

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

SEP 19 2014

MATTHEW J. DYKMAN
CLERK

United States of America)

v.)

Nathan Mondragon)

Post Office Box 440)

Taos, New Mexico 87571)

Year of Birth 1986 SSN#xxx-xx-0396)

Case No.

14mj 3139

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

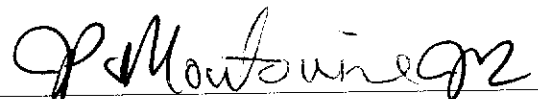
On or about the date(s) of September 14, 2014 in the county of Taos in the
State and District of New Mexico, the defendant(s) violated:*Code Section*

18 USC 1153; 113a(3) and (6)

*Offense Description*Nathan Mondragon, an Indian, for the crime of Assault with a Dangerous
Weapon, with intent to do bodily harm to the person of John Doe 1, Assault
Resulting in Serious Bodily Injury to the person of John Doe 1, while in Indian
Country.

This criminal complaint is based on these facts:

see attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

J.P. Montowine, Special Agent

Printed name and title


Sworn to before me and signed in my presence.

Date:

9/19/14

City and state:

Albuquerque, NM


Judge's signature

Steven C. Yarbrough

Printed name and title

U.S. Magistrate Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA)

)

VS.)

Nathan Mondragon)

Year of Birth 1986)

SSN xxx-xx-0396)

Case No: _____

AFFIDAVIT

I, J.P. MONTOWINE, being duly sworn, depose, and say the following:

1. I am a Special Agent (SA) with the Bureau of Indian Affairs (BIA) assigned to the Northern Pueblos Agency, Ohkay Owingeh, New Mexico. My duties are to provide law enforcement services to the Eight Northern Indian Pueblos and other Indian Country Entities within the State of New Mexico. My primary duties are investigating violations of the Major Crimes Act, which occur on the reservations to which I am assigned. I have twenty total years of law enforcement experience with two different law enforcement entities. I have been with the Bureau of Indian Affairs, Office of Justice Services for eighteen years. I have completed the Basic Criminal Investigation Course at the Federal Law Enforcement Training Center in Glynco, Georgia and the Basic Police Training with the United States Indian Police Academy at the Federal Law Enforcement Training Center in Artesia, New Mexico. I have extensive in-service and technical training in different aspects of Law Enforcement. Investigations of Assault with a Dangerous Weapon, and Assaults Resulting in Serious Bodily Injury are some of my responsibilities.

2. Because this affidavit is being submitted for the purpose of securing a Warrant for Arrest, I have not included each and every fact known to me concerning this investigation. The information set forth in this affidavit is known to me as a result of my own investigation, or has been communicated to me by other law enforcement officers and or agents. I have set forth facts I believe are necessary to establish Probable Cause to arrest Nathan Mondragon, an Indian for the crime(s) of Assault with a Dangerous Weapon and Assault Resulting in Serious Bodily Injury in Indian Country.

3. On September 14, 2014, I responded to an assault with a dangerous weapon, such assault resulting in serious bodily injury, which occurred in Taos Pueblo, New Mexico. It was determined the suspect and victim of the assault are both Indians. The assault(s) was committed in Indian Country.

4. The location of the assault has been identified as being located on Willow Road, Taos County, State of New Mexico. The location is on land owned by the Taos Pueblo Indian Tribe. The location is "Indian Country" as defined by federal law.

5. Victim 1 of this investigation has been identified as John Doe 1, an Indian. John Doe 1 has a year of birth of 1977 and a social Security Account Number of xxx-xx-3869. He will be referred to as John Doe 1 for the remainder of this affidavit. John Doe 1 is an enrolled member of the Taos Pueblo Indian Tribe.

6. The suspect of this investigation has been identified as Nathan Mondragon, with a year of birth of 1986, and Social Security Account Number xxx-xx-0396. Nathan Mondragon is an enrolled member of the Taos Pueblo Indian Tribe. Nathan Mondragon will be referred to as Mondragon for the remainder of this affidavit.

7. On Sunday, September 14, 2014, at approximately 10:45 p.m., Taos Pueblo Tribal Police Department (TPTPD) responded to a residence on Willow Road, Taos Pueblo, New Mexico, in reference to an Assault with a Dangerous Weapon (Stabbing).

8. BIA Special Agent (SA) J.P. Montowine responded too and initiated an investigation. SA Montowine was briefed by the on scene TPTPD Police Officer (PO) Rick Medina. PO Medina explained Mondragon stabbed John Doe 1 multiple times. John Doe 1's injuries were serious and he had to be airlifted to St. Vincent's Hospital in Santa Fe, New Mexico. PO Medina advised Mondragon had fled the crime scene but was later apprehended by the New Mexico State Police. After apprehension Mondragon was treated at the Taos Holy Cross Hospital. He had two (2) non-life threatening lacerations to his head. Mondragon is currently in the custody of TPTPD.

9. A search of the residence revealed blood spatter in the bathroom, bathtub, the bedroom and living room floor. Items were strewn about and knocked over. The evidence at the residence was consistent with that of a recent violent struggle.

10. While at the crime scene SA Montowine interviewed an eye witness identified as John Doe 2. John Doe 2 stated his grandmother told him something was happening at John Doe 1's residence. John Doe 2 who lives nearby John Doe 1's residence could hear yelling and screaming. John Doe 2 and his grandmother proceeded to the residence of John Doe 1. John Doe 2 walked into the bedroom and could see Mondragon kneeling over John Doe 1. Mondragon had a knife pointed to John Doe 1's throat. John Doe 2 heard Mondragon state to John Doe 1, "See what you make me do to you?" John Doe 2 struck Mondragon on his head with a stick. Mondragon then lunged and threatened John Doe 2 with the knife causing him to strike Mondragon again with the stick. Mondragon ran out of the residence with the knife in hand.

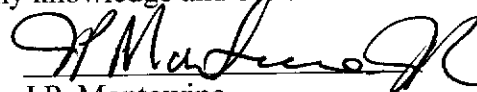
11. On Monday, September 15, 2014, Affiant met with Mondragon and identified himself as a Special Agent with BIA. Mondragon was in the custody of TPTPD. Mondragon refused to give a statement without an attorney present.

12. On Monday, September 15, 2014, SA Montowine interviewed an eye witness identified as Jane Doe 1 at the TTPD. Jane Doe 1 stated John Doe 1 called her and said he was hurt. Jane Doe 1 recognized he was out of breath and was "wheezing". She alerted John Doe 2 and they both proceeded to John Doe 1's nearby residence. Jane Doe 1 heard screaming and yelling coming from John Doe 1's residence. Jane Doe looked through the opening of a partially closed door and saw Mondragon holding a knife to John Doe 1 in the bathroom. Jane Doe 1 said there was a lot of blood inside the residence. Jane Doe 1 saw John Doe 2 strike Mondragon with a stick. Mondragon stood up and lunged at John Doe 2 in a threatening manner with the knife. She stated John Doe 2 struck Mondragon with the stick once more. Mondragon then ran out the residence with the knife. Police were contacted, arrived and rendered aid to John Doe 1.

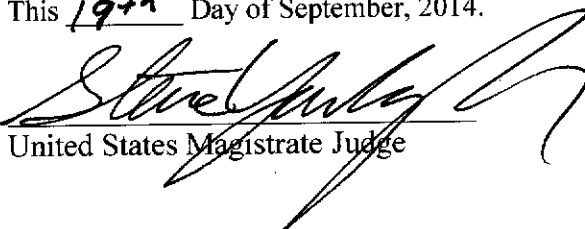
13. On Tuesday, September 16, 2014, BIA SA Brenda Gonzales interviewed John Doe 1 at the St. Vincent's Hospital. John Doe 1 stated he and Mondragon had consumed alcohol on the day of the incident. John Doe 1 said he went to take a shower. While in the shower Mondragon came in the bathroom and started accusing John Doe 1 of "cheating" on him. John Doe 1 stated Mondragon punched him in the face several times. John Doe 1 fought back and a struggle ensued. John Doe 1 saw Mondragon pull out a knife and Mondragon stabbed him several times on his upper chest area. John Doe 1 stated he began to cry because blood was "squirting" from his chest. He thought he was going to die. Mondragon had thrown John Doe 1's shorts which contained his cellular phone in the toilet. John Doe 1 was able to get his cellular phone and call his mother who lived nearby. John Doe 1's mother and nephew arrived at the residence and stopped the attack. When they arrived Mondragon lunged and threatened them with the knife. John Doe 1 stated he and Mondragon were in an intimate relationship and Mondragon lives at his residence 2-3 days out of the week. According to John Doe 1 his injuries consisted of two (2) stab wounds near his heart, causing a punctured lung. John Doe 1 sustained a "black eye" and a laceration to the left side of his face which required stitches.

Based on the above facts known to me concerning this investigation, I believe probable cause exists to arrest **Nathan Mondragon**, an Indian, for the crime of Assault with a Dangerous Weapon, with intent to do bodily harm to the person of John Doe 1, Assault Resulting in Serious Bodily Injury to the person of John Doe 1, while in Indian Country, in violation Title 18, United States Code, 1153; 113a(3) and (6).

I swear this information is the truth to the best of my knowledge and belief.


J.P. Montowine
Special Agent
BIA/NPA/OLES

Subscribed and sworn to before me
This 19th Day of September, 2014.


United States Magistrate Judge