

OA 91 Criminal Complaint

United States District Court

NORTHERN

DISTRICT OF

2009 MAY 13 CALIFORNIA

UNITED STATES OF AMERICA

V.

ABDIRAHMAN ISMAIL ABDI

RICHARD E. SEEBORG
CRIMINAL COMPLAINT
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

Case Number: _____

09-70443

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state that the following is true and correct to the best of my knowledge and belief. On or about May 5, 2009 in Santa Clara County, in the Northern District of California defendant(s) did,

(Track Statutory Language of Offense)

move or travel in interstate or foreign commerce from the State of California, with the intent to avoid prosecution for one count of Grand Theft, in violation of California Penal Code Sections 484/487(a), and Unauthorized Access to Computers, in violation of California Penal Code, Section 502(c)(1); crimes which are felonies under the laws of the State of California,

in violation of Title 18 United States Code, Section(s) 1073 (Unlawful Flight to Avoid Prosecution)

Penalties: Maximum 5 years imprisonment; Maximum \$250,000 fine; Maximum 3 year period of supervised release; \$100.00 special assessment

Requested Bail: No Bail (government will request detention)

Requested Process: Arrest Warrant

I further state that I am a(n) Special Agent of the Federal Bureau of Investigation and that this complaint is based on the following facts:
PLEASE SEE ATTACHED AFFIDAVIT OF DAVID M. BROWN.

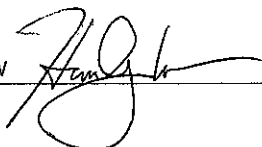
Continued on the attached sheet and made a part hereof:

Yes No

Approved

As To HANLEY CHEW

Form: AUSA


Name/Signature of Complainant

Sworn to before me and subscribed in my presence,

Date

5/12/09

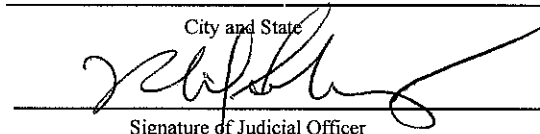
at San Jose, California

City and State

HONORABLE RICHARD SEEBORG

U.S. MAGISTRATE JUDGE

Name & Title of Judicial Officer


Signature of Judicial Officer

STATE AND NORTHERN DISTRICT OF CALIFORNIA)
)
CITY OF SAN JOSE, COUNTY OF SANTA CLARA)

I, David M. Brown, Special Agent of the Federal Bureau of Investigation (FBI), being duly sworn, state:

1. I am a Special Agent of the FBI and have been so employed since March of 2005. While acting in that capacity I received information from Deputy District Attorney Christine Garcia of the Santa Clara County District Attorney's Office, San Jose, California, who advised that on May 6, 2009, a no-bail arrest warrant was issued for the arrest of Abdirahman Ismail Abdi (Abdi), date of birth May 18, 1976, who is not a United States Citizen. This warrant was issued by the Superior Court of the County of Santa Clara, State of California, docket number CC942843, charging Abdi with violations of California Penal Code, Section 484/487(a), Grand Theft, and 502(C)(1), Unauthorized access to computers. A copy of the warrant is attached hereto and specially incorporated herein as Exhibit A. All of the information contained in paragraphs two through five was obtained through the investigation of law enforcement officers of the San Jose Police Department, San Jose, California and my review of related San Jose Police Department reports.

2. On April 27, 2009, Abdi resigned from employment at the California Water Services Company (CWSC). Later that evening he used his electronic key card to access the secured lot at CWSC. At approximately 11:00pm, Abdi entered the office of CWSC employee, Bob Soldwisch, and initiated three wires totaling over \$9,000,000 to bank accounts in Qatar. After initiating the wires at Soldwisch's computer, Abdi then used CWSC executive Calvin Breed's computer to confirm the wires.

3. On April 28, 2009, hours after the wires were sent, Abdi took his wife and two small children to the San Francisco International Airport where the wife and children boarded a flight to Frankfurt Germany. Abdi then attempted to deposit a stolen check from CWSC worth approximately \$25,000 into his account at Bank of America. It is believed Abdi stole and then tried to deposit the check to fund his flight from prosecution.

4. On April 30, 2009, officers had obtained a search

warrant for Abdi's residence. Upon executing the search warrant officer's encountered a friend of Abdi's who appeared to be residing at the same location. The friend claimed he had spoken to Abdi just ten minutes before, and that Abdi was at a local store. Officers immediately called Abdi from the friends phone and asked Abdi to come to the police department to answer questions regarding the CWSC incident the night of April 27, 2009. Abdi immediately hung up and soon thereafter disconnected his cell phone altogether. Abdi had previously bought a ticket to travel from San Francisco International Airport to London on May 1, 2009. The ticket was cancelled before the flight left.

5. On May 5, 2009 it was determined that Abdi activated a new cellular telephone in the area of New Westminister British Columbia. It is believed Abdi fled the country to Canada after San Jose police officers made contact with him by phone on April 30, 2009.

6. The Santa Clara County District Attorney's Office, San Jose, California, by letter dated May 8, 2009, has formally requested the assistance of the Federal Bureau of Investigation and the United States Attorney's Office in locating and arresting Abdi for violations of California Penal Code, Section 484/487(a), Grand Theft, and 502(C)(1), Unauthorized access to computers. Both of these offenses are felonies. In that letter, a true and correct copy of which is attached hereto and specifically incorporated herein as Exhibit B, the Santa Clara County District Attorney's Office represents that it will extradite Abdi from any location in the United States and/or from Canada.

7. It is my belief that there is probable cause to believe that Abdirahman Ismail Abdi has fled the State of California to avoid arrest and prosecution for violations of California Penal Code, Section 484/487(a), Grand Theft, and

///

502(C)(1), Unauthorized access to computers, in violation of Title 18, United States Code, Section 1073.



David Brown, Special Agent
Federal Bureau of Investigation

SWORN AND SUBSCRIBED TO BEFORE ME

THIS 12th DAY OF May 2009



HONORABLE RICHARD SEEBORG
UNITED STATES MAGISTRATE JUDGE

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
SAN JOSE FACILITY
COMPLAINT FOR ARREST WARRANT(S)
ABDIRAHMAN ISMAIL ABDI

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

ABDIRAHMAN ISMAIL ABDI (5/18/1976),
TRANSIENT, ,
Defendant(s)

CC942843

FELONY COMPLAINT

DA NO: 090512547

CEN

* AA WARR *

FILED 2033

MAY 06 2009

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY [Signature] DEPUTY

The undersigned is informed and believes that:

COUNT 1

On or about April 28, 2009, in the County of Santa Clara, State of California, the crime of GRAND THEFT OF PERSONAL PROPERTY OF A VALUE OVER FOUR HUNDRED DOLLARS, in violation of PENAL CODE SECTION 484-487(a), a Felony, was committed by ABDIRAHMAN ISMAIL ABDI who did unlawfully take personal property, US currency, of a value exceeding four hundred dollars (\$400.00), the property of California Water Service Company.

(NOPR) It is alleged that in the commission and attempted commission of the offense(s) charged above, the defendant ABDIRAHMAN ISMAIL ABDI, with the intent to do so, took, damaged and destroyed property of a value exceeding three million two hundred thousand dollars (\$3,200,000), within the meaning of Penal Code section 12022.6(a)(4).

It is further alleged that where the amount of the theft or taking exceeds one hundred thousand dollars (\$100,000), probation shall not be granted except in an unusual case where the interests of justice would best be served, within the meaning of Penal Code section 1203.045.

It is alleged that the offense charged above was a theft of an amount that exceeded one hundred thousand dollars (\$100,000) within the meaning of Penal Code section 1203.045, which provides that that probation shall not be granted except in unusual cases where the interests of justice would best be served.

COUNT 2

On or about April 28, 2009, in the County of Santa Clara, State of California, the crime of COMPUTER CRIME - ALTERING AND DAMAGING COMPUTER DATE WITH INTENT TO DEFRAUD OR OBTAIN MONEY, OR OTHER VALUE, in violation of PENAL CODE SECTION 502(c)(1), a Felony, was committed by ABDIRAHMAN ISMAIL ABDI who did knowingly access and without permission alter, damage, delete, destroy, and otherwise use data, a computer, computer system, and computer network in order to wrongfully control and obtain money, property and data.

(NOPR) It is alleged that in the commission and attempted commission of the offense(s) charged above, the defendant ABDIRAHMAN ISMAIL ABDI, with the intent to do so, took, damaged and destroyed property of a value exceeding three million two hundred thousand dollars (\$3,200,000), within the meaning of Penal Code section 12022.6(a)(4).

It is further alleged that where the amount of the theft or taking exceeds one hundred thousand dollars (\$100,000), probation shall not be granted except in an unusual case where the interests of justice would best be served, within the meaning of Penal Code section 1203.045.

It is alleged that the offense charged above was a theft of an amount that exceeded one hundred thousand dollars (\$100,000) within the meaning of Penal Code section 1203.045, which provides that that probation shall not be granted except in unusual cases where the interests of justice would best be served.

Any defendant, including a juvenile, who is convicted of and pleads guilty and no contest to any felony offense, including any attempt to commit the offense, charged in this complaint or information is required to provide buccal swab samples, right thumbprints and a full palm print impression of each hand, and any blood specimens or other biological samples required pursuant to the DNA and Forensic Identification Database and Data Bank Act of 1998 and Penal Code section 296, et seq.

Further, attached and incorporated by reference are official reports and documents of a law enforcement agency which the complainant believes establish probable cause for the arrest of defendant ABDIRAHMAN ISMAIL ABDI, for the above-listed crimes. Wherefore, A WARRANT OF ARREST IS REQUESTED.

Complainant therefore requests that the defendant(s) be dealt with according to law.

I certify under penalty of perjury that the above is true and correct.

Executed on May 6, 2009, in SANTA CLARA County, California.

Warrant received for service by:

Sgt Niehoff 2533
on 5/6/09

Cash or Bond \$ NO BAIL ALLOWED.

Sgt Niehoff 2533
Niehoff 2533
(Niehoff 2533)
SJPD (408) 277-4521 091180913 F
GARCIA-SEN/ D364/ FELONY/ am

Paul R. Teilh
JUDGE OF THE SUPERIOR COURT
PAUL R. TEILH

THE FOREGOING INSTRUMENT IS
A CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE
ATTEST: DAVID H. YAMASAKI

MAY 07 2009

CHIEF EXECUTIVE OFFICER/CLERK
SUPERIOR COURT OF CA COUNTY OF SANTA CLARA
IN AND FOR THE COUNTY OF SANTA CLARA
BY [Signature] DEPUTY



ARREST WARRANT

DZI600 CII:
000000620364

FBI:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

THE PEOPLE OF THE STATE OF CALIFORNIA,

PLAINTIFF,

VS

ABDIRAHMAN ISMAIL ABDI

TRANSIENT

DEFENDANT

Abdi, Abdirahman Ismael

CEN: 09513077
DOCKET NO: CC942843
DRIVER'S LIC NO: CAD5539741
AGENCY CASE NO: 091180913

DESCRIPTION

BIRTHDATE: 05/18/1976
HEIGHT: 602 WEIGHT: 235
HAIR: BK EYES: BR SEX: M
REMARKS:

RACE: UNKNOWN

SERVICE AGENCY: 04313

DZL600

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY PEACE OFFICER OF SAID STATE:
COMPLAINT UNDER OATH HAVING BEEN MADE BEFORE ME BY:

2533 NIEHOFF

SAN JOSE POLICE DEPARTMENT

THAT THE OFFENSE OF:

(F)PC484/487(A)

PR:

(F)PC502(C)(1)

SAN JOSE PD	
Activated	5/6/09 TASH
CJIC OK	5/6/09 TASH
LETTER	No letter
PIN	
CLETS	5/6/09 TASH

A FELONY HAS BEEN COMMITTED, AND ACCUSING:
ABDIRAHMAN ISMAIL ABDI

THEREOF,

YOU ARE THEREFORE COMMANDED TO ARREST THE ABOVE NAMED DEFENDANT AND BRING SAID
DEFENDANT FORTHWITH BEFORE THE ENTITLED COURT.

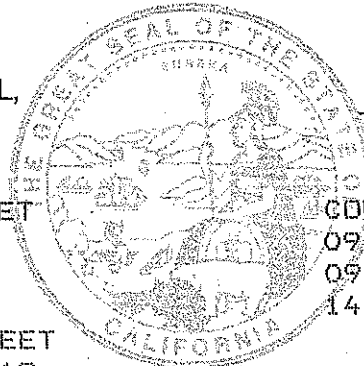
THIS FELONY WARRANT MAY BE SERVED AT NIGHT PURSUANT TO SEC 840 PC.

DEFENDANT MAY BE ADMITTED TO BAIL IN THE SUM OF \$ ~~NO~~ **BAIL ALLOWED.**

WITNESS MY HAND AND SEAL,

DATE: 05/06/2009
HALL OF JUSTICE
190 WEST HEDDING STREET
SAN JOSE, CA 95110

MAILING ADDRESS IS:
191 N. FIRST STREET
SAN JOSE, CA 95113



Paul R. Teilh

JUDGE OF THE SUPERIOR COURT
PAUL R. TEILH

COURT APPEARANCE TIMES AND DATES:
09:00 MONDAY THRU FRIDAY MISD
09:30 MONDAY THRU FRIDAY FEL
14:00 MONDAY THRU FRIDAY FEL

ARREST WARRANT

ARREST WARRANT

DZI600 CII:
000000620364

FBI:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

THE PEOPLE OF THE STATE OF CALIFORNIA,

PLAINTIFF,

VS

ABDIRAHMAN ISMAIL ABDI

TRANSIENT

CEN: 09513077
DOCKET NO: CC942843
DRIVER'S LIC NO: CAD5539741
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BIRTHDATE: 05/18/1976
HEIGHT: 602 WEIGHT: 235
HAIR: BK EYES: BR SEX: M
REMARKS:
RACE: UNKNOWN

SERVICE AGENCY: 04313

Abdi, Abdurahman Ismael
DEFENDANT

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY PEACE OFFICER OF SAID STATE:
COMPLAINT UNDER OATH HAVING BEEN MADE BEFORE ME BY:
2533 NIEHOFF SAN JOSE POLICE DEPARTMENT

THAT THE OFFENSE OF:
(F)PC484/487(A) PR: (F)PC502(C)(1)

SAN JOSE PD	
Activated	5/6/09 TOS
CJIC OK	5/6/09 TOS
LETTER	No letter
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CLETS	5/6/09 TOS

A FELONY HAS BEEN COMMITTED, AND ACCUSING:
ABDIRAHMAN ISMAIL ABDI THEREOF,

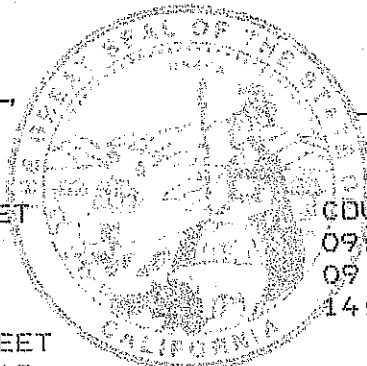
YOU ARE THEREFORE COMMANDED TO ARREST THE ABOVE NAMED DEFENDANT AND BRING SAID DEFENDANT FORTHWITH BEFORE THE ENTITLED COURT.

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DEFENDANT MAY BE ADMITTED TO BAIL IN THE SUM OF \$ ~~No~~ **BAIL ALLOWED.**

WITNESS MY HAND AND SEAL,

DATE: 05/06/2009
HALL OF JUSTICE
190 WEST HEDDING STREET
SAN JOSE, CA 95110



Paul R. Teilh

JUDGE OF THE SUPERIOR COURT
PAUL R. TEILH

MAILING ADDRESS IS:
191 N. FIRST STREET
SAN JOSE, CA 95113

COURT APPEARANCE TIMES AND DATES:
09:00 MONDAY THRU FRIDAY MISD
09:30 MONDAY THRU FRIDAY FEL
14:00 MONDAY THRU FRIDAY FEL

ARREST WARRANT

County of Santa Clara

Office of the District Attorney

County Government Center, West Wing
70 West Hedding Street
San Jose, California 95110
(408) 299-7400
www.santaclara-da.org



Dolores A. Carr
District Attorney

May 8, 2009

OFFICE OF THE UNITED STATES ATTORNEY
280 South 1st Street
Room #371
San Jose, CA 95113
Attention: David Calloway
Chief AUSA, San Jose Branch

Re: ABDIRAHMAN ISMAIL ABDI

DOB: May 18, 1976

SS#: 285-06-6854

CDL#: D5539741

Description: Black Male, 6' 2", 235 lbs., black hair, brown eyes

Dear Mr. Calloway:

Abdirahman Ismail Abdi is currently charged with one count of **FELONY GRAND THEFT** in violation of California Penal Code Section 484/487 and one count of **ALTERING COMPUTER DATA WITH INTENT TO DEFRAUD** in violation of California Penal Code Section 502(c)(1). The criminal complaint was filed on May 6th, 2009 in the Superior Court of California, Santa Clara County Judicial District, San Jose Facility by San Jose Police Sergeant Mikael Niehoff. The complaint bears the docket number CC942843. Based on the circumstances described below, a no bail allowed arrest warrant was signed by the Honorable Paul R Tielh. Two copies of the complaint, the arrest warrant and the police reports are attached herein.

The above-referenced complaint and warrant was issued after an investigation by Sergeant Mikael Niehoff of the San Jose Police Department which revealed the following:

On April 27, 2009 Abdi Ismail Abdirahman resigned from employment at the California Water Services Company (CWSC). Later that evening he used his electronic key card to access the secured electronic gate for the parking lot at CWSC. A janitor at CWSC saw Abdi enter a building at CWSC.

At approximately 2300, the janitor saw Abdi again. This time he was in the office of CWSC employee, Bob Soldwisch. Abdi, who had been seated at the computer, got up from the desk and appeared to try to hide in a darkened corner of the office. The janitor

closed the door and left. At 2315 hours, the janitor saw Abdi leave this building and enter another nearby CWSC building.

The following morning, employees of CWSC determined that three large wire transfers, totaling over nine million dollars, had been transferred from CWSC's Bank of America account to bank accounts in Qatar. The three wire transfers occurred on the following dates and times:

1. April 27, 2009 at 2324 hours in the amount **\$2,845,312.20**
2. April 28, 2009 at 0442 hours in the amount **\$2,950,778.19**
3. April 28, 2009 at 0519 hours in the amount **\$3,578,925.10**

In order to complete a wire transfer, two password protected computers must be used, one belonging to Bob Soldwisch and the other to Calvin Breed. The computers are located in separate buildings at CWSC. Phone records at CWSC showed that Abdi had used the telephone system in the building housing Bob Soldwisch's office to place a call to Qatar during the time period of the wire transfers. In addition, the wire transfers took place around the time period the janitor saw Abdi at CWSC.

CWSC employees found a note in Abdi's former cubicle at CWSC that contained phone numbers. One of the phone numbers was the same number that Abdi dialed on the evening of the 27th from a CWSC phone. This phone number has an area code that corresponds to the country of Qatar.

CWSC contacted Bank of America and learned that two of the wire transfers had been blocked and that the other wire had been completed to the bank in Qatar but that Bank of America had requested and received assurances from the Qatar bank that the funds had been frozen. The funds were returned to the account of California Water Services on the morning of the 29th.

The day after the wire transfers, Abdi attempted to deposit a \$25,251.21 stolen-check, payable to CWSC into his account at Bank of America. I believe that the defendant stole and then tried to cash this check in order to fund his flight from prosecution.

On April 29, 2009, officers obtained a Ramey Warrant and attempted to locate Abdi. Investigators learned that on April 28, 2009 Abdi had taken his wife and 2 small children to the San Francisco International Airport, where his wife and children boarded a flight to Frankfurt Germany. A license plate recognition system at the airport had captured Abdi's vehicle entering and exiting the airport.

On April 30, 2009 a search warrant was executed at Abdi's residence. During the search of the residence it was observed that all of the clothing in the Master Bedroom had been removed. A Vonage Internet phone device was still connected and in the Master bedroom closet. An examination of the stored calls on the Vonage device showed that the phone number from Qatar had been called on April 28, 2009.

On May 1, 2009 it was discovered that Abdi had purchased a ticket online for a flight departing San Francisco International Airport at 11:44 AM (Delta 1218) to London. Officers from the San Jose Police Department traveled to San Francisco International Airport in an attempt to apprehend Abdi on the outstanding Ramey warrant. While waiting at the airport, it was determined that Abdi had cancelled his ticket.

On May 1, 2009 a court order was authorizing T-Mobile to collect data regarding the location of Abdi's cellular phone. It was determined that he had turned off his cellular phone on April 30, 2009 and as of May 4th, 2009, this cellular phone had not been turned on. It is believed that Abdi discarded this phone.

On May 5, 2009 it was determined that Abdi had obtained a new cellular phone and that this cellular phone was activated and showing its geographic location to be in the area of New Westminster British Columbia. It appears that Abdi fled the country.

On May 6, 2009 Sgt. Niehoff #2533 contacted ICE to determine if Abdi had any previous encounters with Immigration and Customs Enforcement. He was informed that Abdi had been ordered in absentia to be deported on May 15, 2005 to Somalia. ICE records indicate that he departed the US. However on May 20, 2005 Abdi attempted to reenter the US through Blaine Washington. He was denied entry. The Blaine Washington point of entry is located just south of New Westminster British Columbia.

It is believed that Abdi is currently in the area of New Westminster British Columbia. Abdi is not a United States citizen and on a previous occasion he reentered the United States after being ordered deported.

This office believes that a complaint filed in Federal Court charging Abdi with Unlawful Flight to Avoid Prosecution pursuant to Title 18 United States Code section 1073 will greatly aid in the apprehension and prosecution of this Abdi for the above listed violations.

In the event of their apprehension, we will extradite from any place in the United States and/or from Canada. If you have any question, please do not hesitate to contact me at (408) 792-2724.

Sincerely,



CHRISTINE GARCIA
Deputy District Attorney