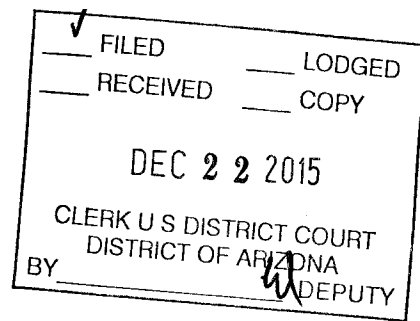




IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

REDACTED FOR
PUBLIC DISCLOSURE

United States of America,

Plaintiff,

v.

Abdul Malik Abdul Kareem,
aka Decarus Thomas,

Defendant.

CR-15-0707-PHX-SRB

**SECOND SUPERSEDING
INDICTMENT**

- VIO: 18 U.S.C. § 371
(Conspiracy)
Count 1
- VIO: 18 U.S.C. §§ 924(b) & 2
(Interstate Transportation of Firearms
with Intent to Commit a Felony)
Count 2
- VIO: 18 U.S.C. § 1001(a)(2)
(False Statements)
Count 3
- VIO: 18 U.S.C. § 922(g)(1)
(Felon in Possession of Firearm)
Count 4
- VIO: 18 U.S.C. § 2339B(a)(1)
(Conspiracy to Provide Material
Support to Foreign Terrorist
Organization)
Count 5
- 18 U.S.C § 924(d) & 28 U.S.C. §
2461(c)
(Forfeiture Allegation)

THE GRAND JURY CHARGES:

Background

Beginning prior to February 1, 2014, and continuing through May 3, 2015, ABDUL MALIK ABDUL KAREEM ("KAREEM"), Elton Francis Simpson ("Simpson"), and Nadir Hamid Soofi ("Soofi"), resided in Phoenix, Arizona, and frequently spent time

1 together at their respective residences and elsewhere in the Phoenix area. In or around this
2 time period, the three men became interested in violent jihad and the foreign terrorist
3 organization the Islamic State of Iraq and the Levant (ISIL). The three men watched and
4 read ISIL-related videos and other materials relating to ISIL and violent jihad and
5 expressed their support for the terrorist organization.

6 Since at least 2014, using social media, ISIL has called for attacks against citizens—
7 civilian and military—of the countries participating in the United States-led coalition
8 against ISIL. For instance, on September 21, 2014, ISIL released a speech of Abu
9 Muhammed Al-Adnani, a senior leader and official spokesman of ISIL. In this speech,
10 entitled, “Indeed Your Lord is Ever Watchful,” Al-Adnani calls on Muslims who support
11 ISIL from around the world to “defend the Islamic State” and to “rise and defend your state
12 from your place where you may be.” In addition, using social media, ISIL has been
13 encouraging individuals to kill specific persons within the United States.

14 At an unknown time but no later than in or about June 2014, KAREEM, Simpson,
15 and Soofi began conspiring to support ISIL. The conspiracy focused on supporting ISIL by
16 providing, among other material support, themselves and their services, to ISIL, including
17 by attacking targets in the United States. Among the targets KAREEM, Simpson, and
18 Soofi considered as part of their conspiracy to provide material support to ISIL were
19 military bases, individual military service members, shopping malls, Super Bowl XLIX,
20 which, as of the time of their planning, was to be held in Glendale, Arizona, on February 1,
21 2015, and a so-called Muhammad Art Exhibit and Contest scheduled to occur in May 2015
22 at the Curtis Culwell Center in Garland, Texas.

23 On or about May 3, 2015, on the day of the aforementioned contest, Simpson and
24 Soofi drove toward the Curtis Culwell Center in Garland, Texas, stopped their car, got out,
25 and began shooting with assault rifles at security personnel and law enforcement. A
26 security guard was struck by a bullet and injured, and Simpson and Soofi were shot and
27 killed by police officers.

1 **Background regarding ISIL**

2 On October 15, 2004, the United States Secretary of State designated al-Qa'ida in
3 Iraq (AQI), then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist
4 Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a
5 Specially Designated Global Terrorist under section 1(b) of Executive Order 13224.

6 On May 15, 2014, the Secretary of State amended the designation of al-Qa'ida in Iraq
7 ("AQI") as a Foreign Terrorist Organization ("FTO") under Section 219 of the
8 Immigration and Nationality Act and as a Specially Designated Global Terrorist entity
9 under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the
10 Levant ("ISIL") as its primary name. The Secretary also added the following aliases to the
11 ISIL listing: the Islamic State of Iraq and al-Sham ("ISIS"), the Islamic State of Iraq and
12 Syria ("ISIS"), ad-Dawla al-Islamiyya fi al-'Iraq wa-sh-Sham, Daesh, Dawla al Islamiya,
13 and Al-Furqan Establishment for Media Production. Although the group has never called
14 itself "Al-Qaeda in Iraq (AQI)," this name has frequently been used to describe it through
15 its history. To date, ISIL remains a designated FTO. In an audio recording publicly
16 released on or around June 29, 2014, ISIL announced a formal change of its name to the
17 Islamic State ("IS").

18
19 **Count 1**

20 Beginning on or before January 7, 2015, and continuing through May 3, 2015, at or
21 near Phoenix, in the District of Arizona, and elsewhere, KAREEM, together with other
22 persons known and unknown to the grand jury, conspired to violate Title 18, United States
23 Code, § 924(b), in that they knowingly and intentionally conspired to transport firearms
24 and ammunition in interstate commerce with the intent to commit crimes punishable by
25 imprisonment exceeding one year and with knowledge and reasonable cause to believe that
26 an offense punishable by imprisonment exceeding one year was to be committed therewith,
27 including murder in violation of Texas Penal Code § 19.02 and aggravated assault in
28 violation of Texas Penal Code §§ 22.01(a) and 22.02(a) & (b).

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2
3

4
5
6

7
8

9
10
11
12

13

14

15

17

18
19
20
21
22
23
24

25

1 **Count 3**

2 On or about May 5, 2015, at or near Phoenix, in the District of Arizona, in a matter
3 within the jurisdiction of the Federal Bureau of Investigation, an agency of the United
4 States, and in a matter involving terrorism as defined in Title 18, United States Code,
5 Section 2331(1) and (5), KAREEM did knowingly and willfully make false, fraudulent,
6 and fictitious material statements and representations; that is, (1) that he did not go
7 shooting in the desert with Simpson and Soofi before May 3, 2015; (2) that before May 3,
8 2015, neither Simpson nor Soofi fired the weapons they used in connection with the attack
9 in Garland, Texas; (3) that Simpson and Soofi did not ask him to participate in an attack of
10 any kind on or before May 3, 2015; (4) that he did not know in advance that Simpson and
11 Soofi planned to conduct an attack in Garland, Texas; and (5) that he did not know about
12 an event, that is, the Muhammad Art Exhibit and Contest that was to take place in Garland,
13 Texas, on or about May 3, 2015, until after Simpson and Soofi were killed while
14 attempting to conduct an attack on the contest.

15 All in violation of Title 18, United States Code, Section 1001(a)(2).
16

17 **Count 4**

18 On or about June 10, 2015, in the District of Arizona, KAREEM, having been
19 convicted of a crime punishable by imprisonment for a term exceeding one year, that is,
20 Aggravated Driving Under the Influence in the State of Arizona, did knowingly possess in
21 and affecting interstate commerce firearms, that is, a Taurus model 85 Ultralite .38 caliber
22 revolver and a Tanfoglio model Witness 9mm pistol.

23 All in violation of Title 18, United States Code, Section 922(g)(1).
24

25 **Count 5**

26 Beginning at an unknown time but no later than in or about June 2014, and
27 continuing through May 3, 2015, at or near Phoenix, in the District of Arizona, and
28 elsewhere, KAREEM, Simpson, and Soofi, together with other persons known and
unknown to the grand jury, knowingly and intentionally conspired to provide "material

1 support or resources,” as that term is defined in Title 18 United State Code, Section
2 2339A(b), including services and personnel, to a foreign terrorist organization, that is, the
3 Islamic State of Iraq and the Levant (ISIL), which at all relevant times was designated by
4 the Secretary of State as a foreign terrorist organization pursuant to Section 219 of the
5 Immigration and Nationality Act, knowing that ISIL was a designated foreign terrorist
6 organization (as defined in Title 18 United States Code, Section 2339B(g)(6), that ISIL
7 engages and has engaged in terrorist activity (as defined in section 212(a)(3)(B) of the
8 Immigration and Nationality Act), and that ISIL engages and has engaged in terrorism (as
9 defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988
10 and 1989).

11 **Overt Acts**

12 In furtherance of the conspiracy and to effect the objects of the conspiracy, the
13 following overt acts, among others, were committed in the District of Arizona:

14 1. From in or about 2014 up through May 1, 2015, KAREEM, Simpson, Soofi,
15 and other persons known and unknown to the grand jury watched videos depicting jihadist
16 violence and apparent wartime footage in Syria, Iraq and elsewhere in the Middle East.

17 2. On dates between February 2014 and May 1, 2015, KAREEM, Simpson,
18 Soofi, and other persons known and unknown to the grand jury watched videos depicting
19 torture and executions perpetrated by individuals and groups purportedly acting on behalf
20 of ISIL and other violent jihadist groups.

21 3. While watching the videos referenced in paragraphs 1-2 above, KAREEM
22 exhorted and encouraged Simpson and Soofi to engage in violent activity in the United
23 States to support ISIL and impose retribution for United States military actions in the
24 Middle East.

25 4. On dates between October 2014 and May 1, 2015, Simpson “re-tweeted”
26 videos depicting violence and apparent wartime footage in Syria and Iraq as well as videos
27 depicting torture and executions perpetrated by individuals and groups purportedly acting
28 on behalf of ISIL and other violent jihadist groups.

1 5. On dates between February 2014, and May 3, 2015, KAREEM, Simpson,
2 Soofi, and other persons known and unknown to the grand jury traveled to remote desert
3 areas near Phoenix, Arizona, to practice shooting firearms. KAREEM arranged the
4 shooting trips, provided transportation to shooting trips, and provided guidance to Simpson
5 and Soofi on how to operate and fire assault rifles.

6 6. On dates between February 2014 and May 1, 2015, KAREEM, Simpson,
7 Soofi, and other persons known and unknown to the grand jury listened to and watched
8 videos of “nasheeds,” which are inspirational Islamic songs. The videos accompanying the
9 “nasheeds” depicted people wearing black masks and head scarves riding in trucks with
10 black flags mounted on them and shooting rifles.

11 7. On dates between October 2014 and May 1, 2015, Simpson “tweeted” and
12 used social media to communicate about ISIL and other violent jihadists, and to
13 communicate with ISIL representatives and other violent jihadists.

14 8. On dates between June 2014 and continuing through March 2015, KAREEM,
15 Simpson, and Soofi, and others known and unknown to the grand jury, researched travel to
16 the Middle East for the purpose of traveling overseas to support ISIL and to fight alongside
17 ISIL.

18 9. Beginning on or about December 31, 2014, and continuing to on or about
19 May 1, 2015, KAREEM, Simpson, Soofi, and others known and unknown to the grand
20 jury, attempted to acquire pipe bombs. KAREEM inquired about the types of explosives
21 that would be required to damage or destroy public venues, including the Westgate Mall
22 and the University of Phoenix Stadium in Glendale, Arizona located adjacent to the
23 Westgate Entertainment District and the location of Super Bowl XLIX, which was to be
24 held on February 1, 2015.

25 10. On or about February 11, 2015, the organizers of the Muhammad Art Exhibit
26 and Contest announced that the contest would be held at the Curtis Culwell Center in
27 Garland, Texas, on May 3, 2015. After the announcement KAREEM, Simpson, Soofi, and
28 others known and unknown to the grand jury discussed ways to disrupt the contest.

1 11. On dates between February 11, 2015, and May 3, 2015, KAREEM hosted
2 Simpson, Soofi, and other persons known and unknown to the grand jury inside his home
3 in Phoenix, Arizona, to discuss attacking the Muhammad Art Exhibit and Contest in
4 Garland, Texas.

5 12. On or about March 20, 2015, Simpson accessed materials published by ISIL
6 on that same day that contained residential address information for United States military
7 service members and a call by ISIL for supporters to attack such military service members.
8 A handwritten note subsequently found in the apartment shared by Simpson and Soofi
9 contained the name, personal information, and Phoenix, Arizona address of one of the
10 military service members identified for targeting by ISIL.

11 13. On unknown dates between December 2014 and April 2015, Simpson, Soofi,
12 and others known and unknown to the grand jury traveled to Yuma and elsewhere in
13 Arizona and drove on or near military installations after having discussed plans to attack a
14 military base.

15 14. On or about April 21, 2015, Kareem watched "Flames of War," an ISIL
16 propaganda video.

17 15. On dates between May 2014, and May 3, 2015, KAREEM provided firearms
18 to Simpson and Soofi.

19 16. On or about April 6, 2015, Kareem feigned having been struck by a car in a
20 parking lot, and later attempted to make an insurance claim based on the incident in order
21 to raise money to support the conspiracy.

22 17. On dates between May 1, 2015, and May 3, 2015, Simpson and Soofi
23 traveled from Phoenix, Arizona, to Garland, Texas, armed with firearms. Simpson and
24 Soofi also were carrying printed paper versions of the ISIL flag.

25 18. On May 3, 2015, Simpson and Soofi exited their vehicle and began shooting
26 firearms at security and law enforcement personnel near the Muhammad Art Exhibit and
27 Contest at the Curtis Culwell Center in Garland, Texas.

28 All in violation of Title 18, United States Code, Section 2339B(a)(1).

1 **FORFEITURE ALLEGATION**

2 Upon conviction of the offense in violation of Title 18 United States Code, Section
3 922(g)(1), set forth in Count 4, defendant KAREEM shall forfeit to the United States,
4 pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code,
5 Section 2461(c), any firearms, firearm accessories, and/or ammunition involved in or used
6 in the knowing violation of the statutes set forth above, including but not limited to a
7 Taurus model 85 Ultralite .38 caliber revolver and a Tanfoglio model Witness 9mm pistol.

8 If any of the above-described forfeitable property, as a result of any act or omission
9 of the defendants: (1) cannot be located upon the exercise of due diligence; (2) has been
10 transferred or sold to, or deposited with, a third person; (3) has been placed beyond the
11 jurisdiction of the Court; (4) has been substantially diminished in value; or (5) has been
12 commingled with other property which cannot be subdivided without difficulty,
13 the United States of America shall be entitled to forfeiture of substitute property pursuant
14 to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States
15 Code, Section 2461(c).

16 All pursuant to Title 18, United States Code, Section 924(d), Title 21, United States
17 Code, Section 853, and Title 28, United States Code, Section 2461(c).

18
19 A TRUE BILL

20
21 /s/
FOREPERSON OF THE GRAND JURY
Date: December 22, 2015

22
23 JOHN S. LEONARDO
United States Attorney
24 District of Arizona

25
26 /s/
Kristen Brook
27 Joseph E. Koehler
Assistant U.S. Attorneys
28