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Approved: *Andrew D. Beaty* *Amanda Houle* *Matthew Laroche*
ANDREW D. BEATY / AMANDA HOULE / MATTHEW LAROCHE
Assistant United States Attorneys

Before: THE HONORABLE BARBARA C. MOSES
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA	:	<u>COMPLAINT</u>
- v. -	:	Violations of
SAYFULLO HABIBULLAEVIC SAIPOV,	:	18 U.S.C. §§ 2339B, 33,
	:	34, 2
Defendant.	:	COUNTY OF OFFENSE:
	:	NEW YORK

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STATE OF NEW YORK)
COUNTY OF NEW YORK ss.:
SOUTHERN DISTRICT OF NEW YORK)

Amber Tyree, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation ("FBI"), and a member of the FBI's Joint Terrorism Task Force ("JTTF"), and charges as follows:

COUNT ONE

(Provision of Material Support and Resources to a Designated Foreign Terrorist Organization)

1. From at least in or about October 2017, up to and including the date of this Complaint, in the Southern District of New York and elsewhere, SAYFULLO HABIBULLAEVIC SAIPOV, the defendant did knowingly and intentionally provide, and attempt to provide, "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), namely, services, and personnel (including himself), to a foreign terrorist organization, namely, the Islamic State of Iraq and al-Sham ("ISIS"), which at all relevant times was designated by the Secretary of State as a foreign terrorist organization pursuant to Section 219 of the Immigration and Nationality Act, knowing that ISIS was a designated foreign terrorist organization (as defined in Title 18, United States

Code, Section 2339B(g)(6)), that ISIS engages and has engaged in terrorist activity (as defined in section 212(a)(3)(B) of the INA), and that ISIS engages and has engaged in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), thereby causing the death of at least one person, all in violation of Title 18, United States Code, Section 2339B(a)(1), and (i) the offense occurred in whole or in part within the United States, and (ii) the offense occurred in and affected interstate and foreign commerce, to wit, SAIPOV drove a truck on a bike lane and pedestrian walkway in New York, New York intentionally killing at least eight individuals and injuring at least twelve individuals.

(Title 18, United States Code, Section 2339B.)

COUNT TWO

(Violence and Destruction of Motor Vehicles)

2. On or about October 31, 2017, in the Southern District of New York and elsewhere, SAYFULLO HABIBULLAEVIC SAIPOV, the defendant, and others known and unknown, did willfully, with intent to endanger the safety of any person on board and of someone whom he believed would be on board, and with a reckless disregard for the safety of human life, damage, disable, and destroy a motor vehicle that was used, operated, and employed in interstate and foreign commerce, thereby causing the death of at least one person, to wit, SAIPOV damaged a truck that was used, operated, and employed in interstate and foreign commerce, and that was used for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo, when SAIPOV drove the truck onto a walkway in New York, New York, with reckless disregard for human life, causing the deaths of at least eight individuals.

(Title 18, United States Code, Sections 33(a), 34, and 2.)

The bases for my knowledge and the foregoing charges are, in part, as follows:

3. I am a Special Agent with the FBI and a member of the FBI's New York-based JTTF, and I have been personally involved in the investigation of this matter. This affidavit is based in part upon my conversations with law enforcement agents and other people, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all

