

AO 91 (Rev. 11/14) Criminal Complaint

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THOMAS G. BRUTON
CLERK U.S. DISTRICT COURT

FEB 07 2018

CASE NUMBER:

18CR

088

CRIMINAL COMPLAINT
MAGISTRATE JUDGE SCHENKIER

I, the complainant in this case, state that the following is true to the best of my knowledge and belief:

Beginning on or about October 10, 2017, and continuing until on or about November 5, 2017, at Chicago, Illinois, and Hammond, Indiana, in the Northern District of Illinois, Eastern Division, and elsewhere, the defendant violated:

Code Section

Count One

Title 18, United States Code,
Section 875(c)

Count Two

Title 18, United States Code,
Section 248(a)(1)

Transmitting a threat of force to intimidate or interfere with, or attempt to intimidate or interfere with, any person because that person is or has been, or in order to intimidate such person or any other person from, providing reproductive health services.

Transmitting in interstate commerce a communication containing any threat to injure the person of another.

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

TROY D. BRONNER
Special Agent, Federal Bureau of Investigation
(FBI)

Troy D. Bronner
Judge's signature

SIDNEY I. SCHENKIER, U.S. Magistrate Judge
Printed name and Title

Sworn to before me and signed in my presence.
Date: February 7, 2018

City and state: Chicago, Illinois

ss

AFFIDAVIT

I, TROY D. BRONNER, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation, who is assigned to the Domestic Terrorism Squad. I have been employed with the FBI since approximately November 2003.

2. This affidavit is submitted in support of a criminal complaint alleging that LUKE DANIEL WIERNSMA has violated 18 U.S.C. § 875(c), which prohibits individuals from, among other things, transmitting in interstate commerce threats to injure another person. This affidavit is also submitted in support of a criminal complaint alleging that WIERNSMA has violated 18 U.S.C. § 248(a)(1), which prohibits individuals from, among other things, using threats of force to intimidate or interfere with any person providing reproductive health services, attempting to intimidate or interfere with any person providing reproductive health services, and using threats of force to intimidate any other person from providing reproductive health services.

3. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging WIERNSMA with violations of Sections 875(c) and 248(a)(1), I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I

believe are necessary to establish probable cause to believe that the defendant committed the offenses alleged in the complaint.

4. The statements in this affidavit are based on my personal knowledge, on information I have received from other law enforcement personnel, and from persons with knowledge regarding relevant facts, including information provided by WIERMSMA.

I. Summary

5. Beginning in or around late 2015 and continuing through the present,

the FBI has been investigating threats made against providers of services related to women's reproductive health in the Chicagoland area and northwest Indiana. More recently, beginning in or around late 2017, the investigation has focused on threats made against a clinic that provides reproductive health services, including abortions, located in Chicago, Illinois ("Chicago Clinic"), and a clinic that provides counseling services related to women's reproductive health, including abortions, located in northwest Indiana ("Hammond Clinic").

6. The threats to these clinics have been conveyed and received electronically, and based on their content, as detailed below, include threats to injure individuals and appear designed to intimidate individuals providing reproductive health services, and to interfere with those individuals' work.

7. For the reasons set forth below, law enforcement believes that WIERMSMA has conveyed these threats, through websites maintained by the Chicago Clinic and the Hammond Clinic.

¹ The Chicago Clinic has a website that allows individuals to send written, electronic messages directly to the clinic, and through which the threats detailed in this affidavit were transmitted to it.

Provider A. Service Provider A captures information related to an individual's visit to the Chicago Clinic's website, including the date and time of the visit, the particular pages on the website that a visitor accessed, the electronic device used to access the website, and the web browser and operating system found on that device.

10. According to the Chicago Clinic, its website service provider is Service

You will all fucking pay for what you do. If not by my hand it will be by somebody else's. I want you to burn, I want you all to Die. You are pieces of fucking shit shut [sic] and deserve everything you got coming. You and your clinic will be going down soon. Watch your back.

9. The threat read as follows:

United States.

Clinic received a threat through its website¹ from an individual who identified himself as "Luke" and who provided the following email address: luke@aog.org. Based on my training and experience, I believe that the domain name "aog.org" reported by "Luke" is a reference to the Army of God ("AOG"), an anti-abortion extremist organization that has engaged in the use of anti-abortion violence in the

8. On or about October 10, 2017, at approximately 7:01 p.m., the Chicago

A. October 10, 2017 Threat

II. Threats Conveyed to Clinics

In addition, Service Provider A captures the Internet Protocol ("IP") address used to access Chicago Clinic's website.²

11. According to information provided by Service Provider A, the threat described in ¶ 9 was sent from a cellular phone using the following IP address: 172.56.12.107.

12. Based on a search of public records, law enforcement determined that the IP address identified in ¶ 11 is registered to T-Mobile, USA.³ An Internet Service Provider ("ISP") like T-Mobile retains records that can identify the subscriber to whom a particular IP address was assigned, which then allows investigators to identify the subscriber account to which data is sent, or from which data is received. In this instance, however, T-Mobile was unable to provide law enforcement with the subscriber information that linked to the IP address used to convey the communication sent to Chicago Clinic on or about October 10, 2017.

13. According to information provided by Service Provider A, the following cellular device was used to send the October 10, 2017, threat to the Chicago Clinic: a Samsung Galaxy J7 SM-J700T. As will be detailed throughout this Affidavit, law enforcement believes that subsequent threats to the Chicago Clinic and the

² IP addresses facilitate transfer of data over the Internet. An IP address can be unique to a particular subscriber during an online session and provides a unique locator, making it possible for data to be transferred between computers. Each time an individual accesses the Internet, the device from which that individual initiates access is assigned an IP address.

³ A central authority provides each Internet Service Provider ("ISP") a limited block of IP addresses for use by that ISP's customers or subscribers. The ISP logs the date, time, and duration of the Internet session for each IP address.

Hammond Clinic, as well as later communications to the FBI regarding these threats, were transmitted using the same type of cellular device.

14. In addition, according to information provided by Service Provider A, this cellular device had the following operating system, browser, and related software on it at the time the threat was transmitted: "Mozilla/5.0 (Linux, Android 6.0.1, SM-J700T Build/MMB29K); AppleWebKit/537.36 (KHTML, like Gecko); Chrome/61.0.3163.98; Mobile Safari/537.36." As will be detailed throughout this Affidavit, law enforcement believes that subsequent threats to the Chicago Clinic and the Hammond Clinic, as well as later communications to the FBI regarding these threats, were transmitted by a cellular device with the same operating system, browser, and related software.

B. October 13, 2017 Threat

15. On or about October 13, 2017, at approximately 3:14 p.m., the Chicago Clinic received a threat through its website from an individual who identified himself as "John" and who provided the following email address: jdoe@aog.org. The threat read as follows: "DIE, DIE, DIE."

16. According to information provided by Service Provider A, the threat described in ¶ 15 was sent from a cellular phone using the same IP address identified in ¶ 11: 172.56.12.107. As explained above (see ¶ 12), T-Mobile was unable to provide law enforcement with the subscriber information that linked to this IP address.

⁴ Like the Chicago Clinic, the Hammond Clinic is capable of receiving electronic, written messages through its website.

20. Law enforcement sought to obtain information from the Hammond Clinic's website service provider, Service Provider B, reflecting the device used to transmit this threat and the IP address used by that device when transmitting this threat. That information was not available at the time of the request.

Die motherfucker, die. Blow you up. You are all little bitches who will die for what you do. Die, motherfucker, die.

follows:

19. On or about October 15, 2017, at approximately 6:31 p.m., the Hammond Clinic received a threat through its website⁴ from an individual who identified himself as "John Doe," who stated that he lived in Dyer, Indiana, and who provided the following email address: jdoe@aog.org. The communication read as

C. October 15, 2017 Threat

18. In addition, according to information provided by Service Provider A, this cellular device had the following operating system, browser, and related software on it at the time the threat was transmitted: "Mozilla/5.0 (Linux, Android; 6.0.1, SM-J700T Build/MMB29K); AppleWebKit/537.36 (KHTML, like Gecko); Chrome/61.0.3163.98; Mobile Safari/537.36."

17. According to information provided by Service Provider A, the following cellular device was used to send the October 13, 2017, threat to the Chicago Clinic: a Samsung Galaxy J7 SM-J700T.

Your (sic) commit nothing but atrocities at your clinic. It is the unmitigated murdering of fetuses, a baby. You take a human life, every hour of every day. If not more. You will pay for what you have done. I have no quorum (sic) about going to prison. I will do what I feel is necessary to protect the innocent and stop these atrocities you commit. Don't take this threat lightly, don't blatantly ignore it, so help me God I will die to protect the innocent.

jdoo@aog.org. The threat read as follows:

Hammond Clinic received a threat through its website from an individual who identified himself as John Doe and who provided the following email address:

23. On or about October 29, 2017, at approximately 3:48 p.m., the

E. October 29, 2017 Threat #1

time of the request.

device when transmitting this threat. That information was not available at the reflecting the device used to transmit this threat and the IP address used by that

22. Law enforcement sought to obtain information from Service Provider B

Die, die, die, motherfucker. I will blow up the clinic with you and the staff in it. Y'all are pieces of fucking shit. I ain't afraid of the feds and will taunt them just to prove it. This ain't nothing but a thing to me. Fucking die pieces of shit. This is Gods retribution towards you and your kind. God is punishing you through me.

communication read as follows:

Hammond Clinic received a threat through its website from an individual who did not provide any identifying information, including a name or email address. The

21. On or about October 20, 2017, at approximately 6:30 p.m., the

D. October 20, 2017 Threat

⁶ According to a T-Mobile website (<https://support.t-mobile.com/docs/Doc-30331>), last visited on or about February 1, 2018), on or about October 19, 2017, Samsung issued an operating system update—from Android 6.01 to Android 7.1.1—for the Samsung Galaxy J7 SM-J700T cellular phone.

The threat read as follows:

himself as “John Doe” and who provided the following email address: jdoe@aog.org.

Clinic received a threat through its website from an individual who identified

28. On or about October 29, 2017, at approximately 5:39 p.m., the Chicago

F. October 29, 2017 Threat #2

Chrome/61.0.3163.98 Mobile Safari/537.36.”

7.1.1⁵; SM-J700T Build/NMF26X); AppleWebKit/537.36 (KHTML, like Gecko);

software on it at the time the threat was transmitted: “Mozilla/5.0 (Linux; Android

this cellular device had the following operating system, browser, and related

27. In addition, according to information provided by Service Provider B,

October 29, 2017, at approximately 3:48 p.m.: a Samsung Galaxy J7 SM-J700T.

cellular device was used to send the threat to the Hammond Clinic on or around

26. According to information provided by Service Provider B, the following

to this IP address.

was unable to provide law enforcement with the subscriber information that linked

the IP address identified in ¶ 24 is registered to T-Mobile, USA. T-Mobile, however,

25. Based on a search of public records, law enforcement determined that

172.58.137.10.

described in ¶ 23 was sent from a cellular phone using the following IP address:

24. According to information provided by Service Provider B, the threat

32. On or about November 5, 2017, at approximately 3:50 p.m., the Hammond Clinic received a threat through its website from an individual who identified himself as John Doe, who stated that he lived in Hammond, Indiana, and who used the following email address: jdoe@aog.org. The threat read as follows:

G. November 5, 2017 Threat

31. In addition, according to information provided by Service Provider A, this cellular device had the following operating system, browser, and related software on it at the time the threat was transmitted: "Mozilla/5.0 (Linux; Android 7.1.1; SM-J700T Build/NMF26X); AppleWebKit/537.36 (KHTML, like Gecko); Chrome/61.0.3163.98 Mobile Safari/537.36"

30. According to information provided by Service Provider A, the following cellular device was used to send the threat to the Chicago Clinic on or around October 29, 2017, at approximately 5:39 p.m.: a Samsung Galaxy J7 SM-J700T.

29. According to information provided by Service Provider A, the threat described in ¶ 28 was sent from a cellular phone using the same IP address identified in ¶ 29: 172.58.137.10. As explained above (see ¶ 25), T-Mobile was unable to provide law enforcement with the subscriber information that linked to this IP address.

I will do anything and everything to stop the unmitigated murders of fetuses. I will do anything to stop the atrocities committed by your clinic every minute of every day at your clinic. You are all pieces of shit and I will kill to stop these atrocities. I will blow you up if I have to, burn the clinic down. I will do whatever is necessary I swear to God I will. After that you are in God's hands and He will do His thing.

"I'm gonna kill you all and destroy your clinic. You will rue the day (sic) you messed with The Army of God. We are defenders of children and defenders of God's children.

33. According to information provided by Service Provider B, the threat described in ¶ 32 was sent from a cellular phone using the following IP address: 172.58.143.44.

34. Based on a search of public records, law enforcement determined that the IP address identified in ¶ 33 is registered to T-Mobile, USA. T-Mobile, however, was unable to provide law enforcement with the subscriber information that linked to the IP address used to convey the threat sent to the Hammond Clinic on or about November 5, 2017.

35. According to information provided by Service Provider B, the following cellular device was used to send the threat to Hammond Clinic on or around November 5, 2017: a Samsung Galaxy J7 SM-J700T.

36. In addition, according to information provided by Service Provider B, this cellular device had the following operating system, browser, and related software on it at the time the threat was transmitted: "Mozilla/5.0 (Linux; Android 7.1.1; SM-J700T Build/NMF26X); AppleWebKit/537.36 (KHTML, like Gecko); Chrome/61.0.3163.98 Mobile Safari/537.36."

III. Tips to FBI Regarding Threats

37. On or about October 28, 2017, at approximately 4:30 p.m. EST, an individual who did not identify himself by name, but who reported that he lived in

Dyer, Indiana, zip code 46311, submitted an online tip to the FBI's Public Access

Line Unit via tips.fbi.gov. The tip read:

Luke Wiersma is a danger to society. He plans on committing crimes against abortion clinics. He has threatened to "do whatever is necessary to stop the unmitigated murders of fetuses at baby killing mills." I don't know what he meant but I think he is possibly planning a violent attack. He is somebody who should be looked into.

38. The tip's use of the phrase "unmitigated murders of fetuses" mirrors

language included in the threats sent the next day, October 29, 2017, to the Hammond Clinic and the Chicago Clinic. In particular, those threats used the words "unmitigated murdering of fetuses" and "unmitigated murders of fetuses,"

respectively. See *supra* ¶¶ 23, 28.

39. According to FBI internal systems, the October 28, 2017, tip to FBI was submitted from a cellular device using the following IP address: 2607:fb90:a056:f859:0:3b:2434:3201.

40. In addition, according to FBI internal systems, the following cellular device was used to communicate the October 28, 2017 tip: a Samsung Galaxy J7 SM-J700T.

41. Finally, according to FBI internal systems, this cellular device had the following operating system, browser, and related software on it at the time the tip was transmitted: "Mozilla/5.0 (Linux; Android 7.1.1; SM-J700T Build/MMF26X); AppleWebKit/537.36 (KHTML, like Gecko); Chrome/61.0.3163.98; Mobile Safari/537.36."

was transmitted: "Mozilla/5.0 (Linux; Android 7.1.1; SM-J700T Build/NMF26X); following operating system, browser, and related software on it at the time the tip

46. Finally, according to FBI internal systems, this cellular device had the

SM-J700T.

device was used to communicate the January 20, 2018 tip: a Samsung Galaxy J7

45. In addition, according to FBI internal systems, the following cellular

2607:fb90:a2a5:1809:0:2b:ee44:1801.

was submitted from a cellular device using the following IP address:

44. According to FBI internal systems, the January 20, 2018 tip to FBI

words "DIE, DIE, DIE" and "Die, die, die," respectively. See *supra* ¶ 15, 21.

October 20, 2017 to the Hammond Clinic. In particular, those threats used the

the threat sent on or about October 13, 2017 to the Chicago Clinic and on or about

43. The tip's use of the phrase "Die, Die, Die" mirrors language included in

Luke Wiersma (aka John Smith, aka John Doe) has been sending cryptic messages such as riddles as well as straight forward messages such as "Die, die, die" to abortion clinics in both Northwest Indiana and the Chicago area. He made threats of killing anyone involved, with abortion and I believe he is very serious about this. Supposedly, according to him, he is involved with Army of God and is proud of it. He is willing to do anything and everything necessary for not only this group but also to stop abortions in the U.S. I believe he can be a violent individual, especially if pushed into it.

Unit via tips.fbi.gov. The tip read:

Indiana, zip code 46311, submitted an online tip to the FBI's Public Access Line

individual who did not identify himself by name, but who reported that he lived in

42. On or about January 20, 2018, at approximately 6:09 p.m., an

AppleWebKit/537.36 (KHTML, like Gecko); Chrome/62.0.3202.84 Mobile Safari/537.36.”

IV. Law Enforcement Ties WIERNSMA to FBI Tips

47. According to a law enforcement database, the IP addresses used to transmit the October 28, 2017, and January 20, 2018, tips to FBI are registered to T-Mobile, USA.

48. According to information provided by T-Mobile on or about January 31, 2018, the IP addresses used to submit the October 28, 2017, and January 20, 2018, tips to FBI were utilized by a cellular device with a telephone number that has a 219 area code and ends in the digits “2945” (“2945 Number”) as well as an IMEI number of 355611084885404. That cellular device is registered to Individual A, who resides in Dyer, Indiana.

49. On or about January 30, 2018, the FBI placed a ruse telephone call to Individual A. During the call, Individual A indicated that WIERNSMA is a family member, that he resides at a particular address that Individual A provided in Dyer, Indiana, and that his telephone number is the 2945 Number.

50. In addition, according to the Dyer (Indiana) Police Department, on or about September 22, 2017, WIERNSMA filed a complaint regarding a physical threat that had been made against him. In this complaint, WIERNSMA reported that his telephone number is the 2945 Number.

V. Law Enforcement Obtains Warrant To Search Subject Phone 1

51. On or about February 6, 2018, law enforcement obtained a warrant to search a Samsung Galaxy J7 SM-J700T cellular telephone with IMEI number 355611084885404 ("Subject Phone 1") for evidence of threats to injure, intimidate, and interfere with individuals who provide services related to women's reproductive health, namely employees of the Chicago Clinic and the Hammond Clinic. On or about that same day, law enforcement obtained a warrant to search WIFRSMA for purposes of locating Subject Phone 1, as law enforcement believed that WIFRSMA was the user of Subject Phone 1 and would be in possession of it.

52. Law enforcement's belief that Subject Phone 1 contained evidence of these threats and that WIFRSMA used and possessed Subject Phone 1 was based in part on my training and experience and the training and experience of other law enforcement officers with whom I have discussed this investigation. It was also based on information that: (a) at least some of the threats to the Chicago Clinic and the Hammond Clinic came from an individual who identified himself as "Luke" and/or who stated that he lived in Indiana; (b) the threats were transmitted from the same type of cellular device with the same operating system, browser, and related software installed on it; (c) the tips to the FBI used similar language as the language used in the threats and identified WIFRSMA as the perpetrator of those threats; (d) the tips came from an individual who reported that he lived in Dyer, Indiana; (e) the tips were sent from the same type of cellular device, with the same operating system, browser, and related software installed on it, as the cellular

56. In an audio- and video-recorded interview that followed, WIERNSMA told law enforcement that he was responsible for sending the threats to the Chicago Clinic and the Hammond Clinic on each of the following dates set forth earlier in this affidavit: October 10, 2017; October 13, 2017; October 15, 2017; October 20,

WIERNSMA waived them in writing.

55. Law enforcement then advised WIERNSMA of his *Miranda* rights, and

defendant in fact sent any threats, he indicated that he had. something to the effect of "I never intended to hurt anyone." When then asked if

54. At the meeting, law enforcement advised WIERNSMA that he was not under arrest. Law enforcement told WIERNSMA that the FBI was investigating threats that had been conveyed to clinics providing services related to women's reproductive health in the Chicago area and northwest Indiana. WIERNSMA initially denied knowing anything about any threats, but subsequently told law enforcement

the meeting.

53. On or about February 6, 2018, law enforcement arranged a meeting with WIERNSMA in order to obtain Subject Phone 1. WIERNSMA voluntarily came to

VI. WIERNSMA'S Post-Arrest Statements

the Dyer Police Department that he used the 2945 Number. who is a family member of WIERNSMA; (g) Individual A reported that WIERNSMA lives in Dyer, Indiana, and uses the 2945 Number, and (h) WIERNSMA reported to associated with the 2945 Number, a telephone number registered to Individual A, device used to transmit the threats; (f) the tips were sent from IP addresses

60. Finally, based on information provided by Service Provider A and Service Provider B, law enforcement believes that Service Provider A's servers,

he does not generally travel outside northwest Indiana. password for Subject Phone 1 with anyone else. WIERSSMA further indicated that Subject Phone 1 was password-protected, and that WIERSSMA had not shared the WIERSSMA explained that he was the only person who used Subject Phone 1, that he had transmitted each of these threats and tips using Subject Phone 1. During the recorded interview, WIERSSMA told law enforcement that

59. WIERSSMA initiated each copy to indicate that he had transmitted the tip, activity. Law enforcement presented WIERSSMA with a printed copy of each of these October 28, 2017, and on or about January 20, 2018, regarding his own criminal enforcement that he was responsible for sending the two tips to the FBI, on or about 58. Furthermore, during the recorded interview, WIERSSMA told law

threat. threats, and WIERSSMA initiated each copy to indicate that he had transmitted the late 2015. Law enforcement presented WIERSSMA with a printed copy of these two that he was responsible for sending two threats to the Chicago Clinic sometime in 57. During the recorded interview, WIERSSMA also told law enforcement

transmitted the threat. of each of these threats, and WIERSSMA initiated each copy to indicate that he had and November 5, 2017. Law enforcement presented WIERSSMA with a printed copy 2017; October 29, 2017 (at approximately 3:48 p.m. and approximately 5:39 p.m.);

including servers used by the Chicago Clinic, and Service Provider B's servers, including servers used by the Hammond Clinic, are outside of Illinois and Indiana.

CONCLUSION

61. Based on the foregoing, I submit that there is probable cause to believe

that beginning on or about October 10, 2017, and continuing until on or about November 5, 2017, defendant LUKE DANIEL WIERMSMA violated 18 U.S.C. § 875(c), which prohibits individuals from, among other things, transmitting in interstate commerce threats to injure another person, as well as 18 U.S.C. § 248(a)(1), which prohibits individuals from, among other things, using threats of force to intimidate or interfere with any person because that person is or has been providing reproductive health services, attempting to intimidate or interfere with any person because that person is or has been providing reproductive health services, and using threats of force to intimidate such person and any other person from providing reproductive health services.

FURTHER AFFIANT SAYETH NOT.

TROY D. BRONNER
Special Agent, Federal Bureau of
Investigation

SUBSCRIBED AND SWORN to before me on February 7, 2018.

Sidney I. Schenkier

SIDNEY I. SCHENKIER
United States Magistrate Judge