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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

BY _____

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

September 2018 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN PATRIC BOOKER,

Defendant.

Case No. SACR19-00138 DMG

I N D I C T M E N T

[18 U.S.C. § 242: Deprivation of
Rights Under Color of Law;
18 U.S.C. § 1519: Falsification
of Records; 18 U.S.C. § 2(b):
Causing an Act to be Done]

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

At times relevant to this Indictment:

1. The City of Santa Ana Police Department ("SAPD") was a law enforcement agency within the Central District of California.

2. On or about June 19, 2014, defendant BRIAN PATRIC BOOKER was a sworn law enforcement officer with the SAPD assigned to patrol the City of Santa Ana.

1 3. The Federal Bureau of Investigation ("FBI") was a
2 component of the United States Department of Justice, a
3 department within the Executive Branch of the United States
4 Government, whose jurisdiction included, among other things,
5 investigation of criminal violations of federal civil rights
6 laws, including Title 18, United States Code, Section 242.

7 4. These Introductory Allegations are incorporated into
8 each count of this Indictment.

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COUNT ONE

[18 U.S.C. § 242]

On or about June 19, 2014, in Orange County, within the Central District of California, defendant BRIAN PATRIC BOOKER, then a sworn police officer employed by the SAPD, while acting under color of law, used unreasonable force against E.A., and thereby willfully deprived E.A. of the right secured and protected by the Constitution and laws of the United States to be free from unreasonable searches and seizures, which includes the right to be free from the use of unreasonable force by a law enforcement officer, resulting in bodily injury to E.A.

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COUNT TWO

[18 U.S.C. §§ 1519, 2(b)]

On or about June 20, 2014, in Orange County, within the Central District of California, defendant BRIAN PATRIC BOOKER, in relation to and in contemplation of a matter within the jurisdiction of the FBI, knowingly falsified, and willfully caused to be falsified, a record with the intent to impede, obstruct, and influence the investigation and proper administration of that matter.

Specifically, defendant BOOKER, being unable to type because of an injury to his hand caused by his punches to E.A.'s head, requested SAPD Officer Adam Aloyian to document the following false and fictitious statements and representations in a police report regarding the arrest of E.A. on June 19, 2014, which false and fictitious statements were in fact included in such report:

1. That, as defendant BOOKER walked towards E.A. to place him into handcuffs, E.A. reached towards defendant BOOKER and grabbed defendant BOOKER by his right leg, pulling him down; and

2. That defendant BOOKER delivered three to four punches to the back of E.A.'s head because defendant BOOKER believed that E.A. was about to tackle defendant BOOKER and possibly have access to defendant BOOKER's duty weapon.

In fact, as defendant BOOKER then knew, E.A. did not reach toward defendant BOOKER as he walked toward E.A.; E.A. did not grab defendant BOOKER's leg and pull him down; and defendant

1 BOOKER did not believe that E.A. was about to tackle defendant
2 BOOKER.

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COUNT THREE

[18 U.S.C. § 1519]

On or about July 3, 2014, in Orange County, within the Central District of California, defendant BRIAN PATRIC BOOKER, in relation to and in contemplation of a matter within the jurisdiction of the FBI, knowingly falsified, and willfully caused to be falsified, a record with the intent to impede, obstruct, and influence the investigation and proper administration of that matter.

Specifically, defendant BOOKER knowingly falsified a police report that included the following false and fictitious statements and representations regarding the arrest of E.A. on June 19, 2014:

1. That E.A. "looped his right arm around [defendant BOOKER's] right ankle," "grabbed onto [defendant BOOKER's] leg," and pulled defendant BOOKER's leg toward E.A.'s body with a "tight grasp" of defendant BOOKER's leg and with such force that defendant BOOKER began to lose his balance and fall to his right side;

2. That, after defendant BOOKER yelled for E.A. to "Let go!," E.A. further tightened his grasp of defendant BOOKER's leg; and

3. That the reason defendant BOOKER punched the back of E.A.'s head 3-7 times was to pull defendant BOOKER's leg free and to keep from falling on the ground.

In fact, as defendant BOOKER then knew, E.A. did not loop his right arm around defendant BOOKER's right ankle; E.A. did

1 not grab onto, or tighten any grasp of, defendant BOOKER's leg;
2 E.A. did not cause defendant BOOKER to lose balance and fall to
3 his right side; defendant BOOKER did not punch E.A. in order to
4 pull defendant BOOKER's leg free and to keep defendant BOOKER
5 from falling to the ground; and defendant BOOKER was not falling
6 to the ground at the time he was punching E.A. about the head.

7
8 A TRUE BILL

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Foreperson

11 NICOLA T. HANNA
12 United States Attorney

13 *Brandon Fox*

14 BRANDON D. FOX
15 Assistant United States Attorney
Chief, Criminal Division

16 BENJAMIN R. BARRON
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