

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

FILED
MAR 27 2015
[Signature]
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN IRONBOULDER, *MM*
a/k/a Brian Iron Boulder, *3-27-15*
Defendant.

CR 15-mj-08
AMENDED
CRIMINAL COMPLAINT
AND AFFIDAVIT

ASSAULTING, RESISTING AND
IMPEDING A FEDERAL EMPLOYEE

18 U.S.C. §§ 111(a) and 111(b)

I, the undersigned Complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

On or about the 25th day of March, 2015, at Fort Thompson, in Indian country, in the District of South Dakota, Brian Ironboulder, did forcibly assault, resist, oppose, impede, intimidate, and interfere with Bureau of Indian Affairs employee, Superintendent Patrick F. Duffy, by using a dangerous weapon, a knife, while Superintendent Patrick F. Duffy was engaged in the performance of his official duties and employed as the Superintendent of the Crow Creek Agency, with the Bureau of Indian Affairs, Department of Interior, in violation of 18 U.S.C. §§ 111(a) and 111(b). *3-27-15 MM*

I further state that this Complaint is based upon the following facts:

1. I am a Special Agent with the Bureau of Indian Affairs (BIA) assigned to the Crow Creek Agency in South Dakota. I am charged with the investigation of violent crimes and other federal offenses within the exterior boundaries of the Crow Creek Sioux Reservation in South Dakota. I have conducted a

wide variety of criminal investigations to include violent crimes. I have worked with the BIA for approximately 10 1/2 years. Prior to joining the BIA, I was a police officer in Pine Ridge, South Dakota for approximately 8 1/2 years.

2. This Affidavit is presented in support of a Criminal Complaint.
3. I have worked with other officers with the BIA, regarding this investigation that took place on March 25th and 26th, 2015, in Fort Thompson, South Dakota. This Affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.
4. I was advised by BIA Officer Andrew Lepkowski that on March 25, 2015, at approximately 12:35 pm a call came into the Crow Creek police department indicating that Superintendent Patrick Duffy had been stabbed. I responded to the Crow Creek Agency building, 100 BIA Building Sam Boy Drive, Fort Thompson, South Dakota.
5. Upon arrival, I observed Superintendent Duffy being attended to by emergency medical technicians. I observed what appeared to be the handle of a knife protruding out of the center left portion of Duffy's back parallel to his shoulder blade area. I directed BIA law enforcement officers to secure the scene, conduct interviews and gather evidence.
6. On March 25, 2015, I traveled to Mid-Dakota Hospital in Chamberlain, South Dakota and observed Duffy at the emergency room. I observed a

brown and gold colored handled knife protruding out of Duffy's back. I took photographs of the knife still embedded in Duffy's back and again following the removal of the knife. I collected the knife once it had been removed by Dr. John Jones, emergency room physician for Sanford's Mid-Dakota Medical Center, who attended to Duffy's injuries. Duffy was clearly in pain and I was advised by Dr. Jones that Duffy had been given prescription pain medication so he could not be interviewed.

7. I talked with Dr. Jones and he advised me that Duffy had a stab wound, medial to left scapula, which penetrated the chest wall, blood in the plural cavity, which required that a chest tube be inserted. Dr. Jones advised that Duffy would be airlifted to Sanford Hospital in Sioux Falls, South Dakota, because he was in critical, but stable condition.

8. On March 26, 2015, I interviewed Keith Fleury, property and supply technician for the Crow Creek Agency. Fleury advised that he had returned from lunch at approximately 12:25 pm on March 25, 2015. At that time, he ^{a/k/a Iron Boulder} saw Ironboulder inside the Crow Creek agency building, waiting near Duffy's office. He stated Ironboulder comes by often to speak with Duffy. MAM 3-27-15

9. Fleury entered his office and began to work. Approximately 10 minutes later, he heard Duffy and ^{a/k/a Iron Boulder} Ironboulder talking in conversational tones. MAM 3-27-15
Fleury saw Duffy walk past Fleury's office door. ^{a/k/a Iron Boulder} Ironboulder was about MAM 3-27-15 four steps behind Duffy. They were headed in the direction of the main entrance to the Agency building.

10. Fleury advised that right after he saw Duffy and Ironboulder walk by, he ^{from Boulder} *MSM 3-22-15* heard a commotion outside his office that sounded like a "thud", or that something had been dropped. Fleury then heard the main door open very fast and heard the door bang against the door jam. Fleury exited his office and observed a wet substance on the floor. He stated he walked towards the main agency entrance and went outside. There, he observed Duffy laying on the ground in a fetal position, moaning. Duffy was unable to respond to questions.
11. Fleury advised that Duffy then turned towards him and that is when Fleury stated he saw the knife in Duffy's back. Fleury described the knife as brown handle with a copper tip. At this time, law enforcement and an ambulance were summoned.
12. On March 26, 2015, I spoke with BIA Deputy Regional Director Dani Daugherty. Daugherty advised that on March 25, 2015, Patrick Duffy was duly employed as the Superintendent of the Crow Creek Agency and engaged in the performance of his official duties.
13. On March 26, 2015, I interviewed Ironboulder ^{a/k/a Iron Boulder} at the Lower Brule *MSM 3-22-15* Correctional Facility. Ironboulder admitted to me to stabbing Duffy in the back with a knife.
14. Based upon my training and experience as a law enforcement officer with the BIA assigned to the Crow Creek Agency, I am familiar with the exterior boundaries of the Crow Creek Sioux Reservation. The Crow Creek Agency

building located at 100 BIA Building Sam Boy Drive, Fort Thompson, South Dakota and is within the exterior boundaries of the Crow Creek Sioux Reservation and considered Indian country for purposed of Federal jurisdiction.

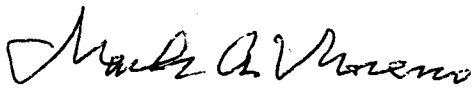
15. Based on the foregoing, I believe there is probable cause to establish that on or about the 25th day of March 2015, in Fort Thompson, in Indian country, in the District of South Dakota, Brian Ironboulder^{a/k/a Brian Iron Boulder} did forcibly assault, resist, oppose, impede, intimidate, and interfere with Bureau of Indian Affairs employee, Superintendent Patrick F. Duffy, by using a dangerous weapon: that is, a knife, while Superintendent Patrick F. Duffy was engaged in the performance of his official duties and employed as the Superintendent of the Crow Creek Agency, with the Bureau of Indian Affairs, Department of Interior, in violation of 18 U.S.C. §§ 111(a) and 111(b). *MM 3-22-15 M*


Tino Lopez, Special Agent
Bureau of Indian Affairs

Sworn to before me and subscribed in my presence,

Date March 26, 2015 City and State Perre, South Dakota

Mark A. Moreno
United States Magistrate
Name and Title of Judicial Officer


Signature of Judicial Officer