

**AFFIDAVIT IN SUPPORT OF ARREST WARRANT**

I, Julie M. Shields, Special Agent, Federal Bureau of Investigation (“FBI”), having been duly sworn, depose and state as follows:

**I. INTRODUCTION**

1. I am a Federal Agent, authorized to investigate violations of the laws of the United States, and I am a law enforcement officer with authority to execute arrest and search warrants issued under the authority of the United States.
2. I have been a Special Agent (“SA”) with the FBI for approximately eleven and a half years and I am currently assigned to a white collar crime squad at the Washington Field Office, located in Washington, D.C. Prior to my assignment to the Washington Field Office, I was assigned to a white collar crime squad in the New Orleans Field Office, and to FBI Headquarters. White collar crimes are considered by the FBI to be those illegal acts characterized by fraud, concealment, or a violation of trust and that are not dependent upon the application of threat of physical force or violence. I have attended numerous training programs regarding white collar crime investigations and I have significant experience investigating this type of crime. Since 1998, I have been assigned as case agent on numerous white collar crime investigations involving violations of federal law that include, but are not limited to, public corruption, government fraud, bribery and conspiracy.
3. The information set forth in this Affidavit is known to me as a result of an investigation personally conducted by me and by other law enforcement agents. Thus, the statements contained in this Affidavit are based in part on information provided by Special Agents (“SAs”) and other employees of the FBI; SAs from the U.S. Department of Education,

Office of Inspector General (“ED-OIG”); officials from the Ashland County [Ohio] Prosecuting Attorney's Office; and officers of the Ashland [Ohio] Police Department.

Statements are also based in part on the review of records obtained by federal grand jury subpoenas, documents gathered during the course of the investigation, interviews, surveillance, and on my experience as a Special Agent.

4. This Affidavit is being submitted for the limited purpose of supporting a criminal complaint and establishing probable cause to obtain an arrest warrant. Thus, I have not set forth each and every fact learned during the course of the investigation.
5. This Affidavit is respectfully submitted in support of:
  - a. A Criminal Complaint and Arrest Warrant for DAVID COPELAND-JACKSON (a.k.a. “Xavier Justice”),<sup>1</sup> date of birth XX XX, 1972<sup>2</sup>; Social Security Number

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<sup>1</sup> Throughout this affidavit and the accompanying Arrest Warrant and Criminal Complaint the Government has elected to use the name “David Copeland-Jackson” to refer to the individual being charged in this case. While he was on parole and listed on the District of Columbia’s Registered Sex Offender’s Database, COPELAND-JACKSON filed a petition with the Superior Court of the District of Columbia to have his name legally changed to “Xavier Justice.” See Case No. 04CA6636. On November 8, 2004, Superior Court Judge Ronald P. Wertheim signed an order certifying the name change. For reasons the Court was unable to explain, all of the documents in that court file were missing when your affiant sought to review it in February 2009. However, your affiant was able to obtain what purported to be photocopies of his name change application from a friend of COPELAND-JACKSON’s who assisted him with some of his legal and banking matters while COPELAND-JACKSON was in prison. In his application for the name change, COPELAND-JACKSON included (a) a copy of a birth certificate which listed his name at birth as David Booker Copeland II, (b) a Social Security Card and Ohio Driver License which listed his name as David B. Copeland-Jackson, and (c) another Social Security Card, with the same number, which listed his name as Xavier Sovereign Justice. During an interview on May 1, 2009, COPELAND-JACKSON told SAs from ED-OIG and the Postal Inspection Service that the name, “JACKSON,” was attached to his last name by his step-father and because of a mix-up at the hospital where COPELAND-JACKSON was born. He told agents he changed his name five years ago from David B. COPELAND-JACKSON to Xavier Justice for religious reasons. If COPELAND-JACKSON’s name change on November 8, 2004 was legally effective, it is not clear why he filed the federal lawsuit in 2007, that resulted in this

XXX-XX-6954; believed to be last residing at [omitted address in Washington, D.C.] The facts and circumstances set forth in this affidavit demonstrate that there is probable cause to believe that, among other laws, COPELAND-JACKSON has violated Title 18, United States Code Sections 371 (Conspiracy to Commit Offenses Against the United States), 1623 (Perjury), and 1503 (Obstruction of Justice).

## **II. SUMMARY OF INVESTIGATION**

6. DAVID COPELAND-JACKSON, aka XAVIER JUSTICE, was born on XX XX, 1972 and has Social Security Number XXX-XX-6954. COPELAND-JACKSON resides at [omitted address in Washington, D.C.]
7. PETER JOHN BRANDEL, SR., was born on XX XX, 1938 and has Social Security Number XXX-XX-2100. BRANDEL resides at [omitted address in Mansfield, Ohio.] BRANDEL's last known employer was Conklin Company, Inc., where he worked as a part-time sales associate selling lubricants. BRANDEL was released from state prison in May 2009 after serving six months for a conviction on state court charges related to his involvement in the scheme described more fully below. BRANDEL was arrested on a Criminal Complaint on June 11, 2009, based on an affidavit nearly identical in substance

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criminal investigation, listing his name as COPELAND-JACKSON – rather than Xavier Justice. To avoid confusion, and because nearly all of the relevant documents in this case refer to his name as COPELAND-JACKSON, the Government believes using the name will limit confusion.

<sup>2</sup> To comply with the E-Government Act of 2002, your affiant has attempted to redact all Social Security Numbers leaving only the last four numbers, removed the month and day of all dates of birth and removed the specific street address when describing the home address of all individuals.

to this affidavit. BRANDEL was released on bond after an initial appearance in this district before United States Magistrate Judge John M. Facciola on June 22, 2009. See United States v. Brandel, Case Number 1:09-mj-00338-JMF. BRANDEL is awaiting a preliminary hearing scheduled for July 17, 2009.

**Conspiracy to make false statements, commit perjury and obstruction of justice**

8. On June 16, 2000, in Common Pleas Court, Ashland, Ohio, COPELAND-JACKSON pleaded no contest to two counts of Gross Sexual Imposition of two minor boys, and was later sentenced to two consecutive 18-month sentences. According to court records, at the time of the incident to which he pled guilty, COPELAND-JACKSON was a teacher or person of authority serving at Glenwood Christian Academy, located in Ashland, Ohio. The two minors were enrolled in this school. COPELAND-JACKSON was released from prison on or about December 23, 2003, and remained on parole until November 9, 2008. In May 2004, he moved to Washington, D.C. to live with his mother. According to the terms of his "Sex Offender Special Conditions," while on parole, Copeland-Jackson was prohibited from having any contact with the victims of his offense, including Joe C.<sup>3</sup>, Joshua H. "OR THEIR FAMILIES."
9. On June 22, 2007, a civil action was filed in United States District Court for the District of Columbia, by COPELAND-JACKSON against Joe C., one of the minor victims from the above referenced case, which alleged defamation (hereinafter referred to as "the federal lawsuit"). Specifically, the Complaint alleged Joe C. made false comments to

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<sup>3</sup> To shield the identity of the two minor victims of COPELAND-JACKSON'S sex crime, the initials Joe C. and Joshua H. will be used in place of their real names throughout this affidavit, including in quotations.

third parties that COPELAND-JACKSON engaged in "certain homosexual activities" with Joe C. COPELAND-JACKSON demanded a judgement against Joe C. for \$3 million, plus costs, fees, and interest. A review of documents filed by COPELAND-JACKSON in the federal lawsuit revealed there was no reference to the fact that COPELAND-JACKSON was convicted in Ohio of two counts of Gross Sexual Imposition for doing the very acts, for which his lawsuit claimed he was a victim of alleged defamation.

10. The federal lawsuit, Copeland-Jackson v. Joe C., District Court No. 1:07-cv-01124, was assigned to United States District Court Judge Ellen S. Huvelle, of the District of Columbia (hereinafter "the Court"). In support of the federal lawsuit against Joe C., COPELAND-JACKSON and BRANDEL produced and/or submitted to the Court numerous documents that your affiant believes contained materially false statements.
11. On June 29, 2007, a document titled "Summons in a Civil Case," (Docket No. 2) was received and filed by the Court. On page two of that document, BRANDEL completed the "Return of Service" section, by checking the box indicating that he personally served the Summons and Complaint on the defendant at "[omitted address in Ashland, Ohio]" the residence of Joe C., on June 23, 2007. At the bottom of page two of the document, under the heading, "Declaration of Server," which stated, "I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct," BRANDEL signed his name and indicated the document was executed on June 26, 2007. The investigation determined that this document contained material false declarations

because evidence showed BRANDEL never served a copy of the federal lawsuit on Joe C.

12. On July 5, 2007, a document titled "Amended Complaint" (Docket No. 4), was received and filed by the Court. On page two of this document, COPELAND-JACKSON signed his name under the "Certification" section which stated, "Pursuant to section 1746 of title 28 of the United States Code, I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct." COPELAND-JACKSON also signed under the "Proof of Service" section which stated, "I, David Copeland-Jackson, do hereby certify that a true copy of this amended complaint was sent by ordinary mail with postage pre-paid to Joe C. at [omitted address in Ashland, Ohio] on this 25 day of June 2007." Attached to this document at page 3, was a document labeled "Exhibit 1," and titled "Affidavit of Joe C." (pages 3- 4 of Docket No. 4). The investigation determined that this document contained material false declarations because evidence shows (a) COPELAND-JACKSON did not mail or send the document to Joe C., and (b) Joe C. did not write, had never seen and did not sign the two-page affidavit presented to the Court as having been signed by Joe C.
13. The first page of the "Affidavit of Joe C." contained six paragraphs of statements, with paragraph six stating "I willfully lied, did not tell, or otherwise purposely misrepresented the truth when I told Peter Brandel, Robert R., and Paul T.<sup>4</sup>, and other people that David Copeland-Jackson had performed oral sex on, and engaged in other sexual activities with,

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<sup>4</sup>To protect the identities of these uncharged individuals, their names have been shortened throughout this affidavit, including in quotations, to "Robert R." and "Paul T."

Joshua H. and me." Robert R. and Paul T. were officials at Glenwood Christian Academy in November 1999 where Joe C. was a 14-year-old student at the time of COPELAND-JACKSON's earlier crime and were identified as potential witnesses for the government in the criminal case brought by the State of Ohio against COPELAND-JACKSON referenced in paragraph 8 above. The second page of the "Affidavit of Joe C." contained the statement, "Further, Affiant sayeth nought" followed by the signature, "Joseph P. C." [Last name omitted], and the date of May 8, 2007. Below that was a notarization of the document by a notary public from the State of Ohio on May 8, 2007.

14. On July 11, 2007, a document titled, "Memorandum to Show Cause Why Venue is Proper in this District, and Why this Court may Exercise Personal Jurisdiction over Defendant, and Why this Suit is Not Barred by the Applicable Statute of Limitations," (Docket No. 7) was received and filed by the Court. Attached to this document was a one-page document titled, "Affidavit of Xavier Justice," (page 4 of Docket No. 7) and a two-page letter dated June 29, 2007 addressed to DAVID COPELAND-JACKSON on stationery that purportedly was from a firm called, "Capitol Investigations" and signed by "Xavier Justice, Chief Investigator." (pages 5-6 of Docket No. 7) The investigation determined that both of these documents contained material false declarations because evidence shows (a) COPELAND-JACKSON legally changed his name to Xavier Justice (see paragraph 16 below) and therefore (b) Xavier Justice could not have sent a letter to COPELAND-JACKSON because they were not separate individuals.
15. The "Affidavit of Xavier Justice" contained five paragraphs and was notarized on July 11, 2007 by a notary public from the District of Columbia. Paragraph one of the "Affidavit

of Xavier Justice" stated in part, "I have known Mr. Copeland-Jackson since 1990 and have been working with him since 2003 on various projects." Paragraph five of the "Affidavit of Xavier Justice" stated, "I have confirmed that Mr. Joe C. has family members living in northwest D.C. at [omitted address in Northwest Washington, D.C.] Mr. Joe C. has worked in D.C. from April to September since 2002. Mr. Joe C. stays with family while he does his seasonal work in the area, and was in D.C. from February to March and June of 2007." The investigation determined that this document contained material false declarations because evidence shows (a) not only was it signed by COPELAND-JACKSON pretending to be a second person named Xavier Justice (see next paragraph), but (b) Joe C. had no known family members living in Washington, D.C. at that time, had never worked in Washington, D.C., and the owner of [the property at the omitted address in Northwest Washington, D.C.] had never rented his residence to anyone related to Joe C.. (See ¶¶ 17 and 29.)

16. A review of documents from District of Columbia Superior Court Civil Division revealed that on November 8, 2004 an Order for Change of Name was granted by Superior Court Judge Ronald P. Wertheim, See Case No. 04CA6636, permitting David Booker Copeland II, to be known as Xavier Justice. On March 11, 2008, and again on May 1, 2009, COPELAND-JACKSON told Special Agents of the FBI and ED-OIG that he changed his name to Xavier Justice.
17. On February 12, 2009, an FBI Agent interviewed Don C.<sup>5</sup>, the owner of a single-family

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<sup>5</sup>To protect the identity of this uncharged individual, his name has been shortened throughout this affidavit, including in quotations, to "Don C."

home, located at [omitted address in Northwest Washington, D.C.] Don C. stated he purchased the property in 2004, which was confirmed by a review of records in the D.C. Real Property Tax Database. Don C. said he resided at that location from 2004 until approximately July 2007, when he moved to a temporary residence until March 2008 while the home was renovated. During the renovation period, Don C. said no one lived in the residence. Don C. has since moved to New York and rented his property to another individual. Don C. stated he does not know Joe C., Xavier Justice, or COPELAND-JACKSON. Based on this, your affiant believes the documents referenced in paragraphs 14 and 15 above contain materially false declarations.

18. On July 13, 2007, a document titled "Additional Support to Memorandum to Show Cause," (Docket No. 8) was received by the Court. It was filed by the Court on July 16, 2007. This document appears to have been submitted by COPELAND-JACKSON and his signature appears on page two of the document. Attached to this document was another document titled, "Affidavit of Peter Brandel," (pages 4-5 of Docket No. 8) which included two attachments, and a document titled, "Affidavit of Barry M.<sup>6</sup>" (pages 10-12 of Docket No. 8).
19. The "Affidavit of Barry M." was a three-page document which included nine numbered paragraphs. The signature "Barry M." appeared on page two and on page three there appeared to be an indication the document was notarized on June 4, 2007; however, there is no notary seal affixed to the page. Paragraph one stated, in part, "I am Barry M. and I

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<sup>6</sup>To protect the identity of this uncharged individual, his name has been shortened throughout this affidavit, including in quotations, to "Barry M."

live at [omitted address in Dale City, Virginia.] I regular (sic) conduct business in Washington, D.C. I am a home investor. I purchase homes, renovate them, and then re-sell them." Paragraph four stated, in part, "In December, 2006 Mr. Copeland-Jackson and I contracted on properties that I purchased in D.C. and that I intended to improve." Paragraphs six through eight stated, in part, that in March 2007, (a) Barry M. received an anonymous hand-written letter that was sent to his "D.C. mailstop box," (b) part of the letter was written on the back of a mass mailer advertisement for Toyota which included an address on "Fessenden Street in Northwest, D.C.", and (c) the letter stated COPELAND-JACKSON was a "homosexual" and had "deviant sexual contact" with two male individuals. The investigation determined that this document contained numerous material false declarations because of the evidence described in the next paragraph.

20. On August 5, 2008, Barry M. was interviewed by FBI Agents. Barry M. was shown a copy of the document titled, "Affidavit of Barry M.," and he stated he had never seen this document prior to the date of the interview and the signature on the document was not his. Barry M. further stated he never had a business such as that described in the document. Barry M. also stated he has not lived at the [omitted address in Dale City, Virginia] since approximately July 2003 or July 2004. Barry M. said he previously lived at that address with Deborah M.<sup>7</sup>, his ex-wife, who is the aunt of COPELAND-JACKSON. Barry M. said he was convicted of rape in 1985 and was in jail from July 11, 2007 until February 2008 for a parole violation. A review of records from the Federal

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<sup>7</sup>To protect the identity of this uncharged individual, her name has been shortened throughout this affidavit, including in quotations, to "Deborah M."

Bureau of Prisons ("BOP"), Inmate Locator Database, revealed that Barry M. was released from BOP custody in January 2008. For all these reasons, your affiant believes the document titled, "Affidavit of Barry M." contains numerous materially false declarations.

21. The "Affidavit of Peter Brandel" was a two-page document which included eight numbered paragraphs. BRANDEL's signature appeared on page two and below his signature the document was purportedly notarized on June 26, 2007 by a notary public from the State of Ohio. Paragraph two stated, in part, "On May 8, 2007 Mr. Joe C. and I were in a conference in relation to an independent, private matter. In the process of discussing that separate issue, Mr. Joe C. stated to me that Mr. Copeland-Jackson was a 'sexual pervert' and had participated in 'deviant sexual activity' with Joshua H. and Mr. Joe C." Paragraph seven stated, in part, "I did witness Mr. Joe C. signing an affidavit also on May 8, 2007 wherein Mr. Joe C. admitted that Mr. Joe C. lied to me, and also to Robert R. and Paul T. when Mr. Joe C. stated that Mr. Copeland-Jackson had sexual activity with Mr. Joe C. and Joshua H."
22. Attached to the "Affidavit of Peter Brandel" was a document titled, "Affidavit of Joe C.," (pages 6-8 of Docket No. 8), a three-page document with all but five of the 15 numbered paragraphs redacted. Page three of the document contained the statement "Further, Affiant sayeth nought," followed by a signature, "Joe C." and the date of May 8, 2007. Below that was a notarization of the document by a notary public from the State of Ohio on May 8, 2007. This affidavit of Joe C. is different from the "Affidavit of Joe C." described in paragraph 12 above, that was attached to the Amended Complaint filed by

COPELAND-JACKSON in the federal lawsuit.

23. On August 8, 2007, the Court, having reviewed all of the documents described above, entered a Judgment (Docket No. 20), signed by United States District Judge Ellen Segal Huvelle, that awarded COPELAND-JACKSON a judgment for \$3 million, plus interest, “for defamation, false light, civil conspiracy, and fraud.”
24. The next day, on August 9, 2007, the Court issued an Order (Docket No. 21), signed by Judge Huvelle, which vacated the Judgment entered the day before. The Court said it vacated the Judgment “based on the information” contained in a letter from the Ashland County Prosecuting Attorney that was received and filed by the Court on August 9, 2007. The letter (page 1 of Docket No. 21-2) and an accompanying affidavit from a Detective Lieutenant with the Ashland Police Department (pages 2-3 of Docket No. 21-2), were attached to Judge Huvelle’s Order, which also ordered COPELAND-JACKSON to produce BRANDEL to appear at a hearing scheduled for August 16, 2007 and “testify under oath as to whether he served defendant [Joe C.] with process in this case as reflected in the affidavit of service dated June 29, 2007.”
25. The affidavit, signed by Ashland Police Department Detective Lt. Geoff Thomas, (hereinafter “the Lt. Thomas Affidavit”), stated that the Ashland Police Department was the investigating agency in the criminal case titled, State of Ohio v. David Copeland-Jackson, filed in the Ashland County common Pleas Court, in which COPELAND-JACKSON was convicted of two counts of Gross Sexual Imposition, a third degree felony. It noted that COPELAND-JACKSON was sentenced to two consecutive 18-month terms of prison as a result. The Lt. Thomas Affidavit stated that Joe C. was one of

the victims of COPELAND-JACKSON's state court sex crime and added that Joe C. "consistently denies ever recanting any of the allegations of sexual assault he's made against David Copeland-Jackson" and that he denied ever being served with a copy of the Complaint filed by COPELAND-JACKSON to initiate the federal lawsuit or with "Defendant's Statement About Defaults," a two-page document received and filed by the Court on July 27, 2007, (Docket No. 16), in which Joe C. purportedly admitted all the allegations made against him by COPELAND-JACKSON. Page two of that document contained two signatures, "Joseph P. C." [last name omitted] and "Joe C.," despite the fact that Joe C. has stated he never saw the document and did not sign the document.

26. On August 6, 2007, the Ashland Police Department interviewed BRANDEL. BRANDEL denied knowledge of any lawsuits filed against Joe C., other than a small claims court lawsuit he filed against Joe C. in the Mansfield [Ohio] Municipal Court, case 07-CVI-1462, Peter Brandel v. Joe C. (hereinafter "the State court lawsuit"). BRANDEL stated this was the only case he ever talked to Joe C. about and is the only case he was aware of in connection with Joe C. BRANDEL further stated he and COPELAND-JACKSON were friends and their friendship commenced when BRANDEL visited COPELAND-JACKSON while COPELAND-JACKSON was in prison. BRANDEL stated he believed COPELAND-JACKSON was "screwed over by the system" and, referencing Joe C., BRANDEL stated he was "going to nail that bastard."
27. On August 16, 2007, COPELAND-JACKSON and BRANDEL appeared at a hearing before Judge Huvelle. During the hearing, BRANDEL was placed under oath (Hearing Transcript, p. 18), and was warned repeatedly by Judge Huvelle that she had concerns

about his truthfulness and potential criminal liability. "Do you understand that you have a Fifth Amendment privilege, Mr. Brandel?" she asked him. (Hearing Transcript, p. 14) She added, "I am telling you that if you have in any way under oath made any statement that is not true, including service of process, you can criminally be prosecuted for a felony and be sent to jail. I have an obligation to warn you of that." (Hearing Transcript, p. 15) Despite these warnings, BRANDEL testified under oath that the Summons he signed under penalty of perjury was accurate in that he did serve a copy of the lawsuit on Joe C.

The Court: ". . . and what did you serve him with?"

BRANDEL: "It was an affidavit, a copy of an affidavit that I signed, and the affidavit from Joe C."

The Court: "The affidavit from Joe C.?"

BRANDEL: "Yes, ma'am."

The Court: "You said you handed Mr. Joe C. some papers in an envelope."

BRANDEL: "Yes."

The Court: "What did you give him?"

BRANDEL: "That was his service."

The Court: "Of what?"

BRANDEL: "Service of the lawsuit against Mister -- that Mr. Jackson was initiating to Mr. Joe C."

The Court: "Is that the lawsuit that is pending in this Court now?"

BRANDEL: "That's my understanding, Your Honor."

COURT: "You didn't look and see what you were serving? You didn't look

at the papers that you were handing him?”

BRANDEL: “I looked at it. It was the lawsuit that Mr. Jackson had against Joe C.”

(Hearing Transcript, pp. 31-32). Later, BRANDEL testified, “I handed him [Joe C.] the envelope. I said, ‘The papers are served.’ I said, ‘This is from Mr. Jackson.’” (Hearing Transcript, p. 35). BRANDEL also testified under oath that Joe C. told BRANDEL he made up the original molestation charges against COPELAND-JACKSON in 2000. “In a low voice, almost like an utterance, he [Joe C.] said, ‘They made me do it, they made me do it.’” (Hearing Transcript, pp. 23-24) BRANDEL’s statements directly contradicted his statements to Ashland Police Department on August 6, 2007, that he had no knowledge of a federal lawsuit COPELAND-JACKSON filed against Joe C. and by statements made by Joe C., who denied ever being served with the Complaint. The investigation to date indicates this statement was one of several in which BRANDEL, while under oath, made material false declarations during the August 16, 2007 hearing before Judge Huvelle.

28. COPELAND-JACKSON, while not under oath at the hearing, was warned repeatedly by Judge Huvelle that she had concerns that he and BRANDEL were “perpetrating a fraud on me and this Court,” and she warned COPELAND-JACKSON, “You have no obligation to say anything, anything. And anything you do say here is being taken down and could be used against you. I find this case to be questionable, if not fraudulent, Sir. . . You never disclosed in any of your pleadings that you were convicted by a jury of actually molesting the defendant.” (Hearing Transcript, p. 5) Despite this warning,

COPELAND-JACKSON made the following statements during the hearing:

- a. "I also am telling you and I'm telling this Court that I have not participated in any fraud. I have not brought any false allegations or false affidavits before Your Honor or attempted to somehow cause a fraud or some sort of sham." (Hearing Transcript, page 6).
- b. "Mr. Joe C. then in fact filed pleadings in this Court. And they are his. They are not mine." (Hearing Transcript, page 8).
- c. "I was advised on May 8, that this defendant [Joe C.] made new statements against me. . . . he then came forward and confessed and admitted that what he said was wrong. . . . He admitted that it [his original allegation in the sex case] was false. Now, I had a very well, good faith basis to take that affidavit and to bring that before this Court." (Hearing Transcript, pages 12-13).
- d. "I have not tried to dupe this Court. . . It is a serious crime. I understand the criminal penalty that can be assessed. I would never do such a thing." (Hearing Transcript, p. 17) .

Your affiant believes these statements contained material false declarations based on my review of the filing of the affidavits of Xavier Justice (see ¶¶ 14-17) and Barry M. (see ¶¶ 18-20), as well as the email messages and other documents found on BRANDEL'S computer (see ¶¶ 41-43), which indicate to your affiant that COPELAND-JACKSON and BRANDEL were involved in a conspiracy to corruptly influence or obstruct the due administration of justice.

29. On September 21, 2007 on the telephone and again on August 25, 2008 in person, FBI Agents interviewed Joe C. Among other things, Joe C. stated: (a) he has no known family members living in Washington, D.C. and he has never worked in Washington, D.C.; (b) he had never been served with a copy of the federal court lawsuit, as claimed by BRANDEL and COPELAND-JACKSON at the hearing and in several pleadings filed in United States District Court; (c) he did not sign nor had he seen either of his purported

affidavits filed in the federal case (See Docket No. 4, pages 3-4 and Docket No. 8, pages 6-8); and (d) he had not seen, nor did he sign "Defendant's Statement About Defaults" (Docket No. 16). Joe C. said the first time he heard from COPELAND-JACKSON after he was convicted of two counts of Gross Sexual Imposition was when Joe C. received a letter from the United States District Court in Washington, D.C., regarding the federal lawsuit. Based on my review of documents Joe C. received from the Court that he provided to your affiant, the first document he received would have been one sent by the Court titled, "Default," (See Docket No. 13). Joe C. said he could not recall the exact date this letter arrived in the mail, but my review of the envelope the document was mailed in shows it was postmarked July 27, 2007. That envelope was received by the Ashland County Prosecutor's Office on or before July 30, 2007, according to a date-stamp on the envelope, provided to your affiant by the state prosecutor in Ohio.

30. Prior to receiving that letter, Joe C. said his only contact with BRANDEL came from a completely unrelated small claims civil action that BRANDEL filed against him in May 2007 in Ohio state Court. (Although unrelated in content to the federal lawsuit, the investigation determined the state court lawsuit was part of the larger conspiracy by COPELAND-JACKSON and BRANDEL to obtain Joe C.'s signature in order to file false documents as part of the federal lawsuit. See ¶¶ 45-46 below.) Joe C. received a Small Claim Notice and Summons in the mail from Mansfield Municipal Court and the accompanying Complaint for the state court lawsuit, described in paragraph 26 above. That Complaint was filed on April 27, 2007 by BRANDEL and stated in part that "in the winter of 2004/spring of 2005," Joe C. entered BRANDEL'S property without permission

and stole mechanics tools and a barbeque grill.

31. After receiving the state court lawsuit, Joe C. wrote a letter to Mansfield Municipal Court, which was filed on May 1, 2007. In his letter, Joe C. said he was falsely accused of the theft which BRANDEL claimed to have taken place during the winter of 2004 or the spring of 2005. Joe C. stated he was arrested on another matter in November 2004 and was incarcerated for 24 months; therefore, he was in jail during the reported theft. In addition, Joe C. stated he did not know who BRANDEL was or where he lived.
32. Records from the Ohio Department of Rehabilitation and Correction and the Ashland County Probation Department confirm that Joe C. was incarcerated between November 24, 2004 and July 5, 2006.
33. Shortly after Joe C. sent the letter to Mansfield Municipal Court, Joe C. said BRANDEL came to Joe C.'s house. Joe C. said BRANDEL introduced himself and told him he was the one who sued him. BRANDEL apologized to Joe C. and said he realized Joe C. could not have stole the tools since Joe C. was in jail at the time of the theft. BRANDEL asked Joe C. to follow him to the courthouse so they could file documents to withdraw BRANDEL's state court lawsuit against Joe C.
34. Joe C. recalled how he followed BRANDEL to a local bank where BRANDEL produced three documents he wanted Joe C. to sign in the presence of a notary. Joe C. read the first couple sentences of one document which had language regarding the withdrawal of the lawsuit. Two of the documents had a small paragraph of text on them and the other document was just a signature page. Joe C. signed, dated, and put his social security number on all the documents while in the presence of the notary. Joe C. said he only

- signed each document once.
35. After signing the documents Joe C. followed BRANDEL to Mansfield Municipal Court. The clerk said she didn't need the documents BRANDEL tried to give her, but instead told BRANDEL to write by hand on a piece of paper that he wished to dismiss the lawsuit. Both BRANDEL and Joe C. signed the piece of paper.
  36. During the course of the above events, Joe C. said BRANDEL never mentioned anything about COPELAND-JACKSON to Joe C. BRANDEL never gave Joe C. any documents related to COPELAND-JACKSON. The first document Joe C. received regarding the federal lawsuit filed against him by COPELAND-JACKSON was mailed to him directly by the United States District Court for the District of Columbia. Joe C. never received anything regarding the federal lawsuit from either COPELAND-JACKSON or BRANDEL.
  37. Based on the facts detailed above, that Joe C. never received any documents from BRANDEL regarding the federal lawsuit in Washington, D.C. and that BRANDEL told a Detective from the Ashland Police Department he had no knowledge of any lawsuits filed against Joe C. other than the state court lawsuit titled, Peter Brandel v. Joe C. (paragraph 26), your affiant believes BRANDEL made material false declarations when he signed the Declaration of Server section of the Summons in a Civil Case, described above in paragraph 11. In addition based on the above facts, your affiant believes many of the declarations made in the document titled, "Affidavit of Peter Brandel" were materially false. (See ¶ 21).
  38. Joe C. was shown a copy of the document titled "Defendant's Statement About Defaults"

(Docket No. 16), which was filed by the Court on July 27, 2007 and referenced above in paragraph 25. Joe C. confirmed his earlier statement to the Ashland Police Department and told FBI Agents that he did not write or sign this document and had never seen it before he was shown it by the Ashland Police Department. As stated above, Joe C. said that of the documents he signed before the notary public, he only signed each document once. But this document contained two Joe C. signatures.

39. The original copy of the document titled "Defendant's Statement About Defaults" that was filed with the Court was given to the FBI by a law clerk assigned to Judge Huvelle. This document was sent to the Latent Print Operations Unit at the FBI Laboratory in Quantico, Virginia for examination. The Report of Examination, dated November 25, 2008, from the FBI Laboratory, stated thirty-four latent fingerprints and four latent palm prints of value were detected on the two-page document. Of those, twenty-seven latent fingerprints were identified as fingerprints of COPELAND-JACKSON. The remaining latent fingerprints were compared to the fingerprints of COPELAND-JACKSON, BRANDEL, and Joe C. Joe C.'s fingerprints were not found on the document. Based on these facts, and Joe C.'s previous statements, your affiant believes Joe C. never handled the document titled Defendant's Statement About Default. This also supports the conclusion that the two signatures of "Joe C." on the document were placed there by someone other than Joe C. By submitting this document to the Court and suggesting that it was written and signed by Joe C. rather than himself, COPELAND-JACKSON misled Judge Huvelle into believing that Joe C. had admitted to all the allegations made by COPELAND-JACKSON, the plaintiff in the federal lawsuit. This document's

submission by COPELAND-JACKSON also resulted in a substantial interference with the due administration of justice because after relying on its veracity, Judge Huvelle mistakenly granted COPELAND-JACKSON a \$3 million Judgment against Joe C.

40. On October 19, 2007, BRANDEL voluntarily gave the Ashland Police Department one laptop computer and one computer tower. On October 25, 2007, BRANDEL voluntarily gave the FBI consent to search the computers. A review of the items found on the computers examined by the FBI's Computer Analysis Response Team, some of which are described below, indicated to your affiant that as early as January 2006, COPELAND-JACKSON approached BRANDEL and began suggesting various schemes to coerce or fool Joe C. into recanting his accusation that COPELAND-JACKSON had sex with Joe C. while a teacher at his school.
41. On or about January 25, 2006, COPELAND-JACKSON notified BRANDEL via an email sent from his address, "djackson@dcemail.com" to BRANDEL's email address, "airbornepete@netscape.com" that Joe C. had just been released from prison after an adult conviction for breaking and entering. In the email, COPELAND-JACKSON wrote BRANDEL, "Peter: Take a look. Joe C. has been locked up in Richland [Ohio] prison for almost 2 years now. He is my main accuser. Should we try to see if he will recant? ~David." BRANDEL replied on the same date, "I do believe that we should contact Joe C. Let me know how I should handle this. This is good." Later the same day, COPELAND-JACKSON responded: "Because he's [Joe C. is] in prison- he's no longer protected by the state. We may need to use a ruse to get him to sign a letter of some sort. Or maybe he'll let you come visit him and you can get him to sign it in person . . . give

me a call and we can discuss it . . . fish for some ideas."

42. The next day, on January 26, 2006, COPELAND-JACKSON emailed a proposed affidavit he had written to BRANDEL asking him what he thought of the language in it and further described a scheme to fool Joe C. into signing the affidavit. COPELAND-JACKSON wrote, "Take a look at these three statements that I have attached. These 3 statements are part of the plan. The affidavit is the one we are after. The other 2 are just ruses. This ruse inadvertently helps us because they said he had a mental disorder when he was 14 that caused him to agree to the alleged abuse. Get back to me ASAP on this."
43. On or about February 2, 2006, according to another email discovered on BRANDEL's computer, COPELAND-JACKSON gave BRANDEL the following written directions, ". . . the letter to send to Joe C. is attached in MSWORD format. print it out asap and let me know what you think. I have also sent you the two pictures of him that is on the internet."
44. On July 5, 2006, Joe C. was released from the Richland Correctional Institution in Richland, Ohio, after serving 19 months in prison. Meanwhile, the email correspondence between COPELAND-JACKSON and BRANDEL continued. During the period from August 2006 to April 2007, COPELAND-JACKSON emailed drafts of several documents he created to BRANDEL for his feedback. During this period, telephone records obtained and reviewed by the FBI, show frequent calls between phone numbers associated with the two men.

**The connection between the state court and federal lawsuits against Joe C.**

45. Based on the above email messages, information obtained from an interview of Joe C.

described above, documents filed in the state court lawsuit, Brandel v. Joe C., and obtained from the Mansfield Municipal Court case, and documents filed in the federal lawsuit, Copeland-Jackson v. Joe C., and obtained from the United States District Court for the District of Columbia, there is probable cause to believe that COPELAND-JACKSON and BRANDEL agreed on the following scheme to obstruct justice by fooling Joe C. into signing a document, so that they could obtain Joe C.'s signature and use it to file various court documents without Joe C.'s actual consent: (a) BRANDEL would file a small claims court lawsuit in Ohio against Joe C. falsely accusing him of stealing some tools from BRANDEL'S residence; (b) after filing this document, BRANDEL would then approach Joe C., apologize for falsely accusing him of the theft of his tools and ask him to sign a document agreeing to have the case against him dismissed; (c) once Joe C.'s signature was obtained through this "ruse," it would be copied and placed on numerous false documents that COPELAND-JACKSON would then file as part of his federal defamation lawsuit against Joe C. One of the goals of this agreement was to corruptly influence or obstruct the due administration of justice by obtaining a default judgment against Joe C. without his knowledge and to make numerous false declarations in a matter that was within the jurisdiction of a judicial branch of the United States government, a federal district court, in the manner described above.

46. Among other overt acts, in furtherance of this conspiracy:
  - a. A document was created and later found on BRANDEL's computer, that was last saved on or about April 1, 2007, according to an FBI analysis, that stated, "Please notarize and mail originals separately in different envelopes to: Clerk of Courts-Small Claims, The Superior Court of the District of Columbia, 510 4th Street N.W., Washington, D.C. 20001."

- b. On April 27, 2007, BRANDEL filed a Complaint, BRANDEL v. Joe C., in the Municipal Court of Mansfield, designated for Small Claims Court, falsely alleging that in the winter of 2004 and spring of 2005, Joe C. stole tools from BRANDEL's property.
  - c. A document was created and later found on BRANDEL's computer, that was last saved on or about May 7, 2007, titled "Affidavit of Joseph P. C.," [last name omitted] which was a material false declaration because it was never reviewed or signed by Joe C.
  - d. Another document was created and later found on BRANDEL's computer, also saved on or about May 7, 2007, with the file name, "Joe C. motion to dismiss.wps.rtf," whose content stated, "Motion to Dismiss" and bore the header, "In the Municipal Court of Mansfield, Ohio, Small Claims Division."
  - e. On May 8, 2007, BRANDEL met with Joe C. BRANDEL had Joe C. sign three documents, each one contained only one signature of Joe C. per page.
  - f. On or about June 26, 2007, BRANDEL signed a document which bore that date, titled, "Affidavit of Peter BRANDEL," that COPELAND-JACKSON later submitted in support of the federal lawsuit. (See ¶¶ 18, 21-22).
  - g. On July 16, 2007, COPELAND-JACKSON filed a copy of the "Affidavit of Peter BRANDEL" (described above in ¶¶ 21 and 46(f)) signed by BRANDEL, in support of COPELAND-JACKSON's federal lawsuit against Joe C.
  - h. On August 16, 2007, at COPELAND-JACKSON's request, BRANDEL testified under oath before Judge Huvelle in United States District Court for the District of Columbia, and falsely stated that he served Joe C. with a copy of the federal lawsuit. (See ¶¶ 27-28).
  - i. On August 16, 2007, a document titled "Affidavit of Peter Brandel Regarding the Summons and the Parties" (Docket No. 24-2) was created and filed by the Court, in which BRANDEL falsely claimed "the plaintiff [COPELAND-JACKSON] did not participate in any way in the proceedings with the defendant and me. The plaintiff [COPELAND-JACKSON] did not create or solicit the situation between the defendant [Joe C.] and me." Your affiant believes these are false material declarations, based on the information contained in the emails and documents found on BRANDEL's computer. (See ¶¶ 41-43).
47. On February 15, 2008, BRANDEL was indicted by an Ohio grand jury sitting in Ashland

County, Ohio, and charged with these six felonies related to his conduct in this scheme, much of which is described above. The Indictment charged BRANDEL with:

- a. **Count One: Retaliation**, a third-degree felony, in violation of Section 2921.05(A) of the Ohio Revised Code, for purposely using force or unlawful threat of harm, to retaliate against Joe C., a witness involved in a civil or criminal action because the witness discharged his duties;
  - b. **Count Two: Retaliation**, a third-degree felony, in violation of Section 2921.05(B) of the Ohio Revised Code, for purposely using force or unlawful threat of harm, to retaliate against Joe C., the victim of a crime because the victim filed or prosecuted charges;
  - c. **Count Three: Intimidation of a Victim in a Criminal Case**, a third-degree felony, in violation of Section 2921.04(B) of the Ohio Revised Code, for using force or unlawful threat of harm to influence, intimidate or hinder, Joe C., the victim of a crime in the discharge of his duties as a witness;
  - d. **Count Four: Forgery**, a fifth-degree felony, in violation of Section 2913.31(A)(3) of the Ohio Revised Code, for facilitating a fraud by uttering a certain writing, to wit: an affidavit of Joe C., knowing it to have been forged;
  - e. **Count Five: Forgery**, a fifth-degree felony, in violation of Section 2913.31(A)(2) of the Ohio Revised Code, for facilitating a fraud, forging a certain writing, to wit, an affidavit of Joe C., purporting that it was genuine when it was actually spurious; and
  - f. **Count Six: Using Sham Legal Process**, a third-degree felony, in violation of Section 2921.52 (B)(4) of the Ohio Revised Code, by knowingly committing a felony, to wit: Retaliation and/or Intimidation of a victim in a criminal case by using sham legal process.
48. On August 4, 2008, BRANDEL pled guilty to three state court felonies, Count Three: Intimidation of a Victim in a Criminal Case, Count Five: Forgery, and Count Six: Attempt Using Sham Legal Process. On November 3, 2008, he was sentenced to three concurrent terms of six months in prison, and was incarcerated in Ohio jails or prisons from that date until early May 2009.

49. On March 31, 2008, the Ohio Adult Parole Authority violated COPELAND-JACKSON's parole at the request of the District of Columbia's Court Services & Offender Supervision Agency, which submitted a six-page Offender Violation Report detailing at least 10 parole violations committed by COPELAND-JACKSON while he was under that agency's supervision. COPELAND-JACKSON was returned to prison in Ohio on May 7, 2008, until he was released from prison on September 3, 2008. On November 9, 2008, COPELAND-JACKSON was released from all Ohio supervision for his 2000 conviction.

**IV. CONCLUSION AS TO PROBABLE CAUSE TO ARREST**

50. Based upon the information provided above, I have probable cause to believe that:

- a. DAVID COPELAND-JACKSON committed violations of 18 U.S.C. §§ 371, 1623 and 1503.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

\_\_\_\_\_/s/\_\_\_\_\_  
Julie Shields, Special Agent  
Federal Bureau of Investigation

Subscribed to and sworn before me on this \_\_\_\_ day of July, 2009.

\_\_\_\_\_  
United States Magistrate Judge