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

BY: *as* DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

April 2018 Grand Jury

19CR1850 AJB

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN TIMOTHY EARNEST,

Defendant.

Case No. \_\_\_\_\_

I N D I C T M E N T

Title 18, U.S.C., Sec. 247(a)(2),  
247(d)(1), and 247(d)(3) -  
Obstruction of Free Exercise of  
Religious Beliefs; Title 18,  
U.S.C., Sec. 249(a)(1)(B) - Hate  
Crime Acts; Title 18, U.S.C.,  
Sec. 247(a)(1) and 247(d)(3) -  
Attempted Damage to Religious  
Property; Title 18, U.S.C.,  
Sec. 924(c) and 924(j) - Using and  
Carrying a Firearm During and In  
Relation to a Crime of Violence;  
Title 18, U.S.C., Sec. 924(d) and  
Title 28, U.S.C., Sec. 2461(c) -  
Criminal Forfeiture

The grand jury charges:

Count 1

On or about April 27, 2019, within 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, within 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, within 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.
28	S.G.
29	C.G., a juvenile
30	R.G., a juvenile

Count	Victim
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, within the Southern District of California, 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, within the Southern District of California, defendant JOHN TIMOTHY EARNEST willfully caused bodily injury to the victims listed below, because of the actual and perceived race of any person. Each offense included an attempt to kill each victim listed in Counts 56 through 58:

Count	Victim
56	Y.G.
57	A.P.
58	N.D.

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

Counts 59-108

On or about April 27, 2019, in the Southern District of California, defendant JOHN TIMOTHY EARNEST, through the use of a firearm, willfully attempted to cause bodily injury to each victim listed below, because of the actual and perceived race of any person. Each offense included an attempt to kill each victim listed in Counts 59 through 108:

Count	Victim
59	S.A.
60	D.A.

Count	Victim
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.
82	S.G.
83	C.G., a juvenile
84	R.G., a juvenile
85	Yo.G., a juvenile
86	M.G.

Count	Victim
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).

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Count 109

On or about March 24, 2019, within the Southern District of California, defendant JOHN TIMOTHY EARNEST intentionally attempted to damage and destroy religious real property, that is, the Dar-ul-Arqam Mosque, Escondido, California, because of the religious character of that property, and the offense was in and affected interstate and foreign commerce. Such acts included the use of fire. All in violation of Title 18, United States Code, Sections 247(a)(1) and 247(d)(3).

Count 110

On or about April 27, 2019, within the Southern District of California, defendant JOHN TIMOTHY EARNEST knowingly used, carried, and discharged a firearm, that is, a Smith & Wesson Model M&P 15 Sport II semi-automatic rifle, bearing serial number ending in 950, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, the offenses charged in Counts 1 and 55 of this Indictment; and caused the death of and unlawfully killed with malice aforethought victim L.G-K., a human being, through the use of a firearm. All in violation of Title 18, United States Code, Sections 924(c) and 924(j).

Counts 111-113

On or about April 27, 2019, within the Southern District of California, defendant JOHN TIMOTHY EARNEST knowingly used, carried, and discharged a firearm that is, a Smith & Wesson Model M&P 15 Sport II semi-automatic rifle, bearing serial number ending in 950, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, the offenses charged in this Indictment set forth below:

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Count	Offense
111	Counts 2 and 56
112	Counts 3 and 57
113	Counts 4 and 58

All in violation of Title 18, United States Code, Section 924(c).

#### SPECIAL FINDINGS

For Counts 1 and 110, pursuant to Title 18, United States Code, Section 3591(a)(2)(A)-(D), defendant JOHN TIMOTHY EARNEST was over 18 years of age at the time of the offense and:

1. intentionally killed the victim,
2. intentionally inflicted serious bodily injury that resulted in the death of the victim,
3. intentionally participated in an act, contemplating that the life of a person would be taken and intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act, and
4. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act.

For counts 1 and 110, pursuant to Title 18, United States Code, Sections 3592(c)(5), (c)(9), and (c)(16), defendant JOHN TIMOTHY EARNEST:

1. in the commission of the offense, knowingly created a grave risk of death to one and more persons in addition to the victim of the offense,

1 2. committed the offense after substantial planning and  
2 premeditation to cause the death of a person,

3 3. intentionally killed and attempted to kill more than one person  
4 in a single episode.

5 FORFEITURE ALLEGATIONS

6 1. Counts 1 through 113 are realleged and incorporated to allege  
7 forfeiture to the United States of America pursuant to Title 18, United  
8 States Code, Section 924(d) and Title 28, United States Code,  
9 Section 2461(c).

10 2. Upon conviction of one or more of the offenses alleged in  
11 Counts 1 through 113 of this Indictment, defendant JOHN TIMOTHY EARNEST  
12 shall forfeit to the United States, pursuant to Title 18, United States  
13 Code, Section 924(d), and Title 28, United States Code, Section 2461(c),  
14 all firearms and ammunition involved in the commission of the offenses,  
15 including, but not limited to, a Smith & Wesson Model M&P 15 Sport II  
16 semi-automatic rifle, bearing serial number ending in 950, and  
17 approximately 50 rounds of .223 ammunition.

18 3. If any of the above-described forfeitable property, as a result  
19 of any act or omission of the defendant: 1) cannot be located upon the  
20 exercise of due diligence; 2) has been transferred or sold to, or  
21 deposited with, a third party; 3) has been placed beyond the jurisdiction  
22 of the Court; 4) has been substantially diminished in value; or 5) has  
23 been commingled with other property which cannot be subdivided without  
24 difficulty,

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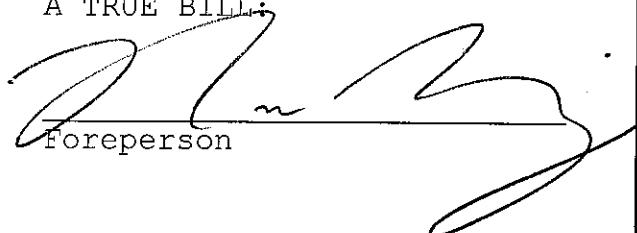
28 //

1 it is the intent of the United States, pursuant to Title 28, United  
2 States Code, Section 2461(c), which incorporates Title 21, United States  
3 Code, Section 853(p), to seek forfeiture of any other property of the  
4 defendant up to the value of the property listed above as being subject  
5 to forfeiture.

6 All in violation of Title 18, United States Code, Sections 924(d),  
7 and Title 28, United States Code, Section 2461(c).

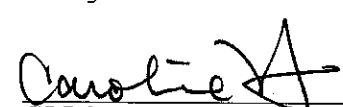
8 DATED: May 21, 2019.

9 A TRUE BILL:

10  
11   
Foreperson

12 ROBERT S. BREWER, JR.  
13 United States Attorney

14 ERIC S. DREIBAND  
15 Assistant Attorney General  
16 Civil Rights Division

17 By:   
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22 Special Asst. U.S. Attorney  
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