CONFIRMED: THE GOVERNMENT HID–AND IS STILL HIDING–MANSSOR ARBABSIAR'S FIRST DOCKET

I first raised questions of why the government had charged Manssor Arbabsiar—the Scary Iran Plotter—with an **amended** complaint almost two weeks ago. As I noted then, the obvious existence of an earlier sealed complaint might suggest the possibility that Arbabsiar was charged with something entirely different than the murder-for-hire charges he got charged with on October 11.

> First (and this is what got me looking at the docket in the first place), the complaint is an **amended complaint**. That says there's a previous complaint. But that complaint is not in the docket. Not only is it not in the docket, but the docket starts with the arrest on September 29 (notice the docket lists his arrest twice, on both September 29 and October 11), but the numbering starts with the amended complaint (normally, even if there were a sealed original complaint, it would be incorporated within the numbering, such that the docket might start with the amended complaint but start with number 8 or something).
>
> Two things might explain this. First, that there was an earlier unrelated complaint—say on drug charges, but the charges are tied closely enough to this op such that this counts as an amended complaint. Alternately, that Arbabsiar was charged with a bunch of things when

> he was arrested on September 29, but then, after at least 12 days of cooperation (during which he waived Miranda rights each day), he was charged with something else and the new complaint incorporated Ali Gholam Shakuri's involvement, based entirely on Arbabsiar's confession and Shakuri's coded conversations with Arbabsiar while the latter was in US custody. [emphasis original]

If Arbabsiar were originally charged with something different than he was charged with on October 11—for example, if he were charged with drug charges that might put him away for hard time—it might explain why he waived Miranda rights for 12 days in a row, when he had, on 5 different occasions in his past, hired lawyers to represent him when he got in legal trouble.

Well, this filing not only confirms that an earlier complaint exists—the earlier complaint is dated September 28—but it confirms my suspicion the complaint is in an different docket that is entirely sealed.

> On September 28, 2011, Magistrate Judge James C. Francis IV authorized a complaint bearing **docket number 11 Mag. 2534** ("Sealed Complaint"), **charging the above-listed defendant**. The Sealed Complaint is attached hereto as Exhibit A.
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> On October 11, 2011, Magistrate Judge Michael H. Dolinger authorized an Amended Complaint (**11 Mag. 2617**) **charging the defendant and Gholam Shakuri** ("Amended Complaint"). By order of the Honorable Loretta A. Preska, dated October 11, 2011, the Sealed Complaint was ordered to remain sealed. On October 11, 2011, the defendant was presented **on only the Amended Complaint**.
>
> The Government respectfully requests

> that the Court enter a limited unsealing order permitting the Government to **produce the Sealed Complaint in redacted form** to defense counsel as part of the discovery process. The Sealed Complaint would otherwise remain sealed.

First, compare the docket numbers:

> First Complaint: 11-mg-2534
>
> Amended Complaint: 11-mg-2617
>
> Criminal Indictment: 11-cr-897



These are three entirely different dockets.

A search for criminal magistrate docket 11-2534 returns nothing. Which means the docket—the entire docket—is and remains sealed.

This increases the likelihood that the first complaint charges entirely different charges—such as opium charges—than the amended complaint does.

Indeed, the language of this letter appears to suggest that only Arbabsiar was charged in the first complaint. Even if this earlier complaint pertained to murder-for-hire charges, this might make sense—as I have pointed out, most of the current charges are conspiracy charges that would involve at least two defendants. But the letter suggests—by stating only that "the defendant was presented on only the Amended Complaint"—that there may be charges unique to Arbabsiar, completely unrelated charges that hang over him still—that weren't charged because of his 12-day cooperation to implicate Shakuri.

And here's the kicker. The government isn't even telling Arbabsiar's defense counsel all of what

was in that first complaint. They are asking that she receive the complaint **in redacted form**.

So not only are they hiding the original basis of his arrest from us—US citizens and the world community, to whom the government claimed this is an international incident. But they're hiding parts of this earlier complaint even from the public defender tasked to actually represent this guy.