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

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7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA

9 April 2018 Grand Jury

19 CR 1850 AJB

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JOHN TIMOTHY EARNEST,

14 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

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20 The grand jury charges:

21 Count 1

22 On or about April 27, 2019, within the Southern District of
23 California, defendant JOHN TIMOTHY EARNEST intentionally obstructed, by
24 force, victim L.G-K. in the enjoyment of her free exercise of religious
25 beliefs and the offense was in and affected interstate commerce. The
26 acts of defendant JOHN TIMOTHY EARNEST resulted in the death of L.G-K.
27 All in violation of Title 18, United States Code, Sections 247(a)(2)
28 and 247(d)(1).

PGK/SPH/CPH:cms (xxx) (1):San Diego
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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

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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

27 All in violation of Title 18, United States Code, Sections 247(a)(2),
28 247(d)(1), and 247(d)(3).

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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.

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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	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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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.



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