AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America
v.
Gregory Formicone

Case No. 8:25-mj-3404-SPF

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 1 - October 26, 2025 in the county of Manatee in the Middle District of Florida, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. § 875(c)	Transmitting in Interstate Commerce a Threat to Injure

This criminal complaint is based on these facts:

See Attached Affidavit.

☑ Continued on the attached sheet.

Complainant's signature

Richard A. Volp, FBI Special Agent
Printed name and title

Sworn to before me over the telephone or other reliable electronic means and signed by me pursuant to Fed. R. Crim. P. 4.1 and 4(d).

Date: 11/4/2025

Judge's signature

City and state: Tampa, Florida

Sean P. Flynn, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Richard A. Volp, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have held this position since September 2017. I am currently assigned to the Tampa Division, Sarasota Resident Agency as a member of the Joint Terrorism Task Force. I have been a sworn law enforcement officer continuously since January 2007. I obtained my Master of Science degree in Criminal Justice from the University of Cincinnati in 2013 and have received specialized criminal investigation training including but not limited to threat assessment and mitigation. During my career as an investigator and supervisor, I have conducted thousands of investigations with varying degrees of complexity, which have resulted in the criminal prosecution of hundreds of subjects at both the federal and state levels. I have served as a principal investigator of a variety of criminal violations including embezzlement, public corruption, wire fraud, murder, kidnapping, armed robbery, illegal firearms trafficking, cocaine and heroin trafficking, among others.

2. I submit this affidavit in support of a criminal complaint charging Gregory Formicone ("FORMICONE") with violations of 18 U.S.C § 875(c) (transmitting in interstate commerce a threat to injure) ("SUBJECT OFFENSE").

3. The facts contained in this affidavit are drawn from my personal knowledge based on my participation in this investigation, information from other criminal investigators, information from agency reports, the review of documents

provided to me by witnesses and by law enforcement officers, and information gained through my training and experience.

4. Because this affidavit is submitted for the limited purpose of establishing probable cause for the issuance of a criminal complaint, I have not set forth every fact that I learned as the result of this investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause that a violation of federal law has been committed. Unless otherwise noted, all statements of other persons described in this affidavit are set forth in substance and in part, rather than verbatim.

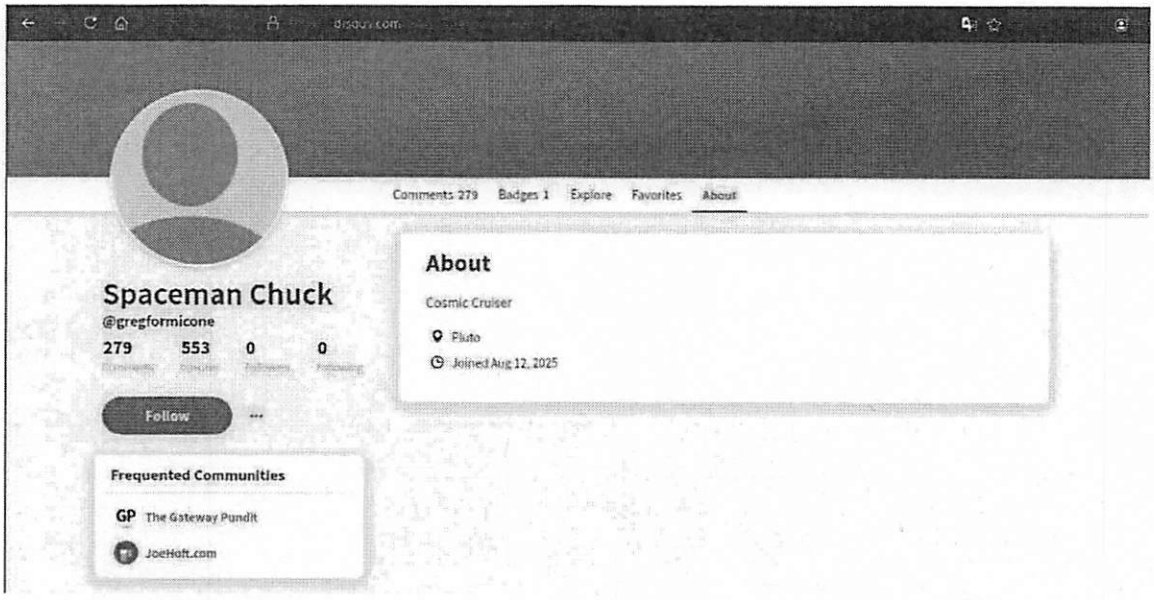
PROBABLE CAUSE

5. On October 26, 2025, the Federal Bureau of Investigation ("FBI") National Threat Operations Center ("NTOC") received an online tip regarding numerous threats against government and judicial officials made by a Disqus user believed to be FORMICONE. The threats were posted in relation to articles published by The Gateway Pundit.

6. Disqus ("DISQUS"), located at "www.disqus.com", is a third-party commenting and community platform used by websites and blogs to host discussions. In short, DISQUS users can comment of various news articles from other sites and create comment threads, or discussions, that reside on the DISQUS site rather than with the original article.

7. The Gateway Pundit ("TGP"), located at "www.gatewaypundit.com", is a politically oriented website known for publishing controversial views.

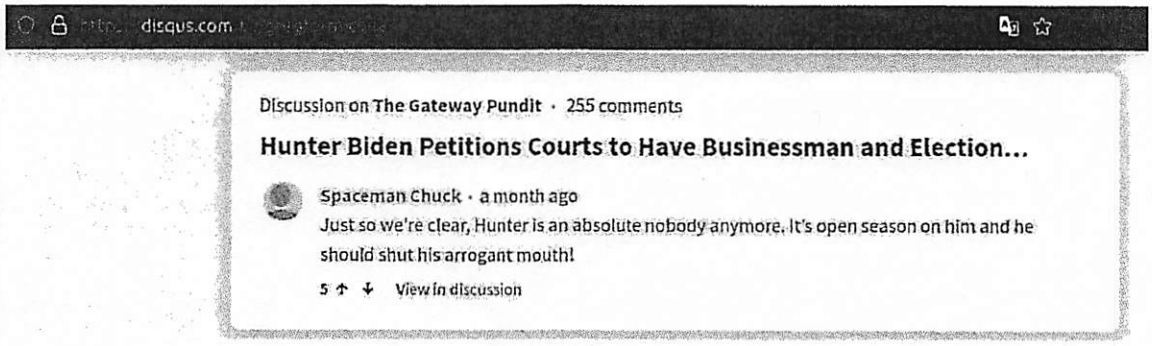
8. Upon receiving the complaint, NTOC located numerous posts on DISQUS by FORMICONE and documented the statements with taking screen captures. NTOC also obtained a screen capture of the poster's information on their user profile. This profile showed the display name to be "Spaceman Chuck" while the handle (unique identifier) to be "@gregformicone". By October 29, 2025, the user had changed the display name to "gregformicone" and many of the previously posted comments were no longer visible suggesting they had either been deleted by FORMICONE or removed by DISQUS.



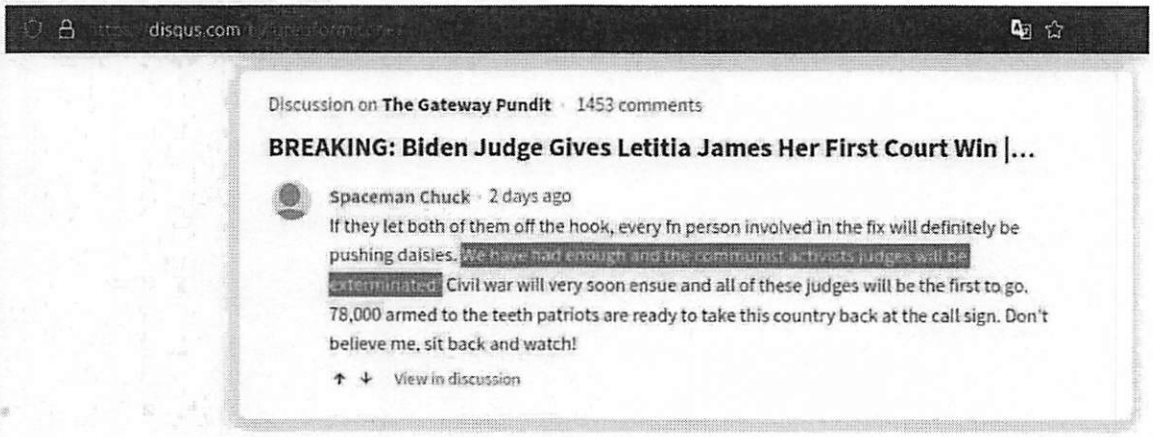
9. On or about October 20, 2025, FORMICONE commented on an article from TGP related to James Comey, the former FBI director, in which FORMICONE stated, "if he skates and walks on the beach again, he's going down! We already have a team on it. Time for the American people to administer justice!"

10. Approximately a month before, FORMICONE commented, "[John] Brennan and Comey are average citizens now. Their safety is not guaranteed."

11. In the same approximate timeframe, FORMICONE posted the comment, "Just so we're clear, Hunter [Biden] is an absolute nobody anymore. It's open season on him and he should shut his arrogant mouth!" From my training and experience, I know the term "open season" in this context is a metaphor implying that it is now acceptable or intended to attack, harm, or target the person, similar to animals being hunted during open hunting season.

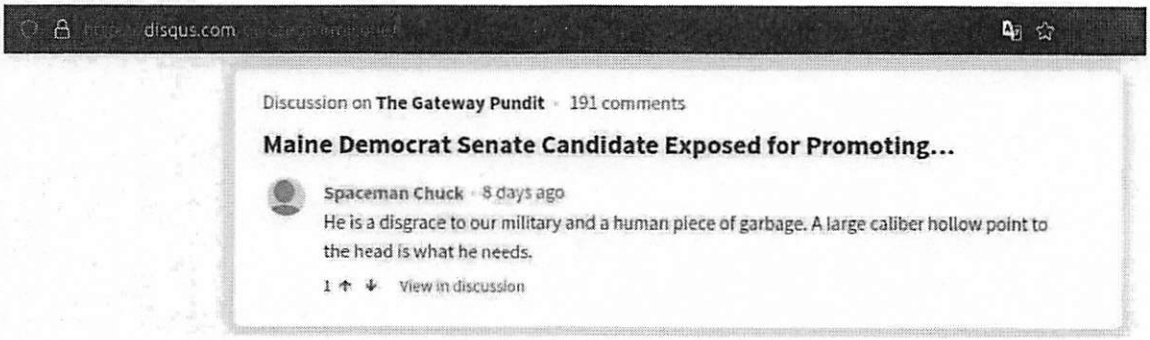


12. On or about October 24, 2025, FORMICONE commented on an article related to a court case against Letitia James. In that post, FORMICONE stated the following, "If they let both of them off the hook, every fn [sic] person involved in the fix will definitely be pushing daisies. We have had enough and the communist activist judges will be exterminated! Civil war will very soon ensue and all of these judges will be the first to go. 78,000 armed to the teeth patriots are ready to take this country back at the call sign. Don't believe me, sit back and watch!" From my training and experience, I know the term "pushing daisies" to be an idiomatic expression meaning "to be dead and buried" referring to daisies growing from a grave. When used in a threatening context, it implies that the speaker is suggesting, or advocating, the victim should be killed.



13. On or about October 19, 2025, FORMICONE commented on an article regarding a democratic state senator and stated, "Time for an American citizen to remove this piece of garbage permanently!" again appearing to advocate for the murder of a political figure.

14. On or about October 18, 2025, FORMICONE responded to an article related to the Maine democratic senate candidate Graham Platner and stated, "He is a disgrace to our military and a human piece of garbage. A large caliber hollow point to the head is what he needs." From my training an experience, I know this to mean FORMICONE is advocating for someone to shoot Platner in the head with a type of bullet, a hollow point, designed to maximize the wound it inflicts by expanding upon impact, causing catastrophic injury to the victim.



15. A search of the Florida Driver and Information Database ("DAVID") shows there is one person in the State of Florida DAVID database with the name "Gregory Formicone." That person previously lived in Pennsylvania and currently has a registered address in Bradenton, Florida.

16. On October 31, 2025, SA Volp interviewed the complainant, WITNESS 1, by telephone.[1] During the conversation, WITNESS 1 advised that WITNESS 1 regularly goes to "right wing" political chat groups and sites to see what they are talking about.

17. On or about October 26, 2025, WITNESS 1 was reading comments on DISQUS written by FORMICONE and found them to be particularly egregious. WITNESS 1 was concerned about the posts and felt they were a credible threat. At the time of viewing the comments, WITNESS 1 was in Texas. WITNESS 1 believed the author of the threats to be "Greg Formicone" based on the user's handle having that same name.

[1] WITNESS 1's full name and true identity are known to the affiant.

18. Furthermore, WITNESS 1 believed that FORMICONE was residing in Florida, particularly in the greater Sarasota area, due to FORMICONE posting in response to someone, "I live down the road from you in Venice." It is unknown if FORMICONE is stating that he lives in Venice and down the road from the person he was speaking to, or if he meant the other person lived in Venice and FORMICONE lived down the road from him. It should be noted both Venice, Florida and Bradenton, Florida are both in the greater Sarasota, Florida area and approximately thirty-five miles apart.

19. WITNESS 1 took "notes" regarding the statements FORMICONE posted and emailed those notes to SA Volp on November 2, 2025. Many of the statements in WITNESS 1's notes corresponded to the above screen captures. In addition, WITNESS 1 listed the flowing as threatening statements attributed to FORMICONE:

a. Biden Judge Blocks Trump From Cutting… Time to hire a sniper team to remove the America hating communist

b. It's past time to start whacking these judges. Enough is enough!

c. Man you are a stupid Moron [sic]. I live right up the road from you in Venice. i [sic] now have you [sic] picture and all of your family's information. Best part is, is [sic] that you won't even see it coming. Man you're dumb. Haha

d. It's so easy to remove people from life. Let's get on it.

20. At the conclusion of WITNESS 1's interview, he swore to the veracity of the information he provided to the FBI.

21. An open-source internet search of DISQUS shows their servers, which house the informational data, are physically located in Virginia.

22. From my training and experience, I know that 18 U.S.C. § 875(c) prohibits transmitting in interstate or foreign commerce any communication containing any threat to injure the person of another. I also know that to not infringe on the First Amendment, the threat must be a "true threat," which is a serious threat—not idle talk, a careless remark, or something said jokingly—that is made under circumstance that would place a reasonable person in fear of being injured or in fear of another person being injured. Whether the speaker is aware of, and intends to convey, the threatening aspect of the message is not part of what makes a statement a threat; the existence of a threat depends on what the statement conveys to the recipient of the message. Yet, the First Amendment still demands a subjective mental state of at least recklessness.

23. Based on my training, experience, and knowledge of the investigation, I have probable cause to believe that FORMICONE's posts made true threats, in violation of 18 U.S.C. § 875(c). I have probable cause to believe that FORMICONE acted at least recklessly and was aware that others could regard his statements as threatening violence when he posted on DISQUS, and his statements would place a reasonable person in fear of being injured, or in fear of another person being injured.

CONCLUSION

24. Based on the foregoing information, I respectfully submit that probable cause exists to believe that FORMICONE violated 18 U.S.C. § 875(c) (transmitting in interstate commerce a threat to injure). Accordingly, I request issuance of the proposed Complaint and Arrest Warrant.

Respectfully submitted,

Richard A. Volp
Special Agent
Federal Bureau of Investigation

Affidavit submitted to me by reliable electronic means and attested to me as true and accurate by telephone or other reliable electronic means consistent with Fed. R. Crim. P. 4.1 and 41(d)(3) before me this 4th day of November 2025.

SEAN P. FLYNN
United States Magistrate Judge