

AO 91 (Rev. 5/85) Criminal Complaint

United States District Court

FILED
At Albuquerque NM

DISTRICT OF New Mexico

SEP 22 2010

UNITED STATES OF AMERICA
V.

MATTHEW J. DYKMAN
CLERK

CRIMINAL COMPLAINT

Matthew Archie Johnson
YOB: 1986

CASE NUMBER: 10-MJ-2523

(Name and Address of Defendant)

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief. On or about September 17, 2010 In San Juan county, in the _____ District of New Mexico Defendant(s) did, (Track Statutory Language of Offense)

Defendant, while driving under the influence of intoxicating beverages, collided with another vehicle resulting in serious bodily injuries to the driver of the other car. Defendant is a registered member of the Navajo Nation. This DUI related crash occurred in Indian Country.

In violation of Title 18 United States Code, Section(s) 1153, 113(a)(6)

I further state that I am a(n) _____ and that this complaint is based on the following facts: See attached Affidavit hereby incorporated by reference as if fully restated herein.

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

Sworn to before me and subscribed in my presence,

22 September 2010

Date

RICHARD L. PUGLISI
U.S. MAGISTRATE JUDGE

Name & Title of Judicial Officer

Signature of Complainant

ALBUQUERQUE, NEW MEXICO

City and State

Signature of Judicial Officer

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEW MEXICO

AFFIDAVIT

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

I am a Criminal Investigator with the Navajo Nation Department of Criminal Investigations, assigned to the Shiprock, New Mexico, Police District. I currently have primary investigative responsibilities pertaining to major crimes on the Navajo Indian Reservation involving violations of federal law, including, but not limited to, homicides, aggravated assaults, assaults, involuntary manslaughters, and sexual assaults. The information set forth in this affidavit has been derived from my own investigative efforts, information communicated to me by other sworn law enforcement officers, or other reliable sources. In this regard, the following information was obtained.

1. In this affidavit, facts will show that MATTHEW ARCHIE JOHNSON, an adult Native American, with a year of birth of 1986, was driving a motor vehicle while intoxicated (B.A.C. of .225), failed to stop at a posted stop sign, and collided with JANE DOE, who has a year of birth of 1977, causing serious bodily injuries.

2. Reference will be made throughout this affidavit to the following individuals:

(A) JANE DOE is a registered member of the Navajo Indian Tribe, and she is the victim in this case;

(B) MATTHEW ARCHIE JOHNSON is a registered member of the Navajo Indian Tribe,
and he is the subject in this case;

(C) Danny Tully is a witness to this case;

(D) Phillip C. Boone is a witness to this case;

(E) Rowland H. Dash, Navajo Police Officer, is a witness to this case; and,

(F) Melania Yeats, Medical Doctor, is a witness to this case.

3. On Friday, September 17, 2010, CI Jefferson Joe received a telephone call from a Shiprock Navajo Police District police dispatcher regarding a two vehicle crash resulting in serious bodily injuries. The location of the vehicle crash was reported to have occurred at Navajo Route 36/Mile Post 15 in Fruitland, New Mexico. The location of the crash is within the confines of the Navajo Indian Reservation.

4. The investigation revealed the two vehicle crash occurred on or about the late afternoon hours of Friday, September 17, 2010. JANE DOE was identified as the victim. JANE DOE is a member of the Navajo Tribe and has a Navajo Tribal Enrollment Census Number of ---,557.

5. On September 17, 2010, CI JOE received a telephone call from Navajo Tribal Police Officer Rowland Dash. Officer Dash said Matthew Archie Johnson was driving a vehicle while under the influence of intoxicating beverages when he collided with another vehicle at Navajo Route 36/Mile Post 15. Officer Dash said he and Officer Israel Tsosie interviewed Matthew A. Johnson at San Juan Regional Medical Center (SJRMC), Farmington, NM after giving him his Miranda Rights.

6. Officer Dash stated Matthew A. Johnson told him he was speeding when he ran a stop sign and hit another vehicle. Matthew A. Johnson is a member of the Navajo Tribe and has a Navajo Tribal Enrollment Census Number of ---,229.

7. Officer Dash stated a SJRMC nurse told him Matthew A. Johnson had a B.A.C. of .256. Matthew A. Johnson was released from SJRMC, arrested on Navajo Tribal charges, and booked in at Shiprock (NM) Adult Detention Center.

8. Officer Dash stated JANE DOE had serious bodily injuries and was still being attended to at SJRMC.

9. On September 17, 2010, CI JOE interviewed and took photographs of JANE DOE at SJRMC. JANE DOE was traveling westward alone on the paved two lane highway (Navajo Route 36) when a vehicle crossed into her path from her right at an intersection. JANE DOE had the right of way. JANE DOE thought the car that hit her was going to stop at a posted stop sign. This car did not stop and they collided on the paved highway. JANE DOE's vehicle overturned.

10. JANE DOE had a scrape on her left cheek, lacerations on her left forearm, cuts and swelling to her left hand, and she had tenderness and bruising to her left shoulder, abdomen, lower back, right knee, and sides. JANE DOE stated she had pain to her neck, back, and knees. JANE DOE's left hand was swollen and she could not demonstrate a grip with it.

11. On September 18, 2010, CI JOE interviewed Danny Tully at Shiprock Adult Detention Center. Tully agreed to talk to and answer CI JOE's questions after being advised of his Miranda rights. Tully said he drank Olde English with Matthew Johnson throughout the morning and afternoon of Friday, September 17, 2010. They picked up one of Matthew Johnson's friends (Phillip C. Boone) in Shiprock around 1:00 pm that afternoon (Friday).

12. The three of them continued to drink. They went to Farmington where they purchased more liquor. Matthew Johnson was driving on a dirt road that leads to Navajo Route 36 when he did not stop at a stop sign. Johnson hit the vehicle that was coming from east to west on the paved highway.

13. On September 18, 2010, CI JOE interviewed Phillip C. Boone at Shiprock Adult Detention Center. Boone agreed to talk to and answer CI JOE's questions after being advised of his Miranda Rights. Boone was picked up at Shiprock City Market by Matthew Johnson and Danny (Tully) on Friday, September 17, 2010. Matthew Johnson and Danny were already drinking 211 Steel Reserve. They went to Farmington where they bought two 12-packs of Olde English. Matthew Johnson drove throughout their trip.

14. Boone recalled Matthew Johnson driving up a steep and bumpy hill southward going towards Navajo Route 36. Boone thought Matthew Johnson was driving to Morgan Lake where they were going to drink some more. Boone went to sleep before they reached Navajo Route 36. He was awakened by someone (after the crash) and he immediately felt pain to his right shoulder. Paramedics checked him and he was arrested by Navajo police afterwards.

15. On September 18, 2010, CI JOE interviewed Matthew Archie Johnson at Shiprock Adult Detention Center. Johnson was advised of his Miranda Rights. He agreed to talk to and answer CI JOE's questions. Johnson started drinking (alcoholic beverages) with Danny Tully around 9:30 am on Friday, September 17, 2010. They drank Steel Reserve. Johnson drank six 12 oz. cans of Steel Reserve before picking up his friend, Phillip Boone, in Shiprock.

16. Johnson, Danny Tully, and Phillip Boone, went to Farmington where they bought some Olde English liquor. They all continued to drink as Johnson drove them around Fruitland area. Johnson drank seven or eight cans of Olde English liquor when he drove on a dirt road that leads to Navajo Route 36.

17. Johnson was driving south on the dirt road, and was going to cross Navajo Route 36 without stopping, when he saw an approaching vehicle from his left at the last moment. Johnson stated he saw this approaching vehicle but he thought he could beat it across. Johnson swerved to his right when he knew he could not beat it across but he still ended up hitting the other car.

18. Johnson wrote a statement reflecting his admission that he was driving, did not stop at a stop sign, and caused the crash.

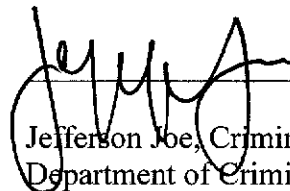
19. Matthew A. Johnson was transported to SJRMC via ambulance. Blood was drawn from Johnson for medical purposes and it was analyzed. Matthew A. Johnson's alcohol serum level was found to be 225 which translates to a B.A.C. of .225.

20. On September 21, 2010, Medical Doctor Melania Yeats told Farmington (NM) F.B.I. Special Agent Dustin Grant that JANE DOE suffered extreme physical pain and a possible loss or impairment of her left hand.

21. Based on the information provided, AFFIANT believes there is probable cause to believe that on or about September 17, 2010, MATTHEW ARCHIE JOHNSON, with a year of birth of 1986, and as an enrolled member of the Navajo Indian Tribe, did, within the Navajo Indian Reservation, commit in violation of the United States Code (USC), sections 1153, Crime on an Indian Reservation; sections 113 (a)(6), Assault resulting in serious bodily injury, in that MATTHEW ARCHIE JOHNSON, while on the Navajo

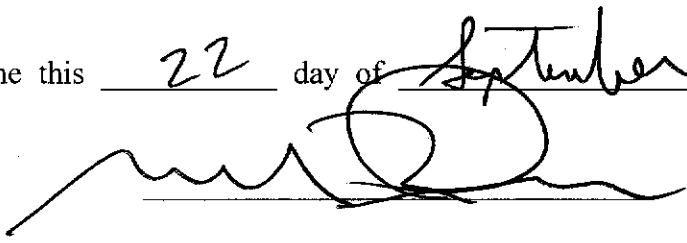
Indian Reservation, did operate a motor vehicle while intoxicated (B.A.C. .225) causing a vehicle crash resulting in serious bodily injuries to JANE DOE.

30. The above information is true and correct to the best of my knowledge.



Jefferson Joe, Criminal Investigator
Department of Criminal Investigations
Shiprock Police District
Shiprock, New Mexico

Subscribed and sworn before me this 22 day of September
2010.



U.S. Magistrate Judge