

AO 91 (Rev. 11/11) Criminal Complaint

FILED

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

2017 SEP 26 PM 2: 54

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
YOUNGSTOWN

United States of America)

v.)

Abdul Maola Al-Abadi)

Case No.)

4:17 M6119

Defendant(s)

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 August 30, 2017 in the county of Mahoning in the Northern District of Ohio, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 924(a)(1)

Making a False Statement to the Information Required to be Kept in the Records of a Person Licensed to Deal Firearms

This criminal complaint is based on these facts:

See attached affidavit

Continued on the attached sheet.

S/A Elizabeth Gardner
Complainant's signature

ATF S/A Elizabeth Gardner

Printed name and title

Sworn to before me and signed in my presence.

Date: 9-26-2017

George J. Limbert
Judge's signature

City and state: Youngstown, Ohio

U.S. Magistrate Judge George J. Limbert

Printed name and title

AFFIDAVIT

1. I am a Special Agent (S/A) with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), United States Department of Justice, and have been so employed since January 2016. Prior to becoming a Special Agent with ATF, I was a paralegal with the United States Attorney's Office for the District of Maryland – from August 2005 through January 2016. I completed the Criminal Investigator Training Program in Glynco, Georgia, and the ATF Special Agent Basic Training at the Federal Law Enforcement Training Center in Glynco, Georgia. I obtained a Juris Doctorate and a Master of Science degree in Negotiations and Conflict Management from the University of Baltimore. Additionally, I have a Bachelor of Arts degree in Philosophy and Psychology from Notre Dame of Maryland University. I have received firearms, arson, and explosives related training and I have utilized a variety of investigative techniques and resources, including physical and electronic surveillance and various types of cooperating sources in order to successfully conduct these investigations. Further, I have received periodic training in the fields of firearms, narcotics, arson and explosives investigation.

2. As an ATF Special Agent, I conduct investigations involving violations of Federal firearms laws. During my service with ATF, I have conducted criminal investigations involving the illegal possession of firearms. As a federal agent, I am authorized to investigate violations of United States laws and to execute search warrants and arrest warrants issued under the authority of the United States.

PROBABLE CAUSE

3. On September 2, 2017, S/A Gardner of the ATF received a phone call from a manager at Fin Feather Fur (1138 Boardman Poland Road, Boardman, OH 44514). The manager stated that

he stopped a firearm purchase for a rifle because of suspected fraudulent activity and because of comments the purchaser, Abdul Maola AL-ABADI, made.

4. On Saturday, September 2, 2017, S/A Gardner reported to Fin Feather Fur and spoke to the manager to gather more information. He stated that AL-ABADI spoke in broken English and mentioned having a Green Card. The manger was concerned because the previous Wednesday, August 30, 2017, AL-ABADI purchased a Smith & Wesson, model SD9VE, 9mm pistol bearing serial number FYY4568. The manager was concerned about AL-ABADI'S citizenship status. In addition to the manager's concern about citizenship status, he was uncomfortable with the reason AL-ABADI provided for making the purchase. AL-ABADI told the sales associate that he wished to purchase a "sniper rifle for training." According to the manager, it is not common for individuals to refer to firearms as sniper rifles. He estimated that AL-ABADI was in the store for 2-3 hours and at one point had someone come and try to translate and attempt to straw purchase for him. The manager also noted that prior to this date, he had observed AL-ABADI in the store purchasing several knives.

5. During the purchase of the above mentioned 9mm pistol, AL-ABADI was required to complete ATF Form 4473, Firearms Transaction Record. On the ATF Form 4473, AL-ABADI noted (question 3) that his country of birth was Jordan. On the same ATF Form 4473 (question 12a), AL-ABADI placed a "X" in the box indicated that he was a U.S. Citizen. Question 13 which reads "If you are an alien, record your U.S.-Issued Alien or Admission number (AR#, USCIS#, or I94#)," AL-ABADI wrote "N/A."


6. A subsequent check of AL-ABADI'S Immigration status revealed that he is a permanent legal resident and assigned Alien Registration Number [REDACTED] AL-ABADI is not a United States Citizen.

7. Upon further review of AL-ABADI's immigration file, it was discovered that on or about July 31, 2015, AL-ABADI, with the assistance of an attorney, completed and submitted electronically, Form DS-260, Immigrant Visa application to enter the United States. The form had a question under personal travel, "Have you ever been refused a U.S. Visa, been refused admission to the United States, or withdrawn your application for admission at the port of entry?" AL-ABADI'S submission indicates "NO."

8. According to Homeland Security records, AL-ABADI was refused his first Nonimmigrant Visa by the Department of State on March 26, 2007. He was refused a second time on August 26, 2012. AL-ABADI admitted prior refusal on this application, and admitted travel to Syria, Egypt, Saudi Arabia, and Morocco. He was refused a third time on December 13, 2012. AL-ABADI admitted his two prior refusals, but denied any travel outside of Jordan.

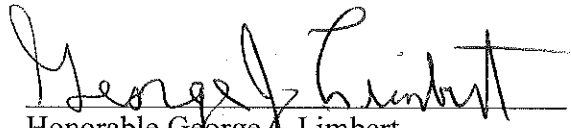
CONCLUSION

9. Based upon the above listed facts and circumstances, there is probable cause to believe that Abdul Maola AL-ABADI did acquire a firearm from a licensed dealer using a false statement in violation of Title 18 United States Code § 924(a)(1).



Elizabeth Gardner, Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn to and subscribed before me this 26 th day of September 2017.



Honorable George A. Limbert
United States Magistrate Judge
Northern District of Ohio
Eastern Division