

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 16-cr-20552

v.

Honorable Arthur J. Tarnow

D-1 SEBASTIAN GREGERSON,  
a/k/a Abdurrahman Bin Mikaayl,

Defendant.

---

**GOVERNMENT’S RESPONSE TO DEFENDANT’S  
MOTION TO STRIKE ALIAS FROM INDICTMENT**

The United States of America, by its undersigned attorneys, respectfully submits this opposition to defendant’s motion to strike the alias, “Abdurrahman Bin Mikaayl,” from the First Superseding Indictment. Contrary to the defendant’s claim that he “has never used that name in any formal or informal interactions between institutions or individuals,” (Defense Motion at 2), in fact, the defendant 1) used the alias as his Facebook page user name; 2) identified himself as “Abdurrahman” in signing numerous emails with that name, including emails to associates who are ISIL supporters; 3) created an email account in the name of “Abdurrahman Gregerson;” and 4) was known by friends and family as “Abdurrahman,” including his wife, whose texts reveal that she calls the defendant by the name “Abdurrahman” and whose telephone contact list identified her

husband by that name. As is more fully discussed below, because the alias is relevant to identify the defendant and to connect him to the charged offenses, the defendant's motion should be denied.

### **BACKGROUND**

The defendant is charged in a First Superseding Indictment with four offenses: possession of a destructive device with the knowledge or intent that it would be used to harm people or property, in violation of 18 U.S.C. § 844(d), two counts of unregistered possession of a destructive device (grenades), in violation of 26 U.S.C. § 5861(d), and unlicensed receipt of explosive materials, in violation of 18 U.S.C. § 842(a)(3)(A). (Doc. #22: Superseding Indictment).

The charges stem from the defendant's purchase of high explosive grenades from an FBI agent acting in an undercover capacity (UCE), as well as the defendant's possession of components to make fragmentary grenades which were found at his residence. The charges are also based on evidence that the defendant's possession of these weapons and an armory of other weapons was for the purpose of making preparations to engage in violent acts aligned with the terrorist group, the Islamic State of Iraq and the Levant (ISIL).

### **ARGUMENT**

The defendant moves pursuant to Rule 7(d) of the Federal Rules of Criminal Procedure to strike the alias, "Abdurrahman Bin Mikaayl," from the indictment as

surplusage. Whether to strike language from an indictment is a matter that is within the sound discretion of the court. *United States v. Kemper*, 503 F.2d 327, 329 (6th Cir. 1974). The Sixth Circuit strongly disfavors the inclusion of an alias in an indictment when it bears no relevance to the case. *United States v. Sain*, No. 07-20309, 2009 WL 136910, at \*3 (6th Cir. Jan. 16, 2009). However, “as long as the alias assists in identifying the defendant, it is relevant and admissible.” *United States v. Williams*, 158 F.App’x 651, 655 (6th Cir. 2005). Moreover, “the use of an alias in an indictment and in evidence is permissible if it is necessary to connect the defendants with the acts charged.” *United States v. Emuegbunam*, 268 F.3d 377, 394 (6th Cir. 2001) (citations omitted). The defendant’s use of an alias may also be relevant to show consciousness of guilt. *Sain*, 2009 WL 136910, at \*3 (citing cases).

Here, the defendant’s use of the alias, “Aburrahman Bin Mikaayl,” is relevant to identify him and to connect him with the acts charged.<sup>1</sup> The defendant used this alias with social media and email accounts that evidence his support of and identification with ISIL and which reveal communications with like-minded ISIL supporters. In addition, the defendant met with a UCE ten times over a three-

---

<sup>1</sup> “Bin Mikaayl,” as translated, means “son of Michael.” Michael is the first name of the defendant’s father. According to an Arabic naming convention, rather than using a last name, a person is identified by whose son he is.

month period from April, 2016, until July, 2016. In conversations and emails with the UCE, the defendant was identified as “Abdurrahman.”

Records obtained during the investigation reveal that, in numerous email communications with ISIL supporters, the defendant signed his emails, “Abdurrahman.” For instance, in one email, the defendant referred another individual to a video released by ISIL entitled, “The Resolve of the Defiant,” which referred to the “eternal conflict” with the “enemies of Islam” and showcased the strength of ISIL fighters. The defendant signed that email, like many others, “Abdurrahman.” In emails with the UCE, the address header of the email identified the defendant as “Abdurrahman.” Those email interactions included an e-mail from the defendant on July 10, 2016, that contained a photograph of grenades. The image appears to be one that was downloaded from the internet. In addition, in conversations between the defendant and the UCE, the defendant is referred to as “Abdurrahman.” Thus, just as in *Emuegbunam*, in this case the inclusion of the alias “in the indictment served the proper purpose of identifying the Defendant.” *Emuegbunam*, 268 F.3d at 395.

The defendant used the alias Abdurrahman Bin Mikaayal as his user name on Facebook. While the defendant claims that he only created his Facebook page under this name as a “whim,” it is far more likely that the defendant used an alias

for his Facebook page in order to disguise his association with the publicly available ISIL-related content.

In June, 2015, investigators observed that the public profile page of the defendant's Abdurrahman Bin Mikaayl Facebook page displayed men on horseback, armed and dressed for battle, and carrying the black flag of ISIL. The defendant's next public Facebook profile page, which he maintained from September, 2015, until at least May 3, 2016, depicted a single horseman carrying the ISIL flag.

The defendant's Facebook posts also indicated the defendant's support for ISIL. For example, on November 13, 2015, ISIL attacked Paris in a coordinated series of suicide bombings and mass shootings in the vicinity of a soccer stadium, restaurants, and the Bataclan theatre, resulting in 130 deaths. According to records provided by Facebook pursuant to a search warrant, a posting on November 14, 2015, by the defendant about the attacks indicated his belief that the attacks were legitimate and that the "world is at war." Since the defendant identified himself by the alias, Abdurrahman Bin Mikaayl, on his social media site, the inclusion of the alias in the indictment is relevant to identifying the defendant. *United States v. Norwood*, 2014 WL 103835, 12-cr-20287 (E.D. Mich. Jan. 10, 2014) (defendant's use of alias on internet sites, among other evidence, made inclusion of alias in indictment relevant).

The defendant also had two email accounts in which he used the alias, “Abdurrahman,” and which had ISIL-related content. (The defendant had other email accounts in his true name which did not contain ISIL-related content or communications.) The defendant used the email account [Abdulrahmangregerson@gmail.com](mailto:Abdulrahmangregerson@gmail.com) to email an ISIL-related video to an associate. One of the registered email addresses associated with the Facebook account described above is also [abdulrahmangregerson@gmail.com](mailto:abdulrahmangregerson@gmail.com). According to records provided to law enforcement by Google, the registered name for a second email account, [learn.endure@gmail.com](mailto:learn.endure@gmail.com) was “Abdurrahman Gregerson.” Numerous emails sent to and from this email account have “Abdurrahman” in the header that associates that name with this email address, i.e. “From/To: Abdurrahman [learn.endure@gmail.com](mailto:learn.endure@gmail.com).” Many of the email communications involving this account were to or from like-minded ISIL supporters.

Records obtained through a search warrant for this email account revealed a number of e-mails reflecting the defendant’s support of ISIL. Several emails sent from the defendant’s email account during the time period from February 12, 2015, to March 19, 2016, praise ISIL actions with “Allahu akbar” [“God is great”] written in the subject line and, in the body of the emails, transmit links to articles relating to ISIL, such as “ISIL fighters seize western Iraqi town;” “Boko haram leader pledges allegiance [to] Islamic state group;” “ISIS accepts allegiance of

Nigeria jihadists Boko Haram;” “ISIS attack on Kurdish forces in Syria kills 16.” An email sent on March 19, 2016, had the symbol of a smiling face in the subject line and in the body of the email was a link to an article entitled, “13 egypt policemen killed Sinai attack claimed.” This is a reference to an ISIL suicide bombing attack on a checkpoint in the Sinai Peninsula which killed thirteen police officers.

Email records for this same account also showed that the defendant disseminated ISIL’s former official magazine, *Dabiq*, via his email account. *Dabiq* was the official English language publication of ISIL. One of its aims was to recruit individuals from western countries to commit “lone wolf” attacks. Emails sent from the defendant’s account during the time period from December 29, 2014, to March 31, 2015, forwarded links to issues of *Dabiq* published online by ISIL. The recipients of these emails included a radical former Imam in Maryland, whose own Facebook postings revealed staunch support for ISIL.

On or about March 17, 2015, Gregerson sent an e-mail using this account to associates with a link to the translation of a speech by Adnani entitled “So They Kill and Are Killed,” in which Adnani called on followers to “mobilize for jihad,” also commanding: “O mujahidin, then rise towards your enemies and intrude upon them...”

The charges against the defendant in this case are based on his acquisition of weapons, including grenades, and other material to equip himself, as ISIL instructs, in preparation for violent acts against “infidels” with whom ISIL believes it is waging an ongoing war. There is evidence of the defendant’s support for and identification with ISIL in emails and Facebook postings in the name of his alias and, therefore, the alias connects the defendant to the charged conduct and is properly included in the indictment. In addition, the defendant identified himself by his alias in his social media and email accounts, as well as in communications with the UCE. The inclusion of the alias in the indictment is, therefore, also relevant and appropriate to identify the defendant.



**CONCLUSION**

For the foregoing reasons, the government respectfully requests that the Court deny defendant's motion to strike the alias from the indictment.

Respectfully submitted,

BARBARA L. McQUADE  
UNITED STATES ATTORNEY

*s/Cathleen M. Corken*  
Assistant United States Attorney  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226  
Phone: (313) 226-9100  
E-Mail: Cathleen.corken@usdoj.gov

Dated: December 30, 2016

**CERTIFICATE OF SERVICE**

I hereby certify that on December 30, 2016, I filed or caused to be filed the foregoing document on the ECF system, which will send notice to counsel of record.

s/Cathleen M. Corken  
Assistant United States Attorney  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226  
Phone: (313) 226-9100  
E-Mail: Cathleen.corken@usdoj.gov