

AO 91 (Rev. 03/09) - Criminal Complaint

UNITED STATES DISTRICT COURT

for the Southern District of Florida

United States of America
v.
Harlem Suarez a/k/a Almiak Benitez

Case No. 15-5016-SNOW

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 July 27, 2015 in the county of Miami-Dade and Monroe in the Southern District of Florida, the defendant(s) violated:

Code Section
18 U.S.C. 2332a(2)

Offense Description
Attempted Use of a Weapon of Mass Destruction: The defendant did knowingly attempt to use and threaten to use a weapon of mass destruction against any person or property within the United States, and the offense would have affected interstate or foreign commerce, in violation of Title 18, United States Code, Section 2332a(2).

This criminal complaint is based on these facts:
See attached Affidavit.

Continued on the attached sheet.

Brian Thomas Wade
Complainant's signature

Brian Thomas Wade, Special Agent, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: 7/27/15

Lurana S. Snow
Judge's signature

City and state: Key West, Florida

Lurana S. Snow, United States Magistrate Judge
Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

Your affiant, Brian Thomas Wade, first being duly sworn, does hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent with the United States Federal Bureau of Investigation (FBI) and have been since April 2012. I am currently assigned to the FBI, Miami Field Division, Homestead Resident Agency, in Homestead, Florida. Among my duties as an FBI Special Agent, I am responsible for the investigation of violations of federal law, including federal laws related to narcotics, human trafficking, crimes against children, firearms, and national security. These investigations have included the utilization of surveillance techniques, undercover activities, the interviewing of subjects and witnesses, and the planning and execution of arrest, search, and seizure warrants. Prior to April 2012, I was in the United States Army for approximately nine (9) years.

2. This affidavit is submitted in support of a criminal complaint for the arrest of HARLEM SUAREZ, a/k/a "Almlak Benitez" (SUAREZ), who did knowingly attempt to use a weapon of mass destruction against a person or property within the United States, where the offense or the results of the offense would have affected interstate or foreign commerce, in violation of Title 18, United States Code, Section 2332a(a)(2).

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; 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 to obtain a criminal complaint.

**PROBABLE CAUSE**

4. On or about April 15, 2015, the FBI received a report from the Palm Beach County, Florida Sheriff's Office (PBSO) regarding a Facebook account having a username of Almlak Benitez. According to the PBSO, it received information on or about April 8, 2015, from an identified complainant stating that the complainant had received a Facebook friend request from the user of the Almlak Benitez Facebook account. The complainant reported that the friend request had included extremist rhetoric and the complainant believed the user of the Almlak Benitez Facebook account was attempting to recruit the complainant to join the Islamic State of Iraq and the Levant (ISIL), a designated foreign terrorist organization (FTO). The complainant provided screenshots of the communications s/he received from the user of the Almlak Benitez Facebook account to the PBSO and the PBSO, in turn, provided those screenshots to the FBI.

5. FBI's review of the screenshots revealed the user of the Almlak Benitez Facebook account wrote, "We are the islamic state We are isis Muslims," "And soon we will the rest of warrior will come to here us@ from Canada and mexico and bring the caliphate here And start fighting who are agints Muslims," and "We are you behad cristians isis." (Errors in original.) These statements suggest the user of the Almlak Benitez Facebook account considered himself to be a member of ISIL and that he believed ISIL would soon come to the United States and fight its enemies.

6. On October 15, 2004, the United States Secretary of State designated al-Qa'ida in Iraq, then known as Jam'at al Tawhid wa'al-Jihad, as an FTO under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224.

7. On May 15, 2014, the Secretary of State amended the designation of al-Qa'ida in Iraq as a Foreign Terrorist Organization under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant as its primary name. The Secretary also added the following aliases to the ISIL listing: the Islamic State of Iraq and al-Sham (ISIS), the Islamic State of Iraq and Syria, ad-Dawla al-Islamiyya fi al-'Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. Although the group has never called itself "Al-Qaeda in Iraq," this name had frequently been used to describe it through its history.

8. Based upon further investigation, the FBI has concluded that SUAREZ is the user of the Almlak Benitez Facebook account. On or about April 16, 2015, the FBI received Facebook account records indicating that the Almlak Benitez Facebook account was associated with the e-mail account almlak.alaswd.1@hotmail.com and was assigned Facebook account number XXXXXXXX25347602. Facebook also provided multiple log-in and log-out Internet Protocol (IP) addresses for this Facebook account. FBI research determined that these IP addresses resolved to both AT&T and T-Mobile.

9. Thereafter, on or about April 17, 2015, AT&T advised that the IP addresses in question all resolved to the same subscriber and address: a "Bernardo Suarez" at XXXX Shrimp Road, Apartment XXX, Stock Island, Florida. FBI analysis indicated that Bernardo Suarez appears to be the father of SUAREZ. Based on this information, and information from his

Facebook accounts, SUAREZ uses the Almlak Benitez Facebook account. SUAREZ is a 23 year old United States person who currently resides in Key West, Florida. FBI physical surveillance has revealed that SUAREZ lives with his parents at XXXX Shrimp Road, Apartment XXX, Stock Island, Florida 33040.

10. In or about late April 2015, agents conducted an open source review of social media pages for "Harlem Suarez" and identified another Facebook account, this time in SUAREZ' true name and further identified by Facebook account number XXXXXXXX76237845. Review of the publicly-accessible portion of the Harlem Suarez Facebook page revealed SUAREZ claimed to be from Key West, Florida, and listed his "likes" as: "Jihadist," "Extraordinary Prayer for ISIS," and "Prayers for ISIS: Weapons of our Warfare." Review of this account further revealed SUAREZ had posted "selfie" photographs to his account as recently as May 2015. Agents compared these "selfies" to SUAREZ' Florida driver's license photograph and determined the individual in the "selfies" was SUAREZ. As such, it is believed that SUAREZ also uses this Facebook account.

11. In or about early May 2015, an FBI confidential human source (Source) initiated contact with SUAREZ through his Almlak Benitez Facebook account (XXXXXXXX25347602) and they became Facebook "friends." On or about May 3, 2015, the Source and SUAREZ had a private Facebook chat on the subject of preparing for violent jihad against the United States. During this chat, SUAREZ stated that his Facebook account had been "taken more then 4 times already but i still created then back." (errors in original). SUAREZ said he didn't trust Facebook and encouraged the Source to delete Facebook messages on a daily basis. SUAREZ told the Source that they needed to be prepared and SUAREZ advised that he was getting ready. SUAREZ specifically noted he has two Glock handguns and that he wants to obtain a "long one," believed to be a reference to obtaining a rifle. SUAREZ asked the Source if he had a

“bullet proof,” which is believed to be a reference to a bullet proof vest. When the Source asked about SUAREZ’ location, SUAREZ stated that he didn’t want to give his real location, but stated that he was five hours from West Palm Beach, Florida, the area where the Source stated that s/he was located. Key West is an approximate five-hour drive from West Palm Beach.

12. During the Facebook chat, SUAREZ also indicated he desired to make a “timers bomb,” but that he had not received any instructions yet. SUAREZ told the Source that they needed to recruit, keep calm, train, and utilize multiple means of communication. SUAREZ added they needed to find more brothers. SUAREZ said that he was trying to recruit other people, but that he couldn’t trust anyone. According to records obtained from Facebook and from publicly-available information, the Almlak Benitez Facebook page (XXXXXXXX25347602) was created on or about March 22, 2015.

13. The Source has provided the FBI with copies of many of SUAREZ’ extremist posts on the Almlak Benitez Facebook page (XXXXXXXX25347602), which s/he was able to access and download upon becoming SUAREZ’ Facebook “friend.” Many of these posts included pro-ISIL videos, including beheading videos, and SUAREZ also posted a number of pro-ISIL statements to that Facebook page. For example, on or about April 6, 2015, SUAREZ posted, “stad up with us my brother stand up with the black flag an The ak with 10 mag fight with us be a gangster with us kill our enemies and convert to Islam now in usa....” (Errors in original.) SUAREZ’ reference to “us” suggests that SUAREZ considers himself a member of ISIL. SUAREZ’ statement about standing with “the black flag an The AK” is significant in two parts. ISIL and other jihadist groups all use a variation of the so-called black flag of jihad, also referred to as the black standard, and they further use the AK-47 assault rifle in combat. Thus, it appears that this passage refers to SUAREZ’ support of ISIL and its use of violence.

14. On or about April 7, 2015, SUAREZ returned to the same Facebook page and posted, "Be a warrior, learn how to cut your enemies head and then burn down the body learn how to be the new future of the world Caliphate." Additionally, on or about April 14, 2015, SUAREZ posted, "I need some earnest! from any brother. How to make a bomb send me a video or something, and what do I need to make it." (Errors in original.) On or about April 28, 2015, SUAREZ posted "People talk in the news" about possible ISIL training occurring in Mexico.

15. On or about May 3, 2015, SUAREZ invited the Source to his location saying that it was a small town and provided his telephone number as (216) 342-7714.

16. On or about May 4, 2015, the FBI received records from Gogii/textPlus indicating that telephone number (216) 342-7714 was registered on April 2, 2015. This account was created from an iPhone and accessed on the same day from IP address 162.195.112.193. This IP address is known to resolve to the home address of SUAREZ.

17. On or about May 5, 2015, the Source and SUAREZ exchanged text messages. SUAREZ asked the Source, "Do you know how to make bmb," which the Source believed was a reference to building a bomb. The Source asked SUAREZ if he wanted one and SUAREZ responded, "Yes, I want to learn how to make a controller bomb," and added, "Try to find out what we need to make it with a controller remote that's the type of bomb we need to make and recruit." SUAREZ also texted to the Source, "10x12 titanium steel bulletproof hard armored rifle plate evel Ak-47." SUAREZ added, "I got two bulletproof, just need the plate."

18. That same day, the Source and SUAREZ engaged in a telephone conversation that was consensually monitored. SUAREZ, using cellular telephone number (216) 342-7714, stated that he thought about traveling to the Middle East and that he had been trying to contact someone from Syria. Syria is the main base of operations for ISIL. SUAREZ further stated that he had

heard that ISIL would pay for people to travel there and that he had never received an answer from them.

19. On or about May 7, 2015, an identified jewelry and pawn shop in Key West, Florida, contacted the FBI and advised that SUAREZ had visited the store that day and informed a store employee that he had ordered two AK-47 assault rifles on the Internet and that he was having them sent to the jewelry and pawn shop where he would then retrieve them. Later that day, SUAREZ visited the jewelry and pawn shop again to inquire about the anticipated arrival of the AK-47 rifles. SUAREZ advised that he would return the following morning to check again on the status of the delivery.

20. On or about May 7, 2015, FBI agents contacted the website company where SUAREZ had purportedly purchased the rifles and confirmed that, on or about May 4, 2015, a Harlem Suarez, with an address of XXXX Shrimp Road, Apartment XXX, Key West, Florida had placed an Internet order for a single AK-47 and the rifle was to be shipped to the jewelry and pawn shop identified above. Thus, SUAREZ was confirmed to have ordered the AK-47 using his true name and home address. The website company further indicated that this order likely would not be ready for shipment until approximately May 11 or 12, 2015. FBI investigation revealed that SUAREZ does not have any disqualifying factors that would prevent him from legally obtaining this firearm. However, when SUAREZ went to pick up the AK-47, he incorrectly filled out the paperwork and was not allowed to take possession of the rifle. The AK-47 has since been returned to the website company without SUAREZ ever taking possession.

21. On or about May 8, 2015, the Source engaged in a consensually-recorded meeting with SUAREZ. The individual who showed up at the meeting matched the Facebook "selfie" and Florida driver's license images of SUAREZ, thus further confirming that SUAREZ was the person posting messages on the Facebook pages and then exchanging text messages with the



Source. At the in-person meeting, SUAREZ discussed his online contacts. He stated that he had contacted someone on Facebook who is not in the United States and told them that he needed guns, weapons, and grenades. SUAREZ went on to say that he needed guns to fight for the Caliphate.

22. On or about May 15, 2015, SUAREZ again met in person with the Source and at that consensually-recorded meeting, SUAREZ told the Source that he wanted to make an ISIL recruitment video. SUAREZ then dictated a script for the video to the Source, and the Source wrote down what Suarez was saying. The following is part of what the Source wrote down:

I call to other brothers worldwide to creat Caliphate in the middle East. Destroy our enemies against us. Let live only who are our brothers and sisters. Send our mujahideen to a different soil with tanks, missiles, gernades, and other tactical needs. American soil is the past, we will destroy america and divide it in two, we will rais our black flag on top of your white house and any president on duty (cut head). There will be no one against us, the islamic state. No matter how many brothers of us they kill...or leaders, we always will have leaders for us to follow, they will never destroy the islamic state and Abu Bakr al Baghdady. we will keep going forward, how we are now on U.S. Soil, FLORIDA, NEWYORK, TEXAS, OHIO, CALIFORNIA, MICHIGAN, CANADA THERE is alot of us there, too. We are everywhere and we are not going to stop, until we create the caliphate and seek our enemy and kill them, where we find them. (Errors in original.)

23. Moreover, at the May 15, 2015 meeting, SUAREZ discussed testing his bomb-making capabilities, and specifically stated to the Source, "Uh outside of my house. On the...I think it was like this uh...,uh, I'm gonna do it uh, under the garage. I don't think it will be a big explo, explosion . . . but uh, but I want to see if it really is going to work. If it doesn't, that's what we need cause you know? I have to find a way how to...that's one or two?" SUAREZ and the Source thereafter had a conversation discussing instructions that can be found on the Internet on how to make bombs, and finding instructional videos on YouTube.

24. On or about May 23, 2015, SUAREZ and the Source had a consensually-recorded meeting at a motel in the Homestead, Florida, area for the purpose of making the ISIL

recruitment video. SUAREZ drove to this meeting with the clothing and tactical gear he intended to wear in the video. In the motel room, SUAREZ put on a black tactical vest, black shirt, black face mask, and a yellow and black scarf. The Source then made video recordings of SUAREZ reading the messages he had dictated above. SUAREZ also stated that Muslim brothers needed to "buy AK's, knives and machetes" and fight. After making the videos, SUAREZ discussed his plans for an attack on the United States homeland around the 4<sup>th</sup> of July holiday.

25. On or about June 3, 2015, SUAREZ met with the Source and an FBI undercover employee (UCE 1). This meeting was consensually-recorded. UCE 1 was introduced to SUAREZ through the Source as a member of ISIL who could supply explosive devices. During this meeting, the Source observed SUAREZ utilize his cellular telephone to send/receive text messages and conduct Internet searches. These searches included looking for 4<sup>th</sup> of July events in Marathon, Florida, which would be attended by large groups of people. At the same meeting, SUAREZ discussed wanting to conduct a terrorist-style attack on or about July 4<sup>th</sup>, possibly in Marathon, Florida, or on South Beach in Miami Beach, Florida, or both. Initially, SUAREZ described multiple attack plots, each causing mass casualties, and claimed that ISIL had advised that viable targets are "cartoons, police, and military." When questioned on specifics about these potential targets, SUAREZ advised the Source and UCE 1 that anyone is a good target. SUAREZ discussed purchasing a vehicle and creating a car bomb, targeting police officers by placing bombs underneath police vehicles and possibly targeting hotels, saying "they would know that you know, it's coming from Islamic State." SUAREZ also stated, "One day I will cook American"... "In cages"... "Flaming".

26. At the conclusion of the meeting, UCE 1 told SUAREZ that he would get back to him, as requested, with a price for the purchase of grenades and the price to build an explosive device in a backpack.

27. On or about July 6, 2015, the Source and SUAREZ had a consensually-recorded telephone conversation. The Source told SUAREZ that the price for each grenade was \$150 dollars. The Source further told SUAREZ that the price for an explosive device in a backpack would be \$100 dollars if SUAREZ provided some of the materials, for example, the backpack, the nails and the cellular telephone to use as a detonator.

28. From on or about June 26, 2015, until on or about July 18, 2015, there were several text messages and telephone conversations between SUAREZ and the Source. On or about June 30, 2015, during a consensually-recorded telephone call, SUAREZ asked the Source to contact UCE 1 and ask if he (UCE 1) could teach SUAREZ how to make a timer bomb with a pressure cooker or with any container. SUAREZ further commented that he needs to know how to make those timer bombs. After the telephone call, SUAREZ and the Source exchanged text messages on the subject of building a bomb. During the text messages, SUAREZ stated, "I need to know how to make it so we can start doing mission and recruiting warrior."

29. On or about July 11, 2015, SUAREZ and the Source engaged in a consensually-recorded telephone call during which SUAREZ discussed the possibility of going to a mosque in Miami and standing up in front of the group and saying, "listen all my brothers...I'm new in the religion but also I want to give...pass this...message to everyone of us...you know they've been killing....that we have to stand up." (Errors in original.) SUAREZ further commented, "all Muslim we have to stand up and be with our, our brothers like you know the Islamic State..." (Errors in original.)

30. On or about July 12, 2015, SUAREZ and the Source participated in a consensually-recorded text message conversation in which SUAREZ asked the Source, "Do you have the video we did done." (Errors in original.) It appears that this is in reference to the video recording that SUAREZ and the Source made on May 23, 2015. SUAREZ further sent text messages to the Source saying, "And try to make more and try to recruit and ....learn how to to the timer bmb." (Errors in original.)

31. On or about July 13, 2015, SUAREZ and UCE 1 engaged in a consensually-recorded telephone conversation during which SUAREZ was asked whether he was playing games or whether he was true to the Islamic State, to which Suarez replied, "No, I don't. I'm not playing no games." (Errors in original.) SUAREZ was asked again whether he was true to the Islamic State, to which he then responded, "Yeah." Next, SUAREZ was asked what he wanted and he told UCE 1, "in the future you know, we're gonna need some grenades" and "if in the future something happen...you know like more of our brothers stand up or our brothers from the Middle East come here...and is the time you know to fight...we will have everything, but we need grenades, you now rifles, a lot of ammo, bulletproof..." (Errors in original.) Later in the conversation, SUAREZ was asked what he wanted UCE 1 and his associates to supply and Suarez replied, "I'm gonna do the backpack...that's for sure I'm gonna do the backpack..." This is an apparent reference to that fact that SUAREZ had settled on using a backpack bomb. SUAREZ also commented, "I also want to learn you know how to make it...you know from here, from my own house...I can make something you know down here..." (Errors in original.)

32. On or about July 16, 2015, SUAREZ and the Source engaged in a consensually-recorded telephone call during which they discussed the timer bomb. SUAREZ told the Source, "we can make it with...a phone...because...if one day...I get a day off...I can go to the beach at night time...put the thing in the sand...cover it up...so the next day I just call and the thing is

gonna, is gonna make...a real hard noise from nowhere, and like people are gonna be like what, where this shit came from." (Emphasis in original.)

33. On or about July 19, 2015, SUAREZ and the Source had scheduled an in-person meeting. On the way to the meeting, SUAREZ stopped at a Home Depot and purchased two boxes of galvanized nails and then proceeded to an agreed-upon location to meet with the Source. SUAREZ rode his white scooter to the meeting. During the meeting, which was consensually-recorded, SUAREZ provided the two boxes of galvanized nails, a pre-paid cellular telephone, and a backpack for use in construction of the bomb. SUAREZ also provided \$100 to the Source to pay for its construction. It was explained to SUAREZ that the Source would take the items and money to UCE 1 and his associates for the construction of a backpack-style timer bomb. Also during the meeting, it was discussed where the bomb would be placed. Specifically, SUAREZ discussed taking the bomb to a public beach, burying it in the sand, and then detonating the device remotely with the cell phone. SUAREZ also discussed putting bombs under police cars, in front of police officers' homes, and possibly purchasing a vehicle and building a car bomb.

34. On July 23, 2015, the Source had a consensually-recorded telephone conversation in which the Source told SUAREZ that the individual who was making the bomb on his behalf would call him. SUAREZ was told that this individual (UCE 2) would advise when the bomb was ready for delivery.

35. On July 24, 2015, UCE 2 and SUAREZ had a consensually-recorded telephone conversation in which UCE 2 stated that the device was ready and they could meet on July 27, 2015, for SUAREZ to receive the device.

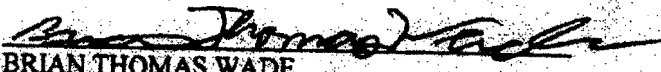
36. On July 26, 2015, UCE 2 and SUAREZ engaged in a consensually-recorded telephone conversation to set up the meeting time for UCE 2 to deliver the ~~QV~~ explosive device to SUAREZ.

37. On July 27, 2015, UCE 2 and SUAREZ met and SUAREZ entered UCE 2's vehicle. UCE 2 showed SUAREZ how to operate the ~~QV~~ explosive device, which was inert and could not detonate. After SUAREZ exited UCE 2's vehicle with the ~~QV~~ explosive device, he was detained.


**CONCLUSION**

38. Based on the foregoing facts, your affiant respectfully submits that there is probable cause to believe that HARLEM SUAREZ, a/k/a "Almlak Benitez," did knowingly attempt to use a weapon of mass destruction against a person or property within the United States, where the offense or the results of the offense would have affected interstate or foreign commerce, in violation of Title 18, United States Code, Section 2332a(a)(2).

***FURTHER YOUR AFFLIANT SAYETH NAUGHT.***

  
BRIAN THOMAS WADE  
SPECIAL AGENT  
FEDERAL BUREAU OF INVESTIGATION

Sworn to and subscribed before me  
this 27 day of July, 2015.

  
LURANA S. SNOW  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NUMBER: 15-5016-SNOW

BOND RECOMMENDATION

DEFENDANT: Harlem Suarez a/k/a Almlak Benitez

PRE-TRIAL DETENTION

(Personal Surety) (Corporate Surety) (Cash) (Pre-Trial Detention)

By: Marc S. Anton  
AUSA: Marc S. Anton

Last Known Address: \_\_\_\_\_  
\_\_\_\_\_

What Facility: \_\_\_\_\_  
\_\_\_\_\_

Agent(s): S/A Brian T. Wade, FBI  
(FBI) (SECRET SERVICE) (DEA) (IRS) (ICE) (OTHER)