

ORIGINAL

Approved: Andrew J. DeFilippis
ANDREW J. DeFILIPPIS/PATRICK EGAN
Assistant United States Attorneys

Before: THE HONORABLE JUDITH C. McCARTHY
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA	:	<u>SEALED COMPLAINT</u>
- v. -	:	Violation of 18 U.S.C. §§ 922(a)(6),
RICHARD M. VALENTINE, JR., a/k/a "Ricky Valentine,"	:	924(a)(1)(A)
Defendant.	:	COUNTY OF OFFENSE: DUTCHESS

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SOUTHERN DISTRICT OF NEW YORK, ss.:

R. MATTHEW HAMMOND, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE
(False Statement During Purchase of a Firearm)

1. On or about June 2, 2018, in the Southern District of New York, RICHARD M. VALENTINE, JR., a/k/a "Ricky Valentine," the defendant, in connection with the acquisition and attempted acquisition of a firearm from a licensed dealer of firearms within the meaning of Chapter 44 of Title 18, United States Code, knowingly made false and fictitious oral and written statements, which statements were intended and likely to deceive such dealer with respect to a fact material to the lawfulness of the sale and other disposition of such firearm, to wit, VALENTINE knowingly made a false statement on an ATF Form 4473 in connection with his attempted purchase of an Advanced Armament .300 Blackout rifle from a federally licensed firearms dealer in Dutchess County, New York.

(Title 18, United States Code, Section 922(a)(6).)

COUNT TWO

(False Statement in Firearm Filing)

2. On or about June 2, 2018, in the Southern District of New York, RICHARD M. VALENTINE, JR., a/k/a "Ricky Valentine," the defendant, knowingly made a false statement and representation to a licensed dealer of firearms within the meaning of Chapter 44 of Title 18, United States Code, with respect to information required by Chapter 44 of Title 18, United States Code, to be kept in the records of such firearms dealer, to wit, VALENTINE knowingly made a false statement on an ATF Form 4473 in connection with his attempted purchase of an Advanced Armament .300 Blackout rifle from a federally licensed firearms dealer in Dutchess County, New York.

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

The bases for my knowledge and for the foregoing charges, are, in part, as follows:

3. I am a Special Agent with the FBI, assigned to the FBI's Joint Terrorism Task Force ("JTTF"). I have been employed by the FBI for more than ten years and have been assigned to a counter-terrorism squad during that time, working exclusively on terrorism-related matters and investigations involving crimes against the United States. Based on my training and experience, I have become knowledgeable about criminal activity, particularly violations of federal terrorism statutes, as well as certain federal firearms statutes. I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with other law enforcement officers and other individuals, and upon my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the offenses cited above, it does not include all the facts that I have learned during the course of the investigation. Where the contents of conversations with others and statements by others are reported herein, they are reported in substance and in part, except where otherwise indicated.

4. Based on my involvement in this investigation, including but not limited to my conversations with other law enforcement officers, as well as my review of documents relating to the investigation, and as set forth in more detail below, I

have learned that, in or around January 2018, RICHARD M. VALENTINE, JR., a/k/a "Ricky Valentine," the defendant, a 23 year-old resident of Cold Spring, New York posted information on the internet and made comments to at least one associate professing his allegiance to the designated foreign terrorist organization known as, among other things, the Islamic State of Iraq and Syria ("ISIS")¹ and stating that he wanted to harm other individuals. See *infra* ¶¶ 5-7. After VALENTINE posted those statements, he was interviewed by FBI agents and, ultimately, involuntarily committed for mental health evaluation. See *infra* ¶¶ 9, 13-15. Following his release, VALENTINE made an unsuccessful attempt to purchase at least one firearm. See *infra* ¶ 16. When completing required documentation as part of that attempt, VALENTINE falsely reported that he had never been committed to a mental health institution (which commitment would have rendered him ineligible to purchase a gun). See *infra* ¶¶ 17-19.

VALENTINE'S STATEMENTS IN SUPPORT OF ISIS

5. Based on my involvement in this investigation, including my review of documents and my communications with other law enforcement officers, I have learned that the investigation began on or about January 3, 2018, when an individual who resides in Cold Spring, New York ("Individual-

¹ On October 15, 2004, the U.S. Secretary of State designated al Qaeda in Iraq ("AQI"), then known as Jam'atal Tawhid wa'al-Jihad, as a Foreign Terrorist Organization ("FTO") under Section 219 of the INA and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224. On May 15, 2014, the Secretary of State amended the designation of AQI as an FTO under Section 219 of the INA and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant 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. In an audio recording publicly released on June 29, 2014, ISIS announced a formal change of its name to the Islamic State. 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.

1")², submitted an online tip via email to the FBI Public Access Line in which Individual-1 stated, in part:

A former friend . . . [VALENTINE] of [address] in Cold Spring NY (age around 23), has been displaying increasingly radicalized Islamic beliefs and discussing joining terrorist organizations such as Hezbollah and ISIS. He has also admitted to accessing the dark web to view fundamentalist materials and propaganda, view training videos, watch executions and beheadings of "infidels", and is possibly attempting to contact Islamic fundamentalists. Talks about "spilling blood" and making people suffer. He says that he plans to visit countries known to harbor Islamic radicals, and expresses staunch anti-semitism and desire to harm US and Israeli citizens as well as Jewish people and politicians. Talks to old friends in a dark and threatening manner and attempts to persuade others to radicalize. Radicalization has taken place over the past two years

6. Based on my communications with other law enforcement personnel, I have learned that as part of the FBI's investigation, law enforcement officers identified a social media account that appeared to be used by RICHARD M. VALENTINE, JR., a/k/a "Ricky Valentine," the defendant ("Social Media Account-1").³

² At the time that Individual-1 initially provided information, he was not a paid informant of the FBI. As of March 1, 2018, Individual-1 was paid for Individual-1's activities on the FBI's behalf as part of this investigation. The information Individual-1 has proven reliable and has been corroborated by, among other things, VALENTINE's postings on social media and his interviews by law enforcement agents.

³ I believe RICHARD M. VALENTINE, JR., a/k/a "Ricky Valentine," the defendant, to be the user of Social Media Account-1 because surveillance of VALENTINE conducted by myself and other law enforcement agents, VALENTINE appears to be the person whose photograph appears on the public profile for Social Media Account-1. Additionally, documents obtained from Google, Inc., provide an email address (the "Gmail Address") and a phone number (the "Phone Number") for the subscriber of Social Media Account-1, which are the same email address and phone number as those that VALENTINE provided on a 2014 passport application.

7. Based on my participation in this investigation, my conversations with other law enforcement officers, my review of records obtained as part of this investigation, and my review of information posted publicly to Social Media Account-1, I have learned, in substance and in part, the following, concerning Social Media Account-1:

a. At the time it was identified by the FBI, the public profile for Social Media Account-1 displayed the below photograph and the username "Isa"⁴:



b. In the "About" section of the public profile for Social Media Account-1, the above-pictured photograph and username appeared along with the following statement: "I pledge allegiance to Abu Bakr al Baghdadi may Allah protect him, on behalf of the Islamic State." Based on my training and experience, and my involvement in this and other investigations,

⁴ Based on my training and experience, I have learned that "Isa" is the Arabic word for Jesus. I am further aware that the black flag depicted in the backdrop of the aforementioned public profile for Social Media Account-1 is the ISIS flag. I am also aware that the act of raising one's index finger in the manner shown in the bottom left corner of the above screenshot is a signal commonly used by ISIS members and supporters to signal their support for ISIS, and to indicate "tawhid," or the "oneness of God (i.e., Allah).

I have learned that Abu Bakr al-Baghdadi is currently the caliph, or leader, of ISIS. I have also learned that (1) ISIS encourages its members and supporters to pledge allegiance to the group and/or its caliph before committing terrorist violence in furtherance of its ideology and (2) individuals affiliated with ISIS have made such pledges orally, on video, or in writing, prior to carrying out terrorist attacks in support of ISIS, in the United States and overseas.

SEARCH OF VALENTINE'S RESIDENCE AND INTERVIEW OF VALENTINE

8. Based on my involvement in this investigation, I have learned that on or about February 23, 2018, the Honorable Judith C. McCarthy, United States Magistrate Judge for the Southern District of New York, issued a search warrant (the "Residence Warrant") authorizing the search of the residence in Cold Spring, New York, where RICHARD M. VALENTINE, JR., a/k/a "Ricky Valentine," resides (the "Valentine Residence"). On or about February 27, 2018, other law enforcement agents and I executed the Residence Warrant at the Valentine Residence and seized, among other things, certain electronic devices.

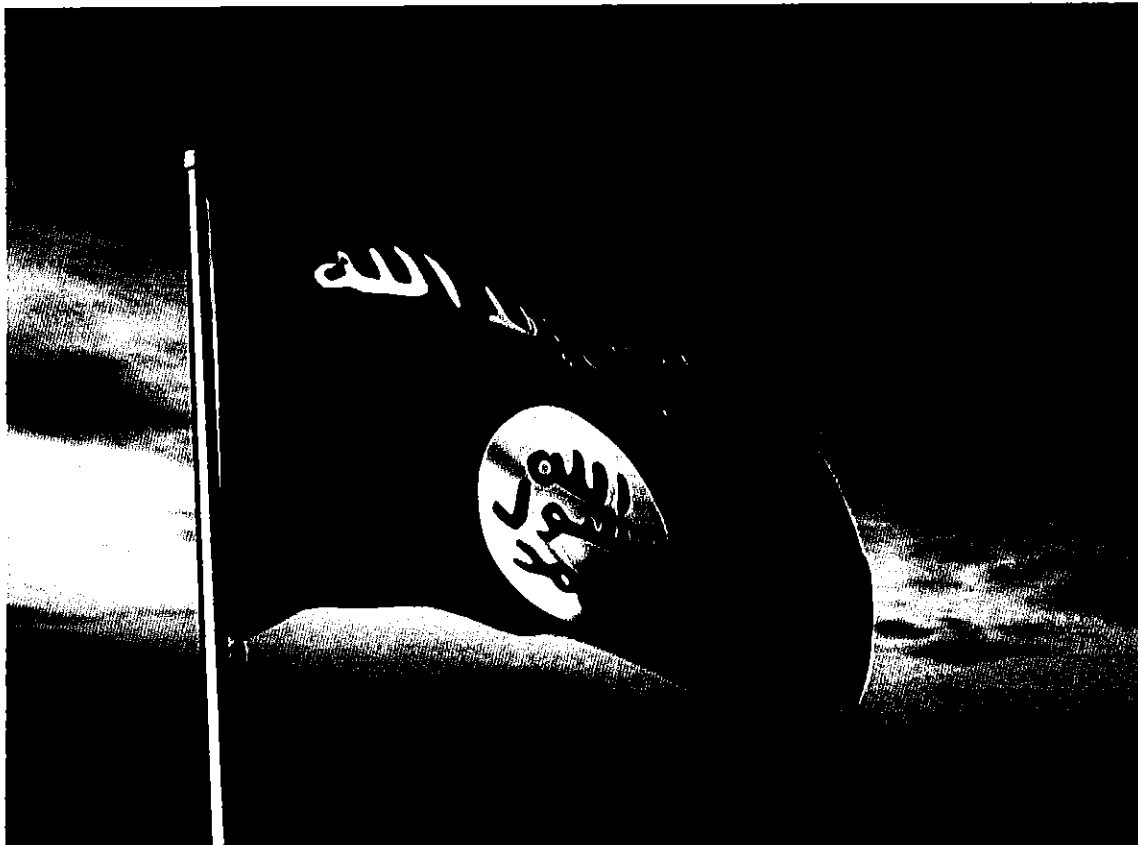
9. Based on my involvement in this investigation, I have learned that on the same date as the execution of the Residence Warrant, law enforcement officials in Putman County, New York detained RICHARD M. VALENTINE, JR., a/k/a "Ricky Valentine," the defendant, pursuant to Section 9.45 of the New York State Mental Hygiene Law, which permits law enforcement officers to admit a person involuntarily for mental health evaluation and treatment for a limited time period if such a person appears to pose a serious danger to himself and/or others. Prior to VALENTINE's admission to a local hospital for such a mental health evaluation and treatment, other FBI agents and I advised VALENTINE of his *Miranda* rights, which VALENTINE waived in writing. Based on my participation in the subsequent questioning of VALENTINE, I have learned that VALENTINE stated, among other things, that VALENTINE supports ISIS and its leader, Abu Bakr al-Baghdadi.

10. During the aforementioned interview, VALENTINE also initially stated to law enforcement agents that he had thrown away a particular laptop ("Laptop-1") several weeks earlier. After being advised of, and acknowledging in writing, that lying to federal law enforcement officers is a crime, VALENTINE then stated that he had placed Laptop-1 in the attic of his residence. (During the execution of the Residence

Warrant, law enforcement agents located and seized Laptop-1 from the attic of VALENTINE's residence.)⁵

11. Based on my preliminary review of the contents of Laptop-1 pursuant to the Residence Search Warrant, I have learned that Laptop-1 contains the following:

a. numerous photographs depicting the ISIS flag, including the following:



b. photographs of VALENTINE making a hand gesture (raising one finger) that I know, based on my training and experience, is a gesture commonly used by ISIS supporters to indicate their support for the terrorist group and their belief in the "oneness of God," see *supra* n. 4, an example of which is below:

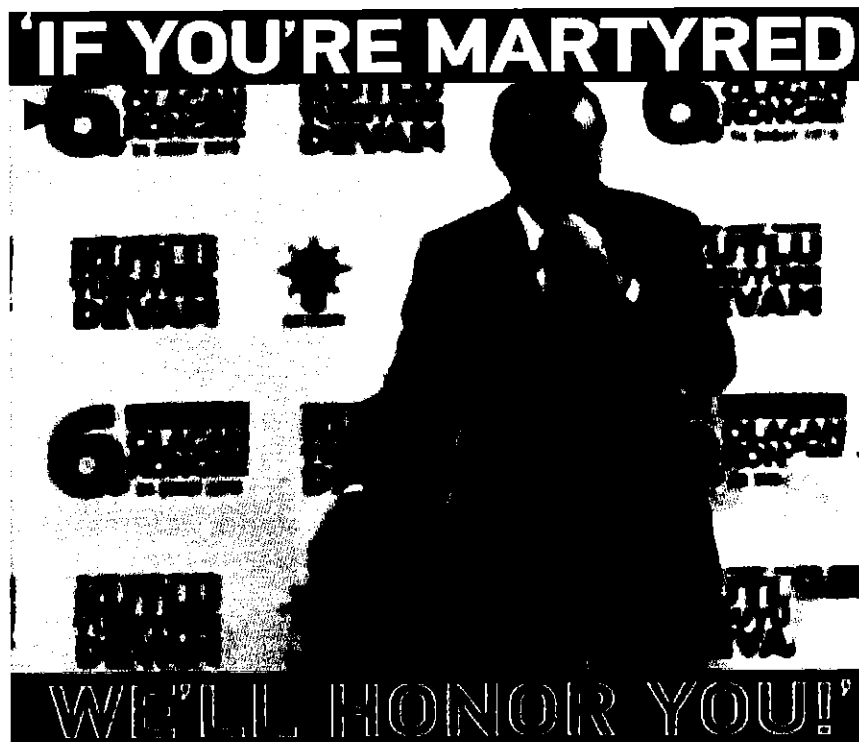
⁵ After the above-described interview, VALENTINE was transported to a local hospital, where he was evaluated and released by doctors within approximately three hours.



c. the following image of VALENTINE holding a shotgun and dressed in what appears to be Middle Eastern attire:



d. the following image regarding martyrdom:



12. Based on my preliminary review of Laptop-1's contents, I have also learned that Laptop-1 also contained at least three videos, the contents of which indicate that they were produced by "Al Hayat Media." Based on my training and experience, I know that Al Hayat Media is a production company that is managed and owned by ISIS, and that is used to produce and disseminate pro-ISIS propaganda, including materials that support the terrorist group's violent ideology. The titles of the aforementioned three videos contained on Laptop-1 are "There is No Life Without Jihad," "Thru the Eyes of the Islamic State," and "The Rise of Banknotes and the Return of the Gold Dinar." These videos contain, among other things, images and videos of ISIS members and fighters living in Syria; images of the ISIS flag; and narrations by ISIS members and supporters regarding the terrorist group's goals and ideology.

VALENTINE'S INVOLUNTARY COMMITMENT FOR MENTAL HEALTH TREATMENT

13. Based on my review of records obtained from the Dutchess County Department of Behavioral and Community Health, and my review of medical records obtained from a hospital ("Hospital-1") located in Putnam County, New York, I have learned that in or about April 2018, RICHARD M. VALENTINE, JR., a/k/a "Ricky Valentine," the defendant, was committed

involuntarily for mental health treatment at Hospital-1 and held for a period of approximately six days. Specifically, I have learned, in substance and in part, the following:

a. On or about April 3, 2018, a Dutchess County health official ("Health Official-1") issued an order (the "Order") pursuant to Section 9.45 of the New York State Mental Hygiene Law, stating that VALENTINE was "considered to be potentially dangerous to self and/or others." The Order directed law enforcement officers to "take [VALENTINE] into custody and transport him to [Hospital-1] for psychiatric evaluation and possible hospitalization."

b. Later on the same date, VALENTINE was transported by law enforcement to Hospital-1 where doctors examined him.

c. On the same date, at approximately 8:30 p.m., an examining physician at Hospital-1 ("Physician-1") completed and signed a Certification of Examining Physician Form. On the form, Physician-1 attested, among other things, that VALENTINE "is in need of involuntary care and treatment in a hospital providing inpatient services with mental illness" and "poses a substantial threat of harm to self or others."

d. On or about April 3, 2018, at approximately 8:37 p.m., another examining physician at Hospital-1 ("Physician-2") completed and signed a separate Certification of Examining Physician form. On the form, Physician-2 similarly attested, among other things, that VALENTINE "is in need of involuntary care and treatment in a hospital providing inpatient services with mental illness" and "poses a substantial threat of harm to self or others."

e. On or about April 5, 2018, at approximately 8:20 a.m., a Staff Psychiatrist at Hospital-1 signed an "Application for Involuntary Admission on Medical Certification" pertaining to VALENTINE (the "Application"). The Application, which referenced Section 9.27 of the New York State Mental Hygiene Law, sought VALENTINE's involuntary admission.

VALENTINE'S NOTIFICATION OF HIS INVOLUNTARY COMMITMENT

14. Based on my review of the aforementioned medical records obtained from Hospital-1, I have also learned the following:

a. On or about April 4, 2018, RICHARD M. VALENTINE, JR., a/k/a "Ricky Valentine," the defendant, was provided with written notice of his status as involuntarily admitted to Hospital-1. Specifically, I have reviewed a "Notification and of Status and Rights Involuntary Admission on Medical Certification" form (the "Notification Form"), which is addressed to "Richard Valentine."

b. The Notification Form contains the following statement at the bottom of the document: "[T]he above patient has been give [sic] a copy of this notice." The Notification Form bears the signature of a staff physician at Hospital-1, and is dated April 4, 2018.

c. The Notification Form also states the following, in part:

Based upon the certification of two examining physicians, whose findings have been confirmed by a member of the psychiatric staff of this hospital, you have been admitted as an involuntary status patient to this hospital, which provides care and treatment for persons with mental illness. You may be kept in the hospital for a period of no more than 60 days from the date of your admission, unless you have had a court hearing, or an application has been made to a court for an order authorizing your continued retention. During this 60 day period you may be released, or converted to voluntary or informal status, if you are willing to continue receiving inpatient care and treatment and are suitable for such status.

15. Based on my review of the aforementioned medical records, I have learned that RICHARD M. VALENTINE, JR., a/k/a "Ricky Valentine," the defendant, was discharged from Hospital-1 on or about April 10, 2018.

**VALENTINE'S FALSE STATEMENT IN CONNECTION WITH HIS JUNE 2018
ATTEMPTED PURCHASE OF A FIREARM**

16. Based on my conversations with an employee ("Store Employee-1") of a firearms and ammunition store located in Dutchess County, New York ("Firearms Store-1"), I have learned, in substance and in part, the following:

a. On or about June 2, 2018, at approximately 12:00 pm, Store Employee-1 was working at Firearms Store-1 when RICHARD M. VALENTINE, JR., a/k/a "Ricky Valentine," the defendant, entered Firearms Store-1 and browsed the store for approximately 15 - 20 minutes.⁶

b. Thereafter, VALENTINE approached Store Employee-1, who was behind the store's counter. At the time, VALENTINE was holding a bolt action rifle.

c. VALENTINE stated to Store Employee-1, in sum and substance, that VALENTINE wanted to purchase the aforementioned rifle, which Store Employee-1 identified to me as an Advanced Armament .300 caliber Blackout.

d. Store Employee-1 provided VALENTINE with a copy of an ATF Form 4473, "Firearms Transaction Record," which I know from my training and experience is a form that federally licensed firearms dealers and their customers are required to complete before initiating the purchase of a firearm.⁷ I am further aware that federally licensed firearms dealers are required to maintain such completed forms in their records.

e. VALENTINE filled out the ATF Form 4473 and handed it to Store Employee-1. Store Employee-1 reviewed the form for errors and, after determining that none of VALENTINE's answers barred him from legally purchasing a firearm, filled out a section of the form that must be completed by the seller of a firearm.

⁶ Store Employee-1 identified VALENTINE based on a driver's license photograph of VALENTINE that I showed Store Employee-1 during our conversation. Based on my review of closed circuit television ("CCTV") footage obtained from Firearms Store-1 pursuant to grand jury subpoena, I am also aware that VALENTINE was captured on CCTV while inside of Firearms Store-1.

⁷ Based on my conversations with Store Employee-1, I know that Firearms Store-1 is a federally licensed firearms dealer.

f. VALENTINE subsequently removed cash from VALENTINE's front pocket and counted the amount of money specified on a Bill of Sale that Store Employee-1 had provided to VALENTINE as the purchase price for the rifle.

g. Store Employee-1 then told VALENTINE that following the sale of the rifle, Store Employee-1 would conduct a background check on VALENTINE prior to giving VALENTINE the firearm.

h. VALENTINE then removed the aforementioned cash from the counter and asked Store Employee-1, in sum and substance, whether Store Employee-1 could run the background check before finalizing the purchase. VALENTINE added that he wanted to see if he was convicted of a crime or under investigation.

i. Following VALENTINE's request concerning the background check, Store Employee-1 told VALENTINE that the sale would not proceed. Thereafter, VALENTINE walked out of Firearms Store-1.

j. Store Employee-1 later provided the ATF Form 4473 that VALENTINE had completed to the store's office manager ("Manager-1") and explained to Manager-1 that the sale had been canceled. Manager-1 wrote "VOID" on the form.

17. Based on my review of the ATF Form 4473 completed by RICHARD M. VALENTINE, JR., a/k/a "Ricky Valentine," the defendant, which the FBI obtained from Firearms Store-1, I have learned the following:

a. Question 11.f of the ATF Form 4473 asks the following question: "Have you ever been adjudicated mentally

defective OR have you ever been committed to a mental institution?"⁸

b. In response to Question 11.f on the aforementioned ATF Form 4473, VALENTINE answered "No," by placing a handwritten checkmark in a box adjacent to Question 11.f.

18. Based on my training and experience, and my involvement in this investigation, I respectfully submit that there is probable cause to believe that the above-referenced answer to Question 11.f provided by RICHARD M. VALENTINE, JR., a/k/a "Ricky Valentine," the defendant, was knowingly and intentionally false because, among other reasons, VALENTINE was involuntarily committed to Hospital-1 on or about April 4, 2018 and was notified in writing of this involuntary commitment, which lasted for approximately six days. See *supra* ¶¶ 14-15.

⁸ Question 11.f is followed by the following notation: "See Instructions for Question 11.f." The corresponding instructions for Question 11.f, which are contained on another page of the form, define "Adjudicated as a Mental Defective as follows:

A determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease: (1) is a danger to himself or to others; or (2) lacks the mental capacity to contract or manage his own affairs. This term shall include: (1) a finding of insanity by a court in a criminal case; and (2) those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility.

The aforementioned instructions for Question 11.f define "Committed to a Mental Institution" as follows:

A formal commitment of a person to a mental institution by a court, board, or other lawful authority. The term includes a commitment to a mental institution involuntarily. The term includes commitment for mental defectiveness or mental illness. It also includes commitments for other reasons, such as for drug use. The term does not include a person in a mental institution for observation or a voluntary admission to a mental institution.

19. Based on my training and experience, I am also aware that Question 11.f is included on the ATF Form 4473 because, among other reasons, it is a federal crime for someone who has been "committed to a mental institution" to "receiv[e], or possess[]" any firearm or ammunition in interstate or foreign commerce, and because it is also a federal crime for a person to "sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe" that such person has been "adjudicated as a mental defective" or "committed to a mental institution." See 18 U.S.C. §§ 922(d)(4) & (g)(4).

VALENTINE'S ARREST ON STATE CHARGES

20. Based on my conversations with other law enforcement officers who have conducted surveillance of RICHARD M. VALENTINE, JR., a/k/a "Ricky Valentine," the defendant, I have learned, in substance and in part, the following:

a. Since January 2018, the FBI and other law enforcement officers have conducted physical surveillance of VALENTINE.

b. Over the past several months, VALENTINE observed that FBI agents and other law enforcement officers were physically surveilling him. VALENTINE has taken increasingly aggressive measures to identify or thwart such surveillance, including by engaging in what appear to the surveilling officers to be evasive maneuvers, and by questioning and taking pictures of law enforcement officers.

c. On or about June 24, 2018, at approximately 7:00 p.m., law enforcement officers observed VALENTINE walking on the streets of Cold Spring, New York in traditional Middle Eastern attire (including a white robe and head covering), carrying what appeared to be a rifle held on a sling around his shoulder.⁹

⁹ Based on my review of screenshots of footage obtained from a pole camera that has been operating outside of the Valentine Residence, I have learned that some of VALENTINE's activities on June 24, 2018, were captured on the pole camera.

d. After law enforcement officers saw VALENTINE carrying the aforementioned rifle, VALENTINE returned to the Valentine Residence.

e. At approximately, 10:15 p.m., VALENTINE emerged from the Valentine Residence, at which time VALENTINE removed the aforementioned gun from his shoulder and appeared to be seeking to evade detection by, among other things, moving behind and between vehicles before returning to the Valentine Residence.

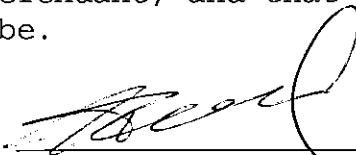
f. At approximately 10:25 p.m., VALENTINE again emerged from the Valentine Residence, at which time VALENTINE was detained by federal law enforcement agents and subsequently arrested by local law enforcement authorities. VALENTINE was charged by local law enforcement authorities with, among other offenses, Menacing a Police Officer or Peace Officer, in violation of New York Penal Code § 120.18, which charge is currently pending in Village of Cold Spring Justice Court.

g. At the time of his initial detention by federal law enforcement agents, VALENTINE was wearing a knife around his neck that was covered in a sheath.

h. At the time of his initial detention and prior to his arrest, VALENTINE stated to law enforcement agents, in sum and substance, that the knife he was carrying was 3.5 inches long (that is, was legal under New York State law). VALENTINE further stated that he did not think he did anything wrong, and inquired whether carrying a "BB gun" was illegal.¹⁰

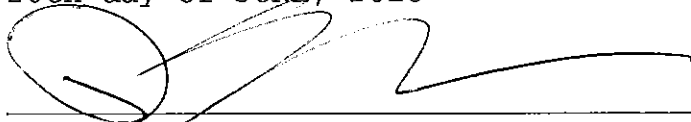
¹⁰ Based my participation in the execution of the Residence Warrant, I have learned that law enforcement agents conducting the search of the Valentine Residence in February 2018 observed, but did not seize, a rifle-shaped BB gun in the residence.

WHEREFORE, the deponent respectfully requests that a warrant issue for the arrest of RICHARD M. VALENTINE, JR., a/k/a "Ricky Valentine," the defendant, and that he be imprisoned, or bailed, as the case may be.



R. MATTHEW HAMMOND
FEDERAL BUREAU OF INVESTIGATION

Sworn to before me this
26th day of JUNE, 2018



THE HONORABLE PAUL E. DAVISON
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK