

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America )
v. )
James Jamal CURRY ("CURRY") )

Case No.

8:20MJ1367AAS

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 28, 2020 in the county of Pinellas in the Middle District of Florida, the defendant(s) violated:

Code Section 18 U.S.C. § 1038(a)(1) Offense Description Biological weapons hoax

This criminal complaint is based on these facts:

See Attached Affidavit.

Continued on the attached sheet.

Handwritten signature of James C. Schafter

Complainant's signature

James C. Schafter, Task Force Officer

Printed name and title

Sworn to before me over the telephone and signed by me pursuant to Fed R. Crim P 4.1 and 4(d). Sworn to before me and signed in my presence.

Date: April 7, 2020

Handwritten signature of Amanda A. Sansone

Judge's signature

City and state: Tampa, Florida

AMANDA A. SANSONE, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

I, James C. Schafer, being duly sworn, depose and state:

1. I am a Task Force Officer with the Federal Bureau of Investigation (“FBI”), and, as such, am a federal law enforcement officer. I have law enforcement training and experience. I joined the FBI as a Task Force Officer in 2017. I am currently assigned to the FBI’s Tampa Division working in Clearwater, Florida. My official duties include, but are not limited to, investigating individuals and groups who have committed violations of federal laws, including federal laws related to weapons, narcotics, and gangs. As a Task Force Officer, I have participated in numerous investigations.

2. I submit this affidavit in support of a criminal complaint charging James Jamal CURRY (“CURRY”) with having violated 18 U.S.C. § 1038(a)(1) (biological weapons hoax). There is probable cause to believe that CURRY engaged in conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place, that would constitute violations of 18 U.S.C. §§ 175(a) and 2332a(a).

3. This affidavit is based on my personal knowledge, information received from other law-enforcement officers, and other reliable sources. Because of the limited purpose of this affidavit, however, I have not included each and every fact

known to me, but only those facts I believe are necessary to establish probable cause in support of the requested complaint.

### **PROBABLE CAUSE**

#### **A. Background**

4. According to the United States Centers for Disease Control and Prevention, Coronavirus disease 2019 (“COVID-19”) is a respiratory illness that can spread from person to person. The virus that causes COVID-19 is a novel coronavirus that was first identified during an investigation into a 2019 outbreak in Wuhan, China.

5. The virus is thought to spread primarily between people who are in close contact with one another (within about 6 feet) through respiratory droplets produced when an infected person coughs or sneezes. It also may be possible that a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or possibly their eyes, but this is not thought to be the main way the virus spreads.

6. On or about March 9, 2020, Governor Ron Desantis issued an executive order declaring a state of emergency in Florida as a result of COVID-19. On or about March 13, 2020, President Donald J. Trump declared a national emergency as a result of COVID-19.

7. As of on or about March 27, 2020, there were over 100,000 confirmed cases of COVID-19 in the United States, including several thousand cases in Florida. As of on or about April 2, 2020, there were approximately 216,768 cases in the

United States resulting in approximately 5,148 deaths. As of on or about April 3, 2020, there were approximately 8,010 cases in Florida that had resulted in approximately 128 deaths, including roughly 239 cases in Pinellas County that had resulted in four deaths. From late March into early April of 2020, the infection rate has increased exponentially in Pinellas County and across much of the United States.

8. There is currently no known cure or vaccine for COVID-19.

9. Under 18 U.S.C. § 178, the term “biological agent” means “any microorganism (including, but not limited to, bacteria, viruses, fungi, rickettsiae or protozoa), or infectious substance, or any naturally occurring, bioengineered or synthesized component of any such microorganism or infectious substance, capable of causing [...] death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism...” I believe that the COVID-19 virus satisfies the “biological agent” definition in Title 18 of United States Code because it is a virus capable of causing death.

10. At all times material to this affidavit, Pinellas County was under a safer-at-home order, aimed at slowing virus transmission through social-distancing measures and other restrictions. The restrictions resulted in closed businesses and a significant curtailment of economic activity in Florida and across the United States.

11. The Saint Petersburg Police Department (SPPD) is comprised of approximately 575 sworn law-enforcement officers and covers the City of Saint Petersburg in Pinellas County, Florida, in the Middle District of Florida. Many

SPPD officers patrol the streets of St. Petersburg, regularly coming into contact with its citizens.

12. SPPD receives multiple federal grants to support public safety and law-enforcement efforts. For example, one of these grants is an Urban Area Security Initiative (UASI) Program. The UASI program assists high-threat, high-density Urban Areas in efforts to build and sustain the capabilities necessary to prevent, protect against, mitigate, respond to, and recover from acts of violence. The UASI program provides federal funding to SPPD, which allows them to purchase equipment that moves in interstate and foreign commerce, as well as pay SPPD expenses related to addressing public safety and national security concerns. This program has been used to fund initiatives such as traffic control devices and SkyWatch Mobile Surveillance Deterrence Towers used to detect and deter criminal activity in high-density areas.

B. COVID-19 hoax

13. On or about March 27, 2020, SPPD Officer K.T. responded to a domestic battery call from an apartment located at 150 41<sup>st</sup> Avenue North, St. Petersburg, Florida, which is in the Middle District of Florida. Victim J.S. had texted her friend a previously-designated code indicating that J.S. was in a potentially violent situation with her live-in boyfriend, CURRY. Officer K.T. arrived at the apartment and noticed that the shades were closed and that the inside lights were on. When law-enforcement officers attempted to make contact with J.S. on her cell phone, the call went straight to voicemail. But through her friend, J.S. told officers

that her boyfriend wouldn't let her answer the door. Officers continued to knock on the door of the apartment for approximately 20 minutes with no response. Several minutes later, Officer T.C. notified Officer K.T. that CURRY and J.S. had opened the door and left the apartment. Officer K.T. responded to the front of the apartment and was notified by Sgt. M.D. that CURRY and J.S. were heard arguing inside the apartment before J.S. had unlocked the front door.

14. Officer KT then spoke to J.S. who was visibly shaken, crying, and had a bruise on her upper right arm. J.S. stated that she had dated CURRY for almost two years and had been living with him since May of 2019. J.S. reported that CURRY had been physically violent with her in the past, with increasing frequency. J.S. also reported that, before the police arrived that evening, CURRY had grabbed her by both arms and slammed her into the hallway wall. CURRY also kicked her legs out from under her and knocked her to the ground.

15. Officer K.T. interviewed CURRY. CURRY denied that any arguing or physical altercation had occurred. When asked why he would not answer the door, CURRY stated: "[J.S.] and I are afraid of the cops". Officers arrested CURRY and charged him with felony domestic battery (one prior conviction) and false imprisonment.

16. Before CURRY was placed into a transport van, officers searched him. CURRY stood facing the transport van with his hands restrained behind his back. Officer M.T. stood behind him. As Officer M.T. put on gloves to conduct the search, CURRY asked if he was going to "strip search" him. Officer M.T. stated that he did

not perform that search, adding that the jail staff would perform that type of search. CURRY responded "Well I got the Corona," turned his head to the left, and coughed on the Officer M.T.'s left arm. Officer M.T. warned CURRY that if he repeated that conduct he would be charged with another crime. Officer M.T. completed the search and placed CURRY inside the transport van.

17. The next day, on or about March 28, 2020, CURRY posted a bond and was released from the Pinellas County Jail.

18. Later that evening, on or about March 28, 2020, Officer K.T. was dispatched to respond to the same apartment—150 41<sup>st</sup> Avenue North Apartment 211, St. Petersburg, Florida. J.S. had called the police to report that CURRY was outside her apartment in violation of a no-contact order. Upon arrival, law-enforcement officers saw CURRY climbing the stairs between the 2<sup>nd</sup> and the 4<sup>th</sup> floor. On the 5<sup>th</sup> floor, Officer K.T. located CURRY and detained him in handcuffs. The officers utilized the elevator to escort CURRY to the ground floor of the complex. As they walked to the police cruisers, CURRY saw J.S. CURRY began to yell at J.S. and pulled the escorting law-enforcement officers in J.S.'s direction. Officer K.T. warned CURRY that if he continued to brace and pull against the officers he would be charged with resisting arrest. CURRY ignored Officer K.T.'s warning and continued to brace and pull against the officers as they escorted him to the cruiser.

19. Before placing CURRY into the rear of the police cruiser, Officer K.T. attempted to search CURRY, but he violently resisted the officers. CURRY placed

his head at the top of the vehicle door frame and locked his body in place, preventing officers from getting him into the vehicle. After a continued struggle with CURRY, officers were able to secure him in the back seat of the police cruiser. As soon as the cruiser door closed, CURRY began to bang his head against the right rear passenger window. CURRY also kicked the right, rear window, causing the window to bow out with each strike. Officers placed CURRY's legs in hobbles to prevent him from kicking the window. Several minutes later, CURRY again began striking his head on the window.

20. Sergeant P.M. opened the rear driver-side door to pull CURRY away from the rear passenger window. When Sergeant P.M. grabbed CURRY's shoulder with her right hand, CURRY turned and began spitting on her. A mist of spit struck her in the face and entered her mouth. Sergeant P.M. immediately moved back and attempted to close the car door. In response, CURRY shoved his upper body toward Sergeant P.M. and pushed the door open. Sergeant P.M. pushed CURRY in the upper back toward the inside of the cruiser and attempted to close the car door. Continuing to push against her, CURRY then turned his upper body and head toward her and spit in her face a second time. A large amount of saliva hit Sergeant P.M. in the mouth and nose area, with some entering her mouth. CURRY then laughed and said: "Take that bitch." An officer from the other side of the cruiser pulled CURRY inside, allowing Sergeant P.M. to close the door. Sergeant P.M. wiped the saliva from her face and noticed blood in the saliva. As Sergeant P.M.

cleaned the saliva off her face, CURRY continued to resist officers and strike his head against the window.

21. Officers placed a spit hood on CURRY and then removed him from the car, placing him in a prone position on the ground. CURRY attempted to flip over and Sergeant P.M. warned him to stop resisting. CURRY then looked at Sergeant P.M. and said: "Shut the fuck up bitch. I know where you live...I'm going to kill you!" When asked if he had just threatened Sergeant P.M., he replied: "Just you wait, I'm going to kill you," repeatedly yelling "Fuck you bitch." CURRY then looked at Sergeant P.M. and said: "I have Corona bitch, and I'm spreading it around." CURRY laughed and repeated that statement.

22. CURRY was then transported to the Pinellas County Jail. Along the way, CURRY continued to be uncooperative and yelled racist remarks at the officers. At one point, CURRY made several attempts to bite an officer.

23. Law-enforcement officers eventually interviewed J.S. J.S. told officers that she was unaware of CURRY being ill and that she had not perceived CURRY to have had any COVID-19 symptoms.

24. Medical staff at the Pinellas County Jail reported to law enforcement that CURRY was not showing symptoms known to be associated with COVID-19 infection.

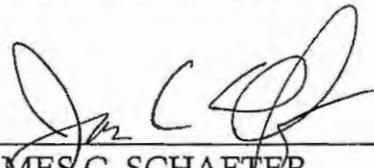
25. On or about April 3, 2020, this Court issued a search warrant to collect and test a nasal-swab sample from CURRY for COVID-19. Case No. 8:20-mj-1350AEP. On the same day, agents from Tampa FBI, Pinellas Resident Agency

executed the search warrant on CURRY's person at the Pinellas County Jail. After collecting the nasal swab sample, agents turned the sample over to the Florida Department of Health Laboratory for testing for the presence of the COVID-19 virus. The sample underwent a series of lab tests described on the lab report as "2019-NOVEL Coronavirus Overall."

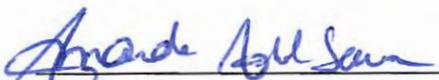
26. On or about April 6, 2020, the lab returned CURRY's COVID-19 test results. The report described COVID-19 as "not detected," indicating a negative test result.

CONCLUSION

27. Based on the foregoing, there is probable cause to believe that CURRY perpetrated a biological weapons hoax, in violation of 18 U.S.C. § 1038(a)(1).

  
\_\_\_\_\_  
JAMES C. SCHAFTER  
Task Force Officer  
Federal Bureau of Investigation

Affidavit submitted by email and attested to me as true and accurate by telephone, before me this 7th day of April, 2020.

  
\_\_\_\_\_  
AMANDA A. SANSONE  
U.S. Magistrate Judge