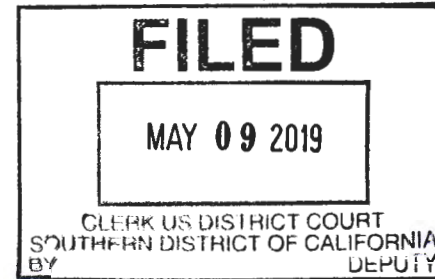


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA



UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN TIMOTHY EARNEST,

Defendant.

Magistrate Docket No. **19MJ1900**

COMPLAINT FOR VIOLATION OF:

18 U.S.C. §§ 247(a)(2), 247(d)(1) and 247(d)(3) – Obstruction of Free Exercise of Religious Beliefs Resulting in Death and Bodily Injury; and Involving Attempt to Kill, Use of a Dangerous Weapon; 18 U.S.C. § 249(a)(1)(B)(i)(ii) – Hate Crime Acts; 18 U.S.C. §§ 247(a)(1), 247 (d)(3) – Damage to Religious Real Property Involving Use of a Dangerous Weapon or Fire

The undersigned complainant, being duly sworn, states:

COUNT 1

On or about April 27, 2019, in the Southern District of California, defendant John Timothy Earnest intentionally obstructed, by force, victim L.G-K. in the enjoyment of her free exercise of religious beliefs and the offense was in and affected interstate commerce. The acts of defendant John Timothy Earnest resulted in the death of L.G-K.

All in violation of Title 18, United States Code, Sections 247(a)(2) and 247(d)(1).

COUNTS 2-4

On or about April 27, 2019, in the Southern District of California, defendant John Timothy Earnest intentionally obstructed, by force and threat of force, each victim listed below in the enjoyment of that victim's free exercise of religious beliefs and the offense was in and affected interstate commerce. The acts of defendant John Timothy Earnest included an attempt to kill, and resulted in bodily injury to, each victim in Counts 2 through 4; the acts also included the use, attempted use, and

threatened use of a dangerous weapon, to wit, a Smith & Wesson Model M&P 15 Sport II semi-automatic rifle, bearing serial number ending in 950.

COUNT	VICTIM
2	Y.G.
3	A.P.
4	N.D., a juvenile

All in violation of Title 18, United States Code, Sections 247(a)(2), 247(d)(1) and 247(d)(3).

### COUNTS 5-54

On or about April 27, 2019, in the Southern District of California, defendant John Timothy Earnest intentionally obstructed, by force and threat of force, each victim listed below in the enjoyment of that victim's free exercise of religious beliefs and the offense was in and affected interstate commerce. The acts of defendant John Timothy Earnest included an attempt to kill each victim in Counts 5 through 54, and the use, attempted use, and threatened use of a dangerous weapon, to wit, a Smith & Wesson Model M&P 15 Sport II semi-automatic rifle, bearing serial number ending in 950.

COUNT	VICTIM
5	S.A.
6	D.A.
7	N.A., a juvenile
8	Y.A., a juvenile
9	I.A.
10	J.A.
11	Ja.A.
12	F.A.
13	A.A.
14	Z.B.
15	J.M.C.
16	L.C.
17	J.C.
18	D.C.
19	N.C.
20	I.D.
21	L.D., a juvenile
22	Li.D., a juvenile
23	M.D.
24	R.E., a juvenile
25	T.E.
26	P.F.
27	G.F.

COUNT	VICTIM
28	S.G.
29	C.G., a juvenile
30	R.G., a juvenile
31	Yo.G., a juvenile
32	M.G.
33	Ye.G.
34	J.H.
35	R.I.
36	R.K.
37	H.K.
38	Ha.K.
39	A.L.
40	A.M.
41	J.M.
42	R.P.
43	G.P.
44	S.P.
45	R.S.
46	H.S.
47	K.S.
48	L.S.
49	A.S., a juvenile
50	O.S.
51	K.T.
52	S.T., a juvenile
53	N.T., a juvenile
54	A.T., a juvenile

All in violation of Title 18, United States Code, Sections 247(a)(2), 247(d)(1) and 247(d)(3).

COUNT 55

On or about April 27, 2019, in the Southern District of California, the defendant, John Timothy Earnest, willfully caused bodily injury to L.G-K., because of the actual and perceived race of any person. The offense resulted in the death of L.G-K.

All in violation of Title 18, United States Code, Section 249(a)(1)(B)(i).

COUNTS 56-58

On or about April 27, 2019, in the Southern District of California, the defendant, John Timothy Earnest, willfully caused bodily injury to the victims listed

below, because of the actual and perceived race of any person. The offenses included an attempt to kill each victim listed in Counts 56 through 58.

All in violation of Title 18, United States Code, Section 249(a)(1)(B)(ii).

COUNT	VICTIM
56	Y.G.
57	A.P.
58	N.D.

COUNTS 59-108

On or about April 27, 2019, in the Southern District of California, the defendant, John Timothy Earnest, through the use of a firearm, willfully attempted to cause bodily injury to the victims listed below, because of the actual and perceived race of any person. The offenses included an attempt to kill each victim listed in Counts 59 through 108.

COUNT	VICTIM
59	S.A.
60	D.A.
61	N.A., a juvenile
62	Y.A., a juvenile
63	I.A.
64	J.A.
65	Ja.A.
66	F.A.
67	A.A.
68	Z.B.
69	J.M.C.
70	L.C.
71	J.C.
72	D.C.
73	N.C.
74	I.D.
75	L.D., a juvenile
76	Li.D., a juvenile
77	M.D.
78	R.E., a juvenile
79	T.E.
80	P.F.
81	G.F.

COUNT	VICTIM
82	S.G.
83	C.G., a juvenile
84	R.G., a juvenile
85	Yo.G., a juvenile
86	M.G.
87	Ye.G.
88	J.H.
89	R.I.
90	R.K.
91	H.K.
92	Ha.K.
93	A.L.
94	A.M.
95	J.M.
96	R.P.
97	G.P.
98	S.P.
99	R.S.
100	H.S.
101	K.S.
102	L.S.
103	A.S., a juvenile
104	O.S.
105	K.T.
106	S.T., a juvenile
107	N.T., a juvenile
108	A.T., a juvenile


All in violation of Title 18, United States Code, Section 249(a)(1)(B)(ii).

COUNT 109

On or about March 24, 2019, in the Southern District of California, defendant John Timothy Earnest, intentionally defaced, damaged, and destroyed religious real property, that is, the Dar-ul-Arqam Mosque and Islamic Center, 318 West 6th Avenue, Escondido, California, because of the religious character of that property, and attempted to do so, through the use and attempted use of fire, and the offense was in and affected interstate and foreign commerce.


All in violation of Title 18, United States Code, Sections 247(a)(1) and 247(d)(3).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

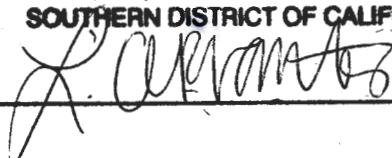
  
Benjamin Meyer  
Special Agent  
Federal Bureau of Investigation

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE,

THIS 8<sup>th</sup> DAY OF May 2019.

  
Hon. Karen S. Crawford  
United States Magistrate Judge

I hereby attest and certify on 5/9/2019  
That the foregoing document is a full, true and correct  
copy of the original on file in my office and in my legal  
custody.

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
By  Deputy

CONTINUATION OF COMPLAINT RE:  
JOHN TIMOTHY EARNEST

STATEMENT OF FACTS

I, Benjamin Meyer, being duly sworn, depose and state:

1. Your Affiant is employed as a Special Agent of the Federal Bureau of Investigation (“FBI”) and has been so employed for more than 8 years. As an FBI Special Agent, I am primarily responsible for investigating possible violations of federal civil rights, including violations of Title 18, United States Code, Sections 247 and 249. During my career as an FBI Special Agent, I have been involved in the execution of numerous search and seizure warrants, arrests for violations of state and Federal laws, and have authored affidavits in support thereof.

2. This affidavit is submitted in support of a criminal complaint charging JOHN TIMOTHY EARNEST with fifty-four counts of Obstruction of Free Exercise of Religious Beliefs Involving Attempt to Kill, Use of a Dangerous Weapon, and Resulting in Death and Bodily Injury, and fifty-four counts of Hate Crimes, in relation to his April 27, 2019, shooting at the Chabad of Poway Synagogue, and one count of Damage to Religious Property by Use of Fire, in relation to his March 24, 2019, arson of the Dar-ul-Arqam Mosque and Islamic Center in Escondido, all in violation of Title 18, United States Code, Sections 247(a)(1) & (2), 247(d)(1), 247(d)(3), 249(a)(1)(B)(i) and 249(a)(1)(B)(ii).

3. Title 18, United States Code, Section 247(a)(1) makes it a crime to deface, damage, or destroy religious real property by fire, when such acts are in or affect interstate or foreign commerce. Section 247(a)(2) makes it a crime to intentionally obstruct, or attempt to do so, by force or threat of force, any person in the enjoyment of that person's free exercise of religious beliefs, and said offense is in or affects interstate or foreign commerce. Sections 247(d)(1) and 247(d)(3) provide enhanced penalties when such offense involves an attempt to kill, or the use, attempted use, or threatened use of fire or a dangerous weapon, or when such offense results in death or bodily injury.

4. Title 18, United States Code, Section 249(a)(1) makes it a crime to willfully cause bodily injury to any person or, through the use of a firearm, to willfully attempt to cause bodily injury to any person because of the actual or perceived race, color, religion, or national origin of any person. Section 249(a)(1)(B)(i) and (ii) provide enhanced penalties if death results or the offense includes an attempt to kill.

### *The Poway Synagogue*

5. On April 27, 2019, JOHN TIMOTHY EARNEST, aged 19, entered the Chabad of Poway Synagogue ("Synagogue") at 16934 Chabad Way, Poway, California. At the time, the individuals listed in Counts 1-108 were in attendance at



the Synagogue and freely and peacefully exercising their religious beliefs on the Sabbath and last day of Passover.

6. EARNEST arrived at the Synagogue in a gray 2012 Honda Civic sedan, and was armed with an AR-15 style semi-automatic rifle, which was fully loaded with a 10-round magazine. EARNEST was also wearing an ammunition chest rig, which contained an additional five magazines, each loaded with ten rounds of ammunition. In total, EARNEST had 60 rounds of ammunition.

7. EARNEST approached the open door of the Synagogue and fired rounds from his AR-15 style rifle, immediately striking victim L.G-K., who was standing in the atrium/lobby area of the Synagogue. EARNEST then further entered the lobby area and fired additional rounds at victim Y.G., wounding victim Y.G. EARNEST continued to fire rounds in the direction of the open doors of the Sanctuary and an adjacent banquet hall (the "Banquet Hall"), until the ten-round magazine was empty.

8. The rifle fire or fragmentation caused by the rifle fire resulted in bodily injuries to at least four members of the congregation, victims L.G-K., Y.G., A.P. and N.D., a juvenile. Shortly thereafter, San Diego County Sheriff's Department ("SDSD") Deputies arrived at the scene along with paramedics. The four shooting victims, L.G-K., Y.G., A.P. and N.D., were transported to the hospital for treatment

of their wounds. Victim L.G-K. was later pronounced dead at the hospital as a result of injuries from the rifle fire.

9. Based on a subsequent review of surveillance video from the Synagogue, it appears that EARNEST unsuccessfully attempted to reload the firearm in order to continue firing more rounds at the congregants, while several members of the congregation moved to confront him.

10. EARNEST then fled the Synagogue, as several congregant members, including an off-duty Border Patrol Agent, gave chase. The Border Patrol Agent fired multiple rounds at EARNEST as he got into his Honda Civic sedan, which was parked across the street. EARNEST then fled the scene in the car.

11. The Sanctuary is where the Synagogue's religious services are held. The Banquet Hall is located adjacent to the Sanctuary and serves multiple purposes. During religious services, the Banquet Hall is also used as a play room/care center for the children of the congregants who are attending services. The Banquet Hall has a rear door that accesses an outdoor play area. At the time of the shooting, the rear door was open. There were at least 54 persons, including children, at the Synagogue who were engaged in religious services. Approximately 30-plus persons were in the Sanctuary; the other persons were in nearby rooms/facilities, including the Banquet Hall and the children's play area immediately outside the Banquet Hall.

12. After EARNEST fled the scene, he called 911 from his car and identified himself as the shooter at the Synagogue. Among other things, EARNEST stated, "I just shot up a synagogue. I'm just trying to defend my nation from the Jewish people . . . They're destroying our people . . . I opened fire at a synagogue. I think I killed some people." EARNEST added that he shot people in the Synagogue "because the Jewish people are destroying the white race."

13. During the 911 conversation, EARNEST stated that he was willing to surrender to authorities. He stated that he had an AR-15, Smith and Wesson, M&P 15 rifle, which he would leave in his car when officers arrived. He also stated that he was wearing a chest rig, which contained additional ammunition. The 911 officer asked him to remove ammunition from the vest and leave that in the car. Law enforcement officers located EARNEST at the location he described and arrested him. A state search warrant was subsequently executed on the Honda Civic sedan. During the search, an officer seized a Smith & Wesson Model M&P 15 Sport II semi-automatic rifle, bearing serial number ending in 950, with an attached magazine, which was empty, and five additional magazines, which were each loaded with ten rounds of ammunition.

14. After the shooting at the Synagogue, law enforcement investigators found a manifesto, bearing EARNEST'S name, which was uploaded to Mediafire.com and Pastebin.com before the shooting. In the manifesto, which he

named “An Open Letter,” EARNEST made many anti-Semitic and anti-Muslim statements. EARNEST explicitly referred to “Jews” as a race. EARNEST also stated that his only regret is that he did not kill more “Jews,” i.e., “As an individual, I can only kill so many Jews.” EARNEST went on to write that, “Every Jew plays his part to enslave the other races.” EARNEST also admitted to the arson of an Escondido mosque in March 2019. EARNEST stated that Robert Bowers, who is charged with shooting and killing 11 congregants at the Tree of Life synagogue in Pittsburgh, Pennsylvania, and Brenton Tarrant, who is charged with shooting and killing 50 congregants at two mosques in New Zealand, were inspirations for him.

15. Law enforcement officers subsequently executed state search warrants on EARNEST’s residence and electronic devices. During a search of EARNEST’s laptop, which was seized from his residence, agents found EARNEST’S Open Letter/Manifesto and a copy of a web posting written by Brenton Tarrant.

16. Agents from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) subsequently conducted a trace of the semi-automatic assault rifle seized from EARNEST’s vehicle and determined the following:

a. The firearm was manufactured by Smith & Wesson in Princeton, Illinois and shipped to Springfield, Massachusetts where it was assembled.

b. The firearm was ultimately transferred, via Fort Worth, Texas, to a Federal Firearm Licensed (FFL) Dealer in San Diego, California, which sold the firearm to EARNEST. EARNEST picked up the rifle on April 26, 2019.

17. The Synagogue is involved in activities that affect interstate and/or foreign commerce. Among other things, the Synagogue complex consists of a licensed preschool, the Chai Preschool and Infant Center, and a gift shop. The Chai Preschool is a licensed full-time preschool for children ages 2 to 5 years old, with paid teachers and staff. The Infant/Toddler Program offers daycare for children 6 weeks to 23 months. Membership is open to the public for a fee; students and family members need not be members of the Synagogue. In addition, the Synagogue operates the Friendship Circle, a non-profit organization dedicated to providing support to individuals with special needs and their families by providing educational programming. The Friendship Circle is part of an international organization, and currently serves 150 families with the assistance of approximately 400 specially trained teenage and adult volunteers.

### *The Escondido Mosque*

18. EARNEST admitted in his “open letter” or manifesto to setting fire to an Escondido mosque in March 2019. That is consistent with an arson at the Dar-ul-Arqam Mosque and Islamic Center (the “Escondido Mosque”), located at 318 West 6th Avenue in Escondido, California. The arson occurred on March 24, 2019,

at approximately 3:15 a.m., nine days after the March 15, 2019 mass shootings at two New Zealand mosques by Brenton Tarrant.

19. Specifically, the manifesto stated:

I scorched a mosque in Escondido with gasoline a week after Brenton Tarrant's sacrifice and they never found shit on me (I didn't realize sandn\*\*\*\*\* were sleeping inside though—they woke up and put out the fire pretty much immediately after I drove away which was unfortunate. Also they didn't report the message I spray-painted on the parking lot. . . . It is so easy to . . . get away with burning a synagogue (or mosque) to the ground if you're smart about it. You can even shoot up a mosque, synagogue, immigration center, traitorous politicians, wealthy Jews in gated communities, Jewish-owned company buildings, etc.

20. The Escondido Mosque is one of seven Tablighi Jamaat ("TJ") mosques in San Diego County that are all overseen by one emir. TJ is an Islamic missionary movement. In this capacity, a TJ mosque is recognized as a travel destination for Islamic worshipers. In the United States, TJ mosques regularly host families and travelers from foreign countries and worshippers from other states who travel through an area or travel to the mosque for prayer or study. All seven of the San Diego County TJ mosques including the Escondido Mosque, regularly host overnight guests. These travelers come from out of state and out of the country. When a guest comes to San Diego, he may stay in one or more of the seven TJ mosques during his visit. Visits may last anywhere from three days to four months. The guests pay their own travel expenses and pay for their own food while

visiting the seven mosques. Although it is not required, the guests will often leave donations to help defer the costs of the stay at a mosque.

21. Prior to the attempt to burn down the Escondido Mosque, the Escondido Mosque hosted guests from out of state. Since the arson, the Escondido Mosque has hosted travelers from out of state. The emir of the Mosque was in Colorado and potential guests expressed concerns about coming to San Diego in light of the recent attack. Specifically, at least one potential guest had expressed concern about white supremacists in San Diego.

22. An investigation of the arson of the Escondido Mosque by the ATF, Escondido Police Department and the FBI revealed the following:

a. At the time of the arson, approximately seven individuals were staying overnight at the Escondido Mosque for spiritual development. In the early morning hours of March 24th, one of the individuals was sleeping in an area adjacent to the west wall of the mosque. At approximately 3:15 a.m., that individual smelled gasoline, and observed flames coming through the crack at the bottom of the west wall door. He retrieved water from the kitchen in an attempt to extinguish the fire. When he opened the door, he observed the flames on the outside of the west wall. With the assistance of the others staying at the mosque, they put out the fire.

b. First responders and law enforcement agents responded to the scene and observed smoke staining or charring along approximately half the length

of the west side of the mosque, including an exterior door. In addition, they observed that the heat from the fire cracked a window and there was low level burning and smoke staining to the threshold and interior doorjamb of the exterior door. Near the location of the fire, first responders also noticed the odor of what they believed was gasoline. An ATF Senior Special Agent/Certified Fire Investigator subsequently conducted an origin and cause investigation of the fire scene. Preliminary findings revealed that the fire was incendiary in nature, and deliberately set by the use of an accelerant, such as gasoline, which was distributed in and around the only exterior door on the west side of the structure.

c. First responders and law enforcement officers also observed that someone had used white spray paint to leave a message on the asphalt parking lot which referred to Brenton Tarrant. EARNEST referenced the identical message in his manifesto. The exact message left by the arsonist was never revealed to the public by law enforcement while subsequent media reports reported that the arsonist left a message referring to the New Zealand mass shooting.

d. Law enforcement investigators subsequently obtained video surveillance footage from a business across the street, as well as video surveillance footage from businesses located along possible routes to the mosque. Surveillance footage from March 24, 2019, showed the suspect arriving at the mosque in a vehicle at approximately 3:00 a.m., as well as part of the suspect vehicle's route of travel to



the mosque. Upon examining the video footage of the suspect vehicle, including its features, law enforcement believed that the vehicle was likely a silver 2010-2015 4-door Honda Civic sedan. As noted above, EARNEST drove a gray 2012 4-door Honda Civic Sedan in committing the shootings at the Synagogue.