

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Salam DANIEL

Case:2:11-mj-30464
Judge: Unassigned,
Filed: 08-24-2011 At 03:31 PM
CMP: Salam Daniel (jj)

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 August 19, 2011 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:*Code Section*

Title 18, United States Code, Section 1361

Title 18, United States Code, Section 111

Offense Description

Willfully injuring (or attempting to injure) government property.

Forcibly assaulting, resisting, impeding, or interfering with Immigration and Customs Enforcement officers in the performance of their official duties -- and in so doing, using a dangerous weapon (specifically, a shard of plexiglass).

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: August 24, 2011City and state: Detroit, Michigan*Complainant's signature*

Trent M. Horky, Deportation Officer, DHS/ICE

*Printed name and title**Judge's signature*

Hon. Laurie J. Michelson, United States Magistrate Judge


Printed name and title

Affidavit in Support of Federal Complaint

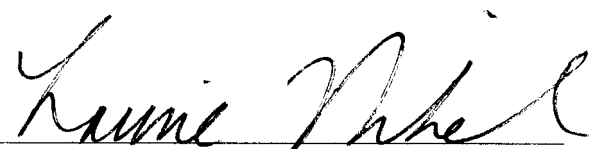
I, Trent M. Horky, being duly sworn, do hereby state:

1. I am a Deportation Officer with the United States Department of Homeland Security, Bureau of Immigration and Customs Enforcement (ICE). I have been employed in this capacity since April 2006. Prior to employment as a Deportation Officer, affiant was a correctional officer with the Federal Bureau of Prisons for approximately five years. I am currently assigned to the Enforcement and Removal Operations, in such capacity, I have reviewed the official Immigration file (A030 661 389) and system automated data relating to the Salam DANIEL, which attests to the following:
2. The information set forth below is for the limited purpose of establishing probable cause. Therefore, this affidavit does not necessarily contain all of the information collected during my investigation.
3. Salam DANIEL is a 41-year-old citizen of Iraq with no legal status in the United States. DANIEL was ordered removed from the United States by an Immigration Judge on August 07, 1997. DANIEL exhausted all of his appeals and his removal order became final on October 05, 1999. Due to conditions in Iraq, however, the Government was unable to remove DANIEL and he was placed on an Order of Supervision. An Order of Supervision permits aliens to be released from custody, but requires them to report to the Department of Homeland Security (DHS) or former Immigration & Naturalization Service (INS) as prescribed by the District Director. DANIEL failed to report to DHS as required on February 12, 2008. The Immigration & Customs Enforcement (ICE) District Director subsequently revoked DANIEL's Order of Supervision on October 27, 2009, and DANIEL became an immigration fugitive.
4. On August 19, 2011, ICE was notified by the United States Immigration & Citizenship Services (USCIS) that DANIEL was present at their facility inquiring about an Employment Authorization Card. An ICE officer responded to USCIS to arrest DANIEL on his immigration violations. The ICE officer identified himself to DANIEL and placed DANIEL in handcuffs behind his back. DANIEL was placed in a vehicle, which was property owned by the United States government, to be transported to jail.
5. During transportation, DANIEL became irate and managed to maneuver his restrained hands under his legs so that they were now in front of his body. DANIEL violently kicked, punched and threw his body into partition that divided his backseat bench from the ICE officer who was driving. This partition consists of a metal security screen and attached plexiglass, which prevents detainees from spitting at federal agents and officers. DANIEL attempted to pull the security screen from the vehicle windows and eventually broke plexiglass that separated him from the ICE officer. DANIEL obtained a shard of plexiglass that was shaped like a knife and started waving it at the ICE officer. DANIEL threatened the ICE officer, saying that DANIEL would kill him. This all took place while the ICE officer was driving the vehicle.

6. The government transport vehicle arrived at Dearborn Police Department, where additional ICE officers were waiting to assist the transporting officer. DANIEL made multiple attempts to spit at ICE officers and successfully did spit on one ICE officer. Multiple verbal commands were given to DANIEL to calm down. DANIEL continued to violently kick, resist, spit, and waive the broken plexiglass in a threatening manner. This continued until DANIEL was sprayed with government-issued Oleoresin Capsicum (OC) spray to allow officers to disarm him, remove him from the damaged vehicle, and place him in more secure restraints. On account of his violent conduct, DANIEL was not kept at the Dearborn Police Department, but transported to St. Clair County Jail, which is a more secure facility which DHS contracts with to lodge immigration detainees.
7. On August 22, 2011, ICE obtained estimates from Canfield Equipment Service, who specializes in law enforcement equipment vehicle equipment to repair the damaged cage in the amount of Six Hundred Seventy Three Dollars (\$673.00), and from Jefferson Chevrolet to straighten the bent door in the amount of Ninety Dollars (\$90.00).
8. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found Title 8, United States Code, Sections 1357, 1225, 1226, and/or 1231, to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
9. Based upon the above information, probable cause exists to believe that DANIEL did willfully injure (or attempt to injure) government property, in violation of **Title 18, United States Code, Section 1361**, and forcibly assaulted, resisted, impeded, or interfered with ICE officers in the performance of their duties in violation of **Title 18, United States Code, Section 111**. Moreover, your affiant believes there is probable cause to believe that DANIEL committed the Section 111 violation with a dangerous weapon (that is, the broken plexiglass).


Trent M. Horky, Deportation Officer
United States Department of Homeland Security
Immigration and Customs Enforcement

Subscribed and sworn to before me
this 24th day of August, 2011


Hon. Laurie J. Michelson
United States Magistrate Judge