

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 03-80079

-vs-

HON. GEORGE CARAM STEEH

D-1 ELIAS MOHAMAD AKHDAR,

Defendant.

**GOVERNMENT'S WRITTEN PROFFER IN SUPPORT
OF ITS REQUEST FOR DETENTION PENDING TRIAL**

The United States of America, by Kenneth R. Chadwell and Barbara L. McQuade, Assistant U.S. Attorneys, hereby proffers the following information, pursuant to 18 U.S.C. § 3142 (f), in support of its request that defendant be detained pending trial:

1. On January 23, 2003, Defendant was indicted by a federal grand jury for Conspiracy to Violate the Racketeer Influenced and Corrupt Organizations Act, in violation of 18 U.S.C. § 1962(d). The maximum penalties for this offense are 20 years imprisonment and a \$250,000 fine. 18 U.S.C. §§ 1963(a), 3571(b)(3).

2. Defendant Elias Mohamad Akhdar (hereafter "Akhdar") was born, on May 4, 1972, in Lebanon. He is not married and has minimal family ties to keep him in the jurisdiction. One of his family ties here is co-defendant Ali Akhdar, who the government

anticipates will be spending several years in prison as a result of this case. Elias Akhdar is also the biological father of two children by co-defendant Brandy Jo Bowman. However, Akhdar and Bowman are no longer cohabiting, Bowman and the children reside in New York, and Akhdar resides by himself in the Dearborn, Michigan area.

3. Although Akhdar became a naturalized U.S. citizen in 1999, he still retains his Lebanese Citizenship. Akhdar is fluent in Arabic (Lebanese) and English. He continues to have substantial family ties in Lebanon, including his father, his mother, his sister (Mariam Akhdar), his brother (Hussein Akhdar) and other relatives. As part of the offense for which he has been indicted, Akhdar transferred hundreds of thousands of dollars to Lebanon, and would have access to these resources either to facilitate his flight from the United States and/or to sustain himself for long periods of time within Lebanon. American dollars can provide substantial long term sustenance in Lebanon, given that laborers earn \$25 for an entire day's work there. Akhdar has expressed his intention to return to Lebanon permanently once he acquires enough money through illegal activities. In fact, the government is in possession of a recorded conversation in which Akhdar expresses his intention to leave this country for good.

4. Lebanon maintains a consulate at 1959 Jefferson in Detroit, Michigan. Even if the Court were to seize Akhdar's passports, he could obtain a new Lebanese passport through the consulate within two week's time. The government is aware of persons who have and

who are currently in the process of doing this very thing. The United States does not currently have an extradition treaty with the country of Lebanon. Accordingly, Akhdar's flight to Lebanon would completely prevent this case from going forward against him.

5. Prior to leaving Lebanon, Akhdar received military training from the Islamic Amal, a non-governmental para-military organization allied with Iran and Syria during the 1970s and 1980s. He also participated in military incursions within Lebanon on behalf of Hizballah, a/k/a "Party of God," a/k/a "Islamic Jihad." Effective October 8, 1997, then Secretary of State Madeleine Albright made findings, pursuant to 8 U.S.C. § 1189(a)(1), that Hizballah is a foreign organization that engages in terrorist activity which "threatens the security of United States nationals or the national security of the United States." Thus Hizballah was designated as a foreign terrorist organization. Designation of Foreign Terrorist Organizations, 62 Fed. Reg. 52,650, 52650-1 (1997). Hizballah is a worldwide terrorist network fully capable of assisting one of its own in eluding United States authorities, and having the motivation to do so with respect to Akhdar.

6. In addition to participating with Hizballah military campaigns in Lebanon, Akhdar contributed a portion of the profits from his illegal racketeering activities to Hizballah. This fact will subject Akhdar to a Terrorism enhancement under U.S. Sentencing Guideline § 3A1.4, requiring a minimum guideline sentence of 210 months (17.5 years) imprisonment, without regard to any previous criminal history.

7. As part of the offense for which he is indicted, as alleged at paragraph 4(A) of the Indictment, Akhdar participated in unlawful activities with Mohamad Hammoud. The evidence against Akhdar will establish that his business with Hammoud involved more than \$500,000 in cash transactions and that Akhdar communicated by telephone with the Hammoud organization on at least 138 occasions. Hammoud and his extensive organization were indicted as the “Charlotte Hizballah Cell” by a federal grand jury in the Western District of North Carolina. The indictment alleged numerous crimes including RICO and Providing Material Support to a Foreign Terrorist Organization (Hizballah). Specifically, Hammoud was charged with conspiring to provide “a variety of items that Hizballah would use to engage in violent attacks and to film such attacks for use in Hizballah propaganda efforts,” including night vision devices, global positioning systems, mine and mine detection equipment, computers, cell phones, laser range finders, stun guns, radars, aircraft analysis and design software, nitrogen cutters and the like. (North Carolina Second Superseding Indictment). Hammoud was convicted of these offenses in the summer of 2002, remains in the custody of the U.S. Marshal, and faces a lengthy sentence.

8. When Akhdar learned of the North Carolina indictment in 2001, he fled from Michigan to the Cattaraugus Indian Reservation in New York to hide from authorities. He believed that, based upon his criminal activities with Hammoud, he would be made a part of that indictment.

9. On September 24, 2001, as alleged at Count 2 of the Indictment and elsewhere, Akhdar traveled between the states of Michigan and New York to perpetrate an arson of a tobacco shop owned by him and co-defendant Brandy Jo Bowman. This constitutes a crime of violence within the meaning of 18 U.S.C. §§ 3142(f)(1)(A), 3156(a)(4).

10. In addition to the factors demonstrating that Elias Akhdar is both a flight risk and a danger to the community, there is also a serious risk that he will attempt to obstruct justice, including the intimidation of government witnesses. See 18 U.S.C. § 3142(f)(2)(obstruction of justice is a separate basis for detention). During the investigation of this case, Akhdar engaged in concerted efforts to thwart the efforts of law enforcement and obstruct justice. Specifically, as alleged at overt acts 33 and 34 of the Indictment and elsewhere, Akhdar visited Hassan Daher numerous times in jail and instructed him not to provide information to the police. He warned Daher not to cooperate with law enforcement authorities on at least three separate occasions. At least one of these attempts to obstruct justice was recorded on a tape in the government's possession. Akhdar also told another witness not to talk to the police about him. This was also captured on a tape in the government's possession.

11. Following his arrest, on February 4, 2003, Elias Akhdar executed a written waiver of his Miranda rights and orally confessed to cigarette trafficking.

Relief Requested

Based upon Elias Akhdar's substantial ties to Lebanon, large financial resources in Lebanon, his stated desire to return to Lebanon, his connections with a foreign terrorist organization, the large amount of prison time he faces, his previous flight and concealment from authorities, his limited ties to the United States, his commission of a crime of violence, his attempts to obstruct justice, and his oral admissions, among other factors, there is no condition or combination of conditions that will reasonably assure the appearance of Defendant as required, the safety of any other person and the community, and the prevention of Akhdar's continued attempts to obstruct justice. It is therefore respectfully requested that the Court order the detention of Defendant pending trial pursuant to the Bail Reform Act.

Respectfully submitted,

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