

AUG - 7 2018

JAMES W. MACDONALD, CLERK
By:  DEP CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

UNITED STATES OF AMERICA	)	No. 4:18CR00044-JM
)	
v.	)	18 U.S.C. §§ 1113, 3261(a)(1)
	)	(Attempted Voluntary Manslaughter,
RODRIGO PINEDA GOMEZ,	)	Military Extraterritorial Jurisdiction Act)
(Counts 1-4, 6-7, 9)	)	Count 1
)	
and	)	18 U.S.C. §§ 113(a)(4), 7(3) and (9)
	)	(Assault by Striking, Beating, or Wounding
MIGUEL GOMEZ,	)	within the Special Maritime and Territorial
(Counts 5, 8)	)	Jurisdiction)
	)	Counts 2 - 5
Defendants.)	
	)	18 U.S.C. § 1001(a)(2)
	)	(False Statement)
	)	Count 6
)	
	)	18 U.S.C. §§ 113(a)(3), 3261(a)(1)
	)	(Assault With a Dangerous Weapon,
	)	Military Extraterritorial Jurisdiction Act)
	)	Count 7
)	
	)	18 U.S.C. §§ 111(a)(1)
	)	(Assault, Resisting, Impeding Federal
	)	Officer)
	)	Count 8, 9
)	

SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT 1

(Attempted Voluntary Manslaughter, Military Extraterritorial Jurisdiction Act)

1. On or about December 31, 2016, the defendant, RODRIGO PINEDA GOMEZ, was accompanying the Armed Forces outside the United States, as defined in Title 18, United States Code, Section 3267(2), that is:

- a. RODRIGO PINEDA GOMEZ was a dependent of a member of the Armed Forces;
 - b. RODRIGO PINEDA GOMEZ was residing with a member of the Armed Forces; and
 - c. RODRIGO PINEDA GOMEZ was not a national of or ordinarily resident in Japan.
2. The conduct alleged in this Indictment occurred on Misawa Air Base, in Misawa, Japan.
 3. The conduct alleged in this Count of the Indictment constitutes an offense which would be punishable by imprisonment for more than one year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States.
 4. The conduct alleged in this Indictment occurred outside the jurisdiction of any particular State or District and within the venue of the United States District Court for the Eastern District of Arkansas, as provided by Title 18, United States Code, Section 3238, in that the last known residence of RODRIGO PINEDA GOMEZ is Jacksonville, Arkansas.
 5. On or about December 31, 2016, in Misawa, Japan, the defendant, RODRIGO PINEDA GOMEZ, upon a sudden quarrel and heat of passion did attempt to kill SOULEYMAN DIA, in violation of Title 18, United States Code, Sections 1113 and 3261(a)(1).

COUNT 2

(Assault by Striking, Beating, or Wounding within the Special Maritime and Territorial Jurisdiction)

On or about December 31, 2016, in Misawa, Japan, the defendant,

RODRIGO PINEDA GOMEZ,

at a place within the special maritime and territorial jurisdiction of the United States, namely Misawa Air Base, did assault BRODERICK RICHMOND, a national of the United States, by

striking, beating, and wounding, specifically, by hitting him in the head with his hand, in violation of Title 18, United States Code, Sections 7(3), 7(9), and 113(a)(4).

COUNT 3

(Assault by Striking, Beating, or Wounding within the Special Maritime and Territorial Jurisdiction)

On or about December 31, 2016, in Misawa, Japan, the defendant,

RODRIGO PINEDA GOMEZ,

at a place within the special maritime and territorial jurisdiction of the United States, namely Misawa Air Base, did assault SOULEYMAN DIA, a national of the United States, by striking, beating, and wounding, specifically, by hitting him in the face with his fist, in violation of Title 18, United States Code, Sections 7(3), 7(9), and 113(a)(4).

COUNT 4

(Assault by Striking, Beating, or Wounding within the Special Maritime and Territorial Jurisdiction)

On or about December 31, 2016, in Misawa, Japan, the defendant,

RODRIGO PINEDA GOMEZ,

at a place within the special maritime and territorial jurisdiction of the United States, namely Misawa Air Base, did assault AVION SCAIFE, a national of the United States, by striking, beating, and wounding him, specifically, by hitting him in the face with his hand, in violation of Title 18, United States Code, Section 7(3), 7(9), and 113(a)(4).

COUNT 5

(Assault by Striking, Beating, or Wounding within the Special Maritime and Territorial Jurisdiction)

On or about December 31, 2016, in Misawa, Japan, the defendant,

MIGUEL GOMEZ,

at a place within the special maritime and territorial jurisdiction of the United States, namely Misawa Air Base, did assault BRODERICK RICHMOND, a national of the United States, by striking, beating, and wounding, specifically, by hitting him about the body with his hand, in violation of Title 18, United States Code, Sections 7(3), 7(9), and 113(a)(4).

COUNT 6

(False Statement)

1. On or about December 31, 2016, in Misawa, Japan, the defendant, RODRIGO PINEDA GOMEZ, in a matter within the jurisdiction of the United States Air Force Security Forces, an agency of the United States, knowingly and willfully made a false, fraudulent and fictitious material statement and representation to United States Air Force Security Forces, Master Sergeant James Ashby and Technical Sergeant Quentin Gray. In a written statement the defendant, RODRIGO PINEDA GOMEZ, stated that: a person wearing a green hoodie threw a punch and that he (the defendant, RODRIGO PINEDA GOMEZ) stepped back and punched back.

2. In fact, it was the defendant, RODRIGO PINEDA GOMEZ, who threw the first punch at the person he described wearing a green hoodie, all in violation of Title 18, United States Code, Sections 1001(a)(2).

COUNT 7

(Assault With a Dangerous Weapon, Military Extraterritorial Jurisdiction Act)

1. On or about December 31, 2016, the defendant, RODRIGO PINEDA GOMEZ, was accompanying the armed forces outside of the United States, as defined in Title 18 United States Code, Section 3267(2), that is:

- a. RODRIGO PINEDA GOMEZ was a dependent of a member of the Armed Forces;
- b. RODRIGO PINEDA GOMEZ was residing with a member of the Armed Forces; and
- c. RODRIGO PINEDA GOMEZ was not a national of or ordinarily resident in Japan.

2. The conduct alleged in this Indictment occurred on Misawa Air Base, in Misawa, Japan.

3. The conduct alleged in this Count of the Indictment constitutes an offense which would be punishable by imprisonment for more than one year if the conduct had been engaged in within with special maritime and territorial jurisdiction of the United States.

4. The conduct alleged in this Indictment occurred outside the jurisdiction of any particular State or District and within the venue of the United States District Court for the Eastern District of Arkansas, as provided by Title 18, United States Code, Section 3238, in that the last known residence of RODRIGO PINEDA GOMEZ is Jacksonville, Arkansas.

5. On or about December 31, 2016, in Misawa, Japan, defendant, RODRIGO PINEDA GOMEZ, did unlawfully assault SOULEYMAN DIA with a dangerous weapon, that is, shod feet, with intent to do bodily harm to SOULEYMAN DIA, in violation of Title 18, United States Code, Sections 113(a)(3) and 3261(a)(1).

COUNT 8

(Assault, Resisting, Impeding Federal Officer)

On or about December 31, 2016, in Misawa, Japan, the defendant,

MIGUEL GOMEZ,

knowingly and intentionally did forcibly assault, resist, oppose, impede and interfere with Staff Sergeant Jared Salazar, a member of the United States Air Force Security Forces, by causing physical contact while he was engaged in and on account of the performance of his official duties, in violation of Title 18, United States Code, Section 111(a)(1).

COUNT 9

(Assault, Resisting, Impeding Federal Officer)

On or about December 31, 2016, in Misawa, Japan, the defendant,

RODRIGO PINEDA GOMEZ,

knowingly and intentionally did forcibly assault, resist, oppose, impede and interfere with Master Sergeant Bruce Rick, a member of the United States Air Force Security Forces, by causing physical contact while he was engaged in and on account of the performance of his official duties, in violation of Title 18, United States Code, Section 111(a)(1).

(END OF TEXT. SIGNATURE PAGE ATTACHED.)