

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA
Plaintiff,

v.

[1] JOSE CARTAGENA,
(Counts 1, 2, 6, and 7)
[2] CARLOS NIEVES,
(Count 3)
[3] JIMMY DAVIS,
(Count 4)
[4] SHYLENE LOPEZ,
(Count 5)
Defendants.

INDICTMENT

Criminal No. 16 - 536 (CCC)

Violations:

- 18 U.S.C. § 242
- 18 U.S.C. § 1519
- 18 U.S.C. § 1512

(SEVEN COUNTS)

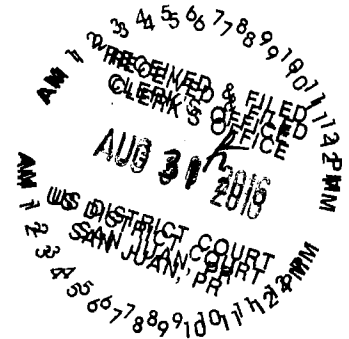
THE GRAND JURY CHARGES:

COUNT ONE
(Deprivation of Rights Under Color of Law)

On or about November 15, 2014, in the District of Puerto Rico, and within the jurisdiction of this Court,

[1] JOSE CARTAGENA,

a Police of Puerto Rico officer, while acting under color of law, willfully deprived C.C. 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 by a law enforcement officer. That is, the defendant struck C.C. with his weapon while C.C. was on the ground. This offense involved the use of a dangerous weapon and resulted in bodily injury to C.C.



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

COUNT TWO
(Deprivation of Rights Under Color of Law)

On or about November 15, 2014, in the District of Puerto Rico, and within the jurisdiction of this Court,

[1] JOSE CARTAGENA,

a Police of Puerto Rico officer, while acting under color of law, willfully deprived C.C. 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 by a law enforcement officer. That is, the defendant struck C.C. with his hand(s) while C.C. was handcuffed in the back of a police vehicle. This offense resulted in bodily injury to C.C.

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

COUNT THREE
(Deprivation of Rights Under Color of Law)

On or about November 15, 2014, in the District of Puerto Rico, and within the jurisdiction of this Court,

[2] CARLOS NIEVES,

a Police of Puerto Rico officer, while acting under color of law, willfully deprived C.C. 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 by a law enforcement officer. That is, the defendant shot C.C. while C.C. was fleeing on a bicycle.

This offense involved the use of a dangerous weapon and resulted in bodily injury to C.C.

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

COUNT FOUR
(Deprivation of Rights Under Color of Law)

On or about November 15, 2014, in the District of Puerto Rico, and within the jurisdiction of this Court,

[3] JIMMY DAVIS,

a Police of Puerto Rico officer, while acting under color of law, willfully deprived C.C. of the right secured and protected by the Constitution and laws of the United States to due process of law, which includes the right to be free from the use of excessive force amounting to punishment by a law enforcement officer. That is, the defendant struck and choked C.C. with his hand(s) while C.C. was handcuffed. This offense resulted in bodily injury to C.C.

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

COUNT FIVE
(Deprivation of Rights Under Color of Law)

On or about November 15, 2014, in the District of Puerto Rico, and within the jurisdiction of this Court,

[4] SHYLENE LOPEZ,

then a Police of Puerto Rico officer, while acting under color of law, willfully deprived C.C. 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 by a

law enforcement officer. That is, the defendant struck C.C. with her hand(s) while C.C. was handcuffed in the back of a police vehicle. This offense resulted in bodily injury to C.C.

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

COUNT SIX
(Obstruction of Justice – Falsification of Document)

On or about November 15, 2014, in the District of Puerto Rico, and within the jurisdiction of this Court,

[1] JOSE CARTAGENA,

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 falsified a Police of Puerto Rico form, titled Use of Force Report, relating to use of force against an arrestee, C.C., by: (1) falsely claiming that C.C. had several lacerations on the right side of his back, knee, and head as a result of the fall from his bicycle, when the defendant knew that C.C.'s injuries were a result of the force used against him by officers and not a fall off a bicycle; (2) omitting his knowledge that defendant Cartagena struck C.C. with his pistol; (3) omitting his knowledge that defendant Nieves shot C.C. during the incident; and (4) omitting his knowledge that defendant Cartagena struck C.C. during C.C.'s transport to the police station.

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

COUNT SEVEN

(Obstruction of Justice – Tampering with a Witness, Victim or an Informant)

From in or about and between November 15, 2014 through November 17, 2014, both dates being approximate and inclusive, in the District of Puerto Rico, and within the jurisdiction of this Court,

[1] JOSE CARTAGENA,

did knowingly engage in misleading conduct toward another person, and attempt to do so, with intent to hinder, delay, and prevent the communication to a federal law enforcement officer and judge of information relating to the commission and possible commission of a federal offense in the District of Puerto Rico, specifically, the offense of Deprivation of Rights under Color of Law, as alleged in Counts One, Two, and Three. That is, the defendant made misleading statements to a Commonwealth of Puerto Rico Department of Justice juvenile prosecutor by: (1) falsely claiming that C.C. was injured as a result of the fall from his bicycle; (2) omitting his knowledge that defendant Cartagena struck C.C. with his pistol; (3) omitting his knowledge that defendant Cartagena struck C.C. during C.C.'s transport to the police station; and (4) omitting his knowledge that defendant Nieves shot C.C. during the incident, when defendant Cartagena knew that the victim's injuries were a result of the force used against him by officers and not a fall off a bicycle.

All in violation of Title 18, United States Code, Section 1512(b)(3).

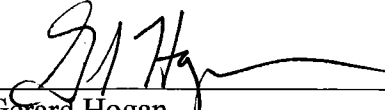
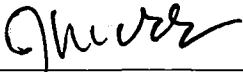
TRUE BILL

FOREPERSON

DATE: 31 Aug 16

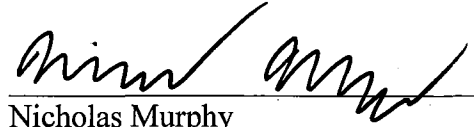
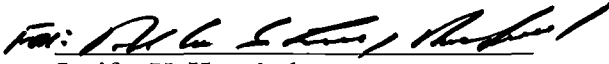
ROSA EMILIA RODRIGUEZ-VELEZ
UNITED STATES ATTORNEY

VANITA GUPTA
PRINCIPAL DEPUTY
ASSISTANT ATTORNEY GENERAL
CIVIL RIGHTS DIVISION



for: Timothy R. Henwood
First Assistant U.S. Attorney

Gerard Hogan
Senior Litigation Counsel
Criminal Section, Civil Rights Division

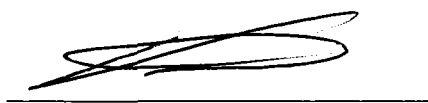


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