

CRH:EHS
F.#2022R00305

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

- against -

NICHOLAS WELKER
also known as “King ov Wrath,”
“ilovehate5150” and “DankTree2316”

Defendant.

COMPLAINT AND
AFFIDAVIT IN SUPPORT
OF APPLICATION FOR
ARREST WARRANT

(18 U.S.C. § 371)

Docket No. 23-MJ-00230

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EASTERN DISTRICT OF NEW YORK, SS:

ERICA DOBIN, being first duly sworn that she is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

CONSPIRACY TO TRANSMIT THREATENING COMMUNICATIONS

Between at least in or about August 2021 and March 2022, within the Eastern District of New York and elsewhere, the defendant NICHOLAS WELKER, also known as “King ov Wrath,” “ilovehate5150” and “DankTree2316,” together with others, did knowingly and willfully conspire to transmit in interstate and foreign commerce, using an Internet-based electronic communications service (“ECS-1”), one or more electronic communications, to wit: posts on ECS-1, containing threats to injure the person of another, contrary to Title 18, United States Code, Section 875(c).

(Title 18, United States Code, Section 371)

The source of your deponent's information and the grounds for her belief are as follows:¹

I. Introduction

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been since 2019. I am currently assigned to the FBI's New York Joint Terrorism Task Force, where I am responsible for conducting investigations involving domestic terrorism and interstate threats, among other matters. I am familiar with the facts and circumstances set forth below from my participation in the investigation, my review of the investigative file, and from reports of other law enforcement officers involved in the investigation. Where I describe the statements of others, I am doing so only in sum and substance and in part.

II. The Feuerkrieg Division

2. Based on my training and experience and this investigation, I am aware that the Feuerkrieg Division ("FKD") is an international racially or ethnically motivated violent extremist (RMVE) group. FKD is related to Atomwaffen Division ("AWD"), in that FKD modeled itself after AWD and some individuals were members of both groups. AWD is a U.S.-based RMVE group with cells in multiple states. AWD reportedly has international ties and some members have traveled abroad, likely to meet with like-minded individuals. AWD and FKD share similar goals. FKD has members in the United States and abroad.

3. FKD members share a common goal of challenging laws, social order, and the government via terrorism and other violent acts. The organization encourages attacks on racial

¹ Because this affidavit is being submitted for the limited purpose of establishing probable cause, I have not described every fact learned during the investigation.

minorities, the Jewish community, the LGBTQ+ community, the U.S. Government, journalists, and critical infrastructure.

4. In April 2022, the leadership of FKD announced that they were disbanding the group and urged members to join the National Socialist Organization (“NSO”). Many members of FKD are also members of various online white supremacist or neo-Nazi organizations. As recently as October 2022, known members of FKD have proclaimed that they are reviving FKD and have taken steps to do so.

5. Members of FKD have regularly communicated through an encrypted social media and mobile messaging electronic communication service, ECS-1, that is based outside the United States.

6. ECS-1 advertises itself as a secure and untraceable communications platform. ECS-1 allows users to communicate one on one, in public or private group chats, and through “channels.” As defined by ECS-1, channels are a tool for broadcasting public messages to large audiences and can have an unlimited number of subscribers. Posts in a channel may be made by the channel’s administrator(s); when made by a channel’s administrator (of which there may be multiple) the post is signed with the channel’s name and not the individual user’s name. Posts in private messages, chatrooms, or channels may be forwarded to other private messages, chatrooms, or channels on ECS-1.

III. The Threats

7. Beginning at least as early as August 29, 2021, members of FKD have repeatedly threatened to murder a Brooklyn-based journalist (hereinafter “Victim-1”) who has reported on FKD including by interviewing members of FKD in his/her capacity as a journalist for a national news media company (hereinafter “News Media Company-1”).

8. As discussed further below, Victim-1 was threatened by, among others, an ECS user named “King ov Wrath,” with the assistance of other FKD members.

9. King ov Wrath was subsequently identified as the username of NICHOLAS WELKER. Specifically, on or about July 4, 2021, in an ECS-1 chat with a co-conspirator (“Minor Co-Conspirator-1,” described further below), an ECS-1 user named “DankTree2316” stated “Antifa doxxed me lmao” and provided a link to a blog post which identified King ov Wrath as NICHOLAS WELKER. On or about August 26, 2021, King ov Wrath sent a message to Minor Co-Conspirator-1 reading in part “Nicholas Hazen Welker Santa Clara County Department of Corrections . . . that’s my information[.] In case I go missing” and then provided a date of birth of April 7, 1991, which is WELKER’s date of birth. Additionally, in an October 2021 voluntary interview with the FBI, WELKER identified King ov Wrath as his username for various social media accounts (though not specifically ECS-1).

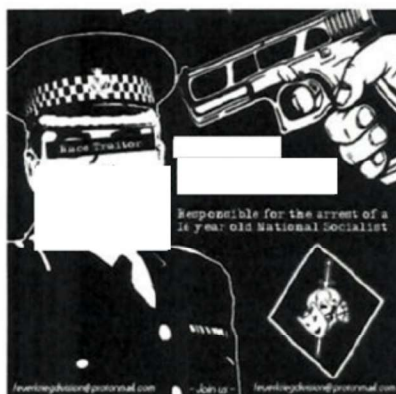
10. During the same interview with the FBI in October 2021, NICHOLAS WELKER stated he was made the leader of FKD by an individual who is known to the FBI as the former leader of FKD (hereinafter “ECS-1 User-1,” as described below).

11. On or about August 29, 2021, in an ECS-1 private message between an ECS-1 user (“ECS-1 User-1”), an Estonian-based teenager, who was the former leader of FKD, and King ov Wrath, King ov Wrath forwarded messages that appear to be a conversation between King ov Wrath and another ECS-1 user (“Minor Co-Conspirator-2”) in which Minor Co-Conspirator-2 said, “There is no more fkd propaganda that I can edit, tell me what face to put on this photo.” It appears that in response, also on or about August 29, 2021, King ov Wrath responded to Minor Co-Conspirator-2 with Victim-1’s name and News Media Company-1 and then forwarded that

same message to ECS-1 User-1. Both the chats and image that King ov Wrath forwarded to ECS-1 User-1 are inserted below.²

King ov Wrath 18:04
Co-Conspirator-2 29.08.2021 18:03:07
There is no more fkd propaganda that I can edit, tell me what face to put on this photo

King ov Wrath



King ov Wrath 18:04
King ov Wrath 29.08.2021 18:03:29
Victim-1
News Media Company-1 18:04
Stop harassing underage members 18:04

12. Based on my review of the conversation, in response to King ov Wrath's request that a threat image be made against Victim-1, Minor Co-Conspirator-2 sent King Ov Wrath, an image of a gun aimed at Victim-1, with the words "Race Traitor" covering his eyes. The caption stated "JOURNALIST FUCK OFF! YOU HAVE BEEN WARNED. [Victim-1] New York. Works as a Reporter for [News Media Company-1]. Responsible for Stalking our Boys for

² Victim-1 and News Media Company-1's names have been redacted, with "Victim-1" and "News Media Company-1" superimposed over the redactions throughout. Identifying information for other victims is also redacted.

Information” (hereinafter the “August 2021 Threat”). The threat also states FEUERKRIEGDIVISION@RISEUP.NET. A copy of the August 2021 Threat is pictured below.



13. King ov Wrath forwarded the August 2021 Threat to the former leader of FKD, ECS-1 User-1.

14. Also on or about August 29, 2021, King ov Wrath sent the August 2021 Threat to Minor Co-Conspirator-1. In response, Minor Co-Conspirator-1 wrote, “This is awesome I like this.” King ov Wrath responded with a smiley face image with hearts and wrote “Ty (“thank you”) Kruzty did the edit[.] Was my idea[.]” I am aware based on the investigation to date that Minor Co-Conspirator-2 is also known among FKD members as “Kruzty.”

15. Also on or about August 29, 2021, King ov Wrath posted the August 2021 Threat in multiple ECS-1 group chats and channels comprised of members of FKD, including in FKD’s public channel.

16. In or about August 2021, Victim-1 learned of this threat made against him/her by members of FKD. In an internal email at News Media Company-1, Victim-1 stated, “FYI. I’m now getting explicit death threats from the terror group FKD online.”

17. The threat appears to have been made based on Victim-1's reporting on FKD. Specifically, it names him/her as a reporter and accuses him/her of "Stalking our Boys for Information."

18. On or about September 4, 2021, in an ECS-1 group chat that was called "Dead Group" as of September 5, 2021,³ which was comprised of members of FKD, Minor Co-Conspirator-2 wrote, "I send this shit to [Victim-1] on twitter?" Minor Co-Conspirator-2 then circulated an image of the August 2021 Threat. Another user responded, "send us a link to the message when you do it."

19. Soon thereafter, also on or about September 4, 2021, in the same ECS-1 group chat "Dead Group," Minor Co-Conspirator-2 posted a screenshot of a Twitter user tweeting the August 2021 Threat image at Victim-1's Twitter "handle."

20. On or about September 5, 2021, Minor Co-Conspirator-1 tweeted at the Twitter handle for Victim-1, "Hey how have you been my friend. Have you seen the new stuff we made about you? just thought id ask." A copy of the tweet is pictured below.



21. On or about September 15, 2021, Minor Co-Conspirator-1 retweeted the August 2021 Threat, including Victim-1's Twitter handle. A copy of the tweet with the August 2021 Threat is pictured below.

³ ECS-1 group chats can be renamed at any point in time by an administrator/group member.



22. Based on my training and experience, I know that tweeting at someone's Twitter handle (as Minor Co-Conspirator-2 did), or retweeting a message with someone's Twitter handle as part of the message (as Minor Co-Conspirator-1 did), are both ways of communicating with the user of that Twitter handle, because both actions causes the tweet to appear in that user's Twitter notifications.

23. On or about March 12, 2022, the owner of an ECS-1 group chat named "wAr fire," posted the August 2021 Threat in that group chat. King ov Wrath (i.e., WELKER) is the owner of ECS-1 "wAr fire" group chat. Accordingly, I believe that WELKER posted the August 2021 Threat into the "wAr fire" group chat. The "wAr fire" group chat consisted of FKD members.

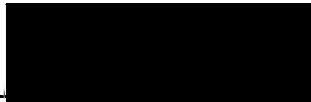
24. Based on the foregoing facts, I submit that there is probable cause to believe that NICHOLAS WELKER, together with others, did knowingly and willfully conspire to transmit in

interstate and foreign commerce, using ECS-1, one or more electronic communications containing threats to injure the person of another.

25. WHEREFORE, your deponent respectfully requests an arrest warrant for the defendant NICHOLAS WELKER so that he may be dealt with according to law.

IV. Sealing Request

26. I request that the Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the affidavit and arrest warrant. Based upon my training and experience, premature disclosure of the contents of this affidavit and related documents will seriously jeopardize the investigation, including by giving the defendant an opportunity to flee from prosecution, destroy or tamper with evidence and change patterns of behavior.


ERICA DOBIN
Special Agent,
Federal Bureau of Investigation

Sworn to before me by telephone
this 15 day of March, 2023


THE HONORABLE VERA M. SCANLON
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK