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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

16-20349-CR-RNS/OTAZO-REYES

UNITED STATES OF AMERICA,)
)
 PLAINTIFF,)
)
 VS.)
)
 JAMES GONZALO MEDINA,)
)
 DEFENDANT.)
 -----)

(TRANSCRIPT BY DIGITAL RECORDING)

TRANSCRIPT OF PRETRIAL DETENTION HEARING HAD BEFORE
THE HONORABLE ANDREA M. SIMONTON, IN MIAMI, MIAMI-DADE COUNTY,
FLORIDA, ON MAY 10, 2016, IN THE ABOVE-STYLED MATTER.

APPEARANCES:

FOR THE GOVERNMENT: MARC S. ANTON, A.U.S.A.
KAREN E. GILBERT, A.U.S.A.
99 NE 4TH STREET
MIAMI, FL 33132 - 305 961-9161
FOR THE DEFENDANT: JOAQUIN PADILLA, A.F.P.D.
150 WEST FLAGLER STREET, SUITE 1700
MIAMI, FL 33130 - 305 530-7000

CARL SCHANZLEH, RPR - CM
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DESCRIPTION	PAGE	LINE	PAGE	LINE

1 (MIAMI, MIAMI-DADE COUNTY, FLORIDA; MAY 10, 2016, IN OPEN
2 COURT.)

3 THE COURT: THE NEXT TWO CASES ARE DETENTION HEARINGS.
4 IF ONE OF THEM IS UNCONTESTED AND THE OTHER IS
5 CONTESTED I'LL TAKE THE UNCONTESTED ONE FIRST. IF THEY ARE
6 BOTH CONTESTED I'LL JUST TAKE THEM IN THE ORDER IN WHICH THEY
7 ARE.

8 SO I JUST ASK THE GOVERNMENT TO TELL ME, IS MEDINA --
9 EXCUSE ME, JAMES GONZALO MEDINA CONTESTED OR UNCONTESTED?

10 MR. ANTON: CONTESTED, YOUR HONOR.

11 THE COURT: AND IS WILLIAM MUNOZ CONTESTED OR
12 UNCONTESTED?

13 MR. ANTON: CONTESTED, YOUR HONOR.

14 THE COURT: OKAY. THEN WE'LL START WITH UNITED STATES
15 VERSUS JAMES GONZALO MEDINA, CASE NUMBER 16-2562.

16 MR. ANTON: GOOD MORNING, YOUR HONOR. MARK ANTON AND
17 KAREN GILBERT ON BEHALF OF THE UNITED STATES.

18 THE COURT: THANK YOU.
19 AND ON BEHALF OF THE DEFENDANT?

20 MR. PADILLA: GOOD MORNING, JUDGE. JOAQUIN PADILLA
21 FROM THE FEDERAL DEFENDER'S OFFICE ON BEHALF OF MR. MEDINA WHO
22 IS PRESENT IN COURT THIS MORNING.

23 THE COURT: THANK YOU.

24 MR. MEDINA, WOULD YOU STATE YOUR NAME AND AGE, PLEASE?

25 THE DEFENDANT: I'M JAMES MEDINA. I'M 40.

1 THE COURT: OKAY. THANK YOU, SIR.

2 LET ME JUST TAKE A MOMENT TO GET SET UP.

3 MR. PADILLA: JUDGE, IF IT WOULD MAKE IT EASIER AND
4 SPEED THINGS UP A BIT WITHOUT CAUSING A PROBLEM, I THINK WE
5 COULD PROBABLY AGREE OR STIPULATE TO THE FACTS IN THE PROBABLE
6 CAUSE AFFIDAVIT.

7 I THINK THE GOVERNMENT WOULD -- THE AGENT WILL
8 STIPULATE THAT THOSE ARE THE FACTS AND JUST -- IT'S 14 PAGES
9 LONG. JUST TO --

10 THE COURT: OKAY. WHAT I'LL DO IS, I'LL HAVE -- THE
11 GOVERNMENT CAN ADOPT BY REFERENCE THE AVERMENTS IN THE
12 COMPLAINT.

13 BUT THEN WHAT I WOULD LIKE THE GOVERNMENT TO DO IS
14 HIGHLIGHT JUST FOR ME BRIEFLY THE INVOLVEMENT OF THE DEFENDANT
15 AND WHAT HE DID WITH RESPECT TO THIS OFFENSE. JUST A BRIEF
16 SYNOPSIS OF THE AVERMENTS IN THE COMPLAINT HIGHLIGHTING THE
17 MOST IMPORTANT POINTS FOR ME.

18 AND I DON'T KNOW -- MR. ANTON, IS THAT GOING TO BE YOU
19 OR IS THAT GOING TO BE MISS GILBERT?

20 MR. ANTON: IT WILL BE ME, YOUR HONOR.

21 THE COURT: OKAY. THAT'S FINE. AND IF YOU CAN BEGIN
22 BY TELLING ME -- SO YOU DO NOT -- WE DO NOT HAVE TO HAVE AN
23 AGENT TESTIFY IN THIS CASE, IS THAT CORRECT?

24 MR. PADILLA: I WOULD LIKE TO ASK HIM SOME QUESTIONS
25 BUT I THINK THAT THEY RELATE MORE TO DANGER AND THINGS LIKE

1 THAT, SOME FACTS THAT ARE NOT ACTUALLY IN THE COMPLAINT.

2 THE COURT: WELL, I'LL ALLOW BRIEF INQUIRY. BUT
3 GENERALLY I RESTRICT THE EXAMINATION OF AN AGENT TO THE FACTS
4 UPON WHICH THE GOVERNMENT RELIES TO SUPPORT DETENTION AND THEN
5 YOU CAN PROFFER EVIDENCE ON BEHALF OF YOUR CLIENT.

6 AND, MR. ANTON, WILL YOU CALL AN AGENT TO COME FORWARD
7 AND BE PREPARED TO BE ASKED QUESTIONS BY MR. PADILLA?

8 MR. ANTON: YES, JUDGE. WE HAVE FBI SPECIAL AGENT
9 DAVID CLANCY HERE IN COURT TODAY.

10 THE COURT: OKAY. THANK YOU.

11 IF YOU COULD COME FORWARD.

12 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

13 (WITNESS SWORN)

14 THE WITNESS: I DO.

15 THE CLERK: THANK YOU.

16 PLEASE BE SEATED AND SPEAK INTO THE MICROPHONE. STATE
17 YOUR NAME AND SPELL YOUR FIRST AND LAST NAME FOR THE RECORD.

18 THE WITNESS: MY NAME IS DAVID CLANCY. D-A-V-I-D LAST
19 C-L-A-N-C-Y. I'M A SPECIAL AGENT WITH THE FEDERAL BUREAU OF
20 INVESTIGATION.

21 THE COURT: OKAY. THANK YOU.

22 MR. ANTON, YOU CAN PROCEED. BEGIN BY TELLING ME
23 WHETHER YOU'RE SEEKING DETENTION BASED ON RISK OF FLIGHT,
24 DANGER TO THE COMMUNITY OR BOTH, WHAT THE ESTIMATED GUIDELINE
25 RANGE IS, AND WHETHER THERE -- WHAT STATUTORY MAXIMUM IS AND

1 WHETHER THERE IS A STATUTORY PRESUMPTION.

2 MR. ANTON: JUDGE, WE ARE SEEKING PRETRIAL DETENTION
3 BASED UPON BOTH RISK OF FLIGHT AND DANGER TO THE COMMUNITY.

4 THE CHARGE IN THE INSTANT OFFENSE IS A VIOLATION OF
5 TITLE 18, UNITED STATES CODE, SECTION 2332(A)(A)(2), THE
6 ATTEMPTED USE OF A WEAPON OF MASS DESTRUCTION.

7 THE MAXIMUM PENALTY IS LIFE IN PRISON. THE GUIDELINE
8 RANGE IS 360 MONTHS TO LIFE IN PRISON. AND, YES, A PRESUMPTION
9 OF DETENTION DOES APPLY.

10 THIS PARTICULAR CRIME IS FOUND IN TITLE, 18, UNITED
11 STATES CODE, SECTION 2332(G)(5)(B), AND AS SUCH IT IS DEFINED
12 AS A FEDERAL CRIME OF TERRORISM. AS CROSS-REFERENCED THE
13 PRESUMPTION OF DETENTION APPLIES UNDER 18, UNITED STATES CODE,
14 SECTION 3142(E)(3)(C).

15 THE COURT: OKAY. YOU CAN PROCEED.

16 MR. ANTON: JUDGE, AS YOUR HONOR IS AWARE IN THE
17 INSTANT CASE, THE AFFIANT FILED APPROXIMATELY A 16 PAGE
18 COMPLAINT WHICH WAS SWORN TO AND APPROVED BY MAGISTRATE
19 TURNOFF. THE GOVERNMENT WOULD BE ADOPTING THOSE FACTS IN ITS
20 ENTIRETY IN TERMS OF THE FACTS OF THE UNDERLYING MATTER.

21 BUT IN TERMS OF A BRIEF SUMMARY, FROM APPROXIMATELY
22 MARCH OF 2016 TO THE PRESENT, THE FBI LAUNCHED AN INVESTIGATION
23 OF AN INDIVIDUAL WHO WAS INTERESTED IN COORDINATING AND
24 CONDUCTING AN ATTACK ON A SYNAGOGUE IN AVENTURA, FLORIDA.

25 THIS INDIVIDUAL, THE DEFENDANT JAMES MEDINA, OVER THE

1 COURSE OF APPROXIMATELY ONE MONTH DISCUSSED WITH AN FBI
2 CONFIDENTIAL HUMAN SOURCE OBTAINING A BOMB WHICH HE COULD
3 EITHER PLACE UNDER A CAR OR THROW OVER THE WALL OF THE
4 SYNAGOGUE.

5 ON APRIL 29TH OF 2016, THE DEFENDANT TOOK POSSESSION
6 AND ARMED WHAT HE BELIEVED TO BE AN EXPLOSIVE DEVICE. THE
7 DEFENDANT WAS ULTIMATELY ARRESTED AS HE WALKED TOWARDS THE
8 TEMPLE BY THE FBI.

9 THE DEFENDANT LATER GAVE A FULL CONFESSION TO LAW
10 ENFORCEMENT, BUT MORE DETAILS ARE OUTLINED SPECIFICALLY IN THE
11 COMPLAINT AFFIDAVIT.

12 THE COURT: OKAY. AND I WILL HEAR ARGUMENT FROM YOU
13 REGARDING DETENTION.

14 MR. ANTON: YOUR HONOR, IN TERMS OF DETENTION. IF WE
15 LOOK TOWARD THE 3142(G) FACTORS AND WE FIRST TURN TO (G)(1),
16 THE NATURE AND CIRCUMSTANCES OF THE OFFENSE.

17 AS I MENTIONED PREVIOUSLY WE'VE GOT A FEDERAL CRIME OF
18 TERRORISM WITH THE PRESUMPTION OF DETENTION APPLYING. THIS IS
19 THE ATTEMPTED USE OF A WEAPON OF MASS DESTRUCTION TO BLOW UP A
20 SYNAGOGUE FULL OF JEWISH MEMBERS DURING PASSOVER SERVICES.

21 THE MAXIMUM PENALTY IS LIFE IN PRISON, THE GUIDELINES
22 ARE 360, LIFE, AND THE PRESUMPTION APPLIES.

23 THIS IS A DEFENDANTS WHO WAS NOT CONCERNED WITH
24 KILLING WOMEN AND CHILDREN. THIS IS A DEFENDANT WHO WANTED TO
25 TERRORIZE THE TEMPLE. THIS IS A DEFENDANT WHO DISCUSSED REMOTE

1 DETONATION, WHO DISCUSSED PLACING A BOMB CLOSE TO DOORWAYS, WHO
2 DISCUSSED PLACING A BOMB IN A BATHROOM, WHO CONDUCTED
3 SURVEILLANCE ON MULTIPLE OCCASIONS AND STATED ON RECORDED
4 CONVERSATIONS, I WANT TO SEE DAMAGE TO THEIR ASS. I WANT TO
5 SEE SOMETHING, MAN. JUST GO IN THERE AND RAMPAGE EVERYBODY, IN
6 REFERENCE -- IN REFERENCE TO AN ATTACK WITH A POSSIBLE AK 47
7 ASSAULT RIFLE.

8 THIS IS A DEFENDANT WHO WAS EXCITED STATING, OH MY
9 GOD. I CAN'T WAIT. THAT SOUNDS AWESOME. LET'S MAKE IT
10 HAPPEN. IT'S MY CALL OF DUTY. I'M DOING IT FOR A GOOD CAUSE
11 FOR ALLAH. IT'S MY CALLING.

12 IT'S A DEFENDANT WHO STATED, AND I'M HOPING THAT ONE
13 BOMB CAN CAUSE BIG DAMAGE AND LET THEM REALIZE THAT THEIR YOM
14 KIPPUR IS GOING DOWN.

15 ON A DAY OF ATTACK THE DEFENDANT RECORDED THREE VIDEOS
16 ON A CELLPHONE WHERE HE STATED, I AM A MUSLIM AND I DON'T LIKE
17 WHAT'S GOING ON IN THIS WORLD. I'M GOING TO HANDLE BUSINESS
18 HERE IN AMERICA. AVENTURA, WATCH YOUR BACK. TODAY IS GOING TO
19 BE A DAY WHERE MUSLIMS ATTACK AMERICA. I'M GOING TO SET A BOMB
20 IN AVENTURA, AND THEN HE SAID GOODBYE TO HIS FAMILY.

21 THEREAFTER THE DEFENDANT GAVE A FULL CONFESSION TO LAW
22 ENFORCEMENT. HE STATED THAT HIS MOTIVATION WAS TO STRIKE BACK
23 FOR ALL THE WARS, AND HIS GOAL WAS TO SEND A MESSAGE AND WAS
24 INDIGNANT AS TO THE LOSS OF LIFE STATING, WHATEVER HAPPENS.

25 THIS IS A DEFENDANT WHO HAD MULTIPLE OPPORTUNITIES TO

1 BACK OUT OF THE OFFENSE AND BACK OUT OF THE PLOT BUT NEVER DID.

2 IF YOUR HONOR LOOKS AT THE WEIGHT OF THE EVIDENCE
3 FACTOR UNDER 3142(G)(2), THE WEIGHT OF THE EVIDENCE IS
4 EXTREMELY STRONG. WE HAVE RECORDED CONVERSATIONS WITH THE CHS
5 AND AN UNDERCOVER EMPLOYEE. WE HAD VIDEO SURVEILLANCE OF THESE
6 MEETINGS. WE HAVE A FULL CONFESSION BY THE DEFENDANT.

7 WHEN THE DEFENDANT WAS ARRESTED AFTER HE HAD TAKEN
8 POSSESSION OF THE DEVICE THAT HE THOUGHT WAS A BOMB HAD ARMED
9 IT AND HAD TRAVELED TOWARDS THE TARGET LOCATION AND WAS ONLY
10 STOPPED BY THE FBI AS HE WAS WALKING TOWARDS THE TEMPLE. HE
11 HAD PROVIDED A LAPTOP BAG TO CONCEAL THE DEVICE. HE PROVIDED
12 THE CELLPHONE TO DETONATE IT.

13 IF YOUR HONOR THEN TURNS TO THE HISTORY AND
14 CHARACTERISTICS OF THE DEFENDANT.

15 UNDER 3142(G)(3)(A), WE HAVE A DEFENDANT WHO HAS
16 MULTIPLE PRIOR ARRESTS INCLUDING A CONVICTION FOR STRONG ARMED
17 ROBBERY AND OTHER VIOLENCE RELATED CRIMES SUCH AS AN ASSAULT
18 AND BATTERY, AGGRAVATED STALKING, AND A VIOLATION OF A DOMESTIC
19 VIOLENCE INJUNCTION AMONG OTHERS.

20 WE HAVE A DEFENDANT WHO HAS AN ACTIVE RESTRAINING
21 ORDER IN PLACE AGAINST HIM BY FATIMA KAHENA, A FORMER
22 GIRLFRIEND WITH NO EXPIRATION DATE. EVEN HIS OWN MOM HAD FILED
23 A RESTRAINING ORDER AGAINST HIM.

24 THIS IS A DEFENDANT WHO HAS NO STABLE LEGAL RESIDENCE,
25 NO STABLE JOB. HE IS DIVORCED FROM HIS WIFE, HASN'T SEEN HIS

1 SON SINCE 2012. AND, IN FACT, ACCORDING TO THE PRETRIAL
2 SERVICES REPORT IS ESTRANGED FROM ALL OF HIS FAMILY MEMBERS.

3 HE HAS A HISTORY OF DRUG USE. HE USES MARIJUANA
4 DAILY, HE HAS A HISTORY OF MENTAL ILLNESS, AND HIS FATHER LIVES
5 IN ECUADOR.

6 IF YOUR HONOR THEN TURNS TO 3142(G)(4), THE NATURE AND
7 SERIOUSNESS OF THE DANGER TO ANY PERSON OR COMMUNITY POSED BY
8 RELEASE.

9 THIS IS A VERY VIOLENT INDIVIDUAL WITH AN INTENSE
10 HATRED TOWARDS THE JEWS AND WAS INTENT ON CAUSING MASS
11 CASUALTIES AT THE TEMPLE.

12 YOUR HONOR, THIS IS A DEFENDANT WHO CANNOT BE RELEASED
13 ON PRETRIAL RELEASE. THIS IS A DEFENDANT WHO CANNOT BE
14 RELEASED TO ANOTHER MEMBER OF THE COMMUNITY. THIS DEFENDANT IS
15 BOTH A DANGER TO THE COMMUNITY AND A RISK OF FLIGHT, AND
16 CLEARLY THE GOVERNMENT HAS PROVEN BY CLEAR AND CONVINCING
17 EVIDENCE THAT UNDER 18, UNITED STATES CODE SECTION 3142(E) NO
18 CONDITION OR COMBINATION OF CONDITIONS WILL REASONABLY ASSURE
19 THE SAFETY OF THE COMMUNITY, AND BY A PREPONDERANCE OF THE
20 EVIDENCE THE DEFENDANT IS A FLIGHT RISK AND THE DEFENDANT
21 SHOULD BE HELD IN PRETRIAL DETENTION.

22 THE COURT: OKAY. THANK YOU.

23 MR. PADILLA, DO YOU HAVE ANY QUESTIONS THAT YOU WISH
24 TO ASK THE AGENT?

25 MR. PADILLA: I DO, JUDGE.

1 THE COURT: OKAY. BRIEFLY.

2 MR. PADILLA: THANK YOU, JUDGE.

3 DAVID CLANCY,

4 BEING DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

5 CROSS EXAMINATION

6 BY MR. PADILLA:

7 Q. AGENT, I KNOW THAT YOU HEARD JUST WHAT THE GOVERNMENT SAID.

8 ISN'T IT -- I'M NOT DISPUTING THE FACTS THAT ARE

9 CONTAINED HERE. BUT ISN'T THE TRUTH THAT WE ARE DEALING WITH A

10 MAN WHO HAS MENTAL HEALTH ISSUES AND HAS HAD THEM FOR A LONG

11 TIME, WHO AT THE TIME OF THIS OFFENSE WAS HOMELESS?

12 ISN'T THAT THE PERSON THAT WE'RE DEALING WITH?

13 A. I CAN'T SPEAK TO HIS MENTAL HEALTH AND ANY DIAGNOSES THAT A

14 MEDICAL DOCTOR HAS GIVEN HIM.

15 Q. ALL RIGHT. WELL, SINCE THIS INVESTIGATION BEGAN, HAVE YOU

16 LEARNED ABOUT MR. MEDINA'S MENTAL HEALTH ISSUES?

17 A. AGAIN --

18 Q. I'M NOT ASKING YOU FOR A DIAGNOSE. I'M JUST SAYING, DID

19 YOU BECOME AWARE AT SOME POINT THAT HE HAS MENTAL HEALTH

20 ISSUES?

21 A. YES, SIR.

22 Q. OKAY. WHEN WAS THAT?

23 A. DURING THE COURSE OF THE INVESTIGATION WE WERE AWARE OF A

24 BAKER ACT THAT HAD BEEN FILED WHEN MR. MEDINA WAS HOSPITALIZED

25 USING A BAKER ACT.

1 Q. ALL RIGHT. ISN'T IT TRUE THAT THERE HAD BEEN AT LEAST TWO
2 ATTEMPTS BY THE FAMILY -- BY MR. MEDINA'S FAMILY TO HAVE HIM
3 INVOLUNTARILY COMMITTED TO A MENTAL HEALTH INSTITUTION?

4 A. I CAN'T SPEAK TO WHAT THE FAMILY HAS DONE AS FAR AS --

5 THE COURT: YOU CAN PROFFER FACTS ABOUT HIS MENTAL
6 HEALTH OR HIS STATUS, AND IF THE GOVERNMENT CONTRADICTS IT
7 THEN YOU -- BUT I THINK IT'S PROBABLY MORE EFFICIENT IF YOU
8 HAVE -- IF YOU HAVE FACTS THAT YOU WANT TO PROFFER ABOUT HIS
9 MENTAL CONDITION AND THOSE KINDS OF THINGS, IT'S PROBABLY MORE
10 EFFECTIVE UNLESS YOU'RE TRYING TO EXPLORE THINGS YOU DON'T KNOW
11 ABOUT. BUT THE AGENT IS REALLY HERE TO DISCUSS THE FACTS OF
12 THE INVESTIGATION AS HE HAS THEM --

13 MR. PADILLA: OKAY.

14 THE COURT: -- OR TO TESTIFY REGARDING THAT.

15 MR. PADILLA: UNDERSTOOD, JUDGE.

16 BY MR. PADILLA:

17 Q. ONE OF THE THINGS -- WHEN YOU READ THE PROBABLE CAUSE
18 AFFIDAVIT, ONE OF THE THINGS THAT YOU MENTION INITIALLY, AND
19 YOU WROTE THIS, ONE OF THE THINGS THAT YOU MENTION IS
20 MR. MEDINA IS MEETING WITH HIS ASSOCIATES, CORRECT?

21 A. YES, SIR.

22 Q. NOW, WHEN YOU SAY THE WORD ASSOCIATES YOU'RE TALKING ABOUT
23 HIS FRIENDS, RIGHT?

24 A. I WOULD CONSIDER THEM FRIENDS OF MR. MEDINA.

25 Q. THESE ARE NOT BUSINESS PEOPLE, THESE ARE NOT PEOPLE IN SOME

1 SORT OF PROFESSIONAL ORGANIZATION, CORRECT?

2 A. YES, SIR.

3 Q. OKAY. IN THE COURSE OF INVESTIGATING THIS, DID YOU LEARN
4 WHETHER ANY OF MR. MEDINA'S FRIENDS WERE SOMEHOW INVOLVED IN
5 ANY TERRORIST ORGANIZATIONS OR HAD BEEN RADICALIZED EITHER
6 OUTSIDE THE COUNTRY OR IN THIS COUNTRY.

7 MR. ANTON: I'M GOING TO OBJECT TO RELEVANCE.

8 MR. PADILLA: IT GOES TO DANGER, JUDGE.

9 THE COURT: WHAT HIS FRIENDS HAVE DONE IT GOES TO HIS
10 DANGER?

11 MR. PADILLA: YES. BECAUSE THE INVESTIGATION
12 INITIALLY CENTERED AROUND MR. MEDINA AND HIS FRIENDS, A GROUP
13 OF THEM TALKING TO THE CONFIDENTIAL HUMAN SOURCE IN THIS CASE.
14 SO I THINK IT BECOMES RELEVANT.

15 THE COURT: I'M GOING TO SUSTAIN THE OBJECTION AS THE
16 WORDED.

17 YOU CAN ASK IF THE AGENT IS AWARE OF MR. MEDINA BEING
18 INVOLVED WITH ANY TERRORIST ORGANIZATION.

19 MR. PADILLA: OKAY.

20 BY MR. PADILLA:

21 Q. SO LET'S STICK TO MR. MEDINA THEN.

22 DURING THE COURSE OF YOUR INVESTIGATION DID YOU LEARN
23 THAT MR. MEDINA HAD BEEN RADICALIZED AGAIN EITHER OUTSIDE THE
24 COUNTRY OR SOMEHOW INSIDE THIS COUNTRY?

25 A. AGAIN I WOULD THINK THAT WOULD GO TO YOUR DEFINITION OF

1 RADICALIZATION. BY MR. MEDINA'S ONE ACCOUNTS HE WAS CONDUCTING
2 ATTACK WHERE HE WAS ATTEMPTING TO BOMB A JEWISH SYNAGOGUE AND
3 GIVE CREDIT TO ISIS FOR THE ATTACK.

4 SO, IN MY OPINION, YES, SIR, THAT WOULD INDICATE
5 RADICALIZATION.

6 Q. OKAY. BUT LET'S -- LET ME ASK YOU A COUPLE OF QUESTIONS
7 BASED ON YOUR RESPONSE.

8 ISN'T IT TRUE THAT THE CONFIDENTIAL HUMAN SOURCE IS
9 THE VERY FIRST PERSON WHO MENTIONED A BOMB IN THIS CASE?

10 A. THE KIND OF ATTACK THAT WAS DISCUSSED, THERE WERE VARIOUS
11 IDEAS THAT WERE THROWN OUT THERE. MR. MEDINA'S ORIGINAL IDEA
12 WAS TO USE AK 47'S.

13 Q. OKAY. SO HE MENTIONED BOMBING IN YOUR ANSWER TO ME, BUT
14 THE REALITY IS THE FIRST PERSON TO MENTION A BOMB IS YOUR
15 SOURCE.

16 A. I'M TRYING TO RECALL EXACTLY THE WAY THE CONVERSATION WAS.
17 BUT I WOULD SAY THAT WE INSTRUCTED THE SOURCE TO PROVIDE
18 MR. MEDINA WITH THE IDEA THAT HE HAS A CONTACT THAT CAN GET
19 VARIOUS THINGS TO INCLUDE AN EXPLOSIVE DEVICE.

20 Q. ON PAGE SIX OF THE COMPLAINT. DO YOU HAVE IT THERE?

21 A. YES, SIR.

22 Q. PARAGRAPH 12, WHAT YOU WROTE.

23 THE CONVERSATION THEN TURNED TOWARD THE DETAILS OF THE
24 ATTACK. AND THE CONFIDENTIAL HUMAN SOURCE ADDRESSED THE
25 CONCERNS OF ENTERING THE SYNAGOGUE WITH FIREARMS AND THEN

1 GETTING SHOT. AND INSTEAD THE SOURCE PROPOSED LEAVING AN
2 UNSPECIFIED OBJECT BEHIND AND LEAVING THE SCENE.

3 A. CORRECT.

4 Q. AND LATER ON AT THE END OF THAT PARAGRAPH, THE SOURCE THEN
5 DESCRIBED HOW A CELLULAR PHONE COULD SERVE TO DETONATE THE
6 BOMB.

7 A. YES.

8 Q. ALL RIGHT. SO THAT'S THE SOURCE INTRODUCING THE IDEA OF A
9 BOMB, CORRECT?

10 A. IN THAT REGARD, YES, SIR.

11 Q. OKAY. YOU ALSO MENTIONED THAT MR. MEDINA MENTIONED ISIS,
12 CORRECT, AS SOMEHOW PROOF OF HIS RADICALIZATION, CORRECT?

13 A. YES, SIR.

14 Q. PARAGRAPH EIGHT OF YOUR -- ISN'T IT TRUE THAT AGAIN THE
15 SOURCE IS THE FIRST PERSON TO MENTION ISIS IN THIS CASE?

16 A. YES. THE SOURCE INTRODUCED THE IDEA OF WHICH GROUP SHOULD
17 RECEIVE CREDIT FOR IT --

18 Q. OKAY.

19 A. -- AND HE PROVIDED SOME OPTIONS.

20 Q. SO AGAIN, GETTING BACK TO YOUR ANSWER.

21 YOUR ANSWER TO ME ABOUT WHETHER MR. MEDINA HAD SOMEHOW
22 BEEN RADICALIZED EITHER OUTSIDE THE COUNTRY OR INSIDE THE
23 COUNTRY YOU MENTION TWO THINGS, THE BOMB AND ISIS, CORRECT?

24 A. YES, SIR.

25 Q. ALL RIGHT. AND NOW, BOTH OF THOSE THINGS, THE BOMB AND THE

1 REFERENCE TO ISIS, WERE GENERATED OR CAME FROM YOUR SOURCE,
2 CORRECT?

3 A. AGAIN, THE IDEA -- THE OPPORTUNITY TO USE A REMOTE
4 DETONATED DEVICE AND THE POTENTIAL FOR WHICH GROUP SHOULD
5 RECEIVE CREDIT IN BOTH CASES AS OUTLINED IN THE INDICTMENT,
6 YES, SIR.

7 Q. OKAY. SO AGAIN, GETTING BACK TO MR. MEDINA'S
8 RADICALIZATION.

9 BESIDES THAT, DO YOU HAVE ANY EVIDENCE, ANYTHING
10 ANYWHERE THAT YOU HAVE GENERATED IN THE LAST TWO MONTHS, ANY
11 SOCIAL MEDIA SITES, ANY PUBLICATIONS, ANYTHING THAT MR. MEDINA
12 HAD ACCESS TO, TO ESTABLISH THAT HE WAS SOMEHOW RADICALIZED?

13 A. YES, SIR. TO HAVE AN INDIVIDUAL KNOWING THE -- TAKE WHAT
14 HE BELIEVED TO BE AN EXPLOSIVE DEVICE AND WALK TOWARDS A
15 SYNAGOGUE FULL OF PEOPLE, THAT TO ME IS CLEARLY A RADICALIZED
16 INDIVIDUAL.

17 Q. OKAY. YOU'RE -- I'M ASSUMING THAT YOU'RE TAKING THOSE
18 FACTS WITHOUT REGARD TO THE PERSON BEFORE THE COURT, IS THAT
19 FAIR TO SAY? WITHOUT ANY THOUGHT TO MR. MEDINA'S MENTAL HEALTH
20 OR STATE OF MIND?

21 A. AGAIN, SIR, I CAN'T SPEAK TO MR. MEDINA'S MENTAL HEALTH.

22 Q. WOULD YOU AGREE THAT IT WOULD AFFECT -- THAT A PERSON WHO
23 HAS MENTAL HEALTH PROBLEMS, LONGSTANDING MENTAL HEALTH
24 PROBLEMS -- I KNOW THAT YOU SPOKE TO MR. MEDINA'S SISTER ABOUT
25 THESE ISSUES, WOULDN'T YOU AGREE THAT THAT WOULD AFFECT A

1 PERSON'S ABILITY TO UNDERSTAND AT LEAST THE SERIOUSNESS AND THE
2 CONSEQUENCES OF WHAT THEY'RE DOING?

3 A. YES, SIR. I THINK MENTAL HEALTH COULD IMPACT A PERSON'S
4 DECISIONS.

5 Q. DO YOU HAVE ANY EVIDENCE -- LET ME GO BACK ONE SECOND.

6 YOU MENTIONED -- OR THE GOVERNMENT MENTIONED, I SHOULD
7 SAY, THAT MR. MEDINA WAS SOMEHOW INTERESTED IN BOMBING A
8 SYNAGOGUE OR PLANNING SOME SORT OF ATTACK. I THINK THE
9 GOVERNMENT MENTIONED THAT.

10 I DON'T THINK IT'S THAT -- THAT PHRASING IS
11 SPECIFICALLY IN THE COMPLAINT. BUT IS THAT FAIR TO SAY, THAT
12 SOMEHOW YOU LEARNED THAT HE WAS INTERESTED IN DOING THIS?

13 A. YES, SIR.

14 Q. OKAY. BESIDES TALKING ABOUT THAT WITH HIS TWO FRIENDS AND
15 THE SOURCE IN THIS CASE, DO YOU HAVE ANY EVIDENCE THAT
16 MR. MEDINA TALKED TO ANYONE ELSE ABOUT HIS INTEREST IN PLANNING
17 ANY SORT OF ATTACK?

18 A. THE ONLY CONVERSATIONS THAT I HAVE KNOWLEDGE OF, OF
19 MR. MEDINA DISCUSSING THE ATTACK ARE OUTLINED HERE OR IN
20 RECORDED CONVERSATIONS.

21 Q. OKAY. SO BESIDES THAT GROUP THAT WE KNOW ABOUT HERE IN THE
22 COMPLAINT NO ONE ELSE.

23 A. NO, SIR, I'M NOT AWARE OF ANYONE ELSE.

24 Q. DO YOU HAVE ANY INFORMATION REGARDING MR. MEDINA'S
25 CONVERSION TO THE MUSLIM FAITH OR GETTING INVOLVED IN PLANNING

1 THIS ATTACK?

2 A. YES. MR. MEDINA OUTLINED TO US IN HIS POST ARREST
3 INTERVIEW BASIC ELEMENTS OF HIS CONVERSION AND WHY HE
4 CONVERTED.

5 Q. AND WHAT DID HE TELL YOU?

6 A. HIS CONVERSION HAPPENED APPROXIMATELY FOUR YEARS AGO --
7 FOUR TO FIVE YEARS AGO SHORTLY AFTER THE TIME HE WAS DIVORCED
8 AND SEPARATED FROM HIS SON.

9 Q. WHEN HE SPOKE TO YOU ABOUT HIS CONVERSION DID HE MENTION TO
10 YOU ANY SPECIFICS REGARDING THE PHILOSOPHY OR THE PRINCIPLES
11 REGARDING HIS CONVERSION?

12 A. HE CONVERTED THAT HE -- HE STATED THAT HE CONVERTED TO
13 ISLAM, AND HE EXPLAINED TO US WHERE HE ATTENDED MOSQUE.

14 Q. DID HE TELL YOU THAT HE CONVERTED TO ISLAM BECAUSE OF A
15 DIVORCE THAT HE -- THAT HE HAD JUST GONE THROUGH?

16 A. YES, SIR. I THINK THAT WAS ONE OF THE THINGS THAT CAUSED
17 HIM TO SEARCH FOR AN -- HYPOTHESIZING ANSWERS IN RELIGION.

18 Q. OKAY. BESIDES TELLING YOU THAT HE CONVERTED BECAUSE OF
19 SOME BAD DIVORCE THAT HE WAS GOING THROUGH, DID HE GIVE YOU ANY
20 SPECIFICS AGAIN ABOUT CONVERTING TO ISLAM BECAUSE OF SOME DEEP
21 SEEDED FAITH BASED REASON AS FOR HIS CONVERSION AS OPPOSED TO
22 BEING UPSET ABOUT HIS DIVORCE?

23 A. HE WAS UPSET ABOUT HIS DIVORCE. ANOTHER REASON THAT HE
24 STATED WAS UPSET ABOUT THE WAY HE HAD BEEN TREATED BY HIS
25 FAMILY WHO WERE ALL CHRISTIANS.

1 Q. ALL RIGHT. SO FROM WHAT I'M HEARING FROM YOU, KNOWING
2 DETAILS ABOUT SPECIFIC PRINCIPLES OF ISLAM OR THE FACT THAT HE
3 WANTED TO FOLLOW THE TEACHINGS OF ISLAM, OR ANYTHING LIKE THAT,
4 ANY DETAILS, ANY SPECIFICS? CAN YOU POINT TO ANYTHING?

5 A. I'M TRYING TO ANSWER YOUR QUESTION AS BEST AS POSSIBLE.

6 THE SPECIFICS WITHIN THE FAITH THAT DREW HIM TO THE
7 FAITH?

8 Q. YES.

9 A. HE DIDN'T TALK ABOUT SPECIFIC SCHOLARS THAT ATTRACTED HIM.
10 HE TALKED ABOUT READING THE KORAN AND FINDING ANSWERS TO
11 QUESTIONS THAT HE HAD ABOUT HIS FAITH IN THE KORAN.

12 HE QUESTIONED THE WAY THE BIBLE WAS WRITTEN AND FELT
13 THAT IT WAS NOW MISREPRESENTED, AND THAT THE -- THERE ARE
14 THINGS WITHIN THE BIBLE THAT ARE NOT TRUE THAT HE FELT WERE
15 CHANGED AT A LATER DATE.

16 SO ALL OF THESE THINGS, YOU KNOW, PUSHED HIM TO FEEL
17 THAT THE KORAN WAS THE TRUE TEXT AND HE WAS IN FACT FOLLOWING
18 THE TRUE TEXT NOW.

19 Q. IN THE COURSE OF YOUR INVESTIGATION DID YOU DISCOVER IF
20 MR. MEDINA HAD BEEN ATTENDING ANY MOSQUES HERE IN THE SOUTH
21 FLORIDA REGION?

22 A. YES, SIR.

23 Q. AND HAVE YOU HAD AN OPPORTUNITY TO SPEAK TO ANYBODY AT ANY
24 OF THOSE MOSQUES ABOUT MR. MEDINA?

25 A. WE HAVEN'T GONE DIRECTLY TO SPEAK WITH SOMEONE THERE.

1 Q. NO, YOU HAVEN'T TALKED TO ANYONE AT ANY MOSQUE REGARDING
2 MR. MEDINA.

3 A. NOT AT THIS POINT, SIR, NO.

4 Q. ONE OF THE THINGS THAT WAS MENTIONED VERY EARLY ON IN THE
5 COMPLAINT, AND IT WAS DISCUSSED AMONG THE PEOPLE HERE WAS THIS
6 INITIAL PLAN THAT INVOLVED AK 47'S.

7 A. YES, SIR.

8 Q. IN THE COURSE OF YOUR INVESTIGATION WERE YOU ABLE TO
9 DETERMINE WHETHER THAT WAS TRUE OR WHETHER THERE WAS EVEN
10 FEASIBLE THAT THERE WERE ACTUALLY AK 47'S OUT THERE, DID
11 SOMEONE HAVE THOSE? WAS ANY OF THAT TRUE?

12 A. YES, SIR.

13 Q. AND WAS IT TRUE OR NOT TRUE?

14 A. YES, SIR, THERE WERE AK 47'S.

15 Q. NOT IN THE POSSESSION OF MR. MEDINA?

16 A. AT THE TIME OF THE START OF THE INVESTIGATION MR. MEDINA
17 WAS LIVING WITH TWO OTHER INDIVIDUALS REFERENCED IN THE
18 COMPLAINT, AND ONE OF THOSE INDIVIDUALS DID IN FACT POSSESS AN
19 AK 47 ALONG WITH OTHER WEAPONS.

20 Q. AND AS FAR AS YOU KNOW WHEN DID MR. MEDINA LIVE AT THAT
21 RESIDENCE?

22 A. AT THE TIME OF THIS INITIAL CONVERSATION, MARCH 27TH WHEN
23 WE INITIATED THE INVESTIGATION.

24 Q. DURING THE COURSE OF THE INVESTIGATION DID YOU LEARN THAT
25 MR. MEDINA HAD LIVED ANYWHERE ELSE?

1 A. YES. SUBSEQUENT TO THAT, YES, SIR.

2 Q. AND WHERE WAS THAT?

3 A. IN HOLLYWOOD. THERE WAS A BUILDING THAT MR. MEDINA WAS
4 RESIDING IN NOT OFFICIALLY -- I THINK I WOULD USE THE TERM HE
5 WAS SQUATTING IN.

6 Q. IT WAS AN ABANDONED BUILDING, RIGHT?

7 A. YES, SIR.

8 Q. OKAY. AND, AS FAR AS YOU KNOW, DID MR. MEDINA HAVE ANY
9 SORT OF SKILL OR TRAINING WHATSOEVER TO BE ABLE TO DEVELOP,
10 BUILD SOME SORT OF BOMB THAT WAS GOING TO BE SOMEHOW DETONATED
11 BY TELEPHONE?

12 A. I'M NOT AWARE OF ANY TECHNICAL EXPERTISE HE HAS IN THAT
13 AREA, SIR.

14 Q. AND, AS FAR AS THE INVESTIGATION WENT, MR. MEDINA DID NOT
15 PROVIDE ANY WEAPONS, TECHNICAL EXPERTISE, DIDN'T REALLY BRING
16 ANYTHING TO THE TABLE BESIDES BEING THE PERSON WHO WAS GOING TO
17 DROP THIS PACKAGE OFF.

18 A. HE DIDN'T PROVIDE TECHNICAL EXPERTISE. HE PROVIDED A BAG
19 THAT WOULD BE USED TO HOUSE THE BOMB, AND ALSO A PHONE TO BE
20 USED AS A DETONATOR FOR IT.

21 Q. BUT HE CERTAINLY DIDN'T HAVE THE ABILITY TO --

22 A. NOT THAT I'M AWARE OF.

23 Q. -- SO FAR YOU KNOW TO BUILD OR PULL THAT OFF.

24 A. NO. NOT TO CONSTRUCT IT.

25 Q. AND THOSE WERE FACTS, THE BOMB AND THE TELEPHONE AND HAVING

1 SOME SORT OF REMOTE DETONATION, THOSE WERE FACTS ALL PROVIDED
2 BY THE SOURCE IN THE CASE, CORRECT?

3 A. THE IDEA HE COULD OBTAIN A REMOTE DETONATED EXPLOSIVE
4 DEVICE.

5 MR. PADILLA: THAT'S ALL I HAVE, JUDGE.

6 THE COURT: OKAY. MR. ANTON, DO YOU HAVE ANYTHING
7 FURTHER YOU WISH TO ADD BY WAY OF FACTUAL PROFFER AND THEN I
8 WILL LET MR. PADILLA MAKE HIS ARGUMENT?

9 MR. ANTON: JUST VERY BRIEF REDIRECT, YOUR HONOR.

10 THE COURT: OKAY.

11 REDIRECT EXAMINATION

12 BY MR. ANTON:

13 Q. AGENT CLANCY, REGARDLESS OF THE TYPE OF ATTACK, WHETHER IT
14 FIRST BE WITH AN AK 47 ASSAULT RIFLE TO (INAUDIBLE) OR THEN
15 LATER WITH A BOMB TO BLOW THEM UP, WHO FIRST POINTED OUT THE
16 IDEA OR DISCUSS THE IDEA OF ATTACKING A SYNAGOGUE?

17 A. MR. MEDINA AND HIS ASSOCIATES.

18 Q. WHO FIRST TOLD THE SOURCE IN THIS CASE WHICH SYNAGOGUE WAS
19 THE INTENDED TARGET?

20 A. MR. MEDINA.

21 Q. WHO TOLD THE SOURCE WHERE THAT PARTICULAR SYNAGOGUE WAS
22 LOCATED?

23 A. MR. MEDINA.

24 Q. AND THIS WAS PRIOR TO THE SOURCE ESSENTIALLY GETTING
25 INVOLVED IN THE CASE WHATSOEVER?

1 A. YES, SIR.

2 Q. YOU MENTIONED RADICALIZATION BRIEFLY.

3 WAS THERE A TIME BACK IN EARLY APRIL WHERE THERE WAS A
4 RECORDED CONVERSATION WHERE THE DEFENDANT DISCUSSED HIS HATRED
5 TOWARDS THE JEWS?

6 A. YES, SIR.

7 Q. AND DID HE EXPLAIN ON THIS RECORDED CONVERSATION WHY HE
8 HELD THOSE BELIEFS AND CAN YOU EXPLAIN THEM TO THE COURT?

9 A. YES, SIR. MR. MEDINA BELIEVES THAT THE JEWS ARE THE CAUSE
10 OF THE PRESENT STATE OF THE WORLD AND THE WARS THAT ARE TAKING
11 PLACE IN THE MIDDLE EAST, THAT THEY ARE RESPONSIBLE FOR KILLING
12 WHAT HE WOULD CONSIDER THE PROPHET JESUS AND OTHER PROPHETS.

13 Q. AND THOSE WERE HIS THOUGHTS.

14 A. YES, SIR.

15 Q. THAT HE RELAYED TO THE SOURCE IN DESCRIBING WHY HE HAD
16 CHOSEN TO ATTACKS THE TEMPLE IN AVENTURA.

17 A. YES, SIR.

18 Q. AND FINALLY, AGENT, DO YOU NEED ANY SPECIAL TECHNICAL
19 EXPERTISE TO PUSH A BUTTON?

20 A. NO, SIR.

21 Q. TO DIAL A PHONE NUMBER THAT WOULD REMOTELY DETONATE A BOMB?

22 A. NO, SIR.

23 MR. ANTON: NOTHING FURTHER.

24 THANK YOU, JUDGE.

25 THE COURT: OKAY. I WILL HEAR ARGUMENT.

1 MR. PADILLA, I WOULD LIKE YOU TO BEGIN BY TELLING ME
2 WHETHER THERE ARE ANY ADDITIONS OR CORRECTIONS TO THE PRETRIAL
3 SERVICES REPORT BECAUSE I WILL RELY ON IT UNLESS YOU TELL ME
4 IT'S INACCURATE.

5 MR. PADILLA: JUDGE, I THINK THAT THERE ARE. I THINK
6 THAT THERE WAS A LITTLE BIT OF CONFUSION ON PAGE TWO I THINK
7 REGARDING SOME OF THE FAMILY HISTORY.

8 I THINK IT'S -- I BELIEVE IT'S MENTIONS THAT HIS
9 DAUGHTER AT SOME POINT, AS SADE GARRARA, THAT'S IN PARAGRAPH
10 TWO, I BELIEVE THAT THAT'S ACTUALLY HIS SISTER. I THINK IT'S
11 ACTUALLY --

12 THE COURT: OKAY. LET ME --

13 MR. PADILLA: -- CORRECTED LATER ON.

14 THE COURT: OKAY. IT SAYS THAT --

15 MR. PADILLA: THE FOURTH LINE DOWN.

16 THE COURT: YES. THAT WOULD BE EXTREMELY UNUSUAL --

17 MR. PADILLA: YES.

18 THE COURT: -- HAVING A 38 YEAR OLD DAUGHTER.

19 MR. PADILLA: YES. THAT WOULD BE.

20 THE COURT: OKAY. THAT THAT'S HIS --

21 MR. PADILLA: THAT'S HIS SISTER?

22 THE COURT: -- SISTER.

23 MR. PADILLA: WHO IS HERE TODAY. SHE IS OUTSIDE BUT
24 SHE'S HERE.

25 THE COURT: OKAY.

1 MR. PADILLA: I BELIEVE THE -- I BELIEVE THAT THAT'S
2 IT.

3 THE COURT: OKAY. I WILL HEAR ARGUMENT, MR. PADILLA.

4 MR. PADILLA: JUDGE, I HAVE TOLD MR. MEDINA THAT HE'S
5 NOT GETTING A BOND THIS MORNING, AND HE UNDERSTAND THAT HE'S
6 NOT GETTING A BOND THIS MORNING.

7 ONE OF THE REASONS THAT I TOLD MR. MEDINA ABOUT
8 THAT -- AND I SAY ONE OF THE REASONS BECAUSE THERE ARE MORE
9 THAN ONE. BUT I THINK IT DOESN'T TAKE A WHOLE LOT OF TIME IN
10 SPEAKING TO MR. MEDINA TO UNDERSTAND THAT HE HAS MENTAL HEALTH
11 ISSUES AND HE HAS HAD MENTAL HEALTH ISSUES FOR A LONG TIME.

12 I THINK THAT YOU TALK TO ANYBODY CLOSE TO MR. MEDINA
13 AND THEY WILL ALL TELL YOU HE HAS MENTAL HEALTH ISSUES. THEY
14 HAVE BEEN UNTREATED FOR A LONG, LONG TIME. HE HAS BEEN
15 EMPLOYED FOR A PERIOD OF TIME. HE DOES NOT HAVE HEALTH
16 INSURANCE.

17 THE AGENT I KNOW REFERENCED A BAKER ACT OR AT LEAST
18 TWO BAKER ACTS. THERE WAS AT LEAST ONE FINDING I THINK BY A
19 LOCAL JUDGE, I DON'T HAVE THE PAPERWORK, REGARDING MR. MEDINA'S
20 MENTAL HEALTH HISTORY.

21 SO THIS IS INFORMATION THAT IS APPARENT ON HAVING A
22 CONVERSATION WITH MR. MEDINA. AND EVEN IF YOU DIDN'T GO BASED
23 ON THAT, THERE IS PLENTY INFORMATION THAT -- AND THE AGENT
24 MENTIONED THAT THEY DISCOVERED SOME OF IT THAT THERE ARE ISSUES
25 REGARDING MR. MEDINA'S MENTAL HEALTH.

1 AND AGAIN, EVEN TAKING ONE STEP FURTHER AND ASKING
2 PEOPLE WHO KNOW MR. MEDINA THEY WOULD ALL TELL YOU THAT THIS IS
3 NOT RECENT, THAT THIS HAPPENED A LONG TIME AGO. HE MENTIONS
4 HIS DIVORCE. BUT TO BE HONEST IF YOU TALK TO THE FAMILY THIS
5 BEHAVIOR AND INSTABILITY DATES BACK TO PROBABLY EVEN CHILDHOOD.

6 I THINK THAT A LOT OF THE FAMILY MEMBERS CHALKED A LOT
7 OF THAT STUFF UP TO JUST BEING A KID, AND I THINK IT WAS ONLY
8 LATER THAT THEY LEARNED THAT HE HAS HAD SOME PROBLEMS FOR A
9 VERY LONG TIME.

10 SO, YOU KNOW, IN A DIFFERENT SITUATION -- IN A
11 DIFFERENT PLACE I THINK THAT AN APPROPRIATE PLACE FOR
12 MR. MEDINA TO BE WOULD BE IN A FACILITY THAT COULD TREAT --
13 DIAGNOSE AND TREAT MR. MEDINA'S MENTAL HEALTH ISSUES. I DON'T
14 THINK HE NEEDS TO BE AT FDC. I THINK HE NEEDS TO BE TREATED.
15 HE HAS GONE UNTREATED FOR A VERY, VERY LONG TIME. AND AGAIN IN
16 A DIFFERENT SITUATION I THINK THAT THAT WOULD BE MY PROPOSAL IN
17 THIS CASE.

18 I'M NOT MINIMIZING THE CONDUCT HERE. WE UNDERSTAND
19 THAT AT THE END OF THE DAY THAT MR. MEDINA IS ARRESTED AT OR
20 NEAR THE SYNAGOGUE WHERE HE BELIEVE HE'S IN POSSESSION OF WHAT
21 HE BELIEVES TO BE A BOMB. BUT AGAIN I THINK IF YOU GO BACK AND
22 YOU LOOK AT THE FACTS OF THIS CASE, TO THE LENGTHS OF
23 MR. MEDINA'S MENTAL HEALTH I THINK IT PAINTS A DIFFERENT
24 PICTURE OF WHO THIS PERSON IS.

25 THIS IS NOT A HOME GROWN TERRORIST. THIS IS NOT

1 SOMEONE WHO HAS LEFT THE COUNTRY AND BEEN RADICALIZED AND COME
2 BACK INTO THE COUNTRY AS A FULL BLOWN TERRORIST.

3 MY PERSONAL FEELING IS AT THAT POINT THE AGENTS COULD
4 HAVE GOTTEN MR. MEDINA TO DO ANYTHING. IT JUST SO HAPPENED
5 THAT THEY GOT HIM TO DO A BOMB AT A SYNAGOGUE IN THIS CASE. I
6 THINK THAT THAT'S HOW SUSCEPTIBLE HE WAS BASED ON HIS MENTAL
7 HEALTH HISTORY.

8 SO, I'M NOT GOING TO MAKE A BIG PUSH TO HAVE
9 MR. MEDINA RELEASED. HE HAS NOWHERE TO GO. HIS FAMILY IS NOT
10 IN A POSITION TO TAKE HIM. SO I WILL LEAVE ANY OTHER ARGUMENTS
11 I HAVE TO THE FACTS CONTAINED IN THE PRETRIAL SERVICES REPORT.

12 THE COURT: DO YOU HAVE ANY RESPONSE, MR. ANTON?

13 MR. ANTON: JUDGE, JUST BASICALLY THAT THIS
14 DEFENDANT'S INSTABILITY OR MENTAL HEALTH REALLY DOES NOT NEGATE
15 HIS DANGEROUSNESS TO THE COMMUNITY.

16 THIS IS NOT AN INDIVIDUAL WHO COULD BE RELEASED INTO
17 EVEN A MENTAL HEALTH FACILITY. WE THINK THAT THE MOST SECURE
18 LOCATION FOR THE DEFENDANT PRETRIAL WOULD BE IN PRETRIAL
19 DETENTION. HE COULD RECEIVE WHATEVER SERVICES HE NEEDS IN
20 CUSTODY, BUT HE SIMPLY AT THIS POINT CANNOT BE RELEASED INTO
21 THE COMMUNITY.

22 THE COURT: OKAY. THANK YOU.

23 I AM GOING TO HOLD HIM IN DETENTION BASED ON RISK OF
24 FLIGHT AND DANGER TO THE COMMUNITY.

25 HE HASN'T REBUTTED THE STATUTORY PRESUMPTION. BUT

1 EVEN IF THERE WAS NO STATUTORY PRESUMPTION UNDER THE
2 CIRCUMSTANCES OF THIS CASE I WOULD FIND THAT THE GOVERNMENT HAS
3 CERTAINLY PROVEN BY A PREPONDERANCE OF THE EVIDENCE THAT HE IS
4 A RISK OF NONAPPEARANCE.

5 HE IS UNEMPLOYED. HE DOESN'T HAVE ANY PLACE TO GO.
6 HIS FAMILY WON'T TAKE HIM IN. HE IS FACING AN INCREDIBLY
7 LENGTHY SENTENCE IF HE IS CONVICTED, AND HE HAS EVERY REASON TO
8 DISAPPEAR INTO THE COMMUNITY AND NOT APPEAR AS REQUIRED.

9 IN ADDITION, I FIND THE GOVERNMENT HAS ESTABLISHED BY
10 CLEAR AND CONVINCING EVIDENCE THAT HE IS A DANGER TO THE
11 COMMUNITY.

12 ALTHOUGH HE MAY NOT HAVE BEEN THE PERSON WHO SUGGESTED
13 THE USE OF A BOMB, I THINK THAT IT WAS IN MY JUDGMENT PROBABLY
14 A VERY WISE DECISION FOR THE FBI TO SWITCH FROM THE USE OF AN
15 AK 47 THAT HE APPARENTLY DID HAVE SOME ACCESS TO AND WHICH
16 WOULD BE EXTREMELY HARD TO PREVENT HIM FROM USING TO THE IDEA
17 OF A BOMB THAT WOULD WE BE EASILY CONTROLLED BECAUSE IT COULD
18 BE -- IT COULD BE SIMULATED BY A DEVICE THAT COULD NOT CAUSE
19 HARM.

20 SO, IN MY JUDGMENT THAT WAS PROBABLY A VERY WISE
21 INVESTIGATIVE MOVE. I DON'T KNOW IF KNOW IF THAT WAS THEIR
22 MOTIVE OR NOT, BUT I CERTAINLY -- IN TERMS OF THE AGENTS, BUT
23 IT'S -- BUT THE DANGER THAT IS CREATED BY THE USE OF AN AK 47
24 TO GO INTO A SYNAGOGUE AND SPRAY IT WITH BULLETS TRYING TO KILL
25 EVERYONE INSIDE IS CERTAINLY A HORRIFIC THOUGHT, AND IT IS

1 CERTAINLY REMINISCENT OF SOME OF THE TERRORISTS ACTIVITIES THAT
2 HAVE GONE ON IN RECENT TIMES IN OTHER COUNTRIES.

3 SO I THINK THAT SAYING, WELL, HE ONLY PLANNED TO USE
4 AN AK 47, HE DIDN'T PLAN TO USE A BOMB IS REALLY NOT ALL THAT
5 SIGNIFICANT TO ME IN TERMS OF WHETHER HE COULD BE RELEASED OR
6 NOT RELEASED. AND, IN FACT, HE DID READILY AGREE, ACCORDING TO
7 THE COMPLAINT, THAT A BOMB WAS THE WAY TO GO.

8 AND SO, I DO BELIEVE THAT GIVEN HIS MENTAL CONDITION,
9 HIS INSTABILITY, HIS WILLINGNESS TO BE USED, OR TO USE I SHOULD
10 SAY WHATEVER WAS AVAILABLE TO CAUSE MASS DESTRUCTION IS
11 CERTAINLY A DANGER TO THE COMMUNITY, AND ONE THAT I DON'T THINK
12 COULD BE CONTROLLED BY CONDITIONS OF RELEASE.

13 SO I AM GOING TO HOLD HIM IN DETENTION BASED ON BOTH
14 RISK OF FLIGHT AND DANGER TO THE COMMUNITY.

15 MR. ANTON, I WILL ASK THAT THE GOVERNMENT PREPARE A
16 PROPOSED DRAFT DETENTION ORDER WITHIN ABOUT A WEEK.

17 MR. ANTON: YES, YOUR HONOR. THANK YOU.

18 THE COURT: OKAY. AND THIS IS SET FOR A PRELIMINARY
19 HEARING OR ARRAIGNMENT ON MAY THE 16TH OF THIS YEAR.

20 IS THERE ANYTHING -- IS THERE ANYTHING FURTHER WITH
21 RESPECT TO THIS CASE AT THIS TIME, MR. PADILLA?

22 MR. PADILLA: NO, JUDGE.

23 THE COURT: MR. ANTON, ANYTHING FURTHER?

24 MR. ANTON: NO, YOUR HONOR. THANK YOU.

25 THE COURT: OKAY. AND I ASSUME THE PARTIES WILL TAKE

1 APPROPRIATE STEPS REGARDING ANY TYPE OF MENTAL HEALTH
2 EVALUATION THAT MAY BE NECESSARY OR PRUDENT WITH RESPECT TO
3 COMPETENCY TO STAND TRIAL OR, YOU KNOW, COMPETENCY AT THE TIME
4 OF THE OFFENSE, WHICHEVER MAY APPLY.

5 IS THAT CORRECT, MR. PADILLA?

6 MR. PADILLA: THAT'S CORRECT, JUDGE.

7 THE COURT: OKAY.

8 MR. PADILLA: THANK YOU.

9 THE COURT: AND, MR. ANTON, THE GOVERNMENT ALSO HAS A
10 DUTY IN THAT REGARD.

11 MR. ANTON: YES, YOUR HONOR.

12 THE COURT: OKAY. THANK YOU.

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C E R T I F I C A T E

UNITED STATES OF AMERICA
SOUTHERN DISTRICT OF FLORIDA

I, CARL SCHANZLEH, OFFICIAL COURT REPORTER OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, DO HEREBY CERTIFY THAT THE FOREGOING 30 PAGES CONSTITUTE A TRUE TRANSCRIPT OF THE PROCEEDINGS HAD BEFORE THE SAID COURT HELD IN THE CITY OF MIAMI, FLORIDA, IN THE MATTER THEREIN STATED.

IN TESTIMONY WHEREOF, I HEREUNTO SET MY HAND ON THIS 31ST DAY OF MAY 2016.

/S/CARL SCHANZLEH
CARL SCHANZLEH, RPR-CM
CERTIFIED COURT REPORTER
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PLANTATION, FL 33324
TELEPHONE 954 424-6723