

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
 :
 - v. - :
 :
 ETHAN PHELAN MELZER, :
 a/k/a "Etil Reggad," :
 :
 Defendant. :
 :
----- X

INDICTMENT

20 Cr.

COUNT ONE
(Conspiracy to Murder U.S. Nationals)

The Grand Jury charges:

OVERVIEW

1. Between at least in or about 2019 and in or about May 2020, ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, a Private in the U.S. Army, worked with members and associates of an extremist group called the "Order of the Nine Angles," or "O9A," to facilitate a deadly attack on members of MELZER's Army unit. In or about late-May 2020, MELZER's planned attack was thwarted by the Federal Bureau of Investigation and the U.S. Army.

2. By at least in or about 2019, ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, joined O9A. Members and associates of O9A have espoused violent, neo-Nazi, anti-Semitic, and Satanic beliefs, and have expressed admiration for, among others, Nazis, such as Adolf Hitler, and Islamic

jihadists, such as Usama Bin Laden, the now-deceased former leader of al Qaeda, which the U.S. Department of State designated as a Foreign Terrorist Organization on or about October 8, 1999. Members and associates of O9A have also participated in acts of violence, including murders.

3. ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, consumed propaganda disseminated by, among others, O9A and the Islamic State of Iraq and al-Sham, or ISIS, which, along with its predecessor organizations, has been designated by the Department of State as a Foreign Terrorist Organization since October 2004. For example, in connection with the investigation, the FBI seized from an iCloud account maintained by MELZER an ISIS-issued document with a title that included the phrase "HARVEST OF THE SOLDIERS" and described attacks and murders of U.S. personnel in or about April 2020.

4. ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, joined the U.S. Army in or about 2018. Beginning in or about October 2019, MELZER was assigned to a U.S. military facility in Europe beginning. In or about April 2020, the U.S. Army informed MELZER and other members of his unit that they would be deployed to guard a U.S. military installation in another foreign country. After MELZER was notified of the assignment, he used an encrypted messaging application to send

messages to members and associates of O9A and a related group known as the "RapeWaffen Division," including communications regarding MELZER's commitment to O9A and sensitive information related to his unit's anticipated deployment such as the unit's locations, movements, and security, for the purpose of facilitating an attack on the unit.

5. During an interview on or about May 30, 2020, ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, confessed to his role in plotting an attack on his unit, admitted that he intended for the planned attack to result in the deaths of as many of his fellow service members as possible, and declared himself to be a traitor against the United States whose conduct was tantamount to treason.

STATUTORY ALLEGATIONS

6. From at least in or about 2019 up to and including in or about May 2020, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, who was first brought to and arrested in the Southern District of New York, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to kill nationals of the United States.

7. It was a part and an object of the conspiracy that ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, and others known and unknown, at least one of whom was outside the United States, would and did murder United States nationals anywhere in the world.

Overt Acts

8. In furtherance of the conspiracy and to effect the illegal object thereof, ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, committed the following overt acts, among others:

a. On or about May 14, 2020, MELZER sent an electronic message that stated, in substance and in part, that MELZER believed that his "military training, survival, [and] links to other groups" could be useful to other members of O9A.

b. On or about May 17, 2020, MELZER exchanged electronic communications regarding the anticipated deployment of MELZER's unit and passed information regarding the deployment to a purported member of al Qaeda.

c. On or about May 23, 2020, MELZER sent electronic communications to participants in an O9A-related chat group, in which MELZER wrote, in substance and in part, that he was "risking [his] literal free life" by disclosing information regarding his unit's deployment and was "expecting results";

that his "life would be absolutely meaningless in the amount of shit it [i.e., the attack] would cause"; that the attack would cause a "new war"; and that the attack would result in "mascal," which another participant explained meant "mass casualty."

d. On or about May 24, 2020, MELZER participated in an exchange of electronic communications in which another participant characterized the plot against MELZER's unit as a "jihadi attack." During the exchange, MELZER acknowledged that he could be killed during the attack, and wrote, "who gives a fuck [. . .] it would be another war . . . I would've died successfully . . . cause [] another 10 year war in the Middle East would definitely leave a mark."

e. Between on or about May 24 and May 25, 2020, MELZER sent electronic messages with specific information about his unit's anticipated deployment, including, among other things, the number of soldiers who would be traveling, the location of the facility to which MELZER expected the unit to be deployed, and information about the facility's surveillance and defensive capabilities. MELZER also promised to provide additional information after he deployed in order to try to maximize the likelihood of a successful attack on his unit.

(Title 18, United States Code, Sections 2332(b) and 3238.)

COUNT TWO
(Attempted Murder of U.S. Nationals)

The Grand Jury further charges:

9. Paragraphs One through Five and Paragraph Eight of this Indictment are realleged and incorporated by reference as though fully set forth herein.

10. From at least in or about 2019 up to and including in or about May 2020, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, who was first brought to and arrested in the Southern District of New York, willfully and knowingly attempted to and aided and abetted the attempt to kill U.S. nationals outside of the United States -- which killing is murder as defined in Title 18, United States Code, Section 1111(a) -- to wit, MELZER disclosed confidential U.S. Army information to members and associates of O9A to facilitate a deadly attack on his unit, which included U.S. nationals.

(Title 18, United States Code, Sections 2332(b), 3238, and 2.)

COUNT THREE
(Conspiracy to Murder U.S. Service Members)

The Grand Jury further charges:

11. Paragraphs One through Five and Paragraph Eight of this Indictment are realleged and incorporated by reference as though fully set forth herein.

12. From at least in or about 2019 up to and including in or about May 2020, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, who was first brought to and arrested in the Southern District of New York, and others known and unknown, knowingly and intentionally combined, conspired, confederated, and agreed together and with each other to violate Section 1114 of Title 18, United States Code.

13. It was a part and an object of the conspiracy that ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, and others known and unknown, would and did kill an officer and employee of the United States -- which killing is murder as defined in Title 18, United States Code, Section 1111(a) -- including any member of the uniformed services, while such officer and employee was engaged in and on account of the performance of official duties, and any person assisting such an officer and employee in the performance of such duties and on

account of that assistance, in violation of Title 18, United States Code, Section 1114.

Overt Acts

14. In furtherance of the conspiracy and to effect the illegal object thereof, ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, committed the overt acts described in Paragraph Eight of this Indictment, which are incorporated fully herein.

(Title 18, United States Code, Sections 1114, 1117, and 3238.)

COUNT FOUR
(Attempted Murder of U.S. Service Members)

The Grand Jury further charges:

15. Paragraphs One through Five and Paragraph Eight of this Indictment are realleged and incorporated by reference as though fully set forth herein.

16. From at least in or about 2019 up to and including in or about May 2020, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, who was first brought to and arrested in the Southern District of New York, willingly and knowingly attempted to and aided and abetted the attempt to kill an officer and employee of the United States -- which killing is murder as defined in Title 18, United States Code, Section

1111(a) -- including any member of the uniformed services, while such officer and employee was engaged in and on account of the performance of official duties, and any person assisting such an officer and employee in the performance of such duties and on account of that assistance, to wit, MELZER disclosed confidential U.S. Army information to members and associates of O9A to facilitate a deadly attack on his unit.

(Title 18, United States Code, Sections 1114, 3238, and 2.)

COUNT FIVE
**(Provision and Attempted Provision
of Material Support to Terrorists)**

The Grand Jury further charges:

17. Paragraphs One through Five and Paragraph Eight of this Indictment are realleged and incorporated by reference as though fully set forth herein.

18. From at least in or about 2019 up to and including in or about May 2020, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, who was first brought to and arrested in the Southern District of New York, knowingly and intentionally did provide, and attempt to provide, material support and resources, as that term is defined in Title 18, United States Code, Section 2339A(b) -- to wit, intangible property, services,

expert advice or assistance, and personnel, including himself -- knowing and intending that they were to be used in preparation for, and in carrying out, one or more of the following violations of Title 18, United States Code: (a) conspiring to murder and maim persons in a foreign country, in violation of Title 18, United States Code, Section 956; (b) murdering U.S. military service members, in violation of Title 18, United States Code, Sections 1114; (c) murdering U.S. nationals, in violation of Title 18, United States Code, Section 2332(a); and (d) conspiring to murder U.S. nationals, in violation of Title 18, United States Code, Section 2332(b).

(Title 18, United States Code, Sections 2339A(a), 3238, and 2.)

COUNT SIX
(Conspiracy to Murder and Maim In A Foreign Country)

The Grand Jury further charges:

19. Paragraphs One through Five and Paragraph Eight of this Indictment are realleged and incorporated by reference as though fully set forth herein.

20. From at least in or about 2019 up to and including in or about May 2020, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, who was first brought to and arrested in the Southern District of New York, and others known and unknown,

knowingly and intentionally combined, conspired, confederated, and agreed together and with each other, within the jurisdiction of the United States, to commit, at a place outside the United States, acts that would constitute the offenses of murder and maiming if committed in the special maritime and territorial jurisdiction of the United States.

Overt Acts

21. In furtherance of the conspiracy and to effect the illegal object thereof, ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, committed the overt acts described in Paragraph Eight of this Indictment, which are incorporated fully herein.

(Title 18, United States Code, Sections 956(a)(1),
956(a)(2)(A), and 3238.)

FORFEITURE ALLEGATIONS

22. As a result of planning and perpetrating Federal crimes of terrorism against the United States, as defined in Title 18, United States Code, Section 2332b(g)(5), and as alleged in Counts One, Two, Three, Four, Five, and Six of this Indictment, ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(G) and Title 28, United States Code, Section 2461:

a. All right, title, and interest in all assets, foreign and domestic;

b. All right, title and interest, in all assets, foreign and domestic, acquired and maintained with the intent and for the purpose of supporting, planning, conducting, and concealing a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property; and

c. All right, title and interest in all assets, foreign and domestic, derived from, involved in, and used and intended to be used to commit a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property; including but not limited to a sum of money representing the value of the property described above as being subject to forfeiture.

Substitute Assets Provision

23. If any of the above-described forfeitable property, as a result of any act or omission of ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant:

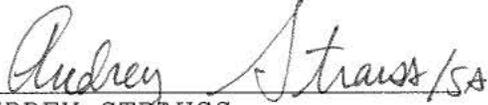
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;

- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 28 United States Code, Section 2461, to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981(a)(1)(G) and 2332b(g)(5); and Title 28, United States Code, Section 2461.)


FOREPERSON



AUDREY STRAUSS
Acting United States Attorney

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INDICTMENT

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(Title 18, United States Code,
Sections 956(a), 1114, 1117, 2332, 2339A, 3238, and 2.)

 AUDREY STRAUSS
Acting United States Attorney

A TRUE BILL

Foreperson.
