

Eastern District of Kentucky
FILED

NOV 22 2017

AT COVINGTON
ROBERT R. CARR
CLERK U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
COVINGTON

CRIMINAL ACTION NO. 17-49-DLB

UNITED STATES OF AMERICA

PLAINTIFF

V.

PLEA AGREEMENT

MARIE ANTOINETTE CASTELLI

DEFENDANT

* * * * *

1. Pursuant to Federal Rule of Criminal Procedure 11(c), the Defendant will enter a guilty plea to an Information charging 2 counts of Interstate Communication of a Threat in violation of 18 U.S.C. § 875(c). Pursuant to Rule 11(c)(1)(C), the United States and the Defendant agree to a specific sentence. Pursuant to Rule 11(c)(4), if the Court accepts this plea agreement, the agreed disposition will be included in the judgment. At the time of sentencing, the United States will move to dismiss Indictment No. 15-33-DLB. Pursuant to Rule 11(c)(1)(A), the United States will not bring additional charges against the Defendant based upon evidence in its possession at the time of the execution of this Agreement and arising out of the Defendant's conduct within the Eastern District of Kentucky, unless the Defendant breaches this Agreement.

2. The essential elements of Counts 1 and 2 are:

(a) The Defendant transmitted a communication in interstate or foreign commerce;

(b) The communication contained a true threat to injure the person of another;

(c) The Defendant transmitted the communication for the purpose of issuing a threat, or with knowledge that the communication would be viewed as a threat; and

(d) With respect to Count 1, the Defendant aided and abetted another.

3. As to the Information, the United States could prove beyond a reasonable doubt the following facts that establish the essential elements of the offense, and the Defendant admits these facts:

(a) At all times relevant, the Defendant was a citizen of the United States and resided in Maysville, Mason County, in the Eastern District of Kentucky.

(b) The Islamic State of Iraq and al-Sham (“ISIS”) is a designated Foreign Terrorist Organization under Section 9 of the Immigration and Nationality Act and a Specially Designated Global Terrorist Entity under section 1(b) of Executive Order 13224. ISIS is also commonly referred to as ISIL, Islamic State, and Dawla al Islamiya.

(c) The Defendant was an active member of an invitation-only Facebook group in which many members discussed their support for ISIS. The group operated from a date unknown until December 26, 2016. Within this group, the Defendant participated in on-line discussions and disseminated information and propaganda supporting violence against the West and the establishment of a worldwide Caliphate, a religious state governed by an Islamic leader.

(d) On October 19, 2015, the Defendant posted a message to the Facebook group stating, “A great sister on twitter published addresses of the kafir men who killed sheikh awlaki and his son with the drone[.] [P]raying the mujahadine will send someone for justice[.]” The Defendant also included a link in this message that led to a publically-viewable webpage calling for the killing of certain United States Service Members and their families. The linked webpage was a five-page document containing the full names, photographs, dates of birth and other personal information of 3 service members and their families. The document referred to the service members and their families as “targets,” and outlined their purported “atrocities” against Osama Bin Laden and Anwar Al-Awlaki. The document also stated that the information was posted “to cause havoc in his life & to ask my

brothers and Al-Qaeda in the U.S. to eventually hunt him down and execute him.” The Defendant transmitted the message to the group, and posted the link to the document, for the purpose of aiding and abetting the “great sister” and others who contributed to the authorship of the document, and with knowledge that the communication would be viewed as a threat. The Defendant transmitted the communication over the internet in interstate commerce.

(e) Also on October 19, 2015, the Defendant posted a series of additional messages to the Facebook group. In the first message, the Defendant posted Victim 1’s full name, date of birth and address. In the second message, the Defendant posted, “and the coward murderer who claims he killed sheikh osama,” and pasted Victim 2’s address. In the third message, the Defendant posted, “AND [Victim 3] who brags on killing 3000 muslims,” and pasted Victim 3’s address. In her final message, the Defendant posted, “they make targets on our heads so here are their heads for targets...” The Defendant transmitted these messages for the purpose of issuing a threat, and with knowledge that the communications would be viewed as a threat. The Defendant transmitted the communications over the internet in interstate commerce.

4. The maximum statutory punishment for each Count is 5 years imprisonment, a \$250,000 fine, 3 years supervised release, for a total maximum punishment of 10 years imprisonment. A mandatory special assessment of \$100 per felony count applies, for a total assessment of \$200. The Defendant will pay this assessment to the U.S. District Court Clerk as ordered by the Court.

5. The United States and the Defendant agree to the following specific sentence, which binds the Court upon acceptance of this plea agreement.

(a) The Court shall sentence the Defendant to 90 months of imprisonment.

(b) The Defendant’s term of supervised release shall be 3 years.

(c) A fine shall not be imposed because the Defendant is unable to pay a fine and is not likely to become able to pay any fine.

6. The Defendant waives the right to appeal the guilty plea, conviction, and sentence. Except for claims of ineffective assistance of counsel, the Defendant also waives the right to attack collaterally the guilty plea, conviction, and sentence.

7. The Defendant waives all rights, whether asserted directly or by a representative, to request or to receive from any department or agency of the United States any records pertaining to the investigation or prosecution of this case, including without limitation any records that may be sought under the Freedom of Information Act, 5 U.S.C. § 552, or the Privacy Act of 1974, 5 U.S.C. § 522a.

8. The Defendant understands and agrees that, pursuant to 18 U.S.C. § 3613, whatever monetary penalties are imposed by the Court will be due and payable immediately and subject to immediate enforcement by the United States. If the Court imposes a schedule of payments, the Defendant agrees that it is merely a minimum schedule of payments and not the only method, nor a limitation on the methods, available to the United States to enforce the judgment. The Defendant waives any requirement for demand of payment on any fine, restitution, or assessment imposed by the Court and agrees that any unpaid obligations will be submitted to the United States Treasury for offset. The Defendant authorizes the United States to obtain the Defendant's credit reports at any time. The Defendant authorizes the U.S. District Court to release funds posted as security for the Defendant's appearance bond in this case, if any, to be applied to satisfy the Defendant's financial obligations contained in the judgment of the Court.

9. This document and the supplement contain the complete and only Plea Agreement between the United States Attorney for the Eastern District of Kentucky and the Defendant. The United States has not made any other promises to the Defendant.

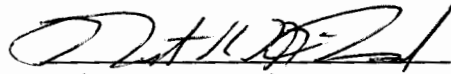
10. This Agreement does not bind the United States Attorney's Offices in other districts, or any other federal, state, or local prosecuting authorities.

JDB 11. ~~X~~ The Defendant and the Defendant's attorney acknowledge that the Defendant understands this Agreement, that the Defendant's attorney has fully explained this Agreement to the Defendant, and that the Defendant's entry into this Agreement is voluntary.

ROBERT M. DUNCAN
UNITED STATES ATTORNEY

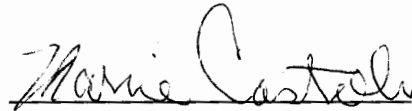
Date: 22 Nov 17

By:



Robert K. McBride
Assistant United States Attorney

Date: 11/22/17




Marie Antoinette Castelli
Defendant

Date: 11/22/17



James M. West
Attorney for Defendant

APPROVED, this 22nd day of November, 2017.


UNITED STATES DISTRICT JUDGE