

UNITED STATES DISTRICT COURT

UNITED STATES COURT
SOUTHERN DISTRICT OF TEXAS
FILED

for the

MAY 28 2010

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)Pine Island Road, Apartment No. [REDACTED]
Hempstead, Texas

David J. Bradley, Clerk of Court

Case No. H-10-486M

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search of the property of [REDACTED] (identify the person or describe the property to be searched and give its location):
See Attachment "A" to the attached Affidavit in Support of Search Warrant Application

located in the Southern District of Texas, there is now concealed (identify the person or describe the property to be seized):
See Attachment "B" to the attached Affidavit in Support of Search Warrant Application

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 18, United States Code, Section 2339B(a)(1)	unlawfully and knowingly providing or attempting to provide material support or resources to a foreign terrorist organization.

The application is based on these facts:

See the attached Affidavit in Support of Search Warrant Application together with Attachments "A" and "B" incorporated herein by reference

☒ Continued on the attached sheet.

Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

[Signature]

Applicant's signature

TFO Sean McCarroll, Federal Bureau of Investigation, JTTF

Printed name and title

Sworn to before me and signed in my presence.

Date: May 28, 2010

City and state: Houston, Texas

[Signature]

Judge's signature

Hon. Nancy Johnson, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF
APPLICATION FOR SEARCH WARRANT

I, Sean D. McCarroll, being duly sworn, hereby depose and state the following:

Introduction

1. I am a criminal investigator with the Brazos County Sheriff's Office in Bryan, Texas. I currently work with the Federal Bureau of Investigation (FBI) as a Task Force Officer (TFO) on the area Joint Terrorism Task Force (JTTF). I have been a Texas-certified peace officer with the Brazos County Sheriff's Office for 12 years. I have experience drafting and executing search and arrest warrants, using confidential human sources, and conducting undercover operations. As a TFO assigned to the FBI JTTF, I investigate violations of the laws of the United States, in particular those relating to terrorism, which oftentimes include offenses related to providing support to designated terrorism organizations, false identification, false official statements, and fraud. I have experience investigating these and other international terrorism-related offenses. I have completed numerous hours of training regarding the same. As a result, I am familiar with the tactics, methods, and techniques used by terrorism suspects. I am also familiar with Title 18, United States Code, Section 2339B (Providing Material Assistance or Resources to Foreign Terrorist Organizations).

2. This affidavit is in support of an application for a search warrant for the premises of [REDACTED] Pine Island Road, Apartment [REDACTED], Hempstead, Texas, which is in the Pine Meadows Apartments complex (hereafter "Target Premises"), which is more fully described in

Attachment "A" to the Search Warrant. There is probable cause to believe that there exists evidence, fruits, and instrumentalities of a crime, specifically a violation of Title 18, United States Code, Sections 2339B (Attempt to Provide Material Support and Resources to Designated Terrorist Organizations), as described more fully in Attachment "B" to the Search Warrant, of

3. The facts set forth in this affidavit are based on my own personal knowledge; information I received from other people during the investigation, including other law enforcement officers; my review of documents and computer records; and information I have gained through my training and experience. Because this affidavit is submitted for the limited purpose of establishing probable cause in support of the application for a search warrant, it does not set forth each and every fact that I or others have learned during the course of this investigation.

Investigation of Material Support to Designated Foreign Terrorist Organization

4. Beginning in 2008, the JTTF began investigating BARRY WALTER BUJOL, Jr (hereafter "BUJOL"), for attempting to provide material support to a designated foreign terrorist organization in violation of Title 18, United States Code, Section 2339B. This investigation relied heavily on physical surveillance, interviews, federal grand jury subpoenas, record checks, and video and/or audio recorded meetings between BUJOL and a Confidential Human Source (CHS) operating under the supervision of the FBI. The CHS is reliable and credible.¹ The CHS' reporting in this investigation has been consistently corroborated by handling agents who monitored electronic, video, and/or audio surveillance equipment the CHS used in most meetings with BUJOL. Additionally, the FBI has employed the CHS for six years during which time the CHS worked on numerous cases. The CHS' reporting in those other cases has also been reliable and credible.

5. In or about mid-2008, the FBI JTTF became aware of an e-mail address,

██████████@yahoo.com" (hereafter "Account 'A'"), that was possibly connected to a

terrorism-related investigation. FBI JTTF agents eventually obtained three search warrants for this Yahoo account. Agents learned that Account "A" had logged into Yahoo regularly from the John B. Coleman Library on the Prairie View A&M University (PVAMU) campus in Waller

¹ The CHS does not have a criminal record. The CHS provides assistance to the FBI in return for payment.

County, Texas. They also learned that the account had been in contact with another email address of interest, "[REDACTED]@yahoo.com" (hereafter "Account 'B'"). Agents associated Account "B" with ANWAR AL-AULAQI, a/k/a, ANWAR AWLAKI (hereafter "AL-AULAQI"). Account "A" also had numerous contacts with a website sponsored by AL-AULAQI. I believe based on my training, experience, and facts obtained in this investigation as specifically set forth below, that AL-AULAQI was and still is an associate and propagandist for Al Qaeda in the Arabian Peninsula (hereafter "AQAP"), a designated foreign terrorist organization (as defined in 18 U.S.C. § 2339B(g)(6) and section 219 of the Immigration and Nationality Act) that I know to be headquartered in Yemen. AL-AULAQI is a proponent of violent "jihad" or combat against the United States and other countries, and he is well known among Muslims inclined toward radical beliefs and terrorist violence against U.S. interests.

6. Records for Account "A" indicated that it was usually accessed from a specific set of computers at the PVAMU John B. Coleman Library on Friday afternoons. On Friday, October 31, 2008, surveillance agents observed **BUJOL** log into a computer at the PVAMU library following a nearby Muslim prayer service. He also fit a physical description agents had cultivated by following a detailed tip they had received. Agents subsequently learned Account "A" was accessed from the library at the time **BUJOL** was seen at the library computer. Agents were able to identify **BUJOL** by conducting surveillance of him as he drove back to the **Target Premises**. They also obtained a Texas driver's license photograph of **BUJOL**, which agents positively identified as the individual seen logging into the computer at the PVAMU library

7 Pursuant to the search warrants referenced above, agents found a series of email communications on **BUJOL**'s email accounts that detail communications between **BUJOL**

(using Account "A") and AL-AULAQI (using Account "B"). Among the emails obtained pursuant to the search warrants, agents obtained the following emails:

A. On July 12, 2008, AL-AULAQI sent an email to BUJOL that appears to respond to an initial email sent by someone named Abdul Bari. The initial email from Abdul Bari requests guidance regarding "jihad." As noted above, Abdul Bari is a name associated with BUJOL insofar as BUJOL was identified as having used Account "A" which references the name Abdul_Bari05 in the email address. The response email from AL-AULAQI responds to the request for guidance on "jihad" by attaching a document entitled "*42 Ways of Supporting Jihad*," which consisted of a 15-page document giving instructions on 42 specific ways to support violent "jihad" and the fighters who carried it out. The *42 Ways of Supporting Jihad* document advocates armed struggle or "jihad" and pronounces it the duty of all Muslims to travel to Muslim lands to participate in this armed struggle, which the document termed "hijrah."² The email concluded "Your Brother, Anwar Awlaki."

B. On July 12, 2008, BUJOL sent a response email to AL-AULAQI entitled "Re: Email from anwar-alawlaki.com website from 129.207.69.142." In the email, BUJOL asked AL-AULAQI for additional guidance on "jihad" and stated his intention to assist the "Mujahideen" (holy warriors) and support "jihad." BUJOL asked AL-AULAQI for advice on how to get money, which BUJOL said

he intended to raise, to the "Mujahideen" overseas. BUJOL further asked AL-

² "Hijrah" is translated literally as migration but "hijrah" was specially defined in the "*42 Ways of Supporting Jihad*" under item 36, entitled, "Preparing for Hijrah." It reads in part "Preparation for hijrah is not restricted to Muslims living in non-Muslim countries but applies to every Muslim because more often than not Jihad in its self demands Hijrah...Hijrah does not stop as long as there is an enemy to fight."

AULAQI for advice on how to establish a website to support the "jihad" without the website being traced back to him.

C. On July 24, 2008, **BUJOL** sent another responsive email to **AL-AULAQI** thanking **AL-AULAQI** for the advice and wrote that he was working "towards some specific attainable goals with respect to that email attachment you sent." Based on the series of emails obtained in the search warrant and my investigation in this case, I believe the email attachment **BUJOL** was referring to was the "42 *Ways of Supporting Jihad*" document that **AL-AULAQI** sent **BUJOL** on July 12, 2008.

D. On September 25, 2008, **BUJOL** sent another email to **AL-AULAQI** seeking guidance and stating that **BUJOL** wanted to make hijrah "as soon as possible" and that **BUJOL** is studying Arabic.

8. In addition to the email communications described above, **BUJOL** has also made three apparent attempts to depart the country and travel overseas to the Yemen and/or the Middle East.

9 On February 15, 2009, **BUJOL** was arrested on an outstanding traffic warrant at the George Bush International Airport in Houston while he had tickets and was scheduled to fly to Sana'a, Yemen with his family. Due to the arrest, **BUJOL** did not board the flight to Yemen.

10. On March 17, 2009, **BUJOL** attempted to cross the international border between Detroit, Michigan and Windsor, Canada via public transportation. **BUJOL** was denied admission into Canada by the Canadian authorities. **BUJOL's** wife, Ernestine JOHNSON (hereafter,

"JOHNSON"), separately attempted to cross the border into Canada that same day while driving a vehicle registered in her name. JOHNSON was denied admission into Canada as well.

11. On March 25, 2009, **BUJOL** was arrested in New Jersey for driving on a suspended license. Following this arrest, your affiant and another Texas FBI JTTF agent traveled to New Jersey to interview **BUJOL**. **BUJOL** was advised of his Miranda rights and thereafter revealed that he was traveling to JFK airport in New York and that he intended to fly to Egypt to learn Arabic. Agents further asked **BUJOL** about a compact disc (CD-ROM) found in his car entitled "The Hereafter" by "Anwar Al-Awlaki." The CD-ROM was subtitled, "*Introduction, the importance of Akhirah-Death.*" **BUJOL** acknowledged the CD-ROM was his. **BUJOL** also possessed two thumb-drive media storage devices and a number of printed emails to and from Account "A." After **BUJOL** was released by the New Jersey authorities, he abandoned the thumb-drives and returned to Texas. The thumb drives were later found to contain numerous files created by and/or attributable to AL-AULAQI, including the "*42 Ways of Supporting Jihad*" document.

Introduction of Confidential Human Source (CHS)

12. Beginning in or around November 2009, the FBI JTTF successfully introduced a CHS into the investigation who befriended **BUJOL** and met with him on numerous occasions. The CHS has presented himself as a recruiter and facilitator for AQAP and **BUJOL** believes that the CHS is indeed an agent of AQAP.³ During the meetings, **BUJOL** consistently has expressed his desire to travel to the Yemen and/or the Middle East to provide material support to the "brothers" engaged in violent jihad, specifically AQAP.

13. In the beginning of their relationship, the CHS made suggestive comments that the CHS had a role in recruiting people to fight on behalf of the "Mujahideen" (holy warriors). **BUJOL** responded to these comments with expressions of his desire to fight among the "Mujahideen."

³ AQAP was designated by the U.S. State Department as a Foreign Terrorist Organization (FTO) in January 2010.

The CHS eventually told **BUJOL** the CHS was a member of AQAP **BUJOL** was excited to learn that the CHS was involved with AQAP

14. **BUJOL** has told the CHS many times during their relationship that he wants to travel to Yemen or to any other place where he could fight in the "jihad." The CHS told **BUJOL** he could help him accomplish that goal, but that **BUJOL** first must be evaluated and trained, which formed the rationale for the remainder of their meetings together. In this regard, the CHS has tasked **BUJOL** to complete various "training" regimes, including physical fitness, counter-surveillance, and covert communications training (described below as "dead drops"), to prepare **BUJOL** for his journey to the Yemen to join AQAP **BUJOL** has been a willing and eager participant in these tasks.

15. During the course of his relationship with the CHS, **BUJOL** has emailed the CHS copies of official U.S. military manuals, which **BUJOL** suggested could be used by the "brothers" (an expression frequently used between **BUJOL** and the CHS to refer to AQAP) to exploit the information contained therein to thwart U.S. military forces operating overseas. **BUJOL** has also learned from internet research about locations where the Predator Unmanned Aerial Vehicles (hereafter "UAVs") are manufactured and/or operated.⁴ **BUJOL** conveyed this information to the CHS and suggested these locations be targeted for attack by AQAP

16. During the course of his relationship with the CHS, **BUJOL** advised the CHS that he did not trust telephones as they were "not safe." **BUJOL** advised that he felt more comfortable communicating by email. Throughout this investigation, the CHS and **BUJOL** have frequently exchanged numerous emails to communicate and to coordinate meeting times and locations, as an alternative to using telephones to communicate.

⁴ The Predator UAVs are used by the U.S. military to support combat operations in Afghanistan among other places.

17 BUJOL has used a laptop computer during the course of this investigation (hereafter the "Target Computer"), which surveillance agents previously saw him using at the PVAMU library, to communicate by email with the CHS. The Target Computer, when it is not with BUJOL, is inside the Target Premises. In this regard, the CHS has seen the Target Computer inside the Target Premises. In addition, BUJOL has frequently used a wireless internet connection to communicate with the CHS using the Target Computer. For example, BUJOL sent approximately 14 emails to the CHS all from the Internet Protocol (IP) address of 66.45.66.42 between the dates of March 2, 2010 and March 22, 2010. The most recent email from BUJOL to the CHS using this IP address occurred on May 18, 2010. This IP address, which corresponded to the Cobalt Broadband Corporation, belongs to a router near BUJOL's apartment. BUJOL does not subscribe to this service, but he has nonetheless been using an unencrypted wireless "hot-spot" near the Target Premises to facilitate his wireless internet communications via the Target Computer from the Target Premises.

18. I have probable cause to believe that the Target Computer will contain evidence, fruits, and instrumentalities of a crime in that it will contain copies of email communications sent to and from the CHS involving BUJOL's attempts to provide material support to AQAP, as well as information related to the research he has done to find materials of use to AQAP in targeting United States citizens, one or more recorded messages BUJOL told the CHS he made to explain to his wife about his as-yet unannounced departure to Yemen in support of AQAP, and other items pertaining to BUJOL's desire to provide material support to AQAP

19 BUJOL has subscribed to and/or used several email accounts, including but not limited to: [REDACTED]@yahoo.com, [REDACTED]@yahoo.com, [REDACTED]@yahoo.com, [REDACTED]@yahoo.com, [REDACTED]@yahoo.com, [REDACTED]@pvamu.edu.

[REDACTED]@yahoo.com, [REDACTED]@yahoo.com, [REDACTED]@yahoo.com and

[REDACTED]@yahoo.com. In addition, BUJOL created the email accounts

[REDACTED]@yahoo.com, [REDACTED]@yahoo.com, [REDACTED]@yahoo.com and

[REDACTED]@yahoo.com when the CHS told him to do so as a means of tradecraft to protect their communications, which BUJOL later used to correspond with the CHS.

20. On January 20, 2010, the CHS met with BUJOL who told the CHS, “ ..I want to be, to be a means of victory ..” When the CHS asked BUJOL if he was waiting for the Muslims to win the war to do something, BUJOL emphatically replied, “Muslims are going to win the war, I just want to help and get some of this “ajar” [Arabic for “credit”] that is available right now.” I believe that, by “ajar” or “credit,” BUJOL meant he wanted to receive credit in the afterlife by fighting on behalf of Muslims.

21. On February 21, 2010, the CHS met with BUJOL and gave him written instructions to follow the next day during what the CHS explained would be a “test” for BUJOL. BUJOL had been informed he would be retrieving items from “dead drops.” A “dead drop” is a pre-arranged secret location in a public place used to exchange written messages or other items by people intending to communicate covertly. Communication by “dead drop” is a classic espionage tradecraft technique that terrorist organizations also use. The CHS also asked if the defendant BUJOL was in good physical shape, and BUJOL advised he was. He later stated in a mixture of Arabic and English, “By God’s grace, so I asked God the great and Almighty to give me strength and make me amongst the righteous, the Mujahideen and those who trust in God.”

22. On February 22, 2010, surveillance agents observed BUJOL following the instructions given to him by the CHS. He drove to approximately seven locations in his personal vehicle. BUJOL retrieved items from some of the “dead drops” that he would use at other locations.

BUJOL also retrieved instructions that directed him to perform specific acts, which he performed. Afterwards, BUJOL met with the CHS. BUJOL spoke about "Mujahideen" websites being shut down. BUJOL continued by stating, "When you try to go look at the site, you don't get the 'Mujahideen' fighters anymore. So the 'Mujahideen' constantly have to change their web addresses and keep people informed." According to a section in the "*42 Ways of Supporting Jihad*" document labeled *WWW Jihad*, "[t]he internet has become a great medium for spreading the call of Jihad and following the news of the mujahideen." BUJOL also told the CHS he had found a U.S. Army counterinsurgency manual on the internet. BUJOL then instructed the CHS how "the brothers" could "look at these vulnerabilities and strengths [of counterinsurgency] and attack those." The following day BUJOL emailed a U.S. Army Field Manual entitled, *Tactics in Counterinsurgency*, to the CHS using the email account [REDACTED]@yahoo.com.

23. On March 2, 2010, BUJOL, utilizing email account [REDACTED]@yahoo.com, sent the CHS an email with an attachment of a U.S. Army Field Manual entitled, *Army Unmanned Aircraft System Operations*. BUJOL sent this document without prompting by the CHS. After conducting additional research, BUJOL disclosed to the CHS a place in California where he claimed such UAVs were manufactured. He also disclosed to the CHS his research on at least one U.S. Air Force facility where he believed such UAVs were piloted. He suggested that AQAP target such places where human targets were accessible (as opposed to the battlefields where UAVs are flown) and where the UAVs therefore were most vulnerable.

24. On March 4, 2010, the CHS met BUJOL at the **Target Premises**. During this meeting, BUJOL explained to the CHS a system of code words that BUJOL developed at the prior request of the CHS. The CHS has previously told BUJOL that code words were a form of

communication used by the "brothers" as a way to deceive the enemy **BUJOL** created a coded language that he and the CHS could use to communicate day, time, and location for planned meetings via email. Also during this meeting, **BUJOL** advised the CHS that he found another manual on the internet dealing with interrogations and how the authorities conduct undercover work. **BUJOL** offered this information as a way to assist the "brothers." Later that day, **BUJOL**, utilizing email account [REDACTED]@yahoo.com, sent the CHS an email with an attachment of a U.S. Army Field Manual titled, *Human Intelligence Collector Operations*.

25. On March 14, 2010, the CHS met with the **BUJOL** in Navasota, Texas at a previously determined place that they referred to in coded language in an email. At the meeting, the CHS requested **BUJOL**'s passport photo. **BUJOL** retrieved one from the **Target Premises** where he had multiple passport photos from a previous passport application. Also during this meeting, the CHS explicitly told **BUJOL** that the CHS was a member of "Al Qaeda Bi Al Jazira Al Arabia" (Arabic for "Al Qaeda in the Arabian Peninsula" or "AQAP") and had close ties with the "Mujahideen" and "Al Shabaab," another designated foreign terrorist organization. **BUJOL**'s next reply was to say that he already created a "kunya," or Arabic moniker, for himself. Based on my training and experience, I know that a "kunya" is commonly used by the "Mujahideen" in order to conceal their true identity. In fact, during one meeting between **BUJOL** and the CHS, **BUJOL** himself explained that using a "kunya" was a means for the "brothers" to avoid capture or killing by military forces. **BUJOL** said that his "kunya" was "Abu Abudah."

26. On March 23, 2010, the CHS sent an email to **BUJOL**'s [REDACTED]@yahoo.com account.

The email used a previously arranged code to communicate that the CHS would meet with **BUJOL** on March 25, 2010. The email also asked that **BUJOL** bring his "list" with him. In previous meetings the CHS and **BUJOL** discussed **BUJOL**'s intention to travel to Yemen to.

fight alongside the Mujahideen. The CHS had told BUJOL to develop a list of items he thought he might need. In this email, the CHS scheduled a meeting to discuss this list. BUJOL, utilizing [REDACTED]@yahoo.com, sent an email to the CHS on March 26, 2010 describing items that he had purchased for his trip to Yemen (referred to in what I believe to be coded language as "camping"), which included a backpack, walking shoes, a sleeping bag, a travel towel, food, and a personal pouch to hold valuables. Thereafter, on March 31, 2010, agents conducting physical surveillance observed BUJOL buying various items on the above list. On April 1, 2010, BUJOL, utilizing [REDACTED]@yahoo.com, sent an email to the CHS stating, "...I was able to get what I need to camp..!"

27 On April 9, 2010, BUJOL met with the CHS. BUJOL said he created a "recording" to explain to JOHNSON (his wife) what he will be doing while overseas. BUJOL said that the recording was "hidden" on the computer. He said he would leave a written note for JOHNSON to direct her to the recording and explain how to access it.

28. Also during the course of this April 9, 2010 meeting, the CHS told BUJOL that BUJOL was going to join AQAP, also referring to AQAP as "the best of the best," to which BUJOL repeatedly responded in Arabic "inshallah" [Arabic for "God Willing"].

29 On April 23, 2010, BUJOL serviced a "dead drop" for the CHS by retrieving two false identification cards from a hollowed rock that FBI agents placed in a park. The cards purported to be Transportation Worker Identification Cards (TWICs) issued by the Transportation Security Administration of the U.S. Department of Homeland Security. One of the cards displayed

BUJOL's passport photograph, which he previously gave the CHS, and bore the name "Paul Mexia," which was an alias BUJOL devised at the CHS' request. The card purported to expire on April 10, 2014. The CHS explained that the month and day would be defendant BUJOL's

false "date of birth" in the year 1985. The CHS told BUJOL to remember the date if he was ever challenged upon presenting the card. BUJOL responded that in BUJOL's experience with law enforcement, he knew that law enforcement would ask for a person's astrological sign in order to determine if a person was lying about his/her date of birth, and BUJOL indicated he would send an email to the CHS regarding astrological signs for the CHS' benefit. Also during this meeting, the CHS showed BUJOL a foot locker that the CHS purchased for BUJOL for his trip. The CHS indicated that all of BUJOL's possessions needed to fit in the foot locker and a small backpack, but that BUJOL should leave room to carry certain unspecified items that the CHS would give BUJOL to deliver to the "brothers" (i.e., AQAP). BUJOL acknowledged and agreed to this instruction.

30. On May 3, 2010, BUJOL met with the CHS in Navasota, Texas. During this meeting, the CHS showed BUJOL two restricted-access U.S. Army field Manuals that BUJOL reviewed at the meeting. The first Field Manual was from the "CALL Newsletter, No. 03-32" entitled, *Weapons Effects in Urban Operations* and was marked "For Official Use Only." The second Field Manual (FM 3-04.155) was entitled *Army Unmanned Aircraft Systems Operations* and was marked with a distribution restriction that read as follows:

DISTRIBUTION RESTRICTION. Distribution authorized to U.S. Government agencies and their contractors only, due to content technology in areas of significant or potentially significant military application. This determination was made on 15, September, 2008. Other requests for this document must be referred to the U.S. Army Aviation Center of Excellence, ATTN: ATZQ-TDD-D, Bldg 4507 Andrews Ave, Fort Rucker, Alabama 36362.

Before reviewing the *Army Unmanned Aircraft Systems Operations* Field Manual, the CHS advised BUJOL that the manual was "restricted." He then showed BUJOL selected pages within the manual concerning the Hellfire II missile, laser designation, and "line of sight."

BUJOL explained to CHS the meaning of "line of sight" and referenced an illustration in the manual concerning line of sight communication links between ground based systems, satellites, and the UAV. When asked if the UAV would still work if one of the systems was taken out, BUJOL emphasized that taking out the trailer (referencing the ground control station in the illustration) would be the best option since it was controlled by humans. BUJOL continued by saying that the UAV system would not be successful without humans and that the "number one thing" was the control station.

31. Also during the meeting on May 3, 2010, the CHS advised BUJOL that the time was close (referring to BUJOL's travel to Yemen to join AQAP). BUJOL responded that he thought about that every day. He said he was preparing himself and that, if he never saw "this place" (i.e., the United States) again it would be fine with him. BUJOL further stated that he wanted to be with the "Mujahideen," to die with the brothers for the cause of Allah, and to be in Heaven. The CHS further stated that BUJOL recounted to the CHS that BUJOL had made a video which contained pictures of him and JOHNSON. BUJOL explained that he added his voice to the video, saved it somewhere, and left her a link where she can find it online. Based on the conversation between BUJOL and the CHS, I believe that BUJOL used the Target Computer to create and/or store this video recording.

32. Since the last live meeting between BUJOL and the CHS on May 3, 2010, BUJOL continues to send the CHS news articles that further indicate BUJOL's present and continuing attempts to provide material support to AQAP. On May 10, 2010, BUJOL emailed the CHS a news article link entitled "US Cannot afford another Afghanistan or Iraq, warns Defense Secretary," with the comment: "In spite of the realities, they still want to encroach on the brothers. May Allah bring about his decree and defeat them...." On May 12, 2010, BUJOL

emailed the CHS a news article link entitled "Intel paper says Al Qaeda's Yemeni Affiliate More Determined Than Ever to Attack Inside U.S.," and told the CHS he wanted the CHS to look at the article. I believe BUJOL's request that the CHS look at the article indicates that BUJOL is seeking guidance on how BUJOL might best be utilized by AQAP. On May 18 2010, BUJOL emailed the CHS three links to news articles, two of which detail the future deployment of UAVs to U.S.-based facilities. I believe that the sending of these articles is an additional effort among many previous efforts that BUJOL has made in an attempt to advise AQAP (via the CHS) on how to target facilities in the United States where UAVs are manufactured and/or piloted.

Dominion and Control of Target Premises

32. BUJOL rents and occupies the Target Premises. The CHS has met him inside the apartment in the past and has seen BUJOL's wife and children there. A vehicle registered to JOHNSON is regularly parked nearby, and BUJOL has been observed driving this vehicle on numerous occasions. Also, agents conducting surveillance regularly observe BUJOL in and around the Target Premises, and they have seen him there as recently as May 19, 2010 where BUJOL has been seen in the doorway of the Target Premises looking around the apartment complex. He has also been observed by agents several times during May 2010 performing calisthenics, pull-ups and martial arts exercises at an adjacent playground. Given BUJOL's current occupancy of the Target Premises, I believe there is probable cause to believe that BUJOL maintains within the Target Premises various items described in Attachment "B."

Dominion and Control of Target Computer

33. Records checks, search warrants, and surveillance have shown that BUJOL has regularly used student-accessible computers in the PVAMU library to access to the internet. He also regularly uses the Target Computer, which agents have seen him use at PVAMU and which the

CHS has seen inside the **Target Premises**, to connect wirelessly to the internet through the PVAMU system and through Cobalt Broadband's wireless internet system, which was described above. Agents have investigated the Internet Protocol addresses affiliated with **BUJOL's** use of the **Target Computer** and other computers to access the internet. The Internet Protocol address, also known as the IP address, is expressed as four groups of numbers separated by decimal points and is unique to a particular computer during an online session. The IP address provides a unique location making it possible for data to be transferred between computers. IP addresses can be dynamic, meaning that the Internet Service Provider (ISP) assigns a different number to a computer every time it accesses the internet. IP addresses might also be static, meaning that an ISP assigns a user's computer a particular IP address which is used each time the computer accesses the internet. Agents have confirmed that, among others, a wireless connection was made with the PVAMU computer system on the same dates and approximate times that defendant **BUJOL** was observed with the **Target Computer** on the PVAMU campus. Agents also determined that **BUJOL** regularly connects to a wireless internet connection that is within the premises of the Pine Meadows Apartments complex. He did so most recently on May 18, 2010 by e-mail from [REDACTED]@yahoo.com to the CHS. This e-mail contained a link to an internet news article about U.S. military UAVs in Yemen targeting AL-AULAQI and AQAP. Agents additionally know he uses this wireless connection because **BUJOL** sends the CHS emails during times when agents know **BUJOL** is inside the **Target Premises**.

Specifics of Search and Seizure of Computer Systems

34. Regarding the search of the **Target Computer**, agents request authority to create a duplicate image of the entire hard drive and to examine all information contained on the hard drive. Based upon my experience and training, and the experience and training of other agents

with whom I have communicated, it is often difficult or impossible to determine the identity of the person using the computer when incriminating data has been created, modified, accessed, deleted, printed, copied, uploaded or downloaded by solely reviewing the incriminating data. Computers generate substantial information about data and about users which generally is not visible to users. Computer-generated data, including registry information, computer logs, user profiles and passwords, web-browsing history, cookies and application and operating system metadata, often provides evidence of who was using the computer at a relevant time. In addition, evidence such as electronic mail, chat sessions, photographs, videos, calendars and address books stored on the computer may identify the user at a particular relevant time. The manner in which the user has structured and named files, run or accessed particular applications, and created or accessed other non-incriminating files or documents may serve to identify a particular user. For example, if an incriminating document is found on the computer, but attribution is an issue, other documents or files created around that same time may provide circumstantial evidence of the identity of the user who created the incriminating document.

35. The need to examine all information contained on the hard drive is increased here due to BUJOL's specialized knowledge and skill regarding computer systems. During the course of this investigation, he has shown himself to be adept at using email and internet features to upload and download information across multiple email accounts. In addition, according to BUJOL's resume, he worked for Hewlett-Packard as a computer technician from April 2004 to October 2005. Based on that experience and his statements to the CHS regarding computers, I believe

BUJOL is knowledgeable about computers and capable of hiding data on a computer and related media that is not readily apparent to a user. Further, BUJOL has frequently engages in tradecraft exercises with the CHS and consistently speaks or writes in coded language when

communicating with the CHS. I believe that **BUJOL** applies these same "secrecy" measures to the files or information he accesses or stores on the **Target Computer**.

36. Further, searches and seizures of evidence from computers commonly require agents to download or copy information from the computers and their components, or seize most or all computer items (computer hardware, computer software, and computer related documentation) to be processed later by a qualified computer expert in a laboratory or other controlled environment. This is almost always true because of the following:

A. Computer storage devices (hard disks, diskettes, tapes, laser disks, magneto opticals, and others) can store the equivalent of thousands of pages of information. Specifically when the user wants to conceal criminal evidence, he or she often stores it in random order and with deceptive file names. This requires searching authorities to examine all the stored data to determine whether it is included in the warrant. This sorting process can take days or weeks, depending on the volume of data stored. It would be generally impossible to accomplish this kind of data search on site.

B. Searching computer systems for criminal evidence is a highly technical process requiring expert skill and a properly controlled environment. The vast array of computer hardware and software available requires even computer experts to specialize in some systems and applications, so it is difficult to know before a search which expert should analyze the system and its data. The search

of a computer system is an exacting scientific procedure which is designed to protect the integrity of the evidence and to recover hidden, erased, compressed, password protected, or encrypted files. Since computer evidence is extremely

vulnerable to tampering or destruction (which may be caused by malicious code or normal activities of an operating system), the controlled environment of a laboratory is essential to its complete and accurate analysis.

37 Accordingly, in conducting the search, your affiant request that authority to create a duplicate of the entire hard drive and to examine all information contained on the hard drive in an effort to locate the materials described in Attachment "B" hereto.

Conclusion

38. I believe that BUJOL has violated and continues to violate Title 18, United States Code, Section 2339B (Attempting to Provide Material Support to a Foreign Terrorist Organizations) by preparing for and attempting to travel to Yemen to join AQAP with the intent deliver himself (i.e., "personnel" as set forth in Section 2339B) to fight in violent "jihad," and by agreeing to carry various items of material support in his foot locker to deliver to AQAP, and by providing to the CHS various U.S. military manuals with the intent that they be transmitted to AQAP for use against U.S. military forces. Based on BUJOL's email exchanges with AL-AULAQI (an individual known to be associated with AQAP), his receipt and apparent embrace of the "42 *Ways of Supporting Jihad*" document, his research of U.S. Army Field Manuals, his accumulation of items (including a passport photograph) to be used in future travel to Yemen, and his ongoing communications with the CHS (a person he believes to be a member of AQAP) where BUJOL continues to express his desire to travel overseas to receive guidance and military-type training from AQAP in order to engage in violent jihad, I believe BUJOL has

attempted to provide, and will continue to attempt to provide, material support to AQAP

39 Regarding the places and premises to be searched, I know that many of BUJOL's efforts to attempt to provide material support to AQAP occurred over the internet and on the Target

Computer (including the sending of numerous U.S. military manuals to the CHS) which **BUJOL** frequently keeps inside the **Target Premises**. Further, **BUJOL** told the CHS he had left a recorded message explaining why he is going to fight in the "jihad" hidden on the computer for **JOHNSON** to find. **BUJOL** said he would leave a written note for her to find with directions in it to the message on the computer. Additionally, I know that **BUJOL** saved "42 *Ways of Supporting Jihad*" and other literature and items related to his plan to assist terrorists on portable computer storage devices. The items on the portable computer storage device included items emailed to **BUJOL** by **AL-AULAQI** constituting spiritual and other guidance for him and which would also serve as a measure of his *bona fides* for any terrorist organization he might encounter upon a successful trip to Yemen or elsewhere in the middle east. Therefore, I have probable cause to think that, in addition to the **Target Computer**, there are other digital media storage devices, including but not limited to, CDs, DVDs, thumb-drives, detachable hard-drives, floppy disks, scan disks, and other items referred to in Attachment "B" to the Search Warrant, inside the **Target Premises** and that there is probable cause to believe that all such items will contain evidence of **BUJOL's** violation of 18 U.S.C. § 2339B.

40. Likewise, I have probable cause that there are printed materials in the **Target Premises**, including but not limited to, emails, literature related to "jihad," written instructions to **BUJOL's** family members and friends related to **BUJOL's** anticipated sudden departure, written manuals and other materials related U.S. military operations or combat in general, schedules and/or notes related to **BUJOL's** contacts with the CHS, documents reflecting the communications plan and/or code **BUJOL** used in contacting the CHS, and other items referred to in Attachment "B" to the Search Warrant. These items constitute evidence, fruits, and instrumentalities of violations of Title 18, United States Code, Section 2339B (Attempt to Provide Material Support to

Designated Terrorist Organizations). By this affidavit and application, I request that the Court issue a search warrant, authorizing agents to search the item and/or place described in Attachment "A," and to seize the documents and records, described in Attachment "B," following the search procedure described in Attachment B, which is fully incorporated herein.

Need for Authority to Conduct Nighttime Search of Target Premises

41. Due to exigent circumstances that may arise in conducting this search, I further request authority to conduct the proposed search of the Target Premises anytime, either during daytime or nighttime hours. Presently, agents anticipate arresting BUJOL following his attempt to board a freight ship docked in the Houston area. This boarding is planned to occur during the early morning hours, possibly at 3.30 am. In order for the boarding to occur at that time, BUJOL will be directed by the CHS to depart the **Target Premises** to meet the CHS at a pre-arranged location nearby at approximately 1:45 or 2:00am. I believe that nighttime authority to search the **Target Premises** is necessary to prevent JOHNSON from potentially destroying evidence at the **Target Premises**. In this regard, I am aware, as discussed above, that BUJOL told the CHS that he has left both a note and a recording for JOHNSON to inform her of his anticipated trip overseas. I believe that JOHNSON can reasonably be expected to wake up during or after BUJOL's departure from the Target Premises, but prior to daytime hours, and find the note and/or recording that BUJOL has left for her. I further believe that the note and recording will constitute incriminating evidence of BUJOL's attempt to travel overseas and provide material support to AQAP. I further believe there is a significant danger that JOHNSON might destroy the note and/or the recording (which is believed to have been uploaded onto the internet by BUJOL from the **Target Computer**) if the agents are limited to a daytime search of the **Target**

Premises. Accordingly, your affiant requests authority to conduct the search during any hours of the day, including nighttime hours.

Request for Sealing

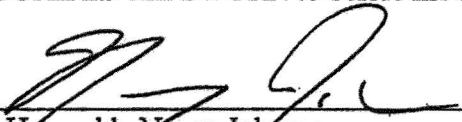
42. Since this investigation is on-going, disclosure of the search warrant, this affidavit, and/or this application and the attachments thereto will jeopardize the progress of the investigation.

Accordingly, I request that the Court issue an order that the search warrant, this affidavit in support of application for search warrant, the application for search warrant, and all attachments thereto be filed under seal until further order of this Court.



Task Force Officer Sean D. McCarroll
JTTF - Federal Bureau of Investigation

SUBSCRIBED and SWORN to before me on this 28th day of May, 2010. I find probable cause.



The Honorable Nancy Johnson
United States Magistrate Judge

ATTACHMENT A

The Target Premises known as [REDACTED] Pine Island Road, Apartment [REDACTED], Hempstead, Texas, is identified as follows:

[REDACTED] Pine Island Road, Apartment [REDACTED], Hempstead, Texas, is located in the Pine Meadows Apartments complex in Hempstead, Texas. The residence is located in a one story multi-family dwelling with a brown composition roof, tan and brown brick exterior, tan wood siding, and brown trim. A white sign with black lettering is attached to the North East corner of the building that bears "BLDG - N 53 - 56." The building in which the residence is located contains four apartments with the front door of each apartment facing in an Easterly direction. The front door of the residence to be searched is brown in color with silver colored placards displaying the numbers, which are black in color, of "[REDACTED]" The placards are situated on the outside and near the center of the front door. The front door of the residence will be the second door from the left and the third door from the right of Building N.

ATTACHMENT B

Items to Be Seized

To execute this warrant, the Court authorizes the following procedures and seizures:

As used in this Attachment, the terms, "documents" and "records," include items in both digital/electronic and paper/hard copy formats.

1. Computer(s), computer hardware, printers, scanners, software, related documentation, passwords, data security devices (as described below), and data which are instrumentalities of and will contain evidence related to this crime. The following definitions apply to the terms as set out in this affidavit and attachment:
 - a. Computer hardware consists of all equipment which can receive, capture, collect, analyze, create, display, convert, store, conceal, or transmit electronic, magnetic, or similar computer impulses or data. Hardware includes any data-processing devices (including but not limited to central processing units and internal and peripheral storage devices such as fixed disks, external hard drives, thumb drives, floppy disk drives and diskettes, and other memory storage devices); peripheral input/output devices (including but not limited to keyboards, printer, video display monitors, and related communications devices such as cables and connections); as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (including but not limited to physical keys and locks).
 - b. Computer software is digital information which can be interpreted by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, or other digital form. It commonly includes programs to run operating systems, applications, and utilities.
 - c. Computer-related documentation consists of written, recorded, printed, or electronically stored material which explains or illustrates how to configure or use computer hardware, software, or other related items.
 - d. Computer passwords and other data security devices are designed to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code. A

password (a string of alpha-numeric characters) usually operates a sort of digital key to "unlock" particular data security devices. Data security hardware may include encryption devices, chips, and circuit boards. Data security software of digital code may include programming code that creates "test" keys or "hot" keys, which perform certain pre-set security functions when touched. Data security software or code may also encrypt, compress, hide, or "booby-trap" protected data to make it inaccessible or unusable, as well as reverse the process to restore it.

2. Any and all notes, documents, records, lists of e-mail account passwords, books, or correspondence coded or otherwise pertaining to an Attempt to Provide Material Support to a Foreign Terrorist Organization as defined in Title 18, United States Code, Section 2339B.
3. Any and all diaries, journals, address books, names, and lists of names and addresses of individuals who may have contacted or have been contacted by the person using the computer, by use of the computer and/or for the purpose of communicating with individuals in support of acts as defined in Title 18, United States Code, Section 2339B.
4. Any and all communication devices to include fax machines, cellular phones, calling cards or SIM cards which could be used to conduct communications to support any Provide Material Support to Foreign Terrorist Organization, as defined under Title 18, United States Code, Section 2339B.
5. Any and all correspondence identifying persons transmitting, through interstate commerce including by United States Mail or by computer, any visual depictions of individuals involved in or in support of acts, as defined in Title 18, United States Code, Section 2339B.
6. Any and all records, documents, invoices and materials that concern any accounts with any Internet Service Provider.
7. Any of the items described in paragraphs 1 through 6 above which are stored in the form of magnetic or electronic coding on computer media or on media capable of being read by a computer with the aid of computer-related equipment, including floppy diskettes, fixed hard disks, or removable hard disk cartridges, software or memory in any form. The search procedure of the electronic data contained in computer operating software or memory devices may include the following techniques:

- a. surveying various file "directories" and the individual files they contain (analogous to looking at the outside of a file cabinet for the markings it contains and opening a drawer believed to contain pertinent files);
 - b. "opening" or cursorily reading the first few "pages" of such files in order to determine their precise contents;
 - c. "scanning" storage areas to discover and possibly recover recently deleted files;
 - d. "scanning" storage areas for deliberately hidden files; or
 - e. performing key word searches through all electronic storage areas to determine whether occurrences of language contained in such storage areas exist that are intimately related to the subject matter of the investigation.
8. Any and all papers, receipts, invoices and lists that concern the procurement of any item that may have been involved in or in support of acts in violation of Title 18, United States Code, Section 2339B.
 9. Any and all papers, manuals, maps, clothing articles, bags, identification cards and badges concerning any service branch of the United States Military or any local, state, federal, or tribal law enforcement entity
 10. Any and all flags, drawings, sketches, signs, sculptures, statues and paraphernalia displaying or depicting any act, name, moniker, or other propaganda associated with any Foreign Terrorist Organization identified by the United States government.
 11. Any and all firearms; to include functional, non-functional or curio firearms and ammunitions of any type and caliber. Any and all commercial or homemade concealment devices.
 12. Any and all records, notes, bank records, financial statements, loan documents, receipts, SSN cards, calendars, journals, maps, instructions, and other papers or documents related to BUJOL, as well as those same items containing any aliases known or used by BUJOL, that are reasonably related to BUJOL's finances and/or efforts to provide material support to a foreign terrorist organization.
 13. Any and all documents, papers, pictures, and other indicia used to create false documents or identification documents in any name.