

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT D.C.

for the Southern District of Florida

2010 NOV 12 PM 6:28

United States of America v. ELLISA MARTINEZ

Case No.

STEVEN H. LARIMORE CLERK U.S. DIST. CT. S.D. OF FLORIDA 10-6469-RSR

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 November 10, 2010 in the county of Broward in the Southern District of Florida, and elsewhere, the defendant(s) violated:

Code Section 18 United States Code, Section 875(c)

Offense Description knowingly transmit in interstate commerce a communication containing a threat to injure the person of another.

Handwritten initials: KAD, RSR

This criminal complaint is based on these facts:

See attached Affidavit

Continued on the attached sheet.

Handwritten signature of Kevin Dowling

Complainant's signature KEVIN DOWLING SA FBI

Sworn to before me and signed in my presence.

Date: 11/12/2010

Handwritten signature of Robin S. Rosenbaum

City and state: Fort Lauderdale, Florida

ROBIN S ROSENBAUM, U.S. MAGISTRATE JUDGE

AFFIDAVIT

I, Special Agent Kevin Dowling , Federal Bureau of Investigation, (hereinafter referred to as "FBI"), being first duly sworn, state as follows:

PERSONAL BACKGROUND

1. I am employed as a Special Agent with the Federal Bureau of Investigation and I am currently stationed at the Miami Field Division, I have been an FBI agent since 2007. I am presently assigned to the Domestic Terrorism Group.
2. As a Special Agent with the FBI, I have also received training related to the enforcement of statutes of the U.S. Codes and the interpretation and application of federal laws and federal court procedures. I am empowered by statute to make arrests for violation of federal law.
3. In preparing this affidavit, I have conferred with other agents and state law enforcement officers who participated in the investigation of this matter. Furthermore, the information contained in this affidavit is based on my own observations and information obtained from other law enforcement personnel involved in the investigation.
4. Based upon the facts set forth below, your affiant has probable cause to believe that ELISSA MARTINEZ, transmitted a communication containing a threat to injure the person of another in interstate commerce, in violation of Title 18, United States Code, Section 875(c).
5. On or about November 10, 2010, at approximately 146 AM , an email was sent from the email address billxyz@live.com to Joyce Kaufman at joyceradio@gmail.com . This email stated :

"Dear Ms. Kaufman I was so thrilled to see you speak in person for congressman elect west. i was especially exited to hear you encourage us to exercise our second

amendment gun rights. i felt your plan to organize people with guns in the hills of Kentucky and else where was a great idea. i know that you know one election is not enough to take our country back from the illegal aliens, jews, muslims, and illuminati who are running the show. i am so glad you support people who think like me. i'm planning something big around a government building here in Broward County, maybe a post office, maybe even a school, I'm going to walk in and teach all the government hacks working there what the 2nd amendment is all about. Can i count on your help? you and those people you know in Kentucky? we'll end this year of 2010 in a blaze of glory for sure. thanks for your support mrs kaufman. what does sarah say, don't retreat, reload! let's make headlines girl!"

6. Investigation revealed that this email was transmitted using an IP address which has been shown to belong to ELISSA MARTINEZ in New Port Richey, Florida.

7. An examination of a computer seized from the residence of ELISSA MARTINEZ pursuant to a search warrant issued in the Middle District of Florida, revealed that this email was sent from that computer through the internet service provider Road Runner to the Road Runner server located in Virginia, then to the WFPL radio server located in Connecticut, then to the Gmail server located in California, and was ultimately transmitted to the WFPL radio station computer account of Joyce Kaufman in Pompano Florida.

8. At approximately 8:38 am on November 10, 2010, a female called the WFPL radio station and stated that her husband Bill Johnson was going to go to a school in Pembroke Pines and carry out a shooting. The female referenced Joyce Kaufman's rally and that the female was worried that her husband, who was bi polar was going to shoot up a school. The female requested that the radio station broadcast a plea to her husband not to carry out the shooting. This phone call was made from Metro PCS cellular telephone number 727-831-8869.

9. Investigation revealed that this telephone number was registered to Eliza

Martinez, 3435 Ocean Park, Santa Monica. According to Metro PCS, the telephone call, and other telephone calls from this phone, was made from the Tampa area, switch Tampa 1, sector 3, tower 258 and 259 which corresponds with the residence of ELISSA MARTINEZ in New Port Richey, Florida.

10. On November 10, 2010, FBI agents interviewed ELISSA MARTINEZ outside her residence in New Port Richey, Florida. ELISSA MARTINEZ admitted that she has a cell phone with the number 727-831-8869 and had it with her at the time of the interview. MARTINEZ claimed that she had lost her phone for an extended period of time on the morning of November 10, 2010 at the Starz Café in New Port Richey, Florida. MARTINEZ claimed that she went to breakfast at the Starz Café and left her phone in the bathroom at about 8 AM on November 10 and later recovered her phone at the Cafe later that morning. MARTINEZ also stated that she had a computer in her home but that it was not secured or password protected and anyone could use it. MARTINEZ denied any knowledge of the threats and refused to allow agents to examine her computer or enter her residence.

11. While a search warrant was being obtained to secure the telephone and computer belonging to ELISSA MARTINEZ, MARTINEZ left the residence through some unknown means and has not returned.

12. The telephone number 727-831-8869 has been turned off, but the voicemail account associated with this number has been accessed from another telephone number .

12. An examination of Metro PCS telephone records showed that 3 telephone calls were made between 1:07 am and 3:37 am to Fred Martinez, the defendants brother.

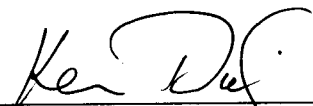
A telephone call was made at 10:01 am for 19:24 minutes to Mary Inman.

13. FBI agents interviewed Mary Inman and learned that she had been interviewed by telephone for a job with ELISSA MARTINEZ and that she and ELISSA MARTINEZ met later that day, November 10, 2010, to talk further about possible employment. Ms Inman further advised agents that she had been contacted by MARTINEZ and was informed of the visit by FBI agents. MARTINEZ told Inman that she was going away for awhile because she did not want to deal with the FBI.

14. On November 12, 2010 FBI agents viewed the surveillance tape from the Starz Café and determined that ELISSA MARTINEZ was not in the café on November 10, 2010 between 8am and 11 am. Agents also interviewed the waitresses who were working at Starz Café on November 10, with negative results.

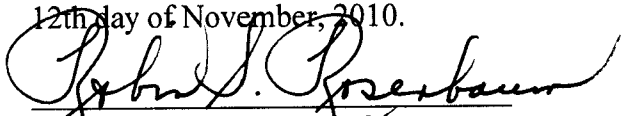
13. Based upon the above stated facts, there is probable cause to believe that ELISSA MARTINEZ violated Title 18, United States Code, Section 875(c) by transmitting threats in interstate commerce.

FURTHER AFFIANT SAYETH NAUGHT.



Kevin Dowling, Special Agent
Federal Bureau of Investigation

Sworn to before me this
12th day of November, 2010.



ROBIN S. ROSENBAUM
UNITED STATES MAGISTRATE JUDGE