



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

AAS/DMP  
F. #2015R00096

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January 31, 2018

By ECF

The Honorable Margo K. Brodie  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Munther Omar Saleh  
Criminal Docket No. 15-393 (MKB)

Dear Judge Brodie:

The government respectfully submits this response to the sentencing submission of the defendant Munther Omar Saleh (“Def. Br.”), which includes, among other materials, a letter from the defendant to the Court (“Def. Ltr.”) and a psychiatric evaluation of the defendant (“Psych Report”).

In his submission, the defendant portrays himself as an adolescent who made several poor choices but in no way represented—or currently represents—a danger to the community. The defendant also generally argues that a sentence far below the statutory maximum of 53 years’ imprisonment is warranted. As set forth below, the Court should reject these arguments, which are based on distorted readings of the record and without legal support.

In particular, the government attaches hereto the expert opinion of Dr. Kostas A. Katsavdakakis (“Katsavdakakis Affidavit”), who opines that the psychological testing instruments utilized in the preparation of the Psych Report are not adequate to address the assessment of risk, threat, or recidivism. Accordingly, the government respectfully submits that the Psych Report does not meaningfully permit the Court to assess the danger that the defendant represents to the public, and that the Pysch Report should be disregarded as incomplete with respect to the defendant’s likelihood of recidivism.

The sentencing hearing in this matter is currently scheduled for February 6, 2018.

## I. Factual Background

In broad terms, the defendant minimizes his activities as a supporter of the Islamic State in Iraq and al-Sham (“ISIS”) and the reasons he and co-conspirator Imran Rabbani rushed at an FBI surveillance vehicle (the “FBI Vehicle”), while armed with folding knives, on the morning of their arrests. As detailed in the government’s original sentencing letter, the defendant’s position is at direct odds with the evidence in the case and with reasonable interpretations of the defendant’s own words and deeds. In this letter, the government responds to some of the more egregious factual characterizations in the defendant’s submission as well as the defendant’s legal arguments.

First, the defendant asserts that he became an ISIS supporter because of his interest in ISIS’s purported message of a statehood opposed to violence, and that his pledge was a religious oath to Islam, and not to ISIS generally. (Def. Br. at 10-13). However, the defendant’s social media postings from as early as 2014 indicate a radicalized mindset with an orientation towards violence. For example, on September 10, 2014, the defendant tweeted “i fear AQ [Al Qaida] could be getting too moderate.”<sup>1</sup> In tweets from January and February 2015, the defendant expressed support for the Charlie Hebdo terrorist attacks in Paris, France, the immolation of Jordanian Air Force pilot Lt. Muath al-Kasasbeh by ISIS, the beheading of Japanese journalist Kenji Goto by ISIS, and the establishment of an ISIS military presence in New York City. (Saleh PSR ¶¶ 10, 12). These social media postings militate against any suggestion that the defendant’s “goal was never to support a particular group, but to fulfill my obligation as a Muslim to help the oppressed.” (Def. Ltr. at 1).

Second, the defendant asserts that he only began to “talk[] in a more aggressive way in my texts, mak[e] plans to leave, and discuss[] resisting law enforcement,” including “f[ind]ing[] and contact[ing] an Islamic State recruiter by text,” after he noticed that he was the subject of surveillance by members of law enforcement. (Def. Ltr. at 2). However, this characterization is inconsistent with the defendant’s own social media postings from late 2014 and early 2015 summarized above, all of which took place at a time when he was not the subject of constant law enforcement surveillance. Additionally, two cooperating witnesses both have described the defendant as a fervent ISIS supporter who consistently sought to engage in violent acts either in the United States or abroad. For example, one cooperating witness has described the defendant’s longstanding plan to earn money while fighting for ISIS abroad. Moreover, as described in the government’s original sentencing letter, evidence recovered from the defendant’s phone demonstrated that, from May 2015 until the time of his arrest, he received and followed repeated instructions from multiple ISIS attack facilitators located in Syria, including Junaid Hussain.

Third, the defendant claims not to have made any plans regarding travel to ISIS-controlled territories or an attack on U.S. law enforcement. (Def. Br. at 12). However,

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<sup>1</sup> All citations to electronic communications include original spelling, punctuation, and grammar.

as detailed in the government's original sentencing letter, the defendant and Rabbani both acquired hand knives in the days leading up to their attempted attack on the FBI Vehicle, at the same time that the defendant, Mumuni, and the other coconspirators were discussing conducting attacks on law enforcement as a way of supporting ISIS. Moreover, the defendant recruited and radicalized Mumuni, Rabbani, and the New Jersey coconspirators. Saleh later provided Mumuni with Junaid Hussain's guidance regarding the attack planning that gave Mumuni free reign to attack law enforcement; Saleh was fully cognizant that Mumuni might die in the process. Additionally, in his post-arrest statement, the defendant stated that he had not made immediate plans to travel because law enforcement authorities would likely foil any such efforts, and admitted that he could travel to Syria for less than \$1,000. (Saleh Post-Arrest Tr. at 397). Finally, the fact that Saleh concealed from law enforcement in his post-arrest interview Mumuni's plans to attack law enforcement and the guidance from Junaid Hussain that Saleh had provided to Mumuni regarding such an attack demonstrates a desire to see that attack carried to completion without interruption from law enforcement, which is inconsistent with Saleh's claims in his sentencing submission that he lacked violent intent.

Fourth, the government disputes the defendant's claimed minimal involvement in arranging for Nader Saadeh's trip to ISIS-controlled territories through Jordan. Indeed, Saleh told law enforcement authorities in his post-arrest that Nader Saadeh would not have attempted to travel to join ISIS "if I didn't push him over man." (Saleh Post-Arrest Tr. at 468). A cooperating witness has confirmed that the defendant provided Nader Saadeh with the contact information for an individual known as "Khaled Al-Cambodi," who had access to a car or bus as well as identification documents that would permit Nader Saadeh to travel into Syria. In his post-arrest statement, the defendant confirmed that he was in contact with an ISIS facilitator known as "Cambodi" who was a "facilitator for travel" into Syria. (Saleh Post-Arrest Tr. at 309). Therefore, the contact for Al-Cambodi was not, as the defendant presently claims, "contact information, located online, for a purported ISIL recruiter." (Def. Br. at 14).

Fifth, the defendant claims in entirely conclusory manner that the government's description of his and Rabbani's attack on law enforcement is "a gross mischaracterization of the facts." (Def. Br. at 15). Notably, the defendant does not—and cannot—dispute the expert opinion of Harley Elmore, which describes the unique dangers posed by edged weapons, such as those used by Saleh, Rabbani, and Mumuni. Indeed, the defendant does not address the fact that Rabbani's knife contained a window-breaking tool, which would be useful for conducting a surprise attack on a law enforcement officer sitting in a surveillance vehicle.

Sixth, the government objects to the repeated suggestions by the defendant of purportedly coercive conduct by the government during the post-arrest statement. The government responded in detail to these claims in its opposition to Saleh's motion to suppress his post-arrest statements, but the Court's consideration of that motion was mooted by the defendant's guilty plea to the indictment. The government also objects to any consideration of the defendant's self-serving false exculpatory statements made during his

post-arrest statement, particularly in light of the fact that, during this interview, the defendant repeatedly minimized and lied about his own conduct and also actively concealed the clear and present danger presented by Mumuni to members of law enforcement.

## II. A Sentence of 53 Years' Imprisonment Is Warranted

The defendant argues that a sentence far below the statutory maximum of 53 years' imprisonment is warranted by a variety of factual and legal arguments. For the reasons set forth below, the Court should reject these arguments, many of which are based on inapplicable case law or have been rejected in the Second Circuit.

First, the defendant misleadingly argues that leniency is warranted because the defendant committed the offense as a teenager, stating that he “was radicalized when he was just nineteen years old” and citing cases applicable to juveniles. (Def. Br. at 19). While the government has no objection to the Court considering the defendant's age and maturity as part of the Section 3553(a) factors, the defendant was not a juvenile or even a teenager when he committed his most disturbing conduct and, in any event, demonstrated leadership and maturity far beyond his years in planning and carrying out his crimes.

Saleh, who was born in 1995, turned 20 on May 11, 2015. Much of the offense conduct—including searching the Internet for bomb components, assault rifles and other weapons, and religious guidance on whether Islam permitted the killing of innocent people; obtaining a fatwa (or religious approval) for Mumuni to attack law enforcement and die in the process; and charging at law enforcement while armed with a knife—all took place when Saleh was 20 years old.

The cases on which Saleh relies concern juveniles. See Miller v. Alabama, 132 S. Ct. 2455 (2012) (precluding mandatory life sentences for juveniles who commit homicide crimes); Roper v. Simmons, 543 U.S. 551 (2005) (precluding the death penalty for juveniles). Notably, the Supreme Court explicitly restricted the applicability of these holdings to those under 18 at the time of their crimes, and did not preclude a sentence of life imprisonment or a lengthy term of years for a juvenile. See Miller, 132 S. Ct. at 2471 (noting that the Court's holding “does not categorically bar a penalty [life imprisonment] for a class of offenders [juveniles] . . . [i]nstead, it mandates only that a sentencer follow a certain process—considering an offender's youth and attendant characteristics—before imposing a particular penalty.”).

Here, Saleh was not a juvenile at the time of his crimes, and his acts demonstrated a maturity level that exceeded his chronological age. Saleh stands in very different shoes than the two 14-year-old defendants who were sentenced in Miller. Saleh did not blindly follow orders or show any vulnerability to pressure from others. Rather, Saleh affirmatively encouraged Nader Saadeh and other co-conspirators to travel to Syria to join ISIS or, failing that, to work with him and Mumuni to conduct a terrorist attack; Saleh affirmatively requested that Junaid Hussain supply him with bomb-making instructions; and Saleh affirmatively sought out Junaid Hussain's religious permission for Mumuni to attack law enforcement and die in the process, before conveying to Mumuni that it was permissible

for him to do so. Indeed, in response to a request from Junaid Hussain to carry out an assassination in California or New York, Saleh declined to do so in favor of either traveling to Syria or conducting a bomb attack, which demonstrates Saleh's lack of vulnerability to pressure from others. Saleh's acts show that he was not behaving based on vulnerability to pressure from others or acting based on any lack of maturity. Saleh's acts belie any argument that his youth somehow mitigates his conduct or his culpability.

Second, the defendant argues that his risk of recidivism is low, based primarily on a psychological report from a clinical psychiatrist. (Def. Br. at 22-24). However, the report of the defendant's psychiatrist relies on psychological testing that is not specific to the threat assessment context. (See Psych Report at 5 (assessment using WAIS-IV, which is a standard measure of cognitive ability; MMPI-2RF, a standard test of personality and psychopathology; and a Rorschach inkblot test, which is a widely used personality assessment); Katsavdakis Affidavit ¶ 4). Contrary to the statement in the defendant's submission that "there is no generally-accepted, validated risk assessment model for terrorist cases" (Def. Br. at 22), there are in fact several widely-used tools for threat assessment (also referred to as "violence risk assessment") that have been developed or modified for specific use in the terrorism context.<sup>2</sup> As one paper on threat assessment tools reports, "[u]ntil recently, there was a total absence of decision support tools for individual assessment of risk for terrorist activity," but several such tools have now been developed "to assess and manage the risk posed by specific individuals within terrorism groups." Id. at 5-6. These tools include:

- The Violent Extremism Risk Assessment Protocol (VERA and VERA 2), developed in 2009 and updated in 2010, which focuses on terrorism motivated by extremist ideology, with a strong emphasis on extremism associated with radical Islam. Id. at 6-8.
- The Historical-Clinical-Risk Management-20 version three (HCR-20 V3), which is the "most widely used and best validated tool for individual assessment of risk for general violence." Id. at 16.
- The Multi-Level Guidelines, which applies the principles of HCR-20 V3 to group-based violence, including terrorist group-based violence. Id. at 8-11.
- The Extremism Risk Guidelines (ERG 22+), which focuses on the influences that drive people to engage in terrorism-related offenses,

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<sup>2</sup> See, e.g., Hart, Cook, Pressman, Strang & Lim (June 2017), "A Concurrent Evaluation of Threat Assessment Tools for the Individual Assessment of Terrorism," Canadian Network for Research on Terrorism, Security, and Society Working Paper Series, available at <http://tsas.ca/wp-content/uploads/2017/08/2017-01-Hart-WP.pdf> (last accessed Jan. 30, 2018).

and—like VERA 2—has a strong focus on extremism associated with radical Islam. Id. at 11-12.

See also Katsavdakis Affidavit ¶ 6.

Saleh was not assessed using any of these tools, or for that matter, any tools that relate to general violence or general criminality risk assessment. That significant omission renders incomplete the psychological analysis presented in connection with Saleh’s assertion that he presents a low risk of recidivism. Indeed, as Dr. Katsavdakis opines, the Psych Report is fundamentally flawed, absent utilization of any “[p]sychological testing instruments [that] have been developed to assess risk, threat and recidivism in the violence, criminality and terrorism contexts.” Katsavdakis Affidavit ¶ 6.

Third, although the defendant does not dispute the applicability of the terrorism enhancement set forth in Guidelines Section 3A1.4, the defendant – relying heavily on cases from the child pornography context – argues that the Court should decline to follow the terrorism enhancement because it is not based on “empirical data and national experience.” (Def. Br. at 30-33).

In United States v. Meskini, the Second Circuit explained the rationale behind the terrorism enhancement under § 3A1.4:

Congress and the Sentencing Commission had a rational basis for concluding that an act of terrorism represents a particularly grave threat because of the dangerousness of the crime and the difficulty of deterring and rehabilitating the criminal, and thus that terrorists and their supporters should be incapacitated for a longer period of time.

Meskini, 319 F.3d 88, 92 (2d Cir. 2003). Notably, the terrorism enhancement has been applied in numerous cases—including cases in this district—involving material support to terrorist organizations like Al Qaida and ISIS, and the government is unaware of any cases in this district where application of the terrorism enhancement has been rejected because it was not based on “empirical data or national experience.” Judge Garaufis rejected this argument in United States v. Pugh, another case involving material support to ISIS. See United States v. Pugh, No. 15-CR-116, Docket Entry 157, Pugh Sentencing Mem., at 27-30 (raising this argument); Id., Docket Entry 166, Tr. of Pugh Sentencing, at 9 (rejecting the challenge to applicability of the terrorism enhancement); see also United States v. Mason, 410 Fed. Appx. 881, 886-87 (6th Cir. 2010) (rejecting defendant’s argument that the district court should have declined to apply the terrorism enhancement because it was promulgated pursuant to congressional directive and not pursuant to empirical research).<sup>3</sup>

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<sup>3</sup> For obvious reasons, there are not extensive studies of the rate of recidivism of terrorism defendants because the sentences for convicted terrorists are appropriately lengthy, so as to prevent any second opportunity to commit a terrorist act.

Fourth, the defendant argues that the application of the terrorism enhancement to increase the defendant's criminal history category from Category I to Category VI over-represents the defendant's criminal history and therefore the Court should grant a horizontal departure to a lower criminal history category. (Def. Br. at 33-36).

Under Guidelines Section 4A1.3(b), a sentencing court may grant a downward departure if "reliable information indicates that the defendant's criminal history category substantially over-represents the seriousness of the defendant's criminal history or the likelihood that the defendant will commit other crimes." U.S.S.G. § 4A1.3(b). The Guidelines themselves contemplate that this departure will be granted only in "limited circumstances." Id. comment.

When it comes to terrorism cases and the terrorism enhancement in particular, the Second Circuit has made clear enhancing a defendant's criminal history category to VI is appropriate:

Congress and the Sentencing Commission had a rational basis for creating a uniform criminal history category [VI] for all terrorists under § 3A1.4(b), because even terrorists with no prior criminal behavior are unique among criminals in the likelihood of recidivism, the difficulty of rehabilitation, and the need for incapacitation. . . .

Meskini, 319 F.3d at 92 (emphasis added). Thus, contrary to Saleh's argument (Def. Br. at 35), merely because a defendant has no prior criminal record does not mean that placing the defendant in criminal history category VI over-represents the seriousness of his criminal history or the likelihood that he will recidivate. Meskini makes clear that Congress has indicated its legislative intent through Section 3A1.4 to enhance a defendant's criminal history because terrorism offenses are more difficult to deter. Id. at 92. Thus, numerous courts have rejected horizontal departures in a defendant's criminal history category where a defendant with no prior criminal record was placed in criminal history category VI by operation of the terrorism enhancement. See, e.g., United States v. El-Hage, 589 Fed. Appx. 29, 31 n.2 (2d Cir. 2015) (finding no procedural error in district court placing defendant in criminal history category VI despite the defendant having no prior criminal convictions); United States v. Banol-Ramos, 516 Fed. Appx. 43, 46-47 (2d Cir. 2013) (no error district court's refusal to grant a downward departure because terrorism enhancement elevated criminal history category to VI); United States v. Hammoud, 483 Fed. Appx. 865, 873 (4th Cir. 2012) (affirming district court decision declining to modify criminal history category based on argument that it overrepresented the seriousness of defendant's criminal history because he had no prior criminal convictions); United States v. Lindh, 227 F. Supp. 2d 565, 571 (E.D. Va. 2002) ("Although the defendant has no prior criminal record, he is appropriately categorized in Criminal History Category VI, rather than I, pursuant to USSG § 3A1.4.").

Furthermore, the Second Circuit has also specifically held that any departures from the criminal history category should be made only in “exceptional cases.” Specifically, the Second Circuit stated

Considering the serious dangers posed by all forms of terrorism, the Guidelines are in no way irrational in setting the default for criminal history at a very high level, with downward departures permitted in exceptional cases.

Meskini, 319 F.3d at 92. While a sentencing court may downwardly depart in exceptional cases, this is not such a case. The only cases Saleh cites in support of such a horizontal departure are United States v. Benkahla, 501 F. Supp. 2d 748 (E.D.N.Y. 2007), and United States v. Aref, No. 04 Cr. 402, 2007 WL 804814 (N.D.N.Y. 2007). But those cases did not involve violent terrorist actors. In Benkahla, the defendant was convicted of neither a violent crime nor direct involvement in terrorist activity; rather, he was convicted of making false statements to a grand jury and obstructing justice in a federal criminal investigation of overseas terrorist groups. See 501 F. Supp. 2d at 751 (“Defendant’s offenses neither directly ‘involved’ nor were ‘intended to promote’ a federal crime of terrorism.” (emphasis in original)); see also id. at 759 (stating that the defendant “is not a terrorist”). The court departed from the terrorism enhancement guidelines because the court found the defendant did not have “the willful intent to promote an act of terrorism,” and was “not the lynchpin in any organization or conspiracy being investigated.” Id. at 760. Aref rose out of a law enforcement sting in which a confidential informant represented that he was importing a surface-to-air missile (“SAM”) into the United States that it would be used by a terrorist organization. The defendant agreed to a money laundering scheme in which the informant would give the \$50,000 proceeds from the importation of the SAM to the defendant who would, in turn, write \$45,000 in checks to the informant’s business and keep \$5,000 for himself. United States v. Aref, No. 04 Cr. 402, 2007 WL 603508, at \*2-\*3 (N.D.N.Y. Feb. 22, 2007). The court granted a downward departure, finding exceptional circumstances, including the defendant’s compelling personal characteristics and lack of prior criminal activity. Aref, 2007 WL 804814, at \*3. Notably, in sentencing the defendant, the court also noted that there was no evidence that the defendant “actively sought out some way to aid a terrorist crime,” but rather “the crimes were presented to him,” and that the defendant “proceeded with the crimes out of greed—not an ideological desire to commit acts of terrorism.” Id. at \*7.

Here, in contrast, Saleh engaged in and promoted violent acts when he and another individual charged at a law enforcement officer with knives that they had acquired a week earlier for that purpose, when he obtained religious permission for Mumuni to attack law enforcement and die in the process, and when he planned a terrorist attack in the United States, all of which he did on behalf of and in support of ISIS. As a result, Saleh does not present anywhere near the “exceptional case” that warrants a downward departure from Criminal History Category VI.



Fifth, the defendant argues that the 20-year statutory maximum sentence applicable to Counts One and Two should not apply because the statutory maximum was increased from 15 years to 20 years eleven days before his arrest, and “the gravamen of his offense was committed before the effective date.” (Def. Br. at 36). In fact, Saleh engaged in several significant acts as part of his conspiracy and attempt to provide material support to ISIS that took place after the June 2, 2015 effective date of the 20-year statutory maximum. Between June 2 and his arrest, Saleh communicated to Mumuni Junaid Hussain’s religious permission for Mumuni to attack law enforcement and die in the process. Saleh also communicated with other ISIS attack facilitators during this period, including on June 3, 2015, when he advised an attack facilitator that three of his co-conspirators were planning to travel to Syria to join ISIS and a fourth was preparing to become a martyr in the United States. On June 9, 2015, Saleh asked that ISIS attack facilitator to assist in providing funding for the travel to Syria and if the facilitator could advise on how to travel while under law enforcement surveillance. And, finally, on June 13, 2015, Saleh charged at a law enforcement surveillance vehicle with a knife. During his change of plea hearing, Saleh was advised by the Court that the statutory maximum for Counts One and Two was 20 years. (Plea Tr. at 14). He then allocuted specifically to conduct that took place after June 2, 2015. Indeed, in a colloquy with the Court, the government explained that it was necessary for Saleh to allocute to the post-June 2, 2015 conduct in order to be subject to the 20-year statutory maximum, and Saleh then so allocuted. (Plea Tr. at 35-38). Accordingly, the 20-year statutory maximum sentence applies to Saleh’s conduct with respect to Counts One and Two.

Saleh also argues that a sentence above 15 years on Counts One and Two would also create a sentencing disparity between Saleh and Alaa Saadeh, a New Jersey co-conspirator who was sentenced to 15 years. Crucially, however, such a disparity is not an “unwarranted” sentencing disparity. See 18 U.S.C. § 3553(a)(6). Saadeh is not similarly situated to Saleh because Saadeh did not engage in efforts to provide material support to ISIS after the June 2, 2015 effective date of the statute enlarging the penalty for a material support crime to 20 years. In a detailed 47-page complaint, the only conduct Saadeh is alleged to have engaged in after June 2, 2015 was to make several statements supportive of ISIS and to encourage another individual to lie to the FBI if the individual were questioned, for which conduct Saadeh was charged with witness tampering from June 13, 2015 through June 26, 2015. See United States v. Alaa Saadeh, No. 15-CR-558 (SDW), Docket Entry 1, Complaint, at ¶¶ 37-39 (June 26, 2015). Thus, the Information to which Saadeh pleaded guilty charged that he provided material support and resources to ISIS from October 2014 to May 21, 2015. See id., Docket Entry 15, Information (Oct. 29, 2015).

Sixth, the defendant argues that imposing consecutive sentences on Counts One and Two would be inappropriate because they describe the same criminal conduct. (Def. Br. at 37). Saleh is incorrect. Saleh’s conviction on Count One is for the conspiracy to provide material support to ISIS—specifically, his agreement with the New Jersey conspirators to plan and coordinate their travel to Syria to join ISIS, his agreement with Junaid Hussain and others to conduct an attack in New York using a pressure cooker bomb, and his agreement with Mumuni and others to carry out an attack on law enforcement in the

United States. Conspiracy is, of course, a separate federal crime from an underlying offense. As Sand's Modern Federal Jury Instructions explains, "The crime of conspiracy to violate a federal law is an independent offense. It is separate and distinct from the actual violation of any specific federal laws." Sand, Modern Federal Jury Instructions, Instruction 19-2; see also Callanan v. United States, 364 U.S. 587, 593 (1961) ("It has been long and consistently recognized by the Court that the commission of the substantive offense and a conspiracy to commit it are separate and distinct offenses."). Saleh's conviction on Count Two is for the substantive offense of attempting to provide material support to ISIS, and the conduct underlying that conviction includes Saleh's efforts to assist Nader Saadeh in traveling to Jordan, where he intended to go to Syria to join ISIS, including by radicalizing Saadeh and pushing him to travel to join ISIS, going with Saadeh to purchase supplies, and providing Saadeh with contact information for an individual who could facilitate Saadeh's entry to ISIS, as well as Saleh's efforts to attack law enforcement and to conduct a pressure cooker bomb attack in New York. Notably, Saleh's efforts to conspire and attempt to provide material support was multifaceted, with a number of different means of providing material support and resources, including travel to Syria, waging an attack in the United States, and carrying out coordinated attacks on law enforcement. These could each have been charged as separate crimes. Thus, it is inaccurate for the defendant to argue that the government is charging essentially duplicative counts describing the same criminal conduct in Counts One and Two.

Moreover, it is well-settled under Second Circuit law that where the applicable Guidelines range of a defendant convicted of multiple counts of conviction exceeds the statutory maximum for the most serious offense of conviction, the district court should impose consecutive terms of imprisonment to the extent necessary to achieve the total punishment. See United States v. McLean, 287 F.3d 127, 136 (2d Cir. 2000); U.S.S.G. § 5G1.2(d). Here, of course, the defendant's Guidelines range is 53 years' imprisonment. Based on the four counts of conviction, each of which has a statutory maximum that is less than the applicable Guidelines range, the Guidelines themselves and the case law both support running the sentences on each count consecutively to reach the total punishment.

Finally, the defendant argues for a sentence "significantly below the statutory maximum," given the periods of incarceration imposed on other defendants who have been found guilty of similar conduct. In particular, the defendant argues that a lower sentence is necessary, in light of the nationwide average of 11.2 years' incarceration for defendants who plead guilty for ISIS-related activity. However, as described above and in the government's original sentencing letter, this case is not a typical case in which a person seeks to travel to ISIS-controlled territories, but rather an extreme case in that the defendant and others engaged in separate but coordinated ISIS-directed attacks on law enforcement that nearly caused the deaths of members of U.S. law enforcement as well as planned to commit a pressure-cooker bomb attack on American soil.

In arguing for a lower sentence, the defendant relies on numerous cases, most of which are from outside the Second Circuit, which involved less serious offense conduct and which often resulted in sentences cabined by the applicable statutory maximums. In

particular, few if any of the cases cited by the defense involve defendants who actually mobilized to commit violence as a demonstration of their support for ISIS, as is the case here. Notably, the only case from this district relied on by the defense (the Juraboev case) involves offense conduct that is not nearly as serious as the conduct in this case.

Five of the defendants whose sentences are relied upon the defense were cooperating witnesses who benefitted from sentencing leniency in return for their cooperation. These five cases are United States v. Nicholas Rovinski, 15 Cr. 10153 (D. Mass.) (defendant cooperated with the government, testified at the trial of a co-conspirator, and was sentenced to 15 years' imprisonment pursuant to Rule 11(c)(1)(C));

[REDACTED]

[REDACTED] United States v. Abdirizak Mohamed Warsame, 16 Cr. 37 (D. Minn.) (defendant was one of several cooperating witnesses in this case involving a group of individuals who sought to travel to Syria to join ISIS, testified at trial against three co-defendants, and was sentenced to 30 months' imprisonment in light of his cooperation); United States v. Avin Brown and Akba Jihad Jordan, 14 Cr. 58 (E.D. N. Car.) (both defendants cooperated with the government after being arrested after making plans to travel overseas to wage violent jihad, cooperated with the government, pleaded guilty pursuant to an Information charging one count of 18 U.S.C. § 2339B, and were sentenced to 92 months' and 108 months' imprisonment, respectively). Defendants who cooperate with the government are not similarly situated to Saleh, and those sentences are not relevant to the determination of Saleh's sentence. *See, e.g., United States v. Ebberts*, 458 F.3d 110, 129 (2d Cir. 2006) (sentencing disparities between defendant sentenced to 25 years' imprisonment and co-defendants who cooperated and were sentenced to between one and five years' imprisonment were reasonable).

Five other defendants whose sentences were cited by Saleh were involved in less serious conduct than Saleh and were sentenced to the applicable statutory maximum. These cases are:

- Abdurasul Hasanovich Juraboev and Akhror Saidakhmetov, 15 Cr. 95 (WFK) (E.D.N.Y.). Juraboev and Saidakhmetov were roommates who sought to travel to ISIS-controlled territories. Juraboev initially came to the attention of law enforcement authorities after he posted a social media message indicating that he would kill the U.S. President if authorized to do so by ISIS. When confronted by members of law enforcement, Juraboev readily admitted that he would act upon such an instruction, but had not received such a directive. Juraboev and Saidakhmetov were eventually apprehended: Saidakhmetov after he had attempted to board a flight to Turkey, and Juraboev after he had purchased a ticket for a flight to Turkey. While both individuals were in contact with purported ISIS personnel abroad, the discussions

concerned possible travel routes into Syria, rather than attack plans in the United States. Both defendants were sentenced to the statutory maximum of 15 years. At the sentencing hearing of Saidakhmetov, the Honorable William F. Kuntz indicated that he would have imposed a much longer sentence if not constrained by the statutory maximum.

- Emanuel Lutchman, 16 Cr. 6071 (W.D.N.Y.). Lutchman was a Muslim convert with a history of mental health issues in contact with an ISIS attack facilitator; Lutchman agreed to conduct a New Year's Eve attack involving a machete and knives at a local restaurant. Lutchman was apprehended after he and an undercover officer purchased weapons and supplies for the attack at Walmart. Lutchman pleaded guilty to a one-count information charging him with a violation of 18 U.S.C. § 2339B, and was sentenced to the statutory maximum of 20 years.
- Hasan and Jonas Edmonds, 15 Cr. 149 (N.D. Ill.). Hasan Edmonds, a member of the Army National Guard of Illinois, engaged in online communications with an undercover officer in which he indicated that he and his cousin Jonas Edmonds wanted to travel to the Middle East to fight for ISIS. A second undercover officer discussed facilitating Hasan Edmonds's travel to the Middle East. Hasan Edmonds purchased a ticket to Cairo, Egypt, and informed an undercover officer of this development and that he intended to travel from Egypt to join ISIS. Jonas Edmonds informed an undercover officer that he intended to attack the Army National Guard base where his cousin worked. Both defendants performed surveillance on the base and discussed with an undercover officer their plan to obtain weapons. Both defendants were arrested after Hasan Edmonds attempted to board his flight to Egypt. Hasan Edmonds pleaded guilty to two violations of 18 U.S.C. § 2339B and was sentenced to the statutory maximum of 30 years. Jonas Edmonds pleaded guilty to one violation of 18 U.S.C. § 2339B and one violation of 18 U.S.C. § 1001 and was sentenced to 21 years.

The remaining sentences cited by Saleh were imposed in cases that bear little factual similarity to the instant matter, and therefore the sentences imposed in those cases have no bearing on the appropriate sentence for Saleh.

- Ardit Ferizi, 16 Cr. 42 (E.D. Va.). Ferizi, a Kosovar citizen and national, administered a website for ISIS videos. Ferizi hacked into a server, obtained personal identification information for 1,300 U.S. military and other government personnel, and provided this information to ISIS attack facilitator Junaid Husain, who disseminated this information on the Internet. After Ferizi was extradited from Malaysia, he pleaded guilty to one count of 18 U.S.C. § 2339B and one count of

18 U.S.C. § 1030, and was sentenced to 20 years—5 years less than the statutory maximum of 25 years if his sentences on both counts were to run consecutive.

- Christopher Cornell, 15 Cr. 12 (S.D. Ohio). Cornell was an ISIS supporter who decided to attack the capital during the President’s State of the Union address. While accompanied by a confidential source, Cornell purchased two semi-automatic rifles and 600 rounds of ammunition before being arrested by law enforcement authorities. Cornell pleaded guilty to one count of 18 U.S.C. § 1114, one count of 18 U.S.C. § 924(c), and one count of 18 U.S.C. § 2339B. He was sentenced to 30 years pursuant to a Rule 11(c)(1)(C) plea.
- Mufid Elfgeeh, 14 Cr. 6147 (W.D.N.Y.). Elfgeeh attempted to recruit two individuals, both of whom were cooperating with the government, and another individual located overseas to travel to join ISIS. These efforts included finding an online ISIS contact for a prospective foreign fighter to discuss present conditions in Syria, paying for another prospective foreign fighter to obtain a birth certificate and passport, purchasing a laptop computer and high-definition cameras for use in Syria, and counseling the prospective foreign fighters on how to avoid detection by law enforcement and how to join ISIS. The defendant pleaded guilty to two counts of 18 U.S.C. § 2339B, and was sentenced to 22.5 years.
- Jalil Ibn Ameer Aziz, 15 Cr. 309 (M.D. Pa.). Aziz used social media to disseminate ISIS propaganda, including a “hit list” of American military personnel, and also served as a conduit between ISIS recruiters in Iraq and Syria and English-speaking recruits, providing supporters with contact information for the recruiters and advising supporters to travel covertly and what to bring when crossing the border into Syria. Aziz also prepared to fight by preparing a military-style backpack loaded with ammunition, a knife, and combat clothing. Aziz pleaded guilty to one count of 18 U.S.C. § 2339B and one count of 18 U.S.C. § 875(c). He was sentenced to 160 months’ incarceration.

III. Conclusion

For all these reasons, and those set forth in the government's original sentencing memorandum, the government respectfully requests that the Court sentence Saleh to a term of imprisonment of 53 years in order to provide just punishment, protect the public, promote respect for the law, and provide adequate deterrence to others contemplating similar acts.

Respectfully submitted,

RICHARD P. DONOGHUE  
United States Attorney

By: /s/Alexander A. Solomon  
Alexander A. Solomon  
Douglas M. Pravda  
Ian C. Richardson  
Assistant U.S. Attorneys  
(718) 254-7000

Enclosure

cc: Clerk of the Court (MKB) (by ECF)  
Deborah Colson, Esq., counsel for defendant Saleh (by ECF)



KOSTAS A. KATSAVDAKIS, PH.D., ABPP  
Diplomate in Forensic Psychology  
American Board of Professional Psychology  
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New York, New York 10016

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1-718-926-9489

Facsimile: 1-212-571-4176  
1-206-350-5778

**Affidavit of Kostas A. Katsavdakakis, Ph.D., ABPP**

I, Kostas A. Katsavdakakis, Ph.D., ABPP, hereby declare:

1. I am a clinical and forensic psychologist licensed to practice in the state of New York. I am over the age of 21. My curriculum vitae is attached. I have personal knowledge of the facts contained in this affidavit and am competent to testify about them.
2. Alexander Solomon, Assistant United States Attorney and Douglas M. Pravda, Assistant United States Attorney from the Eastern District of New York requested that I review the Summary Letter written by Stephen N. Xenakis, M.D., LLC (dated 10/20/17) to help determine if the testing instruments cited in the Summary Letter were adequate to address the assessment of risk, threat or recidivism.
3. In preparation of this Letter, I reviewed a Summary Letter written Stephen N. Xenakis, M.D., LLC, dated 10/20/17.
4. The Summary Letter states that several psychological testing instruments were utilized. Some of these testing instruments were WAIS-IV, which is a measure of cognitive ability; MMPI-2RF, which is a test of personality and psychopathology; and a Rorschach inkblot test, which is a projective personality assessment.
5. It is my opinion that the psychological testing instruments utilized in preparation for the Summary Letter are not adequate to address the assessment of risk, threat or recidivism.
6. Psychological testing instruments have been developed to assess risk, threat and recidivism in the violence, criminality and terrorism contexts. These include the third edition of the Historical-Clinical-Risk Management-20 (HCR-20 V3), the Violent Extremism Risk Assessment Protocol (VERA and VERA 2), the Multi-Level Guidelines, and the Extremism Risk Guidelines (ERG 22+), among others. None of those tools appears to have been utilized in preparing the Summary Letter.

Affidavit of Kostas A. Katsavdakakis, PhD, ABPP  
1/31/18

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Dated this January 31<sup>st</sup> day of January, 2018 in Nassau County, New York State.

A handwritten signature in black ink, appearing to read 'K. Katsavdakakis', with a stylized flourish at the end.

Kostas A. Katsavdakakis, Ph.D., ABPP



**KOSTAS A. KATSAVDAKIS, PH.D., ABPP**  
**Diplomate in Forensic Psychology**  
**American Board of Professional Psychology**  
New York License 015018-1; Connecticut License 003465

1-212-571-4249

1-718-926-9489

**Career Summary**

Psychologist with an expertise in clinical, diagnostic and forensic evaluations with adults and juveniles.

**Education**

2013 Diplomate in Forensic Psychology, American Board of Professional Psychology  
1997-2000 Postdoctoral Fellowship in Clinical Psychology, Menninger Clinic, Topeka, KS  
1996-1997 Postdoctoral Fellowship in Psychology, Mercy Hospital, San Diego, CA  
1991-1996 PhD, California School of Professional Psychology, San Diego, CA  
1985-1991 BA, Bernard M. Baruch College, New York City, NY

**Clinical and Forensic Experience**

- 10/04 – now *Forensic and Clinical Practice – Professional Corporation*
- Conduct forensic evaluations – adult and juvenile.
    - Sexual and Non-Sexual Offender risk assessments
    - Criminal competency
    - Criminal responsibility
    - Mitigation
  - Threat Assessment and Management
  - Provide individual therapy for adults, adolescents and children.
  - Conduct psychological and forensic testing.
    - adult and juvenile
  - Assess impaired professionals.
  - Provide individual therapy for sexual disorders.
- 1/03-9/04 *Kirby Forensic Psychiatric Center, New York*  
*Assistant Director of Psychology (1/04-9/04)*
- Oversee development of risk assessment and research for Sexual Treatment Offender Program.
  - Assess, evaluate and restore individuals found not competent to stand trial.
  - Conduct comprehensive risk assessments.
  - Conduct sexual offender risk evaluations.
  - Testify in New York State Supreme Court.
- 7/01-12/02 *Staff Psychologist*  
*Heritage Mental Health Clinic, LLC*
- Assess and evaluate impaired professionals.
  - Conduct forensic evaluations - related to criminal risk issues.
  - Carry out parenting evaluations for the court.
  - Conduct psychological testing – approximately 2 batteries per month.
  - Assess and treat adults with paraphilic disorders or sexual deviations.
  - Conduct brief supportive, psychodynamic, cognitive therapy with adults.
  - Evaluate and treat children with mood and anxiety disorders.
  - Manage clinic website

**Kostas A. Katsavdakakis, Ph.D., ABPP**  
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2/99–7/01

*Staff Psychologist and Principal Investigator for Clinical Protocols and Outcomes*  
*The Menninger Clinic, Topeka, Kansas*

- Lead, as primary interviewer, multidisciplinary psychiatric team for weeklong outpatient adult and child diagnostic evaluations.
- Conduct psychological testing (e.g., with impaired professionals).
- Conduct brief supportive, psychodynamic, cognitive therapy with adults.
- Assess and treat adults with paraphilic disorders or sexual deviations.
- Assess the presence and severity of psychopathic and antisocial behavior.
- Conduct play therapy with children and adolescents.
- Carry out parenting evaluations for the court.
- Develop, manage, and oversee treatment outcomes studies.
- Develop computerized medical record.
- Teach introductory research and statistics.
- Teach cross-cultural issues in psychological testing.

9/97–3/00

*Postdoctoral Fellow in Clinical Psychology* (two one-year rotations)  
*The Menninger Clinic, Topeka, Kansas*

*First rotation:*

- Served as hospital doctor.
- Admitted, discharged, diagnosed, formulated, and coordinated treatment of patients in the Addiction Recovery Program inpatient and residential units.
- Directed multidisciplinary team (psychiatrist, social worker, addictions counselor, primary nurse, and mental health worker) for dual-diagnosis patients.

*Second rotation:*

- Fulfilled duties of testing psychologist on multidisciplinary treatment team for weeklong diagnostic evaluations.
- Conducted child play therapy.

*Both rotations:*

- Completed approximately 40 psychological test batteries.
- Administered, interpreted, and assimilated information from WAIS-III, MMPI-2, MCMI-III, Rorschach, TAT, Word Association Test, and Babcock Story Recall.
- Developed multitrait/multimethod matrix to test validity and reliability of an outcomes measure assessing treatment efficacy.
- Developed automated medical record.
- Completed six hours of training seminars weekly and six hours of supervision per psychological battery.
- Conducted individual supportive and expressive psychotherapy with adults.
- Conducted supportive and psychoeducational group psychotherapy with latency-age boys (ages 6–11) with attention deficit disorder and social skills deficiencies.

10/96–7/97

*Postdoctoral Fellow*  
*Behavioral Health Center–Mercy Hospital, San Diego, California*

- Served as member of psychiatric evaluation and triage team.
- Conducted assessment and facilitated admission, discharge, or commitment of patients in busy downtown city emergency room.
- Consulted extensively for oncology, trauma, intensive care, and telemetry units.

Kostas A. Katsavdakakis, Ph.D., ABPP  
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### Professional Teaching

- 8/04-present *Assistant Professor and Adjunct Professor*  
*John Jay College of Criminal Justice, New York City, New York*  
Graduate Courses in Forensic Criminal Testing and Personality Assessment  
Undergraduate Courses in Psychology and the Law, Advanced Seminar in Youth, Family and the Criminal Justice System, Seminar in Psychological Analysis of Criminal Behavior and the Criminal Justice System.
- 8/00–9/00 *The Menninger Clinic, Topeka, Kansas*  
Introduction to Research
- 3/97–5/97 *Chapman University, San Diego, California*  
Research and Bibliographic Methods
- 1/96–6/96 *California Polytechnic State University, Dept. of Statistics, San Luis Obispo, California*  
Introductory and Intermediate Statistics
- 9/92–6/95 *California School of Professional Psychology, San Diego, California*  
Statistics for Graduate Level Psychology Students

### Research Activities

- 2/03-9/04 *Program Evaluation for Sexual Offender Treatment Program*  
Developed comprehensive risk assessment process with goal of evaluating patient's progress in sexual offender treatment program.
- 3/03-6/04 *Inter-rater reliability for Rorschach protocol administered in Greek language*  
Applying the Exner Scoring System to a series of Rorschach protocols administered in the Greek population.
- 6/00–7/02 *Impaired Professionals Study*  
Describing demographic characteristics of impaired health professionals seeking mental health treatment.
- 3/98–6/01 *Psychometric Assessment and Development of Quality-of-Life Outcomes Measure*  
Developed and analyzed quality of life and treatment satisfaction measures for outcomes studies.
- 3/98–6/01 *Adult Treatment Outcomes Research Project*  
Developed treatment outcomes studies to measure patient change in functioning from admission to discharge.
- 3/98–3/00 *Projective Testing with Bilingual Patients*  
Conducted a cross-cultural study to analyze narrative content and process differences among bilingual individuals who are given the Thematic Apperception Test in their mother tongue versus in an acquired language.

### Publications

Katsavdakakis, K.A., Meloy, J.R., & White, S.J. (2011) A female mass murder. Journal of Forensic Sciences, Journal of Forensic Sciences, 56(3), 813-818.

Cohen, L.J., Frenda, S., Mojtabai, R., Katsavdakakis, K., & Galynker, I. (2007). Comparison of sexual offenders against children to sexual offenders against adolescents and adults: Data from the New York Sex Offenders Registry. Journal of Psychiatric Practice, 13(6), 373-384.

**Kostas A. Katsavdakakis, Ph.D., ABPP**

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Katsavdakakis, K.A., Gabbard, G.O., & Athey, G.I. (2004). Profiles of impaired health professionals. Bulletin of The Menninger Clinic, 68(1), 60-72.

Clifford, P., Katsavdakakis, K.A., Lyle, J.L., Fultz, J. Allen & Graham, P. (2002). How Are You? Further development of a generic quality of life outcome measure. Journal of Mental Health, 11(4), 289-404

Katsavdakakis, K.A., Sayed, M., Bram, A. & Bartlett, A. (2001). How was this story told in the mother tongue? An integrative perspective. Bulletin of the Menninger Clinic, 65, 246-265.

Katsavdakakis, K.A., Clifford, P.I., Evans, R., Graham, P., Allen, J.G., Sargent, J., Lyle, J., & Frager, D. (1999). The How Are You? A quality-of-life outcomes measure for routine practice. Bulletin of the Menninger Clinic, 63(3), 366-387.

### **Book Reviews**

Katsavdakakis, K.A. (2001). Book review of *Personality and culture: Clinical and conceptual interactions* by R.D. Alcaron, E.F. Foulks, & M. Vakkur (New York: John Wiley & Sons, Inc.). Bulletin of the Menninger Clinic.

Katsavdakakis, K.A. (1999). Book review of *Altering fate: Why the past does not predicts the future* by M. Lewis (New York: Guilford Press). Bulletin of the Menninger Clinic, 63(2), 255-258.

### **Menninger Research Department Technical Reports**

Katsavdakakis, K.A., Barber, C.C., Target, M., Fonagy, P., Clifford, P., Lyle, J.L., Frager, D., Fultz, J. Allen, J.G., & Graham, P. (2001). Development of Adult and Child Psychosocial Assessments for the Menninger Clinic. Technical Report No. 01-0046.) Topeka, KS: Menninger Clinic, Research Department.

Barber, C.C., Target, M., Fonagy, P., Katsavdakakis, K.A., & Clifford, P. (2001) Children's FACE: A Comprehensive Developmentally-tailored Rating System for Children and Adolescents. (Technical Report No. 01-0047.) Topeka, KS: Menninger Clinic, Research Department.

Katsavdakakis, K.A., Clifford, P., Lyle, J.L., Fultz, J. Allen & Graham, P. (2001) The Revised How Are You? Scale. (Technical Report No. 00-0038.) Topeka, KS: Menninger Clinic, Research Department.

Katsavdakakis, K.A., Lyle, J.L., Allen, J.G., Fultz, J. & Graham, P. (2001) Treatment Outcomes and Patient Satisfaction in The Menninger Clinic Adult Services: Results of Patient Self-Assessment from April 2000 to September 2000. (Technical Report No. 00-0039.) Topeka, KS: Menninger Clinic, Research Department.

Allen, J.G. Lyle, J.L., Graham, P., Fultz, J. & Katsavdakakis, K.A. (2000). Treatment Outcomes and Patient Satisfaction in The Menninger Clinic Adult Services: Results of Patient Self-Assessment from October 1999 to March 2000. (Technical Report No. 00-0020.) Topeka, KS: The Menninger Clinic, ResearchDepartment.

Allen, J.G. Graham, P., Katsavdakakis, K.A., Lyle, J.L. & Richard B. Evans, PhD. (1999). Protocol for Assessing Treatment Outcomes in The Menninger Clinic Adult Services. (Technical Report No. 99-0011.) Topeka, KS: Menninger Clinic, Research Department.

Holigrocki, R. J., Frieswyk, S. H., Kaminski, P. T., Betan, E., Katsavdakakis, K. & Fantz, C. M. (1999). PAS: Parental Attunement Scale. (Tech. Rep. No. 99-1047). Topeka, KS: Child and Family Center, The Menninger Clinic, Research Department.

**Kostas A. Katsavdakakis, Ph.D., ABPP**

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### **Presentations**

Katsavdakakis, K.A. (September, 2017). Advanced Threat Assessment and Management. American Academy of Forensic Psychology, Tampa, Florida.

Katsavdakakis, K.A. (April, 2017). Advanced Threat Assessment and Management. American Academy of Forensic Psychology, Chicago, Illinois.

Katsavdakakis, K.A. (October, 2016). Advanced Threat Assessment and Management. American Academy of Forensic Psychology, Atlanta, Georgia.

Katsavdakakis, K.A. (October, 2016). Threat and Risk Assessment and Management: K-12 Settings. Mt. Olive School District, New Jersey.

Katsavdakakis, K.A. (November, 2015). Advanced Threat Assessment and Management. American Academy of Forensic Psychology, Alexandria, Virginia.

Katsavdakakis, K.A. (February, 2015). An Introduction to Threat Assessment and Management. The Association of Student Assistant Professionals of New Jersey, 29<sup>th</sup> Annual Conference. Atlantic City, New Jersey.

Katsavdakakis, K.A. (October, 2014). Advanced Threat Assessment and Management. American Academy of Forensic Psychology, Scottsdale, Arizona.

Katsavdakakis, K.A. (April, 2014). Highlights of Changes from DSM-IV-TR to DSM-5: An Effort to Unmuddy the Diagnostic Waters. The Mental Hygiene Legal Service, Second Department's Continuing Legal Education Program. New York State Judicial Institute, White Plains, New York.

Katsavdakakis, K.A. (March, 2014). Threat and Risk Assessment and Management: Connecting the Dots, Strategic Interventions for the Prevention of Violence in School Settings. Mt. Olive School District, New Jersey.

Katsavdakakis, K.A. (September, 2013). Threat and Risk Assessment and Management of Children and Young Adults: Connecting the Dots for Violence Prevention in School Settings and Communities. Diedre's House, Morristown, New Jersey.

Katsavdakakis, K.A. (2011, March 2011). Static-99R Update for Civil Commitment Proceedings; New York State. Sponsored by Mental Hygiene Legal Services, 2<sup>nd</sup> Department, New York, NY.

Katsavdakakis, K.A. (2007, July). Sexual Offender Management and Treatment Act of 2007; New York State. Sponsored by the New York State Defenders Association. Saratoga Springs, NY.

Katsavdakakis, K.A. (2007, June). Sexual Offender Management and Treatment Act of 2007; New York State.. Sponsored by the New York State Association for Criminal Defense Lawyers. Poughkeepsie, NY.

Katsavdakakis, K.A. (2007, May). Sexual Offender Management and Treatment Act of 2007; New York State.. Sponsored by the New York State Association for Criminal Defense Lawyers. Binghamton, NY.

Katsavdakakis, K.A. (2007, April). Sexual Offender Management and Treatment Act of 2007; New York State.. Sponsored by the New York State Defender's Association, Rochester, NY.

**Kostas A. Katsavdakakis, Ph.D., ABPP**

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Katsavdakakis, K.A. (2007, February). Dealing with Difficult Clients. Sponsored by Queens County Bar Association, Queens, NY.

Katsavdakakis, K.A. (2006, December). Cross-Examination of the Forensic Expert: Collaborative Strategies. Sponsored by Nassau County District Attorney's Office, Nassau County, NY.

Katsavdakakis, K.A. (2006, February). Cross-Examination of the Prosecution or Defense Forensic Expert: Collaborative Strategies. Sponsored by Queens County Bar Association, Queens, NY.

Katsavdakakis, K.A. (2005, October). Preparing the Forensic Expert in Sex Crime Cases: What You Need to Know. Sponsored by the New York State Association of Criminal Defense Lawyers

Katsavdakakis, K.A. (2005, April). Sexual Offender Risk Assessment. Grand Rounds, Sponsored by Cabrini Medical Center - New York City, NY.

Katsavdakakis, K.A. (2005, April). The Law, "Doe v. Pataki Rehearings, and Expert Input on Risk Assessment. Presentation sponsored by Appellate Division, First Judicial Department - New York City, NY.

Katsavdakakis, K.A. (2005, January). Preparing the Defense Expert: What You Need to Know. Part of an Advanced Criminal Law Seminar, "The Defense of a Sex Crimes Case," Sponsored by the New York State Association of Criminal Defense Lawyers – New York City, NY.

Katsavdakakis, K.A. (2004, October). Sexual Offender Risk Assessment. Presentation at Legal Aid Society, Criminal Appeals Bureau – New York City, NY

Katsavdakakis, K.A. (2004, October). The Use Benefiting from the Use of Forensic Psychology Experts, Reports and Testimony. Presentation at Queens County Bar Association: Advanced Law Series, Queens, NY

Katsavdakakis, K.A. (2004, September). Forensic Psychology and the Defense of a Criminal Case. Presentation at Kings County Criminal Bar Association, Brooklyn, New York, NY.

Katsavdakakis, K.A., Schaich, D., & Langer, S. (2004, February). How To Provide a Comprehensive Sexual Offender Program in Civil and Forensic Psychiatric Centers. American Academy of Forensic Sciences, 56<sup>th</sup> Annual Meeting, Dallas, Texas.

Katsavdakakis, K.A. (2004, January). The Forensic Risk Assessment of Sexual Offenders. Grand Rounds Presentation at Beth Israel Medical Center, New York, NY.

Schaich, D., & Katsavdakakis, K.A. (2003, November). Sexual Treatment Offender Program. Part of Day-Long Conference on Treating Violence: Evidence Based Practices for the Most Challenging Patients, New York University, New York, NY.

Katsavdakakis, K.A. (2003, October). Evaluating Risk in Sex Offenders. 2 Week Presentation to New York University-Bellevue Psychology Internship Program, Bellevue Hospital-New York University, New York, NY.

Katsavdakakis, K.A., Schaich, D. & Mortiere, C. (2003, May). The Assessment and Treatment of Sexual Offenders. 2-Day Presentation at Kirby Forensic Psychiatric Center and Manhattan Psychiatric Center, New York, NY.

Katsavdakakis, K.A. (2003, April). The Assessment of Sexual Offenders. 3-Week Presentation to New York University, 3<sup>rd</sup> Year Psychiatry Residents, Manhattan Psychiatric Center, New York, NY.

Katsavdakakis, K.A. (2003, March). The Assessment of Psychopathy in Impaired Health Professionals. Continuing Education presented to Columbia Presbyterian Hospital – Forensic Psychiatry Fellows, New York, NY.

**Kostas A. Katsavdakakis, Ph.D., ABPP**

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Katsavdakakis, K.A. (2003, March). The American Psychological Association Ethics Code, 2001: Relevance to Forensic Psychology. Continuing Education presented to Kirby Forensic Psychiatric Center, New York, NY.

Katsavdakakis, K.A. (2002, November). The Ethics of Informed Consent at the Turn of the Century. Continuing Education presented to Two Rivers Psychiatric Hospital, Kansas City, MO.

Katsavdakakis, K.A. (2002, October). Evaluation and Risk Assessment for Pedophilia. Continuing Education presented to Shawnee County Court, Topeka, KS.

Katsavdakakis, K.A. (2002, September). Evaluation and Risk Assessment for Pedophilia. Continuing Education presented to Stormont Vail Hospital Grand Rounds, Topeka, KS.

Katsavdakakis, K.A. (2002, May). The Ethics of Informed Consent and Confidentiality in the 21st Century. Continuing Education presented to Family Service and Guidance Center, Topeka, KS.

Katsavdakakis, K.A. & Athey, G.A. (2002, April). The Use and Misuse of Forensic Psychological Evaluations. Continuing Law Education presented to Topeka Bar Association, Topeka, KS.

Katsavdakakis, K.A. (2002, April). Confidentiality and Maintaining Therapeutic Boundaries. Continuing Education presented to Family Service and Guidance Center, Topeka, KS.

Katsavdakakis, K.A. (2000, November). The Ethics of Informed Consent and Confidentiality at the Turn of the Century. Continuing Education presented to the Psychology Discipline at the Menninger Clinic, Topeka, KS.

Katsavdakakis, K.A. (2000, September). Assessment of Psychopathy. Continuing Education presented to the Psychology Discipline at the Menninger Clinic, Topeka, KS.

Katsavdakakis, K.A. (2000, August). Sexual Offenders: Assessment, Treatment and Legal Issues. Education presented to the 2<sup>nd</sup> and 3<sup>rd</sup> year Psychiatric Residents at the Karl Menninger School of Psychiatry at the Menninger Clinic, Topeka, KS.

Katsavdakakis, K., Sayed, M., Bram, A., & Bartlett, A. (2000, May). How was this Story Told in the Mother Tongue? An Integrative Perspective. Conference of the American Psychoanalytic Association, Chicago, IL.

Katsavdakakis, K.A. (1999, February). The Treatment of a Sexual Perversion in a Middle-Aged Man. Continuing Education at the Menninger Clinic, Topeka, KS.

Katsavdakakis, K.A. (1996, June). On Paternal Nurturance. Presentation at the 21st Conference on Men and Masculinity, Portland, OR.

Katsavdakakis, K.A. (1995, December). Paternal nurturance as a function of the current relationship between adult-son and father. Presentation at the Fall Meeting of the American Psychoanalytic Association, New York City, NY.

### **Continuing Education**

Campus and School Violence Threat Management, February 25<sup>th</sup>, 2016. Presented by Kris Mohandie, PhD, ABPP and Sponsored by the American Academy of Forensic Psychology, New Orleans, LA, 7 Hours/Credits.

The Roles and Responsibilities of a Psychologist in a Crisis/Hostage Situations, February 24<sup>th</sup>, 2016. Presented by Scott V. Allen, PhD, ABPP and Sponsored by the American Academy of Forensic Psychology, New Orleans, LA, 7 Hours/Credits.

**Kostas A. Katsavdakakis, Ph.D., ABPP**

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Assessing and Managing Violence Risk, November 7<sup>th</sup>, 2015. Presented by Mary Alice Conroy, PhD, ABPP and Sponsored by the American Academy of Forensic Psychology, Alexandria, VA, 7 Hours/Credits.

Admissibility of Psychological Evidence and Expert Opinions: Challenges and Dilemmas, October 17<sup>th</sup> 2014. Presented by Paul M. Kaufman, JD, PhD, ABPP and Sponsored by the American Academy of Forensic Psychology, Scottsdale, Arizona, 7 Hours/Credits.

Evidence and Testimony for Forensic Psychologists, June 7<sup>th</sup> 2014. Presented by Tim Tippins, JD and Sponsored by the American Academy of Forensic Psychology, Philadelphia, Pennsylvania 7 Hours/Credits.

Confessions of a Jury Consultant: An Insider's View to Effective Communication Skills, June 6<sup>th</sup> 2014. Presented by Daniel Wolf, JD, PhD and Sponsored by the American Academy of Forensic Psychology, Philadelphia, Pennsylvania, 7 Hours/Credits.

Forensic Psychology Oral Examination, October 25<sup>th</sup> 2013, Sponsored by American Board of Professional Psychology, 10 Hours/Credits.

Advances in Violence Risk Assessment: Introduction and Application of the HCR-20 Version 3, June 13 – 14, 2013, Stephen D. Hart, PhD & Kevin S. Douglas, PhD Fordham University School of Law, 12 Hours/Credits

Mental Disorder, Violence, and Coercion, September 7<sup>th</sup>, 2012, Presented by John Monahan, PhD, and Sponsored by the American Academy of Forensic Psychology, San Francisco, California, 7 Hours/Credits.

Risk Assessment and Management in Probation and Parole, September 6<sup>th</sup>, 2012, Jennifer Skeem, PhD, and Sponsored by the American Academy of Forensic Psychology, San Francisco, California, 7 Hours/Credits.

Assessing Psychopathy with the Psychopathy Checklist-Revised (PCL-R), June 22<sup>nd</sup> and 23<sup>rd</sup>, 2012. Presented by J. Reid Meloy, PhD, ABPP, and sponsored by Specialized Training Services, Baltimore, Maryland, 14 Hours/Credits.

Insanity Defense Evaluations, April 20<sup>th</sup>, 2011, Presented by Philip Resnick, MD, and Sponsored by the American Academy of Forensic Psychology, Chicago, Illinois 7 Hours/Credits.

Public and Private Stalking: State of the Science, Presented by J. Reid Meloy, PhD, ABPP, and Sponsored by the Association of Threat Assessment Professionals, Chicago, Illinois.

Case Law Update, December 10<sup>th</sup>, 2010, Presented by Terese A. Hall, JD, PhD, ABPP, and Sponsored by American Academy of Forensic Psychology, Philadelphia, Pennsylvania, 7 Hours/Credits.

Developments in Risk Assessment: Violence Risk and Sexual Violence Risk, December 9<sup>th</sup>, 2010, Presented by Kirk Heilbrun, PhD, ABPP and Sponsored by American Academy of Forensic Psychology, Philadelphia, Pennsylvania, 7 Hours/Credits.

Sex Offender Assessment, June 12<sup>th</sup>, 2010, Presented by Philip Witt, PhD, ABPP and Sponsored by American Academy of Forensic Psychology, San Juan, Puerto Rico, 7 Hours/Credits.

The Defendant: Impact of Mental Disability in the Criminal Law Process, September 25<sup>th</sup>, 2009, Presented by Michael Perlin, JD, and Sponsored by American Academy of Forensic Psychology, Sarasota, Florida, 7 Hours/Credits.

Ethics in Forensic Practice, September 24<sup>th</sup>, 2009, Presented by Gerry Koocher, PhD, and Sponsored by American Academy of Forensic Psychology, Sarasota, Florida, 7 Hours/Credits.



**Kostas A. Katsavdakakis, Ph.D., ABPP**

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Stalking: The State of Science, March 28<sup>th</sup>, 2009, Presented by J. Reid Meloy, PhD, ABPP, and Sponsored by American Academy of Forensic Psychology, Montreal, Canada, 7 Hours/Credits.

The MMPI-2-RF (Restructured Form): An Introduction for Forensic Psychologists, March 27<sup>th</sup>, 2009, Presented by Yossef S. Ben-Porath, PhD, and Sponsored by American Academy of Forensic Psychology, Montreal, Canada, 7 Hours/Credits.

Assessing Psychopathy with the Psychopathy Checklist-Revised (PCL-R), August 23 and 24, 2008. Presented by J. Reid Meloy, PhD, ABPP, and sponsored by Specialized Training Services, San Diego, California, 14 Hours/Credits

Excusing and the New Excuses, October 26, 2007, Presented by Stephen Morse, JD, PhD, ABPP, and sponsored by American Academy of Forensic Psychology, St. Louis, Missouri, 7 Hours/Credits.

Psycho-Legal Issues in Criminal Cases, October 25, 2007, Presented by Christopher Slobogin, JD, LL.M., and sponsored by American Academy of Forensic Psychology, St. Louis, Missouri, 7 Hours/Credits.

Violence Risk and Threat Assessment, March 8<sup>th</sup> – 9<sup>th</sup> 2007, Presented by Reid Meloy, PhD, ABPP, and Sponsored by Specialized Training Services, Manchester – New Hampshire, 14 Hours/Credits

Testifying in Court, March 6<sup>th</sup> – 7<sup>th</sup>, 2007, Presented by Stanley Brodsky, PhD, and sponsored by Specialized Training Services, Manchester – New Hampshire, 14 Hours/Credits

Use of the Personality Assessment Inventory in Forensic & Correctional Settings, October 14, 2006, Presented by John Edens, PhD, and sponsored by American Academy of Forensic Psychology, 7 Hours/Credits.

When Parents Kill: Neonaticide, Infanticide & Filicide, October 13, 2006, Presented by Geoffrey R. McKee, PhD, ABPP, and sponsored by American Academy of Forensic Psychology, 7 Hours/Credits.

Ethical Issues for the Forensic Practitioner, October 12, 2006, Presented by Donald Bersoff, PhD, JD, and sponsored by American Academy of Forensic Psychology, 7 Hours/Credits.

Advanced Topics in Expert Testimony: The Presentation, September 23, 2005, Presented by Randy Otto, PhD, ABPP, and Stuart Greenberg, PhD, ABPP, and sponsored by American Academy of Forensic Psychology, 7 Hours/Credits.

Advanced Topics in Expert Testimony: The Evidence, September 22, 2005, Presented by Randy Otto, PhD, ABPP, and Stuart Greenberg, PhD, ABPP, and sponsored by American Academy of Forensic Psychology, 7 Hours/Credits.

Threat Assessment: A Practical Approach to Prevent Targeted Violence, September 21, 2005, Presented by Harley V. Stock, PhD, ABPP, and sponsored by American Academy of Forensic Psychology, 7 Hours/Credits.

The Role of the Forensic Psychologist in Death Penalty Litigation, March 6, 2005, Presented by Mark D. Cunningham, PhD, ABPP, and sponsored by American Academy of Forensic Psychology, 7 Hours/Credits.

Handling Cross-Examination: Maintaining Credibility, Handling Attacks, and Answering the Critics, March 5, 2005, Presented by Diane R. Follingstad, PhD, ABPP, and sponsored by American Academy of Forensic Psychology, 7 Hours/Credits.

Developmental Pathways to Severe Antisocial and Aggressive Behavior, March 4 2005, Presented by Paul J. Frick, PhD, and sponsored by American Academy of Forensic Psychology, 7 Hours/Credits.

Violence Risk Assessment and Management Using Structured Professional Judgment, October 2, 2004, Presented by Kevin Douglas, LL.B., PhD, and sponsored by American Academy of Forensic Psychology, 7 Hours/Credits.

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Legal Research Techniques, October 1, 2004, Presented by Alexander Greer, PhD, JD, and sponsored by the American Academy of Forensic Psychology, 7 Hours/Credits.

Clinical Supervision Skills in Behavioral Health: Ethical and Best Practices Issues, May 5<sup>th</sup>, 2004, Sponsored by Cross County University, Paramus, New Jersey, 6 Hours/Credits.

Assessing Response Style in the Context of Forensic Evaluation, March 10<sup>th</sup>, 2004, Presented by Randy Otto and Sponsored by Society for Personality Assessment, Miami, Florida, 7 Hours/Credits

Using the MMP1–2 with Criminal Offenders, March 10<sup>th</sup>, 2004, Sponsored by Society for Personality Assessment, Miami, Florida, 3.5 Hours/Credits

Beyond Risk Management: Resolving Ethical Dilemmas in Clinical and Personality Assessment Under the 2002 Ethics Code and the HIPAA Privacy Rule, March 11<sup>th</sup>, 2004. Sponsored by Society for Personality Assessment, Miami, Florida, 4 Hours/Credits

Advanced Forensic Psychology Practice: Issues and Applications, October 23<sup>rd</sup> – 25<sup>th</sup>, 2003, Sponsored by the American Academy of Forensic Psychology, Denver, Colorado, 24 Hours/Credits

Diplomate Preparation Workshop, October 26<sup>th</sup>, 2003, Presented by Alan Goldstein, PhD, ABPP, and Sponsored by the American Academy of Forensic Psychology, Denver, Colorado, 6 Hours/Credits

Assessing Risk of Juvenile Violence, April 28<sup>th</sup> and 29<sup>th</sup>, 2003, Presented by Randy Borum, PsyD, ABPP, and Sponsored by Specialized Training Services, Manchester, New Hampshire, 14 Hours/Credits

Personal Injury Examinations, February 23, 2003, Presented by Stuart Greenberg, PhD, ABPP, and sponsored by the American Academy of Forensic Psychology, Charleston - South Carolina, 7 CE Hours/Credits

Psychological Issues in Criminal Cases, February 22, 2003, Presented by Michael Perlin, JD and sponsored by the American Academy of Forensic Psychology, Charleston - South Carolina, 7 CE Hours/Credits

Assessing Juvenile Violent Offenders, February 21, 2003, Presented by Thomas Grisso, PhD, ABPP, and Sponsored by the American Academy of Forensic Psychology, Charleston - South Carolina, 7 CE Hours/Credits

The Sexually Violent Offender, December 5<sup>th</sup> – 6<sup>th</sup>, 2002, Presented by Roy Hazelwood, MS and sponsored by Specialized Training Services, Baltimore – Maryland, 14 Hours/Credits

Sex Offenders; New Methods of Evaluation and Treatment, December 3<sup>rd</sup> – 4<sup>th</sup>, 2002, Presented by Anna Salter, PhD and sponsored by Specialized Training Services, Baltimore – Maryland, 14 Hours/Credits

Current Controversies in Forensic Psychology, October 25, 2002, Presented by David Shapiro, PhD, ABPP, and sponsored by the American Academy of Forensic Psychology, Kansas City – Missouri, 7 CE Hours/Credits

Ethical Issues for the Forensic Practitioner, October 24, 2002, Presented by Donald Bersoff, JD, PhD and sponsored by the American Academy of Forensic Psychology, Kansas City – Missouri, 7 CE Hours/Credits

Violence Risk and Threat Assessment, June 20<sup>th</sup> – 21<sup>st</sup>, 2002, Presented by Reid Meloy, PhD, ABPP, and Sponsored by Specialized Training Services, Manchester – New Hampshire, 14 Hours/Credits

Testifying in Court, June 18<sup>th</sup> – 19<sup>th</sup>, 2002, Presented by Stanley Brodsky, PhD, and sponsored by Specialized Training Services, Manchester – New Hampshire, 14 Hours/Credits

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Comprehensive Examination of Malingering in Forensic Settings, February 9, 2002, Presented by Richard Frederick, PhD, ABPP, and sponsored by the American Academy of Forensic Psychology, San Diego – California, 7 CE Hours/Credits

Psychological Issues in Criminal Cases, February 8, 2002, Presented by Christopher Slobogin, JD and sponsored by the American Academy of Forensic Psychology, San Diego – California, 7 CE Hours/Credits

Evaluating Parenting Capacity and Allegations of Child Maltreatment, February 7, 2002, Presented by Lois B. Oberlander, PhD, ABPP, and sponsored by the American Academy of Forensic Psychology, San Diego – California, 7 CE Hours/Credits

Assessing Psychopathy: Using the PCL-R/SV, June 20<sup>th</sup> – 21<sup>st</sup>, 2000, Presented by Robert Hare, PhD and Adelle Forth, PhD, Kansas City – Missouri, 14 CE Hours/Credits