

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

Mark Adams Prieto,

Defendant.

Case No.: MJ-24-04152-001-PCT-CDB

CRIMINAL COMPLAINT

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 March 24, 2024, in the County of Yavapai, in the District of Arizona, the defendant violated:

Code Section
18 U.S.C. § 933(a)(1)

Offense Description
Trafficking in Firearms


See Attachment A, Incorporated by Reference Herein.

I further state that I am a Special Agent from the Federal Bureau of Investigation, and that this complaint is based on the following facts:

See Attached Statement of Probable Cause Incorporated by Reference Herein.

Continued on the attached sheet and made a part hereof: Yes No

AUTHORIZED BY: Maria R. Gutierrez, AUSA


Digitally signed by MARIA GUTIERREZ
Date: 2024.05.15 15:49:11 -07'00'

Ryan S. Harp, Special Agent, FBI

Name of Complainant


Digitally signed by RYAN HARP
Date: 2024.05.15 16:39:51 -06'00'

Signature of Complainant

Telephonically sworn and subscribed to me

May 15, 2024 at 4:06 p.m.

Date

at Flagstaff, Arizona

City and State

HONORABLE CAMILLE D. BIBLES

United States Magistrate Judge

Name & Title of Judicial Officer



Signature of Judicial Officer

Attachment A

COUNT 1

On or about March 24, 2024, in the County of Yavapai, in the District of Arizona, the Defendant Mark Adams Prieto, did transfer or otherwise dispose of a firearm, to wit: Quentin Defense AR-15 rifle, serial number: QDF0096, to another individual, in or otherwise affecting interstate commerce, knowing or having reasonable cause to believe that the use, carrying, or possession of the firearm by this individual would constitute a felony, to wit: Malice Murder, a violation of Ga. Code Ann. § 16-5-1.

In violation of Title 18, United States Code, Section 933(a)(1).

STATEMENT OF PROBABLE CAUSE

I, Ryan S. Harp, being first duly sworn, hereby depose and state as follows:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), United States Department of Justice, and have been so employed since 2020. I am currently assigned to the Phoenix Field Office in Phoenix, Arizona. I am a member of the Joint Terrorism Task Force (JTTF) and am responsible for investigating individuals and entities for possible violations of federal laws, particularly acts of domestic terrorism, violent crimes, counterterrorism, and federal firearms violations.

2. My training in law enforcement includes agency specific training in all aspects of conducting federal criminal investigations. I am an “investigative or law enforcement officer of the United States” within the meaning of Title 18, United States Code, § 2510(7), authorized to conduct investigations into alleged violations of federal law.

3. This affidavit is made in support of a criminal complaint and arrest warrant for Mark Adams Prieto (“PRIETO”) for a violation of Title 18, United States Code (U.S.C.) § 933(a)(1), Trafficking in Firearms.^{1,2}

¹ The elements for 18 U.S.C. § 933(a)(1) are: 1) the accused knowingly shipped, transported, transferred, caused to be transported, or disposed of a firearms to another person; 2) the shipping, transporting, transferring, causing to be transported, or disposition of the firearm was in or otherwise affecting interstate commerce; and 3) the accused knew or had reasonable cause to believe that the use, carrying or possession of the firearm by the other person/recipient would constitute a felony.

² In this case, as discussed below, PRIETO provided a firearm to another individual knowing or having reasonable cause to believe that the individual’s intended use of the firearm would constitute a violation of Georgia Code Annotated § 16-5-1. The elements of that statute are: 1) the accused caused the death of another person, 2) unlawfully, and 3) with malice aforethought.

4. The statements contained in this affidavit are based on my training and experience as a Special Agent as well as information provided to me by other agents of the FBI, other law enforcement officers, and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

IDENTIFICATION

5. I have identified PRIETO based on his Arizona state Department of Motor Vehicle records, Florida Department of Motor Vehicle issued driver's license, his physical description, date of birth, social security number, multiple photographs, corroboration by an individual who runs the Arizona-based Crossroads of the West gun shows, and physical surveillance.

FACTS

6. In October 2023, the matter came to the attention of FBI Phoenix when a reliable Confidential Human Source ("CHS") reported that an individual, later identified as PRIETO, expressed a desire to incite a race war prior to the 2024 United States Presidential Election.^{3,4} Over the past three years, the CHS has spoken over 15 times with PRIETO at various gun shows. The two initially just made small talk but the talk eventually began to include political conversations. Within the last year, the CHS noted that PRIETO began making suspicious and alarming comments, including advocating for a mass shooting, and specifically targeting "blacks, Jews, or Muslims."

³ The CHS is working for the FBI in exchange for payment, and the information he has provided in the past has been credible and independently corroborated by law enforcement. The CHS has no prior felony convictions and the information he has provided is believed to be reliable.

⁴ Most interactions with PRIETO were recorded and saved.

7. According to the CHS, PRIETO believes that martial law will be implemented shortly after the 2024 election and that a mass shooting should occur prior to the implementation of martial law. In late 2023, PRIETO asked if the CHS was “ready to kill a bunch of people,” indicating his desire to recruit people to assist him in carrying out an attack. PRIETO has previously told the CHS that he, “will go to hell for these people...to get this thing started off for them.” Additionally, PRIETO has claimed to have fought as a mercenary in Ukraine and killed Russian soldiers.⁵

8. According to the CHS, PRIETO has been a vendor at Crossroads of the West gun shows in Prescott, Arizona, where he offers numerous firearms from his personal collection for trade. According to the CHS, PRIETO prefers conducting his trades “off book” and using only cash deals or trades to avoid possible issues or interactions with the Bureau of Alcohol, Tobacco, Firearms & Explosives. This statement and others like it below were corroborated by recorded consensual monitoring with the CHS.

9. In December 2023, FBI Agents contacted the individual who runs the Arizona-based Crossroads of the West gun shows. That individual told agents that the physical description of PRIETO, a review of the show’s table rental history, and actions associated with PRIETO at other shows (as advised by the CHS, such as carrying around a long gun) matched the description and demeanor of a vendor that he knew by another name. Law enforcement agents then showed

⁵ In addition to these statements, PRIETO has made multiple other statements indicating that he has traveled to various countries for security-type of work. To date, the FBI has found no evidence that PRIETO has a passport or traveled outside the United States.

a photo of PRIETO to the individual and he confirmed that he knows that individual by another name.⁶

10. During this investigation, FBI agents have seen PRIETO residing at an address on Hornet Drive in Prescott, Arizona (“Subject Residence”) and exhibiting behavior consistent with an individual living at the Subject Residence.

11. Between January 2024 and March 2024, FBI agents and Task Force Officers (“TFOs”) have conducted surveillance of PRIETO and have observed him at the Subject Residence and using vehicles registered to the homeowner.⁷ Based on this investigation, I believe that PRIETO resides at the Subject Residence.

Undercover Operation and January 20-21, 2024, Gun Show

12. On January 20, 2024, the FBI observed PRIETO drive to a gun show in Phoenix, Arizona. PRIETO was observed entering the gun show with two rifles. PRIETO met and had discussions with various vendors before contacting the CHS and an Undercover FBI Agent (UC) at the CHS’s vendor booth. PRIETO was introduced to the UC by the CHS as an associate helping work the CHS’s vendor booth.

13. At first, PRIETO only made small talk with the CHS and the UC. However, on the second day of the show (January 21), PRIETO divulged his plan to commit crimes of violence against African Americans in Atlanta, Georgia. Specifically, PRIETO said he wanted the CHS and UC to help him carry out a mass shooting at a yet-to-be-determined rap concert. PRIETO

⁶ Investigators know this other name, but it is left out of this affidavit for privacy reasons.

⁷ The Subject Residence and vehicles are owned by the other person referenced in Paragraph 9 and Footnote 6.

specifically targeted Atlanta, stating that, “The reason I say Atlanta. Why, why is Georgia such a fucked-up state now? When I was a kid that was one of the most conservative states in the country. Why is it not now? Because as the crime got worse in LA, St. Louis, and all these other cities, all the n***** moved out of those (places) and moved to Atlanta. That’s why it isn’t so great anymore. And they’ve been there for a couple, several years.”

14. PRIETO further told the CHS and UC that he wanted to target a rap concert because there would be a high concentration of African Americans at the concert. PRIETO said he planned to leave confederate flags after the shooting to send a message that “we’re going to fight back now, and every whitey will be the enemy across the whole country.” PRIETO said he wanted to show “no mercy, no quarter” and advised the CHS and UC that they “can’t have any feeling, they’re not people. They’re monsters as far as I’m concerned.”

15. PRIETO stated he preferred to use two rifles and a bolt-action sniper rifle because it was more accurate. PRIETO suggested the CHS and UC should use an AK-platform weapon, as AR variant rifles were less reliable. Notably, during the two-day gun show, FBI investigators observed PRIETO carrying five different firearms. All the firearms seen in PRIETO’s possession at the gun show are similar in features and caliber to the AK-platform weapon systems PRIETO said he wanted to use in the attack.

16. PRIETO also suggested that the group (meaning himself, the CHS, and the UC) should travel to Atlanta before the attack to store weapons in the area, as PRIETO did not want to drive to Atlanta for the shooting with firearms in the vehicle. These weapon caches would be hidden or discrete so only PRIETO, the CHS, and the UC would possess knowledge of its location. PRIETO also told the group that they would need to destroy the weapons, saying that they should

“burn ‘em so there’s no trace. You wear gloves and everything, you wipe down cartridges, everything. It’s going to be in and out. You have to get rid of the weapons wherever you are. You have to take a shower get rid of all the powder, residue, everything, change your clothes everything. Before the momentum starts.”

17. PRIETO stated to the CHS and the UC that he wanted the attack to occur in April or May. He specifically said that the attack should occur following Super Tuesday so that they would know the election candidates.

Undercover Operation and February 24-25, 2024, Gun Show

18. On February 24, 2024, the FBI conducted surveillance on PRIETO and observed him arrive at the gun show in Phoenix, Arizona. PRIETO was observed entering the gun show with two rifles, one slung over his shoulder and another carried by hand. Upon entering the show, PRIETO was observed walking directly to the location of the CHS’s vendor booth from the January gun show. PRIETO found the CHS’s vendor booth and immediately asked the UC and CHS if they are still a go for the attack.



19. Later, PRIETO provided the UC firearm advice on AK-platform weapons, as well as continued to explain his plan. PRIETO advised the UC that instead of having two rifle shooters and a sniper, each member of the group (meaning himself, the CHS, and the UC) will have a sniper rifle, an assault rifle, and a handgun as a backup for the attack.

20. PRIETO stated he wanted bolt-action rifles for the flanks and fast-shooting semi-autos for when you have to collapse in. PRIETO stated, “You want to corral them. And some people might be trying to leave out of a corner, and you want to blast those guys. Once [they] get the idea that they are trapped then there is pandemonium. Now they’re in a panic. And they can’t get out. Now they are going to be crawling over each other to get out.”

21. PRIETO also stated that he wanted to make clear that the attack was not a gang-related thing. PRIETO wanted it clear that the attack was racially motivated. PRIETO stated he wanted to put Confederate flags at the location of the attack and to shout out “whities out here killing, what’s we gonna do,” “KKK all the way,” and “black lives don’t matter, white lives

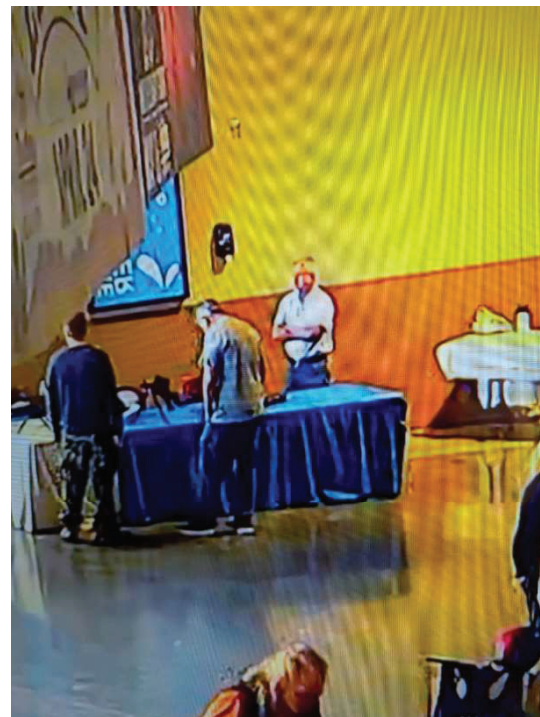
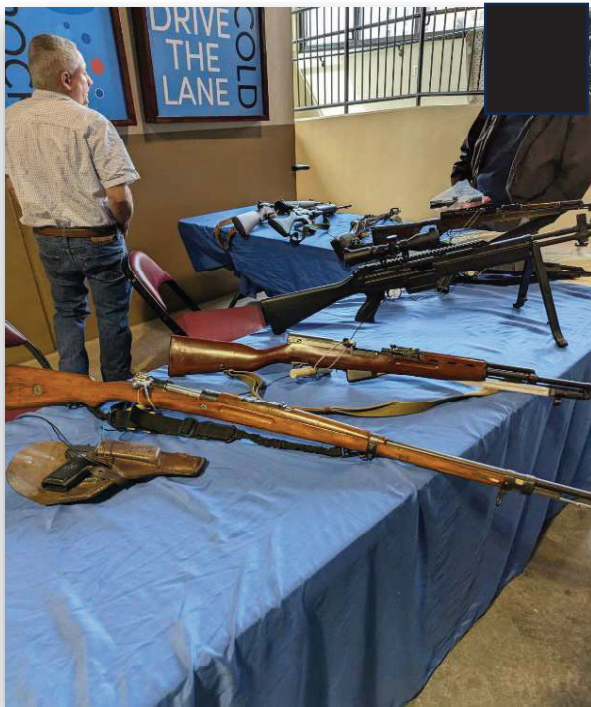
matter.” PRIETO also emphasized that the most important thing was a high body count. PRIETO stated, “These people don’t belong here in this country anyway, okay.” PRIETO advised the CHS and the UC not to use a gun that has a paper trail for the attack. PRIETO stated the best thing is anonymity.

22. On February 25, 2024, PRIETO was observed arriving to the gun show with an AK-47, Model: NDS-1KP, S/N: H001428. During the show, PRIETO handed the firearm to the UC. PRIETO sold the firearm to the UC for \$2000.00 cash.

23. On that day at the gun show, PRIETO told the UC and the CHS that he liked the idea of using smoke grenades with a 37mm grenade launcher because it can be used to cover the whole area and would cause more panic. PRIETO advised the UC and the CHS he possessed smoke grenades but would need more. PRIETO referenced the Colorado shooter and using smoke grenades as an attack tactic. PRIETO also asked the UC and the CHS if either of their vehicles has GPS in them. PRIETO stated, “and another thing we are gonna have to do, like before we go into the operation area, we are gonna leave our phones. We don’t want our phones.”

Undercover Operation and March 23-24, 2024, Gun Show

24. On March 23, 2024, the FBI conducted surveillance on PRIETO and observed him arrive to the gun show in Prescott Valley, Arizona. PRIETO had his own vendor table at the gun show. PRIETO had about nine firearms at this table.



25. During the show, PRIETO responded, “Yeah, yeah we gotta do it” when asked by the UCE if the planned attack was all talk or if they were going to do it. PRIETO stated, “If you wait till after the election, they might have everything in place you can’t even drive, you’ll be stopped. I want to try to put the guns in place by then if we can’t do it before they put everything in place.” PRIETO confirmed that the targeted event is a rap concert that will be held at State Farm Arena in Middletown-Atlanta on May 14 and May 15, 2024.

26. PRIETO also told the UC that it may not be May when they do the attack, maybe June or July. PRIETO stated, “The hotter the weather, the better because people will want to be outside more. When it gets hot, people can’t think straight.” PRIETO responded “yeah” when asked by the UC if the timeline was pushed to June, would State Farm Arena still be the target venue.

27. PRIETO stated he wanted to use hoodies, face coverings, and everything in case people see them scurrying away. PRIETO added that no one was going to be suspicious about someone wearing a hoodie at a rap concert. PRIETO also said that the main weapon was going to be the semi-auto rifle. PRIETO advised it could be an AR but had to be a quality AR. PRIETO said he had a piston-driven AR that was not on record. PRIETO offered to sell the UC the piston-driven AR after the UC expressed interest in getting a gun for the attack.

28. PRIETO told the UC that he planned on bringing a handgun as a backup weapon. PRIETO advised he planned on using a Ruger Security 6 as the handgun, which PRIETO purchased during the February 24-25, 2024 show.

29. On March 24, 2024, PRIETO sold a Quentin Defense AR-15 rifle with one aluminum 30-round magazine (empty), Serial Number: QDF00096 to the UC for \$1000.00.⁸ PRIETO told the UCE to use this rifle for the attack. PRIETO told the UC to bring as many magazines as the UC could carry.

Undercover Operation and April 17-18, 2024, Gun Show

30. On April 17, 2024, the FBI conducted surveillance on PRIETO and observed him arrive to the gun show in Prescott Valley, Arizona. PRIETO was observed carrying a Mosin Nagant rifle and a handgun in a leather pistol holster.

31. During the show, PRIETO confirmed that the group (meaning himself, the CHS, and the UC) would use AR-platformed weapons. PRIETO emphasized that the 5.56 caliber ammunition used with the AR is great ammunition for civilian patrols.

⁸ An ATF interstate nexus expert has examined the firearm and determined that it traveled in or otherwise affected interstate commerce.

32. PRIETO told the CHS and the UC not to use Mosin Nagants as the bolt gun for the attack because Mosins were too long. PRIETO highlighted utilizing 300 Blackout for the attack instead. PRIETO emphasized that 300 Blackout was the same AR-platform weapon system and uses the same AR-style magazines. PRIETO stated that 300 blackout was a perfect caliber for the 100-yard range they would be shooting in.

33. After the UC asked if the attack was still going to happen in May, PRIETO advised that he wanted to push the attack back to a later time. He mentioned that he would be traveling back East in May and he said that he wanted to conduct his own recon of the area and scout locations to place propaganda and sound equipment for the attack during his trip. PRIETO also told the CHS and the UC that he would try and acquire smokers on his trip. PRIETO wanted to get the launchers and smoke for the attack. PRIETO emphasized that the attack must happen prior to the election and as soon as possible. PRIETO also told the UC, “You go out on your own and do it. We don’t have to vocalize it. You do it on your own. Because you got pissed off now, and you know why you’re pissed off now”.

May 5, 2024, Gun Show

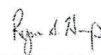
34. On or about May 5, 2024, PRIETO attended a gun show in Tucson, Arizona, where the CHS was attending as well.⁹ PRIETO advised the CHS that he was going to leave “next week” to head East to conduct his recon of Atlanta. PRIETO told the CHS that he was going to be gone for a couple weeks. PRIETO confirmed that the next meeting for the group (meaning himself, the CHS, and the UC) would take place at the gun show in Flagstaff, AZ on June 1-2, 2024.

⁹ This interaction was not recorded because PRIETO was not expected to attend the gun show.

35. On May 14, 2024, FBI spoke with an individual who knows PRIETO. He advised that PRIETO left to go to Florida for a couple weeks to visit his mother.

36. On May 14, 2024, PRIETO was arrested in New Mexico as he was traveling east on the interstate. Post-*Miranda*, PRIETO said that he was going to visit his mother in Florida and not going to Atlanta.¹⁰ He admitted to knowing the CHS and UC and to having discussed with them conducting an attack on a public venue in Atlanta, like a “rock” concert where young people and minorities would attend, and that the attack would start the revolution; however, he told agents that he did not intend to go forward with the attack. PRIETO admitted that he sold the AR-15 to the UC, and that he told the UC that the firearm would be a good gun to use in the attack. PRIETO also admitted that he had five firearms in the vehicle and that there were more firearms at the Subject Residence.

37. Therefore, I submit there is probable cause to believe that PRIETO committed the offenses alleged in the Complaint.



Digitally signed by RYAN HARP
Date: 2024.05.15 16:40:32
-06'00'

Ryan S. Harp Special Agent,
FBI

Telephonically sworn and subscribed to me this 15 day of May, 2024



HONORABLE CAMILLE D. BIBLES
United States Magistrate Judge

¹⁰ The post-*Miranda* interview was recorded and saved.