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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

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THE HONORABLE JAMES V. SELNA, JUDGE PRESIDING

UNITED STATES OF AMERICA, )  
Plaintiff, )

vs. )

) SACR-14-109-JVS

ADAM DANDACH aka "FADI FADI )  
DANDACH, " )  
Defendant. )

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

Santa Ana, California

July 25, 2016

SHARON A. SEFFENS, RPR  
United States Courthouse  
411 West 4th Street, Suite 1-1053  
Santa Ana, CA 92701  
(714) 543-0870

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1 SANTA ANA, CALIFORNIA; MONDAY, JULY 25, 2016; 9:22 P.M.

09:22 2 THE CLERK: Item No. 2, SACR-14-00109-JVS, United  
09:22 3 States of America versus Adam Dandach aka "Fadi Fadi  
09:22 4 Dandach."

09:22 5 Counsel, please state your appearances.

09:22 6 MS. COLLETT: Good morning, Your Honor. Celeste  
09:22 7 Collett on behalf of the United States.

09:22 8 MR. LENGYEL-LEAHU: Good morning, Your Honor. Pal  
09:22 9 Lengyel-Leahu on behalf of Mr. Adam Dandach who is present  
09:22 10 in custody, and I am being assisted at counsel table by  
09:22 11 Vincent Imhoff.

09:22 12 THE COURT: Good morning.

09:23 13 Have you all had a chance review the draft  
09:23 14 sentencing memorandum?

09:23 15 MS. COLLETT: Yes, Your Honor.

09:23 16 MR. LENGYEL-LEAHU: Yes, Your Honor.

09:23 17 THE COURT: Does the government have any  
09:23 18 comments?

09:23 19 MS. COLLETT: Regarding the tentative?

09:23 20 THE COURT: Yes.

09:23 21 MS. COLLETT: No, Your Honor. The government does  
09:23 22 have a statement it would like to make but not regarding the  
09:23 23 tentative.

09:23 24 THE COURT: Would you like to make that now or  
09:23 25 later?

09:23 1 MS. COLLETT: The government is fine with making  
09:23 2 that now or whenever the Court is ready for the government  
09:23 3 to make it.

09:23 4 THE COURT: I'm prepared to hear you.

09:23 5 MS. COLLETT: Thank you.

09:23 6 I am a terrorist. These are the words of a jihadi  
09:23 7 song Adam Dandach listened to in March 2014 just weeks  
09:23 8 before his attempt to join the Isis terrorist organization.  
09:23 9 This is not an empty claim by the defendant but an  
09:23 10 expression of his true intent and one of the many acts to  
09:23 11 advance his goal of providing material support to the  
09:23 12 foreign terrorist organization ISIL.

09:23 13 I will not reiterate today all the bases for the  
09:23 14 sentencing position that is contained in the pleadings and  
09:23 15 testimony this Court has already read and heard, but the  
09:24 16 government would like to address today the defendant's  
09:24 17 claims in his July 15 pleadings that he was going to join  
09:24 18 ISIL to provide charity work.

09:24 19 There is no evidence through the search of his  
09:24 20 home or his electronic devices or presented by the defendant  
09:24 21 that supported his claimed charity intent. Instead, what  
09:24 22 the FBI did find in the defendant's possession was material  
09:24 23 produced by terrorists that exalted the glories of being a  
09:24 24 foreign fighter who gave their lives on the battlefield.

09:24 25 These same terrorists materials told the foreign

09:24 1 fighters how to get to Syria, what their daily schedule  
09:24 2 would be, including firearms training. It also provided  
09:24 3 twitter accounts to allow the western recruits to contact  
09:24 4 them for additional information. All of these twitter  
09:24 5 accounts were found in the defendant's possession. And  
09:24 6 these terrorist materials told their recruits to join a  
09:24 7 charity organization to enable them to travel from Turkey to  
09:25 8 Syria.

09:25 9 When the defendant told the FBI and what he tells  
09:25 10 the Court today that he was going to join a charity, he is  
09:25 11 doing exactly what the terrorists told him and other  
09:25 12 recruits to do, make the false claim that he was joining a  
09:25 13 charity. There were no charity materials.

09:25 14 Instead, for over a year, Adam Dandach gathered  
09:25 15 hundreds of pages of terrorist materials that included:

09:25 16 Terrorists' justifications for committing violence  
09:25 17 for their beliefs

09:25 18 Terrorists' updates on the war in Syria and Iraq  
09:25 19 Pictures of terrorist soldiers, tanks, and weapons  
09:25 20 Pictures of dead bodies and decapitated heads

09:25 21 Videos of executions and decapitations committed  
09:25 22 by terrorists

09:25 23 Adam Dandach communicated with known foreign  
09:25 24 terrorists in foreign countries and those who were already  
09:25 25 in Syria. He asked for advice on what to bring and whether

09:25 1 it was safe for mujihideens to enter Syria through Turkey.

09:26 2 He shared these violent and hateful materials with  
09:26 3 his friends and posted them on chat rooms and encouraged  
09:26 4 others to read the writings and sing the jihadi songs and  
09:26 5 follow these terrorist beliefs. He did not tell his  
09:26 6 friends how he hoped to some day to join a charity.

09:26 7 Instead, in June, just weeks before he would  
09:26 8 attempt to leave, he told his friends he thought the Khalifa  
09:26 9 (the Islamic state) was coming soon, and he hoped to fight  
09:26 10 one day. He spoke of someone who was martyred during  
09:26 11 Ramadan, and he said he wished to do the same. When Dandach  
09:26 12 tried to board that plane to travel to Syria, it was during  
09:26 13 Ramadan in 2014.

09:26 14 And what was his last message to his friends on  
09:26 15 the day that he was flying to Turkey? Was it how he was  
09:26 16 going to help the poor and join a charity? No. On the day  
09:26 17 that Adam Dandach planned to go pledge allegiance to Al  
09:26 18 Bagdadi and join ISIS, his words were, quote: "I do not  
09:27 19 know why people do not step forward and help the situation.  
09:27 20 How do people expect a Khalifa to arise without bloodshed."

09:27 21 At that time, he had bought his ticket. He had  
09:27 22 packed his bags. He was intending to board the plane to  
09:27 23 join ISIL and help the situation in Syria through bloodshed,  
09:27 24 not through charity.

09:27 25 And now two years later in the light of day and

09:27 1 with the support of his family and friends and counsel, what  
09:27 2 does he do? Defense counsel claims that he creates these  
09:27 3 writings as an emotional outlet, but there is no letter to  
09:27 4 the community apologizing for what his counsel claims are  
09:27 5 his youthful indiscretions. There are no words of remorse.  
09:27 6 Instead, he writes stories of shooting children with an  
09:27 7 AK-47 in a school yard. He wants to know what ISIS reported  
09:27 8 about the San Bernardino terrorist murders.

09:28 9 And the words he wants the world to hear from him,  
09:28 10 are they words of remorse? Are they the words of charity?  
09:28 11 No. The written words he sends to the newspapers, the words  
09:28 12 he wants the world to hear from him, are that he supports  
09:28 13 the terrorist killers of the Charlie Hebdo journalists in  
09:28 14 Paris, and he attacks the victims. Je Suis al-Qaeda are the  
09:28 15 words that Adam Dandach wants the world to hear.

09:28 16 At the time of the offense and today, Adam Dandach  
09:28 17 had the ability to plan, think rationally, and make  
09:28 18 deliberate choices. He planned to provide himself to a  
09:28 19 foreign terrorist organization and commit violence, and to  
09:28 20 this day he is making deliberate choices to continue to  
09:28 21 support this violent and horrific foreign terrorist  
09:28 22 organization.

09:28 23 For all the reasons stated in the previous record  
09:28 24 and those discussed today, the government recommends a  
09:28 25 sentence of 20 years of imprisonment and a lifetime of

09:29 1 supervised release as a fair and just sentence for Adam  
09:29 2 Dandach.

09:29 3 THE COURT: Thank you.

09:29 4 Mr. Lengyel-Leahu.

09:29 5 MR. LENGYEL-LEAHU: Would you prefer the podium?

09:29 6 THE COURT: Please.

09:29 7 MR. LENGYEL-LEAHU: Starting with the tentative  
09:29 8 ruling by the Court, Your Honor, on page two, paragraph 1.6,  
09:29 9 "Objections to the Guidelines Calculation," the Court  
09:29 10 indicated that it was the defense contention that he should  
09:29 11 receive a minimal role adjustment because his actions were  
09:29 12 extremely minimal in carrying out the material support. But  
09:29 13 the Court points to the fact that that only applies in a  
09:29 14 situation where there is more than one participant involved  
09:29 15 in the alleged offense.

09:29 16 In this particular statute under subsection (h),  
09:30 17 it requires that there be some other participant in order to  
09:30 18 provide material support to a foreign terrorist  
09:30 19 organization. We would suggest that in this particular case  
09:30 20 that would be an inappropriate departure that the Court  
09:30 21 should consider here.

09:30 22 The Court also talks about on page two regarding  
09:30 23 the level of planning and his intention to --

09:30 24 THE COURT: He didn't plan this trip once but  
09:30 25 twice; true?



09:30 1 MR. LENGYEL-LEAHU: Not exactly correct.

09:30 2 THE COURT: True?

09:30 3 MR. LENGYEL-LEAHU: Not exactly correct. The  
09:30 4 first attempt was to join an internationally recognized  
09:30 5 convoy that goes from London to Istanbul, and then it goes  
09:30 6 forward. That was clearly identifiable by all sources  
09:30 7 outside of my client's writings or readings.

09:30 8 The second event was a very specific attempt to  
09:30 9 become a part of this new Caliphate that had just recently  
09:31 10 been declared. When he applies for his passport -- I  
09:31 11 believe the date was June 15th or 16th. This is not a  
09:31 12 situation where there was an extensive amount of planning.  
09:31 13 He applies for a passport. Two weeks later he gets a  
09:31 14 ticket.

09:31 15 You will recall he didn't have anything with him.  
09:31 16 He had no money. He had no ability to communicate. He  
09:31 17 barely had enough clothes. It was simply a very quick spur  
09:31 18 of the moment reaction that he had to what he considered a  
09:31 19 very patriotic gesture, that they were declaring a new state  
09:31 20 where one had not existed before, a state that was aligned  
09:31 21 with his own personal religious preferences.

09:31 22 I think the government ignores the history of this  
09:31 23 specific organization. ISIS was not a foreign terrorist  
09:31 24 organization prior to March of 2014 when they were added to  
09:32 25 what I call the list but the Federal Register as a foreign

09:32 1 terrorist organization. So regardless of what they do in  
09:32 2 the world, until they are added to that list, no one can  
09:32 3 commit this offense because this offense by definition  
09:32 4 requires that the organization in play --

09:32 5 THE COURT: Are you recanting the plea on behalf  
09:32 6 of your client?

09:32 7 MR. LENGYEL-LEAHU: Not at all, because under the  
09:32 8 circumstances of this particular case, he was joining that  
09:32 9 group. The offenses that we hear about, which I mentioned  
09:32 10 in my brief -- the offenses that we hear about of the  
09:32 11 beheadings, of setting fire to the Jordanian pilot, all  
09:32 12 occurred after he was incarcerated. The government  
09:32 13 shouldn't be attributing what happened after his  
09:32 14 incarceration to what his particular motivation was.

09:32 15 There was a civil war in Iraq. There were events  
09:32 16 going on that was trying to topple the government, but  
09:33 17 America was not involved. In fact, as I mentioned in the  
09:33 18 brief, that's when the president calls in the JV squad. It  
09:33 19 would be impossible for an American living in Anaheim to  
09:33 20 know that is a foreign terrorist organization when our own  
09:33 21 government is taking steps to say that it doesn't even  
09:33 22 exist. Those are the historical facts.

09:33 23 What has occurred afterwards has caused my client  
09:33 24 a great degree of unrest. It's caused him a great degree of  
09:33 25 sorrow and his own ability to separate from that.

09:33 1 They bring up San Bernardino as if they are trying  
09:33 2 to insight some reaction with the Court or the people, but  
09:33 3 finding out whether or not San Bernardino is being claimed  
09:33 4 by ISIS or ISIL is important. My client is under charges of  
09:33 5 attempting to provide material support for a foreign  
09:33 6 terrorist organization. He has nothing else to do with his  
09:34 7 life, so it is something that is important to him. But in  
09:34 8 all of his reviews by both medical experts, he rejects that  
09:34 9 these notions and what has been going on is part of his  
09:34 10 religion. He rejects that they are keeping their promise to  
09:34 11 abide by the Koran. He says that repeatedly.

09:34 12 Because he writes poetry, which his therapists  
09:34 13 have told him is very good for him and to look at both sides  
09:34 14 of issues, there is nothing wrong with that. It is  
09:34 15 therapeutic to him. But he clearly prefaces it as we talked  
09:34 16 about in the evidentiary hearing that this is not me, that  
09:34 17 this is the other side. And perhaps in his youth, he wants  
09:34 18 a little too much attention, but that's not something that  
09:34 19 the Court should consider as an aggravating factor, simply  
09:34 20 that he has been misguided, that he took the wrong path,  
09:35 21 that he was manipulated, which even the medical experts in  
09:35 22 their reports indicate that's what occurred in this case.

09:35 23 This is not someone who went into custody and  
09:35 24 suddenly came up with a bunch of medical diagnoses that we  
09:35 25 had a bunch of experts come in and test him in jail. He had

09:35 1 a history as the Court has recognized.

09:35 2 In addition, the child abuse, there was  
09:35 3 significant child abuse. He was in the worst type of home.  
09:35 4 We heard some of that testimony from his own brother. But  
09:35 5 we actually subpoenaed the LaHabra police, and they brought  
09:35 6 with them all the reports that the FBI couldn't apparently  
09:35 7 find.

09:35 8 Your Honor might recall when my client's brother  
09:35 9 was cross-examined he was asked the question: "Well, would  
09:35 10 it surprise you that the FBI couldn't find any indications  
09:35 11 of child abuse or spousal abuse or domestic violence in the  
09:35 12 house?" Well, that's not true. We found about 15 counts  
09:35 13 where the police were called to the house both in LaHabra,  
09:36 14 and in Orange. We subpoenaed the records. Because they  
09:36 15 involve child abuse, we need the Court to take a look at  
09:36 16 them, but I recognize the fact that the Court took that into  
09:36 17 consideration.

09:36 18 Then we have the FBI saying we looked for  
09:36 19 charitable books, and we couldn't find any. Really? There  
09:36 20 is no evidence at all that they took any literature from the  
09:36 21 house. As I say in my brief, Adam indicated that there  
09:36 22 wasn't anything on-line. So when they come to court and  
09:36 23 say, well, we couldn't find anything on his computers,  
09:36 24 that's exactly what he told you. But there are plenty of  
09:36 25 charitable documents and pamphlets that are put out by the

09:36 1 mosque that are available and were in Adam's home at the  
09:36 2 time of his arrest.

09:36 3 The Court also makes note that all the significant  
09:36 4 planning and what not took longer than a year. You say that  
09:36 5 on page three. Again, for purposes of a foreign terrorist  
09:36 6 organization, ISIS and ISIL were not on the list. They were  
09:37 7 not on the list until May of 2014. So even if he wanted to  
09:37 8 go over there in September, if he wanted to go over there at  
09:37 9 Christmas, which is what his original plans were in 2013,  
09:37 10 they were not on the list. It was not illegal to support  
09:37 11 ISIL and ISIS regardless of the civil war that going on in  
09:37 12 Iraq. That's not against the law.

09:37 13 In fact, we have a number of reports of mercenary  
09:37 14 troops going over to Iraq and joining one or the other  
09:37 15 sides. In fact, current information indicates that Iraq has  
09:37 16 actually added on a foreign terrorist organization as part  
09:37 17 of their security forces in Iraq now. Technically, we can't  
09:37 18 even support them without also supporting a terrorist  
09:37 19 organization that is in the Federal Register.

09:37 20 So the confusion of the history puts a criminal  
09:37 21 issue before the Court. This is not a long-time planning  
09:38 22 situation. This is a spur of the moment. A Caliphate going  
09:38 23 to be declared. It got declared. And a young man wanted to  
09:38 24 join, which he thought was his patriotic duty to his own  
09:38 25 religion, which he has since recanted.

09:38 1 On page seven, the Court notes that in the report  
09:38 2 that we provided for you that there are only 14 cases. Bear  
09:38 3 in mind, ISIS hasn't been around long. It has only been on  
09:38 4 the Federal Register since May 2014. So if we are comparing  
09:38 5 apples to true apples, that's a true number. The average  
09:38 6 sentence is 9.2 years, 9.2. That includes the outliers, the  
09:38 7 high ends as well as the cases that received probation.

09:39 8 Adam's case is not in the heartland of where these  
09:39 9 cases were designed. These were for the militants,  
09:39 10 providing material support, sending material, sending  
09:39 11 bullets, sending guns, sending someone over who has some  
09:39 12 particular knowledge. That would be what this statute was  
09:39 13 originally intended for, not for some 20-year-old kid who  
09:39 14 gets a wild hair and decides he wants to go live in a  
09:39 15 different country. This was not the heartland of this case.

09:39 16 If you look at the other ISIS cases, going above  
09:39 17 the average isn't appropriate because of his mental problems  
09:39 18 that he had as a youth, because of the situation he had  
09:39 19 growing up, because of the abuse in that family. He is not  
09:39 20 within the range that I believe Congress was intending to  
09:39 21 gather.

09:40 22 I believe the Court misinterprets or maybe I read  
09:40 23 it wrong regarding my objection to ISIL as a designated  
09:40 24 foreign terrorist organization. ISIL has been -- ISIS and  
09:40 25 ISIL are essentially the same thing. They have been on the

09:40 1 list since May 2014, but the Islamic state is different.  
09:40 2 That's the Caliphate. That's where Bagdadi declares that he  
09:40 3 is the leader of this new state, and it will forever be  
09:40 4 called the Islamic state after that. That doesn't occur  
09:40 5 until September 2015. The government would agree with that.  
09:40 6 So they don't actually get on the terrorist organization  
09:40 7 list until much later.

09:40 8           Again, I think it is important for the Court to  
09:40 9 realize that that historical chronology is important when  
09:40 10 dealing with this individual, which leads then to also on  
09:40 11 page eight, under paragraph 13, his initial attempt to in  
09:41 12 December 2013. Again, ISIL was not a designated foreign  
09:41 13 terrorist organization at that time. They were what would  
09:41 14 be properly called an insurgency within Iraq attempting  
09:41 15 to -- from what we can tell from the intelligence attempting  
09:41 16 to establish a three-state solution for Iraq, which is what  
09:41 17 they were engaged in at the time, but not a foreign  
09:41 18 terrorist organization and not a violation of this statute.

09:41 19           The government has indicated that there was an  
09:41 20 attempt to obstruct justice, but there is no evidence that  
09:41 21 justice was ever obstructed because there is no evidence  
09:41 22 that anything had been deleted from the twitter accounts --

09:41 23           THE COURT: There is evidence that he requested  
09:41 24 his family members to do that isn't there?

09:41 25           MR. LENGYEL-LEAHU: But they can't do it. It's a

09:41 1 social media site. I can't delete twitter postings. I  
09:41 2 can't delete any of these social media -- once they are up  
09:42 3 there, they are up there.

09:42 4 THE COURT: Isn't it a prima facie attempt to  
09:42 5 obstruct justice?

09:42 6 MR. LENGYEL-LEAHU: It's probably all the mens rea  
09:42 7 with none of the -- there is nothing they could have done  
09:42 8 anyway. It's a factual impossibility. I could ask them to  
09:42 9 go fly, and they can't fly. I could ask them to walk if  
09:42 10 they're an invalid, and they can't.

09:42 11 THE COURT: But posts can be taken down can they  
09:42 12 not?

09:42 13 MR. LENGYEL-LEAHU: Not in these forums, Your  
09:42 14 Honor. These are postings of other people, as well as my  
09:42 15 client, but once they are up, they are up. The FBI had all  
09:42 16 of his electronics. They searched everything. There is  
09:42 17 nothing on there. There is nothing on there they didn't  
09:42 18 already have. And all of it is protected speech.

09:42 19 The government clearly agreed there is not one  
09:42 20 piece of electronic evidence in this case of all the  
09:42 21 thousands and thousands of pages -- not one thing that is  
09:42 22 illegal, not one. All of it was free speech. There was no  
09:43 23 insighting for crime. There was no encouragement of crime.  
09:43 24 There is nothing in there that he could be charged with  
09:43 25 other than have a political opinion that the government



09:43 1 disagrees with. I understand it, but I'm just saying there  
09:43 2 is no crime there.

09:43 3 We would urge the Court to look at this as an  
09:43 4 individual case and not as something to be afraid of. Adam  
09:43 5 is not someone to be afraid of. He is more fearful than  
09:43 6 most people we would run into in this courtroom. He is just  
09:43 7 a kid, and he was lonely. He had numerous mental problems  
09:43 8 and issues in his life, physical abuse, sexual abuse, and an  
09:44 9 inability to connect with anyone. He finds religion. Of  
09:44 10 all things, he finds religion. It is the religion. It is  
09:44 11 the words of his Koran and the lectures that he listens to  
09:44 12 on-line, not the violence. The violence is necessary  
09:44 13 because there is a civil war, but it's just the idea of  
09:44 14 starting a new country, starting something different.  
09:44 15 That's what attracted the young man.

09:44 16 But since that time he has matured. He has seen  
09:44 17 what the face of evil is, and he rejects it. He rejects it.  
09:44 18 This is not the same kid that was picked up -- he wasn't  
09:44 19 even picked up at John Wayne. They let him go. He went  
09:45 20 home. He went to go visit his sister in the hospital, which  
09:45 21 is where he was ultimately arrested.

09:45 22 He is not a threat. You mentioned in your  
09:45 23 tentative that the FBI had him on the radar for a long time.  
09:45 24 That's not the case. They only got the case because of the  
09:45 25 expedited request for a passport. There is no long history

09:45 1 of surveillance or wiretaps or anything else. And he did  
09:45 2 give it all up at the airport. He let them look in his  
09:45 3 phones, his computers. He gave it all up.

09:45 4 The sophistication of his planning, he had nothing  
09:45 5 with him. He makes a plan. He gets a ticket and goes to  
09:45 6 the airport. Okay, he did make a reservation for a taxi  
09:45 7 that took him to a hotel and then took him across the street  
09:45 8 to the airport. That's the extent of his planning.

09:45 9 He had no money. He was expecting to withdraw  
09:45 10 from an ATM machine enough money to carry him over. That's  
09:45 11 a plan that is going to fail before it gets started. You  
09:46 12 can't even withdraw that kind of money from an ATM, and he  
09:46 13 didn't even know that. There are no plans. There is no  
09:46 14 cooperation. There are no handlers. There is no one to  
09:46 15 vouch for him. He had no way of even succeeding with this  
09:46 16 plan.

09:46 17 He would like to apologize to the Court as well,  
09:46 18 Your Honor.

09:46 19 THE COURT: Ms. Corlett.

09:46 20 MS. CORLETT: Your Honor, just as in his  
09:46 21 pleadings, defense counsel makes several baseless claims of  
09:46 22 no support. His first claim that he intended to joined an  
09:46 23 international charity convoy in 2013, there is no evidence  
09:46 24 except for the defendant's own self-serving statements  
09:46 25 regarding that claim.

09:46 1 He claims that the defendant had no money, and  
09:46 2 there was no way for him to carry out this plan. The  
09:47 3 defendant told the FBI that he had \$3,000 in his bank  
09:47 4 account, that he intended to withdraw money from an ATM.

09:47 5 Defense counsel claims that he had no way to  
09:47 6 communicate with these people overseas. The defendant had a  
09:47 7 cell phone, and he had his laptop computer. As I stated  
09:47 8 before, these terrorist organizations provide the twitter  
09:47 9 accounts to allow them to communicate, and the defendant had  
09:47 10 each one of those twitter accounts on his phone, and he was  
09:47 11 able to communicate with them. And that's exactly what he  
09:47 12 told the FBI, that when he got there he intended to  
09:47 13 communicate with them to make arrangements to go further  
09:47 14 into Syria.

09:47 15 Defense counsel claims that the government said  
09:47 16 there was no child abuse or domestic violence. That's not  
09:47 17 what the government said. The government had brought out  
09:47 18 that there was one report of child abuse, one report of  
09:47 19 domestic violence, in comparison to the brother's claim that  
09:48 20 there were repeated calls to the Police Department.

09:48 21 Defense counsel claims that he has reports today.  
09:48 22 We have never seen those reports. It is now literally the  
09:48 23 eleventh hour, and he is claiming that he is going to  
09:48 24 present reports. The government would object to any  
09:48 25 additional evidence at this late time.

09:48 1 As far as the report defense counsel attached to  
09:48 2 his sentencing memo claiming that 9.2 is an average sentence  
09:48 3 for ISIL prosecutions, the government concurs with the  
09:48 4 Court's tentative statement in the sentencing memo that  
09:48 5 those are not comparative sentences. The report itself is a  
09:48 6 little bit misleading just by the title. It talks about  
09:48 7 ISIS prosecutions. When it claims all of those 14 cases are  
09:48 8 ISIS prosecutions, it just meant that at one time when they  
09:48 9 were first charged there was some ISIS connection. Those  
09:49 10 are not as defense counsel has charged here today for  
09:49 11 attempting to provide material support to a foreign  
09:49 12 terrorist organization.

09:49 13 As the Court has already pointed, out of those 14  
09:49 14 there are only seven that are actually similar to the  
09:49 15 defendant and that they were convicted of Section 2339(b) or  
09:49 16 (a). In those, the average sentence was 13-and-a-half  
09:49 17 years.

09:49 18 Of those seven of the 14 cases that he cites to,  
09:49 19 only two of those were for more than one count as the  
09:49 20 defendant has pled to today. In those cases, when they were  
09:49 21 charged and they were convicted of a Section 2339(b),  
09:49 22 attempting to provide material support to a foreign  
09:49 23 terrorist organization, and they had an additional count,  
09:49 24 the average sentence in those cases was 21 years for the  
09:49 25 convictions.

09:49 1 So the government agrees with the Court that that  
09:49 2 is not a representative or comparative study to the  
09:50 3 defendant's crimes that he has pled guilty to.

09:50 4 THE COURT: But my bigger point is I can't discern  
09:50 5 the fact of those cases from statistics. I can't discern  
09:50 6 why one judge in a particular case granted probation and  
09:50 7 whether there are similar factors here and why one judge in  
09:50 8 a particular case a sentenced over 22 years. I can't  
09:50 9 discern the facts of those cases, and I can't say one way or  
09:50 10 the other that the raw statistics have any significance to  
09:50 11 me in trying to exercise my discretion.

09:50 12 MS. COLLETT: The government agrees. To that same  
09:50 13 point, we are not privy and will not be whether or not those  
09:50 14 persons cooperated with the government and had cooperation  
09:50 15 agreements, which is not the case for Adam Dandach.

09:50 16 The government completely disagrees with all of  
09:50 17 defense counsel's claims about ISIS not being a foreign  
09:50 18 terrorist organization. As the Court has pointed out in the  
09:50 19 tentative sentencing memo, the defendant admitted to all of  
09:51 20 those facts in the plea agreement in the change of plea  
09:51 21 hearing where he was under oath and admitted that all of  
09:51 22 those facts were correct.

09:51 23 In addition, at the change of plea hearing, the  
09:51 24 Court specifically said to defense counsel and the  
09:51 25 defendant:

09:51 1 "THE COURT: You brought a number of motions. One  
09:51 2 challenged basically the existence of a foreign terrorist  
09:51 3 organization. Do you understand that by having your client  
09:51 4 plead you will be abandoning that motion?"

09:51 5 "MR. LENGYEL-LEAHU: Yes, of course."

09:51 6 "THE COURT: Did you make a tactical decision that  
09:51 7 is in your client's better interests to allow him to plead  
09:51 8 and not pursue that motion?"

09:51 9 "MR. LENGYEL-LEAHU: I have, yes."

09:51 10 The government had already litigated that motion.  
09:51 11 The government again was -- as in the Court's tentative  
09:51 12 sentencing memo, the defendant has already agreed to all of  
09:51 13 those factual bases.

09:51 14 As for the obstruction, defense counsel again  
09:52 15 makes this claim that you can never take things down off of  
09:52 16 the internet. As was discussed in the attachment, the  
09:52 17 defendant had his family member contact the administrator.  
09:52 18 This is not twitter. This is not a public social media  
09:52 19 site. This is a private site held by an individual that the  
09:52 20 family member contacted through e-mail and asked the  
09:52 21 administrator, which is what the defendant asked his family  
09:52 22 member to do -- asked the administrator to go into the  
09:52 23 system and delete his post. So, again, it's not a true  
09:52 24 statement that you cannot delete these posts.

09:52 25 Again, we do know that this was an important

09:52 1 website for the defendant. He admitted to the FBI in his  
09:52 2 interview that that's where a foreign fighter in Syria  
09:52 3 communicated what would happen in Syria when foreign  
09:53 4 fighters came to Syria, the training they would have. He  
09:53 5 told the FBI go could look on the website. You can see this  
09:53 6 foreign fighter and what he says. That was an important  
09:53 7 website. That was significant. The defendant asked his  
09:53 8 family members to delete those posts.

09:53 9 Finally, defense counsel claims that both mental  
09:53 10 health experts say that he rejects ISIL. That's not true.  
09:53 11 In the evidentiary hearing in which the mental health  
09:53 12 experts testified, Dr. Faerstein testified that he talked to  
09:53 13 the defendant about these exact things.

09:53 14 He was asked if they discussed any of the tactics  
09:53 15 that the Islamic state is known for. Dr. Faerstein answered  
09:53 16 that "We talked about how they treat prisoners of war. We  
09:53 17 talked about a clip that he had seen. He said that he  
09:53 18 believed this was justified by Sharia, that treating  
09:53 19 prisoners this way was sanctioned by Sharia, allowed by  
09:54 20 Sharia, and it was justified for people who are enemies of  
09:54 21 the Islamic state."

09:54 22 The government went on to ask: "And this  
09:54 23 treatment included the beheadings or the executions of  
09:54 24 prisoners of war?" Dr. Faerstein stated: "The defendant  
09:54 25 believed those were justified."

09:54 1           Finally, the government asked Dr. Faerstein: "Did  
09:54 2 the defendant ever express any remorse about his intent to  
09:54 3 join the Islamic state?" Dr. Faerstein stated: "No, there  
09:54 4 was no remorse."

09:54 5           Defendant's claim that he rejects ISIL is not true  
09:54 6 and is evidenced by his writings that he continues to make  
09:54 7 and continues to provide to his family members in his  
09:54 8 attempts to provide them to the media.

09:54 9           As we stated before, we believe that a sentence of  
09:54 10 20 years and a life term of supervised release is an  
09:54 11 appropriate sentence for the defendant.

09:55 12           Thank you.

09:55 13           THE COURT: Thank you.

09:55 14           Good morning, Mr. Dandach.

09:55 15           THE DEFENDANT: Good morning.

09:55 16           THE COURT: Sir, have you read the presentence  
09:55 17 report?

09:55 18           THE DEFENDANT: Yes.

09:55 19           THE COURT: Have you discussed it with your  
09:55 20 counsel?

09:55 21           THE DEFENDANT: Yes.

09:55 22           THE COURT: Have you read the draft sentencing  
09:55 23 memorandum that was handed out today?

09:55 24           THE DEFENDANT: Yes.

09:55 25           THE COURT: Have you discussed that with your



09:55 1 counsel?

09:55 2 THE DEFENDANT: Yes.

09:55 3 THE COURT: Sir, is there anything you would like  
09:55 4 to say?

09:55 5 THE DEFENDANT: Yes.

09:55 6 Good morning. I can't live my life happily when  
09:55 7 the world is attempting to ruin my intentions by taking me  
09:55 8 as destructive rather than productive. It saddens me to  
09:55 9 know how people choose to see me negatively rather than  
09:55 10 positively.

09:55 11 I am not a hero. Just because I'm not a hero, it  
09:55 12 doesn't mean that I'm a villain. I tried to abandon my  
09:55 13 future, my family, my comfort, and my life to assist  
09:56 14 deprived people in a war-torn land thousands of miles away.  
09:56 15 I wanted to be the world's savior, and I couldn't  
09:56 16 rationalize at the time that that's impossible to be. I am  
09:56 17 incapable of doing anything but merely praying for guidance  
09:56 18 for me, for my family, and for any sincere Muslim who falls  
09:56 19 into the glitches of the seemingly Islamic utopia known as  
09:56 20 the Islamic state.

09:56 21 I have known nothing in this life but  
09:56 22 imprisonment. I was a prisoner in my mother's arms for two  
09:56 23 years. After that, I was a prisoner for several years as a  
09:56 24 mere child unable to accomplish what I wanted on my own.  
09:56 25 After those several years of circumstances on top of my home

09:56 1 solitary confinement, my entire body became shackled as the  
09:57 2 layers of flesh acted as the same full-body shackles that  
09:57 3 you see me in today.

09:57 4 For over seven years, I was never spared a moment.  
09:57 5 Not a single day was I able to move my body freely the way  
09:57 6 everyone here can do right now. The chain severely  
09:57 7 restricted my movement and rendered me immobile. I  
09:57 8 practiced upon myself sleep deprivation; psychological,  
09:57 9 physical, and emotional beatings; overfeeding; and many  
09:57 10 other cruel tortures. My mind was darkly influenced to the  
09:57 11 point that I thought that death was a better life than this.  
09:57 12 But even in death, I will still be imprisoned. I will be  
09:57 13 shrouded in lifeless coffin with no one to accompany me.

09:57 14 In a matter of time, my waist shackles were  
09:57 15 unlocked when I was age 19. I still have the leg and  
09:58 16 handcuffs on. However, after a year reaching age 20, the  
09:58 17 leg and handcuffs were removed, and I was allowed to walk to  
09:58 18 freedom. I lived like a real human being for once in my  
09:58 19 life. From February 10 to July 3, 2014, the date of my  
09:58 20 arrest, I knew what it was like to be a real human being.

09:58 21 It was just a matter of time before the free trial  
09:58 22 offer expired, and then it did. I never should have been  
09:58 23 freed in the place. If I had known that freedom was not  
09:58 24 created for me, I would have never accepted it from the  
09:58 25 beginning. The day that I violated my figurative parole and

09:58 1 managed to get sent to prison again, I felt nothing. I felt  
09:58 2 no sadness, no sorrow, no depression, no grief. I simply  
09:58 3 felt nothing. It took some time for me to realize this  
09:59 4 reality. Now that I am aware that my life is an eternal  
09:59 5 dungeon, I feel a bit of hurt. Really? That's all you  
09:59 6 would feel after experiencing all of this? I mean, I think  
09:59 7 it is a lot of hurt.

09:59 8 I was in solitary confinement for 20 years. Now  
09:59 9 it's potentially another 20. All that I feel from this is  
09:59 10 just a bit of hurt? I don't know what would happen in 20  
09:59 11 years. At page 20, I didn't even know what was going to  
09:59 12 happen after school ended, so how could I imagine myself  
09:59 13 then?

09:59 14 Often I prefer that death takes me. Often I  
09:59 15 prefer death never comes. I am living in an ongoing  
09:59 16 paradox. I can't really comprehend the meaning of my  
09:59 17 existence. This is just my depression speaking. I'm  
10:00 18 depressed daily. I am still a Muslim. I'm just not the  
10:00 19 best Muslim that I can be. In myself, the self that I have  
10:00 20 always known, I cried. I rarely cry anymore. The only time  
10:00 21 that I do is when I am alone.

10:00 22 I am not a sob story. I do not seek pity or  
10:00 23 sympathy. I only seek empathy. I don't know if I am  
10:00 24 actually alive or dead or at times or if I am awake or in a  
10:00 25 nightmare unable to awaken myself. I have lost a lot of my

10:00 1 emotions that once upon a time I had. I never chose for  
10:00 2 this to happen. It's merely fate and circumstances. You  
10:00 3 lose emotions quickly when they are not put into practice.

10:00 4 I don't think that I will ever lose my despair or  
10:01 5 my sorrow. I do miss my happiness, my love, and my joy. It  
10:01 6 has been since childhood that I have lost them.

10:01 7 I have dealt with rejection and ridicule a lot in  
10:01 8 my life. It is not due to my character or my good-hearted  
10:01 9 sincerity. It's really because that I am different, and I  
10:01 10 don't fit in the mold of what a typical American youngster  
10:01 11 should be. I have a great amount of talent and potential  
10:01 12 but no chance for opportunity. I feel that as long as I am  
10:01 13 deprived of a chance in life I am motivated to create that  
10:01 14 chance for myself, but it's nearly impossible.

10:01 15 Throughout my life, I have said numerous things  
10:01 16 out of frustration and hurt. My inflammatory nature is a  
10:01 17 reflection of my hurt being. My emotions are at a constant  
10:01 18 war against each other. My mind is targeted when in reality  
10:02 19 it's the innocent noncombatant.

10:02 20 I ask to be excused for my previous words and my  
10:02 21 actions. I disassociate myself from what I used to be.  
10:02 22 Excuse me for stubbornness and my inability to read between  
10:02 23 the lines. Pardon me for my poor judgment and my  
10:02 24 know-it-all attitude that I once held. I wish to return to  
10:02 25 my school and to a relationship and work. I wish to help my

10:02 1 sick mother who is getting sicker by the day, and she has  
10:02 2 been worse ever since I fell into this unfortunate  
10:02 3 predicament.

10:02 4 All that I wish is to have a chance to redeem  
10:02 5 myself. Pardon me for my poor choices, but I believe that  
10:02 6 it should be understood that I am just a hollow shell of  
10:02 7 what I used to be, an innocent human being, yet no more.

10:02 8 Thank you.

10:03 9 THE COURT: Thank you, Mr. Dandach.

10:03 10 Anything further?

10:03 11 MS. COLLETT: No, Your Honor. Thank you.

10:03 12 MR. LENGYEL-LEAHU: No, Your Honor. Thank you.

10:03 13 THE COURT: I'm going to impose the indicated  
10:03 14 sentence. I believe that the conduct here is serious.  
10:03 15 Terrorist activity in any form is a danger to this country  
10:03 16 and to other countries in other parts of the world.  
10:03 17 Mr. Dandach chose to engage in that activity. It's  
10:03 18 significant, and it should be recognized as a serious crime.  
10:03 19 At the same time, I have taken into consideration  
10:03 20 Mr. Dandach's personal circumstances, in particular, the  
10:03 21 abuse while he was a child and his mental health condition.

10:03 22 At the evidentiary hearing, the mental health  
10:03 23 experts presented somewhat contrasting views of  
10:04 24 Mr. Dandach's mental health, but the record the  
10:04 25 long-standing record, established that he has and likely

10:04 1 still has significant mental health difficulties. Without  
10:04 2 detracting from the seriousness of the crime or without  
10:04 3 ignoring his intent to participate in terrorist activities,  
10:04 4 his mental health condition does need to be taken into  
10:04 5 account in terms of imposing a sentence that is reasonable  
10:04 6 as Booker requires that I do.

10:04 7 So for those reasons and the reasons stated in the  
10:04 8 sentencing memorandum, I'm going to impose the indicated  
10:04 9 sentence of 180 months.

10:04 10 Sir, if you rise, I will sentence you at this  
10:04 11 time.

10:04 12 It is ordered that the defendant shall pay to the  
10:04 13 United States a special assessment of \$200, which is due  
10:04 14 immediately. Any unpaid balance shall be due during the  
10:05 15 period of imprisonment at the rate of not less than \$25 per  
10:05 16 quarter and pursuant to the Bureau of Prisons' Inmate  
10:05 17 Financial Responsibility Program.

10:05 18 All fines are waived as it is found that the  
10:05 19 defendant does not have the ability to pay a fine and is not  
10:05 20 likely to become able to pay any fine.

10:05 21 Pursuant to the Sentencing Reform Act of 1984, it  
10:05 22 is the judgment of the Court that the defendant, Adam  
10:05 23 Dandach, is hereby committed on Counts One and Two of the  
10:05 24 two-count Second Superseding Information to the custody of  
10:05 25 the Bureau of Prisons for a term of 180 months. The term

10:05 1 consists of 180 months on Count One and 120 months on Count  
10:05 2 Two to be served concurrently.

10:05 3           Upon release from imprisonment, the defendant  
10:05 4 shall be placed on supervised release for a term of life.  
10:05 5 The term consists of life on Count One and three years on  
10:05 6 Count Two, all such terms to run concurrently under the  
10:06 7 following terms and conditions:

10:06 8           1. The defendant shall comply with the rules and  
10:06 9 regulations of the United States Probation Office and  
10:06 10 General Order 05-02;

10:06 11           2. The defendant shall cooperate in the  
10:06 12 collection of a DNA sample from the defendant;

10:06 13           3. The defendant shall pay the special assessment  
10:06 14 in accordance with this judgment's orders pertaining to such  
10:06 15 payment;

10:06 16           4. The defendant shall possess and use only those  
10:06 17 computers, computer-related devices, screen user names,  
10:06 18 passwords, e-mail accounts, and internet service providers  
10:06 19 (ISPs) that have been disclosed to the probation officer  
10:06 20 upon commencement of supervision. Any changes or additions  
10:06 21 are to be disclosed to the probation officer prior to the  
10:06 22 first use. Computers and computer-related devices include  
10:06 23 personal computers, cellular telephones and Smart phones,  
10:06 24 personal data assistance (PDAs), internet appliances,  
10:06 25 electronic games, digital storage media, as well as the

10:07 1 peripheral equipment that can access or be modified to  
10:07 2 access the internet, electronic bulletin boards, and other  
10:07 3 computers;

10:07 4 5. The defendant shall participate in mental  
10:07 5 health treatment, which may include evaluation and  
10:07 6 counseling until discharged by the treatment provider and  
10:07 7 the probation officer with the approval of the probation  
10:07 8 officer;

10:07 9 6. As directed by the probation officer, the  
10:07 10 defendant shall pay all or part of the costs of treating the  
10:07 11 defendant's psychiatric disorder to the aftercare contractor  
10:07 12 during the period of community supervision pursuant to 18  
10:07 13 USC Section 3672. The defendant shall provide payment and  
10:07 14 proof of payment as directed by the probation officer.

10:07 15 The drug testing condition mandated by statute is  
10:07 16 suspended based on the Court's determination that the  
10:07 17 defendant poses a low risk of future substance abuse.

10:08 18 The Court authorizes the probation officer to  
10:08 19 disclose the presentence report and/or any previous mental  
10:08 20 health evaluations or reports to the treatment provider.  
10:08 21 The treatment provider may provide information (excluding  
10:08 22 the presentence report) to State or local social service  
10:08 23 agencies (such as the State of California, Department of  
10:08 24 Social Services), for the purpose of the client's  
10:08 25 rehabilitation.



10:08 1 It would appear under paragraph 20 of the plea  
10:08 2 agreement that Mr. Dandach has waived his right to appeal  
10:08 3 inasmuch as the Court's sentence is within the statutory  
10:08 4 maximum.

10:08 5 In any event, sir, to the extent that you have a  
10:08 6 remaining right of appeal, you have 14 days within which to  
10:08 7 file a written Notice of Appeal.

10:08 8 Is there a request for designation?

10:08 9 MR. LENGYEL-LEAHU: Butner in North Carolina. It  
10:08 10 has a medical facility with adequate psychological services.

10:09 11 THE COURT: I will make that recommendation to the  
10:09 12 Bureau of Prisons.

10:09 13 It all depends, sir, on how you are evaluated by  
10:09 14 the Bureau of Prisons and the availability of space, but I  
10:09 15 am happy to make that recommendation.

10:09 16 THE COURT: Is there anything else we should take  
10:09 17 up today?

10:09 18 MS. COLLETT: No, Your Honor.

10:09 19 THE COURT: Thank you.

10:09 20 (Whereupon, the proceedings were concluded.)

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CERTIFICATE

I hereby certify that pursuant to Section 753,  
Title 28, United States Code, the foregoing is a true and  
correct transcript of the stenographically reported  
proceedings held in the above-entitled matter and that the  
transcript page format is in conformance with the  
regulations of the Judicial Conference of the United States.

Date: August 18, 2016

/s/ Sharon A. Seffens 8/18/16  

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SHARON A. SEFFENS, U.S. COURT REPORTER