

this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement officers, witnesses and others, as well as 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 the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my review of recordings relating to a call that was received by New York City's emergency 911 system on or about April 24, 2015 (the "911 Call") and my review of records associated with the 911 Call, I have learned the following:

a. On or about April 24, 2015, an individual later believed to be JASON PAUL SMITH, the defendant, accessed a service offered by a company that provides telephonic communications services to the hearing impaired ("Company 1") to initiate a call to the emergency 911 system. During the call, SMITH identified himself as "Abdul Yasin,"¹ described himself as an "ISI terrorist," and provided a street address in New York, New York. SMITH also stated, in sum and substance, that "we" were preparing to "blow up" the Statue of Liberty.

b. The call initiated by SMITH on or about April 24, 2015 was received by an employee (the "Relay Agent") of an emergency call center that, among other services, relays calls made to 911 to the appropriate 911 call center ("Company 2"). The Relay Agent then, in turn, called a 911 operator (the "911 Operator") for New York City's emergency 911 system who was located in the Southern District of New York (*i.e.*, the 911 Call).

c. During the 911 Call to the 911 Operator, the Relay Agent informed the 911 Operator that he/she had an open line with a recording in the background. The Relay Agent then explained that, in the recording, the caller stated an intention to blow up the Statue of Liberty. The Relay Agent further

¹ Based on my training and experience, I know that "Abdul Yasin" is the name of the last remaining fugitive charged in Indictment 93 Cr. 180 (KTD) (S.D.N.Y.) for the February 26, 1993 bombing of the World Trade Center.

informed the 911 Operator that the caller identified himself by the name "Abdul Yasin," and that the 911 Call originated from a particular telephone number with a New York City area code (the "Phone Number").

4. Based on my review of publicly-viewable information on the Facebook page for JASON PAUL SMITH, the defendant, I have learned that SMITH notes that he attended a school for the deaf and blind.

5. Based on my interviews with law enforcement officers who responded to the threat conveyed in the 911 Call, I have learned the following:

a. Following the 911 Call, law enforcement officers conducted a sweep of the areas in and around the Statue of Liberty and Liberty Island with the aid of canine units trained to detect the presence of explosives. Canine units alerted to an area of interest near the visitor lockers at the base of the Statue of Liberty.

b. Law enforcement officers then evacuated all civilians from the Statue of Liberty and Liberty Island. In total, approximately 3,229 people were evacuated.

c. Following the evacuation, law enforcement officers determined that the threat conveyed by the 911 Call was unfounded.

6. Based on my review of publicly-available information and my conversations with an employee of Company 1, I have learned the following:

a. Company 1 provides a service that assists individuals with hearing impairments with making and receiving telephone calls (the "Service"). The Service can be accessed using the Internet, among other ways.

b. After an individual user creates a free account with the Service, a telephone number is assigned to the individual user. To create an account, the individual must supply, among other things, a username and an email address. Company 1 does not verify the information provided by a user when an account is created.

c. Once an account is created, the Service allows a user to speak into the device that was used to access

the Service, and the recipient to hear those spoken words in real-time. If the recipient verbally responds, the Service transcribes the response in real-time, allowing the user to read captions of the recipient's verbal responses on the screen of his/her electronic device.

d. When a user initiates a 911 call using the Service, the Service first engages one of its captioning agents and then dials out to a Company 2 Relay Agent. The Company 2 Relay Agent then verbally asks the user to provide his name and location, and the Service transcribes that dialogue in real-time. If the user responds, the Company 2 Relay Agent uses the supplied information to connect the call to the appropriate 911 call center. However, if the user does not respond, the Company 2 Relay Agent uses the telephone number previously assigned to the user to locate, and then transmit the call to, the appropriate 911 call center.

e. The Service can be downloaded to devices running the Apple operating system, such as an iPad. An individual user can make relay calls by connecting to the Service using a wireless Internet connection.

7. Based on my review of records obtained from Company 1, I have learned that the Phone Number - *i.e.*, the telephone number that initiated the 911 Call - was assigned to a particular account established through the Service (the "Account").

8. Based on my review of communications records, I have learned that the Account was accessed numerous times, including on or about April 24, 2015 - *i.e.*, the date of the 911 Call that conveyed the hoax threat - by an Apple iPad using an internet protocol ("IP") address² that resolves to a particular address in West Virginia (the "West Virginia Address"). Based on the subscriber's surname, the subscriber of this IP address appears to be a relative of JASON PAUL SMITH, the defendant.

² Based on my training and experience, I have learned that an IP address is a unique identifier that all computing devices, including iPads, use to identify themselves while using a computer network. Every computing device connected to a computer network has a unique IP address within that network. In addition, the IP address indicates the general geographic location of the device at the time the device is using the network.

9. Based on information I have reviewed, I believe that, on or about April 24, 2015, JASON PAUL SMITH, the defendant, resided at the West Virginia Address. For example, records for SMITH's debit card indicate that he resides at the West Virginia Address. In addition, SMITH lists the West Virginia Address as his address on the publicly-viewable portion of his Facebook account. Finally, according to records obtained from an Internet Services Provider, SMITH maintains an email account that lists the West Virginia Address as his address.

10. Moreover, based on my review of records obtained from Apple, I have learned that an Apple iPad is registered to JASON PAUL SMITH, the defendant, (the "SMITH iPad") at the West Virginia Address. I also have learned from records obtained from Apple that, on or about April 24, 2015, the SMITH iPad received updates from Apple and connected to an Apple application from the same IP address that resolves to the West Virginia Address.

11. Based on my review of records obtained from the Internet Services Provider, Company 1, and Apple, several different accounts have been created on the Service provided by Company 1 using the IP address that resolves to the West Virginia Address. One of the email addresses provided to create one of the accounts (the "SMITH Email Address") is the email address provided as a backup email address on both SMITH's Apple account and SMITH's email account referenced in paragraph 9 above. The SMITH Email Address is also listed as one of SMITH's email addresses on SMITH's publicly-viewable Facebook page.

12. Based on my review of communications records, I have learned that the account associated with the SMITH Email Address was used to make 18 calls to the 911 emergency service from January 29, 2015 through January 31, 2015. Each of those 18 calls was made with an iPad from the IP address that resolves to the West Virginia Address.

13. Based on records obtained from Apple, I have learned that, starting on or about June 11, 2015, the SMITH iPad made transactions in iTunes, received iTunes updates, and connected to an Apple application using various IP addresses associated with the vicinity of Lubbock, Texas. Similarly, according to publicly-viewable postings on SMITH's Facebook page, starting in or around June 2015, SMITH's location has been listed as Lubbock, Texas. Moreover, in a publicly-viewable post on SMITH's Facebook page dated on or about June 27, 2015, SMITH wrote, "I m in LUBBOCK, TX..WEST VIRGINIA ALOT mountains... In

here nothing very flat lol." Furthermore, in a publicly-viewable post on SMITH's Facebook page dated on or about August 5, 2015, SMITH wrote, "Yes I am still in Lubbock, Texas.. WHY." In addition, based on my interview with a Special Agent of the FBI assigned to the Dallas Division, Lubbock Resident Agency in Texas, I have learned that FBI Special Agents observed an individual who, based on photographs from the West Virginia Division of Motor Vehicles and SMITH's publicly-viewable Facebook profile, appeared to be SMITH at various locations in the vicinity of Lubbock, Texas, on or about August 10, 2015. On these occasions, SMITH was observed carrying an iPad.

14. Based on my review of communications records, records obtained from Apple, and my interviews with law enforcement officers, I have learned the following:

a. On or about May 18, 2015, at least two calls made to 911 conveyed threats to blow up a bridge at Times Square, and to kill police officers at the Brooklyn Bridge, respectively. Both calls were transmitted to the 911 call centers through the Service.

b. The Service account that placed both calls had the user name "Isis allah Bomb maker" and was accessed on or about May 18, 2015, by an Apple iPad from the IP address that resolves to the West Virginia Address.

c. On or about May 18, 2015, the SMITH iPad received updates from Apple and connected to an Apple application from the same IP address that resolves to the West Virginia Address.

15. Based on my review of the criminal records of JASON PAUL SMITH, the defendant, I have learned the following:

a. On or about October 29, 2001, SMITH was convicted in Staunton Circuit Court, Virginia, of communicating, in writing, threats of death or bodily injury, in violation of Virginia Code § 18.2-60.

b. On or about May 2, 2006, SMITH was convicted in Staunton Circuit Court, Virginia, of threatening to bomb or burn buildings, in violation of Virginia Code § 18.2-83; of communicating, in writing, threats of death or bodily injury, in violation of Virginia Code § 18.2-60; and of calling or summoning ambulance or fire-fighting apparatus without just cause, in violation of Virginia Code § 18.2-212.


16. Based on the foregoing, I believe that, on or about April 24, 2015, JASON PAUL SMITH, the defendant, used the SMITH iPad, to access the Service in order to make the 911 Call, that conveyed a hoax threat to blow up the Statue of Liberty, resulting in the evacuation of more than 3,000 people from the Statute of Liberty and Liberty Island. I also know, based on my training and experience, that an actual bombing of the Statue of Liberty would have violated Title 18, United States Code, Sections 2332a(a) and 2332f(a).

WHEREFORE, deponent respectfully requests that a warrant issue for the arrest of JASON PAUL SMITH, the defendant, and that he be imprisoned or bailed, as the case may be.



Alexander Hirst
Special Agent
Federal Bureau of Investigation

Sworn to before me this
17th day of August, 2015



THE HONORABLE DEBRA FREEMAN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK