



**IN THE DISTRICT COURT OF THE UNITED STATES
For the Western District of New York**

NOVEMBER 2000 GRAND JURY
(Empaneled 11/2/00)

THE UNITED STATES OF AMERICA

INDICTMENT

-vs-

01 - CR - 244 A

**NABIL AL-MARABH,
ALI ABDULRAHMAN, and
AHMED MURSHED,**

**Violations: Title 18, U.S. Code,
Sections 2, 371 and 1001, and
Title 8, U.S. Code,
Sections 1324(a)(2) and 1325(a)(2)**

U.S. DISTRICT COURT
WESTERN DISTRICT OF BUFFALO
2001 DEC 5 11 09 AM

COUNT I

The Grand Jury Charges:

On or about June 27, 2001, in the Western District of New York and elsewhere, the defendants, NABIL AL-MARABH, ALI ABDULRAHMAN, and AHMED MURSHED, unlawfully did conspire and agree with each other and with another person who is not charged in this Indictment, to commit an offense against the United States, namely, smuggling of an alien into the United States, in violation of Title 8, United States Code, Section 1324(a)(2).



OVERT ACTS

In furtherance of the conspiracy, the defendants committed the following overt acts in the Western District of New York and elsewhere on or about June 27, 2001.

a) In Toronto, Ontario, Canada, NABIL AL-MARABH, who was not a citizen of the United States, met with a fraudulent document vendor and traveled with him to a market located on Dundas Street in Toronto.

b) NABIL AL-MARABH and the document vendor met with AHMED MURSHED at the market.

c) NABIL AL-MARABH and AHMED MURSHED departed from the area of the market in a vehicle driven by MURSHED and went to a donut shop in Woodbridge, Ontario. MURSHED left AL-MARABH at the donut shop and departed.

d) Thereafter, a tractor-trailer truck, with Ontario Tag #VK8927, arrived at the donut shop. NABIL AL-MARABH exited the donut shop and met with the driver of the truck, ALI ABDULRAHMAN. AL-MARABH placed his luggage in the cab portion of the truck.



e) Thereafter, AHMED MURSHED drove another tractor-trailer truck, with Ontario Tag #2376DD, to the donut shop. NABIL AL-MARABH entered the cab section of this truck.

f) Thereafter, both trucks drove to a cargo distribution center in Ontario, Canada. Both trucks subsequently left the distribution center and drove toward the Lewiston Port of Entry from Canada to the United States at Lewiston, New York.

g) During this travel, NABIL AL-MARABH stayed, at times, in the front, passenger section of the truck driven by AHMED MURSHED.

h) AHMED MURSHED drove his truck into the United States from Canada at the Lewiston Port of Entry at approximately 5:00 p.m. NABIL AL-MARABH concealed himself in the sleeper section of the truck. The truck was sent from the primary inspection area to a secondary inspection location.

i) At the secondary inspection location, NABIL AL-MARABH exited the truck and attempted to walk away from the area.

j) NABIL AL-MARABH, when confronted by a United States Customs official, falsely claimed to be a Canadian citizen. AL-MARABH presented what were thereafter determined to be counterfeit



Canadian identification documents, including a Canadian passport containing a counterfeit biographical/photograph page, in support of his claim of Canadian citizenship.

k) ALI ABDULRAHMAN drove a truck into the United States from Canada at the Lewiston, New York, Port of Entry, at approximately 5:15 p.m.. The truck contained NABIL AL-MARABH's luggage in its cab section.

All in violation of Title 18, United States Code, Section 371.

COUNT II

The Grand Jury Further Charges:

On or about June 27, 2001, in the Western District of New York and elsewhere, the defendants, ALI ABDULRAHMAN, and AHMED MURSHED, knowing and in reckless disregard of the fact that NABIL AL-MARABH, an alien, had not received prior official authorization to come to, enter, and reside in the United States, unlawfully brought and attempted to bring NABIL AL-MARABH to the United States.

All in violation of Title 8, United States Code, Section 1324(a)(2), and Title 18, United States Code, Section 2.



COUNT III

The Grand Jury Further Charges:

On June 27, 2001, at the Lewiston, New York, Port of Entry, in the Western District of New York, the defendant, NABIL AL-MARABH, an alien, eluded examination and inspection by United States Immigration and Naturalization Service officers.

All in violation of Title 8 United States Code, Section 1325(a)(2).

COUNT IV

The Grand Jury Further Charges:

On June 27, 2001, in the Western District of New York, in a matter within the jurisdiction of the executive branch of the United States government, the defendant, NABIL AL-MARABH, knowingly and willfully made a material false statement to officers of the United States Customs Service and United States Immigration and Naturalization Service by falsely claiming to be a citizen of Canada.

All in violation of Title 18, United States Code, Section 1001(a)(2).



COUNT V

The Grand Jury Further Charges:

On June 27, 2001, in the Western District of New York, in a matter within the jurisdiction of the executive branch of the United States government, the defendant, NABIL AL-MARABH, knowingly and willfully used a false document, namely, a Canadian passport containing a counterfeit biographical/photograph page.

All in violation of Title 18, United States Code, Section 1001(a)(3).

DATED: Buffalo, New York, December 6, 2001.


KATHLEEN MEHLTRETTER
United States Attorney

A TRUE BILL:


FOREPERSON



No. 01-CR-

UNITED STATES DISTRICT COURT

Western District of New York
Division

THE UNITED STATES OF AMERICA

vs.

NABIL AL-MARABH, ALI ABDULRAHMAN,
and AHMED MURSHED

SEALED INDICTMENT

A true bill.

Lawrence R. Linsick
Foreman

Filed in open court this _____ day,
of _____ A.D. 19 _____

Clerk

Bail, \$ _____