

Magistrate Judge Mary Alice Theiler

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

TROY DEACON BURNS,

Defendant.

CASE NO.

MJ15-342

COMPLAINT for VIOLATION
Title 18, U.S.C. Sections 249(a)(2)

BEFORE, Mary Alice Theiler, United States Magistrate Judge, U. S. Courthouse,
Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT ONE

(Commission of a Hate Crime)

On or about January 25, 2015, at Seattle, within the Western District of
Washington, TROY DEACON BURNS did willfully attempt to cause bodily injury to
J.O. through the use of a dangerous weapon, to wit: a knife, which had traveled in
interstate and foreign commerce, because of J.O.'s actual and perceived sexual
orientation.

All in violation of Title 18, United States Code, Section 249(a)(2).

1 And the complainant states that this Complaint is based on the following
2 information:

3 1. I, Matthew Yeager, am currently employed as a Special Agent with the
4 Federal Bureau of Investigations (FBI). I joined the FBI in 2008 and am currently
5 assigned to the Joint Terrorism Task Force. I have a juris doctorate degree from the
6 Florida State University College of Law. Prior to working for the FBI I worked as an
7 attorney for the 2nd Judicial Circuit of Florida. In my current capacity, I am responsible
8 for investigating a variety of federal crimes including civil rights violations.

9 2. The information contained herein is based upon my own personal
10 knowledge, information provided to me by other law enforcement officers, my review of
11 police reports, investigation conducted by others, and information related to me by others
12 with personal knowledge of this investigation. I have also participated in conducting
13 background investigations, including criminal histories, pertaining to the investigation for
14 the offense described above. As a result, I am familiar with all aspects of this
15 investigation. I have not included each and every facet known to me concerning this
16 investigation but only those facts pertinent to establish probable cause that TROY
17 BURNS committed a federal hate crime in violation of Title 18, United States Code,
18 Section 249(a)(2).

19 3. On January 25, 2015, at approximately 12:30 am, J.O., M.W., and D.T.,
20 who are gay, were walking on East Pike Street toward Broadway in the Capitol Hill
21 neighborhood of Seattle, Washington. As they crossed the street, they heard someone
22 yell "f_cking faggots." When the men turned around they saw the defendant, TROY
23 DEACON BURNS, standing about ten feet behind them. BURNS was in an agitated
24 state and looked at the men in a menacing manner. BURNS made eye contact with them
25 and repeated the slur yelling "Yes, f_cking faggots." J.O., M.W., and D.T. noticed that
26 BURNS was holding a knife at his waist level. D.T. overheard BURNS say "I'll fucking
27 stab you." BURNS then flipped the hood of his sweatshirt over his head, raised the knife
28 so it was in a stabbing position, and ran toward the three men.

1 4. Fearing for their safety, J.O., M.W., and D.T., took off running. M.W. was
2 ahead of J.O. When he looked back, he saw BURNS run up behind J.O. with the knife in
3 a stabbing position and heard him say "I'll stab you in the back of the neck, you fat
4 faggot." M.W. ran back and pulled J.O. away from BURNS.

5 5. D.T. ran toward Broadway and to two Seattle Police officers, Vaughn
6 McKee and Mika Harmon. D.T. frantically told the officers that they were being
7 attacked by a man with a knife. The officers saw BURNS chasing J.O. The officers
8 drew their weapons and told BURNS to get on the ground. Upon seeing the officers,
9 BURNS immediately put the knife away in his pocket and began walking toward the
10 officers stating that he had not done anything.

11 6. The officers arrested BURNS. During the arrest, BURNS denied having a
12 knife or having done anything wrong. When the officers searched BURNS incident to
13 arrest, they recovered a spring assisted pocket knife with a three inch blade. The knife
14 was manufactured by Kershaw.

15 7. J.O., M.W., and D.T. were extremely scared as a result of the incident.
16 They stated they had never seen or had any interaction with BURNS prior to the attack.
17 Based upon BURNS' slurs toward them and the lack of any other motive, they believed
18 that BURNS attacked them because they were gay.

19 8. The officers noted that BURNS was intoxicated and/or under the influence
20 of a substance but was coherent and appeared oriented. While inside the police vehicle,
21 BURNS remained agitated and yelled out "faggots." The victims were standing nearby
22 when BURNS yelled out the slur.

23 9. BURNS was advised of his *Miranda* rights and then transported to the
24 precinct to be booked. While at the precinct, BURNS agreed to speak with the officers.
25 He denied attacking the victims and claimed that he had come to Capitol Hill to help a
26 friend sell methamphetamine. He also stated that after seeing his friend in a fight he left
27 him and was then arrested.
28

