

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

AHMED FERHANI and  
MOHAMED MAMDOUH,

Defendants.

INDICTMENT

**INTRODUCTION TO THE CONSPIRACY COUNTS**

With regard to Counts One and Two of this Indictment, the Grand Jury charges that defendants Ahmed Ferhani and Mohamed Mamdouh planned to bomb synagogues and churches in Manhattan and elsewhere. They espoused a hatred of Jews and discussed their willingness to kill Jews. At times, they referred to their violent plans simply as, “the cause.” For the defendants, “the cause” meant taking steps to prepare for acts of violence against houses of worship, including acquiring funding and weapons, and training for attacks in the future. Their goal was to send a message of violence to non-Muslims, including Americans, Christians, and, primarily, Jews.

**FIRST COUNT:**

THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment, accuses the defendants, AHMED FERHANI and MOHAMED MAMDOUH, of the crime of **CONSPIRACY IN THE FOURTH DEGREE AS A CRIME OF TERRORISM**, in violation of Penal Law §§ 105.10(1)/490.25(1), committed as follows:

The defendants, in the County of New York and elsewhere, during the period from in or about April, 2011, to in or about May, 2011, with intent that conduct constituting a

class B and class C felony be performed, to wit, Criminal Possession of a Weapon in the First and Second Degrees, did agree with one and more persons to engage in and cause the performance of such conduct, with intent to intimidate and coerce a civilian population.

**SECOND COUNT:**

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants, AHMED FERHANI and MOHAMED MAMDOUH, of the crime of **CONSPIRACY IN THE FOURTH DEGREE AS A HATE CRIME**, in violation of Penal Law §§ 105.10(1)/485.05(1)(b), committed as follows:

The defendants, in the County of New York and elsewhere, during the period from in or about October, 2010, to in or about May, 2011, with intent that conduct constituting a class B and class C felony be performed, to wit, Criminal Mischief in the First Degree and Arson in the Third Degree, did agree with one and more persons to engage in and cause the performance of such conduct, and intentionally committed the act and acts constituting the offenses in whole and in substantial part because of a belief and perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability and sexual orientation of a person, regardless of whether the belief and perception were correct.

**OVERT ACTS**

In furtherance of each charged conspiracy, and to effect their objects, the following overt acts, among others, were committed in New York County and elsewhere:

1. On or about April 12, 2011, defendants Ferhani and Mamdouh, along with an Undercover Detective known to the Grand Jury (the "Undercover Detective"), met at defendant Ferhani's residence in Queens County.

2. On or about April 12, 2011, at defendant Ferhani's residence in Queens County, defendants Ferhani and Mamdouh, along with the Undercover Detective, said, in substance, that they wanted to blow up a synagogue.
3. On or about April 12, 2011, at defendant Ferhani's residence in Queens County, defendants Ferhani and Mamdouh and the Undercover Detective discussed, in substance, how to bomb a synagogue without being caught by law enforcement.
4. On or about April 12, 2011, at defendant Ferhani's residence in Queens County, defendant Ferhani asked the Undercover Detective, in substance, and in the presence of defendant Mamdouh, if the Undercover Detective could get in contact with someone about how to make a bomb.
5. On or about April 12, 2011, at defendant Ferhani's residence in Queens County, defendant Mamdouh instructed the Undercover Detective, in substance, and in the presence of defendant Ferhani, to discuss bombs only in person and not over the phone.
6. On or about April 12, 2011, at defendant Ferhani's residence in Queens County, defendant Ferhani stated, in substance, that they should dress up as Jewish worshippers, attend a service at a synagogue and leave a bag containing a bomb inside the synagogue before departing.
7. On or about April 12, 2011, at defendant Ferhani's residence in Queens County, defendant Mamdouh stated, in substance, that he had no problem killing Jews.
8. On or about April 18, 2011, defendants Ferhani and Mamdouh and the Undercover Detective met at defendant Ferhani's residence in Queens County.

9. On or about April 18, 2011, defendants Ferhani and Mamdouh and the Undercover Detective watched a documentary about Zionists inside Ferhani's residence in Queens County.
10. On or about April 18, 2011, at defendant Ferhani's residence in Queens County, defendant Ferhani stated, in substance, that he wanted to dress up as a Jewish worshipper, attend a service at a synagogue and leave a bomb inside the synagogue after everyone left.
11. On or about April 18, 2011, in the vicinity of defendant Ferhani's residence in Queens County, defendant Ferhani stated, in substance, that he wanted to bring guns into the synagogue so that if anything went wrong with their plan, they could shoot the people inside the synagogue.
12. On or about April 20, 2011, defendant Ferhani and the Undercover Detective met at defendant Ferhani's residence in Queens County.
13. On or about April 20, 2011, at defendant Ferhani's residence in Queens County, defendant Ferhani stated, in substance, that he wanted to blow up the biggest synagogue in Manhattan.
14. On or about April 20, 2011, at defendant Ferhani's residence in Queens County, defendant Ferhani stated, in substance, that he was selling drugs to raise money to support the cause.
15. During the course of the conspiracy, in Queens County, defendant Ferhani sold crack cocaine to raise money to support the cause.
16. During the course of the conspiracy, in Queens County, defendant Ferhani sold marihuana to raise money to support the cause.

17. During the course of the conspiracy, in Queens County, defendant Ferhani sold Percocet pills to raise money to support the cause.
18. On or about May 3, 2011, while riding in a car with the Undercover Detective in Queens County, defendant Ferhani stated, in substance, that he wanted to buy guns and grenades.
19. On or about May 3, 2011, while riding in a car with the Undercover Detective, defendant Ferhani stated, in substance, that they could throw grenades two at a time into a synagogue.
20. On or about May 3, 2011, while riding in a car with the Undercover Detective in Queens County, defendant Ferhani instructed the Undercover Detective, in substance, not to use the word “synagogue” on the phone.
21. On or about May 3, 2011, while riding in a car with the Undercover Detective in Queens County, defendant Ferhani stated, in substance, that he wanted to use grenades to blow up churches.
22. On or about May 5, 2011, defendant Ferhani and the Undercover Detective traveled from Queens into Manhattan by car for a meeting to discuss defendant Ferhani’s interest in purchasing guns and grenades.
23. On or about May 5, 2011, defendant Ferhani and the Undercover Detective met with a second Undercover Detective (the “second Undercover Detective”), whom defendant Ferhani believed was a weapons dealer, inside a car parked in the vicinity of West 58<sup>th</sup> Street and 12<sup>th</sup> Avenue in Manhattan.
24. On or about May 5, 2011, in the vicinity of West 58<sup>th</sup> Street and 12<sup>th</sup> Avenue in Manhattan, Ferhani said, in substance, that he wanted to buy grenades.

25. On or about May 5, 2011, in the vicinity of West 58<sup>th</sup> Street and 12<sup>th</sup> Avenue in Manhattan, defendant Ferhani said, in substance, that he would pay six hundred dollars to buy two guns.
26. On or about May 9, 2011, in Queens County, defendant Ferhani stated, in substance, that he wanted to blow up a synagogue as a warning to the Jewish people.
27. On or about May 9, 2011, in Queens County, defendant Ferhani stated, in substance, that he wanted to blow up ten synagogues at one time.
28. On or about May 11, 2011, defendants Ferhani and Mamdouh and the Undercover Detective met at defendant Ferhani's residence in Queens County.
29. On or about May 11, 2011, at defendant Ferhani's residence in Queens County, defendants Ferhani and Mamdouh and the Undercover Detective discussed, in substance, their plan to purchase two Brownings, one Smith & Wesson, and a grenade that day.
30. On or about May 11, 2011, defendant Ferhani directed defendant Mamdouh, in substance, to transport the Smith & Wesson and the grenade from Manhattan to Brooklyn after they were purchased.
31. On or about May 11, 2011, defendant Mamdouh agreed, in substance, that he would transport the Smith & Wesson and the grenade from Manhattan to Brooklyn after they were purchased.
32. On or about May 11, 2011, defendant Ferhani told defendant Mamdouh, in substance, that defendant Ferhani and the Undercover Detective would transport the two Brownings to sell to another individual.

33. On or about May 11, 2011, defendant Mamdouh told defendant Ferhani, in substance, to put the weapons in the trunk of the car.
34. On or about May 11, 2011, defendants Ferhani and Mamdouh and the Undercover Detective traveled from Queens into Manhattan by car to purchase the two Brownings, the Smith & Wesson, and the grenade.
35. On or about May 11, 2011, while en route to Manhattan, defendants Ferhani and Mamdouh said, in substance, that they wanted to blow up buildings in New York City.
36. On or about May 11, 2011, while en route to Manhattan, defendant Mamdouh said, in substance, that C4, an explosive, could blow up a whole city block.
37. On or about May 11, 2011, defendant Mamdouh got out of the car in the vicinity of West 57<sup>th</sup> Street and 9<sup>th</sup> Avenue in Manhattan to wait for defendant Ferhani and the Undercover Detective to return.
38. On or about May 11, 2011, defendant Ferhani and the Undercover Detective met the second Undercover Detective inside a car that was parked in the vicinity of West 58<sup>th</sup> Street and 12<sup>th</sup> Avenue in Manhattan.
39. On or about May 11, 2011, while inside the car in the vicinity of West 58<sup>th</sup> Street and 12<sup>th</sup> Avenue in Manhattan, defendant Ferhani gave one hundred dollars to the second Undercover Detective as payment for the weapons.
40. On or about May 11, 2011, while inside the car in the vicinity of West 58<sup>th</sup> Street and 12<sup>th</sup> Avenue in Manhattan, defendant Ferhani told the second Undercover Detective, in substance, that he would give him additional money later.

41. On or about May 11, 2011, defendant Ferhani told the second Undercover Detective, in substance, that he wanted to purchase additional weapons in the future.
42. On or about May 11, 2011, while inside the car in the vicinity of West 58<sup>th</sup> Street and 12<sup>th</sup> Avenue in Manhattan, defendant Ferhani asked the second Undercover Detective, in substance, if the second Undercover Detective could sell defendant Ferhani a silencer.
43. On or about May 11, 2011, while inside the car in the vicinity of West 58<sup>th</sup> Street and 12<sup>th</sup> Avenue in Manhattan, defendant Ferhani asked the second Undercover Detective, in substance, if the second Undercover Detective could sell defendant Ferhani a bulletproof vest.
44. On or about May 11, 2011, while inside the car in the vicinity of West 58<sup>th</sup> Street and 12<sup>th</sup> Avenue in Manhattan, defendant Ferhani asked the second Undercover Detective, in substance, if the second Undercover Detective could sell defendant Ferhani a police radio interceptor.
45. On or about May 11, 2011, while inside the car in the vicinity of West 58<sup>th</sup> Street and 12<sup>th</sup> Avenue in Manhattan, defendant Ferhani asked the second Undercover Detective, in substance, the price for a box of grenades.
46. On or about May 11, 2011, while inside the car in the vicinity of West 58<sup>th</sup> Street and 12<sup>th</sup> Avenue in Manhattan, defendant Ferhani said to the second Undercover Detective, in substance, that he was purchasing the weapons for the cause.
47. On or about May 11, 2011, while inside the car in the vicinity of West 58<sup>th</sup> Street and 12<sup>th</sup> Avenue in Manhattan, defendant Ferhani told the second Undercover



Detective that Muslims were getting abused all over the world and that defendant Ferhani was not going to accept it.

48. On or about May 11, 2011, while inside the car in the vicinity of West 58<sup>th</sup> Street and 12<sup>th</sup> Avenue in Manhattan, defendant Ferhani possessed two Browning .380 caliber semiautomatic pistols.
49. On or about May 11, 2011, while inside the car in the vicinity of West 58<sup>th</sup> Street and 12<sup>th</sup> Avenue in Manhattan, defendant Ferhani possessed ammunition for the two Browning .380 caliber semiautomatic pistols.
50. On or about May 11, 2011, while inside the car in Manhattan, defendant Ferhani possessed a Smith & Wesson 9 millimeter semiautomatic pistol.
51. On or about May 11, 2011, while inside the car in Manhattan, defendant Ferhani possessed ammunition for the Smith & Wesson 9 millimeter semiautomatic pistol.
52. On or about May 11, 2011, while inside the car in Manhattan, defendant Ferhani possessed an inert grenade.
53. On or about May 11, 2011, defendant Ferhani placed two Browning .380 caliber semiautomatic pistols, a Smith & Wesson 9 millimeter semiautomatic pistol, and an inert grenade inside the trunk of the car.

**THIRD COUNT:**

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants, AHMED FERHANI and MOHAMED MAMDOUH, of the crime of **ATTEMPTED CRIMINAL POSSESSION OF A WEAPON IN THE FIRST**

**DEGREE AS A CRIME OF TERRORISM**, in violation of Penal Law §§ 110.00/265.04(1)/490.25(1), committed as follows:

The defendants, in the County of New York, on or about May 11, 2011, attempted to possess an explosive substance, to wit, a grenade, with intent to use the same unlawfully against the person and property of another, and with intent to intimidate and coerce a civilian population.

**FOURTH COUNT:**

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants, AHMED FERHANI and MOHAMED MAMDOUH, of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE AS A CRIME OF TERRORISM**, in violation of Penal Law §§ 265.03(3)/490.25(1), an armed felony, committed as follows:

The defendants, in the County of New York, on or about May 11, 2011, possessed a loaded firearm, to wit, a Smith & Wesson 9 millimeter semiautomatic pistol, said possession not being in the defendants' homes or places of business, with intent to intimidate and coerce a civilian population.

**FIFTH COUNT:**

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants, AHMED FERHANI and MOHAMED MAMDOUH, of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE AS A CRIME OF TERRORISM**, in violation of Penal Law §§ 265.03(3)/490.25(1), an armed felony, committed as follows:

The defendants, in the County of New York, on or about May 11, 2011, possessed a loaded firearm, to wit, a Beretta/Browning .380 caliber semiautomatic pistol, said possession not being in the defendants' homes or places of business, with intent to intimidate and coerce a civilian population.

**SIXTH COUNT:**

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants, AHMED FERHANI and MOHAMED MAMDOUH, of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE AS A CRIME OF TERRORISM**, in violation of Penal Law §§ 265.03(3)/490.25(1), an armed felony, committed as follows:

The defendants, in the County of New York, on or about May 11, 2011, possessed a loaded firearm, to wit, a Beretta/Browning .380 caliber semiautomatic pistol, said possession not being in the defendants' homes or places of business, with intent to intimidate and coerce a civilian population.

**SEVENTH COUNT:**

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants, AHMED FERHANI and MOHAMED MAMDOUH, of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE AS A CRIME OF TERRORISM**, in violation of Penal Law §§ 265.03(1)(b)/490.25(1), an armed felony, committed as follows:

The defendants, in the County of New York, on or about May 11, 2011, possessed a loaded firearm, to wit, a Smith & Wesson 9 millimeter semiautomatic pistol, with intent to

use the same unlawfully against another, and with intent to intimidate and coerce a civilian population.

**EIGHTH COUNT:**

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendants, AHMED FERHANI and MOHAMED MAMDOUH, of the crime of **CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE AS A CRIME OF TERRORISM**, in violation of Penal Law §§ 265.02(5)(i)/490.25(1), committed as follows:

The defendants, in the County of New York, on or about May 11, 2011, possessed three firearms, to wit, a Smith & Wesson 9 millimeter semiautomatic pistol and two Beretta/Browning .380 caliber semiautomatic pistols, with intent to intimidate and coerce a civilian population.

**NINTH COUNT:**

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant, AHMED FERHANI, of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE AS A CRIME OF TERRORISM**, in violation of Penal Law §§ 265.11(2)/490.25(1), committed as follows:

The defendant Ahmed Ferhani, in the County of New York, on or about May 11, 2011, not being a person authorized pursuant to law to possess a firearm, unlawfully possessed a firearm, to wit, a Beretta/Browning .380 caliber semiautomatic pistol, with intent to sell it, and with intent to intimidate and coerce a civilian population.

**TENTH COUNT:**

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant, AHMED FERHANI, of the crime of **CRIMINAL SALE OF A FIREARM IN THE THIRD DEGREE AS A CRIME OF TERRORISM**, in violation of Penal Law §§ 265.11(2)/490.25(1), committed as follows:

The defendant Ahmed Ferhani, in the County of New York, on or about May 11, 2011, not being a person authorized pursuant to law to possess a firearm, unlawfully possessed a firearm, to wit, a Beretta/Browning .380 caliber semiautomatic pistol, with intent to sell it, and with intent to intimidate and coerce a civilian population.

CYRUS R. VANCE, JR.  
District Attorney