

MLM:JHK/JPL
F. #2007R01968

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

I N D I C T M E N T

- against -

Cr. No. _____
(T. 18, U.S.C., §§
956(a)(1) and 3551 et
seq.)

BRYANT NEAL VINAS,
also known as "Ibrahim,"

Defendant.

- - - - - X

THE GRAND JURY CHARGES:

On or about and between June 1, 2007 and November 14, 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant BRYANT NEAL VINAS, also known as "Ibrahim," together with others, within the jurisdiction of the United States, did knowingly and intentionally conspire to commit one or more acts outside the United States that would constitute the offenses of murder and maiming if committed in the special maritime and territorial jurisdiction of the United States, and one or more of the

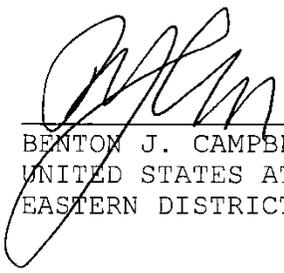
conspirators did commit an act within the jurisdiction of the United States to effect an object of the conspiracy.

(Title 18, United States Code, Sections 956(a)(1) and 3551 et seq.)

A TRUE BILL



FOREPERSON



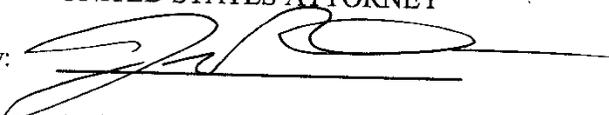
BENTON J. CAMPBELL
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

INFORMATION SHEET

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- 1. Title of Case: United States v. Bryant Neal Vinas
- 2. Related Magistrate Docket Number(s) _____
None ()
- 3. Arrest Date: N/A
- 4. Nature of offense(s): Felony
Misdemeanor
- 5. Related Cases - Title and Docket No(s). (Pursuant to Rule 50.3 of the
Local E.D.N.Y. Division of Business Rules): N/A
- 6. Projected Length of Trial: Less than 6 weeks ()
More than 6 weeks ()
- 7. County in which crime was allegedly committed: Queens
(Pursuant to Rule 50.1(d) of the Local E.D.N.Y. Division of Business Rules)
- 8. Has this indictment/information been ordered sealed? Yes () No
- 9. Have arrest warrants been ordered? Yes () No
- 10. Is there a capital count included in the indictment? () Yes () No

BENTON CAMPBELL
UNITED STATES ATTORNEY

By: 
Assistant U.S. Attorney
(718) 254- 7520

Sealed By Order of Court

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1 (Case called; both sides ready.)

2 THE COURT: Appearances.

3 MR. LOONAM: James Loonam, Jeff Knox and Marshall
4 Miller for the United States. Good morning, your Honor.

5 MR. KAMDANG: Good morning. Len Kamdang on behalf
6 of John Doe, who is not with me.

7 THE COURT: Right.

8 Before we bring in the defendant, you have an
9 application. So why don't we discuss the application.

10 MR. LOONAM: Yes, your Honor.

11 The government filed a motion yesterday to close the
12 courtroom. I would note for the record that the courtroom is
13 currently open and we, per United States v. Alcantara, marked
14 on the public docket sheet this hearing. We provided a copy
15 of our papers to the defense and I understand the defense is
16 not going to oppose the government's motion and for the
17 reasons set forth in the government papers we would move to
18 seal the courtroom at this time and request your Honor to
19 enter the proposed order.

20 MR. KAMDANG: That is correct.

21 Just for the record, for the purposes of this
22 specific application we're waiving his appearance.

23 THE COURT: All right.

24 THE COURT: I have reviewed the government's
25 submission. Have you seen the government's submission?

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1 MR. KAMDANG: Yes, your Honor.

2 THE COURT: And?

3 THE COURT: Having considered the government's
4 submission, I note that the notice of this proceeding has been
5 placed upon the public docket and that all the procedures
6 required to be followed have been followed by the government.
7 Based on the submissions of the parties, I make the following
8 findings: That there's a substantial possibility a public
9 arraignment would prejudice the compelling interest of the
10 government and the integrity of significant government
11 activities entitled to confidentiality, including ongoing
12 investigations of serious and violent crimes.

13 There is a substantial probability that a public
14 arraignment would prejudice a compelling interest of the
15 government in gathering information of potential importance to
16 protect national security. No reasonable alternative to
17 closure of the courtroom exists that can adequately protect
18 the compelling interests that would be prejudiced by a public
19 proceeding.

20 As previously identified, the prejudice for the
21 compelling interests identified above override the public's
22 and the media's qualified First Amendment right to access the
23 arraignment. Accordingly, pursuant to applicable federal law,
24 I order that the motion to close the courtroom during the
25 arraignment is hereby granted and that the closure of the

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1 courtroom will be tailored by requiring the government with
2 advance notice to the defendant to disclose the transcript as
3 required by Brady vs. Maryland and Giglio vs. United States
4 and 18 United States Code 3500 and Rule 16 of the Federal
5 Rules of Criminal Procedure.

6 I further order that the closure of the courtroom be
7 tailored by requiring the government and the defendant to move
8 this court to unseal the transcript of the arraignment when
9 the prejudice to the parties' interests no longer outweighs
10 the public's qualified right to access.

11 I further order that the public docket will
12 immediately be amended to reflect the occurrence of the
13 hearing on the motion to close the courtroom, the disposition
14 of the motion, and the fact of the courtroom closure.

15 I further order that the motion to seal the
16 transcript of the arraignment and this order is hereby granted
17 subject of course to the government's continuing obligation to
18 provide discovery in the context of this criminal matter. And
19 also that the defense has the right to obtain a copy of the
20 transcript with the understanding that it's under seal.

21 MR. LOONAM: I would note for the record that the
22 individuals seated in the gallery at the moment are with the
23 government.

24 THE COURT: Very well.

25 There's a key to lock the courtroom. The government

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1 can lock the courtroom.

2 I've signed an order to close the courtroom and
3 filed documents under seal. Mr. Loonam, the order is signed.

4 MR. LOONAM: Thank you, your Honor.

5 Does the defendant speak English?

6 MR. KAMDANG: Yes, your Honor.

7 THE COURT: Is the defendant here yet?

8 MR. KAMDANG: He's here. I don't know if he's been
9 brought up.

10 (Pause.)

11 THE COURT: United States America against Bryant
12 Neil Vinas, also known as Ibrahim 08 CR 823.

13 MR. KNOX: Jeffrey Knox, James Loonam and Marshall
14 Miller for the government. Good morning.

15 MR. KAMDANG: Len Kamdang on behalf of Mr. Vinas,
16 who is with me.

17 THE COURT: Is this his arraignment?

18 MR. KNOX: Correct, your Honor.

19 THE COURT: Mr. Vinas, have you received a copy of
20 the indictment?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Have you read it?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And discussed it with your attorney?

25 THE DEFENDANT: Yes.

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1 THE COURT: Do you waive it's reading today?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right.

4 Do you wish to enter a plea at this time?

5 THE DEFENDANT: Not guilty, sir.

6 THE COURT: You are entering a plea of not guilty?

7 THE DEFENDANT: Not guilty, sir.

8 THE COURT: A plea of not guilty is entered by the
9 defendant.

10 MR. KNOX: Your Honor, the government moves at this
11 time for a permanent order of detention based on flight risk
12 and dangerousness to the community.

13 MR. KAMDANG: And we don't have a bail package, so
14 we don't oppose that. We would ask for leave to reapply if we
15 put a bail package together.

16 THE COURT: That order is granted. The court enters
17 a permanent order of detention based on the fact that the
18 defendant is a flight risk and that he is a danger to the
19 community. You'll advise the court well in advance should you
20 wish to have the court consider a bail package, which I will
21 consider myself in the first instance.

22 MR. KAMDANG: Yes, your Honor.

23 MR. KNOX: Your Honor, the government requests a
24 status conference in this matter in approximately 30 days.

25 THE COURT: All right. We'll set a date for a

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1 status conference as follows: Tuesday, December 23, 2008, at
2 11:00 a.m.

3 MR. KAMDANG: I'm going to be out of the
4 jurisdiction that week. Would it be possible for either a
5 week before or a week after?

6 MR. KNOX: That's fine with the government. Either
7 one, your Honor.

8 THE COURT: Let me give you the week before.
9 Thursday, December 18 at twelve noon.

10 Does that work for everyone?

11 MR. KNOX: Yes, your Honor.

12 MR. KAMDANG: Fine, your Honor.

13 THE COURT: All right.

14 MR. KNOX: Your Honor, the government moves to seal
15 the transcript, both for this proceeding and also the
16 proceeding that occurred immediately before this one.

17 MR. KAMDANG: No objection.

18 THE COURT: All right.

19 The transcript of this proceeding and the previous
20 proceeding of this date in this matter is sealed on motion of
21 the government, without objection from the defense, subject to
22 the government's obligations for discovery in this and other
23 matters.

24 MR. KNOX: Finally, your Honor, the government moves
25 at this time to designate the case complex, given the nature

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1 of the charges, the location of the evidence and potential
2 issues relating to the Classified Information Procedures Act,
3 CIPA, we move that this case being designated complex at this
4 time.

5 MR. KAMDANG: We don't object.

6 THE COURT: All right.

7 The government's motion is granted.

8 And the case is designated a complex case under the
9 Speedy Trial Act.

10 I would point out though should the defense, which
11 has not objected today to that designation, wish to have the
12 matter revisited at any point, on notice to the government,
13 the court will certainly reconsider.

14 MR. KAMDANG: Thank you, your Honor.

15 MR. KNOX: I don't know if this is necessary.
16 Pursuant to the complex case designation, we move to waive the
17 time between now and the next status conference date, December
18 18.

19 THE COURT: The time between today and December 18,
20 2008, under the Speedy Trial Act, is waived, based upon the
21 court's finding that this case is deemed a complex case.

22 What else do you have for today?

23 MR. KNOX: Nothing further from the government, your
24 Honor.

25 THE COURT: Anything else from you, sir?

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MR. KAMDANG: No, your Honor.

THE COURT: We'll see you sir, on December 18 at
twelve noon.

THE DEFENDANT: Yes, sir.

THE COURT: Thank you everyone. Have a nice day.

MR. KNOX: Thank you, your Honor.

MR. KAMDANG: Thank you, your Honor.

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JHK:JPL
F. #2007R01968

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

SUPERSEDING
INFORMATION

- against -

BRYANT NEAL VINAS,
also known as "Ibrahim,"
"Bashir al-Ameriki" and
"Ben Yameen al-Kanadee,"

Cr. No. 08-823 (NGG) (S-1)
(T. 18, U.S.C., §§
2332(b)(2), 2339B(a)(1),
2339B(d)(1)(A),
2339D(a), 2339D(b)(1)
and 3551 et seq.)

Defendant.

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THE UNITED STATES ATTORNEY CHARGES:

COUNT ONE
(Conspiracy To Murder U.S. Nationals)

1. In or about and between March 2008 and November 2008, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant BRYANT NEAL VINAS, also known as "Ibrahim," "Bashir al-Ameriki" and "Ben Yameen al-Kanadee," together with others, did knowingly, intentionally and with malice aforethought conspire to kill one or more nationals of the United States, to wit: United States military personnel, while such nationals of the United States were outside the United States.

2. In furtherance of the conspiracy and to effect its objectives, the defendant BRYANT NEAL VINAS, together with

others, committed and caused to be committed, among others, the following:

OVERT ACTS

a. In or about September 2008, the defendant BRYANT NEAL VINAS, together with others, attempted a rocket attack against a United States military base in Afghanistan.

b. In or about September 2008, the defendant BRYANT NEAL VINAS, together with others, fired rockets at a United States military base in Afghanistan.

(Title 18, United States Code, Sections 2332(b)(2) and 3551 et seq.)

COUNT TWO

(Providing Material Support
To A Foreign Terrorist Organization)

3. In or about and between March 2008 and November 2008, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant BRYANT NEAL VINAS, also known as "Ibrahim," "Bashir al-Ameriki" and "Ben Yameen al-Kanadee," did knowingly and intentionally provide material support and resources, as defined in 18 U.S.C. § 2339A(b), including expert advice and assistance, including assistance derived from specialized knowledge of the New York transit system and Long Island Railroad, communications equipment and personnel, including himself, to a foreign terrorist organization, to wit: Al Qaeda, which has been designated by the

Secretary of State as a foreign terrorist organization since October 1999, pursuant to Section 219 of the Immigration and Nationality Act.

(Title 18, United States Code, Sections 2339B(a)(1), 2339B(d)(1)(A) and 3551 et seq.)

COUNT THREE

(Receiving Military-Type Training From
A Foreign Terrorist Organization)

4. In or about and between March 2008 and August 2008, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant BRYANT NEAL VINAS, also known as "Ibrahim," "Bashir al-Ameriki" and "Ben Yameen al-Kanadee," did knowingly and intentionally receive military-type training from and on behalf of a foreign terrorist organization, to wit: Al Qaeda, which has been designated by the Secretary of State as a foreign terrorist organization since October 1999, pursuant to Section 219(a)(1) of the Immigration and Nationality Act.

(Title 18, United States Code, Sections 2339D(a), 2339D(b)(1) and 3551 et seq.)

BENTON J. CAMPBELL
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

BY: 
BENTON J. CAMPBELL, UNITED STATES ATTORNEY,
EASTERN DISTRICT OF NEW YORK, 01136

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 08-CR-823 (NGG)

-against- : United States Courthouse
: Brooklyn, New York

JOHN DOE, : January 28, 2009
: 4:30 p.m.

Defendant. :
:

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TRANSCRIPT OF CRIMINAL CAUSE FOR MOTION TO CLOSE COURTROOM
BEFORE THE HONORABLE NICHOLAS G. GARAUFI
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

For the Government: BENTON J. CAMPBELL, ESQ.
United States Attorney
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
BY: JAMES LOONAM, ESQ.
JEFFREY KNOX, ESQ.
Assistant United States Attorney

For the Defendant: FEDERAL DEFENDERS OF NEW YORK
16 Court Street
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Brooklyn, New York 11241
BY: LEN KAMDANG, ESQ.

Court Reporter: Marie Foley, RPR, CRR
Official Court Reporter
Telephone: (718) 613-2596
Facsimile: (718) 613-2648
E-mail: Marie_Foley@nyed.uscourts.gov

Proceedings recorded by computerized stenography. Transcript
produced by Computer-aided Transcription.

Proceedings

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1 (Open court.)

2 COURTROOM DEPUTY: All rise.

3 (Judge Garaufis takes the bench.)

4 COURTROOM DEPUTY: Criminal cause for a motion.

5 Counsel, please state your appearances.

6 MR. LOONAM: James Loonam and Jeff Knox for the

7 United States. Good afternoon, your Honor.

8 THE COURT: Good afternoon.

9 MR. KAMDANG: Good afternoon. Len Kamdang on behalf
10 of Bryant Vinas who should be on his way in from the back.

11 THE COURT: We have to deal with the motion first.

12 MR. LOONAM: Yes, your Honor. The Government moves
13 to close the courtroom.

14 The Government has complied with the procedures set
15 forth by the Second Circuit in the United States v. Alcantara.
16 We submitted papers under seal to your Honor on this issue.

17 We would note that the motion to close the
18 courtroom, this hearing, was listed on today's daily court
19 calendar which was published to the public yesterday, and the
20 hearing on the motion was also noted on the docket sheet.

21 We would note that there's compelling government
22 interests in closing the courtroom, and that compelling
23 government interest would be prejudiced if the courtroom were
24 not closed, that there's no reasonable alternative to the
25 closing the courtroom, and that the compelling interests of

1 the Government outweighs the qualified First Amendment right
2 that exists to public access to this proceeding.

3 Therefore, the Government requests that your Honor
4 enter the proposed order which the Government submits is
5 narrowly tailored to protect the compelling government
6 interest that exists in this case.

7 MR. KAMDANG: We join in the Government's motion.

8 THE COURT: All right. The Court has reviewed the
9 submission of the United States of America seeking an order to
10 close the courtroom and compliance with the procedures set
11 forth in the United States versus Alcantara, 396 F.3d. 189,
12 Second Circuit 2005. Having reviewed the Government's
13 submission and held a public hearing on the motion at which
14 the parties and any intervenors have been provided an
15 opportunity to be heard, based on the submissions of the
16 parties, the Court makes the following findings:

17 One, there is a substantial probability that a
18 public guilty plea would prejudice a compelling interest of
19 the Government in the integrity of significant government
20 activities entitled to confidentiality, including ongoing
21 investigations of serious and violent crimes.

22 Second, there is a substantial probability that a
23 public guilty plea would prejudice a compelling interest of
24 the Government in gathering information of potential
25 importance to protect the national security.

1 Third, no reasonable alternatives to closure of the
2 courtroom exist that can adequately protect the compelling
3 interests that would be prejudiced by a public proceeding
4 identified by the Government and identified above.

5 Fourth, the prejudice to the compelling interests
6 identified by the Government overrides the public's and the
7 media's qualified First Amendment right to access the guilty
8 plea.

9 Therefore, the motion to close the courtroom during
10 the guilty plea is granted, and the closure of the courtroom
11 is going to be narrowly tailored by requiring the Government,
12 with advance notice to the defendant, to disclose the
13 transcript as required by the Supreme Court case law and Rule
14 16 of the Federal Rules of Criminal Procedure, and 18 U.S.C.
15 3500.

16 MR. KAMDANG: Your Honor, just to make the record
17 complete, we do waive my client's presence for the purposes of
18 this motion.

19 THE COURT: All right.

20 I'm going to sign an order to that effect which also
21 sets forth unsealing requirements for the transcript and
22 indicates that the amending of the public docket to reflect
23 the occurrence of the hearing on the motion to close the
24 courtroom, the disposition of the motion, and the fact of the
25 courtroom closure.

Proceedings

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1 You can make your application to seal the transcript
2 of the guilty plea at the end.

3 MR. LOONAM: Yes, your Honor.

4 THE COURT: I'm going to need your representation
5 that everyone in the courtroom currently is authorized to be
6 here either in addition to the U.S. marshals, who we know.
7 The others who are here are with you, and they're engaged in
8 the investigation. Is that it?

9 MR. LOONAM: Correct, your Honor. Everyone in the
10 courtroom is either with the Government or with the Federal
11 Defenders office.

12 MR. KAMDANG: That's correct, your Honor.

13 THE COURT: Very well.

14 (AT this time, the courtroom was closed and sealed.)

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JHK:JPL:CHB
F.# 2007R01968

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

UNSEALING
APPLICATION

BRYANT NEAL VINAS,
Defendant.

08-CR-823 (NGG)

-----X

The government respectfully requests that the Court unseal the fact that the defendant in the above-referenced case pleaded guilty on January 28, 2009 to all three counts in the superseding information filed against him and that the public docket sheet be amended to reflect this information.

Dated: July 22, 2009
Brooklyn, New York

BENTON J. CAMPBELL
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

By: Carter H. Burwell
Carter H. Burwell
Assistant U.S. Attorney
(718) 254-6313

SO ORDERED.

Dated: July 22, 2009
Brooklyn, New York

Nicholas G. Garaufis
THE HONORABLE NICHOLAS G. GARAUFIS
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK