

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

United States of America

v.

Charles E. Butler, Jr.  
Robert A. Paschalis

Case No.

3:16 MJ 5221

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 18 - May 23, 2016 in the county of Lucas in the Northern District of Ohio, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 249(a)(1)	Hate Crime Act

This criminal complaint is based on these facts:  
See attached affidavit

FILED  
2016 JUL 29 AM 9:25  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
TOLEDO

Continued on the attached sheet.

Complainant's signature

Ian Moore, Special Agent FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: July 29, 2016

City and state: Toledo, OH

Judge's signature

James R. Knepp II, U.S. Magistrate Judge

Printed name and title

3:16 MJ

FILED  
2016 JUL 29 AM 9:25  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
TOLEDO

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA )

v. )

CHARLES BUTLER and )  
ROBERT PASCHALIS )

Criminal No. )

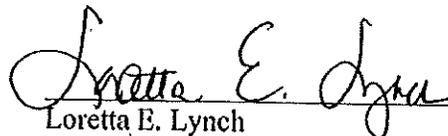
Violations: 18 U.S.C. §§ )  
249(a)(1) and 2 )

3:16 MJ 5221

CERTIFICATE OF THE ATTORNEY GENERAL

I, Loretta E. Lynch, hereby certify prosecution by the United States of CHARLES BUTLER and ROBERT PASCHALIS, for violating Title 18, United States Code, § 249(a)(1), by willfully causing bodily injury to A.W. or about May 18, 2016, both because the state has requested that the federal government assume jurisdiction and because it is in the public interest and necessary to secure substantial justice. This certification is made pursuant to Title 18, United States Code, § 249(b)(1)(B) and (D).

Signed the 27<sup>th</sup> day of July, 2016.

  
Loretta E. Lynch  
Attorney General  
Department of Justice



IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

FILED  
2016 JUL 29 AM 9:25  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
TOLEDO

IN THE MATTER OF COMPLAINT AND :  
ARREST WARRANTS FOR :  
CHARLES E. BUTLER, JR., and :  
ROBERT A. PASCHALIS :

Case No. 3:16 MJ 5221

**AFFIDAVIT IN SUPPORT OF  
CRIMINAL COMPLAINT AND ARREST WARRANTS**

I, Ian J. Moore, Special Agent (SA) of the Federal Bureau of Investigation (FBI), hereinafter referred to as Affiant, being duly sworn, under oath, state as follows:

**INTRODUCTION**

1. Affiant is an investigative or law enforcement officer of the United States within the meaning of Section 2501(7) of Title 18, United States Code, in that Affiant is empowered by law to conduct investigations of, and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code.

2. Affiant has been a Special Agent with the FBI since September 20, 2015 and is currently assigned to the Toledo Resident Agency ("TRA") within the Cleveland Division of the FBI. Affiant is assigned to investigate white collar crime. Affiant's educational background includes study in the fields of Criminal Justice and Law. Prior to entry on duty with the FBI, the Affiant served as a commissioned officer in the United States Army, with a total of nearly twelve years of military service. Since 2015, Affiant has received training and experience in interviewing and interrogation techniques, arrest procedures, search and seizure, search warrant applications, and various other crimes and investigation techniques.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, officers, and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested criminal complaint and arrest warrants, and does not set forth all of my knowledge about this matter.

4. Specifically, the facts contained herein establishes probable cause that Charles E. Butler, Jr., and Robert A. Paschalis violated the Hate Crime Act, Title 18, United States Code, Section 249(a)(1).

3:16 MJ 5221

PROBABLE CAUSE

**A. The Assault**

5. On May 18, 2016, A.W. was loading items into the back of his pickup truck in front of his residence at Lagrange and N. Michigan Streets, in the city of Toledo, Ohio. Charles E. Butler, Jr., and Robert A. Paschalis, the defendants, drove past A.W. on the side of the road in a black GMC pickup truck displaying a small Confederate flag sticker on the rear of the vehicle. The vehicle was later confirmed to be a GMC truck, Ohio Plates GVE 7457, registered to Butler. All parties confirmed that Butler and Paschalis had no prior contact with A.W.

6. According to the victim, within minutes after the initial pass, Butler and Paschalis circled back outside of A.W.'s residence. Butler and Paschalis immediately exited their vehicle, approached A.W., and started a confrontation. Butler grabbed a broom from the back of A.W.'s pickup truck and began striking A.W. According to A.W., both Butler and Paschalis attacked him for over a minute until two bystanders and two off-duty Ohio Public Safety Officers broke up the fight and apprehended Butler and Paschalis. During the altercation, A.W., in self-defense, grabbed a baseball bat out of his truck and struck Butler a few times. A.W. said that he did not say or do anything to provoke them, and that Butler yelled racial slurs at him during the attack by calling him a "nigger." A.W. said that Paschalis called him a "faggot."

7. Video surveillance from Josephine's Kitchen, a business adjacent to A.W.'s residence, corroborated A.W.'s recollection of the events, including that Butler and Paschalis attacked A.W. without provocation.

8. Butler, Paschalis, and A.W. all went to the hospital. Paschalis had only minor scrapes and bruises, Butler was treated for a laceration on his head, and A.W. was treated for an orbital fracture and damage to his right eye. A Toledo police detective responded to the hospital to get statements from all the parties. Butler and Paschalis left the hospital before the detective arrived. A.W. gave the statement summarized above.

9. The FBI interviewed both bystanders who assisted A.W. during the altercation. Witness 1 and his father own a mechanic shop near the area of the altercation. On May 18, 2016, Witness 1 and his friend, Witness 2, were present at the shop. Witness 2 is active duty in the U.S. Navy and was home on leave. While Witness 1 was taking out the trash in the back of the shop, he heard a loud squeal out front as if tires were locking. He said that Witness 2 was in front of the store and motioned for Witness 1 to come. By the time Witness 1 reached the front of the store and could see the individuals involved, Butler and Paschalis were attacking A.W. Witness 1 said that he and Witness 2 assisted until the off-duty officers arrived. Witness 1 did not hear any words exchanged as the altercation caused all of the individuals to be out of breath. According to Witness 1, Witness 2 told him in the aftermath of the incident that he, Witness 2, had clearly heard Butler call A.W. a nigger as they exited the vehicle.

3:16 MJ 5221

10. Witness 2 has since been redeployed to his duty station on an aircraft carrier; he was interviewed by telephone. Witness 2 stated that he was in the parking lot of the mechanic shop when he heard brakes squeal and saw a small, black pickup truck come to an abrupt stop. He saw two white men exit the truck, both yelling “nigger” at A.W. He saw Butler grab a broom from A.W.’s truck and begin assaulting A.W. According to Witness 2, A.W. did his best to defend himself, including trying to use a baseball bat. Witness 2 tried to intervene but the assault continued until off-duty officers broke up the fight. Witness 2 did not believe it would have been possible for A.W. to see the Confederate flag sticker on Butler’s truck because it is too small.

11. The two off-duty police officers who observed part of the encounter wrote an incident report that is consistent with the above accounts. They said that they observed an argument in which A.W. “appeared to be fending off [Butler and Paschalis] with an aluminum baseball bat. One of the suspects grabbed a broom from a pickup truck and the two suspects began assaulting the man holding the baseball bat.” The report said that A.W. began swinging the bat in response and hit both Butler and Paschalis.

#### **B. Subjects’ Statements to Law Enforcement**

12. On May 23, 2016, Toledo Police arrested Butler and Paschalis for the attack pursuant to state warrants. Both individuals provided statements after *Miranda* warnings that were audio and video recorded. Paschalis stated that Butler agreed to drive him to his aunt’s house that day. He stated he was on his cellular telephone most of the drive and was startled when Butler suddenly made a U-turn. Paschalis stated he did not hear or see any gesture from A.W. as they drove by him. Paschalis said that Butler later told him that A.W. rose his middle finger at him. Paschalis stated that the whole encounter was avoidable. When asked about the motive or reason for the altercation, Paschalis stated, “If you couldn’t tell, he’s [Butler] extremely racist.”

13. In a separate interview with local police at the time of arrest, Butler stated that he agreed to drive Paschalis to his aunt’s house. As he drove past A.W., he said that A.W. called him a “cracker” because of his Confederate flag and the “Don’t tread on me” sticker on his truck. He did not say that A.W. rose his middle finger at him. Butler stated he turned around, parked the car, and stated, “What did you say you fucking nigger?” Butler stated A.W. hit him first and he was just defending himself. Even when confronted with the video surveillance that did not support his sequence of events, Butler did not change or alter his story. Butler stated that the fight was necessary because he was “in one of those moods.”

#### **C. Evidence of Racial Animus**

14. Butler is a self-identified white supremacist. He has numerous tattoos indicative of white supremacy, including the German War Eagle, a portrait of Adolph Hitler, a Swastika and a Confederate flag.

15. While Butler was serving a prison sentence on an unrelated matter in 2015, the Ohio Department of Rehabilitation and Corrections seized several pieces of white supremacist

3:16 MJ 5221

literature from Butler's cell. Specifically, corrections officers found handwritten notes regarding the Aryan Republic Army, a white supremacist group known throughout the Midwest. This white supremacy group was active in the 1990s and committed several bank robberies. The literature seized included recruiting materials for racial and religious hatred and causing violence throughout the State of Ohio in the name of white Christians (Aryans). There were also instructions on training procedures, paramilitary structure throughout the organization and weapons needed to carry out the mission of the Aryan Republican Army. Prison personnel interviewed Butler after finding such literature and Butler admitted that the papers were written by him and that he wanted to restart the Aryan Republican Army which had been inactive since the 1990s.

16. A search of social media revealed similar evidence of Butler's white supremacy ideology and the fact Paschalis and Butler were Facebook friends. Butler's Facebook page is filled with photographs and posts of Adolf Hitler, burning crosses, Nazi war eagles, Aryan Nationalist Alliance logos, Confederate flags, the Ku Klux Klan, references to President Obama as a monkey, and various white pride symbols.

17. Butler made two Facebook posts related to this altercation. On May 18, Butler posted a photograph showing his head with bandages on a bloody wound with the caption,

Nigger running his mouth but like a bitch he grab a bat... Im in the E.R. so his the nigger. His got broken ribs. I'm fine...just a lil pissed cuz the cops showed up while me and my brother was kicking his ass.

18. The next day, Butler posted a photograph showing his head laceration (without bandages) and with the caption,

I just took this pic a sec ago...Hell as u can c I'm fine....More scores to add to my war book of the White Man. MLLH&R<sup>1</sup> 14/88.<sup>2</sup> I'm a warrior and fight till the death.. DEATH B4 DISHONOR". All in the name of the White Race. My battle wounds will heal but I've lived to fight another day.

19. On May 27, 2016, FBI executed a search warrant at the defendants' residence at 1035 N. Michigan Street, Toledo, Ohio. Law enforcement found white supremacy materials in an outside trash can that was next to the home.

---

<sup>1</sup> This is believed to be an acronym for Much Love, Honor & Respect.

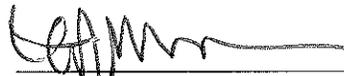
<sup>2</sup> 14/88 is a term recognized by white supremacists. Fourteen represents the 14 words written by David Lane, "We must secure the existence of our people and a future for white children." Eighty-eight is a reference to the eighth letter in the alphabet, H, to represent HH or "Hail Hitler."

3:16 MJ 5221

CONCLUSION

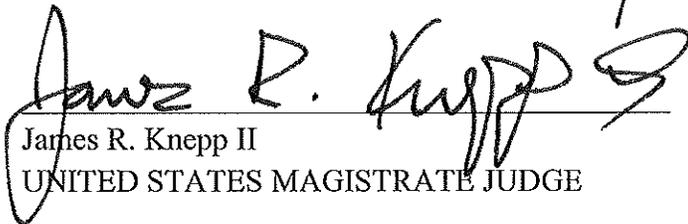
Based on the forgoing, I request that the Court find probable cause that Charles E. Butler, Jr., and Robert A. Paschalis violated Title 18, United States Code, Section 249(a)(1), and to issue arrest warrants.

Respectfully submitted,



Ian J. Moore  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me on July 29, 2016



James R. Knepp II  
UNITED STATES MAGISTRATE JUDGE