

**UNITED STATES DISTRICT COURT**  
District of Massachusetts

UNITED STATES OF AMERICA  
V.

**DZHOKHAR A. TSARNAEV**  
a/k/a Jahar Tsarni

**JUDGMENT IN A CRIMINAL CASE**

Case Number: **1: 13 CR 10200 - 001 - GAO**

USM Number: 95079-038

**MIRIAM CONRAD, JUDY CLARKE, ESQUIRES**

Defendant's Attorney

Additional documents attached

Correction of Sentence for Clerical Mistake (Fed. R. Crim. P.36)

**THE DEFENDANT:**

pleaded guilty to count(s) \_\_\_\_\_

pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

was found guilty on count(s) Counts 1 through 30 (Date of Verdict: 4/8/15)  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Additional Counts - See continuation page

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC Sec. 2332a (a)(2)	Conspiracy to use a Weapon of Mass Destruction Resulting in Death	04/19/13	1
18 USC Sec. 2332a (a)(2)	Use of a Weapon of Mass Destruction Resulting in Death	04/15/13	2

The defendant is sentenced as provided in pages 2 through 12 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) \_\_\_\_\_

Count(s) \_\_\_\_\_  is  are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

06/24/15  
Date of Imposition

Signature of Judge

George A. O'Toole, Jr.

Judge, U.S. District Court

Name and Title of Judge

Date

*June 24, 2015*

DEFENDANT: **DZHOKHAR A. TSARNAEV**  
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### ADDITIONAL COUNTS OF CONVICTION

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC Sec. 924(c) & (j)	Possession and Use of a Firearm During and in Relation to a Crime of a Violence Resulting in Death	04/15/13	3
18 USC Sec. 2332a (a)(2)	Use a Weapon of Mass Destruction Resulting in Death	04/15/13	4
18 USC Sec. 924(c) & (j)	Possession and Use of a Firearm During and in Relation to a Crime of Violence Resulting in Death	04/15/13	5
18 USC Sec. 2332f (a)(1) & (a)(2) & (c)	Conspiracy to Bomb a Place of Public Use Resulting in Death	04/19/13	6
18 USC Sec 2332f (a)(1) & (c)	Bombing a Place of Public Use Resulting in Death	04/15/13	7
18 USC Sec. 924(c) & (j)	Possession and Use of a Firearm During and in Relation to a Crime of Violence Resulting in Death	04/15/13	8
18 USC Sec. 2332f (a)(1) & (c)	Bombing a Place of Public Use Resulting in Death	04/15/13	9
18 USC Sec. 924(c) & (j)	Possession and Use of a Firearm During and in Relation to a Crime of Violence Resulting in Death	04/15/13	10
18 USC Sec. 844(i) & (n)	Conspiracy to Maliciously Destroy Property Resulting in Personal Injury and Death	04/19/13	11
18 USC Sec. 844(i)	Malicious Destruction of Property Resulting in Personal Injury and Death	04/15/13	12

DEFENDANT: **DZHOKHAR A. TSARNAEV**  
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### ADDITIONAL COUNTS OF CONVICTION

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC Sec. 924(c) & (j)	Possession and Use of a Firearm During and in Relation to a Crime of Violence Resulting in Death;	04/15/13	13
18 USC Sec. 844(i);	Malicious Destruction of Property Resulting in Personal Injury and Death	04/15/13	14
18 USC Sec. 924(c) & (j)	Possession and Use of a Firearm During and in Relation to a Crime of Violence Resulting in Death	04/15/13	15
18 USC Sec. 924(c) & (j)	Possession and Use of a Firearm During and in Relation to a Crime of Violence Resulting in Death	04/18/13	16
18 USC Sec. 924(c) & (j)	Possession and Use of a Firearm During and in Relation to a Crime of Violence Resulting in Death	04/18/13	17
18 USC Sec. 924(c) & (j)	Possession and Use of a Firearm During and in Relation to a Crime of Violence Resulting in Death	04/18/13	18
18 USC Sec. 2119(2)	Carjacking Resulting in Serious Bodily Injury	04/18/13	19
18 USC Sec. 924(c)	Possession and Use of a Firearm During and in Relation to a Crime of Violence	04/18/13	20
18 USC Sec. 1951	Interference with Commerce by Threats and Violence	04/18/13	21
18 USC Sec. 924(c)	Possession and Use of a Firearm During and in Relation to a Crime of Violence	04/18/13	22
18 USC Sec. 2332a (a)(2)	Use of a Weapon of Mass Destruction	04/19/13	23

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### ADDITIONAL COUNTS OF CONVICTION

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC Sec. 924(c)	Possession and Use of a Firearm During and in Relation to a Crime of Violence	04/19/13	24
18 USC Sec. 2332a (a)(2)	Use of a Weapon of Mass Destruction	04/19/13	25
18 USC Sec. 924(c)	Possession and Use of a Firearm During and in Relation to a Crime of Violence	04/19/13	26
18 USC Sec. 2332a (a)(2)	Use of a Weapon of Mass Destruction	04/19/13	27
18 USC Sec 924(c)	Possession and Use of a Firearm During and in Relation to a Crime of Violence	04/19/13	28
18 USC Sec. 2332a (a)(2)	Use of a Weapon of Mass Destruction	04/19/13	29
18 USC Sec. 924(c)	Possession and Use of a Firearm During and in Relation to a Crime of Violence	04/19/13	30

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**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

Upon the jury's verdict, the defendant is sentenced to death on Counts 4, 5, 9, 10, 14, and 15.

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at \_\_\_\_\_  a.m.  p.m. on \_\_\_\_\_

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on \_\_\_\_\_

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

**RETURN**

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
a \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

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### ADDITIONAL IMPRISONMENT TERMS

As to Counts 1, 2, 6, 7, and 12, life imprisonment without the possibility of release, the sentences on these enumerated counts to be served concurrently.

As to Counts 11, 23, 25, 27, and 29, life imprisonment, the sentences on these five counts to be served concurrently with each other, but consecutively to the terms of imprisonment imposed on Counts 1, 2, 6, 7, and 12.

As to Count 19, imprisonment for a term of 25 years. As to Count 21, imprisonment for a term of 20 years. The sentences on these two counts are to be served concurrently with each other, but consecutively to the terms of imprisonment imposed as to Counts 11, 23, 25, 27, and 29.

As to Count 3, life imprisonment without the possibility of release, to be served consecutively to all prior terms of imprisonment.

As to Count 8, life imprisonment without the possibility of release, to be served consecutively to all prior terms of imprisonment.

As to Count 13, life imprisonment without the possibility of release, to be served consecutively to all prior terms of imprisonment.

As to Count 16, life imprisonment without the possibility of release, to be served consecutively to all prior terms of imprisonment.

As to Count 17, life imprisonment without the possibility of release, to be served consecutively to all prior terms of imprisonment.

As to Count 18, life imprisonment without the possibility of release, to be served consecutively to all prior terms of imprisonment.

As to Count 20 and 22, terms of 7 years and 25 years, respectively. As to Counts 24, 26, 28, and 30, life imprisonment. These sentences are to be served consecutively to each other and consecutively to all prior terms of imprisonment.

Defendant is committed to the custody of the Attorney General until the exhaustion of the procedures for appeal of the judgement of conviction and for review of the sentences. See 18 USC Sec. 3596(a). When the sentence of death is to be implemented, the Attorney General shall release the defendant to the custody of a United States Marshal, who shall supervised the implementation of the sentence in the manner prescribed by the law of the State of Indiana. See 18 USC Sec. 3596(a).



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**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A  Lump sum payment of \$ \_\_\_\_\_ due immediately, balance due
  - not later than \_\_\_\_\_, or
  - in accordance  C,  D,  E, or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:  
The assessment fee is due forthwith.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several  See Continuation Page

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:  
See Preliminary Order of Forfeiture.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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DISTRICT: **MASSACHUSETTS**

## STATEMENT OF REASONS

### I COURT FINDINGS ON PRESENTENCE INVESTIGATION REPORT

- A  **The court adopts the presentence investigation report without change.**
- B  **The court adopts the presentence investigation report with the following changes.**  
(Check all that apply and specify court determination, findings, or comments, referencing paragraph numbers in the presentence report, if applicable.)  
(Use Section VIII if necessary.)
- 1  **Chapter Two of the U.S.S.G. Manual** determinations by court (including changes to base offense level, or specific offense characteristics):
- 2  **Chapter Three of the U.S.S.G. Manual** determinations by court (including changes to victim-related adjustments, role in the offense, obstruction of justice, multiple counts, or acceptance of responsibility):
- 3  **Chapter Four of the U.S.S.G. Manual** determinations by court (including changes to criminal history category or scores, career offender, or criminal livelihood determinations):
- 4  **Additional Comments or Findings** (including comments or factual findings concerning certain information in the presentence report that the Federal Bureau of Prisons may rely on when it makes inmate classification, designation, or programming decisions):
- C  **The record establishes no need for a presentence investigation report pursuant to Fed.R.Crim.P. 32.**

### II COURT FINDING ON MANDATORY MINIMUM SENTENCE (Check all that apply.)

- A  No count of conviction carries a mandatory minimum sentence.
- B  Mandatory minimum sentence imposed.
- C  One or more counts of conviction alleged in the indictment carry a mandatory minimum term of imprisonment, but the sentence imposed is below a mandatory minimum term because the court has determined that the mandatory minimum does not apply based on
- findings of fact in this case
  - substantial assistance (18 U.S.C. § 3553(e))
  - the statutory safety valve (18 U.S.C. § 3553(f))

### III COURT DETERMINATION OF ADVISORY GUIDELINE RANGE (BEFORE DEPARTURES):

Total Offense Level: 43  
Criminal History Category: VI  
Imprisonment Range: life to life months  
Supervised Release Range: 2 to life years  
Fine Range: \$ 25,000 to \$ 250,000  
 Fine waived or below the guideline range because of inability to pay.

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**STATEMENT OF REASONS**

**IV ADVISORY GUIDELINE SENTENCING DETERMINATION (Check only one.)**

- A  **The sentence is within an advisory guideline range that is not greater than 24 months, and the court finds no reason to depart.**
- B  **The sentence is within an advisory guideline range that is greater than 24 months, and the specific sentence is imposed for these reasons.**  
(Use Section VIII if necessary.)
- C  **The court departs from the advisory guideline range for reasons authorized by the sentencing guidelines manual.**  
(Also complete Section V.)
- D  **The court imposed a sentence outside the advisory sentencing guideline system.** (Also complete Section VI.)

**V DEPARTURES AUTHORIZED BY THE ADVISORY SENTENCING GUIDELINES (If applicable.)**

**A The sentence imposed departs (Check only one.):**

- below the advisory guideline range
- above the advisory guideline range

**B Departure based on (Check all that apply.):**

- 1 **Plea Agreement (Check all that apply and check reason(s) below.):**
  - 5K1.1 plea agreement based on the defendant’s substantial assistance
  - 5K3.1 plea agreement based on Early Disposition or “Fast-track” Program
  - binding plea agreement for departure accepted by the court
  - plea agreement for departure, which the court finds to be reasonable
  - plea agreement that states that the government will not oppose a defense departure motion.
- 2 **Motion Not Addressed in a Plea Agreement (Check all that apply and check reason(s) below.):**
  - 5K1.1 government motion based on the defendant’s substantial assistance
  - 5K3.1 government motion based on Early Disposition or “Fast-track” program
  - government motion for departure
  - defense motion for departure to which the government did not object
  - defense motion for departure to which the government objected
- 3 **Other**
  - Other than a plea agreement or motion by the parties for departure (Check reason(s) below.):

**C Reason(s) for Departure (Check all that apply other than 5K1.1 or 5K3.1.)**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> 4A1.3 Criminal History Inadequacy                         | <input type="checkbox"/> 5K2.1 Death                             | <input type="checkbox"/> 5K2.11 Lesser Harm                             |
| <input type="checkbox"/> 5H1.1 Age   | <input type="checkbox"/> 5K2.2 Physical Injury                   | <input type="checkbox"/> 5K2.12 Coercion and Duress                     |
| <input type="checkbox"/> 5H1.2 Education and Vocational Skills                     | <input type="checkbox"/> 5K2.3 Extreme Psychological Injury      | <input type="checkbox"/> 5K2.13 Diminished Capacity                     |
| <input type="checkbox"/> 5H1.3 Mental and Emotional Condition                      | <input type="checkbox"/> 5K2.4 Abduction or Unlawful Restraint   | <input type="checkbox"/> 5K2.14 Public Welfare                          |
| <input type="checkbox"/> 5H1.4 Physical Condition                                  | <input type="checkbox"/> 5K2.5 Property Damage or Loss           | <input type="checkbox"/> 5K2.16 Voluntary Disclosure of Offense         |
| <input type="checkbox"/> 5H1.5 Employment Record                                   | <input type="checkbox"/> 5K2.6 Weapon or Dangerous Weapon        | <input type="checkbox"/> 5K2.17 High-Capacity, Semiautomatic Weapon     |
| <input type="checkbox"/> 5H1.6 Family Ties and Responsibilities                    | <input type="checkbox"/> 5K2.7 Disruption of Government Function | <input type="checkbox"/> 5K2.18 Violent Street Gang                     |
| <input type="checkbox"/> 5H1.11 Military Record, Charitable Service,<br>Good Works | <input type="checkbox"/> 5K2.8 Extreme Conduct                   | <input type="checkbox"/> 5K2.20 Aberrant Behavior                       |
| <input type="checkbox"/> 5K2.0 Aggravating or Mitigating Circumstances             | <input type="checkbox"/> 5K2.9 Criminal Purpose                  | <input type="checkbox"/> 5K2.21 Dismissed and Uncharged Conduct         |
|  | <input type="checkbox"/> 5K2.10 Victim’s Conduct                 | <input type="checkbox"/> 5K2.22 Age or Health of Sex Offenders          |
|  |  | <input type="checkbox"/> 5K2.23 Discharged Terms of Imprisonment        |
|  |  | <input type="checkbox"/> Other guideline basis (e.g., 2B1.1 commentary) |

**D Explain the facts justifying the departure. (Use Section VIII if necessary.)**

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### STATEMENT OF REASONS

#### VI COURT DETERMINATION FOR SENTENCE OUTSIDE THE ADVISORY GUIDELINE SYSTEM

(Check all that apply.)

**A The sentence imposed is (Check only one.):**

- below the advisory guideline range  
 above the advisory guideline range

**B Sentence imposed pursuant to (Check all that apply.):**

**1 Plea Agreement (Check all that apply and check reason(s) below.):**

- binding plea agreement for a sentence outside the advisory guideline system accepted by the court  
 plea agreement for a sentence outside the advisory guideline system, which the court finds to be reasonable  
 plea agreement that states that the government will not oppose a defense motion to the court to sentence outside the advisory guideline system

**2 Motion Not Addressed in a Plea Agreement (Check all that apply and check reason(s) below.):**

- government motion for a sentence outside of the advisory guideline system  
 defense motion for a sentence outside of the advisory guideline system to which the government did not object  
 defense motion for a sentence outside of the advisory guideline system to which the government objected

**3 Other**

- Other than a plea agreement or motion by the parties for a sentence outside of the advisory guideline system (Check reason(s) below.):

**C Reason(s) for Sentence Outside the Advisory Guideline System (Check all that apply.)**

- the nature and circumstances of the offense and the history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1)  
 to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense (18 U.S.C. § 3553(a)(2)(A))  
 to afford adequate deterrence to criminal conduct (18 U.S.C. § 3553(a)(2)(B))  
 to protect the public from further crimes of the defendant (18 U.S.C. § 3553(a)(2)(C))  
 to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner (18 U.S.C. § 3553(a)(2)(D))  
 to avoid unwarranted sentencing disparities among defendants (18 U.S.C. § 3553(a)(6))  
 to provide restitution to any victims of the offense (18 U.S.C. § 3553(a)(7))

**D Explain the facts justifying a sentence outside the advisory guideline system. (Use Section VIII if necessary.)**

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**STATEMENT OF REASONS**

**VII COURT DETERMINATIONS OF RESTITUTION**

- A  Restitution Not Applicable.
- B Total Amount of Restitution: \_\_\_\_\_
- C Restitution not ordered (Check only one.):
  - 1  For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because the number of identifiable victims is so large as to make restitution impracticable under 18 U.S.C. § 3663A(c)(3)(A).
  - 2  For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because determining complex issues of fact and relating them to the cause or amount of the victims' losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim would be outweighed by the burden on the sentencing process under 18 U.S.C. § 3663A(c)(3)(B).
  - 3  For other offenses for which restitution is authorized under 18 U.S.C. § 3663 and/or required by the sentencing guidelines, restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweigh the need to provide restitution to any victims under 18 U.S.C. § 3663(a)(1)(B)(ii).
  - 4  Restitution is not ordered for other reasons. (Explain.)
- D  Partial restitution is ordered for these reasons (18 U.S.C. § 3553(c)):

**VIII ADDITIONAL FACTS JUSTIFYING THE SENTENCE IN THIS CASE (If applicable.)**

Sections I, II, III, IV, and VII of the Statement of Reasons form must be completed in all felony cases.

Defendant's Soc. Sec. No.: \_\_\_\_\_

Defendant's Date of Birth: \_\_\_\_\_

Defendant's Residence Address: \_\_\_\_\_

Defendant's Mailing Address: Same as Above

Date of Imposition of Judgment  
06/24/15

Signature of Judge  
George A. O'Toole, Jr. Judge, U.S. District Court

Name and Title of Judge  
Date Signed June 29, 2015