women in the United States report having been raped at some point in their lifetimes. For some populations, rates of sexual violence are even higher: nearly one in three American Indian and Alaska Native women will be sexually assaulted in her lifetime. Many men are also victims of sexual violence: 1 in 33 men will be victimized in his lifetime.

A deeper look at these numbers reveals another critical concern. Sexual assault remains one of the most under-reported crimes in America. In fact, the Department of Justice's Bureau of Justice Statistics reported that in 2008 less than half of rapes or sexual assaults against women were reported. Many victims will never seek justice for a host of reasons, including fear of not being believed, having to relive a traumatic experience, or fear of retri-

MESSAGE FROM THE UNITED STATES ATTORNEY

bution, to list a few. The effects on victims and society are profound. Many rape victims suffer severe long-term physical and emotional difficulties. They experience higher rates of depression, anxiety, post-traumatic stress disorder and even thoughts of suicide.

The level of sexual violence in Native communities is particularly disturbing. The Department of Justice has made addressing public safety in Indian Country a priority, and has held numerous listening sessions and consultations to hear from Native American leaders on ways we can work together to assist victims and hold offenders accountable. I also conducted a consultation with Native leaders in the District of New Mexico during which this issue received significant attention, and I have prioritized prosecution of sexual assault of Native women and children.

One sexual assault is one too many. From a criminal justice perspective, we must create an environment where victims feel safe reporting crimes to law enforcement so that they can begin to seek the justice they deserve. This April, I challenge every community in the District of New Mexico to learn more about sexual violence, to better understand its impact, and to take a stand against it. As the U.S. Attorney for the District of New Mexico and part of the Department of Justice, I view working for greater public safety not only as our job but as a moral imperative. My great hope is that more citizens will join in the quest to meet the needs of victims, hold offenders accountable, and put an end to sexual violence both in our Native communities and throughout the District of New Mexico.

KENNETH J. GONZALES
UNITED STATES ATTORNEY



Michael Errol Hayes, Navajo Nation. On June 1, 2010, District Judge M. Christina Armijo sentenced the defendant to 33 months imprisonment and three years supervised release on a conviction for two counts of assault resulting in serious bodily injury. The crimes occurred in San Juan County.

Alvin Charley, Navajo Nation. On June 10, 2010, a federal grand jury returned a two-count indictment charging the defendant with assault resulting in serious bodily injury and assault with a dangerous weapon, in connection with an incident in which the defendant assaulted an individual with a knife. The incident allegedly occurred in McKinley County. On December 7, 2010, the defendant entered a guilty plea to the assault resulting in serious bodily injury charge.

Willis Yazzie, Navajo Nation. On June 10, 2010, a federal grand jury returned an indictment charging the defendant with two counts of aggravated sexual abuse. The defendant is alleged to have committed the crimes within the boundaries of the Navajo Nation Reservation, in San Juan County.

Theron Reed, Bernellia Reed, Navajo Nation. On June 22, 2010, the defendants pleaded guilty to an indictment charging robbery and aiding and abetting. The crimes occurred in San Juan County. On November 10, 2010, Senior District Judge John E. Conway sentenced Defendant Theron Reed to 37 months imprisonment and three years supervised release on the conviction. Sentencing for Defendant Bernellia Reed is pending.

Diego Sandoval, San Felipe Pueblo. On June 23, 2010, the defendant entered a guilty plea to an indictment charging abusive sexual contact. On September 21, 2010, District Judge Judith C. Herrera sentenced the defendant to 36 months imprisonment and 10 years supervised release on the conviction.

Tyler Sando, Frederick Gachupin, Jemez Pueblo. On June 24, 2010, a federal grand jury returned an indictment charging the defendants with assault resulting in serious bodily injury and aiding and abetting. On September 27, 2010, Defendant Sando pleaded guilty to the indictment and to an information charging aban-

donment or abuse of a child. On the same date, Defendant Gachupin entered a guilty plea to assault resulting in serious bodily injury.

Patrick Baptiste, Navajo Nation. On June 24, 2010, an indictment was filed charging the defendant with first degree murder. The alleged incident occurred in McKinley County, within the boundaries of the Navajo Nation Reservation.

Richard Harry Yazzie, Navajo Nation. On June 24, 2010, a federal grand jury returned an indictment charging the defendant with assault resulting in serious bodily injury. The charge relates to an alleged incident which occurred within the boundaries of the Navajo Nation Reservation, in McKinley County.

Myron Jim Harry, Navajo Nation. An indictment was filed on June 24, 2010, charging the defendant with sexual abuse. The alleged incident occurred within the boundaries of the Navajo Nation Reservation, in San Juan County.

Eugene Charley, Navajo Nation. On June 24, 2010, a federal grand jury returned an indictment charging the defendant with abusive sexual contact. The charge relates to an alleged incident which occurred within the boundaries of the Navajo Nation Reservation, in McKinley County.

Waylon Begay, Navajo Nation. On June 29, 2010, the defendant entered a guilty plea to an indictment charging him with abandonment or abuse of a child. The crime occurred in San Juan County. On September 23, 2010, District Judge Judith Herrera sentenced him to a three-year term of probation.

Darren Lilly, Navajo Nation. On June 30, 2010, Chief District Judge Bruce Black sentenced the defendant to 24 months imprisonment and five years supervised release on a conviction for sexual abuse of a minor. The crime occurred in McKinley County.

Keith Mutte, Zuni Pueblo. On July 6, 2010, District Judge M. Christina Armijo sentenced the defendant to 20 months imprisonment and three years supervised

release on a conviction for assault resulting in serious bodily injury.

Michael Fuentes, San Ildefonso Pueblo. On July 6, 2010, District Judge M. Christina Armijo sentenced the defendant to nine months imprisonment and 27 months supervised release following a conviction for violation of conditions of supervised release.

Jasper Troy Cook, Navajo Nation. On July 7, 2010, District Judge James O. Browning sentenced the defendant to 63 months imprisonment and ten years supervised release on a conviction for sexual abuse of a minor. The crime occurred in McKinley County.

Franklin Bluelake, Navajo Nation. On July 7, 2010, the defendant entered a guilty plea to an indictment charging assault resulting in serious bodily injury. On October 27, 2010, District Judge James O. Browning sentenced the defendant to 120 months imprisonment and three years supervised release on the conviction. The crime occurred in McKinley County.

Bryan Commanche, Mescalero Apache. On July 7, 2010, Senior District Judge John E. Conway sentenced the defendant to 92 months imprisonment and three years supervised release following a conviction on two counts of assault resulting in serious bodily injury.

Gordon Hechilay, Zuni Pueblo. On July 12, 2010, District Judge William P. Johnson sentenced the defendant to 27 months imprisonment and three years supervised release on a conviction for mailing threatening communications.

Marvin Deschinny, Navajo Nation. On July 13, 2010, District Judge James O. Browning sentenced the defendant to three months imprisonment and one year supervised release on a conviction for violation of conditions of supervised release. Following a subsequent conviction for violation of such conditions, the defendant was sentenced on November 4, 2010, to five days imprisonment or time served and 18 months supervised release. The crimes occurred in San Juan County.

Sterling Silversmith, Navajo Nation. On July 13, 2010, a federal grand jury returned an indictment charging the defendant with two counts of assault with a dangerous weapon and two counts of assault resulting in serious bodily injury. The defendant is accused of assaulting two individuals with a knife. The incident allegedly occurred within the boundaries of the Navajo Nation Reservation, in McKinley County.

Jay Felix Johnson, Zuni Pueblo. On July 13, 2010, an indictment was filed charging the defendant with aggravated sexual abuse.

Nelson Mitchell, Jr., Navajo Nation. A federal grand jury returned an indictment on July 13, 2010, charging the defendant with failing to register under the Sex Offender Registration and Notification Act. The crime allegedly occurred in San Juan County.

Sterling Clyde, Navajo Nation. On July 14, 2010, a federal grand jury returned an indictment charging the defendant with aggravated sexual abuse. The alleged incident occurred within the boundaries of the Navajo Nation Reservation, in San Juan County.

Mark Castillo, Navajo Nation. On July 14, 2010, a federal grand jury returned a four-count indictment charging the defendant with assault with a dangerous weapon, assault resulting in serious bodily injury, using a firearm during and in relation to a crime of violence, and being a felon in possession of a firearm and ammunition. The crimes allegedly occurred in McKinley County.

Larro Begay, Navajo Nation. On July 14, 2010, the defendant entered a guilty plea to an indictment charging robbery and aiding and abetting. On December 8, 2010, Senior District Judge John E. Conway sentenced the defendant to 33 months imprisonment and three years supervised release for the convictions. The crimes occurred in San Juan County.

Farron Pat Foster, Navajo Nation. The defendant entered a guilty plea on July 15, 2010, to a one-count information charging a violation of interstate communications threatening bodily harm. Senior District Judge John E. Conway sentenced him on October 27,

2010, to a 24-month term of probation. The crime occurred in San Juan County.

Reuben Martin, Navajo Nation. On July 16, 2010, the defendant entered a guilty plea to an indictment charging robbery and aiding and abetting. The crimes occurred in San Juan County.

Alexander Hardin, Navajo Nation. On July 22, 2010, District Judge M. Christina Armijo sentenced the defendant to a 24-month term of probation following a conviction for assault resulting in serious bodily injury. The crime occurred in McKinley County.

Benjamin Hot, Navajo Nation. A federal grand jury returned an indictment on July 27, 2010, charging the defendant with failing to register under the Sex Offender Registration and Notification Act. On November 12, 2010, the defendant entered a guilty plea to the charge. The crime occurred in San Juan County.

Harold Jim, Navajo Nation. A federal grand jury returned an indictment on July 27, 2010, charging the defendant with failing to register under the Sex Offender Registration and Notification Act. The crime allegedly occurred in Bernalillo County.

Lolando Nez, Navajo Nation. On July 27, 2010, a federal grand jury returned an indictment charging the defendant with second degree murder. The crime allegedly occurred within the boundaries of the Navajo Nation Reservation, in McKinley County.

William Belin, Navajo Nation. On July 27, 2010, a four-count indictment was filed charging the defendant with assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury, and use of a firearm during and in relation to a crime of violence. The defendant is accused of assaulting an individual with a rifle. The incident allegedly occurred within the boundaries of the Navajo Nation Reservation, in San Juan County.

Velton Montana, Zuni Tribe. On July 27, 2010, Senior District Judge C. LeRoy Hansen sentenced the defendant to 12 months imprisonment and 22 months

supervised release following a conviction for violation of conditions of supervised release.

Augustine Mitchell, Navajo Nation. On July 28, 2010, the defendant pleaded guilty to an indictment charging assault with a dangerous weapon. The crime occurred in McKinley County.

Eric Eugene Multine, Navajo Nation. On July 30, 2010, District Judge James O. Browning sentenced the defendant to 60 months imprisonment and three years supervised release on a conviction for possession of a firearm during and in relation to a crime of violence. The crime occurred in San Juan County.

Dilbert Eddie, Navajo Nation. On July 30, 2010, District Judge James O. Browning sentenced the defendant to a 30-month term of imprisonment and three years supervised release on a conviction for involuntary manslaughter. The crime occurred in McKinley County.

Chebon Joe Wilson, Navajo Nation. The defendant pleaded guilty on August 2, 2010, to an information charging abusive sexual contact. On December 3, 2010, District Judge James O. Browning sentenced the defendant to 142 months imprisonment and 5 years supervised release on the conviction. The crime occurred in San Juan County.

Alfonso Ramirez, Zuni Tribe. On August 3, 2010, District Judge M. Christina Armijo sentenced the defendant to 77 months imprisonment and three years supervised release on a conviction for assault with a dangerous weapon.

Frederick Beach, Navajo Nation. On August 4, 2010, Senior District Judge John E. Conway sentenced the defendant to 300 months imprisonment and five years supervised release on a conviction for second degree murder. The crime occurred in McKinley County.

James Jackson, Taos Pueblo. On August 5, 2010, the defendant entered a guilty plea to an indictment charging assault resulting in serious bodily injury.

Jerome Roberts Harrison, Jicarilla Apache. On August 5, 2010, District Judge Judith C. Herrera sentenced the defendant to 24 months probation following a conviction for assault with a dangerous weapon.

Brian Sandoval, Navajo Nation. On August 5, 2010, District Judge M. Christina Armijo sentenced the defendant to two months imprisonment with credit for time served following a conviction for violation of conditions of supervised release. The crime occurred in McKinley County.

Camille Suzanne Lente, Isleta Pueblo. On August 5, 2010, Senior District Judge John E. Conway re-sentenced the defendant to 192 months imprisonment and three years supervised release on convictions for involuntary manslaughter, driving while intoxicated, and assault resulting in serious bodily injury.

Vinson Six, Navajo Nation. On August 6, 2010, the defendant entered a guilty plea to an indictment charging assault resulting in serious bodily injury. On November 4, 2010, Senior District Judge James A. Parker sentenced the defendant to 36 months imprisonment and three years supervised release on the conviction. The crime occurred in McKinley County.

Calbert Henderson, Navajo Nation. Defendant entered a guilty plea on August 10, 2010 to an information charging assault with a dangerous weapon. The crime occurred in McKinley County.

Emery Calabaza, Santo Domingo Pueblo. On August 10, 2010, a federal grand jury returned an indictment charging the defendant with sexual abuse of a minor.

Michael Coriz, Santo Domingo Pueblo. On August 13, 2010, the defendant entered a guilty plea to the charge of abusive sexual contact of a minor.

Nelvin Ray Willie, Navajo Nation. The defendant entered a guilty plea on August 16, 2010, to the charge of assault resulting on serious bodily injury.

Andrew Rivas, Tesuque Pueblo. On August 20, 2010, United States Magistrate Judge W. Daniel Sch-

neider sentenced the defendant to a three-year term of probation following a conviction for assault by striking, beating or wounding.

Andrae Toledo, Navajo Nation. On August 23, 2010, the defendant entered a guilty plea to an indictment charging him with maiming an individual. On November 22, 2010, District Judge William P. Johnson sentenced him to 41 months imprisonment and three years supervised release on the conviction. The crime occurred in McKinley County.

Larry Emerson, Navajo Nation. On August 24, 2010, District Judge Judith C. Herrera sentenced the defendant to 18 months imprisonment and three years supervised release on a conviction for arson. The crime occurred in San Juan County.

Felix Washburn, Navajo Nation. An indictment was filed on August 25, 2010, charging the defendant with the involuntary manslaughter of an individual, allegedly in connection with operating a motor vehicle while under the influence of alcohol. The alleged incident occurred in San Juan County.

Derrick Jones Yazzie, Navajo Nation. On August 25, 2010, an indictment was filed charging the defendant with the arson of a residence. The incident allegedly occurred in Newcomb, San Juan County, New Mexico, within the boundaries of the Navajo Nation Reservation. On November 10, 2010, the defendant pleaded guilty to the charge.

Scott Daniel Benavidez, Santa Ana Pueblo. A federal grand jury returned an indictment on August 25, 2010 charging the defendant with assault with a dangerous weapon. The defendant is accused of assaulting a Santa Ana Pueblo officer with a vehicle.

Tony Curtis, Jr., Navajo Nation. On August 25, 2010, a federal grand jury returned a two-count indictment against the defendant, charging him with assault resulting in serious bodily injury and assault with a dangerous weapon. The defendant is accused of assaulting an individual with a hand-held sledge hammer. The incident allegedly occurred in McKinley County.

John Dinae, Jr., Navajo Nation. On August 31, 2010, District Judge James O. Browning sentenced the defendant to 18 months imprisonment and one year supervised release following a conviction for abusive sexual contact. The crime occurred in San Juan County.

Eric Begay, Navajo Nation. On September 8, 2010, District Judge Judith C. Herrera sentenced the defendant to 144 months imprisonment and 3 years supervised release on convictions for one count of maiming and two counts of assault resulting in serious bodily injury. The crimes took place in Cibola County.

Norman Martinez, Navajo Nation. On September 9, 2010, District Judge M. Christina Armijo sentenced the defendant to 33 months imprisonment and three years supervised release on a conviction for assault resulting in serious bodily injury. The crime took place in Sandoval County.

Paul Callado, Jr., Jicarilla Apache. On September 9, 2010, the defendant entered a guilty plea to an information charging involuntary manslaughter. On December 10, 2010, District Judge James O. Browning sentenced the defendant to 46 months imprisonment and three years supervised release for the conviction.

Daniel Walters, Navajo Nation. On September 13, 2010, the defendant pleaded guilty to an information charging assault resulting in serious bodily injury. The crime occurred in Cibola County.

Nathan Don Jack, Navajo Nation. On September 15, 2010, a jury convicted the defendant of the second degree murder of Jessica Shorty while he was on release from an earlier conviction for assault resulting in serious bodily injury. District Judge William P. Johnson subsequently sentenced him to life imprisonment for the conviction. The crime occurred in San Juan County.

Floyd Lewis Trujillo, Navajo Nation. On September 15, 2010, District Judge James O. Browning sentenced the defendant to 150 months imprisonment and 5 years supervised release on convictions for voluntary manslaughter and use of a firearm in relation to a crime of violence. The crimes occurred in Sandoval County.

Alexandria Lee Tsalabutie, Zuni Tribe. On September 16, 2010, a federal grand jury returned a four-count indictment charging the defendant with distribution of cocaine, use of a telephone to facilitate a drug trafficking offense, distribution or manufacturing in or near schools and colleges, and distribution or manufacturing in or near a housing facility owned by a public housing authority. The charges relate to the defendant's alleged drug trafficking activity in or near a housing facility owned by the Native Housing Authority, a public housing authority located within the boundaries of the Zuni Pueblo.

David Gene Chavez, Jr., Zuni Tribe. On September 16, 2010, a federal grand jury returned an indictment charging the defendant with three counts of distribution of cocaine and aiding and abetting, as well as three counts of distribution or manufacturing in or near a housing facility owned by a public housing authority. The charges relate to the defendant's alleged drug trafficking activity in or near a housing facility owned by the Native Housing Authority, a public housing authority located within the boundaries of the Zuni Pueblo.

Derrick Ivan Jim, Navajo Nation. On September 16, 2010, an indictment was filed charging the defendant with one count of aggravated sexual abuse. The crime allegedly occurred in San Juan County.

David Pino, Navajo Nation. On September 17, 2010, the defendant entered a guilty plea to an information charging him with a violation of aggravated sexual abuse. On December 22, 2010, District Judge James O. Browning sentenced him to 240 months imprisonment and five years supervised release for the conviction. The crime occurred in Socorro County.

Pierre Benally, Navajo Nation. On September 21, 2010, District Judge M. Christina Armijo sentenced the defendant to six months imprisonment for his conviction on a simple assault charge. The crime occurred in McKinley County.

Frederick Johnson, Navajo Nation. On September 24, 2010, the defendant entered a guilty plea to an information charging assault by striking, beating or wounding. The crime occurred in McKinley County.

Leon Ray Sanchez, San Felipe Pueblo. On September 27, 2010, the defendant entered a guilty plea to an indictment charging second degree murder.

Anthony James Atencio, Santa Clara Pueblo. On September 28, 2010, Chief District Judge Bruce D. Black sentenced the defendant to 27 months imprisonment and 3 years supervised release following a conviction for assault resulting in serious bodily injury.

Wilbert Seciwa, Zuni Pueblo. On September 28, 2010, Chief District Judge Bruce D. Black sentenced the defendant to 36 months imprisonment and five years supervised release following his conviction for aggravated sexual abuse of a child.

Kayla Gachupin, Jemez Pueblo. The defendant entered a guilty plea on September 28, 2010 to an information charging her with conspiring to commit abandonment or abuse of a child. On December 28, 2010, District Judge William P. Johnson sentenced the defendant to an 18-month term of probation on the conviction.

Verdie Chavez, Navajo Nation. On September 29, 2010, a federal grand jury returned a three-count superseding indictment charging the defendant with second degree murder, involuntary manslaughter, and assault resulting in serious bodily injury. The charges relate to an incident in which the defendant is accused of causing the death of an individual in connection with her operation of a motor vehicle while under the influence of alcohol. The alleged incident occurred in McKinley County, within the boundaries of the Navajo Nation Reservation.

Benny T. Blueeyes, Navajo Nation. On September 29, 2010, an indictment was returned charging the defendant with one count of assault resulting in serious bodily injury. The alleged incident occurred in San Juan County, within the boundaries of the Navajo Nation Reservation.

Christian Trancosa and Jonathan Gallegos, Sandia Pueblo. A four-count indictment was filed on September 29, 2010, charging the defendants with conspiracy, robbery, assault with a dangerous weapon and use of a

firearm during a crime of violence. The charges relate to an incident in which the defendants are alleged to have robbed an individual on the Sandia Pueblo.

Kathleen Lovato, Santo Domingo Pueblo. On September 29, 2010, a federal grand jury returned an indictment charging the defendant with abandonment or abuse of a child.

Herbert Harwood, Navajo Nation. On September 29, 2010, a federal grand jury returned an indictment charging the defendant with involuntary manslaughter. The charges relate to an incident which occurred in San Juan County, within the boundaries of the Navajo Nation Reservation, in which the defendant is alleged to have caused the death of an individual while operating a motor vehicle under the influence of alcohol.

Brian Thompson, Presley Shorty, Kelvin Augustine, and Byron Pahe, Navajo Nation. On September 29, 2010, an indictment was filed charging Brian Thompson and Presley Shorty with second degree murder. The indictment further charged Defendant Thompson with assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury, and use of a firearm during and in relation to a crime of violence. Additionally, the indictment charged Defendant Augustine with misprision of a felony, and Defendant Pahe with accessory after the fact. The charges relate to an incident which occurred in McKinley County, within the boundaries of the Navajo Nation Reservation, involving the murder of an individual and the assault of another.

Rhiannon Lynn Yazzie, Navajo Nation. On October 12, 2010, District Judge M. Christina Armijo sentenced the defendant to 37 months imprisonment and three years supervised release following a conviction for involuntary manslaughter. The crime occurred in McKinley County.

Wallace Buck III, Navajo Nation. On October 13, 2010, District Judge Judith C. Herrera sentenced the defendant to 30 months imprisonment and three years supervised release following a conviction for involuntary manslaughter. The crime occurred in San Juan County.

Matthew John, Navajo Nation. On October 13, 2010, the defendant entered a guilty plea to involuntary manslaughter. The crime occurred in San Juan County.

Myron Robert Lee, Navajo Nation. On October 13, 2010, District Judge James O. Browning sentenced the defendant to 33 months imprisonment and three years supervised release for convictions on two counts of assault resulting in serious bodily injury. The crimes occurred in McKinley County.

Edison Morgan, Navajo Nation. On October 18, 2010, the defendant entered a guilty plea to an information charging him with one count of assault by striking, beating, or wounding, and was sentenced by District Judge James O. Browning to 434 days imprisonment or time served. The crime occurred in McKinley County.

Adrian Mike, Navajo Nation. On October 18, 2010, District Judge William P. Johnson sentenced the defendant to an eight-month term of imprisonment for a conviction on a violation of conditions of supervised release. The crime occurred in San Juan County.

Donna Elizabeth Comanche, Mescalero Apache. On October 18, 2010, the defendant entered a guilty plea to an information charging her with sexual abuse of a minor.

Virgil Martin, Navajo Nation. On October 19, 2010, the defendant entered a guilty plea to an information charging assault resulting in serious bodily injury. The crime occurred in Sandoval County.

Lincoln Charlie, Navajo Nation. On October 21, 2010, the defendant pleaded guilty to an indictment charging him with failing to register as a sex offender. The crime occurred in McKinley County.

Leroy Allen, Navajo Nation. On October 25, 2010, the defendant pleaded guilty to an information charging aggravated sexual abuse. The crime occurred in San Juan County.

Isaac Gordo, Navajo Nation. On October 26, 2010, District Judge M. Christina Armijo sentenced the de-

endant to eight years imprisonment and five years supervised release on convictions for aggravated sexual abuse, kidnaping, assault with a dangerous weapon, assault resulting in serious bodily injury, and carjacking. The crimes occurred in McKinley County.

Gerald Begay, Navajo Nation. On October 26, 2010, the defendant entered a guilty plea to an information charging assault resulting in serious bodily injury. The crime occurred in Sandoval County.

Lucas Michael Ray Toledo, Jemez Pueblo. On October 27, 2010, an indictment was filed charging the defendant with first-degree murder. The defendant is accused of the premeditated murder of an individual, by stabbing him with a knife and beating him with a shovel.

Michael Lyle Harrison, Navajo Nation. A federal grand jury returned a four-count indictment on October 27, 2010, charging the defendant with assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury, and abandonment or abuse of a child. The defendant is accused of assaulting an individual with a knife, and endangering a child. The crimes allegedly occurred in San Juan County.

Diono H. Pete, Navajo Nation. On October 27, 2010, an indictment was filed charging the defendant with assault resulting in serious bodily injury. The crime allegedly occurred in San Juan County.

Irving Bitsilly, Navajo Nation. The defendant pleaded guilty on October 29, 2010 to an indictment charging him with sexual abuse. The crime occurred in McKinley County.

Nathaniel Ben Ashley, Navajo Nation. On November 1, 2010, the defendant pleaded guilty to an indictment charging involuntary manslaughter.

Linda Diaz, Pojoaque Pueblo. On November 2, 2010, Senior District Judge C. LeRoy Hansen sentenced the defendant to twelve months plus one day imprisonment and one year supervised release following her conviction for knowingly leaving the scene of

an accident resulting in great bodily harm or death. The defendant is appealing the conviction.

Kelly Spencer Hobbs, Navajo Nation. On November 4, 2010, District Judge William P. Johnson sentenced the defendant to 51 months imprisonment and five years supervised release following a conviction for sexual abuse of a minor. The crime occurred in McKinley County.

Kerley Biggs, Navajo Nation. On November 4, 2010, Senior District Judge James A. Parker sentenced the defendant to six months imprisonment and 30 months supervised release following a conviction for violation of conditions of supervised release. The crime occurred in McKinley County.

Wesley Rogers, Navajo Nation. The defendant pleaded guilty on November 5, 2010, to the charge of abusive sexual contact. The crime occurred in McKinley County.

Kinslen Smith, Navajo Nation. On November 10, 2010, a two-count indictment was filed charging the defendant with assault with a dangerous weapon and assault resulting in serious bodily injury. The defendant is accused of assaulting an individual with steel-toed boots and a reclining wooden chair. The crimes allegedly occurred in McKinley County.

Preston Yazzie, Navajo Nation. A federal grand jury returned an indictment on November 10, 2010, charging the defendant with assault resulting in serious bodily injury. The alleged incident occurred within the boundaries of the Navajo Nation Reservation, in San Juan County.

Gilbert Hildreth, Navajo Nation. On November 10, 2010, a federal grand jury returned a three-count indictment charging the defendant with assault with a dangerous weapon, assault resulting in serious bodily injury, and aggravated sexual abuse. In addition to sexual assault, the defendant is accused of assaulting a woman with a log. The crimes allegedly occurred in McKinley County.

Richaline Atole, Jicarilla Apache. A federal grand jury returned an indictment on November 10, 2010, charging the defendant with the involuntary manslaughter of an individual allegedly in connection with operating a motor vehicle while under the influence of alcohol.

Melvin Clyde Collins, Laguna Pueblo. On November 18, 2010, District Judge William P. Johnson sentenced the defendant to 41 months imprisonment following a conviction for violation of conditions of supervised release. The crime occurred in Cibola County.

Leander Joseph Valdo, Acoma Pueblo. The defendant pleaded guilty on November 19, 2010, to an indictment charging sexual abuse.

Nelson Begay, Navajo Nation. On December 1, 2010, an indictment was filed charging the defendant with failing to register as required by the Sex Offender Registration and Notification Act. The crime allegedly occurred in San Juan County.

James Victor Eckleberry and Matthew Tafoya, Jr., Santa Clara Pueblo. On December 1, 2010, a federal grand jury returned a five-count indictment against defendants charging them with the burglary of a residence. Defendant Eckleberry was also charged with assaulting an individual with a baseball bat and retaliating against him for giving information to police officers relating to the commission of a federal offense. The alleged crimes occurred within the boundaries of the Santa Clara Pueblo.

Nathan Aaron Roanhorse, Navajo Nation. An indictment was returned on December 1, 2010, charging the defendant with assault with a dangerous weapon and assault resulting in serious bodily injury. The defendant is accused of assaulting an individual with a fist-sized rock. The crimes allegedly occurred in McKinley County.

Amos Joe, Navajo Nation. On December 1, 2010, a federal grand jury returned an indictment charging the defendant with aggravated sexual abuse. The alleged incident occurred within the boundaries of the Navajo Nation Reservation, in San Juan County.

Jace Bobelu, Zuni Pueblo. On December 1, 2010, the defendant was indicted on charges of assault with a dangerous weapon and assault resulting in serious bodily injury. The defendant is accused of assaulting an individual with a knife. The alleged incident occurred within the boundaries of the Navajo Nation Reservation, in McKinley County.

Elbert Barber, Jr., Navajo Nation. On December 2, 2010, the defendant entered a guilty plea to one count of second degree murder and two counts of robbery, and was sentenced by District Judge Martha Vazquez to 240 months imprisonment and five years supervised release on the convictions. The crimes occurred in San Juan County.

Chancey Begay, Jarin Scott, Navajo Nation. On December 7, 2010, Defendant Begay entered a guilty plea to an indictment charging assault with a dangerous weapon. On December 8, 2010, Defendant Scott pleaded guilty to the same offense. The crimes occurred in San Juan County.

Taylor Carroll, Navajo Nation. On December 15, 2010, a federal grand jury returned a three-count indictment charging the defendant with assault with a dangerous weapon, assault resulting in serious bodily injury, and aggravated sexual abuse. In addition to sexually assaulting a woman, the defendant is also accused of assaulting another individual with a cane. The crimes occurred in McKinley County.

Justin Kenneth, Navajo Nation. On December 15, 2010, an indictment was filed charging the defendant with aggravated sexual abuse. The crime allegedly occurred in McKinley County.

Patrick J. Valencia, San Felipe Pueblo. On December 15, 2010, a federal grand jury returned an indictment charging the defendant with one count of abusive sexual contact and two counts of sexual abuse.

Matthew Archie Johnson, Navajo Nation. The defendant was charged on December 15, 2010, with assault resulting in serious bodily injury. The alleged incident occurred within the boundaries of the Navajo Nation Reservation, in San Juan County.

Jennifer Leah Brown, Navajo Nation. On December 15, 2010, the defendant was indicted on charges of assault with a dangerous weapon and assault resulting in serious bodily injury. The defendant is accused of assaulting an individual with a knife. The crimes allegedly occurred in McKinley County.

Kyle Julian, Jicarilla Apache. On December 16, 2010, the defendant entered a guilty plea to an indictment charging assault with a dangerous weapon.

Samuel Harrison Platero, Navajo Nation. On December 16, 2010, District Judge Martha Vazquez sentenced the defendant to four months imprisonment and 12 months supervised release on a conviction for a violation of conditions of supervised release. The crime occurred in McKinley County.

Gene Ahidley, Mescalero Apache. On December 20, 2010, a federal grand jury returned an indictment charging the defendant with assault resulting in serious bodily injury and assault with a dangerous weapon. The defendant is accused of assaulting an individual with a tree limb.

Lukacema Gillie Yazzie, Navajo Nation. On December 28, 2010, a federal grand jury charged the defendant with assault with a dangerous weapon. The alleged incident occurred within the boundaries of the Navajo Nation Reservation, in San Juan County.

Linden Troy Qualo, Navajo Nation. On December 28, 2010, an indictment was filed charging the defendant with sexually abusing a minor. The alleged incident occurred within the boundaries of the Navajo Nation Reservation, in McKinley County.

Calvert Lee Woody, Navajo Nation. A federal grand jury returned an indictment on December 28, 2010 charging the defendant with assault with a dangerous weapon. The defendant is accused of striking an individual with a vehicle. The alleged incident occurred within the boundaries of the Navajo Nation Reservation, in McKinley County.

Eddie Chaco, Jr., Navajo Nation. On December 29, 2010, the defendant was indicted on three counts of aggravated sexual abuse. The crimes allegedly occurred in Cibola County.

JUVENILE CASE UPDATES

Navajo Nation. On June 8, 2010, a Navajo juvenile pleaded guilty to an information charging aggravated sexual abuse. On June 21, 2010, District Judge William P. Johnson sentenced the juvenile to a 36-month term of probation for the conviction. The crime occurred in McKinley County.

Jemez Pueblo. On June 24, 2010, a one-count information was filed charging a Jemez Pueblo juvenile with assault resulting in serious bodily injury. The defendant entered a guilty plea to the charge on September 14, 2010, and was sentenced by District Judge William P. Johnson on October 5, 2010, to a three-year term of probation.

Jemez Pueblo. On June 24, 2010, a one-count information was filed charging a Jemez Pueblo juvenile with assault resulting in serious bodily injury. The defendant entered a guilty plea to the charge on September 17, 2010, and was sentenced by District Judge William P. Johnson on October 14, 2010, to a three-year term of probation.

Navajo Nation. On July 1, 2010, a Navajo juvenile entered a guilty plea to an information charging two counts of aggravated sexual abuse of a child under 12. On August 23, 2010, District Judge William P. Johnson sentenced the juvenile to a three-year term of probation for the offense. The crimes occurred in McKinley County.

Navajo Nation. On July 12, 2010, District Judge James O. Browning sentenced a Navajo juvenile to a four-month term of imprisonment following a conviction for violation of conditions of supervised release. The crime occurred in San Juan County.

Navajo Nation. On July 22, 2010, a Navajo juvenile pleaded guilty to an information charging aggravated sexual abuse of a child under 12. On August 30, 2010,

Chief District Judge Bruce D. Black sentenced the juvenile to a three-year term of probation, or probation up to age 21. The crime occurred in McKinley County. **Navajo Nation.** On August 3, 2010, District Judge M. Christina Armijo sentenced a Navajo juvenile to 12 months imprisonment less 127 days, and 29 months supervised release following a conviction for violation of conditions of supervised release. The crime occurred in San Juan County.

Laguna Pueblo. On August 17, 2010, a Laguna Pueblo juvenile pleaded guilty to an information charging second degree murder. On September 14, 2010, District Judge Judith C. Herrera sentenced the juvenile to a term of imprisonment until age 21, followed by a 2-year term of supervised release.

Navajo Nation. On August 25, 2010, District Judge James O. Browning sentenced a Navajo juvenile to time-served and a term of supervised release until age 21, following a conviction for violation of conditions of supervised release. The crime occurred in Cibola County.

Navajo Nation. On September 15, 2010, a Navajo juvenile pleaded guilty to an information charging assault with a dangerous weapon. Chief District Judge Bruce D. Black sentenced the juvenile on October 19, 2010, to a term of probation up to age 21. The crime occurred in Sandoval County.

Navajo Nation. On November 3, 2010, an information was filed charging a Navajo juvenile with aggravated sexual abuse. The alleged crime occurred in Cibola County.

Please contact Glynette Carson-McNabb Supervisory Assistant United States Attorney, Indian Country Crimes Section, at glynette.carson-mcnabb@usdoj.gov and 505.224.1524, if you have any questions regarding the information in the Indian Country Newsletter.

INDIAN COUNTRY NEWSLETTER

A NEWSLETTER FROM THE U.S. ATTORNEY'S OFFICE, DISTRICT OF NEW MEXICO

No. 23

JULY 2011

MESSAGE FROM THE UNITED STATES ATTORNEY



UNITED STATES ATTORNEY
KENNETH J. GONZALES
DISTRICT OF NEW MEXICO

Prescription painkillers have become the drug of choice in Indian country. The increasing misuse of prescription drugs is a nationwide problem – in fact, it is the nation's fastest growing drug problem. Yet it appears heavily prominent in Indian Country. American Indians abuse pharmaceuticals at more than double the rate of white Americans according to a 2009 federal study from the Substance Abuse and Mental Health Services Administration.

Prescription drug abuse has reached epidemic proportions when it comes to teens. Although there has been a decrease in the use of some illegal drugs, like cocaine, the National Survey on Drug Use and Health shows that nearly a third of the people aged 12 and older who used drugs for the first time in 2009 began by using a prescription drug for non-medical purposes. The Survey also showed that over 70% of the people who abused prescription pain relievers got their first doses from friends or relatives. Only 5% got them from a drug dealer or from the Internet.

The latest Monitoring the Future Study – the nation's largest survey of drug use among young people which is sponsored by the National Institute on Drug Abuse, National Institutes of Health – reveals that prescription drugs are the second most abused category of drugs after marijuana. The statistics on teen prescription drug abuse are staggering and troubling:

- Prescription drugs are the drug of choice for 12-to-13 year olds.
- Every day, 2,500 teens use a prescription drug to get high for the very first time.
- One third of all new prescription drug abusers in 2006 were 12-to-17 year olds.
- One in seven teens admit to abusing prescription drugs within the past year. Sixty percent of teens who abused prescription painkillers did so before the age of 15.
- In 2009, 7 million Americans aged 12 years and older abused prescription drugs for non-medical purposes every month, up from 6.2 million in 2008 – a 13% increase in just one year.
- Although a variety of prescription drugs are being abused by teens, the drugs most commonly abused by teens are painkillers like OxyContin and Vicodin.
- Among 12th graders, the abuse of OxyContin increased 30% between 2002 and 2010.

Teens are abusing prescription drugs like OxyContin because many believe the myth that these drugs provide a “safe” high because they are “legal,” easily available, and not addictive. But these drugs are anything but safe and they are highly addictive. There has been a dramatic increase in the number of poisonings and even deaths associated with the abuse of prescription drugs. And some teens are using prescription drugs with alcohol and other drugs, which sometimes leads to dangerous drug interactions and other medical consequences. Other teenagers become addicted to prescription drugs and then transition to other illegal narcotics.

MESSAGE FROM THE UNITED STATES ATTORNEY

Here in the District of New Mexico, the trend is for teens to transition from painkillers like OxyContin to heroin, sometimes with tragic consequences. Some of you may have read news reports about Haley Paternoster, Nathan Weatherfield and Michael Duran, Jr., Albuquerque teenagers who died from heroin overdoses. Their addictions started with OxyContin and then they transitioned to heroin, a drug that provides a similar high for less money.

The availability of prescription drugs is a growing problem for all of us, especially our children, and we in the law enforcement community are targeting health care providers, including doctors and pharmacists, and others who illegally traffick in these drugs. But law enforcement alone is not enough. In addition to controlling access to prescription drugs within our homes, we need to work together to get the word out on the perils of prescription drug abuse, especially those confronting our children. We need to get the word out not only to children but also to their parents.

Prescription drug abuse and the concomitant transition to heroin is today's new dirty little secret that many parents are reluctant to talk about. Parents cannot admit that their children are drug addicts. And so, they ignore the warning signs until it is too late and their children have transitioned to heroin – a habit that is very hard to break. A habit that can be deadly.

Earlier this year, I met with a mother who told me that she did not realize her son was a heroin addict until eight months after he started using heroin. Like many teens, her son started with OxyContin – a drug prescribed to him for a sports injury – and transitioned to heroin when he could no longer afford illegal OxyContin. Even though her son quit sports, started failing his classes, and started sleeping through the day, she did not know that he was using drugs. By the time she learned about his drug use, he was addicted to heroin. Since then, she has devoted herself to helping her son overcome his addiction and educating other parents and teens on the perils of prescription drug abuse.

When we met, this mother asked me to help draw attention to the risks that our children are facing when it comes to prescription drugs. She asked me to do this so other parents will not have to take on her struggle with their own children. That is why I am using my Newsletter message to discuss this growing threat to families throughout our nation, including our Native communities. I want to use my Newsletter message to urge each and every one of you to learn more about the growing problem of prescription drug abuse, and to guard against the perils that it poses for you, your families and your communities.

KENNETH J. GONZALES
UNITED STATES ATTORNEY



Emery Calabaza, Kewa Pueblo.

On January 3, 2011, the defendant pled guilty to an indictment charging him with engaging in a sexual act with a minor between the age of twelve and sixteen. The defendant faces up to 15 years imprisonment and will be required to register as a sex offender.

Tyler Sando and Frederick Gachupin, Jemez Pueblo.

On January 4, 2011, the defendants were sentenced to terms of imprisonment based on federal assault convictions. Sando was sentenced to 27 months imprisonment and Gachupin was sentenced to 24 months imprisonment.

Nephi Chato, Navajo Nation.

On January 6, 2011, the defendant pled guilty to five counts of a seven-count federal indictment charging him with marijuana trafficking offenses. The defendant faces up to 20 years imprisonment and a maximum \$500,000 fine at sentencing.

Nelvin Willie, Navajo Nation.

On January 6, 2011, the defendant was sentenced to a 12 month term of imprisonment. The defendant was charged with assault with a deadly weapon and assault resulting in serious bodily injury.

Nathan Don Jack, Navajo Nation.

On January 11, 2011, the defendant was sentenced to life imprisonment based on his second degree murder conviction. The defendant was convicted of murdering his common-law wife who was the mother of his three children. Blunt force trauma to the head and asphyxia were found to have been the cause of her death.

Kinslen Smith, Navajo Nation.

On January 11, 2011, the defendant pled guilty to assault with a dangerous weapon and assault resulting in serious bodily injury. The defendant assaulted his sister by strangling her, kicking her with his steel-toed boots, and hitting her with a wooden chair.

Lathaniel N. Scott, Navajo Nation.

On January 11, 2011, the defendant was sentenced to 30 months imprisonment for failing to register as a sex

offender. Under the Sex Offender Registration and Notification Act, Scott was required to maintain current registrations.

Michael Coriz, Kewa Pueblo.

On January 12, 2011, the defendant was sentenced to 18 months imprisonment for a child sex abuse conviction. The defendant was charged with sexual contact of a female child under the age of twelve.

Ryan Velarde aka Ryan Tsosie, Navajo Nation.

An indictment was filed on January 12, 2011, charging the defendant with aggravated sexual abuse. The defendant is accused of engaging in a sexual act with a female under the age of 12.

Cameron Kalestewa, Zuni Pueblo.

An indictment was filed on January 12, 2011, charging the defendant with second degree murder. The defendant is accused of killing the victim by stabbing him with a knife.

Lolando Nez, Navajo Nation.

On January 14, 2011, the defendant entered a guilty plea to a federal voluntary manslaughter charge. The cause of death was blunt force trauma to the head.

Derrick Frank, Navajo Nation.

An indictment was filed on January 19, 2011, charging the defendant with second degree murder. The defendant is alleged to have stabbed the victim to death.

Jones Neha, Zuni Pueblo.

On January 24, 2011, the defendant entered a guilty plea to an information charging him with abusive sexual contact of a child under the age of 12. At sentencing Neha faces a maximum of life imprisonment.

Gerald Begay and Virgil Martin, Navajo Nation.

On January 27, 2011, the defendants were sentenced to a one year and one day term of imprisonment and three years supervised release following convictions in October 2010 for assault resulting in serious bodily injury. The incident giving rise to the charges occurred on the Navajo Nation Reservation near Counselor, NM.

Leroy Allen, Navajo Nation.

On January 28, 2011, the defendant was sentenced to a 16 year prison sentence on his conviction for aggravated sexual assault. The defendant will be required to register as a sex offender upon his release from prison.

Irvin Bitsilly, Navajo Nation.

On February 1, 2011, the defendant was sentenced to a five year term of imprisonment based on his conviction for sexual abuse. Following his imprisonment, the defendant will be required to register as a sex offender.

Nelson Mitchell, Navajo Nation.

On February 3, 2011, the defendant was sentenced to an 18 month term of imprisonment for failing to register as a sex offender.

Kaul Ray Duffy, Mescalero Apache Tribe.

On February 8, 2011, the defendant pled guilty to assault resulting in serious bodily injury. The defendant admitted that he assaulted his girlfriend by choking and beating her. Under the terms of the plea agreement the defendant will receive a sentence of five years of imprisonment.

Derrick Ivan Jim, Navajo Nation.

On February 8, 2011, the defendant pled guilty to an aggravated sexual abuse charge. Under the terms of the plea agreement the defendant will be sentenced to at least 151 months of prison but no more than 188 months. The defendant will also be required to register as a sex offender.

Willis Yazzie, Navajo Nation.

On February 9, 2011, the defendant pled guilty to aggravated sexual abuse. Under the terms of his plea agreement, The defendant will be sentenced to no less than 15 years and no more than 19 years of imprisonment. He will be required to register as a sex offender.

Leander Valdo, Acoma Pueblo.

On February 10, 2011, the defendant was sentenced to 72 months imprisonment based on his conviction for aggravated sexual abuse. Valdo will be required to

register as a sex offender.

Anthony Manuelito, Navajo Nation.

On February 14, 2011, the defendant was sentenced to 16 months imprisonment based on his conviction for failing to register as a sex offender under the Sex Offender Registration and Notification Act (SORNA).

Richaline Atole, Jicarilla Apache Tribe.

On February 15, 2011, the defendant pled guilty to involuntary manslaughter. Atole admitted to killing a man while operating a motor vehicle under the influence of alcohol. The defendant faces up to eight years federal imprisonment and a maximum fine of \$250,000.

Gordon Jeremiah Nez, Navajo Nation.

On February 17, 2011, the defendant was sentenced to 92 months imprisonment for engaging in sexual contact with a child under the age of 12. The defendant will be required to register as a sex offender.

Lincoln Charlie, Navajo Nation.

On February 17, 2011, the defendant was sentenced to 18 months imprisonment based on his conviction for failing to register as a sex offender under the Sex Offender Registration and Notification Act (SORNA).

Byron Pahe, Navajo Nation.

On February 18, 2011, the defendant entered a guilty plea to a misdemeanor information charging simple assault. The assault resulted from his involvement in a fight which occurred at the Navajo Housing Authority in Crownpoint, NM.

Reuben H. Martin, Navajo Nation.

On February 23, 2011, the defendant was sentenced to a 41 month term of imprisonment for armed robbery of the Nachitti Trading Post Store on September 20, 2009.

Frank Bow Gallerito, Mescalero Apache Tribe.

On February 24, 2011, the defendant was sentenced to 10 years federal imprisonment for assault with a deadly weapon and discharging a firearm in connection with a crime of violence.

Benjamin Hot, Navajo Nation.

On February 24, 2011, the defendant was sentenced to 18 months imprisonment for failing to register under the Sex Offender Registration and Notification Act (SORNA).

Wesley Rogers, Navajo Nation.

On February 25, 2011, the defendant entered a guilty plea to one count of abusive sexual contact. The incident giving rise to the charge occurred in Church Rock, NM.

Homer Gonzales, Jr., Jicarilla Apache Tribe.

On March 1, 2011, the defendant was sentenced to a 27 month term of imprisonment on his Federal firearms conviction. Following his imprisonment he will serve a 3 year term of supervised release.

Kyle Julian, Jicarilla Apache Tribe.

On March 3, 2011, the defendant was sentenced to 21 months imprisonment following a conviction for assault with a dangerous weapon.

Benny Blueeyes, Navajo Nation.

On March 3, 2011, the defendant entered a guilty plea to an indictment charging assault resulting in serious bodily injury.

Preston Yazzie, Navajo Nation.

On March 4, 2011, the defendant entered a guilty plea to an information charge of assault by striking, beating, or wounding.

Alvin Charley, Navajo Nation.

On March 7, 2011, the defendant was sentenced to 18 months imprisonment on his federal assault conviction. In his plea agreement, Charley admitted to stabbing the victim and causing the victim life threatening injuries and pain.

Jarin Scott and Chancey Begay, Navajo Nation.

On March 8, 2011, Scott was sentenced to 36 months imprisonment and his co-defendant, Begay, was sentenced to 24 months imprisonment on their federal assault convictions. The charges against the defendants arise out of a drive-by-shooting of an apartment complex in Shiprock, New Mexico.

Lawrence Martin, Navajo Nation.

An indictment was filed on March 9, 2011 charging the defendant with involuntary manslaughter. The defendant is alleged to have operated a motor vehicle while under the influence of alcohol causing the death of the victim.

Kendra Renae Chester, Navajo Nation.

An indictment was filed on March 9, 2011 charging the defendant with abandonment or abuse of a child. She is charged with permitting John Doe, a child, to be placed in a situation that endangered his life or health.

George Nez, Navajo Nation.

An indictment was filed on March 9, 2011, charging the defendant with abusive sexual contact. The defendant is alleged to have knowingly engaged in sexual contact with a minor who had not attained the age of 12 years old.

Sirtivan Thomas Cachucha, Jicarilla Apache Tribe.

An indictment was filed on March 9, 2011 charging the defendant with assault resulting in serious bodily injury and assault with a dangerous weapon.

James Jackson, Taos Pueblo.

On March 10, 2011, the defendant was sentenced to three years probation following a conviction for assault resulting in serious bodily injury. The assault charge was based on an incident which occurred on the Taos Pueblo during which the defendant struck the victim in the face causing her to suffer a fractured nasal bone and sinus passage.

Herbert Harwood, Navajo Nation.

On March 11, 2011, the defendant entered a guilty plea to an indictment charging involuntary manslaughter. Harwood admitted to entrusting his motor vehicle to the operation of an intoxicated person which he knew and should have known imperiled the lives of others.

Wesley Rogers, Navajo Nation.

On March 11, 2011, the defendant was sentenced to ten months imprisonment following a conviction for abusive sexual contact.

Alton Jay Cowboy, Navajo Nation.

On March 16, 2011, the defendant was sentenced to 24 months imprisonment for failing to register as a sex offender under the Sex Offender Registration and Notification Act (SORNA).

Sebastiano Coho, Navajo Nation.

On March 17, 2011, the defendant was arraigned on an indictment charging him with two counts of aggravated sexual abuse. The defendant is accused of raping a female and if convicted of either of the two offenses faces up to life imprisonment.

William Skeet, Navajo Nation.

On March 18, 2011, the defendant was sentenced to a 22 month term of imprisonment for a federal assault conviction. The defendant was charged after he assaulted a minister who was driving around the Navajo Reservation picking people up for a party at the Morning Star Baptist Church.

Carl Ernesto Romero, Okay Owingeh Pueblo.

On March 24, 2011, a federal jury convicted Romero of second degree murder. Romero admitted to shooting the victim twice with a shotgun and leaving the victim to die. At sentencing the defendant faces up to life imprisonment for his second degree murder conviction and additional terms of imprisonment for assault and firearm convictions.

Diono H. Pete, Navajo Nation.

On March 28, 2011, the defendant entered a guilty plea to an indictment charge of assault resulting in serious bodily injury. The charge arose out of a collision that occurred on the Navajo Reservation when a motorcyclist was struck from behind by the defendant's vehicle. The defendant admitted to drinking before the collision. The defendant faces up to ten years imprisonment and up to a \$250,000 fine.

Howard Roy Allen, Jicarilla Apache Tribe.

On March 28, 2011, the defendant entered a guilty plea for failing to update his registration as a sex offender, under the Sex Offender Registration and Notification Act (SORNA).

Daniel Walters, Navajo Nation.

On March 29, 2011, the defendant was sentenced to a 37 month term of imprisonment based on his guilty plea to a charge of assault resulting in serious bodily injury. The defendant pled guilty to striking the victim with a beer bottle in the forehead as well as repeatedly slashing the victim's face with a knife.

Sterling Silversmith, Navajo Nation.

On April 1, 2011, the defendant pleaded guilty to assault resulting in serious bodily injury. The defendant pleaded guilty to one count of the indictment. The defendant faces up to ten years imprisonment.

Tommy Morgan, Navajo Nation.

On April 6, 2011, the defendant was sentenced to a 12 month term of imprisonment based on his involuntary manslaughter conviction. Court records show that the defendant was drinking heavily and was driving some of his friends home, some of which were in the bed of his truck. The defendant ran into a ditch and the victim was hurled from the truck. The defendant admitted that he was responsible for the victim's death.

Tyrus Begaye and Darnell Begay, Navajo Nation.

On April 7, 2011, the defendants entered guilty pleas to second degree murder charges. Both defendants admitted to beating and kicking the victim repeatedly. Under the terms of their respective plea agreements, each man faces a term of imprisonment of 151 to 188 months at sentencing.

Michael Bearden and Joshua Bearden, Navajo Nation.

An indictment was filed on April 12, 2011 charging both defendants with burglary, attempted burglary, and possession of burglary tools. The defendants, non-Indians, broke in to two houses on the Navajo reservation with the intent to burglarize both homes.

Vernest Ray Chackee, Navajo Nation.

An indictment was filed on April 13, 2011 charging the defendant with aggravated sexual abuse. The defendant is alleged to have knowingly engaged in a sexual act with a minor who had not yet attained the age of 12.

Stanton Begay, Navajo Nation.

An indictment was filed on April 13, 2011 charging the defendant with assault with intent to commit a felony, kidnaping, and aggravated sexual abuse of a minor who had not yet attained the age of 16.

Katrina Martinez, Navajo Nation.

An indictment was filed on April 13, 2011 charging the defendant with assault resulting in serious bodily injury and abandonment or abuse of a child. The defendant is alleged to have assaulted a minor resulting in serious bodily injury and also placing the minor in a situation that may have endangered the child's life or health.

Alexandria Lee Tsalabutie, Zuni Pueblo.

On April 14, 2011, the defendant entered a guilty plea to narcotics trafficking offenses. Tsalabutie faces a minimum one year imprisonment and a maximum 40 year imprisonment.

Dan Keith Bobelu, Zuni Pueblo.

On April 15, 2011, the defendant was sentenced to 120 months' imprisonment to be followed by a three-year term of supervised release for his federal firearms conviction. The defendant entered a guilty plea to count three of a three-count indictment on January 25, 2011, charging him with using a firearm during a crime of violence.

Michael Harrison, Navajo Nation.

On April 19, 2011, the defendant entered a guilty plea to assault with the intent to commit murder. The defendant attempted to kill his common-law wife by slashing her throat with a knife. Under the terms of his plea agreement, the defendant will be sentenced to a 78 month term of imprisonment.

Emery Calabaza, Kewa Pueblo.

On April 19, 2011, the defendant was sentenced to an 18 month term of imprisonment for his child sex abuse conviction. The defendant was indicted and charged with engaging in a sexual act with a minor who was between the ages of 12 and 16. The defendant will be required to register as a sex offender.

Dennis J. Lovato, Kewa Pueblo.

On April 21, 2011, the defendant was detained on a criminal complaint charging him with murder. According to the criminal complaint, the defendant was seen arguing with the victim and punching and kicking the victim. Later the victim's body was found and according to autopsy results the victim's death was due to blunt force trauma. If convicted, the defendant faces up to life in prison and up to \$250,000 in fines.

Damon Largo, Navajo Nation.

On April 21, 2011, the defendant entered a guilty plea to abusive sexual contact with a minor under the age of 12. Under the terms of his plea agreement, the defendant will be sentenced to a prison term of 12 months. He will be required to register as a sex offender.

Tony Curtis, Jr., Navajo Nation.

On April 21, 2011, a federal jury convicted the defendant of assault resulting in serious bodily injury. According to trial witnesses, the defendant was engaged in a fight when the victim arrived to break up the fight. The defendant hit the victim in the head with a sledgehammer. The defendant faces up to ten years imprisonment at the time of sentencing.

Brian Joseph Chavez, Cochiti Pueblo.

On April 22, 2011, the defendant entered a guilty plea to a second degree murder charge. The defendant admitted to shooting his 95 year old grandmother in the chest. Under the terms of his plea agreement, the defendant will be sentenced to a 25 year term of imprisonment.

Jarvis Poncho, Laguna Pueblo.

On April 25, 2011, the defendant pleaded guilty to a charge of failing to register as a sex offender in violation of the Sex Offender Registration and Notification Act (SORNA).

Cassidine McDonald, Navajo Nation.

An indictment was filed on April 26, 2011, charging the defendant with aggravated sexual abuse. The defendant is alleged to have knowingly engaged in a sexual act with a minor who had not yet attained the age of 12.

Jay Felix Johnson, Zuni Pueblo.

On April 29, 2011, the defendant pleaded guilty to a charge of aggravated sexual abuse. At sentencing the defendant faces a maximum penalty of imprisonment for any period of years to life.

Felix Washburn, Navajo Nation.

On May 9, 2011, the defendant pleaded guilty to a charge of involuntary manslaughter. The defendant admitted to being intoxicated and driving recklessly at the time of the car crash that killed a 48 year old Navajo woman. At sentencing, the defendant faces a maximum of 8 years imprisonment.

Sterling Clyde, Navajo Nation.

On May 10, 2011, the defendant was sentenced to 136 month term of imprisonment to be followed by a 15 year term of supervised release based on his conviction of aggravated sexual abuse.

Alexander Frank Torivio, Acoma Pueblo.

On May 10, 2011, the defendant was sentenced to a 30 month term of imprisonment for a child sex abuse conviction. The criminal complaint alleges that the defendant engaged in a sexual act with a child between the ages of 12 and 16 on multiple occasions.

Scott Daniel Benavidez, Kewa Pueblo.

On May 11, 2011, the defendant entered a guilty plea to a charge of assault with a dangerous weapon. The defendant struck a Pueblo of Santa Ana Police officer with his vehicle. Benavidez admitted that he intentionally struck the officer because he did not want the officer and his colleagues to know that he had alcohol in the car contrary to tribal law. Benavidez faces a maximum penalty of ten years imprisonment.

Brianjun Begay, Navajo Nation.

An indictment was filed on May 11, 2011 charging the defendant with abusive sexual contact. The defendant is alleged to have knowingly engaged in sexual contact with a minor who had attained the age of 12 but had not yet attained the age of 16.

Karl Domingo, Navajo Nation.

An indictment was filed on May 11, 2011 charging the defendant with aggravated sexual abuse. The

defendant is alleged to have knowingly engaged in a sexual act with a minor who had not attained the age of 12 years old.

Elias Whitmore, Laguna Pueblo.

On May 12, 2011, the defendant entered a guilty plea to an information charging him with second degree murder. Whitmore committed the murder when he was 15-years-old, but entered his plea as an adult after the court authorized the United States Attorney's Office to proceed against Whitmore as an adult. Under the terms of the plea agreement, the defendant will be sentenced to a prison term of at least 168-months but not more than 210-months.

Brian Thompson and Presley Shorty, Navajo Nation.

On May 12, 2011, both defendants entered guilty pleas related to a death and an assault of the deceased victim's son. Thompson pled guilty to charges of voluntary manslaughter and the use of a firearm in relation to a crime of violence. Thompson also entered a guilty plea to a charge of assault resulting in serious bodily injury. At sentencing, Thompson faces a maximum ten-year prison sentence on the voluntary manslaughter offense; a mandatory ten-year term of imprisonment on the firearms offense; and a maximum ten-year prison sentence on the assault offense. Shorty pled guilty to a charge of voluntary manslaughter and faces a maximum 15-year prison sentence.

Alphonso Chavez, Zuni Pueblo.

On May 13, 2011, the defendant pleaded guilty to sexually abusing a child under the age of 16. Under the terms of his plea agreement Chavez will serve a ten year term of imprisonment and be required to register as a sex offender.

Patrick Baptiste, Navajo Nation.

On May 16, 2011, the defendant was sentenced to a 25 year term of imprisonment for his second degree murder conviction. Baptiste admitted to killing a 71 year old Navajo woman by repeatedly striking and kicking her.

Raymond Joseph Martin, Laguna Pueblo.

On May 17, 2011, the defendant was sentenced to a

97 month term of imprisonment for sexually abusing a child under the age of 12. The court also ordered the defendant to pay \$1,011.13 in restitution. The defendant will be required to register as a sex offender after he completes his prison sentence.

Gene Collins Ahidley, Mescalero Apache Nation.

On May 17, 2011, the defendant entered a guilty plea to a charge of assault resulting in serious bodily injury and assault with a deadly weapon. The defendant admitted to assaulting the victim with his fists, feet, and a tree branch. The defendant faces up to ten years imprisonment at sentencing.

Patrick Valencia, San Felipe Pueblo.

On May 23, 2011, the defendant entered a guilty plea to abusive sexual contact of a child under the age of 16 years old. The defendant will be sentenced to an eight year term of imprisonment and will be required to register as a sex offender.

Calvert Les Woody, Navajo Nation.

On May 23, 2011, the defendant pleaded guilty to simple assault in connection with an incident involving an argument between the defendant and his girlfriend.

Richard Harry Yazzie, Navajo Nation.

On May 24, 2011, the defendant was sentenced to a 57 month term of imprisonment for his conviction on an assault resulting in serious bodily injury. The defendant hit the victim with his vehicle and ran over the victim.

Amos Joe, Navajo Nation.

On May 24, 2011, the defendant entered a guilty plea to a charge him with aggravated sexual assault. The defendant sexually assaulted a 60 year old Navajo woman. Joe faces a maximum penalty of life imprisonment and will be required to register as a sex offender.

Christian Trancosa and Jonathan Gallegos, Sandia Pueblo.

On May 24, 2011, the defendants each entered a guilty plea to using a firearm during a crime of violence. Under their respective plea agreements, Trancosa, a member of the Pueblo of San Felipe, and Gallegos,

an Albuquerque resident, each will serve a seven-year prison sentence that will be followed by three-years of supervised release.

Eugene Charley, Navajo Nation.

On May 24, 2011, the defendant was sentenced to a 52 month term of imprisonment for his child sex abuse conviction. The defendant will also be required to register as a sex offender.

Ricky Stanley Smith, Navajo Nation.

An indictment was filed on May 25, 2011 charging the defendant with assault resulting in serious bodily injury.

Ervin Yazzie, Navajo Nation.

An indictment was filed on May 25, 2011 charging the defendant with assault with a dangerous weapon and assault resulting in serious bodily injury. The defendant is alleged to have assaulted the victim with a baseball bat.

Johnny Begay, Navajo Nation.

On May 25, 2011, the defendant entered into a guilty plea to a charge of abusive sexual contact.

Dennett Jerome Chee, Mescalero Apache Tribe.

On May 26, 2011, the defendant was sentenced to a 27 month term of imprisonment for his assault with dangerous weapons conviction. The defendant assaulted a female victim by kicking her in the face with a steel-toed boot. The victim suffered a broken jaw.

Edward C. Gurule, (non-Indian incident occurred on Picuris Pueblo).

On May 27, 2011, the defendant made his initial appearance on a criminal complaint charging him with assault with a dangerous weapon. The defendant, a non-Indian, was charged with assaulting an enrolled member of Picuris Pueblo in a residence located within the Picuris Pueblo. If convicted of this offense, Gurule faces a maximum penalty of ten years' imprisonment, and three years of supervised release.

Nathan Yesslith, Navajo Nation.

On June 7, 2011, a federal grand jury indicted the

defendant and the defendant is charged with abandonment or abuse of a child. The defendant is accused of knowingly, intentionally, and negligently, and without justifiable cause, permitting John Doe, a child under the age of 18, to be placed in a situation that endangered his health or life.

Aero Nez, Navajo Nation.

On June 7, 2011, a federal grand jury indicted the defendant on charges of abandonment or abuse of a child, assault resulting in serious bodily injury, robbery, and theft. According to the indictment, the defendant struck the victim causing her to fall and strike her head. The indictment also alleges that the defendant then stole money from the victim.

Travis Cohoe, Navajo Nation.

On June 7, 2011, a federal grand jury indicted the defendant with charges of assault resulting in serious bodily injury and assault with a dangerous weapon. According to the indictment, the defendant assaulted the victim with his automobile with intent to do bodily injury.

Clay O'Brien Mann, Navajo Nation.

On June 7, 2011, a federal grand jury indicted the defendant on charges of first degree murder, discharging a firearm in furtherance of an act of violence, assault with a weapon with intent to do bodily injury, and assault resulting in serious bodily injury. The defendant is alleged to have killed the victim by shooting him with a firearm, and assaulting two other victims.

Tyrone Cornelius Joe, Navajo Nation.

On June 8, 2011, a federal grand jury indicted the defendant on charges of involuntary manslaughter and assault resulting in serious bodily injury. The defendant is alleged to have operated a motor vehicle while under the influence of alcohol. The defendant crashed his vehicle causing injury to two of his passengers and killing one passenger.

Abram C. Castillo, Navajo Nation.

On June 8, 2011, a federal grand jury indicted the defendant on charges of assault resulting in serious bodily injury and assault with a dangerous weapon.

The defendant is alleged to have assaulted the victim with a knife intending to do bodily injury.

Junior Kee Cornfield, Navajo Nation.

On June 8, 2011, a federal grand jury indicted the defendant on charges of assault resulting in serious bodily injury and assault with a deadly weapon. The defendant is alleged to have assaulted the victim by striking her with a log of wood and a broomstick handle.

Benjamin Natonabah, Navajo Nation.

On June 13, 2011, the defendant entered a guilty plea to sexually abusing a female who was incapable of understanding the nature of the sexual conduct. Under the terms of his plea agreement, the defendant will be sentenced to a 30-month term of imprisonment to be followed by at least five years of supervised release. The defendant also will be required to register as a sex offender after completing his prison sentence.

Lukacema Gillie Yazzie, Navajo Nation.

On June 13, 2011, the defendant entered a guilty plea to assault with a dangerous weapon. Under the terms of the plea agreement, the defendant will be sentenced to an 18-month term of imprisonment to be followed by not more than five years of supervised release.

Matthew Archie Johnson, Navajo Nation.

On June 14, 2011, the defendant entered a guilty plea to assault resulting in serious bodily injury. The defendant was under the influence of alcohol when he ran a stop sign and crashed into another vehicle. The defendant faces a maximum penalty of ten years imprisonment.

Kinslen Smith, Navajo Nation. On June 14, 2011, the defendant was sentenced to a 46 month term of imprisonment for his conviction on an assault with a dangerous weapon charge. The defendant abused the victim by kicking her with his steel toed boots, choking her, and breaking a wooden recliner chair over her head.

Leonardo Valentino Gonzales, Jicarilla Apache Tribe.

On June 17, 2011, the defendant was sentenced to 84

months imprisonment for being a felon in possession of a firearm and ammunition.

Michael Crosby, Navajo Nation.

On June 17, 2011, the defendant entered a guilty plea to aggravated sexual abuse of a child who had not yet attained the age of 16. Under the terms of his plea agreement, the defendant will be sentenced to 12 to 14 years imprisonment followed by at least five years of supervised release. The defendant will also be required to register as a sex offender.

Calbert Henderson, Navajo Nation.

On June 17, 2011, the defendant was sentenced to 24 months imprisonment based on his assault with a dangerous weapon conviction. The defendant was driving his vehicle up a driveway, his victim was reversing down the driveway and crashed into the defendant's vehicle. The victim reacted to the crash by pushing and yelling at the defendant. As the defendant attempted to drive away, the victim began hitting the defendant's vehicle as he ran along the side of the vehicle. The defendant responded by grabbing a handgun and firing several shots at the victim. The victim was shot in the groin; and the other victim was shot through the base of her right thumb.

Adriana Nicole Abeita, Isleta Pueblo.

On June 17, 2011, the defendant entered a guilty plea to a charge of bank robbery. At sentencing, the defendant faces a maximum penalty of 20 years imprisonment, and three years of supervised release. The defendant admitted to being the getaway car driver for her co-defendant with the knowledge that the co-defendant had entered the bank for the purpose of committing bank robbery.

Steven Henry Sisneros, Santa Clara Pueblo.

On June 21, 2011, the defendant entered a guilty plea to a charge of sexual abuse of a minor who had attained the age of 12 years, but not 16. At the time of sentencing the defendant faces a maximum of 15 years imprisonment, a maximum fine of \$250,000, and will be required to register as a sex offender.

William Belin, Navajo Nation.

On June 22, 2011, a federal jury found the defendant

guilty of assault and firearm offenses. The jury deliberated two hours before returning a guilty verdict on all counts of a four-count indictment charging the defendant with (1) assault with intent to commit murder; (2) assault with a dangerous weapon; (3) assault resulting in serious bodily injury; and (4) using a firearm in relation to a crime of violence. At sentencing, the defendant faces a maximum penalty of 20-years' imprisonment on the assault convictions. On the firearm conviction, the defendant faces a minimum ten-year term of imprisonment.

Joe Alex Abeita, III, Isleta Pueblo.

An indictment was filed on June 22, 2011 charging the defendant with assault with a dangerous weapon, assault resulting in serious bodily injury, and use of a firearm during and in relation to a crime of violence.

Gary Redhorse John Begay, Navajo Nation.

On June 27, 2011, the defendant entered a guilty plea to a second degree murder charge. The defendant admitted to shooting at the victim 3 times, 2 shots hit the victim in his stomach and chest causing his death. Under the terms of the plea agreement the defendant will be sentenced to 14 years imprisonment to be followed by not more than five years supervised release.



Assistant U.S. Attorney Glynette R. Carson-McNabb, Supervisor of the Indian Country Crimes Section of the U.S. Attorney's Office.

Supervisory Assistant U.S. Attorney Glynette R. Carson-McNabb Appointed to National Task Force. United States Attorney General Eric Holder has appointed Supervisory Assistant U.S. Attorney Glynette R. Carson-McNabb to the newly created Violence Against Women Federal and Tribal Prosecution Task Force. The thirteen-member Prosecution Task Force, which is chaired by the U.S. Attorney for the District of Nebraska, is comprised of six Assistant U.S. Attorneys from across the nation and six representatives from tribal governments. Ms. Carson-McNabb is the supervisor of the Indian Country Crimes Section of the U.S. Attorney's Office. She has been an Assistant U.S. Attorney for ten years and has specialized in prosecuting violent crimes in New Mexico's Indian Country, including offenses against women and children.

2nd Annual Anti-Drug Summit in Espanola. On April 20, 2011, U.S. Attorney Kenneth J. Gonzales gave opening remarks at the 2nd Annual Anti-Drug Summit in Espanola, which was sponsored by the Northern New Mexico Anti-Drug Summit Team. The Team includes the Ohkay Owingeh Pueblo Police Department, the Santa Clara Pueblo Police Department, the Pojoaque Pueblo Police Department, the Taos Pueblo Police Department, and Santa Clara Pueblo Governor's Task Force on Youth and Families, and was established in February 2010 to address drug trafficking and violent crime in northern New Mexico, and to coordinated interdiction, intelligence, investigation, and prosecution efforts.

U.S. Attorneys from New Mexico, Arizona and Utah meet with Navajo Nation Public Safety Officials. On April 26, 2011, U.S. Attorneys Kenneth J. Gonzales of New Mexico, Dennis K. Burke of Arizona, and Carlie Christensen of Utah, met with Navajo Nation Department of Justice and Division of Public Safety officials in Window Rock, Arizona, the seat of government for the Navajo Nation. The group discussed matters including drugs and gang activity, asset forfeiture, arrest procedures and extradition, and efforts to address domestic violence. The meeting demonstrates the Justice Department's commitment to respect the sovereignty of the Navajo Nation by working with the Nation's officials collaboratively to address public safety priorities and to protect the people they are all sworn to serve.



The likeness for the Monument was the father of Navajo Nation Public Safety Director John Billison (pictured in the photo) who served as a Code Talker during World War II in the South Pacific.

Tribal Prescription Drug Abuse and Drug Endangered Children Conference. On May 24, 2011, U.S. Attorney Kenneth J. Gonzales gave opening remarks at the Tribal Prescription Drug Abuse and Drug Endangered Children Conference. This conference, which was held in Albuquerque, was sponsored by the U.S. Department of Justice's Office of Community Oriented Policing Service and was attended by approximately 100 tribal officers. The goal of the conference was to forge collaboration with Tribal and Federal law enforcement, social services, child protection coalitions, and service providers to increase awareness, capacity, and build collaborative approaches for addressing issues relating to prescription drug abuse in Indian Country.



Pueblo Chief Tribal Prosecutor & Tribal Special Assistant U.S. Attorney Designee David M. Adams, Assistant Attorney General Lanny A. Breuer of the Justice Department's Criminal Division, Governor Richard Luarkie of Laguna Pueblo, and U.S. Attorney Kenneth J. Gonzales at the Tribal Special Assistant U.S. Attorney MOU Signing Ceremony on June 23, 2011.

Signing Ceremony for Tribal Special Assistant U.S. Attorney. On June 23, 2011, Assistant Attorney General Lanny A. Breuer for the Criminal Division of the U.S. Department of Justice and U.S. Attorney Kenneth J. Gonzales, together with Governor Richard Luarkie of Laguna Pueblo, participated in a ceremony to sign a Memorandum of Understanding between Laguna Pueblo and the U.S. Attorney's Office, and to highlight their shared commitment to responding to the serious problem of violence against Native women. Under the Memorandum of Understanding, David M. Adams, the chief tribal prosecutor for Laguna Pueblo, will be designated as a Special Assistant U.S.



Children from Laguna Pueblo perform traditional Pueblo dances during the Tribal Special Assistant U.S. Attorney MOU Signing Ceremony at the Indian Pueblo Cultural Center in Albuquerque on June 23, 2011.

Attorney to investigate and prosecute domestic violence and violent crimes against Native women in the District of New Mexico for a three-year period pursuant to a pilot project funded by Justice Department's Office on Violence Against Women. The Signing Ceremony was held at the Indian Pueblo Cultural Center in Albuquerque.



"Thunder Knife," the Isleta Youth Drum Group, performs at the Isleta Pueblo Youth & Community Public Safety Seminar on June 28, 2011.

Isleta Pueblo Youth & Community Public Safety Seminar. On June 28, 2011, U.S. Attorney Kenneth J. Gonzales gave opening remarks to 250 tribal youth and parents who attended the Isleta Pueblo Youth and Community Public Safety Seminar, which was held at the Isleta Pueblo Recreation Center. The day-long seminar, which was sponsored by Isleta Pueblo Governor Frank Lujan, the Isleta Pueblo, the Isleta Pueblo Police Department, the U.S. Attorney's Office, the Drug Enforcement Administration, the New Mexico Department of Public Safety, and the Albuquerque Police Department, delivered an anti-gang, anti-drug, and anti-violence message to tribal youth and their parents. The cultural awareness component of the seminar was provided by Pueblo elders, who presented a historical slide show, and "Thunder Knife," the Isleta Youth Drum Group, who performed at the beginning of the seminar and during dinner.

Ohkay Owingeh 5th Annual Drug Awareness Day. On July 6, 2011, U.S. Attorney Kenneth J. Gonzales was a guest speaker at the 5th Annual Drug Awareness Day, which was sponsored by the Ohkay Owingeh Boys & Girls Club, the Ohkay Owingeh Tribal Council, the U.S. Attorney's Office, the New Mexico National Guard, and the New Mexico State Police. The U.S. Attorney delivered a self-empowerment message that emphasized the importance

of making positive choices early in life, and focused on how young people possess the distinct and individual power of choice. He discussed how young people, like adults, make countless decisions every day, some relating simply to meal choice, clothing, or how to spend free time after school, and noted that many decisions that young people frequently have to make, can have a long-lasting and significant impact on their lives and the lives of people around them, particularly as they grow from adolescence toward adulthood. U.S. Attorney Gonzales emphasized that, no matter how effective and comprehensive the instruction, whether by parent, teacher, coach, or spiritual leader, the decision whether to engage in risky behavior rests with the individual.



U.S. Attorney Kenneth J. Gonzales, and Johnny Abeyta, Sr., Executive Director of the Ohkay Owingeh Boys & Girls Club, and his staff at the Ohkay Owingeh's 5th Annual Drug Awareness Day.

Upcoming Events and Trainings in New Mexico's Indian Country

2011 District of New Mexico Tribal Consultation. This fall, U.S. Attorney Kenneth J. Gonzales will host the 2011 District Tribal Consultation at the Indian Pueblo Cultural Center in Albuquerque, New Mexico. Information regarding the Consultation will be distributed in the coming weeks.

19th Annual Four Corners Indian Country Conference. The Four Corners Indian Country Conference is scheduled for September 13-15, 2011. The Conference will be held at the Sky Ute Casino and Hotel Conference Center in Ignacio, Colorado. Registration information will be forthcoming.

BIA-Office of Justice Services Domestic Violence Training Seminar. This four-day seminar will be held on September 13-16, 2011, at the Albuquerque Marriott, 2101 Louisiana Blvd, NE,

Albuquerque, New Mexico, and is designed to provide a new perspective on domestic violence investigations in Indian Country. The seminar is a component of Assistant Secretary of Indian Affairs Larry Echo Hawk's FY-2011 Law Enforcement Training Initiative on Domestic Violence, and is sponsored by the BIA's "Indian Country Law Enforcement and Detention Continuing Education and Development" Program. Fifty (50) training slots are available and tuition is free, but the participants' agencies are responsible for travel, lodging and meals. For registration information, please send an E-mail to denise.sijohn@bia.gov with a copy to mark.decoteau@bia.gov.



Members of the Ohkay Owingeh Boys & Girls Club test their limits on the "rock wall" during the 5th Annual Drug Awareness Day.

The New Mexico Coalition Against Domestic Violence I.D.E.A.S. Conference. The Conference will be held on September 27-28, 2011 at the Hilton of Albuquerque. This two-day conference will feature nationally renowned speakers and is designed to expand knowledge of current trends and hot topics related to domestic violence. For more information, contact the Coalition at <http://www.nmcadv.org>.

The following Op Ed by U.S. Attorney Kenneth J. Gonzales appeared in the July 24, 2011 edition of the Santa Fe New Mexican.

Summit Brings Native Youth into Discussion of Future.

This week in Santa Fe, 170 young men and women from across the country will join officials from the White House and the Departments of Justice, Interior, Health and Human Services and Education for the 2011 National Intertribal Youth Summit. I am proud to participate in the summit, and am pleased that I will be joined by my friends and colleagues: United States Attorney Dennis Burke of Arizona, United States Attorney Michael Cotter of Montana, United States Attorney Tim Purdon of North Dakota, United States Attorney Brendan Johnson of South Dakota, and United States Attorney Anne Tompkins of North Carolina.

I am also proud to know that I will be joined by five outstanding young men and women from New Mexico's native communities: Khaila Gachupin, DeNita Toya, and Jose Toya, from the Pueblo of Jemez, and Summer Romero and Islin Wright from the Pueblo of Taos.

What these five young people hold in common with their peers from around the country is a fresh understanding of today's challenges and opportunities in Indian Country, and a commitment to making their communities safer, stronger, and more sustainable. Among the goals of the summit are to hear from youth, to work with them to find ways to strengthen ties between peers, families, and communities; to empower youth through leadership training, education, and cultural practices; and also importantly, to find ways to improve the role of caring adults in tribal communities.

Young Indians today face a lot of challenges, not least among them domestic violence and dating violence, alcohol and substance abuse, suicide, and street gangs. So we are asking these youth to act as our advisors, because they hold the keys to the future. We need this advice, because the decisions we make today as government leaders can help clear the path that they themselves will need to walk. It is essential that we listen to them. Through them we can better understand what is possible, and with them, we can begin taking these steps together. I look forward to hearing their thoughts on how we can more effectively fight crime, create educational and job opportunities, keep young people safe and healthy, and ensure that all children growing up in Native American communities have the chance to fulfill their potential and their dreams. It has been a year now since Congress passed, and President Obama signed the Tribal Law and Order Act of 2010. The historic legislation brought long overdue reforms that will over time further empower tribal governments, and strengthen their ability to keep communities safe. And just last week, the Department proposed legislation to combat the epidemic rates of violence against Native women in Indian Country by offering a broader set of tools for Federal and tribal law enforcement agencies to hold perpetrators of domestic violence accountable for their crimes. But neither the U.S. government nor the more than 560 tribal governments around the country can finish this task without the inspired leadership of young people who are courageously committed to following their positive vision of the future. By engaging today's youth, we look towards a future inhabited by thriving American Indian and Alaska Native communities.

Please contact Gynette Carson-McNabb Supervisory Assistant United States Attorney, Indian Country Crimes Section, at gynette.carson-mcnabb@usdoj.gov and 505.224.1524, if you have any questions regarding the information in the Indian Country Newsletter.

Address Correction Requested
Anita Perry
Victim Witness Coordinator
U.S. Attorney's Office
P.O. Box 607
Albuquerque, NM 87103

Kenneth J. Gonzales, United States Attorney
District of New Mexico
201 Third Street, NW, Suite 900
Albuquerque, NM 87102



INDIAN COUNTRY NEWSLETTER

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Kenneth J. Gonzales, United States Attorney
Glynette R. Carson-McNabb, Supervisory AUSA,
Indian Country Crime Section
Anita Perry, Victim Witness Coordinator

USAO-DNM Prosecution Guidelines for Matters
Arising in Indian Country in New Mexico
(Current as of September 2011)

The prosecution guidelines set forth below govern the most common violations of federal law that may arise in Indian Country in New Mexico and come within the jurisdiction of the USAO in the District of New Mexico. The guidelines are current as of September 2011 and are subject to change without notice. They serve as “guidelines” as opposed to hard and fast rules, and do not create, and shall not be interpreted to create, any substantive or procedural rights for any person or class of persons. Matters not covered by these guidelines are evaluated on a case-by-case basis. The USAO makes all final decisions on interpretation and application of these guidelines.

The USAO evaluates each case on its own facts and so as to enhance the effective use of scarce resources. Even if a case appears to fall outside the guidelines, there may be aggravating or other special circumstances that make it suitable for federal prosecution. Aggravating circumstances could include, but are not limited to, situations in which the suspect is known to be involved in terrorism or organized crime, has an extensive criminal record, holds a position of public trust, was armed, is violent, or is otherwise an imminent threat to the community. For matters arising in Indian Country, special circumstances may exist if an Indian person is either a victim or a perpetrator, resulting in exclusive federal jurisdiction for felonies. As the prosecution authority of sole felony jurisdiction, the U. S. Attorney’s Office will accept appropriate cases on a case by case basis to address the proper prosecution of cases arising in Indian Country. Moreover, particular initiatives (Weed and Seed, Project Safe Neighborhood, and Project Safe Childhood, for example) may result in this office considering and/or accepting cases that otherwise might not meet the requirements of these guidelines.

The following prosecution guidelines apply to matters arising in Indian Country and, under each of these guidelines, the USAO will accept only those cases in which there is admissible evidence that is sufficient to prove a chargeable offense.

Indian Country Offenses – Arson. The USAO will accept prosecutable cases involving arson of dwellings or arson that otherwise endangers human life. Absent such issues, this office will accept prosecutable cases involving property damage of \$10,000 or more.

Indian Country Offenses – Assault. The USAO will accept prosecutable cases involving assault with intent to murder or commit another serious felony, assault resulting in serious bodily injury, assault with a dangerous weapon, or assault resulting in substantial injury to a child under 16.

Indian Country Offenses – Child Abuse or Neglect. The USAO will accept prosecutable cases involving felony child abuse or neglect as defined by New Mexico State Law § 30-6-1 (N.M.S.A. 1978) and as permitted by 18 U.S.C. § 1153.

Embezzlement from Tribal Organizations. The USAO will accept prosecutable cases under 18 U.S.C. §§ 1163, 1167, or 1168 when the loss exceeds \$25,000 subject to consideration of any relevant gambling compact(s). The USAO will also consider matters involving less than \$25,000 on a case-by-case basis.

Gaming Related Financial Offenses. The USAO will accept prosecutable cases involving theft and other financial offenses originating from the Indian gaming casinos on a case-by-case basis.

Failure to Register as a Sex Offender. The USAO will review all matters related to alleged violations of 18 U.S.C. § 2250 on a case-by-case basis. Factors that will be considered include, but are not limited to, the “tier” classification of the offender, whether the underlying sex offense is a federal offense, the offender’s registration history including whether the offender moved to New Mexico from another state in an effort to avoid registration requirements, whether other remedies exist (such as revocation of a term of probation or supervised release), whether state court remedies would be appropriate, and whether the offender has committed a new crime of violence or a new crime against children.

Indian Country Offenses – Homicide. The USAO will accept prosecutable homicide cases.

Native American Cultural Items. The USAO will accept prosecutable cases involving violations of the Archeological Resources Protection Act or the Native American Graves Protection and Repatriation Act, or otherwise implicating a significant tribal or federal interest.

Indian Country Offenses – Property Crimes, Theft and Fraud. The USAO will accept prosecutable cases involving an actual or potential loss of \$15,000 or more. If the offense involves a burglary of a family dwelling, the loss need only be \$5,000 or more.

Public Corruption. The USAO will accept prosecutable cases involving corruption of tribal officials or tribal law enforcement officers.

Indian Country Offenses – Sexual Assault. The USAO will accept prosecutable cases involving sexual abuse and aggravated sexual abuse as defined in 18 U.S.C. §§ 2241, 2242, 2243, and 2246. Absent aggravating circumstances, the USAO will accept sexual contact cases as defined in 18 U.S.C. § 2244 on a case-by-case basis.

Prosecution of Narcotics Offenses. In light of the significant increase in narcotics trafficking and drug abuse in Native communities in New Mexico and the concomitant adverse impact on those communities, the U.S. Attorney will waive the USAO’s otherwise applicable drug quantity thresholds for any prosecutable narcotics cases arising in Indian Country.

Prosecution of Juveniles. The USAO has no separate guidelines for prosecution of juvenile cases. The Federal Juvenile Delinquency Act sets forth the threshold requirements for juvenile prosecutions: (1) the state must lack jurisdiction or refuse to assume it; (2) the state must lack adequate juvenile programs and services; or (3) the offense must be a felony crime of violence, a specified drug trafficking, or firearms offense. Additionally, to prosecute the juvenile, the USAO also must certify that there is a substantial federal interest to be vindicated. If the circumstances of the particular case satisfy these requirements and the case otherwise meets the applicable guideline, the USAO will prosecute the case even though the suspect is a juvenile. The USAO will consider prosecutable cases involving a juvenile possessing and/or using a firearm, or any type of explosive, in a crime of violence in violation of the laws of the United States, including, but not limited to, the following statutes: aggravated sexual abuse, 18 U.S.C. §§ 2241 (a) and (c); assault with a dangerous weapon, 18 U.S.C. § 113 (a)(3); assault resulting in serious bodily injury, 18 U.S.C. § 113(a)(6); homicide, 18 U.S.C. §§ 1111, 1112 and 1113; and robbery, 18 U.S.C. §§ 2111 and 2113. The USAO also will consider pretrial diversion and other appropriate programs for juvenile delinquents.