

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

United States of America)

v.)

BRANDON HAYWARD)

Case No. 7:23mj152

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 August 15, 2022 in the county of City of Roanoke in the Western District of Virginia, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. 844(e) and 18 U.S.C. 875(c) with their respective descriptions.

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

Complainant's signature (handwritten)

SA Thomas F. McNutt, DHS/FPS

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/11/23

Judge's signature (handwritten)

City and state: Roanoke, Virginia

Hon. C. Kailani Memmer, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Thomas F. McNutt, being duly sworn, do hereby state the following is true to the best of my knowledge and belief:

INTRODUCTION AND AGENT BACKGROUND

1. I am a "federal law enforcement officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws of the United States and duly authorized by the Attorney General to request an arrest warrant. I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18 of the United States Code. I have been employed as a Special Agent with the United States Department of Homeland Security / Federal Protective Service (DHS/FPS) since March of 2013. I am currently assigned as a general crimes agent out of Baltimore, Maryland.

2. As a Special Agent, I have participated in all the normal methods of investigation, including electronic surveillance, physical surveillance, interviews of witnesses, execution of search and arrest warrants, and the use of informants and cooperating witnesses. I have investigated and assisted other agents/inspectors in investigating, federal and state firearm violations, threats to federal government employees, bomb threats to federal facilities, suspicious packages, thefts, burglaries, assaults, narcotics, threats against federal facilities/employees and destruction of government property.

3. As part of a DHS/FPS investigation, your Affiant has been investigating Brandon HAYWARD of Gainesville, Virginia, for violations of 18 U.S.C. § 844(e), which provides "[w]hoever, through the use of the...telephone ..., willfully makes any threat, or maliciously conveys false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building, vehicle, or other real or personal property by means of fire or an explosive shall be imprisoned for not more than 10 years or fined under this title, or both;" and 18 U.S.C. § 875(c), which provides that "[w]hoever transmits in interstate or foreign commerce any communication containing ...any threat to injure the person of another, shall be fined under this title or imprisoned not more than five years, or both."

4. The facts in this affidavit come from my personal observations, my discussions with other investigating agents, officers, and analysts, my training and experience, my review of documents and recordings, and information obtained from witnesses. This affidavit is intended to show merely that there is probable cause for the requested criminal complaint and arrest warrant and does not set forth all of my knowledge about this matter.

CASE INITIATION AND PROBABLE CAUSE

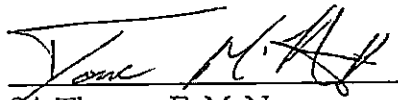
5. The investigation of HAYWARD was initiated on August 15, 2022, after the DBS/FPS was contacted by VICTIM 1, in reference to a threatening phone call she received from HAYWARD earlier that day. VICTIM 1 is the Branch Manager of the InFirst Federal Credit Union located in the Poff Federal Building, Roanoke Virginia. The Poff Federal Building is a federal, government-owned facility in Roanoke, Virginia under concurrent jurisdiction.

6. VICTIM 1 received a phone call from HAYWARD on a recorded, Voice over Internet Protocol (VoIP) line, in reference to a recurring charge on his InFirst account that he claims he did not authorize. Unsatisfied with the outcome of his complaint concerning the charge, HAYWARD became irate with VICTIM 1 and told her "I am going to get you raped ...I will get you killed, bitch." He told her twice: "I am going to blow up Roanoke," adding once "I don't give a fuck." HAYWARD referenced the fact that he is going to get his shotgun back and told VICTIM 1: "I am going to enslave you." He further told VICTIM 1 he can Google her last name and said: "You think you're safe in Roanoke; you're not."

7. During the entire recorded conversation VICTIM 1 attempts to assist HAYWARD and calm him down. Toward the end of the call HAYWARD also stated, "I want to shit on your face and smear it all around... Hang the fuck up before I find out where you're at."

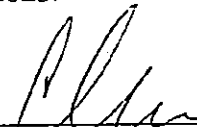
CONCLUSION

8. Based on the foregoing, I submit there is probable cause to believe that HAYWARD used a telephone to willfully make a threat to injure or intimidate VICTIM 1 or unlawfully to damage or destroy any building or property by means of fire or an explosive, in violation of 18 U.S.C. § 844(e) and that he transmitted in interstate commerce a communication containing a threat to injure the person of another in violation of 18 U.S.C. § 875(c).



SA Thomas F. McNutt
Homeland Security / Federal Protective Service

Sworn and subscribed to before me on December 11, 2023.


C. Kailani Memmer
United States Magistrate Judge