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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

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 District of Arizona

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9 UNITED STATES DISTRICT COURT  
 10 DISTRICT OF ARIZONA

11  
 12 United States of America,  
 13 Plaintiff,

14 v.

15 Akram Musa Abdallah,  
 a.k.a. Abu Saiaf,  
 16 Defendant.

CR-08-0947-PHX-NVW  
**PLEA AGREEMENT**

17  
 18 Plaintiff, United States of America, and defendant, Akram Musa Abdallah, hereby agree  
 19 to the following disposition of this matter:

20 **PLEA**

21 Defendant will plead guilty to Count 1 of the Indictment charging defendant with False  
 22 Statements to a Government Agency, in violation of Title 18, United States Code, Section  
 23 1001(a)(2), a Class D felony offense.

24 **TERMS**

25 Defendant understands that the Court is required to consider the United States Sentencing  
 26 Guidelines (“U.S.S.G.” or “Sentencing Guidelines”) among other factors in determining  
 27 defendant’s sentence. Defendant understands, however, that the Sentencing Guidelines are only  
 28 advisory, and that after considering the Sentencing Guidelines, the Court may be free to exercise

1 its discretion to impose any reasonable sentence up to the maximum set by statute for the crimes  
2 of conviction.

3 **1. MAXIMUM PENALTIES**

4 a. A violation of Title 18, United States Code, Section 1001(a)(2), is punishable by  
5 a maximum fine of \$250,000.00, a maximum term of imprisonment of eight years, or both and  
6 a term of supervised release of three years.

7 b. According to the Sentencing Guidelines issued pursuant to the Sentencing Reform  
8 Act of 1984, the court shall:

9 (1) Order the defendant to make restitution to any victim of the offense unless,  
10 pursuant to Title 18, United States Code, Section 3663, the court determines that restitution  
11 would not be appropriate in this case;

12 (2) Order the defendant to pay a fine, which may include the costs of probation,  
13 supervised release or incarceration, unless, pursuant to Title 18, United States Code, Section  
14 3572, the Court finds upon consideration of the factors therein and in Section 3553 that a fine  
15 is not appropriate;

16 (3) Order the defendant, pursuant to Title 18, United States Code, Section 3583  
17 to serve a term of supervised release when required by statute or when a sentence of  
18 imprisonment of more than one year is imposed, and the court may impose a term of supervised  
19 release in all other cases.

20 c. Pursuant to Title 18, United States Code, Section 3013, the court is required to  
21 impose a special assessment on the defendant of \$100.00. The special assessment is due at the  
22 time the defendant enters the plea of guilty, but in no event shall it be paid later than the time of  
23 sentencing.

24 **2. AGREEMENTS REGARDING SENTENCING**

25 a. Assuming the defendant makes full and complete disclosure to the Probation  
26 Department of the circumstances surrounding the defendant's commission of the offense, if the  
27 defendant would be eligible for a recommended two-point reduction pursuant to Section 3E1.1  
28 of the Guidelines and, if the defendant demonstrates an acceptance of responsibility for this

1 offense up to and including the time of sentencing, and provided defendant accepts the terms of  
2 this agreement no later than May 19, 2009 the United States will stipulate to a three-point  
3 reduction in the advisory sentencing guideline offense level, as set forth in Section 3E.1 of the  
4 Guidelines.

5 b. Pursuant to Fed. R. Crim. P. 11(c)(1)(C), the United States and the defendant  
6 stipulate that the defendant shall be sentenced to the Bureau of Prisons for a term of  
7 imprisonment between 18 and 24 months.

8 c. Additionally, pursuant to Fed. R. Crim. P. 11(c)(1)(C), the United States and the  
9 defendant stipulate that U.S.S.G. § 2J1.2(a) and (b)(1)(C) is the applicable guideline section for  
10 defendant's offense conduct.

11 d. The United States retains the unrestricted right to make any and all statements it  
12 deems appropriate to the Probation Office and to make factual and legal responses to any  
13 statements made by the defendant or defense counsel or objections to the presentence report or  
14 to questions by the court at the time of sentencing.

15 e. If the court, after reviewing this plea agreement, concludes that any provision is  
16 inappropriate, it may reject the plea agreement, giving defendant, in accordance with  
17 Fed. R. Crim. P. 11(c)(5), and the government an opportunity to withdraw the guilty plea.

18 **3. AGREEMENT TO DISMISS OR NOT TO PROSECUTE**

19 a. This office will not prosecute the defendant for any offenses committed by the  
20 defendant, and known by the government, in connection with any other false statements made  
21 by the defendant to special agents of the Federal Bureau of Investigation or the Internal Revenue  
22 Service on January 24, 2007 and January 27, 2007. In addition, the government will not file  
23 criminal charges in connection with the criminal investigation conducted by the Internal  
24 Revenue Service in connection with tax years 2004 and 2005. This agreement does not preclude  
25 the Internal Revenue Service from proceeding with and/or initiating any civil or administrative  
26 action relating to tax years 2004 and 2005.

27 b. This agreement does not, in any manner, restrict the actions of the United States  
28 in any other district nor bind any other United States Attorney's Office.

1 **4. WAIVER OF DEFENSES AND APPEAL RIGHTS**

2 The defendant waives any and all motions, defenses, probable cause determinations, and  
3 objections which the defendant could assert to the indictment or information or to the Court's  
4 entry of judgment against the defendant and imposition of sentence upon the defendant,  
5 providing the sentence is consistent with this agreement. The defendant further waives: (1) any  
6 right to appeal the Court's entry of judgment against defendant; (2) any right to appeal the  
7 imposition of sentence upon defendant under Title 18, United States Code, Section 3742  
8 (sentence appeals); and (3) any right to collaterally attack defendant's conviction and sentence  
9 under Title 28, United States Code, Section 2255, or any other collateral attack. The defendant  
10 acknowledges that this waiver shall result in the dismissal of any appeal or collateral attack the  
11 defendant might file challenging his conviction or sentence in this case.

12 **5. PERJURY AND OTHER FALSE STATEMENT OFFENSES OR OTHER**  
13 **OFFENSES**

14 Nothing in this agreement shall be construed to protect the defendant in any way from  
15 prosecution for perjury, false declaration or false statement, or any other offense committed by  
16 defendant after the date of this agreement. Any information, statements, documents, and  
17 evidence which defendant provides to the United States pursuant to this agreement may be used  
18 against the defendant in all such prosecutions.

19 **6. REINSTITUTION OF PROSECUTION**

20 If defendant's guilty plea is rejected, withdrawn, vacated, or reversed at any time, the  
21 United States will be free to prosecute the defendant for all charges of which it has knowledge,  
22 and any charges that have been dismissed because of this plea agreement will be automatically  
23 reinstated. In such event, defendant waives any objections, motions, or defenses based upon the  
24 Statute of Limitations, the Speedy Trial Act or constitutional restrictions in bringing of the later  
25 charges or proceedings. The defendant understands that any statements made at the time of the  
26 defendant's change of plea or sentencing may be used against the defendant in any subsequent  
27 hearing, trial or proceeding as permitted by Fed. R. Crim. P. 11(f) and Fed. R. Evid. 410.

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1 **7. DISCLOSURE OF INFORMATION TO U.S. PROBATION OFFICE**

2 a. The defendant will cooperate fully with the United States Probation Office. Such  
3 cooperation will include truthful statements in response to any questions posed by the Probation  
4 Department including, but not limited to:

5 (1) All criminal history information, i.e., all criminal convictions as defined  
6 under the Sentencing Guidelines.

7 (2) All financial information, e.g., present financial assets or liabilities that  
8 relate to the ability of the defendant to pay a fine or restitution.

9 (3) All history of drug abuse which would warrant a treatment condition as part  
10 of sentencing.

11 (4) All history of mental illness or conditions which would warrant a treatment  
12 condition as a part of sentencing.

13 **8. FORFEITURE, CIVIL, AND ADMINISTRATIVE PROCEEDINGS**

14 a. Nothing in this agreement shall be construed to protect the defendant from civil  
15 forfeiture proceedings or prohibit the United States from proceeding with and/or initiating an  
16 action for civil forfeiture.

17 b. Further, this agreement does not preclude the United States from instituting any  
18 civil or administrative proceedings as may be appropriate now or in the future.

19 **ELEMENTS**

20 As to Count 1:

21 On or between January 24, 2007, and January 27, 2007, in the District of Arizona:

- 22 1. The defendant made a false statement in a matter within the jurisdiction of the Federal  
23 Bureau of Investigation;
- 24 2. The defendant acted willfully, that is deliberately and with knowledge that the statement  
25 was untrue; and
- 26 3. The statement was material to the Federal Bureau of Investigation's activities or  
27 decisions.

28 A statement is material if it could have influenced the agency's decisions or activities.

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**FACTUAL BASIS**

I further admit that if this matter were to proceed to trial the United States could prove the following facts beyond a reasonable doubt:

On or between January 24, 2007, and January 27, 2007, in the District of Arizona, in a matter within the jurisdiction of the Federal Bureau of Investigation (FBI), an agency of the United States, I, Akram Musa Abdallah, knowingly and willfully made a false, fraudulent, and fictitious material statement to special agents of the FBI. On those dates, I was being interviewed by FBI agents in connection with the federal investigation and prosecution of the Holy Land Foundation for Relief & Development (HLF) and its officers. At the time of my interviews, I knew the HLF was a Specially Designated Terrorist organization. I also knew that when I was interviewed, the HLF and its officers were pending trial in the Northern District of Texas for crimes including providing material support to a foreign terrorist organization.

During the interviews, I represented to the FBI agents that I was not involved in fund raising activities for the HLF. When, in fact, between approximately 1994 and 1997, I was involved in numerous fund raising activities, including collecting donations, organizing, facilitating and coordinating fund raising events on behalf of the HLF in the Phoenix metropolitan area.

**DEFENDANT'S APPROVAL AND ACCEPTANCE**

I have read each of the provisions of the entire plea agreement with the assistance of counsel and understand its provisions.

I have discussed the case and my constitutional and other rights with my attorney. I understand that by entering my plea of guilty I will be giving up my rights to plead not guilty, to trial by jury, to confront, cross-examine, and compel the attendance of witnesses, to present evidence in my defense, to remain silent and refuse to be a witness against myself by asserting my privilege against self-incrimination -- all with the assistance of counsel -- and to be presumed innocent until proven guilty beyond a reasonable doubt.

I agree to enter my guilty plea as indicated above on the terms and conditions set forth in this agreement.

1 I have been advised by my attorney of the nature of the charges to which I am entering  
2 my guilty plea. I have further been advised by my attorney of the nature and range of the  
3 possible sentence and that my ultimate sentence will be determined after consideration of the  
4 advisory Sentencing Guidelines.

5 My guilty plea is not the result of force, threats, assurances or promises other than the  
6 promises contained in this agreement. I agree to the provisions of this agreement as a voluntary  
7 act on my part and I agree to be bound according to its provisions.

8 I fully understand that, if I am granted probation or placed on supervised release by the  
9 court, the terms and conditions of such probation/supervised release are subject to modification  
10 at any time. I further understand that, if I violate any of the conditions of my  
11 probation/supervised release, my probation/supervised release may be revoked and upon such  
12 revocation, notwithstanding any other provision of this agreement, I may be required to serve  
13 a term of imprisonment or my sentence may otherwise be altered.

14 I agree that this written plea agreement contains all the terms and conditions of my plea  
15 and that promises made by anyone (including my attorney), and specifically any predictions as  
16 to the guideline range applicable, that are not contained within this written plea agreement are  
17 without force and effect and are null and void.

18 I am satisfied that my defense attorney has represented me in a competent manner.

19 I am fully capable of understanding the terms and conditions of this plea agreement. I  
20 am not now on or under the influence of any drug, medication, liquor, or other intoxicant or  
21 depressant, which would impair my ability to fully understand the terms and conditions of this  
22 plea agreement.

23 I have carefully reviewed every part of this agreement with my attorney. I understand  
24 it, and I voluntarily agree to it.

25  
26 5/6/09  
Date

27 AK Abdallah ?  
AKRAM MUSA ABDALLAH  
Defendant

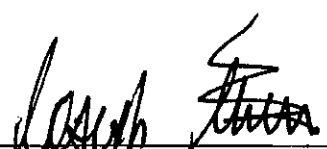
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**DEFENSE ATTORNEY'S APPROVAL**

I have discussed this case and the plea agreement with my client, in detail and have advised the defendant of all matters within the scope of Fed. R. Crim. P. 11, the constitutional and other rights of an accused, the factual basis for and the nature of the offense to which the guilty plea will be entered, possible defenses, and the consequences of the guilty plea including the maximum statutory sentence possible. I have further discussed the concept of the advisory sentencing guideline with the defendant. No assurances, promises, or representations have been given to me or to the defendant by the United States or by any of its representatives which are not contained in this written agreement. I concur in the entry of the plea as indicated above and on the terms and conditions set forth in this agreement as in the best interests of my client. I agree to make a bona fide effort to ensure that the guilty plea is entered in accordance with all the requirements of Fed. R. Crim. P. 11.

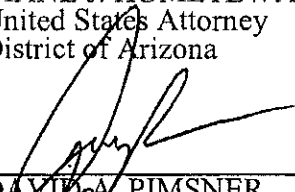
May 6, 2009  
Date

  
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JOSEPH SHEMARIA  
Attorney for Defendant

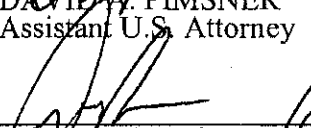
**UNITED STATES' APPROVAL**

I have reviewed this matter and the plea agreement. I agree on behalf of the United States that the terms and conditions set forth are appropriate and are in the best interests of justice.

5/6/09  
Date

DIANE J. HUMETEWA  
United States Attorney  
District of Arizona  
  
\_\_\_\_\_  
DIANE J. HUMETEWA  
Assistant U.S. Attorney

5/6/09  
Date

  
\_\_\_\_\_  
BARRY JONAS  
Trial Attorney  
Department of Justice



COURT'S ACCEPTANCE

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Date

HONORABLE NEIL V. WAKE  
United States District Judge