

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

CASE NUMBER:

MARCEL CARTER

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief: From in or about June 2008, to on or about July 30, 2009, at Cook County, in the Northern District of Illinois, Eastern Division, MARCEL CARTER, defendant herein:

knowingly and without lawful authority or permission, with intent to endanger the safety of any person, or with a reckless disregard for the safety of human life, interfered with, disabled, or incapacitated a dispatcher, driver, captain, locomotive engineer, railroad conductor, or other person while that person was employed in dispatching, operating, controlling, or maintaining railroad on-track equipment or a mass transportation vehicle;

in violation of Title 18, United States Code, Section 1992(a)(6). I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

Signature of Complainant
DANIEL M. GLAVACH
Special Agent, Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

August 3, 2009 at Chicago, Illinois
Date City and State

MORTON DENLOW, U.S. Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

4. In or about June 2008, an unknown male subject began to transmit unauthorized radio communications on CTA radio frequencies used by CTA rail operators, bus supervisors, and the CTA control center. CTA employees, including employees of the control center, rail operators, and bus supervisors, communicate on these radio frequencies to ensure the safe and efficient operation of the CTA rail system and buses, and to report emergencies. The subject would interject and make statements during radio conversations between rail operators and the CTA control center. At times the subject would impersonate rail operators and dispatchers from the CTA control center. Although the subject made unauthorized transmissions on numerous CTA radio channels, including channels for the brown line, red line, pink line, and the blue line, the subject made most of his unauthorized transmissions on the CTA channel for the red line. Between June 3, 2009, and July 30, 2009, the subject made more than 300 unauthorized transmissions on CTA radio frequencies. The CTA maintained audio recordings of the subject's unauthorized transmissions.

5. On or about June 2, 2009, at approximately 10:33 a.m., the subject made an unauthorized radio transmission on a CTA radio frequency on a blue line channel. He impersonated a train operator on a blue line train by stating that he was approaching the Logan Square stop at a steady red signal. A blue line controller at the control center responded by asking what unit was calling the control center. In response to that question, the subject switched from impersonating a blue line rail operator to impersonating the control center, and purported to advise the train approaching the Logan Square stop to proceed by two specific CTA rail system rule numbers. The rule numbers cited by the subject are critical to safe train operation. The first rule number he cited gives train operators permission to

move the train even though the train operator has a stop signal. The second rule number the subject cited gives train operators permission to operate on visual sight and is given in conjunction with the authorization to operate without automatic train collision protection. At the same time the subject was impersonating the CTA control center, there was an actual blue line train approaching the Logan Square stop. The CTA maintained an audio recording of the subject's unauthorized transmissions on June 2, 2009 ("June 2 Recording").

6. On or about July 1, 2009, at approximately 5:38 p.m., an authorized CTA rail dispatcher instructed a rail operator on the green line to wait for three minutes at the Pulaski station. This type of instruction can be given to maintain a scheduled distance or "headway" between trains for customer convenience. It can also be given for safety reasons. For example, a rail operator may be told to wait at a station to decrease the risk of a collision or to keep trains away from the site of an incident, such as a fire or smoke in the subway. After the rail dispatcher told the rail operator to wait for three minutes at the Pulaski station at approximately 5:38 p.m. on July 1, 2009, the subject, impersonating the control center, told the rail operator to wait for only one minute. The dispatcher then repeated the instruction to wait for three minutes at the Pulaski stop. The subject responded by telling the rail operator to disregard the prior instruction from the dispatcher and to only wait for one minute. The CTA maintained an audio recording of the subject's unauthorized transmissions on July 1, 2009 ("July 1 Recording").

Identification of Marcel Carter

7. On July 31, 2009, two males, later identified as Marcel Carter and his brother ("Individual A"), approached a CTA customer service associate ("CA") at the

Jackson red line station at 357 South State Street and asked if there was a reward for a stolen CTA radio. The CA called the CTA dispatch center on the telephone and had Marcel Carter speak to a supervisor at the dispatch center (“Supervisor A”). Supervisor A had spoken to the subject described above numerous times over the prior months when the subject was making unauthorized transmissions on CTA frequencies. During one of those conversations, the subject told Supervisor A that he was using a Kenwood radio. When Supervisor A spoke with Marcel Carter on July 31, 2009, over the telephone, he immediately recognized Marcel Carter’s voice as the voice of the subject who had been making the unauthorized radio transmissions on CTA frequencies.

8. Shortly thereafter, officers of the Chicago Police Department (“CPD”) detained Marcel Carter and Individual A at the CTA rail platform at the Jackson red line station. Marcel Carter admitted that he had been making the unauthorized radio transmissions on CTA radio frequencies. Marcel Carter also agreed to bring the law enforcement officers to his residence to retrieve the radio. The CPD officers transported Carter to his residence, where he retrieved a Kenwood radio that was on a CTA radio frequency.

9. Later that evening, Marcel Carter was advised of his Miranda rights by FBI agents. Carter waived his Miranda rights and agreed to speak with the FBI agents. Carter then admitted that he was person that was making the unauthorized radio transmissions on CTA radio channels. Carter also listened to the June 2 Recording and the July 1 Recording and identified his voice as the voice of the unauthorized transmitter.

10. FBI agents separately interviewed Individual A. Individual A stated that he had seen his brother Marcel Carter talk to CTA employees on the radio on numerous occasions. He also said that his mother and his aunt had seen Marcel Carter talk to CTA employees on the radio. In addition, Individual A listened to the June 2 Recording and the July 1 Recording and identified his brother Marcel Carter's voice as the voice of the unauthorized transmitter.

FURTHER AFFIANT SAYETH NOT.

DANIEL M. GLAVACH
Special Agent, Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me on August 3, 2009.

MORTON DENLOW
United States Magistrate Judge