

UNITED STATES DISTRICT COURT

for the

Northern District of California

FILED
Jan 26 2021
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

United States of America
v.

Ian Benjamin Rogers

Case No. 3-21-70157 MAG

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 January 15, 2021 in the county of Napa in the Northern District of California, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Row 1: 26 U.S.C. §§ 5861(d), 5845(a)(8) and (f); Unlawful possession of an unregistered destructive device. Includes Maximum Penalties: 10 years prison, 3 years supervised release following incarceration, \$10,000 fine, \$100 special assessment, Forfeiture.

This criminal complaint is based on these facts:

See the attached affidavit of FBI Special Agent Stephanie Minor

Continued on the attached sheet.

Approved as to form /s/ AUSA Frank Riebli

/s/ Stephanie Minor via telephone
Complainant's signature
FBI Special Agent Stephanie Minor
Printed name and title

Sworn to before me by telephone pursuant to Fed. Rule Crim. P. 4(d) and 4.1.

Date: 1/26/2021

Judge's signature (Handwritten signature of Alex G. Tse)

City and state: San Francisco, CA

Hon. Alex G. Tse, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Stephanie Minor, a Special Agent of the Federal Bureau of Investigations, being duly sworn, hereby state:

I. INTRODUCTION

1. I make this affidavit in support of a criminal complaint charging Ian Benjamin ROGERS with unlawful possession of an unregistered destructive device, in violation of 26 U.S.C. §§ 5861(d), 5845(a)(8), and 5845(f). For the reasons stated below, I submit that there is probable cause to believe that, on or about January 15, 2021, ROGERS possessed five pipe bombs in Napa County, in the Northern District of California.

2. The information contained in this affidavit, including the opinions I have formed and statements set forth herein, is based upon information I have gathered in my investigation, my personal observations, my training and experience in the field of domestic terrorism investigations, and information received from other law enforcement officers and investigative reports. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that there has been a violation of 26 U.S.C. § 5861(d).

II. AFFIANT'S TRAINING AND EXPERIENCE

3. I am a Special Agent with the Federal Bureau of Investigation (FBI). I am currently assigned to the Domestic Terrorism Squad of the FBI's San Francisco Field Office. I successfully completed the 21 weeks of New Agent Training at the FBI Academy in Quantico, Virginia in February 2020. During that time, I received training in physical surveillance, legal statutes and procedures, financial investigations, money laundering techniques, asset identification, forfeiture and seizure, confidential source management, and electronic

surveillance techniques, including Title III monitoring.

4. As an FBI Special Agent, I have conducted and participated in investigations of weapons of mass destruction, violent extremist ideologues, organized crime and weapons offenses. During these investigations, I have utilized various types of investigative techniques, including informants, physical surveillance, and the service of Grand Jury subpoenas. I have participated in the execution of several federal arrest warrants and search warrants. Prior to my employment with the FBI, I was enlisted in the United States Navy. During my time in the Navy, I received training and experience in firearms handling and improvised explosive device detection.

III. APPLICABLE STATUTES

5. The National Firearms Act, 26 U.S.C. § 5861(d), makes it unlawful for a person to “possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record.” The Act further defines the term “firearm” to include “a destructive device.” Id. § 5845(a)(8). And the Act defines a “destructive device” to mean “any explosive, incendiary, or poison gas” bomb, grenade, or similar device, or any “combination of parts either designed or intended for use in converting any device into a destructive device . . . and from which a destructive device may be readily assembled.” Id. § 5845(f). The term “destructive device” does not include a device “which is neither designed nor redesigned for use as a weapon,” or any device designed or redesigned for signaling, pyrotechnic purposes, or safety purposes. Id.

III. FACTS SUPPORTING CRIMINAL COMPLAINT

6. On January 15, 2021, the Napa County Sheriff’s Office, the Napa Special Investigations Bureau, and the FBI executed a state search warrant at Ian ROGERS’s home and business in Napa County. Officers found a large gun safe at ROGERS’s business. Inside, the safe, officers recovered several guns and five pipe bombs. They also identified other materials that could be used to manufacture destructive devices, including black powder, pipes, endcaps,

and manuals, including The Anarchist Cookbook, U.S. Army Improvised Munitions Handbook, and Homemade C-4 A Recipe for Survival.

7. Officers seized a total of 49 firearms from ROGERS's home and business, and approximately two dozen ammunition boxes containing thousands of rounds of ammunition. Several of the firearms, including what appears to be a kit-built replica MG-42 belt-fed machine gun, appear to be capable of firing fully automatic.¹ A firearms expert is examining those weapons to determine if they are machine guns.

8. In a post-arrest interview, ROGERS admitted that he had built the pipe bombs, but said that they were for entertainment purposes only.

9. Other items found during the search, as well as text messages recovered from ROGERS's phone, indicate that the pipe bombs were not just for entertainment purposes. For example, among the manuals recovered from ROGERS's business, in addition to those listed above, were what appear to be two copies of a U.S. Army Special Forces Guide to Unconventional Warfare, and a U.S. Army Guerrilla Warfare Handbook. Officers also found the following sticker on ROGERS's vehicle:



I know from my training and experience and my discussions with other agents experienced in domestic terrorism investigations that this sticker is commonly used by so-called “Three-Percenters,” people who ascribe to extreme anti-government, pro-gun beliefs. Their use of “three percent” is a reference to the belief that only three percent of the American colonists fought against the British during the American Revolution.

¹ I know from my own research and discussions with other agents and officers that the MG-42 was a machine gun produced in Germany during World War II for use by Nazi troops.

10. Officers also found the “White Privilege Card” depicted below:



I know that many extreme anti-government militias are populated by white supremacists. I believe that the statement “Trumps Everything” and the numbers “0045” repeated four times (to make it look like a credit card number), are references to Donald Trump, the 45th President of the United States.

11. Further, text messages recovered from ROGERS’s phone indicate his belief that Donald Trump won the 2020 presidential election, and his intent to attack Democrats and places associated with Democrats in an effort to ensure Trump remained in office. For example, in a message that I believe ROGERS sent on January 10, 2021,² he said, “We can attack Twitter or the democrats you pick” and “I think we can attack either easily”. When the other person responded, “Hmmm” and “Let’s go after Soros,” ROGERS said, “We can attack Twitter and democrats easy right now burn they’re shit down,” whereas targeting “Soros,” which I believe is a reference to George Soros, would require a “road trip.” The next day, ROGERS sent another message to the same person: “I want to blow up a democrat building bad”. “The democrats

² I have seen photographs of the text messages in ROGERS’s phone. Some of those messages do not have a date, but only a day. For example, the messages in which ROGERS says “We can attack Twitter or the democrats you pick” and “I think we can attack either easily” are labeled “Sunday.” I believe this refers to Sunday, January 10, 2021 for at least two reasons. First, the text message before is labeled “Jan 7,” which I believe means it was sent on January 7, 2021. Second, officers seized ROGERS’s phone on Friday, January 15, 2021. I know that chat and message applications often label messages from the previous week with just the day and not the date.

need to pay,” he added. “Let’s see what happens, if nothing does I’m going to war” “Democrats, Twitter, etc” “I hope 45 goes to war if he doesn’t I will”. Based on my training and experience and my discussions with other agents with experience in domestic terrorism investigations, I believe that these latter messages indicate ROGERS’s belief that Trump (“45”) actually won the presidential election and should “go to war” to ensure he remained in power. I further believe that the messages evince ROGERS’s intent to engage in acts of violence himself locally if there was not an organized “war” to prevent Joe Biden from assuming the presidency.

12. ROGERS added, “Let’s see what happens then we act,” but followed it up with “I’m thinking sac office first target” “Then maybe bird and face offices”. I believe that when ROGERS said, “sac office first target,” he meant that their first target should be the offices of California Governor Gavin Newsom in Sacramento. I further believe that when ROGERS said that the “bird and face” offices would be next, he meant the offices of Twitter (“bird”) and Facebook (“face”), because both social media platforms had locked Trump’s accounts to prevent him from sending messages on those platforms. “Sad it’s come to this but I’m not going down without a fight” “These commies need to be told what’s up,” he said.

13. A Napa County Sheriff’s Office bomb technician examined the pipe bombs seized from ROGERS’s business. In a preliminary report, he described them as 7-inch long segments of galvanized pipe with end caps screwed on and 1 to 2.5 inches of fuse material sticking out of a hole in one of the end caps. Inside the pipes, the bomb tech found black powder material consistent with the material found inside a plastic bottle of Hogdon Rifle Powder gunpowder also seized from ROGERS’s residence. I know from my research that Hogdon Rifle Powder is commercially-available gunpowder that can be used for reloading bullets. The bomb technician conducted a burn test on a sample from the powder taken from one of the pipe bombs. He put some powder on the concrete and applied heat to one end. The powder burned unconfined. He also examined the fuses and determined them to be common fuses which can be purchased over the internet or at hobby stores. Based on his examination and tests, the bomb technician concluded that ROGERS constructed 5 improvised explosive devices that were fully operational

and could cause great bodily harm or injury if handled improperly. They are depicted below:



14. I asked Special Agent Andrew Balady from the Bureau of Alcohol, Tobacco, Firearms & Explosives to check the National Firearms Registry to determine whether ROGERS had any destructive devices registered to him. SA Balady informed me that ROGERS did not have any registrations.

IV. CONCLUSION

15. For the foregoing reasons, I submit that there is probable cause to believe that Ian ROGERS knowingly possessed an unregistered destructive device, in violation of 26 U.S.C. §§ 5861(d), 5845(a)(8) and 5845(f). Accordingly, I request that the Court issue a criminal complaint alleging that offense.

I swear under penalty of perjury that the foregoing are true and correct to the best of my knowledge, information and belief.

/s/ Stephanie Minor
via telephone

STEPHANIE MINOR
FBI Special Agent

Sworn before me over the telephone, pursuant to Federal Rule of Criminal Procedure 4.1 and 4(d), this 26th day of January, 2021

A handwritten signature in black ink, appearing to read "Alex G. Tse".

HON. ALEX G. TSE
United States Magistrate Judge