



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

HAMEDAH HASAN,

Defendant.

) 8:92CR12
) January 8, 2002
) 12:30 p.m.
) Lincoln, Nebraska
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COPY

TRANSCRIPT OF RESENTENCING PROCEEDINGS,
BEFORE THE HONORABLE RICHARD G. KOPF,
UNITED STATES DISTRICT JUDGE

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

FOR THE PLAINTIFF:

MS. MARIA R. MORAN
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FOR THE DEFENDANT:

MR. JOHN STEVENS BERRY
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COURT REPORTER:

DAVID C. FRANCIS, RMR
Official Court Reporter
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Lincoln, Nebraska 68508

Proceedings recorded by manual stenograph, transcript
produced with computer.

1 participate in this case. The gratitude does lie with us,
2 that I have got to know Ms. Hasan and be introduced to this
3 side of the court system, so I do thank the Court for
4 allowing me to represent Ms. Hasan and getting to know her.

5 When I first came in on this case, many people expressed
6 to me, many people who knew about this case, of the
7 sentencing guidelines gone wrong in this case for Ms. Hasan,
8 and different attorneys have told me that. A law professor
9 at the law college told me that while I was a student there.
10 And I know the Court knows all of the facts in this case,
11 you know, at the time of sentencing in 1993. What I have
12 been looking at since the time the Court resentenced her in
13 1999 of how Ms. Hasan is truly a unique individual. Since
14 she has been incarcerated she pretty much ran the facility
15 there in Dublin, California.

16 THE COURT: And here, Mr. Reiman, I want to agree
17 with you and to a degree disassociate myself from the
18 remarks of Mr. Berry, not as a criticism of him, but there
19 may be a time and a place for debating the utility of the
20 sentencing guidelines and the fairness of the sentencing
21 guidelines, but I don't think this is the place. What we
22 ought to be concerned about now, it seems to me, is Ms.
23 Hasan as a person. I'm firmly of the view that she doesn't
24 need to be in prison any longer, and, you know, she won't be
25 the first and won't be the last person, no matter what kind

1 of law it is, to be treated unfairly under the law for
2 reasons that may or may not relate to the law, but the
3 question is how can this unfairness be remedied, so I trust
4 that the reason that the President has the enormous power of
5 clemency is so that he can recognize individuals who get
6 caught up in this machinery of the law, and so I agree with
7 you. I think the question at this point is, who is the
8 human being we're sentencing, and what is an appropriate
9 sentence for her. It's less about, in my opinion, it's much
10 less about the utility of the guidelines, but go ahead. I
11 interrupted you.

12 MR. BERRY: Your Honor, I'm willing to withdraw my
13 comments if the Court thinks it's out of line. It certainly
14 isn't my intention to show disrespect to the court.

15 THE COURT: Mr. Berry, you didn't. You haven't.
16 Nothing you said has caused me any difficulty at all. I
17 appreciate your remarks. Go ahead, Mr. Reiman.

18 MR. REIMAN: Thank you, sir. Your Honor, I know
19 I'm pounding on the table, but if you will indulge me just
20 for a couple more minutes. When she moved to Gieger, I
21 think the service that she performed at the prison and
22 outside of the prison is commendable. While we were all
23 bickering about what the power was under 3582, Ms. Hasan did
24 more for the youth and for the community than all of us in
25 this courtroom combined when we were just arguing that 3582

1 allocation. That is the right to address the Court. You
2 don't have to say anything, but now is the time to speak if
3 you care to speak before I resentence you, ma'am. Do you
4 have anything you would like to say?

5 THE DEFENDANT: No, sir, Your Honor.

6 THE COURT: Are the parties prepared to proceed to
7 resentencing?

8 MS. MORAN: Yes, Your Honor.

9 MR. REIMAN: Yes, sir.

10 THE COURT: All right. Before I do so, I want to
11 make a couple of very brief observations. If Ms. Hasan
12 seeks it, I respectfully urge the President of the United
13 States to be merciful, to recognize her significant
14 post-original sentencing efforts at rehabilitation, and to
15 reduce her sentence to time served.

16 Secondly, Ms. Hasan has been treated fairly by the
17 United States Attorney's office for the District of
18 Nebraska, and specifically, Ms. Moran. Nothing I have said
19 is intended as a criticism of the United States Attorney or
20 Ms. Moran.

21 Thirdly, I compliment all the lawyers who represented
22 Ms. Hasan including Susan Koenig, John Stevens Berry,
23 Michael Hansen, and especially Korey Reiman. Ms. Hasan is,
24 indeed, lucky to have had those lawyers working for her.

25 Lastly, I thank William Dittrick and the Baird Holm Law

1 Firm for agreeing to assist Ms. Hasan pro bono should she
2 ask the President for clemency. That unselfish service is
3 in the highest tradition of the legal service, and I'm
4 especially grateful for their willingness to assist Ms.
5 Hasan.

6 I now proceed to sentencing. Pursuant to the Mandate of
7 the United States Court of Appeals for the Eighth Circuit, I
8 now resentence Ms. Hasan as follows:

9 One, 324 months in prison on Count I, IV, V and VII, and
10 five years of supervised release on each such count.

11 Two, 240 months in prison on Counts VI and VIII with
12 three years of supervised release on each such count.

13 Three, 60 months in prison on Count IX with three years
14 of supervised release.

15 Four, 48 months in prison on Count X, and one year of
16 supervised release.

17 Five, all sentences are to be concurrent.

18 Six, all terms and conditions of supervised release are
19 the same as set forth in the amended judgment and commital
20 order appearing in this case as filing 596.

21 Seven, I recommend to the Bureau of Prisons in the
22 strongest possible terms that the defendant be given credit
23 for time served from at least as early as May 14, 1993.

24 And eight, I recommend to the Bureau of Prisons in the
25 strongest possible terms the defendant be placed at the

1 Gieger Federal Camp in Spokane, Washington, and if that is
2 not possible, at FPC Victorville, California.

3 That constitutes the Court's judgment and sentence. Are
4 there any questions?

5 MS. MORAN: No, Your Honor.

6 MR. REIMAN: No, sir.

7 THE COURT: Ms. Hasan, you have the right to appeal
8 the handling of this case, as you're aware. If you want to
9 appeal, you need to file the paperwork within ten days. Of
10 course, if you appeal, the higher court will review what
11 I've done, they'll give you free counsel if you can't afford
12 it, and they will not make you pay money to appeal court
13 costs. But you have to file the paperwork within ten days
14 of today's date.

15 When we take our break, this lady who sits in front of
16 me will give you a written notice of your appeal rights and
17 she'll ask you and your lawyers to sign it. At that time if
18 you would like her to file the paperwork for you, she'll be
19 happy to do that. You can file it yourself, or your lawyers
20 can, or this lady will do it for you if you ask. All you
21 need to do is write I want to appeal and file it in the
22 court file. Do you have any questions about your right to
23 appeal, ma'am?

24 THE DEFENDANT: No.

25 THE COURT: Is there anything further that we can