

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 21-CR-20240-JEM

UNITED STATES OF AMERICA

v.

NIVIANE PETIT PHELPS,

Defendant.

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FACTUAL PROFFER

The United States of America and the defendant, Niviane Petit Phelps, agree that had this case proceeded to trial, the United States would have proven, beyond a reasonable doubt, the following facts, among others, pertaining to violations of 18 U.S.C. § 871 that occurred in the Southern District of Florida.

Kamala Harris is the Vice President of the United States. She was elected to office in November of 2020 and assumed office in January 2021. On February 13, 2021, the defendant filmed two 30-second video recordings depicting herself threatening to kill Vice President Kamala Harris. In the first video, the defendant said: "Kamala Harris you are going to die. Your days are numbered already. Someone paid me \$53,000 just to fuck you up." In the second video, the defendant said "Kamala Harris put a dime on me. I put a fucking dime back on her. \$53,000 that's your fucking number. It's on your fucking head bitch." On February 14, 2021, the defendant filmed two additional videos threatening to kill Vice President Harris. In the first of these videos, the defendant said: "Kamala Harris, you gonna fucking die bitch. Okay? If I see you in the street, I'ma kill yo ass, Kamala Harris, fuck you, bitch." In the second of these videos, the defendant said: "I'm going to the gun range, just for your ass, until you fuckin' leave the

Court Exhibit #1

chair. I'm going to round you, ride you, and if I see you, I'm going to punch you right in your shit." On February 18, 2021, the defendant filmed two more videos threatening to kill the Vice President. In the first of these videos, the defendant said: "50 days from today you will die...Vice President Kamala Harris you will fucking die 50 days from today...\$53,000. I'm the hit man." In the second of these videos, the defendant said: "and fucking Kamala Harris I swear to god, today is your day, you gonna die. 50 days from today, mark this day down, you stupid bitch, Kamala fucking Harris vice president, you gonna fucking die 50 days from today." She sent these videos to her imprisoned husband using an application called JPay. The JPay application is a computer application that allows for the sharing of media to incarcerated individuals.

On February 20, 2021, the defendant sent a photograph of herself holding a firearm with a target sheet at a gun range to her husband using JPay. On February 22, 2021, the defendant applied for a concealed weapon permit. On March 6, 2021, law enforcement approached the defendant about her video threats, and she agreed to voluntarily speak with them. The defendant admitted to filming the videos or having her children film them. She also told law enforcement, that before sending them to her husband she knew someone else could see them and she thought to herself "you know what? Here goes nothing, I don't care." Lastly, she told officers that had law enforcement not come to her house she "doesn't know" what would have happened.

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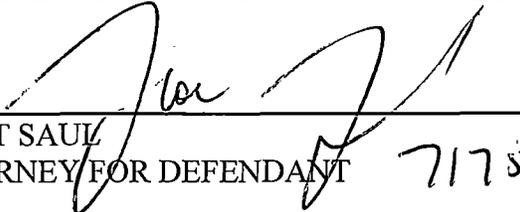
The information contained in this proffer is not a complete recitation of the facts and circumstances of this case, but the parties agree it is sufficient to prove the Indictment beyond a reasonable doubt.

JUAN ANTONIO GONZALEZ  
ACTING UNITED STATES ATTORNEY

Date: 9/10/21

By:   
ABBIE D. WAXMAN  
ASSISTANT UNITED STATES ATTORNEY

Date: 9/10/21

By:   
SCOTT SAUL  
ATTORNEY FOR DEFENDANT 717525

Date: 9/10/21

By:   
NIVIANE PETIT PHELPS  
DEFENDANT