

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
Western District of Texas

FILED

January 21, 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

United States of America)
v.)
PATRICK DONALD BOHTE)
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)
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)
)

Defendant(s)

Case No.

BY: Fidel Morales
DEPUTY

EP:25-M-00227-MAT

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 January 17, 2025 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:

Code Section
18 U.S.C. 111 (a) (1) and (b)

Offense Description
Whoever forcibly assaults, resists, impedes, initiates, or interferes, with any person designated in section 1114 of this title while engaged in or on account of the performance of official duties.

This criminal complaint is based on these facts:

See affidavit

Continued on the attached sheet.

Complaint sworn to telephonically on
January 21, 2025 at 02:00 PM and signed
electronically. **FED.R.CRIM.P. 4.1(b)(2)(A)**

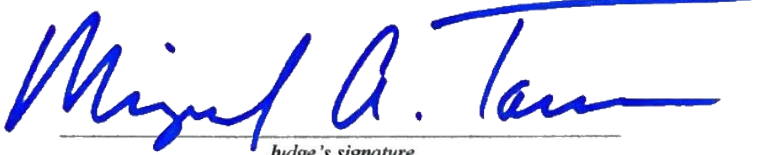


Complainant's signature

Manuel Castillo Jr., Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 01/21/2025



Judge's signature

City and state: El Paso, Texas

Miguel Torres, U.S. Magistrate Judge
Printed name and title

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA

*

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v.

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**AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT**

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PATRICK DONALD BOHTE

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No.

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I, Manuel Castillo, Jr., of the United States Department of Homeland Security, Federal Protective Service, being duly sworn, do hereby swear and affirm the following facts as being true to the best of my knowledge, information, and belief.

I am a Special Agent with the Federal Protective Service (FPS), United States Department of Homeland Security, and have been working with FPS for approximately 12 years. In that capacity, I investigate violations of the United States Federal Criminal Codes, Code of Federal Regulations, and related offenses. I have reason to believe PATRICK DONALD BOHTE (hereinafter referred to as REED) has violated Title 18, United States Code, Sections 111(a)(1) and (b), assault of a federal officer with physical contact, causing bodily injury, while the officer is engaged in or an account of the performance of his or her official duties.

The facts to support a finding of probable cause are as follows:

1. The information in the following paragraphs, furnished in support of this affidavit, comes from my personal investigation and from other officials and relayed to me in person or through my review of their investigative reports, and does not contain all information known by me, only facts for consideration of probable cause. The following incident occurred at the Social Security Administration (SSA) federal office located at 600 Texas Avenue, El Paso, Texas 79901, located in the Western District of Texas. The SSA office is federal proprietary jurisdiction and within the Western District of Texas.

2. I was informed by COMPLAINANT that on January 17, 2025, at approximately 7:20 AM, COMPLAINANT and a federal officer of Department of Homeland Security/Federal Protective Service (DHS/FPS) (COMPLAINANT's partner) were dispatched to the SSA federal office, located at 600 Texas Avenue, El Paso, Texas 79901, in reference to an unknown individual who was sleeping and physically blocking the employee entrance with their body and refusing to move. COMPLAINANT was wearing a duty issued uniformed which has the words, "POLICE – HOMELAND SECURITY" displayed on the front and back of the uniform, which

depicts COMPLAINANT as a federal law enforcement officer.

3. COMPLAINANT and his partner arrived at the SSA federal office and observed an individual laying down at the base of the stairway leading up to the employee entrance. The individual, later identified as BOHTE, was facing COMPLAINANT as he attempted to check BOHTE's welfare. COMPLAINANT's partner verbally informed BOHTE that he was on federal property and needed to move to allow SSA employees access into the building. BOHTE responded by yelling, "I don't give a fuck! I ain't moving! I ain't fucking leaving!" BOHTE was asked if there was any place, he could go, or anyone they could call to help him; however, BOHTE responded, "You can go ahead and call, but I ain't fucking moving!"

4. COMPLAINANT instructed BOHTE to grab his stuff and leave, to which BOHTE responded, "Make me leave, motherfucker!" After several verbal commands to instruct BOHTE to depart federal property, COMPLAINANT closed his distance and with his open hands, placed his hands on BOHTE's left shoulder/left arm area, and physically moved his body away from the stairwell into the alleyway. As BOHTE was physically moved by COMPLAINANT, BOHTE took his right hand, made a closed fist, and began striking COMPLAINANT on his left shin area, causing immediate pain and discomfort.

5. COMPLAINANT immediately rolled BOHTE's front of his body towards the ground to prevent BOHTE from hitting him. COMPLAINANT then placed both of his knees on the floor adjacent to BOHTE's left rib area to prevent BOHTE from facing COMPLAINANT. COMPLAINANT observed BOHTE placing both of his hands near his waistband area and COMPLAINANT ordered BOHTE to show him his hands. COMPLAINANT feared that BOHTE may have access to a weapon. As COMPLAINANT ordered BOHTE to show his hands, BOHTE stated twice, "No, fuck you! I ain't showing you shit!"

6. COMPLAINANT attempted but unable to pull BOHTE's hands from his waistband. As COMPLAINANT reached towards the front of BOHTE's body to retrieve his hands, BOHTE attempted to bite COMPLAINANT'S left arm by making biting motions with his mouth which made COMPLAINANT pull his left arm from BOHTE's body. COMPLAINANT instructed BOHTE several times, "Don't bite me!"

7. BOHTE refused to show his hands by keeping his hands in his waistband. COMPLAINANT instructed several times to BOHTE if he did not show his hands, COMPLAINANT was going to tase him. BOHTE continued responding, "No, fuck you! I ain't showing you shit!" COMPLAINANT retrieved his duty issued taser, removed the cartridge, placed the taser near BOHTE's lower left back area and initiated a drive stun. BOHTE immediately showed his hands to COMPLAINANT as COMPLAINANT and COMPLAINANT's partner handcuffed BOHTE.

8. The incident was captured by Closed-Circuit Video (CCV) system operated by the Social Security Administration (SSA) and Federal Protective Service (FPS).


9. COMPLAINANT is employed as a federal officer for Department of Homeland Security, Federal Protective Service in protecting federal facilities, their occupants, and visitors.

At the time of the incident, COMPLAINANT was on-duty and investigating an incident involving BOHTE. He is, therefore, a person designated under § 1114 (as required by Title 18, United States Code, Section 111).

Based on the facts and information as stated in this Affidavit, I believe there is probable cause that BOHTE violated Title 18, United States Code, Sections 111(a)(1), assault on a federal officer with physical contact, causing bodily injury.

Assistant United States Attorney Mallory Rasmussen approved prosecution of this case.

I, Manuel Castillo, Jr., declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

A handwritten signature in blue ink, appearing to read 'M. Castillo, Jr.', written over a horizontal line.

Manuel Castillo, Jr., Special Agent
Department of Homeland Security
Federal Protective Service

Electronically signed and telephonically sworn,

HONORABLE MIGUEL TORRES
United States Magistrate Judge