

09:35:27 1 THE COURT: Call 14-CR-213, United States vs. Michael
09:35:31 2 Todd Wolfe, also known as "Faruq."

09:35:34 3 MR. SOFER: Gregg Sofer and Michael Galdo for the
09:35:34 4 United States.

09:35:37 5 Good morning, your Honor.

09:35:38 6 MR. ALDREDGE: Horatio Aldredge for Mr. Wolfe.

09:35:41 7 Good morning.

09:35:41 8 THE COURT: Good morning, Mr. Aldredge.

09:35:42 9 If you'll tell me your full name, please, sir.

09:35:44 10 THE DEFENDANT: Michael Todd Wolfe.

09:35:45 11 THE COURT: Mr. Wolfe, you don't have to lean over. It
09:35:47 12 will pick up. Just relax.

09:35:49 13 Have you had the opportunity to sit down with your
09:35:51 14 lawyer and review the presentence investigation made by the
09:35:55 15 probation department in your case?

09:35:56 16 THE DEFENDANT: Yes, your Honor.

09:35:57 17 THE COURT: The probation department has calculated a
09:36:06 18 guideline range under the statutes of 360 months to life, with
09:36:13 19 life supervision, and appropriate fines under the guidelines, and
09:36:21 20 \$100 on the mandatory assessment by the Congress.

09:36:29 21 I have the information that you have little and no
09:36:36 22 significant criminal history. Beginning at 15, you had an
09:36:43 23 interference with emergency call. Then, years later, a theft at
09:36:48 24 Wal-Mart where you stole something between 50 and \$500. Then in
09:36:56 25 2009, an assault, fight. I have no objections by the government.

09:37:08 1 I have no objections by the defendant.

09:37:11 2 In addition to the presentence report, I have reviewed
09:37:17 3 the government's 5K motion, the government's sealed sentencing
09:37:22 4 memorandum, the defendant's sentencing memorandum, and the
09:37:33 5 multiple letters that I received from Mr. Aldredge, which I will
09:37:47 6 attach to the defendant's sentencing memorandum.

09:37:51 7 MR. ALDREDGE: And, your Honor, you should have two
09:37:53 8 statements by Mr. Wolfe attached to the sentencing memorandum.

09:37:55 9 THE COURT: They were enclosed in the sentencing
09:37:57 10 memorandum. Yes. I received those very thoughtful, multiple
09:38:02 11 pages that I have reviewed. And that is what I have reviewed to
09:38:09 12 date.

09:38:19 13 So there being no objections and after reviewing the
09:38:23 14 presentence investigation, I will accept the plea agreement.
09:39:05 15 File it, Jaye.

09:39:08 16 I'll hear from the government on the government's
09:39:10 17 motion.

09:39:11 18 MR. SOFER: We persist in that motion and ask the Court
09:39:13 19 to grant it for the reasons that are stated in that motion, as
09:39:16 20 well as the sealed sentencing memorandum.

09:39:20 21 MR. ALDREDGE: Your Honor, we're asking that the Court
09:39:22 22 impose a sentence of 84 months. Briefly, your Honor, of course,
09:39:28 23 the statutory cap is 15 years, and then, there's these 360 to
09:39:31 24 life, as the Court referenced, based on the Chapter 3 terrorism
09:39:36 25 enhancements. Your Honor, that -- I believe that that is

09:39:44 1 essentially a hammer that the DOJ requested and was placed in the
09:39:48 2 guidelines. And while there might be a case -- a material
09:39:51 3 support case where that is the appropriate measure of the
09:39:54 4 defendant being sentenced, that in this case is so far from what
09:40:00 5 is appropriate and the individual before you today that that just
09:40:06 6 is, really, no measure and it should have no role in the
09:40:10 7 sentencing.

09:40:11 8 And the original sentencing under the Chapter 2M
09:40:15 9 calculation, in my mind, is the more fair measure of who he is,
09:40:24 10 and what he did, and what he represents in the future in deciding
09:40:29 11 -- and the sentencing agreement -- agreed recommendation that the
09:40:34 12 government and we have come up with is related to that. In fact,
09:40:39 13 it would be an upward variance from that particular guideline,
09:40:42 14 which was 63 to 78 months before application of the Chapter 3
09:40:46 15 enhancements.

09:40:47 16 So 84 months, Judge, is a stiff sentence and will serve
09:40:53 17 all of the sentencing goals of 3553(a), and certainly gets across
09:41:02 18 the message to him. And not that it needs to be gotten through
09:41:05 19 to him any further, I believe as the Court can see from his very
09:41:11 20 thoughtful letters. You know, I could go on for an hour about
09:41:16 21 Mr. Wolfe and how highly I think of him. And I've never known a
09:41:22 22 client so well and I've never liked a client so well.

09:41:26 23 I have really no doubt and I don't really -- I don't
09:41:29 24 think the government has any doubt about what his future will be,
09:41:32 25 which is a good one, and a productive and a law-abiding one. And

09:41:41 1 there's just in terms of correction or punishment, it doesn't
09:41:47 2 need -- it's already taken place with Mr. Wolfe.

09:41:50 3 And so, for all those reasons, Judge, and for what we
09:41:54 4 have said in our sentencing memorandum, we believe 84 months is
09:42:02 5 an adequate and appropriate sentence in this case.

09:42:11 6 THE COURT: Well, of course, Mr. Wolfe has a good
09:42:21 7 lawyer and the negotiations in this case had a maximum statute,
09:42:27 8 which capped the guidelines range two-thirds. The government's
09:42:34 9 motion, along with the agreement of the defendant's, is
09:42:38 10 impressive to the Court. The one thing that the Court is
09:42:43 11 concerned about in this case, not that it's of any defense or not
09:42:48 12 that it was any excuse of any nature to Mr. Wolfe, but I'm always
09:42:57 13 concerned in these cases as to the role of the confidential
09:43:02 14 informants who guide these people like Mr. Wolfe to conduct that,
09:43:17 15 in all probability, would have never happened in the first place.

09:43:23 16 So both the government and you can talk on that on the
09:43:29 17 allocution that we're going to have because that's the main
09:43:35 18 concern for the Court. As I read Mr. Wolfe's very pensive
09:43:42 19 letters and his family's letters, they're similar to many of the
09:43:50 20 letters I get, except I don't usually get 19 or 20 pages from the
09:43:56 21 defendant.

09:43:58 22 MR. ALDREDGE: They're usually not in custody as long
09:44:00 23 as he is and have as much time to think.

09:44:03 24 THE COURT: Oh, I have people in custody most of their
09:44:05 25 life, Mr. Aldredge, and I get letters from them frequently from

09:44:08 1 prison. I get letters before their sentencing. It's not the
09:44:15 2 longest letter I've received. It was one of the more difficult
09:44:18 3 letters to read, having five sons myself. But anyway, that's one
09:44:30 4 things, particularly from Mr. Sofer I want to hear. And then,
09:44:37 5 I'll decide on -- the 5K motion, of course, I will grant. The
09:44:50 6 amount of the reduction I will wait until I've heard all of the
09:44:57 7 presentations.

09:45:00 8 So we're back to you, Mr. Wolfe. I have read your
09:45:04 9 letter. I was concerned before I read your letter as to what
09:45:14 10 part you made in all of your decisions. I'm convinced that you
09:45:18 11 made the substantial decisions from your exposure to the Muslim
09:45:29 12 faith, but you were probably ready to think about and perhaps
09:45:41 13 follow the suggestions that may have been made to you.

09:45:47 14 The difficulty I have with this case, as well as
09:45:52 15 others, is it is so incomprehensible to me that anybody who is
09:45:57 16 born in this country that has any kind of intellect whatsoever
09:46:02 17 can see what the rest of the world is like. And although we have
09:46:09 18 many, many problems in this country, our people are not in
09:46:13 19 jeopardy and killed all the time for no reason whatsoever. It's
09:46:19 20 hard for me to understand that.

09:46:23 21 But before I sentence you, you have the right to say
09:46:25 22 anything that you wish. You're not required to say anything.
09:46:28 23 Your letter says a lot of things. I'd like to hear from you now
09:46:34 24 if you would like to say anything.

09:46:36 25 THE DEFENDANT: Yes, your Honor. I have something that

09:46:39 1 I wrote.

09:46:40 2 THE COURT: That's fine.

09:46:41 3 THE DEFENDANT: Because I felt I would be too nervous
09:46:45 4 to speak freely without rambling.

09:46:47 5 THE COURT: Many people do that.

09:46:50 6 THE DEFENDANT: Honorable Judge Sparks, I would like to
09:46:52 7 let you and whoever it may concern that I, Michael Todd Wolfe,
09:46:56 8 deeply and sincerely regret the decisions I have made and the
09:46:59 9 actions I have taken leading up to my incarceration. I've spent
09:47:04 10 every moment of the last year thinking about the mistakes I have
09:47:06 11 made. I think about how foolishly -- how I foolishly allowed
09:47:16 12 myself to be misled by people who claim to be my friends and
09:47:21 13 began to follow an ideology that was not truly mine.

09:47:25 14 My heart becomes full of guilt when I think about the
09:47:28 15 fact that even if I were to succeed in my efforts of traveling
09:47:31 16 overseas, I would still have been tearing my family apart. It is
09:48:00 17 true what they say, that hindsight is 20/20. And with that being
09:48:05 18 said, I accept the fact that I'm the one that put myself in this
09:48:11 19 situation, and now I am the one that must face the consequence of
09:48:21 20 my actions.

09:48:30 21 I believe that this is for the best for me. It has
09:48:35 22 continued to give me an opportunity to reform myself and to leave
09:48:41 23 extreme ideology and less than desirable associates behind me.
09:48:45 24 I've been kept from doing something stupid and selfish and
09:48:49 25 potentially take myself away from my wife and children

09:48:52 1 permanently. I have the opportunity to become a better husband
09:48:56 2 and a better father than I was before, to be able to provide them
09:49:07 3 with a stable and loving home, and never take them for granted
09:49:10 4 again.

09:49:11 5 I've also been given a much needed opportunity to
09:49:14 6 remain in this great country and become a functioning member of
09:49:17 7 society, something I've also taken for granted. I plan on using
09:49:21 8 this time in custody to better myself in all aspects of life. I
09:49:25 9 would love nothing more than to leave this situation a better
09:49:29 10 man, to return home to my family and never leave their side, to
09:49:34 11 work my hands to the bone to provide for them. Never make the
09:49:40 12 horrible decisions I have made again. That's all, your Honor.

09:49:59 13 THE COURT: Mr. Aldredge.

09:50:00 14 MR. ALDREDGE: Your Honor, I don't have anything in
09:50:03 15 addition to say what I've already said.

09:50:05 16 THE COURT: Mr. Sofer.

09:50:07 17 MR. SOFER: Your Honor, I want to address the Court's
09:50:09 18 concern. I think the best way I can do that is try to give the
09:50:12 19 Court the government's perspective as we engage in a case like
09:50:17 20 this.

09:50:19 21 Mr. Wolfe came to the attention of law enforcement not
09:50:23 22 because we were focusing on him, but we were focusing on other
09:50:26 23 people. One of those individuals is charged in a separate
09:50:29 24 indictment that's pending before the Court for sentence at
09:50:32 25 different times. That organization or group of people was of

09:50:36 1 great concern to law enforcement here in Austin for a variety of
09:50:40 2 different reasons, and for the public safety, that organization
09:50:46 3 was investigated.

09:50:47 4 Mr. Wolfe, himself, describes some of his friends
09:50:49 5 got -- you know, pushed him down this road or encouraged him to
09:50:52 6 follow an extreme ideology. Some of these individuals are those
09:50:56 7 people. They're not government actors, they're other citizens of
09:51:00 8 Austin. In the course of that, yes, an undercover FBI agent was
09:51:06 9 injected into the scenario in order to determine what this group
09:51:10 10 was capable of, and offered that person services in order to --
09:51:17 11 we have to figure out -- we have to separate the wheat from the
09:51:20 12 chaff. We can't just investigate everyone for what they think.
09:51:24 13 That's clearly wrong. It's not done.

09:51:26 14 The question is, will anyone act? It's an incredibly
09:51:30 15 difficult question for the FBI. They're struggling with it
09:51:32 16 enormously. We are in an epidemic situation right now in this
09:51:36 17 country. I think since Mr. Wolfe, who is one of the first people
09:51:39 18 arrested on his way to Syria in the United States, although there
09:51:44 19 were others before him. I think there's been upwards of 30 to 40
09:51:48 20 defendants arrested since June of last year.

09:51:50 21 So we're talking about an incredibly dangerous
09:51:55 22 situation. And as our sentencing memorandum states, sealed
09:51:59 23 sentencing memorandum, we're worried about these folks coming
09:52:01 24 back. We can't watch all of them. It's become a retractable
09:52:06 25 problem. The best that can be done is to try to determine which

09:52:09 1 of the folks who espouse a radical, violent extreme ideology are
09:52:15 2 capable of causing harm to Americans.

09:52:18 3 That can only be done in a number of different ways,
09:52:21 4 but one of the best ways to do it is to send someone in to find
09:52:23 5 out what they're capable of. And Mr. Wolfe signed up for this.
09:52:26 6 Nobody put his arm behind his back. Nobody put a gun to his
09:52:31 7 head. This was at the time something that he wanted to do, and,
09:52:34 8 in fact, he took tremendous steps to do that. He sold everything
09:52:38 9 he owned. He was going. And he was stopped on the jet way as he
09:52:44 10 was about to step on the airplane. So --

09:52:45 11 THE COURT: I note in the materials that I read where,
09:52:51 12 at some point, the informant was trying to talk him out of going,
09:52:59 13 getting his money back from the airlines and not flying over
09:53:05 14 there.

09:53:05 15 MR. SOFER: I guess I'll put it this way. Again, when
09:53:08 16 we're working these cases, we have to and want to -- because what
09:53:15 17 your Honor brings up is not an unreasonable or an unusual
09:53:18 18 reaction to a sting case. And we have to give them an out. We
09:53:24 19 want to give them an out. We want to give them chances to walk
09:53:27 20 away.

09:53:27 21 And, again, I think the statements that Mr. Wolfe has
09:53:29 22 submitted to the Court, he's admitted that. And, you know, I
09:53:34 23 agree with much of what they have said, what the defense says,
09:53:38 24 and we join in the sentencing recommendation. I want to say that
09:53:41 25 on the record.

09:53:42 1 But the fact of the matter is, this chain of events was
09:53:45 2 interrupted because of the FBI's work and the work of that
09:53:48 3 undercover, among a lot of other people. Had it not happened,
09:53:52 4 there is little or no question he would have gone overseas. Part
09:53:55 5 of why he's upset, and as he should be, is he probably would have
09:53:58 6 died there. But what the United States is most concerned about
09:54:02 7 is these people coming back. Now you have the United States
09:54:06 8 passport. Now you've engaged in the brutal violence that's
09:54:10 9 taking place overseas, receive training from these organizations
09:54:13 10 and come back into the United States. That is a nightmare for
09:54:16 11 us, for the citizens, for the citizens of Austin, for the
09:54:20 12 citizens of the country.

09:54:20 13 It's in that context that this case occurs. And, you
09:54:24 14 know, it's similar to other really bad things that are happening,
09:54:28 15 like the meth problem or the drug problem, but this is a
09:54:31 16 significant problem in the United States. And we do the best we
09:54:34 17 can. In this case, the FBI did the best they could to try to
09:54:38 18 determine which of this -- of these people was capable and
09:54:43 19 interested.

09:54:43 20 And I think Mr. Wolfe -- I don't know if he -- I think
09:54:46 21 he said in one of his statements, but I think he would agree,
09:54:49 22 thank goodness it was the FBI. It's not just the FBI out there,
09:54:52 23 though, Judge. I think that's very important to understand is
09:54:56 24 that it's not just the FBI out there. There are numerous people
09:54:59 25 in the world, especially online, who are calling people to come

09:55:03 1 to Syria and Iraq and other places to fight. And all you have to
09:55:07 2 do is open the newspaper and you'll see it happening. It's not
09:55:09 3 all the FBI doing all this.

09:55:12 4 And we have about 150 Americans, they estimate, that
09:55:14 5 are there now. And, again, it's in that context that we run
09:55:22 6 these kinds of investigations. And so, I share the Court's
09:55:27 7 concern about making -- you know, taking somebody who wasn't
09:55:29 8 really going to do anything and have them do something. But Mr.
09:55:32 9 Wolfe was at the time -- I will admit, from what I know, he's not
09:55:38 10 the same guy that he was when he was getting ready to get on that
09:55:41 11 airplane; but the reason for that is something happened and it
09:55:45 12 was -- it was the good work of the FBI that stopped him from
09:55:48 13 getting on that plane, and the work of that undercover that
09:55:52 14 stopped him from getting on that airplane. Had that not
09:55:55 15 happened, who knows, maybe he would have gotten over there and
09:55:58 16 decided this was a bad idea, I don't know. I don't have the tea
09:56:00 17 leaves to figure that out.

09:56:02 18 But I think what the government is asking for here is
09:56:07 19 -- and is joining in is a significantly reduced sentence. This
09:56:09 20 is not an insignificant reduction. I would disagree with Mr.
09:56:15 21 Aldredge about the terrorism enhancement. Congress looked at
09:56:17 22 these kinds of crimes and decided they were different than other
09:56:20 23 kinds of crimes for a reason. People can disagree with that, but
09:56:25 24 I think, generally speaking, we'd all have to agree that they are
09:56:27 25 different kinds of crime. Part of what it was is that you have

09:56:30 1 an ideology here a lot of people don't change. It's also the
09:56:34 2 reason we have lifetime supervision.

09:56:35 3 But I don't want to debate that section of law. The
09:56:38 4 fact of the matter is, in reality, the government has agreed to a
09:56:41 5 significant reduction in the sentence here, and that's based on
09:56:44 6 not just the sentencing memorandum but the other motion that we
09:56:48 7 filed. And we think it's a fair sentence and I'd ask the Court
09:56:51 8 to hold that line.

09:56:52 9 THE COURT: I'm not arguing with that and the plea
09:56:59 10 agreement's fair his benefit, too. He could have been charged
09:57:01 11 with a lot more substantial things.

09:57:04 12 MR. SOFER: Yes, sir.

09:57:04 13 THE COURT: Probation have anything for the record?

09:57:06 14 PROBATION OFFICER: No, sir, your Honor.

09:57:08 15 THE COURT: In federal court, anybody in the courtroom
09:57:11 16 has the right to speak. I'll ask you to be as concise as you can
09:57:17 17 because we have a full calendar today. But if anybody would like
09:57:22 18 to speak, you could come forward now.

09:57:29 19 Mr. Wolfe, I'm going to ask you to step over here with
09:57:31 20 the marshal.

09:57:42 21 MS. JAQUES: Hi, your Honor. Judge Sparks, my name is
09:57:45 22 Jennie Jaques. I am Michael's grandmother.

09:57:50 23 THE COURT: I have your letter.

09:57:51 24 MS. JAQUES: Okay. I have known this boy and been
09:57:54 25 around this boy for -- since he was three months old, biggest

09:57:58 1 part of his time. I'm not allowed to talk about the case again,
09:58:04 2 so I'd just like you to refer back to my letter as to how I feel
09:58:07 3 about what the FBI has just said. But Michael is a changed man.
09:58:16 4 Not a changed boy. He's a changed man. He realizes what has
09:58:22 5 taken place, the depth of it. And I guess I'm only here because
09:58:29 6 he's realized what this has done to his family, to his children.
09:58:35 7 They only get to see him through glass. They haven't touched him
09:58:38 8 in over a year. His wife hasn't touched him in over a year. I
09:58:42 9 haven't seen him since October.

09:58:47 10 He has a chance when released, I hope after a very
09:58:52 11 short period of time, to come and have a restart in our home. We
09:58:59 12 have helped many other men out recover from prison time, which
09:59:10 13 I'm concerned with taken away from what he just learned will help
09:59:18 14 him to add to conform to a prison life, which is way harder to, I
09:59:22 15 think, rehabilitate than it is what he's going through now.
09:59:27 16 Prison life does a lot to a person. I've witnessed it.

09:59:33 17 And I would just ask that you send this grown man home
09:59:37 18 to his kids, to his wife, to me and his papa. And without making
09:59:48 19 this sound so, I don't know, morbid, I would like to see him free
09:59:55 20 before I die. I have emphysema and there's no given time for me.
10:00:02 21 I don't want to -- I'm sorry, Michael. I want to be alive to
10:00:09 22 help him restart his life.

10:00:12 23 THE COURT: You know, most cases, it's apparent that
10:00:18 24 the family will suffer more.

10:00:21 25 MS. JAKUES: Yes. I believe that.

10:00:22 1 THE COURT: Than the defendant. In this particular
10:00:25 2 case, however, the FBI was a godsend to his family.

10:00:33 3 MS. JAQUES: Yes, sir, to a certain extent. And as you
10:00:35 4 can see --

10:00:35 5 THE COURT: No, no. A hundred percent.

10:00:37 6 MS. JAQUES: Well, okay.

10:00:38 7 THE COURT: Because once they get over there, their
10:00:41 8 lives are changed far more than even in the penitentiary. But be
10:00:46 9 that as it may, I understand what you're saying and I read your
10:00:49 10 letter.

10:00:49 11 MS. JAQUES: Yes, because I don't think he could stay
10:00:51 12 long. He's never been out of the state of Texas.

10:00:53 13 THE COURT: Well, I thank you for coming.

10:00:55 14 MR. ALDREDGE: Your Honor, our request is going to be
10:00:58 15 that -- and I'll have her write it down so she won't have to say
10:01:03 16 it publicly. But the release address in the PSR will be -- and
10:01:08 17 this is what my client wishes and what she wishes.

10:01:11 18 MS. JAQUES: Yes.

10:01:12 19 MR. ALDREDGE: That release address be her address.
10:01:14 20 I'll have her write it down and submit it.

10:01:15 21 THE COURT: Give it to probation.

10:01:18 22 MS. JAQUES: I have better records than halfway houses
10:01:19 23 for federal release.

10:01:20 24 THE COURT: I read your letter.

10:01:22 25 MS. JAQUES: Okay.

10:01:24 1 MR. ALDREDGE: She's had a couple of my clients.

10:01:28 2 MS. JAQUES: Yes. But I appreciate the time, sir.

10:01:32 3 Yeah. I just -- I would like him home for his children. Like

10:01:39 4 you say, the whole family suffers, but the children are just

10:01:43 5 starting their lives. They need a father. Besides behind a

10:01:50 6 glass, his son, whenever he walks away, wants to know where

10:01:53 7 Ba-Ba's going. We just tell him Ba-Ba's going to school. He's

10:01:56 8 only three. I don't know what else to tell him.

10:02:03 9 I just hope you really try to go for as much leniency

10:02:09 10 as possible. Thank you, your Honor.

10:02:31 11 THE COURT: Anyone else?

10:02:45 12 MS. FURR: Hello, Judge Sparks. I'm Jordan Furr.

10:02:49 13 Michael Wolfe's wife. I'm sure you're kind of anxious to hear

10:02:52 14 from me. I also wrote because I thought I would be a little

10:02:58 15 nervous, as well.

10:03:00 16 THE COURT: I have one daughter, also.

10:03:03 17 MS. FURR: Okay. I rewrote you a letter 10, 20 times

10:03:09 18 working on perfection of it, and I couldn't even find the words.

10:03:14 19 Being overwhelmed with feelings in trying to apologize and

10:03:18 20 explain how everything happened, and I don't think we need to

10:03:22 21 rehash everything. The evidence is there. There's no getting

10:03:25 22 around it. I can argue the type of person I know my husband is.

10:03:30 23 I've seen him change over time. How I know it's neither his goal

10:03:34 24 nor his intent to ever harm anyone, only to help. More of a

10:03:41 25 humanitarian aid since this thing. But I see where in this

10:03:44 1 situation got dangerous really fast, and that acting on poor
10:03:48 2 judgment sometimes carries the worst consequences, even if you
10:03:52 3 have good intentions.

10:03:58 4 That we understand -- I do see that there's a lot of
10:04:02 5 good that can come from this situation. And yes, the FBI did
10:04:05 6 probably save our lives, you know. And we are blessed to be born
10:04:09 7 in this country and be as free as we are. And it's a really
10:04:16 8 beautiful thing and I'm proud of being, you know, American. I am
10:04:19 9 proud to be from here. I apologize for ever taking that for
10:04:25 10 granted.

10:04:26 11 I think there's a great opportunity for my husband to
10:04:28 12 get back on his feet, maybe get some schooling, take advantage of
10:04:32 13 the federal court system or the federal penitentiary system and
10:04:35 14 what they have to offer him in starting over. I'm scared what
10:04:39 15 this is going to do for his image, for ever finding a job, for
10:04:45 16 supporting his family when he gets out. I'm scared what it does
10:04:49 17 for our image in the society.

10:04:53 18 You know, I'm 23 years old. I'm sorry. And it's a lot
10:05:01 19 to take on two kids and try to find a new religion and
10:05:05 20 everything, but it's even bigger to have everything kind of
10:05:09 21 ripped away and be labeled a terrorist. I'm sorry. So I
10:05:24 22 apologize for my support and my husband's actions. And up to
10:05:30 23 this point, I see where everything went wrong and where we could
10:05:33 24 have made better decisions, and in the future, what's going to be
10:05:37 25 different.

10:05:38 1 I'll continue to stand by him and support him through
10:05:41 2 this, and continue to be a functioning member of society. Like
10:05:45 3 he said, continue to, you know, further my career and do what I
10:05:48 4 have to do for my kids by myself. And, you know, I'll be here
10:05:55 5 and do whatever I can to help this situation. It's really hard
10:05:59 6 on us.

10:05:59 7 THE COURT: Is it your plans for you and the children
10:06:02 8 to remain in Austin?

10:06:05 9 MS. FURR: Yes. Uh-huh. Yeah. We're not going to
10:06:07 10 Turkey.

10:06:09 11 THE COURT: No. I don't have the authority to assign
10:06:12 12 people in the Bureau of Prisons where they're going to go, but I
10:06:15 13 have the authority to make a recommendation.

10:06:17 14 MS. FURR: Thank you. That's all I have. And I
10:06:19 15 just --

10:06:20 16 THE COURT: I just want to make sure that you will be
10:06:22 17 here.

10:06:23 18 MS. FURR: Thank you. I appreciate your time.

10:06:24 19 THE COURT: Well, thank you for coming.

10:06:33 20 Anyone else? If you'll come forward, please.

10:06:45 21 MR. WOLFE: Hello, your Honor my name is Trevor Wolfe.
10:06:48 22 I am the brother of Michael Wolfe. The second, the middle
10:06:52 23 brother, number two of three. And I just got here. I ran from
10:06:58 24 the Blackwell building, thinking it was there, instead. I don't
10:07:03 25 know much. I haven't heard the proceeding. I don't know what

10:07:06 1 the sentencing. All I know is that the person who put me where I
10:07:10 2 am is not with me anymore.

10:07:15 3 Every day I wake up, I have a lot to thank my brother
10:07:20 4 for because I was -- he is why I have a level head. He is why
10:07:28 5 I'm responsible now. I have a fiance. I'm taking care of our
10:07:33 6 youngest brother. I'm trying to move into our own house and
10:07:40 7 begin what he was having that was more or less thrown away. But
10:07:45 8 I just wanted to say that I don't know how everyone else views
10:07:50 9 him. All I know is that in the eyes of the United States, he's a
10:07:55 10 terrorist. But in my eyes, he has never struck terror into
10:08:00 11 anyone.

10:08:01 12 He is -- I've seen him take people who are on the
10:08:06 13 darkest path. Our friends that -- not even about religion, about
10:08:12 14 being a human and understanding where other people are. We have
10:08:18 15 people, our friends doing heroin, people wanting to do drugs with
10:08:22 16 us, but when you tell them that's not what life is about and
10:08:27 17 that's not what we're about anymore. You know, I don't know --
10:08:31 18 last time I saw him was a long time ago, before he went. I had
10:08:38 19 an FBI come to my door and tell me, your brother did something,
10:08:41 20 and I'm thinking, what could he have done? I wouldn't know him
10:08:46 21 to do anything.

10:08:48 22 Me and him are closer than anything. Few years ago,
10:08:53 23 before that, we barely talked to each other. My parents kicked
10:08:58 24 me out of our house because I said I believe in Islam. That's
10:09:05 25 it. I don't believe in terrorism. I love America. I love this

10:09:09 1 country. I think everything this country was founded on is
10:09:15 2 correct and true.

10:09:16 3 I just don't know what happened. I haven't -- I don't
10:09:21 4 know how this is not -- if you ask me if my brother deserves
10:09:28 5 this, I would say no. I was there. I was there when he was low.
10:09:36 6 I was there when he was high. He was there when I was low. We
10:09:42 7 talked through so much and so many people. Even within this
10:09:48 8 religion, who we could tell were people who would bring this upon
10:09:52 9 us, and we left those people for that reason. And then, it still
10:09:56 10 happened.

10:09:58 11 I don't know what to say. I don't know what to do.
10:10:03 12 All I know is that this is out of my power and there's nothing I
10:10:07 13 can do about it, except for her tell you that he's not a bad
10:10:14 14 person. If you were to see Michael before Islam, you would not
10:10:24 15 think he's the same person sitting right there. He had issues
10:10:32 16 that affected my relationship with him. And then, he's coming to
10:10:40 17 me trying to establish relationship based on the pretense that
10:10:45 18 anger and frustration are not worth it, and that the truth in
10:10:51 19 life is to become one with humankind. One piece with everyone.

10:11:00 20 You know, we're all human. At the end of the day,
10:11:03 21 we're all human sleeping in our bed. Hopefully all of us -- and,
10:11:11 22 like I said, time can't be bought. You can't earn it, you don't
10:11:17 23 get it back. These people are trying to take it from you all the
10:11:21 24 time, and you're always losing it. I didn't even hear how long
10:11:26 25 his sentence is or anything like that. All I have is it's been

10:11:30 1 about half a year since I visited him, and it's been almost a
10:11:35 2 year and some-odd since I've shook his hand.

10:11:42 3 And he was there to help me when I needed it. I'm
10:11:49 4 mainly mad at myself that I wasn't here when everything started
10:11:54 5 happening, and I feel horrible that I just got here, that I don't
10:12:02 6 know how this happened, your Honor. I would have never seen this
10:12:07 7 happening. For all intents and purposes, I never thought this
10:12:13 8 would happen, even with everything considering.

10:12:19 9 I don't know how you would feel if someone is calling
10:12:25 10 your family member a terrorist and you know he wasn't. It's hard
10:12:32 11 to talk about my brother. The first thing people say is, isn't
10:12:38 12 he that guy that was on the news? Isn't he a horrible person?
10:12:43 13 Doesn't he want to commit acts against Americans? Don't even
10:12:48 14 know what that's supposed to mean. I don't know how my brother
10:12:51 15 is one person can do anything against America. The fact I don't
10:12:55 16 even know how he is one person is sitting here being charged for
10:12:59 17 what he's being charged for. All I know is that there were
10:13:04 18 people he knew that aren't there anymore. And I feel like this
10:13:14 19 is -- it's hard.

10:13:22 20 THE COURT: It is. So I can make you rest on that. It
10:13:26 21 is his fault. He made the decisions. He was the one getting on
10:13:30 22 the airplane, taking his family over. What he would have done,
10:13:37 23 nobody knows. But as Mr. Sofer indicates -- and you weren't here
10:13:44 24 then -- it's a real problem that we have with all of us and the
10:13:50 25 freedom that we have. We're used to it. But all you have to do

10:13:57 1 is pick up the paper any day and see that freedom oozing away
10:14:07 2 from us because of the rest of the world. The freedom of
10:14:09 3 religion, any religion, Muslim, Islamic religion, just like
10:14:15 4 Christianity or the Jewish religion, all of those rights are
10:14:19 5 slipping out because of the way of the world.

10:14:24 6 But I appreciate your coming and I appreciate your
10:14:26 7 support for your brother. He will need that.

10:14:30 8 MR. WOLFE: All I ask is that if any of y'all were to
10:14:34 9 look at him, don't look at him as a terrorist. You're looking at
10:14:42 10 him as an American citizen who has children. Thank you.

10:14:47 11 THE COURT: Thank you.

10:15:08 12 MR. JAQUES: Morning, your Honor.

10:15:08 13 THE COURT: Good morning, sir.

10:15:10 14 MR. JAQUES: My name is Karl Jaques. I'm Michael
10:15:12 15 Todd's grandfather. I understand that he's -- he made the
10:15:18 16 decision, yes. He did do what he said. He admitted to that
10:15:22 17 already. We know that. What I would like to ask is that a
10:15:28 18 lesser sentence because, as you could see or tell by talking to
10:15:32 19 everybody, that he is a changed person. And what he did was dead
10:15:36 20 wrong and I know he knows that. But I think with a little rehab
10:15:44 21 and some sort of system or getting his education, getting his
10:15:49 22 GED, moving forward, I think he could do very well in life in the
10:15:55 23 upcoming years.

10:15:56 24 He's worked for me before for about a year and a half,
10:15:59 25 worked fine. He never -- attendance was well. Never argumentive

10:16:05 1 with me. He was just a model person. Of course, we got slow
10:16:08 2 with work, so he got laid off. But that doesn't mean I wouldn't
10:16:11 3 rehire him. He's an excellent rehire. He's a very good people
10:16:16 4 person. He works well with others. We've worked several schools
10:16:21 5 in this town and several federal buildings, state buildings.
10:16:25 6 Never had any issues out of him.

10:16:28 7 Like I said, though, I know he already admitted to it,
10:16:31 8 so that's, to me, the -- what I'm asking for is maybe you find it
10:16:40 9 in your heart for a little lesser sentence of time. And if and
10:16:45 10 when today he gets out, I'll put him back to work.

10:16:49 11 THE COURT: Well, I just want to make sure that you
10:16:52 12 understand what he has earned.

10:16:57 13 MR. JAQUES: Yes, sir.

10:16:57 14 THE COURT: Since the time that he was arrested. He's
10:17:02 15 earned, first, the ability not to be in prison for life. And
10:17:07 16 there's no out when you get life imprisonment in the federal
10:17:14 17 court.

10:17:15 18 MR. JAQUES: Yes, sir. I'm aware of that.

10:17:16 19 THE COURT: He has earned not to get a minimum sentence
10:17:19 20 of 30 years, which is the minimum sentence for the kind of
10:17:26 21 conduct that he had. He's earned a very favorable -- with a good
10:17:32 22 lawyer, a very favorable plea agreement that limited his time to
10:17:40 23 180 months. And he's earned the respect of the United States and
10:17:50 24 the people that are associated with him to drop that basically
10:17:56 25 100 months.

10:17:58 1 So when you walk out today and you think he should have
10:18:03 2 gotten less, you just have to wish that he would have gotten less
10:18:10 3 because he's earned all of that with the facts that we know he
10:18:18 4 did. And if he's the man that wrote the letters that were
10:18:26 5 attached to Mr. Aldredge's memorandum, I have no doubts that the
10:18:32 6 probability is he will be a good family man. And depending when
10:18:36 7 he gets out, but he's going to need everybody's help, his wife's,
10:18:41 8 his kids, his brother, but mainly him.

10:18:47 9 But I don't think anybody who walks out of those doors,
10:18:50 10 in a few minutes, should think that he should have walked out
10:19:01 11 because we do have a government of law, and all of us in here
10:19:06 12 have to obey the law. But thank you for coming.

10:19:11 13 MR. JAQUES: Thank you.

10:19:32 14 THE COURT: Anything further, Mr. Wolfe?

10:19:34 15 THE DEFENDANT: Nothing else to say, your Honor. Thank
10:19:34 16 you.

10:19:38 17 MR. ALDREDGE: Your Honor, just briefly. As to the
10:19:41 18 question the Court touched on earlier, questions, I'd submitted
10:19:47 19 the facts that I wanted to submit to round out the factual --
10:19:51 20 complete factual picture -- and I'm sure he does -- submit in my
10:19:55 21 memorandum for their editing, for the government's editing in
10:19:58 22 advance of filing it. So those facts are accurate and I believe
10:20:01 23 they do complete the picture.

10:20:02 24 As to whether he would have gone is speculation. As to
10:20:06 25 whether he would have gone and come back and real danger the

10:20:08 1 government puts to as even more remote speculation. But only
10:20:12 2 thing I want to say -- and I touched on it in the sentencing
10:20:15 3 memorandum -- is that he never, ever expressed any desire or
10:20:19 4 intent to harm Americans, overseas or here. Never expressed any
10:20:25 5 desire to come back, should he have survived and with his
10:20:32 6 training to come back and do harm here.

10:20:36 7 The group that he was involved with -- they've talked
10:20:40 8 about this. We don't have -- our grievance is not against this
10:20:43 9 country. Our grievance is not about doing harm here. It's
10:20:47 10 specifically something they talked about. So that is -- should
10:20:51 11 be said on his behalf. Probably it was -- their axe to grind was
10:20:57 12 not against the United States. And that's all I have, your
10:21:01 13 Honor.

10:21:01 14 THE COURT: His conduct, discussions and his witnessing
10:21:10 15 has another aspect, and that is the influence they may have had
10:21:13 16 on people who were going through the same thought processes that
10:21:16 17 he did, as well as what he did. So you're right. You paddle
10:21:24 18 into the lake, you don't know how far the ripple would go.

10:21:29 19 The one thing I'm going to tell you, Mr. Wolfe, because
10:21:31 20 of the letter that you wrote, is that you can think about this,
10:21:38 21 and if so, you have the right, of course, to keep it in mind.
10:21:42 22 I'd keep it in mind all the time. When I was a young person,
10:21:48 23 about your age with children, I heard a minister once say that
10:21:56 24 there's only one thing important in everybody's individual life
10:22:01 25 and one thing only. The only reason that you're here is to

10:22:06 1 establish a relationship with your creator, whether it be a God
10:22:10 2 in the Christian religion, or Allah, and/or any -- whatever it is
10:22:20 3 that's the supreme being.

10:22:22 4 The more I thought about that, the more I realized that
10:22:27 5 that's accurate. I have a wonderful family. I've got
10:22:32 6 grandchildren. I've got children, I've got great-grandchildren.
10:22:38 7 Worked hard. I'm sitting up here after 20 years, but it's all,
10:22:46 8 all pleasure and immaterial to why you're here. And you keep
10:22:53 9 that thought with you, you'll get through this time and through
10:22:59 10 the rest of your time.

10:23:01 11 There are also two things that I'm going to ask you to
10:23:05 12 do. They're volunteers. You can't -- we can't make you do it,
10:23:10 13 notwithstanding what your stepfather or grandfather says.
10:23:17 14 Stepfather, I guess. The truth of the matter is, you haven't
10:23:22 15 worked very much and that's because you haven't -- you dropped
10:23:27 16 out of school. Yes. I'd like to see you get a GED. You've got
10:23:34 17 plenty of time to get a GED. Person that wrote that letter has
10:23:37 18 enough intellect to get a GED.

10:23:40 19 But what I -- no matter where you go, the federal
10:23:47 20 system will offer you programs so that you can get a certificate
10:23:52 21 of competence in different ways. It could be plumbing, it could
10:23:58 22 be electricity, it could be construction work. There are a lot
10:24:01 23 of things. Find something that you think you can do and you like
10:24:04 24 to do. It makes the time go by.

10:24:09 25 And when you get back out, your wife concerned about

10:24:12 1 getting a job -- we have almost 900 people on supervision, just
10:24:18 2 in Austin in the federal supervision, and most of them can get a
10:24:22 3 job if they try. But that certificate really helps. If you can
10:24:28 4 go into a job and you have learned how to do things in the job
10:24:34 5 that you get, it's very helpful. And people who work have the
10:24:42 6 best chance of never getting in trouble again. They have the
10:24:46 7 best chance not to take drugs. They have the best chance to live
10:24:50 8 a life that you could live on the outside.

10:24:56 9 What your grandmother says is also true. Prison life
10:25:01 10 is not pleasant and it has a tendency to sit on you. But if you
10:25:08 11 remember what I've just told you and think about it and if you
10:25:10 12 think it's accurate -- and I think probably because of the way
10:25:14 13 you've gone through thought processes from one religion to
10:25:18 14 another, you can get on them. I think it will help you go
10:25:23 15 through.

10:25:28 16 Michael Todd Wolfe, I sentence you a term in the
10:25:32 17 penitentiary of 82 months, followed by a supervision of five
10:25:45 18 years. Now, let me talk about supervision for a moment. When
10:25:53 19 you get out of the penitentiary, first off, they will -- at the
10:25:58 20 latter part of the years, they'll put you through a halfway house
10:26:02 21 so that you can adjust a little bit. And then, you'll be under
10:26:06 22 federal supervision for that period of time.

10:26:08 23 Other than your family, your best friend will be that
10:26:13 24 probation officer, and his or her job is to ensure that you don't
10:26:22 25 go back to the penitentiary because you will -- for five years

10:26:27 1 can go back at any time if you do something wrong. They want you
10:26:31 2 not to go back. They're going to assist you in getting a job.
10:26:36 3 They're going to assist you when you have a personal problem, you
10:26:40 4 just want to talk, you could call them and they're available 24
10:26:43 5 hours a day.

10:26:47 6 It's not like you hear or read about in like the state
10:26:51 7 system. It is a one-to-one personal relationship that is good.
10:26:58 8 And the main thing when you get out is to adjust. And your
10:27:05 9 family will know the probation officer. Your wife, if she has a
10:27:09 10 problem, will call the probation officer. And for a period of
10:27:13 11 time -- it may not have to be five years, but I'm going to put on
10:27:16 12 there five years. It could be life, but I don't think you're
10:27:19 13 going to need that. And that's where we are going to go.

10:27:24 14 Now, on the special conditions, you, of course, will
10:27:33 15 not take illegal drugs nor drink alcohol. But you will have
10:27:42 16 mandatory testing within 15 days of your release for illegal
10:27:46 17 drugs. And you'll be available, in the discretion of the
10:27:51 18 probation officer, if you have any drug problem or alcohol
10:27:56 19 problem or mental health problem for evaluation, for counseling,
10:28:03 20 for therapy, if necessary. I don't know that you'll need that,
10:28:06 21 but if you do, you will have it available.

10:28:12 22 In any mental health therapy, if medications are
10:28:14 23 prescribed, you will take them. You will disclose all of your
10:28:24 24 assets and liabilities to the probation officer, and you will not
10:28:29 25 transfer, sell, give away, or otherwise convey any asset without

10:28:33 1 first consulting with the probation officer.

10:28:37 2 I'm not going to put a workforce development on him
10:28:42 3 because I feel competent he will spend his time smartly, because
10:28:46 4 of his family, and get into one of those programs so he can get
10:28:53 5 confidence in some type of work.

10:28:55 6 You will submit your person, property, house, resident,
10:29:00 7 office, vehicle, papers, computers, and other electronic
10:29:04 8 communication, or data storage devices, or media to a search
10:29:08 9 conducted by the United States probation officer. Failure to
10:29:13 10 submit to a search may be grounds for revocation of release. You
10:29:17 11 will warn any occupant that the premises may be subject to
10:29:20 12 searches pursuant to this condition. Any search must be
10:29:25 13 conducted at a reasonable time and in a reasonable manner. The
10:29:29 14 probation officer may conduct such a search when there's
10:29:32 15 reasonable suspicion that you may have violated a condition of
10:29:36 16 supervision or a violation of law.

10:29:44 17 The probation officer's also recommended that you get a
10:29:50 18 GED. A GED, which is the equivalent of a high school equivalent.
10:29:56 19 The best thing for you to do is get it while you're in the
10:30:01 20 penitentiary. You'll have a counselor there and you can study
10:30:06 21 for it and get it. You're plenty smart to get it. But those two
10:30:14 22 things during this period of incarceration, you really should
10:30:19 23 work for. That's the best thing you can do for not only yourself
10:30:22 24 but your family is to get competence in some type of employment.
10:30:27 25 And there's lots of it. There's everything from truck driving.

10:30:31 1 We've got a lot of programs.

10:30:33 2 When you are assigned, get with a counselor because of
10:30:38 3 the offense that you're guilty of, you probably will not be
10:30:42 4 assigned around here. Get with a counselor, tell them about your
10:30:48 5 family. Your wife is standing up right over there. Tell them
10:30:55 6 about your children. And as soon as they determine that you're
10:30:58 7 not a problem to yourself or anybody else, they will get you
10:31:03 8 close to Austin and probably to Bastrop. That's my experience
10:31:07 9 over all these years.

10:31:08 10 You just have to prove yourself because when they look
10:31:11 11 on paper at your conviction, they're going to assume that you
10:31:16 12 need some strict confinement at first. But it will not take
10:31:21 13 long, once you have worked with your counselor. Work with your
10:31:26 14 counselor on getting into one of these occupational programs and
10:31:33 15 work with your counselor to move to Austin.

10:31:46 16 Anything else from probation?

10:31:48 17 PROBATION OFFICER: No, sir.

10:31:48 18 THE COURT: All right. I'm not going to fine you in
10:31:55 19 this case, simply because it would just be harder on your family,
10:32:02 20 but I do assess the mandatory assessment of \$100 on your -- the
10:32:12 21 federal mandate.

10:32:15 22 I'm going to seal the presentence investigation.
10:32:17 23 Nobody can come in and read about you or your family. In the
10:32:22 24 event of any appeal, it becomes part of the record, and the
10:32:26 25 government may use their copies for official purposes.

10:32:31 1 My last obligation I have to you is to give you this
10:32:37 2 letter, which Mr. Aldredge will go over with you, and that says
10:32:44 3 under the law, you usually have 14 days, 14 days only to file a
10:32:50 4 notice of appeal if you wish to appeal any part of this sentence.
10:32:54 5 If you do not file a notice of appeal, that is, if you do not
10:32:58 6 tell Mr. Aldredge to file a notice of appeal within 14 days, you
10:33:04 7 lose that right forever and can never legally complain about
10:33:08 8 anything in this case, and in the sentence, and in your plea, or
10:33:12 9 in your plea agreement.

10:33:13 10 In all probability, you waived part or all of your
10:33:18 11 right to appeal in the plea agreement, because that's usually a
10:33:21 12 requirement of the government. But Mr. Aldredge will go over
10:33:24 13 that with you, give you his recommendation, which you owe him the
10:33:28 14 obligation of telling him not to appeal or to appeal within that
10:33:33 15 14-day period. Do you understand?

10:33:35 16 THE DEFENDANT: Yes, sir.

10:33:35 17 THE COURT: Do you need anything back there?

10:33:40 18 MS. FURR: No.

10:33:42 19 THE COURT: Anything else?

10:33:44 20 THE DEFENDANT: I just -- are you willing to make a
10:33:48 21 recommendation for me to -- although it may not happen because of
10:33:53 22 my charge to be incarcerated within Texas?

10:33:58 23 THE COURT: My judgment is going to recommend that you
10:34:02 24 be placed in Bastrop, which is the closest to Austin. It's like
10:34:10 25 everything else, you have to earn that.

10:34:13 1 THE DEFENDANT: Uh-huh.

10:34:14 2 THE COURT: But I've never had a case where it wasn't
10:34:20 3 earned, unless it was, you know, something like ten murders and
10:34:27 4 that type of thing. Because you're a lot easier to supervise in
10:34:35 5 prison if you're close to your family. It's just a given. But
10:34:41 6 because of the offense, you will probably have to earn it. And
10:34:46 7 Mr. Aldredge can talk to you a little bit more about that.

10:34:50 8 Anything further?

10:34:52 9 MR. ALDREDGE: Nothing further.

10:34:53 10 MR. SOFER: Your Honor, I just want to make sure I
10:34:55 11 heard correctly. You said 82 or 84 months?

10:34:57 12 THE COURT: Eighty-four, whatever the agreement was.

10:35:00 13 MR. SOFER: I couldn't tell.

10:35:02 14 MR. ALDREDGE: You said 82.

10:35:04 15 THE COURT: Well, 82, it is. I said it before, I'll
10:35:10 16 say it again. Eighty-two. Is that satisfactory with the
10:35:13 17 government?

10:35:13 18 MR. SOFER: Yes, your Honor.

10:35:14 19 THE COURT: The reason I ask is that is when I give a
10:35:19 20 sentence under the guidelines, unless it's at the government's
10:35:23 21 request, they can appeal, and the appellate courts have no
10:35:28 22 problem telling me how wrong I am.

10:35:31 23 All right. Good luck to you.

10:35:32 24 THE DEFENDANT: Thank you, your Honor.

25 (End of proceedings.)

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UNITED STATES DISTRICT COURT)
WESTERN DISTRICT OF TEXAS)

I, LILY I. REZNIK, Official Court Reporter, United States District Court, Western District of Texas, do certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

I certify that the transcript fees and format comply with those prescribed by the Court and Judicial Conference of the United States.

WITNESS MY OFFICIAL HAND this the 22nd day of June, 2015.

/s/Lily I. Reznik
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