

D-1-DC-21-900007

At 03/27/2023 12pm pg
Velva L. Price, District Clerk

THE STATE OF TEXAS

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THE 147th JUDICIAL

VS.

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DISTRICT COURT OF

§

DANIEL PERRY

§

TRAVIS COUNTY, TEXAS

**STATE'S NOTICE OF INTENT TO INTRODUCE
EVIDENCE OF EXTRANEOUS CONDUCT**

COMES NOW THE STATE OF TEXAS, by and through her Travis County District Attorney, and files this notice to introduce evidence of extraneous conduct of the Defendant and gives notice to the Court and the Defendant that the State intends to introduce the following evidence during the guilt and the punishment phase of the trial in accordance with Texas Rules, of Criminal Evidence Rule 404, 608, 609, 612 and Texas Code of Criminal Procedure Article 37.07 and any other applicable rules or case law:

- 1) On or about November 14, 2005, in Dallas County Texas, the Defendant, DANIEL PERRY, was arrested for Assault Causing Bodily Injury, a Class A misdemeanor. On February 13, 2007, DANIEL PERRY entered a guilty plea in cause number M-0514724 and the Court deferred the adjudication for 15 months, ordered a \$400 fine and court costs. On May 30, 2008, DANIEL PERRY's community supervision expired and he was discharged from probation.
- 2) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, an Audio file was created on the device under the file name "26.amr". This file was saved into a Voicemail file path. The caller in the audio file identifies themselves as "Your Mother" and addresses the recipient as "Daniel." The caller said to "stop posting bad things on Facebook." The caller suggested the recipient delete "all that crap" that was posted on Facebook "because it's really hurting people's feelings and it's wrong."
- 3) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "protest in austin today."
- 4) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "protest in dallas today."

- 5) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "protesters in seattle gets shot."
- 6) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "protest in highland park dallas."
- 7) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "black lives matter movement demands in seattle."
- 8) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "protest tonight."
- 9) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "protest in dallas today."
- 10) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "alamo protest"
- 11) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "protest in dallas live."
- 12) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "george floyd autopsy autopsy."
- 13) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "unarmed black men killed by police."

- 14) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "minneapolis cop charged with manslaughter."
- 15) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "man shot in new Mexico."
- 16) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "protestors in seattle gets shot."
- 17) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "protestors in seattle gets shot."
- 18) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "riot shoot outs"
- 19) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "911 memorial defaced."
- 20) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "good chats to meet young girls."
- 21) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "good chats to meet young girls on kik."
- 22) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "degrees of murder charges."
- 23) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "attack on jews in texas."

- 24) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "boogaloo movement."
- 25) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "tulsa 1921 massacre."
- 26) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "portland arrests."
- 27) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "louis couple gun."
- 28) A review of DANIEL PERRY's cell phone extraction revealed that on or about an unknown date, in an unknown County in Texas, a possible search in Safari for "does the federal government have the ballistics of every firearm sold legally."
- 29) A review of DANIEL PERRY's cell phone extraction web history revealed that on an unknown date, in an unknown County in Texas, possible web history containing a URL of [https://en.m.wikipedia.org/wiki/Murder\(UnitedStateslaw\)](https://en.m.wikipedia.org/wiki/Murder(UnitedStateslaw)).
- 30) A review of DANIEL PERRY's cell phone extraction web history revealed that on an unknown date, in an unknown County in Texas, possible web history containing a URL of <https://blacklivesseattle.org/our-demands>.
- 31) A review of DANIEL PERRY's cell phone extraction web history revealed that on an unknown date, in an unknown County in Texas, possible web history containing a URL of https://en.m.wikipedia.org/wiki/Movement_for_Black_Lives#
- 32) A review of DANIEL PERRY's cell phone extraction revealed that on an unknown date, in an unknown County in Texas, the device encountered a media file that shows a flag associated with the Boogaloo Movement.
- 33) A review of DANIEL PERRY's cell phone extraction revealed that on an unknown date, in an unknown County in Texas, the device encountered a media file that is a

- meme. The meme has a photo on top and a photo on the bottom. The top photo is a police man with the text "YOU CAN'T JUST RUN OVER PEOPLE". The bottom photo shows a freight truck with the text "IT'S OK. I'M ESSENTIAL."
- 34) A review of DANIEL PERRY's cell phone extraction revealed that on an unknown date, in an unknown County in Texas, the device encountered a media file that is a meme showing a man in a tie pushing a person wearing a hoodie up against his car. The text says, "When you're a protestor and try to Jack the wrong car."
- 35) A review of DANIEL PERRY's cell phone extraction revealed that on an unknown date, in an unknown County in Texas, the device encountered a media file that shows a white box with the text "IT'S OKAY TO BE WHITE."
- 36) A review of DANIEL PERRY's cell phone extraction revealed that on an unknown date, in an unknown County in Texas, the device encountered a media file that is a meme. It shows a man dressed in black with a black ski mask on holding a tire iron over his head. The text says "IT'S A PROVEN FACT THAT CRIMINALS COMMIT LESS CRIME AFTER THEY'VE BEEN SHOT."
- 37) A review of DANIEL PERRY's cell phone extraction revealed that on an unknown date, in an unknown County in Texas, the device encountered a media file that is a meme. The meme shows Clint Eastwood aiming a firearm and the text says, "WHEN THERE ARE NO POLICE MOST CRIMES WILL CARRY THE DEATH PENALTY."
- 38) A review of DANIEL PERRY's cell phone extraction revealed that on an unknown date, in an unknown County in Texas, the device encountered a media file that is a white box with the icon of an automatic weapon at the bottom. The text reads, "IT'S OKAY TO DEFEND YOURSELF."
- 39) A review of DANIEL PERRY's cell phone extraction revealed that on an unknown date, in an unknown County in Texas, the device encountered a media file that is a meme. It says "If rioters come to your area, please remember, don't be a litterbug. Pick up your brass."
- 40) A review of DANIEL PERRY's cell phone extraction revealed that on an unknown date, in an unknown County in Texas, the device encountered a media file that shows text that says, "For all the peaceful protestors upset about being lumped in with the rioters, looters, and lawbreakers...It's kinda like all the great police officers getting

lumped in with the few bad ones, isn't it? Chew on that for a moment." There are blue arrows above and below the text pointing to the text.

- 41) A review of DANIEL PERRY's cell phone extraction revealed that on an unknown date, in an unknown County in Texas, the device encountered a media file that is a meme. The text at the top says," Me: 'white people can't dance lol", White People: 'Okay but if I call you a cotton picking nigger then I'm the racist one right? Racism works both ways, pull your pants up if you don't want cops killing you."
- 42) A review of DANIEL PERRY's cell phone extraction revealed an outgoing Facebook Messenger message sent from Facebook Account "Daniel Perry (owner)" (100000580706754) to Facebook Account "Unpardonable Sin" (432684936806006) on or about January 23, 2016, in an unknown County. The message states, "Yes I am still afraid to go outside I almost went to jail cause I defended myself."
- 43) A review of DANIEL PERRY's cell phone extraction revealed Skype messages exchanged between Skype Account "Knives Fox Claw (owner)" (live:perryd2) and Skype Account "Enchantress" (live:everyshadeofpink) on or about May 2nd, 2018 , in an unknown County. The conversation is as follows:

ENCHANTRESS: "Since you want to hang up on me I will not answer you calls again."

OUTGOING MESSAGE: "I am done."

ENCHANTRESS: "Fine then this is a break up?"

OUTGOING MESSAGE: "You were being mean to the point of actually pissing me off."

ENCHANTRESS: "You started being racist first."

OUTGOING MESSAGE: "You said my face looked like mash potatoes you might as well called me a lard ass with a face so ugly it looks like a bowl of potato's"

ENCHANTRESS: "Calling someone a mash potato isn't racist."

ENCHANTRESS: "YOU actually started calling me racist names"

ENCHANTRESS: "I don't call you mash potatoes to offend you! You called me names to offend me!"

ENCHANTRESS: "You wanted to hurt my feelings! Otherwise you wouldn't have said those names."

ENCHANTRESS: "After you started being racist so did I."

ENCHANTRESS: "You shared to be racist and until you apologize we are breaking up."

OUTGOING MESSAGE: "Look I don't want to lose you but calling me a mash potato is where I draw the line."

44) A review of DANIEL PERRY's cell phone extraction revealed an outgoing Facebook Messenger message sent from Facebook Account "Daniel Perry (owner)" (100000580706754) to Facebook Account "Unknown" (100000032801915) on or about March 13, 2019. The outgoing message states, "They suspended my Facebook because of what I said about Nacy Pelosi."

45) A review of DANIEL PERRY's cell phone extraction revealed an outgoing Facebook Messenger message sent from Facebook Account "Daniel Perry (owner)" (100000580706754) to Facebook Account "Unknown" (100000032801915) on or about April 15, 2019, in an unknown County. The outgoing message states, "I am about to get my Facebook banned again because of what I said about transgenders."

46) A review of DANIEL PERRY's cell phone extraction shows a series of Facebook Messenges sent from DANIEL PERRY's device to Facebook User Jennifer Shira on or about April 16, 2019, in an unknown County. The message are as follows:

OUTGOING MESSAGE: "Do you know anybody willing to hire weekend workers who are active duty military."

OUTGOING MESSAGE: "I got my bank account hacked and they took all my money."

OUTGOING MESSAGE: "I really need the extra work but I am also in the active duty military also so my schedule is sometime he'll"

OUTGOING MESSAGE: "I am stationed at fort hood Texas."

OUTGOING MESSAGE: "I am freaking out this has never happened to me before."

OUTGOING MESSAGE: "Brb I got formation and pt"

OUTGOING MESSAGE: "Ok I am back."

OUTGOING MESSAGE: "To bad we can't get paid for hunting Muslims in Europe."

- 47) A review of DANIEL PERRY's cell phone extraction revealed Native Messages exchanged between "Daniel Perry (owner)" (perryd2@gmail.com) and a phone number saved in the device as "JUSTIN SMITH" on or about December 28, 2019 in an unknown County. The conversation is as follows:

OUTGOING MESSAGE: "He is now saying they threaten him."

JUSTIN SMITH: "Probably. Sounds like he got kidnapped."

OUTGOING MESSAGE: "Look just fix it."

JUSTIN SMITH: "Literally how."

OUTGOING MESSAGE: "By ensuring this never happens again contacting me and my father if he contacts you."

JUSTIN SMITH: "I'm sorry."

OUTGOING MESSAGE: "And tell me if the money shows up."

JUSTIN SMITH: "Tristain sikes."

JUSTIN SMITH: "That's the name I got."

JUSTIN SMITH: "Moneys gone."

JUSTIN SMITH: “Or by the time we find him will be.”

OUTGOING MESSAGE: “I want a picture of him in a ditch.”

OUTGOING MESSAGE: “Either money or body”

OUTGOING MESSAGE: “I am under a no contact order from police until investigation is up so we can not hang out.”

JUSTIN SMITH: “Honestly dude, I’m gonna lose your number you know aswell as me police saying that is a standard.”

JUSTIN SMITH: “And trying to push blame on me fucked up.”

JUSTIN SMITH: “Btw we both know the police saw that for everything but it’s not held because no paper work or charges.”

JUSTIN SMITH: “So your literally just lying.”

OUTGOING MESSAGE: “I am legally not allowed to talk about said issue anymore.”

OUTGOING MESSAGE: “I will hit you up on the DL.”

48) A review of DANIEL PERRY’s cell phone revealed Native Messages exchanged between “Daniel Perry (owner)” (perryd2@gmail.com) and a phone number saved in the device as “JUSTIN SMITH” on or about December 29, 2019 in an unknown County. The conversation is as follows:

OUTGOING MESSAGE: “Stop saying shit to david the police have his phone.”

OUTGOING MESSAGE: “You are going to incriminate yourself.”

JUSTIN SMITH: “I am not.”

49) On or about January 15, 2020, in an unknown county in Texas, DANIEL PERRY commented on Facebook “Lol I could have dumped 3 mags in that guy.” [See Defendant DANIEL PERRY’s Facebook records pg. 286];

- 50) On or about January 21, 2020, in an unknown county in Texas, DANIEL PERRY posted a Status Update on Facebook. The Status Update shared a tweet from ‘David Hogg text VOTE to 954-954 (@davidhogg111)’. In the tweet David Hogg says, “VA is in a state of emergency because *white supremacists and nazi’s* are using their 2nd amendment rights to shutdown the 1st amendment rights of students, veterans, and clergy. (portions is italics have been highlighted by an unknown person). There is an image of David Hogg and then below that “THE ACTUAL PEOPLE AT THE VA RALLY” with an image to the left of three African American men carrying Assault style weapons on slings. One of them is wearing a sweatshirt that says “Black Guns Matter”. On the right there is an image of people holding signs saying “Gun rights are trans rights.” and “Anti-racist. Pro gun.” [See Defendant DANIEL PERRY’s Facebook records pg. 1229 – 1230];
- 51) A review of DANIEL PERRY’s cell phone extraction revealed that on or about February 22, 2020, in an unknown County in Texas, an Outgoing MMS from perryd2@gmail.com (Daniel Perry (owner)) to +12544448215 SSG Ron. It is a meme with text at the top that says “GOV:”TURN IN YOUR FIREARMS OR WE WILL HAVE TO CONFISCATE THEM.” Then below the text “AN ENTIRE GENERATION OF VETS, PREPPERS, BOOG BOIS, AND REDNECKS: There is a photo of Brad Pitt looking pleased with the text “Actually, we’re all tickled to hear you say that.”
- 52) A review of DANIEL PERRY’s cell phone extraction revealed that on or about February 25, 2020, in an unknown County in Texas, an Outgoing MMS from perryd2@gmail.com (Daniel Perry (owner)) to +12544448215 SSG Ron. It is a meme with text at the top that says “THEM: HOW PRO GUN ARE YOU? ME: [Shows a photo of a mini van with the side door open. There is a soldier sitting behind a firearm with the barrel pointed out the side door. The firearm is longer than he is tall.
- 53) A review of DANIEL PERRY’s cell phone extraction revealed that on or about February 28, 2020, in an unknown County in Texas, an Outgoing MMS from perryd2@gmail.com (Daniel Perry (owner)) to +12544448215 SSG Ron. It is a meme with text at the top that says, “Boogaloo Sidequest #345 in large letters. Below in smaller letters it states, “Tame a literal bear and teach it its rights as a sovereign American citizen.” Then says “Unlocks achievement: Right to Bear Arms.” The photo below shows a bear with a machine gun or other automatic weapon strapped to its back.

- 54) A review of DANIEL PERRY's cell phone extraction revealed that on or about March 6, 2020, in an unknown County in Texas, an Outgoing MMS from perryd2@gmail.com (Daniel Perry (owner)) to +12544448215 SSG Ron. It is a meme with a photo of a young girl with an expression like "oh well" on her face. The text says, "WHEN YOUR WARNING SHOT...HITS THE BASTARD." The meme has an icon of a AK type weapon that says "Assault Life" above it in the top left corner.
- 55) A review of DANIEL PERRY's cell phone extraction revealed that on or about March 16, 2020, in an unknown County in Texas, an Outgoing MMS from perryd2@gmail.com (Daniel Perry (owner)) to +12544448215 SSG Ron. It is a meme with a photo of Jim from The Office looking through some blinds and smiling. The text reads, "Gun owners watching non gun owners stock-pile apocalypse supplies for them."
- 56) On or about March 16, 2020, in an unknown county in Texas, DANIEL PERRY posted the following Story message on Facebook "Trapped at hood until further notice." [See Defendant DANIEL PERRY's Facebook records pg. 42];
- 57) On or about March 17, 2020, in an unknown county in Texas, DANIEL PERRY posted a meme as a Status Update on Facebook. The meme shows a girl sitting in her Dad's lap with a book. The girl says "Daddy, why do you play video games?" and the Dad says "Because slaughtering people in real life has so many complications." [See Defendant DANIEL PERRY's Facebook records pg. 2844];
- 58) On or about March 21, 2020, in an unknown county in Texas, DANIEL PERRY commented on a post on Facebook, "It is now when you have to defend yourself it is almost like the apocalypse." [See Defendant DANIEL PERRY's Facebook records pg. 220];
- 59) A review of DANIEL PERRY's cell phone extraction revealed Native Messages exchanged between "Daniel Perry (owner)" (perryd2@gmail.com) and a phone number saved in the device as "JUSTIN SMITH" on or about March 30, 2020, in an unknown County in Texas. The messages are as follows:

OUTGOING MESSAGE: "I killed a homeless man by accident."

OUTGOING MESSAGE: "They police already know and they let me go."

JUSTIN SMITH: "Huh"

- 60) A review of DANIEL PERRY's cell phone extraction revealed that on or about April 4, 2020, in an unknown County in Texas, an Outgoing MMS from +19728496750 Daniel Perry (owner) to perryd2@gmail.com (Daniel Perry (owner)) and +12544448215 SSG Ron. It is a meme with a photo of a woman holding her child's head under the bath water and the text reads, "WHEN YOUR DAUGHTERS FIRST CRUSH IS A LITTLE NEGRO BOY".
- 61) On or about April 6, 2020, in an unknown county in Texas, DANIEL PERRY wrote a message on Facebook that said, "Looks like I am a racist for stating facts about the Chinese virus if the president and mike savage can say it why can't I" [See Defendant DANIEL PERRY's Facebook records pg. 43];
- 62) On or about April 14, 2020, in an unknown county in Texas, DANIEL PERRY shared a meme as his Status Update on Facebook. In the meme you see President Lincoln and his wife sitting in a box at the theatre and a man is holding a gun to the back of Lincoln's head as he watches the play. The text says "WHEN DEMOCRATS DON'T GET THEIR WAY....THEY GET DANGEROUS" There is a round circle in the corner that says "Liberal Privilege" [See Defendant DANIEL PERRY's Facebook records pg. 2811-2812];
- 63) On or about April 16, 2020, in an unknown county in Texas, DANIEL PERRY shared a meme as his Status Update on Facebook. In the meme you see a white woman looking over at a man who is a person of color. The text above her says "How to racially profile your new neighbor" and there is a thought bubble above her head that shows a picture of a marijuana leaf, some pills, and a pile of white powder. [See Defendant DANIEL PERRY's Facebook records pg. 988-989];
- 64) On or about April 19, 2020, in an unknown county in Texas, DANIEL PERRY shared a Business Insider news story to Facebook. The title was "An anti-lockdown protest in Austin, Texas, drew anti-vaxxers and Trump supporters chanting 'Fire Fauci'." [See Defendant DANIEL PERRY's Facebook records pg. 963];
- 65) On or about May 8, 2020, in an unknown county in Texas, DANIEL PERRY shared a meme as his Status Update on Facebook. The meme shows a photo of a man in a powdered wig and hat. The text says "THE BRITS GAVE UP THEIR GUNS AND NOW THEIR GOVERNMENT PUTS YOU IN JAIL FOR FACEBOOK POSTS...[OPPRESSIVE LAUGHTER]" [See Defendant DANIEL PERRY's Facebook records pg. 857];

66) A review of DANIEL PERRY's cell phone extraction revealed that on or about May 11, 2020, in an unknown County in Texas, an Outgoing MMS from +19728496750 Daniel Perry (owner) to perryd2@gmail.com (Daniel Perry (owner)) and +12544448215 SSG Ron. It is a meme showing 4 people sitting down in a room. They are labeled "Canada", "New Zealand", "Australia", and "UK". There is a man standing labeled "US gun owners & Veterans" with the text "IT SMELL LIKE BITCH IN HERE."

67) On or about May 18, 2020, in an unknown county in Texas, DANIEL PERRY shared a meme as his Status Update on Facebook. The meme says "What doesn't change the world? 1. Positive thinking 2. Kale smoothies....What does change the world? 1. Books 2. AK-47s." [See Defendant DANIEL PERRY's Facebook records pg. 833];

68) On or about May 25, 2020, in an unknown county in Texas, DANIEL PERRY begins a conversation with user MICHEAL HOLCOMB over Facebook. PERRY and HOLCOMB continue to have regular conversations on Facebook Messenger until July 26, 2020. The State will designate specific parts of their conversations below that we intend to offer as evidence but the State is also providing general notice that we may seek to admit any parts of this conversation that become relevant during the trial. [See Defendant DANIEL PERRY's Facebook records pg. 1639-1743];

69) On or about May 28, 2020, in an unknown county in Texas, DANIEL PERRY wrote as a Status Update on Facebook, "Why are they doing this to the police they are people too #blue lives matter [See Defendant DANIEL PERRY's Facebook records pg. 45, 803];

70) A review of DANIEL PERRY's cell phone extraction shows that on or about May 29, 2020, the device sent an outgoing SMS message from perryd2@gmail.com to a group chat that appears to be soldiers at Ft. Hood. This is the conversation:

OUTGOING MESSAGE: "They are rioting in Dallas it is on the news."

+13608211331: "Nobody fucking cares Perry."

+14693433938: "I'm looting Whataburger in Dallas right now."

+14693433938: "Nobody else is here."

OUTGOING MESSAGE: “Ya if it was not for the army I would probably be spending a few nights on a roof protection farther’s business from looters.”

+13608211331: “Or at the bank protecting all your pennies.”

OUTGOING MESSAGE: “Or looting the fountain for pennies.”

- 71) A review of DANIEL PERRY’s cell phone extraction revealed Native Messages exchanged between “Daniel Perry (owner)” (perryd2@gmail.com) and a phone number saved in the device as “JUSTIN SMITH” on or about May 29, 2020, in an unknown County in Texas. The message is as follows:

OUTGOING MESSAGE: “I might go to Dallas to shoot looters.”

- 72) On or about May 29, 2020, in an unknown county in Texas, DANIEL PERRY shared a meme as his Status Update on Facebook. The meme has a top photo and a bottom photo. The top photos is a photo of Dr. Martin Luther King walking in protest. The text says “THIS IS A PROTEST”. The bottom photo is of people taking items out of a Target store. The text says “THIS IS A CRIME” [See Defendant DANIEL PERRY’s Facebook records pg. 806-807];

- 73) A review of DANIEL PERRY’s cell phone extraction revealed that on or about May 29, 2020, in an unknown County in Texas, an Outgoing MMS from perryd2@gmail.com (Daniel Perry (owner)) to +12544448215 SSG Ron. It is a meme with the text: “SJW: I’m going to contact your employer!” then says “My employer”: and shows a photo of a building with a sign on it that says “WHITE POWER, White county power & light co.”

- 74) On or about May 30, 2020, in an unknown county in Texas, DANIEL PERRY posted on Facebook, “It is getting bad black people are even attacking cops right outside base gates” [See Defendant DANIEL PERRY’s Facebook records pg. 45];

- 75) On or about May 30, 2020, in an unknown county in Texas, DANIEL PERRY commented on a post on Facebook, “My favorite barbershop destroyed a lot of bar and restaurants barely open being closed again due to damage” [See Defendant DANIEL PERRY’s Facebook records pg. 1927];

76) On or about May 30, 2020, in an unknown county in Texas, DANIEL PERRY commented on a post on Facebook, "Look at what they did to deep ellum" [See Defendant DANIEL PERRY's Facebook records pg. 172];

77) On or about May 30, 2020, in an unknown county in Texas, DANIEL PERRY commented on a post on Facebook, "We also like to play with the powder and fire" [See Defendant DANIEL PERRY's Facebook records pg. 172];

78) On or about May 30, 2020, in an unknown county in Texas, DANIEL PERRY and User JUSTIN SMITH have the following conversation on Facebook:

DANIEL PERRY: "I am imagining standing on a roof top with a megaphone and a maga hat saying looters will be shot leave the area immediately and then count down to zero or when they start breaking down the front door just opening up like it is open season."

DANIEL PERRY: "Plus heavy death metal in the background."

JUSTIN SMITH: "Watching live"

JUSTIN SMITH:

<https://www.youtube.com/watch?v=yF5gMZMEvB0&feature=share> Title: Dallas Protest Live

DANIEL PERRY: "I would live stream this shit"

JUSTIN SMITH: "Do it"

[See Defendant DANIEL PERRY's Facebook records pg. 1597]

79) On or about May 30, 2020, in an unknown county in Texas, DANIEL PERRY and Facebook user JAY HENDERSON have the following conversation on Facebook Messenger:

DANIEL PERRY: "You got the covid lockdown since April."

DANIEL PERRY: "And I just saw a black person attack a cop and his friends videoing the cop reacting to getting attack."

JAY HENDERSON: "The covid is being taken that serious at yalls level as well? I was tracking that was more on a state basis and that is was starting to loosen up since some businesses are opening back up."

DANIEL PERRY: "Dude I had not been to work for two months."

DANIEL PERRY: "I only started working because of gate guard."

JAY HENDERSON: "Damn! Hopefully its not one of the shitty gates lol."

DANIEL PERRY: "It is the one that all the drunks and drug dealers use."

JAY HENDERSON: "I had gate guard toward the end of my contract but it was chill as fuck. I was one that connected to North Fort hood. Down clear creek (pass turkey run) till it becomes a T-intersection and on the left."

JAY HENDERSON: "Didn't get much attention through that gate lol"

JAY HENDERSON: "Sounds like you got rancier, Bernie back or clear creek from what you described."

JAY HENDERSON: "Is it one of those?"

DANIEL PERRY: "I got clear creek."

DANIEL PERRY: "I am so lucky I am not at Rancier it is sketchy as hell right now I may live on Rancier but at least I can defend myself with out having to do the paperwork."

[See Defendant DANIEL PERRY's Facebook records pg. 1487-1488];

80) On or about May 30, 2020, in an unknown County in Texas, DANIEL PERRY posts the following as a Status Update on Facenook. "It is getting bad black people are even attacking cops right outside the base gates." The following comments are made to this Status Update by the listed Facebook users:

DAVID PERRY – "Also, riot is happening in Deep Ellum."

DANIEL PERRY – “Ya but attacking police officers of a military town. I hope they find all involved and kick them out of the army after making them do jail time.”

BASHIRE DERRINGTON – “Stay safe Daniel”

WILL WILL – “Where at?”

RACHEL PERRY – “Be sympathetic! These people feel victimized and frustrated. Understand.”

DAVID PERRY – “Stupid idiots.”

DANIEL PERRY – “Dude they destroyed by favorite barbershop.”

DANIEL PERRY – “This is Texas I wonder why no looters have been shot yet.”

DANIEL PERRY – “I hope everyone of them are getting logged and identified so that when this monkey shit is over they will be hunted down arrested or prosecuted to the fullest extent to of the law I have no mercy for looters especially when they are using racism as an excuse for their actions.”

[See Defendant DANIEL PERRY’s Facebook records pg. 388-389];

81) A review of DANIEL PERRY’s cell phone extraction revealed Facebook Messenger messages exchanged between Facebook Account “Daniel Perry (owner)” (100000580706754) and Facebook Account “Luke Martinez” (100007123473905) on or about May 30, 2020, in an unknown County in Texas. The messages are as follows:

OUTGOING MESSAGE: “Dude there were a ton of black peoples attacking cops a block away from where I live I saw it on the way.”

LUKE MARTINEZ: “Damnnn fr haha”

OUTGOING MESSAGE: “After I smash and ditch I am going to sleep with gun tonight.”

LUKE MARTINEZ: “Haha fu k it haha”

OUTGOING MESSAGE: “Dude I am totally tempted to ditch the hoe and watch the fight between the cops and the hood rats.”

- 82) On or about May 31, 2020, in an unknown county in Texas, DANIEL PERRY commented on a post on Facebook, “Fuck this shit they attack soldiers even though they are national guard they are still soldiers.” [See Defendant DANIEL PERRY’s Facebook records pg. 167];
- 83) On or about May 31, 2020, in an unknown county in Texas, DANIEL PERRY commented on a post on Facebook, “Where is the counter protesters and why are they not trying to standby the soldiers and police.” [See Defendant DANIEL PERRY’s Facebook records pg. 167];
- 84) On or about May 31, 2020, in an unknown county in Texas, DANIEL PERRY replied to a comment on a post on Facebook, “that could be me or you on the street being almost beaten to death for trying to protect mine or your small business that somehow survived the covid lockdown only to be attacked by looters” [See Defendant DANIEL PERRY’s Facebook records pg. 168];
- 85) On or about May 31, 2020, in an unknown county in Texas, DANIEL PERRY said in his Status on Facebook, “Yep I am going to start carrying extra rounds” [See Defendant DANIEL PERRY’s Facebook records pg. 388];
- 86) A review of DANIEL PERRY’s cell phone extraction revealed Kik Messenger messages exchanged between Kik Account “Daniel (owner)” (knivesfromtrigun) and Kik Account “Wolf Destiny” (athenaroseline_6n0@talk.kik.com) on or about May 31st, 2020, in an unknown County in Texas. The messages are as follows:
- WOLF DESTINY: “Hey be safe out there tonight.”
- WOLF DESTINY: “Also every night cause of these riots...”
- OUTGOING MESSAGE: “I am buying more ammo.”
- 87) On or about May 31, 2020, in an unknown county in Texas, DANIEL PERRY and Facebook user JUSTIN SMITH have the following conversation on Facebook Messenger:

DANIEL PERRY: "I might have to kill a few people on my way to work they are rioting outside my apartment complex."

JUSTIN SMITH: "Can you legally do so?"

DANIEL PERRY: "If they attack me or try to pull me out my car then yes."

DANIEL PERRY: "If I just do it because I am driving by then no."

JUSTIN SMITH: "yea right lol"

JUSTIN SMITH: "make sure to use only 1 shot on the protestor so if they try to flood you, You got enough rounds for them all."

DANIEL PERRY: "I will only shoot the ones in front and push the pedal to the metal."

JUSTIN SMITH: "You got that much control over your blood lust?"

JUSTIN SMITH: "Lol boy have you matured. All you would beat the fuck out of them then rape a few."

DANIEL PERRY: "Look I would probably barely have ammo left over with this tactic I have to conserve my ammo for the trip back to home"

JUSTIN SMITH: "Get a bigger clip lol"

DANIEL PERRY: "It is not about the clip I only have 150 rounds"

JUSTIN SMITH: "Lol your fiiinnnnee"

DANIEL PERRY: " Dude I need to save ammo for when I go up to Dallas to visit you."

DANIEL PERRY: "There are at least a thousand rioters and they probably have guns."

JUSTIN SMITH: "What will be the turnout you think"

DANIEL PERRY: “No protestors go near me or my car”

JUSTIN SMITH: “Can you catch me a negro daddy”

DANIEL PERRY: “That is what I am hoping”

JUSTIN SMITH: “Yayy”

[See Defendant DANIEL PERRY’s Facebook records pg. 1601-1602];

88) On or about May 31st, 2020, in an unknown County in Texas, Daniel Perry shared the following news story on Facebook from <https://express.co.uk/news> - Title: “ANTIFA is now a terrorist organization! Trump declared WAR on anarchist protestors.” [See Defendant DANIEL PERRY’s Facebook records pg. 802];

89) On or about May 31st, 2020, in an unknown County in Texas, Daniel Perry shared a meme as a Status Update on Facebook. The meme shows Dwayne Johnson driving a car with a word bubble that says “If you’re willing to shoot someone that breaks into your home then you obviously value your property more than that person’s life.” A female in the back seat says “If they’re breaking into my house it’s pretty obvious they value my property more than their life, too.” Dwayne Johnson looks back at her shocked. [See Defendant DANIEL PERRY’s Facebook records pg. 808-809];

90) On or about May 31st, 2020, in an unknown County in Texas, Daniel Perry shared a meme as a Status Update on Facebook. The meme says “If this symbol represents racism in America... (shows confederate flag) SO DO THESE (shows NAACP logo, Hispanic Scholarship fund, America Association for Affirmative Action, BET, UNCP, the democratic party logo, etc [See Defendant DANIEL PERRY’s Facebook records pg. 408-409];

91) On or about May 31st, 2020, in an unknown County in Texas, Daniel Perry shared a tweet as a Status Update on Facebook. The Twitter user Moshe Weissman @JstMyThoughts2 says “Thank you rioters. You have taken a situation where almost every single American stood in solidarity, against a despicable injustice...and now you have made the whole issue about how much you do not know how to function in a normal society. You are your own worst enemy.” [See Defendant DANIEL PERRY’s Facebook records pg. 804-805];

92) On or about June 1st, 2020, in an unknown County in Texas, DANIEL PERRY commented on a post on Facebook “They also spread violence and hatred like the black panthers of the 60’s black lives matters is racist to white people and think we should pay them money because we purchased them from black Africans in Africa.” [See Defendant DANIEL PERRY’s Facebook records pg. 164];

93) On or about June 1st, 2020, in an unknown County in Texas, DANIEL PERRY commented on a post on Facebook “They demand that white people who own a house with more bed rooms than what are being used they have to donate it to a poor black family. If they have money that the money goes to the poor black family’s instead of the white people’s families.” [See Defendant DANIEL PERRY’s Facebook records pg. 164];

94) On or about June 1st, 2020, in an unknown County in Texas, DANIEL PERRY replied to a comment on a post on Facebook from May 31. “now it is my turn to get banned but comparing the black lives matter movement to a zoo full of monkeys that are freaking out flinging their shit” [See Defendant DANIEL PERRY’s Facebook records pg. 166];

95) On or about June 1st, 2020, in an unknown County in Texas, DANIEL PERRY posted as a Status “It is official I am a racist because I do not agree with people acting like animals at the zoo. I was on the side of the protestors until they started with the looting and the violence” [See Defendant DANIEL PERRY’s Facebook records pg. 388];

96) On or about June 1st, 2020, in an unknown County in Texas, DANIEL PERRY has the following conversation over Facebook with user CHAVEZ LENY:

DANIEL PERRY: “Dude I am worried.”

DANIEL PERRY: “Craps too crazy it is like you got a major new virus that is killing people and now you have the protest and riots. Did you know the last time we had a major outbreak the Spanish flu they had a massive celebration to celebrate the end of a major illness and it caused a major explosion in new cases and millions more ended up dying. I am worried about the protests and everyone involved getting sick with the covid virus.”

CHAVEZ LENY: “2020 it sure has been the craziest year I ever lived, we are inhumane at this point everything is so morbid and sick, well never go back to have a normal life.”

DANIEL PERRY: “If I could I would be smoking a pound of weed a week to get over the anxiety of this year.”

[See Defendant DANIEL PERRY’s Facebook records pg. 1475-1476];

97) On or about June 1, 2020, in an unknown County in Texas, DANIEL PERRY shares a YouTube link on Facebook with the Title “Protestors Looters Get Shot San Antonio Texas.” DANIEL PERRY posted this with the text “Glad someone finally did something” [See Defendant DANIEL PERRY’s Facebook records pg. 802];

98) A review of DANIEL PERRY’s cell phone extraction revealed that on or about June 1, 2020, in an unknown County in Texas, an Outgoing MMS from perryd2@gmail.com (Daniel Perry (owner)) to +12544448215 SSG Ron. It is a meme with a photo of a very large John Deere harvester and the front end looks like rows of spikes. The text says, “INTRODUCING JOHN DEERE’S NEW MULTI-LANE PROTESTER DIGESTOR”.

99) On or about June 1, 2020, in an unknown County in Texas, DANIEL PERRY comments on a photo on Facebook. The photo shows a soldier in a helicopter with an assault weapon. He is smiling at the camera while pointing the weapon from the helicopter. The text says “THAT LOOK YOU GET....WHEN ANTIFA GETS LISTED AS A TERRORIST GROUP” [See Defendant DANIEL PERRY’s Facebook records pg. 166];

100) On or about June 1, 2020, in an unknown County in Texas, DANIEL PERRY shared a meme as his Status Update on Facebook. The meme is a photo of a soldier. The text at the top says “When you join the National Guard to Pay for school but now youre in the middle of a violent riot with a vintage M-16 and no ammo”. The text next to the soldier’s mouth says “fuck”. [See Defendant DANIEL PERRY’s Facebook records pg. 813-814];

101) A review of DANIEL PERRY’s cell phone extraction revealed WhatsApp messages exchanged between WhatsApp Account “Perry, Daniel (owner)” (19728496750@s.whatsapp.net) and WhatsApp Account “Rainbow” (14696937079@s.whatsapp.net) on or about June 1, 2020, in an unknown County in Texas. The messages are as follows:

OUTGOING MESSAGE: “Random question”

OUTGOING MESSAGE: “Yes?”

*OUTGOING MESSAGE TO JUSTIN SMITH VIA FACEBOOK
MESSENGER – “I am talking to a black chick.”

*JUSTIN SMITH – “Yesssd”

OUTGOING MESSAGE: “Am I raciest for thinking the way the black lives matter movement is like a bunch of monkeys flinging shit at a zoo due to the fact they they demand white people give their houses to a poor black family and the way their protests always seem to turn violent.”

OUTGOING MESSAGE: “For example my parents own a 4 bed room house and the BLM movement believe that my parents should give their house to a poor black family and pretty much live in a one bed room house that they should buy with money they don’t have.”

RAINBOW: “Truth I dislike the statement black lives matter because all lives matter I also dislike how they purely hate the police when most police officers aren’t bad most don’t even try and meet police officers. They don’t want equality they want equity. I’ve been told I have white privilege but that’s not true I just know how to hold myself and speak to a police officer. I have a good job because I know how to act. I feel a lot of black people victimize themselves. American Indians deal with more shit than black people like currently the government is destroying a historic American Indian graveyard.”

RAINBOW: “But if I say that shit then I hate my own kind but that’s not true And freaking Ebonics is just straight up ignorance.”

RAINBOW: “No one should have to give up their stuff for someone else.”

OUTGOING MESSAGE: [Shares an image] The image is a screenshot of a Status Update from a Facebook User named “Jesse Goku Briceno”. It says “Fuck this piece of shit...here is his facebook. There is a link to Daniel Perry’s Facebook page along with a screenshot of his profile photo. It shows the following comments to that post:

DANIEL PERRY: Is that from the movie planet of the apes (with ape emoji)

JUSTIN SMITH: IM UNABNNED

JUSTIN SMITH: MUAHAHAHAHAHAha

DANIEL PERRY: now it is my turn to get banned but comparing black lives matter movement to a zoo full of monkeys that are freaking out flinging their shit.”

RAINBOW: “...and that’s why I avoid social media...yes there are certain things that need to change but people have to be willing to listen and come to a middle ground.”

- 102) On or about June 2, 2020, in an unknown County in Texas, DANIEL PERRY shared a meme as his Status Update on Facebook. The meme is a photo of a room full of soldiers cheering. The text says “ACTIVE DUTY ROOTING FOR NG TO DROP BODIES” [See Defendant DANIEL PERRY’s Facebook records pg. 815];
- 103) A review of DANIEL PERRY’s cell phone extraction revealed that on or about June 2, 2020, in an unknown County in Texas, an Outgoing MMS from perryd2@gmail.com (Daniel Perry (owner)) to +12544448215 SSG Ron. It is a meme with a room full of uniformed soldier celebrating and the text says “ACTIVE DUTY ROOTING FOR NG TO DROP BODIES”
- 104) On or about June 2, 2020, in an unknown County in Texas, DANIEL PERRY shared a link on Facebook from <https://trib.al/yYDIEQg> with Title “One dead in Louisville after police and national guard “return fire” on protesters”. DANIEL PERRY posted this with the text “Get em” [See Defendant DANIEL PERRY’s Facebook records pg. 802];
- 105) On or about June 2, 2020, in an unknown County in Texas, DANIEL PERRY shared a link from YouTube on Facebook with Title “Bricks Randomly showing up at Protests across the US”. [See Defendant DANIEL PERRY’s Facebook records pg. 802];
- 106) On or about June 3rd, 2020, in an unknown County in Texas, DANIEL PERRY has the following conversation over Facebook Messenger with user CHAVEZ LENY:

DANIEL PERRY: "I believe there are politicians who are just as deadly as the Clinton's but are not out in the open like they are"

CHAVEZ LENY: "Daniel isnt worth it bro, ypu are waiting your best years your time and building a unnecessary hate, maybe you should focus on something else that is not so political because we are both in the bottom of all the bs."

CHAVEZ LENY: "Wasting *"

DANIEL PERRY: "I just want to travel without fear and go everywhere"

DANIEL PERRY: "Become like a nomad"

CHAVEZ LENY: "If you want to do that you need to step aside from these radical ways of thinking."

CHAVEZ LENY: "Live your life go to a mountain to a river enjoy the rest of our life the world is way too fuxked up"

DANIEL PERRY: "American politics are horrible."

*Conversation continues until middle of page 1484

DANIEL PERRY: "I wish I could just bask in the sun"

CHAVEZ LENY: "You should, I don't see why not you need to change that mind set before you have nothing to live."

DANIEL PERRY: "I do not have anything to live for except the military and my cat that is how sad my life has become. I have not hanged out with anyone since covid hit."

[See Defendant DANIEL PERRY's Facebook records pg. 1482-1484];

- 107) On or about June 3rd, 2020, in an unknown County in Texas, DANIEL PERRY posted as a Status "States have adopted several different systems for classifying murders by degree. The most common separates murder into two degrees (first and second-degree murder), and treats voluntary and involuntary manslaughter as separate

crimes that do not constitute murder. [12] First-degree murder Any intentional murder that is willful and premeditated with malice aforethought. Felony murder, a charge that may be filed against a defendant who is involved in a dangerous crime where a death results from the crime,[12] is typically first-degree.[13] Second-degree murder Any intentional murder with malice aforethought, but is not premeditated or planned in advance.[14] Voluntary manslaughter Sometimes called a crime of passion murder, is any intentional killing that involves no prior intent to kill, and which was committed under such circumstances that would "cause a reasonable person to become emotionally or mentally disturbed". Both this and second-degree murder are committed on the spot under a spur-of-the-moment choice, but the two differ in the magnitude of the circumstances surrounding the crime. For example, a bar fight that results in death would ordinarily constitute second-degree murder. If that same bar fight stemmed from a discovery of infidelity, however, it may be voluntary manslaughter.[15] Involuntary manslaughter A killing that stems from a lack of intention to cause death but involving an intentional or negligent act leading to death. A drunk driving-related death is typically involuntary manslaughter (see also vehicular homicide, cause death by dangerous driving, gross negligence manslaughter and causing death by criminal negligence for international equivalents). Note that the "unintentional" element here refers to the lack of intent to bring about the death. All three crimes above feature an intent to kill, whereas involuntary manslaughter is "unintentional", because the killer did not intend for a death to result from their intentional actions. If there is a presence of intention it related only to the intent to cause a violent act which brings about the death, but not an intention to bring about the death itself.[16] [See Defendant DANIEL PERRY's Facebook records pg. 386-387];

108) On or about June 3, 2020, in an unknown County in Texas, DANIEL PERRY shared a meme as his Status Update on Facebook. It is a meme showing a top photo and a bottom photo. At the top there is a photo of the joker and the text says,"I'm gonna go block traffic." The photo below show him being hit by a car and the text read "I'M THE VICTIM." [See Defendant DANIEL PERRY's Facebook records pg. 789-790];

109) A review of DANIEL PERRY's cell phone extraction revealed that on or about June 3, 2020, in an unknown County in Texas, an Outgoing MMS from perryd2@gmail.com (Daniel Perry (owner)) to +12544448215 SSG Ron. It is a meme showing a top photo and a bottom photo. At the top there is a photo of the joker and the text says,"I'm gonna go block traffic." The photo below show him being hit by a car and the text read "I'M THE VICTIM."

- 110) On or about June 3, 2020, in an unknown County in Texas, DANIEL PERRY shared a meme as his Status Update on Facebook. The meme shows a patch associated with Army Special Forces. The text reads, “Attention Protestors, if you see a National Guardsman or Army Solider with this patch go harass them. It means they are an Electrician and have no infantry training or combat experience. They will be east to disarm and over-power.” [See Defendant DANIEL PERRY’s Facebook records pg. 792-793];
- 111) On or about June 3, 2020, in an unknown County in Texas, DANIEL PERRY shared a meme as his Status Update on Facebook. The meme shows a photo from the 1992 LA Riots and depicts a truck driver killed by protesters. The text states “1992 LA RIOTS...REGINALD DENNY” and then below “THIS IS WHY YOU DON’T BRAKE FOR ‘PROTESTERS”[See Defendant DANIEL PERRY’s Facebook records pg. 799-800];
- 112) On or about June 3, 2020, in an unknown County in Texas, DANIEL PERRY had a conversation over Facebook Messenger with a Facebook user CHAVEZ LENY. LENY was asking PERRY what kind of firearm to get and after some talk of specific firearms PERRY stated, “I just wish that we lived in a world where we didn’t need guns to defend ourselves because if current events.” [See Defendant DANIEL PERRY’s Facebook records pg. 1479];
- 113) On or about June 3, 2020, in an unknown County in Texas, DANIEL PERRY had a conversation over Facebook Messenger with user CHAVEZ LENY. This conversation is a continuation of the one stated above regarding CHAVEZ LENY needing a firearm for defense. DANIEL PERRY states, “I have been publicly declared a racist because I drove around a protest to get to work. I also said something’s about a certain movement which got taken out of context and So ya even though I don’t see race just action I am afraid of being attack by people of this certain movement who happen to compare my people to termites.” [See Defendant DANIEL PERRY’s Facebook records pg. 1480];
- 114) A review of DANIEL PERRY’s cell phone extraction revealed Native Messages exchanged between “Daniel Perry (owner)” (perryd2@gmail.com) and a phone number saved in the device as “DAD” on or about June 3, 2020, in an unknown County in Texas. The messages are as follows:

DAD: “Are you dumb dumb dumb don’t post this s*** and delete it knock it off now your mother’s going to be pissed off when her friends see you s*** to. [Dad sends the screenshot mentioned above of Facebook User Jesse Goku Briceno’s Status Update saying “Fuck this piece of shit” and sharing a link to DANIEL PERRY’s Facebook page].

OUTGOING MESSAGE: “I can’t delete it is a screen shot.”

- 115) On or about June 4, 2020, in an unknown County in Texas, DANIEL PERRY changed his profile picture on Facebook to a photo of him in uniform surrounded by a blue circle that says “Duty * Honor* Courage” and then below states “blue lives matter”.
- 116) On or about June 4, 2020, in an unknown County in Texas, DANIEL PERRY shared a photo as his Status Update on Facebook. The photo is from ASMDSS and shows a T-shirt. The text on the t-shirt says “Stay strapped or get clapped.” Below it says “-Sun Tzo, “The Art of War.” [See Defendant DANIEL PERRY’s Facebook records pg. 488];
- 117) On or about June 4, 2020, in an unknown County in Texas, DANIEL PERRY shared a news story to Facebook. The story was titled “National Guard soldier killed in shootout while assisting fellow law enforcement officers in a police-related shootout.” [See Defendant DANIEL PERRY’s Facebook records pg. 761];
- 118) On or about June 4, 2020, in an unknown County in Texas, DANIEL PERRY shared a news story as his Status on Facebook with the text “Here is a store that has been corrected”. The headline of the news story is “Bar owner won’t face charges in fatal shooting of Omaha protester.” The first sentence of the news story says, “During protests in Omaha, Nebraska over the weekend a black activist (with black activist highlighted and crossed out and the word “criminal” written in its place) was shot and killed by a white bar owner after a fight broke out. (the words “killed by a white bar owner” are highlighted. “White bar owner” is crossed out and above it is written “Innocent victim”. There is a photo in the right margin of a black man and the headline below it says “Prosecutor Now Calls for Grand Jury in Shooting of Black Man by White Bar Owner”. This photo and headline are circled and then written in red text above that is “Oh no! That photo shows a poor innocent child who is a productive member of society! Nope...Just another dirtbag, working on his criminal record. smh” [See Defendant DANIEL PERRY’s Facebook records pg. 392];

- 119) On or about June 4, 2020, in an unknown County in Texas, DANIEL PERRY made an unknown post to Facebook. In the comments to this post user RACHEL PERRY wrote “Stop please! People are hurting, all colors.” [See Defendant DANIEL PERRY’s Facebook records pg. 398];
- 120) On or about June 4, 2020, in an unknown County in Texas, DANIEL PERRY shares a meme as his Status Update on Facebook. The meme shows four photos of men in police uniforms. The text says “FOUND THE PICTURE OF THE 4 “WHITE COPS” THAT ARRESTED #FLOYD NOT SO MUCH ABOUT RACE ANYMORE IS IT!!!!?” [See Defendant DANIEL PERRY’s Facebook records pg. 783-784];
- 121) On or about June 4, 2020, in an unknown County in Texas, DANIEL PERRY shares a meme as his Status Update on Facebook. The meme has a top photo and a bottom photo. The top photo is a woman holding a phone with her hand over the receiver facing a man. The text says, “SOMEONE RAN OVER A PROTESTER”. The bottom photo shows the man’s face with the text, “YEAH WELL, IT’S A HIGHWAY SO...” The Text accompanying this post is from user RACHEL PERRY and says “Please stop @[100000580706754:2048:Daniel Perry] [See Defendant DANIEL PERRY’s Facebook records pg. 784-786];
- 122) A review of DANIEL PERRY’s cell phone extraction revealed that on or about June 5, 2020, in an unknown County in Texas, an Outgoing MMS from +19728496750 Daniel Perry (owner) to perryd2@gmail.com (Daniel Perry (owner)) and +12544448215 SSG Ron. It is a meme with a top photo and a bottom photo. The top photo is a woman holding a phone with her hand over the receiver and facing a man. The text says, “SOMEONE RAN OVER A PROTESTER”. The bottom photo shows the man’s face with the text, “YEAH WELL, IT’S A HIGHWAY SO...”
- 123) On or about June 5, 2020, in an unknown County in Texas, DANIEL PERRY shares a meme as his Status Update on Facebook. The meme shows a person of color speaking to a white person. The person of color has a text bubble that says “You’ve never been judged by the color of your skin.” The white person’s text bubble says “Just was.” At the bottom of the meme is the text “‘White Privilege’ is a racist, divisive lie.” [See Defendant DANIEL PERRY’s Facebook records pg. 787];
- 124) On or about June 5, 2020, in an unknown County in Texas, DANIEL PERRY shares a news story on Facebook. The title was “National Guard soldier killed in shootout while assisting fellow law enforcement officers.” [See Defendant DANIEL PERRY’s Facebook records pg. 2533-2534];

125) On or about June 5, 2020, in an unknown County in Texas, DANIEL PERRY says in a Message on Facebook, “The demands the protestors are making are going to cause a lot of police officers to die. Shooting someone in a firefight waiting to evaluate if they are a danger is worse thing possible to do. Just keep shooting them until they are no longer a threat. Plus not being able to shoot someone who is charging them with a screw driver or a knife fuck your and your protests. #bluelivesmatter.” [See Defendant DANIEL PERRY’s Facebook records pg. 47];

126) On or about June 5, 2020, in an unknown County in Texas, DANIEL PERRY shares a meme as his Status Update on Facebook. The meme shows a memorial for combat wounded veterans covered in red paint. The text says “IF ANY OF Y’ALL THINK THIS IS ACCEPTABLE BEHAVIOR – PLEASE UNFRIEND ME NOW!” [See Defendant DANIEL PERRY’s Facebook records pg. 770-771];

127) On or about June 5, 2020, in an unknown County in Texas, DANIEL PERRY and Facebook user MICHAEL HOLCOMB had the following conversation on Facebook Messenger:

MICHAEL HOLCOMB: “You doing alright?”

DANIEL PERRY: “My leave got canceled due to the race riots so I am not happy.”

DANIEL PERRY: “I don’t mind the protest until they went violent.”

DANIEL PERRY: “Also the fact that I almost had to shoot someone because they were beating a police officer that was balled up on the ground.”

[See Defendant DANIEL PERRY’s Facebook records pg. 1643];

128) On or about June 5, 2020, in an unknown County in Texas, DANIEL PERRY and Facebook user MICHAEL HOLCOMB had the following conversation on Facebook:

DANIEL PERRY: “They are making demands like if they have to shoot someone who is shooting at them they have to take one shot evaluate if they shooting is still a danger then shoot again.”

DANIEL PERRY: “Might as well give them flint lock pistols so that the can make the determination if they are still in danger”

[See Defendant DANIEL PERRY's Facebook records pg. 1644];

129) A review of DANIEL PERRY's cell phone revealed Native Messages exchanged between "Daniel Perry (owner)" (perryd2@gmail.com) and a phone number saved in the device as "JUSTIN SMITH" on or about June 5, 2020, in an unknown County in Texas. The messages are as follows:

OUTGOING MESSAGE: "Are they blocking highways in Dallas."

JUSTIN SMITH: "I dunno."

OUTGOING MESSAGE: "What is the word on the street"

JUSTIN SMITH: "I dunno."

JUSTIN SMITH: "I'm staying inside."

JUSTIN SMITH: "Looks calm."

130) A review of DANIEL PERRY's cell phone extraction revealed WhatsApp messages exchanged between WhatsApp Account "Perry, Daniel (owner)" (19728496750@s.whatsapp.net) and WhatsApp Account "Rainbow" (14696937079@s.whatsapp.net) on or about June 5, 2020 in an unknown county in Texas. The messages are as follows:

OUTGOING MESSAGE: "Are you down for tonight"

RAINBOW: "What do you mean?"

OUTGOING MESSAGE: "I mean see me"

RAINBOW: "What time?"

OUTGOING MESSAGE: "Are you free now"

OUTGOING MESSAGE: "Also can I spend the night."

RAINBOW: "If we stay at my grandmas"

OUTGOING MESSAGE: “We can do that”

OUTGOING MESSAGE: “How soon can you get ready”

RAINBOW: “Like 15 minutes”

OUTGOING MESSAGE: “I am on my way” – sent 11:58 p.m.

OUTGOING MESSAGE: “I am here” – sent 12:15:01 a.m.

*It should be noted that a review of DANIEL PERRY’s cell phone extraction revealed additional messages between WhatsApp Account “Perry, Daniel (owner)” (19728496750@s.whatsapp.net) and WhatsApp Account “Rainbow” (14696937079@s.whatsapp.net) on or about July 24, 2020. On July 24th, 2020, an incoming message from “Rainbow” says, “August 8th I get my driver’s license.” There is an outgoing message back “Perry, Daniel (owner)” that states “Cool.”

131) On or about June 6, 2020, in an unknown County in Texas, DANIEL PERRY and Facebook user MICHAEL HOLCOMB had the following conversation on Facebook Messenger:

MICHAEL HOLCOMB: “Are you really trying to raise money for the NAACP? That seems contrary to the posts you have been making.”

DANIEL PERRY: “NAACP does stuff peacefully and goes the legal route instead of BLM.”

MICHAEL HOLCOMB: “You recognize that the majority of BLM protests have been peaceful right? There are protests in over 431 cities in all 50 states and they have not all turned violent.”

MICHAEL HOLCOMB: “BLM is not to common denominator in the violent protests it is the police departments using excessive force which embroils the protesters that are there to protest the police use of excessive force.”

DANIEL PERRY: “BLM is the result of victim mentality. Also yes what happened to George Floyd is messed up but he is no martyr. His autopsy showed he had meth and fentanyl in his system.”

[See Defendant DANIEL PERRY's Facebook records pg. 1647];

- 132) On or about June 6, 2020, in an unknown County in Texas, DANIEL PERRY shared a meme as a Status Update on Facebook. The meme shows a photo of a pallet of bricks with the text "IF YOU SPOT A RANDOM PILE OF BRICKS IN YOUR TOWN WHERE PROTESTS ARE HAPPENING GO BUILD A NICE FIREPIT IN YOUR BACKYARD IT'S FREE MASONRY" [See Defendant DANIEL PERRY's Facebook records pg. 768-769];
- 133) On or about June 7, 2020, in an unknown County in Texas, DANIEL PERRY says in a Message on Facebook, "You all need to read Shelby Steele's book" [See Defendant DANIEL PERRY's Facebook records pg. 47];
- 134) On or about June 7, 2020, in an unknown County in Texas, DANIEL PERRY shared a meme as a Status Update on Facebook. The meme is split into a top half and a bottom half. In the top half you see a man holding a sign with a bat taped to the back of it. The bottom half is Mickey Mouse looking as if he is sharing a secret with the reader and the text says "it's a surprise tool that will help us later." [See Defendant DANIEL PERRY's Facebook records pg. 403];
- 135) On or about June 7, 2020, in an unknown County in Texas, DANIEL PERRY shared a meme as a Status Update on Facebook. The meme is a photo of a young white man. The text says "THIS IS TONY TIMPA" at the top and at the bottom says "Dallas police used the same knee hold on Tony that was used on George Floyd. Tony's incident happened 10 months ago. Police squatted on Tony as he cried out, but they just made fun of him, until he stopped breathing & died. Tony received no riots, no revolution, no protest. Tony is white. I wonder why Tony was forgotten?" [See Defendant DANIEL PERRY's Facebook records pg. 765-766];
- 136) On or about June 7, 2020, in an unknown County in Texas, DANIEL PERRY in a conversation on Facebook messenger with user JUSTIN SMITH sent a photo. The photo was a meme that states, "MARCH is national Stop Blaming White People Month! Accept responsibility for your own bad choices. Hug a white person!" PERRY then says "I need this to say June" [See Defendant DANIEL PERRY's Facebook records pg. 3388-3389];
- 137) A review of DANIEL PERRY's cell phone extraction revealed WhatsApp messages exchanged between WhatsApp Account "Perry, Daniel (owner)"

(19728496750@s.whatsapp.net) and WhatsApp Account “Rainbow” (14696937079@s.whatsapp.net) on or about June 7, 2020 in an unknown county in Texas. The messages are as follows:

RAINBOW: “I’d like it if we could maybe start doing some more bdsm play.”

OUTGOING MESSAGE: “You should go to church.”

OUTGOING MESSAGE: “I am bringing my flog my switch and my paddle.”

OUTGOING MESSAGE: “And a cane.”

*It should be noted that a review of DANIEL PERRY’s cell phone extraction revealed additional messages between WhatsApp Account “Perry, Daniel (owner)” (19728496750@s.whatsapp.net) and WhatsApp Account “Rainbow” (14696937079@s.whatsapp.net) on or about July 24, 2020. On July 24th, 2020, an incoming message from “Rainbow” says, “August 8th I get my driver’s license.” There is an outgoing message back “Perry, Daniel (owner)” that states “Cool.”

138) A review of DANIEL PERRY’s cell phone extraction revealed that on or about June 9, 2020, in an unknown County in Texas, an Outgoing MMS from +19728496750 Daniel Perry (owner) to perryd2@gmail.com (Daniel Perry (owner)) and +12544448215 SSG Ron. It is a meme showing a man holding a shotgun. The text says “HI, BILLY MAYS HERE WITH LOOTER-B-GONE.”

139) On or about June 9, 2020, in an unknown County in Texas, DANIEL PERRY shared a meme as a Status Update on Facebook. The meme shows side by side pictures of two men. The text reads “IF YOUR STATE WAS A PERSON”. The man on the left appears to be military and is holding a gun and the text says “TX”. The man on the right is a very skinny, tattooed, male in glass holding an avocado and the text says “CA” [See Defendant DANIEL PERRY’s Facebook records pg. 759-760];

140) On or about June 10, 2020, in an unknown County in Texas, DANIEL PERRY says in a Message on Facebook, “Question how is gone with the wind racist” [See Defendant DANIEL PERRY’s Facebook records pg. 47];

141) On or about June 11, 2020, in an unknown County in Texas, DANIEL PERRY says in a Message on Facebook, “Civilians should leave the fucking military alone. Why would you even consider renaming military bases because it offends you. If the

- name Fort Hood offends you...you just made my day.” [See Defendant DANIEL PERRY’s Facebook records pg. 47];
- 142) On or about June 11, 2020, in an unknown County in Texas, DANIEL PERRY posted a link to an ABC news story on Facebook. The title was “Trump says admin ‘will not even consider’ renaming military bases originally named after Confederate leaders.” DANIEL PERRY’s Text says, “Eat it guys” [See Defendant DANIEL PERRY’s Facebook records pg. 737];
- 143) On or about June 11, 2020, in an unknown County in Texas, DANIEL PERRY posted a meme as his Status Update on Facebook. The meme shows an elderly African American man. There is a quote below him that says “I don’t get all this ‘Black Lives Matter’ – ‘Blue Lives Matter’ divide. I been around here since ’57 and I never been to jail. All I see now are these young-in’s running around getting shot because they think they can do whatever they want. That’s not how it works, but you can’t tell them that. I know what real racism looks like and I haven’t seen the likes of that ugly face in years. What needs to happen is unity. Respect your fellow man and 99% of the time, they’ll respect you back no matter what you look like. I’m living proof of that.” (Tyler, Texas)” [See Defendant DANIEL PERRY’s Facebook records pg. 739-741];
- 144) On or about June 11, 2020, in an unknown County in Texas, DANIEL PERRY posted a meme as his Status Update on Facebook. The meme shows a vandalized memorial at the top and says “The 54th Massachusetts Regiment Memorial vandalized by Black Lives Matter this week” and the below picture shows a row of African American soldiers with the text “The 54th Massachusett’s Regiment”. [See Defendant DANIEL PERRY’s Facebook records pg. 746-747];
- 145) On or about June 11, 2020, in an unknown County in Texas, DANIEL PERRY posted a meme as his Status Update on Facebook. The meme shows a character with the word “Antifa” written on it. The Antifa character is reaching out for a ball that says “Defund the police so we can terrorise anyone we want without prevention!” The next image below shows the same view panned out and now there is a larger pink character grabbing for Antifa from behind with the text “Gun-owners no longer prevented from using lethal force by the police” [See Defendant DANIEL PERRY’s Facebook records pg. 753-754];
- 146) A review of DANIEL PERRY’s cell phone extraction revealed outgoing Native Messages exchanged between “Daniel Perry (owner)” (perryd2@gmail.com) to a

phone number saved in the device as “JUSTIN SMITH” on or about June 12, 2020, in an unknown County in Texas. The messages are as follows:

OUTGOING MESSAGE: “I am wearing my piss off protesters shirt.”

OUTGOING MESSAGE: “I can’t go into any places that has a 30.06 sign or a 51% sign since I am packing heat today.”

OUTGOING MESSAGE: “Just witnessed a drug deal had to disappear.”

OUTGOING MESSAGE: “Black looters what did you expect would be looted.”

OUTGOING MESSAGE: “A few of the bars are closing and the blacks are gathering up in a group I think something is about to happen.”

OUTGOING MESSAGE: “I wonder if they will let my cut the ears off of people who’s decided to commit suicide by me.”

147) On or about June 12, 2020, in an unknown County in Texas, DANIEL PERRY shared a news story on Facebook. The title of the story is “Starbucks bans employees from wearing anything in support of Black Lives Matter.” [See Defendant DANIEL PERRY’s Facebook records pg. 736];

148) On or about June 13, 2020, in an unknown County in Texas, DANIEL PERRY and Facebook user MICHAEL HOLCOMB had the following conversation on Facebook Messenger:

DANIEL PERRY: “I wonder if Seattle is going to be like the Wild West like with billy the kid and doc holiday.

MICHAEL HOLCOMB: “The protestors are not taking over the area so that they can claim it forever. They are doing the same kind of thing that “Occupy Wall Street” did where they are taking over an area for the time being in an effort to have their grievances heard.”

DANIEL PERRY: “You know they are demanding The disbanding of the police department.”

[See Defendant DANIEL PERRY’s Facebook records pg. 1655];

149) On or about June 13, 2020, in an unknown County in Texas, DANIEL PERRY and Facebook user MICHAEL HOLCOMB had the following conversation on Facebook Messenger:

DANIEL PERRY: "Dude, I just saw a video of someone getting shot who was pulling a guy out of his car."

MICHAEL HOLCOMB: "YouTube?"

DANIEL PERRY: "You want me to tag you?"

DANIEL PERRY: "Facebook"

DANIEL PERRY: "It was a clean shot (center of mass) and self defense he even turns himself in to police).

DANIEL PERRY: "But it is Seattle so he might go to prison"

DANIEL PERRY: "I have to invite you to the group"

MICHAEL HOLCOMB: "That's okay"

DANIEL PERRY: "It is a gun group"

MICHAEL HOLCOMB: "I mean, don't worry about it."

DANIEL PERRY: "Oh"

DANIEL PERRY: "If he did that in Texas he would of already be released."

MICHAEL HOLCOMB: "Maybe."

MICHAEL HOLCOMB: "Texas also holds people until they are cleared and can even send cases to trial in good shooting instances."

DANIEL PERRY: "The video clearly shows the protestor punching the guy in the head while trying to pull him out of the car by his neck."

MICHAEL HOLCOMB: “What was the guy doing before that though? If he was driving into protestors or threatening them with his gun (some people have been recorded doing this) then he may have incited violence.”

MICHAEL HOLCOMB: “Even in Texas, if you incite the incident of inflame the situation then it will not be a good shoot.”

MICHAEL HOLCOMB: “I was taught that during my CHL class.”

DANIEL PERRY: “He was driving down the road when he saw the protestors he started to slow down and then they started throwing rocks and bottles at his car so it looked like he panic so he sped up when people started mobbing in front of his car before he was punched and yanked by the neck.”

DANIEL PERRY: “When people mobbed I front of his car he stopped”

MICHAEL HOLCOMB: “Is this Harry Rodgers?”

MICHAEL HOLCOMB: “Does it say the guys name?”

DANIEL PERRY: “No but the guy is Hispanic”

DANIEL PERRY: “I don’t think they are going to release his name since he did not commit a crime.”

DANIEL PERRY: “If he shot a white guy it would of never ended up on Facebook”

DANIEL PERRY: “If he were white they would of released his name in all media outlets cut the video down to right when the protestor got shot and give out his home address.”

MICHAEL HOLCOMB: “Fernandez.”

MICHAEL HOLCOMB:

“<https://www.king5.com/article/news/local/protests/seattle-man-accused-driving-into-crowd-shooting-protesterarrested/281-bd1ba297-de90-4b12-93d8-8bcf75166f23>”

MICHAEL HOLCOMB: “Is this the same incident?”

DANIEL PERRY: “Yep but a lot of the video has been cut off.”

MICHAEL HOLCOMB: “I watched the video from other sources that show people who were filming with their smart phones.”

MICHAEL HOLCOMB: “It looks to me like he instigated it when he drove into the protesters.”

DANIEL PERRY: “I saw the video with people throwing bottles and bricks at the cars windshield.”

MICHAEL HOLCOMB: “That I don’t see.”

MICHAEL HOLCOMB: “Maybe it is a different person.”

MICHAEL HOLCOMB: “Idk”

DANIEL PERRY: “Plus the road was mostly clear until they started swarming a road and threw a metal thing on the hold of the car.”

DANIEL PERRY: “It was the same guy in your video.”

DANIEL PERRY: “Same gun.”

DANIEL PERRY: “Plus you can tell the guy who was reaching into the car was no where near the steering wheel.”

MICHAEL HOLCOMB: “The metal thing was already in the road...”

MICHAEL HOLCOMB: “He drove into it and the guy holding it tried to keep it where it was.”

DANIEL PERRY: [sent a video]

DANIEL PERRY: “Probably”

DANIEL PERRY: “But you saw how he was starting to slowdown”

DANIEL PERRY: “The rest of the video of him waiving his gun and turning himself in is the same.”

MICHAEL HOLCOMB: “The perspective of the video doesn’t show that the road was clear. It shows that there people all over it. I does look like he slowed down before speeding up, but I don’t see any bricks.”

DANIEL PERRY: “What hit his windshield”

DANIEL PERRY: “I could not really tell”

MICHAEL HOLCOMB: “Water bottle at most. Brick would have spider fractured the windshield at least and there is no sign of that.”

MICHAEL HOLCOMB: “Also, notice how the people start running to get out of the way as he is driving. He was driving fast enough down a road that clearly has people that the people starting trying to get out of the way.”

DANIEL PERRY: “Imagine if you were heading to work and you made a wrong turn saw people slowed down then something hit your windshield what are the chances you get startled and hit the gas.”

MICHAEL HOLCOMB: “And you can see that start before he even starts to slow down.”

DANIEL PERRY: “Plus what guilty man would turn himself in he could of just gunned it with the metal barrier as a cattle scoop thing like they have in front of trains and shot a lot more people.”

DANIEL PERRY: “I will not deny he was in fear for his life when he shot the guy.”

MICHAEL HOLCOMB: “His brother is a cop that works in that precinct.”

DANIEL PERRY: “So you are saying the cops staged this to make to protestors become more violent.”

MICHAEL HOLCOMB: “He himself stated that he drove to the Capital Hill protests to see “how bad” the protests were. As he turned onto 11th avenue, he sped up, heading straight for a crowd of protesters. It is apparent from the reactions of the crown that the defendant was driving at an excessive speed given the crowds and conditions. As protester yelled at him to stop and even put a metal barrier in his path, he continued to drive forward.”

MICHAEL HOLCOMB: “No.”

MICHAEL HOLCOMB: “I am saying that the first thing he did was go to the police and tell them that the protesters had tried to car jack him and he had shot somebody.”

MICHAEL HOLCOMB: “He then told them his brother was a cop.”

MICHAEL HOLCOMB: <https://www.capitolhillseattle.com/2020/06/fernandez-charged-incapitol-hill-protest-shooting/>

MICHAEL HOLCOMB: “You can view the charging documents here.”

MICHAEL HOLCOMB: “He wasn’t driving to work. He drove to the protests intentionally. rather than turning his car around, he drove faster into the crowd.”

MICHAEL HOLCOMB: “There have been multiple instances of people inciting a violent incident with protesters to validate the use of violence back on the protesters. This looks like one of those instances. I have not seen all the videos, but it does not look to me like a good shoot.”

DANIEL PERRY: “Kind of strange how kind 5 was different from the other one”

MICHAEL HOLCOMB: “How so?”

DANIEL PERRY: “It doesn’t say anything about him saying how bad the protests were”

MICHAEL HOLCOMB: “That’s because it was a news report versus the release of charging documents.”

MICHAEL HOLCOMB: “So they reported on it with what information they had and then later the report and the charging documents were made public.”

DANIEL PERRY: “What I want to know is if I had to shoot someone because I was attacked while getting a haircut what would the news vs the court documents say about me.”

DANIEL PERRY: “A barbershop I used to go to was attacked.”

MICHAEL HOLCOMB: “Ah...He also had a Glock 26 with an extended magazine an another magazine taped to the extended magazine.”

MICHAEL HOLCOMB: “DUI 2014, DUI 2010, and Assault 4 2009.

DANIEL PERRY: “How is he a legal gun owner”

DANIEL PERRY: “The assault alone should have made it illegal.”

MICHAEL HOLCOMB: “He also has a CHL and that he had the gun out in the passenger seat of his car.”

DANIEL PERRY: “I keep my revolver under my floor mat and my pistol in the glove box.”

DANIEL PERRY: “But out on the passenger seat wtf”

MICHAEL HOLCOMB: “This is part of why they are charging him.”

MICHAEL HOLCOMB: “He wasn’t carrying concealed and he drew in few of is life.”

MICHAEL HOLCOMB: “He intentionally drove into the protest area to see “how bad it was” and had his gun out in the passenger seat of the car. I mean, I read that has he was looking for trouble.”

[See Defendant DANIEL PERRY’s Facebook records pg. 1658-1665];

- 150) On or about June 13, 2020, in an unknown County in Texas, DANIEL PERRY says in a Message on Facebook, “I would have done the same thing.” [See Defendant DANIEL PERRY’s Facebook records pg. 47];
- 151) On or about June 13, 2020, in an unknown County in Texas, DANIEL PERRY commented on a post on Facebook from June 13th, “The protestor that was shot lied and said he was trying to protect the rest of the protestors from the driver and was grabbing the steering wheel. And the news edited the video so you can’t see the stuff being thrown at the car and they took out the part where they were grabbing the guy by his neck.” [See Defendant DANIEL PERRY’s Facebook records pg. 138-139];
- 152) On or about June 13, 2020, in an unknown County in Texas, DANIEL PERRY commented on a post from June 13th on Facebook, “He is facing felony charges” [See Defendant DANIEL PERRY’s Facebook records pg. 139];
- 153) On or about June 13, 2020, in an unknown County in Texas, DANIEL PERRY commented on a post from June 13th on Facebook, “I hope he doesn’t get any charges but it is Seattle” [See Defendant DANIEL PERRY’s Facebook records pg. 139];
- 154) On or about June 13, 2020, in an unknown County in Texas, DANIEL PERRY sent a message to user Ben Shapiro on Facebook. It said “They took one of your videos down I was watching that was about the chaz zone.” [See Defendant DANIEL PERRY’s Facebook records pg. 1411];
- 155) On or about June 13, 2020, in an unknown County in Texas, DANIEL PERRY and User MICHAEL HOLCOMB had the following conversation on Facebook:
- DANIEL PERRY: “I don’t believe in protestors being allowed to block highway or railroad track thank god they are not dumb enough to block railroad tracks.”
- [See Defendant DANIEL PERRY’s Facebook records pg. 1665];
- 156) On or about June 13, 2020, in an unknown County in Texas, DANIEL PERRY says in a Message on Facebook, “They better suck my dick for that \$10” [See Defendant DANIEL PERRY’s Facebook records pg. 47];
- 157) On or about June 13, 2020, in an unknown County in Texas, DANIEL PERRY has the following conversation on Facebook with user MICHAEL HOLCOMB:

DANIEL PERRY: “I just saw the funnest thing they are demanding that white people in the chaz to give \$10 to a black person I better get pleasure for that \$10.”

DANIEL PERRY: “Would you pay\$10”

MICHAEL HOLCOMB: “I just watched the video of the protester and he using that statement to provoke introspection. “If you have a hard time giving \$10 you got to think are you really down with this struggle, are you really down with the movement,” he said. “If that is a challenge for you, I’m not sure you are in the right place.”

MICHAEL HOLCOMB: “He is calling for people to not just pay lip service, but actually commit to the change that the protesters are calling for.”

DANIEL PERRY: “So you are saying that I’m not for equality if I don’t pay money”

MICHAEL HOLCOMB: “I don’t know if he actually wants them to give \$10”

MICHAEL HOLCOMB: “No, he is pointing out that if one isn’t wiling to give \$10 (assuming that they have it and can give it) will they really be able to give up the inherent privilege that the current system grants them.”

[See Defendant DANIEL PERRY’s Facebook records pg. 1667-1668];

158) On or about June 13, 2020, in an unknown County in Texas, DANIEL PERRY has the following conversation on Facebook with user MICHAEL HOLCOMB:

DANIEL PERRY: “You know that one of the leaders of the BLM movement compared the Jew to a termite.”

MICHAEL HOLCOMB: “Also, just very quickly...Why did you ask me if I would give \$10 I thought about asking at the time but got distracted with looking up stuff.”

MICHAEL HOLCOMB: “<https://www.timesofisrael.com/black-lives-matter-leader-expresssolidarity-with-jews-after-monsey-attack/>”

DANIEL PERRY: “I said would you give \$10 if a group of people demand you do”

MICHAEL HOLCOMB: “The leader of BLM in NY stood in solidarity with the Jewish community after the attacks.”

[See Defendant DANIEL PERRY’s Facebook records pg. 1671];

159) On or about June 13, 2020, in an unknown County in Texas, DANIEL PERRY has the following conversation on Facebook with user MICHAEL HOLCOMB:

MICHAEL HOLCOMB: “Did you see peaceful protesters trying to tell people who were breaking windows to stop and to make a line to protect businesses?”

MICHAEL HOLCOMB: “The movement that is happening is not inherently violent.”

DANIEL PERRY: “No but I have seen what a brick can do to a horses head.”

MICHAEL HOLCOMB: “I have not seen anything about horses being hurt by bricks.”

[See Defendant DANIEL PERRY’s Facebook records pg. 1674-1675];

160) On or about June 13, 2020, in an unknown County in Texas, DANIEL PERRY searched twice on Facebook for “Deep Ellum Community Watch” [See Defendant DANIEL PERRY’s Facebook records pg. 137-138];

161) On or about June 14, 2020, in an unknown County in Texas, DANIEL PERRY commented on a post from June 13th on Facebook, “It happened in Seattle Washington he is going to jail” [See Defendant DANIEL PERRY’s Facebook records pg. 137];

162) On or about June 15, 2020, in an unknown County in Texas, DANIEL PERRY commented on a post from June 13th on Facebook, “Washington state has one of those gun laws where you have to retreat to the last room of your house before you can defend yourself so his is definitely going to jail for murder” [See Defendant DANIEL PERRY’s Facebook records pg. 135];

163) On or about June 15, 2020, in an unknown County in Texas, DANIEL PERRY posted the following Message to Facebook, “I am glad Rayshard Brooksgot shot he punched a police officer in the face after failing a sobriety test and took the police officers taser. He then aimed the taser at the police officer. So why wouldn’t the officer defend himself. Just because he is black they are rioting the burned down Wendy’s then fired the police officer for defending him self. I once again say fuck BLM.” The following users commented on this Message:

DAVID PERRY: “@Daniel Perry it’s a non lethal weapon. A taser stuns and it doesn’t kill. The cop should’ve used pepper spray or a nightstick.

DANIEL PERRY: “You are retarded rayshard pointed a weapon at the police

DANIEL PERRY: “the only reason why anyone cares is because of the color of his skin if he were white it would of never made the news”

DANIEL PERRY: “They also just arrested his girlfriend lol

DANIEL PERRY: “so how it is a non lethal weapon when it is called lethal when ever the police use it but when civilians use it...it is called non lethal force.”

DAVID PERRY: “Your post is nasty. Rayshard should’ve been thrown in the rear seat of the police car and be charged with a felony for assaulting a police officer instead.”

[See Defendant DANIEL PERRY’s Facebook records pg. 367];

164) On or about June 15, 2020, in an unknown County in Texas, DANIEL PERRY has the following conversation on Facebook with user MICHAEL HOLCOMB:

MICHAEL HOLCOMB: “I saw your post about the Rayshard shooting and I just want to point something out. Cops consider a taser to be non-lethal when they use them. Therefore, I don’t see how one can argue that it was a good shoot when the drunk guy haphazardly discharged a non-lethal weapon at the cop. I’m not saying that the guy didn’t deserve to be arrested and perhaps charged with assault with a weapon, but I think the shoot was another example of excessive force. Using deadly force on someone who is a) running away and b) not putting the cops life in danger cannot be considered an appropriate use of force.”

MICHAEL HOLCOMB: “As a CHL holder, if I shoot someone running away that is not considered a good shoot.”

DANIEL PERRY: “What would happen if the cop got tased would he not be incapacitated leaving him vulnerable to someone grabbing his service weapon.”

MICHAEL HOLCOMB: “If I shoot someone and I am not reasonably I fear of my life, it’s not a good shoot.”

MICHAEL HOLCOMB: “So why is it okay for the cop?”

MICHAEL HOLCOMB: “There was another cop on site. That is not a valid argument.”

DANIEL PERRY: “If some one points a weapon at you and runs away do you just stand there and wait for them to shoot you or do you shoot them first even if it is a taser.”

MICHAEL HOLCOMB: “The cop shot a man I the back Daniel. The guy wasn’t squared up and firing at him. Even if he was, I believe that those taser pistols only have one shot and then you have to replace the front cartridge. I don’t see how you can validate the use of deadly force here.”

DANIEL PERRY: “He punched a cop in the face and took his taser”

MICHAEL HOLCOMB: “That is not a reason to kill him.”

DANIEL PERRY: “Are you saying that there is no adrenaline and panic if this happened to you on the middle of the night.”

DANIEL PERRY: “Plus why would protestors burn down a Wendy’s when all they did was call the police because someone fell asleep in the drive through.”

DANIEL PERRY: “I am willing to bet if it were a white man no one would care”

MICHAEL HOLCOMB: “The protestors burning down the Wendy’s was wrong, but that doesn’t make the cop right.”

MICHAEL HOLCOMB: “Even with adrenaline pumping, that doesn’t make it a good shoot. Cops are supposed to be trained professionals and the use of deadly force is supposed to be reserved for instances of necessity to protect their own life or the life of others in immediate danger (according to th National Institute of Justice, a division of the DOJ)”

MICHAEL HOLCOMB: “Do you believe this shoot is justified under those standards? A man running away with a taser.”

MICHAEL HOLCOMB: “As to whether there would be outrage if he were white... Maybe. With all the attention on police brutality in general, it would have probably made the news but would have not resulted in a riot.”

MICHAEL HOLCOMB: “I think everyone should have a problem with the current issues of police brutality and excessive force. Where are all the second amendment fanatics who intentionally annoy cops by open carrying or challenging their authority to arrest or detain them? They used to post videos all the time of cops using excessive force and overstepping their authority, but magically those people are all silent now when there is a movement with momentum that wants to reign in the police powers. I don't get it.”

DANIEL PERRY: “The district attorney just announced it will be almost impossible to prosecute the police officer and there is a chance they are going to investigate his firing as being unlawful”

MICHAEL HOLCOMB: “It is almost impossible to prosecute a police officer in general because of qualified immunity, the close relationship between local Das and local PDs, and the strong police union protections.

MICHAEL HOLCOMB: “And even then, You have to have a jury wiling to convict a cop.”

DANIEL PERRY: “The officer shooting qualified under one of The criteria’s that is there because of the supreme court case of Graham v. Conner at 1989.”

[See Defendant DANIEL PERRY’s Facebook records pg. 1671-1686];

165) A review of DANIEL PERRY’s cell phone extraction revealed outgoing Native Messages exchanged between “Daniel Perry (owner)” (perryd2@gmail.com) to a

phone number saved in the device as “JUSTIN SMITH” on or about June 15, 2020, in an unknown County in Texas. The messages are as follows:

OUTGOING MESSAGE: “I got pulled over it might take a minute.”

OUTGOING MESSAGE: “I got arrested.”

166) On or about June 16, 2020, in an unknown County in Texas, DANIEL PERRY had the following conversation on Facebook with user JUSTIN SMITH:

JUSTIN SMITH: “Are u ok”

DANIEL PERRY: “No I was able to convince the cop to arrest me under public intoxication instead of driving while intoxicated and I had to pay a huge fine.”

DANIEL PERRY: “After spending a night in the drunk tank.”

DANIEL PERRY: “So ya because I didn’t have a chance to sober up like I wanted to I almost got a DUI.”

JUSTIN SMITH: “I was worried about that”

JUSTIN SMITH: “So on my end I almost got stabbed and kevin went away for good.”

DANIEL PERRY: “Get a gun and I will teach you how to use it.”

[See] Defendant DANIEL PERRY’s Facebook records pg. 1608-1609];

167) On or about June 16, 2020, in an unknown County in Texas, DANIEL PERRY shared a link to a Michael Savage podcast on Facebook. The title is “Civil Rights Movement Hijacked by Revolutionary Communists” [See] Defendant DANIEL PERRY’s Facebook records pg. 733];

168) On or about June 16, 2020, in an unknown County in Texas, DANIEL PERRY shared a story on Facebook from www.riverfronthomes.com titled “The Christopher Columbus Statue in Tower Grove Park Has Come Down” [See] Defendant DANIEL PERRY’s Facebook records pg. 717];

- 169) On or about June 16, 2020, in an unknown County in Texas, DANIEL PERRY shared a meme as a Status Update on Facebook. The meme shows a photo of a statue that has red paint on it. There is a girl throwing what looks to be a noose around its head. The text reads, “Rioters in Philly deface a statue of Matthias Baldwin, an early abolitionist who fought against slavery for 30 years before it ended.” [See Defendant DANIEL PERRY’s Facebook records pg. 729];
- 170) On or about June 16, 2020, in an unknown County in Texas, DANIEL PERRY shared a tweet as a Status Update on Facebook. The tweet is from user Dan Crenshaw (@DanCrenshawTX, US House Candidate, TX-2). It says “I just want to remind all that when you create an “autonomous zone,” you don’t get to demand a long list of supplies from the orderly capitalist society that you are rebelling against. Kind of defeats the meaning of “autonomous.” #SeattleAutonomousZone” [See Defendant DANIEL PERRY’s Facebook records pg. 729-730];
- 171) On or about June 16, 2020, in an unknown County in Texas, DANIEL PERRY stated following in a conversation on Facebook with user MICHAEL HOLCOMB:
- DANIEL PERRY: “If I were being attacked because I am a Jew and they police are not there immediately I got a gun to defend myself”
- [See Defendant DANIEL PERRY’s Facebook records pg. 1701];
- 172) On or about June 17, 2020, in an unknown County in Texas, DANIEL PERRY shared on Facebook a YouTube video on Facebook from NBC News titled “Russian Police Hit Protestors With Batons During Election Rally”. DANIEL PERRY added the Text “This can be you protestors but this is America.” [See Defendant DANIEL PERRY’s Facebook records pg. 703];
- 173) On or about June 17, 2020, in an unknown County in Texas, DANIEL PERRY shared a YouTube video on Facebook titled “Russian Police Use Batons on Protesters at Demonstration.” DANIEL PERRY added the Text “Just be glad you guys are not in Russia this is what true police Brutality looks like.” [See Defendant DANIEL PERRY’s Facebook records pg. 703-704];
- 174) On or about June 17, 2020, in an unknown County in Texas, DANIEL PERRY shared on Facebook a URL titled “Thomas Jefferson statue toppled after scathing message is written at its base in Oregon.” [See Defendant DANIEL PERRY’s Facebook records pg. 704];

175) On or about June 17, 2020, in an unknown County in Texas, DANIEL PERRY linked a post to his Status Update on Facebook and commented “@The Religion of Arms is this a good shoot.” [See Defendant DANIEL PERRY’s Facebook records pg. 704];

176) On or about June 17, 2020, in an unknown County in Texas, DANIEL PERRY has the following conversation with user MICHAEL HOLCOMB on Facebook:

MICHAEL HOLCOMB: “I found a discussion among colleagues regarding the Atlanta shooting and someone pointed my attention towards another case that actually acts to clarify elements of *Graham v Conner*.”

MICHAEL HOLCOMB: “*Tennessee v. Garner* further clarifies that deadly force can't be used to prevent a fleeing suspect's escape unless the officer has probable cause to believe the suspect poses a significant threat of death or serious physical injury to the officer or another.”

MICHAEL HOLCOMB: “They had already patted him down, which means that they knew he was unarmed.”

DANIEL PERRY: “But based on the suspect aiming a taser at the police... if it were me or you who did that there would be no protest or anything and we would be forgotten”

MICHAEL HOLCOMB: “Whether we would be remembered is irrelevant. The question is whether the shoot was justified to begin with and I don't think that it legally was.”

MICHAEL HOLCOMB: “Taken together, the severity factors mean the deadly force is only justified in meeting an imminent threat of death or serious physical injury.”

MICHAEL HOLCOMB: “A taser is not considered to be lethal.”

MICHAEL HOLCOMB: “I am not disagreeing that we wouldn't have drawn protest support if it happened to us. I agree with you on that. I am just saying that the shoot being justified or not is a separate question.”

DANIEL PERRY: “Did you watch the debate on the issue where they said the suspect could of tased the officer and taken his gun. Or how when police are prosecuted for using a taser it is a deadly weapon but when the suspect has the taser it becomes a non lethal weapon.”

DANIEL PERRY: “A taser is a non-lethal weapon as long as it is not in the hands of the police apparently.”

[See Defendant DANIEL PERRY’s Facebook records pg. 1709-1710];

177) On or about June 17, 2020, in an unknown County in Texas, DANIEL PERRY has the following conversation with user MICHAEL HOLCOMB on Facebook:

DANIEL PERRY: “New question and new incident”

DANIEL PERRY: “Did you see the shooting where a guy is being chased by protestors one of them knocks him down and yells “I am going to kill you” while swinging a skateboard at the guys head and then he shoots the protestor multiple times.”

DANIEL PERRY: “It happened in New Mexico”

DANIEL PERRY: “That is a justifiable reason to defend yourself right?”

DANIEL PERRY: “The case for Atlanta can wait till more reports comes out and they do another official press release on the incident that states their intention on what to do with the officer.”

DANIEL PERRY: “Let me know when you find video of New Mexico shooting”

MICHAEL HOLCOMB: “I just found it. It doesn’t look like a good shoot Again, the guy with the gun is the one that incited violence. He was pulling people over and on the video he pulls and shoves a women to the ground for seemingly no reason before the protesters turned on him.”

MICHAEL HOLCOMB: “He was carrying concealed and was walking around trying to start something.”

MICHAEL HOLCOMB: “Shooting after you create an event where you have to shoot is not a good shoot.”

DANIEL PERRY: “So even though he retreated and they were beating him with objects ie a stake board he is not allowed to carry a gun to defend himself”

MICHAEL HOLCOMB: “Daniel...Aren’t you a CHL holder?”

DANIEL PERRY: “I am”

MICHAEL HOLCOMB: “Then you and I went through the same kind of training.”

DANIEL PERRY: “If someone swings a blunt object at my head I will defend myself”

DANIEL PERRY: “Even if I were having a civilized conversation like me and you are having and a third party decided hey I am going to attack this guy who doesn’t share my opinion.”

MICHAEL HOLCOMB: “Ending up in a bad situation and looking for one are not the same thing. The problem is that he intentionally incited violence by screwing with the protesters. He assaulted one and then decided to retreat. The incident was started by him.”

MICHAEL HOLCOMB: “In the circumstances you just said, the shoot would be justified.”

MICHAEL HOLCOMB: “You didn’t incite violence. You didn’t assault anyone. We were talking and someone else inserted themselves violently.”

DANIEL PERRY: “If I am in danger I don’t care who is in my way I am pushing them out of my way to escape I will also repeatedly say I am in fear of my life I will defend myself.”

[See Defendant DANIEL PERRY’s Facebook records pg. 1711-1712];

178) On or about June 17, 2020, in an unknown County in Texas, DANIEL PERRY has the following conversation with user MICHAEL HOLCOMB on Facebook:

DANIEL PERRY: “Both sides are at fault. His fault for not having a CHL or common sense and the protestors fault for issuing a death threat while swinging a skateboard at the guys head.”

MICHAEL HOLCOMB: “No one was paying attention to him. He grabs her from behind and slams her to the ground. Then the guy with a skateboard goes after him. He pepper sprays and tries to run away. Another guy picks up the long board and continues after him. He draws his gun and fires 4 shots.”

MICHAEL HOLCOMB: “He started it.”

MICHAEL HOLCOMB: “No.”

DANIEL PERRY: “Have you heard the term two wrongs doesn’t make a right”

MICHAEL HOLCOMB: “I think that he is fully at fault. If he is not a CHL holder, why did have a gun concealed? Why was he carrying at a protest where people are clearly trying to pull down a statue?”

DANIEL PERRY: “They should have let him go”

DANIEL PERRY: “Violence makes more violence”

MICHAEL HOLCOMB: “I agree that violence makes more violence, but I think you are focused on trying to make it out that this guy was justified and I don’t think he was.”

[See Defendant DANIEL PERRY’s Facebook records pg. 1713-1714];

179) On or about June 18, 2020, in an unknown County in Texas DANIEL PERRY has the following conversation with user MICHAEL HOLCOMB on Facebook:

DANIEL PERRY: “With all the BLM stuff going on I am worried about getting arrested for a accident I had a few months back.”

DANIEL PERRY: “I did the right thing and called the police and ambulance and the police said I was good to go at the time.”

DANIEL PERRY: “I even did the police report too.”

DANIEL PERRY: “I hit a pedestrian with my car going 55 MPH at least.”

DANIEL PERRY: “The police had not told me what happened to him nor have they contacted me but I am worried it is going to pop back up because of his race.”

DANIEL PERRY: “They charged a cop for killing a black men. What is stopping them from prosecuting me for hitting a black men on 35South.”

DANIEL PERRY: “The highway not the service road.”

MICHAEL HOLCOMB: “I think you’re working yourself up for nothing. Their focus is on police brutality because they are limited to no real checks. They’re not going to come after your for an accident like that.”

DANIEL PERRY: “After they got what they want from police then they are going to go after self defense and people who were hit by cars.”

[See Defendant DANIEL PERRY’s Facebook records pg. 1719-1720];

- 180) On or about June 18, 2020, in an unknown County in Texas, DANIEL PERRY shared a news story on Facebook from ‘The Police Tribute’ titled, “Mayor Calls Protesters Peaceful Until They Commit ‘Domestic Terrorism’ At Her House” with summary “Olympia, WA – The mayor of Washington’s capital city called herself a victim of “domestic terrorism” after the protesters who previously supported trashing her city spray-painted and vandalized her own home with Black Lives Matter graffiti. Olympia Mayor Cheryl Selby ignored recommendations...” [See Defendant DANIEL PERRY’s Facebook records pg. 701];
- 181) On or about June 18, 2020, in an unknown County in Texas, DANIEL PERRY shared an NBC news story on Facebook titled “Uncle Ben’s to change its branding as part of parent company’s stance against racism.” [See Defendant DANIEL PERRY’s Facebook records pg. 703];
- 182) On or about June 18, 2020, in an unknown County in Texas, DANIEL PERRY shared an URL on Facebook titled “Cracker Jack Changes Name To More Politically Correct Caucasian Jack” [See Defendant DANIEL PERRY’s Facebook records pg. 703];

- 183) On or about June 18, 2020, in an unknown County in Texas, DANIEL PERRY shared a tweet from Twitter user 'Liberty for the Masses' as a Status Update on Facebook. The tweet says "How soon after protesting this week's round of police brutality will the left go back to insisting that only the police should have guns?" [See Defendant DANIEL PERRY's Facebook records pg. 709-710];
- 184) On or about June 18, 2020, in an unknown County in Texas, DANIEL PERRY shared a meme as a Status Update on Facebook. The meme is an Aunt Jemima's label and the text states "IF YOU ARE OFFENDED BY A SYRUP BOTTLE YOU **ARE THE PROBLEM**" [See Defendant DANIEL PERRY's Facebook records pg. 716];
- 185) On or about June 19, 2020, in an unknown County in Texas, President Donald Trump posted the following on his Twitter account, "Any protesters, anarchists, agitators, looters, or lowlifes who are going to Oklahoma please understand, you will not be treated like you have been in New York, Seattle, or Minneapolis. It will be a much different scene! On or about June 16, 2020 Twitter user Daniel Perry posted the following comment on this tweet, "Send them to Texas we will show them why we say don't mess with Texas."
- 186) On or about June 19, 2020, in an unknown County in Texas, DANIEL PERRY shared a tweet from user 'Kimberly Parker Tamlin-Vesper' as a Status Update on Facebook. The tweet says "Using big words is another form of white supremacy. Blacks who live in urban area don't have the same access to education as whites. This make them less smart. If you feel the need to communicate like you are a thesaurus, you are probably a white supremacist." [See Defendant DANIEL PERRY's Facebook records pg. 707-708];
- 187) On or about June 20, 2020, in an unknown County in Texas, DANIEL PERRY shared a URL on Facebook entitled "Rioters in California Tear Down Statue of Ulysses S. Grant. He Defeated The Confederacy, Devastated KKK." [See Defendant DANIEL PERRY's Facebook records pg. 684];
- 188) On or about June 20, 2020, in an unknown County in Texas DANIEL PERRY has the following conversation with user MICHAEL HOLCOMB on Facebook:

DANIEL PERRY: [sent a photo of two men, one in front of the other. The man in front has his back to the man behind but the man in front is pointing a firearm behind him at the man behind. The man behind is also pointing a firearm at him.]

DANIEL PERRY: “Shoot or don’t shoot”

MICHAEL HOLCOMB: “With only this picture, shoot, but it would need more context to decide whether it was a good shoot or not.”

[See Defendant DANIEL PERRY’s Facebook records pg. 1727-28];

189) A review of DANIEL PERRY’s cell phone extraction revealed that on or about June 20, 2020, in an unknown County in Texas, there are incoming iMessages from +12542471589 to +19728496750 Daniel Perry (owner) and perryd2@gmail.com. The incoming messages are photos. The first shows a photo of a person holding a gallon zip lock bag in their lap. The zip lock bag looks just under half full of a substance that has the appearance of marijuana. The second photo shows a close-up photos of one of the pieces or nuggets of what appears to be marijuana.

190) A review of DANIEL PERRY’s cell phone extraction revealed Kik Messenger messages exchanged between Kik Account “Daniel (owner)” (knivesfromtrigun) and Kik Account savage_skills21_69k@talk.kik.com on or about June 20, 2020, in an unknown County in Texas. The messages are as follows:

SAVAGE_SKILLS: “How old are u again.”

OUTGOING MESSAGE: “I never told you lol”

SAVAGE_SKILLS: “Lol nope”

OUTGOING MESSAGE: “I guess bye”

SAVAGE_SKILLS: “What”

SAVAGE_SKILLS: “Wym bye”

OUTGOING MESSAGE: “I am too old (crying emoji)”

SAVAGE_SKILLS: “How old are u then”

OUTGOING MESSAGE: “30”

OUTGOING MESSAGE: "Plus I am active duty military."

SAVAGE_SKILLS: "My gosh, u old enough to be my dad"

SAVAGE_SKILLS: "But I'm not upset bc we can still be friends"

SAVAGE_SKILLS: "I have friends 6-20 years of age."

OUTGOING MESSAGE: "I am a weird person."

OUTGOING MESSAGE: "I feel numb most days and when I am not numb it is because I am playing video game or my cats."

191) On or about June 21, 2020, in an unknown County in Texas DANIEL PERRY has the following conversation with user MICHAEL HOLCOMB on Facebook:

MICHAEL HOLCOMB: "In general, unless you believe that yourself or someone else is in imminent danger (i.e. "immediately" experience gross harm or death as a result of you not acting) you do not have a reason to shoot. If a police officer is chasing someone down and they suddenly turn around and pull a gun, there is an argument that can be made for lethal force; however, that argument becomes more muddy and difficult if the person shoots "while" they are still trying to run away."

DANIEL PERRY: [sends an mp4 video]

DANIEL PERRY: "It matters not what the law is what matters is how much money you can spend on a lawyer and the jury"

DANIEL PERRY: "Me and you ya put rich folks they can do it."

[See Defendant DANIEL PERRY's Facebook records pg. 1729];

192) A review of DANIEL PERRY's cell phone extraction revealed Native Messages exchanged between "Daniel Perry (owner)" (perryd2@gmail.com) and a phone number saved in the device as "PV2 Martinez" on or about June 21, 2020, in an unknown County in Texas. The messages are as follows:

PV2 MARTINEZ: "Ight thanks for the heads up...hey when are you going to do the recruiting thing?"

OUTGOING MESSAGE: "August if I don't get fucked over."

OUTGOING MESSAGE: "That is if corona doesn't fuck me over."

OUTGOING MESSAGE: "It is supposedly getting worse."

PV2 MARTINEZ: "Them fucking protesters"

OUTGOING MESSAGE: "I am going to go to bed talk to you later and yes protestors spreading it like a barrack hoe with Gonorrhoea."

193) On or about June 21, 2020, in an unknown County in Texas, DANIEL PERRY shared a meme as a Status Update on Facebook. The meme shows a taser and above the taser the text "Atlanta Double Standard...5 Atlanta officers were fired for using tasers to arrest protestors, the DA said it was LETHAL FORCE. Below the taser the text says, "Rayshard Brooks fought officers, stole their taser, and shot them with it. The Mayor said using lethal force against the taser was NOT justified. WHY IS USING A TASER BY A POLICE OFFICER CONSIDERED "LETHAL FORCE" BUT NOT WHEN USED AGAINST A POLICE OFFICER BY A SUSPECT?" [See Defendant DANIEL PERRY's Facebook records pg. 687-688];

194) On or about June 21, 2020, in an unknown County in Texas, DANIEL PERRY shared story on Facebook from 'The Police Tribune' titled "Mob Blocks Cops From Helping Victims After Fatal Shooting in Seattle Autonomous Zone" [See Defendant DANIEL PERRY's Facebook records pg. 682];

195) A review of DANIEL PERRY's cell phone extraction revealed outgoing Facebook Messenger messages sent from Facebook Account "Daniel Perry (owner)" (100000580706754) to Facebook Account "Justin Smith" (100001012957783) on or about June 22, 2020, in an unknown County in Texas. The messages are as follows:

OUTGOING MESSAGE: "How come people are not rioting in Tulsa OK"

OUTGOING MESSAGE: "Look up Tulsa 1921"

OUTGOING MESSAGE: “Pretty much it is why the BLM should be attacking Tulsa a bunch of white boys with privilege airplanes and machine guns killed a whole neighborhood of blacks for no reason.”

- 196) On or about June 22, 2020, in an unknown County in Texas, DANIEL PERRY shared a CBS news story on Facebook titled “Teddy Roosevelt statue to be removed from famed natural history museum in New York” [See Defendant DANIEL PERRY’s Facebook records pg. 681];
- 197) On or about June 23, 2020, in an unknown County in Texas, DANIEL PERRY shared a screen shot from news story from WSOC-TV on Facebook with the title “‘Black Lives Matter’ street mural in uptown defaced with tire marks”. Below in the comments a user named Jeremy J Collins says, “I mean...it’s a street. There are usually tire tracks on those. If it was a wall I could see the anger, but that’s like looking at a floor and going “some asshole left a footprint”. (This comment is circled in red) [See Defendant DANIEL PERRY’s Facebook records pg. 671-672];
- 198) On or about June 25, 2020, in an unknown County in Texas, DANIEL PERRY shared a URL on Facebook for a story with the title “Privilege is ‘wearing \$200 sneakers’ with no job, Georgia mayor says. Backlash erupts.” DANIEL PERRY comments “Burn” [See Defendant DANIEL PERRY’s Facebook records pg. 684];
- 199) On or about June 25, 2020, in an unknown County in Texas, DANIEL PERRY shared story from ‘The Police Tribune’ to Facebook titled “Rayshard Brooks’ Girlfriend Arrested For Wendy’s Arson, Protesters Demand Release”. [See Defendant DANIEL PERRY’s Facebook records pg. 666];
- 200) On or about June 28, 2020, in an unknown County in Texas, DANIEL PERRY shared a Fox News story on Facebook titled “California Democrats pass resolution calling for John Wayne Airport to be renamed.” [See Defendant DANIEL PERRY’s Facebook records pg. 652];
- 201) On or about June 29, 2020, in an unknown County in Texas, DANIEL PERRY shared a Fox News story on Facebook titled “Father of teen murdered by illegal immigrant says BLM ignored his case: ‘I’m black, where’s our help?’” [See Defendant DANIEL PERRY’s Facebook records pg. 652];
- 202) On or about June 29, 2020, in an unknown County in Texas, DANIEL PERRY shared a meme as a Status Update on Facebook. The meme shows Mr. and Mrs.

- McCloskey armed outside their house. The text says “Portland place.” A mob of at least 100 smashed through the historic wrought iron gates of Portland Place, destroying them, rushed towards my home where my family was having dinner outside and put us in fear of our lives,” he said. (The following text is highlighted in blue – “This is all private property. There are no public sidewalks or public streets. We were told that we would be killed. We were all alone facing an angry mob.” [See Defendant DANIEL PERRY’s Facebook records pg. 661-662];
- 203) On or about July 1, 2020, in an unknown County in Texas, DANIEL PERRY shared link on Facebook to a video titled “Seattle Police are clearing the CHOP area after Mayor Jenny Durkan gives an executive order.” [See Defendant DANIEL PERRY’s Facebook records pg. 636];
- 204) On or about July 1, 2020, in an unknown County in Texas, DANIEL PERRY shared a meme as a Status Update on Facebook. The meme shows Abraham Lincoln with the text “ASSASSINATED FOR FREEING BLACK SLAVES IN 1865...CALLED A RACIST BY BLACK LIVES MATTER IN 2020”. DANIEL PERRY shared this with the text “This is why I do not support black lives movement and believe they are acting like savage animals. It is also sad I now I have to say to include the white people in the BLM group.” [See Defendant DANIEL PERRY’s Facebook records pg. 648-649];
- 205) On or about July 1, 2020, in an unknown County in Texas, DANIEL PERRY shared a Fox News story on Facebook titled “University of Wisconsin students say Abraham Lincoln statue at Madison campus must come down.” DANIEL PERRY comments “I hope their donors pull out.” [See Defendant DANIEL PERRY’s Facebook records pg. 650];
- 206) On or about July 1, 2020, in an unknown County in Texas, DANIEL PERRY shared a story from ‘The Police Tribute’ on Facebook titled “16 Year Old Dead, 14 Year Old Critical After Shootings in Seattle Autonomous Zone” [See Defendant DANIEL PERRY’s Facebook records pg. 650];
- 207) On or about July 2, 2020, in an unknown County in Texas, DANIEL PERRY shared a meme as a Status Update on Facebook. The meme shows a photo of two people holding a sign that says “WHITE MEN WITH GUNS are America’s Biggest TERRORISTS”. Below that is a chart with Homicide Rates by Race that shows the category Black as the highest designated with a number 16.27. [See Defendant DANIEL PERRY’s Facebook records pg. 640-641;

- 208) On or about July 2, 2020, in an unknown County in Texas, DANIEL PERRY shared a Fox News story on Facebook titled “Media narrative of peaceful Seattle CHOP zone turned upside down as mayor sends in police to stop violence.” [See Defendant DANIEL PERRY’s Facebook records pg. 626];
- 209) On or about July 2, 2020, in an unknown County in Texas, DANIEL PERRY shared a Fox News story on Facebook titled “Redskins cannot move to new stadium unless team name changes: report” [See Defendant DANIEL PERRY’s Facebook records pg. 627];
- 210) On or about July 3, 2020, in an unknown County in Texas, DANIEL PERRY shared a Fox News story on Facebook titled “Lawmakers make push for slavery reparations in wake of George Floyd’s death.” DANIEL PERRY says in the text “Screw that they are not getting a dime from me.” [See Defendant DANIEL PERRY’s Facebook records pg. 623];
- 211) On or about July 3, 2020, in an unknown County in Texas, DANIEL PERRY shared on Facebook an NPR news story titled “Boston to Remove Statue Depicting Abraham Lincoln With Freed Black Man At His Feet.” [See Defendant DANIEL PERRY’s Facebook records pg. 623];
- 212) A review of DANIEL PERRY’s cell phone extraction revealed Whisper messages exchanged between Whisper Account “Unknown (owner)” (WAR) and Whisper Account “Unknown” (Micro_Gold) on or about July 3rd – July 5th, 2020, in an unknown County in Texas. The messages are as follows:

OUTGOING MESSAGE: “I am old.”

UNKNOWN: Sounds perfect hey

OUTGOING MESSAGE: “How old are you”

UNKNOWN: “17”

UNKNOWN: “Hby”

OUTGOING MESSAGE: “33”

UNKNOWN: “Cute”

UNKNOWN: “Can I get a pic?”

OUTGOING MESSAGE: [sends selfie showing DANIEL PERRY]

OUTGOING MESSAGE: “Where is my picture”

UNKNOWN: [sends image]

OUTGOING MESSAGE: “Cute”

OUTGOING MESSAGE: “You interested in older men?”

- 213) On or about July 4, 2020, in an unknown County in Texas, DANIEL PERRY shared a meme as a Status Update on Facebook. The meme says “I’m sorry, but if you are still ‘struggling with slavery’ I’m still struggling with when the Vikings invaded England in the 8th Century and enslaved my relatives....They stole our lands, burned our fields and assaulted our women. I blame all my current failures on Vikings.” [See Defendant DANIEL PERRY’s Facebook records pg. 634-635];
- 214) On or about July 4, 2020, in an unknown County in Texas, DANIEL PERRY shared a meme as a Status Update on Facebook. The meme shows rifle ammunition and the text says “IF YOU DEFUND THE POLICE YOU SHOULD KNOW I DON’T OWN ANY RUBBER BULLETS.” [See Defendant DANIEL PERRY’s Facebook records pg. 628];
- 215) On or about July 4, 2020, in an unknown County in Texas, DANIEL PERRY shared on Facebook a Fox News story titled “‘Defund the Police’ mural changed to ‘Defend the Police’ outside Milwaukee City Hall.” [See Defendant DANIEL PERRY’s Facebook records pg. 622];
- 216) On or about July 4, 2020, in an unknown County in Texas, DANIEL PERRY shared a Fox News story on Facebook titled “Protesters block road leading to Mount Rushmore ahead of Trump event” and DANIEL PERRY said in the Text “Watch as president trump flyers his helicopter over the protestors”. [See Defendant DANIEL PERRY’s Facebook records pg. 622-623];

- 217) On or about July 6, 2020, in an unknown County in Texas, DANIEL PERRY shared a meme as a Timeline Photo on Facebook. The pictures shows an little girl at the beach. The text says “SHE OWES US FOR PEARL HARBOR” then below says “You know what. At first I looked at this and said “WHAT?!?! But this is a great point. IT’S RIDICULOUS to blame this child for pearl harbor just like its RIDICULOUS to blame ANYONE alive today for slavery, stolen land from the 1800s, or any other crime from hundreds of years ago. IT’S JUST PLAIN STUPID TO BLAME THE INNOCENT!!” [See Defendant DANIEL PERRY’s Facebook records pg. 605-606];
- 218) On or about July 6, 2020, in an unknown County in Texas, DANIEL PERRY shared a Breitbart new story on Facebook titled “Statute of Frederick Douglas Torn Down in Rochester.” [See Defendant DANIEL PERRY’s Facebook records pg. 607];
- 219) On or about July 6, 2020, in an unknown County in Texas, DANIEL PERRY shared a Fox News story on Facebook titled “Famed ‘Dukes of Hazzard’ car with Confederate flag to remain displayed in Illinois auto museum.” [See Defendant DANIEL PERRY’s Facebook records pg. 607];
- 220) On or about July 6, 2020, in an unknown County in Texas, DANIEL PERRY shared a Twitter post by Jack McCauley (@JackieLeeMc) as a Status Update. McCauley tweets as photo of an black person on a stretcher with officers or EMS personnel and the text says “This is the “warlord leader” of CHAZ/CHOP in Seattle after he was apprehended yesterday. He didn’t go down in a hail of bullets, but rather on a stretcher, crying like a little bitch.” [See Defendant DANIEL PERRY’s Facebook records pg. 614-615];
- 221) On or about July 7, 2020, in an unknown County in Texas, DANIEL PERRY shared a story on Facebook titled “Kaepernick Calls Independence Day ‘Celebration of White Supremacy’ – The Police Tribune” with the summary “New York, NY – Former National Football League quarterback Collin Kaepernick said that the Fourth of July was a “celebration of white supremacy” according to his Twitter account. “Black ppl have been dehumanized, brutalized, criminalized + terrorized by America for centuries, & are expected t...” DANIEL PERRY puts as his Status “Fuck that guy” [See Defendant DANIEL PERRY’s Facebook records pg. 604];
- 222) On or about July 7, 2020, in an unknown County in Texas, DANIEL PERRY shared a photo on Facebook of a man holding a shotgun. The text says “HI, BILLY

- MAYS HERE WITH LOOTER-B-GONE” [See Defendant DANIEL PERRY’s Facebook records pg. 332];
- 223) On or about July 7, 2020, in an unknown County in Texas, DANIEL PERRY posted the Message on Facebook, “I am about to say something that can be considered racist but I believe that Fort Hood should keep its name the same. I do not care what BLM wants.” [See Defendant DANIEL PERRY’s Facebook records pg. 50];
- 224) On or about July 8, 2020, in an unknown County in Texas, DANIEL PERRY shared a Fox News story on Facebook titled “Record-high background checks indicates public fear over ‘defund police’ movement, gun-rights activists says” [See Defendant DANIEL PERRY’s Facebook records pg. 601];
- 225) On or about July 8, 2020, in an unknown County in Texas, DANIEL PERRY shared a Fox News story on Facebook titled “Phoenix Police release bodycam video from fatal officer shooting that sparked protests.” [See Defendant DANIEL PERRY’s Facebook records pg. 602];
- 226) On or about July 8, 2020, in an unknown County in Texas, DANIEL PERRY shared a meme as a Status Update on Facebook. The top half of the meme shows a photo of Will Smith with the quote “HOLLYWOOD IS UNFAIR TO BLACKS AND OPPRESSES THEM” – WILL SMITH” The photo below is an aerial shot of a property with text that says “WILL SMITH’S \$42 MILLION DOLLAR HOME THAT’S 25 THOUSAND SQUARE FEET AND SITS ON 150 ACRES” [See Defendant DANIEL PERRY’s Facebook records pg. 616-617];
- 227) On or about July 10, 2020, in an unknown County in Texas, DANIEL PERRY posted the following Status Update on Facebook – “Mean while when some black racist attack a white mother makes you wonder why this is not a hate crime.” [See Defendant DANIEL PERRY’s Facebook records pg. 590];
- 228) On or about July 10, 2020, in an unknown County in Texas, DANIEL PERRY shared a Fox News story on Facebook with the title “Seattle City Council seems ready to defund police by 50 percent.” [See Defendant DANIEL PERRY’s Facebook records pg. 590];
- 229) On or about July 10, 2020, in an unknown County in Texas, DANIEL PERRY shared a story on Facebook from <https://bluelivesmatter.blue> with the Title “Black

Lives Matter Activist Charged With Extorting Businesses” [See Defendant DANIEL PERRY’s Facebook records pg. 590];

230) On or about July 10, 2020, in an unknown County in Texas, DANIEL PERRY posted the following Status Update on Facebook – “Proof that all lives matter fuck BLM.” [See Defendant DANIEL PERRY’s Facebook records pg. 591];

231) On or about July 10, 2020, in an unknown County in Texas, DANIEL PERRY shared a Fox News story on Facebook titled “Pelosi on Christopher Columbus statue destruction: ‘People will do what they do’” with the summary “House Speaker Nancy Pelosi Thursday declined to admonish protestors in her native city of Baltimore who pulled down a statue of Christopher Columbus and then tossed the monument into the city’s Inner Harbor.” [See Defendant DANIEL PERRY’s Facebook records pg. 591];

232) On or about July 10, 2020, in an unknown County in Texas, DANIEL PERRY and user JUSTIN SMITH has the following conversation on Facebook:

DANIEL PERRY: “Being emotional and loving will get me killed or worse in my line of work.”

JUSTIN SMITH: “I Mean what dumbass would even be a us solder lol.”

JUSTIN SMITH: “This country is shit and im leaving it in a few years”

DANIEL PERRY: “I am waiting for it all to go to real shit so I can unload freedom into the skulls of those who threaten it”

[See Defendant DANIEL PERRY’s Facebook records pg. 1631-1632];

233) A review of DANIEL PERRY’s cell phone extraction revealed Kik Messenger messages exchanged between Kik Account “Daniel (owner)” (knivesfromtrigun) and Kik Account “Yuno iazuki” (potato1236065_mog@talk.kik.com) on or about July 10th – July 12th, 2020, in an unknown County in Texas. The messages are as follows:

OUTGOING MESSAGE: “ Hey you friend mug just posted your number on a public chat.” (Post contains an “X” indicating it was removed from the device)

OUTGOING MESSAGE: "Name Daniel, Age 33, Height 5' 10", Color of skin white, Calling or no calling calling. Do you want a real long relationship yes." (Post contains an "X" indicating it was removed from the device)

YUNO IAZUKI: "Ok so im 16 ill be 17 in 3 months u sure u want me" (Post contains an "X" indicating it was removed from the device)

OUTGOING MESSAGE: "What state" (Post contains an "X" indicating it was removed from the device)

YUNO IAZUKI: "Huh" (Post contains an "X" indicating it was removed from the device)

OUTGOING MESSAGE: "What state do you reside in." (Post contains an "X" indicating it was removed from the device)

YUNO IAZUKI: "Nahhh u to late boo." (Post contains an "X" indicating it was removed from the device)

OUTGOING MESSAGE: "Ok" (Post contains an "X" indicating it was removed from the device)

OUTGOING MESSAGE: "Bye" (Post contains an "X" indicating it was removed from the device)

OUTGOING MESSAGE: "Your loss" (Post contains an "X" indicating it was removed from the device)

YUNO IAZUKI: "Oh ok"

YUNO IAZUKI: "Call me."

OUTGOING MESSAGE: "You have Skype"

OUTGOING MESSAGE: "Also promise me no nudes until you are old enough to be of age."

YUNO IAZUKI: "Ok"

YUNO IAZUKI: "Um my numer is 7206030145"

OUTGOING MESSAGE: "Um I do not think I am ready for you to have access to my number."

OUTGOING MESSAGE: "Last time I gave my number to a girl she spammed my phone with under age nudes and I had to change my number out of fear of going to jail."

OUTGOING MESSAGE: "I am going to bed come up with a reason why I should be your boyfriend before I wake up."

OUTGOING MESSAGE: "I would also like to get to know you before I decide if I want you or not. (Post contains an "X" indicating it was removed from the device)

OUTGOING MESSAGE: "If I like it I will call you."

YUNO IAZUKI: "I don't send nudes for one im not comfortable."

YUNO IAZUKI: "You dont have to if u dont want"

OUTGOING MESSAGE: "Look I prefer to message for a few days before I call someone."

OUTGOING MESSAGE: "You know get to know them on a individual basis. Like their personality and stuff."

OUTGOING MESSAGE: "I work in a field where I have to be careful and not lose my security clearance. Because with out it I lose my job."

OUTGOING MESSAGE: "So why an old man like me."

YUNO IAZUKI: "Wym"

YUNO IAZUKI: "I don't want u"

234) On or about July 11, 2020, in an unknown County in Texas, DANIEL PERRY shared a meme as a Status Update on Facebook. The meme shows Abraham Lincoln

- kneeling in prayer. The text says “Murdered for freeing slaves in 1865....Labeled a ‘racist’ by Black Lives Matter in 2020. Abraham Lincoln” [See Defendant DANIEL PERRY’s Facebook records pg. 592-593];
- 235) On or about July 12, 2020, in an unknown County in Texas, DANIEL PERRY shares a Fox News story as a Status Update on Facebook. The title of the story is “Missouri couple who defended home have rifle seized during police search: report” [See Defendant DANIEL PERRY’s Facebook records pg. 580];
- 236) On or about July 12, 2020, in an unknown County in Texas, DANIEL PERRY posts a meme as a Status Update on Facebook. The meme has a top half and a bottom half. The top half is a news headline from thepostmillennial.com. The headline reads “BLM Toronto leader believes white people are sub-human, calls them “genetic defects”. The lower half of the meme shows a young man looking confused and the text “How the hell is that not considered racist?” [See Defendant DANIEL PERRY’s Facebook records pg. 576-577];
- 237) On or about July 12, 2020, in an unknown County in Texas, DANIEL PERRY shared a meme as a Status Update on Facebook. The meme shows a man with a beard wearing sunglasses and the text says “LIBERAL PRIVILEGE 1) believing you have the right to control other people’s lives 2) Believing you have the right to never hear other opinions 3) Believing that when you’re offended others have to care 4) Believing that there are two sets of rules: one for you and one for everyone else” [See Defendant DANIEL PERRY’s Facebook records pg. 585];
- 238) On or about July 12, 2020, in an unknown County in Texas, DANIEL PERRY shared a meme as a Status Update on Facebook. The meme shows Danny Devito holding two guns. The text says “The Left: “If you kill somebody breaking into your house, it’s because you value your things more than someone else’s life” ME: So anyway, I started blasting.” [See Defendant DANIEL PERRY’s Facebook records pg. 585-586];
- 239) On or about July 12, 2020, in an unknown County in Texas, DANIEL PERRY shared a meme as a Status Update on Facebook. The meme shows a picture of a young woman. The text says “This Antifa goon screamed she didn’t want her picture taken while being arrested. Please respect her privacy. Do not share this.” [See Defendant DANIEL PERRY’s Facebook records pg. 588];

240) On or about July 13, 2020, in an unknown County in Texas, DANIEL PERRY post a Mobile Upload to Facebook. It shows a photo of the McCloskeys on the left holding an assault rifle with the text “This is no ok!!” below it. On the right hand side there are two photos of people wearing camo or swat looking gear, holding assault rifles as well and the text reads “But this is ok!” [See Defendant DANIEL PERRY’s Facebook records pg. 561-562];

241) On or about July 13, 2020, in an unknown County in Texas, DANIEL PERRY post a meme as a Status Update on Facebook. The text reads “The second amendment should really only apply to weapons around when it was written, it’s different with these modern more deadly guns” Me, looking up from pouring a box of razor blades down the muzzle of my blunderbuss: [shows face photoshopped onto a man’s body] and the text “Are you sure about that?” [See Defendant DANIEL PERRY’s Facebook records pg. 568];

242) A review of DANIEL PERRY’s cell phone extraction revealed an incoming Kik Messenger message on or about July 13th – July 14th, in an unknown County in Texas. The incoming message states, “You have joined the public group #gamersandmeme.” The following messages were incoming or outgoing to this Kik chat group:

OUTGOING MESSAGE: “I am banned from Facebook and my profile shared with millions and labeled a racist because I said what I really thought about all the political bull shit taking up my Facebook wall.”

OUTGOING MESSAGE: “All I said was they BLM is acting like a bunch of animals burning down their own neighborhoods and if I had to pay \$10 they better suck my dick for that much.”

OUTGOING MESSAGE: “I was getting spammed with donate to BLM and to check my privilege so I snapped.”

OUTGOING MESSAGE: “My brother is a major cock block when ever I go out with him women assume we are a gay couple even though I don’t swing that way and I don’t show any affection to my brother other then having him bring me a beer when I am in a middle of a game.”

OUTGOING MESSAGE: “Oh god you guys are imagining something horrible.”

OUTGOING MESSAGE: "I am getting pissed off at sister and parents my parents for siding with her."

OUTGOING MESSAGE: "My obsession gaming and me wanting to wear a blue lives matter shirt and me not being allowed to wear a shirt from quake con."

INCOMING FROM KIK MESSENGER: "You have been removed from the group"

- 243) On or about July 14, 2020, in an unknown County in Texas, DANIEL PERRY posted a Message to Facebook that said, "If you think the name Texas Rangers is offensive or racist you are the problem and you need to go fuck yourself. Don't mess with my favorite baseball team. Texas rangers are here to stand." [See Defendant DANIEL PERRY's Facebook records pg. 1797];
- 244) On or about July 15, 2020, in an unknown County in Texas, DANIEL PERRY sent a photo on Facebook. The photo is a meme divided into 4 boxes in a comic style. The first box shows a character wearing a cowboy hat pointing a gun and the text bubble says "You illegal aliens best turn around and stop invading our culture!" The second box shows 3 characters with their hands raised saying "No, wait! We're from here." The cowboy says "Really? Where?" The third box shows one of them saying "California". The fourth box is the cowboy shooting and the text "BLAM! BLAM! BLAM! BLAM! BLAM! BLAM!" [See Defendant DANIEL PERRY's Facebook records pg. 1797];
- 245) On or about July 17, 2020, in an unknown County in Texas, DANIEL PERRY posted the following Message to Facebook, "We have forgotten we no longer honor the fallen. We instead put radicals who were happy this happened into congress cough cough Ilhan Omar cough cough. You people have no shame and would rather fight each other over pettiness instead of uniting and loving each other. You guys would rather fight like savage animals and have racial divides and demonize the white male driving them to the extreme right instead of standing together as Americans. I am a American can you say the same about yourself. [See Defendant DANIEL PERRY's Facebook records pg. 1798];
- 246) On or about July 18, 2020, in an unknown County in Texas, DANIEL PERRY shares a meme as his Status Update on Facebook. The meme is a photo of what appears to be a homemade firearm. The text says "Whatever you guys do, do NOT read "Expedient Homemade Firearms Vol II" by Philip A. Luty. It gives you

instructions on how to build a submachine gun using basic construction materials and tools, and that's ILLEGAL, so definitely don't do it. Also, definitely do NOT visit the author's website, "thehomegunsmith.com", where similar guides for building other illegal firearms can be found. Breaking the law is very bad and you should not do it, so spread this around to make sure nobody accidentally does it!" [See Defendant DANIEL PERRY's Facebook records pg. 541-543];

- 247) A review of DANIEL PERRY's cell phone extraction web history revealed that on or about July 19, 2020, in an unknown County in Texas, possible web history containing a URL that links to the Title "Gunshot wound – Wikipedia."
- 248) On or about July 21, 2020, in an unknown County in Texas, DANIEL PERRY posted a YouTube video to Facebook as a Status Update. The title is "Black Woman Protests & Paints Over Black Lives Matter Mural." [See Defendant DANIEL PERRY's Facebook records pg. 1797];
- 249) On or about July 23, 2020, in an unknown County in Texas, DANIEL PERRY shares a Fox News story to Facebook. The Title of the news story is "Portland mayor joins protest, security detail later struggles with protestors." The summary states, "Portland Mayor Ted Wheeler's security detail scuffled with protestors late Wednesday night as the mayor struggled to get inside a building while people surrounded him from all sides, according to a report." [See Defendant DANIEL PERRY's Facebook records pg. 520];
- 250) On or about July 23, 2020, in an unknown County in Texas, DANIEL PERRY shared a meme as a Status Update on Facebook. The meme shows two photos of a young woman and the text says "THIS IS THE ANTIFA SCUM GIRL THAT THREW A MOLOTOV COCKTAIL IN A POLICE VEHICLE WITH 4 OFFICERS INSIDE. HER FACEBOOK PAGE IS STILL UP. HER NAME IS Samantha Shader". [See Defendant DANIEL PERRY's Facebook records pg. 526];
- 251) A review of DANIEL PERRY's cell phone extraction web history revealed that on or about July 23, 2020, in an unknown County in Texas, possible web history containing a URL that links to the Title "Hawley seeks DOJ probe of St. Louis case on couple wielding guns at protesters."
- 252) On or about July 23, 2020, in an unknown County in Texas, DANIEL PERRY shares a meme as his Status Update on Facebook. The meme is a photo of Ronald Reagan with text below reading, "Keep voting Democrat...One day they will restrict

your freedoms, restrict your history and restrict your safety. All in the name of professional victims that don't understand the consequences of their ignorance. – Ronald Reagan, 1987” [See Defendant DANIEL PERRY's Facebook records pg. 530-531];

253) On or about July 23, 2020, in an unknown County in Texas DANIEL PERRY has the following conversation with user MICHAEL HOLCOMB on Facebook:

DANIEL PERRY: “So they are launching fireworks at federal law enforcement and also blinding them with laser.”

MICHAEL HOLCOMB: “I saw the press conference where they announced that three officers may never recover their eye sight. It is unfortunate and should have never happened; however, I think it is important to recognize that the protesters are not the root of the problem.”

MICHAEL HOLCOMB: “I would like to again point out that the federal agents are inciting this kind of escalation. They do not belong there. There is no legal reason for them to be there. Portland and the State of Oregon did not request their assistance, have publicly asked them to leave, and have filed a law suit requesting a restraining order on the federal agencies that are continuing to operate without their permission.”

MICHAEL HOLCOMB: “This is similar to how in the initial protests (I say initial because protests have continued daily for over 50 days now) police were trying to disburse peaceful protesters with “less-lethal” tactics and the protesters grew violent in response. As far as we know, these agents are not operating under legally (we'll see what the court decides but I have looked at their arguments and they do not seem to pass muster) and there are multiple videos of such agents with no identifying patches inciting violence against people. One pointed example is the navy veteran that they beat (breaking bones in his hand) and sprayed with pepper spray when he asked them to remember their oaths.”

DANIEL PERRY: “There is nothing wrong with protesting what is wrong is shooting fireworks at people destroying property. Trying to trespass on federal property that is on lock down, blinding people with lasers.”

DANIEL PERRY: “On base we have orders to beat the fuck out of protestors if they pass our security line.”

[See Defendant DANIEL PERRY's Facebook records pg. 1738-1739];

254) A review of DANIEL PERRY's cell phone extraction revealed an outgoing Native Messages exchanged between "Daniel Perry (owner)" (perryd2@gmail.com) to a phone number saved in the device as "JUSTINE" on or about July 24, 2020, in an unknown County in Texas. The outgoing message states, "You need to give me heads up when you are heading over I am going to do some Uber driving tomorrow."

255) A review of DANIEL PERRY's cell phone extraction revealed Native Messages exchanged between "Daniel Perry (owner)" (perryd2@gmail.com) and phone number 713-444-3362 on or about July 25, 2020, in an unknown County in Texas. The messages appear to have occurred between 7:42 pm and 9:49 p.m. The messages are as follows:

713-444-3362: "Hey there 😊"

OUTGOING MESSAGE: "Hey"

713-444-3362: "Hey are you around)? – sent 9:28:04 p.m.

713-444-3362: [sent unknown emoji] – 9:29:17 p.m.

OUTGOING MESSAGE: "Yes I am" – 9:37:04 p.m.

713-444-3362: "Want to pick me up??" – 9:37:32 p.m.

713-444-3362: "I'm not usually this type of girl but if you're interested in hooking (two emoji)" – sent 9:38:08 p.m.

OUTGOING MESSAGE: "Sounds fun " – sent 9:40:59 p.m.

OUTGOING MESSAGE: "I don't usually hook up either." – sent 9:41:50 p.m.

713-444-3362: "If you can have 200 for me and Give me a ride back to my hotel, I'm feeling a little frisky." – sent 9:44:05 p.m.

OUTGOING MESSAGE: "I'm sorry I don't pay for hooking up." – 9:46:22 p.m.

713-444-3362: “Oh no I am not asking for that.” – sent 9:46:35 p.m.

713-444-3362: “The money is a gift for my car baby nothing else.” – sent 9:46:44 p.m.

OUTGOING MESSAGE: “I also don’t have that kind of money floating around.” – sent 9:47:59 p.m.

713-444-3362: “I understand (emoji) – sent 9:48:38 p.m.

OUTGOING MESSAGE: “I have not gotten paid for a few months and the army is fixing my pay issues.” – sent 9:49:12 p.m.

256) On or about July 26, 2020, in an unknown County in Texas, DANIEL PERRY has the following conversation with user MICHAEL HOLCOMB on Facebook:

DANIEL PERRY: “I was attacked yesterday and I had to defend myself and I need to talk.”

MICHAEL HOLCOMB: “Well...Damn...”

MICHAEL HOLCOMB: “Okay, what happened?”

[See Defendant DANIEL PERRY’s Facebook records pg. 1743];

257) On or about July 29, 2020, DANIEL PERRY called Detective David Fugitt and left him a message. Detective Fugitt called DANIEL PERRY back and record this call. During the call Detective Fugitt tells DANIEL PERRY that he has not had a chance to review the contents of his phone. DANIEL PERRY tells Detective Fugitt “it’s kind of inconvenient not having it, you know?”

258) On or about Austin 1, 2020, in a recorded phone conversation with Detective David Fugitt, DANIEL PERRY acknowledged that he had commented on President Trump’s tweet and stated he was angry that they were tearing stuff up. [See Audio file 1596319361516.m4a];

259) On or about Austin 1, 2020, in a recorded phone conversation with Detective David Fugitt, DANIEL PERRY stated “If you look up all of my history, I have ever posted on the internet, nothing is ever, ever racist.” [See Audio file 1596319361516.m4a];

The failure to include an offense, act or transaction extraneous to the offense alleged in this cause and for which the defendant is currently standing trial is not to be construed as a waiver of the introduction of any other acts not specified herein. The State specifically reserves the right to introduce any and all evidence as allowed under law.

The state would further inform the court that counsel for the defendant has been provided with evidence of the offenses in this cause and has been put on notice of all acts and offenses as alleged therein.

Respectfully submitted,

_____/s/_____
GUILLERMO GONZALEZ
Assistant District Attorney
State Bar No. 08126700
Travis County, Texas

CERTIFICATION

By my signature above, I hereby certify that I have notified the Defendant in this cause pursuant to the Texas Rules of Evidence and the Texas Code of Criminal Procedure by filing the foregoing State's Notice of Intent to Introduce Evidence of Extraneous Conduct in the public record of this cause, and by providing a copy of the foregoing document by:

Email transmission

Date: February 27, 2023 or before

_____/s/_____
GUILLERMO GONZALEZ

D-1-DC-21-900007

At 03/27/2023 12pm pg
Velva L. Price, District Clerk

THE STATE OF TEXAS

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§
§

THE 147th JUDICIAL

VS.

DISTRICT COURT OF

DANIEL PERRY

TRAVIS COUNTY, TEXAS

**STATE'S FIRST SUPPLEMENTAL NOTICE OF INTENT TO INTRODUCE
EVIDENCE OF EXTRANEOUS CONDUCT**

COMES NOW THE STATE OF TEXAS, by and through her Travis County District Attorney, and files this First Supplemental notice to introduce evidence of extraneous conduct of the Defendant and gives notice to the Court and the Defendant that the State intends to introduce the following evidence during the guilt and the punishment phase of the trial in accordance with Texas Rules, of Criminal Evidence Rule 404, 608, 609, 612 and Texas Code of Criminal Procedure Article 37.07 and any other applicable rules or case law. This notice is intended to supplement the State's original notice:

- 1) A review of DANIEL PERRY's cell phone extraction revealed Facebook Messenger messages exchanged between Facebook Account "Daniel Perry (owner)" (100000580706754) and Facebook Account "Unknown" (100035786350024) on or about April 18, 2019, in an unknown County. The conversation is as follows:

UNKNOWN USER: "Worst news of my life. Cancer and hip replacement, my PTSD kicked in so hard, everyone I loot at turns into the guy who shot me, and his dead face I saw at the morgue is everywhere Daniel. Have u ever killed anyone in combat? Did you see their faces? Do u see them in your dreams?"

OUTGOING MESSAGE: "Most I did was shoot an Afghan in the chest with a 50 cal"

OUTGOING MESSAGE: "By they are not real people."

- 2) A review of DANIEL PERRY's cell phone extraction revealed Facebook Messenger messages exchanged between Facebook Account "Daniel Perry (owner)" (100000580706754) and Facebook Account "Drake Brazell" (100038054265159) on or about August 9, 2019 in an unknown County. The conversation is as follows:

Punishment

DRAKE BRAZELL: "I suppose I've gotten bitter I dunno I'm just shocked you're not getting violent*"

DRAKE BRAZELL: "Eh some are willing to attack me for my views."

DRAKE BRAZELL: "I've just grown more resentful and aggressive as a result."

OUTGOING MESSAGE: "My life is full of violence I have killed people and seen people die in my life the key is to not bring work home and no regrets."

- 3) A review of DANIEL PERRY's cell phone extraction revealed Kik messages exchanged between Kik Account "soimaspidersowhat_6wd@talk.kik.com" and Kik account "knivesfromtrigun" Daniel (owner) on or about March 6, 2020, in an unknown County in Texas. The conversation is as follows:

Punishment

OUTGOING MESSAGE: "I feel sad and lonely all the time and I am struggling with money issues."

- 4) A review of DANIEL PERRY's cell phone extraction revealed Whisper messages exchanged between Whisper Account "Unknown (owner)" (WAR) and Whisper Account "Unknown" (x) on or about March 7, 2020, in an unknown County in Texas. The conversation is as follows:

Punishment

UNKNOWN USER: Hey love, I just wanted to say that it's ok for you to cry. Crying or showing emotion doesn't take away your masculinity. I'm sorry for your loss. If you need to vent, I'd love to listen to you. I hope you had a good night/day."

OUTGOING MESSAGE: "I am trained to take life with out emotion experience combat and have taken lives with not feeling but my cat passing away just hit me so hard."

- 5) A review of DANIEL PERRY's cell phone extraction revealed that on or about June 10, 2020, the device came into contact with an Image through FBImageDownloader. The image is a cartoon of a person loading a rifle. The text says, "May God Forgive you but I'm not".

Punishment

- 6) A review of DANIEL PERRY's cell phone extraction revealed Kik messages exchanged between Kik Account User "savage_skill21_69k@talk.kik.com" and Kik account "knivesfromtrigun" Daniel (owner) on or about June 20, 2020, in an unknown County in Texas. During the conversation there is the following message from the device:

Punishment

OUTGOING MESSAGE: "I feel numb most days and when I am not numb it is because I am playing a video game or my cats."

- 7) A review of DANIEL PERRY's cell phone extraction revealed that on or about June 24, 2020, the device came into contact with an Image through FBImageDownloader. The image shows a sedan with a white driver being stopped by three black men. One of the black men is standing outside of the driver's door holding an AK-47.

Punishment

- 8) A review of DANIEL PERRY's cell phone extraction revealed that on or about June 24, 2020, the device came into contact with an Image through FBImageDownloader. The image is a black circle with a yellow circle inside. Text in the black circle reads "BLM SCUM". In the central yellow circle there is a hand holding a hammer and a sickle and the text:

Burn
Loot
Murder

- 9) A review of DANIEL PERRY's cell phone extraction revealed that on or about June 26, 2020, the device came into contact with an Image through FBImageDownloader. The image is a blue square with the text, "Raise your hand if you're fed up with criminals being idolized and cops being demonized." There is a hand emoji below the text.

Punishment

- 10) A review of DANIEL PERRY's cell phone extraction revealed that on or about July 1, 2020, the device came into contact with an Image through FBImageDownloader. The Image is a meme showing a man with an eye patch flipping off the camera with his middle finger. The text reads, "My Life Matters! Threaten My Life and Your's Won't Matter to Me!"

- 11) A review of DANIEL PERRY's cell phone extraction revealed that on or about July 4, 2020, the device came into contact with an Image through FBImageDownloader. The image is a meme is a photo of a priest with text below saying, "They (Black

Lives Matter) are maggots and parasites at best...Their poison is more toxic than any pandemic we have endured..." – Father Theodore Rothrock.

Punishment

12) A review of DANIEL PERRY's cell phone extraction revealed in "Searched Items" on July 5, 2020, the value "Heavily Armed 'Black Militia' Call For Black Ethnostate: 'We'll Take Texas.'" on or about March 7, 2020, in an unknown County in Texas.

13) A review of DANIEL PERRY's cell phone extraction revealed Whisper messages exchanged between Whisper Account "Unknown (owner)" (WAR) and Whisper Account "Unknown" (x) on or about July 10, 2020, in an unknown County in Texas. The conversation is as follows:

OUTGOING MESSAGE: "How has life been treating you."

Punishment

SOIAMASPIDERSOWHAT: "Hmmm pretty well you?"

SOIAMASPIDERSOWHAT: "Is that a not good"

OUTGOING MESSAGE: "I am struggling I have not eaten for a week my pay issues is still happening and the army owes me almost 10 grand in back pay."

SOIAMASPIDERSOWHAT: "I see"

OUTGOING MESSAGE: "But I need the money now."

OUTGOING MESSAGE: "I am going to have to pawn off my guns."

14) A review of DANIEL PERRY's cell phone extraction revealed in "Social Media" on or about July 23, 2020, that Facebook Account 1000005580706754, Author Daniel Perry (owner) posted a URL with the original post "How to Identify a "peaceful" protestor", in an unknown County in Texas.

15) On July 25, 2020, Daniel Perry was a soldier in the U.S. Army stationed at Ft. Hood in Killeen, Texas. On the night of July 25, 2020, he was off base in Austin, Texas without the knowledge or permission of the U.S. Army.

Punishment

16) In the initial 404(b), the State referenced outgoing messages made to the Kik messenger group, #gamersandmeme. (See item 262 in the State's 404(b) notice). The prior notice said this conversation occurred on July 13th – 14th but the conversation actually occurred on June 13th – 14th. A review of all of the device's outgoing posts to this messenger chat indicates that Daniel Perry went out to an arcade with his brother who was supposed to be the designated driver. His brother ended up drinking and the device tells the chat, "My brother fucked me now I have to drive because I have most experience with driving drunk." The device later tells the chat that he had a car accident when another driver took a u-turn from the right lane. He said he hit him going 40 mph and flipped the truck. The device said, "The driver is more fucked up than I am we agreed just to swap insurance and not call the police". Then "Fuck police showed up" and then "Guess who has two thumbs and pass a sobriety test." "I passed but they are arresting the other driver the popo just told me I hit the jack pot and that their insurance is going to buy me a new car." Image files found in Daniel Perry's cell phone extraction – IMG_1191.jpg, IMG_1190.jpg, and IMG_1192.jpg – created on June 13th at 10:51 p.m. show heavy front end damage to a black sedan with license plate number SKD 231.

17) The State would like to make the following corrections to our prior 404(b):

Item 81 – The page number should be 1498

Item 115 – The page numbers should be 1295 – 1296

Item 164 – The page number should be 1684-1686

Item 175 – The page number is 717

Item 191 – Should be page numbers 1729 – 1730

Item 195 – Should be page numbers 4951 - 4952

Item 206 – Should state "Tribune" instead of "Tribute"

Item 240 – Should be "not" instead of "no"

Item 244 – Should be page numbers 1451 -1452

Item 248 – Should be page number 523

The failure to include an offense, act or transaction extraneous to the offense alleged in this cause and for which the defendant is currently standing trial is not to be construed as a waiver of the introduction of any other acts not specified herein. The State specifically reserves the right to introduce any and all evidence as allowed under law.

The state would further inform the court that counsel for the defendant has been provided with evidence of the offenses in this cause and has been put on notice of all acts and offenses as alleged therein.

Respectfully submitted,

_____/s/_____
GUILLERMO GONZALEZ
Assistant District Attorney
State Bar No. 08126700
Travis County, Texas

CERTIFICATION

By my signature above, I hereby certify that I have notified the Defendant in this cause pursuant to the Texas Rules of Evidence and the Texas Code of Criminal Procedure by filing the foregoing State's Notice of Intent to Introduce Evidence of Extraneous Conduct in the public record of this cause, and by providing a copy of the foregoing document by:

Email transmission

Date:

_____/s/_____
GUILLERMO GONZALEZ