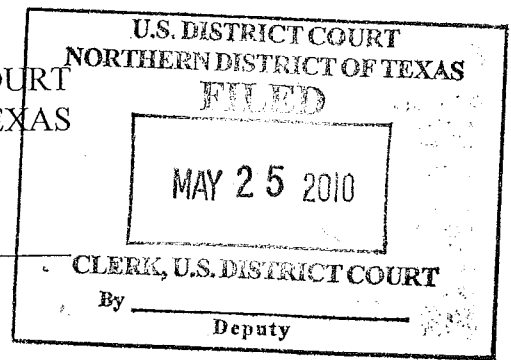


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



UNITED STATES OF AMERICA

§  
§  
§  
§  
§

v.

No. 3:09-CR-294-M

HOSAM MAHER HUSEIN SMADI

FACTUAL RESUME

Hosam Maher Husein Smadi, Peter Fleury, the defendant's attorney, and the United States of America, by and through the United States Attorney, stipulate and agree to the following in support of Smadi's plea of guilty to count one of the Indictment:

ESSENTIAL ELEMENTS

The parties agree that the essential elements of a violation of 18 U.S.C. § 2332a(a)(2)(A), (B), and (D) are the following:

- First: That the defendant knowingly used or attempted to use a weapon of mass destruction; and
- Second: That the defendant knowingly did so against a person or property within the United States and either:
- (A) the mail or any facility of interstate or foreign commerce was used in furtherance of the offense,
  - (B) such property was used in interstate or foreign commerce or in an activity that affected interstate or foreign commerce, or
  - (D) the results of the offense would have affected interstate or foreign commerce.

## STIPULATIONS OF FACT

1. On or about September 24, 2009, Hosam Maher Husein Smadi knowingly took possession of a truck that contained a weapon of mass destruction, specifically a destructive device or bomb. The truck with this bomb inside was a vehicle borne improvised explosive device.

2. Smadi believed this was an active weapon of mass destruction. This was a readily convertible weapon of mass destruction and was inert when Smadi took possession of it.

3. Smadi, alone, knowingly and without lawful authority drove the truck containing the bomb, or the vehicle borne improvised explosive device, to Fountain Place, a public office building described below, and parked it in the public parking garage under Fountain Place.

4. After parking the truck, Smadi activated a timer connected to the vehicle borne improvised explosive device. Smadi then locked the truck and walked away from it. Smadi walked out of the parking garage, across the street, and got in a car with an undercover law enforcement agent. Smadi and the undercover agent drove a safe distance away and prepared to watch the explosion. Smadi then used a cell phone to remotely detonate the vehicle borne improvised explosive device.

5. Smadi believed the bomb would explode and cause extensive damage.

6. Fountain Place is a 60-story, public office building located at 1445 Ross Avenue, Dallas, Texas, which is located in the Dallas Division of the Northern District of Texas. Inside this building, there was a federally insured bank, a United States Post

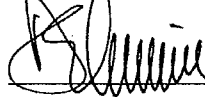
Office, various law firms and businesses, which do business outside Texas. This property is used in interstate and foreign commerce and in an activity that affects interstate and foreign commerce.

7. The results of this attempted offense would have affected interstate and foreign commerce; if Smadi had been successful in his attempt to bomb the building, extensive economic damage would have resulted and affected commerce, building tenants, businesses, law enforcement and emergency responding personnel. Further, Smadi's communications with undercover agents used a facility of interstate and foreign commerce in furtherance of the offense, by Smadi's use of the telephone, email, and internet.

8. Smadi admits that by his intents and actions, he committed the essential elements of 18 U.S.C. § 2332a(a)(2)(A), (B), and (D).

JAMES T. JACKS  
UNITED STATES ATTORNEY

BY:



DAYLE ELIESON

Assistant United States Attorney

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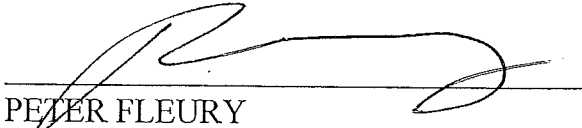
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Date: 20 MAY 2010

Date: 5/20/2010 hosam smadi  
HOSAM MAHER HUSEIN SMADI  
Defendant

Date: 5/20/2010   
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