

UNITED STATES DISTRICT COURT

for the

District of Massachusetts

United States of America
v.

Alex Hernandez

Case No.

16-mj-7157-JCB

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 12/22/15 and 2/12/16 in the county of Plymouth in the District of Massachusetts, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 871(a)

Threats Against the President (2 counts)

This criminal complaint is based on these facts:

See attached affidavit

Continued on the attached sheet.

Complainant's signature

Complainant's signature

Senior Special Agent Brian Sindoni, USSS

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/20/2016

Judge's signature

Judge's signature

City and state: Boston, Massachusetts

Chief Magistrate Judge Jennifer C. Boal

Printed name and title



**AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT & ARREST WARRANT**

I, Brian Sindoni, having been duly sworn, do hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Senior Special Agent of the United States Secret Service (“USSS”).

I have been so employed since September 15, 1995. I received formal training at the Federal Law Enforcement Training Center in Glynco, Georgia, and the United States Secret Service Academy in Beltsville, Maryland. I am currently assigned to the Boston Field Office in Boston, Massachusetts. I am also assigned as a Task Force Officer to the Federal Bureau of Investigation Boston Field Office, Joint Terrorism Task Force, Counter Terrorism Squad 2, Boston, Massachusetts. Among my duties are investigating threats to harm and/or kill the President of the United States, Vice President of the United States, and Presidential candidates, as well as threats to restricted buildings or grounds.

2. I am currently conducting an investigation into violations of Title 18, United States Code, Section 871(a)¹ (Threats against President and successors to the Presidency). Based on the evidence discovered through the course of this investigation, there is probable cause to believe that on December 22, 2015 and February 12, 2016, Alex Hernandez (“HERNANDEZ”) (DOB: XX/XX/1985), an inmate at the Old Colony

¹ Title 18, United States Code, Section 871(a) states as follows: “Whoever knowingly and willfully deposits for conveyance in the mail or for a delivery from any post office or by any letter carrier any letter, paper, writing, print, missive, or document containing any threat to take the life of, to kidnap, or to inflict bodily harm upon the President of the United States, the President-elect, the Vice President or other officer next in the order of succession to the office of President of the United States, or the Vice President-elect, or knowingly and willfully otherwise makes any such threat against the President, President-elect, Vice President or other officer next in the order of succession to the office of President, or Vice President-elect, shall be fined under this title or imprisoned not more than five years, or both.”

Correctional Center in Bridgewater, Massachusetts, violated Title 18, United States Code, Section 871(a) by knowingly and willfully threatening to kill and inflict bodily harm upon the President of the United States.

3. The information contained in this affidavit is based upon my personal observations during the course of this investigation, on information conveyed to me by other law enforcement officials, and on my review of records, documents, and other physical evidence obtained during this investigation. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation, but instead have set forth only the facts necessary to establish the requisite probable cause.

STATEMENT OF PROBABLE CAUSE

Background of Investigation

4. On or about March 4, 2015, investigators with the Massachusetts Department of Corrections (“MA-DOC”) received information from a Cooperating Witness (“CW”) indicating that HERNANDEZ had made threats to kill the President of the United States. At that time, both HERNANDEZ and the CW were incarcerated at MCI-Norfolk serving state prison sentences. Both the CW and HERNANDEZ frequently attended Muslim religious services together. According to the CW, HERNANDEZ first approached him inside the prison religious facility and told him, among other things, that he (a) was upset about the way his people were being treated; (b) wanted to become a mujahedeen; (c) had the ability to obtain weapons upon release from prison; and (d) wanted to kill the President in a lone-wolf style attack.

5. Over the next several weeks, the CW had numerous conversations with HERNANDEZ regarding HERNANDEZ's plans to assassinate the President. The CW reported to MA-DOC officials that:

- a. HERNANDEZ had discussed an MP 460 high-powered rifle and asked the CW to google information about sniper rifles.
- b. HERNANDEZ had shaved his beard and told the CW that he would no longer be attending religious services because "once he completes his task," he did not want anyone to link his actions to the Muslim religion;
- c. HERNANDEZ told him that when he is released from prison, he intends to practice shooting targets from long distances prior to shooting the President;
- d. HERNANDEZ discussed presidential protection tactics and told him that if he does not "get the President, he'll get a Secret Service guy instead[;]" and
- e. HERNANDEZ also told him he wanted to obtain a fake passport so that he can escape to another country after carrying out the attack.

6. Based on the above, federal agents decided to attempt to use the CW to introduce HERNANDEZ to an undercover agent posing as a person who can help HERNANDEZ obtain false travel documents.

7. In or around August 2015, the CW told HERNANDEZ that he had a contact who worked in an embassy and could assist him with obtaining false travel documents. According to the CW, HERNANDEZ expressed an interest in meeting the CW's contact.

8. On or about November 6, 2015, at the direction of agents, the CW wrote a letter to HERNANDEZ, who was in MCI-Norfolk administrative segregation at the time. In that letter, the CW provided HERNANDEZ with a mailing address for his embassy

contact so that HERNANDEZ could write to the contact directly. The address provided by the CW was an FBI undercover post office box address.

9. On or about November 23, 2015, HERNANDEZ sent a letter² addressed to the person whom he believed to be the CW's embassy contact to the FBI undercover post office box. In the letter, HERNANDEZ wrote "I have some goals that I want to accomplish but we will talk about that when we can see each other[.]" HERNANDEZ also informs that he will soon be transferred to another prison facility (NCCI-Gardner).

10. In or around December 2015, HERNANDEZ learned that rather than being transferred to NCCI-Gardner, he was to be transferred to Old Colony Correctional Center.

11. On or about December 5, 2015, HERNANDEZ handed the CW another letter and asked the CW to send it to his embassy contact. During that interaction, HERNANDEZ also informed the CW that he was transferring to Old Colony Correctional Center rather than NCCI-Gardner. Upon receiving the letter, the CW provided it to MA-DOC officials. In this letter, HERNANDEZ stated "I am writing to you now to ask that you come to see me. I am a brother in faith, a martyr; and as a martyr I wish to fulfill Allah's wishes and not to live among infidels. This mujahedeen movement is hard but pure. I need your help and I hope to meet you in person."

12. On or about December 7, 2015, HERNANDEZ was transferred from MCI-Norfolk to Old Colony Correctional Center.

² All letters that were sent by HERNANDEZ and audio/video recordings of HERNANDEZ that are referenced in this affidavit were originally made/written in Spanish. As part of the investigation, an FBI employee translated and transcribed each of these and provided them to me for my review. Any references to a specific statement made by HERNANDEZ are references to the translated version of that statement.

December 2015 Search of HERNANDEZ's Cell

13. On or about December 10, 2015, during a search of HERNANDEZ's cell at MCI-Norfolk that was conducted three days after HERNANDEZ's transfer to Old Colony Correctional Center, MA-DOC officials discovered a photograph of Osama Bin Laden and numerous documents including what appear to be photocopies of portions of a U.S. social studies text book listing former U.S. presidents and containing the handwritten notation "kill" underneath all the U.S. Presidents that have been assassinated while in office.

First Meeting with Undercover Agent

14. On or about December 22, 2015, an undercover Special Agent with the Federal Bureau of Investigation (the "UC") met with HERNANDEZ at Old Colony Correctional Center. That day, MA-DOC officials arranged for the UC to meet with HERNANDEZ alone in a room within the facility.

15. At the outset of the meeting, which was audio and video recorded, the UC asked how he could be of assistance. HERNANDEZ immediately told the UC that many of his "brothers are dying" and that he had a vision and wants to attack "the house with the big people there." The UC inquired whether he meant the White House and HERNANDEZ said "Yes." When asked for additional details about his plan, HERNANDEZ explained "there is always a head. He's the one who's always in charge. So, if you attack the head, everything will go down a little bit."

16. HERNANDEZ went on to explain to the UC that he wants to learn how to shoot "like a sniper," and that he has a contact in Florida that has a firearm ready for him.

HERNANDEZ also stated that he intends to practice with the firearm after obtaining it from his contact.

17. During the meeting, HERNANDEZ also stated that he was studying how to make explosives using “household items from Home Depot.” which he indicated could be placed around government buildings to “create chaos.”

18. In addition to sharing his plans to attack the President and government buildings, HERNANDEZ told the UC that he wanted to leave the U.S. and go to “any place that doesn’t deport back here. Any place where they couldn’t get me . . . Like Brazil.”

19. At the end of the meeting, the UC told HERNANDEZ that he would begin working on his request and that HERNANDEZ should contact the CW if he needs to reach him. The UC also left open the possibility of a later meeting with HERNANDEZ.

February 2016 Search of HERNANDEZ’s Cell

20. On or about February 10, 2016, MA-DOC officials conducted an unscheduled search of HERNANDEZ’s cell. During the search, MA-DOC officials discovered images of the September 11, 2001 attacks on the World Trade Center, as well as what appear to be magazine clippings depicting images of members of the Islamic State of Iraq and the Levant (“ISIL”) holding assault weapons and the ISIL flag.

21. HERNANDEZ was questioned about these items and told MA-DOC officials that the materials were for a college paper³. HERNANDEZ was asked to provide evidence that was currently in enrolled in a college program, but was only able to

³ MA-DOC inmates can enroll in college level distance education courses offered by several higher education institutions including the Golden State Institute; however, any such enrollments are registered through the MA-DOC Education Department.

provide a copy of an old application for enrollment in a Fall 2015 course offered by the Golden State Institute in California.

22. Review of MA-DOC records revealed that HERNANDEZ was not enrolled in a distance education course at Golden State Institute or any other institution of higher education at the time of the search.

Second Meeting with Undercover Agent

23. On or about February 12, 2016, the UC met with HERNANDEZ a second time at Old Colony Correctional Center. During the meeting, which was audio and video recorded, HERNANDEZ and the UC once again discussed HERNANDEZ's plans and the UC asked him for clarification about what he previously meant when he referred to attacking "the head." HERNANDEZ explained that his reference to "the head" meant the head "of the United States." The UC sought further clarification by saying "ok, but ... we have the Secretary of State," and HERNANDEZ interrupted him stating "No. The President . . . the big one." The UC asked HERNANDEZ whether he meant the current President or a different one, and HERNANDEZ stated "I don't care which one because they are the ones who give the order." The UC asked HERNANDEZ if he cared whether the President was Republican or Democrat and HERNANDEZ said "no." The UC asked why HERNANDEZ wanted to attack the President and HERNANDEZ responded "he's the one that gives the orders . . . because he's toughest one." HERNANDEZ then stated "[l]ook, when . . . they hit Kennedy, the United States went down for a while."

24. During the meeting, the UC and HERNANDEZ discussed HERNANDEZ's motivation for his planned attacks. The UC asked for additional details

about what HERNANDEZ previously meant when he indicated his brothers were suffering. HERNANDEZ explained that he was referring to his brothers who are fighting to uphold the laws and structure of the caliphate in the Middle East. HERNANDEZ stated that “this government . . . is painting it like they are the bad guys . . . that we are the bad guys . . . and they are killing innocents.”

25. The UC and HERNANDEZ also discussed the types of false documents HERNANDEZ sought to obtain from him as well as how deep in hiding HERNANDEZ planned to go after his attacks. HERNANDEZ stated that he wants to be “at a level where [he is] quiet” because he may have “to do another job, another one of these.”

CONCLUSION

26. Based on the foregoing, I submit there is probable cause to believe that on December 22, 2015 and February 12, 2016, HERNANDEZ knowingly and willfully threatened to kill and inflict bodily harm upon the President of the United States, in violation of 18 U.S.C. § 871(a).

Sworn to under the pains and penalties of perjury,



Brian Sindoni, Senior Special Agent
United States Secret Service

SUBSCRIBED and SWORN to before me on 20th day of May, 2016.



The Honorable Jennifer C. Boal
Chief United States Magistrate Judge



Criminal Case Cover Sheet

U.S. District Court - District of Massachusetts

Place of Offense: _____ Category No. II Investigating Agency USSS/FBI

City Bridgewater Related Case Information:

County Middlesex Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant X
Magistrate Judge Case Number 16-7157-JCB
Search Warrant Case Number _____
R 20/R 40 from District of _____

Defendant Information:

Defendant Name Alex Hernandez Juvenile: Yes No
Is this person an attorney and/or a member of any state/federal bar: Yes No

Alias Name _____

Address (City & State) Bridgewater, MA

Birth date (Yr only): 1985 SSN (last4#): _____ Sex M Race: Hispanic Nationality: USA

Defense Counsel if known: _____ Address _____

Bar Number _____

U.S. Attorney Information:

AUSA Jordi de Llano Bar Number if applicable _____

Interpreter: Yes No List language and/or dialect: _____

Victims: Yes No If yes, are there multiple crime victims under 18 USC§3771(d)(2) Yes No

Matter to be SEALED: Yes No

Warrant Requested Regular Process In Custody

Location Status:

Arrest Date _____

Already in Federal Custody as of _____ in _____

Already in State Custody at Old Colony Cor. Center Serving Sentence Awaiting Trial

On Pretrial Release: Ordered by: _____ on _____

Charging Document: Complaint Information Indictment

Total # of Counts: Petty _____ Misdemeanor _____ Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 5/20/2016

Signature of AUSA: _____



District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Alex Hernandez

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>18 U.S.C 871(a)</u>	<u>Threats Against the President</u>	<u>2</u>
Set 2	_____	_____	_____
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: _____