AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT			
BY: COMPLAINT INFORMATION INDICTMENT OFFENSE CHARGED SUPERSEDIN	Name of District Court, and/or Judge/Magistrate Location NORTHERN DISTRICT OF CALIFORNIA		
18 U.S.C. § 2339B(a)(1) – Attempting to Provide Material Support or Resources to Designated Foreign Terrorist			
Organization; 18 U.S.C. § 1029(a)(4) – Possession of Device Making Equipment; 18 U.S.C. § 1029(a)(2) – Using an Unauthorized Access Device; 18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft	9- 1		
PENALTY: Please see attachment	DISTRICT COURT NUMBER		
	2 1 2017 DEFENDANT UST		
PROCEEDING	IC MOTIN CUSTODY		
Name of Complaintant Agency, or Person (& Title, if any) CLEINORTHE	SUSAN Y. SOONS NOT IN CUSTODY RK, U.S. DISTRICT COMPAND the been arrested, pending outcome this proceeding. RN DISTRICT OF CALIFORNIA is not prior summons was served on above charges		
Federal Bureau of Investigation	- A		
person is awaiting trial in another Federal or State Court, give name of court	2) Is a Fugitive		
	3) Is on Bail or Release from (show District)		
this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District	IS IN CUSTODY 4) □ On this charge		
this is a reprosecution of charges previously dismissed which were dismissed on motion of: U.S. ATTORNEY DEFENSE	5) On another conviction		
this prosecution relates to a pending case involving this same defendant MAGISTRATE CASE NO.			
prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under 4:16-CR-71531	DATE OF Month/Day/Year ARREST Or if Arresting Agency & Warrant were not		
	DATE TRANSFERRED Month/Day/Year		
Name and Office of Person Furnishing Information on this form Brian J. Stretch	TO U.S. CUSTODY		
▼ U.S. Attorney ☐ Other U.S. Agency			
Name of Assistant U.S. Attorney (if assigned) S. W. Hasib	This report amends AO 257 previously submitted		
PROCESS: ADDITIONAL INF	ORMATION OR COMMENTS —		
	Bail Amount:		
SUMMONS NO PROCESS* WARRANT If Summons, complete following:	Dail Amount.		
Arraignment Initial Appearance	* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment		
Defendant Address:			
	Date/Time: Before Judge:		
Comments:			

AMER SINAN ALHAGGAGI

Count	<u>Offense</u>	Maximum Penalty
1	18 U.S.C. § 2339B(a)(1) – Attempting to Provide Material Support or Resources to Designated Foreign Terrorist Organization	20 years in prison Lifetime supervised release \$250,000 fine \$100 special assessment Forfeiture
2	18 U.S.C. § 1029(a)(4) – Possession of Device Making Equipment	15 years in prison 3 years supervised release \$250,000 fine \$100 special assessment Forfeiture
3	18 U.S.C. § 1029(a)(2) – Using an Unauthorized Access Device	10 years in prison 3 years supervised released \$250,000 fine \$100 special assessment
4	18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft	Mandatory 2 years in prison 3 years supervised released \$250,000 fine \$100 special assessment

United States District Court

FOR THE NORTHERN DISTRICT OF CALIFORNIA

FILED

JUL 2 1 2017

VENUE: OAKLAND

SUSAN Y. SOONG CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

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0387 JST

AMER SINAN ALHAGGAGI,

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 2339B(a)(1) – Attempting to Provide Material Support or Resources to Designated Foreign Terrorist Organization;
18 U.S.C. § 1029(a)(4) – Possession of Device Making Equipment;
18 U.S.C. § 1029(a)(2) – Using an Unauthorized Access Device;
18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft

A true bill.	~
Karandirol	lans
	Foreman
Filed in open court this	day of
July 2017	
Money	
SALLIEKIM	Clerk
United States Magistrate Judg	ತ
Allen	Bail, \$ NO PROCESS

1 BRIAN J. STRETCH (CABN 163973) United States Attorney 2 FILED 3 JUL 2 1 2017 4 SUSAN Y. SOONG 5 CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA 6 7 UNITED STATES DISTRICT COURT 8 9 NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION 10 11 0387 JST UNITED STATES OF AMERICA. 12 13 Plaintiff, <u>VIOLATIONS:</u> 18 U.S.C. § 2339B(a)(1) – Attempting to Provide Material Support or Resources To Designated Foreign Terrorist Organizations; 18 14 v. U.S.C. § 1029(a)(4) – Possession of Device-Making Equipment; 18 Ú.S.C. § 1029(a)(2) – Using an AMER SINAN ALHAGGAGI, 15 Unauthorized Access Device; 18 Ú.S.C. Defendant. § 1028A(a)(1) – Aggravated Identity Theft; 18 U.S.C. 16 §§ 981(a)(1)(C), 981(a)(1)(G)(i), 1029(c)(1)(C), 28 U.S.C. § 2461(c) – Forfeiture 17 SAN FRANCISCO VENUE 18 19 INDICTMENT 20 The Grand Jury charges: 21 **BACKGROUND ON ISIS** 22 1. On or about October 15, 2004, the United States Secretary of State designated al-Qa'ida 23 in Iraq ("AQI"), then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization 24 ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated 25 Global Terrorist entity under Section I(b) of Executive Order 13224. 26 2. On or about May 15, 2014, the Secretary of State amended the designation of AOI as an 27 FTO under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global 28 INDICTMENT

Terrorist entity under section l(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant ("ISIL") as its primary name. The Secretary of State also added the following aliases to the FTO listing: the Islamic State of Iraq and al-Sham ("ISIS"-- which is how the FTO will be referenced herein), the Islamic State of Iraq and Syria, ad-Dawla al-Islamiyya fi al-Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and al-Furqan Establishment for Media Production.

- 3. On or about September 21, 2014, then-ISIL spokesperson Abu Muhammad al-Adnani called for attacks against citizens civilian or military of the countries participating in the United States-led coalition against ISIS.
- 4. On or about September 21, 2015, the Secretary added the following aliases to the ISIS listing: Islamic State, ISIL, and ISIS. To date, ISIS remains a designated FTO.

<u>COUNT ONE</u>: (18 U.S.C. § 2339B(a)(1) –Attempting to Provide Material Support or Resources to Designated Foreign Terrorist Organizations)

- 5. Paragraphs 1 through 4 are incorporated herein.
- 6. Beginning on a date unknown, but no later than July 24, 2016, and continuing until November 29, 2016, in the Northern District of California and elsewhere, the defendant,

AMER SINAN ALHAGGAGI.

knowingly attempted to provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), specifically, services, by opening social media accounts understanding and intending that such accounts were to be used by, and for the benefit and promotion of, ISIS, and personnel, in the form of himself, to a foreign terrorist organization, namely, ISIS, knowing that ISIS was a designated foreign terrorist organization and that ISIS engages and has engaged in terrorist activity and terrorism, in violation of Title 18, United States Code, Section 2339B(a)(1).

INDICTMENT

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INDICTMENT

COUNT TWO: (18 U.S.C. § 1029(a)(4) – Fraudulent Possession of Access Device-Making Equipment)

7. On or about November 29, 2016, in the Northern District of California, the defendant,

AMER SINAN ALHAGGAGI,

knowingly, and with intent to defraud, trafficked in, had control and custody of, and possessed devicemaking equipment, and in doing so, affected interstate commerce, in violation of Title 18, United States Code, Section 1029(a)(4).

<u>COUNT THREE</u>: (18 U.S.C. § 1029(a)(2) – Using an Unauthorized Access Device)

8. Between on or about July 20, 2016, and continuing until at least on or about August 1, 2016, in the Northern District of California and elsewhere, the defendant,

AMER SINAN ALHAGGAGI,

knowingly, and with intent to defraud, used one and more unauthorized access devices, specifically a Visa debit card bearing the account number and first and last names of N.C., and by such conduct obtained things of value worth \$1,000 or more, and in doing so, affected interstate commerce, in violation of Title 18, United States Code, Section 1029(a)(2).

<u>COUNT FOUR</u>: (18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft)

9. Between on or about July 20, 2016, and continuing until at least on or about August 1, 2016, in the Northern District of California and elsewhere, the defendant,

AMER SINAN ALHAGGAGI,

during and in relation to a felony violation of 18 U.S.C. § 1029(a)(2), as alleged in Count Three, knowingly possessed and used, without lawful authority, a means of identification of another person, specifically a Visa debit card bearing the account number and first and last names of N.C., knowing that the means of identification belonged to another person, in violation of Title 18, United States Code, Section 1028A(a)(1).

FORFEITURE ALLEGATIONS: (18 U.S.C. §§ 981(a)(1)(C), 981(a)(1)(G), 1029(c)(1)(C), and 28 U.S.C. § 2461(c))

- 10. The factual allegations contained in Counts One through Three of this Indictment are hereby realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code Sections 981(a)(1)(C), 981(a)(1)(G)(i), 1029(c)(1)(C) and Title 28, United States Code, Section 2461(c)...
 - 11. Upon conviction of the offense alleged in Count One of this Indictment, the defendant, AMER SINAN ALHAGGAGI,

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 981(a)(1)(G)(i), all assets, foreign or domestic, of the defendant, upon his conviction for planning or perpetrating any Federal crime of terrorism against the United States, citizens or residents of the United States, or their property, and all assets, foreign or domestic, affording any person a source of influence over any such entity or organization.

12. Upon conviction of the offenses alleged in Counts Two and Three of this Indictment, the defendant,

AMER SINAN ALHAGGAGI,

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 1029(c)(1)(C) any real or personal property that constitutes or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of the offense of which the defendant is convicted, or any personal property used or intended to be used to commit the offense.

INDICTMENT

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All pursuant to 18 U.S.C. §§ 981(a)(1)(C), 981(a)(1)(G)(i), and 1029(c)(1)(C), and Title 28, United States Code, Section 2461(c), and Federal Rule of Criminal Procedure 32.2. DATED: A TRUE BILL. July 20,2017 Williams BRIAN J. STRETCH United States Attorney BARBARA J. VALLIERE Chief, Criminal Division (Approved as to form: JOHN H. HEMANN Chief, Special Prosecutions and National Security Unit

INDICTMENT

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL COVER SHEET

<u>Instructions</u>: Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

CASE NUMBER: **CASE NAME:** USA V. AMER SINAN ALHAGGAGI CR Is This Case Under Seal? Yes No 2-7 **Total Number of Defendants:** 1 🗸 8 or more Does this case involve ONLY charges Yes No under 8 U.S.C. § 1325 and/or 1326? Venue (Per Crim. L.R. 18-1): SF OAK 🗸 Is this a potential high-cost case? Yes \ No Is any defendant charged with Yes No a death-penalty-eligible crime? Is this a RICO Act gang case? Yes No **Assigned AUSA** (Lead Attorney): S. W. Hasib **Date Submitted:** 7/20/2017 **Comments:**

RESET FORM

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