

AO (Rev. 5/85) Criminal
Complaint

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA
vs.
BRIAN JAMES HOLLAND

**FIRST AMENDED CRIMINAL
COMPLAINT**

CASE NUMBER: 3:18-mj- 1076-JBT

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 February 27, 2018, within the special maritime and territorial jurisdiction of the United States, on a foreign vessel during a voyage having a scheduled departure from and arrival in the United States, the defendant, BRIAN JAMES HOLLAND, a national of the United States, did knowingly cause the victim, I.R., a national of the United States, to engage in a sexual act, to wit, the penetration of the genital opening by a finger, by the use of force against I.R., in violation of 18 U.S.C. § 2241(a) and 18 U.S.C. § 7(8).

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this Complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: Yes No


Signature of Complainant
Kurt S. Limpert

Sworn to before me and subscribed in my presence,

March 5, 2018

at

Jacksonville, Florida

JOEL B. TOOMEY
United States Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

FIRST AMENDED CRIMINAL COMPLAINT AFFIDAVIT

I, Kurt S. Limpert, being duly sworn, hereby declare as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed for twelve (12) years. As such, I received extensive training at the FBI Academy in the area of criminal investigations, and I have received specialized training in the investigations of violent crimes and crimes against children. My responsibilities as an FBI Special Agent include, among other things, collecting intelligence and conducting criminal investigations. I am currently assigned to the Jacksonville Field Division. Prior to being an FBI Special Agent, I was a Federal Air Marshal for approximately four (4) years. Prior to that, I served as a Police Officer for the City of Raleigh, North Carolina, as a patrol officer for approximately three (3) years.

2. The information set forth herein is provided solely for the purpose of establishing probable cause in support of a criminal complaint charging BRIAN JAMES HOLLAND ("HOLLAND") with aggravated sexual abuse by force, in violation of 18 U.S.C. § 2241(a). Because this Affidavit is submitted for the limited purpose of establishing probable cause for the criminal complaint, it does not include all the details of the investigation of which I am aware.

3. The statements contained in this Affidavit are based in part upon the investigation that I have personally conducted, upon information provided to me by other law enforcement officers and civilians, and on my experience and background as a Special Agent with the FBI.

4. Based upon information received from Carnival Cruise Lines' security department, I began an investigation into allegations that HOLLAND, a passenger onboard the Carnival Cruise Line vessel, Elation, was involved in an incident of sexual abuse by force on February 27, 2018. I was further informed that the allegations concerned a female, I.R., an eighteen-year-old passenger aboard Elation.

5. Based upon the medical report following I.R.'S report of sexual abuse, from the ship's doctor, Vusumi S. Mbuthuma, M.D., that I reviewed, I learned that I.R.'S grandmother and legal guardian, J.C., told Dr. Mbuthuma that I.R. is developmentally challenged and has the mental capacity of a twelve (12) year old.

6. On March 1, 2018, an interview by the Child Protective Team (CPT) was conducted of I.R. and recorded. Based upon my review of the CPT interview of I.R. and Dr. Mbuthuma's report, dated February 27, 2018, I learned the following:

- a. I.R. reported that on or about February 27, 2018, at approximately 5:15 p.m. local time, while at sea, she was in a Jacuzzi with multiple people and a white man I.R. later identified as HOLLAND was sitting next to her. HOLLAND appeared drunk according to I.R., and got out of the Jacuzzi several times to get a new can of beer, then got back into the Jacuzzi next to I.R.
- b. I.R. said that HOLLAND put his arm around her, after which she attempted to move further away from HOLLAND. I.R. said that HOLLAND put his hand on her shoulder and pulled her back toward him.
- c. I.R. stated that HOLLAND put his hand on her leg, then he put his hand on her vagina over her bathing suit, after which she pushed his hand away.
- d. I.R. also stated that HOLLAND then put his hand under her bathing suit bottom and inserted his fingers into her vagina.
- e. I.R. stated that HOLLAND then got out of the Jacuzzi and when I.R. got out, HOLLAND approached her and said "I want to see you again."

f. I.R. said she then walked to her cabin and changed out of her bathing suit, and walked to the dining area to attempt to locate her grandmother.

g. I.R. then walked to Guest Services and had her grandmother paged.

h. I.R.'S grandmother, J.C., met I.R. at Guest Services and I.R. told her what happened.

i. I.R. said that J.C. took her to the ship's Medical Center and had Dr. Mbuthuma give her a complete physical examination. According to the medical report, this examination was conducted at 6:34 p.m. local time.

7. I spoke to Dr. Mbuthuma, who conducted the physical examination on I.R., and he concluded that there were abrasions inside her vagina that were consistent with digital penetration of the vagina by force.

8. On March 1, 2018, when the Elation returned to Jacksonville, Florida, agents in my office interviewed HOLLAND at the FBI Jacksonville office located at 6061 Gate Pkwy North, Jacksonville, Florida, 32256.

9. I spoke with the Carnival security department and confirmed that the Elation is a foreign vessel, registered in Panama, which departed from Jacksonville, Florida, for the Bahamas on February 24, 2018, and returned to

Jacksonville, Florida on March 1, 2018. Jacksonville, Florida is located in the Middle District of Florida, Jacksonville Division.

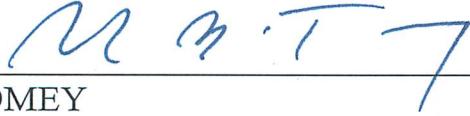
10. I reviewed the ticket information from Carnival for the victim, I.R., and HOLLAND. Both I.R. and HOLLAND are United States citizens. Thus, this incident of sexual abuse was an occurrence within the special maritime and territorial jurisdiction as defined in 18 U.S.C. § 7(8).

Based on the foregoing facts, I believe there is probable cause to believe that BRIAN JAMES HOLLAND committed the act of aggravated sexual abuse by force, in violation of 18 U.S.C. § 2241(a) and 18 U.S.C. § 7(8).



Kurt S. Limpert, Special Agent
Federal Bureau of Investigations

SWORN TO and SUBSCRIBED before me this 5 day of March, 2018.



JOEL B. TOOMEY
UNITED STATES MAGISTRATE JUDGE