

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

No. 15-2444-56

UNITED STATES OF AMERICA

vs.

MIGUEL MORAN DIAZ,

Defendant.

_____ /

CRIMINAL 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.
Miguel Moran Diaz

Case No. 15-2444-JG

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 April 2, 2015 in the county of Miami-Dade in the Southern District of Florida, the defendant(s) violated:

Code Section
18 U.S.C. 922(g)(1)

Offense Description
Felon in Possession of a Firearm; The defendant, having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm in and affecting interstate commerce, in violation of Title 18, United States Code, Section 922(g)(1).

This criminal complaint is based on these facts:

See attached affidavit

[X] Continued on the attached sheet.

Signature of David Clancy
Complainant's signature

David Clancy, Special Agent, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: 04/03/2015

Signature of Jonathan Goodman
Judge's signature

City and state: Miami, FL

Hon. Jonathan Goodman, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF COMPLAINT

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

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 firearms and 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. This affidavit is submitted in support of a criminal complaint for the arrest of MIGUEL MORAN DIAZ (DIAZ) who, having previously been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm in and affecting interstate commerce, in violation of Title 18, United States Code, Section 922(g)(1).

3. 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 for a criminal complaint.

PROBABLE CAUSE

4. In late January 2015, agents with the Federal Bureau of Investigation launched an investigation of Miguel Moran Diaz (hereinafter referred DIAZ). DIAZ maintained the Facebook page "Azizi Al Hariri", found at <https://www.facebook.com/azizi.alhariri>, with User ID 100007076738332. Review of DIAZ's Facebook page revealed numerous postings of "ISIS" related articles as well as a recent posting showing DIAZ posing with a firearm. ("ISIS" is a

known foreign terrorist organization). In furtherance of that investigation, on January 25, 2015, an FBI Miami Confidential Human Source (“CHS”) met with DIAZ at a local restaurant in Broward County, Florida. DIAZ was known to the source by his open source and public Facebook account in the name of “Azizi al Hariri.” However, when they met in person on the above date, DIAZ introduced himself to the CHS as “Miguel.”

5. During this meeting, the two discussed firearms, and DIAZ told the CHS that he was a convicted felon and could not purchase a firearm, but that he wanted a “baby Glock” (a slang term usually associated with a small concealable semi-automatic Glock 27) and asked the CHS if he could purchase a “baby Glock” for him. DIAZ then described how the CHS could purchase several weapons for him, and then DIAZ indicated that he would arrange to have the guns stolen from the CHS’s car so that the CHS could just claim they were stolen. In exchange, DIAZ agreed to pay the CHS \$500 USD.

6. DIAZ thereafter told the CHS he already had multiple weapons and stated he had a rifle that he used for hunting in the “Everglades” as well as a Kel Tec 2000 with a collapsible stock. DIAZ explained that this was perfect because he could fold it up, put it in a backpack, and take it into a stadium undetected. In addition, DIAZ stated that he possessed a Springfield XTM handgun. DIAZ then showed the CHS a picture on his Apple iPhone of him (DIAZ) holding a rifle with a scope. In addition, DIAZ showed the CHS a picture of him (DIAZ) holding a rifle with a collapsible stock and green sight that DIAZ identified as his Kel Tec 2000. DIAZ then took the CHS to his vehicle, later identified as a 2014 white Chevrolet, bearing Vehicle Identification Number (VIN) 1G1PH5SB9E7242179 and displaying Florida tag number BGFS29, and told the CHS to open a grey backpack sitting on the front passenger floorboard. DIAZ instructed the CHS to open a shirt inside the second zippered pocket and wrapped inside

the shirt the CHS observed a handgun that DIAZ stated was loaded. DIAZ identified the handgun as a Springfield XTM 40.

7. The CHS has handled firearms in the past and it was evident to the CHS that the handgun was real. In addition to the above information, DIAZ also told the CHS he was concerned he was being monitored by law enforcement and was taking steps to avoid law enforcement scrutiny. DIAZ also continually monitored the area for the presence of law enforcement. The above described meeting between the CHS and DIAZ was witnessed and monitored by your Affiant. While your Affiant could not hear the discussion between the CHS and DIAZ, your Affiant watched them at the restaurant and then observed them inside the white Chevrolet once they departed the restaurant. Your Affiant was thereafter able to make a positive identification of DIAZ based on a comparison to his driver's license photograph contained in the State of Florida Division of Highway and Motor Vehicles Database, commonly known as "DAVID." Your Affiant also witnessed the CHS and DIAZ sitting in the white Chevrolet for a substantial period of time, in a manner consistent with the information described by the CHS above. Finally, your Affiant also witnessed DIAZ arrive and leave from the meeting location in the white Chevrolet.

8. Later, on January 28, 2015, FBI agents conducted surveillance outside of DIAZ's residence located at 1629 N.W. 14th St., Miami, FL 33125 wherein agents observed DIAZ's 2014 white Chevrolet, bearing Florida tag number BGFS29 parked on the street in front of the address. This address corresponds to the registered address for DIAZ's 2014 white Chevrolet, bearing Florida tag number BGFS29, according to the Florida DHSMV database.

9. On January 30, 2015, the CHS again met with DIAZ, this time in an area near Miami Marlins Stadium, 501 Marlins Way, Miami, Florida. At this meeting, DIAZ met the CHS and then instructed the CHS to get into his 2014 white Chevrolet, bearing Florida tag number

BGFS29. During the ensuing conversation, DIAZ described himself as a "Lone Wolf" for the Islamic State of Iraq and Syria (ISIS). DIAZ went on to show the CHS a design of a wolf head he had created to symbolize the lone wolf. DIAZ continued that he would like to acquire a Savage .308 caliber bolt action rifle. DIAZ stated he would then take the .308 shell casings and scratch ISIS into the casings. DIAZ stated that after killing people, authorities would find the ISIS engraved shell casings and then know there was a sniper in town. DIAZ continued to state that a sniper could disrupt a city for a week or two until being caught. Thereafter DIAZ stated one had better be ready to shoot himself, but until that time the sniper would put the city in checkmate.

10. Later in the evening, DIAZ stopped his vehicle at a Walgreens parking lot located in Miami, Miami-Dade County, wherein DIAZ then used his Apple iPhone to view Al-Qaida In the Arabian Peninsula's (AQAP) Inspire Magazine website. DIAZ explained to the CHS that the magazine provided detailed instruction on how to build bombs. DIAZ stated that Inspire magazine provided the instruction to the brothers in Boston on how to build bombs. DIAZ then used his Apple iPhone to show the CHS detailed instructions provided by Inspire on how to construct a car bomb using oxygen and propane tanks as fuel. The entire meeting outlined above was audio recorded, and your Affiant has reviewed and corroborated the contents of this conversation as reported by the CHS.

11. Thereafter, on February 5, 2015, the CHS met with DIAZ at a local restaurant in Broward County, Florida. DIAZ arrived at the meeting driving his 2014 white Chevrolet, bearing Florida tag number BGFS29 and exited his car carrying a grey backpack. After having dinner, DIAZ and the CHS returned to a vehicle driven by the CHS. The interactions of DIAZ and the CHS inside the vehicle were audio and video recorded. While in the vehicle, DIAZ was recorded removing an object from his backpack wrapped inside a shirt. DIAZ proceeded to

unwrap the object from the shirt revealing a handgun to the CHS. After handling the weapon, DIAZ placed the handgun back inside the backpack. During the meeting DIAZ discussed plans to take the CHS with him to go shooting in the Everglades over the upcoming weekend. DIAZ then departed the meeting driving his 2014 white Chevrolet, bearing Florida tag number BGFS29. While only the portion of the meeting that took place inside the CHS's vehicle was video recorded, the entire meeting was audio recorded and witnessed by your Affiant.

12. On February 8, 2015, the CHS again met DIAZ in Miami, Miami-Dade County, Florida. DIAZ arrived at the meeting location driving his 2014 white Chevrolet, bearing Florida tag number BGFS29. The two men departed in DIAZ's vehicle and drove to Everglades National Park located at 40001 State Highway 93336, Homestead, Florida. DIAZ drove his car to a remote area of the park and then exited the vehicle on foot with the CHS. DIAZ used a grey backpack and the CHS used a black backpack to carry their weapons a distance of approximately 800 meters from DIAZ's vehicle. After finding a suitable location, DIAZ and the CHS set up 12 ounce soda cans as targets and then proceeded to engage in target practice shooting the cans. The CHS viewed DIAZ shooting two weapons; a Springfield XDM .40 caliber handgun and a .40 caliber Kel Tec 2000 rifle with a collapsible stock. During the course of the meeting, the CHS used his/her phone to videotape DIAZ shooting the .40 caliber Kel Tech 2000 rifle. At one point during the shooting, DIAZ handed the CHS his Apple iPhone and asked the CHS to record him (DIAZ) shooting his Kel Tech 2000. The CHS agreed and recorded DIAZ shooting his weapon on the Apple iPhone. Aerial surveillance conducted by FBI Agents confirmed the meeting location and the entire meeting was audio recorded by the CHS. A subsequent physical search of the area by your Affiant led to the recovery of a .40 caliber shell casing. After shooting the weapons, DIAZ and the CHS returned to his 2014 white Chevrolet, bearing Florida tag number BGFS29, and departed the area.

13. On March 1, 2015, the CHS met with DIAZ at an area near 1629 N.W. 14th St., Miami, FL 33125. During the meeting, the CHS asked DIAZ if he was concerned that his (DIAZ's) live in girlfriend would call the police and report him for having weapons at his home and being a felon. DIAZ stated that she had been living with him and his weapons for the past six years. DIAZ continued that on one occasion while arguing with his girlfriend she threatened to call 911. DIAZ also stated that he threatened to kill her if she called 911. The entire meeting between DIAZ and the CHS was audio recorded. Moreover, physical surveillance conducted by FBI Agents during the months of February and March 2015, have repeatedly shown DIAZ both departing from and returning to the apartment building located 1629 N.W. 14th Street, Miami, FL 33125, carrying a grey backpack, which the CHS has confirmed has contained firearms on numerous prior occasions. State of Florida Driver's License records have confirmed that DIAZ has listed his current residence as 1629 N.W. 14th St., #510, Miami, FL 33125.

14. On March 20, 2015, the CHS met with DIAZ at an area near 1629 N.W. 14th St., Miami, FL 33125. During a recorded conversation, the CHS asked DIAZ if he would like to purchase any additional ammunition. DIAZ stated he had approximately 500 rounds of ammunition stored at his residence located at 1629 N.W. 14th St., #510, Miami, FL 33125, but wanted to purchase 500 additional rounds from the CHS if the price was good.

15. On April 2, 2015, the Honorable Jonathan Goodman, U.S. Magistrate Judge, issued search warrants for both DIAZ's residence located at 1629 N.W. 14th St., Apt. #510, Miami, FL 33125 as well as for his 2014 white Chevrolet, bearing Vehicle Identification Number (VIN) 1G1PH5SB9E7242179 and displaying Florida tag number BGFS29.

16. Later that same day, Special Agents of the FBI conducted surveillance in the area near 1629 N.W. 14th Street, Miami, Florida, and at approximately 4:50 PM, Special Agents observed DIAZ enter his 2014 white Chevrolet displaying Florida tag number BGFS29, the

target vehicle. Shortly thereafter a second individual, later identified as Braylan Feliz, entered the passenger side of the target vehicle. The target vehicle then left the parking area and was stopped by FBI Agents pursuant to the previously mentioned search warrant.

17. DIAZ was thereafter removed from the vehicle, wherein agents observed a Springfield XDM .40 caliber handgun, bearing serial number MG224450, in his waistband loaded with 15 rounds of .40 caliber ammunition. A further search of DIAZ revealed that he also had a .40 caliber handgun magazine in his pocket loaded with 15 additional rounds of .40 caliber ammunition.

18. At approximately 4:55 PM, pursuant to a search warrant, FBI agents conducted a search of DIAZ's residence located at 1629 N.W. 14th Street, Apt. 510, Miami, Florida. During the search, Agents recovered a Keltec 2000, .40 caliber rifle bearing serial number E6848 and approximately 200-300 rounds of .40 caliber ammunition. The items were recovered from a bedroom that was utilized by DIAZ and contained his personal property and identity documents.

19. DIAZ was thereafter transported to the FBI Miami Field Office for booking. In a post-*Miranda* statement, DIAZ identified both the Springfield handgun recovered from his waistband and the Keltec rifle recovered from his house along with ammunition as all being owned and possessed by him. DIAZ stated that he was aware that he was not supposed to own or possess weapons due to his prior felony conviction and that he had purchased the weapons from private individuals to avoid scrutiny. DIAZ also noted he purchased the ammunition from local gun stores.

20. Your Affiant has confirmed through NCIC that DIAZ is a convicted felon, in that DIAZ was convicted on September 20, 2005 for Possession with Intent to Deliver Cocaine in violation of Title 21, United States Code, Section 841 under Southern District of Florida federal


case number 05-20216-CR-Highsmith. Ultimately, DIAZ was sentenced to 46 months in prison and 36 months of supervised release.

21. Finally, your Affiant contacted Bureau of Alcohol Tobacco and Firearms (ATF), Interstate Nexus expert James Vanvliet regarding the weapons involved in this matter. Mr. Vanvliet confirmed that a Springfield XDM .40 caliber handgun is manufactured outside the State of Florida, thus affecting interstate or foreign commerce.

CONCLUSION

22. Based on the foregoing, your affiant respectfully submits that there is probable cause to believe that Miguel Moran DIAZ, having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm in and affecting interstate commerce, in violation of Title 18, United States Code, Section 922(g)(1).

FURTHER YOUR AFFIANT SAYETH NAUGHT



DAVID CLANCY, SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

Subscribed to and sworn before me in
Miami, Florida this 30 day of April, 2015.



HON. JONATHAN GOODMAN
U.S. MAGISTRATE JUDGE