UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	**Case No. 22-cr-392 (DLF)**
	:	
ABU AGILA MOHAMMAD MAS'UD KHEIR AL-MARIMI,	:	
	:	
Defendant.	:	

GOVERNMENT'S NOTICE OF FILING
REGARDING MLATS AND APOSTILLE CONVENTION

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits, in response to the Court's Minute Order dated October 16, 2026, this Notice of Filing of additional materials related to the governments most recent filing on Mutual Legal Assistance Treaties (MLATs) and the Apostille Convention, ECF 680.

Attached to this pleading, the government submits three documents: A copy of Appendix B from the U.S.-U.K. MLAT; A copy of Form C from the U.S.-Czech Republic MLAT; and a copy of the modified version of Form C that the government has asked the Czech Authorities to execute.[1] The government has also asked the Czech authorities to affix an Apostille to that modified version of Form C, once it has been executed.

[1] The version of Form C attached hereto was filled in to include identifying details of the certifying witness. The Czech documents have previously been certified by two different witnesses, and we have asked the Czech Authorities to go back to both. Only one such redacted form is attached hereto, but only difference between the forms is the identifying details. The government is willing to provide an unredacted copy of the modified forms to the Court and defense via email upon request, and of course the government will submit the executed versions once it receives them.

Undersigned counsel has reached out to William Fritzlen, the author of the declaration attached to ECF 680, to ascertain whether there exists any State Department guidance or other written materials exist that are consistent with the interpretation of Article 1 of the Apostille Convention as described in n.1 of the Fritzlen Declaration. Mr. Fritzlen is currently on leave through October 21, 2026, however, so the government requests leave to file any responsive materials it receives next week.

During the October 15, 2026, hearing, undersigned counsel had difficulty locating a specific provision of the Apostille Treaty. That provision was Article 9, which states, "Each Contracting State shall take the necessary steps to prevent the performance of legalizations by its diplomatic or consular agents in cases where the present Convention provides for exemption."

Finally, the government notifies the Court and counsel that it is no longer relying on Exhibit 233 as part of its authentication argument for the underlying Air Traffic Control audio exhibit (Ex. 226). The government is instead relying, as initially proffered, on Exhibits 230 and 231. Ex. 233 corresponds to a different Air Traffic Control audio exhibit that the government is not at this point seeking to admit at trial. Moreover, the government also clarifies that it does not intend to introduce any audio of Ex. 226 after the 22:32 time stamp on that exhibit (which corresponds to the entry "Eh Six Eight Seven thanks for trying" on Ex. 230). The government will likely narrow Ex. 226 further for trial, but even if it does not, it will not seek to admit any audio after the portions identified above.

Respectfully submitted,

JEANINE FERRIS PIRRO
UNITED STATES ATTORNEY

By: ***/s/ Erik M. Kenerson***

ERIK M. KENERSON (OH Bar No. 82960)
CONOR MULROE (NY Bar No. 5289640)
BRITTANY KEIL (D.C. Bar No. 500054)
Assistant United States Attorneys
JEROME J. TERESINSKI (PA Bar No. 66235)
Special Assistant United States Attorney
601 D Street NW, Washington, D.C. 20530
(202) 252-7201 // Erik.Kenerson@usdoj.gov

KATHLEEN CAMPBELL (MD Bar No. 9812170031)
JENNIFER BURKE (MD Bar No. 9706250061)
Trial Attorneys, Counter Terrorism Section
National Security Division
950 Pennsylvania Avenue NW, Washington, D.C. 20530