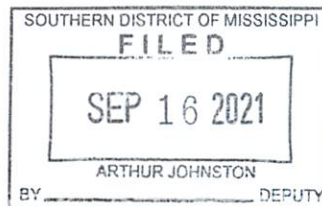


AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Mississippi



United States of America
v.
VICTOR JOSEPH SCHEXNAYDER

Case No.

2:21mj 24

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 September 8, 2021 in the county of Jefferson Davis in the
Southern District of Mississippi, the defendant(s) violated:

Code Section

Title 18, United States Code,
Section 844(i)

Offense Description

Maliciously damaging or destroying, or attempting to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used in interstate or foreign commerce.

This criminal complaint is based on these facts:

See attached affidavit of ATF Special Agent Michael S. Knoll.

☒ Continued on the attached sheet.

Complainant's signature

Michael S. Knoll, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 09/16/2021

Judge's signature

City and state: Hattiesburg, Mississippi

Honorable Michael T. Parker, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

IN THE MATTER OF THE ARREST OF
VICTOR JOSEPH SCHEXNAYDER

Case No. 2:21 mj 24

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR AN ARREST WARRANT**

I, Michael S. Knoll, being duly sworn and deposed, state the following:

1. I make this affidavit in support of an application for a warrant to arrest **Victor Joseph SCHEXNAYDER**. Based on my training and experience, I believe that **Victor SCHEXNAYDER** violated Title 18, United States Code, Section 844(i): Maliciously damaging or destroying, or attempt to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used in interstate or foreign commerce.

2. I have been employed since March 24, 2002, as a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Prior to service with ATF, I was employed as a Border Patrol Agent with the United States Border Patrol from May 19, 1997 through March 23, 2002. I am a graduate of the Federal Law Enforcement Training Center Criminal Investigator Training Program, ATF New Professional Training, and the United States Border Patrol Academy. I am a 1996 graduate of Southeastern Louisiana University with a Bachelor of Arts degree in Criminal Justice. As an ATF Agent, I am empowered to investigate violations of Federal Firearms, Arson and Explosive Laws. Based on my personal knowledge and information I have received from other agents of ATF and other law enforcement agencies, I am aware of the following facts.

3. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

STATEMENT OF PROBABLE CAUSE

4. The United States is investigating an incident where a Digital Transmission Site owned by AT&T, which is used to affect interstate and foreign commerce, was maliciously damaged by an explosive, in violation of Title 18, United States Code, Section 844(i).

5. On September 8, 2021, at approximately 9:30 A.M., digital technicians with AT&T responded to 1064 Clem Road, Prentiss, Mississippi due to a shut-down of a Digital Transmission Site. This location is in Jefferson Davis County, in the Eastern Division of the Southern District of Mississippi. As discussed further below, the Digital Transmission Site affects interstate commerce both as the business property of an interstate telecommunications company as well as it is a mechanism for facilitating phone and Internet services to individuals in Jefferson Davis County.

6. Technicians responded to the site as they learned that on the morning of September 8, 2021, a door to the steel cabinet housing electronic equipment had been opened at approximately 2:03 A.M. and was subsequently closed at approximately 2:09 A.M.. Further, technicians learned that system alarms revealed that there were system errors, and an eventual shut-down of the entire site, at approximately 2:27 A.M.

7. Upon arrival at the site, technicians observed all of the doors opened on one of the electronic equipment housing cabinets. This electronic housing cabinet contained material necessary for the proper functionality of the Digital Transmission Site. Technicians also observed extensive damage to several pieces of electronic equipment and to the cabinet itself. After several hours, technicians repaired the damaged electronic equipment.

8. On September 9, 2021, AT&T Digital Technician Sam Staples traveled to the Jefferson Davis County Sheriff's Department with the damaged electronic equipment. Upon examination of the damaged equipment, Sheriff's deputies believed that the damage may have been caused by an explosion. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Special Agent (SA) Michael Knoll was contacted. SA Knoll and ATF Special Agent Kevin Roch respond to the scene. SA Roch is also a Certified Explosive Specialist and Bomb Technician. Agents examined the damaged equipment and cabinet, determining that the equipment was damaged via an explosive. Agents located and collected possible samples of explosive residue and components for further forensic laboratory examination.

9. Agents spoke with digital technician Sam Staples, and Mr. Staples' supervisor, Mark Lang. Each advised that there are no surveillance cameras located at the Digital Transmission Site. Mr. Lang informed agents that he recently fired **Victor SCHEXNAYDER** for "poor performance." **SCHEXNAYDER's** job was that of a digital technician who was familiar with the operations and locations of AT&T Digital Transmission Sites. Upon his firing, **SCHEXNAYDER** failed to return his issued AT&T keys to Mr. Lang. Mr. Lang also advised SA Knoll that he was **SCHEXNAYDER's** supervisor prior to his firing. SA Knoll was informed that the Digital Transmission Site in question is a site where telephone lines and Digital Subscriber Lines (DSL) of a given area are routed, thereby affecting communication.

10. Mr. Lang further advised that the day of **SCHEXNAYDER's** firing, Mr. Lang brought **SCHEXNAYDER** to his home. Mr. Lang unknowingly dropped his own keys in **SCHEXNAYDER's** yard. When Mr. Lang later realized he dropped his keys, he returned to **SCHEXNAYDER's** home to retrieve them. Upon arrival, he heard a loud explosion emitting from the rear of **SCHEXNAYDER's** home. **SCHEXNAYDER** then approached Mr. Lang and

said that he knew that he (Lang) was there and that he was trying to scare him. Mr. Lang became afraid, retrieved his keys, and left **SCHEXNAYDER's** home.

11. Mr. Lang further advised that following his dismissal, **SCHEXNAYDER** made threats toward him via text message since his firing.

12. Based on the above information, state law enforcement agents obtained multiple search warrants related to the case, including a search warrant to search and seize **SCHEXNAYDER's** phone.

13. On September 10, 2021, ATF Special Agent (SA) Michael Knoll, Mississippi Bureau of Investigation Special Agent Frank Riley, and Jefferson Davis County Under-Sheriff Terence Cooley traveled to the home of **Victor SCHEXNAYDER**. Once there, agents encountered **SCHEXNAYDER** outside of his home.

14. SA Knoll advised **SCHEXNAYDER** that agents were investigating an explosive incident that occurred on Clem Road during the early morning hours of September 8, 2021 at an AT&T Digital Transmission Site. Agents requested to speak with **SCHEXNAYDER**, which he agreed to do so. During a pre-*Miranda* audio recorded interview, **SCHEXNAYDER** stated he previously worked for AT&T for over twenty years and was fired on June 30, 2021. He was in the process of applying for benefits from Social Security, Veterans Affairs, and for unemployment, but has yet to be successful and became frustrated.

15. **SCHEXNAYDER** stated he was fired because he violated a "stupid code of conduct" and because "I speak freely." Further, **SCHEXNAYDER** stated to agents that he said while at work "if I get one more thing on my plate I'm gonna go postal." He believed that his former boss wanted him "gone" after **SCHEXNAYDER** told him that he was going to try to obtain a medical retirement. **SCHEXNAYDER** stated he is not a disgruntled former employee.

He further stated he is relieved that he no longer works for AT&T. He stated that his boss “had it out for him.” He did admit that he was “screwing up” though.

16. **SCHEXNAYDER** stated he did cause an “artillery,” or aerial burst, style firework to explode when his former boss, Mark Lang, went to his home to retrieve a set of keys that were inadvertently left with **SCHEXNAYDER**. He stated he exploded the firework with the intent to scare Mr. Lang. **SCHEXNAYDER** stated he did not threaten Mr. Lang. When questioned about a text-message sent to Mr. Lang, **SCHEXNAYDER** showed agents two messages he sent to Mark Lang on his cellular telephone, which are dated September 7, 2021. They are quoted as follows: 9:28 A.M.: “I’m glad that you’re such an asshole boss. It made leaving ATT so much easier. I always said if I had to work for someone like you I would head to the house. I am doing great but you don’t even know the valuable resource you wasted. I know I never let it show.” 10:27 A.M.: “Too pussy to respond. I already knew. Get your head out of Roy’s ass. If you think you’re going to get his job you’re sadly mistaken. Bryan is going to get his job.”

17. SA Knoll asked **SCHEXNAYDER** if he knew how much damage occurred to the Digital Transmission Site. He responded by saying that he did not know, as he did not know what had been destroyed. SA Knoll told **SCHEXNAYDER** that the Site had been destroyed. He immediately responded by saying “the whole site can’t be destroyed.” Upon further questioning, he stated “well it could be, I don’t... Trying to rack my brain.”

18. **SCHEXNAYDER** continued to state that the cabinets (housing the electronic equipment) can be easily opened with a pocket-knife or a screwdriver.

19. He then stated “I should’ve left Mark (Lang) alone. Now something like this happens.” **SCHEXNAYDER** stated he did not know why he sent the text messages to

Mr. Lang, and did not remember sending the second message at all. He then stated that he may have had a hangover and does not remember much of what he did on September 7, 2021.

20. Shortly thereafter, SA Knoll informed **SCHExNAYDER** that agents had in their possession a search warrant calling for the seizure of his cellular telephone. **SCHExNAYDER** then stated that he woke up in the middle of the night. He then commented that he was going to go to jail.

21. At that time, SA Knoll advised **SCHExNAYDER** that he was not yet in custody, but still advised **SCHExNAYDER** of his *Miranda* rights. **SCHExNAYDER** acknowledged that he understood these rights. The following interview was also audio recorded.

22. **SCHExNAYDER** then stated he worked around his house on Tuesday, September 7, and then went to sleep. He then woke up at some point during the night. He traveled to the Digital Transmission Site that agents were presently investigating. He opened one of the doors with a pocket-knife and placed an aerial-burst firework on a shelf within the cabinet. He then lit the fuse, closed the door, and left the scene. He then returned to his home.

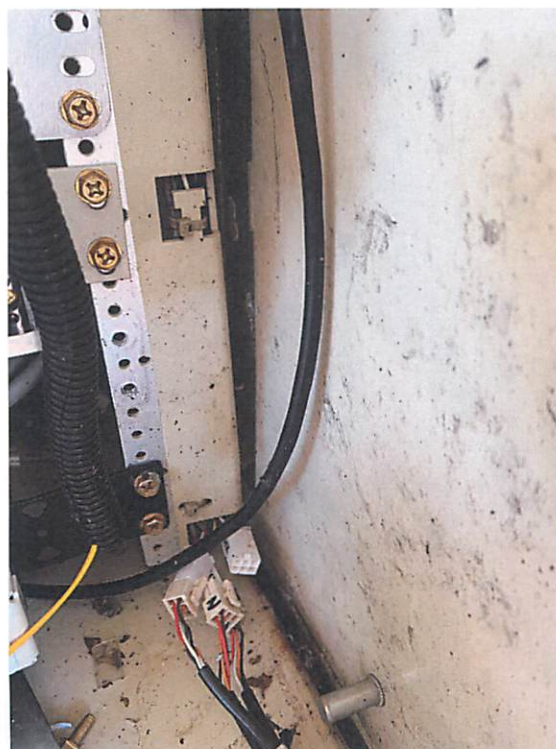
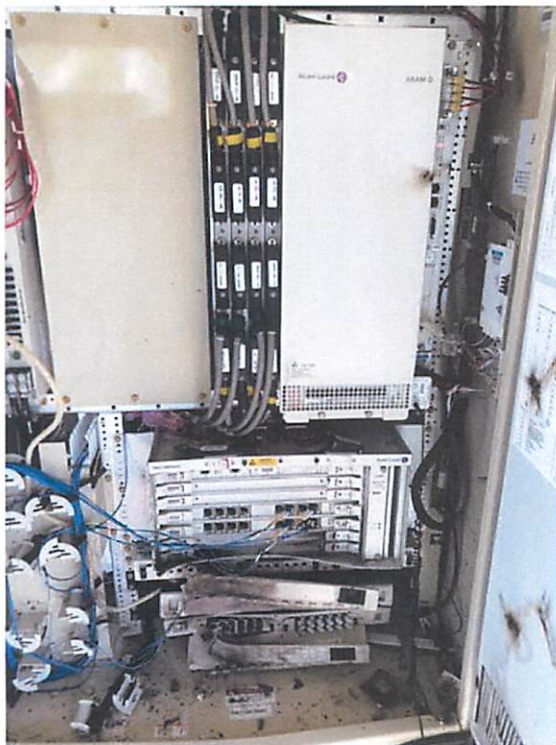
23. **SCHExNAYDER** opened a utility trailer via verbal consent which contained numerous fireworks, with an attempt to locate a firework of the same type as he had used to damage the Site. He could not find one but found the empty box which previously contained the firework. He turned the box over to SA Knoll.

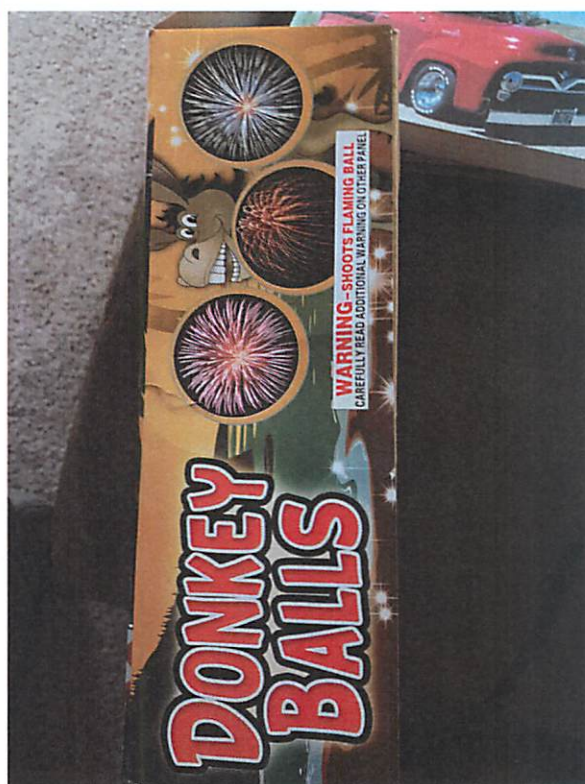
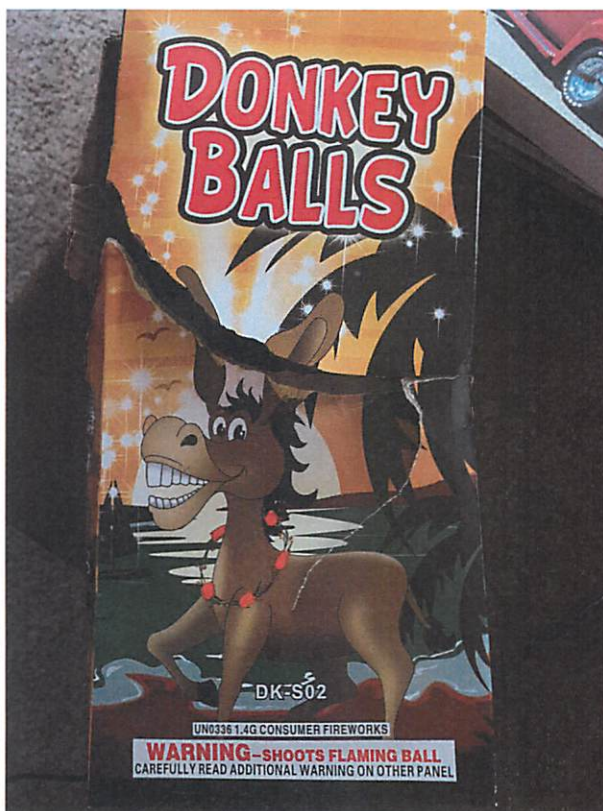
24. The box is printed with the product or brand name "Donkey Balls." It also is printed with code "DK-S02" and consumer firework code "UN0332 1.4G Consumer Fireworks". It contains further printing stating "WARNING – Shoots Flaming Ball," other consumer warnings, and has pictures of representative aerial bursts.

25. On September 14, 2021, SA Knoll spoke with a forensic scientist with the ATF Forensic Science Laboratory concerning the incident. The scientist stated that firework used as described by **SCHEXNAYDER**, and according to the residue agents collected from the scene, would typically contain flash powder and/or other pyrotechnic composition, all of which are explosives listed in published federal regulations.

26. Title 18, United States Code, Section 844(j), states that for the purposes of Title 18, United States Code, Section 844(i), “the term ‘explosive’ means gunpowders, powders used for blasting, all forms of high explosive, blasting materials, fuzes (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, other explosive or incendiary devices within the meaning of [Title 18, United States Code, Section 232(5)], and any chemical compounds, mechanical mixture, or device that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound, mixture, or device or any part thereof may cause an explosion.” According to 27 C.F.R. § 555.11, flash powder is “[a]n explosive material intended to produce an audible report and a flash of light when ignited which includes but is not limited to oxidizers such as potassium chlorate or potassium perchlorate, and fuels such as sulfur or aluminum.” Accordingly, flash powder contains “chemical compounds . . . that contain[] any oxidizing and combustible units” which “by detonation . . . may cause an explosion” and are explosives. Additionally, even if the firework used does not contain flash powder, the forensic laboratory relayed to SA Knoll that the materials associated with the pyrotechnic composition of the kind of firework used still meet the definition of “explosive.”

27. Images of the explosion at the Digital Transmission Site, the box of the type of firework used by SCHEXNAYDER, and representative samples of the general appearance of that firework, are provided below.





Representative samples of general appearance of this type of firework:



CONCLUSION


28. Accordingly, your affiant submits that there is probable cause to believe that **Victor Joseph SCHEXNAYDER**, did violate Federal explosives laws in that he violated Title 18, United States Code, Section 844(i), in that he maliciously damaged or destroyed, or attempted to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used in interstate or foreign commerce.

Respectfully submitted,



MICHAEL S. KNOLL
Special Agent
Bureau of Alcohol, Tobacco, Firearms & Explosives

Sworn to and subscribed before me this 16th day of September 2021.



HONORABLE MICHAEL T. PARKER
United States Magistrate Judge