

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED

NOV 19 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

CR 19 0621

EMC

AHMAD ABOUAMMO;
ALI ALZABARAH; and
AHMED ALMUTAIRI,
a/k/a Ahmed Aljbreen

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 951 – Acting as an Agent of a Foreign Government
Without Notice to the Attorney General; and
18 U.S.C. § 1519 – Destruction, Alteration, or Falsification of
Records in Federal Investigations and Bankruptcy

A true bill.

True Bill

Scott W. Wood

Foreman

Filed in open court this 19 day of

November 2019

M. J. Kim

Clerk

SALLIE KIM

United States Magistrate Judge

Bail, \$ _____

Sub

Abouammo - no process
Alzabarah & Almutairi -
no bail and
warrant

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 18 U.S.C. § 951 – Acting as an Agent of a Foreign
 Government Without Notice to the Attorney General; and
 18 U.S.C. § 1519 – Destruction, Alteration, or Falsification of
 Records in Federal Investigations and Bankruptcy

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

 PENALTY: 18 U.S.C. § 951 – 10 yrs prison, \$640,000 fine, 3 yrs supervised
 release, \$100 special assessment; 18 U.S.C. § 1519 – 20 yrs prison,
 \$250,000 fine, 3 yrs supervised release, \$100 special assessment

Name of District Court, and Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

SUSAN Y. SOONG

CLERK, U.S. DISTRICT COURT

AHMAD ABUAMR

DISTRICT COURT NUMBER

CR 19 0621

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI

☐ person is awaiting trial in another Federal or State Court,
 give name of court

☐ this person/proceeding is transferred from another district
 per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on motion
 of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.
☐ this prosecution relates to a
 pending case involving this same
 defendant
MAGISTRATE
CASE NO.
☒ prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

3:19-71824

Name and Office of Person

Furnishing Information on this form DAVID L. ANDERSON

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Colin Sampson, AUSA

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

 1) ☐ If not detained give date any prior
 summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☒ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes
 been filed? ☒ No

 If "Yes"
 give date
 filed
DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 * Where defendant previously apprehended on complaint, no new summons or
 warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments:

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SAN FRANCISCO DIVISION
 CLERK U.S. DISTRICT COURT
 NORTH DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

ALI ALZABARAH

DISTRICT COURT NUMBER

CR 19 0621

PROCEEDING

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☐ person is awaiting trial in another Federal or State Court,
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☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) Colin Sampson, AUSA

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3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

4) ☐ On this charge

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If answer to (6) is "Yes", show name of institution

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Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

▶ AHMED ALMUTAIRI, a/k/a Ahmed Aljbreen

DISTRICT COURT NUMBER

CR 19 0621

EMC

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Has not been arrested, pending outcome this proceeding.

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- Is on Bail or Release from (show name)

 SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTH DISTRICT OF CALIFORNIA
IS IN CUSTODY

- 4)
- ☐
- On this charge

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☐ Federal ☐ State

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CASE NO.

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☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) Colin Sampson, AUSA

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Comments:

1 DAVID L. ANDERSON (CABN 149604)
2 United States Attorney

FILED

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SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA

EMC

9 SAN FRANCISCO DIVISION

CR 19 0621

10 UNITED STATES OF AMERICA,

) CASE NO.

11 Plaintiff,

) VIOLATIONS:

12 v.

) 18 U.S.C. § 951 – Acting as an Agent of a Foreign
13 Government Without Notice to the Attorney General;
14 and 18 U.S.C. § 1519 – Destruction, Alteration, or
15 Falsification of Records in Federal Investigations and
16 Bankruptcy

AHMAD ABOUAMMO;
ALI ALZABARAH; and
AHMED ALMUTAIRI,
a/k/a Ahmed Aljbreen,

) SAN FRANCISCO VENUE

17 Defendants.

18
19 INDICTMENT

20 The Grand Jury charges:

21 INTRODUCTORY ALLEGATIONS

22 At all times relevant to this Indictment, with all dates and times being approximate:

23 1. Defendant ALI ALZABARAH is a citizen of Saudi Arabia and resided in San Bruno,
24 California, in the Northern District of California, from at least August 12, 2013, until December 3,
25 2015.

26 2. Defendant AHMAD ABOUAMMO is a United States and Lebanese dual citizen and
27 resided in Walnut Creek, California, in the Northern District of California, from at least November 4,
28

1 2013, until May 22, 2015, and thereafter resided in Seattle, Washington.

2 3. Defendant AHMED ALMUTAIRI, also known as Ahmed Aljbreen (ALMUTAIRI), is
3 a citizen of Saudi Arabia. ALMUTAIRI was present in the United States of America between
4 approximately August 21, 2014, until approximately May 24, 2015.

5 4. Twitter, Inc. (Twitter) is a company headquartered in San Francisco, California, and
6 owns and operates a free-access social-networking website of the same name that can be accessed at
7 <http://www.twitter.com>. Users of Twitter, including private individuals, journalists, and public
8 figures, create user accounts that can be used to communicate and share information instantly through
9 “Tweets” (i.e., 140-character messages prior to 2017) to the public at large, “tweets” to a subset of
10 Twitter users (e.g., to the public or to certain users that “follow” a user), “retweets” by one user of
11 another user, or direct messages (DM) that are typically visible only to the sender and recipient.
12 Certain Twitter accounts of public interest, including official accounts for government posts and
13 celebrities, can be “verified” with a blue check mark, which is issued by Twitter.

14 5. Twitter operates its service in many languages, including English and Arabic. Many
15 Twitter users live outside of the United States, including in Saudi Arabia. Many users are of Saudi
16 nationality or descent, some of whom live outside of Saudi Arabia, including in the United States.

17 6. The Kingdom of Saudi Arabia (KSA) is a monarchy governed by the King and his
18 Royal Court, which is akin to a cabinet or executive office. Members of the King’s Royal Family hold
19 most of the country’s governmental posts.

20 7. From a time unknown to the Grand Jury but no later than May 2014, to the present,
21 Foreign Official-1, a citizen of KSA, was the Secretary General of an organization identified here as
22 Organization-1, founded by a member of the Saudi Royal Family (Saudi Royal Family Member-1).
23 From a time unknown to the Grand Jury but no later than May 2015, Foreign Official-1 was the head
24 of the private office of Saudi Royal Family Member-1.

25 8. From at least May 2014 to the present, ALMUTAIRI has controlled a Saudi social
26 media marketing company that performed work for Organization-1 and members of the Saudi Royal
27 Family, including Royal Family Member-1.

1 9. Title 18, United States Code, Section 2702, provides that service providers of electronic
2 communications and remote computing services, such as Twitter, may voluntarily disclose user data to
3 a governmental entity, if the service provider, in good faith, believes than an emergency involving
4 danger of death or serious physical injury to any person requires disclosure without delay of data
5 relating to the emergency. These disclosures are referred to as “emergency disclosure requests.”

6 10. ABOUAMMO was an employee of Twitter from on or about November 4, 2013, to
7 May 22, 2015. ABOUAMMO was a Media Partnerships Manager responsible for the Middle East and
8 North Africa (MENA) region at Twitter. As a Media Partnerships Manager, ABOUAMMO was
9 involved in providing assistance for notable accounts, including accounts of public interest or
10 belonging to brands, journalists, and celebrities in the MENA region, with content and Twitter
11 strategy, and with sharing best practices.

12 11. ALZABARAH was an employee of Twitter from on or about August 12, 2013, to on or
13 about December 4, 2015. While employed at Twitter, ALZABARAH was a Site Reliability Engineer
14 whose responsibility was maintaining Twitter’s hardware and software to ensure uninterrupted service.

15 12. Twitter employees, including ABOUAMMO and ALZABARAH, agreed to abide by
16 the Twitter “Playbook,” which outlines the policies Twitter employees must obey as part of their
17 employment. Twitter’s 2013 employment contracts with ABOUAMMO and ALZABARAH
18 prohibited them from engaging in outside employment or consulting “or any other business activity
19 that would create a conflict of interest with the Company.” In the 2013 version of Twitter’s Employee
20 Invention Assignment and Confidentiality Agreements, ABOUAMMO and ALZABARAH each
21 affirmed “a relationship of confidence and trust” between themselves and Twitter “with respect to any
22 information of a confidential or secret nature that may be disclosed to [them] by the Company or a
23 third party that relates to the business of the Company.” The Employee Invention Assignment and
24 Confidentiality Agreement further required ABOUAMMO and ALZABARAH to “keep and hold all
25 such Proprietary Information in strict confidence and trust,” and defined “Proprietary Information” to
26 include Twitter’s “customer lists and data.” In executing the agreements, ABOUAMMO and
27 ALZABARAH affirmed that they would “not use or disclose any Proprietary Information without the
28

1 prior written consent of the Company” or “use[] any Company information for any other business or
2 employment.”

3 13. Twitter’s “Playbook Acknowledgement,” which ABOUAMMO and ALZABARAH
4 each signed during 2013, stated that each would read, understand, and abide by Twitter’s policies,
5 including the Security Handbook, which defined user data as confidential data and prohibited sharing
6 confidential data with third parties without approval.

7 14. Twitter’s “Gift Policy” during ABOUAMMO’s and ALZABARAH’s employment
8 stated: “[f]or gifts exceeding \$100 in value, bring the gift to the attention of both your manager and VP
9 of HR before returning to sender.”

10 15. ABOUAMMO and ALZABARAH had access to proprietary and confidential Twitter
11 information, including information about Twitter users, including the user-provided names and
12 birthdates, device identifiers, tweets, relationships, phone number, internet protocol (“IP”) addresses
13 and session IP history, among other things.

14 16. Neither ABOUAMMO’s nor ALZABARAH’s job duties included a need to access a
15 Twitter user’s private information, and doing so was a reportable violation of the Twitter Playbook
16 policies regarding handling and protecting user data.

17 17. Neither ABOUAMMO nor ALZABARAH had authority from Twitter to receive,
18 access, or produce user information pursuant to any governmental emergency disclosure request.

19 18. ABOUAMMO, ALZABARAH, and ALMUTAIRI have never provided notice to the
20 Attorney General that they were acting as agents of a foreign government.

21 THE SCHEME

22 19. ABOUAMMO and ALZABARAH fraudulently used their positions and access to
23 information at Twitter to provide Foreign Official-1 and others related to and working for KSA and
24 the Saudi Royal Family with nonpublic information held in the accounts of Twitter users. Using
25 ALMUTAIRI as an intermediary, Foreign Official-1 provided ABOUAMMO and ALZABARAH
26 with gifts, cash payments, and promises of future employment in exchange for valuable property,
27
28

1 including nonpublic information about Twitter users, that ABOUAMMO and ALZABARAH obtained
2 fraudulently and provided to Foreign Official-1 and others.

3 20. ABOUAMMO and ALZABARAH received from Foreign Official-1 and others the
4 names of Twitter accounts of interest to Foreign Official-1, the Saudi Arabian Royal Family, and
5 others.

6 21. Using their access privileges as employees of Twitter, ABOUAMMO and
7 ALZABARAH, beyond the scope of their job duties, accessed nonpublic account information of
8 Twitter users who were of interest to Foreign Official-1, the Saudi Arabian Royal Family, and others
9 in the government of KSA. Such nonpublic information included email addresses, telephone numbers,
10 and dates of birth, and internet IP addresses, among other things. ABOUAMMO and ALZABARAH
11 communicated such nonpublic account information to Foreign Official-1 and others in the government
12 of KSA.

13 22. In exchange for accessing nonpublic account information of Twitter users, outside the
14 scope of their job duties, and for communicating such nonpublic account information to Foreign
15 Official-1, Foreign Official-1 rewarded ALZABARAH and ABOUAMMO including with
16 compensation such as gifts, cash payments, and promises of future employment.

17 23. ALMUTAIRI acted as a go-between between Foreign Official-1 and ABOUAMMO
18 and ALZABARAH, representing KSA's interests with respect to Twitter user information, and met
19 with ABOUAMMO and ALZABARAH in person at the request of and to further the goals of Foreign
20 Official-1 and the Saudi Royal Family.

21 24. The scheme involved the following acts, among others, which were committed or
22 caused to be committed, in the Northern District of California and elsewhere:

23 a. On or about November 15, 2014, ALMUTAIRI sent an email to ABOUAMMO
24 requesting an "urgent meeting" in San Francisco to discuss their "mutual interest." On or
25 about November 20, 2014, ALMUTAIRI and ABOUAMMO met in person in San Francisco,
26 California, near the Twitter headquarters.

27 //

1 b. ABOUAMMO and Foreign Official-1 communicated by telephone and by email
2 in late November and early December 2014 to coordinate an in-person meeting in London,
3 United Kingdom. Foreign Official-1 traveled from Paris, France to London and met with
4 ABOUAMMO. During that meeting on or about December 5, 2014, Foreign Official-1 gave
5 ABOUAMMO a valuable watch worth at least \$20,000. ABOUAMMO did not report the
6 receipt of the watch to Twitter.

7 c. Beginning on or about December 12, 2014, ABOUAMMO began accessing
8 without authorization through Twitter's computer system the user data of Twitter User-1,
9 which was an account that had posted critical information about the Saudi Royal Family and
10 Saudi Royal Family Member-1. Among other account information, ABOUAMMO accessed
11 the email address and telephone number associated with Twitter User-1's account.
12 ABOUAMMO accessed the account on or about December 12, 2014, January 5, 2015, January
13 27, 2015, February 4, 2015, February 7, 2015, February 18, 2015, and February 24, 2015.

14 d. Foreign Official-1 communicated with ABOUAMMO by telephone requesting
15 that Twitter User-1's account be removed from Twitter and requesting private user account
16 information. On January 17, 2015, Foreign Official-1 sent an email to ABOUAMMO's
17 Twitter employee email account with an attachment concerning Twitter User-1 and a brief
18 message that stated, "as we discussed in london."

19 e. On February 5, 2015, Foreign Official-1 sent an email to ABOUAMMO's
20 Twitter employee email account with an attachment concerning a user identified as Twitter
21 User-2 who Foreign Official-1 asserted was impersonating a member of the Saudi Royal
22 Family. On February 7, 2015, ABOUAMMO accessed the account information, including the
23 email address, of Twitter User-2.

24 f. On February 13, 2015, while ABOUAMMO worked for Twitter, Foreign
25 Official-1 deposited \$100,000 into a recently-opened account in Lebanon in the name of
26 ABOUAMMO's relative. ABOUAMMO had online access to this account and later received
27 wire transfers from the account in Lebanon.
28

1 g. After ABOUAMMO resigned from Twitter on or about May 22, 2015, Foreign
2 Official-1 asked ABOUAMMO to, among other things, refer requests to Twitter related to
3 accounts of Saudi Arabian government ministers as well as complaints related to certain
4 accounts critical of or impersonating individuals connected to the government of Saudi Arabia
5 or the Saudi Arabian Royal Family. Between May 22, 2015, when ABOUAMMO left Twitter,
6 and January 25, 2016, Foreign Official-1 paid ABOUAMMO at least \$200,000.

7 h. Although Twitter employees requested that ABOUAMMO direct requests from
8 Saudi Arabian government officials directly to Twitter and not through ABOUAMMO,
9 ABOUAMMO continued attempting to contact Twitter employees with Foreign Official-1's
10 requests until at least March 1, 2016.

11 i. On or before February 16, 2015, and prior to ABOUAMMO's resignation from
12 Twitter, ABOUAMMO facilitated an introduction between ALZABARAH and ALMUTAIRI.
13 ALMUTAIRI maintained contact with ALZABARAH after ABOUAMMO resigned from
14 Twitter.

15 j. During mid-May 2015, Foreign Official-1 directed ALZABARAH to travel
16 from the Northern District of California to Fairfax, Virginia. On May 14, 2015, while Saudi
17 Royal Family Member-1, Foreign Official-1, and others were visiting Washington, DC on an
18 official delegation from the Kingdom of Saudi Arabia, ALMUTAIRI and ALZABARAH met
19 at the residence of an employee of the Saudi Arabian Embassy in Fairfax, Virginia. Later on
20 the same date, ALZABARAH returned to the Northern District of California.

21 k. In May 2015, after ALZABARAH returned to San Francisco, California, he
22 began to access nonpublic account information for numerous Twitter accounts and
23 communicated such nonpublic account information about certain Twitter users to Foreign
24 Official-1.

25 l. From May 21, 2015, through November 18, 2015, ALZABARAH accessed
26 without authorization through Twitter's computer system certain nonpublic account details
27 about dozens of Twitter users, including Twitter accounts that had posted critical or
28

1 embarrassing information about the government of Saudi Arabia and Saudi Royal Family
2 Member-1.

3 m. On May 29, 2015, Foreign Official-1 and ALZABARAH exchanged three
4 telephone calls and ALZABARAH accessed two Twitter accounts over the course of
5 approximately one hour. The same day, the Kingdom of Saudi Arabia submitted emergency
6 disclosure requests to Twitter for those same two Twitter accounts.

7 n. During July 2015, while ALZABARAH was on personal leave from Twitter,
8 ALZABARAH traveled to Saudi Arabia. While in Saudi Arabia, ALZABARAH accessed
9 nonpublic information of hundreds of Twitter users' accounts using his Twitter credentials,
10 including access of nonpublic information of Twitter users on July 29, 2015, a date that
11 ALZABARAH connected his Twitter laptop to ALMUTAIRI's company's wireless local area
12 network in Saudi Arabia.

13 o. ALZABARAH accessed Twitter User-1's account information on or about May
14 21, 2015, June 14, 2015, July 5, 2015, August 6, 2015, August 7, 2015, August 20, 2015,
15 September 27, 2015, September 28, 2015, and September 30, 2015. On September 28, 2015,
16 ALZABARAH repeatedly accessed Twitter User-1's account information, the same date the
17 account holder reported that his account had been hacked or compromised.

18 p. On December 2, 2015, Twitter management confronted ALZABARAH about
19 his unauthorized access of Twitter users' accounts and placed him on administrative leave.
20 ALZABARAH attempted to contact ALMUTAIRI, and then contacted Foreign Official-1, who
21 contacted an employee of the Saudi Arabian Consulate in Los Angeles, California to
22 coordinate ALZABARAH's departure from the United States.

23 q. On December 3, 2015, ALZABARAH flew to Saudi Arabia and submitted a
24 resignation letter to Twitter by email.

25 r. By no later than January 2016, ALZABARAH had obtained employment in
26 Saudi Arabia with Organization-1 and was in email contact with ALMUTAIRI, Foreign
27 Official-1 and others regarding social media influence projects on behalf of KSA, Foreign
28

Official-1, and the Saudi Royal Family.

COUNT ONE: (18 U.S.C. § 951 – Acting as an Agent of a Foreign Government Without Notice to the Attorney General)

25. Paragraphs 1 through 24 are realleged as if fully set forth herein.

26. From on or about December 12, 2014, and continuing until on or about March 1, 2016, in the Northern District of California and elsewhere, the defendant,

AHMAD ABOUAMMO,

did knowingly, without notifying the Attorney General as required by law, act as an agent of a foreign principal, to wit, the government of KSA and the Saudi Royal Family.

All in violation of Title 18, United States Code, Section 951.

COUNT TWO: (18 U.S.C. § 951 – Acting as an Agent of a Foreign Government Without Notice to the Attorney General)

27. Paragraphs 1 through 24 are realleged as if fully set forth herein.

28. From at least on or about November 20, 2014, and continuing until at least on or about May 24, 2015, in the Northern District of California and elsewhere, the defendant,

AHMED ALMUTAIRI,

did knowingly, without notifying the Attorney General as required by law, act as an agent of a foreign principal, to wit, the government of KSA and the Saudi Royal Family.

All in violation of Title 18, United States Code, Section 951.

COUNT THREE: (18 U.S.C. § 951 – Acting as an Agent of a Foreign Government Without Notice to the Attorney General)

29. Paragraphs 1 through 24 are realleged as if fully set forth herein.

30. From on or about May 21, 2015, and continuing until on or about December 3, 2015, in the Northern District of California and elsewhere, the defendant,

ALI ALZABARAH,

did knowingly, without notifying the Attorney General as required by law, act as an agent of a foreign principal, to wit, the government of KSA and the Saudi Royal Family.

1 All in violation of Title 18, United States Code, Section 951.

2 COUNT FOUR: (18 U.S.C. § 1519 – Falsification of Records to Obstruct Investigation)

3 31. Paragraphs 1 through 24 are realleged as if fully set forth herein.

4 32. On October 20, 2018, in the Northern District of California and elsewhere, the
5 defendant,

6 AHMAD ABOUAMMO,
7 unlawfully, intentionally, and knowingly did alter, destroy, mutilate, conceal, and falsify a record or
8 document, namely creating and providing by email to the Federal Bureau of Investigation a fabricated,
9 false, and backdated invoice for \$100,000 for consulting services to Foreign Official-1, from CYRCL,
10 LLC, defendant's sole proprietorship, with the intent to impede, obstruct and influence an actual and
11 contemplated investigation and the proper administration of a matter within the jurisdiction of a
12 department and agency of the United States, namely the Federal Bureau of Investigation.

13 All in violation of Title 18, United States Code, Section 1519.

14 SENTENCING ALLEGATION:

15 33. With respect to Count One of the Indictment, for the purposes of determining the
16 maximum alternative fine, pursuant to Title 18, United States Code, Section 3571(d), the defendant,

17
18 AHMAD ABOUAMMO,
19 derived gross gains of approximately \$320,000.

20 DATED:

21 11/19/19

22 A TRUE BILL.

23 
FOREPERSON

24 DAVID L. ANDERSON
United States Attorney

25 
26 COLIN SAMPSON

Assistant United States Attorney

27 JASON B. A. McCULLOUGH
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