

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America
v.
Muhammed Momtaz Al-Azhari
Defendant(s)

Case No. 8:20-mj-1518 AEP

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 May 24, 2020 in the counties of Hillsborough in the Middle District of Florida, the defendant(s) violated:

Table with 2 columns: Code Section (18 U.S.C. § 2339B) and Offense Description (Attempting to provide material support or resources to a designated foreign terrorist organization)

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

Cynthia Hazel signature

Cynthia Hazel, Special Agent, FBI

Sworn to before me over the telephone and signed by me pursuant to Fed.R.Crim. P. 4.1 and 4(d).

Date: May 24, 2020

Anthony E. Porcelli signature

City and state: Tampa, Florida

ANTHONY E. PORCELLI, U.S. Magistrate Judge

## AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Cynthia Hazel, being duly sworn, depose and state the following:

### **I. INTRODUCTION**

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”). I have been employed by the FBI since 2016 and am currently assigned to the Joint Terrorism Task Force (“JTTF”) within the FBI’s Tampa Field Division. During my time as a Special Agent, I have participated in multiple terrorism-related and criminal investigations, including those targeting individuals who are suspected of providing material support to terrorists and terrorist organizations, who have attempted or conspired to travel to join terrorists and terrorist organizations, and who have conspired to commit acts of terrorism and violence overseas. In addition, I have attended training regarding international terrorism and counterterrorism strategies. As a result of my experience in such investigations, I am familiar with the tactics, methods and techniques of terrorist networks and their members, including their use of computers, cell phones, social media, email, and other forms of electronic communications, in relation to their criminal activity. In connection with my training and experience in terrorism-related investigations, I have also become familiar with firearms offenses, including the unlawful acquisition, possession and transfer or firearm by individuals.

2. I submit this affidavit in support of a criminal complaint charging **Muhammed Momtaz AL-AZHARI** (“AL-AZHARI”) with attempting to provide material support or resources to a designated foreign terrorist organization (“FTO”),

namely, the Islamic State of Iraq and al-Sham (“ISIS”), in violation of 18 U.S.C. § 2339B.

3. The facts set forth in this affidavit are based on my personal knowledge and observations made during the course of this investigation, my training and experience, interviews of witnesses, my review of records and reports generated by other law enforcement agents, my review of communications lawfully obtained during the investigation, and information provided to me by other law enforcement agents and officials. As this affidavit is submitted for the limited purpose of establishing probable cause to support the criminal complaint and requested arrest warrant, I have not included every fact known to me concerning this investigation. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related only in substance and in part, and are not intended to be verbatim recitations. When a date is listed, I mean that the event occurred “on or about” that date.

## **II. BACKGROUND**

### **A. Statutes**

4. In pertinent part, 18 U.S.C. § 2339B(a)(1) criminalizes the following:

“Whoever knowingly provides material support or resources to a foreign terrorist organization, or attempts or conspires to do so, shall be fined under this title or imprisoned not more than 20 years, or both...To violate this paragraph, a person must have knowledge that the organization is a designated terrorist organization...that the organization has engaged or engages in terrorist activity...or that the organization has engaged or engages in terrorism.”

5. Meanwhile, 18 U.S.C. § 2339A(b)(1)<sup>1</sup> defines “material support or resources” as:

“[A]ny property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel (1 or more individuals who may be or include oneself), and transportation, except medicine or religious materials.”

6. In pertinent part, 26 U.S.C. § 5861 criminalizes the following:

“It shall be unlawful for any person—

(b) to receive or possess a firearm transferred to him in violation of the provisions of this chapter [...]

(d) to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record.”

Title 26, Chapter 53, and 27 C.F.R. Part 479 impose a tax and approval regime for the transfer of firearms that are regulated by the NFA.

7. In pertinent part, 26 U.S.C. § 5845(a) defines a firearm as follows:

“The term ‘firearm’ means...(6) a machinegun; (7) any silencer (as defined in section 921 of title 18, United States Code);<sup>2</sup> and (8) a destructive device. The term ‘firearm’ shall not include an antique firearm or any device (other than a machinegun or destructive device) which, although designed as a weapon, the Secretary finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector’s item and is not likely to be used as a weapon.”

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<sup>1</sup> 18 U.S.C. § 2339B(g)(4) cross references this definition.

<sup>2</sup> The term “firearm silencer” means any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication. 18 U.S.C. § 921(a)(24).

8. Meanwhile, under Florida state law, it is “unlawful for any person to own or to have in his or her care, custody, possession, or control any firearm...or to carry a concealed weapon...if that person has been: (e) Found guilty of an offense that is a felony in another state, territory, or *country* and which was punishable by imprisonment for a term exceeding 1 year.” Fla. Stat. § 790.23(1)(e) (emphasis added).<sup>3</sup>

### **B. Background on ISIS**

9. Based on my training and experience, as well as a review of publicly available information, I understand the following regarding ISIS:

a. On 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 an FTO under Section 219 of the Immigration and Nationality Act (“Act”) and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224. On May 15, 2014, the Secretary of State amended the designation of AQI as an FTO under Section 219 of the INA and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant (“ISIL”) as its primary name. The Secretary also added the following aliases to the FTO listing: the Islamic State of Iraq and al-Sham (i.e., 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

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<sup>3</sup> The Supreme Court has held that the federal prohibition on felons possessing a firearm, codified at 18 U.S.C. § 922(g)(1), does not extend to foreign convictions. See *Small v. United States*, 544 U.S. 385, 394 (2005).

Media Production. In an audio recording publicly released on June 29, 2014, ISIS announced a formal change of its name to the Islamic State. 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.

b. The United States Department of State has reported that, among other things, ISIS has committed systematic abuses of human rights and violations of international law, including indiscriminate killing and deliberate targeting of civilians, mass executions and extrajudicial killings, persecution of individuals and communities on the basis of their religion, nationality or ethnicity, kidnapping of civilians, forced displacement of Shia communities and minority groups, killing and maiming of children, rape, and other forms of sexual violence. According to the Department of State, ISIS has recruited thousands of foreign fighters from across the globe to assist with its efforts to expand its so-called caliphate in Iraq, Syria, and other locations in Africa and the Middle East, and has leveraged technology to spread its violent extremist ideology and for incitement to commit terrorist acts.

c. On or about September 21, 2014, now-deceased ISIS spokesperson Abu Muhammad al-Adnani called for attacks against citizens—civilian or military—of the countries participating in the United States-led coalition against ISIS.

10. Based on my training and experience, as well as my familiarity with this investigation and conversations with other law enforcement agents who have been involved in ISIS-related investigations, I have learned the following:

a. To gain supporters, ISIS, like many other terrorist organizations, spreads its message using social media, internet platforms, YouTube, and email. Using these platforms, ISIS posts and circulates video and updates of events in Syria, Iraq and other countries where ISIS is present, in English and Arabic, as well as other languages, to draw support to its cause.

b. ISIS has encouraged followers who are unable to travel to the Middle East to instead conduct attacks in other countries. For example, on or about March 31, 2015, the user of Twitter account @AbuHu55ain\_, believed to have been used at the time by an ISIS member located in Syria, tweeted: “Lone Wolfs Rise Up”; “If you can’t make the hijrah [*migration/travel for jihad*], don’t sit at home & give up...ignite a bomb, stab a kaffir [*infidel*], or shoot a politician!”; “if you came here, you’d be on the frontline fighting, right? But u couldn’t come here, so why not fight the kuffar [*disbelievers/non-Muslims*] over there?”; and “i always see in the media brother getting caught making hijrah, brothers know that your jihad is not over just because you got stopped.”

c. ISIS has disseminated a wide variety of recruiting materials and propaganda through social media. These include photographs and videos depicting ISIS’s activities, such as beheadings, attacks and other atrocities, as well as audio and video lectures by members of ISIS and other Islamic extremist organizations.

### **III. FACTS ESTABLISHING PROBABLE CAUSE**

11. The FBI's Tampa Division has been investigating **AL-AZHARI**, a 23-year-old United States citizen who resides in Tampa, Florida.

12. As further laid out below, **AL-AZHARI** is a supporter of ISIS who has attempted to provide material support (personnel, including himself, and services) to ISIS. **AL-AZHARI**, who has a criminal history that includes prior terrorism charges in Saudi Arabia, has acquired multiple firearms in recent months, including a Glock pistol and silencer. **AL-AZHARI** is an admirer of Pulse nightclub shooter Omar Mateen and he has expressed a desire to carry out a similar act of violence. **AL-AZHARI** has also researched and scouted potential targets in the Tampa area, to include beaches and the FBI Tampa Field Office. The FBI is aware that since at least May 2019, **AL-AZHARI** has consumed ISIS propaganda and spoken favorably about ISIS. **AL-AZHARI** has also spoken about avenging the United States' imprisonment of Muslims, including ISIS fighters, and the United States' military actions in the Middle East. He has also rehearsed portions of a future attack and statements that he would make during or in connection with such an attack.

#### **A. Subject's Criminal History**

13. In or around 2015, **AL-AZHARI** was convicted in Saudi Arabia of terrorism charges involving his planning to travel to Syria to participate in jihad and to join terrorist groups fighting the Syrian government. Specifically, **AL-AZHARI** appears to have been convicted of possession of extremist propaganda, holding extremist views, and attempting to join a terrorist organization, namely, Jaysh al-

Islam.<sup>4</sup> **AL-AZHARI** was accused of conspiring with two other individuals, including his father, to commit those crimes. **AL-AZHARI** was sentenced to serve three years in prison in Saudi Arabia. After serving that sentence, he was removed to the United States in around December 2018, and he has resided here since then.

14. Since **AL-AZHARI**'s return to the United States, he has lived in Florida and California, most recently returning to Tampa in approximately June 2019. While **AL-AZHARI** has been in Tampa, the FBI is aware that he has acquired at least three firearms. **AL-AZHARI**'s possession of a firearm as a felon is in violation of the laws of the State of Florida. Based on my training and experience, as well as my familiarity with this investigation, I believe that **AL-AZHARI**'s having a foreign felony conviction may explain his efforts to acquire firearms outside of normal commercial channels, as discussed below.

**B. Attempt to Unlawfully Acquire and Possess Firearms**

15. Records from eBay Inc., show that on April 20, 2020, **AL-AZHARI**, under the user name "moeda\_44," bought a PF940v2 polymer pistol frame and jig kit (also known as a lower receiver) from an eBay user located in Texas (the "eBay Seller").<sup>5</sup> **AL-AZHARI** paid \$375 for the frame and kit, which he arranged to ship

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<sup>4</sup> Jaysh al-Islam (meaning Army of Islam) is a coalition of Islamist rebel units involved in the Syrian Civil War. The group has promoted an Islamic state under Sharia law.

<sup>5</sup> A receiver blank that does not meet the definition of a "firearm" is not subject to regulation under the Gun Control Act. The Bureau of Alcohol, Tobacco, Firearms and Explosives has held that items such as receiver blanks, "castings" or "machined bodies" in which the fire-control cavity area is completely solid and un-machined have not reached the "stage of manufacture" which would result in the classification of a firearm under the Act.

to himself at his residence. The eBay Seller then arranged to ship the items to **AL-AZHARI** via the United States Postal Service (“USPS”).

16. After the package containing the items had shipped from Texas to Tampa, but before it was delivered to **AL-AZHARI**, the FBI learned from the USPS that the package was en route to his residence. Agents then contacted and interviewed the eBay Seller in Texas. In relevant part, the eBay Seller confirmed that he had sold the frame and jig kit to **AL-AZHARI**. The eBay Seller also indicated that eBay had flagged the transaction after he had shipped the items, due to a violation of the site’s terms of service. As a result, the \$375 payment from **AL-AZHARI** to the eBay Seller had been temporarily frozen.

17. The eBay Seller provided agents with screenshots of his activity with **AL-AZHARI**, including the hold that eBay had placed on the transaction. The eBay Seller also gave the FBI his consent to search the package if needed. USPS thereafter removed the package from the mail stream.

18. On April 24, 2020, the eBay Seller also gave the FBI consent to take over his eBay seller account and profile. That same day, an FBI Task Force Officer, acting in his capacity an online covert employee (“OCE”), sent a message via eBay, from the eBay Seller’s account, to **AL-AZHARI** (at “moea\_44”). In that message, the OCE offered to correct the problem with the package and the violation of eBay’s terms of service. After initially telling the OCE that he just wanted his money back, **AL-AZHARI** sent another message, on April 25, 2020, in which he asked the OCE

to call him at a certain phone number. The OCE agreed to call **AL-AZHARI** later that night.

19. On April 25, 2020, agents arranged for an FBI undercover employee (“UC-1”), posing as the eBay Seller, to make a call to **AL-AZHARI**.<sup>6</sup> During the call, UC-1 and **AL-AZHARI** discussed the transaction being frozen by eBay. **AL-AZHARI** then asked UC-1, “I want to ask you, like, let’s, let’s say if this works out, like, do you have anything else I can, I can get from you.” UC-1 asked **AL-AZHARI** what he was looking for, and **AL-AZHARI** said that he had been looking for parts for a Glock 17 but that he was interested in a Glock 19. When UC-1 asked if **AL-AZHARI** wanted a “full Glock” or “the pieces,” **AL-AZHARI** wanted to know “how can we do it” if he wanted a “full Glock.” **AL-AZHARI** then clarified, “What I’m trying to say is, do we have to do paperwork and shit?” UC-1 replied “No, I, I got stuff that’s not on paper, so like you saw with the polymer. I have some that are already completed, but I can’t do that on eBay, I obviously can’t do that on eBay. Texas is a whole ‘nother...” **AL-AZHARI** talked over UC-1 and asked, “I mean where are you at? You’re in Texas, bro, or what, where you at?” UC-1 said that he was in Texas and **AL-AZHARI** said, “Yeah, yeah, I’m in Tampa, Florida, you know?” **AL-AZHARI** asked how they could arrange a transaction if he wanted a “full” Glock 19. UC-1 said he could mail one, but he had to see what he had in storage. UC-1 asked whether **AL-AZHARI** was familiar with the Glock, and **AL-AZHARI** replied, “Yeah, I, I, I mean, do you have like an extended threaded barrel,

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<sup>6</sup> This call and all subsequent calls discussed in this affidavit were recorded.

for, for the, for the 19?” UC-1 offered to sell an extended magazine, and **AL-AZHARI** said, “An extended mag would be cool, but also an extended, threaded barrel.” UC-1 said that he would check on it, and then confirmed that **AL-AZHARI** wanted a Glock 19, a threaded barrel, and an extended magazine. **AL-AZHARI** responded, “Exactly.”

20. UC-1 explained that he would “need to be careful” with the way that he shipped it, and **AL-AZHARI** expressed concern with how UC-1 could ship the Glock. UC-1 said that he would put it in a different box with other items like toys or tools and that it would be a “full functioning Glock.” **AL-AZHARI** then said, “What I’m trying to say is, like, in there, in there freaking x-rays and all that shit, can, can they tell?” UC-1 explained that he knew how to conceal it and that he had sent similar packages to Puerto Rico. UC-1 and **AL-AZHARI** then discussed using USPS instead of other carriers. **AL-AZHARI** said, “If that works out, bro, with the Glock 19 and all that shit that I’m talking about, I would like, I would like, you know, to get some more stuff, you know what I’m saying?”

21. **AL-AZHARI** asked UC-1 how much he wanted for the items. The two discussed using the \$375 that **AL-AZHARI** had already paid the eBay Seller as a partial payment. **AL-AZHARI** then said, “I’m really glad that, you know, that you actually told me that you have a couple more things, because I’m looking for a good collection, you know what I’m saying?” **AL-AZHARI** also asked for 9mm ammunition.

22. Before concluding the conversation, **AL-AZHARI** asked, “Hey bro, you know, do you also have, like, a baby AK or something like that?” UC-1 explained that he had one, broken down, in storage, and said, “Stuff like that has to stay hidden.” **AL-AZHARI** agreed to talk more in two days.

23. On April 27, 2020, UC-1 called **AL-AZHARI**. UC-1 said that he had taken pictures of the items that he had in his storage area, and he asked if **AL-AZHARI** was still interested in buying any of them. **AL-AZHARI** said, “Yeah, hell yeah, bro. I’ve been waiting for your phone call, bro.” UC-1 said he had two Glock 17 pistols, a Glock 19 pistol, and an AK-47 rifle. **AL-AZHARI** interrupted and asked how much UC-1 wanted for the AK-47. He then asked how much money UC-1 wanted for the Glock 19. **AL-AZHARI** also asked for a Glock 26 pistol, but UC-1 said that he did not have one available. UC-1 then clarified, “But some of the stuff I have, man, it’s not, like I said, it’s not on the up and up. You know what I mean...I’m not a gun dealer, so like, my stuff isn’t on the up and up. Like, I’ve got stuff hidden in storage for a good reason.” UC-1 went on to say, “I’m not a dealer, man that’s not what I do, I got, I get stuff on the side. I sometimes have stuff with the serial numbers off...” and **AL-AZHARI** said, “Ok, yeah, yeah, yeah. Yeah, yeah, I got you.” The two then discussed removing the serial number from the Glock. **AL-AZHARI** said that he would have to think about what items he wanted to buy.

24. UC-1 asked if **AL-AZHARI** wanted him to send photos of the firearms, and **AL-AZHARI** agreed. **AL-AZHARI** requested that UC-1 send the

photos as a text message and explained, “This is not my real phone number. This is just, you know, a, you know, it’s just, it’s like a, I don’t know, what do you call it, a fake phone number. It’s like an app. So I can still receive pictures.” UC-1 asked if it was better to send the photos to **AL-AZHARI**’s real number or even by email, and **AL-AZHARI** said that he preferred to have UC-1 send it to the fake number.

25. As the conversation continued, **AL-AZHARI** asked for an extended magazine for the Glock 19. UC-1 said that he had a 30-round and a 40-round magazine, and **AL-AZHARI** said that he wanted to buy both magazines. He and UC-1 then discussed a bundled deal involving an AK-47, which would cost \$750 by itself. **AL-AZHARI** asked how payment would work, and UC-1 said that **AL-AZHARI** could pay half up front via PayPal and then the other half after receiving the shipment. **AL-AZHARI** then said, “Look here, I want you to know, like, you know, for now I just want to get, like, only the 19. But in the future, like, I need a couple more, a couple more things. You know what I’m saying? Like even if you can go buy it, buy it like from a pawn shop, or something, or even, even if you can buy it legally in your name, and then wipe, wipe the serial number and shit.” UC-1 responded, in relevant part, “The thing is, I take a risk by mailing it to you,” and **AL-AZHARI** said, “Oh damn, so, so hold on, so you’re saying it’s a risk.” UC-1 explained that he would send it through the mail, so that nobody would find it, but he only wanted to ship one package. **AL-AZHARI** replied, “Only one package, one package. Yeah, yeah, I got you.” UC-1 told **AL-AZHARI** to let him know what he wanted, that they would discuss the price, and that UC-1 would send everything in

one package. **AL-AZHARI** interjected that he had a .22 caliber Uzi if UC-1 was interested in it. **AL-AZHARI** said that he would send UC-1 a photo of the Uzi, and the two discussed possibly trading that gun as part of the deal.

26. After pausing for a few seconds, **AL-AZHARI** asked if UC-1 had silencers. UC-1 said that he did and noted, “You said it, not me. So, I can get those for sure.” **AL-AZHARI** then asked UC-1 to confirm that he could get him a silencer. UC-1 concluded the conversation by saying, “You gotta understand, man, like, everything we’re doing, like, you’re calling me from a different number, I’m calling you from a different number, you know. If I send you packages, it’s because we’re, you know, we’re trying to bypass certain people. So, I just want to be sure that, that we’re not, you know, that it’s not, that we’re sure. Because actually to get a legit silencer, man it takes [unintelligible]... Yeah man, so yeah, let me, I can get those, with the Texas, but it’s gonna be like, none of this stuff is like, like I tell you man, it’s not on the up and up. So, like, we have to stick between me and you and not deliver more packages. So, you tell me what you want, we’ll talk prices...” **AL-AZHARI** responded, “Yeah, yeah, yeah for sure, for sure, bro.”

27. UC-1 thereafter sent **AL-AZHARI** by text message approximately seven photos depicting various firearms, including Glock pistols and rifles.

28. Later on the evening of April 27, 2020, UC-1 and **AL-AZHARI** had another phone call. **AL-AZHARI** said, “Yeah, bro, yeah I got the pictures and I liked them, to be honest.” He then inquired about a black rifle in the photo, which UC-1 identified as an SKS rifle. **AL-AZHARI** asked if it was a “sniper rifle,” but

UC-1 explained that it was not. **AL-AZHARI** then said, “Basically, for now bro, all I need is, I need a Glock 19, with the, with the extended mag, with the 40 mag, and a silencer, bro. That’s what I need for now.” **AL-AZHARI** continued that he wanted the AK-47 but that he did not have \$750 for it. Instead, **AL-AZHARI** discussed trading the Uzi. He noted that he had paid \$1,700 for the Uzi and that the person who sold it to him had ripped him off. After discussing the value of the different firearms and the silencer, **AL-AZHARI** said that he had already paid \$375 for the eBay items and asked how much UC-1 wanted for just the Glock 19 and the silencer. **AL-AZHARI** specified, “But look, bro, I want like a really, really quiet silencer.” The two continued to discuss price options for the firearm and silencer. When asked if he had the money to buy all of the items, **AL-AZHARI** said, “I’m working, so, bro, I’m working on, I’m working on growing my money right now. But, you know, that’s why I need, I need my stuff, I need my stuff to grow my money.” **AL-AZHARI** tried to negotiate a higher price for the trade of the Uzi, noting that he would still buy the Glock and other items regardless. He also emphasized that he was looking for a silencer that was “really, really quiet.”

29. Still later in the conversation, **AL-AZHARI** said that he would start with the Glock 19, the threaded barrel, and the silencer, but that they could do other business later on. UC-1 said he would look into the silencer and also asked **AL-AZHARI** if he could send a screenshot of his online bank account balance, to prove that **AL-AZHARI** had enough money to complete the deal. In response, **AL-**

**AZHARI** said that he would just send him the entire amount of the money up front.

UC-1 also asked **AL-AZHARI** to send him a photo of the Uzi.

30. After the phone call, **AL-AZHARI** sent UC-1 a text message containing a photo of an Uzi with a possible silencer attached to the barrel. UC-1 thereafter sent **AL-AZHARI** four more photos of firearms, including a Glock 19. **AL-AZHARI** responded by text message, "Is that the glock 19?"

31. On April 28, 2020, UC-1 and **AL-AZHARI** had another phone call. **AL-AZHARI** confirmed that he had received the additional photos from UC-1, and he confirmed that the Uzi was .22 caliber. UC-1 then asked if **AL-AZHARI** would still be willing to sell it to him in Texas, as a credit toward the purchases. **AL-AZHARI** responded, "Yeah, like, I was thinking about, how about, if I give this to you, you give me the AK and the Glock 19 with the silencer." UC-1 agreed but expressed concern about whether the Uzi actually functioned. **AL-AZHARI** said, "What's actually really cool about this Uzi, it's, it's really accurate. I love it, I mean, the way it shoots. It's really accurate. And it's still, it's not that loud." UC-1 told **AL-AZHARI** to ship it to him so as to confirm that it functioned. **AL-AZHARI** then asked to confirm the terms of the deal, saying, "So bro, so basically what I'm trying to say is, the, the Uzi, with the AK, with, with the Glock 19, with the silencer. Does that, does that work?" The two went on to discuss the price for everything, factoring in the \$375 balance from eBay. **AL-AZHARI** agreed to send UC-1 the Uzi and pay him approximately \$600, as part of a package deal. **AL-AZHARI** also requested five or six magazines for the AK-47.

32. **AL-AZHARI** then said that he also had a CPX-1 9mm pistol to trade. UC-1 asked for a photo and agreed that he could factor that gun into the trade as well. **AL-AZHARI** explained that he had repainted the CPX-1, but that it was easy to use. **AL-AZHARI** said, "I just literally got it off the streets, bro." UC-1 and **AL-AZHARI** then discussed how to covertly ship **AL-AZHARI's** firearms to Texas.

33. Later on April 28, 2020, UC-1 and **AL-AZHARI** had another phone call. **AL-AZHARI** started the call by asking, "I just wanted to ask you, you know what a solvent trap is, right?" UC-1 said that he did not and **AL-AZHARI** explained, "Yeah that's, bro, that's something, it's, so that's like, like a cylinder you attach to your, to your barrel and you use that for cleaning your gun. People modify that to become, to turn into, to become a silencer." UC-1 said "but we're dealing with the real one," and **AL-AZHARI** said, "Of course, why I'm calling is, because I wanted to ask you, can we get, at least, can we get a silencer for the AK?" UC-1 responded that it would take some time to do so and he warned **AL-AZHARI** to "be careful." **AL-AZHARI** said, "That's, and that's why I mentioned to you the solvent trap. Because if you to, if you were familiar with that, you can, you can still easily get one online and, you know, you can modify it. There's ways on YouTube."

34. Also on April 28, 2020, **AL-AZHARI** sent UC-1 a text message containing photos of the CPX-1, advising UC-1 that he had paid \$400 for it.

35. On April 29, 2020, UC-1 and **AL-AZHARI** exchanged text messages. UC-1 asked **AL-AZHARI** if he was "still interested" and **AL-AZHARI** replied, "Yes. Can we wait for like 1 week?" **AL-AZHARI** then wrote, "Hey man just to

let you know the UZI is semi-automatic but you can convert it into fully-automatic. With a small chip.” UC-1 responded, “Yes.”

36. Later the same day, UC-1 and **AL-AZHARI** had another phone call, and UC-1 asked **AL-AZHARI** if he had acquired items to use to conceal the Uzi and CPX-1 within when he shipped them from Tampa. **AL-AZHARI** expressed concern about getting caught and said that he was going to try to have someone else deliver the items for him. UC-1 then said that he had a friend in the Orlando area who might be able to meet **AL-AZHARI**, pick up the firearms, and send them to UC-1. **AL-AZHARI** replied, “Yeah but how can I guarantee my stuff coming first?” He also offered to send UC-1 a video documenting that the Uzi was operational. **AL-AZHARI** continued negotiating the price for their transaction. UC-1 said that he would discount the total price for the package deal to \$400, including the traded guns. **AL-AZHARI** then agreed to travel to Orlando meet with UC-1’s friend. He also said, “Look, I mean, you know, like, you know, once your, your friend has all, has that, has the Uzi and has the, the other gun with him, I gotta guarantee my shit comes too, right.” **AL-AZHARI** concluded the conversation by offering once again to take a video of himself shooting the Uzi.

37. The next day, April 30, 2020, UC-1 and **AL-AZHARI** had another phone call. UC-1 asked **AL-AZHARI** if he remained interested in doing the deal. **AL-AZHARI** asked, “So did your friend agree on shipping the stuff to his house?” UC-1 explained that he did not, but that his friend would be in Orlando and would meet **AL-AZHARI** to pick up the guns from **AL-AZHARI** so that they could be

shipped to UC-1. UC-1 said that he knew how to ship the guns to Tampa, and **AL-AZHARI** responded, "I'm just really afraid, you know, like, like, I think it, you know that the first time, I almost think the problem was with eBay, I think the problem was with me." UC-1 said that he would not put the package in **AL-AZHARI's** name. **AL-AZHARI** then agreed to meet with UC-1's friend in Orlando on May 2, 2020, but he said that he no longer wanted to sell the CPX-1 because, "If I'm gonna ship this one, I'm gonna be totally naked, you know what I'm saying?" **AL-AZHARI** asked what the price would be if the deal only included him selling the Uzi, and UC-1 said that **AL-AZHARI** would owe \$600. The two then negotiated a total price of \$500 plus the Uzi, in exchange for the AK-47, the Glock 19, the silencer, the threaded barrel, and the magazines.

38. After **AL-AZHARI** tried to negotiate further, UC-1 said, "Here's the deal man. Here's the thing what you're paying for, understand in business, like, to get a suppressor, we both know that that's not legal. Like, we're, we're taking a chance. So that's a six month wait through a, the, if you buy it from the gun shop. So you're not, if, you know, if we would have had figured this out earlier, you would have got it already. So you're not doing a six month wait. I've got something that's put away and I'm gonna get it to you." **AL-AZHARI** asked for 7.62 caliber ammunition for the AK-47 and inquired whether the gun would be automatic, or if UC-1 could convert it to automatic. UC-1 said that he could ask someone to covert it, but cautioned that they we're "treading in dark waters" and that **AL-AZHARI** could not say where he had obtained the items. **AL-AZHARI** said, "Yeah, hell no,

bro.” UC-1 then agreed that he would convert the AK-47 to be fully automatic. **AL-AZHARI** said that he needed a “fully automatic.” UC-1 responded that **AL-AZHARI** did not have to deal with him and that he was not forcing him to do the deal. **AL-AZHARI** then said, “Like, bro, like, okay, can you, can you convert it into a, into a, can you bring the pieces, make it happen, make it become like a fully automatic?” and UC-1 said that he could. **AL-AZHARI** agreed to pay half the money up front and half once UC-1 shipped the items from Texas.

39. Later on April 30, 2020, UC-1 and **AL-AZHARI** had another phone call and they discussed a possible meeting with UC-1’s friend in Orlando. UC-1 further explained that if the deal could not happen, then he could find another buyer for the guns. **AL-AZHARI** then asked, “Hey bro, I wanna ask you, do you know, if I wanted to convert the, the, this Uzi that I have into a 9mm—into fully automatic—do you know how I can do that?” UC-1 responded that he would have to have someone else do it for him. **AL-AZHARI** said that he was going to give UC-1 \$500 and the Uzi, and he asked if, in the future, “maybe three weeks, after a month,” UC-1 could get him a small, fully automatic Uzi. **AL-AZHARI** continued, “You know what we can do? What, what we can do is, if you’re, if you’re, if you’re not a felon, if you can buy something legally, and then all you got to do is wipe the serial number and change the barrel. If you change the barrel and that way, you know, even if I shoot one hundred times, says, it’s not going to be traced to that, to that serial number.” As the conversation continued, **AL-AZHARI** asked that the AK-47 be

made fully automatic and then confirmed the details of the transaction. UC-1 said that he would give **AL-AZHARI** his friend's phone number the next day.

40. On May 1, 2020, Tampa Police Department officers arrested **AL-AZHARI** for unlicensed carrying of a concealed firearm after he tried to enter a Home Depot store in Tampa with a derringer-style pistol on his person. **AL-AZHARI** was detained overnight. As a condition of his release, the state court issued an order prohibiting **AL-AZHARI** from possessing any firearms.

41. Also on May 1, 2020, UC-1 attempted to contact **AL-AZHARI** while he was in custody for the firearms offense and left **AL-AZHARI** voice and text messages asking **AL-AZHARI** to contact him if he still wanted to go forward with the transaction. On May 2, 2020, **AL-AZHARI** called UC-1 and said that he was just released from jail.

42. Two days later, on May 3, 2020, UC-1 and **AL-AZHARI** had another phone call. **AL-AZHARI** said that he did not want anything delivered to his address, but that he was going to look for another place where the items could be delivered. He told UC-1 that the Uzi was "gone" and that he would have to pay full price for everything instead of trading that gun as part of the deal. **AL-AZHARI** asked UC-1 if he had converted the AK-47 into a fully automatic rifle. When UC-1 said that he had and that he had obtained all of the items that **AL-AZHARI** requested, **AL-AZHARI** asked what the price was for all of the items, including the AK-47, Glock 19, the magazines and ammunition. UC-1 said that the total price was \$1,750, and **AL-AZHARI** tried to negotiate a lower price. The two agreed on

\$1,600 and that **AL-AZHARI** would pay part of the money up front, followed by a second payment once the items shipped, and the remaining balance after.

43. The call then cut out and they immediately reconnected. **AL-AZHARI** asked if UC-1 thought that “they’re going to monitor my mail now” that he had been released from jail. **AL-AZHARI** also repeated his concern about the shipment.

44. The call then cut out again and when the two reconnected, **AL-AZHARI** spoke about the circumstances of his arrest and said that he was afraid that his address was being monitored.

45. On May 8, 2020, **AL-AZHARI** called UC-1 again. In relevant part, **AL-AZHARI** said, “Well bro, I’m not feeling, I’m going through a lot of shit right now. I had to, I had to go to the hospital, you know. And then I had to contact lawyers, lawyers right now and shit... Yeah bro, so I’m feeling bro, this is gonna take a little while, man. You know what I’m saying?” UC-1 asked if **AL-AZHARI** was still interested in the guns and other items and said that he would put them in storage. **AL-AZHARI** said that he “absolutely” wanted the “stuff” and that if UC-1 had them then **AL-AZHARI** would buy them. UC-1 said that the items would not be going anywhere, and **AL-AZHARI** said that UC-1 did not need to hold the items for him. **AL-AZHARI** explained, “And if I need something in the future, I’ll tell you hey bro, okay, now I’m good, I need this and that, have it shipped to this place or that place, okay?” UC-1 responded that his friend might be moving to Orlando and that he could arrange future shipments to the friend, for **AL-AZHARI**. **AL-**

**AZHARI** said, “Hell yeah, of course. I promise you bro, ‘cause like, if I’m in a good situation right now, I’d probably would have had it right now in my house. But I am going through, I am going through a lot of shit right now, so we’re gonna have to wait a little bit.” **AL-AZHARI** asked UC-1 to confirm that he would not change his phone number in case **AL-AZHARI** needed to contact him later. **AL-AZHARI** interjected “I’m just afraid you know, I’m just afraid that, that after court, you know, the stupid judge is going to say, ‘Well, Muhammed, you’re going to have to do some time in there.’ I really hope not.” The two went on to discuss **AL-AZHARI**’s criminal case, his plans to get a new job, and possible plans to relocate.

### **C. Wish.com Purchases**

46. Wish.com (“Wish”) is an American online e-commerce platform, similar to eBay, that facilitates transactions between sellers and buyers. Wish is operated by ContextLogic Inc. in San Francisco, California. The platform employs browsing technologies that personalize shopping visually for each customer, rather than relying on a search bar format. It allows sellers to list their products on Wish and sell directly to consumers. Wish acts as an intermediary handling payments, but does not stock the products themselves or manage returns. Users can create an account directly with Wish and they can also log in through their existing Google or Facebook accounts.

47. Records from Wish show that **AL-AZHARI** has purchased various items online since late April 2020. The purchases included the following product descriptions:

- Aluminum Car Fuel Trap Solvent Filter For NAPA 4003 WIX 24003 Car Fuel Percolator Auto Filters Or 1/2 Pc Cone filter Element;
- 150mm 11 Pcs Fuel Trap Solvent Filter 6061-T6 Aluminum Fuel Percolator Strainer For NAPA 4003 WIX 24003 Auto Filters Or 1PC Cone filter element;
- US Army Military Tactical Vest Anti Stab Hard Self-Defense Clothing Bullet-proof Security Equipment Men Tactical Vest Bulletproof Vest Mountaineering Vest 13 Color;
- Powerful Green Red Blue Laser Pointer Pen Beam Light 5mW Professional Military High Power Presenter lazer Hot Selling;
- 3D Skull Animal Face Mask Tube Shape Neck Scarf Funny Biker Skiing Cycling Bandana Magic Headband Balaclava;
- Fashion Backpack External USB Charging Interface Adapter Charging Cable (Color: Black);
- NEW Fashion Men Autumn Winter Tops Long Sleeve Hooded Long Coat Unique Open Front Irregular Hem Cardig;
- GPS Tracker Car Real Time Vehicle GPS Trackers Tracking Device GPS Locator for Children Kids Pet Dog for iphone iPad use an Coat Male Wool Windbreaker Overcoat Outwear Jacket; and
- Ultra 4K/1080P/720P Camera Drone,50X Zoom,5G WiFi Fpv RC Drone Precise Positioning Refuse To Lose Smart Return+GPS Follow+Fixed Point Flight+Trajectory Flight+Gesture.

48. **AL-AZHARI** ordered the aluminum car fuel trap solvent filter on April 29, 2020. **AL-AZHARI** arranged for this item to be sent to his residence in Tampa, and it shipped from a foreign country on May 4, 2020. **AL-AZHARI** ordered the “150mm 11 pcs” fuel trap solvent filter on April 30, 2020. **AL-AZHARI** arranged for this item to be sent to his residence in Tampa, and it shipped from a foreign country on May 3, 2020.

49. A court-authorized physical search of **AL-AZHARI**'s iPhone 6s revealed that on April 30, 2020, at approximately 9:43 p.m., an image was captured (believed to be from the internet) of how a solvent trap works. The photo depicts the

following recommendations: “your choice of oil filter (must have  $\frac{3}{4}$ -1/6 threads),” “adapter  $\frac{1}{2}$  -28 to  $\frac{3}{4}$  -16,” “you must have a threaded fitting with  $\frac{1}{2}$  -28 threads.”

50. Solvent traps are devices designed to be attached to the muzzle of a firearm barrel designed to catch or “trap” dirty cleaning solvent pushed through the barrel from the chamber end and out through the muzzle. Solvent traps are intended to prevent solvent from dripping, spraying, or spattering when pushed out the muzzle end of a firearm barrel.

51. Based on my training and experience, as well as discussions with other law enforcement agents and a review of materials provided by the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), I am aware that solvent traps and similar filters can be readily converted into firearm silencers within the meaning of 18 U.S.C. § 921(a)(24). For example, an ATF technical bulletin addressed various types of filters used as solvent traps and firearm silencers. That bulletin determined that an unmodified “spin-on” automotive filter is suitable for use as a “solvent trap.” With regard to unmodified fuel filters, which have a solid interior, they are recognized as having a legitimate purpose as “solvent traps” because, like oil filters, they have no hole that passes directly through and they can therefore collect solvent and debris. If modified by either drilling or shooting out the solid center material, the fuel filters could be classified as firearm silencers.

52. Based on this information, as well as **AL-AZHARI**’s statements to UC-1, I believe that **AL-AZHARI** has purchased the solvent traps through Wish with the intent to convert them into firearm silencers. **AL-AZHARI** expressly told

UC-1 that a solvent trap is “like a cylinder you attach to your, to your barrel and you use that for cleaning your gun” and that “[p]eople modify that to become, to turn into, to become a silencer.” **AL-AZHARI** then specifically asked about obtaining a silencer for the AK-47 and said, “[T]hat’s why I mentioned to you the solvent trap. Because if you to, if you were familiar with that, you can, you can still easily get one online and, you know, you can modify it. There’s ways on YouTube.” **AL-AZHARI** also made repeated statements to UC-1 about wanting a “really quiet” silencer and expressed an interest in obtaining a threaded barrel, to which a silencer or solvent trap can be attached. Therefore, I believe that **AL-AZHARI** intends to convert the solvent traps that he has ordered into firearm silencers.

#### **D. Statements to Home Depot Coworkers**

53. Prior to **AL-AZHARI**’s arrest on the state firearm charge, FBI agents interviewed some of his coworkers at Home Depot and also obtained statements that other employees had given to Home Depot’s corporate security office. The employees expressed concern about statements that **AL-AZHARI** had made concerning Islam, guns, and violence. For example, a supervising employee (“Employee-1”) said that **AL-AZHARI** often spoke of Islam at work and conveyed views that were passionate and aggressive. In reference to September 11<sup>th</sup> attacks, **AL-AZHARI** had said that he believed that Americans got what they deserved that day. Employee-1 also overheard **AL-AZHARI** speaking to another coworker about the concept of jihad, which **AL-AZHARI** explained involved defending Islam.

Furthermore, **AL-AZHARI** express a strong interest in Employee-1's prior military service and deployment to Iraq.

54. Employee-1 said that **AL-AZHARI** kept a 9mm handgun in the center console of his car and that **AL-AZHARI** had shown Employee-1 the gun one night during a work break. Employee-1 was also aware that **AL-AZHARI** had asked multiple other employees to sell him a gun and that he thought that **AL-AZHARI** sometimes had acted paranoid. On April 23, 2020, **AL-AZHARI** asked to take an early break and told Employee-1 that a package he was anticipating had been returned to the sender. This was likely the pistol frame and jig kit that **AL-AZHARI** had bought from the eBay Seller on April 20, 2020. Employee-1 perceived that **AL-AZHARI** was disappointed. After **AL-AZHARI** returned from his break, he noticed police vehicles parked outside of the store. **AL-AZHARI** became anxious and constantly looked out of the front window and doors. **AL-AZHARI** then told Employee-1 that he needed to go home. Before leaving, **AL-AZHARI** gave Employee-1 two names and phone numbers, telling him to contact those people if he got arrested after he left work.

55. A second coworker of **AL-AZHARI's** at Home Depot ("Employee-2") told corporate security that **AL-AZHARI** openly tried to convince employees to share his religious belief. Employee-2 noted that that **AL-AZHARI** spoke negatively and passionately about the United States and homosexuality. **AL-AZHARI** also asked Employee-2 to buy guns for him on multiple occasions. **AL-AZHARI** asked Employee-2 about the process of registering guns, background checks, and serial

numbers. **AL-AZHARI** said that he did not want to undergo a background check for firearms and that he would grind the serial number off a gun. Additionally, Employee-2 overheard a story from other employees about **AL-AZHARI** discussing an unspecified event and saying, “It will get bloody.” **AL-AZHARI** also discussed his imprisonment in Saudi Arabia with Employee-2.

56. A third coworker of **AL-AZHARI**'s at Home Depot (“Employee-3”) told corporate security that **AL-AZHARI** asked him how to obtain a firearm. When Employee-3 explained how to legally do so, **AL-AZHARI** asked him about how to obtain a firearm suppressor. Employee-3 also mentioned that another employee had claimed that **AL-AZHARI** had once pulled a firearm on a different coworker while at work.

**E. Activity Involving Terrorism and Intention to Conduct an Attack**

57. Using court-authorized searches, surveillance and other lawful means, the FBI has lawfully obtained the content of certain electronic and oral communications involving **AL-AZHARI**, in which he has expressed an interest in carrying out acts of terrorism, ISIS, firearms, shootings, explosives, poisons, and avenging injustices to Muslims and other associates abroad.<sup>7</sup> Those communications date back to at least May 2019. I discuss some of those communications below.

**i. Electronic and Oral Communications**

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<sup>7</sup> Electronic communications, chats and postings quoted herein have not been edited to correct grammatical and/or spelling errors. Any conversations in Arabic have been translated with the assistance of a qualified FBI interpreter/linguist.

58. On May 14, 2019, 12 visits were made to a known TOR-based<sup>8</sup> website that hosts unofficial propaganda and photographs related to ISIS. The website view originated from IP address 71.84.66.241, which resolved to an address in Riverside, California that is registered with Charter Communications and at which **AL-AZHARI**'s grandmother resides. The FBI is aware that **AL-AZHARI** resided at his grandmother's residence at that time, before he returned to Tampa in June 2019.

The following items were accessed on May 14, 2019, at the TOR-based website:

a. A blog page containing links to donate to the site in Bitcoin.

b. A blog containing information on military operations carried out by Caliphate fighters in Iraq, Syria, and Nigeria.

c. A posting with reference to the memorial of martyr Abu Wardah.<sup>9</sup>

d. Postings of the day's news regarding the Islamic State media.

e. A blog page entitled "West Africa State pictorial report (1); Partial results of the attack carried out by the Khalifate fighters against Nigerian army barracks in Brono."

f. 17 pages of links posted by "Abu Jihad" containing links to Al-Furqan and Al-I'atisam Establishment (which public information reveals is ISIS's media arm) media files. Most of the linked files were articles promoting the Islamic State, including editorials for prominent ISIS figures like Abu Musab Al-Zarqawi and

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<sup>8</sup> TOR, or "The Onion Router," is an open-source software for enabling anonymous communications. TOR directs internet traffic through a worldwide overlay network consisting of relays to conceal a user's locations and usage. TOR is often colloquially referred to as the "dark web."

<sup>9</sup> Abu Wardah was an Indonesian Islamic militant and the leader of Mujahidin Indonesia Timur. Abu Wardah reportedly pledged allegiance to ISIL in July 2014.

Anwar al-Awlaki, news of battles carried out by ISIS fighters, and open letters from ISIS to various countries.

g. A blog site discussing Al-Furqan before the Caliphate and the history of jihad.

59. A court-authorized physical search of **AL-AZHARI**'s iPhone 6s revealed that on August 14, 2019, at approximately 7:40 a.m., **AL-AZHARI** was in a messaging application chat room that provided videos and information containing ISIS propaganda from Syria, an image of a dead jihadi, and content involving Abu Bakr al-Baghdadi.<sup>10</sup>

60. A court-authorized physical search of **AL-AZHARI**'s iPhone 6s revealed that on August 30, 2019, at approximately 9:00 a.m., **AL-AZHARI** accessed a messaging application chat room that provided videos and information of a lion roaring (which, based on my training and experience, is an image that ISIS frequently uses), as well as ISIS attacks and killings. That same day, at approximately 3:45 p.m., **AL-AZHARI** accessed a messaging application chat room that provided a photo of deceased ISIS fighter Abu Muhammad Al Adnani and a poem glorifying martyrs who had died fighting for Allah.

61. A court-authorized physical search of **AL-AZHARI**'s iPhone 6s revealed that on September 19, 2019, **AL-AZHARI** accessed a messaging application chat room that provided multiple YouTube links for training videos about street fighting and urban warfare.

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<sup>10</sup> al-Baghdadi was the Iraqi-born leader of ISIS until his death in October 2019.

62. A court-authorized physical search of **AL-AZHARI**'s iPhone 6s revealed that on September 28, 2019, **AL-AZHARI** accessed a messaging application chat room that provided multiple JustPaste.it links and encyclopedias for poisons, explosives and improvised explosive devices ("IEDs").

63. A court-authorized physical search of **AL-AZHARI**'s iPhone 6s revealed that on October 7, 2019, **AL-AZHARI** accessed a messaging application chat room that posted an article about IEDs. That same day, **AL-AZHARI** visited a messaging application chat room that posted articles on how to obtain ricin and poisonous explosive devices. Several minutes later, **AL-AZHARI** accessed a messaging application chat room that posted articles on how to obtain ricin. Still later, **AL-AZHARI** visited a messaging application chat room that posted articles and videos on how to make a bomb, phosphate, hypochlorite sodium chlorine, hypochlorite sodium chlorox, trinitrotoluene (TNT), and explosive properties.

64. A court-authorized physical search of **AL-AZHARI**'s iPhone 6s revealed that on October 10, 2019, **AL-AZHARI** accessed a messaging application chat room that provided a link for a downloadable PDF titled "*How to make a bomb at home.*" The channel listed bomb making ingredients and lessons that included items such as explosive properties, direction of pressure wave, types of explosions, and how to make acetone peroxide.

65. A court-authorized physical search of **AL-AZHARI**'s iPhone 6s revealed that on October 10, 2019, **AL-AZHARI** accessed a messaging application chat room that provided a link to, and information for, a guide called "*Mujahid guide*

*in forensic research* and *4 easy ways to make a suicide belt.*” The channel also provided a link to a news article about IEDs. The article was titled “*Explosive Devices*” and it discussed IEDs, how to use them in warfare, IED types, and booby trapping.

66. A court-authorized physical search of **AL-AZHARI**’s iPhone 6s revealed that on December 22, 2019, **AL-AZHARI** accessed a messaging application chat room that provided news and media for jihadists and ISIS. The words “Gratitude to Abu Bakr and all those who support the cause” was posted in the chat.

67. A court-authorized physical search of **AL-AZHARI**’s iPhone 6s revealed that on February 8, 2020, at approximately 5:20 p.m., a screenshot was captured of the S2 Institute, located at 7402 N 56th St, Building 300, Suite 385, Tampa, Florida. S2 is a training school for firearms and self-defense.

68. A court-authorized physical search of **AL-AZHARI**’s Google email account revealed that on February 28, 2020 at approximately 5:55 p.m., Google Maps was used to view the Landau Seminole Hard Rock, which is part of a hotel and casino in Tampa.

69. A court-authorized physical search of **AL-AZHARI**’s iPhone 6s revealed that on February 29, 2020, at approximately 3:59 p.m., Google Translate logged the term “polytheist and an infidel,” translated from English to Arabic.

70. A court-authorized physical search of **AL-AZHARI**’s iPhone 6s revealed that on March 8, 2020, at approximately 9:01 p.m., a search was conducted for “disguises.” That same day, at approximately 1:11 a.m., a court-authorized search of **AL-AZHARI**’s email account revealed Google Maps was used to search

for “Bayshore Boulevard, Tampa, FL.” Bayshore Boulevard is a major road and pedestrian promenade in Tampa that is frequented by joggers and bicyclists. Also that same day, A court-authorized physical search of **AL-AZHARI**’s iPhone 6s revealed that at approximately 4:20 p.m., a screenshot was captured of the S2 Institute.

71. A court-authorized physical search of **AL-AZHARI**’s iPhone 6s revealed that on March 10, 2020, at approximately 1:02 a.m., a website cookie was captured from *disguisescostumes.com*.

72. A court-authorized physical search of **AL-AZHARI**’s iPhone 6s revealed that on March 18, 2020, at approximately 8:05 a.m., a screenshot was captured of a video application with the title “How to Find a GPS Tracker on your Vehicle.”

73. A court-authorized physical search of **AL-AZHARI**’s Google email account revealed that on March 21, 2020, UTC, Google Maps was used to navigate to “Bayshore Blvd, Tampa, FL.” Also that same day, Google Maps was used to search for “gun shop.” A few minutes later, Google Maps was used to navigate to Shoot Straight Tampa, which is a gun store and shooting range. Google Maps thereafter captured a call to Shooters World, another gun store and shooting range in Tampa. Still later, Google Maps was used to search for “gun shop.”

74. A court-authorized physical search of **AL-AZHARI**’s Google email account revealed that on March 22, 2020, between approximately 8:04 a.m. and 8:11

a.m., Google Maps was used to view various locations involving guns and ammunition, including the following searches:

- Cracker Boys Outdoors Inc., a gun and hunting store in Pinellas Park, Florida.
- Shoot Straight Clearwater
- Take Aim Guns and Sales.
- Florida Ammo Traders.
- Eddy's Pawn & Gun.
- Central Firearms.
- A-1 Pawn Inc.
- Tampa Arms Company.
- "Gun shop in America."
- American Hunter Gun & Archery Shop.

75. A court-authorized physical search of **AL-AZHARI's** iPhone 6s revealed that on March 23, 2020, at approximately 2:27 a.m., Google Translate logged the term "concert houses," translated from English to Arabic. Based on my training and experience, as well as open source information, I am aware that on November 13, 2015, individuals carried out a series of coordinated terrorist attacks in Paris, France and a nearby suburb. Part of the attack involved a mass shooting and siege at the Bataclan theatre during a concert, which resulted in the deaths of 90 people. ISIS claimed responsibility for the attacks.

76. A court-authorized physical search of **AL-AZHARI's** Google email account revealed that on March 29, 2020 at approximately 4:46 a.m., Google Maps was used to search for "Muslim Cemetery of South Florida, 17551 NW 137th Ave, Hialeah, FL 33018," which is located approximately four hours from **AL-AZHARI's** residence in Tampa.

77. Omar Mateen is buried at this cemetery in Hialeah. On June 12, 2016, Pulse nightclub in Orlando was the scene of the second worst mass shooting by a single gunman in United States history, and the deadliest terrorist attack on United States soil since the events of September 11, 2001. The attack resulted in the deaths of 49 people and injury to 53 others. The attacker, Omar Mateen, identified himself as a soldier and supporter of ISIS.

78. A court-authorized physical search of **AL-AZHARI**'s Google email account revealed that on March 30, 2020 at approximately 4:58 p.m., Google Maps was used to search for "shoot straight." At approximately 5:00pm, Google Maps was used to search for "shooters world." Approximately two minutes later, Google Maps captured a call to Shooters World in Tampa. After that, Google Maps was used to search for "gun shop," which was followed by Google Maps capturing a call to Tampa Arms Company. At approximately 5:16 p.m., Google Maps was used to navigate to Shoot Straight Tampa.

79. A review of surveillance footage from Shoot Straight Tampa revealed **AL-AZHARI** entering the store and purchasing ammunition at approximately 6:27 p.m. on March 30, 2020. A receipt obtained from Shoot Straight indicates that **AL-AZHARI** bought two boxes of 9mm ammunition.

80. A court-authorized physical search of **AL-AZHARI**'s iPhone 6s revealed that on April 3, 2020, at approximately 11:38 a.m., an image was captured of the word "USA" written in the sky, likely by an airplane. The words "Oh Allah

destroy” appeared handwritten on a white piece of paper that was being held above “USA,” with palm trees visible in the background.

81. A court-authorized physical search of **AL-AZHARI**’s Google email account revealed that on April 3, 2020, at approximately 11:50 a.m., Google Maps was also used to search for “Pulse Night Club, 1526 Sansom St, Philadelphia, PA 19102.” Approximately one minute later, Google Maps was used to search for “PULSE, 1912 S Orange Ave, Orlando, FL 32806.”

82. A court-authorized physical search of **AL-AZHARI**’s iPhone 6s revealed that the same day, at approximately 11:55 a.m., an image was captured a photo of a grey stone building from the driver’s seat of a vehicle that appears to be **AL-AZHARI**’s. In the left corner of the photo was the sign for the Pulse nightclub in Orlando. Within approximately a minute, images were captured of two more photos of the Pulse nightclub.

83. A court-authorized physical search of **AL-AZHARI**’s Google email account revealed that on April 3, 2020, at approximately 1:16 p.m., Google Maps was also used to search for “Federal Bureau-Investigation, 850 Trafalgar Ct #400, Maitland, FL 32751.” At approximately 1:24 p.m., Google Maps was used to search for “Walt Disney World Resort, Orlando, FL.”

84. A court-authorized physical search of **AL-AZHARI**’s iPhone 6s revealed that on April 6, 2020, at approximately 12:09 a.m., a website cookie was captured from *shootersworld.com*. At approximately 12:12 a.m., a website cookie was

captured from *www.tampatacticalsupply.com*. Tampa Tactical Supply is a gun store in Riverview, Florida.

85. A court-authorized physical search of **AL-AZHARI**'s Google email account revealed that on April 11, 2020, at approximately 2:06 p.m., Google Maps was used to search for "ghost guns" and "Ghost Firearms."

86. A court-authorized physical search of **AL-AZHARI**'s Google email account revealed that on April 12, 2020, at approximately 12:32 a.m., Google Translate logged the term "solvents," translated from English to Arabic.

87. A court-authorized physical search of **AL-AZHARI**'s iPhone 6s revealed that on April 13, 2020, at approximately 9:17 a.m., **AL-AZHARI** and an individual whom the FBI has identified as "A.B." exchanged iMessage chats. Their conversation is summarized as follows: **AL-AZHARI** asked A.B. if they could get something that night, and A.B. said that he could. **AL-AZHARI** said that he would not be working at night but that they could meet somewhere. The two agreed to meet at 6:00 p.m. A.B. told **AL-AZHARI** that his cousin had "it," that A.B. had to go get "it" from him, and that the price was \$450. **AL-AZHARI** asked to confirm it was for the "23."<sup>11</sup> A.B. said it was and that he wanted to send **AL-AZHARI** a picture, but **AL-AZHARI** had told him not to do so.

88. Later, **AL-AZHARI** and A.B. discussed where and when to meet. **AL-AZHARI** asked if A.B. could bring "the stuff" with him, and A.B. said that he

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<sup>11</sup> Based on my training and experience, as well as my familiarity with this investigation, I believe that "23" is a reference to a Glock 23 pistol.

would. **AL-AZHARI** asked how much it would be for “two 23s.” A.B. said he could do \$900 for both of them. **AL-AZHARI** asked if A.B. could take him to a “shop” and get him something cheaper. A.B. said he could and the two discussed **AL-AZHARI**’s work schedule.

89. A court-authorized physical search of **AL-AZHARI**’s Google email account revealed that on April 13, 2020, at approximately 9:26 a.m., Google Maps was used to view “Disguises A Costume Superstore.” At approximately 9:28 a.m., Google Maps was used to search for “disguises.”

90. A court-authorized physical search of **AL-AZHARI**’s Google email account revealed that on April 15, 2020, Google Maps was used to search for “East Tampa Pawn and Gun, 4505 E Hillsborough Ave, Tampa, FL 33610.”

91. A court-authorized physical search of **AL-AZHARI**’s Google email account revealed that on April 17, 2020, Google Maps was used to search for “gunsmith.”

92. A court-authorized physical search of **AL-AZHARI**’s Google email account revealed that on April 18, 2020, Google Maps was used to search for “solvent trap.”

93. A court-authorized physical search of **AL-AZHARI**’s iPhone 6s revealed that on April 20, 2020, at approximately 7:31 p.m., a note was saved to **AL-AZHARI**’s cell phone with a body that read “www.is.gd/isis333.”

94. A court-authorized physical search of **AL-AZHARI**’s iPhone 6s revealed that on April 21, 2020, at approximately 1:22 p.m., an image was captured

of a phone displaying a YouTube video entitled “Police release audio of 911 calls made by Orlando nightclub shooter.” The phone had the time of 1:22 p.m. displayed on it—suggesting that it was **AL-AZHARI**’s own phone being screenshotted—and a text transcription of Omar Mateen’s 911 calls from the Pulse shooting was displayed next to an image of Mateen.

95. Court-authorized intercepted calls from **AL-AZHARI**’s cell phone revealed that on April 23, 2020 at approximately 11:18 p.m., **AL-AZHARI** spoke with A.B. A.B. told **AL-AZHARI** that he was going to give him an unidentified individual’s number to text, and that **AL-AZHARI** should text that number using a fake phone number. A.B. said that as long as **AL-AZHARI** was “legit about it” and “down to do it,” the other individual said that he could do the “hit” the next day. **AL-AZHARI** then stopped A.B. from finishing his words and told A.B. to come and meet him at the Walmart. After this phone call, FBI agents conducting surveillance saw **AL-AZHARI** meet with someone in another car near a Walmart next to the parking lot of the Home Depot in Tampa where **AL-AZHARI** was employed. The occupants of the cars briefly talked and then **AL-AZHARI** drove back to Home Depot.

96. A court-authorized physical search of **AL-AZHARI**’s iPhone 6s revealed that on April 24, 2020, beginning at approximately 4:52 p.m., **AL-AZHARI** exchanged text messages via the Talkatone application with an individual whom the FBI has identified as “Y.M.” Their conversation is summarized as follows: **AL-AZHARI** told Y.M. that he had to be at work at 7:00 p.m., and he asked if they

could do the “Uzi with the silencer” and the “small one” before he went to work. Y.M. later responded by sending two images of a long black rifle with a green strap, and **AL-AZHARI** confirmed that he had received the picture. **AL-AZHARI** stated that the picture was “beautiful” and that he wanted it. Y.M. then sent an image of a long black gun, and **AL-AZHARI** asked if he could see the “small one.” **AL-AZHARI** asked Y.M. to send pictures and asked how much he wanted for it. Y.M. replied that he wanted \$1,500 because it was a “generation five” and it was “clean with papers.” **AL-AZHARI** said that he did not want to do papers, but Y.M. clarified that **AL-AZHARI** did not have to do any paperwork. Y.M. explained that he had obtained the gun from a gun store himself.

97. At approximately 6:07 p.m., Y.M. and **AL-AZHARI** agreed to meet at 9:00 a.m. the following day.

98. A court-authorized physical search of **AL-AZHARI**'s iPhone 6s revealed that on April 25, 2020, beginning at approximately 7:08 p.m., **AL-AZHARI** exchanged more text messages via Talkatone with Y.M. Their conversation is summarized as follows: Y.M. asked **AL-AZHARI** if he was going to pick him up at 11:30 p.m. **AL-AZHARI** said yes and that Y.M. had not sent him pictures of the “small one.” Y.M. then sent **AL-AZHARI** an image of himself holding a small handgun near his head. **AL-AZHARI** asked if it was a “22,” and Y.M. said it was a Bersa 380. **AL-AZHARI** told Y.M. that he might get it later. Y.M. then asked if **AL-AZHARI** wanted more pictures of the Uzi, to which **AL-AZHARI** responded “yes.” Y.M. thereafter sent **AL-AZHARI** three additional images of the long black

rifle. Y.M. told **AL-AZHARI** that if **AL-AZHARI** wanted, he could take him to a place to shoot the Uzi after **AL-AZHARI** bought it. **AL-AZHARI** agreed. Y.M. said he would see **AL-AZHARI** at 11:30 p.m.

99. At approximately 11:39 p.m., Y.M. told **AL-AZHARI** that he was “coming out right now.” **AL-AZHARI** asked where he was, and Y.M. said that he was “right there.”

100. A court-authorized physical search of **AL-AZHARI**’s iPhone 6s revealed that on April 26, 2020, at approximately 1:13 a.m., **AL-AZHARI** sent a message to Y.M. that said, “Hey bro this thing is not fully automatic and the silencer is not really quiet!” At approximately 7:16 a.m., **AL-AZHARI** sent a message to Y.M. that said, “And this is not a silencer it’s just a barrel. Call me when can please.” **AL-AZHARI** then sent Y.M. a link to a video of a man holding an Uzi.

101. A court-authorized physical search of **AL-AZHARI**’s iPhone 6s revealed that on April 26, 2020, at approximately 2:23 p.m., **AL-AZHARI** was in a messaging application chat room in which he received a number of updates, songs, articles, and poems about ISIS and martyrs. One of the updates read, “*ISIS threatens the rest of the Sunnah [apostates] that their jihad against them has not yet started.* **AL-AZHARI** also received ISIS propaganda in which the author asks the people to raise their hands and pray for the release of “our [ISIS] prisoners and that they will not receive any aid by from Allah.”

102. A court-authorized physical search of **AL-AZHARI**’s iPhone 6s revealed that on April 26, 2020, at approximately 8:39 p.m., **AL-AZHARI** sent a

message to Y.M. that contained a picture of a Walther Uzi 22LR firearm from *gunbroker.com*. **AL-AZHARI** said, “[Y]ou guys charged me 1700 for it...I only payed that price because I thought that was a silencer. It’s not. It’s only a barrel.”

103. A court-authorized physical search of **AL-AZHARI**’s iPhone 6s revealed that the same day, at approximately 5:10 p.m., **AL-AZHARI** had a conversation via the TextNow application with an individual whom the FBI has identified as L.J. **AL-AZHARI** sent L.J. photos of an Uzi and commented, “That’s not a silencer it’s only the barrel.”

104. A court-authorized physical search of **AL-AZHARI**’s iPhone 6s revealed that on April 27, 2020, at approximately 7:23 p.m., **AL-AZHARI** was in a messaging application chat room in which he received ISIS new updates, to include an ISIS video from Amag News concerning ISIS’s execution of military members in Chad. **AL-AZHARI** also received images of IED explosions of Egyptian military vehicles.

105. A court-authorized physical search of **AL-AZHARI**’s iPhone 6s revealed that on April 29, 2020, at approximately 12:15 p.m., **AL-AZHARI** was also in a messaging application chat room with the handle “Islamic State Publications.” **AL-AZHARI** received a message that said, “*Congratulations! You subscribed to The Islamic State Publications.*” **AL-AZHARI** also received a message that said, “*Brother, please share: Facebook can save all activities you carry out outside of Facebook. #Beware of Facebook and Islamic States in Yemen @[redacted].*”

106. A court-authorized physical search of **AL-AZHARI**'s iPhone 6s revealed that on April 30, 2020, at approximately 8:10 a.m., **AL-AZHARI** also used a messaging application to make a video of himself displaying two guns. **AL-AZHARI** was observed singing as he showed off the guns. **AL-AZHARI** said the following: "We have a local (which I interpret to mean "homemade") silencer and the bullets are 9mm. To raise to the highest levels is a must for every crusader. This is 9mm, thank God. Will be used against God's enemies. And this 22. Of course 22 of a hundredth of inches, not millimeter. I ask God the almighty to enable me and give me a duty that God will be happy with, and God is able to do that."

107. A court-authorized physical search of **AL-AZHARI**'s iPhone 6s revealed that on April 30, 2020, at approximately 8:18 a.m., **AL-AZHARI** also created a video using his cell phone. The video depicts **AL-AZHARI** wearing a facemask, holding a long weapon (which I believe to be the Uzi) pointing the gun. **AL-AZHARI** appears to address an audience of potential victims, speaking in both in English and in Arabic as follows: "Hey you, get on the floor. Get on the floor now. Don't you move, don't you move, I'm telling you, I will kill you. Get on the floor, God willing, the Exalted." **AL-AZHARI** then pointed the gun at what is presumed to be someone on the floor and said, "Get on the floor." Then, while standing up with a facemask on, **AL-AZHARI** looks to the camera and says the following: "God willing, the exalted. This is revenge for my brothers Al Muwahideen [*the monotheists*] in Guantanamo in general, and for my brother

[redacted]<sup>12</sup> in particular. God willing, he may be praised and exalted. God willing, this is a revenge for all my Muslim brothers in Iraq and al-Sham [*Syria*] and everywhere.” After this, **AL-AZHARI** points the gun at what is presumed to be someone on the floor and says, “Those who were killed by the hands of those filthy crusaders.” While pointing the gun and mimicking shooting the person on the floor, **AL-AZHARI** then says, “In the name of God, Allah Akbar [*God is great*].” **AL-AZHARI** then stands, looks up, and says, “God willing, the exalted, the Islamic State is lasting.”

108. A court-authorized physical search of **AL-AZHARI**’s iPhone 6s revealed that on April 30, 2020, at approximately 10:52 a.m., **AL-AZHARI** also subscribed to a messaging application channel and obtained a link to a video concerning ISIS and Yemen—specifically, a documentary regarding the so-called perversion of al Qaeda. **AL-AZHARI** also obtained news updates that included reports of ISIS fighters killing a Kurdish separatist and ISIS fighters used an explosive device to target and destroy a vehicle. Also available on the channel was a photo containing individuals who are known to be affiliated with designated FTOs, including Abu Musab al-Zarqawi, Muhammad al-Isawi, ‘Abd-al-’Aziz Zhaimay, Abu Yusuf Al Shami, Abu Nasir Al Libi.

109. The same day, at approximately 12:15 p.m., **AL-AZHARI** accessed a messaging application chat room that posted a photo containing individuals who are

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<sup>12</sup> The FBI has identified this individual. Open source information indicates that he spent his life in Saudi Arabia but was held by the United States at the Guantanamo Bay detention camp between 2002 and 2016. In 2016, he was released and returned Saudi Arabia.

known to be affiliated with designated FTOs. The chat room also posted a call for jihad along with photos regarding ISIS weekly numbers (triumphs and casualties) and ISIS news updates.

110. A court-authorized physical search of **AL-AZHARI**'s iPhone 6s revealed that on April 30, 2020, at approximately 4:50 p.m., **AL-AZHARI** also subscribed to a messaging application channel with the handle "Enabling/Empowerment Trust." **AL-AZHARI** requested the newest updates and recent publications, and the channel sent him a list of various states where ISIS is located.

111. On May 1, 2020, FBI agents searched **AL-AZHARI**'s vehicle pursuant to court authorization. Agents located spent .22 caliber rounds and live 9mm rounds of ammunition, as well as a ripped up note that read, "Oh Allah Destroy." This is consistent with the image described above in paragraph 80 that contained the word "USA" written in the sky.

112. Also on May 1, 2020, at approximately 9:22 p.m.—while **AL-AZHARI** was detained at the Hillsborough County Jail following his arrest at Home Depot—he made a call to [REDACTED]. That call was recorded pursuant to the jail's standard practices. In relevant part, **AL-AZHARI** discussed his arrest and his bond situation with [REDACTED]. He then told her to go to his house, take all of his "stuff," and to hide it in her car. He further told her that she could throw some of the items away if she needed to. **AL-AZHARI** then clarified that he had "toys" that he wanted her to hide or dispose of, noting that they were "all legal." Later in the

conversation, **AL-AZHARI** said that he did not want his landlord to find his “toys.” Additionally, he told ██████ that she needed to get his car from the Home Depot parking lot because otherwise it would get towed. **AL-AZHARI** explained, “I have a toy in the house and a toy in the car.” ██████ told **AL-AZHARI** that she was going to throw away weapons, and **AL-AZHARI** said that that was fine.

113. Later that evening, **AL-AZHARI’s** ██████ gave FBI agents signed, written consent to take possession of a .22 caliber Uzi submachinegun that was located at **AL-AZHARI’s** residence. **AL-AZHARI’s** ██████ also signed a form abandoning any interest in the Uzi. On May 4, 2020, after **AL-AZHARI’s** ██████ had accessed **AL-AZHARI’s** car pursuant to his instructions, she gave FBI agents consent to take possession of a CPX-1 9mm pistol that was located in the car. She also signed a form abandoning any interest in the CPX-1.

114. Audio from court-authorized electronic surveillance on May 8, 2020, at approximately 11:54, revealed that **AL-AZHARI** was playing the news in his apartment. While doing so, **AL-AZHARI** said, “By God, you kuffar [*disbelievers/non-Muslims*], you the enemy of Allah.” He then prayed for a few seconds. A few minutes later, **AL-AZHARI** was heard reading and reciting verses from the Quran about jihad/struggle. At approximately 6:15 p.m., **AL-AZHARI** was heard reciting the nasheed, “Jumping to my death,” that included the following lyrics: “Holding my soul in my hands, jumping to my death and seeking paradise.”

115. Audio from court-authorized electronic surveillance on May 12, 2020, at approximately 2:57 a.m., revealed that **AL-AZHARI** played a news program

discussing how ISIS managed to establish a strong presence in Iraq and became a state, as well as why Iraq did not focus its effort to stop ISIS from gaining power. **AL-AZHARI** chuckled and said, “Because Allah wants that you believe in Him, you infidels.” **AL-AZHARI** also appeared to laugh loudly when the news discussion mentioned that ISIS would return strong under current circumstances. **AL-AZHARI** continued to listen to the news program about ISIS the activities of its sleeper cells. A female ISIS supporter spoke and **AL-AZHARI** shouted happily, “Allahu Akbar [*God is great*].” An English speaking male from the coalition then talked about the continued fight against ISIS and **AL-AZHARI** cursed him. At approximately 3:07 a.m., electronic surveillance captured **AL-AZHARI** playing more news about coalition attacks against ISIS.

116. Audio from court-authorized electronic surveillance on May 14, 2020, at approximately 1:47 p.m., revealed that **AL-AZHARI** played jihadi chants/nasheeds. At approximately 2:27 p.m. **AL-AZHARI** played a video of jihadi propaganda with a narrator describing a battle between ISIS and enemy forces. Approximately 30 minutes later, **AL-AZHARI** played a video of a jihadi sermon. At approximately 3:02 p.m., **AL-AZHARI** played a Salafist propaganda video with jihadi nasheeds. Approximately five minutes later a nasheed was heard, which said, “To fight and to hit the enemy with all strength and we will suffocate them.” **AL-AZHARI** appeared to cry while listening to the nasheed and then started praying out loud, “Oh God save al-Sham [*Syria*]. Oh God give victory to Jihad in God’s sake.” A nasheed was heard after that, which said, “To fight the kuffar [*disbelievers/non-*

*Muslims*] and to leave marks on them by defeating them to satisfy the hearts of the true believers.”

117. Audio from court-authorized electronic surveillance on May 14, 2020, at approximately 4:49 p.m., revealed that **AL-AZHARI** played an instructional video about solvent filters, including the words “solvent trap, gun cleaning barrel, silencer.” The video appeared to demonstrate that an \$18 fuel filter could be converted into a firearm silencer.

118. Audio from court-authorized electronic surveillance on May 16, 2020, at approximately 3:10 a.m., revealed that **AL-AZHARI** was heard saying, “The busiest beach in Miami...the busiest [inaudible]...the busiest beach.” Approximately three minutes later, his cell phone logged the following search terms in maps: “FBI” and “central intelligence.” At approximately 3:44 a.m., **AL-AZHARI** was heard rehearsing the following phrase: “Hello America. Today is your emergency. Today we kill from you like you kill from us. Know America, today is your emergency, today we fight you in your own country.”

119. At approximately 3:59 a.m., electronic surveillance captured **AL-AZHARI** saying the following: “Know America. Today is your emergency. Today we kill from you guys like you killed from us. I pledge allegiance to Sheik Abu Ibrahim al-Hashimi<sup>13</sup> when you consider what I’m about to do.” **AL-AZHARI** was then heard playing an Arabic to English translation of the phrase, “This is a revenge for Muslims.”

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<sup>13</sup> al-Hashimi is the second and current “Caliph” of ISIS and is considered its leader.

120. Audio from court-authorized electronic surveillance on May 17, 2020, at approximately 6:34 p.m., revealed that **AL-AZHARI** was heard saying, in both Arabic and English, “This is custom, USA, inshallah [*God willing*], I shoot, inshallah.” At approximately 11:39 p.m., **AL-AZHARI** was heard reciting the following verses from the Quran: “Do they not then earnestly seek to understand the Quran, or are their hearts locked up by them? Those who turn back as apostates after Guidance was clearly shown to them- the Evil One has instigated them and busied them up with false hopes. This, because they said to those who hate what God has revealed, ‘We will obey you in part of (this) matter’; but God knows their (inner) secrets. But how (will it be) when the angels take their souls at death, and smite their faces and their backs?”

121. On May 18, 2020, at approximately 2:40 a.m., electronic surveillance captured **AL-AZHARI** listening to ISIS propaganda. Specifically, a host of a show talked about and praised Abu Bakr al-Baghdadi and Abu al-Hasan Al-Muhajir, the prior official spokesperson of ISIS. The host also recited a verse from the Quran, namely, chapter 4, Al-Nisa’, verse 74. That verse says, “Let those fight in the cause of God Who sell the life of this world for the hereafter. To him who fighteth in the cause of God - whether he is slain or gets victory - Soon shall We give him a reward of great (value).”

## **ii. Travel to Potential Targets of an Attack**

122. In the afternoon of May 14, 2020, FBI agents conducting surveillance of **AL-AZHARI** saw him drive away from his residence in Tampa. **AL-AZHARI** proceeded to travel across Hillsborough and Pinellas Counties toward Honeymoon Island State Park, near Dunedin, Florida. Honeymoon Island State Park is approximately an hour's drive from **AL-AZHARI's** residence. However, once **AL-AZHARI** arrived at the gate area to Honeymoon Island, he turned around and traveled back to Tampa.

123. On May 16, 2020, FBI agents conducting surveillance of **AL-AZHARI** saw him drive away from his residence in Tampa. **AL-AZHARI** drove throughout the Tampa area and appeared to conduct numerous surveillance detection routes as he did so. At one point, **AL-AZHARI** drove within a half block of the FBI Tampa Field Office building, which is located on a largely isolated block in a low-traffic area of the city. **AL-AZHARI** then returned home. Later the evening, at approximately 2:00 a.m., **AL-AZHARI** was seen driving away from his residence once again. He traveled on Interstate 4 to Orlando, ultimately arriving on South Orange Avenue. While traveling down South Orange Avenue, **AL-AZHARI** slowed down as he passed the site of the Pulse nightclub, which is now a memorial. **AL-AZHARI** then returned to Tampa. Notably, the Pulse attack that Omar Mateen carried out began at approximately 2:00 a.m., which is when **AL-AZHARI** traveled there.

124. A court-authorized search of **AL-AZHARI's** Google email account revealed the following relevant searches on May 14, 2020, May 16, 2020, and May 17, 2020:

May 14, 2020

- Google Maps search for directions to “Palm Harbor, FL” at 4:28 p.m.
- Google Maps search for directions to “Dunedin” at 5:20 p.m.

May 16, 2020

- Google Maps search for “beach in Tampa” at 3:10 a.m.
- Google Maps search for “FBI” at 3:13 a.m.
- Google Maps search for “central intelligence” at 3:15 a.m.
- Google Maps search for FBI at 3:17 a.m.
- Google Maps search for “Clearwater Beach, FL” at 3:46 a.m.
- Google Maps search for “Belleair Beach, FL 33786” at 3:47 a.m.
- Google Maps search for “Honeymoon Island State Park, 1 Causeway Blvd, Dunedin, FL 34698” at 3:50 a.m.
- Web search for “busy beach” at 3:54 a.m.

May 17, 2020

- Google Maps search for “directions to Pulse, 1912 S Orange Ave, Orlando, FL” at 3:37 a.m.

125. Based on my training and experience, as well as my familiarity with this investigation, I believe that **AL-AZHARI**'s searching for, and travel to, these locations is indicative of him scouting targets for a potential mass shooting attack. The fact that **AL-AZHARI** has acquired, and attempted to acquire, firearms through non-commercial and unlawful channels suggests that he is trying to avoid law enforcement scrutiny. Based on his online activity (including that related to ISIS and attacks), his prior conviction in Saudi Arabia, his statements to his coworkers, and his traveling to the Pulse nightclub memorial in the middle of the night, I believe that **AL-AZHARI** continues to identify with extremist Islamic and jihadi ideology that condones and encourages carrying out lone-wolf terrorist attacks against individuals in the United States. **AL-AZHARI**'s activity over the past month also appears to

match the type of escalation seen with prior lone-wolf or homegrown violent extremists who have carried out, or attempted to carry out, mass shootings and other acts of terrorism in the United States and elsewhere. Furthermore, the fact that **AL-AZHARI** traveled approximately two hours roundtrip to Honeymoon Island State Park, without actually stopping or leaving his vehicle, suggests that he was scouting that location for a possible attack. Assessing that location for an attack is also logical in light of the public's increasing use of the area's beaches. It is also possible that **AL-AZHARI** traveled to the vicinity of FBI Tampa Field Office building to scout that location, or to gauge whether law enforcement was surveilling him and would intervene if he approached the building itself.

### **iii. Acquisition of a Firearm**

126. In late May 2020, **AL-AZHARI** began interacting with a confidential human source ("CHS-1"), who has provided information to the FBI since approximately 2003. CHS-1 has a criminal history in the United States that includes a federal conviction for being a felon in possession of a firearm, as well as financial card fraud, robbery with a dangerous weapon, attempted armed robbery, and misdemeanor larceny. The FBI has paid CHS-1 in connection with his work as a source. The information that he has provided has been corroborated by independent sources and has been determined to be reliable. Unless otherwise noted, all interactions between CHS-1 and **AL-AZHARI** have been recorded.

127. On May 20, 2020, CHS-1 met with **AL-AZHARI** and discussed **AL-AZHARI** working maintenance and odd jobs with him. **AL-AZHARI** expressed displeasure with his current job and his desire to work with CHS-1.

128. On May 21, 2020, CHS-1 met with **AL-AZHARI** and spoke to him for approximately 30 minutes. The two then drove together to a nearby hardware store before returning to **AL-AZHARI**'s house. Once they got back, **AL-AZHARI** went inside and prayed for several minutes. When he came out, he spoke with CHS-1 again.

129. The conversations between CHS-1 and **AL-AZHARI** on May 21, 2020, are summarized as follows:<sup>14</sup> CHS-1 said that he wanted to start working with **AL-AZHARI** once Ramadan ended. As they discussed work, CHS-1 mentioned that he had spent time in prison and **AL-AZHARI** responded that he had served three years in prison in Saudi Arabia. **AL-AZHARI** also noted that he could not go to Home Depot because of a "fight" he had had with the store. **AL-AZHARI** then said that he hated the United States and that "his" country was in a war right now. He spoke of growing up in California and referenced murdering "these motherfuckers" and "white people," saying that he was "done" with them. **AL-AZHARI** asked about the circumstances of CHS-1 being imprisoned, and CHS-1 replied that it was for robbery.

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<sup>14</sup> A recording device captured approximately the first 22 minutes of the conversations that day. The remainder of the conversations do not appear to have been captured, although the device is still being examined to see if all of the data can be recovered.

130. **AL-AZHARI** said that the United States calls other people terrorists, but that the United States government is the real terrorist. He then stated, “I am going to show them terror.” As CHS-1 and **AL-AZHARI** drove, they passed a large house and **AL-AZHARI** asked CHS-1 if CHS-1 thought there was money inside. When CHS-1 replied that wealthy people likely use credit cards and do not keep cash, **AL-AZHARI** said that he needed two things: guns and “chop shops.” CHS-1 responded that he could get guns from a cousin in Jacksonville. CHS-1 said that he could get military grade weapons, including fully automatic firearms.

131. **AL-AZHARI** saw a pickup truck in the area and again said that he needed a “chop shop.” He further asked CHS-1 about how CHS-1 had been caught for the robbery. CHS-1 said that there was a tracking device in the money he stole and that he threw the device in a dumpster. **AL-AZHARI** then asked what the tracking device looked like. Later, after **AL-AZHARI** had gone inside his house to pray, he approached CHS-1 and showed him a picture on his cell phone of higher-quality facemasks that look like real faces. **AL-AZHARI** then played a video that showed a person who committed a bank robbery using a mask that made him seem to be a different race. **AL-AZHARI** suggested that he and CHS-1 could rob banks with a mask like that. **AL-AZHARI** said that they could rob a bank as soon as it reopened. **AL-AZHARI** stated that he would shoot an armed guard in the face if necessary. He and CHS-1 concluded their conversation by agreeing to meet the next day and possibly drive to Orlando together. **AL-AZHARI** did not want to give

CHS-1 his current cell phone number, in case it was being monitored, but he offered to get new phones the next day so that he and CHS-1 could talk candidly.

132. On May 22, 2020, **AL-AZHARI** met with CHS-1, and the two spent several hours together talking. The conversations between CHS-1 and **AL-AZHARI** on May 22, 2020, are summarized as follows: CHS-1 and **AL-AZHARI** spoke again about acquiring guns. **AL-AZHARI** asked CHS-1 if he knew that the term jihad meant, and **AL-AZHARI** said that it means fighting the enemies of God. **AL-AZHARI** said, “I’m ordered to spread the message of God by talking or fighting.” He also stated that once “we win the war against the Jews, we can fight together.” When CHS-1 asked about Muslims needing a gun, **AL-AZHARI** said that he could not carry one wherever he went, and that he had to hide it to avoid getting arrested. **AL-AZHARI** said, however, that eventually he would have to use it to fight “them.” Later, **AL-AZHARI**, referencing the United States, said, “God gave me permission to take your blood and money.”

133. As their conversation progressed, **AL-AZHARI** converted CHS-1 to Islam by having him take a shahada (i.e., profession of faith). He explained the five pillars of Islam and spoke about the end of Ramadan. **AL-AZHARI** then spoke about jihad and martyrdom. In relevant part, he said, “We have to plan this out. Unless you want to die today.” **AL-AZHARI** also explained what the term kuffar means (i.e., disbelievers/non-Muslims). Later, he explained that he wanted to save money so that he could use it to take care of other Muslim brothers. **AL-AZHARI** then spoke about preparing oneself for death at any moment, not targeting women,

the elderly or children, and the idea of the afterlife. **AL-AZHARI** went on to say that he wanted to go live with the “Good brothers” in Syria and Iraq. He continued, “I want to join ISIS. They are the real followers. I’ve lived there before. I enjoyed that life.” Later, **AL-AZHARI** claimed that the Prophet Muhammad supported the concept of killing disbelievers and taking their money by force.

134. **AL-AZHARI** spoke more about ISIS and said it is true that they “catch people and slaughter them, they cut their head off.” **AL-AZHARI** then declared, “I am ISIS, okay.” **AL-AZHARI** spoke favorably of Osama Bin Laden, stating that Bin Laden was “a very good guy” and that he was just avenging the deaths of millions of Muslims whom the United States had killed. **AL-AZHARI** also spoke favorably about Omar Mateen and claimed that Mateen was avenging the bombing of the Islamic State. According to **AL-AZHARI**, ISIS would regain control of Iraq and Syria in a few years, and every time they are bombed, “we do something here.” **AL-AZHARI** then said, “Give them thousands of dollars. I’m selling my soul to Allah. If they come to catch us, this is jihad. You are risking your life.” He further offered to show CHS-1 ISIS videos later. **AL-AZHARI** also talked about “getting more money to Allah” and said that, “We either go over there, to Syria and Iraq and live between Muslims, and fight with them against the Syrian Army and then the Iraqi army, or we stay here in America and we keep, we keep making their lives hell until Allah accepts us as martyrs.”

135. **AL-AZHARI** explained that he was planning to regroup with “Muslim brothers” to kill as many Americans as they could. A few minutes later, he spoke to

CHS-1 about obtaining AK-47 rifles with suppressors, stating that jihad was what “gangsters” do with a purpose for God. **AL-AZHARI** also said that he could make C4 explosives using items from a hardware store, and he stated that he and CHS-1 should “keep bombing these motherfuckers until we die, do it until we get to Allah.” Later, **AL-AZHARI**, said, “You die, you win. I want to kill a kaffir [*infidel*]. I want to kill my dad. A kaffir and his killer will never meet in hellfire.” **AL-AZHARI** spoke about the concept of mujahidin and he told CHS-1 to become a mujahidin with “your money and yourself.” Additionally, **AL-AZHARI** said that a “real terrorist” slaughters everyone and referenced terrorizing Allah’s enemy. **AL-AZHARI** went on to explain the difference between al-Qaeda and ISIS, remarking that ISIS consists of all jihad groups together. He then said, “We don’t care about the name. We care about the purpose. America is afraid because we are united.” **AL-AZHARI** said that “our target” is to establish an Islamic state of Islam, and he claimed that he has been trying to do so for more than six years (which encompasses his time in Saudi Arabia). Later, **AL-AZHARI** suggested that CHS-1 could become an ISIS spokesman, as the Islamic State was looking for English speakers.

136. **AL-AZHARI** claimed that he had labeled locations on Google Maps of people he encountered who had military license plates or displayed anything government-related. **AL-AZHARI** explained that this was to target them one day. **AL-AZHARI** also made several comments about shooting police officers and robbing banks. He suggested that he and CHS-1 could use a silencer to shoot people and take their money, and that the two could shoot a police officer and take his

weapons. Furthermore, **AL-AZHARI** suggested that he and CHS-1 kidnap and kill a high-ranking American military officer on behalf of ISIS, and then he laughed.

137. Before **AL-AZHARI** and CHS-1 parted ways, the two again discussed getting guns from CHS-1's cousin. **AL-AZHARI** asked about a suppressor, as well as the reliability of an AK-47 versus an AR-15 rifle. CHS-1 said that he would call his cousin that night to see what weapons he had.

138. On May 23, 2020, **AL-AZHARI** again met with CHS-1, and the two spent several hours together talking. The conversations between CHS-1 and **AL-AZHARI** on May 23, 2020, are summarized as follows: **AL-AZHARI** spoke about doing work with CHS-1, and they discussed firearms again. CHS-1 showed **AL-AZHARI** photos of a Glock pistol and an AK-47 rifle, which he said his cousin had available, and **AL-AZHARI** asked whether the Glock was a model 19 or a model 23. **AL-AZHARI** wanted to know how much CHS-1's cousin wanted, and CHS-1 said that the Glock would be between \$250 and \$300 and the AK-47 would be between \$550 and \$600.

139. **AL-AZHARI** discussed ISIS-related content with CHS-1 and **AL-AZHARI** commented, "They kill some of us and we kill some of them." Later, **AL-AZHARI** spoke to CHS-1 about al-Baghdadi, the prior leader of ISIS, as well as other individuals who are known to be affiliated with designated FTOs. **AL-AZHARI** gave CHS-1 his cell phone and had him play a video of al-Baghdadi. **AL-AZHARI** said that he wanted to travel overseas, if possible, but that he would have to do an attack here, instead. **AL-AZHARI** again mentioned shooting a police

officer and taking his gun, then he said, “I want to reach a point that they are scared to walk the streets.” **AL-AZHARI** and CHS-1 then had the following exchange:

**“AL-AZHARI:** Me, I eventually, that’s how I want to die, to be honest. I want to die, you know, in a shootout with the kuffar [*disbelievers / non-Muslims*].

CHS-1: But you want to take four or five?

**AL-AZHARI:** I want to take revenge, of course.

CHS-1: You want to take four or five kuffar with you?

**AL-AZHARI:** I don’t want to take four or five, no. I want to take at least 50.

CHS-1: Yeah, that’s better.

**AL-AZHARI:** You know like, brother Omar Mateen in Orlando did. He took 49 with him.

CHS-1: Yeah.

**AL-AZHARI:** He killed 49 kuffar in the gay club and injured 53.

CHS-1: Right.

**AL-AZHARI:** He went in with his AR-15 and his 9mm, pow pow pow, and won’t stop, just pulled the trigger – every kaffir [*infidel*] he sees in front of him. That’s what I want to do. Inshallah [*God willing*].

CHS-1: Did they, did they open that club back up?

**AL-AZHARI:** No, ever since that happened, they shut, they shut it down. So, mashallah [*God has willed it*], look what he did, he caused, he made a difference.”

140. Later, **AL-AZHARI** said that if “you’re going to kill for nothing, kill them for Allah.” **AL-AZHARI** commented that he would try to spare women and children, but “like 9/11...if they are there, they are there...we do not stop the

bombing because of children in America.” **AL-AZHARI** also discussed robbing his former Home Depot store during his conversations with CHS-1.

141. On May 24, 2020, CHS-1 met **AL-AZHARI** again at **AL-AZHARI**'s residence. The conversations between CHS-1 and **AL-AZHARI** on May 24, 2020, are summarized as follows: **AL-AZHARI** referenced the “brothers” shooting down a Jordanian pilot, putting him in a cage, and burning him, which I believe is a reference to an atrocity that ISIS carried out. **AL-AZHARI** then said, “You attack them like they attack you...That’s what we do, we slaughter them...That is my target here, America.” CHS-1 thereafter showed **AL-AZHARI** photos of a Glock pistol with an extended magazine and a silencer, and he said that he would talk to his cousin about the transaction. CHS-1 said that **AL-AZHARI** could get both the pistol and the silencer for \$400. **AL-AZHARI** asked if an extended magazine was included in the price, and then later he said “let’s do it.” CHS-1 and **AL-AZHARI** then agreed that **AL-AZHARI** would pay \$300 of the total price and CHS-1 would contribute \$100 of his own money. **AL-AZHARI** stated that he wanted to get the items “today.” As CHS-1 called his notional cousin to discuss the items, **AL-AZHARI** had CHS-1 ask the cousin how quiet the silencer was. **AL-AZHARI** and CHS-1 discussed logistics for meeting the cousin, and **AL-AZHARI** said, “Next we’re going to get that baby AK. I want to get one to convert it from a semi to a fully auto.” **AL-AZHARI** then discussed hollow point ammunition and said that he wanted to go shooting. **AL-AZHARI** also mentioned previously having an Uzi.

Before CHS-1 left, **AL-AZHARI** gave him \$300 for the pistol and silencer. CHS-1 told **AL-AZHARI** that he would call him later to give him the items.

142. At approximately 5:50 p.m., CHS-1 met **AL-AZHARI** in Tampa and they went to the back of CHS-1's truck. CHS-1 showed **AL-AZHARI** a bag that contained a Glock 19 pistol, silencer, an extended magazine, and a regular magazine. **AL-AZHARI** examined the items. He commented about the serial number being obliterated on the pistol, and how it could not be traced. **AL-AZHARI** also screwed the suppressor onto the pistol and asked CHS-1 about bullets. **AL-AZHARI** then took the bag containing the items and got into the front passenger seat of the truck with it, at which time FBI agents arrested him.

#### **IV. CONCLUSION**

143. Based on the foregoing, there is probable cause to believe that **AL-AZHARI** has committed a violation of 18 U.S.C. § 2339B. Accordingly, I request that the Court issue a warrant for his arrest as to this offense.

144. I further request that the Court seal this affidavit, the criminal complaint, and the arrest warrant, until further order of the Court, except that copies may be disclosed to law enforcement agencies effectuating **AL-AZHARI's** arrest and prosecution. Alerting **AL-AZHARI** to the existence of the criminal investigation and arrest warrant will likely result in the destruction of evidence and the flight of any potential conspirators or associates, and could also endanger the safety of the community, given **AL-AZHARI's** criminal history and the activities that he has attempted to engage in.



Cynthia Hazel, Special Agent  
Federal Bureau of Investigation

Affidavit submitted by email and attested to me as true and accurate by telephone consistent with Fed. R. Crim. P. 4.1 and 4(d) before me this 24<sup>th</sup> day of May 2020, in Tampa, Florida.



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ANTHONY E. PORCELLI  
United States Magistrate Judge