

RMT:MEL
F.#2017R01392

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

VICTOR KINGSLEY,

Defendant.

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COMPLAINT AND
AFFIDAVIT IN SUPPORT
OF AN ARREST WARRANT

(18 U.S.C. §§ 2332a(a), 842(a)(3)(A) and
844(a))

18-m-179

EASTERN DISTRICT OF NEW YORK, SS:

LAWRENCE C. SCHMUTZ, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

Count One: Use of a Weapon of Mass Destructive

In or about July 2017, within the Eastern District of New York, the defendant VICTOR KINGSLEY did knowingly, intentionally and without lawful authority use a weapon of mass destruction, to wit: a destructive device, against persons and property within the United States, and the offense and the results of the offense would have affected interstate and foreign commerce and did result in the death of an individual, to wit: John Doe.

(Title 18, United States Code, Section 2332a(a), 842(a)(3)(A) and
844(a)(2)(D) and 2)

Count Two: Transportation of Explosive Materials

In or about and between February 2017 and February 2018, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant VICTOR KINGSLEY did knowingly, intentionally and without lawful authority transport or cause to be transported explosive materials.

(Title 18, United States Code, Section 842(a)(3)(A) and 844(a))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") assigned to the Joint Terrorism Task Force ("JTTF"). I have been an agent for approximately nine years. As a Special Agent, I have investigated numerous matters during the course of which I have conducted physical and electronic surveillance, interviewed witnesses, executed court-authorized search warrants and used other investigative techniques to secure relevant information regarding a variety of crimes. I am familiar with the facts and circumstances set forth below from my personal review of records, documents and other physical evidence obtained during this investigation, and from communications and information provided to me by fellow agents and other government personnel with knowledge related to this investigation.

2. On or about July 28, 2017 at approximately 4:15 p.m., the owner ("John Doe") of the residence at 145-23 222 Street Jamaica, New York (the "222 Street

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

address”) was outside the residence and opened a cylinder-shaped package inside of a plastic bag that he found by the mailbox of the residence. Upon opening, the package exploded. The destructive device is believed to have been a switch-activated device, which is triggered when an unwitting person attempts to open the package. The explosion resulted in extensive burns to the owner, who was then taken to the hospital. On August 1, 2017, the owner died as a result of his injuries.

3. Agents interviewed a United States Postal Service (“USPS”) employee (the “USPS Employee”) whose delivery route includes the 222 Street address. According to the USPS Employee, s/he observed a clear plastic bag with a knot tied and a cardboard tube inside located on the top step leading up to the 222 Street address on or about July 25, 2017, three days before the explosion. The USPS Employee estimated that s/he observed the package sometime between 10:30 and 11:30 in the morning. The USPS Employee observed that the package had a white label on it with the 222 Street address written on it in small handwriting and a “Forever” stamp on the tubing. According to the USPS Employee however, s/he did not deliver the package. The USPS employee that covered the route the previous day did not deliver the package either. On July 26 and July 27, 2017, the USPS Employee observed that the package was still on the steps, although it had moved from the top step to the second step. On or about July 28, 2017, the USPS Employee observed the package on the ground in front of the mailbox.

4. After the explosion, agents recovered the remains of the package. The address label was still visible. The package was addressed to “[REDACTED]” at “14523 222nd St Jamaica, NY Springfield Gardens, NY.” The sender was “[REDACTED]” at “2820 Snyder Ave, Brooklyn, NY 11226”. The return address listed as [REDACTED]’s address is the

address for the New York City Police Department (“NYPD”) 67 Precinct in Brooklyn, New York. [REDACTED] is an NYPD officer previously assigned to the 67 Precinct. Officer [REDACTED] worked at the 67 Precinct from approximately 2014 to 2016. [REDACTED] is a retired NYPD Sergeant, also previously assigned to the 67 Precinct from approximately 2003 to 2015. Sergeant [REDACTED] retired in 2015 and was out of the country at the time of the attack.

5. At the time of the explosion, [REDACTED] did not live at the 222 Street address. NYPD officers interviewed [REDACTED], who stated that he has never lived at the 222 Street address, and he does not know anyone who lives at the 222 Street address. Even though [REDACTED] has never lived at the 222 Street address, there are multiple websites that link [REDACTED] to the 222 Street address. Whitepages.com provides multiple addresses for “[REDACTED]” in New York. One of the provided addresses is for a “[REDACTED]” with the address 145-23 222nd Street Springfield Gardens, NY 11413 and the telephone number [REDACTED].

6. Records obtained from whitepages.com showed fourteen searches for “[REDACTED]” between December 1, 2016 and July 31, 2017. Of those fourteen searches, nine of the results occurred on or about December 8, 2016 and December 9, 2016.² There were three Internet Protocol (“IP”) addresses associated with these searches: 98.116.26.208, 98.116.21.86 and 98.116.26.48 (collectively, the “98 IP addresses”). First, on December 8, 2016 at approximately 11:26 a.m., a search from IP address 98.116.26.208 for “[REDACTED]” was conducted in google.com, which redirected to “www.whitepages.com/name/[REDACTED]”

² Three of the other five results were for [REDACTED] an individual who appears to reside in Washington D.C. The remaining two results were from a search that occurred on April 6, 2017 and were conducted from an IP address registered to an individual living in Washington D.C.

██████████.” The user of the same IP Address then clicked on an entry on whitepages.com for a ██████████ in New York. The next day, on December 9, 2016, between approximately 8:18 a.m. and 8:20 a.m., the user of the 98.116.21.86 visited whitepages.com, searched for ██████████ and clicked multiple times on entries for ██████████ in Jamaica, New York. A review of whitepages.com on February 16, 2018 shows that it listed two ██████████ that resided in New York, one of which was listed as residing at the 222 Street address. Later that day, at approximately 5:15 p.m., the user of the 98.116.26.48 conducted a search for ██████████ and clicked on an entry for ██████████ in New York on whitepages.com. Less than fifteen minutes later, at approximately 5:26 p.m. and again at 5:53 p.m., the user of the 98.116.26.48 IP address logged into the Facebook page for “Vei King.” The vanity name for the Facebook account is “The God Named King,” and the registered email address for the account is “thegodnamedking@yahoo.com.” Records obtained from yahoo show that this email account is registered to VICTOR KINGSLEY at zip code 11203.

7. Records from Verizon obtained in response to a subpoena show that at the time of the above searches, the 98 IP addresses were associated with the customer “██████████ Kingsley” located at 152 E 43rd Street Brooklyn, New York 11203 (the “43rd Street address”). Records obtained from New York State show that ██████████ Kingsley is the mother of Victor C. Kingsley. Records obtained from the New York Department of Motor Vehicles show that both VICTOR KINGSLEY and ██████████ Kingsley reside at the 43rd Street address. In addition, money orders obtained from the Federal Reserve Bank dated August 17, 2017, December 20, 2017 and January 18, 2018, provide the 43rd Street

address as VICTOR KINGSLEY's address. The 43rd Street address is within the confines of NYPD's 67 Precinct.

8. On January 5, 2014, VICTOR KINGSLEY was arrested in the vicinity of Linden Boulevard and East 43rd Street in Brooklyn, New York, which is the intersection located approximately 400 feet north of the 43rd Street address. VICTOR KINGSLEY was arrested for criminal possession of a weapon, obstruction of governmental administration, disorderly conduct and resisting arrest. The arrest records indicate that the arresting officer was [REDACTED], and the supervising officer at the scene of the arrest was Sergeant [REDACTED], who was then assigned to the 67 Precinct. Ultimately, all charges against KINGSLEY were dismissed after a different judge granted KINGSLEY's motion to suppress.

9. As set forth above, [REDACTED] was a Sergeant assigned to the 67 Precinct from September 4, 2003 until his retirement, on or about July 21, 2015. [REDACTED] was a police officer assigned to the Conditions Unit in the 67 Precinct from May 16, 2014 to December 7, 2016, the day before the searches were conducted on whitepages.com for "[REDACTED]." As part of Sergeant [REDACTED]'s duties, he would at times be responsible for supervising officers on the Conditions Unit, including Officer [REDACTED]. The Conditions Unit is generally responsible for focusing on the criminal activity that is the most significant issue within the precinct. The Conditions Unit partners with other NYPD groups within the precinct, such as the Anticrime Unit or the Warrant Squad. Based on my training and experience, conversations with other law enforcement officers and involvement in the investigation, I know that officers assigned to the Conditions Unit, as part of their duties and

responsibilities, will patrol the neighborhood, interact with individuals within the precinct and execute arrests based on probable cause.

10. As part of the investigation, the JTTF obtained records from Verizon for the phone number associated with [REDACTED] Kingsley's account with Verizon (hereinafter, the "7411 telephone"). This telephone number is a landline associated with the 43rd Street address. Records obtained from Verizon show that this telephone number is a landline at the 43rd Street address. Toll records obtained for the 7411 telephone show that, on June 23, 2017, a series of telephone calls were placed from the 7411 telephone. First, at approximately 7:21 p.m., a call was placed from the 7411 telephone to [REDACTED]. Open source searches associate this number with [REDACTED] or [REDACTED] in East Syracuse, New York. This [REDACTED], while having the same name as VICTOR KINGSLEY's arresting officer, is not the individual who arrested KINGSLEY in 2014. At approximately 7:22 p.m., a telephone call was placed from the 7411 telephone to [REDACTED]. This phone number belongs to Officer [REDACTED], the police officer that arrested KINGSLEY in 2014.

11. At approximately 7:24 p.m., a telephone call was placed from the 7411 telephone to [REDACTED]. Open source searches indicate that this phone number belonged to an individual named [REDACTED]. One of the judges that presided over KINGSLEY's case was the Honorable [REDACTED] of the Kings County Criminal Court. KINGSLEY appeared before Judge [REDACTED] on multiple occasions between February and November of 2014. This [REDACTED] is not the judge that presided over KINGSLEY's case. Four days later, on June 27, 2017, at approximately 3:32 p.m., a telephone call was

placed from the 7411 telephone to [REDACTED]. This telephone number belongs to [REDACTED].

12. As set forth above, the destructive device utilized was a switch-activated device. The device consisted of, among other things, a 9-volt Energizer battery, a battery case holder, an initiator and a clothespin with screws in it. The device was contained in a mailing tube that was five inches in diameter and twelve inches long. According to a NYPD laboratory report, the device contained a mix of potassium chlorate and aluminum metal. Based on my training and experience and conversations with bomb technician experts, I have learned that potassium chlorate and aluminum metal, when mixed together, create an incendiary flash powder that can be used for destructive devices.

13. According to records obtained from Amazon, prior to the explosion, on or about February 2, 2017, VICTOR KINGSLEY placed an order for "5lb Eckart German Blackhead 5413 H Super Aluminum Powder 3 Micron." The package was shipped to the 43rd Street address. This substance is consistent with the aluminum metal powder that was found in the destructive device. On or about April 22, 2017, VICTOR KINGSLEY placed an order on Amazon for a "BILUSOCN Profession 12cue 433MHZ Wireless remote control Fireworks firing system." The package was shipped to the 43rd Street address. A review of this product on Amazon shows that it contains initiators that are consistent with the kind used in the destructive device. On or about May 3, 2017, VICTOR KINGSLEY placed an order on Amazon for a "Tape Logic TLP5026KHD Jumbo Mailing Tubes, 5"x26", Kraft (Pack of 15)." The package was shipped to the 43rd Street Address. The mailing tubes are the same color and diameter of the mailing tube used for the destructive device. Although the tube ordered is longer, an individual could have cut the tube to a twelve inch diameter.

On or about July 3, 2017, VICTOR KINGSLEY placed an order on Amazon for an “Actopus 6PCS 9V Battery Box Pack Holder With ON/OFF Power Switch Toggle.” The package was shipped to the 43rd Street address. The battery pack holder is consistent with the battery pack holder used to create the destructive device.

14. In addition, Amazon records further show that, on or about September 12, 2017, after the July explosion, Victor Kingsley placed another order on Amazon for “5lb Eckart German Blackhead 5413 H Super Aluminum Powder 3 Micron.” The package was delivered to the 43rd Street address. On or about February 7, 2018, Victor Kingsley placed an order on Amazon for “4 Pcs 9V Battery Case Holder with Cover Storage Case Holder with ON/OFF Switch for 6F22.” Based on these orders, there is probable cause to believe that Kingsley is acquiring components another destructive device.

WHEREFORE, your deponent respectfully requests an arrest warrant for the defendant VICTOR KINGSLEY, be dealt with according to law. I further request that the Court order that this application, including the affidavit and arrest warrant, be sealed until further order of the Court, except that it may be shared with the defendant and defense counsel following his arrest in connection with his initial presentment. Disclosure of this application and these orders would seriously jeopardize the ongoing investigation, as such a disclosure would give the targets of the investigation an opportunity to destroy evidence,

harm or threaten victims or other witnesses, change patterns of behavior, notify confederates and flee from or evade prosecution

[REDACTED]

LAWRENCE C. SCHMUTZ
Special Agent, Federal Bureau of Investigation

Sworn to before me this
27 day of February, 2018

[REDACTED]

THE HONORABLE VERA M. SCANLON
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK