

UNITED STATES DISTRICT COURT

DEC 06 2022

for the

Eastern District of North Carolina

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
DEP CLK

United States of America

v.

Eric Charles Welton

Case No. 5:21-mj-2237-RN

Defendant(s)

SUPERSEDING
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 Sept. 29, 2021, and Nov. 2, 2022 in the county of Wake in the Eastern District of NC and elsewhere, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 115(a)(1)(B) and (e)

The defendant did threaten to assault and murder United States Senator Thom Tillis and United States Marines, with the intent to retaliate against United States Senator Thom Tillis and United States Marines on account of the performance of their official duties, in violation of Title 18, United States Code, Section 115(a)(1)(B) and (e).

This criminal complaint is based on these facts:

Please see attached affidavit.

Continued on the attached sheet.

Complainant's signature

Corey Zachman, Special Agent - FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 over the telephone.

Date: December 6, 2022

Judge's signature

City and state: Raleigh, NC

Robert T. Numbers II, United States Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA**

AFFIDAVIT

1. I, Corey Zachman, having been duly sworn, do hereby depose and state: I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI). I have been so employed since February 2013. I currently conduct national security investigations for the Charlotte, North Carolina, Division of the FBI. Prior to my employment with the FBI, and starting in 2008, I was a Federal Agent with the Air Force Office of Special Investigations, where I conducted national security investigations for the Department of Defense. From 2005 to 2008, I worked as an attorney practicing primarily in the areas of business and construction litigation, and I was licensed to practice in the State of Utah and the United States Court of Appeals for the Tenth Circuit. I have been trained by the FBI in the preparation, presentation, and service of criminal complaints and arrest and search warrants, and have been involved in the investigation of numerous types of offenses against the United States.

2. This Court previously authorized a Complaint against Eric Charles Welton (hereinafter "WELTON") in case number 5:21-mj-2237-RN. I now submit this Affidavit in support of a Superseding Criminal Complaint against WELTON to allege additional, related criminal conduct. As set forth in this Affidavit, there is probable cause that Welton has violated Title 18, United States Code, Section 115(a)(1)(B) and (e) (Threatening a Federal Official). Since the date of the original Criminal Complaint, WELTON's threats have continued, and were most recently directed at

U.S. Marines working at and protecting the U.S. Consulate in Chiang Mai, Thailand.

These additional facts are included at paragraphs 15-17 below.

3. Title 18, United States Code, Section 115(a)(1)(B) provides:

Whoever threatens to assault, kidnap, or murder, a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under [18 U.S.C. § 1114] ... with intent to impede, intimidate, or interfere with such official ... while engaged in the performance of official duties, or with intent to retaliate against such official ... on account of the performance of official duties, [shall be guilty of a crime].¹

4. As referenced, Title 18, United States Code, Section 1114, makes it illegal to kill or threaten to kill “any officer or employee of the United States or of any agency in any branch of the United States Government (including any member of the uniformed services) while such officer or employee is engaged in or on account of the performance of official duties.”

5. The facts set forth below are based upon my personal observations, reports and information provided to me by other law enforcement officials, and records obtained by the FBI. This affidavit is intended to show that there is probable cause for the issuance of a Superseding Complaint and does not purport to set forth all of my knowledge of or investigation into this matter.

A SERIES OF THREATENING CALLS

6. In or about September 2021, approximately seven calls were made to the offices of Richard Burr, United States Senator (hereinafter “Sen. Burr”), and Thom Tillis, United States Senator (hereinafter “Sen. Tillis”), throughout North Carolina. In

¹ See also 18 U.S.C. § 115(e) (“There is extraterritorial jurisdiction over the conduct prohibited by this section.”)

some instances, the caller spoke with a staffer who answered the telephone; in others, the caller left a voicemail. The caller ID for each call indicated “unknown number.” Each of the calls was recorded by the senators’ office technology as a matter of course. The language of the calls was similar in tone and rhetoric, with the caller threatening to harm and/or murder Sen. Burr and Sen. Tillis and members of their respective staff, among other things.

7. The caller consistently referred to his receipt of a large number of unsolicited emails from the Republican Party (or “GOP”) and organizations associated with the Republican Party, indicating that these emails motivated his anger and hostility towards Sen. Burr and Sen. Tillis. The caller also referenced the fact that he was an American citizen living abroad. Due to the similarity of the voice, tone, rhetoric, and nature of the threats, law enforcement has assessed each call to have been placed by the same individual.

8. In several of the calls, in an apparent effort to have Sen. Burr or Sen. Tillis respond or while demanding his email address be removed from distribution lists, the caller identified himself, stating his name (“Eric WELTON”) and providing an email address known to be associated with WELTON. When asked for a telephone number, WELTON stated that he did not have a telephone. The FBI has assessed that WELTON is calling the respective offices via Voice Over Internet Protocol (“VOIP”)² or some equivalent means.

² In the simplest of terms, this is a phone communication service that works over an internet connection.

**THE THREATENING CALL TO THE OFFICE OF SEN. TILLIS
AT 310 NEW BERN AVENUE, RALEIGH**

9. On or about September 29, 2021, Sen. Tillis's office, located at 310 New Bern Avenue, Suite 122, Raleigh, North Carolina, in the Eastern District of North Carolina, received a call that was showed on the caller ID as "unknown number." The call was answered by an office staff member and lasted approximately thirteen minutes. During this call, WELTON identified himself and provided the email address ewelton.gspy@gmail.com.³

10. WELTON began the conversation by stating, "You guys can contact me, but I can't contact you. Maybe I just gotta [sic] go down there to 310 New Bern Avenue and just kill everybody I see." WELTON stated he lived overseas and, "What I hear is I should fly back over there, walk into 310 New Bern Avenue and teach you what 'Stand My Ground' means, put a bullet through each of your heads." WELTON said "you are making me wanna [sic] come back there and mow your whole fucking state down. You picked a fucking fight with me, you little shit." He suggested that he was living in a war zone created by former President Trump and stated, "the last thing you want is me crawling through your fucking back yard." WELTON told the staff member to tell this to "your little Thom boy." After further complaining about the state of politics, WELTON asserted, "But it ends, it ends. I'm getting a little bit of the cancers upon me, you know, so I don't give a shit anymore. The idea of a suicide vest means I don't have to go through chemotherapy." He then asked, "How do we get this message

³ Law enforcement checks disclosed the email address ewelton.gspy@gmail.com is one of five email addresses used by WELTON and was listed on his application for a United States passport.

through to Thom boy?” Lastly, WELTON said he would find the person that decided to send him emails and “cut their fucking hands off and shove them up their fucking ass.”

INVESTIGATION OF WELTON

11. On or about November 11, 2021, FBI agents interviewed WELTON's father, Richard Welton (hereinafter “R. Welton”), in Charles City, Iowa. R. Welton stated that WELTON had been living in Thailand for about fourteen to fifteen years, but that WELTON had come back the United States during the COVID pandemic and lived with R. Welton from approximately May 2020 to September 2020. WELTON then returned to Thailand. At the time of the interview, R. Welton indicated that he and WELTON spoke by telephone three to four times a week.

12. During the interview, R. Welton told the agent that he had previously spoken with the Charles City Police (Iowa) regarding WELTON after WELTON had claimed to have received 600 unsolicited political emails. According to R. Welton, WELTON was a Socialist and was set off by ideas he did not agree with. WELTON had told R. Welton that WELTON had “made calls” regarding the political emails and had even called the White House switchboard.

13. Agents advised R. Welton they were there to ask about some calls that were made to North Carolina. R. Welton relayed that a few weeks after the prior incident (when WELTON allegedly received the 600 unsolicited political emails), WELTON began receiving emails from North Carolina. R. Welton stated they were from a “Nation Builder” distribution list. The emails “set [WELTON] off.” WELTON

told R. Welton he made several calls to North Carolina but R. Welton could not recall where or whom WELTON had called. R. Welton then listed the Republican Party of North Carolina and the State Police of North Carolina as several places WELTON may have called. R. Welton advised that WELTON gets “lit up” before he makes these calls.

14. As part of the interview with R. Welton, agents played each of the seven recorded calls and messages for R. Welton and asked him if he recognized the caller’s voice. R. Welton wore a hearing aid in each ear and said some of the voices were hard for him to distinguish. In response to hearing the audio from the September 29, 2021, call to Sen. Tillis’s office in Raleigh, R. Welton confirmed, “that could be Eric.”

CONTINUED ABUSIVE COMMUNICATIONS

15. Recently, WELTON became angry when the U.S. Consulate in Chiang Mai, Thailand, denied an application for a visa for his wife, a citizen of Thailand, to travel to the United States. In retaliation, WELTON began sent frightening communications to staff members of the Consulate, expressing his anger towards them and the Consul General of Thailand, Lisa Buzenas. These communications included emails and text-type messages.

THE THREATENING VOICEMAIL LEFT FOR THE U.S. CONSULATE IN CHIANG MAI, THAILAND

16. Around October to November 2022, WELTON’s harassment and abuse turned to threats against U.S. Marines and others working at the U.S. Consulate in Chiang Mai, Thailand. In a voicemail left on or around November 2, 2022, WELTON identified himself as “Eric,” said he had contacted the staff before, and referred to his father living in “Charles City, Iowa.” He expressed his anger against the Consulate for

apparently suggesting he obtain legal counsel to advise him on his wife's immigration issues with traveling to the United States. In retaliation, and on account of the performance of their official duties, WELTON said,

Now I'm going to kill a bunch of Marines and that's about all where it is, because you motherfuckers are so fucking useless and worthless and that's all you can tell me. So, you want those fucking Marines to live, you fucking contact me back. You know how to get in touch with me. But you want to save some lives of some fucking Marines in fucking Chiang Mai, Thailand, you can fucking contact me back, you little fucking fucks. Otherwise, fuck you and I look forward to killing everybody in your fucking office, you little fucks.

Over the course of this investigation, I have listened to many voicemails left by WELTON. Based on his voice and identifiers included in the voicemail (his name, the location of his father, and discussing the visa issue he also referred to in contemporaneous written communications from his known accounts), I have concluded that the caller was, in fact, WELTON.

17. Due to the increased threatening, abusive, and intimidating rhetoric employed by WELTON against U.S. officials and employees, among others, and because WELTON lives relatively close to the Chiang Mai Consulate (both in the northern provinces of Thailand), the United States is evaluating WELTON's extradition to EDNC. In keeping with the Rule of Specialty,⁴ the United States seeks this Superseding Complaint to ensure that the United States may prosecute WELTON

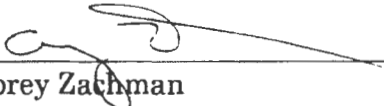
⁴ The Rule of Specialty "bars trying an extradited defendant for crimes other than 'the offense with which he is charged in the proceedings for his extradition.'" *United States v. Day*, 700 F.3d 713, 722 (4th Cir. 2012) (citing *United States v. Rauscher*, 119 U.S. 407, 430 (1886)).

for his threats against the Marines and employees at the U.S. Consulate in Chiang Mai, as well as his threats against Sen. Tillis and his staff.


CONCLUSION

18. Based upon the above information, there is probable cause to believe that WELTON has violated of Title 18, United States Code, Section 115(a)(1)(B) and (e).

Further your Affiant sayeth not.


Corey Zachman
Special Agent
Federal Bureau of Investigation

Pursuant to Rule 4.1 of the Federal Rules of Criminal Procedure, the affiant appeared before me via reliable electronic means, was placed under oath, and attested to the contents of this written affidavit.
Dated: December 6, 2022


Robert T. Numbers, II
United States Magistrate Judge