

Affidavit:

I, STANLEY E. ORNELLAS, being duly sworn, declare and state:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and have been so employed for more than 26 years. For the past nine years, I have been assigned to investigate organized crime matters within the Los Angeles Division of the FBI.

2. This affidavit is made in support of a complaint against ANTHONY PELLICANO for violations of Title 26, United States Code, Section 5861(d), which prohibits the possession of an unregistered firearm (including a destructive device).

3. On November 19, 2002, I swore to an affidavit and obtained a search warrant from Chief Magistrate Judge Robert Block authorizing a search of PELLICANO's business, Pellicano Investigative Agency, Ltd., located at 9200 Sunset Boulevard, Suite 322, Los Angeles, California (the "subject premises"). The warrant authorized agents to search for and seize evidence of violations of Title 18, United States Code, Sections 371 (conspiracy) and 1951 (interference with commerce by threats of violence). The affidavit in support of that warrant, which is filed under seal, details evidence establishing probable cause to believe that PELLICANO hired and paid Alexander Proctor (currently charged in United States v. Proctor, No. CR 02-1074-GAF) to burn the car of a Los Angeles Times reporter who was writing a negative newspaper article about one of Pellicano's celebrity clients.

4. On November 21, 2002, I spoke with FBI SA David Freihon, who told me the following:

a. On November 21, 2002, SA Freihon and a team of FBI agents executed the federal search warrant at PELLICANO's offices.

b. Upon entering the subject premises, SA Freihon asked PELLICANO whether there were any weapons on the premises. PELLICANO stated that there were two handguns in the desk drawer in his office. SA Freihon located those handguns, which were loaded, and unloaded them. PELLICANO did not identify any other weapons.

c. Two metal combination safes were found in the rear of the subject premises. PELLICANO told SA Freihon that he was the only one with the combinations to the safes. At SA Freihon's request, PELLICANO opened the safes.

d. In one of the safes, SA Freihon observed two black plastic Pelican cases adjacent to each other. One case contained a quantity of what appeared to him to be plastic explosive, wrapped in plastic wrap, along with a detonation cord and blasting cap. The second case contained what appeared to him to be two military anti-personnel grenades. SA Freihon also observed in the same safe approximately 15-20 bundles of cash, the majority of which bore \$10,000 wrappers, as well as a number of pieces of jewelry in assorted boxes and pouches. SA Freihon photographed the contents of the safe.

e. PELLICANO removed the cash and jewelry from the safe and left the subject premises with them.

f. SA Freihon contacted the Los Angeles County Sheriff's Department (LACSD) Bomb Squad to examine the plastic explosive and grenades.

g. PELLICANO told SA Freihon that the items in the safe were from an old case of his and that he had forgotten they were there.

5. On November 21, 2002, I spoke with LACSD Deputy Mike Cofield, who is assigned to the Bomb Squad that responded to the subject premises. He told me the following:

a. He has been a certified bomb technician with the Bomb Squad for seven years and has specialized training in military, commercial, and improvised explosive devices.

b. Upon arriving at the subject premises, he examined a Pelican case from the safe that appeared to him, based on sight and smell, to contain military C-4 plastic explosive, which is United States government property and is not commercially available. The blasting cap was lying adjacent to the plastic explosive, in a position that could cause sympathetic detonation. There appeared to be a piece of detonation cord attached to the blasting cap.

c. He examined two grenades from the other Pelican case in the safe that appeared to be Mark 26 practice grenades. The grenades were packed in foam rubber inside a Pelican case. X-rays revealed that the grenades each contained a live spoon assembly with a striker and a live blasting cap, and that the striker in each grenade was in the armed position. The bodies of the grenades had been modified to seal a hole in the bottom of the bodies, which suggests that an explosive filler may have been inserted into the grenades.

d. The LACSD Bomb Squad planned to remove the plastic explosive and the grenades to a secure location, where they would remotely open the grenades to render them safe and examine the fillers. They would also do a test burn on the plastic explosive and subject it to a bomb-sniffing dog. These tests would yield more information as to the precise composition of the plastic explosive and the nature of any filler in the Grenades.

6. On November 22, 2002, I spoke with Deputy Greg Everett, a certified bomb technician with the LACSD Bomb Squad, who told me the following:

a. On November 21, 2002, at a testing facility in Wayside, California, he conducted further tests and examination of the items found in PELLICANO's safe.

b. The suspected plastic explosive was identified as an explosive by a bomb-sniffing dog, and a test-burn yielded results consistent with C-4 explosive. All observable properties of the explosive were consistent with military C-4.

7. On November 22, 2002, I spoke with FBI SA David Baker, a certified bomb technician for three-and-a-half years, who told me the following:

a. On November 22, 2002, he inspected the plastic explosive assembly and grenades at Wayside, California. It is his opinion that the explosive is C-4 explosive. The modified grenades each constitute a "destructive device" within the meaning of 26 U.S.C. 5845(a)(8).

b. The explosive, in a quantity of approximately 1/4 to 1/3-

pound, appeared to be significantly fresher than the C-4 that he generally encounters.

c. The explosive was part of a complete assembly, with detonation cord and blasting cap. The blasting cap was a live, electrically-initiated blasting cap that is sensitive to heat or static electricity. The attached cord was cut open and contained a white powder consistent with detonation cord.

d. The two grenades were Mark 26 practice grenades containing brand-new live spoon assemblies with live blasting caps. The grenades had been modified by being filled to capacity with photoflash powder, one of the fastest gunpowders available. Photoflash powder is extremely sensitive to heat, shock, and friction, which means that the grenades could explode if dropped.

e. The grenades were "baseball-shaped pipe bombs" that were designed to fragment and to send shrapnel within the blast radius upon detonation. They were non-lethal devices that had been altered for the specific purpose of rendering them lethal.

f. The explosives were designed so that initiating the blasting cap with an electrical charge (or heat or static electricity) would initiate the detonation cord, which would detonate the cord, which was touching the plastic explosive. The detonation of the cord would initiate a shock wave that would transfer to and set off the plastic explosive, which in turn would have blown the grenades in close proximity (even as stored in the Pelican case). The resulting explosion, overpressurization of air and lungs, and secondary fragmentation would kill anyone in PELLICANO's offices and would rip through the drywall into the public corridor (to which the safe was adjacent) and nearby offices, where other catastrophic injury or death could easily result. The explosive could easily be used to blow up a car, and was in fact strong enough to bring down an airplane.

g. The grenades cannot be lawfully registered because they are modified.

h. He spoke with Bureau of Alcohol, Tobacco, and Firearms (ATF) SA Brian Hart, a certified bomb technician for 12 years, who also examined the explosive and grenades at Wayside, California. SA Hart concurs that the grenades constitute "destructive devices" within the meaning of 26 U.S.C. 5845(a)(8), and further concurs with the conclusions of SA Hart regarding the composition and probable effect of the destructive devices and explosive as set forth above.

8. On November 22, 2002, I spoke with ATF Darek Pleasants, who told me that on that date, he had contacted the National Firearms Act branch of ATF and requested a search of the National Firearms Registration and Transfer Record to determine if any destructive devices are registered to PELLICANO. The search revealed that no destructive devices are registered to PELLICANO.

9. Based on the above information, my training and experience, and my knowledge of the facts and circumstances of this case, I believe there is probable cause to believe that ANTHONY PELLICANO is in violation of Title 26, United States Code, Section 5861(d).

Stanley E. Ornellas

Special Agent
Federal Bureau of Investigation

SUBSCRIBED TO AND SWORN BEFORE ME THIS ____ DAY OF NOVEMBER, 2002

HON. ROSALYN M. CHAPMAN
UNITED STATES MAGISTRATE JUDGE