

MAR 28 2012 *dds*

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

MATTHEW J. DYKMAN

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
SYLVESTER BRUCE,)
)
Defendant.)

CRIMINAL NO.: CLERK 12-678
Count 1: 18 U.S.C. § 242: Deprivation of Rights
Count 2: 18 U.S.C. § 1153 and 18 U.S.C. § 2244(b): Abusive Sexual Contact
Counts 3 and 4: 18 U.S.C. § 1001: False Statement

THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this indictment:

1. The Shiprock Detention Center ("SDC") was a jail located in Shiprock, New Mexico and was operated by the Navajo Nation.
2. SDC houses persons arrested for and convicted of crimes on the Navajo Reservation.
3. Defendant **Sylvester Bruce** was a corrections officer at the SDC.
4. B.J. was an inmate housed at the SDC.
5. Paragraphs 1 through 4 are hereby incorporated by reference into the counts set forth below.

COUNT I

[18 U.S.C. § 242]

On or one or more occasions, on or between June 1, 2010, and September 2, 2010, and October 1, 2010, and November 19, 2010, in San Juan County, in the District of New Mexico, defendant

Sylvester Bruce,

while acting under color of law, did willfully deprive B.J. of a right secured and protected by the Constitution and laws of the United States; that is, the right not to be deprived of liberty without due process of law, which includes the right to bodily integrity. Specifically, defendant engaged in sexual contact as defined in Title 18, United States Code, Section 2246(3).

All in violation of Title 18, United States Code, Section 242.

COUNT II

[18 U.S.C. §§ 2244(b), 1153]

On or one or more occasions, on or between June 1, 2010, and September 2, 2010, and October 1, 2010, and November 19, 2010, in Indian Country, in San Juan County, in the District of New Mexico, defendant

Sylvester Bruce,

an Indian, knowingly engaged in sexual contact with B.J., without B.J.'s permission, and the sexual contact consisted of defendant **Sylvester Bruce** intentionally touching, either directly or

through the clothing, the breast of B.J. with an intent to abuse, humiliate, harass, degrade, and arouse and gratify the sexual desire of any person.

All in violation of Title 18, United States Code, Sections 1153, 2244(b), 2246(3).

COUNT III

[18 U.S.C. §1001]

On or about March 16, 2011, in San Juan County, in the District of New Mexico,
defendant

Sylvester Bruce,

knowingly and willfully made false, fictitious, and fraudulent statements to a Special Agent of the Federal Bureau of Investigation (FBI) concerning facts material to a matter being investigated by the FBI, an agency of the United States. Specifically, defendant **Sylvester Bruce** stated that he did not intentionally grope and touch B.J. in a sexual and inappropriate manner while she was in custody at SDC. This statement was false in that defendant **Sylvester Bruce** knew at the time of his statement to the FBI that he had, in fact, embraced, hugged and touched the breasts of B.J. while she was in custody at SDC.

All in violation of Title 18 United States Code Section 1001.

COUNT IV

[18 U.S.C. §1001]

On or about March 16, 2011, in San Juan County, in the District of New Mexico,
defendant

Sylvester Bruce,

knowingly and willfully made false, fictitious, and fraudulent statements to a Special Agent of the Federal Bureau of Investigation (FBI) concerning facts material to a matter being investigated by the FBI, an agency of the United States. Specifically, defendant **Sylvester Bruce** stated that he did not use his personal camera, cellular phone, and lapel camera to take pictures of inmates outside of the booking area of SDC. This statement was false in that defendant **Sylvester Bruce** knew at the time of his statement to the FBI that he had, in fact, taken a picture of female inmates asleep on their bed inside their cell, an area outside of the booking area.

All in violation of Title 18 United States Code Section 1001.

A TRUE BILL

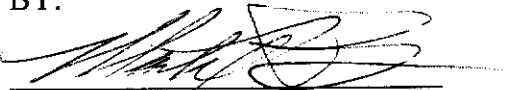
/s/ _____

FOREPERSON

APPROVED:

KENNETH GONZALES
UNITED STATES ATTORNEY

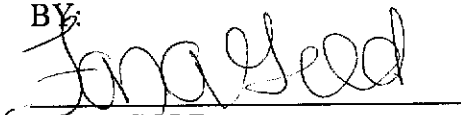
BY:



MARK T. BAKER
ASSISTANT UNITED STATES ATTORNEY

THOMAS E. PEREZ
ASSISTANT ATTORNEY GENERAL
CIVIL RIGHTS DIVISION
UNITED STATES DEPARTMENT OF JUSTICE

BY:

A handwritten signature in cursive script, appearing to read "Fara Gold", written over a horizontal line.

FARA GOLD
TRIAL ATTORNEY
CRIMINAL SECTION
CIVIL RIGHTS DIVISION
UNITED STATES DEPARTMENT OF JUSTICE

qum 3/27/12 7:26 a.m.