

Magistrate Judge J. Richard Creatura

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UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON
 AT TACOMA

UNITED STATES OF AMERICA,
 Plaintiff,
 v.
 BRANDON JOSEPH EATON,
 Defendant.

CASE NO. MJ15-5118
 COMPLAINT for VIOLATION
 Title 18, United States Code,
 Sections 111(a) and 1153

BEFORE the Honorable J. Richard Creatura, United States Magistrate Judge,
 Tacoma, Washington,

The undersigned complainant being duly sworn states:

COUNT 1

(Assault on a Federal Officer)

On or about July 15, 2015, at Neah Bay on the Makah Indian Reservation, in Indian Country as defined by Title 18, United States Code, Section 1151, and within the Western District of Washington, BRANDON JOSEPH EATON, an Indian and an enrolled member of the Makah Tribe, did forcibly assault, resist, oppose, impede, intimidate, and interfere with Brandon Moss, a federal law enforcement officer, and did involve physical contact upon Officer Moss by using teeth and closed fists on Officer Moss, while Officer Moss was engaged in and on account of the performance of his official duties.

1 All in violation of Title 18, United State Code, Sections 111(a) and 1153.

2 The undersigned complainant being duly sworn further states:

3 1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and
4 have been so employed since February of 2000. I am assigned to the Seattle Division of the
5 FBI and currently work from the FBI office in Poulsbo, Washington. As a Special Agent, I
6 have participated in numerous investigations involving, but not limited to, assaults, rape,
7 bank robbery, arson, kidnapping, fraud, narcotics, fugitives, and crimes on Indian
8 reservations.

9 2. The information contained in this affidavit is based upon my own
10 investigation, as well as upon police reports, the investigations conducted by others, and the
11 details related to me by others familiar with this matter. Because this affidavit is made for
12 the limited purpose of establishing probable cause, I have not listed each and every fact
13 known to me concerning this investigation.

14 3. On July 15, 2015, Makah Tribal Police Chief Jasper Bruner contacted me
15 regarding an assault which had taken place on one of their officers. The assault occurred
16 during apprehension of BRANDON JOSEPH EATON, a tribal jail inmate, when EATON
17 was attempting to escape from the Neah Bay Police Department jail. I learned the following
18 information concerning EATON's assault of Neah Bay Police Officer Brandon Moss.

19 4. BRANDON JOSEPH EATON is an enrolled tribal member of the Makah
20 Tribe with enrollment number of 252B11.

21 5. On July 15, 2015, BRANDON JOSEPH EATON had been arrested by Makah
22 Natural Resource Officer Sawyer on a local warrant. After being booked into the Neah Bay
23 jail, Neah Bay Police Officer Brandon Moss removed EATON from a jail cell so that
24 EATON could make a phone call. While being removed, EATON learned that he had an
25 outstanding county arrest warrant. When he was being escorted back to the jail cell, EATON
26 escaped out of the front caged area of the police station and ignored verbal warnings by
27 Officer Moss to stop.

1 6. Officer Moss caught up to EATON in the front parking lot of the jail and made
2 contact with him, attempting to pull EATON's inmate jumpsuit over his head. EATON was
3 able to break free, ripping the jumpsuit, and ran down the street.

4 7. Officer Moss caught up to EATON a second time, making contact in a
5 residential area near the police station and Kalchote Street. EATON bit Officer Moss in the
6 hand and using closed fists, began punching and striking Officer Moss repeatedly in the face
7 and head. With the assistance of two citizens who came to his aid, EATON was eventually
8 subdued placed back into a jail cell.

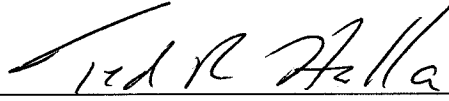
9 8. Due to the injuries sustained during the assault, Officer Moss was treated by
10 medical personal at the police station. Officer Moss was found to have multiple abrasions
11 and lacerations to his face, mouth, arm and leg and received approximately nineteen (19)
12 stitches for the wounds to his face and mouth.

13 9. EATON was also examined by medical personal and was found to have
14 sustained several scratches to his arms.

15 10. I have confirmed that the location of the assault (near the police station and
16 Kalchote Street) occurred within the exterior boundaries of the Makah Reservation.

17 11. Neah Bay Public Safety Department provides law and order services for the
18 Makah Triben and receives primary funding for its operational budget, including operation
19 of the Neah Bay Jail, from the United States Department of Interior, Bureau of Indian Affairs
20 (BIA). The BIA recognizes the Makah Tribe as a Public Law 638 tribe with self-governance
21 and control of specific BIA funding. Neah Bay Public Safety employs police officers,
22 including Officer Brandon Moss, with funding and authority of BIA.

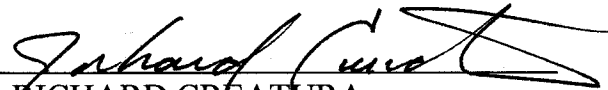
1 11. Based on the foregoing, I submit that probable cause exists to believe that
2 BRANDON JOSEPH EATON did commit the crime of Assault of a Federal Officer, in
3 violation of Title 18, United States Code, Sections 111(a) and 1153.

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7 TED R. HALLA, Complainant
8 Special Agent, FBI

9 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
10 presence, the Court hereby finds that there is probable cause to believe the defendant
11 committed the offense set forth in the Complaint.

12 DATED this 23rd day of July, 2015.

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16 J. RICHARD CREATURA
17 United States Magistrate Judge
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