

AO 91 (Rev. 11/11) Criminal Complaint

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

for the

APR 18 2019

United States of America

v.

Mateo L. Maestas (YOB: 1997)

Defendant(s)

MITCHELL R. ELFERS
CLERK

Case No. 19mj1030

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 April 16, 2019 in the county of Cibola in the
State District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 1153, 66-8-102 (DWI), 66-8-113 Reckless Driving NMSA 1978 & 1112 (Involuntary Manslaughter)	On or about April 16, 2019, within the exterior boundaries of the Laguna Indian Reservation, State of New Mexico, the defendant, Mateo L. Maestas, an Indian, did willfully and unlawfully operate a motor vehicle while under the influence of intoxicating liquor or drug resulting in a two motor vehicle crash, and the death of a person.

This criminal complaint is based on these facts:

See the attached affidavit.

Continued on the attached sheet.

Complainant's signature

Marcelino A. Torres Bernal, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 4/18/19

Judge's signature

City and state: Albuquerque, NM

Jerry H. Ritter U.S. Magistrate
Printed name and title
Judge

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

UNITED STATES OF AMERICA)
)
 VS.)
)
 MATEO L. MAESTAS (YOB: 1997))

Case No: _____

AFFIDAVIT

1. I, Marcelino A. ToersBijns have been a Law Enforcement Officer for 29 years and performed law enforcement duties as a Correctional Officer, Police Officer, Juvenile Investigator, Disciplinary Officer, Detective, Criminal Investigator, Special Agent, Internal Affairs Agent, and Supervisory Special Agent, while employed with various Law Enforcement entities. For the past 18 years, I have been employed with the Bureau of Indian Affairs, Law Enforcement Division and am currently a Special Agent. My primary duties as a Special Agent are to investigate major criminal offenses, which occur within the exterior boundaries of the Indian reservations to which I am assigned. Fatal motor vehicle crashes involving alcohol are one of my responsibilities. 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, agencies or agents.

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. I have set forth facts I believe are Necessary to establish Probable Cause to arrest MATEO L. MAESTAS (YOB: 1997) for Driving While Intoxicated, Reckless Driving, and for Involuntarily Manslaughter of JANE DOE (YOB: 1975), in violation of

Title 18, United States Code, Sections 1153, 1112, 13 NMSA 66-8-102 (Driving DWI) & 66-8-113 (Reckless Driving). MATEO MAESTAS will be referred to as MAESTAS throughout this affidavit.

3. On April 16, 2019, at about 4:48 p.m. an unknown female called the Laguna Police Department and reported a motor vehicle crash occurred on Old Highway Route 66 (New Mexico Highway 124) and Yellow Hill Road intersection, in Laguna, New Mexico. An on-duty New Mexico State Police Officer was reported to be the first law enforcement officer on scene followed by the arrival of Laguna Police. Minutes later, Laguna EMS arrived on scene.

4. Vehicle #1 was identified by police as a white in color 2003 Ford Edge passenger vehicle, bearing New Mexico license plate 371-PTB, driven by JANE DOE (YOB: 1975), an adult female. JANE DOE's two children (YOB: 2010 & 2012) were passengers. JANE DOE was deceased upon police arrival and the two children were reported to have received serious injuries from the crash.

5. Vehicle #2 was identified as a black in color 2000 Ford two-door passenger vehicle, bearing New Mexico license plate 161-TNK, driven by MAESTAS. There were no other persons identified to be in this vehicle at the time of the crash. MAESTAS was reported to have received injuries from the crash.

6. The Bureau of Indian Affairs (BIA), Office of Justice Services (OJS) Laguna Agency was notified and responded. BIA/OJS Special Agent (SA) RoAnna Bennett is identified as the lead investigating agent and was assisted by two BIA-OJS Special Agents Marcelino A. ToersBijns and Gwendolyn Smith. Upon agent's arrival, the New Mexico State Police had dispatched a vehicle crash reconstruction team and

were in route. The two children were reported to have been transported to the University of New Mexico Hospital in Albuquerque, New Mexico. MAESTAS was being tended by Laguna EMS and getting ready to be transported to the University of New Mexico Hospital in Albuquerque, New Mexico. SA ToersBijns was advised by Laguna Officer Keith Riley their department had initiated the process of obtaining a search warrant to obtain a blood sample of MAESTAS, pursuant to their Implied Consent Law, as MAESTAS was believed to be under the influence of an intoxicating liquor.

7. SA Bennett met with New Mexico State Police Patrolman Nicholas Galeano who gave a preliminary investigative report as to the crash scene. Patrolman Galeano provided vehicle #2 appeared to have been traveling east on Old Route 66 (NM Highway 124) and attempted to make a turn either onto Yellow Hill Road or attempted a U-turn to travel westward. In the process of turning, vehicle #2 struck vehicle #1 as it traveled west on Old Route 66 (NM Highway 124). Upon impact, vehicle #2 spun around to land facing oncoming traffic and vehicle #1 was forced off the road and into a small roadside wash located on the north side of the highway. Vehicle #1 came to a stop with the front of the vehicle facing a northwestern direction.

8. SA Bennett interviewed New Mexico State Police Captain (Capt.) Troy Velasquez at the crash scene. Capt. Velasquez stated he was the first law enforcement officer on scene. Capt. Velasquez checked on the driver of the black in color vehicle and made contact with MAESTAS who was still in the vehicle. Capt. Velasquez asked him if he was okay. MAESTAS stated he wanted to get out of the vehicle and asked for help. Capt. Velasquez stated he could smell an odor of an alcohol beverage emitting from his person and saw several beer cans inside the compartment of this vehicle.

9. BIA/OJS Special Agent (SA) Marcelino A. ToersBijns interviewed Laguna Police Officer Keith Riley at the crash scene. Officer Riley stated he arrived on scene minutes after it occurred and made contact with MAESTAS. Officer Riley stated when he asked MAESTAS if he was okay. Officer Riley stated he asked MAESTAS how much he had to drink and he replied he had too much to drink. MAESTAS was asked what he had to drink and MAESTAS replied margaritas.

10. BIA/OJS (Acting) Special Agent Gwendolyn Smith made contact with MAESTAS in the ambulance while he was being prepared to be transported to the hospital from the crash scene. SA SMITH obtained MAESTAS personal identifiers. When SA SMITH entered the back of the ambulance to speak with MAESTAS, she smelled an odor of alcohol beverage when she entered the back cab compartment of the ambulance where MAESTAS was lying on his back.

11. While SA Bennett was at the crash scene, Laguna Police Officer Robert Touchin was at the hospital where MAESTAS was at and received information from the hospital medical staff the presumption blood results done by the hospital showed MASETAS as having a .28 BAC (blood alcohol Concentration).

12. The victim is **JANE DOE** (YOB: 1975), a Native American adult female and was an enrolled tribal member of the Laguna Indian Tribe, State of New Mexico

13. The suspect is **MATEO L. MAESTAS** (YOB: 1997), a Native American male and an enrolled tribal member of the Acoma Indian Tribe, State of New Mexico.

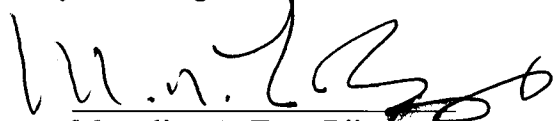
14. The assault occurred at the intersection of Yellow Hill Road and U.S. Highway 66 (NM Highway 124), Laguna, New Mexico. This crash site location is in

Cibola County, State of New Mexico and is within the exterior boundaries of the Laguna Indian Reservation, State of New Mexico.

15. Based on the above mentioned facts, known to me concerning this investigation, the Affiant believes probable cause exists to arrest **MATEO L. MAESTAS** for Driving While Intoxicated, Reckless Driving, and for Involuntarily Manslaughter of JANE DOE (YOB: 1975), in violation of Title 18, United States Code, Section 1153, 1112, NMSA 66-8-102 & 66-8-113.

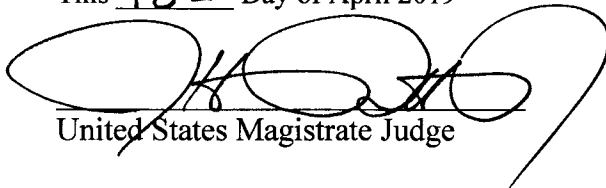
A review of the criminal complaint was made by Supervisory Assistant United States Attorney Kyle Nayback, State and District of New Mexico

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



Marcelino A. ToersBijns
Special Agent
BIA/OJS Laguna Agency

Subscribed and Sworn to before me
This 18th Day of April 2019



United States Magistrate Judge