AO 91 (Rev. 11/11) Criminal Complaint

# UNITED STATES DISTRICT COURT

for the

Northern District of California

FILED
Jul 09 2026
Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

United States of America
v.
Ziheng "Tony" Fang,

Case No. CR 26-70940-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 November 5, 2025 in the county of Santa Clara in the Northern District of California, the defendant(s) violated:

| *Code Section* | *Offense Description* |
|---|---|
| 18 U.S.C. § 1038(a)(1) | False Information and Hoaxes<br><br>Penalties: 5 years prison, 3 years supervised release, $250,000 fine, $100 special assessment |

This criminal complaint is based on these facts:

See affidavit of FBI Special Agent Serena Brandler, attached hereto and incorporated by reference.

☑ Continued on the attached sheet.

/s/

*Complainant's signature*

Serena Brandler, FBI Special Agent

*Printed name and title*

Approved as to form Sarah E. Griswold
AUSA Sarah Griswold

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 7/8/2026

*Judge's signature*

City and state: San Jose CA

Hon. Nathanael M. Cousins, Chief Magistrate Judge

*Printed name and title*

# AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Serena Brandler, Special Agent with the Federal Bureau of Investigation, being duly sworn, state:

## INTRODUCTION

1. I make this affidavit pursuant to Rules 3, 4, and 4.1 of the Federal Rules of Procedure in support of an application for an arrest warrant and criminal complaint charging ZIHENG "Tony" FANG ("FANG") with a violation of 18 U.S.C. § 1038(a)(1) – False Information and Hoaxes.

2. There is probable cause to believe that on or about November 5, 2025, in the Northern District of California, FANG did intentionally convey false and misleading information, under circumstances where such information may reasonably have been believed, that indicated that an activity would take place that would constitute a violation of 18 U.S.C. § 844(i) (damage or destroy by fire or explosive real property in interstate commerce).

3. 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 and witnesses. This affidavit does not set forth all of my knowledge about this matter; it is intended to only show that there is sufficient probable cause for the requested criminal complaint and arrest warrant.

## AFFIANT BACKGROUND

4. I have been a Special Agent with the Federal Bureau of Investigation (FBI) since January 2024. I have had intensive training in law enforcement investigation techniques while assigned to the FBI New Agent Training Course at the FBI Academy in Quantico, Virginia.

5. I have been assigned to a White Collar Squad in the San Francisco Field Office since June of 2024. In this capacity, I have investigated and assisted other agents in investigating fraud, complex financial crimes, embezzlement, and civil rights violations, including both color of law violations and crimes motivated by bias (hate crimes). As an FBI agent, I am authorized to investigate violations of United States law and am a law enforcement officer with the authority to execute warrants issued under the authority of the United States. Prior to my current position as a Special Agent with the FBI, I was an adjunct psychology professor and researcher at Southwestern University.

6. 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 offenses of Federal law, including false information and hoaxes.

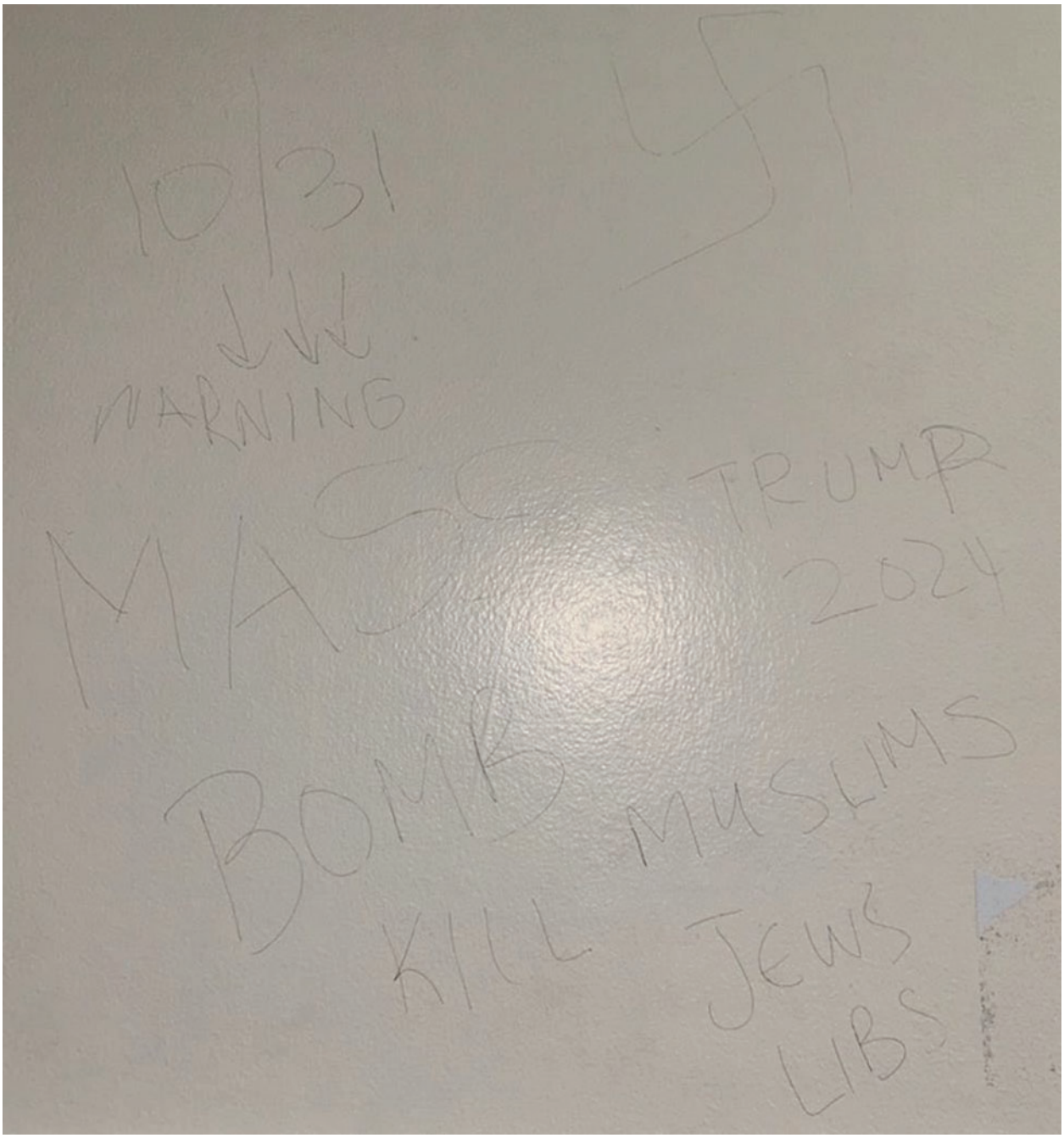
## APPLICABLE STATUTE

7. Under 18 U.S.C. § 1038(a)(1), it is illegal for a person to intentionally convey false or misleading information under circumstances where such information may reasonably have been believed, that indicated that an activity was taking or would take place, that would constitute a violation of various statutes including 18 U.S.C. § 844(i) (damage or destroy by fire or explosive real property in interstate commerce).

## FACTS SUPPORTING PROBABLE CAUSE

8. On or about October 24, 2024, San Jose State University Police Department (SJSU PD) personnel responded to a threatening and hateful message written on a bathroom wall on the San Jose State University (SJSU) campus. An officer found a message written on the wall in the fifth floor gender-neutral restroom of MacQuarrie Hall, an SJSU building, that read

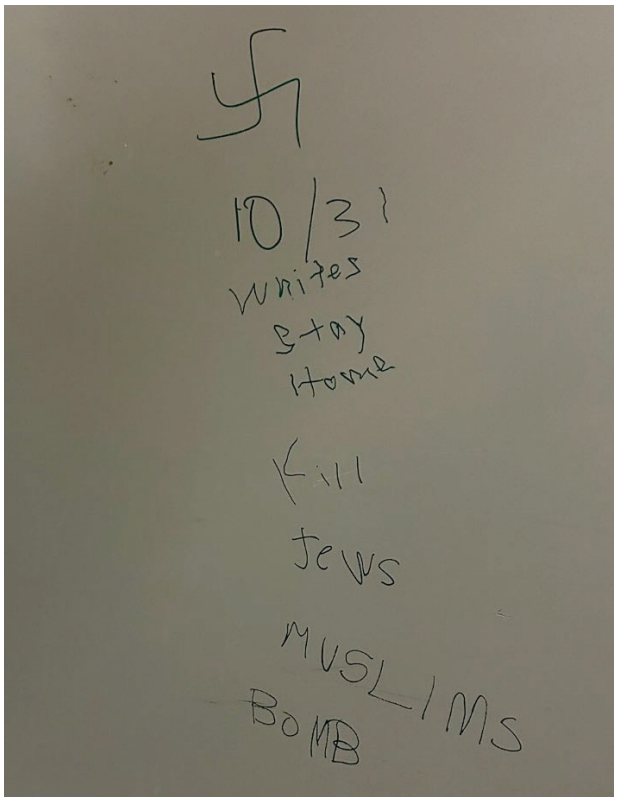
"10/31" (one week following the date of discovery) followed by multiple arrows pointing down to "WARNING MASS BOMB," "KILL MUSLIMS JEWS LIBS," and contained a drawing of a swastika to the right of "10/31" with "TRUMP 2024" written under the swastika. A photograph of this written statement is below:



9. Since the October 24, 2024 incident, SJSU PD has recorded more than twenty additional similar hateful and threatening messages written in men's and gender-neutral restrooms around the SJSU campus. In many instances, these messages included threats specifying a particular date that an attack was allegedly intended to take place and/or weapons and methods that would be used such as bombs, knives, and shooting. The most recent hateful and threatening message was discovered on May 14, 2026.

10. The hateful and threatening messages were found exclusively in men's and gender-neutral restrooms. While these messages were typically written directly on the bathroom walls or fixtures, in a few instances, the messages were written on paper or postings placed on the restroom wall.

11. According to SJSU PD, FANG reported a threatening message discovered in a men's restroom in MacQuarrie Hall on October 30, 2024. The message was written on the wall and read "10/31 Whites stay home Kill Jews MUSLIMS BOMB," with a swastika written above the text. A photograph of this written statement is below:




12. FANG told a SJSU faculty or staff member about the message who shared it with a co-worker, and the co-worker reported it to SJSU PD. FANG left the scene before the officers' arrival but was later identified and gave his information to officers. FANG stated he discovered the message while using the restroom.

13. FANG is a graduate student at SJSU, pursuing his Master's Degree in Data Science. According to FANG's publicly available resume, he is a self-described software developer with extensive experience in computer science, coding/programming languages, and statistics.[1]

[1] FBI personnel have also conducted a review of publicly available information in FANG's social media accounts. As of July 6, 2026, FANG's most recent post on TikTok was May 12, 2026. FANG's profile on TikTok includes the label "100% woke" and his Snapchat and Facebook profiles have the label "activist" and "social justice activist" listed in his bio, respectively. FANG also includes a rainbow flag in his profile on Threads which, in my experience, typically

14. On November 5, 2025, hateful and threatening messages were discovered on the wall and on a sheet of paper that was placed in a plastic cover sheet taped to the bathroom wall of a men's restroom in MacQuarrie Hall. According to SJSU PD, the message on the wall consisted of "Kill all Jews, Muslims, Chinks, and Mexicans," "Mass bombing 11/11 and 11/12 guess." The message on the sheet of paper read "!WARNING! MASS BOMB NEXT WEEK EAT PIGS NOT DOGS, KILL ALL MUSLIMS + CHINKS MAGA 2028 NO ON 50 KILL ZOHRAN," with three swastikas to the left, and "THIS IS A WHITE NATION" and a fourth swastika to the right. A photograph of this paper is below:

conveys membership or allyship with the LGBTQ+ community. FANG also has posted and/or shared content expressing anti-ICE, pro-immigration, anti-MAGA, and pro-Palestine views.

15. SJSU PD submitted the paper to the Santa Clara County Sheriff's Office Identification Unit for identification of possible latent fingerprints, who located a latent fingerprint on this paper. The latent fingerprint matched positively to FANG. The message on this paper is the basis for the charge of 18 U.S.C. § 1038(a)(1) – False Information and Hoaxes.

16. According to SJSU PD Sergeant Thomas Lee, there were several instances where following discovery of these messages, the SJSU President's Office put out alerts to notify students and staff before dates that attacks were allegedly set to take place via SJSU PD's alert email/text message system. When alerts were issued, SJSU professors independently decided whether to cancel class or hold it virtually. If the class was not cancelled or moved to a virtual format, students would independently decide whether to attend. University police and the college administration received multiple calls from people worried about coming onto campus because of the threats. Sgt. Lee described the buildings on the dates specified in the messages as a "ghost town."

***Key Card Data***

17. According to SJSU PD, each SJSU staff member and student is issued an electronic key card to access buildings. With the assistance of IT staff, SJSU PD conducted a review of all of the key card logs into the buildings with known threatening and/or hateful messages around the times those messages were discovered. FANG accessed buildings in the days preceding the messages' discovery in such buildings in 16 of the 18 instances where key card access is required, and keyed into the buildings in the time surrounding the discovery of these messages for 18 of the approximately 21 instances. The next closest number of entries was from a staff member who worked with facilities and had a reason to be in each building.

18. Although key cards are used to access many buildings on campus, not every single entry by an individual will be captured by a key card access log. This is because someone can follow behind someone who used their key card to access the building, someone inside the building can let others in, the door could be left propped open, etc. (commonly known as "tailgating"). This means that it is possible that an individual could gain access to a building without ever having to use their key card and thus have no associated record of their entry. Additionally, three of the messages were written in a restroom in the Student Union, which does not require key card access.

19. Sgt. Lee, and subsequently I, reviewed FANG's key card history and observed that there were incidents where FANG entered a building where he had no classes or at times when no classes had recently ended or started. In those instances, he entered later in the day when most classes had already taken place, and the buildings had fewer people occupying them. There were approximately two instances in which FANG entered the Art Building where he never had any classes.

20. FANG's nearest key card access to buildings in which the threatening and hateful messages were discovered are set forth below (times are approximate and in military time as it is displayed in the key card access logs):

| **FANG's Building Access** | | **Message(s) Discovered** | | **Building** |
|---|---|---|---|---|
| **Date** | **Time** | **Date** | **Time** | |
| 10/23/2024 | 1417 | 10/24/2024 | 1513 | MacQuarrie Hall |
| 10/25/2024 | 1130 | 10/25/2024 | 1344 | MacQuarrie Hall |
| 10/29/2024 | 2039 | 10/30/2024 | 1338 | MacQuarrie Hall |
| 09/15/2025 | 1731 | 09/15/2025 | 2310 | Art Building |
| 11/05/2025 | 1614 | 11/05/2025 | 2348 | MacQuarrie Hall |
| 11/05/2025 | 1614 | 11/07/2025 | 0018 | MacQuarrie Hall |
| 11/18/2025 | 1325 | 11/18/2025 | 1436 | MacQuarrie Hall |
| 11/18/2025 | 1325 | 11/18/2025 | 1533 | MacQuarrie Hall |
| - | - | 01/20/2026 | 1442 | Student Union |

| | | | | |
|---|---|---|---|---|
| - | - | 01/27/2026 | 1158 | Student Union |
| 02/02/2026 | 1800 | 02/03/2026 | 1429 | Dudley Moorhead Hall |
| 02/09/2026 | 2145 | 02/10/2026 | 1754 | Dudley Moorhead Hall |
| 02/24/2026 | 1836 | 02/24/2026 | 1339 | Dudley Moorhead Hall |
| 03/04/2026 | 1055 | 03/04/2026 | 1234 | MacQuarrie Hall |
| 03/10/2026 | 1020 | 03/11/2026 | 2117 | Duncan Hall |
| 03/25/2026 | 1115 | 03/24/2026 | 1416 | MacQuarrie Hall |
| 03/26/2026 | 1028 | 04/03/2026[2] | 0031 | Duncan Hall |
| 04/08/2026 | 0937 | 04/08/2026 | 1436 | MacQuarrie Hall |
| 04/27/2026 | 1903 | 04/28/2026 | 0457 | Art Building |
| - | - | 04/28/2026 | 1012 | Student Union |
| 05/13/2026 | 1653 | 05/14/2026 | 0119 | MacQuarrie Hall |

| **Key** | |
|---|---|
| | Accessed by FANG **before** discovery of the message(s) (same day or the day before). |
| | Accessed by FANG **after** discovery of the message(s) (same day or the day after). |
| | Accessed by FANG **before** discovery of the message(s) (more than a day before). |
| | Building does not require a key card to gain access. |

***Installed Surveillance Camera Footage***

21. After approximately the March 24, 2026 incident, the FBI provided assistance to SJSU by installing surveillance cameras outside of some campus restrooms. The SJSU IT department also installed cameras outside of some campus restrooms. After the installation of cameras, there were four instances of threatening and/or hateful messages. One of these

[2] For the April 3, 2026 incident, FANG entered Duncan Hall on March 26, 2026 (approximately one week earlier). The following week was Spring Recess for SJSU which may have contributed to a longer discovery time since students and other SJSU members were on break and presumably using the restrooms much less frequently.

instances occurred in the Art Building, for which there was no camera footage. For the other three instances, surveillance footage shows FANG entering and exiting the restrooms or restroom areas where the messages were written up to a day before their discovery as set forth below:

| FANG's Restroom Access (approximate) | | Message Discovered | | Building |
|---|---|---|---|---|
| **Date** | **Time** | **Date** | **Time** | |
| 04/08/2026 | 1001-1006 | 04/08/2026 | 1436 | MacQuarrie Hall |
| - | - | 04/28/2026 | 0457 | Art Building |
| 04/27/2026 | 1553-1554 | 04/28/2026 | 1012 | Student Union |
| 05/13/2026 | 1656-1658 | 05/14/2026 | 0119 | MacQuarrie Hall |

***Voluntary Interview of FANG***

22. SJSU PD Sgt. Thomas Lee contacted FANG via phone on May 19, 2026, and asked to meet with FANG the next day. FANG stated he was too busy with work and school to meet. He advised he would contact SJSU PD if he had time the following day.

23. On May 20, 2026, FANG contacted SJSU PD and requested to speak with Sgt. Lee. FANG met with Sgt. Lee and other SJSU PD officers on the SJSU campus, outside of MacQuarrie Hall. As noted in the SJSU police report, Sgt. Lee observed that FANG looked visibly nervous. Their meeting was recorded on Body Worn Camera footage, which I have reviewed. The video was partially obstructed by Sgt. Lee's jacket, obscuring FANG's face at times. Sgt. Lee advised FANG that they were investigating the hate graffiti incidents over the past few years. Sgt. Lee explained the nature of his investigation and discussed evidence showing FANG's presence at many of the sites in question. FANG agreed that he was in the buildings at the times Sgt. Lee described. When Sgt. Lee inquired about the reason for FANG's presence in buildings where he did not have any classes, FANG did not provide a response.

24. FANG said there was an instance where he notified staff about graffiti he saw in a bathroom, and they asked him to take a picture of it, so he did.

25. FANG said there was another instance in the Student Union where he saw graffiti, took pictures and videos of it, and advised he alerted Student Union staff about the graffiti when he saw it. SJSU PD has no record of Student Union staff being advised of hate graffiti by FANG. FANG also told SJSU PD that he uploaded the pictures of the graffiti on his TikTok account. FANG advised that TikTok flagged his account for the post. FANG said he did not write anything inappropriate in the post; he was just expressing surprise about the graffiti. FANG said that someone must have reported it because his post was removed.

26. Sgt. Lee told FANG that FANG was at every incident for the past two years, and asked if FANG understood what Sgt. Lee was saying. FANG said he did, and that he did not know anything about how the graffiti got there or who was doing it.

## CONCLUSION

27. Based on the information above, there is probable cause to believe that on or about November 5, 2025, ZIHENG "Tony" FANG ("FANG") violated 18 U.S.C. § 1038(a)(1) – False Information and Hoaxes. Accordingly, I respectfully request that the Court issue a criminal complaint and warrant for his arrest.

_/s/_____
Serena Brandler
Special Agent
Federal Bureau of Investigation

Sworn to before me over the telephone and signed by me pursuant to Fed. R. Crim. P. 4.1 and 4(d) on this _8 day of July 2026. This complaint and warrant are to be filed under seal.

_____
HONORABLE NATHANAEL M. COUSINS
Chief Magistrate Judge