

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of California

EDL

United States of America

v.

YAN FENG

Case No.

3-14-70011

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 January 1, 2014 in the county of San Francisco in the Northern District of California, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include Title 18, United States Code, Section 970(a); Title 18, United States Code, Section 844(i) and Protection of property occupied by foreign governments. Arson.

This criminal complaint is based on these facts:

See attached affidavit of FBI Special Agent Michael Eldridge.

Continued on the attached sheet.

Approved as to form:

Signature of Elise Becker, AUSA Elise Becker

Signature of Michael Eldridge, FBI SA Michael Eldridge

Sworn to before me and signed in my presence.

Date: Jan 4, 2014

Signature of Elizabeth D. Laporte, Judge's signature

City and state: San Francisco, California

Honorable Elizabeth D. Laporte, Printed name and title

UNITED STATES DISTRICT COURT)
)
NORTERN DISTRICT OF CALIFORNIA) ss. AFFIDAVIT

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT
CHARGING YAN FENG

WITH VIOLATING 18 U.S.C. § 844(i), MALICIOUSLY DAMAGING OR DESTROYING, OR ATTEMPTING TO DAMAGE OR DESTROY, BY MEANS OF FIRE OR AN EXPLOSIVE, ANY BUILDING, VEHICLE, OR OTHER REAL OR PERSONAL PROPERTY USED IN INTERSTATE OR FOREIGN COMMERCE OR IN ANY ACTIVITY AFFECTING INTERSTATE OR FOREIGN COMMERCE; AND 18 U.S.C. § 970(a), WILLFULLY INJURING, DAMAGING, OR DESTROYING, OR ATTEMPTING TO INJURE, DAMAGE, OR DESTROY, ANY PROPERTY, REAL OR PERSONAL, LOCATED WITHIN THE UNITED STATES AND BELONGING TO OR UTILIZED OR OCCUPIED BY ANY FOREIGN GOVERNMENT OR INTERNATIONAL ORGANIZATION, BY A FOREIGN OFFICIAL OR OFFICIAL GUEST

I, Michael P. Eldridge, do swear and affirm as follows,

Affiant Background

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), currently assigned to the San Francisco Division, and have been so employed since July 2013. FBI Special Agents are empowered to investigate, apply for, and serve federal arrest warrants relating to the malicious use of explosive materials and the willful injuring, damaging, or destruction, or attempted injuring, damaging, or destruction, of any property, real or personal, located within the United States and belonging to or utilized or occupied by any foreign government or international organization, by a foreign official or official guest, under Title 18 U.S.C. §§ 844(i) and 970(a).

2. I received my Juris Doctor degree from the University of St. Thomas School of Law in Minneapolis, Minnesota and am a graduate of the FBI’s New Agents Training, which consisted of twenty-one weeks of classes during which I received instruction on various aspects of federal investigations. During my training to become an FBI Special Agent, I have studied a wide variety of criminal and national security investigations, including criminal enterprises, terrorism, Internet fraud, extortion, violent crime, and other federal crimes.

Purpose

3. I am conducting an investigation of YAN FENG for maliciously damaging or destroying, or attempting to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce, in violation of 18 U.S.C. § 844(i), and willfully injuring, damaging, or destroying, or attempting to injure, damage, or destroy, any property, real or personal, located within the United States and belonging to or utilized or occupied by any foreign

government or international organization, by a foreign official or official guest, in violation of 18 U.S.C. § 970(a). It is alleged that YAN FENG intentionally and maliciously ignited three incendiary or explosive devices in the vicinity of the front entrance of the Consulate General of the People's Republic of China (hereinafter, the "Chinese Consulate") located at 1450 Laguna Street, San Francisco, on January 1, 2014, thereby causing significant property damage to the Chinese Consulate and endangering the lives of those present in and around the Chinese Consulate at the time of the explosion. Based on my investigation and personal experience, I am aware that the Chinese Consulate issues passports and visas used for the purposes of individuals engaging in foreign commerce.

Relevant Statutes

4. Title 18 U.S.C. § 844(i) states in sum that whoever maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce shall be imprisoned for not less than five years and not more than 20 years, fined under this title, or both.

5. Title 18 U.S.C. § 970(a) states, in pertinent part, that whoever willfully injures, damages, or destroys, or attempts to injure, damage, or destroy, any property, real or personal, located within the United States and belonging to or utilized or occupied by any foreign government or international organization, by a foreign official or official guest, shall be fined under this title, or imprisoned not more than five years, or both.

Facts and Evidence Concerning the Ignition of Explosive Devices at the Chinese Consulate

6. On January 1, 2014, at approximately 9:30 p.m., an individual detonated incendiary or explosive devices in the vicinity of the front entrance of the Chinese Consulate in San Francisco.

7. First Responders and Investigators from the San Francisco Police Department (SFPD) and San Francisco Fire Department (SFFD), and Special Agents from Diplomatic Security Service (DSS) of the United States Department of State, and FBI responded to the scene of the explosion. I reviewed a San Francisco Police Department Incident Report which discloses the following summary of the incident, in substance: the explosion caused by the incendiary devices resulted in significant property damage in and around the front entrance of the Chinese Consulate. No injuries were reported, but individuals were present inside the Chinese Consulate at the time of the explosion.

8. On January 2, 2014, I reviewed surveillance video from the residential complex across the street from the front entrance of the Chinese Consulate on Laguna Street, which showed the area in the vicinity of the front entrance of the Chinese Consulate prior to and at the time of the explosion. In sum, the video shows a minivan parked in front of the Chinese Consulate on the east side of Laguna Street at approximately 9:00 p.m. An individual exits the minivan from the driver's side, and walks north on Laguna Street in front of the Chinese Consulate before turning east on Geary Boulevard. The individual then returns to the minivan, and re-parks the minivan in front of the Chinese Consulate, again on the east side of Laguna Street. The individual

remains in the minivan for approximately fifteen to twenty minutes before exiting the minivan and loitering on the passenger side of the minivan for approximately two to five minutes. The individual then carries objects away from the minivan and places them in the vicinity of the front entrance of the Chinese Consulate. The individual bends over the objects and, at approximately 9:32 p.m., a large fireball ignites from the individual's location at the front entrance of the Chinese Consulate. The individual walks away from the scene of the explosion and returns to the minivan. The minivan drives north on Laguna Street away from the Chinese Consulate at approximately 9:33 p.m., turns east on Geary Boulevard, and disappears out of the view of the security camera.

9. On January 3, 2014, I reviewed still photographs taken from surveillance video from the front entrance of the Chinese Consulate on Laguna Street. In sum, the photographs show a minivan parked in front of the Chinese Consulate on the east side of Laguna Street at the approximate time of the explosion. The photographs also show an individual with long black hair and a thin build, wearing eyeglasses and a dark blue jacket/pullover and pants, walking in front of the Chinese Consulate on the east side of Laguna Street at the approximate time of the explosion.

Identification of YAN FENG as the Person Who Caused the Chinese Consulate Explosion

10. On January 3, 2014, at approximately 12:34 p.m., the Daly City Police Department, Daly City, California, 911 dispatch center, received a call from an individual who identified himself as YAN FENG. On January 4, 2014, I reviewed a recording of the 911 call from YAN FENG. In sum, through the assistance of a Chinese-Mandarin translator, YAN FENG identified himself as the individual who "made the fire" in front of the "Chinese Embassy" in San Francisco, California. Daly City Police Department responded to YAN FENG's address and detained him.

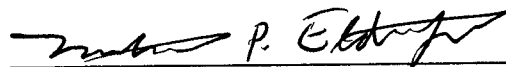
11. On January 3, 2014, I and FBI Special Agents Aaron Wong, Matthew Stanger, and DSS Special Agent (SA) James Guanci interviewed YAN FENG. After waiving his Miranda rights, YAN FENG provided the following information in sum: he admitted that he caused the fire at the Chinese Consulate in San Francisco, California, on January 1, 2014; he stated that earlier in the day on January 1, 2014, he purchased a gas container and brought two other plastic containers from his residence; he drove to the Chinese Consulate in San Francisco between 8:00 p.m. and 9:00 p.m. in his minivan, a green 2002 Honda Odyssey; he then drove to a "76" gas station on Geary Boulevard in San Francisco to fill up the gas container he previously purchased and the two containers he brought from his residence with gasoline; he returned to the Chinese Consulate after leaving the gas station, and parked in front of the Chinese Consulate on Laguna Street, facing Geary Boulevard; he waited in his minivan for several minutes, exited his minivan and walked north on Laguna Street and then east on Geary Boulevard before returning to his minivan; he returned to his minivan, waited several more minutes, smoked a cigarette, and retrieved the containers filled with gasoline from front passenger side of his minivan; he placed the containers in the vicinity of the front entrance of the Chinese Consulate on Laguna Street, and poured gasoline on the front door and front steps of the Chinese Consulate; he attempted to light a fire with his passport but the fire did not ignite; he then used a large black lighter to ignite one of the containers; he saw a large fire go up the front of the Chinese Consulate, and walked back to his minivan; he drove north on Laguna Street in his minivan, before turning east on

Geary Boulevard and eventually driving back to his residence in Daly City. YAN FENG further stated in substance that he targeted the Chinese Consulate because all the voices he had been hearing were in Chinese and the Chinese Consulate had to have been involved.

Conclusion

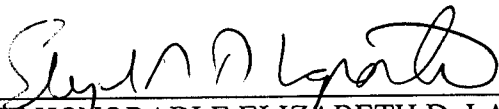
12. Based on the facts and information detailed in the affidavit, I believe probable cause exists that YAN FENG maliciously damaged or destroyed, or attempted to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce, in violation of 18 U.S.C. § 844(i), and willfully injured, damaged, or destroyed, or attempted to injure, damage, or destroy, any property, real or personal, located within the United States and belonging to or utilized or occupied by any foreign government or international organization, by a foreign official or official guest, in violation of 18 U.S.C. § 970(a).

Under penalty of perjury, I swear that the foregoing is true and correct to the best of my knowledge, information and belief.



Michael P. Eldridge
Special Agent
Federal Bureau of Investigation
San Francisco Field Office

SUSCRIBED AND SWORN BEFORE ME
ON January 4, 2014



THE HONORABLE ELIZABETH D. LAPORTE
Chief United States Magistrate Judge
Northern District of California