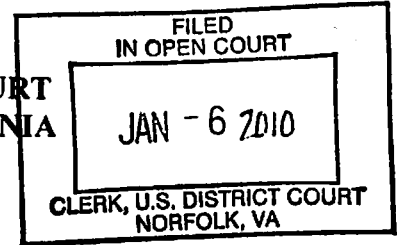


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



UNITED STATES OF AMERICA)

v.)

JUSTIN H. CANNON,)
(Counts 1, 2, 3, 4, 6, 8, 10, 12))

and)

CHRISTOPHER A. DROTLEFF,)
(Counts 1, 2, 3, 5, 7, 9, 11, 13))

Defendants.)

UNDER SEAL

CRIMINAL NO. 2:10cr 1

18 U.S.C. §§ 1111, 3261(a)
2nd Degree Murder
(Counts 1-2)

18 U.S.C. §§ 1113, 3261(a)
Attempted Murder
(Count 3)

18 U.S.C. §§ 924(c)(1)(A), 3261(a)
Use and Discharge of a Firearm During
and in Relation to a Crime of Violence
(Counts 4-9)

18 U.S.C. §§ 924(j), 3261(a)
Murder Resulting From the Use and
Discharge of a Firearm During and in
Relation to a Crime of Violence
(Counts 10-13)

Notice of Special Findings

INDICTMENT

January 2010 Term – at Norfolk, Virginia

THE GRAND JURY CHARGES THAT:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

1. On or about May 5, 2009, the defendants **JUSTIN H. CANNON** and **CHRISTOPHER A. DROTLEFF** were employed by the Armed Forces outside the United States, as defined in Title 18, United States Code, Section 3267(1)(A)(ii)(I), that is:

- a. **JUSTIN H. CANNON** and **CHRISTOPHER A. DROTLEFF** were Department of Defense contractors employed by Paravant LLC. Paravant LLC is a subsidiary of Xe (formerly known as Blackwater Worldwide), which was employed as a subcontractor for the prime contractor Raytheon Technical Services Company LLC as a part of the Defense Department Warfighter Focus contract #W900KK-07-D-0001. Pursuant to this contract, **JUSTIN H. CANNON** and **CHRISTOPHER A. DROTLEFF** provided training to the Afghan National Army for the Islamic Republic of Afghanistan in the use and maintenance of weapons and weapons systems.
- b. **JUSTIN H. CANNON** and **CHRISTOPHER A. DROTLEFF** were present and residing outside the United States in connection with their employment with Paravant LLC.
- c. **JUSTIN H. CANNON** and **CHRISTOPHER A. DROTLEFF** were not nationals of, nor ordinarily residents in, the Islamic Republic of Afghanistan (hereinafter “Afghanistan”).

2. The conduct alleged in this Indictment occurred in and around the intersection of Jalalabad Road and Mosque Road in Kabul, Afghanistan.

3. The conduct alleged in this Indictment constitutes offenses each of which would be punishable by imprisonment for more than one year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States.

4. The conduct alleged in this Indictment occurred outside the jurisdiction of any particular State or District and within the venue of the United States District Court for the

Eastern District of Virginia, in that the last known residence of joint offender **CHRISTOPHER A. DROTTLEFF** is Virginia Beach, Virginia, as provided by Title 18, United States Code, Section 3238.

COUNT ONE

(Second Degree Murder)

The General Allegations set forth in Paragraphs One through Four of this Indictment are realleged and expressly incorporated herein as if set out in full.

On or about May 5, 2009, the defendants, **JUSTIN H. CANNON** and **CHRISTOPHER A. DROTTLEFF**, with malice aforethought, did unlawfully kill Rahib Mirza Mohammad (a.k.a. Rahib Helaludin), which conduct would have constituted an offense under Title 18, United States Code, Section 1111 had it been engaged in within the special maritime and territorial jurisdiction of the United States, and did aid, abet, counsel, command, induce, and cause each other to commit the offense.

(In violation of Title 18, United States Code, Sections 1111, 2, and 3261(a)(1).)

COUNT TWO

(Second Degree Murder)

The General Allegations set forth in Paragraphs One through Four of this Indictment are realleged and expressly incorporated herein as if set out in full.

On or about May 5, 2009, the defendants, **JUSTIN H. CANNON** and **CHRISTOPHER A. DROTTLEFF**, with malice aforethought, did unlawfully kill Romal Mohammad Naiem, which conduct would have constituted an offense under Title 18, United States Code, Section 1111 had it been engaged in within the special maritime and territorial jurisdiction of the United States, and did aid, abet, counsel, command, induce, and cause each other to commit the offense.

(In violation of Title 18, United States Code, Sections 1111, 2, and 3261(a)(1).)

COUNT THREE

(Attempted Murder)

The General Allegations set forth in Paragraphs One through Four of this Indictment are realleged and expressly incorporated herein as if set out in full.

On or about May 5, 2009, the defendants, **JUSTIN H. CANNON** and **CHRISTOPHER A. DROTTLEFF**, with malice aforethought, did unlawfully attempt to murder Fareed Haji Ahmad (a.k.a. Sayd Kamal), which conduct would have constituted an offense under Title 18, United States Code, Section 1113 had it been engaged in within the special maritime and territorial jurisdiction of the United States, and did aid, abet, counsel, command, induce, and cause each other to commit the offense.

(In violation of Title 18, United States Code, Sections 1113, 2, and 3261(a)(1).)

COUNT FOUR

(Use and Discharge of a Firearm During a Crime of Violence)

The General Allegations set forth in Paragraphs One through Four of this Indictment are realleged and expressly incorporated herein as if set out in full.

On or about May 5, 2009, the defendant, **JUSTIN H. CANNON**, knowingly used, carried, and discharged a firearm, that is, an assault rifle, during and in relation to a crime of violence for which he could be prosecuted in a court of the United States, that is the murder of Rahib Mirza Mohammad (a.k.a. Rahib Helaludin) as charged in Count One of this Indictment, which is realleged and incorporated by reference herein.

(In violation of Title 18, United States Code, Sections 924(c)(1)(A) and 3261(a)(1).)

COUNT FIVE

(Use and Discharge of a Firearm During a Crime of Violence)

The General Allegations set forth in Paragraphs One through Four of this Indictment are realleged and expressly incorporated herein as if set out in full.

On or about May 5, 2009, the defendant, **CHRISTOPHER A. DROTLEFF**, knowingly used, carried, and discharged a firearm, that is, a handgun, during and in relation to a crime of violence for which he could be prosecuted in a court of the United States, that is the murder of Rahib Mirza Mohammad (a.k.a. Rahib Helaludin) as charged in Count One of this Indictment, which is realleged and incorporated by reference herein.

(In violation of Title 18, United States Code, Sections 924(c)(1)(A) and 3261(a)(1).)

COUNT SIX

(Use and Discharge of a Firearm During a Crime of Violence)

The General Allegations set forth in Paragraphs One through Four of this Indictment are realleged and expressly incorporated herein as if set out in full.

On or about May 5, 2009, the defendant, **JUSTIN H. CANNON**, knowingly used, carried, and discharged a firearm, that is, an assault rifle, during and in relation to a crime of violence for which he could be prosecuted in a court of the United States, that is the murder of Romal Mohammad Naiem as charged in Count Two of this Indictment, which is realleged and incorporated by reference herein.

(In violation of Title 18, United States Code, Sections 924(c)(1)(A) and 3261(a)(1).)

COUNT SEVEN

(Use and Discharge of a Firearm During a Crime of Violence)

The General Allegations set forth in Paragraphs One through Four of this Indictment are realleged and expressly incorporated herein as if set out in full.

On or about May 5, 2009, the defendant, **CHRISTOPHER A. DROTLEFF**, knowingly used, carried, and discharged a firearm, that is, a handgun, during and in relation to a crime of violence for which he could be prosecuted in a court of the United States, that is the murder of Romal Mohammad Naiem as charged in Count Two of this Indictment, which is realleged and incorporated by reference herein.

(In violation of Title 18, United States Code, Sections 924(c)(1)(A) and 3261(a)(1).)

COUNT EIGHT

(Use and Discharge of a Firearm During a Crime of Violence)

The General Allegations set forth in Paragraphs One through Four of this Indictment are realleged and expressly incorporated herein as if set out in full.

On or about May 5, 2009, the defendant, **JUSTIN H. CANNON**, knowingly used, carried, and discharged a firearm, that is, an assault rifle, during and in relation to a crime of violence for which he could be prosecuted in a court of the United States, that is the attempted murder of Fareed Haji Ahmad (a.k.a. Sayd Kamal) as charged in Count Three of this Indictment, which is realleged and incorporated by reference herein.

(In violation of Title 18, United States Code, Sections 924(c)(1)(A) and 3261(a)(1).)

COUNT NINE

(Use and Discharge of a Firearm During a Crime of Violence)

The General Allegations set forth in Paragraphs One through Four of this Indictment are realleged and expressly incorporated herein as if set out in full.

On or about May 5, 2009, the defendant, **CHRISTOPHER A. DROTLEFF**, knowingly used, carried, and discharged a firearm, that is, a handgun, during and in relation to a crime of violence for which he could be prosecuted in a court of the United States, that is the attempted murder of Fareed Haji Ahmad (a.k.a. Sayd Kamal) as charged in Count Three of this Indictment, which is realleged and incorporated by reference herein.

(In violation of Title 18, United States Code, Sections 924(c)(1)(A) and 3261(a)(1).)

COUNT TEN

**(Murder Resulting From the Use and Discharge of a
Firearm During and in Relation to a Crime of Violence)**

The General Allegations set forth in Paragraphs One through Four of this Indictment are realleged and expressly incorporated herein as if set out in full.

On or about May 5, 2009, the defendant, **JUSTIN H. CANNON**, in the course of committing a violation of Title 18, United States Code, Section 924(c) as set forth in Count Four of this Indictment, which is realleged and incorporated by reference herein, did cause the death of a person through the use of a firearm, which killing is a murder as defined in Title 18, United States Code, Section 1111, in that the defendant, with malice aforethought, unlawfully caused the death of Rahib Mirza Mohammad (a.k.a. Rahib Helaludin) as charged in Count One of this Indictment, and did aid, abet, counsel, command, induce, and cause another to commit the offense.

(In violation of Title 18, United States Code, Sections 924(j), 2 and 3261(a)(1).)

COUNT ELEVEN

**(Murder Resulting From the Use and Discharge of a
Firearm During and in Relation to a Crime of Violence)**

The General Allegations set forth in Paragraphs One through Four of this Indictment are realleged and expressly incorporated herein as if set out in full.

On or about May 5, 2009, the defendant, **CHRISTOPHER A. DROTTLEFF**, in the course of committing a violation of Title 18, United States Code, Section 924(c) as set forth in Count Five of this Indictment, which is realleged and incorporated by reference herein, did cause the death of a person through the use of a firearm, which killing is a murder as defined in Title 18, United States Code, Section 1111, in that the defendant, with malice aforethought, unlawfully caused the death of Rahib Mirza Mohammad (a.k.a. Rahib Helaludin) as charged in Count One of this Indictment, and did aid, abet, counsel, command, induce, and cause another to commit the offense.

(In violation of Title 18, United States Code, Sections 924(j), 2 and 3261(a)(1).)

COUNT TWELVE

**(Murder Resulting From the Use and Discharge of a
Firearm During and in Relation to a Crime of Violence)**

The General Allegations set forth in Paragraphs One through Four of this Indictment are realleged and expressly incorporated herein as if set out in full.

On or about May 5, 2009, the defendant, **JUSTIN H. CANNON**, in the course of committing a violation of Title 18, United States Code, Section 924(c) as set forth in Count Six of this Indictment, which is realleged and incorporated by reference herein, did cause the death of a person through the use of a firearm, which killing is a murder as defined in Title 18, United States Code, Section 1111, in that the defendant, with malice aforethought, unlawfully caused the death of Romal Mohammad Naiem as charged in Count Two of this Indictment, and did aid, abet, counsel, command, induce, and cause another to commit the offense.

(In violation of Title 18, United States Code, Sections 924(j), 2 and 3261(a)(1).)

COUNT THIRTEEN

**(Murder Resulting From the Use and Discharge of a
Firearm During and in Relation to a Crime of Violence)**

The General Allegations set forth in Paragraphs One through Four of this Indictment are realleged and expressly incorporated herein as if set out in full.

On or about May 5, 2009, the defendant, **CHRISTOPHER A. DROTLEFF**, in the course of committing a violation of Title 18, United States Code, Section 924(c) as set forth in Count Seven of this Indictment, which is realleged and incorporated by reference herein, did cause the death of a person through the use of a firearm, which killing is a murder as defined in Title 18, United States Code, Section 1111, in that the defendant, with malice aforethought, unlawfully caused the death of Romal Mohammad Naiem as charged in Count Two of this Indictment, and did aid, abet, counsel, command, induce, and cause another to commit the offense.

(In violation of Title 18, United States Code, Sections 924(j), 2 and 3261(a)(1).)

NOTICE OF SPECIAL FINDINGS

- a. The allegations of Counts Ten, Eleven, Twelve and Thirteen of this Indictment are hereby re-alleged as if fully set forth herein and incorporated by reference.
- b. As to Counts Ten and Twelve of this Indictment, the defendant, **JUSTIN H. CANNON**:
- (1) was more than 18 years old at the time of the offense. (Title 18, United States Code, Section 3591(a));
 - (2) intentionally killed the victims. (Title 18, United States Code, Section 3591(a)(2)(A));
 - (3) intentionally inflicted serious bodily injury that resulted in the death of the victims. (Title 18, United States Code, Section 3591(a)(2)(B));
 - (4) intentionally participated in an act, contemplating that the lives of the victims would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victims died as a direct result of the act. (Title 18, United States Code, Section 3591(a)(2)(C));
 - (5) intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victims died as a result of the act. (Title 18, United States Code, Section 3591(a)(2)(D));

- (6) in the commission of the offense, knowingly created a grave risk of death to 1 or more persons in addition to the victim of the crime. (Title 18, United States Code, Section 3592(c)(5)); and,
 - (7) intentionally killed or attempted to kill more than one person in a single criminal episode. (Title 18, United States Code, Section 3592(c)(5)).
- c. As to Counts Eleven and Thirteen of this Indictment, the defendant, **CHRISTOPHER A. DROTTLEFF**:
- (1) was more than 18 years old at the time of the offense. (Title 18, United States Code, Section 3591(a));
 - (2) intentionally killed the victims. (Title 18, United States Code, Section 3591(a)(2)(A));
 - (3) intentionally inflicted serious bodily injury that resulted in the death of the victims. (Title 18, United States Code, Section 3591(a)(2)(B));
 - (4) intentionally participated in an act, contemplating that the lives of the victims would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victims died as a direct result of the act. (Title 18, United States Code, Section 3591(a)(2)(C));
 - (5) intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victims died as a result of the act. (Title 18, United States Code, Section 3591(a)(2)(D));

- (6) in the commission of the offense, knowingly created a grave risk of death to 1 or more persons in addition to the victim of the crime. (Title 18, United States Code, Section 3592(c)(5)); and,
- (7) intentionally killed or attempted to kill more than one person in a single criminal episode. (Title 18, United States Code, Section 3592(c)(5)).

(Pursuant to Title 18, United States Code, Sections 3591 and 3592).

United States v. Justin H. Cannon and Christopher A. Drotleff
Criminal No 2:10cr 1

Pursuant to the E-Government Act,
the original of this page has been filed
under seal in the Clerk's Office.

A TRUE BILL:

REDACTED

FOREPERSON

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