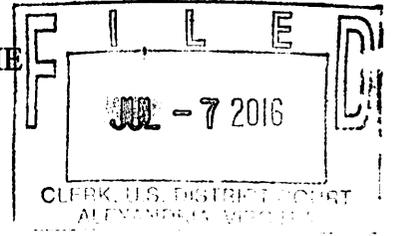


UNDER SEAL

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA



Alexandria Division

UNITED STATES OF AMERICA

v.

YUSUF ABDIRIZAK WEHELIE,

Defendant.

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1:16-MJ-302

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Richard Gaylord, being duly sworn, depose and state as follows:

1. I have been a Special Agent with the Federal Bureau of Investigation (FBI) since June 1, 2004. As a Special Agent with the FBI, I am authorized pursuant to Title 18, United States Code, Section 3051 to execute search warrants and enforce any of the criminal, seizure, or forfeiture provisions of the laws of the United States. Additionally, I am an "investigative or law enforcement officer of the United States" within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Section 2516 of Title 18.

2. From September 7, 2014, to the present, I have been assigned to the Washington Field Office's Counterterrorism Branch where my assignments involve conducting investigations into cases involving threats to National Security and public safety.

3. This affidavit is in support of a criminal complaint and arrest warrant charging YUSUF ABDIRIZAK WEHELIE (“WEHELIE”) with possession of a firearm after conviction of an offense punishable by more than one year in prison, in violation of Title 18, United States Code, Section 922(g)(1).

5. The information contained in this affidavit is based upon my personal observations and investigation, as well as on reports and statements of participating agents and detectives. This affidavit contains information necessary to support probable cause for this application. It is not intended to contain all information known by me or the government.

6. Through my investigation, I learned that WEHELIE is a convicted felon, having been previously convicted in the Circuit Court of Fairfax County, Virginia, of felonious statutory burglary. On February 2, 2011, WEHELIE was sentenced to three years of incarceration, all of which were suspended on the condition of good behavior. On May 1, 2012, WEHELIE was convicted of a second felony for violating the terms of probation on the previously mentioned statutory burglary. As a convicted felon, WEHELIE is prohibited from possessing firearms.

Probable Cause

WEHELIE ATTEMPTS TO ACQUIRE A FIREARM

7. As recently as February 2016, WEHELIE, a convicted felon, made attempts to acquire a firearm for others and himself.

a) On or about December 22, 2015, WEHELIE met with an FBI undercover employee (UCE #1)¹ and engaged in a consensually recorded conversation. During the conversation, while discussing his background, WEHELIE told UCE #1 that he had been

¹ The initial encounter between Wehelie and an FBI UCE occurred on or about December 10, 2015.

arrested and was a felon. Later during that same conversation, UCE #1 provided a notional scenario in which WEHELIE was transporting thousands of dollars in cash for UCE #1. When the UCE asked WEHELIE how he (WEHELIE) would protect UCE #1's money, the UCE asked WEHELIE if he would be willing to use "tools." I understand from UCE #1 that "tools" was slang or otherwise a code word between the UCE and WEHELIE for firearms. WEHELIE responded to UCE #1's question, "I definitely would." WEHELIE then told UCE #1 that he has used a firearm while in Yemen. WEHELIE described it as a "whole K," which, based on my training and experience, I assess to mean it was an automatic weapon.

b) During a consensually recorded conversation on January 21, 2016, WEHELIE told UCE #1 that he (WEHELIE) and his cousin were going to be moving in together, and WEHELIE asked UCE #1 to help his cousin obtain a weapon. WEHELIE said that his cousin was looking for "one," which appeared to be a reference to a firearm. WEHELIE stated that he (WEHELIE) would like to have a "hammer in the spot too." When questioned about whether the firearm would be for WEHELIE or his cousin, WEHELIE responded that it would be for both of them; however, because his cousin does not have a criminal record, the cousin could hold on to the weapon, according to WEHELIE. WEHELIE stated several times that the weapon would be for both him and his cousin. WEHELIE further stated, "It'll definitely be for the both of us. What's his is mine and what's mine is his, really." WEHELIE told UCE #1 that his cousin wanted a "revolver."

WEHELIE TRANSPORTS FIREARMS ACROSS STATE LINES

8. In a separate consensually recorded conversation, on or about January 21, 2016, UCE #1 asked WEHELIE if he would be willing to move “hammers” on behalf of UCE #1. I understand from UCE #1 that the word “hammers” was slang, or otherwise a code word between UCE #1 and WEHELIE to refer to firearms. WEHELIE willingly agreed to transport the firearms, saying that he would be delivering the weapons and his car “don’t stink,” which I assess to mean that WEHELIE believed his car was not known to law enforcement²

a) On or about February 18, 2016, during a consensually recorded meeting, WEHELIE met with an FBI undercover employee (UCE #2) in a hotel room located in Baltimore, Maryland. UCE #2 showed WEHELIE four Cobray M-11, 9mm automatic pistols with can-style suppressors and eight 20 round magazines. The four pistols had been rendered inoperable before they were provided to WEHELIE.³ UCE #2 provided WEHELIE with instructions on how to change the firearm selector from safe to semi-automatic and ultimately to fully automatic. UCE #2 informed WEHELIE that the firearms had the ability to fire up to 1,200 rounds per minute in fully automatic mode. WEHELIE told UCE #2 he had fired a weapon before but “needs more practice.” After viewing, handling, and being fully advised of the firearms’ capabilities, WEHELIE concealed all four firearms in towels, and then loaded the towel-covered firearms and accessories into a duffle bag which also contained purses.

b) FBI surveillance observed WEHELIE as he carried the duffle bag from the hotel alone and placed the duffle bag in the rear seat of his vehicle. FBI agents continued to surveil

² In a subsequent meeting with UCE #1, WEHELIE was paid \$300.00 by UCE #1 for transporting the weapons.

³ While the pistols had been rendered inoperable, I understand that they still satisfied the definition of a firearm as set forth in Title 18 USC § 921(a)(3) which defines a “firearm” as (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or silencer; or (D) any destructive device.

WEHELIE as he drove by himself from Maryland, through Washington, D.C., to a parking lot located in Springfield, Virginia. Once in the parking lot, WEHELIE removed the duffle bag that was placed in the rear seat of his vehicle and delivered the duffle bag to an FBI undercover employee (UCE #3). The firearms and accessories collected from UCE #3 have been seized as evidence by the FBI.

14. Based upon my training, experience, as well as consultation with both the FBI Defensive Systems Unit and the Bureau of Alcohol Tobacco and Firearms, the Cobray M-11 firearm has both automatic and semi-automatic settings and is capable of firing approximately 1200 – 9mm rounds per minute. This weapon constitutes a firearm pursuant to Title 18, United States Code, Section 921(a)(3), and it constitutes a machinegun pursuant to Title 18, United States Code, Sections 921(a)(23) and Title 26, United States Code Section 5845(b).

