

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

FILED

for the

Middle District of Florida

2015 DEC -9 AM 11:14

United States of America)

v.)

HAMID MOHAMED AHMED ALI REHAIF)

Case No.)

6:15-mj-1665)

U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

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 December 8, 2015 in the county of Brevard in the Middle District of Florida, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g)(5)	Being an illegal or unlawful alien in the United States in possession of ammunition that had been shipped or transported in interstate or foreign commerce.

This criminal complaint is based on these facts:

See attached Affidavit

Continued on the attached sheet.



 Complainant's signature
 Jacqueline Acosta, Special Agent, HSI

 Printed name and title

Sworn to before me and signed in my presence.

Date: 12/09/2015



 Judge's signature
 KARLA R. SPAUDLING, Magistrate Judge

 Printed name and title

City and state: Orlando, Florida

STATE OF FLORIDA

CASE NO. 6:15-mj-

COUNTY OF ORANGE

AFFIDAVIT

I, Jacqueline Acosta, do hereby depose and state:

1. I am a Special Agent for United States Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) presently assigned to the RAC/Cocoa Beach office. I have served in this capacity since March 2008. Prior to becoming employed with ICE-HSI, I was a criminal investigator for the Melbourne Police Department, for twelve years. I am familiar with violations of federal criminal laws including offenses involving the unlawful possession of firearms and ammunition.

2. I have drafted this affidavit for the limited purpose of establishing probable cause for the violations listed on the attached Criminal Complaint and, therefore, have not included all of the facts of this investigation. Based upon my personal knowledge and information furnished to me by other federal and state law enforcement agents, I am fully aware and allege the following facts to be true and correct.

3. On December 8, 2015, Sergeant Cyril Hopping (Sgt. Hopping) of the Melbourne Police Department (MPD) called in a complaint reporting suspicious activity at the Hilton Rialto, a commercial hotel located at 200 Rialto Place, Melbourne, Florida 32901. Sgt. Hopping stated that MPD had received information that a man named Hamid Mohamed Ahmed Ali REHAIF (DOB: xx-xx-1991) had been staying at the hotel for 53 nights, checking out every morning, and then checking back in each night into a different room. REHAIF had spent over \$11,000 in room fees and recently had claimed

that he had weapons in his room. According to the information received, REHAIF provided a hotel employee with three .380 caliber rounds of ammunition and one .45 caliber round of ammunition for unknown reasons.

4. On December 8, 2015, Department of Homeland Security Agents (DHS), ICE, HSI agents and Federal Bureau of Investigations (FBI) agents encounter REHAIF at the Rialto Hilton lobby. Agents asked REHAIF if they could speak with him, at which time he consented to have a non-custodial interview. During the interview agents asked REHAIF if he was enrolled in college and he stated at first that he was, and then he changed his story, stating that he was not enrolled in college. REHAIF acknowledged that he was in violation of his immigration status by not being enrolled in college. Agents asked REHAIF if he had any weapons or ammunition in his room, at which time he stated that he had ammunition in the room but had sold the guns associated with the ammunition within the last two to three months. Agents asked REHAIF for voluntary consent to retrieve the ammunition from his room, at which time he stated that the ammunition was in a box in his bag. REHAIF gave consent for agents to go to his room and retrieve the ammunition. Agents located a box of 9mm ammunition in the room inside a black bag. The box contained 28 rounds of 9mm caliber ammunition.

5. During the interview REHAIF also stated that he had been shooting firearms at a shooting range in Orlando, Florida, and at the Frogbones shooting range located in Melbourne, Florida. REHAIF stated that he had purchased three firearms from different people but had since sold them. When asked what type of handguns he had purchased REHAIF stated that he had purchased a Cobra .380 caliber and a High-

Point .9mm handgun. REHAIF alleged that he could not remember the manufacturer for the third gun.

6. A check of Frogbones shooting range revealed that on October 26, 2015, REHAIF had been at the range, at which time he rented eye protection, range time for two, three, or four shooters, paper targets, and had paid \$30.64 in cash. When asked about this event at the shooting range that day, REHAIF stated that he went with some friends to shoot but he had his own handguns. Frogbones records also show that on December 2, 2015, REHAIF was at the Frogbones shooting range, at which time he purchased a box of 9mm ammunition and a paper target. On this date, he also rented the following items: ear muff, eye protection, a Glock 43 firearm, and range time for one shooter, for which time he paid \$46.29 in cash. When agents asked about this event on that day, REHAIF stated that he went and rented a handgun Glock 43 and Glock 21. REHAIF stated that the ammunition found in his hotel room was left over from his December 2nd visit to the shooting range.

7. Agents asked REHAIF what happened to the three guns he had purchased. He stated that he had sold one to a pawn shop on beachside in Melbourne, that he had given the Cobra .380 to his girlfriend as a present, and couldn't remember the manufacture of the third handgun. REHAIF also informed agents that on October 26, 2015, he had purchased a hunting license from Wal-Mart.

8. Agents asked REHAIF if he had any other ammunition or a storage unit to store his belongings. REHAIF stated that he had a storage unit at 4510 Babcock Street, Melbourne, Florida. Agents asked REHAIF for voluntary consent to search the storage unit at which time he gave agents written consent to search. Agents went to the storage

unit, but a manager informed agents that on November 30, 2015, REHAIF's belongings had been removed from the storage unit due to lack of payment. The storage unit manager informed agents that they had found in the storage unit, and taken possession of, several rounds of different caliber ammunition, and they delivered those rounds of ammunition to agents, that is, eleven rounds of .223 ammunition, and one hundred seventy-three rounds of 9mm ammunition,

9. Agents asked REHAIF for voluntary consent to search his iPhone and LG cellular phone, at which time he signed a written consent to search of his phones. REHAIF stated that he had owned ten cellular phones but only had two in his possession. A law enforcement check revealed that REHAIF had pawned the other eight cellphones at several local pawn shops. When asked why he had so many cellular phones REHAIF did not provide an explanation.

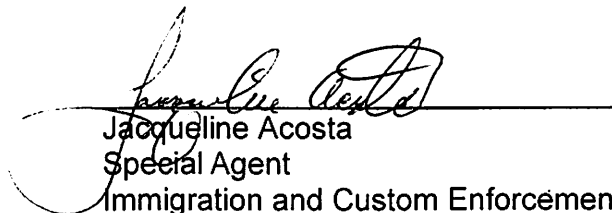
10. On December 8, 2015, agents conducted a query of U.S. government computer databases to determine REHAIF's resident or immigration status. The Department of State issued a student visa to REHAIF on or about July 25, 2013, with an annotation Florida Institute of Technology, Melbourne, FL. REHAIF last entered the United States on September 5, 2014. He had been enrolled as a student at the Florida Institute of Technology, but was dismissed in the fall of 2014; therefore, REHAIF violated the terms of his immigration conditions when he failed to leave the United States within 30 days of this dismissal from school. This computer query revealed that REHAIF is currently in the United States out of status.

11. The investigation further revealed that all the rounds of ammunition recovered from REHAIF's room were manufactured outside the state of Florida;

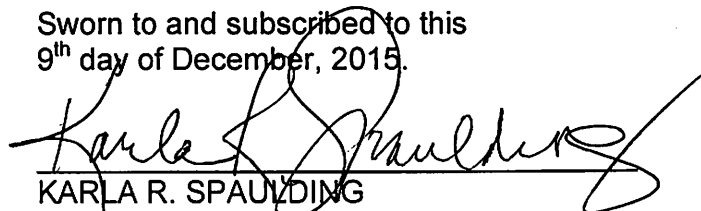
therefore, agents have concluded the ammunition was shipped or transported in interstate or foreign commerce.

12. Based on the above facts, the undersigned affiant believes there is probable cause to charge REHAIF with violating the Federal Firearms law, to wit: Title 18, United States Code, Section 922(g)(5), that is, being an alien illegally or unlawfully in the United States and in possession of ammunition.

This concludes my affidavit.


Jacqueline Acosta
Special Agent
Immigration and Custom Enforcement (ICE)
Homeland Security Investigations (HSI)

Sworn to and subscribed to this
9th day of December, 2015.


KARLA R. SPAULDING
United States Magistrate Judge