

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

-----X
 UNITED STATES OF AMERICA :

- v. - :

CONSENT ORDER OF FORFEITURE

WESAM EL-HANAFI, :
 a/k/a "Khaled," :
 :
 Defendant. :

S7 10 Cr. 162 (KMW)

-----X

WHEREAS, on or about June 18, 2012, WESAM EL-HANAFI, a/k/a "Khaled" (the "defendant"), was charged in a two-count Information, S7 10 Cr.162 (KMW) (the "Information"), with (1) violating Title 18, United States Code, Sections 2339B(a)(1), (d)(1)(A), (d)(1)(D), (d)(1)(E), and 2 by providing material support to al Qaeda (Count One); and (2) violating Title 18, United States Code, Section 371, by conspiring to provide material support to al Qaeda, in violation of Title 18, United States Code, Section 2339B(a)(1), (d)(1)(A), (d)(1)(D), (d)(1)(E) (Count Two);

WHEREAS, the Information contained a forfeiture allegation giving notice of the United States' intent to seek forfeiture, pursuant to Title 18, United States Code, Sections 981(a)(1)(G) and 2332b(g)(5), and Title 28, United States Code, Section 2461 of, *inter alia*,:

- (i) all right, title, and interest in all assets, foreign and domestic, affording a source of influence over al Qaeda;
- (ii) 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
- (iii) 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;

WHEREAS, on June 18, 2012, the defendant pleaded guilty to Counts One and Two of the Information pursuant to a plea agreement;

WHEREAS, pursuant to the plea agreement, the defendant admits the forfeiture allegation with respect to Counts One and Two of the Information, and agrees to forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(G) and 2332b(g)(5), and Title 28, United States Code, Section 2461: (i) all right, title, and interest in all assets, foreign and domestic, affording a source of influence over al Qaeda; (ii) 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 (iii) 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.

WHEREAS, pursuant to Rule 32.2(b)(2)(C) of the Federal Rules of Criminal Procedure, if, before sentencing, the court cannot identify all the specific property subject to forfeiture or calculate the total amount of the money judgment, the court may enter a forfeiture order that describes property subject to forfeiture in general terms and states that the order will be amended under Rule 32.2(e)(1) when additional specific property is identified or the amount of the money judgment has been calculated; and

WHEREAS, pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Order of Forfeiture shall become final at the time of sentencing, or at any time before sentencing if the defendant consents;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Preet Bharara, United States Attorney, Assistant United States Attorneys John P. Cronan, Glen A. Kopp, and Michael D. Lockard, of counsel, and the defendant, and his counsel, Elizabeth Fink, Esq. that:

1. As a result of the offenses charged in Counts One and Two of the Information, to which the defendant has pleaded guilty, the defendant shall forfeit (i) all right, title, and interest in all assets, foreign and domestic, affording a source of influence over al Qaeda; (ii) 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 (iii) 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.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Order is final as to the defendant and shall be considered part of the sentence of the defendant and shall be included in the judgment of conviction therewith.

3. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Preliminary Order of Forfeiture, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of forfeitable property,

including depositions, interrogatories, requests for production of documents and to issue subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

4. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(b)(2)(C) and 32.2(e) of the Federal Rules of Criminal Procedure.

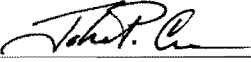
5. The signature page of this Order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

6. The Clerk is hereby directed to send four certified copies of this Order to Assistant United States Attorney Sharon Cohen Levin at the U.S. Attorney's Office for the Southern District of New York, One St. Andrew's Plaza, New York, NY 10007.

Dated: New York, New York
June 18, 2012

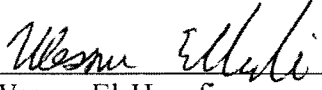
AGREED AND CONSENTED TO:

PREET BHARARA
United States Attorney for the
Southern District of New York

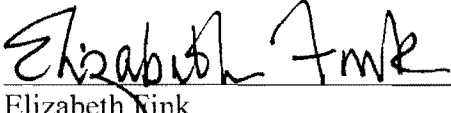
By: 
John P. Cronan
Glen A. Kopp
Michael D. Lockard
Assistant United States Attorneys
(212) 637-2779/2210/2193

6/4/12
DATE

WESAM EL-HANAFI


By: 
Wesam El-Hanafi
Defendant

6/18/2012
DATE

By: 
Elizabeth Fink
36 Plaza Street, #1G
Brooklyn, NY 11238

6/18/12
DATE

SO ORDERED:


HONORABLE KIMBA M. WOOD
UNITED STATES DISTRICT JUDGE

6/18/12
DATE