



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

AAS/DMP/ICR
F. #2015R00096

*271 Cadman Plaza East
Brooklyn, New York 11201*

January 29, 2018

By Email

Patricia A. Sullivan
Senior U.S. Probation Officer

Re: United States v. Fareed Mumuni
Criminal Docket No. 15-393 (MKB)

Dear Ms. Sullivan:

The government respectfully submits this response to the defendant Fareed Mumuni's January 27, 2018 objections to the June 29, 2017 Presentence Investigation Report ("PSR").

1. (Paragraphs 14, 15, 24, and 34). Mumuni objects to the PSR's characterization of his involvement with codefendant Munther Omar Saleh in their efforts to carry out a domestic terror attack. While not objecting to any of the specific facts described in Paragraphs 14, 15, and 34, which generally describe meetings between Saleh and Mumuni, as well as Saleh's later description of one such meeting to coconspirator Imran Rabbani as "awesome" and "motivating," Mumuni disputes any notion that he worked with Saleh to conduct a terror attack. Mumuni objects to the portion of Paragraph 24 stating that "Mumuni admitted that he and Saleh had spoken about how to make and use a bomb. Saleh had told Mumuni that he knew how to make a pressure-cooker bomb and that Saleh would give the bomb to Mumuni to detonate."

These statements in the PSR are supported by, among other evidence, Mumuni's post-arrest statement. In that post-arrest statement, Mumuni admitted that he and Saleh had "talked about how to make a bomb" and how to use a pressure cooker bomb in an attack on law enforcement. Specifically, Mumuni admitted that Saleh agreed to provide Mumuni with a pressure cooker bomb for Mumuni to use, and that "if I can't go [to Syria] and you guys [the FBI] don't stop following me that I would do something with the pressure cooker." (Mumuni Post-Arrest Tr. at 22-26). The government attaches a copy of the video of Mumuni's post-arrest interview as well as a draft transcript of that interview.

Moreover, as detailed in the government's sentencing letter, in a meeting with multiple individuals on May 31, 2015, Saleh and Mumuni confirmed that they wanted to conduct an "Op" on American soil if they were unable to travel to join ISIS, stated that they wanted to find a way to attack the White House, and agreed that they would conduct their "Op" after they had successfully helped co-conspirator Samuel Topaz travel to Syria to join ISIS. (See Docket Entry 134, at 5-6). Saleh admitted during this meeting that he was in touch with ISIS operatives in the Middle East – a reference to Junaid Hussain – but that Saleh was reluctant to discuss these contacts with the others. (Id. at 6). In addition, in Saleh's own post-arrest statement, Saleh admitted that he and Mumuni had spoken about building a pressure-cooker bomb. (Id. at 7). Searches of Saleh's phone revealed messages in which Saleh told Junaid Hussain that he had personally recruited a person to conduct a domestic terror attack, which – as the sentencing letter explains – was a reference to Mumuni. (See id. at 12).

2. (Paragraphs 21, 29, and 33). Mumuni objects to the statements that he repeatedly stabbed an FBI agent and reached for an agent's weapon while being subdued. While the government is prepared to introduce evidence at a Fatico hearing establishing these facts by a preponderance of the evidence, there is already material produced during discovery proving that Mumuni repeatedly stabbed an FBI agent. In particular, photographs of the metal magazine carrier worn by the victim FBI agent show three different stab marks in the carrier, consistent with at least three different thrusts of the knife by Mumuni. The government attaches a copy of these photographs as well as a photograph of the knife that Mumuni used, which depicts the point of the knife chipped from Mumuni's effort to thrust it into the agent. These photographs were previously produced in discovery and bear Bates numbers FM 142 and FM 177 – FM 179.

Very truly yours,

RICHARD P. DONOGHUE
United States Attorney

By: /s/ Alexander A. Solomon
Alexander A. Solomon
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Enclosures

- cc. Clerk of the Court (MKB) (by ECF) (without enclosures)
Anthony L. Ricco, Esq. (by ECF) (without enclosures)