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OCT 7 2025 PM 4:36

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

UNITED STATES OF AMERICA

v.

JOSHUA WAYNE COLE

1:25-CR-083

NO. 1:25-mj-00089-BU-1

FACTUAL RESUME

In support of Joshua Wayne Cole’s plea of guilty to the offense in Count One of the Information, Cole, the defendant, Russell H. Lorfing, the defendant’s attorney, and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count One of the Information, charging a violation of 18 U.S.C. § 875(c), that is, Interstate Threatening Communications, the government must prove each of the following elements beyond a reasonable doubt:¹

- First.* That the defendant knowingly transmitted a communication containing a threat to injure or kill the person of another;
- Second.* That the defendant transmitted the communication either with the purpose of issuing a true threat, or with knowledge that the communication would be viewed as a true threat; and
- Third.* That the communication was sent in interstate or foreign commerce.

A “true threat” is a serious statement expressing an intent to injure any person, which under the circumstances would cause apprehension in a reasonable person, as

¹ Fifth Circuit Pattern Jury Instruction 2.39 (5th Cir. 2019), *United States v. Morales*, 272 F.3d 284, 287 (5th Cir. 2001), *Elonis v. United States*, 135 S.Ct. 2001 (2015).

distinguished from mere idle or careless talk, exaggeration, or something said in a joking manner. The government must prove the defendant intended his or her communication to be a threat or had knowledge that the communication would be viewed as a threat.

Postings on websites are sent in interstate or foreign commerce because transmitting messages by means of the Internet is tantamount to moving messages across state lines and thus constitutes transportation in interstate commerce. *Cf. United States v. Runyan*, 290 F.3d 223, 239 (5th Cir. 2002) (holding that use of Internet, in and of itself, constitutes interstate transportation sufficient to satisfy the interstate commerce element of 18 U.S.C. § 2251); *see United States v. Elonis*, 897 F. Supp.2d 335, 343-44 (E.D. Pa. 2012), *overruled on other grounds by Elonis v. United States*, 575 U.S. 723 (2015) (holding same in the context of 18 U.S.C. § 875(c)).


STIPULATED FACTS

1. Joshua Wayne Cole admits and agrees that from on or about September 18, 2025, in the Abilene Division of the Northern District of Texas, and elsewhere, for the purpose of issuing a true threat or with knowledge that the communication would be viewed as a true threat, did knowingly transmit in interstate or foreign commerce a true threat to injure or kill another person or persons, that is, Cole sent messages through Facebook containing a true threat to injure and kill persons attending the Abilene Gay Pride Parade and Festival, by stating “fk their parade, I say we lock and load and pay them back for taking out Charlie Kirk,” “theres only like 30 of em we can send a clear message to the rest of them,” and “come on bro let’s go hunting fairies,” or words to that effect, in violation of Title 18, United States Code, Section 875(c).

2. On or about September 18, 2025, the Abilene Police Department (APD) notified the Federal Bureau of Investigation (FBI)-Abilene office that a local resident, Joshua Wayne Cole (Cole), threatened to commit a shooting at the Abilene Gay Pride Parade and Festival taking place on Saturday, September 20, 2025, in Abilene, Texas. On a post that provided details about the upcoming parade, Cole stated, “fk their parade, I say we lock and load and pay them back for taking out Charlie Kirk.” Cole also stated, “theres only like 30 of em we can send a clear message to the rest of them.” Cole continued, “come on bro let’s go hunting fairies.”

3. An FBI agent attempted to contact Cole at his place of employment in Abilene, Texas. Upon arrival, an employee stated that Cole had quit his job and stormed out of the facility in anger. Cole had worked for the employer for over a year. Cole’s coworker described him as a “hot head.”

4. The online messages Cole made regarding the shooting at the parade appear below. The original post with details of the parade:

 Steven Savage
20h · 🌐

I just noticed that the Abilene Pride Alliance has stated that NO Weapons are allowed at their event Saturday. The only problem with that is that their event is being held inside a city owned building which isn't a court- so the City cannot deny a person their right to carry firearms due to a State Law that says so.



5. Cole posted a response to the parade details with Facebook account “Jay Dubya.” Agents confirmed that Cole uses the Facebook Account “Jay Dubya.” A photo of Cole’s face is the user profile photo. Cole’s comments on the parade details are as follow:

<  **Steven Savage** 20h ·  ...

 **Jay Dubya**
They dont want anyone showing up and taking them out like they wanna do everyone else
20h Like 11 



 **Jay Dubya**
Why the fk would they need freezer bags what are they gonna bag each other's shit up
20h Like 3 



 **Mikee Myers**
They want us to cut off our pieces to be there 
20h Like 4  




 **Jay Dubya**
Maybe we should protest lol
20h Like 2 



 **Beverly Day**
Mikee Myers just say NO  
13h Like


 **Mikee Myers**
Beverly Day I'm not throwing shade just being a dumbass like I usually am. I hope those they/ ~~them~~ have a good parade



<  **Steven Savage** 20h ·  ...


 **Jay Dubya**
Maybe we should protest lol
20h Like 2 

 **Beverly Day**
Mikee Myers just say NO  
13h Like

 **Mikee Myers**
Beverly Day I'm not throwing shade just being a dumbass like I usually am. I hope those they/ them have a good parade
4h Like 1 

 **Jay Dubya**
Mikee Myers fk their parade i say we lock and load and pay them back for taking out Charlie kirk
4h Like

 **Jay Dubya**
Mikee Myers theres only like 30 of em we can send a clear message to the rest of them
4h Like 1 

 **Jay Dubya**
Mikee Myers come on bro let's go hunting fairies
4h Like

6. On September 19, 2025, APD made a traffic stop on Cole. The FBI agent was present at the scene. The FBI agent told Cole that he wanted to talk to him. Cole asked, “about what?” or words to that effect. The agent stated that he wanted to talk to him about his “online activity.” Cole then sighed and his body posture indicated that Cole knew the reason for the discussion. Cole did not appear surprised.

7. Agents detained Cole. Agents read Cole his *Miranda* rights. Cole waived his *Miranda* rights and agreed to answer questions. Cole admitted that he has a firearm. Cole admitted that he operates the Facebook account “Jay Dubya.” Cole admitted that he made the posts that appear above. Cole admitted that he posted the comments on Facebook on Thursday, September 18, 2025, from his home in Anson, Texas. Cole agreed that parade participants and organizers could interpret his comments as threats. Cole agreed that a reasonable person could interpret his comments as a threat. Cole stated that he did not believe that the gay pride event should be allowed.

8. The same day that Cole posted his comments on Facebook, September 18, 2025, leaders of the Abilene Pride Alliance saw the comments on Facebook and notified the Abilene Police Department. The Abilene Pride Alliance is the organization that sponsors and plans the Abilene Gay Pride Parade and Festival.

9. The Abilene Pride Alliance requested additional security for the event. The Alliance members stated that they were in fear for their lives and the lives of the participants due to Cole’s posts. Additionally, McMurry University had sponsored a float in the parade. In response to Cole’s posts, McMurry University cancelled their participation in the parade. A professor at McMurry University, who sponsored the float,

stated that McMurry withdrew their parade float because of Cole's Facebook posts and that they were fearful of the students being hurt or killed.

10. Cole agrees that he committed all the essential elements of the offense alleged in Count One of the Information. Specifically, Cole agrees that the messages he sent on Facebook were sent in interstate or foreign commerce because transmitting messages by means of the Internet is tantamount to moving messages across state lines and thus constitutes transportation in interstate commerce.

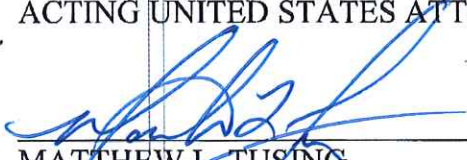
11. Cole agrees that he did knowingly, with knowledge that the communication contained a true threat to injure or kill persons attending the Abilene Gay Pride Parade and Festival, transmit in interstate or foreign commerce messages through Facebook containing a true threat to injure or kill persons attending the Abilene Gay Pride Parade and Festival, by stating, "fk their parade, I say we lock and load and pay them back for taking out Charlie Kirk," "theres only like 30 of em we can send a clear message to the rest of them," and "come on bro let's go hunting fairies," or words to that effect. Cole admits that he intended this communication to be a true threat or had knowledge that the communication would be viewed as a true threat. This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Count One of the Information.

AGREED TO AND STIPULATED on this 7 day of October, 2025.

NANCY E. LARSON
ACTING UNITED STATES ATTORNEY



JOSHUA WAYNE COLE
Defendant



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