

QAO91 (Rev. 12/03) Criminal Complaint

UNITED STATES DISTRICT COURT

JUDICIAL DISTRICT OF IDAHO

UNITED STATES OF AMERICA
V.
ANTHONY ISH

CRIMINAL COMPLAINT

Case Number: 4:15-mj-8106-REB

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about October 15, 2014 in Bingham County, in the Judicial District of Idaho defendant(s) did,

(Track Statutory Language of Offense)

On the Fort Hall Shoshone Bannock Indian Reservation, the defendant, Anthony Ish, an Indian, did unlawfully assault Darrel Auck with a dangerous weapon, with intent to do bodily harm, by firing a handgun at him

in violation of Title 18 United States Code, Section(s) 113(a)(3) and 1163
I further state that I am a(n) Criminal Investigator and that this complaint is based on the following facts:

See Attachment "A"

Continued on the attached sheet and made a part of this complaint:

[X] Yes [] No

Signature of Complainant

Todd Tendoy

Printed Name of Complainant

Sworn to before me and signed in my presence, by telephone

04/16/2015

Date

at

Boise

Idaho

City

State

Ronald E. Bush

Signature of Judge

Ronald E. Bush
Name of Judge

U.S. Magistrate Judge
Title of Judge

ATTACHMENT A

1. I, Todd L. Tendoy, have worked in law enforcement for 8 years. I graduated from the Indian Police Academy in Artesia, New Mexico at the Federal Law Enforcement Training Center (FLETC). While with the Fort Hall Police Department (FHPD), I have held positions as a Patrol Officer, Patrol Sergeant and have conducted investigations on numerous crimes against persons, property crimes and drug investigations. I am a graduate of the Federal Law Enforcement Training Center Criminal Investigator Training Program in Glynco, Georgia. I am currently a criminal investigator
2. The information in this affidavit is based on my personal knowledge and information provided to me by other law enforcement officers and individuals. The information in this affidavit is provided for the limited purpose of establishing probable cause. The information is not a complete statement of all facts related to this case.
3. On October 15, 2014, at 0041 hours, Sergeant Chad Phillips, FHPD, responded to the Bonnie Ish residence for a report of a male being shot. The male reported to be shot was Native American Darrel Auck, age 45. The Bonnie Ish residence (Ish residence) is located on East Agency Road and Eagle Road, which is within the boundaries of the federally recognized Fort Hall Indian Reservation.
4. Sergeant Phillips talked to Frank Ish, Bonnie Ish's son, at the Ish residence. Frank stated he did not know about anyone being shot, but there had been a birthday party at the residence.
5. On the south side of the Ish residence, in the driveway, next to a red/gray Ford truck, Sergeant Phillips observed what appeared to be bright red blood. Sergeant Phillips said there was a trail of blood leading to or away from this red/gray Ford. Sergeant Phillips also saw the blood on the grass and on the yellow leaves.
6. On this same morning, October 15, 2014, at 0041 hours, Officer Samantha Crowe, FHPD, arrived and observed the same blood on the south side of the Ish residence, near the red/gray Ford truck.
7. Officer Crowe was told by FHPD Dispatch that Anthony Ish, Native American male, Bonnie Ish's grandson, age 32, was the suspect in this incident, and Darrel Auck was the victim. This information was provided by an anonymous caller who reported the shooting.
8. Officer Crowe located a total of three .40 caliber Smith and Wesson shell casings, two in the yard of the Ish residence and one near the rear driver side tire of the red/gray Ford pickup. These shell casing were photographed, collected, and secured as evidence by Officer Crowe.

9. I arrived on scene and later used a swab to collect what appeared to be blood in the south area of Bonnie Ish's yard.
10. I found out that the phone number of the anonymous caller reporting the shooting belonged to a Michelle Faulkner.
11. I also requested an Attempt to Locate for Darrel Auck through the Fort Hall Dispatch.
12. On October 15, 2014, at 0943 hours, Criminal Investigator (C.I.) Elton J. Honena and I arrived at the Michelle Faulkner residence on No Name Road, west of US highway 91. Michelle Faulkner said Travis Faulkner used her cell phone on this morning to report the shooting at the Ish residence.
13. Michelle Faulkner said Travis Faulkner, Angel Teton, Devon Devine, and Alyssa Timbana could be found at the Curtis Faulkner residence next door.
14. At the Curtis Faulkner residence, C.I. Honena spoke with Travis Faulkner. Travis Faulkner said Darrel Auck, Alyssa Timbana, Angel Teton, and Devon Devine went to the Ish residence at approximately 2200 hours the night before. It was to attend a birthday party for Anthony Ish. Travis Faulkner said he was with Darrel Auck, Alyssa Timbana, Angel Teton, and Devon Devine when they all arrived at the birthday party.
15. Travis Faulkner said Anthony's grandmother, Bonnie Ish, arrived home and told everyone to go outside the residence because she didn't want them at her house. They all went out to the porch area of the residence. Anthony Ish, Steven Pongah, Tymber Pongah, Darrel Auck and he were on the porch talking, according to Travis Faulkner.
16. Travis Faulkner said he saw Darrel Auck run down the steps off the porch and Darrel Auck began to walk backwards facing Anthony who was pursuing him. Anthony was following Darrel Auck towards the driveway walking south down the steps of the Ish residence. Travis Faulkner said Anthony Ish was hiding the pistol behind his back.
17. Travis Faulkner said Darrel Auck got to the opening of the fence and this is where Anthony fired three shots at Darrel Auck. Travis Faulkner said he did not see Darrel Auck get hit with the bullets but Darrel Auck fell to the ground and did not move after the shots.
18. Travis Faulkner said he ran to his truck and when he got to his truck he saw Anthony Ish and Steven Pongah kicking Darrel Auck while he was on the ground.
19. Travis Faulkner said when he was driving away from the Ish residence, he heard a fourth gunshot. Travis Faulkner said the shooting happened about 2330 hours.

20. Travis Faulkner was asked what kind of gun was used. He said a black pistol. Travis Faulkner was asked if he saw Darrel get back up, Travis Faulkner said, "No." Travis Faulkner said Darrel Auck didn't scream or say anything, Darrel Auck just went down.
21. Travis Faulkner said he was the one that called FHPD the night of the shooting. He used Michelle Faulkner's phone.
22. C.I. Honena also spoke with Alyssa Timbana at the Curtis Faulkner residence on the same date. .
23. Alyssa Timbana told C.I. Honena they went to Angel Teton's grandmother's house, the Bonnie Ish residence, for a party.
24. Alyssa Timbana said she was talking to Anthony Ish at this residence. Alyssa Timbana said Anthony's grandmother came home and told everyone to go outside.
25. Alyssa Timbana said she was on the lawn at the residence. Anthony Ish, Steven Pongah, Tymber Pongah, and Darrel Auck were on the porch talking.
26. Alyssa Timbana said Anthony Ish didn't like Darrel Auck because he was wearing a blue bandana and Anthony Ish claims he is a Blood gang member. They took the blue bandana away from Darrel Auck and gave him a white bandana to wear.
27. Alyssa Timbana said she saw Darrel Auck walk off of the porch and Darrel Auck said to Anthony Ish, "No dude I ain't trying to show no harm!" Alyssa Timbana also said she heard Darrel say, "No stop!" Alyssa Timbana also said she remembered Anthony saying "shut up nigga" and that is when Anthony shot Darrel Auck.
28. Alyssa Timbana described Darrel Auck as walking backwards with his hands up as if he wanted to run from Anthony Ish.
29. Alyssa Timbana said she did not see Anthony Ish's gun come out, but heard Anthony Ish shoot the gun three times. Alyssa Timbana used her hand as a pistol and said "boom, boom, boom." Alyssa Timbana said she heard three shots and saw Darrel Auck drop to the ground.
30. Alyssa Timbana said Angel Teton, Travis Faulkner, Devon Devine and herself all got scared and ran to their vehicles. Alyssa Timbana said she hid under Angel Teton's car. While she was under the car, she witnessed Anthony Ish and Steven Pongah over by Darrel Auck's body.
31. Alyssa Timbana said she didn't know if Darrel was alive or not. Alyssa Timbana said she checked her phone around that time and believed it was about 2330 hours when the gunshots went off.

32. Alyssa Timbana did state that she saw Anthony Ish with the gun which she described to be black and small. Alyssa said Darrel Auck just laid there after he was shot, and Darrel Auck did not say anything. Alyssa Timbana said after Anthony Ish shot Darrel Auck, Anthony Ish began to walk around the cars with the gun.
33. On October 15, 2014, I interviewed Angel Teton.
34. Angel Teton said Travis Faulkner, Devon Devine and Alyssa Timbana and she were the ones that called the FHPD.
35. Everyone was outside, half on the patio and half on the ground, at the Bonnie Ish residence on the night of the shooting.
36. Angel Teton saw Anthony walk down the stairs and she saw a series of three flashes from the muzzle of the firearm Anthony Ish had in his hand. After she saw the shots, she heard Anthony say "Fuck that nigga" to Darrel Auck. Anthony Ish was standing over the top of Darrel Auck.
37. Angel Teton said she went over and looked at Darrel Auck, but Darrel Auck wasn't moving.
38. Angel Teton saw the three shots fired at Darrel Auck. Angel Teton couldn't see any blood on Darrel Auck but he wasn't moving and he made no sounds. Angel said the shooting occurred on the south side of the Bonnie Ish residence.
39. Angel Teton said Darrel Auck was lying between the gate opening and a Ford truck that was parked on the south side of the residence. Angel Teton said when she left the property, Darrel Auck never moved from that position.
40. Angel Teton said Travis Faulkner and Devon Devine ran because Anthony was walking around with the gun like he wanted to go shoot someone else.
41. I interviewed Devon Devine.
42. According Devon Devine, everyone was drinking at the Bonnie Ish residence. Bonnie Ish came home and asked everyone to leave so they all went outside to the south side of the residence.
43. Devon Devine saw a commotion going on and he saw Darrel Auck walking backwards towards a fence and Anthony following after Darrel Auck.
44. Darrel Auck made an attempt to try and run. Devon Devine saw Anthony pull out his gun, fire three times at Darrel Auck, and Darrel Auck dropped to the ground.
45. Devon Devine said Anthony was walking around looking for someone else. Devon Devine honestly thought Anthony Ish was looking for Travis Faulkner and him

because they brought Darrel Auck to the party and because of their relationship with Darrel Auck.

46. Devon Devine said when they were leaving he did hear a fourth round fired.
47. On October 16, 2014, at approximately 1801 hours, Special Agent David Bodily, FBI, and C.I. Kelly Taufer, FHPD, interviewed Steven Pongah.
48. Steven Pongah said on Tuesday, October 14, 2014, around 1800 hours, he went to his Grandma Bonnie Ish's house for a BBQ. Steven Pongah said the BBQ was for Anthony Ish's birthday.
49. Steven Pongah said he saw some guy with a blue or white bandana on his head show up. This person was later identified as Darrel Auck. Steven Pongah said his uncle, Anthony Ish, did not like the guy wearing the blue bandana.
50. Steven Pongah said he did not remember what the guy looked like other than he was short and chubby. Steven Pongah said some of the people at the party were calling the guy "Dough Boy," AKA Darrel Auck.
51. Steven Pongah said he was standing next to Tymbr Pongah when a friend came up to them. Steven Pongah said his friend told Tymber Pongah, "Hey Tymber, your uncle has his shit out."
52. Steven Pongah said Tymbr Pongah and he ran over to Anthony Ish and confronted him. Steven Pongah said he told his uncle, "What the fuck uncle, chill the fuck out. What the fuck you doing man. What the fuck, who let you bring your gun?"
53. Steven Pongah said Anthony told him, "Don't fucking bother me, don't bother me." Steven Pongah said he kept telling Anthony Ish that he did not need to do this.
54. Steven Pongah said moments later, he heard a gunshot. Steven Pongah said he saw a flash and his ears started ringing.
55. Steven Pongah said Tymbr Pongah was saying, "What the hell uncle, what the fuck uncle." Steven Pongah said he heard another gun shot.
56. Steven Pongah and Tymbr Pongah both ran through a potato field towards Eagle Road.
57. Steven Pongah told the investigators he saw Anthony Ish with the gun. Steven Pongah was asked to describe the gun. Steven Pongah said the gun was wrapped in a bandana. Steven was asked how he knew it was a gun, and he said by the texture and the way Anthony Ish was holding it.

58. Steven Pongah was asked what he thought Anthony was doing with the gun. He said it looked like he was going to shoot somebody.
59. Steven Pongah said he saw Anthony Ish waving the gun around, and at one point he even pointed the gun at him.
60. Steven Pongah was asked what happened when he heard the first gunshot. Steven Pongah said he did not know what happened because his head was turned towards Tymber Pongah. Steven Pongah said all he saw was a flash out of the peripheral of his eye and the guy with the bandana drop to the ground.
61. Steven Pongah was asked about some of the people who were present during the shooting. Steven Pongah mentioned Anthony Ish, Tymbr Pongah, Angel Teton, Devon Devine, Travis Faulkner, Demetres Ish, and Aarika Edmo- Ish.
62. On October 16,2014, C.I. Taufer and S/A David Bodily interviewed Tymbr Pongah.
63. Tymbr Pongah said when he showed up Anthony Ish met him in the driveway.
64. Tymbr Pongah said everyone started showing up, and then Darrel Auck showed up.
65. Tymbr Pongah said Darrel Auck showed up with Angel Teton.
66. Tymbr said Darrel Auck and Anthony started butting heads.
67. Tymbr Pongah said Darrel Auck started getting louder and louder by singing and dancing. Tymbr Pongah said Anthony Ish kicked Darrel Auck and told him, "Quit that gay ass shit." Tymbr Pongah said Darrel Auck just sat back down and got quiet.
68. Tymbr Pongah said he went outside with everybody to smoke a cigarette. Tymbr Pongah said while he was standing on the front porch he noticed Darrel Auck standing in the corner next to the door.
69. Tymber Pongah said he walked up to Darrel Auck and asked him if he was okay. Tymbr Pongah said Darrel Auck told him he felt like something was going to happen to him and he was scared.
70. Tymbr Pongah said Devon Devine came running up to him. Devon Devine said, "Hey bro, your Uncle has his shit out." Tymbr Pongah said he asked Devon Devine why he was pulling that out. Tymbr said Devon told him, "No his strap." Tymbr said he knew strap meant Anthony Ish's gun.
71. Tymbr Pongah said he told everyone, "Who the fuck let him bring that to his birthday party?" Tymbr Pongah said nobody knew what he was talking about.

72. Tymbr Pongah said he confronted Anthony Ish and said, "Uncle don't do this, you don't have to do this, don't fucking do it Anthony. Don't do this in front of me, please Uncle."
73. Tymbr Pongah said Darrel Auck walked off the porch and Anthony Ish followed him. Tymbr Pongah said he saw Darrel Auck turn and say, "I'm sorry I did not do nothing." Tymbr said he saw Darrel Auck put both his hands up in front of him as if somebody had a gun pointed at him. Tymbr Pongah said Darrel Auck started walking backwards. Tymbr Pongah said he saw Anthony walking towards Darrel Auck.
74. Tymbr Pongah said he saw Darrel Auck start to turn when he heard the first gunshot. Tymbr Pongah said he heard Darrel Auck start to scream after the first gun shot.
75. Tymbr Pongah said he saw Darrel Auck fall to the ground. Tymbr Pongah said Anthony Ish walked up to Darrel Auck and that is when he heard the second gunshot.
76. Tymbr Pongah said after that Anthony Ish started kicking Darrel Auck in the face as he lay on the ground.
77. Tymbr Pongah said Anthony Ish pulled his gun out on Steven Pongah. Tymbr Pongah said he saw Steven Pongah put his hands up over his head and jump back.
78. Tymbr Pongah said Steven Pongah kept saying, "What the fuck uncle, for real, you going to pull that shit out on me. "I'm your fucking nephew man, "Tymbr said. Anthony said, "Get out of the way nephew, I don't want to do this."
79. Tymbr Pongah said he grabbed Steven Pongah and said, "Don't try and stop him, he is already in a fucked up mind set Steven, we got to go brother."
80. After the shooting Tymbr Pongah said he remembers hearing Angel Teton screaming, "Is he dead, is he dead?"
81. Tymbr Pongah said after the shooting he ran through the field with Steven Pongah. Tymbr Pongah last saw Darrel Auck lying on the ground and Anthony Ish taking off in a Ford truck.
82. On October 16, 2014, verbal permission was given by residence owner, Bonnie Ish, to look around outside of her residence.
83. Evidence, including a fourth .40 caliber casing, just like the other three previously found, a letter addressed to suspect Anthony Ish and burnt clothing, were found outside of the Bonnie Ish residence.
84. On October 16, 2014, a Search Warrant was applied for, and Honorable Tribal Judge Marina Fasthorse found that there was probable cause, and a Search Warrant was issued.

85. Outside of the Bonnie Ish residence what appeared to be blood, and a lawn rake which appeared to have blood on it was collected as evidence.
86. Inside the Ish residence, a blue bandana and a white bandana were photographed and collected as evidence. It was mentioned in interviews that the victim, Darrel Auck, was wearing a blue bandana at some point before being shot, and then was given a white bandana to wear.
87. Multiple searches for Darrel Auck's body have been unsuccessful. No family or friends of Darrel Auck have had any contact with him. He has not been at his home since the shooting and since he was last seen by witnesses lying motionless on the ground making no sounds at the residence of Bonnie Ish. Darrel Auck, prior to the shooting, had multiple contacts with Law Enforcement, and there have been none since the shooting. There is a \$10,000.00 dollar reward for any information leading to the finding of Darrel Auck's body with no results. Darrel Auck failed to pick up his per capita check with the Shoshone-Bannock Tribes for his membership distribution from gaming.
88. Anthony Ish is an enrolled member of the Shoshone-Bannock Tribes, and is therefore an Indian.