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Department of Justice

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Southern District of Texas

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Texan resentenced following terrorism conviction and appeal

HOUSTON – The 27-year-old Spring man convicted of providing material support to a designated foreign terrorist organization has been ordered to prison for 12 years following reversal of original sentence, announced Acting U.S. Attorney Jennifer B. Lowery.

Asher Abid Khan pleaded guilty Dec. 4, 2017, to providing material support to the Islamic State of Iraq and the Levant (ISIL) aka ISIS (the Islamic State of Iraq and al-Sham).

On June 25, 2018, U.S. District Judge Lynn H. Hughes downwardly departed from the U.S. Sentencing Guidelines and ordered Khan to serve a total of 18 months in prison. Following an appeal, the court resentenced him Dec. 23, 2019, again to serve the 18-month term of imprisonment. The government then again appealed to the U.S. Court of Appeals for the 5th Circuit, arguing the sentence was not reasonable for the severity of the offense committed.

That court granted to government's appeal and ordered the judgment reversed and vacated, and the matter reassigned.

Today, U.S. District Judge Charles R. Eskridge sentenced Khan to 144 months in federal prison to be immediately followed by 15 years of supervised release. At the hearing, the court noted the strong condemnation by Congress regarding this conduct and that a young man died.

"Attempting to travel to wage violent jihad on behalf of ISIS is a serious act which deserves vigorous prosecution," said Lowery. "The sentence imposed today accurately reflects the gravity of the crime for which Khan was convicted. We, along with the FBI's Joint Terrorism Task Force, National Security Division and other partners, will continue to work to disrupt those trying to support foreign terrorist organizations here or abroad."

"This outcome marks the culmination of a lengthy counterterrorism investigation highlighting FBI Houston's steadfast dedication to our mission to fight all forms of terrorism," said Acting Special Agent in Charge Richard A. Collodi of the FBI. "Khan pleaded guilty to material support of terrorism for recruiting and facilitating the travel of others to fight and die for ISIS overseas. Today's sentence provides justice for Khan's actions."

The investigation began in 2014 when Khan and his friend, who was living in South Texas, devised a plan to travel to Turkey and then to Syria for the purpose of fighting on behalf of ISIS. Khan had been living with a relative in Australia. Prior to leaving for Turkey from there, Khan told Mohamed Zuhbi, a Turkish-based foreign terrorist fighter facilitator, that he wanted to join ISIS.

Khan provided instructions to his friend on travel and how to reach him once Khan arrived in Turkey. During this part of the planning phase, it was Khan - not his friend - who was in touch with Zuhbi. On Feb. 24, 2014, Khan and his friend met in Istanbul, Turkey. At that time, Khan gave his South Texas friend money, knowing he intended to travel to Syria and join and fight with ISIS.

Khan then departed from the Istanbul Airport in Turkey and returned to the United States after his family tricked him into coming home to Houston because of an alleged hospitalization of his mother.

As soon as Khan returned to the United States, he contacted Zuhbi with the purpose of introducing him to his friend so he could enter Syria and join ISIS as a fighter with Zuhbi's help. Khan then provided to his friend a Turkish cell phone number for reaching Zuhbi. The following day, Khan's friend sent an electronic message to Khan indicating he had "been delivered :)," by Zuhbi, but that he was not with ISIS yet. Over the next few months, the friend attended fighter training camps and stayed in touch with Zuhbi and Khan. During that time, Khan offered his friend money and instructed him to try to get to ISIS

On Aug. 11, 2014, the friend finally made it to ISIS with Khan and Zuhbi's assistance. After September 2014, he had ceased all forms of communications. On Dec. 25, 2014, the friend's mother received an electronic message explaining that her son had died while fighting.

Australian authorities are prosecuting Zuhbi where he is currently being detained.

Khan has been and will remain in custody pending transfer to a U.S. Bureau of Prisons facility to be determined in the near future.

The FBI's Joint Terrorism Task Force conducted the investigation. Assistant U.S. Attorneys (AUSA) Carolyn Ferko and Alamdar Hamdani prosecuted the case with assistance of Trial Attorney Rebecca Magnone of NSD's Counterterrorism Section. NSD Appellate Attorney Danielle Tarin and AUSA Anna Kalluri handled the appeal.

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