

**AFFIDAVIT IN SUPPORT OF AN APPLICATION
FOR A CRIMINAL COMPLAINT AND ARREST WARRANT**

INTRODUCTION

I, Thomas O. Pembroke, being duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of applications for a criminal complaint and arrest warrant charging Shivam Patel (“PATEL”) with knowingly and willfully making materially false, fictitious, or fraudulent statements, or misrepresentations, in a matter within the jurisdiction of the executive branch of the Government of the United States, in violation of Title 18, United States Code, Section 1001(a).

2. I am a Special Agent with the FBI, and I have been so employed since June 2014. I have investigated counterterrorism matters since January 2016. I previously was assigned to the Violent Crimes Squad, where I participated in federal investigations involving violent criminal offenses and narcotics trafficking by violent criminal enterprises and gangs. As part of my duties as an FBI Special Agent, I investigate criminal violations relating to domestic and international terrorism.

3. I am familiar with the facts and circumstances of this investigation, including information I received through legal process, information contained in reports and other documents I reviewed during the investigation, and discussions with, and interviews conducted by, other law-enforcement agents involved in the investigation.

4. Because this affidavit is being submitted for the purpose of obtaining a complaint and arrest warrant, it does not include each and every fact observed by me, or known to the government. I have set forth only those facts necessary to support a finding of probable cause.

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**BACKGROUND OF THE INVESTIGATION
AND STATEMENT OF PROBABLE CAUSE**

5. On or about October 15, 2004, the United States Secretary of State designated al-Qaeda in Iraq (“AQI”), then known as Jam’at al Tawhid wa’al-Jihad, as a Foreign Terrorist Organization (“FTO”) 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. On or about May 15, 2014, the Secretary of State amended the designation of AQI as an FTO 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 FTO listing: the Islamic State of Iraq and al-Sham (“ISIS”—which is how the FTO will be referenced herein), 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. On September 21, 2015, the Secretary added the following aliases to the FTO listing: Islamic State, ISIL, and ISIS. To date, ISIS remains a designated FTO.

6. On August 26, 2016, the FBI Legal Attaché in Amman, Jordan, notified the FBI that the Jordanians had taken custody of PATEL, an American citizen with a last known address located in Williamsburg, Virginia.

7. On August 29, 2016, FBI agents interviewed PATEL’s parents at their residence, which is the same as PATEL’s last known residence in the United States. The parents told the FBI their son converted to Islam several years ago and had become “obsessed with Islam.” They explained that PATEL left Virginia on or about July 17, 2016, and traveled to China, where he taught English. On August 24, 2016, PATEL told his father that he was unhappy with China’s

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treatment of Muslims. His parents then learned from PATEL's employer that it had purchased PATEL an airline ticket from China to Richmond, Virginia, and that PATEL was scheduled to travel from China to Virginia on August 23, 2016. PATEL's parents received a text message from PATEL on August 24, 2016, in which PATEL stated he left China, traveled to Jordan, and wanted to go to Mecca. The parents told the FBI their subsequent attempts to contact PATEL were unsuccessful. The FBI learned that PATEL told his parents he did not intend to return to their house in Virginia.

8. After PATEL's parents spoke with the FBI, they consented to the search of a computer they shared with PATEL. During the FBI's search of the shared computer, the FBI discovered that someone using it had researched information relating to how one might evade a polygraph examination and downloaded at least three copies of Dabiq magazine.¹

9. PATEL's father also provided the FBI with his signed consent for the FBI to search PATEL's room located in the family home, over which his parents had control. During the FBI's search of PATEL's room, it found cellular phones and a second computer. The FBI secured search warrants to search these additional devices found in PATEL's room. During the FBI's search of the second computer, the FBI discovered that someone using that computer made multiple searches for ISIS-related material, how to join ISIS, and for ISIS-related propaganda videos.

10. On August 28, 2016, the FBI Legal Attache in Jordan learned that the Jordanians intended to deport Patel. On September 2, 2016, Patel boarded a flight from Amman, Jordan, to Chicago, Illinois.

¹ Dabiq Magazine is an online magazine published by ISIS.

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11. On September 2, 2016, PATEL initiated a conversation with an Undercover Employee (the "UCE"). PATEL explained to the UCE that PATEL had just gotten out of a Jordanian prison. PATEL told the UCE that he wanted to commit jihad and shahid (*i.e.*, martyrdom). Though PATEL suggested his jihad may not be violent, he praised the violent terrorist attacks in Paris, Nice, and Orlando. PATEL also discussed his admiration for Anwar al-Awlaki.²

12. On September 2, 2016, the FBI conducted a voluntary interview with PATEL at Chicago O'Hare International Airport.

13. During the interview, PATEL talked about his admiration for ISIS, but he also said he was not sure about some of ISIS's methods. PATEL, however, stated he had been so elated by the success of the terrorist attacks in Paris and Orlando that he "went to the gym and worked out hard." After concluding the voluntary interview, PATEL traveled from Chicago, Illinois, to Detroit, Michigan.

14. On September 3, 2016, PATEL arrived in the Detroit Metropolitan Airport's North Terminal, where he approached an FBI Task Force Officer ("TFO"), who was dressed in plainclothes; PATEL asked to use the TFO's cell phone to call his father. PATEL told the TFO about his time in Jordan, including his arrest by Jordanian authorities and his time in a Jordanian prison, where PATEL met an individual who gave him advice, including what to say if

² Anwar Al-Awlaki was an Islamic lecturer and a leader of Al-Qaeda in the Arabian Peninsula ("AQAP"), a Yemen-based designated foreign-terrorist organization that claimed responsibility for terrorist acts against targets in the United States, Saudi Arabia, Korea, and Yemen since its inception in January 2009. Pursuant to a Presidential Executive Order, Al-Awlaki was designated by the United States as a "Specially Designated Global Terrorist" on July 12, 2010. Al-Awlaki reportedly was killed in Yemen in September 2011.

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questioned by law-enforcement authorities so he could avoid “trouble.” PATEL praised the individual he met in prison, and PATEL told the TFO that the individual was a “mujahid” (*i.e.*, an individual engaged in jihad), and possibly a member of ISIS. PATEL spoke with the TFO about ISIS and explained his position that ISIS, while extreme, is necessary.

15. PATEL asked the TFO if he had heard of the Orlando shooting carried out by Omar Mateen. PATEL told the TFO that he hates homosexual individuals. During the conversation about the Orlando club massacre, PATEL looked at the TFO and said, “I hope you didn’t feel bad for them.” The TFO assessed that PATEL was referring to the victims of Mateen’s attack.

16. On September 4, 2016, PATEL spoke to a Confidential Human Source (“CHS”) in Detroit. During their conversation, PATEL stated he went to Jordan in part to find like-minded Muslims. PATEL told the CHS that he went to Jordan to do something “bigger, better, and more purposeful.” PATEL also told the CHS that “bigger, better, and more purposeful” meant dying in the cause of Allah. PATEL explained to the CHS that his trip to Jordan was a spur-of-the-moment decision, and PATEL said he did not want to return to the United States.

17. PATEL also told the CHS that he wanted to blend into society and do something “glorious,” but he did not want to make his parents sad. PATEL told the CHS that he wanted to make the “kuffar” suffer. Based on my training and experience, I know the term “kuffar” (a variant of “kafir”) to be a derogatory word used to describe non-Muslim individuals. PATEL also discussed his affinity for ISIS, which is based on his stated belief that ISIS members are true Muslims.

18. On September 5, 2016, PATEL spoke again with the CHS in Detroit. During their conversation, PATEL spoke about why he traveled to Jordan, telling the CHS that he did not want to leave China and go to his parents' home in Virginia, so he decided to visit Jordan.

19. PATEL told the CHS that he was worried about saying something illegal and wanted to live under Sharia law. PATEL also described his desire for a war between Muslim individuals and non-Muslim individuals, and he stated he wanted to join "the real Muslim army" and receive training.

20. PATEL told the CHS that he watched videos and read articles about ISIS. PATEL also memorized a Jihad Nasheed—an ISIS fight song—and during his conversation with the CHS, PATEL sang it. PATEL also told the CHS about making an ISIS flag and wanting to replace his neighbor's American flag with the ISIS flag.

21. PATEL spoke about a contact he had in Jordan; the contact had a possible Lebanese background and supported Hamas. PATEL told the CHS that when he arrived in Jordan, he learned his contact was no longer in the country.

22. On or about September 6, 2016, PATEL moved back into his parents' house, located in Williamsburg, Virginia. After moving home, PATEL began applying for jobs with various local police departments, correctional facilities, probation offices, fire departments, and the United States military, including the United States Army and the United States Air Force.

23. On or about September 23, 2016, PATEL discussed with the CHS the attack on Fort Hood—which PATEL mistakenly called "Fort Knox"—in which a United States Army

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officer attacked his fellow soldiers.³ PATEL stated the attack was “completely justified in my eyes,” and that “Nidal Hussein [sic] died a martyr instead of a kafir.”⁴

24. On November 30, 2016, PATEL called the United States Army recruiting office to inquire about the Officer Candidate Selection process. On December 13, 2016, PATEL met with an Army Recruiter (the “Army Recruiter”) located in Williamsburg, Virginia. During the meeting, PATEL submitted his application for the United States Army Officer Candidate Selection Process and the Form SF-86 Questionnaire for National Security Positions he filled out as part of the application process. The interview was video- and audio-recorded. The Army Recruiter reminded PATEL that the information he provided on the SF-86 had to be true and accurate. PATEL was specifically reminded—as is stated on the form itself—that withholding, misrepresenting, or falsifying information on the form could subject him to criminal penalties under Title 18, United States Code, Section 1001. In the portion of the SF-86 related to foreign travel, PATEL indicated that the only time he had traveled outside the United States within the last seven years was on a family visit to India in 2011-2012. The Army Recruiter asked PATEL specifically about that portion of the form, and PATEL denied that he had traveled anywhere else outside of the United States in the past seven years. After receiving the oral reminder that including false information on the form could subject him to criminal penalties, PATEL signed the form.

³ Nidal Hasan was a Major in the United States Army. On November 5, 2009, Hasan fatally shot 13 soldiers and injured more than 32 individuals on Fort Hood, which is located in Texas.

⁴ Your affiant understands that Maj. Nidal Hasan did not die in the attack on Fort Hood.

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25. On December 1, 2016, PATEL emailed a United States Air Force Recruiting Official to inquire about the Officer Candidate Selection process. On January 30, 2017, PATEL met with an Air Force Recruiter (the "Air Force Recruiter") located in Virginia Beach, Virginia. During the meeting, PATEL submitted his application for the United States ~~Army~~ ^{Air Force} Officer Candidate Selection Process and the Form SF-86 Questionnaire for National Security Positions he filled out as part of the application process. The SF-86 he submitted to the Air Force contained the same false statement regarding foreign travel. PATEL signed the SF-86 during the January 30 meeting. TOP
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26. In recent months, the investigation has uncovered some evidence that PATEL may be de-escalating from, or purporting to de-escalate from, his support for ISIS.

CONCLUSION

27. Based on the foregoing facts, there is probable cause to charge PATEL with knowingly and willfully making materially false, fictitious, or fraudulent statements, or misrepresentations, in a matter within the jurisdiction of the executive branch of the Government of the United States, in violation of Title 18, United States Code, Section 1001(a), and ask that a warrant be issued for his arrest.

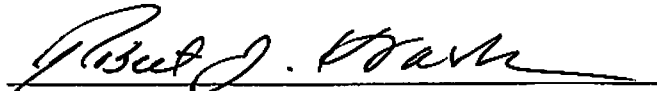
FURTHER YOUR AFFIANT SAYETH NOT.

Respectfully submitted,

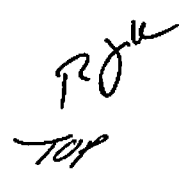


Thomas O. Pembroke
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on this 30th day June, 2017

A handwritten signature in black ink, appearing to read "Robert J. Starn", written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE
at Norfolk, Virginia

Handwritten initials "RJK" in black ink, with "TOP" written below them.