

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

CASE NO. 16-80107-CR-ROSENBERG(s)

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREGORY HUBBARD,
a/k/a/ "Jibreel"

Defendant.

FACTUAL BASIS IN SUPPORT OF PLEA

If this case were to proceed to trial, the United States would prove, beyond a reasonable doubt, the following facts, among others. This factual basis is being provided for the limited purpose of establishing a factual basis for the defendant's guilty plea pursuant to Fed. R. Crim. Pro. 11(b) (3) and is not inclusive of all the facts the United States would offer and prove at trial. The defendant, by his signature below, admits and agrees to the facts set out below.

On or about April 11, 2015, GREGORY HUBBARD, a/k/a/ Jibreel, ("HUBBARD") told an FBI Confidential Human Source ("CHS") that he was thinking about joining ISIS.¹ At the time, the CHS was posing as someone sympathetic to ISIS and its cause. HUBBARD

¹ On or about October 15, 2004, the United States Secretary of State designated al- Qaeda in Iraq (AQI), then known as Jam 'at al Tawid wa' al-Jahid, as a Foreign Terrorist Organization (FTO) under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive order 13224. On or about May 15, 2014, the Secretary of State amended the designation of AQI as an FTO under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant (ISIL) as its primary name. The Secretary of State also added the following aliases to the FTO listing: The Islamic State of Iraq and al-Sham ("ISIS" – which is how the FTO will be referenced herein), The Islamic State of Iraq and Syria, ad-Dawla al-Islamiyya fi al-Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furquan Establishment for Media Production. On September 21, 2015, the Secretary added the following aliases to the FTO listing: Islamic State, ISIL, and ISIS. To date, ISIS remains a designated FTO.

subsequently emailed the CHS a 100-page eBook published by ISIS. The eBook is an ISIS manual that contains information on, among other subjects, training, battlefield strategy, and guidance on how to travel to Syria without detection by law enforcement. HUBBARD justified his support for ISIS by explaining that ISIS had established a true Caliphate, with currency, laws, and charities, all set up according to Islamic law. HUBBARD emailed two of his writings to the CHS titled "Media Me" and "A Fire That Has No Light", and stated that he was working on other writings. These writings discussed the power of the media's influence on individuals' perceptions of the world.

On or about July 30, 2015, HUBBARD stated to the CHS that an individual known as "Shakur" was in touch with individuals in Syria affiliated with ISIS. On or about August 15, 2015, HUBBARD introduced the CHS to "Shakur," later identified as co-defendant Dayne Antani Christian. On May 11, 2016, HUBBARD introduced the CHS to co-defendant Darren Arness Jackson, a/k/a/ Daoud, with whom HUBBARD was residing at the time. During the course of the charged conspiracy HUBBARD, the CHS, and the two co-defendants met primarily within the Southern District of Florida, usually within Palm Beach County

During the conspiracy, Christian stated that he was in contact with an individual located in Syria who was a member of ISIS. Later, Christian advised the CHS that his ISIS contacts had been compromised and that he would attempt to identify new contacts who could help HUBBARD and the CHS in Syria. Christian stated that he wanted to travel to Syria and join ISIS to engage in jihad. Jackson stated that he wanted to learn Arabic and get in shape before traveling overseas to join ISIS.

At various times during the conspiracy, HUBBARD, Christian, and Jackson, in recorded conversations with the CHS, talked about their support for ISIS and jihad, including acts of

terrorism committed by and attributed to ISIS and its supporters. They shared links for ISIS propaganda videos and websites, including ISIS beheading videos and lectures by Anwar al-Awlaki espousing jihad. They often all expressed their desire to travel to Syria to join ISIS. During many of their conversations, HUBBARD, Christian, Jackson, and/or the CHS used the term "soccer team" as a code word when referring to ISIS.

On or about August 25, 2015, HUBBARD brought paperwork to the CHS's residence to apply for a renewal of his United States passport. The paperwork was later submitted, as agreed by HUBBARD and the CHS, with instructions that HUBBARD's new passport be sent to the CHS's residence.

On or about December 9, 2015, the CHS provided HUBBARD with HUBBARD's new passport, which had been sent to the CHS's residence. When HUBBARD saw his passport, he grew excited and stated that it was time, referring to his intended travel to Syria to join ISIS. HUBBARD elaborated that everyone had to decide which side they were on, the side of ISIS or the side of those who do not support it. HUBBARD stated that he was on the side of ISIS. HUBBARD asked the CHS to keep his passport so that HUBBARD would know it was safe and would not lose it.

On or about March 29, 2016, during a discussion of the terrorist attacks in Belgium, Hubbard pointed out to the CHS the lack of attention given to the deaths of Muslims, as opposed to the media coverage of attacks in the West. HUBBARD reiterated his intention to leave for Syria to join ISIS, which he advised would occur during the summer of 2016, and to not return to the United States.

On or about May 14 and May 17, 2016, HUBBARD indicated to the CHS that he wanted to depart the United States and travel to Syria to join ISIS. HUBBARD asked the CHS to help

him in making travel plans. HUBBARD stated that he was tired of talk and wanted to make concrete plans to travel to Syria to join ISIS.

In a video recorded conversation on May 20, 2016, HUBBARD told the CHS that once he joins ISIS in Syria, he will do whatever the leader of ISIS tells him to do, including fight.

On or about May 27 and 28, 2016, HUBBARD loaded his personal belongings into a rental truck for transport from West Palm Beach, Florida, to Albany, Georgia. On or about May 30, 2016, HUBBARD arrived in Albany, Georgia, and unloaded his personal belongings from the rental truck into a storage unit.

On or about June 7, 2016, HUBBARD and the CHS both booked roundtrip airline tickets through Orbitz from Miami, Florida to Berlin, Germany. They planned that HUBBARD would travel to Europe on his way to Syria, and that the CHS would accompany HUBBARD on the trip. HUBBARD and the CHS were scheduled to depart Miami on July 21, 2016, and connect through Newark, New Jersey, to Berlin, arriving on July 22, 2016. The return ticket was booked for August 15, 2016, which would give the appearance that HUBBARD and the CHS were visiting Europe for three weeks. HUBBARD used his laptop computer and Visa debit card to book his ticket, which cost approximately \$1,000. HUBBARD and the CHS also researched and discussed taking a train from Berlin to Istanbul, Turkey, and then crossing over in to Syria to join ISIS. HUBBARD indicated he wanted to wait until his arrival in Germany to book train tickets in order to avoid U.S. Government detection.

On June 19, 2016, HUBBARD told co-defendant Christian and the CHS they needed to conduct target practice at a remote location because it was free of cost. Christian offered to loan them his AK-47 style assault rifle for training, which he did on June 26, 2016. Between May 11, 2016 and July 9, 2016, Hubbard, his co-defendants, the CHS and others practiced shooting

weapons at least 5 times in preparation for HUBBARD and the CHS traveling to Syria to join ISIS. All of the weapons were provided by defendant HUBBARD or his co-defendants. Jackson provided his 9mm Glock pistol, .40 caliber Ruger pistol, a Saiga .12 gauge shotgun, and a Saiga AK-47- style assault rifle. Christian provided a .22 caliber Mossberg pistol, a 9mm Kel-Tec pistol, and a Romanian Arms AK-47- style assault rifle. Hubbard provided only his .22 caliber Marlin survival rifle, as well as instruction to the CHS and Jackson on how to shoot target practice with the guns they had there.

On or about July 14, 2016, Jackson agreed to take HUBBARD and the CHS to Miami International Airport, knowing that HUBBARD and the CHS were planning to travel to Syria to join ISIS.

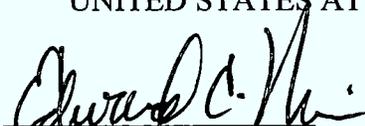
On or about July 18, 2016, the CHS asked HUBBARD how much money he was planning to bring on the trip to Syria, and HUBBARD responded that he would bring \$6,000. HUBBARD later gave the CHS several boxes of artwork for the CHS to store, and HUBBARD commented that he might not return to the U.S. from Syria.

On or about July 21, 2016, Jackson drove HUBBARD and the CHS from West Palm Beach to Miami International Airport so that HUBBARD and the CHS could depart for their intended travel to Syria. After Jackson dropped them off, HUBBARD and the CHS obtained

their boarding passes at the ticket counter. HUBBARD and the CHS cleared through the TSA checkpoint at which point HUBBARD was arrested.

BENJAMIN G. GREENBERG
UNITED STATES ATTORNEY

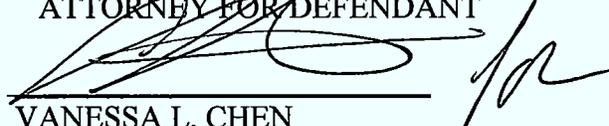
Date: 2/8/18 By:


EDWARD E. NUCCI
ASSISTANT UNITED STATES ATTORNEY

Date: 1/29/18


ANTHONY JOHN NATALE
ATTORNEY FOR DEFENDANT

Date: 1/29/2018


VANESSA L. CHEN
ATTORNEY FOR DEFENDANT

Date: 1-29-18


GREGORY HUBBARD
DEFENDANT