

UNITED STATES DISTRICT COURT

for the

Western District of New York

United States of America)

v.)

SALVATORE LIPPA, II)

Case No.)

20-MJ-529)

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 1/23/2020 and 2/4/2020 in the county of Monroe in the Western District of New York, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Row 1: 18 U.S.C. 115(a)(1)(B), On or about January 23, 2020 and February 4, 2020, the defendant did threaten to assault and murder a United States official with intent to impede, intimidate and interfere with such United States official while engaged in the performance of official duties and with intent to retaliate against such United States Official on account of the performance of official duties, in violation of Title 18, United States Code, Section 115(a)(1)(B), and on or about January 23, 2020, the defendant did transmit in interstate commerce a communication containing a threat, in violation of Title 18, United States Code, Section 875(c)

This criminal complaint is based on these facts:

See attached affidavit.

[X] Continued on the attached sheet.

Complainant's signature

Vincent Veloz, Special Agent, U.S. Capitol Police
Printed name and title

Sworn to before me and signed in my presence.

Date: Feb. 19, 2020

Judge's signature

City and state: Rochester, New York

Hon. Mark W. Pedersen, U.S.M.J.
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF MONROE) SS:
CITY OF ROCHESTER)

I, Vincent Veloz, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the United States Capitol Police (“USCP”), where I have served since September 2005. I am currently assigned to the USCP Investigations Division, Threat Assessment Section (“USCP/TAS”). Prior to working in the Investigations Division, I was assigned to the Capitol Division, First Responder Unit (“FRU”) until March 2017. I am a graduate of the Mixed Basic Police Training and the Criminal Investigator Training Program at the Federal Law Enforcement Training Center (“FLETC”) in Glynco, Georgia. I have completed hundreds of hours of training in numerous areas of law enforcement investigation and techniques. In the course of my employment as a Special Agent with the USCP, I have received training regarding the application for and execution of both search and arrest warrants. I have received training in assessing and managing individuals who have communicated threats and engaged in behaviors associated with targeted violence. In my current assignment, I have participated in and conducted investigations of several types of violations of federal law, including threatening communications both locally and interstate.

2. This affidavit is made in support of a criminal complaint charging Salvatore LIPPA, II (hereinafter “LIPPA”) with violations of Title 18, United States Code, Sections 115(a)(1)(B) and 875(c). Title 18, United States Code, Section 115(a)(1)(B) makes it a crime

to threaten to assault or murder, a United States official, 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. Title 18, United States Code, Section 875(c) makes it a crime to transmit in interstate or foreign commerce any communication containing any threat to injure the person of another. A Member of Congress is a United States Official within the meaning of 18 U.S.C. § 115(c)(4).

3. The facts and information contained in this affidavit are based upon my direct participation in this investigation and based upon facts as relayed to me by other law enforcement officers pertaining to this investigation. This affidavit is submitted for the limited purpose of establishing probable cause for charged offenses. As a result, I have not included each and every fact known to me regarding this matter.

PROBABLE CAUSE

4. On January 23, 2020, at approximately 8:20 PM (EST) a male subject, later identified as LIPPA, using phone number 585-732-2504, called the Washington D.C. office of United States Congressman Adam Schiff and left a threatening voicemail message, which was subsequently reported to USCP/TAS on January 24, 2020. In this voicemail, LIPPA threatened to kill Congressman Schiff, and stated the following:

“Schiff, Shifty Schiff, you’re the biggest fucking scumbag motherfucker who ever lived. I dare you to come, I dare you to come to New York, because I will put a bullet in your fucking forehead. You fucking scumbag piece of shit. You got that? And you can look up my phone number. And you think I’m fucking joking? I’ll come to Washington and kill you, you motherfucker.”

5. On February 4, 2020, at approximately 9:21 PM (EST), LIPPA, using the same phone number 585-732-2504, called the Albany, New York district office of United States Senator Charles Schumer and left the following threatening voicemail message:

“Hey, Schumer, you and Nancy Pelosi are two fucking biggest scumbags who ever lived. And let me tell you something, somebody wants to assassinate you, I'm going to be the driver. And he'll shoot you from 200 yards away. I fucking promise you, you fucking totally little fucking democrats scumbag fucks.”

6. I have listened to both of these voicemail messages, and in addition to both calls having been made from the same number (585-732-2504), the voice of the caller in each of these two messages sounds to be the same person.

7. An online database search regarding number 585-732-2504 showed LIPPA to be the sole account user, with the most recent address associated with that number being 78 Westwood Drive, Rochester, New York 14616. The current cellular carrier for 585-732-2504 is Verizon Wireless.

8. Verizon's phone records, which were provided by Verizon Wireless following an emergency disclosure request made pursuant to 18 U.S.C. 2702(c)(4) for the incoming number 585-732-2504 revealed that Verizon Wireless only maintains the tolls transactions (calls log) and device locations (pings). Subscriber information (name and address) are retained by TracFone Wireless Inc. TracFone Wireless subscriber records, which were provided over the phone by a TracFone representative following an emergency disclosure request made pursuant to 18 U.S.C. 2702(c)(4) for the phone number 585-732-2504, revealed the sole account user as Salvatore Lippa, with a date of birth in 1962¹. TracFone records also

¹ LIPPA's full date of birth and social security number are known to your affiant, but have been redacted in this affidavit to the birth year and the last four digits of his social security number. The full date of birth and social security number for LIPPA match the full date of birth and/or social security number on records that were received from sources of information identified in this affidavit,

revealed that the PIN number on the phone account for 585-732-2504 is 1962, which is LIPPA's birth year.

9. Records provided by Verizon Wireless also identified that the device utilizing phone number 585-732-2504 has International Mobile Subscriber Identity (IMSI) #s of "357092102335573" and "990006893314780."

10. USCP/TAS obtained records from Verizon Wireless for the calls made after January 22, 2020 from LIPPA's cell phone, 585-732-2504. Those records confirm that outgoing calls were made from LIPPA's cell phone to the office of Congressman Schiff on January 23, 2020, and to the office of Senator Charles Schumer on February 4, 2020, at times that correspond to the threatening messages that were received by those offices and were described previously in paragraphs 4 and 5 of this affidavit.

11. Law enforcement database checks on LIPPA provided a date of birth with a birth year of 1962, and a social security number ending in 7850. In addition, a New York State Intelligence Center (NYSIC) report regarding an incident that occurred on June 2, 2018 lists the contact information (home address) for LIPPA as 78 Westwood Drive, Rochester, NY 14616.

12. In addition, I conducted a driver's license check on LIPPA which listed his name as Salvatore Lippa with a date of birth that had a birth year of 1962, and a New York drivers license number of 566 172 011, which is currently not valid.

13. I am also aware that on February 11, 2020, LIPPA was arrested by the Monroe County Sheriff's Office in the vicinity of Dewey Avenue and the Lake Ontario State Parkway

including those from Verizon, TracFone, New York State motor vehicle records, and Monroe County Sheriff's department records.

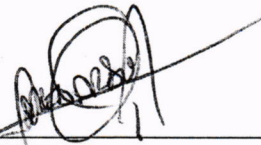
for operating a motor vehicle without insurance, for being an unlicensed operator of a motor vehicle, and for aggravated unlicensed operation of a motor vehicle where LIPPA was issued appearance tickets. During that arrest, LIPPA produced a drivers license with number 566 172 011, which had an expiration date of November 30, 2016. That expired license listed his address as 21 Flowerdale Circle, Rochester, New York 14626. However, LIPPA told the Sheriff's Deputy that his address was 78 Westwood Drive, Rochester (Greece), NY 14616. LIPPA's date of birth was recorded as having a birth year of 1962, and that full birth date was identical to the date of birth listed in TracFone's records for 585-732-2504. In addition, LIPPA told the Sheriff's Deputy that his phone number was 732-2504. 585-732-2504 is the same number that was utilized by LIPPA to make the threatening calls to the offices of Congressman Schiff and Senator Schumer on January 23, 2020 and February 4, 2020.

14. On February 19, 2020, LIPPA was interviewed by U.S. Capitol Police Agents. During that interview, LIPPA admitted that his phone number is 585-732-2504, and that no one else has access to that phone. LIPPA also admitted to making the threatening calls to Congressman Schiff on January 23, 2020 and to Senator Schumer on February 4, 2020, and admitted that he made the threatening calls because he was upset about the impeachment proceedings.

CONCLUSION

15. Based on the foregoing, there is probable cause to believe that Salvatore LIPPA, II, did threaten to assault and murder United States officials, namely United States Congressman Adam Schiff and United States Senator Charles Schumer, with intent to

impede, intimidate and interfere with such United States officials while engaged in the performance of official duties and with intent to retaliate against such United States officials on account of the performance of official duties, in violation of Title 18, United States Code, Section 115(a)(1)(B). Further, there is probable cause to believe that Salvatore LIPPA, II, did transmit, in interstate and foreign commerce, using a cellular telephone, a communication containing a threat to injure United States Congressman Adam Schiff in violation of Title 18, United States Code, Section 875(c).



VINCENT VELOZ
Special Agent
United States Capitol Police

Sworn to and subscribed before me
this 19 day of February, 2020.



HON. MARK W. PEDERSEN
United States Magistrate Judge