

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

IN THE MATTER OF THE APPLICATION OF)
THE UNITED STATES OF AMERICA FOR A) Case No. 16-80111-CM-JPO
WARRANT AUTHORIZING THE)
INSTALLATION AND USE OF A MOBILE) FILED UNDER SEAL
TRACKING DEVICE)

AFFIDAVIT IN SUPPORT OF APPLICATION FOR
THE FIRST EXTENSION OF A MOBILE TRACKER

I, Tracey M. Jenkins, a Special Agent with the FBI, being first duly sworn, hereby depose and state:

INTRODUCTION

1. This Affidavit is offered in support of the extension of an order allowing installation of a slap-on GPS tracking device on the following vehicle:
 - a. 2004 Maroon, Chevrolet pick-up truck, bearing Kansas license 180 DPC, VIN: 1GCHK23294F207253 (the **Target Vehicle**), registered to **Patrick STEIN**.
2. Since February 2016, the Federal Bureau of Investigation (FBI) has been conducting a domestic terrorism investigation of overlapping groups of individuals operating in southwestern Kansas known as the Kansas Security Force (KSF) and the Crusaders. These are militia groups whose members support and espouse sovereign citizen, anti-government, anti-Muslim, and anti-immigrant extremist beliefs. Certain key members of these groups, including **STEIN**, **Curtis ALLEN**, and **Gavin WRIGHT**, have been regularly meeting and planning to carry out a violent attack against Muslims in their community and have taken steps in furtherance of accomplishing this, including identifying a target location. These individuals

regularly use their cell phones to arrange the meetings and also utilize them to engage in additional discussion and coordination of their plans via a conference call app called Zello¹. These activities are being done in violation of Arson/Explosives and Conspiracy statutes (18 U.S.C. §§ 844(i) and 371).

3. Based on my training and experience, and the facts set forth in this Affidavit, I believe there is probable cause that violations of federal law have been, and are continuing to be, committed in the District of Kansas, and that the installation of a mobile tracking device on the above the **Target Vehicle** will uncover additional evidence and details about these crimes.

4. The facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement officers, federal agents, and witnesses. This affidavit is in support of extending the previous authorization for the use of a mobile tracking device on the **Target Vehicle**. Because this Affidavit is being submitted to support only a finding of probable cause, I have not set forth all of my knowledge regarding the investigation.

BACKGROUND OF AFFIANT

5. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since February 2002. As such, I am an investigator or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7); 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 18 U.S.C § 2516. Prior to my employment with the FBI, I was a Police Officer with the Ft. Wayne, Indiana, Police Department for seven years.

¹ Zello is a phone-based application that allows the user to communicate with other Zello users as if their cellular telephones were push-to-talk walkie-talkies.

6. During my tenure in law enforcement, I have participated in numerous and varied types of investigations, including, but not limited to: bank robberies, commercial robberies, weapons violations, kidnappings other violent crimes, child sex crimes, property crimes, frauds, civil rights violations, counterintelligence matters, as well as crimes involving the transportation, possession, manufacture, and/or distribution of controlled substances. I have also received training in complex conspiracy investigations, money laundering, telecommunications exploitation, and asset forfeiture.

BACKGROUND OF CASE

7. This investigation began based on reporting from a reliable, paid Confidential Human Source (CHS) who has attended numerous KSF and Crusaders meetings where plans were discussed to carry out a violent attack against Muslims (whom the group members refer to as "cockroaches") in southwestern Kansas. These groups meet in person frequently, as often as once per week, and also engage in frequent communication daily through a telephone application (app) called Zello. Information provided by the CHS has been verified at least seventeen times through consensual monitoring of phone calls and messages, as well as recordings of meetings made when the CHS was wearing a body recorder. The CHS has been corroborated multiple times by another FBI CHS who has provided reliable information in the past and on another occasion by a trusted local law enforcement agency source. On at least one occasion a local law enforcement officer provided information consistent with CHS reporting over several topics. The CHS has been further corroborated through social media and open source reporting.

8. Through recordings, CHS cooperation and reporting, and open source and social media investigation, **STEIN**, **ALLEN**, and **WRIGHT** have been identified as members of the aforementioned militia groups. They have also been determined to be the primary architects of

the attack plan. **STEIN** has been identified as a leader within the KSF and participated in meetings of the Crusaders. **ALLEN** is a close associate of **STEIN's**, has been identified as a leader within KSF, and has led meetings of the Crusaders. **WRIGHT** is also a member of both groups and has been participating in the planning of the attack. Though they are still part of the larger militia group, **STEIN**, **ALLEN**, and **WRIGHT** have branched off to form their own subgroup to plan and carry out this attack, bringing the CHS along with them.

PROBABLE CAUSE

9. The investigation to date has revealed that KSF/Crusaders members **Patrick STEIN**, **Curtis ALLEN**, and **Gavin WRIGHT** are conspiring to carry out a domestic terrorist attack by using an improvised explosive device (IED) to destroy an apartment complex located at 312 West Mary Street, Garden City, Kansas, which contains a mosque and is home to many Muslims. Their activities have demonstrated, and continue to demonstrate, actions taken in furtherance of this scheme. Their rhetoric and their speech have revealed a hatred for Muslims, Somalis, and immigrants. They chose the target location based on their hatred of these groups, their perception that the people represent a threat to American society, a desire to inspire other militia groups, and a desire to “wake people up.”

10. According to CHS reporting, **STEIN** has participated in at least three different group surveillances on potential target locations around Garden City and other parts of southwestern Kansas. These surveillances were conducted on an African store, a Somali mall, and a mosque located in an apartment complex, as well as on various vehicles believed to contain Somalis or Muslims. On one such surveillance in February 2016 when the CHS was driving **STEIN** around, **STEIN** at various times yelled at Somali women dressed in traditional garb, calling them “fucking raghead bitches.” **STEIN** also referred to Somalis as “cockroaches”

and said several times that they needed to eliminate the Somalis. During the surveillance, **STEIN** had with him a pistol, an assault rifle with several magazines, a ballistic vest, and a night vision scope. He also mentioned to the CHS that he had done several surveillances like this on his own in the past and that he always made sure he was armed. **STEIN** also discussed the Oklahoma City bombing and how he had the same explosives components on his farm (diesel and ammonium nitrate). He was looking for any more explosives or things he could use to blow things up.

11. During a Zello conference call in April 2016, **STEIN** stated, "Make sure if you start using your bow on them cockroaches, make sure you dip them in pig's blood before you shoot them." This conversation was recorded via consensual monitoring by the CHS.

12. In a May 2016 meeting, **ALLEN** stated:

"We need to get some signs made up... hundreds of them, kind of like the redneck deal, 'here's your sign' and just put right there on it: I SUPPORT ILLEGAL IMMIGRATION, I GO AGAINST THE CONSTITUTION ON A DAILY BASIS, I DO NOT HAVE ANY CARE FOR MY FELLOW CITIZENS IN THE STATE OR IN THE TOWN THAT I REPRESENT... and then for every one of them that we blow the top of their head off we just put that around their neck."

STEIN said he liked the idea. This conversation was recorded via consensual monitoring.

13. During a phone call to the CHS in May 2016, **STEIN** talked about some of his frustrations. **STEIN** wanted to just go do something. He said he wanted to get a .22, go over to Garden City, start kicking in the doors of the Somali apartments, and kill them one by one. He wanted to use a .22 because it was quieter and he also mentioned he wanted to buy or make a silencer.

14. In June 2016, **STEIN** called for a meeting with trusted KSF members. Attendees included **STEIN** and the CHS. They met in a field to avoid surveillance by the FBI. During the meeting, **STEIN** brought up the Orlando night club shooting and said that something needed to

be done in response to this act of terrorism. He also mentioned that no patriot had fired a shot in response to the killing of Lavoy Finicum² by law enforcement during the standoff at the wildlife refuge in Oregon. He proposed carrying out an attack similar to the Orlando shooting against a Muslim refugee location in Garden City. The group discussed how they could carry out such an attack.

15. During a group Zello call that the CHS was part of in June 2016, **STEIN** and **ALLEN** discussed conducting surveillance in Garden City at the African Community Center, the mosques, and the Somali apartments. They wanted to get photos and videos of the places during the day and also conduct surveillance throughout the night to see what the Somalis were doing. **ALLEN** stated that the purpose of the surveillance was to begin to put a plan into action. **STEIN** said he wanted to know where they are so they can “kill all of the motherfucking cockroaches.”

16. During an in-person meeting in June 2016, **STEIN** stated:

“Garden City for example, I know exactly where probably a majority of those motherfuckers are at in their homes... in Garden City... and... they’ve got these apartment complexes over there where literally every fucking apartment... that’s all it is, fucking goddamn cockroaches... and... I mean I wouldn’t be against if I could get a hold of some RPG’s (rocket propelled grenades), I’ll run some RPG’s right through... I’ll blow every goddamn building up right there... boom... I’m outta there.”

This was recorded via consensual monitoring by the CHS.

17. During a consensually monitored Zello conference call in June 2016, **STEIN** said:

“The only fucking way this country’s ever going to get turned around is it will be a bloodbath and it will be a nasty, messy motherfucker. Unless a lot more people in this country wake up and smell the fucking coffee and decide they want this country back... we might be too late, if they do wake up... I think we can get it done. But it ain’t going to be nothing nice about it.”

² LaVoy Finicum is an Arizona rancher who, along with others, occupied the Malheur National Wildlife Refuge in Oregon. Finicum was killed in January 2016 in a shoot-out with federal agents following the occupation. Finicum’s death and the occupation itself are often cited by militia and sovereign citizen groups as a call to action against the United States government and federal authorities.

18. During a consensually monitored Zello conference call in June 2016, the group discussed targeting churches in Garden City that have supported refugees. While discussing a particular church **STEIN** said, "That motherfucker needs burnt to the ground." When the CHS mentioned burning mosques in order to boost his credibility with the group, **WRIGHT** stated, "Yeah, during prayer time."

19. In July 2016, there was an in-person meeting which included **STEIN**, **ALLEN**, **WRIGHT**, and the CHS. The meeting took place at a business in Liberal, Kansas owned by **WRIGHT**. During the meeting, **STEIN** and **ALLEN** proposed and discussed a wide range of potential targets, including Muslim-occupied apartment complexes, residences, and places of worship, city/county commission meetings, local public officials, landlords who rent property to Muslim refugees, and organizations providing assistance to Muslim refugees. While they were discussing these plans, **WRIGHT** pulled up Google Maps on the computer at his business and began dropping pins on the map at these various locations using the label "cockroaches." Prior to the meeting **WRIGHT** researched guides for making explosives and printed off about a thousand pages of this material. The group brainstormed various methods of attack, including murder, kidnapping, rape, and arson. They decided to pick a specific target at their next meeting. At one point, **ALLEN** stated: "We're going to talk about killing people and going to prison for life. Less than sixty days, maybe forty days until something major happens. We need to be preemptive before something happens." **STEIN** responded: "The only good Muslim is a dead Muslim." At another point in the conversation, **STEIN** said: "If you're a Muslim I'm going to enjoy shooting you in the head." Then he told the group, "When we go on operations there's no leaving anyone behind, even if it's a one year old, I'm serious. I guarantee if I go on a mission those little fuckers are going bye-bye."

20. On August 14, 2016, there was an in-person meeting which included **STEIN**, **ALLEN**, **WRIGHT**, and the CHS. During this meeting, the group ultimately settled on the apartments at 312 West Mary Street, Garden City, Kansas as the target location of their attack due to the number of Somalis that live there and the fact that one of the apartments is used as a mosque. They decided that they want to obtain four vehicles, fill them with explosives, and park them at the four corners of the apartment complex to create a big explosion. **ALLEN** stated that he could make the explosives and mentioned aluminum powder and ammonium nitrate, among other components. Later he said he already had the materials needed to make the explosives. Once he had assembled the explosives, **ALLEN** said the group would need to test them prior to the execution of the plan to make sure they worked. He also mentioned that he could set the bombs off with a cell phone and they discussed having KSF members in different states purchase prepaid cell phones for them so that they could not be traced. The group researched mosque prayer times online to determine when the most people would be around. **WRIGHT** was tasked with ordering glassware in order to make the bombs. **STEIN** was instructed to get a rock tumbler to crush cans into aluminum powder. The CHS was told to do reconnaissance at the complex to look for security cameras and take pictures and such. **ALLEN** decided he would work on the group's manifesto to release in conjunction with the attack. They discussed not wanting to get caught and wanting for this to be the first of several things they do. This meeting was recorded by the CHS via consensual monitoring.

21. On August 19, 2016, the Honorable K. Gary Sebelius, United States Magistrate Judge, District of Kansas, provided authorization, via Federal Search Warrant Cause, for the installation and use of pen register and trap and trace (hereinafter referred to as pen/trap and

trace) devices and acquisition of cell site information for the cell phones of **STEIN, ALLEN AND WRIGHT**.

22. Subsequent analysis of the data obtained from the aforementioned pen/trap and trace failed to yield E-911 Phase II data, GPS data, latitude-longitude data, and other precise location information, which is essential in determining the locations of the targets for operational purposes.

23. On September 14, 2016, the CHS and STEIN spoke by telephone. During the call, STEIN revealed his intentions to begin discussing project strategies via the WhatsApp³ mobile application. The CHS and STEIN briefly discussed installing WhatsApp on their phones. STEIN indicated he and the CHS will only discuss conversations about projects on WhatsApp. The CHS received via text from WhatsApp the initiation code for the application.

24. On September 10, 2016, STEIN, ALLEN, WRIGHT, and the CHS participated in a Zello call in which Wright indicated he has a Department of Defense (DOD) identification badge he received in early 2000 while doing contract work for DOD.

25. On September 13, 2016, STEIN and the CHS spoke over Zello during which STEIN stated they would need a 35 gallon container (trash can) if not a 55 gallon container in which to store explosive material. STEIN suggested the group would need 4 – 6 trash cans in order to avoid suspicion. STEIN believes the trash cans should be in place at a mosque no earlier than three (3) hours prior to detonation in order to avoid suspicion.

26. E-911 Phase II data, GPS data, latitude-longitude data regarding the precise location of the **Target Telephones** has been collected since August 31, 2016. The FBI is

³ WhatsApp Messenger is a proprietary, cross-platform, encrypted instant messaging client for smartphones. It uses the Internet to send text messages, documents, images, video, user location and audio messages to other users using standard cellular mobile numbers.

continuously working to establish a pattern of movement, to include tracking various locations frequented by STEIN, WRIGHT, and ALLEN.

27. According to GPS data obtained on September 11, 2016, a meeting occurred between STEIN, WRIGHT, ALLEN, and the CHS. WRIGHT traveled to a farm in Oklahoma – the same farm at which WRIGHT often stays overnight multiple times per week. The FBI believes this is WRIGHT’S current residence, a location previously unsubstantiated.

28. On September 25, 2016, the mobile GPS tracking device, previously installed on the **Target Vehicle**, provided valuable information during an undercover operation involving STEIN. The GPS data collected from this operation supplied FBI surveillance assets with precise details pertaining to STEIN’S location before, during, and after the undercover operation, allowing FBI surveillance assets to focus on specific areas surrounding the operation site.

CONCLUSION

29. Based on the above information, I respectfully submit that probable cause exists to believe that **Patrick STEIN**, **Curtis ALLEN**, and **Gavin WRIGHT** are involved in a conspiracy to use explosives to destroy an apartment building in Garden City, Kansas, in violation of 18 U.S.C. §§ 844(i) and 371 (Arson/Explosives and Conspiracy), and that **STEIN** is using the **Target Vehicle** to travel to and from various locations to plan and coordinate activities in furtherance of this scheme. Moreover, **STEIN** has informed the CHS, and observed by the CHS, he has utilized the **Target Vehicle** to conduct surveillance in furtherance of an effort to plan acts of domestic terrorism. Accordingly, I am seeking authorization to extend the Court’s

previous order allowing use of a slap-on GPS tracking device on the **Target Vehicle**.

FURTHER AFFIANT SAITH NOT.

Tracey M. Jenkins

Tracey M. Jenkins
FBI Special Agent

SUBSCRIBED TO AND SWORN before me this the 6th day of October, 2016.

James P. O'Hara

JAMES P. O'HARA
U.S. Magistrate Judge
District of Kansas