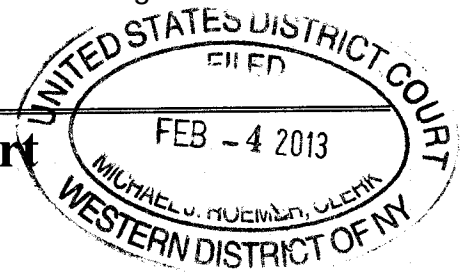


AO 91 (Rev. 02/09) Criminal Complaint

United States District Court
for the
Western District of NEW YORK



United States of America)
)
 v.)
)
 OMER FADHEL SALEH MOHAMMED)
)
 Defendant.)

Case No. 13 - MG - 4002

CRIMINAL COMPLAINT

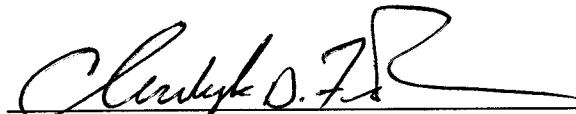
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Between September 24, 2012 and January 24, 2013, in the county of Monroe in the Western District of New York, the above-named defendant, violated 18 U.S.C. § 844(e) (Using a telephone to make a threat or convey maliciously false information concerning an attempt to destroy or damage a building by means of fire or explosive).

This criminal complaint is based on these facts:

See attached affidavit of FBI Special Agent Christopher D. Fiorito.

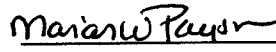
Continued on the attached sheet


Complainant's signature

CHRISTOPHER D. FIORITO, Special Agent
Federal Bureau of Investigation
Printed Name and Title

Sworn to before me and signed in my presence,

Date: February 4, 2013


Judge's Signature

City and State: Rochester, New York

MARIAN W. PAYSON
United States Magistrate Judge

13-mj-4002

AFFIDAVIT

CHRISTOPHER D. FIORITO, Special Agent, Federal Bureau of Investigation, Rochester, New York, being duly sworn, states as follows:

1. I have been a Special Agent since 2002. As part of my duties as a Special Agent with the FBI, I investigate crimes involving violations of federal law, including Title 18, United States Code, Section 844(e), using a telephone to make a threat or convey maliciously false information knowing the same to be false concerning an attempt to damage or destroy a building by means of fire or an explosive. I have received extensive training in criminal investigative methods and am a sworn law enforcement officer authorized to investigate violations of the United States of America pursuant to 28 U.S.C. § 533.

2. This affidavit is submitted in support of a criminal complaint charging OMER FADHEL SALEH MOHAMED, (hereafter "FADHEL") with violations of the aforesaid section of Title 18 of the United States Code.

3. The Factual information supplied in this affidavit is based on my investigation of this case, my experience and background as an FBI Special Agent as well as my conversations

with other law enforcement officers and agents engaged in the investigation. Because I am submitting this affidavit for the limited purpose of securing an arrest warrant, I have set forth those facts that I believe are necessary to establish probable cause to believe that OMER FADHEL SALEH MOHAMED did knowingly violate Title 18, United States Code, Section 844(e).

4. Between September 24, 2012 and January 24, 2013 the City of Rochester, Emergency Communications Department (ECD) received a series of emergency calls from telephone number (585) 506-1433 (hereafter "TARGET NUMBER"). ECD equipment utilized to receive 9-1-1 calls automatically captures the telephone number which is placing the emergency call to the call center. Additionally, this equipment has the capability to capture the time and date of the call as well as creating a digital audio recording of the conversation. This information is utilized in this complaint as means of cataloging and identifying the individual calls placed by FADHEL to the ECD, also commonly referred to as the 911 center.

5. Due to the volume and length of the telephone calls reviewed during this investigation, for the purpose of this affidavit, the phone calls in this affidavit have been included as summaries rather than as word-for-word transcripts of the

calls. Additionally, after reviewing all of the audio recordings, I believe, based on hearing and comparing the voices from call-to-call that the voice, that each of the calls referenced in this affidavit were placed to the ECD by the same person, namely, FADHEL. Thus, in further portions of this affidavit, I use the defendant's name as the caller.

6. On September 23, 2012 at approximately 8:25 p.m., FADHEL initiated a 911 telephone call to the ECD from (585) 506-1433.

7. During this phone call a conversation was captured between the 911 operator and FADHEL. FADHEL stated that he wanted to speak to the FBI concerning Yassir Saleh who FADHEL stated was a world terrorist, a "real one." FADHEL provided an address for Saleh and further stated that Saleh wanted to "do something stupid" and that he was from his (FADHEL's) country.

8. On September 24, 2012 at approximately 3:52 p.m., FADHEL initiated a 911 telephone call to the ECD from (585) 506-1433.

9. During this phone call a conversation was captured between the 911 operator and FADHEL. During the phone call

FADHEL stated "Hi my name is ALI and I called yesterday about the terrorists." The 911 operator asked him to clarify at which time. FADHEL asked to be connected to the FBI. FADHEL stated that the terrorists name was Yassir Saleh and stated that he (Saleh) is the one everyone wants. He indicated that Saleh wanted to do something stupid and that Saleh wanted to "blow the Kodak." The 911 operator asked FADHEL what number he was calling from and FADHEL then provided telephone number 506-1433. FADHEL asked the operator if she remembered September 11 and she replied that she did. She asked if he (Saleh) was involved in September 11 to which FADHEL replied "yes he is."

10. On September 24, 2012 at approximately 6:30 p.m., FADHEL initiated a 911 telephone call to the ECD from (585) 506-1433.

11. During this call a conversation was captured between the 911 operator and FADHEL. FADHEL stated he was calling about the terrorists. The operator asked for the caller's name and the caller replied "OMER FADHEL", and provided his telephone number as "506-1433." FADHEL stated that he already made a report about a terrorist in the area of Miller and Clifford in Rochester, NY. FADHEL explains that he has made several reports and states

"that mother fucker FBI and that thing about Yassir Saleh, he's a killer, he's a terrorist." Later in the conversation FADHEL makes reference to September 11th and stated "they want to blow the Kodak."

12. On that same date, September 24, 2012 at approximately 6:55 p.m., FADHEL initiated another 911 telephone call to the ECD from (585) 506-1433.

13. During this call a conversation was captured between the 911 operator and FADHEL. FADHEL inquires if the operator wants to know about the terrorist people. FADHEL then stated that he wanted to talk to the FBI. The operator asks "tell me what's going on", to which FADHEL replied "They are going to go blow the big Kodak.". The operator clarifies "someone is going to blow up Kodak?" to which FADHEL replies "yes sir." The operator attempts to solicit additional details concerning the bombing and FADHEL implicates Yassir Saleh. The operator asks if Yassir has explosives to which FADHEL replies "yes, he has explosives." FADHEL provides additional information that the explosives are being stored at Jay and State (an apparent reference to Jay and State Street in Rochester, NY) When the operator asks "do you know how he is going to do it" FADHEL replied "I do" and then hung up.

14. On January 20, 2013 at approximately 11:30 p.m., FADHEL initiated a 911 telephone call to the ECD from (585) 506-1433.

15. During this call a conversation was captured between the 911 operator and FADHEL. FADHEL states that the owner of the store at 413 Lyell Avenue is planning to do something "stupid" tomorrow. FADHEL requests to have the FBI sent to 413 Lyell Avenue to check out the store and the people.

16. On January 24, 2013 at approximately 6:54 p.m., FADHEL initiated a 911 telephone call to the ECD from (585) 506-1433.

17. During this call a conversation was captured between the 911 operator and FADHEL. FADHEL stated that they "want to do a big bombing." The operator solicits additional information and FADHEL provides an address of 413 Lyell Avenue as a location for the terrorists. FADHEL then goes on to state that "they want to do a big bombing". FADHEL provides a possible name of the terrorists and repeats the Lyell Avenue address and then stated "they want to do a bombing to Kodak."

18. A total of 21 calls were reviewed by law enforcement during the course of this investigation to include the calls

referenced above. During ten of the aforementioned calls the caller referred to himself as either "FADHEL' or "FAHDEL OMER." It should be noted that not all of these calls were relating to the violation charged in this complaint. However, these calls are significant because they originated from telephone number (585) 506-1433 and the caller voluntarily identifies himself as FAHDEL, indicating FAHDEL was in fact the owner of the target telephone.

19. On January 25, 2013 OMER FADHEL SALEH MOHAMED was interviewed by members of the FBI Buffalo Division, Joint Terrorism Task Force. During the interview, officers noted that FADHEL appeared to be under the influence of alcohol. Nevertheless, FAHDEL was able to respond to simple commands and answer direct questions appropriately. Additionally, FAHDEL was verbally advised of his Miranda rights which he waived and agreed to speak to the officers. FAHDEL provided his mobile phone to the officers. FAHDEL was provided with a consent to search form in both Arabic and English. FAHDEL read the English version out-loud and agreed to let the officers search his phone. During the search FAHDEL provided a personal code to unlock the phone. Upon unlocking the phone it was determined that the number associated with it was (585) 506-1433. FAHDEL stated that he was the only

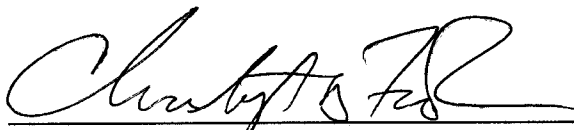
user of the mobile phone. Officers asked FAHDEL if he was involved with hoax 911 calls. FAHDEL initially denied involvement but later admitted that he had a disagreement with the owner of a store located at 413 Lyell Avenue, Rochester, NY. Due to the disagreement, FAHDEL became angry and called 911 attempting to get the owner in trouble with authorities.

20. On January 29, 2013 Cooperating Witness 1 (CW1) was interviewed. CW1 stated that CW1 knows OMER FADHEL and that FADHEL called in the hoax 911 call concerning 413 Lyell Avenue which initiated the police response to the aforementioned location. CW1 stated three to four days prior to the call, FADHEL was kicked out of the store by the store clerk because he was intoxicated. FADHEL then made a comment that he was going to get them. CW1 explained that when FADHEL makes comments such as that, it means he is going to call 911. CW1 stated that it is well known within his/her community that when FADHEL gets upset with a store or a person, the way he exacts his revenge is by placing a hoax 911 call which implicates the store or person. CW1 was shown a picture which CW1 positively identified as FADHEL. CW1 provide a phone number for FAHDEL of 506-1433. When asked if CW1 had spoken to FADHEL on that number CW responded "yes."

21. On January 29, 2013 Cooperating Witness 2 (CW2) was interviewed. CW2 was shown a picture which CW2 positively identified as FAHDEL. CW2 provided a phone number for FADHEL of 506-1433. CW2 stated that in September, 2012 FADHEL admitted to CW2 that he had made a hoax phone call to 911, threatening Kodak. Additionally, FAHDEL stated he had implicated the Sanaa Market on Clinton Avenue in Rochester, NY. CW2 was played three phone calls received by the ECD originating from telephone number (585) 506-1433. CW2 positively identified the voice of the caller as FAHDEL.

22. On January 31, 2013, and again on February 1, 2013 I spoke with a representative of T-Mobile, Law Enforcement Relations Center. I provided T-Mobile with the target telephone number, (585) 506-1433 as well as the date and times of the calls included in this affidavit. The representative from T-Mobile confirmed that (585) 506-1433 was a T-Mobile cellular telephone and further indicated that all calls originating from a T-Mobile cellular phone in upstate New York must pass through the T-Mobile switch located in Norton, Massachusetts before being routed to the 911 call center located in Rochester, NY., thus establishing that the calls referenced in this affidavit were, in fact, transmitted in interstate commerce.

23. Based on the foregoing, I respectfully submit that there is probable cause to believe that in making each of the calls summarized above, OMER FADHEL SALEH MOHAMED committed violations of Section 844(e) of Title 18 of the, United States Code, and I request that the Court issue the accompanying complaint and warrant for FADHEL'S arrest.



Christopher D. Fiorito
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to me this
4th day of February, 2013.



MARIAN W. PAYSON
United States Magistrate Judge