

AO 91 (Rev. 5/85) Criminal Complaint

# United States District Court

DISTRICT OF New Mexico

UNITED STATES OF AMERICA **FILED**  
UNITED STATES DISTRICT COURT  
v. ALBUQUERQUE, NEW MEXICO **CRIMINAL COMPLAINT**

Jasper Fernandez

FEB 23 2012

CASE NUMBER:

*msg*  
12-MJ-375

**MATTHEW J. DYKMAN**  
(Name and Address of Defendant) **CLERK**

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about November 04 - 05, 2011 in San Juan county, in the State \_\_\_\_\_ District of New Mexico defendant(s) did, (Track Statutory Language of Offense)

commit an offense against the United States, unlawfully and with malice aforethought killed a human being, Vernita Jose. This occurred on the Navajo Indian Reservation and perpetrated by an Indian as defined by Federal law.

in violation of Title 18 United States Code, Section(s) 1153,1111(a).

I further state that I am a(n) Special Agent - FBI and that this complaint is based on the following facts:  
Official Title

See Attached Affidavit hereby incorporated by reference as if fully restated herein.

Continued on the attached sheet and made a part hereof:

Yes  No

AUSA -  
Sworn to before me and subscribed in my presence,

*William A. Hall, II*  
Signature of Complainant  
**William A. Hall, II**  
Special Agent  
Federal Bureau of Investigation

2-23-12  
Date

ALBUQUERQUE, NEW MEXICO  
City and State

ROBERT HAYES SCOTT  
Name & Title of Judicial Officer  
**UNITED STATES MAGISTRATE JUDGE**

*Robert H. Scott*  
Signature of Judicial Officer

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GM/AUSA

NEW MEXICO

ALBUQUERQUE, NEW MEXICO

United States of America )

vs )

Jasper Fernandez )

DATE OF BIRTH: 1974 )

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AFFIDAVIT

I, the undersigned, being duly sworn, hereby, depose and state as follows:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and have been employed in that capacity for approximately 14 years. I am currently assigned to the Albuquerque Division of the FBI, and have primary investigative responsibility in crimes which occur in Indian Country including violent crimes such as as robbery, aggravated assaults, and homicide.

2. The information set forth in this affidavit has been derived from an investigation conducted by the Navajo Nation Criminal Investigation Services (NNCIS) by Criminal Investigator (CI) Rosina Ford of the Crownpoint District, San Juan County Sheriff's Detective Garrett Morris and Special Agent William Hall of the FBI, Farmington Resident Agency (FRA), as well as other law enforcement officers of the Navajo Nation Department Of Public Safety, the San Juan County Sheriff's Department and the FBI.

3. On December 16, 2011 at approximately 3:50 PM, the FRA was notified of a human skull found near the residence of #644 County Road (CR) 7100, San Juan County, New Mexico. The skull had been brought to #644 by dogs in the area. The incident location is within the exterior boundaries of the Navajo Indian Reservation.

4. SA Hall and SA Brad Michael responded to the scene and spoke with the reporting party, Wilhelmina Chee. Chee stated the dogs had brought the head home at approximately

1 3:00 PM and she immediately notified law enforcement. Chee showed the agents where she  
2 had discovered a partially buried body by following the dogs back to where she had  
3 assumed the head had come from. Examining the hole, a partial rib cage was showing  
4 which appeared to be human. The scene was secured for the night and FBI Evidence  
5 Response Team (ERT) was notified and responded the following day to unearth the body.

6 5. Detective Morris was asked by SA Hall to respond to the scene as he was working  
7 on a missing person case involving Vernita Jose. Morris advised Jose had not been seen  
8 since 11/04/2011. Morris stated Jose's Ford Explorer had been found by family members at  
9 the Eaton Village apartments in Farmington, NM. Morris also advised Jose was known to  
10 have dentures on her upper jaw, but teeth on her lower jaw. The skull found had no teeth on  
11 her upper jaw, but did have teeth on the lower jaw.

12 6. On 12/17/ 2011, the ERT processed the scene and unearthed the body. The body  
13 was that of an unclothed female, the clothing had been thrown in with the body in a grave  
14 approximately three feet deep. Also found in the grave was a partial set of dentures. Near  
15 the scene, a bible and bible cover were recovered. The bible did have Vernita Jose's name  
16 inside it.

17 7. During the investigation, the former boyfriend of Jose was discovered to be Jasper  
18 Fernandez. Fernandez's mother also resides at #644 CR7100, where she takes care of his  
19 son. Fernandez was contacted by law enforcement and agreed to speak with them. On  
20 01/04/2012, Fernandez came into the San Juan County Detectives's office to be interviewed  
21 regarding the disappearance of Jose. Just before entering the interview, SA Hall was  
22 notified by the Office of the Medical Investigator (OMI) that the body found on 12/16/2011  
23 had been positively identified, via dental records, as Vernita Jose.

24 8. Fernandez stated during the interview that on the night of 11/04/2011 he and his  
25 friend "Jay", later identified as Jurrell Christian, had gone to a party at the 371 Housing.  
26 Fernandez had ridden with Christian, but once at the party he got together with Jose and  
27 eventually left the party with her in her Ford Explorer. Fernandez stated from 371 Housing  
28 they drove to the "four way" ( the intersection of CR 7010 and CR 7100). Once at the four

1 way Fernandez stated Jose pulled her pants and underwear down to her knees and they had  
2 sex in the front passenger seat.

3 9. Fernandez stated after the sex they decided to go get some gasoline at the Hilltop  
4 gas station on U.S. 550. Fernandez advised they chose the Hilltop station, because they had  
5 been drinking too much to go to the Bisti Highway gas station and were afraid of being  
6 stopped for DWI. They drove eastbound on CR 7010 towards U.S. 550. Fernandez stated  
7 after they crossed Gallegos Wash, they pulled over to the side of the road so he could  
8 urinate. After he got out of the vehicle, he advised Jose threw his black over shirt at him  
9 through the car window and drove away.

10 10. Fernandez stated after he was left on the side of the road he began walking  
11 towards the Hilltop arriving there at approximately sunrise. From there he walked to his  
12 brothers house at Huerfano housing. Fernandez advised he did try to text Jose later the  
13 same day, but she did not respond. When advised by investigators no such text had  
14 occurred, Fernandez said he must have been mistaken as to the date he sent her the text  
15 message. Fernandez advised he had never driven Jose's vehicle on the night in question.  
16 Fernandez could provide no witnesses for the time he was walking to the Hilltop or to his  
17 brother's home.

18 11. Fernandez described his relationship with Jose as one of fighting and making up  
19 and that they were "sex friends". Fernandez also admitted to having authored the text  
20 messages from his phone to Jose's, some of which stated he loved Jose and had dreamed of  
21 her.

22 12. On 01/04/2012, Jurell Christian, also known as Jay, was interviewed by SA Hall  
23 and Detective Morris. Christian stated he has known Fernandez for approximately 1 ½  
24 years, since they both worked at Sam's Club in Farmington, NM. During that time  
25 Fernandez would occasionally come by his house, but that he had been to only one party  
26 with Fernandez. The only party he had been to with Fernandez had been at 371 housing in  
27 early November on a Friday night.

28 13. Once at the party, Christian got together with a woman Christian did not know.

1 During the party, Christian went outside and saw Fernandez kissing the woman inside the  
2 woman's Ford Explorer. A little while later, Christian went outside and discovered  
3 Fernandez, the woman and the Ford Explorer gone. Shortly afterwards Christian went  
4 home.

5 14. SA Hall and Detective Morris reviewed the surveillance camera the Hilltop  
6 gas station for the early morning hours of 11/05/2012. The camera showed the following;

7 a] 3:37 AM, Fernandez drives up to the Hilltop in a dark colored Ford  
8 Explorer matching the description of Jose's vehicle.

9 b] 3:40 AM, Fernandez walks to back of the vehicle

10 c] 3:41 AM Fernandez walks into the store.

11 d] 3:42 AM Fernandez walks into the bathroom

12 e] 3:44 AM Fernandez walks out of the bathroom.

13 f] 3:49 AM Fernandez drives way from the store, northbound on U.S. 550  
14 towards Bloomfield, NM

15 At no time did Jose ever appear on the video.

16 15. On 02/08/2012, Fernandez came back into the Detective's Office in Bloomfield  
17 and agreed to be tested by an FBI polygrapher. Prior to the being tested he was advised of  
18 rights and signed a waiver of rights. During the pretest Fernandez was shown photos of him  
19 driving Jose's car at the Hilltop gas station. At this point Fernandez changed his previous  
20 story and stated that while he and Jose were having sex in the front passenger seat, Jose was  
21 on top of him, with her upper torso partially out the window of the vehicle. During the  
22 intercourse, Fernandez advised the door popped open and the two of them hit the ground  
23 with him landing on top of her.

24 16. Fernandez stated he tried to help Jose up, but stated she was unresponsive. After  
25 checking further he determined she was dead. Fernandez advised he did not try to call  
26 Emergency Medical Services (EMS), but instead placed her naked body in the passenger  
27 seat of the Explorer and placed her clothes in with her. After getting dressed, Fernandez  
28 advised he then drove to the Hilltop gas station, bought gas and used the restroom. He then

1 drove to his mother's home, which is 644 CR 7100. He drove past the home to a dump site  
2 just north of 644 CR7100. Once there he decided to bury Jose and walked around the dump  
3 site until he found a partial shovel.

4 17. Fernandez proceeded to dig a grave approximately 3 feet deep. He placed Jose's  
5 naked body on an adjacent mattress and finished the grave. He placed the Jose in the grave,  
6 put all of her clothes in with her, along with her Bible and other personal affects that were  
7 in the vehicle. After covering the body, he then drove away and headed back towards  
8 Farmington, throwing the shovel out somewhere along U.S. 550.

9 18. Once in Farmington, he parked Jose's vehicle at an apartment complex and left  
10 the keys in the vehicle. He then attempted to call Jurrell Christian on Jose's phone.  
11 Christian did not answer, so he then discarded Jose's phone. Fernandez stated he walked to  
12 San Juan College in Farmington and called another woman who came and picked him up.

13 19. According to telephone records on 11/06/2011, at 7:04 A.M. Fernandez sent a  
14 text message to Jose's telephone. The message asked, "Why did u leave me out there it was  
15 freakn cold". He sent more messages at 7:08 A.M., 7:14 A.M., 10:11 A.M., 12:03 P.M. and  
16 6:32 P.M. Fernandez then sent more messages the following days, 11/07/2011, 11/09/2011,  
17 11/14/2011 and 11/21/2011. Fernandez advised he knew Jose was dead, but still sent the  
18 messages. Fernandez was not actually tested on this date, but agreed to return for a  
19 polygraph test.

20 20. On 02/22/2012, Fernandez returned to the San Juan County Sheriff' Detective's  
21 office in Bloomfield, NM for a polygraph test. Prior to being tested he was advised of his  
22 rights and signed a waiver of rights. During the pretest with the polygrapher Fernandez  
23 advised he had killed Jose. In further detail Fernandez explained to investigators that on  
24 11/04/2011, he had been texting with Vernita and they agreed to meet at the party at 371  
25 housing. Fernandez advised he did ride to the party with Jurrell Christian and once at the  
26 party he got together with Jose. At the party they drank and talked, did some kissing, finally  
27 deciding to leave the party together. They left in Jose's Explorer and she was driving.

28 21. They drove to the four way, intersection of CR7010 and CR 7100, and parked.  
They talked and kissed while in the front seats. They decided to get in the back seat,

1 undressed and had sex. Fernandez advised after the sex they were both sitting up and  
2 talking. He advised they were talking about their relationship and he told her she needed to  
3 stop doing drugs, because he couldn't be around people who do drugs. Fernandez stated at  
4 this point Jose became upset, told him he couldn't tell her what to do and accused him of  
5 only using her for sex. Fernandez stated she began hitting and kicking him in the back seat.  
6 He stated he had a rush of adrenaline and with his left hand, held down her arms and with  
7 his right forcefully pushed her back against the pillar of the vehicle. Fernandez stated he  
8 felt her head hit the pillar and that he held her by the throat for approximately a minute  
9 before feeling her go limp in his hand.

10 22. Fernandez advised he saw drool and foam come from her mouth. He advised he  
11 tried to waken her, but when he saw she was not breathing and could find no pulse he  
12 decided not to call Emergency Medical Services, because "I had caused her to stop  
13 breathing or moving". Fernandez advised he panicked stating, "I know I caused her to stop  
14 breathing". He then, while still naked got out of the back seat, laid her flat in the seat and  
15 covered her with her jacket. He then dressed himself and drove away in the Explorer,  
16 towards U.S. 550, with her in the back seat. While driving, the low fuel light came on and  
17 he went to the Hilltop gas station to purchase some gas.

18 23. At the gas station he went inside and vomited in the bathroom. He bought some  
19 coffee, gasoline and began driving towards his mother's home on CR 7100. When he got to  
20 the area of his mother's home, he drove past the home to the aforementioned dump site. At  
21 the site he found a partial shovel, dug a grave, placed her personal belongings in the grave  
22 and buried her. He advised he then drove away, disposing of the shovel somewhere along  
23 U.S. 550. Fernandez drove the vehicle to Farmington and parked it at an apartment  
24 complex near where he once resided.

25 24. Fernandez advised he had sent the text messages to Jose's phone to "cover my  
26 ass". He stated he figured law enforcement would check her phone and was using the  
27 messages for purposes of an alibi.

28 25. Jasper Fernandez and Vernita Jose are listed on the Navajo Census roll and are  
enrolled members of the Navajo Indian tribe.

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26. Based on the information provided, there is probable cause to believe that on or about November 4, 2011, Jasper Fernandez, an enrolled member of the Navajo Indian Tribe, was within the territorial jurisdiction of the Navajo Indian Reservation when he unlawfully and with malice aforethought killed Vernita Jose in violation of Title 18, United States Code, Sections 1153 and 1111(a).

27. I swear that this information is true and correct to the best of my knowledge and belief.

Affiant William R. Hall, II  
Special Agent  
Federal Bureau of Investigation  
Farmington, New Mexico

Subscribed and sworn before me  
on this 23 day of February, 2012.

Robert H. Scott  
United States Magistrate Judge