



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

DSS:MSA/SDD
F. #2011R00783

*271 Cadman Plaza East
Brooklyn, New York 11201*

February 24, 2014

By Regular Mail

Agron Hasbajrami
65794-053
FCI Fairton, P.O. Box 420
Fairton, NJ 08320

Re: Agron Hasbajrami v. United States
Crim. Docket No. 11-623 (S1)(JG)

Dear Mr. Hasbajrami:

The government submits this letter to supplement the government's original Foreign Intelligence Surveillance Act ("FISA") notice, which was filed on September 13, 2011. The original FISA notice advised you that the government intended to offer into evidence, or otherwise use or disclose "information obtained or derived from electronic surveillance and physical searches conducted pursuant to the Foreign Intelligence Surveillance Act of 1978 ('FISA'), as amended, 50 U.S.C. §§ 1801-1812 and 1821-1829." (Dckt. # 9). Electronic surveillance under these provisions is commonly referred to as Title I collection, while physical search is commonly referred to as Title III collection.

We write to supplement the original notice by informing you that, pursuant to 50 U.S.C. §§ 1806(c) and 1881e(a), the government intended to offer into evidence or otherwise use or disclose in proceedings in the above-captioned matter information derived from acquisition of foreign intelligence information conducted pursuant to the Foreign Intelligence Surveillance Act of 1978, as amended, 50 U.S.C. § 1881a. This supplemental notification is based on a recent determination by the government that certain evidence or information obtained or derived from Title I and Title III FISA collection in this case was itself also derived from other collection pursuant to Title VII of FISA as to which you were aggrieved. Title VII of FISA, enacted pursuant to the FISA Amendments Act ("FAA"), permits, among other things, the targeting of electronic communications of non-U.S. persons located outside the United States, subject to certain statutory requirements. See 50 U.S.C. §1881a. Accordingly, we write to inform you that certain evidence and information, obtained or derived from Title I or III FISA collection, that the government intended to offer into evidence or otherwise use or disclose in proceedings in this case was derived from acquisition of foreign intelligence information conducted pursuant to the FAA.

In the government's view, this supplemental notification does not afford you a basis to withdraw your plea or to otherwise attack your conviction or sentence because you expressly waived those rights, as well as the right to any additional disclosures from the government, in your plea agreement. Nevertheless, because you currently have a pending habeas petition in civil case number 13-6852 (JG), by which you are seeking to vacate your conviction on other grounds, the government does not oppose modifying the existing briefing schedule to permit you to amend your submission before the government files its response if you wish to do so. If you do not wish to amend your submission, the government will respond to the pending petition on or before February 28, 2014, as is currently scheduled.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

By: /s/ Seth D. DuCharme
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cc: Clerk of Court, via ECF (JG)
Steve Zissou, Esq.