

UNITED STATES DISTRICT COURT

for the

Eastern District of Louisiana

United States of America
v.

JOHN DARIUS POWELL

Case No. 24-mj-133

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 16, 2024 in the parish of Orleans in the Eastern District of Louisiana, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 875(c)

Threatening Interstate Communications

This criminal complaint is based on these facts:

See attached Affidavit.

Continued on the attached sheet.

/s/John McCann, Jr.

Complainant's signature

Cl John McCann, Jr., Dept. of VA Police

Printed name and title

Sworn to before me and signed in my presence.

Date: 9/18/24

City and state: New Orleans, Louisiana

Honorable Michael B. North, U.S. Magistrate Judge

Printed name and title

Fee
X Process 2cc USM
Dktd
CtRmDep
Doc. No

Judge's signature

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA** \* **CASE NO. 24-mj-133**  
**v.** \* **SECTION: MAG**  
**JOHN DARIUS POWELL** \*  
\*  
\* \* \*

**AFFIDAVIT IN SUPPORT OF  
APPLICATION FOR CRIMINAL COMPLAINT**

I, John McCann Jr., a Criminal Investigator with the Department of Veterans Affairs Police (VAP), being duly sworn, depose and state as follows:

**BACKGROUND**

1. I have been employed with the VAP since June 1, 2004. I am currently assigned to the New Orleans VAP, and as such I investigate, among other things, threats, fugitive matters, narcotics violations, firearm violations, and any crimes of violence against people.
2. This affidavit is made in support of an application for a warrant to arrest JOHN POWELL (“POWELL”) for the crime of threatening interstate communications, in violation of Title 18, United States Code, Section 875(c), which criminalizes the transmission in interstate or foreign commerce, communications containing any threats to injure the person of another. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

3. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 18, United States Code, Section 875(c) have been committed by POWELL.

**PROBABLE CAUSE**

4. Based upon the above, probable cause exists to conclude that JOHN POWELL transmitted in interstate commerce communications containing threats to injure the person of another, in violation of Title 18, United States Code, Section 875(c).

5. On September 16, 2024, at 12:34pm, VA Police received a call from the National Veterans Crisis Hotline (NVCH) about a Veteran making threats of harm to the New Orleans Veterans Affairs Medical Center (VA). According to the operator, POWELL had made threats of shooting up the hospital located in New Orleans, Louisiana and it did not matter who he hurt. The operator gave VAP the address of where POWELL was living and where saying POWELL was calling from. VAP tried calling POWELL, but the phone went straight to voicemail. NOPD was requested by VAP to conduct a Health and Welfare check also. VAP took a report of communicating threats and did a search of the Veteran's history and found several VAP reports of Communicating threats. The Office of Inspector General (OIG) was notified via email of this incident.

6. At 1:12pm, NOPD Unit #380 reported to their dispatch that no one was at the 5730 Mandeville Street, New Orleans residence. The NVCH emailed this affiant four different phone recordings of POWELL making homicidal threats towards the New Orleans VA, towards people at the New Orleans VA, and towards the NVCH operator specifically. Summaries of the recordings are as follows:

7. In the first phone recording conducted on September 16, 2024 at 1:06 P.M. to 1:15 P.M. starts by POWELL identifying himself to the operator. POWELL then says that he is going to go

down to the VA office and kill as many VA mother fuckers as he can. POWELL further stated that VA New Orleans employees “make you want to come down and kill somebody and I’m gonna oblige them.” POWELL then said, “I’m gonna take my weapon and come over there and kill as many mother fuckers from the VA that I can.” The NVCH operator asked POWELL if he has the intent to go down to the VA, to which POWELL screamed “yes motherfcker, didn’t you just hear me say it?” POWELL continued by saying “there is something I can do, is come down there and kill as many mother fuckers at the VA that I can.”

8. In a second phone recording from 1:20 PM to 1:22 P.M. POWELL says, “I have murder on my mind, can you understand that?” In response, the crisis operator then asks POWELL, “who are you thinking of murdering?” In reply, POWELL says “as many mother fuckers from the VA that I can.”

9. In a third phone recording with the crisis help line captured from 1:24 P.M. to 1:25 P.M. POWELL says, “I’d like to murder motherfuckers from the VA.”

10. The Affiant believes based on the above-mentioned facts POWELL utilized phone number 504-450-7696, to communicate threats to injure via telecommunications. The phone number is assigned to POWELL and once this call was made via the cellular device it affected interstate commerce, as the Affiant is aware that a cellular device is an instrumentality of interstate commerce. Additionally, the VAP is on high alert due to officers and other VA employees possibly being the target of a terroristic event.

11. Based on the above information, your affiant requests that this Court issue an arrest warrant for JOHN POWELL for said violation and cause him to be brought before the Court to answer the charges contained therein.

Respectfully submitted,

s/John McCann Jr.  
Criminal Investigator (Badge No.1638)  
Department of Veterans Affairs Police

*Pursuant to Federal Rules of Criminal Procedure 4.1 and 41(d)(3), the undersigned judicial officer has on this date considered the information communicated by reliable electronic means in considering whether a complaint, warrant, or summons will issue. In doing so, I have placed the affiant under oath, and the affiant has confirmed that the signatures on the complaint, warrant, or summons and affidavit are those of the affiant, that the document received by me is a correct and complete copy of the document submitted by the affiant, and that the information contained in the complaint, warrant, or summons and affidavit is true and correct to the best of the affiant's knowledge.*

Subscribed and sworn to before me,  
on this 18th day of September, 2024

  
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HONORABLE MICHAEL B. NORTH  
UNITED STATES MAGISTRATE JUDGE