

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA :
:
- v. - : 12 Cr. 830 (PKC)
:
ALIREZA MOAZAMI GOUDARZI, :
a/k/a "Mikel Scofield," : **DECLARATION OF**
a/k/a "Saeed Ebrahimi," : **JOHN P. CRONAN**
a/k/a "Sebastian Wilson," :
a/k/a "Richard Bocher," :
a/k/a "Mike Brown," :
:
Defendant. :
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JOHN P. CRONAN, pursuant to Title 28, United States Code, Section 1746, declares the following under penalty of perjury:

1. I am an Assistant United States Attorney in the office of Preet Bharara, United States Attorney for the Southern District of New York, attorney for the United States of America in the above-referenced case. I currently serve as the Deputy Chief of the Terrorism and International Narcotics Unit of the United States Attorney's Office. In that capacity, I am one of the supervisors of the above-referenced case. I respectfully submit this Declaration in response to the Court's Memorandum and Order, filed January 25, 2016, directing the Government to "show cause in writing by February 1, 2016 why the application for an order of nolle prosequi ought not to be denied based upon the conclusory assertion in the government's application."

2. On November 14, 2012, defendant Alireza Moazami Goudarzi, a/k/a "Mikel Scofield," a/k/a "Saeed Ebrahimi," a/k/a "Sebastian Wilson," a/k/a "Richard Bocher," a/k/a "Mike Brown" ("Goudarzi") was charged in Indictment 12 Cr. 830 (PKC) (the "Indictment") in six counts (1) from in or about October 2010 to October 24, 2012, conspiracy to violate the

International Emergency Economic Powers Act, Title 50, United States Code, Sections 1701 to 1707, and Title 31, Code of Federal Regulations, Sections 560.203 and 560.204, in violation of Title 50, United States Code, Section 1705; (2) from in or about October 2010 to October 24, 2012, conspiracy to violate Title 22, United States Code, Sections 2778(b)(2) and (c), and Title 22, Code of Federal Regulations, Sections 120.17 and 121.1, in violation of Title 18, United States Code, Section 371; (3) from in or about August 2012 to October 24, 2012, attempt to violate Title 22, United States Code, Sections 2778(b)(2) and (c), and Title 22, Code of Federal Regulations, Sections 120.17 and 121.1; (4) from in or about October 2010 to October 24, 2012, conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h); (5) on or about February 2, 2011, commission of money laundering, in violation of Title 18, United States Code, Sections 1956(a)(2)(A) and 2; and (6) on or about September 5, 2011, commission of money laundering, in violation of Title 18, United States Code, Sections 1956(a)(2)(A) and 2.

3. On or about October 24, 2012, Goudarzi was arrested in Kuala Lumpur, Malaysia, by Malaysian authorities, pursuant to a provisional arrest warrant issued in connection with the charges in the Indictment. Goudarzi was initially held in Malaysian custody pending extradition proceedings. Goudarzi's extradition was subsequently denied by the Government of Malaysia, and he since has been a fugitive. Following his release from custody in Malaysia, we have not been able to locate Gourdazi and did not have any promising leads that could ultimately lead to his arrest and extradition to the United States.

4. On January 16, 2016, the Government filed an application for a nolle prosequi to dismiss, without prejudice, the charges contained in the Indictment. The application moved for dismissal of the charges "[b]ased on significant foreign policy interests." In response to the Court's Memorandum and Order of January 25, 2016, and upon consultation with others within the Department of Justice, I write herein to provide further details regarding the "significant

foreign policy interests” that, I respectfully submit, render entry of the nolle prosequi in the public interest.

5. On January 17, 2016, President Barack Obama announced that several Americans unjustly detained by Iran were being released as part of a one-time, unique agreement based on extraordinary circumstances. In a reciprocal action, six Iranian-Americans and one Iranian serving sentences or awaiting trial in the United States were granted clemency by the President. These individuals, who are civilians, were not charged with terrorism or any violent offenses, and their release was described as a one-time gesture to Iran, given the unique opportunity offered by this moment and the larger circumstances surrounding the release of American prisoners in Iran.

6. As part of this one-time, unique agreement that was reached in order to get U.S. prisoners being held in Iran released, the United States also agreed to remove any Interpol red notices and move to dismiss any charges against fourteen Iranians, including Goudarzi, who to date, and despite the efforts of the United States, had not been extradited to the United States to face prosecution. Indeed, and as noted above, while Goudarzi was detained by Malaysia authorities in October 2012 on our provisional arrest warrant, his extradition to the United States was subsequently denied by the Government of Malaysia, and he has been a fugitive since that denial with no realistic prospect of arrest and extradition in the near future.

7. As President Obama also stated, the United States Government has made clear to the Government of Iran that the United States does not expect to repeat these actions, nor will these actions in any way impact how the Department of Justice prosecutes future cases involving citizens of Iran or any other country who violate the domestic laws of the United States. This includes individuals who violate the United States trade embargo on Iran, which remains in place with the exception of a few activities that will be licensed by the United States Department of Treasury.

I declare under penalties of perjury that the foregoing is true and correct, pursuant to Title 28, United States Code, Section 1746.

Dated: February 1, 2016
New York, New York

/s/ John P. Cronan
John P. Cronan
Assistant United States Attorney
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