

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

STATE OF IOWA, <i>Plaintiff,</i> v. JOSEPHINE P. MULVIHILL, <i>Defendant.</i>	AGENCY CASE NO.: IP21-8309 AGENCY: Iowa State Patrol - Dist 16 COUNTY ATTORNEY PRELIMINARY COMPLAINT REVIEW
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COMES NOW the undersigned Assistant Polk County Attorney and states as follows:

I have read and reviewed the attached complaint and affidavit. I:

- Approve** the charge as ASSAULT ON PERSONS IN CERTAIN OCCUPATIONS—Serious Misdemeanor—in violation of Iowa Code Section 708.3A(4) and ask the court to find probable cause for this charge.
- Request that the Court enter the attached *Arrest Warrant*.
- Advise the court and the clerk of court that despite the officer's request for an Arrest Warrant, the defendant has reportedly been taken into custody, so *an arrest warrant is no longer required*.

With regard to a bond amount, the State requests that:

- The State requests that the Court enter the attached *No Contact Order*.
- The State requests defendant be held without bond until initial appearance, so a *No Contact Order* may be entered with the following victim at the following location:

_____.
 Bond be continued at Initial Appearance.

WHEREFORE the State respectfully requests the Court find probable cause and allow the case to proceed under the circumstances set out above.

Respectfully submitted,
JOHN P. SARCONI by:

/s/ Bret Lucas
Assistant Polk County Attorney
Polk County Attorney's Office
222 Fifth Avenue, Des Moines, IA
(515) 286-3737
ctyatty@polkcountyiowa.gov

**E-FILED 2021 APR 9 1:25 PM POLK - CLERK OF DISTRICT COURT
IN THE IOWA DISTRICT COURT IN AND FOR
POLK COUNTY**

This Complaint and Affidavit is to be:

- Filed with Court Clerk (cc: CA)
 Submitted to County Attorney
 Filed with JCO - Defendant is a Juvenile

Agency Case Number: **2021008309**

Arrest Date: **04/08/2021**

THE STATE OF IOWA

VS.

OFFENDER

Last MULVIHILL		First JOSEPHINE		Middle PEARL	Suffix
Address 2915 THORNTON AVENUE			City DES MOINES		State IA Zip Code 50321
DL# [REDACTED]	State IA	DL Class	DL Endorsements	DL Restrictions	
Date of Birth [REDACTED]	Gender FEMALE	Race BLACK - B		Ethnicity NOT OF HISPANIC ORIGIN - N	
Height	Weight	Eye Color	Hair Color BLACK - BLK		

VEHICLE

Year	Make	Model	Color		
VIN	CDL Req? NO	Pass End Req?	HazMat End Req?	Style	
Plate/Registration #		State	Year	US DOT Number	ICC/MC #

OFFENSE

State <input checked="" type="checkbox"/>	County <input type="checkbox"/>	Local <input type="checkbox"/>	Code Section 708.3A(4)	Crime Description ASSAULT ON PERSONS IN CERTAIN OCCUPATIONS		Speed	in	Zone
Class SRMS		Serious P.I. <input type="checkbox"/>	Fatal Accident <input type="checkbox"/>	Civil Damage Assessment <input type="checkbox"/>	Other <input type="checkbox"/>			
Location Type 11 - GOVERNMENT/PUBLIC BUILDING								
Literal Description IOWA STATE CAPITOL BUILDING								
Address 1007 E GRAND AVENUE			City DES MOINES			State IA	Zip Code 50319	
Is Date and Time of Incident Known? YES	Incident Date or Low Range 04/08/2021		Upper Date Range	Incident Time or Low Range 13:10		Upper Time Range		

STATUS OF OFFENDER/JUVENILE

<input type="checkbox"/> TAKEN INTO CUSTODY	CUSTODY	<input checked="" type="checkbox"/> SUMMONS TO APPEAR (Citation Issued)
<input type="checkbox"/> WARRANT REQUESTED	<input type="checkbox"/> NO CONTACT ORDER REQUESTED	<input type="checkbox"/> RELEASED TO PARENT/GUARDIAN

NARRATIVE

Narrative of Offense Committed
 On or about the above stated date and time, the Defendant did assault ____, a peace officer, jailer, correctional staff, member or employee of board of parole, health care provider, employee of the department of human services or firefighter, knowing that ____ was a peace officer, jailer, correctional staff, member or employee of board of parole, health care provider, employee of the department of human services or firefighter

SUMMONS I promise to appear in said court at said time and place.

Signature of Defendant	Court Date 04/28/2021
	Court Time 1:00 PM

In the Court At **POLK COUNTY CRIMINAL COURTHOUSE 110 6TH AVE, DES MOINES 50309**

AFFIDAVIT

STATE OF IOWA, POLK COUNTY

I, the undersigned, being duly sworn, state that all facts contained in this Complaint and Affidavit, known by me or told to me by other reliable persons form the basis for my belief that the defendant committed this crime

State all facts and persons relied upon supporting elements of alleged crime

On April 8th, 2021, I, Trooper Dylan Hernandez #229 was on duty at the Iowa State Capitol, which is my assigned area of operations (1007 E. Grand, Des Moines, Ia.). I am a certified peace officer in the State of Iowa, and was wearing my full standard Iowa State Patrol uniform. At approximately 1234, the group consisting of approximately 30-40 demonstrators made entry into the Capitol Building. Once inside the building, the group began demonstrating and shouting chants. The chants were anti-police in nature with a few of the chants being "Fuck 12" and "without that badge you a bitch in a hat" as well as "ACAB!".

I was on the ground floor of the Capitol with Trooper Dalton Grell #104. We turned around, at which point two females approached us with their phones out, demanding our names and badge numbers. Due to us being en route to a different location/assignment, we did not stop. The two females purposefully and intentionally moved in front of us hindering/impeding our movement to our next assignment. At this time we attempted to side step the females, but they stayed in our path. The female directly in front of me was aggressively waving her finger in my face and continued to demand my name and badge number. This female was very agitated and emphatically demanded that we had to give her our names and badge numbers. The second female, who was later identified as JOSEPHINE PEARL MULVIHILL (DOB [REDACTED]) reached out and physically grabbed me and in the process pushed me, causing me to momentarily lose my balance to my left.

After regaining my balance I did grip Ms. Mulvihill's wrist/forearm area and she attempted to pull away from me. While I had my handcuffs out, attempting to place Ms. Mulvihill under arrest the other female, who was in front of me reached out and attempted to grab my handcuffs. This female also began to scream for help from other demonstrators. At that time others began to rush Trooper Grell and myself, attempting to pull Ms. Mulvihill away from me. Trooper Grell did have to physically push these demonstrators back so that I could effect the arrest as well as ensure officer safety. Due to the others rushing around me I assisted Ms. Mulvihill to the ground to better gain control of her wrists to place her in handcuffs.

Once Ms. Mulvihill was in handcuffs I escorted her to my Patrol Car. While doing this other Troopers arrived on scene and provided crowd control. Demonstrators of the Social Justice Event continued to swarm Troopers and acted very aggressively and belligerently. Demonstrators also attempted to prevent me from leaving the Capitol Complex by standing directly in front and to the sides of my Patrol Car. Some of the demonstrators did attempt to enter my Patrol Car to regain custody of Ms. Mulvihill. Troopers were able to clear a path for me so I could transport Ms. Mulvihill to the Iowa State Patrol's District #1 Office.

Once at District 1 I completed my paperwork and again informed Ms. Mulvihill of her charge for Assaulting Persons in Certain Occupations she and received a summons to appear. Ms. Mulvihill was released to her mother MINDY MULVIHILL (DOB unknown) and left the District #1 Office.

Trooper Dalton Grell did sustain minor injuries to his hands during the altercation.

[Handwritten Signature]

Hernandez, D 229

Signature of Complainant or Officer, Officer Name & Number

GENERAL PROBABLE CAUSE

Defendant Implicated
02 - CAUGHT IN ACT, 03 - ADMISSION/STATEMENTS, 08 - CRIME OBSERVED BY OFFICERS, 09 - NEAR SCENE OF CRIME
Operating Motor Vehicle in County Other Physical Evidence Attempted To Inflict Injury

STATE OF IOWA, POLK COUNTY

Notary Seal: IOWA
Subscribed and sworn to before me by the person(s) signing the Complaint and Affidavit(s) on 04/08/2021
Notary Name: TYSON UNDERWOOD
Commission Number: 819033
My Commission Expires: 07/23/2022
Signature of Verifying Party: [Handwritten Signature]
Peace Officer [] Notary [X] Prosecuting Attorney []
Any person who fails to appear in court as specified by the citation may be guilty of a separate offense and the court may issue a warrant for their arrest.