

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

UNITED STATES OF AMERICA	:	Hon. André M. Espinosa
	:	
v.	:	Mag. No. 21-11001(AME)
	:	
KEVIN PATINO	:	<u>CRIMINAL COMPLAINT</u>
and	:	
KENDRY TINEO-RESTITUYO	:	

I, Kelly Blanchfield, 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 with the Federal Bureau of Investigation ("FBI"), and that this complaint is based on the following facts:

SEE ATTACHMENT B

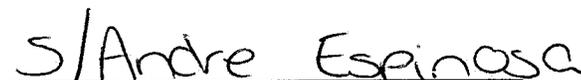
continued on the attached pages and made a part hereof.



Kelly Blanchfield
Special Agent
Federal Bureau of Investigation

Special Agent Blanchfield attested to this Complaint by telephone pursuant to FRCP 4.1(b)(2)(A), on April 26, 2021 in the District of New Jersey

HONORABLE ANDRÉ ESPINOSA
UNITED STATES MAGISTRATE JUDGE


Signature of Judicial Officer

ATTACHMENT A

Count 1
(Deprivation of Rights Under Color of Law)

On or about December 14, 2020, in Passaic County, in the District of New Jersey, and elsewhere, defendants

KEVIN PATINO
and
KENDRY TINEO-RESTITUYO

while acting under color of law and while aiding and abetting one another, did physically assault the Victim, thereby willfully depriving him of the right, secured and protected by the Constitution and laws of the United States, to be free from unreasonable searches and seizures, which includes the right to be free from the use of unreasonable force by a law enforcement officer. The offense resulted in bodily injury to the Victim.

In violation of Title 18, United States Code, Section 242, and Section 2.

Count 2
(Falsification of Record)

On or about December 14, 2020, in Passaic County, in the District of New Jersey, and elsewhere, defendants

KEVIN PATINO
and
KENDRY TINEO-RESTITUYO

knowingly concealed, covered up, falsified, and made false entries in a Paterson Police Department Incident Report with the intent to impede, obstruct and influence the investigation and proper administration of matters within the jurisdiction of the United States Department of Justice and the FBI, and in relation to and contemplation of such matters.

In violation of Title 18, United States Code, Section 1519, and Section 2.

ATTACHMENT B

I, Kelly Blanchfield, am a Special Agent with the Federal Bureau of Investigation. I am aware of the facts contained herein based upon interviews and briefings with other law enforcement officers. I also have reviewed or been briefed regarding other evidence, including witness interviews and video recordings. Because this complaint is being submitted for the limited purpose of establishing probable cause, I have not set forth herein each and every fact that I know or that has been told to me concerning this investigation. Unless specifically indicated, any statements herein attributed to individuals are set forth in substance and in part. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged. All referenced times are approximate and refer to Eastern Time.

1. At times relevant to this complaint:
 - a. Defendant KEVIN PATINO ("PATINO") was a police officer employed by the Paterson Police Department ("PPD") in Paterson, New Jersey.
 - b. Defendant KENDRY TINEO-RESTITUYO ("TINEO") was a police officer employed by the PPD in Paterson, New Jersey.
 - c. The Victim resided in Paterson, New Jersey.

2. According to PPD records and witness interviews, at approximately 12:30, a.m., on December 14, 2020, PPD received a call regarding a "suspicious person" on Madison Avenue in Paterson, New Jersey (the "Call"). Two PPD Officers ("Officer 1" and "Officer 2") responded to the Call and encountered an individual, who appeared to be the suspicious person described in the Call ("Individual 1").

3. Defendants PATINO and TINEO arrived in an unmarked PPD vehicle (the "Unmarked Vehicle"). Defendants PATINO and TINEO were wearing plain clothes and tactical vests with patches on the front and back marked "POLICE" and were displaying their PPD badges.

4. Upon arrival, Defendants PATINO and TINEO parked the Unmarked Vehicle, got out of the Unmarked Vehicle, and walked to where Officer 1 and Officer 2 were speaking with Individual 1. After a few minutes, Officer 1 and Officer 2 returned to their vehicle and Defendants PATINO and TINEO returned to the Unmarked Vehicle.

5. Defendant TINEO then drove the Unmarked Vehicle towards the Victim, who was walking down Madison Avenue. Defendant TINEO then rolled down the driver's side window of the Unmarked Vehicle and repeatedly asked the Victim: "What did you say?" In response, the Victim stated that he had not said anything and kept walking. Defendant TINEO then made a sharp left turn towards the Victim with the Unmarked Vehicle and parked the Unmarked Vehicle.

6. Defendants PATINO and TINEO then got out of the Unmarked Vehicle and approached the Victim and grabbed hold of him. The Victim attempted to separate himself from Defendants PATINO and TINEO. In response, Defendant PATINO struck the Victim in the face and body numerous times. While Defendant PATINO was striking the Victim, Defendant TINEO grabbed hold of the Victim. Defendant TINEO then picked the Victim up and threw the Victim to the ground. While the Victim was on the ground, Defendants PATINO and TINEO repeatedly struck the Victim.

7. I have reviewed a video (the "Video") that captured events that occurred between Defendants PATINO and TINEO and the Victim at approximately 12:30 a.m. on December 14, 2020. The Video was captured by cellular telephone recording of a surveillance camera video from a nearby business. The Video generally confirms the information obtained from other sources described in Paragraph 6, above. Specifically, it shows the Unmarked Vehicle approach the Victim, who is walking with his hands in his pockets. It shows Defendants PATINO and TINEO exit the Vehicle and approach the Victim, who attempts to separate himself. It shows Defendant PATINO repeatedly strike the Victim, TINEO pick up the Victim and throw the Victim to the ground, and Defendants PATINO and TINEO strike the Victim thereafter while the Victim is on the ground.

8. Defendant PATINO filed a police report (the "PPD Report") with the PPD in connection with the events of December 14, 2020. Defendants PATINO and TINEO both signed the PPD Report. The PPD Report reads as follows:

On 12/14/2020 at approximately 0030 hours, while assigned to a directed patrol detail unit 806 and driving an unmarked unit, these officers responded to 1245 Madison Avenue to assist unit 115 on a report of a suspicious person. These officers were wearing plain clothes and tactical vests with patches on the front and back marked POLICE, while displaying our Paterson Police badges actively identifying ourselves as Paterson Police officers.

While on assignment a male walked towards these officers screaming profanities and acting belligerent

causing a disturbance to the residents around the surrounding area. These officers ignored the male, who was later identified as [the Victim]. After a few moments the [the Victim] then got closer to these officers and proceeded to get in an aggressive fighting stance by blading his body and clutching his fist. [The Victim] proceeded to get closer to this writer and struck this writer with a closed fist about the chest area causing this writer to stumble back. This officer then proceeded to strike [the Victim] about his face area with a closed fist, at which point [the Victim] leaned in and grabbed on to this officer's vest and attempted to remove my police issued radio from my radio pouch. Officer Tineo then removed [the Victim] from my persons and put him in a compliance hold advising him to stop resisting, as he was actively resisting arrest by tensing his body and swinging his upper torso erratically. Officer Tineo then proceeded to take down [the Victim] to the ground and then [was] able to place [the Victim] in hand cuffs. [The Victim] was then placed in the rear of marked unit 115 and was then transported to [PPD] for further processing without incident.

9. Defendants PATINO and TINEO made false statements and omitted material facts from the PPD Report, including but not limited to the following:
 - a. The PPD Report falsely states that the Victim walked towards Defendants PATINO and TINEO “screaming profanities” and “acting belligerent” and “causing a disturbance to the residents around the surrounding area.”
 - b. The PPD Report falsely states that the Victim approached PATINO and TINEO and proceeded to get in “an aggressive fighting stance by blading his body and clutching his fist.”
 - c. The PPD Report falsely states that the Victim struck PATINO with a closed fist about the chest area causing PATINO to stumble back.
 - d. The PPD Report omits that Defendants PATINO and TINEO continued to strike the Victim after he was on the ground.
10. As a result of the actions of Defendants PATINO and TINEO, the Victim suffered multiple injuries to his head and face.