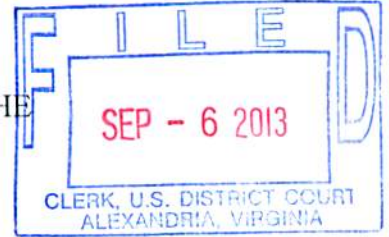


UNDER SEAL

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



UNITED STATES OF AMERICA)
)
v.) Criminal Number 1:13SW550
)
ATAL BASHAR)

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT

I, Sean Buckley, being duly sworn, state as follows:

Introduction

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) currently assigned to the Washington Field Office. I have been a sworn law enforcement officer for two years. My primary duty is to investigate federal criminal activities in Washington, DC and northern Virginia.
2. I present this affidavit in support of a criminal complaint and an arrest warrant for Atal BASHAR. The criminal complaint and arrest warrant charge him with possession of an explosive device, in violation of 26USC5861 (d) (f).
3. I have not included every fact I know about the illegal activities associated with Atal BASHAR in this affidavit. Rather, I have included those facts I believe are needed to demonstrate the probable cause for the criminal complaint I seek. The information in this affidavit is based on my personal knowledge and observations, on information conveyed to me by other law enforcement officials, and on my review of records, documents, and other physical evidence relevant to their activities.

ATAL BASHAR

4. Atal Jalal BASHAR is a 38 year-old male residing in Fairfax County, Virginia. BASHAR was born in Afghanistan and is a naturalized US citizen. BASHAR has a felony drug conviction in Virginia, recorded under one DOB and a weapons conviction in Washington, DC under a second DOB.

Summary of the Investigation

THE IMPROVISED EXPLOSIVE DEVICE (IED)

5. On March 5, 2012, the Fairfax County Police Department (FCPD) received a request for assistance from a realtor with respect to the discovery of a potentially hazardous device at 6551 Gildar Street, Alexandria, Virginia. This property had been placed in the care and possession of the realtor for the purpose of sale. The realtor had contracted a cleaning service to remove debris from the residence as the home was being offered for sale. During the course of conducting the cleaning operation, a member of the cleaning crew observed a black gym bag in a closet in a first floor room. That person removed the bag to the basement where all items of potential value were being stored pending removal from the house. Upon opening the bag, the cleaning person became alarmed at the contents and believed it to possibly be a bomb. With due regard for their safety, the cleaners contacted the realtor and reported their findings. The realtor then summoned the FCPD.

6. The initial responding police officer observed the gym bag which contained a box covered in what appeared to be a secondary covering of blue tape. Protruding from the top of the box were several green cord-like strands which had been partially wrapped in what appeared to be the same type blue tape that covered the box. Based on the officer's initial observations, the FCPD, Explosive Ordnance Disposal Unit (EOD) was summoned to assist in identifying the object and to determine the scope of potential hazard to public safety.

7. The realtor, having possession of the property for the purpose of sale, authorized written consent allowing the EOD Unit to attempt to identify whether the object was a hazard to person(s) who may occupy the premises, as well as adjacent persons and structures. Upon examination of the device, the EOD Unit, led by MPO Thomas Eggers, determined the device displayed enough indicators to require entry into the device to further assess the hazard. Upon breaching the exterior of the device, MPO Eggers observed several red cylindrical objects and several brown paper-covered objects. Each of the brown papered objects had a single green cord that appeared to have been inserted in the device. Based on his training and experience, MPO Eggers was able to ascertain the green cord was in fact a type of pyrotechnic fuse known as "cannon" fuse or "hobby" fuse. The fuses from each of the twenty-eight (28) devices located in the box were banded together and subsequently exited a hole in the top of the box where they were originally observed from the outside wrapped in blue tape. The blue tape was preliminarily identified as "painter's" tape. Surrounding the collective devices, which bore indicators of being explosive materials, was a substantial amount of wood screws, nails, and fastener hardware that would be consistent with shrapnel. In MPO Eggers' expert opinion, if the device had detonated it would have resulted in serious injury and/or possible death to any person in proximity of the device.

8. Once it was determined the device was in fact a hazardous material, the possession of which would have been a violation of law, all operations ceased and Detective Comfort, FCPD, applied for and received a search warrant for the premises. The search warrant was executed on March 6, 2012. The search took place at 6551 Gildar Street, Alexandria, Virginia, in the county of Fairfax, and the device, computers, records and documents were seized.

9. FCPD and the FBI took logical investigative steps that identified the owner of 6551 Gildar Street as Ghulam Farouq BASHAR. The investigation determined that Ghulam's two sons, Sanger Jamal BASHAR and Atal Jalal BASHAR, were also associated with the address. Ghulam is a naturalized US citizen living in Afghanistan. Sanger is a naturalized US citizen living in Afghanistan, having fled the US in April 2011 following a drug arrest. There is an active bench warrant for Sanger in Virginia.

10. On April 5, 2012 an FBI task force officer interviewed a person who previously had a close relationship with Atal BASHAR. Interviewers showed this person a photo taken by FCPD of the black gym bag in which the IED was found. The interviewee recognized the bag as a gift this person had given Atal BASHAR in 2009. The interviewee recognized the location of the bag in the photographs as the basement of 6551 Gildar Street. In subsequent photos, this person recognized the aerial fireworks used in the construction of the IED as being similar to those the interviewee had seen during a cleanup operation in the basement of 6551 Gildar Street in February 2011. This person recognized the blue tape used to build the device, stating that BASHAR had frequently used blue painter's tape while repairing the house at 6551 Gildar Street. The coasters found in the IED package were identified by this person as property of Atal BASHAR's brother, Sanger.

11. Like most duffel bags of this type, the gym bag has a clear plastic pocket on the top flap used for the owner's identification. In this clear plastic pocket, FCPD found and photographed an LA Fitness keyring card. Keyring cards of this kind have barcodes for easy access to membership accounts such as those at health clubs and grocery stores. The aforementioned interviewee told the FBI interviewers that the card probably belonged to Atal BASHAR since he worked at LA Fitness for a short time. A records check at LA Fitness linked the serial number on this card to Atal BASHAR's employee membership account.

12. FCPD examined the components of the IED for fingerprints. On March 26, 2012, Crime Scene Detective Michael Lamper advised that he had developed a latent fingerprint from the cardboard box containing the IED. That latent fingerprint was then examined and compared with known prints of Atal Jalal BASHAR. The latent print was positively identified by William Reeves, Fingerprint Examiner, NOVARIIS as an exact match to the right middle finger of Atal Jalal BASHAR.

13. On March 7, 2012, an interview was conducted of the person responsible for cleaning the dwelling at 6551 Gildar Street, Alexandria, Virginia, previously identified as the residence of Atal Jalal BASHAR. This person provided information regarding the cleaning of the dwelling. This person identified certain items of property they had removed from Gildar Street with the permission of the realtor. Included in that property was a bicycle, several boxes of hardware (consisting of wood screws, drywall screws, lag screws, miscellaneous hardware), fireworks, and a box secured with what appeared to be the same blue tape (painter's) found on the IED. Also in their possession was Atal BASHAR's United States Certificate of Citizenship #A1177361. This document is consistent with the certificate used by BASHAR at the DMV on March 21, 2011, when he obtained the Virginia Driver License. All items were seized with the consent of the possessor with the exception of the bicycle.

14. On March 20, 2012, Detective Comfort secured a search warrant which was executed on March 21, 2012, for an HTC mobile telephone that had been seized on March 9, 2012 (see below). That search warrant also granted authority for the telephone to be examined forensically by the FCPD Computer Forensics Unit, which was accomplished by Detective Ryan Rowson, FCPD. Detective Rowson was able to recover several images that had been deleted in all probability by the user of the phone. Several images displayed multiple boxes of pyrotechnic devices that included "aerial" shell and "artillery" shell fireworks. By visual comparison, several of the devices were very similar in nature and color to devices removed from the IED seized at 6551 Gildar Street. The devices appeared to have been spread on a hardwood floor prior to the photograph being taken. Detective Comfort remembered a similar style of flooring in the basement of the residence at 6551 Gildar Street. At the far edge of one of the images is what appeared to be the wheel of a bicycle. That bicycle wheel appeared markedly similar to that on the bicycle that had been removed by the cleaning crew.

15. On March 27, 2012, Detective Comfort obtained and executed a search warrant at 6551 Gildar Street to conduct a forensic and visual search of the premises for evidence related to this investigation. The warrant also authorized the use of a certified detection canine. Upon detailed examination of the basement flooring, an area was identified with identical characteristics of those seen around the edges of the devices in the photograph. Crime Scene Detective Michael Lamper photographed the flooring for evidentiary purposes. The detection canine alerted to an area around a pillar located in the center of the basement room where the photograph had been taken. This area was approximately four (4) feet from where the "aerial" and "artillery" shells had been photographed. Crime Scene Detective Lamper collected samples of debris in the area of the canine alert which later tested positive for explosive material.

16. Your Affiant interviewed Atal BASHAR's supervisor at LA Fitness. The supervisor stated that while BASHAR was employed at LA Fitness (about 5 weeks between May and June 2011)

BASHAR sought to sell an unknown quantity of fireworks. To the supervisor's knowledge, no one purchased the fireworks from BASHAR.

17. On May 24, 2011 Atal BASHAR was setting off fireworks at 6551 Gildar Street. FCPD responded to a noise complaint and issued BASHAR a warning.

18. Atal BASHAR is the only individual known to have access to 6551 Gildar Street from April 18, 2011 until July 27, 2011. On April 13, 2011 Atal's younger brother, Sanger BASHAR, fled to Afghanistan to avoid prosecution in Virginia for a narcotics violation. On April 18, their father, Ghulam BASHAR, also returned to Afghanistan (Ghulam lives in Afghanistan and had been visiting the US when Sanger was arrested). On July 27, 2011, Atal was arrested for carrying a concealed pistol in Washington, DC. Atal was confined until June 20, 2012.

19. Documents seized in the March 6, 2012 search of 6551 Gildar Street helped investigators locate Atal. Atal had filled out an application for a replacement naturalization certificate that included instructions that the replacement certificate be sent to 4706 Tara Drive, Fairfax, Virginia in care of a named individual.

20. On March 9, 2012, a query was made of Citizenship and Immigration Services regarding the Naturalization Certificate of Atal Jalal BASHAR. At that time, it was determined that BASHAR had ordered a duplicate certificate on February 22, 2012 and requested the certificate be sent to 4706 Tara Drive, Fairfax, Virginia. Law enforcement officers responded to this address and interviewed an occupant who identified an established relationship with Atal BASHAR. This person was shown the Naturalization Certificate recovered from the cleaning person, and upon viewing same, without prompting or questioning, noted the date of birth was not correct. During the course of an interview, it was determined that another identified person at this residence had taken custody of BASHAR's property at BASHAR's request after his arrest in Washington, DC, on July 27, 2011. That person was subsequently interviewed and confirmed they were in fact in possession of a sealed bag of personal property that BASHAR had requested them to retrieve from the Metropolitan Police Department, Washington, DC. The person stated the bag had not been tampered with since it came into their custody. That person then produced the bag and contents. Detective Comfort subsequently secured a search warrant on March 9, 2012, and upon execution, took the bag and contents into custody. Included in the seized items was the HTC mobile phone that the FCPD Computer Forensics Unit later examined, which led to the recovery of the deleted photographs of the fireworks in the basement of 6551 Gildar Street.

21. On March 7, 2012, the FBI Laboratory's Terrorist Explosive Device Analytical Center (TEDAC), examined a series of photographs that had been produced during the examination of the device both on-scene at Gildar Street and a secondary examination conducted at the FCPD Crime Scene Unit. TEDAC issued a report concluding that the item was a viable improvised

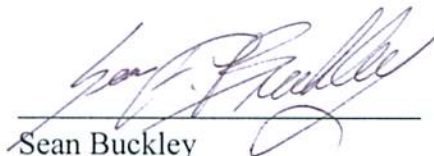
explosive device (IED), indicative of an antipersonnel device, capable of causing property damage, personal injury, or death.

22. Based on records checks with the Bureau of Alcohol, Tobacco, Firearms and Explosives, Atal BASHAR has no record in the Federal Licensing System or the National Firearms Act National Firearms Registration and Transfer Record. As such, it is unlawful for BASHAR to make or possess an explosive device such as the IED found with his fingerprint, in his duffel bag displaying his gym membership card, at his residence.

23. On September 3, 2013 I interviewed Atal BASHAR in the office of his probation officer. BASHAR admitted building the IED using fireworks his brother had purchased and left in the home. BASHAR recognized and identified the components of the device in photographs I showed him. BASHAR stated that he designed the IED without assistance or research for the purpose of self-defense.

24. Your Affiant respectfully requests authorization to arrest and bring before the court Atal BASHAR for violations of 26USC5861 (d) (f).

I hereby swear that the above information and facts are true and correct to the best of my knowledge.


Sean Buckley
Special Agent
Federal Bureau of Investigation

Subscribed and sworn before me this
6th day of September 2013.

 /s/ _____
Ivan D. Davis
United States Magistrate Judge