

**CONTINUATION OF CRIMINAL COMPLAINT**

**INTRODUCTION**

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed since 1991. I am currently assigned to the FBI's Grand Rapids Field Office. My duties include the investigation of violations of federal criminal law in the Western District of Michigan, to include matters involving felony crimes occurring on Indian lands.
2. This continuation statement is in support of an Application for a Criminal Complaint charging GERALD KAI MITCHELL (d/o/b 7/27/1992), with robbery and attempted robbery, a violation of Title 18, United States Code, Section 2111, which criminalizes the taking or attempted taking by force and violence and by intimidation, from the person and presence of two females, K.R. and S.W., their personal property, specifically each female's purse, which contained among other things their money.
3. I have reviewed the tribal police report issued by Seth Carter, an officer with the Tribal Police Department for the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians (hereafter, Gun Lake Tribe) regarding this incident. The statements contained in this application are based on information provided to me in that report, information received, directly or indirectly, from other law enforcement personnel, and my experience, training, and background as a Special Agent with the FBI. This application includes only those facts that I believe are necessary to establish probable cause and does not include all of the facts uncovered during the investigation.
4. The Gun Lake Casino is owned by the Gun Lake Tribe and is located at 1129 129<sup>th</sup> Ave., Wayland, Michigan which is land held in trust for the benefit of the Gun Lake Tribe. The

Gun Lake Tribe's Tribal Police Department has jurisdiction over all crimes that occur on the Gun Lake Casino.

5. K.R. is an enrolled member of the Sault Ste. Marie Band of Chippewa Indians.
6. The Bureau of Indian Affairs has issued Special Law Enforcement Commissions (SLECs) to Gun Lake Tribal Police which allow Tribal Police to assist in the enforcement of applicable federal criminal statutes in Indian Country, as defined by Title 18 United States Code, Section 1152. The SLEC authorizes Tribal Police to enforce federal criminal laws applicable to Indian Country.

*PROBABLE CAUSE*

7. On the morning of October 3, 2017, at approximately 12:35 a.m., Mitchell walked from the Noonday Market, a gas station owned by the Gun Lake Tribe and located across the highway on 129<sup>th</sup> Avenue from the Casino. Mitchell was seen by K.R. and S.W. approaching the parking area in front of the Casino, and approached. According to K.R. and S.W., Mitchell pulled the hood of the jacket he was wearing up over his head and then lunged at them. They did not recognize him, nor did they know who he was.
8. Upon making contact with K.R. and S.W., Mitchell proceeded to jerk K.R.'s purse from her hands. K.R. started to fight back, scratching and punching him and kicking him in the groin area. S.W. also was attempting to fight Mitchell off. K.R. was eventually thrown to the ground, Mitchell was still trying to pull her purse away from her as she lay on the ground. Mitchell finally let go of her purse.
9. After letting go of K.R.'s purse, Mitchell then grabbed S.W.'s purse and took off running into the wooded area next to the Casino. K.R. chased Mitchell to the wooded area. Mitchell stopped and turned to confront her, he swung the purse at K.R. hitting her on the

side of the head. Someone then yelled at Mitchell, at which time he dropped the purse and ran into the wooded area. Gun Lake Casino Security were alerted to the altercation by K.R. and S.W. Security then contacted Gun Lake Tribal Police Officer.

10. Gun Lake Tribal Police Officer Carter arrived at the Casino, Casino personnel identified Mitchell and the females involved. Officer Carter, with the assistance of Officers Flokstra, Baker, Vanderhurst, and Frasa attempted to located Mitchell. Mitchell was eventually found in the wooded area and arrested.

SUMMARY

11. Based upon the facts set forth above, I respectfully submit that there is probable cause to believe that GERALD KAI MITCHELL, has committed a violation of 18 U.S.C. §2111 in the Western District of Michigan