

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA : Case No. 1:16-CR-019
:
v. : PLEA AGREEMENT
:
MUNIR ABDULKADER : Judge Barrett
:

The United States Attorney for the Southern District of Ohio (herein, the “government”) and the above-named defendant, by and through counsel, pursuant to Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure, agree as follows:

RIGHTS OF THE DEFENDANT

1. The defendant has the right to plead not guilty and have a trial by jury as to the charges. At trial, the defendant would have the right to call, confront, and cross-examine witnesses. The defendant also has the right against compelled self-incrimination and the right to receive certain impeachment information before trial.

WAIVER OF RIGHTS AND PLEA OF GUILTY

2. The defendant waives these rights and agrees to plead guilty to Counts 1, 2, and 3 of the Information (attempt to kill government employees, in violation of 18 U.S.C. § 1114; possession of a firearm in furtherance of a crime of violence, in violation of 18 U.S.C. § 924(c); and attempted material support to a foreign terrorist organization, in violation of 18 U.S.C. § 2339B). The defendant understands the nature and elements of the offenses charged. The United States Attorney’s Office for the Southern District of Ohio will not further prosecute the defendant for conduct prior to the date of this Plea Agreement that was part of the same course of criminal conduct described in the charging document. This agreement is limited to the United

States Attorney's Office for the Southern District of Ohio and does not bind any other federal, state or local prosecuting authorities.

MAXIMUM PENALTIES

3. Defendant understands that Count 1 of the Information (attempted murder of government officials and employees, in violation of 18 U.S.C. § 1114) carries the following maximum penalties:

- a. imprisonment for a period not to exceed 20 years, a fine not to exceed \$250,000, and a term of supervised release of any term of years up to life;
- b. additional imprisonment for part or all of the term of supervised release if the defendant violates the conditions; and
- c. a mandatory special assessment of \$100.00.

4. Defendant understands that Count 2 of the Information (possession of a firearm in furtherance of a crime of violence, in violation of 18 U.S.C. § 924(c)) carries the following maximum penalties:

- a. a mandatory minimum of 5 years of imprisonment, up to a maximum of life imprisonment, a fine not to exceed \$250,000, and a term of supervised release of not more than 3 years;
- b. additional imprisonment for part or all of the term of supervised release if the defendant violates the conditions; and
- c. a mandatory special assessment of \$100.00.

5. Defendant understands that Count 3 of the Information (attempted material support to a foreign terrorist organization, in violation of 18 U.S.C. § 2339B) carries the following maximum penalties:

- a. imprisonment for a period not to exceed 15 years, a fine not to exceed \$250,000, and a term of supervised release of any terms of years up to life;

- b. additional imprisonment for part or all of the term of supervised release if the defendant violates the conditions; and
- c. a mandatory special assessment of \$100.00.

SENTENCING

4. The sentence will be imposed by, and is within the sole discretion of, the Court. There is no agreement as to what the sentence will be. The Court could impose the statutory maximum sentence as stated above. The defendant understands that the United States Sentencing Guidelines (“U.S.S.G.” or “Sentencing Guidelines”) are advisory and not mandatory, although the Court is required to consider the Sentencing Guidelines and their application to this case in imposing sentence. The Court may or may not impose sentence within the applicable Sentencing Guidelines range. The defendant has reviewed with defense counsel how the Sentencing Guidelines might apply to this case. Defendant does not have the right to withdraw the guilty plea if the Court imposes a sentence that is higher than expected.

STATEMENT OF FACTS

5. The defendant is pleading guilty because the defendant is in fact guilty. The Statement of Facts in this case that is attached to this Plea Agreement is true and correct, is made a part of this agreement, and will be submitted to the Court as evidence.

NON-BINDING SENTENCING GUIDELINES STIPULATIONS

6. The government and the defendant agree and recommend to the Court that the Court apply the following non-binding stipulations:

- a. If, in the opinion of the United States Attorney’s Office, the defendant accepts responsibility, and the probation office recommends a two-level reduction for “acceptance of responsibility,” as provided in U.S.S.G. § 3E1.1(a), the government will concur in the recommendation;

- b. If the probation office recommends the above two-level reduction, and the defendant timely complies with all the requirements of this agreement, the government will recommend an additional one-level reduction pursuant to U.S.S.G. 3E1.1(b), if applicable;
- c. As to Count 1, the Sentencing Guideline applicable to the offense of attempted killing of a government employee, is U.S.S.G. § 2A1.5, which has a base offense level of 33. 3 levels are added for a victim enhancement, pursuant to U.S.S.G. § 3A1.2. 12 levels are added for a terrorism enhancement, pursuant to U.S.S.G. § 3A1.4.
- d. As to Count 2, the Sentencing Guideline applicable to the offense of possession of a firearm in furtherance of a crime of violence is U.S.S.G. § 2K2.4.
- e. As to Count 3, the Sentencing Guideline applicable to the offense of material support of foreign terrorist organization, is U.S.S.G. § 2M5.3, which has a base offense level of 26. 2 levels are added for a connection to a firearm or violence, pursuant to U.S.S.G. § 2M5.3(b)(1). 12 levels are added for a terrorism enhancement, pursuant to U.S.S.G. § 3A1.4.
- f. In accordance with U.S.S.G. § 3A1.4, the defendant will automatically have a criminal history category of VI.

7. The stipulations in the preceding paragraph are not binding on the Court, and the defendant understands that if the Court rejects any of the stipulations, the defendant does not have the right to withdraw his guilty plea.

FORFEITURE

8. Defendant agrees to forfeit all rights, title, and interest in the AK-47 rifle that was purchased and possessed by the Defendant on or about May 21, 2015. Defendant further agrees to waive all interest in such asset in any administrative or judicial forfeiture proceeding, whether criminal or civil, state or federal. Defendant agrees to consent to the entry of orders of forfeiture for such property and waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of forfeiture in the charging instrument, announcement of the forfeiture at

sentencing, and incorporation of the forfeiture in the judgment. Defendant understands that the forfeiture of assets is part of the sentence that may be imposed in this case.

REPRESENTATION OF COUNSEL

9. The defendant has thoroughly reviewed all aspects of this case with defense counsel and is fully satisfied with his attorney's legal representation. The defendant has received meaningful and satisfactory explanations from counsel concerning each paragraph of the Plea Agreement, the rights affected by this Plea Agreement and the alternatives available other than entering into this Plea Agreement. After conferring with counsel, the defendant has concluded that it is in his best interest to enter into this Plea Agreement in its entirety, rather than to proceed to trial.

VOLUNTARY PLEA

10. This plea of guilty is freely and voluntarily made and not the result of force or threats or of promises apart from those set forth in this Plea Agreement. There have been no representations whatsoever by any agent or employee of the government, or any other law enforcement agency, as to what the final disposition in this matter should and will be.

VIOLATION OF PLEA AGREEMENT

11. The defendant agrees to abide by each and every term of this agreement. The defendant agrees that if he violates any provision of this Plea Agreement, or if the defendant makes any statement that is materially false in whole or in part, the government may declare this Plea Agreement null and void, and the defendant thereafter will be subject to prosecution for any criminal violation including, but not limited to, any crime(s) charged in this case, as well as perjury and obstruction of justice. If this agreement or the defendant's conviction is voided for

any reason, the defendant waives any statute of limitations with respect to the government prosecuting the defendant for any offense arising from defendant's conduct in this case.

ADDITIONAL PROVISIONS

12. The defendant agrees not to (1) engage in conduct defined under Application Notes 4(a) through (k) of Guidelines 3C1.1, or (2) commit any misconduct (including, but not limited to, committing a state or federal offense, violating any term of release, or make a false statement or misrepresentation to any governmental entity or official) after entering into this agreement.

13. If the defendant's guilty plea is not accepted by the Court or is later set aside, then the government will have the right to void this agreement.

14. By virtue of pleading guilty, the defendant is not a prevailing party as defined by 18 U.S.C. § 3006A and expressly waives any right the defendant may have to sue the United States.

15. In the event the defendant does not plead guilty, or seeks to withdraw a guilty plea, or violates the terms of the plea agreement, the defendant waives any protection afforded by Section 1B1.8(a) of the Guidelines, Rule 11(f) of the Federal Rules of Criminal Procedure, and Rule 410 of the Federal Rules of Evidence. Any statements made by the defendant in the course of any plea discussions, any proceeding under Rule 11 of the Federal Rules of Criminal Procedure, or any cooperation with the government will be admissible against the defendant without any limitation in any civil or criminal proceeding.

CARTER M. STEWART
United States Attorney

3-3-16
Date



Timothy S. Mangan (#0069287)
Assistant U.S. Attorney
221 East Fourth Street
Suite 400
Cincinnati, Ohio 45202
(513) 684-3711

02-29-16
Date



Munir Abdulkader, Defendant

2/29/16
Date



Richard Smith-Monahan, Esq.
Counsel for Defendant

STATEMENT OF FACTS

The United States and the Defendant stipulate and agree that the United States would be able to prove the following facts at trial beyond a reasonable doubt. These are not all the facts that the United States would prove if the case proceeded to trial.

At all times relevant, MUNIR ABDULKADER has resided in West Chester, Ohio, the Southern District of Ohio. He became a citizen of the United States on September 22, 2006. During 2014 and 2015, MUNIR ABDULKADER was a college student at a university in Cincinnati, Ohio.

Beginning in at least July 2014 and continuing to 2015, MUNIR ABDULKADER established and used Twitter accounts. Using his Twitter accounts, he posted statements, videos, and other content indicating his support for ISIL. MUNIR ABDULKADER posted an ISIL training video, lamented that his cousin had died fighting for ISIL, stated that he supported ISIL, expressed his desire to travel and join ISIL, and expressed his desire to attain “shahada” [martyrdom].

In January 2015, MUNIR ABDULKADER applied for a passport and instructed that the passport be delivered to an address that was not his residence. From approximately March 2015 to mid-April 2015, he began speaking with a Confidential Human Source (CHS) about his (MUNIR ABDULKADER’s) desire and intention to travel to Syria in order to join ISIL as a fighter. From approximately March 2015 through at least April 2015, MUNIR ABDULKADER made plans and preparations to travel to Syria to join ISIL as a fighter. He expressed his support for ISIL, expressed his intent to become a fighter for ISIL, secured a passport, saved money for the trip, and researched the logistical details of traveling to and joining ISIL. In approximately late April 2015, he expressed concerns about the number of arrests of individuals who were

trying to travel to join ISIL. He researched other options and postponed his original departure date of approximately May 2, 2015.

During at least May 2015, MUNIR ABDULKADER was in electronic communication with one or more individuals located overseas whom he understood were members of ISIL. Through those communications, the person(s) whom he understood were member(s) of ISIL directed and encouraged MUNIR ABDULKADER to plan and execute a violent attack within the United States.

In May 2015, MUNIR ABDULKADER began discussing with the CHS the possibility of executing a violent attack within the United States. MUNIR ABDULKADER discussed an idea of attacking a police station, which according to MUNIR ABDULKADER had been declared a permissible target by an ISIL cleric. MUNIR ABDULKADER then communicated with the CHS and overseas member(s) of ISIL about a plan to attack a military base and/or kill an identified military employee on account of his position with the United States government. The plan included abducting the employee at the employee's home and filming the execution of the employee. After killing the employee, MUNIR ABDULKADER planned to execute a violent attack on a police station in the Southern District of Ohio using firearms and Molotov cocktails.

In preparation for the attacks, MUNIR ABDULKADER took the following actions:

- a. MUNIR ABDULKADER asked the CHS to purchase a vest for holding ammunition.
- b. On or about May 18, 2015, MUNIR ABDULKADER traveled to a police station in the Southern District of Ohio and conducted surveillance of the police station.
- c. On or about May 20, 2015, MUNIR ABDULKADER went to a shooting range, learned how to operate certain firearms, and practiced shooting the firearms.

MUNIR ABDULKADER also negotiated the purchase of a firearm, namely an AK-47 assault rifle, for \$350.

- d. On May 21, 2015, MUNIR ABDULKADER provided funds for the purchase of an AK-47 assault rifle and took possession of the firearm.

I have reviewed the above statement of facts with my attorney. I agree to the accuracy of the statement of facts and acknowledge the truth of the statement of facts as detailed above.

02-29-16
Date

Munir Abdulkader
Munir Abdulkader, Defendant