

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	
)	Cause No. 1:16-cr-0190-SEB-MJD-01
AKRAM I. MUSLEH,)	
)	
<i>Defendant.</i>)	

GOVERNMENT’S SENTENCING MEMORANDUM

Comes now the United States of America, by counsel, Josh J. Minkler, United States Attorney for the Southern District of Indiana, and Matthew J. Rinka, Assistant United States Attorney, and respectfully submits this Sentencing Memorandum in the captioned cause.

I. Procedural Background

On May 23, 2018, the defendant, Akram I. MUSLEH (hereinafter MUSLEH or defendant) pled guilty to one count of Attempting to Provide Material Support and Resources to a Foreign Terrorist Organization, in violation of 18 U.S.C. §§ 2 and 2339B(a)(1). The offense is punishable by a maximum sentence of not more than 20 years' imprisonment, a fine of not more than \$250,000, and a term of supervised release of any term of years, including life.

On August 23, 2018, the U.S. Probation Office filed an amended Presentence Investigation Report (“PSR”). (Docket 122) In that report, the Probation Office concluded that MUSLEH’s Base Offense Level was 26 (U.S.S.G. §2M5.3(a)). The probation office then added two levels because the offense involved the provision of material support with the intent, knowledge, or reason to believe such material support was to be used to commit or assist in the

commission of a violent act (U.S.S.G. §2M5.3(b)(1)(E)), and a further 12 levels were added because the offense conduct was a felony that involved, or was intended to promote, a federal crime of terrorism (U.S.S.G. §3A1.4(a)). The Probation Office then subtracted 3 levels to account for MUSLEH's acceptance of responsibility, making MUSLEH's Adjusted Offense Level 37. As the instant offense involved a federal crime of terrorism, MUSLEH's Criminal History Category is VI by operation of U.S.S.G. §3A1.4(b).

The guideline range resulting from an Adjusted Offense Level of 37 and a Criminal History Category of VI is 360 months to life imprisonment. However, as the statutory maximum sentence of incarceration for the instant offense is 240 months, 240 months becomes the guideline range. (U.S.S.G. §5G1.1(a))

In conjunction with the government's motion pursuant to U.S.S.G. §5K1.1 (Dkt. 138), the parties have subsequently stipulated to a recommended sentencing range of not less than 132 months and not more than 192 months' imprisonment. Each party is free to argue for whatever sentence, within that range, they deem appropriate. No stipulations have been made with respect to the recommended term of supervised release, up to a lifetime term, that should be imposed.

This matter is scheduled for a sentencing hearing on June 21, 2019. For the reasons set forth below, and those outlined in the government's separate Motion Pursuant to U.S.S.G. § 5K1.1, the government believes the Court should sentence the defendant to a term of imprisonment at or near 192 months.

II. Summary of Offense Conduct and Relevant Conduct

Between approximately July of 2013 and June of 2016, MUSLEH traversed a dangerous path of self-radicalization and affiliation with the Islamic State of Iraq and al-Sham (“ISIS”)¹, a designated Foreign Terrorist Organization. The facts set forth herein, below, are facts which Special Agents of the Federal Bureau of Investigation (“FBI”) would testify to if called as witnesses at defendant’s sentencing hearing. While this factual recitation is lengthy and detailed, it highlights important dialogue between MUSLEH and others,² and provides critical context to the offense conduct in this case.

a. *Early Evidence of Musleh’s Radical Ideology*

In the summer of 2013 MUSLEH sought out and began posting videos of Anwar al-Awlaki, a member of al-Qaeda in the Arabian Peninsula (AQAP), on his various social media accounts. MUSLEH also commented directly on similar videos posted online by others, expressing his support and praise for al-Awlaki’s ideology. MUSLEH’s online activities caught the attention of the Federal Bureau of Investigation (“FBI”), and in December of 2013 the FBI interviewed MUSLEH at Brownsburg High School (“BHS”), where MUSLEH was enrolled as a student. Brownsburg school officials and a BHS School Resource Officer (“SRO”), who had previously been assigned to MUSLEH’s middle school, were also present for the interview.

¹ On October 15, 2004, the U.S. Secretary of State designated al-Qaeda in Iraq (“AQI”), then known as Jam’at al Tawhid wa’al-Jihad, as a Foreign Terrorist Organization (“FTO”) under Section 219 of the Immigration and Nationality Act (the “INA”) and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224. On May 15, 2014, the Secretary of State amended the designation of AQI as an FTO under Section 219 of the INA and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant (“ISIL”) as its primary name. The Secretary also added the following aliases to the FTO listing: the Islamic State of Iraq and al-Sham (i.e., “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. In an audio recording publicly released on June 29, 2014, ISIS announced a formal change of its name to the Islamic State. On September 21, 2015, the Secretary added the following aliases to the FTO listing: Islamic State, ISIL, and ISIS. To date, ISIS remains a designated FTO.

² The dialogue set out in this pleading is the product of court-authorized electronic surveillance conducted by the FBI, and/or were recovered during a court-authorized searches of MUSLEH’s electronic devices post-arrest.

During that interview, MUSLEH acknowledged posting the videos of al-Awlaki online, and told FBI agents he supported al-Awlaki and the terrorist group Hamas. MUSLEH advised agents that his mother was the person who introduced him to al-Awlaki's sermons.³

Following the meeting at BHS, the FBI and BHS officials made an effort to monitor MUSLEH in an effort to deter him from going down a road toward radicalization. As part of that effort, the aforementioned BHS SRO sought to interact with MUSLEH on a frequent basis. Among other things, MUSLEH and the SRO would discuss current political events, religion, and differences between Christianity and Islam. At one point Musleh even invited the SRO to worship at his mosque.

Despite the efforts of the FBI and school officials, and unbeknownst to the FBI, MUSLEH continued on a path to radicalization. In the summer of 2014, MUSLEH used his mother's credit card to purchase a black Shahada flag, the flag that ISIS uses as the symbol for their terrorist organization. MUSLEH subsequently took a picture of the flag itself and posed for a picture in front of the flag, mimicking a pose often struck by ISIS fighters in Iraq and Syria. In April of 2015, MUSLEH and a male cousin were reported to Brownsburg Police for approaching juveniles at a Brownsburg park and asking if the juveniles wanted to join DAESH (another name for ISIS). Shortly thereafter, MUSLEH's conduct took a very serious turn.

b. Musleh's attempts to travel to join ISIS in 2015

On April 17, 2015, MUSLEH booked a flight from Chicago, Illinois to Erbil, Iraq, using his mother's credit card. The flight was scheduled to depart on April 22, 2015. MUSLEH also booked a Greyhound bus ticket for travel on April 22, 2015, from Indianapolis, Indiana to

³ On June 21, 2016, a consent search was performed on the vehicle driven by MUSLEH's mother. In her vehicle the FBI located a binder containing multiple CD's with recordings of Anwar al-Awlaki.

Chicago, Illinois using the same credit card. On April 18, 2015, the Chicago to Erbil flight was canceled.⁴

On June 3, 2015, MUSLEH booked two separate flights from Chicago, Illinois, to Istanbul, Turkey. One flight, scheduled to depart on June 6, 2015, was booked using MUSLEH's mother's credit card. The second flight, scheduled to depart on June 8, 2015, was booked using "cash" as the payment option. Both of those flights were subsequently cancelled. On June 17, 2015, MUSLEH booked a third flight from Chicago to Istanbul, this time using his brother's credit card. This third flight was scheduled to depart on June 23, 2015.

On June 23, 2015, FBI agents observed MUSLEH being driven to Chicago's O'Hare airport by his brother. Agents also observed that MUSLEH's mother and several other family members were present at the airport to see MUSLEH depart. Prior to boarding his flight, however, MUSLEH was intercepted by U.S. Customs and Border Protection ("CBP") authorities and told he could not travel overseas on his passport, because it expired in less than six months.⁵ MUSLEH was subsequently interviewed by CBP concerning his trip, and his luggage and electronic devices were searched. The search of MUSLEH's luggage revealed several journals which contained quotes from multiple members of designated terrorist organizations to include: al-Qaeda, al-Qaeda in the Arabian Peninsula, al-Qaeda in Iraq, and ISIS.

During the interview with CBP, MUSLEH told CPB officers that he was traveling to Istanbul to meet his "fiancée", Individual #1, a woman he had met online. The FBI has since determined that Individual #1, who was from Sweden, and MULEH planned to meet in Istanbul

⁴ On April 20, 2015, in another effort to "off-ramp" MUSELH following the Brownsburg Park incident, MUSLEH's mother and his (then) step-father were interviewed by the FBI. At the time of this interview, the FBI was unaware that MUSEH had booked the flight from Chicago to Iraq, departing on April 22, 2015, and neither MUSLEH's mother nor step-father alerted the FBI that MUSLEH wanted to join ISIS and was actively attempting to travel overseas.

⁵ MUSLEH's passport expired on August 31, 2015.

and then travel to Syria and join ISIS together. The FBI's investigation has since revealed that Individual #1 was likely successful in her effort to join ISIS after MUSLEH's failed attempt to travel.

On August 3, 2015, MUSLEH and his mother went to a U.S. Post Office in Merrillville, Indiana, to apply for a new U.S. passport.

c. Musleh's Contacts with ISIS and Plan to Travel in 2016

In November 2015, MUSLEH began to communicate with Individual #2. Individual #2 at the time was living in New York, NY, and MUSLEH expressed a desire to move from Indiana to New York and live with Individual #2. MUSLEH told Individual #2 that his family had "moved away" from him due to his support for ISIS. MUSLEH continued to communicate with Individual #2 for several months thereafter.⁶

In a phone call with his uncle on January 6, 2016, MUSLEH told his uncle that he just received his new passport and the pair joked about MUSLEH "doing the same thing again", namely getting a one way ticket to Syria or Turkey. MUSLEH joked with his uncle that he wanted a one-way ticket to Syria, and if there were no airports in Syria MUSLEH could get to, "they (referring to the airline) can just throw me off the airplane," or words to that effect. Continuing in the same conversation, his uncle asked MUSLEH, "what if they already planned out a whole thing... for you?" MUSLEH responded, "I don't care if they plan it out. I don't, I really don't care. If they plan it out, I go to the airport and go to a different place. Anyway, the only place I'd go right now is Palestine. And, uh, I don't really care. ... That's what I'm saying. What the hell they gonna do?"

⁶ MUSLEH later learned that Individual #2 was arrested by the FBI on May 24, 2016, for charges related to providing material support to the terrorist organization ISIS. Individual #2 pled guilty to those charges on February 21, 2018.

On February 24, 2016, MUSLEH communicated with Individual #3 via an encrypted telephone application. In this chat, MUSLEH and Individual #3 sent audio and video files to each other. MUSLEH texted Individual #3, “I want that nasheed⁷ make.me.a.martyr so bad 😞😞.” MUSLEH then sent Individual #3 an electronic file, and Individual #3 responded by saying “U gonna get me raided ;).” In the same conversation, MUSLEH told Individual #3 that some nasheeds were too radical to send via the encrypted application.

On April 6, 2016, MUSLEH booked a one-way ticket from John F. Kennedy International (“JFK”) airport in New York to Nador, Morocco, departing on June 23, 2016. Based on information the FBI gleaned from MUSLEH’s online communications, MUSLEH intended to travel to Morocco to meet and marry Individual #4, with whom MUSLEH had met and begun communicating through various social media and encrypted communication platforms. Individual #4 was from Morocco and lived in Spain at the time she was communicating with MUSLEH.

During a subsequent conversation between MUSLEH and Individual #4 on April 19, 2016, however, Individual #4 told MUSLEH that she was terminating the relationship with MUSLEH and they were no longer getting married. Individual #4 blamed her father for that decision, saying that her father would not permit her to marry MUSLEH. Despite being told that Individual #4 would not marry him, MUSLEH continued to communicate with Individual #4 by email until April 27, 2016, which was the last email sent from Individual #4 to MUSLEH.⁸

⁷ A nasheed is a work of vocal music that is either sung acappella or accompanied by percussion instruments. “In public meetings or online propaganda videos, Islamist hymns, known as *anasheed jihadiya* or simply *nasheeds*, have become inseparable from the image of violent groups in the Middle East. These chants are now the soundtrack of jihad.” See, <https://www.euronews.com/2014/10/08/nasheeds-the-soundtrack-of-jihad>, (last accessed June 12, 2019)

⁸ In October of 2017, Individual #4 was arrested by authorities in Spain for charges related to her role as a facilitator for people wanting to join ISIS.

On May 1, 2016, MUSLEH began using his cellular phone to search the internet for methods of staying anonymous on his phone, including the use of TOR, a free, open-source software for enabling anonymous communication and concealing a user's location and browsing activity on the internet.

On May 3, 2016, MUSLEH reached out to Individual #3 through the same encrypted social media application they had used previously. MUSLEH inquired if Individual #3 had been in contact with Individual #5 by using various online names. Individual #3 told MUSLEH he had not been in contact with Individual #5 and did not seem to know Individual #5. MUSLEH asked if Individual #3 knew anybody like him who lives "there," meaning in ISIS territory. On May 4, 2016, Individual #3 provided MUSLEH with a social media contact for Individual #6, and told MUSLEH that Individual #6 could provide assistance in traveling to join ISIS. In the same conversation, MUSLEH provided his (MUSLEH's) social media account information to Individual #3, and asked Individual #3 to provide that account information to Individual #6.

On May 3, 2016, MUSLEH also reached out to Individual #7 on an encrypted application and asked Individual #7 if he knew Individual #5. Individual #7 asked MUSLEH if he was in a big hurry and MUSLEH replied that he was in a hurry and asked Individual #7 to "help me." Individual #7 replied that he had passed MUSLEH's contact information to another person who should contact MUSLEH. During this conversation with MUSLEH, Individual #7 alluded to the fact that he (Individual #7) was fighting with ISIS overseas. As MUSLEH and Individual #7 continued exchanging messages, MUSLEH guessed Individual #7's "kunya," an Arabic pseudonym that is used by ISIS fighters to conceal their true identity. MUSLEH proceeded to tell Individual #7 that they (MUSLEH and Individual #7) had communicated online a long time ago.

On May 5, 2016, MUSLEH contacted Individual #5 on a social media account and told Individual #5 how much MUSLEH had missed Individual #5. MUSLEH explained, “You might not know me but I’m the akhi [brother] that talked to you about a year ago and we even used to Skype and you talked to my Bro and all.” As MUSLEH and Individual #5 continued their dialogue, MUSLEH told Individual #5 that MUSLEH had been looking all over for him, that he renewed his passport, and that he made money. Individual #5 informed MUSLEH that, for purposes of traveling to Syria, time was not on MUSLEH’s side. MUSLEH then expressed an interest in traveling to another country to join ISIS, such as Libya or Masr [Egypt], and asked for help. Individual #5 asked MUSLEH about conducting operations in the U.S. MUSLEH told Individual #5 that many people were telling him to do that, to which Individual #5 suggested MUSLEH kill a few “kufr” (non-Muslims) or blow up a “drone place” in Florida.⁹ MUSLEH told Individual #5 that looking for the drone place might be suspicious. MUSLEH then asked Individual #5 what he thought was best, “so can you help or you think operation best solution.”

Important in the context of MUSLEH’s conversation with Individual #5, on May 6, 2016, MUSLEH conducted a number of online searches using his phone and visited the resulting websites including:

- portable pressure cooker - Walmart.com;
- Brownsburg Walmart Supercenter - Walmart.com;
- How to Make Stable Flash Powder « Explosives & Fireworks;
- Spectracide 1 lb. Stump Remover HG-66420-4 at The Home Depot – Mobile;
- How to Make Stable Flash Powder « Explosives & Fireworks;

⁹ Based on the FBI investigation, the FBI assessed that Individual #5 was suggesting MUSLEH carry out an attack on a U.S. military installation in Florida where “drone” operations are conducted.

- How to Make Flash Powder: 5 Steps (with Pictures) – wikiHow;
- Pressure cooking - Wikipedia, the free encyclopedia;
- 2010 Times Square car bombing attempt - Wikipedia, the free encyclopedia;
- Faisal Shahzad - Wikipedia, the free encyclopedia;
- 2010 Times Square car bombing attempt - Wikipedia, the free encyclopedia;
- Pressure cooking - Wikipedia, the free encyclopedia;
- Page 2 - Camping World;
- Camping Cookware, Pressure Cookers, Portable Induction Cooktop, Cast Iron Set - Camping World;
- timer plug - Walmart.com;
- outlet timer - Walmart.com;
- outlet adapter - Walmart.com;
- outlet conversions - Walmart.com;
- Aroma 20-Cup Programmable Rice Cooker, Slow Cooker and Food Steamer, Stainless Steel - Walmart.com
- The difference between stove top and electric pressure cookers • hip pressure cooking
- Power Cooker Pressure Cooker - Walmart.com
- wireless pressure cooker
- RAS AK47 Rifle MAGPUL MOE RI2362-N
- AK47 Rifles - AK47 For Sale | Atlantic Firearms | AR15 & AK47 Rifles
- Petronov Arms AK47 Rifle
- AK47 Rifles - AK47 For Sale | Atlantic Firearms | AR15 & AK47 Rifles
- 425-Watt Dual-Outlet Smooth Start Power Inverter

On May 9, 2016, while under FBI physical surveillance, MUSLEH was observed leaving his residence and driving to a nearby Walmart. MUSLEH was subsequently observed inside the Walmart looking at pressure cookers. MUSLEH ultimately left the store without purchasing a pressure cooker.

Also on May 9, Individual #7 contacted MUSLEH and provided an encrypted application contact for MUSLEH to contact concerning his plan to travel to join ISIS.

On May 10, 2016, MUSLEH was contacted on a social media account by Individual #6. MUSLEH asked Individual #6 if he knew anyone that could help with “hijrah”. Hijrah is an Arabic term meaning “migration.” The term historically refers to the journey undertaken by the Islamic prophet Muhammad from Mecca to Medina. In a modern, extremist context, the term “hijrah” has been used to describe a foreign fighter’s journey from his/her country of origin to terrorist-held territories abroad.¹⁰ Significantly, at this point in his online communications, MUSLEH was using code to refer to his plans to travel to join ISIS. For example, MUSLEH would ask his contacts if they knew of someone who could help with “h”, meaning hijrah.

In response to MUSLEH’s request, Individual #6 provided MUSLEH with a social media account and indicated that the owner of that account could help MUSLEH and that he was “authentic” like Individual #5. MUSLEH told Individual #6 that he just followed the provided account. On May 11, 2016, MUSLEH told Individual #6 that the provided account was deleted and asked if Individual #6 knew anybody else that may help.

On May 11, 2016, MUSLEH began communicating with Individual #8 on an encrypted mobile application. MUSLEH initiated the contact with Individual #8 and inquired how the ikhwan¹¹ (ISIS members) were where Individual #8 was located. MUSLEH also asked

¹⁰ See, <https://www.counterextremism.com/content/hijrah>

¹¹ Ikhwan is Arabic for “brothers”. See, <https://www.counterextremism.com/glossary>

Individual #8 if he knew Individual #5, to which Individual #8 replied that he did. MUSLEH then asked if Individual #5 told Individual #8 what MUSLEH needed. Individual #8 responded, “You wanna make H Right?” MUSLEH responded in the affirmative and told Individual #8 that he wanted to travel to Masr (Egypt) or Lybia [sic] and that he lived in America. Individual #8 asked if MUSLEH had “Tazkia”, but MUSLEH indicated he didn’t know what that was.¹² Individual #8 responded, “Do you know anyone in the Islamic State who knew you?” MUSLEH responded that he knew someone from ISIS and named Individual #5, mentioning that he was his friend. MUSLEH then sent a link to a news story pertaining to an ISIS fighter from the United Kingdom who MUSLEH identified as Individual #5. Individual #8 told MUSLEH that joining ISIS in Egypt was difficult and that Individual #8 knew an ISIS member from Egypt that couldn’t join ISIS in the Sina’i and had to travel elsewhere to join ISIS.

Ultimately, Individual #8 asked MUSLEH for a different encrypted application username and for Individual #5’s social media account, both of which MUSLEH provided. MUSLEH further advised Individual #8 that he (MUSLEH) already had a ticket to Morocco for June and that he would need help fast. Individual #8 told MUSLEH to be patient.

On May 14, 2016, MUSLEH reached out to Individual #9 through a social media account and asked for help for “h” to “lybia” [sic] or Masr (Egypt). MUSLEH indicated that he trusted Individual #9, who provided MUSLEH a different social media account to contact Individual #10. Individual #9 advised MUSLEH he could trust Individual #10, because Individual #10 was Individual #9’s “blood brother.”

Subsequently on May 14, 2016, MUSLEH contacted Individual #10 and asked for help with “h”. MUSLEH told Individual #10 that he was previously speaking to Individual #5 but

¹² Tazkia is an Arabic term meaning “purity of the self” that is commonly used by jihadists to refer to someone who has been “vouched for” by a member of the terrorist organization. In other words, someone who is trusted.

that person had disappeared. MUSLEH then asked if they could speak on an encrypted application which MUSLEH provided two different accounts to Individual #10. Individual #10 told MUSLEH that Individual #5 was busy and that Individual #5 was in a video that Individual #10 would upload. Individual #10 told MUSLEH he would add MUSLEH as a contact on the encrypted application. MUSLEH told Individual #10 that he (MUSLEH) wanted to be in an ISIS video, and Individual #10 replied “come here [to Syria] and you can be.”

On May 15, 2016, MUSLEH posted the following picture on his social media account:



On May 16, 2016, an FBI Confidential Human Source (CHS) contacted MUSLEH on an encrypted application and told MUSLEH the CHS has heard that MUSLEH wanted to do hijrah. MUSLEH asked if the CHS helped with “h” to “s” (Syria) or “l” (Libya). The CHS asked MUSLEH if he had prepared himself for hijrah, which MUSLEH replied in the affirmative. MUSLEH asked the CHS when the border in “t” (Turkey) opened for “s” (Syria) as MUSLEH heard it had gotten harder. The CHS told MUSLEH that the border situation between Turkey and Syria was the reason people were now going to Africa to join ISIS. MUSLEH told the CHS that he heard there were openings in the Turkey border and that he (MUSLEH) preferred going to Bilad al-Sham [Syria] as opposed to Africa as they speak a different Arabic in Africa.

On May 18, 2016, while under FBI surveillance, MUSLEH was observed purchasing three suitcases from a department store in Brownsburg, Indiana. On that same date MUSLEH was observed at a sporting goods store looking at firearms. MUSLEH did not purchase any firearms or have any interaction with store employees.

Later on May 18, 2016, the FBI CHS contacted MUSLEH on the same encrypted application. MUSLEH inquired of the CHS what other countries were open to join ISIS. The CHS responded that Egypt, Libya, and Sudan were options for travel to join ISIS. MUSLEH told the CHS that it was hard to trust others and the persons he (MUSLEH) talked to about his plan were friends of his for a long time. The CHS asked MUSLEH if he had formally pledged allegiance to ISIS, known as Bay’ah, and MUSLEH replied that he had.¹³

On May 19, 2016, while under FBI surveillance, MUSLEH was observed at a different sporting goods store looking at firearms.

¹³ Bay’ah is a pledge of allegiance to an Islamic leader. ISIS has instructed Muslims world-wide to give bay’ah to the groups leader, Abu Bakr al-Baghdadi. See, <https://www.counterextremism.com/glossary>

On May 22, 2016, MUSLEH used an encrypted mobile application to contact Individual #11 and asked, “do you think it’s expensive; to buy a ticket from the airport.” Individual #11 responded, “I don’t know thw [sic] prices.”¹⁴ Later that same day, MUSLEH contacted a travel agency to inquire about flights from Morocco to Sudan for June 28, 2016. The travel agency told MUSLEH there were no flights available. MUSLEH asked the travel agent how he could get to the Sudan from Morocco, but ultimately MUSLEH did not book a flight.

On May 24, 2016, MUSLEH contacted the FBI CHS via the same encrypted application they had previously used. MUSLEH asked the CHS, “how can one go to lybia [sic]?” The CHS responded, “the best way to fly Sudan or Egypt or morocco as a visitor then drive to Libya.” MUSLEH responded, “Morocco???” The CHS responded, “for me I have brothers can help.” MUSLEH responded, “I heard only Sudan; who will drive me?” Later in the same conversation, MUSLEH sent the CHS a picture aimed at vetting the CHS’s legitimacy as an ISIS supporter. Referring to the picture, MUSLEH asked the CHS to, “name these men please.” The picture (attached below) contained the eyes and faces of the following persons from top to bottom: Mullah Omar (leader of the Taliban), Osama bin Laden (Leader of Al-Qaeda), Abu Musab al-Zarqawi (Al-Qaeda in Iraq leader), Abu Ayyub al-Masri (Al-Qaeda in Iraq leader), and Abu Bakr al-Baghdadi (ISIS founder).

¹⁴ It is believed that Individual #11 and Individual #10 are/were the same person.



Later in the same conversation, MUSLEH asked the CHS, “buy [sic] you say there is a way from Morocco??? If yes that is good for me.” CHS responded, “inshaAllah is good for you.”¹⁵

MUSLEH responded, “so we drive though [sic] Algeria and Tunis.”

On May 25, 2016, MUSLEH contacted Individual #12 on a social media account and inquired if Individual #12 knew where Individual #5 was. MUSLEH then sent the social media account number for Individual #5 to Individual #12. Individual #12 indicated he had not seen Individual #5 for a while. MUSLEH then asked Individual #12, “how can one go to lybia [sic]? Is it only through Sudan?” Individual #12 replied, “yes; Sudan is to lybia what turkey is to sham.”¹⁶

¹⁵ Inshallah, meaning if Allah wills it.

¹⁶ “Sham” refers to then ISIS-controlled territory in Syria.

On May 30, 2016, MUSLEH received a link to several different webpages from Individual #13 on a social media account titled Khilafah News from Al Hayat Media center.¹⁷ MUSLEH responded back to Individual #13 with “love it.”

On June 1, 2016, MUSLEH contacted a travel agency and inquired if he would be stopped at the airport because he only had a one way ticket to Morocco. The travel agency advised MUSLEH he should contact the airlines. MUSLEH then contacted the airline concerning his flight departing on June 23, 2016. MUSLEH asked the airline if they would allow him to leave the U.S. on a one way ticket. The airlines advised MUSLEH to contact authorities in the U.S., and MUSLEH replied he would contact the TSA.

Later on June 1, 2016, MUSLEH and Individual #12 continued discussing MUSLEH’s plan to travel to join ISIS via a social media account. MUSLEH told Individual #12 that he was flying to Morocco and that he needed to get a roundtrip ticket but it was a waste of money as he (MUSLEH) was not coming back at the moment. MUSLEH asked Individual #12 for advice about what ticket to purchase as he (MUSLEH) didn’t want to lose money. Individual #12 advised MUSLEH that everyone that travels to join ISIS buys a roundtrip ticket as a “good alibi” to let you fly, but a one-way ticket was considered very suspicious. Individual #12 recommended MUSLEH buy a roundtrip ticket from the U.S. to Morocco, and a round trip ticket from Morocco to Sudan. MUSLEH then asked Individual #12 if he (MUSLEH) should fly from the U.S. to Morocco, sit a week in Morocco, and then fly to Sudan. At that point, Individual #12 asked MUSLEH where he was making hijrah from. When MUSLEH indicated that he was traveling from the U.S., Individual #12 told MUSLEH it was not safe to communicate on that

¹⁷ Open source searches for “Al Hayat Media Center” reveal it is the media arm of the Islamic State. In or around March of 2019, the U.S. Department of State advised that it has amended the terrorist designations of the Islamic State of Iraq and al-Sham (ISIS) to include Amaq News Agency, Al Hayat Media Center, and other aliases.

social media platform. In response, MUSLEH suggested communicating on another of two encrypted mobile chat applications.

On June 3, 2016, MUSLEH contacted a travel agency and booked a return flight from Morocco to the U.S. The flight was booked to depart on July 21, 2016, from Casablanca, Morocco, to JFK Airport in New York.

On June 4, 2016, MUSLEH told Individual #12 that he just bought stuff for his trip. Individual #12 told MUSLEH that his contacts were not replying as they may be deployed to Ribat (meaning guard duty for ISIS). MUSLEH told individual #12 that he bought his two-way ticket and MUSLEH felt like he burned his money. MUSLEH also indicated he bought a laptop and backpack for the trip, and Individual #12 advised MUSLEH those items would be useful. Individual #12 suggested MUSLEH get a loan,¹⁸ and pay for the items with credit, knowing that he would not pay the money back. MUSLEH then asked what more would he need for his travel, to which Individual #12 replied MUSLEH should buy khaki pants, head lights, a jacket, and trainer shoes for military training. MUSLEH responded that he would get prepared.

On June 7, 2016, MUSLEH and Individual #10 continued chatting via social media and MUSLEH asked Individual #10 to see if MUSLEH could get to Libya or Syria through any other country. Individual #10 asked “where and then L (meaning Libya)? MUSLEH responded that airline tickets were expensive and he already bought a roundtrip from the U.S. to Morocco, and he would now need another roundtrip ticket which would be too expensive.

¹⁸ The FBI has documented numerous instances in which perpetrators of terrorist attacks in the U.S. have taken out loans or incurred significant credit card debt immediately prior to carrying out such attacks. This method of obtaining money with no intention of paying it back is taught / discussed openly in various ISIS propaganda.

On June 8, 2016, MUSLEH again asked Individual #10 “if there is a cheaper way to get there.” Individual #10 asked MUSLEH when he would book his flight, and MUSLEH replied when he reached M (Morocco) around June 25, 2016.

On June 9, 2016, MUSLEH asked Individual #10 if there was anything new with the “s (Syria) path,” and Individual #10 indicated he would ask his contact “today”. MUSLEH then told Individual #10 he would choose from between Syria or Libya when he reached Morocco. The following day, June 10, 2016, MUSLEH remarked to Individual #10 that going to “t” (Turkey) was a lot cheaper.

On June 12, 2016, MUSLEH contacted another account belonging to Individual #5 on social media. MUSLEH indicated that he had been looking for Individual #5 for help with “h”. Individual #5 told MUSLEH that hijrah was closed at the moment. MUSLEH indicated another person told him you can go another way. Individual #5 provided his encrypted mobile application account to MUSLEH and said to message him there.

On June 13, 2016, MUSLEH contacted a social media account believed to belong to Individual #1, the woman from Sweden MUSLEH was supposed to meet in Turkey in June of 2015. MUSLEH asked, “Ukhti (sister) are you really in Sham (Syria); and if so who helped you? I want help.” Individual #1 replied that she was, in fact, in Syria and that there were “brothers” helping muhajirin (those on hijrah). MUSLEH asked who was trusted and how much money it would cost to travel to join ISIS. Individual #1 replied that the trip was more expensive now than it was before. Individual #1 then instructed MUSLEH to purchase a new phone and to download a different encrypted mobile application. Individual #1 told MUSLEH that the “brothers” [ISIS members] will talk to him on that application. MUSLEH inquired if Individual #5 used that application.

Later that day, MUSLEH was contacted by Individual #14 using Individual #1's social media account. Individual #14 indicated she was Individual #1's friend and would provide MUSLEH with her (Individual #14's) encrypted phone application account. Individual #14 told MUSLEH to send a message to her (Individual #14) encrypted account when MUSLEH arrived in "Tur" (Turkey) and she would provide additional contacts. MUSLEH and Individual #14 then continued to use Individual #1's social media account to discuss MUSLEH's plans to travel and join ISIS.

Also on June 13, 2016, MUSLEH used an encrypted mobile application to again discuss his plan to travel and join ISIS with Individual #5. Specifically, MUSLEH asked how much money it was going to cost to join ISIS, and Individual #5 told MUSLEH bring "as much [money] as you can." On a related topic, MUSLEH asked Individual #5 to provide him (MUSLEH) with the daleel [evidence] for the authority to take out loans if the money was to support ISIS. MUSLEH was hesitant to take out loans from a bank, as such activity is typically forbidden under Islam.

On June 14, 2016, MUSLEH and Individual #5 continued chatting via an encrypted mobile application. MUSLEH told Individual #5 that he was thinking of "hij" [hijrah] opportunities. In discussing what he could do if he was not allowed to travel, MUSLEH told Individual #5, "and if ome[sic] shoots here [the U.S.] they should not shoot random people; that ain't going to do anything; militants is best; but that's only if the way is blocked for you." MUSLEH then continued, "I think killing a commander; is better than killing a citizen; but what's best for the ummah is to kill a leader [sic]; if you kill any on this land [the U.S.]; it's huge trust me; :P". The ":P" at the end of that message appears to be meant as a silly emoji face with the tongue sticking out.

As their conversation continued, MUSLEH and Individual #5 continued to discuss ways MUSLEH could help ISIS. Individual #5 tried to convince MUSLEH to send money to ISIS, but MUSLEH was reluctant to send money and expressed fear that he might get caught. To emphasize the point, MUSLEH said, “[I] don’t want to lose my freedom before doing something massive.”

On June 15, 2016, MUSLEH again made contact with Individual #15 to discuss joining ISIS. Individual #15 expressed to MUSLEH that she wanted to leave her country and join ISIS in Syria. Individual #15 told MUSLEH that she was looking for someone who was there to give her tazkia and then she would travel. Individual #15 told MUSLEH it was difficult to not have a guide and that she already got caught the last time she tried to join ISIS. MUSLEH told Individual #15 she should go to Morocco first and then from there go to Turkey. Passing along information others had given him, MUSLEH told Individual #15 “if you go through a different country it is easier.”

On June 15, 2016, MUSLEH also made contact with Individual #11 [believed to also be Individual #10] via an encrypted mobile application. MUSLEH told Individual #11 that he was going to ask for tazkiya but Individual #5 said he would do it. MUSLEH inquired how Individual #11’s sister, an ISIS member, got married while in Syria. Individual #11 told MUSLEH that the state [ISIS] paid for rent and her mahr [marriage]. Individual #11 told MUSLEH you get all the perks only if you work for dawla [ISIS], which MUSLEH responded, “inshallah (God willing); of course.”

Later on June 15, 2016, MUSLEH and Individual #5 again chatted about MUSLEH’s plan to travel and join ISIS. Individual #5 asked MUSLEH if his brother knew that he was coming [to join ISIS], and MUSLEH responded that his brother didn’t know and that his family

thought he was going on a vacation. MUSLEH told Individual #5 that his brother was “lost” and that he (MUSLEH) could not tell his brother about his plan because after MUSLEH told his brother about his last effort to travel [in June of 2015] “everyone knew” and “[it] scared my mom.” Individual #5 then discussed MUSLEH making another account in a different encrypted mobile application. Individual #5 then provided MUSLEH an account name for that encrypted mobile application and told MUSLEH, “[that account] is the brother u message once u reach turkey u talk to him before u leave and after your in ‘t’ [Turkey].”

MUSLEH also had contact with Individual #14 on June 15, 2016, via an encrypted messaging application, concerning MUSLEH’s plan to travel and join ISIS. During their discussion Individual #14 asked MUSLEH if he knew anyone in Sham [Syria]. MUSLEH indicated that he knew two people there. Individual #14 asked MUSLEH if any of these two would be willing to provide MUSLEH his tazkiya. MUSLEH indicated that he would ask and then replied that yes the individuals he (MUSLEH) knew would be his ISIS sponsor. Individual #14 then told MUSLEH that she needed a bunch of information from him to include his name, where he lived, where he’s from, age, and that they (ISIS) needed to trust MUSLEH. Individual #14 told MUSLEH that another “brother” was asking for all this information and that if MUSLEH didn’t want to send it to her then Individual #5 could contact her and send her the information. Individual #14 told MUSLEH, “alright done.” MUSLEH asked what happened and if he was qualified, adding that he (MUSLEH) felt like he was applying for a job and that Individual #14 was the secretary. Individual #14 asked MUSLEH how much money he had and MUSLEH responded that he had about \$3000. Later in the discussion, Individual #14 told MUSLEH, “let the brother [Individual #5] prepare the tazkia paper and send it to us..then Abu baraa [MUSLEH’s pseudonym] can travel.; tell [Individual #5] to prepare the tazkia and send it

to them.” MUSLEH responded, “so after paper everything good; when will it be safe?”

Individual #14 told MUSLEH, “the state [ISIS] will pay for you but if you wanna buy extra stuff you gotta have your own money; and the brother said once the tazkiya is done the[sic] it’s safe to come.” MUSLEH responded, “Okay inshallah [God willing].”

Following his contact with Individual #14, MUSLEH provided Individual #5 with Individual #14’s account for the encrypted mobile application. Individual #5 told MUSLEH that he would message the brother provided by Individual #14 that evening. Individual #5 told MUSLEH, “I’ll give u teskiya.” MUSLEH responded with celebratory emoji, i.e. “🎉🎉🎉”.

Later on June 15, 2016, MUSLEH and Individual #14 continued chatting on an encrypted mobile application, and Individual #14 told MUSLEH how Individual #1 joined ISIS. MUSLEH didn’t think Individual #1’s way to join ISIS was possible and questioned how Individual #1 managed to beat MUSLEH in joining ISIS. MUSLEH indicated he couldn’t wait for Individual #1 in June 2015. MUSLEH and Individual #14 discussed MUSLEH’s information that he provided for his tezkiya and Individual #14 asked why MUSLEH said he lived in Africa. MUSLEH responded that he said he was leaving from Africa, which was true. Individual #14 asked MUSLEH “what are you doing in Africa?” And MUSLEH responded, “long story.” Individual #14 and MUSLEH joked about how she (Individual #14) helped Individual #1 join ISIS and Individual #14 told MUSLEH, “as in irhabi [terrorist] you have to rate me 9/11 :) if you know you know.” MUSLEH asked Individual #14 to reach out to Individual #1 to get information about the airport in Turkey. MUSLEH and Individual #14 then discussed marriage and how Individual #14 didn’t want to get married “as I wanna do jih...[jihad].” MUSLEH replied that he wanted his wife to do the same [jihad].

As their discussion continued via an encrypted messaging application, MUSLEH told Individual #14 that his social media account was blocked and asked her to open a new account for him. Individual #14 subsequently opened a new account for MUSLEH with the originating Internet Protocol address in Australia. MUSLEH asked Individual #14 what she did (for a job) and she replied, “help people who wanna make hij [travel to join ISIS] and gain ajr [reward] and be a irhabi [terrorist].” MUSLEH replied, “Lol.”

On June 16, 2016, MUSLEH contacted Individual #5 via an encrypted mobile application and asked if he (MUSLEH) should fly to Turkey straight or as a connection. Individual #5 told MUSLEH that Turkey should be a connecting stop to somewhere else, but to book a period of “rest” in Turkey.

On June 18, 2016, MUSLEH again made contact with Individual #5 via an encrypted mobile application. Individual #5 asked MUSLEH how soon he was leaving, and MUSLEH replied “Inshallah [God willing] very soon.” MUSLEH again asked Individual #5 what the daleel [evidence] was for the authority to take out loans from a bank in support of his effort to travel and join ISIS, and MUSLEH indicated he (MUSLEH) was going out that day to obtain loans. Individual #5 told MUSLEH his (Individual #5’s) evidence was that they were obtaining the loans from “kuffar” (non-Muslims) and we (ISIS) were at war with them. MUSLEH told Individual #5 that if it works, “I’ll make it rain.” MUSLEH told Individual #5, “I’m just excited for some reason; so hyped.”

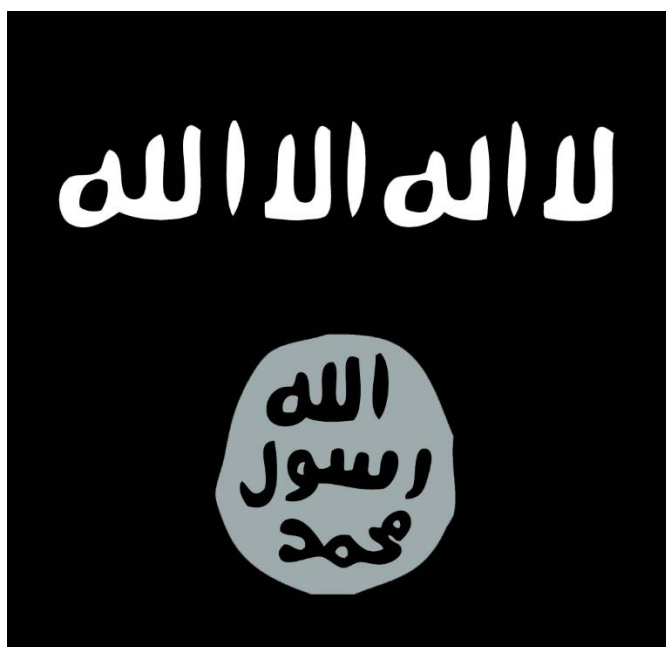
On June 19, 2016, MUSLEH contacted Individual #14 via an encrypted mobile application and asked where he should wait once he reached Turkey. Individual #14 replied, “so once the brother takes you from T [Turkey], you will be with him and whatever he told you to do and when it’s the right time to go, because I ain’t 100 sure how long it will take.”

Later on June 19, 2016, MUSLEH made contact with Individual #5 via an encrypted mobile application and discussed MUSLEH's plan once he reached Turkey. Specifically, MUSLEH expressed concern about waiting once he reached Turkey, but Individual #5 told MUSLEH to go to Turkey, use the contact he was given, and that contact was the way to join ISIS not Individual #5.

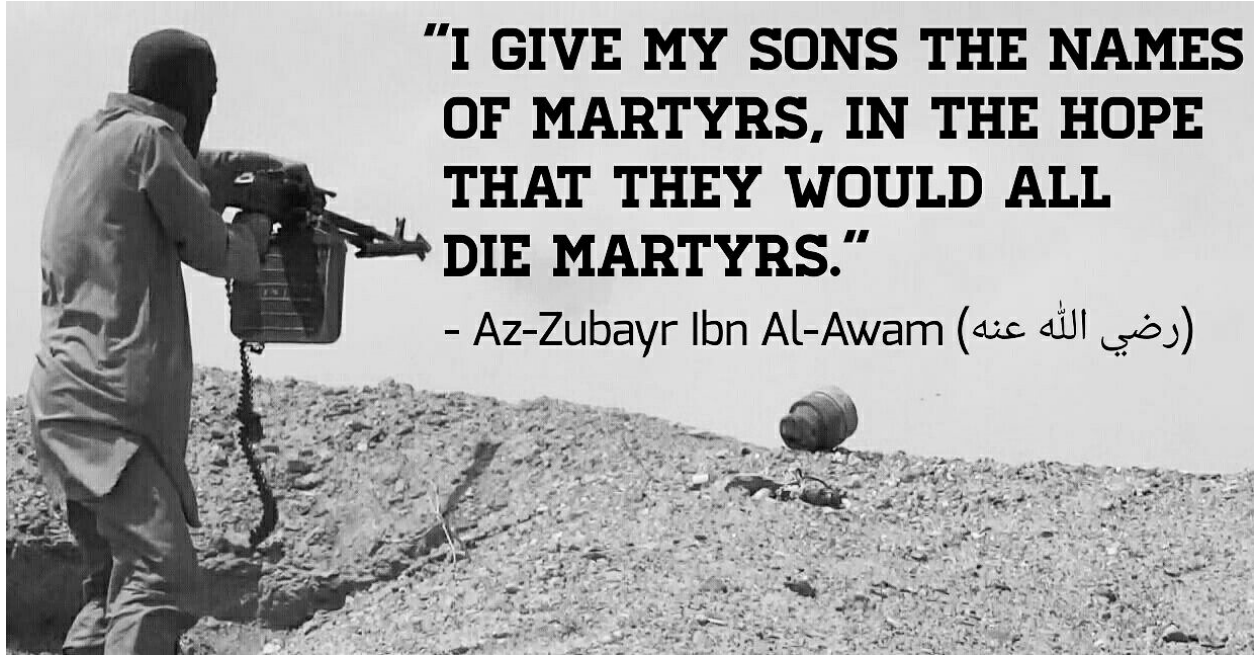
On June 21, 2016, FBI agents observed MUSLEH as he departed his residence in Brownsburg and was driven to the Greyhound Bus station in Indianapolis by his brother. MUSLEH was arrested by the FBI as he attempted to board a bus departing Indianapolis for New York. Subsequent to MUSLEH's arrest, MUSLEH's personal property, cellular telephone, luggage, and his residence in Brownsburg were all searched pursuant to federal warrants.

As part of its investigation the FBI searched MUSLEH's cellular telephone and other electronic devices. A review of MUSLEH's electronic devices revealed numerous files, pictures, and videos depicting violence committed by ISIS, and several training manuals for military tactics and explosives. Also contained on his electronic devices were three issues of Inspire magazine, an English language publication by Anwar al-Awlaki from al-Qaeda in the Arabian Peninsula that incites terrorism against the U.S. and U.S. interests abroad. On MUSLEH's phone FBI agents located a file containing a list of U.S. service members that ISIS had previously published as a "kill list." Additionally, while reviewing the contents of MUSLEH's phone, agents discovered that MUSLEH had taken a picture of lists containing the names of U.S. military service members from Indiana who had died during Operation Iraqi Freedom. MUSLEH incorporated those images into a "pro-jihad" video that MUSLEH produced. Below are a sample of images the FBI found on MUSLEH's phone, including lists containing the names of U.S. military service members from Indiana, depictions of the execution of Egyptian Coptic

Christians and the burning alive of a Syrian Air Force pilot by ISIS, a picture of MUSLEH in his bedroom making a one-finger gesture commonly associated with ISIS fighters, another picture of MUSLEH in his bedroom wearing all black and standing in front of an ISIS flag, a picture of a tiger superimposed over an image of MUSLEH, and a meme that read: “I love this [United States] flag because its [sic] a key to Jannah for many Muslims.” Jannah in this context refers to martyrdom.









Fallen Heroes of Operation Iraqi Freedom

Indiana (54)

Army Sgt. Ronald G. Allen, Jr., 33, of Mitchell, Indiana

Allen was involved in a vehicle accident near Mosul, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on April 13, 2003.

Army Pfc. John B. Amos, Jr., 33, of Valparaiso, Indiana

Amos died in Mosul, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on April 4, 2004.

Army Capt. Nathaniel R. Baughman, 31, of Merrillville, Indiana

Baughman died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on July 11, 2004.

Army Sgt. James W. Black, 36, of Peru, Indiana

Black died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on December 18, 2003.

Army Capt. Jonathan P. Blay, 31, of Fort Wayne, Indiana

Blay died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on December 18, 2003.

Army Sgt. 1st Class Craig A. Bolding, 36, of Elkhart, Indiana

Bolding died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on December 18, 2003.

Army Sgt. Ray Russell Boudley, 34, of Portage, Indiana

Boudley was aboard a M109 tank heading to a supply area in Iraq when he was struck by a rocket-propelled grenade. He was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on January 21, 2004.

Army Sgt. Wayne W. Chidmore, 35, of Fort Wayne, Indiana

Chidmore died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on January 21, 2004.

Army Capt. Richard E. Corbett, Jr., 31, of Fort Wayne, Indiana

Corbett was killed in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on January 21, 2004.

Army Sgt. Anthony W. Cusack, 30, of Elkhart, Indiana

Cusack died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on October 18, 2003.

Army Sgt. David W. Egan, 30, of Lafayette, Indiana

Egan died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on August 18, 2004.

Marine Lance Cpl. Eric Friesen, 31, of Marion, Indiana

Friesen died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on December 18, 2003.

Army Pfc. Christopher E. Gresham, 31, of Carroll, Indiana

Gresham died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on March 21, 2004.

Army Ssn. William A. Jaffee, 35, of Evansville, Indiana

Jaffee died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on March 21, 2004.

Army Sgt. David L. Kohn, 31, of Indianapolis, Indiana

Kohn died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on February 12, 2004.

Army Capt. Michael A. Kunkin, 35, of Elkhart, Indiana

Kunkin died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on February 12, 2004.

Marine Capt. Kyle R. Lusk, 31, of Chicago, Indiana

Lusk died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on February 12, 2004.

Army Pfc. Michael A. Mackinlay, 31, of Elkhart, Indiana

Mackinlay died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on February 12, 2004.

Army Capt. Andrew J. McFarlane, 35, of Indianapolis, Indiana

McFarlane died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on February 12, 2004.

Army Capt. Frederick L. Miller, Jr., 31, of Indianapolis, Indiana

Miller died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on February 12, 2004.

Army Pfc. Darrin A. Deblane, 30, of Evansville, Indiana

Deblane died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on April 25, 2003.

Army Pfc. Gary R. Depew, 31, of Deane, Indiana

Depew died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on January 4, 2003.

Army Command Sgt. Maj. Steven W. Faulstich, 45, of Huntington, Indiana

Faulstich died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on November 9, 2004.

Army Sgt. James D. Faulstich, 33, of Clarksville, Indiana

Faulstich died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on December 18, 2003.

Army Sgt. Matthew C. Franz, 33, of Lafayette, Indiana

Franz died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on January 25, 2004.

Army Sgt. Luke P. Frost, 24, of West Lafayette, Indiana

Frost was part of a team that was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on January 25, 2004.

Marine Lance Cpl. David J. Grooms-Sanchez, 22, of Fort Wayne, Indiana

Grooms-Sanchez died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on May 11, 2004.

Marine Pfc. Daryl L. Haskett, 24, of Indianapolis, Indiana

Haskett died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on April 25, 2003.

Army Pfc. Jesse M. Helling, 19, of Indianapolis, Indiana

Helling died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on April 25, 2003.

Army Sgt. Adam A. Herring, 31, of Portage, Indiana

Herring died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on July 25, 2003.

Army Capt. Brian D. Hensgrove, 26, of Ellettsburg, Indiana

Hensgrove died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on January 21, 2004.

Army Pfc. Christopher T. Hume, 18, of Kankakee, Indiana

Hume died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on March 21, 2004.

Army Pfc. Robert W. Murray, Jr., 31, of Westfield, Indiana

Murray died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on April 25, 2003.

Army Sgt. Paul S. Pabst, 35, of Fort Wayne, Indiana

Pabst died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on April 25, 2003.

Army Pfc. Steven D. Pabst, 25, of Shelbyville, Indiana

Pabst died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on June 18, 2003.

Army Ssn. Brian H. Pennington, 35, of Fort Wayne, Indiana

Pennington died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on December 18, 2003.

Army Pfc. Jonathan R. Pender, 22, of Evansville, Indiana

Pender died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on December 18, 2003.

Army Sgt. Joseph F. Pender, 30, of Indianapolis, Indiana

Pender died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on December 18, 2003.

Army Ssn. Nicholas M. Piskulski, 23, of Crown Point, Indiana

Piskulski died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on February 12, 2004.

Marine Sgt. Michael M. Rife, 25, of Goshen, Indiana

Rife died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on April 25, 2003.

Army Ssn. Gregory P. Sanderson, 16, of Hobart, Indiana

Sanderson died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on April 25, 2003.

Army Pfc. Robert R. Sikes, 30, of Portage, Indiana

Sikes died in Iraq, Iraq, when he was assigned to the 1st Infantry Division, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Carson, Colorado. Died on April 25, 2003.

Army Cpl. Darrell L. Smith, 28, of Otwell, Indiana.

Smith died in Baghdad, Iraq when his humvee rolled over off the road, trapping him under and killing him instantly. He was assigned to D Company, 1st Battalion, 152nd Infantry Regiment, Army National Guard, based in Washington, Indiana. Died on November 23, 2003.

Marine Lance Cpl. Matthew R. Smith, 20, of Anderson, Indiana.

Smith died in a non-hostile vehicle accident in Kuwait when the HMMWV he was driving as part of a convoy to Camp Coyote in Kuwait struck a parked trailer. He was a reservist assigned to Detachment 1, Communications Company, Headquarters and Service Battalion, 4th Force Service Support Group, Peru, Indiana. Died on May 10, 2003.

Army Pfc. Nathan E. Stahl, 20, of Highland, Indiana.

Stahl died in Iraq, when his vehicle was struck with an improvised explosive device. He was assigned to 2nd Battalion, 75th Ranger Regiment, Fort Lewis, Washington. Died on September 21, 2004.

Marine Sgt. Morgan W. Strader, 23, of Crosville, Indiana.

Strader died as result of enemy action in Al Anbar province, Iraq. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, California. Died on November 12, 2004.

Marine Lance Cpl. James E. Swain, 20, of Kokomo, Indiana.

Swain died as result of enemy action in Al Anbar Province, Iraq. He was assigned to Headquarters Battalion, 1st Marine Division, I Marine Expeditionary Force, Marine Corps Base Camp Pendleton, California. Died on November 15, 2004.

Marine Cpl. Lance M. Thompson, 21, of Upland, Indiana.

Thompson died as result of enemy action in Al Anbar Province, Iraq. He was assigned to 2nd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Marine Corps Base Camp Pendleton, California. Died on November 15, 2004.

Army Staff Sgt. Marvin L. Trost III, 28, of Goshen, Indiana.

Trost died in Habbariyah, Iraq, when an improvised explosive device detonated near his HMMWV. He was assigned to the 1st Battalion, 506th Infantry Regiment, 2nd Infantry Division, Camp Greaves, Korea. Died on December 5, 2004.

Army Spc. Raymond L. White, 22, of Elwood, Indiana.

White died in Baghdad, Iraq, when his patrol encountered enemy forces using small arms fire. He was assigned to 1st Battalion, 8th Cavalry Regiment (Armor), 1st Cavalry Division, Fort Hood, Texas. Died on November 12, 2004.

Army Spc. Michael J. Wiesemann, 20, of North Judson, Indiana.

Wiesemann died at Forward Operating Base O-West (Qayyarah Air Base, Iraq) of non-combat related injuries. He was assigned to 1st Squadron, 14th Cavalry Regiment, 3rd Brigade, 2nd Infantry Division, Fort Lewis, Washington. Died on May 29, 2004.

Marine Cpl. Bryan S. Wilson, 22, of Otterbein, Indiana.

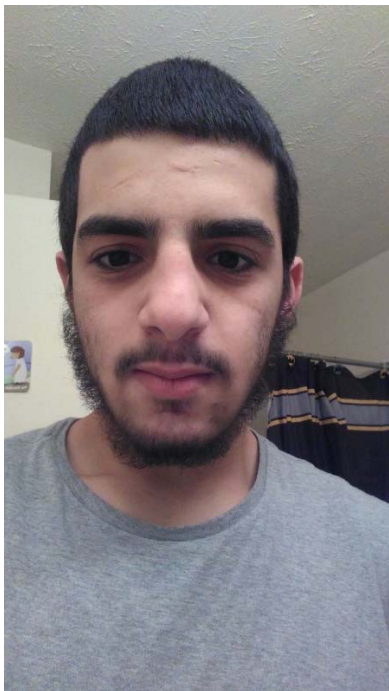
Wilson died as result of a non-hostile vehicle incident in Al Anbar Province, Iraq. He was assigned to 2nd Battalion, 11th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, California. Died on December 1, 2004.

Marine Lance Cpl. Scott A. Zubowski, 20, of Manchester, Indiana.

Zubowski died from an improvised explosive device while conducting combat operations against enemy forces in Al Anbariyah, Iraq. During Operation Iraqi Freedom, his unit was attached to 2nd Marine Division, II Marine Expeditionary Force (Forward). He was assigned to 2nd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, California. Died on November 12, 2006.



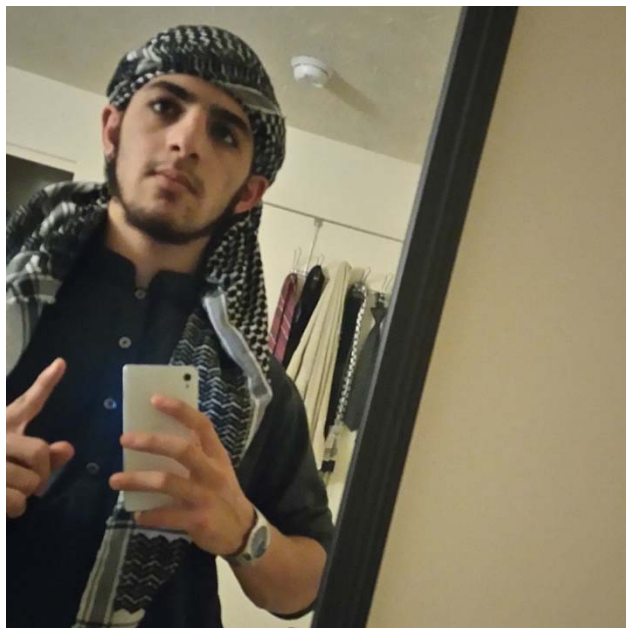












The last photo, depicting MUSLEH's face superimposed over a tiger's head and the ISIS flag warrants some explanation. According to the Combating Terrorism Center at the U.S. Military Academy,

the lion is an important motif in Islamic art and culture, and evokes qualities of bravery, strength and valor for Muslim audiences ... in the modern era, the lion has been deployed by Islamist authors such as Sayyid Qutb, and has become a key motif in jihadist propaganda as a symbol of honor for both major jihadi leaders and

for low-ranking militants. It may also be used to suggest martyrdom or designate a martyr-to-be.

See, <https://ctc.usma.edu/militant-imagery-project/0040/>. While MUSLEH's picture incorporates a tiger, and not a lion, the inclusion of the ISIS flag and imagery is very similar to other "commemorative" lion motifs published with the photos of notorious terrorist leaders.

III. Fashioning an Appropriate Sentence under 18 U.S.C. § 3553(a)

In light of the facts of this case, the factors set forth in § 3553(a) weigh heavily in favor of a lengthy term of imprisonment for MUSLEH.

a. The nature and circumstances of the offense

There can be no sugarcoating the nature and circumstances of the crime that occurred in this case. Akram MUSLEH sought to, agreed to, and repeatedly attempted to travel to join ISIS, a horrifically violent and brutal terrorist organization. In so doing, MUSLEH embraced the orthodoxy of ISIS; the use of indiscriminant killing, violence, and terror to achieve the organization's goals. See, e.g., Graham Wood, THE ATLANTIC, *What ISIS Really Wants* (available at <https://www.theatlantic.com/magazine/archive/2015/03/what-isis-really-wants/384980/>) (illuminating ISIS's views and explaining that "the lack of objective reporting from its territory makes the true extent of the slaughter unknowable, but social-media posts from the region suggest that individual executions happen more or less continually, and mass executions every few weeks"); see also *United States v. Lutchman*, 910 F.3d 33, 36-37 (2d Cir. 2018) ("Lutchman pledged his allegiance to ISIL and stated his intention to 'spill the blood' of nonbelievers."); *United States v. Van Haften*, 881 F.3d 543, 543 (7th Cir. 2018) ("Van Haften fits the typical profile of a terrorist: he believes that ISIS is fighting a holy war against America—a war that will culminate in the establishment of a global caliphate."); *United States v.*

Farah, 899 F.3d 608, 612 (8th Cir. 2018) (“Daud and Farah longed for an opportunity to participate in an ISIL operation on American soil, and Omar looked forward to the demise of the United States: ‘[The infidels] are getting it. Allah will not let America be a superpower for this long [T]heir time is coming.’”).

Between 2014 and 2016, during the peak of MUSELH’s efforts to join the terror organization, ISIS perpetrated hellish levels of violence in the Middle East and North Africa. But the reach of ISIS terror was far, and individuals and small cells of ISIS inspired terrorists have committed unspeakable acts of violence around the world. There have been countless bombings, mass shootings, and vehicle attacks in a number of major international cities including Paris, Nice, London, Berlin, Orlando, and San Bernardino. ISIS is a group that is at war with the west and unmistakably at war with the United States. And in the war with ISIS, the Southern District of Indiana has not remained unscathed.

In October of 2013, around the time that MUSLEH was posting videos of Anwar al-Awlaki online and praising al-Awlaki’s message, 26 year old Abdul Rahman Kassig, a 2006 graduate of North Central High School in Indianapolis, and former U.S. Army Ranger medic, was abducted by ISIS fighters in Syria. At the time of his abduction, Mr. Kassig was on a humanitarian aid mission to deliver hospital supplies to refugees in that war-torn country.¹⁹ In November of 2014, ISIS released a video confirming that Mr. Kassig had been violently beheaded. Given the number of news reports published in Indiana, and across the U.S., in late

¹⁹ <https://www.newsweek.com/peter-kassig-isis-islamic-state-quran-syria-iraq-al-qaeda-282599>

2014 concerning Mr. Kassig's abduction and murder,²⁰ it is hard to imagine Mr. Kassig's story escaped Musleh's notice.²¹

Yet from the contents of his electronic devices it is clear that MUSLEH was drawn to the barbarity of ISIS and sought to contribute to it. MUSLEH told his online contacts that he had pledged [his] allegiance to ISIS, MUSLEH consumed violent ISIS propaganda and even went so far as to produce his own jihad propaganda video which included lists of Hoosier service members, many near in age to MUSLEH, who were killed in action during Operation Iraqi Freedom. That kind of allegiance to ISIS, and committed willingness of foreign nationals like MUSLEH to travel and join ISIS, are essential to ISIS advancing its goals. *See Wood, What ISIS Really Wants* ("Tens of thousands of foreign Muslims are thought to have immigrated to the Islamic State. Recruits hail from France, the United Kingdom, Belgium, Germany, Holland, Australia, Indonesia, the United States, and many other places. Many have come to fight, and many intend to die.").

The point does not need to be belabored: ISIS has killed countless people, and seeks, without exaggeration, the destruction of the United States of America. *See, e.g., United States v. Suarez*, 893 F.3d 1330, 1332 (11th Cir. 2018) ("When the FBI arrested Harlem Suarez, he had already declared allegiance to the Islamic State of Iraq and al- Sham (ISIS), attempted to recruit others to join him in destroying the United States"), *cert. denied*, No. 18-6808, 2019 WL 113456 (U.S. Jan. 7, 2019); *Doe v. Mattis*, 889 F.3d 745, 749 (D.C. Cir. 2018) (ISIS "controls territory in

²⁰ See, e.g., <https://www.indystar.com/story/news/2014/10/03/reports-indianapolis-man-named-next-isis-target/16667489/>; <https://www.indystar.com/story/news/2014/11/16/indy-native-kassig-destined-great-things/19146169/>; <https://www.reuters.com/article/us-mideast-crisis-beheading/u-s-hostage-peter-kassig-is-killed-by-islamic-state-idUSKCN0J008W20141116>; <https://www.usatoday.com/story/news/world/2014/11/16/peter-kassig-islamic-state-claims-beheading-syria/19128067/>.

²¹ When interviewed by the FBI following MUSLEH's arrest, MUSLEH's mother acknowledged that the family saw media reports on ISIS/terrorists all the time because they were always being reported on.

Iraq and Syria, and has perpetrated and aided terrorism there and around the world, killing several thousand civilians, including American aid workers and journalists.”); *United States v. Khusanov*, 731 F. App’x 19 (2nd Cir. 2018) (noting that ISIS has a “history of particularly violent conduct” and “target[s] members of the United States armed forces serving abroad and encourage[s] terrorist acts within this country”) (citation omitted). MUSLEH aspired to join ISIS and help do those things.

And there can be no doubt that MUSLEH truly meant to join. He went to great lengths to seek-out and communicate with ISIS fighters and facilitators, he said he would join, he purchased airline tickets on multiple occasions, he traveled to the airport and was turned back once, and it wasn’t until he was arrested boarding a bus en route to another airport in New York that he was finally stopped. MUSLEH’s was a very real effort. MUSLEH was not dissuaded from his quest to join the terror organization by the FBI visit to his high school in 2013, he was not dissuaded when the FBI interviewed his mother and step-father in April of 2015, he was not dissuaded when he was prevented from traveling, searched, and questioned by CBP at O’Hare Airport in June of 2015, and he was not dissuaded by the intercession of at least one local Imam who, as noted below, cautioned MUSLEH to avoid the “devil group” ISIS. It is not insignificant that only MUSLEH’s arrest and incarceration in the instant case would finally suffice to disrupt his violent ambitions.

While law enforcement intercepted MUSLEH before he could actually join ISIS and kill anyone, that fact does not mitigate the dangerous plot that MUSLEH had concocted and set in motion—on two separate occasions. The nature and circumstances of MUSLEH’s offense are shocking. MUSLEH’s actions were inherently dangerous and implicate the Material Support statute’s *raison d’etre*. Section 2339B “criminalizes a range of conduct that may not be harmful

in itself but that may assist, even indirectly, organizations committed to pursuing acts of devastating harm.” *United States v. Farhane*, 634 F.3d 127, 148 (2d Cir. 2011). As the Supreme Court has stated, “[t]he material-support statute is, on its face, a preventive measure - - it criminalizes not terrorist attacks themselves, but aid that makes the attacks more likely to occur.” *Holder v. Humanitarian Law Project*, 561 U.S. 1, 35 (2010). In *Boim v. Holy Land Found, for Relief & Dev.*, 549 F.3d 685, 690 (7th Cir. 2008) (en banc), the Seventh Circuit held that giving money to Hamas, in violation of Section 2339B, necessarily involves an act “dangerous to human life.” As *Boim* reasoned, providing financial support to Hamas, “by augmenting Hamas’s resources, would enable Hamas to kill or wound, or try to kill, or conspire to kill more people[.]” *Id.* at 694. *Boim*’s reasoning is doubly persuasive in this case.

Volunteering oneself to a Foreign Terrorist Organization is, arguably, the most dangerous form of material support. As one court, citing *Boim*, recently held, “[c]ertainly attempting to provide oneself to a designated terrorist organization is at least, if not more, dangerous to human life than merely providing money.” *United States v. Amri*, No. 1:17-CR-50 (LMB), 2017 WL 3262254, at *15 (E.D. Va. July 31, 2017), *aff’d sub nom. United States v. Queen*, 738 F. App’x 794 (4th Cir. 2018); *see also United States v. Taleb-Jedi*, 566 F.Supp.2d 157, 167-69 (E.D.N.Y. 2008) (“the provision of personnel, like the provision of money, acts to free up others in a terrorist organization to engage in violence and other acts of terrorism”). This is so not just because the provision of oneself to a Foreign Terrorist Organization frees up the group’s resources, but because those who “knowingly [seek] to join a terrorist group . . . risk . . . being turned against the United States.” *United States v. Tounisi*, 900 F.3d 982, 986-88 (7th Cir. 2018) (stating that the defendant had “align[ed] himself with a group that advocates for the destruction of the United States and . . . placed himself at risk of becoming ‘a pawn’ in a future attack

against the country”). MUSLEH’s actions directly implicate these concerns and, therefore, merit a harsh sanction.

b. History and characteristics of the defendant

While the government concedes that MUSLEH faced adversity from a very young age by the death of his father, during the Presentence Investigation MUSLEH nevertheless reported that he was surrounded by his family during his childhood. For a period of years MUSLEH and his family lived in Jerusalem with an aunt and an uncle. MUSLEH reported that his aunt had a home in a nice neighborhood and he (MUSLEH) has nice memories of living in Jerusalem. Despite the violence that he witnessed in Jerusalem, MUSLEH told the probation officer that he enjoyed living there, but after six years he was ready to come back to the U.S.

At the time of his arrest in the instant case, MUSLEH was living in Brownsburg with his mother and sisters. He was also a recent graduate of Brownsburg High School, and he was employed at Walmart. The Presentence Investigation reveals that MUSLEH’s mother was married to an abusive man from approximately 2012 to 2014, when MUSLEH was between 15 and 17 years old, however, the presentence investigation also appears to indicate that MUSLEH stood up to his step-father as he “made several phone calls to 911 regarding the abuse” of his mother.

The FBI investigation also paints a picture of MUSLEH was a strong-willed and in control individual. When interviewed by the FBI concerning the Brownsburg Park incident in April of 2015, both MUSLEH’s mother and step-father advised agents that they did not have access to MUSLEH’s phone or passport because MUSLEH would not give them access to the phone and he had hidden his passport from his mother.

Following MUSLEH's arrest in June of 2016, the FBI again interviewed MUSLEH's mother and (former) step-father, as well as Imams from two separate mosques in the Indianapolis area, among others. MUSLEH's mother acknowledged that MUSLEH had purchased an ISIS flag and put it in his bedroom, but told agents she did not approve of the flag and that she took it away from MUSLEH. MUSLEH's mother acknowledged that MUSLEH had watched CD's containing sermons from Anwar al-Awlaki, but MUSLEH's mother denied that MUSLEH harbored any ISIS sympathies, and told agents that her son "thinks [ISIS] are dogs." MUSLEH's mother blamed MUSLEH's step-father for MUSLEH's past "angry behavior," but claimed MUSLEH was "much better" after she had gotten divorced and since the FBI had talked to MUSLEH at his school. MUSLEH's mother told agents that, at the time of his arrest, MUSLEH did not have a spiritual advisor or teacher, and instead he read the Quran on his own. She also advised agents that MUSLEH used to go to the mosque often but now he mostly prayed at home.

MUSLEH's former step-father, Amjad Salhab, was interviewed and told agents that he was aware of MUSLEH's interest in ISIS. Salhab advised agents that MUSLEH had hung up a black ISIS flag in his bedroom and Salhab did not approve of the flag and wanted it taken down. Salhab told agents he believed one of MUSLEH's uncles took the flag down. Salhab also told agents that he (Salhab) had relayed his concerns about MUSLEH's interest in ISIS to the Imams of two mosques the family attended in the Indianapolis area.

The Imam from Mosque #1 (Imam #1) advised agents that MUSLEH had attended his mosque and had come to him to learn about Islam. Imam #1 told agents that he had taught MUSLEH to fast and pray, but also that he had become concerned about MUSLEH 18 months prior to MUSLEH's arrest, when MUSLEH had come to Imam #1 with questions about the teachings of ISIS. Imam #1 recalled that, around the same time, MUSLEH's former step-father,

Amjad Salhab, came to Imam #1 with concerns about MUSLEH's interest in ISIS. Imam #1 described Salhab as angry about MUSLEH's interest in ISIS.

Imam #1 advised agents that he told MUSLEH to stay away from ISIS as it was a "devil group," but that MUSLEH's questions and his step-father's concerns prompted Imam #1 and his wife to speak with MUSLEH's mother about the situation. Imam #1 told agents that he advised MUSLEH's mother to watch her son closely and monitor his online activity because he was asking questions about ISIS. Imam #1 indicated he told MUSLEH's mother to monitor his online activity on at least two or three separate occasions. According to Imam #1, MUSLEH did not attend the mosque for several months after the conversation with MUSLEH's mother. When MUSLEH returned to the mosque, about 12 months prior to his arrest, MUSLEH was wearing a black turban while attending prayers. Imam #1 confronted MUSLEH and told MUSLEH not to wear the black turban to the mosque as Imam #1 believed the black turban is worn by and symbolizes ISIS. MUSLEH replied that he (MUSLEH) had no connection to ISIS. Imam #1 advised agents that MUSLEH attended the mosque infrequently and was not a regular member of the community after Imam #1 confronted MUSLEH about wearing the black turban.

Imam #2 was interviewed and advised agents that MUSLEH used to attend his mosque, but left and began attending Mosque #1. According to Imam #2, MUSLEH's departure from his mosque was precipitated by a discussion Imam #2 had with MUSLEH over riding his bike to the mosque for dawn prayers at 5:00 a.m. Imam #2 told agents he was concerned for MUSLEH's safety in making a long and dangerous bike ride to the mosque at that hour, and so Imam #2 told MUSLEH it was acceptable for MUSLEH to make his dawn prayers at home. MUSLEH questioned Imam #2 about the permissibility of making dawn prayers at home, which Imam #2 interpreted as MUSLEH thinking that Imam #2 was providing incorrect advice. Imam #2 was

surprised that MUSLEH would question his advice, especially since it was born out of a concern for MUSLEH's safety. Imam #2 considered the questioning of his advice by MUSLEH as condescension, and Imam #2 told agents that episode contributed to Imam #2's feeling of "weirdness" about MUSLEH. Neither Imam #1 nor Imam #2 believed MUSLEH was mentally ill or suffering from any mental illness. Instead, it is clear both men observed MUSLEH exhibiting strong, independent views on his religion and not accepting their well-intentioned guidance.

c. Avoiding sentencing disparities

The government highlights below recent cases in which defendants received sentences in line with what the government is recommending for MUSLEH following their convictions under 18 U.S.C. §2339B for providing personnel to support Foreign Terrorist Organizations.

United States v. Alebbini: On June 13, 2019, in the Southern District of Ohio, Laith Waleed Alebbini ("Alebbini") was sentenced to 15 years' imprisonment followed by 25 years of supervised release. Alebbini had been convicted on two counts charging him with attempting and conspiring to provide material support and resources to the Islamic State of Iraq and al-Sham ("ISIS"), in violation of 18 U.S.C. § 2339B(a)(1).

On April 26, 2017, Alebbini was arrested at the Cincinnati-Northern Kentucky International Airport after he obtained his boarding pass and moved towards security. Alebbini had told friends and a Confidential Human Source ("CHS") that he supported ISIS and intended to fight with ISIS. Specifically, Alebbini proclaimed: "I am a man who hates Bashar and wants to go fight Bashar. The Islamic State is fighting Bashar and I will fight with the Islamic State to fight Bashar . . . I want to fight Bashar because, to be honest, I am with the Islamic State." Mere days before Alebbini's arrest, he told the CHS that he wanted to be "active" within the Islamic State: "My goal—my goal is not just to go to the [Islamic] State. My goal is to be active in the [Islamic] State." On April 24, 2017, Alebbini purchased airline tickets to travel from Ohio to Jordan, with layovers in Chicago, Illinois, and Istanbul, Turkey. Alebbini intended to leave the airplane during the layover in Turkey and travel to ISIS territory in Syria.

United States v. Naji: On June 14, 2019, in the Eastern District of New York, Mohamed Rafik Naji (“Naji”), was sentenced to 20 years imprisonment after pleading guilty to a one-count indictment charging him with attempting to provide material support to the Islamic State of Iraq and al-Sham (“ISIS”), a foreign terrorist organization, in violation of 18 U.S.C. § 2339B.

In March 2015, Naji traveled from Brooklyn, New York to Yemen where he stayed for seven months before returning to New York. While in Yemen, Naji repeatedly attempted to enter territory controlled by ISIS, so he could join ISIS. In emails to an associate in the U.S., Naji explained that he tried at least five times to reach ISIS-controlled territory. He stated that he had spent six days hiding in the mountains and claimed to have been almost killed by the “army.” He also sent his associate a photograph of men walking along a road carrying weapons and a photograph of himself dressed in black holding a knife. Subsequently, he sent an email to his associate with the subject line that stated “First day on the job” that contained a media file with the sound of gunfire. Upon Naji’s request, his associate sent him a total of \$6,750.00 via wire transfer while he was in Yemen. Following these email exchanges and the transfer of money, Naji instructed his associate to “erase all [yo]ur messages,” “even from your trash.”

While in Yemen, Naji also engaged in online conversations with a confidential source. During those conversations, he told the confidential source, “I belong to Islamic state only.” He also instructed the confidential source that in order to join “dawlat islam,” referring to ISIS, the source should travel to Hadramout, an area in southern Yemen. Naji continued to have conversations with the confidential source after he returned to the United States in September, 2015. During these conversations, Naji discussed ways to travel overseas to join ISIS and spoke favorably about the July 2016 terrorist attack in Nice, France and about a hypothetical future attack in Times Square, New York, in which an ISIS supporter would drive a garbage truck into pedestrians.

United States v. Zakaryia Abdin: On June 10, 2019, in the District of South Carolina, the court sentenced Zakaryia A. Abdin (“Abdin”), a 20 year-old U.S. citizen, to 20 years’ imprisonment followed by lifetime supervised release for attempting to provide material support to the Islamic State of Iraq and al-Sham (ISIS), a designated foreign terrorist organization, in violation of 18 U.S.C. § 2339B.

On March 31, 2017, the FBI arrested Abdin after he traveled to the Charleston airport and once in the airport, he took substantial steps toward traveling overseas. Abdin had purchased a ticket to Jordan and, upon arrival, his intention

was to travel to Egypt to join ISIS. The investigation revealed that Abdin was involved in extensive online communications with an individual whom he believed to be a member of ISIS, but who was actually an FBI undercover employee. During these communications, Abdin pledged his allegiance to ISIS and expressed his desire to travel overseas to fight on their behalf. If he was unsuccessful in traveling overseas, his plan was to engage in an attack domestically. Abdin entered a guilty plea on August 8, 2018 and has remained in federal custody since his arrest.

United States v. Raishani: On April 2, 2019, in the Southern District of New York, Adam Raishani, a/k/a “Saddam Mohamed Raishani” (“Raishani”), 32 years of age and a naturalized U.S. citizen of Yemeni descent, was sentenced to 20 years’ imprisonment for attempting to provide material support and resources to the Islamic State of Iraq and al-Sham (“ISIS”), in violation 18 U.S.C. § 2339B, and five years’ imprisonment for conspiracy to provide material support and resources to ISIS, in violation of 18 U.S.C. § 371, to be served concurrently, followed by 23 years of supervised release.

On June 21, 2017, the FBI arrested Raishani at John F. Kennedy International Airport as he was attempting to board a flight to Lisbon, Portugal with a final destination of Istanbul, Turkey. Raishani had intended to cross into Syria and fight on behalf of ISIS. Raishani was subsequently indicted and charged with attempting to provide material support to ISIS, in violation of § 2339B, conspiring to provide material support to ISIS, in violation of § 2339B, and aiding and abetting another’s attempt to provide, and provision of, material support to ISIS, in violation of §§ 2339B and 2, for his role in facilitating the travel of another individual to join ISIS in October 2015. On November 14, 2018, Raishani entered a guilty plea to both counts of a two-count superseding information.

IV. Conclusion

For the foregoing reasons, and for the reasons set out in the government’s separate motion pursuant to U.S.S.G. §5K1.1, the United States submits that the only sentence that will accomplish the statutory goals of sentencing in this case is a sentence of at or near 192 months of imprisonment, followed by a lifetime term of supervised release. Such a sentence would give MUSLEH credit for his cooperation to date, while also taking into consideration the need for the sentence to reflect the grave nature of the offense, provide general and specific deterrence, and protect the public from future crimes of the defendant.

Accordingly, the government asks the Court to impose a sentence at or near 192 months of imprisonment, followed by a lifetime term of supervised release

Respectfully Submitted,

JOSH J. MINKLER
United States Attorney

By: s/Matthew J. Rinka
Matthew J. Rinka
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2019, a copy of the foregoing Government's Sentencing Memorandum was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Thomas A. Durkin
ATTORNEY AT LAW

By: s/Matthew J. Rinka
Matthew J. Rinka
Assistant United States Attorney