

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 8:07-Cr-342-T-23MAP

AHMED ABDELLATIF SHERIF MOHAMED

PLEA AGREEMENT

Pursuant to Fed. R. Crim. P. 11(c), the United States of America, by Robert E. O'Neill, United States Attorney for the Middle District of Florida, and the defendant, AHMED ABDELLATIF SHERIF MOHAMED, and the attorneys for the defendant, Linda Moreno and Lyann Goudie, mutually agree as follows:

A. **Particularized Terms**

1. **Count Pleading To**

The defendant shall enter a plea of guilty to Count One of the Superseding Indictment. Count One charges the defendant with providing material support to terrorists, in violation of 18 U.S.C. § 2339A.

2. **Maximum Penalties**

Count One carries a maximum sentence of fifteen (15) years' imprisonment, a fine of \$250,000, a term of supervised release of not more than three (3) years, and a special assessment of \$100, said special assessment to be due on the date of sentencing. With respect to certain offenses, the Court shall order the defendant to make restitution to any victim of the offense, and with respect to other

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AF Approval _____

offenses, the Court may order the defendant to make restitution to any victim of the offense, or to the community, as set forth below.

3. Elements of the Offense

The defendant acknowledges understanding the nature and elements of the offense with which defendant has been charged and to which defendant is pleading guilty. The elements of Count One are:

- First: That within the United States, the defendant provided material support or resources; and
- Second: That the defendant did so knowing or intending that such support was to be used in preparation for or in carrying out the killing of (1) an officer or employee of the United States, or of any agency in any branch of the United States Government (including any member of the uniformed services), while such officer or employee was engaged in or on account of the performance of his or her official duties, or (2) any person assisting such an officer or employee in the performance of such duties or on account of that assistance, in violation of 18 U.S.C. § 1114.

4. Counts Dismissed

At the time of sentencing, the remaining counts against the defendant, Counts Two through Seven of the Superseding Indictment and Counts One and Two of the original Indictment, will be dismissed pursuant to Fed. R. Crim. P. 11(c)(1)(A).

5. No Further Charges

If the Court accepts this plea agreement, the United States Attorney's Office for the Middle District of Florida agrees not to charge defendant with committing any other federal criminal offenses known to the United States Attorney's Office at the time of the execution of this agreement, related to the conduct giving rise to this plea agreement.

6. Abandonment of Property - Computer Equipment

The United States of America and defendant hereby agree the HP laptop computer, serial number 2CE6150X1X , seized from the defendant and currently in the custody and/or control of the Federal Bureau of Investigation or other appropriate agency, was properly seized and is subject to forfeiture to the government pursuant to 18 U.S.C. § 981(a)(1)(G)(ii) and 28 U.S.C. § 2461(c) as property acquired or maintained by him with the intent and for the purpose of supporting, planning, conducting, or concealing any Federal crime of terrorism against the United States, citizens or residents of the United States or their property, and that the computer constitutes evidence, contraband, or fruits of the crime for which he has pled guilty. As such, defendant hereby relinquishes all claim, title and interest he has in the computer to the United States of America with the understanding and consent that the Court, upon approval of this agreement, hereby directs the Federal Bureau of Investigation, or other appropriate agency, to cause the computer to be destroyed once its evidentiary value is concluded without further obligation or duty whatsoever owing to defendant or any other person.

As part of the plea agreement in this case, defendant hereby states under penalty of perjury that he is the sole and rightful owner of the property, and that defendant hereby voluntarily abandons all right and claim to and consents to the destruction of: HP computer laptop, bearing serial number 2CE6150X1X.

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B. Standard Terms and Conditions

1. Restitution, Special Assessment and Fine

The defendant understands and agrees that the Court, in addition to or in lieu of any other penalty, shall order the defendant to make restitution to any victim of the offense(s), pursuant to 18 U.S.C. § 3663A, for all offenses described in 18 U.S.C. § 3663A(c)(1) (limited to offenses committed on or after April 24, 1996); and the Court may order the defendant to make restitution to any victim of the offense(s), pursuant to 18 U.S.C. § 3663 (limited to offenses committed on or after November 1, 1987), including restitution as to all counts charged, whether or not the defendant enters a plea of guilty to such counts, and whether or not such counts are dismissed pursuant to this agreement. On each count to which a plea of guilty is entered, the Court shall impose a special assessment, to be payable to the Clerk's Office, United States District Court, and due on date of sentencing. The defendant understands that this agreement imposes no limitation as to fine.

2. Supervised Release

The defendant understands that the offense(s) to which the defendant is pleading provide(s) for imposition of a term of supervised release upon release from imprisonment, and that, if the defendant should violate the conditions of release, the defendant would be subject to a further term of imprisonment.

3. Sentencing Information

The United States reserves its right and obligation to report to the Court and the United States Probation Office all information concerning the background, character, and conduct of the defendant, to provide relevant factual information, including the totality of the defendant's criminal activities, if any, not limited to the

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count(s) to which defendant pleads, to respond to comments made by the defendant or defendant's counsel, and to correct any misstatements or inaccuracies. The United States further reserves its right to make any recommendations it deems appropriate regarding the disposition of this case, subject to any limitations set forth herein, if any.

Pursuant to 18 U.S.C. § 3664(d)(3) and Fed. R. Crim. P. 32(d)(2)(A)(ii), the defendant agrees to complete and submit, upon execution of this plea agreement, an affidavit reflecting the defendant's financial condition. The defendant further agrees, and by the execution of this plea agreement, authorizes the United States Attorney's Office to provide to, and obtain from, the United States Probation Office or any victim named in an order of restitution, or any other source, the financial affidavit, any of the defendant's federal, state, and local tax returns, bank records and any other financial information concerning the defendant, for the purpose of making any recommendations to the Court and for collecting any assessments, fines, restitution, or forfeiture ordered by the Court.

4. Sentencing Recommendations

It is understood by the parties that the Court is neither a party to nor bound by this agreement. The Court may accept or reject the agreement, or defer a decision until it has had an opportunity to consider the presentence report prepared by the United States Probation Office. The defendant understands and acknowledges that, although the parties are permitted to make recommendations and present arguments to the Court, the sentence will be determined solely by the Court, with the assistance of the United States Probation Office. Defendant further understands and acknowledges that any discussions between defendant or defendant's attorney and the attorney or other agents for the government regarding any recommendations by the government

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are not binding on the Court and that, should any recommendations be rejected, defendant will not be permitted to withdraw defendant's plea pursuant to this plea agreement. The defendant further understands that this Court has jurisdiction and authority to impose any sentence up to the statutory maximum. The government expressly reserves the right to support and defend any decision that the Court may make with regard to the defendant's sentence, whether or not such decision is consistent with the government's recommendations contained herein.

5. Defendant's Waiver of Right to Appeal and Right to Collaterally Challenge the Sentence

The defendant agrees that this Court has jurisdiction and authority to impose any sentence up to the statutory maximum and expressly waives the right to appeal defendant's sentence or to challenge it collaterally on any ground, including the ground that the Court erred in determining the applicable guidelines range pursuant to the United States Sentencing Guidelines, except (a) the ground that the sentence exceeds the defendant's applicable guidelines range as determined by the Court pursuant to the United States Sentencing Guidelines; (b) the ground that the sentence exceeds the statutory maximum penalty; or (c) the ground that the sentence violates the Eighth Amendment to the Constitution; provided, however, that if the government exercises its right to appeal the sentence imposed, as authorized by Title 18, United States Code, Section 3742(b), then the defendant is released from his waiver and may appeal the sentence as authorized by Title 18, United States Code, Section 3742(a).

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6. Middle District of Florida Agreement

It is further understood that this agreement is limited to the Office of the United States Attorney for the Middle District of Florida and cannot bind other federal, state, or local prosecuting authorities, although this office will bring defendant's cooperation, if any, to the attention of other prosecuting officers or others, if requested.

7. Filing of Agreement

This agreement shall be presented to the Court, in open court or in camera, in whole or in part, upon a showing of good cause, and filed in this cause, at the time of defendant's entry of a plea of guilty pursuant hereto.

8. Voluntariness

The defendant acknowledges that defendant is entering into this agreement and is pleading guilty freely and voluntarily without reliance upon any discussions between the attorney for the government and the defendant and defendant's attorney and without promise of benefit of any kind (other than the concessions contained herein), and without threats, force, intimidation, or coercion of any kind. The defendant further acknowledges defendant's understanding of the nature of the offense or offenses to which defendant is pleading guilty and the elements thereof, including the penalties provided by law, and defendant's complete satisfaction with the representation and advice received from defendant's undersigned counsel (if any). The defendant also understands that defendant has the right to plead not guilty or to persist in that plea if it has already been made, and that defendant has the right to be tried by a jury with the assistance of counsel, the right to confront and cross-examine the witnesses against defendant, the right against compulsory self-incrimination, and the right to compulsory process for the attendance of witnesses to testify in defendant's

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defense; but, by pleading guilty, defendant waives or gives up those rights and there will be no trial. The defendant further understands that if defendant pleads guilty, the Court may ask defendant questions about the offense or offenses to which defendant pleaded, and if defendant answers those questions under oath, on the record, and in the presence of counsel (if any), defendant's answers may later be used against defendant in a prosecution for perjury or false statement. The defendant also understands that defendant will be adjudicated guilty of the offenses to which defendant has pleaded and, if any of such offenses are felonies, may thereby be deprived of certain rights, such as the right to vote, to hold public office, to serve on a jury, or to have possession of firearms.

9. Factual Basis

Defendant is pleading guilty because defendant is in fact guilty. The defendant certifies that defendant does hereby admit that the facts set forth below are true, and were this case to go to trial, the United States would be able to prove those specific facts and others beyond a reasonable doubt:

FACTS

On August 4, 2007, at about 5:30 P.M., Berkeley County (South Carolina) Sheriff's Office ("BCSO") deputies stopped a Toyota Camry for speeding in Goose Creek, South Carolina. Defendant MOHAMED was driving the car, and co-defendant Youssef Samir Megahed was a passenger in the car. When the traffic stop was initiated, the defendant did not stop immediately; rather, he kept moving. As a BCSO deputy approached the stopped vehicle, he observed passenger Megahed disconnecting some power cords from a laptop computer, which he threw into the back seat of the car. That laptop computer belonged to Defendant MOHAMED. The

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deputy's suspicions increased with the occupants' inconsistent explanations of their itineraries.

Pursuant to a consent search of the vehicle, authorities recovered from the trunk of the vehicle a number of items, including several sections of PVC pipe containing a potassium nitrate mixture, compacted between plugs of kitty litter, and approximately 20 feet of safety fuse. These materials, which constitute "explosive materials," within the meaning of 18 U.S.C. § 842(a)(3)(A), had been transported by Defendant MOHAMED and Megahed from the Middle District of Florida. Also in the trunk of the Toyota Camry were separate containers filled with several gallons of gasoline and a potassium nitrate mixture.

Subsequent FBI analysis of Defendant MOHAMED's laptop computer disclosed a large number of file folders containing information relating to the manufacture and use of bombs, rockets, and other explosives, including several video recordings showing the use of such devices to attack and destroy manned United States military vehicles. The FBI analysis also disclosed the viewing history of the laptop computer prior to the time of the Goose Creek traffic stop. The last item played on the laptop computer was a video recording relating to the use and firing of Qassam rockets in the Middle East.

Also on the hard drive of the laptop computer was an audio/video recording, approximately twelve minutes in length, produced by Defendant MOHAMED. In that recording, Defendant MOHAMED personally demonstrated and explained, in Arabic, how a remote-control toy car could be disassembled and how the components of its chassis could be rewired and converted into a detonator for an explosive device. In the recording, the defendant stated:

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"The topic of detonation from a distance by using radio frequencies and simple available equipments that are easy to obtain, to produce a detonation. The detonator . . . or to produce a detonation, which is the initiation of any explosion in the world, or making the electric circuit through which it can make, we can make an explosion from a distance. Instead of the brethren going to, to carry out martyrdom operations, no, may God bless him, he can use the explosion tools from distance and preserve his life, God willing, the blessed and exalted, for the real battles, unless he was forced to do so."

In the same recording, the defendant further stated:

"Consequently, when you press on the remote control, rather than making the car move forward or backward, it will ignite the detonator. This very simple method of using a children's toy, will give you an opportunity to make an explosion from a distance ranging between 35 to 200 meters. A distance from 35 to 200 meters . . . fine, it is not . . . we know it is not a very long distance, but it is better than blowing himself up. Eh, in future lessons, God willing, we will show you how to make advanced circuits that can reach greater distances."

YouTube is an internet web site to which persons may upload audio/video recordings and share them on the worldwide web through the internet. Sometime in July 2007, Defendant MOHAMED had uploaded the aforementioned twelve-minute audio/video recording to the YouTube website. The audio/video recording that Defendant MOHAMED produced was thus made accessible to others, both in the United States and abroad, through the internet, and the recording was accessed hundreds of times by other persons.

Following his arrest, Defendant MOHAMED was interviewed and, among other matters, addressed the aforementioned audio/video recording. His statements constitute admissions that his intention in producing and distributing the recording was to support attempts by terrorists to murder employees of the United States, including members of the uniformed services, while such persons were engaged in or on account of the performance of their official duties. He stated that he filmed the audio/video

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recording inside his own apartment in Tampa, Hillsborough County, in the Middle District of Florida. He stated that he uploaded the video onto YouTube himself, using the screen name Michaljebral. When he finished using the remote control toy car that is depicted in the video, he reassembled the car and returned it to WalMart for a cash credit. He stated that his purpose in producing the audio/video recording was to teach "martyrdoms" and "suicides" how to save themselves so they could continue to fight the invaders. He said that he considered the United States military, and those fighting with the United States military in Arab countries, to be invaders. He said that he intended the technology demonstrated in his audio/video recording to be used against those who fight for the United States.

10. Entire Agreement

This plea agreement constitutes the entire agreement between the government and the defendant with respect to the aforementioned guilty plea and no other promises, agreements, or representations exist or have been made to the defendant or defendant's attorney with regard to such guilty plea.

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11. Certification

The defendant and defendant's counsel certify that this plea agreement has been read in its entirety by (or has been read to) the defendant and that defendant fully understands its terms.

DATED this 13th day of June, 2008.

ROBERT E. O'NEILL
United States Attorney

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Defendant

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