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CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOLEDO

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

YAHYA FAROOQ MOHAMMAD,

Defendant.

) INDICTMENT

) **3 : 1 6 C R 2 2 2**

) CASE NO. _____

) Title 18, Section 1114(3), United
) States Code

) Title 18, Section 373(a), United
) States Code

) Title 18, Section 1958(a), United
) States Code

)

JUDGE ZOUHARY

The Grand Jury charges:

FACTUAL ALLEGATIONS MAG. JUDGE JAMES R. KNEPP II

1. On or about September 30, 2015, a federal indictment was returned in the Northern District of Ohio, Western Division, charging YAHYA FAROOQ MOHAMMAD (“MOHAMMAD”) in Case No. 3:15CR00358. In the indictment, MOHAMMAD was charged with conspiring to and actually providing material support and resources to terrorists, knowing and intending that the support and resources would be used in preparation for and in carrying out the killing of officers and employees of the United States and for acts of international terrorism.

2. That criminal case was assigned to United States District Court Judge Jack Zouhary, Northern District of Ohio.

3. MOHAMMAD was detained and housed at the Lucas County Corrections Center, Toledo, Ohio pending resolution of the case.

4. In or about March 2016, MOHAMMAD met another inmate, Individual A, in the Lucas County Corrections Center. MOHAMMAD told Individual A that he wanted to hire someone to kill Judge Zouhary. Individual A reported MOHAMMAD's statements to the Federal Bureau of Investigation.

5. On or about April 8, 2016, MOHAMMAD stated to Individual A that he wanted Judge Zouhary kidnapped and murdered.

6. Individual A introduced an FBI undercover employee ("UCE") to MOHAMMAD, who posed as an associate of Individual A who was capable of implementing MOHAMMAD's plan to kill Judge Zouhary. MOHAMMAD told Individual A that he was willing to pay the UCE \$15,000 to kill Judge Zouhary. Individual A told MOHAMMAD that the UCE needed a \$1,000 down payment before the murder could occur.

7. In order to disguise their conversations, MOHAMMAD and Individual A worked out a code to be used when MOHAMMAD communicated with the UCE about the murder of Judge Zouhary.

8. On or about April 26, 2016, at approximately 6:08 p.m., MOHAMMAD called the UCE from the Lucas County Corrections Center. Using the code that MOHAMMAD had previously worked out with Individual A, MOHAMMAD told the UCE he wanted to have Judge Zouhary killed. MOHAMMAD stated that he could either send the down payment money to the UCE directly through a mail courier, or the UCE could meet MOHAMMAD's wife, N.T.,

in Chicago to exchange the money. When asked when he wanted the murder committed, MOHAMMAD stated, "The sooner would be good, you know."

9. On or about April 27, 2016, MOHAMMAD called his wife, N.T., and told her he needed her to send \$1,000 to an address he would give her later. N.T. told MOHAMMAD it would not be a problem.

10. On or about April 28, 2016, MOHAMMAD called the UCE to arrange the \$1,000 down payment for the murder. MOHAMMAD told the UCE that he would provide the UCE's telephone number to his wife in Chicago so they could arrange a time the following week to exchange the money. Further, MOHAMMAD stated that once the UCE had killed Judge Zouhary, MOHAMMAD's wife would give the rest of the money to the UCE. Using coded language, MOHAMMAD told the UCE that he did not "want [Judge Zouhary] found."

11. On or about April 28, 2016, at approximately 9:01 p.m., MOHAMMAD called his wife, N.T., provided her with the UCE's telephone number, and instructed her to call the number and ask the UCE to come meet her at her place of employment to give the UCE the \$1,000 in cash.

12. On or about May 3, 2016, N.T. called the UCE and stated she had \$1,000 to give him. N.T. instructed the UCE to meet her at a post office located in Bolingbrook, Illinois.

13. On or about May 5, 2016, N.T. met the UCE at the arranged location, and she provided the UCE with \$1,000 in U.S. currency inside a white envelope. When the UCE asked N.T. about the remaining amount of money to be delivered, which consisted of \$13,000, N.T. said she would check with her husband.

14. On or about May 5, 2016, MOHAMMAD called N.T. N.T. informed MOHAMMAD that she had delivered the \$1,000. N.T. asked MOHAMMAD if he had made arrangements to pay an additional \$13,000. In response, MOHAMMAD told her it was only \$1,000 this time. N.T. told MOHAMMAD that the UCE was expecting an additional \$13,000 payment by next week. MOHAMMAD said he would work on it.

15. On or about May 11, 2016, MOHAMMAD told Individual A that the rest of the money for the murder was coming from Dubai to Texas to Chicago to N.T. and then to the UCE.

16. On or about May 13, 2016, the UCE called N.T. and told her that he needed to show her something that would be of interest to her husband. They agreed to meet on May 16, 2016 at the previous meet location.

17. On or about May 14, 2016, N.T. informed MOHAMMAD that she received a call from the UCE. N.T. told MOHAMMAD that the UCE would like to meet her again and show and/or give her something. MOHAMMAD told N.T. that the UCE was helping him with something. On or about May 14, 2016, N.T. informed MOHAMMAD that her future meeting with the UCE was not to provide money. N.T. told MOHAMMAD that she could provide \$7,000 to the UCE right now, and if necessary, could get the additional money within a few days.

18. On May 16, 2016, the UCE met with N.T. at the previously arranged location. The UCE showed N.T. a photograph that purported to show the dead body of Judge Zouhary. The UCE told N.T. that the photograph was the matter that he was to conduct for her husband. The UCE told N.T. that he needed the rest of the money that was owed to him. N.T. told the UCE that she would contact MOHAMMAD and then she would contact the UCE.

COUNT 1

(Attempted First Degree Murder of a Federal Officer or Employee; Title 18, United States Code, Section 1114(3))

The Grand Jury further charges:

19. Paragraphs 1 through 18 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

20. Beginning in or about March 2016, and continuing until on or about May 16, 2016, in the Northern District of Ohio, Western Division, and elsewhere, YAHYA FAROOQ MOHAMMAD, willfully, deliberately, maliciously, and with premeditation and malice aforethought, attempted to unlawfully kill United States District Court Judge Jack Zouhary, an officer and employee of the United States, while he was engaged in and on account of the performance of his official duties.

21. All in violation of Title 18, United States Code, Section 1114(3).

COUNT 2

(Solicitation to commit a crime of violence; Title 18, United States Code, Section 373(a))

The Grand Jury further charges:

22. Paragraphs 1 through 18 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

23. Beginning in or about March 2016, and continuing until on or about May 16, 2016, in the Northern District of Ohio, Western Division, and elsewhere, YAHYA FAROOQ MOHAMMAD, with the intent that another person engage in conduct constituting a felony that has an element the use, attempted use, and threatened use of physical force against a person of another in violation of the laws of the United States and under circumstances strongly corroborative of that intent, solicited, commanded, induced, and otherwise endeavored to persuade such other person to engage in such conduct, to wit: to kill United States District Court Judge Jack Zouhary, an officer and employee of the United States, while such officer and employee was engaged in and on account of his performance of official duties, in violation of Title 18, United States Code, Section 1114.

24. All in violation of Title 18, United States Code, Section 373(a).

COUNT 3

(Use of interstate commerce facilities in the commission of murder-for-hire; Title 18, United States Code, Section 1958(a))

The Grand Jury further charges:

25. Paragraphs 1 through 18 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

26. Beginning in or about March 2016, and continuing until on or about May 16, 2016, in the Northern District of Ohio, Western Division, and elsewhere, YAHYA FAROOQ MOHAMMAD, knowingly caused another to travel in interstate commerce, and knowingly used and caused another to use the mail and another facility of interstate commerce, namely a cellular telephone, with the intent that the murder of United States District Court Judge Jack Zouhary be committed in violation of the laws of the United States and the State of Ohio, namely in violation of Title 18, United States Code, Section 1114, and Ohio Revised Code Section 2903.01, as consideration for a promise and agreement to pay something of pecuniary value.

27. All in violation of Title 18, United States Code, Section 1958(a).

A TRUE BILL.

Original document - Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.