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SEALED

11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE DISTRICT OF ARIZONA

<p>13 United States of America,</p> <p>14 Plaintiff,</p> <p>15 vs.</p> <p>16 Brian Jerry Ogstad,</p> <p>17 Defendant.</p>	<p>No. CR-24-00313-PHX-MTL (JZB)</p> <p>INDICTMENT</p> <p>VIO: 18 U.S.C. § 875(c) (Interstate Threat) Counts 1 - 5</p>
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18 **THE GRAND JURY CHARGES:**

19 **BACKGROUND ALLEGATIONS**

20 At all relevant times:

- 21 1. Defendant BRIAN JERRY OGSTAD (OGSTAD) lived in or around
- 22 Cullman, Alabama.
- 23 2. Maricopa County Elections is headquartered in Phoenix, Arizona.
- 24 3. Maricopa County Elections administers city, town, school district, special
- 25 district, state, and federal elections in Maricopa County, Arizona, in conjunction with the
- 26 Maricopa County Board of Supervisors and the Maricopa County Recorder's Office.
- 27
- 28

1 4. On or about August 2, 2022, Arizona held primary elections for federal and
2 state officeholders, including a gubernatorial primary election that received nationwide
3 media coverage.

4 5. On or about August 2, 2022, OGSTAD sent via direct messaging several
5 messages to an Instagram social media account maintained by Maricopa County Elections:

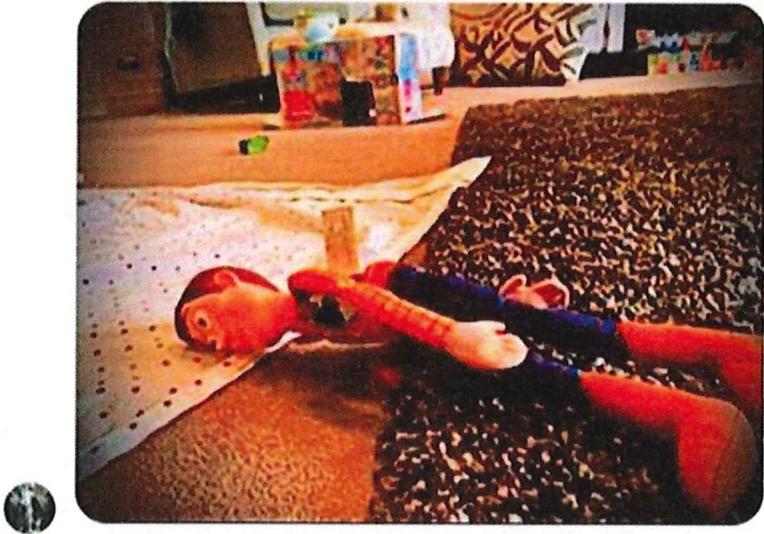
- 6 a. “^-- -- you people are so fucked! You don’t think they were ready
7 for you!? You are all fucked!”
- 8 b. A graphic appearing to include a snapshot of a narrative referencing
9 alleged voter fraud in Maricopa County.
- 10 c. “You Fuckers are all going to jail.”
- 11 d. “They have every vote! You fuckers think you can cheat? Ha! Stupid
12 fuckers, do it! Hang yourself!”

13 6. On or about August 3, 2022, OGSTAD sent via direct messaging several
14 messages to an Instagram social media account maintained by Maricopa County Elections:

- 15 a. “You did it! Now you are fucked. Dead. You will all be executed
16 for your crimes.”
- 17 b. A graphic depicting primary election voting results for two candidates
18 for the 2022 Arizona gubernatorial race.
- 19 c. “^-- - bullshit... [Candidate-1] crushed [Candidate-2]. You fuckers
20 are now dead. (Arrest, tried, executed)”
- 21 d. “^-- - Fuck you! You are caught! They have it all. You fuckers are
22 dead.”
- 23 e. A graphic appearing to be a snapshot of a narrative referencing alleged
24 voter fraud in Maricopa County in Arizona’s 2022 gubernatorial
25 primary race.
- 26 f. “You are lying, cheating mother fuckers... you better not come in my
27 church, my business or send your kids to my school. You are fucking
28 stupid if you think your lives are safe.”

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- g. An image of the character “Woody,” from the Toy Story film franchise, lying face down with an unidentified projectile in its back. A screenshot of the DM is below.



- h. A graphic appearing to be a snapshot of a post containing (1) images from a social media account maintained by Maricopa Elections regarding early, provisional election results for Arizona’s 2022 primary election, and (2) an image of a narrative referencing these early election results as described in the post with a url link to the above-referenced social media account maintained by Maricopa County Elections.
 - i. “You fuckers are so dead.”
 - j. “Arrest, tried and executed... swiftly. Bang fuckers, Bang!”
 - k. A graphic appearing to depict primary election voting results for Arizona governor.
 - l. “^-- -- you people are fucking stupid!”

7. On or about August 4, 2022, OGSTAD sent via direct messaging several messages to an Instagram social media account maintained by Maricopa County Elections:

- 1 a. “^-- -- you people are so ducking [sic] stupid. Everyone knows you
2 are lots [sic], cheats, frauds and in doing so in relation to elections
3 have committed treason. You will all be executed. Bang fuckers!”
4 b. A graphic appearing to include a snapshot of a narrative referencing
5 the injection of “fake votes” in several counties.

6 8. Through this course of conduct, OGSTAD committed the following
7 offenses:

8 **COUNT 1**
9 **18 U.S.C. § 875(c)**
10 **(INTERSTATE THREAT)**

11 On or about August 3, 2022, in the District of Arizona and elsewhere, the defendant
12 BRIAN JERRY OGSTAD, with the intent to communicate a true threat of violence and
13 with recklessness as to whether the communication would be viewed as a true threat of
14 violence, knowingly transmitted in interstate and foreign commerce a communication
15 containing a threat to injure and kill another person, to wit, any person who works at or is
16 associated with Maricopa County Elections, by stating the following in a message to
17 Maricopa County Elections on Instagram via direct messaging: “You did it! Now you are
18 fucked. Dead. You will all be executed for your crimes.”

19 In violation of Title 18, United States Code, Section 875(c).

20 **COUNT 2**
21 **18 U.S.C. § 875(c)**
22 **(INTERSTATE THREAT)**

23 On or about August 3, 2022, in the District of Arizona and elsewhere, the defendant
24 BRIAN JERRY OGSTAD, with the intent to communicate a true threat of violence and
25 with recklessness as to whether the communication would be viewed as a true threat of
26 violence, knowingly transmitted in interstate and foreign commerce a communication
27 containing a threat to injure and kill another person, to wit, any person who works at or is
28 associated with Maricopa County Elections, by stating the following in a message to

1 Maricopa County Elections on Instagram via direct messaging: “Fuck you! You are
2 caught! They have it all. You fuckers are dead.”

3 In violation of Title 18, United States Code, Section 875(c).

4
5 **COUNT 3**
6 **18 U.S.C. § 875(c)**
7 **(INTERSTATE THREAT)**

8 On or about August 3, 2022, in the District of Arizona and elsewhere, the defendant
9 BRIAN JERRY OGSTAD, with the intent to communicate a true threat of violence and
10 with recklessness as to whether the communication would be viewed as a true threat of
11 violence, knowingly transmitted in interstate and foreign commerce a communication
12 containing a threat to injure and kill another person, to wit, any person who works at or is
13 associated with Maricopa County Elections, by stating the following in a message to
14 Maricopa County Elections on Instagram via direct messaging: “You are lying, cheating
15 mother fuckers... you better not come in my church, my business or send your kids to my
16 school. You are fucking stupid if you think your lives are safe.”

17 In violation of Title 18, United States Code, Section 875(c).

18 **COUNT 4**
19 **18 U.S.C. § 875(c)**
20 **(INTERSTATE THREAT)**

21 On or about August 3, 2022, in the District of Arizona and elsewhere, the defendant
22 BRIAN JERRY OGSTAD, with the intent to communicate a true threat of violence and
23 with recklessness as to whether the communication would be viewed as a true threat of
24 violence, knowingly transmitted in interstate and foreign commerce a communication
25 containing a threat to injure and kill another person, to wit, any person who works at or is
26 associated with Maricopa County Elections, by stating the following in a message to
27 Maricopa County Elections on Instagram via direct messaging: “You fuckers are so dead.”

28 In violation of Title 18, United States Code, Section 875(c).

COUNT 5
18 U.S.C. § 875(c)
(INTERSTATE THREAT)

On or about August 4, 2022, in the District of Arizona and elsewhere, the defendant BRIAN JERRY OGSTAD, with the intent to communicate a true threat of violence and with recklessness as to whether the communication would be viewed as a true threat of violence, knowingly transmitted in interstate and foreign commerce a communication containing a threat to injure and kill another person, to wit, any person who works at or is associated with Maricopa County Elections, by stating the following in a message to Maricopa County Elections on Instagram via direct messaging: “[Y]ou people are so ducking [sic] stupid. Everyone knows you are lots [sic], cheats, frauds and in doing so in relation to elections have committed treason. You will all be executed. Bang fuckers!”

In violation of Title 18, United States Code, Section 875(c).

A TRUE BILL

s/

FOREPERSON OF THE GRAND JURY
Date: February 21, 2024

GARY M. RESTAINO
United States Attorney
District of Arizona

s/

MARY SUE FELDMEIERS
Assistant U.S. Attorney
District of Arizona

s/

TANYA SENANAYAKE
Trial Attorney, Counterterrorism Section
National Security Division, U.S. Department of Justice