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Attorneys for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

PIROUZ SEDAGHATY,

Defendant.

CR 05-60008 HO

**DECLARATION OF
FEDERAL PUBLIC DEFENDER
INVESTIGATOR JAMES STRUPP**

I, James Strupp, declare:

1. I am an investigator, employed by the Federal Public Defender for the District of Oregon.

As part of my duties, I have been assigned to perform investigation in the above captioned case. I hereby declare the following to be true and correct:

2. Included in these duties has been the receipt and control of documents produced to the defense by the government through the discovery process. I have managed the processing of incoming discovery since the inception of government production of discovery in this case. In that capacity, I have processed, stored, and reviewed all of the Bates numbered discovery produced by the government prior to trial, which were numbered Bates numbers 0001 - 3812.

3. In addition, on January 6, 2011 counsel for the defendant received additional numbered discovery, enumerated Bates numbers 3813- 3872, as well as an inventory index for these items. That index is appended to this declaration as exhibit A. In the same transmission on January 6, 2011, additional law enforcement reports relevant to this case were received, which were not numbered as discovery. Those reports consist of one FBI Form 302 report by Special Agent (SA) Scott Jensen concerning his interview of Barbara Cabral on December 27, 2010; one FBI form 302 report by FBI SA David Carroll concerning reports of payments offered to Barbara Cabral, dated December 22 2010 ; and one FBI form 302 report by FBI SA David Carroll concerning prior payments to Richard Cabral, dated December 22, 2010. The transmission also included two letters, dated January 6, 2011, one addressed to the Court and one to counsel for the defendant.

4. I have reviewed the documents received on January 6, 2011 and compared them with the discovery items received prior to trial. I note the following events and information:
5. On September 12, 2003, FBI Agents David and Shawna Carroll interviewed Barbara and Richard Cabral. We received no investigative reports or notes of this interview prior to trial.
6. On July 30, 2004, Richard Cabral received payment of \$4,500 in the presence of FBI SA's David and Shawna Carroll. We received no investigative reports, notes, or other information about this contact prior to trial. No contemporaneous documentation of the contact or payment has been provided.
7. On September 27, 2004, FBI Special Agent Shawna Carroll interviewed Richard Cabral. We received no investigative reports or notes of this interview prior to trial. However on the following day, September 28, 2004, SA Shawna Carroll interviewed Barbara Cabral, and the defense was provided a report prior to trial.
8. On October 5, 2004, Barbara Cabral was interviewed by unidentified federal law enforcement personnel. We received no investigative reports or notes of this interview prior to trial. Notes of the interview, which do not identify the agent, were provided on January 6, 2011.

9. On March 21, 2005, FBI SA David Carroll interviewed Barbara and Richard Cabral jointly. Richard Cabral was paid \$5,000 in the presence of IRS CID Agent Colleen Anderson and Barbara Cabral. We received no investigative reports or notes of this interview until January 6, 2011. Though heavily redacted, neither report appears to contemporaneously document the payment. Payment was disclosed separately in the FBI 302 by SA David Carroll dated December 22, 2010.

10. On February 6, 2006, Richard Cabral was interviewed by FBI SA David Carroll, as an unidentified source. We received no investigative reports or notes of this interview until redacted versions of both were provided on January 6, 2011.

11. On December 7, 2006, FBI SA David Carroll and IRS CIS Agent Colleen Anderson paid Richard Cabral \$5000 in person. We received no investigative reports or notes of this interview, and there is no contemporaneous documentation of the payment. Payment was disclosed separately in the FBI 302 by SA David Carroll dated December 22, 2010.

12. On August 17, 2007, FBI SA David Carroll and IRS CIS Agent Colleen Anderson interviewed Richard Cabral. We did received one FBI 302 report of this interview prior to trial. On January 6, 2011 we received a second copy of the FBI 302 report for this interview, as well as the interview notes.

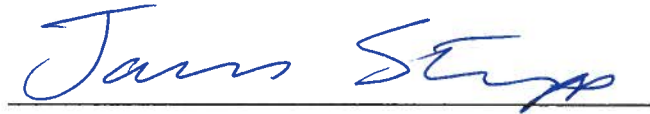
13. On January 2, 2008 FBI SA David Carroll interviewed Barbara Cabral in relation to the client's attendance at an Islamic center in Phoenix, Oregon. We received no investigative reports or notes of this interview prior to trial.
14. On February 7, 2008, FBI SA David Carroll interviewed Barbara Cabral with another agent present. We received no investigative reports or notes of this interview prior to trial.
15. On April 14, 2008, FBI SA David Carroll contacted Barbara Cabral by telephone. The defense has received no investigative reports of this interview, and interview notes only were disclosed on January 6, 2011.
16. On April 15, 2008 FBI SA David Carroll interviewed Barbara Cabral. The defense received one investigative report of this interview prior to trial, but first received the interview notes on January 6, 2011.
17. On February 26, 2010 FBI SA David Carroll interviewed Barbara Cabral. The defense received one investigative report of this interview prior to trial, but first received the interview notes on January 6, 2011.
18. On March 2, 2010 FBI SA David Carroll interviewed Barbara Cabral. The defense did received one investigative report of this interview prior to trial, but first received the

interview notes on January 6, 2011.

19. On March 8, 2010 FBI SA David Carroll interviewed Barbara Cabral. We have received no investigative reports of this interview, and interview notes only were disclosed on January 6, 2011.
20. On April 19, 2010, FBI SA David Carroll had telephone contact with Barbara Cabral, and discussed possible monetary payment for her after trial. We received no investigative reports, notes, or other information about this contact prior to trial. No contemporaneous documentation of the contact or payment has been provided. Payment was disclosed separately in the FBI 302 by SA David Carroll dated December 22, 2010.
21. On December 22, 2010 FBI SA David Carroll prepared two FBI 302 reports: One documents an offer of payment made to Barbara Cabral pretrial. The other documents prior payments made by the government to Richard Cabral on three occasions in 2004, 2005, and 2006. We received no investigative reports or notes of these events prior to trial, and to date have received no contemporaneous documentation of the payments..
22. On December 27, 2010, FBI SA Scott Jensen interviewed Barabara Cabral, regarding the issue of payments offered and received. On January 6, 2011 we received the investigative reports of this interview, but no interview notes.

23. Regarding the August 17, 2007, joint FBI IRS interview of Richard Cabral, the copy of the FBI 302 of this interview received on January 6, 2011 is different from a copy the defense received prior to trial in several respects. The 302 disclosed on January 6 is Bates numbered 3849-3850, and the 302 report of the same interview disclosed pretrial is Bates numbered 1772-1773. I have compared the two versions.
- a. The last sentence in paragraph 2 of the pretrial version (gov. 1772) has been deleted in the January 6 version (gov. 3849). It had read, "Cabral did not recall Sedaghaty discussing the topic of Kosovo or supporting mujahedin there."
 - b. Additionally, paragraph 6 of the 302 disclosed January 6, (gov. 3850) eliminates two sentences, as well as one half sentence from the pretrial version; and adds one sentence that is not contained in the pretrial version (gov. 1773).
 - c. Monetary amounts of payments collected at Hajj of \$100 and \$200 contained in paragraph 4 of the pretrial version (gov.. 1772-3) have been changed to \$200 and \$400, respectively (gov. 3849 - 3850) four times. No other markings on the two documents appear to differ, although the pages breaks are at different places in the text in each report. The FBI case number is redacted in black in the January 6, 2011 version, but not on the version received pretrial.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of knowledge and belief, and that this declaration was executed on January 11, 2011, at Portland, Oregon.

A handwritten signature in blue ink that reads "James Strupp". The signature is written in a cursive style and is positioned above a solid horizontal line.

James Strupp

EXHIBIT A

DISCOVERY SPREADSHEET-18

<u>INVENTORY ITEM</u>	<u>NUMBER OF PAGES IN DOCUMENT</u>	<u>BATES NUMBERS</u>	<u>BATCH NUMBER</u>
<u>Interview notes and reports concerning Barbara Cabral (redacted)</u>			
Notes dated 09-28-04	3	3813-3815	18
Notes dated 12-03-04 & 12-06-04	3	3816-3818	18
Notes dated 04-14-08 (no report)	2	3819-3820	18
Notes dated 04-15-08	2	3821-3822	18
Notes dated 02-26-10	1	3823	18
Notes dated 03-2-10	1	3824	18
Notes dated 03-8-10	7	3825-3831	18
Notes dated 04-26-10	6	3832-3837	18
Notes dated 10-5-04 (no report)	1	3838	18
Report & notes dated 1-2-08	2	3839-3840	18
<u>Barbara Cabral comments within interviews and notes with Richard Cabral (redacted)</u>			
Report & notes dated 2-7-08	4	3841-3844	18
Report & notes dated 3-21-05	4	3845-3848	18
Report & notes dated 8-17-07	6	3849-3854	18
Report & notes dated 9-12-03	5	3855-3859	18
<u>Richard Cabral interviews and notes (redacted)</u>			
Report & notes dated 02-06-06	6	3860-3865	18
Report & notes dated 09-27-04	7	3866-3872	18

INVENTORY ITEM _____ NUMBER OF PAGES IN DOCUMENT _____ BATCH NUMBER _____

BATES NUMBERS _____

SIGNATURE _____ DATE OF RECEIPT _____