



U.S. Department of Justice

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October 22, 2017

Honorable Ellen L. Hollander
United States District Judge
101 W. Lombard Street
Baltimore, MD 20201

Re: *United States v. Mohamed Elshinawy*
Criminal No. ELH-16-0009

Dear Judge Hollander:

The parties have been conferring since late Friday regarding resolution of the issues we discussed with the Court Friday morning. Defense counsel have proposed delaying next week's evidentiary hearing and proceeding with the submission of written memoranda, with supporting exhibits, including reports of experts on both sides. The government is prepared to proceed with the hearing next week, but we agree that submitting written material up front will help focus the issues for the Court and shorten the testimony the parties had planned to present.

As such, the government has no objection to proceeding with written submissions first, in line with the schedule previously set by the Court. We believe cross-examination of Dr. Sageman is critical, and defense counsel have agreed to make him available for cross-examination. The parties wish to reserve their ability to present some live testimony at sentencing to clarify and/or supplement their written submissions.

Defense counsel have indicated that they will provide us with Dr. Sageman's expert report and supporting materials. However, they plan to provide that in conjunction with the filing of their sentencing memo. The government objects to any further delay in providing expert materials that should have been disclosed on October 2. Until we receive a report that provides sufficient information regarding the bases for Dr. Sageman's opinions, we have no ability to determine what, if any, expert we will need to call in rebuttal, let alone provide that expert with sufficient time to review Dr. Sageman's report and supporting documents and information. Moreover, we cannot resolve how to proceed on our motion to strike. We have advised defense counsel of our objection, but have not received a response as of yet. Given the lateness of the hour, we felt it important to file this letter so the Court is apprised of the matters on which the parties have agreed.

