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

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UNITED STATES OF AMERICA : Hon. Michael A. Hammer  
v. : Mag. No. 17-4134  
: **CRIMINAL COMPLAINT**  
TITO CATOTA,  
PARMENIO I. PEREZ, and :  
MICHAEL A. PAPAGNI :

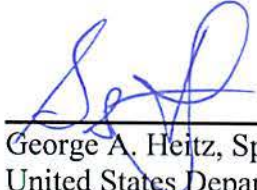
I, George A. Heitz, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

**SEE ATTACHMENT A**

I further state that I am a Special Agent of the United States Department of Homeland Security, Office of Inspector General, and that this complaint is based on the following facts:

**SEE ATTACHMENT B**

continued on the attached pages and made a part hereof.

  
\_\_\_\_\_  
George A. Heitz, Special Agent  
United States Department of Homeland Security  
Office of Inspector General

Sworn to before me, and  
subscribed in my presence on  
September 11, 2017 at  
Newark, New Jersey

HONORABLE MICHAEL A. HAMMER  
UNITED STATES MAGISTRATE JUDGE

  
\_\_\_\_\_  
Signature of Judicial Officer

**ATTACHMENT A**

**COUNT ONE**

**(Forcibly Assaulting, Impeding, Intimidating and Interfering with a Federal Officer)**

On or about January 10, 2017, in Essex County, in the District of New Jersey, and elsewhere, defendants

TITO CATOTA,  
PARMENIO I. PEREZ, and  
MICHAEL A. PAPAGNI

did forcibly assault, resist, oppose, impede, intimidate, and interfere with "Victim One," a person designated in Title 18, United States Code, Section 1114, namely a United States Customs and Border Protection Officer employed by the United States Department of Homeland Security, while Victim One was engaged in and on account of the performance of Victim One's official duties, where such acts involved physical contact with Victim One.

In violation of Title 18, United States Code, Section 111(a)(1) and Section 2.

**COUNT TWO**

**(Forcibly Assaulting, Impeding, Intimidating and Interfering with a Federal Officer)**

On or about November 30, 2016, in Essex County, in the District of New Jersey, and elsewhere, defendants

TITO CATOTA,  
PARMENIO I. PEREZ, and  
MICHAEL A. PAPAGNI

did forcibly assault, resist, oppose, impede, intimidate, and interfere with "Victim Two," a person designated in Title 18, United States Code, Section 1114, namely a United States Customs and Border Protection Officer employed by the United States Department of Homeland Security, while Victim Two was engaged in and on account of the performance of Victim Two's official duties, where such acts involved physical contact with Victim Two.

In violation of Title 18, United States Code, Section 111(a)(1) and Section 2.

## ATTACHMENT B

I, George Heitz, am a Special Agent with the United States Department of Homeland Security, Office of Inspector General-Investigations. I am fully familiar with the facts herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and items of evidence. Where statements of others are related herein, they are related in substance and in part. Because this Affidavit is submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, I have not included each and every fact known to me and other law enforcement officers concerning the investigation.

(1) At times relevant to this Complaint:

(a) Victim One and Victim Two were men and employed by the United States Department of Homeland Security as Customs and Border Protection Officers (“CBPOs”) at Newark International Liberty Airport (“NILA”). CBPOs are officers or employees of the United States as defined in Title 18, United States Code, Section 1114.

(b) TITO CATOTA, PARMENIO I. PEREZ, and MICHAEL A. PAPAGNI (“the defendants”) were also employed as CBPOs at NILA, assigned to the Passenger Enforcement Rover Team (“PERT”).

(c) PERT was a specialized unit of Customs and Border Protection that was charged with the interdiction of high-risk passengers attempting to facilitate surreptitious entry of contraband or who might be associated with terrorist activities. Duties of PERT officers included, but were not limited to, evidence recovery and processing of narcotics couriers at local hospitals, searching aircraft and related conveyances, and interviewing passengers on international flights.

(d) PERT maintained an office on the second floor of Terminal C at NILA (the “PERT office”) in Essex County, New Jersey. PERT officers would gather at the PERT office for morning and afternoon meetings or musters at which time shift assignments and announcements would be made. Computer stations were set up against the walls around the four sides of the PERT office. These computers were used by PERT officers for, among other purposes, recording information regarding searches and seizures of baggage and passengers, developing intelligence about illegal cargo on flights, and for sending and receiving work-email.

(e) In or about October 2016, two large tables were brought into the PERT office and pushed together in the middle of the room. The tables were used during team meetings, for completing paperwork, and to eat meals.

### Assault of Victim One

(1) Beginning in or about October 2016, Victim One was assigned to PERT working the 3:00 p.m. to midnight shift.

(2) Within the first two weeks that Victim One was working as a PERT officer, MICHAEL A. PAPAGNI informed Victim One that the tables in the middle of the PERT office were known as the "rape table." PAPAGNI threatened Victim One that one day he would "get [Victim One] on it."

(3) On or about January 10, 2017, Victim One reported to the PERT office for Victim One's 3:00 p.m. to midnight shift and received an assignment to work that day at Terminal B at NILA. After arriving at Terminal B, Victim One checked Victim One's email and noticed that Victim One had received a request from a CBPO officer at another location for an immediate copy of a Custody Receipt for Seized Property and Evidence. The custody receipt related to a drug seizure that had occurred a couple of weeks earlier.

(4) The requested custody receipt was stored in a secure area of the PERT office in Terminal C. Therefore, Victim One drove back from Terminal B to the PERT office in Terminal C to retrieve the document.

(5) Upon entering the PERT office, Victim One went to the secure area within the office and retrieved the requested custody receipt. PAPAGNI as well as other CBPOs were in the PERT office. While looking for an available facsimile machine to send the receipt to the requesting CBPO, Victim One saw a fellow CBPO ("CBPO 1"). CBPO 1 advised Victim One that CBPO 1 would scan the document on CBPO 1's phone and email it to Victim One.

(6) PAPAGNI warned Victim One that Victim One had five minutes to get out of the office or PAPAGNI would teach Victim One "what this team was about." While CBPO 1 was still assisting Victim One with scanning the custody receipt, another CBPO officer ("CBPO 2") stood by the door and shut off the lights in the PERT office.

(7) PAPAGNI then grabbed one of Victim One's arms and another CBPO ("CBPO 3") grabbed Victim One's other arm. TITO CATOTA grabbed Victim One by the legs. The three men then lifted Victim One up and threw Victim One on Victim One's back on top of the table in the middle of the room.

(8) While PAPAGNI, CATOTA, and CBPO 3 held Victim One down on the table, PEREZ got on top of Victim One's mid-section and began to grind his body up and down against Victim One's genitals through Victim One's clothing in a motion that simulated a sex act.

(9) Victim One attempted to push PEREZ off of Victim One. Eventually, PEREZ got off of Victim One, and PAPAGNI, CATOTA, and CBPO 3 released Victim One.

#### Assault of Victim Two

(10) In or about March 2016, Victim Two was assigned to the Port Director scheduling staff with responsibility for entering data relating to time and attendance, overtime, and leave. The Port Director office is located on the first floor of Terminal C. Victim Two worked the 7:00 a.m. to 4:00 p.m. shift.

(11) On or about November 30, 2016, while Victim Two was still assigned to the Port Director scheduling staff, Victim Two went to the PERT office during Victim Two's shift to speak to CBPO 1. There were two doors in the PERT office, one leading to the terminal and the other leading to a private area where baggage was stored. When Victim Two arrived at the PERT office, Victim Two entered through the baggage door.

(12) After Victim Two had engaged in conversation with CBPO 1 for approximately five to ten minutes, Victim Two observed another CBPO ("CBPO 4") lock the door to the terminal. Victim Two started to walk towards the baggage door, but Victim Two saw that it was now closed.

(13) CATOTA, PEREZ, and PAPAGNI grabbed Victim Two and threw Victim Two on Victim Two's side on the table in the middle of the PERT office. One of the defendants got on top of Victim Two and ground his genitals up and down on Victim Two's leg through Victim Two's clothing in simulation of a sex act, while the other two defendants held Victim Two down on top of the table.

(14) Victim Two struggled to get free from the defendants who were physically pinning Victim Two to the table. Finally, CATOTA, PEREZ, and PAPAGNI released Victim Two from the table.