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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA)

VS.)

FAROOQUE AHMED)
_____)

1:10-CR-413

ALEXANDRIA, VIRGINIA
APRIL 11, 2011

TRANSCRIPT OF PLEA/SENTENCING
BEFORE THE HONORABLE GERALD BRUCE LEE
UNITED STATES DISTRICT JUDGE

Proceedings reported by stenotype, transcript produced by Julie
A. Goodwin.

A P P E A R A N C E S

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ALSO PRESENT:
MR. PAUL CASEY
MR. ERIC FUES

1 (APRIL 11, 2011, 12:35 P.M., OPEN COURT.)

2 COURTRROOM DEPUTY: 1:10-CR-413, *United States versus*
3 *Farooque Ahmed*.

4 MR. KROMBERG: Good afternoon, Your Honor. Gordon
5 Kromberg for the United States. With me at counsel table is
6 Paul Casey who is a trial attorney with the Department of
7 Justice counter-terrorism section.

8 MR. CASEY: Good afternoon, Your Honor.

9 THE COURT: Good afternoon.

10 MR. TROCCOLI: Good afternoon, Your Honor. Ken
11 Troccoli on behalf of Mr. Ahmed who is present. And with me is
12 Todd Richman, from my office as well, and Eric Fues co-counsel
13 from the firm of Finnegan, Henderson.

14 THE COURT: Good afternoon.

15 MR. FUES: Good afternoon, Your Honor.

16 THE COURT: Mr. Ahmed, good afternoon.

17 THE DEFENDANT: Yes, sir.

18 THE COURT: If you would come to the podium with your
19 lawyers, please.

20 (DEFENDANT COMPLIES.)

21 THE COURT: Mr. Ahmed, I understand you want to plead
22 guilty today. Is that right?

23 THE DEFENDANT: Yes.

24 THE COURT: What I would like to do is I would like to
25 review with you all the documents you have signed to make sure

1 you understand the documents and to make sure you understand
2 your rights. The first thing I'll need you to do is to take
3 the oath and promise to tell the truth under penalty of law
4 when I ask you questions.

5 THE DEFENDANT: Okay. Yes, sir.

6 THE COURT: Please raise your right hand, sir.

7 (THE OATH WAS ADMINISTERED.)

8 THE COURT: All right. Mr. Ahmed, I intend to ask you
9 questions. If at any time you have any difficulty
10 understanding me, please tell me.

11 THE DEFENDANT: Sure.

12 THE COURT: If at any time you want to speak to your
13 lawyers about my questions, please tell me. Okay?

14 THE DEFENDANT: Okay.

15 THE COURT: All right. What is your full name?

16 THE DEFENDANT: Farooque Ahmed.

17 THE COURT: And, Mr. Ahmed, how old are you?

18 THE DEFENDANT: 35.

19 THE COURT: And can you read and write?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And how far did you go in school?

22 THE DEFENDANT: I have completed master courses at
23 university.

24 THE COURT: And what language or languages do you
25 speak?

1 THE DEFENDANT: I speak English, Urdu, and Punjabi.

2 THE COURT: And how long have you been speaking
3 English?

4 THE DEFENDANT: 20 years.

5 THE COURT: So I take it you do not need an
6 interpreter for the day. Is that right?

7 THE DEFENDANT: That's correct.

8 THE COURT: Have you had any drugs or alcohol before
9 coming to court today?

10 THE DEFENDANT: No, sir.

11 THE COURT: Are you under the care of any mental
12 health professional for any mental health problem?

13 THE DEFENDANT: No.

14 THE COURT: I see that you're standing there with
15 Mr. Ken Troccoli, Todd Richman, and Mr. Fues, attorneys. Do
16 you understand you have the right to have an attorney defend
17 you in your case?

18 THE DEFENDANT: Yes.

19 THE COURT: Have you had sufficient time to discuss
20 the case with your lawyers?

21 THE DEFENDANT: Yes, I do.

22 THE COURT: And have you told them everything you know
23 about the case?

24 THE DEFENDANT: Yes.

25 THE COURT: After discussing the case with your

1 lawyers, did you decide for yourself that you wanted to plead
2 guilty?

3 THE DEFENDANT: Yes.

4 THE COURT: Did anyone threaten you or force you to
5 plead guilty?

6 THE DEFENDANT: No.

7 THE COURT: Did anyone make any promise to you that by
8 pleading guilty you will get probation or some other sentence?

9 THE DEFENDANT: Yes.

10 THE COURT: And what were you promised?

11 THE DEFENDANT: I'm sorry. No. No, sir.

12 THE COURT: I'm sorry?

13 THE DEFENDANT: The answer is no, sir.

14 THE COURT: Okay.

15 Now I have several documents here in front of me,
16 Mr. Ahmed, a document called Plea Agreement and a document
17 called Statement of Facts. Have you had a chance to review
18 these documents with your lawyer?

19 THE DEFENDANT: Yes, I have.

20 THE COURT: And there's also a document called the
21 indictment. Have you had a chance to review the indictment
22 with your lawyer?

23 THE DEFENDANT: Yes, I have.

24 THE COURT: Now my understanding is today you've
25 agreed to plead guilty to counts one and two of the indictment.

1 Count one charges you with attempting to provide
2 material support to a designated foreign terrorist
3 organization. Count one says that from on or about April 18,
4 2010, continuing through at least on or about October 25, 2010,
5 within Arlington County, in the Eastern District of Virginia
6 and elsewhere, that you, Mr. Ahmed, did knowingly and
7 unlawfully attempt to provide material support and resources as
8 that term is defined in Title 18, U.S. Code, Section 2339 AB,
9 to wit, personnel and services to a foreign terrorist
10 organization, namely al-Qaeda, and that the defendant, Ahmed,
11 attempted to assist others whom he believed to be members of
12 al-Qaeda in planning multiple bombings to cause mass casualties
13 at Metro stations in the Washington, D.C. metropolitan area.
14 And Paragraph 2 sets forth a list of occasions and events that
15 occurred between April and October.

16 Have you had a chance to review those with your
17 lawyer?

18 THE DEFENDANT: Yes, I have.

19 THE COURT: Now count two charges that in addition to
20 reasserting what was in the first count, that from on or about
21 May 15, 2010, continuing through at least on or about
22 October 25, 2010, within Arlington County, in the Eastern
23 District of Virginia and elsewhere, that you, Mr. Ahmed, did
24 knowingly and unlawfully surveil, photograph, videotape,
25 diagram, and otherwise collect information with the intent to

1 plan or assist in planning the following unlawful activities.
2 And it sets forth a list of activities, A through C, that all
3 have to do with -- going over to Page 2 -- collected
4 information with the intent to plan and assist in planning
5 multiple bombings to cause mass casualties at Metro rail
6 stations in the Washington, D.C. metropolitan area.

7 Do you understand the charges against you?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And do you understand if the case were to
10 go to trial, then the Government attorneys would have to
11 present witnesses under oath, before a judge or a jury, in your
12 presence, and to prove that you are guilty of these charges by
13 what is called proof beyond a reasonable doubt.

14 Do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Now, this document I have in front of me,
17 Mr. Ahmed, called Plea Agreement appears to be ten pages long.
18 Appears to be signed by you, Mr. Troccoli, and Mr. Kromberg on
19 Page 10.

20 Is that your signature on Page 10 of the Plea
21 Agreement?

22 THE DEFENDANT: Yes.

23 THE COURT: And have you had sufficient time to review
24 this Plea Agreement with your lawyer?

25 THE DEFENDANT: Yes, I have.

1 THE COURT: Well, let's go over it now and let's start
2 with Page 1, Paragraph 1.

3 It says here the defendant -- and that's you -- Mr.
4 Ahmed, agrees to plead guilty to counts one and two of the
5 indictment, charging defendant with attempting to provide
6 material support to a designated foreign terrorist organization
7 and collecting information to assist in planning a terrorist
8 attack on a transit facility. The maximum term of imprisonment
9 for count one is 15 years. The maximum term of imprisonment
10 for count two is 20 years. The maximum penalties for each of
11 these offenses include a fine of \$250,000, a special assessment
12 of \$100 per count, and supervised release for life.

13 Do you understand these are the two charges you
14 agreed to plead guilty to?

15 THE DEFENDANT: Yes.

16 THE COURT: And do you understand the maximum
17 punishments for each offense as I just read them to you?

18 THE DEFENDANT: Yes.

19 THE COURT: All right. Now let's go over to Page 2,
20 Paragraph 4.

21 This talks about the role of the Court and the
22 probation officer, and it's in bold. And it acknowledges that
23 the sentence here is going to be imposed under Rules 11
24 (c)(1)(C), which means that the parties have agreed, your
25 lawyer and the Government attorney have agreed to a specific

1 sentence. And it says here you've agreed to a sentence of 276
2 months of imprisonment is the appropriate disposition of the
3 case. And if I accept your plea of guilty, then this
4 recommendation binds me to impose that sentence.

5 Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: Now, Paragraph 5, which is on Page 3,
8 refers to waiver of appeal. And the second sentence says that
9 you're waiving your appeal to any sentence within the statutory
10 maximum. Let me just explain to you what an appeal is.

11 Ordinarily you would have the right to have three
12 judges of the Court of Appeals review the sentence that I give
13 you and have those three judges decide if I made some mistake
14 in applying the sentencing guidelines along to your case.
15 However, by signing this written plea agreement, you're giving
16 away your right to have three judges of the Court of Appeals
17 review the sentence that I give you, as long as I don't exceed
18 the maximum punishment.

19 Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: Let's go over to Page 4, Paragraph 8.
22 Page 4, Paragraph 8.

23 Paragraph 8 and 9 refer to what the Government has
24 agreed to give you in exchange for this plea of guilty. In
25 Paragraph 8, they would be giving you immunity from further

1 prosecution in this district, which means the United States
2 Attorney has agreed to accept your plea of guilty to these two
3 charges and not to bring any more charges against you.

4 Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: And have agreed to dismiss count three of
7 the indictment.

8 Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: Paragraph 10 talks about forfeiture, and
11 these are items that you've agreed to turn over to the
12 Government, that the Government will keep and take title to,
13 and they're set forth in Paragraph 10. They refer to money and
14 bank accounts and a car.

15 Do you see that?

16 THE DEFENDANT: Yes.

17 THE COURT: And you agree to that?

18 THE DEFENDANT: Yes.

19 THE COURT: Paragraph 12 on Page 6 refers to what
20 you've agreed to do for the Government. It has to do with
21 cooperation.

22 Have you reviewed that with your lawyers?

23 THE DEFENDANT: Yes.

24 THE COURT: Paragraph 14 refers to a motion for
25 downward departure, and that refers to cooperation. If your

1 cooperation amounts to substantial assistance, then the
2 Government is reserving its right in Paragraph 14 to file a
3 written motion with the judge and telling the judge about the
4 information. That the information you've submitted to them
5 amounts to substantial assistance. If such a motion is filed,
6 then I could consider a sentence that is less than the
7 agreed-to sentence.

8 Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: What I would like to do now, Mr. Ahmed, is
11 discuss with you the rights you would have had you decided to
12 go to trial on a plea of not guilty. These rights are on
13 Page 2, Paragraph 3, the Plea Agreement. And what I propose to
14 do is explain these rights to you and ask the lawyers to listen
15 and to let -- the lawyers let me know if I leave any of the
16 rights out.

17 I'm confident your three lawyers have explained
18 these rights to you, and I'm not trying to talk you out of
19 pleading guilty by telling you about your right to go to trial.
20 The law requires a judge to explain these rights to you in open
21 court and to make a record that you have been informed of these
22 rights with your lawyer present, the Government attorney
23 present, and the court reporter present.

24 Do you understand that?

25 THE DEFENDANT: Yes.

1 THE COURT: As I go along, if you have any questions,
2 please tell me.

3 On a plea of not guilty, you are presumed to be
4 innocent. That means you are not required to testify. You're
5 not required to call any witnesses. Your lawyer is not
6 required to question any witnesses because in a plea of not
7 guilty you have the right to remain silent and to require the
8 Government to bring witnesses to court, present those witnesses
9 under oath before a judge or a jury, and to prove to you not
10 guilty of charges -- prove that you are guilty of the charge by
11 what is called proof beyond a reasonable doubt.

12 Do you understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: You have the right to speedy trial by jury
15 with the right to have a lawyer defend you. The right to have
16 a lawyer defend you applies whether you plead guilty or go to
17 trial, and even if you cannot afford to pay and hire a lawyer,
18 the Court will pay and hire a lawyer to defend you.

19 Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: The right to speedy trial by jury means
22 you have the right to have a Court bring 50 or 60 United States
23 citizens here to the courthouse who are not connected with the
24 Government, not connected with you, and have you and your
25 lawyer and have the Government attorney select from that 50 or

1 60, 12 to act as jurors in your case.

2 12 jurors will sit to your left in those chairs.
3 It will be their job to observe the witness as the witness
4 testifies on the witness stand where the Court Security Officer
5 is standing now. You and your lawyer will be seated at the
6 table to the right closest to the witness; the Government
7 attorney at the front table to the left.

8 At a trial, the jury's job is to observe the
9 witnesses, to review all the documents in evidence. At the end
10 of the case, the jury's job is to judge, decide whether you're
11 guilty or not guilty.

12 Do you understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: At a trial the Government attorney will
15 call witnesses. The witness will come into court, take the
16 oath, and take the stand to your right, where the Court
17 Security Officer is standing now. And the Government attorney
18 would come to the podium where you are now. Of course, you and
19 your lawyer would be seated closest to the witness.

20 The Government attorney would ask the witness
21 questions about what took place between you and other
22 individuals in connection with the charges set forth in the
23 Statement of Facts: What did you do, what did you say, what
24 took place.

25 Your lawyer, Mr. Troccoli, would have the right to

1 come to the podium and to question each Government witness, to
2 challenge the witness's truthfulness, to point at any
3 inconsistency in the witness's testimony, point out any reason
4 the witness might have to color his or her testimony to seek to
5 cause your conviction.

6 The Government attorney, Mr. Kromberg, would then
7 have the right to ask follow-up questions.

8 Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: After the Government has presented all of
11 its witnesses in that fashion, then you have the right to
12 present witnesses. You are not required to call any witnesses.
13 And if there are individuals in the community who knows
14 something about the facts of your case -- they might help your
15 case -- you have the right to have your lawyer issue a court
16 order, require witnesses to come to court to testify for you.

17 Mr. Troccoli will call your witness into court, if
18 you have one. The witness will take the oath and take the
19 stand. Mr. Troccoli will come to the podium and ask the
20 witness questions, bringing out facts that undermine the
21 Government's evidence, bringing out facts that support your
22 defense.

23 The Government attorney, Mr. Kromberg, will then
24 have the right to question your witness and to challenge the
25 witness's truthfulness, pointing out any difference between

1 what your witness says occurred and what the Government witness
2 says occurred, and point out any reason your witness might have
3 to color his or her testimony to seek to avoid your conviction.
4 Mr. Troccoli would then have the right to ask follow-up
5 questions.

6 Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: At a trial, you are not required to speak,
9 and the judge and the jury could not consider if you decide not
10 to speak. If, however, you decide you want to take the oath
11 and take the stand, you have the right to do that. And after
12 taking the oath and taking the stand, Mr. Troccoli will come to
13 the podium and ask you questions, allowing you to describe in
14 your own words what you did or did not do, what you said or did
15 not say, what occurred from your point of view.

16 Mr. Kromberg would then have the right to question
17 as well the challenge of truthfulness, pointing out any
18 inconsistency between what you say occurred and what the
19 Government witness say occurred, and point to any reason you
20 might have to seek to avoid conviction. Mr. Troccoli would
21 then ask follow-up questions.

22 Do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: Following your testimony, if you decide to
25 testify, then the Government has the right to call additional

1 witnesses or they recall witnesses. And if they did, then the
2 Government attorney would ask questions first, Mr. Troccoli
3 would ask questions second, and the Government attorney would
4 ask questions third.

5 Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: At the end of the case, then, the jury,
8 the 12 who have been sitting there observing all the witnesses,
9 would have to consider all the evidence presented to them, all
10 the testimony and documents. And if, and only if, all
11 12 jurors agree that the evidence was sufficient by what's
12 called proof beyond a reasonable doubt, could the jury return a
13 verdict of guilty.

14 Do you understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: If the jury thought that the Government
17 evidence was insufficient or if the jury thought that the
18 testimony of the witnesses was unreliable or if the jury had
19 what's called a reasonable doubt, then the jury would be
20 required to find you not guilty and that would be the end of
21 the case.

22 Do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: And do you understand that by pleading
25 guilty you are giving away your right to a trial by jury. We

1 will not have a jury trial because you're pleading guilty.

2 Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: You also have the right to have the case
5 heard by the judge, meaning me, without a jury if you agree to
6 it, the Government attorney agrees to it, and I agree to it, in
7 which event all the witnesses would testify in front of me.
8 And at the end of the case, I would decide whether you are
9 guilty or not guilty.

10 Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: Now, I have another document here, Mr.
13 Ahmed, called Statement of Facts. Appears to be seven pages
14 long, and I'm showing it to you now. It appears to be signed
15 by you, Mr. Troccoli, and Mr. Kromberg.

16 Is that your signature on Page 7 of the Statements
17 of Facts?

18 THE DEFENDANT: Yes.

19 THE COURT: And have you had sufficient time to read
20 your Statement of Facts with your lawyer?

21 THE DEFENDANT: Yes, I have.

22 THE COURT: You admit this is what you did?

23 THE DEFENDANT: Yes.

24 THE COURT: And have you gone over it, all of the
25 items that are set forth in here in great detail?

1 THE DEFENDANT: Yes.

2 THE COURT: Mr. Troccoli, have you gone over this
3 Statement of Facts with Mr. Ahmed?

4 MR. TROCCOLI: Yes.

5 THE COURT: Do you-all care to add to the Statement of
6 Facts in any way?

7 MR. TROCCOLI: No.

8 THE COURT: Mr. Ahmed, do you care to add to the
9 Statement of Facts in any way?

10 THE DEFENDANT: No.

11 THE COURT: Do you agree I do not have to read this to
12 you because you read it with your lawyers?

13 THE DEFENDANT: Yes.

14 THE COURT: Now, Mr. Ahmed, by pleading guilty, you
15 are giving away your right to challenge any illegal search. If
16 the police illegally searched your home, your car, your
17 computer, your papers, or effects or any statement you made to
18 the police, you will not be able to challenge it as illegal
19 when you plead guilty.

20 Do you understand that?

21 THE DEFENDANT: Yes.

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

23 THE DEFENDANT: Yes, I am a citizen of the United
24 States and citizen of Pakistan.

25 THE COURT: All right.

1 Mr. Troccoli, is this the complete agreement you've
2 entered to with the Government on behalf of Mr. Ahmed?

3 MR. TROCCOLI: Yes.

4 THE COURT: Are there any other agreements that are
5 not in writing?

6 MR. TROCCOLI: No.

7 THE COURT: All right. Y'all step aside just for a
8 second.

9 Mr. Kromberg.

10 MR. KROMBERG: Yes, Your Honor.

11 THE COURT: Is this the complete agreement you've
12 entered into with the defendant and his counsel?

13 MR. KROMBERG: Yes, it is, Your Honor.

14 THE COURT: Are there any other agreements that are
15 not in writing?

16 MR. KROMBERG: No, Your Honor.

17 THE WITNESS: Is the Statement of Facts accurate based
18 upon the Government's investigation of the case?

19 MR. KROMBERG: To the best of our knowledge, yes, Your
20 Honor.

21 THE COURT: Thank you.

22 All right. Mr. Ahmed, come back to the podium,
23 please.

24 (DEFENDANT COMPLIES.)

25 THE COURT: Mr. Ahmed, I've asked you a lot of

1 questions. Have you understood my questions?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you have any questions for me?

4 THE DEFENDANT: No.

5 THE COURT: All right. Well, then to the two charges
6 that we discussed earlier on counts one and two of the
7 indictment, to those two charges, sir, how do you plead, guilty
8 or not guilty?

9 THE DEFENDANT: Guilty.

10 THE COURT: Let the record reflect the Court has
11 questioned Mr. Farooque Ahmed and review with him the
12 indictment, the Plea Agreement, the Statement of Facts. And
13 the Court finds that Mr. Ahmed has been informed of his rights,
14 and he understands his rights. He's been informed of the
15 nature of the charge against him and the consequences of his
16 plea and the maximum penalty provided for by the statute.

17 The Court finds the plea of guilty is freely and
18 voluntarily made without any threats of coercion of any kind
19 and with the effective assistance of counsel.

20 The Court finds that Mr. Ahmed's statement is the
21 Statement of Facts. He admits his Statement of Facts, provides
22 more than sufficient factual basis. The Court will find the
23 defendant guilty of the offenses as charged.

24 Let's select a date for sentencing.

25 Friday, July 15.

1 MR. KROMBERG: That's fine with the Government, Your
2 Honor.

3 MR. TROCCOLI: Your Honor, we -- we were going to
4 suggest if the Court wanted to entertain sentencing today, that
5 Mr. Ahmed is prepared to waive preparation of the presentence
6 report and proceed today. July -- I think the Government
7 agrees with that and is prepared to go forward today as well.
8 If the Court does not want to do that, then we will --
9 July 15th I believe is fine for counsel.

10 MR. KROMBERG: Mr. Troccoli is exactly right. We had
11 discussed it, Your Honor, and it's -- I know that I've stood
12 before you in the past and said, Oh, no, we should definitely
13 have a presentence report. And this case, after speaking with
14 the defense, we recognize that maybe it's not necessary in this
15 case given the circumstances of the plea.

16 We're -- we're both prepared to go forward if Your
17 Honor is interested, but we're also fine with having it on
18 July 15th.

19 THE COURT: All right. Well, the reason for a
20 presentence report is because the presentence report is used by
21 the Bureau of Prisons for many purposes, and without one then
22 they will not have the information to properly classify Mr.
23 Ahmed and other things. If you-all are satisfied to go forward
24 without that, I'll do it today, but I think that prudence
25 requires that we have the information collected for the Bureau

1 of Prisons.

2 MR. TROCCOLI: In other circumstances where we have
3 waived presentence report saying post-sentencing report has
4 been prepared by probation, I think whatever BOP needs can be
5 satisfied that way, if the Court were to...

6 THE COURT: All right. Fine. I'll do it right now.

7 All right. Does the Government want to be heard on
8 sentencing in the matter?

9 MR. KROMBERG: No, Your Honor. Everything that we
10 have to say is in the Statement of Facts. There's nothing in
11 addition.

12 THE COURT: All right.

13 MR. TROCCOLI: Your Honor, may I just have a moment,
14 please?

15 THE COURT: Sure.

16 (BRIEF PAUSE.)

17 MR. TROCCOLI: Thank you, Your Honor.

18 Your Honor, if the Court would permit, I would like
19 to just give you some background of Mr. Ahmed so the Court can
20 get a sense of his character and background.

21 He is 35 years old and a citizen of the United
22 States. He was naturalized in 2003. He is married; has been
23 married since 2007. His wife is present here in court today.
24 They have a child, a two --

25 THE COURT: Where is his wife?

1 MR. TROCCOLI: She's in the back.

2 THE COURT: All right. Thank you for coming.

3 MR. TROCCOLI: He also has parents who reside in
4 Staten Island, New York, and he has two siblings. He is -- Mr.
5 Ahmed is the oldest of the children, but he also has a brother
6 and a sister who are all very close. This is a very close and
7 tight-knit family, Your Honor.

8 In part because the family -- aside from this
9 incident, the family is really an immigrant success story. The
10 father was a banker in the -- for the National Bank of
11 Pakistan, was vice president at the bank. And got transferred,
12 reassigned to a New York branch. This was back in
13 approximately 1993. And came here and then subsequently
14 brought his family here, including -- including Mr. Ahmed who
15 was about 16 or 17 at the time that he was brought over from
16 Pakistan.

17 And his family settled into Staten Island, New
18 York, and from the beginning his father and his mother highly
19 stressed education as one of the principle goals of bringing
20 them to this country and having them stay here. In fact, his
21 father, as I understand it, has two master's degrees himself.

22 But education being an important value for the
23 family, that's in part what led Mr. Ahmed himself to go not
24 only to graduate from high school in 1994 on Long Island, but
25 also he attended the College of Aeronautics for approximately

1 two years. He graduated with a Bachelor of Science in Computer
2 Science at the College of Staten Island in 2003, and he also
3 studied, as he indicated earlier, towards a master's degree at
4 the same school. I think he about a year and a half, if I'm
5 not mistaken, of studies towards a master's degree.

6 So he -- the family, as does Mr. Ahmed, value very
7 highly the -- really the opportunities that this country
8 provided, especially in the way of education and employment.

9 Employment is what brought Mr. Ahmed to Virginia.
10 While he was living in New York, he worked for Healthcare
11 Services in Brooklyn while he was both in college and for some
12 period of time after college. But then he moved down to
13 Virginia in approximately 2004 to work for the patent and
14 trademark office in Crystal City as a patent examiner. And
15 that work was only temporary, and thereafter he got a job
16 working for the Council for Islamic Relations in 2005. He
17 worked doing outreach and sending out publications for about
18 ten months with them, and then he segued into the area of his
19 career in which he had studied at college, which was computer
20 networking, computer science, computer network engineering and
21 analysis.

22 And for the next approximately -- or for over four
23 years, he worked for various companies in this area in that
24 field, including working for Sprint in Reston, Virginia for
25 about two years as a computer tech and network controller. He

1 also worked for a company known as Convergence in Tyson's
2 Corner in 2008 on Unisys contract that they had. He worked for
3 another company, Glotel, Incorporated, in Reston on a Verizon
4 contract that they had doing network engineer type work. And
5 he worked on their file system. And finally he -- his last job
6 was with JMU Incorporated from approximately November 2009 to
7 the date of his arrest in October 2010. They had an Ericsson
8 contract, and he was a network planner and designer for them.

9 The downside of this type of work, although, is
10 that in a good economy it's in high demand, and people like him
11 are highly sought after. And in a bad economy, in tough times,
12 they're laid off. And so there were periods of unemployment as
13 well, especially when the economy went south.

14 And that's -- that's what he experienced, Mr. Ahmed
15 experienced, moving into the mid- to late 2009 time frame,
16 which is when the offense conduct effectively began. And I'm
17 not going to go into the offense conduct since the Statement of
18 Facts is fairly detailed, Your Honor.

19 THE COURT: Well, if that's -- I'm not sure I
20 understand. If you're not going to go into the Statement of
21 Facts, the looming question here is why. Do you want to
22 address that?

23 MR. TROCCOLI: Yes. Thank you, Your Honor.

24 And that's -- it's a complicated question in any
25 criminal case, but I think it's especially complicated in a

1 case like this when terrorism hangs over everything. I would
2 posit that there are -- after spending many, many hours with
3 Farooque and his family, Mr. Ahmed's family, I will offer the
4 Court three contributing factors which brought -- which brings
5 him here today.

6 First -- and I offer these not as an excuse,
7 obviously, Your Honor.

8 THE COURT: No. There are no excuses at all.

9 MR. TROCCOLI: These are in an attempt to find an
10 explanation to the Court.

11 First, there's an incessant message that is
12 delivered by radical followers of Islam that one cannot be true
13 to the faith unless they take action, including violent action,
14 most especially violent action. And this is a message which of
15 course the United States combats in many different fronts. But
16 is an incessant message nonetheless that for a person like Mr.
17 Ahmed who is a believer in Islam and is a Muslim, he hears all
18 the time that he is not -- not only is he not sufficient under
19 the faith, if one were to believe these negative messages, but
20 he's also not patriotic because he was born and raised until he
21 was 16 in Pakistan.

22 And of course that's where the front, if you will,
23 of a lot of these battles, military and otherwise, is taking
24 place on the border between Afghanistan and Pakistan. And he
25 would hear, especially from individuals known -- including

1 Mr. Anwar al-Awlaki who the Court knows is now being sought by
2 the United States, but who previously preached in this country
3 that that is a message that can unfortunately take root in
4 individuals who feel like if they don't do something, that they
5 literally will not find salvation under their faith.

6 And secondly, Your Honor, there is Farooque Ahmed's
7 own personal experiences and that of his family unfortunately
8 includes periods of discrimination and racial and ethnic
9 prejudice. And this manifested itself unfortunately on -- in
10 numerous occasions, both directed at him, his wife, his
11 parents, his brothers. And -- and obviously that's not
12 something that our country is proud of, but it exists because
13 there are -- it's just the way unfortunately people behave.

14 But there are many instances where because of the
15 way he looked, because of the way his wife dressed, because of
16 his religion, his beard, that he was subject to this kind of
17 discrimination and racial prejudice. And that has -- that has
18 an effect on people. It creates resentment, and I think that
19 that also was a contributing factor here.

20 A third contributing factor, of course, is the fact
21 that there was a trusted confidant who turned out to be a
22 confidential informant in this case. This was an individual
23 working for the Government who led Mr. Ahmed to believe that he
24 was not alone in this endeavor and that they were together.
25 And this relationship fostered and encouraged, at least in Mr.

1 Ahmed's mind, to keep going and to keep getting deeper and
2 deeper into really what was a fantasy role of secret codes and
3 clandestine meetings and tasks that were assigned.

4 And what Mr. Ahmed started out of being interested
5 in was the idea of setting up a computer network, a rather
6 benign act is where his actions began. Talking about trying to
7 set up some kind of website or system by which messages could
8 be sent and where people could turn to for information about
9 what is happening to the plight of Pakistani people and the
10 people of Muslims in general.

11 From that, unfortunately, in meeting with the
12 confidential informant, it evolved into things that became much
13 beyond where he wanted it to go initially. The conversations
14 evolved into agreeing or wanting to do what's known as weekend
15 jihad. In other words, flying to Pakistan, crossing the border
16 for a short period of time, engaging in some kind of violent
17 jihad, and then returning back to quote/unquote your normal
18 life. So the conversations evolved into that.

19 Then it evolved into, well, there are people who
20 want to meet with you. And then a series of clandestine
21 meetings were established where Mr. Ahmed agreed to attend
22 those. And during those meetings it then evolved into the most
23 criminal behavior that he's admitted to, which is agreeing to
24 perform tasks that the quote/unquote al-Qaeda representatives
25 assigned to him. And these were tasks that they chose, for the

1 most part, and asked him to do.

2 And he voluntarily agreed to do them, and
3 the most -- the tasks that a representative in count two of the
4 indictment include surveilling Metro stations, filming location
5 platforms, station platforms with cell phone. He didn't do
6 this filming himself, but he assisted and aided and abetted the
7 individual who was with him, which was the confidential
8 informant.

9 So I -- I don't know if that answers your question
10 satisfactorily, but in our minds those are the three most
11 contributing factors that led him to be standing here today.

12 In mitigation, however, I would point out a number
13 of things. There's certainly a difference between one who
14 creates the opportunity for a crime and one who accepts an
15 opportunity that's presented. And I think we have here the
16 latter.

17 As I indicated earlier, it wasn't Mr. Ahmed who
18 consciously sought out to just help al-Qaeda plant a bombing in
19 this region. That's not where it began to where it ended, but
20 these were opportunities that were presented to him that
21 unfortunately he accepted as they went along.

22 There's also a difference, Your Honor, between
23 crimes which have real victims and real harm and those which
24 are manufactured from a fictitious scenario, which again is
25 what we have here. In other words, we have no real -- we have

1 a real crime, most certainly, but we don't have an actual
2 bombing that was being planned and we don't have any real
3 victims who were actually in threat of being harmed. And, of
4 course, there was no real risk that a plot would ever take
5 place. They arrested him in October of last year during the
6 very last meeting, following the very last meeting that he had
7 with one of the al-Qaeda couriers, or supposed al-Qaeda
8 couriers.

9 And finally, Your Honor, maybe most significantly
10 there -- there is a real difference between a real jihadist who
11 continues to espouse a violent message, sometimes even standing
12 at a podium like this in front of a judge. There's a
13 difference between a person like that and somebody like Mr.
14 Ahmed who comes forward, accepts responsibility, signs a
15 Statement of Facts which is very detailed, and apologizes and
16 says -- not only accepts what he did, but also says, What I did
17 was wrong.

18 And I know the Court does not have the benefit of a
19 lot of time with Mr. Ahmed, but when he has a moment to speak,
20 he will apologize to the Court and to this country because he
21 truly does love this country. And he truly does love his
22 faith. And he believes that his actions -- his actions are
23 contrary to the true teachings of Islam.

24 And he truly now -- now that he has essentially
25 woken up, if I can use that phrase, from this fantasy world

1 that he was in, he has -- it's almost been like a bucket of
2 water was thrown on him, and he shook his head and said, What
3 on earth was I doing.

4 Had he only, for example, confided in his only
5 brother, had he only confided in some of his friends, and even
6 his wife, most of them -- every one of them that we have talked
7 to would have shaken him and said, What are you doing?

8 And I think had that only happened, that perhaps he
9 wouldn't be standing here today. And -- but he is standing
10 here today accepting responsibility, admitting what he did was
11 wrong, but he wants the Court to know that he certainly is not
12 one of these people who here afterwards is going to be
13 preaching any kind of violent message. In fact, the message he
14 will be preaching is the exact opposite.

15 I would also just point out to the Court that the
16 recommendation -- the joint recommendation from both sides is
17 also based upon other similar or at least not dissimilar cases
18 that have been sentenced throughout the country. And there are
19 other instances where individuals have been -- have pled guilty
20 to sting type of operations that have received sentences that
21 are comparable. And so this recommendation of 23 years is the
22 product let's say of many, many hours of very deliberate
23 thought and comparison with other cases throughout the country
24 and in meetings with the Government. And they're doing their
25 own due diligence as to what is fair and just given the

1 particular facts and circumstances of this case.

2 THE COURT: I note that there's no recommendation
3 about supervised release term, is there?

4 MR. TROCCOLI: There is not. But there are two other
5 recommendations that we would ask the Court to consider, one of
6 which is in the Plea Agreement.

7 First, we would ask that the Court state in the
8 sentencing order that there's a recommendation -- a BOP
9 designation with a security classification lower than
10 administrative maximum. In other words, I don't think anybody
11 is going to be standing before you suggesting that that kind of
12 classification is necessary in this case. The same language
13 appeared in the -- the Chesshir sentencing before Judge O'Grady
14 back in February. And we would ask the Court to put that in
15 this order as well, that a designation with a security
16 classification lower than administrative maximum is
17 recommended.

18 And secondly, we would ask for a recommendation
19 that he be designated to a BOP facility in the northeast,
20 preferably in New York or New Jersey. His family is in Staten
21 Island principally, and he would like to be as close to them as
22 possible.

23 THE COURT: All right. Mr. Ahmed, if you would come
24 to the podium with your lawyers, please.

25 (DEFENDANT COMPLIES.)

1 THE COURT: Mr. Ahmed, is there any statement that you
2 want to make in your own behalf?

3 THE DEFENDANT: I cannot describe word. All I can
4 say, I'm sorry; wrong actions.

5 THE COURT: Mr. Ahmed, you're before the Court for
6 attempting to provide material support to a designated foreign
7 terrorist organization and collect the information to assist in
8 planning a terrorist attack.

9 Grave, grave charges. A real threat to the
10 security of women and children who -- and people -- working
11 people who use the Metro every day.

12 I have listened to your lawyers describe what they
13 thought your reasons were to enter into this plot. And
14 obviously there's no -- none of these proposed facts explain
15 why someone who, as your lawyer said, was an immigrant story of
16 overcoming obstacles would lend themselves to something like
17 this.

18 First, let me say, and I'm sure your lawyer
19 intended to say this, there is no form of Islam that condones
20 killing women and children and innocence. There's none. There
21 is none that anyone can think of that -- and this has nothing
22 to do with your religion. This has to do with your making a
23 judgment to enter into a plan to kill people and to cause chaos
24 in their lives.

25 Whatever discrimination you suffer, there are many

1 groups in this country who have suffered discrimination. I
2 don't have to tell you that as an African-American that many
3 people have suffered discrimination. But the way you manifest
4 it is not to plot to kill people.

5 And what's disturbing is that, you know, you -- you
6 came here. You immigrated here. Your family immigrated here.
7 You come from a fairly prominent family. And for you to make
8 this judgment, not once but on multiple different occasions to
9 enter into this plan, suggests not only warped thoughts on your
10 part, but an intent to cause grave harm to many, many people
11 all at the same time - innocent people, women and children,
12 like your own family members to cause chaos.

13 The Government and your lawyer have entered into an
14 agreement that recommends a sentence of 23 years. One could
15 question if that is enough time in a case like this given the
16 enormity of it. But I'm persuaded that the Government and your
17 lawyer have good reasons for entering into an agreement like
18 this. And at 23 years in prison, in federal prison, is
19 punishment that is proportionate to the crime.

20 But I'm not persuaded that a limited term of
21 supervised release is appropriate here. I want to know what
22 you're doing from now on, because anyone who can think about
23 doing what you did and entering into as many conversations and
24 go as many places and do all the many things you did deserves
25 to be under the scrutiny of the Court for a very, very long

1 time.

2 So it is my judgment based upon the agreement that
3 you-all have entered into, first, to impose a sentence that the
4 Government and your lawyer have agreed to of 276 months in the
5 custody of the Bureau of Prisons. That I recommend to the
6 Bureau of Prisons as part of the agreement that they designate
7 you at a security classification lower than the administrative
8 maximum in the northeast. That the \$200 special assessment has
9 to be paid right away. I will not impose a new fine, cost of
10 incarceration, cost of supervision.

11 But I will place you on a term of supervised
12 release for 50 years. I want to know where you are at every
13 moment, and I want to know all of -- everything that you're
14 doing. The special terms of conditions of supervised release
15 are that you are to maintain gainful employment. You are to
16 report at least monthly to probation for -- with information
17 about where you live, where you work, and what activities
18 you're engaged in. You are not to travel internationally
19 without the permission of the Court during the term of
20 supervised release.

21 You are to submit to and to allow, if you have a
22 computer, that the Government will place software on your
23 computer where they'll be able to surveil any keystrokes that
24 you make on that computer.

25 You are not to associate with anyone -- associate

