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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

03-0818M

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UNITED STATES OF AMERICA

- against -

SAYED ABDUL MALIKE, *Heidi Cesare*  
Defendant.

C O M P L A I N T

(T. 18, U.S.C., § 1001  
and T. 21, U.S.C., §  
844)

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EASTERN DISTRICT OF NEW YORK:

TODD RENNER, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

Upon information and belief, on or about May 20, 2003, within the Eastern District of New York, the defendant SAYED ABDUL MALIKE did knowingly and willfully make a materially false, fictitious and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the United States Government, to wit, the Federal Bureau of Investigation.

(Title 18, United States Code, Section 1001(a)(2))

Upon further information and belief, on or about May 20, 2003, within the Eastern District of New York, the defendant SAYED ABDUL MALIKE did knowingly and intentionally possess a controlled substance, to wit, Valium, a Schedule IV controlled substance, that was not obtained directly or pursuant to a valid

prescription or order from a practitioner acting in the course of his professional practice.

(Title 21, United States Code, Section 844)

The source of your deponent's information and the grounds for his belief are as follows:<sup>1</sup>

1. I have been a Special Agent with the Federal Bureau of Investigation ("FBI") since January 2001. I am currently assigned to the FBI/New York City Police Department Joint Terrorist Task Force ("JTTF"), investigating terrorist acts and attempted terrorist acts undertaken within the United States. Since early April, I have been involved in the investigation of the defendant SAYED ABDUL MALIKE.

2. As set forth below, since early April 2003, during the course of this investigation, the defendant SAYED ABDUL MALIKE has been present at four meetings with an undercover officer (hereinafter the "UC") during which MALIKE discussed his desire to obtain an explosive device in order to blow up what was described by him as a "mountain." When asked about these meetings following his arrest for the unlawful possession of Valium, MALIKE repeatedly lied to the undersigned, falsely denying, among other things, that he had met with or discussed explosives with the UC.

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<sup>1</sup>Because this affidavit is submitted only to establish probable cause to arrest the named defendant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause.

3. The investigation into MALIKE's activities began after the FBI received a report from the owner of a store located in Queens, New York. The store's owner will be referred to hereinafter in this complaint as the confidential informant or the "CI." According to the CI, on or about March 21, 2003, MALIKE entered the Store and asked the CI for assistance with his computer. While the CI and MALIKE were discussing the internet, MALIKE asked the CI for information on making a bomb. The CI told MALIKE that he could get him that information, but that it would be expensive. Immediately after this conversation, the CI contacted the FBI's Headquarters in Washington D.C. and provided information to the FBI about the CI's conversation with MALIKE.

4. On or about March 24, 2003, the defendant MALIKE traveled to Miami, Florida by train. On or about March 28, 2003, MALIKE boarded a tourist boat which took a regularly scheduled tour around the Port of Miami. MALIKE asked the captain of the boat a series of questions about the infrastructure of bridges, such as how the drawbridges and access ladders worked, and about how close the boat could get to the bridges and cruise ships. MALIKE also took a videotape of several bridges. The captain of the tourist boat contacted the Coast Guard to report MALIKE's behavior. MALIKE was thereafter interviewed by FBI officials in Miami, but he claimed to be simply taking tourist photographs. After verifying the defendant's identity and legal immigration status, he was permitted to leave. MALIKE left the videotape

with the agents in Florida.

5. On or about April 1, 2003, the defendant MALIKE returned to New York, where he reinitiated contact with the CI. MALIKE told the CI that he wanted the information that they had previously spoken about. At the direction of your Affiant, the CI then introduced MALIKE to an FBI agent acting in an undercover capacity, referred to herein as the "UC."

6. On or about April 4, 2003, the UC met with MALIKE at a location in Queens, New York. The UC wore a device which recorded his conversations with the defendant. At the meeting, the CI introduced the UC to MALIKE as the person who could supply him with explosives and with anything else he was looking for, including directions on how to make a bomb. MALIKE was evasive and unresponsive during the meeting when asked about his plans; in response to the UC's enquiries about what quantities of explosives MALIKE needed, however, MALIKE replied in sum and substance that he was looking for enough to blow up a mountain. The UC informed MALIKE that he could get MALIKE C-4 explosives for \$5,000 each or other types of explosives. MALIKE indicated in substance that he wanted to think about how much he needed. At the end of the meeting, the UC gave MALIKE his beeper number and told MALIKE to contact him when he knew what he wanted.

7. On or about Saturday, April 5, 2003, MALIKE returned to the store and asked the CI whether the UC was trustworthy. The CI vouched for the UC. MALIKE told the CI that

he wanted to speak to the UC again and indicated that he also wanted to obtain bullet proof vests and something to make a car bulletproof.

8. On or about Wednesday, April 9, 2003, the CI called MALIKE and arranged a meeting between MALIKE and the UC. This meeting was also recorded. When MALIKE arrived, the UC asked MALIKE what he wanted to purchase from him. MALIKE requested that the UC provide him with five bullet proof vests, night vision goggles, a camera for the front of his car, 50 sleeping pills and 50 Valium pills. MALIKE then raised the issue of explosives, confirming the price and stating in substance that he'd spoken to a friend about them and that they were difficult to transport. The UC stated that he could supply MALIKE with half a case of C-4 explosives for \$10,000 and that he could possibly help transport them. MALIKE replied, in sum and substance, that he wanted to contact his friend in order to find out if his friend was interested. At the end of the meeting, MALIKE gave the UC his phone number.

9. I am informed that C-4 is a type of powerful plastics explosives designed for military use. After learning of MALIKE's interest in C-4, your Affiant obtained sixteen packages of dummy material, packaged to look like C-4 explosives. The dummy explosives are individually wrapped in plastic and are contained within a military issue wood crate.

10. On or about April 17, 2003, the UC spoke briefly

with MALIKE and arranged a meeting for Friday, April 18, 2003. This conversation was also recorded.

11. On or about April 18, 2003, the defendant SAYED ABDUL MALIKE again met with the UC. At that time, the UC showed MALIKE the dummy explosives and offered to sell them to him. MALIKE declined to purchase the explosives at that time, however, stating in substance that he hadn't yet obtained the "finances" and that he could not store them in his apartment. MALIKE repeated his interest in purchasing 100 units of Valium, 50 sleeping pills and a bullet proof vest from the UC.

12. On or about May 19, 2003, the UC called MALIKE and arranged a meeting for the following day at the Store.

13. On or about May 20, 2003, at approximately 1:00 p.m., the UC spoke with MALIKE, who indicated that he wanted to purchase the Valium and the sleeping pills. At approximately 2:00 p.m., the UC met with MALIKE near the Store. The UC was again wearing a recording device. The UC gave MALIKE 100 Valium tablets and 50 placebo sleeping pills in exchange for \$150. The UC also told MALIKE that he had the C-4 and asked if MALIKE was still interested in purchasing it. MALIKE replied in substance that he still didn't have a place to store it.

14. Immediately after the meeting while the UC was still present, your Affiant and other agents of the FBI arrested MALIKE on charges that he unlawfully possessed Valium. MALIKE was advised of his Miranda rights and agreed to waive them.

Subsequently, MALIKE gave a statement to your Affiant in which he repeatedly lied about his contacts with the UC, his interest in acquiring explosives, his travels to Florida, his placing of overseas calls, and his past interactions with law enforcement. Specifically, MALIKE denied that he knew the UC or that he had any contacts with him in the past. MALIKE eventually claimed that he had met the UC once before, but continued to deny that he had ever discussed acquiring drugs, explosives or anything illegal from the UC or that he even knew the UC's name. MALIKE further denied traveling to any place other than Pakistan, Italy, San Diego and Afghanistan. After further questioning, he ultimately conceded that he had traveled to Florida a month ago, but indicated that he said so only because the FBI would discover he was lying by analyzing his credit card statements. Finally, MALIKE lied about his finances, falsely denying that he had other sources of income apart from his income as a cab driver.

15. I am advised by an Assistant United States

Attorney that Valium is a Schedule IV controlled substance.

WHEREFORE, it is respectfully requested that the defendant SAYED ABDUL MALIK be dealt with according to law.

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Todd Renner  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
th Day of May, 2003

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UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK