

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 05-  
v. : 18 U.S.C. §§ 371, 951 & 2  
MICHAEL RAY AQUINO, : I N D I C T M E N T  
a/k/a "Ninoy"

The Grand Jury in and for the District of New Jersey,  
sitting at Newark, charges:

COUNT 1  
(Conspiracy)

Defendant and Other Individuals

1. At all times material to the allegations contained  
in this Indictment:

a. Defendant MICHAEL RAY AQUINO was a citizen of  
the Philippines who resided in Queens, New York. AQUINO  
previously served as the Deputy Director of the Philippines  
National Police -- Intelligence Group, and Senior Superintendent  
of the Philippines Presidential Anti-Organized Crime Task Force.  
AQUINO entered the United States on a tourist visa on or about  
July 7, 2001.

b. L.A. was employed by the Federal Bureau of  
Investigation ("FBI") as an intelligence analyst at the Fort  
Monmouth Information Technology Center ("FMITC").

c. At no time did either AQUINO or L.A. provide  
notification to the Attorney General that he was acting as an  
agent of a foreign official, as required by law.

d. "Public Official #1" was a former high-level

national public official of the Philippines. The Philippines was a foreign government.

e. "Public Official #2" was a high-level national public official in the Philippines.

f. "Public Official #3" was a high-level national public official in the Philippines.

#### Classified Information and ACS

2. The FBI maintained an internal computer database called the Automated Case System ("ACS"). The ACS database contained documents from the FBI and other departments and agencies of the U.S. government. Among other things, ACS contained classified documents and information.

3. Pursuant to Executive Order 12958, as amended by Executive Order 13292, information under the control of the United States government may be classified at one of three levels: "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.

4. 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.

5. AQUINO was not entitled to receive classified information.

6. In his capacity as an intelligence analyst at the FMITC, L.A. had top secret security clearance and access to ACS. He was not authorized to access, view, print or download classified information relating to the Philippines; that subject fell outside the scope of his work assignments.

#### Conspiracy

7. From in or about September 2004 to on or about September 10, 2005, at Monmouth County, in the District of New Jersey, and elsewhere, defendant

MICHAEL RAY AQUINO,  
a/k/a "Ninoy,"

did knowingly and willfully conspire and agree with L.A. and others to commit offenses against the United States, namely:

- a. to defraud the United States by impeding, impairing, obstructing, and defeating the government's lawful function in protecting classified information against unauthorized disclosure; and

b. to 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, contrary to Title 18, United States Code, Section 951.

Object of the Conspiracy

8. It was a principal goal of the conspiracy that L.A., by virtue of his position at the FBI, would access, print and download classified documents and information from ACS relating to the Philippines, and transmit these materials to AQUINO, various current and former high-level public officials of the Philippines, and others.

Means and Methods

9. It was part of the conspiracy that AQUINO communicated with public officials in the Philippines about L.A., identifying L.A. as a friend and FBI employee assigned to an intelligence unit.

10. It was further part of the conspiracy that L.A. regularly searched ACS for documents relating to the Philippines. These searches were unrelated to his work assignments, and L.A. conducted the searches without authorization. During these searches, L.A. accessed, downloaded, and printed more than 150 classified documents and other sensitive information.

11. It was further part of the conspiracy that, while at the FMITC, L.A. downloaded classified documents and other

sensitive information to a computer disk, and then took the materials to his home in Woodbury, New Jersey.

12. It was further part of the conspiracy that L.A. transmitted classified and other sensitive information to AQUINO, Public Official #1, Public Official #2, Public Official #3, and others. Among other ways, L.A. transmitted these materials by electronic mail ("e-mail"). L.A. utilized various e-mail accounts for this purpose, including accounts named "laragoncillo@hotmail.com," "juan\_miguel0922@hotmail.com," and "juan\_miguel0922@yahoo.com." L.A. utilized computers located at the FMITC and his home to access these e-mail accounts.

13. It was further part of the conspiracy that AQUINO received e-mails containing classified information via an e-mail account named "ninoy88@yahoo.com."

14. It was further part of the conspiracy that AQUINO, L.A., Public Official #1, Public Official #2, and Public Official #3 communicated with one another and others about the above classified information by e-mail, telephone and/or by sending text messages.

15. It was further part of the conspiracy that L.A. at times warned recipients not to disseminate the information he had provided and to protect the source of the information.

#### Overt Acts

16. In furtherance of the conspiracy, and to effect its objects, defendant committed the following overt acts in the District of New Jersey and elsewhere:

a. On or about January 2, 2005, AQUINO sent an e-mail to Public Official #2 in the Philippines about L.A. which also contained classified information furnished by L.A.

b. On or about January 17, 2005, L.A. sent an e-mail to Public Official #2 along with nine attachments that included classified information.

c. On or about February 24, 2005, AQUINO sent an e-mail to L.A. along with an attachment. The attachment was a compilation of classified information contained in six classified documents marked at the "secret" level. The attachment included AQUINO's comments on this material.

d. On or about February 28, 2005, AQUINO sent an e-mail to L.A.

e. On or about March 3, 2005, AQUINO sent an e-mail to L.A. referring to an e-mail L.A. previously sent to Public Official #2.

f. On or about April 6, 2005, L.A. sent an e-mail to Public Official #2 along with an attached document that had been classified at the "confidential" level.

g. On or about April 6, 2005, AQUINO sent an e-mail attaching the classified document referred to in paragraph 16(f).

h. On or about May 27, 2005, L.A. sent an e-mail to Public Official #3 along with two attachments. One attachment was classified at the "confidential" level.

i. On or about June 10, 2005, L.A. sent an e-mail

to Public Official #2 along with an attachment containing information classified at the "secret" level.

j. On or about July 5, 2005, L.A. sent an e-mail to Public Official #1 along with an attachment containing information classified at the "confidential" level.

k. On or about July 6, 2005, AQUINO sent an e-mail to Public Official #2.

l. On or about July 26, 2005, L.A. sent an e-mail to Public Official #1 along with an attachment containing information classified at the "secret" level.

m. On or about July 26, 2005, L.A. sent an e-mail to Public Official #2 along with an attachment containing information classified at the "secret" level.

n. On or about August 5, 2005, L.A. sent an e-mail to Public Official #1 along with an attachment containing sensitive information.

o. On or about August 7, 2005, L.A. sent an e-mail to Public Official #2 along with an attachment containing information classified at the "secret" level.

p. On or about August 17, 2005, AQUINO sent an e-mail to Public Official #2.

q. On or about August 25, 2005, L.A. sent an e-mail to Public Official #1 along with an attachment containing information classified at the "confidential" level.

r. On or about August 25, 2005, L.A. had a telephone conversation with Public Official #1 relating to the

classified information referred to in paragraph 16(q).

s. On or about August 26, 2005, L.A. sent an e-mail to Public Official #2 along with an attachment containing information classified at the "confidential" level.

t. On or about August 28, 2005, Public Official #2 sent a text message to L.A.

u. On or about September 6, 2005, L.A. had a telephone conversation with Public Official #2.

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



Count 2  
(Acting as an Agent of a Foreign Official)

1. The allegations set forth in paragraphs 1 through 6 and 8 through 16 of Count 1 are realleged as if set forth in full herein.

2. From in or about September 2004 to on or about September 10, 2005, at Monmouth County, in the District of New Jersey, and elsewhere, defendant

MICHAEL RAY AQUINO,  
a/k/a "Ninoy,"

did knowingly act in the United States as an agent of a foreign government, namely, as an agent 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.

A TRUE BILL

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FOREPERSON

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CHRISTOPHER J. CHRISTIE  
United States Attorney