

FEB 18 '94 10:46 FROM 4TH JUD DIST PROBATIO

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DISTRICT COURT, EL PASO COUNTY, COLORADO  
Case # 92CR003030 Courtroom DIVISION 11

ML # C000031066

PRESENTENCE REPORT

THE PEOPLE OF THE STATE OF COLORADO vs.  
JAMES D WILLIAMS DEF

JUDGE MICHAEL J. HEYDT

HEARING DATE: 01/05/94  
PRESENTENCE CONFINEMENT: 209

NAME: JAMES D WILLIAMS

ADDRESS: 4240 BLUEJAY COURT  
COLORADO SPGS, CO 80909

AGE: 41  
DOB: 11/07/52

PHONE: (000)574-2856

SEX: MALE

MARITAL STATUS: MARRIED

SOCIAL SECURITY NO. 168-44-7240

EDUCATION: 12 YEARS  
DEGREE: HIGH SCHOOL GRADUATE

OCCUPATION: MAINTENANCE

OFFENSE(S)

CT 002: 18-17-105(1)  
003: 18-17-105(1)  
008: 18-5-103(1) (a)  
014: 18-2-201(1)

Racketeering F2  
Racketeering F2  
Second Degree Forgery F4  
Criminal Conspiracy F2

PLEA/CONVICTION: GUILTY BY JURY

DATE OF PLEA: 10/20/93

DISTRICT ATTORNEY: DOUG WAMSLEY ATTY GEN. O COUNSEL: DIRSCHERL, JOSEPH D.  
DEFENSE

DELIVERED TO COURT: 12/30/93 \ 10:00  
DATE TIME

Post-It™ brand fax transmittal memo 7571		# of pages	9
To	DOUG WAMSLEY	From	PROBATION
Co.		Co.	
Dept.		Phone #	630-2850
Fax #	303-866-3953	Fax #	

CAS Confidential Information

**PRE-SENTENCE INVESTIGATION REPORT**

**NAME:** WILLIAMS, JAMES D.

**CA #** 92CR3030

**(DATE OF INTERVIEW:** 12/22/93)

**PRESENT OFFENSE:**

Information from the Colorado Division of Labor Employment indicates that an individual claiming to be Samuel McClane filed a Workers Compensation claim for a period of 5/10/88 through 3/9/90. Records indicated that McClane was a sider for CCC Carpentry. Investigation later revealed this business to be non-existent. McClane claimed employment for 60 days prior to becoming involved in an accident while carrying a ladder on the work site. McClane alleged a bruised eye, a bruised neck, back pain, and a cut on his nose from shattering glass when he fell. As a result of this claim, McClane was paid \$18,476.16 in lost wages and \$2,962.49 in medical treatment.

Further investigation revealed that McClane was in fact this defendant, James Williams. It was alleged that Williams used part of this money, as well as monies received by co-defendants, to purchase a 101 acre site in the vicinity of Trout Creek Pass in Chaffee County, CO.

On 9/19/89, an investigation commenced involving a storage area in Colorado Springs known as Astrozon Self-Storage. The contents were believed to belong to members of an Islamic organization known as Fuqra. Thirty pounds of explosives were detected, as were three large pipe bombs and other explosive devices. Further investigation revealed ten handguns, some of which had serial numbers defaced as to be unreadable. There were several silencers in various stages of manufacture. Also uncovered were military training manuals, bomb making instructions, reloading equipment, and various Fuqra-type publications located in the storage area. Of great interest to authorities were documents concerning potential targets in the Los Angeles, Tucson, and Denver areas. There was also a detailed description of what authorities believed was a firebombing attack on the Hare Krishna Temple in Denver. An attack as described in this narrative did occur in Denver on 8/1/84, causing an estimated \$200,000 in damages. Another Hare Krishna Temple in Philadelphia where Fuqra activity had been reported had been firebombed in Philadelphia in a similar fashion. Explosive devices and accelerants were found in the locker that were similar to the devices found to be used in the firebombing. The locker was initially leased by Raymond Williams, AKA: James Upshur and later Kevin Cherry. Both of these individuals were associates of James Williams and also Fuqra members.

On 1/31/90, Rashad Abdel Khalifa was murdered in Tucson, AZ. Authorities believe that Edward Flinton and James Williams conspired with other individuals to accomplish this murder.

Documentation was found on "targeting maps" in the Astrozon Storage facility. This material was available to authorities four months prior to the actual murder. A fingerprint of James Williams was found on this map. One week prior to the actual murder, law enforcement personnel warned Khalifa of the plot to assassinate him. Khalifa acknowledged that his religious beliefs made him unpopular, but apparently only took limited precautions for his own safety. He was stabbed to death in a mosque in Tucson, AZ, on 1/31/91. Williams was arrested and on 10/10/93, was found guilty by a jury of two counts Racketeering (F-2), Second Degree Forgery (F-4), and count 14, Criminal Conspiracy (F-2).

DEFENDANT'S VERSION:

None supplied. The defendant may provide a version to the court at the time of sentencing.

SUMMARY OF CRIMINAL HISTORY:

Colorado Springs, 8/15/88, Laned For Traffic, No Insurance, 0634545, Municipal Court. Defendant pleads to count one, \$20 fine, \$16 costs.

PENDING ACTIONS:

None known.

SOCIAL HISTORY:

James Williams was born in Florida and one of five children born to Lonnie and Florell Williams. His father is a Baptist minister and the defendant states his mother divorced his father when he was an infant, at which time she relocated to Philadelphia, PA. The defendant describes very limited interaction with his mother and siblings and virtually no interaction with his father whatsoever. Mother supported the family through her seamstress work out of the family home. James feels she may have had some public assistance; however, these issues were never discussed. He graduated form high school in 1970 and briefly attended Rutgers University studying music for one semester. He then dropped out. In 1972 he maintains he converted to the Islamic religion which made a major impact upon his life.

James was married "in my early 20's" to Ronnet Townsend for approximately one year. They divorced with no children. He re-married to Latifa Williams for approximately eight years. There are four children from this marriage, ages 18, 17, 15, and 13. He states she absconded with the children as she was aware of his intention to do the same as required by the Islamic practice of children remaining with the natural father. Their whereabouts are unknown. For the past ten years he has been married to Marilyn Gray. He states she is unable to have any children; however, she is currently raising children he has fathered, ages eight, seven,

six, five, four, two, and ten months old. James explains that these relationships are permissible within the Muslim faith.

The defendant relocated to Colorado in 1984 from a communal setting in Germantown, PA. He initially settled in Englewood, CO, but in 1987 relocated to the Colorado Springs and later the Buena Vista area prior to the commencement of the foreclosure proceedings of the property. At this time he resides with his wife and children in the Colorado Springs area.

EMPLOYMENT HISTORY AND FINANCIAL CONDITION:

James states that he supported himself as a musician for several years prior to his conversion. He maintains he still plays and composes music that does not conflict with his faith. He received some specific training in security work and did work for Holiday Inn between 1985 and 1987. James states he then did local carpentry work and exterior trim until his injury on the job site. In April of 1993, he secured a night maintenance job at the Chapel Hills Mall. This month he obtained a second job with Future Call soliciting for pre-approved VISA cards. He estimates his income to be \$2,000 per month between the two jobs. His wife has recently joined him at Future Call to generate money for the family. He did not list his debts, nor did he fill out the financial affidavit attached to the questionnaire.

ADDITIONAL INFORMATION:

James admits to some experimentation with marijuana while in high school; however, he has not imbibed any alcohol or used any illicit drugs since his religious conversion in 1972. He describes his physical health as good, but he also admits to occasional discomfort in his back and neck area from his fall alleged in the present offense. He indicates he was under the medical supervision of Dr. Bogan after his injury. James considers his mental health as excellent. He is vague concerning plans as "God has control of all affairs."

CONTACTS:

This officer did contact Doug Wamsley, prosecutor for the Attorney General's Office who states that he would favor long-term incarceration for this defendant. He believes that if co-defendant Upshur received 16 years at Department of Corrections for his level of involvement in the workers compensation racketeering offense, he feels that the penalty should be proportionately more severe for James Williams. He points out that Williams was found guilty of his conspiracy in the firebombing in Denver and conspiracy in the murder of Rashad Abdel Khalifa in Tucson, AZ. He believes that aggravation is present and he would recommend that he be imprisoned for a period of 35 years.

This officer attempted to contact defense attorney Joe Dirscherl for input in this report. He is unavailable for comment as of this writing. This officer is aware that Mr. Dirscherl has very strong feelings regarding his client and a sentencing recommendation. Should Mr. Dirscherl contact this officer prior the submittance of this report, his comments will be included.

At this officer's request, the Attorney General's Office did forward correspondence and victim impact statements from the widow, son, and daughter of Rashad Khalifa. They are enclosed in the probation file. A letter of support from the defendant's wife is enclosed in the court file.

EVALUATION AND RECOMMENDATION:

James Williams is applying for probation for the offenses of two counts Racketeering, Forgery, and Criminal Conspiracy. He has no known criminal history other than a minor traffic offense. Community Corrections declined to interview this individual as a diversion from prison as two of the convicted counts are for class two felonies. The defendant was also rejected as a candidate for the Intensive Supervision Program. The defendant did not provide a written version of his involvement in this offense, but states he may do so at some point in the future. He not only refuses to display any remorse, but adamantly maintains his innocence. He believes he has been wrongly convicted by a jury that was overwhelmed by too much evidence. He vows to appeal.

This officer believes that the Racketeering offense in itself would dictate a lengthy sentence to the Department of Corrections. It is felt that probation would seriously depreciate the seriousness of that offense. A 16-year prison sentence would appear to be an appropriate disposition. This defendant; however, was also convicted in conspiring to firebomb a Hare Krishna temple in Denver. He was also found guilty of conspiring to murder Rashad Abdel Khalifa. Both of these offenses did occur. The damage to the Hare Krishna Temple was estimated at \$200,000 and reports indicate there were two individuals in the temple at the time. Khalifa was brutally stabbed to death in a mosque in Tucson, AZ. The argument of special prosecutor Doug Wamsley has merit.

It is, therefore, recommended that pertaining to counts two and three, Racketeering, the defendant be sentenced to the Department of Corrections for a period of 16 years. Pertaining to count eight, Second Degree Forgery, it is recommended that the defendant

be sentenced to eight years. Pertaining to count 14, Criminal Conspiracy, it is recommended that this defendant be imprisoned for a term in the upper end of the aggravated range that is felt to be appropriate by the court.

\_\_\_\_\_  
Philip M. A. Walker,  
Probation Officer III

APPROVED:

\_\_\_\_\_  
Sharon L. Wright,  
Investigations Supervisor

kc  
12/23/93  
11:15 a.m.