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Attorneys for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

No. 3:12-cr-00659-MO

Plaintiff,

v.

**PETITION TO ENTER PLEA
OF GUILTY, CERTIFICATE
OF COUNSEL, AND ORDER**

REAZ QADIR KHAN,

Defendant.

The defendant represents to the Court:

1. My name is Reaz Qadir Khan. I am 51 years old. I have gone to school up to and including college and a master's degree in engineering.
2. My attorneys are Amy Baggio and Lawrence Matasar.

3. My attorney and I have discussed my case fully. I have received a copy of the Information. I have read the Information, or it has been read to me, and I have discussed it with my attorneys. My attorneys have counseled and advised me concerning the nature of the charge, any lesser-included offense(s), and the possible defenses that I might have in this case. I have been advised and understand that the elements of the charge alleged against me to which I am pleading "GUILTY" are as follows: Accessory After The Fact – knowing that an offense against the United States has been committed, a defendant relieves, comforts or assists the offenders in order to hinder or prevent their apprehension, trial or punishment. I have had a full and adequate opportunity to disclose to my attorneys all facts known to me that relate to my case. I understand that the Court may ask whether I am satisfied with the advice I have received from my attorneys.

4. I know that if I plead "GUILTY," I will have to answer any questions that the judge asks me about the offense to which I am pleading guilty. I also know that if I answer falsely, under oath, and in the presence of my attorney, my answers could be used against me in a prosecution for perjury or false statement.

5. I am not under the influence of alcohol or drugs. I am not suffering from any injury, illness or disability affecting my thinking or my ability to reason except as follows: None
_____. I have not taken any drugs or medications within the past seven (7) days except as follows: None_____.

6. I understand that conviction of a crime can result in consequences in addition to imprisonment. Such consequences include loss of eligibility to receive federal benefits; loss of certain civil rights (which may be temporary or permanent depending on applicable state or federal law), such as the right to vote, to hold public office, and to possess a firearm; and loss of the privilege to engage in certain occupations licensed by the state or federal government.

7. I know that I may plead "NOT GUILTY" to any crime charged against me and that I may persist in that plea if it has already been made. I know that if I plead "NOT GUILTY" the Constitution guarantees me:

- a. The right to a speedy and public trial by jury, during which I will be presumed to be innocent unless and until I am proven guilty by the government beyond a reasonable doubt and by the unanimous vote of twelve jurors;
- b. The right to have the assistance of an attorney at all stages of the proceedings;
- c. The right to use the power and process of the court to compel the production of evidence, including the attendance of witnesses in my favor;
- d. The right to see, hear, confront, and cross-examine all witnesses called to testify against me;
- e. The right to decide for myself whether to take the witness stand and testify, and if I decide not to take the witness stand, I understand that no inference of guilt may be drawn from this decision; and
- f. The right not to be compelled to incriminate myself.

8. I know that if I plead "GUILTY" there will be no trial before either a judge or a jury, and that I will not be able to appeal from the judge's denial of any pretrial motions I may have filed concerning matters or issues not related to the court's jurisdiction.

9. In this case I am pleading "GUILTY" under Rule 11(c)(1)(C). My attorney has explained the effect of my plea under Rule 11(c)(1)(C) to be as follows:

My plea of guilty is under Rule 11(c)(1)(C); therefore, at the time of sentencing, the judge must either impose the specific sentence agreed upon by the prosecutors and me, or allow me to withdraw my plea.

10. I know the maximum sentence which can be imposed upon me for the crime to which I am pleading guilty is: 15 years' imprisonment, three year term of supervised release, and a \$125,000 fine.

11. I know that the judge, in addition to any other penalty, will order a special assessment as provided by law in the amount of \$100.

12. I know that if I am ordered to pay a fine, and I willfully refuse to pay that fine, I can be returned to court, where the amount of the unpaid balance owed on the fine can be substantially increased by the judge and I can be imprisoned for up to one year.

13. My attorneys have discussed with me the Federal Sentencing Guidelines. I know that the Guidelines are advisory, not mandatory. I also know the sentencing judge, in determining the particular sentence to be imposed, must consider those factors set forth in Title 18, United States Code, Section 3553(a), including but not limited to: the nature and circumstances of the offense, my own history and characteristics, the goals of sentencing (punishment, deterrence, protection and rehabilitation) and the sentencing range established by the advisory Guidelines. If my attorney or any other person has calculated a guideline range for me, I know that this is only a prediction and advisory and that it is the judge who makes the final decision as to what the guideline range is and what sentence will be imposed. I also know that a judge may not impose a sentence greater than the maximum sentence referred to in paragraph (10) above.

14. I know from discussion with my attorney that, under the Federal Sentencing Guidelines, if I am sentenced to prison I am not entitled to parole. I will have to serve the full sentence imposed except for any credit for good behavior that I earn. I can earn credit for good behavior in prison at a rate of up to 54 days for each year of imprisonment served.

15. I know that if I am sentenced to prison, the judge will impose a term of supervised release to follow the prison sentence. During my supervised release term I will be supervised by a probation officer according to terms and conditions set by the judge. If I violate the conditions of supervised release, I may be sent back to prison for up to two years.

16. I know that in addition to or in lieu of any other penalty, the judge can order restitution payments to any victim of any offense to which I plead guilty. I am also informed that, for certain crimes of violence and crimes involving fraud or deceit, it is mandatory that the judge impose restitution in the full amount of any financial loss or harm caused by an offense. If imposed, the victim can use the order of restitution to obtain a civil judgment lien. A restitution order can be enforced by the United States for up to twenty (20) years from the date of my release from imprisonment, or, if I am not imprisoned, twenty (20) years from the date of the entry of judgment. If I willfully refuse to pay restitution as ordered, a judge may resentence me to any sentence which could originally have been imposed.

17. On any fine or restitution in an amount of \$2,500 or more, I know that I will be required to pay interest unless that fine or restitution is paid within fifteen (15) days from the date of the entry of judgment.

18. If I am on probation, parole, or supervised release in any other state or federal case, I know that by pleading guilty in this court my probation, parole or supervised release may be revoked and I may be required to serve time in that case, which may be consecutive, that is, in addition to any sentence imposed on me in this court.

19. If I have another case pending in any state or federal court, I know that my Petition and Plea Agreement in this case do not, in the absence of an express and written agreement, apply to my other case(s), and that I can be faced with consecutive sentences of imprisonment.

20. My plea of "GUILTY" is based on a Plea Agreement that I have made with the prosecutors. That Plea Agreement is attached hereto and incorporated herein. I have read or had read to me the Plea Agreement, and I understand the Plea Agreement.

21. The Plea Agreement contains the only agreement between the United States government and me. No officer or agent of any branch of government (federal, state or local) or anyone else has promised or suggested that I will receive a lesser term of imprisonment, or probation, or any other form of leniency if I plead "GUILTY" except as stated in the Plea Agreement. I understand that I cannot rely on any promise or suggestion made to me by a government agent or officer which is not stated in writing in the Plea Agreement, or which is not presented to the judge in my presence in open court at the time of the entry of my plea of guilty.

22. My plea of "GUILTY" is not the result of force, threat, or intimidation.

23. I hereby request that the judge accept my plea of "GUILTY" to Count 1.


24. I know that the judge must be satisfied that a crime occurred and that I committed that crime before my plea of "GUILTY" can be accepted. With respect to the charge(s) to which I am pleading guilty, I represent that I did the following acts and that the following facts are true:

From on or about October 2008 through on or about June 2, 2009, in the District of Oregon, I, knowing that an offense against the United States had been committed, to wit, Conspiracy to Provide Material Support to Terrorists which resulted in death, did relieve, comfort, and assist the offenders, to wit, Ali Jaleel and others, in order to hinder and prevent the offenders' apprehension, trial, and punishment.

Please see the Statement of Facts in Support of Guilty Plea, filed herewith.

25. I offer my plea of "GUILTY" freely and voluntarily and of my own accord and with a full understanding of the allegations set forth in the Information, and with a full understanding of the statements set forth in this Petition and in the Certificate of my attorneys that is attached to this Petition.

SIGNED by me in the presence of my attorneys, after reading (or having had read to me) all of the foregoing pages and paragraphs of this Petition on this 13 day of February, 2015.



Reaz Qadir Khan

United States v. Reaz Qadir Khan
3:12-CR-00659-MO

Factual Basis for Charge of Accessory After the Fact

In 2005 and 2006, Ali Jaleel contacted me by email. He was in the Maldives and I was living in the United States. I had seen him last approximately five to six years earlier. In his emails, he explained that he felt persecuted in the Maldives for his religious beliefs. I understood that he wanted to leave the Maldives to go to a place more receptive to his conservative views.

In the fall of 2008, Jaleel sent me an email which I received at my home in the District of Oregon. In the email, he said it was imperative that he leave the Maldives and go to Pakistan. We then exchanged a series of emails in the following months regarding his travel plans and his family. Although I did not know for certain what Jaleel's plans were, I believed it was a possibility that he was travelling to Pakistan for the purpose of committing violence with other persons. In November 2008, at Jaleel's request, and while in the District of Oregon, I arranged for Jaleel to receive \$2,450 inside Pakistan where he had traveled.

Throughout our correspondence during this time period, Jaleel asked me to take care of his family since he would never return home. I exchanged emails with his wives. I was ultimately unable to help relocate Jaleel's family, but I did assist Jaleel by providing advice and tutoring for his children.

During December 2008, I also learned that Jaleel's affianced second wife was having problems with her family regarding her efforts to marry Jaleel. Her family was opposed to the marriage. She sought my practical and religious guidance on the issue having concluded, among other things, that her father would never permit her to marry a man who would participate in violent jihad.

There was a suicide attack on the Pakistan Inter-Services Intelligence (ISI) building in Lahore, Pakistan, on May 27, 2009, that resulted in death. Jaleel and others were involved in this bombing. At no time did Jaleel indicate to me that he and others planned to attack the ISI or any other part of the government of Pakistan.

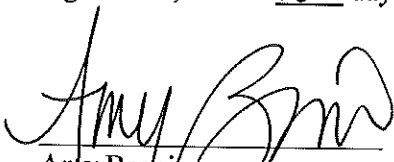
After May 27, 2009, I continued to provide advice to his wives and instruction for his children. On June 2, 2009, I also wired \$750 via Western Union from Tigard, Oregon, to one of Jaleel's wives in the Maldives, knowing that this would hinder and prevent the apprehension and punishment of Jaleel's wives and others in the Maldives criminally involved with Jaleel, his wives, and others.

CERTIFICATE OF COUNSEL


The undersigned, as attorneys for defendant, hereby certify:

1. We have fully explained to the defendant the allegations contained in the Information in this case, any lesser-included offenses, and the possible defenses which may apply in this case.
2. We have personally examined the attached Petition To Enter Plea of Guilty And Order Entering Plea, explained all its provisions to the defendant, and discussed fully with the defendant all matters described and referred to in the Petition.
3. We have explained to the defendant the maximum penalty and other consequences of entering a plea of guilty described in paragraphs (6)-(20) of the Petition, and we have also explained to the defendant the applicable Federal Sentencing Guidelines.
4. We recommend that the Court accept the defendant's plea of "GUILTY."

SIGNED by us in the presence of the above-named defendant, and after full discussion with the defendant of the contents of the Petition To Enter Plea of Guilty, Fact Statement, and Plea Agreement, on this 13th day of February, 2015.



Amy Baggio
Attorney for Defendant



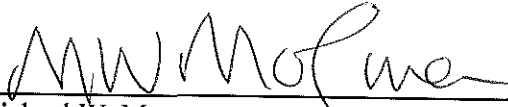
Lawrence Matasar
Attorney for Defendant

ORDER ENTERING PLEA

I find that the defendant's plea of GUILTY has been made freely and voluntarily and not out of ignorance, fear, inadvertence, or coercion. I further find the defendant has admitted facts that prove each of the necessary elements of the crime to which the defendant has pled guilty.

IT IS THEREFORE ORDERED that the defendant's plea of GUILTY be accepted and entered as requested in this Petition and as recommended in the Certificate of defendant's attorney.

DATED this 13 of February, 2015, in open court.



Michael W. Mosman
United States District Judge