

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ORIGINAL FILED

NOV 15 2010

MADLINE COX ARLEO
U.S. MAG. JUDGE

UNITED STATES OF AMERICA : Magistrate No. 10- 8275 (MCA)

v.

JAYEN I. PATEL, a/k/a, : **CRIMINAL COMPLAINT**
"Jay Patel" :

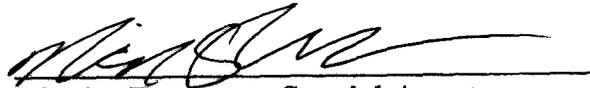
I, Nicolas Dunaway, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

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

SEE ATTACHMENT B

continued on the attached pages and made a part hereof.



Nicolas Dunaway, Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

November 15, 2010, at Newark, New Jersey

Honorable Madeline Cox Arleo
United States Magistrate Judge



Signature of Judicial Officer

ATTACHMENT A

From in or about September 2010 through in or about November 2010, in Middlesex County, in the District of New Jersey and elsewhere, defendant

**Jayen I. Patel, a/k/a,
"Jay Patel"**

did, with the intent that another person engage in conduct constituting a felony that has as an element the use, attempted use, or threatened use of physical force against property or against the person of another in violation of the laws of the United States, to wit kidnapping, contrary to 18 U.S.C. § 1201, and under circumstances strongly corroborative of that intent, knowingly and intentionally solicit, command, induce, and otherwise endeavor to persuade such other person to engage in such conduct, in violation of Title 18, United States Code, Section 373.

ATTACHMENT B

I, Nicolas Dunaway, a Special Agent with the Federal Bureau of Investigation, having conducted an investigation and having discussed this matter with other law enforcement officers who have participated in this investigation, have knowledge of the below facts. Because this affidavit is submitted for the sole purpose of establishing probable cause for the issuance of a complaint and arrest warrant, I have not set forth each and every fact discovered during the course of the investigation.

1. In or about September 2010, an individual reached out to a law enforcement officer acting in an undercover capacity (hereinafter "the UC") through an internet-based social networking site with a scheme to "help our race but make a LOT of money as well." After making in initial contact, this individual continued his communications with the UC through the use of a Yahoo! E-mail address: ssurgen2010@yahoo.com.

2. As discussed in greater detail below, there is probable cause to believe that the individual using the ssurgen2010@yahoo.com e-mail account is Defendant Jayen Patel, a/k/a, "Jay Patel" (hereinafter "Defendant Patel"), and that Defendant Patel used the ssurgen2010@yahoo.com account as the primary mode of communication to locate and recruit or solicit the assistance of individuals to execute a kidnapping plot targeting a woman and the woman's young child.

3. On or about September 30, 2010, the UC received an e-mail message from the ssurgen2010@yahoo.com account in which SSURGEN2010 provided a code to aid the UC in understanding subsequent e-mails from him. In particular, SSURGEN2010 indicated that, going forward, the word "dots" would refer to "Hindus," "job" would refer to "slaves," and "N" would refer to "ni**ers" (SSURGEN2010's e-mail provided the full epithet).

4. Later, on or about September 30, 2010, SSURGEN2010 sent an e-mail using ssurgen2010@yahoo.com to the UC. In this e-mail, he stated, "I have information that can help us but if you're interested and we need a group that can work on this let me know. With great risk comes great reward. So lemme know if you're in." In response, the UC asked for more information on SSURGEN2010's plan.

5. On or about October 4, 2010, the UC received an e-mail from ssurgen2010@yahoo.com. In that e-mail SSURGEN2010 asked how many people the UC knew whom he/she could trust "to help w/ this project." SSURGEN2010 also asked whether the UC knew of any women that would be willing to assist with "the first part of the project." SSURGEN2010 stated "I can email you back by noon if you email me this morning." He further stated, "When you email me back I will send you information on the first part also. We may have to move fast." The UC responded that he/she knew of two or three men and one woman that he/she would trust to be involved.

6. Later on or about October 4, 2010, SSURGEN2010 responded: "That's GREAT news! 2-3 will work for now. However, keep your eye out for more. Later on we will need more." In that e-mail, SSURGEN2010 went on to explain that the "first part" of his scheme would provide "the money you need for the larger operation." The e-mail further indicated that the scheme involved a "dot" whose ex-wife lived in New Jersey and who wanted custody of his child. SSURGEN2010 told the UC that as a reward for their assistance with the custody issue, "we get her as a 'job' after we get this done for him." The e-mail continued:

Your cover story when you approach her will be that you're a gov. agent and this will get you in her place. Do NOT stray from the script. I will explain more at a later time before you actually

approach her. We are doing this because since we're doing this for him, he will also back us up if we need help in certain ways. . . . Gather your people now. Go to her place today if possible. Start watching to see when she leaves and who lives there and so on. When she returns tomorrow from work for the evening, that is when you approach her. . . . Your beautiful white sister will take her kid to another room (as an female gov. agent) and ask her what school she is in and so forth. When her kid is in the other room, you will tell her to do as we say and your child will be ok. This way she will do as she is told.

The e-mail then provided the victim woman's name and home address. It concluded, "Once you have her we will give you more instructions on what to do with her and how to use her money to get to the next part of the project."

7. Law enforcement has confirmed that the victim woman identified in the October 4, 2010 e-mail described in Paragraph 6 above does, indeed, live with her daughter at the address provided in the e-mail.

8. Since the October 4, 2010 e-mail, additional e-mails have been exchanged between SSURGEN2010 and the UC. In those e-mails the UC asked for, among other things, information regarding SSURGEN2010 that would aid law enforcement in determining his true identity. For example, on or about October 7, 2010, the UC asked for a telephone number with which the UC could communicate with SSURGEN2010 both before and during the kidnapping operation. SSURGEN2010 ignored the UC's request and, on or about October 8, 2010, indicated that "[p]hone numbers are tough because that's the easiest way of being tracked. Setup a yahoo account and we can chat in real time." On or about October 8, 2010, the UC set up a Yahoo! E-mail account as instructed and sent an e-mail from that account to SSURGEN2010's e-mail address.

9. On or about October 13, 2010, the Court authorized the installation of a pen

register/trap and trace device on SSURGEN2010's Yahoo! E-mail account. Analysis of that device indicated that on the majority of occasions relevant to this investigation, SSURGEN2010 accessed his Yahoo account from an IP address that was traced back to a Verizon FiOS Store (hereinafter "the Verizon Location"). Law enforcement subsequently determined that Defendant Patel knows the woman whom he intended to have kidnapped.¹

10. On or about October 26, 2010, the UC and SSURGEN2010 engaged in a Yahoo! instant message conversation (or "chat"). The UC indicated that he/she had been conducting surveillance of the victim, as SSURGEN2010 requested. SSURGEN2010 stated "We should move on this soon." The UC asked for additional details regarding how long the UC would have to control the victim and her daughter. SSURGEN2010 responded: "Once we begin we would need someone to watch over the dot at all times. The kid will go to school so our sister will only need to be available when the child is not at school." SSURGEN2010 continued: "Once we begin we can tap into the dot's resources immediately so money will be less of an issue." The UC and SSURGEN2010 made plans to continue their conversation the following day.

11. On or about October 27, 2010, the UC and SSURGEN2010 engaged in another Yahoo! Instant message conversation. They again discussed surveillance of the victim. SSURGEN2010 went on to discuss the different stages of his plan. According to SSURGEN2010, the first stage involved making the victim do things "to make her loose [sic] custody of her child." The second stage would involve "creating a cover so that we don't get in trouble which will come soon after the project is started." Then, "[t]he third thing will be a legit

¹ The individuals employed at this Verizon FiOS Store location are not employees of Verizon. They are, in fact, employed by another company, which then contracts to have its employees staff the Verizon location.

aspect to the operations which will also be implemented soon after.” SSURGEN2010 went on to assure the UC that there was money to be made in this plan but that SSURGEN2010 could not provide money in advance because “[w]e cannot risk a connection to expose everyone.”

SSURGEN2010 suggested handcuffing the victim to control her. While this instant-message conversation was in progress, at approximately 10:53 a.m., an FBI Special Agent entered the Verizon Location in an undercover capacity (“UC2”) with a Verizon employee and observed Defendant Patel located at a Verizon Point of Sale computer at the desk in the Verizon Location.² The Verizon Point of Sale computer also afforded the ability to access the Internet and engage in instant message communications. When UC2 and the Verizon employee entered the store, the Yahoo! Instant message chat between SSURGEN2010 and the UC stopped. From approximately 10:53 a.m. until 11:16 a.m., UC2 engaged Defendant Patel in conversation while Defendant Patel gave UC2 a tour of the Verizon location, which included both the publicly accessible areas and the limited access areas of the commercial space, including the storage areas and the manager’s office located in the rear of the property. No instant message chats were received from SSURGEN2010 during that time period. At approximately 11:16 a.m., UC2 departed the Verizon store. At approximately 11:17 a.m., SSURGEN2010 rejoined the instant message chat with the UC. At approximately 11:21 a.m., UC2 reentered the Verizon Store and again engaged Defendant Patel, asking him to come outside to look at advertising signs on the exterior of the store. At that time, the instant message conversation between SSURGEN2010 and the UC, again, stopped. At approximately 11:30 a.m., UC2 left the scene. The instant message conversation between SSURGEN2010 and the UC restarted, according to the chat log, at 11:29 a.m.

² Law enforcement confirmed that Defendant Patel was the only individual working at the Verizon Store during the October 27, 2010 chat.

12. On or about November 8, 2010, the UC received an e-mail from ssurgen2010@yahoo.com. In that e-mail SSURGEN2010 revealed more information regarding the kidnapping plot. He stated that, after the kidnappers had separated the mother and child, the UC should tell the mother “look - it is NOT our intention to hurt your child but we know where you live, where she goes to school and even your relatives. AS long as you do what you’re told with no questions, all will be fine.” SSURGEN2010 later stated that if the UC brought a gun during the kidnapping, it would reenforce the “seriousness of the situation.” In an instant message chat on or about November 9, 2010, between SSURGEN2010 and the UC, SSURGEN2010 said that “[i]f there’s trouble you put her down.” SSURGEN2010 defined “put her down” as “knock[ing] her out if need be.”

13. Information collected through the use of Court-authorized pen registers indicates that many of SSURGEN2010's communications with the UC involve an IP address which is traced back to the Verizon Store where Defendant Patel is employed. On a number of occasions, however, the ssurgen2010@yahoo.com account was accessed from an Internet Protocol (“IP”) address which traces back to a specific business-center location. On or about November 3, 2010, law enforcement observed Defendant Patel entering that business-center location. On or about November 9, 2010, the Court-authorized pen register again reflected that the ssurgen2010@yahoo.com e-mail account was accessed from the business-center location. On that same date, law enforcement again observed Defendant Patel entering that location with a laptop computer bag. Soon after Defendant Patel entered the business-center location, SSURGEN2010 engaged in the November 9th instant message chat with the UC as described in Paragraph 12 above.

14. Law enforcement agents have since confirmed that a business entity believed to be

run by Defendant Patel is a client of the business-center location and that he uses that location on a number of occasions each month.