

Eleventh Circuit Affirms Conviction And Sentence Of Pinellas County Man For Terrorist Plot

U.S. Attorney's Office, Middle District of Florida

Monday, August 21, 2017

<https://www.justice.gov/usao-mdfl/pr/eleventh-circuit-affirms-conviction-and-sentence-pinellas-county-man-terrorist-plot>

Tampa, Florida – Acting United States Attorney W. Stephen Muldrow announces that the United States Court of Appeals for the Eleventh Circuit has affirmed the conviction and sentence of Sami Osmakac (30, Pinellas Park) for attempted use of weapons of mass destruction and possession of a fully automatic firearm. A federal jury found him guilty in June 2014. In November 2014, U.S. District Judge Mary S. Scriven sentenced Osmakac to 40 years' imprisonment.

According to testimony and evidence presented at trial, on January 7, 2012, as part of a terrorist plot, Osmakac attempted to use weapons of mass destruction, including a car bomb, grenades, and a suicide explosive, at two locations in the Tampa Bay area, specifically; MacDinton's Irish Pub and the Seminole Hard Rock Casino. Additionally, on January 7, 2012, Osmakac possessed a machinegun without the firearm being registered to him on the National Firearms Registration and Transfer Record.

On appeal, Osmakac argued that his surveillance under the Foreign Intelligence Surveillance Act (FISA) had violated the law, that a misstatement by the government during closing arguments had made his trial unfair, and that the district court should have imposed a lower sentence based on the government's purported sentencing-factor manipulation.

The United States Court of Appeals for the Eleventh Circuit rejected each of these arguments. The evidence at trial, the Court observed, had established that, as early as December 2010, Osmakac had "demonstrated a commitment to Islamic extremism." As to the FISA argument, the Court held that the surveillance of Osmakac pursuant to FISA had been proper and constitutional. The Court also held that the government's misstatement in closing argument had been corrected by the district court and had been counteracted by the "substantial evidence of Osmakac's guilt." Finally, the Court held that the district court had correctly rejected Osmakac's sentencing-factor manipulation argument because Osmakac, not the government, had "initiated and greatly escalated the planned terrorist attack by asking" to use weapons of mass destruction as part of his violent plot. The Court further noted that, even though Osmakac had "multiple chances" to decline to use a car bomb, "he never did, even after multiple warnings."

This case was investigated by the Federal Bureau of Investigation. It was prosecuted in the district court by Assistant United States Attorney Sara C. Sweeney and Trial Attorney Clement McGovern from the National Security Division at the Department of Justice. The appeal was handled by Assistant United States Attorneys Cherie L. Kringsman, David P. Rhodes, and Sara C. Sweeney.

Download Eleventh Circuit Opinion <https://www.justice.gov/usao-mdfl/press-release/file/991246/download>

Topic(s): National Security

Component(s): USAO - Florida, Middle

Updated August 21, 2017