

**FILED**

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

DEC 01 2011

**United States District Court**

DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

**MATTHEW J. DYKMAN**  
CLERK

v.

**CRIMINAL COMPLAINT**

**Dana Choi**

Case Number: 11mj2789

I, Kelly Lynch, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On October 13, 2011 in the District of New Mexico within the exterior boundaries of El Morro National Monument National Park, an area of concurrent federal jurisdiction, did;

COUNT I: Excavated, removed, damaged, or otherwise altered or defaced any archeological resource located on public lands, to wit; used a rock to inscribe "Super Duper Dana" into Inscription Rock over an inscription from 1758, with an assessed damage and restoration cost of \$29,782.62, within El Morro National Monument in violation of Title 16 U. S. C. § 470ee(a) - a felony, and 18 U.S.C. § 2.

I further state that I am a Park Ranger and this complaint is based on the following facts:

Continued on the attached sheet(s) and made a part hereof: Yes  No

Kelly M. Lynch  
Signature of Complainant

Sworn to before me and subscribed in my presence,

December 1, 2011  
Date

at Albuquerque, New Mexico  
City and State

\_\_\_\_\_, United States Magistrate Judge  
Name & Title of Judicial Officer

Karen B. Molzen  
Signature of Judicial Officer

**KAREN B. MOLZEN**  
**U.S. MAGISTRATE JUDGE**

**AFFIDAVIT OF PARK RANGER KELLY LYNCH  
IN SUPPORT OF COMPLAINT - U.S. v. Dana Choi**

I, Kelly Lynch, being duly sworn, depose and state the following:

- 1) As part of this investigation, the following individual(s) became known to your affiant:
  - A) Suspect #1.
  - B) Suspect #2.
  - C) NPS Special Agent David Barland-Liles
  - D) NPS Park Ranger Coral Conway
  - E) NPS Archeologist Steve Baumann.
- 2) The National Park Service has the authority to enforce Title 16 United States Code (USC) *et seq.* within the exterior boundaries of El Morro National Monument. 16 USC § 470 makes it a federal offense for anyone to excavate, remove, damage, or otherwise alter or deface any archeological resource located on public lands.
- 3) On 10/13/2011, National Park Service employees at El Morro National Monument discovered two new inscriptions illegally scraped into the sandstone cliffs of the monuments' most prominent historical feature, Inscription Rock. Inscription Rock is an antiquity of national significance and incomparable scientific value and is listed on the National Register of Historic Places.
- 4) The inscriptions were created within a few feet of a sign stating "IT IS UNLAWFUL TO MARK OR DEFACE EL MORRO ROCK" which is posted between a split rail fence and the rock face. The split rail fence is approximately four feet tall, is located approximately six feet from the rock face, and is designed to keep visitors from approaching the rock face. The new inscriptions were, "Super Duper Dana" and "Gabriel." The inscriptions were carved upon a panel that includes a historical inscription created in 1758 ("Pedro Romero 1758"). "Super Duper Dana" is carved into a portion of the "Pedro Romero 1758" inscription.
- 5) The El Morro's visitor register for October 13 indicated an international group had visited the Monument. The fee waiver book indicated a group from the University of New Mexico, Office of International Programs had visited on October 13<sup>th</sup>. One of the visitors signed the register as Dana Choi from South Korea and wrote in the comment section "Super Duper Dana Choi."
- 6) On October 17<sup>th</sup>, Dana Choi posted photos on Facebook of herself with a group of international students, including Seung Hoon Oh and Tai Yun Liu, at the Grand Canyon. A subsequent check of Seung Hoon Oh's Facebook page included a photograph of him with Dana Choi, and Tai Yun Liu, standing next to Inscription Rock.
- 7) On Nov. 15, 2011, Seung Hoon Oh and Dana Choi agreed to voluntarily participate in an interview with NPS Special Agent David Barland-Liles and Park Ranger Coral Conway. Oh

admitted he used a rock to carve the name "Gabriel" into Inscription Rock after climbing over the split rail fence. Choi admitted she used a rock to carve "Super Duper Dana" into Inscription after walking around the split rail fence. Both stated they struggle with reading English and misunderstood the signs, believing they stated it was legal to carve into the cliff.

- 8) Steve Baumann, a National Park Service Archeologist, completed an assessment which included the archeological value of the damaged inscriptions and the cost of repair and restoration. The assessment total is \$29,782.62.
- 9) I know from being at the placed described herein, that the location where Dana Choi inscribed "Super Duper Dana" into Inscription Rock is within the boundaries of El Morro National Monument.

*Kelley M. Lynch*

*Sworn & subscribed before me  
12/1/2011 Kare Brody*