

CRIMINAL COMPLAINT AFFIDAVIT

STATE OF TEXAS § COUNTY OF RED RIVER

**IN THE MATTER OF THE ESTATE OF SHIRLEY ANN ESSARY, DECEASED PROBATE
CAUSE NO. PR07951, COUNTY COURT, RED RIVER COUNTY, TEXAS COMPLAINT OF
DR. L. BROOKS MCKENZIE AGAINST BRANDON E. JOHNSON**

Affiant/Complainant: Dr. Lewis Brooks McKenzie, [REDACTED]
Clarksville, TX 75426

Accused: Brandon E. Johnson, [REDACTED]
Mineral Wells, TX 76067

BEFORE ME, the undersigned Notary Public, on this day personally appeared Dr. Lewis Brooks McKenzie ("Affiant"), who, after being by me first duly sworn, upon his oath deposed and stated as follows:

"My name is Dr. L. Brooks McKenzie. I am over the age of eighteen (18) years, of sound mind, capable of making this affidavit, and personally acquainted with the facts stated herein. Except where a fact is expressly stated to be based on information and belief, I have personal knowledge of the facts set forth in this affidavit, and each fact stated is true and correct. I have good reason to believe, and do believe, that Brandon E. Johnson has committed one or more offenses against the laws of the State of Texas, as set forth below, within Red River County, Texas."

1. On November 14, 2024, Shirley Ann Essary executed her Last Will and Testament in Dallas, Texas. The Will named Advanced Texas Advocate, Inc. ("ATA") as primary beneficiary and Independent Executor, expressly conditioned on ATA being "a qualified 501(c)(3) organization at the time of my death." The Will named Americans for Judicial Equality ("AFJE") as contingent beneficiary in the event that condition failed.
2. Shirley Ann Essary died on February 5, 2025, in Clarksville, Red River County, Texas.
3. At the time of Shirley Ann Essary's death, Advanced Texas Advocate, Inc. was not a qualified 501(c)(3) organization under the Internal Revenue Code. Under Article III and Article IV of the Will, the condition precedent to ATA's inheritance therefore failed, and the entire estate passed to AFJE.
4. On August 7, 2025, Advanced Texas Advocate, Inc., by and through Brandon E. Johnson as its authorized representative, filed an Application for Probate of Will and Issuance of Letters Testamentary in the County Court of Red River County, Texas, Cause No. PR07951, representing to the Court that the Will "bequeaths the entirety of Decedent's estate to the Applicant, a qualified 501(c)(3) organization." Notwithstanding ATA's non-qualified status, this representation was made to the Court.

5. Brandon E. Johnson served as Secretary of Advanced Texas Advocate, Inc. and was the officer of ATA solely responsible for filing the organization's 501(c)(3)-related paperwork and maintaining its tax-exempt status. As the officer with sole responsibility for that function, Johnson knew or was aware, at the time he filed the Application described in Paragraph 4 above, that ATA lacked qualified 501(c)(3) status.
6. Relying on the Application described in Paragraph 4, the Court signed an Order Admitting Will to Probate and Appointing Independent Executor on September 18, 2025, finding the Will valid, finding Shirley Ann Essary died February 5, 2025, and appointing Advanced Texas Advocate, Inc. Independent Executor of the Estate without bond. Letters Testamentary issued the same day.
7. On information and belief, the Court also signed an Order Appointing Temporary Administrator, finding the estate at "immediate risk of deterioration and loss of value due to property neglect and potential city liens," and granting ATA authority to secure the property, hire cleanup and repair services, and expend estate funds as needed. Brandon Johnson assumed control of the accounts.
8. Brandon E. Johnson personally executed an Oath of Independent Executor, sworn before a Notary Public, undertaking to "well and truly perform all the duties of Independent Executor of the Estate of Shirley Ann Essary, Deceased, in accordance with the law."
9. Johnson's authority to act for ATA in this matter was separately documented in a sworn Affidavit of Authorization executed by Jose M. Portalatin, President of Advanced Texas Advocate, Inc., authorizing Johnson to act as ATA's representative in all matters pertaining to the Estate.
10. Upon qualification, Johnson, acting for ATA, took possession and control of substantial estate assets located in Red River County, Texas, including the real property at [REDACTED] Clarksville, Texas; a 2012 Nissan Altima (VIN 1N4AL2APXCN541296); and bank accounts at First Federal Community Bank containing approximately \$30,000.00.
11. No completed, sworn Inventory, Appraisement, and List of Claims was ever filed reflecting the value of estate assets, as required under Texas law.
12. Johnson, on behalf of ATA as Independent Executor, executed a deed purporting to convey the estate's real property at [REDACTED] from Advanced Texas Advocate, Inc., as Executor, to Advanced Texas Advocate, Inc. in its individual capacity, the grantor and grantee being the same entity.
13. In October 2025, Affiant personally accompanied Brandon Johnson to the property at [REDACTED] Clarksville, Texas. During that visit, Affiant personally informed Johnson of a roof leak affecting the home. Johnson, who identified himself as a roofer and who operates Johnson Construction, stated in Affiant's presence that he would repair the leak himself.

14. Despite this notice, the roof leak went unrepaired for many months, resulting in extensive water damage and mold growth in the master bathroom ceiling and a significant diminution in the property's value and marketability.
15. In approximately April 2026, Affiant and representatives of Americans for Judicial Equality personally informed Johnson that they were aware ATA's 501(c)(3) status was lacking, after Affiant inquired why the estate's real property and other assets had not been properly transferred or otherwise disposed of in accordance with the Will.
16. Following that notice, Rustin Wright and Lisa Broomfield, on behalf of AFJE, attempted for a period of more than three months to work with Johnson to arrange a transfer of estate assets and administration to AFJE.
17. Johnson refused to cooperate with these efforts. During this period, Johnson stated that he intended to drain the estate bank account to cover his own personal expenses, after acknowledging that he had no legal authority to access or use those funds.
18. Approximately two months prior to the date of this affidavit, Affiant relocated to the property at [REDACTED] Clarksville, Texas, at the request and with the sanction of Americans for Judicial Equality, for the specific purpose of overseeing needed repairs and preventing further looting and damage to the estate property.
19. On June 25, 2026, Affiant sent Brandon Johnson a formal written demand for the immediate transfer of all estate assets to AFJE, a complete sworn accounting, and notice of intent to file a criminal complaint if compliance was not received by July 2, 2026.
20. On June 29, 2026, Johnson responded in writing. Johnson stated he had transferred \$500.00 to Rustin Wright via Cash App and had made prior transfers to a Square account "at the direction of Rustin." Johnson further stated: "I was unaware of the roof leak." This statement is false and is directly contradicted by the October 2025 conversation described in Paragraph 13 above, during which Affiant personally informed Johnson of the leak and Johnson undertook to repair it himself.
21. As of this writing, Johnson has provided no bank statements, withdrawal records, or third-party receipts substantiating the disposition of estate funds. Johnson's own summary spreadsheet claims less than \$3,000.00 remains in estate accounts; AFJE's review indicates the unaccounted-for or misapplied amount exceeds \$10,000.00, out of the approximately \$30,000.00 originally in the estate's accounts.
22. Beginning July 25, 2026, and continuing through August 2, 2026, Rustin Wright, AFJE's nominated alternate executor, made repeated written requests to Johnson for the Application for Probate, the signed orders, the Oath, the Letters Testamentary, and the probate cause number. Johnson has refused to produce these documents.

Statutes for Counsel's/Investigator's Reference (not part of the sworn statement)

- **Tex. Penal Code § 31.03** — Theft
- **Tex. Penal Code § 32.45** — Misapplication of Fiduciary Property
- **Tex. Penal Code §§ 37.02, 37.03** — Perjury / Aggravated Perjury
- **Tex. Estates Code §§ 309.051, 309.057** — Failure to file required inventory
- **Tex. Estates Code Ch. 404-405** — Executor accounting and cooperation duties