

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA

v.

JOHN MUCCIO,

Defendant.

No. 2:23-cr-87

STATEMENT OF FACTS

The parties stipulate that the allegations in Count One of the indictment and the following facts are true and correct, and that had the matter gone to trial the United States would have proven them beyond a reasonable doubt.

1. In May 2023, the Norfolk Field Office of the Federal Bureau of Investigation (FBI) began investigating allegations that an individual made threats over the Internet to commit mass murder of the employees of Company A¹, a debt collection agency located in the Eastern District of Virginia. The individual had also threatened to sexually assault the wives of the co-founders of Company A

2. The threats were received by Company A's Artificial Intelligence Chatbot on or about April 19, 2023, May 1, 2023, and May 23, 2023, by a subject utilizing the IP Address 65.32.65.18 during each string of communications. The IP Address was operated by Charter Communications. As a result, the FBI made an exigent request to Charter Communications, who provided the following information regarding the subscriber using IP Address 65.32.65.18 at the times the online threats were made:

¹ The true identity of the victims will be protected due to privacy concerns and rights.

Subscriber Name: JOHN MUCCIO

Subscriber Address: MUCCIO's residence in Parrish, Florida 34219-9025

Subscriber Telephone: xxx-xxx-6530

3. Company A confirmed that MUCCIO owed them approximately \$1,474.50.

Company A had the same address for him, and listed the above phone number as a possible number associated with him as well, along with four other phone numbers. Company A previously sent letters to the MUCCIO at his residence in Parrish, Florida, in March, June, and September 2022.

4. In the online threats, MUCCIO utilized the names "Mark," "Alberto," "Max," and "J" when making the threats. A sampling of messages received by Company A are as follows:

MARK 9:09 AM
Hey if you call me again I'll cut your dumb ***** heads off. Get a job you dumb ***** cunts before I skull **** all your wives

MARK 9:09 AM
Don't call my fucking number again you dumb ***** cunts

Don't worry. Your sensitive data has been masked. 9:09 AM

MARK 9:09 AM
I'll skull **** your bosses wife and kids while he watches you dumb *****



ALBERTO 9:13 AM
[REDACTED] and [REDACTED]

ALBERTO 9:14 AM
Your wives can get skull fuked if you call me again

ALBERTO 9:14 AM
you dumb N(gger cunts

ALBERTO 9:14 AM
Stop fuking calling me you dumb N*ggers

ALBERTO 9:14 AM
Tell your boss to get in the chat

Figure 1: Messages from April 19, 2023

MAX 8:52 AM
Tell me where your office is so I can kill all your fucking ***** cunts who keep fucking calling me illegally you staid nigg/er

Don't worry. Your sensitive data has been masked. 8:52 AM

MAX 8:52 AM
Dumb *****/s

Figure 2: Messages from May 1, 2023

J 1:19 PM
Awesome, I keep getting phone calls from your company if you keep calling my phone I will fucking murder every single one of your goddamn fucking niggers at that office. Tell that to your CEO because his family will come first you fucking dumb ****

Figure 3: Message from May 23, 2023

5. The messages sent on April 19, 2023 and May 1, 2023 were received by the owners, operators and employees of Company A at an office in Virginia (Norfolk Headquarters Office).

6. The messages sent on May 23, 2023 were received by the owners, operators and employees of Company A at an office in Texas (Dallas Regional Office).

7. Norfolk is within the Eastern District of Virginia.

8. On June 23, 2023, the FBI and other law enforcement executed a lawful search warrant issued by the U.S. District Court for the Middle District of Florida at MUCCIO's residence in Parrish, Florida.

9. The FBI seized a cell phone belonging to MUCCIO. An analysis of the phone showed, among other relevant items:

- a. MUCCIO's use of the "skull fuck" in other messages; and
- b. A web bookmark for Company A's website.

10. The investigation and evidence establish that MUCCIO sent these communications with reckless disregard for the likelihood that the communications would be viewed as threats.


11. The Internet is an interconnected network of computers with which one communicates when on-line, is a network that crosses state and national borders, and is a facility of interstate and foreign commerce.

12. The defendant's participation in the events described was undertaken knowingly, intentionally, and unlawfully, and not as a result of an accident, mistake, or other innocent reason.

13. The defendant acknowledges that the foregoing statement of facts does not describe all of the defendant's conduct relating to the offense charged in this case, nor does it identify all of the persons with whom the defendant may have engaged in illegal activities.




JESSICA D. ABER
UNITED STATES ATTORNEY

By: 
Elizabeth M. Yusi
Assistant United States Attorney



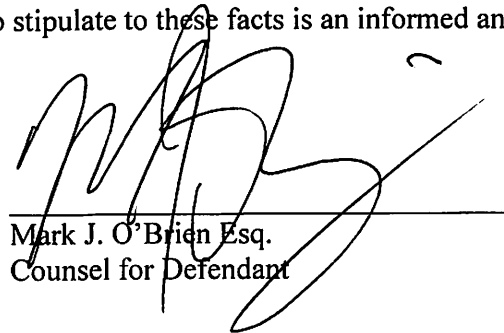
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After consulting with my attorney, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.



JOHN MUCCIO

I am JOHN MUCCIO's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



Mark J. O'Brien Esq.
Counsel for Defendant

