

AFFIDAVIT IN SUPPORT OF A COMPLAINT

I, Daniel Heether, being duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I am a Special Agent employed by the Federal Bureau of Investigation (FBI). As such, I am a law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7); that is, an officer empowered by law to conduct investigations of, and make arrests for, offenses enumerated in 18 U.S.C. § 2516.

2. I have been employed by the FBI as a Special Agent for the past two years. Since 2018, I have been assigned to the New Haven Division of the FBI.

3. During my career in law enforcement, I have participated in investigations involving the illegal distribution of controlled substances, firearms and gang related acts of violence to include homicides, shootings, robberies and home invasions. I have coordinated controlled purchases of illegal drugs and firearms utilizing confidential sources and cooperating witnesses. I have prepared affidavits in support of search warrants and arrest warrants that have been approved by judges. I have coordinated the execution of search and arrest warrants pertaining to individuals involved in the distribution of illegal drugs, conducted electronic as well as physical surveillance of individuals involved in illegal drug distribution, analyzed records documenting the purchase and sale of illegal drugs, and provided testimony in federal grand jury proceedings. I have also interviewed admitted drug traffickers, drug users, gang members, informants and cooperating defendants, as well as local, state and federal law enforcement officers, regarding the manner in which drug distributors obtain, finance, store, manufacture, transport, and distribute their illegal drugs. I have supervised the activities of informants and cooperating witnesses who have provided information and assistance in the federal prosecution of drug offenders.

4. This affidavit is made in support of a criminal complaint charging Robert PHELPS (hereinafter "PHELPS") with violations of Title 18, United States Code, Sections 115(a)(1)(B) and 875(c). Title 18, United States Code, Section 115(a)(1)(B) makes it a crime to threaten to assault or murder, a United States official, with intent to impede, intimidate, or interfere with such official while engaged in the performance of official duties, or with intent to retaliate against such official on account of the performance of official duties. Title 18, United States Code 875(c) makes it a crime to transmit in interstate or foreign commerce any communication containing any threat to injure the person of another. A Member of Congress is a United States Official within the meaning of 18 U.S.C. Section 115(c)(4).

5. The facts and circumstances of this investigation set forth in this affidavit are based on events that transpired in the District of Connecticut, and elsewhere, and are based on my personal observations, knowledge obtained from other law enforcement officers, my review of documents related to this investigation, conversations with others who have personal knowledge of the circumstances described herein, and a review of public source information. This affidavit is submitted for the limited purpose of establishing probable cause for the charged offenses. As a result, I have not included each and every fact known to me regarding this matter.

INVESTIGATION BACKGROUND

6. On November 12, 2019, at 6:32 PM (EST), the Congressional offices of Congressman Adam Schiff received a threatening communication, through the Meeting Request entry form at <https://Schiff.house.gov/schedule-a-meeting>. The email and meeting request stated:

"You little cocksucker I want to come and see you so I can spit in your face and I want to kill you with my bare hands and smash your sick little round fat lying face in. You had better hope I never meet up with you mother fucker. Robert M. Phelps Republican"

Name: Mr. Robert M. Phelps

Address 53 Center Street, Winsted, CT 06789

Email: Michaelphelps1@netzero.com

Phone number: 860-618-2097

Organization: Lyingcocksuckerclub.shittyshiffy

Names of Additional Participants: NANCY PIGLOSI DUMOCRATIC

RETARDS

Preferred days of the week: Measure your Coffin day

IP Address: 67.85.161.36

7. Investigators served a subpoena to Netzero for subscriber information on Michaelphelps1@netzero.com. On November 19, 2019, Netzero returned the results which identified Michael PHELPS as the subscriber with an address of 322 South Main Street, Unit 1, Torrington, CT 06790.

8. On December 4, 2019, investigators interviewed Michael PHELPS at 322 South Main Street, Unit 1, Torrington, CT 06790. PHELPS admitted to sending the email to Congressman Schiff but did not see the message as threatening. PHELPS stated he had a right to contact members of congress and defend "his president." Upon reviewing the email, PHELPS stated he was a Republican and needed to protect "his president." PHELPS asked investigators if they were in his home because of Senator Blumenthal and that the democrats that are involved in the impeachment proceedings against the president should be arrested. PHELPS stated that he would not send any more threatening emails.

9. Based on the above, there is probable cause to believe that PHELPS transmitted the threatening email and meeting request for purposes of issuing a threat, with knowledge that it

would be viewed as a threat and that PHELPS consciously disregarded a substantial and unjustifiable risk that the communication would be viewed as a threat.

10. In addition, I believe that based on the threatening email and meeting request sent to Congressman Schiff's official website including but not limited to the following statements: "I want to kill you with my bare hands..." and "Measure your coffin day" along with the statements of PHELPS to law enforcement, there is also probable cause to believe that PHELPS sent the threatening communication with the intent to impede, intimidate and interfere with Congressman Schiff's official duties including his responsibilities regarding the previous impeachment proceedings.

11. The threatening communication threatening to kill or injure Congressman Schiff was transmitted through interstate commerce communication in violation of Title 18, United States Code, Section 875(c).

CONCLUSION

12. Based on the facts as set forth in this affidavit, there is probable cause to believe that Robert PHELPS did threaten to assault and murder a United States official, namely United States Congressman Adam Schiff with intent to impede, intimidate and interfere with such United States official while engaged in the performance of official duties and with the intent to retaliate against such United States official on the account of the performance of official duties, in violation of Title 18, United States Code, Section 115(a)(1)(B). Further, there is probable cause to believe that Robert PHELPS did transmit, in interstate and foreign commerce, using the internet, a communication containing a threat to injure and kill United States Congressman Adam Schiff in violation of Title 18, United States Code, Section 875(c).

It is therefore respectfully requested this Court issue a complaint and arrest warrant for Robert Phelps.

Respectfully Submitted,



Daniel Heether
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed t me this 6th day of March, 2020.

/s/ Robert M. Spector

HON. ROBERT M. SPECTOR
United States Magistrate Judge