

0611shaa

1 UNITED STATES DISTRICT COURT
1 SOUTHERN DISTRICT OF NEW YORK
2 -----x

2
3 UNITED STATES OF AMERICA,

3
4 v. 10-CR-541 (MGC)

4
5 FAISAL SHAHZAD,

5
6 Defendant. Plea

6
7 -----x

7
8 New York, N.Y.
8 June 21, 2010
9 12:18 p.m.
9

10
10 Before:

11
11 HON. MIRIAM GOLDMAN CEDARBAUM,
12
12 District Judge

13
14 APPEARANCES

14
15 PREET BHARARA
15 United States Attorney for the
16 Southern District of New York
16 BRENDAN R. MCGUIRE
17 JOHN P. CRONAN
17 RANDALL W. JACKSON
18 JEFFREY A. BROWN
18 Assistant United States Attorneys

19
19 FEDERAL DEFENDERS OF NEW YORK INC.
20 Attorneys for Defendant
20 BY: PHILIP L. WEINSTEIN, ESQ.

0611shaa

1 (In open court)

2 THE COURT: I have just been requested by the parties,
3 who have agreed that this proceeding should be postponed to
4 4:30 this afternoon, and I have granted the request for that
5 adjournment. Accordingly, we will reconvene at 4:30 this
6 afternoon.

7 Is there anything further at this time?

8 MR. MCGUIRE: Not from the government, Judge.

9 MR. WEINSTEIN: No, your Honor. It may be redundant,
10 but I'd just request that Mr. Shahzad be kept in the cell block
11 and not be taken back this afternoon.

12 THE COURT: Yes, I do so direct.

13 Very well. Then this court is adjourned.

14 THE CLERK: All rise.

15 o0o

16 (In open court, 4:39 p.m.)

17 THE COURT: I would like to see counsel briefly at the
18 bench. I don't need more than one of each. Sorry.

19 (Discussion held off the record at the sidebar)

20 THE COURT: Thank you. All right. I think you should
21 rise. Are you Faisal Shahzad?

22 THE DEFENDANT: Yes.

23 THE COURT: All right. And well, let me ask you a few
24 questions first. Number one, where were you born?

25 THE DEFENDANT: I was born in Karachi, Pakistan.

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0611shaa

1 THE COURT: And how much education have you had?
2 THE DEFENDANT: I have an MBA.
3 THE COURT: And you sound as if English is your native
4 tongue, but I gather it is not.
5 THE DEFENDANT: It's not.
6 THE COURT: But you are fluent in the English
7 language.
8 THE DEFENDANT: Yes. I've been in the States for ten
9 years.
10 THE COURT: I see. And you are literate in the
11 English language; that is, you have both a reading and a
12 writing knowledge of English?
13 THE DEFENDANT: In school in Pakistan, yes.
14 THE COURT: I see. So you went to English school in
15 Pakistan?
16 THE DEFENDANT: Yes.
17 THE COURT: Very well. Have you read the indictment
18 that's been filed against you?
19 THE DEFENDANT: Yes.
20 THE COURT: And have you discussed it with your
21 lawyer?
22 THE DEFENDANT: Yes.
23 THE COURT: Do you understand the charges against you
24 well enough so that you can enter a plea to them?
25 THE DEFENDANT: Yes.

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

0611shaa

1 THE COURT: Would you like me to explain any of the
2 ten charges, the ten counts that have been filed against you in
3 this indictment?
4 THE DEFENDANT: No. I understand.
5 THE COURT: You are sure that you understand them
6 fully?
7 THE DEFENDANT: Yes.
8 THE COURT: And that you are able to respond to them?
9 THE DEFENDANT: Yes.
10 THE COURT: Well, let me ask you a few other
11 questions.
12 THE DEFENDANT: Sure.
13 THE COURT: Is your mind clear this afternoon?
14 THE DEFENDANT: Yes.
15 THE COURT: Have you had any medication --
16 THE DEFENDANT: No.
17 THE COURT: -- or any substance that might affect the
18 clarity of your mind?
19 THE DEFENDANT: No.
20 THE COURT: Not even an aspirin.
21 THE DEFENDANT: No. I don't take med -- I haven't
22 taken in the past few weeks, no.
23 THE COURT: And you have not had any such substance
24 during the last 48 hours.
25 THE DEFENDANT: No.

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

0611shaa

1 THE COURT: Very well then. Let me ask you about your
2 counsel. Have you been well represented by your lawyer?
3 THE DEFENDANT: Yes.
4 THE COURT: Are you fully satisfied that he has done
5 the best legal assistance that he can?
6 THE DEFENDANT: Yes.
7 THE COURT: Then I am going to turn to Count One of
8 this indictment. Would you tell me you do understand. This is
9 a charge of attempted use of a weapon of mass destruction.
10 THE DEFENDANT: Yes.
11 THE COURT: Are you prepared to enter a plea to that
12 charge?
13 THE DEFENDANT: Yes.
14 THE COURT: And how do you plead to that charge?
15 THE DEFENDANT: Is it going to be a separate plea for
16 every charge?
17 THE COURT: Yes.
18 THE DEFENDANT: Okay. Well, the first --
19 THE COURT: That is, it's important that you
20 understand each charge separately.
21 THE DEFENDANT: Okay. I do plead guilty to this
22 charge.
23 THE COURT: All right. Now before I can accept a plea
24 of guilty --
25 THE DEFENDANT: Yes.

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

0611shaa

1 THE COURT: -- I have to discuss some other things
2 with you --
3 THE DEFENDANT: Sure.
4 THE COURT: -- because I want to be sure that this
5 plea is entirely voluntary and that you are entering it with
6 full understanding of the consequences of entering a plea of
7 guilty. So I would like to examine with you what you are
8 giving up when you enter a plea of guilty.
9 THE DEFENDANT: Before you do that --
10 THE COURT: Yes.
11 THE DEFENDANT: -- can I say to you my plea of guilty?
12 I just want to say a small statement.
13 THE COURT: I think you should wait.
14 THE DEFENDANT: Okay.
15 THE COURT: Let me first satisfy myself that you are
16 making this plea with full understanding of the consequences of
17 entering a plea of guilty --
18 THE DEFENDANT: Okay.
19 THE COURT: -- and after having carefully considered
20 with your lawyer exactly what a plea of guilty to this charge
21 entails.
22 THE DEFENDANT: When it says that I attempted to use
23 weapons of mass destruction and it says that, that I drove --
24 THE COURT: No, I understand. I understand what it
25 says.

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

0611shaa

1 THE DEFENDANT: Yes.
2 THE COURT: I want to review with you the consequences
3 of entering a plea of guilty to it.
4 (Defendant and his counsel conferring)
5 THE COURT: I want to be sure that you understand that
6 you have an absolute right to plead not guilty.
7 THE DEFENDANT: Yes.
8 THE COURT: And if you do so, if you plead not guilty,
9 which you are absolutely entitled to do --
10 THE DEFENDANT: Yes.
11 THE COURT: -- you have a right to a jury trial, that
12 is, to have your guilt tried, the charge against you tried by a
13 jury of twelve persons, and that at that trial, with the
14 assistance of your lawyer throughout, you have the right to
15 confront the witnesses against you --
16 THE DEFENDANT: Yes.
17 THE COURT: -- and to cross-examine them. And at that
18 same trial you have the right to remain silent, because nobody
19 can compel you to incriminate yourself.
20 THE DEFENDANT: Yes.
21 THE COURT: Do you understand that?
22 THE DEFENDANT: Yes.
23 THE COURT: Do you understand that if there are
24 witnesses in your behalf that you wish to call at such a trial,
25 that you would have the power of the Court to compel them to

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0611shaa

1 come and testify in your behalf?

2 THE DEFENDANT: Yes.

3 THE COURT: But if I enter your plea of guilty, you
4 are giving up all of those rights.

5 THE DEFENDANT: Yes.

6 THE COURT: There will be no trial of any kind, and
7 you will stand convicted, beyond a reasonable doubt, of the
8 charge against you, on each of the charges against you, if you
9 continue to plead guilty. Do you understand that?

10 THE DEFENDANT: I understand that.

11 THE COURT: All right. I want to also ask you, has
12 anybody promised you anything in connection with this plea?

13 THE DEFENDANT: No.

14 THE COURT: Has anybody threatened you in connection
15 with this plea?

16 THE DEFENDANT: No.

17 THE COURT: Why do you want to plead guilty?

18 THE DEFENDANT: I want to plead guilty and I'm going
19 to plead guilty a hundred times forward because until the hour
20 the US pulls it forces from Iraq and Afghanistan and stops the
21 drone strikes in Somalia and Yemen and in Pakistan and stops
22 the occupation of Muslim lands and stops killing the Muslims
23 and stops reporting the Muslims to its government, we will be
24 attacking US, and I plead guilty to that.

25 THE COURT: Well, do you understand the penalties that

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0611shaa

1 you are facing if I enter your pleas of guilty?

2 THE DEFENDANT: Yes.

3 THE COURT: All right. I am going to review with you
4 what the penalties are.

5 THE DEFENDANT: Okay.

6 THE COURT: And then after you have considered that, I
7 am going to ask you to tell me exactly what you did that you
8 want to plead guilty to.

9 THE DEFENDANT: Okay.

10 THE COURT: But first let me just review with you what
11 you are facing --

12 THE DEFENDANT: Okay.

13 THE COURT: -- if I enter your pleas of guilty.

14 THE DEFENDANT: Okay.

15 THE COURT: The first count in this indictment charges
16 the attempted use of a weapon of mass destruction. If I enter
17 your plea of guilty to that count, the government contends that
18 you are subject to a penalty of up to -- Mr. McGuire, let's
19 talk about not the guidelines but the number of years.

20 MR. MCGUIRE: Sure, Judge. Under the statute charged
21 in Count One, 18 U.S.C. Section 2332a, the maximum penalty
22 permitted is life imprisonment, also to be accompanied by a
23 maximum supervised release term of life as well.

24 THE COURT: And you might as well outline the fines as
25 well.

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

0611shaa

1 MR. MCGUIRE: Sure. The maximum fine would be the
2 greater of \$250,000 or the gain or loss resulting from the
3 offense.

4 THE COURT: Well, in this case you're not talking
5 about gain or loss in numbers.

6 MR. MCGUIRE: That's correct.

7 THE COURT: You're talking about a fine of up to
8 \$250,000?

9 MR. MCGUIRE: Up to \$250,000; that's right, Judge.
10 And finally, a \$100 special assessment.

11 THE COURT: Yes. Yes.

12 All right. Count Two. I'm going to tell you now
13 about all of the counts because I gather you want to plead
14 guilty to all of them.

15 THE DEFENDANT: Yes.

16 THE COURT: Count Two, which charges a conspiracy to
17 use a weapon of mass destruction, charges that you agreed with
18 others to violate Section 2332a(a)(2)(C) of the criminal code
19 of the United States, and it charges that in furtherance of
20 that conspiracy, you and your coconspirators received
21 explosives training in Waziristan and Pakistan from explosive
22 trainers affiliated with Tehrik-e-Taliban, an extremist group
23 based in Pakistan, among other overt acts, in furtherance of
24 the conspiracy charged in Count Two.

25 If I enter your plea of guilty to Count Two, the

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0611shaa

1 maximum penalty provided by that statute is?

2 MR. MCGUIRE: Your Honor, those would be the same
3 penalties applicable to Count One; that is to say, a maximum --

4 THE COURT: All right. You are subject to up to life
5 in prison. Do you understand that?

6 THE DEFENDANT: I understand that.

7 THE COURT: Very well. Count Three of this indictment
8 charges you with possession and use of a firearm during and in
9 relation to a crime of violence, and that's a charge of
10 violating Section 924(c) of the criminal code, which requires a
11 consecutive sentence, that is, in addition to any other
12 sentence, that there be a sentence following the other sentence
13 of, in this case --

14 MR. MCGUIRE: Mandatory minimum of five years, your
15 Honor.

16 THE COURT: Five years.

17 MR. MCGUIRE: With a maximum allowable penalty of
18 life.

19 THE COURT: Up to life. You understand that.

20 THE DEFENDANT: Yes, I understand that.

21 THE COURT: All right. Count Four charges that you
22 attempted an act of terrorism transcending national boundaries,
23 in violation of the terrorism sections of the criminal code,
24 specifically Section 2332b(a)(1)(A) and other sections of
25 2332b. If I enter your plea of guilty to that charge, you are

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0611shaa

1 subject to a penalty of up to?

2 MR. McGUIRE: Life imprisonment, your Honor, as with
3 Counts One and Two.

4 THE COURT: Do you understand that?

5 THE DEFENDANT: I understand that.

6 THE COURT: All right. With respect to Count Five,
7 which charges a conspiracy to commit an act of terrorism
8 transcending national boundaries, that is, this is the second
9 charge of committing an act of terrorism transcending national
10 boundaries, it is charged that it was a part of the conspiracy
11 charged, and an object of that conspiracy, that you, together
12 with your coconspirators, would kill and maim persons inside
13 the United States and would create a substantial risk of
14 serious bodily injury to others by destroying and damaging
15 structures within the United States, and that's charged as a
16 violation of Section 844 of the criminal code of the United
17 States, and 924(c) again for the penalty.

18 If I enter your plea of guilty to that charge, you are
19 subject to a period of imprisonment of?

20 MR. McGUIRE: Up to life imprisonment again, your
21 Honor.

22 THE COURT: Up to life.

23 MR. McGUIRE: Your Honor, if I may just clarify, on
24 this count, this is actually the conspiracy -- analogous
25 conspiracy charge to the previous charge, and it is also a

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0611shaa

1 violation of Section 2332b, which carries over onto the
2 following page.

3 THE COURT: Which is one of the terrorism provisions
4 of the criminal code.

5 MR. McGUIRE: That's correct, Judge.

6 THE COURT: Thank you.

7 Count Six charges the attempted use of a destructive
8 device in relation to a crime of violence, and there it is
9 charged that on or about May 1st of this year, 2010, that you
10 wilfully and knowingly, during a crime of violence, used and
11 carried a destructive device in furtherance of the crime.

12 And if I enter your plea of guilty to that count, you
13 are subject to a penalty of up to?

14 MR. McGUIRE: Your Honor, it is the government's
15 position with respect to this charge that if there is a
16 conviction on Count Three, which is the first 924(c) count,
17 that this count represents or constitutes a second or
18 subsequent conviction under the same provision and therefore,
19 under the 924(c) statute, requires a mandatory sentence of life
20 imprisonment.

21 THE COURT: All right. That's a construction of the
22 statute that I'm not yet making, but I should warn you to
23 consider that it is the government's position and it is
24 certainly a possible outcome that you may be sentenced to life
25 in prison; that is, the statute may require you to be sentenced

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0611shaa

1 to life in prison, if you enter a plea of guilty to Count Six.
2 Do you understand that?

3 THE DEFENDANT: Yes, I understand.

4 THE COURT: Very well. Then I turn to Count Seven,
5 which charges you with transporting an explosive with the
6 intent to kill, injure, and intimidate individuals and to
7 damage and destroy nearby buildings, and that charges a
8 violation of Section 844(d) of the criminal code. If I enter
9 your plea of guilty to that charge, you are subject to
10 imprisonment for?

11 MR. McGUIRE: A maximum term of ten years and a
12 maximum term of supervised release of three years.

13 THE COURT: Count Eight charges you with conspiracy to
14 transport an explosive. This is the second such charge. Well,
15 you were charged in Seven with transportation of an explosive.
16 Count Eight charges you with conspiring to do that. If you
17 enter your plea of guilty to that charge, the penalty you face
18 for that is the same as the penalty for Count Seven. Do you
19 understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: Count Nine charges you with attempted
22 destruction of property by fire and explosives, in violation of
23 Section 844(i) of the criminal code of the United States. It's
24 charged that you attempted, unlawfully, wilfully, knowingly,
25 and maliciously, to damage and destroy, by means of fire and

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0611shaa

1 explosives, a building, a vehicle, and other real and personal
2 property used in interstate and foreign commerce.

3 If I enter your plea of guilty to Count Nine, you are
4 subject to a period of imprisonment of up to?

5 MR. MCGUIRE: A mandatory minimum sentence of five
6 years' imprisonment, up to a maximum term of twenty years'
7 imprisonment, and a maximum term of supervised release of life.

8 THE COURT: Do you understand that?

9 THE DEFENDANT: Yes, I understand.

10 THE COURT: All right. Then I turn to Count Ten,
11 which charges a conspiracy to destroy property by fire and
12 explosives. And that charges that from at least in or about
13 December of 2009 up to and including on or about May 1st of
14 2010, here in the Southern District of New York and elsewhere,
15 that you, together with others, your coconspirators, agreed to
16 violate Section 844(i) of the criminal code of the United
17 States, and it's charged that in furtherance of that criminal
18 agreement, you performed the acts set forth in Count Four of
19 the indictment. That's the charge of violating Section 844(n)
20 of the criminal code of the United States.

21 And if I enter your plea of guilty to that count, you
22 are subject to a period of incarceration of up to?

23 MR. MCGUIRE: A mandatory minimum term of five years,
24 a maximum allowable term of twenty years' imprisonment, and a
25 maximum allowable term of life supervised release.

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0611shaa

1 THE COURT: Do you understand all of that --
2 THE DEFENDANT: Yes, I do understand all of that.
3 THE COURT: -- Mr. Shahzad?
4 THE DEFENDANT: Yes, I do understand all of the
5 counts.
6 THE COURT: Very well then. I should also mention
7 that you are charged with forfeiture as well, and the
8 forfeiture provision is set out at the end of the indictment.
9 Although it's not a charge, it is an assertion that as a result
10 of planning and committing crimes of terrorism against the
11 United States, as charged in Counts One, Two, Four, Five, and
12 Nine of the indictment, that you shall forfeit to the United
13 States all right, title, and interest in all assets that were
14 used in connection with these crimes or acquired by you in
15 connection with these crimes. Do you understand that?
16 THE DEFENDANT: Yes.
17 THE COURT: I should also tell you that if you have
18 deprived any person of any property in connection with your
19 crimes, I am required to impose a sentence of restitution that
20 you restore any property that you have misappropriated in
21 connection with the crimes charged. Do you understand that?
22 THE DEFENDANT: Yes.
23 THE COURT: All right. And as was mentioned before,
24 there is also a requirement of an assessment of a hundred
25 dollars on each of the counts of the indictment, which is not a

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0611shaa

1 penalty but it's collectible as if it were. It's a mandatory
2 assessment. Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: Very well. I should also tell you that
5 although the guidelines are now advisory, they are no longer
6 mandatory, and I am not bound by them in setting sentence.
7 Only I can set your sentence, but I must consider what the
8 advisory guidelines direct --

9 THE DEFENDANT: Okay.

10 THE COURT: -- although I am not bound to follow them.

11 THE DEFENDANT: Okay.

12 THE COURT: What I would like to do now is place you
13 under oath. Do you understand what an oath is?

14 THE DEFENDANT: Yes.

15 THE COURT: And do you understand that if you should
16 lie under oath, you are subject to being prosecuted for
17 perjury? Do you understand that lying under oath is a crime
18 called perjury?

19 THE DEFENDANT: Yes.

20 THE COURT: Very well. Then I'm going to ask
21 Mr. Daniels to place you under oath.

22 THE CLERK: Please raise your right hand.

23 (Defendant sworn)

24 THE COURT: What I want you to tell me in your own
25 words is exactly what you did that you want to plead guilty to.

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0611shaa

1 THE DEFENDANT: Okay. With the assistance --
2 THE COURT: Oh, please, don't read it. I want to know
3 what happened. Tell me what you did.
4 THE DEFENDANT: Okay.
5 THE COURT: Did you enter an agreement with anybody?
6 THE DEFENDANT: Agreement?
7 THE COURT: Yes. Were there people that you agreed to
8 do things with?
9 THE DEFENDANT: Yes. Let me -- let me -- okay. Let
10 me read this, because --
11 THE COURT: Okay. Go ahead.
12 THE DEFENDANT: -- the reason I was given this is
13 because it covers all the elements. But -- so I'm going to
14 talk.
15 THE COURT: Go ahead.
16 THE DEFENDANT: Yes. In connection with TTP,
17 Tehrik-e-Taliban Pakistan, I --
18 THE COURT: Right. That's the organization that I
19 mentioned before.
20 THE DEFENDANT: Yes. With them, I did the training to
21 wage an attack inside United States of America.
22 THE COURT: Any kind of attack?
23 THE DEFENDANT: Well, it would have been any kind of
24 attack, but I was given a bomb training, and that's what I
25 learned there.

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

0611shaa

1 THE COURT: I see. How to make a bomb or how to
2 detonate a bomb? What were you taught?
3 THE DEFENDANT: The whole thing; how to make a bomb,
4 how to detonate a bomb, how to put a fuse, how many different
5 types of bombs you can make. After there, I got training
6 there --
7 THE COURT: And how long were you trained?
8 THE DEFENDANT: I was there forty days. My training
9 was five days.
10 THE COURT: And when was this?
11 THE DEFENDANT: This was between December 9th up to
12 January 25th.
13 THE COURT: That is the end of last year and the
14 beginning of this year.
15 THE DEFENDANT: Yes.
16 THE COURT: Okay. You may proceed.
17 THE DEFENDANT: What?
18 THE COURT: Then what happened after you received the
19 training?
20 THE DEFENDANT: Oh. So I received the training, and I
21 decided to come here, because once I got the training, there
22 was no point of me staying there. So I came here.
23 THE COURT: Now did you reside in this country before
24 you went for training?
25 THE DEFENDANT: Yeah. I've been living here for ten

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

0611shaa

1 years, all -- I came here --

2 THE COURT: And do you have a family here?

3 THE DEFENDANT: I had a family here. They're now
4 living with the parents, with my parents.

5 THE COURT: And that is where?

6 THE DEFENDANT: In Pakistan.

7 THE COURT: I see.

8 THE DEFENDANT: Yes. I had a wife and two beautiful
9 kids. They're with the parents now.

10 So I came here January 9th. I've been -- I went to
11 college here. I graduated. They gave me half tuition
12 scholarship, whatever.

13 THE COURT: Where did you go to college?

14 THE DEFENDANT: University of Bridgeport in
15 Connecticut. Graduated; I started working with Elizabeth
16 Arden. They sponsored me the working status, the H-1. I
17 worked with them for a couple of years.

18 THE COURT: I'm sorry. What kind of work did you do?

19 THE DEFENDANT: They gave me a work status from
20 student to --

21 THE COURT: They changed your visa?

22 THE DEFENDANT: Yes. H-1 is the working status.

23 THE COURT: Right. So but then you were a foreigner.

24 I thought you had become a naturalized American.

25 THE DEFENDANT: I had over time.

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0611shaa

1 THE COURT: What do you mean?
2 THE DEFENDANT: It was a slow process. First it's
3 H-1, and then my wife's a citizen, and then that's why I became
4 a citizen. And I just got my citizenship in -- sometime in
5 '09.
6 THE COURT: I see. You just became a citizen last
7 year.
8 THE DEFENDANT: Yes.
9 THE COURT: All right. You may proceed.
10 THE DEFENDANT: I make you see?
11 THE COURT: No. You may proceed.
12 THE DEFENDANT: Oh. I may proceed.
13 THE COURT: You may tell me what else -- you're
14 telling me what you've done that you want to plead guilty to.
15 THE DEFENDANT: Okay. So I got the training, I got --
16 I actually left US on June 2nd of '09 to --
17 THE COURT: And when did you become a naturalized
18 citizen?
19 THE DEFENDANT: I think it was April, May, of '09.
20 THE COURT: So very shortly after, you left.
21 THE DEFENDANT: Yes. Yes. I was planning ahead of
22 time to leave, but I left -- it was just the timing. I got the
23 passport and I just decided to go, to leave, and I went -- I
24 left US for good and I went to Pakistan to stay there for a
25 while and was trying to figure out a way to get to the Taliban.

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0611shaa

1 So I stayed in Pakistan.

2 THE COURT: And Pakistan is where you went to get to
3 the Taliban.

4 THE DEFENDANT: Yes. And I stayed there for -- in
5 Pakistan for six months, so I -- and I stayed all the six
6 months with my parents in Peshawar, Pakistan.

7 And then, by the way, when I was leaving -- I'm not
8 going to mention that. It doesn't matter.

9 So I -- so I left, I spent six months with my parents,
10 and then December 9th, with a couple of friends, I went to
11 Waziristan to join the Taliban. And once I got there --

12 THE COURT: Is there a particular Taliban? You say to
13 join the Taliban. The indictment charges a particular
14 organization.

15 THE DEFENDANT: Well, there are two Talibans; one is
16 Taliban Afghanistan, the other is Taliban Pakistan. And I went
17 to join the Taliban Pakistan.

18 THE COURT: I see. Has that always been there?

19 THE DEFENDANT: It recently -- they -- the
20 organization was made -- was made like six years ago when the
21 first time the Pakistan took a U-turn on the Taliban
22 Afghanistan, and obviously the tribal area in Pakistan is
23 the -- was the harboring for the mujahideen fighting in
24 Afghanistan. So the Pakistan took a U-turn and they became
25 allied with US and they went against the Taliban and start

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0611shaa

1 fighting and killing them.

2 So during that time, the Afghan Taliban made a group
3 to encounter the Pakistan government forces, and that's when
4 Taliban Pakistan came into being. Six years ago, maybe.

5 THE COURT: I see. All right. You may proceed.

6 THE DEFENDANT: So I got -- I was there for 40 days.
7 I got the training, five days. And I asked them for some cash
8 'cause I only had -- my cash was like 4,500 that I had with me
9 when I was leaving, and I asked for some more cash because I
10 had to do the whole operation here, so they gave me initially
11 4,900 something. So I came back with 8,000 something in cash,
12 US, with 4,500 my cash and 4,000 their cash.

13 And when I came back on February 2nd, I started --
14 started planning on the plan. So I started looking for a place
15 first to rent and slowly got together what I think could make a
16 bomb. During that time -- it took me from February up to end
17 of April to do all that, find a place. I also required some
18 more cash and I requested that from the Taliban, and they sent
19 it to me, twice, once in March and the other time in end of
20 April. So I got the cash, I worked on it, I made the bomb in a
21 car, and I drove it to Times Square, New York, on May 1st --

22 THE COURT: By yourself?

23 THE DEFENDANT: Yes, all by myself.

24 THE COURT: You built the bomb all by yourself?

25 THE DEFENDANT: Yes.

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0611shaa

1 THE COURT: Nobody helped you?
2 THE DEFENDANT: Nobody helped me.
3 THE COURT: This is all based on what you learned in
4 Waziristan?
5 THE DEFENDANT: Yes.
6 THE COURT: You didn't have a manual?
7 THE DEFENDANT: Well, they have a manual there. It's
8 all in Urdu language, so I had -- I had to make one in English,
9 and I think --
10 THE COURT: I see. You don't know Urdu?
11 THE DEFENDANT: I know Urdu, but I'm not good in that,
12 plus, you know, I don't know how to write Urdu on a computer.
13 THE COURT: Right. Well, Urdu, as you know, is
14 written in the Arabic script.
15 THE DEFENDANT: It is, but I don't know how to write
16 Arabic script on computer, because I had to bring a file. So I
17 brought the file and I had it, and I think the FBI have it now.
18 After I had the manual, for my summary of how the thing works.
19 THE COURT: Do the people you dealt with in the
20 Taliban all speak English?
21 THE DEFENDANT: No, they speak Pashto. Pashto is my
22 mother's language. I am Pashtun ethnically.
23 THE COURT: I see.
24 THE DEFENDANT: And all the Taliban are Pashtun, all
25 the Afghans are Pashtun.

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

0611shaa

1 THE COURT: Or most of them; not all of them.
2 THE DEFENDANT: Majority. So I did speak with them in
3 Pashto when I was communicating with them.
4 THE COURT: I see. Pashtun is spoken in Pakistan?
5 THE DEFENDANT: Yes. Peshawar, the whole northwest
6 frontier province is all Pashto speaking, which was part of the
7 Afghanistan before the British broke it. That's why, you know,
8 there's no boundaries and it's -- they complain why there is so
9 much infiltration going on because there's no boundaries,
10 between the people.
11 So I -- where was I? Yes. So I made the bomb and --
12 THE COURT: In Connecticut, by yourself.
13 THE DEFENDANT: Yes.
14 THE COURT: Well, who is it that you say you worked
15 with, in pleading guilty to this complaint? Because you're
16 pleading guilty to conspiring with others, agreeing with
17 others. How did you agree with others?
18 THE DEFENDANT: Well, the conspiring was obviously the
19 plan, and the plan took place in Waziristan.
20 THE COURT: I see. You made a plan while you were in
21 Waziristan?
22 THE DEFENDANT: Yes.
23 THE COURT: With other people there?
24 THE DEFENDANT: With the Tehrik-e-Taliban, with them
25 there, and I made a pact with them and I gave them --

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0611shaa

1 THE COURT: And they did not send you to anybody here
2 or send other people from there with you?
3 THE DEFENDANT: No. They -- I don't know if they have
4 any contacts here or if there was anybody else who was American
5 and who was going to do what I wanted to do. I couldn't see
6 anybody else helping me with that.
7 THE COURT: I see. And where did you stay?
8 THE DEFENDANT: I -- when I came here beginning, I was
9 staying in a hotel for three months -- three weeks, three
10 weeks.
11 THE COURT: In Connecticut?
12 THE DEFENDANT: Yeah. And then I was -- during that
13 time I was looking for a place to rent, and I rented a place in
14 Bridgeport, in Connecticut, and that's where I made the bomb in
15 the house, and then I put the bomb in the car, in the Nissan
16 Pathfinder, and I drove the Pathfinder to Times Square, in
17 order to explode it.
18 THE COURT: And then what happened?
19 THE DEFENDANT: I brought it to -- May 1st to Times
20 Square and I did ignite --
21 THE COURT: What time of day was this?
22 THE DEFENDANT: This was May 1st, maybe 6, 6:30-ish
23 that I got to Times Square.
24 THE COURT: In the evening?
25 THE DEFENDANT: Yes, p.m. I ignite the fuses and I
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

0611shaa

1 gave the time of two and a half minutes to five minutes, and
2 then I left the car.

3 THE COURT: And where was the bomb?

4 THE DEFENDANT: The bomb was -- it was in three
5 sections that I made the bomb. The major was the fertilizer
6 bomb. That was in the trunk. It was in a cabinet, a gun
7 cabinet. The second was -- if that plan of the actual, that
8 didn't work, then the second would be the cylinder, the gas
9 cylinders I had. And the third I had was a petrol, a gas to
10 make fire in the car. But seems like none of those went off,
11 and I don't know the reason why they didn't go off. And
12 then --

13 THE COURT: When did you expect them to go off?

14 THE DEFENDANT: Sorry?

15 THE COURT: When did you expect them to go off? How
16 long did you think it would take?

17 THE DEFENDANT: Two and a half to five minutes. And
18 then I walked toward the train station and I went back to
19 Connecticut.

20 THE COURT: You walked to Grand Central Station?

21 THE DEFENDANT: Yes.

22 THE COURT: Or to Penn Station? Which?

23 THE DEFENDANT: Grand Central Station, New York.

24 THE COURT: That is, you waited and watched to see if
25 it would go off?

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0611shaa

1 THE DEFENDANT: No. I was waiting to hear a sound but
2 I couldn't hear any sound, so I thought it probably didn't go
3 off, so I just --

4 THE COURT: I see.

5 THE DEFENDANT: -- walked to the Grand Central and I
6 went home.

7 THE COURT: You took the train to Bridgeport.

8 THE DEFENDANT: Yes.

9 THE COURT: But I take it there's no question that you
10 intended that the bomb go off, that it explode on the street
11 next to a building? What building was going to be blown up by
12 the bomb?

13 THE DEFENDANT: Well, I didn't choose specific
14 building, but I chose the center of Times Square.

15 THE COURT: Were there a lot of people in the street?

16 THE DEFENDANT: Yes. And obviously the time, it was
17 evening, and obviously it was a Saturday, so that's the time I
18 chose.

19 THE COURT: That is, you wanted to injure a lot of
20 people?

21 THE DEFENDANT: Yes. Damage to the building and to
22 injure people or kill people.

23 But again, I would point out one thing in connection
24 to the attack, that one has to understand where I'm coming
25 from, because this is -- I consider myself a mujahid, a Muslim

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0611shaa

1 soldier. The US and the NATO forces, along with 40, 50
2 countries has attacked the Muslim lands. We --

3 THE COURT: But not the people who were walking in
4 Times Square that night. Did you look around to see who they
5 were?

6 THE DEFENDANT: Well, the people select the
7 government. We consider them all the same. The drones, when
8 they hit --

9 THE COURT: Including the children?

10 THE DEFENDANT: Well, the drone hits in Afghanistan
11 and Iraq, they don't see children, they don't see anybody.
12 They kill women, children, they kill everybody. It's a war,
13 and in war, they kill people. They're killing all Muslims.

14 THE COURT: Now we're not talking about them; we're
15 talking about you.

16 THE DEFENDANT: Well, I am part of that. I am part of
17 the answer to the US terrorizing the Muslim nations and the
18 Muslim people, and on behalf of that, I'm avenging the attacks,
19 because only -- like living in US, the Americans only care
20 about their people, but they don't care about the people
21 elsewhere in the world when they die. Similarly, in Gaza
22 Strip, somebody has to go and live with the family whose house
23 is bulldozed by the Israeli bulldozer. There's a lot of
24 aggression --

25 THE COURT: In Afghanistan?

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0611shaa

1 THE DEFENDANT: In Gaza Strip.
2 THE COURT: I see.
3 THE DEFENDANT: We Muslims are one community. We're
4 not divided.
5 THE COURT: Well, I don't want to get drawn into a
6 discussion of the Koran.
7 THE DEFENDANT: Okay.
8 THE COURT: All right. After listening to you --
9 MR. McGUIRE: Your Honor, whenever it's convenient --
10 THE COURT: Yes, Mr. McGuire.
11 MR. McGUIRE: -- I was just going to respectfully
12 propose a follow-up question with respect to one of the
13 charges --
14 THE COURT: Go ahead.
15 MR. McGUIRE: -- as to the allocution. If your Honor
16 may inquire of the defendant as to the semiautomatic rifle that
17 he purchased in connection with this plot -- the government
18 alleges he carried and possessed in connection with this plot.
19 THE COURT: Yes. Thank you.
20 MR. McGUIRE: Thank you.
21 THE COURT: All right. Mr. Shahzad, did you buy a
22 gun?
23 THE DEFENDANT: Yes, I did buy a gun.
24 THE COURT: And what did you do with the gun?
25 THE DEFENDANT: I bought a gun for my self-defense and
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

0611shaa

1 I had it in my house. It was a 9 mm Kel-Tec SUB 2000, a rifle.
2 THE COURT: Did you get a license for it?
3 THE DEFENDANT: Rifles -- you don't need a license to
4 get them.
5 THE COURT: I see. Because they're hunting guns.
6 THE DEFENDANT: Not all of them. Even the rifles --
7 THE COURT: Well, what kind of a rifle did you buy?
8 THE DEFENDANT: It was a 9 mm, a small rifle. It was
9 not a hunting gun; it was just for self-defense.
10 THE COURT: It's for killing.
11 THE DEFENDANT: Self-defense. Not for killing. It
12 was for my self-defense.
13 THE COURT: What did you do with the gun?
14 THE DEFENDANT: I had the gun just in case if I was
15 attacked or if I was captured, for my self-defense.
16 THE COURT: And what did you do with it when you left
17 the car?
18 THE DEFENDANT: I had it with me.
19 THE COURT: You carried it with you to Grand Central
20 Station?
21 THE DEFENDANT: Yes, I did carry that with me to Grand
22 Central Station.
23 THE COURT: Where did you keep it?
24 THE DEFENDANT: In a laptop box, in a laptop case.
25 The Kel-Tec folds up and fits in there.

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0611shaa

1 THE COURT: I see. So you carried it back on the
2 train to Connecticut.
3 THE DEFENDANT: Yes.
4 THE COURT: And then what did you do with it?
5 THE DEFENDANT: I kept it with me at home. And then I
6 was watching the news, and then after a day or two I had
7 realized they're getting close, they can't know where I am, who
8 I am, so I decided to go to JFK and take a plane and try to go
9 back, if I can, and I took the rifle with me to JFK in the car.
10 THE COURT: And when you went through the metal
11 detector, it wasn't found?
12 THE DEFENDANT: No. I left it in the car in the
13 parking. I would not take it in the airport, obviously.
14 THE COURT: I see. And then what happened?
15 THE DEFENDANT: And then I was in the plane, and I was
16 picked up in the plane.
17 THE COURT: You were already on the plane.
18 THE DEFENDANT: Yes.
19 THE COURT: But it hadn't yet taken off.
20 THE DEFENDANT: Yes.
21 THE COURT: All right. Is there anything further?
22 MR. McGUIRE: That is sufficient, your Honor. Thank
23 you.
24 THE COURT: Well, after listening to your statements,
25 Mr. Shahzad --

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

0611shaa

1 THE DEFENDANT: Yes.
2 THE COURT: Well, let me ask you two other questions.
3 THE DEFENDANT: Sure.
4 THE COURT: Were you aware that what you were doing
5 was a crime?
6 THE DEFENDANT: I would not consider it a crime.
7 THE COURT: Were you aware that it was a violation of
8 the criminal laws of the United States?
9 THE DEFENDANT: I am aware it's a violation of
10 criminal law of United States, but I don't care for the laws of
11 United States.
12 THE COURT: Well, that's a different question.
13 THE DEFENDANT: Yes. I know the criminal laws of the
14 United States. It is violating the criminal law of the United
15 States.
16 THE COURT: Very well. Is there anything further?
17 MR. McGUIRE: Just one more point, your Honor, with
18 respect to the forfeiture allegation, which I know your Honor
19 has already made the defendant aware of, but we respectfully
20 ask that your Honor ask whether the defendant admits to the
21 forfeiture allegation as your Honor described it earlier.
22 THE COURT: Do you remember what I said about
23 forfeiture?
24 THE DEFENDANT: That if I have received any cash from
25 anybody?

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

0611shaa

1 THE COURT: No, not just cash. Anything, any
2 property -- can be money or anything else -- that you get in
3 connection with carrying out this plan, as you referred to it.
4 THE DEFENDANT: The only thing I received was cash
5 from the Taliban.
6 THE COURT: All right. Do you admit that you received
7 that cash in connection with the plan that you've described?
8 THE DEFENDANT: Yes. And that was part of the cash.
9 And I also had my cash with me too, which is 4,900 -- 4,500.
10 THE COURT: Right. Now where did you get that money
11 from?
12 THE DEFENDANT: My money?
13 THE COURT: Yes.
14 THE DEFENDANT: I had that -- I withdraw that from the
15 bank when I was going to Pakistan.
16 THE COURT: Very well. Did you work here? Did you
17 earn money when you were in this country?
18 THE DEFENDANT: Yes, I earned money.
19 THE COURT: Where did you work?
20 THE DEFENDANT: I worked -- I started working at
21 Elizabeth Arden, a cosmetic company, as their account analyst,
22 and then I worked there for maybe four, five years, and then I
23 worked with --
24 THE COURT: You mean a financial accountant?
25 THE DEFENDANT: Account analyst beginning, then I was
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

0611shaa

1 operation analyst, and then I went to Affinion Group -- and
2 then I was financial analyst, and then I went to Affinion
3 Group, and then I was financial analyst in Affinion Group for
4 another three years.

5 THE COURT: And the money that you withdrew from the
6 bank, you earned in that capacity?

7 THE DEFENDANT: Yes.

8 THE COURT: All right. Is there anything further?

9 MR. MCGUIRE: Not with respect to the allocution, no,
10 your Honor.

11 THE COURT: All right. After listening to you,
12 Mr. Shahzad, I am satisfied that you understand the charges
13 against you, that you understand the consequences of entering a
14 plea of guilty to those charges, that you are doing this of
15 your own free will, with an understanding of the
16 consequences --

17 THE DEFENDANT: Yes.

18 THE COURT: -- and I will therefore now ask you as to
19 each of these counts how you plead.

20 How do you plead to Count One?

21 THE DEFENDANT: Guilty.

22 THE COURT: Count Two?

23 THE DEFENDANT: Guilty.

24 THE COURT: Count Three?

25 THE DEFENDANT: Guilty.

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0611shaa

1 THE COURT: Count Four?
2 THE DEFENDANT: Guilty.
3 THE COURT: Count Five?
4 THE DEFENDANT: Guilty.
5 THE COURT: Count Six?
6 THE DEFENDANT: Guilty.
7 THE COURT: Count Seven?
8 THE DEFENDANT: Guilty.
9 THE COURT: Count Eight?
10 THE DEFENDANT: Guilty.
11 THE COURT: Count Nine?
12 THE DEFENDANT: Guilty.
13 THE COURT: Count Ten?
14 THE DEFENDANT: Guilty.
15 THE COURT: I will enter your pleas of guilty and I
16 will set a date for sentence and request a presentence report.
17 You may be seated.
18 THE DEFENDANT: Thank you.
19 MR. WEINSTEIN: Your Honor, before you select a date,
20 my co-counsel, Ms. Gatto, is due to give birth beginning of
21 September. She too would like to participate, so if you could
22 set it a little later in September, if that would be possible,
23 although --
24 THE COURT: Well, I would be surprised if we got a
25 report much before that, but I will accommodate her.

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

0611shaa

1 Will she be back by September 21st?
2 MR. WEINSTEIN: I think -- it's hard to predict, but I
3 know she would like to participate.
4 THE COURT: Well, I understand, but --
5 MR. WEINSTEIN: Well, can we tentatively set it and
6 hopefully we'll know early in September?
7 THE COURT: Well, I'm happy to put it on for the
8 beginning of October, if nobody objects.
9 MR. WEINSTEIN: That's fine.
10 MR. McGUIRE: No problem from the government, your
11 Honor.
12 THE COURT: Very well. Then I will set sentence for
13 October 5th at 10:00 in the morning.
14 Is there anything further?
15 MR. McGUIRE: Not from the government, your Honor.
16 MR. WEINSTEIN: No, your Honor.
17 THE COURT: Very well. Then this proceeding is
18 adjourned.

19 o0o
20
21
22
23
24
25

