

Approved: ~~_____~~
SHIVA H. LOGARAJAH
Assistant United States Attorney

Before: THE HONORABLE LISA MARGARET SMITH
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA : COMPLAINT
 :
 - v. - : Violations of
 : 18 U.S.C. §§ 111 and
 : 1114
 :
 MICHAEL CABON, : COUNTY OF OFFENSE:
 : WESTCHESTER
 :
 Defendant. :
 :
 : 19 mj 9825

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SOUTHERN DISTRICT OF NEW YORK, ss.:

ANDREW FISHER, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation, and charges as follows:

COUNT ONE
(Attempted Murder of a Federal Officer)

1. On or about October 18, 2019 in the Southern District of New York and elsewhere, MICHAEL CABON, the defendant, did knowingly and intentionally attempt to kill an officer and employee of an agency of the United States Government, to wit: a Special Deputy United States Marshal of the United States Marshals Service, while such officer and employee was engaged in and on account of the performance of his official duties.

(Title 18, United States Code, 1114 (3).)

COUNT TWO
(Assaulting, Resisting, and Interfering with Arresting Officer)

2. On or about October 18, 2019 in the Southern District of New York, MICHAEL CABON, the defendant, willfully and

knowingly did forcibly assault, resist, oppose, impede, intimidate, and interfere with a person designated in Title 18, United States Code, Section 1114, while such person was engaged in and on account of the performance of his official duties, using a deadly weapon, to wit, CABON forcibly assaulted, resisted, and interfered with a Special Deputy United States Marshal who was attempting to arrest CABON by stabbing him with a knife during CABON's arrest.

(Title 18, United States Code, Sections 111(a)(1), 111(b) and 1114.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), and I have been personally involved in the investigation of this matter. This affidavit is based upon my investigation, my conversations with the Special Deputy United States Marshal who was injured in the performance of his duties ("Victim-1"), my conversations with other law enforcement officers who were at the scene, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

2. Based on my review of various police reports, records kept by the United States Marshals Service, and court records, and my conversations with Victim-1 and other law enforcement officers, I have learned the following:

a. Victim-1 has been a Special Deputy United States Marshal since on or about April 15, 2019. He is a member of the United States Marshals New York/New Jersey Regional Fugitive Taskforce.

b. On or about October 18, 2019, Victim-1 was part of a joint operation between the United States Marshals Service Fugitive Task Force and local law enforcement attempting to execute an outstanding warrant for MICHAEL CABON, the defendant, at an apartment located in Yonkers, New York (the "Apartment"). The warrant was issued by a Yonkers City Court Judge on or about October 10, 2019 because CABON failed to appear for proceedings

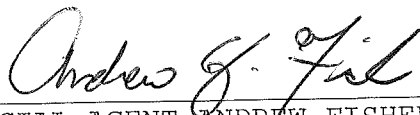
related to a prior arrest for, among other things, assault of a police officer in violation of New York Penal Law Section 120.05 (3).

c. At approximately 6:40 A.M. on or about October 18, 2019, Victim-1, along with other officers, were positioned outside the front door of the Apartment when they heard officers - who had already entered the Apartment through another entrance - give verbal commands to occupants of the Apartment. At this point, Victim-1, followed by other officers, entered the Apartment through the front door.

d. Victim-1, along with other officers, then attempted to arrest CABON. CABON physically resisted attempts to be arrested. CABON reached both hands into his pockets and pulled out two large knives with brown handles and began trying to stab the arresting officers with both knives. CABON successfully stabbed Victim-1 between his fourth and fifth rib on his left side. Victim-1 was immediately taken to a nearby hospital and treated for his injuries.

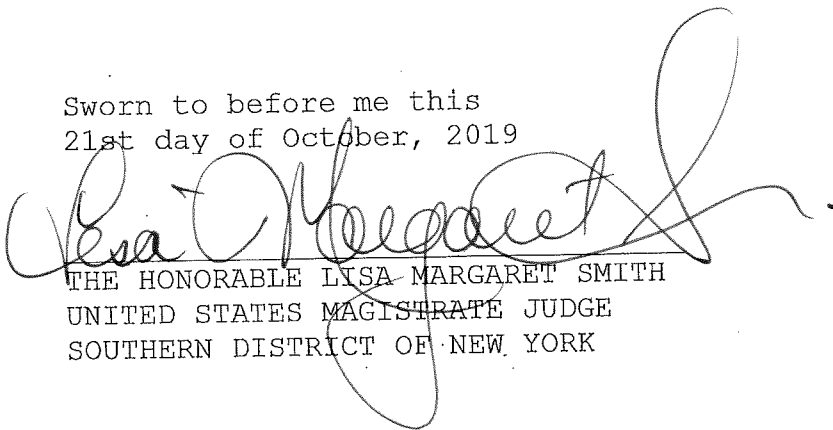
3. After CABON stabbed Victim-1, officers on the scene overpowered CABON and arrested him. I have reviewed a voluntary statement provided to a Yonkers Detective by a relative of MICHAEL CABON, the defendant, who was in the Apartment during CABON's arrest. In that statement, the relative stated that CABON told her, in sum and substance, that he would rather be dead than go back to jail.

WHEREFORE, deponent respectfully requests that MICHAEL CABON, the defendant, be imprisoned or bailed, as the case may be.



SPECIAL AGENT ANDREW FISHER
Special Agent
Federal Bureau of Investigation

Sworn to before me this
21st day of October, 2019



THE HONORABLE LISA MARGARET SMITH
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK