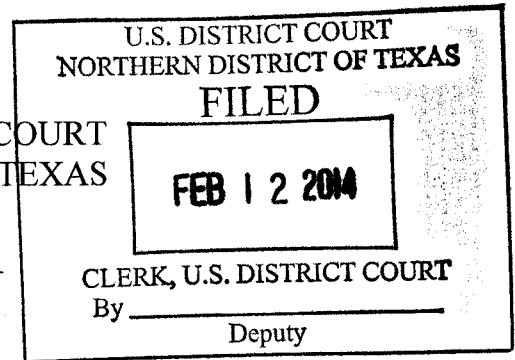


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



UNITED STATES OF AMERICA

v.

No. 4:14-MJ- 075

BRICE JOHNSON (01)

CRIMINAL COMPLAINT

I, the undersigned Complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

On or about September 2, 2013, **Brice Johnson**, willfully caused bodily injury to a person because of the actual or perceived sexual orientation, that being, **Brice Johnson** caused bodily injury to "A.K.," who is gay, because of "A.K.'s" actual and perceived sexual orientation.

In violation of 18 U.S.C. § 249(a)(2).

1. I have been employed as a Special Agent of the Federal Bureau of Investigation (FBI) for approximately a year and have investigated public corruption and civil rights violations. During my tenure as a FBI Special Agent, I have worked exclusively public corruption and civil rights and have received regular training on the conduct of these investigations. I have a Bachelors of Science degree in Economics from the United States Naval Academy. The facts and information outlined in this affidavit result from a joint investigation conducted by the FBI and the Springtown Police Department.

The information in this affidavit is based upon my personal knowledge of the events set forth herein, and information provided to me by other law enforcement personnel, cooperating individuals and other sources of information. Due to this affidavit being submitted for the limited purposes of obtaining a complaint and arrest warrant, I do not include every fact known to me or other law enforcement personnel concerning this investigation, but set forth only those facts that I believe are necessary to establish probable cause.

2. MeetMe.com is a social networking site that anyone over the age of thirteen can join. It is web-based and is also available for use on cellular phones with internet capability through a web application ("app"). The site and the app use GPS technology to indicate the city where a user is located, and the user's location is visible to other users. The site is intended as a way to meet new friends near the user, although it is often used as a dating site. As such, users indicate their sexual preferences on their profiles. A user's profile contains biographical information and photographs, and it allows users to send messages to each other in real time. Users can communicate, by exchanging typed messages, directly with one another through the MeetMe app on their cellular phones. This message exchange through the cellular phone app is called "chatting."

3. In the early morning hours of September 2, 2013, A.K., who is an adult residing with his family in Springtown, Texas, accessed MeetMe.com through an app on his cellular phone.

A.K. connected with Brice Johnson, who also resides in Springtown, Texas. A.K. and Brice Johnson began to chat with each other through the messaging feature of MeetMe app. The two had never chatted prior to that occasion. A.K.'s Meetme.com page indicated that he was a gay man, while Johnson's page indicated he was not gay. However, after the two men chatted for some period of time, the conversation turned sexual, and Johnson indicated that he was interested in engaging in sexual activity with A.K. He invited A.K. to come to his home, and gave A.K. his cellular phone number. Johnson and A.K. then exchanged a series of explicit text messages regarding sexual activity they planned to engage in, and Johnson gave A.K. directions to his house. Johnson's texts encouraged A.K. to hurry over.

4. When A.K. arrived, Johnson told him where to park but delayed several minutes coming outside to greet A.K. At approximately 5:30 a.m., Johnson came outside and met A.K. They had a brief interaction, before Johnson severely beat A.K. He then put A.K. into the trunk of A.K.'s car and drove him to a family friend's house. A.K. remained in the trunk of his car for at least 30 minutes, but the trunk was open. Based on the ligature marks on A.K.'s wrists and according to witnesses, it appears A.K. had been bound with an electrical cord. A.K. was coming in and out of consciousness and calling for help while at this location. Individuals at the home told Johnson that he must take A.K. to the hospital. A.K. was eventually moved into the backseat of his car, and Johnson finally drove him to an Emergency Medical Services (EMS) station in Springtown at approximately 7:00 a.m. on September 2, 2013.

5. After Johnson dropped A.K. off at the EMS station, Lt. Curtis Stone of the Springtown Police Department drove Johnson home, and Johnson agreed to voluntarily speak to him. During Johnson's first voluntary statement, he said he found A.K. beaten and in the trunk of A.K.'s car, and he saw a black truck driving away.

6. On September 3, 2013, Johnson gave another voluntary statement to Lt. Stone and Parker County Investigator R. Pawley. In this statement, Johnson admitted that he invited A.K. over to his house and they were outside by A.K.'s car talking. He said A.K. grabbed Johnson's penis, and Johnson said, "Dude, what's your problem." A.K. said, "Aren't you gay?" Johnson said no, and he hit A.K. "about five times." During the interview, Johnson insisted he was not gay, and while he admitted to participating in the sexual communications on the website MeetMe.com, he did not think they were "for real." Johnson stated that after hitting A.K., Johnson then blacked out. The next memory Johnson claimed to have was observing A.K. bleeding on the ground. Johnson said that he believed A.K. was dead. He put A.K. into the trunk of A.K.'s car, and drove A.K.'s car (with A.K. still in the trunk) to Johnson's family friend's house. Shortly thereafter, Johnson transported A.K. to the EMS station. Johnson has never alleged that A.K. fought him, and was uninjured.

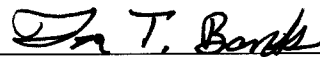
7. A.K. was hospitalized for ten days at Harris Methodist Hospital in Fort Worth, where he was diagnosed and treated for multiple skull and facial fractures. A.K.

stated that he did not grab Johnson's penis nor did he have any physical contact with Johnson prior to the attack.

8. Johnson was ultimately arrested for Aggravated Assault by Lt. Stone on September 10, 2013.

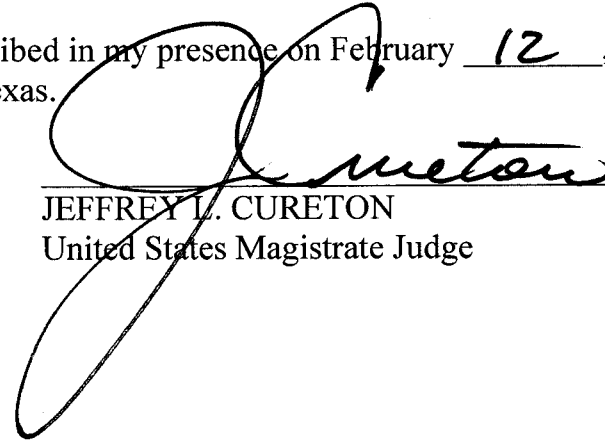
9. In recorded jail calls, Johnson provided some of his family members with an explanation of the beating similar to what he provided to law enforcement on September 3, 2013. However, Johnson added during one call, in part: "I invited this guy over, right, at first it was basically like a joke that went too far and too wrong. I invited him over because he was a fagg or whatever." The investigation also revealed that on the night of the incident, Johnson saved A.K.'s cellular phone number into his cellular phone under the contact name "fagg bagg."

10. Based upon the above information, I have probable cause to believe that Brice Johnson has violated Title 18, U.S.C. § 249(a)(2), in that on or about September 2, 2013, he willfully caused bodily injury to the victim, who is gay, because of the victim's actual and perceived sexual orientation.



Forest T. Banks
Special Agent
Federal Bureau of Investigation

Sworn to before me, and subscribed in my presence on February 12,
2014 at 12:20 a.m., in Fort Worth, Texas.
pm



JEFFREY L. CURETON
United States Magistrate Judge