

UNITED STATES DISTRICT COURT
for the
Eastern District of Tennessee

United States of America
v.

Case No. 3:10-MJ-1043

Franklin Delano Jeffries, II
Defendant

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 of 07/09/2010 in the county of Knox in the Eastern District of Tennessee, the defendant violated 18 U. S. C. § 875(c)

offense described as follows:

Did willfully transmit in interstate or foreign commerce a communication containing a threat to injure the person of another.

This criminal complaint is based on these facts:

See attached affidavit of FBI Special Agent Paul C. Hughes, which is fully incorporated herein by specific reference.

X Continued on the attached sheet.


Complainant's signature

Paul C. Hughes Anderson, FBI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: July 16, 2010


Judge's signature

City and state: Knoxville, Tennessee

Hon. C. Clifford Shirley, Jr., United States Magistrate
Printed name and title

AFFIDAVIT

Case No. 3:10 -MJ-1043

I, Paul C. Hughes, being duly sworn, state the following information to be true to the best of my knowledge, information, and belief:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), United States Department of Justice, acting in my official capacity. I have been employed as a Special Agent with the FBI since January 2002. Prior to joining the FBI, I served as a sworn deputy with the Knox County Sheriff's Office in the state of Tennessee for fourteen (14) years. During my tenure as an FBI Special Agent and as a deputy with the Knox County Sheriff's Office, I have participated in numerous investigations involving violent crime, including bank robberies, kidnapping, cargo thefts, and extortions. I have also attended FBI-sponsored training and have had communications with law enforcement personnel who specialize in these areas.

2. Except as noted, all of the information contained in this affidavit is either known to me personally or has been told to me by other law enforcement officials.

3. As further detailed below, I believe probable cause exists to conclude that Franklin Delano Jeffries, II has violated Title 18, United States Code, Section 875(c).

4. On or before July 9, 2010, Franklin Delano Jeffries, II created a video that was on an internet website open to the public called YouTube. Franklin Delano Jeffries, II titled this video "Daughters [sic] Love." In this video, Franklin Delano Jeffries, II is clearly seen playing a guitar and singing a song during which he references killing a judge and others if he must continue going to court regarding a custody dispute over his daughter and if he does not get a resolution in his favor. Franklin Delano Jeffries, II notes that his next court date is July 14, 2010. Although he makes these threats through a song he wrote, at the end of the video, he made similar threats

while speaking in a very serious tone. Judge Moyers, who is the Knox County Chancellor handling the custody dispute in which Franklin Delano Jeffries, II is a party, learned of these threats and was fearful of his life.

5. This video was on the YouTube website on July 9, 2010, but taken off of YouTube later that day.

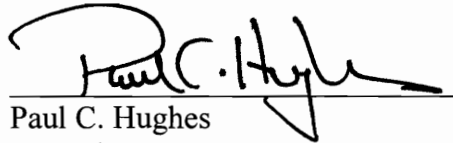
The video was placed onto a DVD which I offered to Judge Shirley for review. (TAT) cas which I did review & certify.

6. I confirmed that Franklin Delano Jeffries, II had a court date on July 14, 2010, with Judge Michael Moyers in the Knox County Chancery Court concerning a custody dispute regarding his daughter.

7. The internet is open to all states in the United States and this video was available in all states in the United States. To post a video on YouTube, the video must be transmitted through one of four internet protocol address, all of which are registered to a business in California. Moreover, during the video, Franklin Delano Jeffries, II referenced his knowledge that he was posting and intent to post this video on the internet.

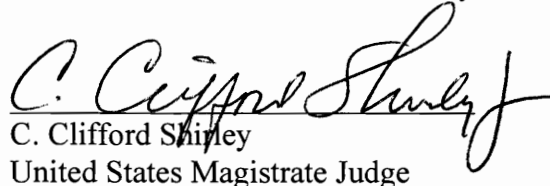
8. Based upon the forgoing, there is probable cause to conclude that on May 14, 2010, in the Eastern District of Tennessee, Franklin Delano Jeffries, II committed the offense of transmitting in interstate or foreign commerce a communication containing a threat to injure another person, namely Judge Michael Moyer, in violation of Title 18, United States Code, Section 875(c).

FURTHER AFFIANT SAYETH NOT.



Paul C. Hughes
Special Agent
Federal Bureau of Investigation
Knoxville, Tennessee

Subscribed and sworn to before me this day 16th day of July, 2010.



C. Clifford Shirley
United States Magistrate Judge