

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	
v.	:	<b>CRIMINAL NO. 10-123-01</b>
<b>COLLEEN R. LAROSE</b>	:	
<b>a/k/a "Fatima LaRose,"</b>	:	
<b>a/k/a "JihadJane"</b>	:	

**ORDER**

AND NOW, this        day of        , 2014, upon consideration of the government's motion, pursuant to Section 5K1.1 of the Sentencing Guidelines, for a downward departure, the Court enters this Order.

The Court finds as follows:

1.     Nature of assistance. Section 5K1.1 lists as a relevant factor "the nature and extent of the defendant's assistance." In this case, LaRose met with the government repeatedly over several years, totaling more than 20 occasions. She met with law enforcement not only from the Eastern District of Pennsylvania, but from other parts of the country and the world, answering questions for hours at a time. LaRose helped the government understand some of the factors leading to homegrown violent extremism, and her information proved instrumental in multiple criminal investigations. LaRose's cooperation culminated in lengthy grand jury testimony which led to indictments against two individuals in the significant terrorism case United States v. Ali Charaf Damache, E.D. Pa. Crim. No. 11-420.

2.     Significance of cooperation. Section 5K1.1 lists as a relevant factor "the

court's evaluation of the significance and usefulness of the defendant's assistance, taking into consideration the government's evaluation of the assistance rendered." In this case, the government deems LaRose's cooperation very significant. She provided the government with insight into critical moments of the charged conspiracy, and she interpreted key e-mails and communications for government agents. As a result of LaRose's information and testimony, the grand jury indicted Ali Charaf Damache and Mohammad Hassan Khalid for serious terrorism offenses. Khalid has since pled guilty, and Damache remains incarcerated in Ireland as he fights extradition to the United States.<sup>1</sup>

3. Reliability of information. Section 5K1.1 lists as a relevant factor "the truthfulness, completeness, and reliability of any information or testimony provided by the defendant." In this case, the government has been able to corroborate much of LaRose's information with other evidence gathered by law enforcement. Thus, the government has determined that her information and testimony were truthful, complete, and reliable.

4. Danger to defendant. Section 5K1.1 lists as a relevant factor "any injury suffered, or any danger or risk of injury to the defendant or his family resulting from his assistance." In this case, although the government has not learned of any specific danger or risks to LaRose or her family, there is always some danger associated with government cooperation in a criminal investigation, particularly in terrorism investigations.

5. Timeliness. Section 5K1.1 lists as a relevant factor "the timeliness of the defendant's assistance." In this case, LaRose began cooperating immediately upon her arrest.

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<sup>1</sup> LaRose provided significant information in other national security investigations as well. The government offered to provide further details regarding this information under seal if requested.

Her cooperation was timely and allowed the government successfully to pursue other terrorism indictments based on her information.

Upon considering and balancing all of these factors, the Court determines that the defendant provided important and timely information in a matter of public significance, at some personal risk, and accordingly is entitled to a downward departure at sentencing. Therefore, the government's motion under Section 5K1.1 is hereby granted, based on the defendant's substantial assistance in the investigation and prosecution of others.

BY THE COURT:

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HONORABLE PETRESE B. TUCKER  
Chief Judge, United States District Court

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<b>a/k/a “JihadJane”</b>	:	

**GOVERNMENT'S SENTENCING MEMORANDUM AND  
MOTION FOR DOWNWARD DEPARTURE UNDER  
SECTION 5K1.1 OF THE SENTENCING GUIDELINES**

In 2007, Colleen R. LaRose was a lonely and isolated woman. Her live-in boyfriend traveled much of the time, her only sibling lived halfway across the country, and she had few friends. Bored with her life, LaRose turned to the Internet for distraction and, ultimately, personal transformation. By mid-2008, she had managed to align herself with violent terrorists who valued her ability and persistence as their online predator, or “hunter.” In this role, LaRose spent most of her waking hours working obsessively on her computer to identify, communicate with, recruit, and bring together violent jihadists.

LaRose became well known in her new extremist community as an aggressive hard-working force, and her American background and appearance rendered her highly valuable to terrorists looking to attack Europe and the United States. In fact, LaRose earned praise and attention from terrorists in Europe and South Asia, one of whom ultimately tasked her with an assassination assignment in Sweden. LaRose proudly accepted this assignment, viewing it as an honor, and she thus underwent a second transformation from online extremist to real-world

assassin. She located her target in Sweden and then traveled to Europe to put her plan into action. Along the way, LaRose lied to the FBI, removed and concealed her computer hard drive, and stole her boyfriend's U.S. passport for an overseas terrorist associate who needed to travel.

LaRose ultimately grew frustrated with her co-conspirators and postponed her activities in order to return temporarily to the United States, resulting in her arrest. However, the harm caused by LaRose's criminal conduct lingered on. Her associates continued to communicate about their plans even after LaRose's arrest, the stolen passport has never been recovered, and the target of her murder plot still lives in fear for his life. In addition, news of LaRose's arrest spread shockwaves throughout the West, as people recognized that the face of the terrorism threat had changed forever.

To her credit, LaRose began cooperating with U.S. law enforcement immediately upon her arrest. And over the last few years, LaRose has met more than 20 times with government agents from all around the country as well as other parts of the world. She has talked about her activities for dozens of hours, reviewed scores of written documents, and paged through countless photographs in an effort to provide substantial cooperation. LaRose's assistance has advanced multiple national security investigations. In addition, she testified before a grand jury and played an instrumental role securing indictments against two individuals in another Eastern District of Pennsylvania terrorism prosecution. For these reasons, the government has included below a motion for a downward departure below the advisory Sentencing Guidelines range of life imprisonment.

However, LaRose's sincere efforts at cooperation do not erase the harm that she caused nor the government's grave concern that she remains a danger. In fact, LaRose's written

correspondence from prison reveals that her criminal mindset remained largely unchanged years after her arrest. And her demeanor continued to grow wistful – despite the passage of time – when speaking with government agents about some of her co-conspirators and their plans. LaRose thus appears to remain a threat, and the government is requesting a very lengthy sentence of incarceration in order to effect specific deterrence. Such a sentence would also serve the important need for general deterrence in this case. The world is watching, and this sentencing presents an important opportunity to send a strong message to other lonely, vulnerable people who might be enticed by online extremists promising fame and honor.

For these reasons, and all of the other reasons articulated below, the government hereby moves for a downward departure and respectfully requests that LaRose be sentenced to a very lengthy sentence of decades in prison.

I. BACKGROUND

On February 1, 2011, the defendant pled guilty to Counts One through Four of the Superseding Indictment, as follows: (a) conspiracy to provide material support to terrorists, in violation of 18 U.S.C. § 2339A (Count One); (b) conspiracy to kill in a foreign country, in violation of 18 U.S.C. § 956 (Count Two); (c) making a false statement to a government official relating to an international terrorism offense, in violation of 18 U.S.C. § 1001 (Count Three); and (d) attempted identity theft to facilitate an act of international terrorism, in violation of 18 U.S.C. § 1028 (Count Four). During her plea colloquy, the defendant admitted that she participated in a scheme to support and join forces with violent jihadists and to murder a man in furtherance of their cause.

II. SENTENCING CALCULATION.

A. Statutory Maximum Sentence.

The Court may impose the following maximum sentences: (a) Conspiracy to provide material support to terrorists, in violation of 18 U.S.C. § 2339A (Count One) – 15 years imprisonment, three years of supervised release, a \$250,000 fine, and a \$100 special assessment; (b) Conspiracy to kill in a foreign country, in violation of 18 U.S.C. § 956 (Count Two) – life imprisonment, five years of supervised release, a \$250,000 fine, and a \$100 special assessment; (c) Making a false statement to a government official relating to an international terrorism offense, in violation of 18 U.S.C. § 1001 (Count Three) – eight years imprisonment, three years of supervised release, a \$250,000 fine, and a \$100 special assessment; and (d) Attempted identity theft to facilitate an act of international terrorism, in violation of 18 U.S.C. § 1028 (Count Four) – 30 years imprisonment, five years of supervised release, a \$250,000 fine, and a \$100 special assessment.

Therefore, the Court may impose a total maximum sentence of life imprisonment, five years of supervised release, a \$1,000,000 fine, and a \$400 special assessment. Further, the defendant's supervised release may be revoked if its terms and conditions are violated, in which case the original term of imprisonment may be increased by up to 5 years per count of conviction.

B. Sentencing Guidelines Calculation

The government agrees with Probation that the following Sentencing Guidelines calculation applies to Ms. LaRose:

1. Offense Levela. Group One (Counts One, Three, Four)

Base Offense Level	§ 2M5.3	26
Offense involved provision of material support or resources with intent or knowledge that they were to be used to assist in a violent act.	§ 2M5.3(b)	+2
Offense was felony intended to promote federal crime of terrorism	§ 3A1.4	+12
Obstruction of justice	§ 3C1.1	+2
<b>TOTAL GROUP ONE OFFENSE LEVEL</b>		<b>42</b>

b. Group Two (Count Two)

Base Offense Level	§ 2A1.5	33
Offense was felony intended to promote federal crime of terrorism	§ 3A1.4	+12
<b>TOTAL GROUP TWO OFFENSE LEVEL</b>		<b>45</b>

c. Multi-Count Adjustment

Units for Group One	§ 3D1.4(a)	1 unit
Units for Group Two	§ 3D1.4(a)	1 unit
<b>TOTAL UNITS</b>		<b>2</b>



d. Total Offense Level

Greater Adjusted Offense Level	Count Two	45
Increase based on number of units	§ 3D1.4	+2
Acceptance of Responsibility	§ 3E1.1	-3
<b>TOTAL OFFENSE LEVEL</b>		<b>44</b>

2. Criminal History Category

Trespassing	§ 4A1.2(e)(3)	0
Offense was felony intended to promote federal crime of terrorism	§ 3A1.4(b)	Category VI

3. Sentencing range

With an offense level of 44, and a Criminal History Category of VI, LaRose faces an advisory sentencing range of **life imprisonment**.<sup>2</sup>

III. MOTION FOR A DOWNWARD DEPARTURE

The United States of America, by its attorneys Zane David Memeger, United States Attorney for the Eastern District of Pennsylvania, Jennifer Arbittier Williams, Assistant United States Attorney for the District, and Matthew F. Blue, Trial Attorney, Counterterrorism Section, U.S. Department of Justice, hereby files a motion, pursuant to Section 5K1.1 of the Sentencing Guidelines, in support of a downward departure below the sentencing range recommended by the Sentencing Guidelines, based upon LaRose’s substantial assistance in the investigation and prosecution of other persons.

In United States v. Torres, 251 F.3d 138 (3d Cir. 2001), the Court stated:

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<sup>2</sup> The U.S.S.G. Sentencing Table calculates sentencing ranges only up to Offense Level 43. Therefore, as an Offense Level 44, LaRose is literally off the sentencing chart.

We strongly urge sentencing judges to make specific findings regarding each factor and articulate thoroughly whether and how they used any proffered evidence to reach their decision. In sum, it is incumbent upon a sentencing judge not only to conduct an individualized examination of the defendant's substantial assistance, but also to acknowledge § 5K1.1's factors in his or her analysis.

In this case, the relevant factors are as follows:

1. Nature of assistance. Section 5K1.1 lists as a relevant factor “the nature and extent of the defendant's assistance.” In this case, LaRose met with the government repeatedly over several years, totaling more than 20 occasions. She met with law enforcement not only from the Eastern District of Pennsylvania, but from other parts of the country and the world, answering questions for hours at a time. LaRose helped the government understand some of the factors leading to homegrown violent extremism, and her information proved instrumental in multiple criminal investigations. LaRose’s cooperation culminated in lengthy grand jury testimony which led to indictments against two individuals in the significant terrorism case United States v. Ali Charaf Damache, E.D. Pa. Crim. No. 11-420.

2. Significance of cooperation. Section 5K1.1 lists as a relevant factor “the court's evaluation of the significance and usefulness of the defendant's assistance, taking into consideration the government's evaluation of the assistance rendered.” In this case, the government deems LaRose’s cooperation very significant. She provided the government with insight into critical moments of the charged conspiracy, and she interpreted key e-mails and communications for government agents. As a result of LaRose’s information and testimony, the grand jury indicted Ali Charaf Damache and Mohammad Hassan Khalid for serious terrorism offenses. Khalid has since pled guilty, and Damache remains incarcerated in Ireland as he fights

extradition to the United States.<sup>3</sup>

3. Reliability of information. Section 5K1.1 lists as a relevant factor “the truthfulness, completeness, and reliability of any information or testimony provided by the defendant.” In this case, the government has been able to corroborate much of LaRose’s information with other evidence gathered by law enforcement. Thus, the government has determined that her information and testimony were truthful, complete, and reliable.

4. Danger to defendant. Section 5K1.1 lists as a relevant factor “any injury suffered, or any danger or risk of injury to the defendant or his family resulting from his assistance.” In this case, although the government has not learned of any specific danger or risks to LaRose or her family, there is always some danger associated with government cooperation in a criminal investigation, particularly in terrorism investigations.

5. Timeliness. Section 5K1.1 lists as a relevant factor “the timeliness of the defendant's assistance.” In this case, LaRose began cooperating immediately upon her arrest. Her cooperation was timely and allowed the government successfully to pursue other terrorism indictments based on her information.

For these reasons, the government respectfully files this motion in support of a departure below the sentencing range recommended by the Sentencing Guidelines based upon the defendant's substantial assistance in the investigation and prosecution of other persons.

#### IV. ANALYSIS.

A thorough consideration of all of the sentencing factors set forth in 18 U.S.C. § 3553(a) suggests that the most appropriate sentence would be one requiring decades of

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<sup>3</sup> LaRose provided significant information in other national security investigations as well. The government can provide further details regarding this information under seal if requested.

incarceration. Such a sentence falls below the Guidelines range of life imprisonment, thus recognizing LaRose's significant cooperation, but still addresses the threat posed by LaRose and others like her.

This Court must consider all of the sentencing considerations set forth in Section 3553(a). Those factors include: (1) the nature and circumstances of the offense and the history and characteristics of the defendant; (2) the need for the sentence imposed to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; (3) the need to afford adequate deterrence to criminal conduct, and to protect the public from further crimes of the defendant; (4) the need to provide the defendant with educational or vocational training, medical care, or other correctional treatment in the most effective manner; (5) the guidelines and policy statements issued by the Sentencing Commission; (6) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and (7) the need to provide restitution to any victims of the offense. 18 U.S.C. § 3553(a).<sup>4</sup>

First, these offenses were gravely serious. LaRose's criminal activities not only presented an extreme danger to the intended target of her murder scheme, but also to Westerners everywhere who would be targeted by the terrorist cell for which she recruited, fundraised, and

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<sup>4</sup> Further, the "parsimony provision" of Section 3553(a) states that "[t]he court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection." The Third Circuit has held that "district judges are not required by the parsimony provision to routinely state that the sentence imposed is the minimum sentence necessary to achieve the purposes set forth in § 3553(a)(2). . . . '[W]e do not think that the "not greater than necessary" language requires as a general matter that a judge, having explained why a sentence has been chosen, also explain why some lighter sentence is inadequate.'" United States v. Dragon, 471 F.3d 501, 506 (3d Cir. 2006) (quoting United States v. Navedo-Concepcion, 450 F.3d 54, 58 (1st Cir. 2006)).

traveled. In her role as “the hunter,” LaRose identified violent jihadists online and introduced them to like-minded extremists looking to train and execute terrorist attacks throughout the West. Motivated by hate and prejudice, LaRose successfully stole a U.S. passport for a terrorist “brother” who needed to travel, and she plotted and traveled to kill a Swedish resident in furtherance of the extremist cause. LaRose was working with truly dangerous people, and she proudly used her American background and looks to their advantage as they plotted against America.

This plot was cut short not because LaRose had second thoughts, but rather because she grew frustrated that her co-conspirators were not ready for action. Nonetheless, the aftermath of LaRose’s crimes continue even to this day. The stolen passport remains missing, and LaRose’s intended victim’s life has been forever changed. In an interview with U.S. law enforcement, the target of LaRose’s murder plot explained that her plot seemed to ignite other like-minded people.<sup>5</sup> Several of his speaking engagements have been canceled by the sponsors for security reasons. In addition, he was attacked during a lecture in May 2010, and someone attempted arson at his home later that same year. He has learned to be far more careful about his personal security at home and while traveling, and he expressed sadness that those with whom he spends his time have become more fearful as well.

When one looks beyond the seriousness of LaRose’s conduct to her personal history and characteristics, some mitigating factors are revealed. LaRose had a most difficult childhood, marked by abuse and neglect. Although those difficulties in no way lesson the harm

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<sup>5</sup> Notably, LaRose expressed hope during this conspiracy that her role as a woman assassin would embarrass male extremists into action. It appears that LaRose’s plan came to fruition.

caused by LaRose's venomous plot, they may somewhat explain her vulnerability to it.

Even more important to LaRose's personal history is her post-arrest cooperative activity. She cooperated with the government diligently, candidly, and tirelessly. But herein lies the dilemma; a defendant's willingness to cooperate often sends a signal to the government that she has learned respect for the law and thus poses less of a threat. However, in this case, while cooperating so diligently with the government, LaRose seemed to take pleasure and even pride recounting her glory days as "the hunter." And even years after her arrest, her prison correspondence seemed to indicate a complete lack of remorse about her behavior. LaRose often signed her prison mail proudly using her alias "JihadJane" and referring to her Wikipedia page. She repeatedly referred to the "filthy kafir pigs" in America. And as recently as mid-2012 (two-and-a-half years after her arrest), LaRose wrote a letter to an admirer saying:

I made my plans with a Noble Brother in Pakistan. It was just me and him that made these plans. Really Sis I have no regrets. My Brother honoured me by giving me the assignments. Nowhere does a Sister get assignments like what my Brother gave me.

In addition, during many government interviews, LaRose grew unmistakably wistful when discussing her "brother" in Pakistan, for whom she professed lifelong loyalty and agreed to commit murder.<sup>6</sup> For these reasons, the government strongly believes that LaRose continues to present a danger to the American people. In no way should this detract from LaRose's candid and enthusiastic cooperation, but the need for specific deterrence should most certainly be weighed against it.

In addition to the need for specific deterrence, this sentencing presents a strong

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<sup>6</sup> During the conspiracy, LaRose wrote to this "brother" that she considered it "an honour & great pleasure to die or kill for" him.

opportunity to send a message of general deterrence. Other lonely, vulnerable people who might be enticed by online extremists promising fame and honor must be shown that providing material support to terrorists translates to decades behind bars. They must be shown that no amount of life difficulties, and no amount of post-arrest cooperation, will erase the seriousness of a terrorism plot. LaRose played a critical role in a widespread and organized terrorist plot, which planned to send extremists to South Asia for training and back to the West to execute attacks. She received and attempted to execute a murder assignment in furtherance of the cause. She still harbors fond memories of her involvement. For these reasons she should be sentenced to decades behind bars.

V. CONCLUSION

Therefore, in sum, a balancing of the various sentencing considerations indicates that a sentence of decades in prison is the appropriate sentence in this case.

Respectfully submitted,

ZANE DAVID MEMEGER  
United States Attorney

*Jennifer Arbittier Williams*  
JENNIFER ARBITTIER WILLIAMS  
Assistant United States Attorney

*Matthew F. Blue*  
MATTHEW F. BLUE  
Trial Attorney  
Counterterrorism Section  
U.S. Department of Justice

Dated: December 30, 2013

CERTIFICATE OF SERVICE

I hereby certify that on this date I caused a true and correct copy of the foregoing Sentencing Memorandum and Motion for Downward Departure to be served by email upon counsel for defendant:

Mark T. Wilson, Esquire  
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Date: December 30, 2013