jihadist videos showing . . . snipers shooting soldiers, installation and detonation of improvised explosive devices and suicide bombings. Other videos promoted Islamic *jihad* against America.

"[A]fter viewing the evidence in the light most favorable to the prosecution" and giving the government the benefit of all reasonable inferences, I am persuaded that a "rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt."

Conspiracy to Kill or Maim Americans Overseas and Provide Material Support to Terrorism

The defendant acknowledges his own interest in, and discussion with his codefendants about combat training, security, and defense tactics. Those discussions, he contends, did not encompass a "plan or agreement with them to acquire or implement any such training in a particular location, at a particular time or to kill and maim anyone in particular."

That doesn't matter. . . . What matters is that the government's evidence sufficed to enable the jury to find beyond a reasonable doubt that the defendant intended to acquire and use martial training to engage in *jihad* in Iraq against American forces, and, ultimately, to kill, or try to kill American military personnel.

An example of this intent comes from evidence of the defendant's efforts, via contact with someone in Syria, to obtain the explosive Astrolite. . . . The government's proof showed, in other words, that the defendant's interest in being trained was not limited to defending himself from possible acts of violence. It also showed that he was doing more than simply getting together with like-minded individuals to talk about common interests, such as political views or religious beliefs.

A keystone in the evidentiary construct was Griffin's video of a meeting between the defendant, El-Hindi and Mazloum on February 16, 2005. The film secretly created by Griffin showed that the defendants agreed with objectives and actions being discussed between the three of them and Griffin. Those objectives included recruiting others, maintaining security, initially acquiring small arms training, creating a "cell," the need for money, manpower and weapons in Iraq, and the need according specifically to Amawi, "to know explosives these days" as the best way for "making damage." To be sure, as the defendant points out, this was the only occasion when all three codefendants met with one another. A single encounter suffices to create a conspiracy.

In any event, the record showed numerous contacts by Amawi separately with El-Hindi and Mazloum. Between July, 2004, and February, 2006, Amawi spoke by telephone with El-Hindi twenty-two times and Mazloum twenty-one times. In addition, he met separately with each on several occasions.

In sum, there was enough evidence to enable the jury to find beyond a reasonable doubt that the defendant conspired with the other defendants to provide material support to terrorism and kill and maim Americans overseas.

Distribution of Bomb Vest Video

The defendant found and downloaded the bomb vest video from the Internet. Accompanied by Arabic commentary, the video showed how to place ball bearings, or ball bearing-type objects, into an explosive compound, install a detonator, and enfold everything into a vest to be worn by a suicide bomber. The video also showed the effects of detonating the bomb vest. It was, in essence, similar to a "how to" demonstration that one might see on a cooking channel or a home improvement show. As the demonstration was proceeding, Amawi translated the Arabic commentary for Griffin.

Count Three charged the defendant with having unlawfully distributed the bomb vest video by showing it to Griffin. Showing the video sufficed to establish distribution.

The government also had to prove the defendant intended that the information be used for an activity that constituted a federal crime of violence. The jury could reasonably conclude beyond a reasonable doubt that Amawi showed the video to Griffin intending that Griffin, the former Special Forces solider, would use the information from the video either to make similar bombs or teach others how to do so.

Distribution of the "Explosives Cookbook"

The government charged the defendant with also having unlawfully distributed materials relating to explosives intending that it be used to commit a federal crime when he transferred an Arabic-language manual on explosives to Griffin.

Amawi copied the manual onto a compact disc along with other materials and gave the CD to Griffin. This sufficed to prove distribution of the manual.

The defendant contends, *inter alia*, that there is no evidence that Griffin, whose knowledge of Arabic is rudimentary, could or did undertake to read the manual, or that he was even aware that it was included

(Continued)