

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

Alexandria Division

UNITED STATES OF AMERICA)
)
 v.) Case No. 1:11MJ479
)
YONATHAN MELAKU,)
)
 Defendant.)

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Kelley A. Clark, after being duly sworn, depose and state as follows:

A. INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), Washington Field Office, in Washington, D.C. I am assigned to a Counterterrorism squad which investigates crimes involving national security and terrorism within the United States. I have been an FBI Special Agent since October 2009, and received training at the FBI Academy, Quantico, Virginia in both criminal and Counterterrorism matters. Prior law enforcement experience includes approximately one year with the San Diego Police Department. I am the lead investigator in this case, which is being handled by the Joint Terrorism Task Force (“JTTF”) and local law enforcement.

2. This affidavit is submitted in support of a criminal complaint charging YONATHAN MELAKU with two counts of willfully injuring the property of the United States by shooting with a firearm at two separate government buildings and causing damage in excess of \$1,000 to each, in violation of Title 18, United States Code, Section 1361; and two counts of knowingly using and carrying and discharging a firearm, during and in relation to a crime of

violence, in violation of Title 18, United States Code, Section 924(c)(1)(A). This affidavit is also submitted in support of the issuance of an arrest warrant.

3. In preparing this affidavit, I have been assisted by other federal and state law enforcement agents and officers, including members of the JTTF, the police departments of Arlington County, Fairfax County, and Prince William County, Special Agents from the Pentagon Force Protection Agency, the Virginia State Police, the Naval Criminal Investigative Service, and the Coast Guard Investigative Service. This affidavit is based upon information and evidence provided by witness statements and reports submitted by other agents, as well as physical evidence and my own personal knowledge, training, and experience. This affidavit contains information necessary to support probable cause, and is not intended to include each and every fact and matter known to me or to the government.

B. STATUTORY OFFENSES

4. Section 1361 of Title 18, United States Code, provides, in part:

Whoever willfully injures or commits any depredation against any property of the United States, or of any department or agency thereof . . . [and] [i]f the damage . . . to such property exceeds the sum of \$1,000 . . . [shall be fined or imprisoned] for not more than ten years. . . .

5. Section 924(c) (1)(A) of Title 18, United States Code, provides, in part:

. . . any person who, during and in relation to any crime of violence . . . for which the person may be prosecuted in a court of the United States, uses or carries a firearm . . . shall, in addition to the punishment provided for such crime of violence . . . if the firearm is discharged, be sentenced to a term of imprisonment of not less than 10 years.

6. Section 924(c)(3)(B) of Title 18, United States Code, defines a crime of violence, in part, as

. . . an offense that is a felony and . . . that by its nature, involves a substantial risk that physical force against the . . . property of another may be used in the course of committing the offense.

C. SUMMARY OF INVESTIGATION

7. On October 17, 2010, employees of the National Museum of the Marine Corps (“Museum”) in Triangle, Virginia, reported to the Prince William County Police Department that shots had been fired at the Museum. The investigation revealed that between 12:30 a.m. and 7:30 a.m., on or about October 17, 2010, ten .38/9mm rounds were fired from a range of approximately 150 to 250 yards, from the vicinity of Interstate 95 (I-95), which lies to the west of the Museum. Bullet holes were found in several windows as well as on the base of the building. The Museum is property of the United States government and is located within Prince William County.

8. On October 19, 2010, at approximately 4:57 a.m., the Pentagon Force Protection Agency reported audible shots fired in the vicinity of the Pentagon South parking lot and A&E Drive, which faces I-395. Investigators found three separate impact marks consistent with bullet strikes located on the building’s south side exterior between the first and fourth floors and bullet holes in individual windows on the third and fourth floors. Projectiles penetrated the outer layer of the protective windows and were trapped and did not penetrate the interior layer. Bullet strikes were located on an area approximately 40 yards wide from the upper first floor to the fourth floor. The Pentagon Reservation is within the Special Maritime and Territorial Jurisdiction of the United States and is located within Arlington County. According to the

Defense Contract Audit Agency, the cost to repair damage to the windows and exterior of the Pentagon (including material, equipment and labor) was \$15,144.00.

9. On October 26, 2010, at approximately 8:00 a.m., employees at the Marine Corps recruiting sub-station located at 13881 Metrotech Drive, Chantilly, Virginia, discovered shots had been fired at the sub-station, apparently overnight, between on or about 8:00 p.m. on October 25 to on or about 8:00 a.m. on October 26. No injuries were reported; the sub-station had been under renovation for approximately one week at the time. At least one window of the sub-station was damaged with holes consistent with gunshots. Bullet fragments were found inside the recruiting station. The Marine Corps leases the space for the recruiting sub-station, which is located within Fairfax County.

10. On October 29, 2010, at approximately 6:30 a.m., employees at the National Museum of the Marine Corps in Triangle discovered several new bullet holes in an area similar to that of the previous shooting, including the glass windows and base of the Museum. It appears that this second attack on the Museum had a similar trajectory as the first, and may have come from the direction of I- 95.

11. On June 20, 2011, I was informed by the Museum's Campus Facility Manager that \$83,985.03 has been spent to replace glass windows damaged from both shootings at the Museum. An additional \$10,124.80 is expected to be spent for completion of metal repairs as a result of the two shootings.

12. On or about the night of November 1 to on or about the morning of November 2, 2010, at least one shot was fired at the U.S. Coast Guard recruiting office in Woodbridge, Virginia. The front door frame and locking mechanism were damaged. The Coast Guard leases

the space for the recruiting office, which is located within Prince William County. According to an estimate provided by the Coast Guard on November 19, 2010, the Coast Guard recruiting office sustained approximately \$1,800 worth of damage.

13. On June 17, 2011, at approximately 1:30 a.m., YONATHAN MELAKU (hereafter MELAKU) was located on the property of Ft. Myer in Arlington, Virginia. He was approached by law enforcement officers from Ft. Myer. MELAKU fled on foot dropping a backpack. He was taken into custody on the property of Arlington National Cemetery. MELAKU had no forms of identification on his person and initially refused to provide any identifying information.

14. The backpack discarded by MELAKU was examined and contained, among other things, the following items: numerous spent 9mm shell casings; four clear Ziplock bags containing a powdery substance with the outside of the bags marked "5 lbs" and "AN;" one can of black spray paint; two cans of Rust-Oleum; work gloves; a headlamp; and a spiral notebook with numerous Arabic statements referencing the Taliban, al Qaeda, Osama bin Laden, "The Path to Jihad" including "defeat coalition and allies and America," as well as a list of several other individuals associated with foreign terrorist organizations. A forensic chemist with the FBI Explosives Unit found, through laboratory analysis, that the aforementioned powdery substance was ammonium nitrate, with minor amounts of other inert material.

15. According to a Forensic Chemist Examiner at the Explosives Unit at the FBI Laboratory, ammonium nitrate (AN) is one of the most common components of homemade explosives, that is, explosives that can be made by the average person using readily available components. In order to properly detonate, a homemade explosive must contain an oxidizer to

supply oxygen to the explosive reaction and a fuel. AN is a very easily obtained oxidizer because it is sold commercially in the form of fertilizer. Any fuel, most commonly diesel fuel, can be mixed with AN to create a high explosive known as Ammonium Nitrate Fuel Oil (ANFO). The necessary proportions of AN and fuel, to include specific measurements for each, are easily found on the Internet. ANFO is a very powerful high explosive and it was the explosive used in the April 1995 bombing of the Alfred P. Murrah federal building in Oklahoma City.

16. Later on June 17, 2011, a search was conducted of MELAKU's Alexandria residence. Within the closet of MELAKU's bedroom, law enforcement officers found a typed list bearing the heading "Timer" and the following list of numbered items (items 1, 4, 5, and 6 on this list were crossed through):

- 1 9 volt alkaline [sic] battery
- 2 Battery connector for 9 volt
- 3 20 gauge insulated and stranded wire
- 4 electrical tape
- 5 epoxy or super glue
- 6 digital kitchen countdown timer
- 7 Bulb
- 8 LED light
- 9 Transistor

17. According to an FBI bomb technician, the items on this list are consistent with the requirements for a time power unit and firing mechanism of an Improvised Explosive Device (IED). Those items, combined with Ammonium Nitrate, would in fact make up several significant components required for the manufacture of an IED. According to the FBI bomb technician, the other components needed for the IED to be activated would be fuel and a detonating device.

18. During the search of the residence, law enforcement officers seized, among other things, MELAKU's laptop computer. A preliminary review of the contents reveals numerous documents concerning bomb-making and explosives. Also seized, was a digital videotape in the desk in MELAKU's bedroom. A review of the videotape showed MELAKU in an automobile driving in proximity to what appears to be the National Museum of the Marine Corps and repeatedly firing a handgun from the vehicle out the passenger-side window. On the video, MELAKU made numerous statements. Based on the preliminary review of the videotape and based on the initial understanding of the content of MELAKU's statements, it is my belief MELAKU stated, among other things, on the video:

I've already . . . that's the military building . . . last time I hit them, they turned off the lights for like four or five days. So now here we go again; this time I'm going to turn it off permanently. Alright next time this video turns on, I will be shooting. That's what they get. That's my target. That's the military building. It's going to be attacked.

MELAKU then made some additional statements and began firing. At the conclusion of multiple shots, MELAKU exclaimed "Allahu Akbar" repeatedly. It appears that MELAKU was alone in the vehicle and that he had positioned the video camera in order to record his shooting at the Museum.

19. The investigation of the above-described shootings at the Museum demonstrates a clear link to both the October 19, 2010 shooting at the Pentagon, which is property of the United States, and the two shootings at military recruiting stations on or about October 26 and November 2, 2010. Specifically, law enforcement recovered bullets and/or bullet fragments from each location (including twice from the Museum). Following each incident, a Physical Scientist


in the Firearms & Toolmarks Unit at the FBI Laboratory in Quantico, Virginia, conducted a forensic examination and comparison of bullets and fragments recovered from all prior incidents. Each successive incident was a match to the first. The FBI Laboratory now has compared the bullets and fragments recovered from all five incidents and has determined that the bullets and fragments analyzed were fired from the same firearm.

20. An analysis of the shootings determined that a brand of ammunition, based on class characteristics consistent with bullets loaded into cartridges, were manufactured by Prvi Partizan. When MELAKU was taken into custody on June 17, 2011, some of the spent cartridges found in his backpack were Prvi Partizan.

E. CONCLUSION

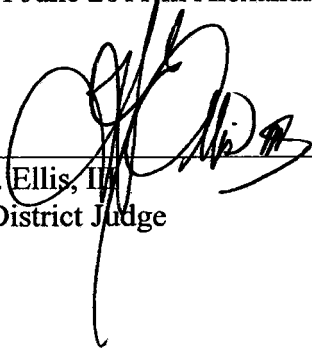
Based on the foregoing, there is probable cause to believe that Defendant YONATHAN MELAKU carried out all five shootings at the four locations described above. Accordingly, there is probable cause to believe that on or about October 19 and October 29, 2010, respectively, within the Eastern District of Virginia, the defendant willfully injured property of the United States by shooting at the Pentagon and at the National Museum of the Marine Corps, causing damage in excess of \$1,000 to each building, in violation of Title 18, United States Code, Section 1361. There is also probable cause to believe that on these same dates, the defendant knowingly used and carried a firearm, during and in relation to a crime of violence for which he

may be prosecuted in a court of the United States, and in the course of such conduct, did discharge said firearm, in violation of Title 18, United States Code, Section 924(c)(1)(A).

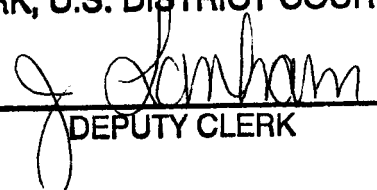


Kelley A. Clark
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me
this 23rd day of June 2011 in Alexandria, Va.



Honorable T.S. Ellis, III
United States District Judge

A TRUE COPY, TESTE:
CLERK, U.S. DISTRICT COURT
BY 

DEPUTY CLERK