

UNDERSEAL

FILED

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of California

NOV 19 2019

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

United States of America

v.

ROSS ANTHONY FARCA

Case No.

3 19 71900

SK

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 June 22, 2017 in the county of Contra Costa in the  
Northern District of California, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 1001(a)(2)

False statements

This criminal complaint is based on these facts:

Please see attached affidavit

☒ Continued on the attached sheet.

Approved as to Form:

KIMBERLY HOPKINS

Complainant's signature

Tyler Esswein, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

11-19-19

Judge's signature

City and state:

San Francisco, California

Honorable Sallie Kim, U.S. Magistrate Judge

Printed name and title

## **AFFIDAVIT IN SUPPORT OF APPLICATION FOR CRIMINAL COMPLAINT**

I, Tyler Esswein, Special Agent of the Federal Bureau of Investigation, being duly sworn, hereby declare as follows:

### **INTRODUCTION**

1. I make this affidavit in support of a criminal complaint for Ross Anthony FARCA, for False Statement to a Government Agency, in violation of 18 U.S.C. § 1001(a)(2).

2. I am a Special Agent with the Federal Bureau of Investigation ("FBI") assigned to the Domestic Terrorism Squad in the San Francisco Division Office, Oakland Resident Agency, and have been so employed since May of 2017. My training included a 21-week FBI academy in Quantico, Virginia, where I was trained in federal investigations, to include domestic terrorism investigations. I am assigned to investigate domestic terrorism cases, racially motivated violent crimes, and anti-government crimes. As an FBI agent, I am authorized to investigate violations of United States law and am a law enforcement officer with the authority to execute warrants issued under the authority of the United States. Prior to my current position as a Special Agent with FBI, I was employed as a Certified Public Accountant, specializing in tax law.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and warrant and does not set forth all of my knowledge about this matter. When statements by others or from documentary review have been reported, said statements are reported in substance and in part, unless otherwise noted.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that FARCA has committed a violation of 18 U.S.C. §1001(a)(2) (false statements).

## **APPLICABLE STATUTE**

5. Title 18 United States Code §1001(a)(2), makes it unlawful for whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully makes a materially false, fictitious, or fraudulent statement or entry.

## **STATEMENT OF PROBABLE CAUSE**

### **A. Introduction**

6. As described in more detail below, there is probable cause to believe that FARCA knowingly made materially false, fictitious, and fraudulent statements and representations, in support of his application to enlist in the United States Army. Specifically, FARCA stated that he had not consulted with a mental health professional in the last seven years. This statement and representation is false, as FARCA has regularly seen a psychiatrist and taken prescription medication for mental health issues since at least 2011.

### **B. Background of the Investigation of Ross FARCA**

7. On or about June 4, 2019, the FBI learned that a chat room member on “Steam,” an online video game website, posted the following statement:

“I currently own an AR15 semi auto rifle but I can buy/make the auto sear and get the M16 parts kit. What do you think of me doing what John Earnest tried to do, but with a Nazi uniform, an unregistered and illegally converted machine gun and actually livestreaming it with Nazi music? I would get a body count of like 30 kikes and then like 5 police officers because I would also decide to fight to the death. . . . Also I would not spam full auto, I would just use it for clusterfucks of Kikes. Generally you want to be on semi auto so you don’t want to waste ammo, plus depending on the target richness and need for suppression eventually I may go low on ammo so I would need to resupply from the dead officers since it’s a 5.56.”

8. Based on my training and experience, I am familiar with the term “kike,” which I understand to be a derogatory term used to refer to a person of Jewish ancestry.

9. In a separate post, the same chat room member wrote the following: “I just would need a better target than fucking some random synagogue with kikes that aren’t really a threat. Preferably with some high value targets, even though they would have their own security.”

10. During the course of the investigation, agents identified the chat room member as

Ross FARCA, who resides in Concord, California. On June 7, 2019, agents contacted the Concord Police Department (“CPD”) about FARCA, provided CPD with the online posts, and included an image of FARCA’S home page on the Steam website. The home page served as an introduction to the account holder, and included a space for a short bio. FARCA’S online name was listed as “Adolf Hitler (((6 MILLION)))” and his tag line was “Brenton Tarrant is a hero,” followed by the New Zealand flag and the words “New Zealand.” Based on my training and experience, I know that Brenton Tarrant is the Australian man who carried out a mass shooting at two mosques in New Zealand. Under the tag line FARCA wrote, “I have a fully semi automatic assault weapon AR15. Wanna see a mass shooting with a body count of over 30 subhumans?”

11. CPD conducted a records check and learned that on February 16, 2019, FARCA purchased an AR style rifle from Glaser Arms in Brentwood, California.

#### **C. Arrest of FARCA and Search of his Residence**

12. On June 10, 2019, CPD obtained a California arrest warrant for FARCA and a search warrant for his residence. Incident to arrest, CPD seized FARCA’S cell phone and wallet. Officers searched FARCA’S bedroom and seized an AR15 style .223-caliber semi-automatic rifle, 13 rifle magazines (three 40-round magazines and ten 30-round magazines), 36 inch sword, books about Hitler youth and Nazi life, a military style camouflage uniform, and psychiatric paperwork related to a military service discharge from the United States Army in 2017. Officers also seized the following items from the residence: a plastic bag containing assorted .40 caliber and .38 caliber ammunition, spent .223 caliber casings, paper gun targets (one used and one fresh), two laptop computers, a computer with a hard drive, and a USB hard drive. A subsequent search of FARCA’s computer revealed numerous postings and searches for firearms, white supremacy ideology, mass shootings, threats to specific individuals, and books regarding explosives.

13. On June 12, 2019, FARCA was charged by criminal complaint with a violation of California Penal Code (“CPC”) § 422(a) (Criminal Threats), CPC § 30600(a) (Manufacture of an Unlawful Assault Weapon), and CPC §30605(a) (Possession of an Assault Weapon), all felonies,

in Contra Costa County Superior Court.

**D. FARCA'S Mental Health History**

14. During the course of the investigation, I obtained FARCA'S medical records from Kaiser Medical Group. I learned that FARCA had been diagnosed with [REDACTED] and [REDACTED] and had been in regular contact with a psychiatrist at Kaiser since 2011. I also learned that he had been prescribed various medications and treatments for his disorders, including [REDACTED].

15. During the course of the investigation, I also obtained and reviewed records from the Regional Center of the East Bay ("RCEB") regarding FARCA. I learned that RCEB is a community based, private non-profit corporation under contract with the California Department of Developmental Services. RCEB works in partnership with many individuals and agencies to plan and coordinate services and support for people with developmental disabilities and their families, as well as promoting community integration, independent, productive, normal lives and stable healthy environments. Records revealed that FARCA was made eligible for RCEB under the diagnosis of [REDACTED].

16. On January 16, 2016, FARCA had an annual review with his RCEB case manager. Notes from the appointment revealed that FARCA discussed his intent to join the military; however, he first needed to be off his medication for six months and obtain a note from his psychiatrist. FARCA then admitted that he did not think he would be able to get a note from his psychiatrist.

17. On January 4, 2017, FARCA had an annual review with his RCEB case manager. FARCA told his case manager that he was re-focusing on joining the United States military, but would need a letter of clearance from his psychiatrist or RCEB. The case manager told FARCA that she could not provide a letter of clearance.

18. During the course of the investigation, I also learned that on at least three occasions between May 2014 and November 2015, FARCA requested a letter of clearance from

his psychiatrist. FARCA'S psychiatrist refused to provide a letter of clearance because she did not feel that he was mentally stable to serve in the military.

19. Despite warnings from his psychiatrist that he was not mentally stable to serve, FARCA applied for the Army.

#### **E. FARCA'S False Statements**

20. On June 22, 2017, FARCA went to the U.S. Army Recruitment Center in Mountain View, California, and filled out an online background check application (also known as an SF-86) to join the Army. FARCA electronically signed the form that day. Based on my training and experience, I know that the United States Government uses the SF-86 form in conducting background investigations for national security positions. I also know that background investigations for national security positions are conducted to gather information to determine whether an applicant is reliable, trustworthy, of good conduct and character, and loyal to the United States.

21. I reviewed a copy of FARCA'S SF-86. The form explicitly states that all questions on the form must be answered completely and truthfully. The form also notes the penalties for inaccurate or false statements:

"The U.S. Criminal Code (title 18, section 1001) provides that knowingly falsifying or concealing a material fact is a felony which may result in fines and/or up to **five (5)** years imprisonment. In addition, Federal agencies generally fire, do not grant a security clearance, or disqualify individuals who have materially and deliberately falsified these forms, and this remains a part of the permanent record for future placements. Your prospects of placement or security clearance are better if you answer all questions truthfully and completely. You will have adequate opportunity to explain any information you provide on this form and to make your comments part of the record."

FARCA marked on the form that he understood the instructions and penalties for inaccurate or false statements.

22. During my review of FARCA'S questionnaire, I learned that he provided false information regarding his mental health history. Section 21 of the SF-86 requests information regarding psychological and emotional health:

"Mental health counseling in and of itself **is not a reason** to revoke or deny eligibility for access to classified information or for a sensitive position, suitability or fitness to obtain

or retain Federal employment, fitness to obtain or retain contract employment, or eligibility for physical or logical access to federally controlled facilities or information systems.

**In the last seven (7) years**, have you consulted with a health care professional regarding an emotional or mental health condition or were you hospitalized for such a condition? Answer 'No' if the counseling was for any of the following reasons and was not court ordered:

- Strictly marital, family, grief not related to violence by you; or
- Strictly related to adjustments from service in a military combat environment”

FARCA checked “No” in response to the question in Section 21.

23. FARCA then signed the Certification Section of the SF-86 affirming the following:

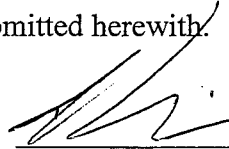
“My statements on this form, and on any attachments to it, are true, complete, and correct to the best of my knowledge and belief and are made in good faith. I have carefully read the foregoing instructions to complete this form. I understand that a knowing and willful false statement on this form can be punished by fine or imprisonment or both (18 U.S.C. 1001). . . .”

24. FARCA was accepted into the Army, and on August 28, 2017, he reported to Fort Benning, Georgia, for basic training. A few days later, FARCA was arrested for assaulting a fellow army trainee. The Army admitted FARCA to a psychiatric unit for approximately 12 days for a mental health evaluation. On October 3, 2017, FARCA was discharged from the Army. The discharge paperwork cited “failed medical / physical / procurement standards” and noted, “erroneous enlistment; medical condition disqualifying for military service, with no medical waiver approved.”

### CONCLUSION

25. Based on the above facts and my training and experience, I believe there is probable cause that Ross FARCA, knowingly made false statements to a government agency, in violation of 18 U.S.C. § 1001(a)(2).

26. I respectfully request that this Complaint, any warrant issued pursuant thereto, and any related records, be filed under seal until further order of the Court as the investigation is ongoing. An application and proposed sealing order is submitted herewith.



TYLER ESSWEIN  
Special Agent  
Federal Bureau of Investigations

Sworn to and subscribed before me on 19<sup>th</sup> Nov., 2019.



HONORABLE SALLIE KIM  
United States Magistrate Judge