

UNITED STATES DISTRICT COURT

for the

District of Oregon

United States of America)

v.)

CHRISTOPHER FELLINI)

Case No. 3:20-mj-00150

Defendant(s)

**CRIMINAL COMPLAINT
BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**

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 July 5, 2020, in the county of Multnomah in the
District of Oregon, the defendant(s) violated:

Code Section

18 USC 111(a)(1)

Offense Description

Assaulting a federal officer

This criminal complaint is based on these facts:

See the attached affidavit of Senior Special Agent David Miller, Federal Protective Service.

☒ Continued on the attached sheet.

(By telephone)

Complainant's signature

David Miller, Senior Special Agent, FPS

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
 telephone at 3:14pm xxxxx.

Date: July 6, 2020City and state: Portland, Oregon

A handwritten signature in blue ink that reads "Jolie A. Russo".

Judge's signature

Honorable Jolie Russo, U.S. Magistrate Judge

Printed name and title

STATE OF OREGON)
County of Multnomah) ss: AFFIDAVIT OF DAVID MILLER

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, David Miller, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am employed as a Senior Special Agent (SSA) with the Federal Protective Service (FPS) and have been employed by FPS since October 2009. I have participated in several investigations relating to the protection of federal facilities and personnel. I am currently assigned to Region 10 in Portland, Oregon as a general crimes agent. I am also a Task Force Officer for the United States Marshals Service (USMS) Pacific Northwest Violent Offender Task Force, a part time investigator for the FPS Office of Internal Investigations (OII), and a liaison for the Federal Bureau of Investigation (FBI) Joint Terrorism Task Force (JTTF). From April 2006 to October 2009, I was a Special Agent with the Naval Criminal Investigative Service (NCIS) serving as a member of the Major Crimes Response Team (MCRT) and a Foreign Counterintelligence agent. Before that, I was a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in Yakima, Washington, a Federal Air Marshal, an ATF Inspector, and a police officer in several cities. I started my law enforcement career in 1991. I graduated from the FPS Advanced Individual Training Program in November 2009. I graduated from the NCIS Advanced Individual Academy in 2006. I graduated from the ATF National Academy in June of 2003. I graduated from the Federal Law Enforcement Training Center Criminal Investigator Course in March of 2003. I graduated from the Federal Law Enforcement Training Center Civil Aviation Security Specialist Course in February of 2002 and

the ATF Inspector Course in January of 2001. I graduated from the U.S. Army Military Intelligence Officer Basic Course in August of 1996 and the U.S. Army Military Intelligence Enlisted Course in February of 1988. I received a bachelor's degree in Social Sciences at Emporia State University in 1992 and an Associate Degree in Criminal Justice at Barton County Community College in 1995. As a result of my training and experience as an FPS Special Agent, I am familiar with federal criminal laws.

2. I submit this affidavit in support of a criminal complaint and arrest warrant for Christopher FELLINI. As set forth below, I have probable cause to believe that FELLINI committed an assault upon a federal officer, in violation of 18 U.S. Code § 111.

3. The facts set forth in this affidavit are based on the following: my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, interviews of witnesses, my review of records related to this investigation, communication with others who have knowledge of the events and circumstances described herein, and information gained through my training and experience. Because this affidavit is submitted for the limited purpose of establishing probable cause in support of the application for an arrest warrant, it does not set forth each fact that I or others have learned during this investigation.

Applicable Law

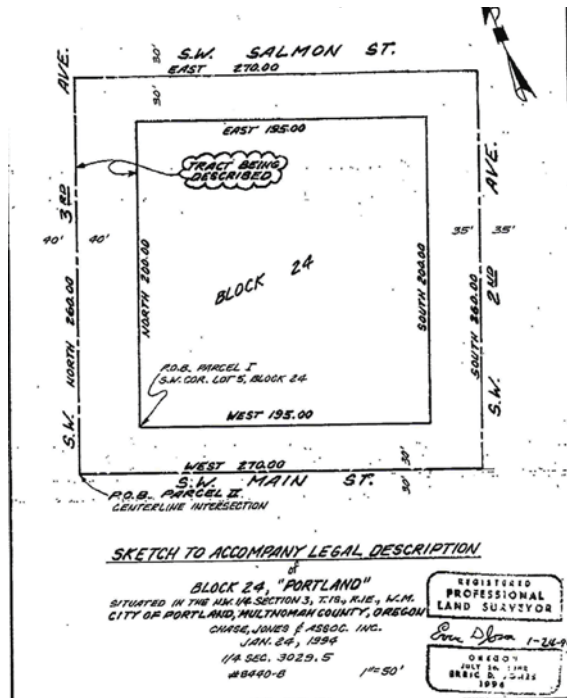
4. 18 U.S.C. § 111 makes it an offense to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in 18 U.S.C. § 1114 while engaged in or on account of the performance of official duties. Under § 111(a), simple assault is a misdemeanor; an assault involving physical contact with the victim or an intent to commit another felony is a

felony. Persons designated in § 1114 include any officer or employee of the United States or of any agency in any branch of the United States government while such officer or employee is engaged in or on account of the performance of official duties, and any person assisting such an officer or employee in the performance of official duties.

Statement of Probable Cause

5. Since on or about May 26, 2020, protesters have gathered in Portland public areas, including Lownsdale Square, Chapman Square, and Terry Schrunk Plaza. The Justice Center, which contains Portland Police Bureau's (PPB) Central Precinct and the Multnomah County Detention Center (MCDC), and the Mark O. Hatfield United States Federal Courthouse, are directly across the street from those parks. The United States of America owns the entire city block (Block #24) occupied by the Hatfield Courthouse, as depicted below.¹

¹ As part of my duties, I am familiar with the property boundaries for federal facilities in the Portland area. The federal government owns the entire city block occupied by the Mark O. Federal Courthouse. Easements have been granted for the sidewalks surrounding the facility. The property boundary extends past the sidewalks and into the streets surrounding the courthouse.



6. Daily protests have regularly been followed by nightly criminal activity in the form of vandalism, destruction of property, looting, arson, and assault. Most violent of these impacting federal property occurred on May 28, 2020, when the Portland Field Office for the Immigration and Customs Enforcement (ICE) was targeted by a Molotov Cocktail. The Hatfield Courthouse has experienced significant damage to the façade and building fixtures during the six weeks following this incident. Additionally, mounted building security cameras and access control devices have been vandalized or stolen. The most recent repair estimate for the damage at the Hatfield Courthouse exceeds \$50,000, and there has been additional extensive damage since then. Other federal properties in the area routinely being vandalized include the historic Pioneer Federal Courthouse, the Gus Solomon Courthouse, and the Edith Green Wendall Wyatt Federal Office Building. FPS law enforcement officers, Deputy U.S. Marshals, and other federal law enforcement officers working to protect the Hatfield Courthouse have been subjected to

threats, aerial fireworks (including mortars), high intensity lasers targeting officers' eyes, thrown rocks, bottles, and balloons filled with paint, and vulgar language from demonstrators while performing their duties.

7. On July 5, 2020, FELLINI assaulted federal law enforcement officers by pointing a laser, a device that generates an intense beam of coherent monochromatic light (or other electromagnetic radiation) by stimulated emission of photons from excited atoms or molecules, towards officers during the performance of their duties at the Hatfield Courthouse.

8. On July 5, 2020, United States Border Patrol (USBP) Tactical Agent Raymond Kent told me he was in the area of SW Third Avenue and SW Salmon Street with his tactical team providing security outside of the Hatfield Courthouse. When Agent Kent's team started to move back inside the courthouse, he saw a green laser coming from Lownsdale Park target his upper body and face. Another agent announced that a laser was being pointed at the team from Lownsdale Park. The team stopped and repositioned in front of the pillars fronting the courthouse. Agent Kent saw FELLINI approximately 40 yards away behind some trees in the park. Agent Kent could also see a green laser FELLINI was holding occasionally hitting the leaves on the tree FELLINI was hiding behind. Agent Kent told me that Tactical Agent Jesse Serio, who was standing directly next to him, saw Agent Kent get struck by the laser.

9. Agent Kent's team started toward Lownsdale Park. As they did so, FELLINI ran off towards SW Third and Salmon. Agent Kent saw FELLINI throw a black cylindrical laser on the ground. Agent Kent grabbed FELLINI. FELLINI pulled away, causing both of them to fall to the ground. Agent Kent sustained abrasions to his left hand and arm during the fall. FELLINI was taken into custody and the laser was immediately recovered. FELLINI also had a small can

of Mace brand Pepper Gel and a small knife on his person. FELLINI is a white male in his early 20s, who wore all black clothing with a hoodie and a white colored N95 protective mask. A photo of Agent Kent's injuries appears below.



Agent Kent's left hand

10. On July 6, 2020, I contacted FELLINI in the United States Marshals Service detention center at the Hatfield Courthouse. I identified myself with my agency-issued credentials and advised FELLINI of his Miranda Rights. FELLINI did not wish to make a statement.

11. On July 6, 2020, FELLINI'S belongings were searched incident to arrest and the following were found: black clothing, three pairs of gloves, a can of Mace brand Pepper gel, a CRKT two-inch knife, and a green laser emitter that is about six inches long.

A collection of items laid out on a light-colored wooden surface. From left to right: a hand in a blue nitrile glove holds a black canister of 'Magnum 3 Pepper Gel'. The canister has white and red text, including 'CAUTION STRONG IRRITANT' and 'CONTENTS UNDER PRESSURE'. Next to it is a black-handled knife with a silver blade. To the right of the knife is a black lighter with a red flame and a silver pry bar. Further right is a black flashlight with 'Laser 301' printed on it. A black cable is visible at the top of the frame.

Conclusion

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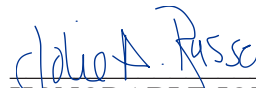
§ 111. I therefore request that the Court issue a criminal complaint and arrest warrant charging FELLINI with that offense.

12. Prior to being submitted to the Court, this affidavit, the accompanying complaint, and the arrest warrant were all reviewed by Assistant United States Attorney (AUSA) Gary Sussman. AUSA Sussman advised me that in his opinion, the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

(By telephone)

David MILLER
Senior Special Agent
Federal Protective Service

Sworn to by telephone or other reliable means at in accordance with Fed. R. Crim. P. 4.1
at ~~3:14pm xxx/xx~~ on July 6, 2020.



HONORABLE JOLIE RUSSO
United States Magistrate Judge

General Information

Case Name	USA v. Fellini
Court	U.S. District Court for the District of Oregon
Date Filed	Mon Jul 06 00:00:00 EDT 2020
Judge(s)	Unassigned
Federal Nature of Suit	Criminal
Docket Number	3:20-mj-00150
Status	Closed
Parties	USA; Christopher Fellini