

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of Maryland

United States of America
v.

Harold T. Martin, III

Defendant(s)

Case No.

16 - 2254 BPG

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 August 29, 2016 in the county of Anne Arundel in the
District of Maryland, the defendant(s) violated:

Table with 2 columns: Code Section and Offense Description. Row 1: Count 1: 18 U.S.C. § 641, Count 1: Theft of Government Property;. Row 2: Count 2: 18 U.S.C. § 1924, Count 2: Unauthorized Removal or Retention of Classified Documents or Materials by Government Employee or Contractor;

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.

Signature of Jeremy Bucalo
Complainant's signature
Jeremy Bucalo, Special Agent, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: 8-29-16

Signature of Beth P. Gesner
Judge's signature
Beth P. Gesner, US Magistrate Judge
Printed name and title

City and state: Baltimore, Maryland

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR CRIMINAL COMPLAINT**

I, Special Agent Jeremy Bucalo being duly sworn, depose and state as follows:

1. I am employed as a Special Agent with the Federal Bureau of Investigation (FBI), U.S. Department of Justice, and have been so employed since October 2004. I have completed FBI criminal investigation training and have taken several courses specifically for cyber investigations. Throughout my FBI employment, I have received training in general law enforcement and in specialized areas including national security computer intrusions. As part of my duties as a FBI Special Agent, I investigate criminal cyber violations and have statutory authority to execute warrants issued under the authority of the United States and to make arrests.

2. I make this affidavit in support of an application for a criminal complaint and arrest warrant for **Harold Thomas MARTIN III, ("MARTIN")**, DOB November 1964, SSAN xxx-xx-7404, of Glen Burnie, Maryland, for violations of 18 U.S.C. § 641 (Theft of Government Property); and 18 U.S.C. § 1924 (Unauthorized Removal and Retention of Classified Documents or Materials by Government Employee or Contractor).

3. I am familiar with the facts set forth in this affidavit based upon my participation in this investigation; communications with other agents, investigators and government employees; my review of records, documents, and other evidence obtained during the course of the investigation; and information gained through training and experience. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause.

**PROBABLE CAUSE**

4. **MARTIN** is a private contractor assigned to a United States government office.

As part of his duties while working at the United States government office, **MARTIN** had a top secret national security clearance and the ability to access United States government property that was not permitted to be removed from authorized locations without authorization. That property included classified information of the United States.

5. On August 27, 2016, United States Magistrate Judge Stephanie A. Gallagher, of the United States District Court for the District of Maryland issued warrants authorizing the search of **MARTIN**'s residence in Glen Burnie, Maryland, including its curtilage on which two storage sheds were located, as well as his vehicle and person, for fruits, evidence and instrumentalities of violations of Title 18, United States Code, Section 641 (Theft of Government Property).

6. On August 27, 2016, during execution of the warrants, investigators located hard copy documents and digital information stored on various devices and removable digital media. A large percentage of the materials recovered from **MARTIN**'s residence and vehicle bore markings indicating that they were property of the United States and contained highly classified information of the United States, including Top Secret and Sensitive Compartmented Information (SCI).

7. Among the classified documents located thus far, six of them appear to have been obtained from sensitive intelligence. These six documents are the property of the government and contain dates indicating that they were produced by an agency of the government in 2014. Each of these documents bears standard markings and other indicia that are applied to classified government information. These six documents were produced through sensitive government sources, methods, and capabilities, which are critical to a wide variety of national security issues. The disclosure of the documents would reveal those sensitive sources, methods, and capabilities.

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8. The documents have been reviewed by an original classification authority of the government and, in each instance, the authority has determined that the documents are currently and properly classified at the TOP SECRET level, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security of the United States.

9. These documents contained information originated, owned, or possessed by the United States Government concerning the national defense or foreign relations of the United States that has been determined pursuant to law or Executive order to require protection against unauthorized disclosure in the interests of national security.

10. During execution of the warrants, investigators located property of the United States with an aggregate value in well excess of \$1,000, which MARTIN had stolen.

11. Neither MARTIN's residence nor his vehicle was an authorized location for the storage of classified information. MARTIN was never authorized by his employer or any United States government agency to keep these materials at his residence or in his vehicle.

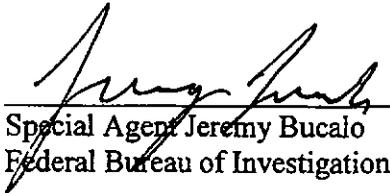
12. During execution of the warrants, MARTIN was not in custody, and voluntarily agreed to be interviewed by investigators. During the interview, MARTIN at first denied, and later when confronted with specific documents, admitted he took documents and digital files from his work assignment to his residence and vehicle that he knew were classified. MARTIN stated that he knew he did not have authorization to retain the materials at his residence or in his vehicle. MARTIN stated that he knew what he had done was wrong and that he should not have done it because he knew it was unauthorized.

#### CONCLUSION

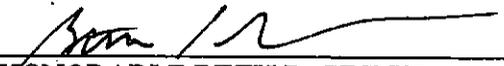
13. Based on the foregoing, your affiant respectfully submits that there is probable

cause to believe that **Harold Thomas MARTIN III**, has embezzled, stolen, purloined and knowingly converted to his own use, or the use of another, property of the United States valued in excess of \$1,000, in violation of 18 U.S.C. § 641; and that, having become possessed of documents and materials containing classified information of the United States, he has knowingly removed such documents and materials without authority and with the intent to retain them at an unauthorized location, in violation of 18 U.S.C. § 1924.

14. WHEREFORE, I respectfully request that the Court issue the requested criminal complaint and warrant for **MARTIN's** arrest.

  
Special Agent Jeremy Bucao  
Federal Bureau of Investigation

Sworn and subscribed before me  
this 29<sup>th</sup> day of August, 2016

  
HONORABLE BETH P. GESNER  
UNITED STATES MAGISTRATE JUDGE