

16 MAG 6009**ORIGINAL**

Approved: _____

EMIL J. BOVE III / SHAWN G. CROWLEY
 ANDREW J. DeFILIPPIS / NICHOLAS J. LEWIN
 Assistant United States Attorneys

Before: HONORABLE GABRIEL W. GORENSTEIN
 United States Magistrate Judge
 Southern District of New York

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|--------------------------|---|-------------------------|
| UNITED STATES OF AMERICA | : | <u>COMPLAINT</u> |
| - v. - | : | Violations of |
| AHMAD KHAN RAHAMI, | : | 18 U.S.C. §§ 2332a, |
| a/k/a "Ahmad Rahimi," | : | 2332f, 844, 924(c), 2 |
| Defendant. | : | COUNTY OF OFFENSE: |
| | : | NEW YORK |

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SOUTHERN DISTRICT OF NEW YORK, ss.:

Peter Fredrick Licata, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and a member of the FBI's Joint Terrorism Task Force ("JTTF"), and charges as follows:

COUNT ONE

(Use of Weapons of Mass Destruction)

1. On or about September 17, 2016, in the Southern District of New York and elsewhere, AHMAD KHAN RAHAMI, a/k/a "Ahmad Rahimi," the defendant, acting without lawful authority, did use and attempt to use weapons of mass destruction – namely, destructive devices as defined by 18 U.S.C. § 921 – against persons and property within the United States, and (i) the mail and facilities of interstate and foreign commerce, including mobile telephones, were used in furtherance of the offense, (ii) such property was used in an activity that affects interstate and foreign commerce, (iii) the perpetrator traveled in interstate and foreign commerce in furtherance of the offense, and (iv) the offense and the results of the offense

affected interstate and foreign commerce, to wit, RAHAMI detonated and attempted to detonate improvised explosive devices in the Chelsea neighborhood of New York, New York.

(Title 18, United States Code, Sections 2332a(a)(2)(A),
(a)(2)(B), (a)(3)(C), (a)(2)(D) and 2.)

COUNT TWO

(Bombing a Place of Public Use)

2. On or about September 17, 2016, in the Southern District of New York and elsewhere, AHMAD KHAN RAHAMI, a/k/a "Ahmad Rahimi," the defendant, did knowingly and unlawfully deliver, place, discharge and detonate an explosive and other lethal device in, into, and against a place of public use, and did attempt to do the same, with the intent to cause death and serious bodily injury, and with the intent to cause extensive destruction of such a place, and where such destruction was likely to result in major economic loss, and the offense took place in the United States and a victim is a national of another state – to wit, *inter alia*, the United Kingdom – RAHAMI detonated and attempted to detonate improvised explosive devices on public streets in the Chelsea neighborhood of New York, New York.

(Title 18, United States Code, Sections 2332f(a)(1)(A),
(a)(1)(B), (b)(1)(F) and 2.)

COUNT THREE

(Destruction of Property by Means of Fire or Explosive)

3. On or about September 17, 2016, in the Southern District of New York and elsewhere, AHMAD KHAN RAHAMI, a/k/a "Ahmad Rahimi," the defendant, willfully and knowingly (i) did transport and receive, and attempt to transport and receive, in interstate and foreign commerce, an explosive with the knowledge and intent that it would be used to kill, injure, and intimidate any individual and unlawfully to damage and destroy a building, vehicle, and other real personal property, and (ii) did maliciously damage and destroy, and attempt to damage and destroy, by means of fire and an explosive, a building, vehicle, and other real and personal property, to wit, RAHAMI detonated

and attempted to detonate improvised explosive devices in the Chelsea neighborhood of New York, New York.

(Title 18, United States Code, Sections 844(d), (i) and 2.)

COUNT FOUR

**(Use of a Destructive Device During and
in Furtherance of a Crime of Violence)**

4. On or about September 17, 2016, in the Southern District of New York and elsewhere, AHMAD KHAN RAHAMI, a/k/a "Ahmad Rahimi," the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit, the offense charged in Count One of this Complaint, willfully and knowingly did use and carry a destructive device, to wit, improvised explosive devices placed on the street in the Chelsea neighborhood of New York, New York.

(Title 18, United States Code, Section 924(c)(1)(A) and (B)(ii).)

The bases for my knowledge and the foregoing charges are, in part, as follows:

5. I am a Special Agent with the FBI and a member of the FBI's New York-based JTTF, and I have been personally involved in the investigation of this matter. This affidavit is based in part upon my conversations with law enforcement agents and other people, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all of the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

The Bombings and Attempted Bombings in New York and New Jersey

6. Based on my participation in this investigation, conversations with other participants in the investigation, review of evidence obtained during the investigation, and review of reports prepared by others, I have learned, among other things, the following:

a. On the morning of September 17, 2016, at approximately 9:35 a.m., an improvised explosive device – which

included a pipe bomb and a triggering cellular telephone ("Seaside Park Device") – exploded in the vicinity of Seaside Park, New Jersey.

i. The explosion occurred along the route for the Seaside Semper Five Marine Corps Charity 5K Race, which was scheduled to begin at 9:00 a.m. – approximately 35 minutes before the explosion – but was delayed due to other law enforcement activity. The initial portion of the race was a scheduled one mile "fun run."

ii. After the blast, law enforcement officers examined the crime scene and concluded that the Seaside Park Device was comprised of three connected pipe bombs, only one of which in fact detonated. A cellular telephone bearing a particular International Mobile Equipment Identity ("IMEI") number¹ ("Seaside Park Telephone") was found in the immediate area of the explosion, with two thin wires protruding from it. Based on my review of reports, my conversations with other law enforcement officers, and my own experience and training, I have learned that the Seaside Park Telephone likely functioned as a timer for the bomb.

b. Later that same day, on September 17, 2016, at approximately 8:30 p.m., an improvised explosive device detonated in the vicinity of 135 West 23rd Street in the Chelsea neighborhood of New York, New York ("23rd Street Bomb"). Based on my training, experience, and conversations with other law enforcement officers, I know the following:

i. The 23rd Street Bomb – comprised of a high-explosive main charge – caused significant injuries and multiple-million dollars of property damage across a 650-foot crime scene.

1. The explosive components appear to have been placed inside a pressure cooker and left in a dumpster. The explosion propelled the more-than-100-pound dumpster more than 120 feet.

2. The blast shattered windows as far as approximately 400 feet from the detonation site and, vertically, more than three stories high.

¹ An IMEI is a 15- or 17-digit code that uniquely identifies a particular mobile phone.

3. Fragmentation from the pressure cooker was recovered as far as approximately 650 feet from the detonation site.

4. In order to increase fragmentation, and thus likely to increase the lethality of the device, the bomb was packed with ball bearings and steel nuts, hundreds of which were recovered from the blast site.

ii. Approximately 31 people – including at least one national of a foreign state (the United Kingdom) – suffered injuries from the 23rd Street Bomb.

1. These injuries included, among other things, lacerations to the face, abdomen, legs, and arms caused by flying glass; metal shrapnel and fragmentation embedded in skin and bone; and various head injuries.

2. At least one victim was hospitalized and had to have multiple ball bearings removed from her body, as well as metal fragmentation from her ear and wood shards from her neck.

3. At least one victim was knocked unconscious by the blast while driving in his car by the site of the bomb.

4. Another victim suffered a head injury when the blast hit the vehicle in which she was traveling.

iii. The remnants of a cellular telephone bearing a particular IMEI number ("Chelsea Telephone-1") were found in the immediate area of the 23rd Street Bomb blast. Based on my review of reports, my conversations with other law enforcement officers, and my own experience and training, I have learned that Chelsea Telephone-1 likely functioned as a timer for the 23rd Street Bomb.

c. Shortly after this explosion, another unexploded improvised explosive device was located by law enforcement on 27th Street between 6th and 7th Avenues, also in the Chelsea neighborhood of New York, New York ("27th Street Bomb"), approximately four blocks away from the 23rd Street Bomb. Law enforcement officers have inspected that unexploded improvised explosive device. It consisted of, among other

things, a pressure cooker connected with wires to a cellular telephone bearing a particular IMEI number ("Chelsea Telephone-2") and packed with, among other things, a high-explosive main charge, ball bearings, and steel nuts. Based on my review of reports, my conversations with other law enforcement officers, and my own experience and training, I have learned that, as with the Seaside Park Telephone and Chelsea Telephone-1, Chelsea Telephone-2 likely was intended to function as a timer for the 27th Street Bomb.

Bombs Found at a Train Station in Elizabeth, New Jersey

7. On September 18, 2016, at approximately 8:40 p.m., multiple improvised explosive devices were found inside a backpack located near the entrance to the New Jersey Transit station in Elizabeth, New Jersey. One of the devices detonated at approximately 12:40 a.m., on September 19, 2016, as a law enforcement officer was using a robot to attempt to defuse the device. Law enforcement officers were able to recover and inspect the remnants of the exploded device, the remaining devices initially contained in the backpack, and handwritten documents found in the backpack. FBI laboratory analysis of fingerprints recovered from materials contained in the backpack has determined a positive match to AHMAD KHAN RAHAMI, a/k/a "Ahmad Rahimi," the defendant.

Fingerprints Recovered from the 27th Street Bomb

8. Based on my conversations with another FBI agent ("Agent-1") and my review of law enforcement reports, I have learned that AHMAD KHAN RAHAMI, a/k/a "Ahmad Rahimi," the defendant, left his fingerprints on the 27th Street Bomb.

a. Law enforcement personnel examined the 27th Street Bomb for latent fingerprints. Approximately 12 fingerprints were recovered from the bomb, including on the pressure cooker, duct tape, and the triggering cellular telephone (i.e., Chelsea Telephone-2).

b. An FBI analysis concluded that each of these 12 fingerprints recovered from the 27th Street Bomb was a positive match to RAHAMI.

Surveillance Video from the Vicinity of the Chelsea Bombings

9. I have reviewed surveillance footage dated September 17, 2016, obtained from a closed circuit television

("CCTV") camera in the vicinity of 131 West 23rd Street. The video bears a time-stamp of 7:53 p.m. – approximately 37 minutes before the explosion of the 23rd Street Bomb – and depicts a person walking on a sidewalk. Based on a comparison of the footage with a known photograph of AHMAD KHAN RAHAMI, a/k/a "Ahmad Rahimi," the defendant, I believe that the individual depicted in the video is RAHAMI.

10. I have also reviewed surveillance footage obtained from a CCTV camera located in the vicinity of 135 West 27th Street between 6th and 7th Avenues. The surveillance footage, dated September 17, 2016, depicts a person walking on a sidewalk; the video bears a timestamp of 8:32 p.m. – approximately two minutes after the explosion of the 23rd Street Bomb. That same person can first be seen pulling a small suitcase behind him, walking away from the camera. Shortly thereafter, that person returns into camera-view, walking towards the camera, but without any suitcase. Based on a comparison of the footage with a known photograph of AHMAD KHAN RAHAMI, a/k/a "Ahmad Rahimi," the defendant, I believe that the individual depicted in the video is RAHAMI.

RAHAMI's Purchase of Bomb Components

11. Between approximately June 20, 2016 and approximately August 10, 2016, an eBay user with the registered user name "ahmad rahimi" purchased several items on the eBay website. Each of these items was shipped to a specific business located in Perth Amboy, New Jersey ("Perth Amboy Business"). Based on the information described herein, I believe that the purchaser, "ahmad rahimi" is in fact AHMAD KHAN RAHAMI, a/k/a "Ahmad Rahimi," the defendant.

a. On or about August 10, 2016, "ahmad rahimi" purchased an item described in part as: "Citric Acid USP/ Food Grade 5 Lb Pack- Great for bath bombs and candy making." I know, based on my training, experience, and conversations with other law enforcement officials, that citric acid is a precursor chemical commonly used in improvised explosives.

b. On or about July 31, 2016, "ahmad rahimi" purchased an item described in part as: "10PCS 5 cm*7cm Prototyping PCB Printed Circuit Board Prototype Breadboard #0043." I know, based on my training, experience, and conversations with other law enforcement officials, that circuit boards are components commonly used in improvised explosive devices.

c. On or about July 12, 2016, "ahmad rahimi" purchased an item described in part as: "E-match+100pcs/lot 11.81in For Fireworks Firing System Electric Igniters display."

i. I know, based on my training, experience, and conversations with other law enforcement officials, that E-match electric igniters can be used as a critical component of the detonation system of an improvised explosive device.

ii. I further know, based on conversations with other law enforcement officials, that an analysis of the 27th Street Bomb identified numerous electric igniters inside the 27th Street Bomb.

d. On or about July 12, 2016, "ahmad rahimi" purchased an item described as: "200 Hardened Lead Milling Balls .490 in. Ball Mill Tumbling Media Pyrotechnics." In addition, on or about July 12, 2016, "ahmad rahimi" purchased an item described in part as: "100pcs/lot 11.81in For Fireworks Firing System Electric Igniters display." On or about June 20, 2016, "ahmad rahimi" purchased an item described in part as: "Sling Shot ammo .50 cal .495 lead round balls 25 count Lead balls .495 diameter." And, on or about June 20, 2016, "ahmad rahimi" purchased an item described in part as: "TRUMARK SLINGSHOT 200 COUNT 5/16" STEEL-BALLS AMMO SLINGSHOT STEELIES."

i. I know, based on my training, experience, and conversations with other law enforcement officials, that ball bearings can be used in improvised explosives to increase fragmentation and thus to increase the lethality of the device.

ii. I further know, based on conversations with other law enforcement officials, that the 23rd Street Bomb and the 27th Street Bomb both contained as components of the bomb, among other things, ball bearings.

e. Each of the items described above were shipped to "ahmad rahimi" at the Perth Amboy Business. I know, based on conversations with other law enforcement officers, that AHMAD KHAN RAHAMI, a/k/a "Ahmad Rahimi," the defendant, was, until on or about September 12, 2016, employed by the Perth Amboy Business.

**Vehicle Observed Near RAHAMI's Residence After
Traveling Into and Out of Manhattan**

12. On or about September 18, 2016, law enforcement agents conducted physical surveillance in the vicinity of a residence in Elizabeth, New Jersey that AHMAD KHAN RAHAMI, a/k/a "Ahmad Rahimi," the defendant, had previously identified as his residence in 2014 ("Elizabeth Premises"). During the surveillance, law enforcement officers observed a vehicle ("Vehicle-1") in the close vicinity of the Elizabeth Premises.²

13. Based on my review of law enforcement databases, I know that on September 17, 2016, the date of the bombings described herein, Vehicle-1 entered Manhattan from New Jersey via the Lincoln Tunnel at approximately 6:30 p.m. – approximately two hours before the 23rd Street Bomb blast – and left Manhattan via the Lincoln Tunnel at approximately 11:30 p.m.

Analysis of Cellular Phones Used in the Explosive Devices

14. Based on my review of information provided by a telephone service provider ("Provider-1"), I have learned that, in 2015, two of the cellular phones used in the bombs described herein were shipped to the same store in New Jersey. As set forth below, that store is located in close proximity to a residence of AHMAD KHAN RAHAMI, a/k/a "Ahmad Rahimi," the defendant.

a. In or about February 2015, the Seaside Park Telephone was shipped for sale to a store located in Perth Amboy, New Jersey ("Perth Amboy Store"). In or about May 2015, Chelsea Telephone-1 was also shipped for sale to the Perth Amboy Store. Based on the foregoing, I believe it is likely that the Seaside Park Telephone and Chelsea Telephone-1 were both purchased from the Perth Amboy Store.

b. Moreover, based on my review of publicly available maps and information, I have learned that the Perth Amboy Store is located approximately 500 meters from a particular residence in Perth Amboy, New Jersey ("Perth Amboy

² On the evening of September 18, 2016, law enforcement officers conducted a traffic stop on Vehicle-1. Five people, including relatives of AHMAD KHAN RAHAMI, a/k/a "Ahmad Rahimi," the defendant, were in Vehicle-1; RAHAMI, himself, was not.

Residence"). Based on my review of United States government records, I have learned that RAHAMI listed the Perth Amboy Residence in a 2012 passport application as his home.

15. Based on my review of information provided by another telephone service provider ("Provider-2"), I have learned, in substance and in part, the following:

a. From approximately July 2010 through approximately April 2013, Chelsea Telephone-2 was subscribed in the name of a family member of AHMAD KHAN RAHAMI, a/k/a "Ahmad Rahimi," the defendant.

b. The listed "credit address" for Chelsea Telephone-2 during this time period was the Perth Amboy Residence.

c. The listed "user address" for Chelsea Telephone-2 during this time period was the Elizabeth Residence – which, as noted above, was a residence of RAHAMI.

16. In addition, the Seaside Device Telephone is the same make and model as Chelsea Telephone-2, i.e., the cellular telephone that was intended to serve as the triggering device for the 27th Street Bomb.

Violent Extremist Content Associated with a Social Media Account Bearing Username Associated with Chelsea Telephone-2

17. Based on my review of the above-described information from Provider-2, I have also learned that the email account listed for Chelsea Telephone-2 in Provider-2's records was "Yaafghankid786" at (@) a particular email services provider.

18. Based on information obtained from the manufacturer of Chelsea Telephone-2 ("Company-1"), I have learned that the email address listed for Chelsea Telephone-2 in Company-1's records also contains the same distinct username, Yaafghankid786, at (@) a different email service provider.

19. Based on my review of publicly available information, I have also learned that there is a social media account with username "Yaafghankid78" ("Social Media Account-1"). Based on my review of public information, I have learned, among other things, that Social Media Account-1 displays a list of the user's "Favorite[]" videos posted by other users. Two of Yaafghankid78's favorites related to jihad: "jihad nasheed ya

shahid" [jihad is a martyr's anthem] and "best jihad nasheed [anthem]." ³

Video of RAHAMI, Filmed Approximately Two Days Prior to the Chelsea Attacks, Igniting an Incendiary Object

20. I have watched a video recovered from the cellular telephone belonging to a family member of AHMAD KHAN RAHAMI, a/k/a "Ahmad Rahimi," the defendant, which depicts RAHAMI igniting incendiary material in a cylindrical container ("Video").

a. File information from the phone indicates that the Video was filmed on or about Thursday, September 15, 2016 - two days before the Chelsea bombings.

b. Geolocation information associated with the Video indicates that it was filmed at, or in the immediate vicinity of, the Elizabeth Residence.

c. The Video depicts RAHAMI in a backyard. Partially buried in the ground is a small, black cylindrical object. A fuse is lit and the object ignites; the Video depicts the lighting of the fuse, a loud noise and flames, followed by billowing smoke and laughter. RAHAMI then enters the frame and is seen picking up the cylindrical container.

Arrest of RAHAMI

21. On September 19, 2016, at approximately 9:30 a.m., AHMAD KHAN RAHAMI, a/k/a "Ahmad Rahimi," the defendant, was arrested by police in Linden, New Jersey. RAHAMI fired multiple shots at police, striking and injuring two police officers before he was himself shot, subdued and placed under arrest.

22. In the course of the arrest, a handwritten journal was recovered from the person of AHMAD KHAN RAHAMI, a/k/a "Ahmad Rahimi," the defendant. Written in the journal, among other things, was the following:

³ Any translations and English language transcriptions contained herein are preliminary in nature.

a. "You (USA Government) continue your [unintelligible] slaught[er] against the mujahidean be it Afghanistan, Iraq, Sham [Syria], Palestine" ⁴

b. An expression of concern at the prospect of being caught before being able to carry out a suicide attack: "the F.B.I. & homeland security [unintelligible] looking for me [unintelligible] my heart I pray to the beautiful wise ALLAH. To not take JIHAD away from. I beg [unintelligible] for shahadat [martyrdom] & Inshallah [God willing] this call will be A[n]swered."

c. A reference, on a page that is largely unintelligible, to "pipe bombs" and a "pressure cooker bomb," and the partial sentence: "in the streets they plan to run a mile."

d. A reference to the instructions of terrorist leaders that, if travel is infeasible, to attack nonbelievers where they live: ". . . back to sham [Syria]. But [unintelligible] this incident show the risk are [unintelligible] of getting caught under [unintelligible] I looked for guidance and . . . Guidance came Sheikh Anwar⁵ Said it clearly attack the Kuffar [non-believers] in their backyard."

e. Laudatory references to: Anwar al-Awlaki; Nidal Hasan, who shot and killed 13 people at Fort Hood, Texas; and "Brother Osama Bin Laden."

f. The handwritten document closes as follows: "Inshallah [God willing] the sounds of the bombs will be heard in the streets. Gun shots to your police. Death To Your OPPRESSION."

⁴ The journal appears to have been damaged during the arrest of, and exchange of gunfire with, AHMAD KHAN RAHAMI, a/k/a "Ahmad Rahimi," the defendant. Consequently, some of the handwriting in the journal is illegible.

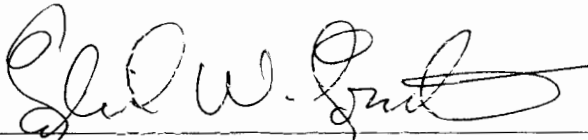
⁵ Based on my training and experience, I believe that "Sheikh Anwar" is a reference to Anwar al-Awlaki, formerly a senior leader of Al-Qaeda in the Arabian Peninsula, a Yemen-based designated foreign terrorist organization.

WHEREFORE deponent prays that a warrant be issued for the arrest of AHMAD KHAN RAHAMI, a/k/a "Ahmad Rahimi," the defendant, and that he be arrested and imprisoned, or bailed, as the case may be.

A handwritten signature in black ink, appearing to read "Peter Fredrick Licata", written over a horizontal line.

Special Agent Peter Fredrick Licata
Federal Bureau of Investigation
Joint Terrorism Task Force

Sworn to before me this
20th day of September, 2016

A handwritten signature in black ink, appearing to read "Gabriel W. Gorenstein", written over a horizontal line.

HONORABLE GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK