UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v. CASE NO. 6:17-cr-18-Orl-40KRS

NOOR ZAHI SALMAN

UNITED STATES' RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION IN LIMINE

The government responds to each of the issues raised by Salman's motion in limine. Doc. 150.

I. Proposed Testimony by "Nemo"

Salman seeks to elicit testimony from Nemo that Mateen told Nemo that he (Mateen) had previously told his family members and wife he was seeing Nemo when he was actually meeting other women. Such testimony would constitute rank and untrustworthy double-hearsay and would be introduced to show propensity. The testimony is also irrelevant.

Nemo's proposed testimony is inadmissible double-hearsay. The first hearsay statement Salman seeks to admit is that Mateen (the declarant) told his family and Salman that he was seeing Nemo (out-of-court statement). *See* Fed. R. Evid. 801(c). Nemo's testimony that, on another occasion, Mateen repeated the out-of-court statement above to Nemo and claimed it was a cover story would constitute hearsay within hearsay. Without a hearsay exception

for each statement, the testimony is inadmissible. *See United Techs. Corp. v. Mazer*, 556 F.3d 1260, 1279 (11th Cir. 2009) (quotation omitted). Salman failed to provide an applicable hearsay exception for each statement because none apply, and the statements should be excluded.

Nor should the proposed testimony be admitted under the residual exception. To be admissible under the exception, the evidence must (1) be particularly trustworthy; (2) bear on a material fact; (3) be the most probative evidence addressing that fact; (4) admission of the evidence would be consistent with the rules of evidence and advance the interests of justice; and (5) adequate notice has been provided to the adverse party. Fed. R. Evid. 807.

The hearsay statements proposed by the defense lack the exceptional guarantee of trustworthiness necessary to warrant admission. *See Rivers v. U.S.*, 777 F.3d 1306, 1312 (11th Cir. 2015) (holding that a district court erred in admitting hearsay statements because they "lack[ed] equivalent circumstantial guarantees of trustworthiness . . . ."); *U.S. v. Jayyousi*, 657 F.3d 1085, 1113 (11th Cir. 2011) (finding that exceptional circumstances did not exist). The entire trustworthiness of the statement rests on the credibility of Mateen. Nemo would not testify that he heard Mateen tell his wife this statement or that he was present when the cover story was previously used; rather, Mateen told Nemo that he used this cover story in the past. According to Salman's

own assertions, Mateen lacks credibility, lied to family members and Salman, made cover stories to engage in deceptive behavior, and abused his wife but hid it from family members, and he undisputedly committed and planned an attack murdering 49 people. Yet, Salman claims that Mateen bragging to a friend about sleeping with women and lying to family about it is a particularly trustworthy statement. This is the exact type of untrustworthy hearsay statement that should be excluded. *See Jayyousi*, 657 F.3d at 1113 ("statements were not trustworthy in part because the military interrogators themselves stated that [the declarant] was often untruthful.").

The purported corroborating evidence is also unavailing. The Eleventh Circuit has stated that the "corroborating evidence must be extraordinarily strong before it will render the hearsay evidence sufficiently trustworthy to justify its admission." *U.S. v. Lang*, 904 F.2d 618, 624 (11th Cir. 1990). As corroborating evidence, Salman points to Mateen attempting to have affairs, but identifies no corroborating evidence showing that a cover story was previously used by Mateen or that Nemo was the excuse. Further, it is unclear why Mateen, who purportedly oppressed and abused Salman, would need to lie to her and create a cover story to cheat. This evidence falls well below the extraordinarily strong standard necessary to admit hearsay. *See Rivers*, 777 F.3d at 1314 ("The existence of corroborating evidence does not necessarily

make hearsay evidence admissible under Rule 807."); *Lang*, 904 F.2d at 624 ("although portions of . . . testimony were corroborated, we do not find the corroborating evidence sufficiently strong to meet this high standard").

Moreover, the evidence is not probative of a material fact. Salman's text messages, cited by her, Doc. 150 at 5 n.2, show that Salman initiated the cover story that Mateen went to see Nemo prior to committing the terrorist attack. Any testimony regarding Mateen's alleged use of a cover story to cheat is irrelevant. Nemo's testimony is also not the most probative form of evidence. If the statement is true, Salman could elicit testimony from the family member who heard it, removing one level of hearsay, and present evidence that Mateen was having an affair on that date. Thus, the residual exception does not apply and the statements should be excluded.

Nor does Fed. R. Evid. 404(b)(2) weigh in favor of admission. The statements are being offered to show Mateen's propensity to lie and as character evidence that Mateen was a cheater. "Although the standard for admission [of 404(b) evidence] is relaxed when the evidence is offered by a defendant," *U.S. v. McClure*, 546 F.2d 670 (5th Cir. 1977), the party advancing the evidence must demonstrate that it is not offered "to prove the character of a person in order to show action in conformity therewith." When the proffered evidence is shown to have a special relevance to a disputed issue, the Court

must balance the probative value against the possibility of unfair prejudice. *U.S. v. Cohen*, 888 F.2d 770, 776 (11th Cir. 1989).

The 404(b) evidence offered here has no special relevance to a disputed issue. As explained above, the evidence shows that Salman crafted and initiated the cover story. Mateen then followed her lead and repeated Salman's lie. Mateen's alleged use of a cover story to cheat on Salman in the past has no bearing on any issues here. The submission of this evidence is nothing more than a veiled attempt to present inadmissible propensity and character evidence that Mateen was a liar who cheated on Salman.

II. "Medical records" and Claims of Abuse to Dr. Chamberlain[1]

Dr. John Chamberlain's report is not admissible as either a business record or a statement made for medical treatment. Dr. Chamberlain's report is not a business record because it is not a record that is regularly made in the course of Dr. Chamberlain's regularly conducted business activity as required by Fed. R. Evid. 803(6). Dr. Chamberlain conducted an evaluation of Salman at the specific request of the Court, not in the course of his regularly conducted business activities, as Dr. Chamberlain is not regularly employed by the Court and instead is employed at the University of California. The report, thus, is

[1] Dr. Chamberlain's name has been used in the public record on multiple occasions. *See* Doc. 24 at 7; Doc. 50 at 1. Thus, there is no need to obscure his name, as done by the defense.

not a business record of a regularly conducted business activity.

That the report is not a business record is further demonstrated by the fact that it was prepared for this criminal litigation. *See Nobel v. Ala. Dep't of Envtl. Mgmt.*, 872 F.2d 361, 366 (11th Cir. 1989) (record not a business record where proponent did not establish that record was not prepared in anticipation of litigation); *U.S. v. Ignasiak*, 667 F.3d 1217, 1231 (11th Cir. 2012) ("business record exception does not encompass documents generated by an entity that regularly produces evidence for use at trial") (citation and alteration omitted).

The report should also be excluded under Fed. R. Evid. 403 because the probative value of the record is vastly outweighed by the potential to mislead the jury and the danger of unfair prejudice to the government. The introduction of medical records, particularly ones that contain opinions or diagnoses, without calling the physician as a witness to explain his conclusions and to be subject to cross examination carries an unjustified risk of confusing the jury. *See Sims v. State Farm Mut. Auto. Ins. Co.*, 2016 WL 3511712 at *3 (E.D. Ark. Jan. 13, 2016) ("In the absence of availability of the expert for explanation and cross-examination, the court may conclude that probative value of this evidence is outweighed by the danger that the jury will be misled or confused.") (quotation omitted). Further, because the defense failed to notice Dr. Chamberlain as an expert, admission of the report would

be unfair, as the government, relying on the defense's expert notices, has not sought to obtain rebuttal testimony.[2]

Even if Dr. Chamberlain's report were to be admitted as a business record, Salman's statements as recorded therein are not admissible as business records. "[T]he business records exception does not embrace statements contained within a business record that were made by one who is not part of the business if the embraced statements are offered for their truth." *U.S. v. Vigneau*, 187 F.3d 70, 75 (1st Cir. 1999), *cert. denied*, 528 U.S. 1172 (2000); *see also U.S. v. Gwathney*, 465 F.3d 1133, 1141 (10th Cir. 2006).

Nor are Salman's statements to Dr. Chamberlain admissible under the hearsay exception for statements made in connection with medical diagnosis. The rationale for this exception is "that a patient's statements to his or her physician are likely to be particularly reliable because the patient has a self-interested motive to be truthful" so that the patient receives appropriate care. *U.S. v. Chaco*, 801 F. Supp. 2d 1200, 1204 (D.N.M. 2001). However, as Salman's statements were made to Dr. Chamberlain as criminal charges

[2] The Magistrate Judge in California indicated that Dr. Chamberlain's report was intended to be "solely for use in the courtroom . . . [provided] only to counsel, and solely for the purposes of the bail proceedings." *U.S. v. Salman*, Case No. 4:17-mj-70058-MAG (N.D. Cal.), Doc. 44 at 4. Without timely notice by the defense of their intent to seek to introduce the report at trial, the government had no reason to seek rebuttal evidence or testimony regarding Dr. Chamberlain's report.

against her were proceeding, and where the context of the evaluation by Dr. Chamberlain was whether Salman would be detained pending trial, Salman had compelling motivations for providing information to Dr. Chamberlain besides obtaining proper treatment, and the rationale for the exception regarding statements for medical diagnosis should not apply.

While Dr. Chamberlain did rely on Salman's claims of abuse in some of his diagnoses, he did not rely on the identity of her claimed abusers, and indeed, Salman claimed abuse by more than one person. In any event, statements of "fault" are not admissible under this rule. *Belfast*, 611 F.3d at 819. Additionally, evidence of claimed abuse is not relevant, as Salman is not raising a defense that she was under duress[3] and is instead proceeding on the theory that she was unaware of her husband's planned attack. Thus, Dr. Chamberlain's report is not admissible on any ground.

III. Salman's Text Messages on June 12, 2016

The government intends to introduce Salman and Mateen's text messages from June 12, 2016, and there is no objection.

[3] Nor could Salman put forth such a defense. *See, e.g., U.S. v. Sixty Acres in Etowah County*, 930 F.2d 857, 861 (11th Cir. 1991) ("[C]ircumstances justify a duress defense only when the coercive party threatens *immediate* harm which the coerced party cannot reasonably escape. . . . [G]eneralized fear . . . cannot provoke the application of a legal standard whose essential elements are absent. . . . Everything in the record before us suggests that Mrs. Ellis had ample opportunity to flee or to contact law enforcement agents regarding her husband's activities.") (emphasis in original).

IV. Evidence of Spending

Salman seeks to exclude evidence of her and Mateen's aberrant spending leading up to the attack. She also asks the court to exclude evidence related to the family's income, i.e., tax and government benefit records. This evidence is highly relevant to show Salman's knowledge of the attack, intent in committing the charged crimes, and rebutting her defense that she made a false confession on June 12, 2016. "[A] court's determination of whether wealth evidence is relevant under Rule 401, Fed. R. Evid., and whether the evidence's probative value is substantially outweighed by its unfair prejudice under Rule 403, Fed. R. Evid., must turn on the specific facts of the case." *U.S. v. Hope*, 608 Fed. App'x 831, 838 (11th Cir. 2015). "[M]otive is always relevant in a criminal case, even if it is not an element of the crime." *U.S. v. Hill*, 643 F.3d 807, 843 (11th Cir. 2011) (quotation and alteration omitted).

Mateen and Salman's extravagant spending was directly related to preparing for the attack and was part of their plan to provide financial support for Salman and her son after Mateen's death. In June 2016, Mateen and Salman made credit card charges totaling over $25,000 and cash withdrawals of over $5,500. In an eleven day period prior to the attack, they spent almost a full year's salary for the family using credit cards in Mateen's name only to avoid debtors from seeking money from Salman after his death.

The expenditures included, for example, Mateen's purchase of expensive weapons and ammunition that were intended to be used during the attack such as an AR-15 and other supplies for over $1,800 and Mateen's purchase of a Glock firearm for over $600. In addition, Mateen and Salman, who already had a wedding ring, purchased a diamond ring for $7,552.49 and a wedding band for $1,165.99. They purchased other jewelry worth over $1,400. The motive for purchasing such items was so Salman could gain access to money after Mateen's death, making the spending evidence highly probative in demonstrating her knowledge of Mateen's intent.

The Jackson Hewitt (tax) records provide context for how much Salman and Mateen purchased before the attack compared to their annual income, with records showing that the they made about $30,000 annually. In addition, the WIC records, showing that Salman applied for and was approved for the benefits in January 2012, demonstrate that Salman was aware of their family's modest household income.

The spending evidence and financial records also corroborate Salman's statements to the FBI after the attack, including her statements that she knew Mateen was "preparing for jihad" when Mateen began "spending a lot of money." Salman also expressed concerns to agents about getting Mateen's death certificate as soon as possible. This was because Mateen and Salman

visited a PNC Bank branch in Port Saint Lucie, Florida, on June 1, 2016, during which they added Salman as a payable on death beneficiary to Mateen's bank account. During the visit to the bank, the clerk who assisted them told them that if Salman was added as a beneficiary, she would only have access to the account upon the presentation of Mateen's death certificate.

Finally, Salman faces no unfair prejudice from this evidence because it is not used to appeal to class bias; rather, it demonstrates her knowledge of the attack, extensive planning and intent in committing the crimes, and rebuts her defense. *See Hope*, 608 Fed. App'x 831, 839 (11th Cir. 2015) (finding that evidence of luxury purchases was properly admitted where it was relevant to issues in the case and rebutted defenses to the charges); *U.S. v. Bradley*, 644 F.3d 1213, (11th Cir. 2011) (finding admission of "wealth evidence" properly admitted where it was probative of defendants' motive, "even if slightly so"). Accordingly, the records should be admissible at trial.

V. Testimony regarding "Muslim" Clothes and Video of Mateen

The government does not intend to offer evidence that Salman was wearing "Muslim" clothes on June 12, 2016.

As to the video footage of Mateen attending mosque on June 8, 2016, Salman, Mateen, and their child travelled to Disney Springs on this date, and on the way back home, stopped at a mosque, where Mateen entered and

prayed. It was during this trip to Disney Springs that Mateen asked Salman if she thought "an attack on Downtown Disney or a club" would "make people more upset." The videos showing the stop at the mosque are relevant to the timeline of this trip in which Salman and Mateen cased Disney Springs.

To the extent that the fact that Mateen was a practicing Muslim is prejudicial, as contended by the defense, the jury panel is already aware of a possible connection between this case and the Islamic religion due to the questions on the juror questionnaire, questions to which the defense agreed. If the mere knowledge that Mateen was a Muslim would cause a potential juror to treat Salman unfairly, such a fact may be established during voir dire and a potential juror could then be considered for exclusion. Thus, there will be no prejudicial effect of the evidence that Mateen attended a mosque.

VI. Evidence of the Pulse Night Club Attack

Salman is charged with aiding and abetting Mateen's provision of material support, specifically, personnel and services to the Islamic State of Iraq and the Levant (Islamic State). Further, the death of multiple victims resulted, an *Apprendi* factor that must be proved to the jury.

To demonstrate Mateen's provision of personnel and services to the Islamic State, and to demonstrate that death resulted from that provision, the government intends to offer into evidence video footage from inside of the

Pulse Night Club, including footage recorded by security cameras inside the club, footage captured on law enforcement body cameras, and recordings made by victims inside the club, 911 calls made by victims of the attack, and photographs of the aftermath of the attack. [4] The government also intends to call victims and law enforcement officers to describe the attack.

In addition to proving the charged crime, the evidence of how Mateen conducted his attack is relevant to Salman's knowledge of the attack. She eventually admitted to the FBI that Mateen considered attacking a club on multiple occasions and that he bought a "long gun" prior to the attack, one of the ways that she admitted she knew Mateen's attack was imminent. Further, Salman was present when Mateen purchased three thirty-round magazines for the "long gun." Thus, Mateen's choosing a club as a target, using a long gun during the attack, and killing and injuring dozens of people are corroborative of Salman's statements to the FBI and her knowledge of Mateen's plans.

The government has carefully considered the large amount of evidence available to it regarding the Pulse Night Club attack and has chosen the most probative evidence available that also minimizes undue prejudice to Salman. For example, the video footage from inside of the Pulse Night Club of the attack, whether recorded by security cameras or victims, while obviously

[4] As ordered by this Court, the government will disclose this evidence to the Court via a sealed pleading on December 7, 2017. Doc. 154.

graphic, is not unduly gory or gruesome. Instead, the videos establish Mateen's actions in providing material support to the Islamic State.

In comparison, the government will not seek to use any of the hundreds of autopsy photos of the deceased victims; these pictures are almost unspeakably horrific in the physical effects of violence they depict.[5] While these photos are certainly relevant to establish Mateen's material support and that death resulted, *see U.S. v. McRae*, 593 F.2d 700, 707 (5th Cir. 1979) (allowing the admission of autopsy-type photos), the government does not seek to show this especially graphic evidence. Similarly, with respect to the 911 calls by victims, the government has carefully considered the dozens of available calls and will provide the Court with only a small subset of those calls that it intends to seek to introduce.

Any case that involves the murder of 49 victims on behalf of the Islamic State and necessitates that the government prove that the offense resulted in death will necessarily involve proving graphic violence and physical injury. *See U.S. v. Pugh*, 162 F. Supp. 3d 97, 117–18 (E.D.N.Y. 2016) ("Because this is a case about supporting terrorists, it is inescapable that there will be some evidence about violence and terrorist activity.") (alterations and citation

[5] To protect the privacy of victims and as the United States does not intend to use autopsy photos of deceased victims, the government did not disclose these photographs in discovery. The government will bring the photos to the hearing set on the defense's motion, should either the Court or the defense wish to view them.

omitted). Salman argues that as she was not charged with aiding and abetting murder and assault, the evidence of the violence and deaths should not be admitted against her. This argument is nonsensical, as the material support provided by Mateen to the Islamic State was to commit murder and assault.

Salman further argues that there is no dispute that death occurred during the attack. However, the government must prove this element beyond a reasonable doubt under *Apprendi*, and Salman should not be allowed to handicap the government's presentation of its evidence, so long as the evidence does not create unfair prejudice. *See U.S. v. Patrick*, 513 F. App'x 882, 887 (11th Cir. 2013) ("Patrick's apparent willingness to conceded certain facts . . . does not, as he suggests, make the videos irrelevant."); *U.S. v. Rezaq*, 134 F.3d 1121, 1138 (D.C. Cir. 1998) (upholding the admission of multiple autopsy photos showing that the victim was shot in the head, a "point [that] did not especially need elucidation"); *U.S. v. Bowers*, 660 F.2d 527, 529–30 (5th Cir. Unit B Sept. 1981) (upholding the admission of a color photograph of a child's lacerated heart to prove cause of death despite the "fact that appellant stipulated with the government as to the cause of death").

VII. Shooting Range Evidence

On June 12, 2016, Salman stated to the FBI that she went to the shooting range one time with Mateen. Salman now challenges the statements

she made to the FBI. The United States intends to introduce this statement with a picture of Salman and Mateen, apparently at a shooting range wearing eye and ear protection, and a shooting range card signed by Salman, to corroborate her statement to the FBI. The evidence is relevant to a material issue, and there is no argument that it would cause unfair prejudice to her.

VIII. Record from Mateen's Employer

The government seeks to introduce a record from Mateen's employer showing Mateen's acknowledgement that he will not use his work-provided firearm outside of work. The record is relevant to show that, when Mateen left the residence on June 11, 2016 with his work-provided firearm, that this was likely an unusual occurrence. This corroborates Salman's statements that she knew when Mateen left their residence that he was going to commit an attack. Further, Salman and Mateen purchased ammunition for Mateen's work-provided firearm together on May 31, 2016. The government is not aware of any other time Mateen purchased ammunition for this firearm, and the policy prohibiting him from using that gun for any reason besides work demonstrates how aberrant this purchase was, again corroborating Salman's admissions.

IX. Mateen's Statements on Facebook and to Police

Mateen's statements on Facebook and to police on June 12, 2016 were not testimonial. Alternatively, Mateen's statements are admissible against

Salman as a statement of a co-conspirator. In *Crawford v. Washington*, 541 U.S. 36, 68 (2004), the Supreme Court held that the Confrontation Clause largely prohibits "testimonial" hearsay. The Court described testimonial statements covered by the Confrontation Clause as including "ex parte in-court testimony or . . . similar pretrial statements that declarants would reasonably expect to be used prosecutorially; . . . [and] statements that were made under circumstances which would lead an objective witness reasonably to believe that the statement would be available for use at a later trial." 541 U.S. at 51.

As to Mateen's comments on Facebook moments before his attack, those comments were not testimonial as they bear no resemblance to "in-court statements" that a declarant would expect to be used prosecutorially. Mateen's statements were the product of his own desire to publicize that he was committing a terrorist attack at the direction and control of the Islamic State and thus were not made with the "primary purpose" of creating evidence. Nor were his statements on Facebook "formal" or the product of police questioning of any type. Statements of this type are not testimonial and thus not barred on Confrontation grounds. *See Ohio v. Clark*, 135 S.Ct. 2173 (2015).

Mateen's statements during his calls with 911 were not testimonial, either. As to Mateen's initial call to 911, Mateen called law enforcement to claim responsibility for the shooting, not for the purpose of creating a

statement that could or would be used in a prosecution, but rather for the purpose of completing his provision of material support to the Islamic State.[6] Mateen "simply was not acting as a *witness*; []he was not t*estifying*." *Davis v. Washington*, 547 U.S. 813, 828 (2006) (emphasis in original).

In *Davis*, the Supreme Court held that a 911 caller's statements were not testimonial because the statements were not designed primarily to establish a fact for prosecution purposes, but to describe current circumstances requiring police assistance. *Davis*, 547 U.S. at 827. In this case, Mateen similarly was not trying to create a record for future use in a court proceeding. He was simply reporting an emergency situation. Although Mateen's goal certainly was not to obtain emergency assistance, his goal just as certainly was not to provide the equivalent of testimony. And the 911 operator's role was "to enable police to meet an ongoing emergency," the very nontestimonial purpose authorized in *Davis*, 547 U.S. at 822.

As to all of Mateen's calls with law enforcement that night, the primary purpose likewise was "to enable police to meet an ongoing emergency." *Id.*; *see also U.S. v. Liera-Morales*, 759 F.3d 1105, 1110 (9th Cir. 2014) (call between hostage's mother and hostage taker was not testimonial). While this case differs somewhat from *Davis*, in that the caller being challenged was a

[6] Mateen also called a local news tip line with much of the same information.

perpetrator, not a victim, the same purpose animated all of law enforcement's conversations with Mateen: to address an emergency situation and prevent further loss of life. Mateen's motivations during the calls similarly had nothing to do with providing evidence; he was speaking for his own purposes, to continue and further his terrorist act for the Islamic State.

Additionally, although many of Mateen's statements, particularly those about his motivations, were true, many others were false, as Salman notes, such as that he was wearing an explosive vest, that he had placed other explosives, and that he had coconspirators inside the club with him. Doc. 150 at 25 n.7. Such false statements, not offered to prove the truth of the matter asserted, are not barred by the Confrontation Clause. *See Crawford*, 541 U.S. at 60 n.9 ("The Clause ... does not bar the use of testimonial statements for purposes other than establishing the truth of the matter asserted."). And Mateen's demands in his statements, such as that the United States end air strikes in Syria, likewise would not be offered for the truth of those statements; rather, those demands are verbal acts, and ones that explain Mateen's motivation. So the admission of those statements also would not be barred by the Confrontation Clause. *See, e.g., Ruhl v. Hardy*, 743 F.3d 1083, 1099 (7th Cir. 2014) ("direct command [was] not a statement offered to prove the truth of the matter asserted").

Finally, even if the Court finds that any of Mateen's statements are testimonial, those statements should be admitted against Salman as she and Mateen were coconspirators. In *Crawford*, the Supreme Court observed that "statements in furtherance of a conspiracy" are "by their nature ... not testimonial." 541 U.S. at 56.

Before the government may introduce coconspirator statements, it must establish by a preponderance of the evidence both the existence of a conspiracy and that the statements were made in furtherance of that conspiracy. *U.S. v. Holder*, 652 F.2d 449, 450 (5th Cir. Unit B Aug. 1981). Further, "[t]here is no requirement that the defendant against whom the coconspirator's statements are being offered be charged in a conspiracy count." *Id*. Mateen made his statements in furtherance of the conspiracy, and they in fact helped accomplish the goals of the conspiracy. Salman's acts of aiding and abetting Mateen's attack demonstrate that she willfully joined in to an agreement with Mateen to provide material support. *See, e.g., United States v. Rosemond*, 134 S.Ct. 1240, 1249 (2014) ("[A] person who actively participates in a criminal scheme knowing its extent and character intends that scheme's commission."). Thus, Mateen's statements on Facebook and in calls with law enforcement officers should be admitted.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2017, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to the following:

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