DEC 1 9 2023

IN THE UNITED STATES DISTRICT COURT

MITCHELL R. ELFERS

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)
Plaintiff,) CRIMINAL NO. 23 1939 1949
vs.) Count 1: 18 U.S.C. §§ 1153 and) 113(a)(3): Assault with a Dangerous
KUBERT YANITO,) Weapon;
Defendant.) Count 2: 18 U.S.C. § 1153 and N.M.) STAT. ANN. § 30-6-1(D): Abandonment and Abuse of a Child, Recklessly Caused;)
	Count 3: 18 U.S.C. § 117(a)(1): Assaultby a Habitual Offender.

INDICTMENT

The Grand Jury charges:

Count 1

On or about October 11, 2023, in Indian Country, in San Juan County, in the District of New Mexico, the defendant, KUBERT YANITO, an Indian, assaulted Jane Doe 1 with a dangerous weapon, specifically, a knife, with intent to do bodily harm.

In violation of 18 U.S.C. §§ 1153 and 113(a)(3).

Count 2

On or about October 11, 2023, in Indian Country, in San Juan County, in the District of New Mexico, the defendant, KUBERT YANITO, an Indian, and parent, guardian and custodian of Jane Doe 2, a minor under the age of 18, knowingly, recklessly and without justifiable cause, assaulted Jane Doe 1 while she held Jane Doe 2, causing Jane Doe 2 to be placed in a situation that may have endangered the life and health of Jane Doe 2.

In violation of 18 U.S.C. § 1153 and N.M. STAT. ANN. § 30-6-1(D).

Count 3

On or about September 1, 2023, in Indian Country, in San Juan County, in the District of New Mexico, the defendant, **KUBERT YANITO**, having been convicted of:

- (1) Aggravated Domestic Violence, CR-2008-1080, Superior Court of Arizona, on or about April 21, 2009, which would be, if subject to Federal jurisdiction, an assault, the victim of which was a spouse or intimate partner of **KUBERT YANITO**,
- (2) Partner or Family Member Assault, TK-275-2015-0005057, Municipal Court of Great Falls Montana, on or about August 18, 2015, which would be, if subject to federal jurisdiction, an assault, the victim of which was a spouse or intimate partner of **KUBERT YANITO**, and
- (3) Domestic Assault by Habitual Offender, 2:17-CR-00404-DS, in the United States

 District Court for the Central Division of the District Utah, on or about June 4, 2018,
 an assault, the victim of which shared a child with **KUBERT YANITO**,
 assaulted Jane Doe 1, a person with whom **KUBERT YANITO** shares a child in common.
 In violation of 18 U.S.C. § 117(a)(1).

A TRUE BILL:

FOREPERSON OF THE GRAND JURY

Assistant United States Attorney