

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 115(a)(1)(B) - Threats Against a Judicial Officer Petty
 Minor
 Misdemeanor
 Felony

PENALTY: Max Imprisonment: 10 years (18 U.S.C. § 115(b)(4)); Fine: \$250,000; Supervised Release: 3 years; Special Assessment: \$100

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DEFENDANT - U.S.

David Brooks Pokorny

DISTRICT COURT NUMBER

4:25-mj-71222 MAG

FILED

Oct 14 2025

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

USMS, Deputy Marshal Shawn Fogle

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:
 U.S. ATTORNEY DEFENSE } SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant } MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under }

Name and Office of Person Furnishing Information on this form Craig H. Missakian
 U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) Evan M. Mateer

DEFENDANT

IS NOT IN CUSTODY

- Has not been arrested, pending outcome this proceeding.
1) If not detained give date any prior summons was served on above charges
2) Is a Fugitive
3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
5) On another conviction } Federal State
6) Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No } If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: No Bail

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: Before Judge:

Comments:

UNITED STATES DISTRICT COURT

for the

Northern District of California

FILED
Oct 14 2025
Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

United States of America

v.

DAVID POKORNY

Case No. 4:25-mj-71222 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 September 2, 2025 in the county of San Francisco in the Northern District of California, the defendant(s) violated:

Code Section 18 U.S.C. § 115(a)(1)(B) Offense Description Threats Against a Judicial Officer

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

Approved as to form /s/ Evan M. Mateer AUSA Evan M. Mateer

/s/ Shawn Fogle Complainant's signature

Shawn Fogle, Deputy United States Marshal Printed name and title

Sworn to before me and signed in my presence.

Date: 10/10/2025

Handwritten signature of Donna M. Ryu

Judge's signature

City and state: Oakland, CA

Donna M. Ryu, Chief Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR AN
ARREST WARRANT AND CRIMINAL COMPLAINT**

I, Shawn Fogle, Deputy United States Marshal of the United States Marshals Service (USMS), being duly sworn, state:

INTRODUCTION

1. I make this affidavit in support of an application under Rule 4 of the Federal Rules of Criminal Procedure for an arrest warrant and criminal complaint charging David Brooks POKORNY with making threats to assault, kidnap, or murder a United States Judge in violation of Title 18, United States Code Section 115(a)(1)(B) on September 2, 2025, in the Northern District of California and elsewhere.

SOURCES OF INFORMATION

2. The facts in this affidavit come from my personal observations, my training and experience, information from records and databases, and information obtained from other agents, officers, and witnesses. Where statements made by other individuals (including other Special Agents and law enforcement officers) are referenced in this Affidavit, such statements are described in sum and substance and in relevant part. Similarly, where information contained in reports and other documents or records is referenced in this Affidavit, such information is also described in sum and substance and in relevant part.

3. Because this Affidavit is submitted for the limited purpose of establishing probable cause for a criminal complaint and arrest warrant, I have not included each and every fact known to me about this case. Rather, I have set forth only the facts that I believe are necessary to support probable cause for a criminal complaint and arrest warrant. My understanding of the facts and circumstances of the case may evolve as the investigation continues.

AFFIANT BACKGROUND

4. I am a commissioned federal law enforcement officer of the United States Marshals Service, within the meaning of 28 U.S.C. § 564, and I am authorized by law to carry firearms, execute warrants, conduct investigations, and to make arrests for offenses against the United States of America. I am a Deputy United States Marshal (“DUSM”) with the United States Marshals Service (“USMS”), Department of Justice (“DOJ”) in Oakland California and have been so employed since June 2022. Prior to USMS, I was a Federal Police Officer with the National Geospatial Intelligence Agency in Springfield, Virginia. I attended and graduated the Federal Law Enforcement Training Center’s Uniformed Police Training Program (UPTP) and the Basic Deputy United States Marshal Integrated (BDUSMI) training programs. I hold a bachelor’s degree in criminology from West Virginia University.

5. In my role as a Deputy United States Marshal, I have conducted complex investigations leading to the apprehension and arrest of fugitives wanted for federal and state offenses. I have collected evidence, prepared, and presented reports for prosecution. I transport and secure federal prisoners, including high-risk individuals. I conduct asset forfeiture operations, including the seizure and sale of assets belonging to individuals charged with federal crimes. I provide security and monitor and investigate threats against protected individuals to ensure the safety and continuity of the federal judiciary. In accordance with 28 U.S.C. § 566(c) and Federal Rules of Criminal Procedure Rules 4 and 9, I am authorized to serve and execute federal court criminal process. I am an investigator and law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7). I am empowered by law to conduct investigations, to execute search warrants, and to make arrests for violations of Federal law, including the target offense described below.

APPLICABLE LAW

6. Title 18, United States Code, Section 115(a)(1)(b) provides that it is unlawful to “threaten[] to assault, kidnap, or murder, a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under such section, with

intent to impede, intimidate, or interfere with such official, judge, or law enforcement officer while engaged in the performance of official duties, or with intent to retaliate against such official, judge, or law enforcement officer on account of the performance of official duties[.]”

STATEMENT OF PROBABLE CAUSE

7. On September 2, 2025, at approximately 12:50 pm, the United States Marshals Service (USMS) received a report from the Clerk of the United States District Court for the Northern District of California regarding concerning emails received by the Clerk’s office. The emails were sent to the media email address for the United States District Court for the Northern District of California, media@cand.uscourts.gov. The Clerk’s office reported that between 11:33 a.m. and 12:07 p.m. the media email address received a total of 11 emails from an email address dbpokorny@gmail.com. The Clerk’s office reported that the emails contained threatening language, including against members of the Court. The Clerk’s office provided me with the emails, which I have reviewed and summarized below.

Summary of Threatening Emails

8. Each of the emails summarized below was sent on September 2, 2025, from email address dbpokorny@gmail.com to email address media@cand.uscourts.gov.

9. The first email was received at 11:22 a.m. and read “This is terrorism.”

10. The second email was received at 11:29 a.m. and read “this is terrorism reply to this email.”

11. The third email was received at 11:30 a.m. and read “This is terrorism. Reply to my message or else.”

12. The fourth email was received at 11:31 a.m. and read “This is terrorism. I'm going to take a hostage. Reply to this message or else. I'm going to kill a hostage because you aren't responding to terrorism.”

13. The fifth email was received at 11:32 a.m. and read “This is terrorism reply to message or I kill a hostage.”

14. The sixth email was received at 11:50 a.m. and read “I want you to visualize skinning US District Judge Charles Breyer to death.”

15. The seventh email was received at 11:50 a.m. and read “I want to talk about a concrete plan to use terrorism to control California courts & judges. This plan involves taking & killing hostages. We have a legal right to do this because California courts & judges rule in favor of godless socialists. As a result, California courts are illegitimate and no longer rule on legal matters; rather, they are commanders of enemy forces and do not rule on matters of justice but rather abuse their power to issue commands to military forces. This is the behavior of commanders of military forces, not courts of justice. They seek war, not justice. We have a legal right to use terrorism to control California courts & judges. It is legal to take & kill hostages in order to get the illegitimate California courts & judges to cease their operations and dissolve their courts. California courts are valid military targets. California judges are enemy combatants. US District Judge Charles Breyer is an enemy combatant. This judge should not have turned traitor. This judge did something very stupid, and that is to militarize the court. This judge turned himself into an enemy combatant. You know what? That's suicidal. Ever heard of "suicide by cop?" Well, this is suicide by the American people, suicide by USA. It was a huge mistake for godless socialist California judges to turn the California courts into legitimate military targets. The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. You are traitors and godless socialists, and I'm happy to spill your blood. Moreover, your hatred of the USA and your attack on the USA gives me a legal right to spill your blood because you've initiated military hostilities against the USA. I have a legal right to spill your blood. The California courts are failing, and people are going to turn to criminals & terrorists to kill judges & police officers in large numbers. I am a terrorist, and I'm happy to spill your blood. Spilling the blood of tyrants like you feels good. It feels real good :-).”

16. The eighth email was received at 11:52 a.m. and read “Reply to this message or we skin US District Judge Charles Breyer. We'll skin him, take pictures, and send you the pictures.”

17. The ninth email was received at 11:53 a.m. and read “I want you to visualize skinning US District Judge Charles Breyer.”

18. The tenth email was received at 11:55 a.m. and read “I have a legal right to skin US District Judge Charles Breyer. This is because the California courts are no longer legitimate and have turned themselves into legitimate military targets. It is legal according to the rules of war to capture enemy combatants & skin them. It is legal to use terror to control the California courts.”

19. The eleventh email was received at 12:07 a.m. and read “California judges & police officers are enemy combatants. Use terror to make it easy to kill them. California judges & police officers are targeting Christians. It is legal to use terror to kill these enemy combatants. Killing California judges & police officers is a just cause (casus belli). We are organizing a new California government. The mass killing of the godless socialist police officers & judges will continue until they have been pacified and obey us and the Will of God. The California judges & police officers fucked around, and now they're going to find out.”

Identifying POKORNY as the Sender of the Threatening Emails

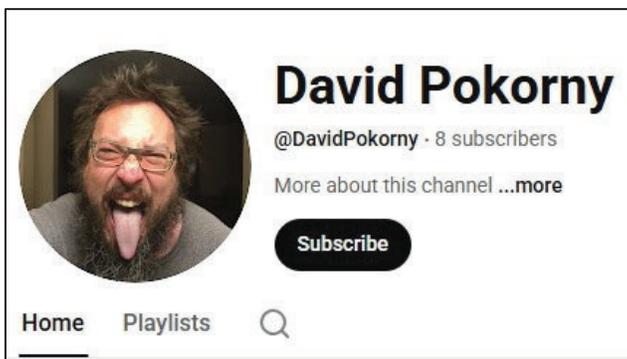
20. Based on evidence collected in my investigation, I have identified the sender of the eleven threatening emails as Davis Brooks POKORNY.

21. I note that the email address used to send the threatening messages (dbpokorny@gmail.com) appears to be made up of POKORNY’s first initial, middle initial, and last name.

22. I have also reviewed subscriber information provided by Google for the account associated with the email address dbpokorny@gmail.com, which is assigned Google Account ID: 681498541477. The information provided identifies the user’s name as “David Pokorny.” The date of birth provided also matches the date of birth that is on POKORNY’s California driver’s license, which I ascertained through a search in a law enforcement database.

23. Email address dbpokorny@gmail.com is also associated with a YouTube account. The account has the username @DavidPokorny. I reviewed the profile photo used for

the account (below left) and compared it with POKORNY's driver's license photo (below right). I concluded that the individual in the YouTube profile picture is POKORNY.



24. I also reviewed emails that were sent using the email address dbpokorny@gmail.com that identified the user of the account as POKORNY.

25. On August 24, 25, and 29, 2025, the user of dbpokorny@gmail.com sent emails in which he attached images. Each of the images (below) depicts an individual that I have identified as POKORNY. In addition, the user of the account signed the August 24 and August 29 emails "-David."



26. In addition, I reviewed information related to the IP address used to send the threatening messages. My investigation revealed that each of the threatening messages was sent

using the IP address 72.214.59.208. This IP address is associated with Internet Service Provider (ISP) Cox Communications.

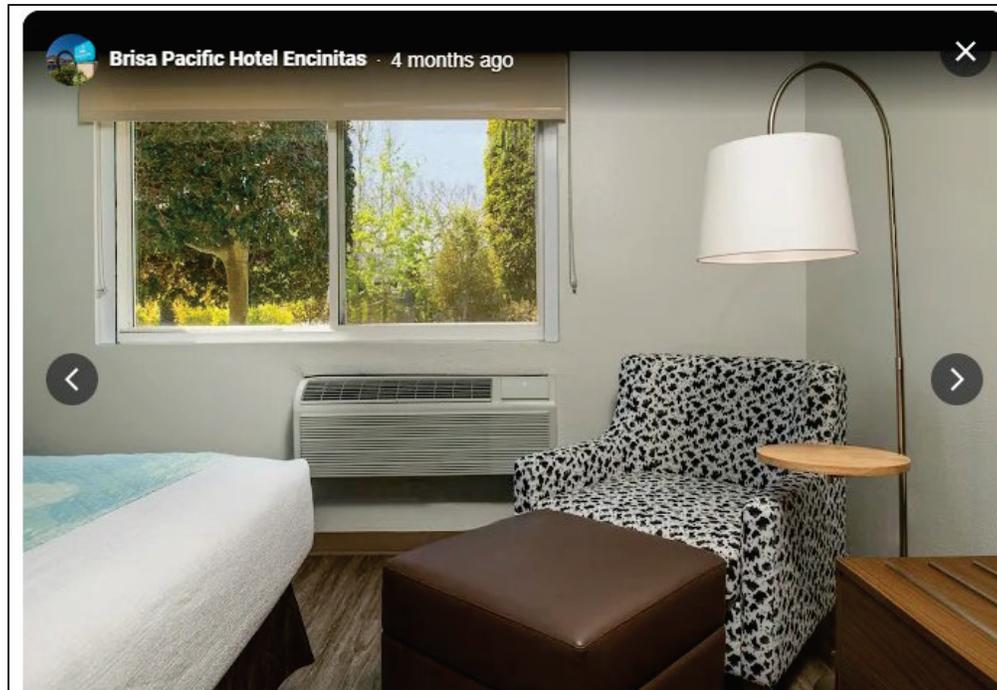
27. Based on my training and experience, I know that an IP address is a unique numerical label assigned to every device on a network, acting like a digital address for sending and receiving data, similar to a postal address for mail. I obtained subscriber information for the IP address 72.214.59.208. The subscriber information for this IP address is Brisa Pacific Hotel Encinitas located at 410 N Coast Hwy 101, Encinitas, CA 92024.

28. Information contained in the dbpokorny@gmail.com account indicates that on or about September 2, 2025, POKORNY was staying at that Brisa Pacific Hotel Encinitas.

29. On September 3, 2025, the user of the dbpokorny@gmail.com email address sent another email attaching a picture (below). I concluded that the individual depicted in the image is POKORNY.



30. I reviewed images of the hotel rooms at Brisa Pacific Hotel Encinitas that are publicly available on the internet. I noted that the distinctive chair in which POKORNY is sitting in the image sent on September 3, 2025 is consistent with a chair shown as being in a room offered by Brisa Pacific Hotel Encinitas.



31. In addition, on September 3, 2025, the user of the dbpokorny@gmail.com account sent an email that read “By the way, I’m in Encinitas .8 miles north of Moonlight state beach.” I confirmed that the Brisa Pacific Hotel Encinitas is .8 miles away from Moonlight State Beach.

32. For the reasons listed above, I believe that POKORNY is the user of the dbpokorny@gmail.com. I further believe that he sent the eleven threatening messages on or about September 2, 2025 while staying at the Brisa Pacific Hotel Encinitas and using the internet service provided by the hotel.

CONCLUSION

33. Based upon the aforementioned information, I submit that there is probable cause to believe that on September 2, 2025, in the Northern District of California and elsewhere, David Brooks POKORNY, violated Title 18, United States Code, Section 115(a)(1)(B).

I declare under penalty to perjury that the statements above are true and correct to the best of my knowledge and belief.

_____/s/Shawn Fogle_____
Shawn Fogle
Deputy United States Marshal
United States Marshals Service

Sworn to before me over the telephone and signed by me pursuant to Fed. R. Crim. P. 4.1 and 4(d) on this 10th day of October 2025. This application and warrant are to be filed under seal.



Hon. Donna M. Ryu
Chief Magistrate Judge