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9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

10 **IN AND FOR THE COUNTY OF MARICOPA**

11 **STATE OF ARIZONA,**

12 Plaintiff,

13 vs.

14 **DERRICK RAYMOND THOMPSON**  
15 **(001),**

16 Defendant.

Cause No.: CR2016-159174-001

**STATE'S RESPONSE TO  
DEFENDANT'S MOTION TO  
MODIFY RELEASE CONDITIONS**

(Assigned to the Honorable Joan M.  
Sinclair)

17  
18 The State of Arizona, requests that this Court deny the Defendant's Motion to Modify  
19 Release Conditions. The Defendant's bond is currently set at \$100,000 cash only. Given the  
20 nature of the offenses, the Defendant's potential danger to the community, and his prior felony  
21 convictions the current release conditions are appropriate. In the alternative, if the Court is  
22 inclined to modify the Defendant's conditions of release, the State would request that the bond  
23 remain at \$100,000 but modified from cash only to a secured appearance bond.  
24

25 The Defendant is charged with the following felony offenses: Participating in a Criminal  
26

1 Syndicate, a Class 2 felony; Assisting a Criminal Syndicate, a Class 4 felony; and Attempted  
2 Misconduct Involving Weapons, a Class 5 felony. If convicted these offenses carry a significant  
3 potential prison sentence.

4 If released the Defendant poses a substantial danger to the community. The State has  
5 alleged that the Defendant committed these offenses in furtherance of aiding a terrorist  
6 organization, specifically the Islamic State of Iraq and the Levant (ISIL and/or ISIS). This  
7 terrorist organization has actively encouraged its supporters to engage in acts of violence wherever  
8 the supporters may be located. In May of 2016, ISIL spokesman Abu Muhammad al-Adnani  
9 urged ISIL supporters to engage in violence in Europe and America stating “[t]he smallest action  
10 you do in their heartland is better and more enduring to us than what you would if you were with  
11 us. If one of you hoped to reach the Islamic State, we wish we were in your place to punish the  
12 Crusaders...”<sup>1</sup>

13  
14 The Defendant believes that, as a supporter of ISIL, he is at war with the United States.  
15 During the course of the investigation it was discovered that the Defendant commented on several  
16 online articles discussing ISIL activities. In the comment section of a video posted online titled  
17 “New ISIS Video Calls for Attacks in the U.S.” the Defendant stated that he “converted to Islam  
18 since the implementation of the Islamic State.” In response to another video discussing a terrorist  
19 attack occurring in Garland, Texas, he commented “Islamic State is officially in America. The  
20 war has begun.” On December 3, 2016 he posted a message to his Google Plus account  
21 describing him envisioning “sleeping in trenches loading my magazine making dua<sup>2</sup> that every  
22 bullet will be the death of one kafir<sup>3</sup>...” These posts are a small sample of the type of comments  
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24 <sup>1</sup> Maher Chmaytelli, Stephen Kalin, and Ali Abdelaty. “Islamic State calls for attacks on the West during Ramadan in audio  
25 message.” Reuters, May 22, 2016.

<sup>2</sup> Invocation

<sup>3</sup> Unbeliever

1 the Defendant regularly posted but they clearly show what his intentions are.

2 In addition to the posts made by the Defendant, it is also alleged that the Defendant was  
3 actively seeking to obtain a firearm so that he could carry-out a terrorist attack in support of ISIL.  
4 A search warrant obtained for the Defendant's Google Plus account revealed that the Defendant  
5 incessantly searched for various types of deadly weapons. For example, on October 7, 2016, his  
6 search history for that day showed that he performed the following searches: "fatwa<sup>4</sup> on killing  
7 civilians;" "az state gun show;" "whether a 12 gauge or 20 gauge was more powerful;" and  
8 "shotgun slugs vs. buckshot." Analysis of the Defendant's Google Plus account resulted in  
9 evidence of these types of searches being performing routinely.

10 Irrespective of the potential danger the Defendant's release would pose to the community,  
11 the Defendant is also a flight risk. The Defendant has been convicted of two historical prior  
12 felony convictions. On November 4, 2005, the Defendant was convicted of Aggravated Assault, a  
13 Class 3 Dangerous Felony that occurred on June 20, 2005, and Armed Robbery, a Class 2 Felony  
14 that occurred on June 21, 2005.<sup>5</sup> Given the Defendant's criminal history, if convicted of the  
15 offenses he is currently charged with, the Defendant would be sentenced as a category 3 repetitive  
16 offender. The Defendant could be sentenced to a prison term of over 35 years in the Arizona  
17 Department of Corrections in this matter. This potential sentence makes him a flight risk. The  
18 Court should also consider as a flight risk that it is common for ISIL supporters to travel to Syria.

19 For the above stated reasons, the State requests that this Court deny the Defendant's  
20 Motion to Modify Release Conditions. The current bond is appropriate given the nature of the  
21 offenses, the potential danger to the community, and the Defendant's potential for being a flight  
22 risk. If the Court decides to modify the Defendant's bond it should only be modified from cash  
23  
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25 <sup>4</sup> A ruling on a point of Islamic law made by an Islamic scholar who is an interpreter or expounder of Islamic law.

26 <sup>5</sup> These convictions are historical prior felony convictions because time was excluded during his prison sentence of 7.5 years.

1 only to a secured appearance bond.

2  
3 RESPECTFULLY SUBMITTED this 8<sup>th</sup> day of March, 2017.

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5  
6 MARK BRNOVICH  
ATTORNEY GENERAL

7  
8 /s/Scott W. Blake  
Scott W. Blake  
9 Assistant Attorney General  
Criminal Division

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11  
12 ORIGINAL of the foregoing e-filed  
this 8<sup>th</sup> day of March, 2017, with:

13 Clerk of the Court  
14 Maricopa County Superior Court  
175 W. Madison Street  
15 Phoenix, Arizona 85003

16 COPY of the foregoing delivered via  
e-file/mail this 8<sup>th</sup> day of March, 2017, to:

17 The Honorable Joan Sinclair  
18 Maricopa County Superior Court  
201 W. Jefferson  
19 Phoenix, Arizona 85003

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23 By: /s/ Maria Ramirez

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