

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

JOSE PIMENTEL AKA MUHAMMAD YUSUF
(M 27)

Defendant.

FELONY


Detective Robert Roloph, Shield No. 1340 of the NYPD Intelligence Division,
deposes and states as follows:

During the dates set forth below, in the County and State of New York and elsewhere,
the defendant committed the offenses of:

1. PL 265.04(1)/490.25(1) Criminal Possession of a Weapon in the First Degree as a Crime of Terrorism (1 count)
2. PL 105.10(1)/490.25(1) Conspiracy in the Fourth Degree as a Crime of Terrorism (1 count)
3. PL 490.10 Soliciting or Providing Support for an Act of Terrorism in the Second Degree (1 count)
4. PL 265.02(1) Criminal Possession of a Weapon in the Third Degree (1 count)
5. PL105.10(1) Conspiracy in the Fourth Degree (1 counts)

Criminal Possession of a Weapon in the First Degree as a Crime of Terrorism

The defendant, on November 19, 2011, possessed an explosive substance with the intent to use the same unlawfully against the person and property of another, as a CRIME OF TERRORISM, committed with intent to intimidate and coerce a civilian population, to influence the policy of a unit of government by intimidation or coercion, and to affect the conduct of unit of government by murder, assassination, and kidnapping; and

Conspiracy in the Second Degree as a Crime of Terrorism

The defendant, from in or about September 2011 to in or about November 2011, with intent that conduct constituting the crime of CRIMINAL POSSESSION OF A WEAPON IN THE FIRST DEGREE, a class B Felony, be performed, agreed with another to engage in and cause the performance of such conduct, as a CRIME OF TERRORISM, to influence the policy of a unit of government by intimidation or coercion, and to affect the conduct of unit of government by murder, assassination, and kidnapping; and committed with intent to intimidate and coerce a civilian population; and

Soliciting or Providing Support for an Act of Terrorism in the Second Degree

The defendant, on or about October 2010 through November 2011, with intent that material support and resources would be used, in whole and in part, to plan, prepare, carry out, and aid in an act of terrorism and the concealment of, and an escape from, an act of terrorism, the defendant raised, solicited, collected, and provided material support and resources; and

Criminal Possession of a Weapon in the Third Degree

The defendant, on or about November 19, 2011, committed the crime of CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE pursuant to subdivisions one, two, three, or five of Penal Law 265.01, having been previously convicted of a crime; and

Conspiracy in the Fourth Degree

The defendant, from in or about September 2011 to in or about November 2011, with intent that conduct constituting the crimes of CRIMINAL MISCHIEF IN THE FIRST DEGREE, a class B Felony, and ARSON IN THE THIRD DEGREE, a class C Felony be performed, agreed with another to engage in and cause the performance of such conduct, and

The offenses were committed under the following circumstances:

I am a detective assigned to the Intelligence Division of the New York Police Department, where my duties for the past 10 years have included the investigation and monitoring of terrorist organizations. During that time, I have received special training and have become very familiar with the workings of terrorist organizations and of individuals who plot to commit terrorist acts.

Over approximately the past 12 months, together with fellow officers, I have conducted a long-term investigation of the defendant's plans to conduct a terrorist attack in New York. During that time I have reviewed internet postings from the defendant, both on a website maintained by him and on blogs, in which the defendant described his support of the terrorist organization Al Qaeda and his belief in violent jihad. I have also reviewed audio and video recordings of the defendant discussing his plans to build a bomb and to use a bomb to assassinate U.S. servicemen and women returning from active duty in Iraq and Afghanistan. These conversations, most of which were audio recorded, involved the defendant discussing his plans with a confidential informant (the "CI") under the control of the NYPD. I have also had numerous conversations with the CI.

Because this affidavit is submitted for the limited purpose of establishing reasonable cause to believe that the defendants committed the crimes charged, I have not set forth all of the facts developed during the course of the investigation. In addition, the conversations as reported are in sum and substance.

Since at least October 2010, defendant JOSE PIMENTEL has maintained the website www.trueislam1.com (formerly Trueislam12.blogspot.com) ("True Islam"), which I have reviewed on numerous occasions. "True Islam" contains a link, entitled "Make a Bomb in the Kitchen of Your Home," which allows the viewer to download a PDF file with directions on building a bomb at home. The PDF file is an article from the on-line magazine, "Inspire" called "Make a Bomb in the Kitchen of Your Mom." I am familiar with Inspire Magazine from my training and experience in counter-terrorism work. It is an online magazine created and disseminated by Al Qaeda with the specific goal of inspiring radical Muslims throughout the world to engage in acts of violence against the West. I have reviewed this PDF file, and it provides step-by-step instructions on how to build a bomb designed to maximize casualties. Finally, I have reviewed business records from Google showing that "True Islam" is maintained by Google Inc., and that defendant is the owner of the "True Islam" account.

"True Islam" strongly advocates the commission of violence against United States citizens. For example, an article was posted entitled "Why Usamah Ibn ("sic") Laden is the Leader of the Believers." This article states, in part, "People have to understand that America and its allies are all legitimate targets in warfare. This includes, facilities such as army bases, police stations, political facilities, embassies, CIA and FBI buildings, private and public airports, and all kinds of buildings where money is being made to help fund the war."

I have reviewed recordings of multiple conversations between the CI and defendant on September 7, 2011, in which the defendant clearly expressed his interest in building small bombs and targeting government establishments, police buildings, and banks.

On or about September 29, 2011, defendant delivered to the CI a flash drive containing six issues of Inspire Magazine, the Inspire Magazine article discussed above, a 417 page manual entitled, "Organic Chemistry of Explosives," and a 374 page manual entitled, "The Preparatory Manual of Explosives."

I have reviewed a recording of another recorded conversation between the defendant and the CI, from on or about October 18, 2011, in which the defendant discussed his interest in using explosive devices to kill returning marines and soldiers who fought in Iraq and Afghanistan. In that conversation, defendant also stated that they could buy the bomb components at Home Depot.

On or about October 23, 2011, at approximately 6:30 pm, members of the NYPD followed defendant and the CI to a 99-cent store in Manhattan. I am informed by the CI that inside the store, defendant commented that a clock offered for sale was similar to the clock pictured in the Inspire Magazine bomb-making article, after which he bought the clock. I have reviewed the magazine article and the clock does resemble the clock depicted in the article.

On October 25, 2011, in New York County, the CI and defendant disassembled the clock in order to replicate the step-by-step instructions in the Inspire Magazine article.

On or about October 28, 2011, defendant took the CI to a Home Depot located at 600 Exterior Street, Bronx, New York, where defendant bought (i) three pieces of elbow piping, (ii) work gloves, and (iii) Christmas lights. These items are included in the bomb-making directions in the Inspire Magazine article.

Defendant also delivered to the CI in Manhattan a number of components that defendant purchased on his own, including (i) matches, (ii) batteries, and (iii) drill bits. Again, these items are either listed in the Inspire Magazine article, or, in the cases of the drill bits, were necessary to complete key steps in the building of the explosive device the defendant expressed his intention to build.

I have reviewed video recording from on or about November 4, 2011, at the CI's apartment, showing the defendant following precisely the instructions from the Inspire Magazine article by (i) scraping the heads from the matches and collecting the incendiary powder in a bowl; and (ii) connecting a Christmas tree light to the battery using wiring to create an ignition device.

On or about November 5, 2011, at approximately 5:30 in the evening, defendant called informant on informant's cell phone and stated, in substance, that he wanted to pick up some of the bomb making materials and work on them at his house. This call was recorded.

I reviewed video recordings of the defendant from on or about November 14 and 16, 2011, at the CI's apartment, showing the defendant continuing to scrape matches and collect the incendiary powder in a bowl, as suggested in Inspire Magazine.

In a recorded conversation on or about November 16, 2011, at the CI's apartment, defendant held up the three pieces of piping, and told the CI that the defendant was going to borrow a drill from a neighbor to drill holes in the pipes.

On or about November 18, 2011, defendant called the CI, and in a recorded telephone conversation, defendant stated in substance that he and his neighbor attempted to drill holes in the pipes, but the drill bits did not work. On the same date, members of the NYPD followed the informant and the defendant as they went to various locations and purchased a drill, additional drills bits, and another clock.

On November 19, 2011, defendant was captured on video drilling holes in the three pipes as per the bomb-making instructions in the Inspire Magazine article. At that point, defendant was arrested at the CI's apartment and police officers from the NYPD Bomb Squad seized the components used for making the bomb, including the pipes with drilled holes; the incendiary powder scraped from matches; electronic circuits consisting of the Christmas lights, battery, and wire to be used as ignition devices; the clocks; and nails to be used for both the timing device and as shrapnel upon explosion, all as described in Inspire Magazine

At the time of defendant's arrest on November 19, 2011, an expert in incendiary devices from the NYPD Bomb Squad inspected the items recovered from the location at the time of arrest, and that based on his training, experience, and expertise, has opined that the components gathered by the defendant, when put together and assembled in their totality, were capable of making a pipe bomb.

On November 19, 2011, I interviewed defendant, who stated in a video-recorded interview, among other things, that: (i) Islamic law obligates all true Muslims to wage war against the United States in response to the United States invasion of Muslim lands; (ii) waging war against the United States includes conducting assassinations, in a descending order or importance, starting with politicians down to civilian government workers; (iii) he purchased all of the components of the bomb with the CI; (iv) he took active steps to build the bomb, including shaving the match heads and drilling holes in the pipes; and (v) he had all of the necessary components to build the bomb and was about one hour away from completing it.

I have reviewed the defendant's criminal history, and defendant has a previous felony conviction.

False statements made herein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law.


Deponent

11/20/11 1730 hrs
Date and Time