

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Aldrit Konda, being duly sworn, state as follows:

AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since July of 2010. As such, I am an investigative or law enforcement agent of the United States within the meaning of Title 18, United States Code, Section 2510(7) and 545, that is, an officer of the United states who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516(1) and 545.

2. I am currently assigned to the FBI's Domestic Terrorism Squad of the San Juan Division, and my current responsibilities include investigating individuals involved in participating in acts of domestic terrorism as "domestic terrorism" is defined in Title 18, United States Code, Section 2331(5). I have participated in numerous criminal investigations, and have received specialized training in the investigation of domestic terrorism cases.

3. The information set forth herein is based on my participation in this investigation, which has included conversations with other federal law enforcement agents with firsthand knowledge of the facts set forth in this affidavit. I have prepared this affidavit for the limited purpose of establishing probable cause to believe that on or about June 18, 2016, Noel Daniel Cruz-Torres committed a violation of Title 18, United States Code, Section 844(i). Accordingly, this affidavit does not include each and every fact that is known to me and other federal and local law enforcement officers.

FACTS SUPPORTING PROBABLE CAUSE

4. On June 18, 2016 at approximately 3:30 a.m., an individual called the 911 system to report an explosion in the vicinity of DuPont Pioneer, which is located at Carretera 3, Km. 154.9, Salinas, Puerto Rico. DuPont Pioneer is an agricultural business that conducts crop-genetic research and development. Among other things, the DuPont Pioneer site in Salinas, Puerto Rico, imports seeds from Iowa for research purposes.

5. After the 911 call, a firefighter and officers of the Puerto Rico Police Department ("PRPD") responded to the scene, and found a vehicle burning in a plantain field near DuPont Pioneer. As the firefighter was extinguishing the fire in the vehicle, a DuPont Pioneer security guard approached one of the PRPD officers, and reported that there was an individual throwing incendiary devices at the DuPont Pioneer building. The security guard and one of the PRPD officers then walked around the vicinity of the DuPont Pioneer building for the purpose of identifying the individual who was throwing the incendiary devices.

6. The PRPD officer then saw an individual wearing an olive drab suit, and a black t-shirt wrapped around his face. The PRPD officer also observed that this individual was carrying a black backpack. Upon seeing this individual, the PRPD officer identified himself and approached the individual, who attempted to flee. A foot pursuit subsequently ensued, and the individual pulled a Molotov cocktail out of his backpack, lit it, and threw it at the PRPD officer. As the PRPD officer chased this individual, the

individual threw a second lit Molotov cocktail at the PRPD officer, and later threw yet another lit Molotov cocktail at a fire truck.

7. A PRPD officer ultimately caught up to the individual, who then hit the officer in the arm with an unlit Molotov cocktail causing injury to the officer. Another PRPD officer then continued to pursue the individual, and ultimately deployed his taser to subdue him. After the individual was subdued, he was placed under arrest. The individual was ultimately identified as Noel Daniel Cruz-Torres.

8. While processing the DuPont Pioneer building, FBI agents recovered more than four Molotov cocktails which Cruz-Torres had thrown at this building. These Molotov cocktails caused physical damage to the DuPont Pioneer building; such damage includes charring to the building at different locations; a broken window; smoke and fire damage to a vehicle belonging to DuPont Pioneer; and burning damage to a corridor of lockers belonging to DuPont Pioneer.

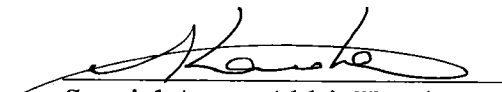
9. Approximately 100 yards from where Cruz-Torres was apprehended, law enforcement officers recovered a black backpack with one Molotov cocktail inside of it, and a cell phone approximately 25 feet away from the black backpack. Additionally, near the charred vehicle in the plantain field, law enforcement officers recovered a flag with writing stating: "LEVANTATE BORICUA Q HA LLEGADO EL MOMENTO DE DEFENDER NTRA. PATRIA: VIVA P.R. Libre." In English, the writing on the flag means, "Rise up Puerto Rican, the moment to defend our fatherland has arrived: long live free Puerto Rico."

10. While detained in a holding cell, FBI agents met with Cruz-Torres. After confirming Cruz-Torres's biographical details, the agents advised him of his *Miranda* rights, after which point Cruz-Torres invoked his right to counsel. After Cruz-Torres invoked his right to counsel, Cruz-Torres climbed onto a sink and yelled to members of the news media who were standing outside that he did what he did for Puerto Rico because he is tired of companies contaminating the land.

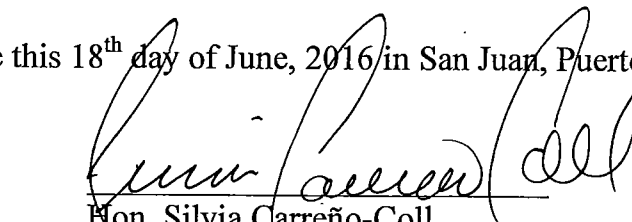
CONCLUSION

11. Based on the facts set forth above, I respectfully submit that there exists probable cause to charge Noel Daniel Cruz-Torres with a violation of Title 18, United States Code, Section 844(i) (malicious use of explosives to cause damage to property engaged in interstate and foreign commerce).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.


Special Agent Aldrit Konda
Federal Bureau of Investigation

Sworn and subscribed to before me this 18th day of June, 2016 in San Juan, Puerto Rico.


Hon. Silvia Carreño-Coll
U.S. Magistrate Judge