

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America)

v.)

CASEY LOWELL HICKOK)

Case No.)

2:19-mj-1032-MRM)

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 18, 2019, upon the high seas, out of the jurisdiction of any particular state or district, with the county of Lee in the Middle District of Florida, being the District where the defendant was first brought, the defendant violated:

Code Section

Offense Description

Title 18, United States Code, Section 1111(a)

Second Degree Murder Within the Special Maritime and Territorial Jurisdiction of the United States.

This criminal complaint is based on these facts:

See Attached Affidavit.

Continued on the attached sheet.

Complainant's signature

Special Agent Anthony Reynolds U.S. Coast Guard

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/19/2019

Judge's signature

City and state: Fort Myers, Florida

Mac R. McCoy, U.S. Magistrate Judge

Printed name and title

CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS, FLORIDA
2019 MAR 19 PM 1:41

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AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Anthony Reynolds, having been duly sworn, do hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the United States Coast Guard, Coast Guard Investigative Service (“CGIS”). I have been a Special Agent with CGIS for approximately 11 years, and I am currently assigned to the CGIS Resident Agent Office in St. Petersburg, Florida. I am a graduate of the Federal Law Enforcement Training Center, Criminal Investigator Training Program, and I have attended numerous other training programs related to criminal investigations. Prior to becoming a Special Agent, I was a qualified United States Coast Guard (“USCG”) Boarding Officer for approximately 11 years assigned to various USCG law enforcement units. During these tours of duty, I conducted hundreds of maritime law enforcement boardings, including boardings of commercial fishing vessels. As a Special Agent with CGIS, I have participated in numerous criminal investigations of individuals suspected of violating federal statutes and regulations.

2. This affidavit is submitted in support of an application for a criminal complaint charging CASEY LOWELL HICKOK (“HICKOK”) with one count of Second Degree Murder Within the Special Maritime and Territorial Jurisdiction of the United States, in violation of 18 U.S.C. § 1111(a).

3. This affidavit is based on my personal knowledge and information provided to me by other law enforcement officers and federal agents. This affidavit is not intended to set forth all of the information that I have learned during this investigation, but includes only the information necessary to establish probable cause for the requested complaint.

STATUTORY BACKGROUND

4. Under 18 U.S.C. § 1111(a), “[m]urder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to

perpetrate, any arson, escape, murder, kidnapping, treason, espionage, sabotage, aggravated sexual abuse or sexual abuse, child abuse, burglary, or robbery; or perpetrated as part of a pattern or practice of assault or torture against a child or children; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree. Any other murder is murder in the second degree.”

5. Under 18 U.S.C. § 1111(b), “[w]ithin the special maritime and territorial jurisdiction of the United States, ... [w]hoever is guilty of murder in the second degree, shall be imprisoned for any term of years or for life.”

6. Under 18 U.S.C. § 7, “special maritime and territorial jurisdiction of the United States...includes...[t]he high seas, any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, and any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof, when such vessel is within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State.”

7. Under 18 U.S.C. § 3238, venue for “all offenses begun or committed upon the high seas, or elsewhere out of the jurisdiction of any particular State or district, shall be in the district in which the offender ... is arrested or is first brought.”

PROBABLE CAUSE

8. On March 18, 2019, the commercial fishing vessel “No Bitchin” (“vessel”) was anchored on the high seas. The vessel was in the Gulf of Mexico at approximate position 25°21'38"N, 82°46'70"W (approximately 66 nautical miles west of Marco Island, FL).

9. According to the USCG District 7 Command Center, the captain of the vessel, later identified as YAMER JESUS PEREZ (“PEREZ”), called the Coast Guard on VHF channel 16 at approximately 7:13 A.M to request immediate assistance for a medical injury onboard.

10. On March 18, 2019, at approximately 7:45 A.M., USCG Air Station Clearwater rescue helicopter 6043 was launched per direction from USCG District 7 for a MEDEVAC of an unconscious male patient with head injuries onboard the vessel. While enroute, the aircrew was notified of the possibility of a “domestic dispute” on the vessel by USCG District 7. Once in the vicinity of the reported location, the USCG aircrew arrived on scene and located the vessel making way northbound at approximately 6 knots. USCG aircraft 6043 deployed a USCG rescue swimmer to the vessel underway. The rescue swimmer conducted an on scene medical evaluation, noted significant head trauma to an adult male, later identified as R.H., and determined R.H. was deceased. USCG rescue helicopter 6043 ultimately recovered the rescue swimmer, and passed the on scene situation to the USCG Cutter DECISIVE, which had also arrived on scene. USCG Cutter DECISIVE ultimately placed a law enforcement boarding team onboard the fishing vessel, and escorted the fishing vessel to USCG Station Fort Myers Beach, FL. USCG rescue helicopter 6043 returned to USCG Air Station Clearwater, FL.

11. After the USCG aircraft arrived at USCG Air Station Clearwater, your Affiant conducted a brief interview of the USCG rescue swimmer, identified as Aviation Survival Technician Second Class Christopher WATSON. WATSON advised that after being hoisted to the vessel and making contact with the vessel’s crew, which comprised of PEREZ and another adult male later identified as HICKOK, he immediately asked them what had happened and about the status of the injured individual. WATSON said HICKOK spontaneously stated, “he tried to rape me,” and told WATSON that R.H. was located in the fishing vessel’s forward cabin. WATSON said he attended to R.H., attempted emergency medical life saving measures, but determined R.H. was already deceased.

WATSON said R.H. appeared to have extensive facial and head injuries consistent with blunt force trauma. WATSON further advised that R.H. had a mixture of blood and clear fluid in and around his ear. WATSON said HICKOK made additional spontaneous utterances, including that his father, R.H., had raped him several times in the past, when he was a child. WATSON indicated that HICKOK stated that R.H. had “started messing with [him]” just prior to the incident. Additionally, HICKOK stated that R.H. had also raped other family members.

12. On March 18, 2019, the USCG escorted the vessel to USCG Station Fort Myers Beach, FL, in the Middle District of Florida. Once ashore, your Affiant interviewed PEREZ, and PEREZ advised that during the morning hours of March 18, 2019, PEREZ was conducting repairs to the vessel’s alternator, which was disassembled. PEREZ and HICKOK were awake, and R.H. was asleep in a bunk in the forward berth of the vessel. PEREZ said that he had a second alternator which he was removing parts from. As he was repairing the alternator, HICKOK offered assistance, then picked up the unused spare alternator and took it into the forward berth area. PEREZ said that he heard HICKOK slam the alternator down in the vicinity R.H., then looked up from his work on the alternator to witness HICKOK slam the second alternator into the head of R.H. two times. PEREZ said that R.H. was asleep at the time, and knew him to be asleep due to PEREZ earlier removing the alternators from a storage area located just underneath R.H. as he slept. PEREZ also stated that he witnessed HICKOK depart the berth area holding a hammer, which he believed HICKOK may have also used to strike R.H. PEREZ said that he immediately attended to R.H., and turned his head to the side in an attempt to clear blood from his mouth to help him breath. PEREZ said he noticed R.H.’s skull/head was soft and felt crushed.

13. PEREZ said HICKOK stated, “he raped me” immediately following the incident, and made statements indicating R.H. had raped him as a child. PEREZ said HICKOK then threw the alternator out of the vessel’s cabin window, and it landed in the water.

14. PEREZ said that he immediately contacted the USCG via VHF Channel 16, the international hailing and distress channel, and reported the situation. PEREZ added that he did not provide specific details of the manner of the injury at the time because he feared for his safety due to HICKOK being near him and overhearing his communication with the USCG.

15. Your Affiant also attempted an interview of HICKOK. Your Affiant read HICKOK his *Miranda* rights, but HICKOK declined to provide a statement without an attorney present.

16. Lee County Sheriff's Office (LCSO) Forensics Unit processed the vessel and HICKOK's person pursuant to signed state search warrants. The LCSO Forensic Unit noted that a dismantled alternator was located in the cabin of the vessel, corroborating PEREZ's statements made during the aforementioned interview.

17. District 21 Medical Examiner's Office Forensic Investigator Pricilla DOYLE observed R.H., the decedent, on scene. Forensic Investigator DOYLE advised me that R.H. had blunt force trauma to the right side and right rear of his head, with several lacerations noted in the area. Additionally, Forensic Investigator DOYLE stated that R.H. appeared to have numerous broken teeth and significant facial trauma characteristic of blunt force trauma.

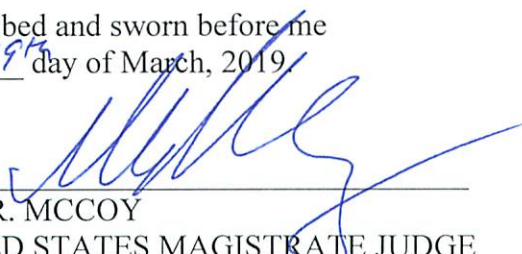
CONCLUSION

18. Based on the foregoing, I have probable cause to believe that, on or about March 18, 2019, CASEY LOWELL HICKOK unlawfully killed R.H. with malice aforethought, within the special maritime and territorial jurisdiction of the United States, in violation of 18 U.S.C. § 1111(a).



Anthony Reynolds
Special Agent
United States Coast Guard, Coast Guard Investigative Service

Subscribed and sworn before me
this 19th day of March, 2019.



MAC R. MCCOY
UNITED STATES MAGISTRATE JUDGE