

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

V.)

ROBEL KIDANE PHILLIPOS)
_____)

Doc. No 13 CR 10238

EXHIBIT CHART

Exhibit	Description
1	Statements of Robel Phillipos from the morning of April 19, 2013
2	Statements of Robel Phillipos from the evening of April 19, 2013
3	Statements of Robel Phillipos from April 25 2013
4	Statements of Mr. Tsarnaev of 04/21/2013
5	Statements of Mr. Tsarnaev of 04/22/2013
6	Date Stamped Photos of Recovered Backpack
7	Reference List For Names Redacted From Defendants Motion to Dismiss

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
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V.)	Doc. No 13 CR 10238
)	
ROBEL KIDANE PHILLIPOS)	
_____)	

**REFERENCE LIST FOR NAMES REDACTED FROM
DEFENDANT'S MOTION TO DISMISS**

- John Doe 1- Rosa
- John Doe 2- Seth
- John Doe 3- Quan
- John Doe 4- Lino
- John Doe 5- Michael Creese

Exhibit

1

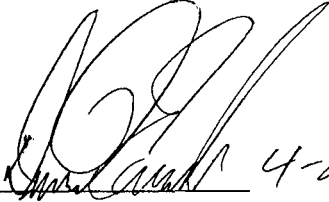
On Friday, April 19, 2013, at approximately 1520hrs, FBI Joint terrorism Task Force (JTTF) TFO David Earle, U.S. Department of Transportation (DOT), Office of Inspector General (OIG) Special Agent (SA) Dwight Schwader, telephonically interviewed ROBEL KIDANE PHILLIPOS, Date of Birth: 10/19/1993, Social Security Number: 012-78-5700, Residential Address: 808 Memorial Drive, Apartment 606, Cambridge, Massachusetts. PHILLIPOS was advised of the identity of the interviewing agents and the nature of the interview, at which time, PHILLIPOS provided the following information:

PHILLIPOS advised that he was currently eating lunch at the Vietnam Café, located in Worcester, MA with JIM LI and QUAN LAPHAN. PHILLIPOS advised that he was friends with DZHOKAR TSARNAEV as they were students at the University of Massachusetts (UMASS) Dartmouth. PHILLIPOS advised that he saw TSARNAEV on Wednesday, April 18, 2013, between the hours of 12:30pm-2:00pm. PHILLIPOS advised that he spoke with TSARNAEV in his dorm room on the third floor of Pinedale dorm. PHILLIPOS advised that TSARNAEV's name is on the front of his dorm room's door. PHILLIPOS advised that they made small talk and that TSARNAEV was acting normal.

The writer asked PHILLIPOS if he observed TSARNAEV at a residence located on Carriage Drive, New Bedford, MA, which he advised that he did not. PHILLIPOS advised that TSARNAEV operates a green Honda Civic with a black hood. PHILLIPOS advised that individuals that live at the Carriage Drive residence are from KAZAKHSTAN. PHILLIPOS provided the names as being AZAMAB LNU and DIAC LNU as living at the Carriage Drive residence and PHILLIPOS believed that both individuals were students at UMASS Dartmouth.

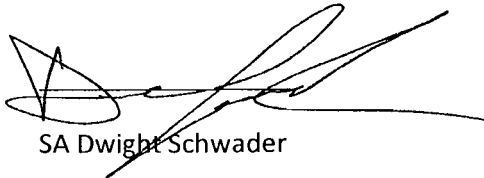
PHILLIPOS advised that prior to the encounter on April 18, 2013, he had not seen TSARNAEV for two and a half months.

At approximately 1908hrs, PHILLIPOS was again telephonically interviewed. PHILLIPOS advised that he was at LEPHAN'S parents residence located at 20 Upland Garden Drive, Unit #5, Worcester, MA. PHILLIPOS advised that he was at the residence with LI, LEPHAN and several of LEPHAN'S family members. PHILLIPOS was asked if he could meet us in the area to conduct a face to face interview. PHILLIPOS agreed and a meeting place was set.



4-21-13

FBI TFO David Earle



SA Dwight Schwader

On Friday, April 19, 2013, at approximately 2135hrs, FBI Joint terrorism Task Force (JTTF) TFO David Earle, U.S. Department of Transportation (DOT), Office of Inspector General (OIG) Special Agent (SA) Dwight Schwader, and DOT-OIG SA Frank Italia interviewed ROBEL KIDANE PHILLIPOS, Date of Birth: 1993, Social Security Number: -5700, Residential Address:

, Cambridge, Massachusetts, in the parking lot of PRICE CHOPPER SUPERMARKET, located at 564 SW CUTOFF ROAD, Worcester, MA. PHILLIPOS was advised of the identity of the interviewing agents and the nature of the interview, at which time, PHILLIPOS provided the following information:

PHILLIPOS advised that he met DZHOKAR TSARNAEV in 2009 when both attended Cambridge Ringe & Latin together. PHILLIPOS advised that they became friendly while both were sophomores at the school and were also in English and Gym class together. PHILLIPOS further advised that during their sophomore year, PHILLIPOS was a member of the track team while TSARNAEV was a member of the wrestling team and that they both became friendlier due to both teams sharing the school's weight room together. PHILLIPOS advised that TSARNAEV excelled at wrestling but was very quiet about it. PHILLIPOS advised that TSARNAEV did not speak of wrestling matches that he won.

PHILLIPOS advised that TSARNAEV was friendly with STEVEN SILVA and STEFAN SILVA (Residential Address: Cambridge, MA) and that both brothers also attended Cambridge Ringe and Latin. PHILLIPOS did not recall TSARNAEV having a girlfriend but did advise that TSARNAEV attended the Cambridge Ringe & Latin's senior prom with PAOLA LNU. While at UMASS Dartmouth TSARNAEV hung out with an Indian female TARA LNU who PHILLIPOS described as TSARNAEV'S "booty-call." PHILLIPOS advised that TSARNAEV attended the mosque located on Mass Ave in Cambridge, MA. PHILLIPOS further advised TSARNAEV was close with members of the Muslim community on the University of Massachusetts-Dartmouth (UMASS-Dartmouth) campus, but was unsure if he was associated with any particular Islamic or Muslim groups. PHILLIPOS described TSARNAEV as being a nice guy, whom was quiet and did express some religious views while in groups of friends. PHILLIPOS advised that TSARNAEV was employed as a lifeguard at Harvard University.

PHILLIPOS advised that in the fall of 2011 both he and TSARNAEV attended UMASS Dartmouth together. PHILLIPOS advised that he studied Marketing & Sociology while at the school. PHILLIPOS advised that he and TSARNAEV both lived in the MAPLE RIDEGE dorm on the second floor, but on opposite sides of the dorm. PHILLIPOS advised that in 2011 they both began to socialize more together. PHILLIPOS advised that during their freshman year, TSARNAEV lived in a triple dorm with BOBBY LNU and JASON LNU and during second semester BOBBY LNU had moved out of the dorm room for unknown reasons. PHILLIPOS advised that during the first semester of their sophomore year TSARNAEV lived with JIM LI and that during the second semester of their sophomore year TSARNAEV lived with Andrew LNU. PHILLIPOS advised that he had to leave UMASS-Dartmouth in the fall of 2012 due to financial issues.

PHILLIPOS described TSARNAEV as being a nice guy, whom was quiet and did express some religious views while in groups of friends. PHILLIPOS advised that TSARNAEV did not try to convert others to Islam, but would subtly work Islamic comments into conversations. PHILLIPOS advised that TSARNAEV looked up to and respected his older brother TAMERLAN TSARNAEV (TAMERLAN TSARNAEV). PHILLIPOS advised that because TSARNAEV'S parents had moved back to Russia, TAMERLAN TSARNAEV acted as a

guardian and had a close loving bond with TSARNAEV. PHILLIPOS further advised that TSARNAEV was also intimidated by TAMERLAN TSARNAEV. PHILLIPOS advised TSARNAEV would often talk about his brother, sister, and niece as well as parts of Russia.

PHILLIPOS advised that he saw TSARNAEV on the afternoon of April 18, 2013. PHILLIPOS advised that he was on the UMASS-Dartmouth campus to attend a meeting with the school's Health Department. PHILLIPOS advised that he had to attend the meeting due to a violation he received in the fall of 2012 for smoking marijuana in the dorms. PHILLIPOS advised that he arrived on the campus via public transportation between 11:00 and 11:30am. PHILLIPOS advised that when he got off of the bus, he went to JIM LI'S and QUAN LEPHAN'S dorm room where he watched television until approximately 12:45pm. PHILLIPOS advised that he left the dorm room and attended the meeting at the Health Department until approximately 2:00pm. PHILLIPOS advised that when he was leaving the meeting, he met up with AZAMAT LNU and that they both went to WENDY'S located on the UMASS-Dartmouth campus. PHILLIPOS advised that they were at WENDY'S for approximately 30 to 45 minutes and then left and walked to LINO ROSA'S dorm room.

At approximately 3:30-3:45pm, PHILLIPOS advised that he and AZAMAT left ROSA'S dorm room with ROSA and walked outside to look at ROSA'S vehicle. From there, PHILLIPOS advised that he and AZAMAT walked to TSARNAEV'S dorm room. PHILLIPOS advised that he and LINO entered TSARNAEV'S dorm room and was met by TSARNAEV and his roommate ANDREW LNU. PHILLIPOS described ANDREW as being quiet. PHILLIPOS advised that he and ROSA were in the room for approximately ten minutes and made small talk. PHILLIPOS advised that TSARNAEV asked him about his mother's health, due to her being ill.

At approximately 4:00pm, PHILLIPOS advised that he, TSARNAEV, and AZAMAT left the dorm and TSARNAEV gave AZAMAT a ride in his (TSARNAEV'S) car to 69 Carriage Drive, New Bedford, MA. PHILLIPOS advised that TSARNAEV operated a green Honda Civic that had a black hood. PHILLIPOS advised that he was seated in the front passenger seat, TSARNAEV drove, and AZAMAT was seated in the rear passenger seat behind PHILLIPOS. PHILLIPOS advised that they drove directly to the Carriage Drive address, dropped off AZAMAT, and then returned to the PINEDALE dorm located on the UMASS-Dartmouth campus. PHILLIPOS advised they did not make any stops to and from the residence and that the residence is approximately five minutes from the school. PHILLIPOS advised that he did not notice anything unusual in TSARNAEV'S, vehicle, but noticed that TSARNAEV was wearing a gray hooded sweatshirt with fluorescent lettering, similar to the one seen on surveillance photos taken from a recent 7-11 convenience store robbery and that he had grown a goatee and had facial scruff. PHILLIPOS further advised that he has not seen or spoken to TSARNAEV in over two months. PHILLIPOS advised that he and TSARNAEV made small talk while in the car and that there was no talk of weapons, bombs, or TAMERLAN TSARNAEV.

PHILLIPOS advised that he and TSARNAEV returned to UMASS-Dartmouth and TSARNAEV dropped him off in front of the PINEDALE dorm. PHILLIPOS advised that TSARNAEV stated that he had to go somewhere but did not say where. PHILLIPOS advised that he exited the vehicle and went into MICHAEL

CREESE'S dorm room located in ROBERTS Hall. PHILLIPOS advised that CREESE is the Resident Assistant (RA) for ROBERTS Hall and that he stayed in CREESE'S dorm room for approximately two hours.

At approximately 6:00pm, PHILLIPOS advised that he left CREESE'S dorm room and went to LEPHAN'S dorm room. PHILLIPOS advised that LI was at LEPHAN'S dorm room and that he stopped by to say hello. PHILLIPOS advised that he had smoked marijuana earlier in the day with LEPHAN but did not smoke when he went back to LEPHAN'S dorm room. PHILLIPOS advised that he stayed at LEPHAN'S dorm room for a short time and then left and went to ROSA'S dorm room, where he and ROSA smoked marijuana together.

At approximately 7:00pm, PHILLIPOS advised that AZAMAT picked him up at ROSA'S dorm and drove him to 69 Carriage Drive, New Bedford, MA. PHILLIPOS advised that DIAC LNU and his girlfriend FNU LNU were at the residence with him and AZAMAT. PHILLIPOS further advised that DIAC and his girlfriend stayed in their bedroom the entire time he was there. PHILLIPOS advised that he slept at the residence between 8:00pm -10:00pm and when he woke up, he and AZAMAT watched television and observed the breaking news reports. PHILLIPOS advised that they watched television until 4:00am and were shocked when they saw the photos and TSARNAEV'S name on the news and texted TSARNAEV but the text would not go through. PHILLIPOS advised that he started receiving texts from classmates about the news reports. The writer asked PHILLIPOS why he did not contact the authorities when he and AZAMAT saw the photos, to which PHILLIPOS advised that he and AZAMAT were in complete shock and didn't believe it. At approximately 7:00am, PHILLIPOS advised that AZAMAT began researching the events on the internet and that he found a photo of himself and TSARNAEV posted on a news website. PHILLIPOS advised that he wanted to text TSARNAEV but he was too afraid to. PHILLIPOS advised that on Friday, April 19, 2013, he spoke to former UMASS-Dartmouth student Greg MASLIN about the events. PHILLIPOS advised that he and MASLIN spoke about contacting the police about TSARNAEV and that MASLIN was going to call local detectives.

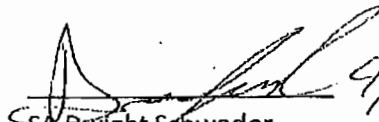
PHILLIPOS advised that he did not have contact with TSARNAEV since he dropped him off on campus. PHILLIPOS advised that he has TSARNAEV'S email stored on his computer but was unsure of the address and only emailed TSARNAEV once in high school. PHILLIPOS advised that numerous media sites had contacted him and that he spoke to CBS.

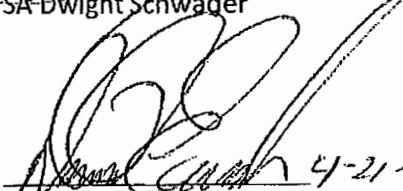
PHILLIPOS advised that on the day of the Boston Marathon Bombings, he stayed at OSMAN NURU'S apartment and that NURU is a friend of his. PHILLIPOS advised that he was unsure of the address but advised that the apartment is located next to the UMASS-Boston "T Stop." PHILLIPOS advised that he slept at the apartment and woke at 1:00pm. PHILLIPOS advised that when he and NURU woke up, they saw the bombings on television. PHILLIPOS further advised that he and NURU watched the events all day.

While interviewing PHILLIPOS, his mother GENET BEKELE called his SA Schwader's iphone from phone number [REDACTED]. BEKELE advised that she was trying to locate PHILLIPOS and indicated that she looked at her billing information and found SA Schwader's phone number on her son's phone account.

BEKELE was advised that PHILLIPOS was speaking with law enforcement and that he was ok. Schwader passed the phone to PHILLIPOS, whom informed his mother that he would call her back in approximately ten minutes and then ended the call.

SA Schwader then asked if PHILLIPOS would consent to showing the interviewing agents his cell phone so that the interviewing agents could see the contact information that PHILLIPOS had for TSARNAEV and any text messages that PHILLIPOS had with TSARNAEV. PHILLIPOS consented to such a search and returned to the vehicle he had arrived to the interview in to retrieve his cell phone. PHILLIPOS then returned to the vehicle that he was being interviewed in and showed the interviewing agents his cell phone. SA Schwader, using his government issued iPhone, took photos of PHILLIPOS' cell phone. These photos were transferred from SA Schwader's iPhone by an FBI CART agent and burned to a CD. This CD was submitted to FBI Boston Evidence Control.


SA Dwight Schwader 4/21/2013


TFO David Earle 4-21-13

Exhibit

2

On Saturday, April 20, 2013, at approximately 0410hrs, FBI Joint terrorism Task Force (JTTF) TFO David Earle, U.S. Department of Transportation (DOT), Office of Inspector General (OIG) Special Agent (SA) Dwight Schwader, Homeland Security Investigations SA Douglas McDonnell and Department of Treasury, Internal Revenue Service SA James Clarke interviewed ROBEL KIDANE PHILLIPOS, Date of Birth:

1993, Social Security Number: -5700, Residential Address:

Cambridge, Massachusetts, under the front entrance of 20 Upland Garden Drive.

PHILLIPOS was advised of the identity of the interviewing agents and the nature of the interview, at which time, PHILLIPOS provided the following information:

PHILLIPOS was asked if he had returned to DZHOKAR TSARNAEV'S (TSARNAEV) dorm room on the evening of April 18, 2013. At first, PHILLIPOS advised that he did not remember going back to TSARNAEV'S dorm room but then changed his story and advised that he did return to the door of the dorm room. PHILLIPOS advised that he, DIAC LNU and AZAMAT LNU returned to the door of TSARNAEV'S dorm room on Thursday, April 18, 2013, at approximately 10:00pm. PHILLIPOS advised that they returned to the dorm room after observing what they believed were TSARNAEV'S photos on television and they wanted to see if it was really him. PHILLIPOS was asked if he, DIAC or AZAMAT entered the dorm room and removed a laptop or any other items from the dorm room. At first PHILLIPOS advised that he did not remember removing a laptop or any item from the dorm room. PHILLIPOS denied entering TSARNAEV'S dorm room and denied removing any items and further advised that no one entered the dorm room. PHILLIPOS advised that he knocked on the door, but no one answered. PHILLIPOS further advised that he then checked the door's handle to see if the door was open. PHILLIPOS advised that the door was locked, so he, DIAC and AZAMAT left the area. PHILLIPOS advised that when he was knocking on TSARNAEV'S dorm room door, he observed SETH LNU getting a haircut in the dorm's bathroom.

At approximately 6:00am or 7:00am, PHILLIPOS and AZAMAT went to QUAN LE and JIM LI'S dorm room. PHILLIPOS advised that they dropped off belongings. At approximately 10:00am, PHILLIPOS advised that he (PHILLIPOS) called QUAN and asked for a ride from a Carriage Drive residence located in New Bedford, MA. Because the campus was in lock down PHILLIPOS, QUAN and JIM traveled to QUAN'S residence located at , Worcester, MA.

It is important to note that earlier in the interview with PHILLIPOS, he advised that he did not return to or enter the dorm room.

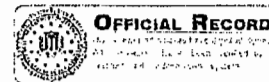
SA Schwader then asked if PHILLIPOS would consent to showing the interviewing agents his cell phone so that the interviewing agents could see several text messages between PHILLIPOS and AZAMAT and between PHILLIPOS and DIAC. PHILLIPOS provided DIAC'S contact information as being : PHILLIPOS consented to such a search. SA Schwader, using his government issued iPhone, took photos of PHILLIPOS cell phone. These photos were transferred from SA Schwader's iPhone by an FBI CART agent and burned to a CD. This CD was submitted to FBI Boston Evidence Control.


TFO David Earle


SA Dwight Schwader

Exhibit

3



FEDERAL BUREAU OF INVESTIGATION

Date of entry 04/29/2013

ROBEL PHILLIPOS, date of birth, '1993, social security account number, -5700, was interviewed by prearranged appointment at a public location near his residence, Cambridge, Massachusetts by Special Agents (SA's) Timothy J. Quinn and Michael H. Sieland. In order to arrange the interview, SA Timothy J. Quinn telephonically contacted PHILLIPOS on his cellular telephone, and requested that PHILLIPOS meet with the interviewing agent in the parking lot of his residence. PHILLIPOS agreed and met with the interviewing agents, at which point he was advised of the identity of the interviewing agents.

Prior to the initiation of the interview, SA Quinn advised PHILLIPOS that the interviewing agents were aware that PHILLIPOS already met with other law enforcement officers to include Task Force Officer (TFO) David Earle and Office of Inspector General SA Dwight Schwader regarding the investigation of the Boston marathon Bombing. SA Quinn advised ROBEL that the interviewing agents had spoken with TFO Earle and SA Schwader about the subject nature of the prior interviews. Thereafter, ROBEL provided the following information:

ROBEL was scared when he first was interviewed by TFO Earle and SA Schwader. At first, ROBEL was afraid of admitting to TFO Earle and SA Schwader that he had been smoking marijuana on April 18, 2013 while he was on the UMASS Dartmouth campus. Eventually, ROBEL discussed with TFO Earle and SA Schwader the fact that ROBEL had been smoking marijuana. TFO Earle and SA Schwader told ROBEL that they were not interested in investigating and prosecuting ROBEL for his marijuana use during the period in question, but were interested in events directly related to the Boston marathon bombing.

ROBEL recalls entering JAHAR's dorm room on only one occasion on April 18, 2013 which was sometime in the afternoon. Prior to going to the dorm room, ROBEL texted JAHAR in order to make arrangements to meet up. Thereafter, he met JAHAR in JAHAR's dorm room where he spoke with JAHAR for about 10 minutes.

Investigation on 04/25/2013 at Cambridge, Massachusetts, United States (In Person)

File # _____ Date drafted 05/01/2013

by QUINN TIMOTHY J, SIELAND MICHAEL H

Continuation of FD-302 of Interview of ROBEL PHILLIPOS on 4/25/2013 , On 04/25/2013 , Page 2 of 10

ROBEL does not recall entering JAHAR's dorm room for a second time later that same day or that evening nor does he recall removing a backpack from JAHAR's room that day.

ROBEL recalls getting a text message from DIAS sometime after he had left JAHAR's dorm room on the afternoon of April 18, 2013. In the text message, DIAS requested that ROBEL come to JAHAR's room. Thereafter, ROBEL recalls proceeding to the vicinity of JAHAR's dorm room where ROBEL stood outside the room. ROBEL recalls seeing DIAS standing next to the door to JAHAR's room and AZAMAT was with him. The three discussed whether any of them knew of JAHAR's current whereabouts, but neither ROBEL, DIAS or AZAMAT knew where JAHAR was.

The last time ROBEL recalls seeing JAHAR was earlier that day when JAHAR dropped AZAMAT off in front of AZAMAT's apartment where AZAMAT lives with DIAS. ROBEL returned to campus with JAHAR in JAHAR's vehicle at which point ROBEL and JAHAR parted ways.

ROBEL never saw any fireworks on April 18, 2013, nor did he observe anyone take a backpack out of JAHAR's room on April 18, 2013. ROBEL did not observe any bombs on April 18, 2013. ROBEL, AZAMAT and DIAS did not engage in any discussion about a backpack while the three spent time together in AZAMAT and DIAS' apartment on the evening of April 18, 2013.

ROBEL understood that JAHAR had a brother from watching CNN, but ROBEL has never met JAHAR's brother.

While in AZAMAT and DIAZ's apartment on the evening of April 18, 2013, ROBEL does not recall seeing anything on their dining room table other than a "grinder" and some marijuana. ROBEL advised that he also may have observed a "mac laptop," on the dining room table at some point that evening, but ROBEL is unsure about that.

In recounting his activities on April 19, 2013, ROBEL got up around 9am. He called his friends QUAN and JIM to come pick him up. The reason ROBEL called QUAN and JIM to pick him up was twofold. First, ROBEL believes that he needed to return to campus to retrieve some personal belongings that he had left inside one of his friend's dorm rooms at UMASS Dartmouth the prior evening. ROBEL advised that if TFO Earle and SA Schwader understood ROBEL to state in an earlier interview that he needed to drop something off at campus that morning, then they must have been mistaken. Second, he wanted to get out of AZAMAT and DIAS' apartment - since late the prior evening or earlier that same morning AZAMAT and/or DIAS had been identified by the media an associate(s) of JAHAR. At that point, ROBEL did not want to be associated with AZAMAT, DIAS or JAHAR since JAHAR had been identified as a suspect being sought in the Boston marathon bombings.

Continuation of FD-302 of Interview of ROBEL PHILLIPOS on 4/25/2013, On 04/25/2013, Page 3 of 10

QUAN and JIM picked ROBEL up, but when they tried to return to campus, they were not allowed back because the campus had been put on lock down. As a result, the three traveled to a nearby MCDONALDS restaurant located across from a movie theater where they sat in the car for approximately 2 hours taking phone calls from their associates concerning the news about JAHAR.

The items that ROBEL left on campus included a backpack belonging to ROBEL and a pair of jeans also belonging to ROBEL.

QUAN and JIM were mad at ROBEL because they had left campus to do ROBEL a favor by giving him a ride and now they could not return to campus because of the locked down. Once they determined that they would not be allowed back on campus, ROBEL, QUAN and LI traveled to Worcester together. Before the departed for Worcester, ROBEL recalls that while at MCDONALDS, QUAN and JIM got some food to eat.

The purpose of ROBEL's trip to campus on April 18, 2013 was to attend a scheduled 1pm meeting at the school. ROBEL got in trouble the prior semester because school officials found marijuana in ROBEL's dorm room. As a result, he was required to attend a meeting with campus officials that day.

When ROBEL arrived on campus around 11:30am, he texted JAHAR with a message to the effect, "I'm here."

ROBEL got to campus on April 18, 2013 via bus.

Upon arrival on campus, ROBEL first went to QUAN's dorm room to smoke some "weed" (ie. marijuana). Only ROBEL and QUAN were in the room smoking weed.

Thereafter, ROBEL attended his 1:00pm meeting with campus officials.

After the meeting, ROBEL walked back to QUAN's room to retrieve some of his personal belongings that he had left in QUAN's room. While en route to QUAN's room, ROBEL bumped into AZAMAT on campus. They exchanged greetings and AZAMAT asked ROBEL why ROBEL had not called AZAMAT in advance of his trip to campus that day.

ROBEL bought the marijuana that he smoked on April 18, 2013 from a student on campus with the last name LINO.

After bumping into AZAMAT, both ROBEL and AZAMAT went to get something to eat together at a nearby WENDY's restaurant. ROBEL estimates that he and AZAMAT spent about 30 to 45 minutes at WENDY's.

Continuation of FD-302 of Interview of ROBEL PHILLIPOS on 4/25/2013 . On 04/25/2013 , Page 4 of 10

After AZAMAT and ROBEL left the WENDY's restaurant, they proceeded to LINO's room where ROBEL and LINO smoked some more weed. AZAMAT does not smoke marijuana, so he did not partake. At this time, AZAMAT informed ROBEL that JAHAR had recently stopped smoking cigarettes and had become "more religious." ROBEL found it hard to believe that JAHAR would have stopped smoking because, to ROBEL's knowledge, JAHAR always had been a heavy cigarette smoker. JAHAR also had tried to quit smoking on prior occasion, but he failed almost immediately in this endeavor.

Thereafter, AZAMAT, ROBEL and LINO left LINO's dorm room and they walked downstairs to where LINO's car was parked. LINO was showing AZAMAT and ROBEL his car, and some damage which it recently sustained.

Thereafter, ROBEL, AZAMAT and LINO went back up to LINO's dorm room. At this time, ROBEL recalls that AZAMAT was complaining that DIAS was currently in possession of the vehicle which both AZAMAT and DIAS owned together, and AZAMAT needed a ride back to AZAMAT's apartment. As a result, AZAMAT and ROBEL walked over to JAHAR's room to ask if JAHAR would give AZAMAT a ride. JAHAR was present inside his dorm room and he agreed to give AZAMAT a ride.

The three piled into JAHAR's green civic and they proceeded to AZAMAT's apartment. Once there, AZAMAT exited the vehicle and went inside his apartment. JAHAR drove ROBEL back to the Pine Dale dormitory, at which point he and JAHAR separated. At that time, ROBEL observed that JAHAR was wearing a grey/greenish colored sweater which was the same tone as the football uniforms worn by the SEATTLE SEAHAWKS.

ROBEL proceeded to MICHAEL CREESE's room where he spent the next hour and a half to two hours. ROBEL smoked marijuana with CREESE. There were two other people in the room with ROBEL and CREESE whom ROBEL recalls may have mentioned that they were rushing for a fraternity.

Around 6pm, ROBEL returned briefly to LINO's room. Around the same time, QUAN got out of class. ROBEL, LINO and QUAN then met at LINO's vehicle to "smoke a bong." They smoked a bong inside the car which ROBEL described as a metallic blue Acura sedan.

ROBEL tried to look for JAHAR at some point again around this time period and ROBEL also may have "shot" JAHAR a text, but ROBEL failed to locate JAHAR at this time.

ROBEL sends text messages with his phone using i-message.

Next, ROBEL got the previously described text message from DIAS in which DIAS instructed ROBEL to come to JAHAR's dorm room. This was around 8pm.

Continuation of FD-302 of Interview of ROBEL PHILLIPOS on 4/25/2013 , On 04/25/2013 , Page 5 of 10

ROBEL proceeded to JAHAR's room. By the time ROBEL arrived there, both AZAMAT and DIAS already were there. ROBEL recalls standing with AZAMAT and DIAS at the door to JAHAR's room, but not inside JAHAR's room. ROBEL recalls observing a black, male, Haitian student, whose name ROBEL believes is SETH LNU (last name unknown), getting a haircut in the bathroom from the location where ROBEL was standing outside JAHAR's room. They knocked on JAHAR's door. Thereafter, ROBEL does not remember going inside JAHAR's room, only standing at the entrance to JAHAR's room.

ROBEL, AZAMAT and DIAS stood at the doorway for "awhile." At that point, ROBEL was stoned. While ROBEL stood there, he made small talk with DIAS.

DIAS told ROBEL that DIAS and AZAMAT were looking for JAHAR. ROBEL explained that ROBEL and AZAMAT had seen JAHAR earlier that day, as previously described to the interviewing agent by ROBEL. While ROBEL, AZAMAT and ROBEL stood at the doorway to JAHAR's room, ROBEL is pretty sure that DIAS sent JAHAR a text message and also attempted to call JAHAR, but ROBEL is not completely sure.

ROBEL recalls telling DIAS that he was high.

ROBEL advised that there is "no memory in my mind of going into the room," nor did ROBEL, AZAMAT or DIAS leave the room with a backpack.

Neither AZAMAT or DIAS were high at this time that they arrived at JAHAR's dorm room.

ROBEL met JAHAR's roommate earlier in the day on April 18, 2013, when ROBEL met up with JAHAR inside JAHAR's dorm room.

At this point, ROBEL was confronted by the interviewing agents that there were several witnesses who had provided agents of the FBI with a different account of the events that unfolded immediately after ROBEL, AZAMAT and DIAS arrived at JAHAR's dorm room that evening. Specifically, ROBEL was advised that there were witnesses who have stated that ROBEL, along with AZAMAT and DIAS entered JAHAR's dorm room together.

ROBEL was confronted with the fact that the interviewing agents believed that ROBEL was lying and that he could be prosecuted, and possibly imprisoned, for lying to the interviewing agents. Specifically, ROBEL was advised that the interviewing agents believed the he had entered JAHAR's dorm room with AZAMAT and DIAS that evening and that he had knowledge of the fact that they removed a backpack containing fireworks from the room.

ROBEL denied that he had done so, and he denied having any memory of having done so.

ROBEL advised that he, AZAMAT and DIAS remained standing at JAHAR's dorm

room for no more than 15 minutes. In addition to the aforementioned subject matter of their discussions, ROBEL, AZAMAT and DIAS talked about the fact that within the past few weeks, JAHAR appeared to have changed. The changes appeared not to relate to his personality, but in his attitude toward religion. They discussed the fact that JAHAR had been praying more and attending the mosque more frequently.

The interviewing agents brought ROBEL's attention to the fact that ROBEL could have been caught on a security camera entering JAHAR's dorm room that evening which could serve to contradict his statements about entering JAHAR's room that evening. ROBEL advised that the only security cameras in the dorm that he was aware of were downstairs at the front and back of the building. Furthermore, ROBEL advised that he did not believe those cameras to be operational.

ROBEL, AZAMAT and DIAS left the building where JAHAR's dorm room is located. The three returned to AZAMAT and DIAS' apartment. Once there, ROBEL took a nap until about 11pm. When he awoke, he saw news reports concerning the Boston marathon bombing during which time ROBEL observed "the video with JAHAR's picture." ROBEL started getting a significant amount of text messages from ROBEL's friends and associates who also knew JAHAR. The news reports talked about the fact that law enforcement officials were searching for a suspect seen wearing a white cap on videos taken near the time and location where the bombs went off. ROBEL recalls that at approximately 4:00 am on the morning of April 19, 2013, the news reports identified JAHAR by name as a suspect being sought in connection with the Boston marathon bombing.

ROBEL debated calling the police. He also got two text messages from ROBEL's friends suggesting that agents from the FBI would be seeking to talk to ROBEL. The individuals who sent the aforementioned messages may have been ROBEL's friends DAVID BORDEN and DAVID FERNANDEZ.

The interviewing agents asked ROBEL to recount the events following ROBEL's departure from JAHAR's dorm on the evening of April 18, 2013. ROBEL advised that he, DIAS and AZAMAT left the dorm together. They entered DIAS and AZAMAT's vehicle which was parked at the rear of the building. It was dark at the time and ROBEL estimates that it was 8pm or 9pm. ROBEL, DIAS and AZAMAT entered DIAS and AZAMAT's apartment from a rear sliding door entrance. DIAS' girlfriend came out of DIAS' bedroom and greeted DIAS, but ROBEL did not engage her in conversation. ROBEL sat down on the couch and smoked marijuana with DIAS. Thereafter, ROBEL took a nap, as previously mentioned.

Later that evening, DIAS retreated to his bedroom with his girlfriend. AZAMAT and ROBEL sat on the couch in the living area watching television.

Continuation of FD-302 of Interview of ROBEL PHILLIPOS on 4/25/2013 , On 04/25/2013 , Page 7 of 10

While watching the news reports, ROBEL observed that AZAMAT was "freaking out" and it appeared to ROBEL as though AZAMAT felt a sense of total disappointment and loss. AZAMAT and ROBEL kept saying to one another words to the effect, "you don't think it's him, do you." They observed the video tape that had been released by the news which appeared to depict JAHAR.

While AZAMAT and ROBEL continued to watch the television continually, DIAS would periodically exit his room into the living area and ROBEL and AZAMAT would update DIAS with what they were seeing on the television. DIAS also saw the television reports while he was standing in the living area in ROBEL and AZAMAT's presence. DIAS' girlfriend never came out of the bedroom.

DIAS had a laptop computer in his bedroom.

AZAMAT had AZAMAT's laptop up. ROBEL observed AZAMAT accessing what appeared to be a Russian website and he was typing words on the computer which appeared to be in Russian. He was also "texting" on "VK" or "Russian facebook" using AZAMAT's phone.

ROBEL recalls AZAMAT state that both AZAMAT and DIAS were having difficulty getting in touch with JAHAR that evening. ROBEL recalls that AZAMAT mentioned that this had something to do with the fact that "they" hadn't paid the bill. ROBEL is not certain exactly what they meant by this statement, but he believes the service to one or both of their phones had been shut off.

At this point in the interview, ROBEL used his cellular phone to retrieve the text message he received from DIAS on the evening of April 18, 2013 which remained saved in ROBEL's phone in which DIAS instructed ROBEL to report to JAHAR's room. ROBEL advised that the message came in at 10:00 pm.

Using that as a point of reference, ROBEL advised that he believes that he and AZAMAT smoked marijuana from approximately 1:30am to 3:00am. ROBEL did not know AZAMAT to smoke marijuana but he broke from his normal rule because he was so stressed out.

ROBEL reiterated that the news identified JAHAR by name as a suspect believed responsible for the Boston marathon bombing at about 4am or 5am.

At some point that morning, a photo of DIAS and JAHAR surfaced on Russian facebook. ROBEL observed the aforementioned photo of DIAS and JAHAR eating together at JAHAR's house. ROBEL is aware that DIAS stayed at JAHAR's house for some period of time at the start of this past semester.

Continuation of FD-302 of Interview of ROBEL PHILLIPOS on 4/25/2013, On 04/25/2013, Page 8 of 10

ROBEL was asked if he knew if any of JAHAR's close associates harbored ill will towards the United States, or if any espoused strict fundamentalist Muslim views. ROBEL identified an individual named HICHEM (phonetic) who was a "nice, sweet, guy" who attended the same high school in Cambridge with ROBEL and JAHAR. HICHEM was the type of Muslim who seemed to want to throw his religion "in your face." ROBEL recalls that JAHAR used to engage HICHEM in discussions about Islam. HICHEM was such a devote Muslim that he would break from class while it was in progress to take time to pray. In fact, the school had a special room made to accommodate HICHEM and his religious practices. HICHEM and JAHAR were friends, however, JAHAR was more of a "conspiracy theorist" than HICHEM who was just a "strict, strict Muslim."

JAHAR was also friends with STEVEN SILVA. At some point after leaving high school, SILVA attended UMASS Boston.

Other of JAHAR's close associates from high school included a wrestler named GUMPO TENZIN, who is an Asian male approximately 6'0" and a female named GINA CHEN who also was somehow associated with the wrestling team.

With ROBEL's consent and permission, SA Quinn reviewed selected text messages that remained stored on ROBEL's phone on the date of this interview. ROBEL directed SA Quinn's attention to messages that ROBEL exchanged with JAHAR on April 17 and April 18, 2013. In some instances, it was not possible to determine the date and/or time when each message was sent due to the fact that a time stamp did not appear next to each message. The following is a summary of selected messages contained on the phone with associated dates/times (if available):

4/18/2013 What's good young

4/18/2013 Oh shoot what's up man how you doin

I'm chilling my dude. I'm coming to the dirty d tomorrow

Oh really, ight for the weekend or what

for a marijuana meeting for the shit that happened last semester

I will probably stay the weekend.

Oh was that not taken care of last semester? Dam they really making a big deal out of it, anyway alright man my phone is off but I can text when I have wifi so text me tomorrow.

Continuation of FD-302 of Interview of ROBEL PHILLIPOS on 4/25/2013, On 04/25/2013, Page 9 of 10

I'm coming at 10:30am at the bus stop. I'll hit you when I'm at the dirty d.

OK man

ROBEL is familiar with SILVA who has a wild, crazy dirty afro as well as SILVA's twin brother STEPHEN or STEPHAN SILVA who is fatter and bigger than SILVA. They used to live at Cambridge, Massachusetts.

ROBEL is not familiar with anyone by the name of BEK TSARNAEV.

At the conclusion of the interviewing, the interviewing agents admonished ROBEL that it was the opinion of the interviewing agents that ROBEL was lying with regard to certain key aspects of the events he described that evening. The interviewing agents advised ROBEL that he appeared to have excellent recall of almost every event that had transpired on the evening of April 18, 2013 and the morning of April 19, 2013. In fact, it was pointed out, that his recollection of many of the events he described was corroborated by other independent information known to the interviewing agents. However, ROBEL was advised that his lack of recollection concerning what had transpired immediately after he met up with DIAS and AZAMAT at JAHAR's dorm room appeared implausible.

The interviewing agents afforded ROBEL the opportunity to take a polygraph examination. ROBEL advised that he welcomed the opportunity to do so at the earliest possible time so as to both help the investigation and clear his name.

In closing, the interviewing agents specifically repeated the following statements made by ROBEL which he affirmed that he had made:

ROBEL did not see a bag inside JAHAR's dorm room on the evening of April 18, 2013.

ROBEL did not see a backpack inside JAHAR's dorm room on the evening of April 18, 2013.

He did not see any fireworks inside JAHAR's dorm room on the evening of April 18, 2013.

Neither he, AZAMAT or DIAS took a backpack from JAHAR's dorm room on the evening of April 18, 2013.

ROBEL is not aware of AZAMAT or DIAS removing anything from JAHAR's dorm room on the evening of April 18, 2013.

Neither he, AZAMAT or DIAS took any hats from JAHAR's dorm room on the

Continuation of FD-302 of Interview of ROBEL PHILLIPOS on 4/25/2013, On 04/25/2013, Page 10 of 10

evening of April 18, 2013.

ROBEL has no recollection of discarding a backpack in the trash which had been removed from JAHAR's dorm room on the evening of April 18, 2013 nor did ROBEL engage in any conversation with AZAMAT and DIAS regarding plans to discard same.

ROBEL does not recall seeing either DIAZ or AZAMAT wearing a hat when leaving JAHAR's dorm room on the evening of April 18, 2013.

ROBEL does not recall seeing a computer being removed from JAHAR's dorm room on the evening of April 18, 2013.

While standing at the door to JAHAR's dorm room with AZAMAT and DIAS, ROBEL recalls that DIAS was wearing "decent clothes" and AZAMAT was wearing the same clothes that ROBEL observed AZAMAT wearing earlier that same day on April 18, 2013.

In closing, ROBEL advised that although he once considered JAHAR to be a friend of his, once he came to believe that JAHAR was responsible for the Boston marathon bombing, ROBEL began to feel that he wanted to "nail this mother fucker."

The interviewing agents concluded the interviewing agents by advising ROBEL that they would contact him first thing the following morning to schedule a polygraph examination later that same day at the Boston Office of the FBI.

Exhibit

4

FD-328
Revised
10-06-2009

FEDERAL BUREAU OF INVESTIGATION
CONSENT TO INTERVIEW WITH POLYGRAPH

INTERVIEW TYPE

General Employee - Administrative Applicant Employee Task Force Member

LOCATION

Place: Boston, MA Date: 2013-04-26 Time: 10:58 AM

AFFILIATION

Before we begin an examination by means of the polygraph in connection with
the events surrounding the Boston Marathon bombings

you must understand your rights.

YOUR RIGHTS

You have the right to refuse to take the polygraph test.

If you agree to take the polygraph test, you have the right to stop the test at anytime.

If you agree to take the polygraph test, you have the right to refuse to answer any individual question.

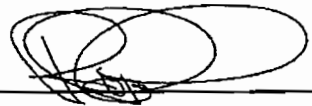
WAIVER AND CONSENT

I have read this statement of my rights and I understand what my rights are. I voluntarily agree to be examined by means of the polygraph during this interview. I understand and know what I am doing. No threats or promises have been used against me to obtain my consent to the use of the polygraph.

I understand that the polygraph examination may be monitored or recorded.

I understand that any attempt on my part to utilize polygraph countermeasures will be construed as purposeful non-cooperation.

With the above understanding, I agree to submit to a polygraph examination.

Examinee Signature: 

Examinee Name: Phillipos, Robel

Examiner Signature: 

Examiner Name: Delapena, Michael

FD-395
Revised
08-11-2010

FEDERAL BUREAU OF INVESTIGATION
ADVICE OF RIGHTS

LOCATION

Place:
Boston, MA

Date:
2013-04-26

Time:
11:00 AM

YOUR RIGHTS

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions.

You have the right to have a lawyer with you during questioning.


If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you have the right to stop answering at any time.

CONSENT

I have read this statement of my rights and I understand what my rights are. At this time, I am willing to answer questions without a lawyer present.

Signed: _____



Name: Phillipos, Robel

WITNESS

Witness
Signature: _____



Witness

Name: Delapena, Michael

Witness
Signature: _____

Witness

Name: _____

FD-498 (Rev. 2010-08-06)

FEDERAL BUREAU OF INVESTIGATION
POLYGRAPH EXAMINATION REPORT

EXAMINATION INFORMATION

<i>Examinee Name</i>	<i>Date of Birth</i>	<i>Social Security Number</i>	<i>Case File Number</i>
Phillipos, Robel	1993-	-5700	
<i>Examiner Name</i>	<i>Date of Examination</i>	<i>Date of Report</i>	<i>Examination Iteration</i>
Delapena, Michael C. <i>[Signature]</i>	2013-04-26	2013-04-26	Initial

EXAMINATION RESULTS

<i>Reviewer</i>	<i>Date of Review</i>	<i>Countermeasures Strongly Suspected or Confirmed:</i> <input type="checkbox"/> Yes
DiVittis, Marc A	2013-04-26	<i>Recommend No Further Testing:</i> <input type="checkbox"/> Yes

<i>SERIES NAME AND NUMBER</i>	<i>SERIES RESULT</i>
Terrorism	DI

SERIES RESULT CODES
 NDI (No Deception Indicated)
 DI (Deception Indicated)
 INC (Inconclusive)
 NO (No Opinion)
 SR (Significant Response)
 NSR (No Significant Response)

CASE TITLE

ROBEL PHILLIPOS,
BOSTON MARATHON BOMBING;
OO: BS

CASE / EXAMINATION SYNOPSIS

On April 15, 2013, at approximately 2:50pm, two individuals placed two separate bombs near the finish line of the Boston Marathon on Bolyston Street. The two males were later identified as brothers Tamerlin and Dzhokhar "Jahar" Tsarnaev, also known respectively as "Black Hat" and "White Hat." Several hours after being identified from surveillance photos, the brothers shot an MIT Police Officer and let Police from multiple jurisdictions on a car chase, which resulted in the death of Tamerlin and the escape of Jahar. After several hours of searching, Jahar was captured alive, hiding in a boat.

Subsequent investigation determined that during the time Jahar was wanted by the FBI, he was texting friends, in particular his friends Dias Kadyrbayev and Azamat Tazhayakov. During these texts, Jahar told them to take whatever they wanted from his room as he would not be returning to his dorm room at UMass-Dartmouth, where he was attending school. Subsequent interviews of Dias and Azamat, who are being detained on immigration charges, determined that they had disposed of a backpack belonging to Jahar after receiving these messages. The backpack contained fireworks which had been used to construct the bombs. Dias, in addition to admitting that he threw the backpack in a nearby dumpster, implicated another student, Robel Phillipos, in their actions.

Phillipos was interviewed numerous times, and admitted only to being summoned to Jahar's room on Thursday, April 18th, by Dias. However, he denied ever actually entering Jahar's room and denied ever seeing any fireworks in a backpack or anywhere else. He further denied knowledge concerning the dumping of the backpack.

On April 26, 2013, Phillipos voluntarily appeared at Boston office of the FBI to submit to a polygraph examination. He was orally advised of his "Miranda Rights". He stated that he understood them. He was shown a FD-395, "Advice of Rights" form and a FD-328, "Consent to Polygraph" form. The examiner read both to him. Phillipos stated that he understood his rights and signed both forms.

During the pre-test interview, Phillipos stated that he could not say for sure if he had entered Jahar's room on the evening of April 18th, because he could only remember standing outside the room. He could not recall entering the room or seeing anything significant that evening.

He stated that it was not until approximately 11pm on April 18th, while watching CNN at Dias' apartment, that he realized Jahar was the Marathon bomber. He stated that he did not call the Police because he did not have absolute confirmation that Jahar was the bomber, until the next morning when the Police released Jahar's name.

The following relevant questions were asked during the examination for Terrorism Series I:

- A. Do you remember going into Jahar's room on Thursday evening the 18th of April? (Answer: No)
- B. Did you see the fireworks in Jahar's backpack?(Answer: No)

During the post test interview, Phillipos was further questioned about his knowledge of the events on April 18th and 19th. Eventually, he offered a written statement which reads as follows:

"I, Robel Phillipos, want to make a statement regarding my knowledge of the events on Thursday, April 18th and Friday April 19th, following the Boston Marathon bombings. Specifically, I want to discuss what occurred at Dzhokhar Tsarnaev's dorm room. He is known to me simply as "Jahar." I also want to state what happened at the New Bedford apartment belonging to the roommates Dias and Azamat.

On Thursday, April 18th, at approximately 9pm, I received a text from my friend Dias. The text asked me to go to Jahar's room. As requested, I went to the room, where Dias and Azamat were waiting in front of the door. Dias has free access into the room unless the door is locked, which it was not. Jahar's roommate Andrew was there but said very little and did not object when Dias went through Jahar's belongings. One of the items was a dark backpack, possibly with one red stripe. He opened the bag, at which point I observed approximately seven red tubular fireworks, approximately 6 to 8 inches in length. I do not recall if they had fuses. I know that Jahar has a black SONY laptop, but I do not recall Dias taking it. It is possible that it was in the backpack.

After a short time, we left Jahar's room, Dias carrying the bag slung over his shoulder. We exited the building via the rear exit, where Dias had his BMW parked. He has a license plate on it which reads "Terrorista." Dias drove me and Azamat to their apartment in New Bedford. I recall that the backpack was not in the back seat with me; therefore, he must have placed it in the trunk of the car.

Once at their apartment, we all started to freak out, because it became clear from a CNN report that we were watching that Jahar was one of the Boston Marathon bombers. During much of the time with Dias and Azamat, I did not understand what they were saying the majority of the time because they were

speaking in Russian, which I don't understand. At one point that evening, around 11:00pm, the three of us had a discussion about what to do with the backpack and fireworks. Dias asked, in words I can't exactly recall, if he should get rid of the "stuff", which I took to mean the backpack. I said in response, "do what you have to do." I was concerned how it would look if the Police found us (Jahar's friends) with a backpack with fireworks, given what had happened. I took a two hour nap, and when I awoke, the backpack was gone. I do not know for sure who took it from the apartment. I am aware that there is a dumpster about 80 or 90 yards from their apartment.

In retrospect, I should have notified the Police once I knew Jahar was the bomber. Further, I should have turned over the backpack to the authorities. I regret these decisions. I make this statement without any threats or promises made to me.

Sincerely

Robel Phillipos"

The results of this examination are located in the "Examination Results" section at the top of this report.

I, Robel Phillipos, want to make a statement regarding my knowledge of the events on Thursday, April 18th and Friday April 19th, following the Boston Marathon bombings. Specifically, I want to discuss what occurred at Dzhokhar Tsarnaev's dorm room. He is known to me simply as "Jahar," I also want to state what happened at the New Bedford apartment belonging to the roommates Dias and Azamat.

On Thursday, April 18th, at approximately 9pm, I received a text from my friend Dias. The text asked me to go to Jahar's room. As requested, I went to the room, where Dias and Azamat were waiting in front of the door. Dias has free access into the room unless the door is locked, which it was not. Jahar's roommate Andrew was there but said very little and did not object when Dias went through Jahar's belongings. One of the items was a dark backpack, possibly with one red stripe. He opened the bag, at which point I observed approximately seven red tubular fireworks, approximately 6 to 8 inches in length. I do not recall if they had fuses. I know that Jahar has a black SONY laptop, but I do not recall Dias taking it. It is possible that it was in the backpack.

After a short time, we left Jahar's room, Dias carrying the bag slung over his shoulder. We exited the building via the rear exit, where Dias had his BMW parked. He has a license plate on it which reads "Terrorista." Dias drove me and Azamat to their apartment in New Bedford. I recall that the backpack was not in the back seat with me; therefore, he must have placed it in the trunk of the car.

Once at their apartment, we all started to freak out, because it became clear from a CNN report that we were watching that Jahar was one of the Boston Marathon bombers. During much of the time with Dias and Azamat, I did not understand what they were saying the majority of the time because they were speaking in Russian, which I don't understand. At one point that evening, around 11:00pm, the three of us had a discussion about what to do with the backpack and fireworks. Dias asked, in words I can't exactly recall, if he should get rid of the "stuff", which I took to mean the backpack. I said in response, "do what you have to do." I was concerned how it would look if the Police found us (Jahar's friends) with a backpack with fireworks, given what had happened. I took a two hour nap, and when I awoke, the backpack was gone. I do not know for sure who took it from the apartment. I am aware that there is a dumpster about 80 or 90 yards from their apartment.

In retrospect, I should have notified the Police once I knew Jahar was the bomber. Further, I should have turned over the

backpack to the authorities. I regret these decisions. I make this statement without any threats or promises made to me.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line at the bottom, enclosed within a larger, roughly oval-shaped outline.

Robel Phillipos

Exhibit

5

FEDERAL BUREAU OF INVESTIGATION

Date of entry 04/21/2013

DZHOKHAR TSARNAEV, date of birth 1993, was interviewed at Beth Israel Deaconess Medical Center, 330 Brookline Avenue, Boston, Massachusetts 02215.

REDACTED

On the day of the Boston Marathon, JAHAR and his older brother, TAMERLAN, drove from Cambridge to Boston in JAHAR's car around 2:30 p.m. JAHAR and his brother were the only individuals in the vehicle. Both JAHAR and his brother had a backpack containing an explosive device. JAHAR carried a brown backpack while his brother's backpack was black. After parking, they walked approximately five minutes to spots very close to the Marathon finish line. Each of them decided on their own where they would stop near the finish line and place the backpack containing the explosive device. JAHAR could not remember whether he or his brother was closer to the finish line. Just before detonating his device, JAHAR placed a call to his brother with the other device to try to synchronize the two detonations. After JAHAR put his backpack down, he walked away and detonated the device using a button. He used a trigger mechanism built according to the instructions in the Inspire Magazine articles.

JAHAR stated that there were no other attacks planned, there were no unaccounted devices, and the only individuals involved in the attack planning and execution were JAHAR and TAMERLAN.

REDACTED

Investigation on 04/21/2013 at Boston, Massachusetts, United States (In Person)

File # _____ Date drafted 04/21/2013

by Gregory T. Hughes, Matthew T Dowd

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KTP007024

Continuation of FD-302 of 04/21/2013 Interview of DZHOKHAR TSARNAEV , On 04/21/2013 Page 2 of 7

REDACTED

JAHAR stated no one had any knowledge of their plan before the attack, nor did they tell anyone after the attack had occurred. JAHAR and his brother did not include others in their plan before the attack because they could not trust anyone else.

REDACTED

Continuation of FD-302 of 04/21/2013 Interview of DZHOKHAR TSARNAEV On 04/21/2013 Page 3 of 7

JAHAR did not warn any of his friends to stay away from the Marathon because he didn't care if they got hurt. JAHAR only reached out to Baudy to see what people thought of the bombings. JAHAR used the iMessage feature of his phone to contact Baudy.

REDACTED

JAHAR stated that he and his brother constructed two explosive devices in his brother's home at 410 Norfolk, Apartment 3, Cambridge, Massachusetts. The devices were easy to build, because instructions were available in a copy of Inspire magazine the two downloaded from the Internet. JAHAR and his brother used powder to build the bombs. The powder came from fireworks purchased about one year ago in New Hampshire. Both JAHAR and his brother traveled to New Hampshire to purchase the fireworks. JAHAR did not know why his brother purchased the fireworks, but indicated that they did not buy many fireworks during their trip to New Hampshire.

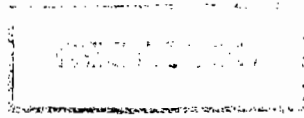
REDACTED

No one else participated in the attacks
- JAHAR and his brother built the two devices and planned the attack alone.

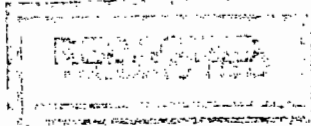
Continuation of FD-302 of 04/21/2013 Interview of DZHOKHAR TSARNAEV On 04/21/2013 Page 4 of 7

ENCLOSURE

Continuation of FD-302 of 04/21/2013 Interview of DZHOKHAR TSARNAEV, On 04/21/2013 Page 5 of 7



Continuation of FD-302 of 04/21/2013 Interview of DZHOKHAR TSARNAEV On 04/21/2013 Page 6 of 7



Continuation of FD-302 of 04/21/2013 Interview of DZHOKHAR TSARNAEV, On 04/21/2013, Page 7 of 7

REDACTED

Exhibit

6

FEDERAL BUREAU OF INVESTIGATION

Date of entry 04/22/2013

DZHOKHAR TSARNAEV, also known as JAHAR, date of birth 1993, was interviewed at Beth Israel Deaconess Medical Center, 330 Brookline Avenue, Boston, Massachusetts 02215.

REDACTED

Only JAHAR and TAMERLAN were involved in the planning, procurement, construction, and detonation of the different devices.

REDACTED

Investigation on 04/22/2013 at Boston, Massachusetts, United States (In Person)

File # _____ Date drafted 04/22/2013

by Gregory T. Hughes, Matthew T Dowd

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Continuation of FD-302 of 04/22/2013 Interview of DZHOKHAR TSARNAEV On 04/22/2013 Page 2 of 9



The powder came from \$200 worth of fireworks JAHAR and TAMERLAN purchased in New Hampshire.



Since he had a roommate and little privacy, JAHAR did not construct any explosive devices in his college dorm room. However, he did leave behind one firework that he claimed was just to have some fun with by lighting off at some point.

Continuation of FD-302 of 04/22/2013 Interview of DZHOKHAR TSARNAEV On 04/22/2013 Page 3 of 9

them identify or select possible locations to attack. No one helped

Continuation of FD-302 of 04/22/2013 Interview of DZHOKHAR TSARNAEV, On 04/22/2013, Page 4 of 9



JAHAR stayed at UMass on Tuesday and Wednesday night. He did not attend any classes on those days, but he may have attended one class on Thursday.

JAHAR made many calls and sent many texts during this period, but they were to social contacts only. He was simply checking up on friends or making arrangements to grab lunch or dinner. None of the people he contacted were involved in or aware of what he and TAMERLAN had done. On Thursday night, he contacted some of these same people to give away his laptop and other items in his dorm room as he did not expect to survive.

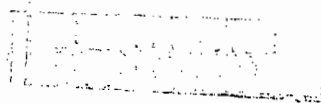


Continuation of FD-302 of 04/22/2013 Interview of DZHOKHAR TSARNAEV, On 04/22/2013, Page 5 of 9

At some point, JAHAR retrieved his BB
gun, as well.

[Faint, illegible text]

Continuation of FD-302 of 04/22/2013 Interview of DZHOKHAR TSARNAEV, On 04/22/2013, Page 6 of 9



JAHAR recognized an unlabeled photograph of Dias Kadyrbayev as his friend from school. He described him as a "dumbass." JAHAR had a conversation with DIAS about religion, how people make bombs, jihad, and the ways of the world. JAHAR stated that the conversation was not related to the attacks he and TAMERLAN conducted because it was meant as a broader discussion of religion.

JAHAR recognized an unlabeled photograph of Saya Murzalina as Dias' mother.

JAHAR recognized an unlabeled photograph of Bayan Kumiskali as Dias' girlfriend.

JAHAR recognized an unlabeled photograph of Azamet Tazhayakov as his friend from school.

JAHAR recognized an unlabeled photograph of Robel Phillipos as his friend from school.

FD-302a (Rev 05-08-10)

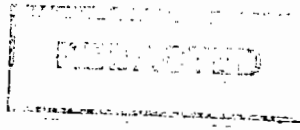
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SERIALIZED
INDEXED
FILED

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Exhibit

7



DATE 4 / 25 / 13
MONTH DAY YEAR

CASE ID 415M-BS-2814367

PHOTOGRAPHER Courtney Scheck

LOCATION Crapo Hill Landfill

New Bedford, MA



CERTIFICATE OF SERVICE

I, Derege Demissie, hereby certify that I have served a copy of defendant's Motion to Seal and Exhibits to be filed under seal upon the US Attorney's Office, One Courthouse way, 9th floor, Boston, MA 02210 via 1st class mail on this date of April 14, 2014.

/s/ Derege Demissie
DEREGE B. DEMISSIE

Dated: April 14, 2014