

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,)	File No. 15-CR-46
)	(MJD)
Plaintiff,)	
)	
vs.)	Minneapolis, Minnesota
)	February 26, 2015
Abdullahi Mohamud Yusuf,)	10:25 a.m.
)	
Defendant.)	
)	

BEFORE THE HONORABLE MICHAEL J. DAVIS
UNITED STATES DISTRICT COURT JUDGE

(CHANGE OF PLEA HEARING)

APPEARANCES

For the Plaintiff:	U.S. Attorney's Office ANDREW R. WINTER, AUSA JOHN DOCHERTY, AUSA 300 South Fourth Street, #600 Minneapolis, Minnesota 55415
For the Defendant:	Federal Public Defender's Office MANVIR KAUR ATWAL, ESQ. 300 South Fourth Street, #107 Minneapolis, Minnesota 55415
	Brandl Law, LLC JEAN M. BRANDL, ESQ. 310 Fourth Avenue South, #5010 Minneapolis, Minnesota 55415
Court Reporter:	LORI A. SIMPSON, RMR-CRR 300 South Fourth Street, #1005 Minneapolis, Minnesota 55415

Proceedings recorded by mechanical stenography;
transcript produced by computer.

P R O C E E D I N G S

IN OPEN COURT

1 THE COURT: Let's call this matter.

2 THE CLERK: The United States of America vs.
3 Abdullahi Mohamud Yusuf, Criminal Case No. 15-CR-46.
4 Counsel, please state your appearances for the record.
5

6 MR. WINTER: Good morning, Your Honor. Andrew
7 Winter and John Docherty appearing on behalf of the
8 government.
9

10 THE COURT: Good morning.

11 MS. BRANDL: Good morning, Your Honor. Jean
12 Brandl and Manny Atwal appearing for Yusuf -- Abdullahi
13 Yusuf.

14 THE COURT: Good morning. Please step forward.
15 My understanding this is here for a change of plea. Is that
16 correct?

17 MS. BRANDL: That's correct, Your Honor.

18 THE COURT: All right. Mr. Winter, will you go
19 over the Plea Agreement and Sentencing Stipulations and then
20 we have to go over his waiver of being indicted.

21 MR. WINTER: Yes, Your Honor. Thank you.

22 **EXAMINATION**

23 BY MR. WINTER:

24 Q. Mr. Yusuf, good morning.

25 A. Good morning.

1 Q. I've got a document in front of you and it's entitled
2 Plea Agreement and Sentencing Stipulations, correct?

3 A. Correct.

4 Q. You've had time to read this document?

5 A. Yes, sir.

6 Q. Gone over it with your attorneys?

7 A. Yes, sir.

8 Q. What we're going to do is we're going to cover -- walk
9 through the plea agreement so that there's a mutual
10 understanding as to what the contents of the plea agreement
11 are. Okay?

12 A. Okay.

13 Q. The first portion of the plea agreement refers to the
14 fact that this agreement doesn't bind any other agencies
15 other than the United States Attorney's Office for the
16 District of Minnesota. Do you understand that?

17 A. Yes, sir.

18 Q. Paragraph 1 refers to the actual charge that you are
19 planning to plead guilty to this morning, that being a
20 conspiracy to provide material support and resources to
21 ISIL. Do you understand that?

22 A. Yes, sir.

23 Q. Paragraph 2 is called Factual Basis and Stipulated
24 Facts. This is a recitation of facts that if true, we're
25 asserting to the Court, would make you guilty of the offense

1 contained in the information, correct?

2 A. Yes, sir.

3 Q. And we'll come back, at the Court's instruction, to the
4 specific facts during this hearing. All right?

5 A. Yes, sir.

6 Q. Paragraph 3 refers to waiver of pretrial motions. Do
7 you see that?

8 A. Yes, sir.

9 Q. And what this says is that as part of this plea
10 agreement, that you are willingly and voluntarily waiving
11 your right to file pretrial motions and challenge evidence
12 collected against you in this case. Do you understand that?

13 A. Yes, sir.

14 Q. Paragraph 4 refers to statutory penalties that are
15 attached to the count that you intend to plead guilty to and
16 that includes a 15-year maximum term of imprisonment,
17 supervised release term of life, fine of up to \$250,000, and
18 a special assessment of \$100. Do you understand that?

19 A. Yes, sir.

20 Q. Paragraph 5 refers to revocation of supervised release.
21 Assuming you plead guilty this morning and you are
22 sentenced, you will eventually be placed on supervised
23 release. And if you were to violate the conditions that
24 Judge Davis places upon you, he can send you back to prison.
25 Do you understand that?

1 A. Yes, sir.

2 Q. Paragraph 6 refers to the guideline sentencing
3 stipulations and these are agreements that you and your
4 attorneys and the government have come to with respect to
5 how the guidelines are going to be applied to your case.
6 Does that sound right?

7 A. Yes, sir.

8 Q. And you understand that the Court, His Honor, does not
9 have to abide by these stipulations, it's simply us
10 informing him what our belief is as to those things; do you
11 understand that?

12 A. Yes, sir.

13 Q. And he ultimately can accept or reject those
14 stipulations.

15 And just to get into some of the specifics, one of
16 the adjustments, it's paragraph (c), Chapter 3 Adjustments,
17 and we're on page 4, refers to a 12-level adjustment under
18 Section 3A1.4, commonly referred to as a terrorism
19 enhancement, and you're agreeing that that applies. You
20 understand that that's part of the agreement?

21 A. Yes, sir.

22 Q. And you're reserving the right to argue that you played
23 a minor role in this conspiracy. That's laid out in that
24 same paragraph, right?

25 A. Yes, sir.

1 Q. And we're agreeing that there aren't any other
2 adjustments contained in that guidelines book that apply to
3 your case, right?

4 A. Yes, sir.

5 Q. Paragraph (d) is very important. This lays out
6 acceptance of responsibility, which is a three-level
7 decrease that would apply, but there are certain conditions
8 that need to be met in order for the Court to reduce your
9 offense level by three and that includes providing truthful
10 disclosures to the United States, accurate and truthful
11 financial information. And that's all part of the
12 presentence report that Probation is going to prepare,
13 right?

14 A. Yes, sir.

15 Q. You have to comply with the conditions of your release
16 that you're under right now. You need to make sure that you
17 don't do anything inconsistent with acceptance of
18 responsibility. It's a fancy way of saying you need to keep
19 your nose clean between now and sentencing, right?

20 A. Yes, sir.

21 Q. All right. And if you meet all these conditions, then
22 we're going to assert that you're eligible for that
23 three-level reduction for acceptance of responsibility. All
24 right?

25 A. All right.

1 Q. When we do all the math, we come up with a total offense
2 level or adjusted offense level of 38 and it will be reduced
3 by three for acceptance and there's a possibility you could
4 get another reduction for a minor role, but because of the
5 terrorism enhancement, you're over at a Category VI on
6 criminal history, which is under paragraph (f), right?

7 A. Um-hmm.

8 Q. And then ultimately paragraph (g) lays out the fact that
9 you're -- with the statutory maximum of 15 years, your
10 guidelines range is 180 months, right?

11 A. Yes, sir.

12 Q. Okay. Fine range, you've read that and you understand?

13 A. Yes, sir.

14 Q. Supervised release on paragraph (i), we've already
15 talked about that, two years to life. Do you understand
16 that?

17 A. Yes, sir.

18 Q. You're also in this agreement reserving the right to
19 make additional arguments for a downward variance from
20 whatever the Probation Department comes up with in that
21 presentence report we've talked about. So you've got the
22 ability to make other arguments about your sentence, you're
23 reserving that right, do you understand that?

24 A. Yes, sir.

25 Q. Paragraph 7 where it says, "Discretion of the Court,"

1 I've already touched on that a little bit, which is that
2 these stipulations aren't binding on the Court. Judge Davis
3 will make his own decision and you'll have to abide by that
4 decision. You won't be able to withdraw from the plea
5 agreement if he finds something different in here than we
6 found. Do you understand that?

7 A. Yes, sir.

8 Q. Paragraph 8, we've talked about special assessment.

9 And paragraph 9 talks about forfeiture, and we
10 haven't had any discussions about that. We don't believe
11 there's any forfeiture involved at this point, but that
12 could arise later on.

13 Paragraph 10 refers to immigration consequences.
14 You understand what that paragraph explains?

15 A. Yes, sir.

16 THE COURT: Let's go over that.

17 MR. WINTER: Okay.

18 BY MR. WINTER:

19 Q. You recognize that by pleading guilty that there may be
20 some consequences with respect to your immigration status,
21 including removal or deportation if you're not a citizen of
22 the United States? Are you a citizen of the United States?

23 A. Yes, sir.

24 Q. Okay. Regardless, you understand that no one, including
25 the U.S. Attorney or this Court, can predict exactly what

1 consequences there may be on an immigration status as a
2 result of pleading guilty; do you understand that?

3 A. Yes, sir.

4 Q. So regardless of any immigration consequences that may
5 follow, you're aware that there may be immigration
6 consequences that follow and you understand that if that
7 happens, and we're not saying it will, but if that happens,
8 it's not a basis for you to come back and ask to be absolved
9 of this agreement?

10 A. I understand.

11 Q. Okay. And then the last paragraph is that this
12 agreement sets forth the extent of the plea agreement and
13 sentencing stipulations in this case, right?

14 A. Yes, sir.

15 MR. WINTER: Should I move on to the waiver of the
16 indictment, Your Honor?

17 THE COURT: Please. Let's swear the defendant in.

18 THE CLERK: Please raise your right hand.

19 (Defendant sworn.)

20 BY MR. WINTER:

21 Q. Mr. Yusuf, I've got a document in front of you now that
22 is the waiver of the indictment. We're proceeding this
23 morning on a document called an information, correct?

24 A. Yes, sir.

25 Q. The Fifth Amendment of the Constitution says that you

1 have a right to have your case brought against you by way of
2 grand jury indictment. And a grand jury is a group of
3 citizens who sit and they listen to the evidence that the
4 government presents and they're an independent body.

5 If 12 grand jurors concur that there's probable
6 cause for a charge such as conspiracy to provide material
7 support, then they would indict. If they did not find that
8 there is sufficient evidence, then they would issue a no
9 bill.

10 That's the traditional method of being charged
11 with a felony in federal court. By signing this document
12 today, you're waiving the right to have your case processed
13 that way and you're agreeing to a more -- slightly less
14 formal version, which is an information. The information
15 was drafted by my office, not by the grand jury, and you're
16 proceeding that route.

17 You understand that by doing that, you're giving
18 up all those rights to have your case go through the grand
19 jury and have those citizens listen to the evidence and make
20 their own decision?

21 A. I understand.

22 Q. And if that's the case, I would like you to sign where
23 it says your name and then I'm going to sign underneath as
24 witness, as well as your attorney, Ms. Brandl.

25 MS. BRANDL: For the record, Ms. Atwal has already

1 signed.

2 MR. WINTER: Tender this?

3 THE COURT: You may keep it there for now.

4 Counsel, is that your understanding of the Plea
5 Agreement and Sentencing Stipulations?

6 MS. BRANDL: Yes, Your Honor.

7 **EXAMINATION**

8 BY THE COURT:

9 Q. Sir, would you state your true and correct name for the
10 record, please.

11 A. Abdullahi Mohamud Yusuf.

12 Q. And how old are you?

13 A. 18 years old, Your Honor.

14 Q. And how far have you gone in school?

15 A. I've completed high school and was enrolled in college,
16 Your Honor.

17 Q. And where were you enrolled in college?

18 A. Inver Hills Community College, Your Honor.

19 Q. And can you read and write the English language?

20 A. Yes, I can, sir.

21 Q. And did you have an opportunity to go over the Plea
22 Agreement and Sentencing Stipulations with your attorneys?

23 A. Yes, Your Honor.

24 Q. And did they go over that agreement with you line by
25 line?

1 A. Yes, Your Honor.

2 Q. And did they read it to you or did you read it along
3 with them?

4 A. Both, Your Honor.

5 Q. And did you understand it?

6 A. Yes, Your Honor.

7 Q. And when you did not understand a word or a phrase or a
8 sentence or a concept, did you ask your attorneys about
9 that?

10 A. Yes, Your Honor.

11 Q. And did they explain it to your satisfaction so you
12 would understand what was going on?

13 A. Yes, Your Honor.

14 Q. And you understand that you're here to enter a plea of
15 guilty to the information?

16 A. Yes, Your Honor.

17 Q. All right. Now, I would ask you to turn to the last
18 page of the Plea Agreement and Sentencing Stipulations. Is
19 that your signature, sir?

20 A. Yes, Your Honor.

21 Q. And with that signature, does that mean that you've read
22 this document?

23 A. Yes, Your Honor.

24 Q. That you understand it?

25 A. Yes, Your Honor.

1 Q. And that you agree with everything that's in it?

2 A. Yes, Your Honor.

3 Q. Now, you understand that you could continue on and have
4 the government take this matter to the grand jury and see
5 whether or not you would be indicted by a grand jury; do you
6 understand that?

7 A. Yes, Your Honor.

8 Q. And if you were indicted by a grand jury, you could
9 enter a plea of not guilty and you would be entitled to a
10 jury trial of 12 persons. Do you understand that?

11 A. Yes, Your Honor.

12 Q. And at your jury trial you would be presumed innocent of
13 any and all charges against you. Do you understand that?

14 A. Yes, Your Honor.

15 Q. The burden of proof would be on the government to prove
16 you guilty beyond a reasonable doubt. Do you understand
17 that?

18 A. Yes, Your Honor.

19 Q. Proof beyond a reasonable doubt is a very, very high
20 standard. Do you understand that?

21 A. Yes, Your Honor.

22 Q. And the way the government would try to prove you guilty
23 beyond a reasonable doubt is by calling witnesses into open
24 court. Those witnesses would be placed under oath and they
25 would give testimony against you. Do you understand that?

1 A. Yes, Your Honor.

2 Q. You would have a right to confront and cross-examine
3 those witnesses through your attorney, Ms. Brandl. Do you
4 understand that?

5 A. Yes, Your Honor.

6 Q. Do you also understand that you would have an absolute
7 right to testify at your trial?

8 A. Yes, Your Honor.

9 Q. And if you decided to testify at your trial and tell
10 your side of the story to the jury, you would have an
11 absolute right to do that. Do you understand that?

12 A. Yes, Your Honor.

13 Q. And if you testified, you would be placed under oath
14 like any other witness. Do you understand that?

15 A. Yes, Your Honor.

16 Q. And you would be subject to cross examination by the
17 government. Do you understand that?

18 A. Yes, Your Honor.

19 Q. Now, you have an absolute right to use the court's power
20 to bring in any witnesses or documents necessary for your
21 defense. Do you understand that?

22 A. I understand, Your Honor.

23 Q. And you also have an absolute right to remain silent.
24 Do you understand that?

25 A. Yes, Your Honor.

1 Q. And that means that at this hearing no one could force
2 you to give evidence against yourself. Do you understand
3 that?

4 A. Yes, Your Honor.

5 Q. And if you went to trial, do you understand that you
6 would have an absolute right to remain silent, sit at the
7 counsel table and not say a word, and no one could force you
8 to testify; do you understand that?

9 A. Yes, Your Honor.

10 Q. And if you decided not to testify at your trial, do you
11 understand that neither the government nor the court could
12 make any negative comments to the jury about you not
13 testifying and telling your side of the story to the jury;
14 do you understand that?

15 A. Yes, Your Honor.

16 Q. You have a right to a speedy trial. You have a right to
17 a trial within approximately 70 days of your first
18 appearance. Do you understand that?

19 A. Yes, Your Honor.

20 Q. That means that the United States Government could not
21 hold you indefinitely without you having a jury trial. Do
22 you understand that?

23 A. Yes, Your Honor.

24 Q. And if we went to trial and the jury began its
25 deliberations, do you understand that when the jury begins

1 its deliberations, they will review all the evidence and
2 follow the law of the court and before they could find you
3 guilty of any count in the indictment, all 12 members of the
4 jury would have to agree beyond a reasonable doubt that you
5 were guilty of that count; do you understand that?

6 A. Yes, Your Honor.

7 Q. That means the verdict would have to be unanimous, all
8 12 jurors would have to agree. Do you understand that?

9 A. Yes, Your Honor.

10 Q. If I accept your plea of guilty and sentence you, you
11 will not have a court trial nor would you have a jury trial
12 of 12 persons. You would not have a trial of any kind. Do
13 you understand that?

14 A. Yes, Your Honor.

15 Q. If I accept your plea of guilty and sentence you, you
16 understand that you will have a limited right of an appeal
17 to the higher court, which is the Eighth Circuit Court of
18 Appeals and that court sits in St. Louis, Missouri? That
19 court reviews all of my sentences to see whether or not they
20 follow the law and the Constitution. Do you understand
21 that?

22 A. Yes, Your Honor.

23 Q. And you will be able to appeal my sentence to that
24 court, but you would not be able to appeal whether or not
25 you were innocent. Do you understand that?

1 A. Yes, Your Honor.

2 Q. Now, have there been any threats made to you by anyone
3 to get you to enter a plea of guilty here today?

4 A. No, Your Honor.

5 Q. Have there been any promises made to you to get you to
6 enter a plea of guilty other than what's in the Plea
7 Agreement and Sentencing Stipulations that you've signed?

8 A. No, Your Honor.

9 Q. And you understand that I'm not a party to the plea
10 agreement?

11 A. I understand, Your Honor.

12 Q. Now, are you under the care of a doctor, health care
13 practitioner, or nurse at this time?

14 A. No, Your Honor.

15 Q. Are you taking any prescribed medications at this time?

16 A. No, Your Honor.

17 Q. Have you had any drugs or alcohol within the last
18 48 hours?

19 A. No, Your Honor.

20 Q. And are you clearheaded here today?

21 A. Yes, I am, Your Honor.

22 Q. And you understand what's going on here today?

23 A. Yes, I am, Your Honor.

24 Q. Now, have you had enough time to consult with your
25 attorneys, Ms. Brandl and Ms. Atwal, regarding your case?

1 A. Yes, Your Honor.

2 Q. And have they gone over all the information that the
3 government has against you, any defenses that you may have
4 to any of the crimes that you may be charged with?

5 A. Yes, they have, Your Honor.

6 Q. And are you satisfied with their representation of you?

7 A. Yes, I am, Your Honor.

8 Q. Now, my job is to determine whether or not you
9 understand your constitutional rights. Do you understand
10 that?

11 A. Yes, Your Honor.

12 Q. Do you have any questions about any of the rights that
13 I've gone over with you here today?

14 A. No, Your Honor.

15 Q. And do you also understand that before you can enter a
16 plea of guilty, I have to make sure that you understand
17 those rights and that you knowingly, voluntarily, and
18 intelligently give up those rights to enter a plea of
19 guilty; do you understand that?

20 A. Yes, Your Honor.

21 Q. Do you have any questions of me, your attorneys, the
22 government about any of the constitutional rights I've gone
23 over with you here today?

24 A. No, Your Honor.

25 Q. And do you knowingly, voluntarily, and intelligently

1 give up those rights to enter a plea of guilty?

2 A. Yes, Your Honor.

3 Q. All right. To Count 1 of the information, which charges
4 you with conspiracy to provide material support and
5 resources to members of ISIL, the Islamic State of Iraq and
6 Levant, a designated foreign terrorist organization, all in
7 violation of Title 18, United States Code, Section 2339B,
8 how do you plead to that count of the information, guilty or
9 not guilty?

10 A. Guilty, Your Honor.

11 Q. Now, just because you've said you are guilty does not
12 mean, in fact, that you are guilty of the offense. I will
13 have to hear from your own mouth a factual basis that will
14 comply with the law to make you guilty of the offense. So
15 Mr. Winter will ask you a series of questions to see whether
16 or not you are, in fact, guilty of this count of the
17 information.

18 THE COURT: Mr. Winter.

19 MR. WINTER: Thank you, Your Honor.

20 **EXAMINATION**

21 BY MR. WINTER:

22 Q. Mr. Yusuf, I'm going to refer you back to the plea
23 agreement and we're really starting on page 2. I'm going to
24 ask you a series of questions.

25 First of all, between approximately March 1st and

1 June 1st is it true that you became aware --

2 THE COURT: What year?

3 BY MR. WINTER:

4 Q. -- of 2014 is it true that you became aware of a group
5 of individuals, both in the United States and outside of the
6 United States, who had traveled or who desired to travel
7 overseas to join organizations that were fighting against
8 the Syrian president, Bashar al-Assad?

9 A. Yes, sir.

10 Q. Now, during that same time frame in 2014, March through
11 April, is it true you attended a number of meetings and were
12 involved in conversations that occurred in the district of
13 Minnesota in which this fighting against the Assad regime
14 was discussed openly?

15 A. Yes, sir.

16 Q. Is it true that on April 28, 2014, with the assistance
17 of one or more of the unindicted co-conspirators, that you
18 applied for an expedited passport?

19 A. Yes, sir.

20 Q. Is it true that the funds that you used to pay for this
21 passport were provided by one of your unindicted
22 co-conspirators?

23 A. Yes, sir.

24 Q. Is it true that during this process of applying for the
25 passport, you provided false information to the passport

1 officials about the nature of your travel and that this
2 information was provided to the specialist in response to
3 their questions on their forms; is that correct?

4 A. Yes, sir.

5 Q. And specifically you told the specialist that the
6 purpose of your travel to Turkey was vacation when, in fact,
7 you intended to leave Turkey and immediately go to Syria to
8 join ISIL?

9 A. Yes, sir.

10 Q. On May 24th of 2014 you used funds that were provided by
11 an unindicted co-conspirator to purchase a round-trip ticket
12 then to Turkey; is that true?

13 A. Yes, sir.

14 Q. Then several days later, on May 28th, one of your
15 co-conspirators -- initials are A.N., but the person is Abdi
16 Nur, correct?

17 A. Yes, sir.

18 Q. -- gave you a ride to the light rail or a light rail
19 train station in South Minneapolis; is that correct?

20 A. Yes, sir.

21 Q. And you took this ride there to then go to the airport
22 and by doing so you avoided detection by law enforcement at
23 the airport; is that correct?

24 A. Yes, sir.

25 Q. Is it true that you and Abdi Nur had planned to then

1 meet in Istanbul in the very near future and then jointly
2 travel together to Syria to join ISIL?

3 A. Yes, sir.

4 Q. Then on the day that you attempted to depart, which was
5 May 28th, you were prevented from doing so by federal
6 agents; is that correct?

7 A. Yes, sir.

8 Q. And at that time you were interviewed by the federal
9 agents regarding the nature of your travel, correct?

10 A. Yes, sir.

11 Q. And when you talked to them, you maintained that you
12 just simply intended to vacation in Turkey; is that right?

13 A. Yes, sir.

14 Q. And you agree that that was, in fact, a lie?

15 A. Yes, sir.

16 Q. You also didn't notify the agents at that time that Abdi
17 Nur -- that you knew Abdi Nur also intended to leave very
18 soon for Syria, correct?

19 A. Yes, sir.

20 Q. And, in fact, it's your understanding that Abdi Nur did
21 successfully depart the United States and is currently
22 fighting with ISIL?

23 A. Yes, sir.

24 MR. WINTER: Your Honor, the government is
25 satisfied with his factual basis for the offense.

1 THE COURT: Ms. Brandl, any questions?

2 MS. BRANDL: No questions, Your Honor, but we did
3 speak before the hearing to discuss that one of the factors
4 that needs to be laid out is that ISIL had been declared a
5 terrorist organization by the United States on May 16th,
6 which was 12 days before he attempted to depart.

7 THE COURT: All right. The Court will accept the
8 plea of guilty. I will order a presentence investigation
9 report for this matter.

10 Sir, within seven days of today's date or a date
11 that's convenient for your attorneys and you, you will meet
12 with my probation officer. You will have an interview. At
13 that interview you are to be truthful and accurate with the
14 information that you provide the probation officer.

15 The probation officer will continue to investigate
16 you and complete the presentence investigation report. Once
17 that report is completed, a copy of that report will be sent
18 to your attorneys and also to the government.

19 You will have an absolute right to read that
20 report with your attorneys and if there's anything that is
21 in that report that is in error, that you object to, or you
22 think something should be added, you make sure that your
23 attorneys know about that so they can transmit that
24 information to the probation officer. The government will
25 have the same opportunity to do that.

1 Once all that is done and the probation officer
2 has all the information and reviews the information and
3 makes any corrections or additions to the report and
4 finalizes the report, once it's finalized, it will be sent
5 to me. I will read that report and I will set down a date
6 for your sentencing.

7 At your sentencing if there's any motions to be
8 made on your behalf, I will rule on those motions in open
9 court. Then we'll move to the sentencing phase of the
10 hearing.

11 The sentencing phase of the hearing means that
12 your counsel, your attorneys, will have an opportunity to
13 argue and advocate for a certain sentence for you. You will
14 have an opportunity -- you will have an absolute right to
15 talk to me. You will have an absolute right to tell me
16 anything that you want to tell me about yourself, about this
17 offense, or anything else that you think I should know
18 before I sentence you.

19 The government will have an opportunity to respond
20 to anything that you have said or anything that your
21 attorneys have said and even the government can recommend a
22 sentence to the Court. Then I will sentence you.

23 Do you have any questions about the procedures
24 that we'll be using from now on?

25 THE DEFENDANT: No, Your Honor.

1 THE COURT: And can you tell me what you've done
2 here today.

3 THE DEFENDANT: I've pled guilty, Your Honor.

4 THE COURT: And what have you pled guilty to?

5 THE DEFENDANT: To one count of providing material
6 support to a designated foreign terrorist organization, Your
7 Honor.

8 THE COURT: And what organization is that?

9 THE DEFENDANT: ISIL, Your Honor.

10 THE COURT: And do you understand what sentence
11 you're looking at?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Can you tell me what that is.

14 THE DEFENDANT: Fifteen years, Your Honor.

15 THE COURT: And are you, in fact, guilty of this
16 offense?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: You may submit the Plea Agreement and
19 Sentencing Stipulations and the waiver of the indictment.

20 Anything further for the government?

21 MR. WINTER: No, Your Honor. Thank you.

22 THE COURT: For defense?

23 MS. BRANDL: Just making sure that Mr. Yusuf can
24 continue out of custody at this time in the halfway house as
25 he has been.

1 THE COURT: Yes.

2 MS. BRANDL: Thank you, Your Honor.

3 THE COURT: Did I receive a report?

4 THE CLERK: The probation one is in there and then
5 the one I gave you from the attorney.

6 THE COURT: I didn't see one.

7 MR. WINTER: (Indicating.)

8 MS. BRANDL: Your Honor, if we may, we also
9 submitted a report from Mary McKinley from Heartland
10 Democracy this morning as well.

11 THE COURT: Right, I've read that.

12 (Pause.)

13 THE COURT: All right. The conditions that I set
14 originally will continue and any changes, plans that are
15 proposed will have to come through me for approval.

16 All right. You understand, sir, you are to
17 continue on with your conditions of your release?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: And you understand that any violations
20 of those conditions will immediately -- I will immediately
21 take you into custody and keep you in custody until your
22 sentencing?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Do you have any questions about what
25 has occurred here today?

1 THE DEFENDANT: No, Your Honor.

2 THE COURT: And have you had sufficient time to
3 talk to your family about this?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: And do you feel that they understand
6 what's going on?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: All right. We will recess.

9 MS. BRANDL: Thank you, Your Honor.

10 (Court adjourned at 10:58 a.m.)

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15 I, Lori A. Simpson, certify that the foregoing is a
16 correct transcript from the record of proceedings in the
17 above-entitled matter.

18

19 Certified by: s/ Lori A. Simpson

20 Lori A. Simpson, RMR-CRR

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