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11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE DISTRICT OF ARIZONA

14
15 United States of America,
16
17 Plaintiff,
18 vs.
19 Abdul Malik Abdul Kareem,
20 Defendant.

CR-15-707-PHX-SRB (MHB)

**UNITED STATES' JOINDER OF
DEFENDANT'S MOTION TO
DESIGNATE CASE AS EXTENDED OR
COMPLEX**

21
22 The United States of America by and through its attorney, the United States
23 Attorney for the District of Arizona, hereby joins Defendant's Motion to Designate Case
24 as Extended or Complex, and respectfully moves this Court, pursuant to Local Criminal
25 Rule 16.2, to designate this matter a "complex case" within the meaning of 18 U.S.C. §
26 3161(h)(7)(B)(ii). In addition to the reasons set forth in the defendant's motion, the
27 government supplements the record with additional facts contained herein, which further
28 justify a complex case designation. The government moves the Court to set a status

1 conference within 21 days of the complex case designation to determine a schedule for
2 motions, discovery, and other pre-trial case management issues.

3 On June 10, 2015, an Arizona grand jury returned a three count indictment against
4 Abdul Malik Abdul Kareem (Kareem). *See* CR 1. The indictment alleges that Kareem,
5 his co-conspirators Elton Francis Simpson (“Simpson”) and Nadir Hamid Soofi
6 (“Soofi”), and others planned to attack and disrupt the Muhammad Art Exhibit and
7 Contest held at the Curtis Culwell Center in Garland, Texas. *Id.* Simpson and Soofi
8 drove from Arizona to the Curtis Culwell Center in Texas, stopped their car, got out and
9 began shooting with assault rifles at security personnel and law enforcement. A security
10 guard was struck by a bullet and injured, and Simpson and Soofi were shot and killed by
11 police officers. *Id.* The indictment further alleges that Kareem helped facilitate the attack
12 by providing firearms to Simpson and Soofi, traveling to remote desert areas to practice
13 shooting with Simpson and Soofi, and hosting Simpson, Soofi and others in his home to
14 discuss plans to travel to Texas and conduct an attack on the contest. *Id.* The
15 indictment also charges Kareem with making material false statements on subjects related
16 to his facilitation of the Garland, Texas attempted mass murder.

18 The government anticipates that there will be a substantial volume of discovery in
19 this case. The discovery will include items seized by the government pursuant to search
20 warrants, audio recordings from consensually recorded conversations and other material
21 obtained by the government during the investigation. The government has informed
22 defendant that those items will be produced forthwith on a continuing and rolling basis.

23 As stated above, the defendant requests this case be designated as a complex case.
24 The government does not object to defendant’s request that the Court designate this case
25 a complex for the purpose of the Speedy Trial Act and Local Rule 16.2, and set a status
26 conference within 21 days of the complex case designation to determine a schedule for
27 motions, discovery, and other pre-trial case management issues. This will allow the
28

1 Court to establish a consolidated schedule for discovery and motions, which will
2 maximize the efficiency and effectiveness of the process.

3 This case is sufficiently “complex” or “unusual” to justify a complex case
4 designation. This case involves a substantial volume of discovery and many witnesses,
5 including out of state witnesses. This case also involves evidence gathered from the
6 crime scene at the Curtis Culwell Center in Garland, Texas.

7 For these reasons, the government joins Defendant’s Motion to designate this a
8 “complex case,” and set a status conference within 21 days of the complex case
9 designation to determine a schedule for motions, discovery, and other pre-trial case
10 management issues.

11 Respectfully submitted this 10th day of July, 2015.

12
13 JOHN S. LEONARDO
14 United States Attorney
15 District of Arizona

16 s/ Kristen Brook
17 Kristen Brook
18 Joseph E. Koehler
19 Assistant United States Attorney

20 **CERTIFICATE OF SERVICE**

21 I hereby certify that on this date, I electronically transmitted the attached
22 document to the Clerk’s Office using the CM/ECF system for filing and transmittal of a
23 Notice of Electronic Filing to the following CM/ECF registrants: Daniel Maynard.

24 s/ Kristen Brook
25 Assistant United States Attorney
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Abdul Malik Abdul Kareem,

Defendant.

CR-15-707-PHX-SRB (MHB)

[PROPOSED] ORDER

Upon consideration of Defendant’s Motion To Designate Case as Extensive or Complex, which is unopposed, and the record in this case, and good cause appearing, the Motion is hereby GRANTED.

IT IS THEREFORE ORDERED that the case be designated a “complex case” within the meaning of 18 U.S.C. § 3161(h)(7)(B)(ii).

IT IS FURTHER ORDERED setting a status conference on _____2015, to determine a schedule for motions, discovery and other pre-trial case management issues.

Excludable delay under 18 U.S.C. § 3161(h)(7)(B)(ii) is found to commence on _____, 2015, for a total of ____ days.

Signed this ____ day of _____ 2015.

HONORABLE SUSAN R. BOLTON