

FILED IN OPEN COURT  
AUG 06 2013  
CHARLES R. DIARD, JR.  
CLERK

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA** )  
 )  
v. ) **CRIMINAL NO. 12-00293-KD**  
 )  
**MOHAMMAD ABDUL RAHMAN** )  
**ABUKHDAIR** )

**PLEA AGREEMENT**

The defendant, **MOHAMMAD ABDUL RAHMAN ABUKHDAIR**, represented by his counsel, and the United States of America have reached a plea agreement in this case, pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the terms and conditions of which are as follows:

**RIGHTS OF THE DEFENDANT**

1. The defendant understands his rights as follows:
  - a. To be represented by an attorney;
  - b. To plead not guilty;
  - c. To have a trial by an impartial jury;
  - d. To confront and cross-examine witnesses and to call witnesses and produce other evidence in his defense; and
  - e. To not be compelled to incriminate himself.

**WAIVER OF RIGHTS AND PLEA OF GUILTY**

2. The defendant waives rights b through e, listed above, and pleads guilty to Count One of the indictment charging a violation of Title 18, United States Code, Section 2339A (conspiracy to provide material support to terrorists).

3. The defendant understands that the statements he makes under oath in the plea of guilty must be completely truthful and that he can be prosecuted for making false statements or perjury, or receive a perjury enhancement at sentencing, for any false statements he makes intentionally in this plea of guilty.
4. The defendant expects the Court to rely upon his statements here and his response to any questions that he may be asked during the guilty plea hearing.
5. The defendant is not under the influence of alcohol, drugs, or narcotics. He is certain that he is in full possession of his senses and is mentally competent to understand this Plea Agreement and the guilty plea hearing which will follow.
6. The defendant has had the benefit of legal counsel in negotiating this Plea Agreement. He has discussed the facts of the case with his attorney, and his attorney has explained to the defendant the essential legal elements of the criminal charge which has been brought against him. The defendant's attorney has also explained to the defendant his understanding of the United States' evidence and the law as it relates to the facts of his offense.
7. The defendant understands that the United States has the burden of proving each of the legal elements of the criminal charge beyond a reasonable doubt. The defendant and his counsel have discussed possible defenses to the charge. The defendant believes that his attorney has represented him faithfully, skillfully, and diligently, and he is completely satisfied with the legal advice of his attorney.
8. A separate document, entitled Factual Resume, will be submitted to the Court as evidence at the guilty plea hearing. The Factual Resume is incorporated by reference into this Plea Agreement. The defendant and the United States agree that the Factual

Resume is true and correct. Alterations to the Plea Agreement or Factual Resume initialed only by the defendant and his counsel are not part of this agreement and are not agreed to by the United States.

9. This plea of guilty is freely and voluntarily made and is not the result of force, threats, promises, or representations, apart from those representations set forth in this Plea Agreement. There have been no promises from anyone as to the particular sentence that the Court will impose. The defendant is pleading guilty because he is guilty.
10. The defendant also knowingly and voluntarily waives all rights, whether asserted directly or through a representative, to receive from the United States after sentencing any further records, reports, or documents pertaining to the investigation or prosecution of this matter. This waiver includes, but is not limited to, rights under the Freedom of Information Act, the Privacy Act of 1974, and Federal Rules of Criminal Procedure 16 and 26.2. The United States will continue to provide information pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), 18 U.S.C. § 3500 (the Jencks Act), and *Giglio v. United States*, 405 U.S. 150 (1972), but only as it relates to sentencing.

**PENALTY**

11. The maximum penalty the Court could impose as to Count One of the indictment is:
  - a. 15 years imprisonment;
  - b. A fine not to exceed \$250,000;
  - c. A term of supervised release of 3 years, which would follow any term of imprisonment. If the defendant violates the conditions of supervised release, he could be imprisoned for the entire term of supervised release;

- d. A mandatory special assessment of \$100.00; and
- e. Such restitution as may be ordered by the Court.

**SENTENCING**

12. The Court will impose the sentence in this case. The United States Sentencing Guidelines are advisory and do not bind the Court. The defendant has reviewed the application of the Guidelines with his attorney and understands that no one can predict with certainty what the sentencing range will be in this case until after a pre-sentence investigation has been completed and the Court has ruled on the results of that investigation. The defendant understands that at sentencing, the Court may not necessarily sentence the defendant in accordance with the Guidelines. The defendant understands that he will not be allowed to withdraw his guilty plea if the advisory guideline range is higher than expected, or if the Court departs or varies from the advisory guideline range.
13. The defendant understands that this Plea Agreement does not create any right to be sentenced in accordance with the Sentencing Guidelines, or below or within any particular guideline range, and fully understands that determination of the sentencing range or guideline level, or the actual sentence imposed, is solely the discretion of the Court.
14. The United States will provide all relevant sentencing information to the Probation Office for purposes of the pre-sentence investigation. Relevant sentencing information includes, but is not limited to, all facts and circumstances of this case and information concerning the defendant's conduct and background.

15. The defendant agrees that the sentencing enhancement in United States Sentence Guidelines § 3A1.4 applies to this case.
16. Both the defendant and the United States are free to allocute fully at the time of sentencing.
17. The defendant agrees to tender \$100.00 to the U.S. District Court Clerk in satisfaction of the mandatory special assessments in this case. The United States reserves the right to withdraw any favorable recommendations it may agree to within this document if the defendant fails to pay the special assessment prior to or at the time of his sentencing.

**UNITED STATES' OBLIGATIONS**

18. The United States will not bring any additional charges against the defendant related to the facts underlying the Indictment. This agreement is limited to the United States Attorney's Office for the Southern District of Alabama and does not bind any other federal, state, or local prosecuting authorities.
19. The United States will recommend to the Court that the defendant be sentenced to 180 months in prison on Count One (conspiracy to provide material support to terrorists).
20. Following sentencing, the United States will move the Court to dismiss Count Two (passport fraud).

**LIMITED WAIVER OF RIGHT TO APPEAL AND  
WAIVER OF COLLATERAL ATTACK**

21. As part of the bargained-for exchange represented in this plea agreement, and subject to the limited exceptions below, the defendant knowingly and voluntarily waives the right to file any direct appeal or any collateral attack, including a motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. Accordingly, the defendant

will not challenge his guilty plea, conviction, or sentence in any district court or appellate court proceedings.

a. **EXCEPTIONS.** The defendant reserves the right to timely file a direct appeal challenging:

- (1) any sentence imposed in excess of the statutory maximum;
- (2) any sentence which constitutes an upward departure or variance from the advisory guideline range.

The defendant also reserves the right to claim ineffective assistance of counsel in a direct appeal or § 2255 motion.

22. If the United States files a notice of appeal of the sentence imposed in this case and such appeal is authorized by the Solicitor General, the defendant is released from the appellate waiver with respect to the sentence imposed in this case.
23. The defendant further reserves the right to timely move the district court for an amended sentence under 18 U.S.C. § 3582 in the event of a future retroactive amendment to the Sentencing Guidelines which would affect the sentence.
24. If the defendant receives a sentence within or below the advisory guideline range, this plea agreement shall serve as the defendant's express directive to defense counsel to timely file a "Notice of Non-Appeal" following sentencing, signed by the defendant.
25. By entering this plea of guilty, the defendant waives any and all right to withdraw his plea or attack his conviction, either on direct appeal or collaterally, on the ground that the United States failed to produce any discovery material, *Jencks* Act material, exculpatory material pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), other than information establishing the factual innocence of the defendant, and impeachment material pursuant to *Giglio v. United States*, 405 U.S. 150 (1972), that has not already been produced as of the date of the signing of this Agreement.

26. If the defendant has previously entered a guilty plea pursuant to this Agreement, defendant will not be able to withdraw the guilty plea.

**VIOLATION OF AGREEMENT**

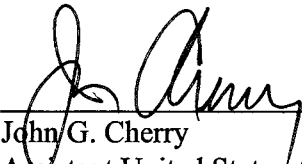
27. The defendant understands that if he breaches any provision of this Plea Agreement, the United States will be free from any obligations imposed by this agreement, but all provisions of the agreement remain enforceable against the defendant. In the exercise of its discretion, the United States will be free to prosecute the defendant on any charges of which it has knowledge. In such event, the defendant agrees not to assert any objections to prosecution that he might have under the Sixth Amendment and/or Speedy Trial Act.
28. In addition, if the defendant is released from detention prior to sentencing, he understands that the United States will no longer be bound by this agreement if he violates any condition of his release prior to sentencing or prior to serving his sentence after it is imposed.

**ENTIRETY OF AGREEMENT**

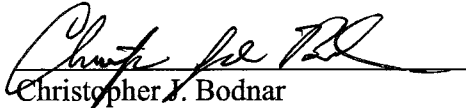
29. This document is the complete statement of the agreement between the defendant and the United States and may not be altered unless done so in writing and signed by all the parties.

Respectfully submitted,  
KENYEN R. BROWN  
UNITED STATES ATTORNEY

Date: 8/5/13


  
\_\_\_\_\_  
John G. Cherry  
Assistant United States Attorney  
Chief, Criminal Division

Date: August 5, 2013

  
Christopher J. Bodnar  
Assistant United States Attorney

I have consulted with my counsel and fully understand all my rights with respect to the offense charged in the Indictment pending against me. I have read this Plea Agreement and carefully reviewed every part of it with my attorney. I understand this agreement, and I voluntarily agree to it. I hereby stipulate that the Factual Resume, incorporated herein, is true and accurate in every respect, and that had the matter proceeded to trial, the United States could have proved the same beyond a reasonable doubt.

Date: 8-6-13

  
Mohammad Abdul Rahman Abukhdair  
Defendant

I am the attorney for the defendant. I have fully explained his rights to him with respect to the offense(s) charged in the Indictment in this matter. I have carefully reviewed every part of this Plea Agreement with him. To my knowledge, his decision to enter into this agreement is an informed and voluntary one. I have carefully reviewed the Factual Resume, incorporated herein, with the defendant and to my knowledge, his decision to stipulate to the facts is an informed, intelligent and voluntary one.

Date: 8-6-13

  
Richard Yelverton  
Counsel for Defendant



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SOUTHERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
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<b>v.</b>	)	<b>CRIMINAL NO. 12-00293-KD</b>
	)	
<b>MOHAMMAD ABDUL RAHMAN</b>	)	
<b>ABUKHDAIR</b>	)	

**FACTUAL RESUME**

The defendant, **MOHAMMAD ABDUL RAHMAN ABUKHDAIR** admits the allegations of Count One of the indictment.

**ELEMENTS OF THE OFFENSE**

**ABUKHDAIR** understands that in order to prove a violation of Title 18, United States Code, Section 2339A, as charged in Count One of the superseding indictment, the United States must prove:

- First: Abukhdair agreed with at least one other person to accomplish a shared and unlawful plan; to wit, to provide material support or resources, in the form of themselves as personnel;
- Second: Abukhdair knew the unlawful purpose of the plan and willfully joined in it; and
- Third: Abukhdair knew or intended that the material support or resources were to be used in preparation for, or to carry out, a violation of 18 U.S.C. § 956(a), which prohibits conspiring to murder, maim, or kidnap persons in a foreign country.

**OFFENSE CONDUCT**

Defendant **MOHAMMAD ABDUL RAHMAN ABUKHDAIR**, admits in open court and under oath that the following statement is true and correct and constitutes evidence in this case. This statement of facts is provided solely to assist the Court in determining whether a factual basis exists for **ABUKHDAIR's** plea of guilty. The statement of facts does not contain each and every fact

known to **ABUKHDAIR** and to the United States concerning the defendant's involvement in the charges set forth in the plea agreement.

From at least September, 2011 through December 11, 2012, defendant **MOHAMMAD ABDUL RAHMAN ABUKHDAIR** knowingly and willfully conspired with co-defendant Randy Lamar Wilson, *a.k.a.*, Rasheed Wilson, to provide material support and resources, including property, services, and personnel, including themselves, knowing and intending that they were to be used in preparation for, and in carrying out, a violation of Title 18, United States Code, Section 956(a) (conspiracy to kill, maim, or injure persons or damage property in a foreign country).

#### **I. The Conspirators' Understanding of Jihad**

The term jihad has multiple meanings, and not all meanings involve violence. However, when Abukhdair and Wilson discussed traveling overseas for jihad, they meant a very specific thing. To them, jihad equates to an actual violent fight in which people are injured and die. Below are a few demonstrative examples in which they explain their understanding of jihad:

- On April 12, 2011, Wilson explained to a friend that the mujahideen who engage in violent jihad will receive the greatest reward after they die. During the course of this conversation, the friend asked Wilson, "*And jihad is. . . ?*" to which Wilson responded, "*qital = fighting akhi, with guns and bombs and the hard stuff. It's hard and that's why the reward is the greatest.*"

- On November 1, 2011, Abukhdair explained to Wilson and the UCE that: "*MashaAllah, I think, I think the problem is, people don't understand that, uh, jihad means people are going to die . . . . It's a war yani. Why are you getting angry at so and so. This is what jihad is. This is what war is.*"

- On November 9, 2011, during a meeting between Wilson, Abukhdair, and the UCE, Wilson described jihad as a war between Muslims and the kufars, *i.e.*, the non-believers. Wilson explained, "*It's not a small war anymore. It's either we're gonna kill them and defeat them, or*

*they're gonna kill us and defeat us."*

- On February 3, 2012, Abukhdair suggested conducting a domestic terrorist attack by taking hostages, demanding the release of Sheik Omar Abdel-Rahman<sup>1</sup> and Aafia Siddiqui,<sup>2</sup> and then *"we just shoot it out with the police."* If their demands were not met, Abukhdair explained that, *"well at the very least, we kill them all."* After the UCE and Wilson rejected this idea in favor of continuing on with the original conspiracy, Abukhdair lamented, *"I don't know if you guys understand the greatness of a jihad operation in the United States, man."*

## **II. Facts Proving the Existence of the Conspiracy and Abukhdair's Intent**

### **A. Select Events During 2010**

Abukhdair and Wilson met in early 2010. At the time, Abukhdair lived in Alexandria, Egypt and Wilson lived in Mobile, Alabama. By late 2010, Abukhdair and Wilson began discussing their shared goal of traveling to a foreign country to wage violent jihad. The conspiracy began in or around October 2010.

During a conversation on October 7, 2010, Abukhdair asked Wilson about his connection with Omar Hammami, the international terrorist from Daphne, Alabama.<sup>3</sup> At that time, both Wilson and Abukhdair knew that Hammami was a prominent figure in al-Shabaab; a federally designated terrorist organization in Somalia affiliated with al-Qaeda. Wilson explained that Hammami *"was*

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<sup>1</sup> Sheik Omar Abdel-Rahman, *a.k.a.*, "The Blind Sheik," is the alleged mastermind of the 1993 World Trade Center Bombing. In 1995, he was convicted of several charges and sentenced to life in prison.

<sup>2</sup> Aafia Siddiqui was an MIT-educated Pakistani cognitive neuroscientist. She allegedly had handwritten notes and a computer thumb-drive, which contained bomb-making instructions, when she was arrested in Afghanistan in 2008. While in custody, she grabbed an unattended rifle and began shooting at her interrogators. She was subsequently convicted of assault with intent to murder her interrogators and sentenced to 86 years in prison.

<sup>3</sup> Daphne native Omar Hammami traveled to Somalia in 2006 where he joined al-Shabaab. On February 26, 2008, the United States Secretary of State designated al-Shabaab as a Foreign Terrorist Organization. Hammami has been indicted on terrorism charges in the Southern District of Alabama. On November 14, 2012, Hammami was placed on the FBI's "Most Wanted Terrorists" list.

*my roommate and we grew up together.”* Thereafter, Abukhdair told Wilson he wanted to go to Somalia for “*tourism.*” Wilson noted, “*It’s not easy to get there now,*” but explained, “*That’s my plan too.*” Wilson told Abukhdair that he wanted to take his family with him, but if that was not possible, that would not stop him. He then explained to Abukhdair: “*There are different ways [of getting into Somalia]. Most of the foreign brothers just cross the border from Kenya. Once you’re in Somalia they will know what to do with you. The mujahideen<sup>4</sup> control the entire border.*”

Wilson and Abukhdair initially wanted to go to Somalia for jihad. However, they realized that getting into Somalia was both difficult and dangerous. Thus, from the very beginning of their conspiracy, they sought a place where they could successfully wage violent jihad without being arrested first, even if that meant going somewhere other than Somalia. For example, on October 12, 2010, Wilson asked Abukhdair if he thought about going anywhere else to wage jihad. Abukhdair responded, “*Like where Akhi?<sup>5</sup> Are there easier places? I feel like Somalia is the easiest place.*” Wilson replied, “*The Earth is a battlefield, Akhi. Yemen, Mauritania, these places.*” Wilson reiterated his pragmatic and opportunistic approach to finding a suitable location for jihad on October 27, 2010 when he explained to Abukhdair, “*SubhanAllah. Just remember Akhi, the world is a battlefield. Jihad is not restricted to any particular land. Allah will make a way for you.*”

In late November 2010, Abukhdair and his roommates were arrested by Egyptian authorities due to supposed connections to terrorist activities in Egypt. He was imprisoned in Egypt for nearly two months before he was deported to the United States on January 14, 2011.

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<sup>4</sup> Mujahideen means “fighter” in Arabic. In a conversation on April 14, 2011, Wilson explained to a friend that mujahideen means “*someone who fights jihad.*”

<sup>5</sup> Akhi means “brother” in Arabic.

### C. Select Events During 2011

Throughout 2011, Wilson and Abukhdair meticulously analyzed dozens of foreign locations as possible travel destinations. Their primary focus was on finding: (1) countries in which violent jihad was already being waged, or countries in which they believed violent jihadist fronts would soon emerge, and (2) countries that did not have on-going jihadist violence, but from which Wilson and Abukhdair could easily travel to other countries that did have current or emerging violent jihadist fronts. They also carefully considered other variables, such as the ease of getting into particular countries and the likelihood of being arrested before being able to wage violent jihad. In addition, Wilson and Abukhdair frequently discussed how best to disguise the true purpose of their travel. Several concealment options were repeatedly discussed and analyzed, including traveling under the guise of being tourists, pretending to be traveling to study, or using enrollment in an Arabic institution as cover. These discussions continued on a near daily basis throughout 2011. Below are some of many examples of these conversations:

- On May 7, 2011, Abukhdair suggested traveling to Sudan rather than Mauritania. However, Wilson noted, *“The problem with Sudan is you might get arrested, because it’s a transit point to the front lines.”* Abukhdair added, *“Ya. They had a place there. A school to memorize the Quran and it was sending people to Somalia.”*

- On July 4, 2011, Wilson and Abukhdair discussed numerous travel options including, Mauritania, Egypt, Sudan, Yemen, Saudi Arabia, Tanzania, Jordan, Eritrea, Algeria, and Somalia. During the course of the conversation, Wilson explained, *“I’m trying to put some kind of list of options together. The important thing to remember is that we have to be practical. After we get somewhere, then we can think about other things.”*

- On August 2, 2011, Wilson and Abukhdair discussed the possibility of traveling to Pakistan, Egypt, Algeria, and Jordan. With regard to the Jordanian option, Abukhdair noted that there was a *“70 percent chance of going to jail,”* but also mentioned the possibility of ending up in a prison with Abu Mohammad al-Maqdisi. Abukhdair pointed out that Abu Musab al-Zarqawi spent five years in a cell with Maqdisi and then went on to become the initial leader of al-Qaeda in Iraq, *“AQI.”* Following this, Abukhdair suggested, *“We’ll be AQUSA.”* Wilson explained, *“The thing is me and you wherever we go we going to keep a low key and not put ourselves in position to be arrested inshaAllah.”*

- On September 23, 2011 Wilson and Abukhdair discussed traveling to either Sudan or Mauritania. With regard to Sudan, Abukhdair noted that *“we need a reason to go”* because *“‘Tourism’ doesn’t cut it in a place like Sudan.”* In response, Wilson suggested, *“Well we can say we are coming to apply for the Islamic university there . . . . or to study Arabic. Anything.”*

- On September 30, 2011, while continuing to analyze Sudan as a possible travel destination, Abukhdair told Wilson he had a friend who *“was in Sudan and he said they have a Quran school that takes brothers to nice tourism places.”*

- On October 2, 2011, Wilson explained to the UCE that the advantage of going to Sudan was its proximity to other areas that he believed might emerge as the next jihadist front. Wilson explained *“you cannot always make it to places like that. I’m talking about Somalia, not Sudan. To be honest with you, things are heating up in Egypt and something is gonna happen there . . . . So at least if something happened, you’re gonna be close to some events.”*

Later in this same conversation, Wilson explained the advantage of going to interim locations like Mauritania or Sudan, as opposed to Egypt: *“That’s why we were trying to go to Mauritania first. But Mauritania, you just land and that’s it. If you get out of the airport, nobody gonna know about you. No visa means anything, what are they gonna do, because people are living in huts man, in the*

*desert. Nobody's gonna find you. But in Egypt, it's so easy to catch you, so if the United States wants you, they can just get you. But a place like Sudan or Mauritania or some of those poorer countries, it's easy to keep yourself safe, so, you know what I'm saying?"*

- On October 11, 2011, while analyzing where to go, Wilson explained to Abukhdair, *"If we think about it seriously, this is what it boils down to. Jordan is easy, but dangerous and expensive. Mauri is cheap, but probably hard to get a visa for, and Sudan is hard to get a visa for and we don't know a lot about it."*

- On October 15, 2011, Wilson explained to Abukhdair why he believed a location in North Africa would be the best travel option: *"Akhi, look. What we need to really think about is this. We need to place ourselves somewhere close to where 'it' is happening, but isn't happening there yet. And everything we would be able to reach at this stage points to the Maghreb.<sup>6</sup> I like Jordan a lot, but I heard it's really dangerous right now. . . . I like Morocco, Algeria and Tunis to be honest. Akhi, the reason why is Libya is looking interesting, Morocco I think will follow, and did you see the videos from Tunis? . . . . Bro, to be honest, I like Tunis. The reason why is that I think we could easily get in and it borders Libya, and I'm sure it's easy to cross the border without problems right now . . . . Bro, I'm telling you. What we want to do in the future, the Maghreb is perfect, because the other places we cannot reach, as far as I know. . . . Plus, when things become unstable, and they will, no one is going to tell us to leave."*

- October 31, 2011, Abukhdair told the UCE about an Egyptian Sheik who once told Abukhdair to forget about fighting jihad and suggested that Abukhdair return to the United States to give dawah instead. Abukhdair said the Sheik was wrong and explained that the end goal of Islam was to take over the world, and that jihad was the means of achieving this goal. Furthermore, Abukhdair explained that Islam was not spread by dawah, but rather by the sword of jihad. Wilson

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<sup>6</sup> The Maghreb is a traditional term for northwest Africa, and usually refers to the countries of Libya, Tunisia, Algeria, Morocco, Mauritania, and Western Sahara.

and Abukhdair agreed that Usama bin Laden and Anwar Aulaqi were great Muslims for giving up their lives of luxury to pursue jihad.

- On November 1, 2011, Wilson and Abukhdair explained why Sudan would be the optimal interim country through which to transit into Somalia. Abukhdair noted that “*the Sudanese people like love jihad*” and then reminded the group that the Sudanese had welcomed Usama bin Laden.

- On November 9, 2011, Abukhdair told Wilson and the UCE that they should rule out Kenya as a possible travel destination. Although Kenya shares a lengthy border with Somalia, Abukhdair noted that Kenya was a predominantly Christian country and no one would believe they were really going there to study Islam.

- On December 23, 2011, Abukhdair delivered a khutbah at a local mesjid, in which he discussed how Muslims have forgotten about the struggles of persecuted Muslims around the world, especially in places like Afghanistan, Pakistan, Egypt, and Syria. Abukhdair suggested to the listeners that they could support Islam through peaceful means, including by making dawah. However, after the khutbah, in a private conversation between Wilson, Abukhdair, and the UCE, Wilson and Abukhdair discussed why peaceful dawah does not work and how Muslims have an obligation to spread Islam with the sword.

Another major event in 2011 was Abukhdair’s move to Mobile to live with Wilson and his family. The purpose of having Abukhdair move down to Mobile was so that Wilson and Abukhdair could work out specific details of their conspiracy in person.

### **C. Select Events in 2012**

- On January 31, 2012, the Wilson and Abukhdair went to the post office in Daphne, Alabama to apply for passports. Prior to this, they had discussed the idea of Abukhdair getting a new passport, so that the Egyptian stamps in his current passport would not raise suspicion as they



traveled. At the post office, Abukhdair completed an additional form with his passport application explaining that his original passport was “*misplaced while moving 3 months ago.*” Abukhdair knowingly lied on this form and submitted it with the intent that the form be relied upon. In mid-February 2012, Abukhdair was, in fact, issued a second passport.

- On February 4, 2012, Wilson and Abukhdair believed they identified an FBI surveillance vehicle. That same night, Wilson and Abukhdair threw their computers and other electronic devices into Mobile Bay. In addition, Abukhdair gave the UCE six compact disks and asked the UCE to destroy them. According to Abukhdair, they contained Anwar Aulaqi material, which Abukhdair explained would be the first thing he would be questioned about if arrested. Later analysis revealed that the CDs contained numerous lectures and texts by jihadist ideologues including Anwar Aulaqi,<sup>7</sup> Abdullah Azzam,<sup>8</sup> Abu Muhammad al-Maqdisi,<sup>9</sup> and Abu Qatada.<sup>10</sup>

Due to the possibility of FBI surveillance, Wilson and Abukhdair told the UCE that they would not be traveling at this time, but that they still intended to travel overseas at a later date. On February 23, 2012, Wilson told the UCE, “*I think eventually we’re cool, everything will be ok. But I don’t think it’s a good idea [to travel] now.*” Abukhdair suggested that they may need to wait up to a year before it was safe for them to travel.

Rather than traveling in early 2012, Wilson and Abukhdair opened a men’s fragrance store, which was in operation from approximately the end of March 2012 through June 2012. The purpose

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<sup>7</sup> Aulaqi was a U.S. citizen who traveled to Yemen where he became an operational leader for al-Qaeda in the Arabian Peninsula, “AQAP.”

<sup>8</sup> Azzam was the leader of the Arab-Afghan movement from its inception in the mid-1980s until his death in November 1989. During this time, Azzam was a mentor to Usama bin Laden.

<sup>9</sup> Maqdisi is best known for having been the spiritual mentor for Jordanian Abu Musab al-Zarqawi. Zarqawi went on to become the initial leader of al-Qaeda in Iraq, “AQI.”

<sup>10</sup> Qatada is believed to have been the spiritual advisor to September 11th hijacker Mohammad Atta. He was convicted in absentia in Jordan for conspiracy to carry out terror attacks.

of opening the fragrance store was to make the FBI believe that they had abandoned their conspiracy. This is evident from a September 7, 2012 conversation in which Wilson told the CHS about how he and Abukhdair believed they were followed by the FBI, which they attributed to the FBI believing that they were about to leave the country. According to Wilson, after they opened the fragrance store, the surveillance stopped. The CHS noted that the FBI must have thought they abandoned their travel plans since they opened the fragrance store. Wilson agreed and explained:

Wilson: *Yeah. That was my main reason for opening the store, to be honest with you.*

CHS: *Dude. You're frickin' smart dude.*

Wilson: *Well. Well, it was a bunch of money, but you know.*

CHS: *But it was worth it for you.*

Wilson: *It was . . . yeah.*

CHS: *Yeah, at least they can stop bothering you, so.*

Wilson: *Yeah. And it worked.*

On October 12, 2012, Wilson and the CHS discuss the “*situation*” in Mali, and Wilson explained how weapons were being stockpiled there. Later during this conversation, Wilson told the CHS that the real reason for going to Mauritania was to get into neighboring Mali:

CHS: *Look at Omar [Hammami]. Omar got into Somalia before it hit the fan.*

Wilson: *Yeah.*

CHS: *That's what you gotta do.*

Wilson: *Different world, different world.*

CHS: *Yeah.*

Wilson: *That's my point.*

CHS: *You see what I'm saying?*

Wilson: *You're not getting nowhere now. We have to —*

CHS: [UI] *Somalia, yeah.*

Wilson: — *you have to wait.*

CHS: *Yeah.*

Wilson: *You have to wait for it to [UI]*

CHS: [UI] *so going to the place before it starts, be there and then [UI]*

Wilson: *And there's already something going on —*

CHS: *Hell yeah.*

Wilson: — *next door.*

CHS: [UI]

Wilson: *See?*

CHS: *Yeah.*

Wilson: *Trust me man, this is all the things —*

CHS: [UI] *Ok*

Wilson: — *I thought about. You see —*

CHS: [UI] *Let's not, let's not —*

Wilson: *You see where I'm going with this now?*

CHS: — *get distracted brother. I didn't even think about that.*

Wilson: *Yeah.*

CHS: *Cause it, I think brothers get too friggin' caught up in like, oh, I gotta be in this area right here.*

Wilson: *Yeah.*

CHS: *I gotta be in the Pakistani border, you know because that's when they get caught.*

Wilson: [UI] *see? Listen. That is [UI] have to have connections.*

CHS: [UI]

Wilson: *And people who don't have connections try to make connections and that's how they get busted.*

CHS: *That's how they get caught. So these people you're talking to now in Mauritania, you trust them?*

Wilson: *Oh yeah. And I don't talk about the main thing.*

CHS: *Ok.*

Wilson: *You know what I'm saying?*

CHS: *So basically they're —*

Wilson: [UI] *It's just like, hey man, I wanna come and live with my family, I need —*

CHS: *Ahhh.*

Wilson: *— a school to send my kids to.*

CHS: *Ok, this is our story until we get there.*

Wilson: [UI] *I need to, I need to use, I need to learn Arabic.*

CHS: *Yeah, once we get there —*

Wilson: *Yeah.*

CHS: *— we need to make connections in Mali and stuff like that.*

Wilson: *Alright. You see the point?*

CHS: *Yeah.*

Wilson: *Trust me. I've been thinking about this for like, four months.*

CHS: *Nice.*

Wilson: *Everyday. [Laughter] That's how I came up with all these ideas.*

CHS: *It's pretty damn smart.*

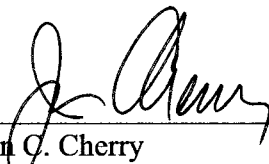
On December 11, 2012, Abukhdair was arrested at bus stop in Augusta, Georgia. At the time, he was headed to Montreal, Canada. Abukhdair intended to fly from Montreal to Casablanca, Morocco where he would rendezvous with Wilson before the group departed for Mauritania. Abukhdair attempted to fly out of Canada, rather than fly from the United States with Wilson, because Abukhdair had previously learned that he was on the United States No Fly List.

At all times relevant to this conspiracy, Abukhdair knew that it was illegal to provide material support to terrorists.

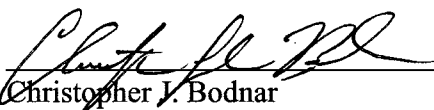
AGREED TO AND SIGNED.

Respectfully submitted,  
KENYEN R. BROWN  
UNITED STATES ATTORNEY

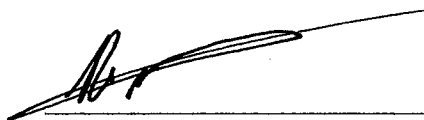
Date: 8/5/13

  
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John C. Cherry  
Criminal Chief

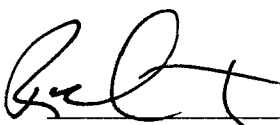
Date: August 5, 2013

  
\_\_\_\_\_  
Christopher J. Bodnar  
Assistant United States Attorney

Date: Aug 8 2013

  
\_\_\_\_\_  
Mohammad Abdul Rahman Abukhdair  
Defendant

Date: Aug 8 2013

  
\_\_\_\_\_  
Richard Yelverton  
Attorney for Defendant