

CRIMINAL COMPLAINT

United States District Court		DISTRICT Eastern District of Pennsylvania	
UNITED STATES OF AMERICA v. RICHARD TAMACCIO		DOCKET NO.	
		MAGISTRATE'S CASE NO <i>15 & 6-36-1</i>	
Complaint for violation of Title 18 United States Code § 111			
NAME OF JUDGE OR MAGISTRATE Honorable THOMAS J. RUETER		OFFICIAL TITLE U.S. Magistrate Judge	LOCATION Philadelphia, PA
DATE OF OFFENSE May 18, 2013	PLACE OF OFFENSE Philadelphia, PA	ADDRESS OF ACCUSED (if known)	
COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION On or about May 18, 2013, defendant RICHARD TAMACCIO forcibly assaulted, resisted, opposed, impeded and interfered with officers and employees of the United States, that is, uniformed National Park Service Rangers while they were engaged in, and on account of, the performance of official duties, in violation of Title 18, United States Code, Section 111.			
BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED SEE AFFIDAVIT ATTACHED HERETO.			
MATERIAL WITNESSES IN RELATION AGAINST THE ACCUSED			
Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.		SIGNATURE OF COMPLAINANT (official title) Donald Reed <i>Donald Reed</i>	
		OFFICIAL TITLE Law Enforcement Specialist, National Park Service	
Sworn to before me and subscribed in my presence			
SIGNATURE OF MAGISTRATE <i>Thomas J. Rueter</i> Honorable THOMAS J. RUETER, United States Magistrate Judge		DATE <i>5/20/13</i>	

1) See Federal Rules of Criminal Procedure rules 7 and 54

13-636M

Affidavit

I, Donald Reed, National Park Service, swear that the following is true to the best of my knowledge and belief:

1. I am a Law Enforcement Specialist for the United States National Park Service. I have been employed in this capacity for 8 years, and have a total of 23 years as a Federal Law Enforcement Agent. I am a graduate of the Criminal Investigator Training Program sponsored by the Federal Law Enforcement Training Center in Glynco, GA. I am currently assigned to Independence National Historical Park ("the Park"). My duties include investigating violations of Title 18, United States Code § 111.
2. I know the following from reports made to me from my own observations and those of other law enforcement officers. As this affidavit is submitted for the limited purpose of a probable cause determination, I have not included all of the information in my possession about the events described. The descriptions of things said are recounted in sum and substance and are not exact quotes.
3. On May 18, 2013, there was an event taking place in the Park in the block bounded by Market, Chestnut, Fifth and Sixth Streets. The organizers of this event had obtained a permit from the Park for the event. The event took place near the Market Street sidewalk, west of Fifth Street.
4. Because the event paperwork claimed to be about the legalization of marijuana, and because at past such events there had been claims that marijuana was possessed openly and illegally in the Park, that area was posted by the Park with signs reminding the public that possession of marijuana in the Park is illegal.
5. During the event, defendant RICHARD TAMACCIO was seen and heard over a loud speaker system encouraging those present at the event to smoke marijuana. Over the loud speaker TAMACCIO announced a "countdown" to when participants should light their marijuana. TAMACCIO was then seen in possession of what appeared to be a lit marijuana cigarette.
6. National Park Service Rangers approached TAMACCIO in order to seize the cigarette. TAMACCIO physically and forcibly resisted the attempts of the Rangers to seize the cigarette as well as resisting their attempts to control him. He refused to comply with the orders of the Rangers and kicked a Ranger in the leg. He eventually had to be forced to the ground by at least two Rangers, after which the cigarette was recovered.

7. The contents of the cigarette were later tested and determined to be marijuana.

8. Based on the above, I believe that probable cause exists to charge defendant TAMACCIO with violation of Title 18, United States Code, Section 111.



DONALD REED

United States National Park Service

Sworn before me the 20th
day of May, 2013.



Honorable THOMAS J. RUETER
United States Magistrate Judge