

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA : **CRIMINAL COMPLAINT**
 :
 v. :
 : Magistrate No. 05-3096 (PS)
LEANDRO ARAGONCILLO, :
 a/k/a "Juan Miguel" :
 :
 -and- :
 :
MICHAEL RAY AQUINO, :
 a/k/a "Ninoy" :
-----x

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On the dates set forth below, in Monmouth County, in the District of New Jersey and elsewhere, the defendants Leandro Aragoncillo, a/k/a "Juan Miguel," and Michael Ray Aquino, a/k/a "Ninoy," did:

SEE ATTACHMENT A

I further state that I am a Special Agent, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.

Edward Finnegan, Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,
September 9, 2005, in the District of New Jersey

HONORABLE PATTY SHWARTZ
UNITED STATES MAGISTRATE JUDGE

Signature of Judicial Officer

Attachment A

Count 1

1. From in or about September 2004 to on or about September 12, 2005, at Monmouth County, in the District of New Jersey, and elsewhere, defendants

LEANDRO ARAGONCILLO,
a/k/a "Juan Miguel," and
MICHAEL RAY AQUINO,
a/k/a "Ninoy,"

did knowingly and willfully conspire and agree with each other and others to defraud the United States by impeding, impairing, obstructing, and defeating the government's lawful function in protecting classified information against unauthorized disclosure.

2. In furtherance of the conspiracy, and to effect its object, defendants committed the following overt acts were committed in the District of New Jersey and elsewhere:

a. On or about January 2, 2005, defendant **MICHAEL RAY AQUINO** sent a message to a public official in the Philippines about **LEANDRO ARAGONCILLO** and provided sensitive information furnished by **ARAGONCILLO**.

b. On or about February 24, 2005, defendant **LEANDRO ARAGONCILLO** transmitted classified information from a computer in New Jersey to a public official in the Philippines.

c. On or about February 24, 2005, defendant **MICHAEL RAY AQUINO** transmitted classified information to defendant **ARAGONCILLO** at a computer in New Jersey.

In violation of Title 18, United States Code, Section 371.

Count 2

From in or about September 2004 to on or about September 12, 2005, at Monmouth County, in the District of New Jersey, and elsewhere, defendants

LEANDRO ARAGONCILLO,
a/k/a "Juan Miguel," and
MICHAEL RAY AQUINO,
a/k/a "Ninoy,"

did knowingly act in the United States as agents of a foreign government, namely, as agents subject to the direction and

control of a foreign official, without prior notification to the Attorney General, as required by law.

In violation of Title 18, United States Code, Sections 951 and 2.

Count 3

From in or about September 2004 to on or about September 12, 2005, at Monmouth County, in the District of New Jersey, and elsewhere, defendant

LEANDRO ARAGONCILLO,
a/k/a "Juan Miguel,"

having knowingly accessed a computer without authorization and exceeding authorized access, and by means of such conduct having obtained information that has been determined by the United States Government pursuant to an Executive order or statute to require protection against unauthorized disclosure for reasons of national defense or foreign relations, with reason to believe that such information so obtained could be used to the injury of the United States, did willfully communicate, deliver, transmit, and cause to be communicated, delivered and transmitted to any person not entitled to receive it, and did willfully retain the same and fail to deliver it to the officer or employee of the United States entitled to receive it.

In violation of Title 18, United States Code, Sections 1030 and 2.

ATTACHMENT B

I, Edward Finnegan, a Special Agent of the Federal Bureau of Investigation ("FBI"), having conducted an investigation and having spoken with other individuals and reviewed reports and documents, have knowledge of the facts provided below. Since this Affidavit is submitted for the purpose of establishing probable cause to support the issuance of a complaint and search warrant, I have not included each and every fact known by the government concerning this investigation. Statements attributed to individuals are provided in substance and in part.

Summary of the Investigation

1. Beginning in or about late July 2005, the FBI initiated an investigation concerning defendant **LEANDRO ARAGONCILLO's** use of the FBI's internal computer database called the Automated Case System ("ACS"). As set forth more fully below, the investigation has revealed the following: Beginning as early as September 2004 and continuing to the present, defendant **ARAGONCILLO** improperly accessed, printed and downloaded classified documents and information from ACS relating to the Republic of the Philippines. The investigation has further revealed that commencing as early as January 2005, defendant **ARAGONCILLO** transmitted classified information and documents by telephone, text messages, and e-mail to, among others, various current and former high-level public officials of the Philippines, including, among others, defendant **MICHAEL RAY AQUINO**.

Background Information Relating to the Defendants

2. Defendant **LEANDRO ARAGONCILLO** resides at 102 Branchwood Drive, Woodbury, New Jersey. Beginning in or about July 2004, defendant **LEANDRO ARAGONCILLO** was hired by the FBI to work as an intelligence analyst at the Fort Monmouth Information Technology Center (the "FMITC"). As an intelligence analyst at the FMITC, defendant **ARAGONCILLO** had top secret security clearance, and access to ACS. ACS is a database containing, among other things, classified information and documents from the FBI and other departments.

3. Pursuant to Executive Order 12958, as amended by Executive Order 13292, national security information is classified as "Top Secret," "Secret" or "Confidential." The designation "Top Secret" applies to information, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security. The

designation "Secret" applies to information, the unauthorized disclosure of which reasonably could be expected to cause serious damage to national security. The designation "Confidential" applies to information, the unauthorized disclosure of which reasonably could be expected to cause damage to national security. Classified information, of any designation, may only be shared with persons determined by an appropriate U.S. government official to be eligible for access to classified information, who have signed an approved non-disclosure agreement and who possess a need to know. If a person is not eligible to receive classified information, classified information may not be disclosed to that person.

4. Defendant **MICHAEL RAY AQUINO** is a citizen of the Philippines, and resides in Jamaica, Queens, New York. Defendant **AQUINO** formerly served as the Deputy Director of the Philippines National Police -- Intelligence Group, and Senior Superintendent of the now-disbanded Philippines Presidential Anti-Organized Crime Task Force until 2001. On or about July 7, 2001, defendant **AQUINO** entered the United States on a tourist visa. As described more fully below, defendant **AQUINO** was arrested by Immigrations and Customs Enforcement ("ICE") for overstaying that tourist visa on or about March 7, 2005.

5. A review of records maintained by the Attorney General reveals that defendants **LEANDRO ARAGONCILLO** or **MICHAEL RAY AQUINO** have not provided the information to be foreign agents as required by 28 C.F.R. § 73 et seq.

The Initiation of the Investigation

6. Records obtained from ICE indicate that defendant **MICHAEL RAY AQUINO** was arrested by ICE agents on or about March 7, 2005, as an overstay. On the day after defendant **AQUINO's** arrest, defendant **LEANDRO ARAGONCILLO** met with ICE agents at ICE's offices located in New York City. **ARAGONCILLO** identified himself to the ICE agents as an FBI employee and personal friend of defendant **AQUINO**. Subsequently, defendant **ARAGONCILLO** called the ICE agents assigned to defendant **AQUINO's** case to inquire about the status of their investigation. After that call, an ICE agent notified the FBI about defendant **ARAGONCILLO's** contact with ICE regarding defendant **AQUINO**.

7. In or around April 2005, after learning of defendant **LEANDRO ARAGONCILLO's** involvement in defendant **MICHAEL RAY AQUINO's** ICE matter, the FBI, among other things, commenced an audit of defendant **ARAGONCILLO's** ACS usage. That audit

revealed that defendant **ARAGONCILLO** had conducted extensive keyword searches relating to the Philippines.¹ Furthermore, the audit revealed that from between on or about May 1, 2005, through on or about August 15, 2005, defendant **ARAGONCILLO** either printed or downloaded 101 classified documents relating to the subject, of which 37 were classified at the "Secret" level.

8. According to defendant **LEANDRO ARAGONCILLO's** supervisors at the FMITC, defendant **ARAGONCILLO** was not authorized to access, view, print or download classified information relating to the Philippines; that subject fell outside the scope of his assignments. Furthermore, defendant **ARAGONCILLO** did not request permission to do analytical research on the Philippines or the related subjects set forth above.

The Defendants' E-mail and Internet Accounts

9. In addition to the ACS audit described above, the FBI conducted a review of defendant **LEANDRO ARAGONCILLO's** use of dedicated Internet computers at the FMITC (the "Internet Computers"). This review showed that defendant **ARAGONCILLO** routinely used the Internet Computers to access two web-based e-mail accounts maintained by Hotmail, including accounts named laragoncillo@hotmail.com and juan_miguel0922@hotmail.com (the "**Aragoncillo Hotmail Account**") (sometimes collectively referred to as the "Aragoncillo Hotmail Accounts").² The records also

showed that defendant **ARAGONCILLO** accessed an additional account maintained by Yahoo! from the Internet Computers bearing the name juan_miguel0922@yahoo.com (the "**Aragoncillo Yahoo! Account**").

10. Records obtained from Hotmail indicate that defendant **LEANDRO ARAGONCILLO's** name was used to register laragoncillo@hotmail.com. Furthermore, the records reveal that during the months of May through August 2005, the Aragoncillo Hotmail Accounts were accessed from IP addresses assigned to the

FMITC, and to a Comcast account assigned to defendant

¹ These keyword searches specifically included the names of defendant **MICHAEL RAY AQUINO** and the other high-level public officials referenced below.

² "0922" corresponds to the date "September 22," which is the day and month of defendant **ARAGONCILLO** birthdate.

ARAGONCILLO's home, and that was subscribed to by defendant **Aragoncillo's** wife.

11. Records obtained from Yahoo! reveal that the **juan_miguel0922@yahoo.com** account (the **Aragoncillo Yahoo! Account**) was accessed from the same set of IP addresses used to access the Aragoncillo Hotmail Accounts, that is, IP addresses assigned to the FMITC and defendant **ARAGONCILLO's** home.

12. Records obtained from Yahoo! further reveal that defendant **MICHAEL RAY AQUINO** maintains a Yahoo! e-mail account that is assigned the name **ninoy88@yahoo.com**, and account holder name "Michael Ray Aquino" (the "**Aquino Yahoo! Account**").

The Other Public Officials

13. Additional records obtained from Hotmail and Yahoo! reveal that as early as January 2005 and continuing through September 2005, defendant **LEANDRO ARAGONCILLO** used the **ARAGONCILLO Hotmail and Yahoo! Accounts** to transmit classified documents and information to defendant **AQUINO**, and various current and former public officials of the Philippines, including the following individuals:

a. A former high-level national public official ("Public Official #1);

b. A current high-level national public official ("Public Official #2");

c. A second current high-level national public official ("Public Official #3") (sometimes collectively referred to as the "Public Officials").

Aquino's Introduction of Argoncillo to the Public Officials

14. Records from Yahoo! reveal that on or about January 2, 2005, an e-mail was sent from the **Aquino Yahoo! Account** to Public Official #2's Yahoo! Account along with the following message introducing defendant **LEANDRO ARAGONCILLO** to Public Official #2:

Sir,

The other day, Leandro "Lean" Aragoncillo called me. He is the US Marine friend . . . He already resigned from the USM and is now with the new intelligence unit . . . he is about to finish his training at the FBI NA

in Quantico, Virginia.

He wants to talk to you and give you some updates on the political situation in the country. . . . He alleged that last Tuesday during a briefing . . . the recent political situation in the Philippines was discussed. It was the first time that he heard about a briefing on the Philippine situation. He claimed that a change in leadership is boiling and that it is just a matter of time

He gave me the following information:

. . . .

These are all subject to confirmation but I think there's nothing wrong if we give it a try to confirm/check especially if this will be a catalyst for change in our country.

The number of Lean Aragoncillo is He is available after 5:00P.M. EST on Tuesday after his class.

For your information.

Ninoy

Hotmail and Yahoo! records reveal that following this introduction, defendant **ARAGONCILLO** regularly communicated with, and transmitted classified documents and information utilizing the **ARAGONCILLO Hotmail** and **Yahoo! Accounts** to defendant **AQUINO** and the Public Officials via e-mail, telephone and text messages as set forth more fully below.

Aragoncillo's Transmission of Classified Materials to Defendant Aquino and the Public Officials

Transmission #1

15. Records from Hotmail reveal that on or about January 18, 2005, an e-mail was sent from the **Aragoncillo Hotmail Account**, along with approximately ten attachments (the "January 18th Classified Documents"), to Public Official #2's Yahoo! Account and the following message:

[Public Official #2],

Please read the attached information for your personal consumption. As previously requested, protect the source.

. . .

As with regard to . . . information. This was relayed to you, as an inside-information. This could be deceptive information provided to us by But at least, you know what's going on

I also included info on . . . and I do intend to provide you future information as needed. [] is not a complete case and on-going, so please do not disseminate to anyone. Again, the rest are CLOSE-HOLD information.

Note: Ninoy if the e-mail address is incorrect, please resend the information.

JM

(emphasis in original). Shortly after receiving this e-mail, a reply was sent from Public Official #2's Yahoo Account to the **Aragoncillo's Hotmail Account**, that provided, in pertinent part, as follows:

JM

I find all the information that you are sending me very useful. I hope you will continue sending more.

. . .

Just for curiosity, who else at our end share these (sic) information.

My warm regards.

[Public Official #2]

Records reveal that the titles and dates of the January 18th Classified Documents correspond to at least four documents classified at the "Confidential" and "Secret" levels.

Transmissions #2 and #3

16. Records from Hotmail reveal that on or about February 24, 2005, an e-mail was sent from the **ARAGONCILLO Hotmail Account** to Public Official #2's Yahoo! Account containing an attached document that is a compilation of classified information contained in six classified documents marked at the "Secret" level relating to Public Official #2 and the Philippines (the "February 24th Classified Documents"). In addition to the attachment, the e-mail contained, in pertinent part, the following message:

[Public Official #2],

I was researching my archived files a while ago, trying to link . . . with any future plots or preplanned plots.

And I came with the attached information. I'm not going to ask you the veracity of the report. This is just FYI.

JM

17. Records from Yahoo! reveal that on or about February 24, 2005, an e-mail was sent from the **Aquino Yahoo! Account** to the **Aragoncillo Hotmail Account** containing the following message, "I read the archived file . . . I placed my comment (sic) opposite or below each paragraph." The e-mail also contained an attached copy of the February 24th Classified Documents with Aquino's "comments" referenced in the e-mail message described above. From these sequences of events, it appears that defendant **AQUINO** reviewed and edited the February 24th Classified Documents.

Transmissions #4 and #5

18. On or about March 3, 2005, an e-mail was sent from the **Aragoncillo Hotmail Account** to Public Official #2's Yahoo Account with, among other things, a document marked "Sensitive But Unclassified" (the "March 3rd Document")³, and the following

³ The actual March 3rd Document was not forwarded by Yahoo!, but the title of the attachment is referenced in the e-mail. ACS records reveal that a comparison of a document from a federal department downloaded by Aragoncillo from ACS on the morning of March 3, to the information contained in the e-mail

message:

[Public Official #2],

Please take note that the USG is aware of your tribulations in passing an important bill. . . .

Also please take note of the USG is concern (sic) about the defense treaty

Please advise.

JM

19. On or about March 3, 2005, an e-mail was sent from the **Aquino Yahoo! Account** to the **Aragoncillo Hotmail Account!** responding, as set forth in relevant part, to the above e-mail forwarding the March 3rd Document to Public Official #2's Yahoo! Account:

JM,

[] is in China right now. My classmate, . . . who is his admin officer is with him.

Ninoy

Transmissions #6 and #7

20. On or about April 6, 2005, an e-mail was sent from the **Aragoncillo Hotmail Account** to Public Official #1's Yahoo! Account attaching, among other things, a federal department document classified at the "Confidential" level (the April 6th Classified Document"), together with the following message:

[Public Official #2]

Could you give me a back-brief of you meeting with . . . I was on my way home today and the text message I sent you was an after-thought I informed that . . . is not the best solution for the Philippines and the Filipinos. I would rather you takeover - if the constitution would suggest, rather than them. . . .

message and the title of the March 3rd Document, is almost identical.

. . . We will support you.

JM

21. On or about April 6, 2005, an e-mail was sent from the **Aquino Yahoo! Account** to an account registered to defendant **ARAGONCILLO's** wife attaching the April 6th Classified Document, together with the following message, "Confid".

Transmissions #8 and 9

22. Records from Yahoo! reveal that on or about May 27, 2005, an e-mail was sent from the **Aragoncillo Yahoo! Account** to Public Official #3's Yahoo! Account, along with two attached documents, and the following message:

[Public Official #3],

The attached documents . . . are classified as highly sensitive. Please protect accordingly.

[Public Official #1] was provided with a copy, but did not receive instruction from him if the . . . info should be forwarded to you. I took the initiative that you are working on a highly sensitive information . . . and should be aware of the current situation.

As I have instructed other recipients, please protect the source.

JM (a/k/a Leand)

Later the same day, Public Official #3's Yahoo! Account was used to send an e-mail to the **Aragoncillo Yahoo! Account** containing the follow response:

Lean,

You can count on me. Your document is accurately perfect. If there are confidential matters that you wish to share, don't hesitate because I was fully trained in this endeavor. I was the one who established the

Any suggestion that you may volunteer at any point in time will be highlyly (sic) welcomed and appreciated.

Thanks for the important info.

[Public Official #3]

ACS records reveal that one of the attached documents referenced above is from a federal department and is classified at the "Confidential" level.

Transmission #10

23. Records obtained from Yahoo! reveal that on or about June 10, 2005, an e-mail was sent from the **Aragoncillo Yahoo! Account** to Public Official #2's Yahoo! Account with an attachment containing information classified by a federal department at the "Secret" level relating to the Philippines, together with the following e-mail message: "From today's Executive Briefing."

Transmission #11

24. Records obtained from Yahoo! reveal that on or about July 5, 2005, an e-mail was sent from the **Aragoncillo Yahoo! Account** to a Yahoo! Account linked to Public Official #1 with an attachment containing information classified by a federal department at the "Secret" level relating to the Philippines, together with the following e-mail message:

PLEASE PASS TO [Public Official #1]:

The attached information are combination of those we've missed while I was in the Philippines. However, they must be read in their entirety to understand where the opposition stands.

. . .

I spoke with [Public Official #3] a while ago and requested an update on the current political situation. I informed him that I will provide him information, but later changed my mind. I'd rather have you relay whatever information you might want to share with (sic).

Please protect the source.

JM

Transmissions #12 and #13

25. ACS records reveal that on or about July 25 and 26, 2005, defendant **LEANDRO ARAGONCILLO** downloaded several documents from federal departments, from his computer located at the FMITC. One of the documents relates to the Philippines and is classified at the "Secret" level (the "July 26th Classified Document").

26. Records obtained from Yahoo! reveal that on or about July 26, 2005, an e-mail was sent from the **Argoncillo Yahoo! Account** to an account linked to Public Official #1 that attached the July 26th Classified Document, and included a message, that stated, in pertinent part, "PLEASE PASS TO [Public Official #1]".

27. Records from Yahoo! further reveal that an e-mail from the **Aragoncillo Yahoo! Account** was sent to Public Official #2's Yahoo! Account with the July 26th Classified Document, and the following message:

Details of what we have discussed via text awhile ago. I don't know how . . . would be employed, but the attached RX from . . . suggested that . . . sought USG's reaction

JM

Transmissions #14 and #15

28. ACS records reveal that on the morning of August 5, 2005, defendant **LEANDRO ARAGONCILLO** downloaded a document from a federal department relating to the Philippines and marked at the "Secret" level (the "August 5th Classified Document") to his assigned computer at the FMITC. Video surveillance agents observed defendant **ARAGONCILLO** place a diskette into the disk drive of the computer located at his workstation, remove the diskette, and place the diskette into a personal bag located on the floor of his cubicle. At the end of defendant **ARAGONCILLO's** workday, video monitoring agents observed him leave his cubicle with his personal bag. Physical surveillance agents observed defendant **ARAGONCILLO** exit the FMITC building with his personal bag, enter his automobile, and depart the FMITC parking lot. The physical surveillance agents maintained continuous visual contact of defendant **ARAGONCILLO** driving his automobile to his residence

in Woodbury, New Jersey. Finally, the physical surveillance agents observed defendant **ARAGONCILLO** park his automobile in the driveway, and enter his residence with his personal bag.

29. Records obtained from Yahoo! further reveal that after returning to his residence from the FMITC on August 5, 2005, the **Aragoncillo Yahoo! Account** was used to send an e-mail to an account linked to Public Official #1 attaching the August 5th Classified Document, and providing, in pertinent part, the following message:

PLEASE PASS TO [Public Official #1]:

. . . Sensitive Report: We have credible intelligence
. . . I asked one of our contacts in the Philippines to
validate this intel report.

JM

30. Records from Yahoo! further reveal that on or about August 7, 2005, the **Aragoncillo Yahoo! Account** was used to send the August 5th Classified Document to Public Official #2's Yahoo! Account, along with the following message:

[Public Official #2],

The attached documents are provided for your own
consumption. These are for tomorrow's daily morning
briefings

JM

Transmission #16

31. Records from Yahoo! reveal that on or about August 25, 2005, an e-mail was sent from the **Aragoncillo Yahoo! Account** to a Yahoo! account linked to Public Official #1 together with a three-page, document from a federal department classified at the "Confidential" level (the "August 25th Classified Document"). The e-mail contained the attached message, which is provided in pertinent part:

PLEASE PASS TO [Public Official #1]:

According to the attached information . . . advisers
are highly opposed to your . . . You have to check with
. . . next time you see him and ask him where the . . .
stands at the moment. By no means would you show this

information to any **I will be affected severely.**

Again, please protect the source - ME. . . .

JM

(emphasis in original).

32. Shortly after this e-mail was sent, defendant **LEANDRO ARAGONCILLO** placed a call to Public Official #1 regarding the August 25th Classified Document. The following exchange took place during the conversation.

ARAGONCILLO: Tomorrow I'll send you uh . . . it's three pages . . . huh?

Public Official #1: Who are they?

ARAGONCILLO: No, three pages, it came from Bayside it was sent to us just now. It came in this morning. Morning my time . . . earlier around 7:30. I talked to . . . and I told . . . "Please forward it to [Public Official #1]"

Public Official #1: What's that? Does that mean they're just playing with me?

ARAGONCILLO: That's how the letter was written, sir. Just to uh . . . read it so you would understand it

Transmission #17

33. Records obtained from Yahoo! reveal that on or about August 26, 2005, an e-mail was sent from the **ARAGONCILLO Yahoo! Account** to Public Official's #2's Yahoo! Account attaching the August 25th Classified Document, along with the following message:

Please read the attached info and provide any comments that you might have. I will continue to send you updates, if needed.

However, if this is becoming a nuisance, please let me know.

JM

34. On or about August 28, 2005, defendant **LEANDRO ARAGONCILLO** received a text message on his cellular telephone from a telephone linked to Public Official #2 containing the following message: "What you are sending are (sic) never a nuisance to me. They are in fact informative and very useful."

35. It is respectfully submitted that this Court issue an Order sealing, until further order of this Court, all papers submitted in support of this Complaint, including the Complaint and Affidavit. Sealing is necessary because premature disclosure of the contents of these items may have a negative impact on this continuing investigation and may jeopardize its effectiveness.