

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Misc. No. 16-3532-WCT

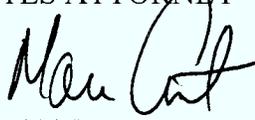
IN RE: COMPLAINT

COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to October 14, 2003? Yes No
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to September 1, 2007? Yes No

Respectfully submitted,

WIFREDO A. FERRER
UNITED STATES ATTORNEY

By: 

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AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America

v.

Samuel Baptiste and
Jose Noel a.k.a Abdul Jabar,

Defendant(s)

Case No. 16-3532-WCT

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 10/10/2016 through 11/07/2016 in the county of Miami Dade in the Southern District of Florida, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 371	Conspiracy to Smuggle Goods from the United States - Samuel Baptiste and Jose Noel a.k.a. Abdul Jabar;
18 U.S.C. § 922(g)(1)	Felon in possession of a firearm - Samuel Baptiste;
18 U.S.C. § 922(g)(5)(B)	Alien in possession of a firearm - Jose Noel a.k.a. Abdul Jabar.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet.

Timothy J. Dietz
Complainant's signature

Special Agent Timothy J. Dietz, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: 11/8/16

William C. Turnoff
Judge's signature

City and state: Miami, Florida

Honorable William C. Turnoff, U.S. Magistrate
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Your affiant, Timothy J. Dietz, first being duly sworn, does hereby depose and state as follows:

1) I am a Special Agent (“SA”) with the United States Federal Bureau of Investigation (FBI) and have been since 2009. Among my duties as an FBI Special Agent, I am responsible for the investigation of violations of federal law, including federal laws related to national security. I am currently assigned to the FBI’s Joint Terrorism Task Force (“JTTF”), where my primary responsibilities include the investigation of international terrorism.

2) I am familiar with the facts and circumstances set forth in this affidavit as a result of my participation in the investigation; as a result of my experience, training, and background as a Special Agent with the FBI and with the JTTF; as a result of personal observations and examination of relevant evidence; and as a result of information provided to me by other law enforcement officers and witnesses. The information contained in this affidavit is not inclusive of all the facts of the investigation and is provided for the limited purpose of establishing probable cause to obtain a criminal complaint.

3) This affidavit is submitted in support of a criminal complaint for the arrest of SAMUEL BAPTISTE (hereinafter “BAPTISTE”) and JOSE NOEL a.k.a. Abdul Jabar (hereinafter referred to as “NOEL”) for Conspiracy to Smuggle Goods from the United States in violation of Title 18, United States Code, Sections 371 and 554. Moreover, BAPTISTE did knowingly possess a firearm and ammunition, having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, in and affecting interstate commerce, in violation of Title 18, United States Code, Section 922(g)(1), and NOEL did knowingly receive or possess a firearm and ammunition, being a person admitted to the United States under a non-

immigrant visa, as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)), in an affecting interstate commerce, in violation of Title 18, United States Code, Section 922(g)(5)(B).

PROBABLE CAUSE

4) In late April 2014, agents with the Federal Bureau of Investigation initiated an investigation on SAMUEL BAPTISTE after it was observed that he operated numerous social media accounts (including the Tumblr account “Khilafahaiti” and the Facebook account “Abdul Jalil Rashid Imarah”) praising United States designated terrorists Usama bin Laden and Anwar Al-Awlaki, in addition to encouraging jihad and referencing becoming a martyr. The FBI assessed that BAPTISTE used his social media accounts since at least 2013 to disseminate extremist propaganda, to praise attacks conducted or inspired by Al Qaeda, and to promote travel to Syria for jihad.

5) During an audio recorded conversation with an FBI undercover employee (“FBI UCE”) on August 26, 2016, BAPTISTE stated that while he was “on the run”, a reference to when BAPTISTE had removed a court ordered GPS monitoring device and was avoiding law enforcement in 2013, an old companion of his used to always go to the shooting range and that at the time, BAPTISTE stated, “I had planned on traveling and moving out of the country... I had two firearms, like I had a knife for myself and my ex-wife had like a .22... like a real small little gun.” BAPTISTE went on to say “If I have a younger brother from the Masjid, let’s say a person with no record, 19, 20, 21 or something like that, I can easily get something in their name.” BAPTISTE explained to the FBI UCE that he could not get a firearm in his own name because once convicted a person’s right to have a firearm is withdrawn from him, and it would take 7 years for his rights to be restored but that BAPTISTE did not “plan on being here that long.”

6) During the same conversation, BAPTISTE also clarified that it was not difficult to get a weapon in the US and that he knew people that sold "...stuff like that. "Like if I wanted one for myself it's no big deal, but I'm not gonna take the chance of having something like that in my car or having something like that on me unless I'm using it and something like that, but just for the purpose of having it, you know, that's too much of a risk, you know, that could send me back to prison and stuff like that. So no."

7) In mid-October 2016, agents with the Federal Bureau of Investigation launched an investigation of NOEL based on information provided by a FBI Miami Confidential Human Source ("CHS"). The CHS was first introduced to NOEL through a mutual associate, SAMUEL BAPTISTE (hereinafter referred to as BAPTISTE) on or about October 10, 2016. On October 11, 2016, NOEL told the CHS about a security company he was trying to establish in Haiti and his desire to obtain guns for this company. NOEL told the CHS he would like to obtain a T-56 rifle which NOEL explained was similar to an AR-15 assault rifle. NOEL told the CHS that he had previously obtained illegal guns from family members in Pompano, Florida and further claimed to have transported concealed weapons to Haiti in the past. NOEL then described how he had concealed weapons in the past by secreting them in CD players, radios, and cars, which were then exported to Haiti. During this meeting, NOEL further explained his plans to marry a U.S. citizen for the sole purpose of obtaining legal status in the U.S., as well as revealed his ideological support for the killing of attendees at a LGBT (Lesbian, Gay, Bisexual, and Transgender) parade in Haiti.

8) On October 17, 2016, the CHS again met with NOEL and BAPTISTE. During this meeting, NOEL advised the CHS that he (NOEL) had no authorization to carry a weapon in the U.S. Nevertheless, NOEL told the CHS that he needed a 9mm handgun and also advised that

an AR15 could be expensive but that he would purchase one anyway. NOEL then showed the CHS pictures of purchases he had made during his trip to the U.S., which were described by CHS as a picture of two handguns. NOEL stated he had paid \$80.00 for one and \$250.00 for the other gun. NOEL further advised the CHS that the items were hidden somewhere in Pompano Beach and that he planned to have them placed into a container and sent to Haiti. BAPTISTE then told NOEL that if NOEL found something to buy (referring to weapons), he, NOEL would have to find a place to ensure they were in good working condition. NOEL then stated that he would take the weapon apart to determine if the weapon could fire or not.

9) On October 20, 2016, the CHS again met with NOEL. During this audio recorded meeting, NOEL informed the CHS about his project of buying cars and shipping them to Haiti. NOEL also told the CHS that he would like to get a weapon by next week because then he could put it in the cars, boxes, or other stuff that ships to Haiti. NOEL claimed that when he hides something, no one would find it. NOEL told the CHS that he needed 9mm weapons for his company, and stated that although he already had some 9mm weapons, he would buy fifty if he had the money, as security agents working at his security company carry .12 and 9mm weapons.

10) During this same meeting, NOEL told the CHS that Muslims in Pakistan and Turkey were looking for an ally in Haiti so that they could attack Guantanamo because the Muslims were being tortured there. NOEL noted that if Haiti had true Muslims, that they would have already attacked Guantanamo. With regard to the plan to attack Guantanamo, NOEL told the CHS that he had a plan in place, and that this plan would be executed soon. Under NOEL'S plan, the prisoners of Guantanamo once freed would thereafter hide in Haiti, which was why they needed material (referring to weapons) to attack back. At the end of the meeting, NOEL reminded the CHS to take him to a gun range.

11) Additionally, BAPTISTE has previously posted numerous online statements expressing his encouragement and approval of violent jihad, the killing of non-believers, and the perpetration of “lone wolf” style attacks against Westerners for their perceived aggression against Muslims.

12) On October 20, 2016, the CHS, in a conversation that again was audio recorded, had a separate discussion with BAPTISTE about going to a gun range. The CHS informed BAPTISTE that NOEL has indicated to him that he wanted to go to a gun range. BAPTISTE then told the CHS that he did not know of a gun range that did not require ID or report to the police, but asked the CHS if he knew of any gun ranges that did not run records checks, or where they could just go and show ID, as BAPTISTE wanted to go there.

13) On October 22, 2016, the CHS had a recorded telephone conversation with BAPTISTE regarding the gun range. BAPTISTE told the CHS he was not sure if he would be able to make it to the range on October 23, 2016, but stated that he would try and agreed to meet CHS at NOEL’s residence.

14) On October 23, 2016, NOEL, BAPTISTE, and the CHS entered the Florida Gun Center located at 1770 West 38th Place, Hialeah, Florida 33012. Once inside, BAPTISTE, NOEL, and the CHS were captured on video surveillance by the Florida Gun Center as well as by members of the FBI Miami JTTF, renting, possessing, and thereafter shooting multiple firearms inside the facility.

15) Later that day, an employee of the Florida Gun Center provided the FBI with the original liability forms signed by both BAPTISTE and NOEL as well as a copy the identifications that BAPTISTE and NOEL presented to employees. This liability form indicated the use of two boxes of 9mm ammunition and two boxes of .223 ammunition as well as the

rental of “1 Sig 320”, “1 M9”, “1 Sig 229”, and “1 AR15”. The Florida Gun Center thereafter voluntarily turned over the weapons utilized by BAPTISTE and NOEL which were formally identified by the FBI Miami JTTF as follows:

- 1 Sig Sauer 320 9mm with serial number 58A070264
- 1 Beretta 9mm M9 with serial number M9-183745
- 1 Sig Sauer P226 9mm with serial number 47A169579
- 1 Smith & Wesson Sport M&P Sport with serial number SX01461

16) Moreover, agents received a purchase receipt obtained from the Florida Gun Center bearing customer name SAMUEL BAPTISTE, home phone 305-793-2397, which displayed in part the rental of one Sig Sauer P320, one Sig Sauer P226, one Beretta M9, and one Smith and Wesson M&P Sport, as well as ammunition and targets.

17) Later that day, on October 23, 2016 BAPTISTE sent the FBI UCE via social media a series of pictures of himself loading a gun, pointing two handguns, and a video of him shooting. BAPTISTE declared that he did not have any problems at the range. BAPTISTE promised to teach the UCE how to shoot at a later date.

18) On or about October 26, 2016, UCE and BAPTISTE again had contact on social media wherein BAPTISTE advised that he opened a new online communications platform named “Jihadi Gear” and that it would be “similar to preparation channel”. The messages on Jihadi Gear consisted of a series of images of handguns, knives and semi-automatic weapons posted on October 25 and 26, 2016. The images included an image of men wearing black, carrying a black banner and toting rocket launchers and machine guns, as well as an image of a cache of weapons with the Islamic State banner. There were a series of Youtube videos reposted on October 26, 2016, which included: Making a Machete with No Power tools - Survival, Prepper, Beginning Blade Makers; How to Make a Burning laser Gun; How to Make a Smoke Bomb; Simple Smoke Bomb: Sugar + Crayons + KNO₃; How To make Smoke Bomb From

Coca Cola; How To Make Colored Smoke Grenades; How to Make Smoke Grenade at Home (DIY - Homemade Bomb); How to Make a Smoke Grenade - M18 Grenade; Make a Small & Insanely Loud Airsoft Grenade / Tutorial; and How to Make an Airsoft Landmine. BAPTISTE indicated to the FBI UCE that these bombs could be modified.

19) On December 16, 2011, BAPTISTE was convicted of one count of Strongarm Robbery, in violation of Florida Statue 812.13(2)(C), under Miami-Dade County case number F10-036345, and was sentenced to 2 years imprisonment as a habitual felony offender.

20) On November 01, 2016, Homeland Security Investigations (“HSI”) advised the FBI Miami JTTF that JOSE NOEL is an alien who is currently in the United States on a B1/B2 Non-immigrant Visitor For Business and Pleasure Visa. As such, NOEL was admitted to the United States in September 2016 under a non-immigrant visa as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act. Moreover, HSI records show that NOEL is also not the type of alien present in the United States under the circumstances set forth in Title 18 United States Code Section 922(y)(2) and is not authorized to possess a firearm.

21) On November 03, 2016, Bureau of Alcohol, Tobacco and Firearms (“ATF”) advised your affiant that none of weapons identified above were manufactured in the state of Florida and that all four firearms described above had thus traveled in interstate commerce prior to being in the state of Florida.

22) On November 5, 2016, BAPTISTE, NOEL and CHS went to a shipping container acquired by the CHS. CHS had told BAPTISTE and NOEL that the container was scheduled to be shipped to Haiti on November 7, 2016. Inside the container were FBI-acquired items that resembled relief items to be shipped to Haiti. Among the items were pallets of food, clothing, vehicle tires, and household appliances. Also placed inside the container concealed under

clothing were two FBI-provided rifles and four ammunition magazines for those rifles. The rifles were two Rock River Arms LAR-15 semi-automatic assault rifles. The weapons were provided to NOEL based on his requests to the CHS to obtain AR-15-style rifles for him.

23) According to the CHS, once inside the container, the weapons were revealed by the CHS to BAPTISTE and NOEL. BAPTISTE and NOEL took photographs of themselves carrying the weapons. During consensual monitoring of this meeting, when the CHS asked about how to conceal the weapons, BAPTISTE mentioned that they could watch a YouTube video online on how to break down an AR-15 rifle and that they will breakdown all the way. BAPTISTE recommended concealing the rifles in the tires but NOEL responded that the weapons would be seen.

24) According to the CHS, BAPTISTE and NOEL planned to return to the container on November 6, 2016, to conceal the weapons further in preparation for shipping. The weapons were placed back in the clothing bin before BAPTISTE, NOEL, and CHS departed the container.

25) After leaving the container, NOEL and the CHS stopped at an automated teller machine where NOEL paid the CHS \$300 in cash for one of the rifles.

CONCLUSION

26) Based on the foregoing facts, your affiant respectfully submits that there is probable cause to believe that SAMUEL BAPTISTE and JOSE NOEL have each committed a violation of federal law, to wit: Conspiracy to Smuggle Goods from the United States in violation of Title 18, United States Code, Sections 371 and 554. Moreover, BAPTISTE did knowingly possess a firearm and ammunition, having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, in and affecting interstate commerce, in violation of Title 18, United States Code, Section 922(g)(1), and NOEL did knowingly receive

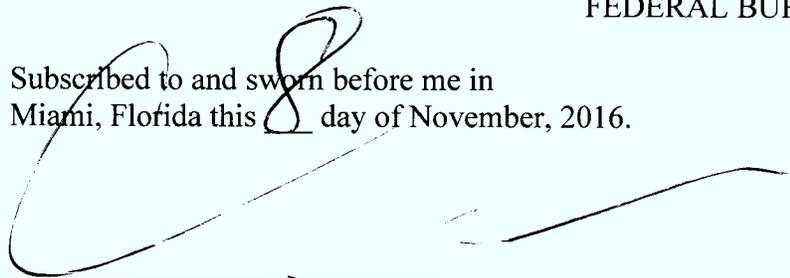
or possess a firearm and ammunition, being a person admitted to the United States under a non-immigrant visa, as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)), in an affecting interstate commerce, in violation of Title 18, United States Code, Section 922(g)(5)(B).

FURTHER YOUR AFFIANT SAYETH NAUGHT.



TIMOTHY J. DIETZ
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

Subscribed to and sworn before me in
Miami, Florida this 8 day of November, 2016.



HON. WILLIAM C. TURNOFF
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF FLORIDA