

AO 91 (Rev. 11/11) Criminal Complaint (Rev. by USAO on 3/12/20)

Original  Duplicate Original

**LODGED**  
CLERK, U.S. DISTRICT COURT  
**7/18/2025**  
CENTRAL DISTRICT OF CALIFORNIA  
BY: \_\_\_\_\_ MMC \_\_\_\_\_ DEPUTY

**UNITED STATES DISTRICT COURT**

**FILED**  
CLERK, U.S. DISTRICT COURT  
**7/18/2025**  
CENTRAL DISTRICT OF CALIFORNIA  
BY: \_\_\_\_\_ CGM \_\_\_\_\_ DEPUTY

for the

Central District of California

United States of America

v.

ERIN ESCOBAR and  
NICK GUTIERREZ,

Defendants.

Case No. 2:25-MJ-04444-DUTY

**CRIMINAL COMPLAINT BY TELEPHONE  
OR OTHER RELIABLE ELECTRONIC MEANS**

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 of July 17, 2025, in the county of Los Angeles in the Central District of California, the defendants violated:

*Code Section*  
18 U.S.C. § 111(a)(1)

*Offense Description*  
Assault on a Federal Officer

This criminal complaint is based on these facts:

*Please see attached affidavit.*

Continued on the attached sheet.

/s/

Complainant's signature

Thomas J. Smith, FPS Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 07/18/2025

*Joel Richlin*  
Judge's signature

City and state: Los Angeles, California

Hon. A. Joel Richlin, U.S. Magistrate Judge

Printed name and title

AUSA: Matthew Tang (x0470)

**AFFIDAVIT**

I, Thomas J. Smith, being duly sworn, declare and state as follows:

**I. PURPOSE OF AFFIDAVIT**

1. This affidavit is made in support of a criminal complaint against, and arrest warrants for, Erin Escobar ("ESCOBAR") and Nick Gutierrez ("GUTIERREZ") for violations of Title 18, United States Code Section 111(a)(1) (Assault on a Federal Officer).

2. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only, and all dates and times are on or about those indicated.

**II. TRAINING AND EXPERIENCE OF SPECIAL AGENT THOMAS SMITH**

3. I am a Special Agent with the Department of Homeland Security, Federal Protective Service ("FPS"). I have been an FPS Special Agent for the past seven years and am currently assigned as a Criminal Investigator for FPS in the Los Angeles Field Office.

4. Prior to becoming a Special Agent, I was assigned as a Uniformed Inspector for the FPS for four years. As a Uniformed Inspector, I performed security duties for federal facilities in Washington, D.C., and Albuquerque, New Mexico. In 2008, I received over 440 hours of training in investigations at the Federal Law Enforcement Training Center in Glynco, Georgia. I have also received over 168 hours of Threat Assessment and Management and Physical Security Training. As a federal law enforcement officer, I have investigated over 100 cases involving criminal threats.

**III. STATEMENT OF PROBABLE CAUSE**

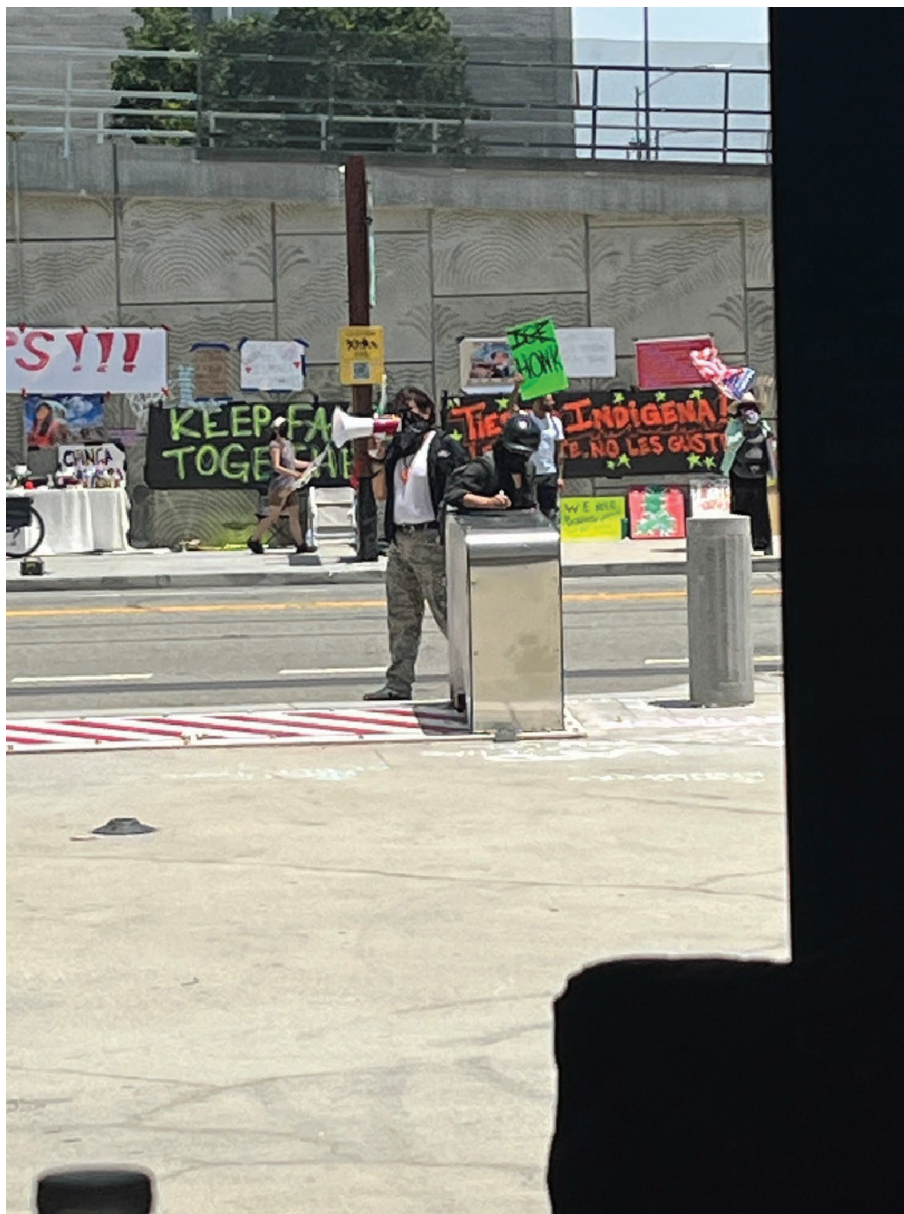
**A. Protest in Downtown Los Angeles**

5. Based on my review of video surveillance footage and recorded interviews with FPS officers, conversations with other law enforcement agents, and my own knowledge of the investigation, I am aware of the following:

a. On July 17, 2025, a small group of protesters gathered near the parking garage entrance of the Roybal Federal Building and U.S. Courthouse ("Roybal") which is located at 255 E. Temple St., Los Angeles, CA 90012.

b. Specifically, the protesters gathered on Alameda Street between Temple Street and Aliso Street and appeared to be protesting federal immigration enforcement operations that have taken place over the past few months. Various entrances to Roybal clearly indicate that it is a federal building. For example, the side of the building facing Temple Street bears the words "EDWARD R. ROYBAL FEDERAL BUILDING."

c. At approximately 1:12 p.m., an FPS officer saw a protestor wearing a black helmet, a black jacket, and a face covering, later identified as ESCOBAR, writing on federal property with a permanent marker.



d. At approximately 1:15 p.m., FPS Inspectors approached ESCOBAR and attempted to detain her for damaging government property in violation of 18 U.S.C. § 1361.

e. While the FPS Inspectors were attempting to detain ESCOBAR, a second protestor wearing a black jacket, a white shirt, a black face covering, and green and tan military camouflage pants, later identified as GUTIERREZ, used both hands to grab the shoulder straps of an FPS Inspector's bullet proof vest and began shaking the Inspector.

f. The FPS Inspector, with the assistance of two other FPS Inspectors, then attempted to detain GUTIERREZ, and during an ensuing struggle, one of the FPS Inspectors dislocated his left ring finger.



g. The FPS Inspectors were eventually able to detain ESCOBAR and GUTIERREZ.

h. While the FPS Inspectors were transporting ESCOBAR to a holding cell at 300 N. Los Angeles Street, ESCOBAR

audibly filled her throat with saliva and spit saliva into the ear and face of one of the FPS Inspectors.

**IV. CONCLUSION**

6. For all the reasons described above, there is probable cause to believe that Erin Escobar and Nick Gutierrez have committed a violation of Title 18, United States Code, Section 111(a)(1) (Assault on a Federal Officer).

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone on this 18th day of July, 2025.



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HONORABLE A. JOEL RICHLIN  
UNITED STATES MAGISTRATE JUDGE