

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	.	
	.	
Plaintiff,	.	CR No. 18-0218 (TSC)
	.	
v.	.	
	.	
MARIIA BUTINA, a/k/a	.	Washington, D.C.
MARIA BUTINA,	.	Friday, April 26, 2019
	.	10:07 a.m.
Defendant.	.	
. . . . .	.	

TRANSCRIPT OF SENTENCING  
BEFORE THE HONORABLE TANYA S. CHUTKAN  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government:	ERIK M. KENERSON, AUSA THOMAS N. SAUNDERS, AUSA U.S. Attorney's Office National Security Section 555 Fourth Street, NW Washington, DC 20530
	WILLIAM MACKIE, ESQ. U.S. Department of Justice National Security Division 950 Pennsylvania Avenue, NW RFK Building, Suite 7700 Washington, DC 20530
For the Defendant:	ROBERT N. DRISCOLL, ESQ. ALFRED D. CARRY, ESQ. McGlinchey Stafford, PLLC 1275 Pennsylvania Avenue, NW Suite 420 Washington, DC 20004
Court Reporter:	BRYAN A. WAYNE, RPR, CRR U.S. Courthouse, Room 4704-A 333 Constitution Avenue, NW Washington, DC 20001

1 P R O C E E D I N G S

2 THE DEPUTY CLERK: Your Honor, we have Criminal Action  
3 18-218, United States of America versus Mariia Butina. We have  
4 Mr. Erik Kenerson, Mr. Thomas Saunders, and Mr. William Mackie  
5 representing the government. We have Mr. Alfred Carry and  
6 Mr. Robert Driscoll representing Ms. Butina, who is present,  
7 and we also have Ms. Crystal Lustig representing Probation.

8 THE COURT: Good morning, everyone.

9 Good morning, Ms. Butina.

10 We're here for the sentencing of Ms. Butina, who has  
11 pleaded guilty to conspiracy to act as an agent of a foreign  
12 government in violation of Title 18, Sections 371 and 951 of  
13 the United States Code.

14 I know that there's some materials here that have been  
15 filed under seal, and there may be representations that you  
16 want to make to me under seal. If you do, we're going to try  
17 and approach the bench. I really don't want to have to clear  
18 the courtroom. I don't plan on discussing any sealed matters,  
19 but if you need to, we can take it at the bench and seal the  
20 transcript.

21 So let me tell you what I've received and reviewed in  
22 advance of this hearing. I have received and reviewed the  
23 presentence report and the sentencing recommendation from the  
24 Probation Department, and also the following documents that have  
25 been submitted by counsel in advance of the hearing: a copy of

1 the plea agreement signed by Ms. Butina, along with the  
2 Statement of Offense.

3 And I'll say at this point that the government noted in  
4 its sentencing memorandum a factual mistake in the Statement  
5 of Offense. I'll say that that factual mistake does not affect  
6 my consideration of the sentencing factors or my sentence, but  
7 is there any objection to that correction, Mr. Driscoll?

8 MR. DRISCOLL: There's not, Your Honor.

9 THE COURT: All right.

10 So, Government, I'd like you to file a revised Statement  
11 of Offense after the hearing. Thank you.

12 I've also received and reviewed a sentencing memorandum  
13 from the government, with exhibits that are redacted on the  
14 public docket. Included in these exhibits is a declaration from  
15 Robert Anderson, Jr., a former FBI agent. I have reviewed the  
16 unredacted exhibits which were filed under seal.

17 Now, there was a missing exhibit, Exhibit 8, that was  
18 referenced in the Government's sentencing memorandum that I  
19 didn't receive. I requested a copy and received a copy last  
20 night. Mr. Driscoll, have you had a chance to look at that?

21 MR. DRISCOLL: We have, Your Honor.

22 THE COURT: All right. Do you have any objection to  
23 the exhibit and to having the government file it after this  
24 hearing?

25 MR. DRISCOLL: We do not, Your Honor.

1 THE COURT: That's going to be under seal. Correct?

2 MR. KENERSON: I believe it was filed under seal last  
3 night, Your Honor.

4 THE COURT: Yes. I'm going to grant the motion for  
5 leave to file under seal.

6 MR. KENERSON: Thank you.

7 THE COURT: And just file a redacted version for the  
8 public docket after this hearing.

9 Okay. I've received a supplemental memorandum in aid of  
10 sentencing and a motion for downward departure, which is under  
11 seal. I've received a sentencing memorandum from Defendant with  
12 exhibits, and these exhibits include 24 character letters and  
13 three certificates.

14 These include a certificate of completion, Women Empowering  
15 Women; a certificate, Community Service Participation in  
16 Knitting Projects; and Certificate of Participation in a Life  
17 Skills Class. All but four of the letters that I've received  
18 include affidavits of accuracy of translation and the original  
19 Russian letter. Obviously, I haven't reviewed the original  
20 Russian letters, but I've reviewed the translated versions.

21 I've also reviewed the pleadings related to the defense's  
22 motion to exclude and strike the declaration of Robert Anderson,  
23 Jr. I consider those part of the sentencing hearing record.  
24 I did deny the defense motion to strike the declaration.

25 Now, Counsel, have I missed anything that has been

1 submitted for my review?

2 MR. KENERSON: Not from the government, Your Honor.

3 THE COURT: All right. Mr. Kenerson, are you going to  
4 be speaking for the government today?

5 MR. KENERSON: Yes, Your Honor.

6 THE COURT: All right.

7 Mr. Driscoll, have I missed anything?

8 MR. DRISCOLL: You have not, Your Honor.

9 THE COURT: Okay, good.

10 Now, Ms. Butina, you may recall that at your plea hearing,  
11 the plea hearing proceeded in three steps. The first was to  
12 make sure that you were competent to take the plea, the second  
13 was to make sure that you were knowingly taking the plea and  
14 aware of the rights that you were giving up, and the third step  
15 was to make sure that your plea was entered into voluntarily.

16 Today's sentencing is going to proceed in four steps.  
17 The first step is for me to determine whether you've reviewed  
18 the presentence report and whether there are any outstanding  
19 objections to the presentence report, and, if so, I have to  
20 resolve those objections.

21 The second step is for me to determine what sentencing  
22 guidelines and sentencing range, if any, apply to your case.

23 The third step is to hear from the government, from your  
24 lawyer, and from you, if you wish to be heard, about sentencing  
25 in this case.

1           The last step requires me to fashion a just and fair  
2 sentence in light of the factors set forth in 18 U.S.C. § 3553(a),  
3 a statute you'll hear a lot about. You've already heard about  
4 it some at your plea, and I'm sure your lawyer has explained to  
5 you what that is.

6           At the end of the hearing, I'll also deal with the joint  
7 motion for order of judicial removal that the parties have  
8 submitted.

9           Okay. So with regard to the presentence report, the final  
10 presentence report and sentencing recommendation were filed in  
11 this case on April 16, 2019.

12           Mr. Kenerson, does the government have any objection to  
13 any of the factual determinations set forth in the presentence  
14 report?

15           MR. KENERSON: No, Your Honor.

16           THE COURT: Now, are you expecting an evidentiary  
17 hearing? Do you have any witnesses present in the courtroom?

18           MR. KENERSON: Your Honor, we do have a witness present.

19           THE COURT: Is that Mr. Anderson?

20           MR. KENERSON: Yes. It's Mr. Anderson. I was going  
21 to say we intend to make him available to the Court if the  
22 Court wants to inquire or if the defense wants to inquire.

23           THE COURT: Okay. Here's how I'm going to handle  
24 it. Obviously, we've all read the Anderson Declaration. If,  
25 Mr. Driscoll, you wish to present argument beyond any argument

1 you've put in your motion to strike regarding the Anderson  
2 Declaration, I'll hear you. If you wish to question  
3 Mr. Anderson, you may also do so. Obviously, you know, not  
4 open-ended, but you also may do that. That's up to you, and  
5 you can let me know at the appropriate time.

6 MR. DRISCOLL: Thank you, Your Honor.

7 THE COURT: Okay. Now, Ms. Butina, I'd like to  
8 ask you some questions. Are you fully satisfied with your  
9 attorneys, Mr. Driscoll and Mr. Carry, in this case?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you feel that you've had enough time  
12 to talk to them about the Probation Department's presentence  
13 report and the papers that the government filed in connection  
14 with the sentencing?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Now, Mr. Driscoll, have you and Ms. Butina  
17 read and discussed the presentence report?

18 MR. DRISCOLL: We have.

19 THE COURT: Are there any disputed issues of fact?  
20 That is, does Ms. Butina have any objection to any of the  
21 factual statements set forth in the presentence report? And  
22 this does not include paragraph 71, which is the determination  
23 of whether there's a sufficient analogous guideline. I'll  
24 address that later.

25 MR. DRISCOLL: We raised minor issues, but it's fine

1 the way it --

2 THE COURT: Okay. I'll just deal with the factual  
3 objections I'm aware of, and I can tell you that they don't  
4 really affect my conclusion on the appropriate sentence here.

5 Page 3 regarding aliases. Mr. Kenerson, do you have any  
6 objection to striking the aliases as requested by the defense?

7 MR. KENERSON: No, Your Honor.

8 THE COURT: All right. Those aliases will be  
9 stricken. Paragraph 62, the defense objection is overruled.  
10 Ms. Butina is represented by retained counsel. This will not  
11 affect the Court's decision about whether to impose or whether  
12 she's able to pay a fine in this case. All right.

13 Paragraph 73, the government's memorandum. Page 12 at  
14 footnote 6 makes reference to the defendant's objection to  
15 paragraph 73. However, this objection is not in the final  
16 presentence report, and the defendant does not raise this  
17 submission in her memorandum.

18 The Court's understanding is that Ms. Butina objects  
19 to paragraph 73 because it is incomplete, because the plea  
20 agreement also states that the parties agreed, for allocution  
21 purposes, that a sentence within the estimated guideline range  
22 of zero to six months' imprisonment would be reasonable in light  
23 of all the sentencing factors under § 3553(a).

24 To begin with, the presentence report does not, as a matter  
25 of course, regurgitate all the language in the plea agreement.



1 Nonetheless, paragraph 5 of the plea agreement contains the  
2 language, "if the Court finds that a guideline range applies."  
3 So this objection, even if it were preserved by the defense, is  
4 overruled.

5 Paragraph 87, this objection is overruled. There's nothing  
6 about the factual accuracy of the language that is contested, and  
7 the Court will make its own determination about the defendant's  
8 ability to pay a fine.

9 Okay. Are there any further objections that I haven't  
10 covered, Mr. Driscoll?

11 MR. DRISCOLL: Not from the defense, Your Honor.

12 THE COURT: Mr. Kenerson?

13 MR. KENERSON: No, Your Honor.

14 THE COURT: All right. Having ruled on the  
15 objections, I will accept the factual recitations in the  
16 presentence report regarding the circumstances of the offense,  
17 and, therefore, the facts as stated in the presentence report  
18 will be my findings of fact for the purposes of this sentencing.

19 The next issue is the determination of the guidelines,  
20 which is far more complicated in this case than in any other  
21 that I usually have before me. The presentence report lays out  
22 the Probation Office's calculation of the advisory guidelines  
23 that apply in this case. The calculation was done using the  
24 2018 guidelines manual and is as follows:

25 The Probation Office's position is that, since there is no

1 analogous guideline, an advisory guideline range could not be  
2 determined for Ms. Butina's offense. The parties agree that  
3 pursuant to U.S. Sentencing Guidelines §2X1.1, the guideline  
4 range for a violation of 18 U.S.C. § 371 follows the underlying  
5 substantive offense, which in this case is 18 U.S.C. § 951.

6 The parties further agree that the U.S. Sentencing  
7 Guidelines do not specify an applicable guideline for a  
8 violation of 18 U.S.C. § 951.

9 Pursuant to U.S. Sentencing Guidelines §2X5.1, where the  
10 guidelines do not expressly specify an applicable guideline, the  
11 Court should, and I quote, "apply the most analogous guideline.  
12 If there is not a sufficient analogous guideline, the provisions  
13 of 18 U.S.C. § 3553 shall control except that any guidelines and  
14 policy statements that can be applied meaningfully in the  
15 absence of a Chapter 2 offense guideline shall remain applicable."

16 So the government argues that there is no sufficiently  
17 analogous guideline for the underlying substantive offense and  
18 that the provisions of 18 U.S.C. § 3553 should control.

19 Before I go any further, Ms. Butina, have you discussed  
20 this disagreement -- it's very complicated -- having to do with  
21 our sentencing guidelines --

22 THE DEFENDANT: Yes. We did discuss it.

23 THE COURT: Okay. Do you understand the dispute?  
24 Do you understand your lawyer's position?

25 THE DEFENDANT: Yes.

1 THE COURT: Okay. The defense argues that §2B1.1  
2 is the most analogous and can be applied meaningfully for  
3 sentencing in this case. The defense also points the Court to  
4 U.S. sentencing guidelines §2J1.4.

5 The Court finds that there is not a sufficiently analogous  
6 guideline, and therefore the provisions of 18 U.S.C. § 3553  
7 shall control. Neither the government nor the defense counsel  
8 has presented this Court with any binding authority on this  
9 question; that is authority from the D.C. Circuit or the Supreme  
10 Court, and this Court has been unable to find any either.

11 The majority of the courts that have dealt with this  
12 issue have determined that § 951 does not have a sufficiently  
13 analogous guideline, and I will cite to the cases the government  
14 provided to the Court:

15 *United States v. Soueid*, No. 11-CR-494, Document 59,  
16 from the Eastern District of Virginia; *United States v. Chun*,  
17 No. 16-CR-618, from the Southern District of New York; *United*  
18 *States v. Alvarez*, No. 05-CR-20943, from the Southern District  
19 of Florida; *United States v. Buryakov*, No. 15-CR-73, from the  
20 Southern District of New York; and *United States v. Duran*,  
21 No. 07-CR-20999, from the Southern District of Florida.

22 The defense urges the Court to follow the decision in  
23 *United States v. Dumeisi*, 2006 Westlaw 2990436, from the  
24 Northern District of Illinois. The defense characterizes this  
25 decision as the leading case for the proposition that U.S.

1 Sentencing Guidelines §2B1.1 is the most analogous action for a  
2 violation of § 951.

3 However, the Court is unaware of any other cases that have  
4 held as such, and the Court finds that there is no reasoning  
5 provided in the *Dumeisi* decision that would cause this court  
6 to disregard the other cases that I've cited and that the  
7 government cited.

8 The Court also finds that an elements-based approach  
9 does not advance the defendant's position. The offenses  
10 that the defense argues are analogous do not require any  
11 additional act in addition to the deceptive statement or  
12 withholding of information. In contrast, § 951 has an action  
13 element. Moreover, apart from an elements-based approach,  
14 §2B1.1 is primarily for theft and embezzlement offenses.

15 While §2B1.1 is used for false statements in violation  
16 of 18 U.S.C. § 1001, the Court agrees with the government that  
17 the gravamen of a 951 violation is the acting as an agent of a  
18 foreign government without first notifying the Attorney General.  
19 It is of no moment that the acts themselves may have been legal.  
20 And I use the word "may." I'm making no finding that they were  
21 or were not.

22 Now, having determined the applicable guidelines, the next  
23 step is for me to consider departures. The presentence report  
24 does not include any departure grounds. The government has  
25 filed, under seal, a §5K1.1 motion for a downward departure.

1 The Court will grant that motion. The defense does not request  
2 any other departures in its sentencing memorandum, and Probation  
3 does not recommend any, which the defense did not object to.

4 Now, § 3553 requires me to consider a variety of factors,  
5 including the applicable penal statutes. So let me take a  
6 moment to describe the applicable statutory penalties for this  
7 offense. The statutory maximum here is five years of  
8 imprisonment. If a term of imprisonment is imposed, the  
9 statutes provide that Ms. Butina faces a supervised release  
10 range following imprisonment of not more than three years.

11 In a case of a deportable alien who will likely be deported  
12 after imprisonment, the Court should ordinarily not impose a  
13 term of supervised release unless required by statute. That's  
14 from §5D1.1. The Court is aware of no statute that would  
15 require it to impose a term of supervised release in this case.

16 The statute of conviction sets a maximum fine of up to  
17 \$250,000, and a special assessment of \$100 per count is mandatory  
18 under 18 U.S.C. § 3013. The statutory restitution provision is  
19 inapplicable here because there is no identified victim.

20 Counsel, have I stated accurately the statutory framework  
21 under which we're operating in this case? Mr. Kenerson?

22 MR. KENERSON: Yes, Your Honor.

23 THE COURT: Mr. Driscoll?

24 MR. DRISCOLL: Yes, Your Honor.

25 THE COURT: Okay. Now, before I discuss the other

1 sentencing factors that will bear on my final decision, I will  
2 at this point notify the parties of the particular sentence the  
3 Probation Office has recommended.

4 The Probation Office has recommended 12 months and one  
5 day of incarceration. Probation does not recommend supervised  
6 release, probation, or a fine. The recommendation of the  
7 Probation Office is not based on any facts or circumstances  
8 that have not already been revealed to the parties in the  
9 presentence report.

10 Now, at this point I'd like to give the parties the  
11 opportunity to address the sentencing guideline range and any  
12 other factors that bear on my consideration of a fair and just  
13 sentence under § 3553(a).

14 Mr. Kenerson, does the government wish to speak about the  
15 application of the factors?

16 MR. KENERSON: Yes. Thank you, Your Honor.

17 So reading through both of the parties' submissions in  
18 this case --

19 THE COURT: I'm going to ask you to get closer to the  
20 microphone.

21 MR. KENERSON: Understood. So reading through both  
22 of the parties' submissions in this case, Your Honor, there  
23 is a picture, I think, that emerges of a young woman who is  
24 simultaneously talented and caring, but who is also savvy and  
25 determined. And despite the differing tone in the parties'

1 pleadings, this is not a case of contested evidence; it's  
2 a case of contested interpretation of that evidence. The  
3 government is not contesting Ms. Butina's love for her family  
4 or her desire for education or that she bought American  
5 toothpaste for the Russian Official.

6 But the defense, similarly, is not contesting that  
7 Ms. Butina was here trying to establish a back channel of  
8 communication with Russia. It does not contest that before she  
9 was a student, she was able to get meetings with the Russian  
10 ambassador, and that at that meeting she promised to send him  
11 contact information for a prominent American and the name of an  
12 advisor to a presidential candidate who would come to Moscow --  
13 that's in Exhibit No. 5 -- or that she was drafting notes that  
14 talked about how to exert influence over U.S. foreign policy, or  
15 noting how downplaying the Kremlin hand will help the Russians  
16 exert the speediest and most effective influence in the  
17 decision-making apparatus of the U.S. establishment. That's in  
18 Exhibits 6 and 7.

19 The defense is not contesting that the defendant wrote  
20 notes to the Russian Ministry of Foreign Affairs explaining the  
21 Russian Official's ability to come to the United States to meet  
22 with presidential candidates, and that they actually planned and  
23 hoped to do so on more than one occasion when the Russian  
24 Official was here.

25 It's not contesting that she sought the Russian governmental

1 feedback on someone she thought would be a Secretary of State  
2 candidate, believing that the Russian opinion would be taken  
3 into account in the United States.

4 So while it is certainly true that the defendant was an  
5 American University student and was a devoted daughter and  
6 sister -- and is a devoted daughter and sister -- she was  
7 simultaneously, in her own words, as quoted in the government's  
8 memorandum, executing a plan to establish unofficial contact  
9 based on common views and a system of conservative values with  
10 key politically minded organizations within the United States  
11 including the executive level of Political Party 1. And as she  
12 admitted in her Statement of Offense, she did this for the  
13 benefit of the Russian Federation.

14 As the Court weighs the 3553(a) factors, it shouldn't lose  
15 sight of that last fact. The information that the defendant put  
16 back to Russia through the back channel that she was trying to  
17 establish was of extreme importance to the Russian Federation,  
18 as I think the Court saw in former Assistant Director Anderson's  
19 declaration, and Russia targets the United States for malign,  
20 intrusive intelligence operations.

21 That the defendant did not know the exact final use  
22 to which this information would be put and that it was not  
23 classified, did not involve dead drops or spy tradecraft, does  
24 not diminish the potential harm that the defendant caused to  
25 the United States.



1           The declaration of former Assistant Director Anderson,  
2           of course, we believe speaks for itself, but it's important  
3           to note how valuable the information is that she sent back,  
4           information that had we received similar information in reverse,  
5           the Assistant Director for Counterintelligence would want to  
6           know that information. Her back channel of communication had  
7           serious harms -- serious potential to harm the U.S. political  
8           process as well as foreign policy interests and national  
9           security.

10           Of course, the Court has to analyze not only the  
11           seriousness of the offense but the defendant's role within that  
12           offense, and we'd ask the Court to look not just at Assistant  
13           Director Anderson's declaration but also at the defendant's  
14           conduct as laid out in the Statement of Offense and the  
15           exhibits, based on her knowledge and intentions.

16           We submit that that conduct, with her knowledge and her  
17           intent, was undoubtedly serious. This is, I think, where we  
18           fundamentally but respectfully disagree with defense's position  
19           here. This is not a registration offense. This is a case  
20           where the defendant acted in the United States as the agent of  
21           a foreign government, and as she admitted in the Statement of  
22           Offense, that she did so for the benefit of Russia.

23           As her words make clear, she was not solely an  
24           international relations student. Prior to her enrollment at  
25           American, and prior to the fact when her student visa was even

1 granted, she was organizing political trips for the Gun Rights  
2 Organization senior leadership, among other things on that trip,  
3 but it certainly had a political component, and sending  
4 information about the political importance of the Gun Rights  
5 Organization members back to Moscow.

6 She was specifically worried about her initiative being  
7 seized by someone else in the Russian government after that,  
8 and that's just one example of operational-type discussions  
9 amongst a lot of others that she had with the Russian Official.

10 When the defendant wrote about presidential candidates, she  
11 did not solely copy Wikipedia. For example, in Exhibit 4, she  
12 highlighted having met the candidate's advisors in the matters  
13 of international affairs and also highlighted having another  
14 such meeting planned.

15 She used the U.S.-Russia Friendship Dinners to learn  
16 American influencers' reactions to her pitch on U.S.-Russia  
17 relations, and she was able to adjust her pitch accordingly.  
18 She asked advice on the Russian government's readiness to meet  
19 with people, and the Russian Official wanted to make sure that  
20 her contacts did not forget her after the election.

21 She provided names of potential Secretary of State  
22 appointees, organized a large delegation to the National Prayer  
23 Breakfast with the express goal of starting this back channel of  
24 communication, and she was again worried about someone in the  
25 Russian government seizing the initiative afterwards when she

1 failed to meet with the President as she was promised. It's  
2 her words and her intent as stated throughout that matters here,  
3 and there's no doubt that she was not simply a grad student.

4 The Court, of course, has a copy of the Diplomacy Project.  
5 The defense spends a lot of time talking about that in their  
6 submission. But when read in the context of Exhibits 6 and 7,  
7 talking about how to best exert influence over U.S. policy, and  
8 in the context of her note to the Russian Ministry of Foreign  
9 Affairs on getting Russian Official to the meetings to meet  
10 presidential candidates, and going so far afterwards as to  
11 suggest gifts to give these candidates to suggest at the start  
12 of this back channel of diplomacy, in the context of statements  
13 regarding laying the groundwork for the past five years with the  
14 Political Party 1 leadership and asking whether the government  
15 was ready to meet advisors and attempting to meet the President  
16 in 2017, it's clear that while the defendant was a student and  
17 before she enrolled, she was actively spending a significant  
18 amount of time trying to build this back channel of  
19 communication between the United States and Russia.

20 So the Court should not lose sight of these actions which  
21 occurred both prior to and concurrently with her attendance at  
22 American and throughout multiple visa applications. She knew --  
23 as we laid out in the Statement of Offense, and she agreed, she  
24 knew that some of the information was going to the Russian  
25 government writ large, and she knew that the Russian Official

1 was a conduit to the Russian government writ large. This is  
2 not simply a case about whether defendant could have legally  
3 done everything she had done had she registered.

4 As we note in the government's memo, we obviously do not  
5 know what would have happened had she notified the Attorney  
6 General at any particular step in the process, or prior to her  
7 application for her F-1 visa, or prior to her application to  
8 American or to any other university. Maybe those visas would  
9 have been granted, but maybe they wouldn't.

10 That's the whole point, is that the defendant's actions  
11 deprived the United States of the ability to make that choice.  
12 They deprived American University of the ability to decide  
13 whether to admit her at all or whether to keep her on as a  
14 student if she had filed something during her time there. And  
15 it deprived many individuals within the United States of the  
16 ability to decide for themselves whether and on what terms to  
17 meet with her.

18 And her conduct, I think, really shows how easily it  
19 can be for a foreign government to target Americans in the  
20 United States. Her failure to register also gave the Russian  
21 government plausible deniability that she was acting on their  
22 behalf, which I'm sure the Court has seen they've attempted to  
23 use numerous times since this case was brought.

24 So, for these reasons, we respectfully disagree with the  
25 defense position that this is simply a failure-to-notify case

1 analogous to not filing a tax return or failing to register for  
2 military service.

3 But the government also recognizes, I think as we laid out  
4 in our memorandum, that this case is not espionage, which of  
5 course prescribes a much higher guideline range than what the  
6 government has requested here. The defendant should get credit  
7 for her acceptance of responsibility, she should get credit for  
8 having done so and agreed to cooperate in a case as high-profile  
9 as this one, and the Court should give her credit for those  
10 things.

11 We also recognize, as I think we did in the written  
12 submission, the lack of need for specific deterrence, and we  
13 acknowledge her substantial assistance, which the Court has  
14 noted, granted the government's motion. So the Court should  
15 take, obviously, all that into account, and the government did  
16 as well in coming to its sentencing recommendation to the Court.

17 And we're happy to answer any questions the Court may have  
18 at the bench about that substantial assistance, but unless the  
19 Court has any other questions for the government -- sure.

20 THE COURT: Let me inquire of Mr. Driscoll first if he  
21 would like to question Mr. Anderson. If he does not, then -- if  
22 he does, then you may approach again and address any issues  
23 raised in that questioning. Mr. Driscoll?

24 MR. DRISCOLL: I'm happy to leave the record as it is.

25 THE COURT: All right. And again, as I said, I have

1 reviewed your objections and your responses to the declaration  
2 in your motion to strike and have taken those into consideration.

3 All right. Thank you, Mr. Kenerson.

4 MR. KENERSON: Thank you.

5 THE COURT: All right. Mr. Driscoll or Mr. Carry,  
6 would defense counsel like to speak on Ms. Butina's behalf?

7 MR. DRISCOLL: Your Honor, assuming that the guideline  
8 calculation lack of -- you're not going to apply 2B1.1 is firm,  
9 we won't argue that. We'll just note our objection for the  
10 record, and we'll just move on to the allocution with Mr. Carry.

11 THE COURT: Yes. You may approach for the allocution,  
12 and your objection is noted for the record.

13 MR. DRISCOLL: Thank you.

14 THE COURT: Mr. Carry.

15 MR. CARRY: Thank you, Judge.

16 I have a few prepared remarks.

17 THE COURT: That's fine. I'll just ask that you  
18 speak -- when we read, we tend to speed up, and for the sake  
19 of my court reporter, if you could slow down a bit. Thank you.

20 MR. CARRY: Sure. So, for the past nine months, I've  
21 gotten to know Mariia well. It's been impossible to speak with  
22 her without sensing some regret. She never wished to break any  
23 law. She never wished to lie. She never lied, and she never  
24 acted maliciously. Even so, she knows she violated an important  
25 statute, and for this she's being sentenced.

1           Before I tell the story of the actions Mariia took that  
2 has led to this moment, I'd like to first begin by addressing  
3 what's on everyone's mind. The case against Mariia is certainly  
4 timely. America is looking for enemies wherever we can find  
5 them. We feel wronged, and we should feel wronged, about the  
6 attacks on our democracy perpetrated by those who wish to  
7 cause us harm. Our laws exist for a reason: so we can have a  
8 government free from undue influence.

9           But here's the fact I wish to stress to the Court.  
10 Mariia is not a spy. She's not intelligence. She's never  
11 been employed by the Russian government. She knows of no  
12 secret codes, safe houses, illegals. She has never engaged  
13 in covert activity, and she has never lied to our government.

14           I mention all this because, while many of us may be  
15 skeptical and untrusting, and I understand that feeling,  
16 the point is that Mariia is not a proxy for the Russian  
17 government. She's not a proxy for the Russian 13 who were  
18 indicted and remain at large.

19           Even so, Mariia did commit a serious crime for which she  
20 has deep remorse. The reason she's here today is because she  
21 failed to notify our government before agreeing to act as an  
22 agent of a Russian official.

23           Agent of a Russian official. I appreciate how that  
24 sounds. It's easy to let your mind wander and draw conclusions.  
25 But, of course, there are many agents of foreign governments

1 acting lawfully in the United States. The difference between  
2 those agents and Mariia is that they notified our government in  
3 advance, while Mariia did not. So when our government calls  
4 Mariia an agent, they are not calling her an intelligence agent.  
5 They are not calling her a secret agent.

6 In truth, nothing about Mariia has been secret. She's  
7 answered every single question posed to her by our federal  
8 government, and she's been answering these questions before she  
9 was even arrested. As we put in our memo, Mariia voluntarily  
10 produced thousands of pages of documents and voluntarily  
11 appeared before this same body, a Senate intel committee,  
12 answering all of its questions for a voluntary deposition for  
13 an eight-hour time period.

14 When the FBI carried out a search warrant, she gave the  
15 agents all of her electronics and passwords. She had nothing to  
16 hide. And when the FBI seized her computer and phone devices  
17 again with her arrest, they requested her passwords once more,  
18 and she had not changed them.

19 So what happened? Well, a lot of things have been said,  
20 and Mariia has explained everything. But her crime really comes  
21 down to this, and it's very simple. During Mariia's time in the  
22 United States, and unbeknownst to her, she was committing a  
23 felony, conspiracy to violate § 951.

24 While in this country, she maintained close contact with  
25 her family and friends from Russia. One of them was Aleksandr



1 Torshin, an official who used to work at the Russian Central  
2 Bank. They discussed vacations and their daily lives, but  
3 Mariia also took advice from him and did things for him. I  
4 don't mean to trivialize or rehash all the details which you  
5 have available to you, but the context for these things is  
6 somewhat important.

7 So, for example, she bought clothes for his grandchildren.  
8 She was also invited to a presidential campaign announcement,  
9 and she described the event to him because he asked about it.  
10 Mariia complied by translating a Wikipedia page she copy-pasted  
11 into a Twitter direct message. This is how they communicated  
12 back and forth, and it was all unsecured.

13 Before starting school, Mariia made these business cards  
14 that listed her as a special assistant to Torshin. The title  
15 was made up. While traveling on a trip with him to the U.S. for  
16 an NRA event, there was a point when the host asked: One hotel  
17 room or two? This made her uncomfortable. She wanted to be  
18 appreciated for her intellect, not her gender. So she asked  
19 Torshin for permission to make the card and phony title, to keep  
20 anyone from mistaking her relationship with him for a romantic  
21 one ever again, and he said okay.

22 Once in school, Mariia met her share of discrimination  
23 on the American University campus, especially after the 2016  
24 election. This didn't deter her, though. She grew to love the  
25 United States. You know, she tells a story. One of the first

1 stories she told me was that when she got here, she went to  
2 a grocery store, and she felt like it looked like a museum.

3 THE COURT: Mr. Carry, you just said she met her  
4 share of discrimination on the American University campus.  
5 What are you referring to?

6 MR. CARRY: So there were moments when she was in  
7 classes and there were people who read an article that came out  
8 that portrayed her in a bad light, and they presumed that she  
9 was here for bad reasons. As you see in one of the character  
10 letters that was provided, she points out that if they knew her,  
11 had they got to meet her, they would see that she's kind and  
12 generous, and she's not shady or shadowy. And it was hard for  
13 her to make friends, and so the friends she did have there were  
14 few and far between.

15 But in any event, like a sponge, she wanted to learn as  
16 much as she could about this country, and she admired our work  
17 ethic and ideals. And she knew this country to be good and  
18 just. In fact, she wished to live here. But she also loved her  
19 home, her family. She wanted a foot in both worlds.

20 So she thought perhaps she could work for a think tank;  
21 perhaps she could start a foundation or be the go-to consultant  
22 for anything American or Russian. These are the kinds of things  
23 that she had in mind as a potential career. Graduation was  
24 inevitable, so she continued to share her political thoughts and  
25 ideas with her American contacts and Torshin, although not under

1 orders or for money.

2 When the government tells this story, they stress  
3 words and phrases like "agenda" and "Russian interests" and  
4 "unofficial transmitter of communications." They're in the  
5 Statement of Offense. And we don't walk them back, but I  
6 believe the government has highlighted these words to make her  
7 actions appear more nefarious than they were.

8 Her agenda was better relations between Russia and the  
9 United States. The Russian interests she was pursuing was all  
10 the same. And as an unofficial transmitter of communications,  
11 this means that she had conversations with like-minded people  
12 at Friendship Dinners and other civic society events about how  
13 to improve relations.

14 These Friendship Dinners weren't a bad thing. It's not  
15 like they were plotting behind the scenes about how to infect  
16 the American government with a Manchurian candidate. No.  
17 They were cultural exchanges, attended mostly by artists, movie  
18 directors, philanthropists, and political wonks. They talked  
19 about world history and U.S.-Russian affairs. They talked about  
20 peace. And Mariia shared her thoughts and ideas with them as  
21 they did with her.

22 The Friendship Dinners were publicized and out in the  
23 open, and they were organized with her help by an American  
24 philanthropist who she met and has long been interested in  
25 restoring the relations with the U.S. and Russia as a legacy to

1 his father, which was an equal interest of Mariia's.

2 THE COURT: You're referring to Mr. O'Neill.

3 MR. CARRY: I'm referring to U.S. Person No. 2.

4 THE COURT: All right.

5 MR. CARRY: Mariia never stole any documents,  
6 bribed any officials, funneled money to the NRA, or lied to  
7 any investigators. And she just can't see how anyone would  
8 think she's a spotter.

9 I'll also note that some have cast doubt on the seriousness  
10 of a gun rights group in a country that doesn't allow such rights.  
11 I don't normally like to inject myself into argument, but I'll  
12 remind those same people that there was a time in this country  
13 when women did not have the right to vote, and I didn't have the  
14 right to marry. Rights advocacy is a bedrock principle of being  
15 American. Her gun advocacy wasn't a pretext, it was sincere,  
16 and the written testimonials from the wrongly convicted people  
17 she helped as part of her work should show that.

18 I also take issue with how the government has characterized  
19 some of her time in the U.S., as though she was only interested  
20 in her diplomacy activities versus school. Mariia came to the  
21 United States for school, and she was a straight-A student at  
22 AU. And I mean a near 4.0. She held two internships, did work-  
23 study for professors, studied at the library every day,  
24 participated in class, took her coursework seriously, did all  
25 of her exams, and graduated with high marks.

1           When Mariia was arrested, it had been stated that she was  
2           using her education as a cover for nefarious or clandestine  
3           ends. This is not true. Mariia's main interest in coming to  
4           the United States was to pursue graduate work, but as an admirer  
5           of both this country and her home, she hoped for a better  
6           relationship between the two nations. For this reason, and for  
7           this reason alone, Mariia pursued peace-building by organizing  
8           dinners between Americans and Russians who wanted better  
9           relations.

10           In the end, Mariia didn't notify our government in advance  
11           of her activities, although she would have committed no crime if  
12           she had. Regardless, Mariia has confessed to her crime. She  
13           recognizes that her good ends were sought using unlawful means.  
14           She admits that her activities triggered a duty to notify the  
15           Attorney General and that she failed to provide that notice.  
16           For this, she is remorseful.

17           This remorse, which I know many Americans will be  
18           suspicious of, is not merely because she is currently in  
19           jail where she has spent most -- some of her time in solitary  
20           confinement. No. Mariia is filled with regret because she  
21           has accidentally harmed a country that she loved and admired,  
22           a country where she saw a future for herself, a country where  
23           she was moving to South Dakota to begin an American life.

24           These hopes have obviously been undone by her own actions.  
25           But Mariia understands why this is so, and her contrition is

1 honest, like everything else about her.

2 Judge, like you, I used to be a public defender. I loved  
3 the work and continue to help when I can because I can appreciate,  
4 in the words of Bryan Stevenson, that each of us is more than  
5 the worst thing we've ever done. In my eight years practicing  
6 law, I have met no one, and I've never said this before, but no  
7 one more emblematic of that belief than Mariia.

8 She has learned a valuable lesson. Given the high-  
9 profile nature of this case, she has felt the depths of shame  
10 and humiliation. She has felt the weight of being called a  
11 felon -- which now she is -- a foreign agent, and to some in the  
12 news, a spy. These are brands that she will bear for the rest  
13 of her days, and she knows what they will mean for her future.

14 She has languished in solitary confinement. Other than  
15 brief trips for transport, Mariia has gone outside only once.  
16 She has served a sobering night in Central Cell Block, weeks  
17 in the D.C. jail, and months in the Alexandria Detention Center.  
18 She has been justly punished.

19 Finally, I appreciate the sometimes higher range sentences  
20 for § 951 that the government points out for offenders, but this  
21 case is distinguishable. Mariia stole no sensitive information.  
22 She did no covert activity. She never lied to our government.  
23 There are no multiple counts here. She cooperated immensely.

24 All of Mariia's many good qualities as well, which are  
25 reflected in the many character letters you have seen, should

1 not be overshadowed by her aberrant act. So I ask that you  
2 impose a sentence of time served.

3 Unless you have any other questions for me with respect  
4 to the factors, I believe that Mariia would like to now speak.

5 THE COURT: Thank you, Mr. Carry.

6 Ms. Butina?

7 THE DEFENDANT: Thank you very much for this  
8 opportunity to speak in front of you.

9 Dear Judge, I came to the U.S. like many others, to better  
10 my life. For me, that meant getting an academic degree, and I  
11 had no doubt that the best way to do that was here. I wanted  
12 a future career in the international policy. At the same time,  
13 I wished to mend relations while improving my own resume. So  
14 I sought to build bridges between my motherland and the country  
15 I grew to love. It was for these actions and my own ignorance  
16 that I deeply sorry and hope to be shown mercy. Never did I  
17 wish to hurt anyone.

18 My parents discovered my arrest on the morning news they  
19 watch in their rural house in a Siberian village. I love them  
20 dearly, but it harmed them morally and financially. They are  
21 suffering from all of that. I destroyed my own life as well.  
22 I came to the U.S. not under any orders but with hope, and now  
23 nothing remains but penitence.

24 If I had known to register as a foreign agent, I would  
25 have done so without delay. I never lied or held any secrets.

1 I never injured someone or committed other crimes. I just  
2 didn't register because I didn't know to. Ignorance of law,  
3 however, is not an excuse, in the U.S. or in Russia. And so I  
4 humbly request forgiveness.

5 The United States has always been kind to me, and while it  
6 has never been my intent to harm the American people, I did just  
7 that by not notifying your government of my actions in advance.  
8 I deeply regret this crime not merely because it has scarred me,  
9 my beloved friends and my cherished family, but, ironically, it  
10 has harmed my attempts to improve the relationships between the  
11 two countries.

12 For all the international scandal my arrest has caused, I  
13 feel ashamed and embarrassed. My parents taught me the virtue  
14 of higher education, how to live life lawfully, and how to be  
15 good and kind to others. I have three degrees, but now I'm a  
16 convicted felon with no job, no money, and no freedom.

17 My reputation is ruined both here in the United States  
18 and abroad. And while I know that I'm not this evil person  
19 who has been depicted in the media, I am responsible for these  
20 consequences. My personal ambitions and thinking, my choices,  
21 put me in this situation, and I'm sorry for all the alarm my  
22 behavior has become the reason for.

23 Just an apology will never be enough for my mistakes, dear  
24 Judge, because instead of building peace, I created discord.  
25 I cannot change the past, though I've surely tried. I have



1 helped the U.S. government in any way they have requested,  
2 even before my arrest, by aiding the U.S. Senate Intelligence  
3 Committee last spring, by aiding FBI agents, and recently by  
4 aiding the U.S. Attorney's Office. I still hold the whisper  
5 in my heart to one day return to this country, but I know this  
6 wish is only a dream.

7 Dear Judge Chutkan, over the last nine months, I've learned  
8 humility. I've met and shared stories with some remarkable  
9 other women, each flawed and struggling in their own way, but  
10 still good in their own way. As a Christian, God has carried  
11 me through so much and gave me so much. My attorneys fighting  
12 for me were not getting paid.

13 My family and the few friends who generously talked  
14 to me during days or nights while on breaks on my solitary  
15 confinement, I've seen those who have never had visitors or any  
16 money, even for a 30-seconds phone call. I've seen others who  
17 have waited along with me in the visitation room, and their  
18 visitors has never come. I'm so grateful for what I have, dear  
19 judge.

20 I've also kept a quote on my windowsill from my cell that  
21 says, "When you go through deep waters, I'll be with you." God  
22 has carried me through this uneasy but deserved experience. It  
23 is my penance. Now I beg for mercy, for the chance to go home  
24 and restart my life. Please accept my apologies and allow me to  
25 begin again. Thank you.

1 THE COURT: Thank you, Ms. Butina.

2 Sentencing is the most difficult part of this job.

3 After considering the departures and hearing statements made  
4 by counsel and Ms. Butina, statements which I believe were  
5 sincerely made, on both sides, I must now consider the relevant  
6 factors set out by Congress in 18 U.S.C. § 3553(a) and ensure  
7 that I impose a sentence sufficient but not greater than  
8 necessary to comply with the purposes of sentencing.

9 These purposes include the need for the sentence imposed to  
10 reflect the seriousness of the offense, to promote respect for  
11 the law, and to provide just punishment for the offense. The  
12 sentence should also deter criminal conduct, protect the public  
13 from future crimes by the defendant, and promote rehabilitation.

14 I must consider in each case the nature and circumstances  
15 of the offense, the history and characteristics of the defendant,  
16 the types of sentences available, and the need to avoid  
17 unwarranted sentence disparities among defendants with similar  
18 records who have been found guilty of similar conduct. I've  
19 considered all of these factors in deciding what the appropriate  
20 sentence is in this case, and I will discuss some of them now.

21 With regard to the nature of the offense, as Mr. Anderson,  
22 who is the former Assistant Director of the FBI's  
23 Counterintelligence Division, noted in his declaration,  
24 the United States is Russia's primary target for malign and  
25 intrusive intelligence operations.

1           In targeting the United States, and I quote, "Russia works  
2 to obtain not only classified material or trade secrets, but  
3 also to collect any information that could, by itself or in  
4 conjunction with other efforts, assist the Russian government  
5 in increasing its geopolitical power or undermining and harming  
6 that of the United States."

7           Contrary to defense counsel assertions in its sentencing  
8 memorandum, this was no mere failure to provide the U.S.  
9 government with required information. While it is certainly  
10 true that Ms. Butina was not engaged in any espionage activity,  
11 and while I certainly agree that she was a legitimate and  
12 hard-working student at the same time as she was engaging  
13 efforts, she was not simply seeking to learn about the U.S.  
14 political system.

15           She was seeking to collect information about individuals  
16 and organizations that could be helpful to the Russian  
17 government, and she was doing this under the direction of a  
18 Russian official for the benefit of the Russian government at  
19 a time when the Russian government was acting to interfere and  
20 affect the United States' political and electoral process.

21           Her activities organizing Gun Rights Organization visits  
22 to Russia, U.S.-Russia Friendship Dinners, were all used to  
23 establish back-channel lines of communication to advance Russian  
24 interests. The conduct was sophisticated, and penetrated deep  
25 into political organizations. Ms. Butina was likely able to

1 establish the contacts she did precisely because she did not  
2 reveal herself to be an agent of a foreign government.

3 This case is not simply about failing to notify the  
4 Attorney General. Yes, it may be true that had Ms. Butina  
5 alerted the Attorney General, her conduct might have been legal.  
6 But it is because she did not register that her conduct was so  
7 dangerous and her crime a threat to our country's democratic  
8 institutions.

9 One of the things that Ms. Butina should have learned  
10 during her studies in this country is that she was able to  
11 participate in our political system and make connections because  
12 this is a country where our constitution protects individuals'  
13 freedoms to associate, gather, and exchange ideas, free from  
14 governmental interference.

15 But this is also a country where the rule of law means  
16 something, and our laws require her to declare her true business  
17 in this country, which was to gather information and develop  
18 relationships that could be used to Russia's advantage. This  
19 was no simple misunderstanding by an overeager foreign student.  
20 There can be no doubt, as Mr. Anderson noted in his declaration,  
21 that the offense that Ms. Butina has pled to is serious and  
22 jeopardized this country's national security.

23 Turning to Ms. Butina's characteristics as an offender.  
24 It is apparent to this court, from hearing from Ms. Butina,  
25 from hearing from Mr. Carry, Mr. Driscoll, over the last nine

1 months, and from reading all of the letters submitted on your  
2 behalf, Ms. Butina, that you are an intelligent, personable,  
3 kind, and hard-working person who is a devoted daughter, sister,  
4 granddaughter, and who impressed people wherever she went.

5 It is also clear to this court that you were a legitimate  
6 and engaged student at American University and that you -- you  
7 know, in a language that is not your own, you managed to graduate  
8 with a 3.91 grade point average, and that is to your credit.

9 I also accept and understand that you have acknowledged  
10 your wrongdoing and have fully accepted responsibility for it.  
11 You have provided the government with substantial assistance and  
12 cooperation, resulting in their filing of a downward departure  
13 letter. You are well educated, you have no prior convictions,  
14 you don't have a prior history of criminal activity, and I will  
15 tell you that I have no doubt that you will not have any further  
16 criminal activity in your future.

17 I do also understand that on completion of your sentence,  
18 should I sign the order of removal, you may be immediately  
19 subject to removal. You have a strong support network, which is  
20 evidenced by the many letters that the Court has received from  
21 your family, your friends, your former professors, your support  
22 network, priests, your former colleagues -- one former colleague  
23 at American University, and others.

24 No doubt you have suffered greatly because of the national  
25 attention that this case has received, including some salacious

1 details that were proven to be incorrect. And in the era  
2 of Google, those will be difficult to overcome. So I take  
3 those factors into consideration, and I take your absolute --  
4 what I take to be your absolute sincerity and remorse into  
5 consideration.

6 Ms. Butina faces a maximum sentence of five years of  
7 imprisonment. She has been held for a little over nine months.  
8 Her counsel asks for her to be sentenced to time served, and  
9 she and the government have agreed to an order of removal, which  
10 will hopefully prevent her from spending additional prison time  
11 beyond her sentence awaiting deportation proceedings.

12 The government, after moving for a downward departure,  
13 asks for a sentence of 18 months of incarceration, which will  
14 mean that, with the time she has already been held, she would  
15 serve an additional nine months less any potential institutional  
16 good-time credit.

17 In addition to the nature and circumstances of the offense  
18 and history and characteristics of Ms. Butina, I also have to  
19 consider the purposes of sentencing, among other factors, and  
20 one of the specific factors in 3553(a) is the need to avoid  
21 unwarranted sentence disparity.

22 However, because there is not a sufficiently analogous  
23 sentencing guideline in this case, the Court was unable to  
24 find reliable national or D.C. Circuit statistics for mean and  
25 median sentences, and neither the government nor the defense has

1 provided any. What is clear, however, is that sentences for  
2 violation of 18 U.S.C. § 951 and conspiracies to commit that  
3 offense vary greatly. The Court's sentence is in line with a  
4 number of cases that the Court has reviewed.

5 If you could stand.

6 (Defendant complies.)

7 Having considered all of these factors, this court believes  
8 that a penalty of 18 months is sufficient but not greater than  
9 necessary to reflect the seriousness of the instant offense,  
10 to promote deterrence, to protect the public from future crimes  
11 that may be committed, and to avoid unwarranted disparities  
12 among defendants convicted of similar crimes.

13 Therefore, based on my consideration of all the 3553(a)  
14 factors, I will now state the sentence to be imposed.

15 It is the judgment of this court that you, Mariia Butina,  
16 are hereby committed to the custody of the Bureau of Prisons for  
17 a term of 18 months on Count 1. You are further ordered to pay  
18 a special assessment of \$100. The Court finds that you do not  
19 have the ability to pay a fine and therefore waives imposition  
20 of a fine in this case.

21 The special assessment is immediately payable to the Clerk  
22 of the Court for the U.S. District Court for the District of  
23 Columbia. Within 30 days of any change of address, you shall  
24 notify the Clerk of the Court of the change until such time as  
25 the financial obligation is paid in full.

1           The Probation Office shall release the presentence  
2 investigation report to all appropriate agencies in order to  
3 execute the sentence of the Court. Treatment agencies shall  
4 return the presentence report to the Probation Office upon the  
5 defendant's completion or termination from treatment. The  
6 Probation Office shall release the presentence investigation  
7 report and/or judgment and commitment order to the Bureau of  
8 Immigration and Customs Enforcement to facilitate any  
9 deportation proceedings.

10           Pursuant to 18 U.S.C. § 3742, Ms. Butina, you have a right  
11 to appeal the sentence imposed by the Court if the period of  
12 imprisonment is longer than the statutory maximum or the  
13 sentence departs upward from the applicable sentencing guideline  
14 range. If you choose to appeal, you must file any appeal within  
15 14 days after the Court enters judgment.

16           As defined in 28 U.S.C. § 2255, you also have the right to  
17 challenge the conviction entered or sentence imposed if new and  
18 currently unavailable information becomes available to you, or  
19 on a claim that you received ineffective assistance of counsel  
20 in entering a plea of guilty to the offense of conviction or in  
21 connection with sentencing. If you are unable to afford the  
22 cost of an appeal, you may request permission from the court to  
23 file an appeal without cost to you.

24           Pursuant to D.C. Circuit opinion in *United States v.*  
25 *Hunter*, 809 F.3d 677, are there any objections to the sentence



1 imposed that are not already noted on the record? Mr. Kenerson?

2 MR. KENERSON: No, Your Honor.

3 THE COURT: Mr. Driscoll?

4 MR. DRISCOLL: Other than noted, no.

5 THE COURT: All right. As set forth in the plea  
6 agreement, the government pledged to move to dismiss the  
7 remaining count of the indictment against Ms. Butina.

8 Does the government wish to do so now?

9 MR. KENERSON: Yes, Your Honor. We move to dismiss  
10 the remaining count.

11 THE COURT: The motion is granted. The Court will  
12 grant the Joint Motion for Order of Judicial Removal, which is  
13 ECF No. 92. As a point of clarification, the last sentence of  
14 the proposed order that was submitted to me read: "Wherefore,  
15 it is hereby ordered, pursuant to Section 238(c) of INA, 8 U.S.C.  
16 § 1228(c), that the defendant is ordered removed from the United  
17 States to the Russian Federation promptly upon her sentencing."

18 To be clear, "upon her sentencing" means upon the  
19 completion of the sentence just imposed. The Court has changed  
20 the language to read "promptly upon the completion of her  
21 sentence." Is there any objection to this not already stated,  
22 Mr. Kenerson?

23 MR. KENERSON: No, Your Honor.

24 THE COURT: Mr. Driscoll?

25 MR. DRISCOLL: No, Your Honor.

1           THE COURT: All right. Is there anything else  
2 we should address today? All right.

3           Ms. Butina, your counsel was correct when he quoted  
4 Bryan Stevenson in that you are -- and I tell this to  
5 defendants frequently -- that you are not the worst thing you  
6 have ever done. You are a young woman; you are smart; you are  
7 hard-working; you have a future ahead of you. I wish you the  
8 best luck.

9           (Proceedings adjourned at 11:09 a.m.)  
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CERTIFICATE

I, BRYAN A. WAYNE, Official Court Reporter, certify that the foregoing pages are a correct transcript from the record of proceedings in the above-entitled matter.

*Bryan A. Wayne*  
BRYAN A. WAYNE