

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
Southern District of Florida

United States of America
v.
VICENTE A. SOLANO

Case No. 17 - mj - 03458 CMM

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 October 20, 2017 in the county of Miami Dade and elsewhere in the Southern District of Florida, the defendant(s) violated:

Code Section
18 USC 2332(a)

Offense Description

Attempting to use a wapon of mass destructoin; the defendant did knowingly attempt to use, without lawful authority, a weapon of mass destruction, that is, a destructive device, as defined in Title 18, United States Code, Section 921(a)(4), against persons and property within the United States, and the offense and the results of the offense would have affected interstate and foreign commerce, in violation of Title 18, United States Code, Section 2332a (a)(2).

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT OF SPECIAL AGENT

Continued on the attached sheet.

David Clancy
Complainant's signature

DAVID CLANCY
Printed name and title

Sworn to before me and signed in my presence.

Date: 10/23/2017

Chris M. McAliley
Judge's signature

City and state: Miami, Florida

CHRIS M. MCALILEY, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, David Clancy, first being duly sworn, hereby depose and state the following:

1. I am a Special Agent with the 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, terrorism support activities, and the use of weapons of mass destruction. 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. I am relying on draft transcripts prepared by FBI linguists for the quoted conversation excerpts included in this Affidavit, as well as summarized portions of meetings, due to the fact that the majority of the conversations were in Spanish.

3. This Affidavit is made in support of a criminal complaint for the arrest of VICENTE ADOLFO SOLANO (“SOLANO”), who did knowingly attempt to use a weapon of mass destruction against a person or property within the United States, where the offense or the results of the offense would have affected interstate or foreign commerce, in violation of Title 18, United States Code, Section 2332a(a)(2).

PROBABLE CAUSE

4. On or about October 15, 2004, the United States Secretary of State designated Al-Qaeda in Iraq (“AQI”), then known as Jam’at al Tawhid wa’al-Jihad, as a Foreign Terrorist Organization (“FTO”) under Section 219 of the Immigration and Nationality Act and Specifically Designated Global Terrorist under Section 1(b) of Executive Order 13224. On or about May 15, 2015, the Secretary of State amended the designation of AQI as an FTO under Section 219 of the Immigration and Nationality Act and Specifically Designated Global Terrorist under Section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant (“ISIL”) as its primary name. The Secretary also added the following aliases to the FTO listing: The Islamic State of Iraq and al-Sham (“ISIS”—which is how the FTO will be referenced herein), The Islamic State of Iraq and Syria, ad-Dawla al’Islamiyya fi al-‘Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. On September 21, 2015, the Secretary added the following aliases to the FTO listing: Islamic State, ISIL, and ISIS. To date, ISIS remains a designated FTO.

5. In late September 2017, FBI agents began an investigation of SOLANO. The investigation was initiated based on information provided by a Confidential Human Source (“CHS”), who had been working with the Drug Enforcement Administration (DEA). Throughout the course of his/her work with the DEA and the FBI, the CHS has provided reliable information. The CHS indicated that SOLANO had become increasingly upset with the policies of the United States Government and its activities throughout the world. SOLANO cited these grievances as motivation for his desire to conduct a terrorist attack in the United States. SOLANO explained to the CHS that his intended target would be a specified mall in Miami (the Specified Mall) and that he planned to strike on “Black Friday,” believed to refer to the Friday after Thanksgiving, which this year falls on November 24. The initial conversations about this subject were

unrecorded prior to the FBI's involvement; however, all of the above information was later reiterated by SOLANO in recorded conversations with the CHS. The Specified Mall is a large shopping and entertainment complex that attracts local residents and international customers. Black Friday is known as one of the busiest shopping days of the year.

6. In an effort to gather more information about SOLANO's intentions, the CHS explained to SOLANO that the CHS may be able to introduce SOLANO to someone who may be able to assist SOLANO in his effort to conduct the attack. The CHS further stated that he/she would need to know if SOLANO was serious about his attack aspirations before the CHS would broker the introduction. On September 13, 2017, the CHS received a series of text messages that contained three videos from telephone number 786-560-xxxx. Telephone number 786-560-xxxx was known to the CHS as the telephone number used by SOLANO. The three videos sent by SOLANO featured a man wearing a black mask and shirt standing in front of a black flag identical to the one used by ISIS. The CHS identified the voice of the individual in the video as that of SOLANO.

7. From my training and experience, I know that videos are often provided by would-be attackers to terrorist groups in an effort to show allegiance to the group. Later these videos can be used by the group as evidence that the attacker was in fact affiliated with the organization. In some cases, these videos become propaganda used in an effort to inspire further attacks. The person in the video, whom your affiant assesses to be SOLANO, spoke in Spanish; outlined below are verbatim transcripts of English translations of the three videos sent by SOLANO:

[S-SOLANO]

Video 1:

S: I am here because I like the way that ISIS confronts the United States and the countries of the coalition. They're strong. It's a group that is growing in social media. I love that there is going to be a holy war. Almost everyone is starting to open their eyes and are understanding what-what it is about. Uh [clears throat], this government's filthy

and dirty politics... Terrorists—the United States is the most terrorist country of them all. It invades when it wants to and when it's convenient for them. That is why I am joining the Islamic group, the holy war, in the name of Allah, of our leader Abu. We are going to continue to grow. This is why we are going to plant bombs so they can see what-what is the Islamic group and so they can see the injustices, what Suarez did to us. I am going to plant a bomb like in-like in Boston, in the name of Allah, in the name of Allah. That's how it's going to be done.

Video 2:

S: I am here because I am a sympathizer of the Islamic group, ISIS. I like the force that it uses to attack. It does not allow itself to be defeated. On the contrary, it is growing more because of social media. We must join the ISIS cause. It's not just the middle-east anymore, it's not just the Muslims, now all the countries are joining this cause because we have opened our eyes. There is going to be a holy war, a holy war in the name of Allah in order to defeat all of these terrorist countries, such as the United States. It is the main country. They are terrorists who have killed the most people and as often as it has wanted to in order to keep everything, in order to keep everything. And now, we have that racist president who is a supremacist, White, who does not like Blacks, does not like the Chinese, he does not like the Muslims. He doesn't like the Hispanics. He does not like anybody. They are indeed murderers, genocidists, invaders of this country who came to this country to kill all of the Indians. They abolished them, and now they're telling us to get out of here. They are the ones who have to leave. Fuck that. In the name of Allah and our leader, Abu, we are going to defeat you.

Video 3:

S: I am making this video because I am joining the cause of the Islamic group, ISIS, because it is growing in social media and because it is confronting the United States and the-and the coalition and I like that because they are strong. To be frank, they are doing a holy war, a fair one, a fair one because they are, because they are being attacked by countries—because they want to take the interests they're after. And to be, and to be frank, the United States is the most terrorist country out there. We must join since the Islamic social media is grow-is growing. We must join so we can also attack them and plant a bomb so they can feel what-what-so they can see what is. Like in Boston, like Suarez wanted to do in the Keys, that's how they're going to get it, and even worse. This racist president, White supremacist who does not like Hispanics, who does not like Muslims, Chinese, Blacks, just his race. They are other genocidist invaders who killed the Indians and abolished them all. They are doing that everywhere, in the middle-east, everywhere. In the name of Allah and the holy war, and our leader, Abu, we are going to grow and we are going to show you that we are going to defeat you.

8. The above references to Suarez during the videos appear to relate to the federal criminal case of *United States v. Harlem Suarez*, United States District Court for the Southern District of Florida, Case No. 15-10009-CR-Martinez. Suarez was prosecuted for attempting to

provide material support to ISIS and attempting to use a weapon of mass destruction; he planned to explode a bomb on a crowded beach in Key West. There was media coverage of the case, and the trial occurred this past January. The above reference to Boston appears to refer to the April 15, 2013 Boston Marathon bombing. That case involved two brothers who placed and detonated pressure-cooker bombs in a crowd watching the Boston Marathon.

9. In addition to ISIS's terrorist activities in Syria and Iraq, the organization calls for its supporters to conduct attacks in the West if they cannot travel abroad to conduct violent jihad. Adherents to their cause are not required to gain approval from the organization in order to conduct attacks in their home countries.

10. On September 30, 2017, the CHS drove to SOLANO's known residence in Miami, Florida. SOLANO entered the CHS's vehicle and the two drove to a nearby coffee shop. The entire meeting was audio-recorded. The CHS explained to SOLANO that the videos made by SOLANO were provided to the CHS's contact. The CHS indicated that the contact had some additional questions of SOLANO before he would agree to meet SOLANO. The CHS asked if anyone else knew of SOLANO's plans. SOLANO indicated that he had not told anyone of his plans and that he had made the videos in the room he rented at the aforementioned residence. SOLANO stated that the woman from whom he rents a room does not know that he made the videos and noted that he keeps a sketch of a bomb diagram hidden in his room. SOLANO reiterated his desire to attack the Specified Mall on Black Friday. SOLANO emphasized his attack desires by stating that he wants to "set off a bomb and [has] the balls to do it." Following the meeting, the CHS received several texts of diagrams that showed bomb components, including one that appeared to be hand-drawn. The texts were once again received from telephone number 786-560-xxxx, utilized by SOLANO.

11. On October 2, 2017, the CHS met SOLANO in a parking lot located at 11865 SW 26th Street Miami, Florida. Physical surveillance confirmed SOLANO was in his vehicle, a 1994 Nissan Sentra bearing Florida license plate xxx-xxx, waiting to enter the CHS's vehicle. In an audio-recorded meeting, the CHS explained to SOLANO that the CHS's contact had requested that SOLANO purchase a new telephone prior to their meeting. The CHS explained to SOLANO the purpose of the new telephone would be to have a secure line of communication that could not be attributed to SOLANO. SOLANO indicated that he understood the need for secure communications and that he would pick up the telephone and provide the number to the CHS. After the meeting, SOLANO departed in his vehicle and returned to his known residence.

12. On October 6, 2017, SOLANO purchased a new cellular telephone and provided the CHS with his new number, 786-334-xxxx. The CHS indicated to SOLANO that the CHS would provide the telephone number to the CHS's contact. Later that evening, an FBI Undercover Employee ("UCE1"), posing as the CHS's contact, sent SOLANO a text message and made arrangements for a telephone call. During this recorded conversation, SOLANO stated that he was interested in helping with the UCE's cause and was serious in this desire. SOLANO provided a litany of reasons that led to his longstanding dislike of the United States. SOLANO took issue with foreign and domestic policies and described his feeling of exclusion that stems from his temporary immigration status. Based on these grievances, SOLANO explained that he was available for whatever was needed. UCE1 expressed a desire to meet SOLANO and also explained that he/she wanted to introduce SOLANO to an older individual, who was in fact a second FBI Undercover Employee ("UCE2"), who had the purported ability to help SOLANO. SOLANO reassured UCE1 that SOLANO's phone line was clean and was being used only for their communication.

13. On October 9, 2017, UCE1 spoke with SOLANO in a recorded telephone call. UCE1 explained that UCE1 and UCE2 had viewed the videos prepared by SOLANO and both agreed that a trip to Miami was warranted to hear SOLANO's attack ideas. SOLANO stated that he was completely available to meet with the UCEs and that they were united in the same cause. In addition, SOLANO stated that he feels he needs to do this attack and that he wants it to be professional. SOLANO and UCE1 confirmed plans to meet on the evening of October 12, 2017.

14. In a recorded meeting on October 12, 2017, UCE1 and the CHS drove to SOLANO's known residence to meet SOLANO. SOLANO entered UCE1's vehicle, and the group departed the residence. After formally making the introduction between SOLANO and UCE1, the CHS was dropped off. SOLANO and UCE1 began to discuss SOLANO's resentment toward the United States and his motivation to conduct an attack. SOLANO stated that he wanted to conduct the attack "where there is [sic] more people." SOLANO then disclosed that he initially had considered another target but then decided on the Specified Mall as his intended target. When asked whether he had gone to the attack location, SOLANO explained how he would accomplish his attack (the following statements are translations from Spanish to English):

VS: I have gone, I have gone there. I was thinking where the—where the, uh, where the [named hotel]—at the [named hotel], but that's [UI].

.....
VS: It's on 36th, but no, they don't let me in. It has a thing that goes up and down.

.....
VS: You know? Compared to [the Specified Mall] where there is a lot of people.

.....
VS: At [the Specified Mall], the most important mall here. I go in, I place it in the-the mall there.

.....
VS: [The Specified Mall], close to where I live. I go in without a problem. I shouldn't have any problems. I go unnoticed.

.....
VS: I place it, and that's it.

.....
VS: I was looking at the food court. I was looking at the area where they sing, which is where there is more people. Those are the areas where more people gather.

.....
VS: And it's easy because look, I was noticing... I go in, I sit down, I leave it, and
goodbye. I leave it [UI]. I won't have a problem with that.

When asked if he wanted to conduct one attack or multiple attacks, SOLANO explained, "Look, I think it's like when someone kills someone. It becomes easier." SOLANO also explained which entrance they would use at the Specified Mall to provide the easiest means of escape after planting a bomb. SOLANO informed UCE1 that the day of the attack did not matter to him, "as long as there is [sic] a lot of people" and that SOLANO's "main motivation is to do an attack." SOLANO explained that he could buy things for a "cooking bomb" [referring to a pressure cooker bomb] and suggested that the bomb could be put inside luggage and detonated with a cellular telephone. Later in the conversation, SOLANO offered to take UCE1 to see the Specified Mall. UCE1 accepted, and the pair travelled together to the Specified Mall where SOLANO walked the UCE through his full attack plan. Afterward, UCE1 returned SOLANO to his residence and the two agreed to meet the following day.

15. In a recorded meeting on October 13, 2017, UCE1 picked up SOLANO at his known residence and drove him to a hotel room in order to meet with UCE2. During this meeting, UCE2 spoke in English and used UCE1 as a translator to converse with SOLANO in Spanish (SOLANO's native language). During the initial portion of the meeting, SOLANO reiterated that he was certain and serious about his attack plan. SOLANO was asked what organization he thought UCE1 and UCE2 belonged to. SOLANO responded that he thought UCE1 and UCE2 were members of ISIS.

16. Later, during the same meeting, SOLANO was asked what he wanted to achieve by this attack and what his motivation was. He responded with the following comments (translated from Spanish to English):

VS: Okay. What I want to achieve is to send a message.

.....

VS: Well, uh, a bomb, I don't know, something.

.....

VS: Something that causes harm.

.....

VS: Because, I have wanted to do it because I have resentment inside, to demonstrate to them, you know—

17. The meeting concluded with UCE2's telling SOLANO to sleep on his decision and to call UCE1 the next morning with his (SOLANO's) answer regarding whether he wanted to proceed with the attack.

18. On the morning of October 14, 2017, SOLANO called UCE1. In a recorded telephone call, SOLANO confirmed his desire to conduct the attack and asked if UCE2 had made his/her decision. UCE1 confirmed that UCE2 was willing to proceed. UCE1 requested that SOLANO obtain the following items for use in the attack: a sketch of the area to place the device, a disguise for SOLANO to wear when placing the device to hide from surveillance cameras, and shopping bags to conceal the device while it was being brought to the attack location.

19. Later that evening, SOLANO traveled to the Specified Mall. He later texted to UCE1 a diagram, as requested, of the food court inside the mall where he planned to place the device. SOLANO also provided UCE1 with a photograph of the luggage he intended to use to conceal the device.

20. The next morning, on October 15, 2017, in a recorded telephone call, SOLANO told UCE1 which mall entrance SOLANO planned to utilize, discussed his disguise, and confirmed that the luggage he had sent a photograph of would be used to transport the device into the mall. UCE1 told SOLANO that he would speak with UCE2 and they would again talk on Tuesday, October 17, 2017.

21. On October 17, 2017, UCE1 and SOLANO spoke in a recorded telephone call. UCE1 told SOLANO that UCE2 had been busy and has most of that thing ready. UCE1 stated

that he had told UCE2 that SOLANO previously had mentioned that he would go to a hardware store and get the screws and other items for the bomb. SOLANO replied that he has all of those materials ready.

22. SOLANO met with UCE1 and UCE2 at a hotel on Friday, October 20, 2017, to put the device together. Unbeknownst to SOLANO, the device was inert and could never actually explode. While in the hotel room, SOLANO practiced arming the device.

23. SOLANO left the hotel room and entered the vehicle of UCE1. When they arrived at the mall, SOLANO took the steps that he believed would arm the device and the timer began to count down. SOLANO exited UCE1's vehicle and began to walk towards the previously-determined mall entrance.

24. SOLANO was taken into custody prior to entering the Specified Mall. At the time of his arrest, the Specified Mall was open for business and populated with shoppers.

CONCLUSION

25. Based upon the foregoing facts, your affiant respectfully submits there is probable cause to believe that VICENTE ADOLFO SOLANO did knowingly attempt to use a weapon of mass destruction against a person or property within the United States, where the offense or the results of the offense would have affected interstate or foreign commerce, in violation of Title 18, United States Code, Section 2332a(a)(2).

FURTHER YOUR AFFIANT SAYET NAUGHT.



DAVID CLANCY, SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

Sworn to and subscribed before me
This 22 day of October 2017.



HON. CHRIS M. MCALILEY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF FLORIDA