

[http://www.fbi.gov/charlotte/press-releases/2014/fourth-circuit-affirms-convictions-of-boyd-defendants?utm\\_campaign=email-Immediate&utm\\_medium=email&utm\\_source=fbi-in-the-news&utm\\_content=295804](http://www.fbi.gov/charlotte/press-releases/2014/fourth-circuit-affirms-convictions-of-boyd-defendants?utm_campaign=email-Immediate&utm_medium=email&utm_source=fbi-in-the-news&utm_content=295804)

## Fourth Circuit Affirms Convictions of Boyd Defendants

U.S. Attorney's Office February 04,  
2014

- Eastern District of North Carolina (919) 856-4530

RALEIGH—United States Attorney Thomas G. Walker announced that today, the United States Court of Appeals for the Fourth Circuit affirmed the convictions and sentences of defendants Mohammad Omar Aly Hassan, Ziyad Yaghi, and Hysen Sherifi, who were charged and convicted as a part of *United States v. Boyd et al.* in the Eastern District of North Carolina. Mr. Walker stated, “This decision not only affirms the convictions and sentences of these individuals, but it affirms the dedication of the many agencies involved in this investigation and prosecution to protect our nation from harms both foreign and domestic.”

The issues raised by the defendants included the sufficiency of the evidence, First or Second Amendment rights, whether portions of the government's evidence were improperly admitted and defendants' evidence improperly excluded, whether probable cause existed for surveillance authorized under the Foreign Intelligence Surveillance Act, and sentencing challenges including the imposition of the terrorism enhancement set forth under the United States Sentencing Guidelines. The Fourth Circuit rejected each of these challenges and went further to state, “The laudable efforts of law enforcement and the prosecutors have ensured that, on this occasion at least, we will not be left to second-guess how a terrorist attack could have been prevented.”

The indictment in *United States v. Boyd et al.* alleged that, as part of the conspiracy, the multiple defendants in the case prepared themselves to engage in violent acts and were willing to die as martyrs. They also offered training in weapons and financing and helped arrange overseas travel and contacts so others could wage violent acts overseas. In addition, as part of the conspiracy, the defendants raised money to support training efforts, disguised the destination of such money from the donors, obtained assault weapons, and trained in military tactics. Some defendants also radicalized and recruited others to believe that violent acts were a personal religious obligation.

On October 13, 2011, after a month-long trial, a federal jury convicted Hassan, Yaghi, and Sherifi. Yaghi and Sherifi were convicted on all counts, while Hassan was acquitted of conspiring to carry out attacks overseas, but convicted of providing material support to terrorists, in violation of Title 18 United States Code, Section 2339A. Sherifi was sentenced to 45 years' imprisonment. Yaghi was sentenced to 31 years and six months of imprisonment. Hassan was sentenced to 15 years' imprisonment.

The co-defendants in this case included Daniel Patrick Boyd, Dylan Boyd, Zakariya Boyd, and Anes Subasic. Zakariya Boyd pled guilty on June 7, 2011, to one count of conspiracy to provide material support to terrorists, in violation of Title 18, United States Code, Section 2339A, and received a sentence of nine years' imprisonment. On September 14, 2011, Dylan Boyd pled guilty to one count of aiding and abetting a conspiracy to provide material support to terrorists, in violation of Title 18, United States Code, Section 2339A, and received a sentence of eight years' imprisonment. On February 9, 2011, Daniel Patrick Boyd pled guilty to one count of conspiracy to provide material support to terrorists, in violation of Title 18, United States Code, Section 2339A, and one count of conspiracy to murder, kidnap, maim, and injure persons in a foreign country, in violation of Title 18, United States Code, Section 956(a). Daniel Boyd's sentencing was held in abeyance until the conclusion of Subasic's trial. On June 14, 2012, Subasic was found guilty of conspiracy to provide material support to terrorists, in violation of Title 18, United States Code, Section 2339A, and conspiracy to murder, kidnap, maim, and injure persons in a foreign country, in violation of Title 18, United States Code, Section 956(a). Subasic represented himself at his jury trial. On August 24, 2012, Subasic was sentenced to 30 years' imprisonment, and Daniel Boyd was sentenced to 18 years' imprisonment. Subasic's appeal is pending and will be argued separately.

Investigation of this case was conducted by the Federal Bureau of Investigation, Charlotte Division, Raleigh Resident Agency Joint Terrorism Task Force (JTTF). The Raleigh JTTF consists of the following agencies: FBI, DHS-HSI, Raleigh Police Department, Durham Police Department, North Carolina State Bureau of Investigation, and North Carolina Department of Public Safety (North Carolina State Highway Patrol and North Carolina Alcohol Law Enforcement). The prosecution on appeal was handled by Assistant United States Attorneys Jason Kellhofer and Kristine Fritz. The prosecution in district court was handled by Assistant United States Attorneys John Bowler and Barbara Kocher and by then-Trial Attorney Jason Kellhofer of the Counterterrorism Section in the Justice Department's National Security Division.