

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

**Holding a Criminal Term
Grand Jury Sworn in on November 15, 2007**

UNITED STATES OF AMERICA	:	Criminal No. 09-
	:	
v.	:	Grand Jury Original
	:	
	:	VIOLATIONS:
DAVID COPELAND-JACKSON	:	18 U.S.C. § 371 (Conspiracy to
(a.k.a. "Xavier Justice"),	:	Commit Perjury and
	:	Obstruction of Justice);
	:	18 U.S.C. § 2 (Aiding and Abetting,
	:	Causing an Act to be Done
Defendant.	:	

INDICTMENT

The Grand Jury charges that:

COUNT ONE

CONSPIRACY

Introduction

Unless specified otherwise, at all times material to this Indictment:

1. Defendant DAVID COPELAND-JACKSON ("COPELAND-JACKSON") was a resident of the District of Columbia, who legally changed his name in November 2004 to Xavier Justice, although he continued to use both names interchangeably after that. 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 who attended a school where he was a teacher, and was later sentenced to two consecutive 18-month sentences. COPELAND-JACKSON was ultimately released from prison on or about December 23, 2003. Under the

terms of his parole, which did not expire until November 9, 2008, COPELAND-JACKSON was prohibited from having any contact with the victims of his offense, including Person A^{1/}, Person B, or their families.

2. PETER J. BRANDEL, SR. (“BRANDEL”) was a retired insurance salesman and part-time paralegal, who resided in Mansfield, Ohio, and became friends with COPELAND-JACKSON after reading about his criminal case and becoming convinced he was innocent of the original conviction.

3. Person A was one of the minor victims of Copeland-Jackson’s crime in Ohio and was a resident of Ohio.

4. On or about June 22, 2007, COPELAND-JACKSON filed a civil action (hereinafter the “federal lawsuit”) against Person A, in the United States District Court for the District of Columbia (“the Court”), accusing Person A of defamation and seeking \$3 million in damages. The federal lawsuit, Copeland-Jackson v. [Person A], District Court No. 1:07-cv-XXXX, was assigned to United States District Court Judge Ellen S. Huvelle. Specifically, the Complaint alleged Person A made false comments to third parties that COPELAND-JACKSON engaged in "certain homosexual activities" with Person A. At no point in the Complaint or accompanying pleadings filed by COPELAND-JACKSON did he reveal to the Court that COPELAND-JACKSON was convicted in Ohio of doing the very acts, for which his lawsuit claimed he was a victim of alleged defamation.

THE CONSPIRACY

^{1/} To shield the identity of the two minor victims of COPELAND-JACKSON's sex crime they are identified throughout the Indictment as Person A and Person B. Likewise, two witnesses in the Ohio prosecution of COPELAND-JACKSON are identified on page 10 as Person C and Person D.

5. From in or before January 2006, and continuing thereafter through at least in or about August 2007, in the District of Columbia and elsewhere, defendant COPELAND-JACKSON and BRANDEL did unlawfully and knowingly combine, conspire, confederate, and agree with each other to commit the following offenses against the United States:

- a. the offense of perjury, that is to knowingly make false material declarations under oath in a proceeding before a court of the United States, in violation of Title 18, United States Code, Section 1623; and
- b. the offense of obstruction of justice, that is to corruptly influence, obstruct or impede the due administration of justice of a court of the United States, in violation of Title 18, United States Code, Section 1503.

A Goal of the Conspiracy

6. It was a goal of the conspiracy for defendant COPELAND-JACKSON and BRANDEL to obtain, by means of fraud and deceit, a \$3 million judgment against Person A and to obtain, by means of fraud and deceit, a court finding that Person A recanted his original allegations that led to COPELAND-JACKSON's conviction in Ohio.

Manner and Means of the Conspiracy

In order to achieve the goal of the conspiracy, defendant COPELAND-JACKSON and BRANDEL would and did employ the following manner and means, among others:

7. It was part of the conspiracy that defendant COPELAND-JACKSON and BRANDEL would attempt to convince the Court, by means of fraud and deceit, that they had actually served a copy of the federal lawsuit on Person A, when in fact their scheme would have failed if Person A had actually learned of the lawsuit and contested it.

8. It was further part of the conspiracy to trick Person A into providing defendant COPELAND-JACKSON and BRANDEL with a copy of his signature so that it could be used by

COPELAND-JACKSON to file a series of court documents Person A never saw but that were filed as if they were authored by and signed by Person A.

9. It was further part of the conspiracy that in order to obtain Person A's signature, defendant COPELAND-JACKSON and BRANDEL agreed BRANDEL would file a bogus small claims lawsuit in Ohio (hereinafter the "state court lawsuit") accusing Person A of burglarizing BRANDEL's home and stealing a barbecue grill and some tools from a shed. Then, after filing the lawsuit, it was further part of the conspiracy that BRANDEL would approach Person A, apologize and tell him he filed it in error, and offer to dismiss the state court lawsuit if Person A would sign his name on several documents, none of which were related to the federal lawsuit.

10. It was further part of the conspiracy that in order to support the federal lawsuit against Person A, COPELAND-JACKSON and BRANDEL would produce and submit to the Court numerous documents containing false material declarations. For example, among other documents it was further part of the conspiracy that defendant COPELAND-JACKSON and BRANDEL would file pleadings that appeared to be drafted by Person A and others but in fact had been drafted by COPELAND-JACKSON.

11. It was further part of the conspiracy that by filing documents purportedly written and signed by Person A, defendant COPELAND-JACKSON and BRANDEL were able to trick the Court into believing that Person A had admitted all the acts he was accused of in the Complaint and would voluntarily consent to the entry of a default judgment against him.

12. It was further part of the conspiracy that COPELAND-JACKSON would request and ultimately obtain, by means of fraud and deceit, a default judgment awarding him \$3 million in damages against Person A.

Overt Acts

13. Within the District of Columbia and elsewhere, in furtherance of the above described conspiracy and in order to carry out the objects thereof, defendant COPELAND-JACKSON and BRANDEL, committed and caused to be committed the following overt acts, among others:

(1a) On or about January 25, 2006, COPELAND-JACKSON notified BRANDEL via email that Person A was in prison due to an adult conviction for breaking and entering. In the email, COPELAND-JACKSON wrote BRANDEL, "Peter: Take a look. [Person A] 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."

(1b) BRANDEL replied on the same date, "I do believe that we should contact [Person A]. Let me know how I should handle this. This is good."

(1c) Later the same day, COPELAND-JACKSON responded via email: "Because [Person A 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."

(2) On or about April 27, 2007, BRANDEL filed a Complaint, BRANDEL v. [Person A], in the Municipal Court of Mansfield, Ohio, designated for Small Claims Court, falsely alleging that in the winter of 2004 and spring of 2005, Person A stole tools and a barbecue grill from BRANDEL's property, when he knew the accusations in the lawsuit were false.

(3) On or about May 8, 2007, BRANDEL met with Person A and had Person A sign several documents: one was a motion to dismiss the state court lawsuit and the others

were single pieces of paper that contained only one signature of Person A per page. These documents had nothing to do with the federal lawsuit, nor did they mention COPELAND-JACKSON's name. However, by obtaining Person A's signature on these documents, defendant COPELAND-JACKSON and BRANDEL were able to copy it and place it on documents filed by COPELAND-JACKSON purporting to be signed and submitted by Person A.

(4) On or about June 22, 2007, COPELAND-JACKSON filed the federal lawsuit described in paragraph 4 above against Person A, in violation of his parole which prohibited him from having any contact with either of the minor victims of his earlier crime. The lawsuit and the documents submitted in support of it were filed to corruptly influence, obstruct and impede the due administration of justice of a court of the United States because they falsely suggested that Person A had been served with a copy of the federal lawsuit, had agreed with its allegations and consented to a default judgment.

(5) 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 on July 13, 2007. (See Overt Act 10 for description of its contents).

(6) On or about June 29, 2007, in support of the federal lawsuit filed against Person A, COPELAND-JACKSON submitted a document titled "Summons in a Civil Case," that was filed by the Court. (Docket No. 2) 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 [Person A] at the residence of Person A, on June 23, 2007. At the bottom of page two of the document, under "penalty of perjury" BRANDEL signed his name and indicated the document was executed on June 26, 2007. This document contained

material false declarations because at the time this document was signed under oath by BRANDEL and filed by COPELAND-JACKSON, both defendant COPELAND-JACKSON and BRANDEL knew that neither BRANDEL nor anyone else had served Person A with a copy of the federal lawsuit.

(7a) On or about July 5, 2007, in support of the federal lawsuit filed against Person A, COPELAND-JACKSON submitted a document titled "Amended Complaint," that was filed by the Court. (Docket No. 4) On page two of this document, COPELAND-JACKSON signed his name under "penalty of perjury that the foregoing is true and correct."

(7b) At the bottom of the "Amended Complaint," COPELAND-JACKSON also signed a certification that he served a copy of the document "by ordinary mail" on Person A, when in fact COPELAND-JACKSON knew such certification was a false material declaration because he had not mailed the document to Person A, nor served him with a copy of it in any other fashion. Attached to this document at page 3, was a document labeled "Exhibit 1," and titled "Affidavit of [Person A]" (pages 3- 4 of Docket No. 4). This affidavit contained false material declarations because Person A did not write, had never seen, and did not sign the two-page affidavit presented to the Court as having been signed by Person A. The affidavit, actually drafted by COPELAND-JACKSON, suggested that Person A was now recanting the allegations that led to the original charges against COPELAND-JACKSON. In paragraph 6, Person A purportedly stated: "I willfully lied . . . when I told Peter Brandel . . . and other people that David Copeland-Jackson had performed oral sex on, and engaged in other sexual activities with, [Person B] and me."

(8) On or about July 11, 2007, in support of the federal lawsuit filed against

Person A, COPELAND-JACKSON filed a Memorandum on the subject of the Court's jurisdiction, and with it he attached a one-page document titled, "Affidavit of Xavier Justice," that was filed by the Court. (Page 4 of Docket No. 7) In the first paragraph of the affidavit, which stated it had been "duly sworn according to law," Xavier Justice claimed he was a "private investigator" working for a firm called "Capitol Investigations." In the first paragraph, Xavier Justice claimed that he had "known Mr. Copeland-Jackson since 1990 and have been working with him since 2003 on various projects." In the last paragraph of the affidavit, Xavier Justice claimed that he had "confirmed that Mr. [Person A] has family members living in northwest D.C. . . . has worked in D.C. from April to September since 2002 . . . [and] stays with family while he does seasonal work in the area, and was in D.C. from February to March and June of 2007." The above statements contain material false declarations because: (1) David Copeland-Jackson and Xavier Justice were the same person, so Xavier Justice could not accurately represent that he had "known" COPELAND-JACKSON as if he were a separate person, and (2) Person A had never been to the District of Columbia until August 2008, and did not have any known family members living in that area prior to July 11, 2007.

(9) On or about July 11, 2007, in support of the federal lawsuit filed against Person A, COPELAND-JACKSON submitted a two-page letter, as a second attachment with his legal brief analyzing the Court's jurisdiction. (Pages 5-6 of Docket No. 7) The letter, dated June 29, 2007, was written on the stationary of a firm titled "Capitol Investigations." It was signed by "Xavier Justice, Chief Investigator" and addressed to David Copeland-Jackson. In the letter, Justice purportedly wrote COPELAND-JACKSON to "update [him] on the status of [Justice's] investigation into [Person A]." After claiming to have established that one of Person A's

relatives lived at an address in the District of Columbia, and that Person A worked in D.C. “for the summer,” Justice concluded the letter stating: “Let me know if there’s anything else I can do to help you out. Take care, and don’t be a stranger.” The letter contained numerous material false declarations because among other things: (1) COPELAND-JACKSON and Xavier Justice were the same person, and (2) Person A had never been to the District of Columbia until August 2008, and did not have any known family members living in that area prior to July 11, 2007.

(10) On or about July 13, 2007, in support of the federal lawsuit filed against Person A, COPELAND-JACKSON filed a document titled "Additional Support to Memorandum to Show Cause," that was filed by the Court on July 16, 2007. (Docket No. 8) One of the documents attached to it was a two-page document titled, “Affidavit of Peter Brandel,” (pages 4-5 of Docket No. 8), signed by BRANDEL on June 26, 2007. This affidavit contained the following false material declarations, because it described events and conversations that never took place:

1. Paragraph two stated, "On May 8, 2007 Mr. [Person A] and I were in a conference in relation to an independent, private matter. In the process of discussing that separate issue, Mr. [Person A] stated to me that Mr. Copeland-Jackson was a ‘sexual pervert’ and had participated in ‘deviant sexual activity’ with [Person B] and Mr. [Person A]”
2. Paragraph four stated, “As the conversation progressed, I vigorously challenged Mr. [Person A] on his inaccuracies and misrepresentations. Mr. [Person A] stopped talking and looked at me and candidly stated that he was ‘sorry for lying’ on Mr. Copeland-Jackson.”
3. Paragraph seven stated, "I did witness Mr. [Person A] signing an affidavit also on May 8, 2007 wherein Mr. [Person A] admitted that Mr. [Person A] lied to me, and also to [Person C] and [Person D] when Mr. [Person A] stated that Mr. Copeland-Jackson had sexual activity with Mr. [Person A] and [Person B]."

At the time this affidavit was signed by BRANDEL and submitted to the Court by COPELAND-JACKSON, BRANDEL and COPELAND-JACKSON knew BRANDEL had never talked to Person A about COPELAND-JACKSON, nor had Person A ever seen the affidavit submitted under his name.

(11) On or about July 27, 2007, in support of the federal lawsuit filed against Person A, COPELAND-JACKSON, the plaintiff in the federal lawsuit, submitted a two-page document in that case titled, "Defendant's Statement About Defaults," purportedly written and signed by Person A, that was filed by the Court. (Docket No. 16) In the statement, Person A purportedly admitted all the allegations made against him by COPELAND-JACKSON in the federal lawsuit. For example, in the statement, Person A purportedly wrote, "I have admitted that I made a mistake by lying when I told everybody that the plaintiff had sex with me and [Person B] . . . I know the plaintiff lost his job and was kicked out of seminary and the community turned against him . . . I felt bad about it. Now, I'm trying to make it right." This entire document constituted a false material declaration because Person A never wrote it, saw it nor signed it.

(12) On or about August 6, 2007, in support of the federal lawsuit filed against Person A, COPELAND-JACKSON, the plaintiff, submitted a two-page document in the case titled, "Defendant's Consent to Judgment and Damages," purportedly written and signed by Person A, that was filed by the Court on August 7, 2007. (Docket No. 19) This entire document constituted a false material declaration because Person A did not write it, never saw it and did not sign it. In it, Person A purportedly wrote, "I submit to the jurisdiction of the court . . . I also fully waive any appeal rights. I consent to judgment on the plaintiff's claims and terms and I agree to pay the costs incurred and the damages demanded with the interest." The submission of this

document to the Court by COPELAND-JACKSON had the effect of corruptly influencing, obstructing or impeding the due administration of justice of a court of the United States, because it falsely suggested to the Court that Person A had not only admitted the conduct alleged in the federal lawsuit but had consented to an entry of judgment against him, when in fact Person A had not consented to anything because he was not even aware the federal lawsuit had been filed.

(13) On or about August 16, 2007, at COPELAND-JACKSON's request, BRANDEL testified under oath at a hearing before Judge Huvelle in United States District Court for the District of Columbia, and knowingly made a false material declaration when he stated that he had personally served Person A with a copy of the federal lawsuit by handing him an envelope with the lawsuit in it, when in fact both men knew BRANDEL had not served Person A with the lawsuit.

(14) On or about 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 knowingly made a false material declaration by describing a conversation he claimed to have had on May 7, 2007 with Person A. BRANDEL testified that Person A purportedly told him that COPELAND-JACKSON "did not molest him," and that Person A admitted fabricating the original criminal charges against COPELAND-JACKSON. "He said, 'They made me.' In a low voice, almost like an utterance, he said, 'They made me do it, they made me do it,'" BRANDEL testified, recounting what Person A purportedly told him. Defendant COPELAND-JACKSON knew BRANDEL's statements under oath at the hearing contained false material declarations because BRANDEL and COPELAND-JACKSON had agreed at the outset that BRANDEL would never discuss COPELAND-JACKSON or his

criminal case with Person A.

(15) On or about August 16, 2007, COPELAND-JACKSON submitted a document titled "Affidavit of Peter Brandel Regarding the Summons and the Parties" that was filed by the Court. (Pages 7-14 of Docket No. 24-2) In the affidavit, signed under oath by BRANDEL, he knowingly made a false material declaration by stating in paragraph 16 of the affidavit that "the plaintiff [COPELAND-JACKSON] did not participate in any way" in the state court lawsuit BRANDEL filed against Person A, and that "The plaintiff [COPELAND-JACKSON] did not create or solicit the situation between the defendant [Person A] and me The plaintiff [COPELAND-JACKSON] was unaware of the [state court] lawsuit, the defendant's statements to me about the plaintiff, and the existence of the defendant's sworn statements . . . until I told the plaintiff and forwarded them to the plaintiff on May 8, 2007," when BRANDEL knew COPELAND-JACKSON was aware of the state court lawsuit before it was filed because it was part of the conspiracy to obtain Person A's signature, by means of fraud and deceit, and use it to corruptly influence, obstruct or impede the due administration of justice of a court of the United States.

(Conspiracy, Aiding and Abetting, Causing an Act to be Done, in violation of Title 18, United States Code, Sections 371 and 2)

A TRUE BILL

FOREPERSON

/s/

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