

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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UNITED STATES of AMERICA,	)	COURT FILE
	)	NO. 20-CR-196 (ADM/BRT)
	)	
Plaintiff,	)	
	)	
vs.	)	<b>VIA</b>
	)	<b>ZoomGov VIDEO CONFERENCE</b>
	)	
ABDELHAMID AL-MADIOUM,	)	Courtroom 13 West
	)	Wednesday, January 13, 2021
Defendant.	)	Minneapolis, Minnesota
	)	1:30 P.M.

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**C H A N G E   O F   P L E A**

BEFORE THE HONORABLE ANN D. MONTGOMERY  
SENIOR UNITED STATES DISTRICT JUDGE

**A P P E A R A N C E S:**

**For the Government:    OFFICE OF THE U.S. ATTORNEY**  
 By:    ANDREW R. WINTER  
          DANIELLE ROSBOROUGH (DOJ)  
          Assistant U.S. Attorneys  
          600 United States Courthouse  
          300 South Fourth Street  
          Minneapolis, Minnesota 55415

**For the Defendant:    OFFICE OF THE FEDERAL PUBLIC DEFENDER**  
 By:    MANVIR K. ATWAL  
          First Assistant Defender  
          107 United States Courthouse  
          300 South Fourth Street  
          Minneapolis, Minnesota 55415

**TIMOTHY J. WILLETTE, RDR, CRR, CRC**  
 Official Court Reporter - United States District Court  
 Warren E. Burger Federal Building & U.S. Courthouse  
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 St. Paul, Minnesota 55101  
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1 (1:30 p.m.)

2 P R O C E E D I N G S

3 I N O P E N C O U R T

4 ( V I A Z o o m G o v V I D E O C O N F E R E N C E )

5 (Defendant present)

6 THE CLERK: The United States District Court for  
7 the District Court of Minnesota is now in session, the  
8 Honorable Ann D. Montgomery is presiding. The case before  
9 the Court is the United States vs. Abdelhamid Al-Madioum.

10 Counsel, please note your appearances for the  
11 record.

12 MR. WINTER: Good morning, Your Honor -- good  
13 afternoon. Andrew Winter appearing on behalf of the United  
14 States.

15 THE COURT: It's my understanding we have an  
16 appearance by a DOJ attorney. If you would please state  
17 your appearance for the record.

18 MS. ROSBOROUGH: Yes. Good afternoon, Your Honor.  
19 Danielle Rosborough on behalf of the United States.

20 THE COURT: Good afternoon.

21 And Ms. Atwal? Hello.

22 MS. ATWAL: Good afternoon, Your Honor. Manny  
23 Atwal from the Federal Defender's Office. I'm here on  
24 behalf of Mr. Al-Madioum, who is present by video.

25 THE COURT: All right. We have also present my

1 court reporter -- for the day, at least -- Mr. Tim Willette,  
2 who is keeping his hands on the machine and recording the  
3 proceedings, and I see present as well from the United  
4 States Probation Office Leah Heino, as well as Brian James.

5 I think the first thing we should make sure is  
6 that we can all hear each other and that we can see all of  
7 the appropriate individuals.

8 Mr. Al-Madioum, have you had an opportunity to  
9 listen to the proceedings and hear from each of the voices  
10 as we've stated who we are?

11 THE DEFENDANT: Yes, I have, Your Honor.

12 THE COURT: And can you see everybody? You should  
13 be able to see I think eight boxes of people. Is that what  
14 you have in front of you?

15 THE DEFENDANT: I have seven.

16 THE COURT: Okay.

17 THE DEFENDANT: And myself would be eight.

18 THE COURT: Okay. That's right. You are the  
19 eighth person. And it's my understanding there may be --  
20 your parents may be able to observe this too and I'm not  
21 sure if we will see them, but they may be able to tap into  
22 this as well.

23 You have signed, Mr. Al-Madioum, an order -- or  
24 agreement to proceed by way of this video presentation. I'm  
25 an old judge and I'm not used to doing it in this way. I

1 much prefer being in the courtroom, but this is the way,  
2 obviously, that it's possible to get a case moving and not  
3 just be stuck during this COVID epidemic.

4 Ms. Atwal has signed an order, proposed an order  
5 that tells me that she's gone over this with you and that  
6 you understand this and are agreeable to proceed in this  
7 fashion. I just want to make sure that that is the reality.  
8 I trust Ms. Atwal, but I need to hear it from you yourself.

9 THE DEFENDANT: That is correct, Your Honor.

10 THE COURT: All right. Do you have any questions  
11 about proceeding in that fashion?

12 THE DEFENDANT: No, ma'am.

13 THE COURT: Okay. If at any point as we proceed  
14 along there becomes a problem with the audio link, you need  
15 to wave your hands or give me a basketball timeout signal or  
16 something so that we get reconnected, and I've found that  
17 that happens occasionally in these hearings and we freeze  
18 up.

19 Will you do that for me?

20 THE DEFENDANT: I will, ma'am.

21 THE COURT: All right. And the same is true of  
22 any of you other participants as we proceed along. If there  
23 are technical difficulties encountered, I'd like to make  
24 sure you let me know as expeditiously as possible. You can  
25 call by phone Ms. Holden, who is listening in to these

1 proceedings, if there becomes a problem, or send her an  
2 email, of course.

3 Mr. Winter, are you satisfied that I have  
4 accomplished the appropriate waiver under the CARES Act?

5 MR. WINTER: I am, Your Honor. Thank you.

6 THE COURT: And, Ms. Atwal, do you likewise feel  
7 that we've covered the necessary bases with regard to the  
8 CARES Act?

9 MS. ATWAL: I do, Your Honor.

10 THE COURT: All right. I'm going to proceed ahead  
11 then with you, Mr. Al-Madioum, with regard to some  
12 specifics. I want to learn a little bit about you and about  
13 your background as we proceed.

14 First of all, what is your age?

15 THE DEFENDANT: My age is 24 years old.

16 THE COURT: Okay. Can you tell me a little bit  
17 briefly about your education? Did you go to high school  
18 here in the United States?

19 THE DEFENDANT: Yeah. I finished high school and  
20 I got my diploma and I started a little bit of college, Your  
21 Honor.

22 THE COURT: All right. And where did you go to  
23 college?

24 THE DEFENDANT: At Normandale.

25 THE COURT: Okay. Some of the questions like the

1 next one seem very obvious, but we do have to have the  
2 reality reflected here and stated for purposes of the  
3 record.

4 It sounds to me like you're very competent in the  
5 English language and clearly as somebody who attended high  
6 school in the United States, I would expect that you are.  
7 Is that true?

8 THE DEFENDANT: That is true, ma'am.

9 THE COURT: All right. Your --

10 THE CLERK: Judge?

11 THE COURT: Yes.

12 THE CLERK: I'm sorry to interrupt. You might  
13 want to swear the defendant.

14 THE COURT: Oh. That's very good that you brought  
15 that to my attention.

16 Would you raise your right hand, please?

17

18 **ABDELHAMID AL-MADIOUM, DEFENDANT, SWORN**

19 THE DEFENDANT: Yes, I do, ma'am.

20 THE COURT: Thank you very much, and thank you,  
21 Ms. Holden, for the reminder.

22 **E X A M I N A T I O N**

23 BY THE COURT:

24 Q. Mr. Al-Madioum, you've had as your counsel Ms. Atwal  
25 appointed to represent you. Have you had enough time to

1 talk to her about your case?

2 A. I have, Your Honor.

3 Q. Good. And are you satisfied with her representation of  
4 you?

5 A. Yes, I'm very satisfied.

6 Q. All right. I think most of all her clients say that and  
7 that's good to hear.

8 This is another one of these obvious questions,  
9 but have you consumed any drugs or alcohol in the last 24  
10 hours?

11 A. No. No, ma'am.

12 Q. And are you subject to any drug dependencies or narcotic  
13 addictions?

14 A. No, ma'am.

15 Q. Are you currently taking any medications?

16 A. No, I'm not, Your Honor.

17 Q. Are you under the care of any physician, psychiatrist,  
18 psychologist, for any ongoing course of treatment?

19 A. No, ma'am.

20 Q. All right. The intent of these questions is to make  
21 sure that you are competent, as we say, to proceed. I want  
22 to make sure that today's proceedings and the decision to  
23 plead guilty is what you're focusing on and that there isn't  
24 any other distraction or some other problem that you're  
25 having that keeps your full attention from being on this

1 matter.

2 So, is your mind free and clear today and your  
3 focus on pleading guilty?

4 A. It is, ma'am.

5 Q. Okay. Is there any other day that would be a better day  
6 than today to plead guilty? Is everything working okay?  
7 Sometimes I've found out a defendant had a tooth ache or  
8 something, got some bad news or something, just before the  
9 hearing, but I want to make sure that this is on okay day  
10 for you to proceed.

11 A. Thank you, Your Honor. I believe today is the day.

12 Q. Okay. Good as any day, I take it, right?

13 A. Yeah.

14 Q. Okay. I think we can all agree there's probably never a  
15 good day to plead guilty, but this will work.

16 All right. I'm going to go over your  
17 constitutional rights now with you. I am confident that  
18 Ms. Atwal has already done so and that you're fully aware of  
19 these rights, but I need to make a record of this and be  
20 doubly sure, because this is a big decision and a big deal  
21 that we're doing this.

22 Do you understand?

23 A. I do, Your Honor.

24 Q. Okay. You have a right to a jury trial and we are at  
25 the spot where the roads split between pleading guilty and



1 going to trial. If you chose the other road and went to  
2 trial, you would be entitled to have a jury trial. We would  
3 impanel a group of jurors. Twelve of them would deliberate  
4 and they would unanimously have to reach a verdict before  
5 you could be convicted of any offense.

6 Do you understand you're giving up the right to a  
7 jury trial and the ensurance of a unanimous verdict?

8 A. I do, ma'am.

9 Q. The standard or the level of proof there must be in a  
10 criminal case is proof beyond a reasonable doubt. That's a  
11 constitutional right. And by pleading guilty, you also  
12 waive, or forfeit, or give up the right to require the  
13 Government to prove your case beyond a reasonable doubt.

14 Are you aware of that?

15 A. I am, ma'am.

16 Q. And do you with knowledge give up that right?

17 A. I do, Your Honor.

18 Q. All right. You're protected like every defendant by the  
19 presumption of innocence. It's a very important part of our  
20 Constitution. It has a couple ramifications or ways that it  
21 plays out in the courtroom.

22 It means, among other things, that Mr. Winter and  
23 Ms. Rosborough could not call you as a witness if the case  
24 were to be tried. You could remain silent. Not only could  
25 you not be forced to testify; no one could make any

1 arguments or claim in any way that you were guilty because  
2 you remained silent.

3 Do you understand that by pleading guilty you give  
4 up that right as well?

5 A. I do, Your Honor.

6 Q. Okay. That's an important one. They're all important,  
7 but is there anything you'd like to ask me about that  
8 presumption of innocence?

9 A. No, ma'am. Me and Ms. Atwal went through that. Thank  
10 you.

11 Q. Very good. You're entitled under a statute -- it isn't  
12 actually part of the Constitution, but under a statute -- to  
13 what's called a speedy trial. That's a little complex right  
14 now because it's hard to hold trials, but I want to make  
15 sure that you do understand that we're going to proceed  
16 without giving you the benefit of a speedy trial because  
17 you're saying you don't want any trial at all.

18 Do you understand that?

19 A. I do, ma'am.

20 Q. Okay. By pleading guilty now at this point in the  
21 process, you also give up the right for Ms. Atwal to bring  
22 any motions, pretrial motions, on your behalf as it might  
23 relate to your arrest, or the proceedings, or what evidence  
24 should be disclosed at trial. There are a whole number of  
25 things which could be the subject of a pretrial motion, but

1 because you're pleading guilty, we're going to go forward  
2 and talk about sentencing issues rather than whether or not  
3 you're guilty after today without the benefit of any further  
4 pretrial motions or review of any magistrate judge rulings  
5 in your case.

6 Are you aware of that?

7 A. I am, ma'am.

8 Q. And do you agree to be bound by that as part of your  
9 plea agreement in this case?

10 A. I do, Your Honor.

11 Q. Okay. We talked a little bit about trial and the  
12 presumption of innocence. Part of the benefit of the  
13 presumption of innocence is that not only do you not have to  
14 testify, you can remain silent, but you can call witnesses.  
15 Ms. Atwal would have the ability to use the subpoena power  
16 of the Court and call witnesses to testify on your behalf.

17 Do you know you're giving up the right to confront  
18 or to call witnesses on your behalf?

19 A. I do, ma'am.

20 Q. Okay. And I jumped ahead there by saying "confront" and  
21 that's also a part of the trial rights. You'd have the  
22 right at trial to have your attorney confront,  
23 cross-examine -- that's just a lawyerly way of saying ask  
24 questions of -- all of the witnesses in your case. Because  
25 there isn't going to be a trial, you give up the benefits of

1 cross-examining and testing the Government's case through a  
2 defense.

3 Do you understand that?

4 A. I do, ma'am.

5 Q. We talked about not testifying, but the flip side of  
6 that is also true. You could testify. If we went to trial,  
7 you could take the witness stand, tell the jury your side of  
8 the case, but by pleading guilty you give up the right to  
9 testify.

10 Do you know that and do you willingly give up that  
11 right?

12 A. I do, ma'am.

13 Q. Is anybody threatening you or forcing you to plead  
14 guilty?

15 A. No, ma'am. I'm doing it from my own free will.

16 Q. Okay. And have there been any promises made to you to  
17 try to get you to plead guilty that aren't on paper and in  
18 front of the Court?

19 A. No, ma'am.

20 Q. Is everybody playing above board and straight with you  
21 as far as you can tell?

22 A. Yes, ma'am, of course.

23 Q. Well, I hope so. You seem to be following just fine and  
24 from all I can tell you're certainly on track here.

25 Is there anything at all you'd like to ask me

1 about what your constitutional rights are?

2 A. No, Your Honor. Me and Ms. Atwal went through my  
3 constitutional rights and we believe it is correct that I  
4 would waive those rights and plead guilty today.

5 Q. Okay. Very good.

6 THE COURT: Mr. Winter, Ms. Rosborough, are you  
7 satisfied that I've covered the bases with regard to the  
8 defendant's constitutional rights?

9 MR. WINTER: Yes, Your Honor.

10 BY THE COURT:

11 Q. The next thing I'm going to do is go over with you the  
12 plea agreement and I'm hoping you have a copy of that there  
13 in front of you.

14 A. I do, ma'am.

15 Q. Okay. The copy I have seems to bear some signatures and  
16 I'm thinking the middle one of those is yours, is that true?

17 A. Yes, it is, ma'am.

18 THE COURT: Okay. Mr. Winter, do you affirm that  
19 your signature appears on the eight-page document, the plea  
20 agreement in this case?

21 MR. WINTER: I do, Your Honor.

22 THE COURT: And likewise, Ms. Atwal, that would  
23 leave the third signature as yours, even though I don't  
24 recognize it by the scribble, but I take it that is in fact  
25 your signature.

1 MS. ATWAL: It is, Your Honor.

2 THE COURT: Okay. Do I need to send you to a  
3 penmanship improvement course in the near future?

4 MS. ATWAL: Probably.

5 (Laughter)

6 THE COURT: Okay. I think I'll be next to you in  
7 the class when it convenes.

8 BY THE COURT:

9 Q. All right. That aside, let's look at the plea agreement  
10 together here.

11 It says, Mr. Al-Madioum, that you are pleading  
12 guilty as a result of an agreement that you've made with the  
13 United States Attorney's Office here in the District of  
14 Minnesota. I want to make sure that you understand that  
15 this agreement doesn't bind any other United States  
16 Attorney's Office or any other prosecuting agency or  
17 prosecutors at all, just the U.S. Attorney's Office in  
18 Minnesota.

19 Is that your understanding?

20 A. It is, ma'am.

21 Q. Okay. Then it says that you have decided to plead  
22 guilty to Count 1 of the indictment. I think there is only  
23 one count. In exchange for that, the Government agrees not  
24 to charge you with any additional crimes based on  
25 information they know of as of today's date.

1           Is that your understanding as well?

2           A.   That is, Your Honor.

3           Q.   Paragraph 2 at the bottom of page 1 and all of page 2  
4           down to where it says "Statutory Penalties" are a  
5           description of what's called the factual basis; that is,  
6           what happened here with regard to where you were in 2014 and  
7           2015, I guess.

8                   Those are specific questions about the underlying  
9           matter and I think those are better asked by the Government,  
10          so I'm going to skip over that part and we'll let them ask  
11          the questions about the specifics of the charge to which  
12          you're pleading guilty in a few minutes, if that's okay with  
13          you.

14          A.   That is okay with me, ma'am. Thank you.

15          Q.   We'll come back to that then.

16                   Paragraph 3 I'm sure has been the subject of a lot  
17          of discussion with your attorney because it lists the  
18          maximum penalty for your offense, and it is stated there, of  
19          course, the 20-year imprisonment term, a supervised release  
20          term of life, a criminal fine of up to \$250,000, and a  
21          mandatory special assessment of \$100, which is payable to  
22          the court at the time of sentencing.

23                   Do you understand that each one of those four  
24          things there is a part of the maximum penalty for this  
25          offense?

1 A. I do, ma'am.

2 Q. Okay. Turning to page 3, paragraph 4, it talks about  
3 that you're giving up pretrial motions, and paragraph 5 is  
4 the waiver of the constitutional rights. I think I've  
5 already covered that with you in the earlier question, but  
6 I'm happy to go back over it if you'd like to, or if you  
7 want me to skip ahead, we can do that too, whatever you  
8 want.

9 A. We can skip ahead, Your Honor. Thank you.

10 Q. Okay. So let's go to the top of page 4 and paragraph 6.  
11 It begins by talking about supervised release. I'm sure  
12 you're far less worried about supervised release and the  
13 term after your imprisonment than you are about the  
14 imprisonment part. But it is important that even as soon as  
15 today you recognize that whenever you're released from  
16 prison, you will be under the supervision of the United  
17 States Probation Office for a term that I'll decide the day  
18 I sentence you.

19 Are you aware and agree to that?

20 A. I do, ma'am. I agree to that.

21 Q. All right. Paragraph 7 begins a long discussion of how  
22 the sentencing guidelines apply to you.

23 I want to make sure that you understand right here  
24 from this early stage of our discussions that I haven't been  
25 a part of the negotiations here. A judge is separate and



1 independent from that. You might have noticed I don't sign  
2 the plea agreement and so I haven't been a part of  
3 determining these numbers.

4 I know both Mr. Winter and Ms. Atwal well after  
5 many years of having them both practice in front of me and I  
6 have lots of confidence that my reading of how the  
7 guidelines apply to you and theirs is going to be very  
8 similar, but it's possible it might be different, and if  
9 that were to be the case, you're stuck with how I analyze  
10 the guidelines rather than how they do.

11 Do you understand that?

12 A. I do, ma'am.

13 Q. Okay. Any questions about that at all?

14 A. No, ma'am. Thank you.

15 Q. Okay. Well, let's go through those guidelines.

16 I call the guidelines a framework for analysis.  
17 It's sort of a step-by-step way with a numerical formula  
18 that leads us to a suggested sentence. Some parts are more  
19 rigid or unbending than others, but that's kind of what  
20 we're going to talk about as we go through here.

21 It says that the base offense level for this  
22 particular crime that you're pleading guilty to starts with  
23 what's called a base offense level of 26, so that's the  
24 starting point.

25 Are you aware of that?

1 A. I am, ma'am.

2 Q. Then it says in subparagraph (b) that because this  
3 involved the provision of material support or resources with  
4 the intent, knowledge, or reason to believe that they were  
5 going to be used to commit or assist in the commission of a  
6 violent act, two points must be added to that 26, which  
7 would move us up to 28.

8 Is that your understanding?

9 A. That is, ma'am.

10 Q. Okay. Then there is a 12-level adjustment that it says  
11 applies and we'll talk about that more specifically in a few  
12 minutes, but do you understand that there is an agreement  
13 here that a 12-level enhancement or adjustment applies in  
14 your case?

15 A. Yes, ma'am, I understand that.

16 Q. Okay. Subparagraph (d) is a little bit of good news for  
17 you. It says that there's an agreement here that if you  
18 provide truthful and complete disclosures to the Probation  
19 Office as they prepare the presentence investigation and  
20 that you testify truthfully today at the change of plea, as  
21 well as at your sentencing hearing, and you comply with this  
22 agreement and that you stay out of trouble -- that's what's  
23 called undertaking no acts inconsistent with the acceptance  
24 of responsibility -- if you do those things, the Government  
25 is going to recommend that I give you ultimately a

1 three-point deduction because it would show you're accepting  
2 your personal responsibility in this case.

3 Do you understand that?

4 A. I do, ma'am. That's why I'm here.

5 Q. Okay. Excellent.

6 Turning to the top of page 5, it says that they  
7 agree that -- this is just before the sentence before  
8 subparagraph (e) -- the parties agree that the facts of this  
9 case don't support any other Chapter 3 or Chapter 4  
10 adjustments, so that's kind of where we leave it for the  
11 time being.

12 Do you understand that?

13 A. I do, ma'am.

14 Q. When we make those additions and add that 12 points I  
15 referred to a few minutes ago, that brings us up to level  
16 37.

17 Do you understand that?

18 A. I do, ma'am.

19 Q. And because this particular enhancement applies that  
20 we've been talking about because of the nature of the crime,  
21 it says that the guidelines place you in what's called  
22 Criminal History Category VI. That's the highest category.

23 Are you aware of that?

24 A. I am, Your Honor.

25 Q. So that would state -- and the guidelines and the

1 parties agree that that would be -- the guideline range  
2 would be 240 months' imprisonment, the statutory maximum  
3 sentence under the guidelines.

4 Are you aware of that?

5 A. I am, ma'am.

6 Q. The fine range that fits with that guideline level is  
7 \$40,00 to \$400,000, and that there isn't any agreement in  
8 this case if a fine is imposed how much it might be.

9 Do you agree that that's a part of your plea  
10 agreement and you're bound by that?

11 A. That is, ma'am.

12 Q. The supervised release period that I mentioned a few  
13 minutes ago in your case could be anything between five  
14 years to life, and it says the Government may seek a  
15 lifetime term of supervised release in your case, keep tabs  
16 on you.

17 Do you understand that?

18 A. Yes, I do, ma'am.

19 Q. And then it says in paragraph (j) that the defense is  
20 reserving the right to argue additional grounds for  
21 departure or variance from the ultimate guideline  
22 determination in this case. What that does is it leaves the  
23 door open for Ms. Atwal to argue that you don't fit within  
24 these guidelines or there might be reasons that I should  
25 hear has to why the 240 months isn't applicable in your

1 case.

2 Do you understand that?

3 A. I do, ma'am.

4 Q. Paragraph 8 is something I've probably already touched  
5 upon when I talked about my independence and not being bound  
6 by this plea agreement. I always call that paragraph the  
7 "no guarantees" paragraph. It talks about the discretion of  
8 the Court. I'll apply the guidelines as I see them. I can  
9 promise that I will be as fair with you as possible within  
10 the confines of the law and using my best judgment.

11 Do you understand that?

12 A. Yes, I do, ma'am, and thank you.

13 Q. Okay. Paragraph 9 on page 6 means that there's no  
14 agreement as to the recommended sentence here. You  
15 acknowledge and say that you understand that the Government  
16 may well ask for a sentence of the 240 months. You're free  
17 and your counsel are free to argue for whatever sentence  
18 they deem appropriate. If I decide not to accept the  
19 recommendation of the parties, you don't have any recourse.  
20 You can't -- you're stuck, basically -- I'll be blunt with  
21 you -- with my decision. You can't withdraw from your  
22 guilty plea and say, "Okay, Judge Montgomery, if that's how  
23 you feel about it, I want to start all over." No, that  
24 can't happen. You are stuck with my decision in this case.

25 Do you understand that?

1 A. I do, ma'am.

2 Q. Okay. The special assessment -- and probably the least  
3 of your worries at this point, but there's \$100 that is  
4 required of every felony count of conviction in federal  
5 court, and you'll be required to pay that or make  
6 arrangements to pay that at the time of sentencing.

7 Do you understand that?

8 A. I do, ma'am.

9 Q. Paragraph 11 says you're giving up your right to appeal  
10 any non-jurisdictional issues. That says that the appellate  
11 waiver is not limited to your right to appeal guilt or  
12 innocence and the constitutionality of the statutes to which  
13 you're pleading guilty, but you do agree that excluded from  
14 the waiver is an appeal by the defendant of the substantive  
15 reasonableness of the term of imprisonment. So that  
16 basically is saying that you are not going to have another  
17 judge check my homework about your sentence, but the bigger,  
18 broader issues are preserved.

19 Do you understand that?

20 A. I do, ma'am.

21 Q. Okay. You're also waiving or giving up the right to  
22 petition under what's called Section 2255 -- that's a  
23 post-conviction relief -- on any ground other than a claim  
24 of the ineffective assistance of counsel. That would be  
25 problems with your lawyer, Ms. Atwal. You are always free

1 to check the effectiveness of your counsel, but you're  
2 giving up the rest of the appellate issues.

3 Are you aware of that?

4 A. I am, Your Honor.

5 Q. Paragraph 12 on the top of page 7 talks about  
6 forfeiture, and the Government reserves its right to proceed  
7 against any of your assets -- that would be real or personal  
8 property -- as a part of this plea agreement or if there are  
9 proceeds that are traceable to your crime.

10 Are you aware of that?

11 A. Yes, I am, Your Honor.

12 Q. And you agree to be bound by that as well?

13 A. I do, Your Honor.

14 Q. Paragraph 13 relates to something called the Freedom of  
15 Information Act and the Privacy Act. There are various  
16 defendants that want to go back and check the whole  
17 Government investigation, get access to a lot of Government  
18 records and proceed with their own investigation. You're  
19 giving up the right to do that. The Government puts that  
20 provision in the plea agreements because they want to move  
21 on to other cases and not be dealing with you and your case  
22 after the conclusion of your prosecution.

23 Are you aware of that and do you agree to be bound  
24 by that part of your agreement?

25 A. Yes, I do. I agree to be bound.

1 Q. Okay. And then it says in paragraph 14 that there are  
2 possible additional consequences as a result of this  
3 conviction. That is, you could be assessed the costs of the  
4 prosecution and experience additional consequences, perhaps  
5 including removal from the United States, the loss of the  
6 right to carry firearms and the right to possess ammunition,  
7 the right to vote and the right to hold public office, which  
8 are all possible as a result of your conviction.

9 Do you agree to be bound by that part of your plea  
10 agreement?

11 A. I do, Judge Montgomery.

12 Q. Finally, paragraph 15 says that this is the complete  
13 agreement; that is, this is the whole deal. I remember I  
14 asked you earlier if there were any side deals or secret  
15 understandings and you pretty much told me everything is out  
16 in the open and there aren't any secret deals here.

17 Does that remain the case?

18 A. It does, Your Honor.

19 Q. Well, you have answered all the questions and I know  
20 it's easy to just keep agreeing with me and saying "Yes,"  
21 "Yes," "Yes," but I want to make sure that there's no area  
22 of the agreement that's fuzzy or unclear or that you'd like  
23 to have me explain to you.

24 Is there anything you'd like me to go back over?

25 A. Thank you, Your Honor. The agreement is crystal clear



1 to me.

2 Q. Okay. You seem like a bright young man and I take your  
3 word on that.

4 THE COURT: Ms. Atwal, with your permission, I  
5 will arraign your client now on Count 1.

6 MS. ATWAL: That's fine, Your Honor. Thank you.

7 THE COURT: All right. Mr. Al-Madioum, the United  
8 States Grand Jury has charged that from in or about  
9 July 8th, 2015, through on or about March 15th of 2019,  
10 within the State and District of Minnesota, and elsewhere,  
11 the defendant -- yourself -- Abdelhamid Al-Madioum, did  
12 knowingly provide, and attempt to provide, material support  
13 and resources, as that term is defined in Title 18, United  
14 States Code, Section 2339A(b)(1), including personnel  
15 (namely himself) and services to a foreign terrorist  
16 organization, to wit: The Islamic State of Irag and al-Sham,  
17 or ISIS, which at all relevant times has been designated by  
18 the Secretary of State as a foreign terrorist organization  
19 pursuant to Section 219 of the Immigration and Nationality  
20 Act, knowing that ISIS was a designated foreign terrorist  
21 organization, and knowing that ISIS had engaged in, and was  
22 engaging in, terrorist activity and terrorism; all in  
23 violation of Title 18, United States Code, Section  
24 2339B(a)(1).

25 To that charge, which could be much more

1 succinctly stated as providing material support to a  
2 designated foreign terrorist organization, what is your  
3 plea?

4 THE DEFENDANT: I plead guilty, Your Honor.

5 THE COURT: Mr. Winter, I will defer to you to  
6 establish the factual basis, please.

7 MR. WINTER: Thank you, Your Honor.

8 **E X A M I N A T I O N**

9 BY MR. WINTER:

10 Q. Good afternoon, Mr. Al-Madioum. Can you hear me okay?

11 A. I can, Mr. Winter.

12 Q. All right. I'm going to refer you to the plea  
13 agreement, paragraph 2, so flip back to page 1, and  
14 hopefully I don't ask you any questions that will come as a  
15 surprise.

16 Mr. Madioum, is it true that in 2014 you conducted  
17 research and developed plans to join and eventually provide  
18 material support and resources to ISIS?

19 A. That is true, sir.

20 Q. And then specifically on June 23rd of 2015, did you  
21 leave the United States with your family to go to Morocco?

22 A. That is true, sir. Without the knowledge of my family  
23 we went to -- I left Morocco to join ISIS.

24 Q. Correct. And we'll get to that, but the things that you  
25 did here you did without your family's knowledge; is that

1 fair to say?

2 A. That is true, sir.

3 Q. Okay. But when you left with your family, it was your  
4 personal intention to then surreptitiously or secretly  
5 travel from Morocco to Syria in order to join ISIS, is that  
6 correct?

7 A. That is correct, sir.

8 Q. Again, specifically now on July 7th of 2015, did you use  
9 a debit card to purchase a plane ticket so that you could  
10 fly from Casablanca to Istanbul, Turkey?

11 A. That is true, sir.

12 Q. And did you also buy a visa to get into Turkey?

13 A. I did, sir.

14 Q. Then on the 8th of July, which would have been a day  
15 later, did you actually take a flight from Casablanca to  
16 Istanbul, Turkey?

17 A. That is correct. I did.

18 Q. And once you were in Turkey, did you meet up with  
19 members of ISIS who then helped you cross the border into  
20 Syria?

21 A. That is correct, sir.

22 Q. Once you were in Syria, were you then able to actually  
23 join ISIS as you had planned?

24 A. That is correct, sir, yes.

25 Q. And the first place that you went as a member of ISIS

1 was to Mosul, Iraq, is that correct?

2 A. I did, sir, from the border directly to Mosul.

3 Q. Now, in the following months in 2015, were you then  
4 administratively enrolled into ISIS and you began to receive  
5 military training from them, is that correct?

6 A. That is correct, sir.

7 Q. And a little further along you eventually were assigned  
8 to a particular battalion within ISIS called Tariq  
9 Bin-Ziyad, is that correct?

10 A. That is correct, sir.

11 Q. And that battalion is part of the Abu Mutaz al-Qurashi  
12 Division of ISIS, is that true?

13 A. That is true, Mr. Winter.

14 Q. Okay. And it was during that time that you served as a  
15 soldier then for ISIS until the point in time when you were  
16 injured while conducting some military activities on behalf  
17 of ISIS, is that correct?

18 A. That is correct, sir. And I know I lied about that  
19 before to the journalists who are fourth estate, but I came  
20 here today to admit to that crime and, you know, face my  
21 destiny that that's true, that I was a soldier of ISIS.

22 Q. All right. Thank you for passing that on.

23 Now, as you just admitted, you were injured while  
24 you were conducting military activities on behalf of ISIS,  
25 and that injury kind of put you in a position to not be able

1 to fight anymore; is that fair to say?

2 A. That is fair, sir, yes.

3 Q. But did you continue to receive a stipend, or money,  
4 from ISIS until late 2018?

5 A. That is correct, yes, I did.

6 Q. And is it true that despite your injury you remained a  
7 member of ISIS until you surrendered in 2019, is that right?

8 A. That is correct, Mr. Winter.

9 Q. And you specifically surrendered to the Syrian  
10 Democratic Forces in or near Baghouz, Syria, is that  
11 correct?

12 A. Yes, sir.

13 Q. And then you stayed in their custody until FBI agents  
14 picked you up recently, is that right?

15 A. That is true, sir.

16 Q. Now, during the times relevant to the charge in the  
17 indictment, did you know that ISIS was a designated  
18 terrorist organization?

19 A. I did, Mr. Winter.

20 Q. And did you know that ISIS had engaged and was engaging  
21 in terrorist activity or terrorism?

22 A. I did, sir, yes.

23 Q. Do you admit that you knew what you were doing -- from  
24 the moment you left the United States and joined ISIS and  
25 did all those things, did you know that what you were doing

1 was illegal under United States law?

2 A. I did, sir.

3 Q. And did you do all these things of your own free will,  
4 voluntarily?

5 A. Yes, I did. It was through my own free will.

6 Q. Okay. So no one forced you to up and leave and join  
7 ISIS and do the things you did, is that true?

8 A. That is true. There was no coercion or duress.

9 Q. Thank you.

10 MR. WINTER: Your Honor, I have no further  
11 questions on the factual basis.

12 THE COURT: Ms. Atwal, would you like to inquire  
13 of your client at this time?

14 MS. ATWAL: No, Your Honor.

15 THE COURT: All right.

16 **F U R T H E R E X A M I N A T I O N**

17 BY THE COURT:

18 Q. Well, from all I can tell, Mr. Al-Madioum, you are being  
19 very straightforward about this. Is there any doubt in your  
20 mind that you're guilty of this offense?

21 A. No, ma'am. I'm guilty of this offense.

22 Q. You knew at the time this was something that was wrong,  
23 at least in the view of the United States law, clearly?

24 A. Yes, that's true, ma'am.

25 Q. All right.

1 A. And I came here today to own up to that.

2 Q. All right. Well, I'm prepared to accept your guilty  
3 plea, but before I do so, I want to make sure that you  
4 understand this is the last opportunity to choose to have a  
5 trial. This closes the door to whether or not you'll have a  
6 trial.

7 Once I say I accept the plea here, then we will  
8 move ahead to analysis of what the sentence should be and  
9 learning more about you by way of the presentence  
10 investigation and background, but this ends it with regard  
11 to whether or not you ever have a jury trial of this  
12 offense.

13 Knowing that, do you want me to accept your guilty  
14 plea?

15 A. I do, ma'am, and thank you for being thorough.

16 Q. All right. Well, this is a serious crime and it's going  
17 to make a hard decision for me, I can tell, as I proceed,  
18 but I'm glad you're stepping up to your responsibilities at  
19 this point.

20 I do accept your guilty plea. I will defer the  
21 matter to the presentence investigation for -- the Probation  
22 Office for the presentence investigation. Cooperate with  
23 them. Give them as much information as you can about  
24 yourself, because it'll help me make a better sentencing  
25 decision the more I know about you, please.

1 THE COURT: I'm going to set the date of  
2 sentencing in this case for May 26th, May 26th of 2021 -- I  
3 guess we're now in 2021 -- at 1:30 p.m., May 26th at  
4 1:30 p.m.

5 Is there anything further from the Government at  
6 this time, Mr. Winter or Ms. Rosborough?

7 MR. WINTER: No, Your Honor.

8 THE COURT: Ms. Atwal, have we covered what you  
9 needed to have happen today?

10 MS. ATWAL: Yes, Your Honor.

11 THE COURT: All right. At this point, Ms. Heino,  
12 do you have what you need to proceed with the starting of  
13 the presentence investigation?

14 MS. HEINO: Yes, Your Honor. I already have it  
15 scheduled with Ms. Atwal.

16 THE COURT: Excellent. All right. At this point  
17 court will be in recess.

18 I will see you, Mr. Al-Madioum -- and I'm so sorry  
19 I have mispronounced your name. I tried to get it  
20 phonetically, but I -- there's a lot of letters in there in  
21 a row. I did my best, so --

22 THE DEFENDANT: That's no problem, ma'am.

23 THE COURT: All right. Pronounce it once slowly  
24 and clearly for me. Al-Madioum?

25 THE DEFENDANT: Al-Madioum.



1 THE COURT: Al-Madioum. Okay, Al-Madioum. Thank  
2 you.

3 THE DEFENDANT: Thank you.

4 THE COURT: We'll be in recess.

5 (Proceedings concluded at 2:17 p.m.)

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10 **C E R T I F I C A T E**

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13 I, **TIMOTHY J. WILLETTE**, Official Court Reporter  
14 for the United States District Court, do hereby  
15 certify that the foregoing pages are a true and  
16 accurate transcription of my shorthand notes,  
17 taken in the aforementioned matter, to the best  
18 of my skill and ability.

19

20

*/s/ Timothy J. Willette*

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22

23

24

25

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