

FEDERAL BUREAU OF INVESTIGATION

Date of entry 08/04/2022

Upon receipt of the Defendant's Memorandum in Aid of Sentencing filed on July 28, 2022 by Defense Attorney Mark Rollins on behalf of Thomas Robertson, Special Agent (SA) Christen Holcombe reviewed previously collected evidence, researched open-source information, and conducted additional interviews in consideration of the arguments made by Defense Attorney Rollins in the memorandum and those presented in documentation attached to the memorandum. This FD-302 serves to document inconsistencies in statements written by the Defense and information gathered by the Government.

Many documents are referenced throughout this FD-302 and are attached via 1A. A summary of these documents is as follows: Defendant's Memorandum in Aid of Sentencing and the accompanying letters to Judge Cooper from Thomas Robertson and his wife, Samantha Robertson; Defense Attorney Rollins' Motion to Revoke Release Order from July 4, 2021; text messages from Robertson's phone (activated January 20, 2021 and seized June 29, 2021); and Facebook posts from Robertson's account. Also referenced in this FD-302 are recorded conversations between Robertson and others, which are maintained on a local FBI machine due to their size. Additionally, previous FD-302s written in support of this investigation are listed as "Reference Documents" within this FD-302.

Many quotations are captured throughout this FD-302. Typographical errors from written communications are maintained from the original documents. Throughout this FD-302, excerpted portions of the documents filed by Defense Attorney Rollins are referenced in the order they appeared in the original documents and are captured in bold to assist in orienting the reader.

Defendant's Memorandum in Aid of Sentencing - Submitted by Defense Attorney Rollins

In Section V. B. Defense Attorney Rollins wrote, "Upon graduating high school, [Robertson] enlisted in the United States Army Reserve and was

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honorably discharged in 2009." This sentence included two accurate bookends but captured an incomplete account of Robertson's service. As referenced in the attached FD-302 regarding Robertson's military service, Robertson served only forty-three days before being discharged in 1991 for "lack of motivation" during basic training. Due to the short duration of his service, his discharge was uncharacterized. Robertson reenlisted 15 years later in 2006 upon receiving a waiver and served a combination of active duty, reserve, and national guard time until his final discharge in 2009.

Defense Attorney Rollins also wrote, "In 2010, [Robertson] began working for a private military contract company where an IED in Iraq injured him." However, in Defense Attorney Rollins' Motion to Revoke Release Order on July 4, 2021, Defense Attorney Rollins wrote Robertson was "wounded severely by gunshot and mortar shrapnel in combat operations in Charkh District, Logar Province, Afghanistan" in 2011.

[Agent Note: SA Holcombe does not possess information to confirm the location or cause of Robertson's injuries while employed as a contractor in support of the Department of Defense.]

In Section V. B. Defense Attorney Rollins referenced character letters from "individuals that know the man and his character." Individuals submitting letters included Edward Lavado, Julianna Boyle, Dennis Deacon, and Gregory Jones.

In review of previously collected evidence, SA Holcombe failed to locate information indicating a relationship between Robertson and Edward Lavado or Robertson and Julianna Boyle. Lavado and Boyle were not saved as any of the fifty contacts in Robertson's phone (activated January 20, 2021 and seized June 29, 2021). Facebook returns from Robertson's account show no record Robertson was friends with either individual on Facebook. Dennis Deacon, however, was a frequent communicator with Robertson, and Greg Jones communicated occasionally with Robertson to check on him.

In Section V. C. Defense Attorney Rollins wrote, "As a police officer, [Robertson] has always had the utmost respect for the law...", and in Section V. E. Defense Attorney Rollins wrote, "[Robertson] has at all times comported himself as the gentleman he is, showing respect for the Court and the parties."

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In a message written to two individuals who assisted in raising Robertson in high school (but also sent to close friends and family), Robertson wrote, "I swear to you both that you will never hear of me surrendering to be a political prisoner, and I will make them pay dearly, and think twice before coming for anyone else."

In March 2021, text messages with former police chief of Boone's Mill, Virginia, Dennis Deacon, Robertson built on the aforementioned text by writing, "I'm not planning on doing anything crazy, but I am done being civil about it. If they come here again, many will die. Possibly me, definitely many of them. I am not thinking crazy, I am not going in sane. I'm done. They seem to be pressing a war, and I aim to give them more than they want. They seem to believe that might means right. They need to understand at a primal level that they don't really run things. Its past time. I can kill every agent that they send for probably 2 weeks. Maybe longer. One man. If they start to realize that they will stop the bullshit tyranny."

Later in the text messages Robertson wrote, "Civil War is anything but civil," to which Deacon responded, "Messy and the corrupt and criminal take further advantage." Later, Robertson wrote, "It's no longer my Country. Its theirs." Deacon responded, "Not true! Unless you give up...be smart, pick battles, plan logistics, very carefully recruit and hope its not going to come down to it..." Later, Deacon wrote, "Global citizen of the new order will have lulled the masses to a medieval fiefdom of global proportions that is inescapable except by death...hopefully. We need a place to go...remote, defensible, water, very rugged terrain. We will ultimately loose but will have made the price that's paid for their victory so great that...to be honest, no one will dare to step up, our national, international, taking as many as we go."

Robertson responded, "I agree. But I am more of the mind of taking the fight to their houses and fireside." Deacon responded, "Maybe they should know that about you." Robertson sent a meme with caption, "Never fuck with someone who is prepared to die in battle." Robertson continued, "They may get the chance. Call me an insurrectionist so many times and I will oblige you." Deacon lamented, "It is sad it is so far off," to which Robertson replied, "I don't believe that it is brother." When asked by Deacon to elaborate, Robertson wrote, "Too many unrecoverable issues. Sides to polarized. Nazi of Commie. No middle ground."

Robertson engaged with former FBI Agent Ed Buckley on April 5, 2021 via text message. A portion of the conversation is included below:

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Robertson: "If you truly understand that your enemy wants you and your family dead...that's when the Saxon begins to hate.

Buckley: "I do...but they cannot shoot."

Robertson: "I'm being conditioned to cross the Rubicon and not look back. Next time its all the way."

Buckley: "You are a young man...my motto: it will get bad when those of us who want to be left alone are not."

Robertson: "I'm 48. My kids are adults and I can still run a 16 minute 2 mile with a 30lb pack. I am as dangerous as I'll ever be."

Buckley: "...and can run a gun."

Robertson: "Better than most!!!"

Buckley: "Aim small shoot small."

Robertson: "I feel that the time is growing nigh."

Buckley: "TJ, we are close."

Robertson: "Unfortunately, I agree. Lions don't care about the bleating of sheep."

In Section V. D. Defense Attorney Rollins wrote, "[Robertson] can never possess a gun..." While Robertson's activities related to purchasing firearms while on pretrial release have been documented elsewhere, the FBI collected additional information about Robertson's assumed efforts to maintain control of his additional firearms prior to incarceration and ability to do so after release.

Robertson texted his next-door neighbor, Patrick [REDACTED] who was known to have been holding Robertson's weapons, on April 10, 2021. In the text exchange, Robertson asked, "Just seeing if I could stop by and pick a few things up." A few hours later, Robertson texted, "Meet at the basement door in 5?" to which [REDACTED] responded, "Okay."

In a recorded conversation between Robertson and Deacon on September 13, 2021, Robertson mentioned his access to his firearms by stating, "We've got a key to go in and get them anytime we want to. [Pat's] got a basement

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apartment and stuff and Pat doesn't give a rat's ass" when referring to his firearms being located at [REDACTED] house.

On July 13, 2021, approximately two weeks following his incarceration, Robertson began a recorded conversation with his son, Hunter Robertson, by reminding Hunter the call was being recorded. Robertson recommended Hunter not possess guns while staying at Robertson's house in the event another search were to be conducted by law enforcement. Hunter replied, "I just don't like the, uh, not being able to fully defend myself if need be. Because short of fucking running to Pat's and breaking down the door at three in the morning, I got nothing." Robertson attempted to cut Hunter off by saying, "Ok. There is where you need to stop saying proper names and location because you're being listened to." Robertson continued, "I would prefer not to give them a fucking grid coordinate of where everything is located."

On July 16, 2021, three days after the call with Hunter, Robertson made a call to his friend George Boubinne [SP], the only person Robertson had called other than his wife, son, and attorney. He requested George move some furniture out of his "Aunt Patricia's house" that weekend. Robertson told George "[Hunter] and Samantha will have a better idea of what I'm talking about." He went on to say, "I want all of it gone and I don't wanna know where it's at." After asking if George understood what he was saying, they both laughed.

[Agent Note: Aunt Patricia was assumed to be next-door neighbor Patrick [REDACTED].]

In a September 19, 2021 interview, [REDACTED] informed the FBI that Hunter picked up his father's guns from [REDACTED] house approximately two months after Hunter separated from the military. In an interview on June 29, 2021, Hunter indicated he had left active duty a couple days prior. Considering these two statements, it was inferred Hunter retrieved the guns from [REDACTED] house sometime in the summer of 2021.

In the aforementioned recorded conversation between Boubinne and Robertson on July 16, 2021, Robertson discussed the fact that he had not been doing anything wrong by purchasing firearms on GunBroker.com and having them sent to an FFL. When suggesting a different option he could use to acquire firearms, Robertson initiated the following exchange:

Robertson: "How long would it take me to buy a fucking gun if I wanted one that wasn't on the fucking [garbled]."

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Boubinne: "In our area? Right!"

Robertson: "Half an hour?"

Boubinne: "Not even go through the books, just buy one."

Robertson: "Exactly."

In Section V. D. Defense Attorney Rollins discussed Robertson's bleak economic prospects and explained Robertson's wife relied on "military disability pension" payments to "keep the mortgage paid."

Based on Defense Attorney Rollins discussion of discontinuance of pension payments with a 60-day sentence, it is inferred Defense Attorney Rollins was referencing disability payments Robertson received from the Veterans Affairs (VA).

In a recorded conversation with co-defendant Jacob Fracker on August 5, 2021, Robertson stated, "I will fight those motherfuckers all the way to the Supreme Court and I've got the money to do it. You know I got that fucking settlement several years ago for, you know, three quarters of a fucking million dollars and I can't think of a better way to spend it than fucking push this the entire way."

[Agent Note: The settlement referenced in this conversation would be separate from the VA disability payment mentioned by Defense Attorney Rollins. The VA rates a veteran's disabilities up to a rating of 100% and pays a monthly allotment based on the rating. The settlement of \$750,000 is assumed to be associated with injuries sustained while employed as a contractor for DynCorp.]

Thomas Robertson's letter to Judge Cooper

In the second paragraph of Robertson's letter to Judge Cooper, Robertson wrote, "On 11/20/20 a older friend of mine suffered a fall in his home." When referring to caring for this friend after he sustained the fall, Robertson wrote, "From that date I became his primary caretaker and contact for health care and hospice. All in addition to my full time job as a Police Sergeant and my running of my small farm." Robertson went on to write, "The cumulative stress of all of this caused me to start drinking far more, and

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far harder alcohol, than I ever have. The combination of these things lead to all of the social media posts that were quoted in court. None of my prior social media history contains anything like those posts. They were a product of stress, alcohol abuse, and submersion in deep "rabbit holes" of election conspiracy theory. I sat around at night drinking too much and reacting to articles and sites given to me by Facebook algorithms."

In contrast with the assertion Robertson did not make social media posts quoted in court prior to November 20, 2020, Robertson posted the following comment on at 1:20 pm EST on Saturday, November 7, 2020, 13 days before his friend's fall: "A legitimate republic stands on 4 boxes. The soapbox, the ballot box, the jury box, and then the cartridge box. We just moved to step 3. Step 4 will not be pretty. I cannot speak for others, but being disenfranchised by fraud is my hard line. I've spent most of my adult life fighting a counter insurgency. Im about to become part of one, and a very effective one."

Three minutes later, a member of a group conversation on Facebook posted a "meme" of Joe Biden waving at a large number of graves in a cemetery with the caption, "Thanks for Voting." Approximately one hour later, user "Jorge Bobbo" commented on the "meme" stating, "spotter up!" Robertson responded a minute later stating, "Gun up...."

[Agent Note: In the military and in standard employment of snipers outside of the military, the "spotter" is the individual who assists the sniper in acquiring and engaging his target. The "gun" would refer to the sniper, the individual manipulating the weapon system.]

Then at 2:32 pm EST, Robertson posted, "It was not part of their blood, It came to them very late, With long arrears to make good, When the Saxon began to hate. They were not easily moved, They were icy -- willing to wait Till every count should be proved, Ere the Saxon began to hate. Their voices were even and low. Their eyes were level and straight. There was neither sign nor show When the Saxon began to hate. It was not preached to the crowd. It was not taught by the state. No man spoke it aloud When the Saxon began to hate. It was not suddently bred. It will not swiftly abate. Through the chilled years ahead, When Time shall count from the date That the Saxon began to hate."

Of note, the majority of media outlets declared Joe Biden the winner of the 2020 Presidential Election on the morning on November 7, 2020. The writer considered Robertson's sobriety at the time of the aforementioned posts on November 7, 2020 between 1:20 pm EST and 2:32 pm EST. November 7,

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2020 was a Saturday. During an interview with Steven [REDACTED] one of the three men on Robertson's and Fracker's shift at the Rocky Mount Police Department, [REDACTED] confirmed the three men worked the Saturday-thru-Tuesday shift. This shift schedule would suggest Robertson was on duty on Saturday, November 7, 2020 when he made the aforementioned Facebook posts. While it is unclear if the men would have worked on day shift or night shift during the week of November 7, 2020, Robertson either would have made the posts while on duty or would have been drunk a few hours before going on duty, if the posts were made under the influence of alcohol as he suggested in his letter.

In order to gain context about Robertson's ill friend, an interview was conducted with the daughter, Angelique [REDACTED] of Robertson's friend. [REDACTED] confirmed that prior to her father's fall, his illness had not manifested or been diagnosed and he was presumed to be healthy. After her father became bedridden, [REDACTED] was aware Robertson assisted her father with his final affairs while hospice assisted with daily living, hygiene, etc.

Also in paragraph two, Robertson mentioned a contributing factor to the cumulative stress he experienced was being "all alone at home," during the time his wife worked a contract job in NYC. The FBI interviewed Julianna Boyles, a friend of Samantha Robertson in order to gain an understanding of the timing of Samantha's assignment in New York. Samantha and Boyles were former co-workers at the Medical Examiner's office in Roanoke. Boyles could not recall the exact dates of the assignment, as she was temporarily living in Florida at the time, but she confirmed Samantha's assignment with the New York Medical Examiner's office lasted a few months and was only a one-time occurrence. Samantha referenced one instance of working in New York in her letter to Judge Cooper where she wrote about having accepted "employment in New York last summer." "Last summer" is assumed to refer to Summer 2021 since Samantha's letter was dated July 15, 2022.]

Samantha regretted she "was not present to be supportive, or a sounding board" for Robertson which she later recognized Robertson "desperately needed as he sought to cope with his personal and legal circumstances." In her letter, she does not reference having been absent during any period leading up to January 6, 2021, a period of time when her support and assistance as a sounding board would have been contemporaneous with the actions relevant to Robertson's convictions. Lastly, an FD-302 from the search of Robertson's Ferrum, VA residence on January 20, 2021 confirmed Samantha's presence at the residence at that time, shortly after January 6,

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2021.

Robertson's assertion his wife's absence would leave him "all alone" is contradicted by text messages exchanged between Robertson and Fracker in May 2021. On May 16, 2021, Robertson texted Fracker he would be sending "Sam off at 0700 tomorrow," to which Fracker responded, "And then it's tequila o'clock." Robertson added, "Tequila and sluts." Three days later, Robertson texted Fracker a screenshot of a text exchange between Robertson and Joanne LNU. Communications reviewed by the writer suggest Robertson had an extramarital affair with Joanne LNU during this period when his wife was in New York.

In paragraph three, Robertson wrote, "The only breaks in [police] service were for military or Department of Defense training and deployments from 2005 - 2011." As referenced above, Robertson enlisted in 2006. Additionally, his total active duty time was one year and four months of the seven year period from 2005 - 2011. Once Robertson separated from active duty in 2008, he continued to serve in the Reserves while working for the RMPD. The first record of his continued employment with RMPD was on July 23, 2008 when he attended Active Shooter Training. He resigned from RMPD 27 months later to accept employment with DynCorp. His last day at RMPD during this period was October 12, 2010.

Also in paragraph three, Robertson discussed having been severely wounded in Afghanistan in 2011 and requiring three years of physical therapy that allowed him to "return to police work in 2014." However, his personnel file with Rocky Mount showed Robertson received a note from an orthopedics physician's assistant at Carilion Clinic on August 8, 2012 stating, "[Robertson] may return to work on 8/9/12 with full duty. No restrictions pending evaluation by occupation to meet requirements." Robertson became an Auxiliary Officer for Franklin County, VA two days later with the "same authorities and responsibilities as a Deputy Sherriff within Franklin County". The next year, on July 19, 2013, Robertson was recommended for employment as a police officer following a medical evaluation by a doctor, who referenced a separate thorough medical evaluation "within the last year," and became a School Resource Officer in Rocky Mount on August 12, 2013.

Also in paragraph three, Robertson wrote that the social media statements he made while being a "tough guy" were shameful. However, the "tough guy" rhetoric was not isolated to social media. Robertson made many similar

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"tough guy" comments in private messages with friends and family as captured previously in this FD-302.

In paragraph four, Robertson wrote, "I absolutely did not destroy my and Fracker's cell phones. Fracker did and told me about doing it. He lied multiple times to the FBI and then perjured himself in court. I was aware the phones "took a swim" but I did not destroy them. Fracker did."

The phrase "took a swim" referenced a text message from Robertson to Mark [REDACTED] in January 2021 regarding the fate of Robertson's previous cell phone. In later text messages sent between Robertson and [REDACTED] (beginning in February 2021 and extending through May 2021), the two men discussed [REDACTED] providing Robertson a substance to be injected in a dose of 250mg per week with "23 gauge syringe plus needle". Robertson referred to these needles as "pins." Robertson asked [REDACTED] on February 26, 2021, "Where would I go about getting pins? Those went swimming too."

[Agent Note: Agent determined "pins" referred to "needles" based on the context of the overall exchange. Based on the side effects [REDACTED] t referenced in the text message and open-source research, the substance provided to Robertson is presumed to be testosterone. [REDACTED] referenced providing an aromatase inhibitor to help with symptoms of fluid retention and nipple itching. Some men who are treated with testosterone replacement therapy can experience symptoms associated with high estrogen levels, which include male breast development and fluid retention. Breast development can cause itchy nipples. Some physicians treat men with high estradiol levels by co-administering an aromatase-inhibiting drug that comes in the form of a pill.]