

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

FILED
MAR 03 2026
U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

UNITED STATES OF AMERICA,

v.

CODY LEE SMITH,

Defendant.

Criminal

1:26CR 15

Violations:

18 U.S.C. § 115(a)(1)(B)

18 U.S.C. § 871(a)

INDICTMENT

The Grand Jury charges that:

INTRODUCTION

1. At all relevant times, **CODY LEE SMITH** resided at or near Clarksburg, West Virginia.

2. Starting no later than December 2025, **CODY LEE SMITH** began posting public messages on his Instagram account that encouraged and threatened the murder of President Donald J. Trump, citizens who support President Trump (including members of the military), Israelis, and “all government officials.”

3. On or about December 18, 2025, **CODY LEE SMITH** posted: “Donald Trump just announced the goddamn hunger games[,] IMPEACH THIS MOTHERFUCKER WITH A .308.” This post was also accompanied by the music track “I Am Going to Kill the President of the United States of America” by Leathermouth.

4. On or about January 2, 2026, **CODY LEE SMITH** posted: “If I see a single trump supporter I don’t care the relation[,] I don’t care their age[,] I don’t care if they are mentally handicap[,] I’m murdering them in front of their entire family[,] same goes to the first war supporter or service member who’s willing to bootlick.”

5. In postings on an associated Facebook account, **CODY LEE SMITH** displayed photos of himself possessing firearms, including an image of him possessing ammunition, magazines, and a long rifle.

6. On or about January 17, 2026, **CODY LEE SMITH** made the following post on Instagram: “Donald j Trump likes little boys and little girls and is an Israeli asset he deserves to be raped and murdered @REALDONALDTRUMP @donaldjtrumpjr I will kill you bitch ass dad.” The post tagged the Instagram handles for President Trump and his son, Donald J. Trump, Jr., to help ensure they would see the post itself.

7. On or about January 17, 2026, **CODY LEE SMITH** also sent a direct Instagram message to Donald J. Trump, Jr., stating “I’m going to rape your worthless father while Benjamin netanyacuck sits in the oval CUCK throne and watches with his jugular cut while the life leaves his pathetic eyes and then after I’m done your getting raped.”

8. On January 18, 2026, **CODY LEE SMITH** posted the tip line phone number for Immigration and Customs Enforcement (ICE), encouraging others to call the number and say “the nastiest and most vile things you can.” **SMITH** then stated in the post that “Im gonna give them my name and where to find me so stay tuned you might get to see me rape and kill some proud Nazi boy fucks.” On or about the same day, **CODY LEE SMITH** called the ICE tip line. During the call, **SMITH** provided his name and his city of residence (Clarksburg), then threatened to kill ICE agents in Clarksburg, West Virginia, the tip line operator, and the operator’s family.

COUNT ONE

(Threats Against the President)

On or about January 17, 2026, the defendant, **CODY LEE SMITH**, in Harrison County, in the Northern District of West Virginia, did knowingly and willfully make a threat to take the life of the President of the United States, specifically, publicly posting on the Instagram social media platform that **CODY LEE SMITH** would “kill [Donald J. Trump, Jr.’s] bitch ass dad,” in violation of Title 18, United States Code, Section 871.

COUNT TWO

(Threats Against the President)

On or about January 17, 2026, the defendant, **CODY LEE SMITH**, in Harrison County, in the Northern District of West Virginia, did knowingly and willfully make a threat to take the life of the President of the United States, specifically, by sending a direct Instagram message to Donald J. Trump, Jr., stating that **CODY LEE SMITH** would rape President Trump and kill him by cutting his “jugular,” in violation of Title 18, United States Code, Section 871.

COUNT THREE

(Influencing and Retaliating Against Federal Officials by Threat)

On or about January 18, 2026, in Harrison County, in the Northern District of West Virginia, the defendant, **CODY LEE SMITH**, did threaten to murder Immigration and Customs Enforcements (ICE) agents in Clarksburg, West Virginia, with intent to impede, intimidate, and interfere with ICE agents while they were engaged in the performance of her official duties and with intent to retaliate against such officials on account of the performance of their official duties, in violation of Title 18, United States Code, Section 115(a)(1)(B).

COUNT FOUR

(Influencing Federal Official by Threat)

On or about January 18, 2026, in Harrison County, in the Northern District of West Virginia, the defendant, **CODY LEE SMITH**, did threaten to murder V.S., an operator with the ICE tip line, and Immigration and Customs Enforcement agents with intent to impede, intimidate, and interfere with V.S. and while she was engaged in the performance of her official duties, in violation of Title 18, United States Code, Section 115(a)(1)(B).

A true bill,

/s/ _____
Foreperson

/s/ _____
MATTHEW L. HARVEY
United States Attorney

Andrew R. Cogar
Assistant United States Attorney