

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**Holding a Criminal Term
Grand Jury Sworn in on 05/02/08**

UNITED STATES OF AMERICA	:	Criminal No.
	:	
	:	Magistrate Number: 1:09-mj-00339-AK
V.	:	
	:	VIOLATIONS:
	:	
JAMES WENNEKER VON BRUNN,	:	18 U.S.C. §1111
	:	(Murder in the First Degree)
	:	22 D.C. Code, §§2101, 4502 (2001 ed.)
	:	(First Degree Murder While Armed)
Defendant.	:	18 U.S.C. §930 (b) & (c)
	:	(Killing in the Course of Possession of a
	:	Firearm in a Federal Facility)
	:	22 D.C. Code, §§ 401, 4502 (2001 ed.)
	:	(Assault With Intent to Kill While Armed)
	:	22 D.C. Code, §§ 3701, 3703 (2001 ed.)
	:	(Bias-Related Crime)
	:	18 U.S.C. § 924(c)(1)(A)(iii)
	:	(Carrying, Discharging, and Possessing a
	:	Firearm During a Crime of Violence)
	:	18 U.S.C. § 245(b)(4)(A)
	:	(Bias-Motivated Interference with
	:	Federally Protected Activities)
	:	18 U.S.C. § 245(b)(4)(B)
	:	(Bias-Motivated Interference with
	:	Federally Protected Activities)

INDICTMENT

The Grand Jury charges that:

COUNT ONE

On or about June 10, 2009, within the District of Columbia, defendant **JAMES WENNEKER VON BRUNN** willfully, deliberately, maliciously, and with premeditation and malice aforethought, did commit murder in the first degree, by killing Stephen Tyrone Johns, within the special maritime and territorial jurisdiction of the United States.

(Murder in the First Degree, in violation of Title 18, United States Code, Section 1111)

COUNT TWO

On or about June 10, 2009, within the District of Columbia, defendant **JAMES WENNEKER VON BRUNN**, while armed with a firearm, purposely and with deliberate and premeditated malice, killed Stephen Tyrone Johns by shooting him with a firearm, thereby causing injuries from which Stephen Tyrone Johns died on or about June 10, 2009.

(First Degree Murder While Armed (Premeditated), in violation of 22 D.C. Code, Sections 2101, 4502 (2001 ed.))

COUNT THREE

On or about June 10, 2009, within the District of Columbia, defendant **JAMES WENNEKER VON BRUNN** knowingly possessed and caused to be present in a Federal facility a firearm, and attempted to do so, with the intent that such firearm be used in the commission of a crime, and in the course of committing such offense killed Stephen Tyrone Johns.

(Killing in the Course of Possession of a Firearm in a Federal Facility, in violation of Title 18, United States Code, Section 930(b) & (c))

COUNT FOUR

On or about June 10, 2009, within the District of Columbia, **JAMES WENNEKER VON BRUNN**, while armed with a firearm, assaulted with intent to kill another. Such criminal act demonstrated the prejudice of **JAMES WENNEKER VON BRUNN**, based on the actual or perceived race and religion of another.

(**Assault With Intent To Kill While Armed**, in violation of 22 D.C. Code, Sections 401, 4502 (2001 ed.), **Bias-Related Crime**, in violation of 22 D.C. Code, Sections 3701, 3703) (2001 ed.))

COUNT FIVE

On or about June 10, 2009, in the District of Columbia, defendant **JAMES WENNEKER VON BRUNN** did unlawfully and knowingly, use, discharge, and carry a firearm during and in relation to, and possessed in furtherance of, a crime of violence which is prosecutable in a court of the United States, that is a violent crime of Murder in the First Degree as set out in Count One of this Indictment, which is re-alleged and incorporated as if fully set forth herein.

(**Using, Discharging and Carrying a Firearm During and in Relation to a Crime of Violence**, in violation of Title 18, United States Code, Section 924(c)(1)(A)(iii))

COUNT SIX

On or about June 10, 2009, in the District of Columbia, defendant **JAMES WENNEKER VON BRUNN** did by force and threat of force and by use of a dangerous weapon, that is a firearm, willfully injure, intimidate, and interfere with, and attempt to injure, intimidate, and interfere with, individuals at the United States Holocaust Memorial Museum in order to intimidate a class of persons, namely, individuals who are, and who are associated with

individuals who are, Jewish, from participating, without discrimination on account of their race and religion in the goods, services, facilities, privileges, advantages, and accommodations of the United States Holocaust Memorial Museum, a place of exhibition which serves the public, resulting in the death of Stephen Tyrone Johns.

(Bias-Motivated Interference With Federally Protected Activities, in violation of Title 18, United States Code, Section 245(b)(4)(A))

COUNT SEVEN

On or about June 10, 2009, in the District of Columbia, defendant **JAMES WENNEKER VON BRUNN** did by force and threat of force and by use of a dangerous weapon, that is a firearm, willfully injure, intimidate, and interfere with Stephen Tyrone Johns because he had been, and in order to intimidate individuals who direct and are affiliated with the United States Holocaust Memorial Museum from, affording opportunity and protection to another person or a class of persons, namely, individuals who are, and individuals who are associated with individuals who are, Jewish, to participate in or enjoy without discrimination on account of their race and religion the goods, services, facilities, privileges, advantages, and accommodations of the United States Holocaust Memorial Museum, a place of exhibition which serves the public, resulting in the death of Stephen Tyrone Johns.

(Bias-Motivated Interference With Federally Protected Activities, in violation of Title 18, United States Code, Section 245(b)(4)(B))

NOTICE OF SPECIAL FINDINGS

- a. The allegations of Counts One, Three, Six and Seven of this Indictment are hereby realleged as if fully set forth herein and incorporated by reference.
- b. As to Counts One, Three, Six and Seven:

(1) defendant **JAMES WENNEKER VON BRUNN** was not less than 18 years of age at the time of the offense (Title 18, United States Code, Section 3591(a));

(2) defendant **JAMES WENNEKER VON BRUNN** intentionally killed the victim (Title 18, United States Code, Section 3591(a)(2)(A));

(3) defendant **JAMES WENNEKER VON BRUNN** intentionally inflicted serious bodily injury that resulted in the death of the victim (Title 18, United States Code, Section 3591(a)(2)(B));

(4) defendant **JAMES WENNEKER VON BRUNN** 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 this offense, and the victim died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C));

(5) defendant **JAMES WENNEKER VON BRUNN** 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 (Title 18, United States Code, Section 3591(a)(2)(D));

(6) defendant **JAMES WENNEKER VON BRUNN** committed the offenses described in Counts One, Three, Six and Seven previously having been convicted of a crime punishable by imprisonment for a term exceeding one year, in D.C. Superior Court, Criminal Case No. F-7199-81, involving the use of a firearm against another person (Title 18, United States Code, Section 3592(c)(2));

(7) defendant **JAMES WENNEKER VON BRUNN** committed the offenses described in Counts One, Three, Six and Seven and in committing those offenses, knowingly created a

grave risk of death to one or more persons in addition to the victim of the offenses (Title 18, United States Code, Section 3592(c)(5));

(8) defendant **JAMES WENNEKER VON BRUNN** committed the offenses described in Counts One, Three, Six and Seven after substantial planning and premeditation to cause the death of a person and commit an act of terrorism (Title 18, United States Code, Section 3592(c)(9)); and

(9) defendant **JAMES WENNEKER VON BRUNN** committed the offenses described in Counts One, Three, Six and Seven and intentionally killed and attempted to kill more than one person in a single criminal episode (Title 18, United States Code, Section 3592(c)(16)).

A TRUE BILL

FOREPERSON.

ACTING ATTORNEY FOR THE UNITED STATES IN
AND FOR THE DISTRICT OF COLUMBIA