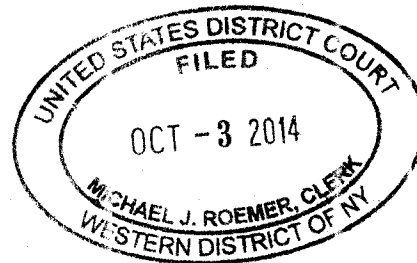


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA

v.

14-CR-6147EAW(F)

MUFID A. ELFGEEH,

Defendant.

SPEEDY TRIAL ORDER

(October 1, 2014 through January 6, 2015)

On October 1, 2014, the Court held a status conference in the above-captioned matter. Assistant United States Attorneys Brett A. Harvey and Frank H. Sherman appeared for the government. The defendant, Mufid A. Elfgeeh, appeared with his counsel, Mark D. Hosken, Esq., and Jeffrey L. Ciccone, Esq. During the status conference, the defendant and counsel for the defendant asked the Court to schedule a status conference for January 6, 2015, in order for the defense to report to the Court about its progress in reviewing the voluntary discovery in this case. In making this request, defense counsel noted that the voluntary discovery provided by the government, and additional voluntary discovery to be provided by the government in the future, is exceptionally voluminous and that a substantial portion of the voluntary discovery will require translation from Arabic into English. The government consented to the defendant's request. The Court granted the defendant's request and scheduled a status conference for January 6, 2015. Counsel for the defendant moved for the Court to exclude the period of the adjournment (October 1, 2014, through January 6, 2015) in the interests of justice, under 18 U.S.C. § 3161(h)(7)(A). The government joined in the defendant's request.

At the joint request of the defendant, counsel for the defendant and the government, the Court excluded from the speedy trial clock in this action the time period from and including October 1, 2014, to and including January 6, 2015, as being in the interest of justice and not contrary to the interests of

the public and the defendant in a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A). The Court specifically found that the defendant's interest in obtaining and reviewing the voluntary discovery materials provided by the government outweighs the interest of the public and the defendant in a speedy trial.

The Court is aware, based on a prior court filing by the government and representations by defense counsel in open court, that the voluntary discovery in this case is very substantial. As part of its investigation, the government has obtained, pursuant to search warrants, voluminous evidence from 13 Facebook accounts and an Apple iPhone. Such evidence includes more than 34,700 pages of Facebooks records (almost exclusively in Arabic), approximately 214 videos (the vast majority of which are in Arabic), at least 725 photographs (all containing Arabic text), more than 7,500 pages of WhatsApp communications (all in Arabic), 64 pages of SMS and iMessages (all in Arabic), and a 19-page contact list (all in Arabic). In addition to the search warrant materials, the evidence in this case includes approximately 33 consensual recordings of conversations allegedly between the defendant and a confidential source (referred to in prior court documents as CS-1). All of those conversations occurred in Arabic. While the government has completed draft English translations of those conversations (27 of which consist of a combination of summary and verbatim translations, and 6 of which consist of summary translations only), the government intends to complete verbatim translations of the conversations. At this time, approximately 30 hours of the conversations require verbatim translation.

To date, the government has disclosed to the defense all of the search warrant evidence received from Facebook, the contents of the iPhone, and all of the consensual recordings involving the defendant and CS-1, as part of voluntary discovery. The government has also disclosed draft English translations of all of the consensual recordings and draft English translations of those portions of the evidence obtained from Facebook and the iPhone which have been completed to date. The

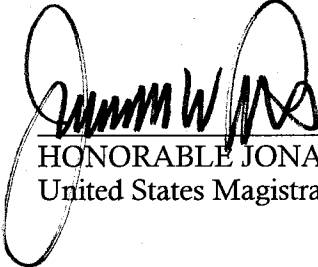
government has agreed to provide additional voluntary discovery (including English translations) to defense counsel over the next 90 days, as it becomes available.

For the reasons set forth above and set forth by the Court on the record during the status conference on October 1, 2014, the Court determines that the defendant's interest in obtaining and reviewing the voluminous voluntary discovery in this case outweighs the defendant's and the public's interest in a speedy trial.

NOW, therefore, it is hereby

ORDERED that the time in this matter from and including October 1, 2014, to and including January 6, 2015, is properly excluded from the time within which a trial must commence in accordance with the Speedy Trial Act, pursuant to Title 18, United States Code, Section 3161(h)(7)(A).

DATED: Rochester, New York, October 3, 2014.

A handwritten signature in black ink, appearing to read 'Jonathan W. Feldman', is written over a horizontal line. The signature is stylized with large loops and flourishes.

HONORABLE JONATHAN W. FELDMAN
United States Magistrate Judge