

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA :

- v. - :

FAISAL SHAHZAD, :

Defendant. :

----- X

INDICTMENT

10 Cr.
10 CRIM 541

COUNT ONE

Attempted Use Of A Weapon Of Mass Destruction

The Grand Jury charges:

1. On or about May 1, 2010, in the Southern District of New York and elsewhere, FAISAL SHAHZAD, the defendant, having traveled in interstate and foreign commerce in furtherance of the offense, unlawfully, willfully, and knowingly, and without lawful authority, did attempt to use a weapon of mass destruction, namely, a destructive device as defined by Title 18, United States Code, Section 921, against persons and property within the United States, to wit, on or about May 1, 2010, SHAHZAD traveled from Connecticut to New York and attempted to detonate improvised explosive and incendiary devices inside a sport utility vehicle located in Times Square in the vicinity of 45th Street and Seventh Avenue in Manhattan, New York.

(Title 18, United States Code, Section 2332a(a) (2) (C),
(c) (2) (A).)

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COUNT TWO

Conspiracy To Use A Weapon Of Mass Destruction

The Grand Jury further charges:

2. From at least in or about December 2009, up to and including on or about May 3, 2010, in the Southern District of New York and elsewhere, FAISAL SHAHZAD, the defendant, together with others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to violate Title 18, United States Code, Section 2332a(a)(2)(C).

3. It was a part and an object of the conspiracy that FAISAL SHAHZAD, the defendant, and others known and unknown, would use a weapon of mass destruction, namely, a destructive device as defined by Title 18, United States Code, Section 921, against persons and property within the United States.

Overt Acts

4. In furtherance of the conspiracy, and to effect the illegal object thereof, FAISAL SHAHZAD, the defendant, and others known and unknown, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. In or about December 2009, SHAHZAD received explosives training in Waziristan, Pakistan, from explosive trainers affiliated with Tehrik-e-Taliban, a militant extremist group based in Pakistan.

b. On or about February 25, 2010, SHAHZAD received approximately \$5,000 in cash in Massachusetts sent from a co-conspirator not named as a defendant herein who SHAHZAD understood worked for Tehrik-e-Taliban ("CC-1").

c. On or about March 15, 2010, SHAHZAD purchased a semi-automatic 9 millimeter Kel-Tec rifle in Connecticut.

d. On or about April 10, 2010, SHAHZAD received approximately \$7,000 in Ronkonkoma, New York, sent at CC-1's direction.

e. On or about April 16, 2010, SHAHZAD purchased a prepaid cellular telephone in Connecticut.

f. On or about April 24, 2010, SHAHZAD purchased a Nissan Pathfinder (the "Pathfinder") in Connecticut.

g. In or about April 2010, SHAHZAD purchased components for the improvised explosive and incendiary devices that he loaded into the Pathfinder on or about May 1, 2010.

h. On or about May 1, 2010, SHAHZAD drove the Pathfinder, loaded with the improvised explosive and incendiary devices, to Manhattan, New York, and parked the Pathfinder in Times Square in the vicinity of 45th Street and Seventh Avenue.

i. On or about May 1, 2010, after parking the Pathfinder in the vicinity of 45th Street and Seventh Avenue in Manhattan, SHAHZAD attempted to begin the detonation process of the improvised explosive and incendiary devices.

j. On or about May 1, 2010, after attempting to begin the detonation process of the improvised explosive and incendiary devices, SHAHZAD abandoned the Pathfinder in Times Square in the vicinity of 45th Street and Seventh Avenue in Manhattan and returned to his residence in Connecticut.

k. On or about May 3, 2010, SHAHZAD drove from Connecticut to John F. Kennedy International Airport in New York with his loaded semi-automatic 9 millimeter Kel-Tec rifle in an attempt to flee the United States.

(Title 18, United States Code, Section 2332a(a)(2)(C),
(c)(2)(A).)

COUNT THREE

Possession And Use Of A Firearm During And In Relation
To A Crime Of Violence

The Grand Jury further charges:

5. From on or about March 15, 2010, up to and including on or about May 3, 2010, in the Southern District of New York and elsewhere, FAISAL SHAHZAD, the defendant, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, to wit, the defendant carried and possessed a semi-automatic 9 millimeter Kel-Tec rifle during and in relation to, and in furtherance of, the offense charged in Count Two of this Indictment.

(Title 18, United States Code, Section 924(c)(1)(A)(i).)

COUNT FOUR

Attempted Act Of Terrorism Transcending National Boundaries

The Grand Jury further charges:

6. On or about May 1, 2010, in the Southern District of New York and elsewhere, in an offense obstructing, delaying, and affecting interstate and foreign commerce and which would have so obstructed, delayed, and affected interstate and foreign commerce if the offense had been consummated, and involving conduct transcending national boundaries, FAISAL SHAHZAD, the defendant, unlawfully, willfully and knowingly did attempt to kill and maim persons within the United States, and did create a substantial risk of serious bodily injury to others by attempting to destroy and damage structures, conveyances and other real and personal property within the United States, in violation of the laws of the United States, including Title 18, United States Code, Sections 844(d) and (i), 924(c)(1)(A) and (B)(ii), and 2332a(a)(2)(C) and (c)(2)(A), to wit, SHAHZAD, after receiving bomb-making training in Waziristan, Pakistan, traveled to the United States, drove a sport utility vehicle loaded with explosive and incendiary devices to Times Squares in the vicinity of 45th Street and Seventh Avenue in Manhattan, New York, and attempted to detonate the devices.

(Title 18, United States Code, Sections 2332b(a)(1)(A),
(a)(1)(B), (a)(2), (b)(1)(B), (c)(1)(F).)

COUNT FIVE

Conspiracy To Commit An Act of Terrorism
Transcending National Boundaries

The Grand Jury further charges:

7. From at least in or about December 2009, up to and including on or about May 3, 2010, in the Southern District of New York and elsewhere, FAISAL SHAHZAD, the defendant, together with others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to violate Title 18, United States Code, Sections 2332b(a)(1)(A), (a)(1)(B) and (b)(1)(B).

8. It was a part and an object of the conspiracy that FAISAL SHAHZAD, the defendant, and others known and unknown, would kill and maim persons within the United States, and would create a substantial risk of serious bodily injury to others by destroying and damaging structures, conveyances and other real and personal property within the United States, in violation of the laws of the United States, including Title 18, United States Code, Sections 844(d) and (i), 924(c)(1)(A) and (B)(ii), and 2332a(a)(2)(C) and (c)(2)(A).

Overt Acts

9. In furtherance of the conspiracy and to effect the illegal objects thereof, FAISAL SHAHZAD, the defendant, and others known and unknown, committed in the Southern District of New York and elsewhere, among other overt acts, the acts set

forth in Paragraph 4.

(Title 18, United States Code, Sections 2332b(a)(1)(A),
(a)(1)(B), (a)(2), (b)(1)(B), (c)(1)(F).)

COUNT SIX

Attempted Use Of A Destructive Device
In Relation To A Crime Of Violence

The Grand Jury further charges:

10. On or about May 1, 2010, in the Southern District of New York and elsewhere, FAISAL SHAHZAD, the defendant, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, did use and carry a destructive device, and, in furtherance of such crime, did possess a destructive device, to wit, the defendant used, carried, and possessed improvised explosive and incendiary devices placed in a sport utility vehicle in Times Square in the vicinity of 45th Street and Seventh Avenue in Manhattan, New York, during and in relation to, and in furtherance of, the offense charged in Count Five of this Indictment.

(Title 18, United States Code, Sections 924(c)(1)(A),
(c)(1)(B)(ii), (c)(1)(C)(ii).)

COUNT SEVEN

Transportation Of An Explosive

The Grand Jury further charges:

11. On or about May 1, 2010, in the Southern District of New York and elsewhere, FAISAL SHAHZAD, the defendant,

unlawfully, willfully, and knowingly did transport and receive in interstate and foreign commerce an explosive, with the knowledge and intent that it would be used to kill, injure, and intimidate an individual and to damage and destroy a building, vehicle, and other real and personal property, to wit, SHAHZAD drove a sport utility vehicle containing explosive and incendiary devices to Times Square in the vicinity of 45th Street and Seventh Avenue in Manhattan, New York, with the intent to kill, injure and intimidate individuals and to damage and destroy nearby buildings, vehicles and other property.

(Title 18, United States Code, Section 844(d).)

COUNT EIGHT

Conspiracy To Transport An Explosive

The Grand Jury further charges:

12. From at least in or about December 2009, up to and including on or about May 3, 2010, in the Southern District of New York and elsewhere, FAISAL SHAHZAD, the defendant, together with others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to violate Title 18, United States Code, Section 844(d).

13. It was a part and an object of the conspiracy that FAISAL SHAHZAD, the defendant, and others known and unknown, would and did transport and receive in interstate and foreign commerce an explosive with the knowledge and intent that it would

be used to kill, injure, and intimidate an individual and to damage and destroy a building, vehicle, and other real and personal property.

Overt Acts

14. In furtherance of the conspiracy and to effect the illegal object thereof, FAISAL SHAHZAD, the defendant, and others known and unknown, committed in the Southern District of New York and elsewhere, among other overt acts, the acts set forth in Paragraph 4.

(Title 18, United States Code, Section 844(n).)

COUNT NINE

Attempted Destruction Of Property By Fire And Explosive

The Grand Jury further charges:

15. On or about May 1, 2010, in the Southern District of New York and elsewhere, FAISAL SHAHZAD, the defendant, unlawfully, willfully, knowingly, and maliciously did attempt to damage and destroy, by means of fire and an explosive, a building, vehicle, and other real and personal property used in interstate and foreign commerce and in an activity affecting interstate and foreign commerce, to wit, SHAHZAD attempted to damage buildings, vehicles, and other real and personal property by detonating explosive and incendiary devices located inside of a sport utility vehicle parked in Times Square in the vicinity of 45th Street and Seventh Avenue in Manhattan, New York.

(Title 18, United States Code, Section 844(i).)

COUNT TEN

Conspiracy To Destroy Property By Fire And Explosive

The Grand Jury further charges:

16. From at least in or about December 2009, up to and including on or about May 3, 2010, in the Southern District of New York and elsewhere, FAISAL SHAHZAD, the defendant, together with others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to violate Title 18, United States Code, Section 844(i).

17. It was a part and an object of the conspiracy that FAISAL SHAHZAD, the defendant, and others known and unknown, would damage and destroy, by means of fire and an explosive, a building, vehicle, and other real and personal property used in interstate and foreign commerce and in an activity affecting interstate and foreign commerce.

Overt Acts

18. In furtherance of the conspiracy and to effect the illegal object thereof, FAISAL SHAHZAD, the defendant, and others known and unknown, committed in the Southern District of New York and elsewhere, among other overt acts, the acts set forth in Paragraph 4.

(Title 18, United States Code, Section 844(n).)

FORFEITURE ALLEGATION

19. As a result of planning and perpetrating Federal crimes of terrorism against the United States, as alleged in Counts One, Two, Four, Five and Nine of this Indictment, FAISAL SHAHZAD, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(G) and 2332b(g)(5), and Title 28, United States Code, Section 2461:

- a. all right, title, and interest in all assets, foreign and domestic;
- b. all right, title, and interest in all assets, foreign and domestic, affording a source of influence over the Tehrik-i-Taliban Pakistan;
- c. all right, title and interest in all assets, foreign and domestic, acquired and maintained with the intent and for the purpose of supporting, planning, conducting, and concealing a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property; and

d. all right, title and interest in all assets, foreign and domestic, derived from, involved in, and used and intended to be used to commit a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property; including, but not limited to, a sum of money representing the value of the property described above as being subject to forfeiture.

(Title 18, United States Code, Sections 981(a)(1)(G) and 2332b(g)(5) and Title 28, United States Code, Section 2461.)



Preet Bharara

PREET BHARARA
United States Attorney