

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT PADUCAH

FILED IN
CLERK OF DISTRICT COURT
WESTERN DISTRICT OF KY.
06 NOV -2 PM 4:23

UNITED STATES OF AMERICA

v.

INDICTMENT

STEVEN DALE GREEN

NO.

5:06 CR-19-R

- 18 U.S.C. § 2
- 18 U.S.C. § 371
- 18 U.S.C. § 924(c)(1)(A)
- 18 U.S.C. § 924(j)(1)
- 18 U.S.C. § 1111
- 18 U.S.C. § 1117
- 18 U.S.C. § 1512(c)(1)
- 18 U.S.C. § 2241(a)
- 18 U.S.C. § 2241(c)
- 18 U.S.C. § 3261(a)(2)

The Grand Jury alleges:

GENERAL ALLEGATIONS

1. On or about March 12, 2006, the defendant **STEVEN DALE GREEN** was a member of the Armed Forces subject to Chapter 47 of Title 10 (the Uniform Code of Military Justice).
2. On or about May 16, 2006, the defendant **STEVEN DALE GREEN** was discharged from the Army.
3. The acts described in Counts One through Seventeen of this Indictment occurred in and around Mahmouadiyah, Iraq and outside the United States.

4. Venue for the trial of the offenses charged in this Indictment lies within the Western District of Kentucky at Paducah.

5. The conduct described in Counts One through Sixteen of this Indictment would have constituted offenses punishable by imprisonment for more than one year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States.

The Grand Jury charges:

COUNT ONE

CONSPIRACY TO COMMIT MURDER

6. The General Allegations set forth in Paragraphs One through Five of this Indictment are realleged and expressly incorporated herein as if set out in full.

7. On or about March 12, 2006, the defendant **STEVEN DALE GREEN** knowingly conspired, confederated, and agreed with others known to the Grand Jury to murder with malice aforethought, Abeer Kassem Hamza Al-Janabi, Hadeel Kassem Hamza Al-Janabi, Kassem Hamza Rachid Al-Janabi, and Fakhriya Taha Mohsine Al-Janabi, which conduct would have constituted an offense under 18 U.S.C. §§ 1111 and 1117 had it been engaged in within the special maritime and territorial jurisdiction of the United States.

OVERT ACTS

8. In furtherance of the conspiracy, and in order to effect the objects thereof, the following overt acts, among others, were committed by one or more members of the conspiracy:

- a) On or about March 12, 2006, the defendant **STEVEN DALE GREEN** and others known to the Grand Jury changed clothing.
- b) On or about March 12, 2006, the defendant **STEVEN DALE GREEN** and others known to the Grand Jury left a traffic control point to which they had been assigned.
- c) On or about March 12, 2006, the defendant **STEVEN DALE GREEN** and others known to the Grand Jury walked to the house of Abeer Kassem Hamza Al-Janabi (age 14), Hadeel Kassem Hamza Al-Janabi (age 6), and their parents Kassem Hamza Rachid Al-Janabi (father) and Fakhriya Taha Mohsine Al-Janabi (mother).
- d) On or about March 12, 2006, the defendant **STEVEN DALE GREEN** shot and killed Hadeel Kassem Hamza Al-Janabi.

- e) On or about March 12, 2006, the defendant **STEVEN DALE GREEN** shot and killed Kassem Hamza Rachid Al-Janabi.
- f) On or about March 12, 2006, the defendant **STEVEN DALE GREEN** shot and killed Fakhriya Taha Mohsine Al-Janabi.
- g) On or about March 12, 2006, persons known to the Grand Jury removed articles of clothing from Abeer Kassem Hamza Al-Janabi.
- h) On or about March 12, 2006, the defendant **STEVEN DALE GREEN** and others known to the Grand Jury committed forcible sexual acts against Abeer Kassem Hamza Al-Janabi.
- i) On or about March 12, 2006, the defendant **STEVEN DALE GREEN** shot and killed Abeer Kassem Hamza Al-Janabi.

In violation of Title 18, United States Code, Section 3261(a)(2).

The Grand Jury further charges:

COUNT TWO

CONSPIRACY TO COMMIT AGGRAVATED SEXUAL ABUSE

9. The General Allegations set forth in Paragraphs One through Five of this Indictment are realleged and expressly incorporated herein as if set out in full.

10. On or about March 12, 2006, the defendant **STEVEN DALE GREEN** knowingly conspired, confederated, and agreed with others known to the Grand Jury to cause Abeer Kassem Hamza Al-Janabi to engage in a sexual act by using force against her and by threatening Abeer Kassem Hamza Al-Janabi and placing her in fear that she would be subject to death and serious bodily injury, which conduct would have constituted an offense under 18 U.S.C. §§ 371, 2241(a), and 2241(c) had it been engaged in within the special maritime and territorial jurisdiction of the United States.

OVERT ACTS

11. In furtherance of the conspiracy, and in order to effect the objects thereof, the following overt acts, among others, were committed by one or more members of the conspiracy:

- a) The Grand Jury re-alleges and incorporates by reference Subparagraphs (a) through (i) of Count One of this Indictment.

In violation of Title 18, United States Code, Section 3261(a)(2).

The Grand Jury further charges:

COUNT THREE

PREMEDITATED MURDER
(Abeer Kassem Hamza Al-Janabi)

12. The General Allegations set forth in Paragraphs One through Five of this Indictment are realleged and expressly incorporated herein as if set out in full.

13. On or about March 12, 2006, the defendant **STEVEN DALE GREEN** and others known to the Grand Jury, each aiding and abetting the others, with malice aforethought, and with premeditation, did unlawfully kill Abeer Kassem Hamza Al-Janabi by shooting her with a firearm, which conduct would have constituted an offense under 18 U.S.C. § 1111 had it been engaged in within the special maritime and territorial jurisdiction of the United States.

In violation of Title 18, United States Code, Sections 3261(a)(2) and 2.

The Grand Jury further charges:

COUNT FOUR

PREMEDITATED MURDER
(Hadeel Kassem Hamza Al-Janabi)

14. The General Allegations set forth in Paragraphs One through Five of this Indictment are realleged and expressly incorporated herein as if set out in full.

15. On or about March 12, 2006, the defendant **STEVEN DALE GREEN** and others known to the Grand Jury, each aiding and abetting the others, with malice aforethought, and with premeditation, did unlawfully kill Hadeel Kassem Hamza Al-Janabi by shooting her with a firearm, which conduct would have constituted an offense under 18 U.S.C. § 1111 had it been engaged in within the special maritime and territorial jurisdiction of the United States.

In violation of Title 18, United States Code, Sections 3261(a)(2) and 2.

The Grand Jury further charges:

COUNT FIVE

PREMEDITATED MURDER
(Kassem Hamza Rachid Al-Janabi)

16. The General Allegations set forth in Paragraphs One through Five of this Indictment are realleged and expressly incorporated herein as if set out in full.

17. On or about March 12, 2006, the defendant **STEVEN DALE GREEN** and others known to the Grand Jury, each aiding and abetting the others, with malice aforethought, and with premeditation, did unlawfully kill Kassem Hamza Rachid Al-Janabi by shooting him with a firearm, which conduct would have constituted an offense under 18 U.S.C. § 1111 had it been engaged in within the special maritime and territorial jurisdiction of the United States.

In violation of Title 18, United States Code, Sections 3261(a)(2) and 2.

The Grand Jury further charges:

COUNT SIX

PREMEDITATED MURDER
(Fakhriya Taha Mohsine Al-Janabi)

18. The General Allegations set forth in Paragraphs One through Five of this Indictment are realleged and expressly incorporated herein as if set out in full.

19. On or about March 12, 2006, the defendant **STEVEN DALE GREEN** and others known to the Grand Jury, each aiding and abetting the others, with malice aforethought, and with premeditation, did unlawfully kill Fakhriya Taha Mohsine Al-Janabi by shooting her with a firearm, which conduct would have constituted an offense under 18 U.S.C. § 1111

had it been engaged in within the special maritime and territorial jurisdiction of the United States.

In violation of Title 18, United States Code, Sections 3261(a)(2) and 2.

The Grand Jury further charges:

COUNT SEVEN

FELONY MURDER
(Abeer Kassem Hamza Al-Janabi)

20. The General Allegations set forth in Paragraphs One through Five of this Indictment are realleged and expressly incorporated herein as if set out in full.

21. On or about March 12, 2006, the defendant **STEVEN DALE GREEN** and others known to the Grand Jury, each aiding and abetting the others, with malice aforethought, and in perpetration of aggravated sexual abuse, did unlawfully kill Abeer Kassem Hamza Al-Janabi by shooting her with a firearm, which conduct would have constituted an offense under 18 U.S.C. § 1111 had it been engaged in within the special maritime and territorial jurisdiction of the United States.

In violation of Title 18, United States Code, Sections 3261(a)(2) and 2.

The Grand Jury further charges:

COUNT EIGHT

FELONY MURDER

(Hadeel Kassem Hamza Al-Janabi)

22. The General Allegations set forth in Paragraphs One through Five of this Indictment are realleged and expressly incorporated herein as if set out in full.

23. On or about March 12, 2006, the defendant **STEVEN DALE GREEN** and others known to the Grand Jury, each aiding and abetting the others, with malice aforethought, and in perpetration of aggravated sexual abuse, did unlawfully kill Hadeel Kassem Hamza Al-Janabi by shooting her with a firearm, which conduct would have constituted an offense under 18 U.S.C. § 1111 had it been engaged in within the special maritime and territorial jurisdiction of the United States.

In violation of Title 18, United States Code, Sections 3261(a)(2) and 2.

The Grand Jury further charges:

COUNT NINE

FELONY MURDER
(Kassem Hamza Rachid Al-Janabi)

24. The General Allegations set forth in Paragraphs One through Five of this Indictment are realleged and expressly incorporated herein as if set out in full.

25. On or about March 12, 2006, the defendant **STEVEN DALE GREEN** and others known to the Grand Jury, each aiding and abetting the others, with malice aforethought, and in perpetration of aggravated sexual abuse, did unlawfully kill Kassem Hamza Rachid Al-Janabi by shooting him with a firearm, which conduct would have constituted an offense under 18 U.S.C. § 1111 had it been engaged in within the special maritime and territorial jurisdiction of the United States.

In violation of Title 18, United States Code, Sections 3261(a)(2) and 2.

The Grand Jury further charges:

COUNT TEN

FELONY MURDER

(Fakhriya Taha Mohsine Al-Janabi)

26. The General Allegations set forth in Paragraphs One through Five of this Indictment are realleged and expressly incorporated herein as if set out in full.

27. On or about March 12, 2006, the defendant **STEVEN DALE GREEN** and others known to the Grand Jury, each aiding and abetting the others, with malice aforethought, and in perpetration of aggravated sexual abuse, did unlawfully kill Fakhriya Taha Mohsine Al-Janabi by shooting her with a firearm, which conduct would have constituted an offense under 18 U.S.C. § 1111 had it been engaged in within the special maritime and territorial jurisdiction of the United States.

In violation of Title 18, United States Code, Sections 3261(a)(2) and 2.

The Grand Jury further charges:

COUNT ELEVEN

AGGRAVATED SEXUAL ABUSE

28. The General Allegations set forth in Paragraphs One through Five of this Indictment are realleged and expressly incorporated herein as if set out in full.

29. On or about March 12, 2006, the defendant **STEVEN DALE GREEN** and others known to the Grand Jury, each aiding and abetting the others, did knowingly cause and attempt to cause Abeer Kassem Hamza Al-Janabi to engage in sexual acts by using force against her and by threatening Abeer Kassem Hamza Al-Janabi and placing her in fear that she would be subject to death and serious bodily injury, which conduct would have constituted an offense under 18 U.S.C. § 2241(a) had it been engaged in within the special maritime and territorial jurisdiction of the United States.

In violation of Title 18, United States Code, Sections 3261(a)(2) and 2.

The Grand Jury further charges:

COUNT TWELVE

AGGRAVATED SEXUAL ABUSE WITH CHILDREN

30. The General Allegations set forth in Paragraphs One through Five of this Indictment are realleged and expressly incorporated herein as if set out in full.

31. On or about the March 12, 2006, the defendant **STEVEN DALE GREEN** and others known to the Grand Jury, each aiding and abetting the others, did knowingly engage and attempt to engage in sexual acts with Abeer Kassem Hamza Al-Janabi, a person who at that time had attained the age of 12 years but had not attained the age of 16 years, and who was at least four years younger than **STEVEN DALE GREEN** and the stated other persons known to the grand jury, which conduct would have constituted an offense under 18 U.S.C. § 2241(c) had it been engaged in within the special maritime and territorial jurisdiction of the United States.

In violation of Title 18, United States Code, Sections 3261(a)(2) and 2.

The Grand Jury further charges:

COUNT THIRTEEN

USE OF A FIREARM DURING A CRIME OF VIOLENCE

32. The General Allegations set forth in Paragraphs One through Five of this Indictment are realleged and expressly incorporated herein as if set out in full.

33. On or about March 12, 2006, the defendant **STEVEN DALE GREEN** and others known to the Grand Jury, each aiding and abetting the others, knowingly used, carried, brandished, and discharged a firearm, during and in relation to a crime of violence for which he could be prosecuted in a court of the United States, that is, the murder of Abeer Kassem Hamza Al-Janabi as charged in Count Three of this Indictment, which conduct would have constituted an offense under 18 U.S.C. §§ 924(c)(1)(A) and 924(j)(1) had it been engaged in within the special maritime and territorial jurisdiction of the United States.

In violation of Title 18, United States Code, Sections 3261(a)(2) and 2.

The Grand Jury further charges:

COUNT FOURTEEN

USE OF A FIREARM DURING A CRIME OF VIOLENCE

34. The General Allegations set forth in Paragraphs One through Five of this Indictment are realleged and expressly incorporated herein as if set out in full.

35. On or about the March 12, 2006, the defendant **STEVEN DALE GREEN** and others known to the Grand Jury, each aiding and abetting the others, knowingly used, carried, brandished, and discharged a firearm, during and in relation to a crime of violence for which he could be prosecuted in a court of the United States, that is, the murder of Hadeel Kassem Hamza Al-Janabi, as charged in Count Four of this Indictment, which conduct would have constituted an offense under 18 U.S.C. §§ 924(c)(1)(A) and 924(j)(1) had it been engaged in within the special maritime and territorial jurisdiction of the United States.

In violation of Title 18, United States Code, Sections 3261(a)(2) and 2.

The Grand Jury further charges:

COUNT FIFTEEN

USE OF A FIREARM DURING A CRIME OF VIOLENCE

36. The General Allegations set forth in Paragraphs One through Five of this Indictment are realleged and expressly incorporated herein as if set out in full.

37. On or about March 12, 2006, the defendant **STEVEN DALE GREEN** and others known to the Grand Jury, each aiding and abetting the others, knowingly used, carried, brandished, and discharged a firearm, during and in relation to a crime of violence for which he could be prosecuted in a court of the United States, that is, the murder of Kassem Hamza Rachid Al-Janabi, as charged in Count Five of this Indictment, which conduct would have constituted an offense under 18 U.S.C. §§ 924(c)(1)(A) and 924(j)(1) had it been engaged in within the special maritime and territorial jurisdiction of the United States.

In violation of Title 18, United States Code, Sections 3261(a)(2) and 2.

The Grand Jury further charges:

COUNT SIXTEEN

USE OF A FIREARM DURING A CRIME OF VIOLENCE

38. The General Allegations set forth in Paragraphs One through Five of this Indictment are realleged and expressly incorporated herein as if set out in full.

39. On or about March 12, 2006, the defendant **STEVEN DALE GREEN** and others known to the Grand Jury, each aiding and abetting the others, knowingly used, carried, brandished, and discharged a firearm, during and in relation to a crime of violence for which he could be prosecuted in a court of the United States, that is, the murder of Fakhriya Taha Mohsine Al-Janabi, as charged in Count Six of this Indictment, which conduct would have constituted an offense under 18 U.S.C. §§ 924(c)(1)(A) and 924(j)(1) had it been engaged in within the special maritime and territorial jurisdiction of the United States.

In violation of Title 18, United States Code, Sections 3261(a)(1) and 2.

The Grand Jury further charges:

COUNT SEVENTEEN

OBSTRUCTION OF JUSTICE

40. On or about March 12, 2006, the defendant **STEVEN DALE GREEN** and others known to the Grand Jury, each aiding and abetting the others, corruptly destroyed, mutilated, and concealed objects, and attempted to do so, with the intent to impair the objects' integrity and availability for use in an official proceeding, by burning the body of Abeer Kassem Hamza Al-Janabi after she had been killed as described in Counts Three and Seven; by burning items of clothing worn during the killings described in Counts Three through Ten; and by throwing into a canal the AK-47 used during the killings described in Counts Three through Ten above.

In violation of Title 18, United States Code, Section 1512(c)(1).

The Grand Jury alleges:

NOTICE OF SPECIAL FINDINGS

41. The allegations in Counts One through Sixteen of this Indictment are realleged and expressly incorporated herein as if set out in full.

42. As to Counts Three through Ten and Thirteen through Sixteen of this Indictment, the defendant **STEVEN**

DALE GREEN:

- a) was more than 18 years of age at the time of the offenses (Title 18, United States Code, Section 3591(a));
- b) intentionally killed the victim (Title 18, United States Code, Section 3591(a)(2)(A));
- c) intentionally inflicted serious bodily injury that resulted in the death of the victim (Title 18, United States Code, Section 3591(a)(2)(B));
- d) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in that offense, and the victim died as a result of the act (Title 18, United States Code, Section 3591(a)(2)(C));
- e) intentionally and specifically engaged in an act of violence knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a

direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D));

f) committed the offenses described in Counts Three through Ten of this Indictment in an especially heinous, cruel, and depraved manner in that they involved torture and serious physical abuse to the victims (Title 18, United States Code, Section 3592(c)(6));

g) committed the offenses described in Counts Three through Ten of this Indictment after substantial planning and premeditation to cause the death of a person or commit an act of terrorism (Title 18, United States Code, Section 3592(c)(9));

h) the victims of the offenses described in Counts Three, Four, Seven, and Eight of this Indictment were particularly vulnerable due to youth (Title 18, United States Code, Section 3592(c)(11));

i) the defendant intentionally killed or attempted to kill more than one person in a single criminal episode (Title 18, United States Code, Section 3592(c)(16)).

Pursuant to Title 18, United States Code, Sections
3591 and 3592.

A TRUE BILL

FORE

2

for 

DAVID L. HUBER
UNITED STATES ATTORNEY
WESTERN DISTRICT OF KENTUCKY

P E N A L T I E S

Count 1: NM Life/Five Years Supervised Release/NM \$250,000.00 Fine
Count 2: NM 5 Years/Three Years Supervised Release/NM \$250,000.00 Fine
Counts 3-10, 13-16: NL Life and up to Death/NM \$250,000.00 Fine
Counts 11-12: NM Life/ Five Years Supervised Release/NM \$250,000.00 Fine
Count 17: NM 20 Years /Three Years Supervised Release /NM \$250,000.00 Fine

N O T I C E

ANY PERSON CONVICTED OF AN OFFENSE AGAINST THE UNITED STATES SHALL BE SUBJECT TO SPECIAL ASSESSMENTS, FINES, RESTITUTION & COSTS.

SPECIAL ASSESSMENTS

18 U.S.C. § 3013 requires that a special assessment shall be imposed for each count of a conviction of offenses committed after November 11, 1984, as follows:

Misdemeanor: \$ 25 per count/individual	Felony: \$100 per count/individual
\$125 per count/other	\$400 per count/other

FINES

In addition to any of the above assessments, you may also be sentenced to pay a fine. Such fine is due immediately unless the court issues an order requiring payment by a date certain or sets out an installment schedule. You shall provide the United States Attorney's Office with a current mailing address for the entire period that any part of the fine remains unpaid, or you may be held in contempt of court. 18 U.S.C. § 3571, 3572, 3611, 3612

Failure to pay fine as ordered may subject you to the following:

1. **INTEREST** and **PENALTIES** as applicable by law according to last date of offense.

For offenses occurring after December 12, 1987:

No **INTEREST** will accrue on fines under \$2,500.00.

INTEREST will accrue according to the Federal Civil Post-Judgment Interest Rate in effect at the time of sentencing. This rate changes monthly. Interest accrues from the first business day following the two week period after the date a fine is imposed.

PENALTIES of:

10% of fine balance if payment more than 30 days late.

15% of fine balance if payment more than 90 days late.

2. Recordation of a **LIEN** shall have the same force and effect as a tax lien.
3. Continuous **GARNISHMENT** may apply until your fine is paid.

18 U.S.C. §§ 3612, 3613

If you **WILLFULLY** refuse to pay your fine, you shall be subject to an **ADDITIONAL FINE** of not more than the greater of \$10,000 or twice the unpaid balance of the fine; or **IMPRISONMENT** for not more than 1 year or both. 18 U.S.C. § 3615

RESTITUTION

If you are convicted of an offense under Title 18, U.S.C., or under certain air piracy offenses, you may also be ordered to make restitution to any victim of the offense, in addition to, or in lieu of any other penalty authorized by law. 18 U.S.C. § 3663

APPEAL

If you appeal your conviction and the sentence to pay your fine is stayed pending appeal, the court shall require:

1. That you deposit the entire fine amount (or the amount due under an installment schedule during the time of your appeal) in an escrow account with the U.S. District Court Clerk, or
2. Give bond for payment thereof.

18 U.S.C. § 3572(g)

PAYMENTS

If you are ordered to make payments to the U.S. District Court Clerk's Office, certified checks or money orders should be made payable to the Clerk, U.S. District Court and delivered to the appropriate division office listed below:

LOUISVILLE: Clerk, U.S. District Court
106 Gene Snyder U.S. Courthouse
601 West Broadway
Louisville, KY 40202
502/625-3500

BOWLING GREEN: Clerk, U.S. District Court
120 Federal Building
241 East Main Street
Bowling Green, KY 42101
270/393-2500

OWENSBORO: Clerk, U.S. District Court
126 Federal Building
423 Frederica
Owensboro, KY 42301
270/689-4400

PADUCAH: Clerk, U.S. District Court
127 Federal Building
501 Broadway
Paducah, KY 42001
270/415-6400

If the court finds that you have the present ability to pay, an order may direct imprisonment until payment is made.

No. _____

UNITED STATES DISTRICT COURT

Western District of Kentucky

Paducah Division

THE UNITED STATES OF AMERICA

vs.

STEVEN DALE GREEN

INDICTMENT

**Title 18, U.S.C. §§ 2; 3261(a)(2); 1512(c)(1);
3591; 3592:**

**Aiding and Abetting; Criminal Offenses
Committed by a Member of the Armed Forces
Outside the United States; Obstruction of
Justice.**

A true bill.

Foreman

Filed in open cou.

of November A _____

Clerk

Bail, \$ _____

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FILED
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WESTERN DISTRICT OF KENTUCKY
PADUCAH