

AFFIDAVIT

I, Megan P. Bennett, being duly sworn on oath, depose and state as follows:

1. I have been employed as a Special Agent with the Federal Bureau of Investigation (FBI) since January 2009, and I am assigned to the Minneapolis Field Office, Minot Resident Agency. As a Special Agent with the FBI, I am responsible for investigating violations of federal criminal and national security laws, including crimes in Indian Country, including the Fort Berthold Indian Reservation (FBIR) located in western North Dakota.
2. As this affidavit is being submitted for the limited purpose of securing charges by complaint and obtaining an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that MICHELLE LYNÆ WOUNDED FACE has committed the crime of Child Abuse in Indian Country in violation of 18 USC § 1153 and North Dakota Century Code, §§ 14-09-22 and 12.1-32-01.
3. On 01/03/2015, I was contacted by Three Affiliated Tribes Police Department (TATPD) Criminal Investigator (CI) Grace Her Many Horses. CI Her Many Horses apprised me of an incident of suspected child abuse which had occurred on 01/03/2015, in which MICHELLE LYNÆ WOUNDED FACE, also known as MICHELLE LYNÆ WOUNDED FACE-LINCOLN (year of birth 1990) was the alleged child abuser. On 01/05/2015, I met with CI Her Many Horses and received from her copies of police reports and written statements provided to TATPD.
4. On that same date, CI Her Many Horses and I interviewed MICHELLE at the Gerald Fox Justice Center in New Town, after MICHELLE was read her "Miranda" rights and indicated she understood her rights. The facts of the alleged child abuse incident, as they are known to me, are laid forth in this affidavit, and are derived from the reports I reviewed and the interviews I conducted.
5. On 01/03/2015 at approximately 10:30 AM, MICHELLE was encountered at the TATPD building in New Town, North Dakota, by TATPD Officer Michael White Owl. Officer White Owl observed her to be in a black Chrysler 300 with her daughters C.W.F., age four, and M.W.F., age two. Officer White Owl asked MICHELLE what she was doing at the police department. MICHELLE told him she wanted to speak with CI Her Many Horses, not Officer White Owl. MICHELLE made additional statements to Officer White Owl that did not make sense to him, such as Obama (apparently referring to U.S. President Barack Obama) being mad at her for being pregnant, and things "coming to an end because the oil is gone."
6. Officer White Owl was troubled by MICHELLE's statements. He drove away from the vehicle MICHELLE was driving, parked, and with Officer Chad Roe, conducted a license and warrant check on MICHELLE. He received "clean" results. He attempted to contact MICHELLE again, but she had apparently departed the TATPD building area.
7. At approximately 1 PM, Tanner Joe Tuttle and others were about to begin ice fishing on Lake Sakakawea near Moe's Point near Sanish Bay. MICHELLE approached him. She told

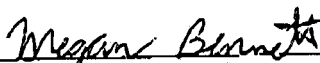
him she was cold and hungry. She was wearing yoga pants, a sweatshirt, flat-footed sneaker-type shoes, and no gloves.

8. On 01/03/2015, according from a publicly available weather report from weather station MND018, located in the Four Bears area west of New Town, the low temperature was -5 degrees Fahrenheit (°F), high temperature was 7°F, average temperature 1°F, and average wind speed 11.8 miles per hour. A North Dakota Wind Chill Advisory was active on that date.
9. MICHELLE did not mention having children to Tuttle at any point, but did point out to him where her black vehicle was parked nearby. MICHELLE spoke with Tuttle and one of his friends near the Suburban. MICHELLE did not seem odd or say anything that seemed odd to Tuttle. Tuttle let MICHELLE inside his Chevrolet Suburban so she could warm up. When Tuttle wasn't looking, MICHELLE drove away in his Suburban without his permission. Tuttle called police, who were able to locate MICHELLE at a nearby residence. TATPD Officer Chad Roe arrested MICHELLE and took her to the Gerald Fox Justice Center for the vehicle theft and related tribal allegations.
10. During his interactions with MICHELLE following his arrest of her, Officer Roe asked MICHELLE where her children were. Officer Roe knew MICHELLE had been with C.W.F. and M.W.F. earlier in the day. MICHELLE told him the girls were fine and with her boyfriend.
11. Officer Roe encountered Officer White Owl around 4 PM on 01/03/2015. The two officers conversed about what they had been doing that day. Officer White Owl said he knew MICHELLE's ex-husband was in Las Vegas, Nevada, and that her boyfriend was working his shift at the Four Bears Casino. The officers decided they needed to located C.W.F. and M.W.F.
12. The officers searched the area where MICHELLE had stolen the Suburban. They approached a black Chrysler 300, parked on Table Road across from a cemetery. C.W.F. and M.W.F. were inside.
13. The vehicle motor was not running. C.W.F. and M.W.F. verbalized they were very cold and they appeared to be scared. They were shivering. C.W.F. was dressed in a tank top-style shirt and M.W.F. had no shirt. Neither girl was wearing socks or shoes. A rifle, described in a TATPD report as being similar to an AR-15 rifle, was found in the vehicle.
14. C.W.F. told Officer White Owl that her mother (MICHELLE) got out of the car and told C.W.F. "she didn't want her damn babies anymore," and left.
15. To my knowledge, MICHELLE never told any private citizen, police officer, or investigator, that her children were in the black Chrysler 300 parked near the cemetery on Table Road within the exterior boundaries of FBIR. MICHELLE told me she did not tell anyone about the children because she did not want them to be taken from her.
16. When CI Her Many Horses and I interviewed MICHELLE, we allowed her to believe that her children were deceased.


17. MICHELLE told me God and the Great Spirit told her she is a portal to all worlds. Through our conversation, it was explained to me by MICHELLE that MICHELLE was given the power by God and a Great or Almighty Spirit that she was given "this gift" to "send" people "up." MICHELLE told me she was told by a relative that "your girls can't live down there, you have to send them up to me." MICHELLE said "I did it to my baby girls...At first they were scared...I didn't kill them, I didn't do anything, they went up by themselves...It was so beautiful." MICHELLE had just recently discovered that she had the power to send people up.
18. MICHELLE told me people were threatening her and her family. She told me she "bought a gun in my name just for that reason."
19. MICHELLE told me that before she left them in the vehicle, she told them "sooner or later I'll see you," but it would just be for visits. When I asked MICHELLE if she left her car with the intention that her children should be dead when she returned to it, she told me, "honestly, yeah."
20. On 01/08/2015, I confirmed that MICHELLE is an enrolled member of the Rosebud Sioux Tribe. This incident as described above happened within the boundaries of the Fort Berthold Indian Reservation.
21. Based upon the foregoing, I believe there is probable cause to believe that MICHELLE LYNAE WOUNDED FACE has committed the offense of Child Abuse in Indian Country in violation of 18 USC § 1153 and North Dakota Century Code, §§ 14-09-22 and 12.1-32-01.

The foregoing is true to the best of my knowledge and belief.

Dated at Minot, North Dakota, this 8th day of January, 2015.


Megan P. Bennett, Special Agent
Federal Bureau of Investigation

*Sworn to before me by telephone conference
on this 8th day of January 2015.*


Charles S. Smith, Jr.
Magistrate Judge.