

FEB 15 2017

BY *Des*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)	
)	
)	NO. <u>3:17-00025</u>
v.)	
)	18 U.S.C. § 875(c)
)	18 U.S.C. § 922(g)(3)
)	18 U.S.C. § 924
ROBERT ELLIS WADDEY)	

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES:

On or about September 15, 2015, in the Middle District of Tennessee, **ROBERT ELLIS WADDEY** did knowingly and willfully transmit in interstate and foreign commerce through the use of the internet, a communication on Instagram, a free-access social-networking website, for the purpose of issuing a threat or with knowledge that the communication would be viewed as a threat, to injure the person of another, specifically, a threat to injure law enforcement officers posted in a photograph of a hand gun pointed at a Tennessee State Trooper vehicle with a caption reading, "Fuck them non attentive hoes" and a comment added, stating, "Gona die lookin at his computer."

Based upon the following, **ROBERT ELLIS WADDEY's** subjective intent was to threaten law enforcement officers by transmitting the above communication on Instagram:

1. On January 23, 2015, a photograph was stored on the cellular telephone belonging to **ROBERT ELLIS WADDEY** that depicted a uniformed law enforcement

officer who appeared to have been struck in the head and was bleeding heavily from the injury to his head. The photograph had a caption that stated, “only a dead cop is a good cop.”

2. On January 25, 2015, **ROBERT ELLIS WADDEY** sent a text message to Witness #1 saying, “... I had a run in with a cop at the range today, I’ll tell you the story tomorrow, but I called my ak my pig slayer lol.” Witness #2 has observed **ROBERT ELLIS WADDEY** refer to law enforcement as “pigs” and “Nazis.”

3. On February 11, 2015, a photograph was stored on the cellular telephone belonging to **ROBERT ELLIS WADDEY** that depicted a uniformed law enforcement officer who appeared to have been shot multiple times in the back and was lying in the street.

4. On February 11, 2015, a photograph of a screen shot of a video was stored on the cellular telephone belonging to **ROBERT ELLIS WADDEY** that depicted a uniformed law enforcement officer who appeared to have been shot and who was lying on the ground bleeding. The photograph had a caption that stated, “ON TAPE: OFFICER SHOT IN THE HEAD D...”

5. On May 15, 2015, **ROBERT ELLIS WADDEY** sent Witness #1, by way of his cell phone, a video of himself shooting a high-capacity, assault rifle at a firearms range. The video depicted **WADDEY** shooting the assault rifle in various positions as if he was training for combat. Witness #1 responded, by text message, saying, “LOL shootin sideways in the ground like this James bond meets black hawk down.” **WADDEY** later responded to Witness #1 asking him to, “Show that to all the Bitches

lol.” **WADDEY** continued his message to Witness #1 saying, “Police won’t even know what to think lolololololololol.”

6. On July 28, 2015, **ROBERT ELLIS WADDEY** had a lengthy text message conversation with Witness #1 about his impression that law enforcement officers were outside **WADDEY**’s house. **WADDEY** told Witness #1 that there were four cops outside his house and that Witness #1 should pray because if the cops force their way in, “...you know What’s happening lmfa.” Witness #1 understood **WADDEY** to imply that he would shoot at police if they attempted to enter his home, so Witness #1 told **WADDEY** to be careful. **WADDEY** responded, “I am being careful I got my shot in hand if they more knock witch they already did they getting lit up.” Witness #1 understood **WADDEY** to mean that law enforcement had already knocked on **WADDEY**’s door once and that if they attempted to do anything else **WADDEY** would shoot them with the firearm he had in his hand. **WADDEY** further stated to Witness #1, “Nigga I got this this is America not Russia if they violate my rights I’m gona die like a patriot but they ain’t gona do shit if they want to Go Home to there children.” **WADDEY** continued his message about what he would do if law enforcement attempted to enter his home saying, “I am man like I said I ain’t tryin to axidently set shit off cuz I’m Fucked yo by I Will defend my land and my house mother fucker.” Towards the end of the text message conversation, **WADDEY** and Witness #1 discuss getting high on narcotics and going to watch a movie together. When Witness #1 suggested that the two of them get high on either “coke” or “molly” in an attempt to get what Witness #1 called “extra hype,” **WADDEY** agreed stating, “Yes and go mutder cops.”

7. On September 8, 2015, **ROBERT ELLIS WADDEY** had a conversation with Witness # 1 where he conveyed pleasure in thirty targeted cop killings in the United States. In a text message to Witness #1, **WADDEY** stated, "... and this war on cops getting hot to lol." In a latter text message to Witness #1, **WADDEY** continued, saying, "There have been like 30 targeted cop killings so far this year af these ppl are ambushing cops that in pairs or by them selves, leaveing messages on 911 saying they about to set shit off in Colorado Arizona and some other place lol."

8. On September 13, 2015, **ROBERT ELLIS WADDEY**, while sitting in his vehicle at a traffic light in South Nashville, took a photograph of a Glock pistol in his hand positioned in a way where the pistol would be viewed in the same frame as a police car conducting a traffic stop in the distance with its blue lights activated. **WADDEY** added a comment to the photograph saying, "Fuck12cuza nigga got a 12guage shoty." Twelve is urban slang referring to law enforcement.

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

COUNT TWO

THE GRAND JURY FURTHER CHARGES:

On or about November 25, 2015, in the Middle District of Tennessee, **ROBERT ELLIS WADDEY**, then being an unlawful user of a controlled substance as defined in Title 21, United States Code, Section 802, did knowingly possess, in and affecting commerce, firearms, to wit:

- a. A Glock, Model 21, caliber 45 pistol;
- b. A Glock, Model 19, caliber 9 mm pistol;

- c. A Glock, Model 19, caliber 9mm pistol;
- d. A Mossberg, O.F. & Sons, Inc., Model 590A1, caliber 12 gauge shotgun;
- e. A Kel-Tec, CNC Industries, Inc., Model P3AT, caliber 380 pistol;
- f. A Kel-Tec, CNC Industries, Inc., Model P32, caliber 32 pistol;
- g. A Sig Sauer, Inc., Model P320, caliber 9 mm pistol;
- h. A Sig Sauer, Inc., Model P229, caliber 9 mm pistol;
- i. A Rossi, manufactured by Taurus in Brazil, caliber 44 magnum revolver pistol;
- j. A PTR-91 Inc., Model PTR-91, caliber 308 pistol;
- k. A Zastava, Model PAPM92PV, caliber 7.62 pistol;
- l. A Tavor, manufactured by Israel Weapon Industries-IWI, Model TAVOR SAR, caliber 223 rifle;
- m. A Rock River Arms, Inc., Model LAR-15, caliber 556 rifle;
- n. An Arsenal Co. Bulgaria, Model SLR106FR, caliber 556 rifle;
- o. A Leinad, Inc., Model M-11, caliber 9mm pistol;
- p. A Palmetto State Armory (PSA), Model PA-15 pistol;
- q. A Remington Arms Company, Inc., Model 770, caliber 308 rifle; and
- r. A CZ, Model Scorpion EVO3S1, caliber 9 mm pistol.

In violation of Title 18, United States Code, Sections 922(g)(3) and 924.

FORFEITURE ALLEGATION

1. The allegations contained in this Indictment are hereby re-alleged and incorporated by reference as if fully set forth in support of this forfeiture.

2. Upon conviction of Count Two, **ROBERT ELLIS WADDEY**, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c):

A. any firearm or ammunition involved in or used in a knowing violation of the offense of being an unlawful drug user in possession of firearm as set forth in Count Two including but not limited to the following firearms and ammunition:

- a. A Glock, Model 21, caliber 45 pistol, bearing serial number XUE341;
- b. A Glock, Model 19, caliber 9 mm pistol, bearing serial number WCM930;
- c. A Glock, Model 19, caliber 9mm pistol, bearing serial number PYW513;
- d. A Mossberg, O.F. & Sons, Inc., Model 590A1, caliber 12 gauge shotgun, bearing serial number U166622;
- e. A Kel-Tec, CNC Industries, Inc., Model P3AT, caliber 380 pistol, bearing serial number 02956;
- f. A Kel-Tec, CNC Industries, Inc., Model P32, caliber 32 pistol, bearing serial number 15258;
- g. A Sig Sauer, Inc., Model P320, caliber 9 mm pistol, bearing serial number 58B033334;
- h. A Sig Sauer, Inc., Model P229, caliber 9 mm pistol, bearing serial number 45A017859;
- i. A Rossi, manufactured by Taurus in Brazil, caliber 44 magnum revolver pistol, bearing serial number FX683500;
- j. A PTR-91 Inc., Model PTR-91, caliber 308 pistol, bearing serial number DK0526;
- k. A Zastava, Model P92PV, caliber 7.62 pistol, bearing serial number M92PV025761;
- l. A Tavor, manufactured by Israel Weapon Industries-IWI, Model TAVOR SAR, caliber 223 rifle, bearing serial number T0025083;

- m. A Rock River Arms, Inc., Model LAR-15, caliber 556 rifle, bearing serial number CM133248;
- n. An Arsenal Co. Bulgaria, Model SLR106FR, caliber 556 rifle, bearing serial number BE462094;
- o. A Leinad, Inc., Model M-11, caliber 9mm pistol, bearing serial number 94-0034145;
- p. A Palmetto State Armory (PSA), Model PA-15 pistol, bearing serial number LW1740022;
- q. A Remington Arms Company, Inc., Model 770, caliber 308 rifle, bearing serial number M71840134; and
- r. A CZ, Model Scorpion EVO3S1, caliber 9 mm pistol, bearing serial number 8716989,

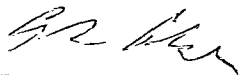
all seized from 602 Dunston Drive, Nashville, Tennessee.

A TRUE BILL


FOREPERSON



JACK SMITH
ACTING UNITED STATES ATTORNEY



COURTNEY L. COKER
ASSISTANT U.S. ATTORNEY