

United States District Court
District of New Jersey

UNITED STATES OF AMERICA : **CRIMINAL COMPLAINT**

v. :

ANTHONY NICHOLAS GALLO : **Magistrate No. 12-3718**

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 January 8, 2012, in the District of New Jersey, and elsewhere, defendant ANTHONY NICHOLAS GALLO did:

knowingly transport and cause to be transported explosive materials without a license or permit issued by the United States Attorney General.

In violation of Title 18, United States Code, Sections 841, 842(a)(3)(A), 843, and 844.

I further state that I am a Special Agent of the Federal Bureau of Investigation, and that this complaint is based on the following facts:

SEE ATTACHMENT A



Marcus L. Iticovler
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed in my presence,

12/9/12 at _____
Date

Newark, New Jersey
City and State

Hon. Mark Falk
United States Magistrate Judge
Name and Title of Judicial Officer



Signature of Judicial Officer

ATTACHMENT A

I, Marcus L. Iticovici, a Special Agent of the Federal Bureau of Investigation, am fully familiar with the facts set forth herein based on my investigation, my conversations with witnesses and other law enforcement officers, and my review of reports, documents, and items of evidence. Since this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning the investigation. All statements which I have attributed to others have been set forth in substance and in part.

1. On or about February 7, 2012, a parent of defendant ANTHONY NICHOLAS GALLO, contacted an Associate Dean of Students at a university located in South Dakota ("University 1"). The parent requested that the belongings of defendant ANTHONY NICHOLAS GALLO be packed and stored for either subsequent pick-up or for shipment back to his permanent home address in North Caldwell, New Jersey, as he would not be returning to University 1 for further study.

2. Subsequently, a dormitory resident assistant entered the dormitory room of ANTHONY NICHOLAS GALLO and saw several items in the room, including different types of unidentifiable chemicals. The dormitory resident assistant thereafter requested that law enforcement come to the dormitory room. Upon entry into the room, law enforcement observed several items in his room, including the following:

- a modified ballpoint pen housing that contained "strike anywhere matches," and a substance later determined to possibly be a form of improvised thermite mixture, with steel balls embedded in the end of the housing, and wrapped in blue painter's tape. Improvised thermite is typically a mixture of iron oxide powder and aluminum powder and is an incendiary mixture. The combination of the mixture, and the "strike-anywhere matches," that could be used to ignite the mixture, could propel the steel balls as a form of schrapnel;
- a pyramid-shaped item approximately the size of a tennis ball made of gray duct tape with a fuse protruding through the opening at the top of the item. Law enforcement in South Dakota ultimately determined that the item contained approximately 500 match heads;
- a clear plastic bag containing ash remains that are visually consistent with burned improvised thermite mixture;
- a modified Marlboro® cigarette box that contained a 9-volt battery to which red and white wires were attached, gray duct tape, black electrical tape, and a small piece of cardboard encapsulating a silver foil object;
- a wall poster appearing to be hand-drawn images of, among other things, an arrow pointing down to the initials of University 1 on a platform, and a Marlboro®-appearing cigarette package marked with the word "DEAD," moving toward the

platform;

- a five-pound bag of red iron oxide labelled, "Alpha Chemicals.com/Red Iron Oxide Fe₂O₃/ Weight: 5 lbs./Handle with Care - Follow the MSDS [Material Safety Data Sheet]." While red iron oxide powder has industrial uses, it is also one of the ingredients of thermite, which can be used in destructive devices;
- a Ziploc® bag containing powder of a color consistent with the color of the powder contained in the bag marked "Red Iron Oxide," but labelled "Aluminum Powder/100 Grams/ Health-1/[illegible]bility-3/READ MSDS BEFORE OPENING KEEP OUT OF REACH OF CHILDREN." Aluminum powder and red iron oxide are the only two ingredients necessary to create thermite; and
- match sticks with heads removed.

3. After the discovery of the above items in defendant ANTHONY NICHOLAS GALLO's dormitory room, law enforcement spoke with numerous individuals. One individual, ("Individual 1"), in response to questioning by law enforcement, stated that: (1) he and defendant ANTHONY NICHOLAS GALLO were childhood friends; (2) he had seen defendant ANTHONY NICHOLAS GALLO approximately two weeks previously; (3) he exchanged e-mails with defendant ANTHONY NICHOLAS GALLO about making bombs, fireworks, or other explosive materials; and (4) defendant ANTHONY NICHOLAS GALLO had asked him how to make fireworks and about different chemicals.

4. Law enforcement also conducted a court-authorized search of defendant ANTHONY NICHOLAS GALLO's Facebook account. The search generally revealed, among other things, defendant ANTHONY NICHOLAS GALLO's obsession with explosives.

5. In particular, the search revealed that the following occurred on defendant ANTHONY NICHOLAS GALLO's Facebook account or about January 8, 2012:

- a. At approximately 5:27 am, defendant ANTHONY NICHOLAS GALLO wrote, "... bout to drive to Pistolvania [sic] to blow up some sick shit." Another individual ("Individual 2") responded, "whatcha gonna doo [sic]?"
- b. Defendant ANTHONY NICHOLAS GALLO responded at approximately 5:31 am, "400 ml kclo₃+mg [potassium chlorate and magnesium]." Kclo₃+mg represents the formula for potassium chlorate and magnesium, chemicals that when combined, can produce an explosion.
- c. At approximately 5:32 am, Individual 2 wrote: "oh my."

- d. Defendant ANTHONY NICHOLAS GALLO, at approximately 5:34 am, wrote: "yea in a pvc pipe." A polyvinyl chloride ("PVC") pipe provides a contained environment for these chemicals that would be conducive to a more powerful explosion.
- e. At approximately 5:35 am, defendant ANTHONY NICHOLAS GALLO wrote, "its sickkk [sic] lol we gotta drive to like the middle of fucking nowhere." Individual 2 thereafter immediately responded, "hahah [sic] is it worth it though?"
- f. Defendant ANTHONY NICHOLAS GALLO then responded at approximately 5:45 am, "yea this shit will blow ur arm off."
- g. At approximately 5:47 am, defendant ANTHONY NICHOLAS GALLO wrote, "I [sic] gottsta [sic] goo [sic] tho [sic] im [sic] pistolvania [sic] bound!"
- h. Later, at approximately 5:02 pm, defendant ANTHONY NICHOLAS GALLO wrote, ". . . yooo [sic] that shit we set off in pistolvania [sic] was NUTS." At approximately 5:09 pm, Gallo elaborated, in response to Individual 2's inquiry, "my friend took a video ill [sic] show u wen [sic] he sends it to me. it [sic] def [sic] had more explosive power than a mark II fragmentation grenade it was soooooooooo loud."
- i. At approximately 7:30 pm, defendant ANTHONY NICHOLAS GALLO posted that he had driven over 200 miles in three states.

6. E-Z Pass records for the account of the parents of ANTHONY NICHOLAS GALLO account confirmed that the KIA automobile travelled to Pennsylvania at the time indicated by ANTHONY NICHOLAS GALLO in his Facebook posting.

7. Subsequently, on or about January 19, 2012, defendant ANTHONY NICHOLAS GALLO was admitted to the Emergency Room of a hospital in New Jersey for burn injuries from a potassium chlorate explosion.

8. Thereafter, on or about January 24, 2012, defendant ANTHONY NICHOLAS GALLO engaged in an exchange on Facebook with another individual ("Individual 3"). In response to the comment by defendant ANTHONY NICHOLAS GALLO that his "face was half burned off," Individual 3 asked, "what did yu [sic] do?" Defendant ANTHONY NICHOLAS GALLO responded, "potassium chlorate explosion . . . KClO₃ [potassium chlorate] is a common oxidizer that they used to use in grenades back in wwdeuce [sic]."

9. The Bureau of Alcohol, Tobacco, Firearms, and Explosives of the U.S. Department of Justice ("ATF"), has been designated as the agency to publish the List of Explosives Materials pursuant to Title 18, United States Code, Section 841(c). Chlorate explosive mixtures have been designated in the Federal Register as explosive materials covered under Title 18, United States Code, Section 841(c). Commerce in Explosives: List of Explosive Materials (2011R-18T), 76 Fed. Reg. 64974 (Oct. 19, 2011).

10. A representative of ATF has confirmed that there were no applications for defendant ANTHONY NICHOLAS GALLO for a user permit or license under Title 18, United States Code, Section 843, and that no user permit or license for transportation of chlorate explosive mixtures was ever issued to defendant ANTHONY NICHOLAS GALLO.