

1 ANDRÉ BIROTTE JR.
 United States Attorney
 2 ROBERT E. DUGDALE
 Assistant United States Attorney
 3 Chief, Criminal Division
 SUSAN J. DE WITT (Cal. Bar No. 132462)
 4 CHRISTOPHER D. GRIGG (Cal. Bar No. 220243)
 Deputy Chief, National Security Section
 5 ALLEN W. CHIU (Cal. Bar No. 240516)
 Assistant United States Attorneys
 6 National Security Section
 1300 United States Courthouse
 7 312 North Spring Street
 Los Angeles, California 90012
 8 Telephone: (213) 894-4496/5429
 Facsimile: (213) 894-6436
 9 E-mail: susan.dewitt@usdoj.gov
 christopher.grigg@usdoj.gov
 10 allen.chiu@usdoj.gov

11 Attorneys for Plaintiff
 UNITED STATES OF AMERICA

12 UNITED STATES DISTRICT COURT
 13
 14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,
 Plaintiff,
 16
 v.
 17 SOHIEL OMAR KABIR, et al.,
 18 Defendants.
 19

ED CR No. 12-00092(B)-VAP
GOVERNMENT'S NOTICE OF LODGING RE:
PROPOSED STATEMENT OF THE CASE
 Trial Date: August 12, 2014
 Trial Time: 8:30 a.m.
 Location: Courtroom of the
 Honorable Virginia
 A. Phillips

21 The United States of America, by and through its counsel of
 22 record, the United States Attorney for the Central District of
 23 California and undersigned counsel, hereby submits its notice of
 24 lodging regarding the government's proposed statement of the case
 25 (the "Proposed Statement"). On August 4, 2014, the government
 26 provided its Proposed Statement to defense counsel. The parties have
 27 not yet been able to reach agreement as to a joint statement of the
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case. Accordingly, the government hereby submits its Proposed Statement for the Court's consideration.

Dated: August 6, 2014

Respectfully submitted,

ANDRÉ BIROTTE JR.
United States Attorney

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

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

National Security Section
Assistant United States Attorneys

Attorneys for Plaintiff
UNITED STATES OF AMERICA

GOVERNMENT'S PROPOSED STATEMENT OF THE CASE

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2 The Defendants in this case, Sohiel Omar Kabir ("KABIR") and
3 Ralph Kenneth Deleon ("DELEON"), are charged in a Second Superseding
4 Indictment (the "Indictment") with the following offenses:

- 5 (1) conspiring to provide material support to terrorists;
6 (2) conspiring to provide material support to Al Qai'da, a foreign
7 terrorist organization; (3) conspiring to obtain military training
8 from Al Qa'ida; (4) conspiring to kill, maim, or kidnap outside the
9 United States; and (5) conspiring to kill officers and employees of
10 the United States.

11 The Indictment generally alleges the following: Beginning in or
12 around August 2010 and continuing up to and including November 16,
13 2012, defendants KABIR and DELEON, and others including Miguel
14 Alejandro Santana Vidriales ("Santana") and later Arifeen David
15 Gojali ("Gojali"), agreed to coordinate travel from the United States
16 in order to meet with and join other persons overseas, including
17 members of the Taliban and Al-Qa'ida, in order to engage in violent
18 jihad against United States civilian and military personnel and
19 others. In December 2011, defendant KABIR departed the United States
20 for Germany and, in July 2012, relocated to Kabul, Afghanistan.
21 While in Afghanistan, defendant KABIR communicated with defendant
22 DELEON, Santana, and Gojali and informed them that he contacted
23 individuals in Afghanistan and Pakistan to make arrangements for
24 himself, defendant DELEON, Santana, and Gojali to join members of the
25 Taliban and Al-Qa'ida in order to receive military-type training and
26 engage in violent jihad.

27 In furtherance of the charged conspiracies and to accomplish the
28 object of those conspiracies, the Indictment alleges that, defendants

1 KABIR and DELEON, and others, including Santana and Gojali, committed
2 several acts, including:

- 3 • using coded language when communicating with each other about
4 some of their activities, including plans to travel overseas;
- 5 • participating in training, including physical exercise,
6 paintball activities, and shooting M16 and AK-47 style assault
7 rifles and other firearms;
- 8 • obtaining valid passports to facilitate departure from the
9 United States and subsequent overseas travel for the purpose of
10 meeting with and joining defendant KABIR and others, including
11 members of the Taliban and Al-Qa'ida, in order to engage in
12 violent jihad;
- 13 • defendant DELEON withdrawing from school, obtaining a refund of
14 his tuition money, and selling his car in order to raise money
15 for the conspirators' travel expenses;
- 16 • planning to depart the United States by driving to Mexico in
17 order to fly from Mexico City to their overseas destination; and
- 18 • purchasing airline tickets for flights from Mexico City, Mexico,
19 to Istanbul, Turkey.

20 On November 16, 2012, the FBI arrested DELEON, Santana, and
21 Gojali as they rode in a car departing an apartment in Chino,
22 California, intending to drive to Mexico. Thereafter, United States
23 military personnel captured KABIR in Afghanistan and later
24 relinquished him to the FBI pursuant to an arrest warrant issued in
25 this case.

26 Defendants KABIR and DELEON deny the allegations and have
27 pleaded not guilty to the charges in the Indictment.