

EXHIBIT 2

REPLY DECLARATION OF MOHSEN MAHDAWI

I, Mohsen Mahdawi, declare under penalty of perjury as follows pursuant to 28 U.S.C. § 1746:

1. I am currently being detained in the Northwest State Correctional Center in Vermont.

Physical and Mental Pain Due to Pre-Existing Conditions Being Exacerbated by Confinement

2. Due to my confinement, physical and mental health conditions that were previously manageable have worsened.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Responding to the Government's Misrepresentations

21. In the summer of 2015, I recall visiting a gun shop in Windsor, Vermont. I went to the gun shop with the goal of registering a shotgun that my ex-wife legally purchased me as a gift—the first firearm I ever owned. The sole purpose of this gift was to learn how to skeet shoot.

22. The shop owner informed me that, because it was a gift from my wife, I did not need to register it in Vermont.

23. While there, I recall encountering the shop owner, who shared with me that he modified guns at his shop and offered to show me around.

24. I was previously an engineering student and have a great interest in machines and their mechanics, so I was interested in what he was showing me and telling me about.

25. I took some photographs of the shop and the machines used in the store, and asked questions about the mechanics of the machines.

26. I recall the owner asking me where I was from, and my answering that I was from Palestine and that I grew up in a refugee camp under the Israeli occupation.

27. The conversation was not any more substantive than that.

28. I am certain that I did not communicate having ever made guns or “9mm submachine guns” for “Hizballah” or anyone else, as I have never done any such thing. I also did not ask for a job or volunteer to work for the shop owner for free.

29. The Precision Museum is located just a few blocks from the home my ex-wife and I shared, and is an institution in my neighborhood. I visited that museum on a few occasions, including with my ex-wife, but I do not recall all the specific visits.

30. On one visit, I recall having spoken with an employee of the museum. I shared my appreciation for ancient machinery, and he shared the mechanics of how the energy was being transferred from the water flow, into a water mill, in order to fuel the mechanic movement of the museum’s machinery. This detail fascinated me, and left a lasting impression.

31. I am absolutely certain that I never expressed the words the report falsely attributes to me, in that exchange or ever. I am a peaceful person, and would never express wanting to harm or kill anyone. I am heartbroken to have such appalling words, which stand in complete contrast to my philosophy on life and spiritual beliefs, misattributed to me.

32. I can only speculate as to how or why an individual misattributed those alleged statements to me, but I believe it may be due to animus and/or stereotyping of me as a Palestinian or Middle Eastern man.

33. On November 18, 2015, I received contact from an agent from the Federal Bureau of Investigation (FBI) named Marc Emmons, who identified himself as assigned to the Burlington Resident Agency out of the Albany Field Office. He said that he wanted to meet with me and that

the meeting would be voluntary. I asked to meet at the Windsor Police Department, and I left work early to meet with him that same day. I requested a local police officer be present with us.

34. That day (November 18) was a difficult one for me, as I had ended my relationship with my ex-wife. Today I view her as one of the best partners I could have had. But on that day in November, we had gotten into a verbal fight when I got home from work to change clothing, on my way to meet the agent at the police department.

35. Once at the police department, Agent Emmons interviewed me in the presence of one officer of the Windsor Police Department, Sergeant Daniel Silver. Agent Emmons told me that they had received a report about me and wanted to follow up with me. I answered all of his questions.

36. A few months later, Agent Emmons told me they had "cleared" me in their investigation into the report they received, and agreed with me that the report might have been filed by someone fueled by animus towards me because of my ethnicity.

37. My dealings with the FBI agents were positive and we left things on good terms, exchanging holiday greetings here and there.

38. I also stayed on good terms with the Windsor Police Department sergeant, Daniel Silver, even having dinner with him and his wife on more than one occasion, and visiting their home.

39. I have worked several jobs since moving to Vermont, including renovating a house, managing a coffee shop, working in customer service at a bank, and working in a local business first as a tech manager and later as a business consultant. I was able to save money over the years. I spent some of what I was able to save on the occasional but rare vacation.

40. In 2019, I purchased a property for approximately \$51,000 in the Upper Valley. I had to borrow approximately \$30,000 from a close friend and have yet to pay back this person. I built a tiny cabin, 8' by 16', on this property, which cost me less than \$10,000.

41. [REDACTED]

42. While I was returning from Canada to Vermont in January of 2019, I was pulled aside at the border for secondary screening. I was travelling with my prescribed [REDACTED] I also travelled with vitamin supplements.

43. My medication and vitamins were seized outside of my view. It is my understanding that, after further testing, the pills all tested negative for methamphetamine.

44. I was offered diversion. Although I know that I had done nothing wrong, I was told that if I accepted diversion, I could be done with the whole situation. Because I just wanted these false allegations to go away, I accepted diversion.

45. The matter was then expunged on March 25, 2022. (*see Exhibit A to this Reply Declaration.*) In the expungement letter, it clearly states I was “cited or arrested . . . but a charge was never filed with the Court.” *Id.* Based on the expungement, “[a]ll records related to the arrest” were “expunged or sealed.” *Id.*

Release and Conditions

46. I hope to be released on bail pending adjudication of my habeas petition.

47. If I am released, I will comply with all the conditions of release imposed on me by the Court.

48. I have a home in Vermont, and I would be able to drive myself to and from court hearings.

49. I will comply with any such conditions, including staying in Vermont, New Hampshire, and travelling to and from New York City to attend Columbia University.

50. I would be happy to work with Burlington Community Justice Center to comply with whatever conditions the Court may set.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 29, 2025, in Swanton, Vermont


Mohsen Mahdawi

MAR 25 2022

SUPERIOR COURT
Orleans Unit

STATE OF VERMONT

FILED
CRIMINAL DIVISION
ORLEANS UNIT
Docket No. 132-3-19 Oscr

In RE: Moshen Mahdawi

DOB [REDACTED]

STIPULATION TO EXPUNGE OR SEAL CRIMINAL HISTORY RECORD

We, the undersigned Defendant and State's Attorney, hereby agree that the offense(s) meet the requirements for expungement or sealing pursuant to 13 V.S.A. §7602 and that the Court may issue an Order to:

☒ Expunge☐ Seal

the criminal history record for the offense(s) described below:

Description of Offense	Date of Offense	Incident Number	Docket Number (if any)
Possession of a Controlled Drug (18 V.S.A. 4234 (a)(1))	01/12/2019	19A500154	n/a

☒ I was cited or arrested by (name of arresting law enforcement agency or department)

VSP-Derby

but a charge was never filed with the Court.

We further understand that the effect of this Order will be to expunge or seal any records of arrest, conviction or sentencing for this/these offense(s) and that the Defendant will hereafter be treated in all respects as if he or she had never been arrested, convicted or sentenced for the offense(s).

Dated

03/16/2022

Signature of Defendant

VT # 5472

Signature of State's Attorney

ORDER

Based upon the agreement of the Defendant and the State's Attorney and pursuant to 13 V.S.A. §7602, it is hereby ORDERED that criminal history record of the offense(s) described above be:

☒ Expunged☐ Sealed

All records related to the arrest, conviction or sentencing for this/these offense(s) shall be expunged or sealed and that the Defendant will hereafter be treated in all respects as if he or she had never been arrested, convicted or sentenced for the offense(s).

Dated of Signature

Electronically signed pursuant to V.R.E.F. 9(d)

04/04/2022 1:42:37 PM

Signature of Superior Court Judge

Printed Name of Judge