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1 BE IT REMEMBERED that the above-captioned
2 cause came on for jury trial this, the 15th day of March,
3 2019, at 9:08 a.m., in the above court, before the
4 Honorable Sheryl H. Lipman, presiding, when and where the
5 following proceedings were had, to wit:

6 (All parties and defendants present.)

7 **THE COURT:** Good morning.

8 **MS. IRELAND:** Good morning, Your Honor.

9 **THE COURT:** Everyone get a good night's sleep?

10 **MR. PERRY:** Yes, Your Honor.

11 **MR. FLOWERS:** Yes, Your Honor.

12 **MS. IRELAND:** We slept.

13 **THE COURT:** Nice, restful, hours and hours.

14 One issue, Mr. Abegunde, I've received a
15 complaint from Mason that you seem to, on at least
16 yesterday and today, seem to be the slowest one to get
17 ready to go. And they have expressed that you are
18 creating a problem by sort of taking your time in getting
19 ready.

20 So you are to move in the morning with some
21 speed and a little bit more, I wouldn't say -- I can't
22 require you to have desire to come here but at least some
23 feeling that you need to move expeditiously to get ready
24 to not put the transport late. Understood, sir?

25 **THE DEFENDANT:** Yes.

1 **THE COURT:** All right. Anything from anyone
2 before we bring the jury back?

3 **MR. FLOWERS:** Not from the government, Your
4 Honor.

5 **THE COURT:** Anything from defense?

6 **MR. PERRY:** No, Judge.

7 **THE COURT:** All right. Let's bring them back.
8 (Jury in at 9:23 a.m.)

9 **THE COURT:** You all may be seated.
10 Good morning.

11 **THE JURY:** Good morning.

12 **THE COURT:** Everyone get a good night's sleep?
13 No. Yes. Maybe. I got that reaction from the lawyers
14 too. Ready to get going?

15 **THE JURY:** Yes.

16 **THE COURT:** All right. Mr. Flowers.

17 **MR. FLOWERS:** Your Honor --

18 **THE COURT:** Actually, let's swear in the
19 witness again and swear in the interpreters. Thank you.
20 (Interpreters duly sworn.)

21

22

23

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25

1 **MARCUS VANCE,**
2 having been first duly sworn, was examined
3 and testified as follows:

4 **DIRECT EXAMINATION RESUMED**

5 **BY MR. FLOWERS:**

6 Q. Good morning, sir.

7 A. Good morning.

8 **MR. FLOWERS:** Your Honor, may I approach?

9 **THE COURT:** Yes.

10 **BY MR. FLOWERS:**

11 Q. Do you recognize that document?

12 A. I do.

13 Q. What is it?

14 A. More text messages from Mr. Abegunde's phone with
15 Mr. Ojo.

16 **MR. FLOWERS:** Your Honor, at this time the
17 government would offer this into evidence and ask to
18 publish.

19 **THE COURT:** Any additional objections?

20 **MR. PERRY:** No additional.

21 **THE COURT:** Exhibit 76.

22 (Exhibit No. 76 was marked.)

23 **BY MR. FLOWERS:**

24 Q. Special Agent Vance, if you could just take a look,
25 what is the date in question here?

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1 A. January 31, 2017.

2 Q. And what activity are you seeing?

3 A. Just several incoming/outgoing calls between
4 Mr. Abegunde and Mr. Ojo.

5 Q. And then on January 31, 2017, at 12:32, do you see
6 a message from Mr. Abegunde?

7 A. I do.

8 Q. What does he say?

9 A. They have connected.

10 Q. And then what are the next three entries? What do
11 they reflect?

12 A. More incoming/outgoing calls.

13 Q. And then starting at the top of the page, could you
14 please read Mr. Abegunde's message?

15 A. "Tell her to buy money orders worth 3K, 3,000, from
16 seven different stores."

17 Q. Continue, please.

18 A. "Walmart and Kroger."

19 Q. And then what does Mr. Ojo respond?

20 A. "Oops, seven different stores."

21 **MR. FLOWERS:** May I approach again, Your
22 Honor?

23 **THE COURT:** Yes.

24 **BY MR. FLOWERS:**

25 Q. Do you recognize that document, sir?

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1 A. I do.

2 Q. What is it?

3 A. Text messages with Mr. Abegunde and Ms. Osiberu.

4 **MR. FLOWERS:** Your Honor, at this time the
5 government would offer this into evidence and ask to
6 publish.

7 **THE COURT:** Any additional objections?

8 **MR. PERRY:** No, Your Honor.

9 **THE COURT:** Exhibit 77.

10 (Exhibit No. 77 was marked.)

11 **BY MR. FLOWERS:**

12 Q. Do you see the first message on the top of the
13 screen there, sir?

14 A. Yes.

15 Q. Could you, please, read starting with that first
16 message?

17 A. So Ms. Osiberu says, "F.J., what's up? What store
18 do you buy your money order from?"

19 Q. And then what does Mr. Abegunde respond?

20 A. It says "HEB."

21 Q. Continue, please.

22 A. "Kroger, Publix."

23 Q. I'm showing you some documents that have already

24 been admitted as part of Government's 6. And for

25 purposes of the record this would be Bates stamp 8617 for

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1 this particular exhibit.

2 Do you recognize this, sir?

3 A. I do.

4 Q. Which account is this?

5 A. This is Mr. Ojo's Wells Fargo account ending 9962
6 from September 10, 2016, to October 11, 2016. And this
7 is the transaction history for that account.

8 Q. Do you see a transaction starting on October 7th?

9 A. I do.

10 Q. What types of transactions do you see?

11 A. These are debit card purchases at a Publix.

12 Q. And then continuing on, please.

13 A. And then if you go to 10/11, there's another \$2,000
14 purchase, this time at USPS. Another 2,000 at Publix. A
15 \$300 cash withdrawal at an ATM, and then a \$1,500
16 purchase at Publix.

17 Q. And Special Agent Vance, are you familiar what
18 ultimately happened to this account?

19 A. This account was shut down later that month.

20 Q. I'm showing you what has been admitted as
21 Government 7. And this is at Bates stamp OO-007.

22 Do you know recognize this account, sir?

23 A. I do.

24 Q. Whose account is it?

25 A. This is Ms. Oguntoye's Wells Fargo account ending

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1 0759, from September 29, 2016, through October 28, 2016.
2 And it's going to reflect the transaction history linked
3 to that account.

4 Q. And starting on October 13th, what types of
5 transactions do you see, sir?

6 A. There are -- it appears to be six debit card
7 purchases, all for \$2,000. Two at Publix and four at
8 Kroger -- oh, excuse me, two at Publix, one at Walmart,
9 three at Kroger.

10 **MR. FLOWERS:** May I approach the witness, Your
11 Honor?

12 **THE COURT:** Yes.

13 **BY MR. FLOWERS:**

14 Q. Handing you an exhibit, sir. Please take a moment
15 and familiarize yourself with this and let me know when
16 you are ready to answer questions.

17 **THE COURT:** You said an exhibit. What is --
18 is it an exhibit that's been --

19 **MR. FLOWERS:** Yes, Your Honor, my apologies
20 for not specifying. This is something that was drawn
21 from Government's 36, which was for ID purposes only, and
22 this is from, I believe, the Silicone Power hard drive.

23 **THE COURT:** Okay. Thank you.

24 **MR. FLOWERS:** And my apologies for not
25 specifying.

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1 **THE COURT:** That's all right.

2 A. I recognize it.

3 **BY MR. FLOWERS:**

4 Q. What is it?

5 A. It's a document that we obtained from the search
6 warrant from Mr. Abegunde's home. It's a large
7 anti-money laundering document. I think it's dated late
8 2016. It's for F.J. Williams doing business as
9 TranzAlert.

10 Q. Is it a true and accurate copy of that item, sir?

11 A. Yes.

12 **THE COURT:** Check your mike, Mr. Flowers.

13 **MR. FLOWERS:** Yes, I'm sorry, Your Honor.

14 At this time the government would offer this
15 into evidence and seek to publish portions.

16 **THE COURT:** Any objection?

17 **MR. PERRY:** No objection, Your Honor.

18 **THE COURT:** That's from 36, right?

19 **MR. FLOWERS:** Yes, ma'am.

20 **THE COURT:** I think we're on 36D.

21 **MR. FLOWERS:** That sounds familiar to the
22 government, Your Honor. That seems right.

23 **THE CLERK:** Is there an exhibit sticker?

24 **THE COURT:** D.

25 **MR. FLOWERS:** There will be.

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1 (Exhibit No. 36D was marked.)

2 **THE COURT:** Exhibit 36D, as in "dog."

3 **MR. FLOWERS:** D, as in "dog." Thank you.

4 **BY MR. FLOWERS:**

5 Q. Can you, please, read starting at the first
6 paragraph, the first sentence?

7 A. "F.J. Williams, Incorporated, doing business as
8 TranzAlert, hereinafter referred to as F.J. Williams or
9 The Company, is categorized as a nonbanking financial
10 institution or money service business, MSB; namely, a
11 money transmitter."

12 Q. Please continue.

13 A. "The company offers its money transmission services
14 to customers residing in states where the company is
15 properly registered and holds money transmission
16 licensing."

17 Continue?

18 "The company's customers are able to place his or
19 her money transmission online using the Internet or by
20 using a mobile phone application. All money transmission
21 orders are remitted to Ghana or Nigeria with the company
22 planning on extending its money remittance footprint in
23 other countries in West Africa and Europe. The company's
24 money transmission software systems/platforms provide for
25 automated OFAC sanction screenings and blocking of IP

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1 addresses outside jurisdictions where the company is
2 registered and hold money transmission licensing."

3 Q. Do you see -- skipping one paragraph, starting with
4 "According," could you please read that first sentence?

5 A. "According to federal regulations and legal
6 requirements, nonbanking financial institutions such as
7 F.J. Williams must have procedures in place that are
8 reasonably designed to assure and monitor compliance with
9 the requirements of the Bank Secrecy Act's, BSA,
10 reporting and recordkeeping regulations."

11 Q. Thank you, sir.

12 Now going to direct your attention to page 7 of
13 this document. The Bates number is SP-236. Can you,
14 please, start where it says, "In instances."

15 A. "In instances of receipt of national security
16 letters, all such letters will be reported immediately to
17 Mr. Ayodele Sonupe, who serves as the company's
18 compliance officer. National security letters are
19 considered highly confidential, but the Supreme Court has
20 ruled that national security letters can be shared with
21 outside legal representatives. The company understands
22 the high level of confidentiality and sensitivity of such
23 types of letter requests, but the company will provide
24 any such request to qualified outside attorneys who will
25 assist the company in responding timely and correctly to

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1 any such national security letter and that all company
2 legal rights are protected. Furthermore, the --

3 Q. That's fine. Thank you.

4 I'll direct your attention to page 8 of this
5 document, which is found at SP37. What is the heading
6 here, sir?

7 A. For No. 8?

8 Q. Yes, sir.

9 A. "Unusual Transactions/Activity."

10 Q. What does this document state that unusual
11 transactions are?

12 A. It says, "An unusual transaction is one that
13 involves funds derived from elicited activity and/or
14 intended or conducted in order to hide or disguise the
15 illicit funds; is designed to evade Bank Secrecy Act
16 reporting requirements, whether through structuring or by
17 other means and/or appears to serve no business or
18 apparent lawful purpose," parenthesis, "F.J. Williams
19 and/or its branch has determined that no reasonable
20 explanation for the transaction exists after examining
21 all of the available facts."

22 Q. Could you, please -- so then there's another
23 paragraph that begins -- how does that paragraph begin?

24 A. "The following are a few examples of a customer
25 acting unusually."

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1 Q. Could you, please, read some of those examples,
2 please, sir?

3 A. "Repetitive payment orders that do not appear to
4 have any business purpose or are unusual for the customer
5 conducting the transaction.

6 "Customers who are unwilling to provide required
7 identification documents and/or information.

8 "Transactions that are just under the
9 identification or reporting required thresholds.

10 "Customers who are wary and overly nervous or
11 sensitive to transactions that may trigger Bank Secrecy
12 Act reporting requirements.

13 "Transactions that are designed to evade
14 F.J. Williams or Bank Secrecy Act's recordkeeping
15 requirements, whether by structuring or by other means.

16 "Any transaction that is suspected to be involved
17 in money from a criminal activity."

18 Q. Thank you, sir.

19 And then on the rest of this page, is this just
20 some additional information along these similar lines?

21 A. Yes.

22 **MR. FLOWERS:** May I approach the witness, Your
23 Honor?

24 **THE COURT:** Yes.

25 **BY MR. FLOWERS:**

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1 Q. Do you recognize that document, sir?

2 A. I do.

3 Q. What is it?

4 A. These are more text messages from Mr. Abegunde's
5 phone and Ms. Osiberu.

6 **MR. FLOWERS:** Your Honor, at this time the
7 government would offer this into evidence and request to
8 publish.

9 **THE COURT:** Any further objection?

10 **MR. PERRY:** No, Your Honor.

11 **THE COURT:** Exhibit 78.

12 (Exhibit No. 78 was marked.)

13 **BY MR. FLOWERS:**

14 Q. The portion I would like to direct you to is --
15 well, let's just walk through. So it's in September 8th,
16 towards the bottom. So what's going on here to start?

17 A. At first they're discussing, it looks like, various
18 flights and then it works its way into maybe negotiating
19 a price of a deal.

20 Q. So at the top is it very similar? Is that what's
21 going on?

22 A. Yes. Still looks to be trying to book airfare,
23 things like that.

24 Q. So then starting at 9/8/2016 at 1510 UTC, what does
25 Ms. Osiberu say?

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1 A. "The dollar guy found 395, 13K, 13,000. If you are
2 interested, please, let me know."

3 Q. Is any identification provided for the "dollar
4 guy"?

5 A. No.

6 Q. What does Mr. Abegunde say?

7 A. "I am."

8 Q. And then what does Mr. Abegunde say?

9 A. He continues, "Right now I will buy."

10 Q. And continuing.

11 A. Ms. Osiberu says, "Okay. What?"

12 Q. And at the top what does it say?

13 A. Mr. Abegunde says, "13K."

14 Ms. Osiberu replies, "What ACC? What
15 account...Wells Fargo?"

16 Q. What does Mr. Abegunde say?

17 A. He responds, "Yeah."

18 Ms. Osiberu says, "Okay. Please give me the
19 details."

20 Q. Okay. And what does Mr. Abegunde say?

21 A. Mr. Abegunde responds, "Can he split it between my
22 wife's Wells and B of A?"

23 Q. And what does Ms. Osiberu say?

24 A. She says, "Let me ask him."

25 Q. And what does -- how does Mr. Abegunde respond?

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1 A. He says, "I don't want 13K, 13,000, to go into one
2 account at once."

3 Q. And what does Ms. Osiberu say?

4 A. Says, "Okay. I get."

5 Q. And then just continuing on.

6 A. Mr. Abegunde states, "Or let me give you two Wells
7 accounts." He continues, "Pay 5K into one and 8K into
8 the other."

9 Q. Moving on. And what accounts does he provide at
10 the top?

11 A. He provides two accounts, the first one at the top
12 is Olubunmi Makinwa. He gives out her Wells Fargo ending
13 0762 and he continues, "8K, 8,000, to Bunmi." Bunmi
14 being Ms. Makinwa.

15 Q. And then continuing on.

16 A. Ms. Osiberu then replies, "Okay...let me tell
17 you" -- then she goes on "tell him." And then
18 Mr. Abegunde responds, and then he gives out another
19 account, another Wells Fargo for \$5,000, this one ending
20 7743 for a Mr. Obot.

21 Q. At this point, Special Agent Vance, is Mr. Abegunde
22 married to Ms. Makinwa?

23 A. He is not.

24 Q. Did you subpoena financial records associated with
25 Ms. Makinwa's account?

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1 A. I did.

2 **MR. FLOWERS:** May I approach, Your Honor?

3 **THE COURT:** Yes.

4 **BY MR. FLOWERS:**

5 Q. Do you recognize those documents?

6 A. I do.

7 Q. What are they?

8 A. Those are statements from Ms. Makinwa's Wells Fargo
9 account, the one we were just mentioning.

10 Q. Are they true and accurate records from Wells
11 Fargo?

12 A. They are.

13 **MR. FLOWERS:** Your Honor, at this time the
14 government would ask to offer that into evidence and
15 request to publish portions.

16 **THE COURT:** Any objection?

17 **MR. PERRY:** Just a moment, Your Honor.

18 No objection, Your Honor.

19 **THE COURT:** Exhibit 79.

20 (Exhibit No. 79 was marked.)

21 **BY MR. FLOWERS:**

22 Q. Is the account number on here, sir?

23 A. This is a Wells Fargo account ending 0762 with the
24 name Olubunmi Makinwa.

25 Q. How do you know it's of Ms. Makinwa?

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1 A. Because her name and I know the account number.

2 Q. So I'll direct your attention now -- do you see the
3 first transaction on 9/9/2016?

4 A. Yes, there's a cash deposit of \$8,000 made into
5 this account.

6 Q. Is the date consistent with the message that we
7 just saw?

8 A. Yes.

9 Q. I'm showing you, directing your attention back to
10 what was marked as Government's 36D, which is the
11 Anti-Money Laundering Combating the Financing of
12 Terrorism Compliance Programs Manual for F.J. Williams,
13 Inc., found at Bates marked SP241.

14 Do you see a heading for suspicious activity?

15 A. I do.

16 Q. Could you, please, read that paragraph?

17 A. "The company takes the reporting of unusual
18 (potentially suspicious) activity very seriously. If any
19 company employee or agent suspects that a customer is
20 acting or behaving unusually, then the person's
21 discovering the unusual incident or activity must
22 immediately contact the company's compliance department
23 at (1)979-739-6723 to discuss the circumstances
24 surrounding the unusual activity. The company's
25 compliance department will promptly investigate the

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1 situation and discuss with the involved persons whether a
2 suspicious activity report, or a SAR, filing may be
3 appropriate."

4 Q. Thank you, sir.

5 I'll direct your attention now to the next page,
6 which is found at SP242. Can you, please, read --
7 there's a subparagraph B. Could you read starting there?

8 A. "To the extent that the identification of
9 transactions required to be reported is derived from a
10 review of clearance records or similar records of money
11 orders or traveler's checks that have been sold or
12 processed, an issuer of money orders or traveler's checks
13 shall only be required to report a transaction or a
14 pattern of transactions that involves or aggregates funds
15 or other assets of at least \$5,000."

16 Q. Special Agent Vance, I'm going to direct your
17 attention back to Government 76. At the top of the page,
18 what is Mr. Abegunde directing Mr. Ojo to say?

19 A. He says, "Tell her to buy money orders worth 3K
20 from seven different stores." He continues, "Walmart and
21 Kroger."

22 Q. Now I'll direct your attention back to 36D, as in
23 "dog," on SP245. Can you, please, read starting with the
24 Bank Secrecy Act.

25 A. "The Bank Secrecy Act mandates that F.J. Williams

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1 comply with five specific obligations. He must register
2 with the Financial Crimes Enforcement Network, FinCEN;
3 file currency transaction reports, CTRs, and suspicious
4 activity reports, SARs; properly identify certain
5 customers; maintain records for five years; and generate
6 a list of certain agents as required."

7 Q. Thank you, sir.

8 **MR. FLOWERS:** Your Honor, may I approach the
9 witness?

10 **THE COURT:** Yes.

11 **BY MR. FLOWERS**

12 Q. Do you see that, sir?

13 A. I do.

14 Q. What is it?

15 A. It's a document from FinCEN. It looks like -- it's
16 showing information --

17 Q. What's the date on it?

18 A. Oh. The received date is 11/16/2016. The date at
19 the top is December 1st, 2016.

20 Q. Thank you.

21 **MR. FLOWERS:** Your Honor, at this time the
22 government would offer this into evidence and request to
23 publish.

24 **THE COURT:** Any objection?

25 **MR. PERRY:** No objection, Your Honor.

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1 **MR. FLOWERS:** And, Your Honor, I believe this
2 would be 36E, as in "elephant."

3 **THE COURT:** 36E.

4 (Exhibit No. 36E was marked.)

5 **BY MR. FLOWERS:**

6 Q. Do you see a sentence starting with "The
7 inclusion"?

8 A. I do.

9 Q. Can you, please, if you're able to, mark it on your
10 monitor.

11 A. (The witness complies.)

12 Q. Can you, please, read it?

13 A. "The inclusion of a business on the MSB registrant
14 search web page is not a recommendation, certification of
15 legitimacy, or endorsement of the business by any
16 government agency."

17 Q. Thank you, sir.

18 Special Agent Vance, to your knowledge, did
19 Mr. Abegunde register with FinCEN?

20 A. He did.

21 Q. Did he register with the equivalence in states?

22 A. I believe he registered in Georgia.

23 Q. If I may direct your attention back to 36D as in
24 "dog." And this will be on page -- for the benefit of
25 the record, this will be on page 21 at SP250.

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1 Do you see a section under Identification
2 Requirements?

3 A. I do.

4 Q. Could you, please, read it?

5 A. "The BSA requires F.J. Williams to have a 'Know
6 Your Customer' procedures and a 'Customer Identification
7 Program.'"

8 Q. Do you see a heading that says "Process"?

9 A. I do.

10 Q. Can you, please, read it?

11 A. "The obligation to properly identify F.J. Williams'
12 clients rests primarily with the compliance department,
13 although it will be the front line employees or agents
14 who procure identification documents from customers and
15 inscribe those in the company's transaction processing
16 system. However, because branch employees and agents
17 are the individuals with personal contact with the
18 company's customers, the obligations to properly identify
19 customers are shared with those employees, agents, and
20 entities."

21 Q. Thank you, sir.

22 **MR. FLOWERS:** May I approach, Your Honor?

23 **THE COURT:** Yes.

24 **BY MR. FLOWERS:**

25 Q. Do you recognize that document, sir?

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1 A. I do.

2 Q. What is it?

3 A. Text messages between Mr. Abegunde and
4 Sandra Duru.

5 **MR. FLOWERS:** Your Honor, at this time the
6 government would offer this into evidence and request to
7 publish portions.

8 **THE COURT:** Any objection?

9 **MR. PERRY:** No objection, Your Honor.

10 **THE COURT:** Exhibit 80, I believe.

11 **MR. FLOWERS:** 80, yes.

12 (Exhibit No. 80 was marked.)

13 **BY MR. FLOWERS:**

14 Q. Can you start at the top of the page, sir, and read
15 messages?

16 A. Ms. Duru states, "Good morning. How are you? This
17 is Sandra. We met in USCIS, Park Lake Drive. I want to
18 sell 3,000. Will you transfer the money from my BOA
19 account? It is possible, let me know or give me site, I
20 can do it."

21 Q. Continue.

22 A. "Whichever way I will be waiting."

23 Mr. Abegunde responds, "Do you have QuickPay?"

24 Q. What does she respond?

25 A. Then he further clarifies "Zelle QuickPay."

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1 Q. Just a clarifying question, do you know what the
2 acronym USCIS stands for?

3 A. It's for customs and immigration.

4 Q. Do you know what Zelle Quick Pay is?

5 A. It's like a cash app. You can move money back and
6 forth.

7 Q. Did you subpoena records associated with
8 Mr. Abegunde's USAA account?

9 A. Yes.

10 **MR. FLOWERS:** Your Honor, may I approach?

11 **THE COURT:** Yes.

12 **BY MR. FLOWERS:**

13 Q. Do you recognize these documents?

14 A. I do.

15 Q. Are they true and accurate copies of the records
16 you -- returned from USAA?

17 A. They are.

18 Q. Thank you, sir.

19 **MR. FLOWERS:** Your Honor, at this time the
20 government would offer this into evidence and request to
21 publish portions.

22 **THE COURT:** Any objections?

23 **MR. PERRY:** No objections, Your Honor.

24 **THE COURT:** Exhibit 81.

25 (Exhibit No. 81 was marked.)

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1 **BY MR. FLOWERS:**

2 Q. Starting at the top, who are the names associated
3 with this account?

4 A. Ms. Caffey, Mr. Abegunde.

5 Q. And then moving further down, if I may zoom out
6 just a tad. Who are some of the individuals with whom
7 transactions are being conducted?

8 A. The first one is \$2,500 to Zelle Credit from
9 Oluwagbenga Osiberu, and then there is another one for
10 \$2,500 from the same individual, and then a \$400 one from
11 Ms. Makinwa.

12 Q. I'll direct your attention to Bates mark 7155 of
13 Government's 81. What activity do you start to see on
14 January 2, 2018?

15 A. So again, just for clarity, this is deposits. So
16 this is credits, money coming into the account. The
17 first one you wanted me to read was which one?

18 Q. What do you start to see on January 2, sir?

19 A. Starting from the top you see several credits
20 coming into this account. The first one is \$10 from
21 Ms. Duru, followed by \$490 from Ms. Duru, followed by
22 \$2,000 by Ms. Duru. There's another one separate from
23 that. Then again a thousand dollars from Ms. Duru.
24 \$1,528 from Ms. Duru. A separate transaction followed by
25 a \$570 credit from Ms. Duru. Skipping down a couple

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1 more, \$620 credit from Ms. Duru.

2 Q. Sir, I'll direct your attention back to
3 Government's 36D, as in "dog," page 33 on the original,
4 with a Bates mark stamp of 262.

5 Could you, please, read starting with
6 "F.J. Williams requires."

7 A. "F.J. Williams requires that all new hires and
8 agency receive training on anti-money
9 laundering/combating the financing of terrorism
10 compliance issues no later than 14 days after commencing
11 work or being hired as an agency with F.J. Williams.
12 When required, the training material is customized to
13 address specific needs of individuals who will interact
14 with customers. Refresher training must be provided
15 every year. However, if updates are required because of
16 changes in laws or regulations, informational material
17 will be immediately disseminated to all employees and
18 agents, all training will be conducted pursuant to a
19 written agenda, a record of all attendees is made and
20 entered into a compliance log. All participants are
21 required to sign an attendance sheet to properly record
22 their attendance."

23 Q. Now, sir, you've reviewed records returned from
24 Mr. Abegunde's residence, computer, and devices; have you
25 not?

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1 A. I have.

2 Q. Have you seen any evidence of training of agents
3 with whom Mr. Abegunde conducted business?

4 A. No.

5 Q. I will direct your attention now to page 48 of the
6 Bates document with a Bates marking of 277. What's the
7 title on that page, sir?

8 A. The title is "Glossary of Terms."

9 Q. And what is the first entry on that page?

10 A. "Money laundering."

11 Q. Could you, please, read the definition of money
12 laundering.

13 A. "Money laundering is the process of disguising the
14 existence or illegal source of money derived from most
15 criminal activities. The process of money laundering
16 occurs in three stages:

17 "Placement. Actually putting the money, the dirty
18 money, in a financial institution.

19 "Layering. Taking steps to disguise or add layers
20 between the illegal nature of the funds and the current
21 condition of the funds.

22 "And Integration. Reinserting the money into
23 legitimate commerce.

24 "Through F.J. Williams and its agents, the
25 placement and layering of dirty money can take place once

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1 a remittance is accepted and paid to the beneficiary."

2 Q. Thank you, sir.

3 I will switch over to Government 72 at page 2479.

4 On March 23, 2017, what does Mr. Abegunde say?

5 A. "I can't just allow money to be paid into an
6 account that can be tracked."

7 Q. Switching back to Government's 36D, page SP277,
8 now, Special Agent Vance, I won't ask you to read the
9 entire paragraph, but could you, please, read the first
10 page?

11 A. The first sentence?

12 Q. Yes, the first sentence.

13 A. Okay. "Structuring involves breaking down a large
14 transaction into smaller ones to avoid identifying the
15 true owner of the funds is or the illegitimate source of
16 the money or to avoid filing a cash transaction report."

17 Q. Now, Special Agent Vance, have you reviewed records
18 associated with Mr. Abegunde and his related entities?

19 A. I have.

20 Q. Has he ever filed a currency transaction report in
21 relation to any transactions?

22 **MR. PERRY:** Objection, Your Honor.

23 **MR. FLOWERS:** Do we need to sidebar?

24 **MR. PERRY:** I don't mind.

25 **THE COURT:** Yes.

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1 (Sidebar commenced as follows:)

2 **THE COURT:** Yes.

3 **MR. PERRY:** Well, A, his question is leading,
4 but, B, his question is suggesting that --

5 **THE COURT:** Wait. Let's start with leading
6 because it was "have you ever seen." Either he has or he
7 hasn't.

8 **MR. PERRY:** "You have reviewed these records
9 and has he ever" was what his question is, and the answer
10 to that question can't be based off -- no matter how
11 limited the scope that he, I guess, reviewed or how
12 exhaustive the scope that he reviewed, he doesn't know
13 whether or not he has ever filed. He can say "According
14 to your research, did you see filings related to or in
15 compliance with this policy?" but he can't say he's never
16 filed X, Y, Z, and that's the way his question was asked.

17 **MR. FLOWERS:** Your Honor, he reviewed the
18 FinCEN records in this case and BCTRs. It returned a
19 negative hit on Mr. Abegunde, whether he's filed CTRs.
20 The question is within Special Agent Vance's direct
21 personal knowledge. It was not leading or suggesting an
22 answer whatsoever, simply just did you see that.

23 **THE COURT:** I don't think it was leading, but
24 let's clarify what he's reviewed and ask based on what
25 he's reviewed --

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1 **MR. FLOWERS:** Yes. Thank you. I can do that.

2 **THE COURT:** -- whether there has been one. I
3 think that goes to Mr. Perry's objection.

4 **MR. FLOWERS:** Okay. I can certainly do that.
5 Thank you.

6 **THE COURT:** Thank you.

7 (Sidebar concluded.)

8 **BY MR. FLOWERS:**

9 Q. Special Agent Vance, have you reviewed FinCEN
10 records associated with Mr. Abegunde?

11 A. Yes.

12 Q. Have you reviewed those records in connection with
13 CTR filings?

14 A. Yes.

15 Q. And based on your review of those items, have you
16 seen evidence that Mr. Abegunde filed the CTRs?

17 A. Neither he nor F.J. Williams ever filed any CTRs.

18 Q. Directing your attention back to SP277 on page 48
19 of the Bates document, do you see an entry on three,
20 starting No. 3?

21 A. I do.

22 Q. Could you, please, read that?

23 A. "Willful blindness occurs when suspicions arise or
24 should arise about the legality of the source or ultimate
25 use of the money the company is transmitting regardless

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1 of the amount and the company, its employees, its agents,
2 or its correspondence fails to investigate further.
3 Turning a 'blind eye' to what's there to be seen or
4 noticed is 'willful blindness.'"

5 Q. Thank you, sir.

6 **MR. FLOWERS:** Your Honor, may I have a moment
7 to get organized with this paper up here?

8 **THE COURT:** Sure.

9 **MR. FLOWERS:** I apologize.

10 **THE COURT:** No worries.

11 **MR. FLOWERS:** It's a 62-page document.

12 Your Honor, I think I'll pass the witness.

13 **THE COURT:** Very good. Thank you,
14 Mr. Flowers.

15 Mr. Perry, any questions?

16 **MR. PERRY:** Prior to him passing the witness,
17 the documents that he's marked as exhibits and that he's
18 taken part, those documents, I'm asking the Court just
19 for some indulgence, need to be put back together so that
20 I can structure the questions that were asked. He's
21 taken different documents apart or what have you. And
22 I'm not saying he's done it wrong, he's just asked his
23 questions, but in so doing I want to make sure that
24 everything is together.

25 **THE COURT:** I think they're put back together.

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1 Mr. Flowers?

2 **MR. FLOWERS:** That's correct, they should be
3 there.

4 **THE COURT:** I think they're put back together,
5 sir.

6 Mr. Flowers, make sure you're not taking any
7 exhibits with you.

8 **MR. FLOWERS:** I don't want to abscond with
9 anything.

10 **MR. PERRY:** I'll need just a moment, Your
11 Honor. Court's indulgence.

12 **CROSS-EXAMINATION**

13 **BY MR. PERRY:**

14 Q. Special Agent Vance, you worked in conjunction --

15 **MR. PERRY:** Make sure your mike's on, too,
16 Mr. Perry.

17 **BY MR. PERRY**

18 Q. Special Agent Vance, you worked in conjunction with
19 Special Agent Palmer throughout this process?

20 A. That's correct, sir.

21 Q. And your role was primarily going through the
22 computer documents and the records that were seized from
23 Mr. Abegunde's home in Atlanta?

24 A. Yeah, I focused primarily on the financials.

25 There's some stuff that we do back and forth, but, yeah,

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1 I would try to go back and forth between the financials
2 and the messages, match them up, things of that nature.

3 Q. Earlier this week I asked you about arbitrage.
4 Remember that?

5 A. I do remember that, sir.

6 Q. At the time you didn't answer what arbitrage was,
7 correct?

8 A. Correct. I didn't want to speculate on the term.

9 Q. Since then you've heard another special agent talk
10 about arbitrage briefly, right?

11 A. Yes, he gave a brief description, correct.

12 Q. In this particular case, you, I guess, went through
13 voluminous documents that were seized from Mr. Abegunde's
14 home, right?

15 A. Correct.

16 Q. And by "voluminous," I think what's been introduced
17 into evidence is about this much (indicating), right?

18 A. I think that's what's been introduced, but it's
19 about 50,000 pages just from the two phones.

20 Q. Right, 50,000 pages worth of documents. And the
21 focus, I guess, has been culled down to what's been
22 introduced so far, correct?

23 A. That would be what the -- the pertinent part, yes.

24 Q. All right. And the pertinent part is based on your
25 role as the financial person or checking the financials

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1 in regards to your interpretation of how the rules should
2 be applied, right?

3 A. Yes.

4 Q. And have you ever had -- started a company at all?

5 A. As an entrepreneur?

6 Q. Yes, sir.

7 A. No.

8 Q. Have you ever been involved with a startup company
9 as it's trying to get off the ground?

10 A. Never.

11 Q. Have you ever had to write a compliance package for
12 a startup company?

13 A. No.

14 Q. Have you ever sat down and written the document as
15 detailed as Exhibit 36D regarding the startup company?

16 A. I have not.

17 Q. Have you ever had to organize and structure a
18 startup company trying to get off the ground, so to
19 speak?

20 A. I have never been involved with a startup company
21 in any way.

22 Q. Who's the "Money Guy"? Who's identified by the
23 vanity tag "the Money Guy"?

24 A. "Money Guy Dejobo."

25 Q. "Money Guy Dejobo." Who is that?

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1 A. I don't know if I know his true identity.

2 Q. Who is Mr. Ojo? Do you know his identity?

3 A. Yes, his identity is Mr. Ojo.

4 Q. Right. Mr. Ojo, what does Mr. Ojo do for a living?

5 A. It is my understanding he works at a bank in
6 Nigeria.

7 Q. Did you work in conjunction with anybody from the
8 Central Bank of Nigeria in your investigation in this
9 case?

10 A. I do not think so.

11 Q. You have a case that my client is standing on trial
12 involving money laundering, and you were read a list of
13 documents and a list of names. Have you done any sort of
14 background regarding what the occupations of the
15 individuals who were dealing with Mr. Abegunde in
16 conjunction with this case?

17 A. Certain ones that we could identify, yes.

18 Q. Did you identify a physician?

19 A. There was someone with the name Dr. Shawn
20 something, I don't know if that's -- if he's actually a
21 physician or not.

22 Q. You don't know whether or not he's an actual
23 physician in Nigeria, do you?

24 A. I do not.

25 Q. You don't know what type of living he's making in

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1 Nigeria and whether or not he wants that money converted
2 for any reason, do you?

3 A. I do not.

4 Q. You don't know anything about any money or the
5 sourcing of any money that has to do with Mr. Abegunde
6 other than the Wells Fargo gentleman that came in and
7 indicated that he contacted Mr. Abegunde regarding money
8 that he's saying was deposited into that account that
9 should not be there, correct?

10 A. You're asking me if I know the true source of all
11 the funds that were going in and out of his accounts?

12 Q. Do you know the true source of any funds that were
13 going in and out of that account other than the one I
14 just named?

15 A. Where they originally came from, most of the time
16 we did not because the people he would be in contact with
17 were then receiving money from yet another person. So it
18 would be, oftentimes, three or four people involved in
19 one transaction. It was kind of like two middlemen
20 working together, if that makes sense.

21 Q. No, it doesn't. If they are funds that are
22 illegally ascertained by someone, can you tell this Court
23 where those funds came from other than the one that we're
24 talking about as it relates to what was deposited back in
25 October of 2016 into the Wells Fargo account?

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1 A. Other than the funds from Mr. Ramos' account into
2 Mr. Ojo's account, the other funds, it's an ongoing
3 investigation. We're still putting all the pieces
4 together.

5 Q. So I'll take that as a no, right?

6 A. No, that would be the only one.

7 Q. In other words, you don't know whether those funds
8 were from hospitals or whether or not those funds were
9 from grocery stores or from people who were trying to get
10 cars, any of that type of information, do you?

11 A. I do not.

12 Q. Have you ever dealt with any transactions like the
13 cotton exchange? Have you ever investigated the cotton
14 exchange, anything to do with the cotton exchange?

15 A. I -- no. No, sir.

16 Q. Have you ever investigated anything that would have
17 to do with any sort of trading whatsoever, other than
18 this case?

19 A. I personally have not.

20 Q. Have you investigated any sort of conversations
21 between one doctor and his stockbroker about wanting to
22 make immediate sales of anything that might be on the
23 Stock Exchange?

24 A. Can you repeat that question?

25 Q. Yes. Have you ever engaged in any or seen any

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1 conversations between a doctor -- doctor might say, "I'm
2 at the racquet club. I can't get home. I want to buy
3 because I'm looking at the New York Stock Exchange right
4 now, a dollar is going for a dollar five cents in London
5 and it's going for a dollar ten cents in Egypt. I want
6 to trade based on what I'm looking at right now."

7 Have you ever investigated anything to do with a
8 trade like that?

9 A. I have not. We have a securities fraud expert on
10 our team, on our squad that works securities and things
11 of that nature. We typically don't get very many in the
12 Memphis area.

13 Q. Did you investigate or did you consult with the
14 securities fraud expert as it relates to this case?

15 A. I have conferred with her on multiple times on this
16 case, yes.

17 Q. And that person is not mentioned in your reports at
18 all, correct?

19 A. I don't think -- I don't think her name is in any
20 of the reports, no.

21 Q. Sandra Duru, what does Sandra Duru do for a living?

22 A. I believe she's a student.

23 Q. A student where?

24 A. In Georgia. The specifics, I'm not sure.

25 Q. Has she been indicted for anything to do with this

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1 case?

2 A. She has not been indicted.

3 Q. Do you know whether or not her parents are wealthy,
4 independently?

5 A. I do not recall.

6 Q. Do you know whether or not she's the niece of one
7 of the largest oil magnates in the world?

8 A. I do not.

9 Q. You don't know anything about her as it relates to
10 this case other than there are messages between
11 Mr. Abegunde and Sandra Duru, correct?

12 A. That's correct. There were no records found in
13 Mr. Abegunde's residence regarding Ms. Duru and his
14 transactions with her.

15 Q. There are no records found in Mr. Abegunde's
16 apartment regarding anything that would be considered an
17 illegal trade, i.e., a cocaine sale, right?

18 A. I found nothing regarding cocaine at Mr. Abegunde's
19 home, that's correct.

20 Q. You didn't find anything to do with anybody who's a
21 known sex trafficker, did you?

22 A. I did not.

23 Q. You didn't find one indication or one message
24 between Mr. Abegunde and anybody who would have been a
25 part of any sort of investigation for getting on the

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1 computer and imposter or acting like someone, did you?

2 A. No.

3 Q. As a matter of fact, this investigation went on for
4 a while, right?

5 A. It is still ongoing. It's been going two, two and
6 a half years.

7 Q. Right. It's been going on a long time.

8 A. Yes, sir.

9 Q. At some point there was a superseding indictment,
10 right?

11 A. For Mr. Abegunde, that's correct.

12 Q. And that involved marriage fraud, correct?

13 A. Correct.

14 Q. And the accusation that, I guess, as a part of
15 marriage fraud, that he had tried to encourage a witness
16 not to talk to the FBI, right?

17 A. Say that again.

18 Q. It was marriage fraud and witness tampering?

19 A. Yes, those were the two new charges, I believe, in
20 the superseding indictment.

21 Q. But in your ongoing investigation, there was
22 nothing additional regarding any other transactions
23 involving anything illegal, right?

24 A. I don't think we added any wire fraud charges to
25 the superseding indictment, I don't believe. It's still

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1 all linked back to that second business email compromise.

2 Q. We'll come back to that point in a minute.

3 **MR. PERRY:** I'm going to try to use this Elmo
4 properly.

5 **THE COURT:** I have confidence in you,
6 Mr. Perry.

7 **MR. PERRY:** Thank you.

8 **BY MR. PERRY:**

9 Q. This has been marked as 36D, and you've testified
10 to this document, correct?

11 A. That is correct.

12 Q. And this document was found in Mr. Abegunde's home,
13 right?

14 A. I believe it was pulled off one of the devices,
15 that's correct.

16 Q. What date was that document authored?

17 A. It says -- it says December 2016.

18 Q. All right. At that time had Mr. Abegunde been
19 interviewed by the FBI or anybody?

20 A. No.

21 Q. At that time Mr. Abegunde had never -- I mean,
22 would have no reason to think that his name is involved
23 in any investigation, would he?

24 A. I don't know if he would know or not know at that
25 point.

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1 Q. He hadn't been indicted at that point, had he?

2 A. That is correct.

3 Q. And at that particular point in time, this document
4 that -- do you have any, I guess, thing by way of proof
5 that Mr. Abegunde did not actually author this document?

6 A. No, it was found on his computer. That's his
7 business.

8 Q. Table of Contents, we're going to go through it
9 pretty good.

10 A. Yes, sir.

11 Q. General policy, legal regulatory obligations,
12 you're looking at it?

13 A. Yeah, I'm tracking.

14 Q. Anything that's written on that page that sticks
15 out and says that this man must be involved in money
16 laundering?

17 A. Is there anything on this page that tells me he's
18 involved in money laundering?

19 Q. Right.

20 A. No.

21 Q. You were here yesterday -- or not yesterday, I
22 think two days ago when the gentleman from FinCEN was
23 here, right?

24 A. Yes.

25 Q. The gentleman from FinCEN said that he's supposed

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1 to have written policies in place, correct?

2 A. Yes, I believe he stated that.

3 Q. And at this particular point in time, do you think
4 that -- do you have any reason to believe that
5 Mr. Abegunde wrote this after he met with that gentleman
6 and said, "You're going to be facing trial, so you need
7 to prepare some document for trial"?

8 A. Sorry. Can you restate that?

9 Q. Based on what he said yesterday, this document is
10 clearly in compliance with what the FinCEN directives are
11 as it relates to the policy, right?

12 A. It appears that he's trying to follow the
13 directions of FinCEN, yes.

14 Q. Do you know how many individuals he had working for
15 him at this time?

16 A. I did not find employee records.

17 Q. And so if he's putting a policy in place for a
18 company that he's getting off the ground -- do you
19 remember the date that he registered with FinCEN?

20 A. I believe it was in November of '16. The exact
21 date I don't have offhand.

22 Q. And the FinCEN gentleman said that that date would
23 have been in compliance with the beginning of a startup
24 that was engaged in the type of business that
25 Mr. Abegunde was engaged in, correct?

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1 A. I believe he said once you register, it backdates
2 you 180 days.

3 Q. And so he would have been in compliance, correct?

4 A. Yes, so it would give him -- so if you were in
5 November, it would -- to May 2016. I guess he would have
6 technically been in compliance from that point forward.

7 Q. You said that that would have -- I think it was,
8 what, November 16th or 17th of 2016?

9 A. Again, I don't remember the day of the month, but
10 it was November of '16. I'm confident in that.

11 Q. Let's go to the general policy page. This is Bates
12 stamp SP231, can you read that general policy from No. 1?

13 A. Sure. The first paragraph?

14 Q. Yes.

15 A. "It is F.J. Williams' policy and intention to
16 comply with all applicable federal and state laws in the
17 discharge of its functions as a financial institution
18 subject to oversight by state and federal regulators.
19 F.J. Williams directors, officers, employees, agents, and
20 contractors are directed to comply fully with those
21 rules."

22 Q. Now, I'm going -- go to 36E. You were shown this a
23 few moments ago, correct?

24 A. Yes, sir.

25 Q. And what is that?

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1 A. This looks like it's basically the receipt letting
2 Mr. Abegunde know that his -- that he has registered. So
3 there's the date you were looking for at the bottom,
4 looks like November 15, 2016.

5 Q. The received date is?

6 A. It's kind of blurry for me, possibly the 16th.

7 Q. The next day, right?

8 A. Yes.

9 Q. That would have been a proper registration in
10 Georgia; would it not?

11 A. That's my understanding, that he registered in
12 Georgia as well.

13 Q. He actually registered with the Georgia Department
14 of Banking; did he not?

15 A. I believe that's correct.

16 Q. His registration with the Georgia Department of
17 Banking, that wasn't the results of any sort of
18 investigation or anything, was it?

19 A. Not to my knowledge. I don't know for sure.

20 Q. In other words, I understand that you don't know it
21 positively, but there wasn't anything that you have to
22 tell this jury that triggered him doing this other than
23 him wanting to comply with the law, right?

24 A. I could state that it was prior to his FBI
25 interview, but his state of mind, I can't state to that.

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1 Q. The 36 document is kind of out of whack. You
2 talked about, I guess, conversations between a person
3 whose vanity title was "Baja Fresh"?

4 A. Yeah, Baja. Baja.

5 Q. Did you ever talk to the person who owns Baja
6 Fresh?

7 A. I don't think I ever properly identified him.

8 Q. Did you ever make any attempts to identify a
9 company registered in Georgia as Baja Fresh Automobiles?

10 A. I did not come across that.

11 Q. I mean, this is a -- the accusations, I guess, that
12 Mr. Abegunde is facing has to do with money laundering,
13 correct?

14 A. Yes, sir.

15 Q. And when you're money laundering, the idea is that
16 money is coming from an illegal source. You read the
17 definition in here a few moments ago, right?

18 A. I did.

19 Q. And that was in the definitional section, correct?

20 A. I do not remember. I know I read it out loud. It
21 may have been in the glossary.

22 Q. Glossary of Terms. Is that --

23 A. That's the one.

24 Q. Does that seem to be it?

25 A. That's the one that I read, yes, sir.

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1 Q. "Glossary of Terms. Money Laundering." Can you
2 read that for me?

3 A. Sure. "Money laundering is the process of
4 disguising the existence or illegal source of money
5 derived from most criminal activities.

6 "The process of money laundering occurs in three
7 stages:

8 "Placement. Actually putting the money, dirty
9 money, in a financial institution.

10 "Layering. Taking steps to disguise or add layers
11 between the illegal nature of the funds and the current
12 condition of the funds.

13 "And Integration. Reinserting the money into
14 legitimate commerce.

15 "Through F.J. Williams and its agents, the
16 placement and layering of dirty money can take place once
17 a remittance is accepted and paid to the beneficiary."

18 Q. Yesterday you read from Exhibit 75. You remember
19 that?

20 A. Could you refresh?

21 Q. I'm going to try to in a second. They're kind
22 of... 75, do you recognize this document?

23 A. I believe so.

24 Q. And what did it seem to say? What does it seem to
25 be?

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1 A. On this page?

2 Q. Yes. Some sort of conversation?

3 A. They're certainly having a conversation.

4 Q. Let me start at the top. Who is BDC Yankee?

5 A. I do not know.

6 Q. And that conversation is between Mr. Abegunde and
7 BDC Yankee?

8 A. Yes.

9 Q. They're talking about what seems to be some form of
10 an exchange, correct?

11 A. Yes, involving, it looks like, a Chase Bank.

12 Q. Can you read from that -- this is the second page
13 of Exhibit 75. Can you read from the top of that?

14 A. The first line that I can see says, from Bode, "I
15 know."

16 Mr. Abegunde responds, "I can't afford to risk it.
17 He continues, "You got any PayPal?"

18 Bode then replies, "Na, na, just jalangay
19 (phonetic) services. We dey do now.

20 "Na, full-time doctor work. I dey do now."

21 Q. And keep going.

22 A. Yes, sir. Mr. Abegunde responds, "As a big boy" --
23 then I cannot see the rest.

24 Q. Uh-huh.

25 A. Bode responds, "Plus, supply is so short. Big boy

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1 K" -- excuse me, Mr. Abegunde then responds, "e dey
2 baba."

3 Q. And do you understand what "e dey baba" means?

4 A. I don't know what "e dey" means.

5 Q. Uh-huh. Did you give that to the linguist at all
6 for him to give a translation for you?

7 A. Not that particular line I did not.

8 Q. The next page.

9 A. Starting at the top, Mr. Abegunde says, "I dey tell
10 you."

11 Bode responds, "Na wa o."

12 Mr. Abegunde responds, "It's the risk appetite."

13 Bode responds, "Hmm, what does that mean?"

14 Mr. Abegunde, "I really don't know the guys."

15 Q. Uh-huh.

16 A. He continues, "But they pay into accounts."

17 Q. Keep going.

18 **THE COURT:** You have to adjust it.

19 **MR. PERRY:** Oh, I'm sorry. Thank you.

20 **BY MR. PERRY:**

21 Q. Keep going.

22 A. Okay. So then Mr. Abegunde responds, "At 465."

23 Bode responds, "Wow. Legit?"

24 And Mr. Abegunde responds, "But I don't know their
25 sources."

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1 Q. Is that not saying that Mr. Abegunde is expressing
2 concerns about where this money is coming from?

3 A. In this conversation, it does, yes.

4 Q. Keep going. Next page.

5 A. Okay. It starts with...

6 Q. Hold on a second. Let me -- okay.

7 A. Okay. Mr. Abegunde starts, "How do you know if it
8 is legit or not?"

9 Bode responds, "One time some guys want to pay 41k,
10 41,000, cash into an account."

11 Mr. Abegunde responds, "41K, 41,000, cash?" Then
12 he says, "Kilode."

13 Bode responds, "Yeah, it was my supplier's client's
14 account. He just told them they should never call him
15 again."

16 And then Mr. Abegunde says, "Instead of paying cash
17 into an account?"

18 Q. Once again, it seems that Mr. Abegunde is
19 expressing concern about not knowing this source of
20 money, correct?

21 A. In this particular conversation, he's expressing
22 concern, yes.

23 Q. Now, you say "in this particular conversation," you
24 said it twice. Previously I asked you the particular
25 people who were investing. They seemed to be making

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1 direct investments. Baja Fresh, right?

2 A. Uh-huh.

3 Q. Ms. Dojo?

4 A. Duru?

5 Q. Ms. Duru. Dr. Dojo, the doctor --

6 A. The doctor, Okay.

7 Q. -- they make direct transactions, it seems,

8 correct, or direct requests? They're trying to purchase

9 money at different points for 360 or \$300, et cetera.

10 And during those conversations, there does not seem to be

11 a request regarding the source of the funds because

12 Mr. Abegunde obviously knows those people, correct?

13 A. I think that's what I was stating. So in these

14 conversations, it starts out he's having concerns with

15 them about the sources of funds. As you go forward, he's

16 continuing to have conversations with these same people

17 that he's previously stated he had concerns about where

18 the money was coming from, but he's continuing to do

19 dealings with them.

20 Q. I didn't mean to cut you off. Did he at that

21 particular point in time say, "Well, let's go ahead and

22 make this transaction because I think it came from this

23 source of money" or "I don't have a concern of whether or

24 not it's criminal," et cetera, et cetera? There's never

25 a conversation where Mr. Abegunde says he does not have a

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1 concern with the source of the money.

2 A. Can you restate that question?

3 Q. There's never a time that you can point to in the
4 50,000 pages' worth of different documents where
5 Mr. Abegunde, when it comes to his attention, says that
6 he doesn't have a concern with the source of funds,
7 correct?

8 A. Sometimes he says that he has concerns. Other
9 times someone says they have money and he just -- they
10 ask for an account, and he gives them the account, and he
11 moves on. He doesn't always ask questions.

12 Q. What I'm saying is this: When he's having a
13 conversation with a party that obviously he knows, where
14 he's talking about cars, where they're saying "do you
15 like this Acura, I think I can get an Acura for you,"
16 et cetera, i.e., Baja Fresh, where sometimes in the
17 conversations as opposed to the snippets that are going
18 back and forth, in those full conversations you have the
19 Baja Fresh guy asking him if he's interested in a car
20 purchase, correct?

21 A. I believe there's conversations about cars, yes. I
22 didn't focus very much on that.

23 Q. Right, but there seems to be a familiarity with
24 Baja Fresh, right?

25 A. He spoke with him on numerous occasions, yes.

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1 Q. And he -- and there also were a number of
2 conversations where Mr. Abegunde told individuals that if
3 he didn't know you well, he was reluctant to do business
4 with you, i.e., just then, correct?

5 A. There were times when he would show reluctance and
6 then continue to do business in the future, yes.

7 Q. He would do business after he found out whether or
8 not the person's source of funds could be good and
9 reliable, right?

10 A. I don't know if he determines the source of the
11 funds. He would say that he was scared sometimes, he
12 didn't know source sometimes. I don't know if he
13 actually determined -- he would sometimes say "is it
14 clean, is it legit," things like that. I don't know if
15 they ever said specifically "This is where the money is
16 coming from. Do you still want to do the deal?" things
17 like that.

18 Q. You've been an agent for four years?

19 A. Roughly, yes.

20 Q. This is the first case of this scale that you've
21 been the lead agent on, correct?

22 A. This is the largest case I've ever worked, that's
23 correct.

24 Q. This is the first case of this source that you've
25 been the lead detective on, correct? Lead special agent,

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1 I'm sorry.

2 A. By "source," what do you mean?

3 Q. This type of case?

4 A. Business email compromise?

5 Q. No, not a business email compromise, because
6 Mr. Abegunde is not accused of breaching into anybody's
7 email, right?

8 A. He is part of a large conspiracy that's connected
9 to that.

10 Q. I'm asking you directly about Mr. Abegunde and his
11 role in the conspiracy. Did Mr. Abegunde ever breach
12 anybody's email at all?

13 A. Not to my knowledge.

14 Q. You looked through his computers, right?

15 A. I did look through his computers, yes.

16 Q. You didn't see a single time that Mr. Abegunde
17 acted like someone else by text messaging, by anything,
18 right? He didn't act like -- in other words, there was
19 never a time that he spoofed an email or phished
20 somebody's email, right?

21 A. Not that I'm aware of, no.

22 Q. There was never a time that in text messaging that
23 he portrayed someone that he was not, correct?

24 A. He would send text messages to others to then
25 forward on to them such as -- like he would go through

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1 his ex-wife, for her to talk to the person that she was
2 married to, so he didn't have to communicate directly
3 with them. So he would use intermediaries.

4 Q. That could be for any purpose, right? If I want to
5 text you and I know that you're in the room with the
6 judge, I could text you and say, "Hey, can you ask
7 Judge Lipman X, Y, Z." That's not illegal, is it?

8 A. Is it illegal to text me?

9 Q. Right. And to ask her a question? "Can you ask
10 Judge Lipman what she wants for lunch?" Is that illegal?

11 A. That by itself is not illegal, no.

12 Q. Right. What I'm saying is if I, in acting like
13 Judge Lipman, tell you, "Hey, go downstairs and get
14 so-and-so and so-and-so. You need to be back up here in
15 five minutes, I'm Judge Lipman," that's illegal, correct?

16 A. If you were doing it to further a crime, it would
17 be illegal. Otherwise, it would probably just be rude.

18 Q. Right. So anytime that you're portraying someone
19 else, it's just rude, right?

20 A. It depends on what you're doing. If you're
21 furthering a crime, if you're benefiting yourself, if
22 you're trying to have cover of a crime, something like
23 that, impersonating someone would be a crime. Otherwise,
24 it's rude, it's mischievous. I'm not sure what you're
25 asking.

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1 Q. What about this: A person is about to face trial,
2 right?

3 A. Yes, sir.

4 Q. And while that person is about to face trial, he's
5 sitting and waiting on his day in court, right?

6 A. Okay.

7 Q. And he's already been indicted, correct?

8 A. You're typically indicted before you're in jail,
9 yes.

10 Q. Right. So he's indicted, sitting in jail. What
11 about impersonating that person, trying to set up a deal
12 with someone else, is that rude?

13 A. Is that rude?

14 Q. Yes. Is that rude?

15 A. If someone impersonates that person?

16 Q. Correct?

17 A. Is that person law enforcement?

18 Q. I didn't ask that. You're trying to jump the gun.
19 But if you're impersonating that person, is that rude?

20 A. If a common citizen is impersonating someone else
21 for a crime, that would be a crime. Otherwise, as we
22 discussed, that would probably be rude. If it's law
23 enforcement, it would be part of an investigation.

24 Q. Why would it be a part of an investigation to
25 impersonate a person who's in jail acting like you have

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1 committed a crime in and of itself by having a cell phone
2 in jail?

3 A. For the protection of citizens, law enforcement is
4 given a lot of leeway on things that they can do, and
5 they are allowed to impersonate other individuals if it
6 can help with their investigation.

7 Q. So you've spoofed the person who's sitting in jail,
8 trying to build a case on him after he's been in jail for
9 over a year, correct?

10 A. I did not.

11 Q. Who did?

12 A. I can't reveal the source of our undercover agents,
13 but I can say that I did not.

14 Q. But you know that somebody did, right?

15 A. Did someone within the FBI act as an undercover
16 agent in this case as an investigative tool; is that what
17 you're asking me?

18 Q. No, I'm asking you if somebody acted like
19 Mr. Abegunde, who's waiting on his day in court, and then
20 you turn it over two weeks before trial and say, "Well,
21 we did this, by the way." Did that happen?

22 A. Yeah, we use many investigative techniques within
23 the FBI, that's correct.

24 Q. Let's talk about investigative techniques. Did you
25 go -- during the course of this trial, after being able

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1 to look at the weight of all of these 50,000 pages and
2 finding out that there's one mistaken deposit into an
3 account, weigh the weight of this case at that particular
4 point in time and say, "Wow, the weight of this case is
5 not that strong, so let me change gears on it and make it
6 a marriage fraud case." Did that happen?

7 A. Absolutely not.

8 Q. Okay. Did you not go to North Carolina at some
9 point and meet with somebody regarding marriage fraud?

10 A. Yes, we did.

11 Q. Was that before or was that after Mr. Abegunde was
12 indicted?

13 A. Who are you speaking of? Which -- I'm just trying
14 to put the time frame in context. Which interview are
15 you talking about?

16 Q. Any interview.

17 A. Have I traveled --

18 Q. Did you have any interview with anyone regarding
19 Mr. Abegunde's marriage prior to him being indicted and
20 sitting in a jail cell?

21 A. I'm trying to think personally when I've gone to --
22 I have gone to North Carolina to conduct interviews. I
23 don't remember the exact time frame of the interviews.

24 Q. Those interviews, did they have anything to do with
25 Mr. Abegunde's role in a business email compromise, yes

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1 or no?

2 A. It's all connected to Mr. Abegunde, yes, sir.

3 Q. Was there a single question about whether or not
4 Mr. Abegunde used anybody's computer to commit a business
5 email compromise while you're meeting with Edchae Caffey?

6 A. When we spoke with Ms. Caffey, we certainly asked
7 her what her knowledge was of Mr. Abegunde's business, as
8 well as the business email compromise.

9 Q. Was the focus not then on the marriage, yes or no?

10 A. The main part of the focus with Ms. Caffey is the
11 marriage fraud, but investigations evolve over time.
12 It's not due to weakness. When you hone in an
13 investigation on an individual, it is not uncommon to
14 discover other crimes, other activity that has taken
15 place.

16 I have open investigations simply for embezzlement,
17 and then it has turned into a three or four-person
18 conspiracy for fraud against the government because as
19 you dig into it, everything changes. It's no longer just
20 a simple embezzlement scheme, it's a multi-person
21 conspiracy.

22 So it is not uncommon by any means for an
23 investigation to uncover new things, to unpack new
24 things. It's not a sign of weakness. It is just the
25 investigation growing over time.

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1 Q. Right. Is it a sign of weakness for the
2 investigation that's growing over time to have to lend
3 itself to impersonating a person who's sitting in jail
4 saying stuff like, "Man, I'm not supposed to have this
5 phone," those types of things? Is that a part of a lack
6 of weakness?

7 A. I would say that is a strength of our team being
8 able to use all the assets we have available to complete
9 a thorough investigation.

10 Q. And based on that thorough investigation with that
11 cell phone and that attempted call or attempted text to
12 someone that you did turn over two weeks ago, did that
13 lead to anything that says that Mr. Abegunde committed
14 either a breach of an email compromise -- or a business
15 email compromise or in any way got funds from someone
16 that were illegal funds and was trying to wash it?

17 A. The context of the undercover chats was based on
18 the marriage fraud conspiracy. That is a separate count
19 in this indictment. There are separate issues within
20 this case. I don't think there was any mention of a
21 business email compromise with the fake marriage context
22 of that chat, if that is your question.

23 Q. While you were studying, I guess, or getting
24 prepared for this investigation as it relates to
25 F.J. Williams and as it relates to Mr. Abegunde, you did

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1 find out that he was registered with the Central Bank of
2 Nigeria, correct?

3 A. We saw references to that. I don't know if I have
4 documentation on that, but he alluded to it several
5 times, I believe.

6 **THE COURT:** Mr. Perry, I don't want to
7 interrupt your cross, but, I assume, you've got a good
8 deal more to go?

9 **MR. PERRY:** Yes, Your Honor, it's a little bit
10 more.

11 **THE COURT:** Okay. So is this a good time for
12 a break? Are you shifting topics?

13 **MR. PERRY:** Yes, Your Honor, that's fine. If
14 we can take a break, I'd appreciate it.

15 **THE COURT:** Yeah.

16 All right. Let's take a -- about a 15-minute
17 break. Come back at 11:00. Still not time to talk to
18 anyone about the case, including each other. Keep the
19 juror badge on. Don't talk to the people involved in the
20 case at all. Hope there are donuts left. Enjoy. Have a
21 good break.

22 (Jury out at 10:49 a.m.)

23 **THE COURT:** Agent, just don't talk to anyone
24 about your testimony during the break.

25 **THE WITNESS:** Yes, ma'am.

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1 **THE COURT:** Anybody need anything?

2 All right. 11:00.

3 **THE CLERK:** All rise. This Honorable Court
4 stands in recess.

5 (Recess taken at 10:50 a.m.)

6 **THE COURT:** Anything before I bring the jury
7 back? Anything?

8 **MR. PERRY:** No, Your Honor.

9 **THE COURT:** Let's bring them back.

10 (Jury in at 11:09 a.m.)

11 **THE COURT:** You-all may be seated.

12 **MR. PERRY:** May I proceed, Your Honor?

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

14 **BY MR. PERRY:**

15 Q. Moments ago we were in a conversation regarding
16 your investigation. And, Special Agent Vance, your part
17 of it was limited to, I guess, the financial
18 transactions, correct?

19 A. That was where the majority of my focus went.

20 Q. What other focus did you have during the
21 investigation?

22 A. Well, we would do interviews together, we would
23 review documents together, things of that nature. But if
24 it was financial, not all but most of it would fall onto
25 me. If it was cyber related, internet related, most of

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1 that would fall onto Agent Palmer. Other things may be
2 passed back and forth.

3 Q. Most of it you worked with Special Agent Palmer,
4 I'm assuming?

5 A. Yeah, this is our case.

6 Q. Did you have a good deal of conversations with
7 Special Agent Hall from Atlanta?

8 A. We've talked a few times. He mainly conversed on
9 the phone with Special Agent Palmer.

10 Q. And Special Agent Hall indicated the other day --
11 he was the special agent that, I guess, initially talked
12 with Mr. Abegunde, correct?

13 A. Yeah, he was one of the two agents at that
14 interview, that's correct.

15 Q. And you heard his testimony?

16 A. I was here, yes.

17 Q. And did you write a supplement regarding what
18 Special Agent Hall talked to you about?

19 A. I did not talk directly with Agent Hall.

20 Q. Who spoke with Special Agent Hall?

21 A. After the interview?

22 Q. After his interview with Mr. Abegunde.

23 A. I believe he spoke on the phone with Agent Palmer.
24 He did not speak with me. I don't want to speak for
25 David.

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1 Q. And primarily your focus would have been on the
2 financial part of it, right?

3 A. Correct.

4 Q. And he had gone to Mr. Abegunde's home to ask
5 questions about Mr. Ojo at that time, correct?

6 A. Right.

7 Q. And based on what he said the other day, it did not
8 appear that Mr. Abegunde was being difficult with him,
9 right?

10 A. He said he welcomed him in and they had a
11 conversation.

12 Q. He talked to him about what he was trying to do and
13 what Mr. Ojo's role was within what he was -- the
14 structuring of a company, et cetera, right?

15 A. They talked about a company, yes.

16 Q. And he also indicates that he talks -- and I'm
17 assuming this is a part of your investigation.

18 Mr. Abegunde indicated that he did not believe in money
19 laundering or anything to do with money laundering and
20 would not uphold money laundering, correct?

21 A. Can you state that again?

22 Q. Yes. During that conversation, while Mr. Abegunde
23 is talking with Special Agent Hall --

24 **MR. FLOWERS:** Your Honor, can we approach,
25 please?

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

2 (Sidebar commenced as follows:)

3 **THE COURT:** Mr. Perry, so you're asking this
4 witness who has said that Mr. Hall didn't report back to
5 him about this witness's observations of Mr. Hall's
6 testimony during this trial? Because all didn't get back
7 to him. So it's an inappropriate line of questioning.

8 **MR. PERRY:** Okay. I'll move on.

9 **THE COURT:** All right. Thanks.

10 (Sidebar concluded.)

11 **BY MR. PERRY:**

12 Q. You didn't talk directly with Special Agent Hall,
13 right?

14 A. Correct.

15 Q. Did you ever follow-up with any conversations with
16 Mr. Ojo?

17 A. Have I spoken to Mr. Ojo directly?

18 Q. Yes, have you?

19 A. No.

20 Q. Have you reached out to him at that phone number
21 that Special Agent Hall talked to him from?

22 A. Mr. Ojo is -- he's been indicted in this
23 conspiracy, and he has obtained a lawyer. I cannot reach
24 out to him.

25 Q. He's been indicted at this point. I'm talking

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1 about back in 2016, during March of 2016, when -- you
2 were investigating it at that time, right?

3 A. We were.

4 Q. You were investigating when Mr. Hall, for
5 convenience purposes because he's in Atlanta, went to
6 talk to Mr. Abegunde, right?

7 A. I believe that interview took place in March of
8 2017.

9 Q. I stand corrected. In March of 2017, you were
10 still a part of the investigation, right?

11 A. I have been with this case since the beginning,
12 yes.

13 Q. What I'm saying is Special Agent Hall did convey to
14 you that Mr. Ojo had reached out and spoke to him, right?

15 A. He did.

16 Q. And he didn't say that he was prohibited by his
17 attorney from talking or anything at that point, did he?

18 A. At that point he did not.

19 Q. And he wouldn't have been indicted for months
20 later, right?

21 A. I believe the indictment was roughly five months
22 later.

23 Q. So you had at least a five-month window by which
24 you could have reached out and talked to Mr. Ojo,
25 correct?

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1 A. Yes.

2 Q. And you didn't do that, right?

3 A. We were gathering other information at that point.

4 It's not uncommon for us to, once someone has been
5 approached the first time, if we're going to reapproach,
6 to get as much information as possible before. Because
7 it's oftentimes someone is not going to speak to the FBI
8 two, three, four times. So if we're going to reapproach,
9 we want to make sure we have everything squared away.

10 Q. Right. Now, in making sure that you had everything
11 squared away -- because obviously you got squared away at
12 some point because you indicted him, correct?

13 A. We did.

14 Q. During the window of time between March of 2017
15 between when an indictment was passed, did you reach out
16 to Mr. Ojo?

17 A. I don't believe that I did, no.

18 Q. To your knowledge, anybody else involved in the
19 financial aspects of this investigation, did they reach
20 out to Mr. Ojo?

21 A. I can't recall. I know we have no other 302s. We
22 did not do any other interviews. I cannot recall
23 specifically if someone tried to reach out to him.

24 Q. The answer to that is no, right?

25 A. There is not a second interview, I can confirm

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1 that.

2 Q. All right. And whether or not Mr. Ojo at that
3 point in time conveyed anything about the source of the
4 funds that were deposited into the Wells Fargo account,
5 whether or not he knew the source of that fund or whether
6 or not he conveyed it to Mr. Abegunde, you don't have any
7 information to offer this Court or jury regarding that,
8 do you?

9 A. I think the only words of Mr. Ojo that we have are
10 his interview to Mr. Hall and then his electronic
11 communications with Mr. Abegunde.

12 Q. In other words, you don't have any independent
13 source, not related to the FBI giving their opinion, to
14 say that Mr. Abegunde would have known where the funds
15 deposited into Mr. Ojo's Wells Fargo account came from,
16 do you?

17 A. I'm sorry, can you say that one more time?

18 Q. \$9,000 --

19 A. Yes.

20 Q. -- was reversed back to Wells Fargo, right?

21 A. Yes, it was.

22 Q. \$9,000, according to your investigation, came from
23 a breach of someone's account at some point, correct?

24 A. That's correct.

25 Q. And that \$9,000 is somehow connected to the Western

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1 District of Tennessee and it brings us to court today,
2 right?

3 A. That is correct.

4 Q. Now, \$9,000 is all I'm asking you about at this
5 point.

6 A. Okay.

7 Q. That \$9,000 would have been deposited into that
8 account, correct?

9 A. Yes, it went from Mr. Ramos's account to Mr. Ojo's
10 account.

11 Q. And there's nobody that, between back in 2016 until
12 March of 2019, that has conveyed the fact that
13 Mr. Abegunde knew or should have known where that \$9,000
14 came from other than your independent opinion, right?

15 A. Are you asking if anyone else has investigated
16 this?

17 Q. What I'm asking you is --

18 **MR. FLOWERS:** Your Honor, may we approach
19 again?

20 **THE COURT:** Yes.

21 (Sidebar commenced as follows:)

22 **MR. FLOWERS:** It's basically getting into a
23 jury question. He's asking the witness to get into a
24 jury question.

25 **THE COURT:** I'm not sure, Mr. Perry, you want

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1 the answer to this question. You're asking this agent
2 what he knows about whether Mr. Abegunde should have
3 known that \$9,000 --

4 **MR. PERRY:** No, Your Honor, I'm a trial
5 lawyer. I've gone through every one of those documents.
6 I've gone through all of the computer documents that
7 they've tried to throw out haphazardly. I put them in
8 order. He does not know. And I wouldn't ask a question
9 that I didn't know the answer to. He's trying to avoid
10 it. And he's got an objection to try to avoid it because
11 I'm --

12 **THE COURT:** No, Mr. Perry, you just asked
13 whether the investigator knows, has any information, that
14 Mr. Abegunde knew or should have known where that money
15 comes from. That is the question for the jury. And I
16 think you're asking this investigator to provide a
17 closing statement.

18 **MR. PERRY:** Your Honor, well, I mean, that's
19 what I do, but the other part of that is in a conspiracy
20 case, there has to be some link to the conspiracy. There
21 has not been -- there has to be a link in the chain, and
22 here the only testimony by any layperson has been through
23 him who has specialized knowledge. And what I'm asking
24 him goes to the heart of this case, and the heart of it
25 is there's no one who knows that Mr. Abegunde knew where

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1 the source of this money came from that they've offered.

2 And --

3 **THE COURT:** That's not the question you asked,
4 sir.

5 **MR. PERRY:** Well, I'll ask it that way. I'll
6 rephrase, but I don't think that --

7 **MR. FLOWERS:** That opens the door, Mr. Perry,
8 to me going through almost exhaustively -- when he opens
9 the door, I can go through -- I would like to go over
10 point by point with the evidence we have to demonstrate
11 and do that. I'm not quite sure that that's where
12 Mr. Perry wants to go. I'm happy --

13 **MR. PERRY:** Don't worry about where I want to
14 go.

15 **THE COURT:** You have your redirect but just --
16 That's not the question you asked, Mr. Perry.

17 **MR. PERRY:** What was the question, Your Honor?

18 **THE COURT:** Do you have any evidence from any
19 of these documents that Mr. Abegunde knew or should have
20 known the source of those funds?

21 **MR. PERRY:** I'll rephrase it. I'll rephrase
22 it. I'll rephrase it.

23 **THE COURT:** Okay.

24 (Sidebar concluded.)

25 **MR. PERRY:** May I proceed?

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1 **THE COURT:** Yes.

2 **BY MR. PERRY:**

3 Q. Your role in this has been as the investigator,
4 right?

5 A. Yes.

6 Q. And so you're not a person who would have been
7 buying and selling of dinar and dollars or cars or
8 anything, such as Baja Fresh or Mr. Sola Oluyema
9 (phonetic)? You're not that person, right? You're an
10 investigator?

11 A. That's correct.

12 Q. You've simply investigated this case, correct?

13 A. Yes.

14 Q. And you said you've been involved in the
15 investigation in this case from the beginning?

16 A. Correct.

17 Q. And based on your investigation in the case, I
18 don't have a person, like in some cases, that has
19 directly conveyed the fact that they know directly that
20 Mr. Abegunde knew the source of the funds that came into
21 that account on that day. That's all I'm asking you.

22 A. Do I know that he knew the direct source of the
23 funds, like that he knew they were coming from Whatcom
24 originally?

25 Q. Yes.

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1 A. I don't know that he knew that they were coming
2 from Whatcom originally through Mr. Ramos. I do not know
3 that.

4 Q. Okay.

5 **MR. PERRY:** I'll move on.

6 **BY MR. PERRY:**

7 Q. I asked you a few moments ago about whether or
8 not -- you knew whether or not he had been registered in
9 banking with the Georgia Department of Banking.

10 Did you gather documents and, I guess, out of the
11 documents that you would have gathered from
12 Mr. Abegunde's home, did you see a document that would
13 have suggested that he was registered with the Georgia
14 Department of Banking?

15 A. I saw it somewhere. I don't remember if it was
16 physical or electronic.

17 **MR. PERRY:** May I approach, Your Honor?

18 **THE COURT:** Yes.

19 **BY MR. PERRY:**

20 Q. Did you see this document while investigating this
21 case?

22 A. I believe so. That one or one similar.

23 **MR. PERRY:** May I have this marked for
24 identification purposes?

25 **THE COURT:** Any objection?

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1 **MR. FLOWERS:** No, Your Honor.

2 **THE COURT:** Exhibit 82 for ID.

3 (Exhibit No. 82 was marked for ID only.)

4 **BY MR. PERRY:**

5 Q. Prior to me publishing to the jury, I would like
6 you to look at it and I'll ask you a couple questions.

7 A. Okay.

8 Q. Did that come off of a computer or a paper file
9 that you got from Mr. Abegunde's home?

10 A. I honestly don't recall just with all the
11 documents. I remember seeing this document or one like
12 it. I just don't recall if it was physical, electronic.

13 Q. In other words, that was a document that was
14 seized, though --

15 A. At some point.

16 Q. -- at some point?

17 A. Yes.

18 Q. Does that seem like it has been altered from the
19 way you looked at it when it was seized?

20 A. I don't think so. I mean, I believe he was
21 registered.

22 Q. Where does it seem to have come from?

23 A. There's a website, it looks like the State of
24 Georgia, stateGA.US.

25 Q. Do you see the seal?

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1 A. Yes. Department of Banking and Finance, State of
2 Georgia.

3 **MR. PERRY:** Your Honor, at this time I would
4 like to offer this as Exhibit 82 into evidence and ask
5 for publication.

6 **THE COURT:** Any objection?

7 **MR. FLOWERS:** No, Your Honor.

8 **MR. PERRY:** Thank you, Your Honor.

9 **THE COURT:** Drop the ID.

10 (Exhibit No. 82 was marked.)

11 **BY MR. PERRY:**

12 Q. You said a few moments ago this was from the State
13 of Georgia, Department of Banking and Finance?

14 A. Yes.

15 Q. And does that -- it says, "License is hereby
16 granted to F.J. Williams, Inc., doing business as
17 TranzAlert"?

18 A. Yes, that's what it says.

19 Q. It doesn't give the date of issuance, or does it?

20 A. I don't see -- it says that it's valid until. I
21 don't see when it was issued either.

22 Q. It would have been valid through December 31st of
23 2017, correct?

24 A. That's what it says, yeah.

25 Q. And it gives a Georgia license number?

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1 A. Yes.

2 Q. 5399 -- I mean, 990?

3 A. 53990, yes.

4 Q. What is that NMLS number; do you know that?

5 A. I'm not sure. That may also be affiliated with
6 Georgia. I'm not sure.

7 Q. Do you know the procedure that a person would have
8 to go through to get licensed with the Department of
9 Banking and Finance?

10 A. I don't know all the protocol. I'm assuming you
11 can do it online, similar to FinCEN, but I'm not familiar
12 with the State of Georgia requirements.

13 Q. Do you know whether or not you have to go through
14 any kind of background checks and things along those
15 lines?

16 A. I do not.

17 Q. When you saw this document, did you do any sort of
18 inquiry regarding the requirements to get that document?

19 A. I believe we went through -- there was also
20 references to the state of Texas. I forget the exact
21 name of it. We reached out to them for what their
22 records had and they stated -- I want to say that they
23 had shown us that he had registered at FinCEN as well as
24 the State of Georgia. That's my recollection. So we
25 knew it to be true based on their documentation.

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1 Q. Now, he appeared to have registered in the state
2 that he was living in during that time as a banking
3 entity, correct?

4 A. Yes.

5 Q. And he appeared to have filed in accordance with
6 FinCEN, the requirement policy, to say, "Hey, I'm here,
7 I'm an entity that is engaging in transactions," correct?

8 A. He registered, that's correct.

9 Q. And he also seemed to have authored a document
10 laying out the plan for a company who's doing business
11 under the umbrella of F.J. Williams being TranzAlert,
12 right?

13 A. Yes.

14 Q. He created a policy/procedural manual for that
15 company; did he not?

16 A. I assume it was him, yes.

17 Q. Do you know whether or not he ever met with the
18 head of the Central Bank of Nigeria?

19 A. I do not.

20 Q. Do you know what banks that he would have met with
21 in the United States regarding his business?

22 A. I'm aware of multiple banks that he had opened and
23 were eventually closed. I don't know which ones he met
24 with personally, if that's what you're asking.

25 Q. Let's transition into that. There's nothing

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1 illegal about a bank closing your account for anything,
2 is there?

3 A. No.

4 Q. There's definitely not been any sort of criminal
5 procedures against Mr. Abegunde filed in any other court
6 or anything along those lines, correct?

7 A. Not that I'm aware of.

8 Q. And in banking, do you know whether or not that's a
9 competitive business?

10 A. Yes, it is.

11 Q. And do particular banks provide services for
12 customers, such as some banks provide Western Union
13 services and things along those lines, right?

14 A. Yes.

15 Q. Did you converse with anyone in the upper echelon
16 to the bank regarding their policies regarding
17 competition, providing certain services within those
18 banking institutions?

19 A. I have not spoken with banking institutions about
20 their competitive nature with other banks.

21 Q. Have you spoken about their competitive nature with
22 customers? In other words, if a customer is using the
23 bank for a service that the bank offers, is that not
24 something that is in direct competition with that
25 particular institution?

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1 A. If they're offering it themselves?

2 Q. Yes.

3 A. I guess. I mean, in a way. It may depend on what
4 that bank actually does. If they don't, they're probably
5 offering it as a service so you can do multiple things at
6 one place as a benefit to its customers.

7 Q. You talked earlier in the week regarding patterns,
8 correct? Patterns of closure, right?

9 A. Yes.

10 Q. And you talked about the fact that there are
11 certain things that lead to certain activity, I guess
12 raising your antenna in that regard, right?

13 A. Correct.

14 Q. And along that same line, you were investigating a
15 quite, I guess, complex conspiracy, right?

16 A. Very, yes.

17 Q. And in so doing, did you compare alternative
18 theories on those closures? Did you compare them?

19 A. I'm not sure if I understand.

20 Q. If a bank closes an account for one reason, did you
21 compare if there may be ten or 20 other reasons that a
22 bank might close an account?

23 A. Typically, the bank does not always provide us the
24 reason for -- it's a two-way relationship. Essentially
25 the customer or the bank can close or shut down the

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1 account at any point. So they don't necessarily say it
2 was shut down for A, and then the next time it was B,
3 et cetera. They typically just shut it down.

4 Q. In other words, a bank -- I'm Bank A.

5 A. Okay.

6 Q. And Mr. Abegunde comes in my bank. He opens an
7 account, right? You following me?

8 A. I'm following.

9 Q. I see that Mr. Abegunde is registered with the
10 Georgia Department of Banking as a money transmittal
11 service.

12 A. Uh-huh.

13 Q. I, as the president, vice president or
14 mid-management of Bank A, can unilaterally come in and
15 say, "What are y'all doing? We're providing this same
16 service that this guy is providing. Close that account."
17 I can do that, right?

18 A. The bank has the power to shut down an account,
19 yes. It's a two-way relationship.

20 Q. You can make that decision -- I know it's
21 bilateral, two-way. But you can make it unilateral, or
22 one way, right? You can make the decision to shut down
23 that account unilaterally, right?

24 A. I do not know how banks choose if it's unilateral
25 or if it goes through a process. I think we had someone

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1 from PNC who described the process.

2 Q. In short, you don't know the process that was used
3 in any of the account closures or saw any notes regarding
4 what was going on as it related to Mr. Abegunde and the
5 use of any accounts, right?

6 A. Can you state that again one more time?

7 Q. You don't have any idea of the inner workings or
8 the inner meetings of individuals regarding why an
9 account would have been closed regarding Mr. Abegunde?

10 A. Other than the ones that have testified, I do not
11 know from bank to bank what each independent decision --
12 how that was made, I do not.

13 Q. You're referring to the lady from PNC, I'm
14 assuming?

15 A. Yes.

16 Q. And you didn't make that decision for PNC, right?

17 A. No.

18 Q. If a person is engaged in business with another
19 person and they're trying to engage in a startup, there's
20 nothing in and of itself that says that if you're
21 engaging in this business or the startup that tells
22 you -- if you have to have a particular building or
23 something like that in order to have a startup company,
24 right?

25 A. No, you don't have to have a brick and mortar store

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1 to start a company.

2 Q. You also don't have to have any sort of fancy
3 furniture or anything like that, right?

4 A. No.

5 Q. And today is somewhat different than it would have
6 been 30 years ago, I'm assuming, to have a startup that
7 can engage in banking transmittal services, right?

8 A. Yes. I mean, if you're alluding to online
9 commerce, yes, it has changed and evolved over the last
10 30 years.

11 Q. Online commerce has evolved tremendously in 30
12 years, right?

13 A. Yes.

14 Q. Are you familiar with Mr. Abegunde's collegiate
15 background, his educational background?

16 A. I believe he went to school in Nigeria for his
17 undergrad and then he has an MBA from Texas A&M.

18 Q. Do you know what the focus of that MBA is? Do you
19 know if it was finance or any particular area?

20 A. I honestly do not know.

21 Q. Do you know whether or not he worked for Auto
22 Trader once he got out of school for a period of time?

23 A. I want to say I saw something for Cox Automotive or
24 something along those lines. I don't know much of the
25 details of that.

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1 Q. Did you follow-up and do any sort of investigation
2 along those lines about his background and his work
3 record and history?

4 A. No.

5 **MR. PERRY:** May I have just a moment, Your
6 Honor?

7 **THE COURT:** Yes.

8 (Pause)

9 **BY MR. PERRY:**

10 Q. Do you know whether or not Mr. Abegunde had a
11 surety bond for his business? Did you see -- in the
12 records that you provided me, did you see the
13 hundred-thousand-dollar surety bond?

14 A. I don't know if I saw a bond. I saw negotiations
15 and they were alluding to a large amount of money to get
16 the company started. I don't know if I recall seeing
17 documentation to a specific bond.

18 Q. So your testimony is you're not sure or that you
19 didn't see it?

20 A. I don't think I saw a document pertaining to a
21 particular bond. I saw conversations about getting
22 TranzAlert started.

23 **MR. PERRY:** Permission to approach, Your
24 Honor.

25 **THE COURT:** Yes.

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1 **MR. PERRY:** Can I approach, Your Honor?

2 **THE COURT:** Yes.

3 **BY MR. PERRY:**

4 Q. Have you seen that document during your
5 investigation?

6 A. I don't know if I -- I don't think I recall seeing
7 that particular document.

8 Q. Do you recall, I guess, working with your counsel
9 and providing documents through what's called discovery
10 to me?

11 A. Yes, sir.

12 Q. All right. And you're saying that that document
13 was not in the package that you would have seen
14 firsthand?

15 A. I'm not saying that at all. In this case there
16 was -- just from the phones alone, there was 50,000
17 pages, as well as pages from computers, other documents.
18 It's not uncommon for our team to kind of split that up.
19 So some people will look at some items, others will look
20 at others. I don't recall seeing this item. Or if I
21 did, I just do not recall.

22 **MR. PERRY:** May I approach him again?

23 **THE COURT:** Yes.

24 **BY MR. PERRY:**

25 Q. I'll take that document.

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1 A. Sure.

2 Q. Do you recall seeing that document?

3 A. No. I mean, this looks like it's affiliated with
4 that document. So, again, I don't recall this one.

5 Q. Okay.

6 **MR. PERRY:** May I approach?

7 **BY MR. PERRY:**

8 Q. Now, if you don't recall them, I understand that.
9 But those do indicate that he was licensed and bonded; do
10 they not?

11 A. They appear to, yes.

12 Q. And they appear to be from the Georgia Department
13 of Banking and Finance?

14 A. I'd have to look. I didn't catch where they were
15 bonded.

16 **MR. PERRY:** Just for identification purposes,
17 may I mark these two?

18 **THE COURT:** Exhibit 83 for ID.

19 **MR. PERRY:** If I can, what I'll ask for at the
20 appropriate time is Exhibit 83 be in three parts. That's
21 how they were presented. They're the same -- from the
22 same source, but it should be an A, B, C. One is the
23 actual certificate page, so to speak, and the other is
24 the bonding page, and the other is from the State of
25 Georgia, Department of Commerce. But they're all related

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1 to the same...

2 **THE COURT:** Okay. We'll talk about whether
3 they -- if they come in, whether they come in as separate
4 documents or not.

5 **MR. PERRY:** Yes, Your Honor.

6 **THE COURT:** They can just be 83.

7 **MR. PERRY:** Thank you.

8 (Exhibit No. 83 was marked for ID only.)

9 **BY MR. PERRY:**

10 Q. Can you read just the title of that first page?

11 A. Yes.

12 Q. What does it say?

13 A. "Sale of Payment Instruments or Money
14 Transmission."

15 Q. And what does it -- keep going.

16 **THE COURT:** Well, wait, wait.

17 **BY MR. PERRY**

18 Q. Just the top.

19 A. Do you want me to say where it's from?

20 **THE COURT:** Let me see y'all at sidebar.

21 **MR. PERRY:** All right.

22 (Sidebar commenced as follows:)

23 **THE COURT:** It's inappropriate to read from a
24 document that's just been marked for ID. I don't know if
25 the government has any objection to this document coming

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1 in, frankly.

2 **MR. FLOWERS:** No --

3 **THE COURT:** It was produced in discovery.

4 **MR. PERRY:** Well, I just was asking that he
5 read the complete title of it.

6 **MR. FLOWERS:** We're completely fine.

7 **THE COURT:** I mean, can we drop the ID and let
8 him testify?

9 **MR. FLOWERS:** Yeah, we're fine with that. We
10 think it doesn't quite show anything, so --

11 **THE COURT:** We'll drop the ID, and you can ask
12 whatever questions you want to.

13 **MR. PERRY:** I apologize.

14 **THE COURT:** No, that's all right. I
15 appreciate you being very technical.

16 (Sidebar concluded.)

17 **THE COURT:** At this point there's no objection
18 to the document coming in as Exhibit 83. I think it can
19 come in as one document, Mr. Perry.

20 **MR. PERRY:** I don't have no objection to it
21 coming in as one document.

22 (Exhibit No. 83 was marked.)

23 **BY MR. PERRY:**

24 Q. I asked you a few moments ago if you could read the
25 top of that document for me.

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1 A. Do you want me to start with who it's from or the
2 title of it?

3 Q. The agency or entity that it's from.

4 A. Sure. Georgia Department of Banking and Finance.
5 Looks like it's from Atlanta, Georgia.

6 Q. And it's for the sale and payment of what?

7 A. Sale of payment instruments or money transmission.

8 Q. And below that what is written in the little space
9 area?

10 A. The name of the applicant. Principal is
11 F.J. Williams, Incorporated.

12 Q. And does it not give a number associated with it?

13 A. Oh, yes, up at the top it says bond number, and
14 I'll do my best, it looks like it's 41340630.

15 Q. Do you see an amount associated with that bond
16 number?

17 A. I do. Hundred thousand dollars.

18 Q. This is the same document but a separate -- well,
19 same exhibit, different document, but it's from the State
20 of Georgia, Secretary of State's Office.

21 A. Okay.

22 Q. And what does that...

23 A. It's a certificate of incorporation for
24 F.J. Williams.

25 Q. Is that the same entity that's associated with the

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1 bond that you just read?

2 A. Yes, sir.

3 Q. So it does appear that he was licensed and bonded
4 during that time; does it not?

5 A. Yes.

6 Q. And you got a company at this point from what
7 you've established that has been properly incorporated or
8 at least there's no objection to it from the State of
9 Georgia, right?

10 A. Yes, that's my understanding.

11 Q. And it was licensed and bonded, right?

12 A. Yes.

13 Q. And it had policies and procedures in place in
14 accordance with FinCEN rules, right?

15 A. Yes.

16 Q. The company had the name of Mr. Abegunde on the
17 appropriate paperwork; did it not?

18 A. Yes.

19 Q. It's licensed and bonded for a hundred thousand
20 dollars?

21 A. Uh-huh.

22 Q. It also was registered with FinCEN?

23 A. Correct.

24 Q. And at times it seemed, according to your
25 testimony, that when Mr. Abegunde had an issue with

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1 individuals or the sources of income, he acted in
2 accordance with the company, the licensing, as well as
3 the policies that he created for that company in asking
4 inquiry about knowing your -- know your customer. Are
5 you familiar with that term, "Know your customer"?

6 A. Yes.

7 Q. And what does that mean?

8 A. That means you need to know who you're dealing
9 with, you need to know who your customer is.

10 Q. And you testified earlier and you testified
11 yesterday and you re-read it this morning as well that
12 when Mr. Abegunde had a question about somebody, he did
13 ask about the sources of the money; did he not?

14 A. Yeah, there were times that he asked about the
15 source of the money, that's correct.

16 Q. And likewise, when there were people that he had
17 regular course and dealings with, when they were asking
18 or trying to buy money fast, he simply said "okay, give
19 me the money" at whatever places he had directed them to
20 do so; did he not?

21 A. If someone said fast, would he give someone else's
22 account to them; is that what you're asking me?

23 Q. I'm asking you whether or not he made the
24 transaction possible in order to buy the money from the
25 Bank of Nigeria?

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1 A. Yes, it appears that he facilitated the transfer of
2 funds on multiple occasions.

3 Q. You said earlier, or I guess yesterday regarding
4 your testimony, that because it was in different
5 accounts, there seems to be some question regarding the
6 fact that these bonds were facilitated through different
7 accounts, right?

8 A. Yes.

9 Q. But the people who were associated with those
10 particular accounts never objected to anything to do with
11 that? There never was an objection for Mr. Abegunde to
12 use different accounts to facilitate the transactions?

13 A. I have only --

14 **MR. FLOWERS:** Your Honor, could we approach
15 actually?

16 **THE COURT:** Yes.

17 (Sidebar commenced as follows:)

18 **THE COURT:** Yes.

19 **MR. FLOWERS:** I'm worried that Mr. Perry's
20 line of questioning is really sort of eliciting
21 speculation on behalf of the agent. He's essentially
22 asking him to speculate on what these individuals or
23 these conversations would have thought at that time.
24 One, I don't think he's laid the appropriate foundation
25 for that; and two, I just think it's improper in general.

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1 And perhaps there's a way to rephrase it specifically,
2 but I think as asked it calls for speculation.

3 **THE COURT:** I think, yeah, if you go back to
4 your questions and make sure it's tied to his knowledge,
5 from what he reviewed.

6 **MR. PERRY:** Okay.

7 **THE COURT:** Thanks.

8 (Sidebar concluded.)

9 **BY MR. PERRY:**

10 Q. You seem to have reviewed, I guess, a number of
11 email transmittals between individuals or communications
12 going back and forth through various communication
13 sources, right?

14 A. Yes.

15 Q. And there never seemed to have been, I guess -- or
16 based on your investigation, was there ever a formal
17 complaint filed against Mr. Abegunde by anybody who he
18 was dealing with as far as Baja Fresh or the doctor or
19 any of those individuals and the accounts that were used
20 in relation to this case?

21 A. A formal complaint to who?

22 Q. To you-all, to the FBI or to any investigation
23 service.

24 A. I don't know the majority of the true identities of
25 these people's accounts that he's been giving out. I do

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1 know that there's references and times when he's giving
2 out his first wife's account to be careful, if it's going
3 to get closed, she's going to "raise hell," that kind of
4 thing. There's other times when someone will mention
5 "you put too much money into my account, you've got to
6 give me a heads-up if money is coming into my account,"
7 acting as if they didn't even know that that kind of
8 money was going to be moving through their account. I
9 saw things to that nature.

10 Q. But those things, which are communications between
11 people who are either friends or business associates,
12 that's not something that's illegal, is it?

13 A. What's the question?

14 Q. That's not something that is illegal, the fact that
15 a business person or a friend would have a communication
16 one way or the other regarding transactions, particularly
17 if the business of -- that business is transactions,
18 that's not something that is in any way wrong, is it?

19 A. Again, I guess that goes back to what we were
20 talking about before. It's not in and of itself illegal
21 to let someone use their account to put money into it to
22 help someone else out. If you were laundering funds that
23 are illicit through that account, that is illegal.

24 Q. Right. If you're laundering funds that are
25 illicit. But based on your testimony, you don't have

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1 anything to offer whether or not those funds were illicit
2 or illegal, do you?

3 A. Do I know that \$9,000 went into Mr. Ojo's account
4 that can be traced to illicit funds? I do know that.

5 Q. Right, that's one case, and you've established that
6 that's your belief. But what I'm saying is on the
7 numbers that you've been testifying about, the
8 communications that you've been testifying about, the
9 snippets here and the snippets there from 50,000 pages'
10 worth of documents, none of those transactions, other
11 than the one you're saying, the \$9,000, are in any way
12 from illicit funds, that you can say firsthand knowledge
13 are illicit funds, based on your investigation?

14 A. No, the charge is for the \$9,000 funds.

15 Q. That one transaction, correct?

16 A. Yes.

17 Q. Now, based on your information -- let's go back to
18 that transaction. When questioned about that transaction
19 from Wells Fargo -- now, did you talk to the people from
20 Wells Fargo before they came to court?

21 A. Yeah, I was in the room.

22 Q. Were you there when the person from Wells Fargo
23 contacted Mr. Abegunde back in October of 2016?

24 A. No, I was not present at Wells Fargo for that phone
25 call.

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1 Q. And so you don't know the conversation firsthand
2 regarding the funds being placed and whether or not they
3 were placed accidentally or what Mr. Abegunde indicated
4 other than that there was no protest according to the
5 testimony that came earlier this week, right?

6 A. I was present for Mr. Ancona's testimony where he
7 stated what happened on that phone call, yes.

8 Q. And based on your investigation, there's nothing
9 that you know firsthand as it relates to Mr. Abegunde's
10 knowledge about the source of those funds, correct?

11 A. I know that when we're talking about Wells Fargo,
12 he represented himself as Mr. Ojo and gave a different
13 excuse for what the source of funds were. He did not
14 say, "Oh, this is a mistake" or "Please call Mr. Ojo,
15 this is not my account."

16 Q. Is any of that recorded or written?

17 A. It was open testimony from earlier in the week.

18 Q. That's from a person who testified. I'm asking
19 you, as part of your investigation, have you seen any
20 written recording or written recollection about that
21 phone call that took place three years ago?

22 A. I mean, I know Mr. Ancona has his own notes that he
23 was referencing.

24 Q. And even he, from his own notes, didn't know the
25 exact nature of the back and forth, did he?

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1 A. I mean, there's also notes provided by the bank as
2 part of the subpoena return, so there's a basic outline
3 of that conversation.

4 Q. The basic outline of that conversation that I've
5 read thus far indicates that he contacted -- that he was
6 contacted and that the money was returned. That's the
7 basics of that conversation.

8 A. There was a lot more to that conversation than that
9 that was stated in the record.

10 Q. Outside of that, in this wide scheme, is there any
11 other thing that you're saying or that you have by way of
12 testimony that brings Mr. Abegunde before this Court
13 other than that \$9,000 transaction?

14 A. You want me to list all the links to that account,
15 to Mr. Ojo's account?

16 Q. I want you to answer the question directly about
17 that. We've heard your version of it and the testimony
18 regarding it. Is there any other transaction that you
19 can say definitively came from somebody else, from some
20 romance scam or from anything illegal, that went through
21 any of those accounts?

22 A. The \$9,000 transaction is the one transaction that
23 I can state with a fact that is tied to illicit funds.

24 **MR. PERRY:** I don't have anything further,
25 Your Honor.

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1 **THE COURT:** Thank you, Mr. Perry.

2 Mr. Garrett, any questions?

3 **MR. GARRETT:** Yes, Your Honor.

4 **MR. PERRY:** If I can have just a second, Your
5 Honor, I'm trying not to --

6 **THE COURT:** Yeah, don't take the exhibits.

7 **MR. PERRY:** -- snatch exhibits.

8 I think I have everything. Thank you.

9 **THE COURT:** Thank you, Mr. Garrett.

10 **MR. GARRETT:** Thank you, Your Honor.

11 **CROSS-EXAMINATION**

12 **BY MR. GARRETT**

13 Q. Special Agent Vance, I'm Coleman Garrett, and I
14 represent Mr. Alonso. Do you remember us?

15 A. I do. It's been a bit. Good morning.

16 Q. It's been a while since Mr. Alonso was mentioned in
17 this proceeding. He is a codefendant in this case with
18 Mr. Abegunde?

19 A. Correct.

20 Q. Do you have any knowledge of Mr. Abegunde and
21 Mr. Alonso having met each other prior to their being
22 arrested in connection with this case?

23 A. I do not.

24 Q. Do you have any record of any communications
25 between the two of them at all?

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1 A. I do not.

2 Q. Do you have any indication of any financial
3 transactions between the two of them before -- at any
4 point in time?

5 A. Not other than the one that we have been talking
6 about.

7 Q. So you don't know whether Mr. Alonso even knew that
8 Mr. Abegunde existed; is that correct?

9 A. I have no way of knowing.

10 Q. But he's a codefendant with Mr. Abegunde in this
11 case?

12 A. That is correct.

13 Q. Mr. Alonso is charged with being involved in a
14 criminal conspiracy; is that correct?

15 A. Yes, sir.

16 Q. Would it be fair to say, sir, that a criminal
17 conspiracy is an agreement between two or more
18 individuals to engage in some criminal endeavor?

19 A. I mean, that's paraphrasing it but essentially,
20 yes.

21 Q. That's essentially what it is, isn't it? Would you
22 tell the jury, please, sir, who Mr. Alonso entered into
23 an agreement with to create this conspiracy?

24 A. He was working hand in hand with his handler, the
25 person that was operating as "Tammy."

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1 Q. So he's a codefendant with Tammy?

2 A. The handler of Tammy would be the person giving him
3 the instructions. That person would be part of this
4 ongoing conspiracy, that's correct.

5 Q. Do we know who that person is?

6 A. We are still working on the true identification.

7 Q. So he is entered into an agreement with some
8 nonexistent person that we don't even know?

9 A. I did not say they're nonexistent. I said we're
10 trying to work on the true identification of that
11 individual as part of this ongoing investigation.

12 Q. So he entered into an agreement with an individual
13 that has not been identified then?

14 A. We have not listed that individual yet. That does
15 not mean you cannot be working with someone else just
16 because law enforcement has not confirmed the true
17 identity.

18 Q. We didn't say "working with." We're talking about
19 an agreement. Who did he make his agreement with to
20 engage in this criminal enterprise? Who's the agreement
21 between?

22 A. To his knowledge, he was working with Tammy.

23 Q. And we don't know who Tammy is?

24 A. Again, we have not positively ID'd Tammy to this
25 date.

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1 Q. All of his communications as it relates to this
2 case were in the form of emails between he and Tammy; is
3 that correct?

4 A. I'm sorry. Can you say it one more time?

5 Q. All of his communications in connection with this
6 case were in the form of emails between Mr. Alonso and
7 Tammy?

8 A. Yes, or any other communication, I guess, that he
9 would have had with her.

10 Q. Tell the jury when Mr. Alonso entered into this
11 agreement.

12 A. He essentially enters into the agreement and goes
13 from being a victim when he originally was sending money
14 of his own to when he starts receiving instructions to
15 receive money from strangers and sending it on to other
16 strangers for a profit, whether that is a cut at that
17 time or the hopes of getting a large inheritance or gold
18 or whatever his negotiations were at that point. So the
19 time frame that that happened moving forward, that's when
20 we transition or delineate from being a victim to
21 complicit, working as part of the conspiracy.

22 Q. Mr. Vance, I appreciate your dissertation. My
23 question is real simple: When did Mr. Alonso enter into
24 this conspiracy? When?

25 A. Prior to the first business email compromise.

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1 Q. Do we have a date?

2 A. I don't have an exact date for you, but he was part
3 of this conspiracy prior to the two charged acts.

4 Q. Well, at some point in time he was, I believe,
5 referred to in your indictment as an "unwitting
6 conspirator"; was he not?

7 A. Essentially, yes. That's what we've been talking
8 about. In the beginning you're unwitting, you're a
9 victim, you don't really understand what's going on. At
10 some point there's a delineation. You're getting a
11 profit. It's no longer romantic, things of that nature.

12 Q. It appears, Special Agent Vance, that you are now
13 talking about your understanding as to how these criminal
14 enterprises work based upon your special knowledge,
15 skills, and abilities. I want to see if we can
16 concentrate specifically on the facts of this case as it
17 relates to Mr. Alonso.

18 Now, at what point -- strike that. At some point
19 Mr. Alonso was an unwitting conspirator; was he not?

20 A. I would agree, yes.

21 Q. So as an unwitting conspirator, he's a victim,
22 isn't he?

23 A. Yes, in the beginning he was a victim, but you can
24 change.

25 Q. But my point is an unwitting conspirator, which he

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1 was at one point in time, is a victim; is it not -- is he
2 not?

3 A. Again, he started as a victim and moved on.

4 Q. And as a victim, he was not a part of this criminal
5 conspiracy, was he?

6 A. He was not furthering it complicitly. He would be
7 part of it as a victim.

8 Q. He wouldn't be a part of the criminal conspiracy as
9 a victim -- he wouldn't be a coconspirator in a criminal
10 conspiracy as a victim, would he?

11 A. Not at the point when he was a victim, no. I think
12 there's a clear delineation.

13 Q. Well, that clear delineation is what I'm trying to
14 get to. At what point did he flip?

15 A. I don't have an exact date for you. As we work
16 through the emails, it's clear as the talks progress and
17 become more and more businesslike, there's talks of "keep
18 \$200." There's talks of "you're going to inherit the
19 gold," things of that nature. That's when it's no longer
20 a romantic/victim situation.

21 Q. So we don't know exactly -- you can't put a date on
22 that, you can't --

23 A. It was going on for a while, a good while before
24 the July -- the first BEC in July of 2016. I don't have
25 a date for you.

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1 Q. Mr. Alonso was a victim of a romance scam; was he
2 not?

3 A. Initially, I agree.

4 Q. And this romance scam started in July of 2014?

5 A. That sounds right.

6 Q. And it lasted until March of 2017; is that correct?

7 A. I'm not sure where you're getting the end date from
8 but...

9 Q. Do you remember the date when Mr. Alonso was
10 interviewed by the FBI agents?

11 A. Yes, I believe that was March of '17. So then,
12 yes.

13 Q. His involvement would have ended at that point;
14 would it not?

15 A. Yes, it should have.

16 Q. And you don't have any information or evidence that
17 Mr. Alonso engaged in any sort of alleged illegal
18 conspiracy after the March date that he met -- March 2017
19 date that he met with your agents?

20 A. No, it's my understanding that that's correct, he
21 did not continue to act as a part of the conspiracy after
22 that date.

23 Q. But the conspiracy itself that's the subject of
24 this indictment continued after that, didn't it?

25 A. Yes, essentially the handlers will move on to

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1 another person that they can flip.

2 Q. But Mr. Alonso wasn't a part of that continuing
3 conspiracy, was he?

4 A. No, he was part of it for a finite part of time.

5 Q. So let me understand, we don't know when he
6 started, exactly when he became a part of the criminal
7 conspiracy, but we know it didn't last beyond March of
8 2017; would that be fair?

9 A. Correct, that would be the end. It's my
10 recollection of the emails that it was a pretty quick
11 transition, within the first several months there's a
12 delineation.

13 Q. During your earlier testimony, you made reference
14 to certain bank records that supposedly contain
15 Mr. Alonso's bank account transactions?

16 A. Correct.

17 Q. Do you recall, would that have been in Exhibit
18 No. 5?

19 A. I'm sorry, sir, I honestly don't remember which
20 exhibits. I know it was a Bank of America and then a
21 Wells Fargo.

22 **MR. GARRETT:** May I have available
23 Exhibit No. 5, please.

24 **THE COURT:** They're all up here. You have to
25 find it.

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1 **MR. GARRETT:** If I may?

2 **THE COURT:** Certainly.

3 **MR. FLOWERS:** May I assist, Your Honor, and
4 point him in the right direction?

5 **THE COURT:** Yes, that would be great.

6 **MR. GARRETT:** Thank you, Mr. Flowers.

7 May I approach the witness, Your Honor?

8 **THE COURT:** Yes.

9 **BY MR. GARRETT:**

10 Q. Special Agent Vance, let me pass to you what's been
11 entered into evidence in this case as exhibits that
12 contain, I believe, the bank account records of
13 Mr. Alonso.

14 Can you look through that, please, and see if
15 Mr. Alonso's account records are contained in that
16 exhibit.

17 A. His Bank of America is -- hold on. Yes, both his
18 Bank of America and Wells Fargo accounts are part of this
19 exhibit.

20 Q. Could you tell the jury, please, sir, for what
21 period of time those records cover?

22 A. The Bank of America account was opened in March of
23 '16. Sorry, they don't appear to be in sequential order.

24 Q. If I may, Special Agent Vance, I was just informed
25 that those exhibits you're looking at contain excerpts

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1 from Mr. Alonso's account. Does that appear to be the
2 case?

3 A. It looks that way. I believe the account -- there
4 I am. It closed in December of '16. That's the Bank of
5 America account.

6 Q. So do you have all of his banking transactions from
7 the period March 2016 until December of 2016 in that
8 exhibit?

9 A. In the Bank of America account?

10 Q. Yes, sir.

11 A. Yes.

12 Q. And do you show all of the deposits that were made
13 into his account during that period of time?

14 A. They would be reflected within that, yes.

15 Q. Did you indicate that the Bank of America account
16 was opened in March of 2016; is that correct?

17 A. I think that's what I said, yes, sir. Yes,
18 March 8, 2016.

19 Q. Now, during your testimony on direct examination,
20 it appears that you focused primarily on two major
21 deposits into that account. Would that have been the
22 Bank of America account, the 154,000-plus dollars?

23 A. Yes. That one was in the Bank of America. The
24 second one was Wells Fargo.

25 Q. Now, the one for 154,000-plus, when was that

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1 deposit made?

2 A. I believe it was July 25th. Just a second, I'm
3 sorry. Yes, July 25, 2016, \$154,371.58.

4 Q. Did that account show other deposits over a period
5 of time that appeared to be for more than what
6 Mr. Alonso's wages would have been from his job?

7 A. I believe so. I know the Wells Fargo does for a
8 fact offhand. I would have to flip through the Bank of
9 America.

10 Q. Would those other deposits then indicate to you,
11 based upon your special knowledge and skills, to be
12 deposits that would be suspicious?

13 A. Yes, so off memory, the Wells Fargo account had
14 deposits, for example, I think he made -- just for
15 reference, he made around a little -- 2,500 to \$3,000 a
16 month, Mr. Ramos did.

17 So the Wells Fargo account would show things like
18 \$9,000 going in in about a ten-day span. So, to me, that
19 would stand out. If someone is receiving cash in excess
20 of three times their monthly income in a ten-day period
21 and then the majority of that money is then withdrawn,
22 that would be something that would stand out to me.

23 Q. Do you have any knowledge, based upon your
24 investigation in this case, that Mr. Alonso knew where
25 this -- these monies that were being deposited into his

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1 account came from?

2 A. Do I know that he knew the source of the funds?

3 Q. Yes, sir.

4 A. I don't know that he knew the source of the funds.

5 Q. Do you know even whether he knew that the monies
6 were being deposited in his account before they were
7 actually deposited?

8 A. Based on the email traffic, it appears that she --
9 Tammy would give him a heads-up that money would be
10 coming so that he would know what to do with it.

11 Q. Do you know what Mr. Alonso understood as being the
12 source of these funds that Tammy was giving him heads-up
13 on?

14 A. I think she would give him various reasons.
15 Ultimately I think it would change from time to time, but
16 it would be for various reasons.

17 Q. Did she give him various reasons that to the
18 ordinary person would sound like legitimate reasons, like
19 from a loan, for example?

20 A. Can you restate that question?

21 Q. Did she give him various reasons that an ordinary
22 person would think would be legitimate?

23 A. Again, a loan in and of itself would be legitimate.
24 Receiving funds from a stranger to pay for a loan into
25 someone else's account, I think a person would think that

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1 is not normal behavior.

2 Q. Are you referring to Tammy Dolan with whom the
3 record indicates Mr. Alonso was madly in love with? Are
4 you referring to her as "a stranger"?

5 A. I was referring to the stranger as of the source of
6 the money. The money is coming from someone Mr. Ramos
7 did not know. The money was then being placed to someone
8 else Mr. Ramos did not know.

9 Q. But Mr. Alonso was of the impression that the money
10 was coming from Tammy, right?

11 A. That's my understanding. She would give him
12 various reasons of what the money was for, what its
13 purpose was, things of that nature.

14 Q. She was giving him various reasons that would sound
15 legitimate to him without any indication otherwise,
16 right?

17 A. I can't speak to his state of mind.

18 Q. You cannot speak to his state of mind.

19 A. If you're asking me whether he knew that they were
20 legitimate funds or not or what the true sources were?

21 Q. You don't know what his state of mind was as to
22 where these funds were coming from, do you?

23 A. In certain instances the email reflects that he
24 is -- he has pause on what's going on when he says things
25 of -- various money orders places he's having trouble

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1 with. When she asks him to put cash into an envelope,
2 there's pause in the email. When she tells him to use a
3 different name and he says, you know, something like "I
4 can't use that name, they're going to know it's not
5 family," to me, that speaks that the individual has an
6 understanding that there's something going on that's not
7 on the up and up.

8 Q. And that is because of your special knowledge and
9 skill and experience, isn't it? That's why you would
10 think that he should know better: because of your
11 experience in handling these kinds of fraudulent
12 transactions? Isn't that what that's based on?

13 A. Essentially, yes. I have spoken to -- if we use
14 the term "mule" again, I have spoken to many people who
15 have become the "mule." They were flipped from a romance
16 victim into someone -- they almost always fit the same
17 basic pattern.

18 Q. But you don't know what was in this "mule's" mind,
19 do you?

20 A. I can only speak for the emails.

21 Q. We're talking about Mr. Alonso's state of mind. Do
22 you know what he thought?

23 A. I would just -- the same. I can only speak to what
24 he put in the emails.

25 Q. So you don't know whether he thought he was doing

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1 anything illegal or improper, do you?

2 A. He alludes to the fact that he thinks something is
3 going on.

4 Q. But we don't know, do we?

5 A. Again, I would just let the emails speak for
6 themselves.

7 Q. You had an opportunity to read the interview report
8 from the FBI agents that interviewed Mr. Alonso, didn't
9 you?

10 A. I've read it, yes.

11 Q. Did it appear to you that Mr. Alonso cooperated
12 with them?

13 A. Yes, it did.

14 Q. He actually is the one that provided the government
15 with all of these emails regarding the transactions
16 between he and Tammy, right?

17 A. Yes, he did that.

18 Q. And doesn't it indicate that the agents that he
19 spoke with told him that he had been victimized by this
20 Tammy Dolan, that this was the result of a scam; isn't
21 that right?

22 A. That's roughly his words, that he felt he was a
23 victim, yes.

24 Q. Had he given any indication prior to being told by
25 the FBI agent that he thought that there was a scam going

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1 on?

2 A. I don't --

3 Q. Or that he had been scammed, I'm sorry?

4 A. That he had been scammed?

5 Q. Yes, sir.

6 A. I don't know if he says anything about him being
7 scammed.

8 Q. Mr. Alonso sent Tammy Dolan thousands and thousands
9 of his own personal money, didn't he?

10 A. That's my understanding.

11 Q. Well, he wasn't volunteering to be scammed, was he?
12 You think he would have done that if in his mind he
13 thought that Tammy was doing something illegal?

14 A. I don't think anybody would want to be a victim if
15 that's what you're asking me.

16 Q. Wouldn't volunteer to be a victim, would he?

17 A. Correct.

18 Q. But over the entire three-year period of this
19 romance, he continued to send his hard-earned money that
20 he is earning as a dishwasher/cook at a Japanese
21 restaurant. He continued to send it to Tammy, didn't he?

22 A. That's my understanding, he continued to send
23 money, yes.

24 Q. But your position is that he's a co-conspirator and
25 he knew that he was a part of this illegal activity that

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1 was going on?

2 A. Yes. He had a choice to stop. Again, I've spoken
3 to lots of different "mules." And there's people who
4 have given hundreds of thousands of dollars, but then
5 when they're approached and they say, "Sorry, I'm out of
6 money" and their handler reaches out to them and says,
7 "Okay. We got about \$5 million that we can inherit if we
8 pay off all the fees, we need you to start receiving
9 money and sending it on," and they go, "no, no, no," and
10 they stop it there, they remain a victim. That's the
11 difference.

12 Q. Is the government trying to convict Mr. Alonso of
13 this -- being involved in this illegal criminal
14 conspiracy on the basis of your special knowledge and
15 experience in talking to other "mules" or are we talking
16 about this case as to what he did?

17 A. It would be in the totality. My part of the
18 investigation is that, just a part of it.

19 Q. But we don't know what was in his mind, do we?

20 A. Again, I would let the emails speak for themselves.

21 Q. You made reference in your earlier testimony to --
22 based on your special knowledge and skills and
23 experience, that "mules" would take a cut of the proceeds
24 that were being funneled through these accounts; is
25 that --

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1 A. That's oftentimes the case, yes.

2 Q. Was that the case in this case?

3 A. Yes.

4 Q. How much did Mr. Alonso receive in cuts?

5 A. Once the funds are commingled, it's often difficult
6 to tell -- when -- when there's multiple deposits --
7 sometimes it's clear, like on the examples of the 4500
8 in, 4200 out. That would be an example of a \$300 cut.

9 Other times there will be a deposit or two with one
10 withdrawal and, then other money comes in, there's a
11 larger withdrawal, and it's hard to tell where the cut is
12 and how that works. So you have to kind of rely on the
13 email traffic, when he's instructed to take a cut as well
14 as the financial. So it's not a perfect science.

15 Q. Is that a long "I don't know"?

16 A. If you're asking for a specific dollar amount that
17 he took as a cut, I do not have that.

18 Q. Can you tell the jury whether Mr. Alonso took a cut
19 and if he did, how much he got?

20 A. In some instances, yes. I do not have a total
21 number.

22 Q. Well, give us the numbers that you have.

23 A. What do you mean by that?

24 Q. How much did he receive in cuts that your
25 investigation revealed, that you can testify to?

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1 A. Again, I don't have an exact dollar amount.

2 Q. Don't have an exact dollar amount. Do you have an
3 exact dollar amount of the amount of money that
4 Mr. Alonso sent to Tammy Dolan out of his own pocket?

5 A. No. Essentially once we look at someone as no
6 longer being a victim -- if they were a victim, then they
7 would be due restitution in this case and we would need a
8 hard dollar amount to get them recovered. But once
9 they're complicit in it, that's no longer really a major
10 factor in the case, it's following the fraud.

11 Q. That's an interesting point. So nobody is
12 concerned about trying to recover on behalf of Mr. Alonso
13 for the thousands of dollars that he lost in this scam,
14 is there?

15 A. He had money coming in as well.

16 Q. So is the government only interested in protecting
17 the interest of Wells Fargo and the Bank of America and
18 big-time real estate dealers, or are we concerned about
19 little people like Mr. Alonso too?

20 A. We're concerned about true victims of this case. I
21 think we had an individual from Whatcom come in and
22 describe how it had a negative impact on their small
23 community, their firm, their agent, things of that
24 nature.

25 Q. So in your -- from your vantage point, Mr. Alonso

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1 is not a victim?

2 A. No.

3 Q. Do you know from your review of these records that
4 Mr. Alonso was trying to -- was sending Tammy money to
5 buy airline tickets to come to America so they could be
6 together up until the time even after his accounts were
7 closed?

8 A. I think the email records show that he tried to buy
9 airline tickets multiple times, yes.

10 Q. And spent thousands of dollars on airline tickets
11 throughout the duration of this romantic scam to try to
12 get Tammy to America, right?

13 A. I agree he sent money to Tammy, he spent money on
14 Tammy, yes, he did.

15 Q. Did you -- and I think I asked you that earlier in
16 one of your other sessions. You didn't look into the
17 educational background of Mr. Alonso, did you?

18 A. I don't know his educational background.

19 Q. All of this testimony about high finance and
20 international financial dealings and businesses and what
21 have you, Mr. Alonso doesn't fall in that category, does
22 he?

23 A. Category of what?

24 Q. He doesn't fall in that category, does he?

25 A. Of having a finance degree? What was the question?

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1 Q. That's an interesting point. He doesn't have a
2 master's in finance, does he?

3 A. Again, I do not know his education.

4 Q. He does not have a degree in electrical
5 engineering, does he?

6 A. I do not know.

7 Q. He's not, as far as you know, a very well-educated
8 person, is he?

9 A. I don't know where his education stopped. I know
10 that he's a cook.

11 Q. Wouldn't you have looked into this to try to see
12 who this person is, does he have the capability, does he
13 have the ability to do this?

14 A. Does he have the ability to receive funds and send
15 them on?

16 Q. And understand that he's engaging in criminal
17 conduct and at the same time sending thousands and
18 thousands of dollars to the person that he's being
19 scammed by?

20 A. Again, the emails will speak for themselves. He
21 knew what he was a part of. He knew there were red flags
22 along the way. He kept going.

23 **MR. GARRETT:** May I have a moment?

24 **THE COURT:** Yes.

25 **BY MR. GARRETT:**

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1 Q. Special Agent Vance, of that 154,000-plus dollars
2 that's the subject of this indictment, how much of a cut
3 did Mr. Alonso get from that?

4 A. It's unclear for a couple reasons. One, there were
5 multiple cash withdrawals, so I don't know how much he
6 took from that. Secondly, the account was frozen for the
7 next four months and the rest of the funds were returned.

8 So, again, when we've talk about cash and how it's
9 hard to track, this would be one of those instances. I
10 don't know how much, for example, when he took out
11 \$20,000 in cash how much of that ended up in his pocket.

12 Q. You don't know whether he got anything out of that,
13 do you, personally?

14 A. Based on the subpoena records, I do not.

15 Q. How much of a cut did he get out of the \$60,000
16 that was deposited in October of 2016?

17 A. That one would be similar as well. There was cash
18 withdrawals, internal transfers, things of that nature,
19 so it's unclear. But when he was called, he described it
20 as a job. When it's "a job," you are paid.

21 Q. You assume that he was paid, right?

22 A. When someone describes something to me as "a job,"
23 I assume that that means you're being paid, yes.

24 Q. You assume that he got a cut?

25 A. So I know from other transactions he's gotten a cut

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1 in the past, and he described that transaction as "a
2 job."

3 Q. But you don't know for a fact whether he received
4 anything, do you?

5 A. Cash is hard to follow.

6 Q. Is that a "no"?

7 A. I don't know for a fact what his cut was on the
8 final transaction.

9 **MR. GARRETT:** That's all, Your Honor.

10 **THE COURT:** Thank you, Mr. Garrett.

11 Is there redirect?

12 **MR. FLOWERS:** Yes, there's going to be
13 redirect, Your Honor.

14 **THE COURT:** How long do you think it will be?

15 **MR. FLOWERS:** Thirty minutes maybe.

16 **THE COURT:** Okay. Then it's time for lunch.

17 Agent, still don't talk to anyone about your
18 testimony during the break.

19 So it's 12:15, let's come back at 1:30.

20 Again, I've got to get some other things in during the
21 lunch break. Don't talk to anyone about the case
22 including each other. Don't talk to the people involved
23 in the case at all. Keep the juror badge on, and enjoy
24 your lunch. Thank you.

25 (Jury out at 12:24 p.m.)

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1 **THE COURT:** You-all need anything before we
2 break?

3 **MR. PERRY:** No, Your Honor.

4 **THE COURT:** All right. 1:30.

5 **THE CLERK:** All rise. This Honorable Court
6 stands in recess until 12:30.

7 **THE COURT:** 1:30.

8 **THE CLERK:** We have report dates.

9 (Recess taken at 12:25 p.m.)

10 **THE COURT:** Anything before we bring the jury
11 back?

12 **MS. IRELAND:** No, Your Honor.

13 **THE COURT:** Let's bring them back.

14 (Jury in at 1:41 p.m.)

15 **THE COURT:** All right. You-all may be seated.
16 Lunch? We're still good? All right. Very good. Ready
17 to get going again?

18 All right. Mr. Flowers.

19 **BY MR. FLOWERS:**

20 Q. Special Agent Vance, in your investigations have
21 you encountered businesses who do a mixture of fraudulent
22 and legitimate activities?

23 A. Yes.

24 Q. And in conspiracies, do individuals have different
25 roles?

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1 A. Almost always.

2 Q. How so?

3 A. Their roles can be -- in the example of the
4 business email compromise, you're going to have someone
5 who is acting as the handler, so who would be working
6 with the "mule," developing them. You may have someone
7 else completely who is actually doing the hacking or the
8 spoofing. You're going to have the "mule" who is going
9 to receive the placement of the funds. And then you're
10 going to have people along the way who are willing to
11 have those funds pass through their account. So there's
12 various roles all along the way. Some people know each
13 other, others don't.

14 Q. So within your investigation, what roles did the
15 defendants have?

16 A. In this case, Mr. Ramos would play the role of the
17 "mule," and Mr. Abegunde would play the role of passing
18 the money through other accounts.

19 Q. It is not the basis of your investigation that
20 either of them actually did the hack?

21 A. Correct.

22 Q. Do you believe that either of them were handlers of
23 a romance scheme?

24 A. No.

25 Q. Was their role money?

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1 A. Correct.

2 Q. Special Agent Vance, in 2017 when Mr. Abegunde was
3 interviewed, was F.J. Williams operational at that point?

4 A. According to his statement to Agent Hall, it was
5 not operational yet.

6 Q. Was it generating revenues?

7 A. No.

8 Q. What is the difference between revenue and profit?

9 A. Revenue is essentially everything that you're going
10 to bring in. Profit is what you have left after you've
11 paid off all your costs.

12 Q. Can a business that's not generating revenues be a
13 competitor of a large bank for the same services?

14 A. No.

15 **MR. PERRY:** Your Honor, it calls for
16 speculation. And he's not qualified as that type of an
17 expert. He said he has no idea about running of a big
18 business, et cetera, let alone a small business for all
19 that matter. He's not that type of expert.

20 **THE COURT:** Mr. Flowers, repeat your question.

21 **MR. FLOWERS:** Can a business that is not
22 operational be a competitor of a bank doing a similar
23 service?

24 **THE COURT:** I'll overrule the objection.

25 Your answer was?

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1 **THE WITNESS:** "No."

2 **MR. FLOWERS:** May I approach?

3 **THE COURT:** Yes.

4 **BY MR. FLOWERS:**

5 Q. Well, first of all, Special Agent Vance, this has
6 been previously admitted as Government's 37. Could you,
7 please, take a look at that.

8 A. Okay.

9 Q. What is that?

10 A. These are the FinCEN records.

11 Q. So I'm going to direct your attention to the Elmo.
12 Do you see where there's a field for "registrant as part
13 of informal value transfer system"?

14 A. I do.

15 Q. What is the answer?

16 A. "No."

17 Q. And, again, was F.J. Williams as a money services
18 business operational even in 2017?

19 A. No.

20 Q. But through your review of the records and chats,
21 was Mr. Abegunde doing financial exchanges?

22 A. He was.

23 Q. And what types of accounts was he using to do that?

24 A. Primarily other people's accounts.

25 **MR. FLOWERS:** May I approach, Your Honor?

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1 **THE COURT:** Yes.

2 **BY MR. FLOWERS:**

3 Q. Do you recognize that?

4 A. I do.

5 Q. What is it?

6 A. It's an account closure from Chase Bank to
7 Mr. Abegunde.

8 Q. And was this found during the execution of the
9 search warrant of the defendant's residence?

10 A. Yes.

11 **MR. PERRY:** Object to the relevance, Your
12 Honor.

13 **MR. FLOWERS:** It's probative state of mind,
14 Your Honor, consciousness of guilt, of being put on
15 notice of wrongdoing, especially -- multiple accounts
16 and -- if you would like me -- prefer to explain at
17 sidebar, I would.

18 **THE COURT:** I'll allow it.

19 **MR. FLOWERS:** At this time the government
20 would offer this into evidence and request to publish.

21 **THE COURT:** Any further objection, Mr. Perry?

22 **MR. PERRY:** I do ask that I be allowed to
23 recross on that because it was not offered in direct and
24 I definitely want to cross on that.

25 **MR. FLOWERS:** Your Honor, respectfully, he

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1 went into an entirely long question and answer about
2 account closures during his cross-examination.

3 **THE COURT:** We'll discuss that when we get
4 there. Exhibit 84, I think?

5 **MR. FLOWERS:** 84, yes.

6 (Exhibit No. 84 was marked.)

7 **BY MR. FLOWERS:**

8 Q. On the first line simply, under Important
9 Information, what does it say?

10 A. "Dear Mr. Abegunde, after a recent review of your
11 accounts, we have decided to end our relationship with
12 you."

13 **MR. FLOWERS:** May I approach?

14 **THE COURT:** Yes.

15 **BY MR. FLOWERS:**

16 Q. Do you recognize that?

17 A. I do.

18 Q. What is it?

19 A. That's another letter for another closure of the
20 bank, this time USAA.

21 **MR. PERRY:** Your Honor, this is not an account
22 closure, and I think counsel knows it's not an account
23 closure, and it's not relevant to anything --

24 **MR. FLOWERS:** May we see -- approach at
25 sidebar?

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1 **THE COURT:** Yeah.

2 (Sidebar commenced as follows:)

3 **THE COURT:** Well, it's not an account closure,
4 but it certainly is relevant to account closures. I
5 don't think it's...

6 **MR. PERRY:** Declined application for a deposit
7 account? It's not an account closure.

8 **MR. FLOWERS:** Mr. Perry --

9 **THE COURT:** Sir --

10 **MR. PERRY:** And the date that's in question,
11 this is May 31, 2016. We're talking about something that
12 supposedly happened in October of 2016 that gets us here.
13 Why --

14 **MR. FLOWERS:** -- state of mind, Mr. Perry.

15 **THE COURT:** One at a time.

16 **MR. PERRY:** What state of mind?

17 **THE COURT:** One at a time and to me.

18 **MR. PERRY:** Yes, Your Honor.

19 **THE COURT:** Your argument that this is not
20 relevant, how is this not relevant?

21 **MR. PERRY:** It is a May 31, 2016, document.
22 The accusation in this case supposedly happened in
23 October of 2016. This is a decline to open an account.
24 It is not an account closure. They can decline for any
25 number of reasons. There's not an accusation that any of

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1 the transactions that he's questioned about so far took
2 place back in May 31 of 2016 or before. I can see if
3 you're asking about May 31, 2017.

4 **THE COURT:** Mr. Flowers?

5 **MR. FLOWERS:** This is before the BECs and if
6 one of the issues is knowledge of wrongdoing, and you
7 have a pattern of behavior, which the indictment starts
8 in April of 2016, which is even before that, you start to
9 see Mr. Abegunde having an inability to get financial
10 accounts despite purporting himself to be a legitimate
11 businessman, a businessman who cannot get financial
12 accounts.

13 There was a pattern that goes to running
14 through his own accounts, going into other people's
15 accounts, and this persisting in that course of conduct.
16 And that actually -- it's directly relevant to one of the
17 main -- and probative, of one of the main issues within
18 this trial.

19 **THE COURT:** The conspiracy starts when?

20 **MR. FLOWERS:** April 14, 2016, I think. No,
21 excuse me. Pardon me. July 2014 for Mr. Ramos and for
22 Mr. Abegunde it would be around April 2016 probably for
23 Mr. Abegunde.

24 **THE COURT:** I'm going to allow it. I think
25 it's relevant and it is probative of issues in this

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1 case.

2 (Sidebar concluded.)

3 **MR. FLOWERS:** Your Honor, did I offer that
4 yet? I can't remember.

5 **THE COURT:** You did. You asked -- well, first
6 you asked the question of the agent that Mr. Perry
7 objected to. Why don't you start again.

8 Just show the document to the agent.

9 **MR. FLOWERS:** Thank you. May I approach?

10 **THE COURT:** Yeah.

11 **BY MR. FLOWERS:**

12 Q. Do you recognize that document?

13 A. I do.

14 Q. What is it?

15 A. It's a letter from USAA.

16 Q. Is it a true and accurate copy of the letter
17 Mr. Abegunde received from USAA?

18 A. Yes.

19 **MR. FLOWERS:** Your Honor, at this time the
20 government would offer this into evidence and request to
21 publish.

22 **THE COURT:** Any further objection, Mr. Perry?

23 **MR. PERRY:** Nothing further.

24 **THE COURT:** Exhibit 85.

25 (Exhibit No. 85 was marked.)

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1 **BY MR. FLOWERS:**

2 Q. Can you please read starting at "Dear
3 Mr. Abegunde."

4 A. "Dear Mr. Abegunde, thank you for your interest in
5 opening a deposit account with USAA Federal Savings Bank.
6 We reviewed your application. After careful evaluation,
7 we're sorry to inform you we'll be unable to open an
8 account at this time. Our decision to decline your
9 application for a deposit account was based on the
10 following reasons: prior unfavorable experience with a
11 financial institution, excessive deposit returns."

12 Q. Thank you.

13 Now, Special Agent Vance --

14 **MR. FLOWERS:** May I approach?

15 **THE COURT:** Yes.

16 **BY MR. FLOWERS:**

17 Q. Do you recognize that, sir?

18 A. I do.

19 Q. What is that?

20 A. It's a chart of multiple banks that were used by
21 Mr. Abegunde.

22 Q. Did you prepare this chart?

23 A. I did.

24 **MR. FLOWERS:** Your Honor, I would like to use
25 this as a demonstrative, not as substantive evidence.

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1 **THE COURT:** Just a reminder to the jury, I
2 think this is maybe the third demonstrative exhibit. It
3 won't go back to you in the jury room, but it's being
4 used to help you follow the testimony.

5 I knew you needed some more water,
6 Mr. Flowers.

7 **MR. FLOWERS:** Thank you very much.

8 **BY MR. FLOWERS:**

9 Q. So I'll just stick with this portion for now.
10 Could you explain what is going on in this chart?

11 A. So along the bottom line running horizontal is just
12 chunks of three months. Every year is broken into
13 quarters, so it shows 2015, 2016, through 2017. Running
14 vertically are various accounts that were either in his
15 name, Mr. Abegunde, or F.J. Williams or in the case of
16 the Bank of America account, that was his joint account
17 with Ms. Caffey.

18 Q. Using the screen, what do each of the little dots
19 mean? What does that represent?

20 A. For example, on the first one, the Abegunde Wells
21 Fargo 8920, so this line right here, the first dot to the
22 left of that line shows when the account was opened, and
23 then the second dot over here would show when the account
24 was closed.

25 So working your way up, it just kind of shows you

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1 when accounts were closed and it gives you an idea of how
2 long accounts were open, things of that nature. So this
3 is kind of a visual showing you various account closures,
4 length of time, gaps in time for when there was no
5 accounts, things like that.

6 Q. And what, if anything, do you notice in the April
7 to June column? And if you could, point out that column
8 on the screen for the benefit of the jury.

9 A. So right there, the April through June 2016,
10 there's one, two, three, four -- five accounts closed in
11 a three-month time frame.

12 Q. And then the top two -- oops, oh my goodness. And
13 the top two, what are those?

14 A. Those are F.J. Williams accounts. So there's one
15 at PNC, and it shows the time frame that it was open.
16 There's another one at Fidelity. It shows the time frame
17 that it was open.

18 Q. Over the time period relevant to this for your
19 investigation, as we discussed yesterday, was
20 Mr. Abegunde also using other people's accounts?

21 A. Yes.

22 Q. Approximately how many?

23 A. At least -- at least 38 other people's accounts.

24 **MR. PERRY:** Your Honor, may we approach?

25 **THE COURT:** Yes.

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1 (Sidebar commenced as follows:)

2 **MR. PERRY:** He just mischaracterized his
3 testimony from yesterday. There were 38 different
4 accounts. There were seven people, and there are not
5 38 different people's accounts. That needs to be
6 clarified, it needs to be clarified on the record, and he
7 knows that.

8 **MR. FLOWERS:** Okay. So I admit I misheard.
9 So if that's what he said, I can clarify. Because I
10 believe what he said is it's 38 different accounts,
11 not necessarily 38 different people. So if that's
12 what he said -- I did not hear that, but I can clarify
13 that.

14 **THE COURT:** I did not either. But if we need
15 to clarify that, that's fine.

16 **MR. FLOWERS:** Thank you, Mr. Perry, if that's
17 what he said.

18 (Sidebar concluded.)

19 **BY MR. FLOWERS:**

20 Q. Special Agent Vance, to clarify, is it 38 different
21 people's accounts or is it 38 different accounts?

22 A. Accounts. Some individuals are on the list more
23 than once. So it's not necessarily 38 different people,
24 38 accounts.

25 Q. Okay. Thank you very much.

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1 **MR. FLOWERS:** May I approach?

2 **THE COURT:** Yes.

3 **BY MR. FLOWERS:**

4 Q. Do you recognize that?

5 A. I do.

6 Q. What is it?

7 A. It is the F.J. Williams anti-money laundering
8 document.

9 **MR. FLOWERS:** Your Honor, at this time the
10 government would offer this into evidence and request to
11 publish.

12 **THE COURT:** Any objection?

13 **MR. PERRY:** No objection, Your Honor.

14 **MR. FLOWERS:** And I would note that this
15 version, I apologize, is not Bates'd. We'll Bates it at
16 the next available break, Your Honor. It was just --
17 this was pulled from the search warrant returns.

18 **THE COURT:** Okay. Exhibit 86.

19 (Exhibit No. 86 was marked.)

20 **THE COURT:** Are you going to refer to
21 individual pages in there?

22 **MR. FLOWERS:** I'm only going to refer to the
23 first page, Your Honor.

24 **THE COURT:** Okay. That will help the
25 record.

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1 **BY MR. FLOWERS:**

2 Q. Special Agent Vance, you were asked during
3 cross-examination with the other document what year it
4 was for. Do you remember what year?

5 A. I'm sorry, not offhand.

6 Q. Was it 2016?

7 A. I think it was December 2016 is when the date, but
8 there's been a lot of documents this morning.

9 Q. It's been a long day, hasn't it?

10 A. Indeed.

11 Q. I'm going to zoom in for this version, what's the
12 date on this document?

13 A. It says "Version 1.4." The date is April 2015.

14 **MR. FLOWERS:** May I approach?

15 **THE COURT:** Oh, he needs that document.

16 Mr. Warren needs that.

17 **MR. FLOWERS:** Thank you.

18 May I approach, Your Honor?

19 **THE COURT:** Yes.

20 **BY MR. FLOWERS:**

21 Q. Do you recognize that, sir?

22 A. I do.

23 Q. What is it?

24 A. It looks like it's an application for a military ID
25 for Mr. Abegunde.

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1 Q. Oops.

2 A. Did I read it wrong?

3 Q. Yes.

4 A. Oh, I'm sorry, it says "Background Check
5 Authorization Form."

6 Q. Do you need a moment?

7 A. Yeah, let me look at it for a second.

8 Q. Just let me know when you're ready.

9 A. I think I'm ready. I apologize.

10 **MR. FLOWERS:** May I approach again?

11 **THE COURT:** Yes.

12 **BY MR. FLOWERS:**

13 Q. Do you recognize that document now, sir?

14 A. I do.

15 Q. What is it?

16 A. It's giving authorization for a background check
17 for the Georgia -- I think the title was "Georgia State
18 Finance and Banking."

19 Q. Does it bear the defendant's signature?

20 A. It does.

21 **THE CLERK:** Are you marking that?

22 **MR. FLOWERS:** Oh, yes.

23 Your Honor, at this time the government would
24 offer this into evidence and apologize for that.

25 **THE COURT:** Any objection?

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1 **MR. PERRY:** No objection, Your Honor.

2 **THE COURT:** Exhibit 87.

3 (Exhibit No. 87 was marked.)

4 **THE COURT:** Thank you, Mr. Warren.

5 **MR. FLOWERS:** Yes, thank you indeed.

6 **BY MR. FLOWERS:**

7 Q. A few things about this, Special Agent Vance. What
8 is the date of this document?

9 A. November 23, 2016.

10 Q. And what is the address associated with it?

11 A. 1014 Brookwood Valley Circle, Atlanta, Georgia.

12 Q. What type of ID was presented to obtain this
13 background check authorization?

14 A. It's a U.S. military ID.

15 **MR. FLOWERS:** May I approach?

16 **THE COURT:** Yes.

17 **BY MR. FLOWERS:**

18 Q. This has previously been admitted as
19 Government's 20. Do you recognize that, sir?

20 A. I do.

21 Q. What is it?

22 A. That's a United States Uniform Service card,
23 identification card.

24 Q. For which individual?

25 A. Mr. Abegunde.

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1 Q. It's kind of difficult to see, Special Agent Vance,
2 but does that appear to be a picture of Mr. Abegunde?

3 A. It does.

4 Q. Who is listed as the sponsor?

5 A. Edchae Caffey.

6 **THE COURT:** That's already in evidence,
7 correct?

8 **MR. FLOWERS:** Yes, ma'am. Yes, ma'am. I
9 apologize, I get in the habit of taking things back to my
10 cart.

11 **THE COURT:** Don't take that. Mr. Warren will
12 hunt it down.

13 **MR. FLOWERS:** I've already experienced that,
14 Your Honor.

15 **BY MR. FLOWERS:**

16 Q. You were asked on cross-examination about
17 connections in the conspiracy and state of mind.

18 A. I was.

19 Q. To clarify, who was the man who received two large
20 deposits representing the known proceeds of two business
21 email compromises?

22 A. Mr. Ramos.

23 Q. And with the second BEC, who was the man who was
24 directed to send portions of those, of that amount to
25 seven different accounts?

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1 A. That would be Mr. Ramos again.

2 Q. And of those accounts, was one in the name of
3 Ayodeji Ojo?

4 A. It was.

5 Q. Was another one in the name of Oluwabukola
6 Oguntoye?

7 A. Yes.

8 Q. Now, who was the man who directed individuals to or
9 give the account information of Mr. Ojo's account in the
10 days prior to October 3, 2016?

11 A. Mr. Abegunde.

12 Q. And who was the man who gave out the account
13 information to Mr. Ojo's account on October 3, 2016?

14 A. Mr. Abegunde.

15 Q. And who was the man who in the days after
16 October 3, 2016, also gave out the account information
17 for Mr. Ayodeji Ojo?

18 A. Mr. Abegunde.

19 Q. And who was the man in the days after October 3,
20 2016, gave out the account information of Oluwabukola
21 Oguntoye twice?

22 A. Mr. Abegunde.

23 Q. And of those three, Special Agent Vance, Mr. Ojo,
24 Ms. Oguntoye, and Mr. Abegunde, which one was in the
25 United States in and around October 3, 2016?

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1 A. Mr. Abegunde.

2 Q. And of those three, Mr. Ojo, Ms. Oguntoye and
3 Mr. Abegunde, who lived within minutes of stores from
4 which money from those accounts was taken in the days
5 immediately following October 3, 2016?

6 A. Mr. Abegunde.

7 **MR. FLOWERS:** May I have a moment, Your Honor?

8 **THE COURT:** Yes.

9 (Pause)

10 **MR. FLOWERS:** Thank you, Special Agent Vance.
11 I'm finished, Your Honor.

12 **THE COURT:** Thank you.

13 Do you want a sidebar, Mr. Perry?

14 **MR. PERRY:** I want to recross.

15 **THE COURT:** We're going to discuss it at
16 sidebar.

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

18 (Sidebar commenced as follows:)

19 **THE COURT:** What was new?

20 **MR. PERRY:** He introduced six pieces of
21 evidence. And for me not to be able to cross-examine the
22 evidence, I mean --

23 **THE COURT:** What was new about those pieces of
24 evidence?

25 **MR. PERRY:** They're new pieces of evidence,

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1 Your Honor. They're new. I get a chance to recross
2 under the rules. They're new documents. And to put in
3 new documents and to not allow counsel to cross-examine,
4 it's just...

5 **THE COURT:** You --

6 **MR. PERRY:** I mean, they're new documents, and
7 I want to be able to cross-examine him. I don't know
8 what else to say. I'm not --

9 **THE COURT:** In your cross-examination, you
10 asked many questions about the propriety of closing
11 accounts, and it happens for all these different reasons,
12 and it can be innocent, and there's no proof that any of
13 these closed accounts was -- indicated any sort of
14 illegal activity at all. So one piece of evidence was
15 just another account closure. One piece of evidence goes
16 directly to what you said and it indicates some sort
17 of -- not necessarily illegal but indicates the activity
18 that led to, I guess, it was in closing -- the activity
19 that led to nonopening an account. Those are in direct
20 response to your cross. What were the other? You said
21 six pieces. What were the other four?

22 **MR. PERRY:** I got Exhibit 84, 85, and 86.
23 One's a USAA closure. One was a USAA decline to open.
24 86 was a background check, ID, and there was something --
25 a military ID --

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1 **THE COURT:** The background --

2 **MR. PERRY:** -- I think that was already --

3 I've circled it, that's already covered. But this, the
4 background check, what that has to do with anything, I'm
5 not sure at this point. These two are -- I mean, they're
6 new pieces of evidence. And it's in his case in chief,
7 he can't --

8 **THE COURT:** New pieces of evidence in response
9 to your cross-examination.

10 **MR. PERRY:** I still get a chance to --

11 **THE COURT:** Well, the rules -- the background
12 check, though...

13 **MR. FLOWERS:** If I may, Your Honor, he
14 directly went into a line of questioning about a
15 background check with Special Agent Vance, to obtain the
16 licensure with the Georgia Department of Banking and
17 Finance or whatever the relevant institution is.

18 So I opted, based on that cross-examination,
19 simply to introduce the underlying document about the
20 background check with the relevant details, and it's in
21 direct response to his cross-examination, Your Honor.

22 **THE COURT:** I think that does open new issues
23 related to the use of the military ID in the background
24 check. So I'll allow recross on that.

25 What else you got? What are the other

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1 documents?

2 **MS. IRELAND:** An AML compliance policy from
3 2015.

4 **MR. FLOWERS:** And that was in direct response
5 to questions during cross of -- this was before or
6 whatever the alleged BECs in question and the funds. So
7 I elected to, based on that line of inquiry and
8 cross-examination, introduce his documents from 2015.

9 **THE COURT:** Right. Okay. And then what was
10 the last one?

11 **MR. FLOWERS:** I believe that's it. If --
12 Mr. Perry, the government has no objection for a limited
13 cross on -- what is it --

14 **THE COURT:** The background check.

15 **MR. FLOWERS:** Yes, the background check.

16 **THE COURT:** And, Mr. Perry, just to be clear
17 for the record, I mean, the other documents are just in
18 response to your cross, but the -- I could see the
19 background check -- I didn't -- I think it did introduce
20 a new issue related to the use of the military ID in that
21 process. If you can tell me what else new came out of
22 the other documents, I'm okay with recross on those.

23 **MR. PERRY:** It's a new document with the
24 F.J. Williams anti-money laundering policy. The version,
25 I guess, that was introduced, at this point I should be

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1 able to go into that policy, the attempts to follow that
2 policy if he's bringing it out anew right now.

3 And likewise, Your Honor, let me put it this
4 way: On the major one that I would have an issue with as
5 it relates to redirect is Exhibit 85, the decline to
6 open, a decline to open that was well before this time.
7 And they're saying, well, Mr. Abegunde came into the
8 investigation prior to -- or into the conspiracy, rather,
9 prior to October. And my understanding has been from all
10 of the documents in the review that I've done that it
11 began in October of 2016.

12 This decline to open was in May of 2016. And
13 I should be able to ask questions about it. It wasn't
14 brought into evidence directly during the initial
15 presentation, and it's a new document. And if you're
16 saying, well, these others were in response to the
17 questions, this new document, given a new time scope and
18 a new indication that, as it related to my person, that
19 he was involved in this conspiracy in May 2016 -- because
20 the dates that I have seen that's been relevant so far
21 from all of the witnesses have started with the
22 triggering of an October 3, 2016, transaction. That's
23 it. It's no more, no less. And he brought in this
24 document that is not a closure but a decline to open
25 is -- you know, I think I should be able to ask questions

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1 about that.

2 **THE COURT:** Haven't we seen some documents
3 already that were prior to October '16?

4 **MR. FLOWERS:** Oh, absolutely, Your Honor.
5 We've seen many, many documents prior to --

6 **MR. PERRY:** Not involving my client.

7 **THE COURT:** Yeah, we have.

8 What's your position on this, Mr. Flowers?

9 **MR. FLOWERS:** I think recross is improper on
10 this basis, Your Honor. He directly opened the door
11 based on the reasons given by financial institutions, and
12 he clearly stated that during his cross-examination. And
13 as a direct response I elected, the government elected to
14 introduce a document based on the financial transaction
15 history of Mr. Abegunde that goes right to the heart of
16 potential reasons.

17 It is a direct in-and-out scenario, and the
18 government would object to additional recross. But
19 saying that, the government has no objection to
20 additional recross on the military ID and that document.

21 **MR. PERRY:** I mean, I don't understand how to
22 put it any clearer. And, A, I don't know any
23 transactions that were causing issues prior to October of
24 2016. The account in question was opened in September of
25 2016 when Mr. Ojo was in town. The transaction was made,

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1 according to them, after Mr. -- well, the inquiry
2 regarding the account was after Mr. Ojo left.

3 Going back into May and looking at something
4 that says that we're going to decline opening when
5 there's no accusation of any specific illegal activity
6 prior to then -- and that's --

7 **MR. FLOWERS:** I respectfully disagree,
8 Mr. Perry.

9 **THE COURT:** Well, there's not a transaction.
10 There's all sorts of evidence they've put in that could
11 go to a conspiracy.

12 Mr. Flowers?

13 **MR. FLOWERS:** If I may, we've introduced bank
14 documents as far back as May of 2016, including Bank of
15 America records that came in in the joint name of
16 Edchae Caffey and Mr. Abegunde, when after suspicious
17 activity on the account they were shut down. This is a
18 continuation of that line of inquiry, which is actually
19 after the documents that came in reflected in May 2016.
20 And it's completely proper. It's probative of state of
21 mind, consciousness of guilt, consciousness of wrongdoing
22 and joining into a conspiracy, particularly where a money
23 mover who was passing money through people's accounts.

24 **MS. IRELAND:** If I may, Your Honor, the
25 October event is how he came to our attention. It is not

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1 the sole conduct that he is here for.

2 **MR. FLOWERS:** That's correct.

3 **MS. IRELAND:** It is the way the case came to
4 be. It is not the only reason that he was --

5 **MR. PERRY:** There's absolutely -- and I want
6 this clear on the record, there's absolutely -- when you
7 say how it came to your attention, there is absolutely
8 zero evidence that indicates that Mr. Abegunde would be
9 here involved in this case at all. He was investigated
10 due to one transaction. That brings him in here. The
11 whole question involves one transaction.

12 And you can go back to his birth in October 23
13 of 1986 and say, well, since he was born that day, then
14 he came into the world into a conspiracy, based on your
15 theory.

16 The triggering date that leads us to this
17 court on this date was the October transaction in 2016,
18 and that's it. And to go back before then and to
19 introduce a document before that date and say that I
20 can't cross-examine it, it puts me in a position of not
21 fairly being able to advocate for my client, and that's
22 all that I want to do.

23 If that new document, if you say, well, it's
24 in response to a line of questioning but you're opening
25 up a whole new document but well before then, and if it

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1 was that important, you would have brought it out on
2 direct, you know, it would seem, if it had anything that
3 was germane to this instance, to that October
4 transaction, that's it.

5 **THE COURT:** All right. Mr. Perry, you have
6 been incredibly consistent in your theory of the case.
7 You have stated it over and over again. And if the
8 number of times a person states something makes it
9 true -- and some people believe it does -- then your
10 theory would be true. So you've been very clear about
11 your theory of the case.

12 You know, I'm going to let you go into the
13 documents. I'm going to let you cross-examine him. I
14 want to give you every opportunity to try to make your
15 theory of the case true in the jury's eyes.

16 **MR. FLOWERS:** And for clarity of the record,
17 Your Honor, all of the documents?

18 **THE COURT:** Yes, all of the documents you
19 introduced on cross. I'm going to let him go into it.

20 **MR. FLOWERS:** On the scope, we introduce in
21 our redirect for the larger money laundering manual
22 solely to the demonstrate the date. If I'm understanding
23 the rules correctly, his cross should be limited
24 solely --

25 **THE COURT:** Solely to the date, correct,

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1 that's correct.

2 Did you hear that, Mr. Perry?

3 **MR. PERRY:** Yes. Yes, Your Honor.

4 Exhibit 87 was one also, the background
5 check.

6 **THE COURT:** The background check is the one
7 that I really see the most -- your argument the most
8 clear. The others I'm doing it out of an abundance of
9 caution, and I would expect you to limit your questioning
10 to the scope of the redirect.

11 **MR. FLOWERS:** Thank you, Your Honor.

12 (Sidebar concluded.)

13 **RECROSS-EXAMINATION**

14 **BY MR. PERRY:**

15 Q. A few moments ago you were handed a document,
16 Exhibit 85. I don't see it up here as I stand.

17 **THE CLERK:** It's right here.

18 **MR. PERRY:** Thank you.

19 **BY MR. PERRY:**

20 Q. Exhibit 85 is a USAA account. Do you remember
21 seeing that document a few moments ago?

22 A. Yes.

23 Q. And you were asked questions about that document,
24 correct?

25 A. Yes.

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1 Q. And that document has been published and you read
2 it a few moments ago, correct?

3 A. Yes, I read it aloud.

4 Q. And that date is May 31, 2016?

5 A. Correct.

6 Q. Have you -- did you talk to individuals from USAA
7 back during that time? Did you talk to anybody in
8 regards to this letter from USAA?

9 A. I have not.

10 Q. And the decision in this case is not an actual
11 closure, is it?

12 A. No, I guess it's technically more of a rejection, I
13 guess. Looks like he applied and they're choosing to
14 decline his application.

15 Q. You're not aware of what conversations went behind
16 the decision to decline that application, are you?

17 A. I can only speak to what's on the letter.

18 Q. And the case that brings us in here today, that
19 involved the transaction from October, correct?

20 A. Yes, of the same year.

21 Q. October of 2016?

22 A. Yes, sir.

23 Q. And so this decline letter would have been well
24 before that date; would it not?

25 A. Yes, four or five months before.

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1 Q. You also talked about a closure in Exhibit 84. You
2 remember that a few moments ago?

3 A. Yes.

4 Q. And you said that it says, "After a recent review
5 of your accounts, we've decided to end our relationship
6 with you," right?

7 A. Correct.

8 Q. And, now, I know you said something about whether
9 or not he can compete or not compete when you were asked
10 questions a few moments ago, right?

11 A. Yes, with other banks or something along those
12 lines.

13 Q. With the size of the banks?

14 A. Correct.

15 Q. But you don't have any idea, according to your
16 testimony, regarding the policies as it relates to
17 stomping out competition before it gets off the ground or
18 anything like that, do you?

19 A. As far as shutting down accounts?

20 Q. Yes.

21 A. No, I'm not privy to the bank's conversations and
22 how they come to their conclusions.

23 Q. And their internal policies regarding -- if they
24 believe that a person is engaging in transactions similar
25 to the type of transactions that they have independent

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1 business doing themselves, you wouldn't be privy one way
2 or the other to how that decision gets made, correct?

3 A. I'm not privy to any decisions made by the banks.

4 Q. And this, likewise, has no bearing on whatever
5 transaction took place in October of 2016, correct?

6 A. This took place after, that's correct.

7 Q. Now, the F.J. Williams' money laundering from
8 Exhibit 86 --

9 A. Yes.

10 Q. -- do you know whether or not this is a final copy
11 of a money laundering control policies, procedures, and
12 internal controls?

13 A. I believe the bottom said Version 1.4.

14 Q. Is this where you read from the bottom a few
15 moments ago?

16 A. Yes, that's the one. So it said Version 1.4. So I
17 would assume this to be the fourth version.

18 Q. Do you know whether or not Mr. Abegunde in April of
19 2015 was still working on his master's down at Texas A&M?

20 A. I believe he was. I don't remember exactly when he
21 graduated.

22 Q. And whether or not -- do you have any idea of
23 whether or not he was trying to get a business off the
24 ground, trying to lay the foundation for that business
25 back during April of 2015?

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1 A. I'm not sure exactly when he started, but I know
2 he's been trying to get it going for a long period of
3 time.

4 Q. And the fact that he would have been working on
5 that paperwork back in April of 2015, that would have
6 nothing to do with a transaction back in October of 2016,
7 would it?

8 A. I don't know.

9 Q. And the purpose of this document is to show what?

10 A. Just that he's --

11 **MR. FLOWERS:** Your Honor, may we approach?

12 **THE COURT:** Yes.

13 (Sidebar commenced as follows:)

14 **THE COURT:** I'm not sure asking a witness what
15 the purpose of a document is, is an appropriate question.
16 You just ask the witness fact questions and -- I don't
17 know if that was the particular issue you had but...

18 **MR. FLOWERS:** It was, Your Honor. And I just
19 want to --

20 **MR. PERRY:** I've stuck to the parameters,
21 though, I'm trying to at least. I'll strike that last
22 question and move on. I'm pretty much through at this
23 point.

24 **MR. FLOWERS:** Thank you, Your Honor.

25 (Sidebar concluded.)

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1 **BY MR. PERRY:**

2 Q. One other question, you were shown a military ID?

3 A. Yes.

4 Q. This is the ID that you were shown?

5 A. Yes, I believe so.

6 Q. And you're not testifying that that ID somehow was
7 improper or something that Mr. Abegunde doctored on or
8 made himself, correct?

9 A. I do not believe that he doctored that, no.

10 Q. It appears to be an actual document issued by the
11 proper authorities to issue that document?

12 A. That's my understanding.

13 **MR. PERRY:** I don't have anything further.

14 **THE COURT:** Thank you, Mr. Perry.

15 You may step down, Agent.

16 (Witness excused.)

17 **THE COURT:** Your next witness.

18 **MS. IRELAND:** United States calls Special
19 Agent David Palmer.

20

21

22

23

24

25

1 **DAVID PALMER,**
2 having been first duly sworn, was examined
3 and testified as follows:

4 **THE CLERK:** You may take the witness stand.

5 **DIRECT EXAMINATION**

6 **BY MS. IRELAND:**

7 Q. Good afternoon, Agent Palmer.

8 A. Good afternoon.

9 Q. Just for clarity of the record, you are the same
10 David Palmer who testified earlier in this trial?

11 A. I am.

12 Q. At this time, Agent Palmer, I would like to walk
13 through your involvement in this investigation. Just to
14 summarize, how did this case begin?

15 A. Okay. This investigation began after we received a
16 complaint from Crye-Leike Real Estate based on several
17 business email compromises that they had incurred from
18 several of their agents. It was multiple BECs.

19 This particular portion of the case that we're here
20 for today is only one of those specific business email
21 compromises. They had reported a series of them over a
22 certain period of time to us. That's when we began
23 investigating.

24 **MS. IRELAND:** May I approach, Your Honor?

25 **THE COURT:** Yes.

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1 **MS. IRELAND:** May I have a moment?

2 **THE COURT:** Yes.

3 **MS. IRELAND:** I hope everyone would agree with
4 me, there's been far too much paper this week.

5 **BY MS. IRELAND:**

6 Q. Agent Palmer, I'm handing you four sheets of paper,
7 what is this?

8 A. This is a chart that I have prepared that is a --
9 it depicts several key points in this investigation, this
10 particular portion of the overall investigation specific
11 to this one, business email compromise.

12 Q. Did you prepare this based on your knowledge of the
13 investigation and review of the evidence?

14 A. I did.

15 **MS. IRELAND:** Your Honor, we would offer this
16 just as a demonstrative as we walk through the
17 progression of the case.

18 **THE COURT:** Yes.

19 **BY MS. IRELAND:**

20 Q. So, Agent Palmer, you were talking about the
21 business email compromises. Where did it first lead you?

22 A. Well, the case began, like I said, from the
23 Memphis-based Crye-Leike complaint that we received with
24 the series of business email compromises. We began
25 investigating each one of those individually, this

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1 particular one involving a Crye-Leike real estate agent
2 and a closing attorney on July 25, 2016, for \$154,371.58.
3 We obtained records showing that the money from that
4 transaction went into a Bank of America account for
5 Mr. Ramos Alonso.

6 Q. At the time this began, did you have any idea who
7 was responsible?

8 A. No, on none of these BECs we -- when we were
9 brought in, we had no idea who at all would be
10 responsible for them.

11 Q. So what investigative steps got you off to a start?

12 A. The first thing we do is gather the information
13 from the victim. In this case we went to Crye-Leike, met
14 with the agent, the closing attorney that was involved,
15 and gathered all documents that we could pertaining to
16 this specific loss. In this one specifically, the wiring
17 instructions that contained the Bank of America account
18 number were obtained from the victim.

19 Q. Where did you follow after that?

20 A. The next step would be to subpoena Bank of America
21 for that account.

22 Q. Did you get the records and review them?

23 A. We did.

24 Q. Ultimately, did you identify someone who received
25 the proceeds?

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1 A. We did.

2 Q. And who was that?

3 A. That's how we were able to first identify Mr. Ramos
4 Alonso in this investigation.

5 Q. What was the next step to further this branch of
6 the investigation?

7 A. So once we received the records back from Bank of
8 America and were able to identify Mr. Ramos Alonso as the
9 recipient of this amount of money, we then performed
10 searches among the databases we have available to us, the
11 law enforcement databases, including IC3, where we
12 located the Whatcom Title complaint where they had
13 reported to the FBI.

14 Q. In case we didn't talk about it earlier, what is
15 IC3?

16 A. IC3 is the Internet complaint center. It's
17 basically a -- I believe the Internet Crime Complaint
18 Center is the full term. It's basically a website where
19 individuals can go and report criminal activity, fraud,
20 that kind of thing, to the FBI.

21 Q. And then some of those turn into investigations and
22 some of those complaints do not, I gather?

23 A. Right. It's a searchable database for us. So if
24 we have -- in this case we've identified Mr. Ramos
25 Alonso. We were able to query his name and identifiers

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1 into that database to determine if anyone else had
2 reported any other complaints where he was mentioned in
3 those.

4 Q. Were there any?

5 A. Yes.

6 Q. What did you find?

7 A. That's how we located the complaint from Whatcom
8 Title.

9 Q. And did you have agents go and interview Mr. Ramos
10 Alonso?

11 A. We did.

12 Q. And as, I believe, was presented earlier, Mr. Ramos
13 Alonso gave permission for those agents to look at the
14 contents of his email account, right?

15 A. He did.

16 Q. Now, earlier in the trial we walked through
17 portions of that email account to demonstrate the arc of
18 a romance scam; is that right?

19 A. That is correct.

20 Q. Have you selected some other portions regarding
21 Mr. Ramos Alonso's alleged conduct in this case?

22 A. I have.

23 Q. Okay. We are going to be returning to Exhibit
24 No. 22 at this time. And for clarity of the record,
25 these items all have Bates numbers, and we'll read them

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1 in as we go.

2 Agent Palmer, did things that you learned from
3 these emails further your investigation and lead you in a
4 variety of directions?

5 A. They did.

6 Q. Okay. Is this one of the emails that you relied on
7 as you worked through the process of investigating this
8 case?

9 A. It is.

10 Q. Okay. What is the date of this email?

11 A. It's Friday, the 10th of April, 2015.

12 Q. What about it helped further your investigation?

13 A. We read through the emails in the order they came
14 in. As we were getting to this one, the transactions by
15 Western Union, making multiple transactions across
16 multiple days, and then removing a portion of the
17 transaction to keep for himself.

18 Q. Is that the first time you noted that?

19 A. I'm not sure what order that's in the email.

20 Q. And again, the date was?

21 A. The 10th of April, 2015.

22 Q. Okay. Was this communication between Mr. Ramos
23 Alonso and the person that's been identified by the
24 moniker "Tammy Dolan"?

25 A. Correct.

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1 Q. Turning next to the page Bates-stamped LRE-104. Is
2 this the email, Agent Palmer?

3 A. Yes.

4 Q. What is the date?

5 A. The 14th of April, 2015.

6 Q. What about this helped further your investigation?

7 A. Reading through this paragraph, she says, "You'll
8 have to find a way to make this work out" -- I'm sorry,
9 this is from Mr. Alonso. He says, "You'll have to find a
10 way to make this work out."

11 "Okay.

12 "I just need you to assure me and tell me the
13 truth, if this is the last time I'm sending money or not.
14 I don't want risk myself. If this is not the last time,
15 please just tell me the truth."

16 Q. What did you do or how did that further your
17 investigation I think is the better way to say that?

18 A. It helped me understand the context of the
19 communications between them.

20 Q. The next is Bates-numbered LRE-112. What about
21 this is significant to you?

22 A. This is an email discussing putting the total money
23 into an envelope and then buying a magazine and then
24 putting the envelope into the magazine, then requesting
25 for a FedEx envelope that could take the exact size of

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1 the magazine. She provides him an address to send it to.
2 And then the last line of the email, "Don't give the
3 FedEx staff any impression that there's an envelope in
4 the magazine. Okay?"

5 Q. Moving next to LRE-148. Is this part of another
6 email, Agent Palmer?

7 A. It is.

8 Q. And moving back one page to -147 so that you can
9 get the date and the participants, could you say what day
10 that is?

11 A. It's the 28th of May, 2015.

12 Q. And the subject matter?

13 A. "Urgent."

14 Q. Who is the sender and who is the receiver?

15 A. It's from Mr. Alonso to Tammy.

16 Q. Now, the portion that you are reading from or
17 concerned with in this particular email is the portion of
18 the email that went to Mr. Alonso; is that right?

19 A. It is.

20 Q. Okay. What about this got your notice?

21 A. From the top it says, "My love, you know what you
22 will do, go to the location you sent the 550 and pick up
23 the money and then add it to the 3,000 or 3,239 that you
24 will have today and send it to the doctor's information
25 by Western Union. Once he received the money by Western

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1 Union, he will credit the company's account immediately
2 with no problem. I just had a conversation with him, and
3 the company has agreed that you should do it that way.
4 Okay? You will make it two transactions within the USA.
5 Western Union will allow a large sum within the USA.
6 Okay? So don't worry about it."

7 Q. Moving next to the email from Exhibit No. 22 that
8 is stamped LRE-159. This also is part of the chain?

9 A. It is.

10 Q. And to get some context as far as date and time...

11 A. It's the 28th of May, 2015.

12 Q. Is this also part of the "Urgent" chain?

13 A. Yes.

14 Q. What is significant here?

15 A. She says, "We have a problem. The Western Union
16 called me a few hours back. They didn't realize the
17 transaction. They sent it back to me. They gave me a
18 new tracking number to pick up the money. You know
19 that's what that means, they don't let me send the money
20 there anymore. Now you have to ask for his banking
21 account. Or if you have another easy way to send it,
22 please let me know. I'm going to try and pick up the
23 money in the morning. Okay? So I hope you have a way to
24 send it. Get back to me once you can."

25 Q. Let's go next to the page marked LRE-162. What is

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1 the date of this email?

2 A. It's the 5th of June, 2015.

3 Q. And who is the sender?

4 A. If it's at the top, scroll down a little bit. It's
5 from Tammy to Mr. Alonso.

6 Q. Okay. And if you could read that in, please.

7 A. "There won't be any more problems, my love. I
8 assure you on that, baby. I really can't wait to be with
9 you. As I promise you, all this problem is going to come
10 to an end this time. Okay?"

11 Q. And that was in response to a message from
12 Mr. Ramos Alonso; is that right?

13 A. Correct.

14 Q. What was his message?

15 A. It says, "By Tuesday, dey right, I don't want more
16 problems after this. Okay. Am getting tired."

17 Q. Moving next in Exhibit No. 22 to the page marked
18 LRE-176. What's the date of this email?

19 A. It is the 14th of June, 2015.

20 Q. Okay. And can you read the first paragraph.

21 A. "You must be on the plane this time with or without
22 of the checks. You better be here or you will forget
23 about me. I can't get that much. It's a lot of money.
24 Do everything to fix it. Okay? Ask someone who will
25 have that much but don't wait for my help this time.

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1 Okay?"

2 Q. Moving on to LRE-183 of Exhibit 22. Moving back
3 one page so that you can get context and the date of this
4 email.

5 A. It is June 14, 2015.

6 Q. Okay. And if you could read that in, please.

7 A. "Don't you understand, I can't do anything."

8 Q. And that is in response to?

9 A. "Just let's do this last one and everything will be
10 fine, baby."

11 Q. I'm going to jump ahead in time a little bit to
12 Thursday, the 22nd of December, 2016, the page marked
13 LRE-212 from Exhibit 22. Who are the participants here?

14 A. It's an email from Tammy to Mr. Alonso dated the
15 22nd of December, 2016.

16 Q. Is this the same email address that we have seen
17 from Tammy up until now?

18 A. This is a new email address.

19 Q. And is that what the message is about?

20 A. Yes.

21 Q. Could you read the actual message itself.

22 A. It says, "This is my name, email address. Are you
23 there?"

24 Q. The page marked 219, LRE-219. Okay. What is the
25 date?

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1 A. It is the 27th of January, 2017.

2 Q. Who are the participants?

3 A. It is an email from Mr. Alonso to Tammy.

4 Q. And if you could read in the message from
5 Mr. Alonso.

6 A. He said, "You're using a new email. Send me the
7 password of this one."

8 Q. And then right below that?

9 A. It says, "Go get half of it and I will believe
10 you."

11 Q. And that is in response to a message below; is that
12 right?

13 A. Yes.

14 Q. Could you, please, read that one.

15 A. "Honey, but it's what we need to get things in the
16 right direction. Please do it for the benefit of me and
17 you. It's really going to be in our own favor, honey."

18 Q. Page LRE-220, what is the date of the message here?

19 A. It is the 27th of January, 2017.

20 Q. Who are the participants?

21 A. It's from Mr. Alonso to Tammy.

22 Q. What is the message?

23 A. It says, "You put me in problems with the person
24 who loans me that money, Tammy. I told you I need to
25 give that money back. Why you did this to me, Tammy?"

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1 Q. And on page LRE-222, dated Friday, the 27th of
2 January, 2017, who is sending this message?

3 A. It's from Mr. Alonso to Tammy.

4 Q. And what is the message?

5 A. "Where is the password?"

6 **MS. IRELAND:** May I approach the witness, Your
7 Honor?

8 **THE COURT:** Yes.

9 **BY MS. IRELAND:**

10 Q. Agent Palmer, did you make a few additional
11 selections from the email account?

12 A. I did.

13 Q. Showing you three pieces of paper. Do you
14 recognize them?

15 A. I do.

16 Q. Are those three additional emails pulled from the
17 same account belonging to Luis Ramos Alonso that the
18 previous selections have come from?

19 A. They are.

20 **MS. IRELAND:** We would offer these as the
21 next-numbered exhibits. Don't know if Your Honor would
22 like to have them be incorporated into Exhibit No. 22.
23 They have their own Bates numbers.

24 **THE COURT:** We'll have them as separate
25 exhibits.

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1 Mr. Garrett, any objections?

2 **MR. GARRETT:** No, Your Honor.

3 **THE COURT:** Exhibit 88.

4 **MS. IRELAND:** And it is three pages. They are
5 marked 229, 230, and 231.

6 **THE COURT:** Thank you.

7 (Exhibit No. 88 was marked.)

8 **MS. IRELAND:** Permission to publish?

9 **THE COURT:** Yes.

10 **BY MS. IRELAND:**

11 Q. This is page 1 of Exhibit 88. What is the date of
12 this mail, Agent Palmer?

13 A. It is March 23, 2015.

14 Q. Can you read this email for us, please.

15 A. Sure. It's an email from Tammy to Mr. Alonso. It
16 begins, "Hi, baby. Good morning to you. How was your
17 night? Did you get some good sleep? The company has
18 been calling you for a little over an hour, and they said
19 you are not picking up. You need to keep the check with
20 you for now till I tell you how to go about cashing it
21 later today or tomorrow. The \$8,739 is already in your
22 account as of this morning. So once you get up this
23 morning, you should go ahead and make a withdrawal of the
24 total money from your account and remove \$5,000 from it
25 today and send it to my name. You should have it send in

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1 this denomination: \$980 in five places at different
2 locations. The receiver's name should be Tammy Alonso as
3 usual. Okay? And make sure you change the sender's name
4 as usual. You should use Luis Javier Alonso for three
5 transactions and two transactions with Javier Alonso.
6 The company asked me to tell you to remove \$400 to get a
7 cab for the running around, so you will keep the
8 remaining \$3,379 with you at home and send it tomorrow
9 morning as soon as you get up. Okay?"

10 Q. The next selection is dated 3/31/2015 and has the
11 Bates stamp LRE-230. Agent Palmer, if you could read
12 that into the record, please.

13 A. "Hello, my love. How are you doing this morning?
14 Did you get some good sleep overnight? I woke up late
15 this morning and couldn't text you. What are you up to,
16 my love? Honey, please do everything within you to get
17 all the money across today. Remove \$200 for yourself and
18 send \$930 in four places. Please do everything --
19 writing you to send the four transaction today so we can
20 start working on things tomorrow morning. I really want
21 to have the money complete by tomorrow morning so we can
22 use the money for the charges of the big money. Okay? I
23 am really counting on you. The checks must have cleared
24 in your account. Okay? Please do everything first thing
25 when you wake up to get the money taken care of. Okay?"

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1 Q. And finally, also -- well, this one is from 2016,
2 my apologies. The 29th of February, 2016, this document
3 marked LRE-231, can you read that, please.

4 A. "Hi baby, how are you doing? I have had a very bad
5 day since I left you yesterday. I was rushed to the
6 hospital with someone -- and someone agreed to loan me
7 \$200. But he agreed he will be getting paid with \$300.
8 I agreed because I was at a very bad state and needed to
9 accept the loan offer. Please, honey, the money need to
10 be returned by the said Tuesday or Wednesday. All that
11 will be paying them is \$300. Okay? I need to get back
12 to the bed now. Carlesse."

13 Q. Can you spell the last name, the name of the person
14 signing this email, please.

15 A. C-A-R-L-E-S-S-E.

16 Q. Can you read the name and email address of the
17 person sending this email?

18 A. Tammy Dolan. TAMDOLAN87@hotmail.com.

19 Q. And to whom did it go?

20 A. Luis Alonso.

21 Q. Did the investigation continue to follow the money?

22 A. It did.

23 Q. What happened after looking at Mr. Ramos's emails
24 and assessing the contents? And we'll go back to your
25 demonstrative, Agent Palmer.

UNREDACTED TRANSCRIPT

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1 A. After the agents in San Francisco interviewed
2 Mr. Alonso and obtained copies of his email accounts, we
3 analyzed those emails, along with records obtained from
4 both Bank of America and Wells Fargo.

5 Q. What did the records show you?

6 A. We were able to look at the bank records and match
7 both the Memphis-based business email compromise and the
8 Whatcom Title business email compromise come into
9 accounts controlled by Mr. Alonso.

10 Q. Did the account records lead you to an address?
11 The bank account records, did they lead you to a
12 particular address or person?

13 A. They did. They led to Mr. Alonso.

14 Q. What was the next step in the investigation?

15 A. We continued to analyze the bank records and follow
16 the money. We looked at the transactions from the
17 Memphis-based BEC and the Whatcom Title BEC and looked
18 for how the money was disbursed once it entered the
19 account.

20 Q. Where did the money go?

21 A. The money that came in following the October 3,
22 2016, Whatcom Title BEC was withdrawn as cash and then
23 attempted or deposited in various bank accounts.

24 Q. What were those bank accounts?

25 A. Most of them were Wells Fargo accounts.

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1 Q. And who were those Wells Fargo accounts in the name
2 of?

3 A. Two of the accounts -- one of them was in the name
4 of Ayodeji Ojo, the other one was in the name -- last
5 name Oguntoye.

6 Q. And both of those accounts received money from
7 Mr. Ramos's account?

8 A. Mr. Ojo's did. According to the investigation done
9 by Wells Fargo, he was instructed to deposit money into
10 Ms. Oguntoye's account but was not successful.

11 Q. Now, through your investigation, did you learn
12 whether there was a relationship between Ms. Oguntoye and
13 Mr. Ojo?

14 A. They were married.

15 Q. Based on the Wells Fargo records, was there a
16 particular address that agents went to?

17 A. Yes. As we reviewed the Wells Fargo records for
18 the bank accounts that received the proceeds from the
19 business email compromise, we looked at the address
20 listed on the accounts and it led to 1014 Brookwood
21 Valley Circle, Atlanta, Georgia.

22 Q. And agents went there to interview someone?

23 A. They did. They went to the address that was listed
24 on the bank account in an attempt to interview Mr. Ojo,
25 and in the process they found Mr. Abegunde and

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1 interviewed him there.

2 Q. Now, in 2017 an indictment was returned in this
3 case; is that correct?

4 A. That is correct.

5 Q. Are you familiar with whether there was any media
6 coverage overseas about this case?

7 A. There was media coverage following several arrests
8 that we made overseas as a part of this indictment.

9 Q. And you were there when some of that coverage was
10 released?

11 A. I was.

12 Q. Were names and parties indicted part of that news
13 coverage?

14 A. Yes, they published all the names that were listed
15 on the indictment.

16 Q. At some point did you-all begin looking for
17 Mr. Abegunde?

18 A. Yes. Following the indictment, an arrest warrant
19 was issued and we did begin looking for Mr. Abegunde.

20 Q. And we've already heard testimony that he had been
21 arrested eventually; is that right?

22 A. Yes.

23 Q. Okay. And on his arrest, some devices were
24 collected?

25 A. That is correct.

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1 Q. Now, did your investigation stop at this point?

2 A. No, it did not.

3 Q. Why not?

4 A. Anytime we get new information we always continue
5 to investigate anything new that comes in.

6 Q. If you discover additional wrongdoing while you're
7 investigating, do you look the other way?

8 A. No.

9 Q. What do you do?

10 A. We continue to investigate.

11 Q. In this case, did you find something that you
12 thought merited investigation?

13 A. We did.

14 Q. Was that based on all of your review of the
15 evidence that's been collected to this date?

16 A. It was based on the review of the evidence we had
17 at the time.

18 Q. Okay. Did you obtain additional evidence?

19 A. We did.

20 Q. What did you obtain?

21 A. If you're referencing the search warrant that was
22 done at Mr. Abegunde's house, or residence, the Brookwood
23 Valley Circle residence, we obtained multiple devices,
24 paper, et cetera.

25 Q. Also documents, other items?

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1 A. Correct.

2 Q. Did you review those items?

3 A. I have.

4 Q. Earlier did we introduce those items into evidence
5 and the forensic contents of those items, contents of
6 those items that had been forensically extracted?

7 A. Yes.

8 Q. And those items are currently listed on the
9 evidence log as 32 ID, 33 ID, 34, 35, and 36 ID; is that
10 right?

11 A. Yes.

12 **MS. IRELAND:** May I approach the witness, Your
13 Honor?

14 **THE COURT:** Yes.

15 **BY MS. IRELAND:**

16 Q. Agent Palmer, do you recognize these?

17 A. I do.

18 Q. And what are they?

19 A. They are records of messages from Mr. Abegunde's
20 devices that were seized from him.

21 Q. And were they taken at the time of his arrest at
22 the airport in Atlanta?

23 A. They were.

24 Q. Are these chats removed from those devices part of
25 what has already been placed on the evidence log as 32

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1 and 33 for identification purposes?

2 A. Correct.

3 **MS. IRELAND:** May I have a moment, Your Honor?

4 **THE COURT:** Yes.

5 **MS. IRELAND:** Your Honor, may we approach for
6 a moment?

7 **THE COURT:** Yes.

8 (Sidebar commenced as follows:)

9 **MS. IRELAND:** So that the Court is --

10 **THE COURT:** Hang on.

11 **MS. IRELAND:** I just wanted to make it clear
12 for the Court that in response to your instructions
13 yesterday, we went back and the excerpts that we had
14 planned to use, we have printed the entire day's
15 conversation so that as we refer to them by their page
16 number, counsel can look at them. I don't know where
17 counsel's set is. May I ask the agent --

18 **THE COURT:** Yeah.

19 **MS. IRELAND:** -- in a quick break where I can
20 find those?

21 **THE COURT:** Yeah. I think, actually, it's
22 probably about time for an afternoon break. So why don't
23 we go ahead and take that and you --

24 **MS. IRELAND:** Thank you.

25 **THE COURT:** -- figure that out.

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1 **MS. IRELAND:** And may I ask him since he
2 prepared the exhibit where they are, although he's
3 testifying at the moment?

4 **THE COURT:** Yeah, that's fine. Thanks.

5 **MS. IRELAND:** Okay. Thank you.

6 (Sidebar concluded.)

7 **THE COURT:** We're going to go ahead and take
8 an afternoon break. It's almost five to three. Let's
9 come back at ten after three. So a little over
10 15 minutes. Still not time to talk to anyone about the
11 case, including each other. Don't talk to the people
12 involved in the case at all. Keep the juror badge on and
13 enjoy your break. Thank you.

14 (Jury out at 3:00 p.m.)

15 **THE COURT:** Agent, you can talk to counsel.
16 She just has a question about where something is. But
17 don't talk about your testimony.

18 **THE WITNESS:** Yes, Your Honor.

19 **THE COURT:** Do you-all need anything else
20 before the break? Ten after. Thanks.

21 **THE CLERK:** All rise. This Honorable Court
22 stands in recess.

23 (Recess taken at 3:00 p.m.)

24 **THE COURT:** Anything before we bring the jury
25 back?

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1 **MS. IRELAND:** No, Your Honor.

2 **THE COURT:** Let's bring them back.

3 (Jury in at 3:18 p.m.)

4 **THE COURT:** You-all may be seated. Ready to
5 get going again?

6 **THE JURY:** Yes.

7 **THE COURT:** Are you sure? You seemed
8 reluctant to come out.

9 All right. Ms. Ireland.

10 **MS. IRELAND:** Thank you, Your Honor.

11 **BY MS. IRELAND:**

12 Q. Agent Palmer, you were talking when we broke about
13 how you were led to the address, how the investigation
14 led to the address on Brookwood Valley Circle and how it
15 intertwined with financial records. Could you elaborate,
16 please?

17 A. Yes. So as we reviewed the bank records from
18 Mr. Ramos Alonso's account, we looked at withdrawals and
19 deposits. Immediately following the business email
20 compromise on 10/3/2016, one of the deposits led to the
21 identification of Ayodeji Ojo. It was a deposit of
22 \$9,000 into his account that Mr. Ramos made on 10/6/2016,
23 three days after the business email compromise.

24 Q. Is that the account that has already been examined
25 as part of Exhibit No. 7 --

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1 A. Yes.

2 Q. -- the Wells Fargo account?

3 A. Yes.

4 Q. Displaying that here for you.

5 And again, you mentioned that went to the Brookwood
6 Valley Circle address, correct?

7 A. Correct.

8 Q. What were the next steps?

9 A. After we identified that address, we then had
10 agents from our Atlanta field office go to that address
11 to attempt to interview Mr. Ojo.

12 Q. Was Mr. Ojo there?

13 A. He was not.

14 Q. Is it at this time that Mr. Abegunde was
15 interviewed?

16 A. Correct.

17 Q. Now, you mentioned that the investigation
18 continued. Can we walk through some of the significant
19 events as things moved on?

20 A. Sure. We began investigating the account
21 Mr. Ayodeji Ojo held at Wells Fargo. The account we saw
22 had the address of 1014 Brookwood Valley Circle, Atlanta,
23 Georgia, and telephone number (979)739-6723 registered to
24 that bank account.

25 Q. Do you know that number to belong to someone else?

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1 A. I do.

2 Q. And who is that?

3 A. Mr. Abegunde.

4 Q. Have you reviewed devices assigned to that phone
5 number?

6 A. Yes.

7 Q. And were those devices taken from Mr. Abegunde?

8 A. Yes.

9 Q. Is that the same number that appears on paperwork
10 filed with the USCIS regarding application for a license,
11 Permanent Residence status, for Mr. Abegunde?

12 A. Yes.

13 Q. Continue, please.

14 A. After reviewing the bank account, we then started
15 putting the pieces together. I've listed some
16 significant events throughout that investigation, mostly
17 tied to the Wells Fargo account ending in 9962.

18 Q. Was one of those the deposit of a check of
19 approximately \$26,900?

20 A. Correct.

21 **MS. IRELAND:** May I approach, Your Honor?

22 **THE COURT:** Yes.

23 **BY MS. IRELAND**

24 Q. Agent Palmer, showing you a two-page document. Can
25 you tell me what it is?

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1 A. It is a check from Bank of America for \$26,900.56
2 made out to the order of Ayodeji Ojo.

3 Q. Is there an address on that check?

4 A. It is. It's 1014 Brookwood Valley Circle, Atlanta,
5 Georgia.

6 **MS. IRELAND:** We'd offer that as the
7 next-numbered exhibit.

8 **THE COURT:** Any objection?

9 **MR. PERRY:** No objection, Your Honor.

10 **THE COURT:** Exhibit 89.

11 (Exhibit No. 89 was marked.)

12 **MS. IRELAND:** Permission to publish?

13 **THE COURT:** Yes.

14 **BY MS. IRELAND**

15 Q. And this deposit amount, is that also reflected in
16 the Wells Fargo statements that have already been
17 examined during this trial for Mr. Ojo?

18 A. Yes.

19 Q. What were the next steps?

20 A. After we had identified that Wells Fargo bank
21 account, we subpoenaed the bank account for Mr. Ojo,
22 obtained transactional records, including copies of
23 checks and statements, and then we started putting
24 together a timeline of events on that account.

25 Q. Is this essentially part of that timeline?

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1 A. It is.

2 Q. What were the next steps taken?

3 A. We created the timeline for events on the account
4 of Mr. Ojo. The first event kind of brings into context
5 the \$26,000 check. That was the result of a Bank of
6 America account that he had that was closed May 13th of
7 2016.

8 Q. And that check is the one we just looked at as
9 Exhibit No. 89; is that right?

10 A. Correct.

11 Q. Okay.

12 A. From then we see that he and Ms. Oguntoye arrived
13 in the U.S. from Nigeria on 8/26/2016, two days after the
14 check was issued. And then on 8/29/2016, three days
15 after entering the U.S., both of the accounts were -- the
16 Wells Fargo 9962 and 9939 were opened, and the check was
17 deposited into the 9962 account.

18 Q. When did Mr. Ojo and his wife next leave the United
19 States?

20 A. On September 15, 2016.

21 Q. Okay. Now, was there activity on that account
22 after their departure?

23 A. There was.

24 Q. Can you tell us what it was.

25 A. After Mr. Ojo and Ms. Oguntoye departed the United

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1 States on the 15th, on the 20th there was an internal
2 transfer on that account between the two accounts.

3 Q. And why is that significant?

4 A. It's just the movement of money from basically a
5 checking to savings account.

6 Q. Was there additional movement?

7 A. Yes.

8 Q. What did you note?

9 A. On 9/28/2016 there were two bill pay transfers from
10 the 9939 account.

11 Q. What is a "bill pay transfer"?

12 A. It's basically what you would do if you're paying
13 your bills from your bank account. You authorize a check
14 or money to be sent to another person.

15 Q. Okay. Thank you. Continue, please.

16 A. Okay. The two bill pay transfers were completed on
17 September 28, 2016, one for \$5,000 to Bunmi, followed by
18 a second one for 10,000 to FJ.

19 Q. Now, throughout your investigation, have you
20 identified nicknames for some of the people who have
21 appeared in this investigation?

22 A. I have.

23 Q. And who is Bunmi?

24 A. Bunmi was the nickname for Olubunmi Makinwa. It
25 was Mr. Abegunde's first wife.

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1 Q. Is "FJ" Mr. Abegunde's nickname?

2 A. Correct.

3 Q. What's next?

4 A. On 10/6 we see the \$9,000 deposit into that
5 account, made by Mr. Ramos Alonso.

6 Q. You next note some debit card purchases. Why are
7 those important?

8 A. Debit card, it's a physical card that was used at a
9 location in Atlanta.

10 Q. And what was it used for?

11 A. It was a \$2000 transaction at a Publix in Atlanta.

12 Q. Were there additional transactions?

13 A. There were in the --

14 Q. What were they?

15 A. -- in the following days. On 10/11 there were
16 debit card purchases for 2,000 and 1,500 at Publix in
17 Atlanta, and a \$2000 purchase at USPS in Atlanta. The
18 Publix was less than a half-mile from Mr. Abegunde's
19 residence.

20 Q. And by the end of that month, which account was it
21 that was closed by Wells Fargo?

22 A. If you could scroll up just a little bit.

23 Q. Sorry about that.

24 A. By October 25th, the Wells Fargo account had been
25 closed.

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1 Q. And in between those last couple of events, there
2 was some investigation on the part of Wells Fargo into
3 Mr. Ramos and the funds that we're talking about here?

4 A. Correct.

5 Q. Now, Mr. Ojo came back to the country, yes, at some
6 point?

7 A. I'm not sure if he returned after that.

8 Q. Okay. If you could continue to walk through the
9 timeline, please, and put the events in perspective.

10 A. Sure. This is a snapshot of events on the -- on
11 Mr. Ojo's account. We picked back up on 9/15 showing the
12 departure from the United States. And then on 9/24,
13 through a review of messages on Mr. Abegunde's phone, we
14 saw that he directed Ms. Osiberu to send money to the
15 9962 account.

16 Q. Okay. Were there additional instructions?

17 A. Yes, on 9/29 he instructed contact name Baja Fresh
18 Autos using BlackBerry Messenger to send money to the
19 9962 account.

20 Q. Were there still more instructions?

21 A. There were.

22 Q. What are they?

23 A. On October 3, 2016, which is the date of the
24 Whatcom business email compromise, Mr. Abegunde directed
25 an associate by the name of Baja Fresh Autos to send

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1 money to the 9962 account.

2 Q. And was money withdrawn shortly thereafter?

3 A. There was \$300 withdrawn at an ATM in Atlanta,
4 Georgia, the ATM being approximately 0.7 miles from
5 Mr. Abegunde's residence.

6 Q. On your demonstrative here, is there a little chart
7 on the lower left corner regarding the distance from the
8 residence of that ATM?

9 A. Correct.

10 Q. Now, we were talking about your investigation
11 continuing. Based on the search at Mr. Abegunde's
12 residence, did you uncover information that led you to
13 continue to work on this case?

14 A. We did.

15 Q. Was one of the things that was recovered what led
16 you to begin an investigation into marriages associated
17 with Mr. Abegunde?

18 A. Correct.

19 Q. And here we see Exhibit No. 21, and just again for
20 the record, what is this?

21 A. It's a state of North Carolina marriage
22 certificate.

23 Q. Now, remind us who was at the residence when the
24 search warrant was executed?

25 A. Ms. Makinwa and her mother and a child.

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1 Q. Agent Palmer, are you certified in undercover
2 investigations?

3 A. I am.

4 Q. Have you conducted undercover investigations?

5 A. I have.

6 Q. Did you use any undercover activity in this case?

7 A. I did.

8 Q. What did you do?

9 A. As we learned more information throughout the case
10 and additional individuals were identified, we attempted
11 to locate those individuals to interview them regarding
12 the circumstances of the investigation. Several of the
13 individuals that we attempted to contact were not
14 responsive to law enforcement; therefore, we used an
15 undercover to contact the individuals.

16 Q. So, in other words, you tried to get in touch with
17 them, but they were just not responding to you?

18 A. Correct.

19 Q. Was that unusual?

20 A. Specifically, in this instance, one of the
21 individuals, Ms. Makinwa's husband, he was homeless and
22 unemployed and was unavailable to law enforcement.

23 Q. And what is his name?

24 A. Mr. Grundy.

25 **MS. IRELAND:** May I approach the witness, Your

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1 Honor?

2 **THE COURT:** Yes.

3 **BY MS. IRELAND:**

4 Q. Agent Palmer, showing you two, two-page documents.
5 What are they?

6 A. They are transcripts of undercover conversations
7 with Mr. Grundy and Ms. -- name slips my mind.

8 Q. Was it --

9 A. Ms. Osiberu.

10 Q. Thank you very much.

11 Are these the conversations that you had?

12 A. They are.

13 Q. Are they the entirety of the conversations that you
14 had with each of those individuals?

15 A. They are.

16 Q. How did you know whose number that you were
17 calling, that you were reaching Ms. Osiberu or
18 Mr. Grundy?

19 A. From documents obtained throughout the
20 investigation.

21 Q. And the phone numbers were consistent?

22 A. They were.

23 **MS. IRELAND:** We would offer these as the next
24 two numbered exhibits?

25 **THE COURT:** Any objection?

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1 **MR. PERRY:** Yes, Your Honor. It's double
2 hearsay. I don't have an opportunity to cross-examine
3 either of the individuals --

4 **THE COURT:** Let's talk at sidebar, Mr. Perry.
5 (Sidebar commenced as follows:)

6 **THE COURT:** Your objection?

7 **MR. PERRY:** Double hearsay. It's an
8 out-of-court statement going towards the truth of the
9 matter asserted. This agent is saying -- well, A, this
10 is not the agent; B, the respondent is not in court to
11 testify and it's -- I don't know where this is leading
12 to, but it's obviously double hearsay, not to mention
13 that it violates the rule of confrontation in that I
14 don't have an opportunity and my client doesn't have an
15 opportunity to see the accuser in this case.

16 They haven't provided the names of any
17 confidential informant that they've relied on, any of
18 that. It was disclosed to me two weeks ago that we had
19 this. And when it was disclosed, to be honest, and the
20 most insulting part of it, it wasn't disclosed as this
21 was a part of an undercover investigation until a week
22 later.

23 My client could have very well thought that
24 this was in his best interest to change a plea or
25 something at that time because the way it was sent to me,

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1 I confronted him about it saying, "You're using an
2 undercover phone at the jail," yadda yadda yadda. And
3 he's livid, you know, of course. And it turns out six
4 days later when I get something explaining, oh, yeah,
5 that document that was actually one of the
6 undercover's --

7 **THE COURT:** That sounds like an issue
8 between -- I understand why your client was upset, but
9 that's not pertinent to --

10 **MR. PERRY:** I got you.

11 **THE COURT:** -- whether it's going to come in
12 or not. It's not a confrontation clause. None of this
13 is testimonial nature, so a confrontation clause isn't
14 implicated by that. Hearsay I get.

15 **MS. IRELAND:** It's not being offered for the
16 truth of the matter asserted. It's being offered to
17 illustrate steps in the investigation and how it
18 proceeded.

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

20 **MR. PERRY:** If it's steps in the
21 investigation, he's testified to it without publication
22 to the jury that they used undercovers to get
23 information. Now, at this time, from my understanding,
24 Mr. Abegunde had already been indicted on the marriage
25 fraud count. This has nothing to do as far as being

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1 constructive towards that count.

2 **MS. IRELAND:** This predates --

3 **THE COURT:** It predates the superseding.

4 **MR. PERRY:** I apologize if I misstated.

5 **THE COURT:** That's all right. So you -- I
6 mean, you raise the issue of the investigation and what
7 they did and certainly we've tried to leave the
8 impression that they were doing things improper. I'm not
9 sure if this answers that question or not, but it seems
10 like, you know, the government is entitled to show what
11 they were doing if you've opened that door.

12 **MR. PERRY:** Okay. I mean, it's my
13 understanding and the way that I did it was, I thought,
14 totally proper because I didn't try to introduce it --

15 **THE COURT:** No, no, it wasn't -- I'm not
16 saying it was improper. I'm just saying --

17 **MR. PERRY:** I see what your point is.

18 **THE COURT:** Yeah.

19 **MS. IRELAND:** We're not going to read the
20 entire chats, that's not the point. The point is to show
21 a couple of steps along the way and how the information
22 developed and why the investigators took the actions that
23 they did.

24 **THE COURT:** And you're not offering this for
25 the truth of the matter asserted?

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1 **MS. IRELAND:** No, Your Honor.

2 **THE COURT:** I'll allow it.

3 Thanks.

4 (Sidebar concluded.)

5 **MS. IRELAND:** The conversations of July 12,
6 2018, as the first of the two conversations.

7 **THE COURT:** Exhibit 90.

8 (Exhibit No. 90 was marked.)

9 **MS. IRELAND:** And the conversation beginning
10 August 16th of 2018 as the next-numbered exhibit.

11 **THE COURT:** Exhibit 91.

12 (Exhibit No. 91 was marked.)

13 **BY MS. IRELAND:**

14 Q. Now, Agent Palmer, you were still trying to locate
15 individuals in this investigation, correct?

16 A. That's correct.

17 Q. And you just mentioned that Mr. Grundy was one of
18 those?

19 A. That is correct.

20 Q. What is Mr. Grundy's first name?

21 A. Meredith.

22 Q. Are there any things that you learned through these
23 undercover communications that furthered your
24 investigation?

25 A. We use the undercover communications to, in

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1 Mr. Grundy's case, determine his location because agents
2 in Atlanta were attempting to locate him to interview
3 him, and we also attempted to learn his knowledge of the
4 ongoing conspiracy.

5 Q. Okay. Are there things in the conversations that
6 were particularly helpful to you in your investigation?

7 A. Yes.

8 Q. Could you point me to anything that helped you
9 further.

10 A. If you could scroll down.

11 Q. Scroll down?

12 A. Next page.

13 Q. The next page. Thank you. Is this the correct
14 page?

15 A. It is. Keep scrolling down. Next page.

16 Q. I'm sorry, I thought they were two, two-page
17 documents.

18 A. Okay.

19 Q. Just set that one aside then. This is Exhibit
20 No. 91.

21 A. Correct.

22 Q. Is this the page you're looking for?

23 A. This is a conversation with Ms. Osiberu.

24 Q. How did that help you?

25 A. So, for context, Ms. Osiberu was married to

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1 Mr. Alimi, who has previously testified here. We were
2 trying to contact her to understand her part in this
3 conspiracy. At this point she had left the country. We
4 were unable to make law enforcement contact with her, so
5 I reached out using an undercover.

6 On August 16th at 4:41:30 Central time, I asked
7 her, "Have you talked to Alimi?"

8 She said, "Yes."

9 I said, "Has Chae tried to contact him?"

10 She asked for clarification and I said, "Caffey."

11 Her response was, "He's not saying anything about
12 the matter apart from the first time he told me about
13 being held."

14 I said, "I am worried."

15 She said, "About what?"

16 Q. Okay.

17 A. Her response was a question, it said, "The babe?"

18 I said "yes."

19 And then she said, "Do you think she will talk?"

20 I said, "She said she talked to the Army and the
21 FBI questioned her and now I don't hear from her."

22 Ms. Osiberu responded, "That is so serious."

23 Q. So there was a group of people who were very
24 concerned about Ms. Caffey and what she might do; is that
25 correct?

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1 A. Correct.

2 Q. Now, you also mentioned that you looked into the
3 devices that were obtained from the residence that
4 Mr. Abegunde occupied at Brookwood Valley Circle,
5 correct?

6 A. Correct.

7 Q. And you were part of the forensic examination of
8 those items?

9 A. Correct.

10 **MS. IRELAND:** May I approach, Your Honor?

11 **THE COURT:** Yes.

12 **BY MS. IRELAND:**

13 Q. Agent Palmer, showing you what's been marked SP330.
14 Do you know what that is?

15 A. It says it's a "Decree of Dissolution of Marriage."

16 Q. Did you locate this on the SP hard drive that was
17 removed from Mr. Abegunde's apartment?

18 A. I did.

19 Q. Was this also part of the package that was
20 previously referred to during this trial as 36 for
21 identification purposes?

22 A. Correct.

23 **MS. IRELAND:** Document is two pages, marked
24 Bates SP330 and 331. We will offer it as the
25 next-numbered exhibit.

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1 **THE COURT:** Any objection?

2 **MR. PERRY:** No objection, Your Honor.

3 **THE COURT:** 92. This didn't come from one of
4 the ID exhibits?

5 **MS. IRELAND:** Yes, it did, No. 36.

6 **THE COURT:** Then 36 --

7 **MS. IRELAND:** F?

8 Mr. Gordon says, yes, it's F.

9 **THE COURT:** Mr. Gordon knows.
10 36F.

11 (Exhibit No. 36F was marked.)

12 **BY MS. IRELAND:**

13 Q. Looking at Exhibit No. 33F --

14 **THE COURT:** 36.

15 **BY MS. IRELAND:**

16 Q. -- 36, Agent Palmer, could you please tell me what
17 day the marriage between Ms. Makinwa and Mr. Abegunde was
18 dissolved?

19 A. The 19th day of January, 2016.

20 **MS. IRELAND:** May I approach the witness, Your
21 Honor?

22 **THE COURT:** Yes.

23 **BY MS. IRELAND:**

24 Q. Agent Palmer, what is this?

25 A. It is a marriage certificate for the state of

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1 Georgia.

2 Q. Okay. And who are the parties identified?

3 A. Meredith Grundy and Ms. Makinwa.

4 **MS. IRELAND:** We'd offer this as the
5 next-numbered exhibit.

6 **MR. PERRY:** No objection, Your Honor.

7 **THE COURT:** Was that also from 36?

8 **MS. IRELAND:** Yes, Your Honor.

9 **THE COURT:** 36G.

10 (Exhibit No. 36G was marked.)

11 **BY MS. IRELAND:**

12 Q. Agent Palmer, could you read the date of the
13 marriage, please?

14 A. The 7th day of June, 2016.

15 Q. Actually, if I could direct your attention to the
16 line that follows "were united in marriage."

17 A. The 26th day of April, 2016.

18 Q. Thank you.

19 **MS. IRELAND:** Your Honor, may I for the next
20 few moments continue to go back and forth between counsel
21 and witness?

22 **THE COURT:** Yes.

23 **BY MS. IRELAND:**

24 Q. Agent Palmer, do you know what a screen grab is?

25 A. Yes.

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1 Q. What is it?

2 A. It's kind of like a photo or an image grab of
3 what's on a computer at a certain time.

4 Q. On the computer or on the screen that you can see?

5 A. On the screen of a computer.

6 Q. Now, previously we had also in this case the
7 exhibit for identification purposes numbered 34. I'm
8 going to show you some documents and ask you if you
9 recognize them.

10 A. It's a screen grab of a Fulton County, Georgia,
11 government website regarding weddings, probate, and
12 ceremonies by appointment.

13 Q. Was this found on one of the computers,
14 specifically the one associated with the documents in
15 Exhibit Identification No. 34?

16 A. Correct.

17 **MS. IRELAND:** We'd offer this as the
18 next-numbered exhibit.

19 **THE COURT:** Any objection?

20 **MR. PERRY:** Object to relevance, Your Honor.
21 It has no relevance.

22 **THE COURT:** Sidebar.

23 (Sidebar commenced as follows:)

24 **THE COURT:** What's the relevance, Ms. Ireland?

25 **MS. IRELAND:** The computer was in

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1 Mr. Abegunde's home, and there's been some evidence that
2 Mr. Abegunde coordinated not only his marriage to avoid
3 immigration laws but also his wife's. And these are
4 searches conducted for how to get married in Fulton
5 County, Georgia, found on the computer in his home.

6 **THE COURT:** He coordinated his wife's
7 marriage. How is that relevant here?

8 **MS. IRELAND:** It's part of the -- I guess it's
9 one of the -- their divorce and their two marriages were
10 designed to keep them both in the United States so that
11 they could continue --

12 **THE COURT:** Is he being charged with anything
13 connected to her marriage?

14 **MS. IRELAND:** No.

15 **MR. FLOWERS:** She's an unindicted
16 co-conspirator in Mr. Abegunde's fraudulent marriage as
17 is Mr. Grundy and he was --

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

19 **MR. PERRY:** Your Honor, my client was married
20 in North Carolina under a marriage certificate from North
21 Carolina. This has nothing to do with him whatsoever,
22 and there's no direct testimony as to who was using the
23 computer to look at what. There's no testimony regarding
24 Mr. Abegunde coordinating anything. There has not been
25 provided any testimony suggesting that he set up any sort

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1 of marriage, and so it's totally irrelevant. It's piling
2 on cumulative, irrelevant things for the sake of -- I
3 don't even know what the sake of this is. If they want
4 to try to prove that he was trying to marry in North
5 Carolina, I wouldn't have made an objection to it. But
6 this is totally irrelevant to the case that he's here on.

7 **MS. IRELAND:** It isn't. He married for the
8 purposes of evading immigration law and also furthering
9 his fraudulent business with the intent of keeping his
10 family here in the United States so that they could
11 continue to operate as they had been operating, and
12 arranging a marriage for Ms. Makinwa with Mr. Grundy was
13 part of that scheme.

14 **MR. PERRY:** There was no testimony from either
15 of the lay witnesses that gave predicate to the marriage
16 count. And that's why -- if this was a North Carolina
17 search, I could understand the point to it in furtherance
18 of their proof.

19 There's been no testimony that he was trying
20 to get anybody else other than himself married, and the
21 purposes for which -- I mean, I understand their
22 perspective, and that is only a perspective, that we're
23 not conceding, that it was -- for the purpose that it was
24 for -- there's a thousand different purposes that they
25 wanted to be married at that time. And their divorce is

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1 a legitimate divorce. The fact that they're staying
2 there, there's no law that says you can't stay there.

3 And while we're on this track -- and I should
4 have raised it and I kicked myself late last night.
5 There were inappropriate questions that you laid as a
6 predicate as it relates to marriage. Were they intimate,
7 things like that.

8 They have no right -- he has a constitutional
9 right to have whatever type of marriage with whatever
10 person that he wants to, and those predicate questions
11 have been declared unconstitutional. You're not even
12 supposed to get into that. And I didn't raise it timely
13 yesterday.

14 You can't ask a person whether or not the
15 marriage was consummated. The Sixth Circuit has said you
16 can't, so has the U.S. Supreme Court. I can bring the
17 case law on it. And so I'm laying that down for the
18 future questions with this person. Because if there's
19 something that goes into "do you know whether or not they
20 ever did whatever" --

21 **THE COURT:** I'm going to assume you're not
22 going to ask this witness anything about his knowledge of
23 someone else's intimate relations?

24 **MS. IRELAND:** No, of course not. And because
25 it --

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1 **THE COURT:** It seems, to me, in a marriage
2 fraud case you would be able to ask those questions
3 but --

4 **MR. PERRY:** Those questions have been answered
5 by the Court of Appeals, that you can't ask -- those
6 questions don't even go into whether or not marriage
7 fraud is considered. It's part of the unallowed -- I'm
8 not articulating it right, but those are expressly
9 prohibited questions to go into. And like I said, I was
10 slow on the draw about it and I regret it.

11 **MR. FLOWERS:** Your Honor, so that we're clear
12 on the factual thing, there were messages yesterday where
13 Ms. Makinwa and Mr. Abegunde were speaking, and
14 Mr. Abegunde was instructing Ms. Makinwa to tell
15 Mr. Grundy certain things related to the marriage fraud
16 payments, what we believe.

17 I want to clear -- as a factual matter with
18 what Mr. Perry said -- I'm not going into the substance
19 of the legal part of this. But the factual matter, there
20 has been testimony elicited through those messages. So I
21 just wanted to clear that up for purposes of the record.

22 **THE COURT:** I'll give you a little leeway,
23 Ms. Ireland, but not much. Stick to --

24 **MS. IRELAND:** The fact of their existence is
25 as far as we're going to go.

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1 **THE COURT:** Mr. Perry, you've got your points
2 on cross-examination.

3 **MR. PERRY:** Yes, Your Honor.

4 **THE COURT:** Thank you.

5 (Sidebar concluded.)

6 **MS. IRELAND:** We would offer the four pages
7 Bates-stamped MAC003 through 006 as the next-numbered
8 exhibit.

9 **THE COURT:** Exhibit -- and that is or is not
10 from an ID exhibit?

11 **MS. IRELAND:** It is from ID No. 34, I believe
12 it would be A.

13 **THE COURT:** Are you sure about that?
14 Mr. Gordon?

15 **MR. GORDON:** No comment, Your Honor.

16 **THE COURT:** I think it's 34A.
17 (Exhibit No. 34A was marked.)

18 **MS. IRELAND:** If I could have just a moment.

19 **THE COURT:** Yes.

20 **MS. IRELAND:** Thank you.

21 **BY MS. IRELAND:**

22 Q. Now, Agent Palmer, the item marked as 34A, how
23 would you characterize what we're seeing here on the
24 screen?

25 A. It appears to be a screenshot of a computer monitor

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1 visiting the website FultonCountyGeorgia.gov and viewing
2 content on that website relating to wedding ceremonies by
3 appointment.

4 Q. And returning to Exhibit No. 36G, which would be
5 the Grundy-Makinwa marriage certificate, can you tell us
6 in what county they were married?

7 A. Fulton County.

8 Q. And state?

9 A. Georgia.

10 Q. Agent Palmer, did you also look at some chat
11 messages?

12 A. I did.

13 Q. And have many of those messages been brought into
14 court previously through two other exhibits entered for
15 identification purposes, No. 32 and I believe it is 33?

16 A. Correct.

17 Q. Okay.

18 **MS. IRELAND:** May I approach the witness, Your
19 Honor.

20 **THE COURT:** Yes.

21 **BY MS. IRELAND:**

22 Q. And are these excerpts from those two exhibits for
23 identification?

24 A. They are.

25 Q. Did you create these excerpts?

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1 A. I did.

2 Q. Between what parties is this chat excerpt?

3 A. It's between Mr. Abegunde and a contact, a WhatsApp
4 contact named Mario Yankee.

5 **MS. IRELAND:** We'd offer this as the
6 next-numbered exhibit.

7 **THE COURT:** That's from 32?

8 **MS. IRELAND:** Yes, Your Honor.

9 **THE COURT:** I think it would be 32B.
10 (Exhibit No. 32B was marked.)

11 **THE COURT:** Any objection?

12 **MR. PERRY:** No additional objection, Your
13 Honor. Continuing objection to these as they're taken
14 out of context at different points in time. They're put
15 together with the one day, but they don't have all of the
16 conversations. So it's the same as yesterday's
17 objection, Your Honor.

18 **MS. IRELAND:** Your Honor, based on Your
19 Honor's instructions yesterday, we do have the full day's
20 conversations here.

21 **THE COURT:** Okay.

22 **MR. PERRY:** No additional.

23 **THE COURT:** Thank you.

24 **MS. IRELAND:** Permission to publish, Your
25 Honor?

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1 **THE COURT:** Yes.

2 **BY MS. IRELAND:**

3 Q. Agent Palmer, are you able to see everything okay
4 here?

5 A. Yes.

6 Q. And this is between Mr. Abegunde and Mario Yankee,
7 correct?

8 A. Correct.

9 Q. Through WhatsApp Messenger on the phone?

10 A. Correct.

11 Q. If you could read the message at the top of the
12 page on 7/6/2016 at 8:54 UTC.

13 A. It's a message between Mr. Abegunde and Mario
14 Yankee. It states, "Give me your B of A."

15 Q. And who is the speaker in that? Who is the sender?

16 A. Mr. Abegunde.

17 Q. And what is the response?

18 A. "So 1,000 ABI."

19 Q. Does Mario Yankee answer?

20 A. The response from Mr. Abegunde is "yeah."

21 Q. Okay. My mistake.

22 Is the following message from Mr. Abegunde as well?

23 A. It is.

24 Q. What is that message? If you could read that,
25 please.

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1 A. "I dey confused."

2 Q. And moving on, the next line?

3 A. Mr. Abegunde tells Mario Yankee, "We have a USAA
4 account."

5 Q. Does he continue?

6 A. "Do you have a checkbook? Can you write a check?"

7 Q. And finally?

8 A. "Snap the front and back page."

9 Q. Continue on to the next page. At the top of the
10 page, still that same day, September 6, 2016, at 8:55,
11 who is the writer here?

12 A. Mr. Abegunde.

13 Q. And what is that line?

14 A. It says, "I will deposit through that mobile
15 stuff."

16 Q. Okay. Also a conversation between these two
17 individuals. What is the date?

18 A. July 6, 2016.

19 Q. Okay. And is there a message from Mario Yankee?

20 A. The first message is from Mr. Abegunde to Mario
21 Yankee and it says, "I dey tell you."

22 And the response, "Omo you sure say she no go
23 blackmail you."

24 Q. And the response?

25 A. "I won't respond to it."

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1 Q. Was there more conversation?

2 A. Yes.

3 Q. Please continue.

4 A. Mario Yankee responded, "No owe. Call her and
5 calmly tell her off. Tell her that this should not be
6 happening."

7 And then Mr. Abegunde responds, "Once I do the USAA
8 stuff."

9 Q. Agent Palmer, handing you another series. Can you
10 identify this?

11 A. They are chats between Mr. Abegunde and Ms. Makinwa
12 obtained from his cell phone.

13 **MS. IRELAND:** Offer this as the next-numbered
14 exhibit.

15 **THE COURT:** From Exhibit 32?

16 **MS. IRELAND:** 32.

17 **THE COURT:** 32C.

18 Any additional objections, Mr. Perry?

19 **MR. PERRY:** No additional objections, Your
20 Honor.

21 (Exhibit No. 32C was marked.)

22 **BY MS. IRELAND:**

23 Q. Agent Palmer, I'm going to direct your attention to
24 the bottom of the page. What is the date of this
25 conversation?

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1 A. It is July 2, 2016.

2 Q. Okay. To the best of your knowledge, were
3 Ms. Makinwa and Mr. Abegunde married then?

4 A. At this point Mr. Abegunde was married to Chae.

5 Q. If you would, read the message at 7/2/2016, 3:52.

6 A. "Love you, baby."

7 Q. And who is the writer?

8 A. Mr. Abegunde.

9 Q. What was the response?

10 A. "Love you, boo-boo."

11 Q. And who was the writer?

12 A. Ms. B or Ms. Makinwa.

13 Q. Does that continue -- sorry, that's not the
14 following page.

15 **MS. IRELAND:** Mr. Warren, may I ask for a
16 bigger staple, please.

17 **THE CLERK:** Sure.

18 **MS. IRELAND:** Thank you.

19 **BY MS. IRELAND:**

20 Q. Agent Palmer, turning your attention to
21 conversation on 8/25/2016 at 23:45 UTC, is this a
22 communication from Mrs. B or Ms. Makinwa to Mr. Abegunde?

23 A. Yes.

24 Q. Okay. And could you read that, please.

25 A. If you could scoot it over just a little bit,

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1 please.

2 Q. Sorry about that. There we go.

3 A. It says, "There is no jazz you can use that will
4 make me enter kitchen this night, my lovely husband."

5 Q. And turning to the page of this conversation that
6 bears the number 1665 in the bottom right corner. Direct
7 your attention, please, to a conversation on 12/10/2016
8 at 19:31. Who is the sender of that message?

9 A. The first message at 19:31 is from Ms. Makinwa.

10 Q. And what is that message? What does it read?

11 A. It says, "Hmm, your enjoyment. No, be here, you
12 now left the three women in your life at home."

13 Q. Agent Palmer, showing you the next package. Can
14 you tell me, who are the parties to this communication
15 series?

16 A. It's between Mr. Abegunde and Bode Yankee.

17 Q. Did this also come from the cell phone that we've
18 been working with so far today?

19 A. It did.

20 **MS. IRELAND:** We would offer this as the
21 next-numbered exhibit.

22 **THE COURT:** Any additional objection?

23 **MR. PERRY:** No additional, Your Honor.

24 **THE COURT:** 32D.

25 (Exhibit No. 32D was marked.)

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1 **BY MS. IRELAND:**

2 Q. Turning to the page that is numbered 9638 of
3 Exhibit 32D, who are the participants here, Agent Palmer,
4 again?

5 A. Mr. Abegunde and Ms. Osiberu or Bode Yankee.

6 Q. And what are they discussing?

7 A. First readable one says --

8 Q. All right.

9 A. Bode Yankee says, "Then paid it into my BOA."

10 Mr. Abegunde responds, "Okay, Ma."

11 Bode Yankee responds, "But why did you close BOA?"

12 Mr. Abegunde responds, "I was advised to close it
13 or they would close it."

14 Q. And, again, what was the date of that conversation?

15 A. July 25, 2016.

16 Q. Okay. Moving on to the page that is marked 9639
17 and working around the staple, can you tell me what the
18 top line of this exhibit says and its date?

19 A. It's dated July 25, 2016. It's from Mr. Abegunde
20 to Bode Yankee. It says, "There is something called
21 'early warning system.'"

22 Q. Okay. And please continue.

23 A. Mr. Abegunde says, "That advises banks. They
24 advised Wells to close my account cause my name is on the
25 database, but I filed a petition for them to remove my

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1 name."

2 Q. Continuing on with the page that is numbered 9680.
3 Again, between Mr. Abegunde and Bode Yankee, turning your
4 attention to the conversation that is dated 11/22/16 at
5 9:49, could you read that, please.

6 A. From Mr. Abegunde to Bode Yankee, it says, "I don't
7 move money, go PNC and USAA. I pay my bills from USAA,
8 you know why."

9 Q. And finally in this series, on page 9689, what is
10 the date of this communication here beginning -- I'm
11 sorry, the date is 1/20/2017 at 14:14. What is that
12 statement?

13 A. It's from Mr. Abegunde to Bode Yankee, it says, "We
14 are expecting our baby soon, nine months' time."

15 Q. And finally, Agent Palmer, handing you one last
16 package of communications. Who are these messages
17 between?

18 A. It's between Mr. Abegunde and a contact named
19 "Wifey."

20 Q. Again, coming from the same cell phone that we've
21 been working from?

22 A. Correct.

23 **MS. IRELAND:** We'd offer this as the
24 next-numbered exhibit.

25 **THE COURT:** Any further objection?

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1 **MR. PERRY:** No, Your Honor.

2 **THE COURT:** Exhibit 32E.

3 (Exhibit No. 32E was marked.)

4 **BY MS. IRELAND:**

5 Q. Agent Palmer, directing your attention to page
6 numbered 2155, and if you could explain the message --
7 well, not explain but read the message at 7/13/2017,
8 12:24, please.

9 A. It's a message Mr. Abegunde received from
10 Ms. Makinwa. It says, "Nissan Maxima, change car, summer
11 of 2016. Three months we lived together, centennial
12 married at East Point. Wakes up at five. Gets to the
13 gym. Two alarm clocks 30 minutes apart. Breakfast,
14 eggs, turkey, eggs and spinach, lots of coffee with sugar
15 and cream. Works at Walmart loss prevention, based
16 Marietta. He gets in no later than ten. Goes to the gym
17 or photography after work. We eat salmon, rice, spinach.
18 His favorite food is salmon. Least favorite, meat.
19 Eleven siblings. I only know Thomas. Four girls and
20 seven boys. He is the youngest. T-Mobile high laptop.
21 He sleep left side of bed. Red toothbrush and dev color
22 Maurice."

23 Q. Do you know if Mr. Grundy worked at Walmart?

24 A. He did.

25 Q. Continuing on. Page No. 2176, directing your

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1 attention to a conversation on 10/15/2017 at 11:17. Can
2 you read that, please.

3 A. Yes. It's an incoming message to Mr. Abegunde from
4 Ms. Makinwa. It says, "I feel like your reason for going
5 to Dallas doesn't pass the smoke test anymore. I didn't
6 feel comfortable with you going, but you said you would
7 sleep at Mayos and you wanted to see the Ping Express
8 guy. Why you slept in a hotel with someone I am not
9 comfortable with is beyond me. I have this fear that you
10 have an itch to cheat right now. That's all I can think
11 about. Hope you've done it and gotten it out of your
12 system."

13 Q. At this point in time were Mr. Abegunde and
14 Ms. Makinwa married?

15 A. No.

16 Q. Turning to page 2195. Conversation on
17 10/31/2017 at 16:26. Can you see that?

18 A. Yes.

19 Q. And who is the sender of the message?

20 A. Ms. Makinwa.

21 Q. Okay. What is the message, if you could read that,
22 please.

23 A. It says, "I hope you haven't told your mom about
24 the sex of the baby yet. I told her I will check this
25 week, that I haven't checked yet."

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1 Q. Moving to page 2221, directing your attention to a
2 conversation on 12/9/2017, and who is the writer of that?

3 A. Ms. Makinwa.

4 Q. What is the message?

5 A. "Every time you leave this house, you act like
6 someone with a lot to hide."

7 Q. And the response?

8 A. "LOL. There's nothing to hide, O."

9 Q. And again from Ms. Makinwa?

10 A. She says, "I have as much right as you do in this
11 marriage."

12 **THE COURT:** Ms. Ireland, will you move the
13 document that's on the screen off of the screen.

14 **MS. IRELAND:** Oh, yes, Your Honor, I'm very
15 sorry. It's distracting.

16 **THE COURT:** Thank you.

17 **BY MS. IRELAND:**

18 Q. And finally in this package, moving to 2231, if I
19 could direct your attention to the message at
20 12/10/2017 at 1:19. Who is the writer?

21 A. Ms. Makinwa.

22 Q. And what is the message?

23 A. "So the problem now is that we are broke, right?"

24 Q. Agent Palmer, did you also review the materials
25 that were collected from the residence during execution

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1 of the search warrant?

2 A. I did.

3 Q. And that is the residence at Brook (sic) Valley
4 Circle where Mr. Abegunde was residing?

5 A. Correct.

6 Q. And where Ms. Makinwa was present?

7 A. Correct.

8 Q. Okay.

9 **MR. PERRY:** Permission to approach, Your
10 Honor?

11 **THE COURT:** Yes.

12 (Sidebar commenced as follows:)

13 **MR. PERRY:** I'll say one word, relevance.

14 **MS. IRELAND:** The relevance is that there has
15 been testimony that Meredith Grundy's signature was
16 forged on some documents. Ruth Marquez testified that
17 the signature on the official papers in the A file did
18 not match the signature on other documents, such as the
19 lease where Mr. Grundy and Ms. Makinwa were supposedly
20 residing. This is a tablet recovered from the residence
21 where the practicing of the M and G match the signature
22 on the document that was suspected was counterfeit.

23 **MR. PERRY:** And that belongs in this case,
24 Your Honor, how? How would that not -- the probative
25 value of this not outweigh the prejudicial effect? My

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1 client hasn't been accused of forgery, he hasn't been
2 accused of forging any documents belonging to Mr. Grundy
3 or Makinwa. There's no testimony, there's nothing that
4 this special agent can offer regarding who was practicing
5 a signature or whether or not they were practicing a
6 signature and it's totally, I mean...

7 **THE COURT:** Okay. I got you.

8 Ms. Ireland?

9 **MS. IRELAND:** I have nothing to add, Your
10 Honor. There's been plenty of evidence that the marriage
11 is a fraud. This is an effort to further that fraud and
12 the perpetuation of that fraud.

13 **MR. PERRY:** How?

14 **THE COURT:** That the marriage between Abegunde
15 and Caffey?

16 **MS. IRELAND:** Yes, Your Honor.

17 **THE COURT:** How does this further the proof
18 that the marriage between Caffey and Abegunde was fraud?

19 **MS. IRELAND:** Because he was also
20 orchestrating a fraudulent marriage for his wife for the
21 same purpose that he was orchestrating the fraudulent
22 marriage with Ms. Caffey: so that they could continue to
23 reside together and continue their life as usual.

24 **THE COURT:** I'm going to exclude it. I think
25 it adds another layer of a potential bad act, and I think

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1 the prejudice outweighs the probative value. You're
2 pursuing the line of questioning that -- as to the
3 fraudulent nature of the marriage by showing
4 communication between Abegunde and Makinwa, which I think
5 is appropriate, but I'm going to -- I'm not going to
6 allow this.

7 **MS. IRELAND:** Okay.

8 **THE COURT:** And so the idea that you-all could
9 have finished yesterday, I don't understand how you could
10 have probably said that. I'm not sure you're going to
11 finish today. So where are we?

12 **MS. IRELAND:** Finished.

13 **THE COURT:** This is it?

14 **MS. IRELAND:** Uh-huh.

15 **THE COURT:** With him?

16 **MS. IRELAND:** Uh-huh. Well --

17 **THE COURT:** Well, and cross.

18 **MS. IRELAND:** Uh-huh.

19 **THE COURT:** Okay. All right. So he's your
20 last witness, correct?

21 **MS. IRELAND:** He is, Your Honor.

22 **THE COURT:** All right.

23 (Sidebar concluded.)

24 **BY MS. IRELAND**

25 Q. Agent Palmer, I was asking you about the items that

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1 were recovered in the search warrant. There is one other
2 item that has been entered for identification purposes as
3 Exhibit No. 35.

4 **MS. IRELAND:** May I approach the witness?

5 **THE COURT:** Yes.

6 **BY MS. IRELAND**

7 Q. Do you know what this is?

8 A. It's titled "Dejobo wav file." It is a recording
9 that was removed from Mr. Abegunde's computer.

10 Q. Okay. Have you listened to this recording?

11 A. I have.

12 Q. Do you recognize Mr. Abegunde's voice on it?

13 A. I do.

14 Q. Does it refer to a particular bank account?

15 A. It does.

16 Q. And to whom do you know that bank account to be
17 assigned?

18 A. Mr. Ojo.

19 Q. Do you know that through your investigation?

20 A. I do.

21 **MS. IRELAND:** We'd offered this as the
22 next-numbered exhibit and request permission to publish.

23 **THE COURT:** It is already Exhibit 35 for ID,
24 so you're moving it into evidence?

25 **MS. IRELAND:** Yes, Your Honor. Just want to

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1 give it 35?

2 **THE COURT:** Yes.

3 Any objection, Mr. Perry?

4 **MR. PERRY:** No objection.

5 **THE COURT:** Exhibit 35.

6 (Exhibit No. 35 was marked.)

7 (Audio played.)

8 **MS. IRELAND:** Please continue.

9 (Audio played.)

10 **BY MS. IRELAND:**

11 Q. Agent Palmer, did you recognize the voice, one of
12 the voices on that phone call?

13 A. I did.

14 Q. And whose voice was it?

15 A. Mr. Abegunde.

16 Q. Whose voice was it that identified himself as
17 "Ayodeji Ojo"?

18 A. Mr. Abegunde.

19 **MS. IRELAND:** No further questions.

20 **THE COURT:** Thank you, Ms. Ireland.

21 Mr. Perry.

22 **MR. PERRY:** Yes, Your Honor.

23 **CROSS-EXAMINATION**

24 **BY MR. PERRY:**

25 Q. Special Agent Palmer, how long have you been a

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1 special agent with the FBI?

2 A. I've been with the FBI since January of 2015.

3 Q. 2015. How many cases of marriage fraud have you
4 prosecuted?

5 A. This would be my first.

6 Q. This would be your only, correct?

7 A. Well, Ms. Caffey, Mr. Alimi also pled to marriage
8 fraud, so they were technically completed at this point.

9 Q. But it had to do with this case, correct?

10 A. Yes.

11 Q. And the actual overriding fraud case that you
12 initially were investigating is sort of a big deal in the
13 FBI, correct?

14 A. The FBI does take fraud seriously, yes, sir.

15 Q. Not fraud seriously, I'm talking about this
16 particular case. You actually present it to the U.S.
17 Attorney -- to the acting FBI director, rather, correct?

18 A. Director Ray, correct.

19 Q. To the new director?

20 A. Yes, sir.

21 Q. You presented as an agent who's been with the FBI
22 now for four years, right?

23 A. Correct.

24 Q. And earlier this year or last year you presented
25 regarding this particular case?

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1 A. Not this particular section of this. The
2 overall -- I presented as the case overall, which is
3 close to 20 individuals at this point, not specifically
4 on Mr. Abegunde and Mr. Ramos.

5 Q. And at the time that you first -- I guess that
6 Mr. Abegunde came into this case, you're investigating
7 regarding that transaction that took place October 3,
8 2016, correct?

9 A. Yes, it was part of a series of business email
10 compromises I was investigating related to Memphis.

11 Q. And you went through Mr. Abegunde's computer in
12 great detail, right?

13 A. I did.

14 Q. And you also went through his telephone?

15 A. I did.

16 Q. And you checked over 50,000 pages' worth of
17 documents of some sort?

18 A. There were a lot of documents, yes, sir.

19 Q. And not one was a business email compromise coming
20 from Mr. Abegunde, correct?

21 A. No, he was not the business email compromise
22 component of this case.

23 Q. And you also looked at a number of accounts,
24 correct, bank accounts?

25 A. I did.

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1 Q. You looked at a number of bank account
2 transactions, right?

3 A. I did.

4 Q. And only one can you directly say that was actually
5 involved in a business email compromise related to the
6 Western District of Tennessee as it relates to
7 Mr. Abegunde, right?

8 A. In this case we investigated the string -- well,
9 followed the money chain that went from Western District
10 of Tennessee to Mr. Ramos to an account controlled by
11 Mr. Abegunde, Mr. Ojo's account.

12 Q. You refer repeatedly throughout this as an account
13 controlled by Mr. Abegunde. You know that Mr. Abegunde
14 and Mr. Ojo are friends, right?

15 A. Yes, sir.

16 Q. And you know that their friendship goes back to the
17 days when they were in college in Nigeria, right?

18 A. Yes, sir.

19 Q. Did you do any backup with Mr. Ojo regarding the
20 amount of relatives that he has in the United States?

21 A. I haven't spoken directly to Mr. Ojo, no.

22 Q. You have great resources, though, behind what you
23 do and this is a testament to some of your resources,
24 right, this evidence that's come before the jury over the
25 last week? You have resources to look into the

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1 background of Mr. Ojo; did you not?

2 A. We did as much as we could into Mr. Ojo's
3 background. Unfortunately, he was not present in the
4 United States for most of this time and our resources
5 from Nigeria are fairly limited as far as background
6 goes.

7 Q. There's no way that you can testify as to how many
8 people that Mr. Ojo was either related to by familiar
9 relations or by friendship that lived in that Atlanta
10 area that Mr. Abegunde lived in, can you?

11 A. I don't understand your question.

12 Q. You don't know how many people that Mr. Ojo knew
13 that lived around the area that Mr. Abegunde lived in, in
14 Atlanta?

15 A. Are you asking if I knew if he had any friends or
16 family in Atlanta?

17 Q. Right.

18 A. I'm not aware.

19 Q. You're also not aware whether or not there were
20 other people who might have had any sort of bankcard
21 belonging to Mr. Ojo that would have used the bankcard in
22 that area of Atlanta, are you?

23 A. Am I aware if he provided his bankcard to anyone in
24 Atlanta for use?

25 Q. Right. Mr. Ojo was in the United States for at

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1 least two weeks that you can document, correct?

2 A. Correct.

3 Q. During that two weeks' time, Mr. Ojo presented a
4 check to a bank and opened an account in the United
5 States, right?

6 A. Correct.

7 Q. And it was Mr. Ojo that signed that check, based on
8 your understanding, right? He endorsed the back of it?

9 A. Yes, sir.

10 Q. And you don't have any information saying that
11 Mr. Ojo somehow limited use of that account to
12 Mr. Abegunde, do you?

13 A. I'm not sure what you're asking.

14 Q. I'm saying that Mr. Ojo opened an account, correct?
15 You know that, that Mr. Ojo opened that account at Wells
16 Fargo?

17 A. Yes, sir.

18 Q. And Mr. Ojo, in opening that account -- also his
19 wife seemingly opened an account, I'm assuming.

20 A. She did.

21 Q. And you can't testify to this Court that the use of
22 that account was limited or the allowing of the use of
23 that account would have been limited to Mr. Abegunde, can
24 you?

25 A. I'm aware that he stayed with Mr. Abegunde while he

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1 was in Atlanta. And as far as I know, Mr. Abegunde is
2 the only associate he had there during those two-week
3 time period. I'm not aware of any other associates.

4 Q. You gathered his PIN number from Mr. Abegunde?

5 A. No, we do not have his PIN number.

6 Q. You got his bankcard from Mr. Abegunde?

7 A. Not that I'm aware.

8 Q. You don't have anything other than the
9 conversations regarding "you can use this account,"
10 et cetera, coming directly from Mr. Abegunde, right?

11 A. Mr. Abegunde was providing Mr. Ojo's account to
12 people for use.

13 Q. Right, but you can't testify as to the purpose of
14 that use one way or the other, can you?

15 A. I believe he was instructing people to deposit
16 money into that account.

17 Q. I understand that. You don't know where the source
18 of that money was coming from, first?

19 A. I know the source of one of them, yes.

20 Q. Right. One. But you don't know the source of the
21 other uses of that account is what I'm asking you.

22 A. Well, I know the \$9,000 deposit was the direct
23 correlation to the Memphis fraud event.

24 Q. Right. That was one. Do you know of the use of
25 any of the funds that came into or out of that account?

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1 A. I'm not aware of the full history of those funds.

2 Q. Likewise, you're not aware of the history of that
3 \$26,000 that was used to open that account, are you?

4 A. I believe it was a bank check from Bank of America.

5 Q. Do you know where the funds that went into that
6 bank check from the Bank of America came from?

7 A. It was issued as a check from Bank of America.

8 Q. Let's not play games.

9 A. Now, I'm not sure what you're asking.

10 Q. When I ask about \$9,000, you're able to tell me it
11 came from WhatsApp in Washington and is related to a
12 business email account breach in the Western District of
13 Tennessee. You know what I'm asking you. You don't know
14 where \$26,000 came from. You don't know how it was
15 earned, do you?

16 A. All I know about that \$26,000 check is it was an
17 account closure check from Bank of America.

18 Q. Do you know how the funds were earned, yes or no?

19 A. I don't know where the funds came from other than
20 it was an account closure check from Bank of America.

21 Q. You don't know where the funds came from for any
22 money that went into that account one way or the other,
23 do you?

24 A. I know where the \$9,000 came from.

25 Q. I said any other funds that went into that account.

UNREDACTED TRANSCRIPT

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1 We're not up in their office playing games.

2 **THE COURT:** Mr. Perry --

3 **BY MR. PERRY**

4 Q. This is just you and I talking.

5 **THE COURT:** -- Mr. Perry, Mr. Perry.

6 **MR. PERRY:** Yes, Your Honor.

7 **THE COURT:** Ask your questions. He's giving
8 you answers. Ask your questions.

9 **BY MR. PERRY:**

10 Q. Other than the \$9,000 -- we're clear on that,
11 right?

12 A. Yes.

13 Q. -- do you know where any other funds were earned?
14 Were they earned by somebody vacuuming a floor, getting
15 money in some area, remote area of Nigeria, saving their
16 naira and trying to trade it in the United States? Was
17 that how the funds came? Do you know where the funds
18 came from?

19 A. We know from reading the text messages after
20 Mr. Ojo left the country that Mr. Ojo's bank account was
21 provided by Mr. Abegunde and money was placed into the
22 account. As far as the source of those funds, I'm not
23 fully aware.

24 Q. You're not aware of any of the sources of the funds
25 other than that \$9,000, right?

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1 A. Correct.

2 Q. At the time you started the investigation regarding
3 marriage fraud -- your first investigation of marriage
4 fraud, right?

5 A. This case is the first time I've investigated
6 marriage fraud, correct.

7 Q. How long was Mr. Abegunde in custody and indicted
8 at that point?

9 A. I believe the first time we saw the name
10 Edchae Caffey was on a joint bank account that was
11 subpoenaed. And then the next time we encountered the
12 name was during the search warrant at his residence. And
13 then the investigation into marriage fraud came from
14 then.

15 Q. And by that time, had you -- you're still
16 investigating the money and where the -- the
17 follow-the-money stuff, correct?

18 A. We had traced the money and indicted at that point,
19 and the investigation into the full conspiracy was
20 continuing.

21 Q. Initially he was charged with counts of identity
22 theft as well, correct?

23 A. I believe so.

24 Q. And those were dismissed, right?

25 A. In the superseding indictment, I believe they were.

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1 Q. There's nothing to substantiate that, right?

2 A. I'm not sure of full context of why it wasn't added
3 to the superseding indictment.

4 Q. You are aware that -- you said there's a \$9,000
5 transaction. We're on the same page on that?

6 A. Yes, sir.

7 Q. There's no other transactions that you can validate
8 where those funds came from, according to what you just
9 testified to, right?

10 A. As far as I'm understanding you, if you're asking
11 if I know how the money that ended up in Mr. Ojo's
12 account was earned, I don't know the source of those
13 funds. I only know how they got to that account.

14 Q. Do you have the little chart that you were using as
15 a demonstrative earlier?

16 A. I do not.

17 Q. Do you know where it went?

18 A. I do not.

19 Q. Do you want to refer to it now to refresh some
20 recollection about some questions?

21 A. Sure.

22 **MR. PERRY:** Would you mind if I ask --

23 **MS. IRELAND:** You have a copy, Counsel.

24 **MR. PERRY:** I don't have a copy.

25 **MS. IRELAND:** We gave it to you.

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1 **MR. PERRY:** You took it back once you gave it
2 to me.

3 **BY MR. PERRY**

4 Q. I'll tell you what, don't use it. Do you know at
5 what point in time Mr. Abegunde instructed somebody to
6 deposit \$9,000 into an account?

7 A. I'd like to see my notes. I know it was after
8 Mr. Ojo left the country.

9 **THE COURT:** Mr. Flowers, do you have the
10 demonstrative exhibit?

11 **MR. FLOWERS:** I do, Your Honor.

12 **THE COURT:** Mr. Perry, would you like to use
13 the government's demonstrative exhibit?

14 **MR. PERRY:** I wouldn't but he would. I don't
15 need it. I can ask him questions. He can answer or he
16 can play games.

17 **MS. IRELAND:** Objection, Your Honor.

18 **THE COURT:** Mr. Perry, Mr. Perry, let me see
19 you at sidebar.

20 **MR. PERRY:** Yes, Your Honor.

21 (Sidebar commenced as follows:)

22 **THE COURT:** Mr. Perry, you asked him a
23 question about a specific date.

24 **MR. PERRY:** Your Honor --

25 **THE COURT:** He said he would like to review

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1 his notes. If you would like an answer to your question,
2 then you need to show him something to refresh his
3 recollection. He is not playing games with you.

4 **MR. PERRY:** He --

5 **THE COURT:** Mr. Perry -- and I am telling you,
6 do not make that comment again to him. It is
7 inappropriate. It is completely inappropriate. He is
8 answering your questions. And, frankly, I find his
9 answers to be fairly direct. This isn't the case that a
10 witness is playing games. If you would like him to
11 answer your question, he has asked to see something to
12 refresh.

13 **MR. PERRY:** And I said --

14 **THE COURT:** If you would like to show him
15 something to refresh, then show it to him.

16 **MR. PERRY:** I don't have it.

17 **THE COURT:** If you don't want an answer to a
18 question, then withdraw the question.

19 **MR. PERRY:** If I don't have their document --
20 listen to the whole -- this whole week, we got this wide
21 reaching of documents, 50,000 pages' worth of documents.
22 I ask him simple questions, and he's going around the
23 world on it. And you're saying it's not games. So I
24 won't use that word and I won't say it to him again.

25 They say -- when I asked to use the document

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1 in order to ask it, "You have it." I said, "I don't have
2 that document." Then they say -- I guess they don't want
3 to give it. It's their witness. I'm asking him
4 questions. If he needs to refresh it, give it to me. I
5 don't mind asking him from it, but you can't --

6 **THE COURT:** He just offered the document and
7 you said, "I don't need the document, he does."

8 **MR. PERRY:** You asked me do I want the
9 document, and I said that he asked for the document. I'm
10 asking questions that I know the answers to. If he
11 doesn't want to answer it --

12 **THE COURT:** Let me stop you there, because if
13 you ask a question and if he's saying "I don't remember,
14 I'd like to see my notes," it's your responsibility,
15 frankly, to show him a document to refresh his
16 recollection if you want an answer to the question.

17 **MR. PERRY:** I can't show him notes that he
18 prepared. I don't have his notes.

19 **THE COURT:** The answer to this question is in
20 those exhibits. I know it's in a million exhibits. But
21 if you're going to ask a question that you know the
22 answer to, then you should be ready with an exhibit that
23 shows him the answer.

24 **MR. PERRY:** That's not how --

25 **THE COURT:** Yes, that is how it works.

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1 Let me point out something else. You think he
2 wasn't answering your question. When you say "what is
3 the source of the funds," the source of the funds can be
4 interpreted in many different ways. The source of the
5 funds could be what bank account it came from. The
6 source of the funds could be the question you were trying
7 to get to, which is do you know how they were initially
8 earned. There are a million ways to answer that
9 question.

10 **MR. PERRY:** But when I asked him --

11 **THE COURT:** And you weren't listening to him
12 say he's not exactly sure what you're asking him. He
13 tried to answer your question. That's why --

14 **MR. PERRY:** When I asked him the source of the
15 \$9,000, he knew where that came from. I don't think a
16 person up here would say that he didn't answer that right
17 just like that.

18 **THE COURT:** Correct. And he said they came
19 from this account, and that was the same answer he was
20 trying to give you on the other when you said the source
21 of the funds. It came from X account. But that wasn't
22 the question you wanted. And I get that wasn't the
23 question you wanted. And you eventually got the answer.

24 **MR. PERRY:** Yes, ma'am.

25 **THE COURT:** But you need to calm down, and you

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1 need to stop accusing him of things when the -- ask your
2 questions directly. There are multiple interpretations
3 to these questions. This is a complicated case. You
4 need to ask your questions directly and, you know, ask
5 him until you get the answer to the question you want.
6 I'm not having an issue with that. But it's a
7 complicated case, and you need to ask your questions
8 specifically.

9 If you want an answer to this question, you
10 need to either show him the exhibit that that answer
11 comes from or get the document from the government and
12 show him that document. It's your choice.

13 **MR. PERRY:** With all due respect, I understand
14 that. I don't have his demonstrative. He just used the
15 demonstrative, and she took it back over there. I can't
16 make them give me the demonstrative.

17 **THE COURT:** He just offered it to you, and you
18 gave a snippy remark to him offering it to you. If you
19 want to use -- if you want to refresh him, get the
20 document from him, and you give him the document to
21 refresh his recollection.

22 **MR. PERRY:** If I can use your document...

23 **MR. FLOWERS:** I'll be happy to provide it.

24 (Sidebar concluded.)

25 **MR. PERRY:** May I approach, Your Honor?

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

2 A. Thank you, sir.

3 **BY MR. PERRY**

4 Q. All right. Now, a few moments ago you were asked
5 questions coming from that document, and I think that you
6 prepared that in anticipation of coming to court.

7 A. Yes, sir, I did.

8 Q. Based on that document, it gives a chart. May I
9 have that document back, I can put it up here and you can
10 follow it.

11 A. Sure.

12 Q. Thank you. Now, earlier you indicated that, like I
13 said, you prepared this document, right?

14 A. Yes, sir.

15 Q. And this is, I guess, a tracing of the account
16 funds related to the Crye-Leike business email
17 compromise. That's over in the left middle side of the
18 paper, right?

19 A. I'll circle it for clarity.

20 Q. All right. And you said that that went to an
21 account, the Bank of America account.

22 A. Correct.

23 Q. And then from there, those funds went to two
24 different accounts. One is Ms. Oguntoye, at the top
25 right-hand corner?

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1 A. Correct.

2 Q. That lady was married to Mr. Ojo, correct?

3 A. Yes, sir.

4 Q. Then at the bottom left-hand corner, there's a
5 9,000 deposit on 10/6/2016, correct?

6 A. Yes, sir.

7 Q. And that was into the account of Mr. Ojo?

8 A. Correct.

9 Q. And what I'm asking is there's no information that
10 you have that indicates that the instruction to deposit
11 that money to the account of Mr. Ojo came from
12 Mr. Abegunde?

13 A. No, this is the flow of money.

14 Q. Correct. And I'm going to ask it -- and I'm going
15 to try to keep the tone soft. There's nothing in the
16 dots indicating that Mr. Abegunde directed that \$9,000
17 deposit into the account of Mr. Ojo? Do you have another
18 demonstrative that shows that Mr. Abegunde made that
19 direction is all I'm asking.

20 A. We've shown messages from Mr. Abegunde directing
21 money to be deposited into Mr. Ojo's account on that day,
22 but I don't have anything specific showing that it was
23 definitely that \$9,000.

24 Q. That's all my question regarding the \$9,000, that's
25 all I'm asking. You don't have anything wherein

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1 Mr. Abegunde directed \$9,000 into that account?

2 A. We just have the messages where he's directing
3 money on the day that it was deposited but not that
4 specific transaction.

5 Q. Okay. On October 7, I'm trying to follow the next
6 page of your demonstrative. You wrote out a timeline,
7 right?

8 A. Yes, sir.

9 Q. At the top you start with May 13, 2016, correct?

10 A. Yes, sir.

11 Q. And that was Mr. Ojo's account being closed, right?

12 A. Yes, sir.

13 Q. Then you go down to August of 2016, wherein Mr. Ojo
14 got a check for, I guess, \$96,956, correct?

15 A. I don't think that number is correct.

16 Q. Did I say 96? I apologize. \$26,900.56?

17 A. Yes, sir.

18 Q. And that was written from a Bank of America
19 account. Do you know who went to get that money?

20 A. I do not know.

21 Q. You do know that Mr. Ojo was in the United States
22 at that time, though?

23 A. Mr. Ojo arrived on 8/26. The check was issued on
24 8/24.

25 Q. Do you know who picked that check up?

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1 A. I do not.

2 Q. On August 26, 2016, Mr. Ojo and his wife arrive,
3 correct?

4 A. Yes, sir.

5 Q. Do you know who all he would have seen and hung out
6 with while he was in the United States?

7 A. I know he stayed with Mr. Abegunde at his
8 residence. I don't know any other social activities
9 beyond that.

10 Q. Do you know of any other people who he might have
11 eaten dinner with during that time?

12 A. No.

13 Q. You don't know how many relatives Mr. Ojo has in
14 the United States at all, do you?

15 A. I do not.

16 Q. And do you know whether or not Mr. Ojo has
17 relatives who might be in the Atlanta area?

18 A. I do not.

19 Q. Do you know the concentration of Nigerians in the
20 area wherein Mr. Abegunde lived in Atlanta back during
21 that time?

22 A. I do not.

23 Q. And so in that two- or 3-mile radius, you can't
24 tell the jury whether or not Mr. Ojo had one or a hundred
25 relatives, can you?

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1 A. No.

2 Q. September 15, 2016, Mr. Ojo and his wife depart the
3 United States. You have documents that suggest that?

4 A. Yes, those documents were brought in.

5 Q. And after that you have -- you say there's two bill
6 pay transfers completed, one for \$5,000 to Bunmi,
7 followed by a second, \$10,000 to FJ, correct?

8 A. Yes, sir.

9 Q. Do you know whether or not there was any sort of
10 business activity, that you're not aware of and that's
11 not a part of this investigation, going on between
12 Mr. Ojo and Mr. Abegunde?

13 A. I know they were business partners.

14 Q. Do you know whether or not they at any point would
15 have been getting furniture or Mr. Ojo was repaying a
16 loan or anything during that time with that \$10,000 or
17 the other amount, the transfer amounts?

18 A. I know there was money from Mr. Ojo to Mr. Abegunde
19 for the business.

20 Q. I'm asking about that September 28, 2016, transfer.
21 Do you know what the amounts were for?

22 A. I do not, no.

23 Q. You, likewise, I'm assuming, don't know the source
24 of the funds that went into the account that paid those
25 amounts, do you?

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1 A. I believe the account was funded with the Bank of
2 America closure check.

3 Q. And, likewise -- well, the \$10,000 amounts, you
4 don't know why or what was the basis of him paying
5 Mr. Abegunde \$10,000, do you?

6 A. I do not.

7 Q. Do you know who employs Mr. Ojo?

8 A. I believe he's employed by a bank.

9 Q. Do you know what bank?

10 A. I do not.

11 Q. Do you know in what capacity at that bank?

12 A. I'm not sure.

13 Q. Do you know what other business he has in Nigeria?

14 A. I'm not sure -- I know his wife owns a business in
15 Nigeria, but I'm not sure beyond that.

16 Q. Now, you have down here "telephone call with Wells
17 Fargo regarding the transfer from Ramos to Ojo." You see
18 that?

19 A. Yes, sir.

20 Q. And are you aware of -- you are aware of who placed
21 that call, I'm assuming from your --

22 A. I believe he was here in court earlier this week.

23 Q. Did you write something about him in your
24 supplement? I'm calling it a supplement, your report?

25 A. I'm not -- I'm not sure what you're asking.

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1 Q. I'm just asking, did you chroniclize or in any way
2 memorize the conversation that was supposed to have gone
3 on between the representative from Wells Fargo and
4 Mr. Abegunde regarding that transfer?

5 A. I wasn't there for the call and didn't witness to
6 write anything on it.

7 Q. So if I tender that Mr. Abegunde gets a call from
8 Wells Fargo, places the person on hold, calls Mr. Ojo and
9 Mr. Ojo says, "If it was in the account and it's not
10 supposed to be there, reverse it," there's nothing that
11 you can say or that you have to say that the conversation
12 didn't go like that, do you?

13 A. I don't believe that's how he described it when he
14 was here.

15 Q. I'm asking you. Based on your information and
16 based on what you know and have directly, do you have
17 anything to suggest that during that conversation
18 Mr. Abegunde said one way or the other that he protested
19 given -- whatever account it was supposed to have come
20 from, giving the money back?

21 A. I believe the representative from Wells Fargo
22 stated that there were multiple reasons initially given
23 for the money being in there. I believe Mr. Ojo may have
24 said it was a transfer from someone in Nigeria. I don't
25 believe they protested the return because they were told

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1 it was going to be reversed.

2 Q. But there was never a protest regarding is my
3 question. There wasn't any concern about giving the
4 money back to wherever it was supposed to come from, was
5 there?

6 A. I believe Wells Fargo was given two or three
7 reasons why it was there, and then they were told the
8 money would be returned.

9 Q. Now, initially when the special agent went
10 approximately five months later to -- or six months later
11 in March of 2017 to visit Mr. Abegunde, were you
12 investigating at that time this transaction? Were you a
13 part of the investigation that was -- that had, I guess,
14 led the person in March 2017, Special Agent Hall, to go
15 to Mr. Abegunde's home, were you a part of that
16 investigation at that point in time?

17 A. Yes, that's part of this overall case.

18 Q. Were you there on that day when Special Agent Hall
19 went to the house?

20 A. No, I was not.

21 Q. You were up here?

22 A. Yes, I was in Memphis.

23 Q. Did you talk to Special Agent Hall that same day?

24 A. I don't recall.

25 Q. When did you become aware that Special Agent Hall

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1 had talked to Mr. Ojo?

2 A. I believe it was in maybe the day or two after.

3 Q. After he informed you that he had spoken to
4 Mr. Ojo, did you do any sort of follow-up on your own
5 with Mr. Ojo?

6 A. No.

7 Q. Did you at that point start to at least inquire
8 about whether or not Mr. Ojo has other relatives in the
9 United States?

10 A. I didn't contact him to ask him that, no.

11 Q. Well, not contacting him, that's a different
12 question. You answered that. You said no. But did you
13 also follow-up and try to start investigating whether or
14 not Mr. Ojo has relatives in the Atlanta, Georgia, United
15 States area?

16 A. We did run multiple background checks on Mr. Ojo to
17 determine if he had relatives in the United States.

18 Q. Were you able to determine whether or not he had
19 relatives in Atlanta?

20 A. I don't recall.

21 Q. Did you do any independent investigation into the
22 owner of Baja Fresh Automobiles?

23 A. We attempted to identify the owner.

24 Q. Did you contact them?

25 A. We have not at this point, but it is an ongoing

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1 investigation.

2 Q. Did you pretend to be Mr. Abegunde and try to
3 contact them that way?

4 A. Not that I recall.

5 Q. All right. You pretended to be Mr. Abegunde in
6 trying to contact some witness that you were describing
7 earlier, right?

8 A. Mr. Grundy and Ms. Osiberu.

9 Q. And in those conversations you said that if it was
10 done, it was done by you to further your investigation,
11 right?

12 A. Correct.

13 Q. At that point in time Mr. Abegunde did not have
14 access to a telephone, did he?

15 A. I believe he was making multiple jail calls at that
16 point, yes.

17 Q. He had the ability to text?

18 A. I'm not sure about that.

19 Q. But you were saying through your messages that you
20 were texting and that you were Mr. Abegunde, right?

21 A. Yes, it was an undercover conversation.

22 Q. And, in fact, you had -- when you make those types
23 of texts and calls and act like someone, do you have to
24 go before a judge or magistrate in order to get
25 permission to do that?

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1 A. No, it's a certification through the FBI.

2 Q. Do you detail what has happened in a log or
3 anything like that?

4 A. I do write 302s, which are our reports.

5 Q. And these are the only two such conversations that
6 went on during that whole investigation?

7 A. I believe so.

8 Q. Are those just the ones that you decided to detail?

9 A. No, those two were the only two individuals that
10 were contacted that way.

11 Q. Now, you talked about the marriage and that the
12 marriage was entered into based on trying to get
13 immigration status, correct?

14 A. That's my understanding.

15 Q. Do you limit that premise to the facts of what
16 we've heard thus far, that Ms. Edchae Caffey indicated
17 that in her mind it was trying to make money, correct?
18 She was trying to make money?

19 A. She did say that, yes, sir.

20 Q. And she was paid money and demanded money over and
21 over, correct?

22 A. She did say that she demanded the contract payment
23 that she was owed.

24 Q. Did you directly talk to Ms. Caffey before
25 yesterday?

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1 A. I believe I've interviewed her in the past, yes.

2 Q. Do you remember where you interviewed her in the
3 past? Was it in North Carolina or South Korea?

4 A. Neither.

5 Q. Was it in Memphis?

6 A. I believe she did come here for an interview, yes,
7 with her attorney.

8 Q. Do you remember what day she came?

9 A. No.

10 Q. Does May 7, 2018, ring a bell?

11 A. I'm not sure.

12 Q. Did you log it or anything?

13 A. I believe there was a 302 written. I don't
14 remember at this point the date of interview or where it
15 was at.

16 Q. You heard her testimony yesterday regarding the
17 fact that she did not enter into the marriage in any way
18 to try to help any sort of investigation -- not
19 investigation, but any sort of fraudulent activity,
20 right?

21 A. I'm not sure what you're asking.

22 Q. Yesterday, she said that she entered the marriage
23 to make money to try to help Mr. Abegunde get a certain
24 status in the United States, right?

25 A. That's what she testified to, yes.

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1 Q. But she didn't testify --

2 **MS. IRELAND:** Your Honor, may we see you at
3 sidebar, please?

4 **THE COURT:** Yes.

5 (Sidebar commenced as follows:)

6 **MS. IRELAND:** Agent Palmer's recollection of
7 what some other witness testified to is improper. If
8 Agent Palmer has knowledge of something, that's one
9 thing, or "did you hear Ms. Caffey say that" is another.

10 **THE COURT:** This is -- are you -- is this a
11 predicate for something else or -- because it isn't
12 appropriate just to go into his recollection of someone
13 else's testimony unless you're trying to -- you're laying
14 a predicate for something.

15 **MR. PERRY:** It's a predicate, but I think like
16 also that the reason that the government appoints a
17 representative to stay in the courtroom as opposed to any
18 other witness that I would exclude is so that I can -- so
19 that that person can hear the testimony of different
20 witnesses, and that opens them up and subjects them to
21 cross-examination regarding that.

22 **THE COURT:** I don't think so.

23 **MS. IRELAND:** No, that is not the reason.

24 **THE COURT:** I've never looked at it that way,
25 at least not in a criminal case.

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1 **MR. PERRY:** No different than if she
2 designates them a 32B or --

3 **THE COURT:** 30(b) 6.

4 **MR. PERRY:** 30(b) 6. I'm bouncing around.

5 **THE COURT:** I understand.

6 **MR. PERRY:** They bring them in and designate
7 them. But I am laying a predicate. I can ask the
8 question differently.

9 **THE COURT:** Just go directly to your question.

10 (Sidebar concluded.)

11 **BY MR. PERRY:**

12 Q. Based on your understanding of your investigation,
13 did Ms. Caffey in any way direct any usage of any
14 accounts, that you're aware of? Did she direct anyone to
15 make any deposits or anyone to buy any naira or any other
16 denomination of money, to your knowledge?

17 A. Not that I'm aware.

18 Q. Did her marriage to Mr. Abegunde in any way by her
19 efforts create additional, I guess, uses or business
20 email compromises based on anything, that you're aware
21 of?

22 A. Her accounts, the joint accounts that they opened
23 were used by Mr. Abegunde and received transfers, but if
24 you're asking if they were used for business email
25 compromises in the computer sense, then, no.

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1 Q. Not the accounts. I'm asking whether or not her
2 marriage to Mr. Abegunde -- and I asked it in a poorly
3 crafted fashion.

4 Did the marriage to Mr. Abegunde from Ms. Caffey in
5 any way assist in any breach of emails or business email
6 compromise?

7 A. If I understand you correctly, you're asking if her
8 opening bank accounts --

9 Q. I didn't ask anything about bank accounts. I'm
10 asking are you aware of her in any way assisting in a
11 business email compromise?

12 A. In terms of the conspiracy, yes.

13 Q. Your testimony is that Ms. Caffey engaged in
14 business email compromises?

15 A. I'm testifying that this is a conspiracy case and
16 through the conspiracy, bank accounts are used to move
17 the money from business email compromises.

18 Q. I'm not asking about your definition of a
19 conspiracy. I'm asking whether or not Ms. Caffey in any
20 way engaged in business email compromises. It's a simple
21 answer. Yes or no?

22 A. It's not a simple answer because a business email
23 compromise is a very complex thing that involves
24 intrusions into computers and the movement of money.

25 Q. A business email compromise is the intrusion into

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1 the computer. Money laundering or wire fraud involves
2 the movement of money. I'm asking you about a business
3 email compromise. Did Ms. Caffey in any way help anyone
4 commit a business email compromise?

5 A. No.

6 Q. Do you remember testifying during a bond hearing?

7 A. I do.

8 Q. And do you remember testifying that Mr. Abegunde
9 was attempting to leave the country on the date that he
10 was apprehended?

11 A. I do.

12 Q. And you don't have information that suggests that
13 he was attempting to leave the country on that date, do
14 you?

15 A. That was the information I was provided by the
16 agents immediately after his arrest.

17 Q. And you heard the gentleman that came in and
18 testified earlier this week, right?

19 A. I did.

20 Q. And he didn't indicate that he made it past the
21 gate or tried to leave the gate or anything like that.

22 A. The information I was given by the arresting
23 officer immediately after his arrest was that they felt
24 that since they had been made or seen that the reason
25 after going to the counter he didn't proceed to the

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1 terminal and turned around and went back was that they
2 had been made and that he was at that point attempting to
3 leave the terminal.

4 Q. You're a member of the FBI, right?

5 A. Yes, sir.

6 Q. You have the ability to see whether or not somebody
7 had boarding passes and those things?

8 A. Yes, sir.

9 Q. You had all this information regarding whether or
10 not Mr. Ojo and his wife left the country even, correct?

11 A. Correct.

12 Q. You know if he was whether or not -- and you knew
13 whether or not when you were testifying at the bond
14 hearing that Mr. Abegunde did not have a boarding pass
15 and did not attempt to move past the gate; did you not?

16 A. No, I only had the information from the arresting
17 officer that was given to me at that time.

18 Q. And so you didn't do any follow-up on your own
19 regarding whether or not before you testified in this
20 court, based on your testimony, that whether or not he
21 was indeed trying to leave the country or whether or not
22 he was trying to get a -- book a reservation for six or
23 seven months down the road? You don't know one way or
24 the other or didn't know one way or the other when you
25 testified?

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1 A. I testified off the information I was given by the
2 arresting officer.

3 Q. Which arresting officer?

4 A. I don't remember the name. It was the one who --
5 the gentleman who was here earlier testifying made the
6 arrest.

7 Q. The gentleman who was here testifying earlier said
8 clearly that he wasn't trying to leave, right?

9 A. I believe he said he wasn't there for the first
10 five minutes and that he was -- Mr. Abegunde was in
11 handcuffs when he got there.

12 Q. And he didn't indicate that someone would have said
13 that he was trying to leave. As a matter of fact, when
14 he was asked questions about it, he indicated that
15 Mr. Abegunde didn't have any bags, right?

16 A. I believe he had a backpack.

17 Q. He had a backpack, but he didn't have any clothing
18 bags, right?

19 A. Not that I'm aware of.

20 Q. He didn't have any articles of clothing that would
21 indicate that he's trying to leave, did he?

22 A. I'm not sure.

23 Q. Didn't have any toothbrushes, et cetera, based on
24 your communications with anyone? You were on the ground
25 stages of this investigation?

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1 A. I was in Memphis when it happened, and I was
2 receiving information from the arresting officer.

3 Q. During that bond hearing, did you testify whether
4 or not the \$9,000 in question was actually used or did
5 you say that it was returned?

6 A. I don't recall.

7 **MR. PERRY:** May I have a few moments, Your
8 Honor?

9 **THE COURT:** Yes.

10 **BY MR. PERRY:**

11 Q. Going back to your recollection regarding the
12 special agent that went to Mr. Abegunde's home, that
13 special agent indicated that he had a conversation with
14 Mr. Abegunde, right?

15 A. Are you talking about Agent Hall?

16 Q. Yes.

17 A. Yes, sir.

18 Q. And he indicates that during that conversation with
19 Mr. Abegunde, Mr. Abegunde said that there was no -- that
20 during the time when he got the call regarding the money,
21 the money was returned, right? The money -- the call
22 from Wells Fargo, his indication was that the money was
23 immediately returned to Wells Fargo, right?

24 A. Are you talking about the Wells Fargo investigator
25 or what Mr. Abegunde told Agent Hall?

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1 Q. The conversation with Agent Hall. Did you take
2 notes after Agent Hall, I guess, would have come back and
3 you write down your notes regarding your conversations
4 with Agent Hall?

5 A. Agent Hall wrote a 302 based on his conversations
6 with Mr. Abegunde and I read that 302.

7 Q. And you were aware of it when you were testifying
8 at the detention hearing?

9 A. I doubt the 302 was complete at that point.

10 **MR. PERRY:** Might have only a couple more
11 follow-ups. If I could have just a moment to make sure
12 I've covered everything.

13 **THE COURT:** Sure.

14 **MR. PERRY:** I don't think I have anything
15 further.

16 **THE COURT:** Thank you, Mr. Perry.
17 Mr. Garrett?

18 **MR. GARRETT:** Thank you, Your Honor.

19 **THE COURT:** While Mr. Garrett is getting
20 settled, I'm assuming we don't have that 5:30 constraint.
21 I don't want to go too late. We do have that 5:30
22 constraint? We do.

23 Mr. Garrett, how much do you have?

24 **MR. GARRETT:** I think we can make it, Your
25 Honor.

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1 **THE COURT:** Well, she's got to leave, I think,
2 before 5:30; is that right?

3 **THE JURORS:** Yeah, go ahead.

4 **THE COURT:** What's that?

5 **THE JURORS:** Go ahead.

6 **THE COURT:** Go ahead? Okay.

7 All right. Mr. Garrett, go ahead.

8 **MR. GARRETT:** Thank you.

9 **THE COURT:** Don't want any homeless children
10 wandering around.

11 **CROSS-EXAMINATION**

12 **BY MR. GARRETT:**

13 Q. Good afternoon, Special Agent Palmer.

14 A. Good afternoon, Mr. Garrett.

15 Q. Let me ask you a few questions, please, sir.

16 A. Yes, sir.

17 Q. With respect to Mr. Alonso's involvement in this
18 conspiracy that we're here for, he wasn't in charge of
19 anything, was he?

20 A. He was in charge of his bank accounts.

21 Q. To your knowledge, he didn't have any of the funds
22 that we're talking about deposited into his accounts, did
23 he?

24 A. Absolutely. He had \$154,000 that came from a
25 company in Memphis and around 60,000 from a company in

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1 the state of Washington.

2 Q. And are you telling the jury that he's responsible
3 for having those funds deposited into his account?

4 A. I'm telling you he was the account owner that
5 received those funds.

6 Q. Okay. There were several emails that were
7 introduced into evidence during your direct testimony a
8 while ago.

9 A. Yes, sir.

10 Q. Any recollection as to how many it was?

11 A. Maybe -- I don't want to speculate. I would say
12 around 15 or 20 possibly.

13 Q. Fifteen or 20. But there were 929 emails extracted
14 from Mr. Alonso's phone or computer, wasn't it?

15 A. There was a significant amount.

16 Q. Did you read all of those?

17 A. I did.

18 Q. And of those 929 emails, you selected 15 or 20?

19 A. Well, I believe we went through a significant
20 number more earlier in the week and this was just a
21 follow-up of about 15 or 20.

22 Q. I see. Did you select or present any emails that
23 showed the monies that Mr. Alonso sent to Tammy?

24 A. I believe there was discussion in there about him
25 sending her money, yes.

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1 Q. Did you show the email that's dated July the 13th
2 that showed that he sent her \$900?

3 A. I can't recall.

4 Q. Or the email on July the 14th that showed that he
5 sent her \$1,700?

6 A. I don't recall the dates of the emails that were
7 shown, but I would be happy to look at them.

8 Q. Or the email on July the 15th that shows that he
9 sent her \$2,300?

10 A. I don't recall the dates of the emails that were
11 shown to me.

12 Q. Did you kind of -- in preparation for your case,
13 did you kind of tailor the evidence to support your
14 theory of this case?

15 A. I tried to show significant events that as an
16 investigator I felt were pertinent to the case.

17 Q. Pertinent to your theory of the case?

18 A. Pertinent to what I would consider information in
19 the case that shows relevant conduct.

20 Q. Your theory of the case?

21 A. My theory of the case is an investigation with
22 relevant conduct.

23 Q. You followed the money, right?

24 A. We followed the money.

25 Q. How much money did Mr. Alonso lose, personal funds?

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1 A. It's difficult to tell because of the hundreds of
2 thousands of dollars that went into his account. I'm not
3 sure how much -- once it was commingled, I'm not sure how
4 much was his and how much was stolen.

5 Q. But if you had gone through those 929 emails, you
6 could have seen exactly how much of his personal funds he
7 sent to Ms. Tammy without it coming from these accounts
8 that you're talking about. Couldn't you have done that?

9 A. The emails are hard to tell because I'm not always
10 sure if he's talking about his money or money that was
11 directed into his account that he's sending.

12 Q. Well, if you look at the email on July 14, 2014,
13 for \$1,700, it may be clear that that was his personal
14 money.

15 A. There was definitely personal money sent early in
16 the relationship.

17 Q. But you didn't make any effort to track that, did
18 you?

19 A. We attempted to track all the money.
20 Unfortunately, it was commingled with money that was not
21 his and it was difficult to tell the source of that
22 money, whether or not it was his or whether or not it was
23 the over \$200,000 that went into the account that was not
24 his.

25 **MR. GARRETT:** I don't have any further

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1 questions of Special Agent Palmer.

2 **THE COURT:** Thank you, Mr. Garrett.

3 Redirect?

4 **MS. IRELAND:** No, Your Honor.

5 **THE COURT:** Agent, you may step down.

6 **THE WITNESS:** Thank you, Your Honor.

7 (Witness excused.)

8 **THE COURT:** Mr. Flowers.

9 **MR. FLOWERS:** We would like to alert the
10 Court, the government does rest.

11 * * * * *

12 (END OF REQUESTED PROCEEDINGS)

13 I certify that the foregoing is a correct transcript, to
14 the best of my skill and ability, from the record of
proceedings in the above-entitled matter.

15 /s/ Cathy Best December 13, 2019
16 Official Court Reporter

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