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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA,)	Case 1:16-cr-00064
)	
Plaintiff,)	
)	
v.)	Alexandria, Virginia
)	October 24, 2016
MAHMOUD AMIN MOHAMED)	8:47 a.m.
ELHASSAN,)	
)	
Defendant.)	
)	Pages 1 - 28

TRANSCRIPT OF CHANGE OF PLEA
BEFORE THE HONORABLE ANTHONY J. TRENKA
UNITED STATES DISTRICT COURT JUDGE

COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES

1 APPEARANCES:

2 FOR THE PLAINTIFF:

3 DENNIS M. FITZPATRICK, ESQUIRE
4 OFFICE OF THE UNITED STATES ATTORNEY
5 2100 Jamieson Avenue
6 Alexandria, Virginia 22314
7 (703) 299-3700

8 FOR THE DEFENDANT:

9 STUART A. SEARS, ESQUIRE
10 SCHERTLER & ONORATO, LLP
11 575 7th Street, N.W.
12 Suite 300 South
13 Washington, D.C. 20004

14 THOMAS A. DURKIN, ESQUIRE
15 DURKIN & ROBERTS
16 2446 North Clark Street
17 Chicago, Illinois 60614
18 (312) 981-0123

19 THE DEFENDANT, MAHMOUD AMIN MOHAMED ELHASSAN, IN PERSON
20
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25

1 THE CLERK: Criminal Case 1:16-cr-64, *United*
2 *States of America v. Mahmoud Amin Mohamed Elhassan.*

3 Will counsel please identify themselves for
4 the record.

5 MR. FITZPATRICK: Thank you.

6 Good morning, Your Honor. Dennis Fitzpatrick
7 on behalf of the United States.

8 THE COURT: Good morning.

9 MR. DURKIN: Good morning, Judge. Tom Durkin
10 and Stuart Sears on behalf of the defendant, who is
11 present and in custody.

12 THE COURT: Good morning.

13 I understand we're here for a change in plea
14 as to Counts 2 and 3. Is that correct?

15 MR. DURKIN: That's correct, Judge.

16 THE COURT: With no plea agreement and no
17 statement of facts?

18 MR. DURKIN: That's right. We filed a
19 written motion, Document 39, on October 21. There's
20 one maybe housekeeping matter. When I filed the
21 motion, since he was in custody, I just had his
22 electronic signature, Judge. I went to the jail over
23 the weekend. I have his signed affidavit. And I just
24 noticed that I had it for a notary, but I'm not a
25 notary. I'm wondering if we can swear him or --

1 THE COURT: I'll have him swear to the
2 affidavit.

3 MR. DURKIN: I'll tender this to your clerk.

4 THE COURT: All right. Mr. Fitzpatrick, I
5 understand the government intends to go forward on
6 Count 1. Is that correct?

7 MR. FITZPATRICK: That's the government's
8 intention, Your Honor, yes.

9 THE COURT: All right. Mr. Elhassan, come to
10 the podium and be sworn, please.

11 (The defendant affirms.)

12 THE COURT: Would you state your full name,
13 please.

14 THE DEFENDANT: My name is Mahmoud Amin
15 Mohamed Elhassan.

16 THE COURT: All right. Mr. Elhassan, you may
17 lower your right hand.

18 The purpose of this hearing is to give you
19 the opportunity to enter a plea of guilty to the charge
20 in Count 2 of the indictment charging attempt to
21 provide material support to a foreign terrorist
22 organization and also Count 3 which charges you with
23 providing false statements. If you enter such a plea,
24 it will be the responsibility of this Court to ensure
25 that your plea is entered voluntarily, that is that no

1 one is forcing you to enter those guilty pleas, and
2 also that you enter those pleas knowingly, that is that
3 you understand the consequences of pleading guilty.

4 In order for the Court to make those
5 determinations, I'm going to ask you a series of
6 questions. For that purpose, you've been placed under
7 oath. Having been placed under oath, you have the
8 obligation to answer all of the Court's questions
9 truthfully. If any of your answers prove to be untrue,
10 you may be subjecting yourself to additional criminal
11 penalties.

12 Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: What is your age?

15 THE DEFENDANT: Twenty-six.

16 THE COURT: What is your highest level of
17 formal education?

18 THE DEFENDANT: I was a student at Northern
19 Virginia Community College.

20 THE COURT: You're a citizen of the United
21 States?

22 THE DEFENDANT: No. I'm a green card holder.

23 THE COURT: Of what country are you a
24 citizen?

25 THE DEFENDANT: Sudan.

1 THE COURT: And you're a permanent resident
2 here?

3 THE DEFENDANT: Yes.

4 THE COURT: You've been represented by a
5 lawyer in connection with this case? Are you
6 represented by a lawyer?

7 THE DEFENDANT: Yes.

8 THE COURT: Have you met with your lawyer?

9 THE DEFENDANT: Yes.

10 THE COURT: Have you discussed with your
11 lawyer the charge against you and what the government
12 must prove in order to convict you of that charge?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Have you discussed with your
15 lawyer the consequences of pleading guilty?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Have you discussed with your
18 lawyer potential defenses and the merits of those
19 potential defenses?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Have you provided to your lawyer
22 all the facts and information you have pertaining to
23 these charges?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Have you understood everything

1 your lawyer has told you?

2 THE DEFENDANT: Yes.

3 THE COURT: Have you had any difficulty
4 understanding anything your lawyer has told you,
5 anything about these charges against you, or anything
6 about the nature of these proceedings, including why
7 you're in court here today?

8 THE DEFENDANT: No, Your Honor.

9 THE COURT: Have you been satisfied with the
10 services of your lawyer?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Do you think you've had enough
13 time to meet with your lawyer and discuss whether or
14 not you should be entering guilty pleas here today?

15 THE DEFENDANT: Yes.

16 THE COURT: Do you think you've had enough
17 time?

18 THE DEFENDANT: Yes.

19 THE COURT: Do you understand that by
20 pleading guilty to these two charges, the government
21 nevertheless intends to go forward with the charge in
22 Count 1 of the indictment which charges conspiracy to
23 provide material support to a foreign terrorist
24 organization? Do you understand that?

25 THE DEFENDANT: Yes.

1 THE COURT: It's your desire to enter guilty
2 pleas to these two counts even though you face trial on
3 the remaining Count 1? Do you understand that?

4 THE DEFENDANT: Yes, I understand.

5 THE COURT: Have you been under the influence
6 of any drugs or medication or any other substance
7 that's affected your ability to understand anything
8 about these charges or anything about these
9 proceedings?

10 THE DEFENDANT: No, Your Honor.

11 THE COURT: Are you currently under the care
12 of any mental health professional?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: Counsel, based on everything you
15 know, is Mr. Elhassan competent to enter a guilty plea
16 here today?

17 MR. DURKIN: Yes, Judge.

18 THE COURT: I understand that you have not
19 entered into any plea agreements with the United
20 States. Is that correct?

21 THE DEFENDANT: That's correct.

22 THE COURT: Do you think you have any
23 agreements or promises or understandings from the
24 United States with respect to the entry of your guilty
25 pleas?

1 THE DEFENDANT: No, Your Honor.

2 THE COURT: Have you discussed with your
3 lawyer the constitutional rights you have as someone
4 charged with a crime and that you would give up those
5 rights as to Counts 2 and 3 based on your guilty pleas?

6 THE DEFENDANT: Yes.

7 THE COURT: You have the absolute right to
8 proceed to a public and speedy trial on your pleas of
9 not guilty before a jury of 12 United States citizens.
10 Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: In order to convict you of these
13 charges, that jury must unanimously find you guilty of
14 these charges. Do you understand that?

15 THE DEFENDANT: Yes, I understand.

16 THE COURT: At that trial, you would be
17 entitled to be represented by a lawyer. If you could
18 not afford one, one would be appointed for you. Do you
19 understand that?

20 THE DEFENDANT: Yes, sir, I understand.

21 THE COURT: Also, at that trial, you would be
22 presumed innocent of these charges, and the government
23 would have the obligation of proving each and every
24 element of these charges beyond a reasonable doubt. Do
25 you understand that?

1 THE DEFENDANT: Yes, I understand.

2 THE COURT: Also, at that trial, you and your
3 lawyer would have the right to confront any witnesses
4 that the government presented, to cross-examine those
5 witnesses, and to challenge the admissibility of any
6 evidence that the government offered. Do you
7 understand?

8 THE DEFENDANT: Yes, I understand.

9 THE COURT: Also, at that trial, you would be
10 entitled to present your own defense, and that would
11 include the right to require any person with relevant
12 information to be brought into court and to bring with
13 him or her any documents relevant to these charges. Do
14 you understand?

15 THE DEFENDANT: Yes.

16 THE COURT: Also, as part of your defense,
17 you could testify yourself at that trial. You could
18 take the stand, be placed under oath, and testify
19 subject to cross-examination, but you would have
20 absolutely no obligation to testify. You could remain
21 silent in the face of these charges, and if you decided
22 not to testify, the government could not force you to
23 testify or to incriminate yourself in any way. Do you
24 understand that?

25 THE DEFENDANT: Yes, I understand.

1 THE COURT: Also, if you decided not to
2 testify, no inference of guilt could be inferred from
3 the fact that you decided not to testify. You would
4 continue to be presumed innocent of this charge, and
5 the government would continue to have the obligation of
6 proving these charges beyond a reasonable doubt. Do
7 you understand that?

8 THE DEFENDANT: Yes, I understand.

9 THE COURT: Also, if after you went to trial,
10 if you were convicted, you would have the right to
11 appeal that conviction to a higher court together with
12 your sentence. Do you understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: By pleading guilty to these
15 charges, there will be no trial with respect to these
16 two charges, and you will be convicted of these two
17 charges just as if you had gone to trial and were
18 convicted by a jury. Do you understand that?

19 THE DEFENDANT: Yes, I understand.

20 THE COURT: Also, do you understand that any
21 statements you make in connection with these two
22 charges and your admission of any facts as set forth in
23 your affidavit would be admissible against you with
24 respect to the remaining count that's charged against
25 you? Do you understand that?

1 THE DEFENDANT: Yes, I understand.

2 THE COURT: Having heard all of these rights
3 that you have and that you would give up these rights
4 by pleading guilty, is it still your decision here
5 today to enter a guilty plea?

6 THE DEFENDANT: Yes.

7 THE COURT: In addition to the waiver of the
8 rights that I've mentioned, there will be other
9 collateral consequences, including a forfeiture of any
10 right you might have to vote, hold public office, serve
11 on a jury, and possess a firearm. Do you understand
12 that?

13 THE DEFENDANT: Yes, I do understand.

14 THE COURT: Do you also understand that your
15 guilty plea will be binding on you for the purposes of
16 any immigration proceedings? Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: Do you understand that your
19 guilty pleas here will have immigration consequences?
20 Do you understand?

21 THE DEFENDANT: Yes.

22 THE COURT: Is it your decision here today to
23 enter guilty pleas to these charges regardless of the
24 immigration consequences?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Have you discussed with your
2 counsel how the Court would go about deciding what
3 sentence to impose based on the guilty pleas that you
4 would enter here today? Have you discussed the
5 sentence process here?

6 THE DEFENDANT: Yes.

7 THE COURT: Have you discussed what we call
8 the guideline sentences?

9 THE DEFENDANT: Yes.

10 THE COURT: As that name suggests, those are
11 only guidelines. The Court is not obligated to enter a
12 guideline sentence. It may enter a guideline sentence,
13 or it may enter a sentence greater than the guidelines
14 or less than the guidelines obligated only to enter a
15 punishment within the maximum punishments for these
16 offenses. Do you understand that?

17 THE DEFENDANT: Yes, I do.

18 THE COURT: With respect to Count 2 of the
19 indictment charging attempt to provide material
20 support, do you understand that the maximum punishment
21 you could receive is up to 20 years, a fine of up to
22 \$250,000, a special assessment of \$100, and a period of
23 supervised release of up to life? Do you understand
24 that?

25 THE DEFENDANT: Yes.

1 THE COURT: Do you understand that with
2 respect to Count 3 charging false statements, the
3 maximum punishment you could receive is 8 years, a fine
4 of up to \$250,000, a special assessment of \$100, and a
5 period of supervised release of up to 3 years? Do you
6 understand that?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Supervised release, as mentioned
9 in those sentences that I just mentioned, is in
10 addition to any term of imprisonment that might be
11 imposed. It would begin after your release from any
12 term of imprisonment that's imposed, and there would be
13 certain conditions that you would have to comply with.
14 If you failed to comply with those conditions, you
15 could be imprisoned for all or a portion of those
16 periods of supervised release. Do you understand?

17 THE DEFENDANT: Yes, I understand.

18 THE COURT: Also, we abolished parole within
19 the federal system so that you will, in fact, serve the
20 full length of any term of imprisonment that's imposed
21 subject to only the possibility of a reduction up to
22 50 percent of your sentence based on the good behavior.
23 Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: Also, with respect to the

1 sentencing guidelines, the Court is not going to be
2 able to finally decide what the sentencing guideline is
3 until after it receives a presentence report and you
4 and your lawyer and the government have had an
5 opportunity to review that report and object to any
6 information in it. Do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Also, the Court is not going to
9 be bound by any recommendations with respect to your
10 sentence. Only the Court will decide what sentence to
11 impose. Do you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: So that if you receive a sentence
14 that is different than what the government recommends
15 or what your lawyer recommends or if you receive a
16 sentence that is different than someone told you you're
17 likely to receive or that you're expecting or if you
18 receive a sentence that you just think is unfair in
19 some way, you nevertheless are going to be bound by
20 your guilty pleas, and you will not be permitted to
21 withdraw your guilty pleas after you hear what the
22 sentence is. Do you understand that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: In a moment, I'm going to ask the
25 government to tell the Court what evidence it would

1 present with respect to these charges. I want you to
2 listen carefully to what the government tells the Court
3 because after the government is done, I'm going to ask
4 you whether you disagree with what the government has
5 told the Court about your conduct.

6 Mr. Fitzpatrick.

7 MR. FITZPATRICK: Thank you, Your Honor.

8 Your Honor, the Islamic State, which is what
9 they call themselves -- the government refers to them
10 as ISIL or ISIS -- is a specifically designated foreign
11 terrorist organization.

12 The defendant's role in this case essentially
13 began in 2015. The government knows that he began
14 visiting websites that were jihadist in nature,
15 violent, expressing direct antagonism towards the
16 United States.

17 Pursuant to his Internet activities, he met
18 someone who had a rather high profile and who portrayed
19 himself as having connections with people within the
20 terrorist organization who could facilitate travel to
21 Syria and Iraq in order to join the terrorist
22 organization. The defendant contacted this person and
23 sort of developed a friendship with this person.

24 In or about August 2015, the defendant had
25 already been friends, acquaintances with Joseph

1 Farrokh. Mr. Farrokh was married in August 2015. He
2 invited the defendant to his wedding reception. The
3 defendant asked if he could bring along a friend, the
4 person who was familiar with recruiting efforts.
5 Mr. Farrokh said yes. The defendant and Mr. Farrokh
6 had previously had discussions about joining the ISIL
7 cause and going over to help ISIL.

8 The defendant and the third individual went
9 to Mr. Farrokh's wedding. The defendant introduced
10 Mr. Farrokh to this individual, and they had
11 preliminary discussions about joining ISIL and
12 facilitating Mr. Farrokh's travel overseas to join
13 ISIL.

14 Between August and January -- August 2015 and
15 January 2016, the defendant and Mr. Farrokh had
16 numerous conversations about the upcoming travel and
17 the preparations and what Mr. Farrokh would do there.
18 A number of the conversations were violent in nature
19 expressing a desire to go over there and chop heads,
20 fight against the U.S. military, etc.

21 The defendant throughout this four- or
22 five-month period counseled Mr. Farrokh, and they had
23 general discussions about the travel. The plan that
24 they formulated would be that Mr. Farrokh would go to
25 Syria first. And once he successfully made it there,

1 Mr. Elhassan would soon follow and join him.

2 Mr. Farrokh paid Mr. Elhassan some money before he left
3 to help Mr. Elhassan go through with his future travel.

4 On January 1, 2016, the defendant had a
5 conversation with a third individual in which he
6 expressed his understanding of Mr. Farrokh's desire to
7 travel. He understood what Mr. Farrokh's plan was to
8 include that Mr. Farrokh was going to tell his family
9 that he intended to go to Saudi Arabia to study
10 religion. That was false, and Mr. Elhassan knew that
11 that was part of the plan, to sort of create a false
12 narrative of where Mr. Farrokh was going to conceal his
13 future travel plans.

14 On or about January 15, 2016, at
15 approximately 8:00 in the morning, the defendant picked
16 up Mr. Farrokh from his residence in Woodbridge.
17 Mr. Elhassan was driving his taxicab. Mr. Farrokh
18 carried two bags with him. He got in Mr. Elhassan's
19 car, and they proceeded south on Route 95.

20 They stopped shortly after they began their
21 trip so Mr. Farrokh could enter a restroom where he
22 shaved his beard. He did this in order to appear less
23 conspicuous when he began his travel.

24 They arrived in Richmond significantly early
25 for Mr. Farrokh's flight, so they went to a nearby

1 shopping center about a mile from the Richmond
2 International Airport. They loitered there for a
3 couple of hours visiting shops. All of this, Your
4 Honor, was under the surveillance of the FBI.

5 At the end of their time at the shopping
6 mall, Mr. Elhassan called another cab to come pick up
7 Mr. Farrokh so as to conceal Mr. Elhassan's involvement
8 in going to the airport.

9 The other cab arrived, took Mr. Farrokh to
10 the airport. Once Mr. Farrokh passed through the
11 security checkpoints and was heading towards his gate,
12 he was arrested.

13 The defendant proceeded north on 95
14 ultimately arriving at the Potomac Mills Shopping Mall
15 in Woodbridge. There he was confronted by FBI agents.
16 He voluntarily agreed to speak to them in the food
17 court area. The defendant was told several times that
18 lying to the FBI was a federal offense. He was given
19 notice that if he should lie, he would be subject to
20 criminal penalties. During an approximately two-hour,
21 if not longer, interview, the defendant made numerous
22 false statements to the FBI. The defendant stated that
23 Mr. Farrokh was traveling out of Dulles Airport, that
24 his intention was to go to California to attend a
25 family funeral. He said that the last time he had seen

1 Mr. Farrokh was in Woodbridge, Virginia, thereby
2 denying that he drove him to Richmond.

3 In substantial part, Your Honor, that would
4 have been the government's evidence in this case, among
5 other evidence.

6 THE COURT: All right. Thank you.

7 Mr. Elhassan, would you come to the podium,
8 please.

9 MR. DURKIN: Judge, could I speak to him?

10 THE COURT: Yes.

11 (Defense counsel and the defendant confer.)

12 MR. DURKIN: Judge, if I could, we don't
13 dispute that the government's witnesses would testify
14 in the manner that he just described. The only factual
15 dispute we have had is over whether he was going to go
16 overseas himself. It's a dispute that we don't think
17 is material to the pleas he's entering.

18 Mr. Sears and I believe this is truly an
19 aiding and abetting case. That's why he's pleading to
20 Count 2, because that does charge Section 280, and we
21 don't dispute Count 3.

22 The rest of that -- obviously, I was only
23 taking notes. As long as there's an understanding,
24 that would be the only factual dispute we have. In
25 many ways, it's a dispute that I would prefer not to

1 have to get into today, and I don't think it's material
2 to --

3 THE COURT: Other than any facts that were
4 recited pertaining to whether or not he would go
5 overseas, I take it Mr. Elhassan is prepared to not
6 dispute the balance of the recitation?

7 MR. DURKIN: I believe that's the case.

8 (Defense counsel and the defendant confer.)

9 MR. DURKIN: That's correct, Your Honor.

10 THE COURT: All right. Mr. Elhassan, would
11 you come forward, please.

12 I understand from your counsel that you
13 dispute any claim or any recitation that you had agreed
14 to go overseas yourself or that you indicated you would
15 do so. Other than any of the facts that
16 Mr. Fitzpatrick mentioned relating to that issue, do
17 you dispute anything else that the government has told
18 the Court?

19 THE DEFENDANT: No, Your Honor.

20 THE COURT: I understand that you have also
21 signed an affidavit under oath. Is that correct?

22 THE DEFENDANT: Yes.

23 THE COURT: Do you have a copy of that in
24 front of you?

25 THE DEFENDANT: Yes.

1 THE COURT: Does your signature appear on
2 that document?

3 MR. DURKIN: It does, Judge.

4 THE DEFENDANT: Yes.

5 THE COURT: You signed that document?

6 THE DEFENDANT: Yes.

7 THE COURT: Did you read that document?

8 THE DEFENDANT: Yes, I did.

9 THE COURT: Did you understand everything in
10 that document?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Did you have all of your
13 questions answered about that document?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Did anyone threaten you or try to
16 influence you in any way in to signing that affidavit
17 against your will?

18 THE DEFENDANT: No, Your Honor.

19 THE COURT: Are the statements in this
20 affidavit true and correct?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: I understand from your affidavit
23 that you are also admitting to the allegations set
24 forth in Counts 2 and 3 of the indictment. Is that
25 correct?

1 THE DEFENDANT: That is correct.

2 THE COURT: Have you reviewed the indictment,
3 those counts?

4 THE DEFENDANT: Yes.

5 THE COURT: You understood the statements in
6 those counts; is that correct?

7 THE DEFENDANT: Yes.

8 THE COURT: In Count 2 of the indictment, it
9 states that you know that ISIL was a designated foreign
10 terrorist organization, that ISIL engages and has
11 engaged in terrorist activity, and that ISIL engages
12 and has engaged in terrorism.

13 Do you agree that that is a correct statement
14 as to your knowledge?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Also, Count 2 alleges that you
17 aided and abetted by, among other things, introducing
18 Mr. Farrokh in or about August 2015 to an individual
19 that you believed could facilitate Farrokh's travels to
20 the Islamic State so that this individual could, in
21 fact, facilitate Farrokh's travel to an Islamic State.

22 Is that, in fact, a true statement?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: It also alleges that you drove
25 Farrokh from Farrokh's home to Richmond, Virginia, on

1 January 15, 2016, so that Farrokh could embark on his
2 travel to the Islamic State. Is that, in fact, a true
3 statement?

4 THE DEFENDANT: That is a true statement.

5 THE COURT: It also alleges that you made
6 false statements to the FBI about Farrokh's travel on
7 January 15, 2016, in order to hinder the government's
8 investigation of Farrokh's travel. Is that a true
9 statement?

10 THE DEFENDANT: That is a true statement.

11 THE COURT: In Count 3, it is alleged that
12 you made false, fictitious, and fraudulent statements
13 to the federal government, specifically that
14 Mr. Farrokh had flown out of Dulles Airport earlier
15 that day on a flight to California to attend a funeral.
16 Is that a true statement?

17 THE DEFENDANT: It is a true statement.

18 THE COURT: You also falsely stated that
19 Farrokh had said he would be back in about two weeks.
20 Is that a true statement?

21 THE DEFENDANT: That's true.

22 THE COURT: You also falsely stated that you,
23 nor Farrokh, supported the Islamic State. Is that a
24 true statement?

25 THE DEFENDANT: That is a true statement.

1 THE COURT: You also stated, as alleged, that
2 neither you nor Farrokh ever tried to find someone to
3 help him get to the Islamic State. Is that, in fact, a
4 true statement?

5 THE DEFENDANT: Yes.

6 THE COURT: And is it the case that you are
7 pleading guilty to Counts 2 and 3 of the indictment
8 because you are, in fact, guilty of what you've been
9 charged with in those counts?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Counsel, based on everything you
12 know, is there an adequate factual basis for the pleas
13 as to Counts 2 and 3?

14 MR. DURKIN: Yes, Judge.

15 THE COURT: Before pleading further to
16 Counts 2 and 3 of the indictment, would you like to
17 speak with your lawyer any further?

18 THE DEFENDANT: No, Your Honor.

19 THE COURT: With respect to Count 2 of the
20 indictment charging attempting to provide material
21 support to a foreign terrorist organization, in
22 violation of Title 18, United States Code, Section
23 2339B and 2, how do you plead? Guilty or not guilty?

24 THE DEFENDANT: I plead guilty.

25 THE COURT: With respect to Count 3 of the

1 indictment charging making false statements, in
2 violation of Title 18, United States Code,
3 Section 1001, how do you plead? Guilty or not guilty?

4 THE DEFENDANT: I plead guilty.

5 THE COURT: Let the record reflect that based
6 on the responses of this defendant to the Court's
7 questions and the representations of counsel for the
8 government and for the defendant, it is the finding of
9 this Court in the case of *United States v. Mahmoud Amin*
10 *Mohamed Elhassan* that the defendant is fully competent
11 and capable of entering an informed plea, that the
12 defendant is aware of the nature of the charges and the
13 consequences of the pleas, and that the pleas of guilty
14 are knowing and voluntary pleas supported by an
15 independent basis in fact containing each of the
16 essential elements of those offenses. The pleas are,
17 therefore, accepted, and the defendant is now adjudged
18 guilty of Counts 2 and 3 of the indictment.

19 I'm not going to set this matter down for
20 sentencing until after disposition on Count 1.

21 Between now and when we proceed to trial
22 on --

23 What's the trial date?

24 MR. FITZPATRICK: January 23, Your Honor.

25 THE COURT: -- January 23, you will be

1 remanded to the custody of the United States Marshals.

2 Is there anything further?

3 MR. FITZPATRICK: No, Your Honor.

4 THE COURT: Anything further, Counsel?

5 MR. DURKIN: Judge, I'm hoping that Count 1
6 can get resolved. That's our intent.

7 THE COURT: Well, I would encourage the
8 government and the defense to continue the discussion.

9 MR. DURKIN: There's one minor issue that I
10 won't belabor right now. The government has actually
11 been of some assistance, but it may reflect if we have
12 to try Count 1, which I hope we don't. We have a
13 license from OFAC, Office of Foreign Assets Control.
14 There's been a problem with my bank over that. I won't
15 belabor it now. The government is well aware of that.
16 In fact, they've been of some assistance, but there is
17 a potential issue.

18 THE COURT: Well, to the extent you need the
19 Court's assistance or need the Court to consider
20 something, obviously, file a motion. The Court will
21 take it up expeditiously.

22 MR. DURKIN: Thank you.

23 THE COURT: All right. Thank you.

24 Counsel is excused.

25 The defendant is remanded.

