

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4 UNITED STATES OF AMERICA,

5 PLAINTIFF,

CASE NO. CR-16-00166-RS

6 VS.

SAN FRANCISCO, CALIFORNIA

7 ISLAM SAID NATSHEH,

DECEMBER 13, 2016

8 DEFENDANT.

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9
10 TRANSCRIPT OF PROCEEDINGS
11 BEFORE THE HONORABLE RICHARD SEEBORG
12 UNITED STATES DISTRICT JUDGE

13 A-P-P-E-A-R-A-N-C-E-S

14 FOR THE PLAINTIFF: OFFICE OF THE UNITED STATES ATTORNEY
15 BY: ELISE BECKER
16 450 GOLDEN GATE AVENUE, 11TH FLOOR
SAN FRANCISCO, CALIFORNIA 94102

17 FOR THE DEFENDANT: OFFICE OF THE FEDERAL PUBLIC DEFENDER
18 BY: CANDIS LEA MITCHELL
19 459 GOLDEN GATE AVENUE, ROOM 19-6884
SAN FRANCISCO, CALIFORNIA 94102

20 U.S. PROBATION: JILL SPITALIERI

21 OFFICIAL COURT REPORTER: IRENE L. RODRIGUEZ, CSR, RMR, CRR
22 CERTIFICATE NUMBER 8074

23 PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY,
24 TRANSCRIPT PRODUCED WITH COMPUTER.
25

1 SAN JOSE, CALIFORNIA

DECEMBER 13, 2016

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

02:55PM 3 (COURT CONVENED AT 2:55 P.M.8)

02:55PM 4 THE CLERK: CALLING CASE CR-16-166, UNITED STATES
02:55PM 5 VERSUS ISLAM SAID NATSHEH.

02:55PM 6 MS. BECKER: ELISE BECKER FOR THE GOVERNMENT. GOOD
02:55PM 7 AFTERNOON, YOUR HONOR.

02:55PM 8 THE COURT: GOOD AFTERNOON, MS. BECKER.

02:55PM 9 MS. MITCHELL: GOOD AFTERNOON, YOUR HONOR.
02:55PM 10 CANDICE MITCHELL FROM THE FEDERAL PUBLIC DEFENDER'S OFFICE ON
02:56PM 11 BEHALF OF MR. NATSHEH WHO IS PRESENT BEFORE THE COURT.

02:56PM 12 THE COURT: GOOD AFTERNOON. THIS IS THE TIME AND
02:56PM 13 DATE SET FOR SENTENCING IN THIS MATTER.

02:56PM 14 HAVE COUNSEL HAD THE OPPORTUNITY TO REVIEW THE PRESENTENCE
02:56PM 15 REPORT?

02:56PM 16 MS. BECKER: YES, YOUR HONOR.

02:56PM 17 THE COURT: AND, MS. MITCHELL, HAVE YOU HAD THE
02:56PM 18 OPPORTUNITY TO DISCUSS IT WITH MR. NATSHEH?

02:56PM 19 MS. MITCHELL: YES, YOUR HONOR.

02:56PM 20 THE COURT: THERE WAS ONE OBJECTION THAT WAS NOTED
02:56PM 21 IN THE PRESENTENCE REPORT TO CERTAIN LANGUAGE THAT HAD BEEN
02:56PM 22 ASCRIBED TO THE DEFENDANT. THAT APPEARED TO BE THE ONLY ISSUE.

02:56PM 23 IS THAT THE ONLY ISSUE THAT IS REQUIRING RESOLUTION?

02:56PM 24 MS. MITCHELL: YES, YOUR HONOR.

02:56PM 25 THE COURT: OKAY. I DID REVIEW THE OBJECTION, AND I

02:56PM 1 REVIEWED THE PROBATION OFFICER'S RESPONSE.

02:56PM 2 ANYTHING FURTHER YOU WANT TO SAY?

02:56PM 3 MS. MITCHELL: NO, YOUR HONOR.

02:56PM 4 THE COURT: ALL RIGHT. I HAVE REVIEWED IT. I THINK
02:56PM 5 THOSE STATEMENTS ARE SET FORTH BY WAY OF BACKGROUND
02:56PM 6 INFORMATION, AND SO I WILL OVERRULE THE OBJECTION.

02:56PM 7 I -- JUST SO IT'S CLEAR, I HAVE REVIEWED THE PRESENTENCE
02:57PM 8 REPORT, AND I REVIEWED THE OPEN PLEA APPLICATION, AND I'VE
02:57PM 9 REVIEWED THE GOVERNMENT'S SENTENCING MEMORANDUM THAT INCLUDES
02:57PM 10 SOME MATERIAL FROM THE CASE IN THE DISTRICT OF MINNESOTA WHICH
02:57PM 11 HAS SOME COMPARABLES AND THEN ALSO THE GOVERNMENT'S REPLY
02:57PM 12 BRIEF, I REVIEWED THE DEFENDANT'S MEMORANDUM, INCLUDING LETTERS
02:57PM 13 FROM MR. NATSHEH'S YOUNGER SISTER, FATHER, FRIENDS, COWORKER,
02:57PM 14 CLERICAL INDIVIDUAL, AND AUNT AND UNCLE.

02:57PM 15 OUR STARTING POINT IS ALWAYS THE ADVISORY SENTENCING
02:57PM 16 GUIDELINES WHICH AS A RESULT OF THE TERRORIST ENHANCEMENT
02:57PM 17 RESULTS IN A GUIDELINE CALCULATION AS I THINK IS CORRECTLY SET
02:57PM 18 FORTH IN THE PRESENTENCE REPORT OF A TOTAL OFFENSE LEVEL OF 37
02:57PM 19 AND A CRIMINAL HISTORY CATEGORY OF 6, AND THAT'S THE RESULT OF
02:57PM 20 THE ENHANCEMENT BECAUSE OTHERWISE THERE'S NO CRIMINAL HISTORY.

02:57PM 21 THAT WOULD YIELD AN ADVISORY SENTENCING GUIDELINE RANGE
02:57PM 22 OF 360 MONTHS TO LIFE. THE STATUTORY MAXIMUM UNDER THE
02:58PM 23 STATUTE, AS I UNDERSTAND IT, IS ON THE ONE COUNT INFORMATION
02:58PM 24 THAT IS INVOLVED HERE IS A 20-YEAR MAXIMUM. SO THAT IS THE
02:58PM 25 MAXIMUM PENALTY THAT COULD BE IMPOSED IN THIS INSTANCE.

02:58PM 1 THE PROBATION DEPARTMENT IN THEIR REPORT RECOMMENDS THE
02:58PM 2 STATUTORY MAXIMUM. THE GOVERNMENT RECOMMENDS A DOWNWARD
02:58PM 3 VARIANCE TO 15 YEARS WITH A 15-YEAR TERM OF SUPERVISED RELEASE,
02:58PM 4 AND THE DEFENSE IS ARGUING FOR A SENTENCE OF 48 MONTHS INVOKING
02:58PM 5 A CASE THAT THEY POINT ME TO IS A COMPARABLE.

02:58PM 6 MS. BECKER?

02:58PM 7 MS. BECKER: YOUR HONOR, THE GOVERNMENT HAS MADE A
02:58PM 8 RECOMMENDATION THAT IS SLIGHTLY BELOW THE STATUTORY MAXIMUM FOR
02:58PM 9 SEVERAL REASONS.

02:58PM 10 OBVIOUSLY, AS THE COURT HAS INDICATED, THE STARTING POINT
02:58PM 11 IS ALMOST A NONSTARTER BECAUSE THE GUIDELINES ARE ABOVE THE
02:58PM 12 STATUTORY MAXIMUM, BUT IF WE WERE TO LOOK AT THE CASE AND AS WE
02:58PM 13 MUST AS A 20-YEAR CEILING TO IT, THE QUESTION IS WHERE DOES THE
02:59PM 14 CASE FALL WITHIN THAT RANGE?

02:59PM 15 THE GOVERNMENT HAS PROVIDED SOME BACKGROUND INFORMATION TO
02:59PM 16 THE COURT RELATING TO CASES ACROSS THE NATION. OBVIOUSLY THE
02:59PM 17 FACTS ARE ALWAYS A LITTLE BIT DIFFERENT. SOME INVOLVE MORE
02:59PM 18 PREPARATION FOR COMBAT OR FOR TRAVEL OR FOR FUNDING.

02:59PM 19 THE COURT: WELL, ISN'T IT FAIR TO SAY THAT THIS ONE
02:59PM 20 INVOLVES THE LOWEST END OF ALL OF THOSE FACTORS? THIS INVOLVES
02:59PM 21 NO RECRUITMENT, NO MONEY BEING ADVANCED, NO VIOLENCE, NO
02:59PM 22 ACTIVITY BEYOND POST DATES, WHICH ARE OFFENSIVE NO DOUBT ABOUT
02:59PM 23 IT, AND THEN APPREHENSION AT THE AIRPORT.

02:59PM 24 HE'S VERY FORTUNATE HE WAS APPREHENDED BECAUSE WE WILL
02:59PM 25 NEVER KNOW WHAT MIGHT HAVE HAPPENED AND PART OF YOUR ARGUMENT,

02:59PM 1 WHICH I THINK IS A FAIR ONE, IS THAT HAD MR. NATSHEH MADE IT TO
02:59PM 2 SYRIA AND THEN FURTHER RADICALIZED AND BEING A CITIZEN AND COME
02:59PM 3 BACK, WE DON'T KNOW WHAT WOULD HAVE HAPPENED. HE MIGHT HAVE
02:59PM 4 BECOME DISSOLUTIONED.

03:00PM 5 HOWEVER, HE ALSO MIGHT HAVE COME BACK AND BECOME A DANGER
03:00PM 6 TO THE UNITED STATES. SO I UNDERSTAND THE ARGUMENT.

03:00PM 7 BUT IN TERMS OF LOOKING AT ALL THE COMPARABLES, I DON'T --
03:00PM 8 YOU POINT OUT THESE COMPARABLES HAVE DIFFERENT FACTORS. I
03:00PM 9 THINK THIS ONE HAS ZERO FACTORS BEYOND THE ABSOLUTE MOST BASIC
03:00PM 10 UNLESS I MISREAD.

03:00PM 11 MS. BECKER: YOUR HONOR, THE GOVERNMENT WOULD
03:00PM 12 RESPECTFULLY SUBMIT THAT THERE ARE OTHER FACTORS AT PLAY HERE
03:00PM 13 AND THAT HE DOES NOT POSE SERIOUS THREAT ON ANY OF THOSE
03:00PM 14 GROUNDS.

03:00PM 15 SO WHILE THE GOVERNMENT HAS NOT PRESENTED ANY EVIDENCE TO
03:00PM 16 THE COURT THAT HE WAS OBTAINING MILITARY TRAINING IN THE UNITED
03:00PM 17 STATES, THAT HE HAD ATTEMPTED TO PURCHASE ANY WEAPONS HERE, AS
03:00PM 18 THE PSR REFLECTS, THERE WAS SOME DISCUSSION ABOUT WHETHER OR
03:00PM 19 NOT AN ACT SHOULD BE COMMITTED IN THE UNITED STATES AND IN
03:00PM 20 ADDITION THERE WAS --

03:00PM 21 THE COURT: I'M NOT -- I UNDERSTAND THAT, BUT I
03:00PM 22 GUESS MY POINT WAS THAT WHEN I'M LOOKING AT THE COMPARABLES
03:00PM 23 THAT BOTH SIDES ARE POINTING ME TO, IT APPEARS FROM THE
03:00PM 24 SPECTRUM OF ACTIVITY THAT IN THE WORLD OF AN EFFORT TO JOIN A
03:01PM 25 TERRORIST ORGANIZATION OR PARTICIPATE WITH A TERRORIST

03:01PM 1 ORGANIZATION, THIS APPEARS TO BE ON ONE END OF THE SPECTRUM
03:01PM 2 THAT BEING WHEN I'M LOOKING AT THE COMPARABLES THE MINIMUM
03:01PM 3 AMOUNT OF ACTIVITY. I JUST DON'T SEE ANY CASE IN WHICH THERE'S
03:01PM 4 LESS.

03:01PM 5 AND I'M NOT SUGGESTING THAT IN AND OF ITSELF THAT'S NOT
03:01PM 6 EXTRAORDINARILY SERIOUS, I DO, BUT ALL OF THE OTHER COMPARABLES
03:01PM 7 SEEM TO HAVE SOMETHING ELSE GOING ON, YOU KNOW, ADVANCING
03:01PM 8 MONEY, OR GOING TO TRAINING, OR, YOU KNOW, THAT KIND OF THING.

03:01PM 9 MS. BECKER: I THINK THERE ARE SEVERAL CASES THAT
03:01PM 10 ARE SIMILARLY SITUATED AND THAT PEOPLE WERE ARRESTED AT THE
03:01PM 11 AIRPORT ATTEMPTING TO TRAVEL. SOME HAD LIED ON THEIR PASSPORT
03:01PM 12 TO GET THEIR PASSPORT. THERE MAY HAVE BEEN AN ADDITIONAL
03:01PM 13 CHARGE OF THAT NATURE.

03:01PM 14 BUT TO THE EXTENT THAT THIS DEFENDANT WAS ATTEMPTING TO
03:01PM 15 TRAVEL WITH A TRAVEL COMPANION WHERE HE HAD PURCHASED THE
03:01PM 16 TICKET FOR THIS OTHER PERSON WHO WAS A JUVENILE WHERE THEY HAD
03:01PM 17 HAD DISCUSSIONS ABOUT THE TRIP WHERE HE HAD COMMUNICATED WITH
03:02PM 18 OTHERS ABOUT TRAVELLING AND JOINING ISIL, I'D SUBMIT --

03:02PM 19 THE COURT: THERE'S NO INDICATION THAT HE RECRUITED
03:02PM 20 THAT INDIVIDUAL, RIGHT? IN FACT, THE INDIVIDUAL DIDN'T SHOW
03:02PM 21 UP, AS I UNDERSTAND IT, BUT HE'S COORDINATING THE TRAVEL BUT
03:02PM 22 HE'S -- YOU'RE NOT -- AT LEAST IT DIDN'T SEEM TO BE A
03:02PM 23 SUGGESTION THAT HE HAD ACTIVELY RECRUITED THIS MINOR
03:02PM 24 PARTICIPANT?

03:02PM 25 MS. BECKER: HE WAS PAYING FOR HIS TICKET.

03:02PM 1 THE COURT: OKAY.

03:02PM 2 MS. BECKER: SO I'M NOT GOING SO FAR AS SAYING WHOSE
03:02PM 3 IDEA IT WAS TO TRAVEL. CERTAINLY THE JUVENILE PRESUMABLY
03:02PM 4 INTENDED ON TRAVELLING AS WELL BUT WAS UNABLE TO COMPLETE HIS
03:02PM 5 TRAVEL WHICH IS WHY HE DIDN'T SHOW UP AT THE AIRPORT, BUT
03:02PM 6 NEVERTHELESS MR. NATSHEH IS THE ONE WHO PURCHASED THE TICKET
03:02PM 7 AND WHO TOOK ALL OF THE PREPARATORY STEPS HERE TO OBTAIN A
03:02PM 8 CREDIT CARD FOR THE PURPOSES OF BUYING THE TWO ROUND TRIP
03:02PM 9 TICKETS.

03:02PM 10 SO THE PLAN WAS HATCHED SEVERAL WEEKS AHEAD OF TIME.
03:02PM 11 THERE HAD BEEN COMMUNICATIONS OVER A PERIOD OF MONTHS. OF
03:02PM 12 COURSE HE HAD BEEN COMMUNICATING WITH SOMEONE IN ANOTHER
03:02PM 13 COUNTRY ABOUT COMMITTING THE TRAVEL AS WELL.

03:03PM 14 SO WHILE IT'S ON ONE END OF THE SPECTRUM, IT'S THE
03:03PM 15 GOVERNMENT -- THE GOVERNMENT WOULD SUBMIT IT'S NOT AT THE
03:03PM 16 LOWEST LEVEL POSSIBLE AT THAT END WHERE LITERALLY YOU HAVE A
03:03PM 17 PERSON WHO DECIDED TO JOIN ISIL AND WENT TO THE AIRPORT AND
03:03PM 18 ATTEMPTED TO TRAVEL.

03:03PM 19 THERE WAS ONGOING DISCUSSION HERE OVER A PERIOD OF MONTHS.
03:03PM 20 THERE WAS, AGAIN, ATTEMPT TO TRAVEL WITH ANOTHER INDIVIDUAL,
03:03PM 21 PLANS THAT HAD BEEN MADE WITH A FEMALE IN ANOTHER COUNTRY. SO
03:03PM 22 IT'S --

03:03PM 23 THE COURT: YOU HAD INDICATED IN SOME OF THE RECORD
03:03PM 24 THAT THERE WAS AN ACTUAL DISCUSSION ABOUT ENGAGING IN ACTIVITY
03:03PM 25 IN THE UNITED STATES? CAN YOU POINT THAT OUT TO ME OR DIRECT

03:03PM 1 ME TO THAT?

03:03PM 2 MS. BECKER: IN PARAGRAPH 11 OF THE PSR, YOUR HONOR.

03:03PM 3 THE COURT: OKAY.

03:03PM 4 MS. BECKER: AND IT'S COMMUNICATION THAT -- THIS
03:04PM 5 PARAGRAPH ACTUALLY REFERS TO HIS POST-ARREST STATEMENT IN WHICH
03:04PM 6 HE MAKES REFERENCE TO IT.

03:04PM 7 THE COURT: ADMITTED THAT ONE YEAR PRIOR HE THOUGHT
03:04PM 8 ABOUT CONDUCTING AN ATTACK INSIDE OF THE UNITED STATES, IS THAT
03:04PM 9 WHAT YOU'RE REFERRING?

03:04PM 10 MS. BECKER: YES, YOUR HONOR. THERE WAS A
03:04PM 11 DISCUSSION WITH THE MINOR WITH WHOM HE WAS GOING TO TRAVEL AS
03:04PM 12 WELL.

03:04PM 13 THE COURT: OKAY.

03:04PM 14 MS. BECKER: WHEN IT WAS DETERMINED THAT HE WAS
03:04PM 15 UNABLE TO TRAVEL, HE ASKED WHETHER OR NOT HE SHOULD DO
03:04PM 16 SOMETHING, THE MINOR SHOULD COMMIT SOMETHING IN THE UNITED
03:04PM 17 STATES AND THE MINOR -- I'M SORRY, AND MR. NATSHEH HAD SAID
03:04PM 18 DON'T DO ANYTHING HERE, JUST TRY TO TRAVEL TO SYRIA.

03:04PM 19 THE COURT: UH-HUH.

03:04PM 20 LET ME SHIFT THE FOCUS FOR A MOMENT AND JUST ASK YOU ABOUT
03:04PM 21 ALONG THE LINES OF CRAFTING AN APPROPRIATE SENTENCE, THERE WAS
03:04PM 22 DISCUSSION IN YOUR PAPERS UNDERSTANDABLY ABOUT, YOU KNOW, THE
03:04PM 23 DANGER OF RADICALIZATION AND ONE OF THE THINGS ANY SENTENCE IS
03:04PM 24 TO BE DIRECTED TO IS TO AMELIORATE TO THE EXTENT THAT WE CAN
03:05PM 25 AND MINIMIZE THAT.

03:05PM 1 IS THERE ANY OR ARE THERE ANY PROGRAMS AT ALL OTHER THAN
03:05PM 2 SUPERVISED RELEASE, ANY SENTENCE OR CUSTODIAL PART OF THE
03:05PM 3 SENTENCE THAT IS DIRECTIVE TO THE BUREAU OF PRISONS, OR ANYONE
03:05PM 4 ELSE, DIRECTS TOWARDS THAT PROBLEM?

03:05PM 5 WE HAVE MENTAL HEALTH COUNSELLING, AND WE HAVE DRUG
03:05PM 6 COUNSELLING, SUBSTANCE COUNSELLING. DO WE HAVE ANY OTHER KIND
03:05PM 7 OF COUNSELLING OR IS THIS GOING TO JUST BE A SITUATION OF THE
03:05PM 8 HOPE IS OVER A CERTAIN PERIOD OF TIME TO THE EXTENT THAT THERE
03:05PM 9 IS ANY RADICALIZATION IT WILL GO AWAY?

03:05PM 10 MS. BECKER: NO. HOPEFULLY THERE WILL BE A MORE
03:05PM 11 FOCUSED APPROACH TO REHABILITATION BOTH WITHIN THE BUREAU OF
03:05PM 12 PRISONS AND UPON RELEASE.

03:05PM 13 AS THE COURT MAY REALIZE, THIS IS THE FIRST CASE TO BE
03:05PM 14 SENTENCED IN OUR DISTRICT AND SO, THEREFORE, I'M NOT FAMILIAR
03:05PM 15 WITH WHETHER --

03:05PM 16 THE COURT: APPARENTLY 71 CASES, IF I READ SOME OF
03:05PM 17 THE MATERIALS CORRECTLY. SO I WAS CURIOUS AND THOUGHT IT WAS
03:06PM 18 RELEVANT IF THERE ARE PROGRAMS FOR THIS SPECIFIC CONCERN OUT
03:06PM 19 THERE.

03:06PM 20 MS. BECKER: SO MAIN JUSTICE HAS BEEN ENGAGED IN
03:06PM 21 COMMUNICATIONS WITH THE BUREAU OF PRISONS, AND THERE ARE
03:06PM 22 PROGRAMS THAT ARE IN PLACE IN OTHER DISTRICTS WHERE THEY HAVE
03:06PM 23 SEEN MORE CASES PROSECUTED AND CONVICTED AND SENTENCED.

03:06PM 24 SO, AGAIN, THIS IS --

03:06PM 25 THE COURT: IS THIS ON THE SUPERVISED RELEASE PART

03:06PM 1 OR THE CUSTODIAL PART?

03:06PM 2 MS. BECKER: BOTH IN THE BUREAU OF PRISONS AND ON
03:06PM 3 SUPERVISED RELEASE OR OUT TO THE EXTENT THAT SOMEBODY HAS
03:06PM 4 ACTUALLY NOT BEEN INCARCERATED YET OR SENTENCED YET.

03:06PM 5 SO, AGAIN, THIS IS NEW TO OUR DISTRICT. IT IS SOMETHING
03:06PM 6 THAT WE WOULD HAVE TO DISCUSS IN TERMS OF SUPERVISED RELEASE
03:06PM 7 WHEN A PERSON RETURNS TO OUR DISTRICT IN TERMS OF HOW THAT
03:06PM 8 WOULD BE HANDLED.

03:06PM 9 BUT THERE ARE PROGRAMS IN PLACE IN AT LEAST A COUPLE OF
03:06PM 10 DISTRICTS WHERE THEY ARE ADDRESSING THE SITUATION.

03:06PM 11 THE COURT: AND DO THE JUDGMENT AND COMMITMENT
03:06PM 12 ORDERS IN THOSE CASES HAVE ANY SOMEWHAT LIKE THE ANALOG AND THE
03:07PM 13 DRUG AREAS, RDAP AS WE ALL KNOW, IS THERE SOME PROGRAM THAT YOU
03:07PM 14 CAN -- THAT THE JUDGE CAN RECOMMEND THAT THE DEFENDANT
03:07PM 15 PARTICIPATE IN?

03:07PM 16 MS. BECKER: YOUR HONOR, I'M NOT FAMILIAR WITH
03:07PM 17 WHETHER OR NOT IT'S A SPECIALLY NAMED PROGRAM.

03:07PM 18 WHAT I HAVE LEARNED ABOUT IT IS THAT IT'S SIMILAR TO OTHER
03:07PM 19 REHABILITATIVE PROGRAMS IN PLACE. I DON'T KNOW WHETHER OR NOT
03:07PM 20 IT HAS BEEN CATEGORIZED IN AND OF ITSELF. THAT CERTAINLY IS
03:07PM 21 SOMETHING THAT I CAN LOOK INTO, BUT I'M NOT AWARE OF IT AT THIS
03:07PM 22 TIME.

03:07PM 23 THE COURT: DO YOU HAPPEN TO KNOW MS. SPITALIERI?

03:07PM 24 PROBATION OFFICER: I DO NOT BELIEVE THERE'S ANY
03:07PM 25 SPECIFIED PROGRAMS FOR THAT. I THINK THEY WOULD JUST USE IT AS

03:07PM 1 KIND OF A COMPONENT OF A MENTAL HEALTH PROGRAM AND JUST MAKE IT
03:07PM 2 MORE FOCUSSED.

03:07PM 3 AT LEAST ON THE SUPERVISED RELEASE SIDE, SINCE THIS IS
03:07PM 4 GOING TO BE ONE OF OUR FIRST CASES WITH THIS TYPE OF SITUATION,
03:07PM 5 IT WOULD PROBABLY BE CONTACTING THE OTHER DISTRICTS AND FINDING
03:07PM 6 OUT WHAT PROGRAMS THEY HAVE IN PLACE AND TRY TO IMPLEMENT
03:08PM 7 SOMETHING VERY SIMILAR TO THAT THROUGH THE MENTAL HEALTH
03:08PM 8 TREATMENT.

03:08PM 9 MS. MITCHELL: YOUR HONOR, I CAN SPEAK ON THIS ALSO.

03:08PM 10 THE COURT: GREAT.

03:08PM 11 MS. MITCHELL: SO THERE IS ACTUALLY NO PARTICULAR
03:08PM 12 PROGRAM CURRENTLY SET UP IN THE BUREAU OF PRISONS TO TREAT
03:08PM 13 INDIVIDUALS WHO ARE ACCUSED OF THIS AND IN THE PROCESS OF
03:08PM 14 INDIVIDUALS GOING THROUGH RADICALIZATION.

03:08PM 15 WHAT HAS HAPPENED RECENTLY IS THERE'S A DISTRICT COURT IN
03:08PM 16 MINNESOTA AND MINNEAPOLIS THAT HAS HAD A NUMBER OF CASES
03:08PM 17 RELATED TO SOMALIANS WHO HAVE BEEN RECRUITED TO PARTICIPATE IN
03:08PM 18 TERRORIST TYPE OF ACTIVITIES. THE DISTRICT COURT JUDGE THERE
03:08PM 19 TOOK A PARTICULAR INTEREST IN THIS TOPIC AND WANTED TO TRY AND
03:08PM 20 NIP IT IN THE BUD BECAUSE THEY HAD SUCH A LARGE SOMALIAN
03:08PM 21 POPULATION THERE THAT HAD BEEN RELOCATED AS REFUGEES AND, IN
03:08PM 22 FACT, SPECIFICALLY THERE WERE A NUMBER OF INDIVIDUALS WHO WERE
03:08PM 23 REACHING OUT TO OTHER PEOPLE IN THE COMMUNITY TO JOIN INTO ISIL
03:08PM 24 OR SUPPORT THE ACTIVITIES THERE.

03:08PM 25 WHAT HAPPENED WAS THAT JUDGE REACHED OUT TO PROBATION AND

03:08PM 1 THE BUREAU OF PRISONS DISCOVERED THAT THERE WAS NO PARTICULAR
03:08PM 2 PROGRAM IN PLACE. THEY ALSO REACHED OUT TO PRETRIAL.

03:08PM 3 THE JUDGE THERE THEN PASSED THE U.S. ATTORNEY AND FEDERAL
03:09PM 4 PUBLIC DEFENDER WHO WERE INVOLVED IN THOSE CASES. THE FEDERAL
03:09PM 5 PUBLIC DEFENDER THERE IS MANNY ATWAL, AND I'VE SPOKEN WITH HER
03:09PM 6 AT LENGTH ABOUT WHAT IS GOING ON THERE. SHE IS ACTUALLY A
03:09PM 7 CITIZEN IN THE U.K. AND WAS PERMITTED TO TRAVEL TO THE U.K. AND
03:09PM 8 WITH SPECIFIC DIRECTIVES FROM THE JUDGE THERE TO FIND OUT WHAT
03:09PM 9 THEY WERE DOING FOR THEIR RADICALIZATION PROGRAM THERE.

03:09PM 10 AS A RESULT OF THAT THEY'VE BROUGHT BACK SOME WORK THAT
03:09PM 11 THEY HAVE BEEN DOING THERE OR ESPECIALLY WITH PRETRIAL RELEASE
03:09PM 12 WITH INDIVIDUALS WHO WERE ACCUSED OF TERRORISM CASES THERE. IT
03:09PM 13 HAS A SPECIFIC NAME FOR THE PROGRAM, AND IT SLIPS MY MIND RIGHT
03:09PM 14 NOW, BUT THEIR PROGRAM IS SPECIFICALLY DESIGNED SO THAT
03:09PM 15 INDIVIDUALS ON PRETRIAL RELEASE CAN START THE PROCESS OF
03:09PM 16 DERADICALIZATION AND THEY GO THROUGH A RATHER LENGTHY AND
03:09PM 17 SUBSTANTIAL PROCESS.

03:09PM 18 THE BUREAU OF PRISONS AND DEPARTMENT OF JUSTICE HAVE TAKEN
03:09PM 19 A LOOK AT THIS PROGRAM AND THEY'RE GOING TO TRY AND INCORPORATE
03:09PM 20 THE TRAINING THAT PRETRIAL HAS BEEN GIVING THERE AND DELIVER
03:09PM 21 THAT TO THE PROBATION OFFICERS NATIONWIDE. HOWEVER, THAT HAS
03:10PM 22 NOT COME INTO PLACE.

03:10PM 23 SPECIFICALLY WHAT HAS HAPPENED IS THAT THE BUREAU -- THE
03:10PM 24 DEPARTMENT OF JUSTICE AND THE DISTRICT COURT JUDGE IN THAT
03:10PM 25 SITUATION HAVE REACHED OUT TO SOMEONE WHO HAS BEEN INVOLVED IN

03:10PM 1 DERADICALIZATION FOR A LONG PERIOD OF TIME IN THE U.K. AND
03:10PM 2 WHERE THEY ARE A LITTLE FURTHER ALONG THAN US ON THIS SITUATION
03:10PM 3 AND HE HAS GONE THROUGH THE PROCESS OF MEETING WITH INDIVIDUALS
03:10PM 4 WHO HAD A -- KIND OF A MATRIX FOR DETERMINING HOW RADICALIZED
03:10PM 5 THEY ARE AND THEN DETERMINES WHAT KIND OF PROCESS WOULD NEED TO
03:10PM 6 HAPPEN FOR DERADICALIZATION FOR THAT PERSON AND THEN ALSO WHAT
03:10PM 7 KINDS OF THERAPY THAT THEY CAN ENGAGE IN FOR PRETRIAL RELEASE
03:10PM 8 AND WHETHER OR NOT THAT WOULD BE APPROPRIATE.

03:10PM 9 MY UNDERSTANDING IS THAT THAT PERSON HAS STARTED TO TRAIN
03:10PM 10 THE PROBATION OFFICERS AND PRETRIAL OFFICERS BOTH IN
03:10PM 11 MINNEAPOLIS AND IN A FEW OTHER DISTRICTS WHERE THESE TYPES OF
03:10PM 12 CASES HAVE BEEN MORE PREVALENT, BUT TO MY KNOWLEDGE THE BUREAU
03:10PM 13 OF PRISONS HAS NO PROGRAM IN PLACE FOR ANY DERADICALIZATIONS
03:11PM 14 RIGHT NOW WHICH IS PART OF THE REASON WHY THE JUDGE THERE WAS
03:11PM 15 SPECIFICALLY LOOKING TO OUTSIDE SOURCES TO GET A PROGRAM
03:11PM 16 STARTED AND PROBATION AT THE CURRENT TIME DOES NOT HAVE A FULLY
03:11PM 17 FORMULATED PROGRAM BUT EVENTUALLY THEY WILL.

03:11PM 18 THE COURT: OKAY. THANK YOU. YOU CAN SHIFT BACK
03:11PM 19 NOW TO WHATEVER ISSUES YOU WANT TO HIGHLIGHT FOR ME.

03:11PM 20 MS. MITCHELL: SO I THINK WE'VE EXHAUSTIVELY
03:11PM 21 ATTEMPTED TO BRIEF EVERYTHING THAT WE THINK THE COURT SHOULD BE
03:11PM 22 AWARE OF IN THE CASE OF MR. NATSHEH, BUT WE WANT TO JUST
03:11PM 23 BRIEFLY TOUCH ON SOME OF THE ISSUES THAT THE COURT JUST BROUGHT
03:11PM 24 UP IN SPEAKING WITH THE U.S. ATTORNEY'S OFFICE IN THAT -- IN
03:11PM 25 COMPARISON WITH A LOT OF THE OTHER CASES.

03:11PM 1 WHAT THE COURT CAN SEE IS THAT MR. NATSHEH DOES NOT HAVE A
03:11PM 2 LOT OF THE AGGRAVATING FACTORS THAT WERE PRESENT IN A NUMBER OF
03:11PM 3 THE OTHER CASES. I SPECIFICALLY BROUGHT UP THE CASE I THINK IT
03:11PM 4 WAS MS. CONNOLLY WHO RECEIVED THE 48-MONTH SENTENCE OUT OF
03:11PM 5 COLORADO WHO JOINED A U.S. ARMY PROGRAM AND SHE RECEIVED FIRST
03:12PM 6 AID TRAINING AND SHE HAD FIREARM TRAINING AND THE FBI MET WITH
03:12PM 7 HER MULTIPLE TIMES BEFORE SHE WAS ACTUALLY ARRESTED AT THE
03:12PM 8 AIRPORT AS A COMPARISON TO WHAT WAS GOING ON IN MR. NATSHEH'S
03:12PM 9 CASE.

03:12PM 10 AND THEN I WOULD ALSO DRAW THE COURT'S ATTENTION TO A
03:12PM 11 NUMBER OF OTHER CASES THAT I HAVE RECENTLY BECOME AWARE OF IN
03:12PM 12 SPEAKING FURTHER WITH MS. ATWAL IN MINNEAPOLIS. HER TWO
03:12PM 13 CLIENTS INVOLVED IN THE CASES THAT THE JUDGE THERE HAD RECENTLY
03:12PM 14 BEEN SENTENCED. ONE RECEIVED PROBATION. ANOTHER CLIENT
03:12PM 15 RECEIVED A SENTENCE OF LESS THAN EIGHT YEARS OR TEN YEARS AND
03:12PM 16 ONE RECEIVED A SENTENCE OF I BELIEVE LESS THAN FOUR YEARS.

03:12PM 17 IN EACH OF THOSE CASES WHAT THE JUDGE BASICALLY NOTICED
03:12PM 18 WAS THAT TIME IN CUSTODY IS NOT GOING TO MAKE ANY DIFFERENCE
03:12PM 19 FOR ANY OF THESE INDIVIDUALS. THERE ARE PROGRAMS THAT HELPED
03:12PM 20 WITH ANTI-RADICALIZATION. THERE'S NOT -- IT'S A SITUATION
03:12PM 21 WHERE INDIVIDUALS WERE MAKING DECISIONS BASED OFF OF WHAT THEY
03:12PM 22 BELIEVED WAS SOMETHING THAT THEY WERE GOING TO DO AND IN A
03:13PM 23 LARGE PART FOR WHAT HE SAW WAS A HUMANITARIAN REASON. THESE
03:13PM 24 WERE INDIVIDUALS WHO HAD DONE THINGS HERE IN THE UNITED STATES
03:13PM 25 WHO WERE SAYING THEMSELVES WHO WERE PREPARING TO UNDERTAKE

03:13PM 1 VIOLENT ACTIONS, BUT THEY HAD ALL BEEN RECRUITED TO ISIL, AS I
03:13PM 2 MENTIONED, PRE-2015 WHEN ISIL'S DIRECTIONS AND PROPAGANDA WERE
03:13PM 3 MORE DIRECTED TOWARDS A HUMANITARIAN BET.

03:13PM 4 YES, THEY POSTED PICTURES OF THEMSELVES WITH GUNS AND,
03:13PM 5 YES, THEY POSTED PICTURES OF THEMSELVES DOING CERTAIN THINGS
03:13PM 6 BUT THEY WERE DOING SO AS WE ARE FREEDOM FIGHTERS AND WE'RE
03:13PM 7 TRYING TO HELP OUR BROTHERS WITH FIGHTING ARMS IN SYRIA.

03:13PM 8 THE COURT: BUT AS MS. BECKER DIRECTED ME TO, I
03:13PM 9 REALIZE THERE ARE SOME ASPECTS OF THE STATEMENT THAT INDICATES
03:13PM 10 MR. NATSHEH BACKED OFF FROM IT AND THEN ALSO ENCOURAGED THE
03:13PM 11 MINOR INDIVIDUAL WE DISCUSSED NOT TO ENGAGE IN ANY ACTIVITIES.

03:13PM 12 BUT AT ONE POINT HE CONSIDERED ENGAGING IN VIOLENT CONDUCT
03:14PM 13 IN THIS COUNTRY.

03:14PM 14 MS. MITCHELL: AND THEN MADE THE CORRECT DECISION
03:14PM 15 NOT TO.

03:14PM 16 THE COURT: WELL, TRUE.

03:14PM 17 MS. MITCHELL: BUT THAT'S A SIGN OF -- HE
03:14PM 18 SPECIFICALLY TOLD THE JUVENILE DO NOT DO ANYTHING HERE IN THE
03:14PM 19 UNITED STATES.

03:14PM 20 AND --

03:14PM 21 THE COURT: BUT TO SOME EXTENT TO YOUR POINT THAT
03:14PM 22 THE MOTIVATION HERE IS ENTIRELY FOCUSSED ON YOU SAID SOMETHING
03:14PM 23 TO THE EFFECT OF HUMANITARIAN ASPECTS OF THIS. I DON'T THINK I
03:14PM 24 CAN CHARACTERIZE IT IN THAT FASHION.

03:14PM 25 MS. MITCHELL: I WOULDN'T SAY WHOLLY BUT IT WAS --

03:14PM 1 THE PROPAGANDA THAT ISIL WAS DIRECTING TOWARDS INDIVIDUALS IN
03:14PM 2 AN ATTEMPT TO RECRUIT THEM WAS NOT AS AN EXPERT HAD NOTICED IN
03:14PM 3 2015, MID-2015, THE SHIFT IN WHAT THEY WERE DOING AND HOW THEY
03:14PM 4 PRESENTED THEMSELVES CHANGED.

03:14PM 5 ISIL CHANGED FROM A DIRECTIVE MORE TOWARDS -- AND THIS IS
03:14PM 6 DEEP INTO THE PROPAGANDA. IT'S NOT THE SURFACE STUFF THAT WE
03:14PM 7 ALL SEE AND WE GET AGHAST AT. IT IS THE CALL TO WE HAVE PEOPLE
03:15PM 8 HERE THAT WE SHOULD FEEL SOLIDARITY WITH AND WE'RE SEPARATING.
03:15PM 9 NO ONE IS DOING ANYTHING ABOUT IT, AND WE NEED TO BE THE
03:15PM 10 PEOPLE.

03:15PM 11 THE COURT: NO. I READ THROUGH THE EXTENSIVE
03:15PM 12 BACKGROUND THAT YOU'VE PROVIDED FOR ME.

03:15PM 13 YOU KNOW, THE ISSUE THAT I WAS DISCUSSING WITH MS. BECKER
03:15PM 14 THAT I'M MULLING OVER IS, AS I INDICATED BEFORE, AND I THINK
03:15PM 15 SHE DOESN'T DIRECTLY DISPUTE, MR. NATSHEH WAS APPREHENDED AT A
03:15PM 16 POINT WHERE VERY LITTLE IN TERMS OF ACTUAL EFFORT HAD TAKEN
03:15PM 17 PLACE. SO IT WAS EARLY IN THE GAME, IF YOU WILL.

03:15PM 18 MS. MITCHELL: YES, THAT IS CORRECT.

03:15PM 19 THE COURT: THAT IS BOTH IN THE ONE SENSE FORTUNATE,
03:15PM 20 VERY FORTUNATE FOR HIM THAT HE WAS APPREHENDED IN MANY WAYS.

03:15PM 21 BUT THEN THE QUESTION IS, TO PUT IT QUITE BLUNTLY, HOW
03:15PM 22 MUCH CREDIT DOES HE GET FOR HAVING BEEN STOPPED EARLY IN THE
03:16PM 23 PROCESS? HE DOES REPRESENT THE PROSPECT THAT HAD HE SUCCEEDED
03:16PM 24 IN GOING TO SYRIA, HE WAS, AS THE GOVERNMENT POINTS OUT, AN
03:16PM 25 AMERICAN CITIZEN, HAD THE RADICALIZATION GONE A BAD WAY, HE

03:16PM 1 COULD HAVE WELL RETURNED TO THE UNITED STATES AND POSED A
03:16PM 2 SIGNIFICANT DANGER.

03:16PM 3 SO, IN OTHER WORDS, YES, IN TERMS OF LOOKING AT SOME OF
03:16PM 4 THE COMPARABLES, HE'S IN THE GROUP THAT DIDN'T GET VERY FAR,
03:16PM 5 BUT SHOULDN'T I TAKE INTO ACCOUNT THE PROSPECT THAT HAD HE
03:16PM 6 GOTTEN AS FAR AS HE WANTED, HE COULD REPRESENT A VERY SERIOUS
03:16PM 7 DANGER TO THE UNITED STATES?

03:16PM 8 MS. MITCHELL: THE COURT CAN TAKE THAT INTO
03:16PM 9 CONSIDERATION, BUT THE COURT CAN ALSO TAKE INTO CONSIDERATION
03:16PM 10 THAT MR. NATSHEH COULD HAVE GOTTEN TO TURKEY AND DECIDED TO
03:16PM 11 COME BACK OR HE COULD HAVE GOTTEN TO SYRIA, THE BORDER, AND
03:16PM 12 DECIDED TO COME BACK.

03:16PM 13 THE COURT: SHOULD I MAKE ALL OF THE INFERENCES IN
03:16PM 14 HIS FAVOR?

03:16PM 15 MS. MITCHELL: I DON'T THINK THAT THE COURT HAS TO
03:16PM 16 MAKE ANY INFERENCES ONE WAY OR ANOTHER ABOUT HOW IT COULD HAVE
03:17PM 17 GONE WORSE OR IT COULD HAVE GONE BETTER.

03:17PM 18 FRANKLY, THE PROBLEM IS WITH THIS OFFENSE, HE COMMITTED --
03:17PM 19 THE MOMENT HE PURCHASED THE PLANE TICKET IS WHEN THE GOVERNMENT
03:17PM 20 ESSENTIALLY COULD HAVE ARRESTED HIM FOR IT AND ANYWHERE ALONG
03:17PM 21 THAT LINE MANY DIFFERENT THINGS COULD HAVE HAPPENED ONE WAY OR
03:17PM 22 ANOTHER.

03:17PM 23 THE COURT: TRUE.

03:17PM 24 MS. MITCHELL: MR. NATSHEH, HOWEVER, WAS STOPPED AT
03:17PM 25 A POINT WHERE ALL OF THE THINGS LEADING UP TO THE POINT WHERE

03:17PM 1 HE WAS STOPPED THE COURT CAN LOOK AT AS DEFINITIVE SIGNS THAT
03:17PM 2 THIS IS VERY LOW ON THE SCALE OF OTHER INDIVIDUALS WHO HAVE
03:17PM 3 TAKEN A MUCH GREATER PREPARATION AND INVOLVED OTHER PEOPLE AND
03:17PM 4 DONE FINANCIAL CONTRIBUTIONS, AND MANY OTHER THINGS THAT HE
03:17PM 5 HIMSELF NOT DONE.

03:17PM 6 WHAT THE COURT CAN ALSO TAKE INTO CONSIDERATION IS WHERE
03:17PM 7 HE IS AND WHAT IS MORE LIKELY TO HAPPEN TO HIM AFTER HE GETS
03:17PM 8 RELEASED. HE'S STILL A VERY YOUNG MAN WHO HAS NOT EXHIBITED TO
03:17PM 9 MYSELF, I THINK TO THE GOVERNMENT, SIGNS THAT HE IS NOT A
03:18PM 10 PERSON WHO COULD BE A U.S. CITIZEN WITH NO DANGER TO ANYONE
03:18PM 11 ELSE.

03:18PM 12 HE IS NOT SO RADICALIZED THAT HE STRIKES FEAR WITH
03:18PM 13 EVERYTHING HE SAYS; THAT HE CANNOT AND WILL NOT BE A PERSON WHO
03:18PM 14 CAN CONTRIBUTE TO SOCIETY. HE'S A 21-YEAR-OLD AND WHO ACTS
03:18PM 15 LIKE A 21-YEAR-OLD DOES AND WHO THINKS LIKE A 21-YEAR-OLD DOES.

03:18PM 16 HE HAS NOT HAD THE CHANCE YET TO REALLY TAKE A LOOK AT
03:18PM 17 WHERE HE WAS GOING IN HIS LIFE. AND WHAT WAS GOING ON AND
03:18PM 18 REALLY THINK THROUGH WHAT WAS HAPPENING.

03:18PM 19 INSTEAD, HE GOT A CREDIT CARD. HE DIDN'T SAVE UP MONEY
03:18PM 20 FOR MONTHS TO BE ABLE TO MAKE THIS TRIP. HE HAD NO OTHER FUNDS
03:18PM 21 WITH HIM ASIDE FROM A CREDIT CARD THAT HE WAS GOING TO USE TO
03:18PM 22 MAKE THIS TRIP. THIS IS NOT A WELL-THOUGHT-OUT PLAN OF A
03:18PM 23 PERSON WHO HAS BEEN THINKING ABOUT DOING THIS FOREVER AND
03:18PM 24 ACTUALLY TAKING STEPS TO DOING IT.

03:18PM 25 THIS IS A TEENAGER WHO IS SO DEPRESSED THAT HE SPENT A

03:19PM 1 WEEK IN HIS ROOM AND DIDN'T EAT OR DRINK AND HAD HIS PARENTS
03:19PM 2 CALLING FAMILY FRIENDS WHO THEN GOT ON THE PHONE WITH HIM WHILE
03:19PM 3 HE SOBBED AND HIM SAYING I'M SO DEPRESSED AND I CAN'T FIGURE
03:19PM 4 OUT WHAT TO DO WITH MY LIFE.

03:19PM 5 THE COURT: OF COURSE THE DILEMMA WE FACE IS THE
03:19PM 6 PROFILE IS PRECISELY A PROFILE OF SOMEONE WHO CAN BE QUITE
03:19PM 7 DANGEROUS.

03:19PM 8 MS. MITCHELL: AND IT IS ALSO THE PROFILE OF A
03:19PM 9 PERSON WHO IF GIVEN A CHANCE TO GROW UP AND GIVE THEM SOME
03:19PM 10 MATURITY AND THINK ABOUT THINGS AND WHO COULD COME OUT OF
03:19PM 11 CUSTODY AND BE PERFECTLY FINE. AND THAT'S WHO I BELIEVE HE IS.

03:19PM 12 WHILE THE GOVERNMENT ATTEMPTS TO DISCOUNT SOME OF THE
03:19PM 13 FACTORS THAT WE'VE BROUGHT FORTH, THE STRONG FAMILY
03:19PM 14 INVOLVEMENT, I THINK IT'S VERY CLEAR THAT HAD ANY OF THE FAMILY
03:19PM 15 MEMBERS ACTUALLY KNOWN THAT HIS ACT OF GETTING ON THE PLANE,
03:19PM 16 HIS FATHER WHO HAD DEMONSTRATED SOME STRONG DISCIPLINE BEFORE
03:19PM 17 WOULD HAVE CONTINUED TO DO THAT AND DONE EVERYTHING IN HIS
03:19PM 18 POWER TO PREVENT HIM FROM DOING THAT.

03:19PM 19 THAT HE COOPERATED WITH LAW ENFORCEMENT WHILE THE
03:19PM 20 GOVERNMENT SAYS THAT THAT'S GREAT THAT HE DID THAT, I THINK
03:20PM 21 THAT THAT SHOWS THAT MR. NATSHEH IS APPROACHABLE, THAT HE'S
03:20PM 22 AMENABLE TO WORKING WITH OTHERS AND THAT HE WAS ATTEMPTING TO
03:20PM 23 TRY TO MAKE RIGHT WHAT HAPPENED.

03:20PM 24 THAT HE HAD BEEN SUFFERING FROM DEPRESSION FOR A VERY LONG
03:20PM 25 PERIOD OF TIME, AND THAT WAS DEMONSTRATED BY OTHER PEOPLE.

03:20PM 1 WHILE MR. NATSHEH DIDN'T HAVE LONG-TERM CONTACTS WITH DOCTORS,
03:20PM 2 HE DID HAVE VERY RECOGNIZABLE SIGNS THAT WERE VISIBLE TO
03:20PM 3 EVERYONE ELSE WHO COULD SAY THAT THIS IS A PERSON WHO WAS
03:20PM 4 DEPRESSED, AND THEY WERE TRYING TO GET HIM SOME ASSISTANCE.

03:20PM 5 IT IS VERY EASY TO SAY THAT IT IS A SCARY THING THAT HE
03:20PM 6 WAS GOING TO DO AND ISIL IS A VERY SCARY ORGANIZATION SO WE
03:20PM 7 SHOULD PUT HIM IN CUSTODY FOR A LONG TIME.

03:20PM 8 BUT FOR WHO HE IS AND THE STEPS THAT HE ACTUALLY TOOK IN
03:20PM 9 ANTICIPATION OF GETTING ON THE PLANE, I THINK THAT IT'S
03:20PM 10 APPARENT THAT FIRST A LOWER SENTENCE IS APPROPRIATE FOR HIM,
03:20PM 11 AND, IN FACT, THAT NOW THAT WE'RE GETTING AND STARTING TO LOOK
03:20PM 12 AT MORE OF THESE TYPES OF CASES WHERE THE GOVERNMENT IS
03:21PM 13 ACTUALLY BEING ABLE TO GO THROUGH AND DO THE PROSECUTION AND
03:21PM 14 INVOLVING THE SCIENCE, WHICH IS SOMETHING THAT HAS RECENTLY
03:21PM 15 STARTED HAPPENING WITH RADICALIZATION AND WHY PEOPLE BECOME
03:21PM 16 RADICALIZED, I THINK WE'RE ON A TREND OF SEEING SOME OF THESE
03:21PM 17 TYPES OF CASES WHERE WE START GETTING MORE DOCTORS AND MORE
03:21PM 18 PEOPLE INVOLVED WHERE WE CAN SAY THIS IS A PERSON WHO IS OF
03:21PM 19 CONCERN BECAUSE OF THE ACTS THAT THEY HAVE DONE AND IN THIS
03:21PM 20 CASE I DON'T SEE THAT WITH MR. NATSHEH. I DON'T SEE THE NEED
03:21PM 21 TO PUT HIM AWAY FOR A LONG PERIOD.

03:21PM 22 FRANKLY, I THINK FOUR YEARS IS STILL A VERY SUBSTANTIAL
03:21PM 23 AMOUNT OF TIME FOR THIS OFFENSE, BUT IN COMPARISON TO THE OTHER
03:21PM 24 TYPES OF OFFENSES THAT ARE OUT THERE, THE OTHER SENTENCES THAT
03:21PM 25 ARE OUT THERE, I THOUGHT IT WAS A REASONABLE SENTENCE TO US.

03:21PM 1 THE COURT: BEFORE I GOT TO MR. NATSHEH, MS. BECKER.

03:21PM 2 MS. BECKER: THANK YOU, YOUR HONOR. I WOULD LIKE TO

03:21PM 3 ADDRESS A FEW OF THE ISSUES THAT BOTH THE COURT AND

03:21PM 4 MS. MITCHELL RAISED.

03:21PM 5 WITH RESPECT TO PROPAGANDA, WHILE IT DOES SEEM CLEAR THAT

03:22PM 6 MR. NATSHEH DID ACCOMPLISH SOME PROPAGANDA, IT'S IMPORTANT TO

03:22PM 7 KNOW THE TYPE OF PROPAGANDA THAT HE WAS FOLLOWING INCLUDING, AS

03:22PM 8 PUT IN OUR PAPERS AND AS TERRIBLE AS IT IS TO REPEAT, THE

03:22PM 9 PROPAGANDA THAT HE WAS FOLLOWING AND REPOSTING AND SHARING WITH

03:22PM 10 OTHERS WAS THAT OF THAT CAGED JORDANIAN PILOT WHO WAS BURNED

03:22PM 11 ALIVE. THAT'S THE PROPAGANDA HE WAS FOLLOWING, NOT A NIKE AD

03:22PM 12 WITH ISIL OR A SNICKERS AD WITH ISIL. HE WAS INTERESTED IN THE

03:22PM 13 MOST BRUTAL OF PROPAGANDA.

03:22PM 14 I WOULD ALSO DISAGREE WITH THE IDEA THAT THE DEFENDANT WAS

03:22PM 15 APPREHENDED EARLY IN THE GAME. THE GOVERNMENT'S POINT IS

03:22PM 16 ACTUALLY TO THE CONTRARY. HE WAS APPREHENDED AT THE VERY END

03:22PM 17 OF THE GAME. HE WAS ARRESTED AS HE WAS ABOUT TO BOARD HIS

03:22PM 18 PLANE. THERE WAS NOTHING LEFT FOR HIM TO DO TO COMPLETE THE

03:22PM 19 ACT OTHER THAN TO GET THERE.

03:22PM 20 EVERY OTHER ASPECT OF MATERIAL SUPPORT WAS COMMITTED. YOU

03:23PM 21 DON'T HAVE TO TRAIN IN THE UNITED STATES PRIOR TO LEAVING IN

03:23PM 22 ORDER TO COMMIT AN ACT OF TERRORISM ELSEWHERE. YOU DON'T HAVE

03:23PM 23 TO KNOW THOSE COMBAT SKILLS. HE WAS INTENDING ON FIGHTING

03:23PM 24 THERE REGARDLESS OF WHETHER OR NOT HE LEARNED HOW TO DO SO HERE

03:23PM 25 OR HE LEARNED HOW TO DO SO THERE.

03:23PM 1 SO HE WAS ACTUALLY ARRESTED AT THE VERY LAST STEP, NOT --
03:23PM 2 IT MAY SEEM --

03:23PM 3 THE COURT: WELL, THAT'S TRUE, BUT THAT, TOO, FOR
03:23PM 4 PURPOSES OF COMPLETING THE OFFENSE, I DON'T DISAGREE WITH YOU
03:23PM 5 BUT IN TERMS OF ASSESSING THE RAMIFICATIONS OF -- THERE'S NO
03:23PM 6 DOUBT THAT HE COMMITTED WHAT HE NEEDED TO COMMIT TO BE ADJUDGED
03:23PM 7 GUILTY, AND I TOOK HIS PLEA. AND IF HE DIDN'T, I WOULDN'T HAVE
03:23PM 8 TAKEN HIS PLEA.

03:23PM 9 BUT IT IS -- THERE IS -- IT COULD HAVE -- IT CONCLUDED
03:23PM 10 WITH THAT, FRANKLY. HE COULD HAVE GONE OFF TO SYRIA AND WE
03:23PM 11 NEVER HEARD OF HIM AGAIN. I MEAN, WE DON'T KNOW.

03:23PM 12 SO WHEN YOU COMPARE THAT TO THE OTHER CASES THAT YOU VIEW,
03:23PM 13 AND MS. MITCHELL HAS PROVIDED TO ME, WHERE THERE IS MORE
03:23PM 14 ACTIVITY IN CONJUNCTION WITH THE COMPLETION OF THE OFFENSE,
03:24PM 15 THAT WAS MY POINT. I'M NOT SUGGESTING THAT HE DIDN'T COMPLETE
03:24PM 16 THE OFFENSE BECAUSE I TOOK HIS PLEA.

03:24PM 17 MS. BECKER: YES, YOUR HONOR. I THINK COMPARED TO
03:24PM 18 THE OTHER CASES, THERE ARE SOME CASES, YOU KNOW, I DON'T WANT
03:24PM 19 TO REPEAT MYSELF, THAT ARE SIMILARLY SITUATED, AND THERE ARE
03:24PM 20 OBVIOUSLY SOME, YES, THAT ARE MUCH MORE EGREGIOUS IN TERMS OF
03:24PM 21 THE PREPARATION.

03:24PM 22 BUT AS MS. MITCHELL WAS COMMENTING ON MR. NATSHEH'S
03:24PM 23 PREPARATION, THIS WAS NOT AN IMPULSIVE ACT ON HIS PART
03:24PM 24 WHATSOEVER. HE HAD EXPRESSED FOR MONTHS AN INTEREST IN ISIL.
03:24PM 25 HE WAS INTERVIEWED BY LAW ENFORCEMENT AUTHORITIES AT WHICH TIME

03:24PM 1 HE STATED THAT HE HAD CHANGED HIS WAYS AND HE WAS NO LONGER
03:24PM 2 INTERESTED IN PURSUING THAT -- THOSE -- THAT WAY OR HIS
03:24PM 3 THOUGHTS.

03:24PM 4 THE COURT: THE IMPORTANCE, THOUGH, IN MY MIND OF
03:24PM 5 THIS ADDITIONAL ACTIVITY IS NOT JUST THAT THERE IS ADDITIONAL
03:24PM 6 ACTIVITY.

03:24PM 7 IT'S JUST THAT WE CAN GLEAN FROM IN SOME OF THOSE CASES
03:24PM 8 THE ADDITIONAL ACTIVITY GIVES US A PRETTY GOOD WINDOW OF THE
03:24PM 9 INTENTION OF THE DEFENDANT.

03:25PM 10 IN THIS CASE WE HAVE ONE CLEAR INTENTION AND THAT IS TO GO
03:25PM 11 TO SYRIA AND JOIN THIS ORGANIZATION. THAT'S THE ONLY REAL
03:25PM 12 INTENTION THAT WE KNOW OF AT THIS POINT WHEREAS SOME OF THE
03:25PM 13 OTHER CASES WHEN THERE ARE -- WHEN THEY'RE RECRUITING OTHERS
03:25PM 14 AND WHEN THEY ARE DOING THAT KIND OF ACTIVITY, THAT'S AN
03:25PM 15 ADDITIONAL HARM AND DANGER TO THE UNITED STATES BY DOING THAT.

03:25PM 16 SO THE POINT IS SIMPLY THAT WITH THAT ADDITIONAL ACTIVITY
03:25PM 17 YOU CAN REALLY ASSESS THE MAGNITUDE OF THE DANGER IN A WAY THAT
03:25PM 18 I THINK I'M HAVING A HARD TIME OF DOING HERE.

03:25PM 19 MS. BECKER: UNDERSTOOD. I DON'T HAVE ANY OTHER
03:25PM 20 FACTS TO OFFER TO THE COURT OTHER THAN THE INTENDED TRAVEL WITH
03:25PM 21 A MINOR.

03:25PM 22 THE COURT: RIGHT.

03:25PM 23 MS. BECKER: WE'RE NOT AWARE OF HIM OBTAINING
03:25PM 24 MILITARY TRAINING IN THE UNITED STATES PRIOR TO LEAVING. WE
03:25PM 25 DON'T KNOW WHAT WOULD HAVE HAPPENED HAD HE RETURNED TO THE

03:26PM 1 UNITED STATES. THERE ARE MANY OPEN QUESTIONS. SO THE
03:26PM 2 GOVERNMENT AGREES WITH ALL THAT IT'S FORTUNATE THAT HE WAS
03:26PM 3 STOPPED AT THE AIRPORT SO THAT BOTH HIS LIFE AND OTHERS WERE
03:26PM 4 PROTECTED.

03:26PM 5 BUT GOING BACK TO THE THOUGHT THAT THIS WAS NOT AN
03:26PM 6 IMPULSIVE ACT ON HIS PART, AGAIN, HE HAD BEEN COMMUNICATING FOR
03:26PM 7 MONTHS ABOUT HIS INTENT TO JOIN ISIL. HE OBVIOUSLY HAD ALREADY
03:26PM 8 BEEN RADICALIZED AND HAD BEEN COMMUNICATING WITH A MINOR ABOUT
03:26PM 9 COMMITTING ACTS OVERSEAS. HE DID OPEN UP A NEW LINE OF CREDIT
03:26PM 10 TO PURCHASE A TICKET AND HE EMPTIED HIS BANK ACCOUNT PRIOR TO
03:26PM 11 LEAVING. THIS WAS A CONCERTED PLAN, AGAIN, NOT JUST SHOWING UP
03:26PM 12 AT THE AIRPORT AND DECIDED TO GO FOR THE DAY.

03:26PM 13 SO MS. MITCHELL HAS OBVIOUSLY POINTED OUT SENTENCES THAT
03:26PM 14 ARE AT THE LOW END. AS THE COURT HAS REVIEWED THE REPORT THAT
03:26PM 15 WAS ATTACHED TO THE GOVERNMENT'S FIRST SENTENCING MEMORANDUM,
03:26PM 16 THERE ARE OBVIOUSLY A NUMBER OF SENTENCES THAT ARE AT THE OTHER
03:26PM 17 END. AGAIN, MANY OF THOSE CASES INVOLVE DIFFERENT
03:26PM 18 CIRCUMSTANCES THAN THE CASE AT HAND, BUT, AGAIN, THERE ARE
03:27PM 19 SEVERAL LETTERS STILL WITHIN THE HEARTLAND OF WHAT WE'RE
03:27PM 20 LOOKING AT. AT THE TIME OF THE SENTENCES IN ALL OF THOSE CASES
03:27PM 21 THE STATUTORY MAXIMUM WAS 15 YEARS AND THERE ARE, IN FACT,
03:27PM 22 SEVERAL DEFENDANTS WHO RECEIVED 15 YEARS WHETHER THEY PLED OR
03:27PM 23 WERE CONVICTED AT TRIAL.

03:27PM 24 THERE ARE SOME WHO RECEIVED A SLIGHTLY LESSER SENTENCE OF
03:27PM 25 10 YEARS, AND THAT IS, IN FACT, WHAT THE GOVERNMENT IS

03:27PM 1 RECOMMENDING HERE BY RECOMMENDING 15 YEARS. THE STATUTORY
03:27PM 2 MAXIMUM CHANGED IN THE MEANTIME TO 20 YEARS. THE GOVERNMENT IS
03:27PM 3 RECOMMENDING A SENTENCE OF 15 YEARS AS BEING APPROPRIATE.
03:27PM 4 GIVEN THE CIRCUMSTANCES OF THIS CASE, THEY ARE NOT AS EGREGIOUS
03:27PM 5 AS SOME OF THE OTHERS BUT NEVERTHELESS DEMONSTRATE 100 PERCENT
03:27PM 6 COMMITMENT TO COMMITTING THE ACT AS MUCH AS ANY OTHER
03:27PM 7 DEFENDANTS IN ANY OF THOSE CASES.

03:27PM 8 THE COURT: THANK YOU.

03:27PM 9 MR. NATSHEH, THIS IS YOUR SENTENCING. YOU HAVE A RIGHT TO
03:27PM 10 SPEAK DIRECTLY TO ME. YOU'RE NOT OBLIGATED TO DO SO. IT'S UP
03:28PM 11 TO YOU.

03:28PM 12 BUT IF THERE IS ANYTHING YOU WANT TO SAY, NOW WOULD BE THE
03:28PM 13 TIME TO SAY IT.

03:28PM 14 THE DEFENDANT: SO I JUST WANT TO SAY THAT --

03:28PM 15 THE COURT: WHY DON'T YOU MOVE THE MICROPHONE CLOSER
03:28PM 16 TO YOU.

03:28PM 17 THE DEFENDANT: SO I JUST WANT TO SAY THAT I'M FULLY
03:28PM 18 AWARE OF THE NATURE OF MY CRIME AND THE CONSEQUENCES THAT MY
03:28PM 19 ACTIONS HAVE YIELD, AND WHAT I TRIED TO DO IS VERY WRONG AND IT
03:28PM 20 SOUNDS REALLY UGLY, BUT I'M VERY FORTUNATE THAT I'M HERE EVEN
03:28PM 21 THOUGH I'M INCARCERATED. MY DAD TELLS ME THAT ALL OF THE TIME
03:28PM 22 BECAUSE THERE'S NO GUARANTEE THAT --

03:28PM 23 THE COURT: HE'S RIGHT.

03:28PM 24 THE DEFENDANT: -- THERE'S NO GUARANTEE THAT IF I
03:28PM 25 WOULD HAVE SUCCESSFULLY MADE IT TO SYRIA THAT I WOULD BE ALIVE.

03:28PM 1 THE CONTEXT OF MY CRIME REQUIRED ME TO ABANDON MY FAMILY
03:28PM 2 WITHOUT THE POSSIBILITY OF EVER SEEING THEM AGAIN, AND IT WAS
03:28PM 3 REALLY AN ACT OF SELFISHNESS, AND I DIDN'T REALIZE HOW MUCH MY
03:29PM 4 FAMILY NEEDED ME. IT WAS A DESPERATE ATTEMPT TO TRY TO DO
03:29PM 5 SOMETHING TO MAKE MYSELF FEEL GOOD BY TRYING TO HELP OTHERS.

03:29PM 6 SO I KNOW THAT I HAVE A PROBLEM, AND I UNDERSTAND THAT I
03:29PM 7 DO HAVE THE PROBLEM. AND I DON'T KNOW THE WAY THE DRUG
03:29PM 8 PROGRAMS DO IT, BUT THE FIRST THING IS THAT YOU ACKNOWLEDGE
03:29PM 9 THAT YOU HAVE A PROBLEM AND THEN YOU TRY TO SEE HOW IT
03:29PM 10 HAPPENED.

03:29PM 11 SO I'VE READ A LOT INTO THE SUBJECT, AND I WAS REALLY
03:29PM 12 MOVED EMOTIONALLY BY THE HUMANITARIAN CRISIS IN SYRIA, AND IT'S
03:29PM 13 NOT AN UNDERSTATEMENT THAT THEY TOOK THAT OPPORTUNITY TO TAKE
03:30PM 14 ADVANTAGE OF OUR EMOTIONS. REALLY THAT'S WHAT I WANTED TO DO
03:30PM 15 WAS TO TRY TO HELP PEOPLE.

03:30PM 16 YOU KNOW, I HAVE A HISTORY OF DOING A LOT OF CHARITY WORK
03:30PM 17 AND RAISING MONEY FOR THE PALESTINIANS IN GAZA AND FOR THE
03:30PM 18 DROUGHT IN WEST AFRICA AND FOR MANY OTHER THINGS. AND THAT'S
03:30PM 19 REALLY WHAT I WAS TRYING TO DO. IT JUST SOUNDS REALLY UGLY.
03:30PM 20 IT'S A TERRORIST ORGANIZATION.

03:30PM 21 THE CHARGE IS A TERRORISM CHARGE, BUT I THINK IT'S -- MY
03:30PM 22 CASE IS LESS SERIOUS THAN IT REALLY SOUNDS, BUT I'M NOT TRYING
03:30PM 23 TO JUSTIFY WHAT I TRIED TO DO. IT WAS WRONG. I WAS IGNORANT.
03:30PM 24 I WAS NAIVE. I WAS IMMATURE. AND I WAS JUST -- THE MOMENTS
03:30PM 25 BEFORE GETTING A -- BEFORE TRYING TO GET ON THE PLANE I JUST --

03:30PM 1 MY WHOLE THINKING WAS JUST CLOUDY AND NOW I CAN SEE THAT
03:31PM 2 THERE'S SO MANY DIFFERENT WAYS THAT I COULD HAVE HAD HELP BUT,
03:31PM 3 YOU KNOW, MY OLD WAY OF THINKING WAS WRONG, THE WAY I TRIED TO
03:31PM 4 HELP THE PEOPLE WAS WRONG, AND I LOST DIRECTION.

03:31PM 5 AND I'M GOING TO BETTER MYSELF, AND I HAVE THE SUPPORT OF
03:31PM 6 MY FAMILY, MY FRIENDS. I LOVE THEM. THEY'VE REALLY HELPED ME
03:31PM 7 IN THIS PROCESS TO TRANSITION FROM MY OLD WAY OF THINKING. SO
03:31PM 8 THAT'S WHAT I'VE BEEN FOCUSING ON IN THE PAST 11 MONTHS,
03:31PM 9 FOCUSING ON RESTRUCTURING MYSELF MENTALLY, PSYCHOLOGICALLY,
03:31PM 10 AND I'VE REALIGNED MY FOCUS ON FINISHING MY EDUCATION, BUILDING
03:31PM 11 A STRONG BOND WITH FAMILY AND AMBITIONS OF OPENING MY OWN
03:32PM 12 BUSINESS.

03:32PM 13 THE FAMILY AND FRIENDS WHO ARE HERE TODAY, THEY CONTINUE
03:32PM 14 TO STAND BY ME AND THEY KNOW THAT I HAVE THE CHARACTER TO KEEP
03:32PM 15 ON GOING AND TO SUCCEED IN THIS LIFE, AND I JUST HOPE THAT YOU
03:32PM 16 SEE THAT, TOO, AND THAT YOU FEEL STRONG AND CONFIDENT THAT I
03:32PM 17 HAVE MORE TO OFFER MY COUNTRY, MY COMMUNITY BY BEING A
03:32PM 18 PRODUCTIVE CITIZEN AGAIN.

03:32PM 19 AND I HAVE A GOOD HEART. I'M A GOOD PERSON AND I JUST --
03:32PM 20 I STRAYED OFF THE PATH AND GETTING ARRESTED IS PROBABLY THE
03:32PM 21 MOST FORTUNATE THING TO HAPPEN.

03:32PM 22 AND I JUST NEED HELP.

03:32PM 23 THE COURT: AS YOU KNOW FROM THE DISCUSSION THAT
03:33PM 24 WE'VE JUST HAD AND IN THE MATERIALS THAT I'VE REVIEWED YOU
03:33PM 25 CERTAINLY HAVE A FIRST AMENDMENT RIGHT TO SAY -- EXPRESS YOUR

03:33PM 1 VIEWS, BUT YOU UNDERSTAND THAT SOME OF THE THINGS THAT WERE
03:33PM 2 POSTED BEFORE THIS TRIP THAT INDICATED ON YOUR PART SOME
03:33PM 3 ACCEPTANCE OF SOME REALLY REVOLTING AND HORRIBLE THINGS.

03:33PM 4 HOW CAN YOU -- AND YOU'VE INDICATED TO ME THAT YOU'VE SEEN
03:33PM 5 YOUR WAYS. HOW CAN I KNOW THAT? WHAT CAN YOU TELL ME TO
03:33PM 6 CAUSE -- TO MAKE SURE THAT I UNDERSTAND THAT YOU'VE LOOKED AT
03:33PM 7 THOSE THINGS AND REALIZED HOW HORRIFIC THEY REALLY ARE AND THAT
03:33PM 8 THEY'RE NOT HUMANITARIAN AND ALL OF THAT? WHAT CAN YOU TELL ME
03:33PM 9 ON THAT?

03:33PM 10 THE DEFENDANT: JUST EVERYTHING I'VE BEEN READING IN
03:33PM 11 THE NEWSPAPER AND SEEING ON THE NEWS AND THE RECENT EVENTS THAT
03:33PM 12 HAPPENED IN EUROPE AND THE UNITED STATES, IT JUST BECOMES MORE
03:34PM 13 APPARENT THAT THEY'RE NO DIFFERENT THAN AL-QUEDA, BUT THEY TRY
03:34PM 14 TO POSE THEMSELVES DIFFERENT THAN AL-QUEDA BY SAYING THAT, YOU
03:34PM 15 KNOW, WE'RE TRYING TO HELP THE PEOPLE AND WE'RE DOING ALL OF
03:34PM 16 THESE THINGS AND ME BEING NAIVE, THEY TOOK ADVANTAGE OF ME AND
03:34PM 17 MY EMOTIONS AND BASICALLY SAID, WELL, HERE'S THE FOUNDATION FOR
03:34PM 18 YOU TO DO THAT TO HELP AND WE HAVE ALL OF THE RESOURCES THAT
03:34PM 19 YOU NEED AND THEY JUST -- THAT WAS MORE -- IT WAS MORE
03:34PM 20 APPEALING AT THE TIME TO GO AND DO THAT.

03:34PM 21 THE PROPAGANDA IS REALLY POWERFUL. LIKE, NONE OF, NONE OF
03:34PM 22 THE STUFF THAT WAS COMING OUT OF SYRIA WOULD AFFECT YOU TO TRY
03:34PM 23 TO MAKE YOU DO SOMETHING EXCEPT THAT GROUP, AND THEY WERE THE
03:34PM 24 ONLY GROUP TO BE DOING SOME TYPE OF PROPAGANDA THAT WOULD
03:34PM 25 ACTUALLY MOVE ME TO DO THINGS.

03:35PM 1 AND IT'S WRONG AND THAT'S NOT WHAT I SUPPORT ANYMORE, AND
03:35PM 2 I DON'T KNOW HOW LONG I HAVE TO STAY IN JAIL FOR THE GOVERNMENT
03:35PM 3 OR FOR THE COMMUNITY TO BE COMFORTABLE AND SAYING, OKAY, I
03:35PM 4 THINK HE'S COOL. ALL RIGHT, HE'S NOT RADICALIZED ANYMORE.

03:35PM 5 THIS IS THE FIRST TIME BEING IN THE CRIMINAL JUSTICE
03:35PM 6 SYSTEM AND JUST GIVE ME A CHANCE TO TRY, JUST TRY ME. THAT'S
03:35PM 7 WHAT I'M ASKING. TRY ME AND SEE HOW I DO AND SEE HOW I
03:35PM 8 PROGRESS.

03:35PM 9 THE COURT: THANK YOU. YOUR HONOR.

03:35PM 10 MS. MITCHELL: YOUR HONOR, I WOULD JUST ADD THAT
03:35PM 11 I'VE HAD A LOT OF OPPORTUNITY TO SIT AND MEET WITH MR. NATSHEH,
03:35PM 12 AND I HAVE BEEN PERSONALLY AFFECTED BY THE LOSS OF THE LIFE OF
03:35PM 13 ONE OF MY FRIENDS DIRECTLY FROM ISIL IN A VERY PUBLIC AND
03:36PM 14 HORRIBLE WAY. ONE OF MY FRIENDS WAS ACTUALLY BEHEADED, AND IT
03:36PM 15 WAS IN THE YOUTUBE VIDEO THAT WENT EVERYWHERE.

03:36PM 16 WHEN I SIT AND I TALK TO MR. NATSHEH, I DON'T FEEL THAT HE
03:36PM 17 IS CAPABLE OF DOING THOSE KINDS OF ACTS. WHEN I SIT AND I TALK
03:36PM 18 TO HIM, I SEE A YOUNG KID WHO HAS BEEN INVOLVED IN A -- FOR A
03:36PM 19 LONG TIME IN TRYING TO DO THINGS HE SEES FOR COMMUNITIES THAT
03:36PM 20 ARE DISADVANTAGED. AND I SEE SOMEONE WHO WAS TRYING TO DO THAT
03:36PM 21 AND IN A VERY WRONG WAY, BUT HE WAS TRYING TO DO THAT.

03:36PM 22 THE COURT: OF COURSE, THE -- JUST A FACT THAT HE --
03:36PM 23 MR. NATSHEH HAS TO UNDERSTAND IS THAT THIS NOW IS BIGGER THAN
03:36PM 24 MR. NATSHEH. IT'S ALSO A DETERRENCE ISSUE, AND THERE ARE SADLY
03:37PM 25 OTHERS OUT THERE WHO I HEARD WHAT MR. NATSHEH SAID, AND I

03:37PM 1 APPRECIATE IT, AND I BELIEVE IT'S HEARTFELT, BUT IT ISN'T,
03:37PM 2 UNFORTUNATELY FOR HIM, JUST ABOUT HIM ANYMORE.

03:37PM 3 SO THE PROCESS HAS TO SEND THE MESSAGE TO OTHERS WHO FIND
03:37PM 4 THEMSELVES LIKE HIM THAT IT'S NOT A LARK, IT'S NOT A FROLIC.
03:37PM 5 YOU DO WHAT WAS DONE HERE BECAUSE FORTUNATELY HE WAS
03:37PM 6 APPREHENDED. THE COURT COULD GO FURTHER. AND HOPEFULLY HE
03:37PM 7 WILL LEAD A PRODUCTIVE LIFE, AND HE WILL HAVE THE OPPORTUNITY
03:37PM 8 TO DO THAT.

03:37PM 9 BUT THE WORD HAS TO GO OUT TO OTHERS IN THE COMMUNITY THAT
03:37PM 10 WE WON'T SAY, OH, THAT'S OKAY BECAUSE IT'S NOT OKAY. SO IT IS
03:37PM 11 BIGGER THAN JUST THIS DEFENDANT.

03:37PM 12 ANY LEGAL REASON WHY SENTENCE MAY NOT BE IMPOSED AT THIS
03:37PM 13 TIME?

03:37PM 14 MS. BECKER: YES, YOUR HONOR.

03:37PM 15 MS. MITCHELL: NO, YOUR HONOR.

03:37PM 16 THE COURT: MY TASK, AS YOU KNOW, IS TO APPLY THE
03:38PM 17 FACTORS THAT ARE SET FORTH UNDER 18 U.S.C. SECTION 3553(A),
03:38PM 18 THAT DIRECTS ME TO IMPOSE A SENTENCE THAT IS SUFFICIENT BUT NOT
03:38PM 19 GREATER THAN NECESSARY.

03:38PM 20 WE'VE HAD A LOT OF DISCUSSION HERE SO I DON'T HAVE TO GO
03:38PM 21 THROUGH ALL OF IT AGAIN, BUT NO DOUBT THIS IS A SERIOUS OFFENSE
03:38PM 22 AND IT IS, HOWEVER ONE MAY WANT TO CHARACTERIZE IT AT THE END
03:38PM 23 OF THE DAY, ATTEMPTING TO PROVIDE AID TO A MURDEROUS TERRORIST
03:38PM 24 ORGANIZATION, AND FORTUNATELY BOTH FOR MR. NATSHEH AND FOR
03:38PM 25 EVERYONE ELSE HE WAS APPREHENDED BEFORE HE COULD JOIN THOSE

03:38PM 1 EFFORTS. AND WE WON'T REALLY EVER KNOW WHAT MIGHT HAVE
03:38PM 2 TRANSPIRED, BUT WE CERTAINLY COULD HAVE FACED THE PROSPECT IN
03:38PM 3 PARTICULAR BECAUSE OF HIS CITIZENSHIP AND HE COULD HAVE COME
03:38PM 4 BACK TO THE UNITED STATES AT SOME POINT, AT A POINT WHERE THAT
03:38PM 5 COULD HAVE BEEN DANGEROUS.

03:38PM 6 AT THE SAME TIME, I DO RECOGNIZE THAT MR. NATSHEH IS AND
03:39PM 7 WAS AT THE TIME OF THIS OFFENSE A TROUBLED YOUNG MAN. HE WAS
03:39PM 8 BATTLING DEPRESSION AND ALIENATION, NOT THAT THAT'S AN EXCUSE,
03:39PM 9 BUT MORE IMPORTANTLY, HE DID DO THE BASIC ACTIVITY THAT
03:39PM 10 WARRANTS THE CONVICTION BUT NOT MUCH MORE.

03:39PM 11 THERE WASN'T ANY TRAINING. THERE WEREN'T ANY WEAPONS
03:39PM 12 INVOLVED. THERE WASN'T ANY PROVIDING FINANCIAL ASSISTANCE.
03:39PM 13 THERE DOESN'T APPEAR TO HAVE BEEN ANY DIRECT EFFORT TO RECRUIT
03:39PM 14 OTHERS. THE CONDUCT REALLY WAS RESTRICTED TO STARTING THE
03:39PM 15 PROCESS OF JOINING UP WITH A TERRORIST ORGANIZATION.

03:39PM 16 THE TERRORIST ENHANCEMENT AND THE STATUTORY MAXIMUM, I
03:39PM 17 THINK, ARE INTENDED FOR VERY DIFFERENT CASES THAN WE HAVE HERE.
03:39PM 18 I MEAN, IT'S AN IMPORTANT STATUTE DIRECTED TO IMPORTANT
03:39PM 19 ACTIVITY THAT IS VERY DANGEROUS TO THE UNITED STATES, BUT THIS
03:39PM 20 CASE IS REALLY MUCH MORE SIMILAR ALONG THE LINES OF THE CASES
03:40PM 21 THAT HAVE INVOLVED REALLY ONE END OF THE SPECTRUM OF ACTUAL
03:40PM 22 CONDUCT.

03:40PM 23 SO THOSE ARE THE CASES THAT I'M LOOKING TO, AND I THINK
03:40PM 24 THE RANGE OF THOSE CASES, AS I LOOKED AT THE COMPARABLES THAT
03:40PM 25 WERE PROVIDED TO ME, AND I KNOW MS. MITCHELL SAID THAT THERE

03:40PM 1 WAS A RECENT PROBATIONARY SENTENCE, BUT IT APPEARED THAT MOST
03:40PM 2 OF THE SENTENCES WERE IN MOST OF THE 36- TO 84-MONTH RANGE, AND
03:40PM 3 I THINK SOMEWHERE IN THAT RANGE IS THE APPROPRIATE PLACE TO SET
03:40PM 4 THIS.

03:40PM 5 SO I THINK -- AND I THINK A LONG TERM OF SUPERVISED
03:40PM 6 RELEASE IS IMPORTANT, AND WE HAD THAT DISCUSSION ABOUT PROGRAMS
03:40PM 7 THAT MAY ACTUALLY DIRECTLY GO TO SOME OF THESE CONCERNS. I'M
03:40PM 8 NOT SUGGESTING THAT MR. NATSHEH IS NOT BEING ENTIRELY SINCERE.
03:40PM 9 HE'S SEEN, AS HE SAID, THE ERRORS OF HIS WAY, AND HE'S NOT
03:40PM 10 GOING THE RADICAL ROUTE, BUT I STILL WISH WE HAD BETTER
03:40PM 11 PROGRAMS THAT WOULD ASSIST IN THAT DIRECTION.

03:40PM 12 SO I THINK IT IS A SIGNIFICANT SENTENCE TO IMPOSE A
03:41PM 13 60-MONTH SENTENCE. THAT'S A LONG TIME. AND I THINK FOR
03:41PM 14 SOMEONE IN MR. NATSHEH'S POSITION, HE WOULD PROBABLY VIEW THAT
03:41PM 15 AS A VERY LONG TIME. BUT I THINK IT DOES SEND THE MESSAGE TO
03:41PM 16 THE COMMUNITY THAT THERE'S A COST ASSOCIATED WITH ENGAGING IN
03:41PM 17 THIS ACTIVITY WHICH IN A DIFFERENT CONTEXT COULD HAVE BEEN
03:41PM 18 EXTRAORDINARILY DANGEROUS AND SERIOUS. FORTUNATELY HERE IT WAS
03:41PM 19 STOPPED BEFORE IT GOT TO THAT POINT.

03:41PM 20 SO I THINK A 60-MONTH SENTENCE FOLLOWED BY A LONG PERIOD
03:41PM 21 OF SUPERVISED RELEASE WHERE HOPEFULLY AT THE POINT WHERE
03:41PM 22 MR. NATSHEH IS BACK INTO THE COMMUNITY, HE COULD ACTUALLY GET
03:41PM 23 ASSISTANCE FROM THE PROBATION AUTHORITIES IN TERMS OF GETTING
03:41PM 24 BACK ON HIS FEET AND MOVING FORWARD WITH HIS LIFE, AND HE MAY
03:41PM 25 NOT VIEW IT THIS WAY, BUT HE STILL WILL BE A YOUNG MAN WHEN

03:41PM 1 HE'S -- HE WILL BE IN HIS TWENTIES AND WHEN HE IS BACK IN THE
03:41PM 2 COMMUNITY.

03:41PM 3 SO PURSUANT TO THE SENTENCING REFORM ACT OF THE 1984 IT IS
03:42PM 4 THE JUDGMENT OF THE COURT THAT ISLAM NATSHEH IS HEREBY
03:42PM 5 COMMITTED TO THE CUSTODY OF THE BUREAU OF PRISONS TO BE
03:42PM 6 IMPRISONED FOR A TERM OF 60 MONTHS. AND THAT OBVIOUSLY, SO
03:42PM 7 IT'S CLEAR, IT REPRESENTS A VARIANCE OF THE STATUTORY MAXIMUM.
03:42PM 8 THE COURT RECOMMENDS THAT THE DEFENDANT PARTICIPATE IN THE
03:42PM 9 BUREAU OF PRISONS RESIDENTIAL DRUG TREATMENT PROGRAM.

03:42PM 10 AND THAT RECOMMENDATION, I TAKE IT, WAS BASED ON THE USE
03:42PM 11 OF CONTROLLED SUBSTANCES?

03:42PM 12 PROBATION OFFICER: HE HAD A SIGNIFICANT MARIJUANA
03:42PM 13 ADDICTION AT THE TIME.

03:42PM 14 THE COURT: ALL RIGHT. UPON RELEASE FROM
03:42PM 15 IMPRISONMENT, THE DEFENDANT SHALL BE PLACED ON SUPERVISED
03:42PM 16 RELEASE FOR A PERIOD OF SIX YEARS.

03:42PM 17 WITHIN 72 HOURS OF RELEASE FROM CUSTODY FROM THE BUREAU OF
03:42PM 18 PRISONS, THE DEFENDANT SHALL REPORT IN PERSON TO THE PROBATION
03:42PM 19 OFFICE IN THE DISTRICT TO WHICH THE DEFENDANT IS RELEASED.

03:42PM 20 WHILE ON SUPERVISED RELEASE, THE DEFENDANT SHALL NOT
03:42PM 21 COMMIT ANOTHER FEDERAL, STATE OR LOCAL OR CRIME, SHALL COMPLY
03:42PM 22 WITH THE STANDARD CONDITIONS THAT HAVE BEEN ADOPTED BY THIS
03:43PM 23 COURT, AND SHALL REFRAIN FROM ANY UNLAWFUL USE OF THE
03:43PM 24 CONTROLLED SUBSTANCE AND SUBMIT TO THE DRUG TEST WITHIN 15 DAYS
03:43PM 25 OF RELEASE ON SUPERVISED RELEASE AND TWO PERIODIC DRUG TESTS

03:43PM 1 THEREAFTER AND SHALL COMPLY WITH THE FOLLOWING CONDITIONS.

03:43PM 2 1. THE DEFENDANT SHALL PARTICIPATE IN A PROGRAM OF
03:43PM 3 TESTING AND TREATMENT FOR DRUG ABUSE AS DIRECTED BY THE
03:43PM 4 PROBATION OFFICER UNTIL SUCH TIME THAT THE DEFENDANT IS
03:43PM 5 RELEASED FROM TREATMENT BY THE PROBATION OFFICER.

03:43PM 6 THE DEFENDANT IS TO PAY PART OR ALL OF THE COST OF THE
03:43PM 7 TREATMENT IN AN AMOUNT NOT TO EXCEED THE COST OF TREATMENT AS
03:43PM 8 DEEMED APPROPRIATE BY THE PROBATION OFFICER. PAYMENTS SHALL
03:43PM 9 NEVER EXCEED THE TOTAL COST OF URINALYSIS AND COUNSELLING.
03:43PM 10 THE ACTUAL COPAYMENT SHALL BE DETERMINED BY THE PROBATION
03:43PM 11 OFFICER.

03:43PM 12 2. THE DEFENDANT SHALL PARTICIPATE IN A MENTAL HEALTH
03:43PM 13 TREATMENT PROGRAM AS DIRECTED BY THE PROBATION OFFICER. THE
03:43PM 14 DEFENDANT IS TO PAY PART OR ALL OF THE COST OF THIS TREATMENT
03:43PM 15 AT AN AMOUNT NOT TO EXCEED THE COST OF TREATMENT AS DEEMED
03:43PM 16 APPROPRIATE BY THE PROBATION OFFICER. PAYMENTS SHALL NEVER
03:43PM 17 EXCEED THE TOTAL COST OF MENTAL HEALTH COUNSELLING. THE ACTUAL
03:43PM 18 COPAYMENT SCHEDULE SHALL BE DETERMINED BY THE COUNSELLOR.

03:43PM 19 3. THE DEFENDANT -- AS DIRECTED BY THE PROBATION
03:44PM 20 OFFICER, THE DEFENDANT SHALL ENROLL IN THE PROBATION OFFICER'S
03:44PM 21 COMPUTER AND INTERNET MONITORING PROGRAM (CIMP) AND SHALL ABIDE
03:44PM 22 BY THE REQUIREMENTS OF THE CIMP PROGRAM AND THE ACCEPTABLE USE
03:44PM 23 CONTRACT.

03:44PM 24 4. THE DEFENDANT SHALL CONSENT TO THE PROBATION
03:44PM 25 OFFICER CONDUCTING A PERIODIC UNANNOUNCED EXAMINATION OF HIS

03:44PM 1 COMPUTER EQUIPMENT. I NOTE, BY THE WAY, THERE WERE SOME
03:44PM 2 OBJECTIONS BY THE DEFENSE TO CERTAIN OF THESE CONDITIONS, ONE
03:44PM 3 WITH RESPECT TO FINANCIAL INFORMATION AND THE LIKE.

03:44PM 4 I'VE READ THE REPLY THAT THE GOVERNMENT PROVIDED. I THINK
03:44PM 5 THE GOVERNMENT HAS CONVINCED ME THAT THESE ARE APPROPRIATE
03:44PM 6 CONDITIONS SO I WILL OVERRULE THOSE OBJECTIONS.

03:44PM 7 SO GOING BACK TO NUMBER 4. THE DEFENDANT SHALL CONSENT TO
03:44PM 8 THE PROBATION OFFICER CONDUCTING PERIODIC UNANNOUNCED
03:44PM 9 EXAMINATIONS OF HIS COMPUTER EQUIPMENT WHICH MAY INCLUDE
03:44PM 10 RETRIEVAL AND COPYING OF ALL DATA FROM HIS COMPUTERS AND ANY
03:44PM 11 PERIPHERAL DEVICE TO ENSURE COMPLIANCE WITH THIS CONDITION,
03:44PM 12 AND/OR REMOVAL OF ANY SUCH EQUIPMENT FOR THE PURPOSE OF
03:44PM 13 CONDUCTING MORE THOROUGH INSPECTION. THE DEFENDANT SHALL ALSO
03:44PM 14 CONSENT TO THE INSTALLATION OF THE HARDWARE AND SOFTWARE AS
03:44PM 15 DIRECTED BY THE PROBATION OFFICER TO MONITOR THE DEFENDANT'S
03:45PM 16 INTERNET USE.

03:45PM 17 5. THE DEFENDANT SHALL PAY ANY SPECIAL ASSESSMENT THAT
03:45PM 18 IS IMPOSED BY THIS JUDGMENT AND THAT REMAINS UNPAID AT THE
03:45PM 19 COMMENCEMENT OF THE TERM OF SUPERVISED RELEASE.

03:45PM 20 6. THE DEFENDANT SHALL PROVIDE THE PROBATION OFFICER
03:45PM 21 WITH ACCESS TO ANY FINANCIAL INFORMATION, INCLUDING TAX
03:45PM 22 RETURNS, AND SHALL AUTHORIZE THE PROBATION OFFICER TO CONDUCT
03:45PM 23 CREDIT CHECKS AND OBTAIN COPIES OF THE CREDIT RETURNS.

03:45PM 24 THE DEFENDANT SHALL AT ALL TIMES EITHER HAVE FULL-TIME
03:45PM 25 EMPLOYMENT, FULL-TIME TRAINING FOR EMPLOYMENT, FULL-TIME JOB

03:45PM 1 SEARCH, ENROLLED IN COLLEGE OR SOME COMBINATION THEREOF UNLESS
03:45PM 2 OTHERWISE EXCUSED BY THE PROBATION OFFICER.

03:45PM 3 8. THE DEFENDANT SHALL SUBMIT HIS PERSON, RESIDENCE,
03:45PM 4 OFFICE, VEHICLE OR ANY PROPERTY UNDER HIS CONTROL TO A SEARCH.
03:45PM 5 SUCH A SEARCH WILL BE CONDUCTED BY A UNITED STATES PROBATION
03:45PM 6 OFFICER AT A REASONABLE TIME AND IN A REASONABLE MANNER BASED
03:45PM 7 UPON A REASONABLE SUSPICION OF CONTRABAND OR EVIDENCE OF A
03:45PM 8 VIOLATION OF A CONDITION OF RELEASE. FAILURE TO SUBMIT TO SUCH
03:45PM 9 A SEARCH WILL BE GROUNDS FOR REVOCATION. THE DEFENDANT SHALL
03:45PM 10 WARN ANY RESIDENTS THAT THE PREMISES MAY BE SUBJECT TO
03:45PM 11 SEARCHES.

03:45PM 12 9. THE DEFENDANT SHALL NOT ASSOCIATE WITH ANY MEMBER
03:45PM 13 OF THE ISLAMIC STATE OF IRAQ, AL SHAM, ISIS, THE ISLAMIC STATE
03:46PM 14 OF IRAQ AND SYRIA -- I'M NOT SURE I CAN PRONOUNCE THIS --
03:46PM 15 AD-DAWLA AL-ISLAMIYYA F AL-'IRAQ WA-SH-SHAM, DAESH, DAWLA AL
03:46PM 16 ISLAMIYA, AND AL-FURQUAN ESTABLISHMENT FOR MEDIA PRODUCTION.

03:46PM 17 THE DEFENDANT SHALL HAVE NO CONNECTION WHATSOEVER WITH
03:46PM 18 THESE TERRORIST GROUPS OR ANY OTHER TERRORIST GROUP OR GANG.

03:46PM 19 IF HE IS FOUND TO BE IN THE COMPANY OF SUCH INDIVIDUALS OR
03:46PM 20 WEARING THE CLOTHING, COLORS OR INSIGNIA -- I KNOW THE
03:46PM 21 DEFENDANTS POINTED OUT THEY DON'T HAVE A GANG COLOR AND THE
03:46PM 22 LIKE AND THAT'S A REASONABLE POINT, BUT TO THE EXTENT THAT
03:46PM 23 THERE IS ANY KIND OF LOGO OR INDICIA OF THE ABOVE NOTED
03:46PM 24 TERRORIST GROUPS SHOULD THEY DEVELOP SUCH, THE COURT WILL
03:46PM 25 PRESUME THAT THE ASSOCIATION WAS FOR THE PURPOSE OF

03:46PM 1 PARTICIPATING IN THE ACTIVITY OF THOSE GROUPS.

03:46PM 2 10. THE DEFENDANT SHALL COOPERATE IN THE COLLECTION OF
03:47PM 3 DNA AS DIRECTED BY THE PROBATION OFFICER.

03:47PM 4 11. THE DEFENDANT SHALL NOT OWN OR POSSESS ANY
03:47PM 5 FIREARMS, AMMUNITION, DESTRUCTIVE DEVICES OR OTHER DANGEROUS
03:47PM 6 WEAPONS.

03:47PM 7 IT IS FURTHER ORDERED THAT THE DEFENDANT SHALL PAY TO THE
03:47PM 8 UNITED STATES A SPECIAL ASSESSMENT OF \$100 AND PAYMENT SHALL BE
03:47PM 9 MADE TO THE CLERK OF THE U.S. DISTRICT COURT, 450 GOLDEN GATE
03:47PM 10 AVENUE, BOX 36060, SAN FRANCISCO, CA 94102.

03:47PM 11 DURING IMPRISONMENT, PAYMENT OF CRIMINAL MONETARY
03:47PM 12 PENALTIES ARE DUE AT A RATE NOT LESS THAN \$25 PER QUARTER AND
03:47PM 13 PAYMENT SHALL BE THROUGH THE BUREAU OF PRISONS INMATE FINANCIAL
03:47PM 14 RESPONSIBILITY PROGRAM.

03:47PM 15 THE COURT FINDS THE DEFENDANT DOES NOT HAVE THE ABILITY TO
03:47PM 16 PAY A FINE AND ORDERS THAT THE FINE BE WAIVED.

03:47PM 17 MS. MITCHELL, DO YOU HAVE ANY REQUESTS IN TERMS OF
03:47PM 18 DESIGNATION OR --

03:47PM 19 MS. MITCHELL: WE WOULD REQUEST CALIFORNIA, IF
03:47PM 20 POSSIBLE, A FACILITY IN CALIFORNIA, IF POSSIBLE.

03:47PM 21 FCI MENDOTA WOULD BE THE ONE THAT IS CLOSEST TO HIS FAMILY
03:47PM 22 HERE.

03:47PM 23 THE COURT: AND DO YOU WANT THAT SPECIFIC ONE?

03:47PM 24 MS. MITCHELL: YES, YOUR HONOR.

03:47PM 25 THE COURT: ALL RIGHT. I'LL MAKE THAT

03:47PM 1 RECOMMENDATION AND IF NOT THAT FACILITY, A CALIFORNIA FACILITY.

03:48PM 2 AND, AGAIN, TO THE EXTENT THAT THERE IS ANY PROGRAMS,
03:48PM 3 CERTAINLY ONES AT THE SUPERVISED RELEASE PHASE, I ENCOURAGE THE
03:48PM 4 PROBATION OFFICER TO EXPLORE THAT AS YOU SET FORTH AS YOU
03:48PM 5 INDICATED YOU WOULD AND NOT JUST FOR MR. NATSHEH BUT IN
03:48PM 6 GENERAL.

03:48PM 7 MR. NATSHEH, YOU HAVE A RIGHT TO APPEAL. YOUR SENTENCE
03:48PM 8 YOU ENTERED INTO IS WHAT IS CALLED AN OPEN PLEA AND SO YOU DO
03:48PM 9 HAVE A RIGHT TO APPEAL.

03:48PM 10 IN THE EVENT THAT YOU ELECT TO APPEAL, YOU WOULD NEED TO
03:48PM 11 DO THAT WITHIN 14 DAYS OF THE ENTRANCE OF THIS JUDGMENT.

03:48PM 12 DO YOU UNDERSTAND THAT?

03:48PM 13 THE DEFENDANT: YES, SIR.

03:48PM 14 THE COURT: OKAY. ANYTHING FURTHER?

03:48PM 15 MS. BECKER: NO, YOUR HONOR.

03:48PM 16 MS. MITCHELL: NO, YOUR HONOR.

03:48PM 17 MS. BECKER: THANK YOU. THANK YOU.

03:49PM 18 (COURT CONCLUDED AT 3:49 P.M.)
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CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT REPORTER OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT, CERTIFICATE INCLUSIVE, IS A CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.



IRENE RODRIGUEZ, CSR, RMR, CRR
CERTIFICATE NUMBER 8074

DATED: JULY 13, 2017