



Magistrate Judge Christel

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

MATTHEW TYLER CHARLES,
Defendant.

CASE NO. MJ17-5193

COMPLAINT for VIOLATION

Title 18, United States Code,
Sections 117(a) and 1153

BEFORE the Honorable David W. Christel, United States Magistrate Judge, Tacoma, Washington.

The undersigned complainant being duly sworn states:

COUNT 1

(Domestic Assault by a Habitual Offender)

On or about October 21, 2017, at Port Angeles, on tribal trust lands of the Lower Elwha Klallam Indian Reservation, Indian Country as defined by Title 18, United States Code, Section 1151, and within the Western District of Washington, MATTHEW TYLER CHARLES, an Indian, having been convicted of at least two assaults against a spouse or intimate partner, to wit:

- Assault in the Fourth Degree - Domestic Violence, in violation of the State of Washington RCW 9A.36.041 in the Clallam County District Court, on or about January 27, 2015, Case No 4Z1094215;
- Assault in the Second Degree – Domestic Violence, in violation of Elwha Justice Codes 9.5.2(1)b and 9.26.1(1), in the Lower Elwha

1 Klallam Tribal Court, on or about December 15, 2010, Case No. 2010-
2 CR-0101;

- 3 • Assault in the Second Degree - Domestic Violence, in violation of the
4 State of Washington RCW 9A.36.021(1)(a), in the Clallam County
5 Superior Court, on or about October 6, 2006, Case No. 06-1-00410-7;
- 6 • Assault in the Forth Degree – Domestic Violence, in violation of Elwha
7 Justice Codes 9.5.4(1) and 9.26.(1), in the Lower Elwha Klallam Tribal
8 Court, on or about August 31, 2005, Case No. 05-08-0488;

9 assaulted Jane Doe, a person similarly situated to a spouse with whom he had cohabitated.

10 All in violation of Title 18, United States Code, Sections 117(a) and 1153.

11 And the complainant states that this complaint is based on the following information:

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

18 2. The information set forth in this affidavit is based on my own personal
19 knowledge, knowledge obtained from other individuals during my participation in this
20 investigation, including other law enforcement officers, review of documents and records
21 related to this investigation, communications with others who have personal knowledge of
22 the events and circumstances described herein, and information gained through my training
23 and experience. Because this Affidavit is submitted for the limited purpose of establishing
24 probable cause, it does not set forth each and every fact that I or others have learned during
25 the course of this investigation.

26 3. MATTHEW TYLER CHARLES is an enrolled member of the Lower Elwha
27 Klallam Tribe, a federally recognized Indian tribe. CHARLES and “Jane Doe” (whose
28

1 name is not being used herein to protect her privacy) were intimate partners, and have
2 children in common.

3 4. On January 27, 2015, CHARLES was convicted in Clallam County District
4 Court, Case number 4Z1094215, of Assault in the Fourth Degree – Domestic Violence for
5 assaulting Jane Doe. The underlying offense occurred on December 25, 2014. In his guilty
6 plea statement, CHARLES admitted he “intentionally committed two nonconsensual
7 touchings [sic] of another one of which was a household member.” According to the police
8 reports and victim’s statement, CHARLES forcefully grabbed Jane Doe by her arm and also
9 kicked her. CHARLES was sentenced to 364 days in jail with 344 days suspended, and was
10 ordered to have no contact with Jane Doe.

11 5. On December 15, 2010, CHARLES was convicted in Lower Elwha Klallam
12 Tribal Court, Case number 2010-CR-0101, of Assault in the Second Degree – Domestic
13 Violence for assaulting a female who is identified herein as “Jane Doe 2” to protect her
14 privacy. The underlying offense occurred on or about August 31, 2010. CHARLES entered
15 an Alford plea. According to the charging documents and police reports, CHARLES and
16 Jane Doe 2 were intimate partners. On the date in question, CHARLES grabbed Jane
17 Doe 2’s arm and wrist and inflicted grievous bodily harm. Tribal court records indicate
18 CHARLES was represented by an attorney during the proceedings related to this conviction,
19 and show that he was sentenced to 360 days in jail with 300 days suspended. CHARLES
20 was also ordered to have no contact with Jane Doe 2.

21 6. On October 6, 2006, CHARLES was convicted in Clallam County Superior
22 Court, Case number 06-1-00410-7, of Assault in the Second Degree – Domestic Violence
23 for assaulting Jane Doe. The underlying offense occurred on July 31, 2006. CHARLES
24 entered an Alford plea. According to the charging documents, CHARLES physically
25 assaulted Doe, punching her with a closed fist several times in her face and sides. During
26 the assault CHARLES threatened Doe with a knife and made threats against Doe, her
27 boyfriend, and their son. Medical personnel who treated Doe at the scene advised that
28 Doe’s jaw might have been dislocated. Court records indicate CHARLES was represented

1 by an attorney during the proceedings related to this conviction, and show that he was
2 sentenced to nine months in jail. CHARLES was also ordered to have no contact with Jane
3 Doe.

4 7. On August 31, 2005, CHARLES was convicted in Lower Elwha Klallam
5 Tribal Court, Case number 05-08-0488 of Assault in the Fourth Degree – Domestic
6 Violence for assaulting Jane Doe. The underlying offense occurred on August 21, 2005.
7 CHARLES entered an Alford plea to resolve the above-referenced case and another pending
8 case. According to the incident report and Doe’s statements, CHARLES hit/punched Doe
9 in the face and sat on her stomach (Doe was reportedly pregnant at the time with
10 CHARLES’ baby). Tribal court records indicate CHARLES was represented by an attorney
11 during the proceedings related to this conviction, and show that he was sentenced to 270
12 days in jail with 242 days suspended. CHARLES was ordered to have no contact with Jane
13 Doe.

14 8. On or about October 21, 2017, officers of the Lower Elwha Police Department
15 were contacted by an employee of the Lower Elwha Casino, located at 631 Stratton Road,
16 Port Angeles, Washington, and within the boundaries of the Lower Elwha Klallam Indian
17 Reservation, to investigate a possible assault that had occurred in the casino parking lot at
18 approximately 1:27 a.m.

19 9. Upon arriving at the casino, officers were informed by a member of the
20 casino’s security team that a casino patron had reported witnessing a man assaulting a
21 woman in the parking lot. Casino employees located the woman, Jane Doe, who is the same
22 victim referred to above in three of CHARLES’ prior convictions. Jane Doe identified
23 herself, her male companion, referred to herein as “NC” to protect his privacy, and her
24 assailant, MATTHEW TYLER CHARLES. After reviewing the casino security footage,
25 which captured and recorded the assault, Officers Flores and Thompson spoke with Doe,
26 who was still at the casino.

27 10. Jane Doe stated that she came to the casino to hang out with friends and while
28 she was getting out of her vehicle, CHARLES approached her and started to hit her and

1 throw her up against her vehicle. Doe stated that CHARLES kept trying to force her into
2 her vehicle and every time she tried to get away, he hit her and told her to get back in the
3 vehicle. Doe said she did not know how many times she was hit. Officer Flores asked Doe
4 why she did not get into the vehicle with CHARLES. Doe stated, "*I was afraid of what*
5 *would happen if I got into the car with him.*" Officer Flores asked why, and Doe replied,
6 "*because he is unpredictable and I was scared of what he might try to do to me.*"

7 11. Jane Doe stated that she believes that CHARLES was mad at her because she
8 was at the casino with one of his family members. Officer Flores advised Doe that she saw
9 (in the security footage) a knife that CHARLES had in his possession at the time of the
10 incident, and asked her if she was hurt. Doe responded that she was not hurt, but she did
11 point out an abrasion on her hand, which she believed CHARLES caused during the assault.
12 Regarding the knife, Doe stated that she first saw the knife when CHARLES picked it up
13 from the ground. Doe recalled that after CHARLES grabbed the knife, he kept repeating,
14 "*I'm going to get you guys.*" Doe stated that CHARLES eventually fled in her car, which he
15 did not have permission to use.

16 12. Jane Doe shared with officers some of her history with CHARLES, stating that
17 they had been in a relationship for eight years, that they had children together, and that he
18 had broken her jaw in the past. Jane Doe stated that she was trying to keep her distance
19 from him.

20 13. Officers attempted to interview NC, but he indicated that he was not interested
21 in speaking with them because of his familial relationship with CHARLES.

22 14. On or about October 24, 2017, I received and reviewed a copy of the casino
23 security footage of the assault and observed the following: At approximately 1:15 a.m.,
24 Jane Doe's vehicle pulled into a parking space at the casino. At the same time, a second
25 vehicle approached the parking area. When Doe opened her driver's side door, the second
26 vehicle had stopped just past her vehicle and CHARLES exited the passenger side door and
27 approached Doe. CHARLES appeared to motion to Doe, who had just exited the vehicle.
28 CHARLES reached into the vehicle's driver's side area and then moved around the open

1 driver's door and grabbed Doe by her shoulder or coat, swinging her back toward the
2 vehicle. CHARLES pushed Doe up against the vehicle and then shoved her into the
3 driver's seat. When Doe tried to get out, CHARLES pushed her back into the seat. While
4 Doe tried to get out of the driver's seat, CHARLES appeared to strike Doe with his fist at
5 least once. However, due to the position of the car door, which partially obstructed both
6 Doe and CHARLES, the full extent of the physical confrontation cannot be clearly seen.

7 15. NC then walked around the front of the vehicle in an apparent attempt to
8 confront CHARLES. CHARLES then took something out of his right side pocket and held
9 a shiny object in his hand in a manner consistent with the way one would hold a knife.
10 Other officers who have reviewed this video believe that CHARLES' hand motions and the
11 object itself is consistent with a balisong, or a "butterfly knife." As this was happening,
12 Doe shut the vehicle door and fled toward the rear of her vehicle. CHARLES chased Doe
13 and caught up to her. It does not appear that CHARLES ever put the suspected knife away.
14 Doe continued to try to get free from CHARLES who forced her back toward the driver's
15 side door.

16 16. NC then pulled out a bright flashlight and shined it in CHARLES' face, while
17 CHARLES continued to struggle with Doe near the driver's side door. Doe appeared to
18 throw her keys over the hood of the vehicle, which CHARLES appears to have retrieved.
19 CHARLES then moved toward the rear of the vehicle as NC moved between CHARLES
20 and Doe. Both NC and CHARLES assumed fighting stances and made short lunges toward
21 each other, but never made physical contact. CHARLES eventually moved back toward the
22 driver's side of the car and then picked up a shiny object off the ground, which appeared to
23 be a large kitchen style knife and different than the suspected butterfly knife that I observed
24 earlier in the video footage. CHARLES made some partial lunges toward Doe and NC and
25 then attempted to get into the driver's side door of Jane Doe's vehicle. CHARLES then
26 drove away in Doe's vehicle.

27 17. On or about October 24, 2017, I made contact with Jane Doe and told her that I
28 would like to interview her, at a future time, about the incident at the casino. Doe shared

1 her fears with me regarding CHARLES. She discussed CHARLES' "hot" temper, their
2 history together, and her fear of losing her children.

3 18. Based on the foregoing, I submit that probable cause exists to believe that
4 MATTHEW TYLER CHARLES, an Indian, while on trust lands within the Lower Elwha
5 Klallam Indian Reservation, committed the offense of Domestic Assault by a Habitual
6 Offender, in violation of Title 18, United States Code, Sections 117(a) and 1153.

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10 TED R. HALLA, Complainant
11 Special Agent, FBI

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

15 DATED this 8th day of November, 2017.

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18 DAVID W. CHRISTEL
19 United States Magistrate Judge
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