

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 UNITED STATES of AMERICA, : 2:15-mj-00417-1
4 Plaintiff, : PHILADELPHIA, PA
5 vs. :
6 KEONNA THOMAS, A/K/A "FATAYAT:
AL KHILAFAH," A/K/A :
7 "YOUNGLIONESS" : April 9, 2015
Defendant. : 1:23 p.m.

8 TRANSCRIPT OF PROBABLE CAUSE HEARING
9 BEFORE THE HONORABLE MARILYN HEFFLEY
10 UNITED STATES DISTRICT JUDGE

11 APPEARANCES:

12 For the Plaintiff: JENNIFER A. WILLIAMS, ESQ.
13 U.S. ATTORNEY'S OFFICE
14 615 Chestnut Street
15 Suite 1250
16 Philadelphia, PA 19106
17 (215) 861-8474
18 jennifer.a.williams@usdoj.gov

19 For the Defendant: KATHLEEN M. GAUGHAN, ESQ.
20 FEDERAL DEFENDERS OFFICE
21 601 Walnut Street
22 Suite 540
23 Philadelphia, PA 19106
24 (215) 928-1100
25 kathleen_gaughan@fd.org
JAMES J. MCHUGH, JR., ESQ.
DEFENDER ASSOCIATION OF PHILADELPHIA
601 Walnut Street
Suite 540 West - Curtis Building
Philadelphia, PA 19106
(215) 928-0520
james_mchugh@fd.org

AUDIO OPERATOR: C. WARDLAW
TRANSCRIBER: JANINE THOMAS
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I N D E X

Page

COLLOQUY	3, 35
WITNESS: MARTIN MCDONALD	
Direct Examination by Ms. Williams	3
Cross-Examination by Mr. McHugh	5
Redirect Examination by Ms. Williams	30
Recross-Examination by Mr. McHugh	34

1 DEPUTY CLERK: Court is now in session. The
2 Honorable Marilyn Heffley presiding.

3 THE COURT: Good afternoon, everyone.

4 MULTIPLE SPEAKERS: Good afternoon, Your Honor.

5 THE COURT: Please be seated. The first case
6 before this court is the United States of America versus
7 Keonna Thomas, A/K/A "Fatayat Al Khilafah," A/K/A "The Young
8 Lioness" Docket Number 15-417m. The case is scheduled for a
9 preliminary examination.

10 MS. WILLIAMS: Good afternoon Your Honor. I'm
11 Jennifer Williams, for the United States and with me at
12 counsel table is FBI Special Agent Martin McDonald. We are
13 here for both preliminary examination and a detention hearing,
14 Your Honor. And if the Court would like, I can proceed with
15 the preliminary examination, now.

16 THE COURT: Yes, please proceed, Ms. Williams.

17 MS. WILLIAMS: Then Your Honor, I call to the
18 stand FBI Special Agent, Martin McDonald.

19 DEPUTY CLERK: Can you raise your right hand?

20 - - -

21 (MARTIN MCDONALD - SWORN)

22 - - -

23 DEPUTY CLERK: Please state your full name.

24 Spell your last name for the record.

25 THE WITNESS: Martin McDonald, M-C-D-O-N-A-L-D.

1 DEPUTY CLERK: Thank you.

2 BY MS. WILLIAMS:

3 Q. Good afternoon Agent.

4 A. Good afternoon.

5 Q. Did you prepare the affidavit in support of the
6 complaint and the arrest warrant of Keonna Thomas?

7 A. Yes, I did.

8 Q. And do you have a copy of it in front of you?

9 A. Yes, I do.

10 Q. Did you swear to its truth on April 3, 2015?

11 A. Yes, I did.

12 Q. And was it true and correct at the time?

13 A. Yes.

14 Q. Is it true and correct as you sit here today?

15 A. Yes, it is.

16 Q. Do you have any corrections, additions, or changes to
17 the affidavit?

18 A. I do not.

19 Q. And then do you adopt the affidavit as your testimony
20 here today?

21 A. Yes, I do.

22 MS. WILLIAMS: Your Honor, then I move for the
23 admission of the affidavit for purposes of the probable cause
24 hearing today.

25 THE COURT: It's granted. Thank you.

1 MS. WILLIAMS: I have no further questions.

2 Thank you.

3 THE COURT: Mr. McHugh.

4 MR. MCHUGH: May I, Your Honor?

5 THE COURT: Yes.

6 - - -

7 CROSS-EXAMINATION

8 - - -

9 BY MR. MCHUGH:

10 Q. Agent McDonald, I'm going to be referring to the
11 paragraphs in the complaint, so in paragraph two, would you
12 agree with me that the charge that is set forth in this
13 complaint is an attempt charge?

14 A. Yes, it is.

15 Q. Okay. And it's an attempt to provide material support
16 to ISIL; is that correct?

17 A. Yes, sir.

18 Q. Okay. And a number of the paragraphs in the complaint
19 talk about Twitter postings; is that right?

20 A. Yes, sir.

21 Q. Okay. And you indicate in there that Ms. Thomas posted
22 those Tweets; is that right?

23 A. Yes, sir.

24 Q. And how were you able to determine that it was her that
25 was posting? And I'm going to ask you about reposting in a

1 minute.

2 A. Sure.

3 Q. But, talking about just the paragraphs that deal with
4 posting?

5 A. How do we know it was her?

6 Q. Yes. How did you determine based in your affidavit
7 that it was her that was making these posts?

8 A. Sure. Well, basically, through a grand jury subpoenas,
9 Your Honor, and other investigative tools, we were able to
10 clearly establish that these online monikers resolve back to
11 Keonna Thomas.

12 Q. And by that what do you mean? Are your -- you found an
13 address that was signed up by her or what did you find?

14 A. Sometimes we did. The grand jury subpoena returns, the
15 results show that the online monikers resolve back to Ms.
16 Thomas' known unique IP address, Your Honor. I believe it was
17 71.23.230.0. In addition, sometimes these online monikers
18 resolve back into addition to the IP address to known e-mails
19 owned and operated and utilized by Keonna Thomas.

20 Q. All right. So, you found an IP address that was
21 registered to her?

22 A. Yes.

23 Q. And that's where the tweets were coming from?

24 A. Yes.

25 Q. Okay. And then you said that there was also an e-mail

1 account?

2 A. Yes.

3 Q. And what was that? That was registered to her in her
4 name?

5 A. There were several, though the primary one was a, it
6 was a, the name of the e-mail was Amujahiri84@Gmail.com[ph],
7 that was the primary one. There was other facilities. We all
8 managed to trace all the facilities back to Keonna Thomas one
9 way or another.

10 Q. And by tracing it back to her, specifically, what
11 you're saying is the IP account?

12 A. The IP address, sir. Yes, sir.

13 Q. Okay. Now moving onto the -- what -- there's a number
14 of paragraphs in the complaint talking about repostings?

15 A. Yes.

16 Q. Are you familiar with that?

17 A. Yes.

18 Q. Can you tell us what you meant by repostings?

19 A. Repost, Your Honor, would basically be if you said
20 something on Twitter and I agreed with what you said or I
21 would repost what you said. So, it's called a repost.

22 Q. Okay.

23 A. So, you weren't the original poster of it, you just
24 repost it.

25 Q. Okay. And so that is not something that Ms. Thomas

1 drafted other wrote; is that correct?

2 A. The original, no.

3 Q. Right. It would be something that she clicked on a
4 button and it just reposted on her Twitter account?

5 A. Well, yeah. You agree or you second that motion, so to
6 speak, or something you agree with, yeah. You would click on
7 a button and show that you Retweeted it.

8 Q. And how about -- again, the same question as far as the
9 postings and reposting, how did you trace back the repostings
10 to Keonna Thomas?

11 A. When you do that it's the same thing. Her -- Keonna
12 Thomas' Twitter handle would come up and you can see that she
13 Retweeted it, same thing.

14 Q. Okay. All right. Now, would you agree with me that
15 throughout the complaint there's a discussion of electronic
16 communications with three different individuals that are
17 described as coconspirators?

18 A. Yes, sir.

19 Q. Is that right?

20 A. Yes.

21 Q. Okay. I want to talk to you about the, the first one
22 which you've described or in your complaint that's described
23 as Coconspirator Number One.

24 A. Okay.

25 Q. You're familiar with that; is that right?

1 A. Yes, sir.

2 Q. Okay. Now, these communications in the complaint are
3 outlined in Paragraphs 11 through 13; is that right?

4 A. Yes, sir.

5 Q. Okay. And those communications all occurred in
6 December 2013?

7 A. Yes, sir.

8 Q. Okay. And in your complaint you indicate that ISIL was
9 not designated as a terrorist organization until May 2014; is
10 that right?

11 A. I think -- the short answer is yes, but I think there
12 was a, basically a transgression of it when it turned from
13 al-Qaeda and Iraq to Finally ISIS/ISIL. So, in the same
14 organization was still bandaged, didn't have the name yet.

15 Q. Okay. But the charge here is concerning attempt to
16 provide support to ISIS; is that right?

17 A. No. Yeah, sure. Sure, [indiscernible].

18 Q. And in your complaint, you indicate that ISIL wasn't
19 the -- the Secretary of State amended the AQI designation in
20 May 2014 to include ISIL; is that right?

21 A. Yes.

22 Q. So, the communications with CC Number One,
23 Coconspirator Number One, all occurred before that amendment
24 was made; is that?

25 A. Yes, sir.

1 Q. Okay. And the person that you've described as
2 Coconspirator Number One, you did not allege in your complaint
3 that that person was associated with ISIS, did you or ISIL?

4 A. He was not. He was associated with different terrorist
5 organizations.

6 Q. Okay. So, in addition to it occurring in December
7 2013, this person was not an author -- a member of ISIL as far
8 as you knew?

9 A. No, sir.

10 Q. And that's why you didn't aver that in your complaint?

11 A. Yes, sir.

12 Q. Is that right? Okay. And in her -- in the
13 communications that you attribute to Ms. Thomas, there's no
14 statements by her and I'm confining my questions to
15 Coconspirator Number One. There's no statements by her of
16 wanting to join ISIL; is there?

17 A. No, sir.

18 Q. Okay. And in fact after December 2013, based on your
19 affidavit there's no further contacts with that Coconspirator
20 Number One; is that right?

21 A. I'm sorry, can you repeat that question, sir?

22 Q. After December 2013, there's no further contacts with
23 that person identified as Coconspirator Number One?

24 A. Not on this affidavit, sir.

25 Q. Okay.

1 A. And if I could go back, you said in reference to the,
2 if I can, Your Honor --

3 THE COURT: Yes, you may.

4 THE WITNESS: -- go back to the previous
5 question. About the, the wanting to join ISIS or ISIL, I draw
6 your attention to Paragraph 12 where she speaks of leaving the
7 land of the Kafir or the nonbelievers. When we read that, we
8 interpreted that as her intent to leave to join a terrorist
9 organization overseas.

10 BY MR. MCHUGH:

11 Q. A terrorist -- so, leaving the -- you interpreted
12 leaving the land of nonbelievers to mean, joining a terrorist
13 organization overseas?

14 A. Yes, sir. At that time I believed it was either going
15 to be Al Shabab or ISIS or ISIL.

16 Q. All right. But, nowhere in there can we agree, does
17 the person who you're identifying as Ms. Thomas, mention Al
18 Shabaz.

19 A. Yes, sir.

20 Q. ISIL.

21 A. Yes.

22 Q. Or ISIS.

23 A. Correct.

24 Q. Okay. All right. Moving onto Coconspirator Number
25 Two, that person you identified as a known ISIS fighter; is

1 that right? And I'm referring now to Paragraph 25 of your
2 complaint?

3 A. Yes, sir.

4 Q. All right. And how did you make that determination?

5 A. How did we know he was a, a fighter in ISIS?

6 Q. Yeah. You described, you averred that a known overseas
7 ISIL Fighter, CC Number Two --

8 A. Yeah --

9 Q. How did you make that averment?

10 A. Well, in part, because he said that he was going
11 through a training camp -- I'm not looking at the affidavit
12 data right now, I just, from memorization know at a point that
13 he was telling her that he was going through a training camp
14 and that he was based in Rocca, Syria.

15 So, a training camp to me being in Syria, Your Honor, I
16 believe it was a terrorist training company.

17 Q. So, you based it solely on his -- this person's
18 allegations in the electronic communications?

19 A. Yes.

20 Q. And those communications simply stated that they were
21 in a training camp?

22 A. Yes. That was one of them; yes.

23 Q. Okay. Did you ever verify that this person was
24 actually in a training camp?

25 A. I don't know if we ever discussed that at this time.

1 MS. WILLIAMS: Your Honor, may I approach
2 sidebar with defense counsel for a moment?

3 THE COURT: Yes.

4 - - -

5 (Pause)

6 - - -

7 BY MR. MCHUGH:

8 Q. As to Coconspirator Number Two, the contacts that you
9 attribute to Ms. Thomas with this person occurred, essentially
10 on two days; is that right? On December 2, 2014 and February
11 17, 2015; is that fair to say?

12 MS. WILLIAMS: Your Honor, may I just seek
13 clarification as defense counsel in this and all questions
14 referring solely to the communications in the affidavit --

15 MR. MCHUGH: Yes.

16 MS. WILLIAMS: -- or all communications about
17 which the witness is aware?

18 MR. MCHUGH: Obviously, Your Honor, it's a
19 probable cause hearing. I'm limited my examination to this --
20 to the affidavit.

21 THE COURT: All right. Thank you.

22 MR. MCHUGH: As was brought out on direct. I --
23 and I'm sorry if that wasn't clear.

24 THE WITNESS: I'm sorry can you ask that again?

25 BY MR. MCHUGH:

1 Q. Okay. So, looking at -- we're talking about
2 Coconspirator Number Two. Would you agree with me that the
3 contacts that are contained in the affidavit occurred on a
4 two-day period?

5 A. What paragraphs are you referring, sir? So, I can
6 find --

7 Q. Paragraphs 23 to 27, I'm sorry, 25 to 27 and Paragraphs
8 33 to 34.

9 A. This affidavit, yes, sir.

10 Q. Okay. And so the two dates are December 2, 2014; is
11 that right?

12 A. Yes.

13 Q. And February 17, 2015.

14 A. Yes, sir.

15 Q. All right. Let's talk about December 2, 2014, the
16 first date. Would you agree with me that in the affidavit the
17 CC Number Two initiated the contact with who you allege was
18 Ms. Thomas; is that right?

19 A. I don't recall, Your Honor, on this if it was the
20 coconspirator that initiated the conversation or it was Keonna
21 Thomas; I don't know, I don't recall at this moment.

22 Q. Well, the first paragraph that talks about CC Number
23 Two is Paragraph 25; is that right?

24 A. Yes.

25 Q. In the very first sentence it says, "ISIL Fighter CC

1 Number Two, sent an electronic communication to Keonna
2 Thomas." Did you see that?

3 A. Right. Right. In reference -- I see what you're
4 saying in reference to this specific conversation, yes.
5 You're correct.

6 Q. All right. And this is the affidavit that we had
7 before --

8 A. Yeah. Yeah. You're correct.

9 Q. Okay. So, would you agree with me that in your
10 affidavit CC Number Two initiated the contact?

11 A. Yes.

12 Q. And when you describe an electronic communication, are
13 you talking about an e-mail there or are you talking about
14 something else?

15 A. In number 25 it was a Twitter message.

16 Q. Okay. And would you also agree with me that looking at
17 the conversations that the electronic communications that you
18 described between paragraph 25 and 27, there's no mention by
19 Ms. Thomas of joining ISIL; is that correct?

20 A. No, sir.

21 Q. That is correct; right?

22 A. You're correct.

23 Q. Okay. Now let's look at the second conversation and
24 last conversation with CC Number Two or communication, I'll be
25 more specific that occurred in February 17, 2015. And that's

1 between Paragraphs 33 and 34; did you see that, sir?

2 A. Yes, sir.

3 Q. All right. Would you agree with me there that again,
4 CC Number Two initiated the conversations with who you allege
5 was Ms. Thomas?

6 A. Yes, sir.

7 Q. Okay. And would you agree with me there, again, that
8 there's no mention by Ms. Thomas of her joining ISIL?

9 A. I think that's a distortion of the truth, Your Honor.
10 I think when she replies that she would -- it be amazing
11 that -- if I take in a martyr and operation, I, I don't think
12 one would respond to that it wasn't your intention to join
13 ISIS, so I would disagree.

14 Q. All right. But that was in response to something that
15 CC Number Two had stated; isn't that right?

16 A. Oh it was a response to his question; yeah. She has,
17 he asked if she wanted to partake in a martyr and operation
18 and she responded, that would be amazing. So, yes, it was in
19 response.

20 Q. All right. But there's no mention there about ISIL in
21 any way; is there?

22 A. No, sir.

23 Q. All right. And at least in this affidavit the final
24 communication with CC Number Two which is in Paragraph 34 is
25 CC Number Two states, "I can make that wish come true."

1 A. Yes, sir.

2 Q. And I don't see any response in there from the person
3 who you allege was Ms. Thomas; is that right?

4 A. That's correct.

5 Q. All right. Moving on to CC Number Three, the last
6 person who you described in this affidavit with
7 communications. Would you agree with me that that starts on
8 Paragraph 29 of your affidavit?

9 A. Yes, sir.

10 Q. Okay. And here again, there's no allegation in your
11 affidavit just like CC Number One that this person is a member
12 of ISIL; is that right?

13 A. That's correct.

14 Q. Okay. And that's because you had no information that
15 this person was a member of ISIL?

16 A. Correct.

17 Q. All right. And would you agree with me that this --
18 the communications with CC Number Three takes place over the
19 course of two days; is that right? And I'm referring you
20 specific to Paragraph 29 and 31.

21 A. Yes.

22 Q. All right. And those dates are January 30, 2015?

23 A. Yes, sir.

24 Q. And February 14, 2015?

25 A. Yes, sir.

1 Q. Okay. And let's talk about January 30, 2015. You see
2 that, sir?

3 A. Yes, sir.

4 Q. And there again, would you agree with me that there's
5 no mention by Ms. Thomas of her wanting to join ISIL?

6 A. Again -- again, sir, I think that's a little bit of
7 distortion the way I took it as, when her response is "As of
8 now I'm still here, but I would be leaving the state soon,"
9 her impending travel to join ISIS, but the word ISIS are not
10 mentioned in this paragraph, sir, you are correct.

11 She does not say she wants to join ISIS in this
12 paragraph, so you are correct.

13 Q. Okay. And when she says, "I will, leaving the state
14 soon," she doesn't even say where she's leaving to go; is that
15 right?

16 A. She doesn't say that, no.

17 Q. Okay. And so, then let's look at Paragraph 31 which is
18 the second description of the second and last communication
19 with Number Three and that's on February 14th; is that right?

20 A. Yes, sir.

21 Q. And would you agree with me there, in that conversation
22 that there's no mention by who you allege was Ms. Thomas
23 wanting to join ISIS, ISIL?

24 A. Again, in Paragraph 31 she informs that particular
25 coconspirator, "Deactivated my Twitter until I leave for

1 Sham." Sham is greater Syria.

2 Q. Okay.

3 A. Again, it goes along that theme, ISIS is located in
4 Syria and Iraq, at that time Sham to me was Syria. ISIS is in
5 Syria. I took that, Your Honor, as she was traveling to Syria
6 to join ISIS.

7 Q. So, it was your assumption that if someone's traveling
8 to Syria then they're traveling to join ISIL?

9 A. Based on the nature, content, and consistency of the
10 content of her previous communications, absolutely.

11 Q. Okay. But you would agree with me in that paragraph
12 there's no mention of ISIL?

13 A. Yes, sir. You're correct.

14 Q. Okay. Now, in Paragraph 32 she talks, alleges to talk
15 to CC Number Three about communicating with CC Number Two
16 regarding routes and travel plans; do you see that?

17 A. Yes, sir.

18 Q. In your investigation did you find anything that
19 verified communications with CC Number Two concerning routes
20 or travel plans?

21 A. Yes, I did, sir.

22 Q. And is that in the affidavit?

23 A. That is not in the affidavit.

24 Q. All right. So, you left that out?

25 A. It's not in this affidavit.

1 Q. Okay. The -- looking at Paragraph 30, we talk about
2 her application for a passport?

3 A. Yes, sir.

4 Q. All right. That was done here in Philadelphia; is that
5 right?

6 A. I believe so. I believe the --

7 Q. You're not sure?

8 A. Yeah. I, I saw the passport application. I saw the
9 passport; I believe so, but yes, I believe it was processed
10 here.

11 Q. All right. Well, when you say saw the passport and you
12 saw the application, that's all you saw?

13 MS. WILLIAMS: Object, Your Honor, to the
14 question.

15 BY MR. MCHUGH:

16 Q. Did you do any further investigation as to where this
17 was submitted, this application?

18 A. I, I did, Your Honor. We have a task force officer
19 assigned to the Joint Terrorism Task Force from the Department
20 of State Homeland Security. He verified that she did apply
21 for a passport. I thought your question was did I actually
22 see anything processed in Philadelphia; the answer is no. I
23 received word that it was.

24 Q. All right.

25 A. But it was based on someone else's --

1 Q. It's just a probable cause hearing. So, what you're
2 information was was that she applied for this passport in
3 Philadelphia; is that right?

4 A. Yes.

5 Q. And she used her correct name; is that right?

6 A. Yes.

7 Q. Keonna Thomas?

8 A. Yes.

9 Q. Correct date of birth?

10 A. Yes.

11 Q. Correct address?

12 A. Yes.

13 Q. Okay. And looking at Paragraph 36, talks about the
14 application for a visa is; that right?

15 A. I'll get there in a second for you.

16 Q. Yeah, take your time.

17 A. Yes.

18 Q. Okay. Now, this information that you swore to, how did
19 you come upon this? Did you do this investigation or was this
20 something that was told to you?

21 A. The e-Visa -- there was a search warrant, Your Honor
22 that was served. The federal -- from the search warrant that
23 was served at the defendant's house the day of -- 802 North
24 10th Street on March 27th. As a result of that search warrant
25 the defendant Keonna Thomas had a cell phone in her pocket

1 when we went to the house.

2 A cell phone, I witnessed it -- it being taken off her
3 person. That cell phone was confiscated, submitted to our
4 forensic computer laboratory. The result of that analysis
5 showed on the phone that the Turkish Government sent Keonna on
6 her phone an e-mail saying, basically thank you for applying
7 for a visa to Turkey and said that [indiscernible] Keonna
8 Thomas, so, that is why I know that.

9 And it said the date of the application was the 23rd
10 and I believe the visa was good for, I think from March 25th
11 to September 20, 2015.

12 Q. Okay. And so, that was in her correct name; is that
13 right?

14 A. Yes, sir.

15 Q. Correct date of birth?

16 A. Yes.

17 Q. Correct address?

18 A. Yes.

19 Q. And, in fact you said you read it from an e-mail at
20 her -- on her phone; is that right?

21 A. Yeah -- that's what it was from, how I read it was
22 through a computer written analysis, but it was an e-mail on
23 her phone; correct.

24 Q. Okay. So, obviously correct e-mail too; is that right?

25 A. Yes.

1 Q. If it was received. Now, Paragraph 35, you discuss
2 there that Ms. Thomas conducted online research into various
3 indirect travel routes to Turkey, how did you come across that
4 fact?

5 A. Again, part of that search warrant, Your Honor, on
6 March 27th, we removed a computer from Keonna Thomas' house
7 from inside Keonna Thomas' bedroom, from under Keonna Thomas'
8 bed and when we looked at the hard drive through a computer
9 forensic analysis it showed different searches that she's
10 done. Some of those searches were travel from Barcelona to
11 Istanbul.

12 Q. All right. So these were websites that the browser
13 appeared to have gone to?

14 A. Yeah, yeah they were searches, I mean to be specific
15 about it, I'm not sure at this time, but --

16 Q. In other words typed in words?

17 A. Yeah.

18 Q. Okay. And do you recall what dates these searches were
19 done?

20 A. I do not.

21 Q. All right. There's no mention of the dates in here, so
22 you don't recall?

23 A. No. I don't recall, sir.

24 Q. Okay. And so this was on a laptop not a phone?

25 A. It was a laptop, sir; correct.

1 Q. Okay. So, you don't know who actually typed in these
2 searches; is that fair to say.

3 A. Well, again, based on, it was -- so, based that it was
4 a, you know, the defendant's house, the defendant's bedroom,
5 under the defendant's bed, when you opened up the laptop it
6 actually said Fatayat Al Khilafah. The computer was named
7 Fatayat Al Khilafah --

8 Q. Okay.

9 A. -- which is obviously one of Keonna's aliases, so I
10 mean, I -- the reason I -- person to believe it was her.

11 Q. All right. But there was a number of other people
12 living there; is that right?

13 A. There was.

14 Q. Okay. The same question with Paragraph 38, you talked
15 about online research for buses to Barcelona to Istanbul; do
16 you see that?

17 A. Yes, sir.

18 Q. Again, there's no dates there. Do you know when those
19 searches were performed?

20 A. I do not. Offhand I do not, sir.

21 Q. Okay. And do you know how they were done? Was it
22 typing --

23 MS. WILLIAMS: Your Honor, I'm just going to
24 object and point out to Mr. McHugh that in both Paragraphs 35
25 and 38 there are dates in the affidavit and I would just ask

1 the witness to also follow along in the affidavit.

2 Mr. MCHUGH: That's fine.

3 THE WITNESS: That's my mistake, sir. Your --
4 it's -- there are dates and I was listening to you.

5 BY MR. MCHUGH:

6 Q. Okay. So, the dates that are on here are the dates
7 that you determine were the dates that the searches were made?

8 A. Yeah, there were dates, yeah. The forensic analysis
9 saw the searches.

10 Q. Okay. All right. So the first one just talks about
11 February and March; is that right? The Paragraph 35.

12 A. Yes.

13 Q. Okay. So, you were unable to be specific as to when
14 those searches occurred?

15 A. Yes.

16 Q. Now, in Paragraph 39, it talks about a purchasing of
17 airline tickets; do you see that?

18 A. Yes, sir.

19 Q. Okay. And how did you determine that she had purchased
20 airline tickets?

21 A. Your Honor, on the morning of March 27, I received a
22 phone call from a special agent from Homeland Security
23 Investigations who was also a joint member on our task force.
24 He informed me that Keonna purchased a ticket and the flight
25 was due to leave March 29th.

1 Q. So, it was based on what was told to you?

2 A. At 6:30 in the morning, it was. And then once I got to
3 the office I saw the hard copy printout and --

4 Q. You actually saw the ticket?

5 A. -- it was verified, yes.

6 Q. Okay. And again, correct name?

7 A. Yes.

8 Q. Correct date of birth?

9 A. Yes.

10 Q. Correct address?

11 A. Yes.

12 Q. Okay. The plane was due to leave at what time or what
13 date?

14 A. The -- the 20 -- March 29th at 6:55 p.m. It was a US
15 Airways flight, I don't recall the flight number, but I know
16 it was to Barcelona.

17 Q. Okay. And you were monitoring Ms. Thomas' movements at
18 that time? You or a part of your task force?

19 A. Yeah, to an extent, yes. As far as flying or
20 traveling, yes.

21 Q. So, you weren't watching her every move outside of her
22 house?

23 A. No, sir.

24 Q. Okay. Well, did you come across any information that
25 she attempted to go to the airport that day?

1 A. She did not go to the airport March 29th that I know
2 of.

3 Q. Okay. The -- you talk about an ISIS manual in
4 Paragraph 37; did you see that? ISIL, I'm sorry.

5 A. Yes, sir.

6 Q. Okay. That manual, did you -- when you executed the
7 search warrant at her house, did you recover that manual?

8 A. I did not.

9 Q. Okay. You searched all her electronic equipment?

10 A. We did.

11 Q. And any information that that manual was on?

12 A. Not to my knowledge.

13 Q. Do you have any knowledge that she was ever in
14 possession of this manual?

15 A. I do not, sir.

16 Q. Okay. So, if she, you don't have any knowledge she was
17 in possession of it then you don't have any knowledge that she
18 would've reviewed it or been familiar with what was stated
19 inside; is that fair to say?

20 A. I would say no, because I think with this Paragraph 37,
21 is basically, it's -- it's almost common knowledge, Your
22 Honor, within the online Jihadi community and the
23 counterterrorism circles that this is how it works; that this
24 information is out there. This manual was basically with
25 ISIS -- put -- was already known out there and put it down on

1 paper. These concepts, these facts were already known. So --

2 Q. Well, your --

3 A. -- I would say it's not reasonable to believe that she
4 didn't know this.

5 Q. But you had no evidence and your thorough search of her
6 house and her electronic stuff, her computers that this manual
7 was ever read or in her possession; is that fair to say?

8 A. That's fair to say. This specific manual; no, sir.
9 You're correct.

10 Q. Okay. And where was she arrested?

11 A. At her house.

12 Q. Okay. And where is that?

13 A. 802 North 10th Street in Philadelphia, Pennsylvania
14 19123.

15 Q. Okay. And what time of day was that?

16 A. It was in the morning between 9:00 and 10:00, Your
17 Honor, I believe.

18 Q. Okay. And the search -- you executed the search
19 warrant about a week before or a few --

20 A. We did the previous Friday.

21 Q. Okay. Between the execution of the search -- was she
22 home at the time of the search warrant?

23 A. She was.

24 Q. Okay. Same address?

25 A. Yes, sir.

1 Q. Okay. Between the time of the execution of the search
2 warrant and when you arrested her, you were not aware of any
3 attempt by her to flee or leave the city in any way?

4 A. No, sir, I was not.

5 Q. As far as you're aware, she went about her normal
6 business?

7 A. As far as I know.

8 Q. Taking her kids to school?

9 A. I don't know. I don't think she took her kids to
10 school, because I think it was, I think there was like a
11 holiday break.

12 Q. Okay.

13 A. So, at that point and time --

14 Q. But you're not aware of any attempt to flee between
15 you, the federal agency executing a search warrant at her
16 house and a week later she's not in custody; right for that
17 week?

18 A. No. Right.

19 Q. And the time of the arrest?

20 A. Yeah, yes, you're correct, sir. I have no
21 indication --

22 Q. And when you arrested her there was no incident? She
23 was arrested without --

24 MS. WILLIAMS: Objection, Your Honor. This goes
25 way beyond probable cause.

1 THE COURT: Okay. I'm going to sustain the
2 objection.

3 MR. MCHUGH: That's all I have, Your Honor.

4 THE COURT: Thank you, Mr. McHugh. Ms.
5 Williams, any redirect?

6 MS. WILLIAMS: Yes. Thank you, Your Honor.

7 - - -

8 REDIRECT EXAMINATION

9 - - -

10 BY MS. WILLIAMS

11 Q. Agent, you testified that a search warrant was executed
12 at Ms. Thomas' house on March 27; is that correct?

13 A. Yes, it was.

14 Q. And that a laptop was seized?

15 A. Yes, ma'am.

16 Q. And where was that laptop is seized from?

17 A. It was in the defendant's house, Your Honor, in the
18 defendant's bedroom in that house under the defendant's bed in
19 the house.

20 Q. And who else stayed in the defendant's bedroom with
21 her?

22 A. It was herself and I think there was two, like two
23 small kids. Two, two younger children.

24 Q. Okay. What was the user name on the laptop again?

25 A. Fatayat Al Khilafah.

1 Q. And what was Ms. Thomas' Twitter handle?

2 A. Fatayat Al Khilafah.

3 Q. The content of the Twitter postings that are referenced
4 in this affidavit and other postings on those Twitter handles,
5 was there any indication on these -- the various online
6 accounts that Ms. Thomas is alleged to have used that it was
7 in fact Ms. Thomas; any photographs for example?

8 A. Some of the facilities, Your Honor, there were
9 photographs of the defendant on some of those -- Twitter
10 handles and other online facilities.

11 Q. And just briefly, the defense attorney asked you about
12 the designation of ISIL in May 2014, isn't it accurate that
13 that was simply adding the alias ISIL to an already existing
14 organization?

15 A. That's correct.

16 Q. And defense counsel also asked you about the
17 communications with the various coconspirators listed in the
18 complaint -- referencing particularly, CC One. Although,
19 there are specific dates referenced in this affidavit, were
20 there other communications that CC One continuing beyond these
21 dates?

22 A. There was.

23 Q. And were there other communications with CC Two
24 continuing beyond these dates?

25 A. There was.

1 Q. And with CC Three?

2 A. There was.

3 Q. Now, turning to the allegations regarding CC Two, I'll
4 point your attention to Paragraph 26. Defense counsel had
5 said to you isn't it true that none of CC Two's communications
6 with Ms. Thomas reference ISIL, but if you could please look
7 at Paragraph 26 and tell me, does that communication reference
8 ISIL specifically?

9 A. That's correct, Your Honor. I'm sorry I must have
10 misunderstood defense counsel's question, but number 26 does
11 specifically state ISIL.

12 Q. And is it fair to say that in your examination of Ms.
13 Thomas' communications she references her support for ISIL
14 regularly and frequently between August 2013 and March 2015?

15 MR. MCHUGH: I'm going to object, Your Honor.
16 It's a vague question in her communications. Can we be more
17 specific?

18 THE COURT: Can you be a little bit more
19 specific?

20 MS. WILLIAMS: Certainly. In the communications
21 referenced in this affidavit.

22 THE WITNESS: Yes.

23 BY MS. WILLIAMS

24 Q. And which terrorist group is in place in Rocca, Syria?

25 A. ISIS or ISIL.

1 Q. And of all the individuals living in Ms. Thomas' house
2 were the IP address resolved to who applied for a passport to
3 travel?

4 A. Keonna Thomas.

5 Q. Who applied for an e-Visa to Turkey?

6 A. Keonna Thomas.

7 Q. Did Ms. Thomas ever have a passport before February
8 2015?

9 A. She did not.

10 Q. Had Ms. Thomas ever attempted to travel overseas before
11 March 2015?

12 A. She did not.

13 Q. And in the time period referenced by defense counsel --
14 in the days leading up to Ms. Thomas' arrest, I believe you
15 testified that you did not see her attempt to go to the
16 airport; is that correct?

17 A. That's correct.

18 Q. Had agents already searched her home at that point?

19 A. We did, Your Honor.

20 Q. Had agents already seized her cell phone at that point?

21 A. We did, Your Honor.

22 Q. Had agents already seized her laptop at that point?

23 A. Yes, ma'am, we did.

24 Q. Thank you.

25 MS. WILLIAMS: That's all I have.

1 Mr. MCHUGH: Just one follow-up.

2 - - -

3 RECROSS-EXAMINATION

4 - - -

5 BY MR. MCHUGH:

6 Q. This, this question concerning CC Number Two, Paragraph
7 26.

8 A. Yes, sir.

9 Q. Where you say there was mention of ISIL?

10 A. Yes, sir.

11 Q. That's the -- a communication from CC Number Two to Ms.
12 Thomas; isn't that what you allege there?

13 A. That's correct.

14 Q. Okay. So --

15 A. I was just saying that it was mentioned, but --

16 Q. So, that my question to you was, was there anything by
17 Ms. Thomas stating that she wanted to join ISIL; is that
18 right?

19 A. Yeah. Not on 20 -- not on --

20 Q. It's by this other person, CC Number Two, not Ms.
21 Thomas; right?

22 A. Correct.

23 Q. Okay. Just wanted to clarify that. That's all I have.

24 THE COURT: Thank you.

25 MS. WILLIAMS: Thank you, Your Honor.

1 THE COURT: After consideration of the testimony
2 presented here this afternoon, this court finds that the
3 government as established probable cause that the defendant
4 committed the crime charged.

5 Namely, that she knowingly attempted to provide
6 material support and resources, including personnel and
7 herself to a designated foreign terrorist organization to it,
8 the Islamic state of Iraq and the Levant in violation of Title
9 18, U.S.C. § 2339A(b).

10 Ms. Williams, I understand the government is
11 seeking pretrial detention.

12 MS. WILLIAMS: We are, Your Honor. And I have
13 submitted to the Court and defense counsel a motion for
14 pretrial detention.

15 May I ask the agent to step off the stand?

16 THE COURT: Yes, I'm sorry. Please.

17 THE WITNESS: Thank you, Your Honor.

18 MS. WILLIAMS: Thank you, Your Honor. May I
19 approach the podium, Your Honor?

20 THE COURT: Yes, you may.

21 MS. WILLIAMS: Thank you. I know the Court is
22 very familiar now with the charges in this case. The
23 government has submitted a motion for pretrial detention, both
24 on the grounds that Ms. Thomas poses a very serious risk of
25 flight, as well as a substantial danger to the community.

1 As the Court knows, on March 26, 2015, Ms.
2 Thomas purchased a ticket on an international flight three
3 days later so that she could travel to Syria to join ISIL,
4 which is a foreign terrorist organization responsible for
5 videotaped beheadings and other atrocities.

6 This was not a snap decision. It was not an
7 unknowing decision. Ms. Thomas had been planning this move,
8 this travel plan for more than a year. During this time, she
9 had pledged support for ISIL. Communicated with known violent
10 Jihadists about her plan to fight and martyr herself.

11 She reduced her online presence in an effort to
12 evade law enforcement and she researched indirect travel
13 routes to Syria away from the land of the Kafir, the
14 nonbelievers.

15 All of the evidence points, Your Honor, to the
16 indication that had the government not intervened with a
17 search warrant and seized evidence from Ms. Thomas' home, she
18 would've been on that flight on March 29, leaving behind two
19 young children with no warning to anyone.

20 Your Honor, I point out that because Ms. Thomas
21 is charged with providing material support to a designated
22 foreign terrorist organization, there is a rebuttable
23 presumption in this case that no condition or combination of
24 conditions would reasonably assure her appearance as required
25 or the safety of the community and I submit that Ms. Thomas

1 cannot rebut this presumption.

2 As the Court already found there is probable
3 cause to believe that she violated 18 U.S.C. § 2339(b) and the
4 evidence in this case is strong, consisting of her own
5 personal communications traced to her by IP address and user
6 name and photographs on accounts and the fact that they were
7 found on her laptop under her bed. As well as her purchase of
8 an airline ticket and electronic visa in her true name.

9 The total maximum penalty that Ms. Thomas faces
10 and 15 years in prison, which is well exceeded by the likely
11 sentencing guideline range, basically capping her at 15 years,
12 that is a substantial amount of time in prison which gives Ms.
13 Thomas a substantial incentive to flee.

14 In addition, Your Honor, I submit that her
15 community in Philadelphia, her ties to Philadelphia do not
16 counter that substantial incentive to flee. Her activities
17 prove that her familial ties here do not serve as a, an
18 adequate deterrent to her criminal behavior.

19 She's unemployed. She lives at home with a few
20 family members who appear to know nothing about her plan. She
21 apparently intended to leave her two young children behind
22 when she fled without warning. Therefore, these family ties
23 were insufficient to prevent her from abandoning her life in
24 the U.S. In comparison, her real community, the online
25 community of violent Jihadists was a strong and robust

1 community.

2 She communicated with them regularly about her
3 plans. Her plans to travel. Her desire to join ISIL and to
4 martyr herself and these are individuals located around the
5 world who would have the desire and the ability to help Ms.
6 Thomas flee Philadelphia and evade law enforcement.

7 There was -- there was significant discussion
8 involving Ms. Thomas about the need to avoid the eyes of law
9 enforcement to indicate that that's absolutely a concern.

10 I also submit that Ms. Thomas poses a very
11 serious risk of danger to the community. Her offense involved
12 a desire for violence and personal martyrdom in support of a
13 violent terrorist organization which alone indicates that she
14 poses a serious risk of danger to the community.

15 But in addition, Your Honor, I point out that
16 since the government executed its search warrant in this case,
17 a very close associate of Ms. Thomas has been making public
18 postings online expressing a desire to extend violence into
19 the U.S.

20 He posted on Twitter a call for martyrdom
21 operations here in the U.S. And after Ms. Thomas' arrest
22 posted on Twitter a statement indicating that no prison door
23 would be able to stand against the force of and then put on
24 their icons of a truck and an explosion.

25 Your Honor, I submit with all of these factors

1 considered together, in light -- connected with the
2 substantial sentence that Ms. Thomas would face if convicted,
3 it's clear that no condition or combination of conditions
4 would reasonably assure her presence as required in court and
5 the safety of the community.

6 Thank you.

7 THE COURT: Thank you. Ms. Gaughan.

8 MS. GAUGHAN: Yes, Your Honor. Your Honor, I
9 understand that the Court has rendered its decision and has
10 found that there is probable cause for these charges to
11 proceed to trial. However, this court is well aware that
12 those are allegations and that Ms. Thomas, of course, does
13 have the presumption of innocence. If a -- an indictment is
14 in fact returned in this case, Ms. Thomas will be entering a
15 plea of not guilty.

16 Unlike the government's position that Ms. Thomas
17 does not have significant ties to Philadelphia, the defense
18 would totally disagree with that. The defense is also
19 understand ing that there is a rebuttable presumption in this
20 case, due to the nature of the charge; that there are no set
21 of combinations or conditions that could ensure the safety of
22 the community as well as her -- his or her appearance.
23 However, as the Court is equally aware, that is a rebuttable
24 presumption. And the defense would submit that we are in a
25 position in this case to rebut that presumption.

1 Ms. Thomas is a 30-year-old woman who has had
2 absolutely no contact whatsoever with the criminal justice
3 system. She has very strong and longstanding ties to
4 Philadelphia. She was born and -- in Pittsburgh, but raised
5 her entire life and has spent her entire life in Philadelphia.
6 She is the mother of two children, ages seven and nine, who
7 attend school very close to the location of where she resides.

8 Your Honor, at this time I would -- she does
9 have extremely strong family support, many of whom are in the
10 courtroom in support of her today and if I could just call the
11 names of her family members and they could just rise so the
12 Court could recognize that they are here in support of their
13 family member.

14 THE COURT: That's fine.

15 MS. GAUGHAN: Thank you. Ms. Debbie Thomas.
16 Your Honor, this is Ms. Keonna Thomas' mother. Ms. Julia
17 Thomas. That is Keonna Thomas' grandmother. Daniella
18 McCormick [ph], that is the cousin of Ms. Thomas, who's here
19 in support of her. Tonia Diggs [ph] and that is another
20 cousin who is here in support of her cousin Ms. Thomas, all of
21 whom are lifelong residents of the City of Philadelphia.

22 I would call to -- I would call out Mr. Charles
23 Thomas to inquire as to whether he was able to arrive yet; no?
24 I had contact with Mr. Charles Thomas, it was -- who is Mr.
25 Keonna Thomas' uncle who is fully supportive of her, was

1 running late in traffic and was trying his very best to get
2 here, but wants the Court to know that he equally supports his
3 niece. He is a gentleman who is a working man. He's a truck
4 driver and took off today in order to come here in support of
5 his niece.

6 Ms. Keonna Thomas' mother is also employed as a
7 home hair -- healthcare aide. My client, Ms. Thomas, does
8 have two small children. It's true that she has been
9 unemployed for the past couple of years, however, she has a
10 history of employment. She did work previously as a home aide
11 as well.

12 She's actively and devoted to her children. She
13 does take them to school. Her youngest daughter is in first
14 grade and her eldest daughter is in fourth grade.

15 Your Honor, the -- this -- these allegations
16 were pursuant to the complaint, alleged to have begun in --
17 the year 2013. In 2013, FBI agents went to the home of my
18 client, Ms. Thomas on North 10th Street, where she still
19 resides today and they had a conversation with her and they
20 subsequently left.

21 Ms. Thomas, after the conversation in no way
22 took any steps to leave that home to go away from her normal
23 activities in any way, shape, or form. She remained at that
24 residency, in fact Ms. Thomas has been at that same residence
25 for 10 years.

1 Now, the government is alleging that Ms.
2 Thomas -- this talk, this chatter this -- rhetoric increased
3 and the danger increased sometime in March. And that
4 necessitated or that -- had the agents, the FBI, who with were
5 already involved, I would submit to the Court -- and to obtain
6 a search warrant for Ms. Thomas' home. And they executed that
7 search warrant and as the agent indicated they took several
8 pieces of property which were computers and cell phones from
9 that property and they had forensic testing done.

10 Ms. Thomas was not arrested at that time.
11 Ms. Thomas was allowed to remain in the community according to
12 the agent, initially at that point, her activities were not
13 even monitored. So, the government themselves are alleging
14 that they did not feel Ms. Thomas was a threat to the very
15 community that she had lived in for 10 years.

16 There is allegation that there was the -- a
17 plane ticket for the date of March 29th, there was no evidence
18 whatsoever that Ms. Thomas made any steps at all to get onto
19 that plane or go to the airport.

20 Ms. Thomas was not arrested on March 29th.
21 Clearly, the government had forensic testing done on that
22 phone way before the date that Ms. Thomas was placed under
23 arrest. She was allowed to remain within the community for
24 approximately five additional days until April 3rd, because
25 the government, I would submit to Your Honor, did not think

1 that she was a threat, because if they did they would've taken
2 her off of the street and they didn't.

3 Ms. Thomas' actions equally show that she is not
4 a flight risk. In addition to her strong ties to the
5 community, she never at any time left her residence even in
6 the beginning of when the FBI agents came to her home in 2013,
7 after a search warrant was executed at her house, there's no
8 indication whatsoever that she did anything other than live
9 her life in her normal way.

10 She -- when she was arrested, Your Honor, she
11 was arrested at her home. In the early morning around 11:00
12 cooking breakfast for her two children. All indications are
13 that she is not a flight risk that there are conditions that
14 could be placed by this court to ensure the concerns of the
15 government and I'm sure the concerns of this court as to
16 safety and her appearance in court.

17 This court could order and my client's mother
18 wants her daughter to return to her home, this court has the
19 ability to place significant restraints on her liberty to have
20 her confined to her home, not just on in-home detention, Your
21 Honor, but on an actual GPS locater, because pretrial services
22 can do that. That you have those available. They could put a
23 GPS tracker where they would know every movement of -- that
24 this young lady makes.

25 The pretrial services could make -- go and

1 search the -- her home at any time that would be part of her
2 conditions of release and all of the electronics that access
3 the Internet. Her cell phone, her computer, were all seized
4 by the government.

5 There are no computers in the home in which Ms.
6 Thomas resides with her mother, her grandmother, her two
7 children, her younger brother, as well as an aunt. So, the
8 pretrial services, obviously, at any point and time could make
9 unannounced searches to ensure that nothing untoward was going
10 on within that household.

11 They would have a locater on her to follow her
12 every step. That would satisfy, Your Honor, I would submit
13 and that would overcome the concerns for the dangers in this
14 aspect. And I believe again, the government's own actions in
15 this case have demonstrated that they did not feel that she
16 was a danger to the community and that she did not get
17 arrested until April 3rd when she was charged with this case.

18 For those reasons, Your Honor, I would submit
19 that the defense has in fact overcome the -- that presumption
20 and that there are conditions, astringent, astringent
21 conditions that this court could put and place on Ms. Thomas
22 to ensure the safety, continued safety of the community as
23 well as her experience for trial.

24 THE COURT: Thank you Ms. Gaughan.

25 MS. GAUGHAN: Thank you.

1 THE COURT: Ms. Williams.

2 MS. WILLIAMS: Thank you. If I may just respond
3 briefly, Your Honor. Just to clarify, Your Honor, after the
4 search warrant was executed, there was 24 hour surveillance on
5 the outside of Ms. Thomas' home. In fact, her grandmother at
6 one point banged on the door of the surveillance van. So, the
7 folks in Ms. Thomas' home knew that they were being surveilled
8 and that surveillance was solid on the outside of the home.
9 The agents could not see what was going on in the inside of
10 the home, but were watching the outside of the home to make
11 sure Ms. Thomas did not try to leave the country.

12 I also submit that there is a very big
13 difference in terms of someone's incentive to flee, between
14 having the government execute a search warrant and being
15 arrested on a criminal complaint, at which point Ms. Thomas
16 now knows what the government knows.

17 So, her recognition of how serious these charges
18 are and the risks that she's facing has completely changed the
19 ball game and Ms. Thomas' incentive to flee has now multiplied
20 dramatically.

21 I submit that a GPS on Ms. Thomas would not
22 ensure the safety of her family inside the home with her,
23 including vulnerable children and also would simply serve to
24 notify the government after Ms. Thomas has fled which does not
25 protect the safety of the community from a sudden and violent

1 act, such as the type Ms. Thomas was discussing online with
2 her associates.

3 I also submit to the Court that a search by
4 pretrial services to see if anything untoward was going on in
5 her home would not protect the safety of Ms. Thomas' family or
6 the community from a sudden violent act. For those reasons,
7 Your Honor, I submit that Ms. Thomas should be detained
8 pending trial. Thank you.

9 THE COURT: All right. Thank you, Ms. Williams.
10 Having considered the arguments of counsel and based upon my
11 review of the pretrial services report, I find that no
12 condition or combination of conditions of release will
13 reasonably assure the defendant's appearance as required or
14 the safety of the community.

15 Therefore, I order that the defendant be
16 detained pending further court proceedings and that she be
17 remanded to the custody of the United States Marshal Service.

18 MS. WILLIAMS: Thank you, Your Honor.

19 THE COURT: Is there anything further, counsel?

20 MULTIPLE SPEAKERS: No, Your Honor.

21 MR. MCHUGH: Nothing further.

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C E R T I F I C A T E

I do hereby certify that the aforesaid hearing was transcribed by me from an audio recording to the best of my ability; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.

WITNESS my hand and official seal this ____ day of ____, 2015.



Janine Thomas
Notary Public

A				
abandoning 37:23	35:15 42:7,12	APPEARANCES	attribute 10:13	birth 21:9 22:15
ability 38:5 43:19	agents 33:18,20,22	1:7	13:9	26:8
47:6	41:17 42:4 43:6	appeared 23:13	audio 1:20 47:5	bit 18:6 32:18
able 5:24 6:9 38:23	45:9	application 20:2,8	August 32:14	born 40:4
40:23	ages 40:6	20:12,17 21:14	aunt 44:7	break 29:11
absolutely 19:10	agree 5:12 8:5,6,14	22:9	author 10:7	breakfast 43:12
38:9 40:2	11:16 14:2,16	applied 21:2 33:2,5	available 43:22	briefly 31:11 45:3
access 44:2	15:9,16 16:3,7	apply 20:20	aver 10:10	brother 44:7
account 7:1,11 8:4	17:7,17 18:4,21	applying 22:6	averment 12:9	brought 13:22
accounts 31:6 37:6	19:11	approach 13:1	averred 12:6	browser 23:12
accurate 31:12	agreed 7:20	35:19	avoid 38:8	Building 1:17
act 46:1,6	aide 41:7,10	approximately	aware 13:17 29:2,5	buses 24:15
action 47:7	airline 25:17,20	42:24	29:14 39:11,23	business 29:6
actions 43:3 44:14	37:8	April 1:5 4:10	A/K/A 1:4,4 3:7,7	button 8:4,7
actively 41:12	airport 26:25 27:1	42:24 44:17		
activities 37:16	33:16 42:19	AQI 9:19	B	C
41:23 42:12	Airways 26:15	arguments 46:10	back 6:10,15,18 7:8	C 1:20 47:1,1
actual 43:21	Al 1:4 3:7 11:15,17	arrest 4:6 29:19	7:10 8:9 11:1,4	call 3:17 25:22
adding 31:13	24:6,7 30:25 31:2	33:14 38:21 42:23	ball 45:19	38:20 40:10,22,22
addition 6:17,18	alias 31:13	arrested 28:10 29:2	bandaged 9:14	called 7:21
10:6 37:14 38:15	aliases 24:9	29:22,23 42:10,20	banged 45:6	camp 12:11,13,15
43:4	allegation 17:10	43:10,11 44:17	Barcelona 23:10	12:21,24
additional 42:24	42:16	45:15	24:15 26:16	capping 37:11
additions 4:16	allegations 12:18	arrive 40:23	based 6:6 10:18	case 3:5,8 35:22
address 6:13,16,18	32:3 39:12 41:15	asked 16:17 31:11	12:14,17 19:9	36:23 37:4 38:16
6:20 7:12 21:11	allege 10:2 14:17	31:16	20:25 24:3,3 26:1	39:14,20,25 44:15
22:17 26:10 28:24	16:4 17:3 18:22	aspect 44:14	46:10	44:17
33:2 37:5	34:12	assigned 20:19	basically 6:8 7:19	cause 1:6 4:23
adequate 37:18	alleged 31:6 41:16	associate 38:17	9:12 22:6 27:21	13:19 21:1 29:25
admission 4:23	alleges 19:14	associated 10:3,4	27:24 37:11	35:3 37:3 39:10
adopt 4:19	alleging 42:1,13	associates 46:2	bed 23:8 24:5 30:18	CC 9:22 12:7 14:17
affidavit 4:5,17,19	allowed 42:11,23	ASSOCIATION	37:7	14:22,25 15:10,24
4:23 6:6 10:19,24	al-Qaeda 9:13	1:16	bedroom 23:7 24:4	16:4,15,24,25
12:11 13:14,20	amazing 16:10,18	assumption 19:7	30:18,20	17:5,11,18 19:15
14:3,9,16 15:6,10	amended 9:19	assure 36:24 39:4	beginning 43:6	19:15,19 31:18,20
16:23 17:6,8,11	amendment 9:23	46:13	begun 41:16	31:23 32:1,3,5
19:22,23,25 24:25	America 1:2 3:6	astrigent 44:20,20	behavior 37:18	34:6,11,20
25:1 31:4,19	amount 37:12	atrocities 36:5	beheadings 36:5	cell 21:25 22:2,3
32:21	Amujahiri84@G...	attempt 5:13,15	believe 6:16 12:16	33:20 42:8 44:3
aforesaid 47:4	7:6	9:15 29:3,14	20:6,6,9,9 22:10	Certainly 32:20
afternoon 3:3,4,10	analysis 22:4,22	33:15	24:10 28:3,17	certify 47:4
4:3,4 35:2	23:9 25:8	attempted 26:25	33:14 37:3 44:14	changed 45:18
agency 29:15	answer 9:11 20:22	33:10 35:5	believed 11:14	changes 4:16
agent 3:12,18 4:3	apparently 37:21	attend 40:7	best 41:1 47:6	charge 5:12,13
5:10 25:22 30:11	appear 37:20	attention 11:6 32:4	beyond 29:25 31:20	9:15 39:20
	appearance 36:24	attorney 31:11	31:24	charged 35:4 36:21
	39:22 43:16 46:13	ATTORNEY'S 1:8	big 45:12	44:17

charges 35:22 39:10 45:17	8:16 9:2,5,22 10:13 12:18,20	contact 14:17 15:10 40:2,24	37:2 39:4,7,9,11 39:23 40:12,14	46:15
Charles 40:22,24	13:14,16 15:17	contacts 10:19,22 13:8 14:3	41:2 42:5 43:14 43:15,16,17,18	defendant's 21:23 24:4,4,5 30:17,18 30:18,20 46:13
chatter 42:2	17:7,18 19:10,19	contained 14:3	44:21,24 45:1 46:3,9,16,19	DEFENDER 1:16
Chestnut 1:9	31:17,20,23 32:5	content 19:9,10 31:3	courtroom 40:10	DEFENDERS 1:12
children 30:23 36:19 37:21 40:6	community 27:22 35:25 36:25 37:15	continued 44:22	cousin 40:18,20,20	defense 13:2,13 31:11,16 32:4,10 33:13 35:13 39:17 39:18,24 44:19
41:8,12 43:12	37:24,25 38:1,11	continuing 31:20 31:24	crime 35:4	demonstrated 44:15
44:7 45:23	38:14 39:5,22	conversation 14:20 15:4,23,24 18:21	criminal 37:18 40:2 45:15	Department 20:19
circles 27:23	42:11,15,23 43:5	41:19,21	Cross-Examinati... 2:5 5:7	DEPUTY 3:1,19,23 4:1
city 29:3 40:21	44:16,22 45:25	conversations 15:17 16:4	Curtis 1:17	describe 15:12
clarification 13:13	46:6,14	convicted 39:2	custody 29:16 46:17	described 8:17,22 8:22 10:1 12:6 15:18 17:6
clarify 34:23 45:3	company 1:23 12:16	cooking 43:12	D	designation 18:18
clear 13:23 39:3	comparison 37:24	copy 4:8 26:3	D 2:1	designated 9:9 35:7 36:21
clearly 6:10 42:21	complaint 4:6 5:11 5:13,18 7:14 8:15	correct 4:12,14 5:16 8:1 11:23	danger 35:25 38:11 38:14 42:3 44:16	designation 9:19 31:12
CLERK 3:1,19,23 4:1	8:22 9:2,8,18 10:2	15:5,8,19,21,22	dangers 44:13	desire 38:3,5,12,18
click 8:6	10:10 12:2 31:18	17:4,13,16 18:10	Daniella 40:17	detained 46:7,16
clicked 8:3	41:16 45:15	18:12 19:13 21:5	data 12:12	detention 3:13 35:11,14,23 43:20
client 41:7,18	completely 45:18	21:9,11 22:12,15	date 14:16 21:9 22:9,15 26:8,13 42:17,22	determination 12:4
client's 43:17	computer 22:4,22 23:6,8 24:6 44:3	22:17,23,24 23:25	dates 14:10 17:22 23:18,21 24:18,25 25:4,6,6,7,8 31:19 31:21,24	determine 5:24 6:6 25:7,19
close 38:17 40:7	computers 28:6 42:8 44:5	26:6,8,10 28:9	daughter 41:13,14 43:18	deterrent 37:18
coconspirator 8:23 9:23 10:2,15,19	concepts 28:1	29:20 30:12 31:15	day 21:23 26:25 28:15 47:13	devoted 41:12
10:23 11:24 13:8	concern 38:9	32:9 33:16,17	days 13:10 17:19 33:14 36:3 42:24	difference 45:13
14:2,20 18:25	concerning 9:15 19:19 34:6	34:13,22	Deactivated 18:25	different 8:16 10:4 23:9
coconspirators 8:17 31:17	concerns 43:14,15 44:13	corrections 4:16	deal 6:3	Diggs 40:19
COLLOQUY 2:3	condition 36:23 39:3 46:12	counsel 3:12 13:2 13:13 31:16 32:4 33:13 35:13 46:10 46:19 47:6	Debbie 40:15	direct 2:5 13:22
combination 36:23 39:3 46:12	conditions 36:24 39:3,21 43:13	counsel's 32:10	December 9:6 10:6 10:18,22 13:10 14:10,15	disagree 16:13 39:18
combinations 39:21	44:2,20,21 46:12	counter 37:16	decision 36:6,7 39:9	discuss 23:1
come 8:12 16:25 21:19 23:3 26:24	conducted 23:2	counterterrorism 27:23	defendant 1:5,12 21:25 31:9 35:3	discussed 12:25
41:4	confined 43:20	country 45:11		discussing 46:1
coming 6:23	confining 10:14	couple 41:9		discussion 8:15 38:7
committed 35:4	confiscated 22:3	course 17:19 39:12		distortion 16:9 18:7
common 27:21	connected 39:1	court 1:1,23 3:1,3,5 3:6,14,16 4:25 5:3 5:5 11:3 13:3,21 30:1,4 32:18 34:24 35:1,2,13 35:16,20,21 36:1		
communicated 36:9 38:2	consideration 35:1			
communicating 19:15	considered 39:1 46:10			
communication 15:1,12,24 16:24 18:18 32:7 34:11	consistency 19:9			
communications	consisting 37:4			

DISTRICT 1:1,1,7	exceeded 37:10	24:6,7 30:25 31:2	full 3:23	handles 31:4,10
Docket 3:8	execute 45:14	FBI 3:12,18 41:17	fully 40:25	hard 23:8 26:3
door 38:22 45:6	executed 27:6	42:4 43:6	further 5:1 10:19	healthcare 41:7
drafted 8:1	28:18 30:11 38:16	February 13:10	10:22 20:16 46:16	hearing 1:6 3:13
dramatically 45:20	42:6 43:7 45:4	14:13 15:25 17:24	46:19,21	4:24 13:19 21:1
draw 11:5	executing 29:15	18:19 25:11 33:7		47:5
drive 23:8	execution 28:21	federal 1:12 21:22	G	Heffley 1:6 3:2
driver 41:4	29:1	29:15	game 45:19	help 38:5
due 25:25 26:12	existing 31:13	feel 42:14 44:15	Gaughan 1:12 39:7	history 41:10
39:20	experience 44:23	fight 36:10	39:8 40:15 44:24	holiday 29:11
E	explosion 38:24	fighter 11:25 12:5	44:25	home 28:22 33:18
E 2:1 47:1,1	expressing 38:18	12:7 14:25	gentleman 41:3	36:17 37:19 41:7
early 43:11	extend 38:18	final 16:23	gives 37:12	41:10,17,22 42:6
EASTERN 1:1	extent 26:19	Finally 9:13	go 11:1,4 18:14	43:6,11,18,20
effort 36:11	extremely 40:9	find 6:13 14:6	26:25 27:1 33:15	44:1,5 45:5,7,8,10
either 11:14	eyes 38:8	19:18 46:11	41:22 42:19 43:25	45:10,22 46:5
eldest 41:14	e-mail 6:25 7:6	finds 35:2	goes 19:3 29:24	Homeland 20:20
electronic 1:22	15:13 22:6,19,22	fine 25:2 40:14	going 5:10,25 11:14	25:22
8:15 12:18 15:1	22:24	first 3:5 8:21 14:16	12:10,13 24:23	Honor 3:4,10,14,17
15:12,17 27:9	e-mails 6:18	14:22,25 25:10	30:1 32:15 44:9	4:22 5:4 6:9,16
28:6 37:8	e-Visa 21:21 33:5	41:13	45:9 46:4	7:19 11:2 12:15
electronics 44:2	F	five 42:24	good 3:3,4,10 4:3,4	13:1,12,18 14:19
else's 20:25	F 47:1	fled 37:22 45:24	22:10	16:9 19:5 20:13
employed 41:6	face 39:2	flee 29:3,14 37:13	government 22:5	20:18 21:21 23:5
employment 41:10	faces 37:9	37:16 38:6 45:13	35:3,10,23 36:16	24:23 25:21 27:22
enforcement 36:12	facilities 7:7,8 31:8	45:19	38:16 42:1,13,21	28:17 29:24 30:3
38:6,9	31:10	flight 25:24 26:15	42:25 43:15 44:4	30:6,17 31:8 32:9
ensure 39:21 43:14	facing 45:18	26:15 35:25 36:2	45:14,16,24	32:15 33:19,21
44:9,22 45:22	fact 10:18 22:19	36:18 43:4,13	government's	34:25 35:12,17,18
entering 39:14	23:4 31:7 37:6	flying 26:19	39:16 44:14	35:19 36:15,20
entire 40:5,5	39:14 41:24 44:19	folks 45:7	GPS 43:21,23	37:14 38:15,25
equally 39:23 41:2	45:5	follow 25:1 44:11	45:21	39:8,8 40:8,16
43:3	factors 38:25	follow-up 34:1	grade 41:14,14	41:15 42:25 43:10
equipment 27:9	facts 28:1	force 20:18,19	grand 6:8,14	43:21 44:12,18
ESQ 1:8,12,16	fair 13:11 24:2	25:23 26:18 38:23	grandmother 40:17	45:3,3 46:7,18,20
essentially 13:9	27:19 28:7,8	foreign 35:7 36:4	44:6 45:5	Honorable 1:6 3:2
establish 6:10	32:12	36:22	granted 4:25	hour 45:4
established 35:3	familial 37:17	forensic 22:4 23:9	greater 19:1	house 21:23 22:1
evade 36:12 38:6	familiar 7:16 8:25	25:8 42:9,21	grounds 35:24	23:6 24:4 26:22
evidence 28:5	27:18 35:22	form 41:23	group 32:24	27:7 28:6,11
36:15,17 37:4	family 37:20,22	forth 5:12	guideline 37:11	29:16 30:12,17,18
42:17	40:9,11,13 45:22	found 6:12,20 37:2	guilty 39:15	30:19 33:1 43:7
examination 2:5,6	46:5	37:7 39:10		household 44:10
3:9,13,15 13:19	far 8:8 10:7 26:19	fourth 41:14	H	
30:8 32:12	29:5,7	frequently 32:14	hair 41:7	I
example 31:7	Fatayat 1:4 3:7	Friday 28:20	hand 3:19 47:12	icons 38:24
		front 4:8	handle 8:12 31:1	identified 10:23

11:25 identifying 11:17 impending 18:9 incentive 37:13,16 45:13,19 incident 29:22 include 9:20 including 35:6 45:23 increased 42:2,3 indicate 5:21 9:8 9:18 38:9 indicated 42:7 indicates 38:13 indicating 38:22 indication 29:21 31:5 36:16 43:8 indications 43:12 indictment 39:13 indirect 23:3 36:12 indiscernible 9:17 22:7 individuals 8:16 33:1 38:4 information 17:14 21:2,18 26:24 27:11,24 informed 25:24 informs 18:24 ing 39:19 initially 42:12 initiated 14:17,20 15:10 16:4 innocence 39:13 inquire 40:23 inside 23:7 27:19 45:9,22 insufficient 37:23 intended 37:21 intent 11:8 intention 16:12 interested 47:7 international 36:2 Internet 44:3 interpreted 11:8,11 intervened 36:16 investigation 19:18	20:16 21:19 Investigations 25:23 investigative 6:9 involved 38:11 42:5 involving 38:8 in-home 43:20 IP 6:16,18,20 7:11 7:12 33:2 37:5 Iraq 9:13 19:4 35:8 ISIL 5:16 9:8,18,20 10:3,7,16 11:5,15 11:20 12:7 14:25 15:19 16:8,20 17:12,15 18:5,23 19:8,12 27:4 31:12,13 32:6,8 32:11,13,25 34:9 34:17 36:3,9 38:3 ISIS 9:16 10:3 11:5 11:15,22,25 12:5 16:13 18:9,9,11 18:23 19:3,4,6 27:3,25 32:25 ISIS/ISIL 9:13 Islamic 35:8 Istanbul 23:11 24:15 <hr/> J J 1:16 JAMES 1:16 james_mchugh@... 1:19 Janine 1:20 47:16 January 17:22 18:1 Jennifer 1:8 3:11 jennifer.a.willia... 1:11 Jihadi 27:22 Jihadists 36:10 37:25 join 10:16 11:5,8 16:12 18:5,9,11 18:23 19:6,8 34:17 36:3 38:3 joining 11:12 15:19	16:8 joint 20:19 25:23 JR 1:16 JUDGE 1:7 Julia 40:16 jury 6:8,14 justice 40:2 <hr/> K Kafir 11:7 36:13 KATHLEEN 1:12 kathleen_gaugh... 1:15 Keonna 1:4 3:7 4:6 6:11,19 7:8 8:10 8:11 14:20 15:1 21:7,25 22:5,7 23:6,7,7 25:24 33:4,6 40:16,17 40:25 41:6 Keonna's 24:9 Khilafah 1:4 3:7 24:6,7 30:25 31:2 kids 29:8,9 30:23 kin 47:6 knew 10:8 45:7 know 6:5 12:5,12 12:25 14:21 22:8 24:1,4,18,21 26:15 27:1 28:4 29:7,9 35:21 37:20 41:2 43:23 knowingly 35:5 knowledge 27:12 27:13,16,17,21 known 6:16,18 11:25 12:6 27:25 28:1 36:9 knows 36:1 45:16 45:16 <hr/> L laboratory 22:4 lady 43:24 land 11:7,12 36:13 laptop 23:24,25 24:5 30:14,16,24	33:22 37:7 late 41:1 law 36:12 38:6,8 leading 33:14 leave 11:8 18:25 25:25 26:12 29:3 37:21 41:22 45:11 leaving 11:6,11,12 18:8,13,14 36:18 left 19:24 41:20 43:5 let's 14:15 15:23 18:1,17 Levant 35:8 liberty 43:19 life 37:23 40:5,5 43:9 lifelong 40:21 light 39:1 limited 13:19 Lioness 3:8 listed 31:17 listening 25:4 little 18:6 32:18 live 43:8 lived 42:15 lives 37:19 living 24:12 33:1 located 19:3 38:4 locater 43:21 44:11 location 40:7 longstanding 40:3 look 15:23 18:17 32:6 looked 23:8 looking 12:11 14:1 15:16 20:1 21:13 <hr/> M M 1:12 making 6:7 38:17 man 41:3 managed 7:8 manual 27:3,6,7,11 27:14,24 28:6,8 March 21:24 22:10 23:6 25:11,21,25	26:14 27:1 30:12 32:14 33:11 36:1 36:18 42:3,17,20 Marilyn 1:6 3:2 Market 1:24 Marshal 46:17 Martin 2:4 3:12,18 3:21,25 martyr 16:11,17 36:10 38:4 martyrdom 38:12 38:20 material 5:15 35:6 36:21 maximum 37:9 ma'am 30:15 33:23 McCormick 40:18 McDonald 2:4 3:12 3:18,21,25 5:10 McHugh 1:16 2:5,6 5:3,4,9 11:10 13:7 13:15,18,22,25 20:15 24:24 25:2 25:5 30:3,4 32:15 34:1,5 46:21 mean 6:12 11:12 23:14 24:10 meant 7:18 member 10:7 17:11 17:15 25:23 40:13 members 37:20 40:11 memorization 12:12 mention 11:17 15:18 16:8,20 18:5,22 19:12 23:21 34:9 mentioned 18:10 34:15 message 15:15 MID-ATLANTIC 1:24 minute 6:1 mistake 25:3 misunderstood 32:10
---	--	---	---	---

moment 13:2 14:21	7:13 8:23 9:22,23	once 26:2	particular 18:24	38:3
monikers 6:10,15 6:17	10:2,15,20,23	online 6:10,15,17 23:2 24:15 27:22	particularly 31:18	plea 39:15
monitored 42:13	11:24 12:7 13:8	31:5,10 36:11	party 47:7	please 3:5,16,23 32:6 35:16
monitoring 26:17	14:2,17,22 15:1	37:24 38:18 46:1	passport 20:2,8,9 20:11,21 21:2	pledged 36:9
morning 25:21	15:10,15,24 16:4	opened 24:5	33:2,7	pocket 21:25
26:2 28:16 43:11	16:15,24,25 17:5	operated 6:19	Pause 13:5	podium 35:19
mother 40:6,16	17:11,18 18:19	operation 16:11,17	penalty 37:9	point 12:12 24:24 29:13 32:4 33:18
41:6 43:17 44:6	19:15,15,19 24:11	operations 38:21	pending 46:8,16	33:20,22 36:20
motion 8:5 35:13	26:15 32:10 34:6	OPERATOR 1:20	Pennsylvania 1:1 1:25 28:13	38:15 42:12 44:8 45:6,15
35:23	34:11,20	order 41:4 43:17 46:15	people 24:11	points 36:15
move 4:22 26:21	O	organization 9:9,14 11:9,13 31:14	performed 24:19	poses 35:24 38:10 38:14
36:7	object 20:13 24:24 32:15	35:7 36:4,22	period 14:4 33:13	position 39:16,25
movement 43:23	objection 29:24 30:2	38:13	person 10:1,3,7,23 11:17,25 12:23	possession 27:14,17 28:7
movements 26:17	obtain 42:5	organizations 10:5	13:9 17:2,6,11,15	posted 5:21 38:20 38:22
moving 7:13 11:24 17:5	obviously 13:18 22:24 24:9 44:8	original 7:23 8:2	22:3 24:10 34:20	poster 7:23
MULTIPLE 3:4	occurred 9:5,23 13:9 14:3 15:25	outcome 47:7	personal 37:5 38:12	posting 5:25 6:4
46:20	25:14	outlined 9:3	personnel 35:6	postings 5:19 8:9 31:3,4 38:18
multiplied 45:19	occurring 10:6	outside 26:21 45:5 45:8,10	person's 12:17	posts 6:7
M-C-D-O-N-A-L...	offense 38:11	overcome 44:13,19	ph 40:18,19	preliminary 3:9,13 3:15
3:25	Offhand 24:20	overseas 11:9,13 12:6 33:10	Philadelphia 1:3,10 1:14,16,18,25	prepare 4:5
N	office 1:8,12 26:3	owned 6:19	20:4,22 21:3	presence 36:11 39:4
N 2:1	officer 20:18	P	28:13 37:15,15	presented 35:2
name 3:23,24 7:4,6 9:14 21:5 22:12	official 47:12	PA 1:3,10,14,18	38:6 39:17 40:4,5 40:21	presiding 3:2
26:6 30:24 37:6,8	Oh 16:16	Page 2:2	phone 21:25 22:2,3 22:5,6,20,23	presumption 36:23 37:1 39:13,19,24
named 24:6	Okay 5:15,18,21 6:25 7:13,22,25	paper 28:1	23:24 25:22 33:20	39:25 44:19
names 40:11	8:14,21,24 9:2,5,8	paragraph 5:11 11:6 12:1 14:22	42:22 44:3	pretrial 35:11,14 35:23 43:21,25
NATIONAL 1:23	9:15 10:1,6,12,18	14:23 15:18 16:24	phones 42:8	44:8 46:4,11
nature 19:9 39:20	10:25 11:24 12:23	17:8,20 18:10,12	photographs 31:7,9 37:6	prevent 37:23
necessitated 42:4	14:1,10 15:9,16	18:17,24 19:11,14	pieces 42:8	previous 11:4 19:10 28:20
need 38:8	15:23 16:7 17:10	20:1 21:13 23:1	Pittsburgh 40:4	previously 41:10
neither 47:6	17:14 18:1,13,17	24:14 25:11,16	place 17:18 32:24 43:19 44:21	primary 7:5,7
never 43:5	19:2,11,14 20:1	27:4,20 32:4,7 34:6	placed 42:22 43:14	printout 26:3
niece 41:3,5	21:13,18 22:12,24	paragraphs 5:11 5:18 6:3 7:14 9:3	Plaintiff 1:3,8	prison 37:10,12 38:22
nine 40:6	23:18,24 24:1,8	14:5,7,7 16:1 24:24	plan 36:8,10 37:20	probable 1:6 4:23
nonbelievers 11:7 11:12 36:14	24:14,21 25:6,10	part 12:10 23:5 26:18 44:1	plane 26:12 42:17 42:19	
normal 29:5 41:22 43:9	25:13,19 26:6,12	partake 16:17	planning 36:7	
North 21:23 28:13 41:18	26:17,24 27:3,6,9		plans 19:16,20 38:3	
Notary 1:21 47:17	27:16 28:10,12,15			
notify 45:24	28:18,21,24 29:1			
number 3:8 5:18	29:12 30:1,24 34:14,23			

13:19 21:1 29:25 35:3 37:2 39:10 proceed 3:14,16 39:11 proceedings 1:22 46:16 processed 20:9,22 produced 1:22 property 42:8,9 protect 45:25 46:5 prove 37:17 provide 5:15 9:16 35:5 providing 36:21 public 1:21 38:17 47:17 purchase 37:7 purchased 25:19 25:24 36:2 purchasing 25:16 purposes 4:23 pursuant 41:16 put 27:25,25 38:23 43:22 44:21 p.m 1:5 26:14	rebut 37:1 39:25 rebuttable 36:22 39:19,23 recall 14:19,21 23:18,22,23 26:15 received 20:23 23:1 25:21 recognition 45:17 recognize 40:12 record 3:24 recorded 1:22 recording 1:22 47:5 recover 27:7 Recross-Examin... 2:6 34:3 redirect 2:6 30:5,8 reduced 36:11 reference 11:1 15:3 15:4 32:6,7 referenced 31:3,19 32:21 33:13 references 32:13 referencing 31:18 referring 5:10 12:1 13:14 14:5 17:19 regarding 19:16 32:3 REGION 1:24 registered 6:21 7:3 regularly 32:14 38:2 release 44:2 46:12 remain 42:11,23 remained 41:23 remanded 46:17 removed 23:6 rendered 39:9 repeat 10:21 replies 16:10 report 46:11 REPORTING 1:23 repost 7:19,21,21 7:24 reposted 8:4 reposting 5:25 8:9 repostings 7:14,18	8:9 required 36:24 39:4 46:13 research 23:2 24:15 researched 36:12 residence 41:24 43:5 residency 41:24 residents 40:21 resides 40:7 41:19 44:6 resolve 6:10,15,18 resolved 33:2 resources 35:6 respond 16:12 45:2 responded 16:18 response 16:14,16 16:19 17:2 18:7 responsible 36:4 restraints 43:19 result 21:24 22:4 results 6:15 return 43:18 returned 39:14 returns 6:14 Retweeted 8:7,13 review 46:11 reviewed 27:18 rhetoric 42:2 right 3:19 5:19,22 6:20 8:3,14,19,25 9:3,10,16,20 10:12,20 11:16,24 12:1,4,12 13:10 13:21 14:11,15,18 14:23 15:3,3,6,21 16:3,14,15,20,23 17:3,5,12,17,19 17:22 18:15,19 19:24 20:4,5,11 20:24 21:3,5,14 22:13,20,24 23:12 23:21 24:11,12 25:10,11 29:16,18 34:18,21 46:9 rise 40:11	risk 35:24 38:11,14 43:4,13 risks 45:18 robust 37:25 Rocca 12:14 32:24 routes 19:16,19 23:3 36:13 running 41:1	seeking 35:11 seized 30:14,16 33:20,22 36:17 44:3 sent 15:1 22:5 sentence 14:25 39:2 sentencing 37:11 September 22:11 serious 35:24 38:11 38:14 45:17 serve 37:17 45:23 served 21:22,23 service 1:22 46:17 services 43:21,25 44:8 46:4,11 session 3:1 set 5:12 39:20 seven 40:6 Shabab 11:15 Shabaz 11:18 Sham 19:1,1,4 shape 41:23 short 9:11 show 6:15 8:7 43:3 showed 22:5 23:9 sidebar 13:2 signed 6:13 significant 38:7 39:17 43:19 simply 12:20 31:13 45:23 sir 5:17,20,23 7:12 7:12 8:18 9:1,4,7 9:25 10:9,11,17 10:21,24 11:14,19 12:3 14:5,9,14 15:20 16:1,2,6,22 17:1,9,23,25 18:2 18:3,6,10,20 19:13,17,21 20:3 22:14 23:23,25 24:17,20 25:3,18 26:23 27:5,15 28:8,25 29:4,20 34:8,10 sit 4:14 small 30:23 41:8
<hr/> Q <hr/> question 8:8 10:21 11:5 16:16 20:14 20:21 24:14 32:10 32:16 34:6,16 questions 5:1 10:14 13:13				
<hr/> R <hr/> R 47:1 raise 3:19 raised 40:4 range 37:11 read 11:7 22:19,21 28:7 real 37:24 reason 24:10 reasonable 28:3 reasonably 36:24 39:4 46:13 reasons 44:18 46:6				
			<hr/> S <hr/> safety 36:25 39:5 39:21 43:16 44:22 44:22 45:22,25 46:5,14 satisfy 44:12 saw 20:8,8,11,12,12 25:9 26:3,4 saying 7:11 15:4 22:6 34:15 says 14:25 18:13 scheduled 3:8 school 29:8,10 40:7 41:13 seal 47:12 search 21:21,22,24 23:5 27:7 28:5,18 28:18,21,22 29:1 29:15 30:11 36:17 38:16 42:6,7 43:7 44:1 45:4,14 46:3 searched 27:9 33:18 searches 23:9,10,14 23:18 24:2,19 25:7,9,14 44:9 seated 3:5 second 8:5 15:23 18:18,18 21:15 Secretary 9:19 Security 20:20 25:22 see 8:12 15:2,3 16:1 17:2 18:1 19:16 20:22 24:16 25:17 27:4 33:15 45:9 46:4 seek 13:12	

snap 36:6	stuff 28:6	talking 6:3 7:14	36:7,17,20,25	1:20
solely 12:17 13:14	submit 36:25 37:14	14:1 15:13,13	37:9,13 38:6,8,10	transcript 1:6,22
solid 45:8	38:10,25 39:24	talks 14:22 19:14	38:17,21 39:2,12	transcription 1:22
someone's 19:7	42:5,25 44:12,18	21:13 25:10,16	39:14,16 40:1,15	transgression 9:12
45:13	45:12,21 46:3,7	task 20:18,19 25:23	40:16,17,17,18,20	travel 18:9 19:16
soon 18:8,14	submitted 20:17	26:18	40:23,24,25 41:6	19:20 23:3,10
sorry 10:21 13:23	22:3 35:13,23	tell 7:18 32:7	41:7,18,21,24	33:3,10 36:3,8,12
13:24 14:7 27:4	subpoena 6:14	telling 12:13	42:2,6,10,11,14	38:3
32:9 35:16	subpoenas 6:8	terms 45:13	42:18,20,22 43:3	traveling 19:5,7,8
sound 1:22	subsequently 41:20	Terrorism 20:19	44:6,21 45:5,7,11	26:20
speak 8:6	substantial 35:25	terrorist 9:9 10:4	45:15,19,21,24	trial 39:11 44:23
SPEAKERS 3:4	37:12,13,16 39:2	11:8,11,12 12:16	46:1,5,7 47:16	46:8
46:20	sudden 45:25 46:6	32:24 35:7 36:4	thorough 28:5	truck 38:24 41:3
speaks 11:6	Suite 1:9,13,17,24	36:22 38:13	thought 20:21	true 4:12,14 16:25
special 3:12,18	support 4:5 5:15	testified 30:11	threat 42:14 43:1	32:5 37:8 41:8
25:22	9:16 32:13 35:6	33:15	three 8:16 17:5,18	truth 4:10 16:9
specific 15:4,25	36:9 38:12 40:9	testimony 4:19	18:19 19:15 32:1	try 45:11
17:20 23:14 25:13	40:10,12,19,20	35:1	36:2	trying 41:1
28:8 31:19 32:17	41:4	testing 42:9,21	ticket 25:24 26:4	Turkey 22:7 23:3
32:19	supportive 40:25	thank 4:1,25 5:2	36:2 37:8 42:17	33:5
specifically 7:10	supports 41:2	13:21 22:6 30:4,6	tickets 25:17,20	Turkish 22:5
32:8,11	sure 6:2,8 9:17,17	33:24 34:24,25	ties 37:15,17,22	turned 9:12
Spell 3:24	20:7 23:15 43:15	35:17,18,21 39:6	39:17 40:3 43:4	turning 32:3
spent 40:5	45:11	39:7 40:15 44:24	time 4:12 11:14	tweets 5:22 6:23
sport 36:21	surveillance 45:4,6	44:25 45:2 46:8,9	12:25 19:4 21:16	Twitter 5:19 7:20
stand 3:18 35:15	45:8	46:18	23:15 26:12,18	8:4,12 15:15
38:23	surveilled 45:7	theme 19:3	28:15,22 29:1,13	18:25 31:1,3,4,9
starts 17:7	sustain 30:1	thereof 47:8	29:19 33:13 36:8	38:20,22
state 3:23 9:19 18:8	swear 4:10	thing 8:11,13	37:12 40:8 42:10	two 5:11 11:25 12:7
18:13 20:20 32:11	swore 21:18	think 9:11,11 16:9	43:5 44:1,8	13:8,10 14:2,10
35:8	SWORN 3:21	16:10,11 18:6	Title 35:8	14:17,23 15:1,10
stated 12:20 16:15	Syria 12:14,15 19:1	22:10 27:20 29:9	today 4:14,20,24	15:24 16:4,15,24
27:18	19:4,4,5,5,8 32:24	29:10,10 30:22	40:10 41:4,19	16:25 17:19 19:15
statement 38:22	36:3,13	42:25	told 21:20 26:1	19:19 30:22,22,23
statements 10:14	system 40:3	Thomas 1:4,20 3:7	Tonia 40:19	30:23 31:23 32:3
10:15		4:6 5:21 6:11,16	tools 6:9	34:6,11,20 36:18
states 1:1,2,7 3:6	T	6:19 7:8,25 8:10	total 37:9	37:21 40:6 41:8
3:11 16:25 46:17	T 47:1,1	8:12 10:13 11:17	totally 39:18	43:12 44:6
stating 34:17	table 3:12	13:9 14:18,21	trace 7:8 8:9	Two's 32:5
stayed 30:20	take 16:11 21:16	15:2,19 16:5,8	traced 37:5	two-day 14:4
step 35:15 44:12	41:13	17:3 18:5,22 21:7	tracing 7:10	type 46:1
steps 41:22 42:18	taken 22:2 43:1	21:25 22:8 23:2,6	tracker 43:23	typed 23:16 24:1
street 1:9,13,17,24	takes 17:18	23:7,7 26:17	traffic 41:1	typing 24:22
21:24 28:13 41:18	talk 5:19 8:21	30:12 31:1,6,7	training 12:11,13	
43:2	14:15 18:1 19:14	32:6,13 33:1,4,6,7	12:15,16,21,24	U
strong 37:4,25 40:3	20:1 27:3 42:2	33:10,14 34:12,17	transcribed 47:5	unable 25:13
40:9 43:4	talked 24:14	34:21 35:24 36:2	TRANSCRIBER	unannounced 44:9

uncle 40:25	WARDLAW 1:20	world 38:5	19106 1:10,14,18	35 2:3 23:1 24:24
understand 35:10	warning 36:19	would've 27:18	19123 28:14	25:11
39:9,19	37:22	36:18 43:1		36 21:13
unemployed 37:19	warrant 4:6 21:21	written 22:22	2	37 27:4,20
41:9	21:22,24 23:5	wrote 8:1	2 13:10 14:10,15	38 24:14,25
unique 6:16	27:7 28:19,22		2:15-mj-00417-1	39 25:16
United 1:1,2,7 3:6	29:2,15 30:11	X	1:2	
3:11 46:17	36:17 38:16 42:6	X 2:1	20 22:11 26:14	5
unknowing 36:7	42:7 43:7 45:4,14		34:19	5 2:5
untoward 44:9	wasn't 9:18 13:23	Y	2013 9:6 10:7,18,22	540 1:13,17
46:4	16:12		32:14 41:17,17	
user 30:24 37:5	watching 26:21	yeah 8:5,6 9:17	43:6	6
utilized 6:19	45:10	12:6,8 15:8,8	2014 9:9,20 13:10	6:30 26:2
U.S 1:8 37:24 38:19	way 7:9 16:21 18:7	16:16 20:8 21:16	14:10,15 31:12	6:55 26:14
38:21	29:3,25 41:21,23	22:21 23:14,14,17	2015 1:5 4:10 13:11	601 1:13,17
U.S.C 35:9 37:3	42:22 43:9	25:8,8 26:19	14:13 15:25 17:22	615 1:9
	websites 23:12	29:20 34:19	17:24 18:1 22:11	
V	week 28:19 29:16	year 36:8 41:17	32:14 33:8,11	7
vague 32:16	29:17	years 37:10,11 41:9	36:1 47:13	71.23.230.0 6:17
van 45:6	went 22:1 29:5	41:25 42:15	215 1:10,14,18	8
various 23:2 31:5	41:17	young 3:7 36:19	23 14:7	802 21:23 28:13
31:17	weren't 7:23 26:21	37:21 43:24	23rd 22:9	861-8474 1:10
verified 19:19	West 1:17	younger 30:23 44:7	2339A(b) 35:9	
20:20 26:5	we're 14:1	youngest 41:13	2339(b) 37:3	9
verify 12:23	whatsoever 40:2	YOUNGLIONESS	24 45:4	9 1:5
VERITEXT 1:23	42:18 43:8	1:5	25 12:1 14:7,23	9:00 28:16
versus 3:6	Williams 1:8 2:5,6	1	15:15,18	928-0520 1:18
videotaped 36:5	3:10,11,16,17 4:2	1:23 1:5	25th 22:10	928-1100 1:14
violated 37:3	4:22 5:1 13:1,12	10 41:25 42:15	26 32:4,7,10 34:7	
violation 35:8	13:16 20:13 24:23	10th 21:24 28:13	36:1	
violence 38:12,18	29:24 30:5,6,10	41:18	27 14:7,7 15:18	
violent 36:9 37:25	32:20,23 33:25	10:00 28:16	25:21 30:12	
38:13 45:25 46:6	34:25 35:10,12,18	11 9:3	27th 21:24 23:6	
visa 21:14 22:7,10	35:21 45:1,2 46:9	11:00 43:11	29 17:8,20 36:18	
37:8	46:18	12 11:6	29th 25:25 26:14	
vs 1:3	wish 16:25	1250 1:9	27:1 42:17,20	
vulnerable 45:23	witness 2:4 3:25	13 9:3		
	11:4 13:17,24	14 17:24	3	
W	25:1,3 32:22	14th 18:19	3 2:3,5 4:10	
Walnut 1:13,17	35:17 47:12	15 37:10,11	3rd 42:24 44:17	
want 8:21	witnessed 22:2	15-417m 3:8	30 2:6 17:22 18:1	
wanted 16:17 34:17	woman 40:1	17 13:11 14:13	20:1	
34:23	word 18:9 20:23	15:25	30-year-old 40:1	
wanting 10:16 11:5	words 23:16,16	18 35:9 37:3	31 17:20 18:17,24	
18:5,23	work 41:10	1800 1:24	32 19:14	
wants 18:11 41:2	working 41:3	1801 1:24	33 14:8 16:1	
43:18	works 27:23	19103 1:25	34 2:6 14:8 16:1,24	