
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ARREST ON OUT-OF-DISTRICT OFFENSE


CASE NUMBER: **24-mj-04458**

The person charged as Manuel TAMAYO-TORRES now appears before this United States District Court for an initial appearance as a result of the following charges having been filed in the United States District Court for the District of Arizona with: False Statements During the Purchase of a Firearm and Threats to President-Elect in violation of 18 U.S.C. Section(s) 924(a)(1)(A) and § 871.

The charging documents and warrant for the arrest of the defendant which was issued by the above United States District Court are attached hereto.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

DATED: 11-26-24



Jwan Rafo
Special Agent ATF

Reviewed and Approved

Dated: 11/26/24



Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

United States of America

v.

Manuel TAMAYO-TORRES

CRIMINAL COMPLAINT

CASE NUMBER:

24-3448 MTJ

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

On or about the date described in Attachment A in the County of Maricopa in the District of Arizona, the defendant violated 18 U.S.C. § 924(a)(1)(A), and 18 U.S.C. § 871, offenses described as follows:

See Attachment A – Description of Counts

I further state that I am a Task Force Officer for the Bureau of Alcohol, Tobacco, Firearms and Explosives, and that this complaint is based on the following facts:

See Attachment B, Statement of Probable Cause, Incorporated by Reference Herein.

Continued on the attached sheet and made a part hereof: Yes No

AUTHORIZED BY: Benjamin Goldberg, AUSA *B. Goldberg*

Andrew Barciz, TFO for ATF
Name of Complainant

ANDREW BARCIZ
(Affiliate)

Digitally signed by ANDREW BARCIZ
(Affiliate)
Date: 2024.11.22 15:40:18 -0700

Signature of Complainant

Sworn to telephonically before me

November 22, 2024
Date

at Phoenix, Arizona
City and State

HONORABLE MICHAEL T. MORRISSEY
United States Magistrate Judge
Name & Title of Judicial Officer

Michael T. Morrissey
Signature of Judicial Officer

ATTACHMENT A
DESCRIPTION OF COUNTS

COUNT 1

False Statement During the Purchase of a Firearm

On or about November 13, 2023, in the District of Arizona, Defendant MANUEL TAMAYO-TORRES knowingly made a false statement and representation to Shooters World, a business licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Shooters World, in that Defendant MANUEL TAMAYO-TORRES executed a Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearm Transaction Report, stating he had not previously been convicted of a felony, whereas in truth and fact, Defendant MANUEL TAMAYO-TORRES knew that he had previously been convicted of a felony.

In violation of Title 18, United States Code, Section 924(a)(1)(A).

COUNT 2

False Statement During the Purchase of a Firearm

On or about November 13, 2023, in the District of Arizona, Defendant MANUEL TAMAYO-TORRES knowingly made a false statement and representation to Shooters World, a business licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Shooters World, in that Defendant MANUEL TAMAYO-TORRES executed a Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearm Transaction Report, stating he was not subject to a court order restraining him from harassing, stalking, or threatening an intimate partner, whereas in truth and fact, Defendant MANUEL TAMAYO-TORRES knew that was subject to such a protective order.

In violation of Title 18, United States Code, Section 924(a)(1)(A).

COUNT 3

False Statement During the Purchase of a Firearm

On or about November 15, 2023, in the District of Arizona, Defendant MANUEL TAMAYO-TORRES knowingly made a false statement and representation to Shooters World, a business licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Shooters World, in that Defendant MANUEL TAMAYO-TORRES executed a Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearm Transaction Report, stating he had not previously been convicted of a felony, whereas in truth and fact, Defendant MANUEL TAMAYO-TORRES knew that he had previously been convicted of a felony.

In violation of Title 18, United States Code, Section 924(a)(1)(A).

COUNT 4

False Statement During the Purchase of a Firearm

On or about November 15, 2023, in the District of Arizona, Defendant MANUEL TAMAYO-TORRES knowingly made a false statement and representation to Shooters World, a business licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Shooters World, in that Defendant MANUEL TAMAYO-TORRES executed a Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearm Transaction Report, stating he was not subject to a court order restraining him from harassing, stalking, or threatening an intimate partner, whereas in truth and fact, Defendant MANUEL TAMAYO-TORRES knew that was subject to such a protective order.

In violation of Title 18, United States Code, Section 924(a)(1)(A).

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COUNT 5

Threats Against President and Successors to the Presidency

On or about November 21, 2024, Defendant MANUEL TOMAYO-TORRES did knowingly and willfully make a threat to take the life of, to kidnap, and to inflict bodily harm upon the President-elect, with the intent to communicate a true threat of violence and with recklessness as to whether the communication would be viewed as a true threat of violence by stating, "I'm going to fucking kill you motherfucker. I'm going to tear your motherfucking face out, your whole motherfucking face, [Individual 1]."

In violation of Title 18, United States Code, Section 871.

ATTACHMENT B

STATEMENT OF PROBABLE CAUSE

Your Affiant, Andrew Barciz, a Task Force Officer for the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), being duly sworn, hereby deposes and states as follows:

INTRODUCTION AND AGENT BACKGROUND

1. Your Affiant has been a Task Force Officer with ATF since September 18, 2019. Your Affiant has also been a sworn police officer since June of 2001. Your Affiant has investigated numerous weapons-related offenses in collaboration with both state and federally sworn officers. Your Affiant has also investigated numerous federal weapons violations, to include weapons trafficking, straw purchases, prohibited possessors in possession of firearms, illegal weapons manufacturing, and trafficking in unlawful machineguns and machinegun conversions devices. Your Affiant has been assigned as a Detective for the Phoenix Police Department (“PPD”) since approximately 2011. During that time your Affiant also has investigated numerous violent crimes, including threats.

2. The statements contained in this Affidavit are based on information derived from your Affiant’s personal knowledge, training and experience; information from the knowledge and observations of other sworn law enforcement officers, either directly or indirectly through their reports or affidavits; surveillance conducted by law enforcement officers; information provided by witnesses; analysis of public records; analysis of court records; and review of open-source media.

3. Based on the below facts, your Affiant submits there is probable cause that Manuel TAMAYO-TORRES (“TAMAYO-TORRES”) knowingly made false statements during the purchase of a firearm, and transmitted threats against the President and successors to the Presidency, in violation of Title 18, United States Code (U.S.C.) §§ 924(a)(1)(A) and 871.

PROBABLE CAUSE

Case Background

3. On November 18, 2024, your Affiant was assigned to investigate TAMAYO-TORRES as a possible prohibited person in possession of firearms, as well as potential threats toward Individual 1 and Individual 1's family.

4. Your Affiant conducted records checks for TAMAYO-TORRES and found that on November 20, 2003, he was convicted of Assault with Great Bodily Injury in California, San Diego Vista Court, a felony, and sentenced to six years in state prison.

5. Your Affiant also found TAMAYO-TORRES was served with an order of protection by his ex-wife on July 7, 2023. The court order was issued from the Goodyear Municipal Court in Arizona and states it is in effect for 2 years from the date it was served. The order notes that the individual seeking it was the former wife of TAMAYO-TORRES and the order prohibits him from having any contact with her.

6. The order also stated the following:

“NO CRIMES. Defendant shall not commit any crimes, including but not limited to harassment, stalking, or conduct involving the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily injury, against Plaintiff or Protected Persons.

NO CONTACT. Defendant shall have no contact with Plaintiff except through attorneys, legal process, court hearings, and as checked:

Phone Electronic (email, Text, etc) Mail Other:

NO CONTACT. Defendant shall have no contact with Protected Persons except through attorneys, legal process, court hearings and as checked: Phone Electronic (email, Text, etc) Mail Other”

7. A PPD detective contacted the Goodyear Municipal Court and spoke with a Court Specialist with the Goodyear Municipal Court, who informed the PPD detective that TAMAYO-TORRES had requested a court hearing to contest the court order. TAMAYO-

TORRES appeared before the court on December 14, 2023, and the court ordered the protection order to remain in effect.

Firearms Offenses

8. While conducting research on TAMAYO-TORRES, your Affiant learned that TAMAYO-TORRES had attempted to purchase firearms on two separate occasions at Shooters World, a licensed firearms dealer in Phoenix, Arizona. Those two attempted purchases occurred on November 13, 2023, and November 15, 2023. Notably, these dates are after he was served with the order of protection mentioned above.

9. Your Affiant contacted Shooters World and asked for copies of the federal forms associated with these purchases (ATF Form 4473). It should be noted that TAMAYO-TORRES received a “delayed” status for the first attempt and a “denied” status for the second attempt in response to a NICS background check. Both attempts were to purchase a SCCY handgun. The serial number listed for the firearm is different and there are two separate ATF Form 4473s filled out by TAMAYO-TORRES. Your Affiant reviewed the ATF Form 4473s and found that on both forms, TAMAYO-TORRES made two false statements which would have resulted in an immediate denial had he answered truthfully.

10. Question 21E of ATF Form 4473 states: “Have you ever been convicted in any court, including a military court, of a felony, or any other crime for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation?” TAMAYO-TORRES checked no for this question on both November 13 and November 15 when attempting to purchase a firearm, despite his previous felony conviction.

11. Question 21J of ATF Form 4473 states: “Are you subject to a court order, including Military Protection Order issued by a military judge or magistrate, restraining you from harassing, stalking, or threatening, your child or an intimate partner or child of such a partner?” TAMAYO-TORRES checked no for this question on November 13 and

November 15 when attempting to purchase a firearm, despite his previously ordered order of protection.

Interstate Threats

12. Your Affiant was also provided a PPD report which included references to a Facebook profile later identified as belonging to TAMAYO-TORRES. While reviewing the profile, I observed numerous lengthy videos where TAMAYO-TORRES accused Individual 1¹ of kidnapping TAMAYO-TORRES' children. TAMAYO-TORRES also made comments about Individual 1's family members and various law enforcement individuals harming his children. TAMAYO-TORRES made vague yet direct threats to harm Individual 1, Individual 1's family members, and law enforcement agents. Your Affiant identified the subject in the video as TAMAYO-TORRES after comparing the video with TAMAYO-TORRES' driver's license photo.

13. On November 21, 2024, at approximately 6:30 p.m., TAMAYO-TORRES posted a video on Facebook talking about Individual 1. TAMAYO-TORRES states, "[Individual 1] you're gonna die, [Individual 1], your son's gonna die. Your whole family is going to die, [Individual 1]. This is reality now for you. This is the only reality you have in your future, [Individual 1], dying. Thinking you could mix your fucking retarded ass blood, and your family, with someone like me you motherfucker. Die to become royalty, [Individual 1]?" TAMAYO-TORRES continues to say that Individual 1's son will be sent to federal prison as an adult and be tortured and in a wheelchair. TAMAYO-TORRES also said that the Secret Service, FBI, CIA, and the military are all defenseless "off the books."

14. Later in that same video, TAMAYO-TORRES says, "[Individual 1] thinking he's a white privileged man. You're Caucasian nothing. You'll earn nothing. Aryan money, that's all you have. You're a low life scum, I'll spit in your fucking face motherfucker. And if they give me a chance, I'm going to fucking bury you myself, [Individual 1]. If they give

¹ At all times relevant to this Complaint, Individual 1 was a public figure, namely a former President and current President-elect.

me a chance to bury you, to kill you, murder you, [Individual 1], torture you, and break you in the system. If the courts give me a privilege of payback for the people that murdered my daughter and prostituted, trafficked my kids since they were in diapers, [Individual 1]. I'm going to fucking kill you motherfucker. I'm going to tear your motherfucking face out, your whole motherfucking face, [Individual 1]. Your jaw, all this shit out. I need you to listen to me, [Individual 1], because this is what is going to happen if the courts give me permission you motherfucker. If they give me permission for what you people have done to my kids. I'm going to tear your whole fucking face out, you motherfucker. I'm going to put a hole in your face with my motherfucking hand, [Individual 1].”

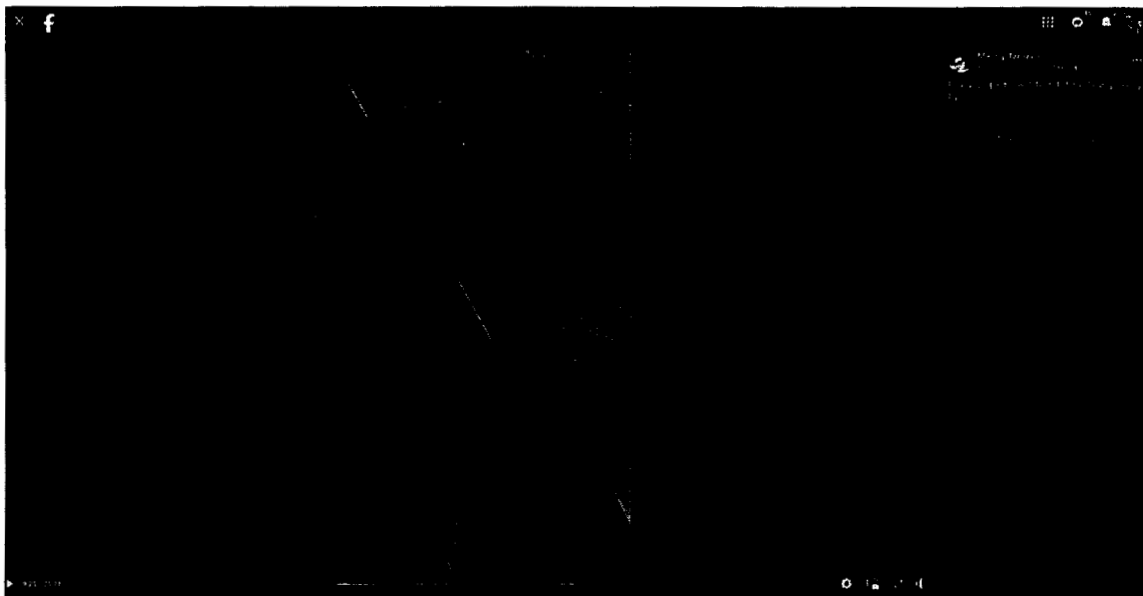
15. This was not the first time that TAMAYO-TORRES made threatening statements toward Individual 1. Your Affiant also reviewed a video posted November 13, 2024, showing TAMAYO-TORRES holding a suspected firearm and making threats to shoot Individual 1.

16. In that video, TAMAYO-TORRES begins talking about how his ex-employer has some of his kids. He then accuses Individual 1 of touching his minor children. TAMAYO-TORRES continues to state that Individual 1 has used people to “fuck up his life.” He also talks about Individual 1’s family members, saying they have the rest of their life to spend in prison and that law enforcement and Secret Service agents will all be imprisoned.

17. In the video, TAMAYO-TORRES continues to state that all parties involved will wish they were dead. He talks about Individual 1 being shot and states, “[Individual 1], when you get arrested and we start coming for you, when these fucking pigs, these fucking cops, the federal government, start doing their fucking job, you’re going to cry for your life and the life of your children, [Individual 1]. Trailer park trash [Individual 1].”

18. In the video, TAMAYO-TORRES also holds up what appears to be a white AR15-style rifle with a 30-round magazine inserted into it and says, “You see [Individual 1], this from far away, [Individual 1]...As soon I hear that leave that barrel, I’m already on the foot run after you [Individual 1]. And all these little boys and their little badges, off

the books, [Individual 1]. They can't run very fast with a bunch of equipment, a firearm, an AR, a 50 caliber. To make a run for it, [Individual 1]. Which would mean they would be leaving that 50 caliber, that AR, right there, just to run for their life. 14 years, [Individual 1], which I'm going to turn into eternity for your family.”



19. Your Affiant has observed that TAMAYO-TORRES posts videos on a near-daily basis where he talks about [Individual 1] and his family kidnapping and sex-trafficking his children.

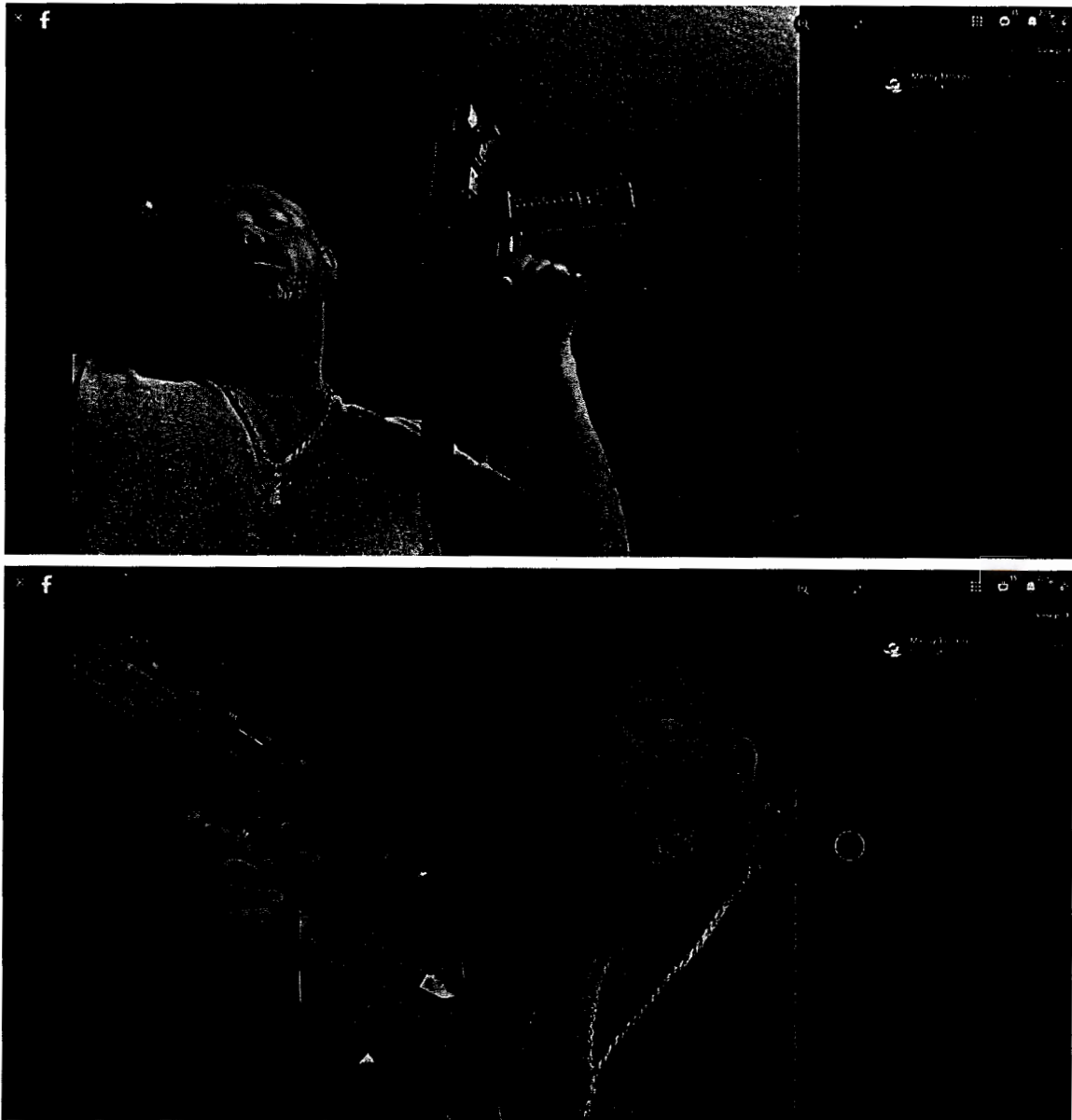
20. These videos include videos posted from Desert Diamond Arena in Glendale, Arizona on August 23, 2024. [Individual 1] was at this arena that night for a campaign rally. TAMAYO-TORRES claims he observed [Individual 1] and Secret Service kidnap his daughter there.

21. Another video shows TAMAYO-TORRES talking about his application to dismiss his felony conviction. TAMAYO-TORRES then held up a photo of his Petition for Dismissal and reads the document. The petition, which your Affiant has obtained, grants his petition but also states, “This order does not permit the defendant to own,

possess, or have custody for control over any firearm...” Despite that, TAMAYO-TORRES states on the video that he knows he can legally possess a firearm anywhere but California. Notably, that petition granting his dismissal was dated November 30, 2023, approximately 15 days after his attempted firearms purchases.

22. Your Affiant also reviewed photos from this Facebook account. Your Affiant noted several photos showing TAMAYO-TORRES holding firearms. For instance, on May 5, 2024, he posted a photo holding a bullpup-style shotgun, a photo of him holding the white AR15-style rifle, and a PCC-style firearm. This white AR15 style rifles appears to match the one seen in the threatening video posted on November 13, 2024.

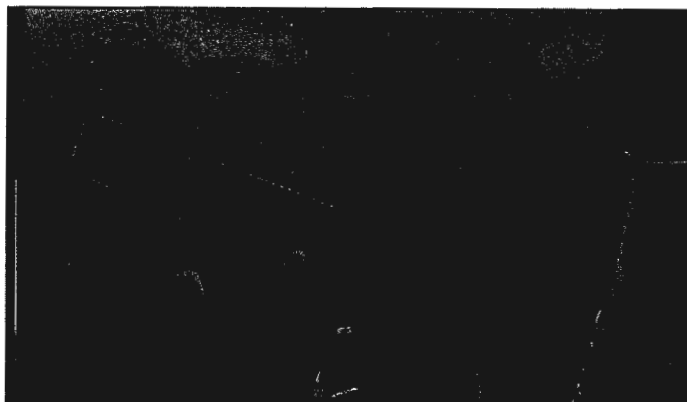




23. On June 20, 2024, TAMAYO-TORRES posted a video saying he had recently picked up a Glock 27 .40 caliber pistol from the PPD that had previously been seized. TAMAYO-TORRES holds up the PPD property tag, as well as the handgun, and loads the gun with a magazine. He then discusses how he prefers to carry the Glock for defense but has other options as well, including a 9mm and an Uzi.

24. Your Affiant then attempted to find the incident where that firearm was

seized and discovered a PPD report showing TAMAYO-TORRES was arrested for Domestic Violence/Assault in 2018. After the arrest, the mother of the victim called police to surrender a firearm belonging to TAMAYO-TORRES to police, as she was afraid to give it to him when he got out of jail. She provided officers a Glock 27 handgun. Your Affiant confirmed this gun was released to TAMAYO-TORRES on June 20, 2024.



25. On November 21, 2024, the same day he made a direct threat to kill Individual 1, TAMAYO-TORRES posted several videos ranting about the cartels. In one of the videos, he grabs a Glock handgun in a holster off the counter and holds it up. Later, in a second video, TAMAYO-TORRES states, "Secret Service, since you have done a lot of [Individual 1's] dirty work, you're the target too, you know that already. I'm hoping you guys grow a little bit of dignity and balls since you've already gone so far. It's not going to cost you anything. Have you thought about that? You're going to die in prison anyways. You can give yourself to me, the father, or you can give your asshole and your body to the people in prison. Because CO's don't give a fuck about you." He then states, "Bring your guns, your sniper guns, start getting your exercise on. I'm only here, not so much longer. I know you guys have a big mouth and you run it. Why don't you put that running of your mouth into action? I'm always ready. Barefoot, my socks, my boxers, naked, I'm always

ready for a chase. Think about that Secret Service boys.”

26. These photos and videos all appear to be taken in the same residence, based on the items seen in the background. In some of the videos, TAMAYO-TORRES speaks of moving back to California soon, due to not being able to find employment in Arizona.

27. On November 22, 2024, TAMAYO-TORRES posted a video from his vehicle indicating he was in San Diego, or on the way there, to take some property there in anticipation of his move. Your Affiant reviewed the video from a surveillance camera and observed TAMAYO-TORRES load items into his car and leave on November 21, 2024, at approximately 11:25 pm. At approximately 6:00 am on November 22, 2024, TAMAYO-TORRES posted a video indicating he is on his way back to Arizona.

CONCLUSION

28. For these reasons, your Affiant submits that there is probable cause to believe MANUEL TAMAYO-TORRES knowingly made false statements during the purchase of a firearm, and transmitted threats against the President and successors to the Presidency, in violation of Title 18, United States Code (U.S.C.) §§ 924(a)(1)(A) and 871.

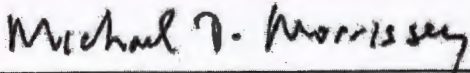
29. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Respectfully submitted,

ANDREW BARCIZ (Affiliate) Digitally signed by ANDREW BARCIZ (Affiliate)
Date: 2024.11.22 15:44:34 -0700

ANDREW BARCIZ
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to and subscribed electronically this 22 day of November, 2024.


HONORABLE MICHAEL T. MORRISSEY
United States Magistrate Judge

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of Arizona

United States of America
v.

Case No. 24-3448MJ

Manuel Tamayo-Torres
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) Manuel Tamayo-Torres

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:

In violation of Title 18, United States Code §§ 924(a)(1)(A) and 871

Date: 11/22/2024

M Morrissey

Issuing officer's signature

City and state: Phoenix, Arizona

Michael T. Morrissey, United States Magistrate Judge

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