

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America
v.
JUSTIN NOJAN SULLIVAN

Case No. 1:15-MJ-82

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 April 2015 through June 19, 2015 in the county of Burke in the Western District of North Carolina, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include Title 18, Section 2339B; Title 18, Section 924(b); Title 26, Section 5861.

This criminal complaint is based on these facts:

See Attached Affidavit in Support of Criminal Complaint

FILED CHARLOTTE, NC

JUN 22 2015

U.S. DISTRICT COURT WESTERN DISTRICT OF NC

Continued on the attached sheet.

Handwritten signature of Corey S. Zachman

Complainant's signature

Special Agent Corey S. Zachman

Printed name and title

Sworn to before me and signed in my presence.

Date: 06/22/2015

Handwritten signature of David S. Cayer

Judge's signature

City and state: Charlotte, North Carolina

Hon. David S. Cayer, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT  
FOR WESTERN DISTRICT of NORTH CAROLINA  
ASHEVILLE DIVISION

UNITED STATES OF AMERICA

v.

JUSTIN NOJAN SULLIVAN

Case No. \_\_\_\_\_

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Corey S. Zachman, after being duly sworn, depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), and have been so employed since February 2013. I am currently assigned to conduct national security investigations in the Charlotte Division of the FBI. Prior to my employment with the FBI, I was a Federal Agent with the Air Force Office of Special Investigations since 2008 where I conducted national security investigations for the Department of Defense. From 2005 to 2008, I worked as an attorney practicing primarily in the areas of business and construction litigation and I was licensed to practice in the State of Utah and the United States Court of Appeals for the Tenth Circuit. I have been trained by the FBI in the preparation, presentation, and service of criminal complaints and arrest and search warrants, and have been involved in the investigation of numerous types of offenses against the United States, including crimes of terrorism, as set forth in Title 18, United States Code, § 2331, *et seq.*

2. I submit this Affidavit in support of a Criminal Complaint against Justin Nojan Sullivan, (hereinafter "Sullivan"). As set forth in this Affidavit, there is probable cause that

Sullivan has committed violations of Title 18, United States Code, Section 2339B (Attempting to Provide Material Support to A Designated Foreign Terrorist Organization), Title 18, United States Code, Section 924(b) (Receipt of a Silencer in Interstate Commerce with Intent to Commit a Felony), and Title 26, United States Code, Section 5861, subsections (d) and (i) (Receipt and Possession of an Unregistered Silencer, Unidentified by a Serial Number).

3. Title 18, United States Code, Section 2339B provides that “[w]hoever knowingly provides material support . . . to a foreign terrorist organization, or attempts . . . to do so [shall be guilty of a crime]. . . . To violate this paragraph, a person must have knowledge that the organization is a designated terrorist organization . . . or that the organization has engaged in or engages in terrorism or terrorist activity.” Title 18, United States Code, Sections 2339B(g)(4) and 2339A(b)(1) define “material support” to include “any . . . service [or] personnel.”

4. Title 18, United States Code, Section 924(b) provides that, “[w]hoever, with intent to commit therewith an offense punishable by imprisonment for a term exceeding one year, . . . transports or receives a firearm . . . in interstate . . . commerce [shall be guilty of a crime].” Title 18, United States Code, Section 921(a)(3)(C) defines a “firearm” to include “a firearm silencer.”

5. Title 26, United States Code, Section 5861(d) provides that “[i]t shall be unlawful for any person to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record.” Title 26, United States Code, Section 5861(i) provides that “[i]t shall be unlawful for any person to receive or possess a firearm which is not identified by a serial number as required by this chapter.” Title 26, United States Code, Section 5845(a)(7) defines a “firearm” to include “any silencer (as defined in section 921 of Title 18, United States Code.”

6. The facts set forth below are based upon my personal observations, reports and information provided to me by other law enforcement officials, and records obtained by the FBI. This affidavit is intended to show that there is probable cause for the issuance of a Complaint and does not purport to set forth all of my knowledge of or investigation into this matter.

### **PROBABLE CAUSE**

7. On October 15, 2004, the United States Secretary of State designated al-Qa'ida in Iraq ("AQI"), then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224. On May 15, 2014, the Secretary of State amended the designation of al-Qa'ida in Iraq ("AQI") as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant ("ISIL") as its primary name. The Secretary also added the following aliases to the designation: "the Islamic State of Iraq and al-Sham," "the Islamic State of Iraq and Syria, ad-Dawla al-Islamiyya fi al-'Iraq wa-sh-Sham ("Dawla" or "Dawlah")," "Daesh," "Dawla al Islamiya," and "Al-Furqan Establishment for Media Production." Although the group has never called itself "Al-Qaeda in Iraq ("AQI")," this name has frequently been used to describe it during its history.

8. ISIL, using various social media outlets, has recently sought to exhort its supporters to conduct attacks in their home countries, to include the United States. Based on the information contained herein, the FBI believes that Sullivan is an ISIL supporter who is planning to conduct one or more attacks to support the terrorist organization.

9. According to information obtained by an FBI undercover employee (UC), Sullivan had planned to obtain a semi-automatic AR-15 rifle at the Hickory Gun Show in Hickory, North Carolina, on June 20, 2015, which Sullivan had planned to use to kill a large number of United States citizens on behalf of ISIL. Sullivan has referred to his desire to kill as many as 1000 people.

10. On April 21, 2015, Sullivan's father placed a "911" call to request police assistance at the family's residence at 5470 Rose Carswell Road, Morganton, North Carolina. Sullivan's father said: "I don't know if it is ISIS or what, but he [Sullivan] is destroying Buddhas, and figurines, and stuff." He stated that Sullivan was destroying their "religious" items, had done so before, and this time Sullivan had poured gasoline on some such objects to burn them. Sullivan's father added: "I mean, we are scared to leave the house." Sullivan could be heard in the background stating: "why are you trying to say I am a terrorist?" and words to that effect, multiple times. Sullivan complained in the background that his father was only mentioning the religious items, and asked his father to tell the police that he had destroyed other objects as well. Sullivan could be heard stating that "they" were going to put Sullivan "in jail my whole life," or, alternately: "they are not going to put me in jail. They are going to kill me."

11. On or about June 6, 2015, an FBI UC made contact with Sullivan. A conversation ensued between the UC and Sullivan who described himself as "a mujahid."<sup>1</sup> Sullivan described himself as a Muslim convert living in the eastern United States. Sullivan asked the UC if the UC

---

<sup>1</sup> The term "mujahid" in the context of violent Jihad means one engaged in Jihad, especially as a guerilla warrior.

was located in “Sham.”<sup>2</sup> When the UC stated that he was in the United States, Sullivan asked the UC if the UC intended to make Hijra.<sup>3</sup>

12. During the course of their conversations, Sullivan made clear to the UC that Sullivan was familiar with ISIL’s social media efforts to encourage followers to conduct terrorist attacks in the United States. During one such conversation, Sullivan said: “I liked IS<sup>4</sup> from the beginning then I started thinking about death and stuff so I became Muslim.”

13. During the June 6, 2015, conversation, Sullivan asked the UC whether “Airstrikes make u angry?” The UC said they did, but also made the UC sad to which Sullivan replied: “Revenge akhi.”

14. On or about June 7, 2015, the UC engaged in another conversation with Sullivan. Sullivan told the UC he lived in a “border state” of Virginia. Sullivan also told the UC they could “do jihad fi sabillah together inshallah” and that the “the war is here.” Sullivan told the UC it was better to remain in the United States to support ISIL than to travel, as they would be arrested or killed if they attempted to travel. Sullivan instructed the UC on methods the UC could utilize to acquire a gun, stating “u only need 600 dollars akhi for the gun and bullets.”

---

<sup>2</sup> Sham, in Arabic, refers to the region bordering the eastern Mediterranean Sea, usually known as the Levant or the region of Syria. In the context of this conversation, Sham is a reference specifically to Syria and the areas occupied by ISIL.

<sup>3</sup> The term “hijra” in the context of modern “violent jihad” means to travel to the lands where jihad is taking place – in this case, in portions of Syria and Iraq.

<sup>4</sup> IS” is a short for “Islamic State.” In June 2014, ISIL renamed itself the “Islamic State.”

15. Sullivan then gave the UC the opportunity to join what he called the Islamic State of North America, whose “doctrine is Guerilla Warfare in and out,” by swearing “allegiance to amir (leader) al mukminin and the islamic state.”

16. During the June 7, 2015, conversation, Sullivan also suggested the UC obtain weapons, specifically “an AR-15 .223 with split core ammo...its fragmenting hollow points...deadly.” The UC was instructed that he, the UC, could obtain weapons at a gun show, specifically the gun show in Manassas, Virginia on or about June 20-21 (2015). Sullivan said he would have an AR-15 assault rifle in “[a]bout 2 weeks” from a gun show “close to me” . . . “the same days as one in Manassas.”

17. Sullivan instructed the UC to “Just kill a few people so that I know u are truthful...just shoot them leave...wear a mask do it at night.” Sullivan asked the UC: “Can u kill?” The UC asked Sullivan: “do you think you can kill,” to which Sullivan responded, “[y]es.” Sullivan added, “I’ll kill people this month.” At the end of this conversation, Sullivan said, “My dream is Istihhadi... Wallahi akhi we wont die I’ll plan everything,...I want car bomb...that’s istihhadi.”<sup>5</sup>

18. On or about June 8, 2015, the FBI UC engaged in another conversation with Sullivan who told the UC that he would be utilizing silencers (also known as “suppressors”) during his planned terrorist attack. Sullivan stated: “We’ll be using homemade suppressors in and out we’ll kill 500 then we’ll leave inshallah,” and described the suppressors as “not too hard to make.”

---

<sup>5</sup> “Istihhadi” is a very similar spelling to the word Istishhad which is an Arabic word for martyrdom.

19. On or about June 9, 2015, the FBI UC engaged in another conversation with Sullivan, who discussed additional terrorist attack concepts. Sullivan then began discussing the possibility of making homemade silencers and asked the UC whether he would be able to make one. Sullivan later stated: “[t]he oil filter doesn’t look good I would say the one made out of a flashlight...We can rob banks too.” Sullivan then told the UC: “Just go to YouTube and look up flashlight suppressor...well need a die set to screw it onto the barrel...And we’ll need poison.” When the UC said he thought he could do that, Sullivan told him: “Great...500 is an incorrect body count...For our attack.” When the UC asked what the correct count would be, Sullivan said: “1000...Yes I’m thinking about using biological weapons...Coat our bullets with cyanide...and then set off a gas bomb to finish off the rest...its easy to make.” Sullivan subsequently told the UC: “Our attacks needs to be as big as possible...we can do minor assassinations before the big attack for training.” When the UC expressed doubts about using cyanide, Sullivan told him: “ill make it inshallah don’t worry...even if we get someone in the arm they’ll still die because of the poison...its vengeance.”

20. During this discussion, the UC said he thought he could construct the homemade suppressor. Sullivan told the UC: “Ill need to have one built by next week.” Later, Sullivan said: “U will just mail it to me?” However Sullivan then told the UC: “Im afraid ill be arrested if I pick up the shipment.” When the UC asked if Sullivan could open a Post Office box, Sullivan said: “I could...u might be a spy...if u killed someone id know ur truthful.” The communication ended with Sullivan saying: “Yeah ill let u mail me...I plan on using it this montj...”

21. Also on or about June 9, 2015, the UC and Sullivan continued their discussion about the suppressors. Sullivan asked: “So u know what to do?...U will make it so that it screws



onto our guns?...Alright akhi u know the right size hole to make to put on our barrels?" Sullivan then told the UC: "Our attack will probably be next month...Ill be doing shootings of my own before then...Im excited." At the end of this conversation, Sullivan talked about two possible attacks. In the first he said: "Well need 100 round drum mags...It will be at night akhi...we're all black and we'll have suppressors inshallah...then we get in car and leave." Sullivan's description of the second attack was: "Or we could use a uhaul packed with bombs then detonate it...We need drum mags." Sullivan wanted the "attacks to be as big as possible" and stated that they could "do minor assassinations before the big attack for training." Sullivan again began to discuss homemade suppressors and asked the UC "so u know how to do threading?" and told the UC "Ill need to have one built by next week" because he planned on using the suppressor "this montj." Sullivan said: "we are going to send a video to IS."

22. On or about June 10, 2015, the UC engaged in another conversation with Sullivan in which the UC said he followed the instructions provided by Sullivan and had purchased components for the construction of suppressors. The UC provided photographs of the components and the progress of the suppressor construction.

23. On or about June 12, 2015, Sullivan and the UC discussed the status of the suppressors. The UC told Sullivan they were being worked on, to which Sullivan replied: "Akhi I'll need it before the end of next week," apparently referring to June 19, 2015.

24. On June 14, 2015, Sullivan discussed the wars in Iraq and Syria stating: "Akhi if it wasn't for the airstrikes we would've already won the war in Iraq and Syria by now." The UC asked Sullivan if he had any ideas about stopping coalition airstrikes, to which Sullivan replied: "We'll force them. That's been my plan from the beginning to stop the airstrikes."

25. On June 15, 2015, Sullivan and the UC engaged in an conversation in which Sullivan told the UC: "18 airstrikes today. it makes me so angry. Things will have to happen sooner than planned. can u come next week akhi?" Sullivan also asked: "hows the suppressor?" After the UC updated Sullivan on the status of the assembly of the suppressor, Sullivan responded: "good work so u mail it tomorrow?" and "So how do u mail it? Just drop it in the mailbox or give it to people at post office?" When the UC said he was not sure how he would send it, Sullivan said: "I read USPS is best because laws protect the mail."

26. On June 17, 2015, during a conversation between the UC and Sullivan, the UC told Sullivan he was going to the post office to mail the suppressor and asked Sullivan for an address to send the suppressor to. Sullivan provided the UC with the address "5470 Rose Carswell Rd zip code 28680 put Gus Gus as name akhi." The UC and Sullivan also agreed to have the UC write "happy birthday" on the package for security purposes. Sullivan also requested that the UC delete their conversation.

27. On June 17, 2015, Sullivan was observed by FBI agents to visit a local library, and was observed reading a hard bound book later determined to be "The History of al Qaeda."<sup>6</sup>

28. The FBI built a functional silencer at Sullivan's request. That silencer does not bear the required serial number,<sup>7</sup> and is not registered to Sullivan or any person in the National Firearms Registration and Transfer Record.

---

<sup>6</sup> Al Qa'ida (also "al Qaeda") was designated as a Foreign Terrorist Organization by the Secretary of State on October 8, 1999.

<sup>7</sup> The silencer is built from a MagLite flashlight, and does bear the flashlight serial number assigned to it by MagLite.

29. The FBI sent a package containing the silencer to Sullivan's home at 5470 Rose Carswell Road, Morganton, North Carolina, according to Sullivan's instructions. At approximately 4:15 p.m. on June 19, 2015, Sullivan's mother picked up the mail, to include the package containing the silencer, from the mailbox and returned to the house. FBI surveillance confirmed Sullivan was in the house when his mother entered with the silencer.

30. On June 19, 2015, the FBI conducted a search of 5470 Rose Carswell Road, Morganton, North Carolina, pursuant to the consent of Sullivan's mother and a federal search warrant. Among other things, the FBI found the silencer delivered to Sullivan earlier that day, which was hidden under plastic in a crawlspace accessible from the basement of the home. The FBI also found approximately \$689 in cash in Sullivan's bedroom.

31. On June 19, 2015, coincident to the execution of the search, the FBI arrested Sullivan based upon probable cause of the violations described in this Affidavit. Sullivan was advised of his rights, and agreed to an interview. During the interview:

A. Sullivan said he had discussed doing attacks to help ISIL. (Sullivan said about this and generally during the interview about his criminal plans, that he "didn't mean it" or did not intend to carry out what he had discussed.)

B. Sullivan admitted speaking with another person (known by Affiant to be the UC, and hereafter referred to as "UC"), about conducting attacks in support of the so-called "Islamic State." Sullivan said he initiated the conversation with the UC about the planned terrorist attacks. Sullivan said he talked with the UC about doing attacks with a firearm at a bar or concert, places that were not very far away, and admitted that he had looked in the online yellow pages for places to attack.

C. Sullivan said he planned on conducting the attacks at an uncertain time in the near future, including specifically between Sunday, June 21, 2015, and Tuesday, June 23, 2015, because his parents would be out of town at that time.

D. Sullivan said that he planned to go to the Hickory Gun Show to buy a gun.

E. Sullivan said he had initiated discussion with the UC about obtaining a suppressor for the gun that would be used in the attack. Sullivan said he had requested that the UC send the silencer to him.

F. Sullivan admitted that the purpose of the silencer would be to make less noise with the gun he would use for an attack.

G. Sullivan said his parents had learned that he received the suppressor earlier that day. Sullivan said his father demanded to see what was in the package, and that Sullivan told his parents that the silencer was a filter to catch cleaning solvent. (Sullivan also told Affiant the same thing at the beginning of the interview, before later admitting that he had received a silencer that day from the UC.) Sullivan said that he had a fight with his parents, and was as a result uncertain about going to the Hickory Gun Show.


H. Sullivan said he had flushed the writing revealing the UC's address on the packaging that had contained the silencer. Sullivan said that he knew you need something to have a suppressor, and that without it, a suppressor was illegal.

I. Sullivan said he had asked the UC to kill his parents, and that he would send the UC money and their location.

**CONCLUSION**

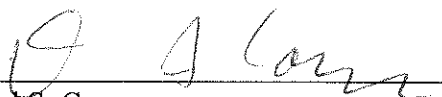
32. Based upon the above information, there is probable cause that Sullivan has committed violations of Title 18, United States Code, Section 2339B (Attempting to Provide Material Support to Terrorism), Title 18, United States Code, Section 924(b) (Receipt of a Silencer in Interstate Commerce with Intent to Commit a Felony), and Title 26, United States Code, Section 5861, subsections (d) and (i) (Receipt and Possession of an Unregistered Silencer, Unidentified by a Serial Number).

Sworn to under penalty of perjury:

  
\_\_\_\_\_  
Corey S. Zachman  
Special Agent, Federal Bureau of Investigation

Date: June 22, 2015

Sworn to and subscribed before me this the 22nd day of June, 2015, in Charlotte, North Carolina:

  
\_\_\_\_\_  
David S. Cayer  
United States Magistrate Judge