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11 Attorneys for Plaintiff
 UNITED STATES OF AMERICA

12 UNITED STATES DISTRICT COURT

13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,
 15 Plaintiff,
 16 v.
 17 SOHIEL OMAR KABIR, et al.,
 18 Defendants.

ED CR No. 12-00092(B)-VAP
GOVERNMENT'S SUPPLEMENTAL NOTICE
OF INTENT TO OFFER EVIDENCE
PURSUANT TO RULE 902(11) OF THE
FEDERAL RULES OF EVIDENCE
 Trial Date: August 12, 2014
 Trial Time: 8:30 a.m.
 Location: Courtroom of the
 Honorable Virginia
 A. Phillips

21
 22 The United States of America, by and through its counsel of
 23 record, the United States Attorney for the Central District of
 24 California and undersigned counsel, hereby submits its supplemental
 25 notice of intent to offer evidence pursuant to Rule 902(11) of the
 26 Federal Rules of Evidence (the "Supplemental Notice"). The
 27 government may, at a later time and, as needed, provide notice of
 28 additional evidence it intends to offer pursuant to Rule 902(11).

1 This Supplemental Notice is accompanied by the attached
2 memorandum of points and authorities, the files and records in this
3 case, and any further evidence or argument the Court may wish to
4 consider.

5 Dated: August 8, 2014

Respectfully submitted,

6 STEPHANIE YONEKURA
7 Acting United States Attorney

8 ROBERT E. DUGDALE
9 Assistant United States Attorney
 Chief, Criminal Division

10 /s/_____
11 SUSAN J. De WITT
 CHRISTOPHER D. GRIGG
 ALLEN W. CHIU

12 National Security Section
13 Assistant United States Attorneys

14 Attorneys for Plaintiff
15 UNITED STATES OF AMERICA

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MEMORANDUM OF POINTS AND AUTHORITIES

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2 On August 5, 2014, the government filed its notice of its intent
3 to offer evidence pursuant to Rule 902(11) of the Federal Rules of
4 Evidence (the "Notice") (Docket Number 534), which identified certain
5 exhibits the government intends to introduce at trial as business
6 records. At the August 7, 2014 status conference, the government
7 informed the Court and counsel it had identified additional records
8 it intends to introduce at trial pursuant to Rule 902(11).

9 As set forth in the Notice, Federal Rule of Evidence 902(11)
10 provides that certified domestic records of regularly conducted
11 activities can be self-authenticating and may, therefore, be admitted
12 under Rule 803(6). See Fed. R. Evid. 902(11). Under Rule 803(6)(A)-
13 (C), in order to be admitted pursuant to Rule 902(11), the records
14 must be accompanied by a written declaration from a records custodian
15 or other qualified person certifying that the records: (1) were made
16 at or near the time by – or from information transmitted by – someone
17 with knowledge; (2) were kept in the course of regularly conducted
18 activity of a business, organization, occupation, or calling, whether
19 or not for profit; and (3) making the record was a regular practice
20 of that activity. Here, the additional records the government seeks
21 to introduce at trial are accompanied by written declarations from
22 the custodians of records from the businesses or organizations where
23 the records originate. In addition, the records were produced to the
24 defense in discovery.

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1 Accordingly, the government hereby supplements its Notice with
2 true and correct copies of the certifications from the following
3 additional individuals regarding business records the government
4 intends to introduce at trial, which is attached hereto as Exhibit A:

<u>Declarant</u>	<u>Organization</u>	<u>Related Exhibit Number(s)</u>	<u>Bates References in Discovery</u>
Joshua Muhammad	Wells Fargo Bank (Records for Ralph K. De Leon)	191	USA0043817- USA0043880
Kit Wilson	Federal Bureau of Investigation (Los Angeles Passport Office CCTV)	175, 176	USA0037758

10 Dated: August 8, 2014

Respectfully submitted,

11 STEPHANIE YONEKURA
12 Acting United States Attorney

13 ROBERT E. DUGDALE
14 Assistant United States Attorney
Chief, Criminal Division

15 /s/

16 _____
SUSAN J. De WITT
CHRISTOPHER D. GRIGG
ALLEN W. CHIU

17 Assistant United States Attorneys
18 National Security Section

19 Attorneys for Plaintiff
20 UNITED STATES OF AMERICA
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EXHIBIT A



Wells Fargo Bank, N.A.
 Subpoena Processing Chandler
 Po Box 29728 S3928-020
 Phoenix, Az 85038
 Voice: (480)724-2000

BUSINESS RECORDS DECLARATION

I, Joshua Muhammad, declare that I am employed by Wells Fargo Bank, N. A. ("Wells Fargo") in the Legal Order Processing Department and am a duly authorized and qualified witness to certify the authenticity of the attached documents and/or information produced pursuant to the legal order. The Bank reserves the right to designate another Custodian as it deems appropriate in the event an actual appearance is required concerning the records produced. I certify that the attached records:

- A) Were prepared by personnel of Wells Fargo in the ordinary course of business at or near the time of the acts, conditions or events described in the records; and
- B) It was the ordinary course of business for Wells Fargo employees or representatives with knowledge of the act, event, or condition recorded to make the record or transmit the information therein to be included in such record.

The records produced are described as follows:

Case No: 9804744

Document Type	Account #	Paper Count	Total Copies
Statements	XXXXXX1843	39	39
Deposits with offsets	XXXXXX1843	15	15
Signature Cards	XXXXXX1843	3	3
Total Copies Delivered:			57

Additional comments: Limited to all opening documents, signature cards and monthly statements.

I declare under penalty of perjury under the law(s) of the state of California that the foregoing is true and correct according to my knowledge and belief. Executed on this 6th day of August, 2014, in the City of Chandler, State of ARIZONA.

Subpoena Processing Representative (480)724-2000

Image copies of requested transactions may be missing for the following reasons: Items not imaged, corrupted, blank, damaged, destroyed or not available, item(s) piggy-backed, electronic transaction(s). If the legal order requests certain types of loan information and other non-depository information, it was forwarded to other departments for compliance.

DECLARATION OF CUSTODIAN CERTIFYING BUSINESS RECORD

(Please type or print legibly except for signature.)

I, Kit M. Wilson, hereby declare as follows:
(name)

(1) I am a custodian of records for Los Angeles FBI,
(name of business or entity)

and in that capacity am knowledgeable about the matters set forth herein.

(a) My job title/position is: Center Operations Specialist

(b) I have been employed in this capacity for Approx. 5 years
(duration)

and by the aforementioned business/entity for _____
(duration)

(c) My job duties are:

NCIC Operations
Radio Dispatch
8th CCTV Operations

(d) I am knowledgeable about the matters set forth herein and the relevant record-keeping practices of the aforementioned business/entity based upon (check all that apply):

Training.

Familiarity with relevant policy/policies.

Hands-on experience.

Supervision of one or more others with hands-on experience.

Other. Describe:

(2) Attached hereto or enclosed herewith are ~~originals~~

true and correct duplicates of a record or records of a regularly conducted activity of the business or entity named above.

(Circle either "originals" or "true and correct duplicates" and strike out the other term.)

(3) I certify that the attached record(s):

- 1. screenshots of Passport office from CCTV surveillance video.
- 2. video of cctv

(a) ~~was~~/were made at or near the time of the occurrence of the matters set forth therein,

(b) ~~was~~/were made by, or from information transmitted by, a person with knowledge of those matters;

(c) ~~was~~/were kept in the course of the regularly conducted activity;

(d) ~~was~~/were made by and in the course of the regularly conducted activity as a regular practice;

(e) if not original records, are exact duplicates of original records.

I declare under penalty of perjury that the foregoing is

true and correct. Dated 7/10/2014 and
(date document was signed)

executed at Los Angeles FBI Field Office.
(place document was signed)


(signature)

Kit m. Wilson
(typed or printed name)