E-FILED
Monday, 23 March, 2009 11:36:20 AM
Clerk, U.S. District Court, ILCD

FILED
MAR 23 2009
CLERK OF COURT
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

March 18, 2009

Clerk, U. S. District Court
309 U. S. Courthouse
100 N.E. Monroe Street
Peoria, Il. 61602

RE: Criminal No. 2:09-263 District of South Carolina, United States of America vs Ali Saleh Kahlah Al-Marri(your case number) 09-10030-001

Dear Sir:

Enclosed herewith are original documents from this District which is being transferred to your district under Rule 5 & 5.1.

Please acknowledge receipt of the file on the copy of this letter which is attached.

Sincerely,

LARRY W. PROPES, CLERK

By: s/ Deputy Clerk
Deputy Clerk

Enclosures

cc: United states Probation Office
United States Attorney
United States Marshal

Date_____Received By:_____Case No._____

AO 466A (Rev. 10/03) Waiver of Rule 5 & 5.1 Hearings

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA

V.

ALI SALEH KAHLAH AL-MARRI

Defendant

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint/Indictment)

CASE NUMBER: 2:09cr263

CHARGING DISTRICTS CASE NUMBER: 09-10030

I understand that charges are pending in the Central District of Illinois

alleging violation of 18:2339B(a)(1) and that I have been arrested in this district and
(Title and Section)

taken before a judge, who has informed me of the charge(s) and my rights to:

(1) **retain counsel or request the assignment of counsel if I am unable to retain counsel;**

(2) **an identity hearing to determine whether I am the person named in the charges;**

(3) **a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and**

(4) **Request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.**

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

A.A (X) **identity hearing**

( ) **preliminary hearing**

( ) **identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.**

s/ Ali S Al-Marri
Defendant

s/ Defense Counsel
Defense Counsel

03/10/2009
Date

AO 94 (Rev. 8/97)

UNITED STATES DISTRICT COURT

District of South Carolina

UNITED STATES OF AMERICA
v.
ALI SALEH KAHLAH AL-MARRI

COMMITMENT TO ANOTHER DISTRICT

RECEIVED
USDC, CLERK, CHARLESTON, SC
2009 MAR 18 P 4: 11

DOCKET NUMBER		MAGISTRATE JUDGE CASE NUMBER	
District of Arrest	District of Offense 09-10030	District of Arrest 2:09CR263	District of Offense

CHARGES AGAINST THE DEFENDANT ARE FILED BASED UPON AN

■ INDICTMENT ☐ INFORMATION ☐ COMPLAINT ☐ OTHER (specify)

charging a violation of 18 U.S.C. §2339b(a)(1).

DISTRICT OF OFFENSE Central District of Illinois

DESCRIPTION OF CHARGES: Conspiracy to provide material support and resources to a foreign terrorist organization (al-Qaeda)

CURRENT BOND STATUS:

☐ Bail fixed at $_____ and conditions were not met
☒ Government moved for detention and defendant detained after hearing in District of Arrest
☐ Government moved for detention and defendant detained pending detention hearing in District of Offense
☐ Other (specify)

Representation: ■ Retained Own Counsel ☐ Federal Defender Organization ☐ CJA Attorney ☐ Other

Interpreter Required? ☒ No ☐ Yes Language:

DISTRICT OF SOUTH CAROLINA

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

March 18, 2009

s/ Judge
United States Judge or Magistrate Judge

RETURN

This commitment was received and executed as follows:

DATE COMMITMENT ORDER RECEIVED	PLACE OF COMMITMENT	DATE DEFENDANT COMMITTED
DATE	UNITED STATES MARSHAL	(BY) DEPUTY MARSHAL

RECEIVED
USDC, CLERK, CHARLESTON, SC
2009 MAR 18 P 4: 11

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

UNITED STATES OF AMERICA	)	C. A. No. 2:09-263
	)	
	)	
	)	
-versus-	)	**O R D E R**
	)	
	)	
ALI SALEH KAHLAH AL-MARRI	)	

This matter is before the court on the motion of the government under Title 18, United States Code, Section 3142(f) to determine whether any condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community.

Procedural Background

The defendant, Ali Saleh Kahlah Al-Marri, stands indicted in the Central District of Illinois in a two count indictment charging conspiracy to provide material support and resources to al-Qaeda and actually providing material support and resources to al-Qaeda, all in violation of Title 18, United States Code, Section 2339B. Pursuant to a warrant from the Central District of Illinois which recommends no bond be set, the United States Marshal arrested the defendant in this district, where he has been held since June 2003 by the United States military as an enemy combatant. An initial appearance in accord with Rules 5(c)(2) and 5(c)(3)of the Federal Rules of Criminal Procedure was had before the undersigned on March 10, 2009. The government

moved for detention and produced appropriate copies of the warrant for the defendant's arrest, and the defendant admitted he is the same person named in the warrant and indictment and asked for the detention hearing to be held in this district. Accordingly the defendant must be transferred to the Central District of Illinois upon completion of the detention hearing unless he is released. Rule 5 (c)(3)(D), Federal Rules of Criminal Procedure.

Title 18, United States Code, Section 3142(f) provides in pertinent part:

> The judicial officer shall hold a hearing to determine whether any condition or combination of conditions set forth in subsection (c) of this section will reasonably assure the appearance of such person as required and the safety of any other person and the community--
>
> (1) upon motion of the attorney for the Government, in a case that involves--
>
> (A) a crime of violence, a violation of section 1591, or an offense listed in section 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed;

The offense charged here, Title 18, United States Code, Section 2339B, is a listed offense in Title 18, United States Code, Section 2332b(g)(5)(B) and carries a penalty of 15 years, or life if the death of a person resulted from the acts alleged.

Title 18, United States Code, Section 3142(g) enumerates the factors to be considered by the court at a detention hearing as

follows:

> The judicial officer shall, in determining whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of any other person and the community, take into account the available information concerning--
>
> (1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence, a violation of section 1591, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;
>
> (2) the weight of the evidence against the person;
>
> (3) the history and characteristics of the person, including--
>
> (A) the person's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and
>
> (B) whether, at the time of the current offense or arrest, the person was on probation, on parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under Federal, State, or local law; and
>
> (4) the nature and seriousness of the danger to any person or the community that would be posed by the person's release.

Additionally Title 18 United States Code § 3142(e)(3)(c) provides, "[s]ubject to rebuttal by the person, it shall be

presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed. . . an offense listed in section 2332b(g)(5)(B) of Title 18, United States Code, for which a maximum term of imprisonment of 10 years or more is prescribed." Finally Title 18 United States Code §3142(j) cautions, "nothing in this section shall be construed as modifying or limiting the presumption of innocence."

A detention hearing herein was held on March 18, 2009, at the beginning of which the defendant indicated a desire to waive the detention hearing. He complained that the United States Marshals Service recorded by video and audio conversations with his counsel. Counsel asked the court to direct the government to stop such recordings. He indicated that the waiver of the detention hearing was necessary because of his fear that the government had penetrated his defense conference. The court agreed to give the government an opportunity to respond and to hear the matter expeditiously so that the detention hearing could be held. Thereafter, at the defendant's request, a thirty minute recess was granted so that the parties could confer.

Upon reconvening the government reported that the United States Marshal Service had nothing to do with the brig facilities. The military advised that the defendant and his

counsel met yesterday in an area not usually used for interviews and there may have been cameras and/or microphones present. It is not known if any recordings were made, but if they were they would be sequestered by the military. Defense counsel advised that they were satisfied with this representation and would consent to detention. Subsequently the military reported that no recordings had been made.

Accordingly the court asked the government to make a proffer of its position to establish a basis for detention. Thereafter the defendant withdrew his consent to detention and was allowed to present witnesses. The court received the pre-trial service report and recommendation concerning bond, took judicial notice of the records of the court[1] concerning the defendant, received a proffer from the government, testimony from the defendant's witnesses, and heard argument from counsel.

Undisputed Facts

Al-Marri entered the United States on September 10, 2001, on a student visa for the purpose of pursuing a graduate degree from Bradley University. Three months later, in December 2001, he was

[1] The District Court clearly has the right to take notice of its own files and records. Aloe Creme Laboratories, Inc. v. Francine Co., 425 F.2d 1295, 1296 (5th Cir.1970). See also Colonial Penn Ins. Co. v. Coil, 887 F.2d 1236, 1239, 1989 U.S.App. LEXIS® 16328, 1989 WL 127956 (4th Cir.1989) ("We note that 'the most frequent use of judicial notice is in noticing the content of court records.' ")

arrested and charged with possession of 15 or more unauthorized or counterfeit credit card numbers, with intent to defraud, and making false statements to the FBI, making false statements in a bank application, and using a means of identification of another person for the purpose of influencing the action of a federally insured financial institution. He pled not guilty to all of these charges. The charges were subsequently dismissed on venue grounds, and al-Marri was re-indicted on the same charges in a proper jurisdiction. Al-Marri again pled not guilty.

On June 23, 2003, while a motion to suppress was pending in the criminal case, the indictments were dismissed in favor of the designation of al-Marri as an enemy combatant by the President of the United States.

Subsequently the defendant was transferred to the Naval Consolidated Brig at Hanahan, South Carolina, and he sought habeas corpus relief in this court. The defendant's petition for habeas corpus relief was denied at all levels by this court and the Fourth Circuit Court of Appeals. While his petition for certiorari was pending before the United States Supreme Court, he was indicted by the grand jury in the Central District of Illinois on the instant charges and was arrested by civilian authorities on March 10, 2009.

Court Records

The Executive Affidavit which formed the basis of the

defendant's designation as an enemy combatant included the following assertions as relevant here:

A. Al-Marri trained at Bin Laden's Afghanistan terrorist training camp for 15-19 months between approximately 1996 and 1998. Training typically involved training in use of poisons, among other things.

B. In the summer of 2001 al-Marri was introduced by Khalid Shaykh Muhammed, September 11th mastermind, to Usamu Bin Laden, and al-Marri offered to be an al Qaeda martyr or do anything else al Qaeda requested. He was directed to enter the United States as a "sleeper agent," and to explore computer hacking methods to disrupt bank records and the U.S. financial system. Through this relationship al-Marri began receiving assistance from Mustafa Ahmed Al-Hawsawi, an al Qaeda financier who maintained contact with and provided logistical support and funds for the September 11th hijackers.

C. Mustafa Ahmed Al-Hawsawi met al-Marri in Dubai in August 2001 and provided him $10,000 to $13,000 and $3000 to purchase a laptop computer. These funds were authorized by Khalid Shaykh Muhammed.

D. Al-Marri moved his family to the United States in September 2001 ostensibly to begin studies towards a graduate degree in computer sciences at Bradley University in the fall of 2001, but by December 2001 he rarely attended classes and was in a failing status. Al-Marri previously obtained a bachelor's degree in business administration from Bradley University in 1991.

E. Analysis of al-Marri's laptop computer revealed research regarding use of chemical weapons of mass destruction including bookmarks relating to the purchase of chemicals such as potassium cyanide, sodium cyanide, sulfuric acid, and arsenic. Other information found on al-Marri's computer included references to instructions for making hydrogen cyanide, cyanide poisoning and antidotes, listings of chemical concentrations "Immediately Dangerous to Life and

Health," "Toxicity Profiles: Cyanides," and other technical information concerning doses and lethal effects of various cyanides. Additional sites referenced on the computer involved computer hacking, computer identity masking, and the purchase and sale of credit card numbers.

F. Computer examination also revealed files concerning jihad, martyrdom, Arabic lectures by Bin Laden, and bookmarks to jihad and Taliban related websites, photographs of the September 11th terrorist attack on the World Trade Center and Arab prisoners of war held in Afghanistan, a map of Afghanistan and an animated cartoon of an airplane flying into the World Trade Center.

G. Further examination of al-Marri's computer revealed over 1000 apparent credit card numbers stored in various computer files. Examination of credit card numbers led to the discovery of fraudulent charges to a business apparently established by al-Marri under an alias in Macomb, Illinois.

H. Examination of the inside of al-Marri's computer carrying case revealed a listing of approximately thirty-six credit card account numbers with names of the holders, expiration dates and designation of Mastercard or Visa. Al-Marri was not listed as an account holder for any card. Approximately one-half of the credit cards were issued by domestic banks to persons other than al-Marri and were either valid numbers or had been valid numbers.

I. Yahoo E-mail accounts admittedly belonging to al-Marri were created on a network operated by Western Illinois University in Macomb, Illinois, and three of the E-mail accounts contained draft E-mail messages to an E-mail account associated with Khalid Shaykh Muhammed. The messages were reporting on his enrollment in school and a telephone number at which al-Marri purportedly could be reached. The telephone number, however, included a North Dakota area code and was not subscribed to by al-Marri. The number is alleged to be a coded version of al-Marri's cell phone number.

> J. Calling cards attributed to al-Marri were used in attempts to contact the United Arab Emirates telephone number of Mustafa Ahmed Al-Hawsawi. The calling cards were used from al-Marri's cell phone, his home phone, and pay telephones in Chicago, Peoria and Springfield, Illinois.

Additionally the defendant has sought judicial relief from the conditions of his confinement while in military custody. In connection with that motion the defendant presented an expert medical affidavit dated March 2008 indicating that he was becoming withdrawn, paranoid, irritable, and impulsive as a result of his prolonged solitary confinement. See, Ali Saleh Kahlah Al-Marri v. Gates, C.A. No. 2:05-2259-HFF-RSC, Docket No. 40, Ex. B, Declaration of Stuart Grassian, M.D..

Pre-Trial Services Report

The pre-trial services report prepared by the United States Probation Office reflects that the defendant has no family in the United States, has no means of support and no connections with the United States. There is nothing in the pre-trial services report which indicates any conditions of release will reasonably assure the defendant's appearance as required, and the report concludes with a recommendation of detention.

Government's Proffer

The government proceeded by proffer. It offered that the defendant has trained in al-Qaeda training camps in Afghanistan, entered the United States on September 10, 2001, on a

fraudulently obtained student visa, maintained communications with Khalid Shaykh Muhammed, researched the use of toxins, and positioned himself as an al-Qaeda sleeper agent in the United States. These facts form the basis of the indictment in Illinois, and give rise to the rebuttable presumption of Title 18 United States Code § 3142(e). Additionally he has no ties to the United States, no relatives in the United States, no income, and no legal status in the United States. An immigration detainer against him has also been filed by Immigration and Customs Enforcement.

Defendant's Witnesses

The defendant presented four witnesses. The first was Cheryl Savage, Office Manager of Savage and Savage law firm and the wife of the defense attorney. Mrs. Savage received top secret security clearance in 2004 in order to work on the defendant's case. She described becoming personally close to the defendant during his years of incarceration in Charleston, visiting him, cooking for him and discussing family and religious beliefs with him. She presented home movies of her visit with the defendant's large family in Saudi Arabia and Qatar. She described the defendant as very devout and concerned about his family. She reported that the defendant is well regarded by his family and in his village in Qatar. She also testified that the Attorney General of Qatar had assured her that the defendant was

in the United States with permission of the Qatar government. She reported that the defendant has respect for and loves the United States and wants to go home. She also reported that, unbeknownst to the defendant, he has a nephew studying in the United States. In conclusion Mrs. Savage found a "great disconnect" between the defendant she knows and the charges against him. She offered to be a third party custodian for the defendant and to put up millions of dollars of commercial real property to secure his release.

On cross examination Mrs. Savage admitted that she had no knowledge of falsifications made by the defendant to obtain a visa to enter the United States, was unaware that he did not attend classes as required by his student visa, did not know of his trips to Afghanistan and did not discuss with him his affiliation with Khalid Shaykh Muhammed. Finally she admitted to giving news interviews in which she professed a belief in the defendant's innocence of all charges.

The second witness was Sandy Seymour, the Technical Director of the Naval Consolidated Brig. He testified that the defendant complied with the rules of the brig, never obtained contraband or weapons, never tried to escape and never expressed jihadist views to him. He never made any admissions of any of the crimes charged herein.

The third witness was Petty Officer Heatherly, a Master at

Arms at the Naval Consolidated Brig. He verified that the defendant never tried to escape, never made threats, never had contraband, and made no statements of hatred for the United States.

The final witness was Thomas Jeff Dosett, a former military officer and FBI agent who now works for a full service private investigative agency, Charleston Investigative Associates, LLC, and earns a substantial portion of his income from work for Savage and Savage. He testified that he, in cooperation with other former agents and professionals, determined that there exists an undisclosed location where the defendant could be protected from escape and outside harm without substantially disrupting the surrounding neighborhoods. On cross examination he conceded that everything he knows about the defendant has come from newspaper articles and similar sources, and he is unaware of the details involving the defendant. His analysis took into consideration a worst case scenario and would require guards on a 24 hour, seven day a week basis, as well as other security to keep away third parties from the defendant. This was described as essentially a private prison.

Discussion

The indictment of the Grand Jury of the Central District of Illinois provides probable cause to believe the defendant committed crimes of terrorism against the United States which are

listed in Title 18 United States Code § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed. Accordingly there arises a statutory presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community. This presumption is unrebutted. The defense while presenting evidence of the defendant's character during incarceration and in his home village in Qatar also presented evidence that it would require the establishment of a private prison at a secret location with 24 hour guards on the defendant and more guards on the perimeter simply to assure the defendant does not escape and is not in danger from others.

The defendant has no employment or means of support other than the generosity of friends and family. He has no connections to the Charleston community and few if any connections to the State of Illinois. He reported to pre-trial services that when he left Qatar he had only a vehicle, and he has no assets or income in the United States, but has substantial debt.

Considering the charges, the weight of the evidence is significant and nothing has been presented in any hearing before the court to rebut the facts with regard to the detention of the defendant as an enemy combatant or with regard to the allegations of terrorist activities.

The defendant is not a United States citizen and entered the

United States on a student's visa of questionable validity, with which he did not comply and which has long expired. Furthermore, the undisputed evidence is that after being in this country for less than three months, and before he was ever alleged to be involved in terrorism, he was charged with possession of 15 or more unauthorized or counterfeit credit card numbers, with intent to defraud, making false statements to the FBI, making false statements in a bank application, and using a means of identification of another person for the purpose of influencing the action of a federally insured financial institution. All of these are crimes reflecting deceit, fraud and a disrespect for the rule of law. The weight of the evidence that the defendant entered the United States with the intent to violate the laws of the United States and damage this country is significant, and there is no reason to believe that any condition of release would prevent him from acting on those impulses were he released.

Additionally there are reasons to question his mental status. The defendant reported to pre-trial services he has never experienced any mental or emotional health problems or been suicidal, and Mrs. Savage reported he has had no mental problems in the past year or so. However, reports submitted to this court by a physician for the defendant in 2008 indicated psychological conditions including paranoia and impulsiveness as a result of his prolonged solitary confinement. These behavioral symptoms

are not without significance when considering whether there are any conditions of release that would reasonably assure the defendant's voluntarily remaining in this country or returning to court to face possible additional incarceration.

The warrant of the indicting district and the report of pre-trial services recommend detention. The facts presented by the government and the records of previous proceedings in this court support that recommendation. The presumption arising from the nature and character of the charges against the defendant has not been rebutted. Further after consideration of the evidence, records, testimony and arguments presented it appears by clear and convincing evidence that there are no conditions of release that will reasonably assure the defendant's appearance as required and the safety of the community. Accordingly the motion for detention is granted.

The defendant is committed to the custody of the Attorney General of the United States for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant is to be afforded reasonable opportunity for private consultation with counsel, and on order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined shall deliver the defendant to a

United States marshal for the purpose of appearance in connection with a court proceeding.

AND IT IS SO ORDERED.

s/ US Magistrate Judge

ROBERT S. CARR
UNITED STATES MAGISTRATE JUDGE

Charleston, South Carolina

March 18, 2009

CLOSED, CUSTODY

U.S. District Court
District of South Carolina (Charleston)
CRIMINAL DOCKET FOR CASE #: 2:09-cr-00263-RSC-1
Internal Use Only

Case title: USA v. Al-Marri

Date Filed: 03/09/2009
Date Terminated: 03/18/2009

Assigned to: Magistrate Judge Robert S Carr

Defendant (1)

Ali Saleh Kahlah Al-Marri
TERMINATED: 03/18/2009

represented by **Andrew John Savage , III**
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PRO HAC VICE

ATTORNEY TO BE NOTICED

Pending Counts	**Disposition**
None	

Highest Offense Level (Opening)

None

Terminated Counts	**Disposition**
None	

Highest Offense Level (Terminated)

None

Complaints	**Disposition**
18:2339B.F Conspiracy to provide material support and resources to a foreign terrorist organization in violation of 18:2339B(a)(1)	

Plaintiff

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Date Filed	#	Docket Text
03/09/2009	1	NOTICE OF ATTORNEY APPEARANCE: Andrew John Savage, III appearing for Ali Saleh Kahlah Al-Marri (dpat,) (Entered: 03/09/2009)
03/10/2009		Arrest of Ali Saleh Kahlah Al-Marri (dpat,) (Entered: 03/10/2009)
03/10/2009	2	Minute Entry for proceedings held before Magistrate Judge Robert S Carr: Initial Appearance in Rule 5(c)(3) Proceedings as to Ali Saleh Kahlah Al-Marri held on 3/10/2009 Appearance entered by Andrew John Savage, III for Ali Saleh Kahlah Al-Marri. Defendant waives Identity Hearing. Government moves for detention. Court Reporter Amy Diaz. (dpat,) (Entered: 03/10/2009)
03/10/2009	3	WAIVER of Rule 5c3 Hearing by Ali Saleh Kahlah Al-Marri (dpat,) (Entered: 03/10/2009)
03/10/2009	4	ORDER OF DETENTION as to Ali Saleh Kahlah Al-Marri Detention Hearing set for 3/18/2009 09:00 AM in Charleston Courtroom #6, U. S. Court House, 85 Broad St, Charleston before Magistrate Judge Robert S Carr. Signed by Magistrate Judge Robert S Carr on 03/10/09.(dpat,) (Entered: 03/10/2009)
03/17/2009	5	MOTION for Leave to Appear Pro Hac Vice Attorney: Michael J. Mullaney. (Filing fee $ 250) by USA as to Ali Saleh Kahlah Al-Marri. Proposed Order sent to Judge Chambers email address? Yes. (Attachments: # 1 Affidavit of Michael J. Mullaney, # 2 Exhibit Certificate of Good Standing, # 3 Proposed Order)(Shackelford, Kelly) (Entered: 03/17/2009)

03/17/2009	6	MOTION for Leave to Appear Pro Hac Vice Attorney: Sharon Elizabeth Lever. (Filing fee $ 250) by USA as to Ali Saleh Kahlah Al-Marri. Proposed Order sent to Judge Chambers email address? Yes. (Attachments: # 1 Affidavit of Sharon Elizabeth Lever, # 2 Exhibit Certificate of Good Standing, # 3 Proposed Order)(Shackelford, Kelly) (Entered: 03/17/2009)
03/17/2009	7	MOTION for Leave to Appear Pro Hac Vice Attorney: Lawrence Steven Lustberg. (Filing fee $ 250 receipt number 04200000000001996067) by Ali Saleh Kahlah Al-Marri. Proposed Order sent to Judge Chambers email address? y. (Attachments: # 1 Affidavit of Lawrence Steven Lustberg, # 2 Exhibit Cetificate of Good Standing)(Savage, Andrew) (Entered: 03/17/2009)
03/17/2009	8	ORDER granting 7 Motion for Leave to Appear Pro Hac Vice for Attorney Lawrence Steven Lustberg for Ali Saleh Kahlah Al-Marri. as to Ali Saleh Kahlah Al-Marri (1). Signed by Magistrate Judge Robert S Carr on 3/17/2009.(ssan,) (Entered: 03/17/2009)
03/17/2009	9	ORDER granting 5 Motion for Leave to Appear Pro Hac Vice for Attorney Michael J Mullaney for USA. as to Ali Saleh Kahlah Al-Marri (1). Signed by Magistrate Judge Robert S Carr on 3/17/2009.(ssan,) (Entered: 03/17/2009)
03/17/2009	10	ORDER granting 6 Motion for Leave to Appear Pro Hac Vice for Attorney Sharon Lever for USA as to Ali Saleh Kahlah Al-Marri (1). Signed by Magistrate Judge Robert S Carr on 3/17/2009.(ssan,) (Entered: 03/17/2009)
03/17/2009	11	NOTICE OF SPECIAL ATTORNEY APPEARANCE: Alexander M Sanders, Jr appearing for Ali Saleh Kahlah Al-Marri (dpat,) (Entered: 03/17/2009)
03/18/2009	12	Minute Entry for proceedings held before Magistrate Judge Robert S Carr: Detention Hearing as to Ali Saleh Kahlah Al-Marri held on 3/18/2009. Witnesses: Court will enter order. Court Reporter Amy Diaz. (dpat,) (Entered: 03/18/2009)
03/18/2009	13	ORDER that the defendant is committed to the custody of the Attorney General of the United States for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant is to be afforded reasonable opportunity for private consultation with counsel, and on order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined shall deliver the defendant to a United States marshal for the purpose of appearance in connection with court proceeding. as to Ali Saleh Kahlah Al-Marri Signed by Magistrate Judge Robert S Carr on 03/18/09.(dpat,) Modified on 3/18/2009 (dpat,).

		(Entered: 03/18/2009)
03/18/2009	14	COMMITMENT TO ANOTHER DISTRICT as to Ali Saleh Kahlah Al-Marri. Defendant committed to Central District of Illinois. Signed by Magistrate Judge Robert S Carr on 03/18/09.(dpat,) (Entered: 03/18/2009)
03/18/2009	15	(Court only) ***Case Terminated as to Ali Saleh Kahlah Al-Marri, ***Terminated defendant Ali Saleh Kahlah Al-Marri, pending deadlines, and motions. (dpat,) (Entered: 03/18/2009)

AO 470(8/85) Order of Temporary Detention

UNITED STATES DISTRICT COURT
DISTRICT of SOUTH CAROLINA
CHARLESTON DIVISION

UNITED STATES OF AMERICA

V.

ORDER OF TEMPORARY DETENTION PENDING HEARING PURSUANT TO BAIL REFORM ACT

ALI SALEH KAHLAH AL-MARRI

Case Number: 2:09cr263

Upon motion of the United States Attorney, it is ORDERED that a detention hearing is set for Wednesday, March 18, 2009, *at 9:00 A.M. before the Honorable Robert S. Carr, U. S. Magistrate Judge, Charleston, S. C. Pending this hearing, the defendant shall be held in custody by U. S. Marshal and produced for the hearing.

s/ US Magistrate Judge

Date: March 10, 2009

Judicial Officer
Robert S. Carr, U. S. Magistrate Judge

* If not held immediately upon the defendant's first appearance, the hearing may be continued for up to three days upon motion of the Government, or up to five days upon motion of the defendant. 18 U.S.C. §3142(f)(2).

A hearing is required whenever the conditions set forth in 18 U.S.C. §3142(f) are present. Subsection (1) sets forth the grounds that may be asserted only by the attorney for the Government; subsection (2) states that a hearing is mandated upon the motion of the attorney for the Government or upon the judicial officer's own motion if there is a serious risk that the defendant (a) will flee or (b) will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prosecutive witness or juror.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

UNITED STATES OF AMERICA,	)	CRIMINAL NUMBER: 2:09-CR-263
	)	
-versus-	)	
	)	
ALI SALEH KAHLAH AL-MARRI,	)	**APPEARANCE NOTICE**
	)	
Defendant.	)	
	)	

The undersigned hereby respectfully enters his appearance as attorney for the Defendant, Ali Saleh Kahlah Al-Marri, in the above-entitled matter.

Respectfully submitted,

SAVAGE & SAVAGE, P.A.
15 Prioleau Street
Post Office Box 1002
Charleston, SC 29402
Telephone: (843) 720-7470

BY: s/Andrew J. Savage, III
ANDREW J. SAVAGE, III
Federal ID Number: 3734

ATTORNEY FOR DEFENDANT

Charleston, South Carolina

March 9, 2009

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2009 MAR 17 P 2: 21

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH CAROLINA
CHARLESTON **DIVISION**

UNITED STATES OF AMERICA, Plaintiff/Petitioner/USA,	)	**Case No.** 2:09-CR-263
v.	)	
ALI SALEH KAHLAH AL-MARRI, Defendant/Respondent.	)	**ORDER**

A Motion and Application/Affidavit for Admission *Pro Hac Vice* has been filed in this case and considered by the undersigned.

IT IS ORDERED THAT:

Applicant: LAWRENCE S. LUSTBERG who represents ALI SALEH KAHLAH AL-MARRI

☒ Be **granted** admission *pro hac vice* in this case.

☐ Be **denied** admission *pro hac vice* in this case.

March 17, 2009
Date

s/ US Magistrate Judge
United States District/Magistrate Judge

Revised 9/19/05

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

UNITED STATES OF AMERICA,	)	CRIMINAL NUMBER: 2:09-CR-263
	)	
-versus-	)	
	)	
ALI SALEH KAHLAH AL-MARRI,	)	**NOTICE OF SPECIAL APPEARANCE**
	)	
Defendant.	)	
	)	

The undersigned hereby respectfully enters his appearance for the limited purpose of appearing at the detention hearing scheduled on March 18, 2009, before Magistrate Robert S. Carr on behalf of Defendant, Ali Saleh Kahlah Al-Marri, in the above-entitled matter.

Respectfully submitted,

BY: s/Alexander M. Sanders, Jr.
ALEXANDER M. SANDERS, JR.
Federal ID Number: 03714

ATTORNEY FOR DEFENDANT

Charleston, South Carolina

March 17, 2009

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UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

United States of America,	)	CA: 2:09-CR-263
v.	)	**ORDER**
Ali Saleh Kahlah Al-Marri	)	

A Motion and Application/Affidavit for Admission *Pro Hac Vice* has been filed in this case and considered by the undersigned.

IT IS ORDERED THAT:

Applicant: Sharon Lever who represents the United States of America

☒ Be **granted** admission *pro hac vice* in this case.

☐ Be **denied** admission *pro hac vice* in this case.

s/ US Magistrate Judge

March 17, 2009
Date

Honorable Robert S. Carr
United States Magistrate Judge

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2009 MAR 17 P 2: 21

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

United States of America,	)	CA: 2:09-CR-263
v.	)	
Ali Saleh Kahlah Al-Marri	)	**ORDER**

A Motion and Application/Affidavit for Admission *Pro Hac Vice* has been filed in this case and considered by the undersigned.

IT IS ORDERED THAT:

Applicant: Michael J. Mullaney who represents the United States of America

☒ Be **granted** admission *pro hac vice* in this case.

☐ Be **denied** admission *pro hac vice* in this case.

s/ US Magistrate Judge

March 17, 2009
Date

Honorable Robert S. Carr
United States Magistrate Judge

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

COPY

UNITED STATES OF AMERICA
Plaintiff

vs

ALI SALEH KAHLAH AL-MARRI
in military custody
Defendant

WARRANT FOR ARREST

CASE NO. 09-10030-001

SEALED

TO: *THE U. S. MARSHAL and any AUTHORIZED UNITED STATES OFFICER*

YOU ARE HEREBY COMMANDED to arrest Ali Saleh Kahlah Al-Marri, and bring him forthwith to the nearest magistrate judge to answer an Indictment charging him with Conspiracy to provide material support and resources to a foreign terrorist organization (al-Qaeda) in violation of Title 18, United States Code, Section(s) 2339B(a)(1).

s/ Pamela E. Robinson

PAMELA E. ROBINSON
Name of Issuing Officer

CLERK U.S. DISTRICT COURT
Title of Issuing Officer

s/H. Kallister
Signature of Issuing Officer

2/26/09 at Peoria, IL
Date and Location

Bail fixed at $NO BOND by Magistrate Judge John A. Gorman.

RETURN		
This warrant was received and executed with the arrest of the above named defendant at		
Date Received	*Name of Arresting Officer*	*Signature of Arresting Officer*
Date of Arrest	*Title of Arresting Officer*	

A TRUE COPY
ATTEST:
PAMELA E. ROBINSON, CLERK
BY: s/ H. Kallister
DEPUTY CLERK
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
DATE: 2/26/09

E-FILED
Thursday, 26 February, 2009 11:22:51 AM
Clerk, U.S. District Court, ILCD

FILED
FEB 26 2009
PAMELA E. ROBINSON, CLERK
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION

UNITED STATES OF AMERICA,	)	No. 09-CR-100 30
Plaintiff,	)	Count 1: 18 U.S.C. § 2339B Conspiracy to Provide Material Support and Resources to a Foreign Terrorist Organization (al-Qaeda)
v.	)	
ALI SALEH KAHLAH AL-MARRI,	)	
Defendant.	)	Count 2: 18 U.S.C. § 2339B Providing Material Support and Resources to a Foreign Terrorist Organization (al-Qaeda)

INDICTMENT

The Grand Jury charges:

COUNT 1
Conspiracy to Provide Material Support and Resources to a Foreign Terrorist Organization (al-Qaeda)

Beginning on an unknown date, but at least as early as July 2001, and continuing through on or about December 12, 2001, at Peoria, Illinois, in the Central District of Illinois, and elsewhere, the defendant,

ALI SALEH KAHLAH AL-MARRI,

knowingly conspired with others, unindicted herein, to provide material support and resources, as that term is defined in Title 18, United States Code, Section 2339A(b)(1), namely, personnel, to a foreign terrorist organization, namely al-Qaeda, which was designated by the Secretary of State as a foreign terrorist organization on October 8, 1999, pursuant to Section 219 of the Immigration and Nationality Act, and has remained so designated through and including the present time.

All in violation of Title 18, United States Code, Section 2339B(a)(1).

COUNT 2
Providing Material Support and Resources to a
Foreign Terrorist Organization (al-Qaeda)

From on or about September 10, 2001, and continuing through on or about December 12, 2001, at Peoria, Illinois, in the Central District of Illinois, and elsewhere, the defendant,

ALI SALEH KAHLAH AL-MARRI,

knowingly provided material support and resources, as that term is defined in Title 18, United States Code, Section 2339A(b)(1), namely, personnel, to a foreign terrorist organization, namely al-Qaeda, which was designated by the Secretary of State as a foreign terrorist organization on October 8, 1999, pursuant to Section 219 of the Immigration and Nationality Act, and has remained so designated through and including the present time.

All in violation of Title 18, United States Code, Section 2339B(a)(1).

A TRUE BILL
s/ Foreperson

FOREPERSON

s/ Assistant U.S. Attorney

for RODGER A. HEATON
UNITED STATES ATTORNEY

s/ Officer

MICHAEL J. MULLANEY
CHIEF, COUNTERTERRORISM SECTION
NATIONAL SECURITY DIVISION
DEPARTMENT OF JUSTICE

DER