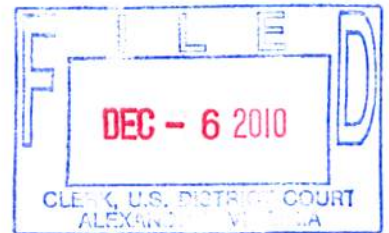


IN THE UNITED STATES DISTRICT COURT  
FOR EASTER DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

AWAIS YOUNIS,  
also known as Sundullah Ghilzai,  
also Mohhanme Khan,  
also Sunny,

Case No. 1:10 *MS* 8/2  
**UNDER SEAL**

**AFFIDAVIT IN SUPPORT OF  
A CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Joseph J Lesinski, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and am currently assigned to the Joint Terrorism Task Force at the Washington Field Office. I have served as a Special Agent for over four years and have conducted numerous investigations of terrorism threats directed at targets within the national capital region.

2. This affidavit is submitted in support of a criminal complaint and arrest warrant for Awaiss Younis, also known as Sundullah, also known as Mohhanme Khan, also known as Sunny. Based on the facts contained herein, there is probable cause to believe that Awaiss Younis has committed a violation of federal law, that is communicating threats using interstate communications in violation of 18 U.S.C. 875(c).

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended

to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

### **PROBABLE CAUSE**

4. On or about 11/28/2010, FBI New Orleans Office received a complaint regarding a person making several threats to use explosives in the Washington, D.C. area, to include the Washington D.C. METRO transit system. The information was sent to FBI Washington Field Office. Complainant identified the subject as Sundullah "Sunny" Ghilzai and had contact with him through Facebook, an online social networking site. The complainant recounted that during a chat with Ghilzai in November 2010, Ghilzai described how to build a pipe bomb and what type of shrapnel would cause the greatest amount of damage. Ghilzai also stated that he could place a pipe bomb under a sewer head in Georgetown (assumed to be a reference to the neighborhood in Washington, D.C.) at rush hour to produce the greatest number of casualties. Ghilzai further stated that the third and fifth cars in the METRO trains had the highest number of commuters on them and he could place pipe bombs in these locations and would not be noticed. Complainant responded by saying "you wouldn't do that," and Ghilzai replied by saying, "watch me." Complainant also related that Ghilzai has many photographs on his Facebook profile. One photograph showed Ghilzai in Afghanistan holding an AK-47 rifle with his uncle standing in front of a tent with explosives in the tent. The caption for the photograph read, "My family business." A separate photograph posted on 12/01/2010 depicted a hand holding rifle rounds for a machine gun with the caption reading "bullet behind every rock." Also, according to complainant, subject had recently stated on Facebook that "Christmas trees were going to go boom."

5. On 12/02/2010, I verified Sundullah Ghilzai's Facebook profile ID as 548712700. A preservation request was sent to Facebook for ID: 548712700 and a Grand Jury subpoena was issued for subscriber information for Facebook ID: 548712700. The results of the Grand Jury subpoena showed that the subscriber provided email address sunnyisbeast22@hotmail.com, which is the same email address listed on Sundullah Ghilzai's Facebook profile and provided by the complainant. On 12/03/2010, a search warrant issued by the U.S. District Court for the Eastern District of Virginia was served on Facebook for Facebook ID 548712700. A review of the results of the search warrant showed that the subject, Sundullah Ghalzai, appeared to be the sole user of the account. Further review of the Facebook information showed that the subject listed his cell phone as (571) 276-6427. Results of the search warrant also showed that a majority of the Internet Protocol (IP) addresses that were used when Sundullah Ghalzai logged onto his Facebook account were 69.143.164.219. I know that IP address is an acronym for Internet Protocol address and is a code made up of numbers separated by three dots that identifies a particular computer on the internet. A Grand Jury subpoena was served on Comcast Communications for subscriber information for IP address 69.143.164.219. The results show that the subscriber is Mohhanme Khan at 1561 South 11<sup>th</sup> Street, Arlington, Virginia.

6. Based on the user's cell phone number derived from the search warrant, a Grand Jury subpoena was served on T-Mobile requesting subscriber information for (571) 276-6427. The results showed the following subscriber information: Aftab Bukhari, 1561 S 11<sup>th</sup> St, Arlington, VA, date of birth 04/29/1957.

7. The address 1561 South 11<sup>th</sup> Street, Arlington, Virginia, is listed as the residence for a Awais Younis on his Virginia Department of Motor Vehicles (DMV) driver's license. A recent query of subject in the Virginia DMV showed that his status is currently "not licensed"

but still listed Awais Younis' address as 1561 South 11<sup>th</sup> Street, Arlington, VA. The FBI compared the photograph from the DMV license for Awais Younis with the photograph obtained from Sundullah Ghilzai's Facebook profile and determined that he is the same person. Accordingly, the FBI has concluded that Awais Younis is the true name for the subject and Sundullah Ghilzai is an alias for the subject.

8. Additional investigation has revealed another connection between subject and the residence listed with Bukhari. Law enforcement database queries indicate that Awais Younis was involved in an automobile accident on 05/10/2010 in Fairfax, Virginia. Younis was driving a vehicle that was registered to Aftab Bukhari, with an address of 1561 South 11<sup>th</sup> Street, Arlington, Virginia, the same individual who is the subscriber to telephone number (571) 276-5427.

9. On 12/04/2010, a search warrant and order for disclosure of location services and installation of a pen register and trap and trace device was issued by the U.S. District Court for the Eastern District of Virginia and was served on T-Mobile for subject's telephone number (571) 276-6427. Cell tower tracking shows that subject's cell phone is hitting off of towers in the vicinity of his residence at 1561 South 11<sup>th</sup> Street, Arlington, Virginia.

10. On 12/05/2010, complainant contacted Special Agent Sandra L. Vandagriff of the FBI New Orleans Office. Complainant informed Special Agent Vandagriff that he/she had again received messages on his/her Facebook page from username Subdullah Ghilzai, whom the FBI determined to be Awais Younis. The message reads as follows:

Sundullah Ghilzai: what's up?

Complainant: nothing whats up with you

Sundullah Ghilzai: oh really BITCH I know what you are up too and you better stop if you know what is good for you!!!!

Complainant: sunny what are you talking about. why are you talking to me that way.

Sundullah Ghilzai: im just saying i know whats up and im telling you cut it out or i will.

Complainant: ummm ok i don't know what your talking about but ok.

Sundullah Ghilzai: you are sticking your nose where it doesn't belong into something bigger then you and I. that is the problem with Americans they cant leave well enough alone until something happends then they sit there wondering why we dropped the twin towers like a bad habit hahaha. im telling you right now you are going to regret doing what you did. for your peace i hope what i am hearing is all lies.

Complainant: stop talking that way sunny its making me nervous.

Sundullah Ghilzai: you should be nervous. You pissed me off. when things happen it will be your fault. just wait and see. its only a matter of time.

Complainant: what are you talking about.

Sundullah Ghilzai: you want a reason to complain out me and my people. i will give you one. in your honor. how about that. Now good bye and good luck and remember next time the only way to make things ok with me is to fear me. that I will prove. GET READY!

Sundullah Ghilzai: hello?

Sundullah Ghilzai: whats a matter spoiled brat are you scared?

Sundullah Ghilzai: do yourself a favor and tell your father to cancel work tomorrow  
HA!

11. Complainant used a cell phone camera to take photographs of the chat session between complainant and Sundullah Ghilzai and forwarded them to Special Agent Vandagriff. Special Agent Vandagriff forwarded the photographs to Special Agent Lesinski and informed him of the chat session between complainant and Sundullah Ghilzai.

12. Complainant related to Special Agent Vandagriff that it was concerned for its safety and fearful of retaliation for coming to the authorities based on comments noted above. Notably, the comments, “oh really BITCH I know what you are up too and you better stop if you know what is good for you!!!!,” “im telling you right now you are going to regret what you did,” “I will give you one. in your honor,” “the only way to make things ok with me is to fear me. that i will prove. GET READY!” Complainant also stated that it is very concerned and fearful for the complainant’s father’s safety based on subject’s comments, “do yourself a favor and tell your father to cancel work tomorrow.” Complainant is also fearful because the complaintant’s father’s employment is in Washington, D.C. and he rides the METRO to work.

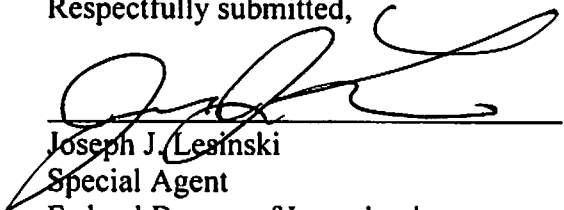
13. There is probable cause to believe that Younis has committed a criminal violation by communicating threats via interstate communications in violation of Title 18, United States Code, Section 875(c). Communication with the complainant, both the original threats to the METRO and the Washington, D.C. area and also the personal threats against the complainant, would require the use of a computer.

**CONCLUSION**

14. Based on my training and experience, and the facts as set forth in this affidavit, there is probable cause to believe that Awais Younis engaged in Interstate Communications in violation of 18 U.S.C 875 (c).

15. I request that this affidavit be placed under seal until further order of this Court. This is necessary to protect the identity of the complainant and the ongoing investigation. Premature disclosure of the contents of this affidavit would frustrate this investigation by immediately alerting the subject of the investigation to the nature of the probe, the techniques employed and the evidence developed to date, and the identity of those providing the information.

Respectfully submitted,

  
\_\_\_\_\_  
Joseph J. Lesinski  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me  
on December 6, 2010:

\_\_\_\_\_  
/s/  
Ivan D. Davis  
United States Magistrate Judge