

Attachment 1

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

UNITED STATES OF AMERICA

v.

CASE NO. 6:17-cr-00018-ORL-40KRS

NOOR ZAHI SALMAN,

Defendant.

**DEFENDANT'S RESPONSE TO THE GOVERNMENT'S
MOTION FOR AN ORDER REVOKING DEFENDANT'S RELEASE**

Defendant Noor Zahi Salman ("Defendant" or "Noor") requests that this Court release her on the conditions imposed by Magistrate Judge Donna M. Ryu on March 1, 2017, and recommended by Pretrial Services.¹ Magistrate Judge Ryu ordered Noor's release following a final detention hearing, but stayed her Release Order for forty-eight hours so that the government could seek review with the court of original jurisdiction in accordance with 18 U.S.C. § 3145. On March 2, 2017, the government filed a Motion to Revoke the Release Order in this Court, along with a request to continue the stay of the Release Order. This Court granted the request to continue the stay until it could conduct a *de novo* review. Defendant has no objection to review based on the proffers at the prior hearings.

I. Summary of prior hearing proffers

Noor Salman (Noor) is a thirty year old United States citizen of Palestinian descent. Noor was born in Richmond, California, grew up in Rodeo, California, and is one of four daughters of

¹ The conditions of release included a \$500,000 secured bond; restricted travel; mental health counseling; GPS location monitoring; and home incarceration, among other conditions.

a small business owner.² Although raised in a Muslim home, Noor did not grow up with strong religious convictions. She did not cover, attend services, pray regularly, fast, or observe Ramadan. Noor did not study Islam. She did not express any interest in politics.³

In school, Noor struggled with learning disabilities and was enrolled in special education classes, but was able to graduate from high school.⁴ After high school, she attended Heald College, earning an associate degree in medical administration.⁵ Despite completing an associate's degree, Noor's work history includes babysitting, working as a teacher's aide, working as a cashier at her father's store and working at K-Mart.

Noor is described by her family and friends as "simple," "obedient," "childlike," and a person who, most in life, wanted to get married and have children.⁶ Noor had an arranged marriage at age nineteen to a man from her father's hometown.⁷ While he allowed her to work at a daycare, he was physically abusive toward her.⁸ In 2009, she was finally able to achieve a divorce and move back in with her mother, Ekbal Salman. During this time, Noor recuperated and began working at

² Adam Goldman, *Orlando Gnman's Wife Breaks Silence: 'I Was Unaware'*, N. Y. TIMES (Nov. 1, 2016), <https://www.nytimes.com/2016/11/02/us/politics/orlando-shooting-omar-mateen-noor-salman.html>.

³ See Declaration of Lauri Jaber.

⁴ See Declaration of Heather Hayden.

⁵ Heald College, a for-profit college that provided educational classes to mostly low-income students, closed after "a U.S. Department of Education investigation found that the company overstated employment prospects for Heald graduates by exaggerating job placement numbers." See Jill Tucker, *Corinthian, Heald Colleges Shut Down Abruptly*, SF GATE (April 26, 2015, 8:30PM), <http://www.sfgate.com/bayarea/article/Corinthian-Colleges-shuts-down-in-S-F-and-6225068.php>.

⁶ See Declaration of Shifa Itayem; Declaration of Rana Omar; Declaration of Ekbal Salman.

⁷ See Goldman, *supra* note 2.

⁸ See *id.*

K-Mart. In 2011, Noor met Omar Mateen (Mateen) on an online dating site.⁹ After a short courtship, the couple agreed to marry.¹⁰ After they married, Noor moved from California to Fort Pierce, Florida, into a condominium purchased by Mateen's mother.¹¹ Shortly after the marriage, Noor became pregnant.¹²

About six months into the marriage, and while she was pregnant, Mateen's behavior towards Noor became violent and abusive.¹³ He was both verbally and physically abusive to her. He threatened to kill her if she left and said he would take custody of their son.¹⁴ He also began abusing steroids, resulting in a significant weight gain and further destabilization of his moods.¹⁵ Faced with an abusive husband who was rapidly succumbing to steroid abuse, Noor dedicated herself to her son. Noor's friends observed that she was a "dedicated mother who always puts her son ahead of herself."¹⁶

During the course of the couple's marriage, Noor witnessed Mateen being questioned on multiple occasions by the FBI. On the first occasion Mateen insisted that she stay in the couple's bedroom with their infant son, and she was only allowed out after Mateen's parents arrived. Noor later learned that the FBI interview was about statements of support concerning terrorist organizations, which Mateen had made while working as a courthouse security guard. Mateen denied making these statements during the first FBI interview, but after learning from his father that the

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Goldman, *supra* note 2.

¹⁴ *See id.*

¹⁵ Post mortem testing of Mateen showed that he was a long term steroid user. *See* Del Quentin Wilber, *Orlando Gunman was HIV-negative, and Probably a Long-Term Steroid User, Autopsy Shows*, L.A. TIMES (July 15, 2016, 9:25AM), <http://www.latimes.com/nation/la-na-mateen-steroid-hiv-20160715-snap-story.html>.

¹⁶ *See* Declaration of Rana Omar; Declaration of Shifa Itayem.

FBI had recordings of him making the statements, admitted during the second FBI interview that he made them. Noor was also with Mateen when an FBI agent texted Mateen and demanded that he come in for an interview concerning a community member who had gone to Syria. Noor also witnessed Mateen watching violent videos, from what appeared to be the Middle East, online.¹⁷ When Noor attempted to question Mateen about his activities, he threatened her and told her she should stay out of his business.

In the weeks immediately preceding the attack, Mateen's treatment of Noor altered dramatically.¹⁸ For the first time in the couple's marriage, he agreed to take a family trip to California so that Noor could visit her mother and family.¹⁹ He allowed her to get a driver's license. He also purchased a belated engagement ring and earrings.²⁰ He provided her with \$500 in spending money, with which she could purchase gifts for her family and clothes for herself.²¹ Prior to these expenditures, Noor had been provided an allowance of approximately \$20 per week. When Noor questioned where the money was coming from, Mateen showed her a letter from the Criminal Justice Standards and Training Commission stating that he was "now eligible to enter a law enforcement basic recruit training program," and told her that now things would be different.²²

On June 11, 2016, Mateen came home from work as a security guard around 3:00 PM.²³ He informed Noor that he had purchased the tickets for their trip and that he wanted to take their son out for a treat.²⁴ After going out, Mateen informed Noor that he was going out for the evening,

¹⁷ *See id.*

¹⁸ *See id.*

¹⁹ *See id.*

²⁰ *See Goldman, supra note 2.*

²¹ *See id.*

²² *See id.*

²³ *See id.*

²⁴ *See id.*

but that she could use the family car because he was going to use a car that he had recently rented.²⁵ Noor asked him to stay because she hoped that they could spend the evening together as a family.²⁶ However, Mateen insisted that he had to see a friend.²⁷ After Mateen left, Noor took her son out to Applebee's for dinner, and bought a shirt and Father's Day card for Mateen for Father's Day, which was the following week.²⁸

In the early hours of June 12, 2016, Mateen entered the Pulse Night Club with a semi-automatic weapon and killed forty-nine individuals, along with injuring fifty-three others.²⁹ During the attack, Mateen claimed that he was acting on behalf of ISIS, but he had previously told co-workers that he was a member of Hezbollah, and the FBI had investigated him for watching videos of an al-Nusra suicide bomber.³⁰

While Mateen was at the Pulse Night Club, Noor was at home, sleeping with her three-year-old son.³¹ She was awoken by a phone call from her mother-in-law. Her mother-in-law told Noor that Mateen had promised to stop by their house that night because it was Ramadan but had failed to do so. She then asked if Noor knew where he was. Noor responded she did not know where Mateen was but she would try to call him.³² Noor then attempted to call Mateen but got no

²⁵ See *id.*

²⁶ See *id.*

²⁷ See *id.*

²⁸ See *id.*

²⁹ See Valerie Bauerlein, Cameron McWhirter, & Scott Valvert, *Terror Shooting at Gay Nightclub in Orlando Leaves at Least 49 Dead, 53 Wounded*, WALL STREET JOURNAL (June 12, 2016).

³⁰ See Molly Hennessy-Fiske, Jenny Jarvie, & Del Quentin Wilber, *Orlando Gunman Had Used Gay Dating App and Visited LGBT Nightclub on Other Occasions, Witnesses Say*, L.A. TIMES (June 13, 2016, 10:56 PM), <http://www.latimes.com/nation/la-na-orlando-nightclub-shooting-20160613-snap-story.html>.

³¹ Goldman, *supra* note 2.

³² Ayman Mohyeldin, Pete Williams, & Ohil Helsel, *Orlando Gunman Omar Mateen and Wife Exchanged Texts During Rampage*, NBC NEWS (June 17, 2016), <http://www.nbcnews.com/storyline/orlando-nightclub-massacre/orlando-gunman-omar-mateen-wife-exchanged-texts-during-rampage-n594011>.

answer, so she texted him “Where are you?” to which he responded “Do you see what’s happening?”³³ She responded “No?” to which he responded “I love you, babe.”³⁴ That was the last communication she had with Mateen.

Within minutes of receiving the last text, she was ordered outside of her home by the Fort Lucie Police Department.³⁵ She was searched and then placed, along with her son, in the back of a squad car. She was later transferred to the FBI’s headquarters where she was questioned for approximately 18 hours.³⁶ Following the questioning, she was released by the FBI. After her release, Noor remained under constant observation by the FBI.³⁷

Initially, Noor stayed with her in-laws.³⁸ Four days after the shooting, however, her aunt, Emtiyaz Adieh (Emtiyaz), came to Florida to take Noor to her home in Mississippi.³⁹ Prior to taking Noor to Mississippi, Emtiyaz informed the FBI of her plan and was told that the FBI had no objections.⁴⁰ While en route to Mississippi, Emtiyaz realized that members of the news media were following her, so she called the Oxford, Mississippi FBI Office (Oxford FBI Office) and was instructed to go straight to their office and not go home.⁴¹ When Emtiyaz and Noor arrived at the FBI Office, they were met by Emtiyaz’s husband and three children.⁴² Emtiyaz and Noor then drove home with Emtiyaz’s family.⁴³

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ Counsel has repeatedly requested, but not been furnished with, copies of Noor’s written and recorded statements.

³⁷ *See* Declaration of Abdallah Salman; Declaration of Emtiyaz Adieh.

³⁸ Declaration of Emtiyaz Adieh.

³⁹ *See id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

In early September 2016, Emtiyaz called the Oxford FBI Office to inform them that she would be moving Noor to California so that Noor could stay with her mother.⁴⁴ The Oxford FBI Office informed Emtiyaz that she had clearance to do so and that it had contacted the San Francisco FBI Office to let them know that Noor was moving to Rodeo, California.⁴⁵ Thereafter, Emtiyaz and Noor traveled to California accompanied by two FBI cars—one in front of their car and one behind—with a total of four FBI agents.⁴⁶

When Noor arrived in California, she resumed living with her mother. At the FBI's request, her family continued to inform the FBI of all of Noor's movements outside her mother's home.⁴⁷ Noor's uncle, Abdallah Salman (Abdallah), met with three San Francisco FBI agents who asked him to report all of Noor's movements to them, citing their concern for her safety.⁴⁸ Abdallah agreed and provided constant phone and text messages regarding Noor's movements to the FBI until she was arrested on January 16, 2017.⁴⁹

Noor was charged by way of indictment, in which the United States charged her with aiding and abetting Mateen with material support of terrorism, in violation of 18 U.S.C. §§ 2339B(a)(1) and (2), involving the loss of life, and obstruction of justice, in violation of 18 U.S.C. § 1512(b)(3). Prior to her detention hearing, counsel submitted a memorandum of law in support of her request for bond. In addition, counsel submitted the statements of Heather Hayden, Lauri Jaber, Shifa

⁴⁴ *Id.*

⁴⁵ *See id.*

⁴⁶ *Id.*

⁴⁷ *See Declaration of Abdallah Salman.*

⁴⁸ *Id.*

⁴⁹ *Id.*

Itayem, Rana Omar, Ekbal Salman, Abdallah Salman, Emtiyaz Adieh, and Dr. Jacquelyn Campbell in support of the request.⁵⁰

At the initial detention hearing on February, the government argued for Noor's detention, proffering that the evidence would show that Noor had admitted, at the conclusion of an interrogation by FBI agents, to foreknowledge of Mateen's plan to attack the Pulse Night Club, and had also admitted to being present on one occasion when Mateen drove by the club. The government also proffered that Mateen had made series of purchases, including airline tickets for the couple and their child to fly to California, and a diamond engagement ring, and that Noor had aided Mateen in fabricating an excuse for why he was not going to his parent's home for dinner on the night of the attack. The government argued that the seriousness of the crime and Noor's alleged role therein weighed against release. When challenged by Magistrate Judge Ryu to articulate how Noor posed a threat to the community, the government could not articulate a reason beyond the general nature of the charge.

Pretrial Services initially withheld recommendation of whether there were conditions under which the defendant could be released, pending a mental examination to determine if participation in treatment should be a condition of release. The subsequent evaluation found that Noor suffers from PTSD and would benefit from treatment, but is not danger to herself. Pretrial Services recommended releasing her under strict conditions. On March 1, 2017, Magistrate Judge Ryu agreed and ordered Noor released, but stayed the order to give the government time to file this Motion for Review.

⁵⁰ These statements, along with a second, new, declaration from Dr. Campbell clarifying government assertions at the initial Bond Hearing on February 1, 2017, and copy of the Danger Assessment completed by Noor on 7/19/2016, are submitted with this motion for the Court's convenience and consideration.

II. Analysis

To obtain a detention order, the government must demonstrate either: (1) by clear and convincing evidence that no conditions other than detention will reasonably assure the safety of any other person and the community, 18 U.S.C.S. § 3142(f)(2); or (2) by a preponderance of the evidence that detention is necessary to reasonably assure the appearance of the defendant at future court proceedings.

When “there is probable cause to believe that the defendant has committed an offense identified as a ‘[f]ederal crime of terrorism’ under 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of ten years or more is prescribed, there is a rebuttable presumption that ‘no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community.’”⁵¹ Here, Noor was indicted for aiding and abetting a listed crime of terrorism. Accordingly, the government enjoys, at the onset, a rebuttable presumption that no conditions will reasonably assure the appearance of Noor and the safety of the public.⁵² That presumption “shifts a burden of production to the defendant,” but “the burden of persuasion remains with the government.”⁵³ In short, the burden is on the Defendant to provide evidence that there are conditions which reasonably do assure her appearance and assure the safety of the public.⁵⁴ Once she has done so, the burden shifts back to the government to persuade this Court that those conditions are nevertheless insufficient.⁵⁵

⁵¹ 18 U.S.C.S. § 3142(e); *United States v. Hir*, 517 F.3d 1081, 1086 (9th Cir. 2008) (citations omitted).

⁵² *Id.*

⁵³ *United States v. Hir*, 517 F.3d 1081, 1086 (9th Cir. 2008) (citations omitted); *United States v. Chagra*, 850 F. Supp. 354, 357 (W.D. Pa. 1994) (“The defendant’s burden of production is relatively light and has been construed as easy to meet.”).

⁵⁴ *See United States v. Sheikh*, 994 F. Supp. 2d 736, 739 (E.D.N.C. 2014).

⁵⁵ *See id.*

The factors courts consider in analyzing whether each side has met its burden are set forth in 18 U.S.C. § 3152(g): (1) the nature and circumstances of the offenses charged; (2) the weight of the evidence; (3) the history and characteristics of the person, including family ties, the person's character, ties to the community, and criminal history; and (4) the nature and seriousness of the danger to any person or the community posed by the person's release.

A. Nature and circumstances of the offenses charged

Noor concedes that the primary charged offense weighs against finding that any conditions absent detention will ensure the safety of the public and her presence for trial.⁵⁶ Beyond the serious nature of the allegations, which is not conclusive,⁵⁷ the remaining factors support finding that the conditions imposed by the Magistrate Judge are sufficient to protect the public and ensure Noor's presence for trial.

B. Weight of the evidence

In order to establish that Noor aided and abetted Mateen's violation of 18 U.S.C. § 2339B(a)(1) and (2), the government will have to prove that (1) Mateen provided himself as personnel for ISIS; (2) Noor joined in with Mateen's provision of material support to ISIS; (3) Noor acted with the intent to facilitate Mateen's providing himself to ISIS; and (4) Noor's actions occurred before Mateen completed providing material support to ISIS.⁵⁸ Apart from securing an

⁵⁶ See *United States v. Al-Arian*, 280 F. Supp. 2d 1345, 1359 (M.D. Fla. 2003).

⁵⁷ *Id.* at 1347, 1350, 1359 (releasing two defendants who were accused of "being members of an international terrorist organization" and committing "various violent crimes, some carrying potential life sentences"); see also *United States v. Robinson*, 2007 U.S. Dist. LEXIS 40926, *12 (N.D. Cal. May 23, 2007) (criticizing the government because "[t]he [g]overnment's sole argument that [d]efendant is a danger to the community [was] based on the nature of the crime.>").

⁵⁸ See generally Eleventh Circuit Pattern Jury Instructions, S7 Aiding and Abetting (last updated Dec. 2016), <http://www.ca11.uscourts.gov/sites/default/files/courtdocs/clk/FormCriminalPattern-JuryInstructions2016Rev.pdf>.

indictment,⁵⁹ the strength of the government's case is questionable, and the government's evidence does not show that Noor is dangerous. As Magistrate Judge Ryu found, the government's evidence is "debatable."

The government necessarily alleges that Mateen, in providing material support to ISIL, furnished himself as personnel. The government maintains this even though its own investigation could not establish direct ties between Mateen and ISIL before the attack. *See* James B. Comey, Director, Federal Bureau of Investigation, Press Briefing on Orlando Mass Shooting at the FBI Headquarters (June 13, 2016) (stating that after combing through Mateen's past, "we see no indication that this was a plot directed from outside the United States, and we see no indication that he was part of any kind of network"). Moreover, Mateen reportedly praised multiple terrorist organizations— even those in conflict with one another.

Even more tenuous is the government's proffer that Noor was aware of Mateen's plan to attack the Pulse Night Club. The government's proffer is based on purported admissions of a battered spouse, suffering from PTSD, in shock from her husband's actions. Noor has documented difficulties in cognitive mental perception, and she was involuntarily transported to the FBI's offices and continuously interrogated for approximately 18 hours without the benefit of counsel.

The alleged admission of foreknowledge of the attack is belied by Noor's actions on the night of the attack. After Mateen left for the evening, she called her family and told them that she, along with her son and Mateen, would be coming to California. She then took her son out for dinner, and bought her husband a Father's Day card and a gift. She took her son home, put him to bed and went to sleep. When she was awoken by her mother-in-law's phone call, Noor had no

⁵⁹ *United States v. Sheikh*, 994 F. Supp. 2d 736, 739 (E.D.N.C. 2014) ("It has long been settled by the Supreme Court that a grand jury indictment conclusively determines the existence of probable cause.") (citations omitted).

idea where Mateen was. In an effort to discover his whereabouts, she first tried to call him and when he did not answer, she texted him asking “Where are you?” These are not the actions of someone with knowledge of her husband’s murderous plans.

The government’s argument that the Magistrate Judge should not have considered the weakness of the government’s purported confession evidence is also misplaced.⁶⁰ While a court may consider evidence vulnerable to suppression at a detention hearing, a court may also conclude that a purported confession, obtained after an 18-hour interrogation without an attorney present, is not reliable. This is especially true given that Pretrial Services determined that Noor has PTSD and difficulty with abstract reasoning. The evidence at issue in *Apker*, the case cited by the government, was an illegally recorded conversation.⁶¹ The reason for suppressing the evidence in *Apker* did not go toward the weight of the evidence, as it does here.⁶²

Even if the government can establish knowledge, it must also establish that Noor aided Mateen. However, it was Mateen, not Noor, who decided to attack the Pulse Night Club, Mateen who chose to drive to the club, Mateen who purchased the weapon and ammunition, and Mateen who alone carried out the attack. Noor, by contrast, was physically and mentally battered by Mateen throughout the couple’s marriage, and lived in constant fear of him, afraid to either question or contradict his actions.⁶³

⁶⁰ The government cited *United States v. Apker*, 964 F.2d 742, 744 (8th Cir. 1992).

⁶¹ *Id.*

⁶² See *J. D. B. v. North Carolina*, 564 U.S. 261, 269 (2011) (“[T]he pressure of custodial interrogation is so immense that it can induce a frighteningly high percentage of people to confess to crimes they never committed.”) (internal quotation omitted); see also Steven A. Drizin, *The Problem of False Confessions in the Post-DNA World*, 82 N.C.L. REV. 891, 1003-04 (2004). (noting that “persons with developmental disabilities [are] . . . particularly vulnerable to falsely confessing when police apply psychological interrogation techniques to them.”).

⁶³ Dr. Campbell scored a Danger Assessment test given to Noor, where she found “Ms. Salman scored in the Extreme Danger range, the highest level of danger from and abusive intimate partner. This means that she scored within the range where 98% of the women who scored within

The government proffers that Noor aided and abetted the attack through her presence during an alleged scouting trip. But the government's proffer mischaracterizes Noor's participation. The evidence will show the purported scouting trip occurred while the family was on their way home from babysitting the children of a relative, when Mateen chose to drive into Orlando and pass by the Pulse Night Club, and Noor, who did not have a driver's license at the time, was merely a reluctant passenger who wanted to go home. Noor may have been present while Mateen possibly made preparations, but mere presence alone is insufficient to establish aiding and abetting.⁶⁴

The government further proffers that Noor was aware of Mateen's extravagant spending prior to the attack as evidence of her participation. The Defense proffers that Noor had no control over the couple's finances, and that Mateen explained the purchases by telling Noor that he had been accepted into a police training program, and showing her a letter to that effect. He told her that, based on the salary he was going to be earning, he could afford the purchases. It is difficult at best to connect witnessing purchases and accepting a ring with aiding and abetting an attack.

Finally, the government proffers that Noor aided and abetted Mateen by helping him develop a cover story for why he was not going to his parents' house, by stating that he was having dinner with a friend instead. The Defense proffers that Mateen told Noor he was having dinner with a friend, and Noor, who had little contact with Mateen's friends, was unaware of the falsehood and simply repeated what she had been told.

this range were killed, or almost killed, by an intimate partner. *See* Declaration dated 1/31/2017 of Dr. Jacquelyn Campbell.

⁶⁴ *See United States v. Leonard*, 138 F.3d 906, 909 (11th Cir. Ga. 1998); *Aycock v. United States*, 2016 U.S. Dist. LEXIS 67037, *6 (N.D. Ala. May 23, 2016) ("Without further evidence of guilt, Aycock's mere presence in the blind is insufficient to support his conviction for aiding and abetting his friends' violations, even when viewing the evidence in the light most favorable to the government.").

Under the circumstances, Magistrate Judge Ryu rightly found that the evidence against Noor was “debatable” at best, and although the weight of the evidence was the least important factor, it nevertheless weighed in her favor.⁶⁵

C. History and characteristics of the person, including family ties, the person’s character, ties to the community, and criminal history

Noor has been described by her family and friends as “respectful” and “well mannered.”⁶⁶ She has also been observed to be a dedicated mother, spending much of her time caring for her son.⁶⁷ Noor’s marital life has been the antithesis of this, as she has suffered two abusive husbands, one of whom she could not escape. Noor has no history of alcohol or drug abuse and no criminal history.⁶⁸

Noor has strong family and community ties.⁶⁹ She and her family have made the United States their home her whole life. Her family, including her mother, sisters, and uncle, live in California, where Noor was born and raised. Noor has demonstrated strong family ties when, after difficult periods in her life, most notably after the divorce from her first husband, she moved back in with her family. After Mateen’s death, she and her son moved in with her aunt and then the pair returned to live with her mother.⁷⁰ The strength of her family support and ties are demonstrated

⁶⁵ *United States v. Motamedi*, 767 F.2d 1403, 1408 (9th Cir. 1985).

⁶⁶ See Declaration of Ekbil Salman; Declaration of Shifa Itayem; Declaration of Rana Omar.

⁶⁷ See Declaration of Rana Omar.

⁶⁸ See, e.g., *United States v. Eshun*, 2010 U.S. Dist. LEXIS 123360, *9 (D. Ariz. Nov. 9, 2010) (“While the Court is not overwhelmed by the Defendant’s significant ties to Georgia or Arizona, the evidence does establish that Defendant has a relationship with his wife and daughters in both Georgia and Virginia. There is no record of violence or disruption in Defendant’s criminal history. The Court agrees with Judge Burns that this is sufficient to rebut the statutory presumption of dangerousness.”).

⁶⁹ *Al-Arian*, 280 F. Supp. 2d at 1359 (M.D. Fla. 2003) (releasing defendants who had “strong ties keeping them here . . . and impressive support from family, and friends willing to act as personal sureties.”).

⁷⁰ See Declaration of Emtiyaz Adieh; Declaration of Lauri Jaber.

by her mother and uncle's willingness to act as her custodians.⁷¹ Her aunt, uncle, and mother were willing to secure their homes as guarantees of Noor's presence at future hearings.⁷² Noor's mother is also willing to temporarily relocate to Florida if the Court's conditions for Noor's release require prolonged presence in the Middle District of Florida.⁷³

Noor's dedication to her son also mitigates any risk to the community or of flight. Throughout her marriage to Mateen, Noor remained in the marriage in order to protect her son, despite the physical danger to her. She now faces a threat to her liberty by the charges against her. Her devotion to her son has, in the past, offset any theoretical risk of flight. Indeed, Noor has known and understood that the government was investigating her for seven months before the Indictment, but she did attempt to flee. It would be unreasonable to assume that an individual who would not leave an abusive relationship due to her commitment to her son would suddenly abandon him in order to protect herself from incarceration.⁷⁴

The government's counter-argument that Noor's travel to California demonstrates a potential for flight ignores the underlying facts of that move. As the government has acknowledged, Noor, at all times, voluntarily reported her whereabouts to the FBI and sought the government's permission before moving to California. In fact, she was accompanied by two FBI cars as she traveled. Noor does not have a current passport and relies on her family for financial support.

The government's argument about Noor's mother's apartment in the West Bank is similarly misplaced. Noor traveled to the West Bank only once, in 2006. She has since stated that she did not have an affinity for it. In *Al-Arian*, despite the fact that each defendant had "some family

⁷¹ See Declaration of Ekbal Salman; Declaration of Abdallah Salman.

⁷² *Id.*

⁷³ See Declaration of Ekbal Salman.

⁷⁴ See Declaration of Rana Omar; Declaration of Shifa Itayem.

living in the Mid-East,” the Middle District of Florida released two defendants who had “strong ties keeping them here . . . and impressive support from family, and friends willing to act as personal sureties.”⁷⁵ Again, Noor has strong family ties in the United States, and her mother, aunt, and uncle voluntarily put up their own homes to secure her bond. Her uncle accepted legal responsibility for monitoring her.

Likewise, the government’s reliance on Noor’s lack of recent employment is misplaced. It is not significant that Ms. Salman has no recent history of employment.⁷⁶ This is especially true because her abusive husband did not allow her to work, and she devoted most of her time to the care of her child. Though some courts consider lack of employment in a detention analysis, courts also consider the reasons the defendant has not been employed.⁷⁷

Further, Noor is without the means to flee even if she so chose. She remains dependent on her family for transportation. Her most valuable asset, a diamond ring, is currently in the possession of defense counsel, by leave of the Magistrate Judge. She voluntarily surrendered her expired passport to the government, and the GPS monitoring order by the Magistrate Judge ensures the government will be able to monitor her whereabouts.

In sum, Noor’s history and family characteristics weigh strongly in favor of release.

D. Nature and seriousness of the danger to any person or the community that would be posed by the person’s release

Noor poses no danger to any person or the community. The government focuses on the events of June 12, 2016, but any threat Noor might have posed was solely a function of Mateen,

⁷⁵ *Al-Arian*, 280 F. Supp. 2d at 1357, 1359.

⁷⁶ See *United States v. Robinson*, 2007 U.S. Dist. LEXIS 40926, *12 (N.D. Cal. May 23, 2007) (“The Court finds unpersuasive the argument that a lack of employment history is evidence of an inability to conform one’s behavior to the law.”).

⁷⁷ See *id.* (considering the fact the defendant had just graduated to neutralize his lack of employment).

and that threat has been removed.⁷⁸ Unlike others charged with material support of terrorism, Noor does not adhere to a violent religious philosophy. In contrast to reported material support cases, the government proffers no evidence that Noor ever expressed a desire to support ISIL or approved of her husband's actions. Noor's religious views have no political bent. Indeed, she is not particularly religious at all.⁷⁹ Her lack of extreme religious views is confirmed by her lifestyle—she does not adhere to conservative dress, she does not attend congregational prayers or services, and she does not express an interest in political activities abroad or the need to defend Islam.

The cases cited by the government are inapposite.⁸⁰ In *Sheikh*, the government presented evidence that the defendant himself “had stated that he wished to join the terrorist group al-Nusrah Front in Syria, that he was eager to join violent jihad, that he wished to die as a martyr, that he would be willing to do anything for the mujahideen, that he desired weapons training, and that he was ready to fight.”⁸¹ Similarly, in *Kandasamy*, the defendant was alleged to be the director of a terrorist group's American branch.⁸² Here, the government concedes that Ms. Salman herself is not a member of a terrorist group, and provides no evidence that she ever expressed extremist views. Again, Noor is not particularly religious and has shown no interest in politics.

⁷⁸ *Robinson*, 2007 U.S. Dist. LEXIS 40926, at *12 (“In essence, the Government's sole argument is that the serious nature of the alleged crime requires that Defendant not be released. The Government has presented no evidence that, other than the behavior associated with the crime, the Defendant has ever exhibited any dangerous characteristics.”).

⁷⁹ See Declaration of Lauri Jaber.

⁸⁰ *Sheikh*, 994 F. Supp. 2d at 739; *United States v. Kandasamy*, 2008 U.S. Dist. LEXIS 52522, *2 (E.D.N.Y. July 3, 2008); *Al-Arian*, 280 F. Supp.2d at 1359.

⁸¹ *Sheikh*, 994 F. Supp. 2d at 740.

⁸² *Kandasamy*, 2008 U.S. Dist. LEXIS 52522, at *2.

In *Al-Arian*, also cited by the government, the court released two defendants, despite the fact that they were accused of being associated with a foreign terrorist organization and of committing “various violent crimes, some carrying potential life sentence.”⁸³ The court ordered conditional release of these defendants in part because it found that, unlike the other defendants, “the evidence of their strong commitment and participation in [the terrorist group’s] affairs [was] not as apparent.”⁸⁴ Like Magistrate Judge Ryu, the court ordered these defendants released “even factoring the presumption as a militating fact against release.”⁸⁵

Noor’s alleged connection to the crime does not stem from her desire to provide material support to ISIL, but rather her tragic marriage to an individual who allegedly desired to support ISIL, among other terrorist organizations, by attacking the patrons of the Pulse Night Club. In this case, the Court should consider the condition of Noor’s marriage when determining whether the circumstances of the offense charged weigh in favor of detention.⁸⁶

Noor was physically and financially abused by Mateen. He isolated her from her family by threatening to take custody of their son if she left him. Unlike other terrorism defendants, Noor was present only as a wife, and an abused wife at that. The removal of the perpetrator husband mitigates any danger posed by the serious nature of the crime.

The facts that Noor has been under investigation from the onset and that she, along with her family, has cooperated with the FBI to an extraordinary extent, demonstrate that release to her family does not pose a danger to any person or the public, and that she is not a flight risk.⁸⁷

⁸³ *Al-Arian*, 280 F. Supp. 2d at 1357.

⁸⁴ *Id.* at 1350.

⁸⁵ *Id.* at 1357.

⁸⁶ See Declaration of Jacquelyn Campbell (“Ms. Salman scored in the Extreme Danger range, the highest level of danger from an abusive intimate partner.”).

⁸⁷ See Declaration of Emtiyaz Adieh.

The recent case of *United States v. Meek* delineates the difference between a person who was aware of the threat posed by a perpetrator of a mass shooting, and the actual perpetrator of a mass shooting.⁸⁸ In *Meek*, the defendant was similarly alleged to have known of Dylan Roof's plan to enter a predominantly African American Church and shoot the occupants, due to his white supremacist beliefs. Shortly after the attack, the FBI questioned Meek, who he allegedly provided false statements regarding his role. Subsequently, Meek was charged by way of indictment with misprision of a felony and false statements.⁸⁹ In that case, despite Meek's admitted foreknowledge of a horrific mass shooting, the court found sufficient grounds to establish conditions of release.⁹⁰

III. Conclusion

While Noor is accused of a serious crime, every other factor weighs in favor of her conditional release. Allowing the allegations by the government alone to prevent release would be inconsistent with controlling law. Therefore, Defendant prays that this honorable Court find that the conditions imposed by Magistrate Judge Ryu, along with such other terms as the Court determines, are sufficient to permit release under 18 U.S.C. § 3142(c), and order the same.

Respectfully submitted March 8th, 2017.

/s/ Linda Moreno

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Phone: (813) 247-4500
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⁸⁸ *United States v. Meek*, 2:15-cr-00633-RMG, Doc. No. 36 (D. SC. Oct. 22, 2015).

⁸⁹ *Id.*

⁹⁰ The conditions of the release were a bond of \$25,000 secured with standard conditions, surety required; home detention with electronic monitoring; requirement to live with his grandparents with no contact with his brothers or girlfriend; inability to obtain his passport; performance of a mental health evaluation and participation in in-patient treatment. *Id.*

lindamoreno.esquire@gmail.com

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of this Defendant's Response to the Government's Motion for an Order Revoking Defendant's Release was electronically filed and served on the Court's electronic filing system:

DATED this 8th day of March, 2017.

/s/ Linda Moreno
Linda Moreno, Esq.
Florida Bar No. 0112283
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
Oakland Division

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UNITED STATES OF AMERICA

DECLARATION OF
HEATHER HAYDEN

-against-

NOOR ZAHI SALMAN,

No. 4:17-mj-70058

Defendant.

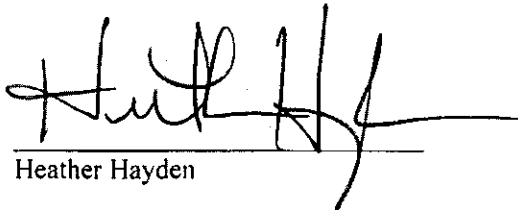
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I, Heather Hayden, do hereby declare as follows:

1. I am the Mathematics Department Chair at John Swett High School in Crockett, California.
2. Noor Salman was a student in my Algebra A class for the spring semester of the 2002-2003 school year when she was a junior at John Swett High School. Noor was also a student in my Algebra B class for both semesters of the 2003-2004 school year when she was a senior at John Swett High School.
3. Noor was a Special Education student. She was a very hard worker and a very sweet girl.
4. My memory of Noor is just of a quiet, sweet, gentle soul. Over the years I have had several of Noor's family members as students, including her sister and several cousins. All were wonderful people and I have always held the Salman family with high regard.
5. My impression of Noor was as such a kind, sweet, simple girl. I could see that she was someone that a lesser individual might take advantage of because of her sweet, trusting nature.

I declare under the penalty of perjury under the laws of the state of California that the foregoing is true and correct to the best of my knowledge.

Signed in Walnut Creek, California this 30th day of January, 2017.



Heather Hayden

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
Oakland Division

-----X

UNITED STATES OF AMERICA

DECLARATION OF
LAURI JABER

-against-

NOOR ZAHY SALMAN,

No. 4:17-mj-70058

Defendant.

-----X

I, Lauri Jaber, do hereby declare as follows:

1. I met Noor through our parents friendship.
2. We've known each other since 1989, I was two years old and she was three. We still remain friends.
3. Since meeting Noor she has always lived in Rodeo, California with her parents and siblings. Although at a young age her and her family moved to Palestine, they moved back to Rodeo, California after three years. Noor also has many relatives living in Rodeo, California as well and in neighboring towns.
4. Noor is not a flight risk because she is non violent and has never been in trouble with the law. Noor has never had any confrontation with school mates, coworkers, friends, or relatives. She was always friends with everyone she met. She never spoke about religion or politics. Someone's race, religion and identity never stopped Noor from becoming friends with someone. She is a lovable individual with a kind heart.

I declare under the penalty of perjury under the laws of the state of California that the foregoing is true and correct to the best of my knowledge.

Signed in Hercules, California, this 26th day of January, 2017.



Lauri Jaber

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
Oakland Division

Oakland Division



UNITED STATES OF AMERICA

**DECLARATION OF
SHEA ITAYEM**

No. 4-17-mj-70058

1. **INVESTMENT** shall be defined as follows:

[illegible]

Naoki is a very innocent, peaceful girl. She is financially independent of her mother in order to take care of her old father. She is dedicated to caring for her father and as a result does not have a job. But she does not have the financial ability to leave. Naoki lives here because she is very attached to him. She cannot even leave her son's safety and security by forcing him to leave the area where he is currently able to support him other than that she would have to leave him behind.

Florida

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
Oakland Division

-----X

UNITED STATES OF
AMERICA

DECLARATION OF
RANA OMAR

-against-

NOOR ZAHI SALMAN,
4:17-mj-70058

No.

Defendant.

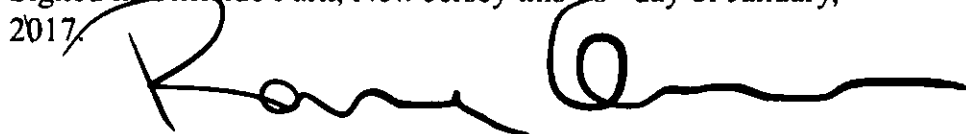
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I, Rana Omar, do hereby declare as follows:

Noor is my cousin. I haven't seen Noor since before she got married, because she does not travel. She prefers to stay at home with her family. I have talked with her before she got married and after. Noor is a caring, amazing, and sweet person. She could never hurt another person. She is a dedicated mother who always puts her son ahead of herself. Noor has been very involved in the community, she has developed great relationships with friends and classmates. She has a soft manner. She has always wanted to have children. Noor's joy is her son. She is dedicated to her mother and her younger sister, who live with her. Noor cares for her mother daily and assists her with her medical condition. Due to her mother's medical condition she is unable to travel, so Noor stays with her mother to care for her. Honestly I am worried for her and her son during this difficult time. I know she was having a difficult time just trying to be the best mom she can be while being depressed. Noor is as American as apple pie. I know she is incapable of knowing anything that has been claimed on the news. She would never hurt anyone. She is very childlike in her manner. Her favorite character is Hello Kitty and she even dresses in their clothing line. She is childlike. Please take into consideration that she is a good and peaceful person.

I declare under the penalty of perjury under the laws of the state of California that the foregoing is true and correct to the best of my knowledge.

Signed in Cliffside Park, New Jersey this 18th day of January,
2017.



Rana Omar

1 Charles D. Swift, Esq.
2 Constitutional Law Center for
3 Muslims in America
4 833 E. Arapaho Rd., Suite 102
5 Richardson, TX 75081
6 Phone: (972) 914-2507
7 Fax: (972) 692-7454
8 cswift@clcma.org
9 Pro Hac Counsel for Defendant SALMAN

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

NOOR SALMAN,

Defendant.

No. Case No.: 4:17-mj-70058

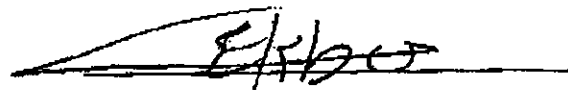
**DECLARATION OF
EKBAL SALMAN**

I, EKBAL SALMAN, declare the following to be true under penalty of perjury:

1. My name is Ekbal Salman.
2. I am the mother of Noor Salman.
3. I live in at [REDACTED], Rodeo, California. Noor has been living with me in California since the beginning of September, 2016. Noor's son, Zakaryah Mateen, also lives with me.
4. Noor has lived with me while she was growing up, until the time she was married the first time at age 19, in July of 2006. Once she became single after her divorce in September of 2009, she moved back with me to my home in California. She married Omar Mateen, December of 2011, and moved out of my home to be with Omar in Port St. Lucie, Florida.
5. While Noor was being investigated by the FBI, following the shooting, she moved from her aunt's home in Mississippi, to my home in California, where she lived with me from September, 2016 until she was taken into custody on January 16, 2017.
6. Noor is comfortable living with me. She is respectful and follows my directions and is willing to abide by the rules in my home. She is a good mother to her son, Zakaryah, and she comes to me for advice on how to parent. She is good at taking my advice and has never given me grief or disobeys me. She always aims to please and follow the rules and requirements expected of her.

7. I am willing to serve as the custodian of Noor Salman, should the court require a third party custodian in order to release her. I would be willing to be her custodian, so long as she lives with me under my roof.
8. Should the court require a pledge of my home to secure a guarantee of Noor's presence at future hearings, I am willing to place my home up for bail in order to guarantee compliance.
9. I own my house free and clear. I have no mortgage on the house.
10. I am willing and able to secure a title report to my home and property indicating my right to post my home at [REDACTED], Rodeo, CA.
11. According to a public records search, the assessed value of my house and property is \$324,930.
12. According to Zillow, the off market estimate of the value of my home, as of January 25, 2017, is \$529,865.
13. According to Redfin, the off market estimate of the value of my home, as of January 25, 2017, is \$513,520.
14. Should this case be transferred to Orlando, Florida, and should Noor's presence be required in Florida for hearings or for trial, I am willing to temporarily relocate with my daughter to Florida, and establish a residence suitable to the court's requirements to serve as her custodian in the district where her charges will be adjudicated.
15. By placing my home up for bail and agreeing to be Noor's custodian, I am affirming that I will see Noor is present for future hearings and any trial which may occur, and that she will comply with all other conditions of release that the court may require.

Signed on the 29th day of January, 2017 in Rodeo, California.



EKBAL SALMAN

Charles D. Swift, Esq.
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Muslims in America
833 E. Arapaho Rd., Suite 102
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cswift@clcma.org
Pro Hac Counsel for Defendant SALMAN

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

NOOR SALMAN,

Defendant.

No. Case No.: 4:17-mj-70058

**DECLARATION OF
ABDALLAH SALMAN**

I, ABDALLAH SALMAN, declare the following to be true under penalty of perjury:

1. My name is Abdallah Salman.
2. I am the uncle of Noor Salman.
3. I live at [REDACTED], Rodeo, California, 94572.
4. I own my house in Rodeo since early 1990. I have been living in Rodeo since 1977. My belief is that my house is worth approximately \$750,000, and I owe approximately \$200,000 on it.
5. According to a public records search, the assessed values of my house and property is \$562, 150.
6. According Zillow, the off market estimate of the value of my home, as of January 29, 2017, is \$710, 417.
7. According Redfin, the off market estimate of the value of my home, as of January 29, 2017, is \$659, 723.
8. I am willing to place my home up as collateral for bail, should it be required.
9. I am willing and able to secure a title report to my home and property indicating my right to post my home at [REDACTED], Rodeo, California, 94572.
10. I live near Noor's Salman's mother, Ekbal Salman, and have known Noor for her entire life. Should the court require a secondary, or back-up custodian, I would be willing to be a backup custodian for Noor and have her come and live at my home in Rodeo, California.

- 1 11. By placing my home up for bail and agreeing to be Noor's custodian, I am
- 2 affirming that I will see Noor is present for future hearings and any trial which
- 3 may occur, and that she will comply with all other conditions of release that the
- 4 court may require.
- 5 12. Since Noor moved back with her mother in late August/early September of 2016,
- 6 I have had weekly, if not daily contact with Noor. She is comfortable being with
- 7 me and my family.
- 8 13. When Noor moved to her mother's home from Mississippi, I was asked by the
- 9 FBI office here in the bay area, to report to them Noor's movements and
- 10 whereabouts. I met three FBI agents, Gregg, Jack and Allison. We met at a
- 11 Starbucks near my office in San Francisco. They said this was all for her
- 12 protection that they wanted to keep track of her movements.
- 13 14. After the meeting, I was in constant phone and text communications with them.
- 14 15. Per their request, each time Noor left the house, I would ask she let me know, and
- 15 I would then let the agents at the FBI know, as well, where she was going and
- 16 what she was doing.
- 17 16. Over the course of about four months, I sent them over 24 messages keeping them
- 18 apprised of Noor's activities.
- 19 17. I have attached six pages of sample texts I exchanged with the FBI agents from
- 20 the time she moved back to California, until the day she was arrested.
- 21 18. I have not heard from the agents since she was arrested on January 16, 2017.
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- 23
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- 26
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Signed on the 29th day of January, 2017 in Rodeo, California.



ABDALLAH SALMAN

**I like to pick up
noor at 7 o'clock
and take her to
my home**

Jake FB

**Sounds good.
Thanks for
letting us know.**



Olson FB

Thank you Al.

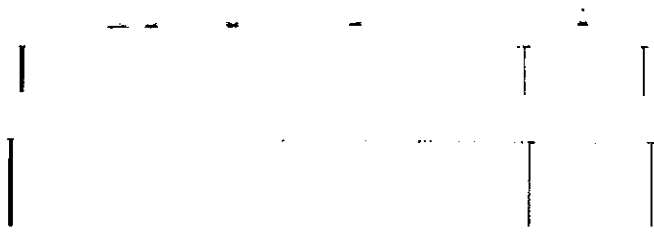


Mon, Aug 29, 9:41 PM

Hi,

**I will be taking
her home 10
o'clock**

Olson FB



Mon, Sep 5, 8:03 PM

**Good evening
I'm taking her
home at 8:15 pm**

Olson FB



Thank you sir.

Mon, Sep 12, 4:42 PM

Good afternoon

Olson FB



**Good morning
sir. Thank you.**

Mon, Sep 5, 8:03 PM

**Good evening
I'm taking her
home at 8:15 pm**

Olson FB

Thank you sir

Good afternoon
all I just wanted
to let you know
that I will be
picking her up at
5 PM to come to
my house

Olson FB

OF

Thank you.

Mon, Sep 12, 11:29 PM

Good evening I
will be taking her

Mon, Sep 12, 11:29 PM

Good evening I
will be taking her
back to her
mom's home at
11:45 pm

**Good evening
She will be
leaving to her
home in 15
minutes**

Olson FB

OF

Thank you.

Thu, Nov 3, 5:09 PM

Thu, Nov 3, 5:09 PM

**Good afternoon
I am back from
my vacation and
I like to go pick
her up and bring
it to my home**

Olson FB

Welcome back.

Olson FB

Olson FB



Yes sir. Thanks.

Thank you

Thu, Nov 3, 9:26 PM

**I will take back
home in 15
minutes**

Olson FB



Thank you.

Sat, Nov 5, 5:32 PM

Sat, Nov 5, 5:32 PM

**Good evening
I like to go pick
her up to my**

Howard Werth
Rodeo Ca

Thu, Nov 24, 8:52 PM

Olson FB

Sorry for the

Thu, Nov 24, 8:52 PM

Olson FB

**Sorry for the
delayed
response. Happy
Thanksgiving!**



Mon, Jan 16, 7:29 AM

**Good morning,
This morning the
law inforcement
came to her mom
home and picked
her up , they said**

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

NOOR SALMAN,

Defendant.

No. Case No.: 4:17-mj-70058

**DECLARATION OF
EMTIYAZ ADIEH**

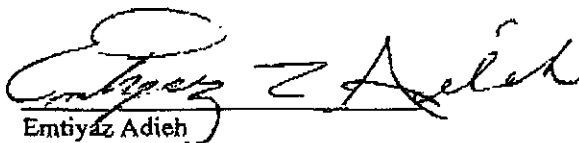
I, Emtiyaz Adieh, do hereby declare as follows:

1. I am the aunt of Noor Salman.
2. I live in Southaven, Mississippi.
3. I have known Noor Salman her entire life.
4. Shortly following the Pulse Nightclub shooting, Noor moved in with me at my home in Batesville, MS.
5. About four days after the shooting, I called the FBI to indicate I was going to pick Noor up and move her to Mississippi with me. The FBI agent in Orlando, FL (I believe his name was Mark or Marvin) told me the FBI had nothing on her and nothing holding her, and I was free to come and get Noor.
6. I flew to Orlando, rented a car, and drove down to Noor's in-law's house to get her. She and her son and I drove to a hotel, where I called the FBI agent (Mark/Martin?) who then met us at the hotel. The FBI agent gave Noor her purse that the FBI had previously taken the night of the incident, and gave her a new cell phone (provided by the FBI) for Noor.
7. I told the FBI agent I would move on and head out to Mississippi, and that I would call the Oxford, MS, FBI office when I arrived. He told me to do what I wanted to do, as she was free to go.
8. When I arrived in Atlanta, I realized that someone from the news media was following me and tracing my actions. I called the Oxford, MS, FBI office and was instructed to go straight to their office, and not to drive to my house.
9. When I arrived at the Oxford, MS, FBI office, I found my husband and three children were waiting for me at the local FBI office.
10. Noor and I got in my husband's car and we drove home. My son returned the rental car.
11. Noor lived with me in Mississippi until the beginning of September 2016, when I drove her out to California to be with her mom.
12. I was in contact with the FBI every three or four days when I would call them to let them know everything was ok, and Noor was fine. The FBI would drive by our house on a very regular basis. The FBI agents never spoke to Noor, but I spoke with them every week on a couple occasions.

13. When we drove Noor out to California, I called the FBI in advance to let them know Noor would be moving. I got clearance from them that it was ok that she move to California. I gave them the address of where she'd be moving to in Rodeo, CA. The Oxford, MS, FBI agents contacted the San Francisco FBI office to let them know Noor was moving out to her mother's house.
14. When we left from Mississippi, we were accompanied by two cars, one in front of us, and one behind us, with four agents total. They accompanied us the entire way to California. Wherever we stopped, they stopped. Wherever we slept, they slept. They never talked to us during this trip.
15. When we arrived in California, the California agents were called, and they told us we would be handed off to them. The next morning, Noor's uncle, Abdullah Salman, was called by the California agents. He was told that any movements by Noor were to be reported to them. Subsequently, Abdullah called the local FBI agent to inform them any time Noor left the house at all.

I declare under the penalty of perjury under the laws of the state of California that the foregoing is true and correct to the best of my knowledge.

Signed in Southaven, MS, this 17th day of January, 2017.


Emtyaz Adieh

1 Charles D. Swift, Esq.
2 Constitutional Law Center for
3 Muslims in America
4 833 E. Arapaho Rd., Suite 102
5 Richardson, TX 75081
6 Phone: (972) 914-2507
7 Fax: (972) 692-7454
8 csswift@clcma.org
9 *Pro Hac* Counsel for Defendant SALMAN

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

NOOR SALMAN,

Defendant.

No. Case No.: 4:17-mj-70058

**DECLARATION OF
JACQUELYN CAMPBELL**

I, JACQUELYN CAMPBELL, declare the following to be true under penalty of perjury:

1. My name is Jacquelyn C. Campbell, PhD, RN, FAAN.
2. I am a PhD prepared expert with 35 years experience conducting research on intimate partner violence (IPV) (or "domestic violence") and the risk for intimate partner homicide.
3. I am the Anna D. Wolf Chair & Professor at Johns Hopkins University School of Nursing, and have been in that position since 1993. My 48 page Curriculum Vitae is available upon request.
4. I have authored or co-authored more than 250 refereed publications and seven books and have been certified as an expert in domestic violence in 11 court cases in 7 different states.
5. In 1986, I developed the Danger Assessment, an instrument to assess risk of homicide for abused women. I formulated the initial descriptive analyses of the instrument and used it with more than 2,000 abused women personally, and subsequently validated its weighted scoring and accuracy in three large research studies (1 national urban case control, 2 prospective one in NYC and one in OK). It has also been tested and validated by three independent research studies.
6. On July 19, 2016, at the request of counsel, and under my direction, Noor Salman completed the Danger Assessment I developed.

- 1 7. I scored her assessment using the validated weighted scoring. Ms. Salman scored
2 in the Extreme Danger range, the highest level of danger from and abusive
3 intimate partner. This means that she scored within the range where 98% of the
4 women who scored within this range were killed, or almost killed, by an intimate
5 partner.
6 8. This statistic was derived in the national case control study of risk factors for
7 intimate partner homicide funded by the National Institutes of Health in
8 collaboration with the National Institute of Justice. The results of that study and
9 the Danger Assessment validation have been published in five different peer
10 review journals.
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Signed on the 30th day of January, 2017 in Baltimore, Maryland.


JACQUELYN CAMPBELL

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

UNITED STATES OF AMERICA

v.

CASE NO. 6:17-cr-00018-ORL-40KRS

NOOR ZAHI SALMAN.

Defendant.

I, JACQUELYN CAMPBELL, declare the following to be true under penalty of perjury:

1. My name is Jacquelyn C. Campbell, PhD, RN, FAAN.
2. I am a PhD prepared expert with 35 years' experience conducting research on intimate partner violence (IPV) (or "domestic violence") and the risk for intimate partner homicide.
3. I am the Anna D. Wolf Chair & Professor at Johns Hopkins University School of Nursing, and have been in that position since 1993. My 48 page Curriculum Vitae is available upon request.
4. I have authored or co-authored more than 250 refereed publications and seven books and have been certified as an expert in domestic violence in 11 court cases in 7 different states.
5. In 1986, I developed the Danger Assessment, an instrument to assess risk of homicide for abused women. I formulated the initial descriptive analyses of the instrument and used it with more than 2,000 abused women personally, and subsequently validated its weighted scoring and accuracy in three large research studies (1 national urban case control, 2 prospective one in NYC and one in OK). It has also been tested and validated by three independent research studies.
6. At the hearing on February 1, 2017, in Oakland, California, there seemed to be some confusion about the scoring of the Danger Assessment administered to Noor Salman. The government indicated what they saw as discrepancies, and attributed them to carelessness on my part and therefore put my assessment into question. I would like to address how the assessment was/is scored below:
7. On July 19, 2016, at the request of counsel, Linda Moreno, and under my direction, Noor Salman completed the Danger Assessment I developed.
8. The Danger Assessment can be filled out by anyone for themselves. Noor filled out the Danger Assessment as provided to her by Attorney Linda Moreno. Noor added up the risk factors herself and thus the error in adding (12 total rather than 11) is hers.
9. Although there are directions for use of the calendar at the top and use of the calendar is preferred, the Danger Assessment can be filled out without the calendar (Campbell et al, 2009). Use of the calendar gives a woman a better picture of the abuse. It is separate from the risk factors scoring of the Danger Assessment and does not affect the 20 item risk factor scoring. We have found

that women who use the calendar first may increase their score on the risk factors (changing #1 from a no to a yes, for example). Using the calendar first would never decrease the score. Attorney Moreno assessed that Noor was not able to fill out the calendar.

10. The scoring of the Danger Assessment by simply adding the yes answers gives a rough score (10 or more is a rough cutoff), but there is a weighted scoring that is far more accurate (Campbell et al, 2009). I conducted the weighted scoring – detailed below:

Scoring for Danger Assessment – (DA '03, Campbell et al, 2009) – Noor Salman

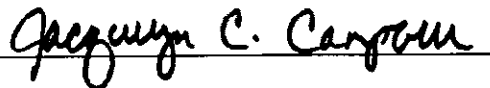
Add total number of "yes" responses: 1 through 20.	__11__
Add 4 points for each "yes" to questions 2 and 3.	__4__
Add 3 points for a "yes" to question 4.	__0__
Add 2 points for each "yes" to questions 5, 6, and 7.	__4__
Add 1 point to each "yes" to questions 8 and 9.	__1__
Subtract 3 points if 3a is checked.	__0__
Total	__20__

The score is then placed within levels of Danger as below

Less than 6 - "variable danger"
 6 to 9 - "increased danger"
 10 to 17 - "severe danger"
 18 or more - "extreme danger"

11. Noor's score was in the very highest level of danger of domestic violence homicide – Extreme Danger. This is the highest level of danger of domestic violence homicide possible in the national domestic violence homicide study - Risk Factors for Domestic Violence Homicide (Campbell et al, 2003). Using a sensitivity and specificity analysis of the data in that study, 83% of the women who were killed in that study scored within the extreme or severe danger levels on the Danger Assessment. Only 2% of the women who were NOT at the Extreme Danger level in the study were killed by their husband, boyfriend, or Ex Husband/Boyfriend.

Signed on the 7th day of March, 2017 in Baltimore, Maryland.



JACQUELYN CAMPBELL

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DANGER ASSESSMENT

Jacquelyn C. Campbell, Ph.D., R.N.
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Several risk factors have been associated with increased risk of homicides (murders) of women and men in violent relationships. We cannot predict what will happen in your case, but we would like you to be aware of the danger of homicide in situations of abuse and for you to see how many of the risk factors apply to your situation.

Using the calendar, please mark the approximate dates during the past year when you were abused by your partner or ex partner. Write on that date how bad the incident was according to the following scale:

1. Slapping, pushing; no injuries and/or lasting pain
2. Punching, kicking; bruises, cuts, and/or continuing pain
3. "Beating up"; severe contusions, burns, broken bones
4. Threat to use weapon; head injury, internal injury, permanent injury, choking on dates with choking/strangulation put a (c)
5. Use of weapon; wounds from weapon

(If any of the descriptions for the higher number apply, use the higher number.)

Mark **Yes** or **No** for each of the following. ("He" refers to your husband, partner, ex-husband, ex-partner, or whoever is currently physically hurting you.)

- yes 1. Has the physical violence increased in severity or frequency over the past year?
- yes 2. Does he own a gun?
- no 3. Have you left him after living together during the past year?
3a. (If have *never* lived with him, check here)
- no 4. Is he unemployed?
- no 5. Has he ever used a weapon against you or threatened you with a lethal weapon?
(If yes, was the weapon a gun?)
- yes 6. Does he threaten to kill you?
- yes 7. Has he avoided being arrested for domestic violence?
- no 8. Do you have a child that is not his?
- yes 9. Has he ever forced you to have sex when you did not wish to do so?
- yes 10. Does he ever try to choke you? (If yes, has he done it more than once or did it make you pass out or black out?)
- no 11. Does he use illegal drugs? By drugs, I mean "uppers" or amphetamines, speed, angel dust, cocaine, "crack", street drugs or mixtures.
- no 12. Is he an alcoholic or problem drinker?
- yes 13. Does he control most or all of your daily activities? For instance: does he tell you who you can be friends with, when you can see your family, how much money you can use, or when you can take the car? (If he tries, but you do not let him, check here:)
- yes 14. Is he violently and constantly jealous of you? (For instance, does he say "If I can't have you, no one can.")
- yes 15. Have you ever been beaten by him while you were pregnant? (If you have never been pregnant by him, check here:)
- no 16. Have you ever threatened or tried to commit suicide?
- no 17. Has he ever threatened or tried to commit suicide?
- no 18. Does he threaten to harm your children?
- yes 19. Do you believe he is capable of killing you?
- yes 20. Does he follow or spy on you, leave threatening notes or messages on answering machine, destroy your property, or call you when you don't want him to?

12 Total "Yes" Answers

Thank you. Please talk to your nurse, advocate or counselor about what the Danger Assessment means in terms of your situation.

X Noor Salman
Noor Salman

X 7.19.2016
Date