

MSL/2017R00565

APR 18 2019
AT 6:00 2:45 P.M.
WILLIAM T. WALSH
CLERK

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Criminal No. 19- <u>292(BRM)</u>
	:	
v.	:	18 U.S.C. § 242
	:	18 U.S.C. § 2
ANTHONY VILLANUEVA and	:	18 U.S.C. § 1519
DREW INMAN	:	

INDICTMENT

The Grand Jury, in and for the District of New Jersey, sitting at Trenton, charges:

BACKGROUND

1. At all times relevant to this Indictment:
 - a. Defendant ANTHONY VILLANUEVA (“defendant VILLANUEVA”) and defendant DREW INMAN (“defendant INMAN”) were police officers employed by the Trenton Police Department in Trenton, New Jersey.
 - b. As police officers, and while acting under color of law, defendant VILLANUEVA and defendant INMAN were required at all times to comply with the Constitution and laws of the United States, including the right to be free from unreasonable search and seizure during the course of an investigation, arrest, and detention; and the right not to be deprived of life or liberty without due process of law.
 - c. “Victim 1” resided in Trenton, New Jersey.
 - d. “Police Officer 1” was employed by the Trenton Police Department.

The April 9, 2017 Assault of Victim 1

2. On or about April 9, 2017, at approximately 2:00 a.m., defendant VILLANUEVA responded to a radio call for assistance, alerting him that other officers were in pursuit of a suspect, later identified as Victim 1, who had fled in his vehicle, attempting to avoid a routine traffic stop near an intersection in Trenton.

3. VILLANUEVA and other officers soon spotted Victim 1 abandoning his vehicle and fleeing on foot. VILLANUEVA and other officers therefore exited their vehicles and pursued Victim 1 on foot.

4. After leading the officers on a foot chase for approximately one to two minutes, Victim 1 reached the banks of the Delaware and Raritan Canal, got into the water, and swam across to the opposite bank. Victim 1 then exited the canal by climbing up a steep embankment and into a brush-strewn area near a parking lot.

5. A chain link fence separated the brush-strewn area adjacent to the canal from the parking lot. As Victim 1 exited the canal and walked towards the chain link fence, Police Officer 1 stood on the opposite side of the fence, in the parking lot. Additional Trenton police officers who had arrived on the scene ordered Victim 1 to put his hands in the air. Victim 1 complied, raising both hands in the air above his head. Police Officer 1 ordered Victim 1 to climb over the fence toward Police Officer 1. Again, Victim 1 complied. Victim 1 placed both hands on top of the chain link fence.

6. Defendant VILLANUEVA was standing on the same side of the chain link fence as Victim 1, and nearby Victim 1, as Victim 1 complied with Police Officer 1's commands.

7. Nonetheless, and without issuing any warning or command, defendant VILLANUEVA moved swiftly towards Victim 1 and punched Victim 1 in the face.

8. Simultaneously, defendant INMAN, who had been approaching Victim 1 from behind, tackled Victim 1 to the ground. Defendant INMAN did not issue any warning or command prior to tackling Victim 1.

9. During the next approximately thirty seconds, defendant INMAN and defendant VILLANUEVA punched Victim 1 numerous times. Victim 1 cried out in pain, and told officers, "stop hitting me in my face," and "you've got my hands."

10. Victim 1 was subsequently handcuffed by other officers on the scene, and driven to Trenton Police Headquarters for processing. Defendant VILLANUEVA assisted in processing Victim 1, and was present when Victim 1's booking photograph was taken within a few hours of Victim 1's arrest. The booking photograph depicts various injuries to Victim 1's face; namely, a bloody lip and nose, and swelling and bruising around his left eye.

11. Following the assault against Victim 1, defendants VILLANUEVA and INMAN each completed law enforcement reports that memorialized the incident. In the reports, the defendants knowingly made numerous

misrepresentations, false statements and omissions in an effort to portray Victim 1 as the aggressor and an ongoing threat.

COUNT 1
(Deprivation of Rights Under Color of Law)

12. The allegations set forth in paragraphs 1 through 11 of this Indictment are hereby repeated, realleged and incorporated as if fully set forth herein.

13. On or about April 9, 2017, in Mercer County, in the District of New Jersey, and elsewhere, the defendants,

ANTHONY VILLANUEVA and
DREW INMAN,

did, while acting under color of law, and aiding and abetting each other and other persons both known and unknown to the grand jury, assault Victim 1 during the arrest of Victim 1 while Victim 1 was attempting to comply with orders from police officers, thereby willfully depriving Victim 1 of the right, secured and protected by the Fourth Amendment of the Constitution and laws of the United States, to be free from unreasonable search and seizure. This offense resulted in bodily injury to Victim 1.

In violation of Title 18, United States Code, Section 242 and Section 2.

COUNT 2
(Falsification of Record)

14. The allegations set forth in paragraphs 1 through 11 of this Indictment are hereby repeated, realleged and incorporated as if fully set forth herein.

15. Offenses involving the deprivation of civil rights, to include the right to be free from unreasonable searches and seizures, including through the use of unreasonable force by a person acting under color of law, statute, ordinance, or regulation, contrary to Title 18, United States Code, Section 242, are matters within the jurisdiction of the Federal Bureau of Investigation, which is an agency within the United States Department of Justice.

16. On or about April 9, 2017, in Mercer County, in the District of New Jersey, and elsewhere, the defendant,

ANTHONY VILLANUEVA,

in relation to and in contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, knowingly concealed, covered up, falsified, and made false entries in a Trenton Police Department Use of Force Report about the April 9, 2017 incident involving Victim 1, with the intent to impede, obstruct, and influence the investigation and proper administration of such matter; that is, VILLANUEVA falsely reported that: (a) Victim 1 had resisted police officer control; and (b) Victim 1 had not been injured.

In violation of Title 18, United States Code, Section 1519.

COUNT 3
(Falsification of Record)

17. The allegations set forth in paragraphs 1 through 11, and 15, of this Indictment are hereby repeated, realleged and incorporated as if fully set forth herein.

18. On or about April 9, 2017, in Mercer County, in the District of New Jersey, and elsewhere, the defendant,

ANTHONY VILLANUEVA,

in relation to and in contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, knowingly concealed, covered up, falsified, and made false entries in a Trenton Police Department Case Supplemental Report about the April 9, 2017 incident involving Victim 1, with the intent to impede, obstruct, and influence the investigation and proper administration of such matter; that is, VILLANUEVA falsely reported that: (a) VILLANUEVA had struck Victim 1 because Victim 1 had refused to comply with police commands to put his hands behind his back; and (b) VILLANUEVA had struck Victim 1 while struggling to handcuff Victim 1.

In violation of Title 18, United States Code, Section 1519.

COUNT 4
(Falsification of Record)

19. The allegations set forth in paragraphs 1 through 11, and 15, of this Indictment are hereby repeated, realleged and incorporated as if fully set forth herein.

20. On or about April 9, 2017, in Mercer County, in the District of New Jersey, and elsewhere, the defendant,

DREW INMAN,

in relation to and in contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, knowingly concealed, covered up, falsified, and made false entries in a Trenton Police Department Use of Force Report about the April 9, 2017 incident involving Victim 1, with the intent to impede, obstruct, and influence the investigation and proper administration of such matter; that is, INMAN falsely reported that: (a) Victim 1 had resisted police officer control; and (b) Victim 1 had presented a physical threat to police and/or had attacked a police officer or another.

In violation of Title 18, United States Code, Section 1519.

COUNT 5
(Deprivation of Rights Under Color of Law)

The November 28, 2017 Assault of Victim 2

21. The allegations set forth in paragraph 1 of this Indictment are hereby repeated, realleged and incorporated as if fully set forth herein.

22. At all times relevant to this Indictment:

a. Victim 2 was a pretrial detainee, under the custody and care of the Trenton Police Department after being charged with a crime but prior to any trial or adjudication relating to the charges against him.

b. "Police Aide 1" was employed by the Trenton Police Department.

23. On or about November 28, 2017, defendant VILLANUEVA was assigned to work in the holding cell area of Trenton Police Headquarters. At approximately 12:30 a.m., defendant VILLANUEVA permitted Victim 2 to place a telephone call.

24. After Victim 2 had been using the telephone for a number of minutes, defendant VILLANUEVA directed Victim 2 to end the call. Victim 2 refused to comply with defendant VILLANUEVA's directive. Defendant VILLANUEVA thereafter approached the telephone and hung up the receiver. A brief altercation between defendant VILLANUEVA, Victim 2, and Police Aide 1 ensued.

25. The altercation ended with Victim 2 walking away from defendant VILLANUEVA and Police Aide 1 down a corridor that contained a number of holding cells.

26. Victim 2 walked calmly, unescorted, into a cell denoted in Trenton Police Department records as Cell 7, and the door to Cell 7 began to close behind him, locking him in.

27. Almost immediately thereafter, defendant VILLANUEVA strode quickly down the corridor after Victim 2, towards Cell 7, carrying a can of Oleoresin Capsicum, also known as "OC spray" or "pepper spray." OC spray usually causes an almost immediate burning sensation of the skin; a burning, tearing and swelling of the eyes; and, when inhaled, creates inflammation in the respiratory tract, temporarily making breathing more difficult.

28. As the door to Cell 7 closed, and after Victim 2 was secured inside of the cell, defendant VILLANUEVA reached through the bars and sprayed OC spray into Cell 7, while Victim 2 attempted to shield himself with a mattress.

29. Defendant VILLANUEVA temporarily walked away from the area of Cell 7. Less than approximately one minute later, however, defendant VILLANUEVA returned to Cell 7 with a can of OC spray in his hand. Defendant VILLANUEVA attempted to administer OC spray into Cell 7 at Victim 2 as the cell door began to open, pursuant to a command defendant VILLANUEVA had issued to Police Aide 1.

30. As a result of the OC spray administered by defendant VILLANUEVA, Victim 2 suffered burning sensations on the skin of his face and elsewhere on his body.

31. Following defendant VILLANUEVA's assault on Victim 2 with the OC spray, defendant VILLANUEVA completed an incident report that contained

numerous false statements designed to conceal his unlawful conduct and improper treatment of Victim 2.

32. On or about November 28, 2017, in Mercer County, in the District of New Jersey, and elsewhere, the defendant,

ANTHONY VILLANUEVA,

did, while acting under color of law, assault Victim 2, a pretrial detainee, by spraying Victim 2 with OC spray while Victim 2 was confined in a cell, thereby willfully depriving Victim 2 of the right, secured and protected by the Fourteenth Amendment of the Constitution and laws of the United States, not to be deprived of liberty without due process of law, which includes the right of a pretrial detainee to be free from the use of objectively unreasonable force.

This offense resulted in bodily injury to Victim 2.

In violation of Title 18, United States Code, Section 242.

COUNT 6
(Falsification of Record)

33. The allegations set forth in paragraphs 1, 15, and 21 through 32 of this Indictment are hereby repeated, realleged and incorporated as if fully set forth herein.

34. On or about November 28, 2017, in Mercer County, in the District of New Jersey, and elsewhere, the defendant,

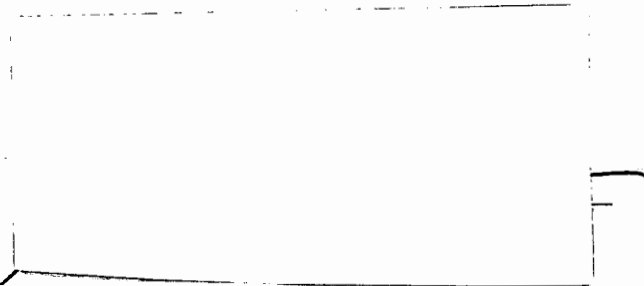
ANTHONY VILLANUEVA,

in relation to and in contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, knowingly concealed, covered up, falsified, and made false entries in a Trenton Police Department Incident/Investigation Report about the November 28, 2017 incident involving Victim 2, with the intent to impede, obstruct, and influence the investigation and proper administration of such matter, that is, defendant VILLANUEVA falsely reported that: (a) he had been forced to engage in a long struggle with Victim 2 in order to get Victim 2 into a cell; (b) had required the assistance of Police Aide 1 in order to do so; (c) after Victim 2 entered the cell, Victim 2 began to scream and cause a disturbance that caused the other inmates to become irate; (d) only then did defendant VILLANUEVA approach the cell and order Victim 2 to get on the ground; and (e) defendant VILLANUEVA first issued a warning to Victim 2, before grabbing a can of OC spray and then spraying Victim 2.

In violation of Title 18, United States Code, Section 1519.



CRAIG CARPENITO
UNITED STATES ATTORNEY



CASE NUMBER: 19-292-ALL (BRM)

**United States District Court
District of New Jersey**

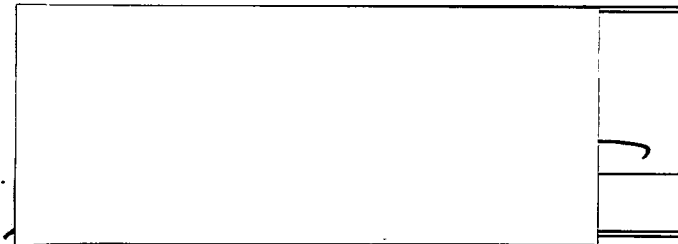
UNITED STATES OF AMERICA

v.

ANTHONY VILLANUEVA and DREW INMAN

INDICTMENT FOR

18 U.S.C. §§ 2, 242 & 1519



**CRAIG CARPENITO
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FOR THE DISTRICT OF NEW JERSEY**

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