

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Jennifer Braun, being first duly sworn, hereby depose and state as follows:

BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been since 2020. I am currently assigned to the Minneapolis Field Office, Grand Forks Resident Agency in North Dakota. I am primarily responsible for investigating violent crime within the boundaries of the Spirit Lake Reservation, as well as other federal violations throughout the state of North Dakota.

2. I make this affidavit in support of a criminal complaint charging Johnnie Jay Gaking (“GAKING”), DOB: XX/XX/1997, with violations of 18 U.S.C. Section 1111 (Murder), 18 U.S.C. Section 1113 (Attempted Murder), and 18 U.S.C. Section 1153 (Offenses in Indian country), herein referred to as the SUBJECT OFFENSES.

3. The statements contained in this affidavit are based, in part, on: information provided by other agencies; reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; information gathered from physical searches conducted by law enforcement agents and officers; independent investigation; and my experience, training, and background as a Special Agent with the FBI. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each fact known to me concerning this investigation. I have set forth the facts I believe are necessary to establish probable cause to show that GAKING committed violations of the SUBJECT OFFENSES.

FACTS ESTABLISHING PROBABLE CAUSE

4. On March 4, 2025, your affiant received a call from Bureau of Indian Affairs (“BIA”) Special Agent J. Lenoir regarding a shooting on Spirit Lake Reservation. SA Lenoir informed me that he was responding to a report that GAKING had allegedly shot two people and fled from a residence, located near Tokio, North Dakota (“SCENE 1”). SA Lenoir updated your affiant that three people had been shot.

5. SA Lenoir was on scene when your affiant arrived at SCENE 1. SA Lenoir informed your affiant that [REDACTED] (“Adult Victim 1”), had been taken to the hospital and was suffering from a gunshot wound to the head. Your affiant, SA Lenoir, and SA J. Lowry did a protective sweep of the home due to exigent circumstances. Agents found one deceased child (“Child Victim”), approximately three years old, with what appeared to be a gunshot wound to the head, and one deceased adult female (“Adult Victim 2”), who also appeared to have been shot in the head. [REDACTED].

6. While en route to SCENE 1, your affiant received information from Fort Totten Dispatch regarding a report that GAKING stopped at another house near Tokio, North Dakota (“SCENE 2”) and stabbed himself with a knife multiple times before fleeing in a blue Ford Focus. Dispatch provided your affiant with the vehicle’s VIN.

7. Your affiant went to SCENE 2 after SCENE 1 was secured. M.L. and L.L., residents of the home, were inside. M.L. informed agents that [REDACTED], GAKING, arrived at his house in a newer blue Ford Focus. M.L. stated that GAKING had “crazy eyes” and that GAKING told M.L. “[Adult Victim 2’s] dead, they’re all dead, I didn’t do it.” M.L. observed fresh blood on GAKING’s chest and abdomen and believed GAKING stabbed himself in M.L.’s home. M.L. said

that GAKING then got back into a blue Ford Focus and drove away.

8. Shortly thereafter, your affiant heard on Fort Totten Police radio that law enforcement had found and apprehended GAKING. Your affiant arrived at the scene where GAKING was found, and GAKING was on a stretcher being loaded into an ambulance. Your affiant saw the blue Ford Focus in the ditch. Later photographs taken by another agent, and reviewed by your affiant, confirmed the VIN of the vehicle matched the one that dispatch provided.

9. Your affiant accompanied GAKING during ambulance transportation to the hospital. After reading GAKING the advice of rights, GAKING told your affiant that men in ski masks had been stalking GAKING and that “they” made GAKING kill [REDACTED]. GAKING said he, GAKING, killed [REDACTED] at gunpoint. [REDACTED]. GAKING stated that he did not stab himself and he did not know who stabbed him because “they” were wearing ski masks. Later during the transport, GAKING stated he, GAKING, tried to kill himself.

10. Your affiant was provided information from an interview conducted with [REDACTED], W.W.E. who stated that he lived with Adult Victim 1, Adult Victim 2, Child Victim, and GAKING. W.W.E. said “He shot everybody” and that GAKING shot at W.W.E. as well. According to W.W.E., GAKING had been talking earlier that morning about men in ski masks chasing him. GAKING had not been sleeping. That morning GAKING was “tripping,” throwing things around, and started crying. GAKING said he was going to kick W.W.E. and Adult Victim 2 out of the house because they did not believe GAKING when GAKING told them people were trying to kill him. W.W.E. recalled that GAKING said “If you fuckers don’t wanna believe me, I’m gonna kill all you fuckers then.” W.W.E. stated that GAKING was waving a gun around. W.W.E. stated that he was not in the bedroom, but that he saw Gaking enter the room and then

heard the shots, and nobody came out of the room. W.W.E. believed GAKING went to reload, and heard GAKING say “you’re next, [REDACTED].” W.W.E. said he then ran for his life. W.W.E. heard three more shots.

11. A paramedic for Spirit Lake EMS was interviewed. The paramedic helped transport Adult Victim 1 to the hospital. The paramedic reported that Adult Victim 1 was talking at SCENE 1 and during the ambulance transport, but was in and out of consciousness. The paramedic stated Adult Victim 1 stated that [REDACTED] was the one who shot her.

12. Another paramedic who transported Adult Victim 1 to the hospital was interviewed. The paramedic stated Adult Victim 1 was conscious during part of transport and stated that her [REDACTED] shot her.

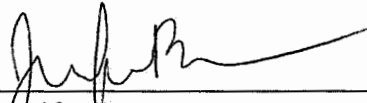
13. On March 6, 2025, SA Lenoir informed your affiant that SCENE 1 was confirmed to fall within the exterior boundaries of the Spirit Lake Reservation.

14. SA Lenoir confirmed that GAKING is Indian and an enrolled member of the Spirit Lake Tribe. SA Lenoir confirmed that all victims were Indian and enrolled members of the Spirit Lake Tribe.

15. **CONCLUSION**

16. Based on the information detailed above, I respectfully submit there is probable cause to charge JOHNNIE GAKING with SUBJECT OFFENSES. Specifically, there is probable cause to charge GAKING with two violations of 18 U.S.C. Section 1111 (Second Degree Murder), for unlawfully killing Adult Victim 2 and Child Victim, and to charge GAKING with a violation of 18 U.S.C. Section 1113 (Attempted Murder), for the attempted unlawful killing of Adult Victim 1.

Respectfully submitted,



Jennifer Braun
Special Agent
Federal Bureau of Investigation

Sworn to before me on the 7th Day of March 2025, via telephone.

/s/ Alice R. Senechal

Alice R. Senechal
UNITED STATES MAGISTRATE JUDGE