

## UNITED STATES DISTRICT COURT

for the  
District of New MexicoUNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

SEP 04 2019

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)a white 2007 Ford F-150 pickup, bearing Arizona  
license plate number CFH2677

Case No.

19-MR-1054

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the \_\_\_\_\_ District of \_\_\_\_\_ New Mexico, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 18, U.S.C. 1112 & 1153	Manslaughter committed in Indian Country
N.M.S.A. 66-8-102	Driving while under the influence of intoxicating liquor

The application is based on these facts:

See Attached Affidavit hereby incorporated by reference as if fully restated herein.

- ☐ Continued on the attached sheet.
- ☐ Delayed notice \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Lance Randy, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 09-04-2019

City and state: Farmington, NM

Judge's signature

B. Paul Briones, US Magistrate Judge

Printed name and title

KN/AUSA

NEW MEXICO

ALBUQUERQUE, NEW MEXICO

State of New Mexico )

County of San Juan )

AFFIDAVIT

I, Lance Roundy being duly sworn, hereby, depose and state as follows:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and have been employed in that capacity since September 2008. I am currently assigned to the Albuquerque Division, Farmington Resident Agency of the FBI, and have primary investigative responsibility in violent crimes such as robbery, assault, crimes involving children and homicide occurring in Indian Country.

2. The information set forth in this affidavit has been derived from an investigation conducted by the Farmington Resident Agency of the FBI, the Criminal Investigations with the Navajo Nation, the Navajo Police Department, and the New Mexico State Police (NMSP).

3. On August 30, 2019, the Farmington Resident Agency of the FBI was notified by the Criminal Investigations with the Navajo Nation of a single vehicle crash that occurred on the Navajo Indian Reservation earlier that same day. Two individuals were in the vehicle when the driver lost control causing the vehicle to roll several times. The passenger of the vehicle, identified with initials of D.C. and a year of birth of 1997, referred to herein as "John Doe," was killed as a result of the crash. The driver of the vehicle, identified as Maroquez Clah, referred to herein as "Clah," was taken to the hospital and treated for a broken leg and other injuries from the crash.

4. Medical records revealed a blood alcohol content (BAC) of .258 while being treated at the hospital a short time after the crash.

5. The vehicle involved in the crash, a white 2007 Ford F-150 pickup truck, bearing Arizona license plate number CFH2677, vehicle identification number (VIN) 1F1PW14V37KB56752,

registered to Bessie Nakai Begay and Maroquez C. Clah, (referred to herein as the "Target vehicle"), was seized by law enforcement and towed by Pro Tow Towing to a secured tow yard in Shiprock, New Mexico.

6. On August 30, 2019, Clah was interviewed at the hospital by an Investigating Agent. During the interview, Clah said that he had been drinking alcohol throughout the day of August 29, 2019 at a residence in Farmington, New Mexico prior to driving his vehicle from Farmington towards his home in Red Valley, Arizona. Clah recalled John Doe being a passenger of his vehicle at some point during the drive. Clah admitted to drinking vodka approximately six hours prior to driving his vehicle home and remembered losing control of the vehicle while driving approximately 70 miles per hour before the vehicle rolled several times.

7. On August 30, 2019, New Mexico State Police (NMSP) Officer Stan Lundy with the Crash Reconstruction Unit (CRU) was provided the information regarding the crash. Officer Lundy said that the Target Vehicle is equipped with an Event Data Recorder (EDR) that may contain data from the crash including information such as pre impact speed, throttle position, engine RPM, brake usage, and seatbelt usage. The NMSP has equipment to gain access to this device and the data therein.

8. Based on conversations with Officer Lundy, the EDR in the Target Vehicle needs to be retained. Your affiant understands that the data retrieved from the EDR can be used in assisting with the investigation and can determine information regarding the vehicle's operation at the time of the crash, including but not limited to possible speed of the vehicle at the time of the crash.

9. On August 30, 2019, Officer Lundy conducted a reconstruction of the scene located at approximately mile marker 2 on Navajo Route 13 in Mitton Rock, New Mexico.

10. Based on the information provided in this affidavit, your affiant believes that evidence items in the form of data from the EDR are believed to be located in a white 2007 Ford F-150 pickup, bearing Arizona license plate number CFH2677, vehicle identification number (VIN) 1FTPW14V37KB56752. Additionally, your affiant believes that evidence of a crime can be found by conducting a search for physical items related to alcohol consumption, including but not limited to

bottles, receipts of purchase, cans and other items known to hold alcoholic beverages within the same vehicle. It is also believed that documents indicating who possessed and used the vehicle are contained within and that photographs of both the interior and exterior of the vehicle will assist in the investigation.

11. This search warrant is for the purpose of searching the Target Vehicle for physical items described in paragraph 10 and securing the information held within the EDR of the Target Vehicle to include processing and analyzing data extracted from the EDR.

12. The incident under investigation occurred within the exterior boundaries of the Navajo Indian Reservation and Clah and John Doe are registered members of the Navajo Nation. Based upon the information received thus far, there is probable cause to believe there was a violation of Title 18, United States Code, Section 1112 and 1153, manslaughter committed in Indian Country and N.M.S.A. 66-8-102, driving under the influence of intoxicating liquor, and that evidence of such crimes may be contained in the Target Vehicle.

13. Supervisory Assistant United States Attorney Kyle Nayback, District of New Mexico, reviewed and approved the affidavit requesting approval to search the Target Vehicle.

14. I swear that this information is true and correct to the best of my knowledge and belief.

Affiant Lance Roundy  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn before me  
on this 4th day of September, 2019.

B. Paul [Signature]  
United States Magistrate Judge

**ATTACHMENT A**

**PROPERTY TO BE SEARCHED**

- 1) A white 2007 Ford F-150 pickup, bearing Arizona license plate number CFH2677, vehicle identification number (VIN) 1FTPW14V37KB56752, located at Pro Tow Towing in Shiprock, NM.

**ATTACHMENT B**

PROPERTY TO BE SEIZED

- 1) Data retrieved from the Event Data Recorder;
- 2) Physical items related to the consumption of alcohol, including but not limited to bottles, receipts of purchase, cans and other items known to hold alcoholic beverages;
- 3) Documents pertaining to the possession and use of the vehicle;
- 4) Photographs of interior and exterior of vehicle.