

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

UNITED STATES OF AMERICA :  
 :  
 v. : CRIMINAL ACTION  
 :  
 MOHAMED SHORBAGI : NO. 4:06-CR-062-HLM  
 :

MOTION OF THE UNITED STATES FOR SENTENCE REDUCTION  
BASED ON SUBSTANTIAL ASSISTANCE

Comes now the United States of America, by and through David E. Nahmias, United States Attorney for the Northern District of Georgia, and Kim S. Dammers, Assistant United States Attorney, and in accordance with Title 18, United States Code, Section 3553(e) and Section 5K1.1 of the Sentencing Guidelines, files this MOTION OF THE UNITED STATES FOR SENTENCE REDUCTION BASED ON SUBSTANTIAL ASSISTANCE as follows.

1. Role and Statement of Proceedings. On August 28, 2006, defendant Mohamed Shorbagi pleaded guilty to a single count Information charging him with providing material support to a foreign terrorist organization, in violation of 18 U.S.C. § 2339B. Shorbagi raised funds and contributed money and effort to the Holy Land Foundation for Relief and Development (HLF), knowing at the time he made the contributions that HLF supplied some or all of that money that it received to HAMAS,

including donations made after October 26, 2001. Shorbagi also made contributions knowing that HAMAS engaged in terrorist activity and that HAMAS was a designated Foreign Terrorist Organization under the laws of the United States. The defendant also provided monetary support to HAMAS for the purpose, in part, of influencing or affecting the conduct of the government of Israel by intimidation or coercion, or to retaliate against the governmental actions of Israel. In addition to monetary support, the defendant also provided logistic support by serving on HLF's media committee.

2. PSR Guideline Calculation. The PSR determined a custody guideline range of 151- 180 months.

3. Recommended Departure and the Basis Therefore. The government recommends a 6 level Offense Level reduction from the Offense Level 29, Criminal History VI guideline range. Were the Court to accept the government's recommendation, the defendant would move downward from Offense Level 29 to Offense Level 23. The Criminal History Category would remain the same, at Category VI. This represents a 49% reduction in Shorbagi's sentence.

Such an extraordinary reduction recommendation is warranted in this case because of the level of assistance that Shorbagi has proved the government. In December 2006, Shorbagi has testified in a three-defendant terrorism trial being held in another district. This public display of cooperation came at some potential personal

risk to Shorbagi, given that on the second day of his testimony the court's gallery was filled to overflowing with members of the local Palestinian community who came to show their displeasure at Shorbagi cooperating. Agents who attended Shorbagi's testimony related to the undersigned attorney that Shorbagi's testimony appeared truthful and was consistent with his earlier debriefing sessions.

The government also refers the Court to its addendum to this motion for further details of defendant's cooperation.

Respectfully submitted,

DAVID E. NAHMIAS  
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/s/KIM S. DAMMERS  
ASSISTANT UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document electronically:

Michael Trost, Esq.

This 26th day of February, 2007.

/s/KIM S. DAMMERS  
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