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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

- - -

THE HONORABLE JAMES V. SELNA, JUDGE PRESIDING

UNITED STATES OF AMERICA,
PLAINTIFF,
VS.

SACR-14-00109-JVS

ADAM DANDACH,
DEFENDANT.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

SANTA ANA, CALIFORNIA

AUGUST 10, 2015

SHARON A. SEFFENS, RPR
UNITED STATES COURTHOUSE
411 WEST 4TH STREET, SUITE 1-1053
SANTA ANA, CA 92701
(714) 543-0870

1 APPEARANCES OF COUNSEL:

2 FOR THE PLAINTIFF:

3 EILEEN M. DECKER
4 UNITED STATES ATTORNEY
5 ROBERT E. DUGDALE
6 CHIEF, CRIMINAL DIVISION
7 PATRICK R. FITZGERALD
8 CHIEF, NATIONAL SECURITY SECTION
9 B. CELESTE CORLETT
10 ASSISTANT UNITED STATES ATTORNEY
11 NATIONAL SECURITY SECTION
12 8000 UNITED STATES COURTHOUSE
13 411 WEST FOURTH STREET
14 SANTA ANA, CA 92701
15 (714) 338-3541

16 ANNAMARTINE SALIK
17 ASSISTANT UNITED STATES ATTORNEY
18 UNITED STATES ATTORNEY'S OFFICE
19 312 NORTH SPRING STREET
20 LOS ANGELES, CA 90012
21 (213) 894-3424

22 FOR THE DEFENDANT:

23 PAL LENGYEL-LEAHU
24 IMHOFF & ASSOCIATES, PC
25 2530 WILSHIRE BOULEVARD, 1ST FLOOR
SANTA MONICA, CA 90403
(714) 544-9858

08:58 1 SANTA ANA, CALIFORNIA; MONDAY, AUGUST 10, 2015; 9:11 A.M.

09:11 2 THE CLERK: ITEM NO. 1, SACR-14-00109-JVS, UNITED
09:11 3 STATES OF AMERICA VERSUS ADAM DANDACH.

09:11 4 MS. CORLETT: GOOD MORNING, YOUR HONOR. CELESTE
09:11 5 CORLETT AND ANNAMARTINE SALICK ON BEHALF OF THE UNITED
09:11 6 STATES.

09:11 7 MR. LENGYEL-LEAHU: GOOD MORNING, YOUR HONOR. PAL
09:11 8 LENGYEL-LEAHU ON BEHALF OF THE DEFENDANT WHO IS PRESENT IN
09:11 9 CUSTODY.

09:11 10 THE COURT: GOOD MORNING.

09:11 11 I BELIEVE WE NEED TO ARRAIGN THE DEFENDANT ON THE
09:11 12 SECOND SUPERSEDING INFORMATION, SO WE WILL DO THAT AT THIS
09:12 13 TIME, PLEASE.

09:12 14 SIR, WOULD YOU RISE, PLEASE.

09:12 15 THE CLERK: ADAM DANDACH, IS THAT YOUR TRUE AND
09:12 16 CORRECT NAME?

09:12 17 THE DEFENDANT: YES.

09:12 18 THE CLERK: YOU ARE INFORMED THAT YOU ARE IN THE
09:12 19 UNITED STATES DISTRICT COURT AND THAT A SECOND SUPERSEDING
09:12 20 INFORMATION HAS BEEN FILED CHARGING WITH YOU A VIOLATION OF
09:12 21 THE LAWS OF THE UNITED STATES.

09:12 22 HAVE YOU RECEIVED A COPY OF THAT SECOND
09:12 23 SUPERSEDING INFORMATION?

09:12 24 THE DEFENDANT: YES, I DID.

09:12 25 THE CLERK: DO YOU WISH TO HAVE THE SECOND

09:12 1 SUPERSEDING INFORMATION READ TO YOU IN OPEN COURT AT THIS
09:12 2 TIME?

09:12 3 THE DEFENDANT: NO. I'M FINE.

09:12 4 THE CLERK: HOW DO YOU PLEAD TO COUNT ONE OF
09:12 5 THE SECOND SUPERSEDING INFORMATION, GUILTY OR NOT
09:12 6 GUILTY?

09:12 7 THE DEFENDANT: NOT GUILTY.

09:13 8 THE CLERK: HOW DO YOU PLEAD TO COUNT TWO OF
09:13 9 THE SECOND SUPERSEDING INFORMATION, GUILTY OR NOT
09:13 10 GUILTY?

09:13 11 THE DEFENDANT: NOT GUILTY.

09:13 12 THE COURT: MR. LENGYEL-LEAHU, WOULD YOU AND YOUR
09:13 13 CLIENT GO TO THE LECTERN, PLEASE.

09:13 14 MR. LENGYEL-LEAHU: YES.

09:13 15 THE COURT: GOOD MORNING, MR. DANDACH.

09:13 16 THE DEFENDANT: GOOD MORNING.

09:13 17 THE COURT: SIR, BEFORE I ACCEPT YOUR PLEA OF
09:13 18 GUILTY, I NEED TO SATISFY MYSELF THAT YOU UNDERSTAND THE
09:13 19 NATURE OF THE CHARGES AND THE POSSIBLE PUNISHMENTS. I ALSO
09:13 20 NEED TO SATISFY MYSELF THAT YOU UNDERSTAND THE
09:13 21 CONSTITUTIONAL AND STATUTORY RIGHTS THAT YOU WILL BE GIVING
09:13 22 UP BY PLEADING GUILTY. FOR THOSE REASONS, I'M GOING TO ASK
09:14 23 YOU A NUMBER OF QUESTIONS. IF ANY OF MY QUESTIONS ARE
09:14 24 UNCLEAR, PLEASE LET ME KNOW, AND I WILL BE HAPPY TO REPHRASE
09:14 25 THE QUESTIONS.

09:14 1 YOU HAVE THE RIGHT TO CONSULT WITH MR.
09:14 2 LENGYEL-LEAHU AT ANY POINT DURING THIS PROCEEDING, SO IF YOU
09:14 3 WOULD LIKE TO DO THAT, PLEASE LET ME KNOW.

09:14 4 THE DEFENDANT: OKAY.

09:14 5 THE COURT: AT THIS TIME, THE CLERK IS GOING TO
09:14 6 PUT YOU UNDER OATH.

09:14 7 (DEFENDANT SWORN.)

09:14 8 THE COURT: SIR, DO YOU UNDERSTAND THAT YOU ARE
09:14 9 NOW UNDER OATH AND THAT IF YOU ANSWER ANY OF MY QUESTIONS
09:14 10 FALSELY YOU COULD BE PROSECUTED LATER FOR PERJURY OR THE
09:14 11 MAKING OF A FALSE STATEMENT?

09:14 12 THE DEFENDANT: I UNDERSTAND.

09:14 13 THE COURT: STATE YOUR TRUE AND CORRECT NAME.

09:14 14 THE DEFENDANT: ADAM DANDACH.

09:14 15 THE COURT: HOW OLD ARE YOU?

09:14 16 THE DEFENDANT: TWENTY-ONE YEARS OLD.

09:14 17 THE COURT: TELL ME ABOUT YOUR EDUCATION.

09:14 18 THE DEFENDANT: I HAVE A HIGH SCHOOL EDUCATION. I
09:14 19 WAS ATTENDING COMMUNITY COLLEGE BEFORE I CAME HERE.

09:15 20 THE COURT: HAVE YOU RECENTLY BEEN TREATED FOR ANY
09:15 21 MENTAL ILLNESS?

09:15 22 THE DEFENDANT: IN THE JAIL YOU MEAN?

09:15 23 THE COURT: WELL, SAY WITHIN THE PAST YEAR.

09:15 24 THE DEFENDANT: I DON'T THINK SO. I JUST SEE A
09:15 25 PSYCHIATRIST SOMETIMES IN THE JAIL BUT NOT LIKE A

09:15 1 HOSPITALIZATION OR ANYTHING EXCEPT FOR PHYSICAL HEALTH.

09:15 2 THE COURT: IN THE PAST YEAR, HAVE YOU TAKEN ANY
09:15 3 MEDICATIONS --

09:15 4 THE DEFENDANT: YES.

09:15 5 THE COURT: TELL ME ABOUT THAT.

09:15 6 THE DEFENDANT: I TOOK PROSAC WITHIN THE PAST YEAR
09:15 7 AND ANOTHER MEDICATION FOR MY BIPOLAR DISORDER, BUT I
09:15 8 STOPPED TAKING IT ON MY OWN BECAUSE IT WAS HARMING ME MORE
09:15 9 THAN HELPING ME.

09:16 10 MR. LENGYEL-LEAHU: EXCUSE ME A SECOND, YOUR
09:16 11 HONOR.

09:16 12 (COUNSEL AND DEFENDANT CONFERRING.)

09:16 13 THE COURT: IS THERE SOMETHING YOU WANTED TO ADD?

09:16 14 MR. LENGYEL-LEAHU: I JUST WANTED TO CLARIFY HIS
09:16 15 MEDICATIONS. I BELIEVE THE QUESTION FROM THE COURT WAS
09:16 16 WITHIN THE LAST YEAR IF HE HAD BEEN RECEIVING ANY TREATMENT
09:16 17 FOR ANY MENTAL ISSUES.

09:16 18 THE COURT: RIGHT.

09:16 19 SIR, ARE YOU CURRENTLY TODAY TAKING ANY
09:16 20 MEDICATIONS?

09:16 21 THE DEFENDANT: NO.

09:16 22 THE COURT: HAVE YOU TAKEN ANY MEDICATIONS, DRUGS,
09:16 23 OR ALCOHOL WITHIN THE PAST 72 HOURS?

09:16 24 THE DEFENDANT: NO.

09:16 25 THE COURT: DO YOU SUFFER FROM ANY MENTAL

09:16 1 CONDITION THAT WOULD PREVENT YOU FROM UNDERSTANDING FULLY
09:16 2 THE CHARGES AGAINST YOU AND THE CONSEQUENCES OF ANY GUILTY
09:16 3 PLEA?

09:16 4 THE DEFENDANT: NO.

09:16 5 THE COURT: HOW DO YOU FEEL TODAY?

09:16 6 THE DEFENDANT: JUST A LITTLE ANXIOUS AND
09:16 7 INDIFFERENT.

09:16 8 THE COURT: DO YOU FEEL ALERT?

09:16 9 THE DEFENDANT: SOMEWHAT. NOT THAT MUCH.

09:16 10 THE COURT: DO YOU KNOW WHERE WE ARE?

09:16 11 THE DEFENDANT: YES.

09:16 12 THE COURT: WHERE ARE WE?

09:16 13 THE DEFENDANT: IN COURT.

09:17 14 THE COURT: DO YOU KNOW WHY WE ARE HERE?

09:17 15 THE DEFENDANT: YES.

09:17 16 THE COURT: WHY ARE WE HERE?

09:17 17 THE DEFENDANT: FOR A PROCEDURE TO PLEAD GUILTY.

09:17 18 THE COURT: DO YOU UNDERSTAND THAT THE GOVERNMENT
09:17 19 HAS BROUGHT A CRIMINAL PROSECUTION AGAINST YOU?

09:17 20 THE DEFENDANT: YES.

09:17 21 THE COURT: AND DO YOU UNDERSTAND THAT IF YOU WERE
09:17 22 CONVICTED IT COULD RESULT IN JAIL TIME?

09:17 23 THE DEFENDANT: YES, I UNDERSTAND.

09:17 24 THE COURT: DO YOU FEEL THAT YOU HAVE BEEN ABLE TO
09:17 25 ASSIST MR. LENGYEL-LEAHU IN YOUR DEFENSE?

09:17 1 THE DEFENDANT: YES, AS MUCH AS I CAN.

09:17 2 THE COURT: HAVE YOU BEEN ABLE TO DISCUSS THE CASE

09:17 3 WITH HIM?

09:17 4 THE DEFENDANT: YES.

09:17 5 THE COURT: HAVE YOU BEEN ABLE TO TELL HIM

09:17 6 EVERYTHING YOU KNOW ABOUT THE CASE?

09:17 7 THE DEFENDANT: YES.

09:17 8 THE COURT: IS THERE ANY REASON AT ALL WHY WE

09:17 9 CANNOT GO FORWARD WITH YOUR PLEA AT THIS TIME?

09:17 10 THE DEFENDANT: NO.

09:17 11 THE COURT: MR. LENGYEL-LEAHU, HAVE YOU HAD A

09:17 12 CHANCE TO SPEAK TO YOUR CLIENT IMMEDIATELY PRIOR TO THIS

09:17 13 PROCEEDING?

09:17 14 MR. LENGYEL-LEAHU: YES.

09:17 15 THE COURT: DO YOU HAVE ANY REASON TO BELIEVE THAT

09:17 16 THE DEFENDANT IS NOT COMPETENT TO ENTER HIS PLEA OF GUILTY

09:18 17 AT THIS TIME?

09:18 18 MR. LENGYEL-LEAHU: NO.

09:18 19 THE COURT: DO YOU BELIEVE THAT HE UNDERSTANDS THE

09:18 20 NATURE OF THESE PROCEEDINGS?

09:18 21 MR. LENGYEL-LEAHU: I DO.

09:18 22 THE COURT: DO YOU BELIEVE THAT HE UNDERSTANDS THE

09:18 23 POTENTIAL PUNISHMENTS?

09:18 24 MR. LENGYEL-LEAHU: YES.

09:18 25 THE COURT: DO YOU FEEL THAT HE HAS BEEN ABLE TO

09:18 1 GIVE YOU THE ASSISTANCE YOU NEED FROM A CRIMINAL DEFENDANT
09:18 2 IN ORDER TO DEFEND HIM?

09:18 3 MR. LENGYEL-LEAHU: YES.

09:18 4 THE COURT: IS THERE ANY REASON AT ALL WHY WE
09:18 5 CANNOT GO FORWARD?

09:18 6 MR. LENGYEL-LEAHU: NOT THAT I CAN THINK OF.

09:18 7 THE COURT: IS IT YOUR OPINION THAT YOUR CLIENT IS
09:18 8 IN THE FULL POSSESSION OF HIS FACULTIES?

09:18 9 MR. LENGYEL-LEAHU: IT IS.

09:18 10 THE COURT: THE COURT HAVING OBSERVED THE
09:18 11 DEFENDANT AND HAVING CONSIDERED HIS RESPONSES AND THE
09:18 12 RESPONSES OF COUNSEL, THE COURT FINDS THAT THE DEFENDANT IS
09:18 13 IN THE FULL POSSESSION OF HIS FACULTIES.

09:18 14 SIR, YOU HAVE A NUMBER OF CONSTITUTIONAL RIGHTS
09:18 15 THAT YOU WILL BE GIVING UP BY PLEADING GUILTY. I'M GOING TO
09:18 16 TELL YOU ABOUT THOSE AT THIS TIME.

09:18 17 YOU HAVE THE RIGHT TO A SPEEDY AND PUBLIC TRIAL.
09:18 18 YOU HAVE THE RIGHT TO BE TRIED BY A JURY. ALTERNATIVELY,
09:18 19 YOU HAVE THE RIGHT TO WAIVE A JURY TRIAL AND TO BE TRIED BY
09:18 20 THE COURT. IN EITHER CASE, YOU HAVE THE RIGHT TO PERSIST IN
09:18 21 YOUR PLEA OF NOT GUILTY, AND YOU HAVE THE RIGHT TO MAKE THE
09:19 22 GOVERNMENT PROVE THAT YOU ARE IN FACT GUILTY BEYOND A
09:19 23 REASONABLE DOUBT.

09:19 24 YOU HAVE THE RIGHT TO BE REPRESENTED BY AN
09:19 25 ATTORNEY THROUGHOUT THESE PROCEEDINGS, AND IF YOU CANNOT

09:19 1 AFFORD ONE, ONE WILL BE APPOINTED FOR YOU FREE OF CHARGE.

09:19 2 YOU HAVE THE RIGHT TO CONFRONT AND CROSS-EXAMINE
09:19 3 ALL WITNESSES CALLED TO TESTIFY AGAINST YOU. YOU ALSO HAVE
09:19 4 THE RIGHT TO PRESENT WITNESSES ON YOUR OWN BEHALF, AND YOU
09:19 5 HAVE THE RIGHT TO HAVE THEM SUBPOENAED, THAT IS, COMPELLED
09:19 6 BY COURT ORDER TO COME HERE TO TESTIFY.

09:19 7 YOU ALSO HAVE A PRIVILEGE AGAINST
09:19 8 SELF-INCRIMINATION, THAT IS, THE RIGHT TO REMAIN SILENT.
09:19 9 HOWEVER, BY ENTERING A PLEA OF GUILTY, YOU ARE GIVING UP
09:19 10 THAT RIGHT BECAUSE YOU ARE IN FACT INCRIMINATING YOURSELF.
09:19 11 YOU HAVE THE RIGHT TO TESTIFY ON YOUR OWN BEHALF, BUT YOU
09:19 12 CANNOT BE COMPELLED TO DO SO OR TO INCRIMINATE YOURSELF IN
09:19 13 ANY WAY. IF YOU DO NOT TESTIFY AT TRIAL, THAT FACT CANNOT
09:19 14 BE USED AGAINST YOU.

09:19 15 IN THE EVENT OF A CONVICTION AFTER TRIAL, YOU HAVE
09:19 16 THE RIGHT TO APPEAL THE CONVICTION AND THE SENTENCE.

09:19 17 HAVE YOU DISCUSSED THESE RIGHTS WITH
09:20 18 MR. LENGYEL-LEAHU?

09:20 19 THE DEFENDANT: YES.

09:20 20 THE COURT: WOULD YOU LIKE ANY ADDITIONAL TIME NOW
09:20 21 TO DISCUSS THESE RIGHTS WITH HIM?

09:20 22 THE DEFENDANT: NO. I'M OKAY.

09:20 23 THE COURT: DO YOU UNDERSTAND THAT YOU HAVE THESE
09:20 24 RIGHTS AND THAT IF YOU ENTER A PLEA OF GUILTY OF PLEA AND
09:20 25 THE PLEA IS ACCEPTED BY THE COURT, YOU WILL BE GIVING UP THE

09:20 1 RIGHT TO A JURY TRIAL AND ALL THE OTHER RIGHTS I HAVE JUST
09:20 2 DESCRIBED TO YOU?

09:20 3 THE DEFENDANT: YES.

09:20 4 THE COURT: DO YOU GIVE UP THESE RIGHTS?

09:20 5 THE DEFENDANT: YES.

09:20 6 THE COURT: MR. LENGYEL-LEAHU, ARE YOU SATISFIED
09:20 7 THAT EACH OF THESE WAIVERS IS MADE KNOWINGLY AND
09:20 8 VOLUNTARILY?

09:20 9 MR. LENGYEL-LEAHU: I'M SATISFIED.

09:20 10 THE COURT: DO YOU JOIN AND CONCUR IN EACH OF THE
09:20 11 WAIVERS?

09:20 12 MR. LENGYEL-LEAHU: JOIN AND CONCUR, YOUR HONOR.

09:20 13 THE COURT: SIR, IN COUNT ONE OF THE SECOND
09:20 14 SUPERSEDING INFORMATION, YOU ARE CHARGED WITH VIOLATING
09:21 15 TITLE 18, UNITED STATES CODE, SECTION 2339B, ATTEMPTING TO
09:21 16 PROVIDE MATERIAL SUPPORT OR RESOURCES TO A DESIGNATED
09:21 17 FOREIGN TERRORIST ORGANIZATION.

09:21 18 IN COUNT TWO, YOU ARE CHARGED WITH VIOLATING TITLE
09:21 19 18, UNITED STATES CODE, SECTION 1542, MAKING A FALSE
09:21 20 STATEMENT IN A PASSPORT APPLICATION.

09:21 21 EACH OF THOSE CHARGES IS A FELONY.

09:21 22 MS. CORLETT, WOULD YOU RECITE THE ELEMENTS OF THE
09:21 23 CRIME, PLEASE.

09:21 24 MS. CORLETT: YES, YOUR HONOR.

09:21 25 THE ELEMENTS OF THE CHARGE ARE ATTEMPTING TO

09:22 1 PROVIDE MATERIAL SUPPORT TO A FOREIGN TERRORIST
09:22 2 ORGANIZATION, IN VIOLATION OF TITLE 18, UNITED STATES CODE,
09:22 3 SECTION 2339B:

09:22 4 FIRST, DEFENDANT INTENDED TO PROVIDE MATERIAL
09:22 5 SUPPORT OR RESOURCES TO A DESIGNATED TERRORIST ORGANIZATION;

09:22 6 SECOND, DEFENDANT DID SOMETHING THAT WAS A
09:22 7 SUBSTANTIAL STEP TOWARD COMMITTING THE CRIME OF PROVIDING
09:22 8 MATERIAL SUPPORT OR RESOURCES TO A DESIGNATED FOREIGN
09:22 9 TERRORIST ORGANIZATION; AND

09:22 10 THIRD, DEFENDANT KNEW THAT THE ORGANIZATION WAS A
09:22 11 DESIGNATED FOREIGN TERRORIST ORGANIZATION, OR THAT THE
09:22 12 ORGANIZATION HAD ENGAGED OR ENGAGES IN TERRORIST ACTIVITY,
09:22 13 OR THAT THE ORGANIZATION HAD ENGAGED OR ENGAGES IN
09:22 14 TERRORISM.

09:22 15 THE COURT: AND COUNT TWO.

09:22 16 MS. CORLETT: FOR A VIOLATION OF A FALSE STATEMENT
09:22 17 IN A PASSPORT APPLICATION, IN VIOLATION OF TITLE 18, UNITED
09:22 18 STATES CODE, SECTION 1542, THE FOLLOWING MUST BE TRUE:

09:22 19 FIRST, DEFENDANT MADE A FALSE STATEMENT IN AN
09:22 20 APPLICATION FOR A UNITED STATES PASSPORT;

09:23 21 SECOND, DEFENDANT MADE THE STATEMENT INTENDING TO
09:23 22 GET A UNITED STATES PASSPORT FOR HIS OWN USE; AND

09:23 23 THIRD, DEFENDANT ACTED KNOWINGLY AND WILLFULLY.

09:23 24 THE COURT: THANK YOU.

09:23 25 SIR, DO YOU UNDERSTAND THE NATURE OF THE CHARGES

09:23 1 AGAINST YOU?

09:23 2 THE DEFENDANT: YES.

09:23 3 THE COURT: HAVE YOU DISCUSSED EACH CHARGE AND THE
09:23 4 ELEMENTS OF EACH CHARGE WITH MR. LENGYEL-LEAHU?

09:23 5 THE DEFENDANT: YES.

09:23 6 THE COURT: SIR, DO YOU HAVE ANY QUESTIONS ABOUT
09:23 7 THE CHARGES AGAINST YOU?

09:23 8 THE DEFENDANT: NO, I DON'T.

09:23 9 THE COURT: HAVE YOU BEEN ADVISED OF THE MAXIMUM
09:23 10 PENALTIES THAT CAN BE IMPOSED FOR THE CHARGES TO WHICH YOU
09:23 11 ARE OFFERING TO PLEAD GUILTY?

09:23 12 THE DEFENDANT: YES.

09:23 13 THE COURT: MS. CORLETT, WOULD YOU RECITE THOSE,
09:23 14 PLEASE.

09:23 15 MS. CORLETT: THE MAXIMUM PENALTY FOR A VIOLATION
09:23 16 OF TITLE 18, UNITED STATES CODE, SECTION 2339B IS: 15 YEARS
09:23 17 IMPRISONMENT; A LIFETIME PERIOD OF SUPERVISED RELEASE; A
09:23 18 FINE OF 250,000, OR TWICE THE GROSS GAIN OR GROSS LOSS
09:23 19 RESULTING FROM THE OFFENSE, WHICHEVER IS GREATEST; AND A
09:23 20 MANDATORY SPECIAL ASSESSMENT OF \$100.

09:23 21 THE STATUTORY MAXIMUM SENTENCE FOR A VIOLATION OF
09:24 22 TITLE 18, UNITED STATES CODE, SECTION 1542, IS: 10 YEARS
09:24 23 IMPRISONMENT; NOT MORE THAN A THREE-YEAR PERIOD OF
09:24 24 SUPERVISED RELEASE; A FINE OF \$250,000, OR TWICE THE GROSS
09:24 25 GAIN OR GROSS LOSS RESULTING FROM THE OFFENSE, WHICHEVER IS

09:24 1 GREATEST; AND A MANDATORY SPECIAL ASSESSMENT OF \$100.

09:24 2 THE TOTAL MAXIMUM SENTENCE FOR ALL OFFENSES TO
09:24 3 WHICH THE DEFENDANT IS PLEADING GUILTY IS: 25 YEARS
09:24 4 IMPRISONMENT; A LIFETIME OF SUPERVISED RELEASE; A FINE OF
09:24 5 \$500,000; AND A MANDATORY SPECIAL ASSESSMENT OF \$200.

09:24 6 THE COURT: SIR, DO YOU HAVE ANY QUESTIONS ABOUT
09:24 7 THE PENALTIES THAT CAN BE IMPOSED FOR THE CHARGES TO WHICH
09:24 8 YOU ARE OFFERING TO PLEAD GUILTY?

09:24 9 THE DEFENDANT: NO.

09:24 10 THE COURT: DO YOU UNDERSTAND THAT THERE IS NO
09:24 11 PAROLE AND THAT IF YOU ARE SENTENCED TO PRISON YOU WILL NOT
09:24 12 BE RELEASED ON PAROLE?

09:24 13 THE DEFENDANT: I UNDERSTAND.

09:24 14 THE COURT: DO YOU UNDERSTAND THAT YOU MAY BE
09:24 15 SUBJECT TO SUPERVISED RELEASE FOR A NUMBER OF YEARS AFTER
09:24 16 YOUR RELEASE FROM PRISON?

09:24 17 THE DEFENDANT: YES.

09:24 18 THE COURT: DO YOU UNDERSTAND THAT IF YOU VIOLATE
09:24 19 ANY OF THE TERMS AND CONDITIONS OF YOUR SUPERVISED RELEASE
09:24 20 YOU COULD BE GIVEN MORE TIME IN PRISON?

09:25 21 THE DEFENDANT: YES.

09:25 22 THE COURT: DO YOU UNDERSTAND THAT IF YOU ARE
09:25 23 CURRENTLY ON PROBATION, PAROLE, OR SUPERVISED RELEASE FOR
09:25 24 ANOTHER OFFENSE, YOUR PLEA IN THIS CASE COULD RESULT IN A
09:25 25 VIOLATION OF THAT PROBATION, PAROLE, OR SUPERVISED RELEASE

09:25 1 AND RESULT IN YOUR SERVING MORE TIME THAN YOU OTHERWISE
09:25 2 WOULD?

09:25 3 THE DEFENDANT: YES.

09:25 4 THE COURT: HAVE YOU DISCUSSED THE POSSIBLE
09:25 5 PUNISHMENTS, DEFENSES, AND THE FACTS WITH MR. LENGYEL-LEAHU?

09:25 6 THE DEFENDANT: YES.

09:25 7 THE COURT: AMONG THE FACTORS THAT THE COURT WILL
09:25 8 CONSIDER IN SENTENCING YOU ARE THE SENTENCING REFORM ACT OF
09:25 9 1984 AND THE UNITED STATES SENTENCING COMMISSION GUIDELINES.

09:25 10 HAVE YOU DISCUSSED THE ADVISORY GUIDELINES WITH
09:25 11 MR. LENGYEL-LEAHU?

09:25 12 THE DEFENDANT: YES.

09:25 13 THE COURT: HAS HE EXPLAINED TO YOU THE VARIOUS
09:25 14 ELEMENTS AND FACTORS THAT THE COURT WILL USE TO ANALYZE YOUR
09:25 15 CASE UNDER THE GUIDELINES?

09:25 16 THE DEFENDANT: YES.

09:25 17 THE COURT: DO YOU UNDERSTAND THAT THE COURT WILL
09:25 18 NOT BE ABLE TO DETERMINE THE ADVISORY GUIDELINE RANGE FOR
09:25 19 YOUR CASE UNTIL A PRESENTENCE REPORT HAS BEEN PREPARED AND
09:25 20 YOU AND THE GOVERNMENT HAVE HAD AN OPPORTUNITY TO REVIEW IT
09:26 21 AND TO MAKE ANY OBJECTIONS?

09:26 22 THE DEFENDANT: YES.

09:26 23 THE COURT: DO YOU UNDERSTAND THAT AS PART OF THE
09:26 24 OBJECTION PROCESS YOU WILL HAVE THE RIGHT TO CHALLENGE ANY
09:26 25 FACTUAL FINDINGS IN THE REPORT, AS WELL AS THE MANNER IN

09:26 1 WHICH THE PROBATION OFFICER HAS APPLIED THE GUIDELINES?

09:26 2 THE DEFENDANT: YES.

09:26 3 THE COURT: DO YOU UNDERSTAND THAT THE SENTENCE
09:26 4 ULTIMATELY IMPOSED MAY DIFFER FROM ANY ESTIMATE WHICH
09:26 5 MR. LENGYEL-LEAHU MAY HAVE GIVEN YOU?

09:26 6 THE DEFENDANT: YES.

09:26 7 THE COURT: THE PRESENTENCE REPORT WILL CONTAIN A
09:26 8 RECOMMENDED GUIDELINE RANGE. THERE WILL BE A HIGH AND A LOW
09:26 9 TO THE RANGE. THAT RANGE IS ENTIRELY ADVISORY, WHICH MEANS
09:26 10 IN THEORY I COULD SENTENCE YOU ANYWHERE FROM NO TIME IN
09:26 11 PRISON TO THE STATUTORY MAXIMUM FOR CONSECUTIVE TERMS OF 25
09:26 12 YEARS. DO YOU UNDERSTAND THAT?

09:26 13 THE DEFENDANT: YES.

09:26 14 THE COURT: THE COURT WILL INDEPENDENTLY CONSIDER
09:26 15 BOTH THE PRESENTENCE REPORT AND ANY OBJECTIONS OF THE
09:26 16 PARTIES AND WILL ANALYZE YOUR CASE UNDER THE GUIDELINES
09:26 17 TAKING INTO ACCOUNT THE NATURE OF THE OFFENSES, WHAT YOUR
09:26 18 PRIOR RECORD IF ANY IS, WHETHER YOU HAVE OBSTRUCTED JUSTICE,
09:26 19 AND WHETHER YOU HAVE ACCEPTED RESPONSIBILITY. DO YOU
09:27 20 UNDERSTAND THIS?

09:27 21 THE DEFENDANT: YES.

09:27 22 THE COURT: DO YOU UNDERSTAND THAT THE COURT HAS
09:27 23 THE AUTHORITY TO DEPART UPWARD OR DOWNWARD FROM THE ADVISORY
09:27 24 GUIDELINE RANGE AND WILL EXAMINE OTHER STATUTORY FACTORS
09:27 25 UNDER THE SENTENCING REFORM ACT THAT COULD RESULT IN A

09:27 1 SENTENCE THAT IS EITHER GREATER OR LESSER THAN CALLED FOR BY
09:27 2 THE ADVISORY GUIDELINES?

09:27 3 THE DEFENDANT: YES.

09:27 4 THE COURT: DO YOU UNDERSTAND THAT ULTIMATELY IT
09:27 5 IS THE COURT'S DUTY TO IMPOSE A SENTENCE THAT IS REASONABLE
09:27 6 IN LIGHT OF THE GUIDELINES, THE SENTENCING REFORM ACT, AND
09:27 7 THE SPECIFIC FACTS OF THIS CASE?

09:27 8 THE DEFENDANT: YES.

09:27 9 THE COURT: DO YOU UNDERSTAND THAT FOR ALL THESE
09:27 10 REASONS NEITHER MR. LENGYEL-LEAHU, NOR I, NOR ANYONE CAN
09:27 11 TELL YOU TODAY WITH CERTAINTY WHICH GUIDELINES APPLY OR WHAT
09:27 12 YOUR SENTENCE WILL BE?

09:27 13 THE DEFENDANT: YES.

09:27 14 THE COURT: DO YOU UNDERSTAND THAT IF THE SENTENCE
09:27 15 WHICH I ULTIMATELY IMPOSE IS MORE SEVERE THAN YOU
09:27 16 ANTICIPATED YOU WILL STILL NOT BE ALLOWED TO WITHDRAW YOUR
09:27 17 PLEA?

09:27 18 THE DEFENDANT: I UNDERSTAND.

09:27 19 THE COURT: THE PLEA AGREEMENT WAS FILED TODAY. I
09:27 20 WILL DIRECT THAT IT BE MADE A PART OF THESE PROCEEDINGS.

09:27 21 SIR, HAVE YOU READ THE PLEA AGREEMENT?

09:27 22 THE DEFENDANT: YES.

09:28 23 THE COURT: HAVE YOU DISCUSSED THE PLEA AGREEMENT
09:28 24 AND ALL OF ITS TERMS WITH MR. LENGYEL-LEAHU?

09:28 25 THE DEFENDANT: YES.

09:28 1 THE COURT: DID YOU SIGN THE PLEA AGREEMENT?

09:28 2 THE DEFENDANT: YES.

09:28 3 THE COURT: DO YOU UNDERSTAND THE PLEA AGREEMENT
09:28 4 AND ALL OF ITS TERMS?

09:28 5 THE DEFENDANT: I UNDERSTAND IT.

09:28 6 THE COURT: WOULD YOU LIKE ANY ADDITIONAL TIME TO
09:28 7 DISCUSS THE PLEA AGREEMENT WITH MR. LENGYEL-LEAHU?

09:28 8 THE DEFENDANT: NO. I'M OKAY.

09:28 9 THE COURT: DO YOU UNDERSTAND THAT THE COURT IS
09:28 10 NOT A PARTY TO THE PLEA AGREEMENT AND IS NOT BOUND BY ANY OF
09:28 11 ITS TERMS?

09:28 12 THE DEFENDANT: I UNDERSTAND.

09:28 13 THE COURT: AS PART OF THE PLEA AGREEMENT, THE
09:28 14 GOVERNMENT AGREES TO MAKE CERTAIN RECOMMENDATIONS AT THE
09:28 15 TIME OF SENTENCING.

09:28 16 DO YOU UNDERSTAND THAT THE COURT IS NOT A PARTY TO
09:28 17 THE PLEA AGREEMENT AND IS NOT REQUIRED TO FOLLOW THE
09:28 18 GOVERNMENT'S RECOMMENDATIONS?

09:28 19 THE DEFENDANT: YES.

09:28 20 THE COURT: AGAIN, IF FOR ANY REASON I IMPOSE A
09:28 21 SENTENCE THAT IS MORE SEVERE THAN YOU ANTICIPATED, DO YOU
09:28 22 UNDERSTAND THAT YOU WILL NOT BE ALLOWED TO WITHDRAW YOUR
09:28 23 PLEA?

09:28 24 THE DEFENDANT: I UNDERSTAND.

09:28 25 THE COURT: THE PLEA AGREEMENT CONTAINS AN AGREED

09:28 1 OFFENSE LEVEL CALCULATION.

09:28 2 DO YOU UNDERSTAND THAT THE COURT WILL SENTENCE YOU
09:28 3 ON THE BASIS OF FACTS KNOWN TO THE COURT AT THE TIME OF
09:28 4 SENTENCING WHICH MAY BE IN ADDITION TO OR EVEN DIFFERENT
09:28 5 FROM THE FACTS UNDERSTOOD BY THE PARTIES WHEN THEY ENTERED
09:29 6 THE PLEA AGREEMENT?

09:29 7 THE DEFENDANT: YES.

09:29 8 THE COURT: DO YOU UNDERSTAND THAT THE COURT IS
09:29 9 NOT BOUND BY THE PARTIES' OFFENSE LEVEL CALCULATION AND WILL
09:29 10 MAKE ITS OWN CALCULATION?

09:29 11 THE DEFENDANT: YES.

09:29 12 THE COURT: THE PLEA AGREEMENT ALSO CONTAINS A
09:29 13 LIMITED WAIVER OF YOUR RIGHT TO APPEAL.

09:29 14 MS. CORLETT, WOULD YOU RECITE THOSE PROVISIONS,
09:29 15 PLEASE.

09:29 16 MS. CORLETT: DEFENDANT UNDERSTANDS THAT, WITH THE
09:29 17 EXCEPTION OF AN APPEAL BASED ON A CLAIM THAT DEFENDANT'S
09:29 18 GUILTY PLEAS WERE INVOLUNTARY, BY PLEADING GUILTY, DEFENDANT
09:29 19 IS WAIVING AND GIVING UP ANY RIGHT TO APPEAL DEFENDANT'S
09:29 20 CONVICTIONS ON THE OFFENSES TO WHICH THE DEFENDANT IS
09:29 21 PLEADING GUILTY.

09:29 22 THE DEFENDANT ALSO GIVES UP THE RIGHT TO APPEAL
09:29 23 ALL THE FOLLOWING: (A) THE PROCEDURES AND CALCULATIONS USED
09:29 24 TO DETERMINE AND IMPOSE ANY PORTION OF THE SENTENCE; (B) THE
09:29 25 TERM OF IMPRISONMENT IMPOSED BY THE COURT, PROVIDED IT IS

09:29 1 WITHIN THE STATUTORY MAXIMUM; (C) THE FINE IMPOSED BY THE
09:29 2 COURT, PROVIDED IT IS WITHIN THE STATUTORY MAXIMUM; (D) THE
09:30 3 TERM OF PROBATION OR SUPERVISED RELEASE IMPOSED BY THE
09:30 4 COURT, PROVIDED IT IS WITHIN THE STATUTORY MAXIMUM; AND (E)
09:30 5 ANY OF THE FOLLOWING CONDITIONS OF PROBATION OR SUPERVISED
09:30 6 RELEASE IMPOSED BY THE COURT: THE STANDARD CONDITIONS SET
09:30 7 FORTH IN GENERAL ORDERS 318, 01-05, AND/OR 05-02 OF THIS
09:30 8 COURT; THE DRUG-TESTING CONDITIONS MANDATED BY 18 USC
09:30 9 SECTION 3563(A)(5) AND 3583(D); AND THE ALCOHOL AND DRUG USE
09:30 10 CONDITIONS AUTHORIZED BY 18 USC SECTION 3563(B)(7).

09:30 11 DEFENDANT ALSO GIVES UP ANY RIGHT TO BRING A
09:30 12 POST-CONVICTION COLLATERAL ATTACK ON THE CONVICTION OR
09:30 13 SENTENCE, EXCEPT A POST-CONVICTION COLLATERAL ATTACK BASED
09:30 14 ON A CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL, A CLAIM OF
09:30 15 NEWLY DISCOVERED EVIDENCE, OR AN EXPLICITLY RETROACTIVE
09:30 16 CHANGE IN THE APPLICABLE SENTENCING GUIDELINES, SENTENCING
09:30 17 STATUTES, OR STATUTES OF CONVICTION.

09:30 18 THIS AGREEMENT DOES NOT AFFECT IN ANY WAY THE
09:30 19 RIGHT OF THE UNITED STATES TO APPEAL THE SENTENCE IMPOSED BY
09:31 20 THE COURT.

09:31 21 THE COURT: SIR, WHEN YOU READ THE PLEA AGREEMENT,
09:31 22 DID YOU READ THE PASSAGE THAT MS. CORLETT HAS JUST READ?

09:31 23 THE DEFENDANT: YES.

09:31 24 THE COURT: DID YOU UNDERSTAND IT AT THE TIME?

09:31 25 THE DEFENDANT: I UNDERSTOOD IT.

09:31 1 THE COURT: DID YOU UNDERSTAND IT AS SHE READ IT
09:31 2 AGAIN TODAY?

09:31 3 THE DEFENDANT: YES.

09:31 4 THE COURT: DO YOU UNDERSTAND THAT BY ENTERING
09:31 5 INTO THE PLEA AGREEMENT AND PLEADING GUILTY YOU ARE AGREEING
09:31 6 TO GIVE UP YOUR RIGHT TO APPEAL ON THE TERMS AND CONDITIONS
09:31 7 IN THE PLEA AGREEMENT?

09:31 8 THE DEFENDANT: YES.

09:31 9 THE COURT: DID YOU DISCUSS WAIVING YOUR RIGHT TO
09:31 10 APPEAL WITH MR. LENGYEL-LEAHU?

09:31 11 THE DEFENDANT: YES.

09:31 12 THE COURT: BASED ON THAT CONVERSATION AND HAVING
09:31 13 CONSIDERED THE MATTER, DO YOU GIVE UP YOUR RIGHT TO APPEAL
09:31 14 ON THE TERMS AND CONDITIONS IN THE PLEA AGREEMENT?

09:31 15 THE DEFENDANT: YES.

09:31 16 THE COURT: ARE YOU A CITIZEN OF THE UNITED
09:31 17 STATES?

09:31 18 THE DEFENDANT: YES.

09:31 19 THE COURT: BY BIRTH?

09:31 20 THE DEFENDANT: YES.

09:31 21 THE COURT: WHERE WERE YOU BORN?

09:31 22 THE DEFENDANT: ORANGE COUNTY, CALIFORNIA.

09:31 23 THE COURT: DO YOU UNDERSTAND THAT A PLEA OF
09:31 24 GUILTY MAY DEPRIVE YOU OF VALUABLE CIVIL RIGHTS, SUCH AS THE
09:31 25 RIGHT TO VOTE, THE RIGHT TO SERVE ON A JURY, THE RIGHT TO

09:31 1 HOLD PUBLIC OFFICE, AND THE RIGHT TO POSSESS ANY KIND OF A
09:31 2 FIREARM?

09:31 3 THE DEFENDANT: YES.

09:31 4 THE COURT: HAVE ANY PROMISES BEEN MADE TO YOU IN
09:31 5 EXCHANGE FOR YOUR PLEA OF GUILTY OTHER THAN THOSE IN THE
09:32 6 PLEA AGREEMENT?

09:32 7 THE DEFENDANT: NO.

09:32 8 THE COURT: HAS ANYONE MADE ANY THREATS OR USED
09:32 9 ANY FORCE AGAINST YOU OR YOUR FAMILY OR ANYONE NEAR AND DEAR
09:32 10 TO YOU TO GET YOU TO PLEAD GUILTY?

09:32 11 THE DEFENDANT: NO.

09:32 12 THE COURT: ARE YOU PLEADING GUILTY VOLUNTARILY
09:32 13 AND OF YOUR OWN FREE WILL?

09:32 14 THE DEFENDANT: YES.

09:32 15 THE COURT: OTHER THAN WHAT'S CONTAINED IN THE
09:32 16 WRITTEN PLEA AGREEMENT AND OTHER THAN A GENERAL DISCUSSION
09:32 17 OF THE GUIDELINE SENTENCING PROCESS WITH MR. LENGYEL-LEAHU,
09:32 18 HAS ANYONE MADE YOU ANY PROMISES OF LENIENCY, A PARTICULAR
09:32 19 SENTENCE, PROBATION, OR ANY OTHER INDUCEMENT OF ANY KIND TO
09:32 20 GET YOU TO PLEAD GUILTY?

09:32 21 THE DEFENDANT: NO.

09:32 22 THE COURT: HAVE YOU BEEN TOLD BY ANYONE WHAT
09:32 23 SPECIFIC SENTENCE THE COURT WOULD IMPOSE IN THE EVENT THE
09:32 24 COURT ACCEPTS YOUR PLEA?

09:32 25 THE DEFENDANT: NO, NOTHING SPECIFIC.

09:32 1 THE COURT: HAVE YOU TOLD MR. LENGYEL-LEAHU ALL
09:32 2 THE FACTS AND CIRCUMSTANCES SURROUNDING ANY STATEMENT,
09:32 3 CONFESSION, OR OTHER EVIDENCE THAT WAS OBTAINED FROM YOU BY
09:32 4 ANYONE?

09:32 5 THE DEFENDANT: YES.

09:32 6 THE COURT: HAVE YOU TOLD HIM EVERYTHING ABOUT THE
09:32 7 CASE?

09:32 8 THE DEFENDANT: YES.

09:32 9 THE COURT: MR. CORLETT, WHAT FACTS WOULD THE
09:33 10 GOVERNMENT PROVE IF THE GOVERNMENT PROCEEDED TO TRIAL?

09:33 11 MS. CORLETT: YOUR HONOR, IF THE GOVERNMENT
09:33 12 PROCEED TO TRIAL, THE GOVERNMENT WOULD PROVE:

09:33 13 ON OCTOBER 15, 2014, THE UNITED STATES SECRETARY
09:33 14 OF STATE DESIGNATED AL-QA'IDA IN IRAQ ("AQI"), THEN KNOWN AS
09:33 15 JAM'AT AL TAWHID WA'AL-JIHAD, AS A FOREIGN TERRORIST
09:33 16 ORGANIZATION ("FTO") UNDER SECTION 219 OF THE IMMIGRATION
09:33 17 AND NATIONALITY ACT. ON MAY 15, 2014, THE SECRETARY OF
09:33 18 STATE AMENDED THE DESIGNATION OF AQI AS AN FTO UNDER SECTION
09:33 19 219 OF THE IMMIGRATION AND NATIONALITY ACT TO ADD THE ALIAS
09:33 20 ISLAMIC STATE OF IRAQ AND THE LEVANT ("ISIL") AS ITS PRIMARY
09:33 21 NAME, AND VARIOUS ALIASES INCLUDING THE ISLAMIC STATE OF
09:33 22 IRAQ AND AL-SHAM ("ISIS"). THUS, CONTINUOUSLY SINCE OCTOBER
09:33 23 15, 2004, ISIL HAS BEEN A DESIGNATED FOREIGN TERRORIST
09:33 24 ORGANIZATION.

09:33 25 DEFENDANT IS A CITIZEN OF THE UNITED STATES AND AT

09:33 1 ALL TIMES RELEVANT TO THE CASE RESIDED IN THE CENTRAL
09:33 2 DISTRICT OF CALIFORNIA.

09:33 3 BEGINNING IN APPROXIMATELY NOVEMBER 2013 AND
09:34 4 CONTINUING THROUGH JULY 2, 2014, DEFENDANT ATTEMPTED TO
09:34 5 TRAVEL FROM THE UNITED STATES TO SYRIA FOR THE PURPOSE OF
09:34 6 PROVIDING MATERIAL SUPPORT AND RESOURCES, INCLUDING SERVICES
09:34 7 AND PERSONNEL, NAMELY HIMSELF, TO ISIL, KNOWING HE WOULD BE
09:34 8 WORKING, AND INTENDING TO WORK, UNDER ISIL'S DIRECTION AND
09:34 9 CONTROL. AT ALL RELEVANT TIMES, DEFENDANT ACTED KNOWINGLY
09:34 10 AND INTENTIONALLY; DEFENDANT KNEW THAT ISIL WAS A DESIGNATED
09:34 11 FOREIGN TERRORIST ORGANIZATION AND HAD ENGAGED IN, AND WAS
09:34 12 ENGAGING IN, TERRORIST ACTIVITY AND TERRORISM. AT ALL
09:34 13 RELEVANT TIMES, DEFENDANT KNEW THAT ISIL'S GOAL WAS TO
09:34 14 INTIMIDATE AND COERCE A CIVILIAN POPULATION; INFLUENCE THE
09:34 15 POLICY OF A GOVERNMENT BY INTIMIDATION AND COERCION, AND
09:34 16 AFFECT THE CONDUCT OF A GOVERNMENT BY MASS DESTRUCTION,
09:34 17 ASSASSINATIONS, AND KIDNAPPINGS.

09:34 18 FROM APPROXIMATELY MARCH 2013 THROUGH JULY 2,
09:34 19 2014, DEFENDANT SUPPORTED VIOLENT JIHAD AGAINST PERSONS HE
09:34 20 CONSIDERED "OCCUPIERS" OF AFGHANISTAN, IRAQ, AND SYRIA.

09:35 21 DEFENDANT FIRST ATTEMPTED TO TRAVEL TO SYRIA FOR
09:35 22 THESE PURPOSES IN DECEMBER 2013. HE REQUESTED AN EXPEDITED
09:35 23 PASSPORT IN NOVEMBER 2013, AND RECEIVED IT IN DECEMBER 2013.
09:35 24 DEFENDANT BOOKED A FLIGHT AND INTENDED TO FLY ON
09:35 25 DECEMBER 25, 2013, TO ISTANBUL, TURKEY. DEFENDANT'S TRAVEL

09:35 1 WAS DELAYED WHEN A FAMILY MEMBER, UPON LEARNING OF HIS
09:35 2 INTENDED TRAVEL, TOOK AWAY FROM DEFENDANT HIS UNITED STATES
09:35 3 PASSPORT AND THE MONEY HE INTENDED TO USE TO TRAVEL TO
09:35 4 SYRIA.

09:35 5 AFTERWARDS, DEFENDANT CONTINUED TO MAKE PLANS TO
09:35 6 CARRY OUT HIS INTENTION TO PROVIDE MATERIAL SUPPORT AND
09:35 7 RESOURCES TO ISIL. DEFENDANT CORRESPONDED AND PLANNED WITH
09:35 8 OTHERS WHO WERE IN SYRIA, INCLUDING AT LEAST ONE PERSON WHO
09:35 9 WAS IN SYRIA FIGHTING FOR ISIL, SO HE COULD TRAVEL TO SYRIA
09:35 10 AND WORK UNDER THE DIRECTION AND CONTROL OF ISIL. DEFENDANT
09:35 11 OBTAINED INFORMATION AND GUIDANCE TO ACHIEVE THIS PURPOSE,
09:35 12 INCLUDING BOOKLETS ON HOW TO TRAVEL TO SYRIA, FLIGHTS TO THE
09:35 13 AREA, AND MAPS OF ISIL-CONTROLLED AREAS. DEFENDANT APPLIED
09:36 14 FOR AN EXPEDITED 2014 PASSPORT AND FALSELY STATED ON HIS
09:36 15 APPLICATION THAT HE LOST HIS 2013 PASSPORT WHEN HE
09:36 16 ACCIDENTLY THREW IT IN THE TRASH IN JUNE 2013. DEFENDANT
09:36 17 KNEW AT THE TIME THAT HE MADE THE STATEMENT IT WAS FALSE.
09:36 18 DEFENDANT KNEW THAT HIS FAMILY MEMBER HAD TAKEN HIS PASSPORT
09:36 19 FROM HIM IN DECEMBER 2013, AND HE HAD NOT LOST IT.

09:36 20 ON JULY 1, 2014, DEFENDANT OBTAINED HIS 2014
09:36 21 PASSPORT FROM THE STATE DEPARTMENT. ON THE SAME DATE,
09:36 22 DEFENDANT BOOKED A JULY 2, 2014, FLIGHT FROM SANTA ANA,
09:36 23 CALIFORNIA, TO ISTANBUL, TURKEY. AFTER ARRIVING IN
09:36 24 ISTANBUL, TURKEY, DEFENDANT INTENDED TO TRAVEL FROM ISTANBUL
09:36 25 TO SYRIA.

09:36 1 ON JULY 2, 2014, DEFENDANT ARRIVED AT THE JOHN
09:36 2 WAYNE AIRPORT IN SANTA ANA, CALIFORNIA. HE HAD LUGGAGE,
09:36 3 INCLUDING A LAPTOP COMPUTER AND A SMARTPHONE. LOCATED IN
09:36 4 THE SMARTPHONE, HE HAD DOWNLOADED NASHEEDS (JIHADI SONGS)
09:37 5 SUPPORTING ISIL FIGHTING, MAPS OF ISIL-CONTROLLED AREAS,
09:37 6 TWITTER UPDATES ON ISIL FIGHTING IN SYRIA AND IRAQ, AND A
09:37 7 PAMPHLET ON HOW TO REACH A SYRIAN BORDER CITY FROM ISTANBUL
09:37 8 (WHICH HE LAST ACCESSED ON JULY 2, 2014). ON JULY 2, 2014,
09:37 9 DEFENDANT E-MAILED HIS FRIEND THAT HE DID NOT KNOW WHY
09:37 10 PEOPLE DID NOT STEP FORWARD AND HELP THE SITUATION, AND
09:37 11 COMPLAINED "HOW PEOPLE EXPECT A KHILAFAH TO ARISE WITHOUT
09:37 12 BLOODSHED" AND CLAIMED THAT "IT'S A GOLDEN OPPORTUNITY." ON
09:37 13 THE SAME DATE, APPROXIMATELY TWO HOURS BEFORE HIS SCHEDULED
09:37 14 FLIGHT TO ISTANBUL, TURKEY, DEFENDANT PRESENTED HIS 2014
09:37 15 PASSPORT TO THE DELTA AIRLINES AGENT IN AN ATTEMPT TO FLY TO
09:37 16 ISTANBUL, TURKEY.

09:37 17 ON JULY 2, 2014, DEFENDANT ADMITTED TO FEDERAL
09:37 18 BUREAU OF INVESTIGATION ("FBI") SPECIAL AGENTS THAT HE
09:37 19 INTENDED ON THAT DATE TO FLY TO ISTANBUL, TURKEY, AND HIS
09:37 20 ULTIMATE DESIGNATION WAS ISIL-CONTROLLED SYRIA. HE INTENDED
09:38 21 TO PLEDGE ALLEGIANCE TO THE LEADER OF ISIL, AL-BAGHDADI.
09:38 22 AND, HE INTENDED TO LIVE UNDER THE CONTROL OF ISIL.
09:38 23 DEFENDANT INTENDED TO TAKE WEAPONS TRAINING FROM ISIL TO
09:38 24 DEFEND HIMSELF. FURTHER, DEFENDANT TOLD FBI SPECIAL AGENTS
09:38 25 THAT ISIL HAD DECLARED A CALIPHATE ON JUNE 29, 2014, AND

09:38 1 THAT IT WAS MANDATORY FOR EVERY MUSLIM WHO WAS ABLE TO
09:38 2 MIGRATE TO THE LAND OF ISLAM. HE ADMITTED THAT HE STATED
09:38 3 THAT IF SOMEONE WANTS TO INVADE "OUR LAND," WE HAVE TO FIGHT
09:38 4 BACK." DEFENDANT CONSIDERED THE INVADED LANDS TO BE
09:38 5 AFGHANISTAN, IRAQ, AND SYRIA.

09:38 6 THE COURT: SIR, DO YOU UNDERSTAND WHAT THE
09:38 7 ASSISTANT UNITED STATES ATTORNEY HAS SAID?

09:38 8 THE DEFENDANT: YES.

09:38 9 THE COURT: IS EVERYTHING THE ASSISTANT UNITED
09:38 10 STATES ATTORNEY SAID ABOUT YOU AND YOUR CONDUCT AND INTENT
09:38 11 TRUE AND CORRECT?

09:38 12 THE DEFENDANT: YES.

09:38 13 THE COURT: ARE YOU PLEADING GUILTY BECAUSE YOU IN
09:38 14 FACT DID THE ACTS CHARGED IN COUNTS ONE AND TWO OF THE
09:38 15 SECOND SUPERSEDING INFORMATION?

09:38 16 THE DEFENDANT: YES.

09:38 17 THE COURT: SIR, I WANT TO HEAR FROM YOU IN YOUR
09:38 18 OWN WORDS WITH RESPECT TO EACH CHARGE WHAT YOU DID. WE WILL
09:39 19 START WITH AIDING A FOREIGN TERRORIST ORGANIZATION. TELL ME
09:39 20 IN YOUR OWN WORDS WHAT YOU DID.

09:39 21 THE DEFENDANT: I DIDN'T REALLY INTEND TO AID BUT
09:39 22 JUST TO LIVE UNDER THE ISLAMIC STATE AND ACCEPT JIHAD AS A
09:39 23 LEADER AT THE TIME.

09:39 24 THE COURT: DID YOU PLAN TO ASSIST ISIL?

09:39 25 THE DEFENDANT: DESPITE BEING A CITIZEN LIVING

09:39 1 UNDER THEIR RULE AND HELPING PEOPLE -- I DIDN'T REALLY
09:39 2 INTEND ON FIGHTING OR ANYTHING.

09:39 3 THE COURT: BUT DID YOU INTEND TO PROVIDE
09:39 4 ASSISTANCE IF NOT MILITARY ASSISTANCE?

09:39 5 THE DEFENDANT: NO. WHEN THEY ASKED ME IF I WAS
09:39 6 BEING ATTACKED -- I WOULD DEFEND MYSELF BY TAKING WEAPONS
09:39 7 TRAINING.

09:39 8 THE COURT: YOU WANTED TO LIVE IN ISIL TERRITORY?

09:39 9 THE DEFENDANT: YES.

09:40 10 THE COURT: WERE YOU GOING TO PARTICIPATE IN THAT
09:40 11 COMMUNITY?

09:40 12 THE DEFENDANT: WITHIN THE CIVILIAN POPULOUS, YES,
09:40 13 AS A MUSLIM.

09:40 14 THE COURT: WERE YOU GOING TO ASSIST THE CIVILIAN
09:40 15 POPULATION OF ISIL?

09:40 16 THE DEFENDANT: BY HELPING, YOU KNOW, WITH --
09:40 17 SOCIAL MEANS.

09:40 18 THE COURT: OKAY. BUT THAT WOULD BE SOCIAL MEANS
09:40 19 TO ASSIST ISIL, CORRECT?

09:40 20 THE DEFENDANT: WELL, WITHIN THE COMMUNITY. IT
09:40 21 WOULD END UP ASSISTING THEM TO.

09:40 22 THE COURT: I'M SORRY?

09:40 23 THE DEFENDANT: MY INTENTION WAS WITH THE PEOPLE,
09:40 24 NOT LIKE THE ACTUAL ORGANIZATION. I JUST WANTED TO LIVE
09:40 25 UNDER THE ISLAMIC STATE.

09:40 1 THE COURT: DID YOU INTEND TO ASSIST IN A SOCIAL
09:41 2 FASHION THE ISLAMIC STATE?

09:41 3 THE DEFENDANT: AS IN HELPING WITH CHARITABLE
09:41 4 MEANS, YES. THAT'S WHAT I INTENDED ON DOING.

09:41 5 THE COURT: YOU UNDERSTAND THAT CHARITABLE ACTS
09:41 6 WOULD BE OF ASSISTANCE TO ISIL; IS THAT TRUE?

09:41 7 THE DEFENDANT: YES.

09:41 8 THE COURT: SIR, DID YOU MAKE THE PLANS TO GO TO
09:41 9 SYRIA AND ASSIST ISIL AS YOU DESCRIBED VOLUNTARILY?

09:41 10 THE DEFENDANT: YES, BUT IF I COULD -- NEVER
09:41 11 MIND. I'M SORRY. YES.

09:41 12 THE COURT: YOU TOOK THOSE ACTS VOLUNTARILY?

09:41 13 THE DEFENDANT: YES.

09:41 14 THE COURT: DID YOU ALSO KNOW THAT THE U.S.
09:41 15 GOVERNMENT HAD DESIGNATED ISIL AS A FOREIGN TERRORIST
09:41 16 ORGANIZATION?

09:41 17 THE DEFENDANT: YES.

09:41 18 THE COURT: LET'S TALK ABOUT MAKING A FALSE
09:42 19 STATEMENT TO OBTAIN A PASSPORT. TELL ME WHAT YOU DID.

09:42 20 THE DEFENDANT: I BASICALLY MADE UP A SILLY EXCUSE
09:42 21 ON A PASSPORT APPLICATION ABOUT HOW I LOST MY ORIGINAL
09:42 22 PASSPORT WHEN I WENT TO APPLY FOR A NEW ONE.

09:42 23 THE COURT: WAS THAT STATEMENT FALSE, THAT YOU HAD
09:42 24 LOST YOUR PASSPORT?

09:42 25 THE DEFENDANT: IT WAS FALSE, YES, THAT I LOST IT.

09:42 1 THE COURT: DID YOU VOLUNTARILY MAKE THAT FALSE
09:42 2 STATEMENT?

09:42 3 THE DEFENDANT: YES.

09:42 4 THE COURT: DID YOU UNDERSTAND THAT THE PASSPORT
09:42 5 AUTHORITIES WOULD RELY ON THAT STATEMENT IN ISSUING YOU A
09:42 6 NEW PASSPORT?

09:42 7 THE DEFENDANT: I DID UNDERSTAND.

09:42 8 THE COURT: SIR, ARE YOU PLEADING GUILTY TO THESE
09:42 9 CHARGES BECAUSE YOU ARE IN FACT GUILTY OF BOTH?

09:42 10 THE DEFENDANT: YES.

09:42 11 THE COURT: IS THE GOVERNMENT SATISFIED WITH THE
09:42 12 FACTUAL BASIS FOR THE PLEA?

09:42 13 MS. CORLETT: YES.

09:42 14 THE COURT: MR. LENGYEL-LEAHU, HAVE YOU REVIEWED
09:42 15 THE FACTS OF THE CASE?

09:42 16 MR. LENGYEL-LEAHU: YES.

09:42 17 THE COURT: AND ALL THE DISCOVERY THAT MAY HAVE
09:42 18 BEEN PROVIDED TO YOU BY THE GOVERNMENT?

09:42 19 MR. LENGYEL-LEAHU: ALL THE DISCOVERY THAT HAS
09:42 20 BEEN PROVIDED, YES.

09:42 21 THE COURT: HAVE YOU ADVISED THE DEFENDANT
09:42 22 CONCERNING THE LEGALITY OR ADMISSIBILITY OF ANY STATEMENTS
09:42 23 OR CONFESSIONS OR OTHER EVIDENCE THE GOVERNMENT MAY HAVE
09:43 24 AGAINST HIM?

09:43 25 MR. LENGYEL-LEAHU: YES.

09:43 1 THE COURT: IS THE DEFENDANT PLEADING GUILTY
09:43 2 BECAUSE OF ANY ILLEGALLY OBTAINED EVIDENCE IN THE POSSESSION
09:43 3 OF THE GOVERNMENT THAT YOU ARE AWARE OF?

09:43 4 MR. LENGYEL-LEAHU: NOT THAT I AM AWARE OF.

09:43 5 THE COURT: DID YOU EXPLORE WITH YOUR CLIENT ANY
09:43 6 POSSIBLE DEFENSE HE MAY HAVE TO THE CHARGE?

09:43 7 MR. LENGYEL-LEAHU: I HAVE, YOUR HONOR.

09:43 8 THE COURT: DO YOU BELIEVE THERE IS A FACTUAL
09:43 9 BASIS FOR THE PLEA IN WHICH THE DEFENDANT IS OFFERING TO
09:43 10 ENTER?

09:43 11 MR. LENGYEL-LEAHU: I DO.

09:43 12 THE COURT: HAVE YOU CONFERRED WITH AND ADVISED
09:43 13 YOUR CLIENT REGARDING HIS GUILTY PLEA?

09:43 14 MR. LENGYEL-LEAHU: YES.

09:43 15 THE COURT: DO YOU BELIEVE THAT THE PLEA IS BEING
09:43 16 MADE FREELY AND VOLUNTARILY WITH A FULL UNDERSTANDING OF THE
09:43 17 CHARGES AND THE CONSEQUENCES OF THE PLEA?

09:43 18 MR. LENGYEL-LEAHU: YES.

09:43 19 THE COURT: THE WRITTEN PLEA AGREEMENT INDICATES
09:43 20 THAT YOU AND MR. DANDACH SIGNED IT TODAY, AUGUST 10, 2015.
09:43 21 IS THAT CORRECT?

09:43 22 MR. LENGYEL-LEAHU: THAT IS CORRECT.

09:43 23 THE COURT: PRIOR TO HIS SIGNING, DID YOU HAVE A
09:43 24 SUBSTANTIVE DISCUSSION WITH HIM ABOUT THE CONTENT OF THE
09:43 25 PLEA AGREEMENT?

09:43 1 MR. LENGYEL-LEAHU: ABSOLUTELY, YOUR HONOR.

09:43 2 THE COURT: DID HE SIGN THE PLEA AGREEMENT IN YOUR
09:43 3 PRESENCE?

09:43 4 MR. LENGYEL-LEAHU: YES.

09:43 5 THE COURT: DOES THE PLEA AGREEMENT REPRESENT THE
09:43 6 ENTIRE DISPOSITION OF THIS CASE INSOFAR AS YOU, YOUR CLIENT,
09:43 7 AND THE U.S. ATTORNEY'S OFFICE IS CONCERNED?

09:44 8 MR. LENGYEL-LEAHU: I BELIEVE SO, YES, YOUR HONOR.

09:44 9 THE COURT: WELL --

09:44 10 MR. LENGYEL-LEAHU: WITHIN THE CONFINES THAT WE
09:44 11 ARE GOING TO HAVE A FURTHER HEARING REGARDING SENTENCING,
09:44 12 YES.

09:44 13 THE COURT: IS THE PLEA AGREEMENT PART OF A JOINT
09:44 14 AGREEMENT WITH ANY OTHER DEFENDANT OR POTENTIAL DEFENDANT?

09:44 15 MR. LENGYEL-LEAHU: NO.

09:44 16 THE COURT: HAVE THERE BEEN ANY PROMISES,
09:44 17 REPRESENTATIONS, OR GUARANTEES MADE EITHER TO YOU OR YOUR
09:44 18 CLIENT OTHER THAN WHAT'S IN THE PLEA AGREEMENT?

09:44 19 MR. LENGYEL-LEAHU: NO.

09:44 20 THE COURT: OTHER THAN WHAT'S CONTAINED IN THE
09:44 21 WRITTEN PLEA AGREEMENT AND OTHER THAN A GENERAL DISCUSSION
09:44 22 OF THE GUIDELINE SENTENCING PROCESS, HAVE YOU MADE ANY
09:44 23 INDICATION TO MR. DANDACH OF WHAT SPECIFIC SENTENCE THE
09:44 24 COURT WOULD IMPOSE OR CONVEY TO HIM ANY PROMISE OF A
09:44 25 PARTICULAR SENTENCE IN THE EVENT THAT THE COURT ACCEPTS HIS

09:44 1 PLEA?

09:44 2 MR. LENGYEL-LEAHU: I HAVE NOT.

09:44 3 THE COURT: IN YOUR JUDGMENT, IS IT IN YOUR
09:44 4 CLIENT'S INTEREST AND THE INTEREST OF JUSTICE FOR ME TO
09:44 5 ACCEPT THIS PLEA?

09:44 6 MR. LENGYEL-LEAHU: IT'S IN THE INTEREST OF MY
09:44 7 CLIENT, YES, SIR.

09:44 8 THE COURT: IS IT IN THE INTEREST OF JUSTICE?

09:44 9 MR. LENGYEL-LEAHU: I DON'T KNOW IF I WOULD GO
09:44 10 QUITE THAT FAR, BUT I AM WILLING TO ACCEPT THE PLEA AND
09:45 11 CONSEQUENCES OF IT.

09:45 12 THE COURT: HAVE YOU TAKEN ALL THE STEPS YOU
09:45 13 BELIEVE NECESSARY TO ENSURE THAT THAT THE COURT'S ACCEPTANCE
09:45 14 OF THE PLEA IS IN THE INTEREST OF JUSTICE?

09:45 15 MR. LENGYEL-LEAHU: YOUR HONOR, I HAVE DISCUSSED
09:45 16 THE PLEA AND THE FACTUAL BASIS IN THE PLEA AT LENGTH. I
09:45 17 UNDERSTAND THE DECISION THAT HE IS MAKING, AND I BELIEVE IT
09:45 18 IS IN HIS INTEREST TO ENTER INTO THIS PLEA BASED ON THE
09:45 19 CHARGES AND THE FACTS THAT THE GOVERNMENT HAS PRESENTED. IF
09:45 20 YOU ARE ASKING ME TO ACCEPT THE FACT THAT I BELIEVE THAT
09:45 21 THIS PROSECUTION BASED ON THESE FACTS AS TO THIS PARTICULAR
09:45 22 INDIVIDUAL IS FAIR, THAT'S A DIFFERENT CONVERSATION.

09:45 23 THE COURT: HAVE YOU TAKEN ALL STEPS WITHIN YOUR
09:46 24 POWER TO VINDICATE MR. DANDACH'S RIGHTS IN THIS PROSECUTION?

09:46 25 MR. LENGYEL-LEAHU: I BELIEVE I HAVE, YES.

09:46 1 THE COURT: YOU BROUGHT A NUMBER OF MOTIONS, ONE
09:46 2 CHALLENGING BASICALLY THE EXISTENCE OF A FOREIGN TERRORIST
09:46 3 ORGANIZATION. DO YOU UNDERSTAND THAT BY HAVING YOUR CLIENT
09:46 4 PLEAD YOU WILL BE ABANDONING THAT MOTION?

09:46 5 MR. LENGYEL-LEAHU: YES, OF COURSE.

09:46 6 THE COURT: DID YOU MAKE A TACTICAL DECISION THAT
09:46 7 IT IS IN YOUR CLIENT'S BETTER INTEREST TO ALLOW HIM TO PLEAD
09:46 8 AND NOT PURSUE THAT MOTION?

09:46 9 MR. LENGYEL-LEAHU: I HAVE, YES.

09:46 10 THE COURT: DO YOU KNOW OF ANY REASON WHY THE
09:46 11 COURT SHOULD NOT ACCEPT THE PLEA?

09:46 12 MR. LENGYEL-LEAHU: I KNOW OF NO REASON.

09:46 13 THE COURT: DO YOU JOIN IN THE WAIVER OF JURY
09:46 14 TRIAL AND CONCUR IN THE PLEA?

09:46 15 MR. LENGYEL-LEAHU: I DO.

09:46 16 THE COURT: MS. CORLETT, OTHER THAN WHAT IS
09:46 17 EXPRESSLY CONTAINED IN THE PLEA AGREEMENT, HAS THE
09:46 18 GOVERNMENT MADE ANY OTHER PROMISES, REPRESENTATIONS, OR
09:46 19 GUARANTEES EITHER TO THE DEFENDANT OR HIS COUNSEL?

09:46 20 MS. CORLETT: NO.

09:46 21 THE COURT: IS THE PLEA AGREEMENT PART OF A JOINT
09:46 22 AGREEMENT WITH ANY OTHER DEFENDANT OR POTENTIAL DEFENDANT?

09:47 23 MS. CORLETT: NO.

09:47 24 THE COURT: MR. DANDACH, ARE YOU SATISFIED WITH
09:47 25 THE REPRESENTATION MR. LENGYEL-LEAHU HAS PROVIDED TO YOU?

09:47 1 THE DEFENDANT: YES.

09:47 2 THE COURT: DO YOU FEEL THAT HE HAS FULLY

09:47 3 CONSIDERED ANY DEFENSE YOU MAY HAVE TO THE CHARGES?

09:47 4 THE DEFENDANT: YES.

09:47 5 THE COURT: DO YOU BELIEVE THAT HE HAS FULLY

09:47 6 ADVISED YOU CONCERNING THE MATTER?

09:47 7 THE DEFENDANT: YES.

09:47 8 THE COURT: DO YOU FEEL THAT YOU HAVE HAD ENOUGH

09:47 9 TIME TO DISCUSS THE CASE WITH HIM?

09:47 10 THE DEFENDANT: YES.

09:47 11 THE COURT: WOULD YOU LIKE ANY ADDITIONAL TIME

09:47 12 NOW?

09:47 13 THE DEFENDANT: NO. I'M OKAY. THANK YOU.

09:47 14 THE COURT: DID MR. LENGYEL-LEAHU OR ANYONE TELL

09:47 15 YOU HOW TO ANSWER ANY OF THE QUESTIONS I HAVE ASKED YOU

09:47 16 TODAY?

09:47 17 THE DEFENDANT: YES.

09:47 18 THE COURT: TELL ME ABOUT THAT.

09:47 19 THE DEFENDANT: I'M SORRY.

09:47 20 THE COURT: LET ME ASK YOU THE QUESTION AGAIN.

09:47 21 DID ANYBODY TELL YOU HOW TO ANSWER THE QUESTIONS I HAVE

09:47 22 ASKED YOU TODAY, WHAT TO SAY?

09:47 23 THE DEFENDANT: PERSONAL QUESTIONS REGARDING MY

09:47 24 CHARGES? IS THAT WHAT YOU MEAN?

09:47 25 THE COURT: HAS ANYONE TOLD YOU WHAT ANSWERS YOU

09:47 1 SHOULD BE GIVING IN RESPONSE TO MY QUESTIONS?

09:48 2 THE DEFENDANT: NO.

09:48 3 THE COURT: HAVE ALL OF YOUR RESPONSES BEEN YOUR
09:48 4 OWN PERSONAL RESPONSES?

09:48 5 THE DEFENDANT: YES.

09:48 6 THE COURT: HAVE THEY ALL BEEN TRUE?

09:48 7 THE DEFENDANT: YES.

09:48 8 THE COURT: DO YOU FEEL THAT YOU UNDERSTAND
09:48 9 EVERYTHING GOING ON HERE TODAY AND THE CONSEQUENCES TO YOU
09:48 10 AND THAT YOU ARE COMPETENT TO MAKE THE DECISION TO PLEAD
09:48 11 GUILTY?

09:48 12 THE DEFENDANT: YES.

09:48 13 THE COURT: DO YOU KNOW OF ANY REASON WHY THE
09:48 14 COURT SHOULD NOT ACCEPT YOUR PLEA OF GUILTY?

09:48 15 THE DEFENDANT: NO.

09:48 16 THE COURT: DO YOU UNDERSTAND THEN THAT ALL THAT
09:48 17 IS LEFT IN THIS CASE IN THE EVENT THAT I ACCEPT YOUR PLEAS
09:48 18 OF GUILTY IS SENTENCING WHICH MAY INCLUDE IMPRISONMENT UNDER
09:48 19 THE FEDERAL GUIDELINES?

09:48 20 THE DEFENDANT: YES.

09:48 21 THE COURT: IN THIS CASE, THE GOVERNMENT HAS
09:48 22 PROCEEDED BY WAY OF AN INFORMATION. AN INFORMATION IS
09:48 23 SIMPLY A STATEMENT OF CHARGES THAT THE GOVERNMENT FILED WITH
09:48 24 THE CLERK OF THE COURT.

09:48 25 DO YOU UNDERSTAND THAT YOU HAVE THE RIGHT TO MAKE

09:48 1 THE GOVERNMENT FIRST PRESENT ITS EVIDENCE TO A GRAND JURY
09:48 2 BEFORE PROCEEDING AGAINST YOU?

09:48 3 THE DEFENDANT: YES.

09:48 4 THE COURT: DO YOU UNDERSTAND THAT THAT'S A
09:48 5 PROTECTION FOR YOU TO MAKE SURE THAT THE GOVERNMENT IS NOT
09:48 6 PROCEEDING ON FLIMSY OR TRUMPED UP CHARGES?

09:49 7 THE DEFENDANT: YES.

09:49 8 THE COURT: SIR, DO YOU WAIVE YOUR RIGHT TO HAVE
09:49 9 THE CASE FIRST PRESENTED TO THE GRAND JURY?

09:49 10 THE DEFENDANT: YES.

09:49 11 THE COURT: SIR, HAVING IN MIND ALL WE HAVE
09:49 12 DISCUSSED REGARDING YOUR PLEA OF GUILTY, THE RIGHTS YOU WILL
09:49 13 BE GIVING UP, AND THE MAXIMUM SENTENCE YOU MIGHT RECEIVE, IS
09:49 14 IT STILL YOUR DESIRE TO PLEAD GUILTY?

09:49 15 THE DEFENDANT: YES.

09:49 16 THE COURT: HOW DO YOU PLEAD TO COUNT ONE OF THE
09:49 17 SECOND SUPERSEDING INFORMATION?

09:49 18 THE DEFENDANT: GUILTY.

09:49 19 THE COURT: HOW DO YOU PLEAD TO COUNT TWO OF THE
09:49 20 SECOND SUPERSEDING INFORMATION?

09:49 21 THE DEFENDANT: GUILTY.

09:49 22 THE COURT: SIR, I AM GOING TO MAKE CERTAIN
09:49 23 FINDINGS. IF YOU DON'T UNDERSTAND WHAT I SAY, OR IF YOU
09:49 24 DISAGREE WITH WHAT I SAY, OR IF YOU WOULD LIKE TO TALK TO
09:49 25 MR. LENGYEL-LEAHU, PLEASE INTERRUPT ME OR ASK HIM TO

09:49 1 INTERRUPT ME.

09:49 2 THE COURT HAVING QUESTIONED THE DEFENDANT AND HIS
09:49 3 COUNSEL ON HIS OFFER TO PLEAD GUILTY TO COUNTS ONE AND TWO
09:49 4 OF THE SECOND SUPERSEDING INFORMATION, EACH A FELONY; THE
09:49 5 DEFENDANT AND HIS COUNSEL HAVING ADVISED THE COURT THAT THEY
09:49 6 HAVE CONFERRED CONCERNING THE OFFERED PLEAS OF GUILTY AND
09:50 7 ALL ASPECTS OF THE CHARGES AGAINST THE DEFENDANT AND ANY
09:50 8 DEFENSES HE MAY HAVE; AND THE COURT HAVING OBSERVED THE
09:50 9 DEFENDANT'S INTELLIGENCE, DEMEANOR, AND ATTITUDE WHILE
09:50 10 ANSWERING QUESTIONS; AND THE COURT HAVING OBSERVED THAT THE
09:50 11 DEFENDANT DOES NOT APPEAR TO BE UNDER THE INFLUENCE OF ANY
09:50 12 MEDICINE, DRUG, OR OTHER SUBSTANCE OR FACTOR WHICH MIGHT
09:50 13 AFFECT HIS ACTIONS OR JUDGMENT IN ANY MANNER; THE COURT NOW
09:50 14 THEREFORE FINDS THAT THERE IS A FACTUAL BASIS FOR THE PLEA.

09:50 15 THE COURT FINDS THAT ADAM DANDACH HAS ENTERED HIS
09:50 16 PLEA FREELY AND VOLUNTARILY WITH A FULL UNDERSTANDING OF THE
09:50 17 CHARGES AGAINST HIM AND THE CONSEQUENCES OF HIS PLEAS.

09:50 18 THE COURT FINDS THAT THE DEFENDANT UNDERSTANDS HIS
09:50 19 CONSTITUTIONAL AND STATUTORY RIGHTS AND WISHES TO WAIVE
09:50 20 THEM.

09:50 21 ACCORDINGLY, IT IS ORDERED THAT THE PLEA BE
09:50 22 ACCEPTED AND ENTERED INTO THE RECORDS OF THIS COURT.

09:50 23 THE CLERK WILL NOW GIVE YOU A DATE FOR SENTENCING.

09:50 24 THE CLERK: NOVEMBER 30, 2015, AT 9:00 A.M.

09:50 25 THE COURT: IS THAT DATE CONVENIENT TO COUNSEL?

09:50 1 MR. LENGYEL-LEAHU: LET ME CHECK.

09:50 2 (PAUSE IN PROCEEDINGS.)

09:51 3 MS. CORLETT: IT IS CONVENIENT TO THE UNITED

09:51 4 STATES.

09:51 5 YOUR HONOR, THE GOVERNMENT AND DEFENSE COUNSEL

09:51 6 WOULD ALSO LIKE TO MOVE THE COURT FOR A HEARING DATE EITHER

09:51 7 BEFORE THAT OR ON THAT DATE AND MOVE THE SENTENCING HEARING

09:51 8 TO ALLOW FOR A MORE EXTENDED EVIDENTIARY PRESENTATION TO THE

09:51 9 COURT. DEFENSE COUNSEL HAS MORE DETAILS THAT HE WOULD LIKE

09:51 10 TO PRESENT THAT HE BELIEVES ARE MORE EFFECTIVE IN AN

09:51 11 EVIDENTIARY HEARING AND THE GOVERNMENT AS WELL BASED ON THE

09:51 12 TYPE OF CHARGES THAT THE DEFENDANT HAS PLED GUILTY TO. WE

09:51 13 WOULD ALSO LIKE TO HAVE A SEPARATE SENTENCING EVIDENTIARY

09:51 14 HEARING BEFORE THE ACTUAL SENTENCING DATE IF THAT'S

09:51 15 POSSIBLE.

09:51 16 THE COURT: HOW MUCH TIME DO YOU NEED?

09:51 17 MS. CORLETT: WE BELIEVE THAT THE TWO OF US COULD

09:51 18 DO THAT TOGETHER IN ONE DAY.

09:51 19 (COURT AND CLERK CONFERRING.)

09:51 20 THE COURT: HOW ABOUT DECEMBER 1 FOR THE

09:53 21 EVIDENTIARY HEARING?

09:53 22 MS. CORLETT: YES, YOUR HONOR.

09:53 23 MR. LENGYEL-LEAHU: YES.

09:53 24 THE COURT: AND THEN HOW ABOUT JANUARY 11 FOR THE

09:53 25 SENTENCING HEARING?

09:53 1 MS. CORLETT: THANK YOU, YOUR HONOR.

09:53 2 MR. LENGYEL-LEAHU: THAT'S FINE. THANK YOU.

09:53 3 THE COURT: SIR, I DIRECT YOU TO APPEAR ON THE TWO
09:53 4 DATES I HAVE INDICATED, DECEMBER 1 AND JANUARY 11, 2016,
09:53 5 WITHOUT FURTHER ORDER OF THE COURT. IN THE MEANTIME, THE
09:53 6 CASE WILL BE REFERRED TO THE PROBATION OFFICE FOR THE
09:53 7 PREPARATION OF A PRESENTENCE REPORT. YOU WILL BE ASKED TO
09:54 8 GIVE INFORMATION FOR THE REPORT. YOU WILL RECEIVE A COPY OF
09:54 9 THE REPORT, AND YOU WILL HAVE AN OPPORTUNITY TO MAKE ANY
09:54 10 OBJECTIONS. YOU WILL ALSO HAVE AN OPPORTUNITY TO SPEAK
09:54 11 PRESUMABLY AT BOTH THE EVIDENTIARY HEARING AND THE
09:54 12 SENTENCING HEARING. I URGE TO CONSULT WITH
09:54 13 MR. LENGYEL-LEAHU THROUGHOUT THIS PROCESS SO THAT HE CAN
09:54 14 ANSWER ANY QUESTIONS YOU MAY HAVE.

09:54 15 ANYTHING FURTHER FOR TODAY?

09:54 16 MS. CORLETT: NO, YOUR HONOR.

09:54 17 MR. LENGYEL-LEAHU: YOUR HONOR, THERE IS ONE OTHER
09:54 18 ISSUE AT TO MEALS. MY CLIENT NEEDS KOSHER MEALS PROVIDED TO
09:54 19 HIM. APPARENTLY THAT HAS BEEN DENIED TO HIM RECENTLY. HE
09:54 20 HAS HAD THEM IN THE PAST, BUT THEY HAVE BEEN DENIED TO HIM
09:54 21 RECENTLY. I WOULD REQUEST THAT THE COURT ISSUE AN ORDER
09:54 22 THAT NUTRITIOUS KOSHER MEALS BE PROVIDED TO HIM.

09:54 23 THE COURT: WELL, I WILL ASK THAT THE MARSHAL LOOK
09:54 24 INTO THAT AND GIVE ME A REPORT WITHIN 24 HOURS.

09:54 25 THE MARSHAL: YES, YOUR HONOR.

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THE COURT: OKAY. THE DEFENDANT IS REMANDED TO
CUSTODY.

(WHEREUPON, THE PROCEEDINGS WERE CONCLUDED.)

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CERTIFICATE

I HEREBY CERTIFY THAT PURSUANT TO SECTION 753,
TITLE 28, UNITED STATES CODE, THE FOREGOING IS A TRUE AND
CORRECT TRANSCRIPT OF THE STENOGRAPHICALLY REPORTED
PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER AND THAT THE
TRANSCRIPT PAGE FORMAT IS IN CONFORMANCE WITH THE
REGULATIONS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES.

DATE: AUGUST 26, 2015

/s/ SHARON A. SEFFENS 5/24/14

SHARON A. SEFFENS, U.S. COURT REPORTER