

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 13-20364-CR-UNGARO/Torres**

**UNITED STATES OF AMERICA**

v.

**GUFRAH AHMED KAUSER MOHAMMED,**

a/k/a “Nasr,”

a/k/a “AuthenticTauheed1,”

a/k/a “NasrullahiKareeb,”

a/k/a “NasrullahiQareeb,”

a/k/a “Kauser Mohammed,”

a/k/a “csiter,”

a/k/a “muwahidone1,” and

**MOHAMED HUSSEIN SAID,**

a/k/a “Bill,”

a/k/a “Billph86,”

a/k/a “Mohammed Salem bin Abdisheikh,”

a/k/a “Mohamed Hussein,”

a/k/a “Abdul-Rahman Abdul Rahim,”

a/k/a “Tibyan,”

**Defendants.**

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**JOINT STATUS REPORT**

Pursuant to this Court’s order dated April 3, 2014 (DE 65), counsel for the United States of America and for Defendants Gufran Mohammed and Mohamed Said hereby file this joint status report on the progress of this case.

First, this Court requested that the government report on the status of discovery, actions that remain for the government to complete discovery, and any actions that remain to be taken by this Court.

To date, the government has filed nine responses to the Standing Discovery Order and

produced 1729 pages and 273 CDs of both classified and unclassified material. The government has also produced one computer hard drive containing the results of physical searches of various electronic media and one USB Flash Drive containing the fruits of warrant searches of various email accounts. Included in this material is the core evidence the government intends to introduce in its case-in-chief. The government has further disclosed three separate instances of conduct that arguably fall under Fed. R. Evid. 404(b) and has produced evidence that will be introduced at trial to prove them. The government has not received any reciprocal discovery.

There are additional items the government will produce in discovery, though these largely will duplicate and refine the materials already produced. For example, the government has produced the complete and unedited videotapes of conversations between undercover FBI employees and the defendants. The government intends to edit certain of these videotapes for presentation at trial, and those edited versions will be produced. The same process is being undertaken with regard to written transcripts, which pertain to the defendants' online conversations. The government is in the process of selecting which transcripts will be used at trial and putting them in finalized form. However, draft transcripts of these online conversations, as well as audiotapes and videotapes of in-person meetings from which written transcripts will be made, have already been produced to the defense.

The investigation is ongoing, and that fact may generate new evidence, but the government anticipates minimal additional discovery. In terms of Defendant Gufran Mohammed, the government has obtained certain Fed. R. Crim. P. 16(a)(1)(A) statements that were not duplicated in, and thus not produced as, search warrant returns. These statements are not relevant to the charges, but are covered under Local Rule 88.10 and will be produced. The government also anticipates producing any results from ongoing investigative techniques,

including results from requests for international judicial assistance (MLATs), search warrants, and trial subpoenas. Notably, there is only one outstanding MLAT request and one outstanding search warrant at issue here, and the government has not obtained any additional information from them at this time.

In terms of actions that remain to be taken by this Court, the only pending item concerns a final order on the government's classified, ex parte CIPA § 4 motion (DE 52). This Court granted the government partial relief in a March 24, 2014, order approving certain classified summaries (DE 63), but reserved ruling on the balance of the CIPA § 4 motion until it had consulted ex parte with defense counsel about probable trial strategies. The government produced the classified summaries as information that is at least arguably relevant and helpful to the defense on April 7, 2014 (DE 64), but is unaware of the status of this Court's ex parte defense consultations. Nevertheless, the government is prepared to submit a revised proposed order, which if signed would dispose of the remainder of the government's CIPA § 4 motion. The above-mentioned classified summaries, for them to be used at trial, must independently meet standards of use, relevance, and admissibility, and there are no pending defense motions under CIPA or the Federal Rules of Evidence addressing these questions.

Second, this Court requested that the parties confer and jointly advise on the estimated length of trial and proposed trial dates.

The parties have conferred. The government anticipates that its case-in-chief should take no longer than three weeks. The parties have no definitive information to communicate regarding a defense case, which would depend in some measure on the direction and strength of the government's chosen evidence.

The parties recommend a trial date no earlier than April 15, 2015. This recommendation

reflects two considerations: the schedules of the attorneys and the complexity of the case itself.

Three attorneys in this case, including two prosecutors and one attorney for Defendant Gufran Mohammed, are handling the August 2014 resentencing in United States v. Padilla, Case No. 04-60001-CR-COOKE, a high-profile terrorism case involving thousands of pages of classified documents and probable CIPA motions practice. Moreover, one of the government attorneys is also set for trial in November 2014 in United States v. Glenn, Case No. 14-80031-MARRA, a complex international prosecution involving theft of national defense information and other espionage activities.

Counsel for Defendant Mohammed Said likewise has a full trial schedule, with three matters firmly set. Said's attorney will be trying a public corruption case, United States v. Martinez, Case No. 13-20929-CR-ALTONAGA, in early September for two to three weeks. From there, she will begin trial in the Eastern District of New York in United States v. Strauss, et al., Case No. 13-00120-cr-SJF, in late September 2014. This case involves nine defendants and is scheduled to last four to six weeks. The final trial setting is in mid-February 2015 in United States v. Fiorentino, Case No. 14-20025-CR-MARTINEZ, a bribery, mail fraud, wire fraud, and money laundering case that should run four weeks.

The instant case itself poses challenges in terms of preparation. This is an international terrorism case with voluminous discovery, some of it in the form of classified information. The parties will need to complete the evidence discovery process, resolve any further CIPA issues, secure and notice experts, and litigate any motions to dismiss and suppress. Trial evidence will need to be put in final form and any motions in limine resolved. All of the foregoing factor into our joint recommendation.

Defense counsel contributed to this report and reviewed and approved its final contents.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 16, 2014, I electronically filed the foregoing Joint Status Report with the Clerk of the Court using CM/ECF.

/s/ Brian K. Frazier  
Brian K. Frazier