

2020R00899/MKN/RJG

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

NOV 18 2021

AT 8:30 4:00 PM
WILLIAM T. WALSH
CLERK

UNITED STATES OF AMERICA	:	Hon.
	:	
v.	:	Crim. No. 21-872 (MAS)
	:	
MICHAEL DELAHANTY,	:	18 U.S.C. § 242
MATTHEW PRZEMIENIECKI, and	:	
JUSTIN UBRY	:	

INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting at Trenton, charges:

COUNT ONE
(Deprivation of Rights Under Color of Law)

1. At all times relevant to this Indictment:

a. The Ewing Township Police Department (“ETPD”) was a police department responsible for providing law enforcement services in and around Ewing Township, New Jersey. ETPD officers were authorized by the State of New Jersey to make lawful arrests.

b. Defendant MICHAEL DELAHANTY was a police officer employed by the ETPD. On January 5, 2018, defendant DELAHANTY was working in his official capacity as a Lieutenant in the ETPD.

c. Defendant MATTHEW PRZEMIENIECKI was a police officer employed by the ETPD. On January 5, 2018, defendant PRZEMIENIECKI was working in his official capacity as an Officer in the ETPD.

d. Defendant JUSTIN UBRY was a police officer employed by the ETPD. On January 5, 2018, defendant UBRY was working in his official capacity as an Officer in the ETPD.

e. As police officers, and while acting under color of law, defendants DELAHANTY, PRZEMIENIECKI, and UBRY were required to comply with the Constitution and laws of the United States. Accordingly, defendants DELAHANTY, PRZEMIENIECKI, and UBRY were required to respect the right of others to be free from unreasonable search and seizure during an investigation and arrest, including the right to be free from the use of unreasonable force.

f. Victim 1 was a minor who resided in Burlington, New Jersey.

g. ETPD Officers 1, 2, and 3 were employed by the ETPD and were working in their official capacities on January 5, 2018.

h. On the morning of January 5, 2018, in Ewing Township, New Jersey, the ground was covered in snow and ice and the temperature was well below freezing.

2. On January 5, 2018, ETPD officers responded to a report of a stolen vehicle in Ewing Township. Officers located the vehicle, which had been involved in a motor vehicle accident in Ewing Township. Law enforcement observed Victim 1, the driver of the vehicle, running away from the scene of the accident.

3. Thereafter, ETPD officers found Victim 1 inside a detached shed located at the rear of a residential property in Ewing Township. Officers 1 and

2 physically removed Victim 1 from the shed and brought Victim 1 to the ground, which was covered in snow.

4. While Victim 1 was lying face down on the ground, Officers 1, 2, and 3 began to handcuff Victim 1. Multiple other ETPD officers, including defendants DELAHANTY, PRZEMIENIECKI, and UBRY, stood nearby and observed the arrest in progress. Victim 1 did not physically resist ETPD officers at any time.

5. While Officers 1, 2, and 3 handcuffed Victim 1 and while Victim 1 remained lying face down, defendant DELAHANTY, unprompted, stepped on the back of Victim 1's head, pressing it into the snow.

6. Immediately thereafter, defendant PRZEMIENIECKI stepped closer to Victim 1 and kicked snow three times directly into Victim 1's face.

7. Immediately thereafter, defendant UBRY stepped closer to Victim 1 and kicked snow directly into Victim 1's face.

8. After Officers 1, 2, and 3 handcuffed Victim 1, defendant PRZEMIENIECKI again approached Victim 1 and stepped on the back of Victim 1's head, again pressing it into the snow.

9. Officers 1, 2, and 3 did not request or require additional assistance from other ETPD officers in handcuffing Victim 1. Under the circumstances, the force that defendants DELAHANTY, PRZEMIENIECKI, and UBRY applied to Victim 1 as described in paragraphs 5 through 8, above, was unreasonable and excessive.

10. On January 5, 2018, in Mercer County, in the District of New Jersey, and elsewhere, the defendants,

MICHAEL DELAHANTY and
MATTHEW PRZEMIENIECKI,

while acting under color of law, unlawfully stepped onto the head of Victim 1, and kicked snow into the face of Victim 1 during the arrest of Victim 1, thereby willfully depriving Victim 1 of the right, secured and protected by the Constitution and laws of the United States, to be free from the use of unreasonable force by a law enforcement officer. The offense resulted in bodily injury to Victim 1.

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

COUNT TWO
(Deprivation of Rights Under Color of Law)

11. Paragraphs 1 through 10 of Count One of this Indictment are re-alleged and incorporated as if set forth in full herein.

12. On or about January 5, 2018, in Mercer County, in the District of New Jersey, and elsewhere, the defendant,

JUSTIN UBRY,

while acting under color of law, unlawfully kicked snow into the face of Victim 1 during the arrest of Victim 1, thereby willfully depriving Victim 1 of the right, secured and protected by the Constitution and laws of the United States, to be free from the use of unreasonable force by a law enforcement officer.

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

A TRUE BILL



RACHAEL A. HONIG
Acting United States Attorney

CASE NUMBER: 21-872 (MAS)

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

**MICHAEL DELAHANTY,
MATTHEW PRZEMIENIECKI, and
JUSTIN UBRY**

INDICTMENT FOR

18 U.S.C. § 242

A True Bill,

**RACHAEL A. HONIG
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FOR THE DISTRICT OF NEW JERSEY**

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