
UNITED STATES DISTRICT COURT

District of Kansas
(Wichita Docket)

FILED

**U.S. District Court
District of Kansas**

01/23/2026

**Clerk, U.S. District Court
By: AS Deputy Clerk**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO. 26-6019-01-GEB

JOAQUIN HERNANDEZ,

Defendant.

CRIMINAL COMPLAINT

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

COUNT 1

**INTERSTATE COMMUNICATIONS
WITH A THREAT TO INJURE
[18 U.S.C. § 875]**

On or about January 22, 2026, in the District of Kansas, the defendant

JOAQUIN HERNANDEZ,

did knowingly and willfully transmit in interstate and foreign commerce a communication containing a threat to injure the person of another, to wit: a TikTok video posted threatening

to shoot Immigration Customs Enforcement (“ICE”) agents point blank if he sees them in Wichita, Kansas.

In violation of Title 18, United States Code, Section 875(c).

COUNT 2

**RETALIATING AGAINST A FEDERAL OFFICIAL
BY THREATING**

[18 U.S.C. § 115(a)(1)(B)]

On or about January 22, 2026, in the District of Kansas, the defendant

JOAQUIN HERNANDEZ,

did threaten to assault and murder Immigration Customs Enforcement (“ICE”) agents, who are federal law enforcement officers, with the intent to impede, intimidate, and interfere with such federal law enforcement officers while engaged in the performance of their official duties and with the intent to retaliate against ICE agents on account of them performing their official duties in the city of Wichita.

In violation of Title 18, United States Code, Sections 115 (a)(1)(B).

I further state that I am a Task Force Officer with the Federal Bureau of Investigations (FBI), and that this Complaint is based on the following facts:

See accompanying Affidavit, which is incorporated by reference as though set out in full herein, and offered in support of a finding that probable cause exists to believe the defendant, JOAQUIN HERANDEZ, committed the offense set forth in this Complaint.



Paul Herman
TFO, FBI

Sworn to before me this 23rd day of January 2026, at Wichita, Kansas.

After reviewing this Complaint and the accompanying Affidavit, there is probable cause to believe that defendant, JOAQUIN HERNANDEZ, committed the offense set forth in this Complaint.

Gwynne E. Birzer
United States Magistrate Judge


Signature of Judicial Officer

PENALTIES

Count 1: 18 U.S.C. § 875(c)

- Punishable by a term of imprisonment of not more than five years. 18 U.S.C. § 875(c).
- A term of supervised release of not more than three years. 18 U.S.C. § 3583(b)(2).
- A fine not to exceed \$250,000. 18 U.S.C. §3571(b)(3).
- A mandatory special assessment of \$100. 18 U.S.C. § 3013(a)(2)(A).

Count 2: 18 U.S.C. § 115(a)(1)(B)

- A threatened assault carries a maximum sentence of six years; threatening to kidnap or murder carries a maximum sentence of ten years. 18 U.S.C. § 115(b)(4).
- A term of supervised release of not more than three years. 18 U.S.C. § 3583(b)(3).
- A fine not to exceed \$250,000. 18 U.S.C. §3571(b)(3).
- A mandatory special assessment of \$100. 18 U.S.C. § 3013(a)(2)(A).

AFFIDAVIT IN SUPPORT OF
APPLICATION FOR CRIMINAL COMPLAINT

I, Paul Herman, Detective of the Wichita Police Department and Task Force Officer of the Federal Bureau of Investigation, being duly sworn, state the following:

INTRODUCTION

1. This Affidavit is being offered in support of an Application for Criminal Complaint for JOAQUIN HERNANDEZ a white male, for violation of Title 18, United States Code, Section 875(c), and Title 18, United States Code, Section 115(a)(1)(B). I am a Task Force Officer (TFO) with the Federal Bureau of Investigation (FBI), assigned to the Safe Streets Task Force and assigned to the Kansas City Field Division, Wichita Resident Agency since March 2016. I received my initial law enforcement training and instruction to become a law enforcement officer in 1994 at the Wichita-Sedgwick County Law Enforcement Training Center located in Wichita, Kansas where I received training concerning violations of criminal statutes as they relate to violations of the laws of the State of Kansas and the United States of America. After early assignments to various uniform assignments with the Wichita Police Department I was promoted to the rank of Detective and assigned to the Investigations Division in 2010. Since my promotion I have had the following assignments: 1) Night Investigations 2) DV/Sex crimes 3) Gang/Felony Assault 4) Homicide 5) Robbery and 6) FBI Safe Streets Task Force. As a Detective I have arrested numerous individuals for violating Federal and State statutes with regards to possession, manufacture and sale of controlled substances, weapons, and other illegal contraband violations.

The statements contained in this affidavit are based on information known to me as a result of my participation in this investigation or on information provided to me by witnesses or other law enforcement personnel involved in this investigation. The statements are also based upon the collective experience of other law enforcement personnel involved in this investigation and on my own training and experience as a Detective.

PROBABLE CAUSE

2. On January 22, 2026, Wichita Police Department received a complaint that TIKTOK user “Joaquin_Hernandez0” had posted a video stating in general that if he saw ICE agents in his hometown of Wichita, then he would shoot the agents because ICE is ruining the lives of others. The user also said that he would go to the White House and take care of Donald Trump.

3. The video is 1:40 seconds and is transcribed as follows:

“So, it's just come to the point where I'm just fed up, I'm fed up with everything about the state of the world and how everything's going, especially in my hometown of Wichita, Kansas. I'd be going to places where it's predominantly people of color, like grocery stores, et cetera. You know, places that are commonly accessible to them as anybody, but it's more commonly them. And I'm done. I'm done seeing that in my hometown. So, if I see ICE, any ICE activity here, I don't give a f-, I will shoot, I'm done. I will shoot you poin.. point blank, I'm done. There's no need for this. And if the president, if Donald Trump can be the, if the president, if Donald Trump can be a fucking convicted felon for 34, 34 counts of fucking convictions, that

he, there, it's, it's done. He's already, he's convicted. Like it's done. It's done for..... if he can do that, and he still, he, I don't understand it. It's literally a game. It's so fucking silly. This world is a fucking game. If y'all wanna play a game, we can all play a fucking game. And if I see ICE around Wichita fucking Kansas, if I see anything, if I see any posts about this, it's done.....to President Donald Trump. I'm fucking over it. I'll be going to the fucking White House and dealing with you my fucking self. Uh, this is gonna be a fucking, I don't even fucking know anymore. I do not care. This is a humanitarian thing. This is a fucking human....we are human beings. We are on a fucking floating rock. We should just be taking care of each other instead of fucking dealing with this. And you know what? It all stems from Donald Trump. So, you know what? That's it. I'm done. If I see ICE activity in Wichita, Kansas, there's gonna be hell to pay. I'm like, I'm shaking. Like, I'm not even a violent person. I love everybody, but this is done.....because why? I'm John Brown, bitch. I am John Brown. I am John Brown. Bitch!”

4. Investigators noted Hernandez seemed emotional throughout the video and motions with his hands in an affirming gesture toward the camera when he states, “So, if I see ICE, any ICE activity here, I don't give a f-, I will shoot, I'm done. I will shoot you poin.. point blank, I'm done.” Furthermore, Hernandez raises his voice when discussing, Donald Trump and again towards the end of the video when he states, “I am John Brown. Bitch!”

5. Wichita Police Detective Kurtz #2278 watched the TIKTOK video, researched “Joaquin Hernandez” in the Wichita Police records system and located a Joaquin Hernandez residing in the Wichita area.

6. Detective Kurtz located a driver’s license photo of Joaquin Hernandez, with a date of birth that matched his prior records check and the photo matched the male depicted in the TIKTOK video who threatened to shoot ICE agents in Wichita.

7. Detective Kurtz observed that in this TIKTOK video, Hernandez is sitting in a sedan with a sunroof. Detective Kurtz found that Hernandez has a Toyota Camry with Kansas license plate 5791AKF registered to Hernandez.

8. Detective Kurtz researched the Toyota with Kansas tag 5791AKF in the FLOCK stationary camera system, located this vehicle in the system and observed it had a sunroof.

9. On January 22, 2026, at approximately 3:49 p.m., Detective Chrisman called Joaquin Hernandez at his phone number, 316-737-0270, who identified himself and confirmed his TIKTOK handle was his name and spells his first name. Hernandez confirmed that he had made several TIKTOK posts, and his last one was “about an hour ago.” Detective Chrisman asked Hernandez specifically about a TIKTOK where Hernandez was sitting in his car in a parking lot. Hernandez said he has been posting several videos about ICE and how they are “destroying families.” Before Chrisman was able to ask Hernandez about the intent of the videos, Hernandez ended the conversation by hanging up the phone and terminating the call.

10. On January 22, 2026, SA Ian Ensley conducted an exigent cell phone location records request from T-Mobile for Juaquin Hernandez's cell phone, 316-737-0270. T-Mobile provided the location data that included real time GPS ping and 72 hours of historical location data. SA Ensley analyzed the cell phone data which showed the phone had been in the city of Wichita, Kansas all day on January 22, 2026.

11. The TIKTOK video is approximately 1 minute and 40 seconds and was provided to the court for its review.

12. Per publicly available media, no datacenter services TIKTOK within the State of Kansas.

Further Affiant Saith Naught.



PAUL HERMAN
FBI Task Force Officer
Federal Bureau of Investigation

Subscribed and sworn to before me this this 23rd day of January, 2026.



HONORABLE GWYNNE E. BIRZER
United States Judge
District of Kansas