

To Whom It May Concern:

I have been asked to analyze the language in the indictment associated with Criminal Case No. 1:11-cr-00129-CKK in the United States District Court for the District of Columbia, with particular attention to how the language would be received and understood by ordinary individuals.

I hold a Bachelor of Arts degree in General Studies with a Minor in Communications from Roosevelt University. My academic, personal and professional background has trained me to evaluate the clarity, meaning, and impact of language on its intended audience. In this context, I am providing an expert opinion on how the wording of the indictment, conveys or fails to convey the required mental state (mens rea) element.

Count One of the indictment alleges that the defendant and others "did knowingly and intentionally combine, conspire, confederate and agree together ... to unlawfully, knowingly and intentionally distribute and possess with intent to distribute mixtures and substances containing a detectable amount of cocaine [controlled substance] [.]"

From a communications standpoint, this phrasing is problematic because the placement of the adverb "knowingly" in the future tense. This misplacement, in connection with "conspired and agree" transforms what must be a present state of awareness into what reads as a future intent and knowledge. The verb "conspire" refers to an agreement about future conduct. One cannot meaningfully "agree to know" something in the future. Thus, the indictment's wording obscures whether the defendant possessed the required knowledge that the substance at issue was in fact a controlled substance at the time of the alleged conspiracy.

This creates two layers of ambiguity for ordinary individuals:

1. The indictment communicates that the defendant and others agreed to a distribution plan but does not explicitly charge them with knowing that the substance to be distributed was unlawful.

2. The absence of a clear mens rea element risks leading individuals to believe that mere agreement to distribute, regardless of knowledge of the substance's illegal character, is sufficient to convict.

As a person with training in communications, I must emphasize that legal documents carry heightened responsibility for precision. Where wording is unclear or structurally flawed, or fails to adhere to the rules of grammar, the audience in this case, the defendant and jury, is left without adequate guidance to determine the essential question: does the crime include a controlled substance mens rea element? In my expert opinion, the indictment and corresponding jury instructions fail to meet this standard, because the wording does not compel jurors to decide on the defendant's awareness of the unlawful character of the substance.

From my communications perspective, the indictment's phrasing was fundamentally defective because it deprived the jury of the clear and unambiguous instruction needed to evaluate the required element of knowledge. For these reasons, I concur with the included linguistic analysis presented by Mr. Malachi Muhammad, whose expertise in grammar and syntax supports the same conclusion.

Respectfully,

Signed by:

Cynthia Booker,

A handwritten signature in black ink that reads "Cynthia Booker". The signature is written in a cursive, flowing style. It is enclosed within a blue bracket-like shape that also frames the "Signed by:" text above it.

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B.A. in General Studies, Minor in Communications

10/17/2025