

UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America)

v.)

AADITYA CHAND)

Case No. **CR 24-71280-MAG**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 15, 2024 in the county of Santa Clara in the Northern District of California, the defendant(s) violated:

Code Section 18 U.S.C. § 875(c) Offense Description Interstate Communications with a Threat to Kidnap or Injure

This criminal complaint is based on these facts:

See attached affidavit of U.S. Capitol Police S/A Luke Herrmann

Continued on the attached sheet.

/S/

Approved as to form Johnny E. James Jr. USA Johnny E. James Jr.

Complainant's signature

Luke Herrmann, USCP Special Agent

Printed name and title corrected: Herrmann

Sworn to before me and signed in my presence.

Date: 8/29/2024 11:30 a.m. by telephone

Judge's signature

Hon. Nathanael Cousins, U.S. Magistrate Judge

City and state: San Jose, California

Hon. Nathanael Cousins, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT**

I, Luke Herrmann, being duly sworn, hereby depose and state that the following is true to the best of my information, knowledge, and belief:

AGENT BACKGROUND

1. I am a Special Agent with the United States Capitol Police (“USCP”) and have been since 2017. I am currently assigned to the USCP Investigations Division, Threat Assessment Section (“TAS”), in Washington, D.C. I have conducted numerous investigations involving stalking and threatening communications, both locally and interstate. Of these investigations, numerous involve threatening statements made via the internet through various social media platforms and email providers. I have also completed hundreds of hours of training in numerous areas of law enforcement investigation and techniques, including but not limited to the Criminal Investigator and the four-week USCP Basic Investigator Training Program. In the course of my employment as a Special Agent with the USCP, I have received continuous trainings in assessing and managing individuals who have communicated threats and engaged in behaviors associated with targeted violence.

2. As a Special Agent with the USCP, I am authorized under 2 U.S.C. § 1966(a) to protect, in any area of the United States, the person of any member of Congress, officer of the Congress, as defined in section 4101(b) of this title, and any member of the immediate family of any such Member or officer, if the Capitol Police Board determines such protection necessary. As a member of the TAS, I am authorized

to deploy outside my jurisdiction to respond to an imminent threat or emergency, to gather intelligence, and to provide protective services pursuant to 2 U.S.C. § 1978(b). I am also a federal law-enforcement officer as defined in 18 U.S.C. § 115(c)(1), and I make this request for the issuance of a criminal complaint and accompanying arrest warrant under Federal Rule of Criminal Procedure 41.

PURPOSE OF AFFIDAVIT

3. This affidavit is made for the limited purposes of establishing probable cause in support of a criminal complaint charging Aaditya CHAND (hereinafter “CHAND”) with one violation of Title 18, United States Code, Section 875(c), for sending a threat to Victim 1 on February 15, 2024. Title 18, United States Code, Section 875(c) makes it a crime to transmit in interstate or foreign commerce any communication containing any threat to injure the person of another. This Affidavit does not contain the details of every aspect of this investigation. Furthermore, this Affidavit is based on my personal knowledge, as well as information obtained from other law enforcement personnel.

JURISDICTION

4. This Court has jurisdiction to issue the requested warrant because CHAND is believed to have been within the Northern District of California when he violated Title 18, United States Code, Section 875(c).

STATEMENT OF PROBABLE CAUSE

5. On February 16, 2024, the USCP TAS began investigating allegations of threatening communications to a U.S. Congresswoman (Victim 1), when Victim 1’s Chief of Staff (Witness 1) reported via email to USCP that an unknown subject using

Instagram username “@aadityachand” sent threatening messages to the Instagram account of Victim 1, who serves in the United States House of Representatives.

6. Specifically, the Instagram username “@aadityachand” sent direct messages to Victim 1’s official Instagram account. The Instagram messages were received on February 15, 2024, at 1944 hours.

7. Witness 1 provided me with one (1) screen capture containing the Instagram messages sent from the Instagram username “@aadityachand”. The content of these messages is as follows:

Message 1: “I’m gonna shoot up ur office tomorrow u Palestinian scum”

Message 2: “Get ready”

8. Through my investigation, I was able to obtain account subscriber information for the account associated with Instagram username “@aadityachand” through Facebook Records, as well as the last IP address used in connection with this account (“IP Address 1”). Comcast Cable records indicated that IP Address 1 was associated with a residential address in Palo Alto, California (“Residence 1”). Palo Alto, California, is within the Northern District of California. An IP address is known to this agent as a unique identifying number assigned to every device that connects to the internet.

9. Because the threat originated in Palo Alto, California, was communicated through Instagram’s internet platform, and was received and reviewed in Washington, D.C., the threatening communication to Victim 1 was transmitted through interstate commerce.

10. On February 16, 2024, USCP San Francisco Regional Field Officers

(RFOs) Brandon Szalacinski and Aaliyah Paxson went to Residence 1 in order to attempt to locate and interview the individual using Instagram username “@aadityachand”, believed to be Aaditya CHAND.

11. CHAND was located and interviewed at the residence, and during questioning, CHAND admitted to using the Instagram account with username @aadityachand. CHAND admitted to sending the above-described messages to Victim 1. CHAND additionally admitted to sending another direct message over Instagram to a Florida State Representative (Victim 2). The message was photographed by USCP RFOs after asking CHAND for consent to view the message. The message sent to Victim 2 reads as follows: “I’m gonna bring a gun to ur office tomorrow and shoot u and ur staff”. CHAND stated he sent the messages “to joke,” but also that he also disagreed with policies of the officials regarding the Israeli-Palestinian conflict.

12. On February 18, 2024, the USCP Command Center reported an individual called and identified themselves as “Aaditya Chand” over the phone. CHAND stated over the phone to USCP Officer Michael Burke that he wanted to add to his interview and expressed he was sorry for the distress and anxiety his actions caused.

CONCLUSION

13. Based on the foregoing facts, I submit that probable cause exists to believe that Aaditya CHAND, did transmit in interstate or foreign commerce, a communication containing a threat to injure the person of another in violation of Title 18, United States Code, Section 875(c).

/s/ by phone

Luke Herrmann
Special Agent
United States Capitol Police

Sworn to before me over the telephone and signed by me pursuant to Fed. R. Crim. P. 4.1 and 4(d) on this 29 day of August, 2024.



HON. NATHANAEL COUSINS
United States Magistrate Judge