

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

FILED

APR 30 2026

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY [Signature] DEP CLK

United States of America
v.
Daniel Rodney Swain
Defendant(s)

Case No. 5:26-MJ-1682-JG

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 April 29, 2026 in the county of Wake in the Eastern District of North Carolina, the defendant(s) violated:

Code Section

Offense Description

Title 18, U.S.C § 871(a)

The defendant, did knowingly and willfully make a threat to take the life of, to kidnap, or to inflict bodily harm upon the President of the United States.

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.

Rachel Smalley (Signature)

Complainant's signature

Rachel Smalley, Special Agent, USSS

Printed name and title

Attested to by the complainant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 30 April 2026

James E. Gates (Signature)

Judge's signature

City and state: Raleigh, North Carolina

James E. Gates, United States Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NORTH CAROLINA**

**AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Special Agent Rachel Smalley, being duly sworn, depose and state that:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (SA) with the United States Secret Service (USSS) assigned to the Raleigh (RAL) Resident Office. As a Special Agent with the USSS, I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), and I am authorized to investigate violations of federal laws and request and execute search and arrest warrants issued under the authority of the United States. I have been employed with the USSS as a Special Agent since June 20, 2023. I have completed extensive training at both the Criminal Investigator Training Program at the Federal Law Enforcement Training Center, Glynco, GA and the Special Agent Training Course at the USSS training facility located in Beltsville, MD. This training included instruction in general law enforcement and criminal investigations to include violations of Title 18, United States Code, Section 871(a) (Threats Against President and Successors to the Presidency). During my time with the Secret Service, I have conducted protective intelligence investigations involving threats to the President and other USSS protectees.

2. I make this affidavit in support of a criminal complaint and arrest warrant for **DANIEL RODNEY SWAIN** (hereinafter “**SUBJECT**”). Based on the

information detailed below, I submit that there is probable cause to believe that, on or about April 29, 2026, in the Eastern District of North Carolina, **SUBJECT** committed the crime of Communicating Threats Against the President of the United States in violation of Title 18, United States Code Section 871(a).

3. The facts and information contained in this affidavit are based upon my training and experience, personal knowledge, and observations during this investigation, as well as the observations of other agents and investigators involved in this investigation. This affidavit contains only the information necessary to support probable cause, and it is not intended to include each and every fact and matter observed by me or known to the government.

APPLICABLE STATUTE

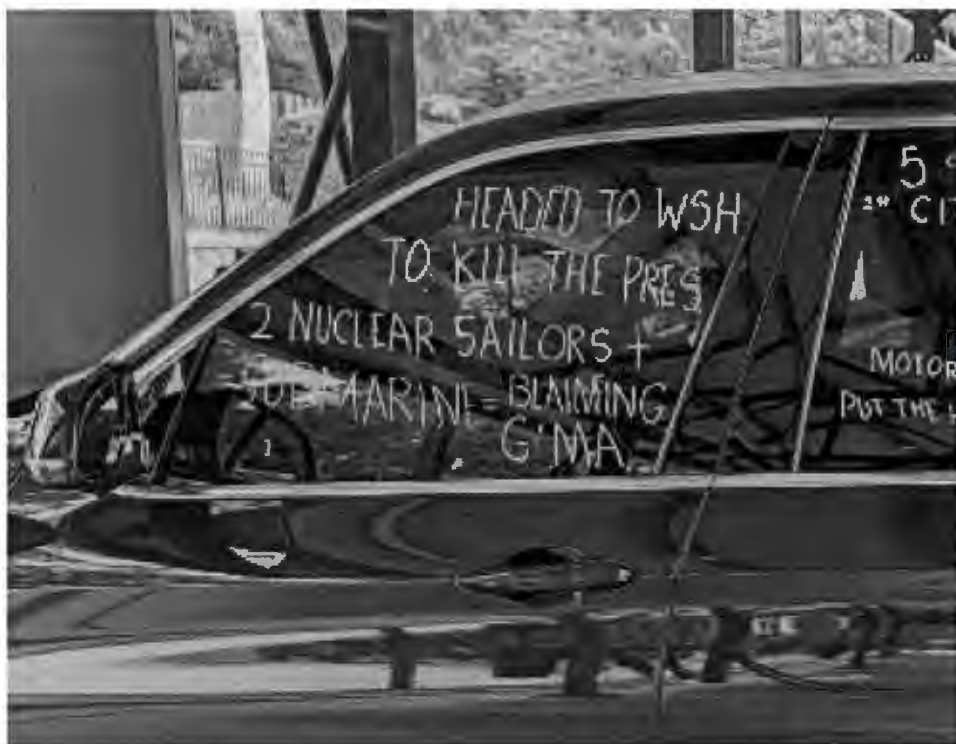
4. Under Title 18 United States Code § 871(a), it is a crime to “knowingly and willfully otherwise makes any such threat against the President, President-elect, Vice President or other officer next in the order of succession to the office of President.” The statute explicitly prohibits threats to murder, kidnap, or inflict bodily harm on the President of the United States, the President-elect, the Vice President or other officer next in the order of succession to the office of President of the United States, or the Vice President-elect. It carries a maximum term of imprisonment of not more than five years.

PROBABLE CAUSE

5. On April 29, 2026, at approximately 1:43 PM, Det. J. Stewart, Apex Police Department (APD), called USSS/RAL to report a potential threat against the

President of the United States. An attendant at Tidal Wave Auto Spa called 9-1-1 after they noticed threatening words written on the exterior of the vehicle at the car wash. The car wash is located at 1950 Lake Pine Drive, Apex, NC 27502 in Wake County, North Carolina. It is within the Eastern District of North Carolina.

6. Based on that 9-1-1 call, officers with APD responded to the location and found a black in color BMW X5 with South Carolina plates (SZI 986). In white lettering, there were messages written on the vehicle's driver's side, passenger's side, and rear windows. Written on the driver side's door window in capital letters was "HEADED TO WSH TO KILL THE PRES."



On the back of the vehicle was written "TELL DONALD HE IS FIRED" with the phrase "Double Tap Not."



On the passenger's side, there were multiple messages, including a violent message directing the reader to commit suicide.



7. When they arrived, APD officers encountered SUBJECT outside of the vehicle and SUBJECT refused to identify himself. APD officers also observed a white in color marker on or around SUBJECT's person. The color of the recovered marker

matches the marker used to write the threats on the vehicle's windows. Additionally, video surveillance shows that the messages on the driver's side and rearview windows were written before the car wash and the **SUBJECT** added the messages on the passenger's side after the car wash.

8. Due to the nature of call and the threats written on the vehicle's windows, the car wash was evacuated, the USSS/RAL was notified, and a K-9 and Explosive Ordnance Disposal team from the North Carolina State Bureau of Investigations (SBI) Bomb Squad was called to the scene to clear the vehicle. K-9 showed a change in behavior indicating a possible item of interest. Also, during the protective sweep of the vehicle, a drone was located via plain view, which can be used in planning for preparation to carry out any attempts of violence. Officers also found two different containers with suspected methamphetamine. The substance was field-tested and tested positive for methamphetamine. Attempts were made to identify the vehicle through its VIN, however, the VIN provided had negative results. Additionally, the vehicle's license plate was found to not be associated with the vehicle, and the license plate number had not been actively registered since 2020.

9. When APD attempted to take **SUBJECT** into custody, **SUBJECT** resisted arrest and later told investigators he almost fled on foot when officers first approached him. APD transported him for further investigation to the APD. **SUBJECT** was eventually identified as **DANIEL RODNEY SWAIN** through a South Carolina identification card located on his person. That identification card listed a home address in Summerville, South Carolina.

10. Additionally, a search of the license plate was made using License Plate Reader data, which showed a history of traveling between South Carolina and North Carolina over the past 30 days.

11. Continuing on April 29, 2026, **SUBJECT** was interviewed by Special Agents C. Stanley (USSS/RAL) and G. Igo (FBI/JTTF). During the interview, **SUBJECT** was evasive in answering questions, specifically about the vehicle and his upcoming and previous trips to Washington, D.C. **SUBJECT** stated he went to Washington, D.C. in winter of 2025/2026 to “take action.” He later clarified that he meant he was only going to legally protest. **SUBJECT** admitted to visiting the White House, Capitol, and monuments. During the interview, **SUBJECT** told agent he “wussed out of doing what he was going to do.” When asked to clarify, **SUBJECT** asserted that he meant he did not hand out packets of information about his ordeal. **SUBJECT** stated his motivation to write the threats on the vehicle was his perceived wrongful death of his father, uncle, and grandfather. These family members served in the military and died under suspicious health-related circumstances. **SUBJECT** also stated he had a duty as a man to protect himself and others, including defending his family. **SUBJECT** admitted to writing threats on the car, specifically with the white marker, and stated he should not have done that.

12. The **SUBJECT** was previously interviewed by USSS on January 1, 2025, for making a threatening Facebook post. The post stated that if the president’s father was shot it would gather more attention. Additionally, on April 19, 2026,

SUBJECT posted on his Facebook in reference to President Donald Trump.

Specifically, he wrote:

Man if I see goddamn Donald Trump's sorry ass one more time on this fucking phone. Somebody oughta go put a round in his fucking head and then do it to his son and do it to his wife and then do it to the rest of Congress.

13. **SUBJECT** stated he used his drone, which was located in the vehicle, to take pictures of buildings because he likes architecture. **SUBJECT** stated his plan was to drive to Research Triangle Park, NC for job opportunities, take photos with his drone of tech company buildings, and drive to California to go to the Stanley Mosk Courthouse. **SUBJECT** also stated he might have gone to D.C. after California to lawfully petition.

14. Following the interview, **SUBJECT** was charged by APD with possession of methamphetamine, resisting an officer, and having a fictitious and altered registration and arrested by USSS for violating 18 U.S.C. §871(a) (Threats Against President and Successors to the Presidency). **SUBJECT** was then transported at approximately 9:30 PM to the Wake County Detention Center (WCDC), where a federal detainer was taken out by USSS. **SUBJECT** remains at WCDC.

CONCLUSION

15. Based on the facts set forth in this affidavit, I submit that there is probable cause to believe that **SUBJECT, DANIEL RODNEY SWAIN**, committed the crime of Communicating a Threat Against the President of the United States, in

violation of 18 U.S.C. §871(a). Accordingly, I respectfully request this Court issue a warrant ordering his arrest for that crime.

I declare under penalty of perjury under the laws of the United States the foregoing is true and correct.

Respectfully Submitted,

Rachel Smalley

RACHEL SMALLEY
Special Agent
United States Secret Service

On this 30 day of April 2026, at or around 4:10 ~~AM~~ PM, Special Agent Rachel Smalley appeared before me via reliable electronic means (telephone), was placed under oath, and attested to the contents of this Affidavit.



JAMES E. GATES
United States Magistrate Judge