

below, that is, with the intent to cause the death of the victims, did cause the death of the victims and under circumstances evincing a depraved indifference to human life, did recklessly engage in conduct which created a grave risk of death to another person, and thereby caused the death of the victims, in the vicinity of New York, New York, in violation of New York Penal Law, Section 125.25.

Count	Victim
One	Diego Enrique Angelini
Two	Nicholas Cleves
Three	Ann-Laure Decadt
Four	Darren Drake
Five	Ariel Erlij
Six	Hernan Ferruchi
Seven	Hernan Diego Mendoza
Eight	Alejandro Damian Pagnucco

(Title 18, United States Code, Section 1959(a)(1).)

COUNTS NINE THROUGH SIXTEEN

(Assault with a Dangerous Weapon and Attempted Murder in Aid of Racketeering Activity)

The Grand Jury further charges:

10. Paragraphs One through Eight of the Indictment are realleged and incorporated by reference as though fully set forth herein.

11. On or about October 31, 2017, in the Southern District of New York and elsewhere, SAYFULLO HABIBULLAEVIC SAIPOV, the defendant, for the purpose of gaining entrance to ISIS, an enterprise engaged in racketeering activity, as described above, intentionally and knowingly assaulted with a dangerous weapon and attempted to murder the eight victims listed below, in the vicinity of New York, New York, in violation of New York Penal Law, Sections 120.05, 125.25 and 110.00.

Count	Victim
Nine	M.R.C.
Ten	S.H.
Eleven	K.L.
Twelve	A.M.
Thirteen	D.M.
Fourteen	M.M.
Fifteen	R.P.
Sixteen	M.V.R.

(Title 18, United States Code, Sections 1959(a)(3) and 1959(a)(5).)

COUNTS SEVENTEEN THROUGH TWENTY SIX
(Attempted Murder in Aid of Racketeering Activity)

The Grand Jury further charges:

12. Paragraphs One through Eight of the Indictment are realleged and incorporated by reference as though fully set forth herein.

13. On or about October 31, 2017, in the Southern District of New York and elsewhere, SAYFULLO HABIBULLAEVIC SAIPOV, the defendant, for the purpose of gaining entrance to ISIS, an enterprise engaged in racketeering activity, as described above, intentionally and knowingly attempted to murder the ten victims listed below, in the vicinity of New York, New York, in violation of New York Penal Law, Sections 125.25 and 110.00.

Count	Victim
Seventeen	I.B.
Eighteen	D.T.B.
Nineteen	M.C.
Twenty	F.D.
Twenty One	J.D.
Twenty Two	C.G.
Twenty Three	N.S.
Twenty Four	J.P.T.
Twenty Five	L.W.

Twenty Six

Y.Z.

(Title 18, United States Code, Section 1959(a)(5).)

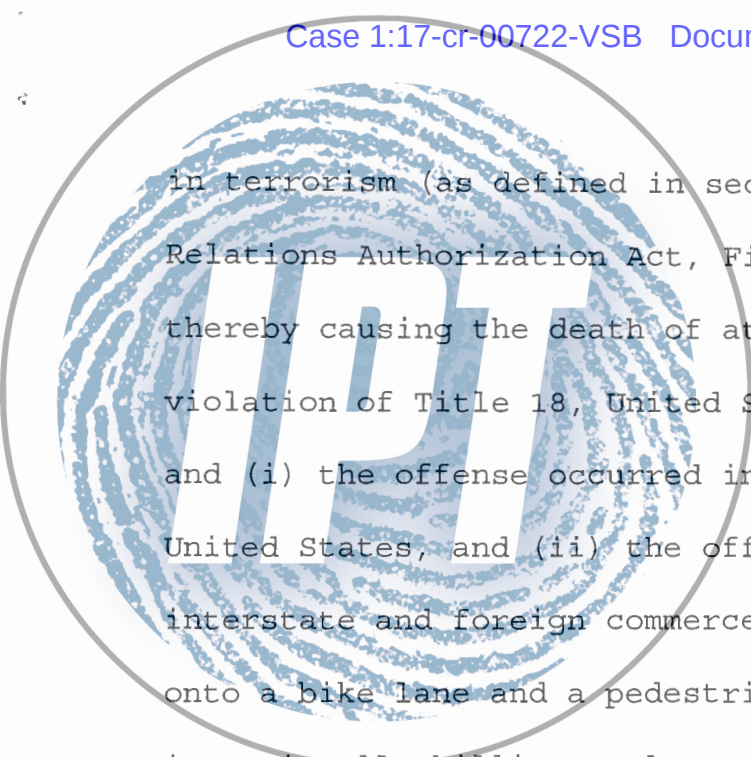
COUNT TWENTY SEVEN

(Provision of Material Support and Resources to a Designated Foreign Terrorist Organization)

The Grand Jury further charges:

14. Paragraphs One through Eight of the Indictment are realleged and incorporated by reference as though fully set forth herein.

15. From at least in or about October 2017, up to and including on or about November 1, 2017, in the Southern District of New York and elsewhere, SAYFULLO HABIBULLAEVIC SAIPOV, the defendant, did knowingly and intentionally provide, and attempt to provide, "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), namely, services and personnel (including himself), to a foreign terrorist organization, namely, ISIS, which at all relevant times was designated by the Secretary of State as a foreign terrorist organization pursuant to Section 219 of the Immigration and Nationality Act, knowing that ISIS was a designated foreign terrorist organization (as defined in Title 18, United States Code, Section 2339B(g)(6)), that ISIS engages and has engaged in terrorist activity (as defined in section 212(a)(3)(B) of the INA), and that ISIS engages and has engaged



in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), thereby causing the death of at least one person, all in violation of Title 18, United States Code, Section 2339B(a)(1), and (i) the offense occurred in whole or in part within the United States, and (ii) the offense occurred in and affected interstate and foreign commerce, to wit, SAIPOV drove a truck onto a bike lane and a pedestrian walkway in New York, New York, intentionally killing at least eight individuals and injuring others.

(Title 18, United States Code, Section 2339B.)

COUNT TWENTY EIGHT

(Violence and Destruction of Motor Vehicles)

The Grand Jury further charges:

16. Paragraphs One through Eight of the Indictment are realleged and incorporated by reference as though fully set forth herein.

17. On or about October 31, 2017, in the Southern District of New York and elsewhere, SAYFULLO HABIBULLAEVIC SAIPOV, the defendant, did willfully, with intent to endanger the safety of any person on board and of anyone whom he believed would be on board, and with a reckless disregard for the safety of human life, damage, disable, and destroy a motor vehicle that was used, operated, and employed in interstate and foreign commerce,

thereby causing the death of at least one person, to wit, SAIPOV damaged a truck that was used, operated, and employed in interstate and foreign commerce, and that was used for commercial purposes on the highways in the transportation of passengers, passengers and property, and property and cargo, when SAIPOV drove the truck onto a bike lane and a pedestrian walkway in New York, New York, with reckless disregard for human life, causing the deaths of at least eight individuals and injuring others.

(Title 18, United States Code, Sections 33(a), 34.)

SPECIAL FINDINGS AS TO SAYFULLO HABIBULLAEVIC SAIPOV

18. Counts One through Eight and Twenty Eight of the Indictment are realleged and incorporated by reference as though fully set forth herein. As to Counts One through Eight and Twenty Eight of the Indictment, alleging the murders of Diego Enrique Angelini, Nicholas Cleves, Ann-Laure Decadt, Darren Drake, Ariel Erlij, Hernan Ferruchi, Alejandro Damian Pagnucco, and Hernan Diego Mendoza, the defendant SAYFULLO HABIBULLAEVIC SAIPOV:

- a. was eighteen years of age or older at the time of the offense (Title 18, United States Code, Section 3591(a)(2));
- b. intentionally killed the victims (Title 18, United States Code, Section 3591(a)(2)(A));

c. intentionally inflicted serious bodily injury that resulted in the death of the victims (Title 18, United States Code, Section 3591(a)(2)(B));

d. intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victims died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C));

e. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victims died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D));

f. caused the deaths of the victims during the commission and attempted commission of, and during the immediate flight from the commission of, an offense under Title 18, United States Code, Section 33 (destruction of motor vehicles) (Title 18, United States Code, Section 3592(c)(1));

g. committed the offense in an especially heinous, cruel, and depraved manner in that it involved serious physical

abuse to the victims (Title 18, United States Code, Section 3592(c)(6));

h. committed the offense after substantial planning and premeditation to cause the death of the victims and to commit an act of terrorism (Title 18, United States Code, Section 3592(c)(9)); and

i. intentionally killed and attempted to kill more than one person in a single criminal episode (Title 18, United States Code, Section 3592(c)(16)).

FORFEITURE ALLEGATION AS TO COUNT TWENTY SEVEN

19. As a result of planning and perpetrating Federal crimes of terrorism against the United States, as defined in 18 U.S.C. Section 2332b(g)(5), and as alleged in Count Twenty Seven of this Indictment, SAYFULLO HABIBULLAEVIC SAIPOV, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(G) and Title 28, United States Code, Section 2461:

a. All right, title, and interest in all assets, foreign and domestic;

b. All right, title and interest in all assets, foreign and domestic, acquired and maintained with the intent and for the purpose of supporting, planning, conducting, and concealing a Federal crime of terrorism against the United

States, citizens and residents of the United States, and their property; and

c. All right, title and interest in all assets, foreign and domestic, derived from, involved in, and used and intended to be used to commit a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property;

including but not limited to a sum of money representing the value of the property described above as being subject to forfeiture.

Substitute Assets Provision

20. If any of the above-described forfeitable property, as a result of any act or omission of SAYFULLO HABIBULLAEVIC SAIPOV, the defendant:


- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), and 28 U.S.C. § 2461 to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

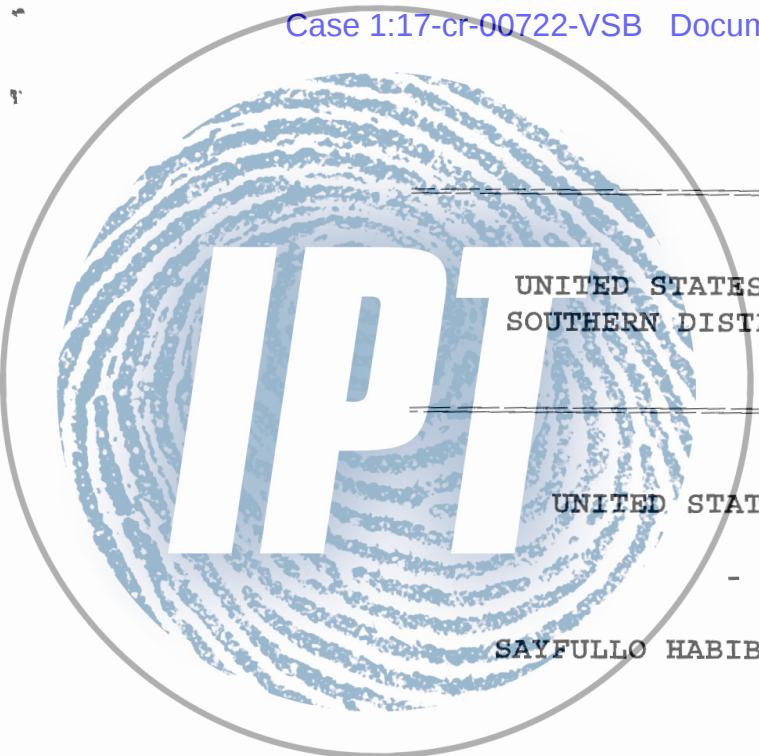
(Title 18, United States Code, Sections 981(a)(1)(G), and 2332b(g)(5) and Title 28, United States Code, Section 2461.)



FOREPERSON



GEOFFREY S. BERMAN
United States Attorney



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

SAYFULLO HABIBULLAEVIC SAIPOV,

Defendant.

SUPERSEDING INDICTMENT

S1 17 Cr. 722 (VSB)

(Title 18, United States Code,
Sections 1959(a)(1), 1959(a)(3), 1959(a)(5),
2339B, 33(a), 34.)

GEOFFREY S. BERMAN
United States Attorney

~~A TRUE BILL~~

K. R. White Foreperson.

6/19/18. Filed Superseding Indictment
cc

J. Beraman
USMA