

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
Dec 13, 2023
Lucy H. Carrillo, Clerk of Court

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District of Hawaii

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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	MAG. NO. 23-1729 RT
)	
Plaintiff,)	CRIMINAL COMPLAINT;
)	AFFIDAVIT IN SUPPORT OF
vs.)	CRIMINAL COMPLAINT
)	
RUSSELL MONLUX,)	
)	
Defendant.)	
_____)	

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

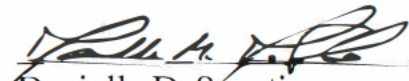
Threatening to Murder a Federal Law Enforcement Officer
(18 U.S.C. § 115(a)(1)(B))

On or about December 5, 2023, within the District of Hawaii, and while in the United States Courthouse for the District of Hawaii, RUSSELL MONLUX, the defendant, did knowingly and intentionally threaten to murder a Federal law enforcement officer, namely a United States Probation Officer, with intent to retaliate against that Federal law enforcement officer on account of the performance of his official duties.

All in violation of Title 18, United States Code, Section 115(a)(1)(B).

I am a Special Agent of the Federal Bureau of Investigation and this Complaint is based upon the facts set forth in the attached "Affidavit in Support of Criminal Complaint," which is incorporated herein by reference.

DATED: December 12, 2023, at Honolulu, Hawaii.



Danielle DeSanctis
Special Agent
Federal Bureau of Investigation

Sworn to under oath before me telephonically, and attestation acknowledged pursuant to Fed. R. Crim. P. 4.1(b)(2), on this 13th day of December 2023.





Rom A. Trader
United States Magistrate Judge

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

BACKGROUND AND SUMMARY

1. I am a Special Agent with the Federal Bureau of Investigation. I am authorized to investigate alleged violations of the federal criminal laws, including threats to murder Federal Law Enforcement Officers, in violation of Title 18, United States Code, Section 115(a)(1)(B).

2. On December 5, 2023, Russell Monlux, the defendant, threatened to murder a United States Federal law enforcement officer, namely, a United States Probation Officer, with intent to retaliate against such Federal law enforcement officer on the account of the performance of his official duties, in violation of Title 18, United States Code, Section 115(a)(1)(B). That statutory provision provides, in pertinent part, that it is illegal for someone to threaten to murder a “Federal law enforcement Officer.” The term “Federal law Enforcement officer” is defined in Title 18, United States Code, Section 115(c)(1) to include, in pertinent part, any officer of the United States authorized by law or by a Government agency to engage in the prevention, detection, investigation, or prosecution of any violation of Federal criminal law and I believe it includes United States Probation Officers when they perform their official duties.

STATEMENT OF PROBABLE CAUSE

4. On September 11, 2017, Russell Monlux was convicted for committing a bank robbery in violation of Title 18, United States Code, 2113(a). He was sentenced to a term of imprisonment of 60 months, to be followed by three years of supervised release. His initial term of supervised release commenced on January 3, 2022.

5. On June 6, 2022, Mr. Monlux's initial term of supervision was revoked for violations that included failure to comply with mental health treatment on three occasions and that he engaged in conduct constituting Assault in the Third Degree. Mr. Monlux was sentenced to 13 months imprisonment, to be followed by 23 months of supervised release.

6. On December 22, 2022, Mr. Monlux's second term of supervision commenced. On November 2, 2023, Mr. Monlux's second term of supervision was revoked for violations that included failure to comply with drug testing on two occasions, failure to report to the probation officer as instructed on two occasions, and failure to abide by the rules and regulations of the residential reentry center or transitional residence on two occasions. Mr. Monlux was sentenced to Time Served, to be followed by 14 months of supervised release.

7. On November 2, 2023, Mr. Monlux's third term of supervision commenced. Accordingly, he was assigned a United States Probation Officer to supervise him.

8. On December 3, 2023, the United States Probation Officer who was supervising Mr. Monlux, filed a Request for Course of Action, alleging that Mr. Monlux had violated his third term of supervised release. More specifically, it alleged that on December 2, 2023, Mr. Monlux failed to comply with the rules and regulations of the location monitoring program, in violation of Special Condition No. 10. On December 4, 2023, an Amended Request for Course of Action was filed, adding a second violation, which alleged that on December 2, 2023, Mr. Monlux failed to follow the instructions of that same Probation Officer issued earlier that day, in violation of Standard Condition No. 13. The initial Request and the Amended Request for Course of Action sought Emergency Warrants for Mr. Monlux's arrest so that he would be brought to Court to litigate the two new alleged violations. The Court granted those requests and issued the Emergency Warrants to arrest Mr. Monlux.

9. On or about December 3, 2023, the U.S. Marshals Service arrested Mr. Monlux pursuant to the first Emergency Warrant issued by the Court. An initial hearing, pursuant to Federal Rule of Criminal Procedure 32.1, was scheduled for December 5, 2023.

10. According to a certified transcript of the Rule 32.1 hearing, which occurred as scheduled on December 5, 2023, before United States Magistrate Judge Rom Trader, Mr. Monlux had the following colloquy with the Court:

THE DEFENDANT [Mr. Monlux]: When I get out, I'm going to have the United States Military right there, and we're going to give Mr. [name of U.S. Probation officer redacted] a chance to surrender. And if he doesn't, I have the right to use something that's not illegal – as long as it's not an illegal weapon. That means if the blade is not six inches or longer –

THE COURT: Okay, Hold on.

THE DEFENDANT: I'm going to stab him in his neck –

THE COURT: Hold on.

THE DEFENDANT: -- and butcher him, murder him –

THE COURT: Okay.

THE DEFENDANT: -- because you guys are allowing him –

THE COURT: Stop.

THE DEFENDANT: -- to give me a medication that I'm allergic to.

THE COURT: If you don't stop, I'm going to have you remove[d].

THE DEFENDANT: Okay. I will.

THE COURT: Okay. I'm clear about what you just said, okay.

THE DEFENDANT: Yeah, that's going to happen.

THE COURT: All right. All right. So –


THE DEFENDANT: Because I don't see how I got back –

THE COURT: No, no, no, no.

THE DEFENDANT: -- into federal custody, man.

Based upon the foregoing, there is probable cause to believe that Mr. Monlux threatened to murder a Federal law enforcement officer, namely his United States Probation Officer, with intent to retaliate against such Federal law enforcement officer for performing his official duties, all in violation of Title 18, United States Code, Section 115(a)(1)(B).

DATED: December 12, 2023, at Honolulu, Hawaii.




Danielle DeSanctis
Special Agent
Federal Bureau of Investigation

This Criminal Complaint and Affidavit in support thereof were presented to, approved by, and probable cause to believe that the defendant above-named committed the charged crime found to exist by the undersigned Judicial Officer at 9:51 a.m. on December 13, 2023.

Sworn to under oath before me telephonically, and attestation acknowledged pursuant to Federal Rule of Criminal Procedure 4.1(b)(2), on this 13th day of December 2023.





Rom A. Trader
United States Magistrate Judge