

1 S. JONATHAN YOUNG  
Law Offices of Williamson & Young, P.C.  
2 P.O. Box 42245  
Tucson, AZ 85733-2245  
3 Telephone (520) 795-0525  
Fax: (520) 327-6731  
4 State Bar No. 012598  
5 jon@williamsonandyoung.com

6 Attorney for Defendant Mohamed Osman

7  
8 UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

9 United States of America, )  
10 ) Case No.: CR 18-1584-TUC-RM (BGM)  
Plaintiff, )  
11 ) REPLY TO GOVERNMENT’S  
vs. ) RESPONSE TO MOTION TO CORRECT  
12 ) NAME  
13 Mohamed Abdirahman Osman, )  
aka Mustaf Adan Arale, )  
14 )  
15 Defendant. )

16 It is expected that excludable delay under Title 18 U.S.C. §3161(h)(1)(F) will  
17 occur as a result of this motion or of an order based thereon.

18 The defendant, Mohamed Osman, aka Mustaf Arale, through his attorney, Jon  
19 Young, hereby replies to the Government’s response to Mr. Arale’s motion to correct his  
20 name.

21  
22 Mr. Arale’s motion regarding his name had nothing to do with Al Shabaab and  
23 makes no mention of Al Shabaab, but the Government seems anxious to talk about it. So  
24 Mr. Arale states again that he never joined Al Shabaab and that he never said that he  
25 joined Al Shabaab. As stated in Agent Cruikshank’s report and as testified to by Agent

1 Cruikshank, the now deceased Sheikh Mahmoud never claimed to be Al Shabaab. (RT  
2 August 14, 2018, p.36.) And, as stated in Agent Cruikshank's report and as testified to  
3 by Agent Cruikshank, the school Sheikh Mahmoud recommended Mr. Arale to in  
4 Mogadishu did not identify as an Al Shabaab facility. (RT August 14, 2018, p.36.) And,  
5 as stated in Agent Cruikshank's report and as testified to by Agent Cruikshank, the  
6 school in Mogadishu was not functioning. (RT August 14, 2018, p.36.) And finally, as  
7 stated in Agent Cruikshank's report and as testified to by Agent Cruikshank, Mr. Arale  
8 disapproved Sheikh Mahmoud as "brainwashing." He disapproved Al Shabaab as  
9 "killing fellow Muslims." (RT August 14, 2018, p.52-53.) And he disapproved ISIS as  
10 "evil." (RT August 14, 2018, p.51-52.) From all of that the Government manages to  
11 mischaracterize Mr. Arale as a member of Al Shabaab and, by extension, disparage an  
12 entire refugee community. The Government lost that issue at the dangerousness hearing.  
13 The Government will lose that issue again at trial. But apparently the Government will  
14 keep misstating its evidence about Al Shabaab at every opportunity, even if we are just  
15 talking about a name correction that has nothing to do with Al Shabaab.

18 Nor is Mr. Arale an Ethiopian citizen, not that that has anything to do with his  
19 name correction either. Mr. Arale is a Somali citizen. Somalia is a neighboring country  
20 to Ethiopia.

22 The Government apparently does not contest the fact that, were the Court to  
23 introduce Mr. Arale by the name that the Government is endeavoring to prove, it would  
24 be an upside down burden of proof. The name that the Government wants to prove is  
25 part of the charges against Mr. Arale. Mr. Arale has denied those charges and has pled

1 not guilty. That is all that he has to do. Mr. Arale does not have to “present evidence,”  
2 as the Government demands, either now or even at trial. Mr. Arale will produce evidence  
3 at trial. But that trial must begin with the burden on the Government, not on Mr. Arale.  
4 Rebutting the Government’s evidence is easy. Rebutting the Court, if the Court  
5 introduces Mr. Arale by a different name, is a burden-shifting presumption of guilt.  
6

7 Dated September 6, 2018

8 *s/S. Jonathan Young*

9 S. JONATHAN YOUNG

LAW OFFICES OF WILLIAMSON & YOUNG, P.C.

Attorney for Defendant

10 Copies of the foregoing  
11 served electronically or by other  
12 means on September 6, 2018, to:

13 Beverly K. Anderson  
14 Assistant United States Attorney  
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