

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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 UNITED STATES OF AMERICA, : 17-CR-475 (WFK)
 :
 Plaintiff, :
 : United States Courthouse
 -against- : Brooklyn, New York
 :
 DILSHOD KHUSANOV, :
 : Thursday, November 9, 2017
 Defendant. : 2:30 p.m.
 -----X

TRANSCRIPT OF CRIMINAL CAUSE FOR ARRAIGNMENT
BEFORE THE HONORABLE WILLIAM F. KUNTZ, II
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

For the Government: BRIDGET ROHDE, ESQ.
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 Eastern District of New York
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 Brooklyn, New York 11201
 BY: DOUGLAS M. PRAVDA, ESQ.
 ALEXANDER A. SOLOMON, ESQ.
 Assistant United States Attorneys

For the Defendant: LAW OFFICES OF LEVITT & KAISER
 40 Fulton Street
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 New York, New York 10038
 BY: RICHARD W. LEVITT, ESQ.

Court Reporter: DAVID R. ROY, RPR
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Proceedings recorded by Stenographic machine shorthand,
transcript produced by Computer-Assisted Transcription.

1 (In open court.)

2 THE COURTROOM DEPUTY: All rise. The Honorable
3 William F. Kuntz, II is now presiding. Criminal cause for
4 arraignment, Docket Number 17-CR-475, USA versus Khusanov.

5 Counsel, please state your appearances for the
6 record, spell your names for the reporter, including the
7 pretrial officer.

8 MR. SOLOMON: Good afternoon, Your Honor. Alex
9 Solomon, A-L-E-X, S-O-L-O-M-O-N; and Doug Pravda, D-O-U-G,
10 P-R-A-V-D-A, for the Government.

11 Good afternoon.

12 THE COURT: Good afternoon. And with you at
13 counsel table is?

14 MR. SOLOMON: Officer Andrew Abbott with
15 Pretrial Services, Your Honor.

16 THE COURT: Would you spell your name, sir?

17 MR. ABBOTT: Andrew, A-N-D-R-E-W; Abbott,
18 A-B-B-O-T-T.

19 THE COURT: Good afternoon. You may be seated,
20 and remain seated throughout the remainder of the hearing.
21 Thank you.

22 MR. LEVITT: Yes, good afternoon, Your Honor. For
23 Mr. Khusanov, K-H-U-S-A-N-O-V; Richard Levitt, L-E-V-I-T-T;
24 who is present to my right, Your Honor.

25 I am joined by a court interpreter, who will

1 introduce herself because I would mess the spelling up.

2 THE COURT: Yes, I will have her spell her name,
3 please.

4 THE INTERPRETER: Good afternoon, Your Honor. I
5 am Margida Matyakubova, M-A-R-G-I-D-A; and last name is
6 Matyakubova, M-A-T-Y-A-K-U-B-O-V-A.

7 THE COURT: Now, ma'am, I am going to ask you to
8 stand and raise your right hand and the court deputy will
9 swear you in as the interpreter today.

10 Go ahead.

11 (Interpreter sworn.)

12 THE COURT: Thank you.

13 MR. LEVITT: And, Your Honor, if I may? The
14 defendant, in fact, does speak fluent English, but our
15 interpreter is here just in case he has a question.

16 THE COURT: I understand that, sir, so thank you.
17 Please be seated and we will proceed.

18 Mr. Jackson, announced. I will now arraign the
19 defendant, Mr. Dilshod Khusanov, on the indictment which was
20 filed in this case on August 29th of 2017.

21 Mr. Jackson, would you please have the defendant
22 stand, raise his right hand, and swear him in, please.

23 **D I L S H O D K H U S A N O V,**

24 called as a witness having been

25 first duly sworn/affirmed, was examined and

1 testified as follows:

2 THE COURT: Please be seated, sir. Thank you.

3 Now, Mr. Khusanov, I am going to begin by asking
4 you a few questions about your background.

5 Would you please state your full name.

6 THE DEFENDANT: Dilshod Khusanov.

7 THE COURT: And please speak right into that
8 microphone that is in front of you.

9 Please state it again, sir.

10 THE DEFENDANT: Dilshod Khusanov, D-I-L-S-H-O-D,
11 K-H-U-S-A-N-O-V.

12 THE COURT: Thank you.

13 And do you go by any other names, sir?

14 THE DEFENDANT: No, sir.

15 THE COURT: What is your birthday; how old are
16 you?

17 THE DEFENDANT: I'm 32.

18 THE COURT: And what was your exact date of birth?

19 THE DEFENDANT: September 3rd, 1985.

20 THE COURT: And where were you born, sir?

21 THE DEFENDANT: Tashkent, Uzbekistan.

22 THE COURT: Are you a citizen of the
23 United States?

24 THE DEFENDANT: No, I'm not.

25 THE COURT: Of what country are you a citizen?

1 THE DEFENDANT: Uzbekistan.

2 THE COURT: Will you please describe, beginning
3 with your grammar school, your first school, your
4 educational background?

5 MR. LEVITT: Excuse me, Your Honor. Most
6 respectfully, before we get so into his background, I would
7 like to have an opportunity to speak with him at the MDC and
8 go over everything with him.

9 THE COURT: No. We are just going to go through
10 basic pedigree, so most respectfully, your application is
11 denied.

12 MR. LEVITT: Very well.

13 THE COURT: Would you sit down, Counsel? You can
14 use the microphone. You do not have to stand to object.

15 Now, would you briefly describe your educational
16 background, beginning with grammar school, through where you
17 went to school, sir? Tell me where you went to school and
18 how far along you got in each school.

19 THE DEFENDANT: Well, I went to School Number 148
20 back in my country until --

21 THE COURT: What city was that in?

22 THE DEFENDANT: It was in the state of Tashkent.
23 It's the capital.

24 THE COURT: Would you spell that for the reporter?

25 THE DEFENDANT: T-A-S-H-K-E-N-T.

1 THE COURT: Okay. And after that, sir?

2 THE DEFENDANT: And after that, high school. I
3 went to the University of Foreign Languages for Bachelor's
4 Degree, and I have --

5 THE COURT: Where is that located?

6 THE DEFENDANT: The same state, in Tashkent.

7 THE COURT: Okay. And what degree did you
8 receive?

9 THE DEFENDANT: Bachelor's -- BA, Bachelor of
10 Arts.

11 THE COURT: And when did you receive that?

12 THE DEFENDANT: 2007.

13 THE COURT: Okay. Do you have any education after
14 that, sir?

15 THE DEFENDANT: No, then I worked, started work.

16 THE COURT: And what kind of work did you do when
17 you finished school, sir?

18 THE DEFENDANT: I was in a -- on an exchange
19 program between South Korea and Uzbekistan. It was a
20 medical school back in my country, and we had students keep
21 coming from South Korea to study in pediatrics institute,
22 and so I was part of the program.

23 THE COURT: Was this a premedical school
24 program --

25 THE DEFENDANT: It's not --

1 THE COURT: -- that you attended?

2 THE DEFENDANT: It's not a premedical. We
3 actually worked with all of the institute, and they were
4 studying. So I was part of the program, kind of an
5 interpreter. And since I knew the Korean language, so I was
6 part of the program as interpreter and the coordinator kind
7 of.

8 THE COURT: And what else did you do by way of
9 employment in addition to that, anything else?

10 THE DEFENDANT: No. Right after that -- and so
11 until I came here, I did that job.

12 THE COURT: Who was your employer?

13 THE DEFENDANT: Who was?

14 THE COURT: Yes, who was your employer? Who did
15 you work for when you were doing the program you just
16 described?

17 THE DEFENDANT: So I had two. I mean, the
18 institute of pediatrics in Tashkent.

19 THE COURT: Right.

20 THE DEFENDANT: And that exchange program. I
21 forgot the name of that. I can look it up later on. I
22 mean...

23 THE COURT: And when you came here, you said that
24 was in 2007; is that right?

25 THE DEFENDANT: No, 2008.

1 THE COURT: 2008.

2 THE DEFENDANT: Late 2008.

3 THE COURT: And what did you do; did you work when
4 you came here?

5 THE DEFENDANT: Well, I didn't work. I went to --
6 I went to school.

7 THE COURT: Where did you go to school?

8 THE DEFENDANT: In Alabama. In Alabama, Troy,
9 Alabama. And I came back, transferred to New York. Then
10 when I started in New York, I started improving my English a
11 little bit.

12 THE COURT: Where did you study in Alabama?

13 THE DEFENDANT: At Troy University.

14 THE COURT: And what did you study there?

15 THE DEFENDANT: Well, actually, I didn't study. I
16 went there for orientation and when I went there, I
17 didn't -- I mean, the things turned out to be different, the
18 atmosphere and everything. So I didn't -- I decided to move
19 to other school.

20 THE COURT: And what other school did you decide
21 to move to?

22 THE DEFENDANT: I came back to New York, and it
23 was Bluedata International School.

24 THE COURT: What school? I'm sorry.

25 THE DEFENDANT: Bluedata International School. It

1 was in Manhattan.

2 THE COURT: And did you study there?

3 THE DEFENDANT: Yeah. It was just for English.

4 THE COURT: And how long were you there, what
5 years?

6 THE DEFENDANT: I don't know, exactly sure. It
7 was a few -- I mean, a couple of years, maybe one or two
8 years.

9 THE COURT: And what did you do after that?

10 THE DEFENDANT: Then I -- I won the diversity visa
11 lottery.

12 THE COURT: And what is the diversity visa
13 lottery?

14 THE DEFENDANT: It's a green card.

15 THE COURT: And what did you do after that?

16 THE DEFENDANT: Then I started working.

17 THE COURT: What kind of work?

18 THE DEFENDANT: I worked as an assistant of the --
19 it was Hannah Foods Company, and I was assistant of the
20 regional manager. We used to have a -- samples and
21 advertising in Costco Wholesale Markets, and we had -- we
22 hired employees in the -- inside of Costco to advertise our
23 products, and I was part of -- I mean, I was the assistant
24 of the regional manager, and we used to go to different
25 states and neighboring states on the East Coast.

1 THE COURT: What year was that, or what years are
2 we talking about approximately?

3 THE DEFENDANT: 2010 and '11.

4 THE COURT: What did you do after that?

5 THE DEFENDANT: Then I went back to my country
6 for -- for like -- for the summer. Then I came back, and I
7 worked in the taxi company for -- for a few months. Then
8 after that, I -- I got my CDL license, and I --

9 THE COURT: I'm sorry. What license?

10 THE DEFENDANT: CDL. It's CDL, a commercial
11 driver license. Then I started working as a truck driver.
12 And then I got -- then I become an owner/operator. Then --
13 until I got -- until I got arrested.

14 THE COURT: Now, sir, have you taken any drugs,
15 consumed any medicine, or taken any pills or consumed any
16 alcohol in the past 24 hours?

17 THE DEFENDANT: Not at all.

18 THE COURT: And do you understand what is
19 happening here today, sir?

20 THE DEFENDANT: To some extent, yes.

21 THE COURT: Defense Counsel, do you have any doubt
22 as to your client's competence to proceed at this time?

23 MR. LEVITT: No, Your Honor.

24 THE COURT: Prosecutor, do you have any doubt as
25 to the defendant's competence to proceed at this time?

1 MR. SOLOMON: No, Your Honor.

2 THE COURT: The Court hereby finds based on the
3 defendant's representations and the representations of all
4 counsel of record that the defendant is competent to
5 proceed.

6 Now, Mr. Khusanov, it is important for you to
7 understand these proceedings. If for any reason you do not
8 understand something that is being said to you, please raise
9 your hand and I will repeat and restate whatever it is you
10 do not understand.

11 Do you understand that, sir?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Thank you.

14 Now, these proceeding are being recorded. If I
15 ask you a question, it is important that you speak into the
16 microphone, which is right in front of you, and that you
17 answer each by saying "yes" or "no" or making whatever
18 response is appropriate to the question so that the record
19 will reflect your answer accurately.

20 Do you understand that, sir?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And one thing I will ask you to do is
23 take your hand away from your mouth, because that tends to
24 muffle the answer.

25 Now, the purpose of today's proceeding is to make

1 certain that you understand the nature of the charges that
2 have been brought against you by the United States of
3 America and to make sure that you understand that you have
4 certain constitutional rights under the Constitution and the
5 Laws of the United States of America.

6 First, you have a right to be represented by an
7 attorney at today's proceeding and at all future proceedings
8 before this Court. Because the magistrate judge has
9 determined that you cannot afford an attorney, this Court
10 has appointed an attorney, Distinguished Counsel Mr. Richard
11 W. Levitt to represent you. Your attorney is a member of
12 this court's Criminal Justice Act Panel. In order to be a
13 member of that panel, an attorney must have substantial
14 federal criminal trial experience and be well regarded by
15 the judges of this court. In general, your attorney's
16 clients pay him for his work. But several days out of the
17 year, he agrees to take cases on assignment from this Court.
18 Mr. Levitt will represent you in today's proceedings and in
19 all future proceedings before this Court. And I think that
20 he had an opportunity to meet with you briefly before we
21 started today.

22 Is that correct?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Now, secondly, sir, you have the right
25 to remain silent. If you start to make a statement, you may

1 stop at any time. Any statements that you make to anyone
2 other than your attorney may be used against you.

3 Mr. Khusanov, do you understand that you have the
4 right to counsel and the right to remain silent?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Now, Mr. Khusanov, you are here today
7 because a grand jury has returned an indictment, which was
8 filed on August 29th of 2017, charging you with the
9 following offenses: Count 1, Conspiracy to provide material
10 support to a foreign terrorist organization in violation of
11 Title 18, United States Code, Sections 2339B(a)(1) and 3551,
12 *et sequentia*;

13 Count 2, Attempt to provide material support to a
14 foreign terrorist organization in violation of
15 18 United States Code, Sections 2339B(a)(1), 2 and 3551
16 *et sequentia*.

17 Mr. Khusanov, have you seen the indictment that
18 was filed against you in this case?

19 THE DEFENDANT: Yes, I did.

20 THE COURT: Have you had an opportunity to review
21 that indictment with your attorney?

22 THE DEFENDANT: Yes.

23 THE COURT: Do you understand the charges that are
24 being made against you today, sir?

25 THE DEFENDANT: Yes.

1 THE COURT: Now, Defense Counsel, have you had the
2 opportunity to review the indictment that has been filed
3 against your client with him?

4 MR. LEVITT: Yes, Your Honor.

5 THE COURT: All right. Do you have any concern
6 about whether or not he understands what the charges are
7 against him?

8 MR. LEVITT: I do not.

9 THE COURT: Do you believe that he understands the
10 charges against him?

11 MR. LEVITT: I do.

12 THE COURT: Have you advised your client of his
13 constitutional rights, sir?

14 MR. LEVITT: Yes.

15 THE COURT: Now, the Court has marked the
16 indictment as Court Exhibit 1 for identification.

17 May I have a motion to have the indictment, which
18 has been marked as Court 1, admitted into evidence?

19 MR. SOLOMON: The Government so moves.

20 THE COURT: Any objection?

21 MR. LEVITT: No, Your Honor.

22 (Court's Exhibit Number 1 so marked and received
23 in evidence.)

24 THE COURT: I will now read out loud the charges
25 listed in the indictment:

1 "The Grand Jury charges, Count 1, Conspiracy to
2 Provide Material Support to a Foreign Terrorist Organization.

3 (1) In..." --

4 MR. LEVITT: Your Honor, may we waive or did you
5 want to read it?

6 THE COURT: No, I am going to read it. It is very
7 short.

8 "Paragraph 1: In or about and between August 2014
9 and February 2015, both dates being approximate and
10 inclusive, within the Eastern District of New York and
11 elsewhere, the Defendant Dilshod Khusanov, together with
12 others, did knowingly and intentionally conspire to provide
13 material support and resources, as defined in Title 18,
14 United States Code, Section 2339A(b), including services and
15 personnel, to one or more foreign terrorist organizations,
16 to wit: The Islamic State of Iraq and al-Sham (hereinafter
17 "ISIS"), and al-Nusrah Front, which at all relevant times
18 had been designated by the Secretary of State as foreign
19 terrorist organizations, knowing that the organizations were
20 designated terrorist organizations and the organizations had
21 engaged in and were engaging in terrorist activity and
22 terrorism.

23 (Title 18, United States Code,
24 Sections 2339B(a)(1) and 3551 *et sequentia.*);

25 Count 2, Attempt to Provide Material Support to a

1 Foreign Terrorist Organization. Paragraph 2. In or about
2 and between August 2014 and 2015, both dates being
3 approximate and inclusive, within the Eastern District of
4 New York and elsewhere, the Defendant Dilshod Khusanov,
5 together with others, did knowingly and intentionally
6 attempt to provide material support and resources, as
7 defined in Title 18, United States Code, Section 2339A(b),
8 including services and personnel, to one or more foreign
9 terrorist organizations, to wit: ISIS and al-Nusrah Front,
10 which at all relevant times had been designated by the
11 Secretary of State as foreign terrorist organizations,
12 knowing that the organizations were designated terrorist
13 organizations and the organizations had engaged in and were
14 engaging in terrorist activity and terrorism.

15 (Title 18, United States Code,
16 Sections 2339B(a)(1), 2 and 3551 *et sequentia*.)

17 A true bill voted by the Foreperson of the
18 Grand Jury and signed by Bridget M. Rohde, R-O-H-D-E, Acting
19 United States Attorney for the Eastern District of
20 New York."

21 Have I read that accurately, Counsel?

22 MR. SOLOMON: Yes, Your Honor.

23 THE COURT: Defense Counsel, have I read that
24 accurately?

25 MR. LEVITT: Yes, Your Honor.

1 THE COURT: Mr. Khusanov, are you ready to plead,
2 sir?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: What is your plea to Count 1 of the
5 indictment, guilty or not guilty?

6 THE DEFENDANT: Not guilty.

7 THE COURT: What is your plea to Count 2 of the
8 indictment, guilty or not guilty?

9 THE DEFENDANT: Not guilty.

10 THE COURT: What is the Government's position on
11 the question of detention or bail as to Mr. Khusanov?

12 MR. SOLOMON: Your Honor, the
13 Government believes that Mr. Khusanov should be detained
14 pretrial for several reasons. First of all, the charges in
15 this case corollate with the presumption of detention, so
16 violations or alleged violations of 18 U.S.C. 2339B come
17 with a presumption of detention.

18 Secondly, this defendant has no ties to the local
19 community. He's from Illinois. While he is a green card
20 holder, he is not a U.S. citizen, and he would be deported
21 to Uzbekistan upon conviction in this case.

22 And finally, I point out that the charges here
23 would entail a guidelines range of -- or a suggested
24 guideline sentence of 30 years, which is a substantial
25 period of time, obviously.

1 THE COURT: Is he considered a flight risk?

2 MR. SOLOMON: We believe he would be considered a
3 flight risk.

4 THE COURT: Why?

5 MR. SOLOMON: On his lack of connection to the
6 local community.

7 THE COURT: Is he considered a danger to the
8 community?

9 MR. SOLOMON: We would consider him a danger to
10 the community as well based on the nature of the charges.
11 This group of -- this network helped send a number of
12 individuals to fight, wage violent jihad in Syria together
13 with either al-Nusrah Front or ISIS, which are both
14 designated foreign terrorist organizations, both of which
15 have committed countless atrocities.

16 THE COURT: All right.

17 I will hear from Defense Counsel.

18 MR. LEVITT: Thank you, Your Honor --

19 THE COURT: Please remain seated, sir, please.

20 MR. LEVITT: Oh, thank you.

21 THE COURT: Just use the microphone.

22 MR. LEVITT: Of course. Thank you, Your Honor.

23 We will agree at this time to an order of
24 detention without prejudice, to return to the Court in the
25 future with a bail package.

1 THE COURT: All right. I am going to enter an
2 order of detention pending trial. The Court specifically
3 finds --

4 Do you have a form, Mr. Jackson?

5 THE COURTROOM DEPUTY: Yes, Judge.

6 I'll just drop that right in the middle.

7 THE COURT: Thank you.

8 The Court specifically finds that the defendant
9 lacks substantial ties to the community. The defendant is
10 not a U.S. citizen, although, he does hold a green card.
11 The defendant has no stable history of employment. The
12 defendant presents no credible sureties as to his
13 appearance. There is a serious risk that the defendant will
14 endanger the safety of another person or the community.
15 There is a serious flight risk or risk that the defendant
16 will not appear given the guidelines range and the other
17 statutory provisions, so I am entering the order of
18 detention pending trial, dating it today, November 9th of
19 2017 and having marked it as Court's Exhibit 2 for
20 identification.

21 May I have a motion to have Court's Exhibit 2
22 admitted into evidence, please.

23 MR. SOLOMON: And the Government so moves,
24 Your Honor.

25 THE COURT: Any objection?

1 MR. LEVITT: No, Your Honor.

2 THE COURT: It's admitted.

3 (Court's Exhibit Number 2 so marked and received
4 in evidence.)

5 THE COURTROOM DEPUTY: Thank you, Judge.

6 THE COURT: Now, Mr. Khusanov, under the
7 Speedy Trial Act the Government has 70 days from today's
8 date, the date you are arraigned in this indictment, to
9 bring this action to trial. If the Government does not
10 bring this action to trial within 70 days of today, your
11 attorney could come to this Court to ask that the case
12 against you be dismissed.

13 Is there an application for a waiver of the
14 Speedy Trial Act?

15 MR. SOLOMON: Yes. The Government moves from
16 today's date until a date set in the future for the next
17 status conference on the basis of, I guess, interest of
18 justice primarily, Your Honor. There's a substantial amount
19 of discovery which the Government will provide to Defense
20 and should afford Defense ample time to familiar himself
21 with the file.

22 THE COURT: You are referring, of course, to
23 discovery materials be provided to the defendant pursuant to
24 Rule 16 --

25 MR. SOLOMON: Yes, Your Honor.

1 THE COURT: -- of the Federal Rules of Criminal
2 Procedure?

3 MR. SOLOMON: Yes, Your Honor.

4 THE COURT: All right. I will hear from the
5 defendant with respect to the waiver of speedy trial.

6 Do you agree to the waiver of speedy trial in the
7 interest of justice?

8 MR. LEVITT: Yes, Judge, until the next status
9 conference.

10 THE COURT: Yes, until the next status conference.

11 All right. Which brings us to the next question
12 of the next status conference. And by the way just so that
13 we are clear on this, Mr. Khusanov, just so you understand:
14 The application means that that 70-day clock that I just
15 described will be stopped as of today until the next status
16 conference, at which time, unless there is an agreement that
17 the 70-day clock starts to run again, it will be stayed.

18 So do you understand what that means? Have you
19 talked with your lawyer about that, or if not, he can
20 explain it to you now.

21 MR. LEVITT: Sure.

22 THE COURT: Okay.

23 (Pause in proceedings.)

24 MR. LEVITT: Yes, Your Honor, I have explained it
25 to him.

1 THE COURT: All right, thank you.

2 Do you accept that, sir?

3 THE DEFENDANT: Yes, I do.

4 THE COURT: And do you agree to it, sir?

5 THE DEFENDANT: Yes, I do.

6 THE COURT: All right. Now, we have a form that
7 we ask the lawyers and the defendant to sign with respect to
8 the suspension of the speedy trial calculation in the
9 interest of justice.

10 Do you have that form, Mr. Jackson?

11 THE COURTROOM DEPUTY: Yes, Judge.

12 THE COURT: All right.

13 THE COURTROOM DEPUTY: I do have it.

14 THE COURT: All right. That will be marked as
15 Court's Exhibit 3 for identification. We ask that
16 Prosecution and Defense Counsel sign it, and the defendant
17 to sign it as well, if it is acceptable.

18 THE COURTROOM DEPUTY: Judge, are we going to
19 establish a new status conference date before we sign it?

20 THE COURT: Yes.

21 What date would Counsel like to have?

22 MR. LEVITT: May I request a date sometime in,
23 perhaps, the latter part of December?

24 THE COURT: Does it not make more sense to get
25 past the year end and push it into the early to mid-part of

1 January? I am here, I have no life, but, you know, maybe
2 you do. And it might be appropriate to push it into early
3 January. It is really up to you, gentlemen.

4 MR. LEVITT: One moment if I may, please?

5 THE COURT: Of course.

6 (Pause in proceedings.)

7 MR. LEVITT: Judge, early January is fine.

8 THE COURT: All right.

9 Mr. Solomon, what dates would you suggest for the
10 early to mid-part of January?

11 MR. SOLOMON: The Government is available whatever
12 date the Court chooses.

13 THE COURT: All right.

14 Mr. Jackson, what availability do we have?

15 THE COURTROOM DEPUTY: We have Friday, January the
16 5th, Judge.

17 THE COURT: All right.

18 THE COURTROOM DEPUTY: You only have one matter
19 scheduled for noon.

20 THE COURT: All right. Does Friday, January the
21 5th work for everyone or would you prefer the next week?

22 MR. LEVITT: No, the 5th is fine, Your Honor.

23 THE COURT: Okay. The 5th.

24 And why don't we set this for -- does 11:00 a.m.
25 work for everyone?

1 MR. SOLOMON: Yes, Your Honor.

2 THE COURT: Does that work for you, Counsel, or
3 would you prefer 1 o'clock?

4 MR. LEVITT: Yes, Your Honor.

5 THE COURT: 11:00 a.m. All right. We will
6 suspend time until Friday, January the 5th of 2018 at
7 11:00 a.m.

8 Mr. Jackson, would you present the form to Counsel
9 and the defendant for signature?

10 MR. SOLOMON: Thank you.

11 THE COURTROOM DEPUTY: You're welcome.

12 MR. LEVITT: Thank you.

13 THE COURTROOM DEPUTY: Judge, the order has been
14 signed.

15 THE COURT: Thank you.

16 I have what has been marked as Court Exhibit 3 for
17 identification, the Waiver of Speedy Trial and Order of
18 Excludable Delay excluding time from today's date
19 November 9th, 2017 to and including January 5th of 2018 in
20 the interest of justice and signed by the Assistant
21 United States Attorney. It is signed by the defendant in my
22 presence as well and by Defense Counsel.

23 Now I am signing it.

24 May I have a motion to have Court Exhibit 3
25 admitted into evidence?

1 MR. SOLOMON: The Government so moves.

2 THE COURT: Any objection?

3 MR. LEVITT: No, Your Honor.

4 THE COURT: It's admitted. Thank you.

5 (Court's Exhibit Number 4 so marked and received
6 in evidence.)

7 THE COURT: Here you are, Mr. Jackson.

8 All right. Defense Counsel, is there anything
9 further you wish to say to the Court today at this time?

10 MR. LEVITT: No, Judge. Thank you.

11 THE COURT: Thank you.

12 Mr. Prosecutor, is there anything further you wish
13 to say to the Court at this time?

14 MR. SOLOMON: No. Thank you.

15 THE COURT: Thank you. Then we are adjourned.

16 (Matter concluded.)

17 I N D E X

18 EXHIBITS

19 Court's Exhibit Number 1 14

20 Court's Exhibit Number 2 20

21 Court's Exhibit Number 4 25

22

23 *I (we) certify that the foregoing is a correct transcript*
24 *from the record of proceedings in the above-entitled matter.*

25 /s/ David R. Roy
DAVID R. ROY

6th Day of July, 2018
Date