

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

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

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: Please see attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

AMER SINAN ALHAGGAGI

DISTRICT COURT NUMBER

FILED

JUL 21 2017

DEFENDANT

IS NOT IN CUSTODY

Defendant has not been arrested, pending outcome of this proceeding. Defendant has not been arrested, pending outcome of this proceeding. Defendant has not been arrested, pending outcome of this proceeding.

2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☒ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District
☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:
☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

4:16-CR-71531

Name and Office of Person

Furnishing Information on this form Brian J. Stretch

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

S. W. Hasib

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

AMER SINAN ALHAGGAGI

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

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

FILED

JUL 21 2017

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

UNITED STATES OF AMERICA,

V.

CR17

0387

JS1

AMER SINAN ALHAGGAGI,

DEFENDANT(S).

INDICTMENT

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

A true bill.

Karen Williams

Foreman

Filed in open court this 20 day of

July 2017

M. J. Kim

Clerk

SALLIE KIM

United States Magistrate Judge

Bail, \$ **NO PROCESS**

Allen

BRIAN J. STRETCH (CABN 163973)
United States Attorney

FILED

JUL 21 2017

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

Sn

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CR17 0387 JST

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMER SINAN ALHAGGAGI,

Defendant.

CASE NO.

VIOLATIONS: 18 U.S.C. § 2339B(a)(1) –
Attempting to Provide Material Support or Resources
To Designated Foreign Terrorist Organizations; 18
U.S.C. § 1029(a)(4) – Possession of Device-Making
Equipment; 18 U.S.C. § 1029(a)(2) – Using an
Unauthorized Access Device; 18 U.S.C.
§ 1028A(a)(1) – Aggravated Identity Theft; 18 U.S.C.
§§ 981(a)(1)(C), 981(a)(1)(G)(i), 1029(c)(1)(C), 28
U.S.C. § 2461(c) – Forfeiture

SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

BACKGROUND ON ISIS

1. On or about October 15, 2004, the United States Secretary of State designated al-Qa'ida 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 and as a Specially Designated Global Terrorist entity under Section 1(b) of Executive Order 13224.

2. On or about May 15, 2014, the Secretary of State amended the designation of AQI as an FTO under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global

INDICTMENT

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

6 3. On or about September 21, 2014, then-ISIL spokesperson Abu Muhammad al-Adnani
7 called for attacks against citizens - civilian or military - of the countries participating in the United
8 States-led coalition against ISIS.

9 4. On or about September 21, 2015, the Secretary added the following aliases to the ISIS
10 listing: Islamic State, ISIL, and ISIS. To date, ISIS remains a designated FTO.

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

13 5. Paragraphs 1 through 4 are incorporated herein.

14 6. Beginning on a date unknown, but no later than July 24, 2016, and continuing until
15 November 29, 2016, in the Northern District of California and elsewhere, the defendant,

16 AMER SINAN ALHAGGAGI,

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

1
2 COUNT TWO: (18 U.S.C. § 1029(a)(4) – Fraudulent Possession of Access Device-Making Equipment)

3 7. On or about November 29, 2016, in the Northern District of California, the defendant,
4 AMER SINAN ALHAGGAGI,
5 knowingly, and with intent to defraud, trafficked in, had control and custody of, and possessed device-
6 making equipment, and in doing so, affected interstate commerce, in violation of Title 18, United States
7 Code, Section 1029(a)(4).
8

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

10 8. Between on or about July 20, 2016, and continuing until at least on or about August 1,
11 2016, in the Northern District of California and elsewhere, the defendant,
12 AMER SINAN ALHAGGAGI,
13 knowingly, and with intent to defraud, used one and more unauthorized access devices, specifically a
14 Visa debit card bearing the account number and first and last names of N.C., and by such conduct
15 obtained things of value worth \$1,000 or more, and in doing so, affected interstate commerce, in
16 violation of Title 18, United States Code, Section 1029(a)(2).
17

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

19 9. Between on or about July 20, 2016, and continuing until at least on or about August 1,
20 2016, in the Northern District of California and elsewhere, the defendant,
21 AMER SINAN ALHAGGAGI,
22 during and in relation to a felony violation of 18 U.S.C. § 1029(a)(2), as alleged in Count Three,
23 knowingly possessed and used, without lawful authority, a means of identification of another person,
24 specifically a Visa debit card bearing the account number and first and last names of N.C., knowing that
25 the means of identification belonged to another person, in violation of Title 18, United States Code,
26 Section 1028A(a)(1).
27
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INDICTMENT

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

3 10. The factual allegations contained in Counts One through Three of this Indictment are
4 hereby realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture
5 pursuant to the provisions of Title 18, United States Code Sections 981(a)(1)(C), 981(a)(1)(G)(i),
6 1029(c)(1)(C) and Title 28, United States Code, Section 2461(c)..

7 11. Upon conviction of the offense alleged in Count One of this Indictment, the defendant,
8 AMER SINAN ALHAGGAGI,
9 shall forfeit to the United States of America, pursuant to Title 18, United States Code, Sections
10 981(a)(1)(C) and 981(a)(1)(G)(i), all assets, foreign or domestic, of the defendant, upon his conviction
11 for planning or perpetrating any Federal crime of terrorism against the United States, citizens or
12 residents of the United States, or their property, and all assets, foreign or domestic, affording any person
13 a source of influence over any such entity or organization.

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

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

1 All pursuant to 18 U.S.C. §§ 981(a)(1)(C), 981(a)(1)(G)(i), and 1029(c)(1)(C), and Title 28,
2 United States Code, Section 2461(c), and Federal Rule of Criminal Procedure 32.2.

3 DATED:

A TRUE BILL.

4 July 20, 2017

5 Karen Williams
6 FOREPERSON

7 BRIAN J. STRETCH
8 United States Attorney

9 Barbara Valliere

10 BARBARA J. VALLIERE
11 Chief, Criminal Division

12 (Approved as to form: John H. Hemann)

13 JOHN H. HEMANN
14 Chief, Special Prosecutions
15 and National Security Unit
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INDICTMENT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL COVER SHEET

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

CR17

0387

JST

CASE NAME:

CASE NUMBER:

USA v. AMER SINAN ALHAGGAGI

CR

Is This Case Under Seal?

Yes No ☒

Total Number of Defendants:

1 ☒ 2-7 8 or more

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes No ☒

Venue (Per Crim. L.R. 18-1):

SF OAK ☒ SJ

Is this a potential high-cost case?

Yes ☒ No

Is any defendant charged with a death-penalty-eligible crime?

Yes No ☒

Is this a RICO Act gang case?

Yes No ☒

Assigned AUSA
(Lead Attorney): S. W. Hasib

Date Submitted: 7/20/2017

Comments: