AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America
v.
Marlon Blake

Case No. 6:20-mj- 1218

Defendant(s)

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 March 15, 2020 in the county of Orange in the Middle District of Florida, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. § 111	Assault on a federal agent.

This criminal complaint is based on these facts:

☑ Continued on the attached sheet.

Complainant's signature

Josfer Moinelo

Printed name and title

Sworn to before me and signed ~~in my presence~~ by telephone and pursuant to FRCP 4(d) and 4.1.

Date: 03/16/2020

Judge's signature

City and state: Orlando, FL

~~Josfer Moinelo~~, Deportation Officer

Printed name and title

Embry J. Kidd
U.S. Magistrate Judge

STATE OF FLORIDA

CASE NO. 6:20-mj-1218

COUNTY OF ORANGE

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

1. I, Josfer Moinelo, having been duly sworn, hereby make the following statement in support of the attached criminal complaint:

2. I am a Deportation Officer (DO) with the Department of Homeland Security, United States Immigration and Customs Enforcement (DHS/ICE), and have been employed with DHS/ICE for thirteen (13) years. I am currently appointed as a Task Force Officer assigned to Homeland Security Investigations, Orlando, Florida

3. The information contained in this affidavit is based on my investigation and information provided to me by other law enforcement officers and agents, and information contained within various government databases and records. Because this affidavit is submitted for the limited purpose of establishing probable cause to support the filing of a criminal complaint, I have not included details of all aspects of my investigation. Rather, I have set forth only those facts I believe are necessary to establish probable cause that a violation of federal law has been committed.

4. This affidavit is submitted for the sole purpose of establishing probable cause that Marlon BLAKE, did knowingly and intentionally assault an Immigration and Customs Enforcement Officer in violation of Title 18 U.S.C. § 111.

INVESTIGATIVE BACKGROUND

5. On March 15, 2020, The Orlando Enforcement and Removal Operations (ERO), Fugitive Operation Unit, arrived to conduct a knock and talk at the last known address of BLAKE, Marlon who has an alien file (Axxx xxx 285) and is the target of an administrative operation. Upon arriving to the residence, Deportation Officer (DO) Steve Sampson knocked at the door and BLAKE answered the door. DO Sampson and DO Edgardo Centeno identified BLAKE using a photograph from his Florida Driver's License records. DO Sampson identified himself as a law enforcement officer and asked BLAKE if he could step outside of his residence to which BLAKE did. All officers involved in this operation were wearing agency issued body armor with Police/Federal Officer plaques highly visible.

6. While outside of the residence, DO Sampson informed BLAKE that he had an immigration arrest warrant. BLAKE stated, "I am not going anywhere" and "don't touch me" and seemed agitated and requested to see the warrant. DO Sampson and DO Centeno attempted to talk to him to calm him down. BLAKE continued to seem upset and began to move closer towards DO Sampson in an aggressive manner. DO Centeno attempted to restrain BLAKE by applying handcuffs. BLAKE pulled his arms away and ignore all verbal commands given by the officers. DO Vliet and DO Velez also approached BLAKE, provided verbal commands and attempted to restrain him but he continued to pull his arms away. DO Vliet gave the command to stop resisting

and prepared his agency issued Oleoresin Capsicum (OC) spray for deployment.

7. DO Vliet deployed his OC spray engaging BLAKE in the face area. DO Sampson, DO Centeno, DO Velez and DO Vliet were also affected by the Oleoresin Capsicum (OC) spray. Officers continued attempting to apply handcuffs post Oleoresin Capsicum (OC) spray to BLAKE but he kept moving his arms away every time an officer reached for them. BLAKE pushed DO Sampson causing him to fall, and flailed his arms around, striking DO Velez in right side of his face. BLAKE also pushed DO Vliet and started running away from the officers to avoid his arrest. DO Sampson recovered from his fall and tackled BLAKE by the driveway. BLAKE grabbed DO Sampson's agency issued body armor close to DO Sampson right shoulder, enabling him to move and effect the arrest. Multiples loud, audible commands were given to BLAKE during his resistance, but he continued to actively resist the officers by pulling away and not allowing himself to be secured. DO Sampson, DO Velez, DO Centeno and Homeland Security Investigations (HSI) Special Agent (SA) Perez were able to properly place handcuffs on BLAKE.

8. Customs and Border Protection Officer (CBPO) Bravo called Emergency Medical Services (EMS). EMS arrived at the scene and BLAKE was transported to the Orlando Health Central Hospital where he received first aid for scratches suffered during the incident. BLAKE was later discharged from the hospital and transported to the Orange County Jail.

9. Based on the above facts, the undersigned affiant believes there is probable cause to believe that BLAKE did forcibly assault, resist, oppose, impede, intimidate or interfere with Deportation Officers, a person designated in 18 U.S.C. § 1114, while engaged in or on account of the performance of official duties, in violation of 18 U.S.C. § 111.

10. This concludes myaffidavit.

Josfer Moinelo, Deportation Officer
U.S. Immigration and Customs
Enforcement

Subscribed and sworn to before me
This 16 day of March 2020.

By telephone and pursuant to FRCP 4(d) & 4.1

The Honorable Embry J. Kidd
United States Magistrate Judge