

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION  
CASE NO. 0:12-cr-60298-BB-1

UNITED STATES OF AMERICA,

Plaintiff,

June 11, 2015  
9:03 a.m.

vs.

RAEES ALAM QAZI,  
SHEHERYAR ALAM QAZI,

Defendants.

Pages 1 THROUGH 18

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TRANSCRIPT OF SENTENCING  
BEFORE THE HONORABLE BETH BLOOM  
UNITED STATES DISTRICT JUDGE

Appearances:

FOR THE GOVERNMENT: UNITED STATES ATTORNEY'S OFFICE  
KAREN E. GILBERT, AUSA  
ADAM S. FELS, AUSA  
99 Northeast 4th Street  
Miami, Florida 33132

FOR DEFENDANT R. QAZI: FEDERAL PUBLIC DEFENDER'S OFFICE  
DANIEL ECARIUS, AFPD  
150 West Flagler Street  
Miami, Florida 33130-1556

FOR DEFENDANT S. QAZI: WILLIAM R. BARZEE, ESQ.  
40 NW Third Street, PH-1  
Miami, Florida 33128

COURT REPORTER: Yvette Hernandez  
U.S. District Court  
299 East Broward Boulevard, Room 207-B  
Fort Lauderdale, Florida 33301  
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1 (Call to order of the Court, 9:03 a.m.)

2 THE COURT: Hi. Good morning. Go ahead and have a  
3 seat.

4 COURTROOM DEPUTY: Calling Case Number 12-60298,  
5 Criminal, United States of America v. Raees Alam Qazi and  
6 Sheheryar Alam Qazi.

7 Counsel, please state your appearances for the record.

8 MS. GILBERT: Good morning, Your Honor. Karen Gilbert  
9 and Adam Fels on behalf of the US Attorney's Office; Jennifer  
10 Levy from the National Security Division; and from the Federal  
11 Bureau of Investigation, Special Agents Paul Carpinteri,  
12 Jonathan Cath, and Karen Kramer.

13 THE COURT: Good morning.

14 MR. ECARIUS: Good morning, Your Honor. Daniel  
15 Ecarius, from the Federal Public Defender's Office, on behalf  
16 of Raees Alam Qazi.

17 MR. BARZEE: Good morning, Your Honor. William  
18 Barzee, on behalf of Sheheryar Qazi who is present in court.

19 THE COURT: Good morning to each of you.

20 Raees Alam Qazi, the purpose of this morning's  
21 proceeding is to determine a sentence in your case, an  
22 appropriate sentence that is sufficient but not greater than  
23 necessary. As you know, on March 12th of this year, you pled  
24 guilty before this Court to Counts 2, 5, and 6 of a 10-count  
25 Superseding Indictment. Count 2 charged you with conspiracy to

1 provide material support and resources to terrorists, in  
2 violation of 18 United States Code, Section 2339, Subsection A,  
3 Subsection A.

4 Count 5 charged you with attempting to provide  
5 material support and resources to a foreign terrorist  
6 organization, in violation of 18, United States Code, Section  
7 2339B, Subsection A, Subsection 1.

8 Count 6 charged you with conspiracy to forcibly  
9 assault a federal employee, in violation of 18, United States  
10 Code, Section 371.

11 In preparation for this morning's hearing, the Court  
12 has received and has reviewed the following information:  
13 Docket Entry 283, the Plea Agreement; Docket Entry 284, your  
14 Factual Basis in support of your plea; Docket Entry 286, the  
15 Draft Disclosure of the Presentence Investigation Report;  
16 Docket Entry 289, the Final Addendum 1 Disclosure to the  
17 Presentence Investigation Report; Docket Entry 291, the  
18 Government's Motion for an Upward Variance; Docket Entry 295,  
19 the Final Addendum 2 Disclosure of the Presentence  
20 Investigation Report.

21 Have you had a full opportunity to review each of  
22 these documents with your attorney, sir?

23 DEFENDANT R. QAZI: Yes.

24 THE COURT: And are there any additional documents or  
25 items that the Court should have relied upon? On behalf of the

1 Government, Ms. Gilbert?

2 MS. GILBERT: No, Your Honor.

3 THE COURT: Mr. Ecarius?

4 MR. ECARIUS: No, Your Honor.

5 THE COURT: Mr. Ecarius, is there any legal reason why  
6 sentence should not be imposed today, sir?

7 MR. ECARIUS: No, Your Honor.

8 THE COURT: While the Government has moved for an  
9 upward variance, it does appear that there are no objections to  
10 the calculation of the advisory sentencing guidelines nor the  
11 facts that are contained within the Presentence Investigation  
12 Report; is that correct?

13 MR. ECARIUS: That's correct, Your Honor.

14 THE COURT: As such, the Court accepts the calculation  
15 of the advisory sentencing guidelines in the Presentence  
16 Investigation Report that as to Counts 2 and 5 the adjusted  
17 offense level is 38. As to Count 6, the adjusted offense level  
18 is 23. Combined, placing Mr. Raees in a total offense level of  
19 35, with a criminal history category of VI; is that correct?

20 MR. ECARIUS: That's correct, Your Honor.

21 MS. GILBERT: Yes, Your Honor.

22 THE COURT: And that would place Mr. Raees Alam Qazi  
23 in an advisory guideline provision of 292 to 365 months,  
24 correct?

25 MS. GILBERT: Correct.

1 MR. ECARIUS: That's correct.

2 THE COURT: Mr. Sheheryar Alam Qazi, as you just  
3 heard, in addressing your brother, the purpose of today's  
4 proceeding is to determine an appropriate sentence in your  
5 case, a sentence this is sufficient but not greater than  
6 necessary.

7 As you recall, you were before the Court on the same  
8 date, and at that time you pled guilty to Counts 2 and 6 of the  
9 10-count Superseding Indictment.

10 Count 2 charged you with conspiracy to provide  
11 material support and resources to terrorists, in violation of  
12 18, United States Code, Section 2339A, Subsection A.

13 Count 6 charged you with conspiracy to forcibly  
14 assault a federal employee, in violation of 18, United States  
15 Code, Section 371.

16 In preparation for today's hearing, the Court has  
17 received and has reviewed the following filings: Docket Entry  
18 282, the Plea Agreement; Docket Entry 284, the Factual Basis in  
19 support of your plea; Docket Entry 287, the Draft Disclosure of  
20 the Presentence Investigation Report; Docket Entry 288, the  
21 Final Addendum 1 Disclosure of the Presentence Investigation  
22 Report; Docket Entry 293, a motion for a variance or a downward  
23 departure; and Docket Entry 292, the Final Addendum 2  
24 Disclosure of the Presentence Investigation Report.

25 Mr. Sheheryar Alam Qazi, have you reviewed each of

1 these documents with your attorney?

2 MR. BARZEE: Your Honor, may I have one moment,  
3 please?

4 THE COURT: Certainly.

5 (Pause in Proceedings.)

6 MR. BARZEE: Thank you, Your Honor.

7 DEFENDANT S. QAZI: Yes, I did.

8 THE COURT: Are there any additional documents that  
9 the Court should be relying upon with regard to today's  
10 proceeding?

11 MR. BARZEE: No, Your Honor.

12 MS. GILBERT: No, Your Honor.

13 THE COURT: Mr. Barzee, you filed an unopposed motion  
14 for variance. The clerk docketed as an unopposed motion for  
15 variance or downward departure. You are not seeking a downward  
16 departure, correct, sir?

17 MR. BARZEE: That is correct, Your Honor.

18 THE COURT: Mr. Barzee, is there any legal reason why  
19 sentence should not be imposed today?

20 MR. BARZEE: No, Your Honor.

21 THE COURT: As your motion for variance is not seeking  
22 to depart from the recommended guidelines -- and it does not  
23 appear that there are any objections that have been filed; am I  
24 correct?

25 MR. BARZEE: You are correct, Your Honor.

1 THE COURT: Then addressing the advisory guideline  
2 range with regard to Sheheryar Alam Qazi, as to Count 2, the  
3 adjusted offense level is 38. As to Count 6, the adjusted  
4 offense level -- actually, the combined offense level and a  
5 total offense level is 35, with a criminal history category of  
6 VI. Am I correct?

7 MR. BARZEE: Yes, Your Honor.

8 THE COURT: Ms. Gilbert?

9 MS. GILBERT: Yes, Your Honor.

10 THE COURT: That would place Sheheryar Alam Qazi in an  
11 advisory guideline provision of 240 months. Am I correct?

12 MR. BARZEE: Yes, Your Honor.

13 MS. GILBERT: Yes, Your Honor.

14 THE COURT: In considering the 3553(a) factors,  
15 Mr. Raees Qazi and Mr. Sheheryar Qazi, if there is anything  
16 that either of you would like to say -- certainly your  
17 attorneys will make argument on your behalf, but if there is  
18 anything that each of you would like to say directly to the  
19 Court in mitigation of your sentence, now would be the  
20 appropriate time. In addition, if there are individuals that  
21 are present that would like to speak on your behalf, they may  
22 certainly come forward and speak directly to the Court.

23 With regard to Raees Qazi, Mr. Ecarius?

24 DEFENDANT R. QAZI: Nothing.

25 MR. ECARIUS: Raees Qazi does not want to say

1 anything.

2 THE COURT: Mr. Ecarius, is there anything that you  
3 would like to say by way of argument?

4 MR. ECARIUS: Your Honor, I would just ask that the  
5 sentence be imposed according to the Plea Agreement, which is a  
6 total of 384 months and followed by five years of supervised  
7 release.

8 THE COURT: Mr. Ecarius, are there any individuals  
9 that are present to speak on behalf of Raees Alam Qazi?

10 MR. ECARIUS: No, there are not.

11 THE COURT: Is there anything further with regard to  
12 Raees Alam Qazi?

13 MR. ECARIUS: No, Your Honor.

14 THE COURT: Ms. Gilbert, on behalf of the Government?

15 MS. GILBERT: No, Your Honor, nothing in addition,  
16 other than what we have recommended jointly to the Court, as  
17 Mr. Ecarius said, in terms of 32 years or 384 months plus the  
18 term of supervised release.

19 THE COURT: Mr. Barzee, with regard to Sheheryar Qazi,  
20 if there is anything that Mr. Qazi would like to say directly  
21 to the Court, he may certainly do so. If there are individuals  
22 that might be present on his behalf that would like to speak  
23 directly to the Court, they may certainly do so as well.

24 MR. BARZEE: Your Honor, Mr. Qazi does not want to  
25 address the Court at this time and he has no one to place on



1 the stand at this time either.

2 THE COURT: Is there anything, Mr. Barzee, that you  
3 would like to say by way of argument, sir?

4 MR. BARZEE: Your Honor, we're -- we will rest on the  
5 pleadings, specifically the unopposed motion for variance,  
6 Docket Entry 293. I'm prepared to address any concerns that  
7 the Court may have, but otherwise we'll rest on the pleadings.

8 THE COURT: And Ms. Gilbert, in response with regard  
9 to Sheheryar Qazi, is there anything that you would like to  
10 say?

11 MS. GILBERT: No, Your Honor, nothing additional,  
12 other than what we agreed to in the Plea Agreement in terms of  
13 the numbers of years and the supervised release.

14 THE COURT: All right.

15 Let me start by commending, in this case, the actions  
16 of law enforcement, specifically the Joint Terrorism Task Force  
17 special agents. That investigation over many months prevented  
18 what could have been the tragic loss of many lives. While,  
19 Ms. Gilbert, you have advised that there is nothing to be said  
20 further on behalf of the Government, there are two victims,  
21 Deputy Michael Norwood and Deputy Sebastian Barrios. Is there  
22 anything that they would like to say directly to the Court?

23 MS. GILBERT: Your Honor, both were aware of this  
24 morning. One of our victims is present. He's indicating that  
25 he does not wish to address the Court.

1 Thank you.

2 THE COURT: Well, I want to recognize the victims of  
3 the assault on April 8th, 2014. Deputy Michael Norwood and  
4 Deputy Sebastian Barrios, from the United States Marshal  
5 Service, were merely performing their duties when they were  
6 deceptively distracted and viciously attacked by each of the  
7 Defendants, Sheheryar Qazi and Raees Qazi. The deputies were  
8 in a locked room. One was placed in a chokehold and the other  
9 was struck directly in the face. All of this while each of the  
10 Defendants were in custody. And the victims' injuries did  
11 require medical attention.

12 We, as judges, often impose sentences in cases where  
13 heinous acts have been committed. Most of the time, there's an  
14 understanding between the criminal act, whether it be for  
15 greed, financial gain, obsession, stupidity, addiction.  
16 Mr. Raees and Mr. Sheheryar Qazi, your intentions will never be  
17 understood. Specifically, you, Mr. Raees Qazi. But hatred is  
18 always difficult to rationalize. You researched and planned a  
19 terrorist attack on the United States. You traveled to New  
20 York to complete the attack. You used as a resource an  
21 Al-Qa'ida online publication to learn how to build an explosive  
22 device. You used information from this publication to directly  
23 communicate with Al-Qa'ida your desire to launch an attack in  
24 the United States, the United States, a country that opened its  
25 doors to you.

1           You may not have been born in this country, Mr. Raees  
2 Qazi, but you have lived here on and off during the past 22  
3 years. Your status as a resident of this country allowed you  
4 to benefit from the freedom and opportunity that this country  
5 provides to its citizens and residents alike. You took  
6 advantage of the educational opportunities this country  
7 provided by attending and graduating from a local high school  
8 and even working toward a college degree, a degree from an  
9 American institution. Notwithstanding the generosity of this  
10 great nation, you have chosen to engage in conduct that can  
11 only be described as evil and reprehensible. You've chosen to  
12 join a cause with no other purpose than to end American lives;  
13 innocent men, women, and children.

14           For too long, our country has been subjected to fear  
15 and apprehension because of the horrors we have suffered on our  
16 own soil. It bears mentioning, sir, that your efforts in  
17 making a homemade weapon of mass destruction through the use of  
18 readily available items bears a striking resemblance to what  
19 our country suffered in Boston.

20           You are a terrorist, evil in nature and evil in your  
21 deeds, and a just sentence must follow.

22           The Government's motion for an upward variance is  
23 granted, as it is appropriate. The Court further believes that  
24 an upward variance is in order. The nature and circumstances  
25 of your offenses evidence the serious threat you posed in

1 traveling to New York to launch your terrorist attack. In  
2 addition to your own plans, sir, you attempted to provide  
3 like-minded individuals with encouragement and assistance in  
4 their own plots.

5 By the plea agreements reached in this case between  
6 the parties, both individuals -- but specifically addressing  
7 you, Raees Alam Qazi, you received the benefit of not being  
8 subject to a term of life in prison. In addition, while the  
9 Government has agreed to recommend dismissal of Count 7,  
10 forcibly assaulting a federal employee, you did, in fact,  
11 forcibly assault the law enforcement officers by placing them  
12 in fear and subjecting each to injury. The statutory maximum  
13 sentence is a just sentence.

14 After considering the Presentence Report, which  
15 contains the advisory guidelines and the statutory factors set  
16 forth in 18, United States Code, Section 3553(a), an upward  
17 variance in this case is appropriate, based on the nature and  
18 circumstances of the offense, to reflect the seriousness of the  
19 offense.

20 It is the finding of the Court that the Defendant is  
21 not able to pay a fine. But it is the judgment of this Court,  
22 Raees Alam Qazi, that you will be committed to the Bureau of  
23 Prisons for a total of 420 months. That is 35 years, sir.  
24 This term of consists of 180 months as to Count 2, 180 months  
25 as to Count 5, and 60 months as to Count 6, to be served

1 consecutively to one another.

2           Upon your release from imprisonment, you shall be  
3 placed on supervised release for a term of 10 years as to  
4 Counts 2 and 5 and three years as to Count 6, to run  
5 concurrently.

6           Within 72 hours of your release from the custody of  
7 the Bureau of Prisons, you shall report in person to the  
8 Probation office in the district where you are released.

9           Sir, while you are on supervised release, you shall  
10 not commit any crimes. You shall be prohibited from possessing  
11 a firearm or other dangerous device, shall not possess a  
12 controlled substance, shall cooperate in the collection of DNA,  
13 shall comply with the standard conditions of supervised  
14 release, and that includes the special condition of cooperating  
15 with Immigration during removal proceedings.

16           You shall cooperate in any removal proceeding  
17 initiated or pending by the US Immigration and Customs  
18 Enforcement consistent with the Immigration Nationality Act.  
19 If you are removed, Mr. Raees Qazi, you shall not reenter the  
20 United States without prior written permission of the Secretary  
21 of Homeland Security.

22           The term of your supervised release shall be  
23 non-reporting while you're residing outside the United States.  
24 If you do reenter the United States within the term of your  
25 supervised release, you shall report in person to the nearest

1 office within 72 hours of your arrival.

2 Mr. Raees Alam Qazi, it is further ordered that you  
3 shall immediately pay to the United States a special assessment  
4 of \$100 as to Counts 2, 5, and 6, for a total of \$300.

5 Now that the sentence has been imposed, do you or your  
6 counsel object to the manner in which the sentence was  
7 pronounced or any findings of fact? Mr. Ecarius?

8 MR. ECARIUS: Your Honor, we object to the sentence  
9 above the Plea Agreement, which reflected a number of years of  
10 investigation and negotiations. That's our objection.

11 THE COURT: Sir, you have the right to appeal the  
12 conviction and sentence imposed. Any Notice of Appeal must be  
13 filed within 14 days after entry of the judgment. If you are  
14 unable to pay the cost of the appeal, you may apply for leave  
15 to appeal in forma pauperis.

16 Mr. Sheheryar Qazi, in addressing an appropriate and  
17 just sentence in your case, I have taken into consideration  
18 that you knew the details of this terrorist attack. You knew  
19 that your brother was planning on using a weapon of mass  
20 destruction and you agreed to provide your brother with  
21 support, including lodging, food, and a computer to conduct  
22 research to successfully achieve his objectives of killing  
23 innocent people. You supported your brother's devotion to  
24 Al-Qa'ida and your assistance allowed your brother to continue  
25 his evil plan.

1 Sir, as a naturalized United States citizen, you as  
2 well have benefited from this nation's generosity. You  
3 benefited from our technical institutions and you were treated  
4 at this country's medical centers. You sought and received  
5 credit from our nation's financial institutions. You were  
6 married here in South Florida, and your young son benefits from  
7 a preschool here in Florida.

8 By your Plea Agreement as well, you received a benefit  
9 of avoiding a conviction on other charges, particularly with  
10 regard to Count 7, forcibly assaulting a federal employee.  
11 Your admissions reveal that you did, in fact, forcibly assault  
12 a law enforcement officer, placing that individual in fear and  
13 subjecting him to injury.

14 While I recognize, Mr. Barzee, that the parties have  
15 agreed with regard to a variance, the Court believes that after  
16 considering 3553(a) factors that the statutory maximum with  
17 regard to Count 6 is a just sentence, and the motion for a  
18 downward variance is denied.

19 Mr. Sheheryar Alam Qazi, the Court accepts the  
20 Presentence Report, which contains the advisory guidelines, and  
21 after considering the statutory factors set forth in 18, United  
22 States Code, Section 3553(a), it is the Court's finding that a  
23 sentence that allows for the maximum permissible sentence to be  
24 imposed as to Count 2 and 6 is a just sentence.

25 It is the judgment of the Court, sir, that you shall

1 be committed to the Bureau of Prisons to be imprisoned for 240  
2 months. That term consists of 180 months as to Count 2 and 60  
3 months as to Count 6, to run consecutive to Count 2.

4 Upon your release from imprisonment, sir, you shall be  
5 placed on supervised release for a term of five years.

6 As to Counts 2 and 6, they will run concurrently.

7 Within 72 hours of your release from the custody of  
8 the Bureau of Prisons, you shall report in person to the  
9 Probation office in the district where you are released.

10 Sir, while you're on supervised release, you shall not  
11 commit any crimes, shall be prohibited from possessing a  
12 firearm or other dangerous device. You shall not possess a  
13 controlled substance, shall cooperate in the collection of DNA,  
14 and you shall comply with the standard conditions of supervised  
15 release that will include the special condition of substance  
16 abuse treatment, as noted in Part G of the Presentence Report.

17 Sir, it is further ordered that you shall immediately  
18 pay to the United States a special assessment of \$100 as to  
19 each of Counts 2 and 6, for a total of \$200.

20 Sir, now that the sentence has been imposed, do you or  
21 your attorney object to the findings of fact or the manner in  
22 which the sentence was pronounced?

23 MR. BARZEE: No, Your Honor.

24 THE COURT: Sir, you have the right to appeal the  
25 conviction and sentence imposed. Any Notice of Appeal must be



1 filed within 14 days after entry of the judgment. If you are  
2 unable to pay the cost of the appeal, you may apply for leave  
3 to appeal in form pauperis.

4 The Court notes that there was no restitution in this  
5 case, and no restitution will be ordered.

6 Does the Government have a motion in each case with  
7 regard to the remaining counts?

8 MS. GILBERT: Yes, Your Honor. We would request  
9 dismissal of all counts other than upon -- other than the  
10 counts that the Court just sentenced upon.

11 THE COURT: The motion by the Government is granted.

12 Is there anything further to address in either Raees  
13 Qazi or Sheheryar Qazi cases?

14 MS. GILBERT: Not on behalf of the Government, Your  
15 Honor.

16 MR. ECARIUS: No, Your Honor.

17 MR. BARZEE: No, Your Honor.

18 THE COURT: Best of luck to each of you.

19 (Proceedings concluded at 9:34 a.m.)  
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21  
22  
23  
24  
25

1 UNITED STATES OF AMERICA )

2 ss:

3 SOUTHERN DISTRICT OF FLORIDA )

4 C E R T I F I C A T E

5 I, Yvette Hernandez, Certified Shorthand Reporter in  
6 and for the United States District Court for the Southern  
7 District of Florida, do hereby certify that I was present at  
8 and reported in machine shorthand the proceedings had the 11th  
9 day of June, 2016, in the above-mentioned court; and that the  
10 foregoing transcript is a true, correct, and complete  
11 transcript of my stenographic notes.

12 I further certify that this transcript contains pages  
13 1 - 18.

14 IN WITNESS WHEREOF, I have hereunto set my hand at  
15 Fort Lauderdale, Florida this 1st day of July, 2016.

16  
17 /s/Yvette Hernandez  
18 Yvette Hernandez, CSR, RPR, CLR  
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