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APR 19 2013

UNITED STATES DISTRICT COURT

for the

District of Minnesota

CLERK, U.S. DISTRICT COURT  
ST. PAUL, MINNESOTA

UNITED STATES OF AMERICA

v.

Case No. 13-MJ-292 (JSM)

DANA WILLIAM ASHEY,

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about April 12, 2013, in Hennepin County, in the State and District of Minnesota, defendant(s)

did intentionally convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicated that an activity had taken, was taking and would take place

in violation of Title 18, United States Code, Section(s) 2332f and 1038(a)(1).

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof:  Yes  No

*[Handwritten Signature]*  
Complainant's signature

DANIEL NESBIT, Special Agent  
Printed name and title

Sworn to before me and signed in my presence.

Date: 4/19/13

*[Handwritten Signature]*  
Judge's signature

City and state: St. Paul, MN

The Honorable Janie S. Mayeron  
Printed name and title

SCANNED  
APR 22 2013  
U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA )  
 ) ss. AFFIDAVIT OF J. DANIEL NESBIT  
COUNTY OF HENNEPIN)

1. Your affiant is a Special Agent with the Federal Bureau of Investigation and has been so employed with that agency for approximately fourteen years as a Special Agent. Your Affiant has investigated violations of Federal Law as a law enforcement officer for approximately 14 years and has been involved in numerous cases related to violations of Title 18. These Laws include 18 USC SECTION 1038 False Information and Hoaxes and 18 USC SECTION 875(c) Interstate Communication. In the course of this investigation, your affiant has conferred with other law enforcement officers and reviewed reports and documentation that assisted him in providing the following details. Your affiant works on the FBI Joint Terrorism Task Force (JTTF) that includes Law Enforcement Agents from a variety of agencies including the FBI, ATF, Minneapolis Police, St Paul Police, Ramsey County Sheriff's Office, Bloomington Police Department and other local agencies.

2. At 02:37 on April 12, 2013, MSP Airport Police dispatch received a bomb threat. The caller stated that there was a bomb in a bathroom, and that it would go off by 3:00 AM. Airport Dispatch received a second call a few minutes later in which the caller inquired as to whether the bomb had been found. The caller's voice was consistent with a male attempting to mimic a Middle-Eastern accent. That same day at 02:42, a bomb threat was phoned in to security dispatch for the Mall of America (hereinafter "MOA"), located in Bloomington, Minnesota. The caller's voice was also consistent with a young male attempting to mimic a Middle-Eastern accent. The following is a transcript of the call:

Operator: *"Mall of America Security"*

Caller: *"Hello. Can you hear me?"*

Operator: *"Yes."*

Caller: *"There is a bomb in a women's or men's bathroom. If you find it by three it won't go off, but it will. Goodbye."*

3. The above call was placed from a blocked phone number. As a result of the call, MOA Security conducted a search of all restrooms in the facility and called in an officer with an explosive detection K9 to assist with the search for any explosive devices. Based on the times that the calls were placed, the voice of the caller, and the verbiage used, it appeared that the bomb threat to the MOA and the bomb threat to the MSP International Airport were made by the same individual.

4. At 14:17 on 4/12/2013, the MOA switchboard operator received another threat via an apparent text-to-voice application. The following is a transcript this call:

Operator: *"Mall of America, this is [the operator]. Can I help you?"*

Caller: *"You know I'm going to blow the building up. If there are any survivors, they will be killed. Goodbye."*

5. Though the call to MSP Airport Dispatch was blocked, investigators were able to determine the phone number that had been used to call in the bomb threat to the MSP International Airport. The identified the phone number listed to U.S. Cellular out of Maine. The subscriber listed on the account is Dennis Ashey, born in 1961 and with an

address in Lewiston, ME. The Lewiston Police Department provided an additional name of DANA ASHEY, DOB 5/7/1991, who was also known to have resided at the same subscriber address, and whose age appeared consistent with that of the caller.

6. Investigators learned that the cell phone was roaming on Sprint towers throughout the Twin Cities metro area. Phone records provided by Sprint indicated that the phone had been used to call MAC (Minneapolis Airport Commission) Paging at 0230, Airport Dispatch at 0231 and 0233, and the MOA at 0236 and 0240. When the threatening text-to-voice call to MOA came in at 14:17, Sprint verified that the call had also originated from the same telephone number. Sprint also confirmed that the phone used in the bomb threats was located in the vicinity around the MOA and the MSP International Airport.

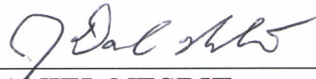
7. MSP Airport Police obtained a booking photo of DANA ASHEY and provided this to the Bloomington Police and MOA Security. At 15:18 on April 12, 2013, MOA security personnel observed a subject matching the description of DANA ASHEY inside the MOA. Security officers made contact with ASHEY and detained him after which investigators arrived and positively identified DANA ASHEY using a Maine photo identification card. In a search of ASHEY's person, officers found a Samsung cell phone with an assigned number matching that of the phone used to deliver the bomb threats.

8. At approximately 16:35, I was present for an interview of DANA ASHEY. In a post-Miranda statement, ASHEY admitted making the first two bomb threats to the MSP International Airport and the first bomb threat to the MOA. ASHEY characterized his threats as pranks. ASHEY also admitted making prank phone calls to area hotels around

the same time as the bomb threats. ASHEY denied making the text-to-voice threat to the MOA.

9. Based on the above facts, and on my training and experience I have probable cause to believe that the foregoing facts establish that the defendant, DANA WILLIAM ASHEY, made telephonic bomb threats to the Mall Of America and the Minneapolis St. Paul International airport Police Department on April 12, 2013, in the State and District of Minnesota, in violation of Title 18, U.S.C. Sections 1038 and 875.

Further your Affiant sayeth not.

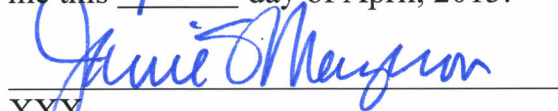


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J. DANIEL NESBIT  
Special Agent, FBI

SUBSCRIBED and SWORN to before

me this 19<sup>th</sup> day of April, 2013.



XXX

United States Magistrate Judge