

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

UMAR FAROUK ABDULMUTALLAB,

Defendant.

HONORABLE NANCY G. EDMUNDS

No. 10-CR-20005

JURY TRIAL - VOLUME 5

Wednesday, October 12, 2011

Appearances:

Mr. Jonathan Tukel
Ms. Cathleen M. Corken
Mr. Michael C. Martin
211 W. Fort Street, #2300
Detroit, Michigan 48226
On behalf of Plaintiff

Mr. Umar Farouk Abdulmutallab
In Pro Per

Mr. Anthony Chambers
Law Offices of Anthony Chambers
535 Griswold, Suite 1330
Detroit, Michigan 48226
Standby Counsel on behalf of
Defendant

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To obtain a certified transcript, contact:
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Detroit, Michigan
Wednesday, October 12, 2011
9:03 a.m.

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THE COURT: Good morning. Be seated.

THE CLERK: Court calls the case United States
versus Umar Farouk Abdulmutallab, Case Number 10-20005.

MR. TUKEL: May it please the Court, Jonathan
Tukel, Cathleen Corken and Michael Martin on behalf of the
United States.

MR. CHAMBERS: And good morning, Your Honor,
Anthony Chambers on behalf of Mr. Abdulmutallab. Your
Honor, I'd ask if I could approach just with Mr. Tukel
briefly. I've talked to Mr. Abdulmutallab, he's agreed to
me speaking with you and waive his presence just for a
moment.

THE COURT: All right.

(The following side bar conference was held on the
record:)

MR. CHAMBERS: Just very quickly, it is his
intention to enter a guilty plea this morning. He's trying
to put his factual basis together and it was another 15-30
minutes, when marshals brought him up. That's why I was
trying not to bring him up earlier. So it is his intention
to plead this morning.

1 **MR. TUKEL:** To the indictment?

2 **MR. CHAMBERS:** To the indictment. He has no other
3 option because there have been no offers.

4 **THE COURT:** Okay. Shall we just adjourn until
5 9:30?

6 **MR. TUKEL:** Do we have everything that we need for
7 the elements and --

8 **MS. CORKEN:** No, we'll have to call the office and
9 get --

10 **MR. TUKEL:** We need a few minutes to get
11 everything.

12 **THE COURT:** So 9:45.

13 **MS. CORKEN:** I think that would be best.

14 **MR. CHAMBERS:** Yes.

15 **THE COURT:** You'd be able to talk to him
16 downstairs?

17 **MR. CHAMBERS:** Yeah, I talked to him this morning.
18 I don't know that I need to talk to him any further. I've
19 gone through things with him.

20 **THE COURT:** Okay. Good.

21 (End of discussion at side bar.)

22 **THE COURT:** A matter has come up that needs some
23 further attention, and we're going to be in recess until
24 about 9:45.

25 (Recess taken 9:04 a.m. until 9:55 a.m.)

1 **THE COURT:** Be seated.

2 Mr. Chambers.

3 **MR. CHAMBERS:** Yes. Once again, good morning,
4 Your Honor, Anthony Chambers, along with Mr. Abdulmutallab.

5 After consulting with him, I have been
6 advised by Mr. Abdulmutallab at this stage he is going to
7 enter a plea of guilty to all counts.

8 **THE COURT:** All right. I think this will be a
9 fairly long and involved plea proceeding.
10 Mr. Abdulmutallab, you need to stand up here with
11 Mr. Chambers, please, because I have a lot of things I want
12 to explain to you.

13 Good morning.

14 **THE DEFENDANT:** Yeah.

15 **THE COURT:** I just want to explain what we're
16 going to do this morning. I'm sure Mr. Chambers has
17 explained it as well, but I'm going to go over your rights
18 with you. I'm going to go over the charges, the possible
19 penalties that can be imposed. I'm going to ask you a lot
20 of questions, which means that I'm going to have to put you
21 under oath, and I'm going to ask you to waive certain of
22 your rights; specifically, the right to remain silent. You
23 understand that?

24 **THE DEFENDANT:** Uh-huh.

25 **THE COURT:** I need you to say yes or no, not

1 uh-huh.

2 **THE DEFENDANT:** Yes.

3 **THE COURT:** Okay. And I want to take this, you
4 know, step by step, one charge at a time and make sure you
5 understand the consequences of what you're doing here this
6 morning.

7 So the first thing I'm going to do is ask the
8 assistant United States attorney, Mr. Tukul, to inform you
9 of the charges to which you will be entering a plea of
10 guilty by reading or summarizing the pertinent parts of the
11 indictment.

12 **MR. TUKEL:** Yes, Your Honor.

13 Count 1 charges the defendant with conspiracy
14 to commit an act of terrorism transcending national
15 boundaries.

16 Count 2 charges possession of a
17 firearm/destructive device in furtherance of a crime of
18 violence; that is, the charges in Count 1.

19 Count 3 charges attempted murder within the
20 special aircraft jurisdiction of the United States.

21 Count 4 charges use and carrying of a
22 firearm/destructive device during and in relation to a crime
23 of violence; specifically, the attempted murder charge in
24 Count 3.

25 Count 5 charges the defendant with willfully

1 placing a destructive device in, upon and in proximity to a
2 civil aircraft which was used and operated in interstate,
3 overseas and foreign air commerce and which was likely to
4 have endangered the safety of such aircraft.

5 Count 6 charges the defendant with possession
6 of a firearm/destructive device in furtherance of a crime of
7 violence, and that is the crime charged in Count 5 of the
8 indictment.

9 Count 7 charges the defendant with attempted
10 use of a weapon of mass destruction.

11 And Count 8 charges the defendant with the
12 willful attempt to destroy and wreck a civil aircraft.

13 **THE COURT:** All right. Mr. Abdulmutallab, I'm
14 going to be asking you some questions as I just described,
15 so I need to swear you in.

16 Would you raise your right hand, please.

17 Do you solemnly swear that the testimony
18 you're about to give in the matter here pending shall be the
19 truth, the whole truth, and nothing but the truth, so help
20 you God?

21 **THE DEFENDANT:** Yes.

22 **THE COURT:** Tell me your name, please.

23 **THE DEFENDANT:** Umar Farouk Abdulmutallab.

24 **THE COURT:** Mr. Abdulmutallab, I intend to
25 question you regarding the facts of the crimes alleged by

1 the government in Counts 1 through 8 of the indictment. Do
2 you understand that you have a constitutional right to
3 remain silent and not incriminate yourself by answering my
4 questions?

5 **THE DEFENDANT:** Yes.

6 **THE COURT:** Do I understand correctly that you
7 wish to waive that right for the purpose of pleading guilty
8 to all of the charges set forth in the indictment?

9 **THE DEFENDANT:** That's right.

10 **THE COURT:** Do you understand that you are now
11 under oath and if you answer any questions falsely, your
12 answers may later be used against you in another prosecution
13 for perjury or making false statements?

14 **THE DEFENDANT:** That's right.

15 **THE COURT:** How old are you?

16 **THE DEFENDANT:** 25.

17 **THE COURT:** And although we've had some
18 information about this presented here in court, would you
19 please briefly describe your education.

20 **THE DEFENDANT:** I have an engineering degree, and
21 prior to that, you know, I've been through high school and
22 all that before.

23 **THE COURT:** And you've indicated previously that
24 you are fluent in English, is that correct?

25 **THE DEFENDANT:** That's right.

1 **THE COURT:** All right. If at any point in this
2 plea proceeding you don't understand the questions that I
3 ask, just ask me to rephrase them, all right?

4 **THE DEFENDANT:** Yes.

5 **THE COURT:** Have you ever been treated for any
6 mental illness or addiction to alcohol or narcotic drugs of
7 any kind?

8 **THE DEFENDANT:** Never.

9 **THE COURT:** Are you presently under the influence
10 of any medication?

11 **THE DEFENDANT:** No.

12 **THE COURT:** Drugs or alcohol?

13 **THE DEFENDANT:** No.

14 **THE COURT:** It does appear to me that
15 Mr. Abdulmutallab is competent to proceed in this matter.
16 Mr. Chambers, do you concur?

17 **MR. CHAMBERS:** Yes, Your Honor.

18 **THE COURT:** Mr. Tukul?

19 **MR. TUKEL:** Yes, Your Honor.

20 **THE COURT:** Mr. Abdulmutallab, you have
21 represented yourself for the bulk of these proceedings. Do
22 you understand that you have the right to have an attorney
23 represent you during all stages of the proceedings and the
24 Court will appoint an attorney for you if you cannot afford
25 an attorney of your own choice?

1 **THE DEFENDANT:** Yes, I understand that.

2 **THE COURT:** You have your standby attorney,
3 Mr. Chambers, beside you in court today. Have you discussed
4 this matter with him?

5 **THE DEFENDANT:** Yes.

6 **THE COURT:** Are you satisfied with his advice and
7 with the legal services that he's performed on your behalf?

8 **THE DEFENDANT:** Yes, as much as possible.

9 **THE COURT:** Do you understand that you have the
10 right to plead not guilty to every charge filed against you?

11 **THE DEFENDANT:** Yes.

12 **THE COURT:** Do you understand that if you were to
13 plead not guilty and go to trial that you would be protected
14 by a number of rights set forth in the constitution of the
15 United States?

16 **THE DEFENDANT:** Yes.

17 **THE COURT:** I'm going to go over those rights with
18 you. When I'm through, I'm going to ask if you understand
19 the constitutional rights you have and if you're sure that
20 you want to waive them in order to plead guilty here this
21 morning, okay?

22 **THE DEFENDANT:** Yes.

23 **THE COURT:** As I already stated, you have the
24 right to plead not guilty. You have the right to a speedy
25 and public trial by jury. You have the right to be presumed

1 innocent unless and until the government has proved you
2 guilty beyond a reasonable doubt by the unanimous agreement
3 of all 12 members of the jury. Because you are presumed
4 innocent, you have no obligation to present any testimony,
5 evidence, or witnesses on your own behalf. It is always up
6 to the government to prove beyond a reasonable doubt that
7 you are guilty. You have no responsibility to prove that
8 you are innocent or not guilty.

9 You have the right to see and hear all
10 witnesses called to testify against you and the right to
11 cross examine them. You have the right to have the Court
12 order any witnesses you have for your defense to appear at
13 the trial at the expense of the government.

14 You have the right to take the witness stand
15 and testify, or not, as you choose, and you cannot be
16 required to take the witness stand if you do not wish to do
17 so. If you do not take the witness stand, that is, if you
18 choose not to testify, your silence may not be used against
19 you in any way.

20 Do you understand those rights?

21 **THE DEFENDANT:** Yes.

22 **THE COURT:** And is it your desire to waive them in
23 order to plead guilty here today?

24 **THE DEFENDANT:** That's right.

25 **THE COURT:** Do you understand that a plea of

1 guilty is the same on your criminal record as if you had
2 been found guilty after a full trial on these charges?

3 **THE DEFENDANT:** Yes.

4 **THE COURT:** Do you understand that the offenses to
5 which you are pleading guilty are felonies?

6 **THE DEFENDANT:** Yes.

7 **THE COURT:** Because you will have felony
8 convictions on your record, not only will you be subject to
9 punishment under our criminal laws, but your civil rights
10 will be affected as well. There's no issue of voting since
11 you are not a United States citizen, or serving on a jury.
12 Do you understand that once you have a felony conviction on
13 your record, you will be prohibited for the rest of your
14 life from owning or possessing a gun or firearm of any kind?

15 **THE DEFENDANT:** Yes.

16 **THE COURT:** And do you understand that if you are
17 found in possession of a gun or a firearm that that is a
18 separate criminal offense for which you may be sentenced to
19 substantial additional time in prison?

20 **THE DEFENDANT:** Yes.

21 **THE COURT:** Do you also understand that because
22 you are not a United States citizen, if you are at some time
23 in the future released from custody that you will be
24 immediately deported from the United States?

25 **THE DEFENDANT:** Yes.

1 **THE COURT:** Now I'm going to go over the penalties
2 for the various charges to which you are pleading guilty.

3 On Count 1, conspiracy to commit an act of
4 terrorism transcending national boundaries, do you
5 understand that the penalty is up to life in prison which by
6 law must run consecutively to any other sentence, a fine of
7 up to \$250,000 and supervised release up to life?

8 **THE DEFENDANT:** Yes.

9 **THE COURT:** Do you understand on Count 2,
10 possession of a firearm or destructive device in furtherance
11 of a crime of violence, the penalty is 30 years to life
12 imprisonment which by law must run consecutively to any
13 other sentence, a fine of up to \$250,000 and up to five
14 years supervised release?

15 **THE DEFENDANT:** Yes.

16 **THE COURT:** On Count 3, attempted murder within a
17 special aircraft jurisdiction of the United States, do you
18 understand that the penalty is up to 20 years imprisonment,
19 a fine of up to \$250,000, and up to three years supervised
20 release?

21 **THE DEFENDANT:** Yes.

22 **THE COURT:** On Count 4, use and carrying of a
23 firearm or destructive device during and in relation to a
24 crime of violence. Do you understand that the penalty is a
25 mandatory minimum 30-year sentence and a maximum life

1 sentence which by law must run consecutively to the sentence
2 imposed on any other count, and up to five years supervised
3 release?

4 **THE DEFENDANT:** Yes.

5 **THE COURT:** On Count 5, willfully placing a
6 destructive device in, upon, and in proximity to a civil
7 aircraft which was used and operated in interstate, overseas
8 and foreign air commerce which was likely to have endangered
9 the safety of such aircraft, do you understand that the
10 penalty is up to 20 years imprisonment, a fine of up to
11 \$250,000 and supervised release up to life?

12 **THE DEFENDANT:** Yes.

13 **THE COURT:** On Count 6, possession of a firearm or
14 destructive device in furtherance of a crime of violence, do
15 you understand that the penalty is a mandatory minimum
16 30-year sentence and a maximum life sentence which by law
17 must run consecutively to the sentence imposed on any other
18 count and up to five years supervised release?

19 **THE DEFENDANT:** Yes.

20 **THE COURT:** If you are also convicted of Count 2
21 or Count 4 or both, which you are pleading guilty to, then
22 there is a mandatory sentence of life imprisonment which by
23 law must run consecutively to any other sentence and a fine
24 of up to \$250,000?

25 **THE DEFENDANT:** Yes.

1 **THE COURT:** On Count 7, attempted use of a weapon
2 of mass destruction, do you understand that the penalty is
3 up to life imprisonment, a fine of \$250,000, and supervised
4 release up to life?

5 **THE DEFENDANT:** Yes.

6 **THE COURT:** And on Count 8, the willful attempt to
7 destroy and wreck a civil aircraft, are you aware that the
8 penalty is up to 20 years imprisonment, a fine of up to
9 \$250,000 and supervised release up to life?

10 **THE DEFENDANT:** Yes.

11 **MR. TUKEL:** Your Honor, could the Court reiterate
12 for the defendant, the mandatory life provision that's at
13 the bottom of Page 1 with Count 4? The Court did cover it
14 with regard to Count 6, but I don't think it was stated with
15 regard to Count 4.

16 **THE COURT:** I think you're right.

17 On Count 4, again, the penalty is mandatory
18 minimum 30-year sentence and maximum life sentence which by
19 law must run consecutively to the sentence imposed on any
20 other count and up to five years supervised release. If you
21 are also convicted of Count 2 or Count 6 or both, and both
22 of those counts are counts to which you are pleading guilty
23 here this morning, then there is a mandatory sentence of
24 life in prison which by law must run consecutively to any
25 other sentence and a fine of up to \$250,000. You're aware

1 of that?

2 **THE DEFENDANT:** Yes.

3 **THE COURT:** All right. Am I correct that you are
4 not on probation or parole in any other matter right now?

5 **THE DEFENDANT:** Not that I know of.

6 **THE COURT:** Pardon?

7 **THE DEFENDANT:** No.

8 **THE COURT:** And are you aware that parole has been
9 abolished in the federal system and that you will not be
10 released early on parole from any sentence that I impose?

11 **THE DEFENDANT:** Yes.

12 **THE COURT:** Have you received a copy of the
13 indictment pending against you?

14 **THE DEFENDANT:** Yes.

15 **THE COURT:** Have you fully discussed the charges
16 with Mr. Chambers, your standby attorney?

17 **THE DEFENDANT:** Yes.

18 **THE COURT:** I'm now going to explain to you the
19 essential elements of each of the eight offenses, that is
20 what the government would be required to prove at trial. I
21 do this to make certain you understand what the government
22 would be required to prove and that you believe the
23 government could prove each element of the crimes charged
24 beyond a reasonable doubt, because in a minute or two I'm
25 going to ask you what you did that makes you believe that

1 you are guilty of these charges, and if you do not think the
2 government can prove each element of the crimes charged
3 beyond a reasonable doubt, I do not want you to make
4 incriminating statements in response to my questions. Okay?

5 **THE DEFENDANT:** Yes.

6 **THE COURT:** Count 1 is the conspiracy to commit an
7 act of terrorism transcending national boundaries. Count 1
8 accuses you of violating Title 18 United States Code
9 Section 2332b(a)(1) and 2332b(a)(2), by joining a conspiracy
10 to engage in an act of terrorism transcending national
11 boundaries.

12 The elements of Count 1 are, first, that two
13 or more persons conspired or agreed to either, A, kill any
14 person within the United States, or, B, create a substantial
15 risk of serious bodily injury to any other person by
16 attempting to destroy or damage a conveyance within the
17 United States in violation of the United States -- in
18 violation of the laws of the United States.

19 Counts 2 through 8 of the indictment are
20 violations of the laws of the United States. The second
21 element is that you knowingly and voluntarily joined this
22 conspiracy. Third, that the conspiracy was to involve you
23 engaging in conduct transcending national boundaries.
24 Fourth, that the conspiracy was to involve one of the
25 following circumstances, either that a facility of

1 interstate or foreign commerce was used to further the
2 offense, or that the offense obstructed, delayed, or
3 affected interstate or foreign commerce in some way.

4 Now I'm going to do these, as I go through
5 the elements of each, I'm going to ask you one count at a
6 time when I finish the elements how you plead to that count.
7 Then we'll go back, count by count, and do the factual
8 basis.

9 But I ask you now, Mr. Abdulmutallab, how do
10 you plead to the charge set forth in Count 1?

11 **THE DEFENDANT:** I plead guilty.

12 **THE COURT:** And are you now entering a plea of
13 guilty to the charge set forth in Count 1 because you
14 believe that you are guilty of that offense?

15 **THE DEFENDANT:** Yes.

16 **THE COURT:** Count 2, possession of a
17 firearm/destructive device in furtherance of a crime of
18 violence, that count charges you with violating federal law
19 by possessing a firearm or destructive device in furtherance
20 of a crime of violence in violation of Title 18 United
21 States Code Section 924(c). The law defines the term
22 "firearm" to mean any destructive device.

23 The elements of that charge are, first, that
24 you committed the crime charged in Count 1; namely,
25 conspiracy to commit an act of terrorism transcending

1 national boundaries; two, that you knowingly possessed a
2 destructive device; and, three, that the possession of the
3 destructive device was in furtherance of the crime charged
4 in Count 1; namely, conspiracy to commit an act of terrorism
5 transcending national boundaries.

6 Mr. Abdulmutallab, how do you plead to the
7 charge set forth in Count 2?

8 **THE DEFENDANT:** I plead guilty.

9 **THE COURT:** And are you now entering a plea of
10 guilty to the charge set forth in Count 2 because you
11 believe that you are guilty of that offense?

12 **THE DEFENDANT:** Yes.

13 **THE COURT:** Count 3 charges attempted murder
14 within the special aircraft jurisdiction of the United
15 States in violation of Title 18 United States Code
16 Section 1113.

17 The elements of Count 3 are, first, that you
18 intended to commit the crime of murder within the special
19 aircraft jurisdiction of the United States, and second, that
20 you did some overt act that was a substantial step towards
21 committing the crime of murder within the special aircraft
22 jurisdiction of the United States, namely, that Flight 253
23 was a civil aircraft of the United States which was in
24 flight.

25 Mr. Abdulmutallab, how do you plead to the

1 charge set forth in Count 3?

2 **THE DEFENDANT:** I plead guilty.

3 **THE COURT:** And are you pleading guilty to the
4 charge set forth in Count 3 because you believe you are
5 guilty of that offense?

6 **THE DEFENDANT:** Yes.

7 **THE COURT:** Count 4 charges use and carrying of a
8 firearm or destructive device during and in relation to a
9 crime of violence, in violation of Title 18 United States
10 Code Section 924(c).

11 The elements of Count 4 are, first, that you
12 committed the crime charged in Count 3; namely, attempted
13 murder within the special aircraft jurisdiction of the
14 United States; second, that you knowingly used or carried a
15 destructive device; third, that the use or carrying of the
16 destructive device was during and in relation to the crime
17 charged in Count 3; namely, attempted murder within the
18 special aircraft jurisdiction of the United States.

19 Mr. Abdulmutallab, how do you plead to the
20 charge set forth in Count 4?

21 **THE DEFENDANT:** I plead guilty.

22 **THE COURT:** And are you pleading guilty to the
23 charge set forth in Count 4 because you believe you are
24 guilty of that offense?

25 **THE DEFENDANT:** Yes.

1 **THE COURT:** Count 5 charges you with willfully
2 placing a destructive device in, upon, and in proximity to a
3 civil aircraft which was used and operated in interstate,
4 overseas or foreign air commerce which was likely to have
5 endangered the safety of such aircraft in violation of
6 Title 18 United States Code Section 32(a)(2).

7 The elements of Count 5 are, first, that you
8 placed a destructive device in, upon, or in proximity to a
9 civil aircraft; two, that the civil aircraft was used or
10 operated in foreign air commerce; three, that you acted
11 willfully; and, four, that the act of placing the
12 destructive device was likely to have endangered the safety
13 of the aircraft.

14 Mr. Abdulmutallab, how do you plead to the
15 charge set forth in Count 5?

16 **THE DEFENDANT:** I plead guilty.

17 **THE COURT:** And are you now pleading guilty to the
18 charge set forth in Count 5 because you believe you are
19 guilty of that offense?

20 **THE DEFENDANT:** Yes.

21 **THE COURT:** Count 6 charges you with violating
22 federal law by possessing a destructive device in
23 furtherance of a crime of violence, in violation of Title 18
24 United States Code Section 924(c).

25 The elements are, first, that you committed

1 the crime charged in Count 5; namely, willfully placing a
2 destructive device in, upon, or in proximity to a civil
3 aircraft; second, that you knowingly possessed a destructive
4 device; and, third, that the possession of the destructive
5 device was in furtherance of the crime charged in Count 5;
6 namely, willfully placing a destructive device in, upon, or
7 in proximity to a civil aircraft.

8 Mr. Abdulmutallab, how do you plead to the
9 charge set forth in Count 6?

10 **THE DEFENDANT:** I plead guilty.

11 **THE COURT:** And are you now pleading guilty to the
12 charge set forth in Count 6 because you believe you are
13 guilty of that offense?

14 **THE DEFENDANT:** Yes.

15 **THE COURT:** Count 7 charges that you, without
16 lawful authority, knowingly attempted to use a weapon of
17 mass destruction against a person or property within the
18 United States, in violation of Title 18 United States Code
19 Section 2332a(a)(2).

20 The elements of Count 7 are, first, that you
21 intended to knowingly use without lawful authority a weapon
22 of mass destruction against any person or property within
23 the United States; second, that one of the following
24 occurred: Either a facility of interstate or foreign
25 commerce was used in furtherance of the offense, or that you

1 traveled in interstate or foreign commerce in furtherance of
2 the offense, or that the results of the offense affected
3 interstate or foreign commerce or would have affected
4 interstate or foreign commerce. And the third element is
5 that you did some overt act that was a substantial step
6 towards committing the crime of using a weapon of mass
7 destruction against any person or property within the United
8 States.

9 Mr. Abdulmutallab, how do plead to the charge
10 set forth in Count 7?

11 **THE DEFENDANT:** Guilty.

12 **THE COURT:** And are you now pleading guilty to the
13 charge set forth in Count 7 because you believe you are
14 guilty of that offense?

15 **THE DEFENDANT:** Yes.

16 **THE COURT:** Count 8 charges you -- charges that
17 you attempted to willfully destroy or wreck a civil aircraft
18 which was used in and operated in foreign air commerce in
19 violation of Title 18 United States Code Sections 32(a)(1)
20 and (a)(8).

21 The elements of that offense are, first, that
22 you intended to willfully destroy or wreck a civil aircraft
23 used or operated in foreign air commerce; and, second, that
24 you did some overt act that was a substantial step towards
25 committing the crime of willfully destroying or wrecking a

1 civil aircraft used or operated in foreign air commerce.

2 Mr. Abdulmutallab, how do you plead to the
3 charge set forth in Count 8?

4 **THE DEFENDANT:** Guilty.

5 **THE COURT:** And are you now pleading guilty to the
6 charges set forth in Count 8 because you believe you are
7 guilty of that offense?

8 **THE DEFENDANT:** That's right.

9 **THE COURT:** Has anyone made any promise or
10 assurance to you of any kind in an effort to induce you to
11 enter a plea of guilty in this case?

12 **THE DEFENDANT:** No.

13 **THE COURT:** Has anyone promised you that I would
14 go easy on you or give you a more lenient sentence if you
15 would plead guilty?

16 **THE DEFENDANT:** No.

17 **THE COURT:** Has anyone tried to force you to plead
18 guilty by any mistreatment or pressure or threats of any
19 kind?

20 **THE DEFENDANT:** No.

21 **THE COURT:** Are you, therefore, pleading guilty
22 freely and voluntarily because, in fact, you are guilty and
23 it is your choice to plead guilty?

24 **THE DEFENDANT:** That's right, yes.

25 **THE COURT:** I'm going to ask you now to please

1 tell us in your own words what it is that you actually did
2 that makes you believe you are guilty of these charges, and
3 I think the best way to proceed is to ask Mr. Tukul to go
4 through the elements and ask you questions to establish the
5 factual basis.

6 **MR. CHAMBERS:** If I may, Your Honor, I believe
7 having spoken with Mr. Abdulmutallab, that he has a
8 statement and it's all encompassing which will cover, I
9 believe, all of the counts, and then perhaps there's some
10 questions after.

11 **THE COURT:** All right.

12 **MR. CHAMBERS:** But he, I believe, can make the
13 elements of the offenses pretty much in one statement.

14 **THE COURT:** All right.

15 **MR. TUKEL:** That's fine with me, Your Honor.

16 **THE COURT:** All right. Go ahead,
17 Mr. Abdulmutallab.

18 (10:25 a.m.)

19 **THE DEFENDANT:** In the name of Allah, the most
20 merciful, if I were to say I the father did not do it, but
21 my son did it and he conspired with the holy spirit to do
22 it, or if I said I did it but the American people are guilty
23 of the sin, and Obama should pay for the crime, the Court
24 wouldn't accept that from me or anyone else.

25 In late 2009, in fulfillment of a religious

1 obligation, I decided to participate in jihad against the
2 United States. The Koran obliges every able Muslim to
3 participate in jihad and fight in the way of Allah, those
4 who fight you, and kill them wherever you find them, some
5 parts of the Koran say, an eye for an eye, a tooth for a
6 tooth.

7 I had an agreement with at least one person
8 to attack the United States in retaliation for U.S. support
9 of Israel and in retaliation of the killing of innocent and
10 civilian Muslim populations in Palestine, especially in the
11 blockade of Gaza, and in retaliation for the killing of
12 innocent and civilian Muslim populations in Yemen, Iraq,
13 Somalia, Afghanistan and beyond, most of them women,
14 children, and noncombatants.

15 As a result, I traveled to Yemen and
16 eventually to the United States, and I agreed with at least
17 one person to carry an explosive device onto an aircraft and
18 attempt to kill those onboard and wreck the aircraft as an
19 act of jihad against the United States for the U.S. killing
20 of my Muslim brothers and sisters around the world.

21 I was greatly inspired to participate in
22 jihad by the lectures of the great and rightly guided
23 mujahideen who is alive, Sheikh Anwar al-Awlaki, may Allah
24 preserve him and his family and give them victory, Amin, and
25 Allah knows best.

1 Participation in jihad against the United
2 States is considered among the most virtuous of deeds in
3 Islam and is highly encouraged in the Koran; however,
4 according to U.S. law, which is unjust and oppressive
5 according to the Koran, my actions make me guilty of a crime
6 in the United States, in particular, the following counts in
7 my indictment. Count 1, conspiracy to commit an act of
8 terrorism transcending national boundaries, so by me
9 traveling to Yemen, then to Djibouti, to Ethiopia, Ghana,
10 Nigeria, the Netherlands, and eventually the United States,
11 with an agreement with at least one person to carry an
12 explosive device in an attempt to kill those onboard for the
13 U.S. killing of innocent Muslims, I'm guilty in U.S. law of
14 this count.

15 Count 2, possession of a firearm or
16 destructive device in the furtherance of a crime of
17 violence, I carried with me an explosive device onto
18 Northwest 253, again, to avenge the killing of my innocent
19 Muslim brothers and sisters by the U.S. So I am guilty in
20 U.S. law of this count.

21 Count 3, attempted murder within the special
22 aircraft jurisdiction of the United States, again, in
23 retaliation for U.S. support of Israel and Israel massacres
24 of innocent Palestinians, so I am guilty of this count, too.

25 Count 4, use and carrying of a firearm,

1 destructive device during and in relation to a crime of
2 violence by carrying an explosive device and attempting to
3 use it on Flight 253 for the U.S. killing of innocent
4 Muslims, I am guilty of this count, too.

5 Count 5, willfully placing a destructive
6 device in and upon, in proximity to a civil aircraft which
7 was used and operated in interstate, overseas, and foreign
8 air commerce which was likely to have endangered the safety
9 of such aircraft, I intentionally carried an explosive
10 device onto Flight 253, for the United States tyranny and
11 oppression of Muslims, so I am guilty of this count in U.S.
12 law, but not in the Koran.

13 Count 6, possession of a firearm/destructive
14 device in furtherance of a crime of violence. I was in
15 possession of an explosive device intended for use against
16 the United States for U.S. interference in Muslim countries,
17 so I am guilty in U.S. law of this count.

18 Count 7, attempted use of a weapon of mass
19 destruction, I attempted to use an explosive device which in
20 the U.S. law is a weapon of mass destruction, which I call a
21 blessed weapon to save the lives of innocent Muslims, for
22 U.S. use of weapons of mass destruction on Muslim
23 populations in Afghanistan, Iraq, Yemen, and beyond. So I
24 am guilty in U.S. law of this count and innocent in Muslim
25 law.

1 Count 8, willful attempt to destroy and wreck
2 a civil aircraft, I intended to wreck a civil aircraft for
3 the U.S. wreckage of Muslim lands and property, so I am
4 guilty in U.S. law of this count.

5 The United States -- the United States should
6 be warned that if they continue and persist in promoting the
7 blasphemy of Muhammad and the prophets, peace be upon them
8 all, and the U.S. continues to kill and support those who
9 kill innocent Muslims, then the U.S. should await a great
10 calamity that will befall them through the hands of the
11 mujahideen soon by God's willing permission. Or God will
12 strike them directly with a great calamity soon by his will,
13 Amin.

14 If you laugh at us now, we will laugh at you
15 later in this life and on the day of judgment by God's will,
16 and our final call is all praise to Allah, the lord of the
17 universe, Allahu Akbar.

18 **THE COURT:** Mr. Tukel, do you have additional
19 questions you'd like to pose to Mr. Abdulmutallab?

20 **MR. TUKEL:** I do have a few questions, Your Honor.

21 Mr. Abdulmutallab, as to the first count
22 where you described your activity in Yemen, that activity in
23 Yemen began in approximately August of 2009 and continued
24 until early December 2009, correct?

25 **THE DEFENDANT:** That's right.

1 **MR. TUKEL:** Should I simply take all my questions
2 for all the counts at this time, Your Honor?

3 **THE COURT:** Yes, please.

4 **MR. TUKEL:** Mr. Abdulmutallab, for the attempted
5 murder count which is Count 3, you pushed the plunger on the
6 syringe in the explosive device that you had, correct?

7 **THE DEFENDANT:** That's right.

8 **MR. TUKEL:** And you knew that you were over the
9 United States when that took place?

10 **THE DEFENDANT:** I, I might have been in Canada.

11 **MR. TUKEL:** Okay. Do you understand now, having
12 seen maps and other things showing the location of the
13 aircraft that you were, in fact, over the United States?

14 **THE DEFENDANT:** I don't dispute it because I also
15 read in another bit of law that, even if it was the, the
16 airplane was in Canadian air space, it still counts as part
17 of the jurisdiction of the United States.

18 **MR. TUKEL:** Okay. And we are prepared to prove,
19 Your Honor, that that, in fact, did occur over the United
20 States.

21 Mr. Abdulmutallab, as to Count 5, which
22 charges you with willfully placing a destructive device,
23 number one, you understood that by placing that destructive
24 device onboard the aircraft that what you were doing was
25 against the law, correct? Placing the destructive device

1 was itself against the law?

2 **THE DEFENDANT:** Yes, against U.S. law, yes.

3 **MR. TUKEL:** Yes. And when you placed that
4 destructive device aboard the aircraft, that took place in
5 Amsterdam and the Netherlands, correct?

6 **THE DEFENDANT:** Say that again.

7 **MR. TUKEL:** Where you were when you placed the
8 destructive device, the explosive device onboard the
9 aircraft, you were actually in Amsterdam, the Netherlands
10 when you did that, correct?

11 **THE DEFENDANT:** When I carried it onto the plane?

12 **MR. TUKEL:** Yes.

13 **THE DEFENDANT:** Yes.

14 **MR. TUKEL:** And you were wearing that in your
15 underwear at the time?

16 **THE DEFENDANT:** Yes.

17 **MR. TUKEL:** As to Count 8 which charges you with
18 willfully attempting to destroy or wreck a civil aircraft,
19 again, you knew that it was illegal under U.S. law to
20 attempt to destroy or wreck an aircraft, correct?

21 **THE DEFENDANT:** That's right.

22 **MR. TUKEL:** And you know that under U.S. law what
23 you've referred to as an explosive device -- well, let me
24 say it this way, what you refer to as an explosive device,
25 it was an explosive bomb, correct?

1 **THE DEFENDANT:** Say that again?

2 **MR. TUKEL:** The device that you referred to and
3 have referred to as an explosive device, it is an explosive
4 bomb, correct, it was an explosive bomb?

5 **THE DEFENDANT:** If you say so.

6 **MR. TUKEL:** I'm asking you what you say.

7 **MR. CHAMBERS:** I believe that the statute requires
8 explosive device, not bomb. It's an "or" which also can be
9 an incendiary device that causes other damage. I think he
10 satisfied the elements.

11 **MR. TUKEL:** You knew it was an explosive, correct?

12 **THE DEFENDANT:** Yes.

13 **MR. TUKEL:** And you knew it was intended to
14 explode, correct?

15 **THE DEFENDANT:** That's right.

16 **MR. TUKEL:** And it was your intention to make it
17 explode, correct?

18 **THE DEFENDANT:** That's right.

19 **MR. TUKEL:** It was your inattention to make it
20 explode onboard Flight 253?

21 **THE DEFENDANT:** Yes.

22 **MR. TUKEL:** Your Honor, I am satisfied with the
23 factual statements. There are certain jurisdictional bases
24 that I believe I can supplement and I would like to, if I
25 may?

1 **THE COURT:** Go ahead.

2 **MR. TUKEL:** As to Count 1, there's a requirement
3 that a facility of interstate or foreign commerce was used
4 to further the offense.

5 We are prepared to prove that the defendant
6 boarded and flew on a civil aircraft of the United States
7 and traveled from the United States -- from outside the
8 United States, that is, from the Netherlands, to the United
9 States, namely to Michigan, and that satisfied the use of
10 the facility of interstate and foreign commerce.

11 **THE COURT:** Mr. Abdulmutallab, do you accept
12 that --

13 **THE DEFENDANT:** Yes.

14 **THE COURT:** -- representation of the government?

15 **THE DEFENDANT:** Yes.

16 **MR. TUKEL:** As to Count 3, there is a requirement
17 that the attempted murder take place in the special aircraft
18 jurisdiction of the United States. I believe the defendant
19 has said, but in any event, we are prepared to prove that
20 the detonation of the destructive device occurred on a civil
21 aircraft of the United States while the aircraft was in
22 flight.

23 **THE COURT:** Mr. Abdulmutallab, do you accept that
24 representation of the government?

25 **THE DEFENDANT:** Yes.

1 **MR. TUKEL:** Count 5 has a requirement that the
2 defendant willfully placed the destructive device in, upon,
3 and in proximity to a civil aircraft of the United States
4 which was used and operated in foreign air commerce and
5 which was likely to have endangered the safety of such
6 aircraft.

7 We are prepared to prove that Flight 253 was
8 a civil aircraft of the United States which was transporting
9 passengers and property for compensation from a place
10 outside the United States, namely, the Netherlands, to a
11 place inside the United States, namely, Michigan.

12 **THE DEFENDANT:** No dispute.

13 **MR. TUKEL:** Count 7 has requirements which are in
14 the alternative, either that a facility of interstate of
15 foreign commerce was used in furtherance of the offense, or
16 that the defendant traveled in interstate or foreign
17 commerce in furtherance of the offense, or that the results
18 of the offense affected interstate or foreign commerce or
19 would have affected interstate or foreign commerce, and we
20 are prepared to prove the following: That the defendant
21 traveled on a civil aircraft of the United States, namely,
22 Flight 253, from the Netherlands to Michigan and detonated
23 the destructive device while Flight 253 was over the United
24 States. The resulting fire affected interstate commerce in
25 that it delayed passengers and crew of Flight 253 from

1 continuing to travel in interstate commerce, and delayed the
2 use in interstate commerce of the Airbus aircraft which was
3 used for Flight 253.

4 We are also prepared to prove that passengers
5 were booked on other connecting flights because they missed
6 their connections due to the fire which took place on
7 Flight 253.

8 **THE DEFENDANT:** No dispute.

9 **MR. TUKEL:** And as to Count 8, it reiterates what
10 we are prepared to prove with regard to an earlier count.
11 There is a requirement that the defendant attempted to
12 willfully destroy or wreck a civil aircraft that was used
13 and operated in foreign air commerce, and again, we are
14 prepared to prove that the defendant detonated a destructive
15 device onboard Flight 253 which was a civil aircraft of the
16 United States that was transporting passengers and property
17 for compensation from a place outside the United States,
18 namely, the Netherlands to a place inside the United States,
19 namely, Michigan.

20 **THE DEFENDANT:** No dispute.

21 **MR. TUKEL:** That is all I have with regard to the
22 factual basis and with regard to the jurisdictional issues,
23 Your Honor.

24 There were --

25 **THE COURT:** I'm not through with the rest of the

1 plea colloquy yet.

2 **MR. TUKEL:** Okay, thank you.

3 **THE COURT:** Are you satisfied with the factual
4 basis, Mr. Chambers?

5 **MR. CHAMBERS:** Yes.

6 **THE COURT:** Mr. Abdulmutallab, I have told you
7 what your rights are and about the penalty that may be
8 imposed. Do you still want me to accept your guilty plea as
9 to all eight of the counts of the indictment?

10 **THE DEFENDANT:** Yes.

11 **THE COURT:** Counsel, are you both satisfied that
12 the Court has complied with all the provisions of Rule 11 of
13 the Federal Rules of Criminal Procedure?

14 **MR. TUKEL:** Yes, Your Honor.

15 **MR. CHAMBERS:** Yes, I am.

16 **THE COURT:** It is the finding of the Court in the
17 case of United States versus Umar Farouk Abdulmutallab that
18 the defendant is fully competent and capable of entering an
19 informed plea. The defendant's plea of guilty is a knowing
20 and voluntary plea supported by his own statement of facts
21 which contains all of the essential elements of the offense.
22 Defendant's plea of guilty to all eight counts of the
23 indictment is therefore accepted, and defendant is now
24 adjudged guilty of the offenses charged in Counts 1 through
25 8.

1 The matter is now referred to the probation
2 department for a presentence report. I believe that the
3 probation officer is prepared to interview Mr. Abdulmutallab
4 today down in lockup. Mr. Rogala?

5 **PROBATION OFFICER:** Yes, Your Honor.

6 **THE COURT:** And we're not going to set a
7 sentencing date at this time. Oh, do you want to set a
8 date?

9 All right. We'll set sentencing for
10 Thursday, January 12, 2012 at 2:00 p.m.

11 **MR. TUKEL:** I'm sorry, what time, Your Honor?

12 **THE COURT:** 2:00 p.m.

13 Anything further, Mr. Tukul?

14 **MR. TUKEL:** Could I have a moment with my
15 colleagues, Your Honor?

16 **THE COURT:** Yes.

17 (Brief pause.)

18 **MR. TUKEL:** We have nothing further, Your Honor.

19 **THE COURT:** Mr. Chambers?

20 **MR. CHAMBERS:** Nothing further.

21 **THE COURT:** Mr. Abdulmutallab, Mr. Rogala from our
22 probation department is going to interview you today down in
23 lockup, and Mr. Chambers can be present for that interview
24 if you would like him to assist you.

25 **THE DEFENDANT:** Yes.

1 **MR. CHAMBERS:** I will be present.

2 **THE COURT:** All right. Thank you very much.

3 **THE DEFENDANT:** Allahu Akbar.

4 **THE COURT:** Mr. Chambers, can you remain here for
5 a few minutes while I excuse the jury, and Mr. Abdulmutallab
6 can be returned to lockup in the meantime.

7 **THE DEFENDANT:** Allahu Akbar.

8 (Defendant exited the courtroom.)

9 **THE COURT:** All rise for the jury, please.

10 (Jury in 10:43 a.m.)

11 **THE COURT:** Good morning. Again, sorry to keep
12 you waiting for so long. The reason that we were delayed
13 getting started this morning is that Mr. Abdulmutallab
14 decided to enter a plea of guilty to all of the charges set
15 forth in the indictment, and that's what we were doing this
16 morning. He was finishing his statement.

17 When I take a plea of guilty, the defendant
18 is required to make a statement of the factual basis for the
19 crimes alleged. There were eight crimes, as you know, set
20 forth in the indictment, so it took a little time to go
21 through all of the elements of those charges and for him to
22 establish the factual basis for those pleas of guilty in his
23 own words.

24 That's done. He has pleaded guilty. I have
25 accepted his guilty plea. Sentencing is set for

1 January 12th at 2:00, and he will, of course, remain in
2 custody pending sentencing.

3 And I thank you so much for your
4 conscientious service. I know that going through the
5 questionnaire, the individual voir dire, and the first few
6 days of trial had to have been extremely stressful in many
7 ways. Even though all of you expressed your willingness to
8 make the commitment and do your civic duty, any case is
9 stressful, criminal cases even more so than civil, and the
10 nature of this case, I'm sure, made it even more so.

11 And I know that I speak on behalf of the
12 government and the assistant United States attorneys,
13 Agent Peissig and standby counsel, Mr. Chambers, and his
14 very able staff when I thank you for your hard work. That
15 was a little more abbreviated than you thought it would be,
16 and so I express it on behalf of myself and my staff as
17 well.

18 Now, at this point, you have a couple of
19 options. First of all, if you'd like to talk to me, I'm
20 going to come in and meet with any of you who wish to stay
21 and chat with me for a minute. I'll try to answer questions
22 as best I can. You don't have to talk to me. You're more
23 than willing -- I mean, more than able to go if you wish to
24 do so.

25 Also, the attorneys often like to talk to

1 you, and if you want to make yourself available to chat with
2 the attorneys, that's fine. Again, if you don't wish to do
3 so, that's perfectly okay. Just tell them you'd prefer not
4 to chat. That's fine, they won't push you about it.

5 As you know, this has been a case in which
6 there's been a lot of media interest and attention. The
7 members of the press have been respectful and stayed at a
8 distance as they've been required to do, but they would like
9 to speak to you as well. You have a couple of options
10 there.

11 First of all, if you don't want to talk to
12 anybody from the press, you don't have to. The marshals
13 will take you directly to your car and you may leave. You
14 don't have to speak to anyone.

15 If you would like to speak to members of the
16 press, we've set aside Room 115 down on the first floor
17 which is where you answered your questionnaires, and members
18 of the press will be down there to ask you questions.
19 Again, you don't have to go, but if you wish to go, a
20 marshal will escort you down there as well and then escort
21 you to your cars.

22 Finally, there are no recording devices or
23 cameras permitted in the courtroom. As you know, because I
24 promised you from the very beginning, your anonymity has
25 been maintained, there have been no pictures or recordings

1 permitted of you, and that is still the rule. However, you
2 have the option to speak to reporters and to permit yourself
3 to be recorded if you wish to do so. That must be done
4 outside the building.

5 Again, a marshal would stay with you, escort
6 you to speak to members of the press who would have cameras
7 or recording devices. I've ordered that no pictures may be
8 taken of your heads, so if you wish to speak to them,
9 because they are electronic media and rely to a certain
10 extent on interviews, in which they can record you, you're
11 welcome to do that with a marshal in attendance. They will
12 be outside the building on the Lafayette side, and then
13 they'll take you to your car.

14 So, in any event, regardless of what you
15 choose, a marshal will escort you to your car at the close
16 of whatever. We have plenty of deputy marshals who are
17 available to escort you to whatever place you choose.

18 Again, I thank you for your service. You've
19 been a great group, and we really appreciate your
20 attentiveness and patience in this matter.

21 You are excused. And if you want wait there,
22 I'll be in in just a minute or two.

23 (Jury out 10:50 a.m.)

24 **THE COURT:** Counsel, I'd like to thank you for
25 your very hard work in bringing a difficult case to trial

1 and resolution. It's been a pleasure working with you, and
2 I'd like to also thank the press for being respectful of the
3 parameters that we established to try to protect the privacy
4 of the jurors in this case.

5 I'd like to especially thank Mr. Chambers for
6 guiding the defendant through at a time that it had to have
7 been extremely difficult to walk that line of standby
8 counsel, and I think Mr. Chambers has rendered extraordinary
9 service to this Court in this proceeding, and of course, the
10 assistant United States attorneys have done a masterful job
11 of putting this case together.

12 Thank you, counsel.

13 **MR. TUKEL:** Thank you, Your Honor.

14 **MS. CORKEN:** Thank you.

15 **MR. CHAMBERS:** Thank you.

16 **THE COURT:** Thank you. They say right now they
17 don't want to speak to the press, so you need to stay back.
18 You can ask them again, and I'll ask them again. In the
19 meantime, thank you.

20 (Proceedings concluded 10:52 a.m.)

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C E R T I F I C A T I O N

I, Suzanne Jacques, official court reporter for the United States District Court, Eastern District of Michigan, Southern Division, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a correct transcript of the proceedings in the above-entitled cause on the date hereinbefore set forth.

I do further certify that the foregoing transcript has been prepared by me or under my direction.

s/ Suzanne Jacques
Suzanne Jacques
Official Court Reporter

October 12, 2011
Date

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