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The Honorable John C. Coughenour

MAR 14 2022

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY
BY _____

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELVIN HUNTER BGORN WILLIAMS,

Defendant.

No. CR21-099 JCC

PLEA AGREEMENT

The United States of America, by and through Nicholas W. Brown, United States Attorney for the Western District of Washington, Todd Greenberg, Assistant United States Attorney for said District, D. Andrew Sigler, Trial Attorney, Counterterrorism Section, U.S. Department of Justice, Defendant Elvin Hunter Bgorn Williams, and Defendant's attorneys, Corey Endo and Mo Hamoudi, enter into the following Agreement, pursuant to Federal Rule of Criminal Procedure 11(c).

1. The Charge. Defendant, having been advised of the right to have this matter tried before a jury, agrees to waive that right and enter a plea of guilty to the following charge contained in the Indictment: *Providing Material Support to a Designated Foreign Terrorist Organization*, in violation of Title 18, United States Code, Section 2339B(a)(1).

1 By entering the plea of guilty, Defendant hereby waives all objections to the form
2 of the charging document. Defendant further understands that before entering any guilty
3 plea, Defendant will be placed under oath. Any statement given by Defendant under oath
4 may be used by the United States in a prosecution for perjury or false statement.

5 **2. Elements of the Offense.** The elements of the offense to which Defendant
6 is pleading guilty are as follows:

7 First, Defendant knowingly attempted to provide material support and
8 resources, as that term is defined in Title 18, United States Code, Section
9 2339A(b), including personnel and services, to a foreign terrorist
10 organization, namely the Islamic State of Iraq and al-Sham (“ISIS”), which
11 was designated by the Secretary of State as a foreign terrorist organization
12 pursuant to Section 219 of the Immigration and Nationality Act;

13 Second, Defendant had knowledge that ISIS was a designated terrorist
14 organization or that it engaged in terrorist activity and terrorism;

15 Third, Defendant is a citizen of the United States; and

16 Fourth, Defendant did something that was a substantial step toward
17 committing the crime and that strongly corroborated Defendant’s intent to
18 commit the crime.

19 **3. The Penalties.** Defendant understands that the statutory penalties
20 applicable to the offense to which Defendant is pleading guilty are as follows: A
21 maximum term of imprisonment of twenty (20) years; a fine of up to \$250,000; a period
22 of supervision following release from prison of up to life; and a mandatory special
23 assessment of \$100 dollars. If a probationary sentence is imposed, the probation period
24 can be for up to five years.

25 Defendant understands that supervised release is a period of time following
26 imprisonment during which Defendant will be subject to certain restrictive conditions and
27 requirements. Defendant further understands that, if supervised release is imposed and
28 Defendant violates one or more of the conditions or requirements, Defendant could be

1 returned to prison for all or part of the term of supervised release that was originally
2 imposed. This could result in Defendant serving a total term of imprisonment greater
3 than the statutory maximum stated above.

4 Defendant understands that as a part of any sentence, in addition to any term of
5 imprisonment and/or fine that is imposed, the Court may order Defendant to pay
6 restitution to any victim of the offense, as required by law.

7 Defendant further understands that the consequences of pleading guilty may
8 include the forfeiture of certain property, either as a part of the sentence imposed by the
9 Court, or as a result of civil judicial or administrative process.

10 Defendant agrees that any monetary penalty the Court imposes, including the
11 special assessment, fine, costs, or restitution, is due and payable immediately and further
12 agrees to submit a completed Financial Statement of Debtor form as requested by the
13 United States Attorney's Office.

14 **4. Rights Waived by Pleading Guilty.** Defendant understands that by
15 pleading guilty, Defendant knowingly and voluntarily waives the following rights:

- 16 a. The right to plead not guilty and to persist in a plea of not guilty;
- 17 b. The right to a speedy and public trial before a jury of Defendant's
18 peers;
- 19 c. The right to the effective assistance of counsel at trial, including, if
20 Defendant could not afford an attorney, the right to have the Court appoint one for
21 Defendant;
- 22 d. The right to be presumed innocent until guilt has been established
23 beyond a reasonable doubt at trial;
- 24 e. The right to confront and cross-examine witnesses against Defendant
25 at trial;
- 26 f. The right to compel or subpoena witnesses to appear on Defendant's
27 behalf at trial;
- 28

1 g. The right to testify or to remain silent at trial, at which trial such
2 silence could not be used against Defendant; and

3 h. The right to appeal a finding of guilt or any pretrial rulings.

4 **5. United States Sentencing Guidelines.** Defendant understands and
5 acknowledges that the Court must consider the sentencing range calculated under the
6 United States Sentencing Guidelines and possible departures under the Sentencing
7 Guidelines together with the other factors set forth in Title 18, United States Code,
8 Section 3553(a), including: (1) the nature and circumstances of the offenses; (2) the
9 history and characteristics of Defendant; (3) the need for the sentence to reflect the
10 seriousness of the offenses, to promote respect for the law, and to provide just
11 punishment for the offenses; (4) the need for the sentence to afford adequate deterrence to
12 criminal conduct; (5) the need for the sentence to protect the public from further crimes
13 of Defendant; (6) the need to provide Defendant with educational and vocational training,
14 medical care, or other correctional treatment in the most effective manner; (7) the kinds
15 of sentences available; (8) the need to provide restitution to victims; and (9) the need to
16 avoid unwarranted sentence disparity among defendants involved in similar conduct who
17 have similar records. Accordingly, Defendant understands and acknowledges that:

18 a. The Court will determine Defendant's Sentencing Guidelines range
19 at the time of sentencing;

20 b. After consideration of the Sentencing Guidelines and the factors in
21 18 U.S.C. 3553(a), the Court may impose any sentence authorized by law, up to
22 the maximum term authorized by law;

23 c. The Court is not bound by any recommendation regarding the
24 sentence to be imposed, or by any calculation or estimation of the Sentencing
25 Guidelines range offered by the parties or the United States Probation Department,
26 or by any stipulations or agreements between the parties in this Plea Agreement;
27 and
28

1 d. Defendant may not withdraw a guilty plea solely because of the
2 sentence imposed by the Court.

3 **6. Ultimate Sentence.** Defendant acknowledges that no one has promised or
4 guaranteed what sentence the Court will impose.

5 **7. Statement of Facts.** The parties agree on the following facts. Defendant
6 admits Defendant is guilty of the charged offense:

7 Defendant Elvin Hunter Bgorn Williams is a citizen of the United States.
8 At the time of Williams' offense conduct, the Islamic State of Iraq and al-
9 Sham ("ISIS") was designated by the Secretary of State as a foreign
10 terrorist organization pursuant to Section 219 of the Immigration and
11 Nationality Act. Williams had knowledge that ISIS was a designated
12 terrorist organization and that it engaged in terrorist activity and terrorism.

13 On November 20, 2020, Williams posted an online video of himself
14 pledging allegiance to the leader of ISIS. Thereafter, Williams began
15 describing himself as a member of ISIS and told others, including family
16 members, friends, and associates, as well as multiple FBI confidential
17 human sources ("CHSs"), that he wanted to travel overseas, join ISIS, and
18 wage violent jihad on behalf of ISIS.

19 For example, in early January 2021, Williams told a family member that he
20 was a member of ISIS and was waiting to receive word from ISIS as to
21 when he should travel overseas to fight with the organization. Williams
22 made numerous similar statements via an encrypted messaging application,
23 including on February 15, 2021, when he stated: "I am getting [a] passport
24 to leave this disgusting land. Before I do, my [ISIS application] must be
25 approved and then I shall leave once they are." On the same day, Williams
26 also stated: "I will be martyred."

27 In February 2021, Williams began communicating over an encrypted
28 messaging application with two FBI CHSs who represented themselves to
be ISIS recruiters who would approve and facilitate Williams' travel for
jihad on behalf of ISIS. Among other things, Williams told the
"recruiters":

- "I want to make *hijrah* and help with the next caliphate."
- "I have nothing here . . . and I wish to please Allah and attain martyrdom."
- "I seek martyrdom in the cause of Allah."

- 1 • “I want to leave America to help my brothers and fight in the cause
- 2 of Allah.”
- 3 • “I want Allah to smile on my death.”
- 4 • When asked whether he had a “problem with killing,” Williams
- 5 answered: “No I do not. Not in the slightest bit.”
- 6 • When asked what he thought about “beheading . . . with knife,”
- 7 Williams replied: “I would love to do this. [Blood] does not bother
- 8 me in the slightest bit. As I said, I am firm with death and have no
- 9 fear.”

10 Through the purported ISIS recruiters, Williams tendered a putative
11 application to ISIS listing his reason for travel as “jihad.” The “recruiters”
12 told Williams that his travel would receive final authorization after he
13 obtained a passport and purchased an airline ticket.

14 In March 2021, Williams applied for a U.S. passport. He also began
15 working at a job in the Seattle area to save money for his intended travel
16 and pawned his laptop computer to raise additional funds. The purported
17 ISIS recruiters provided Williams with a list of items to acquire prior to his
18 travel, including tactical gear, boots, and other items. Williams discussed
19 his desire to raise money to purchase these items and ultimately did
20 purchase several of the items on the list.

21 On April 24, 2021, Williams communicated to the purported ISIS
22 recruiters: “I have all my supplies, passport will come [] this month, and I
23 will buy a ticket as soon as you inform me of where we need to go. . . .
24 For what better victory in the way of our lord except death.”

25 Williams discussed his planned trip with another Seattle area associate who
26 agreed to travel with him. Unbeknownst to Williams, this associate
27 recently had become an FBI CHS (“CHS-2”). On April 26, 2021, Williams
28 told CHS-2 that he had prepared a video to send to another person in
Kazakhstan to be published online after Williams became a martyr.
Williams made the video available to CHS-2. The video is approximately
one minute in length and depicts Williams making several statements.

On May 6, 2021, Williams’ passport arrived in the mail. Later that day,
Williams participated in an online chat with the purported ISIS recruiters.
Williams stated: “[I] will have money for plane ticket next Friday, I have
all my supplies ready, now I have my passport.” As the group chat
continued, Williams added, “[E]verything is well, I am just ready to leave
[land of the non-believers]. . . . I can hardly wait. I wish to make my lord

1 smile upon me.” As the others expressed approval, Williams stated: “I
2 wanted to remind I wish to die in the battlefield. I feel slightly
3 uncomfortable with detonating myself as there is a slight disagreement, but
4 if I am told to blow myself up for my brothers and for the sake of Allah I
5 will.” Williams further stated, “I wish to see the *kuffar* as I kill them, I
6 want to strike terror in them and make Allah pleased for doing so.”

7 The “recruiters” told Williams that his application had been approved, and
8 Williams requested to travel to the Sinai desert to fight with ISIS. Three
9 hours later, still on May 6, 2021, Williams informed the “recruiters” that he
10 had just purchased a flight to Cairo International Airport. Williams
11 forwarded his travel itinerary which documented that his flight was
12 scheduled to depart Sea-Tac Airport on May 28, 2021, at 1:35 p.m., flying
13 through Amsterdam and Paris, and ultimately to Cairo.

14 On May 22, 2021, Williams met with CHS-2. They watched several
15 violent ISIS-related videos that Williams accessed over the internet. While
16 they viewed the videos, Williams stated, “Man, I really want to behead the,
17 they make me executioner.” CHS-2 asked, “You want to beheading
18 people? Are you full okay with that? Are you okay with blood?”
19 Williams replied, “Yeah, 100%, man.”

20 On May 23, 2021, Williams participated in an online conversation with the
21 purported ISIS recruiters. Williams stated that he had “been working out
22 again and trying to get prepared for the training camp.” Williams
23 reaffirmed, “I am ready.” One of the “recruiters” asked Williams: “This is
24 the time some brothers choose to back out. I want to make sure you know
25 that if u decide not to make *hijrah* it is no problem. Need to make sure u
26 are fully committed now.” Williams replied: “Back out? Never, why
27 would I back out of attaining *junnah* [eternal paradise]? There is nothing
28 greater than fighting and dying in the cause of Allah.”

On May 24, 2021, the purported ISIS recruiters provided Williams with
instructions on how to meet up with the supposed ISIS contact at the Cairo
airport. The “recruiters” also confirmed that Williams had final approval
from ISIS leadership for “*hijrah*.” Williams replied: “[T]hank you so much
brothers. You do not understand how happy I am rn [right now]?” The
“recruiters” instructed Williams that he should not have any further
communications with them prior to his travel unless there was an
emergency.

1 On May 28, 2021, Williams, accompanied by CHS-2, went to Sea-Tac
2 Airport consistent with his travel plans. Williams checked in for his flight
3 to Cairo and was arrested at approximately 1:00 p.m. after he presented his
boarding pass at the gate and attempted to board the flight.

4 FBI agents advised Williams of his *Miranda* rights. Williams waived those
5 rights and agreed to speak with the agents. During the post-arrest
6 interview, Williams identified himself as a member of the “Islamic State”
7 (ISIS). Among other things, Williams stated that it was his “obligation” to
8 do “hijrah” and to travel to a country that practices Sharia law. When asked
9 what his role was going to be when he arrived, Williams stated that he
10 would be an “executioner” or a “machinegunner.” Later during the
11 interview, Williams stated: “My intent was to make hijrah. It doesn’t
12 matter what you guys do to me. I get rewarded for it.” Williams further
13 stated, “Dude, you either leave – it’s hijrah or jihad – or prepare explosives
14 here.” Williams explained: “I want to die. We love our deaths more than
15 you love your lives.” Williams also said that his only message to the U.S.
16 government was: “Go to hell.”

17 The parties agree that the Court may consider additional facts contained in
18 the Presentence Report (subject to standard objections by the parties) and/or
19 that may be presented by the United States or Defendant at the time of
20 sentencing, and that the factual statement contained herein is not intended
21 to limit the facts that the parties may present to the Court at the time of
22 sentencing.

23 **8. Sentencing Factors.** The parties agree that the following Sentencing
24 Guidelines provisions apply to this case:

25 A base offense level of 26, pursuant to USSG § 2M5.3(a);

26 A 12-level upward adjustment pursuant to USSG § 3A1.4(a), because the
27 offense is a felony that involved, and was intended to promote, a federal
28 crime of terrorism; and

A Criminal History Category of VI, pursuant to USSG § 3A1.4(b).

The parties agree they are free to present arguments regarding the applicability of
all other provisions of the United States Sentencing Guidelines. Defendant understands,
however, that at the time of sentencing, the Court is free to reject these stipulated

1 adjustments, and is further free to apply additional downward or upward adjustments in
2 determining Defendant's Sentencing Guidelines range.

3 **9. Acceptance of Responsibility.** At sentencing, *if* the Court concludes
4 Defendant qualifies for a downward adjustment acceptance for acceptance of
5 responsibility pursuant to USSG § 3E1.1(a) and Defendant's offense level is 16 or
6 greater, the United States will make the motion necessary to permit the Court to decrease
7 the total offense level by three (3) levels pursuant to USSG §§ 3E1.1(a) and (b), because
8 Defendant has assisted the United States by timely notifying the United States of
9 Defendant's intention to plead guilty, thereby permitting the United States to avoid
10 preparing for trial and permitting the Court to allocate its resources efficiently.

11 **10. Non-Prosecution of Additional Offenses.** As part of this Plea Agreement,
12 the United States Attorney's Office for the Western District of Washington agrees not to
13 prosecute Defendant for any additional offenses known to it as of the time of this Plea
14 Agreement based upon evidence in its possession at this time, and that arise out of the
15 conduct giving rise to this investigation. In this regard, Defendant recognizes the United
16 States has agreed not to prosecute all of the criminal charges the evidence establishes
17 were committed by Defendant solely because of the promises made by Defendant in this
18 Agreement. Defendant agrees, however, that for purposes of preparing the Presentence
19 Report, the United States Attorney's Office will provide the United States Probation
20 Office with evidence of all conduct committed by Defendant. Defendant agrees that any
21 charges to be dismissed before or at the time of sentencing were substantially justified in
22 light of the evidence available to the United States, were not vexatious, frivolous or taken
23 in bad faith, and do not provide Defendant with a basis for any future claims under the
24 "Hyde Amendment," Pub. L. No. 105-119 (1997).

25 **11. Breach, Waiver, and Post-Plea Conduct.** Defendant agrees that, if
26 Defendant breaches this Plea Agreement, the United States may withdraw from this Plea
27 Agreement and Defendant may be prosecuted for all offenses for which the United States
28 has evidence. Defendant agrees not to oppose any steps taken by the United States to

1 nullify this Plea Agreement, including the filing of a motion to withdraw from the Plea
2 Agreement. Defendant also agrees that, if Defendant is in breach of this Plea Agreement,
3 Defendant has waived any objection to the re-institution of any charges that previously
4 were dismissed or any additional charges that had not been prosecuted.

5 Defendant further understands that if, after the date of this Agreement, Defendant
6 should engage in illegal conduct, or conduct that violates any conditions of release or the
7 conditions of confinement (examples of which include, but are not limited to, obstruction
8 of justice, failure to appear for a court proceeding, criminal conduct while pending
9 sentencing, and false statements to law enforcement agents, the Pretrial Services Officer,
10 Probation Officer, or Court), the United States is free under this Plea Agreement to file
11 additional charges against Defendant or to seek a sentence that takes such conduct into
12 consideration by requesting the Court to apply additional adjustments or enhancements in
13 its Sentencing Guidelines calculations in order to increase the applicable advisory
14 Guidelines range, and/or by seeking an upward departure or variance from the calculated
15 advisory Guidelines range. Under these circumstances, the United States is free to seek
16 such adjustments, enhancements, departures, and/or variances even if otherwise
17 precluded by the terms of the Plea Agreement.

18 **12. Waiver of Appellate Rights and Rights to Collateral Attacks.** Defendant
19 acknowledges that, by entering the guilty pleas required by this plea agreement,
20 Defendant waives all rights to appeal from Defendant's conviction, and any pretrial
21 rulings of the Court, and any rulings of the Court made prior to entry of the judgment of
22 conviction. Defendant further agrees that, provided the Court imposes a custodial
23 sentence that is within or below the Sentencing Guidelines range as determined by the
24 Court at the time of sentencing, Defendant waives to the full extent of the law:

25 a. Any right conferred by Title 18, United States Code, Section 3742,
26 to challenge, on direct appeal, the sentence imposed by the Court, including any
27 fine, restitution order, probation or supervised release conditions, or forfeiture
28 order (if applicable); and

1 b. Any right to bring a collateral attack against the conviction and
2 sentence, including any restitution order imposed, except as it may relate to the
3 effectiveness of legal representation.

4 This waiver does not preclude Defendant from bringing an appropriate motion
5 pursuant to 28 U.S.C. § 2241, to address the conditions of Defendant's confinement or
6 the decisions of the Bureau of Prisons regarding the execution of Defendant's sentence.

7 If Defendant breaches this Plea Agreement at any time by appealing or collaterally
8 attacking (except as to effectiveness of legal representation) the conviction or sentence in
9 any way, the United States may prosecute Defendant for any counts, including those with
10 mandatory minimum sentences, that were dismissed or not charged pursuant to this Plea
11 Agreement.

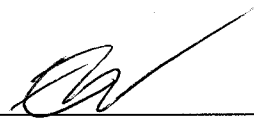
12 **13. Voluntariness of Plea.** Defendant agrees that Defendant has entered into
13 this Plea Agreement freely and voluntarily, and that no threats or promises were made to
14 induce Defendant to enter a plea of guilty other than the promises contained in this Plea
15 Agreement or set forth on the record at the change of plea hearing in this matter.

16 **14. Statute of Limitations.** In the event this Plea Agreement is not accepted by
17 the Court for any reason, or Defendant breaches any of the terms of this Plea Agreement,
18 the statute of limitations shall be deemed to have been tolled from the date of the Plea
19 Agreement to: (1) thirty days following the date of non-acceptance of the Plea Agreement
20 by the Court; or (2) thirty days following the date on which a breach of the Plea
21 Agreement by Defendant is discovered by the United States Attorney's Office.

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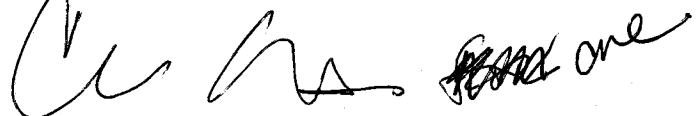
1 **15. Completeness of Agreement.** The United States and Defendant
2 acknowledge that these terms constitute the entire Plea Agreement between the parties,
3 except as may be set forth on the record at the change of plea hearing in this matter. This
4 Agreement binds only the United States Attorney's Office for the Western District of
5 Washington and the Counterterrorism Section of the U.S. Department of Justice. It does
6 not bind any other United States Attorney's Office or any other office or agency of the
7 United States, or any state or local prosecutor.

8 Dated this 14th day of March, 2022.



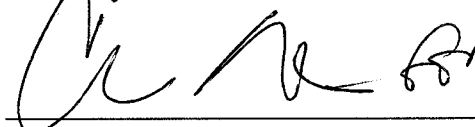
ELVIN HUNTER BGORN WILLIAMS

Defendant



COREY ENDO

Attorney for Defendant



MO HAMOUDI

Attorney for Defendant



TODD GREENBERG

Assistant United States Attorney



D. ANDREW SIGLER

Trial Attorney

Counterterrorism Section

U.S. Department of Justice