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**UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**BUTTE DIVISION**

<b>UNITED STATES OF AMERICA,</b>  <b>Plaintiff,</b>  <b>vs.</b>  <b>FABJAN ALAMETI,</b>  <b>Defendant.</b>	<b>CR 19-13-BU-DLC</b>  <b>MEMORANDUM IN SUPPORT</b> <b>OF THE UNITED STATES'</b> <b>MOTION IN LIMINE</b> <b>(Unopposed)</b>
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**INTRODUCTION**

COMES NOW The United States of America, by and through, Jeffrey K. Starnes, Assistant U.S. Attorney for the District of Montana, and hereby files this memorandum in support of its Unopposed Motion in *Limine*. By this motion, the prosecution seeks a preliminary order from the Court to allow the United States to

take reasonable steps to protect from public disclosure, the true identity of an FBI confidential human source (“CHS”) if that individual is called to testify at trial in this matter.

## **BACKGROUND**

The defendant, Fabjan Alamei, is charged by indictment with three counts of making a false statement to the FBI in a matter involving terrorism, in violation of 18 U.S.C. § 1001, and one count possessing a firearm as an unlawful user of a controlled substance, in violation of 18 U.S.C. § 922(g)(3). (Doc. 10). The charges stem from an FBI investigation into Alamei’s online activity that originally began in the Southern District of New York, where it is alleged that Alamei spoke with an FBI confidential human source (“CHS”) and discussed, in earnest, his intentions to travel overseas and fight for ISIS, a designated Foreign Terrorist Organization (“FTO”). *See* Exhibit 1.<sup>1</sup> The United States further alleges that Alamei discussed plans to conduct a potential attack in the United States, and that he considered targeting places such as a government building, gay club, Jewish temple, or US. Army recruiting center. *Id.*

In March of 2019, Alamei travelled by bus from the Southern District of New York to the District of Montana. *Id.* at 9. On or about March 25, 2019,

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<sup>1</sup> Exhibit 1 is the Affidavit in Support of Criminal Complaint originally filed against Alamei in this case. *See* Case No: MJ-19-29-M-JCL.

Alameti spoke with the FBI and denied that he had ever talked about traveling overseas to fight for ISIS and asserted that he had never said that he wanted to hurt Americans or anyone in the military. *Id.* at 12. He also asserted that he had no desire to hurt people with guns. *Id.* On or about April 3, 2019, the FBI arrested Alameti when he took possession of a rifle at a firing range. *Id.* at 17-18.

Alameti's conversations with the CHS took place between January and March 2019. *See Id.* Most of the conversations with the CHS took place over an encrypted electronic/text messaging application, which were preserved through various means. *See Id.* at 3. At trial, the United States may call the CHS as a witness to lay the foundation for his preserved communications with Alameti. For the reasons set forth more fully below, the United States requests that the Court allow the CHS to testify under an alias and in a disguise to alter his appearance to the public.

### RELEVANT FACTS

1. ISIS is a designated FTO. *See Exhibit 1 at 2-3.*
2. ISIS has publically and frequently encouraged its supporters in the West who cannot travel to Iraq and Syria to remain in place and conduct attacks.<sup>2,3</sup>

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<sup>2</sup> Jessica Lewis McFate, Harleen Gambhir, Evan Sterling, Institute for the Study of War, *ISIS's Global Messaging Strategy Fact Sheet*, <http://www.understandingwar.org/sites/default/files/GLOBAL%20ROLLUP%20Update.pdf> (accessed July 31, 2019)

<sup>3</sup> The Institute for the Study of War is a non-partisan, non-profit, public policy research organization founded in 2007. *See* <http://www.understandingwar.org/who-we-are>

3. The CHS is currently an operational source for the FBI who works on cases across multiple jurisdictions.

4. The CHS has family members who live in the Middle East.<sup>4</sup>

5. The majority of the CHS's work involves communicating online or via text messages with targets who claim to have affiliation with one or more designated FTOs.

6. The CHS communicates with individuals who claim to live in the Middle East.

7. When the CHS engages potential targets for the FBI, he typically uses an alias to communicate with targets, although he has inadvertently used his real name in the past, resulting in an admonishment from the FBI.

8. The United States believes that if the CHS is called as a witness and his true name or true image is revealed to the public, it could jeopardize his safety and/or the safety of his family members who continue to live in the Middle East. It could also impact the CHS's ability to participate in future national security investigations targeting individuals who are or claim to be affiliated with a designated FTO.

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<sup>4</sup> References to the exact country or location where the CHS's family members live are intentionally omitted from this filing to protect their safety.

## DISCUSSION

As detailed more fully below, the United States moves the court to either seal the courtroom during the CHS's testimony; or, in the alternative, to allow the CHS to testify in disguise and under an alias.

The Sixth Amendment grants a criminal defendant the right "to be confronted with the witnesses against him." U.S. Const. amend. VI; *United States v. de Jesus-Casteneda*, 705 F.3d 1117, 1119 (9th Cir. 2013). A criminal defendant's right to cross-examination includes the right to face physically those who testify against him and to ensure that the witness gives his statement before the jury so the jury may observe the witness's demeanor. *de Jesus-Casteneda*, 705 F.3d at 1119; *Coy v. Iowa*, 487 U.S. 1012, 1017 (1988); *Maryland v. Craig*, 497 U.S. 836, 851 (1990). However, this right is not unfettered: "trial judges retain wide latitude insofar as the Confrontation Clause is concerned to impose reasonable limits on such cross-examination based on concerns about, among other things, harassment, prejudice, confusion of the issues, the witness' safety, or interrogation that is repetitive or only marginally relevant." *Delaware v. Van Arsdall*, 475 U.S. 673, 679 (1986); *Delaware v. Fensterer*, 474 U.S. 15, 20, 106 S.Ct. 292, 295, 88 L.Ed.2d 15 (1985) (*per curiam*) ("the Confrontation Clause guarantees an *opportunity* for effective cross-examination, not cross-examination

that is effective in whatever way, and to whatever extent, the defense might wish.” (emphasis in original)).

In *United States v. de Jesus-Casteneda*, 705 F.3d 1117, (9th Cir. 2013), a case of first impression in the Ninth Circuit, the Court considered whether a witness’s testimony in disguise at trial violates the Confrontation Clause of the Sixth Amendment. In that case, the defendant was charged with possession with intent to distribute methamphetamine under 21 U.S.C. § 841(a). *See Id.* At trial, the United States called a confidential informant to testify, and requested that the witness testify in a disguise, consisting of a wig, sunglasses, and mustache. *See Id.* at 1119. This was done because the witness was involved in investigations of the “dangerous” Sinaloa Cartel, the disguise would guard against the “inherent dangers involved” in such cases, and “accommodate the public nature of [the] courtroom and yet hopefully protect [the witness’s] identity.” *Id.* (Internal quotation marks omitted). Over defense objection, the district court permitted the witness to testify in a mustache and wig but no sunglasses so his eyes could remain visible to the jury. *Id.* In reaching that decision, the district court determined that the government’s request was “‘not even a close question,’ the reason for the disguise was ‘obvious,’ and that when weighed against the ‘risks that have been presented,’ the disguise was a ‘very small impingement ... on the ability of the [jury] to judge [the [witness’s]] credibility.’” *Id.*

The Ninth Circuit reviewed the district court's decision for an abuse of discretion. *Id.*; *United States v. Shryock*, 342 F.3d 948, 974 (9th Cir. 2003) (holding that a district court's decision to impose security measures is reviewed for abuse of discretion). In affirming the defendant's conviction, the Court held that the witness's disguise in the form of a wig and mustache was necessary to further an important state interest, namely, the witness's safety. *Id.* at 1120. *See also Morgan v. Bunnell*, 24 F.3d 49, 51 (9th Cir.1994) (recognizing a trial court's "grave responsibility of guarding the safety of courtroom personnel, parties, counsel, jury and audience" and holding that shackling a defendant during trial was not an abuse of discretion where courtroom safety was at risk).

The Court concluded that, despite the disguise, the reliability of the prosecution witness's testimony was, "otherwise assured, because (1) he was physically present in the courtroom, (2) he testified under oath, thus impressing him with the seriousness of the matter and the possibility of penalty for perjury, (3) he was subject to cross-examination while Appellant could see him, (4) despite his disguise, the jury was able to hear his voice, see his entire face including his eyes and facial reactions to questions, and observe his body language." *de Jesus-Casteneda*, 705 F.3d at 1120-21. The Court further noted that "there may be instances in which a witness's testimony in disguise might give rise to a due process violation in certain circumstances by prejudicing the jury against the

defendant.” *Id.* at 1121. In such situations, the Court suggested “an alternative solution might [be] to seal the courtroom, thereby protecting the [confidential informant’s] identity from the public.” *Id.*

Like the confidential informant in *de Jesus-Casteneda*, the CHS in this case has good reason to fear for his safety if his true identity is revealed to the public. The CHS assists the FBI with national security investigations targeting individuals that claim to live overseas and to be affiliated with designated FTOs. Many of these individuals view the United States as an enemy, and desire injure or kill Americans. Needless to say, these individuals would have a keen interest in identifying the CHS to either end his cooperation or to target the CHS or his family overseas in retaliation for his cooperation. In short, revealing the CHS’s true identity poses a significant threat to the CHS, the CHS’s family, and may affect future national security investigations. Thus, there is good reason for the Court to take appropriate steps to protect the CHS’s identity in this case.

Request to Allow CHS to Testify Under an Alias

The CHS’s true name has no relevance to any issue at trial. Fed. R. Evid. 401 defines “relevant evidence” as “evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” Evidence of the CHS’s true name has no bearing upon a determination of whether the defendant



lied to the FBI about statements he previously made to the CHS when the evidence of the previous statements are preserved in written record. Under Fed. R. Evid. 402, “[e]vidence which is not relevant is not admissible.” Consequently, evidence of the CHS’s true name should be excluded by this Court in the exercise of its discretion.

Request to Seal the Courtroom for CHS Testimony

To mitigate the threat to the CHS’s safety, the United States respectfully requests that the Court seal the courtroom from the public during the CHS’s testimony in this case. The *de Jesus-Casteneda* Court noted that such a measure may be appropriate when a witness testifying in disguises might give rise to a due process violation by prejudicing the jury against the defendant. *de Jesus-Casenenda*, 705 F.3d at 1121. Examples of such situations include when the disguise might give the jury the impression that the defendant is particularly dangerous, or if it might suggest that the witness is particularly valuable to law enforcement and therefore is particularly credible. *See Id.*

Here, although Alameti has communicated with the CHS via electronic means, the two have never met in person. Thus, there is less risk of threat to the CHS’s safety if only the jury, the parties, and the Court see the CHS, than if the general public, or a member of the media, sees the CHS, captures his image, and disseminates it in the public. Moreover, sealing the courtroom will guard against

the two examples of potential concern with witnesses testifying in disguise raised by the *de Jesus-Casteneda* Court: suggesting to the jury that the defendant is particularly dangerous or that the CHS is particularly credible. *de Jesus-Casenenda*, 705 F.3d at 1121.

Alternative Request to Allow the CHS to Testify in Disguise

While it is true that a district court retains discretion to impose security measures during trial, closing the courtroom during a proceeding can implicate the defendant's Sixth Amendment right to a public trial. *See e.g. United States v. Shryock*, 342 F.3d 948 (9th Cir. 2003); *United States v. Ivester*, 316 F.3d 955, 958 (9th Cir. 2003). If the Court determines that closure is inappropriate here, the United States alternatively requests that the Court allows the CHS to testify in a disguise.

Like his true name, the CHS's true image has no bearing on whether Alameti lied to the FBI weeks after his electronic communications with the CHS ended. The CHS's true image is therefore not relevant to any matter that will be at issue at trial other than the CHS's credibility. And, as stated above, this Court has reasonable discretion to take steps to allow the jury to assess the CHS's credibility without disclosing the CHS's true name or image.

If the Court grants this request, the United States anticipates that the CHS will utilize the following means of disguise while testifying:

1. To testify under the alias “John Doe” to protect his true name;
2. To wear a wig or hat to alter the appearance of hair color and style;
3. To wear a false beard or mustache to cover his face;
4. To wear false eyeglasses to cover his face but allow the jury to see his eyes;
5. To wear loose fitting clothing over a vest or body suit to alter the appearance as to bodyweight; and
6. To wear lifts in his shoes to alter the appearance of height.

If these requests are granted by the Court, the United States anticipates that the jury would be told from the outset that the CHS has taken measures to alter his normal appearance. This could be done by either a special instruction from the Court or simply elicited through examination by the parties.

As highlighted above, the Ninth Circuit has expressly authorized a witness testifying in disguise to protect the witness’s safety. It is clear that the CHS’s safety here could be placed at risk if his true identity were to be disclosed.

Allowing the CHS to testify in disguise will mitigate the threat to his safety while at the same time ensuring that Alameti has a right to confront the witness through cross-examination. Finally, the jury will be able to adequately assess the CHS’s credibility because he will be physically present in the courtroom; he will be under oath; he will be subject to cross-examination while the defendant can see him; and the jury will be able to hear his voice, see his face, including his eyes and facial

reactions to questions, and observe his body language. *See de Jesus-Casteneda*, 705 F.3d at 1120-21.

**STATEMENT OF OPPOSING PARTY’S POSITION ON MOTION**

The undersigned contacted the defense and they do not oppose the request to allow the CHS to testify under an alias nor to testify in a sealed courtroom.

**STATEMENT REGARDING EVIDENTIARY HEARING,  
WITNESSES, AND ORAL ARGUMENT**

Because this motion is unopposed, the United States does not believe that an evidentiary hearing or oral argument will be necessary to resolve this matter.

However, should the Court desire to conduct an evidentiary hearing, the United States may call the following witness(es) to testify:

- Special Agent John P. Thomas, FBI

**EXHIBITS**

The motion includes the following attachment(s):

- Exhibit 1 – Affidavit in Support of Criminal Complaint, filed in Cause No. MJ-19-29-M-JCL

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## CONCLUSION

Based on the foregoing, the United States respectfully requests that the Court grant the prosecution's Motion in *Limine* by allowing the CHS to testify under the alias "John Doe," and to seal the courtroom during his testimony.

DATED this 31st day of July, 2019.

KURT G. ALME  
United States Attorney

/s/ Jeffrey K. Starnes  
JEFFREY K. STARNES  
Assistant U.S. Attorney

**CERTIFICATE OF COMPLIANCE**

I certify that the United States' Motion in *Limine* is in compliance with L. R. 7.1(d)(2) and CR 12.1. The brief's line spacing is double spaced, with a 14 point font size and contains less than 6,500 words. (Total number of words: 2,798, excluding tables and certificates).

DATED this 31st day of July, 2019.

KURT G. ALME  
United States Attorney

/s/ Jeffrey K. Starnes  
JEFFREY K. STARNES  
Assistant U.S. Attorney

## **AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Matthew J. Deurmeier, am a Special Agent (SA) of the Federal Bureau of Investigation (“FBI”), being duly sworn, depose and state the following:

### **INTRODUCTION AND AGENT BACKGROUND**

1. I have been employed by the FBI as a Special Agent for over nine years and am currently assigned to the FBI Bozeman Resident Agency in Bozeman, Montana. I have training and experience in conducting federal criminal investigations and have worked criminal matters involving terrorism, violent criminal offenses, firearm offenses, and civil rights matters. In addition, I am assigned to conduct national security investigations as a member of the Joint Terrorism Task Force (“JTTF”). I have participated in numerous national security investigations and have received extensive training and experience in the conduct of national security investigations including both domestic and international terrorism.

2. This affidavit is submitted in support of a Criminal Complaint charging Fabjan Alameti (“ALAMETI”), who recently moved from the Bronx, New York, to Bozeman, Montana, with unlawfully possessing a firearm, in violation of 18 U.S.C. § 922(g)(3), and making false statements relating to international and domestic terrorism, in violation of 18 U.S.C. § 1001.

3. The facts set forth in this Affidavit are based upon my personal involvement in this investigation, training and experience, my review of relevant evidence, and information supplied to me by other law enforcement officers. This Affidavit is intended to show that there is probable cause to arrest and detain Alameti for the crimes specified herein and does not purport to set forth all of my knowledge of, or investigation into, this matter.

#### **SUMMARY OF INVESTIGATION AND PROBABLE CAUSE**

4. On October 15, 2004, the U.S. Secretary of State designated al Qaeda in Iraq (“AQI”), then known as Jam’at al Tawhid wa’al-Jihad, as a Foreign Terrorist Organization (“FTO”) under Section 219 of the Immigration and Nationality Act (the “INA”) and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224. On May 15, 2014, the Secretary of State amended the designation of AQI as an FTO under Section 219 of the INA and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant (“ISIL”) as its primary name. The Secretary also added the following aliases to the FTO listing: the Islamic State of Iraq and al-Sham (*i.e.*, “ISIS”—which is how the FTO will be referenced herein), the Islamic State of Iraq and Syria, ad-Dawla al-Islamiyya fi al-‘Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. In an audio recording publicly released on June 29,



2014, ISIS announced a formal change of its name to the Islamic State. On September 21, 2015, the Secretary added the following aliases to the FTO listing: Islamic State, ISIL, and ISIS. To date, ISIS remains a designated FTO.

5. On or about May 15, 2018, as part of a terrorism investigation, law enforcement officers in New York City interviewed FABJAN ALAMETI at his residence in the Bronx, New York. During the interview, Alameti stated that he owned and utilized a Facebook account in the name of “Fabjan Alamati”. He also admitted that he uses marijuana.

6. On or about January 17, 2019, an FBI Confidential Human Source (“CHS-1”) began reporting on an individual later identified as ALAMETI, who had been posting pro-ISIS comments on pro-ISIS Facebook pages. CHS-1 reported that he/she had engaged ALAMETI in a private conversation via an encrypted electronic messaging application. CHS-1 represented to ALAMETI via the encrypted application that he/she was residing in Jordan and that he/she was a supporter of ISIS. According to CHS-1, ALAMETI stated over the same encrypted text messaging application, that he was planning to travel to Syria to fight with ISIS. ALAMETI also stated, via the same messaging application, that he had been considering conducting an attack on a U.S. government building, gay club, Jewish temple, or U.S. Army recruiting center, but believed that it would be difficult to carry out such an attack because guns are hard to

obtain in New York. ALAMETI later stated that he would not conduct an attack in the United States because the United States had allowed him to live in the country and granted him citizenship and instead stated he developed a new plan to join ISIS abroad.

7. In March 2019, the FBI Field Office in New York executed a federal search warrant issued by Magistrate Judge in the Southern District of New York, on ALAMETI's Facebook account with user name "Leave Me Alone", and unique identifier/Facebook User ID 100023643344501. A review of the search warrant returns yielded conversations via a direct messaging function between ALAMETI and another Facebook user ("Individual-1") between January 26, 2019 and February 27, 2019. The messages between ALAMETI and Individual-1 were in Albanian but were translated by an FBI Albanian linguist.

8. Based on my review of the translations, ALAMETI told Individual-1 that he intended to travel to Iraq and fight. ALAMETI told Individual-1 that he was in contact with an individual in Jordan that lived in Iraq who was going to facilitate his travel. ALAMETI gave Individual-1 the name of his facilitator. The name provided was the same name being used by CHS-1 to communicate with ALAMETI.

9. Further review of the information provided in the search warrant return from Facebook showed that ALAMETI told an individual on Facebook between the dates of December 27, 2017 and January 1, 2018, "Inahallah [sic] i come to arish to join ISIS".

10. By February 2019, ALAMETI began telling CHS-1 about his desire and ability to travel overseas to join ISIS, but also to engage in attacks in the United States as well. CHS-1's communications with ALAMETI included the following, in substance and in part:

- a. On February 11, 2019, ALAMETI messaged CHS-1, "I wanna go kill some fags". When CHS-1 replied that they needed three months to plan, ALAMETI replied, "We need arms ammo and explosives", "And also the uhaul", and "Gasoline mixed in with explosives will make a good blast also it will burn longer".
- b. On February 22, 2019, ALAMETI shared a screenshot with CHS-1 of a chart showing what appear to be blast radiuses by vehicle type. ALAMETI commented, "Small boxer van is uhaul. That a blast up to 2750 feet".
- c. Between February 27, 2019 and February 28, 2019, ALAMETI messaged CHS-1, "When will the time come for us to hunt them down. I will stand over them while I pierce their bodies with hollow tips. Inshallah we take as many kuffars<sup>1</sup> with us. For the brothers who died and the kids and women."

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<sup>1</sup> Based on my training and experience in counterterrorism investigations, I am aware that "kuffar[s]" is a term meaning "dis-believer" and is often used by ISIS to refer to non-Muslims.

- d. ALAMETI messaged CHS-1, “We need extensive research on our ideal target”. When CHS-1 asked ALAMETI what targets, ALAMETI replied, “Like I said any military facilities or simply a recruiting center. But there is options for choices”. CHS-1 asked ALAMETI if he thought bombs were a must to which ALAMETI replied, “When looking for explosives we are subject to inspection. We must make it our self”. ALAMETI also messaged “But if we can’t try then the guns are the ideal weapons”. ALAMETI messaged CHS-1, “I am doing it for the Hadith<sup>2</sup> of eye for eye and blood for blood since America has killed our Muslim civilians”.
- e. When CHS-1 messaged ALAMETI if ALAMETI did drugs or drank alcohol, ALAMETI replied, “The only thing I use is marijuana and I only told u know [sic] because u asked”.
- f. On approximately February 28, 2019, ALAMETI messaged CHS-1 that he was looking to leave New York because of “family issues, warrant and I hate life here in ny bro”.

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<sup>2</sup> Based on my training and experience in counterterrorism investigations, I am aware that a Hadith is a collection of traditions containing sayings of the prophet Muhammad which, with accounts of his daily practice, constitute the major source of guidance for Muslims apart from the Qur’an.

g. On March 13, 2019, ALAMETI messaged CHS-1 that he had purchased a bus ticket and sent a screenshot of confirmation of the transaction.

According to the screenshot, the trip departed on March 14, 2019, from New York, New York, with a destination of Bozeman, Montana. The ticket cost \$243.50 with the passenger name identified as “Fabjan Alameti”.

h. On March 14, 2019, ALAMETI messaged CHS-1 and indicated that he was on a bus en route to Montana. ALAMETI indicated he had a job interview in Montana and would be working part-time. ALAMETI messaged CHS-1, “I wish I would have fought with u there. I wanted to be marterd [sic] with you”.

i. On March 15, 2019, as ALAMETI claimed to be en route to Montana, he asked CHS-1 to resend him a video link, an apparent reference to a conversation earlier in the morning when CHS-1 sent a video link to ALAMETI about breaking news of an attack on a mosque in New Zealand that killed fifty Muslims. Your affiant is aware of news reports that the alleged shooter wore a camera and live-streamed the incident on multiple social media platforms. CHS-1 replied, “Akhi<sup>3</sup> the video is heart wrenching

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<sup>3</sup> Based on my training and experience in counterterrorism investigations, I am aware that the term “akhi” is an Arabic term meaning “my brother”.

walla u don't even wanna see it" to which ALAMETI replied, "I have to akhi", "I [sic] will fuel me", and, "To plot please send it akhi".

- j. CHS-1 messaged ALAMETI, "Fuel you for what akhi are sure you wanna act like the kuffar and attack a church or something", and "ok I'll send it". ALAMETI replied, "No not a church", and "But I will attack random people to avenge the blood".
- k. A review of the screenshots of the messaging conversation indicate that CHS-1 then sent a Facebook link to ALAMETI.
- l. ALAMETI messaged CHS-1, "I'm going to Montana and gonna buy a gun since all they need is a background check and id".
- m. CHS-1 messaged ALAMETI, "But akhi are you sure its halal<sup>4</sup> to shoot random people and act like the kuffar did to us". ALAMETI messaged CHS-1, "Of course akhi", "We must ave he [sic] the death and even a single drop of blood should be avenged akhi", "Muslim blood is precious", "I'm gonna buy a gun in Montana", and "And let you know".

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<sup>4</sup> Based on my training and experience in counterterrorism investigations, I am aware that "halal" is an Arabic term meaning "permissible".

n. CHS-1 messaged ALAMETI, “Akhi I thought you wanted to get a job and have a regular life”. ALAMETI replied, “Of course yea” and “But I’m still gonna buy it”.

11. On March 14, 2019, FBI agents in New York observed ALAMETI load a bus and depart New York Port Authority Bus Terminal. FBI agents in New York then coordinated with FBI field offices along the bus route and Agents reported observations of ALAMETI at various bus stops throughout the trip.

12. From Minneapolis, Minnesota to Montana, law enforcement officers were positioned in the bus to maintain visual contact with ALAMETI through his arrival in Bozeman.

13. On the evening of March 16, 2019, during a several hour layover in Billings, Montana, FBI surveillance observed ALAMETI leave the bus station, travel to a Wal-Mart, and purchase a Crossman SNR357 air pistol, BBs, CO2 canisters and .177 caliber pellets. I am aware that this particular air pistol is designed to closely resemble a .357 revolver in both appearance and feel.

14. FBI surveillance observed ALAMETI arriving in Bozeman, Montana at approximately 4:00 a.m. on March 17, 2019. ALAMETI purchased a room at the Bozeman Inn, a hotel in close proximity to the bus stop. ALAMETI paid in cash for six days.

15. At approximately 8:30 a.m. on March 17, 2019, FBI surveillance observed ALAMETI walk to the Wal-Mart in Bozeman and go to the sporting goods section. He then asked an employee about purchasing a holster for a handgun which could be worn on the chest. ALAMETI did not find the item he wanted but asked where he could acquire such a holster.

16. On the evening of March 17, 2019, FBI surveillance observed ALAMETI walk to the Wal-Mart in Bozeman and purchase a black Crossman Legacy 1000 .177 caliber air rifle. FBI surveillance overheard ALAMETI ask a male about rules for purchasing a firearm and ask about Montana concealed carry laws.

17. On March 18, 2019, FBI surveillance observed ALAMETI enter a sporting goods store in Bozeman. An interview with a store employee yielded review of surveillance footage during the time ALAMETI was in the store. Agents that reviewed the footage identified ALAMETI being in the store for approximately thirty minutes. While in the store, ALAMETI looked at pellet guns, airsoft guns, AR-style rifles, machetes, knives, ammunition, reloading powders, black powder, and camping axes. ALAMETI did not appear to handle any firearms.

18. On March 20, 2019, ALAMETI was evicted from the Bozeman Inn. According to interviews of hotel staff, housekeeping staff determined that ALAMETI had smoked what appeared to be marijuana in his hotel room. The hotel manager confronted



ALAMETI about the smoke smell and ALAMETI admitted to smoking in his room and paid a smoking fee. After ALAMETI departed the property, the hotel manager did a walk-through of the room where she found the air pellet rifle between the bed and wall. FBI agents secured the item.

19. On the evening of March 20, 2019, ALAMETI checked into a hostel in Bozeman and paid for one week, during which time he remained under continued FBI surveillance.

20. On March 21, 2019, FBI surveillance observed ALAMETI enter a pawn shop in Bozeman. An interview with the store employee yielded that while he was in the shop, ALAMETI asked to handle an M1A long rifle that was displayed on the counter. The employee recalled ALAMETI stating, "You don't see many of these in New York". ALAMETI also inquired about how to purchase a firearm like the M1A rifle. The employee informed ALAMETI that he needed a Montana driver's license.

21. On March 25, 2019, Bozeman Fire Department and an emergency medical technician ("EMT") responded to the hostel. ALAMETI was transported to a local hospital for treatment of what is believed to be acute alcohol intoxication. The hostel manager secured what was believed to be a handgun and ALAMETI's belongings.

22. On the morning of March 25, 2019, Bozeman Police Department met with the hostel manager. The manager stated that ALAMETI was no longer allowed to stay at

the hostel. The police department identified the handgun as a pellet revolver and secured the item and his belongings. The officer advised the manager that if ALAMETI returned to the hostel, to send him to the Law and Justice Center to retrieve his belongings.

23. Upon release from the hospital, ALAMETI walked to the Law and Justice Center and agreed to speak to the officer. As part of an ongoing FBI terrorism investigation, I was present for the interview with ALAMETI. During the interview, I identified myself as an FBI special agent and advised ALAMETI several times that it was unlawful for him to provide false information to me. During the interview, ALAMETI stated, in relevant part: (1) that he has never been linked to anyone who has asked him to travel overseas; (2) that he has never expressed a desire to harm any Americans; (3) that he has never expressed a desire to fight U.S. military overseas; and (4) that he has never expressed a desire to fight for ISIS.

24. Also during the interview, ALAMETI provided written and verbal consent to allow the Bozeman Police Department to download the contents of his cellphone for the purpose of determining whether his phone contained evidence that it was used to view ISIS videos. A review of the download showed the following:

- a. Searches identified in the cellphone that appear to have occurred on February 6, 2019, yielded the phrases “federal buildings in nyc”, “tactical knives;

- b. searches using the Safari search function for the phrases “isis ideology”, “isis live map”, “getting shot live leak”, “murder of cop liveleak”, and “police officer killed liveleak”;
- c. Searches identified in the cellphone using the Google search function yielded the phrases “nyc gun laws”, “internet archive anwar al awlaki”, “american who joined al qaeda”, “4 us soldiers killed in manbij”, and “manbij bombing”;
- d. Searches identified in the cellphone that appear to have occurred on January 21, 2019 yielded the phrases “liveleak stabbed to death”, “muslims kill liveleak”, and “us soldiers and pkk killed”.
- e. Searches identified in the cellphone that appear to have occurred on January 29 and 30, 2019, yielded the phrases “isis sinai wiki”, “what countries can I visit with Albanian passport”, “nyc to Albania to Jordon [sic]”, “islamic state”, and “isis attacks liveleak”;
- f. Searches identified in the cellphone that appear to have occurred on February 6, 2019, yielded the phrases “federal buildings in nyc”, “tactical knives for sale”, “taxi driver gets stabbed liveleak”, “taxi driver gets shot liveleak”, “police ambushed liveleak”; and

- g. Searches identified in the cellphone that appear to have occurred on February 8, 2019, yielded the phrases “isis live map”, “Holland tunnel”, “car bomb”, and “isis jihadology”.

25. In addition to continued surveillance, the FBI utilized a second Confidential Human Source (“CHS-2”) to meet with ALAMETI in Bozeman. CHS-2’s reporting of contact with ALAMETI was corroborated with audio recordings and surveillance.

26. On March 26, 2019, CHS-2 observed ALAMETI smoke marijuana at a park in Bozeman. On March 28, 2019, during a recorded conversation, ALAMETI informed CHS-2 that he was applying for a job in Bozeman. He listed CHS-2 and another individual who ALAMETI identified as ALAMETI’s marijuana dealer in Bozeman as references.

27. On March 31, 2019, ALAMETI met with CHS-2. During the meeting, ALAMETI stated that the woman whose house he is living at almost caught him smoking marijuana in the park. CHS-2 observed ALAMETI smoking marijuana during the meeting.

28. On April 1, 2019, ALAMETI sent a text message to CHS-2 asking CHS-2 if he knew of any firing ranges in the area. ALAMETI identified a local firing range that has guns to rent by the hour and expressed an interest to CHS-2 in shooting at the range. Later that day, ALAMETI met with CHS-2, and, in a recorded conversation, told CHS-2

that he and his marijuana dealer went to the “dispensary” and he purchased “two grams”. CHS-2 asked ALAMETI if he had purchased the amount. ALAMETI replied that he gave the money to his friend and his friend purchased the marijuana. During the meeting, CHS-2 observed ALAMETI smoking marijuana. ALAMETI admitted to rolling marijuana earlier that day in the house that he is currently staying at, and ALAMETI also stated that he has smoked weed for years.

29. On April 2, 2019, CHS-2 met with ALAMETI and another individual identified as ALAMETI’s marijuana dealer in Bozeman. A review of CHS-2’s reporting, corroborated by audio recordings, yielded the following information from that meeting, in substance and in part:

- a. CHS-2 observed ALAMETI smoke marijuana in CHS-2’s vehicle multiple times.
- b. CHS-2 observed ALAMETI purchase three grams of marijuana from the marijuana dealer in the backseat of CHS-2’s vehicle.
- c. During a recorded conversation, ALAMETI stated he could die the following day and asked CHS-2 if he believed in Allah. ALAMETI asked

the dealer if he had heard of Abu-Bakr.<sup>5</sup> ALAMETI told the dealer “He’s got some nice tracks you gotta listen to. It’s all terrorism shit”.

d. ALAMETI stated “I want to shoot up the fucking Bozeman Inn, bro”.

ALAMETI stated that he had three days left of his stay when he was evicted from the property and was upset that he did not receive a refund.

ALAMETI admitted to CHS-2 and the dealer that a hotel staff member walked in on him smoking marijuana.

e. During the meeting, ALAMETI told CHS-2 and the dealer that he knew how to make napalm.

f. ALAMETI claimed to have viewed a PDF form of manuals for pipe bombs and explosions while he used the deep web platform Tor Onion, which he recognized did not disclose his IP address.

g. ALAMETI expressed an interest in going to the gun range in the afternoon of April 3, 2019. ALAMETI stated he wanted to shoot a long rifle he recalled as either an “M4A1” or “MA1” and that he previously looked at the rifle while at a pawn shop in Bozeman.

h. ALAMETI knew the fees to rent and shoot a firearm at the range.

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<sup>5</sup> I am aware that Abu Bakr al-Baghdadi is the leader of ISIS.

- i. ALAMETI stated he did not like shotguns because “It is not something you can go to battle with”.
- j. ALAMETI admitted to CHS-2 and the dealer that he watched a video of what ALAMETI called a “terrorist” blowing up a tank using explosives. ALAMETI stated the video did not contain American soldiers.
- k. ALAMETI told CHS-2 and the dealer that he did not support the U.S. government because they supported “lesbians and gays”. ALAMETI stated he does not support the war. ALAMETI stated he was “pissed off” about the United States “killing people in other countries for oil”.

29. I am aware that marijuana is a schedule I controlled substance and that according to the Drug Enforcement Administration, schedule one substances have a high potential for abuse and the potential to create physical dependence.

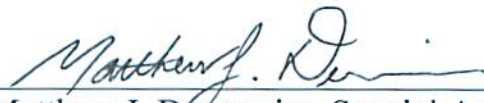
30. On April 3, 2019, ALAMETI traveled with CHS-2 to a firing range near Bozeman. In order to pay for his trip to the range, ALAMETI asked to borrow money from CHS-2 and told CHS-2 he would reimburse CHS-2 with money he expected to receive from his paycheck in the next day or two. CHS-2 agreed and gave ALAMETI \$60 in cash to use at the firing range.

31. Upon arriving at the range, ALAMETI was required to fill out and sign a copy of the firing range’s policies and procedures form. On the form, he provided his

name, date of birth, and address. He also showed his New York State identification card to verify his age, and paid \$35 to rent a firearm and time at a firing bay. Thereafter, ALAMETI selected a firearm and took possession of it. The firearm he possessed was a M1A rifle with serial number 388887. Upon taking possession of the firearm, ALAMETI was arrested by the FBI without incident and taken into custody.

**CONCLUSION**

32. Based on the information contained in this Affidavit, there is probable cause to believe that Fabjan Alamei unlawfully possessed a firearm in violation of 18 U.S.C. § 922(g)(3) and provided false statements in relation to a matter involving international or domestic terrorism, in violation 18 U.S.C. § 1001.

  
Matthew J. Deurmeier, Special Agent  
Federal Bureau of Investigation

Subscribed and sworn before me this 9<sup>th</sup> day of April 2019

  
United States Magistrate Judge Jeremiah C. Lynch  
District of Montana