

ATTACHMENT A**AFFIDAVIT**

I, Heather Cox-McClain, being duly sworn, do hereby depose and state that:

INTRODUCTION and AGENT BACKGROUND

1. I am a Senior Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, and have been so employed since August 2002. I am currently assigned to the Charlotte Field Division, in the Greenville, South Carolina Field Office. I am a graduate of the Criminal Investigator Training Program at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, as well as the ATF Special Agent National Academy. In addition to my Law Enforcement experience, I hold a master's degree in criminal justice from the University of South Carolina in Columbia, South Carolina and bachelor's degree in history from Converse College in Spartanburg, South Carolina.

2. Pursuant to Title 18, United States Code, Section 3051, I am empowered to enforce the criminal laws of the United States. As a result of my training and experience, I am familiar with federal laws including Title 18 and Title 21 of the United States Code; particularly Title 18 U.S.C. Sections 1512(a)(2). I have been involved in investigations utilizing confidential informants, sources of information, witnesses and victims. I know at times these types of investigations result in the tampering of witnesses, victims, or an informant.

3. 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 merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. 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 U.S.C; sections 1512 (a)(2), tampering with a witness, have been committed by Nyaisa Shanice FOSTER.

PROBABLE CAUSE

5. In April of 2024, agents of the Bureau of Alcohol, Tobacco and Firearms (ATF) and Drug Enforcement Administration Greenville Resident Office (DEA), in conjunction with the Spartanburg County Sheriff's Office (SCSO), began a narcotics, firearm and money laundering investigation in reference to the Red Mafia Family (RMF) operating in and around Spartanburg, South Carolina. During this investigation, ATF Confidential Informant (CI2147) was utilized to make purchases of narcotics and firearms.

6. On May 6, 2025, your affiant executed federal arrest warrants for Kesharde BIVINGS, Darrius CARSON and Anthony STEVENSON based on narcotics and firearms violations. On this same date, federal search warrants were executed at the residence of BIVINGS, 14 Townes Court in Spartanburg, South Carolina and the residence of Darrius CARSON, 303 Weston Valley Drive in Moore, South Carolina. BIVINGS, CARSON and STEVENSON were arraigned on this same date.

7. Beginning on this same date, Victim 1 started receiving text messages and phone calls from multiple people stating that they knew Victim 1 was responsible for the arrest of BIVINGS, CARSON and STEVENSON.

8. On May 8, 2025, Victim 1 received a text message at 4:32am. The messages stated “You going down everyone know about you, u set them boys up in Spartanburg” and “We also have your address”. The text message included a picture/post of Victim 1 that was on Facebook.

9. Based on my training, experience, and familiarity with this investigation, I believe Victim 1 was receiving credible, imminent threats of death or serious bodily harm.

10. On May 8, 2025, SA Wanta submitted an emergency request for phone number 864-532-3757 subscriber records to Inteliquent for Synch VOIP subscriber records. Shortly after, a representative from the company informed SA Wanta that the VOIP phone number 864-532-3757 was administered by Text Now. SA Wanta submitted an emergency request for phone number 864-532-3757 subscriber and IP address records to Text Now. According to Text Now records, phone number 864-532-3757 was subscribed to “Aisa Worthy” from 2025-04-28 04:00:00 UTC to 2025-05-09 03:59:59 UTC. According to Text Now records, at 2025-05-08 08:32:25 UTC (4:32 am EST), phone number 864-532-3757 was used to send a message via IP address 75.139.93.136. SA Wanta submitted an emergency request to Charter Inc. requesting subscriber records associated with IP address 75.139.93.136. According to Charter records, IP address 75.139.93.136 is subscribed to “Nysia Foster, 1643 Wofford St, Spartanburg, SC 29301.

11. On May 8, 2025, Nyaisa FOSTER was arrested by the Spartanburg County Sheriff’s Office on an outstanding state probation for failing to report change of address, failing to pay supervision fees and court ordered fines. FOSTER was taken to the Spartanburg County Detention Center where she was booked, along with her cell phone.

12. On this same date, SA Cox-McClain and SCSO Investigator Royal interviewed Nyaisa FOSTER in reference to the text message sent to Victim 1. FOSTER was mirandized and waived her rights to speak to investigators. FOSTER admitted to sending the text message to

Victim 1 at 4:32am on May 8, 2025, using the Text Now application. FOSTER provided her passcode to her phone in order for SA Cox-McClain and SCSO Investigator Royal to see the texts. FOSTER stated she was upset with Victim 1 and that is why she sent the messages.

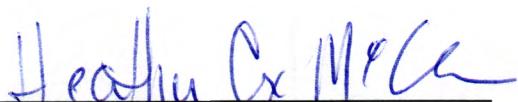
13. FOSTER also sent a prior messages to Victim 1 on October 15, 2024 at 5:49am, that stated “its okay tho u going viral already your lil snitching career ain’t gone last long at all” followed by several laughing emojis. At 11:02pm she wrote “keep my name out ya mouth snitch u tell everything, nothing but the popo”, also followed by several laughing emojis.

14. FOSTER stated that she only knew Victim 1 to live in Anderson but that she was not sure of his exact address. FOSTER stated that she did not post the original picture she sent to Victim 1 on Facebook. She only took a screenshot and forwarded to Victim 1. FOSTER had Victim 1 listed as “ci” in her contact.

CONCLUSION

15. Wherefore, based upon the information set forth in this Affidavit, I respectfully submit that there is probable cause to believe that on or about May 8, 2025, in the District of South Carolina, Nyaisa Shanice FOSTER violated 18 U.S.C. § 1512(a)(2), tampering with a witness.

16. In consideration of the foregoing, I respectfully request that this Court issue a Criminal Complaint and Arrest Warrant for Nyaisa Shanice FOSTER.



Heather Cox-McClain
Senior Special Agent, ATF

Sworn to and Subscribed before me on this 9 day of May 2025.



KEVIN F. MCDONALD
United States Magistrate Judge
District of South Carolina