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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AMIR SAID RAHMAN AL-GHAZI,

Defendant.

Case No. 1:15CR268
Akron, Ohio
Wednesday, June 20, 2018
12:30 p.m.

TRANSCRIPT OF SENTENCING HEARING
BEFORE THE HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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Proceedings recorded by mechanical stenography; transcript produced by computer-aided transcription.

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Wednesday, June 20, 2018

THE COURT: Please call the case.

THE DEPUTY CLERK: The case before the Court is Case Number 1:15CR268, United States of America versus Amir Said Rahman Al-Ghazi.

THE COURT: All right. Present this afternoon are Assistant United States Attorney Matthew Shepherd representing the United States of America, Attorney Lawrence Whitney representing the defendant, and then the defendant, Amir Said Rahman Al-Ghazi, himself is present. We also have supervising United States Probation Officer Brian Laffin present.

So good afternoon to all.

MR. SHEPHERD: Good afternoon, Your Honor.

MR. WHITNEY: Good afternoon, Your Honor.

THE COURT: Mr. Al-Ghazi was charged in a 28-count indictment, and he pleaded guilty to Counts 1, 2, and 3 of the indictment.

In those counts he was charged as follows:

Count 1, attempting to provide material support and resources to a designated foreign terrorist organization; Counts 2 and 3, felon in possession of firearm and ammunition.

The case today is set for sentencing. The Court has received and reviewed the presentence report as well as the

1 transcript of testimony provided to the Court.

2 Mr. Al-Ghazi, have you received and reviewed a copy of
3 the presentence report?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: And counsel, I understand that you've
6 received a copy of the presentence report and that there are
7 no objections to the report.

8 Is this correct?

9 MR. SHEPHERD: That's correct, none from the
10 government.

11 MR. WHITNEY: None, Your Honor. We had some
12 questions early on, but those have been corrected and I
13 think there are no further objections.

14 THE COURT: Excellent. Very well.

15 So the Court will accept the calculations in the
16 report relative to the advisory guideline sentencing range,
17 and the advisory sentencing guidelines range that will apply
18 in this case is a range of 188 to 235 months.

19 However, the parties have entered into a Rule
20 11(c)(1)(C) agreement, and there is a recommended sentence
21 in that agreement.

22 Is there any objection to the Court's, first of all,
23 advisory guideline sentence application and calculation?

24 MR. SHEPHERD: No objection, Your Honor.

25 MR. WHITNEY: None, Your Honor.

1 THE COURT: All right. The Rule 11(c)(1)(C)
2 agreement recommends that the Court impose a sentence of 192
3 months.

4 The Court had indicated at the time of the plea that
5 the Court was preliminarily excepting that plea agreement,
6 however, we are here today to conduct a sentencing hearing,
7 and I will hear the parties out and determine if that
8 binding recommendation still applies.

9 So with that, any objection to this procedure?

10 MR. SHEPHERD: No, Your Honor.

11 MR. WHITNEY: None, Your Honor.

12 THE COURT: All right. So as far as the
13 remainder of the sentencing options, those are set forth in
14 the report, and the Court will simply adopt the remainder of
15 the sentencing options noting that there is a \$300 special
16 assessment that must be imposed pursuant to the statute and
17 the guidelines.

18 Excuse me. One moment.

19 (Judge confers with probation officer.)

20 THE COURT: There is one correction to paragraph
21 119, and I know this is somewhat of a minor correction, but
22 the fine range should be 30,000 to 300,000.

23 Continuing on.

24 First of all, as far as the nature and circumstances
25 of the offense, there is detailed information regarding the

1 nature and circumstances of the offense found in the
2 presentence report at paragraphs 10 through 28, and the
3 Court will adopt those paragraphs as setting forth the
4 nature and circumstance of the offense.

5 Also in the factual basis of the plea agreement at
6 paragraphs -- or in the plea agreement, I should just say,
7 there is extensive information regarding the nature and
8 circumstances of the offense, and the Court will adopt that
9 information as well.

10 By way of summary, on July 15, 2015, Mr. Al-Ghazi was
11 named in a 28-count indictment.

12 On March 16, 2016, he pleaded guilty to Counts 1, 2,
13 and 3.

14 I've already indicated the nature of the offenses.

15 In short, Mr. Al-Ghazi attempted to provide material
16 support to a designated terrorist organization,
17 specifically, the Islamic State of Iraq and the Levant, also
18 known as ISIL.

19 Starting in approximately June 2014, Mr. Al-Ghazi
20 supported ISIL in online social media. He pledged his
21 allegiance to ISIL in social media postings and
22 communications with a confidential informant.

23 He made online comments and postings in support of
24 ISIL where he posted ISIL propaganda, made online comments
25 and postings in support of Jihad and violence in the United

1 States, and made statements to the confidential informant in
2 support of ISIL, Jihad, and violence in the United States
3 and discussed recruitment efforts.

4 As far as Counts 2 and 3, Mr. Al-Ghazi was found to
5 possess an AK-47 rifle and a Taurus .45 caliber handgun
6 after having been convicted of offenses which legally made
7 him ineligible to possess such firearms.

8 So any objection to the summary and the nature and
9 circumstances of the offenses?

10 MR. SHEPHERD: No, Your Honor.

11 MR. WHITNEY: No, Your Honor. And I hope the
12 Court will forgive us for not standing up.

13 THE COURT: No, that's fine.

14 MR. WHITNEY: But you're either planning for very
15 thin lead counsel in your next trial --

16 THE COURT: We'll need to adjust those tables.
17 My apologies.

18 MR. WHITNEY: Sure.

19 THE COURT: And I appreciate your letting me know
20 that that needs to be done.

21 As far as the history and characteristics of Mr.
22 Al-Ghazi, he is 41 years old. He does have a lengthy
23 criminal history that includes drugs, guns, and violence.

24 His criminal history began at the age of 15 with an
25 adjudication of assault as a juvenile.

1 As an adult, he has a number of drug convictions
2 including and in particular drug trafficking convictions.

3 He describes having a rough childhood, indicating that
4 he left home to live on the streets at age 14.

5 He did suffer some abuse which is set forth in the
6 presentence report.

7 He indicates that he gets along well with his parents
8 but that his father was not a big part of his childhood.
9 Instead, he indicates that his stepfather was more of an
10 influence on him than his father.

11 He has five children with three different women.

12 He is married.

13 He has suffered some health problems which are set
14 forth in the report, and he is being treated for those
15 health problems and receives medication.

16 He also has some mental health problems for which he
17 receives some medication and has a long history of abuse of
18 drugs which include a number of different types of drugs.

19 But he did begin smoking marijuana at the age of 13.
20 At different points in his life he used pot or cocaine,
21 heroin, and even abused Percocet and Xanax, to name some of
22 his illegal drugs that he used.

23 He stopped attending high school in the tenth grade
24 but did obtain a GED in 1994.

25 He has had sporadic employment through the years.

1 And with that, any objection to the history and
2 characteristics of Mr. Al-Ghazi as summarized by the Court?

3 MR. SHEPHERD: No, Your Honor.

4 MR. WHITNEY: No, Your Honor. Thank you.

5 THE COURT: So now we'll come to the point in
6 time where I hear from the parties relative to an
7 appropriate sentence in this case.

8 And I apologize. I did not have you introduce your
9 client representative.

10 THE AGENT: Special Agent Ryan Presley with the
11 Cleveland FBI.

12 THE COURT: Thank you.

13 Mr. Shepherd.

14 MR. SHEPHERD: Yes, Your Honor.

15 When we take a look at Mr. Al-Ghazi, Your Honor,
16 frankly there is a lot of bad here. And I start with that
17 to give the Court a little background on where we are today
18 and the recommendation in the plea agreement.

19 First, if we look at Mr. Al-Ghazi's personal
20 characteristics, his criminal history, it's extensive. He
21 has ten adult criminal convictions, eight of which are F-5's
22 or higher. Those convictions include multiple drug
23 trafficking, multiple weapons offenses, a domestic violence
24 charge.

25 His employment history is spotty.

1 He has a lengthy history of drug use.

2 And that's all before we even get to this case, Your
3 Honor.

4 So we're starting with somebody with already a lot of
5 marks against him from their prior conduct.

6 And then when we move into the facts and circumstances
7 of this case, this was incredibly serious, what he was
8 engaged in at a time when ISIS had --

9 THE COURT: Yeah, he took his criminal conduct to
10 a whole new level.

11 MR. SHEPHERD: I would agree with that, Your
12 Honor. And at a time when ISIS was sort of exploding on the
13 scene around the world and was putting forth a model of
14 needing recruits in other countries, such as in the United
15 States, and was pushing forth instructions for people in the
16 United States to commit attacks.

17 He was one of those people who was online supporting
18 them, declared his allegiance, which was sort of -- in the
19 manner prescribed by ISIS. He was using social media to
20 spread their message, influencing countless numbers of
21 people who could find him online.

22 I don't think there is any dispute that he put himself
23 out there as an ISIS supporter and wasn't hiding that.

24 And as part of this case, he was communicating with
25 both just sort of general other ISIS supporters in general

1 but also some confidential informants who were able to
2 report to the government on the things he was saying.

3 And it wasn't just the specific nature of support
4 ISIS, but he was making statements to them about his support
5 for possibly committing attacks in the United States, for
6 building a squad of people in the United States, was a
7 phrase he used, "a squad," discussions of types of conduct
8 they could -- or targets such as, you know, infrastructure
9 facilities or various other potential targets that this
10 squad, if he was able to put it together, could attack.

11 He expressed support for other attacks that had been
12 committed by ISIS around the world.

13 But this wasn't just talk he was engaged in, Your
14 Honor. And I think that's very important in this case
15 because in addition to engaging in this sort of online
16 campaign, he also took some more concrete steps.

17 One was, although it relates to communications, it's
18 still a more concrete step which was to try and produce his
19 own propaganda videos communicating with someone who is an
20 informant but that he believed was a member of ISIS, a true
21 member of ISIS, directing him on how to help the cause.

22 One of the things he talked about was propaganda
23 videos to recruit others. And he started that process with
24 recordings and then also trying to collect what he claimed
25 were just props for those recordings, such as his efforts to

1 purchase an AK-47.

2 And I say "he claimed" because it's unclear what
3 ultimately would have happened with what he purchased
4 because ultimately he did purchase an AK-47 rifle from an
5 undercover person, with ammunition. And at the time of the
6 purchase, there were statements to the effect of purchasing
7 future weapons.

8 And he also had communicated with another associate of
9 his about purchasing weapons from that person which is
10 consistent with the behavior of purchasing weapons and
11 trying to put a squad together.

12 Also disturbing about his activity were his
13 communications with an out-of-state juvenile who was
14 discussing with him the possibility of attacks and getting
15 weapons.

16 And then when he was arrested, they found and searched
17 his house after he bought the AK-47, they found he already
18 had a pistol in his house.

19 He had other indications of support for ISIS,
20 including the flag, a mask, and on his phone when that was
21 searched they found evidence of additional communications
22 and photos and propaganda videos.

23 So he really fit the mold of a danger, of a real ISIS
24 supporter who was a danger to the community at a time when
25 ISIS was sort of blowing up around the world.

1 And that's why we're here, Your Honor, because he took
2 that criminal -- like you said earlier, he took that
3 criminal history and he funneled it towards his support for
4 ISIS.

5 But we're also here, Your Honor, and asking you to
6 follow the plea agreement and the agreement of the 16 years
7 agreed to in the plea agreement because since that time he
8 has taken steps to atone for his actions.

9 He has followed through with the terms of the plea
10 agreement fully. He has, in meetings with the government,
11 meetings -- I think his attorney would say this -- he has
12 renounced much of the ideology that previously fueled him.

13 He has, as part of the plea agreement, and his
14 testimony has stated that he doesn't -- he doesn't subscribe
15 to that same version of Islam that he did at the time of the
16 conduct in this case.

17 Time will tell whether that is truly what's in his
18 heart, Your Honor. We can't go there. We can only judge
19 his actions. And by following the plea agreement, we
20 believe he has taken significant steps towards showing a
21 level of atonement.

22 So the sentence here takes into account both the
23 support for ISIS, the fact that he was a convicted felon who
24 already had a gun and then obtained another assault rifle
25 and ammunition.

1 It takes into account the seriousness of those
2 actions, because 16 years is a serious sentence for a man of
3 Mr. Al-Ghazi's age.

4 And it takes into account his age, that when he gets
5 out in his 50s, that he likely will be less of a threat just
6 because of his age and hopefully the wisdom he has gained
7 from having spent that time in prison, which is somewhat
8 apparent through the efforts of atonement he's already
9 taken, Your Honor.

10 So that's why we recommend the Court follow the term
11 of 16 years. We think, as I said, there is a lot of bad.
12 But he has taken some steps to show the good.

13 THE COURT: And as I understand it, and after
14 having reviewed the transcript, I understand that that
15 atonement to which you're referring to is the testimony in a
16 related case.

17 MR. SHEPHERD: That's correct, Your Honor, and
18 what he has publicly expressed in that case and that
19 that -- those efforts were important to protecting others,
20 we would say, by helping remove another subject in that
21 related case from, hopefully from a position of being a
22 danger to the public for a long time, Your Honor.

23 So we recognize that, and that's why we're asking the
24 Court to follow the plea agreement.

25 And that's part -- I guess that's the good that, some

1 of the -- on the good side, some of the things he has shown
2 since this case.

3 From our perspective, the government, we always just
4 see really this case and we don't have access to much of
5 what the defense would in terms of really being able to talk
6 extensively with him. So we're somewhat limited on some of
7 those things, which Mr. Whitney can address, I'm sure.

8 But just from what we've seen in helping protect the
9 public from another defendant, we think that's very
10 important. And that shows that he has made progress towards
11 not being nearly the danger to the public that he himself
12 once was.

13 And we would also suggest that the Court, in imposing
14 a sentence in this case, also has the option of, in addition
15 to the 16-year sentence that the plea agreement calls for,
16 Your Honor, there is no particular agreement as to
17 supervised release in the agreement. The maximum period of
18 supervised release is up to life for a conviction on Count
19 1.

20 We would ask the Court to impose a significant period
21 of supervised release so that he can be monitored after he
22 gets out. And hopefully there aren't any reversions back to
23 that same ideology that the Court would be in a position to
24 address it for a long period of time afterwards to protect
25 the public, Your Honor. So we would ask for that.

1 We're not asking for a fine, Your Honor. We don't
2 believe he has the resources. I know the Court mentioned
3 the change to the PSR. We would ask the Court not to impose
4 a fine because we don't think he has the resources.

5 So in summary, Your Honor, this defendant was an
6 important part of sort of the overall big picture of ISIS
7 recruiting on social media. Their model relied on people
8 like him. It relied on people to go online in the United
9 States to find others who could do their dirty work for
10 them. And that's deserving of a lengthy sentence.

11 But the efforts he has taken since his arrest in this
12 case we think are worthy of the somewhat lesser sentence
13 than he otherwise would have faced had he not taken those
14 steps. So that's why we asked for the plea agreement.

15 And we also ask, on just a side note, Your Honor, that
16 there is a forfeiture count for one of the firearms in this
17 case. So we would ask the Court to order the forfeiture of
18 the firearm and make it a part of the oral and written
19 judgment in this case.

20 THE COURT: Very well.

21 MR. SHEPHERD: And Your Honor, we have nothing
22 further.

23 THE COURT: Thank you, Mr. Shepherd.

24 All right. Mr. Whitney, anything you wish to say on
25 behalf of your client relative to his sentence in this case?

1 MR. WHITNEY: Yes, Your Honor. Thank you.

2 First of all, I would like to thank the government for
3 its words here this afternoon. I didn't know where Mr.
4 Shepherd was going when he started off by "this is a bad
5 man." I didn't know where he was actually going to go with
6 that. But we do know that he was a bad man. I mean, it's
7 pretty evident in what he did in 2013, '14, and '15.

8 But part of the Court's consideration at sentencing is
9 the history and characteristics of the defendant. It
10 doesn't limit it to what happened just before the
11 indictment. And I would like to talk a little bit about
12 that, first of all.

13 But first I would like to talk a little bit about the
14 presentence and some of the things.

15 Judge, when you look at his criminal history -- and
16 I've heard it being described here as being lengthy and bad.
17 But the trafficking counts the Court considered and
18 mentioned were F-5's. So there is two counts, when we look
19 at the points given him, the 12 points he received in the
20 presentence, they are from F-5's, convictions of
21 trafficking. One, two -- it looks like three F-5
22 convictions and F-4 trafficking convictions and then a
23 couple of F-3 weapon under disability convictions.

24 And those of us, including this Court, that practice
25 and judged in the common pleas courts know that gives some

1 indication of the level of his trafficking activity when
2 we're talking about F-4's and F-5's. We're not talking
3 about trafficking in F-1, F-2.

4 So I think that's at least significant, I think, in
5 talking about his criminal history.

6 Secondly, regarding the AK-47, which is a weapon that
7 we all just cringe when we hear about, and we all know about
8 those kinds of weapons -- and I have a summary of the
9 922(g)(1) count in the indictment. He mentioned to the
10 confidential informant -- and these are paid informants,
11 paid government informants -- that he wanted to purchase an
12 AK-47. This was in January, I think, of 2015.

13 He was then questioned by the undercover in February,
14 at least one, two, three times about whether or not he was
15 still looking for an AK-47. And he then -- and defendant
16 said yes.

17 Then in February again, he was asked, do you still
18 want the AK-47, that he knew someone -- and he said he knew
19 someone who would sell him one.

20 Then later on, a month later, he told the informant
21 that he had had this pistol, this .45 caliber, and that he
22 liked the AK-47 with a certain handle on it.

23 And he also -- he told him that in March.

24 Again in April he confirmed his interest in an AK-47
25 with Confidential Informant Number 2, and he wanted bullets.

1 Confirmed his interest in April twice, I think.

2 Again in May.

3 And then in June he talked about having the other gun.

4 And then finally on June 19, he did purchase the AK-47
5 from an undercover FBI employee with money, I think, that
6 was provided to him in a marijuana sale from that very case
7 agent.

8 So I think those are important -- those facts, I
9 think, are relevant here.

10 So where is he now? And I know all the talk about
11 that post-plea rehabilitation is not grounds for departure.
12 We're not talking about departure here. We've got a plea
13 agreement.

14 What we're talking about is the Court getting to know,
15 as best it can, what this man is about, what is going on
16 with him; what went on with him and what is going on with
17 him.

18 One of the most important things, he mentioned to me
19 when I saw him last week that somebody at CCA would write
20 him a letter. That's uncommon in my experience.

21 So apparently Latosia Austin, his unit manager, and
22 Christopher LaRose, who is a warden, they both signed a
23 letter. "To whom it may concern. I'm writing this in
24 reference to Amir Al-Ghazi. First and foremost, he is a
25 very respectful and hardworking individual. His help has

1 been a full benefit during his incarceration in our
2 facility. He has done everything in his power to better
3 himself and be productive during his stay in our facility.
4 His admission date to Northeast Ohio Correctional Center is
5 June 24, 2015. He has been here almost three years, and he
6 has remained free of any disciplinary action. He has
7 maintained clear conduct."

8 Now, I don't know how many letters you get -- I've
9 tried to get letters before for clients, and I'm unable to
10 do so, let alone a letter like this that said he has been
11 free from any disciplinary action and maintained clear
12 conduct. I think that tells us something, a little bit
13 about what he is right now.

14 I have spent a great deal of time with him, Judge,
15 over the last year and a half, two years, however long it's
16 been, and have come to know him very well, I think, and he
17 probably me.

18 These kinds of cases that are this serious
19 always -- you seem to have to spend more time with clients
20 than you do most other cases.

21 And I hear talk from him about how he has changed, how
22 dangerous this was, what he did before, and how being a true
23 Muslim has nothing to do with violence. I've heard him talk
24 about this for years, a year and a half.

25 And you wonder, does he mean that or not? I mean,

1 that is, I think, important for this Court to consider.

2 I think he does. And the reason why I think he does
3 is if you look at -- what I did is I made a timeline -- and
4 I did this before; I just reviewed it last night and this
5 morning -- of what we know about his radicalization because
6 we have documents. We have his writing. We have his
7 conversations that the government has recorded, his
8 surveillance since January, I think, of 2013, leading all
9 the way up to the day of his arrest.

10 And if you look at that, you could see the
11 metamorphosis that he went through. You could see -- he
12 says that in the beginning he was, when he started talking
13 with people, basically comes from the penitentiary system
14 about being a Muslim. And he talks about violence and
15 America's position and ISIS and all of these kinds of
16 things. He was ambivalent about what it all was, what it
17 all meant.

18 And you can see in early 2013 he was jumping on the
19 Internet and liking and things like commenting on images
20 that he saw.

21 And one of his comments was "I sincerely believe in
22 what I say, and believe me, my comments are not without
23 research."

24 "The Muslims are defending their land."

25 And that's the kind of discussion that he would

1 re-tweet or like.

2 And it was probably free speech at that point in '13.
3 You could see that these, when you look at the
4 conversations, he's kind of ambivalent about where he is.
5 And the government even talks about he espouses extreme
6 Sunni outlooks.

7 In the opinion of the CHS, that's the informant, an
8 American-based Muslim -- he is an American-based Muslim, and
9 this is in 2013 -- who espouses such a diametric outlook is
10 concerning, surprising, and makes the subject in a small
11 majority within the Sunni Islam population of the United
12 States.

13 He's concerned about the subject. But he was unable
14 to assess or identify clear indicators of militancy.

15 So you can see -- that's in '13.

16 Then he starts posting pictures. He starts -- he
17 wanted -- he posts later in 2013. He had to figure out how
18 to best contribute. He wanted to learn more. He didn't
19 know his own strong suit. Those are the kinds of things
20 he's posting.

21 And then, for instance, in July of 2013 the informant
22 says he has no knowledge of Robert McCollum conducting any
23 illegal activity.

24 But then it starts. The next year he's still posting
25 things. He's liking things. He's reading. He is a very

1 intelligent man in a lot of ways. He's reading. In his
2 words he's reading and trying to educate himself.

3 THE COURT: And I think he was actually taught
4 by, or educated, if you will, by someone in the institution
5 at some point.

6 MR. WHITNEY: Right. And then when he gets out,
7 he was asked, how did you get to that point. He said,
8 through ignorance and a lack of sobriety.

9 So he's doing this when he's using drugs and he's
10 looking for something.

11 They make a comment in November '13: A further review
12 did not reveal any posts, images, or other items that were
13 indicative of an espousal of extremist ideologies.
14 Moreover, a significant amount of these would appear to be
15 mainstream with Islamic subject matter with an emphasis on
16 topics related to marriage.

17 So then he continues to share and like.

18 Then we talk about victory. Then we talk about the
19 mujahideen. We talk about Jihad. And then he starts
20 posting YouTube videos that exhibit extremist ideology in
21 2014.

22 And you could just see what's happening. And I think,
23 when I looked at the 2014, you could just see what was
24 happening to him through the months.

25 THE COURT: That's the radicalization.

1 MR. WHITNEY: Radicalization. I mean, up to the
2 point -- I think he reached the pinnacle when he was
3 arrested in June of 2015. That's when he discussed this,
4 right around this time, making these videos and trying to
5 figure out what to do.

6 So now, since that time, since June -- and so I guess
7 what I'm saying is that corroborates what he has told me and
8 what he has in a public area, what he has said publicly
9 about what happened to him and how it happened to him.

10 So he has been very -- so the evidence that the
11 government produced corroborates what he said and how it
12 happened to him and what he did.

13 And so I think we have to take him on -- take him on
14 his word right now. I see no reason why we can't take him
15 on his word given his conduct in the institution, given what
16 he has said, and what he has done, what he has done in this
17 case. I think we have to take him on his word because I
18 think he means what he says.

19 He now feels -- he is a Muslim. He feels that he was
20 misled, that he listened to a -- listened and incorporated
21 into his life a version of his faith that was not founded in
22 the true beliefs of that, and that he's very, very sorry for
23 that. And he has expressed sorrow to me and will express
24 sorrow to you in a couple minutes about that he has done
25 what he can do to redeem himself, redeem his name.

1 He's very upset about looking the name "Amir Al-Ghazi"
2 up on the Internet, and all you see is what's happening here
3 today. You don't see anything about a man who is religious,
4 a man who has children, who wants to teach his children the
5 true things about life, who is trying to get to heaven,
6 frankly, in the right way.

7 So I think that all of that, what we gathered in the
8 case, and the evidence in the case indicates that we need to
9 take him by his word. And I think he truly means what he
10 says now. And I think that he has shown a great deal of
11 remorse for what he has done. And I think -- and he has
12 talked about continuing on in the penitentiary system trying
13 to teach others that same thing. And I think he will.

14 And so I would ask the Court to take all this into
15 consideration when it decides what sentence to impose in
16 this case.

17 THE COURT: And by the way, you're right. Under
18 the variance, there is no provision for the rehabilitation,
19 but there is a provision under the 3553(a) factors for
20 presentence rehabilitation.

21 MR. WHITNEY: Right.

22 THE COURT: That the Court can consider.

23 But in any event, thank you, Mr. Whitney.

24 Now we move to Mr. Al-Ghazi. This is your sentencing
25 hearing, and at this hearing you are permitted to address

1 the Court in mitigation of your sentence in this case. And
2 if you wish to address the Court, you may stand and do so
3 now.

4 I'll ask that you make sure you speak into your
5 microphone.

6 THE DEFENDANT: Thank you, Your Honor.

7 First I would like to thank my lawyer, Special Agent
8 Presley, and Matt Shepherd, my prosecutor, for the diligence
9 that they performed in my case.

10 That being said, when you hear these things about you
11 read from a piece of paper and you see and you hear how bad
12 they are, you know -- and I can hear the tone in the
13 courtroom. I, as well, don't like ISIS. There was a time
14 when I was confused about things.

15 As you said, my education I received from a man in
16 prison who I later found out to be a rapist and a murderer
17 who already had issues with authority and who was,
18 unbeknownst to me, preparing us for what he thought were
19 going to be his soldiers, I guess. That's just my
20 estimation of it.

21 I was released from prison before that education was
22 completed, if he ever planned on completing it.

23 With that being said, I come home to the Arab Spring.
24 I come home to the Islamic State. I believed that being
25 loyal to my religion meant following the hadith or the

1 narrations that I was shown.

2 When you are using drugs, or recovering from using
3 drugs, because I was going through both at this stage and
4 during this time period, you -- and heroin is a
5 mood-altering drug. I don't know if anyone knows this,
6 but -- and idle hands are the devil's playground -- there
7 was a time when all I did was sit and type and look on the
8 Internet.

9 I asked an imam about the subject of jihad, and he
10 didn't answer me back.

11 There is only one way to fight this ideology, and that
12 is with education. You can't fight it with bullets and
13 guns. You can't fight it with prison.

14 If someone had told me and sent me that and educated
15 me about what jihad or what al-Ala or ibadah was at that
16 time, we wouldn't be here now.

17 The only reason why my outlook changed was because I
18 educated myself, and I was educated by Muslims who knew
19 better than me once I got to CCA.

20

21 Any time you have a group of people who are willing to
22 kill everyone who does not agree with them, sounds a lot
23 like Hitler, doesn't it. That's not religion.

24 Islam says to enjoy the good and forbid wrong. I
25 found out as a Muslim it is my duty to protect my neighbor

1 whether you're Muslim or not. This is not what the Islamic
2 State preaches. And this is not the true Islamic State.

3 Right now you have the -- he mentioned the flag. The
4 flag has been vilified by all these terror groups. It is
5 not ISIS's flag. ISIS does not have a monopoly on this
6 flag. It is the same flag that the prophet -- peace be upon
7 him -- waved 1,439 years ago.

8 Unfortunately, you have all of these terrorist
9 extremist groups who are highjacking the religion. I didn't
10 know that then. Three and a half years ago, a culmination
11 of my anger, my inebriation, and my ignorance cultivated
12 what we have here today.

13 I vehemently regret, retract, and rescind any
14 affiliation with any and all terror groups, namely the
15 Islamic State. My job as a Muslim is to be as honest and
16 transparent as possible.

17 And if there is any indication of what I have done, I
18 would like for what transpires here to be an incentive for
19 someone after me so that they can follow my lead.

20 I was asked by someone to go down to Texas and train,
21 and I told him no after so-called giving a pledge of
22 allegiance to ISIS.

23 Now, there were times when I re-tweeted and
24 regurgitated things that I heard. And there are some things
25 that I may disagree about, the meaning may be about what the

1 prosecution says. But in essence, the prosecution has his
2 facts together. The reason behind that I may not agree
3 with, but at the end of the day, I signed the plea and I
4 agree that this is what it is.

5 I don't think I need 16 years to think about it. But
6 that's my opinion. I would hope and wish that you do
7 monitor me so that you can see for yourself what I will do
8 once this is over or while I'm incarcerated.

9 Judges Adams boasted me with a statement he told while
10 I was in his courtroom. He said, applauded me on my
11 position and he wanted me -- he wanted to see me turn my
12 life around. And I will do just that. I will prove to you,
13 to him, and to the world, and to my family sitting in the
14 back, that this is not -- what you read on paper is not who
15 I am.

16 Unfortunately, it may be who I was at one small point
17 in time. And yes, my background is -- I wouldn't say
18 lengthy, but it is bad. I've been in prison -- I was in
19 prison June 19, 2015 to date. I have been in prison longer
20 than I have ever been in prison in my life. And that is
21 three years and one day.

22 I don't have a history of violence. I heard today in
23 this courtroom that I have a history of violence. I have an
24 assault charge at 15 years old, but I was a kid. And there
25 is some misdemeanor domestic violence that I don't remember.

1 Albeit that may be true, but I'm not a violent man. My
2 character is not violent. Unfortunately, my speech was
3 violent at this time. And I can do nothing but apologize
4 for that.

5 All I can do now is try to atone for what I did wrong.
6 I personally don't think that sitting in a jail cell will do
7 that, but I will make the best at it. I respect you, Your
8 Honor. I respect my prosecutor. I respect the special
9 agent that arrested me because without you people, if I was
10 crazy or a crazed terrorist, then guess what. You would
11 have me. But I'm not.

12 If I was the neighbor next door and I looked at what I
13 was tweeting, I would want someone to say something to that
14 man or do -- you know, so I'm not mad. This whole situation
15 has been bitter sweet. The bitter part is I lost my wife
16 and my children. The sweet part is that I have gained an
17 education. I am no longer of this state of mind. Yes, I
18 have time to do. I have also gained 40 pounds, and I
19 stopped smoking.

20 One day I'll make it home, and I will show you. You
21 won't forget me. And you will say, today we did a good
22 thing. Whatever you decide here, I welcome it because I
23 respect you and I respect your decision.

24 And with that, I'm sorry, and I apologize for whatever
25 I put my society through.

1 Thank you.

2 THE COURT: Thank you, Mr. Al-Ghazi.

3 So pursuant to Title 18 United States Code, Section
4 3553(a), when sentencing, the Court is required to impose a
5 sentence sufficient but not greater than necessary to comply
6 with the purposes of sentencing set forth in the sentencing
7 statute.

8 And in determining a sentence, the Court is required
9 to consider the applicable factors set forth in the
10 sentencing statute, many of which we have already
11 considered.

12 We have already considered the nature and
13 circumstances of the offense.

14 We have considered the history and characteristics of
15 Mr. Al-Ghazi both before and after he committed the
16 offenses.

17 And the Court has reviewed the types of sentences
18 available and of course is mindful of the other sentencing
19 factors. And so we have now to determine the sentence and
20 the need for the sentence imposed.

21 And as I said before, we have Mr. Al-Ghazi who is 41
22 years old. He has been involved in the criminal justice
23 system since the age of 15.

24 Since that time he has amassed a lengthy criminal
25 history. And even without the adjustment in this case for

1 the type of offense, that is, the victim adjustment for
2 terrorism classification offense, he would have scored at a
3 criminal history category of V.

4 He has had a range of sanctions and penalties starting
5 as a juvenile with being required to attend -- to attend job
6 corps, and as adult, probation, and incarceration.

7 And unfortunately, none of these sanctions deterred
8 him from engaging in the criminal conduct in which he
9 engaged in, in this case. And that is the criminal conduct
10 that brought him here today.

11 So as Mr. Shepherd indicated, his past record suggests
12 that he is -- at least at some point in time was very much a
13 danger to the community. And I believe the prosecutor
14 indicated that his past record was a lot of bad.

15 And the conduct in this case was serious in that he,
16 at least on social media, expressed a willingness to engage
17 in recruitment efforts and to wage jihad on kuffar, to
18 nonbelievers, and he did take some action to affect this
19 willingness. That he would help and become involved with
20 the juvenile in his efforts is even more alarming.

21 That said, as Mr. Shepherd and Mr. Whitney and as Mr.
22 Al-Ghazi himself have underscored for the Court today, by
23 his more recent actions he has demonstrated that he has
24 recognized the wrongfulness of his conduct and, as the
25 government points out, his testimony was important to

1 helping to protect others, to helping to protect the public
2 from others who would have joined in efforts to recruit and
3 to wage jihad on nonbelievers and to attack targets in the
4 United States.

5 And it does take a certain type of metamorphosis, I
6 believe Mr. Whitney referred to, but a change deep from within
7 inside to come to the realization that what one has done is
8 wrong and requires the individual to atone, not only to just
9 express remorse but actually to take action on it. And he
10 has taken action on it.

11 So in considering all of the sentencing factors the
12 Court is required to consider, and in particular in order to
13 reflect the seriousness of the offense and Mr. Al-Ghazi's
14 involvement in the offense, to promote respect for the law,
15 to provide just punishment, and also, though, to recognize
16 that, as the assistant United States attorney indicated, he
17 followed the plea agreement. He has renounced much of the
18 ideology that fueled his conduct. And his actions in doing
19 so now speak volumes.

20 The Court finds that the Rule 11(c)(1)(C) agreed-upon
21 sentence of 192 months is sufficient in this case and not
22 greater than necessary to comply with the purposes of
23 sentencing set forth in the sentencing statute.

24 So pursuant to the Sentencing Reform Act of 1984 and
25 Title 18 United States Code, Section 3553(a), it is the

1 judgment of the Court that the defendant, Amir Said Rahman
2 Al-Ghazi, aka Robert C. McCollum, is hereby committed to the
3 custody of the Bureau of Prisons to be imprisoned for a term
4 of 192 months on Count 1 and terms of 120 months as to each
5 of Counts 2 and 3, all terms to be served concurrently with
6 each other, which of course would be an aggregate term of
7 192 months.

8 Mr. Whitney, is there a recommendation that you would
9 like the Court to make relative to placement?

10 MR. WHITNEY: Yes, Your Honor.

11 We would request the Court recommend the institution
12 in Fairton, New Jersey.

13 THE COURT: The Court will make that
14 recommendation.

15 Are there any trades programs you would like to be
16 involved in?

17 THE DEFENDANT: Yes. I would like the RDAP
18 program. I would like the barber program. I would like --

19 THE COURT: Wait a minute. You've got to speak
20 more slowly. The barber --

21 THE DEFENDANT: The barber program, the CDL -- I
22 think they have a CDL.

23 THE COURT: Okay. The barber -- so I will
24 recommend that you be permitted to participate in trades
25 programs and in particular the barber program and the CDL

1 program. Okay.

2 THE DEFENDANT: The RDAP.

3 THE COURT: And then you would like a
4 recommendation to the RDAP program as well.

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: I will make that.

7 MR. WHITNEY: Your Honor, also he has almost
8 three years of pretrial confinement.

9 THE COURT: Right. Do we have an exact date?

10 THE DEFENDANT: June 19.

11 MR. WHITNEY: June 19, 2015.

12 MR. SHEPHERD: That's correct. That's when he
13 was originally arrested in this case, Your Honor. He has
14 been in only federal custody ever since.

15 THE COURT: All right. So credit for time served
16 since June 19, 2015, since he was in solely federal custody
17 on this case.

18 Upon release from imprisonment, Mr. Al-Ghazi shall be
19 placed on supervised release for a term of eight years as to
20 Count 1 and three years as to each of Counts 2 and 3, all
21 terms to run concurrently.

22 Mr. Al-Ghazi, I would suggest to you that if in fact
23 you stay true to what you've represented to this Court, that
24 you ask to participate in the Court's reentry program upon
25 your release. Your attorney will explain a little bit about

1 that. And if in fact you have continued your path of
2 atonement and you really have changed, that program will
3 benefit you as you serve your supervised release.

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Within 72 hours of release from the
6 custody of the Bureau of Prisons, you shall report in person
7 to the United States Pretrial and Probation Office in the
8 sentencing district or in the district to which you are
9 released.

10 Based upon a review of your financial condition, the
11 Court is going to waive a fine in this case.

12 You shall pay the United States a special assessment
13 of \$300 which is due and payable immediately.

14 While on supervision, you shall not commit another
15 federal, state, or local crime.

16 You shall not illegally possess a controlled
17 substance.

18 You shall comply with the standard conditions that
19 have been adopted by this Court, and you shall comply with
20 the following additional conditions:

21 You shall refrain from any unlawful use of a
22 controlled substance and submit to one drug test within 15
23 days of the commencement of supervision and to at least two
24 periodic drug tests thereafter as determined by the United
25 States Pretrial Services and Probation Office.

1 You shall not possess a firearm, destructive device,
2 or any dangerous weapon.

3 You shall provide the United States Pretrial Services
4 and Probation Office with access to any requested financial
5 information.

6 You shall participate in an approved program of
7 substance abuse testing and/or outpatient or inpatient
8 substance abuse treatment as directed by your supervising
9 officer and abide by the rules of the treatment program.

10 You shall not obstruct or attempt to obstruct or
11 tamper in any fashion with the efficiency and accuracy of
12 any prohibited substance testing.

13 You shall participate in a cognitive behavioral
14 treatment program as instructed by your probation officer.

15 And you shall undergo a mental health evaluation
16 and/or participate in a mental health treatment program as
17 directed by your supervising officer.

18 And you shall cooperate in the collection of DNA as
19 directed by your United States pretrial services and
20 probation officer.

21 You shall submit your person, residence, place of
22 business, computer or vehicle to a warrantless search
23 conducted and controlled by the probation officer at a
24 reasonable time and in a reasonable manner based upon
25 reasonable suspicion of contraband or evidence of a

1 violation of a condition of release.

2 Failure to submit to a search may be grounds for
3 revocation. You shall inform any other residents that the
4 premises may be subject to a search pursuant to this
5 condition.

6 You shall forfeit your interest in the following
7 property to the United States: A Taurus .45 caliber
8 handgun, model PT 24/7 PRO DS, serial number NDM25686.

9 Is that the item to be forfeited to which you were
10 referring earlier?

11 MR. SHEPHERD: Yes, Your Honor.

12 THE COURT: Okay. And with that, I just want to
13 make one comment. I know this was a minor point, but I will
14 ask the probation officer to give the accurate -- or make
15 the accurate adjustment in the presentence report relative
16 to the fine that applied as calculated in the presentence
17 report and make sure my courtroom deputy clerk has that
18 information as well.

19 THE PROBATION OFFICER: Okay. Yes, Your Honor.

20 THE COURT: And with that, any other issues to
21 address relative to the sentence in this case?

22 MR. SHEPHERD: No, Your Honor. We have one
23 further motion.

24 THE COURT: Yeah, prior to the motion.

25 MR. SHEPHERD: No, Your Honor.

1 THE COURT: Anything else regarding the sentence?

2 MR. WHITNEY: No.

3 THE COURT: Okay. So I did mention the Reentry
4 Court program. That is a voluntary program, but you also
5 must be accepted into the program, and you have to meet the
6 guidelines of the program as well. But nonetheless, I think
7 you should make inquiry, if you choose, and again, that's
8 once you're released.

9 THE DEFENDANT: Am I available for the RDAP
10 program with a 922(g) charge?

11 THE COURT: That is something that the Bureau of
12 Prisons will have to decide. I can make the recommendation
13 based upon your history of drug use, but that is something
14 they will have to make -- they will determine if you
15 actually qualify for the program.

16 THE DEFENDANT: Thank you.

17 THE COURT: Certainly.

18 So with that, counsel, do you have any objections or
19 know of any reason why the sentence as stated by the Court
20 should not be imposed?

21 MR. SHEPHERD: No, Your Honor.

22 MR. WHITNEY: No, Your Honor. Thank you.

23 THE COURT: All right. Mr. Al-Ghazi, the Court
24 hereby advises you that you can appeal your conviction if
25 you believe that your guilty plea was somehow unlawful or

1 involuntary, or if there is some other fundamental defect in
2 the proceedings that was not waived by your guilty plea.

3 You also have a statutory right to appeal your
4 sentence under certain circumstances, particularly if you
5 think the sentence is contrary to law.

6 If you do not have enough funds to allow you to take
7 an appeal, you have the right to have somebody appointed to
8 represent you in prosecuting an appeal. And you would have
9 the right to appeal without cost to you.

10 Also, you have the right to apply for leave to appeal
11 in forma pauperis, and in that event the clerk of court will
12 prepare and file a notice of appeal upon your request.

13 Be advised that with few exceptions, any notice of
14 appeal must be filed within 14 days of the entry of this
15 Court's judgment. And the Court does intend to file its
16 judgment today. So that will trigger your 14 days for an
17 appeal.

18 THE DEFENDANT: May I contact you at a later date
19 for reduction of sentence?

20 THE COURT: That is --

21 THE DEFENDANT: You're supposed to smile.

22 THE COURT: Yeah. This is unlike -- I think you
23 are much too familiar with state court proceedings. In the
24 Federal Court, there are very limited circumstances in which
25 you could receive a reduced sentence. And so let me just

1 suggest to you it is most likely unlikely.

2 THE DEFENDANT: You're supposed to smile.

3 THE COURT: Okay.

4 So do you understand all that I said about your right
5 to appeal?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: And Mr. Whitney, I trust that if your
8 client wishes to file a notice of appeal, you will assist
9 him?

10 MR. WHITNEY: Yes, Your Honor.

11 THE COURT: Okay. Anything further before the
12 Court adjourns?

13 MR. SHEPHERD: Yes, Your Honor. Pursuant to the
14 plea agreement, the government would move to dismiss Counts
15 4 through 28 of the indictment.

16 THE COURT: Upon motion of the government, Counts
17 4 through 28 of the indictment are hereby dismissed.

18 And with that, that does conclude this proceeding, and
19 Mr. Al-Ghazi is remanded to the custody of the marshals so
20 that he may be transported to an appropriate institution so
21 that he may serve his sentence in this case.

22 THE DEPUTY CLERK: All rise.

23 (Proceedings concluded at 2:30 p.m.)

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C E R T I F I C A T E

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

S/Caroline Mahnke 8/30/2018

Caroline Mahnke, RMR, CRR, CRC Date