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Court Reporter: Lori Ann Callahan, RMR-CRR  
United States District Courthouse  
Room 568  
2 South Main Street  
Akron, Ohio 44308  
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Proceedings recorded by mechanical stenography, transcript produced by computer-aided transcription.

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P R O C E E D I N G S

- - -

THE COURT: Please call the case.

COURTROOM DEPUTY CLERK: The case before the court is Case Number 1:15cr268, United States of America versus Amir Said Rahman Al-Ghazi.

THE COURT: Counsel, please identify yourself for the record and indicate if you have your client or client representatives present. And we will begin with the government's attorney.

MR. GEORGALIS: Good afternoon, Judge. Chris Georgalis on behalf of the United States, and seated to my left are two special agents with the FBI, Ryan Presley and Tim Nock.

THE COURT: Good afternoon.

MR. SYNENBERG: Good afternoon, Your Honor. Roger Synenberg here on behalf of Amir Said Rahman Al-Ghazi who's seated to my right, as well as my partner, Dominic Coletta, seated to my right.

THE COURT: Good afternoon to you.

MR. COLETTA: Good afternoon, Your Honor.

THE COURT: Mr. Al-Ghazi, it is my understanding that at this time you wish to withdraw your formerly entered plea of not guilty and enter a plea of guilty in this case to Counts 1, 2 and 3 of the indictment in which you are

1 charged as follows:

2 Count 1, attempted provision of material support  
3 to designated foreign terrorist organizations in violation  
4 of Title 18, United States Code, Section 2339B.

14:05:02 5 And Counts 2 and 3, which are two separate counts,  
6 of possession of firearm and/or ammunition by a convicted  
7 felon, in violation of Title 18, United States Code, Section  
8 922(g) (1).

9 Is this correct, sir?

14:05:15 10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: And, Counsel, I trust that you are  
12 prepared to proceed in this matter?

13 MR. SYNENBERG: Yes, Your Honor.

14 MR. GEORGALIS: Yes, Judge. Thank you.

14:05:22 15 THE COURT: So I will ask the courtroom deputy  
16 clerk to please place Mr. Al-Ghazi under oath.

17 COURTROOM DEPUTY CLERK: Please stand and raise  
18 your right hand.

19 (Defendant sworn.)

14:05:42 20 THE COURT: Very well. Very well. You may be  
21 seated.

22 Mr. Al-Ghazi, you are now under oath and have  
23 sworn to tell the truth.

24 Do you understand any answers that you give that  
14:05:59 25 would later be proved to be false or untruthful could be

1 used against you in a later prosecution for perjury?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Before I can decide whether to accept  
4 your plea, sir, it is necessary that I ask a number of  
5 questions of you to be sure that you understand the  
6 constitutional rights that you will be giving up by entering  
7 this plea and to make certain that you understand what the  
8 consequences of this plea may be.

9 If you have any questions whatsoever, please ask  
10 me to stop so that you may ask your question and the court,  
11 your attorney or the government's attorney will respond to  
12 your question.

13 Also, if at any time during these proceedings, you  
14 wish to pause and speak privately with your attorneys,  
15 simply ask the court for the opportunity to do so, and I  
16 will certainly honor any such requests.

17 Do you understand all of these instructions?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Excellent.

20 Please state your full name, sir.

21 THE DEFENDANT: Amir Said Rahman Al-Ghazi.

22 THE COURT: And what is your age?

23 THE DEFENDANT: My age is 39 years old.

24 THE COURT: All right. Are you a citizen of the  
25 United States?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Are you able to read, write and  
3 understand the English language?

4 THE DEFENDANT: Yes, Your Honor.

14:07:03 5 THE COURT: How far did you go in school, sir?

6 THE DEFENDANT: I have a GED, 10th grade.

7 THE COURT: So you went 10th grade and then you  
8 obtained your GED?

9 THE DEFENDANT: Yes, Your Honor.

14:07:12 10 THE COURT: Do you have any other certifications  
11 beyond obtaining your GED, like any training programs?

12 THE DEFENDANT: Tow motor license?

13 THE COURT: Oh, okay. Something like that.

14 THE DEFENDANT: I am drawing a blank.

14:07:30 15 THE COURT: That's okay.

16 Any trades, organizations that you obtained any  
17 certifications in?

18 THE DEFENDANT: Not on paper, no.

19 THE COURT: Okay.

14:07:40 20 THE DEFENDANT: Not that I can think of.

21 THE COURT: All right. That's fine.

22 So you have your GED and you have a tow motor  
23 certification?

24 THE DEFENDANT: Yes, ma'am.

14:07:46 25 THE COURT: Okay. That's fine.

1           Are you presently under the influence of any  
2           drugs, any alcohol and/or any chemical substance that might  
3           in any way impact your ability to understand these  
4           proceedings?

14:07:57 5           THE DEFENDANT: No, Your Honor.

6           THE COURT: Do you have any mental conditions that  
7           would in any way interfere with your ability to understand  
8           these proceedings?

9           THE DEFENDANT: No, Your Honor.

14:08:03 10          THE COURT: Okay. Have you received a copy of the  
11          indictment which contains the written charges made against  
12          you in this case?

13          THE DEFENDANT: Yes, Your Honor.

14          THE COURT: Have you had adequate time and  
14:08:13 15          opportunity to review the indictment and discuss the charges  
16          in the case with your attorney?

17          THE DEFENDANT: Yes, Your Honor.

18          THE COURT: In this case, there is a written plea  
19          agreement between you and the government, and I have a copy  
14:08:28 20          of that agreement or actually have the original of the  
21          agreement.

22          Do you have a copy of the agreement?

23          THE DEFENDANT: Yes, I do, Your Honor.

24          THE COURT: Excellent. So you may wish to follow  
14:08:39 25          along with this agreement as we review the provisions here

1 today.

2 So the original agreement that I had, that I have  
3 appears to have your initials on the bottom right-hand  
4 corner of each page.

14:08:58 5 Are these your initials on the bottom right-hand  
6 corner of each page of this agreement, sir?

7 THE DEFENDANT: If they would be two capital A's,  
8 then yes, Your Honor. I can't see that far, but I take your  
9 word for it.

14:09:07 10 THE COURT: I tell you what, I will have my  
11 courtroom deputy clerk show this to you, because we want to  
12 make sure that --

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: And also you can keep, if you would,  
14:09:28 15 and turn to page 24 of that agreement, the last page. On  
16 the top signature line that has been designated for you,  
17 there's a signature there.

18 Is that your signature there, sir?

19 THE DEFENDANT: Yes, sir, Your Honor.

14:09:42 20 THE COURT: All right. And did you sign and  
21 initial this agreement today, sir?

22 THE DEFENDANT: That particular one?

23 What's the date?

24 MR. SYNENBERG: Today is the 16th.

14:09:55 25 THE DEFENDANT: Yes, Your Honor.



1 THE COURT: And did you initial and sign the  
2 agreement after you had adequate time and opportunity to  
3 read and review the agreement and discuss it with your  
4 attorneys?

14:10:04 5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Have you had -- have you discussed the  
7 agreement and/or the substance of the agreement with your  
8 attorneys before today?

9 THE DEFENDANT: Yes, Your Honor.

14:10:13 10 THE COURT: Okay. And the reason I ask you that  
11 question, as I want to make sure that this is not the first  
12 time that you've heard the terms contained in this  
13 agreement.

14 THE DEFENDANT: Yes, Your Honor. I -- no, it's  
14:10:25 15 not the first time I heard it.

16 THE COURT: So you've had many discussions with  
17 your attorneys prior to today?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Okay. About the agreement, and other  
14:10:36 20 matters of course.

21 THE DEFENDANT: Yes, two.

22 THE COURT: Have you had sufficient time to --

23 THE DEFENDANT: Yes.

24 THE COURT: This is very important.

14:10:45 25 Have you had sufficient time to consider all of

1 the terms contained in this agreement prior to today?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Okay. All right. Just wanted to make  
4 sure.

14:10:56 5 Do your initials and signature indicate that you  
6 have read each page of the plea agreement, that you  
7 understand the plea agreement and that you agree to the  
8 terms contained within the plea agreement?

9 THE DEFENDANT: Yes, Your Honor.

14:11:08 10 THE COURT: Okay. Do you have -- do you  
11 understand that you have a right to persist in, that is, to  
12 maintain your plea of not guilty as to the charges set forth  
13 against you in the indictment. And in that event, you would  
14 go to trial?

14:11:21 15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Do you understand that if there were a  
17 trial if this case, you would enjoy certain important  
18 constitutional rights?

19 THE DEFENDANT: Yes, Your Honor.

14:11:30 20 THE COURT: And do you understand by entering a  
21 plea of guilty, you will be giving up these rights?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Okay. And we will review those rights  
24 with you now. Those are contained in paragraph 1 of the  
14:11:41 25 agreement if you wish to follow along.

1           You have a constitutional right if you wish to  
2 have your case tried to a jury. By entering a plea of  
3 guilty to Counts 1, 2 and 3, you're giving up your right to  
4 a jury trial.

14:11:53 5           Do you understand this right?

6           THE DEFENDANT: Yes, Your Honor.

7           THE COURT: Do you give up this right?

8           THE DEFENDANT: Yes, Your Honor.

9           THE COURT: You also have a right, if the  
14:11:59 10 government agrees and the court approves, to waive a jury  
11 and to have this case tried before me, the judge, without a  
12 jury.

13           Do you understand this right?

14           THE DEFENDANT: Yes, Your Honor.

14:12:08 15           THE COURT: Do you give up this right?

16           THE DEFENDANT: Yes, Your Honor.

17           THE COURT: If there were a trial in this case,  
18 you would be presumed innocent. The government would be  
19 required to prove that you were guilty by competent evidence  
14:12:17 20 beyond a reasonable doubt.

21           Do you understand this right, sir?

22           THE DEFENDANT: Yes, Your Honor.

23           THE COURT: And do you give up this right?

24           THE DEFENDANT: Yes, Your Honor.

14:12:23 25           THE COURT: If there were a trial in this case,

1 you would have the right to confront and cross-examine  
2 witnesses called against you; that is, witnesses for the  
3 government would have to come to court and testify in your  
4 presence, and your attorney could cross-examine those  
14:12:37 5 witnesses and object to evidence the government offers in  
6 this case.

7 Do you understand this right, sir?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: And do you give up this right?

14:12:43 10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: If you were to go to trial, you would  
12 also have the right to call witnesses to testify on your own  
13 behalf. You could compel them to appear here in court to  
14 testify for you by the issuance of a subpoena, which is a  
14:12:55 15 court order that would require their attendance.

16 Do you understand this right?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Do you give up this right?

19 THE DEFENDANT: Yes, Your Honor.

14:13:03 20 THE COURT: If there were a trial, you would have  
21 the right to testify on your own behalf, but you would also  
22 have the right not to testify, that is, you would have the  
23 right to remain silent in this case and no argument or  
24 suggestion of your guilt could be made based upon your  
14:13:19 25 exercise of your right to remain silent.

1 Do you understand this right, sir?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: And do you give up this right, sir?

4 THE DEFENDANT: Yes, Your Honor.

14:13:27

5 THE COURT: Do you understand that if I accept  
6 your plea of guilty, you will be giving up all of the rights  
7 we've just discussed, there will be no trial, and I will  
8 enter a judgment of guilty against you in this case as to  
9 Counts 1, 2 and 3 of the indictment?

14:13:42

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: In addition to the rights we've just  
12 reviewed, and even though you're currently represented by  
13 attorneys, do you also understand that you have a right to  
14 an attorney at every stage of the proceedings, and if  
15 necessary and appropriate, one will be appointed to  
16 represent you.

14:13:53

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Okay. Any questions thus far, sir?

19 THE DEFENDANT: No, Your Honor.

14:14:02

20 THE COURT: Okay. We will continue on then.

21 Now, as set forth in paragraphs 2 and 3 of the  
22 agreement, you will see there's a chart there, and it sets  
23 forth the maximum statutory penalties for each of the  
24 charges to which you're pleading, and we're going to review  
25 that now.

14:14:22

1           So Count 1, attempted provision of material  
2 support to designated foreign terrorist organizations, the  
3 maximum statutory penalties are a maximum term of  
4 imprisonment of 20 years, a fine in the amount of \$250,000,  
14:14:41 5 a lifetime term of supervised release, and a mandatory  
6 special assessment of \$100.

7           Do you understand all of that?

8           THE DEFENDANT: Yes, Your Honor.

9           THE COURT: With respect to each of Counts 2 and  
14:14:53 10 3, which are, again, separate counts of possession of a  
11 firearm and/or ammunition by a convicted felon, the maximum  
12 statutory penalties are a maximum term of imprisonment of  
13 ten years, a fine in the amount of \$250,000, a term of up to  
14 three years of supervised release, and a mandatory special  
14:15:13 15 assessment of \$100.

16           Do you understand all of this, sir?

17           THE DEFENDANT: Yes, Your Honor.

18           THE COURT: Now, as set forth in paragraph 7, at  
19 some point, you will be subjected to supervision, and if you  
14:15:24 20 violate any term or condition of your supervision, such  
21 violation could result in a period of incarceration or  
22 additional penalty and in some circumstances, the combined  
23 term of imprisonment under the initial sentence and the  
24 additional period of incarceration could exceed the maximum  
14:15:44 25 statutory term of imprisonment for the offense.

1 Do you understand that?

2 THE DEFENDANT: No. What does that mean?

3 THE COURT: What that means is, for instance,  
4 possession of firearm or ammunition, the maximum term of  
14:16:01 5 imprisonment is ten years.

6 So let's say we're just dealing with that count,  
7 this is by way of example, let's just say the court  
8 sentences you to a term of imprisonment of 105 years.

9 THE DEFENDANT: Yes.

14:16:16 10 THE COURT: Or 105 months, my apologies. Or let's  
11 say -- let's use a different example. 110 months.

12 THE DEFENDANT: Okay.

13 THE COURT: And then you're going to be on  
14 supervision when you are released, supervised release, and  
14:16:31 15 let's say you commit a violation of the terms and conditions  
16 of your supervised release, so you will appear back in court  
17 and the court could determine that your supervised release  
18 should be revoked and that you should be sentenced to an  
19 additional period of incarceration.

14:16:47 20 And in that case, under this example, that  
21 additional period of incarceration, whether it's 5 months or  
22 10 months or 15 months, would exceed the maximum -- and I  
23 should have used 120 months for the offense.

24 Do you understand that?

14:17:06 25 If it's 15 months -- say, I gave you 110 months,

1 and I then revoked you and gave you an additional time of 15  
2 months, that would be 125 months, and that would exceed the  
3 maximum statutory term for the offense.

4 Understood?

14:17:22

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Okay. Do you need another example,  
7 because I kind of jumbled those numbers?

8 THE DEFENDANT: No, I have it. 120 months, 15 on  
9 top of 110 --

14:17:33

10 THE COURT: Is 125 months.

11 THE DEFENDANT: Yeah, I got it. Yes, Your Honor.  
12 I have it.

13 THE COURT: Okay. Sorry about that. My initial  
14 example wasn't well thought out.

14:17:44

15 THE DEFENDANT: No, you did great.

16 THE COURT: Okay. So you understand what's the  
17 information contained in paragraph 7 that we just reviewed?

18 THE DEFENDANT: Yes, Your Honor.

14:17:56

19 THE COURT: Why don't you take a look at  
20 paragraphs 4, 5, and 8. And after you have reviewed those,  
21 let me know when you're done.

22 THE DEFENDANT: Yes, I understand.

23 THE COURT: Any questions about those provisions?

24 THE DEFENDANT: No.

14:18:17

25 THE COURT: Now, we're going to look at paragraph



1 6.

2 So, as set forth in paragraph 6, do you understand  
3 that you have agreed to abandon all of your right, title and  
4 interest in a Taurus .45 caliber handgun, and the model  
14:18:37 5 number and serial number are identified in paragraph 6, and  
6 that you agree not to contest the administrative and/or  
7 judicial forfeiture of that handgun.

8 Do you understand that?

9 THE DEFENDANT: Yes, Your Honor.

14:18:49 10 THE COURT: Do you also agree that the described  
11 firearm was involved in and/or was used or intended to be  
12 used in any manner or part to commit or facilitate the  
13 commission of the criminal activity to which you are  
14 pleading guilty today and, therefore, subject to forfeiture?

14:19:59 15 MR. SYNENBERG: May we have a moment, Your Honor?

16 THE COURT: You may.

17 (Pause.)

18 MR. SYNENBERG: We're fine, Judge.

19 THE DEFENDANT: Yes.

14:20:01 20 THE COURT: So do you understand -- just to  
21 simplify, you're familiar with the Taurus .45 caliber  
22 handgun?

23 THE DEFENDANT: Yes, it was in my possession.

24 THE COURT: Okay. And do you agree that it's  
14:20:13 25 subject to forfeiture for the reasons set forth in paragraph

1 6?

2 THE DEFENDANT: Yes.

3 THE COURT: Any questions about that now?

4 THE DEFENDANT: No.

14:20:20 5 THE COURT: Okay. Next, if you take a look at  
6 paragraphs 9, 10 and 11, and let me know when you're done.

7 THE DEFENDANT: Yes, I'm ready, Your Honor.

8 THE COURT: Any questions regarding those  
9 provisions, sir?

14:20:41 10 THE DEFENDANT: No, Your Honor.

11 THE COURT: All right. Now, as set forth in  
12 paragraph 13, do you understand that sentencing rests within  
13 the discretion of the court and federal sentencing law  
14 requires the court to impose a sentence sufficient, but not  
14:20:59 15 greater than necessary, to comply with the sentencing  
16 purposes set forth in Title 18, United States Code, Section  
17 3553(a), which includes the advisory sentencing guidelines  
18 in effect at the time of sentencing, as well as other  
19 sentencing factors.

14:21:15 20 Do you understand that?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Do you also understand that the court,  
23 under some circumstances, may vary or depart from, that is,  
24 impose a sentence different from the advisory sentencing  
14:21:26 25 guideline range.

1 THE DEFENDANT: That means to go above or under?

2 THE COURT: Correct. That's exactly right.

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Do you understand, as set forth in  
14:21:35 5 paragraph 14 of the plea agreement, that the advisory  
6 guideline sentencing range will be determined by the court  
7 at the time of sentencing, after a presentence report has  
8 been prepared by the United States Probation Office and  
9 reviewed by the parties?

14:21:49 10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Do you further understand that it is  
12 the obligation of the government to provide to the United  
13 States Probation Office certain information regarding you  
14 and your conduct, sir?

14:21:58 15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Do you understand, as set forth in  
17 paragraph 15, that if all of the conditions contemplated in  
18 this agreement between you and the parties are met, that you  
19 and the government agree that you should receive a prison  
14:22:19 20 sentence of 192 months; and, otherwise, you and the  
21 government agree that you should receive a sentence within  
22 the applicable advisory sentencing guideline range as  
23 determined by the court?

24 THE DEFENDANT: Yes, Your Honor.

14:22:33 25 THE COURT: Any questions regarding any of the

1 information contained in paragraph 15?

2 THE DEFENDANT: No, Your Honor.

3 THE COURT: Now, also, this agreement is what is  
4 referred to as a Criminal Rule Procedure 11(c) (1) (C)  
5 agreement.

14:22:53

6 So do you further understand that if the court  
7 accepts this plea agreement, the recommendations relative to  
8 sentencing are binding on the court, and thus, the agreed  
9 disposition will be included in the court's judgment?

14:23:10

10 THE DEFENDANT: Which means you can't go under,  
11 correct?

12 THE COURT: Under or over.

13 MR. SYNENBERG: He's concerned about the over.

14 THE DEFENDANT: Half full kind of guy, yes.

14:23:20

15 Yes, Your Honor.

16 THE COURT: All right. Do you further understand,  
17 however, that if the court rejects the plea agreement the  
18 court will inform the parties that it rejects the plea  
19 agreement and then give you an opportunity to withdraw your  
20 plea and advise you if your plea is not withdrawn, the court  
21 may dispose of the case less favorably towards you than  
22 provided in the plea agreement.

14:23:34

23 That was -- that kind of like relates to the  
24 question that you just asked before. In other words, if I  
25 accept the plea agreement and the parties' recommendations

14:23:56

1 of 192 months, I can't go above or below. But if I reject  
2 the parties' agreement, I just need to tell you that and  
3 then if you decide to maintain your plea of guilty, then I  
4 could go either above --

14:24:16 5 THE DEFENDANT: At your discretion?

6 THE COURT: Yes.

7 THE DEFENDANT: Yes, Your Honor, I understand.

8 THE COURT: Okay. Do you understand, as set forth  
9 in paragraph 16, that you and the government will each have  
14:24:33 10 a right to speak at sentencing regarding your sentence in  
11 this case?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Now, if you turn to paragraph 17, you  
14 will see some charts there that discuss what the parties  
14:24:52 15 believe the calculations will be relative to your offense  
16 level in this case.

17 So we will -- if you look at the chart for Count  
18 1, you will see that the base offense level is 26. Using a  
19 minor to commit a crime provides for a two-level  
14:25:18 20 enhancement, and then there's a 12-level enhancement because  
21 it involves terrorism for a subtotal with respect to that  
22 count of 40.

23 Do you see that?

24 THE DEFENDANT: Yes, Your Honor.

14:25:32 25 THE COURT: Then for counts -- each of Counts 2

1 and 3, base offense level 26. Because it was committed in  
2 connection with another felony, there's a four-level  
3 enhancement for subtotal of 30. And that the multiple count  
4 adjustment the parties believe with that total offense level  
14:25:54 5 before any other considerations would be 40.

6 Do you understand -- do you understand that?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: And then do you further understand  
9 that, unless otherwise agreed to in the plea agreement, the  
14:26:09 10 parties agree that no other specific offense  
11 characteristics, guideline adjustments or guideline  
12 departures will apply?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Continuing on. Do you understand, as  
14:26:20 15 set forth in paragraph 18, that the government agrees to  
16 recommend a reduction to the sentencing guideline  
17 calculation for acceptance of responsibility, so long as  
18 your conduct continues to accept -- continues to reflect  
19 your acceptance of responsibility?

14:26:41 20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Any questions regarding the  
22 information contained in that paragraph 18?

23 THE DEFENDANT: No, Your Honor.

24 THE COURT: And do you understand, as set forth in  
14:26:50 25 paragraph 19, that your criminal history category will be

1 determined by the court after the court has received the  
2 presentence investigation report from the United States  
3 Probation Office?

4 THE DEFENDANT: Yes, Your Honor. That's the PSI?

14:27:09 5 THE COURT: Right, exactly, the presentence  
6 report. It goes by a lot of different names.

7 And in this particular case, you've had the  
8 benefit of having received a pre-plea report relative to  
9 your criminal history.

14:27:27 10 Are you aware of that?

11 THE DEFENDANT: Did it benefit at all?

12 THE COURT: I am sorry?

13 THE DEFENDANT: Did it benefit at all?

14 THE COURT: When I say you've had the benefit of  
14:27:37 15 receiving it, you had the opportunity, I should say, to see  
16 in advance, I understand why you're saying that might not  
17 have been a benefit, but you had the opportunity to see in  
18 advance what your criminal history may be and how it might  
19 be calculated.

14:27:54 20 Now, in that report, there was a certain  
21 calculation relative to your criminal history of -- and it  
22 turned out in that report to be a V; however, in that  
23 report, it also indicated that you could be determined to be  
24 a career offender. In that event, your criminal history  
14:28:15 25 would be a VI. And also there's a possibility in this case,

1 because of the nature of the offense, that a terrorism  
2 enhancement would apply, which would also make you a  
3 Criminal History Category VI for a separate reason.

4 Do you understand that?

14:28:31

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Okay. Any questions regarding any of  
7 that?

8 THE DEFENDANT: No, Your Honor.

14:28:40

9 THE COURT: All right. Now, any questions  
10 regarding any of the information contained in paragraphs 20  
11 through 25?

12 THE DEFENDANT: No, Your Honor.

13 THE COURT: No. Do you need any additional time  
14 to review those?

14:28:54

15 THE DEFENDANT: No, Your Honor.

16 THE COURT: So next we're just going to briefly  
17 discuss the advisory guideline sentence guidelines, and  
18 discuss how the parties' calculation could impact your  
19 sentence in this case.

14:29:07

20 And as we discussed earlier, do you understand the  
21 final guideline sentencing range will be determined by the  
22 court at the time of sentencing after that final presentence  
23 report has been prepared by the United States Probation  
24 Office?

14:29:21

25 THE DEFENDANT: Yes, Your Honor.



1 THE COURT: Do you further understand that, even  
2 though we will be discussing guidelines that might apply in  
3 your case today, that we cannot know for certain what  
4 guidelines will apply until that report is prepared?

14:29:32

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: So do you have a copy of the  
7 sentencing table? I see that you do.

8 THE DEFENDANT: Yes.

9 THE COURT: And have you seen this table before?

14:29:41

10 THE DEFENDANT: Yes, many times.

11 THE COURT: I was going to ask you. You've  
12 probably reviewed it with your attorneys many times.

13 Is that fair to say?

14 THE DEFENDANT: Yes, Your Honor.

14:29:49

15 THE COURT: Okay. We're going to just take some  
16 examples just to make sure you understand how the table  
17 works.

18 So let's say, for instance, it turns out that your  
19 -- I'm going to select offense level 33 and Criminal History  
20 Category VI.

14:30:08

21 Under that scenario, what would the guideline  
22 sentencing range be?

23 THE DEFENDANT: 235 to 293.

24 THE COURT: Right. And what about if it goes down  
25 to like offense level of 30 and a criminal history category

14:30:19

1 of VI?

2 THE DEFENDANT: 160 to 210.

3 THE COURT: Right.

4 THE DEFENDANT: Which is a lot better.

14:30:31 5 THE COURT: Fair to say. Yes.

6 So you understand that even though we went over  
7 some ranges, the way this plea agreement works, if the party  
8 accept -- if the court accepts the plea agreement at the  
9 time of sentencing, the court would be bound to impose a  
14:30:55 10 sentence of 192 months provided that all the conditions  
11 contemplated in the agreement are met?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Okay. Any questions regarding that?

14 THE DEFENDANT: No.

14:31:09 15 THE COURT: Okay. Counsel, do you think the court  
16 needs to further discuss the sentencing table or guidelines,  
17 or is everyone satisfied?

18 MR. SYNENBERG: We are. We've gone through this  
19 many times.

14:31:22 20 THE COURT: I am sure. I am sure that's true, and  
21 that actually is the way it should be done.

22 Now, do you understand -- do you need any further  
23 explanation about how your criminal history category will be  
24 calculated? It's calculated based upon the number of  
14:31:35 25 criminal history points that you have, and the points are

1 calculated pursuant to the sentencing guidelines based upon  
2 in part the age and nature of your prior offenses.

3 Do you understand that?

4 THE DEFENDANT: I will would like to know, who  
14:31:49 5 gives an exact account of this criminal history? So far the  
6 prosecution gave us an account. Does the PSR or the PSI --  
7 does the probation office --

8 THE COURT: Oh, yes. They do an independent --  
9 probation officer will do an independent assessment. And  
14:32:04 10 actually, the pre-plea report was prepared by the probation  
11 office.

12 THE DEFENDANT: So it's already accurate.

13 THE COURT: Well, no.

14 MR. SYNENBERG: Subject to being challenged by us.

15 THE COURT: It could be challenged by you, number  
14:32:15 16 one. It could be that when the probation officer does a  
17 further investigation, they find something that they didn't  
18 find in the first instance. It doesn't happen that often,  
19 but that's why we have to have a final preparation.

14:32:34 20 And as your attorney properly points out, there  
21 could be something that after your attorney reviews it and  
22 after a more full report is prepared, your attorney and you  
23 may determine you should challenge some of the calculations.

24 THE DEFENDANT: This is to give you a better idea  
14:32:50 25 of me. This is to give the court -- this is to give you a

1 better idea of me?

2 THE COURT: Okay. Precisely. And it not only  
3 will calculate offense level, but it will give me  
4 information regarding the offense that you committed, the  
14:33:06 5 offenses that you committed, plus your background, and a  
6 number of other items.

7 THE DEFENDANT: Okay.

8 THE COURT: All right. So you and your attorneys  
9 will receive that final presentence report well in advance  
14:33:27 10 of the sentencing hearing and you will have a right to  
11 review that report and gain a better understanding of what  
12 your criminal history may be and how it will be calculated,  
13 as well as your guideline range and how that will be  
14 calculated and how this plea agreement, this binding plea  
14:33:43 15 agreement may impact that.

16 Do you understand this?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: All right. So do you understand, as  
19 set forth in paragraph 26, that except under limited  
14:33:54 20 circumstances, you're giving up your right to appeal your  
21 conviction and sentence in this case, and that you are  
22 giving up your right to challenge your conviction and  
23 sentence at a later time again except in very limited  
24 circumstances?

14:34:05 25 THE DEFENDANT: Yes, Your Honor. I understand.

1 THE COURT: All right. Specifically, under the  
2 plea agreement, if you take a look at paragraphs --  
3 paragraph 26, you would have the right to appeal any of the  
4 following:

14:34:18 5 Any punishment in excess of the statutory maximum,  
6 or any sentence to the extent it exceeds the maximum of the  
7 sentencing imprisonment range determined under the advisory  
8 sentencing guidelines in accordance with the sentencing  
9 stipulations and computations contained within this  
14:34:34 10 agreement using the criminal history found applicable by the  
11 court.

12 You also have the right to appeal or collaterally  
13 attack any claim you may have relative to ineffective  
14 assistance of counsel or prosecutorial misconduct.

14:34:47 15 Do you understand all of this, sir?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Do you understand that other than the  
18 rights to appeal that I've just discussed with you, you are  
19 giving up all other rights to appeal or collaterally attack  
14:34:59 20 now or at a later time through this or any other proceeding  
21 or case your sentence and conviction in this case, sir?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Do you understand the information  
24 contained in paragraph 27 in which you agree to waive any  
14:35:13 25 statute of limitation defense to any prosecution that is not

1 already time barred as of today?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Okay. Any questions regarding the  
4 information contained in that paragraph, sir?

14:35:47 5 THE DEFENDANT: No.

6 THE COURT: No. Now, if you would turn to  
7 paragraph 12 -- before I address paragraph 12, I will ask  
8 you just generally, have you carefully reviewed with your  
9 attorneys the charges set forth against you in Counts 1, 2  
14:36:14 10 and 3 of the indictment?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Do you understand the nature of the  
13 charges, sir?

14 THE DEFENDANT: Yes, Your Honor.

14:36:26 15 THE COURT: And, Mr. Synenberg, just confirming  
16 with you, and I am sure you have, have you had extensive  
17 discussions with your client relative to the nature of the  
18 charges?

19 MR. SYNENBERG: We have, Your Honor.

14:36:37 20 THE COURT: And also the elements of the offenses?

21 MR. SYNENBERG: We have, we have.

22 THE COURT: Okay. Now, the chart contained at  
23 paragraph 12 sets forth the elements of the offenses to  
24 which you will be pleading guilty.

14:36:53 25 Do you understand that?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: And we will just review those elements  
3 rights now.

14:37:03

4 With respect to Count 1, the elements are as  
5 follows:

6 One, that you knowingly attempted to provide  
7 material support or resources to a foreign terrorist  
8 organization.

14:37:16

9 Two, that you knew that the organization was a  
10 designated terrorist organization, or that the organization  
11 had engaged or was engaging in terrorist activity or  
12 terrorism.

14:37:35

13 Three, that you are a national of the United  
14 States, or a permanent resident alien or a stateless person  
15 whose habitual residence is the United States, or that after  
16 the conduct required for the offense occurred, you were  
17 brought back into the United States, or found in the United  
18 States, or the offense occurred in whole or in part in the  
19 United States, or finally, that the offense affected  
20 interstate or foreign commerce.

14:37:57

21 So just looking at Count 1, do you understand that  
22 the elements that I've just reviewed that are contained in  
23 that first chart are the elements the government would be  
24 required to prove with respect to Count 1?

14:38:15

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Do you understand -- I'm sorry?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Do you understand that these are the  
4 elements to which you will be pleading guilty today should  
14:38:23 5 you enter a plea of guilty to Count 1?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Okay. Now, with respect to Counts 2  
8 and 3, for each of those counts, the government would be  
9 required to prove the following elements:

14:38:35 10 One, that you were convicted of a crime punishable  
11 by imprisonment for more than one year.

12 Two, following your conviction, you knowingly  
13 possessed a firearm and/or ammunition; and

14 Three, the specified firearm and/or ammunition  
14:38:49 15 crossed a state line prior to your possession.

16 So do you understand those elements, sir?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: And do you understand that these are  
19 the elements to which you would be pleading guilty should  
14:38:59 20 you enter a plea of guilty as to Counts 2 and 3 today?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Okay. Now, do you understand -- let's  
23 do this:

24 Why don't you turn to paragraphs 28 through 46?

14:39:17 25 And if you could just take a -- page through those



1 paragraphs and let me know if you have reviewed all of the  
2 information contained in those paragraphs.

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: So, first of all, do you understand  
14:40:21 5 that paragraphs 28 through 46 set forth your relevant  
6 conduct in the factual basis for your guilty plea?

7 THE DEFENDANT: Yes, I understand.

8 THE COURT: Okay. And do you understand that the  
9 government believes it can prove all the facts set forth in  
14:40:39 10 those paragraphs by proof beyond a reasonable doubt should  
11 the case proceed to trial?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: And I will ask you, because this is  
14 important. Have you carefully read and do you understand  
14:40:52 15 all the information contained in paragraphs 28 through 46?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Do you need any additional time to  
18 further consider the information contained in paragraphs 28  
19 through 46?

14:41:04 20 THE DEFENDANT: No, Your Honor.

21 THE COURT: Do you have any questions regarding  
22 the information contained in those paragraphs?

23 THE DEFENDANT: No, Your Honor.

24 THE COURT: Do you agree that all the information  
14:41:12 25 contained in those paragraphs is accurate?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Did you engage in the conduct  
3 described in paragraphs 28 through 46?

4 THE DEFENDANT: Yes, Your Honor.

14:41:25 5 THE COURT: Did you do so knowingly, voluntarily  
6 and intentionally?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: And is there any statement of fact in  
9 paragraphs 28 through 46 with which you disagree, sir?

14:41:37 10 THE DEFENDANT: No, Your Honor.

11 THE COURT: And just to confirm, Mr. Synenberg, I  
12 trust that you and your client have carefully reviewed all  
13 of that -- all of the information contained in --

14 MR. SYNENBERG: Yes, Your Honor.

14:41:54 15 THE COURT: -- paragraphs 28 through 46?

16 MR. SYNENBERG: We have.

17 THE COURT: Okay. So then I will turn to  
18 Mr. Georgalis and ask is there anything else that the  
19 government would like to add to the information contained in  
14:42:04 20 paragraphs 28 through 46 in order to establish the elements  
21 of the offenses to which Mr. Al-Ghazi is pleading guilty  
22 today?

23 MR. GEORGALIS: Nothing to add, Judge. Thank you.

24 THE COURT: Thank you.

14:42:16 25 So, Mr. Al-Ghazi, do you acknowledge that the

1 facts contained in paragraphs 28 through 46 of the plea  
2 agreement are facts that the government would be able to  
3 establish by proof beyond a reasonable doubt if this case  
4 were to proceed to trial?

14:42:32

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: If you could take a look at paragraphs  
7 47 through 49, sir.

8 Let me know when you're done reviewing those.

14:44:02

9 THE DEFENDANT: Yes, Your Honor. Everything I've  
10 read.

11 THE COURT: 47 through 49?

12 THE DEFENDANT: Yes.

13 THE COURT: Any questions regarding those  
14 provisions?

14:44:07

15 THE DEFENDANT: No, Your Honor.

16 THE COURT: All right. Do you understand, as set  
17 forth in paragraph 15, that this plea agreement is binding  
18 only on the United States Attorney's Office for the Northern  
19 District of Ohio and that it does not bind any other United  
20 States Attorney, any other federal agency or any state or  
21 local government?

14:44:23

22 THE DEFENDANT: 51 or 15?

23 THE COURT: 50.

24 THE DEFENDANT: You said 15.

14:44:37

25 THE COURT: 50. My apologies.

1 THE DEFENDANT: I got it.

2 THE COURT: So you understand that provision. All  
3 right.

4 THE DEFENDANT: Yes.

14:44:45

5 THE COURT: As set forth in paragraph 51 of the  
6 plea agreement, have you discussed this case and this plea  
7 agreement in detail with your attorneys and have they  
8 advised you of your constitutional and other trial and

14:45:02

9 appeal rights, the nature of the charges, the elements of  
10 the offenses the United States would have to prove at trial,  
11 the evidence the United States would present at such trial,  
12 possible defenses, the advisory sentencing guidelines and  
13 other aspects of sentencing, the potential loss of Civil  
14 Rights and privileges, such as the right to vote, the right  
15 to carry a firearm and the right to serve on a jury and  
16 other potential consequences of pleading guilty in this  
17 case, sir?

14:45:18

18 THE DEFENDANT: Yes, Your Honor.

14:45:27

19 THE COURT: Have you had sufficient time and  
20 opportunity to discuss all aspects of the case in detail  
21 with your attorneys and have you told your attorneys  
22 everything you know about the charges, any defenses that you  
23 might have to the charges, and all personal and financial  
24 circumstances in possible mitigation of your sentence in  
14:45:42 25 this case?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Are you fully satisfied with the legal  
3 services and advice provided to you by your attorneys, sir?

4 THE DEFENDANT: Yes, Your Honor.

14:45:50

5 THE COURT: Do you acknowledge, as set forth in  
6 paragraph 52, that no assurances, promises or  
7 representations have been given to you directly or  
8 indirectly by the United States or by any of its  
9 representatives which are not contained in this written plea

14:46:06

10 agreement that we have reviewed today, and that the plea  
11 agreement sets forth the full and complete terms and  
12 conditions of the agreement between you and the government?

13 THE DEFENDANT: Yes, Your Honor.

14:46:18

14 THE COURT: Has anyone forced you, coerced you or  
15 threatened you in any way to get you to enter this plea,  
16 sir?

17 THE DEFENDANT: No, Your Honor.

14:46:27

18 THE COURT: Other than what has been set forth in  
19 this written plea agreement, has anyone promised you  
20 anything or made any representations to you in order to  
21 induce you to enter this plea?

22 THE DEFENDANT: No, Your Honor.

23 THE COURT: Do you fully understand the terms and  
24 conditions of the plea agreement?

14:46:37

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Is your plea of guilty being made  
2 freely and voluntarily, sir?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Are you pleading guilty to the charges  
14:46:43 5 set forth against you in Counts 1, 2 and 3 because you are  
6 guilty of committing those crimes?

7 THE DEFENDANT: Yes, Your Honor. I am pleading  
8 guilty.

9 THE COURT: You're pleading guilty because you are  
14:46:57 10 guilty of committing the offenses?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Okay. And do you have any questions  
13 whatsoever about this plea, sir?

14 THE DEFENDANT: No, Your Honor.

15 THE COURT: And with that, Mr. Georgalis, is there  
14:47:05 16 anything else that you would like the court to address or  
17 you would like to add to the record before I ask  
18 Mr. Al-Ghazi how he pleads in this case?

19 MR. GEORGALIS: Nothing to add, Judge. Thank you.

14:47:18 20 THE COURT: Mr. Synenberg, is there anything else  
21 that you would like the court to address or you would like  
22 to add to the record before I ask your client how he pleads  
23 in this case?

24 MR. SYNENBERG: Not at this time.

14:47:26 25 THE COURT: Thank you. Mr. Al-Ghazi, knowing all

1 of your rights, all of the rights you're giving up by  
2 entering the plea and all of the limited rights you're  
3 retaining, knowing what the possible consequences of your  
4 plea in this case may be and the possible sentence that you  
14:47:39 5 may face under the plea, how do you plead to the charges set  
6 forth against you in Counts 1, and 2 and 3 of the  
7 indictment?

8 THE DEFENDANT: I plead guilty.

9 THE COURT: Mr. Al-Ghazi, I accept your plea as  
14:47:49 10 knowingly, intelligently and voluntarily made with the  
11 advice of your counsel.

12 On this basis, I find in this case, United States  
13 of America versus Amir Said Rahman Al-Ghazi, that you,  
14 Mr. Al-Ghazi, are fully competent and capable of entering an  
14:48:11 15 informed plea, that your plea of guilty is a knowing and  
16 voluntary plea supported by an independent basis, in fact,  
17 containing each of the essential elements of the offenses to  
18 which you have pleaded guilty.

19 Mr. Al-Ghazi, I accept your plea and find you  
14:48:24 20 guilty of Counts 1, 2 and 3 of the indictment. And at this  
21 point, I am going to affix my name to the plea agreement on  
22 the designated line on page 24 for my signature, and as you  
23 know, since -- because of the nature of this plea agreement,  
24 if after I receive the final presentence report, I determine  
14:48:58 25 that I cannot accept the parties' recommendation relative to

1 sentencing, I will advise the parties and give you an  
2 opportunity to withdraw your plea.

3 Otherwise, if I accept, then we will proceed in  
4 accordance with the plea agreement.

14:49:15 5 Understood?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: All right.

8 THE DEFENDANT: That's after the PSR?

9 THE COURT: Yeah, that's when I will make my  
14:49:23 10 decision. But at this point -- at this point in time, given  
11 the information that I know, mostly because we've had -- I  
12 know you don't consider it a benefit. Most -- because we've  
13 had the opportunity to see a pre-plea report relative to  
14 your criminal history, I feel comfortable at this point  
14:49:53 15 affixing my signature on the plea agreement.

16 THE DEFENDANT: Okay.

17 THE COURT: So as you've just alluded to, there  
18 will be a presentence report prepared to assist the court in  
19 imposing a sentence in this case.

14:50:12 20 Mr. Al-Ghazi, you will be asked to give  
21 information to a United States Probation Officer for use in  
22 preparing the report.

23 If you wish, your attorneys may be present when  
24 you give the information to the probation officer. It's  
14:50:26 25 very important that you be forthright and honest with the



1 probation officer in giving the information asked of you.

2 Do you understand this?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: And you and your attorneys may read

14:50:39 5 the report before the sentencing hearing. You will have an

6 opportunity to object to any portion of the report that you

7 believe is erroneous or in some way subject to legal

8 challenge. And at the time of sentencing, I will address

9 any objections that you might have to the report, so it's

14:50:53 10 important that you read and review that report prior to the

11 time of sentencing.

12 Understood?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Okay. Sentencing in this case is set

14:51:00 15 for June 23, 2016, at 10:00 a.m.

16 And, Counsel, I understand that that date and time

17 does work with your respective schedules?

18 MR. GEORGALIS: Yes, Judge.

19 MR. SYNENBERG: Yes, Judge.

14:51:12 20 THE COURT: With that -- the courtroom deputy

21 clerk shall file the indictment under seal.

22 And with that, that concludes this proceeding.

23 MR. SYNENBERG: Thank you, Judge.

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C E R T I F I C A T E

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

s/Lori A. Callahan  
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