

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

v

CASE NO. 1:19-CR-025-003  
HON. ROBERT J. JONKER  
CHIEF U.S. DISTRICT JUDGE

MOHAMUD ABDIKADIR MUSE,

Defendant.

\* \* \* \* \*

CLAY M. WEST  
United States Attorney  
Prosecuting Attorney  
P.O. Box 208  
Grand Rapids, MI 49050  
(616) 456-2404

JAMES K. CHAMPION  
Law Offices James K. Champion  
Attorney for Defendant  
312 E. Fulton  
Grand Rapids, MI 49503  
(616) 233-3287

\* \* \* \* \*

DEFENDANT'S SENTENCING MEMORANDUM

PROCEDURAL HISTORY

On January 30, 2020, the Defendant, Mr. Mohamud Muse, pled guilty, pursuant to a written plea agreement, to one count of Conspiracy to Provide Material Support to a Designated Terrorist Organization, in violation of 18 U.S.C. §2339B(a)(1). Sentencing is scheduled on August 12, 2021 at 2 p.m.

GUIDELINE RANGE COMPUTATION

The Defendant stipulates to the Guidelines as scored by the Probation Agent in the Presentence Investigation Report. But the Defendant also agrees that the Statutory Maximum is 20

years. The Defendant takes no issue with the facts contained in the Presentence Report.

### **CONCLUSION**

While the Defendant has pleaded guilty to a serious crime, it should be noted that he has no prior criminal history of any kind. He was born in Kenya and is one of 12 children. He came to this country at age 8 and moved from Charlotte, North Carolina to Omaha, Nebraska, and finally to Lansing, Michigan. Prior to coming here, he spent time in a refugee camp in Pakistan. It would be difficult for anyone who was born and raised here to appreciate how difficult his youth must have been. The deck was certainly stacked against him in terms of barriers, i.e. language, culture, race, ethnicity, religion, etc. This is not to excuse his actions, merely an alternative lens with which to view them through. Justice and fairness must require some level of empathy and compassion.

At some point, what was important to the Defendant took a sharp turn. The Defendant now had a wife with child and had begun to have second thoughts, only to be told by the Agent that he must stay the course. And, to be fair, while he may have been at the airport, he did not possess a ticket and had no intention of flying to Somalia- or anywhere else- on the day of his arrest.

Much has changed since then. The Defendant has a wife and

daughter, who currently reside in Roanoke, Virginia. Reuniting with his wife, and helping raise his daughter, is now the Defendant's singular passion. His life has a direction and purpose that was missing when he took the actions that resulted in his current situation.

According to corrections personnel at the Newaygo County Jail, White Cloud Michigan, the Defendant has been compliant with the rules and regulations of the facility and he has not been a management problem. And, as stated previously, the Defendant had no prior run-ins with the law of any kind. While an entrapment defense was ultimately rejected in favor of a plea agreement, it cannot be overstated that the people encouraging the actions of the Defendant were FBI agents. Not to put too fine a point on it, but it cannot be said that the Defendant was a legitimate threat to the people of this Country. Its closer to the truth that he was a kid with a great deal of angst.

The Defendant respectfully requests that this Honorable Court fashion an appropriate sentence at the bottom of the Statutory Provisions. Considering the fact that the Defendant has sat in the Newaygo County jail, without any programming, for 2 1/2 years- during Covid-19- a sentence of 5 years seems reasonable under the circumstances.

Finally, the fact that the Defendant provided substantial assistance in the investigation should be considered in

fashioning a fair and just sentence. Defendant also asks that he be sentenced to the nearest Federal facility as well as the same facility as his brother, Muse Muse, thereby making it less burdensome for his family to visit both of them.

Respectfully submitted,

Dated: August 5, 2021

By: \_\_\_\_\_/s/\_\_\_\_\_

**James K. Champion**  
**Attorney for Defendant**  
**312 E. Fulton**  
**Grand Rapids, MI 49503**  
**616-233-3287**

