

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : Criminal No. 1:15-CR-00309
 :
 v. : (Chief Judge Conner)
 :
 JALIL IBN AMEER AZIZ : (Electronically Filed)

**MOTION IN LIMINE TO EXCLUDE ANY REFERENCE TO JUNAID
HUSSAIN BEING PURPOSEFULLY TARGETED AND KILLED BY A
UNITED STATES DRONE STRIKE
PURSUANT TO F.R.E. 401, 402, 403**

AND NOW, this 4th day of January, 2017 comes Jalil Aziz by his attorney, Thomas A. Thornton, Assistant Federal Public Defender, and files this Motion in *Limine* to exclude reference to Junaid Hussain being purposefully targeted and killed by a United States drone strike pursuant to F.R.E. 401, 402, and 403. In support thereof it is averred as follows:

1. Trial in this matter is scheduled for February 6, 2017.
2. The government alleges that Jalil Aziz had electronic communication with members of ISIS including Junaid Hussain.
3. Junaid Hussain was reportedly a member of the command structure of ISIS and was the individual who found and published, on the internet, the personal information of military personnel, which Mr. Aziz allegedly re-tweeted (Counts 3 & 4).
4. Junaid Hussain was killed on August 24, 2015 by a United States drone that was specifically targeting him.

5. There is no allegation that Mr. Aziz ever had any contact with Junaid Hussain other than through Twitter or other electronic communications.
8. Counsel believes that the government will seek to enter evidence of the drone killing of Junaid Hussain at trial because they believe it is somehow connected to the charges against Mr. Aziz.
9. Pursuant to F.R.E. 401, evidence is relevant if it has any tendency to make a fact of consequence more or less probable than it would be without the evidence.
10. Jalil Aziz's charges all involve sending electronic messages. The targeted drone strike and killing of Junaid Hussain is not relevant to Jalil Aziz's electronic communications from his bedroom.
11. Pursuant to F.R.E. 402, because the evidence mentioned above is not relevant, it is not admissible.
12. Moreover, even if it was somehow relevant, it should be excluded pursuant to F.R.E. 403 because any probative value it has is substantially outweighed by the danger of unfair prejudice, confusing the issues, misleading the jury, undue delay, and wasting time.

WHEREFORE, it is respectfully requested that This Honorable Court direct the government to exclude any references to the targeted drone strike killing of Junaid Hussain.

Respectfully submitted,

Date: January 6, 2017

/s/ Thomas A. Thornton

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CERTIFICATE OF SERVICE

I, Thomas A. Thornton of the Federal Public Defender's Office, do hereby certify that I served a copy of the foregoing *Motion in Limine to Exclude Any Reference to Junaid Hussain Being Purposefully Targeted and killed by a United States Drone Strike Pursuant to F.R.E. 401, 402, 403*, via Electronic Case Filing, or by placing a copy in the United States mail, first class in Harrisburg, Pennsylvania, addressed to the following:

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Dauphin County Prison
501 Mall Road
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Date: January 6, 2017

/s/ Thomas A. Thornton
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CERTIFICATE OF NON-CONCURRENCE

I, Thomas A. Thornton, Esquire, do hereby certify that Assistant United States Attorney Daryl F. Bloom, Esquire, advises that the government does not concur in the foregoing *Motion in Limine to Exclude Any Reference to Junaid Hussain Being Purposefully Targeted and Killed by a United States Drone Strike Pursuant to F.R.E. 401, 402, 403.*

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ORDER

AND NOW this _____ day of _____, 2017, after due consideration of the Defendant’s Motion in *Limine* to Exclude Any Reference to Junaid Hussain Being Purposefully Targeted and Killed by a United States Drone Strike Pursuant to F.R.E. 401, 402, 403.

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IT IS HEREBY ORDERED that a hearing be held on _____ at _____ in Court Room _____.

BY THE COURT:

CHRISTOPHER C. CONNER
CHIEF JUDGE,
UNITED STATES DISTRICT COURT