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U.S. DISTRICT COURT  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA  
Plaintiff,

v.

[1] MAXIMO CANO DIAZ,  
(Counts 1 through 3, 6 through 8, 11, and 12)  
[2] JAVIER ORTIZ GONZALEZ,  
(Counts 1, 2, 4, and 5)  
[3] ANTONIO RODRIGUEZ ORTIZ,  
(Counts 1 and 9)  
[4] IRIS RIVERA FIGUEROA,  
(Count 10)  
Defendants.

INDICTMENT

Criminal No. 16 - 415 (PAD)

Violations:

18 U.S.C. §§ 1519 and 2  
18 U.S.C. §§ 242 and 2  
18 U.S.C. § 1001  
18 U.S.C. § 1623

(TWELVE COUNTS)

THE GRAND JURY CHARGES:

COUNT ONE  
(Obstruction of Justice)

On or about August 15, 2015, in the City of Caguas, in the District of Puerto Rico,

[1] MAXIMO CANO DIAZ,

[2] JAVIER ORTIZ GONZALEZ,

[3] ANTONIO RODRIGUEZ ORTIZ,

the defendants herein, while aiding and abetting each other and other persons both known and unknown to the grand jury, acting in relation to and in contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, did knowingly alter, destroy, mutilate, conceal, and cover up a tangible object with the intent to impede, obstruct, and influence the investigation and proper administration of that matter. That

is, the defendants commanded X.R.C. to stop video recording and to surrender her cellular phone while pointing a taser at her; pursued X.R.C. to the gate of her home; seized X.R.C.'s cellular phone, which was used, in part, to record police conduct on or about August 15, 2015; and erased the contents of X.R.C.'s cellular phone by resetting the phone to its factory settings.

All in violation of Title 18, United States Code, Sections 1519 and 2.

**COUNT TWO**  
**(Deprivation of Rights Under Color of Law)**

On or about August 15, 2015, in the City of Caguas, in the District of Puerto Rico,

**[1] MAXIMO CANO DIAZ,**

**[2] JAVIER ORTIZ GONZALEZ,**

the defendants herein, then Police of Puerto Rico officers, while acting under color of law, and while aiding and abetting each other and other persons both known and unknown to the grand jury, willfully deprived X.R.C. of the right, secured and protected by the Constitution and laws of the United States, to be free from unreasonable seizures. That is, the defendants commanded X.R.C. to stop video recording and to surrender her cellular phone while pointing a taser at her; and seized X.R.C.'s cellular phone. This offense involved the use of a dangerous weapon and resulted in bodily injury to X.R.C.

All in violation of Title 18, United States Code, Sections 242 and 2.

**COUNT THREE**  
**(Obstruction of Justice)**

On or about August 31, 2015, in the City of Caguas, in the District of Puerto Rico,

**[1] MAXIMO CANO DIAZ,**

the defendant herein, acting in relation to and in contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, did knowingly alter, conceal, cover up, falsify, and make false entries in a document with the intent to impede, obstruct, and influence the investigation and proper administration of that matter. That is, the defendant authored and submitted a false and misleading official police report, which failed to disclose the totality of the defendant's actions and observations concerning the seizure of X.R.C. and her cellular phone and stated that the defendant "ended up" with X.R.C.'s cellular phone.

All in violation of Title 18, United States Code, Section 1519.

**COUNT FOUR**  
**(False Statements)**

On or about February 18, 2016, in the City of San Juan, in the District of Puerto Rico,

**[2] JAVIER ORTIZ GONZALEZ,**

the defendant herein, in a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the executive branch of the United States, did knowingly, voluntarily, and intentionally make a materially false, fictitious, and fraudulent statement and representation to a Federal Bureau of Investigation Special Agent investigating the violations of Title 18, United States Code, Sections 242 and 1519, described in this Indictment and incorporated herein. That is, the defendant told the Special Agent that he allowed X.R.C. to continue video recording the

police intervention on or about August 15, 2015, told X.R.C. that she could video record the police intervention, did not touch X.R.C. at any time that day, and did not hit X.R.C. with a gate, whereas in truth and in fact, as the defendant then knew, the defendant told X.R.C. to stop video recording and demanded that she relinquish her cellular phone, and struck X.R.C. while shaking the gate to her home and reached through the gate to strike X.R.C.

All in violation of Title 18, United States Code, Section 1001.

**COUNT FIVE**  
**(Perjury)**

On or about March 17, 2016, in the City of San Juan, in the District of Puerto Rico, and within the jurisdiction of this Court,

**[2] JAVIER ORTIZ GONZALEZ,**

the defendant herein, while under oath and testifying in a proceeding before the Grand Jury of the United States District Court for the District of Puerto Rico, did knowingly make a false material declaration, that is to say:

At the time and place aforesaid, the grand jury was conducting an investigation to determine whether violations of Title 18, United States Code, Sections 242 and 1519, had been committed, and to identify the persons who had committed and caused the commission of such violations. It was material to the investigation that the grand jury know the details concerning the defendant's interaction with X.R.C. during an incident on or about August 15, 2015. At the time and place alleged, the defendant, appearing as a witness under oath at a proceeding before the grand jury, knowingly made the following declarations in response to questions with respect

to the material matter alleged above:

- A I told her there was no problem. Take it easy. She didn't have to leave but the thing was that my []fellow officers were there arresting this man and []he could get loose out of their hands and he could run her over and run over there; that she could record everything she wanted.
- Q Why did you feel the need to inform her that she could record?
- A She could record. Everyone could record. There is no law that tells us that she cannot record that. That is a public right.
- Q No, no. I understand that but why did you feel the need to inform her that she could record?
- A Well, I allowed her to record because if she wanted to record, she could record anything she wanted. If she wanted to do so she could do it.
- Q So my question is to you though, why did you even feel the need to touch that topic, even talk to her about recording? What was the need?
- A Well, at a point in time she told me not to touch her camera and I said, "Well, I am not going to touch your camera, why?"
- Q Did you try to touch her?
- A No, never.
- Q Okay. Well, let me ask you this. Throughout that whole day that you were at Barriada Morales, August 15, 2015, at any point in time, did you touch [X.R.C.]?
- A No, I never had any physical contact with her.
- Q So in that same regard, on August 15, 2015 at Barriada Morales, at any point did you hit [X.R.C.] on any part of her body?
- A No, never.
- Q On August 15, 2015 at Barriada Morales, at any point in time, did you try to take [X.R.C.]'s cell phone?
- A Negative, never.
- Q And at any point in time at Barriada Morales on August 15, 2015, did you tell [X.R.C.] that she could not record and that she should stop recording?
- A No.
- Q And at any point on August 15, 2015 at Barriada Morales, did you threaten [X.R.C.] that you were going to take her phone if she continued recording?
- A Negative. After that moment during the whole day after that, I never spoke with her any time again.
- ...
- Q Okay. Well, I will ask you again. After seeing this video, did you at any time hit or touch the woman known as [X.R.C.]?
- A No, no, never. I never had any contact with her, never.
- Q And after seeing this video, is it still your testimony that you never tried to stop her from videoing or take her cell phone?

A No, no. I never tried to take her cell phone from her.

The above declarations, as the defendant then and there well knew, were false in that, the defendant (1) did in fact command X.R.C. to stop video recording the police intervention; (2) did in fact tell X.R.C. to stop recording; (3) did in fact threaten to take X. R. C.'s cellular phone if she continued to video record the police intervention; and (4) did in fact have contact with X. R. C., in that the defendant struck her with the gate of her home and reached through the gate to strike her with his hand.

All in violation of Title 18, United States Code, Section 1623.

**COUNT SIX**  
**(Obstruction of Justice)**

On or about August 15, 2015, in the City of Caguas, in the District of Puerto Rico,

**[1] MAXIMO CANO DIAZ,**

the defendant herein, acting in relation to an in contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, did knowingly alter, destroy, mutilate, conceal, and cover up a tangible object with the intent to impede, obstruct, and influence the investigation and proper administration of that matter. That is, the defendant seized and kept a cellular phone belonging to J.R.D. that was used, in part, to record police conduct on or about August 15, 2015.

All in violation of Title 18, United States Code, Section 1519.

**COUNT SEVEN**  
**(Deprivation of Rights Under Color of Law)**

On or about August 15, 2015, in the City of Caguas, in the District of Puerto Rico,

**[1] MAXIMO CANO DIAZ,**

the defendant herein, then a sergeant with the Police of Puerto Rico, while acting under color of law, did seize J.R.D.'s cellular phone, thereby willfully depriving J.R.D. of the right secured and protected by the Constitution and laws of the United States to be free from unreasonable seizure. This offense resulted in bodily injury to J.R.D.

All in violation of Title 18, United States Code, Section 242.

**COUNT EIGHT**  
**(False Statements)**

On or about August 31, 2015, in the City of San Juan, in the District of Puerto Rico,

**[1] MAXIMO CANO DIAZ,**

the defendant herein, in a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the executive branch of the United States, did knowingly, voluntarily, and intentionally make a materially false, fictitious, and fraudulent statement and representation to a Federal Bureau of Investigation Special Agent investigating the violations of Title 18, United States Code, Sections 242 and 1519, described in this Indictment and incorporated herein. That is, the defendant told the Special Agent that he did not seize the cellular phone of J.R.D. and only seized the cover of that cellular phone, whereas in truth and in fact, as the defendant then knew, the defendant seized the cellular phone of J.R.D.

All in violation of Title 18, United States Code, Section 1001.

**COUNT NINE**  
**(Deprivation of Rights Under Color of Law)**

On or about August 15, 2015, in the City of Caguas, in the District of Puerto Rico,

**[3] ANTONIO RODRIGUEZ ORTIZ,**

the defendant herein, then a Police of Puerto Rico officer, while acting under color of law, assaulted G.A.H. by deploying a taser electronic control device onto G.A.H.'s body, thereby willfully depriving G.A.H. of the right secured and protected by the Constitution and laws of the United States to be free from unreasonable seizure, which includes the right to be free from the use of unreasonable force. The offense involved the use of a dangerous weapon and resulted in bodily injury to G.A.H.

All in violation of Title 18, United States Code, Section 242.

**COUNT TEN**  
**(False Statements)**

On or about September 3, 2015, in the City of San Juan, in the District of Puerto Rico,

**[4] IRIS RIVERA FIGUEROA,**

the defendant herein, in a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the executive branch of the United States, did knowingly, voluntarily, and intentionally make a materially false, fictitious, and fraudulent statement and representation to a Federal Bureau of Investigation Special Agent investigating the violations of Title 18, United States Code, Sections 242 and 1519, described in this Indictment and incorporated herein. That is, the defendant told the Special Agent that she was not present when G.A.H. was stopped and tased, whereas in truth and in fact, as the defendant then knew, the defendant was present for



G.A.H.'s arrest and tasing.

All in violation of Title 18, United States Code, Section 1001.

**COUNT ELEVEN**  
**(Deprivation of Rights Under Color of Law)**

On or about August 15, 2015, in the City of Caguas, in the District of Puerto Rico,

**[1] MAXIMO CANO DIAZ,**

the defendant herein, then a sergeant with the Police of Puerto Rico, while acting under color of law, physically struck A.C.N., thereby willfully depriving A.C.N. of the right secured and protected by the Constitution and laws of the United States to be free from unreasonable seizure, which includes the right to be free from the use of unreasonable force. The offense resulted in bodily injury to A.C.N.

All in violation of Title 18, United States Code, Section 242.

**COUNT TWELVE**  
**(Obstruction of Justice)**

On or about August 20, 2015, in the City of Caguas, in the District of Puerto Rico,

**[1] MAXIMO CANO DIAZ,**

the defendant herein, acting in relation to and in contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, did knowingly alter, conceal, cover up, falsify, and make false entries in a document with the intent to impede, obstruct, and influence the investigation and proper administration of that matter. That is, the defendant authored and submitted a false and misleading official police report, in which he

falsely stated that, during the incident on or about August 15, 2015, A.C.N. attempted to access G.A.H.'s arrest site to impede and hamper an officer's actions, and that A.C.N. disobeyed the defendant's orders to cease his conduct and leave.

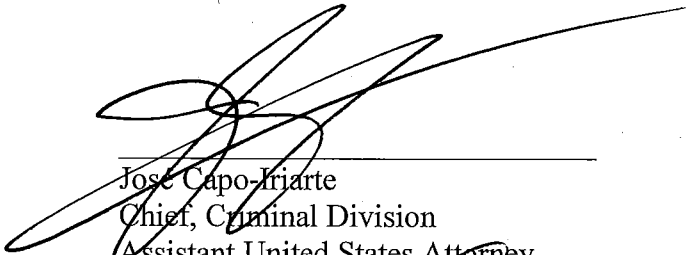
All in violation of Title 18, United States Code, Section 1519.

TRUE BILL

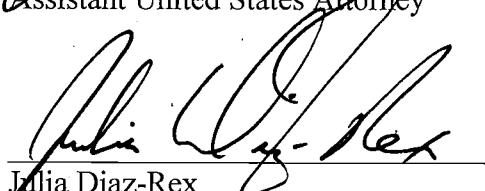
FOREPERSON :

DATE: *June 24, 2016*


**ROSA EMILIA RODRIGUEZ-VELEZ**  
**UNITED STATES ATTORNEY**



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José Capo-Iriarte  
Chief, Criminal Division  
Assistant United States Attorney

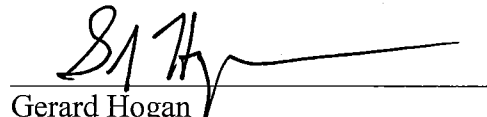


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Julia Diaz-Rex  
Chief, Narcotics Unit  
Assistant United States Attorney

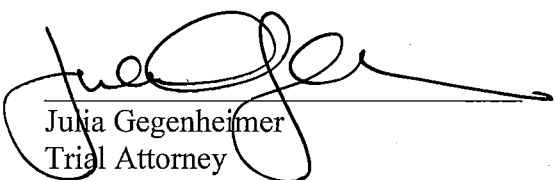


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José A. Contreras  
Assistant United States Attorney

**VANITA GUPTA**  
**PRINCIPAL DEPUTY**  
**ASSISTANT ATTORNEY GENERAL**  
**CIVIL RIGHTS DIVISION**



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Senior Litigation Counsel  
Criminal Section, Civil Rights Division



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Julia Gegenheimer  
Trial Attorney  
Criminal Section, Civil Rights Division