

1 Michael C. Ormsby
2 United States Attorney
3 Eastern District of Washington
4 Tyler H.L. Tornabene
5 Assistant United States Attorney
6 Post Office Box 1494
7 Spokane, WA 99210-1494
8 Telephone: (509) 353-2767

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SEP 16 2013

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,
12 Plaintiff,

13 vs.

14 MICHAEL JOE SUBLIE,
15 Defendant.

PO-13-4-JTR

INFORMATION

Vio: 36 CFR 2.32(a)(1)
Interfering (Count 1)

Vio: 36 CFR 2.10(b)(4)
Unreasonable Noise (Count 2)

16 The United States Attorney Charges:

17 Count 1:

18 On or between September 14, 2013, and September 15, 2013, the
19 Defendant, MICHAEL JOE SUBLIE, did threaten, resist, intimidate, and
20 intentionally interfere with a government employee and agent to wit: a uniformed
21 and commissioned law enforcement officer with the National Park Service with
22 initials J.W., engaged in an official duty and on account of the performance of an
23 official duty, within the exterior boundaries of the Lake Roosevelt National
24 Recreation Area, in the Eastern District of Washington, all in violation of 36 CFR
25 2.32(a)(1).

26 Count 2:

27 On or between September 14, 2013, and September 15, 2013, the
28 Defendant, MICHAEL JOE SUBLIE, did create and sustain unreasonable noise

1 between the hours of 10:00 PM and 6:00 AM, within the exterior boundaries of
2 the Lake Roosevelt National Recreation Area, in the Eastern District of
3 Washington, all in violation of 36 CFR 2.10(b)(4).

4
5 DATED this 16th day of September, 2013.

6
7 Michael C. Ormsby
8 United States Attorney

9 
10 Tyler H.L. Tornabene
11 Assistant United States Attorney

AUSA Assigned: THLT

DECLARATION IN SUPPORT OF INFORMATION

Background:

[REDACTED]

My name is Christopher Kuvlesky, I am employed as a Special Agent (SA) with the Department of the Interior (DOI), National Park Service (NPS), Investigative Services Branch (ISB), presently assigned to the Pacific West Region, Northern Field Office, Sequoia and Kings Canyon National Parks. I have been employed as a federal law enforcement officer/agent for 12 years. In my law enforcement career, I successfully graduated, in 2003, from the National Park Ranger Basic Training Program at the Federal Law Enforcement Training Center in Glynco, GA, which was a sixteen week police academy. In 2010, I graduated from the Criminal Investigator Training Program at the Federal Law Enforcement Training Center in Glynco, GA, which was a 13 week training program. During all training programs, I studied various aspects of investigating and enforcing federal criminal laws. Throughout my career, I have investigated hundreds of criminal violations involving federal and state laws. I have been the lead case agent on several investigations involving property crimes, violent and sexual assault crimes, and narcotics trafficking.

I, Christopher Kuvlesky, being duly sworn, hereby depose and state as follows:

- 1) The National Park Service has the authority to enforce Title 18 of the United States Code (U.S.C.) and Title 36 of the Code of Federal Regulations (36 C.F.R.) *et seq.* within the exterior boundaries of Lake Roosevelt National Recreation Area.

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- 2) Title 36 C.F.R. 2.32(a)(1) makes it unlawful for anyone inside of Lake Roosevelt National Recreation Area to knowingly threaten, resist, intimidate, or intentionally interfere with a government employee or agent engaged in an official duty or on account of the performance of an official duty.
- 3) Title 36 C.F.R. 2.12(a)(1)(ii) makes it unlawful to make noise with, for instance, an audio device, which is unreasonable considering various factors including, but not limited to, the location, time of day or night and impact on park users.
- 4) Title 36 C.F.R. 2.10(b)(4) makes it unlawful to create or sustain unreasonable noise, (considering various factors including, but not limited to, the location, time of day or night and impact on park users) between the hours of 10:00 PM and 6:00 AM.
- 5) 36 C.F.R § 2.10(b)(9) makes it unlawful to violate the conditions which may be established by the superintendent, to wit: the Superintendent's Compendium Order dated May 20, 2013, which provides that boat-in camping (from or aboard a vessel), is permitted only in undeveloped areas, provided the camp is at least ½ mile from a developed area (including but not limited to designated campgrounds, marinas, boat launches, and roads) herein "the Superintendent's Order."
- 6) The information in this affidavit is based on my personal knowledge and information provided to me by other law enforcement officers and individuals. The information in this affidavit is provided for the limited purpose of establishing probable cause. The information is not a complete statement of all the facts related to this case.

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Investigation:

- 7) On September 14, 2013, at about 10:17 PM, Park Ranger J.W. and Park Ranger M.P., both uniformed and commissioned law enforcement officers with the National Park Service, were patrolling the Kettle River Campground within the exterior boundaries of Lake Roosevelt National Recreation Area, in Ferry County in the Eastern District of Washington an area within the special maritime and territorial jurisdiction of the United States, for a noise complaint, a violation of 36 CFR 2.12(a)(1)(ii) (unreasonable noise).
- 8) From over 100 yards, Park Ranger J.W. heard loud music coming from a houseboat parked on the shore at the Kettle River Campground, a violation of 36 CFR 2.10(b)(4) (unreasonable noise between 10:00 PM and 6:00 AM). Additionally the park ranger observed houseboats that were moored within the campground's shore in violation of 36 CFR 2.10(b)(9) and the Superintendent's Order.
- 9) Park Rangers J.W. and M.P. made contact with the vessel's owner, later identified as MICHAEL JOE SUBLIE, at the stern of the boat. Park Ranger J.W. was standing on the gang plank over the shore while talking to MICHAEL JOE SUBLIE. MICHAEL JOE SUBLIE was immediately verbally resistant when asked by Park Ranger J.W. to turn down the music. MICHAEL JOE SUBLIE made the comment to Park Ranger J.W. to "Get the fuck off my boat." MICHAEL JOE SUBLIE got to within 6 inches from the face of Park Ranger J.W. Park Ranger J.W. noticed a heavy odor of alcoholic beverage coming from MICHAEL JOE SUBLIE's mouth.

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- 10) Park Ranger J.W. asked MICHAEL JOE SUBLIE on numerous occasions to remove his hands from his pockets. MICHAEL JOE SUBLIE failed to comply with Park Ranger J.W.'s commands to remove his hands from his pocket and to turn down the music.
- 11) Park Ranger J.W. attempted to identify MICHAEL JOE SUBLIE by asking him for his name and date of birth. MICHAEL JOE SUBLIE refused to provide his first name and would only provide Park Ranger J.W. with his last name. MICHAEL JOE SUBLIE also refused to provide Park Ranger J.W. with his (MICHAEL JOE SUBLIE's) date of birth.
- 12) Based on the totality of the circumstances, Park Ranger J.W. attempted to detain MICHAEL JOE SUBLIE by attempting to physically control MICHAEL JOE SUBLIE's hands. MICHAEL JOE SUBLIE immediately pulled away from Park Ranger J.W. by violently throwing his arms when physically contacted and thereby resisting Park Ranger J.W.'s efforts to detain him.
- 13) Park Ranger J.W. attempted to physically control MICHAEL JOE SUBLIE on several occasions with MICHAEL JOE SUBLIE violently throwing his arms in a manner to resist him. While MICHAEL JOE SUBLIE was resisting Park Ranger J.W., MICHAEL JOE SUBLIE physically pushed Park Ranger J.W. backwards and off of the gangplank.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 16th day of September, 2013.


Christopher Kuvlesky
Special Agent , National Park Service

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