

UNITED STATES DISTRICT COURT

for the District of Maryland

United States of America

v.

Antonio MARTINEZ, a/k/a Muhammad Hussain

)
)
)
)
)
)

Case No.

10-4761 JKB

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 8, 2010 in the county of Baltimore in the District of Maryland, the defendant(s) violated:

Code Section Title 18, United States Code, Section 1114(3)

Offense Description Attempted Murder of Federal Officers/Employees

Title 18, United States Code, Section 2332a(a)(3)

Attempted Use of a Weapon of Mass Destruction Against Property Owned, Leased or Used by the United States

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.

Keith E. Bender Complainant's signature

Keith E. Bender, Special Agent, FBI Printed name and title

Sworn to before me and signed in my presence.

Date: December 8, 2010

James K. Breder Judge's signature

City and state: Baltimore, Maryland

James K. Breder, United States Magistrate Judge Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Keith E. Bender, being first duly sworn, hereby depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since 2009. Between 2003 and 2009, I was a commissioned officer with the United States Army. As an Army Officer, I deployed to Afghanistan and participated in interviews of individuals suspected of participating in counterinsurgency operations against the United States Armed Forces and the Afghan National Army and Police. In 2009, I completed the FBI New Agents Training Program at the FBI Academy in Quantico, Virginia. Since becoming a Special Agent with the FBI, I have been assigned to the Baltimore Field Office in Baltimore, Maryland, and have completed a total of over 980 hours of documented law enforcement related training. My duties include investigating a range of federal violations primarily focusing on national security matters. I have participated in numerous investigations of national security and criminal matters involving the use of physical and electronic surveillance, telephone toll analysis, financial records analysis, investigative interviews, and the execution of search warrants. I have reviewed taped conversations involving confidential human sources. I have interviewed confidential human sources, and individuals involved in terrorist and other criminal acts, and have discussed with them their lifestyles and habits. Through training, education, and experience I have become familiar with the manner in which terrorists and criminals use telephones, cellular telephone technology, e-mail, and other internet related communication medias, coded communications or slang filled conversations, false or fictitious identities, and other means to facilitate their illegal activities and thwart law enforcement investigations.

2. This affidavit is being submitted in support of an application for a criminal complaint against Antonio MARTINEZ, a/k/a Muhammad Hussain, charging him with attempt to murder



VSR

federal officers and employees, in violation of 18 U.S.C. §§ 1114(3), and attempted use of a weapon of mass destruction against property owned, leased or used by the United States, in violation of 18 U.S.C. § 2332a(a)(3).

3. I have personally participated in this investigation and am familiar with the facts and circumstances described herein. I have also received information from other federal law enforcement officials relating to this investigation. The information set forth in this affidavit is based on my own observations and review of documents, or reliable information provided to me by other law enforcement personnel involved in this matter. This affidavit does not contain all of the facts and information known to me regarding this investigation, but does, in my belief, include facts sufficient to provide probable cause and support for the issuance of the criminal complaint. Unless otherwise indicated, all written and oral statements referred to herein are set forth in substance and in part, rather than verbatim.

I. Statement of Facts

4. In October 2010, Antonio MARTINEZ, a recent convert to Islam, struck up an association with a Baltimore FBI confidential human source (CHS). Upon learning from the CHS that MARTINEZ was seeking to attack and kill military personnel, the FBI recorded a series of conversations between MARTINEZ and the CHS. During these conversations, MARTINEZ identified his intended target - an Armed Forces recruiting station on Route 40 in Catonsville, Maryland. MARTINEZ attempted to recruit at least three other people to join in the operation, including an individual who said he had the ability to obtain weapons. All three of them declined, one of whom expressly attempted to dissuade MARTINEZ from committing jihad. Thereafter, MARTINEZ agreed to meet the CHS's "Afghani brother," whom the CHS represented would be

interested in assisting in the operation. The "Afghani brother" is an undercover FBI agent (UC), whom MARTINEZ has since embraced as the answer to his "prayers."

5. On September 29, 2010, MARTINEZ made a public, open source posting on his Facebook account stating: "The sword is cummin the reign of oppression is about 2 cease inshallah ta'ala YA muslimdeen! don't execept the free world we are slaves of the Most High and never forget it!" On October 1, 2010, he made another public posting: "Any 1 who opposes ALLAH and HIS Prophet PEACE.Be.upon.Him I hate u with all my heart." On October 8, 2010, the CHS brought this information about MARTINEZ to the attention of the FBI.

6. On October 10, 2010, in response to these postings, the CHS communicated with MARTINEZ over the latter's Facebook account. MARTINEZ told the CHS that he wanted to go to "Pakistan or Afghanistan (a country that struggle for the sake of allah swt.)."

7. On October 14, 2010, the CHS and MARTINEZ communicated again over the latter's Facebook account. MARTINEZ said it was his dream to be among the ranks of the mujahideen and that he hoped Allah would open a door for him because all he thinks about is jihad.¹

8. On October 22, 2010, according to information provided by the CHS, MARTINEZ approached the CHS about attacking Army recruiting centers or anything military. He indicated that if the military continued to kill their Muslim brothers and sisters, they would need to expand their operation by killing U.S. Army personnel where they live. He stated that jihad is not only in Afghanistan or Pakistan, but also in the United States. Because MARTINEZ believed his own criminal record precluded him from purchasing a gun, MARTINEZ suggested that the CHS purchase

¹ The CHS has provided copies of both the October 10 and 14 communications to the FBI.

Handwritten signature and initials, possibly "V 573".

a weapon for him, and indicated that he had a rifle in mind that he had seen at a store in Maryland. In a brief unrecorded meeting with the CHS at a gas station on October 25, 2010, MARTINEZ again talked about attacking military installations. They met again on October 28, 2010. During this unrecorded meeting MARTINEZ spoke about the possibility of using gas or propane tanks sold by a "brother" he knew at a gas station. During this meeting, as they were driving together, MARTINEZ identified the Armed Forces Career Center on Route 40 in Catonsville, Maryland, as his intended target. At one point during the October 28 meeting, the CHS and MARTINEZ were joined by another individual (PERSON 1). MARTINEZ spoke to this individual in general terms about his beliefs regarding jihad in an effort to obtain PERSON 1's support. PERSON 1 was not interested and they parted ways.

9. On October 29, 2010, the CHS engaged in the first of many recorded conversations with MARTINEZ at the direction of law enforcement.² On that date, MARTINEZ had the CHS drive him to the Armed Forces Career Center on Route 40 and indicated that he wanted to attack the location in about a month. MARTINEZ said he knew of someone who could provide them with weapons, and detailed how he could get on the roof, go inside, and wait for "them" (the military members) to arrive, and that he and the CHS would then "shoot everybody in the place." MARTINEZ said, "before I became Muslim, I was about to join the military ... So I've been in there." He discussed burning the building down to "instill fear" and to send a message that "[w]hoever joins the military, they will be killed." MARTINEZ stated his belief that the Quran counsels that one must "fight those who fight against you," meaning the military. MARTINEZ said

² With a few exceptions noted below, all contacts between the CHS and MARTINEZ since October 29 have been recorded. Unless otherwise noted, the summaries and quotations contained herein are taken from the draft transcripts of those recordings.



he thought they could use a propane tank for the operation, but he and the CHS would have to learn how to "rig it." He went on to state:

Like I wish I knew how to make a car bomb ... Did you see all those cars that they had out there [referring to the recruiting center] ... As soon as they start the car [MARTINEZ makes a noise like something is blowing up and laughs] ... If you stuff the exhaust with something, like a sock or something ... the car ... it'll run, but ... all the toxic fumes will come into the inside of the car so if they start to drive ... they will breathe in all those fumes ... and they gonna like slowly but surely die in the car ... Just some ideas, you know what I'm saying?

10. During the course of this meeting, MARTINEZ referred to Anwar al-Aulaqi as his "beloved sheikh" and described al-Aulaqi's background.³ He made reference to "Muhammad Omar Bakri," whom he said was calling for jihad.⁴ He also outlined possible getaway plans:

If we get away unharmed ... not locked up ... we'll have to go some place. We can't just go back to our houses ... I was thinkin' that we set up some type of camp ... somewhere in the woods ... like ... the Chechyan brothers ... they was fightin' against the Russianswhen they was in the woods they had built a masjid ... maybe we could do somethin' like that ... we could take refuge in the masjid ... If they come to the masjid, we'll shoot 'em ... shoot at 'em until we die ... Just get the message across 'cause maybe by our actions, brothers will rise up, Insha'Allah ... But it's not just all up to me. You come up with some ideas, as well, because it's not just me.

MARTINEZ mentioned that he knew of someone who was interested in "goin' for jihad," was "very knowledgeable," and would be a "good asset." He also told the CHS he was not interested in having a cellular phone because he did not want people to find him, which was also the reason he moved from place to place to live.

³ On July 16, 2010, the U.S. Department of the Treasury designated Anwar al-Aulaqi a "specially designated global terrorist." Al-Aulaqi has been identified as one of the leaders of Al-Qaeda in the Arabian Peninsula (AQAP), which is on the State Department's list of designated foreign terrorist organizations.

⁴ MARTINEZ appeared to be referring to Omar Bakri Muhammad, who is the former leader of the radical Islamist group Al-Muhajiroun. His videos are widely available on the Internet.

11. During a recorded meeting on November 3, 2010, MARTINEZ talked to the CHS about three other individuals he thought could assist in the operation.⁵ He said that before he had even met the CHS, he had talked to one of those individuals about jihad.⁶ He told the CHS that they needed to put their money together to buy weapons. He also stated that since he did not have the money to go overseas to fight, he was going to

make a mujahideen here, Insha'Allah, and we gonna fight against them ... until they stop the oppression ... fight the disbelievers until there is no more oppression and the religion is only for Allah ... I don't want to talk about this no more, man. I just wanna do it.... each and every Muslim in this country ... knows that America is at war with Islam and they're not doing anything about it ... no one is stepping up to do anything.... We have to be the ones to pull that trigger. Send that message.

MARTINEZ said he had propane tanks, but did not know how to use them as explosives. He said he knew how to make and use "bottles ... cocktails," referring to homemade bombs. He explained how "cocktail" bombs were made and suggested they could toss them into the recruiting station and shoot personnel as they ran out - "we bring them out and we lay 'em down for the sake of Allah." During this meeting, MARTINEZ overcame his reluctance to have a cellular phone and accompanied the CHS to purchase one.

12. On November 3, 2010, law enforcement agents saw MARTINEZ at a public location in Woodlawn, Maryland, accessing the Internet. He was seen viewing the "Revolution Muslim" website, watching a video of Osama bin Laden, watching an Iraqi martyrdom video, and accessing YouTube and watching videos of men in traditional Muslim attire shooting assault rifles.

⁵ Two of these individuals were persons other than PERSONS 1, 2 and 3 referenced herein.

⁶ MARTINEZ subsequently introduced the CHS to that individual, who is referenced in paragraph 13 as PERSON 2. MARTINEZ never introduced the CHS to the other two people he referred to on November 3.



13. During a recorded meeting with the CHS on November 4, 2010, MARTINEZ introduced the CHS to PERSON 2, whom MARTINEZ described as a potential recruit for his operation. PERSON 2 refused to participate, telling MARTINEZ that what he wanted to do was wrong ideologically, would cause harm to Muslims, and probably would result in MARTINEZ getting caught. After they parted ways with PERSON 2, MARTINEZ reiterated to the CHS his desire to continue forward, asserting that Nidal Hassan may have only killed thirteen soldiers, but he saved the lives of many Muslims that would have been killed by those soldiers.⁷ Over the course of the conversation, MARTINEZ again expressed his mindset:

I wanna still do it ... In my heart, it's in there, man. It'll never go away... I believe that if the prophecy of Allah ... was here ... in my heart, I believe that it will be jihad ... Allah against these kufars [non-believers]. That is what I believe ... I have a desire to die in the cause of Allah ... And if I go to hell for that, then I'll be happy ...we blow one recruiting center up ... People ain't gonna be able to ... get recruited at that one ... Then we hit another one, then we hit another one ... there's no more recruiting centers in ... Maryland. So nobody bein' recruited into the Army in Maryland. So we stop one thing then we can start on somethin' else ... And just keep it movin' ... So what ... if it's just a little ... recruiting center? ... it show that the Muslims are united ... are one in this war ... one in this effort ... I just want us to do the right thing ...What he [PERSON 2] said didn't stop me. It really made me upset and disappointed, but not like ... maybe I shouldn't consider it ... No, man. This ... is what we gotta do. Insha'Allah. Insha'Allah ... Do it for jihad.

During the course of this meeting, the CHS followed up on MARTINEZ's initial discussions about utilizing a bomb. The CHS said that he knew a "brother" who could introduce him to someone who could make bombs.⁸

14. On November 8, 2010, MARTINEZ told the CHS that he knew a Muslim brother

⁷ Your affiant knows from open source information, as well as his background, training and experience, that Nidal Hassan is the U.S. Army Major charged with killing 13 soldiers and injuring others in a shooting at Fort Hood, Texas, on November 5, 2009.

⁸ The CHS was, in fact, referring to an undercover FBI agent.

who could get rifles. Once they had enough money, the brother would place an order and then deliver the weapons to them. MARTINEZ told the CHS that they needed to get training on how to shoot and utilize different tactics and strategies so that they could make "every bullet ... count." He stated, "I wanna actually be Shaheed [martyr]. ... Like actually die for the cause of Allah."

15. During a recorded meeting on November 10, 2010, the CHS talked about the "brother" he had mentioned on November 4, and referred to him as his "Afghani boy" (the UC), who could get them weapons, train them, and join in the fight. MARTINEZ responded,

you bring the brother, we talk to the brother and ... [b]efore we say anything, we see his views on the ...deen [path of Islam] ... And then ... if we see that he has some inclination, if he wants to wage jihad 'cause of Allah, then we will try to invite him to a ... it's a good thing ... towards the mujahideen ... his job will be to find the weapons.

MARTINEZ also talked about his operational plans:

we gonna hit 'em where it hurts ... We are gonna go ... to their stations, to their bases, to everywhere ... to everywhere a soldier is. Every soldier that we see in uniform will be killed on the spot, Insha'Allah ... They will be killed until they stop waging war against ... Islam ... We won't stop, Insha'Allah, until they kill us or they lock us up ... this is for Allah.

During the conversation, MARTINEZ said they needed a "big petroleum truck full of gasoline" and laughed about possibly blowing up Andrews Air Force Base. He then said that they should start "small" and "take over their bases" and "their homes."

16. During a recorded meeting on November 15, 2010, MARTINEZ told the CHS they needed to set things up with the "Afghani brother" (the UC) because they needed to "move quick and ... fast." He suggested that they do "short, small attacks or ambushes, which is how "the brothers in Chechnya ... dominated." He stated that if they took military prisoners of war, they would treat them fairly, talk to them about accepting Islam, and ransom them for something that would "benefit

the mujahideen.”

17. During the November 15 meeting, MARTINEZ and the CHS met with PERSON 3, an individual MARTINEZ said could provide them with guns. MARTINEZ told PERSON 3 that he and the CHS were “tryin’ to develop ... a mujahideen,” and “bring ideas to the table about how [to] go about [it] militarily” without attacking civilians. PERSON 3 rebuffed MARTINEZ, telling him that it would takes years of study to wage jihad successfully. After PERSON 3 left, MARTINEZ told the CHS to contact “the brother” (the UC). MARTINEZ expressed sadness over his failure to get others interested in his plans, stating, “I guess I’m gonna have to do it myself ... we’re just gonna have to do it ourselves ... I’m okay with that.”

18. As noted earlier, the CHS advised law enforcement early on in the investigation that MARTINEZ had a Facebook account. Your affiant has reviewed the public postings on the account, which is in the name of Muhammad Hussain.⁹ Some of MARTINEZ’s Facebook “Friends” include: 1) “Call to Islam,” which is a UK-based online movement publicly known to be affiliated with a radical group called Revolution Muslim; and 2) “Authentic Tawheed,” which appears to be a pro-jihad group with a website, several forums, and a Paltalk Islamic chat room. In addition to the public comments posted by MARTINEZ on his Facebook account that are referenced in paragraph 5 above, other open source comments include the following:

8/14/10 - “Man.....Subhanallha! When are these crusaders gonna realize they cant win? How many more lives are they willing to sacrifice. ALLAHUAKBAR” This comment engendered a response from one of MARTINEZ’s Facebook “Friends,” who stated, “Don’t think they care bro. Now they trying to open a Church in Saudi

⁹ Your affiant has confirmed from his own observations, and public database information, that the individual pictured on the profile page for the Muhammad Hussain Facebook account is, in fact, MARTINEZ, and all the biographical information provided on the profile page matches MARTINEZ’s known identifiers.

Arabia.”

10/9/10 - MARTINEZ provided a link to a YouTube posting entitled “A Talk by Abu Hifzudeen,” along with his comment, “Every muslim listen to this subhanallah! it made me cry.” (According to public source information, Abu Hifzudeen appears to be a member of “Authentic Taweed” and “Muslims Against The Crusades.”)

10/14/10 - “Do you really want to spend your entire lives praying for longevity? WE were born in order to die.” This posting generated a response from one of MARTINEZ’s Facebook “Friends,” who sought to remind MARTINEZ about the “balance in Islam” and that “only Allah knows when each persons number is up.”

10/17/10 - “I love Sheikh Anwar al Awalki for the sake of ALLAH. A real insperation for the Ummah, I don’t care if he is on the terrorist list! May ALLAH give him Kire ameen.”

11/4/10 - “What can you do with them? If u lock them up it is a time to get close to ALLAH, If you exile them it is a spiritual journey, and if u kill them hannah and the women of paradise await. lol!!! victory is 4 Muslims regardless, ALLAH is the Greatest.”

11/7/10 - MARTINEZ provided a link to a YouTube posting entitled “Nasheed: Al-Qawlu Sawarim,” a Dutch video showing mujahideen attacking western coalition forces.

19. On November 16, 2010, the CHS introduced MARTINEZ to his “Afghani brother” (the UC).¹⁰ MARTINEZ told the UC about his “goal” to become “Shaheed” (a martyr), and his desire to attack the “Armed Services Center” on Route 40 . He stated that he wanted to go in there with a gun and shoot each person, but he needed training. The UC told MARTINEZ he could see his passion to fight, but he was too young and too valuable not to live to fight another day. MARTINEZ asked the UC if he knew how to do something with propane, to which he responded that he did. During the course of the conversation, the UC advised MARTINEZ that it would not take much to make a powerful vehicle bomb. The UC told MARTINEZ that he could help train him

¹⁰ All conversations with the UC were recorded.

to go in with a gun, but instead, MARTINEZ could do more both here and overseas. The UC told MARTINEZ to tell him what he wanted to do and he (UC) would support him, so long as MARTINEZ promised to keep their discussions and plans between them. MARTINEZ said he wanted "to go far with this" and wanted "this" to be his "profession."

20. On November 17, 2010, MARTINEZ told the UC that he did not want to take action just for one day, but rather, wanted to dedicate his whole life to the cause. The UC reminded MARTINEZ again that if he wanted to "do something, I can help you. And if you don't wanna do anything, that is fine. I don't ... lose anything. All I know is that I have one more brother I found that I can trust." MARTINEZ responded, "I'm ready, Insha'Allah." As a follow-up to the conversation on November 16, a discussion ensued regarding how a vehicle bomb could be constructed that would blast into the building. MARTINEZ asked questions about how a bomb would be lit and how it would be positioned at the recruiting station. The UC advised he would need several days to get things ready. When the discussion turned to a viable escape plan, including obtaining passports to go overseas, MARTINEZ pointed out that a lot of other "brothers" who had undertaken attacks such as what they were contemplating got caught every time they got on a plane. The UC advised that they would wait a few days after they committed their act in order to dispel suspicion, and then travel into Canada to proceed to Europe and Afghanistan. Towards the end of their meeting, MARTINEZ said he was ready to go forward and wanted to learn how to build a bomb so that he could teach the next "young brother" who decided to fight. The UC told MARTINEZ and the CHS to think about what it was they wanted to do and then they would meet again to start planning the actual operation. MARTINEZ stated that he did not want to take a long time because he wanted to be in Afghanistan by 2011. MARTINEZ said that before he took action, he wanted to

A handwritten signature in black ink, appearing to be 'JKE', with the initials 'KLEB' written below it.

spend a few last days with his wife.

21. After the UC left, MARTINEZ told the CHS that the meeting with the UC was no coincidence because he had been praying for it. He said he was ready to go forward:

I'm ready, man ... it ain't like you seein' it on ... the news ... You gonna be there. You gonna hear the bomb go off. You gonna be, ah, shooting, gettin' shot at. It's gonna be real ... we gotta prepare our minds ... and ask Allah ... to give us the peace of mind and the heart and the courage to go ... I'm excited, man.

22. On November 22, 2010, the UC told MARTINEZ that as a Muslim he could not ask MARTINEZ to do something he did not want to do, so he needed MARTINEZ to tell him what it was he believed and wanted, and what was in his heart. MARTINEZ stated that he did not work regular jobs because he knew that tax revenue "goes to the military to fight our mujahideen brothers." MARTINEZ also said that he was "ready to take the step" and learn. The UC cautioned MARTINEZ that this had to be MARTINEZ's decision and not something he was doing for the UC or the CHS. He then asked MARTINEZ how he wanted to do this and what he wanted out of the project. MARTINEZ responded that he wanted to conduct the operation so that everyone could "live to fight another day" and go to Afghanistan. He indicated that he wanted to do the operation as soon as possible.

23. On November 23, 2010, MARTINEZ told the CHS that he was "excited, you know ... it's a great honor to be mujahideen ... Following in the footsteps of Allah."

24. On November 26, 2010, a young man of Somali descent was arrested by FBI agents in Portland, Oregon, after attempting to detonate a device that had been provided to him by undercover FBI agents. On November 27, 2010, MARTINEZ called the CHS in an agitated state having seen the news about the arrest in Oregon. Your affiant has reviewed the recording of that

Handwritten signature and initials, possibly "KSF".

phone conversation, during which MARTINEZ described how the Somali "brother" had tried to use a phone to detonate a bomb and that the whole thing was a set-up. He expressed concern about the UC and told the CHS that he needed to know "who this brother [the UC] is ... I'm not falling for no b.s." The CHS and MARTINEZ met later that evening to discuss the matter further. Due to a recording machine malfunction, this conversation was not recorded. Immediately following the meeting, the CHS was debriefed by law enforcement agents. The CHS advised that during their meeting, MARTINEZ said he still wanted to go forward. The CHS told MARTINEZ to think about it overnight and call him the next day.

25. MARTINEZ called the CHS on November 28, 2010. During their phone conversation, which was recorded, MARTINEZ told the CHS, "I'm just ready to move forward."

26. On November 29, 2010, the CHS, at the direction of the FBI agents, advised MARTINEZ over the phone that he had just spoken with the UC, and the UC had expressed concern about whether he could trust MARTINEZ and the CHS. A transcript of this recorded conversation has not yet been prepared. The following summary is based on a review of the recording. The CHS told MARTINEZ that the "Afghani" (the UC) wanted to cancel their planned meeting on December 2 because he was concerned the CHS and MARTINEZ were setting him up. The CHS asked MARTINEZ, "What should I tell him?" MARTINEZ responded, "tell him to think about reconsidering ... not to make no hasty decisions just yet .. tell him we were thinking same thing ... but, like you said, we have to trust each other ... we can't stop what we're doing ... give him my number."

27. The CHS called MARTINEZ back soon thereafter. A transcript of this recorded conversation has not yet been prepared. The following summary is based on a review of the

A handwritten signature in black ink, appearing to be 'P', with the initials 'VSB' written below it.

recording. The CHS told MARTINEZ that he had gotten a call from the UC after he hung up with MARTINEZ, and the UC said he did not want to talk about this matter on the phone. The CHS indicated that he had convinced the UC to meet with them as planned. The CHS asked MARTINEZ what he was going to say to the UC. MARTINEZ responded that he would tell the UC that he and the CHS "know what happened to the brother in Oregon ... we don't work for those people." He told the CHS they had to be "strong and firm and honest" with the UC, and "Insha'Allah, he will still want to go on with us."

28. On November 30, 2010, MARTINEZ called the CHS two times inquiring whether the CHS had heard from the UC and if their meeting was still on. In the first phone call, MARTINEZ told the CHS he thought they should still meet with the UC and talk to him. In the second phone conversation, MARTINEZ asked the CHS how the UC had sounded on the phone and if he was upset. The CHS said that the UC did not want to talk on the phone, but agreed to meet on Thursday (12/2). MARTINEZ said he was eager to meet with the UC because he wanted to tell him that he and the CHS were "just regular brothers ... All we have is our word. Either he can believe it or he ... not gonna believe it ... we still have to come together in some type of conclusion to accomplish our goals."

29. MARTINEZ and the CHS met with the UC on December 2, 2010. A transcript has not yet been prepared; however, your affiant has reviewed the recording. Before the UC arrived, MARTINEZ told the CHS his belief that the United States was responsible for the 9/11 attacks and had accused Muslims of committing the attacks as an excuse to fight wars against them. He stated that because the military in the United States and other countries were fighting against Muslims, soldiers were legitimate targets.



v98

30. When the UC arrived, he said he would understand if MARTINEZ felt it was not the right path for him and did not want to go through with the operation. Later in the conversation, when both the CHS and the UC asked MARTINEZ again if he wanted to go forward, MARTINEZ laughed and said he felt that they were doing all this because he was the youngest of the three. MARTINEZ then said the following:

I am sacrificing so much for Allah ... leaving my family, everybody behind, the way I live ... only way to victory ... only people upholding deen fighting for Muslim lands are mujahideen ... everyone has their own way to help deen ... one way is dawa [proselytize], one way is jihad ... the path I have chosen is jihad ... during Ramadan I prayed for Allah to open the door for jihad.

31. The UC advised that he had a vehicle ready and would need three days to prepare everything for the operation. They discussed the details of obtaining the necessary materials for the bomb and how it would be operated with prepaid cell phones. The UC told MARTINEZ that if he wanted, the UC could show him the final steps of assembling the bomb.

32. The UC told MARTINEZ to let him know, through the CHS, what date he wanted to do the operation and then they would meet the day before so the UC could show MARTINEZ how to work everything. The UC advised MARTINEZ that his contact had prepared MARTINEZ's passport (as part of their agreed overseas escape plan). MARTINEZ indicated that he wanted to have the passport sent to him ahead of time, and the UC agreed. MARTINEZ asked if they would leave right away or wait a few days. The UC reiterated they should wait a few days to avoid getting caught. MARTINEZ stated that he would like the UC to be ready by Tuesday (12/7) to go forward, if possible. MARTINEZ also indicated that he would get on the Internet to find out when the soldiers reported in and out of the building. He then said, "we have to go to the place to check it out - to see where we park." The UC told MARTINEZ to just tell him when he wants to do it and where

he wants to park the vehicle.

33. After the UC left, MARTINEZ's mother called him while he was in the CHS's vehicle and talked to him for a very long time. After Martinez got off the phone, he told the CHS that his mother was not happy about how he had chosen to live his life:

not just being Muslim ... she wants me to be like everybody else, being in school, working ... for me it's different. I have this zeal for deen and she doesn't understand that. My wife understands ... I told her when [we] first married ... I told her I want to fight jihad ... she said she doesn't want to stop me ... she will support everything I want to do ... We all have our own path ... all written for us ... glad I am not like everyone else my age 21 - going out having fun, be in college, all that stuff. That's not me ... that not what Allah has in mind for me.

34. MARTINEZ and the CHS met again later that evening to look at the parking area around the recruiting center. A transcript has not yet been prepared; however, your affiant has reviewed the recording. According to the CHS, when they got there, MARTINEZ determined that the vehicle with the bomb should be parked on the left side of the building. He drew a map, which he gave to the CHS to give to the UC.

35. On December 4, 2010, MARTINEZ and the CHS spoke over the phone. A transcript has not yet been prepared; however, your affiant has reviewed the recording. The CHS asked MARTINEZ how he was feeling about "all this." MARTINEZ replied that he did not know how he felt, but he knew he was "ready ...happy, anxious, just ready." The CHS told MARTINEZ that he wanted to made sure that MARTINEZ was not doing this because he felt "like someone pushing you." MARTINEZ replied, "I came to you about this, brother."

36. On December 7, 2010, MARTINEZ and the CHS met with the UC in a public lot not far from the location of the Armed Forces Career Center at 5439 Baltimore National Pike in Baltimore, Maryland. The center is a stand-alone building that is leased by an agency of the United



States and used as a recruiting center for various branches of the military. All three men got into a SUV that the UC indicated would be used to transport the vehicle bomb to the recruiting station. The UC showed Martinez the device that would activate the bomb and explained to him how to use it. The UC also showed MARTINEZ the components for the bomb that were in the back of the SUV. MARTINEZ asked to see his passport, which the UC showed to him. The UC indicated that he would provide the passport to another "brother" who would get the appropriate travel visas. MARTINEZ pulled out his map of the recruiting center and told the UC where he believed it was best to park the SUV the next morning. MARTINEZ indicated that one of them should go inside first to ascertain who was there, after which they would park the SUV at the center. It was agreed that the UC would walk inside the building and that MARTINEZ would drive the SUV to the center and park it. It was also agreed that all three men would drive separate vehicles, and the CHS would pick up MARTINEZ after the SUV was parked at the center. MARTINEZ and the CHS would then drive to a vantage point where MARTINEZ would detonate the bomb.

37. Since MARTINEZ had not driven a car in a while, he test drove the SUV around the parking lot to get comfortable with it. When the UC asked if MARTINEZ knew which way he wanted to face the SUV at the recruiting center, MARTINEZ pulled out his map again and showed the UC how he would park the vehicle at the recruiting center. The parties agreed that after the operation was over, they would not meet until Friday to arrange their getaway.

38. On the morning of December 8, 2010, MARTINEZ met as planned with the UC and the CHS in the same public parking lot as December 7. MARTINEZ was observed by surveillance agents inspecting the components of the bomb in the back of the SUV. It appeared that he was arming the device as instructed by the UC the day before. MARTINEZ then proceeded to drive the



JKB

SUV, as planned, to the recruiting center, where he parked it in front of the building. MARTINEZ exited the SUV and got into the CHS's vehicle, and they drove off to their vantage point not far from the recruiting center. The UC then called MARTINEZ to advise him that he had observed soldiers in the recruiting center. At that time, MARTINEZ attempted to detonate the device, which was, in fact, an inert bomb. He was immediately placed under arrest at that time.

II. Conclusion

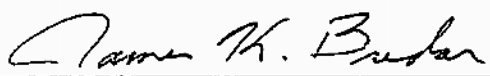
39. Based on the above information, your affiant believes there is probable cause to believe that the defendant, Antonio MARTINEZ, a/k/a Muhammad Hussain, has committed the crimes of attempt to murder federal officers and employees, in violation of 18 U.S.C. §§ 1114(3), and attempted use of a weapon of mass destruction against property owned, leased or used by the United States, in violation of 18 U.S.C. § 2332a(a)(3).

Your affiant has signed this document under oath as to all assertions and allegations contained herein and states that its contents are true and correct to the best of his knowledge.



Keith E. Bender, Special Agent
Federal Bureau of Investigation

Sworn and subscribed to before me this 8 day of December, 2010.



James K. Bredar
United States Magistrate Judge

