

UNITED STATES DISTRICT COURT

for the

Northern District of California

SEALED BY ORDER OF COURT

United States of America

v.

Case No.

CR 14-00567-RMW

Robert Gary Toltzis

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested)

Robert Gary Toltzis

who is accused of an offense or violation based on the following document filed with the court:

- x Indictment [] Superseding Indictment [] Information [] Superseding Information [] Complaint [] Probation Violation Petition [] Supervised Release Violation Petition [] Violation Notice [] Order of the Court

This offense is briefly described as follows:

Counts 1-4: 18:876 (c)- Mailing Threatening Communications

Date: Nov 13, 2014

Cita F. Escalano

Issuing officer's signature

City and state: San Jose, CA

Cita F. Escolano-CR CSA

Printed name and title

Return

This warrant was received on (date) , and the person was arrested on (date) at (city and state)

RECEIVED U.S. MARSHAL 2014 NOV 13 AM 8:17

ORIGINAL WARRANT HELD BY

U.S. MARSHAL

NOTIFY ABOVE OFFICE UPON ARREST

DO NOT

No.

CR 14

00567

FILED
NOV 14 2014

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RMWL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

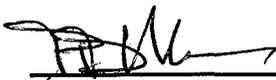
THE UNITED STATES OF AMERICA
vs.

ROBERT GARY TOLTZIS

INDICTMENT

Count One through Four: 18 U.S.C. § 876(c) – Mailing Threatening Communications

A true bill.



Foreperson

Filed in open court this 12th day of

A.D. 2014

Paul S. Turner
UNITED STATES MAGISTRATE JUDGE

Bail. \$ No bail arrest warrant



1 MELINDA HAAG (CABN 132612)
2 United States Attorney

FILED

NOV 14 2014

RICHARD W. WIEKMAN
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

RMW
HRI

CR 14 00567

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 ROBERT GARY TOLTZIS,

17 Defendant.

No. CR

VIOLATIONS:

18 U.S.C. § 876(c) (Mailing Threatening
Communications)

(SAN JOSE VENUE)

18
19 INDICTMENT

20 The Grand Jury charges:

21 Introductory Allegations

22 At all times relevant to this Indictment, unless otherwise specified:

- 23 1. ROBERT GARY TOLTZIS, the defendant herein, was a resident of San Jose, California.
- 24 2. TOLTZIS used the e-mail address of robertgarysjca@xxxx.com.
- 25 3. TOLTZIS owned a Dell 1250C, Serial Number DP/No. 025BYW CN-0258YW-71971-
- 26 OCM-N002, tag number F13xxxx (hereinafter the "Dell printer").
- 27 4. TOLTZIS utilized the services of anonymous remailers.
- 28 5. An anonymous remailer is a server that receives messages with embedded instructions on

1 where to send them next, and subsequently forwards them without revealing their true origin. These
2 remailers are often used by persons engaged in criminal or otherwise illegal conduct, in part because the
3 remailers are often located outside of the United States.

4 6. Beginning as early as 2006, and no later than 2011, and continuing through at least
5 October 2013, TOLTZIS executed a scheme to make threats of death, bodily injury, injury to reputation,
6 and other forms of harassment to individuals based on their real or perceived sexual orientation, national
7 origin, and ethnic background using, among other manner and means, the services of anonymous
8 remailers, his e-mail address of robertgarysjca@xxxx.com, his Dell printer, and the United States mail.

9 7. In undertaking this scheme, TOLTZIS, on certain occasions, assumed the identity of one
10 victim in transmitting his threats and harassing e-mails and mailings to a new or different victim, by
11 among other manner and means, listing a victim's name and return address on the envelope containing a
12 threat mailed to another victim.

13 8. In undertaking this scheme, TOLTZIS, on certain occasions, sent copies of the written
14 threats to the co-workers or relatives of his victims, thereby furthering heightening the distress to the
15 victim and increasing the audience for his threats and false accusations against his chosen victims.

16 9. As of July 2014, TOLTZIS' scheme has been directed toward at least sixteen different
17 victims residing in the Northern District of California and elsewhere.

18 Threats to Individuals Based on Sexual Orientation

19 10. In late 2011, BD had started to receive harassing and threatening e-mails related to his
20 online activity on various dating websites. The e-mails were usually sent to BD's Yahoo! e-mail
21 address. The person who sent BD the threatening messages used anonymous remailers to mask their
22 true IP address. One of these e-mails included the death threat: "this is not a game ... I won't stop until
23 you're dead".

24 11. At some point in 2012, BD's father's received a manila envelope at his home in
25 Mountain View, California. The stamped envelope contained sexually explicit photographs. The
26 envelope also contained color copies of two Craigslist ads. The printouts included the phrase: 'Hi dad,
27 look what I've become.'" This envelope and its contents were printed on TOLTZIS' Dell printer.

28 12. On or about July 19, 2012, JB received a manila envelope, addressed to JB and

1 postmarked in San Jose, containing a three-page threat letter and a round of 9mm pistol ammunition.
2 The three-page threat letter included two Craigslist postings dated December 30, 2011, and January 8,
3 2012. Both Craigslist postings included graphic sexual images. The third page of the letter included
4 text that read as follows:

5 The pics do say it all you are a disease spreading drug addict...the bullet says it all: I am going to
6 kill you!!!

7 This envelope and its contents were printed on TOLTZIS' Dell printer.

8 13. On or about November 13, 2012, thirteen of DM's neighbors received mailings,
9 postmarked in San Jose, California, with a return address listing DM's own home address. The letters
10 contained a picture of DM's face, along with various pictures of male genitalia. The text of the letters
11 contained a statement proclaiming to be authored by DM, and included graphic descriptions of various
12 sexual acts and offers to sell marijuana. All thirteen of these envelopes and their contents were printed
13 on TOLTZIS' Dell printer.

14 14. On or about October 29, 2013, DD, a co-worker of DM, received an envelope
15 postmarked in San Jose and addressed to his business address located in the District. The one-page
16 letter in the mailing included what appeared to be three color photographs superimposed on a Craigslist
17 "casual encounters" ad dated October 25, 2013. The three photographs included a picture of "Truvada"
18 HIV medication, and two color pictures appearing to depict DM. In one of the pictures, the word
19 "HIV+" is superimposed on DM's forehead. The Craigslist ad featured pictures of male genitalia and
20 also included superimposed text reading "HIV+." The text of the letter included anti-homosexual slurs
21 and multiple death threats directed towards DM. This envelope and its contents were printed on
22 TOLTZIS' Dell printer.

23 Threats To Individuals Based On National Origin and Ethnic Background

24 15. Beginning in late 2012 and continuing into 2013, FB, after having made postings on
25 Craigslist, began to receive threatening electronic messages from an address that he did not recognize.
26 The language of one of the messages included religious slurs.

27 16. On or about May 2, 2013, FB received a threatening letter in the mail at his home located
28 in the District. The letter was addressed to FB, postmarked in San Jose, and listed the sender as DM.

1 The letter was three pages long and included claims that FB was a drug addict, bad husband, and a
2 homosexual. The letter urged FB to kill himself and included a picture of FB. The letter also included a
3 graphic depiction of a sex act as well as racial slurs. This envelope and its contents were printed on
4 TOLTZIS' Dell printer.

5 17. FB's former mother-in-law also received a copy of this same letter at her home in Santa
6 Clara County. The letter, postmarked on May 2, 2013, in San Jose, was addressed to FB's former wife,
7 and again listed DM as the sender. The contents of the letter were virtually identical to the
8 aforementioned death threat letter in Paragraph 16, including the call for "death to Iranians," and the
9 assertion that FB should kill himself. This envelope and its contents were printed on TOLTZIS' Dell
10 printer.

11 COUNT ONE: 18 U.S.C. § 876(c) (Mailing Threatening Communications)

12 18. The factual allegations of paragraphs 1 through 17 are realleged as if fully set forth
13 herein.

14 19. On or about July 19, 2012, in the Northern District of California and elsewhere, the
15 defendant,

16 ROBERT GARY TOLTZIS,

17 knowingly and willfully caused to be delivered by mail according to the directions thereon, a written
18 communication addressed to JB that contained a threat to injure JB, in violation of Title 18, United
19 States Code, Section 876(c).

20 COUNT TWO: 18 U.S.C. § 876(c) (Mailing Threatening Communications)

21 20. The factual allegations of paragraphs 1 through 17 are realleged as if fully set forth
22 herein.

23 21. On or about May 2, 2013, in the Northern District of California and elsewhere, the
24 defendant,

25 ROBERT GARY TOLTZIS,

26 knowingly and willfully caused to be delivered by mail according to the directions thereon, a written
27 communication addressed to FB that contained a threat to injure FB, in violation of Title 18, United
28 States Code, Section 876(c).

1 COUNT THREE: 18 U.S.C. § 876(c) (Mailing Threatening Communications)

2 22. The factual allegations of paragraphs 1 through 17 are realleged as if fully set forth
3 herein.

4 23. On or about May 2, 2013, in the Northern District of California and elsewhere, the
5 defendant,

6 ROBERT GARY TOLTZIS,

7 knowingly and willfully caused to be delivered by mail according to the directions thereon, a written
8 communication addressed to FB's family that contained a threat to injure FB, in violation of Title 18,
9 United States Code, Section 876(c).

10 COUNT FOUR:

11 24. The factual allegations of paragraphs 1 through 17 are realleged as if fully set forth
12 herein.

13 25. On or about October 29, 2013, in the Northern District of California and elsewhere, the
14 defendant,

15 ROBERT GARY TOLTZIS,

16 knowingly and willfully caused to be delivered by mail according to the directions thereon, a written
17 communication addressed to DD that contained a threat to injure DD, in violation of Title 18, United
18 States Code, Section 876(c).

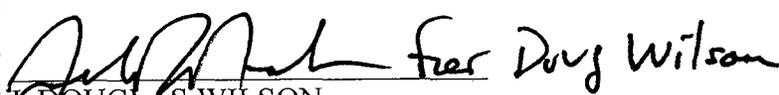
19 DATED: 11/12/14

A TRUE BILL



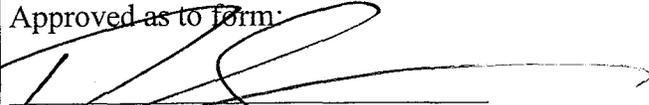
FOREPERSON

21 MELINDA HAAG
22 United States Attorney

23
24  J. DOUGLAS WILSON

25 Chief, Criminal Division

26 Approved as to form:

27 

28 TIMOTHY J. LUCEY
Assistant United States Attorney

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

OFFENSE CHARGED

Count One through Four: 18 U.S.C. § 876(c) - Mailing Threatening Communications

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY: Up to five years imprisonment, \$250,000 fine, three years of supervised release, and \$100 special assessment.

SEALED BY ORDER OF THE COURT

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

E-filing

SAN JOSE DIVISION

DEFENDANT - U.S.

ROBERT GARY TOLTZIS

DISTRICT COURT NUMBER

CR 14 00567

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI - S/A DAVID MINAMI

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a re prosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

TIMOTHY J. LUCEY

DEFENDANT

RMW

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

If not detained give date any prior summons was served on above charges

Is a Fugitive

Is on Bail or Release from (show District)

IS IN CUSTODY

On this charge

On another conviction

Federal State

Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

Arraignment Initial Appearance

Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: Before Judge:

Comments:

SEALED BY ORDER
OF THE COURT

United States District Court
Northern District of California

E-filing

FILED
NOV 14 2014

RICHARD W. WILSON
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL COVER SHEET

Instructions: Effective January 3, 2012, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

RM
HR

Case Name:

USA v. ROBERT GARY TOLTZIS

Case Number:

CR 14 00567

Total Number of Defendants:

1

2-7

8 or more

Is This Case Under Seal?

Yes

No

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes

No

Venue (Per Crim. L.R. 18-1):

SF

OAK

SJ

EUR

MON

Is any defendant charged with a death-penalty-eligible crime?

Yes

No

Assigned AUSA (Lead Attorney):

TIMOTHY J. LUCEY

Is this a RICO Act gang case?

Yes

No

Date Submitted:

November 12, 2014

Comments:

[Empty box for comments]

Save

Print

Clear Form

SEALED BY ORDER
OF THE COURT

E-filing

FILED

NOV 12 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA



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8 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

RMW
HRL

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 ROBERT GARY TOLTZIS,

17 Defendant.
18
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CR 14 00567
APPLICATION AND ~~PROPOSED~~ ORDER OF
THE COURT SEALING
INDICTMENT AND ARREST WARRANT
SAN JOSE VENUE

21 Now comes the United States of America, by and through its counsel, the United States Attorney
22 for the Northern District of California, and moves this Court for an Order sealing the Indictment in this
23 matter until the arrest of the defendant, or otherwise ordered by the Court. The United States makes this
24 request on the basis that the investigation of the defendant and others is ongoing and continuing, such
25 that public disclosure of this Indictment would be likely to adversely effect such ongoing investigation.

26 The United States requests that the Court order the Clerk of the Court to furnish copies of the
27 Indictment to the United States Attorney's Office and to special agents of the Federal Bureau of

28 ////

[PROPOSED] SEALING ORDER

1 Investigation.

2

Respectfully Submitted,

3

MELINDA HAAG
United States Attorney

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5

6

/s/
TIMOTHY J. LUCEY
Assistant United States Attorney

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8

Based on the motion of the Government, and the need to ensure the safety of law enforcement
9 agents in the execution of this warrant, to protect against the potential destruction of evidence, and to
10 prevent the possible flight of the defendant, it is hereby ordered that the Indictment and arrest warrant in
11 the above-entitled case be sealed until further order of the court.

12

IT IS SO ORDERED.

13

DATED: 11/12/2014

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15


HON. PAUL S. GREWAL
United States Magistrate Judge

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