

MARICOPA COUNTY SUPERIOR COURT
SENTENCING/DISPOSITION SHEET

DEFENDANT: MAHIN KHAN AGE/DOB: 18/06-18-98
SENTENCING DATE: NOVEMBER 4, 2016 CITIZENSHIP: UNITED STATES
JUDGE/DIVISION: DEAN M FINK/CRJ14 APO: CARMEN ARVIZU

CASE NO.: CR2016-005270-001-DT

CHARGE: COUNT 1: TERRORISM, A CLASS 2 FELONY
OFFENSE DATE: ON OR BETWEEN APRIL 1, 2015 AND JULY 1, 2016

CHARGE: COUNT 2: CONSPIRACY TO COMMIT TERRORISM, A CLASS 2
FELONY
OFFENSE DATE: ON OR BETWEEN APRIL 1, 2015 AND JULY 1, 2016

CHARGE: COUNT 3: CONSPIRACY TO COMMIT MISCONDUCT INVOLVING
WEAPONS, A LCASS 4 FELONY
OFFENSE DATE: ON OR BETWEEN APRIL 1, 2015 AND JULY 1, 2016

PRIOR CONVICTIONS/CONFINEMENTS/PROBATIONS:

FELONY: _____ PRISON: _____ PROBATION: _____
MISDEMEANOR: _____ JAIL: _____
JUVENILE: _____ DOJC: _____ PROBATION: _____

PLEA AGREEMENT: _____

REST/REIMBURSE: _____ FINE: _____ COMMUNITY SERVICE: _____

RECOMMENDATIONS: DEFENSE PROSECUTION APO VICTIM

SENTENCE/DISPOSITION:

AGGRAVATION 13-702(C) MITIGATION 13-702 (D) COMMENTS:

DAYS IN JAIL _____ DISMISS: _____

PRESENTENCE INVESTIGATION

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Superior Court Criminal Division **CRJ14**

Sentencing Date: **November 4, 2016**

Sentencing Judge: **Dean M Fink**

Prosecutor: **Blaine D. Gadow, AAG**

PSI Officer: **Carmen Arvizu**

Defense Counsel: **Robert S. Ditsworth, PD**

Present Offense:

The following information is summarized from Federal Bureau of Investigations Report #2016001447:

During October and November, 2013 an investigation was opened, after the defendant, who was a minor, sent emails expressing intent to engage in violent jihad, naming specific targets and attack methods. Emails from the defendant expressed his intent to join Al-Qaeda, conduct attacks in the United States and overseas, and die as a martyr. Authorities contacted family members who told investigators the defendant had behavior problems and that they had tried to get him to take medication. The defendant's parents told investigators the defendant was enrolled in online school courses because he had a history of behavior problems which resulted in his removal from several schools. His parents described the defendant as "a socially secluded child". Emails that were sent by the defendant were shown to his parents and they stated they did not know why the emails were sent. The defendant was interviewed and admitted he sent the emails but did not give reasons or explanations. Because the defendant was a minor, his parents agreed to get a mental health evaluation.

In April of 2015, the defendant emailed an identified Syria based extremist, expressing he wanted to join the mujahedeen to fight and requested bomb making manuals.

On May 14, 2015 detectives followed up with the defendant and his family. The defendant expressed he did not support ISIS or their views and neither did his friends. The defendant also spoke to detectives of several peer associations he had which appeared to be positive leading them to believe the defendant was not as isolated as before. His parents told investigators they got the defendant a cell phone due to recent activities he was participating in and that he was continuing with therapy sessions and that his mother drove him around. Additionally, that month, search warrants were obtained for the Google email address belonging to the defendant and his Twitter account. In several emails, the defendant identified himself as a Jihadist working for the "State" trying to gain a stronghold in the United States. The defendant's Twitter account contained a picture of a bearded man holding the head of a female with the tagline "Jihadist who loves Sahriah and the State". On May 29, 2015, the defendant posted the following message on his Twitter account: "Gonna kill Jaynaid Ahmed and Shaziwaz fucking FBI dogs." The threat was taken seriously and both individuals were identified and notified. The

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defendant admitted to the posting, stating he wanted to scare them because he believed them to be FBI informants.

Investigators transcribed telephone calls made to the defendant by an undercover officer. A phone call dated October 24, 2015 depicts a conversation in which the defendant tells an undercover officer he wanted to “blow them up with a silencer weapon and like shoot them in the head or something.” The defendant also speaks of a Jewish Center in Tucson. He claimed that he took pictures of it and it was not a guarded center, therefore “you could just like take a bunch of people out.” The defendant expressed in the conversation that if a young child got in the way, he would shoot him. A phone call dated November 2, 2015 depicts a conversation with an undercover officer, in which the defendant expressed he took pictures off the internet of Marines and FBI offices. The undercover officer asked if the defendant was “serious, he had to have something picked out. Is that who you picked? You want to take down some Marines?” The defendant then responded stating “Yeah, in Phoenix, in the recruitment center.” In this same conversation, the defendant stated three years prior he wanted help to build a homemade explosive with intentions to detonate it at an Israeli Embassy but did not have a recipe for it. The defendant continued to say he had plans to commit robberies to obtain money to purchase weapons, and that he had broken into vehicles. The defendant also indicated he would kill his parents if he had to.

(Count 3) On an undated phone call transcript, the defendant explained his parents monitored him regularly, took his cell phone and he was using the house phone to make calls. The defendant stated he had identified a comedy center as a target. The defendant told the undercover officer he knew people in Florida and in Oklahoma who owned guns and that he could take out a lot of people shopping at the mall on Black Friday. The defendant told the undercover officer he didn’t want to “take out” twenty or forty people, but two to three hundred people, and stated “I want to do a Paris.”

On April 4, 2016, the defendant expressed via a telephone transcript he had intentions of “taking people out” at an LA Fitness in Tucson with weapons.

On May 16, 2016, the defendant left the undercover officer a voicemail message with an address and a day, asking if he could meet.

On May 19, 2016, the defendant accepted a cell phone, wall charger and code to unlock the cell phone from an undercover officer to communicate with the first undercover officer.

(Count 1 and 2) Between the dates of June 6, 2016 and June 7, 2016, several text messages are sent by the defendant to an undercover officer confirming he still had desires to conduct an attack and indicated a Motor Vehicle Division would be appropriate. The defendant was arrested on July 1, 2016 and remains in custody.

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Defendant's Statement:

The defendant chose not to participate in the assessment process on advice of counsel.

Interested Party Statements:

Attorney General Blaine D. Gadow will submit a recommendation at sentencing.

Risk/Needs Assessment:

The defendant chose not to participate in the assessment process on advice of counsel; his risk score is unknown at this time.

Financial Assessment:

The defendant chose not to participate in the assessment process on advice of counsel; his financial situation is unknown at this time.

Discussion and Evaluation:

At age 19, the defendant is before the Court facing his first felony conviction. In the present offense, the defendant had intentions to engage in attacks on large groups of people. According to investigations, the defendant was only 15 when he began making terrorist plans. The defendant did not participate in the assessment process; therefore his risk score is unknown at this time. The defendant is of a young age, however, his actions in the present offense indicated he wanted to join a terrorist group and hurt innocent people. The plea agreement stipulates the defendant is to serve a probation term in Count 1, after his absolute discharge from prison in Counts 2 and 3. In view of all of the aforementioned factors, that plea seems appropriate. Probation supervision with the white collar addendum will allow the defendant's activities to be monitored after his release from prison. Consecutive prison sentences are recommended due to the serious danger posed by the defendant.

Identification Status:

Due to his incarceration, the defendant does not have access to documents to verify his identity.

Recommendation:

Count 1:

It is respectfully recommended that the defendant be granted seven year(s) supervised probation to begin upon absolute discharge from prison in Count 2 and 3. Abide by the following additional conditions:

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Condition #15 I will be financially responsible by paying all restitution, fines, and fees in my case as imposed by the Court. I understand, if I do not pay restitution in full, the Court may extend my probation.

15b. Probation Service Fee of \$65.00 per month beginning January 1, 2021 .
15r. Probation Assessment of \$20.00.

Condition #21 I will abide by the attached special conditions of probation:
Mental Health
Computer Usage
White Collar

Count 2:

It is respectfully recommended that the defendant be committed to the Department of Corrections for the presumptive term.

The defendant has served 127 day(s) of presentence incarceration

It is further recommended that the sentence imposed in Count 2 run consecutively to Count 3.

Count 3:

It is respectfully recommended that the defendant be committed to the Department of Corrections for the presumptive term.

The defendant has served 127 day(s) of presentence incarceration.

It is further recommended that the sentence imposed in Count 3 run consecutively to Count 2.

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Reviewed by:

Respectfully submitted by:

Judge: _____

Date: _____

Carmen Arvizu, Adult Probation Officer

Cell: 602-527-5007

November 01, 2016

<mailto:arvizum001@apd.maricopa.gov>

Don Warrington, Supervisor

Phone: 602-526-4201