

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

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CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

UNITED STATES OF AMERICA

V.

Andre V. Hinton

CRIMINAL COMPLAINT

CASE NUMBER: 07-04024-M-001-MEA

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 November 30, 2006, within the confines of the White Mountain Apache Indian Reservation, in McNary, Arizona, Apache County, the District of Arizona, defendant Andre V. Hinton, a White Mountain Apache Indian male did, commit an assault resulting in serious bodily injury, on David Giles, a White Mountain Apache Indian male in violation of 18 U. S.C. 1153 and 18 U. S.C. 113(a)(6). I further state that I am a Special Agent with the Federal Bureau of Investigation and that this complaint is based on the following facts:

See attached affidavit Incorporated by Reference herein:

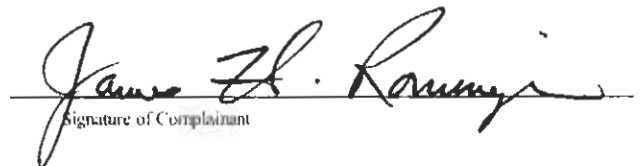
Continued on attached sheet and made a part hereof: ☒ Yes ☐ No

AUTHORIZED BY: AUSA Camille Bibles

James H. Rominger, FBI Special Agent

Federal Bureau of Investigation

Name of Complainant


Signature of Complainant

Sworn to before me and subscribed in my presence,

February 6, 2007

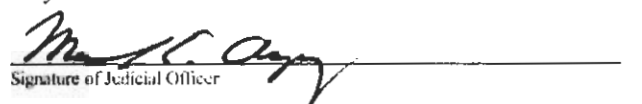
Date

Flagstaff, Arizona

City and State

U. S. Magistrate Judge

Name & Title of Judicial Officer


Signature of Judicial Officer

DISTRICT OF ARIZONA

PHOENIX, ARIZONA

AFFIDAVIT

The undersigned duly sworn, hereby declares and says:

1. That your affiant, James H. Rominger, is a Special Agent (SA) of the Federal Bureau of Investigation(FBI) and is currently assigned to the Phoenix Division, Pinetop-Lakeside Resident Agency of the FBI. Your affiant is an "investigative or law enforcement officer of the United States" within the meaning of section 2510(7) of title 18 United States Code (U.S.C.) that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, U.S.C. Section 2516. In the course of his official duties, SA Rominger is charged with the investigation of crimes occurring on the White Mountain Apache Indian Reservation, within the District of Arizona. In this regard, the following information was developed by your affiant, FBI SAs Raymond A. Duncan, Jr., and Bureau of Indian Affairs (BIA) White Mountain Apache Agency, SA Duston Whiting.

2. On Thursday, November 30, 2006, SA Duncan was notified by BIA SA Duston Whiting, of an assault that had occurred in McNary, Arizona, on the White Mountain Apache Indian Reservation. SA Whiting identified the victim of the

1 assault as David Giles, a White Mountain Apache Indian male
2 with a date of birth of September 30, 1970. SA Whiting
3 advised that Giles had initially been taken to the Navapache
4 Regional Medical Center in Show Low, Arizona. SA Whiting
5 further advise that Giles was airlifted to St. Joseph's
6 Medical Center in Phoenix, Arizona, due to the severity of
7 his injuries.

8 3. On December 19, 2006, your affiant and SA
9 Duncan contacted David Giles. Giles advised on the evening
10 of November 28, or 29, he was at his residence in McNary,
11 when a friend named Andre Hinton, a White Mountain Apache
12 Indian male came by with two fifths of alcoholic beverage.
13 Giles said his wife was home with their two children when
14 Hinton came by. Giles stated that he and Hinton were
15 drinking the alcoholic beverages Hinton had brought with him.
16 Giles stated that at some point in time, he and his wife
17 Sabrina Johnson Giles got into an argument due to David's
18 intoxicated state. Giles stated that his wife left their
19 home with their children.

20 4. Giles said that he did not recall the time his
21 wife left their residence. Giles said he was highly
22 intoxicated and he was in the bathroom of the residence.
23 Giles said that he recalled fighting with Andre Hinton in the
24 bathroom for a reason he could not recall. Giles said that he
25 then recalled being stabbed by Hinton in the bathroom during
26 the fight. Giles recalled calling out to Andre to not kill
27 him. Giles said he was able to throw Andre to the ground and
28 he began to climb out the window of the bathroom. Giles said

1 that while climbing out the window, Andre stabbed him two
2 times in the legs. Giles could not recall the reason Hinton
3 had stabbed him.

4 5. Giles said that he crawled to his neighbor's
5 house, where White Mountain Apache Tribal Police Officer
6 Oscar Hudspeth resides. Officer Hudspeth contacted an
7 ambulance for Giles. Giles was taken by ambulance to the
8 Navapache Regional Medical Center in Show Low, Arizona. It
9 was determined that Giles had sustained serious injuries that
10 required him to be evacuated by air ambulance to Good
11 Samaritan Hospital in Phoenix, Arizona. Giles stated he
12 underwent several surgeries at Good Samaritan Hospital in
13 Phoenix prior to his release. Giles showed the interviewing
14 agents several large scars on his abdomen and leg reflecting
15 his surgery following the stabbing.

16 6. On December 19, 2006, your affiant and SA
17 Duncan contacted Clinton Giles. Clinton Giles advised, he
18 had last seen Andre Hinton, a.k.a. "Dre" the day after he had
19 fought with his brother David. Giles said that he had been
20 at his brother David's home on or about November 29, 2006.
21 Clinton said they had all been drinking. Giles said they all
22 had become intoxicated, and at one point Hinton was in the
23 bathroom throwing up. Clinton said he and David had gotten
24 into an argument, and Clinton left the residence at 4:00 a.m.

25 7. Giles said he later found out that his brother
26 David had been stabbed by Hinton and flown to Good Samaritan
27 Hospital for surgery. Giles said he had no idea why Hinton
28 had stabbed his brother, but just speculated that they got

1 crazy after drinking and got into an argument.


2 8. On January 25, 2007, SA Duncan received medical
3 records from Banner Good Samaritan Medical Center in Phoenix,
4 Arizona in response to a subpoena. The medical records
5 received from Banner Good Samaritan reflected that David
6 Giles, was admitted on November 29, 2006, for treatment of
7 the following injuries: diaphragm injury with open wound
8 into cavity, injury to the popliteal artery, pneumothorax,
9 with open wound into thorax, pulmonary collapse,
10 amphetamine/sympathomimetic abuse unspecified use, alcohol
11 abuse, injury to anterior tibial artery, lesion of lateral
12 popliteal/perineal nerve, open wound of knee, leg and ankle,
13 uncomplicated, unspecified anemia, unspecified leukocytosis,
14 traumatic compartment syndrome of lower extremity, tobacco
15 use disorder, tarsal tunnel syndrome, history of
16 noncompliance with medical treatment.

17 9. Andre V. Hinton is described as follows:

18	Name:	Andre Virerell Hinton
19	A.K.A.:	Dale Lee Bogart
20	Sex:	Male
21	Race:	Indian (Apache)
22	Date of Birth:	1981
23	Height:	5'9"
24	Weight:	190 lbs.
25	Hair:	Black/Orange
26	Eyes:	Brown
27	Miscellaneous:	"Andre" tattoo, right forearm

28 9. Based on the information contained in

1 paragraphs 2 through 8 infra, your affiant believes that
2 Andre V. Hinton, did commit criminal acts to wit: Assault
3 resulting in serious bodily injury, within the territorial
4 jurisdiction of the United States, a felony in violation of
5 Title 18 U.S.C. Section 113(a)(6).

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8 
9 James H. Rominger
10 Special Agent
Federal Bureau of Investigation

11 Subscribed and sworn to before me this 6TH day of February,
12 2007.

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15 U.S. Magistrate
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