

Approved: John P. Cronan

JOHN P. CRONAN  
Assistant United States Attorney

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Before: THE HONORABLE JAMES L. COTT  
United States Magistrate Judge  
Southern District of New York

- - - - - x

UNITED STATES OF AMERICA

- v. -

ANTHONY CIBELLI,

Defendant.

SEALED COMPLAINT

Violations of  
18 U.S.C. §§ 641  
922(a)(4)

COUNTY OF OFFENSE:  
BRONX COUNTY

- - - - - x

COUNTY OF NEW YORK )  
STATE OF NEW YORK ) ss.:  
SOUTHERN DISTRICT OF NEW YORK )

Special Agent Robert G. Forgas, being duly sworn,  
deposes and says that he is a Special Agent of the Federal Bureau  
of Investigation (the "FBI"), assigned to the Joint Terrorism  
Task Force (the "JTTF"), and charges as follows:

COUNT ONE

1. From in or about 2010, up to and including on or  
about December 23, 2011, in the Southern District of New York and  
elsewhere, ANTHONY CIBELLI, the defendant, willfully and  
knowingly did embezzle, steal, purloin, and convert to his use  
and the use of another, vouchers, money and things of value of  
the United States and a department and an agency thereof, which  
exceeded the sum of \$1,000, and did receive, conceal, and retain  
the same with intent to convert it to his use and gain, knowing  
it to have been embezzled, stolen, purloined and converted, to  
wit, CIBELLI stole from the United States Army and retained an  
M67 fragmentation grenade, an M84 flash-bang grenade, six M-16  
30-round magazines, four Surefire weapon lights, one grip pod  
system, two Knight's Armament forward pistol grips, six night-  
vision goggle helmet mounts, two mortar sights, and one infrared  
distress light.

(Title 18, United States Code, Section 641.)

## COUNT TWO

2. In or about 2010, in the Southern District of New York and elsewhere, ANTHONY CIBELLI, the defendant, willfully and knowingly did transport a destructive device in interstate and foreign commerce, without a license and without specific authorization by the Attorney General of the United States consistent with public safety and necessity, and aided and abetted the same, to wit, CIBELLI caused to be transported an M67 fragmentation grenade and an M84 flash-bang grenade from Fort Bragg, North Carolina, to Bronx County, New York.

(Title 18, United States Code, Sections 922(a)(4) and 2.)

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

3. I am a Special Agent of the FBI, assigned to the JTTF since approximately September 2008, and I have been personally involved in the investigation of this matter. This affidavit is based in part upon my conversations with law enforcement agents and others and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

4. On or about December 23, 2011, in the early morning hours, law enforcement officers executed a court-authorized search warrant (the "December 2011 Search") at a residence in the Bronx ("Residence-1"). I have spoken with an officer of the New York City Police Department who participated in the execution of the December 2011 Search, and have learned the following:

a. When the officers entered an upstairs bedroom in Residence-1, they observed ANTHONY CIBELLI, the defendant, on the only bed in the room. The officers conducting the search found on the roof outside the window of the bedroom one M67 fragmentation grenade (the "Fragmentation Grenade") and one M84 "flash bang" military stun grenade (the "Stun Grenade"). An M67 fragmentation grenade contains steel fragments, which violently disperse in multiple directions upon detonation. An M84 "flash bang" military stun grenade emits a loud noise and blinding flash upon detonation. The officers additionally recovered from this same upstairs bedroom six M-16 30-round magazines (the "Magazines").

b. Also observed in (but not seized from) the same upstairs bedroom of Residence-1 during the December 2011 Search were several items, including Small Arms Protective Insert ("SAPI") plates, which are ballistic resistant plates that can be used in bullet-proof vests; vests that can be used with the SAPI plates; several weapon lights; a grip pod; pistol grips; and night-vision goggle helmet mounts, among other items.

c. In addition, while conducting the December 2011 Search, law enforcement officers seized from various locations in Residence-1 what appeared to be two home-made improvised explosive devices ("IEDs"), four firearms, and several rounds of ammunition, among other items.

d. Upon discovery of these items, CIBELLI was placed under arrest. In light of the presence of grenades, IEDs, and firearms, law enforcement officers conducted brief questioning of CIBELLI in the vicinity of Residence-1 for public safety purposes. During this questioning, CIBELLI stated, in substance and part, that when the police arrived, he panicked and threw the grenades out the window of his bedroom onto the roof. CIBELLI further stated that he had brought the grenades back from Iraq (where he had been assigned to the United States military), that he had constructed the explosives from watching videos, and that he had no intent to use them for terrorism-related purposes.

5. Following his arrest on December 23, 2011, ANTHONY CIBELLI, the defendant, was transported to a police precinct in the Bronx. Based on my conversations with a law enforcement officer who participated in a post-arrest interview of CIBELLI and my review of a videotape of a post-arrest interview of CIBELLI, I have learned that, at the police station, CIBELLI was advised of his rights, waived those rights orally and in writing, and agreed to speak with law enforcement. I further have learned that, after waiving his rights, CIBELLI made the following statements, among others, in substance and part:

a. CIBELLI stated that he had served in the United States Army from approximately 2005 to 2010, and was deployed to Iraq in approximately 2006 to 2007, and approximately 2008 to 2009.

b. CIBELLI admitted to obtaining the "flash-bang" and "frag" grenades, among other items, while he was in Iraq. CIBELLI explained that he had concealed the items in a bag that he placed in a shipping container that was sent to Fort Bragg in North Carolina. CIBELLI further stated that he retrieved these items at Fort Bragg, and subsequently transported

them back to New York.

6. On or about January 9, 2012, officers assigned to the JTTF went to Residence-1 and spoke with a person who identified himself or herself as the owner of Residence-1 (the "Owner"). I have conferred with the officers who spoke with the Owner on or about January 9, 2012, and have learned that the Owner stated that he/she arranged for the father of ANTHONY CIBELLI, the defendant, to pick up CIBELLI's belongings from Residence-1. The Owner further stated that, on or about January 6, 2012, a particular moving company (the "Moving Company") arrived at Residence-1 and removed these items for CIBELLI's father. The Owner additionally provided the JTTF with a particular address in the Bronx ("Residence-2") as the address for CIBELLI's father.

7. On or about January 12, 2012, JTTF officers obtained a court-authorized search warrant for Residence-2. Searches were executed pursuant to the January 12, 2012 search warrant on or about January 13, 2012 and January 19, 2012 (the "January 2012 Searches"). I, along with other officers assigned to the JTTF, participated in the January 2012 Searches. In the course of the January 2012 Searches, the JTTF recovered, among other items, four Surefire weapon lights (the "Surefire Weapon Lights")<sup>1</sup>, one grip pod system (the "Grip Pod System")<sup>2</sup>, two Knight's Armament forward pistol grips (the "Pistol Grips")<sup>3</sup>, six night-vision goggle helmet mounts (the "Helmet Mounts")<sup>4</sup>, two mortar sights (the "Mortar Sights"), and one infrared distress light (the "Distress Light").

8. I have spoken with an official of the United States Army, who has advised me of the following:

a. ANTHONY CIBELLI, the defendant, served in the Army in Iraq until in or around 2009. In or about March 2010,

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<sup>1</sup> The Surefire Weapon Lights are lights that attach to long guns, producing a tactical-level beam, suited for interior and close-range applications.

<sup>2</sup> The Grip Pod System mounts to a rifle and is integrated with a bipod. The legs to the Grip Pod System deploy by pushing a button, providing the user with a stable base for aimed firing.

<sup>3</sup> The Pistol Grips are grips for a long firearm that mount to the barrel of the rifle.

<sup>4</sup> The Helmet Mounts attach night-vision goggles to ballistic helmets.

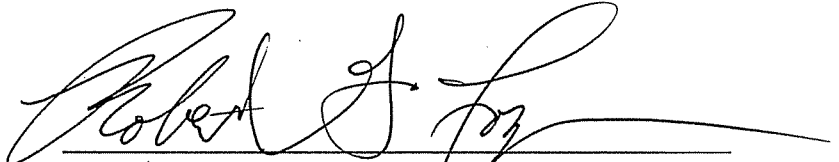
CIBELLI was discharged from active duty. On or about March 31, 2010, CIBELLI arranged for his personal effects to be transferred from Fort Bragg to Residence-2 in the Bronx.

b. Based on their identification numbers, the Army confirmed that the Fragmentation Grenade, the Stun Grenade, the Magazines, the Surefire Weapons Lights, the Grip Pod System, the Pistol Grips, the Helmet Mounts, the Mortar Sights, and the Distress Light, were all purchased by the United States military. The Army further confirmed that CIBELLI was not authorized to separate from the United States Army with these items.

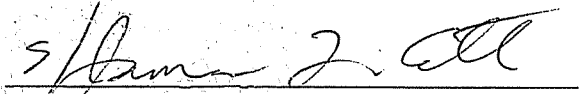
c. The combined acquisition cost paid by the United States Government for the Fragmentation Grenade, the Stun Grenade, the Magazines, the Weapons Lights, the Grip Pod System, the Pistol Grips, the Helmet Mounts, the Mortar Sights, and the Distress Light, all of which were seized during the December 2011 Search and the January 2012 Searches, exceeds \$1,000.

9. I have confirmed that ANTHONY CIBELLI, the defendant, does not have a license or authorization by the Attorney General, or any other authorization, permitting him to transport destructive devices, including but not limited to grenades, in interstate or foreign commerce.

WHEREFORE, the deponent respectfully requests that a warrant be issued for the arrest of ANTHONY CIBELLI, the defendant, and that he be imprisoned, or bailed, as the case may be.

  
Special Agent Robert G. Forgas  
Federal Bureau of Investigation  
Joint Terrorism Task Force

Sworn to before me this  
10<sup>th</sup> day of February, 2012

  
THE HONORABLE JAMES L. COTT  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK