AO106(Rev.5/85) Affidavit for Search Warrant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
AUG - 7 2008
NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

In the Matter of the Search of
(Name, address or brief description of person, property, or premises to be searched)

Dell Optiplex 320Computer, Bar code 41YPBC1 property ID number 00531, formerly located at Station 41, C. Burr Artz Library 110 East Patrick Street, Frederick, Maryland 21701 Currently located at 9325 Discovery Blvd, Manassas, VA

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

CASE NUMBER: 08-497-M 01

(Further described below)

I **Marlo Arredondo** being duly sworn depose and say:

I am a(n) **Special Agent with the Federal Bureau of Investigation** and have reason to believe
(Official Title)

that (name, description and or location)
Dell Optiplex Computer, Bar code 41YPBC1, property ID number 00531, formerly located at Station 41, C. Burr Artz Library, 110 East Patrick Street, Frederick, Maryland, 21701, currently located at 9325 Discovery Blvd, Manassas, VA

in the Northern District of Virginia, there is now concealed a certain person or property, namely (describe the person or property to be searched)
electronic communications, electronic documents, internet activity, and stored writings identifying a plan to kill witnesses or names of intended victims, suicide letters, or any other relevant electronic data.

which is (state one or more bases for search and seizure set forth under Rule 41(c) of the Federal Rules of Criminal Procedure)
evidence relevant to the commission of an act of terrorism, including the use of a weapon of mass destruction (anthrax) and the murder and attempt to murder officers and employees of the United States.

concerning a violation of **Title 18 United States Code United States Code, Section(s) 2332a and 1114**. The facts to support a finding of Probable Cause are as follows:

SEE ATTACHED AFFIDAVIT HEREIN INCORPORATED BY REFERENCE AS IF FULLY RESTATED HEREIN

Continued on the attached sheet and made a part hereof. x YES ☐ NO

Rachel Carlson Lieber
Rachel Carlson Lieber, AUSA
US Attorney's Office, Washington, DC
(202)202-353-8055

Marlo Arredondo
Signature of Affiant
Marlo Arredondo, Special Agent
Federal Bureau of Investigation

Sworn to before me, and subscribed in my presence

AUG 07 2008
Date

at Washington, D.C. (Pursuant to the domestic terrorism search Warrant provisions of Rule 41(b)(3))

LAMBERTH, C.J. RCL
Name and Title of Judicial Officer

Royce C. Lamberth
Signature of Judicial Officer

LAMBERTH, C.J. RCL

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

08-497-M 01

I, Marlo Arredondo, being duly sworn, depose and say:

I have been a Special Agent of the Federal Bureau of Investigation (FBI) for approximately three years. As a Special Agent of the FBI, I investigate a crime involving the dissemination of a Weapon of Mass Destruction (anthrax) in violation of Title 18 U.S.C. Sections 2332(a), 1114, and 1512(a) (2). The definitions provided herein are based on my knowledge and experience as an FBI Agent, and consultations with other criminal investigators.

This affidavit is respectfully submitted in support of an application for warrants to search the following computers, pursuant to the domestic terrorism search warrant provision found at Rule 41(b)(3) of the Federal Rules of Criminal Procedure, in that it involves threats to witnesses in, and obstruction of, a domestic terrorism investigation, pending in the District of Columbia.

I make this affidavit in support of an application for a search warrant for two desktop computers currently in the FBI's possession, however, previously located on the second floor of the C. Burr Artz Library, 110 East Patrick Street, Frederick, Maryland 21701. The first computer is identified as Station 54: a Gateway E Series, MFG Code 0033161568. The Gateway computer tower has a sticker on the front bearing the identifier, Station 54. The second computer is identified as Station 41: a Dell Optiplex 320, Bar Code 41YPBC1. The Dell computer tower has a sticker on top bearing the library's property identification number 00531.

As discussed below, there is probable cause to believe that a search of the aforementioned computers may result in the collection of evidence relevant to an ongoing criminal investigation into the dissemination of a Weapon of Mass Destruction (anthrax) through the U.S. mail system in September 2001 and October 2001 in violation of Title 18, United States Code, Sections 2332(a) and 1114, which killed five people and infected at least 17 others, and into tampering with a witness or informant in connection with that ongoing domestic terrorism investigation, in violation of Title 18, United States Code Section 1512(a)(2). The FBI and the U.S. Postal Inspection Service (hereinafter "Task Force") investigation of the anthrax attacks has led to the identification of Dr. Bruce Edwards Ivins as a person necessitating further investigation for the reasons set forth in this affidavit.

Overview

The Task Force investigation of the anthrax attacks has led to the identification of Dr. Bruce Edwards Ivins, an anthrax researcher at the U.S. Army Medical Research Institute of Infectious Diseases, Fort Detrick, Maryland (hereinafter "USAMRIID"), as a person necessitating further investigation for

several reasons: (1) At the time of the attacks, he was the custodian of a large flask of highly purified anthrax spores that possess certain genetic mutations identical to the anthrax used in the attacks; (2) Ivins has been unable to give investigators an adequate explanation for his late night laboratory work hours around the time of both anthrax mailings; (3) Ivins has claimed that he was suffering serious mental health issues in the months preceding the attacks, and told a coworker that he had "incredible paranoia, delusional thoughts at times" and feared that he might not be able to control his behavior; (4) Ivins is believed to have submitted false samples of anthrax from his lab to the FBI for forensic analysis in order to mislead investigators; (5) at the time of the attacks, Ivins was under pressure at work to assist a private company that had lost its FDA approval to produce an anthrax vaccine the Army needed for U.S. troops, and which Ivins believed was essential for the anthrax program at USAMRIID; and (6) Ivins sent an email to a friend a few days before the anthrax attacks warning her that "Bin Laden terrorists for sure have anthrax and sarin gas" and have "just decreed death to all Jews and all Americans," language similar to the anthrax letters warning "WE HAVE THIS ANTHRAX ... DEATH TO AMERICA ... DEATH TO ISRAEL."

Factual Background

Over the course of the past few years, Dr. Ivins has become aware that the Task Force considers him a person who warrants further investigation in connection with the anthrax attacks. He has been interviewed a number of times by law enforcement throughout the course of the nearly seven-year investigation, most recently in the presence of his attorney on June 9, 2008. In addition, on November 1, 2007, Task Force agents executed search warrants at his residence, his office at USAMRIID, and his vehicles, for evidence linking him to the anthrax attacks, and seized a number of items, including numerous letters to members of Congress and the media, along with handguns. In recent months in particular, he has told co-workers and friends that he is a suspect in the investigation, even revealing to one friend a few weeks ago that his attorney has told him to prepare to be indicted for the anthrax attacks.

On July 9, 2008, Ivins attended a group therapy session in Frederick, Maryland, hosted by a licensed Clinical Social Worker, where he was later described as agitated, angry, and hostile. Ivins stated that he had been walking around the "ghetto" areas of Frederick late at night hoping that someone would try to hurt him so that he could stab them with a sharp writing pen. Ivins had the pen with him and made the social worker feel it.

Most importantly, at this same meeting, Ivins stated that he was a suspect in the anthrax investigation and that he was angry at the investigators, the government, and the system in general. He said he was not going to face the death penalty, but instead had a plan to kill co-workers and other individuals who had wronged him. He said he had a bullet-proof vest, and a list of co-workers,

and added that he was going to obtain a Glock firearm from his son within the next day, because federal agents are watching him and he could not obtain a weapon on his own. Based on these statements, the Social Worker called the Frederick, Maryland, police department, and they took custody of Bruce Edwards Ivins on Thursday, July 10, 2008, for a forensic evaluation at Frederick Memorial Hospital. Ivins was then sent to Sheppard Pratt in Baltimore, Maryland, for further evaluation, where he remained until Thursday, July 24, 2008, when he was released.

On July 12, 2008, in response to the threats Dr. Ivins had made, a search of Dr. Ivins' house, cars, office, and wallet was conducted. Recovered in that search were several items of ammunition, a bullet proof vest, a homemade body armor plate, computers, and other case related items.

On July 24, 2008, between the hours of 7:00pm and 8:30pm, while conducting a surveillance operation on Dr. Bruce Edwards Ivins, Special Agents of the FBI observed Dr. Ivins enter the C. Burr Artz Library in Frederick, Maryland. Dr. Ivins utilized the computer located at Station 54. A short time later Dr. Ivins left Station 54 and utilized the computer located at Station 41. While utilizing the computers, Special Agents of the FBI observed Dr. Ivins reviewing a website dedicated to the Anthrax Investigation and examining email accounts.

On Sunday, July 27, 2008 at approximately 1:15 am, Frederick County Emergency Services responded to 622 Military Road, Frederick, Maryland following a 911 call for an unconscious male. Dr. Ivins was transported to Frederick Memorial Hospital where he remained until his death on Tuesday, July 29, 2008. Dr. Ivins' death was ruled a suicide due to an overdose of Tylenol (acetaminophen).

On July 31, 2008, both of the above referenced computers, Station 41 and 54, were obtained from C. Burr Artz Library. The computer towers are presently in FBI possession until they can be searched.

The Task Force submits that a search of the computers may reveal documentary evidence that will assist the investigation into these threats to witnesses related to the anthrax investigation, and obstruction of that investigation. The search is for any indication of electronic communications, electronic documents, internet activity, and stored writings identifying a plan to kill witnesses or names of intended victims, suicide letters or any other relevant electronic data.

Conclusion

Based on the foregoing, I submit that there is probable cause to believe that a search of the aforementioned computers may result in collection of evidence relevant to the investigation of threats to witnesses in, and obstruction of, the investigation into the dissemination of a weapon of mass destruction (anthrax) through the U.S. mail system in September and October 2001 in violation of 18 U.S.C., Sections 1512(a)(2), 2332a and 1114. Specifically, there is probable cause to believe that a search of the computers may reveal electronic data identifying a plan to kill witnesses, names of intended victims, photographs, suicide letters and other relevant information.

Because this affidavit is part of an ongoing investigation that would be jeopardized by premature disclosure of information, I further request that this Affidavit, the accompanying Order, and other related documents be filed under seal until further order of the Court.

The statements contained in this Affidavit are based in part on information provided by FBI Special Agents and U.S. Postal Inspectors, on observations made by law enforcement agents, and on my experience and background as a FBI Special Agent. I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish the necessary foundation for the search warrant.

Marlo Arredondo

MARLO ARREDONDO
Special Agent
Federal Bureau of Investigation

AUG 07 2008

Sworn to before me this
____ day of _____

Royce C. Lamberth

U.S. DISTRICT JUDGE
United States District Court
for the District of Columbia

LAMBERTH, C.J. RCL

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In the Matter of the Search of
(Name, address or brief description of person or property to be searched)

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SEARCH WARRANT

CASE NUMBER 08-497-M 01

TO: **Marlo Arredondo** and any Authorized Officer of the United States

Affidavit(s) having been made before me by **Special Agent Marlo Arredondo** who has reason to believe that
(name, description and or location)

Dell Optiplex 320 computer, Bar Code 41YPBC1, property ID number 00531, formerly located at Station 41, C. Burr Artz Library, 110 East Patrick Street, Frederick, Maryland, 21701, currently located at 9325 Discovery Blvd, Manassas, VA

in the Northern District of Virginia, there is now concealed a certain person or property, namely (describe the person or property)

electronic communications, electronic documents, internet activity, and stored writings identifying a plan to kill witnesses or names of intended victims, suicide letters, or any other relevant electronic data.

I am satisfied that the affidavits(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before August 17, 2008
(Date)
(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search ☑ (in the daytime - 6:00 A.M. to 10:00 P.M.) ☐ (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to the undersigned U.S. Judge/U.S. Magistrate Judge, as required by law.

AUG 07 2008
Date and Time Issued, pursuant to the domestic terrorism search warrant provisions of Rule 41(b)(3)

at Washington, D.C.

LAMBERTH, C.J. RCL
Name and Title of Judicial Officer

Roger C. Lamberth
Signature of Judicial Officer

LAMBERTH, C.J. RCL

RETURN

DATE WARRANT RECEIVED	DATE AND TIME WARRANT EXECUTED	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH

INVENTORY MADE IN THE PRESENCE OF

INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT

CERTIFICATION

I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.

_____

Subscribed, sworn to, and returned before me this date.

_____ U.S. Judge or U.S. Magistrate Judge

_____ Date