

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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-----X  Docket#
UNITED STATES OF AMERICA,       :   97-cr-214 (CBA)
                                :
      - versus -                 :   U.S. Courthouse
                                :   Brooklyn, New York
DAOOD SALEEM GILANI,           :
           Defendant            :   November 16, 2001
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TRANSCRIPT OF CRIMINAL CAUSE FOR CONFERENCE
BEFORE THE HONORABLE CAROL B. AMON
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

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1 THE CLERK: United States v. Gilani.

2 MR. BEYS: Good morning, your Honor.

3 Michael Beys for the United States.

4 MR. LEADER: For Mr. Gilani, Howard Leader.

5 THE COURT: All right. Is that probation

6 officer here?

7 MR. LEADER: He is.

8 MR. BEYS: He is in the back of the courtroom.

9 He's --

10 MR. LEADER: There's all sorts of additional
11 material that I have just been given, your Honor, and I
12 would like to hand up a copy of a fairly brief letter
13 that might be of some assistance to the Court in this
14 matter.

15 THE COURT: I don't know. Has probation --
16 have you given me a recommendation on this because --

17 PROBATION OFFICER: No, your Honor, pardon my
18 appearance. I wasn't expecting a hearing today. I was
19 informed at the last minute. I just received documents
20 this morning.

21 MR. BEYS: Yes, your Honor, I contacted
22 Mr. Caso, Probation Officer Luis Caso, and in turn he's
23 spoken with the probation officer in the southern
24 district, Michael Wasmer (ph.) and the government and
25 both probation departments are in agreement, or at least

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1 consent to the defendant's request and moreover, would
2 agree that or would recommend to your Honor that the best
3 way to handle this is to just completely terminate the
4 supervised release.

5 He's served two and a half years of the five
6 years. He's been an outstanding supervisee. No
7 complaints. No problems. And in consenting to his
8 request, the recommendation is that supervised release be
9 terminated.

10 THE COURT: For the purposes of his returning?

11 MR. BEYS: Yes.

12 THE COURT: What is the letter that you have,
13 Mr. Leader?

14 MR. LEADER: Your Honor, yes, I would like to
15 hand up a copy of a letter that I was given about 20
16 minutes ago.

17 THE COURT: From who?

18 MR. LEADER: It speaks for itself, your Honor.

19 It's --

20 THE COURT: Can I --

21 MR. LEADER: -- if I may.

22 (Pause)

23 THE COURT: All right. So the probation
24 department is also supports the position that --

25 PROBATION OFFICER: Yes, your Honor.

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1 THE COURT: -- the supervised release be
2 terminated?

3 PROBATION OFFICER: Yes.

4 THE COURT: And under what provision of law can
5 I do that at this point because it's a change in
6 sentence, I guess, to -- he had five years of supervised
7 release. So what is the provision of law that I am
8 ending his supervised release under?

9 MR. BEYS: Your Honor, I would have to look
10 that up and I can put it in a letter. I had prepared a
11 letter which I didn't send because only on Tuesday I
12 learned about the status conference and by the time I
13 made -- contacted all of the probation officers, I hadn't
14 gotten everyone's consent until this morning.

15 So what I would like to propose is just to
16 confirm everyone's position at this status conference and
17 I will also cite the relevant provision.

18 THE COURT: Do you know?

19 MR. LEADER: I don't know offhand, your Honor.

20 THE COURT: All right. Then if the government
21 submits a letter to me that has the required authority in
22 it for me at this point to terminate supervised release,
23 then I will just so order the letter.

24 MR. LEADER: Your Honor, I was just saying to
25 the assistant that it may be an application in a sense

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1 pursuant to Rule 35(b). Typically there's a one year
2 window-post sentence. This is obviously beyond that.
3 But then there is a provision, I think at the end of
4 35(b), your Honor, that permits a re-sentencing in light
5 of subsequent developments.

6 THE COURT: Where are you talking out?

7 MR. LEADER: I believe so -- I don't have the
8 statute before me.

9 THE COURT: No it says, "The Court may consider
10 a government motion to reduce a sentence made one year or
11 more after the sentence is imposed if the defendant's
12 substantial assistance involves information or evidence
13 not known by the defendant until one year or more after
14 sentence is imposed."

15 Does that apply?

16 MR. LEADER: I think it would, your Honor.

17 THE COURT: Did he provide the government with
18 some information that fits that?

19 MR. BEYS: The defendant, your Honor, in this
20 case has provided the government with a lot information
21 both between May of '97 and '99 and in the first year of
22 his supervised release. That is, May 2000 and onwards.

23 THE COURT: Information that he didn't have
24 before?

25 MR. BEYS: I believe so.

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1 THE COURT: I think there's other provisions
2 though that permit you to --

3 It says that, "The Court may after considering
4 certain factors terminate a term of supervised release
5 and discharge the defendant released at any time after
6 the expiration of one year of supervised release pursuant
7 to the provisions of the federal rules of criminal
8 procedure relating to the modifications of probation if
9 it is satisfied that such action is warranted by the
10 conduct of the defendant released in the interest of
11 justice."

12 So it seems like to me that under that section,
13 I can terminate his supervised release and since this is
14 the joint application of the probation department, his
15 counsel and the government based on his behavior, while
16 on supervised release, and his continuing cooperation, I
17 will grant the application.

18 MR. BEYS: Thank you very much, your Honor.

19 MR. LEADER: Thank you very much, your Honor.

20 MR. BEYS: Your Honor, just so I can cite it in
21 a confirmatory letter, what were you reading from -- what
22 were you citing from?

23 THE COURT: Mr. Beys, look it up. I just am
24 not going to look it up again. It was Title 18 3583, I
25 think.

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1 (Court and Clerk confer)

2 THE CLERK: Mr. Beys?

3 MR. BEYS: Yes.

4 THE CLERK: I don't think you need to send the
5 Court a letter. It's on the record.

6 MR. BEYS: Okay.

7 (Matter concluded)

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C E R T I F I C A T E

I, ROSALIE LOMBARDI, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 2nd day of December , 2009.


Rosalie Lombardi
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