

Between on or about January 15, 2008 and on or about January 14, 2010, in Indian Country, in Taos County in the District of New Mexico, the defendant, **BEN JOHN MARTINEZ**, an Indian, unlawfully and knowingly engaged in and caused sexual contact with John Doe, a child who had not then attained the age of 12 years, and the sexual contact consisted of the defendant causing John Doe's hand to intentionally touch defendant's penis directly and through the clothing, with the intent to abuse, humiliate, harass, degrade, and arouse and gratify the sexual desire of any person.

In violation of 18 U.S.C. §§ 1153, 2244(a)(5), and 2246(3).

Count 3

Between on or about October 5, 2008 and on or about October 4, 2010, in Indian Country, in Taos County in the District of New Mexico, the defendant, **BEN JOHN MARTINEZ**, an Indian, unlawfully and knowingly engaged in and attempted to engage in a sexual act with Jane Doe 1, a child who had not then attained the age of 12 years, and the sexual act consisted of the intentional touching, not through the clothing, of the genitalia of Jane Doe 1 with the intent to abuse, humiliate, harass, degrade, and arouse and gratify the sexual desire of any person.

In violation of 18 U.S.C. §§ 1153, 2241(c), and 2246(2)(D).

Count 4

Between on or about October 5, 2008 and on or about October 4, 2010, in Indian Country, in Taos County in the District of New Mexico, the defendant, **BEN JOHN MARTINEZ**, an Indian, unlawfully and knowingly engaged in and attempted to engage in a sexual act with Jane Doe 1, a child who had not then attained the age of 12 years, and the sexual act consisted of contact between the mouth of Jane Doe 1 and the defendant's penis.

In violation of 18 U.S.C. §§ 1153, 2241(c), and 2246(2)(B).

Count 5

Between on or about September 4, 2001 and on or about September 3, 2003, in Indian Country, in Taos County in the District of New Mexico, the defendant, **BEN JOHN MARTINEZ**, an Indian, unlawfully and knowingly engaged in and attempted to engage in a sexual act with Jane Doe 2, a child who had not then attained the age of 12 years, and the sexual act consisted of the intentional touching, not through the clothing, of the genitalia of Jane Doe 2 with the intent to abuse, humiliate, harass, degrade, and arouse and gratify the sexual desire of any person.

In violation of 18 U.S.C. §§ 1153, 2241(c), and 2246(2)(D).

Count 6

Between on or about September 4, 2001 and on or about September 3, 2003, in Indian Country, in Taos County in the District of New Mexico, the defendant, **BEN JOHN MARTINEZ**, an Indian, unlawfully and knowingly engaged in and caused sexual contact with Jane Doe 2, a child who had not then attained the age of 12 years, and the sexual contact consisted of the defendant intentionally touching Jane Doe 2's breasts directly and through the clothing, with the intent to abuse, humiliate, harass, degrade, and arouse and gratify the sexual desire of any person.

In violation of 18 U.S.C. §§ 1153, 2244(a)(5), and 2246(3).

Count 7

Between on or about September 4, 2002 and on or about September 3, 2004, in Indian Country, in Taos County in the District of New Mexico, the defendant, **BEN JOHN MARTINEZ**, an Indian, unlawfully and knowingly engaged in and attempted to engage in a sexual act with Jane Doe 2, a child who had not then attained the age of 12 years, and the sexual act consisted of the intentional touching, not through the clothing, of the genitalia of Jane Doe 2

with the intent to abuse, humiliate, harass, degrade, and arouse and gratify the sexual desire of any person.

In violation of 18 U.S.C. §§ 1153, 2241(c), and 2246(2)(D).

Count 8

Between on or about September 4, 2002 and on or about September 3, 2004, in Indian Country, in Taos County in the District of New Mexico, the defendant, **BEN JOHN MARTINEZ**, an Indian, unlawfully and knowingly engaged in and attempted to engage in a sexual act with Jane Doe 2, a child who had not then attained the age of 12 years, and the sexual act consisted of penetration, however slight, of the genital opening of Jane Doe 2 by a hand and finger of the defendant, with the intent to abuse, humiliate, harass, degrade, and arouse and gratify the sexual desire of any person.

In violation of 18 U.S.C. §§ 1153, 2241(c), and 2246(2)(C).

Count 9

Between on or about September 4, 2002 and on or about September 3, 2004, in Indian Country, in Taos County in the District of New Mexico, the defendant, **BEN JOHN MARTINEZ**, an Indian, unlawfully and knowingly engaged in and attempted to engage in a sexual act with Jane Doe 2, a child who had not then attained the age of 12 years, and the sexual act consisted of contact between the defendant's mouth and Jane Doe 2's vulva.

In violation of 18 U.S.C. §§ 1153, 2241(c), and 2246(2)(B).

Count 10

Between on or about September 4, 2001 and on or about September 3, 2009, in Indian Country, in Taos County in the District of New Mexico, the defendant, **BEN JOHN MARTINEZ**, an Indian, unlawfully and knowingly engaged in and caused sexual contact with Jane Doe 2, a child who had not then attained the age of 12 years, and the sexual contact

consisted of the defendant causing Jane Doe 2's hand to intentionally touch defendant's penis directly and through the clothing, with the intent to abuse, humiliate, harass, degrade, and arouse and gratify the sexual desire of any person.

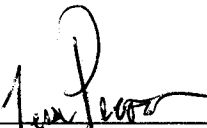
In violation of 18 U.S.C. §§ 1153, 2244(a)(5), and 2246(3).

Count 11

Between on or about September 4, 2009 and on or about September 3, 2010, in Indian Country, in Taos County in the District of New Mexico, the defendant, **BEN JOHN MARTINEZ**, an Indian, unlawfully and knowingly engaged in and attempted to engage in a sexual act with Jane Doe 2, a child who had attained the age of 12 years, but had not attained the age of 16 years, and Jane Doe 2 was at least four years younger than the defendant, by using force, and the sexual act consisted of the intentional touching, not through the clothing, of the genitalia of Jane Doe 2 with the intent to abuse, humiliate, harass, degrade, and arouse and gratify the sexual desire of any person.

In violation of 18 U.S.C. §§ 1153, 2241(c), and 2246(2)(D).

A TRUE BILL:


Assistant United States Attorney


FOREPERSON OF THE GRAND JURY