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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

No. 1:15-cr-10153-WGY-2

UNITED STATES OF AMERICA

vs.

NICHOLAS ALEXANDER ROVINSKI

For Hearing Before:
Judge William G. Young

Plea Change

United States District Court
District of Massachusetts (Boston)
One Courthouse Way
Boston, Massachusetts 02210
Thursday, September 22, 2016

REPORTER: RICHARD H. ROMANOW, RPR
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A P P E A R A N C E S

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

2 (Begins, 2:00 p.m.)

3 THE CLERK: Now hearing Criminal Matter 15-10153,
4 the United States of America versus Nicholas Alexander
5 Rovinski.

6 THE COURT: Good afternoon. Would counsel
7 identify themselves.

8 MS. SIEGMANN: Good afternoon, your Honor,
9 Stephanie Siegmann for the United States, and with me at
10 counsel table is Gregory Gonzalez from the
11 counterterrorism section of the Department of Justice.

12 MR. FICK: Good afternoon, your Honor, William
13 Fick for Mr. Rovinski, who is here as well.

14 THE COURT: Well, Mr. Fick, let me congratulate
15 you on your new venture and wish you well.

16 MR. FICK: Thank you, your Honor.

17 THE COURT: Do I understand that Mr. Rovinski
18 desires to tender a plea of guilty?

19 MR. FICK: He does, your Honor.

20 THE COURT: He may come forward to be inquired of.
21 And could I have the original plea document?

22 MS. SIEGMANN: Mr. Fick has the original plea
23 document.

24 THE COURT: Fine.

25 (THE DEFENDANT, sworn.)

1 THE COURT: Could you state your full name.

2 THE DEFENDANT: Nicholas Alexander Rovinski.

3 THE COURT: Mr. Rovinski, my name is Bill Young,
4 I'm the judge who presides in this session of the court.
5 Now, when I asked your lawyer, he told me that you were
6 prepared to plead guilty to the charges against you.
7 Before I can let you plead guilty, and it's up to me, I
8 have to find out a variety of things. I have to find
9 out that you know what you're doing, I have to find out
10 that you know what you give up because you give up
11 things that are terribly important to you if you plead
12 guilty. I have to be sure that you know what you're
13 letting yourself in for if you plead guilty.

14 Now under the circumstances of this plea, the way
15 you and your lawyer have negotiated with the government,
16 if I accept this plea -- and this is the type of plea I
17 call a "take-it-or-leave-it plea," if I leave it, if at
18 the time of sentencing I decide not to go along with it,
19 you haven't pled guilty, you're looking at a trial,
20 we'll see where we go. If I accept it, we know what I'm
21 going to do within certain ranges. And I have to be
22 sure that you know what I'm going to do. And last, but
23 not lastly, I have to be sure that you want to plead
24 guilty.

25 Now, there's a written plea agreement here. I've

1 read it. The fact that you've entered into this deal
2 with the government doesn't mean you have to go through
3 with it. If at any time as we talk, because that's what
4 we're going to do, if you decide you just assume not
5 plead guilty, just tell me, we'll stop. While your case
6 is being prepared for trial, we'll let Mr. Fick go back
7 to preparing it for trial. And that's fine by me. I'm
8 never going to be angry with that. If we go to trial
9 and you were convicted, I would never, not one day in
10 prison, punish you because you went to trial.

11 You understand these things?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: And lastly, I have to be sure the
14 government has enough evidence that if we did go to
15 trial on these charges you could be found guilty of
16 these two charges. Now to find that out I'm going to
17 ask the prosecutors, the United States Attorneys, and
18 you and I will both listen to what she tells us, and
19 then I'm going to say to you, "Well, is that true?"

20 You understand that's how we're going to proceed
21 here? You do understand?

22 THE DEFENDANT: I do. I do understand, your
23 Honor.

24 THE COURT: Well, let's start with the "Do you
25 know what you're doing?"

1 How old are you, sir?

2 THE DEFENDANT: I'm 25 years old.

3 THE COURT: How far did you go in school?

4 THE DEFENDANT: Um, 11th grade. I received my GED
5 at a community college.

6 THE COURT: All right.

7 Have you ever been treated for any mental illness
8 of any sort?

9 THE DEFENDANT: No, your Honor.

10 THE COURT: Are you aware of any mental illness
11 that you may have?

12 THE DEFENDANT: I'm unaware of any mental illness
13 that I may have.

14 THE COURT: Are you taking any medication today?

15 THE DEFENDANT: No, I am not.

16 THE COURT: Under the influence of any drug?

17 THE DEFENDANT: No.

18 THE COURT: Under the influence of alcohol?

19 THE DEFENDANT: No.

20 THE COURT: Do you know what you're charged with?

21 THE DEFENDANT: Yes.

22 THE COURT: Tell me.

23 THE DEFENDANT: Two counts of conspiring to aid a
24 terrorist organization and transcending national
25 boundaries.

1 THE COURT: Actually it's not a test but you've
2 got that pretty much exactly what the charges are.

3 All right. What's before me is -- that involves
4 you anyway, are these two counts of conspiracy.

5 Now, before you could be found guilty of either of
6 these counts of conspiracy, the government has to prove
7 certain things, and they're both conspiracy counts but
8 they're slightly different and we'll talk about the
9 differences. But in each of these counts, the
10 government has to prove that you, knowing what you were
11 doing, entered into a conspiracy with this fellow
12 Wright, that's what they've charged.

13 Now, a conspiracy is an actual agreement between
14 two or more people to accomplish something that the law
15 forbids. So the first thing they have to prove is the
16 agreement. Now the agreement doesn't have to be in
17 writing, it doesn't have to be a handshake, a wink, or a
18 nod, but it's got to be a genuine deal that you've got
19 an agreement with Wright. You're not guilty of
20 conspiracy because as it all fell out you hung around
21 with the wrong people or even that you knew that other
22 people, Wright or somebody else or other people, that
23 you knew that they were conspiring and you didn't do
24 anything about it, that's not conspiracy, the government
25 has to prove that you entered into the conspiracy.

1 Well, the second thing they have to prove is the
2 specific intent of the conspirators.

3 Now, when the government charges a conspiracy,
4 they charge a conspiracy with a specific goal, a
5 specific violation of law that is among anyway the goals
6 of the conspirators, specifically that's in mind. Now
7 they don't have to prove that the conspirators knew
8 which particular law they were violating, but they have
9 to prove that the idea was, the goal was to do something
10 that in fact violates the law.

11 So this is not a drug conspiracy to get drugs and
12 sell them, it's not a conspiracy to receive stolen
13 refrigerators, they've got to be specific -- and in
14 their indictment they charged it specifically, and I'm
15 going to go over that, and they've got to prove that
16 you, but not only you, they've got to prove that you and
17 Wright had this joint idea to violate the law in a
18 certain specific way. And we're going to come back to
19 that.

20 The third thing they have to prove is that one of
21 you, or more than one, but at least one of you did
22 something, you didn't just talk about it, you actually
23 did something to further the conspiracy, to move the
24 conspiracy along, to make it operational. Now they've
25 got to prove each one of those things to the jury beyond

1 a reasonable doubt.

2 Now let's talk about the two charges and the
3 specific intent that they've got to prove.

4 On the first conspiracy, it is -- the idea was to
5 provide material support to what we have called, an
6 organization we have called the "Islamic State of Iraq
7 and the Levant," "ISIL." Now the President refers to
8 "ISIL," the media refers to "ISIS," people may refer to
9 it in different ways, but there's no doubt -- strike
10 that. Our government has decided that that
11 organization, which I'll call "ISIL," that is, I guess
12 they can prove that, a designated terrorist
13 organization.

14 Now, when they say that the object of the
15 conspiracy was to provide material support to that
16 organization, they've got to prove not that you were
17 planning some violent act, not that you were, um -- had
18 some generalized law violation in mind, but you were
19 planning something that would provide material -- and
20 "material" means significant, it makes some difference,
21 not just mouthing off, that you were planning anyway
22 something that would provide material support for ISIL,
23 this designated terrorist organization. That's the
24 first charge.

25 Do you think you understand that charge?

1 THE DEFENDANT: Yes.

2 THE COURT: Now, the second -- really they're
3 overlapping conspiracies but to have two separate
4 charges the government has to have -- has to shoulder
5 the burden of proving something different for each one.
6 So we've talked about the first conspiracy.

7 Now, the second conspiracy, which it's alleged to
8 be or it's like the same organization, but the goal here
9 is supposed to be -- is alleged to be -- the goal was to
10 commit acts of terrorism transcending national
11 boundaries, just what you told me you understood. So
12 let's go over that.

13 For this one the goal was to do something, some
14 violation of the law that we consider an "act of
15 terrorism." So what's an "act of terrorism"? Without
16 getting too refined, it's some act of violence directed
17 with a mind toward destabilizing our society, creating
18 divisions, fear, upsetment, within our society, but
19 that's not enough, one can conceive of domestic acts of
20 terrorism. Here the way Congress has made the violation
21 of law, the act of terrorism has to be one that in some
22 way transcends national boundaries. Well, what that
23 means is beyond the boundaries of the United States,
24 we're talking about the United States. That's what they
25 have to prove for the two acts of terrorism.

1 You understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: Now, in this session of the court,
4 whenever someone is found guilty or pleads guilty, it is
5 possible in the specific circumstances that the
6 government wants to say to the sentencing judge, and in
7 this case it's me, "Well, these crimes or this crime
8 they're particularly bad because of this or because of
9 that or something else." In this session of the court,
10 by which I mean here in this courtroom where I preside,
11 the way I read the Constitution, if the government's
12 going to say that and it's going to have some effect on
13 me if I come to sentence a person, they've got to prove
14 those enhancements, those things that make it worse,
15 they've got to prove those things to the jury on
16 evidence beyond a reasonable doubt.

17 Now, in your situation where what I'm given is a
18 take-it-or-leave-it plea, um, I'm going to require that
19 they spell out what it is they think you did, and I'll
20 ask you whether you agree to it, but it's not going to
21 change the range that you and Mr. Fick, on your behalf,
22 had bargained out with the government, that range is
23 what it is. It may have an effect on where I come down
24 within that range or whether I accept it at all, but I
25 need to know because I take each one of those things

1 seriously and I require that the government prove them.

2 So let me just -- I want to tick them off now so
3 you know what they are.

4 They claim to be able to prove that the material
5 support or resources provided to ISIL were done with the
6 intent, knowledge, or reason to believe that they would
7 be used to commit or assist in the commission of a
8 violent act. Then they say that for the purpose of
9 transcending national boundaries, that they claim to be
10 able to prove that you specifically agreed with others
11 to kill and maim persons within the United States. Then
12 they claim that there were two or more acts or
13 transactions connected by a common criminal objective or
14 constituting part of a common scheme or plan. They
15 claim to be able to prove that the offenses -- well,
16 this is a matter of law, that the offenses -- they'll be
17 telling me that the offenses we're talking about here
18 are felonies that involved or were intended to promote
19 the federal crime of terrorism.

20 Now, I mention those because if I'm going to count
21 those at all, if we go to trial, I'll make them prove
22 them to the jury beyond a reasonable doubt, but if I
23 accept this plea or if you go through with the plea, I
24 want them to recite that here this afternoon and I want
25 to know that you agree that those things in fact

1 happened. So that's what we're talking about with
2 respect to the charges.

3 Do you think you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: Let's talk about your rights, very
6 serious rights, rights that you have under the
7 Constitution.

8 I keep talking about "proving." You have the
9 right to have this case tried to a jury of the people
10 and that jury would have to agree unanimously, beyond a
11 reasonable doubt, before you could be found guilty of
12 either of these two crimes, and if you were found guilty
13 of either or both of them, before I could count any of
14 these enhancements that I just mentioned. The jury
15 decides, not me. My duty is to give you a fair trial.

16 At the trial you have the right to be here right
17 here in the courtroom, you can look at the witnesses as
18 they testify, but more important than just looking at
19 them in the courtroom and seeing what the evidence is,
20 Mr. Fick has the right to examine them, cross-examine
21 them, ask them questions, make arguments to the jury,
22 call witnesses on your behalf. You have the right to
23 testify on your own behalf, give your testimony. But
24 then there's another right, you don't have to, you don't
25 have to do anything, you have the right absolutely to be

1 silent. And to the extent you're silent, I'm going to
2 tell this jury, if we go to trial, that you're an
3 innocent man, and that's the word I'll use,
4 "Mr. Rovinski is innocent, he cannot be found guilty
5 unless you jurors come to believe unanimously beyond a
6 reasonable doubt that Mr. Rovinski is guilty." See the
7 burden of proving here, that's on the government, and it
8 stays on the government. It never shifts to you. You
9 don't have to explain yourself. Just because you're
10 arrested, you don't have to justify anything. They've
11 got to prove it. You don't have to prove anything.

12 Now, this business about starting innocent, that's
13 for real. Now I see we've got you in custody, but
14 that's so you'll show up for the trial. Mentally I have
15 to -- the jury, I want them to start you off innocent,
16 if we have a trial, and as much as my words can impress
17 that on them, I will do that. I take you as innocent.
18 Now seriously, I don't know anything about this case
19 except -- I've read a lot of papers to get ready for the
20 case, but this is the first time you and I have met,
21 I've heard no evidence, other than reading papers I
22 don't know anything about the case, and I must tell
23 myself you're innocent, you start innocent, and that's
24 how I look at you. And I'm not giving you anything by
25 explaining these things, these things are your rights

1 under the law, under the Constitution.

2 Now, do you understand you have these rights?

3 THE DEFENDANT: Yes.

4 THE COURT: Now, you tender, if you plead guilty
5 this afternoon, you say, "Judge, I'll plead guilty and
6 we'll see whether you as the judge will accept it,"
7 you've given all these rights away, we'll never have a
8 trial, we'll never get to see any evidence at all, the
9 closest we're going to come is when I ask the U.S.
10 Attorney to tell me what she hopes she could prove if we
11 went to trial, that's as close as we're going to come,
12 and then I'll say, "Well, is that true?"

13 Your right to be silent, oh, you still have that,
14 you have that up until I sentence you, but once I
15 sentence you, that right is gone as to these crimes, not
16 as to other crimes, but as to these crimes that right is
17 gone because you're guilty. So your Fifth Amendment
18 right to be silent, that's gone.

19 Now, understand you're charged with this fellow
20 Wright and one imagines the government is interested in
21 how all this, if anything, did happen or was conspired
22 to and the like, they're interested in how all of this
23 came to be. Once I sentence you, you've got no right to
24 keep silent about that, you're going to have to tell.

25 Do you understand that?

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: And lastly, if you plead guilty here
3 this afternoon, you go from being truly innocent in my
4 eyes to being a guilty person and what's left for me to
5 decide is whether this plea agreement that I have is
6 fair and just both to you and to the interests, not of
7 the government, but of all the people who the government
8 represents, that's what I have to figure out, that's the
9 only thing left, but I think you're guilty.

10 You understand that? Do you?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: Counsel, why don't you come up here.
13 I just want to show you the plea documents, that's why
14 I'm coming down.

15 (Sidebar sealed.)

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1 (In open court.)

2 THE COURT: Now, what we need to know is what the
3 deal is here because all that's left is whether I'm
4 going to go for this deal or not. We won't know that
5 today, I'm going to need a presentence report. But as I
6 started out, this is a take-it-or-leave-it plea, that --
7 to the judge, and that means -- and it's perfectly
8 appropriate under the rules for your counsel and the
9 government and you to enter into a deal, and that deal
10 in essence sets the parameters of what I can do. But
11 the first thing I can do is just refuse to accept it.
12 If I refuse to accept it, what we do here this afternoon
13 doesn't count, even if you tender your plea, you go back
14 to being an innocent man, but you're an innocent man
15 charged with these crimes and we'll get you to trial and
16 see how that works out. If I accept the plea, here's
17 what will happen, I mean, because this is the deal. I
18 will sentence you for at least 15 years but not more
19 than 22 years to prison.

20 You understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: I will impose a fine on you unless I
23 think you're unable to pay a fine. I will keep you on
24 supervised release for the rest of your life.

25 Do you understand that?

1 THE DEFENDANT: Yes.

2 THE COURT: Now that's like probation, that means
3 that we'll have a handle on you so that if you commit
4 some other crime or violate the terms of your supervised
5 release, I can put you back in prison or some other
6 judge can.

7 You understand that?

8 THE DEFENDANT: Yes.

9 THE COURT: That's for the rest of your life.

10 THE DEFENDANT: Yes.

11 THE COURT: And I will impose upon you a mandatory
12 special assessment of \$200.

13 Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: Now, other than this plea document,
16 these papers that we've just gone over, is there any
17 other agreement, any other deal, any other promise that
18 the government has made to you that's not here?

19 THE DEFENDANT: No, there has not been.

20 THE COURT: Have they threatened you with anything
21 to get you to plead guilty?

22 THE DEFENDANT: No.

23 THE COURT: Now, in this type of case, and in
24 every case really I should ask, are you covering up for
25 anyone else by pleading guilty yourself?

1 THE DEFENDANT: I'm not.

2 THE COURT: You should know that if you're not a
3 citizen of the United States, conviction of these crimes
4 may have the consequence of your being denied admission
5 to the United States, denied naturalization under the
6 laws of the United States, and if you're not a citizen
7 it may result in your deportation, do you understand
8 that?

9 THE DEFENDANT: Yes, I do.

10 THE COURT: Have you had enough time to talk all
11 this over with Mr. Fick, your attorney?

12 THE DEFENDANT: Yes, I have.

13 THE COURT: Do you think he's been a good attorney
14 gotten for you those things that are your rights under
15 the law, we've been talking about your rights, do you
16 think he's secured those rights for you that are your
17 rights under the Constitution?

18 THE DEFENDANT: Affirmative.

19 THE COURT: Go ahead.

20 THE DEFENDANT: Yes.

21 THE COURT: Do you think he's been a good
22 attorney?

23 THE DEFENDANT: Yes.

24 THE COURT: Are you satisfied with him as your
25 attorney?

1 THE DEFENDANT: Yes.

2 THE COURT: Do you still want to plead guilty?

3 THE DEFENDANT: Yes.

4 THE COURT: Why?

5 THE DEFENDANT: I feel, um, in the interests of
6 myself and people of the United States that I should,
7 um, pay for the crimes that I have committed.

8 THE COURT: All right. Now I follow that, and in
9 that there is an acknowledgement that you think you have
10 committed crimes, correct, is that true?

11 THE DEFENDANT: Yes.

12 THE COURT: Now I'm going to ask the government to
13 tell me briefly, just touching on the essential elements
14 and the enhancements because I need to know, um, tell me
15 what you hope you can prove.

16 And you listen to this. You don't have to agree
17 to it, but listen carefully. If you disagree with any
18 of it, you tell me because she's going to tell me now
19 what she hopes she can prove and then I'm going to say,
20 "Do you understand that and is that true?"

21 Ms. Siegmann.

22 MS. SIEGMANN: Had this case gone to trial the
23 government would have proven beyond a reasonable doubt
24 the following facts.

25 In November of 2014, the defendant met David

1 Wright on Facebook. In December of 2014, defendant and
2 Wright began discussing that their mutual support for
3 ISIL, the Islamic State of Iraq and the Levant -- and as
4 your Honor said, "ISIL" is known by several names, they
5 didn't always use "ISIL," they often used "ISIS" and
6 "ISS," but for purposes of my facts today I'm going to
7 refer to it as "ISIL." The United States government has
8 designated ISIL as a foreign terrorist organization and
9 at all times relevant to this indictment it was so
10 designated.

11 Indeed Wright and Rovinski both understood that it
12 was a terrorist organization, Mr. Rovinski understood
13 and discussed with Wright the fact that ISIL committed
14 violent acts and had called for violence and individuals
15 to kill and behead nonbelievers including people in the
16 United States.

17 In January 2015 the defendant downloaded six
18 issues of ISIL's online magazine, "Dabiq," D-A-B-I-Q,
19 which Wright had sent him via e-mail. ISIL uses "Dabiq"
20 as a promotion and means of recruiting people and
21 propaganda. The magazines that Mr. Rovinski downloaded
22 and viewed boasted about military victories of ISIL,
23 criticized western governments, and called its
24 supporters to kill nonbelievers and to commit violent
25 Jihad. Wright also sent Rovinski links to other ISIL

1 materials including beheading videos and e-books. For
2 instance on January 26th, 2016, Wright sent Rovinski a
3 link to the Islamic state 2015 full e-book which
4 contained instructions on how to travel to ISIS's
5 controlled territory in Syria through Turkey and it also
6 contained a list of twitter accounts for people that
7 live in the Islamic state.

8 Now, although initially Rahim, Usaamah -- Rahim
9 was another co-conspirator in this conspiracy as laid
10 out in the indictment, and initially Rahim -- Usaamah
11 Rahim, David Wright, and Rovinski, planned to travel
12 overseas to join the Khalify, to join the Islamic state,
13 but over time their plans changed and they began
14 planning plots, a plot to kill and commit violent Jihad
15 in the United States to kill and behead individuals
16 here.

17 After Wright introduced Rahim to ISIL, Rahim had
18 numerous conversations with people overseas, ISIL
19 members overseas, um, between the time --

20 THE COURT: Wait a minute.

21 MS. SIEGMANN: I'm sorry?

22 THE COURT: After Wright introduced Rahim? Don't
23 you mean Rovinski?

24 MS. SIEGMANN: Sorry, I actually -- for purposes
25 of this indictment of the conspiracy, your Honor,

1 there's acts that Rahim actually committed that would --
2 that we would be proving at trial against Rovinski. So
3 Wright actually introduced -- had conversations with
4 Rovinski, he also introduced his uncle, Usaamah Rahim,
5 to ISIL and actually, um, he indicated this is a
6 legitimate organization and that they should support
7 them. And but for Wright, Rahim may not have ever done
8 the acts that he committed on June 2nd, 2015. So back
9 about a year before this occurred, Wright introduced
10 Rahim to ISIL, and then after that, between the date and
11 time of February 2015 until his death in June to 2015,
12 Rahim had numerous conversations with ISIL members
13 overseas.

14 The defendant also had several conversations with
15 people located overseas using various internet-based
16 applications, messaging applications. For instance, on
17 May 20th, 2015 he told a person named Khalid, located in
18 the United Kingdom, that he would be, quote, "carrying
19 things out here in the United States rather than
20 traveling over to Syria to join ISIL. Similarly on that
21 same day, May 20th, 2015, Rovinski told a woman over --
22 located in the United Kingdom, that -- during a chat,
23 that he, quote, "had chosen the path of Jihad."
24 "Jihad," your Honor, is a reference to committing acts
25 of violence in the United States.

1 In March of 2015 --

2 THE COURT: Right, at least you say in the
3 circumstances of this case it is?

4 MS. SIEGMANN: Yes, your Honor.

5 THE COURT: Go ahead.

6 MS. SIEGMANN: In March 2015, Wright had obtained
7 and studied a Jihadist manual entitled "How to survive
8 in the West," which detailed how to become a sleeper
9 cell in the U.S. until ordered to attack, ordered to
10 carry out acts of violence. Wright forwarded a link to
11 this document to Rahim, the other co-conspirator, and
12 advised Rahim, "That it is perfect for the initiative,"
13 that was a quote, "perfect for the initiative."

14 Now, all these acts were going on and they were
15 having discussions about "How can we support ISIL?" but
16 by April 2015, Rovinski, Wright, and Rahim had agreed to
17 commit attacks and kill persons inside the United States
18 which they would -- which they believed would further
19 the objectives of ISIL, would support their objectives.
20 They each took steps in furtherance of this plan. Their
21 attack plans included the beheading of at least one
22 person, on one New York woman who's identified in the
23 indictment as "Intended Victim 1." As a matter of
24 public record, "Intended Victim 1" is Pamela Geller, and
25 she has acknowledged it as such and publicly

1 acknowledged this recently.

2 In 2015 ISIL had issued a fatwah, F-A-T-W-A-H, or
3 religious decree -- and that's the Arabic word, your
4 Honor, um, to its supporters calling for her murder.
5 Ms. Geller had organized a Muhammad art exhibit and
6 contest in Garland, Texas on May 3rd, 2015, and
7 severally from the plans of Rovinski and his
8 conspirators, two armed men had attempted to attack that
9 contest and kill Ms. Geller, but before they were able
10 to do so, they were killed by law enforcement.

11 Minutes after this attack occurred, an individual
12 by the name of Junaid Hussain, an ISIL member located in
13 Syria, had tweeted, using his twitter account, "Two of
14 our brothers just open fire at the Prophet Muhammad art
15 exhibit in Texas, kill those who insult the prophet,"
16 hash-tag, "Garland shooting." Hussain used twitter to
17 encourage terrorist attacks in United States and Europe
18 against persons whom ISIL had decided were worthy of
19 killing, that they believed should be targeted, should
20 be killed, and wanted them executed. Pamela Geller was
21 one of those people. Hussain was killed by a drone
22 strike on August 24th, 2015.

23 In May, a few months before his murder -- I'm
24 sorry, in May, a few months before he was killed,
25 Hussain, who was located in Syria, had directly

1 communicated with Usaamah Rahim concerning the murder of
2 Geller. On May 26th, 2015 Rahim told David Wright,
3 during a recorded telephone conversation, that he had
4 received an encrypted document from Mr. Hussain with
5 details about the woman in New York who likes to insult
6 the Prophet Muhammad. And between May 25th and May
7 27th, 2015, Rahim had purchased three knives, three
8 knives ranging in size between -- ranging in size of 13
9 to 15 inches from Amazon.com, the last of which was
10 delivered to his residence on May 30th.

11 Between -- and he wasn't the only one that
12 researched or looked at weapons in this case, your
13 Honor, between April and June 2015, Rovinski researched
14 knives and weapons using the internet. Rovinski also
15 viewed videos on how to make weapons on Youtube and
16 downloaded those videos to his account. In April and
17 May of 2015, Wright also conducted internet searches on
18 firearms, weapons, and law enforcement capabilities.
19 For instance, on April 19th, 2015, Wright had conducted
20 internet search queries on Google including "which
21 tranquilizer puts humans to sleep instantly" and he did
22 multiple searches on how to purchase tranquilizer guns,
23 taser guns, and firearms.

24 On May 25th, 2015, Wright conducted another
25 internet search querying "How to start a secret militia

1 in the United States," and that same day Rahim conducted
2 searches on Facebook on the name "Pamela Geller" and the
3 name of one of her relatives.

4 On May 31st, 2015, the defendant met with Wright
5 and Rovinski for more than two hours on a secluded beach
6 in Rhode Island where they discussed their plan to
7 behead Ms. Geller and Wright and Rovinski had actually
8 previously met on that same beach just a few weeks
9 earlier on or about May 9th, 2015.

10 Now, according to statements made by Mr. Rovinski
11 to law enforcement on June 2nd, 2015, all three men
12 agreed to murder Pamela Geller and each of them were
13 going to play a critical role in the planned beheading,
14 and killing and/or maiming a person violates both
15 Massachusetts General Laws as well as New York -- New
16 York state penal law.

17 And moving forward. During a telephone
18 conversation on the morning of June 2nd, 2015, Rahim
19 informed Wright that he could not wait until July 4th to
20 go after their target and wanted to go after the "boys
21 in boy," a slang term referring to police officers in
22 Massachusetts. So he wanted to attack and to go after
23 police officers in Massachusetts.

24 Wright encouraged Rahim's plan to attack the
25 police and die as a martyr and less than two hours after

1 Wright spoke to Rahim the police -- I'm sorry Rahim was
2 killed when he lunged with a knife towards police
3 officers and special agents of the FBI in a Roslindale
4 parking lot after being repeatedly asked to drop his
5 knife.

6 After Rahim was killed, Hussain, Junaid Hussain,
7 the individual in Syria, the ISIL member, the recruiter,
8 acknowledged -- publicly acknowledged that he had
9 directly communicated with Rahim and at trial the
10 government would have proven that these communications
11 demonstrate the significance of this conspiracy, a
12 conspiracy in which Rovinski was involved.

13 On June 12th, 2015, using twitter, Hussain
14 described Usaamah Rahim as a martyr in Boston who was
15 involved in a plan, quote, "to behead Pamela Geller."
16 Hussain further acknowledged that he had spoken to Rahim
17 and during their last conversation Hussain had
18 instructed Rahim to "carry a knife in case the Feds
19 tried to arrest him." Because of that knife Hussain
20 explained Rahim became a martyr rather than be arrested.

21 Even after the defendant was arrested on June
22 11th, 2015, he continued to engage in activity designed
23 to further the conspiracy, the plan to commit violent
24 attacks in the United States. In August 2015, Rovinski
25 wrote two letters addressed to his co-defendant and

1 conspirator, "Daoud Wright," and that's how they're
2 addressed, "Daoud Wright," and Rovinski attempted to
3 recruit people while in jail to assist in their plan to
4 kill people in the United States on behalf of ISIL
5 because his intention, as was it the intention of Wright
6 and Rahim, was to bring down the United States
7 government.

8 THE COURT: Well, just a moment. You say he wrote
9 two letters to Wright, but you didn't characterize the
10 letters at all?

11 MS. SIEGMANN: I'm going to do that. You're
12 right, your Honor. I'm going to summarize them right
13 now.

14 THE COURT: Oh, go right ahead.

15 MS. SIEGMANN: The government recovered both of
16 those letters before they could be sent or delivered to
17 Mr. Wright, and in the first letter Rovinski informed
18 Wright that he, Rovinski, had found an inmate that would
19 assist them in their plan to take down the Eastern Coast
20 -- that's a quote, "the Eastern Coast and ultimately the
21 U.S. government by killing and beheading people."
22 Included in this plan Rovinski wrote that he intended
23 to, quote, "place their juicy heads for display, the
24 victory will be ours, use any resource possible, surely
25 we will persevere and win," end quote.

1 Now the government would have proven at trial that
2 the term "juicy heads" and "juicy necks" was a term that
3 Rovinski, Wright, and Rahim use often and it was used to
4 refer to beheadings, and since June of 2014 ISIL has
5 been distributing beheading videos and promoting
6 decapitation as an acceptable means of killing
7 nonbelievers.

8 Rovinski concluded this letter by pledging
9 allegiance to ISIL's leader, he wrote, "I give full
10 bayah," B-A-Y-A-H, which is an Arabic word meaning
11 "allegiance," "to Amir Abu Bakr Al-Baghdadi and the
12 Khalify." And, your Honor, Abu Bakr Al-Baghdadi is the
13 leader of ISIL, the "Khalify" is a term that refers to
14 the Islamic state.

15 Now turning to the second letter, similarly in
16 Rovinski's second letter he advised Wright that he had,
17 quote, "acquired a recruit," end quote, from the jail
18 that had pledged allegiance and support to ISIL and the
19 defendant wrote to Wright, in pertinent part, quote, "We
20 will try to get ammo and more personnel to coordinate
21 our attack. Leave no stone unturned. We need to leave
22 them blind. This is going to be worse than Genghis
23 Khan. Can't wait for them juicy necks." Again, the
24 term "juicy necks" referring to beheadings.

25 Your Honor, based upon these facts, among others,

1 the government is confident it could prove the defendant
2 guilty at trial that he intended to engage and conspired
3 to engage in an act of terrorism to promote violence and
4 with the intent of supporting ISIL and bringing down the
5 U.S. government.

6 THE COURT: Did you hear what Ms. Siegmann had to
7 say?

8 MR. FICK: May I interject one moment, your Honor,
9 before you inquire?

10 THE COURT: You may.

11 MR. FICK: I just wanted to carve out for the
12 Court that there's a lot of information in the
13 government's recitation there as to which Mr. Rovinski
14 doesn't necessarily or doesn't have personal knowledge
15 such as Rahim's communications abroad, but we
16 acknowledge and understand that as co-conspirator
17 statements and activity that would come in at trial.

18 THE COURT: I thank you and I had intended to ask
19 a couple of questions and I will.

20 MR. FICK: Thank you, your Honor.

21 THE COURT: Did you hear what she had to say?

22 THE DEFENDANT: Yes, I did, your Honor.

23 THE COURT: Do you understand what she had to say?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: Now, insofar as she referred

1 specifically to you and referred to your agreeing, your
2 researching, your writing, your communicating, are all
3 those things true?

4 THE DEFENDANT: Yes, they are.

5 THE COURT: All right. And did you understand and
6 agree to the various goals that she laid out there in
7 her recitation?

8 THE DEFENDANT: Yes.

9 THE COURT: So as I understand it, and this --
10 they're all important questions but now I'm getting to
11 the end, I mean you're prepared to plead guilty because
12 you acknowledge you are guilty of these crimes, you're
13 hoping I will accept this deal that you worked out with
14 the government, but you acknowledge you are in fact
15 guilty, is that true?

16 THE DEFENDANT: Yes.

17 THE COURT: Thank you.

18 I find that Nicholas Rovinski, knowingly,
19 intelligently, and voluntarily exercises his right to
20 tender a plea of guilty to the two counts of the
21 indictment and the Clerk may receive the tender.

22 Now, I understand that this is a
23 take-it-or-leave-it plea, so she's going to -- the Clerk
24 now is going to ask you, she'll say, "You earlier
25 pleaded not guilty, do you want to change your plea from

1 not guilty to guilty?" and if you want to stop, say
2 "No," and we'll stop, but if you want to plead, say
3 "Yes." And then she'll say, "How do you plead, guilty
4 or not guilty?" If you say "Guilty," then in my eyes
5 you're guilty, there's no taking it back -- you can't
6 get it back unless, for whatever reason, I come to
7 believe that I'm not going to go along with this plea
8 agreement, then it doesn't count and in essence we start
9 over, you're innocent and you're awaiting trial. But if
10 I were to accept this, when we come on for sentencing,
11 we don't know exactly what the sentence will be and I
12 have a lot of thinking to do, but I will follow the
13 agreement.

14 Do you understand that's how it works?

15 THE DEFENDANT: Yes.

16 THE COURT: All right. The Clerk may accept
17 Mr. Rovinski's tender of a plea of guilty.

18 THE CLERK: Mr. Rovinski, you have previously pled
19 not guilty to a two-count superseding indictment
20 charging you in Count 1(f), conspiracy to provide
21 material support to designated foreign terrorist
22 organization, in violation of Title 18, United States
23 Code, Section 2339(b)(a)(1), and Count 4(f), conspiracy
24 to commit acts of terrorism transcending national
25 boundaries in violation of Title 18, United States Code,

1 Section 2332(b)(a)(2) and (c).

2 Do you now wish to change your plea, "Yes" or
3 "No"?

4 THE DEFENDANT: Yes.

5 THE CLERK: How do you now plead to Counts 1(f)
6 and 4(f), guilty or not guilty?

7 THE DEFENDANT: Guilty.

8 THE COURT: Thank you. You may step down.

9 (Defendant steps down.)

10 THE COURT: I propose sentencing for the 23rd of
11 March 2017 at 2:00 p.m., is that satisfactory,
12 Ms. Siegmann?

13 MS. SIEGMANN: Yes, your Honor.

14 THE COURT: And, Mr. Fick, is that satisfactory?

15 MR. FICK: Yes, your Honor.

16 THE COURT: Very well. That's the date for
17 sentencing. He's remanded to the custody of the
18 marshals. We'll recess.

19 (Ends, 2:50 p.m.)
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C E R T I F I C A T E

I, RICHARD H. ROMANOW, OFFICIAL COURT REPORTER,
do hereby certify that the foregoing record is a true
and accurate transcription of my stenographic notes
before Judge William G. Young, on Thursday, September
22, 2016, to the best of my skill and ability.

/s/ Richard H. Romanow 10-11-16

RICHARD H. ROMANOW Date