

PP:DIB
F. #2024R00737

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

UNITED STATES OF AMERICA

- against -

LEURY MOJICA,

Defendant.

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COMPLAINT AND AFFIDAVIT
IN SUPPORT OF APPLICATION
FOR ARREST WARRANT

(18 U.S.C. §§ 111(a)(1) and (b))

Case No. 24 MJ 559

EASTERN DISTRICT OF NEW YORK, SS:

ALEXANDER LOIZIAS, being duly sworn, deposes and states that he is a special agent with the Federal Bureau of Investigation (“FBI”), duly appointed according to law and acting as such.

On or about August 24, 2024, within the Eastern District of New York and elsewhere, the defendant LEURY MOJICA did knowingly and intentionally forcibly assault, resist, oppose, impede, intimidate and interfere with an officer and employee of the United States, to wit: Correction Officer-1, whose identity is known to the deponent and who is a correction officer with the Federal Bureau of Prisons (“BOP”) in Brooklyn, New York, while such person was engaged in, and on account of, the performance of official duties, and such acts involved physical contact with the victim of that assault, and, in the commission of such acts, the defendant inflicted bodily injury.

(Title 18, United States Code, Sections 111(a)(1) and 111(b))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Special Agent with the FBI and have been involved in the investigation of numerous cases involving assaults. I am familiar with the facts and circumstances set forth below from, among other things, my participation in the investigation and my review of the investigative file.

I. The Defendant LEURY MOJICA's Incarceration at the Metropolitan Detention Center

2. The Metropolitan Detention Center (the "MDC") is an administrative security metropolitan detention center located in Brooklyn, New York. It primarily houses defendants detained prior to their trial on federal criminal charges filed in the United States District Court for the Eastern District of New York and the United States District Court for the Southern District of New York. Currently, approximately 1,200 defendants are incarcerated at the MDC.

3. On or about February 22, 2022, a grand jury sitting in the Southern District of New York returned a superseding indictment (the "S.D.N.Y. Indictment") charging, among others, the defendant LEURY MOJICA, with participating in multiple robberies in 2021, in violation of 18 U.S.C. § 1951. See United States v. Mojica, 21-CR-377, ECF No. 62 (AKH) (S.D.N.Y).

4. On or about February 23, 2022, the defendant LEURY MOJICA was arraigned in connection with SDNY Indictment and ordered detained pending trial. Id., ECF

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all relevant facts and circumstances of which I am aware.

No. 65. The Federal Bureau of Prisons (“BOP”) designated MOJICA to be detained pending trial at the MDC.

5. On or about November 16, 2022, the defendant LEURY MOJICA pleaded guilty in the Southern District of New York to participating in one of the robberies identified in the S.D.N.Y. Indictment, in violation of 18 U.S.C. § 1951. See id., (S.D.N.Y Minute Entry dated November 16, 2022).

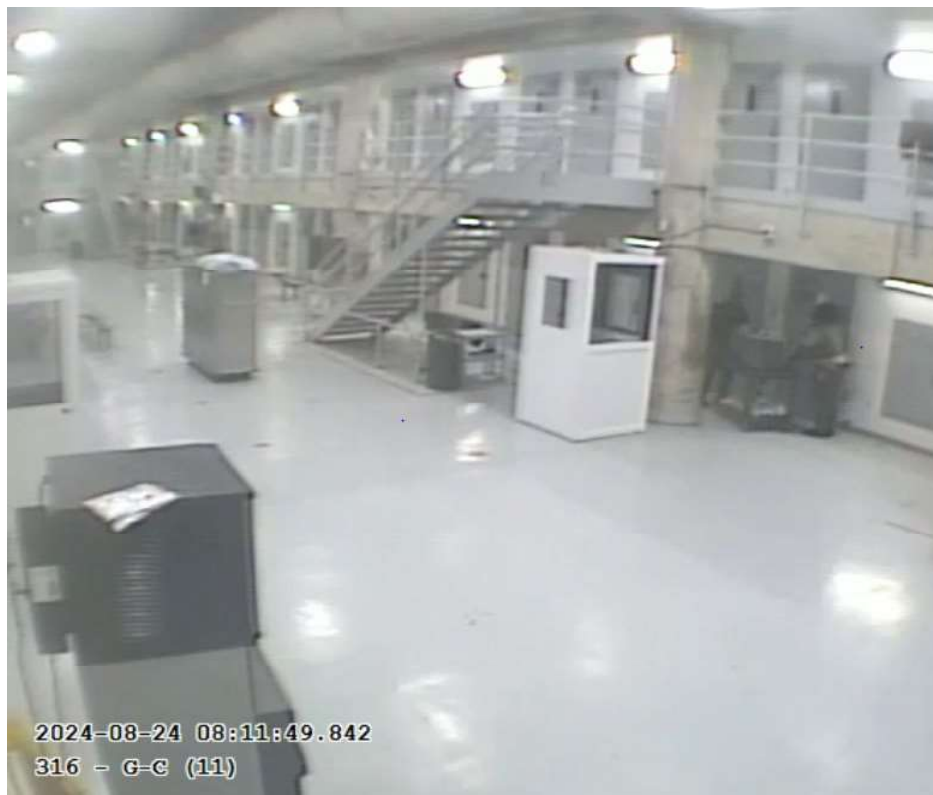
6. On or about February 28, 2023, while detained at the MDC in connection with the S.D.N.Y. Indictment, the defendant LEURY MOJICA and five other inmates participated in the violent stabbing of another inmate. See id., ECF No. 144 (government sentencing submission). MDC surveillance footage shows that MOJICA actively participated in the stabbing, including by restraining the victim while another inmate stabbed the victim and by swinging a sharp object at the victim. Id. The victim ultimately suffered lacerations to his forehead and nose, puncture wounds to the right side of his face and lower back and arms, a posterior neck wound, and multiple cut abrasions. Id. A disciplinary hearing relating to the MDC stabbing was held at the MDC on April 25, 2023. See id., ECF No. 151 (supplemental government sentencing submission). Id. After the hearing, MOJICA was found to have committed two violations, specifically, “Assaulting with Serious Injury” and “Disruptive Conduct.” Id.

7. On or about May 21, 2024, the Honorable Alvin K. Hellerstein, United States District Judge for the Southern District of New York, sentenced the defendant LEURY MOJICA in connection with the SDNY Indictment to 70 months’ imprisonment followed by three years’ supervised release. Id., ECF No. 196.

II. The Defendant LEURY MOJICA's Assault of an MDC Correction Officer

8. On or about the morning of August 24, 2024, two MDC correction officers (“Correction Officer-1” and “Correction Officer-2,” collectively, the “Correction Officers”), whose identities are known to me, were working in MDC housing area G-43 in connection with their assigned roles that morning to provide the inmates with breakfast.

9. At approximately 8:11 a.m., as depicted in video surveillance footage from the MDC I have reviewed, the Correction Officer approached cell G05-428L (the “Cell”) with a cart holding food and beverages. According to the Correction Officers, as well as MDC records, two inmates resided in the Cell on August 24, 2024: the defendant LEURY MOJICA and a second inmate, whose identity is known to me (the “Second Inmate”). A screenshot from the video surveillance is depicted below:

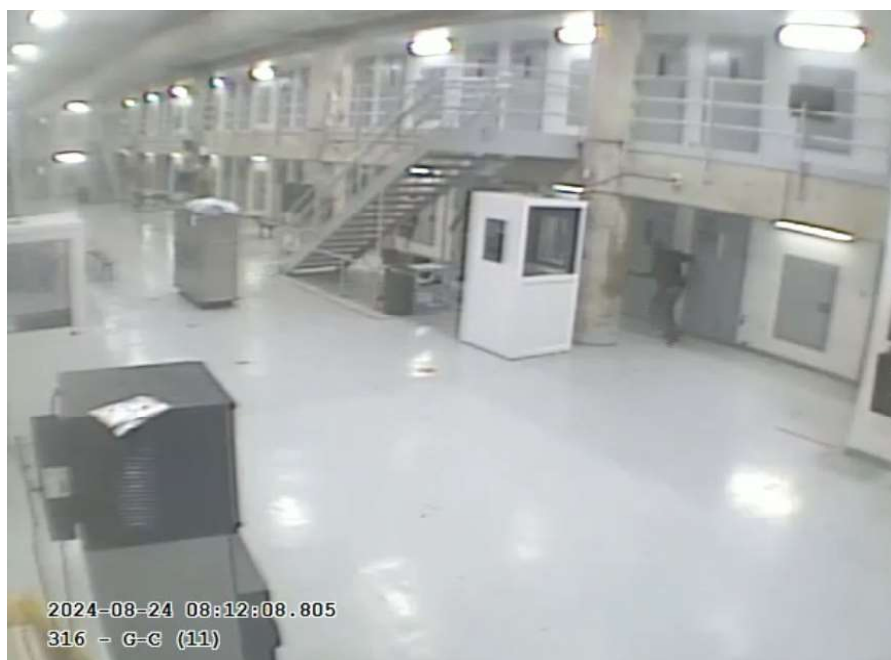


10. According to the Correction Officers, Correction Officer-1 then opened the Cell while holding food trays and observed the defendant LEURY MOJICA standing in front of the Second Inmate. According to Correction Officer-1, Correction Officer-1 then asked MOJICA if he wanted fruit with his breakfast. According to Correction Officer-1, seconds later, and without any response from MOJICA or the Second Inmate, MOJICA lunged towards Correction Officer-1 and punched him with a closed fist on the left side of Correction Officer-1's face. According to Correction Officer-1, Correction Officer-1 then immediately dropped the food trays and stumbled backwards while holding the left side of his face.

11. According to the Correction Officers, at the moment the defendant LEURY MOJICA punched Correction Officer-1, Correction Officer-2 had his back turned away from the Cell as Correction Officer-2 was getting milk from the cart to provide to MOJICA and the Second Inmate. According to Correction Officer-2, immediately after MOJICA punched Correction Officer-1, Correction Officer-2 heard the sound of food trays drop on the ground, at which point Correction Officer-2 turned around to see Correction Officer-1 stumbling backwards while Correction Officer-1 held the left side of his face.

12. According to the Correction Officers, the Correction Officers then escorted the defendant LEURY MOJICA to a special housing unit.

13. As shown in the below screenshots, MDC surveillance footage shows (i) an altercation, which is partially obstructed by a white guard post, between a male inmate and Correction Officer-1 immediately outside of the Cell the defendant LEURY MOJICA resided in at the time of the assault, in which the male inmate appears to punch Correction Officer-1 in the face; (ii) Correction Officer-1 stumbling backwards immediately thereafter and (iii) the Correction Officers subsequently escorting MOJICA away from the Cell.





14. MDC records also show that at approximately 8:45 a.m. on August 24, 2024, the defendant LEURY MOJICA was placed in a special housing unit in connection with a report that MOJICA had assaulted Correction Officer-1.

15. MDC medical records show that, shortly after the assault, Correction Officer-1 reported pain in the left side of his jaw and that he had a headache. Photographs of Correction Officer-1 taken shortly after the assault show that the left side of Correction Officer-1's face was swollen. Correction Officer-1 then went to a local hospital to seek treatment for his injury, where he was diagnosed with a facial contusion.

WHEREFORE, your deponent respectfully requests that a warrant be issued for the arrest of the defendant LEURY MOJICA so that he may be dealt with according to law.

Alexander Loizias

ALEXANDER LOIZIAS
Special Agent
Federal Bureau of Investigation

Sworn to before me by telephone
this ___th day of September, 2024

Marcia M Henry

Digitally signed by Marcia M
Henry
Date: 2024.09.30 10:42:19 -04'00'

THE HONORABLE MARCIA M. HENRY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK