

AB:ELM

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

BRANDON JAMES ZIOBROWSKI,

Defendant.

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AFFIDAVIT IN SUPPORT OF
REMOVAL TO THE
DISTRICT OF MASSACHUSETTS

(Fed. R. Crim. P. 5)

18-M-740

EASTERN DISTRICT OF NEW YORK, SS:

JOHN COLEMAN, being duly sworn, deposes and states that he is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations (“HSI”), duly appointed according to law and acting as such.

Upon information and belief, on or about August 7, 2018, an arrest warrant was issued by the United States District Court for the District of Massachusetts, commanding the arrest of BRANDON JAMES ZIOBROWSKI for one count of making interstate threats, in violation of Title 18, United States Code, Section 875(c).

The source of your deponent’s information and the grounds for his belief are as follows:¹

1. On or about August 7, 2018, an arrest warrant was issued by the United States District Court for the District of Massachusetts, commanding the arrest of

¹ Because the purpose of this affidavit is to set forth only those facts necessary to establish probable cause for removal, I have not described all the relevant facts and circumstances of which I am aware.

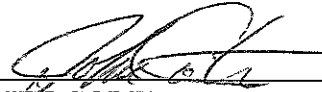
BRANDON JAMES ZIOBROWSKI pursuant to an indictment charging him with one count of making interstate threats, in violation of Title 18, United States Code, Section 875(c). A copy of the arrest warrant and indictment from the District of Massachusetts are attached hereto as Exhibit A.

2. On July 11, 2018, I participated in the execution of a search warrant of the defendant BRANDON JAMES ZIOBROWSKI's place of residence at the time, in Massachusetts. I also participated in an interview of ZIOBROWSKI that same day. During that interview, ZIOBROWSKI informed law enforcement officers that he was considering relocating to Manhattan, New York.

3. On August 9, 2018, law enforcement officers appeared at an address in Manhattan where they believed the defendant BRANDON JAMES ZIOBROWSKI was living (the "Manhattan Address"). An occupant of the Manhattan Address answered the door, and informed the law enforcement officers that ZIOBROWSKI was not at home. This individual provided a phone number for ZIOBROWSKI, and agreed to call that phone number on behalf of the law enforcement officers. An individual identifying himself as ZIOBROWSKI answered the phone, and agreed to meet the law enforcement officers at an intersection in Long Island City, Queens, New York.

4. Law enforcement officers, including myself, proceeded to the agreed-upon intersection. Upon arrival at the intersection, the defendant BRANDON JAMES ZIOBROWSKI identified himself and was placed under arrest. I recognized ZIOBROWSKI from the July 11, 2018 interview. ZIOBROWSKI was also in possession of identification in that name.

WHEREFORE, your deponent respectfully requests that the defendant
BRANDON JAMES ZIOBROWSKI be removed to the District of Massachusetts so that he
may be dealt with according to law.



JOHN COLEMAN
Special Agent
United States Department of Homeland Security,
Homeland Security Investigations

Sworn to before me this
9th day of August, 2018

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

BRANDON JAMES ZIOBROWSKI,
Defendant.

Crim. No. 18cr10250

VIOLATION:

18 U.S.C. § 875(c) – Use of Interstate and
Foreign Commerce to Transmit a Threat to
Injure Another Person

INDICTMENT

The Grand Jury charges that:

INTRODUCTORY ALLEGATIONS

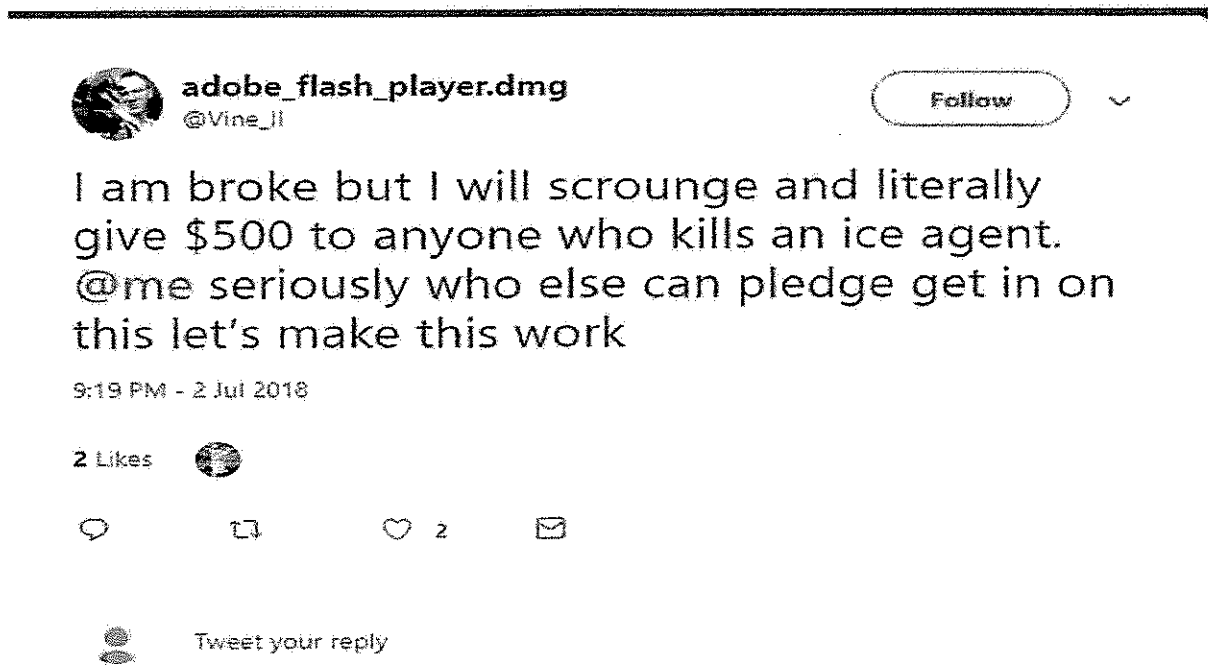
1. At all times material to the allegations below, BRANDON JAMES ZIOBROWSKI (“ZIOBROWSKI”) was a 33-year-old male who resided in Cambridge, Massachusetts.
2. On or about March 25, 2009, ZIOBROWSKI created an account on Twitter. He registered his account under the username @Vine_II. ZIOBROWSKI customized his account by adding a profile picture and the display name adobe_flash_player.dmg. ZIOBROWSKI has more than 400 followers on his Twitter account.
3. Over time, ZIOBROWSKI’s tweets have become more violent and threatening. For instance, he has repeatedly tweeted his desire to “slit” Senator John McCain’s throat. Beginning in or about February 2018, ZIOBROWSKI began posting tweets that promoted violence against law enforcement. On or about February 24, 2018, ZIOBROWSKI posted a message on Twitter that read: “Guns should only be legal for shooting the police like the second amendment intended.” Approximately two weeks after posting this tweet, ZIOBROWSKI expressed his hatred for law enforcement to a group of approximately 42 people (including at least one of his

Twitter followers) on a different online communication platform, "Fuck this police state shooting a cop should get you a medal."

4. In or about March 2018, ZIOBROWSKI started tweeting threatening messages against federal law enforcement agents that work for the U.S. Immigration and Customs Enforcement ("ICE"). ICE is part of the U.S. Department of Homeland Security ("DHS") and is the law enforcement agency responsible for enforcing federal laws governing border control, customs, trade, and immigration to promote homeland security and public safety.

5. On or about March 1, 2018, in response to a tweet from an ICE Field Office Director regarding the fact that ICE officers put their "lives on the line to arrest criminal aliens," ZIOBROWSKI posted a message that read: "Thank you ICE for putting your lives on the line and hopefully dying I guess so there's less of you?"

6. On or about July 2, 2018, ZIOBROWSKI posted this message on Twitter:



7. When ZIOBROWSKI tweeted this message, he knew he had 448 followers and

that it would be publicly available on Twitter. Indeed, two people liked ZIOBROWSKI's murder-for-hire solicitation to kill federal agents in exchange for \$500.

8. When ZIOBROWSKI posted his July 2, 2018 tweet, he knew that the people like himself were calling for ICE agents to be killed on social media platforms. ZIOBROWSKI's July 2, 2018 tweet was designed to encourage violence and the murder of law enforcement agents who were simply enforcing federal laws governing border control and immigration. ZIOBROWSKI intended that his tweet communicate a threat and knew that it would be interpreted as a threat.

9. On or about July 5, 2018, the DHS's Current and Emerging Threats Center in Washington, D.C., found ZIOBROWSKI's July 2, 2018 tweet while conducting searches of the Internet for any domestic and international terrorism threats. Based upon the seriousness and specificity of the threat, a report entitled "Social media user solicits contract murder of U.S. Immigration and Customs Enforcement personnel" was disseminated to federal, state, and local law enforcement agencies throughout the country, including ICE field offices.

10. On or about July 11, 2018, after identifying ZIOBROWSKI as the subscriber of the @Vine_II Twitter account and confirming that he indeed posted the murder-for-hire solicitation, the FBI Boston's Joint Terrorism Task Force requested that Twitter remove the July 2, 2018 tweet from its website because it posed a threat to the public safety of ICE agents around the country. As a result, Twitter suspended ZIOBROWSKI's account.

Count One: 18 U.S.C. § 875(c) - Use of Interstate and Foreign Commerce to Transmit a Threat To Injure the Person of Another

The Grand Jury charges that:

11. Paragraphs 1-10 of the Introductory Allegations are hereby re-alleged and incorporated by reference as if fully set forth herein.

12. On or about July 2, 2018, in the District of Massachusetts and elsewhere, the defendant,

BRANDON JAMES ZIOBROWSKI,

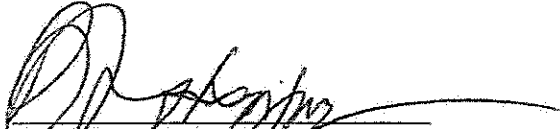
did knowingly transmit in interstate and foreign commerce through Twitter, an online news and social networking service available on the Internet, a communication containing a threat to injure the person of another, to wit: “an ice agent,” and did so intending that his message communicate a threat and knowing that it would be interpreted as a threat.

All in violation of 18 U.S.C. § 875(c).

A TRUE BILL



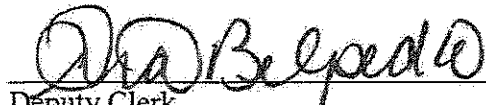
Foreperson of the Grand Jury



B. Stephanie Siegmann
Brian Perez-Daple
Assistant United States Attorneys

DISTRICT OF MASSACHUSETTS, Boston, MA, August 7, 2018

Returned into the District Court by the Grand Jurors and filed.



Deputy Clerk
8:15p

SEALED

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
District of Massachusetts

United States of America
v.
BRANDON JAMES ZIOBROWSKI

Case No. 18cr10250

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) BRANDON JAMES ZIOBROWSKI
who is accused of an offense or violation based on the following document filed with the court:

- Indictment
Superseding Indictment
Information
Superseding Information
Complaint
Probation Violation Petition
Supervised Release Violation Petition
Violation Notice
Order of the Court

This offense is briefly described as follows:

18 U.S.C. § 875(c) - Use of Interstate and Foreign Commerce to Transmit a Threat to Injure Another Person

Date: 08/07/2018

David H. Hennessy
Issuing officer's signature

City and state: Boston, Massachusetts

David H. Hennessy, USMJ
Printed name and title

Return

This warrant was received on (date) , and the person was arrested on (date)
at (city and state)

Date:

Arresting officer's signature

Printed name and title