



U.S. Department of Justice

United States Attorney
Southern District of New York

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7/6/11

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

July 5, 2011

BY HAND

The Honorable Colleen McMahon
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

DOCKET IN CASE #
AS: <i>Letter</i>
DATE, CM

Re: United States v. Ahmed Abdulkadir Warsame,
11 Cr. 559 (CM)

Dear Judge McMahon:

The Government respectfully submits this letter to advise the Court that this matter was assigned to Your Honor today, July 5, 2011. The defendant was arrested on or about July 3, 2011, and arrived in this District late last night.

Enclosed please find a copy of Indictment 11 Cr. 559 for Your Honor's files. The Indictment charges the defendant with conspiracy to provide material support to al Shabaab, causing death (Count One); providing material support to al Shabaab, causing death (Count Two); use, carrying, and possession of firearms (machine guns and destructive devices) in furtherance of crimes of violence (in Counts 1 and 2) (Count Three); conspiracy to provide material support to al Qaeda in the Arabian Peninsula ("AQAP") (Count Four); providing material support to AQAP (Count Five); use, carrying, and possession of firearms (machine guns and destructive devices) in furtherance of crimes of violence (in Counts 4 and 5) (Count Six); conspiracy to teach and demonstrate the making of explosives (Count Seven); conspiracy to receive military-type training from AQAP (Count Eight); and receiving military-type training from AQAP (Count Nine).

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The discovery in this case consists principally of electronic media (among other things, a laptop computer, a hard drive, two USB thumb drives, and a memory card, which were recovered from the defendant at the time of his apprehension); items recovered from the defendant and associated lab analyses of those items; handwriting comparison analyses; photographic identifications of the defendant by percipient witnesses; and the defendant's statements to law-enforcement personnel.¹ Consistent with Federal Rule of Criminal Procedure 16, the Government proposes the following discovery schedule for the Court's consideration: available and unclassified discovery due by August 5, 2011, with productions of additional and/or classified discovery to follow on a rolling basis thereafter.

The Government respectfully requests that the Court exclude time from today until the next conference, pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A). The ends of justice served by such continuance outweigh the interest of the public and the defendant in a speedy trial because the continuance will allow the Government to produce discovery.

¹ The defendant was apprehended by the United States in the Gulf region on or about April 19, 2011, and was then held for approximately two months in United States custody. During this period, the defendant was interviewed on an all but a daily basis by certain United States officials, who were acting in a non-law-enforcement capacity. Thereafter, there was a substantial break from any questioning of the defendant, of four days. After this break, the defendant was advised of his Miranda rights and, after waiving those rights, spoke to law-enforcement agents. The Mirandized law-enforcement interview lasted about seven days, and the defendant waived his Miranda rights at the start of each day.

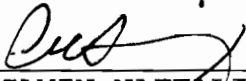
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Lastly, the Government requests an initial conference
at a date convenient to the Court.

Respectfully submitted,

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Encl.

cc: Priya Chaudhry, Esq.
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