

UNITED STATES DISTRICT COURT

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

DISTRICT OF WYOMING

AUG 25 2006

UNITED STATES OF AMERICA

Stephan Harris, Clerk
Cheyenne

V.

CRIMINAL COMPLAINT

CASEY JAMES NOWLIN and
KYLE BURNETT

CASE NUMBER: 06-M-166D

I, Paul A. Swenson, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

On or about June 30, 2006, in the District of Wyoming, and within Indian Country, the Defendants, **CASEY JAMES NOWLIN and KYLE BURNETT, Indians, did knowingly assault Novita Faye Jarvis, which resulted in serious bodily injury to Novita Faye Jarvis,** and they did aid and abet each other in the commission of that offense.

In violation of 18 U.S.C. §§ 113(a)(6), 2 and 1153.

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 OF SPECIAL AGENT PAUL A. SWENSON

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

Paul A. Swenson

Signature of Complainant
Paul A. Swenson

Sworn to before me and subscribed in my presence,

August 25, 2006
Date

Cheyenne, Wyoming
City and State

United States Magistrate
Name & Title of Judicial Officer

Stephan C. Beaman
Signature of Judicial Officer

AFFIDAVIT OF SPECIAL AGENT PAUL A. SWENSON

My name is Paul A. Swenson and for the past fifteen years I have been a Special Agent (SA) with the Federal Bureau of Investigation (FBI). For the past seven years I have been assigned to the Lander Resident Agency of the FBI where, among other duties, I am responsible for investigating crimes on the Wind River Indian Reservation (WRIR), an area of federal jurisdiction.

On June 30, 2006, Novita Faye Jarvis and her friend, Cody O'Neal, encountered Casey James Nowlin, Kyle Albert Burnett, and Tahlene Serawop at the river near Fort Washakie, Wyoming. Although Jarvis had not seen Nowlin for a long time, they were friends in the past and they were involved in a sexual relationship that ended approximately six years earlier. After the chance meeting, the five individuals spent most of the remainder of the day together at the river fishing, talking, and, with the exception of Serawop, drinking alcoholic beverages. By the time the group left the river later that evening, at least some of the members of the group, including Nowlin, were intoxicated. Jarvis reported consuming only a small amount of alcoholic beverages, information that is corroborated by testing conducted at the Lander Valley Medical Center (LVMC) later that night in which her blood/alcohol level was determined to be .009%.

When the group left the river that evening sometime after dark, they first dropped O'Neal off at his residence. The group then drove toward the residence of Sharon Thayer at 164 North Fork Road, Fort Washakie, where Burnett and Serawop were staying at the time. Although the group was riding in Jarvis' vehicle, a 1982 Ford Bronco with the top removed, Serawop was driving. Burnett was sitting in the front passenger seat at the time while Jarvis and Nowlin were sitting in the back seat.

Immediately after the group arrived at Thayer's property, Burnett exited from the vehicle and entered the residence while the others stayed in the vehicle. Although Serawop admitted being in the driver's seat, she said she was playing with a puppy and not paying attention to what was happening in the seat behind her.

Shortly after Burnett left the vehicle, Nowlin got mad at Jarvis when she picked his cellular telephone up and looked at it as it was ringing. After the two individuals exchanged angry words and Jarvis told him to get out of her vehicle, Nowlin responded by elbowing Jarvis' face several times, eventually knocking her down onto the back bench seat of the vehicle, breaking the seat in the process. Nowlin then got on top of Jarvis and began kneeing her ribs as Jarvis curled up into a ball and covered her face in an effort to protect herself.

After kneeing Jarvis, Nowlin punched her several times before he then began choking her. Jarvis reported being choked so severely that she urinated, defecated, felt herself "going out", and heard a "gurgle" in her throat. Believing Nowlin was going to kill her, Jarvis grabbed a metal bar that was laying in her vehicle within arms reach and began trying to hit Nowlin's head with it as he continued to choke her. Jarvis is certain she was successful in hitting Nowlin's head with the bar because he began yelling at her, he stopped choking her, and she felt some of his blood dripping down on her. As Jarvis was trying to hit him, Nowlin began elbowing Jarvis' face and he yelled for Burnett to come help him.

Serawop denied seeing any portion of the assault except for one brief moment when she glanced over her shoulder. Serawop claimed in that brief moment that she saw Jarvis hit Nowlin with the bar three times. Serawop then heard Jarvis scream as Serawop ran from the vehicle.

Jarvis said at some point after Nowlin began yelling for Burnett's help, someone took the bar from her hand. Sometime thereafter, Nowlin grabbed Jarvis by her hair while she was still on the back seat inside the vehicle and banged her head on the top of the side of her vehicle more than ten times, hitting her head in the process at least once on the corner of a large stereo speaker located behind the front passenger seat. While Nowlin was hitting her head on the side of the vehicle, Burnett also punched Jarvis' head with his fist approximately five times. After banging her head on the vehicle, Nowlin suddenly pulled Jarvis' head forward and bit her forehead at her hairline. This action enraged Jarvis, who began kicking and punching as hard as she could. As Jarvis kicked from her position on the broken back seat, she somehow kicked her vehicle into gear, causing it to roll forward. At that time, Nowlin either fell or jumped from the vehicle and Jarvis was able to get up and into her driver's seat. After trying unsuccessfully to run over Nowlin, Jarvis left the area and drove directly to the nearby residence of a relative. Jarvis was subsequently transported to the LVMC via ambulance.

During a brief search of Jarvis' Ford Bronco within 90 minutes after the incident, Affiant observed large amounts of what appeared to be fresh blood on the steering wheel and all throughout the rear passenger side of the vehicle. Affiant also recovered a significant amount of pulled hair in a lock with apparent blood from the driver's seat and another similar lock of hair attached to a piece of skin larger than a quarter from the passenger side of the vehicle near the tailgate.

Approximately two and a half hours after Jarvis was assaulted, Affiant spoke with her in the LVMC emergency room. Jarvis was observed at the time to have a large portion of missing skin and hair on the left side of her upper forehead as well as a large bump on the other side of

her forehead. Jarvis also had a large amount of dried blood on her forehead and throughout her head and hair. Furthermore, Jarvis complained of extreme pain in the area where she was bitten before it was numbed (rated as a 25 on a scale of one to ten with a higher number representing more severe pain) as well as soreness in her jaw, her right shoulder, and her ribs. During subsequent contacts with Jarvis, she was observed to have bruising on her face and other areas of her body as well as several areas of missing hair throughout her scalp. Jarvis also had numerous cuts on her head within her hair and she reported a "hole" under her skin above her right eyebrow.

Dr. Greg Clifford, the attending physician in the LVMC emergency room on the evening of June 30 and the morning of July 1, 2006, told Affiant the open wound on the left side of Jarvis' head appeared to have been caused by a "bite and tear" action. Due to the "serrated affect" of the wound, Dr. Clifford believes it was definitely consistent with a human bite. Although Dr. Clifford repaired the wound to the best of his ability, he described it as a "permanent situation", stating Jarvis will need "wound revision" surgery sometime in the future. Dr. Clifford advised the injury to Jarvis' forehead meets the criteria for point "C" of the definition for "serious bodily injury" as contained within Title 18, United States Code, Section 1365(g)(3), "protracted and obvious physical disfigurement". Dr. Clifford determined the missing portion of Jarvis' scalp measured one inch by one-and-a-half inches.

Nowlin was not located for an interview for seven days. During a July 7, 2006, *mirandized* interview, Nowlin denied biting Jarvis and claimed he was the victim of an assault at her hands. Nowlin also showed Affiant the lone injury he received as a result of his altercation

with Jarvis, a cut located on the top of the back of his head. This cut had a scab on it and was observed to be straight, narrow, and approximately one-half to three-quarters of an inch long.

Serawop, Kyle Burnett, and Finceillius Burnett, who was present at Thayer's residence when the group arrived there, all friends of Nowlin's, gave information indicating Nowlin was the victim of an assault at Jarvis' hands. However, their stories were not consistent with each other. Furthermore, none of these witnesses' statements accounted for any injury to Jarvis whatsoever. Although Kyle Burnett, Finceillius Burnett, and a third person present at the residence at the time, Kennard "Bird" Burnett, all claim to have seen Nowlin bleeding, they each, along with Serawop, denied seeing any blood on or injury to Jarvis. Jarvis' injury is consistent with significant bleeding and photographs of her in the emergency room depict Jarvis with significant blood on her face and in her hair. Additionally, there was a significant amount of blood on Jarvis' vehicle immediately following this incident. Although the blood has not yet been scientifically identified as Jarvis', the location and amount are consistent with Jarvis' injuries and version of events, but inconsistent with Nowlin's small cut on his head and his version of the incident.

Casey James Nowlin is a non-enrolled Indian male of Eastern Shoshone descent, date of birth January 18, 1985. Kyle Albert Burnett is an enrolled Eastern Shoshone Indian male, date of birth January 13, 1985. Novita Faye Jarvis is an enrolled Eastern Shoshone Indian female, date of birth November 15, 1985. 164 North Fork Road, Fort Washakie, Wyoming, is located within the external boundaries of the WRIR.

Based on the above information, Affiant requests the issuance of arrest warrants for Casey James Nowlin and Kyle Albert Burnett.

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PENALTY SUMMARY

DATE: August 24, 2006

DEFENDANT NAME: KYLE BURNETT

VICTIM: YES

OFFENSE AND PENALTIES:

OFFENSE: Ct. 1: 18 U.S.C. §§ 113(a)(6), 2 and 1153
ASSAULT RESULTING IN SERIOUS BODILY INJURY

PENALTIES: UP TO 10 YEARS IMPRISONMENT
\$250,000 FINE
3 YEARS SUPERVISED RELEASE
\$100 SPECIAL ASSESSMENT

TOTALS: UP TO 10 YEARS IMPRISONMENT
\$250,000 FINE
3 YEARS SUPERVISED RELEASE
\$100 SPECIAL ASSESSMENT

AGENT: PAUL SWENSON **AUSA:** KERRY JACOBSON

ESTIMATED TIME OF TRIAL: **INTERPRETER NEEDED:**

five days or less Yes
 over five days No
 other

THE GOVERNMENT:

will The court should not grant bond
 will not because the defendant is not
bondable because there are detainers
from other jurisdictions

SEEK DETENTION IN THIS CASE.

06M166D

PENALTY SUMMARY

DATE: August 24, 2006

DEFENDANT NAME: CASEY JAMES NOWLIN

VICTIM: YES

OFFENSE AND PENALTIES:

OFFENSE: Ct. 1: 18 U.S.C. §§ 113(a)(6), 2 and 1153
ASSAULT RESULTING IN SERIOUS BODILY INJURY

PENALTIES: UP TO 10 YEARS IMPRISONMENT
\$250,000 FINE
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