

THE DZHOKHAR COMPLAINT

As I noted in the last thread, the complaint against Dzhokhar Tsarnaev has been released.

The affidavit supporting the complaint was sworn yesterday evening at 6:47, not in Boston, but in Brookline.

It charges Dzhokhar with two counts: unlawfully conspiring to use a WMD (which is a terrorism charge) and maliciously destroying, by use of an explosive, property used in interstate and foreign commerce, resulting in death. The WMD charge is completely consistent with past charges, though it is used more consistently with Muslim terrorists than with white terrorists (though it was used, then plead down, against the Spokane MLK bomber, who used a bomb similar to the one Dzhokhar allegedly used).

The complaint describes what surveillance footage of Dzhokhar shows just after he dropped his knapsack on the ground outside the Forum Restaurant:

The Forum Restaurant video shows that Bomber Two remained in the same spot for approximately four minutes, occasionally looking at his cell phone and once appearing to take a picture with it. At some point he appears to look at his phone, which is held at approximately waist level, and may be manipulating the phone. Approximately 30 seconds before the first explosion, he lifts his phone to his ear as if he is speaking on his cell phone, and keeps it there for approximately 18 seconds. A few seconds after he finishes the call, the large crowd of people around him can be seen reacting to the first explosion. Virtually every head turns to the east (towards the finish line) and stares in that direction in apparent bewilderment

and alarm. Bomber Two, virtually alone among the individuals in front of the restaurant, appears calm. He glances to the east and then calmly but rapidly begins moving to the west, away from the direction of the finish line. He walks away without his knapsack, having left it on the ground where he had been standing. Approximately 10 seconds later, an explosion occurs in the location where Bomber Two had placed his knapsack.

[snip]

I can discern nothing in that location in the period before the explosion that might have caused that explosion, other than Bomber Two's knapsack.

There are a few more details about the bombs and aftermath of interest.

The complaint appears to depart from some reports from Watertown cops, in that it reports both brothers took the Mercedes SUV together to the shootout. (Read the complaint to hear the chilling exchange with the Mercedes owner.)

The complaint describes apparent gunshot wounds to Dzhokhar's head, neck, legs, and hand. If these are indeed gunshot wounds, it indicates more gunshot wounds than has been previously revealed by the FBI.

Finally, the complaint describes finding what appears to be the clothes Dzhokhar wore at the Marathon – his white hat and black jacket. They also found some BBs there.

Update: neil on asks a question a lot of people are asking: why include the carjacking when it wasn't charged?

Remember, this is a complaint. All it has to do is prove probable cause for arrest. It doesn't have to lay out all the evidence or charges (though indictments don't have to provide all that much detail either).

But the carjacking is important because it records one of the brothers (it doesn't specify which one, but for a variety of reasons I suspect it is Tamerlan) admitting to being the marathon bomber. Then, it describes the carjackers proceeding to use a pressure cooker bomb against the Watertown cops that is very similar to the pressure cooker found at the marathon. Without the carjacker episode, you've only got video evidence against Dzhokhar, and not even that definitive evidence. But with the carjacking, you tie it to a confession and further physical evidence.

Update: NYT has made the transcript of his appearance before the judge available.