



Outlook

Re: MCSO Case 2026-00010128 | Request for Direct Command Review

From James Maiorano <James.Maiorano@co.mckinley.nm.us>**Date** Fri 8/21/2026 4:17 PM
[REDACTED]

[REDACTED]

I have received your email. I reviewed the report and video from Deputy Bittony. In the state of New Mexico, the statements you reported are categorized as a misdemeanor battery. Based on that information, the investigation conducted by Deputy Bittony and approved by Sgt. Benally is sufficient. Without physical evidence of the crime, and no admission from the suspect, no further action can be taken at this time by my Office. Although I feel certain that you are asking for more to be done, the limitations of my Office remain in this case. The District Attorney can still be contacted in the event they would file on the battery charge.

You are welcome to contact our Office by telephone and speak directly with our staff, however, we will not continue to converse with you while you are utilizing Artificial Intelligence software.

The previous emails you have sent my staff will be separated into items that fall within an IPRA request for materials responsive to your requests. Questions posed about the case do not fall within the parameters of an IPRA request and would need to be handled over a recorded phone call or an in-person visit.

The emails you sent so far will be added to the case file.

James Maiorano III
Sheriff, McKinley County

[REDACTED]

Sent: Tuesday, August 18, 2026 3:15 PM

To: James Maiorano <james.maiorano@co.mckinley.nm.us>; maiorano4sheriff@gmail.com
<maiorano4sheriff@gmail.com>

Subject: MCSO Case 2026-00010128 | Request for Direct Command Review

Sheriff Maiorano,

My name is [REDACTED] I am the reporting victim in MCSO Case 2026-00010128, which arose from the July 16, 2026 incident aboard a Greyhound bus near Gallup.

I am asking you to personally review Deputy Miguel Bittony's investigation and the report reviewed by Sergeant Savannah Benally in MCSO Case 2026-00010128. Because Sergeant Benally's own review requires examination, I am requesting a command-level review rather than asking her to assess the adequacy of her own actions.

My concern is the documented difference between **what Deputy Bittony knew and observed, what allegation he actually communicated to Shubham, what he repeatedly said he would document, and what ultimately appeared in the official report.**

WHAT BITTONY KNEW BEFORE QUESTIONING SHUBHAM

Before substantively questioning Shubham, Bittony had already interviewed me and observed **multiple physical demonstrations of the reported conduct and my positioning.**

At approximately **02:14**, I clearly reported:

"Four times."

At **06:02**:

Bittony: "You felt the hand?"

██████ **"Yeah."**

At **06:23**, Bittony himself confirmed:

"You're not taking up another space or anything. You're just in your seat."

At **09:17**:

Bittony: "It was all on your right side?"

██████ **"Yeah."**

Bittony's own report also records Driver ██████ account that Shubham **"was touching her butt area and was trying to touch further into her private area."**

Before he questioned Shubham about the substance of the incident, Bittony therefore had **four reported contacts, multiple physical demonstrations, confirmation that I remained in my own seat, right-side location information, and a buttocks/private-area allegation.**

BITTONY KNEW HE WAS QUESTIONING A PERSON WITH LIMITED ENGLISH PROFICIENCY

This was not a communication problem Bittony discovered afterward.

At **11:35**, Shubham expressly stated:

"Again, I need a translator."

Bittony responded:

"I know. There's no translator here, but I'm going to try. I'm going to talk to you."

Then, at **11:46**, Bittony said:

"Obviously, you know what I'm trying to say to you, because you're arguing with me right now."

Shubham answered:

"No."

The body-camera record does **not show a substantive argument immediately preceding that statement.**

That matters because Bittony appears to use **"you're arguing with me" as evidence that Shubham understood enough English to proceed**, even though Shubham had just requested a translator.

What specific words or conduct formed Bittony's factual basis for saying Shubham was "arguing," and why did Bittony treat that characterization as evidence of sufficient English comprehension to proceed without translation?

The direct interview begins at approximately **17:03**.

At **17:06**:

Shubham: "By the way, I speak little bit."

At **17:11**:

Bittony: "We don't have a translator."

18:07 Bittony: "Where are you guys coming from?"

Shubham: "Me? I'm from India."

18:11 Bittony: "No, no. Where the bus? Where you guys from?"

Bittony had to correct and rephrase a basic question about where the bus was coming from.

The communication problem continued:

18:42: "I'm not speak proper English."

19:03: "What?" Bittony repeats the question.

20:00: "I'm not speak proper English, sir."

Bittony therefore had **repeated, direct notice of limited English proficiency while investigating an allegation of repeated sexual touching.**

That matters. **If Shubham could not reliably understand where his bus came from, how could Bittony determine whether he reliably understood materially more precise questions about the alleged sexual contact: where I was touched, how many times, whether it was intentional, whether the contact progressed toward my genital/private area, and whether contact occurred over clothing, underneath clothing, through a clothing opening, or to bare skin?**

Those were the facts Bittony needed to investigate the actual allegation.

INSTEAD, BITTONY PRESENTED A MATERIALLY MORE FAVORABLE VERSION OF THE ALLEGATION

Rather than establish those facts, Bittony repeatedly reduced the allegation to the most generic formulation possible: that Shubham had simply **"touched"** or was **"touching"** me.

He did this **six separate times**:

20:12: "She said that you were **touching her**."

20:18: "With your hand. **Touching her?**"

21:52: "Why would she say you were **touching her?**"

25:32: "You didn't **touch her?** Maybe you were sleeping."

After Bittony recruited a **random civilian restaurant worker on scene to translate**, the same generic framing continued:

27:20: "The female is saying that he was **touching her**."

27:27: "Why does that lady say he's **touching her**?"

Only at **28:31** does Bittony finally say:

"But the girl was saying that he was touching her butt."

That is the **first and only "butt" allegation put to Shubham on the body-camera record**.

This was not one abbreviated question. **Bittony used generic "touch/touching" language six separate times before mentioning my buttocks once.**

That framing removed the **repeated nature of the conduct, the sexual context, the anatomical location, and the progression toward the private area Bittony already had.**

It was therefore not merely less specific. **It presented Shubham with a materially more favorable and more innocuous allegation than the allegation Bittony was actually investigating.**

The body-camera record does not show Bittony clearly putting **four separate contacts, the private-area escalation, or the clothing-related facts** to Shubham.

If Bittony could not reliably communicate where the bus came from, on what factual basis could he conclude that Shubham understood the substantially more consequential allegations necessary to investigate possible criminal sexual contact?

THEN BITTONY CONVERTED THOSE ANSWERS INTO THE OFFICIAL REPORT

Bittony repeatedly explained what he intended to document.

At **23:00:**

"You're telling me you didn't. That's what I'm going to put on the report."

At **23:14:**

"You tell me that. That's what I'm going to put."

At **31:06:**

"What he tells me, I'm going to put in the report."

At **31:13:**

"But both of what they said is going to be in the report."

Now compare those statements to the report he produced.

The accused-side narrative contains **six separate propositions expressly attributed to Shubham**, repeatedly formalized as **"Shubham stated"**: his denial, his window-seat position, where and when I boarded and sat, my movement, the statement that he **"did his best not to touch [REDACTED] while in his seat,"** and another denial.

That wording matters.

The report does not characterize those propositions as uncertain translations, civilian paraphrases, or Bittony's own synthesis. **It presents them as statements made by Shubham.**

Yet no matching statement has been identified on the body-camera record for the materially favorable proposition that Shubham **"did his best not to touch [REDACTED] while in his seat."**

Meanwhile, the same report:

- omits **my four-contact count**;
- omits Bittony's own **"you're just in your seat"** clarification;
- omits the **private-area escalation from the paragraph summarizing my statement**, despite preserving that allegation immediately above in [REDACTED] account; and
- [REDACTED]
eyes, "Jaime," "Los Angeles," and "Shubham stated she told the bus driver."

Sergeant Benally then reviewed that report.

WHAT I AM ASKING YOU TO REVIEW

The sequence is straightforward:

Bittony had a specific allegation of four contacts, multiple physical demonstrations, and buttocks/private-area information.

Bittony knew Shubham had limited English proficiency and personally witnessed a basic comprehension failure almost immediately after substantive questioning began.

Rather than establish that Shubham understood the specific sexual allegation, Bittony presented it generically as "touching" six separate times, a materially more favorable version of the conduct actually reported to him.

The complete four-contact/private-area allegation and the relevant clothing facts were not clearly put to Shubham.

Bittony then repeatedly promised to document what each person told him and produced a report containing repeated "Shubham stated" propositions while omitting material portions of my account.

I am asking MCSO to compare the body-camera record, contemporaneous notes, original-language exchanges, and official report **line by line**; identify the source for every material proposition attributed to Shubham; account for each material portion of my account that was omitted; and explain the investigative basis for treating Shubham's answers as responsive to a sexual-contact allegation that was never fully presented to him.

Does MCSO stand behind the accuracy, completeness, sourcing, and professional sufficiency of Deputy Bittony's investigation and report, and

Sergeant Benally's review of it?

[REDACTED]
MCSO Case 2026-00010128