

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NO. 2:17-cr-20238

OLUFOLAJIMI ABEGUNDE,

Defendant.

JURY TRIAL

BEFORE THE HONORABLE SHERYL H. LIPMAN, JUDGE

WEDNESDAY

13TH OF MARCH, 2019

LISA J. MAYO, RDR, CRR
OFFICIAL REPORTER
FOURTH FLOOR FEDERAL BUILDING
MEMPHIS, TENNESSEE 38103

UNREDACTED TRANSCRIPT

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WEDNESDAY

March 13, 2019

THE COURT: Anything before we bring the jury back?

MR. FLOWERS: Not from the Government, Your Honor.

THE COURT: We don't have a rolling chair for you, or you prefer that chair?

MR. FLOWERS: This one, Your Honor?

THE COURT: Uh-huh.

MR. FLOWERS: I actually prefer this chair.

THE COURT: Okay. Or I guess that is the same as the other ones. All right. Let's bring the jury back.

Who is our first witness?

MS. IRELAND: Special Agent David Palmer.

THE COURT: Okay.

(Jury enters courtroom at 9:17 a.m.)

THE COURT: You all may be seated. Good morning.

THE JURY: Good morning.

THE COURT: Very good. Ready to get going?

THE JURY: Yes.

THE COURT: Got a little sugar in you?

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TESTIMONY OF AGENT DAVID PALMER

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1 **THE JURY:** Yeah.

2 **THE COURT:** Ms. Ireland, call your first witness.

3 **MS. IRELAND:** Special Agent David Palmer.

4

5 * * *

6

7 **SPECIAL AGENT DAVID PALMER,**

8 **was called as a witness and having first been duly sworn**

9 **testified as follows:**

10 **DIRECT EXAMINATION**

11 **BY MS. IRELAND:**

12 Q. Good morning, Agent Palmer.

13 A. Good morning.

14 Q. And if you could adjust that microphone so that it is
15 close to you so everyone can hear you and also move it off to
16 the side a little bit so that if you look at the jury, your
17 voice can still be heard, please. Would you state your name
18 and spell it for the court reporter.

19 A. Yep. My name is David Palmer, D-a-v-i-d, P-a-l-m-e-r.

20 Q. What do you do, Mr. Palmer?

21 A. I'm a special agent with the FBI.

22 Q. How long have you been with the bureau?

23 A. Since 2015.

24 Q. What unit are you assigned to currently?

25 A. I investigate cyber crime.

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1 Q. Let's take a little look at your background. What is
2 your experience and training and education? Let's start with
3 education.

4 A. Okay. I obtained a bachelor's degree in electrical
5 engineering from Tennessee Tech University, a master's degree
6 in engineering from the University of Tennessee.

7 Q. What is electrical engineering?

8 A. It's the study of electronics, power systems, but my
9 concentration was mainly on digital electronics, computers,
10 hardware, computer programming, things of that type.

11 Q. So does that include hardware?

12 A. Yes, it does.

13 Q. Software?

14 A. Yes, it does.

15 Q. And its interaction with the internet and networks?

16 A. Correct.

17 Q. Okay. And have you been working in those capacities
18 since you completed your training?

19 A. I have.

20 Q. Do you continue to get continuing education?

21 A. I do.

22 Q. Can you explain some of that, please.

23 A. Sure. So prior to joining the FBI, I worked in the
24 nuclear and chemical industry as an engineer. I obtained
25 trainings and certification in cyber security and other

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1 computer and electronics related areas. Upon joining the
2 FBI, I gained specialized training in cyber investigations,
3 including computer intrusions and internet fraud.

4 Q. Okay. What kinds of events are investigated or
5 collected under the cyber label?

6 A. The FBI investigates primarily computer intrusions,
7 what most people refer to as hacks and internet fraud.

8 Q. Can you tell us about the types of hacks that you
9 investigate?

10 A. Sure. One of most common that we're seeing right now
11 are not really hacks at all. It's social engineering that
12 results in a hack or an intrusion. The biggest one is the
13 phishing schemes. Those are typically e-mails that are sent
14 to a target. They purport to be from a legitimate party,
15 like a bank or a financial institution or corporate entity,
16 and they're sent to the target to elicit personal information
17 from them such as a password or a credit card number.

18 Q. So if I understand you correctly, this is something
19 that looks like it maybe comes from your bank, says there's
20 an immediately need for your password, and when you sign in,
21 that password is collected?

22 A. Correct.

23 Q. Okay. Does that fall under the heading of business
24 e-mail compromise?

25 A. It would be a component of the business e-mail

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1 compromise.

2 Q. Okay. What other components are there?

3 A. There's also a true computer intrusion, which
4 typically occurs from a malware infected e-mail. Malware is
5 short for malicious software, and that is typically done when
6 the attacker sends an e-mail that has a executable
7 attachment, and the goal is to social engineer or attract the
8 target into executing the attachment.

9 Q. Okay. Let's break that down. What is an executable
10 attachment?

11 A. An executable attachment is typically an attachment to
12 an e-mail that contains some type of payload. It's usually
13 going to be a virus or some type of Trojan.

14 Q. Is this the reason that we're told not to click on
15 links or attachments that come from someone we don't
16 recognize?

17 A. Correct.

18 Q. Okay. If something like that comes to a computer and
19 it's not clicked on, does it execute?

20 A. No.

21 Q. Once it's clicked on, what happens?

22 A. Once the executable attachment is clicked on or
23 executed, it then infects the computer with whatever payload
24 the designer put in. Typically we see remote access Trojans
25 or viruses.

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1 Q. Okay. What part of the computer does it infect?

2 A. The operating system.

3 Q. Can it also infect through a network?

4 A. It can.

5 Q. Do all of them spread through networks?

6 A. It depends on how it's configured from the individual
7 who created it.

8 Q. Okay. Are there other types of intrusions?

9 A. Yeah. The business e-mail compromise. Usually it's
10 the result of one of the first two, either a phishing e-mail
11 or some type of malicious attachment. So with the business
12 e-mail compromise, you see in a e-mail account of someone on
13 a corporate network or someone in a position of controlling
14 the disbursement of funds. Their e-mail account either
15 becomes compromised through social engineering, or the
16 credentials are stolen and the e-mail account is actually
17 being used.

18 Or someone creates a spoof e-mail which is very
19 similar to the e-mail address, typically off by maybe one
20 number or one letter. It's designed to look just like the
21 sender's e-mail that you would be expecting an e-mail from.
22 It's a psychological manipulation on the victim's part where
23 they're trying to deceive the victim into interacting with an
24 e-mail that looks very similar to what they would be
25 expecting.

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1 Q. Okay. When a user is subjected to phishing or malware
2 executions, is the user always aware that something has
3 occurred?

4 A. No.

5 Q. Why is that?

6 A. A lot of times if it's a malware infection, the
7 software, the malicious software, the virus, the remote
8 access Trojan will run in the background of the computer.
9 The user may see some degradation in performance, the
10 computer running a little slower, but they're not always
11 going to be aware that it's actually infected.

12 Q. Okay. When you say remote access tool, does that
13 allow an outside party to take control of, for example, an
14 e-mail account or file system?

15 A. Right. So if a RAT, which is how it's commonly
16 referred to, a remote access Trojan, is executed on your
17 computer, it sits in the background and allows the third
18 party who sent the malicious e-mail to see the file system in
19 your computer and interact with it as if they're sitting in
20 front of the computer. Can include reading e-mails, sending
21 e-mails or any other type of program that's installed on that
22 device.

23 Q. So the intruder then can use the e-mail account and
24 send things out as if the actual user, right?

25 A. Correct.

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1 Q. Is there a term for that? Is it spoofing? Is that
2 called spoofing?

3 A. No. Spoofing is more of -- it's the creation of a
4 very similar e-mail.

5 Q. Okay.

6 A. A remote access Trojan would be an actual example of a
7 hack or an intrusion into the account.

8 Q. Okay. If an e-mail account is infected and e-mail is
9 sent out under that account, why doesn't the user see that
10 e-mail was sent in the sent folder?

11 A. What we typically see is when a computer is hacked or
12 there's an intrusion, the intruder will actually go in and
13 configure the settings of the victim's e-mail account to
14 disguise their activities. What we see a lot of is
15 specifically with a program like Outlook, they'll go in and
16 create rules so that when they send an e-mail, the response
17 will automatically be redirected to the obscure folder. We
18 see a lot of times like an RSS folder, something you wouldn't
19 typically pay attention to so that only the intruder would
20 know where to go look for the response e-mail. And the rules
21 typically automatically delete the e-mails once they're sent,
22 so there's no trace of it being sent. So the user, as
23 they're sitting at their computer, would really be unaware
24 that someone's sending and receiving e-mails from their
25 account.

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1 Q. Okay. And can this tool be eradicated?

2 A. It can, with the proper anti-malware, antivirus
3 programs.

4 Q. Would you need to know it's there in order to do so?

5 A. I mean, from the FBI we typically recommend everybody
6 run those programs on their devices just to, you know,
7 prevent and remove them, but you would not know it's sitting
8 there if you're not using the proper software to detect.

9 Q. Are the programs that are available to end users up to
10 date?

11 A. Most reputable antivirus companies provide updates
12 against the most common and up-to-date forms of malware and
13 viruses.

14 Q. How often do those updates come out?

15 A. It varies by the vendor.

16 Q. Okay. Now, under the realm of cyber crime, are there
17 certain crimes or schemes that you see more often than
18 others?

19 A. Right. So aside from computer intrusions, we also do
20 internet fraud.

21 Q. Okay. Let's talk about the types of internet fraud
22 that you personally investigate.

23 A. Sure. One of the things that we're seeing most
24 prevalent right now is called a romance scam or sweetheart
25 scam.

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1 Q. What does that happen -- what happens when a
2 sweetheart scam or romance scam is executed?

3 A. So typically what we see is the attacker will recruit
4 off of dating websites. We see it across all the various
5 platforms. There's not one specific one that seems to be
6 preferred, but they'll go on there. They'll look for certain
7 targets. They'll engage the target. Typically quickly move
8 them off the dating platform on to a second form of
9 communications like e-mail, text message or an encrypted
10 messenger.

11 Q. Why is that move made?

12 A. It's just an easier form of communication rather than
13 using the websites.

14 Q. Okay. Are those also sometimes encrypted?

15 A. Yes. A lot of times we are seeing encrypted
16 messengers being the preferred platform.

17 Q. Okay. Have you investigated one or many romance
18 scams?

19 A. Many.

20 Q. Have you, in your experience, seen patterns that
21 develop?

22 A. I have.

23 Q. Are the patterns occurring often enough that they
24 follow basically an arc of development?

25 A. There's almost like a script we see with every one.

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1 Q. Okay. Can you tell us what that pattern generally
2 looks like?

3 A. Sure. Typically once the target is acquired on the
4 dating web-site, they're moved to a secondary communication
5 platform. There's a very quick feign of romantic interest in
6 the target. It escalates very quick, but we usually see it
7 only occur through communications written. There's very few
8 times the target will be willing to engage with either video,
9 in person or telephonic means. So we really see it just stay
10 on e-mail or like some form of messenger, encrypted
11 communication. It escalates usually pretty quickly within
12 the first week, much faster than a typical dating
13 relationship would escalate.

14 Q. Let me interrupt here. Why is it written, if you have
15 any idea?

16 A. Well, typically the attacker does not want to speak
17 over the phone or video chat with the target because they're
18 not who they claim to be.

19 Q. So they may be playing a role?

20 A. Correct.

21 Q. Okay. Continue, please.

22 A. Typically in the one to two-week span, there will be a
23 request from the attacker for some form of money. Usually
24 they come up with an emergency. There's a hospital bill.
25 There's a injury, a wreck. They're in some kind of legal

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1 hold where they need quick cash. And those first requests
2 are usually under a thousand dollars, small amounts of money.
3 It's typically just to see the willingness of the target to
4 exchange funds.

5 Q. Okay. So the target generally is thinking they're
6 helping out; is that a correct statement?

7 A. Correct.

8 Q. Okay. What happens after that?

9 A. Once the target's shown a willingness to send money,
10 small amounts of money, usually up to a thousand dollars,
11 then the next step is to increase the amount of money.
12 Usually within the first month, there will be a request to
13 send wire transfers.

14 Q. What happens if the target runs out of money?

15 A. If the target has no money but they've shown a
16 willingness to send money, that's at the point we typically
17 see them be flipped from a sender to a receiver.

18 Q. What do you mean by that?

19 A. If the target's shown a willingness to send money, the
20 attacker will then usually test that willingness to receive
21 money on their behalf and then send it once they have no
22 money of their own.

23 Q. Let's go back to those first transactions that you
24 said were small. How does the money get sent and where?

25 A. Typically for the small amounts of money, we'll see

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1 them be sent using a money service business like Western
2 Union or MoneyGram.

3 Q. Is there a reason for that?

4 A. For small amounts of money, typically in the past, I
5 know that regulations have been updated, but previously up
6 until this year, I believe, amounts under a thousand dollars
7 did not require ID. It was simply a test question and the
8 user's biographical information that was required.

9 Q. What's a test question?

10 A. It's a question that only the sender and receiver
11 would know, and it tests to make sure it's going to the
12 appropriate person.

13 Q. So instead of showing ID, you answer the question, and
14 then that means you're the receiver; is that right?

15 A. The sender and receiver usually have to have the same
16 test question, so the sender will create a test question. If
17 the receiver knows an answer, that's the kind of handshake
18 that goes on to validate that it's the correct party.

19 Q. What happens with larger amount transactions?

20 A. Once the amounts get larger, they move over to bank
21 transfers or wire transfers.

22 Q. And how are those wire transfers facilitated?

23 A. Typically it's a sender. The target is requested to
24 send larger amounts of money than you would send using a
25 money service business. So they use a bank or wire transfer,

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1 and the funds are wired from one bank account to the
2 receiver's bank account.

3 Q. Is it easy to catch the person who is on the other end
4 asking for the money? If you're wiring money, does it go to
5 that person?

6 A. A lot of times we'll see the money go to shell
7 corporations or other names that are difficult to track.

8 Q. Okay. What is the next step in the progression of a
9 romance or sweetheart scam arc?

10 A. Okay. So typically around this point, the target is
11 realizing since there's been no in-person meetings, no
12 telephone calls, no video chats, that there's something going
13 on. A lot of times we see that they've been warned by the
14 money service business or the bank that they're possibly
15 engaging in fraud or in a scam. At that point, the attacker
16 usually senses in order to keep them cooperating, they're
17 going to have to be compensated in some way for their
18 participation, for their continued use of their accounts.

19 Q. Do some of the targets bow out here?

20 A. They do.

21 Q. Okay. And do some continue?

22 A. Some do.

23 Q. Now, in your investigations, have you spoken to people
24 who have been victims of these kinds of scams?

25 A. I have.

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1 Q. Have you spoken to people who have become complicit in
2 some of these scams?

3 A. I have.

4 Q. And have you spoken to people who actually operate
5 these scams?

6 A. I have.

7 Q. Okay. Is the operator of the romance scam the end
8 person in the chain?

9 A. Typically no.

10 Q. Typically not. Okay.

11 What is an advance fee scam?

12 A. An advance fee scam is another very common scheme that
13 we investigate. This is where there's a promise of a large
14 windfall. Typically it's a lottery winning, a large
15 inheritance, a box of gold, some large windfall that the
16 target is promised in exchange for paying taxes, fees,
17 regulatory fines, anything that would be concocted as a
18 reason that they need to pay to release this large windfall
19 to them.

20 Q. Are these two arcs combined sometimes, the romance and
21 the advance fee?

22 A. What we see a lot of times is that the romance scam
23 starts to fade out and the target becomes aware of what's
24 going on. They introduce an advance fee scam to keep them
25 interested and operating. The advance fee scam will then

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1 typically be introduced by the target as something that they
2 have come in possession of, whether it's a large amount of
3 money that they're then promising to send to the target.

4 Q. So if I understand you correctly, the goal moves from
5 love to money?

6 A. Yes.

7 Q. Okay.

8 **MS. IRELAND:** At this time I would tender
9 Agent Palmer as someone who has specialized knowledge in
10 internet frauds and in computer networks and hardware and
11 software intrusions.

12 **BY MS. IRELAND:**

13 Q. Agent Palmer, did you examine and collect some of the
14 evidence in this case?

15 A. I did.

16 Q. Okay.

17 **MS. IRELAND:** May I approach, Your Honor?

18 **THE COURT:** Did you want me to --

19 **MS. IRELAND:** Oh, I'm sorry, Your Honor. Since I
20 didn't hear anything else, I assumed that it was... I
21 apologize.

22 **THE COURT:** Well, you said some things different
23 than I anticipated.

24 Any additional objections from the Defendants?

25 **MR. PERRY:** Just continuing, Your Honor.

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

2 **THE COURT:** Okay. We'll recognize Agent Palmer
3 as one with specialized knowledge in internet fraud, computer
4 networks and hardware and software intrusions.

5 **MS. IRELAND:** Thank you, Your Honor.

6 **THE COURT:** Do you need sidebar?

7 **MS. IRELAND:** No. May I approach the witness?

8 **THE COURT:** Yes. Yes.

9 **BY MS. IRELAND:**

10 Q. Agent Palmer, I'm going to display a document that is
11 in evidence as Exhibit Number 1. I want to direct your
12 attention to Page 3 of 21 on Exhibit Number 1, in particular,
13 the portion that I'm zooming in on here. Does anything
14 strike you about this particular communication?

15 A. Yes, yes. I am familiar with this communication. I
16 believe it relates to the Whatcom Title business e-mail
17 compromise from the state of Washington. As I'm looking
18 through the e-mail, and I'll circle it here, this e-mail
19 address is a example of a spoofing e-mail. That is, it's
20 intended to look like a legitimate Gmail account, and the
21 vanity name, which I'll underline here, is the same on both
22 the Gmail account and the spoofed e-mail. So one of the ways
23 you can recognize this as a spoofed e-mail is that you have
24 the dash Gmail, which is very reminiscent of what the
25 legitimate e-mail would be, the @azamndr@gmail.com would be

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1 the legitimate e-mail. But then it's preceded by @gmx.com,
2 and I'm aware that GMX is a German e-mail hosting provider
3 that provides ad-based e-mail accounts.

4 Q. In your opinion then, is that an example of a spoofing
5 fraud of sorts?

6 A. It is.

7 Q. Okay. Agent Palmer, I'm also going to show you what
8 has been admitted as Exhibit Number 3. And do you know what
9 this is?

10 A. Yes. It's the e-mail account for Mr. Ramos.

11 Q. Did you prepare some selections from that account?

12 A. I did.

13 Q. And have they been printed out and collected into a
14 notebook?

15 A. They have.

16 Q. Okay.

17 **MS. IRELAND:** If I can approach the witness, Your
18 Honor?

19 **THE COURT:** Yes.

20 **BY MS. IRELAND:**

21 Q. Agent Palmer, handing you a white, large notebook.
22 Can you take a look at it?

23 A. Yes.

24 Q. Do you recognize it?

25 A. I do.

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23

1 Q. And its contents?

2 A. The e-mail accounts of Mr. Alonso's e-mail.

3 Q. Is that the complete account?

4 A. No. These are selected portions from that account.

5 Q. Okay. Are they a true and accurate reproduction of
6 what is contained on the disk?

7 A. Correct.

8 Q. Were they filtered through software to make them
9 readable?

10 A. They were.

11 Q. And again, you prepared this exhibit?

12 A. I did.

13 **MS. IRELAND:** And Your Honor, just as we did
14 yesterday, we have prepared several copies. One is for
15 defense counsel. It is highlighted and tabbed so they can
16 follow along. There's also one for Agent Palmer.

17 **BY MS. IRELAND:**

18 Q. Agent Palmer, are these three books identical?

19 A. They are identical in content.

20 Q. Content.

21 **MS. IRELAND:** We would offer this as the next
22 numbered exhibit.

23 **THE COURT:** So you're offering the notebook as a
24 whole?

25 **MS. IRELAND:** Notebook as a whole. The pages are

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24

1 individually Bates numbered.

2 **THE COURT:** Okay. Thank you for that.

3 Any objection?

4 **MR. PERRY:** Your Honor, I would like to ask
5 that -- I guess that the normal course of introduction as it
6 relates to the contents of it would go along with the
7 questioning and at the appropriate time at the end that it be
8 admitted if there aren't objections along the way. There
9 might be an objection to a specific portion of the notebook,
10 depending on how it's gathered, et cetera, and I don't know
11 that for certain at this point.

12 **MS. IRELAND:** The e-mails already --

13 **THE COURT:** Yeah. I'm a little confused because
14 it's -- I thought they were all gathered in the same way.
15 They were all -- yeah. I'm not sure there's any additional
16 testimony as to how they were gathered.

17 **MS. IRELAND:** The e-mail account contents in
18 their entirety are already in evidence. These are some
19 excerpts that are printed out so that they can be easily
20 read. The data arrives in a format that isn't readable until
21 it goes through software essentially.

22 **THE COURT:** Okay.

23 **MR. PERRY:** I just -- I'll withdraw my objection
24 at this time.

25 **THE COURT:** Okay. Is there anything at sidebar

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1 we need to discuss, Mr. Perry?

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

3 **THE COURT:** You're okay?

4 Anything, Mr. Garrett?

5 **MR. GARRETT:** No, ma'am.

6 **THE COURT:** Okay. Exhibit 22.

7 **MS. IRELAND:** Exhibit 22.

8 **THE COURT:** I believe. Mr. Haley?

9 **THE CLERK:** You're correct, Your Honor.

10 **MS. IRELAND:** And for the record, Your Honor, it
11 is Bates numbered -- Bates numbered LRE-001 through LRE-228.

12 (WHEREUPON, the above-mentioned document was
13 marked as Exhibit Number 22.)

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

15 **MS. IRELAND:** Permission to publish, Your Honor?

16 **THE COURT:** Yes.

17 **BY MS. IRELAND:**

18 Q. Now Agent Palmer, what I'd like to do is walk through
19 some of these e-mails. Can you, with these e-mails,
20 illustrate the arc of a romance scam.

21 A. I can.

22 Q. Okay. With the Court's permission, will you direct me
23 to the particular Bates numbered page that you would like me
24 to put on the screen.

25 A. I would like to begin with Page 1.

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1 Q. And if you could summarize what you see happening here
2 and underline it if you'd like on the screen.

3 A. Sure. This is the first exchange of communications
4 between the individual known as Tammy and Mr. Alonso. It
5 occurs between the 6th and 7th of July, 2014. Mr. Alonso's
6 account, alonsoluis32@gmail.com and Tammy's account,
7 tamdolan87@hotmail.com. As we're reading through the e-mail,
8 it's very typical for a dating web-site introduction e-mail.
9 It's a little bit about Tammy in this first e-mail. In the
10 second paragraph, she introduces herself as being from
11 Brockton, Massachusetts but currently residing in South
12 Africa, but she says she'll be back in the states in less
13 than a week from now. She also mentions that her father is
14 originally from Melbourne, Australia.

15 Q. That would be typical of any initial engagement
16 between people, wouldn't it?

17 A. Correct, very typical.

18 Q. Okay. If you could direct me to the next Bates
19 numbered page.

20 A. Number 3. In this e-mail, it's titled A Little About
21 Me. The initial communications continue on Paragraph 2. She
22 states that she's been in several relationships where she was
23 not fully appreciated. In lieu of the word relationships,
24 the word rapport is used. And then the last paragraph or in
25 the last sentence of that paragraph, she states, "I like a

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1 man who is open to ideas, thoughts and basically open
2 minded." So we're continuing just the introduction, the
3 little about me. This is all within the first couple days of
4 the relationship.

5 Q. Okay. Next Bates number, please.

6 A. Number 5.

7 Q. Number 5.

8 A. In this e-mail, Mr. Alonso to Tammy, first paragraph,
9 he states that he's not a perfect man, and he is just looking
10 for someone to accept him as he is. Very typical
11 communications. We're still in the first couple days.

12 Q. Okay. What is the date on this one?

13 A. This one is Tuesday, the 8th of July, 2014.

14 Q. So still essentially the first day or so?

15 A. Correct.

16 Q. What is the next numbered page?

17 A. Number 7. In this e-mail, it's an e-mail from Tammy
18 to Mr. Alonso, subject is "more about me." So we're
19 continuing the kind of "get to the know you" phase. Tammy
20 starts providing more detailed information. In the first
21 paragraph, she notes that her mother died when she was just
22 11, and her dad's been taking care of her since then. And in
23 the second paragraph, she notes that she would really love to
24 meet up with him. And then the third paragraph, there's a
25 discussion of wanting kids, at least one boy and one girl.

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1 The e-mail is signed off, "Hugs and kisses."

2 Q. And the date?

3 A. The date is July 8th, 2014.

4 Q. Okay. The next number, please?

5 A. It's the next page, Number 8.

6 Q. Okay.

7 A. In this e-mail it's a response to the prior one.

8 Mr. Alonso responds, he apologizes for her mom passing. He
9 also goes on to state that he would also like to be the
10 father of a boy and a girl and notes that he was in a bad
11 relationship. It was a mistake. And then he also signs off,
12 "Hugs and kisses for you."

13 Q. Why does that stand out to you, Agent Palmer?

14 A. We're very early. This is still the first couple of
15 days of the exchange. It's an e-mail only exchange, and
16 there's already talk of advance things in the relationship
17 about children and things like that.

18 Q. A future?

19 A. Right.

20 Q. Are we going to Page 10 next?

21 A. Yes.

22 Q. And what stands out here, Agent Palmer?

23 A. Okay. So this is July 9th. We're still within the
24 first couple days of the relationship, and now it's kind of
25 progressed from the get to know you to things I want to do

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1 with you. The subject, "stuffs I wish to do with you at some
2 point." Basically this e-mail is a long list of items that
3 Tammy is sending Mr. Alonso of things that she hopes to do
4 with him at some point in their future. Starts out very
5 generically, things like be your best friend. There's some
6 more common, romantic dating type items in there such as
7 "watch a bad movie together," and then it kind of escalates.
8 Then it says, "spend the rest of my life with you." And if
9 you move to Page 11, it continues.

10 Q. And please feel free, Agent Palmer, to mark on the
11 screen if you wish to.

12 A. Okay. Another one that stood out to me is "marry
13 you." We're still within the first couple days of the
14 relationship. So that caught my attention. And then down at
15 the bottom, "I really can't wait to the meet you." So
16 there's a discussion already of meeting up.

17 Q. Where next?

18 A. Next we're going to move to 12.

19 Q. There should be a button on the screen.

20 **THE COURT:** I don't think he has it.

21 **MS. IRELAND:** Oh, I'm sorry. I didn't realize
22 that.

23 **THE COURT:** You have it and Mr. Haley has it.

24 **MS. IRELAND:** Is it the eraser button? Okay,
25 great. So that will clear. This one. Thank you very much.

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1 Great. I can clear you. Thank you, Agent Palmer.

2 **BY MS. IRELAND:**

3 Q. All right. What stands out to you here?

4 A. Okay. This is July 9th, 2014, still within the first
5 couple of days, and it's a response to Tammy's e-mail about
6 the things she wishes to do with him at some point. In this
7 e-mail, he states that he also wishes to do the things that
8 she had listed in her list and goes on to say, talk about
9 family and spending time together.

10 Q. And when you're ready, let me know what the next page
11 will be.

12 A. 16. Okay. This e-mail dated July 10th is
13 approximately three days after they started talking. As you
14 can see, the e-mail starts off with, "Hello, my love, how are
15 you?" And also the subject is "my prince."

16 Q. Does that seem to be a typical escalation of the
17 relationship in a romance scam in your experience,
18 Agent Palmer?

19 A. In my experience with these, in the situation, yes,
20 it's escalated very quickly in the first couple of days, and
21 it's been a e-mail only relationship up to this point.

22 Q. Now, on Bates Number LRE-018, what is the subject
23 line?

24 A. It is "I love you."

25 Q. And the date of this e-mail?

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1 A. Friday the 11th of July, 2014.

2 Q. What is the next page you'd like to go to?

3 A. We're going to go backwards from 20 to 19, so starting
4 with 20.

5 Q. Starting with 20. And just because this sometimes
6 confuses me, why are we going backwards?

7 A. Just for the logical progression of the e-mail.

8 Q. Okay.

9 A. So in this e-mail, this, for reference, is Saturday
10 the 12th of July, 2014. It's less than a week into the
11 relationship, and there's a mention in the last paragraph,
12 and I'll highlight it here about having two meetings that
13 she's got to go to. The first one at the security company
14 and the other one with a hotel manager. And then she also
15 mentions, "I've got two pictures of me in this e-mail. I
16 hope you like them."

17 Q. Why are the meetings significant to you?

18 A. Typically what we see early on in this type of scheme
19 is that they introduce a third party. It can be -- in this
20 case, it's a hotel manager or a security company. They
21 usually get introduced early on to build bona fides or to
22 make the situation seem more realistic.

23 Q. And the header here indicates that there are two
24 attachments, 09.jpg and 10.jpg; is that correct?

25 A. Correct.

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1 Q. Okay. Now, in this binder that you prepared,
2 Agent Palmer, are there black and white copies of those two
3 images?

4 A. There are.

5 Q. Did you also print out some color ones because it
6 looks a little brighter and easier to see?

7 A. Correct.

8 **MS. IRELAND:** May I approach?

9 **THE COURT:** Yes.

10 **BY MS. IRELAND:**

11 Q. Are these the color copies of those two black and
12 white images?

13 A. They are.

14 **MS. IRELAND:** And Your Honor, Bates stamps do not
15 show up well on these images, which is another reason we did
16 this. We'd like to offer them as the next two exhibits.

17 **THE COURT:** Any objection?

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

19 **MR. GARRETT:** No, Your Honor.

20 **THE COURT:** Exhibit 23 and 24.

21 **THE CLERK:** Yes, Your Honor.

22 **MS. IRELAND:** And permission to publish those
23 images?

24 **THE COURT:** Yes.

25 (WHEREUPON, the above-mentioned documents|

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1 photographs were marked as Exhibit Numbers 23 and 24.)

2 **BY MS. IRELAND:**

3 Q. Is that one of the images?

4 A. It is.

5 Q. And now, looking at Exhibit 24, excuse me, is that
6 another one of the images?

7 A. It is.

8 Q. Where would you direct us next?

9 A. Page 23. This e-mail dated Saturday July 12th, 2014
10 is a response to the Tammy e-mail which contained the two
11 aforementioned photographs. This e-mail, if you read right
12 here, Mr. Alonso responds, "Here's a picture of me. I hope
13 you like it. I love you. See you soon." And then he also
14 includes a photograph.

15 Q. Okay. Is there a black and white copy of that
16 photograph in the binder?

17 A. There is.

18 Q. And it is marked LRE-025; is that correct?

19 A. That is correct.

20 Q. And did you also print out a color copy of this one?

21 A. I did.

22 Q. Is this a copy?

23 A. It is.

24 **MS. IRELAND:** We'd offer this as the
25 next-numbered exhibit.

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1 **THE COURT:** Any objection?

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

3 **MR. GARRETT:** No, Judge.

4 **THE COURT:** Exhibit 25.

5 (WHEREUPON, the above-mentioned document|
6 photograph was marked as Exhibit Number 25.)

7 **MS. IRELAND:** Permission to publish?

8 **THE COURT:** Yes.

9 **BY MS. IRELAND:**

10 Q. Where will you direct us next?

11 A. Page 26. Okay. On this e-mail, it is dated Sunday,
12 the 13th of July, 2014. It's an e-mail from Tammy to
13 Mr. Alonso, and this is approximately, if not just a little
14 less than one week after they began communicating. And if
15 you'll look in the second paragraph, there is, starting right
16 here, there is discussion saying, "I've spent the major part
17 of the cash I brought here on luggage and also the hotel
18 bill. It's around \$1650, and I paid 750. Right now I have
19 about 900 U.S. dollars to pay. I can access cash once I get
20 to my house." And then down here, on the last line, "I need
21 your help. All my love, Tammy."

22 Q. Did she also make a comment on the picture?

23 A. Yes. Under the P.S., "Thank you for the picture. I
24 love it so much. You are extremely good looking." One thing
25 that stands out about this is this is the first notice that

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1 Tammy has given in this chain of communications about a
2 possible financial need that she's going to be in.

3 Q. What's next?

4 A. Next, Number 27. Okay. In this e-mail, which is on
5 the same day, Sunday, 13th of July, 2014, Tammy sends
6 Mr. Alonso an e-mail and states, "All I need to sort out the
7 bill is \$900." And then directs him to send the money via
8 Western Union, and this is a continuation of her earlier
9 discussion about a need for money for her hotel bill.

10 The next item of note is the receiver that she sends
11 him. I noted it is not Tammy Dolan. It's another individual
12 located in South Africa, and then as we've discussed earlier,
13 the test question which she provides the answer for to be
14 Tammy. As we move down, if you could clear.

15 Q. Thank you.

16 A. Okay. If you move down here, this caught my attention
17 as well because she said, "Once the money is sent, you'll get
18 back with me about the details" which will enable to -- for
19 her to get the money out. So she needs him to actually send
20 his full name, his address and how much he sent. She does
21 not have that information at this point.

22 Q. Is that an escalation in your opinion?

23 A. It is.

24 Q. What is the next example that you have?

25 A. 28. We're going to start at the bottom of the page.

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1 This is Tammy's e-mail to Mr. Alonso, and she says, "I sent
2 you the details you needed earlier to get the money to me.
3 Did you get the details?" And then moving up slightly, if
4 you could clear. Okay. In this one he says, "Okay. I sent
5 the money already. Here is the details." He sends her the
6 tracking number, the amount, which you'll notice is in the
7 South African currency and the receiver as well. And if
8 you'll go just a little bit further down, the test question
9 was provided as a phone number, not the question she provided
10 him earlier, which was the name Tammy. So continuing on that
11 page.

12 Q. Oh, I'm sorry.

13 A. If you'll just move up to the top. Then she reminds
14 him here that she needs his full name and address for the
15 slip and then also says, "Sorry, the test question, what's
16 your phone number." So there's a correction there. The
17 original test question didn't match what he provided. And
18 then he goes on to apologize because it's the first time he's
19 sent money like this. Also want to note the subject that she
20 sent, which was, "I'm not happy."

21 Q. Where are we moving to?

22 A. 29. Okay. We're going to start at the bottom
23 paragraph there from Tammy. In this one, she says that she
24 tried to pick the money up, starting right here with the
25 receiver, but it wasn't successful because of the time zone

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1 difference. It was 5:30 a.m. there, and she will take care
2 of it as soon as the location opens this morning. She also
3 notes that she will be changing the route of her flight to
4 come to him.

5 Q. What is the date on this e-mail?

6 A. The date is Sunday, the 13th of July, 2014.

7 Q. Why was that significant, Agent Palmer?

8 A. Because this is still very early. This is
9 approximately a week after they begin communicating via
10 e-mail.

11 Q. Okay. Where would you next like to direct my
12 attention?

13 A. We're going to start with a chain that begins on 34
14 and works back to 31. So it would be from the beginning of
15 the e-mail chain.

16 Q. Okay. And just so that the record is clear, the
17 earliest e-mail in a chain is usually the last one when you
18 print it out; is that right?

19 A. That is correct.

20 Q. Okay. So...

21 A. Okay. And the bottom e-mail from Tammy there, she
22 notes that she realized she will not be able to sort out her
23 luggage issues, but then she will sort it out as soon as she
24 can and let him know. If you'll move up to the top. He
25 responds and just lets her know that, "Don't worry about it.

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1 I'll be waiting for you."

2 Q. And the thread continues on LRE033?

3 A. We're going to go on to 032.

4 Q. Okay. Thank you.

5 A. Near the top of the page. All right. This is an
6 e-mail from Tammy to Mr. Alonso where she's discussing the
7 ticket price for her to come to the U.S. Here she notes,
8 "The ticket's \$1500, and the cash to reserve my seat to fly
9 tonight is 800. All I need is 2300. I will pay you 6,000
10 upon my arrival tomorrow." So what we note here is the first
11 instance of an advance fee scheme. There is a promise of a
12 large amount of money. \$6,000 in return for a smaller amount
13 of \$2300. If you'll move on to 31.

14 Okay. In this e-mail, it's a response, and this is
15 Tammy e-mailing Mr. Alonso. This is her first instance where
16 she's directing him how to send multiple financial
17 transactions. This e-mail content right here. She says that
18 he will send two transactions by Western Union and the last
19 one by MoneyGram. So that's three transactions, and she
20 wants him to split them into 800 and 700 by Western Union and
21 the last one as an 800 with MoneyGram. And below you can see
22 the name of the receiver. It sticks out because that is not
23 Tammy Alonso. That is a different individual.

24 Q. Now, and that is the same -- is that the same
25 individual that was purported to be the hotel manager?

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1 A. It was an individual who was named earlier in the
2 e-mails. I'm not sure what capacity. Okay. We'll move
3 to 38.

4 Q. To 38.

5 A. Okay. If you'll scroll just a little bit, right
6 there. In this one, this is an e-mail from Tammy to
7 Mr. Alonso. She tells him she's getting worried because she
8 hasn't heard from him or seen the money. And then if you
9 scroll up to here, Mr. Alonso responds and says, "I have a
10 problem. I can't help you with the transaction of money.
11 I'm sorry. Please try to find another way to do it."

12 Q. And what is the date of this e-mail?

13 A. It is the 18th of July, 2014.

14 Q. So roughly about ten days into the relationship?

15 A. Correct. We'll move to 40.

16 Q. Thank you.

17 A. In this e-mail, this is an e-mail from Tammy to
18 Mr. Alonso where she instructs him to three MoneyGram
19 locations nearby close to him and indicates that these are
20 the locations he'll use to get the money across. At the top
21 of the page, there's a response from Mr. Alonso that includes
22 two photographs.

23 Q. Is one of those photographs the image that has already
24 been entered into evidence as Exhibit Number 25, the
25 photograph of Mr. Ramos?

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1 A. It is.

2 Q. And this is the second image. Agent Palmer, what is
3 this?

4 A. This is a receipt.

5 Q. In your experience, are receipts often sent after the
6 requests for money?

7 A. Correct. And this one you can see Mr. Ramos's name
8 listed as the sender, and then the receiver down here is
9 another name, which is not Ms. Tammy.

10 Q. What is the next e-mail that stood out as significant
11 to you?

12 A. Number 44. If you could clear. Thank you. Okay. At
13 the top of the page here, this is an e-mail from -- this one
14 right here is from Tammy, and she says, "Details the
15 consultant is waiting for." This is introduction of the
16 third party, a consultant who she indicates is waiting for
17 information from Mr. Alonso. And then at the top of the
18 page, he states, "Sorry, bad news. I can't send money via
19 MoneyGram anymore. They ask me many questions. Do you know
20 another way I can do it?"

21 Q. Why is the consultant significant?

22 A. The consultant is significant because it is a third
23 party that has been introduced into this scenario, which we
24 see very often in either sweetheart or romance type schemes.
25 And also on this e-mail, this is the first indication where

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1 he's either been warned or advised by MoneyGram that they're
2 asking him a lot of questions. There seems to be some kind
3 of issues, and he's now saying that he can't send money via
4 MoneyGram any more.

5 Q. So we've walked pretty slowly through the development
6 of the relationship. Do things pick up from here?

7 A. They do.

8 Q. Where would you like to point our attention next?

9 A. Page 45.

10 Q. Page 45.

11 A. Okay. So in this e-mail exchange right here, you can
12 see prior he can no longer use MoneyGram. He was warned and
13 claimed that they were asking too many questions. So now
14 he's been directed to Western Union. And what's significant
15 in this one is that he's being instructed to go to three
16 different locations. So \$850 each at three locations. This
17 is significant because it appears the money's being kept
18 under the thousand dollar threshold, which at this point in
19 time in 2014 was the threshold for requiring ID and also
20 going to multiple locations.

21 Q. In your experience, is this uncommon in the romance
22 scheme arc?

23 A. It is not uncommon, no.

24 Q. All right. Are we moving next to 47?

25 A. 47, yes. Okay. This e-mail from Tammy to Mr. Alonso

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1 on the 29th of July, 2014 is the first time we've been
2 introduced to a bank transfer. This is a account name that
3 has been provided to him in South Africa. It's First
4 National Bank and then the account name is what appears to be
5 a trading company. And the details are for him to go pick up
6 an international transfer form and fill it out with the
7 information that she's provided to him.

8 Q. What's the significance of wire?

9 A. Wire transfers are usually introduced when there's an
10 escalation from using money transfer businesses such as
11 Western Union or MoneyGram because they can send larger
12 amounts of money.

13 Q. And just for the record, what date is this?

14 A. It is the 29th of July, 2014. For this we're going to
15 jump to 49. Down at the very bottom last paragraph, what we
16 see here is an e-mail from an individual named Mark Okori.
17 It is a person who's been introduced earlier as a financial
18 consultant. And this is an e-mail from him to Mr. Ramos
19 where he asks for a sum of \$10,000 to be paid to obtain a
20 certificate. If you scroll up to the top of the page, the
21 response from Mr. Ramos, "I don't have the money to make that
22 transfer."

23 Next we're going to 52. In this e-mail, this is just
24 after the \$10,000 request had been made. Mr. Ramos stated
25 did he not have the money to make that. So now the request

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1 has been cut in half and how soon can you get 5,000 across
2 and to use the same account details that were previously
3 provided.

4 Q. Why does that stand out to you, Agent Palmer?

5 A. There's still an attempt to get larger amounts of
6 money that would be necessary to use a bank transfer, but
7 since he was unable to do the \$10,000 transaction, the
8 number's now been cut in half.

9 Q. I'm going to show you what's been Bates stamped as
10 LRE053. What is that?

11 A. This is a Bank of America wire transfer or fund
12 transfer authorization request. It came from Mr. Alonso's
13 account and went to the recipient, which was previously
14 identified in South Africa.

15 Q. And does this appear to be Mr. Ramos's signature at
16 the bottom?

17 A. It appears to be. 54. The top of the page, this is
18 the e-mail right after he attempted to send the \$5,000. What
19 you'll notice up here is his first warning or indication from
20 a bank that he may be involved in illicit activities. He
21 says, "They could not make the transfer of money. They
22 started asking me questions. Like I told you, they think
23 it's a scam. That's why they can't make the transfer. They
24 asked for proof of where the money is going and what I'm to
25 get on it."

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1 Q. What is the date on that e-mail?

2 A. It is the 19th of August, 2014.

3 **THE COURT:** Whose phone was that?

4 **INTERPRETER:** Your Honor, I was turning it off
5 and it rang.

6 **THE COURT:** Please turn it off before the court
7 starts.

8 **THE WITNESS:** Next we'll be going to 83. About
9 after halfway down the page. All right. This paragraph
10 right here, this is an e-mail from Tammy to Mr. Alonso,
11 specifically starting right here. She says, "You know what
12 you will do this morning, deposit five checks in your Bank of
13 America account, deposit the other two checks in the new
14 Chase account you're opening. Put the \$998 check and the
15 smallest check in the Chase account and the other five in the
16 Bank of America account." This is significant in that we're
17 now introduced to checks being received and cashed into
18 multiple bank accounts with instructions on where to put the
19 checks and the amounts that should be deposited.

20 **BY MS. IRELAND:**

21 Q. Now, in the last several e-mails that you have shown
22 us, Agent Palmer, where is the love? Is there much romantic
23 talk?

24 A. At this point, the conversation has shifted from the
25 romantic exchange to very heavy in the financial exchange.

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1 Q. What is the next example that illustrates the romance
2 scam arc?

3 A. We're going to Page 90, starting from the next to last
4 e-mail.

5 Q. To Page 90?

6 A. 9-0. Okay. We're going to start right here with this
7 one. The instructions, it's from Tammy to Mr. Alonso. It
8 says, "I will need to you make three -- I'm sorry. You'll
9 need to make transactions by Western Union, two each day
10 starting from Friday morning on your way to work. Remove
11 \$200 for yourself and send \$950 each at each location. And
12 you will send another two transactions by Saturday morning on
13 your way to work. Okay."

14 The next paragraph up here, it says, "When sending the
15 first two transactions, you should use Luis Javier Alonso,
16 and when sending the next two transactions the following day,
17 you should use Javier Alonso. Do you understand?"

18 Q. Why is that significant in your experience?

19 A. So starting with the first one, the paragraph about
20 the Western Union transactions, first of all, I notice she's
21 saying send two each day starting Friday morning. So there's
22 an obvious attempt to structure the transactions over a time
23 period. Second thing, remove \$200 for yourself and send 950
24 at each location. This is the first instance where we've
25 seen that there is a cut being taken by Mr. Alonso, in this

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1 instance \$200 out of a -- near a thousand, \$950. So it
2 represents approximately 20 percent and then instructions to
3 use variations of his name. So the first transaction he used
4 one variation of his name. The next two transactions, a
5 second variation of his name.

6 Q. Okay. And in that second paragraph is to remove 200
7 for yourself; is that correct?

8 A. I'm sorry, yes. It's right there, remove 200 for
9 yourself.

10 Q. Thank you. What is the next portion that you wish to
11 call our attention to?

12 A. Page 107.

13 Q. 107.

14 A. So in this exchange, it starts from Tammy, right here.
15 She tells him, "It's going to work out. Once they authorize
16 the money, I'll be able to pick it up. We have to send this
17 last of the checks with you. We'll definitely find a way to
18 go around it." And then right above it, Mr. Ramos responds,
19 "So this is not the last time."

20 Q. What is the date of this e-mail?

21 A. This is Tuesday, the 14th of April, 2015.

22 Q. Do we next go to?

23 A. 111.

24 Q. 111.

25 A. And we're going to start from the bottom. At this

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1 point it's -- this is an e-mail from Tammy to Mr. Alonso.
2 They're having a discussion about the release of a package,
3 and the last line, she says, excuse me, "Let them know
4 Mr. Muritala is your cousin, and the package should be
5 released for delivery to him immediately." And then as we
6 move up, Mr. Alonso responds, "You want me to send a copy of
7 my ID to them? What should I tell them, and can I tell them
8 he is my friend because they will not believe he is my
9 cousin?"

10 All right. The next exchange is going to be 114
11 through 118, starting with 118. Okay. So in this exchange
12 dated the 16th of April, 2015, the first thing I want to draw
13 your attention to is the question from Tammy. "Did you get
14 the magazines yet?" Mr. Alonso responds, "Yes. I got the
15 magazine. But they gave me \$2,000 in all \$20 bills. Do I
16 have to change it to \$100 first?"

17 We're going to move on to 116. This is a continuation
18 of the previous e-mail where they're discussing the magazines
19 and the cash. And this one, I'm going to start right here.
20 This is an e-mail from Mr. Alonso to Tammy. It says, "I have
21 to prepare the package very well. Okay? It's a lot of money
22 for just one magazine, but I found a way to send it. I just
23 have to split it in a couple of magazines. Okay? Just wait.
24 If you want this to work out, it's a risk for me, but I have
25 to do it will very well. I don't want to be in a problem

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1 here."

2 And then the response above, "I understand, my love.
3 You can get two magazines and split the cash into it so it
4 will not look suspicious." What stands out to me on this one
5 is they're talking about putting cash into magazines.
6 Mr. Alonso discusses it's a risk for him to do it, and he
7 doesn't want to be in a problem or in trouble. Her response
8 is just to avoid looking suspicious by putting all the money
9 in a single magazine, to get two magazines, split the cash
10 into it and therefore it would not look suspicious.

11 Q. Do you know and if you don't, please say so -- but do
12 you know if it is lawful to send cash?

13 A. It is legal to send cash in the mail with the
14 exception of if it's for criminal intent, then it would be
15 considered mail fraud.

16 Q. And then moving to LRE-115.

17 A. Yes. The conversation continues regarding the
18 magazines, how many magazines should I buy, and then they
19 decide just one giant magazine. "Please do it in the
20 morning. That's when they want it sent."

21 Q. What stands out about that?

22 A. They're trying to figure the best way to conceal a
23 large amount of cash in a magazine for shipping. The
24 discussion evolved about whether it should be one magazine or
25 two magazines, whether it should be in hundreds or 20s.

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1 Q. Okay.

2 A. All right. And then 114. At the bottom, this is an
3 e-mail with the subject "instruction from Mr. Alonso to
4 Tammy," and says, "Okay. I am worried about it if they check
5 inside the magazine." And her response is, "They will not
6 check it, and that's why I asked you to put it in an envelope
7 in the magazine already." And then it continues to talk
8 about going to FedEx to make the shipment.

9 Q. What's the next selection, Agent Palmer?

10 A. This one is going to 205. Okay. The first thing I
11 want to point out on this one is the date. This is Tuesday,
12 the 26th of July, 2016. This is one day after the Memphis
13 business e-mail compromise. If you move to the bottom, the
14 instructions from Tammy, "Below are the details for the
15 instruction, but Mr. Murray asks you to pick his call before
16 you go ahead with any transfer," and then she provides a bank
17 account for the transfer. Mr. Murray is introduced here as
18 another third party, someone that Mr. Alonso's instructed to
19 answer a call from before he makes any transfer of funds.
20 And then if you scroll up slightly, there are multiple images
21 that are sent from Mr. Alonso to Tammy in response to her
22 e-mail.

23 Q. Are copies of those images included in this binder?

24 A. They are.

25 Q. Are they Bates numbered 206 through 210?

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1 A. They are.

2 Q. Agent Palmer, did you print out color copies of those
3 same images?

4 A. I did.

5 Q. If you would compare and make sure I have the correct
6 copies, there are five here.

7 A. That's correct.

8 **MS. IRELAND:** We would offer these as the next
9 sequential exhibit and ask to publish.

10 **THE COURT:** Any objection?

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

12 **MR. GARRETT:** None, Your Honor.

13 **THE COURT:** Exhibits 26 through --

14 **THE CLERK:** I believe 30, Your Honor.

15 (WHEREUPON, the above-mentioned documents were
16 marked as Exhibit Numbers 26 through 30.)

17 **THE CLERK:** Yes, Your Honor, 26 through 30.

18 **THE COURT:** 26 through 30. Thank you.

19 **MS. IRELAND:** Thank you, Mr. Haley.

20 **BY MS. IRELAND:**

21 Q. Placing Exhibit Number 26 on the screen. What do you
22 see here, Agent Palmer?

23 A. This is a MoneyGram payment systems receipt.

24 Q. Exhibit 27?

25 A. A MoneyGram receipt.

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1 Q. Exhibit 28?

2 A. A receipt.

3 Q. Okay. Who is the recipient at the top of the page?

4 A. Tammy Alonso.

5 Q. Exhibit 29?

6 A. It's a receipt under the name Javier Alonso.

7 Q. And who is the recipient?

8 A. Tammy Alonso.

9 Q. And Number 30 is also another Western Union receipt;
10 is that correct?

11 A. Correct.

12 Q. In your experience, Agent Palmer, why are the receipts
13 sent?

14 A. As confirmation that the money has been sent.

15 Q. Do we next go to LRE212?

16 A. Next is 212.

17 Q. And what do we see here?

18 A. This is an e-mail. The first thing I noticed was that
19 the sender -- it was a different e-mail account than the
20 previous ones had been from.

21 Q. Can you read that e-mail address into the record,
22 please?

23 A. It is tammydalonso87@gmail.com.

24 Q. And flipping back, can you read the original e-mail
25 address?

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1 A. The prior e-mail was tammydolan87@hotmail.com. So
2 this e-mail exchange starts with an e-mail that simply says,
3 "This is my name, e-mail address, are you there?" And then a
4 response to that is info to send the money with an individual
5 listed in Nairobi, Kenya.

6 Q. Why does that stand out to you?

7 A. Because at this point, there's no longer an aspect of
8 the romantic relationship. It's a -- it appears to be a new
9 individual or new e-mail address contacting him, just
10 stating, "This is my name, this is my e-mail address, are you
11 there?" And then following it up with here's the information
12 to send the money.

13 Q. In your experience, if someone bows out, if a target
14 bows out of the romance and sending money, are they ever
15 recontacted?

16 A. They are.

17 Q. What do you see?

18 A. In a lot of instances, we'll see recontact from
19 another angle, possibly another type of scheme, whether it
20 goes from a romance scam to an advance fee scam or some
21 variation thereof.

22 Q. Agent Palmer, were there any other excerpts that you
23 felt you needed to show the arc of the romance scam?

24 A. These were the only selected excerpts that kind of
25 walked through a typical romance scheme.

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1 Q. Okay. I'd like to move on now to talking about
2 computer forensics.

3 A. Sure.

4 Q. Can you explain what that process is?

5 A. Sure. So computer forensics or cell phone forensics,
6 it's a way of making a digital evidence copy of an item so
7 that we can analyze it and review it for evidentiary value.

8 Q. Why don't we look at the item itself?

9 A. The item of evidence collected, as law enforcement, we
10 don't want to taint the evidence. So we make a duplicate
11 copy of it so that we're not handling or manipulating the
12 evidence in any way.

13 Q. Every time you turn a device on, does it change the
14 total data on the machine?

15 A. It will in some way modify the data.

16 Q. Okay. So what's the process of making a copy of the
17 information that's on, for example, a computer laptop or a
18 hard drive?

19 A. So the way we do it, once the FBI obtains a digital
20 device like a laptop or a hard drive, we use commercially
21 available software. It's a plug and play software that the
22 FBI has licensed from a vendor. We then use that software to
23 take a bit-for-bit copy of the hard drive of the device.
24 That copy -- it's a raw file. It can't be read by a user who
25 is trying to look at it for information. So we then place it

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1 in a second program that generates a report that is readable
2 to us for analyzing and reviewing.

3 Q. Okay. Let's start with the bit for bit. Is that the
4 ones and zeroes and weird text symbols?

5 A. It is.

6 Q. That's what comes out as data?

7 A. Right. That's the raw data.

8 Q. And then you use a program to translate that into a
9 readable form?

10 A. Correct.

11 Q. Okay. How do you ensure that what comes out on the
12 copy is the same as what's on the original evidence?

13 A. We compare the hash values between the raw file and
14 the report to make sure that they are bit-for-bit copies.

15 Q. And that's H-A-S-H?

16 A. Correct. So a hash value, it's a numerical fixed
17 length value that it represents a larger data set. It's kind
18 of like a digital signature. It verifies that a large amount
19 of data that was reviewed identically matches bit for bit the
20 second set which is then the report or the copy that's used
21 for reviewing it for evidence.

22 Q. So do you run an algorithm on the original and the
23 copy?

24 A. Correct.

25 Q. And if the answer is the same, then data is the same?

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1 A. Correct.

2 Q. If someone were to go in and change one little thing
3 on the computer and you run that hash program, would the
4 number come out the same?

5 A. No. If the evidence or the device was modified, at
6 that point the hash value would change, and it would not
7 match the original report value.

8 Q. Okay. When you have this working copy, is what I'll
9 refer to it as, this working copy, you still have to put that
10 into a readable form?

11 A. We do.

12 Q. Okay. If you use different types of programs, can it
13 look different?

14 A. It can. You can typically review the data through
15 either a vendor provided platform or some other readable
16 format.

17 Q. Does it change the content, though?

18 A. No.

19 Q. Okay. Is system file stuff recovered when you do a
20 copy?

21 A. Typically for a computer forensics evaluation, it's a
22 bit-for-bit copy. So it takes all the data from the hard
23 drive, extracts it on to a raw data file and then puts it in
24 a readable format so that we do see the entire contents.

25 Q. So you can see how things are organized on somebody's

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1 computer?

2 A. Yes. We are able to see the file system structure.

3 Q. Does it work the same way for cell phones, for
4 example?

5 A. It's very similar for cell phones. We use a separate
6 commercial off-the-shelf product. It's very similar in how
7 it's used. It's a plug and play. You use the evidence, the
8 cell phone in this case, the computer program will run
9 against it and obtain a raw file from the cell phone. It
10 will then be analyzed by a second program, very similar to
11 the way computers are done. That takes that raw file and
12 puts it into a report format that the reviewer can then look
13 at.

14 Q. Do you know how many different manufacturers of cell
15 phones there are?

16 A. There are a lot.

17 Q. And how many models of phones?

18 A. Many.

19 Q. Okay. Does the software you use support examination
20 of all those types of makes and models?

21 A. No.

22 Q. Why?

23 A. There's so many makes and models from so many
24 different manufacturers and multiple countries. It's just
25 not feasible for a commercial software company to be able to

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1 develop a product that can analyze every single device.

2 Q. Okay. Are these programs available to the general
3 public if they wish to pay for them?

4 A. They're very expensive, but they are available.

5 Q. Okay. Do they get updated regularly?

6 A. They do.

7 Q. Do you get trained on them?

8 A. We do.

9 Q. And does that training update each time that there is
10 an update to the product?

11 A. Like I said, this is a commercial product. The vendor
12 sends out updates, and those are applied to the software.

13 Q. I've heard the word dump. What does that mean?

14 A. It's slang or jargon for to make a forensic copy of
15 something.

16 Q. Is it usually a mobile device, like a tablet or a
17 memory disk?

18 A. Typically, yes.

19 Q. Okay. Now, when you copy things from a smaller
20 digital device, is the process essentially the same, or are
21 there differences?

22 A. Yeah, there's differences. If you're talking about
23 like a thumb drive or USB drive, those don't have a file
24 system structure to them. So what we use in that case is a
25 write blocker. It's just a piece of hardware that prevents

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1 any new data from being introduced to the evidence but allows
2 us to extract the data. It's a one-way door essentially that
3 allows us to remove the data, make a copy of it, but not
4 introduce anything into the evidence.

5 Q. Does that happen with the cell phone extraction as
6 well?

7 A. The cell phone extraction is the similar concept, but
8 it's a software extraction.

9 Q. Okay. Can you extract deleted material from cell
10 phones and smaller devices?

11 A. For many, yes.

12 Q. Okay. Why can't it happen for all of them?

13 A. Like I said, we use a commercial product, and it's
14 limitations of that product.

15 Q. Okay. What is a physical extraction?

16 A. Physical extraction is a bit-for-bit copy of a cell
17 phone's flash memory.

18 Q. What is flash memory?

19 A. It's the on-board memory on a cell phone.

20 Q. Okay. Can you recover everything that's on the phone?

21 A. If it's a physical copy, we are able to obtain what
22 the user would see, deleted materials and even information
23 that the user wouldn't know is on there like GPS location
24 data that the phone aggregates kind of behind the scenes.

25 Q. Do deleted materials ever disappear from the memory?

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1 A. They can. It's flash memory. It will degrade, and
2 depending on whether the phone has been reset by the
3 manufacturer, there are other reasons it could happen.

4 Q. Okay. What is a logical examination?

5 A. A logical examination is basically what the user would
6 see. You do not get deleted materials or kind of the behind
7 the scenes information. It's simply what you would see if
8 you were sitting in front of a cell phone using it.

9 Q. So you understand this process. Do you supervise
10 others who work on the extraction of data from computers and
11 hard drives and all these things that you've been talking
12 about?

13 A. I do.

14 Q. And do you have the authority to task them and inspect
15 their work?

16 A. I do.

17 Q. Okay. Have you done examinations in this case?

18 A. I have.

19 Q. Have you also supervised examinations in this case
20 that others have done?

21 A. I have.

22 Q. Okay. And have you compared the results to ensure
23 that the results are indeed true copies of what has been
24 removed?

25 A. I have.

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1 Q. Okay.

2 **MS. IRELAND:** We would tender Agent Palmer as
3 someone with specialized knowledge in the extraction of data
4 from digital devices including computers, phones and the
5 like.

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

7 **MR. PERRY:** No, Your Honor, continuing.

8 **THE COURT:** I'll recognize Agent Palmer as one
9 with specialized knowledge in that area.

10 **MS. IRELAND:** May I approach the witness, Your
11 Honor?

12 **THE COURT:** Yes.

13 **MS. IRELAND:** Actually, I'm going to back up
14 here.

15 **BY MS. IRELAND:**

16 Q. Agent Palmer, I'm going to show you a couple of
17 devices that have already been entered into evidence. First
18 is for identification purposes, Item Number 15. Do you know
19 what this is?

20 A. I do.

21 Q. What is it?

22 A. It's a Apple laptop.

23 Q. Do you know where it came from?

24 A. It was seized during the search warrant of
25 Mr. Abegunde's residence.

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1 Q. And how do you know that this is the same laptop?

2 A. I have reviewed it from evidence.

3 Q. Do you know if a forensic examination was performed on
4 this laptop?

5 A. It was.

6 Q. Okay. Did you review the results of that forensic
7 examination?

8 A. I did.

9 Q. Did the results appear to be an accurate
10 representation of what is on the device?

11 A. They do.

12 Q. The next item that I'd like to show you is marked for
13 identification purposes as Item Number 24. Do you know what
14 this is?

15 A. It is a removable media hard drive.

16 Q. Okay. And what is the brand?

17 A. It is Silicon Power.

18 Q. Have you seen it before?

19 A. I have.

20 Q. And where did it come from?

21 A. It was obtained during the search of Mr. Abegunde's
22 residence.

23 Q. Are you aware of whether or not this has been
24 examined?

25 A. It has.

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1 Q. Have you compared the results to ensure that the
2 forensic data extracted was a true and accurate copy of what
3 is contained on this hard drive?

4 A. I have.

5 MS. IRELAND: At this time we would move Item 24
6 and Item 15 into evidence.

7 THE COURT: Any objection?

8 MR. PERRY: No, Your Honor.

9 MS. IRELAND: It is item 16. That is my
10 correction. Thank you, Mr. Haley. The Silicon Power is
11 currently marked 16 for ID. We would offer it into evidence.
12 Your Honor, will it remain Number 16?

13 THE COURT: Yeah.

14 No objection for either of those?

15 MR. PERRY: No objection.

16 MR. GARRETT: No, Judge.

17 THE COURT: 15 and 16. We will drop the ID.
18 Those will be Exhibit 15 and 16.

19 MS. IRELAND: Thank you. And the Mac laptop as
20 Item Number 15.

21 THE COURT: Correct.

22 MS. IRELAND: Permission to approach again, Your
23 Honor?

24 THE COURT: Yes.

25 MS. IRELAND: There is tape stuck to a paper

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1 exhibit. That's never a good thing. I got it.

2 **BY MS. IRELAND:**

3 Q. Agent Palmer, I'm going to show you what has been
4 marked Exhibit 12 for identification purposes. Do you know
5 what that is?

6 A. Yes. It's a Samsung cell phone.

7 Q. And what color is its case?

8 A. Teal color.

9 Q. Okay. How do you recognize it?

10 A. It was obtained during the search warrant. Well,
11 actually, no. This one was obtained from the person of
12 Mr. Abegunde during his arrest.

13 Q. Okay. And do you recognize Item 13 marked for
14 identification purposes?

15 A. I do.

16 Q. How do you recognize that?

17 A. It's a Samsung cell phone, also the other cell phone
18 that was obtained from Mr. Abegunde's person during his
19 arrest.

20 Q. And what color is its case?

21 A. It's a reddish brown color.

22 Q. Do you know if these have been forensically examined?

23 A. They have.

24 Q. Okay. Did you compare the forensic results to the
25 original copies by using a hash value in each case?

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1 A. I did.

2 Q. And did those results indicate that the product of the
3 examination was a true and correct copy of the contents of
4 each device?

5 A. Yes.

6 **THE COURT:** Agent, be sure and speak into the
7 mic.

8 **MS. IRELAND:** We would at this time, Your Honor,
9 offer to move Exhibit 12 into evidence and Exhibit 13 into
10 evidence.

11 **THE COURT:** Any objection?

12 **MR. PERRY:** No objection.

13 **MR. GARRETT:** No, Judge.

14 **THE COURT:** Exhibit 12 and 13.

15 **MS. IRELAND:** Permission to approach the witness?

16 **THE COURT:** Yes.

17 **BY MS. IRELAND:**

18 Q. Agent Palmer, I'm now going to show you another item.
19 Can you tell me what that is.

20 A. It is a CD containing the e-mail account that was
21 obtained from Mr. Ramos.

22 Q. Can you look at that again?

23 A. Oh, I'm sorry. It is a -- it's a cell phone data
24 extraction.

25 Q. Okay. Do you recognize it?

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1 A. I do.

2 Q. And how is it that you recognize it?

3 A. I recognize it because I reviewed it and reviewed the
4 contents of it.

5 Q. Okay. Are the labels on the CDs similar?

6 A. Yes, they are.

7 Q. Okay.

8 A. They contain a lot of the same language.

9 Q. Okay. How do you know this is the CD that you
10 reviewed and that contains the cell phone extractions for
11 Exhibits 12 and 13?

12 A. After I reviewed it, I initialled it and dated it.

13 Q. And when is it dated?

14 A. March 12th, 2019.

15 Q. Okay. And are those your initials?

16 A. They are.

17 **MS. IRELAND:** We would offer this as the
18 next-numbered exhibit.

19 **THE COURT:** Exhibit 31?

20 **THE CLERK:** Yes, Your Honor.

21 (WHEREUPON, the above-mentioned document was
22 marked as Exhibit Number 31.)

23 **BY MS. IRELAND:**

24 Q. And Agent Palmer, I'm just going to display this. If
25 you could read the contents of this CD, please, for the

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1 record.

2 A. U.S. versus Abegunde and Ramos-Alonso, cell phone
3 data.

4 Q. And are those your initials and the date?

5 A. They are.

6 Q. Agent Palmer, did you create some printouts of
7 contents of the data for each of the phones and for each of
8 the computers?

9 A. I did.

10 Q. Your Honor, may we approach?

11 **THE COURT:** Yes.

12 (Bench conference between the attorneys and the
13 Court.)

14 **MS. IRELAND:** I just wanted to alert the Court
15 that at this time we're going to offer things that came from
16 those devices in the forensic results for identification
17 purposes, not to publish anything until they can be
18 authenticated and entered through a particular witness.
19 They're just coming in through David Palmer because he
20 prepared them for use based on the forensic examinations.

21 **THE COURT:** Okay.

22 **MS. IRELAND:** Just wanted to make sure everyone's
23 aware of that, and they will be Bates numbered.

24 **THE COURT:** Okay. Thanks.

25 (Bench conference between the attorneys and the

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1 Court concluded and the proceedings continued as follows:)

2 **THE COURT:** Actually, Ms. Ireland, before you do
3 this, I think we could use a break. It's 20 'til 11. Let's
4 take a 15-minute break.

5 Still not time to talk to anyone about the case,
6 including each other. Never time to talk to the people
7 involved in the case. Keep the jury badge on and 15 minutes,
8 so be ready to come back in at five to 11. And Agent, don't
9 talk to anyone about your testimony during the break.

10 **THE WITNESS:** Yes, Your Honor.

11 (Jury leaves at 10:42.)

12 **THE COURT:** It just occurred to me that we did
13 not swear in the interpreters this morning. So Mr. Haley, if
14 you would, go ahead and swear in the interpreters.

15 (Interpreters sworn in.)

16 **THE COURT:** All right. Anything else before we
17 break?

18 **MS. IRELAND:** No, Your Honor.

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

20 **THE COURT:** All right. Five 'til 11. Thanks.

21 (Brief Recess.)

22 **THE COURT:** Anything before we bring the jury
23 back?

24 **MS. IRELAND:** Not from the Government, Your
25 Honor.

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1 **THE COURT:** All right. Let's bring them back.

2 (Jury returns at 10:58 a.m.)

3 **THE COURT:** You all may be seated. So logistics,
4 I got a message that the -- someone needs to -- is it leave
5 by 5:30, leave --

6 **JUROR:** That would be me, leave before 5:30, to
7 pick up my son because I initially said they close at six,
8 but I guess they're leaving 30 minutes prior for the
9 remainder of the week due to spring break.

10 **THE COURT:** Okay. So does that mean if we leave
11 by like 5:15?

12 **JUROR:** Yeah.

13 **THE COURT:** All right. Good. Thank you.

14 Ms. Ireland?

15 **MS. IRELAND:** Thank you, Your Honor.

16 **BY MS. IRELAND:**

17 Q. Agent Palmer, I think where we left off, you had
18 indicated that you had created some documents on paper,
19 pulled from the forensic examination of the computers that we
20 were discussing and the phones; is that correct?

21 A. That is correct.

22 Q. I'm going to show you a binder that has some contents
23 inside. Would you take a look and tell me if you recognize
24 them?

25 A. I do.

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1 Q. And how do you recognize them?

2 A. They are excerpts from messages obtained from
3 Mr. Abegunde's cell phone.

4 Q. Is it the Note5 version of the phone? I think there
5 were two versions, the Note3 and a Note5?

6 A. Yes, it was.

7 Q. Does that correspond to Exhibit 12?

8 A. Yes, it does.

9 **MS. IRELAND:** We would offer this as the
10 next-numbered exhibit for identification only.

11 **THE COURT:** Any objection?

12 **MR. PERRY:** No objection.

13 **THE COURT:** Exhibit 32 for ID.

14 **THE CLERK:** Yes, Your Honor.

15 (WHEREUPON, the above-mentioned document was
16 marked as Exhibit Number 32ID.)

17 **BY MS. IRELAND:**

18 Q. Once again, Agent Palmer, handing you a binder. Could
19 you look at its contents and tell me if you recognize them.

20 A. I do.

21 Q. How do you recognize them?

22 A. They are excerpts of chats and messages from
23 Mr. Abegunde's cell phone.

24 Q. Is that the Note3 operating version?

25 A. It is.

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1 Q. Does that correspond to Exhibit Number 13?

2 A. Yes, it does.

3 **MS. IRELAND:** We would offer these as the
4 next-numbered exhibit for identification purposes only.

5 **THE COURT:** Any objection?

6 **MR. PERRY:** No objection to have identification
7 purposes.

8 **THE COURT:** Exhibit 33 for ID.

9 (WHEREUPON, the above-mentioned document was
10 marked as Exhibit Number 33ID.)

11 **THE COURT:** And you may have said this already,
12 both of these are Bates stamped?

13 **MS. IRELAND:** Well, they have page numbers,
14 individual page numbers.

15 **THE COURT:** Page numbers, that's fine.

16 **BY MS. IRELAND:**

17 Q. Agent Palmer, I'm going to show you another binder of
18 material. Let me know if you recognize it.

19 A. I do.

20 Q. And what does it contain?

21 A. These are items that were taken from the Mac laptop.

22 Q. And did you create these and supervise their creation?

23 A. I did.

24 **MS. IRELAND:** For reference, the Mac laptop is
25 Exhibit Number 15. We would offer this as the next exhibit

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1 for identification purposes.

2 **THE COURT:** Any objection?

3 **MR. PERRY:** No objection for identification.

4 **THE COURT:** Exhibit 34 for ID.

5 (WHEREUPON, the above-mentioned document|item
6 was marked as Exhibit Number 34ID.)

7 **BY MS. IRELAND:**

8 Q. Agent Palmer, I'm going to now show you another piece
9 of another item. Can you tell me what that is?

10 A. This is a CD containing a WAV file and snippets named
11 Dejobo.

12 Q. Were those located on the Silicon Power hard drive
13 that is in evidence?

14 A. It was.

15 Q. And did you supervise the creation of this exhibit?

16 A. I did.

17 **MS. IRELAND:** We would offer this as the
18 next-numbered exhibit for identification purposes.

19 **MR. PERRY:** No objection for ID.

20 **THE COURT:** Exhibit 35 for ID.

21 (WHEREUPON, the above-mentioned document|item
22 was marked as Exhibit Number 35ID.)

23 **BY MS. IRELAND:**

24 Q. And one more item to show you, Agent Palmer. It's a
25 folder. Tell me if you recognize the contents. Let me know

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1 when you've had a chance to examine them.

2 A. Yes. These are items that were obtained from the
3 Silicon Power hard drive.

4 Q. Did you supervise the creation of these exhibits?

5 A. I did.

6 **MS. IRELAND:** And for the record, the Silicon
7 Power hard drive has been admitted into evidence as Item
8 Number 16.

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

10 **MS. IRELAND:** We would offer this as the next
11 numbered item for identification purposes only.

12 **THE COURT:** There are all those different binder
13 clips. What's the -- are they different aspects of it?
14 Should they be different exhibits?

15 **MS. IRELAND:** They will be eventually, Your
16 Honor, subject to relevance and authenticity.

17 **THE COURT:** They will be different exhibits?

18 **MS. IRELAND:** Yes, they will, Your Honor.

19 **THE COURT:** Then let's introduce them now as
20 separate exhibits for ID.

21 **MS. IRELAND:** Okay.

22 **THE COURT:** Is that the case with the others as
23 well?

24 **MS. IRELAND:** Uh-huh.

25 **THE COURT:** Well, I'd go back to the original

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1 numbers so it's hard to -- I guess we could do -- okay.
2 We'll leave them, and we'll do like A, B, C and D. Okay.

3 **MS. IRELAND:** Thank you, Your Honor.

4 **THE COURT:** All right. So 36 for ID.

5 **THE CLERK:** Yes, Your Honor.

6 (WHEREUPON, the above-mentioned document was
7 marked as Exhibit Number 36ID.)

8 **BY MS. IRELAND:**

9 Q. And one final thing, Agent Palmer, that I would like
10 to ask you about. When we were going through the chat
11 messages, there were some receipts that you had us look at,
12 and those were also entered as separately-numbered exhibits.
13 I just want to draw your attention to one of those.
14 Number 26. Can you tell us what the expected destination of
15 this wire is or this -- I'm sorry, this money transmittal is.

16 A. Nigeria.

17 Q. And on Exhibit 28, can you tell what sort of currency
18 was exchanged in this transaction?

19 A. It's one U.S. dollar equivalent to 196.8110 Nigerian
20 naira.

21 Q. And on Exhibit 27, where is the expected destination?

22 A. Nigeria.

23 Q. Thank you. Agent Palmer, I don't have any further
24 questions for you at this time.

25 **MS. IRELAND:** Your Honor, we will pass the

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1 witness.

2 **THE COURT:** All right.

3 Mr. Perry?

4 That's your copy of the notebook, right? That's
5 not the exhibit.

6 **THE WITNESS:** Right.

7 **MR. PERRY:** Your Honor, before I proceed, may we
8 approach?

9 **THE COURT:** Yes.

10 (Bench conference between the attorneys and the
11 Court.)

12 **MR. PERRY:** It's the same brief concern as from
13 evidence. It's my understanding that he's in an introductory
14 phase right now, and then he's coming back at some point
15 either today or tomorrow, whenever they're going to bring him
16 back. And I just want to make sure that I'm not waiving a
17 right to continue my cross-examination at the appropriate
18 time, and that's all -- I wanted to make a record of it.

19 **THE COURT:** Right. So same thing with Vance. I
20 would expect you to cross on everything that's been presented
21 in his direct testimony thus far. When we get to the second
22 part, anything that really is kind of in between as to
23 whether it is direct, was part of the second part or the
24 first part but it really is very close. I'm, you know,
25 leaning in favor of the Defendants and allowing the scope to

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1 be, I wouldn't say broader, but I'm going to err on the side
2 of the Defendant in finding that it's within the scope, but
3 anything that's clearly part of this and clearly not part of
4 the second testimony, I'm going to require to you to do now.

5 **MR. PERRY:** Okay.

6 **THE COURT:** Okay.

7 **MR. PERRY:** All right.

8 **THE COURT:** Thanks.

9 (Bench conference between the attorneys and the
10 Court concluded and the proceedings continued as follows:)

11 **CROSS-EXAMINATION**

12 **BY MR. PERRY:**

13 Q. Agent Palmer, at this point I have a few, just a few
14 limited questions regarding your special knowledge. Your
15 training and background has been in electrical engineering at
16 some point?

17 A. My undergraduate education is in electrical
18 engineering, that's correct.

19 Q. And did you also do some work in nuclear engineering?

20 A. I was employed in a nuclear facility as an engineer.

21 Q. Okay. And so basically engineering and in computer
22 forensics, correct?

23 A. Well, to be specific, during my earlier employment in
24 both the nuclear and chemical industries, I worked in the
25 network IT side of the engineering.

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1 Q. Explain further.

2 A. So electrical engineering is typically comprised of
3 computer engineering, electrical engineering and computer
4 science. My education was through the college of electrical
5 and computer engineering where I obtained education, doing
6 everything from digital electronics through computer
7 programming. As I entered private sector after college, I
8 worked in the nuclear and chemical industry where part of my
9 responsibilities were as a network engineer.

10 Q. Approximately how long between college and your work
11 with the FBI?

12 A. Approximately six years.

13 Q. During that six-year period, in other words, you were
14 with the private sector?

15 A. That is correct.

16 Q. And while you were in the private sector, you had no
17 training in extracting, et cetera, extracting information and
18 data like you did in this particular case?

19 A. Some. As part of network engineering, I was tasked to
20 prevent intrusions. If there were intrusions, it was to
21 extract data from servers and other items on the network that
22 I managed.

23 Q. And in this particular investigation, your knowledge
24 was gained or your knowledge on how to do the information
25 that you're testifying to right now, that training came from

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1 the FBI?

2 A. Correct.

3 Q. And in your training, you said that you, I guess,
4 learned how to extract data off of a computer. I'm saying it
5 basic. But you know how to extract and download data from
6 computer images and things like that, from computers and
7 phones?

8 A. Yes.

9 Q. And in this particular instance, you initially
10 testified from a white binder regarding information that you
11 have extracted from some source that you were testifying to,
12 correct? You had a white binder with you initially when you
13 were testifying?

14 A. Yes. I have it. This is the -- if you're talking
15 about the excerpts from the e-mail account, yes.

16 Q. All right. And those excerpts from that e-mail
17 account, none of those excerpts came from any of the
18 extractions that you did from either the cell phones or the
19 computers belonging to Mr. Abegunde, correct?

20 A. That is correct.

21 Q. And there's nothing that you extracted from those
22 computers that in any way indicated that Mr. Abegunde was
23 engaged in any sort of phishing or anything along those
24 lines, correct?

25 A. No.

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1 Q. There were no -- there were no spoofed accounts,
2 things like that, on Mr. Abegunde's computer?

3 A. Not that I recall.

4 Q. And there were -- and you extracted a lot of data from
5 Mr. Abegunde's computer, correct?

6 A. That is correct.

7 Q. Most of it seemed to engage in, I guess, business
8 finance type of information?

9 A. There was a lot of financial information, correct.

10 Q. A lot of schoolwork and things from his days when he
11 was in college, in graduate school?

12 A. Correct.

13 Q. And those things. From the information that was
14 provided to me, I didn't even see any social media accounts
15 or things like that, correct?

16 A. I believe there were some social media.

17 Q. Not of the type that you were describing, I guess,
18 related to the contact with the information in the white
19 binder that you were testifying to?

20 A. The information in the white binder was Mr. Ramos's
21 e-mail account. If you're asking if I found that on
22 Mr. Abegunde's devices, the answer is no.

23 Q. There were no information from Mr. Abegunde's devices
24 engaging in any sort of romance or anything like that with
25 anybody, right?

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1 A. If you're asking if he was in a romance with somebody,
2 he was. He was married.

3 Q. In a romance scam or telling somebody I love you so
4 that they would give him money, things like that, that's a
5 part of this investigation. That had nothing to do with
6 Mr. Abegunde, according to the information that you just
7 testified to, correct?

8 A. If you're asking if this --

9 Q. Let me rephrase my question.

10 A. I'm confused.

11 Q. From the information that -- the data that you
12 downloaded from Mr. Abegunde's devices --

13 A. Yes.

14 Q. -- there never was an attempt to try to engage in a
15 romance or pretending to be Tammy or anything like that from
16 his data, correct?

17 A. Correct.

18 **MR. PERRY:** I don't have anything further at this
19 time.

20 **THE COURT:** Thank you, Mr. Perry.

21 Mr. Garrett?

22 **MR. GARRETT:** Thank you, Judge.

23

24 **CROSS-EXAMINATION**

25 **BY MR. GARRETT:**

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1 Q. Good morning, Special Agent Palmer.

2 A. Good morning, Mr. Garrett.

3 Q. Special Agent Palmer, have you ever met or talked to
4 Mr. Ramos-Alonso?

5 A. I have never personally met Mr. Ramos-Alonso.

6 Q. Do you have any idea as to what, if any, formal
7 education he has?

8 A. I'm not aware of his education status.

9 Q. Are you aware of any psychological profile on
10 Mr. Ramos-Alonso?

11 A. I have not reviewed any psychological profile
12 documents related to Mr. Ramos-Alonso.

13 Q. Don't know if he has any psychological problems or
14 mental problems?

15 A. I haven't reviewed any psychological or mental
16 documents related to him, no.

17 Q. Do you know if he's got any sort of specialized
18 training?

19 A. I'm not aware of any specialized training, no.

20 Q. Are you aware of his employment history?

21 A. I am aware he was employed at a restaurant, and
22 according to Wells Fargo, he also worked an online money
23 transfer job.

24 Q. Do you have any further details other than the
25 information that you got from Wells Fargo regarding that

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1 online job?

2 A. Regarding his online money transfer job?

3 Q. Yes, sir.

4 A. No.

5 Q. Have you ever seen anything in writing pertaining to
6 such a job?

7 A. Well, I have reviewed his e-mails where he discusses
8 the online transfer of funds, which matches that job
9 description.

10 Q. Have you ever seen a job description for that
11 employment that he supposedly had?

12 A. Have I reviewed a job description for it, no.

13 Q. Yes, sir. Would it be a fair statement to say, based
14 upon the e-mail transmissions between Tammy Dolan and
15 Mr. Ramos-Alonso that he was madly in love with her within
16 one week?

17 A. According to the e-mail account that I reviewed,
18 within one week, there was "I love you" exchanged in the
19 e-mail account.

20 Q. Do you have any reason to believe that he was serious
21 about his feelings toward Ms. Tammy Dolan?

22 A. Based on the e-mails I read, they did exchange a lot
23 of romantic conversation early in their online relationship.

24 Q. If someone falls in love to that extent within a week
25 with someone that they've never met or seen or talked to,

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1 does that indicate some kind of problem with that person to
2 you?

3 A. No. I see this quite often in these type of romance
4 or sweetheart scams.

5 Q. I see. You don't have any evidence or knowledge of
6 Mr. Ramos-Alonso having sent any spoof e-mails, do you?

7 A. No.

8 Q. You don't have any evidence or any knowledge of
9 Mr. Ramos-Alonso having hacked anyone's business accounts, do
10 you?

11 A. No.

12 Q. You don't know whether he has the ability to do either
13 of those things, do you?

14 A. I'm not aware of his technical capabilities.

15 Q. I see. Now, during your direct testimony, you
16 reviewed, I believe it was Exhibit 22 with the e-mails; is
17 that correct?

18 A. I'm not sure.

19 Q. Do you remember going through a binder that contained
20 the various e-mails between Mr. Ramos-Alonso and Tammy Dolan?

21 A. I have it in front of me. Yes, sir.

22 Q. You do have it in front of you?

23 A. Yes, sir.

24 Q. Good. Thank you, sir.

25 By the way, did the Government make any effort to

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1 identify Tammy Dolan?

2 A. Yes, there has been an effort. That's an ongoing
3 investigation.

4 Q. Is Tammy Dolan a co-conspirator in this case?

5 A. Yes.

6 Q. Has the Government ever identified who that individual
7 is? Is there a Tammy Dolan?

8 A. That's an ongoing investigation.

9 Q. I see. The e-mails that you referred to in your
10 direct testimony came from e-mails that were provided by
11 Mr. Ramos-Alonso, were they not?

12 A. That is correct.

13 Q. When he was initially interviewed by the FBI agents
14 out in California, he provided them with all of the
15 information that he had regarding his relationship with Tammy
16 Dolan, did he not?

17 A. He did.

18 Q. And he provided some 929 e-mail transmissions, did he
19 not?

20 A. I believe that number is correct.

21 Q. But the e-mails that you referred to or that you
22 reviewed during your direct testimony was e-mails that --
23 select e-mails from that batch, from that 929 that you
24 thought was germane to the Government's case in this cause;
25 is that right?

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1 A. I reviewed all mails, and I selected certain excerpts
2 to illustrate the progression of what I have seen in my
3 investigations as a romance scam.

4 Q. I see. So it's fair to say that all 929 of the
5 e-mails that transmitted between Tammy Dolan and
6 Mr. Ramos-Alonso is not a part of Exhibit 22?

7 A. Yes. These are select excerpts from the nearly 1,000
8 e-mails that were reviewed.

9 Q. Are those excerpts from all of the 929 e-mails?

10 A. I reviewed the entire account, and I selected certain
11 excerpts.

12 Q. From each one of them? From each one of the e-mails?

13 A. No. There are not 900 and -- the number you stated,
14 there's not that number of e-mails in this binder. As I
15 said, I only selected certain e-mails for the benefit of
16 showing the progression of how a romance scam or sweetheart
17 swam progresses as I've seen it in other investigations and
18 in this one.

19 Q. So there are many more e-mails that were transmitted
20 between those parties that's not a part of Exhibit 22; is
21 that correct?

22 A. Correct. These are just certain excerpts.

23 Q. I see. From those excerpts, you've indicated that
24 Mr. Ramos-Alonso sent money to Tammy Dolan?

25 A. He did.

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1 Q. Did you make an effort to determine what the total
2 amount of money was that he actually sent to her as a part of
3 this romance scam?

4 A. We have definitely looked into that through bank
5 records, through review of the e-mail account. Unfortunately
6 there was a lot of cash transactions in here that makes it
7 difficult, but we are reviewing those to obtain a total.

8 Q. And when you say obtain a total, are you talking about
9 a total of the -- his personal finance or personal moneys
10 that he sent to Tammy Dolan?

11 A. Well, the issue is commingled funds. He did have bank
12 accounts with his own money, but he also received a lot of
13 money from sources he did not know that then commingled with
14 his funds. So determining legitimate funds from illegitimate
15 funds is difficult once the funds are commingled.

16 Q. But through those e-mails that you reviewed, we can
17 determine that there were specific amounts of moneys of his
18 personal moneys that he sent to Tammy Dolan pursuant to her
19 request; is that correct?

20 A. In the beginning, the early days, yes, there were
21 definitely moneys that Mr. Alonso sent of his personal money
22 to Tammy.

23 Q. You made brief reference to a -- I believe the word
24 cut that Mr. Ramos-Alonso received; is that right?

25 A. I did show an excerpt where he was instructed to take

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1 a cut of the proceeds, yes.

2 Q. Did you make a determination as to what you would
3 consider the total amount of moneys that he received as cuts
4 from this endeavor?

5 A. As Agent Vance showed with the bank statements
6 earlier, we can look at the statements and see amount in and
7 amount out and the difference and match those up with some of
8 the e-mails to determine the cut as a percentage of the
9 illicit funds that came in, but as a total, as I stated
10 earlier, the funds are commingled. It's difficult to extract
11 out between illicit funds, his cut and legitimate earned
12 income from his employment.

13 Q. So you don't know whether he was out of pocket much
14 more money than he supposedly received for the favors that he
15 provided to Tammy Dolan, do you?

16 A. We definitely saw the cut as it's been referred to on
17 multiple transactions. As I walk through these excerpts,
18 we've shown where the individual known as Tammy instructed
19 him to take a cut, and we were able to match those up with
20 some bank records.

21 Q. Okay. And when you said you matched them up with bank
22 records, can you tell the jury that he actually received
23 moneys from money transactions pursuant to Tammy Dolan's
24 instructions? Did he physically receive any funds?

25 A. The money went into the accounts he controlled, yes.

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1 Q. The money was in the account when he was told by Tammy
2 Dolan to take a cut. It was in his account already, right?

3 A. The cut he was supposed to take -- in reference to the
4 excerpt I showed was of a certain transaction. I believe it
5 was \$200 out of a \$950 transaction he was conducting. If
6 you're referring to the bank records, I believe there were a
7 couple where it was two to \$300 where we showed examples of.

8 Q. So the two to three --

9 **THE COURT:** Mr. Garrett, move that mic up on your
10 lapel or speak into the standing mic.

11 **BY MR. GARRETT:**

12 Q. The two or \$300 that we are indicating to be cuts was
13 moneys that was left in his personal bank account after he
14 made disbursements pursuant to Tammy Dolan's instructions,
15 right?

16 A. Yeah. I believe the examples Agent Vance showed was,
17 you know, several thousand dollars coming in and then the
18 amount going out was two to \$300 less. So that remainder was
19 left in the account, yes.

20 Q. So you assume that he used that two to \$300 for his
21 personal use. That's an assumption that we're making?

22 A. When you review that in conjunction with the e-mails
23 where the instructions are provided about taking a cut, yes.

24 Q. I didn't hear you mention in your direct testimony
25 anything about airline tickets that Mr. Ramos-Alonso sent to

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1 Tammy Dolan. Did you see those e-mails?

2 A. I did.

3 Q. Do you recall how many times he bought tickets for her
4 to come to America?

5 A. I do not. I do remember at least one occasion there
6 was a discussion about an airline ticket being purchased.

7 Q. On one occasion?

8 A. That's all I can recall at this point, yes.

9 Q. Do you remember or recall whether he made -- purchased
10 airline tickets for Tammy Dolan long after July of 2016?

11 A. I'm not sure.

12 Q. Was it your testimony during direct examination that
13 at some point in time that Mr. Ramos-Alonso fell out of love
14 with Tammy Dolan?

15 A. Well, we definitely see a progression as we look
16 through the e-mails. They start out very romantic in the
17 beginning. There's a lot of intense "I love you," that type
18 of talk, and then by the end, I believe I showed an excerpt
19 where the romantic talk had pretty much ceased to exist. It
20 was purely financial.

21 Q. Did it cease to exist in the e-mails that you have as
22 a part of Exhibit 22, or could there be --

23 **MS. IRELAND:** Your Honor, I'm going to object to
24 outside the scope of direct.

25 **THE COURT:** Didn't you introduce all the e-mails?

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1 **MS. IRELAND:** No, Your Honor. I mean, they're in
2 evidence, but we just used excerpts to illustrate the romance
3 scam arc. There are others.

4 **MR. GARRETT:** May we approach, Your Honor?

5 **THE COURT:** Pardon?

6 **MR. GARRETT:** May we approach?

7 **THE COURT:** Yeah.

8 (Bench conference between the attorneys and the
9 Court.)

10 **THE COURT:** Well first, how is this outside the
11 scope?

12 **MS. IRELAND:** Well, the scope of the direct was
13 how a romance scam develops. That's the reason that those
14 particular excerpts were offered. There will be more later
15 as part of the case.

16 **THE COURT:** But you illustrated how a romance
17 scam develops by looking at the relationship between Tammy
18 Dolan and Mr. Alonso. So I think you put into the trial at
19 this point their relationship. And he's asking further
20 questions about their relationship. I don't know how you
21 draw -- I don't -- I'm a little...

22 **MS. IRELAND:** It's a fine line, Your Honor. I
23 understand.

24 **THE COURT:** I'm going to let you go into -- I
25 mean, if you want to ask now, it sounds like is there going

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1 to be more from him about their relationship?

2 **MS. IRELAND:** More e-mails will be presented
3 through their summary of the case in putting the cases
4 together as they investigate it, yes.

5 **THE COURT:** Now I'm really confused as to why we
6 broke this up because -- I'm sorry, Mr. Garrett, I didn't
7 mean to --

8 **MR. GARRETT:** I was about to say the same thing.
9 That's what's so confusing about this is because we get
10 excerpt from e-mails with more e-mails to come. And what I
11 really wanted to bring to the Court's attention is because of
12 the way this is being handled, we have gone and put together
13 an e-mail packet based on the discovery and the materials
14 that were provided to us so we can put in the e-mails that we
15 think are germane to our case in this case. So we're going
16 to have their mails and their second set of e-mails and
17 Defense's e-mails. It's very confusing and convoluted.

18 **THE COURT:** I'm sorry. I thought there was more
19 of a hard break between these. I guess I should have asked
20 more questions. I don't understand why we didn't just do
21 everything at once, but that's what we've done. So I mean,
22 I'll -- as far as I'm concerned, the e-mail relationship
23 between the two of them has been opened. You've gone into
24 it. In your mind you may think it's just to illustrate the
25 scam, but it's -- to me it's gone beyond that, and I'll allow

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1 them to go into it. Okay.

2 **MR. GARRETT:** If I may, Judge, since we know that
3 he's going to be recalled, there are going to be additional
4 e-mails we have e-mails, I don't intend to go any further
5 with this because I'm getting crossed up in terms of what
6 portion belongs to what. And since we intend to present
7 e-mails that we think is germane to our case, it's not
8 necessary for me to go further with Mr. Palmer in the
9 cross-examination at this stage because I'm running over
10 myself.

11 **THE COURT:** So you want to wait until the second
12 part?

13 **MR. GARRETT:** Yes, ma'am.

14 **THE COURT:** Okay.

15 **MR. GARRETT:** Yes, ma'am.

16 **THE COURT:** Okay. That's fine. That may be --

17 **MR. GARRETT:** Otherwise then, I'm going to be
18 repeating myself in the second part with some of the same
19 things that we're talking about in the first part.

20 **THE COURT:** And now that sort of I understand the
21 two parts, I'm going to -- in the second part I'm going to
22 let you go into whatever you want to in terms of the e-mail
23 correspondence between the two because I think I see that as
24 I'm going to -- as if I'm anticipating what's coming next,
25 I'm going to see it as part of the scope of frankly both

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1 direct, so I'll let you go into it on the second cross.

2 **MR. GARRETT:** Thank you, Your Honor.

3 **THE COURT:** Okay. Thanks.

4 (Bench conference between the attorneys and the
5 Court concluded and the proceedings continued as follows:)

6 **MR. GARRETT:** Your Honor, please, at this point I
7 have no further questions of Special Agent Palmer, and I will
8 defer to later in the proceedings.

9 **THE COURT:** Okay. And just to let the jury know,
10 just like Agent Vance, the Government asked in the beginning,
11 and I gave them permission, to have the two agents' testimony
12 split up to provide a logical presentation in their minds of
13 how they wanted to present the evidence to the jury. I will
14 let both Mr. Garrett and Mr. Perry of course cross-examine
15 the two agents the second time when they testify in the
16 second part of their testimony. So it's unusual to see
17 witnesses twice, but that was established at the beginning of
18 the case.

19 So Mr. Garrett, we will see you again on
20 cross-examination.

21 **MR. GARRETT:** Thank you, Your Honor.

22 **THE COURT:** In the second part of Agent Palmer in
23 the second part.

24 But any redirect on this part of Agent Palmer's
25 testimony?

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1 **MS. IRELAND:** Oh, I'm sorry, Your Honor.

2 **THE COURT:** Any redirect?

3 **MS. IRELAND:** I thought you were speaking to
4 Mr. Coleman. No, Your Honor.

5 **THE COURT:** No redirect. Okay.

6 Agent, you may step down. Thank you.

7 Next witness?

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TESTIMONY OF THEODORE VLAHAKIS

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1
2 **MR. FLOWERS:** United States calls Mr. Theodore
3 Vlahakis.

4 * * *

5
6 **THEODORE VLAHAKIS,**
7 **was called as a witness and having first been duly sworn**
8 **testified as follows:**

9 **DIRECT EXAMINATION**

10 **BY MR. FLOWERS:**

11 Q. Good morning.

12 A. Good morning.

13 Q. Could you please state your name and spell it for the
14 record.

15 A. Yes. My name is Theodore John Vlahakis, Theodore,
16 T-h-e-o-d-o-r-e, John, J-o-h-n, Vlahakis, V as in Victor,
17 l-a-h-a-k-i-s.

18 Q. And how are you employed, sir?

19 A. I work at the Financial Crimes Enforcement Network,
20 commonly known as FinCEN. FinCEN is a bureau of the
21 Department of the Treasury.

22 Q. And what does FinCEN do?

23 A. FinCEN is the administrator of the Bank Secrecy Act,
24 which is the federal anti money laundering statute.

25 Q. And what are your specific responsibilities at FinCEN?

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1 A. I am a compliance enforcement officer at FinCEN, and
2 so I testify as custodian of record. I enforce the
3 provisions of the Bank Secrecy Act, commonly known as the
4 BSA, and I conduct searches of records retained by FinCEN as
5 part of the Bank Secrecy Act.

6 Q. So as part of your role at FinCEN, are you familiar
7 with the process of registering what is known as a money
8 services business?

9 A. Yes, I am.

10 Q. Is a money services business known by some type of
11 acronym?

12 A. Yes, it is.

13 Q. And what acronym is that?

14 A. MSB.

15 Q. And for the benefit of the jury, what is an MSB?

16 A. An MSB is a type of financial institution. For
17 example, a bank is a financial institution, a credit union is
18 a financial institution. And so an MSB is simply a type of
19 financial institution. And if you're performing certain
20 services, then you would have to notify FinCEN that you are
21 doing so, that you are acting as a financial institution.

22 Q. Now, you said certain services. What do you mean by
23 that?

24 A. When I say services, I mean activities. Activities,
25 for example, you could be cashing checks. You could be what

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1 we call a dealer in foreign exchange. You could be a
2 provider or seller of prepaid access. You could be a money
3 transmitter. For example, you could accept currency funds or
4 the equivalent from somebody and then transfer the currency
5 funds or the equivalent to another person or location by any
6 means. That's a money transmitter. The U.S. Postal Service
7 is a money service business. So it's just any activity that
8 we would classify as a financial institution that's not like
9 traditionally known as a bank or depository institution.

10 Q. So what is the process of registering? How does that
11 happen?

12 A. Okay. FinCEN requires that all reports submitted to
13 us are submitted electronically. So step one is to sign up
14 for the BSAE filing system, and then we send the registrant a
15 PIN, personal identification number. But if you want to
16 engage in these services, for example, you want to engage in
17 money transmission, then the requirement you must register on
18 a form called a Registration of Money Services Business Form.
19 It's called an RMSB, and you have to do so within 180 days.

20 Q. 180 days of what, Mr. Vlahakis?

21 A. Offering the service. So for example, if I offer
22 money transmission services, check cashing services, any of
23 those types of services, I have 180 days from the time I
24 perform that transaction to register with FinCEN.

25 Q. So you mentioned earlier that you're a custodian as

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1 part of your responsibilities. What exactly does that mean?

2 A. It means that these records, such as the registration
3 of money services business, RMSB, these are records received
4 in the ordinary course of business by FinCEN. And so I'm
5 qualified to examine these records, to see if they are
6 authentic and to search them.

7 Q. And do you know if the system is reliable?

8 A. Yes, it is reliable.

9 Q. Why?

10 A. Because these records, as I mentioned, they're
11 retained in the ordinary course of business, and they are --
12 they're certified.

13 Q. And do individuals or entities who register, do their
14 names appear publicly on the database?

15 A. Yes. We have a tool on our public web-site and, you
16 know, again, it's public, available to anybody, and you can
17 look up who is registered as the money service business, what
18 services they're offering, where they're located. So if I
19 want to find a check casher, let's say in Memphis, I can
20 narrow it down, and I can look -- search by street address,
21 you know. If I want to find a dealer in foreign exchange in
22 Virginia, I can do that. So that's all public information,
23 yes.

24 Q. And when one applies to become an MSB, is there an
25 attestation of providing truthful information?

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1 A. Yes, there is. So as I mentioned, you have to file
2 electronically and, you know, you sign electronically, and
3 there's a -- like a pop-up box that says, you know, I certify
4 that the information provided in this form is true and
5 correct to the best of my knowledge, yes.

6 **MR. FLOWERS:** Your Honor, may I approach the
7 witness?

8 **THE COURT:** Yes.

9 **BY MR. FLOWERS:**

10 Q. What is this document, sir?

11 A. This is a certificate of official record from FinCEN
12 of a registration of money services business, RMSB
13 transcript.

14 Q. Now, is this the type of RMSB transcript you
15 referenced previously as in part of your testimony?

16 A. Yes, it is.

17 Q. And again, just for the benefit of the jury, what
18 again is this transcript?

19 A. Could you please repeat.

20 Q. What is the transcript?

21 A. The transcript is a copy of a registration from an
22 entity, looks like from F.J. Williams, Incorporated.

23 Q. And does this document bear the seal of FinCEN?

24 A. Yes, it does.

25 Q. And is this document kept and maintained in the

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1 regular course of business?

2 A. Yes, it is. It's certified.

3 Q. And as part of creating the document such as this,
4 what type of -- do you have to provide identifiers into that
5 database?

6 A. Yes.

7 Q. And does the database then generate a report based on
8 those identifiers?

9 A. Yes.

10 Q. And to your knowledge, that produces a reliable report
11 based on those identifiers?

12 A. Correct.

13 **MR. FLOWERS:** Your Honor, at this time the
14 Government would offer this RMSB transcript into evidence and
15 ask to publish Page 1 to the jury.

16 **THE COURT:** Any objection?

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

18 **MR. GARRETT:** No objection, Judge.

19 **THE COURT:** Exhibit 37, I believe.

20 **MR. FLOWERS:** 37. Thank you, Your Honor.

21 **THE CLERK:** Yes, Your Honor.

22 **MR. FLOWERS:** And I have a copy for the Court
23 also with Bates number in the bottom right-hand corner.

24 (WHEREUPON, the above-mentioned document was
25 marked as Exhibit Number 37.)

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1 **BY MR. FLOWERS:**

2 Q. May I direct your attention, sir, to Page 2, and I'll
3 zoom out here. Do you see header information where it says
4 filing information?

5 A. Yes, I do.

6 Q. And an entry for valid registration?

7 A. Yes.

8 Q. So what is the filing date?

9 A. November 15th, 2016.

10 Q. And for what organization is this transcript?

11 A. F.J. Williams, Incorporated.

12 Q. And do you see an address associated with it?

13 A. Yes, I do.

14 Q. Okay. What is that?

15 A. 1014 Brookwood Valley Circle, Atlanta, Georgia, 30309.

16 Q. So I'm going to adjust the document slightly. Do you
17 see a compliance contact?

18 A. Yes, I do.

19 Q. Who is listed as the compliance contact?

20 A. It is a Mr. Olufolajimi Abegunde. I'm sorry about
21 pronunciation.

22 Q. That's fine. And I will now direct your attention to
23 where it says primary transaction account. Do you see an
24 entry for that?

25 A. I do.

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1 Q. Do you see an institution listed?

2 A. I do.

3 Q. And what institution is that?

4 A. PNC Bank.

5 Q. Now, is listing a financial -- primary financial
6 institution a requirement of applying for FinCEN?

7 A. It's not a requirement of actually submitting the
8 report; however, what we say in the form instructions is that
9 if the person registering has that information, it's required
10 to be submitted. So you can physically submit the report
11 without it, but if you know it, we'd like it. So yes, in so
12 many words.

13 Q. May I direct your attention now to the next page.

14 A. Yes.

15 Q. Do you see a separate heading for money services and
16 product information?

17 A. I do.

18 Q. What, if anything, is listed under money services
19 business activities?

20 A. Dealer in foreign exchange and money transmitter.

21 Q. Do you see an entry below that? It says, registrant
22 is part of informal value transfer system?

23 A. I do.

24 Q. And what is indicated in that field?

25 A. No.

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1 Q. For the benefit of the jury, what is an informal value
2 transfer system?

3 A. An informal value transfer system, it's a type of
4 money transmitter, which as I referred to earlier is a kind
5 of money services business. And an informal value transfer
6 system is -- you can think of it as a money transmitter that
7 operates outside of the purview of the traditional financial
8 system. For example, it can be a network of people or even
9 an individual that accepts money from somebody and then
10 transfers the money to a third party in another geographic
11 location.

12 So for example, if somebody wants to send money to
13 another country but they want the funds transfer to be like
14 off the books with no records created, that would be an
15 example of informal value transfer system. And there are --
16 we have many, many different examples of what that would be,
17 but that's just one. That's very basic.

18 Q. So sir, and then below in that -- do you see a field
19 for authorized signature?

20 A. Yes.

21 Q. What's indicated about a signature?

22 A. The form was electronically signed by Mr. Olufolajimi
23 Abegunde.

24 Q. Now I'm turning the page to Page 5 of my entry. What
25 is the filing date on this document, sir?

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1 A. November 15th, 2016.

2 Q. And for what organization?

3 A. F.J. Williams, Incorporated.

4 Q. And then do you see an entry for compliance contact?

5 A. Yes, I do.

6 Q. And what bank -- what -- who is listed as the

7 compliance contact?

8 A. Mr. Olufolajimi Abegunde.

9 Q. And then under primary transaction account, again what
10 institution is listed?

11 A. Yes, PNC Bank.

12 **MR. FLOWERS:** May I approach the witness, Your
13 Honor?

14 **THE COURT:** Yes.

15 **BY MR. FLOWERS:**

16 Q. Do you recognize this document, sir?

17 A. Yes, I do.

18 Q. What is it?

19 A. It is an RMSB transcript.

20 Q. And for what entity?

21 A. F.J. Williams, Incorporated.

22 Q. And is this an official FinCEN document?

23 A. Yes. It has the FinCEN seal, and it was certified.

24 Q. And is this created by putting in certain identifiers
25 and then generating that transcript?

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1 A. Yes.

2 Q. Was that process followed in this instance?

3 A. Yes, it was.

4 Q. And how do you know that the system again is reliable?

5 A. The report was received in the ordinary course of
6 business.

7 **MR. FLOWERS:** Your Honor, at this time the
8 Government offers this RMSB transcript in evidence and would
9 request to publish.

10 **THE COURT:** Any objection?

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

12 **THE COURT:** Exhibit 38.

13 (WHEREUPON, the above-mentioned document was
14 marked as Exhibit Number 38.)

15 **BY MR. FLOWERS:**

16 Q. Now, you already mentioned the individual
17 organization, but under compliance contact, is Mr. Abegunde
18 listed?

19 A. Yes, he is.

20 Q. And again, is PNC listed as the depository
21 institution?

22 A. Correct. Yes, it is.

23 Q. Directing your attention to where it says money
24 services and product information. What, if anything, is
25 listed under money services business activities?

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1 A. That this entity is a dealer in foreign exchange and a
2 money transmitter.

3 Q. And do you see an entry under registrant as part of
4 informal value transfer system?

5 A. I do.

6 Q. And what is indicated on that?

7 A. No.

8 Q. And do you see an authorized signature on this
9 document?

10 A. I do.

11 **MR. FLOWERS:** May I approach the witness, Your
12 Honor? Well, actually I'm going to ask a few foundational
13 questions if the Court will indulge me.

14 **THE COURT:** Certainly.

15 **BY MR. FLOWERS:**

16 Q. So after an entity registers with FinCEN, is that the
17 end of the story?

18 A. No, it is not.

19 Q. Why not?

20 A. Because when you perform these activities, these money
21 service business activities, you are a financial institution.
22 For example, a bank is a financial institution. A casino is
23 a financial institution and on and on. And when you hold
24 yourself out as a financial institution, you're the gateway
25 to protecting the financial system. So we ask you to take

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1 certain precautions to carry out that role. Those would
2 include precautions, I mean responsibilities. Record keeping
3 and reporting are chief among those responsibilities.

4 Q. What do you mean by record keeping and reporting?

5 A. For example, when I say reporting, I mean that there
6 are certain reports that these financial institutions have to
7 file. So if you are a money services business and you
8 receive or disburse more than \$10,000 in currency during the
9 course of one business day, you have to file what's called a
10 currency transaction report with FinCEN. Record keeping. If
11 you're offering money transmission services, you have to keep
12 a record of those services if they're in the amount, let's
13 say, of \$3,000 or more.

14 Currency exchanges, if you are offering currency
15 exchanges of a thousand dollars or more, you have to keep a
16 record. If you're selling, let's say, monetary instruments
17 or traveler's checks, something like that and in the amount,
18 let's say, from three to \$10,000 inclusive, you have to keep
19 a record. You have to keep these records for five years.
20 And then the most important requirement is something called
21 an anti money laundering program.

22 Q. Okay. We will go into anti money laundering program
23 in a moment, Mr. Vlahakis. Am I saying that correctly, by
24 the way?

25 A. Yes.

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1 Q. Vlahakis?

2 A. That's correct, Vlahakis, yes.

3 Q. So with regards to, you said, the CTRs. Again, what
4 does that stand for, CTR?

5 A. Currency transaction report.

6 Q. Does the FinCEN database or does FinCEN track reports
7 that are filed or reports that are filed against entities?

8 A. Both.

9 Q. And does the database produce results based on both?

10 A. Yes.

11 Q. So if certain identifiers are put into the database,
12 would it include reports filed as well as reports filed on an
13 institution?

14 A. Yes.

15 Q. And if there were no reports filed by a particular
16 institution, how would that appear in a return?

17 A. If there are no reports filed by a particular
18 institution, then the results would come up as blank. You
19 wouldn't see any results.

20 **MR. FLOWERS:** May I approach the witness, Your
21 Honor?

22 **THE COURT:** Yes.

23 **BY MR. FLOWERS:**

24 Q. Do you recognize this document, sir?

25 A. Yes, I do.

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1 Q. What is it?

2 A. It's a currency transaction report transcript.

3 Q. And it is produced for what entity?

4 A. It looks like F.J. Williams. So it was filed on an
5 F.J. Williams.

6 Q. And was this transcript produced through the FinCEN
7 database or systems?

8 A. Yes. It was received in the ordinary course of
9 business. It's an official record that has been certified.

10 Q. And how do you know that it's reliable?

11 A. Well, has our seal and as I said, it was received in
12 the ordinary course of business.

13 **MR. FLOWERS:** Your Honor, at this time, the
14 Government would offer this document into evidence and
15 respectfully request the ability to publish.

16 **THE COURT:** Any objection?

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

18 **THE COURT:** Exhibit 39.

19 **MR. FLOWERS:** Thank you, Your Honor.

20 (WHEREUPON, the above-mentioned document was
21 marked as Exhibit Number 39.)

22 **BY MR. FLOWERS:**

23 Q. Do you see an information contained under filing date?

24 A. Yes, I do.

25 Q. What is that, sir?

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1 A. April 4th, 2017.

2 Q. And on behalf of whose person was this report -- was
3 this filed?

4 A. F.J. Williams, Incorporated.

5 Q. And is there an address associated with that entity?

6 A. Yes, there is.

7 Q. What is that?

8 A. 1014 Brookwood Valley Circle Northeast, Atlanta,
9 Georgia, 30309.

10 Q. I'd like to direct your attention to the bottom of
11 this document. Do you see an entry for occupation/type of
12 business?

13 A. Yes, I do.

14 Q. What information is contained in that entry?

15 A. Clothing trading company.

16 Q. So there's -- is there an entry under cash-in amount?

17 A. Yes.

18 Q. So what is listed there?

19 A. \$10,700.

20 Q. So with something a CTR again, those are triggered by
21 transactions involving cash amounts more than what value?

22 A. \$10,000.

23 Q. So I'd like to direct your attention to the next page.
24 Do you see an entry under transaction date?

25 A. Yes, I do.

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1 Q. And there's information contained below that under
2 aggregated transactions. What is listed?

3 A. Yes.

4 Q. So what is an aggregated transaction?

5 A. Okay. All that means is that during the course of one
6 business day, the financial institution received more than
7 \$10,000, so that triggered this report, but it was not all in
8 one transaction. So for example, it could have been, I don't
9 know, could have been \$5,000, let's say, at noon and then,
10 you know, could have been \$5,700 at 4 p.m., something like
11 that. And that would trigger this report. So it's just
12 broken up into multiple transactions.

13 Q. Directing your attention to Page 5 of this, is there a
14 filing date contained on this, sir?

15 A. Yes.

16 Q. What is that?

17 A. January 24th, 2018.

18 Q. So -- and just for a point of clarity, do you see a
19 section for persons involved in transactions?

20 A. Yes, I do.

21 Q. Does this mean that a report's being filed on someone
22 or something?

23 A. In this case, this person was actually conducting a
24 transaction for another person.

25 Q. Okay. And based on this entry, who is the individual

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1 listed having conducted a transaction for another?

2 A. First name is Olufola Abegunde.

3 Q. And directing your attention to the bottom, what was
4 the cash-in amount?

5 A. \$17,140.

6 Q. And under occupation/type of business, what
7 information if any is contained?

8 A. Just owner, just whatever they provided, owner.

9 Q. Is this an additional CTR, sir, or is this a
10 continuation of the last one?

11 A. No. This is a continuation of the last one.

12 Q. Okay. How do you know that?

13 A. Because it will say -- this is another person involved
14 in the transaction. If you look on the previous page, it
15 will actually tell you under persons involved in
16 transactions, person involved in transaction one of two, and
17 it will list Abegunde, and it will say person involved type,
18 conducting transaction for another. So this was a person who
19 was actually performing the transaction, but not necessarily
20 benefitting from it, according to this report. Then if you
21 look at the bottom of Page 1, it says, person involved in
22 Transaction 2 of 2, F.J. Williams, Incorporated. So now we
23 need to determine --

24 Q. Where on the screen is that, sir? If you would,
25 please, you can touch the screen --

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1 A. Oh.

2 Q. -- to indicate.

3 A. I can, okay. F.J. Williams, Incorporated person
4 involved in Transaction 2 of 2.

5 Q. So then turning to the following page, the information
6 would be tied to the second individual?

7 A. Right. That's correct. That's correct. And what it
8 tells us is that F.J. Williams is benefitting from the funds
9 because it says person involved type, person on whose behalf
10 this transaction was conducted.

11 **THE COURT:** Mr. Flowers, are you now moving to
12 another document?

13 **MR. FLOWERS:** I believe I'm going to move to a
14 different document, Your Honor.

15 **THE COURT:** Okay. The jury's lunch is here.

16 **MR. FLOWERS:** Okay.

17 **THE COURT:** So it sounds like a good time to
18 break. Always a good time to break when the jury's lunch is
19 here.

20 Mr. Vlahakis?

21 **THE WITNESS:** Yes, Your Honor.

22 **THE COURT:** We're in the middle of your
23 testimony, so don't talk to anyone about your testimony over
24 the lunch break.

25 **THE WITNESS:** Understood.

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1 **THE COURT:** Okay. So it is here -- I need to
2 actually deal with two matters during your lunch break. So
3 I'm going to give you actually still the same, until 1:15 for
4 lunch. Still not time to talk to anyone about the case,
5 including each other. Don't talk to the people involved in
6 the case at all. Keep the juror badge on and enjoy your
7 lunch. Thank you.

8 (Jury leaves at 12:05.)

9 **THE COURT:** You can step down.

10 **THE WITNESS:** Thank you, Your Honor. Leave the
11 records here?

12 **THE COURT:** Yeah. They're fine there.

13 **THE WITNESS:** Thank you.

14 **THE COURT:** Thanks. Do you all have anything
15 over the break? Anyone have anything?

16 **MS. IRELAND:** No, Your Honor.

17 **THE COURT:** Okay. We'll do -- we're going to do
18 that change of plea at 12:30.

19 **MS. IRELAND:** Yes. But I might ask Mr. Flowers
20 to step in so I can talk to the next witness.

21 **THE COURT:** However you all want to handle it.

22 **MS. IRELAND:** Thanks.

23 **MR. FLOWERS:** I will be there.

24 **THE COURT:** All right. Thank you.

25 (Lunch Break.)

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1 **THE COURT:** We do have the -- this is just the,
2 you know, first preliminary look at jury instructions for
3 counsel. Things in yellow were the things that I think we
4 still need to decide for one reason or another. It may be
5 based on we have to see what the testimony is or some of the
6 instructions you all haven't agreed on, that sort of thing,
7 but trying to get that out to you earlier to give you a
8 chance to start reviewing. Anything else, anything before we
9 bring the jury back.

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

11 **MR. FLOWERS:** Not from the Government, Your
12 Honor.

13 **THE COURT:** All right. Let's bring them back.

14 (Jury returns at 1:33 p.m.)

15 **THE COURT:** You all may be seated. Did you have
16 a good lunch?

17 **THE JURY:** Yes.

18 **THE COURT:** Good. My apologies for bringing you
19 back late. It was purely my fault for trying to cram too
20 much in during the lunch hour. So blame me. Ready to get
21 going though?

22 **THE JURY:** Yes.

23 **THE COURT:** All right. Mr. Vlahakis?

24 **THE WITNESS:** Yes, perfect.

25 **THE COURT:** Remember, you're still under oath.

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1 **THE WITNESS:** Yes, Your Honor.

2 **THE COURT:** Thank you.

3 You may proceed, Mr. Flowers.

4 **MR. FLOWERS:** Thank you, Your Honor.

5 **BY MR. FLOWERS:**

6 Q. When we broke, sir, we were talking about CTRs.

7 A. Yes.

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

10 **THE COURT:** Yes.

11 **THE WITNESS:** Thank you.

12 **BY MR. FLOWERS:**

13 Q. Do you recognize this document, sir?

14 A. Yes, I do.

15 Q. What is it?

16 A. It's a currency transaction report transcript.

17 Q. And does it bear the FinCEN seal?

18 A. Yes, it does.

19 Q. And is this an official document?

20 A. Yes, it is.

21 Q. Is it maintained in the ordinary course of FinCEN's
22 activities?

23 A. Yes, it is.

24 Q. And do you know the system that produces these to be
25 reliable?

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1 A. Yes, I do.

2 **MR. FLOWERS:** Your Honor, on that basis, the
3 Government would offer this document into evidence and
4 respectfully request the ability to publish certain portions.

5 **THE COURT:** Any objection?

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

7 **THE COURT:** Exhibit 40.

8 **MR. FLOWERS:** Before I publish, just thought I
9 should ask some clarifying questions --

10 Thank you, Mr. Haley.

11 **MR. FLOWERS:** -- for these documents.

12 (WHEREUPON, the above-mentioned document was
13 marked as Exhibit Number 40.)

14 **BY MR. FLOWERS:**

15 Q. Now, the information contained in CTRs, are they -- is
16 it provided by the financial institutions themselves?

17 A. Yes. Currency transaction reports are provided by
18 financial institutions.

19 Q. And what types of information do they base it on?

20 A. They base it on -- well, it's -- again, currency
21 transaction reports are filed for physical transactions in
22 currency for more than \$10,000, and so they'll base it on,
23 you know, that and who's conducting the transaction, who's
24 benefitting from the transaction, those types of information.

25 Q. It's information that has been collected by that

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1 financial institution?

2 A. Right, yes, exactly.

3 Q. I'm going to show you this first page, and I neglected
4 to ask what a few of -- about a few of the terminology in the
5 past ones, and I certainly apologize to the Court and to the
6 jury, but I'll start before I get into some definitions.

7 What is the date on this particular report?

8 A. It was filed November 22nd, 2015.

9 Q. And who is the person involved in the transaction?

10 A. Okay. This report indicates that there were two
11 persons involved in the transaction, and so the first one is
12 Olufolajimi Abegunde, and he was the person on whose behalf
13 the transaction was conducted. So in other words, he
14 benefited from the transaction.

15 Q. So question about some of the terminology here, sir.
16 So do you see -- bless you -- do you see where under persons
17 involved in the transaction, it says T-I-N unknown?

18 A. Yes, I do.

19 Q. What does that mean, TIN unknown?

20 A. TIN just stands for taxpayer identification number.
21 It's similar to, for example, social security number, and it
22 just means that the filing institution did not collect that
23 information from this individual at the time of the
24 transaction. They were not able to obtain that information
25 for some reason.

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1 Q. And then the entry just directly below that, TIN type,
2 is that a similar type of information, or is it different?

3 A. It's similar, so TIN type can be is it domestic,
4 United States or foreign, and so in this case, it says
5 foreign.

6 Q. And is that, the nature of that tied to the underlying
7 transaction, sir?

8 A. It's -- so when they -- yes, and so -- the answer is
9 yes.

10 Q. So I'll move down to the bottom of this particular
11 document. You testified, if I'm understanding you correctly,
12 that the transaction was alleged to have taken place on this
13 date was done for the benefit of someone bearing the name
14 Olufolajimi Abegunde. Down in cash-in amount, how much are
15 we dealing with this in this particular transaction?

16 A. \$15,000.

17 Q. So -- and I'll direct your attention to the next
18 page, OA3.

19 A. Okay. What this is saying is that the second person
20 involved in this transaction was conducting it for another.
21 So in other words, this is the person physically conducting
22 the transaction, and it looks like it's an individual by the
23 name of Jonathan Wade McKean.

24 Q. So -- and then going to the bottom of this document,
25 do you see the total cash in under amount in transactions?

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1 A. Yes, I do.

2 Q. And what amount is reflected?

3 A. \$15,000.

4 Q. Now, the entry below that, cash in types?

5 A. Right.

6 Q. There's also the same amount there. What's going on
7 with that entry?

8 A. Okay. So what we have here is we know the total is
9 \$15,000. Cash in types in this case is a deposit. Other
10 cash in types could be, for example, currency received by the
11 institution for, you know, wire transfer, currency to fund a
12 negotiable instrument, you know, monetary instrument like a
13 check or something like that, but in this case, it was just a
14 simple cash deposit, looks like.

15 Q. Now, direct your attention to Page 5 of this. Do you
16 see a date reflected on this entry, sir?

17 A. Yes, I do.

18 Q. What's the filing date?

19 A. January 31st, 2016.

20 Q. And who is the individual involved in the transaction?

21 A. There is just one, and it's Olufolajimi Abegunde.

22 Q. And directing your attention to the bottom of this
23 document, do you see an amount reflected in cash-out amount?

24 A. Yes.

25 Q. And how much is that?

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1 A. \$12,000.

2 Q. And direct your attention to the next page, do you see
3 the section labeled Amount and Type of Transactions?

4 A. Yes, I do.

5 Q. How much total cash is reflected in this entry?

6 A. \$12,000.

7 Q. And what type of financial transaction was conducted
8 as reflected in this document?

9 A. Withdrawal.

10 **MR. FLOWERS:** Sorry, Your Honor. I wanted to let
11 the image stabilize itself.

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

13 **BY MR. FLOWERS:**

14 Q. Directing your attention to Page OA-8, do you see a
15 date reflected on this entry, sir?

16 A. Yes, I do.

17 Q. What is the date on that?

18 A. March 12th, 2016.

19 Q. So going down to persons involved in the transaction,
20 who is the individual involved in that transaction?

21 A. Just one, and like the previous report, they conducted
22 this transaction for their own benefit on their own behalf.

23 I'm sorry. I apologize. There is just one person, as I
24 said, but it's the person on whose behalf the transaction was
25 conducted, so this person benefited, but they did not conduct

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1 the transaction, and the person's name is Olufolajimi
2 Abegunde.

3 Q. What makes you say that the person did not conduct the
4 transaction?

5 A. Under person involved type, it says person on whose
6 behalf this transaction was conducted, but it does not say
7 that they conducted it on their own behalf.

8 Q. So I'll direct your attention to the next page at the
9 top of that document. Does it list the actual transaction
10 date?

11 A. Yes.

12 Q. And what was the amount involved?

13 A. \$10,080.

14 Q. And what type of transaction?

15 A. Deposit.

16 Q. Now I'll direct your attention to Page OA-11. Do you
17 see a date associated with this particular BCTR transcript?

18 A. I do.

19 Q. What is the filing date?

20 A. March 20th, 2016.

21 Q. And who is the person on whose behalf the transaction
22 was conducted?

23 A. Olufolajimi Abegunde.

24 Q. And directing your attention to the bottom, what's the
25 amount reflected in that entry?

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1 A. \$13,605.

2 Q. Now, to the final page of this particular one, what
3 type of transaction are we dealing with?

4 A. This is a cash deposit.

5 Q. How do you know it's a cash deposit?

6 A. When it says -- because it says deposit, deposits
7 \$13,605.

8 Q. And if I'm understanding your testimony correctly,
9 that would reflect cash?

10 A. Currency, correct.

11 Q. Currency?

12 A. Yes.

13 Q. Thank you. Directing your attention to Page 15, what
14 is the filing date of this particular BCTR, sir?

15 A. January 24th, 2018.

16 Q. And who are the -- who are the persons involved in
17 this transaction?

18 A. The report indicates that there were two persons
19 involved. The first person was conducting the transaction
20 for another person, and that individual is Olufolajimi
21 Abegunde.

22 Q. And on whose behalf?

23 A. On the behalf of an entity named Malfid LLC. It's an
24 organization.

25 Q. Now, on the identifying information under the persons

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1 involved in the transaction, is there a listing, an
2 occupation/type of business?

3 A. Yes, there is.

4 Q. What information is indicated?

5 A. It indicates that the occupation/type of business for
6 Olufolajimi Abegunde is Jordan Stalling Consulting.

7 Q. Now, is there an amount under reflected in cash-in
8 amount?

9 A. Yes.

10 Q. What is that?

11 A. \$13,570.

12 Q. Now again, I'll direct your attention to amount and
13 type of transactions. How much money is involved in this
14 particular transaction?

15 A. \$13,570.

16 Q. And what type of transaction was conducted?

17 A. Deposit.

18 Q. A deposit of what, if you know?

19 A. Currency.

20 Q. This should be the last one in this exhibit. Is there
21 a date reflected on this BCTR transcript, sir?

22 A. Yes, there is.

23 Q. And what is the date of that?

24 A. January 24th, 2018.

25 Q. And who are the individuals involved in this

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1 transaction?

2 A. The report indicates there are two individuals
3 involved. The first one is Mr. Abegunde, and he is
4 conducting the transaction for another person.

5 Q. And what is the other entity involved?

6 A. The other entity is F.J. Williams, and the report
7 indicates that that is the person on whose behalf the
8 transaction was conducted.

9 Q. And what is the amount associated with the
10 transaction?

11 A. Well, the -- for Mr. Abegunde, he -- there's a cash-in
12 amount of \$17,140 and for F.J. Williams, \$25,140. Total cash
13 in is \$25,140.

14 Q. So earlier in your testimony, you indicated that the
15 system, if I'm understanding you correctly, both produces
16 reports of individuals but also indicates if no CTRs were
17 filed by individuals.

18 A. That's correct.

19 Q. Now, of the records we just evaluated, were any CTRs
20 that were filed associated with any of those identifiers in
21 the previous exhibits?

22 A. No. So no CTRs were filed by any of these individuals
23 or entities listed as subjects.

24 Q. Now, I'm going to ask some additional questions, but
25 we have one more batch of documents.

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

3 **THE COURT:** Yes.

4 **BY MR. FLOWERS:**

5 Q. Do you recognize this document, sir?

6 A. Yes, I do.

7 Q. What is it?

8 A. It's a currency transaction report transcript.

9 Q. Transcript involving what individual?

10 A. Just one. It looks like a Mr. Luis Ramos-Alonso.

11 Q. And was this transcript generated from the FinCEN
12 databases?

13 A. Yes. It was received in the ordinary course of
14 business. It has the official FinCEN seal on it.

15 Q. And you know it to be reliable?

16 A. Yes.

17 **MR. FLOWERS:** Your Honor, at this time, the
18 Government would offer this BCTR transcript into evidence and
19 respectfully request the ability to publish.

20 **THE COURT:** Any objection?

21 **MR. GARRETT:** No objection, Your Honor.

22 **THE COURT:** Exhibit 41.

23 (WHEREUPON, the above-mentioned document was
24 marked as Exhibit Number 41.)

25 **BY MR. FLOWERS:**

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1 Q. All right. Mr. Vlahakis?

2 A. Correct.

3 Q. Vlahakis, very good. What is the filing date of this
4 particular report?

5 A. August 7th, 2016.

6 Q. And again, the individual involved, which is under
7 persons involved in transaction?

8 A. Mr. Luis Ramos-Alonso.

9 Q. And what is the address associated with this
10 particular individual?

11 A. 918 Harcourt Avenue Apartment 3, Seaside, California,
12 93955.

13 Q. Is there an e-mail associated with this particular
14 person?

15 A. Yes.

16 Q. Could you please to the best of your ability read
17 that?

18 A. Yes. Alonsoluis32@gmail.com.

19 Q. Okay. So then directing your attention to the next
20 page, how much is the transaction in this particular
21 transcript?

22 A. \$30,000 cash out withdrawal.

23 Q. And I'd like to direct your attention to amount and
24 type of transactions. Now, according to the transcript, what
25 is the date of that particular transaction?

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1 A. According to the report, the transaction date is
2 July 26th, 2016.

3 Q. And what type of withdrawal is associated with that
4 transaction?

5 A. Currency.

6 Q. Now directing your attention to --

7 **MR. FLOWERS:** This would be Page 5, Your Honor,
8 for sake of the record, of this particular exhibit.

9 **BY MR. FLOWERS:**

10 Q. What is the filing date of this particular transcript?

11 A. October 15th, 2016.

12 Q. And who is the person involved in this particular
13 transaction?

14 A. Form indicates just one person, Luis Ramos-Alonso.

15 Q. Now I'll direct your attention down to the bottom of
16 this document. Do you see an entry under cash-out amount?

17 A. Yes, I do.

18 Q. And what is the cash-out amount?

19 A. \$20,000.

20 Q. Now direct your attention to the next page, which is
21 RA006. Does this particular page depict a transaction date?

22 A. Yes, it does.

23 Q. And what is the transaction date?

24 A. October 4th, 2016.

25 Q. And what type of transaction is reflected in this

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1 document?

2 A. \$20,000 withdrawal.

3 Q. And can you -- are you able to tell a withdrawal of
4 what type?

5 A. It's currency.

6 Q. And I'll also direct your attention down to the filer
7 information, and we haven't spoken a lot about this. So very
8 briefly could you describe the filer information, what types
9 of information would be contained in that -- those entries?

10 A. Sure. Filer information is just referring to the type
11 of financial institution that is submitting the currency
12 transaction report. In this case, that's a bank, a
13 depository institution. And so that's -- they're just
14 completing their information about the name of the bank,
15 their address, the legal name, and then if any branches were
16 involved, there are corresponding entries for that
17 information as well.

18 Q. And which particular bank is reflected as making
19 the -- as filing the CTR on this document?

20 A. Wells Fargo Bank, N.A.

21 Q. Now, I'd like to direct your attention back to RA003,
22 and my apologies for not asking this question earlier. And
23 again, just for the sake of the record, on this particular
24 page, what transaction date is reflected?

25 A. July 26th, 2016.

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1 Q. And directing your attention to the bottom, which
2 financial institution is making that filing report?

3 A. Bank of America, N.A.

4 Q. And finally, if I may, what is the filing date of this
5 particular transcript?

6 A. October 15th, 2016.

7 **MR. FLOWERS:** And Your Honor, is that zoomed in
8 sufficiently or can people --

9 **THE COURT:** It is for me.

10 **MR. FLOWERS:** I want to make sure. I will trust
11 that it is.

12 **THE COURT:** Let me ask, can the jury see?

13 **THE JURY:** (The jurors nod heads.)

14 **BY MR. FLOWERS:**

15 Q. Okay. And who is reflected in this document as being
16 the person conducting the transaction?

17 A. The report indicates there is just one person
18 conducting the transaction on their own behalf, and that is
19 Mr. Luis Alonso.

20 Q. So is there an entry under multiple transactions?

21 A. There is just one person involved in the transaction.
22 Does not appear to be multiple, no.

23 Q. Well, if I may direct, do you see where it says the
24 section persons involved in transactions?

25 A. Yes, I do.

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1 Q. Do you see approximately the third entry?

2 A. Oh, yes, I do. I apologize. Yes. Yes. Yes. The
3 answer is yes.

4 Q. And I'll direct your attention to the bottom, do you
5 see a cash-out amount, sir?

6 A. Yes.

7 Q. And what is that cash-out amount?

8 A. \$18,000.

9 Q. Do you see an entry under transaction date?

10 A. Yes, I do.

11 Q. What date is reflected?

12 A. October 5th, 2016.

13 Q. And for how much?

14 A. \$18,000 withdrawals and so because there are multiple
15 transactions, it means that there were multiple transactions
16 during the course of one business day that all added up to
17 \$18,000.

18 Q. And if I may direct your attention to the bottom,
19 which -- my apologies. Are there multiple financial
20 institutions involved in this CTR?

21 A. There are multiple financial institution locations,
22 correct.

23 Q. And what are those locations?

24 A. Wells Fargo Bank is the filer. The first location
25 appears to be 1160 Forest Avenue, Pacific Grove, California,

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1 and then the second one appears to be 399 Alvarado Street in
2 Monterey, California.

3 Q. Okay. So Mr. Vlahakis, I promised earlier that we
4 would circle back and do some more discussion about some of
5 the concepts. Now, you had mentioned anti money laundering
6 programs as a requirement for businesses that register with
7 FinCEN. For the benefit of the jury, what is an anti money
8 laundering program?

9 A. Anti money laundering program is required of all
10 financial institutions, whether you're a bank or a money
11 services business, and it just ensures that the financial
12 institution is not being used as a vehicle for money
13 laundering or terrorist financing or other possible financial
14 crimes.

15 Q. What are some of the requirements, or what are some of
16 the factors involved in an anti money laundering program?

17 A. Okay. Anti money laundering program has four factors,
18 and the first one is basically just like a monitoring system
19 so that the transactions that go through the financial
20 institution can be monitored, like internal controls. And
21 the second requirement is a compliance officer. So just
22 somebody who can actually do the monitoring and oversee the
23 program.

24 The third requirement is education and training of
25 staff, the staff of the financial institution so that they

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1 know what to expect. They know what kind of transactions go
2 through this institution, and they can keep up to date on the
3 latest compliance requirements. And the last requirement is
4 an independent audit, so somebody can ensure that this
5 institution is complying with our anti money laundering
6 program requirements. And this audit can be done by even
7 somebody who works at the institution, as long as that person
8 is not the compliance officer.

9 Q. So I'd like to then talk about can MSBs act through
10 agents?

11 A. Yes, they can.

12 Q. What are the -- how so?

13 A. Okay. So if you're a money services business, you can
14 be a principal MSB, and you can also have agents. So to give
15 you an example, Western Union is a principal, and Western
16 Union can have various agents that, for example, offer its
17 money transfer services at convenience stores. And Western
18 Union would have to register with FinCEN as an MSB.

19 Western union's agents, as long as those agents are
20 strictly operating within the principal agent agreement,
21 would not register. And so the way it works is, if you are a
22 principal and you have agents, as the principal, you would
23 indicate on the registration form that you have agents, how
24 many agents you have, the location of these agents, the
25 states and territories.

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1 Another requirement that a principal MSB would have is
2 they have to keep internal records relating to, again, where
3 these agents are located, approximate business volume that
4 they do, any detail relating to the business lines that the
5 agent are involved in, the depository institutions that these
6 agents have. And then FinCEN or any other law enforcement
7 agency can request that information from the principal MSB at
8 any time.

9 Q. So how do the anti money laundering requirements work
10 between the principal and the agent? How do they come
11 together?

12 A. Okay. Well, the principal MSB has to have in a money
13 laundering program and the agents do as well because the
14 agents are the entities who are actually carrying out, on
15 behalf of the principal, MSB activities. For example, let's
16 just say like money transfer services. If you're an agent,
17 you can use the same anti money laundering program as the
18 principal. Usually that's what's done or can you come up
19 with your own, but the bottom line is that you have to have
20 one.

21 Q. And what facts -- can an individual be an agent?

22 A. Sure.

23 Q. Can an individual be an MSB?

24 A. Yeah.

25 Q. Principal MSB?

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1 A. Yes.

2 **MR. FLOWERS:** And just a few final questions
3 before I pass the witness.

4 **BY MR. FLOWERS:**

5 Q. Does FinCEN train people?

6 A. FinCEN does not offer formal training; however, our
7 web-site offers a wealth of information, for example,
8 webinars, guidance material. It's all publicly available.
9 You know, you can look at our guidance pieces. You can look
10 at the regulations. And so no, we don't have a formal
11 training program for anybody.

12 Q. And then does FinCEN have an enforcement arm?

13 A. Yes, we do.

14 Q. And what's that?

15 A. So the enforcement division at FinCEN is actually the
16 primary -- we call it the primary action arm, and we receive
17 referrals from law enforcement agencies and regulators
18 relating to financial institutions with very serious
19 compliance deficiencies. For example, let's say you have a
20 bank or a casino or a money services business, and it's been
21 examined by the regulator, and it's found to have an anti
22 money laundering program that's nonexistent or deficient in
23 some way, that regulator will just let us know. And then if
24 needed, we can write up an enforcement action seeking civil
25 money penalties.

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1 Q. Is it possible for registrations to be taken away?

2 A. In terms of money service business registrations?

3 Q. Yes.

4 A. Well, what happens is that if a money services
5 business is registered, they have to renew every two years,
6 if they're continuing to engage in that activity. So what
7 you do is, for example, if I were to register right now, my
8 first renewal date is going to be by December 31st, 2020 and
9 then by December 31st every two years after that. And so if
10 I don't renew, then I fall off the registration list. But
11 there's no actual de-registration.

12 **MR. FLOWERS:** Your Honor, at this time I think I
13 will pass the witness.

14 **THE COURT:** Very good. Thank you, Mr. Flowers.
15 Mr. Perry?

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

17 **CROSS-EXAMINATION**

18 **BY MR. PERRY:**

19 Q. Is your title Agent Vlahakis, sir?

20 A. No, sir. I'm a compliance and enforcement officer.
21 So Mr. Vlahakis.

22 Q. I can just call you Mr. Vlahakis?

23 A. Yep.

24 Q. Prior to anything involved in the case that's bringing
25 you here today, had you ever had any sort of enforcement arm

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1 action take place against Mr. Abegunde?

2 A. No, I did not.

3 Q. Was there ever a record of anyone making a complaint
4 to the enforcement arm of FinCEN?

5 A. No. Not that I know of, no.

6 Q. And you testified earlier that it appeared that back
7 in 2016, Mr. Abegunde on his own filled out the form and
8 registered with FinCEN, correct?

9 A. That's correct.

10 Q. And there was nothing that you have in your records
11 indicating that prior to that time, he had engaged in
12 anything wrong or illegal or that any entity forced him to
13 register with FinCEN?

14 A. Our records would not reflect that. That's right. I
15 have no knowledge of that.

16 Q. And based on your involvement in the case to this day,
17 you don't have anything to offer to this jury indicating
18 that?

19 A. Correct.

20 Q. Now, you listed a number of different transactions
21 that you said were reported by different institutions to
22 FinCEN regarding transfers, et cetera, correct?

23 A. Yes, that's correct.

24 Q. Now, by the fact that you read those, that doesn't
25 indicate that there was any wrongdoing. That just means that

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1 there were transactions that were conducted, and they were
2 reported appropriately by the institution to FinCEN?

3 A. Correct.

4 Q. And there's nothing that would have led to any
5 investigation because a person is in another country, and
6 there are different transfers, et cetera, be they deposit or
7 withdrawals, and those withdrawals or deposits get referred
8 to or reported to FinCEN?

9 A. Correct.

10 Q. When a person reports to FinCEN or an institution, is
11 it by computer filing, or how does that work?

12 A. So all Bank Secrecy Act reports must be electronically
13 filed, correct.

14 Q. There are a number of documents that the financial
15 institution will tell you. For instance, if you are
16 depositing an amount of \$20,000, according to, I guess,
17 FinCEN requirements, the institution is required to place a
18 hold on that account for a few days, correct?

19 A. That would be up to the institution's internal
20 policies and procedures, so FinCEN would not dictate what the
21 institution would do in that particular instance.

22 Q. But if it was a transaction of that amount, you would
23 have or supposed to have, depending on the institution, a
24 report of it, correct?

25 A. That's correct.

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1 Q. And there's nothing in that report or in any of the
2 documents that you were reading or referring to earlier that
3 indicated in and of themselves that there was any sort of
4 illegal activity from anybody, be they F.J. Williams or
5 Mr. Abegunde himself, associated with any of the reports.

6 A. Correct. These reports would not indicate that.

7 Q. You said that on one report, I noted that on the
8 registration requirement that he filed himself back in August
9 of -- I think it was in November of 2016?

10 A. Yes, I believe that's correct.

11 Q. November 15th, 2016?

12 A. I believe that's correct, yes.

13 Q. Not putting you on the spot mathematically --

14 A. That's fine.

15 Q. But apparently, I tender that -- or by way of a
16 question that August 29th until November 15th, 2016 would be
17 less than 180 days, correct?

18 A. Yes.

19 Q. So if there was a transaction that took place in that
20 window and Mr. Abegunde registered voluntarily without any
21 other entity asking him to, within the time frame that you
22 just stated, would that in and of itself seem that he was in
23 compliance with FinCEN?

24 A. He would be in compliance with our registration
25 requirements, yes.

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1 Q. In other words, there's nothing that would -- in the
2 enforcement arm, you said that you do have the ability to
3 fine individuals?

4 A. So the enforcement arm has the ability to take -- to
5 assess civil money penalties against financial institutions,
6 not individuals. Individuals would be individuals of
7 financial institutions. Now, in this case, we're talking
8 about a money services business, and so if you register with
9 FinCEN as a money services business, yes, then we would have
10 that ability.

11 Q. If he registers with FinCEN and he fills out his
12 forms, does not indicate that he's a foreign exchange service
13 or what is it, an FX service?

14 A. A money transmitter, for dealer foreign exchange.

15 Q. But that he's doing business as a currency business
16 such as Western Union. Okay? Are you following me so far?

17 A. Yes, sir.

18 Q. And the individuals that bring that money to him, is
19 there a requirement that he seek some form of an affidavit or
20 confirmation from the individual that deposits into his bank
21 or his organization or his institution, that they file any
22 sort of affidavit that the money is procured legally versus
23 illegally?

24 A. No, there is not.

25 Q. And does he have any duty whatsoever to follow up with

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1 an inquiry and file an affidavit himself that I inquired
2 whether or not all funds were legal versus illegal?

3 A. The answer to your question is no; however as I
4 mentioned earlier, all financial institutions including money
5 services businesses have to have an anti money laundering
6 program. And so part of that would be just to monitor the
7 transactions. And if an MSB thinks that the source of the
8 funds, you know, may be illegal, may be suspect, then they
9 should look further into that.

10 Q. If an individual puts together a -- I left my mic. If
11 an individual puts together a packet, maybe a half an inch
12 thick with different requirements, anti money laundering
13 policy requiring -- laying out information that if you're
14 dealing with me, you have to be in compliance with that, does
15 that not seem that that person is trying to comply with
16 FinCEN?

17 A. Could be, yes.

18 Q. And speaking of an anti money laundering policy, under
19 the FinCEN rules, that policy does not have to be a written
20 policy, does it?

21 A. It should be, yes. It does have to be written because
22 the money services businesses are examined by the IRS. And
23 so as I mentioned, the IRS can refer certain things to the
24 enforcement division of FinCEN. And so one of the things the
25 IRS looks for is a written anti money laundering program. So

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1 it does have to be written down somewhere.

2 Q. And can you refer to that particular rule? And if you
3 can't from your head, I understand that.

4 A. It is -- I mean, I'd have to think of the -- it's in
5 31CFR Part 103, and I think it's -- I'd have to think of the
6 exact citation, but what I mentioned is four parts to an anti
7 money laundering program, yes, there is a separate provision
8 stating that it must be written down somewhere.

9 Q. And those would be under the IRS rules, correct, or
10 rules applicable to the IRS?

11 A. It's the -- the IRS does have rules pertaining to that
12 particularly requirement, but that's part of the Bank Secrecy
13 Act which is FinCEN rules because a financial institution can
14 have an anti money laundering program, and if it's not
15 written down, theoretically they could be in compliance, but
16 the IRS wouldn't know about it.

17 Q. Right. I'm sticking with theory right now. There is
18 no written requirement as long as you have a policy written,
19 that meets the requirements of the Code of Federal
20 Regulations, CFR, does it not?

21 A. Yes. But I should add to your question, if you don't
22 mind, that even if you have a written program, you also have
23 to follow that -- there has to be evidence that you're
24 following that program as well.

25 Q. I understand. And now, you're an agent of the

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1 Government, under the Department of Treasury, right?

2 A. Yes.

3 Q. And just like, I guess, parallel organizations, the
4 Secret Service is under Treasury and --

5 A. FinCEN?

6 Q. No, no, no, I'm just asking. You are?

7 A. Yeah. Yes.

8 Q. And you are -- you're not an agent of the Government.
9 You are a compliance officer, though, with the Government?

10 A. Correct.

11 Q. Correct, United States government?

12 A. Yes.

13 Q. And so your testimony is on behalf of the Government,
14 correct?

15 A. Yes, sir.

16 Q. And usually when you're brought into cases or called
17 to testify, how often do you get called to testify?

18 A. This is my second time.

19 Q. Okay. And are you new in your role?

20 A. I've been at FinCEN for ten years. My current role
21 for about two years.

22 Q. And so in ten years, you've never been called --
23 you've been called to testify, I guess, once or twice prior
24 to today?

25 A. My old role which was section chief, that was not part

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1 of the official duty was to testify, just for this role.

2 Q. How long ago were you called to testify in a case?

3 A. Last time was November of 2017.

4 Q. And so prior to the last two years, you have not been
5 called to testify in any of your roles with FinCEN?

6 A. Correct. Because that would not be part of the job
7 description.

8 Q. All right. And you got placed in your role under the
9 current administration, right?

10 A. Yes.

11 Q. And so since 2017, you started, I guess, participating
12 in court cases like this?

13 A. Yes. This would be my second time, correct.

14 Q. And was that case similar to this case?

15 A. I mean, again, I'm a custodian of record, and I
16 testify as a fact witness about FinCEN regulations.

17 Q. You have a good memory, right?

18 A. I do.

19 Q. Do you remember the person's name in that case?

20 **MR. FLOWERS:** Your Honor, can we approach,
21 please?

22 **THE COURT:** Yes.

23 (Bench conference between the attorneys and the
24 Court.)

25 **MR. FLOWERS:** Mr. Perry is going way outside the

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1 boundaries of cross of a fact witness asking him to apply his
2 knowledge to particular cases. I just think that that's
3 improper at this time given what Mr. Vlahakis has testified
4 to. He's basically trying to get him to then apply his
5 specialized knowledge of the case at hand in which he doesn't
6 have the personalized knowledge. He was not someone who was
7 an enforcement action in this. To ask him to give his
8 opinion of that case, first of all, is improper. Secondly
9 lacks the proper foundation to do so.

10 **THE COURT:** Where are you going?

11 **MR. PERRY:** I'm going to give an as detailed as
12 possible explanation. He's been called to testify on a
13 number of transactions that have nothing to do with the one
14 transaction that brings us to court today, and I'm assuming
15 that the reason for that is to try to show some sort of
16 predicate action that there are a number of actions that were
17 taken by Mr. Abegunde that had nothing to do with this one
18 case. And in that, he's -- without calling somebody with
19 special knowledge, he's established that, and I need to find
20 out, just like I would any other expert or a, person with
21 special knowledge, how many times his special knowledge and
22 expertise has been called and brought before a court. And I
23 think I have the right under the rules to do that, and I'm
24 just establishing --

25 **THE COURT:** I don't think -- this has nothing to

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1 do with specialized knowledge. I'm assuming that -- well,
2 I'm assuming certain things about where the Government is
3 going with this testimony, and I don't think it has anything
4 do with -- well, I guess I shouldn't assume, but this witness
5 has not offered specialized knowledge. This witness is a
6 custodian, has brought in documents. He's testified as to
7 what the documents are, what the name of the person in the
8 other case is has nothing to do with this case and is way
9 beyond the scope of direct. Okay.

10 **MR. PERRY:** All right.

11 **THE COURT:** Thanks. I'll exclude it.

12 (Bench conference between the attorneys and the
13 Court concluded and the proceedings continued as follows:)

14 **MR. PERRY:** I don't have anything further, Your
15 Honor.

16 **THE COURT:** Thank you, Mr. Perry.

17 Mr. Garrett, any questions?

18 **MR. GARRETT:** Couple of questions, Your Honor.

19 **CROSS-EXAMINATION**

20 **BY MR. GARRETT:**

21 Q. Good afternoon, Mr. Vlahakis.

22 A. Good afternoon, sir.

23 Q. Sir, looking at Exhibit Number 41 as it relates to
24 Mr. Ramos-Alonso, this document doesn't indicate any
25 wrongdoing on Mr. Alonso's behalf, does it?

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1 A. No, it does not. These records are just what the
2 financial institutions submitted to FinCEN. So they're
3 not -- you know, they're not licenses or anything like that.
4 It's just what we received. But no, it does not.

5 Q. And you do not vouch for the accuracy of the
6 information in these documents, do you?

7 A. I do not. It's just what we received.

8 Q. And you received, as you indicated, that you received
9 this information from the financial institutions in question?

10 A. That's correct, yes.

11 Q. And one of those financial institutions was Wells
12 Fargo Bank?

13 A. Yes.

14 Q. Is this the same Wells Fargo Bank that bilked its
15 customers out of millions of dollars without their knowledge?

16 A. It's Wells Fargo Bank according to the report.

17 Q. Would this Wells Fargo be of part of that banking
18 institution that bilked its customers out of their money?

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

20 THE COURT: Yes.

21 (Bench conference between the attorneys and the
22 Court.)

23 THE COURT: I'm not sure we really need to go to
24 sidebar for this one, but yes, Mr. Flowers?

25 MR. FLOWERS: I was going to object under 402 and

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1 403. It's irrelevant and unfairly prejudicial. It has no
2 bearing whatsoever. And it's outside the scope of the direct
3 and the witness's knowledge. On all of those bases, I would
4 seek to exclude that line of questioning.

5 **THE COURT:** Mr. Garrett?

6 **MR. GARRETT:** It's a threshold question, and all
7 of this is credibility, and that applies to these financial
8 institutions just like it does to individuals.

9 **THE COURT:** Do you have any proof that any
10 actions by Wells Fargo related to the reporting of financial
11 transactions has been improper in any way?

12 **MR. GARRETT:** As it relates to these documents?

13 **THE COURT:** Or any documents like this.

14 **MR. GARRETT:** Not like this. No, ma'am.

15 **THE COURT:** All right. I'm going to tell the
16 jury to disregard it. Thank you.

17 **MR. GARRETT:** Thank you.

18 (Bench conference between the attorneys and the
19 Court concluded and the proceedings continued as follows:)

20 **THE COURT:** Ladies and gentlemen, please
21 disregard the last question and answer regarding Wells Fargo.

22 Anything else, Mr. Garrett?

23 **MR. GARRETT:** No, Your Honor, that's all the
24 questions I have.

25 **THE COURT:** Thank you, Mr. Garrett.

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1 Mr. Flowers, any redirect?

2 **MR. FLOWERS:** A brief redirect, Your Honor.

3 **REDIRECT EXAMINATION**

4 **BY MR. FLOWERS:**

5 Q. Getting into anti money laundering questions that were
6 asked in cross, is there a concept known as know your
7 customer requirements?

8 A. Yes, there is.

9 Q. And what are they, Mr. Vlahakis?

10 A. The requirements that when an MSB conducts
11 transactions with their customers, for example, money
12 transfers or check cashing or the sale of monetary
13 instruments, they have to collect certain information from
14 their customers. For example, their IDs, address, anything
15 that -- government-issued ID, anything that would allow them
16 to form a reasonable belief that they know that this is the
17 person that they're dealing with, that they have a -- you
18 know, that this is the actual person who is conducting the
19 transaction.

20 Q. To clarify your testimony and for the sake of the
21 record, are these KYC, know your customer requirements part
22 of an anti money laundering program?

23 A. Yeah.

24 Q. So hope to speak a little bit about the difference
25 between a license and a registration.

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1 A. Yeah.

2 Q. If you are registered with FinCEN, is that a license
3 to operate?

4 A. No, it is not.

5 Q. Why not?

6 A. Registration with FinCEN again, on the RMSB is -- it's
7 just a record of what's provided to FinCEN from the
8 registrant. And so they're just giving us information about,
9 you know, where they're located, the types of MSB activities
10 that they're performing, like check cashing, money
11 transmission, whether they have agents, and so we don't
12 perform any due diligence on it. It's not a license.

13 And so a license could be from a state, and so it's --
14 again, it's just what they provide. It's not a green light
15 to do business necessarily. It's just that they've -- you
16 know, they've conducted the activity that qualifies as MSB
17 activity, and then that triggers the requirement to register
18 and have an anti money laundering program. But again, it's
19 not a license.

20 Q. And can registered entities commit money laundering?

21 A. Yes.

22 **MR. FLOWERS:** May I have a moment, Your Honor?

23 **THE COURT:** Yes.

24 **BY MR. FLOWERS:**

25 Q. Mr. Vlahakis, you mentioned several factors under know

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1 your customer requirements. Does that also include knowing
2 the source of the funds?

3 A. Generally it requires the MSB to perform some type of
4 due diligence, and I understand that they may not be able to,
5 in all cases, know the exact source of the funds, and that's
6 fine, but just take reasonable efforts to, again, ascertain,
7 you know, if the funds -- if it seems like maybe could be
8 suspicious, if there are any red flags, maybe to ask the
9 customer about it. Just be very reasonable. And perhaps if
10 the MSB thinks that, you know, the activity may be
11 suspicious, could turn down the transaction. That's a
12 business decision. There are certain things that the MSB can
13 do to protect itself in a financial system, yes.

14 **MR. FLOWERS:** No further questions, Your Honor.

15 **THE COURT:** Thank you, Mr. Flowers.

16 Mr. Vlahakis, you may step down.

17 **THE WITNESS:** Thank you, Your Honor.

18 **THE COURT:** Thank you.

19 **THE WITNESS:** May I leave the reports here, Your
20 Honor?

21 **THE COURT:** Are those your copies rather than the
22 exhibits?

23 **THE WITNESS:** I believe that --

24 **MR. FLOWERS:** Your Honor, may I retrieve them?

25 **THE COURT:** Yes, you may.

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1 **THE WITNESS:** Thank you.

2 **THE COURT:** Thank you. Thanks. Next witness.

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MS. IRELAND: United States calls Ariel Hays.

* * *

ARIEL HAYS,

was called as a witness and having first been duly sworn testified as follows:

DIRECT EXAMINATION

BY MS. IRELAND:

Q. Good afternoon.

A. Hi.

Q. Will you please adjust the microphone so that it's close to your mouth and maybe off to the side toward the jury a little bit so that everyone can hear you when you speak, and the court reporter can hear you too.

A. Okay.

Q. Great. Thank you. Would you please state your name for the record and spell both your first and last name.

A. Ariel Hays, and it's A-r-i-e-l, and my last name is H-a-y-s.

Q. How are you employed, Ms. Hays?

A. I work with PNC Bank, and my job title is market risk and loss prevention advisor.

Q. How long have you been with PNC Bank?

A. I've been with PNC for three years in that position.

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1 I mean, I'm sorry. I've been with PNC for eight years and
2 that position for three.

3 Q. What did you do in your prior position?

4 A. Worked in the branch as teller, banker.

5 Q. What are the scope of your duties as a risk and loss
6 prevention investigator, manager?

7 A. So I work with the branches. We go in and do audits
8 with the branches to ensure that they are in regulatory
9 compliance with their paperwork, that the employees are in
10 compliance. We also do cash audits. We also work with fraud
11 detection and prevention. So we do training with the branch
12 employees on how to detect and prevent fraud, and then we
13 work with our back office partners if risk is identified to
14 ensure next steps are taken.

15 Q. Are you also contacted proactively when one of your
16 branches detects something that they need -- they think they
17 need to look into?

18 A. Yes.

19 Q. How do they contact you?

20 A. Well, multiple ways. They call me. We also have a
21 mailbox that we work. Each market has their own mailbox, and
22 the branches can e-mail into there with questions or if
23 they've identified certain risks.

24 Q. What is the territory area that you cover?

25 A. Currently I work in Florida and cover Tampa Bay and

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1 Southwest Florida.

2 Q. Was there a time when you covered the Atlanta area?

3 A. Yes.

4 Q. When was that?

5 A. From March 2016 until September of 2018.

6 Q. Are you familiar with a PNC account in the name of

7 F.J. Williams?

8 A. Yes.

9 Q. And is the account number ending in 6791?

10 A. Yes.

11 Q. Did you bring some records regarding that account with
12 you today?

13 A. Yes.

14 **MS. IRELAND:** May I approach, Your Honor?

15 **THE COURT:** Yes.

16 **MR. PERRY:** Your Honor, may we approach?

17 **THE COURT:** Yes.

18 (Bench conference between the attorneys and the
19 Court.)

20 **MR. PERRY:** Your Honor, this case involves one
21 transaction, and I don't understand where they plan on going
22 into with PNC Bank, any prior closures of an account, any of
23 that is totally irrelevant to this case. There's only one
24 transaction that brings us here, and I understand that if
25 it's a conspiracy, you can say that there are, you know, all

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1 these other people, but nine people who it might go through,
2 yada, yada, but there's one transaction that is relevant to
3 this case. And I don't -- I don't understand what the
4 Government wants to do with that, other than it being
5 information that was collected by the Government. It has
6 nothing to do with this at all.

7 **THE COURT:** I got your point.

8 **MS. IRELAND:** That would be a correct statement
9 if this was a substantive wire fraud charge. It is not. It
10 is an ongoing conspiracy alleged in the indictment from 2014
11 forward until the superseding indictment was returned. It is
12 a conspiracy involving multiple parties, and it is a complex
13 financial fraud, which often involves a variety of
14 activities. This is relevant to the case. It also
15 demonstrates knowledge and is pertinent to the Government's
16 case. There's -- it was also noticed, I believe, under --

17 **THE COURT:** Right. But he did -- he reserved --
18 specifically reserved his right to argue relevance.

19 **MS. IRELAND:** Right. That's true.

20 **THE COURT:** What will this tend to show?

21 **MS. IRELAND:** It will tend to show knowledge of
22 fraudulent conduct well before the particular incident that
23 was referred to by Mr. Perry.

24 **MR. FLOWERS:** Not just before. It's a pattern
25 and practice of activity, knowledge of conduct, a common

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1 scheme of plan, a modus operandi, all of those things that
2 indicia of wrongdoing add up to intent.

3 **MS. IRELAND:** That knowledge is going to be key.
4 It's being argued repeatedly as to whether someone knew
5 something or how you know they know something. Well, this is
6 how you know they know.

7 **MR. PERRY:** Your Honor, there is not a case that
8 they can rely on that says that every transaction he ever
9 engaged in that did not involve any law enforcement, he's
10 never prosecuted for anything in this. There's no indicia
11 that anybody was defrauded at any point in any of this, other
12 than what they're trying to speculate. This has nothing to
13 do with this case, and this is far reaching in and of itself,
14 saying that this case should be in the Western District. The
15 only thing that would supersede it had to do with marriage
16 fraud. The Court has already ruled on that, and we've moved
17 on from that. This has nothing to do with marriage fraud.
18 This is a series of transactions from another bank that never
19 was prosecuted or brought forward for any other purpose.

20 **THE COURT:** Well, they don't have to be
21 prosecuted. Are these -- what is this going to show
22 specifically?

23 **MS. IRELAND:** It's an investigation into
24 irregularities in an account, contact with Mr. Abegunde to
25 discuss the nature of the activities that were under

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1 question, unsatisfactory answers that resulted in an
2 immediate closure of the account as opposed to the general
3 30-day notice.

4 **THE COURT:** Is this before or after the
5 transaction that involves Mr. Ojo?

6 **MS. IRELAND:** It is during the same time period
7 from November 2016 through May 2017.

8 **MR. FLOWERS:** I believe it is because it directly
9 bears upon his defense he's raising about I am licensed. I'm
10 using this company, F.J. Williams. I'm doing everything that
11 I could. It's the account that deals with the company and
12 how he represents it and how he actually operates his
13 business. It directly bears upon his knowledge of conducting
14 financial transactions and creating a web through which dirty
15 money can move.

16 **MR. PERRY:** Your Honor, there's nothing that
17 indicates what money is dirty. This is what -- the bank has
18 the discretion to open, close, do anything. It's a
19 contractual obligation between client and the bank. They're
20 not law enforcement. And what they do specifically in
21 regards to a client has nothing it do with this case.
22 There's one transaction in this case that brings us here, and
23 this would be prejudicial in any case, in any case setting.
24 To say if it was a drug case, to say that, well, you know,
25 let's bring him up here and bring up something that happened

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1 that didn't end up in prosecution, you're alleged to have had
2 marijuana in your car in Texas on a case that's a conspiracy
3 that has nothing to do with that transaction. There's no --
4 and going along that same line of thinking, there's no --
5 there would be no crime lab report, nothing from local law
6 enforcement, just a person who said that I thought that you
7 were smoking weed. That would be the same sort of
8 hypothetical that goes with this.

9 They're trying to bring transactions that have
10 not been even determined to be fraud. To say that, well, we
11 closed these why. Did y'all have any contact with anybody
12 who is a co-conspirator, no. Did you have any sort of
13 conversations with anybody who has anything to do with this
14 case whatsoever, no. Did you have anything to do with the
15 actual indicted co-conspirators, no. We never had a
16 conversation with anybody regarding anything to do with
17 what's directly in this particular case, let alone even the
18 victim who is in this case, the lady who came yesterday from
19 Washington state. There's no PNC transaction that has
20 anything to do with her. There's no PNC transaction that has
21 to do anything with anything but her subjective belief or
22 PNC's subjective belief that they wanted to close the bank.

23 And the other thing is this, the reason or
24 rationale in retrospect on why you close an account has
25 nothing to do with this particular case because it's totally

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1 subjective. And so to bring in this subjective testimony in
2 a case with the type of implications that this does, I mean,
3 if they want to prove their case based on supposed
4 interactions with other unindicted co-conspirators and all of
5 that, then so be it, but none of this alleges that. There's
6 not any information that there was one conversation with any
7 co-conspirator with this lady at all.

8 **THE COURT:** Okay. Yes?

9 **MS. IRELAND:** Knowledge is a key element of every
10 charge the Government has in this case. It's an ongoing and
11 continuing effort to work around the financial rules that
12 evolved over time. When a Realtor business account was shut
13 down and he knows the reason it was shut down, why the bank
14 took the actions that it did, it progressed on to using
15 accounts of other individuals and working around the system
16 in other ways. We have to show that there is knowledge of
17 how the system works.

18 **THE COURT:** So how does this show knowledge of --
19 not that sort of the general knowledge that banks close
20 accounts. I guess Mr. Perry's point is how does this show
21 knowledge of specifically illegal activity.

22 **MS. IRELAND:** It's not --

23 **THE COURT:** Or likely illegal activity at issue
24 here.

25 **MR. FLOWERS:** Being put on notice of wrongdoing,

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1 I take issue with his stance that it has to come from law
2 enforcement with the color of law to be notified or put on
3 notice what he was doing was wrong.

4 **THE COURT:** I understand. But what are we going
5 to see from this that says that in this instance that is
6 specifically knowledge at issue?

7 **MR. FLOWERS:** I'm sorry to speak over Your Honor.
8 We anticipate that will show that using the account tied to
9 his allegedly registered and legitimate business when
10 confronted about suspicious transaction. His first
11 indication was to lie. And based on his unsatisfactory
12 answers, his account was closed. Like he also had many, many
13 accounts closed and then was forced to turn to using multiple
14 peoples' accounts, perhaps as many as 35 to 40 to conduct
15 transactions in the illicit black market currency exchange.
16 That bears upon --

17 **THE COURT:** And that's proof that's going to
18 be -- that's coming to come in?

19 **MR. FLOWERS:** Yes. And it's relevant because it
20 directly relates back to the transaction he's talking about
21 in which we believe that the evidence shows that Mr. Abegunde
22 was the one who was in control of Mr. Ojo's account on the
23 transaction involving BEC from Whatcom Title. Because of his
24 difficulties with the banks, he had to transition to using
25 other peoples' accounts and dipping the toes in the water, it

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1 was Ms. Oguntoye's account and it was Mr. Ojo's account that
2 he was using at that time renewing the funds.

3 **MR. PERRY:** Your Honor, if any of those factors
4 could be proved or not just beyond a reasonable doubt but
5 proved to a grand jury, he would have been indicted on some
6 of that stuff. And to say that those unindicted -- he's
7 indicted on a case here. It has nothing to do --

8 **MR. FLOWERS:** It's a conspiracy count, Mr. Perry.

9 **THE COURT:** Hey, guys. That's not the standard
10 for letting proof in. I don't -- if they're trying to
11 introduce proof that -- and as I take it and I know you're
12 going to point this out in cross-examination, they're not
13 going to say -- I don't think they're going to say these
14 things were illegal. I think they're going to present as the
15 facts of what the bank did. And they don't have to give a
16 standard of proof where I started the statement. My
17 evaluation of what comes in isn't based on what was indicted
18 or not indicted.

19 **MR. PERRY:** But it's always based on probative
20 value being outweighed by the prejudicial effect, and the
21 prejudicial effect in this case where there's no connection,
22 it's like saying that any time there's a conspiracy, you can
23 bring up anything whatsoever out in the world and that does
24 not without somehow tying in some causal connection to this
25 particular case, it just doesn't make sense. And this

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1 totally is weighed -- the prejudicial effect is totally
2 outweighed by the probative value on a case where you allege
3 one -- there's only one transaction, and there's only one
4 transaction that brings us here.

5 If you take that transaction out of it, there's
6 no way you even get into the Western District of Tennessee.
7 The alleged theft didn't happen here. None of the alleged
8 victims happen here. The alleged hacking was supposed to
9 have happened but nothing to do with the actual transaction
10 that brings my guy into this courtroom, and to say that you
11 can bring in every account that now the flip side of that
12 would be -- and just think about it, Your Honor, if I all of
13 a sudden start marching in everybody who's had a good dealing
14 with to show if he was in compliance and good compliance, the
15 Court would say, wait a minute, what are you doing. I'd say
16 well, Your Honor, he had this good account. Did you ever
17 have a problem. No, he came in and he walked my dog. He was
18 nice to me on his off days. He was a great person. The
19 Court would have a fit.

20 And to bring this thing in, to assert that in
21 this particular case that he had something because this lady
22 who I don't know whether she's ever met him before without
23 any sort of -- without any sort of direct voir dire regarding
24 what is the basis of her issues with him, we don't have any
25 of those things that are normally reliable. We've just got

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1 the documents from a company that's saying, well, you know,
2 he had accounts here and we closed it. And that's -- the
3 probative value in this particular case is far outweighed by
4 the prejudicial effect that it has and that's just --

5 **MS. IRELAND:** A crime can be prosecuted where it
6 began, where it passed through and where it ended.

7 **THE COURT:** Hang on. You are not talking to each
8 other. Do it again and I'm going to do something. I don't
9 know what. Ms. Ireland, talk to me.

10 **MS. IRELAND:** If venue is an issue, you can raise
11 it pretrial, and you can argue it. The fact is it is here,
12 and Your Honor already decided that. Proven knowledge is
13 critical to this case. A conspiracy is broad sometimes, ugly
14 sometimes, messy sometimes, and proving knowledge is
15 something that cannot be proved without showing other actions
16 and things that occurred that put someone on notice that they
17 need to be careful or do something or change their practices,
18 especially when it's a pattern.

19 **THE COURT:** First, Mr. Perry, you're right to
20 direct us to this is a 403 issue, it's a balancing test. The
21 probative value is high. The Government -- it is a
22 conspiracy. I know you keep saying it's about one
23 transaction, but it's not. It's a conspiracy, and he's
24 charged with participating in the conspiracy beyond that one
25 transaction. The -- because that's the nature of the

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1 conspiracy.

2 The Government's theory that he should have known
3 that these things were improper or illegal and, you know, we
4 already have some testimony that he disagrees with that, but
5 that's through the conversation that he had with the agent.
6 It seems to me that's sort of what's on trial here, and the
7 Government's entitled to prove what he should have known
8 about all these transactions. I agree it's prejudicial, but
9 in this case, the probative value outweighs that. So I'll
10 allow it.

11 **MS. IRELAND:** Thank you.

12 **MR. FLOWERS:** Apologies for getting heated, Your
13 Honor.

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

15 (Bench conference between the attorneys and the
16 Court concluded and the proceedings continued as follows:)

17 **BY MR. FLOWERS:**

18 Q. Thanks for your patience. I'm just going to
19 reestablish where we are. You work at PNC?

20 A. Yes.

21 Q. And in 2016, can you restate what you were doing, what
22 your assignment was?

23 A. My job title was a market risk and loss prevention
24 advisor.

25 Q. And you did that through what time period?

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1 A. I'm currently doing that but starting in March
2 of 2016.

3 Q. And there was a time period when you covered the
4 Atlanta area?

5 A. Yes. So from March of '16 to September of '18.

6 Q. And I asked about your familiarity with an account in
7 the name of F.J. Williams.

8 A. Yes.

9 Q. Are you familiar with that account?

10 A. Yes.

11 Q. And did that account end in the numbers 6791?

12 A. Yes.

13 **MS. IRELAND:** May I approach, Your Honor?

14 **THE COURT:** Yes.

15 **BY MS. IRELAND:**

16 Q. Ms. Hays, I'm going to show you something. Can you
17 tell me if you recognize it?

18 A. Yes.

19 Q. What is it?

20 A. It is the files from PNC Bank relating to
21 F.J. Williams.

22 Q. Okay. Did you view that disk?

23 A. Yes.

24 Q. Is it a true and correct copy of the records as you
25 recall them?

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1 A. Yes.

2 Q. How do you know that's the disk you viewed?

3 A. Because my initials are on it.

4 **MS. IRELAND:** I would offer this as the
5 next-numbered exhibit.

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

7 **MR. PERRY:** Nothing further.

8 **THE COURT:** Exhibit?

9 **THE CLERK:** 42, Your Honor.

10 **THE COURT:** 42. Thank you.

11 (WHEREUPON, the above-mentioned document was
12 marked as Exhibit Number 42.)

13 **BY MR. FLOWERS:**

14 Q. Ms. Hays, are you familiar with the contents of that
15 file?

16 A. Yes.

17 Q. Do you know how long the F.J. Williams account ending
18 in 6791 was opened?

19 A. I believe about six months or so from November to May.

20 Q. Okay. Would that be November of 2016?

21 A. Yes.

22 Q. And through May 2017?

23 A. '17, yes.

24 Q. You were talking about how branch managers and others
25 in the system bring an issue to your attention.

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1 A. Uh-huh.

2 Q. How was this particular account brought to your
3 attention?

4 A. Through our loss prevention mailbox.

5 Q. Okay. And is the mailbox basically branch managers or
6 employees are permitted to or required to send you
7 information that they think you need to look at?

8 A. Yes.

9 Q. Okay. Do you recall what you were asked to do in this
10 case?

11 A. Our anti money laundering group is the ones who
12 originally reach out to the branch management. They had some
13 concerns regarding the transactions in the account, and they
14 had asked the branch management to reach out to the customer
15 with some questions, and the branch management had escalated
16 that up to our mailbox.

17 Q. Okay. When you say escalated, is there a time when
18 the bank manager can deal with it, and there's no further
19 involvement for risk management or loss prevention?

20 A. Yes.

21 Q. Okay. When the bank manager contacted you, what did
22 you do?

23 A. So I went in and reviewed the account. I reviewed how
24 long the account had been with us, what the, you know,
25 business was doing, the transactions in the account, that

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1 type of thing.

2 Q. Do you recall what kind of business F.J. Williams was?

3 A. Yeah. There was a note in the account that they sold
4 clothes overseas.

5 Q. Okay. Why did the pattern in the account catch your
6 attention?

7 A. So there was multiple cash deposits that were being
8 made into the account. There were also money order deposits
9 that were being made into the account, and in reviewing that,
10 when we're looking at a business that trades clothes
11 overseas, it is unlikely that they would be getting cash and
12 money orders deposited into the account.

13 Q. Okay. What mitigating or investigative actions are
14 taken once you've made this initial determination?

15 A. So in reviewing that, I noticed there was some risk
16 there, so I had to reach out to the branch manager and asked
17 him to make contact with the client so that we could get
18 clarification on the transaction.

19 Q. Do you recall the name of the signatory on the
20 account?

21 A. I do. And I'm sorry, I can't pronounce it. Abegunde
22 and I don't remember the last name.

23 Q. Okay. Do you know if the branch manager did reach
24 out?

25 A. Yes. He did reach out to the client, and the client

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1 was not able to clarify the transactions coming into the
2 account.

3 Q. Okay. If you know, was the conversation smooth?

4 A. I don't really recall. The branch manager was the one
5 that had the conversation with him. I do know that there
6 were several phone calls that were placed in which we were
7 trying to gain information but were unable to.

8 Q. Okay. So at this point, what options do you have?

9 A. So at this point in, you know, we're looking at a
10 newer account. I know that our anti money laundering group
11 is involved in that. We can either leave the account open,
12 or we would be able to proceed with closure.

13 Q. If you leave the account open, can you leave it open
14 unconditionally if that's what you decide to do?

15 A. Normally with that type of account, if it was decided
16 to leave open, we would have instructed the branch manager
17 that they would need to keep reviewing that account for
18 further transactions that would cause risk.

19 Q. With the usual determination of closure, what happens
20 then?

21 A. So if the account is determined closure, we either
22 have the ability to close it immediately, or we can keep it
23 open for up to 30 days and close it at the 30-day mark.

24 Q. Why would you keep it open?

25 A. If it was determining on the account, if there was an

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1 account that, you know, had a direct deposit going into there
2 for their work, if it was an account where we felt like the
3 person was a victim of fraud, you know, those are times
4 when -- or if leaving it open would not cause the bank or its
5 clients or our clients additional risk.

6 Q. Can you also decide to close something immediately?

7 A. Yes.

8 Q. Why would you do that?

9 A. If we determined that keeping it open any longer would
10 cause either PNC Bank or our clients a loss or put us at
11 risk.

12 Q. What was the determination in this case on the
13 F.J. Williams account ending in 6791?

14 A. In this case, I had reached out to the anti money
15 laundering group partner who had originally sent the e-mail,
16 and we discussed this. I was told that they were already in
17 the process of closing the account, and I could make the
18 determination to close immediately. And that is what I did.

19 **MS. IRELAND:** One moment, please.

20 **THE COURT:** Yes.

21 **BY MS. IRELAND:**

22 Q. Ms. Hays, I don't have any further questions. Defense
23 counsel may have some for you though.

24 **MS. IRELAND:** We'll pass the witness, Your Honor.

25 **THE COURT:** Thank you, Ms. Ireland.

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1 Mr. Perry, any questions?

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

3 **CROSS-EXAMINATION**

4 **BY MR. PERRY:**

5 Q. Ms. Hays, you work for PNC Bank?

6 A. Yes.

7 Q. And what year did you start working at PNC?

8 A. 2011.

9 Q. And you said your title is currently what?

10 A. Market risk and loss prevention advisor.

11 Q. And do you work inside the branch system or in a
12 corporate office outside of a particular branch?

13 A. I work with the branches. I don't work in an assigned
14 branch.

15 Q. So in other words, you float to different locations?

16 A. Yes.

17 Q. And back during 2016 and 2017, you said that the anti
18 money laundering group had contacted you?

19 A. They reached out to the branch, who then reached out
20 to us.

21 Q. And why didn't the anti money laundering group reach
22 out to you directly?

23 A. They work with the branches more specifically when
24 they have questions regarding the account, as the branches
25 are the ones who have the interaction with the clients.

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1 Q. And in this particular case, did you talk to
2 Mr. Abegunde yourself at any point?

3 A. No.

4 Q. Did you at any point in time talk directly with law
5 enforcement regarding, I guess, any sort of investigation
6 that was ongoing in regards to Mr. Abegunde?

7 A. No.

8 Q. Do you know whether or not an agent of the FBI had
9 contacted PNC directly and indicated that there was something
10 that you need to look at regarding Mr. Abegunde?

11 A. No.

12 Q. You don't have any information at all? Did you have a
13 report or a record or log of your activity as it relates to
14 Mr. Abegunde?

15 A. Besides any phone communication, no.

16 Q. Did you keep a log of your attempted communications
17 with Mr. Abegunde?

18 A. I personally did not attempt to contact him. That
19 would have been the branch.

20 Q. Okay. And nobody from the branch is here today, I
21 don't assume, are they?

22 A. No.

23 Q. And you're the person who is here on behalf of PNC,
24 correct?

25 A. Yes.

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1 Q. As it relates to the information that -- I guess you
2 were shown a disk a few moments ago. Do you know one way or
3 the other what's on that disk?

4 A. Yes.

5 Q. And the information that is on that disk, I guess,
6 you're the person that was responsible for bringing it,
7 correct?

8 A. Yes.

9 Q. Did you talk to anybody outside the course of
10 Mr. Abegunde and the anti money laundering group and the
11 branch regarding anything that's on that disk?

12 A. Can you repeat the question.

13 Q. Yes. Did you speak to anybody who was alleged to have
14 committed any sort of crimes regarding their transactions
15 with Mr. Abegunde?

16 A. No.

17 Q. Did you reach out to anybody and receive or see if
18 there was information regarding anyone who was doing business
19 with Mr. Abegunde to determine whether or not they had been
20 committed -- convicted or accused of any crime?

21 A. No.

22 Q. And so your belief that there might have been some
23 kind of wrong conduct, that's your belief on behalf of the
24 branch in your role as a person or employee of the branch,
25 correct?

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1 A. In my review of the account.

2 Q. Right. Your review of the account. You have been
3 trained in anti money laundering reviews?

4 A. Not in anti money laundering reviews. That's our anti
5 money laundering group.

6 Q. Right. What sort of money laundering training have
7 you received?

8 A. We go through our regulatory training every year, all
9 of our employees do.

10 Q. That's when y'all go off somewhere, right, for
11 training, correct?

12 A. That would be online training.

13 Q. So you go through an online training regarding money
14 laundering. Do you go through anything that targets specific
15 sorts of money laundering?

16 A. I don't understand the question.

17 Q. Do you -- have you determined what activity versus
18 another type of activity is money laundering?

19 A. I mean, we are given examples. We are trained in what
20 to look for and when we're reviewing account as to what can
21 possibly be money laundering, and if that -- those are found,
22 those concerns would be escalated to our anti money
23 laundering group.

24 Q. You said something before about the fact of whether or
25 not there were certain transactions that had to do with

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1 clothing and whether or not those clothings or items of
2 clothing were sent overseas, correct?

3 A. Yes. So in review of the account, the account was
4 stated to be -- the business was stated to sell clothes
5 overseas.

6 Q. Okay. And in that regard, do you know whether or not
7 he was selling directly to universities, sort of apparels or
8 anything like that?

9 A. I don't know anything further about that.

10 Q. Do you know whether or not he was doing business with
11 unprohibited third world nations or anything along those
12 lines?

13 A. No.

14 Q. Do you know whether or not the money that's in that
15 account was coming from anybody who might have been a drug
16 trafficker?

17 A. No.

18 Q. Do you know whether or not the money that was in that
19 account might have come from some online scam?

20 A. No.

21 Q. So you don't have any idea whatsoever other than PNC
22 has internal policies that gives you discretion to look at
23 accounts and make the determination unilaterally or on your
24 side on whether or not to close or keep open those accounts,
25 right?

TESTIMONY OF ARIEL HAYS

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1 A. Based on the risk, yes.

2 Q. Right. And on the risk -- and that's an interesting
3 question. The risk involved in banking is sometimes high,
4 right?

5 A. Yes.

6 Q. If it's a person who is doing business with a country
7 outside of the United States or outside of the north American
8 continent, that could create risk in and of itself, can it
9 not?

10 A. Potentially.

11 Q. And so whether or not that person is doing business
12 in -- with third parties in London or in Nigeria or Uganda or
13 anywhere else, if the transactions are coming from parties
14 that you all can't bring in to your branch in Atlanta, you
15 can make the decision to close it unilaterally, can you not?

16 A. Based on our conversation with the customer.

17 Q. I'm not talking about the conversation with the
18 customer. He can break dance in front of you, and you still
19 can say that dude is kind of off, I'm going to close his
20 account, right? You can close an account for any reason, can
21 you not?

22 A. Not necessarily, no.

23 Q. You're saying that a bank doesn't have the discretion
24 to say I don't want to do business with a person individually
25 and close an account?

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1 A. I'm sure that PNC does. I personally, we have to have
2 a valid reason to be able to close the account.

3 Q. Right. And your valid reason came from your
4 conversations from the anti money laundering people, right?

5 A. From my conversation with the branch.

6 Q. But not from your conversation with Mr. Abegunde at
7 all, right?

8 A. Not my personal conversation, no.

9 Q. And I'm sorry, I didn't mean to cut you off. Go
10 ahead.

11 A. No. I was just saying I personally did not from his
12 conversation with the branch.

13 Q. And likewise it wasn't with your conversation with
14 anybody, with Mr. Ojo, did you call somebody named Ojo in
15 Nigeria?

16 A. No.

17 Q. Did you find out whether or not a person might have
18 been sending money from a company that they had established
19 ten years ago in Nigeria?

20 A. No.

21 Q. Did you find out whether or not any of the moneys that
22 were coming into those accounts were coming through any
23 sources other than the anti money laundering division that
24 you don't know whether or not Mr. Palmer or Mr. Vance called
25 directly and said this is going on?

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1 A. Can you repeat the question.

2 Q. Yes. You don't know the basis of why the anti money
3 laundering division, during a time that Mr. Abegunde had been
4 investigated in this particular court or in this particular
5 region of the country, you don't know why somebody might have
6 called PNC and indicated that those bank accounts were
7 questionable, do you?

8 A. No.

9 **MR. PERRY:** I don't have anything else.

10 **THE COURT:** Thank you, Mr. Perry.

11 Mr. Garrett, any questions?

12 **MR. GARRETT:** No questions, Your Honor.

13 **THE COURT:** Thank you, Mr. Garrett.

14 Any redirect?

15 **MS. IRELAND:** Yes, Your Honor.

16 **REDIRECT EXAMINATION**

17 **BY MS. IRELAND:**

18 Q. Ms. Hays, do you consult with others when making
19 determinations on account closures?

20 A. Yes.

21 Q. Do you -- what do you base your decisions on?

22 A. On our review of the account, on our review of how
23 long the account has been with us, on the conversation that
24 we have with the customer.

25 Q. Do you close accounts for random reasons?

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1 A. No.

2 Q. Was the account customer given the opportunity to
3 explain things in this case?

4 A. Yes.

5 Q. Was the account customer given the opportunity to
6 explain things on more than one occasion in this case?

7 A. Yes.

8 **MS. IRELAND:** Nothing further. Thank you.

9 **THE COURT:** Thank you, Ms. Ireland.

10 Ms. Hays, you may be excused.

11 **THE WITNESS:** Thank you.

12 **THE COURT:** Thank you.

13 **MS. IRELAND:** Next witness, Your Honor, or a
14 break?

15 **THE COURT:** I think it's time for a break. Yes?

16 **THE JURY:** Yes.

17 **THE COURT:** Okay. It's about five to 3. Let's
18 come back at about ten after 3. Don't talk to anyone about
19 the case, including each other. Don't talk to people
20 involved in the case at all. Keep the juror badge on. Have
21 another doughnut if there's still any left, and enjoy your
22 break.

23 (Jury leaves at 2:57.)

24 **THE COURT:** Who do we have next, Ms. Ireland?

25 **MS. IRELAND:** It will be Ruth Marquez.

TESTIMONY OF ARIEL HAYS

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1 **THE COURT:** Anything before the break?

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

3 **THE COURT:** All right. Ten after.

4 (Short break.)

5 **THE COURT:** Anything before we bring the jury
6 back?

7 **MS. IRELAND:** No. Just letting you know, Your
8 Honor, that Mr. Flowers is speaking with a witness. We're
9 trying to make things move as quickly possible. So he is not
10 going to be here for the questioning of the next witness.

11 **THE COURT:** Do you want me to say anything to the
12 jury? I'm fine with it.

13 **MS. IRELAND:** No. I'm fine with it. We just
14 wanted to let the Court know, and I think that they're
15 hopefully engaged in the process of the case, and we're not
16 important, so...

17 **THE COURT:** Won't notice that he's gone. That's
18 probably true. Let's bring the jury back.

19 (Jury returns at 3:15.)

20 **THE COURT:** You all may be seated.

21 Your next witness, Ms. Ireland?

22

23

24

25

TESTIMONY OF RUTH MARQUEZ

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1
2 MS. IRELAND: The United States calls Ruth
3 Marquez.

4 * * *

5
6 **RUTH MARQUEZ,**
7 was called as a witness and having first been duly sworn
8 testified as follows:

9 THE COURT: You may proceed.

10 MS. IRELAND: Thank you, Your Honor.

11
12 **DIRECT EXAMINATION**

13 **BY MS. IRELAND:**

14 Q. Good afternoon.

15 A. Good afternoon.

16 Q. I'm going to ask that you put the microphone close to
17 your face and maybe off a little bit toward the side of the
18 jury in case you look their way so that they can hear
19 everything that you say.

20 THE COURT: Just speak into the mic, ma'am.

21 MS. IRELAND: Okay. Well, I'll make it simpler
22 next time, Your Honor.

23 **BY MS. IRELAND:**

24 Q. Could you please introduce yourself and spell both
25 your first and last names for the record.

TESTIMONY OF RUTH MARQUEZ

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1 A. My name is Ruth Marquez, R-u-t-h M-a-r-q-u-e-z.

2 Q. What do you do, Ms. Marquez?

3 A. I am an immigration officer with U.S. Citizenship and
4 Immigration Services.

5 Q. Is there an abbreviation for U.S. Citizen and
6 Immigration Services that you use to shorten that down?

7 A. Yes, USCIS.

8 Q. Okay. And is that a part of the Department of
9 Homeland Security?

10 A. It is.

11 Q. Okay. Great. How long have you been with USCIS?

12 A. With USCIS, approximately 14 years.

13 Q. What did you do before that?

14 A. CBP.

15 Q. And that stands for?

16 A. Customs and border protection.

17 Q. And where were you assigned at that time?

18 A. I was a CBP officer assigned to Santa Teresa, New
19 Mexico.

20 Q. Okay. And what office do you operate out of now?

21 A. I'm currently assigned to the fraud detection and
22 national security unit out of Atlanta.

23 Q. What are your job responsibilities and duties?

24 A. We are responsible for investigating any fraud,
25 administratively investigate fraud and misrepresentation.

TESTIMONY OF RUTH MARQUEZ

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1 Q. Okay. And just to be clear, you investigate
2 suspicions of fraud?

3 A. Yes.

4 Q. So if someone who comes across something alerts you to
5 it, then it's your job to decide whether it is or is not
6 fraudulent?

7 A. Yes.

8 Q. Okay. How do you go about doing your job on a daily
9 basis?

10 A. I am currently assigned to the joint terrorism task
11 force at the FBI in Atlanta. So I liaison with other
12 agencies, and we assist with investigations in national
13 security.

14 Q. Okay. In your time with USCIS, have you become
15 familiar with the process of immigration from the beginning,
16 coming on a Visa to those who want to attain citizenship in
17 the United States?

18 A. Yes.

19 Q. Are you familiar with all aspects of that process?

20 A. Yes.

21 Q. And you know the steps that people need to go through
22 and the options that they have in order to do that?

23 A. Yes.

24 Q. Okay. Did you also bring some files with you today?

25 A. I did.

TESTIMONY OF RUTH MARQUEZ

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1 Q. Does one of those files pertain to Abegunde
2 Olufolajimi?

3 A. It does.

4 Q. I did that backwards, Olufolajimi Abegunde?

5 A. Yes.

6 Q. Does one of them pertain to Olubunmi Makinwa?

7 A. Yes.

8 Q. Okay. Are you familiar with the contents of those
9 files?

10 A. I am.

11 Q. Have you reviewed them thoroughly?

12 A. Yes.

13 Q. Okay. If I ask you questions regarding the contents
14 of those files, you'd be able to answer those questions?

15 A. Yes.

16 Q. If you have any reason to need to refer for specifics
17 for a date or something, just let me know, and we'll ask the
18 Court to permit you to refresh your recollection with your
19 records, is that okay?

20 A. Yes.

21 Q. Okay. I'd like to talk a little bit first about the
22 process of becoming a citizen of the United States. There
23 are basically two ways you can do that, right?

24 A. Yes.

25 Q. What's the first way?

TESTIMONY OF RUTH MARQUEZ

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1 A. So the first way is somebody -- you have to have a
2 relative petition for you, so that could be through marriage
3 or a brother and sister.

4 Q. Okay.

5 A. A parent.

6 Q. What is another way that you can seek citizenship?

7 A. Through a Diversity Visa. If you come here and you
8 have the visa, you come in through the visa, through the
9 lottery basically. It's like a lottery. You can file to
10 become a permanent resident.

11 Q. Okay. So just so everybody's on the same page, what
12 is a visa?

13 A. So a visa is what is required to come into the United
14 States.

15 Q. For all countries?

16 A. Some countries are visa waivers.

17 Q. Because we have an agreement with the country from
18 which they're visiting?

19 A. Yes.

20 Q. Okay. When it requires you to get a visa, what do you
21 have to do?

22 A. You have to provide evidence, for example, if you're
23 coming here as a visitor, you have to provide evidence that
24 you're going to come here and then return to your country.

25 Q. Okay. Are there such things as student visas?

TESTIMONY OF RUTH MARQUEZ

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1 A. Yes.

2 Q. And what do you do with a student Visa?

3 A. When you come here as a student, you have to provide
4 evidence that you're going to go to school and have enrolled
5 in school here in the United States.

6 Q. Is there an abbreviation for that type of visa?

7 A. F-1.

8 Q. Okay. What is an F-2 visa?

9 A. F-2 is the spouse of an F-1, which is the main person
10 holding the visa.

11 Q. So if you have a student visa, you can bring family
12 with you as long as they get a visa too?

13 A. Yes.

14 Q. And that is an F-2; is that correct?

15 A. Yes.

16 Q. Okay. What happens when that student visa runs out?

17 A. When that student visa runs out, you have to return to
18 your country unless you have another petition filed here in
19 the United States.

20 Q. Okay. At that point can you enter the lottery?

21 A. No.

22 Q. Okay. So you have to have some other way other than
23 the student visa to remain here?

24 A. Yes.

25 Q. What are some of those ways?

TESTIMONY OF RUTH MARQUEZ

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1 A. Filing the I-130.

2 Q. What does I-130 stand for?

3 A. So the I-130 is a petition for a relative, and you
4 have to have the valid relationship, meaning a U.S. citizen
5 as to the petition for you.

6 Q. So a U.S. citizen can petition on behalf of someone
7 else?

8 A. Yes.

9 Q. Okay. Does the petition have to be filed before
10 another type of visa expires, a student visa for example?

11 A. Yes.

12 Q. It has to be filed before the expiration?

13 A. Yes.

14 Q. Okay. What is a green card?

15 A. A green card is a legal permanent resident card. It
16 is called a green card because it used to be green.

17 Q. What kind of status comes with legal permanent
18 residency?

19 A. So legal permanent residency allows you to stay here
20 in the United States.

21 Q. Can you stay infinitely, forever?

22 A. Yes. You would have to renew your green card.

23 Q. Okay. So let's say somebody wants to apply for -- to
24 shorten it, is it sometimes called LPR?

25 A. Yes.

TESTIMONY OF RUTH MARQUEZ

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1 Q. Legal permanent resident, LPR. If someone wants to
2 apply for LPR status, what process do you go through?

3 A. So you file the I-130 and then the 485.

4 Q. And what's the 485?

5 A. The 485 is the legal permanent resident to get the
6 card.

7 Q. If you have someone who can sponsor you, a close
8 family friend or relative or a spouse who is a U.S. citizen,
9 that's the process that you would go through?

10 A. Yes.

11 Q. Okay. Can you get married and then immediately
12 petition for LPR status?

13 A. Yes.

14 Q. Okay. Tell us how that works.

15 A. You can file the petition, but you have to prove that
16 if it's, for example, through marriage, you have to prove
17 that the marriage is valid, and it's not for immigration
18 purposes.

19 Q. How does somebody go about doing that?

20 A. You file the I-130 and the 485.

21 Q. Okay. What sort of evidence goes with the I-130 or
22 the 485?

23 A. You have to provide bona fides, for example, marriage
24 certificate, a lease agreement, bank statements, utilities.

25 Q. Do you have to provide things like proof of employment

TESTIMONY OF RUTH MARQUEZ

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1 and income?

2 A. Yes.

3 Q. Okay. What happens when you provide all those
4 documents?

5 A. All those documents are turned over to USCIS, and you
6 will be called for an interview.

7 Q. Do you investigate the validity of those documents
8 first or just start with the interview?

9 A. The officers that conduct the interviews would look
10 through all the documents and determine if there's anything
11 fraudulent.

12 Q. Okay. Do they have training in how to recognize
13 documents that are authentic?

14 A. Yes.

15 Q. Okay. Now, that's face value, just this is not a
16 counterfeit document, right?

17 A. Correct.

18 Q. Okay. So what is the purpose of the interview?

19 A. To determine if the relationship is valid.

20 Q. Okay. How is the interview conducted?

21 A. The couple is asked to come in. Provide bona fides.
22 They're usually asked questions such as how did you meet.
23 Tell me about your wedding day. Who was there. If there's
24 discrepancies, then they'll be asked to come for a second
25 interview.

TESTIMONY OF RUTH MARQUEZ

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1 Q. During that first interview, is the couple together in
2 the same room with the interviewer?

3 A. Yes.

4 Q. Okay. Obviously they can both be asked the same
5 question and answer differently, I'm sure.

6 A. Yes.

7 Q. Okay. What sort of things would you consider to be
8 inconsistent?

9 A. Inconsistencies would be, for example, if they ask you
10 what date did you get married, and you don't remember.

11 Q. Okay.

12 A. Or if they ask where do you work, what time do you go
13 to work, and they don't know.

14 Q. And what happens if you find those discrepancies?

15 A. Then usually they're separated, and a separation
16 interview is conducted.

17 Q. Do those who are coming in for the interviews have a
18 general idea of the kinds of questions that are going to be
19 asked?

20 A. Sometimes they do, yes.

21 Q. Okay. Does the interviewer have the ability to ask
22 random questions as well that might be designed to catch
23 somebody off guard?

24 A. Yes.

25 Q. Okay. And is that well known?

TESTIMONY OF RUTH MARQUEZ

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1 A. Yes.

2 Q. If someone has recently married and then is sponsored
3 or petitioned for an LPR status, and it is approved, is that
4 it? Is it done?

5 A. No. It depends if it's filed within two years of
6 marriage and it's approved, then the card is only valid for
7 two years. After the two years are up, you have to file to
8 remove the conditions.

9 Q. So it's a conditional LPR if the marriage is under two
10 years --

11 A. Yes.

12 Q. -- in length? Okay. Does that marriage have to
13 remain valid for that entire time?

14 A. Yes.

15 Q. Are there follow-up investigations and interviews?

16 A. Yes.

17 Q. If the marriage is longer than two years, and the
18 interview phase goes well, does someone then get their lawful
19 permanent resident card?

20 A. Yes.

21 Q. Can that someday be converted into citizenship?

22 A. Yes.

23 Q. How do you do that?

24 A. You can do it within five years of filing to become a
25 resident if it's approved.

TESTIMONY OF RUTH MARQUEZ

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1 Q. And if you don't decide to file for citizenship, is
2 that okay too? Can you still stay an LPR?

3 A. Yes.

4 Q. Okay. What happens if the marriage dissolves at that
5 point?

6 A. You have to prove that you entered the marriage in
7 good faith.

8 Q. Okay. What kind of proof would show that?

9 A. That you would prove that you continued the
10 relationship, you lived together during that time, but it
11 just didn't work out.

12 Q. Okay. Do documents get signed electronically or by
13 hand?

14 A. By hand.

15 Q. Do the interviewers look at those signatures and
16 verify with the interviewees that they are their signatures?

17 A. Yes.

18 Q. If one party to the petition for LPR status does not
19 appear, what happens?

20 A. They're either rescheduled, or they'll ask whoever is
21 there about the other person.

22 Q. Okay. Would that derail an LPR application, or is
23 that just sometimes part of the process?

24 A. It's just part of the process.

25 Q. Okay. I'd like to turn your attention to the files

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1 that you have in front of you. You did say that you were
2 familiar with everything that is in those files, correct?

3 A. Yes.

4 Q. Okay. If you need to refer to them for any
5 information for the questions that I ask you, just let me
6 know. Could you let me know what status Mr. Abegunde entered
7 the United States on and when he received the authority to do
8 that?

9 A. I'm going to look at the file.

10 Q. Okay. Just look up when you're finished.

11 A. So he entered as a student F-1, and he -- the last
12 time that he claimed he entered was 6-8-2017.

13 Q. Okay. If you're here on a student visa, can you come
14 and go?

15 A. If you have a travel document.

16 Q. Okay. And you can seek approval from USCIS in order
17 to do that, right?

18 A. Yes.

19 Q. Okay. Is there a phone number associated with
20 Mr. Abegunde in his file?

21 A. Yes.

22 Q. Could you tell me what that number is, please?

23 A. (979) 739-6723.

24 Q. Okay. When was his student visa set to expire?

25 A. It is set to expire January 24th, 2017.

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1 Q. All right. And did Bunmi Makinwa also come in on a
2 student visa?

3 A. Yes.

4 Q. Was hers an F-1 or an F-2?

5 A. An F-2.

6 Q. Okay. And what date was her visa set to expire?

7 A. Hers was set to expire January 24th, 2017.

8 Q. How long do student visas usually last?

9 A. They usually last the period duration of status, so
10 while they're enrolled in school.

11 Q. Okay. Can you extend a student visa if you extend
12 your studies, like say go on to doctoral programs or you need
13 an extra year of college?

14 A. Yes.

15 Q. Okay. Can you next tell me when Mr. Abegunde's visa
16 was issued?

17 A. His visa was issued on July 14, 2014.

18 Q. Can you find out when Ms. Makinwa's visa was issued?

19 A. Yes. Her visa was issued June 6, 2014.

20 Q. During the time that someone is here on a student
21 visa, do they need to update you in status such as if a child
22 is born?

23 A. Yes.

24 Q. Okay. Do you know if Mr. Abegunde and Ms. Makinwa
25 have children?

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1 A. They do.

2 Q. Okay. Can you tell us when their first child was
3 born?

4 A. The first child was born February 21st, 2015.

5 Q. All right. Can you tell me when Mr. Abegunde's
6 petition for adjustment of status to LPR was filed?

7 A. His application was filed July 21st, 2016.

8 Q. And Ms. Makinwa's?

9 A. 11-28-2016.

10 Q. Do you know who sponsored Mr. Abegunde for his LPR
11 status?

12 A. Yes. It's E-d-g-h-a-e, last name, Caffey.

13 Q. Could you spell that too.

14 A. C-a-f-f-e-y.

15 Q. Do you know who sponsored Ms. Makinwa?

16 A. Yes. Meredith Grundy.

17 Q. Is there an indication in the file as to when
18 Mr. Abegunde's marriage and Ms. Makinwa's marriage dissolved?

19 A. Yes. It states it was dissolved on 1-19-2016.

20 Q. Do you know when Mr. Abegunde and Ms. Caffey married?

21 A. 5-6-2016.

22 Q. And Ms. Makinwa and Mr. Grundy, excuse me?

23 A. 4-26-2016.

24 **MS. IRELAND:** Your Honor, may I approach the
25 witness?

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1 **THE COURT:** Yes.

2 **BY MS. IRELAND:**

3 Q. Ms. Marquez, I'm going to show you some documents.
4 Can you take a look at them and tell me if you recognize
5 them.

6 A. Yes. This is part of the I-130, 485 and a lease
7 agreement.

8 Q. Are some of those documents pertaining to
9 Mr. Abegunde?

10 A. Yes.

11 Q. And are some pertaining to Ms. Makinwa?

12 A. Yes.

13 Q. Are those documents in the files that you have with
14 you today?

15 A. Yes.

16 Q. And are these true and exact copies of certain pages
17 of those documents?

18 A. Yes.

19 **MS. IRELAND:** At this time we would offer the
20 document numbered 7 of 163 as the next-numbered exhibit and
21 request to publish.

22 **THE COURT:** Is that --

23 **MS. IRELAND:** It's not a Bates number, Your
24 Honor. It's the number that is assigned in Ms. Marquez's
25 file. It's the unique number.

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1 **THE COURT:** My question was whether it relates to
2 Mr. Abegunde or Mr. Ramos-Alonso.

3 **MS. IRELAND:** Oh, I'm sorry. It relates to
4 Ms. Makinwa.

5 **THE COURT:** Okay. Any objection?

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

7 **THE COURT:** Exhibit 43.

8 **THE CLERK:** Yes, Your Honor.

9 (WHEREUPON, the above-mentioned document was
10 marked as Exhibit Number 43.)

11 **BY MS. IRELAND:**

12 Q. Ms. Marquez, what are we looking at here?

13 A. This is the lease agreement, the signature page.

14 Q. Okay. What is the location of the lease, where is the
15 residence being leased located?

16 A. It's 391 17th Street Northwest, Atlanta, Georgia,
17 30363.

18 Q. And what is the date that this form was filed?

19 A. This was submitted...

20 Q. Oops, my apologies. Sorry.

21 A. This was filed on 8-29-2016.

22 Q. Okay. And do you recognize the signatures on this
23 document?

24 A. I do.

25 Q. Okay. Based on your familiarity with the file and the

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1 individuals involved with these two files, whose signatures
2 are those?

3 A. This is Ms. Makinwa, and the second signature is
4 supposed to be Grundy, Meredith Grundy.

5 Q. Okay. Meredith Grundy, is that the top signature?

6 A. Yes.

7 Q. And Ms. Makinwa is the bottom signature?

8 A. Yes.

9 **MS. IRELAND:** The next document we would like to
10 offer into evidence is marked 151 of 163.

11 **THE COURT:** Any objection?

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

13 **MS. IRELAND:** This also pertains to Ms. Makinwa.

14 **THE COURT:** Exhibit 44.

15 (WHEREUPON, the above-mentioned document was
16 marked as Exhibit Number 44.)

17 **BY MS. IRELAND:**

18 Q. Ms. Marquez, what document is this? I'll zoom out for
19 you.

20 A. This is the second page of the I-130, the petition for
21 a relative.

22 Q. All right. And who would ordinarily sign the petition
23 for relative?

24 A. The petitioner.

25 Q. In this case who is the petitioner?

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1 A. Meredith Grundy.

2 Q. All right. And is that his signature on this
3 document?

4 A. This is -- this is what they're claiming, yes.

5 Q. Okay. Why do you say it that way?

6 A. The signatures on the lease agreement and on the
7 petitions do not match.

8 Q. And those -- right now I'm displaying Exhibit 43
9 and 44. Can you see both signatures there?

10 A. Yes.

11 Q. Okay.

12 **MS. IRELAND:** The next numbered document we'd
13 like to offer is 51 of 163, also part of Ms. Makinwa's file.

14 **THE COURT:** Any objection?

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

16 **THE COURT:** Exhibit 45.

17 (WHEREUPON, the above-mentioned document was
18 marked as Exhibit Number 45.)

19 **BY MS. IRELAND:**

20 Q. Ms. Marquez, what is this document?

21 A. This is the last page on the 485.

22 Q. Okay. And are there signatures on this document? Is
23 there a signature on this document?

24 A. Yes.

25 Q. Whose signature is that?

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1 A. Makinwa.

2 Q. And what is the date?

3 A. This is 10-14-2016.

4 **MS. IRELAND:** The next-numbered exhibit that we
5 would like to offer is marked 153 of 163. Again, for
6 Ms. Makinwa's file.

7 **THE COURT:** Any objection?

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

9 **THE COURT:** Exhibit 46.

10 **THE CLERK:** Yes, Your Honor.

11 (WHEREUPON, the above-mentioned document was
12 marked as Exhibit Number 46.)

13 **BY MS. IRELAND:**

14 Q. Exhibit Number 46, zooming out. Does this also bear
15 Ms. Makinwa's signature?

16 A. Yes.

17 Q. Is there anything else of note on this particular
18 document?

19 A. The date and it also states on top who she was married
20 to and who is she currently married to.

21 Q. Okay. Is there an address?

22 A. Yes.

23 Q. And what is that address of the couple's location of
24 residence?

25 A. 401 17th Street Northwest, Atlanta, Georgia.

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1 **MS. IRELAND:** And the final document from this
2 file would be 154 of 163.

3 **THE COURT:** Any objection?

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

5 **THE COURT:** Exhibit 47.

6 **THE CLERK:** Yes, Your Honor.

7 (WHEREUPON, the above-mentioned document was
8 marked as Exhibit Number 47.)

9 **BY MS. IRELAND:**

10 Q. Now, Ms. Marquez, you mentioned that individuals would
11 need to provide their residence and also their work history;
12 is that correct?

13 A. Yes, that's correct.

14 Q. Okay. And is that what we see here?

15 A. Yes.

16 Q. And whose work history is it?

17 A. Meredith Grundy.

18 Q. Is that also signed?

19 A. Yes.

20 **MS. IRELAND:** The next numbered exhibit we would
21 offer is Page 8 of 140. This is -- I'm sorry -- from
22 Mr. Abegunde's file.

23 **THE COURT:** Thank you. Any objection?

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

25 **THE COURT:** Exhibit 48.

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1 (WHEREUPON, the above-mentioned document was
2 marked as Exhibit Number 48.)

3 **BY MS. IRELAND:**

4 Q. Ms. Marquez, what is this?

5 A. This is the last page on the 485.

6 Q. Okay. Is this Mr. Abegunde's?

7 A. Yes.

8 Q. Does it have his signature?

9 A. Yes.

10 Q. And what is the date?

11 A. 6-10-2016.

12 Q. And the phone number that you already mentioned, is
13 that the same phone number?

14 A. Yes. (979) 739-6723.

15 Q. Is it important to update your records with USCIS if
16 your phone number changes during the time your petition is
17 pending?

18 A. Yes.

19 Q. Why is that?

20 A. Because if we need to get ahold of you or schedule you
21 for an interview, we have to know where you're at.

22 Q. Okay.

23 **MS. IRELAND:** The next number page would be nine
24 of 140.

25 **THE COURT:** Any objection?

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

2 **THE COURT:** Exhibit 49.

3 (WHEREUPON, the above-mentioned document was
4 marked as Exhibit Number 49.)

5 **BY MS. IRELAND:**

6 Q. Can you tell us what this is, please.

7 A. This is the G-325 biographical information.

8 Q. Is this a part of the petition process?

9 A. Yes.

10 Q. And whose signature is on this document?

11 A. Mr. Abegunde.

12 Q. He's the applicant?

13 A. Yes.

14 Q. What is the date of that signature?

15 A. 6-10-2016.

16 Q. And can you tell us where Mr. Abegunde was residing at
17 that time?

18 A. 1014 Brookwood Valley Circle, Atlanta, Georgia.

19 **MS. IRELAND:** Next numbered document is 131 of
20 140 pages.

21 **MR. PERRY:** No objection.

22 **THE COURT:** 50.

23 (WHEREUPON, the above-mentioned document was
24 marked as Exhibit Number 50.)

25 **BY MS. IRELAND:**

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1 Q. What is this document?

2 A. This is the last page of the I-130.

3 Q. Okay. And just again for reference, this is part of
4 the package of petitioning for LPR status?

5 A. Yes.

6 Q. Okay. Who has signed this document?

7 A. Ms. Caffey.

8 Q. Okay. And what is the date of that signature?

9 A. 6-10-2016.

10 **MS. IRELAND:** And the final document is 132 of
11 140.

12 **THE COURT:** Any objection?

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

14 **THE COURT:** Exhibit 51.

15 (WHEREUPON, the above-mentioned document was
16 marked as Exhibit Number 51.)

17 **BY MS. IRELAND:**

18 Q. Does this one also contain Ms. Caffey's signature?

19 A. Yes.

20 Q. And what address does Ms. Caffey give as their
21 residence?

22 A. 1014 Brookwood Valley Circle, Atlanta, Georgia.

23 Q. Have you ever been to 1014 Brookwood Valley Circle in
24 Atlanta, Georgia?

25 A. Yes.

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1 Q. What were the circumstances of that visit?

2 A. I was assisting during the search warrant.

3 Q. Okay. And that was a search warrant executed at that
4 residence?

5 A. Yes.

6 Q. All right. Can you tell us who was in the residence
7 when you visited that location?

8 A. Ms. Makinwa, her mother and her daughter.

9 Q. Did you speak with Ms. Makinwa?

10 A. I did.

11 Q. Did you also speak with her mother?

12 A. Yes.

13 Q. Was Ms. Makinwa's mother aware of the fact that
14 Ms. Makinwa was married to Mr. Grundy?

15 A. No.

16 Q. Did you visit the location 401 17th Street Northwest
17 in Atlanta?

18 A. Yes.

19 Q. When did you visit that location?

20 A. Can I look at the record?

21 Q. Yes, you may.

22 A. July 12, 2018.

23 Q. What was the status of that residence?

24 A. Upon arrival we noticed an eviction notice on --
25 posted on the door.

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1 Q. Whose names were on the door?

2 A. Ms. Makinwa.

3 Q. And I think I only have one or two further questions.

4 Are tax returns part of the process of applying for
5 LPR status?

6 A. Yes, they are.

7 Q. And would that be for both persons, the person seeking
8 status and the person petitioning and sponsoring?

9 A. Yes.

10 Q. Okay. Are there tax records in Mr. Abegunde's file
11 for 2016?

12 A. Yes.

13 Q. Did he list an occupation?

14 A. I'm going to look at the record.

15 Q. All right. If that will refresh your recollection,
16 yes.

17 A. It says unemployed.

18 Q. Do you have a case on a person by the name of Sandra
19 Duru?

20 A. We do.

21 Q. Have you spoken with Ms. Duru?

22 A. Yes.

23 Q. Do you know where she is?

24 A. No.

25 Q. Do you know where Mr. Grundy is?

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1 A. No.

2 Q. Officer Marquez, I don't have any further questions
3 for you. We will -- defense counsel may have some questions.

4 **MS. IRELAND:** We'll pass the witness, Your Honor.

5 **THE COURT:** Thank you, Ms. Ireland.

6 Mr. Perry, any questions?

7 **MR. PERRY:** No cross, Your Honor.

8 **THE COURT:** Thank you, Mr. Perry.

9 Mr. Garrett, any questions?

10 **MR. GARRETT:** None, Your Honor.

11 **THE COURT:** Thank you very much. I guess no
12 redirect.

13 Thank you very much. You may step down.

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MS. IRELAND: United States next calls Lisa West.

* * *

LISA WEST,

was called as a witness and having first been duly sworn testified as follows:

DIRECT EXAMINATION

BY MS. IRELAND:

Q. Good afternoon.

A. Hello.

Q. If you could please try to keep that microphone in front of you so everyone can hear you. Would you please introduce yourself and spell your first and last name for the record.

A. My name is Lisa West, L-i-s-a, W-e-s-t.

Q. How are you employed, Ms. West?

A. I work for CoreCivic at the West Tennessee Detention Facility.

Q. What is CoreCivic?

A. It's the private detention facility that contracts with the U.S. Marshals Service.

Q. Okay. How long have you been employed in that capacity?

A. I've been over there almost six years.

TESTIMONY OF LISA WEST

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1 Q. What are your job duties there? What do you do?

2 A. My job title is business manager, but I also oversee
3 the inmate e-mail system, telephone system.

4 Q. Okay. So you're familiar with the process of someone
5 coming in to the detention facility?

6 A. Yes.

7 Q. Can you explain what happens as the first part of that
8 process.

9 A. They're brought into the facility and booked. That's
10 where they do their fingerprints and things like that, and
11 then within 72 hours, then they have a classification and
12 orientation process with their case manager.

13 Q. So each person has a case manager?

14 A. Yes.

15 Q. Okay. What types of communication do persons staying
16 at the facility have access to?

17 A. Telephone communication, e-mail communication and
18 U.S. Postal Service.

19 Q. Okay. Let's start with the e-mail communication. How
20 is that facilitated?

21 A. We've got an e-mail or a kiosk system in our
22 dormitories and library in the gymnasium that they put in a
23 contact list. They put the e-mail in and get approval from
24 our system, and then it sends an e-mail to that e-mail
25 address for the other person to approve contact with them.

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1 And then the communication starts.

2 Q. Why are there so many controls on the process, in
3 general?

4 A. So we can make sure that they're not facilitating
5 crimes while they're still incarcerated.

6 Q. Okay. What is the process of getting those e-mails
7 cleared? I know you said you put them on a list, and then
8 have you to have -- is it confirmation from the purported
9 recipient?

10 A. Yes. They get an automatic e-mail where they
11 electronically accept communication with the incarcerated
12 person.

13 Q. Are the e-mails considered private?

14 A. No.

15 Q. Can you explain that a little bit more, please.

16 A. It's set up front, the e-mails are all monitored.
17 Nothing is privileged. If you need communication with your
18 attorneys for privilege, that you need to do it by other
19 means, not through the e-mail.

20 Q. Why are attorney communications special?

21 A. That way they can exchange information for court
22 hearings and things like that.

23 Q. So any communications with their attorney through this
24 e-mail system we're describing, those would not be monitored?

25 A. They do -- everything is monitored. There is no

TESTIMONY OF LISA WEST

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1 attorney/client privilege through the e-mail system.

2 Q. Through the e-mail system in particular?

3 A. Through the e-mail system.

4 Q. Okay. Are there records kept regarding what gets sent
5 and received basically?

6 A. Yes.

7 Q. How long are those records kept?

8 A. About three years.

9 Q. About three years, all right. Do residents at the
10 facility have PIN numbers or identifiers for the e-mail
11 kiosks?

12 A. Yes.

13 Q. How does that work? What's that process?

14 A. When they are booked into the system, it's
15 automatically generated, and they're given that PIN number by
16 their case manager when they do their orientation process.

17 Q. Are you familiar with the records of the e-mail system
18 and how they're kept?

19 A. Yes.

20 Q. Are you familiar with whether or not they are kept in
21 the ordinary course of business, those records?

22 A. Yes.

23 Q. Okay. Are you aware of whether or not the material or
24 the equipment that is used to keep those documents is
25 reliable?

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1 A. Yes.

2 Q. Okay.

3 **MS. IRELAND:** May I approach the witness?

4 **THE COURT:** Yes.

5 **BY MS. IRELAND:**

6 Q. Ms. West, I'm showing you a document. Do you
7 recognize that?

8 A. Yes.

9 Q. How do you recognize it?

10 A. That's the format that our e-mail system, when we
11 generate the e-mails to review, it's the format they come out
12 as.

13 Q. Are you the person who is able to provide records
14 pertaining to certain residents at the facility?

15 A. Yes.

16 Q. Is this one of those records that you were asked to
17 provide?

18 A. Yes.

19 Q. Is it a true and accurate copy of what is on file at
20 the facility?

21 A. Yes.

22 Q. And who does this document pertain to?

23 A. Mr. Abegunde.

24 **MS. IRELAND:** We would offer this 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:** Exhibit 52.

4 (WHEREUPON, the above-mentioned document was
5 marked as Exhibit Number 52.)

6 **BY MS. IRELAND:**

7 Q. Ms. West, I'm going to direct your attention to the
8 screen in front of you. So this is an e-mail that is kept
9 based on the communication facility at the Western Tennessee
10 Detention Facility, correct?

11 A. Yes.

12 Q. Okay. Can you see the date at the top in the corner
13 here?

14 A. 7-7-18.

15 Q. What assigns -- is that seven? Sorry.

16 A. Oh, 8-23-18.

17 Q. Okay. What assigns that date?

18 A. That is the date that we pull it out to either print
19 it or save it as a PDF file.

20 Q. Okay. How do you know what date the message was sent?

21 A. That's the ones in the middle, like at the very top,
22 where it says date, the 7-7. That's where it was sent and
23 received, and then in the middle where it's got his name and
24 it's got that 7-7 date there.

25 Q. Okay. And what year are you referring to?

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1 A. The '18, 7-7-18.

2 Q. Okay. Could you read the first line of this
3 particular e-mail. I'll go in for you there.

4 A. Starting at hello? Or the one above that?

5 Q. The one above, please.

6 A. "Not really sure what the JBLM Washington means, Joint
7 Base Lewis-McChord, McChord Air Force Base. Was told to send
8 the address to you. I will get back to you with the news."

9 Q. Thank you. At the Western Tennessee Detention
10 Facility, do those who are staying there also have access to
11 telephone calls?

12 A. Yes.

13 Q. How does that system work?

14 A. When they're booked into the system at the beginning,
15 they're also generated a PIN number, and during the
16 orientation process, they're given the PIN number too by
17 their case manager.

18 Q. Where are the phones in the facility?

19 A. We have those in our housing areas.

20 Q. Okay. And once you have a PIN number, can you make
21 calls whenever you like?

22 A. Not until you have completed your list to get your
23 authorized numbers added to the system.

24 Q. What is the list?

25 A. We actually have a form that's provided to them during

TESTIMONY OF LISA WEST

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1 the orientation process by their case manager where they
2 designate the phone numbers and the people that they would
3 like to be added to their contact list for their phones.

4 Q. Okay. Do you have a verification process that's
5 similar to that used on the e-mail kiosk?

6 A. Yes.

7 Q. How does that work?

8 A. If it is just friends or family, the information is
9 added to it because those calls are recorded and monitored.
10 If it's -- if they label it as attorneys, then we go through
11 a verification process that that phone number is, in fact, an
12 attorney.

13 Q. And I'll ask you again, what's special about attorney
14 and client communication?

15 A. That way they can have the open communication for
16 their court proceedings.

17 Q. And those are not recorded at all on the system?

18 A. No.

19 Q. Now, you mentioned recording. Are all other phone
20 calls recorded?

21 A. Yes.

22 Q. Again I'm going to ask you why?

23 A. That way we can verify that nothing else is going on,
24 that they're not doing criminal activity during those phone
25 calls.

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1 Q. Or if there's someone who's asked to not be contacted,
2 could that also be part of the process?

3 A. Yes.

4 Q. How do the residents know that phone calls are being
5 recorded?

6 A. During the orientation process when they're being
7 booked, there's a video that plays for them, and it tells
8 them in that process. During the orientation process,
9 they're given a handbook by their case manager that they have
10 to sign for. It's put in the handbook that those calls are
11 recorded. By all of the phones in the facility, there's a
12 posting that says that those calls are recorded and
13 monitored, and then when you actually place a phone call, you
14 hear a recording before you actually start to call -- the
15 conversation that says that the call is also being recorded
16 and monitored.

17 Q. And are those calls then recorded and kept for a
18 period of time?

19 A. Yes.

20 Q. Generally what length of time?

21 A. We generally have five years' access to the phones.

22 Q. Okay. Just in case someone's curious, do folks at the
23 facility sit around listening to peoples' phone calls?

24 A. Occasionally, yes.

25 Q. Okay. Is there a reason for that?

TESTIMONY OF LISA WEST

217

1 A. Sometimes we get information that something is going
2 on or has gone on or that there's been contact that there
3 shouldn't have been, and that's a way of investigating those
4 allegations.

5 Q. Are you the person who is in charge of providing phone
6 calls or recordings or excerpts on request?

7 A. I can, yes.

8 Q. You can be. And were you asked to do so in this case?

9 A. I have, yes.

10 **MS. IRELAND:** May I approach the witness, Your
11 Honor?

12 **THE COURT:** Yes.

13 **BY MS. IRELAND:**

14 Q. Ms. West, I'm going to show you two CDs. Do you
15 recognize those?

16 A. Yes.

17 Q. And how do you recognize them?

18 A. These are the CDs of jail calls that we burned for
19 the -- on request.

20 Q. Okay. How do you know they're the same calls that you
21 burned? Did you listen to them?

22 A. Upstairs, yes.

23 Q. And did you initial that so that you know that's the
24 CD that you listened to?

25 A. Yes.

TESTIMONY OF LISA WEST

218

1 Q. Are those your initials?

2 A. They are.

3 Q. And is it dated today?

4 A. Yes.

5 Q. Okay.

6 **MS. IRELAND:** We would offer these as the next
7 sequential exhibits for identification purposes at this time.

8 **THE COURT:** Any objection?

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

10 **THE COURT:** Exhibit 53 and 54.

11 **MS. IRELAND:** And specifically, 53 is listed as
12 jail calls with excerpts.

13 **THE CLERK:** Was this for identification, Judge?

14 **THE COURT:** Yes.

15 (WHEREUPON, the above-mentioned item was marked
16 as Exhibit Number 53ID.)

17 **MS. IRELAND:** And the other has the title,
18 partial title, Jail Call Snippets. And excerpts as 53 for ID
19 and snippets, 54 for ID.

20 (WHEREUPON, the above-mentioned item was marked
21 as Exhibit Number 54ID.)

22 **THE COURT:** Thank you.

23 **BY MS. IRELAND:**

24 Q. And finally, Ms. West, let's turn to the list of
25 approved calls. What do you do to verify -- it's been a long

TESTIMONY OF LISA WEST

219

1 day, so I'm not sure if I already asked you this -- verify
2 that the numbers are okay?

3 A. If they're friends or family -- if they list them as
4 friends or family, there actually isn't a verification
5 process. It goes on their list. If it's an attorney, then
6 we start doing searches to verify that that is in fact an
7 attorney.

8 Q. Okay. How do you do that? What process do you
9 follow?

10 A. We initially start with the internet. We go do
11 reverse lookups on the phone numbers, the address that's on
12 there, the name.

13 Q. Okay. And who performs that inquiry?

14 A. Our case managers and correctional counselors.

15 Q. Okay. And once something has been designated as an
16 attorney list, it is not recorded; is that correct?

17 A. That is correct.

18 Q. Okay. Were you asked or was someone at the facility
19 asked in this case to investigate whether numbers designated
20 as attorney numbers by Mr. Abegunde were indeed not attorney
21 numbers?

22 A. Yes.

23 Q. Was another investigation conducted on those numbers?

24 A. Yes.

25 Q. What was the outcome of that investigation?

TESTIMONY OF LISA WEST

220

1 A. It was determined that they were not in fact attorney
2 numbers.

3 Q. How did you do that?

4 A. We went through the process of checking online,
5 googling the address, the phone numbers, the name that he had
6 listed with it.

7 Q. Did anyone make phone calls to those numbers?

8 A. I did, yes.

9 Q. You did?

10 A. I did.

11 Q. And what was the outcome of those calls?

12 A. Someone would pick up the phone, but no one would ever
13 speak.

14 **MS. IRELAND:** May I approach, Your Honor?

15 **THE COURT:** Yes.

16 **BY MS. IRELAND:**

17 Q. Ms. West, I'm handing you three pieces of paper. Do
18 you recognize those?

19 A. Yes.

20 Q. And what are they?

21 A. Those are the forms that we used for them to designate
22 people and telephone numbers for their telephone visitation.

23 Q. Okay. And who did these forms pertain to?

24 A. Mr. Abegunde.

25 Q. Are these records that are kept in the ordinary course

TESTIMONY OF LISA WEST

221

1 of business?

2 A. Yes.

3 Q. And are you familiar with those records?

4 A. Yes.

5 Q. Are these a true and accurate copy?

6 A. Yes.

7 Q. And are they made at the time, or are they kept at the
8 time that the information in them is being recorded?

9 A. Yes.

10 **MS. IRELAND:** We would offer these as the next
11 three sequential exhibits.

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

13 **THE COURT:** Okay. Exhibit 55, 56 and 57.

14 (WHEREUPON, the above-mentioned documents were
15 marked as Exhibit Numbers 55, 56 and 57.)

16 **BY MS. IRELAND:**

17 Q. Ms. West, turning your attention first to Exhibit
18 Number 55, you said this is one of Mr. Abegunde's forms?

19 A. Yes.

20 Q. If you could keep your voice at the microphone a
21 little bit, it's fading. Thanks. Who is the person who is
22 designated here?

23 A. Bunmi Makinwa.

24 Q. Can you read the address, please.

25 A. 401 I7th Street, Atlanta, Georgia, 30362.

TESTIMONY OF LISA WEST

222

1 Q. And what is the relationship there?

2 A. It says friend.

3 Q. What is the date of this entry?

4 A. February 19th, 2018.

5 Q. Exhibit Number -- I'm sorry, let's go with 56.

6 Number 56. What is the date on?

7 A. March the 1st, 2018.

8 Q. And who is the person listed there?

9 A. Edchae Caffey.

10 Q. What is the address, please?

11 A. 1014 Brookwood Valley Circle, Atlanta, Georgia, 30309.

12 Q. What is the relationship?

13 A. Wife.

14 Q. And there is a second entry for Ms. Caffey, at

15 Exhibit 57; is that right?

16 A. Yes.

17 Q. Okay. Same address?

18 A. Yes.

19 Q. And is the telephone number, I think, different, is
20 that the update? No, it does not appear to be different. I
21 don't think, does it, to you?

22 A. No. That looks like the same phone number to me.

23 Q. Okay. And what is the date on this form?

24 A. 4-14-18.

25 Q. Thank you.

TESTIMONY OF LISA WEST

223

1 **MS. IRELAND:** May I approach the witness once
2 more, Your Honor?

3 **THE COURT:** Yes.

4 **BY MS. IRELAND:**

5 Q. Ms. West, what are these two documents?

6 A. They're also the visitation and telephone logs.

7 Q. Records kept in the same way as the previous ones?

8 A. Yes.

9 Q. And pertaining to the same individual?

10 A. Yes.

11 **MS. IRELAND:** We would offer these as the next
12 two sequential exhibits.

13 **MR. PERRY:** Your Honor, permission to approach?

14 **THE COURT:** Yes.

15 (Bench conference between the attorneys and the
16 Court.)

17 **THE COURT:** Yes.

18 **MR. PERRY:** I anticipate that this is the point
19 that -- and as far as the introduction at this time, my
20 objection is actually down the road, but he is a licensed
21 attorney. He's a Nigerian attorney. That's who he talked
22 to, relies on. It's his older brother, and I think all of
23 those conversations that involved his older brother that's a
24 licensed attorney in Nigeria should be privileged. I don't
25 think there's a requirement that the attorney be established

TESTIMONY OF LISA WEST

224

1 in the United States as an attorney, and he relies on his
2 communications with him. And he's confident and I think
3 that, you know, if she goes into what was said and why, et
4 cetera, through this witness, I don't think it's proper. He
5 is an attorney.

6 **MS. IRELAND:** The brother is not representing him
7 in this case. We are not going into the communications;
8 however, it's going to be offered specifically for the
9 address purposes. If you would like to block that out or
10 redact it, I'm happy to do so.

11 **THE COURT:** Redact the attorney part?

12 **MS. IRELAND:** Yes.

13 **MR. PERRY:** Hold on.

14 **THE COURT:** I don't think that was Mr. Perry's
15 objection.

16 **MR. PERRY:** Right. Yeah. If there's something
17 that for one reason or another, if it's going to be asserted
18 that he waived any communications privileges to this man, and
19 they were somehow recorded through this particular witness, I
20 don't want to --

21 **MS. IRELAND:** That's not the implication, and
22 that's not what we're intending to do. It's also not a
23 critical piece of evidence, so I'm fine to just not offer it.

24 **THE COURT:** Not offer the document?

25 **MS. IRELAND:** Yes.

TESTIMONY OF LISA WEST

225

1 **THE COURT:** Okay.

2 **MS. IRELAND:** It just makes it easier. There's
3 no reason to have to fuss.

4 **THE COURT:** Okay. Thanks.

5 (Bench conference between the attorneys and the
6 Court concluded and the proceedings continued as follows:)

7 **BY MS. IRELAND:**

8 Q. Thank you, Ms. West. I don't have any further
9 questions. Defense counsel might have some things they'd
10 like to ask you.

11 **MS. IRELAND:** Pass the witness, Your Honor.

12 **THE COURT:** Thank you.

13 Mr. Perry, any questions?

14 **MR. PERRY:** No cross-examine, Your Honor.

15 **THE COURT:** Thank you, Mr. Perry.

16 Mr. Garrett, any questions?

17 **MR. GARRETT:** None, Your Honor.

18 **THE COURT:** Thank you, Mr. Garrett.

19 Ms. West, you may be excused. Thank you.

20 Next witness?

21 **MS. IRELAND:** Mr. Flowers has our next witness.

22 Is he ready?

23 Mr. Haley, I also think the battery is dying on
24 this. It was red for a while. Yes, it's red.

25 **THE COURT:** Your next witness, Mr. Flowers?

TESTIMONY OF AHMED ALIMI

226

1

2

MR. FLOWERS: United States calls Ahmed Alimi.

3

* * *

4

5

AHMED ALIMI,

6

was called as a witness and having first been duly sworn

7

testified as follows:

8

MR. FLOWERS: Your Honor, may I just have a

9

moment to compose myself and locate a document?

10

THE COURT: You may. And make sure your mic is

11

on.

12

MR. FLOWERS: Yes, my apologies. I think it's on

13

now.

14

THE COURT: Yes.

15

MR. FLOWERS: My apologies, Your Honor. I

16

momentarily spaced over something.

17

THE COURT: Thank you.

18

DIRECT EXAMINATION

19

BY MR. FLOWERS:

20

Q. Good afternoon, sir.

21

A. Good afternoon, sir.

22

Q. Could you please state your name and spell it for the

23

record.

24

A. Ahmed Alimi, A-h-m-e-d, A-l-i-m-i.

25

Q. And where are you currently employed, sir?

TESTIMONY OF AHMED ALIM

227

1 A. United States Army.

2 Q. And what position do you hold within the Army?

3 A. I work in the warehouse, logistician.

4 Q. And what does a warehouse logistician do?

5 A. So we pretty much like move like PCs around.

6 Q. And how long have you been in the military?

7 A. Six years, sir.

8 Q. And where do you currently live?

9 A. Fayetteville, North Carolina.

10 Q. And before you were in Fayetteville, where did you
11 live before that?

12 A. Montgomery, Alabama.

13 Q. And then before Montgomery?

14 A. Cotonou, Benin.

15 Q. So Benin, are you a native English speaker?

16 A. No.

17 Q. What is your first language?

18 A. French.

19 Q. Are you a United States citizen?

20 A. Yes, sir.

21 Q. How long have you been a United States citizen?

22 A. Nine years.

23 Q. Are you currently married?

24 A. Yes, sir.

25 Q. Do you have a child?

TESTIMONY OF AHMED ALIM

228

1 A. Yes, sir. I do.

2 Q. Now, but Mr. Alimi, is this your first marriage?

3 A. No.

4 Q. Who is your ex-wife?

5 A. Osiberu Abioye.

6 Q. Could you please spell that for the court reporter if
7 you're able.

8 A. O-s-i-b-e-r-u.

9 Q. Thank you. Is that the last name?

10 A. That's the last name, and the first name is
11 A-b-i-o-y-e.

12 Q. Now, Mr. Alimi, I'm just going to ask you, with
13 Ms. Osiberu, did you enter into a fraudulent marriage with
14 Mrs. Osiberu to bypass the United States immigration laws?

15 A. Yes, I did.

16 Q. Now, when did you marry Ms. Osiberu?

17 A. November 2014.

18 Q. And did you receive compensation for referring
19 Ms. Osiberu?

20 A. Yes, I did.

21 Q. And how much was that?

22 A. 8,000.

23 Q. And for how long, sir, were you married to her?

24 A. Three and a half years.

25 Q. And during this time that you were married with her,

TESTIMONY OF AHMED ALIMI

229

1 did you ever live with her?

2 A. No.

3 Q. Did you ever have an intimate relationship with her?

4 A. No.

5 Q. Did you have intimate relationships with other women
6 during this time?

7 A. Yes.

8 Q. And is it your understanding that she also had
9 intimate relationship with others during your marriage?

10 A. Yes.

11 Q. Now, Mr. Alimi, have you pleaded guilty to conspiring
12 to commit marriage fraud?

13 A. Yes, I did.

14 Q. And Mr. Alimi, could you tell the jury when did you
15 plead guilty for that offense?

16 A. This morning.

17 Q. And where?

18 A. Here.

19 Q. When you say here, do you mean this very courtroom?

20 A. This courtroom, yes.

21 Q. And when you stood up in front of the Judge, did you
22 admit that you entered into a fraudulent marriage?

23 A. Yes, I did.

24 Q. Did you admit to being part of a conspiracy with one
25 of the Defendants, Olufolajimi Abegunde?

TESTIMONY OF AHMED ALIMI

230

1 A. Yes, I did.

2 Q. Did you also admit to intervene in a conspiracy with
3 another co-conspirator named Edchae Caffey?

4 A. Yes.

5 Q. Now, Mr. Alimi, I must ask, you've pleaded guilty
6 today and now you're testifying. It must be quite a day for
7 you.

8 A. Yes, sir.

9 Q. How are you feeling?

10 A. Sad.

11 Q. And why are you sad?

12 A. Because I lost everything I worked for.

13 Q. And when you say everything you work for, what exactly
14 do you mean by that?

15 A. So I was supposed to commission as an officer in the
16 United States Army, and I lost that privilege, and I lost my
17 job as well.

18 Q. I want to make abundantly clear for the jury, are you
19 now a criminal?

20 A. Yes, I am.

21 Q. And what was your criminal offense?

22 A. Marriage fraud.

23 Q. Now, you said you're married, sir.

24 A. Yes.

25 Q. For a second time?

TESTIMONY OF AHMED ALIM

231

1 A. For the second time.

2 Q. Do you love your wife?

3 A. Yes, I do.

4 Q. Do you have a child?

5 A. Yes, we do.

6 Q. How has this whole experience affected them?

7 A. That pretty much destroy my family.

8 Q. How so?

9 A. That my wife, she's not happy about what I did, and
10 that change our life.

11 Q. Now, I also want to make it abundantly clear, you
12 accept full responsibility for your actions?

13 A. Yes, I did.

14 Q. Do you have remorse for what you did?

15 A. Yes, I do.

16 Q. So why did you marry Ms. Osiberu?

17 A. To help her with immigration paper and to get better
18 BAH.

19 Q. So BAH, is that an acronym, sir?

20 A. Yes.

21 Q. And what does BAH stand for?

22 A. Basic allowance housing.

23 Q. And why does that matter?

24 A. So you got a chance to live off post and somewhere
25 better.

TESTIMONY OF AHMED ALIMI

232

1 Q. And by somewhere better, is it also -- is it more
2 money, or is it just accommodations?

3 A. It's like more money.

4 Q. Do you know Mr. Olufolajimi Abegunde?

5 A. Yes.

6 Q. Could you please identify him by what he's wearing and
7 where he is sitting, sir?

8 A. Black suit, glasses on and he's sitting right there.

9 Q. Okay.

10 **MR. FLOWERS:** Your Honor, could we please let the
11 record reflect that Mr. Alimi has identified the Defendant,
12 or one of the Defendants, I should say.

13 **THE COURT:** So reflected.

14 **MR. FLOWERS:** All right. Thank you, Your Honor.

15 **BY MR. FLOWERS:**

16 Q. So how did you first meet Mr. Abegunde?

17 A. I met him through my ex-wife.

18 Q. Okay. And what were the circumstances of that?

19 A. So he was trying to get in like a sham marriage.

20 Q. Okay. And did Ms. Osiberu know Mr. Abegunde
21 previously?

22 A. Yes.

23 Q. Were they friends?

24 A. Yes.

25 Q. And after you -- Ms. Osiberu approached you about

TESTIMONY OF AHMED ALIM

233

1 this, did you have any ideas of who to set up Mr. Abegunde
2 with?

3 A. Caffey Edchae.

4 Q. Caffey Edchae, is that what you said?

5 A. Yes, sir.

6 Q. And so after the idea came about, who made the
7 decision, or what was your role in making sure a marriage
8 happened?

9 A. So I pretty much connect them.

10 Q. When you say connect, what do you mean by that?

11 A. So he's bringing both party together.

12 Q. So you were part of a deal maker?

13 A. Yes, sir.

14 Q. So at this point I'll ask as background, is, in your
15 experience, marriage fraud fairly common in the military?

16 A. Yes, sir.

17 Q. And why is that?

18 A. To get a BAH.

19 Q. So you were not the only one at this time you're aware
20 of?

21 A. No.

22 Q. Okay. So did you communicate with Mr. Abegunde on a
23 messaging platform called WhatsApp?

24 A. Yes, I did.

25 **MR. FLOWERS:** Your Honor, may approach the

TESTIMONY OF AHMED ALIM

234

1 witness?

2 **THE COURT:** Yes.

3 **MR. FLOWERS:** If you don't mind, Your Honor, if
4 you'll indulge me, I'll ask a few questions from near
5 Mr. Abegunde.

6 **THE COURT:** Yeah. But I'm not sure your mic is
7 on. Is it on?

8 **MR. FLOWERS:** You are absolutely correct. So
9 thank you.

10 **BY MR. FLOWERS:**

11 Q. So Mr. Alimi, I've handed you a series of documents.
12 Could you please take a moment to familiarize yourself with
13 them and flip through them, and let me know when you are
14 ready to answer some questions.

15 A. Yes, I'm ready.

16 Q. Okay.

17 **MR. FLOWERS:** May I reapproach the witness, Your
18 Honor?

19 **THE COURT:** Yes.

20 **MR. FLOWERS:** If you do not mind, I would like to
21 show these to defense counsel.

22 **THE COURT:** Yes.

23 **BY MR. FLOWERS:**

24 Q. So what are these?

25 A. That's communication between me and Edchae.

TESTIMONY OF AHMED ALIM

235

1 Q. Do you recognize your phone number here?

2 A. Yes, I do.

3 Q. And do you recognize Mr. Abegunde's phone number here?

4 A. Yes, I do.

5 Q. And are these a true and accurate reflection of the
6 communications you had with Mr. Abegunde on WhatsApp?

7 A. Yes.

8 **MR. FLOWERS:** Your Honor, at this time the
9 Government would offer these series of WhatsApp messages into
10 evidence.

11 **THE COURT:** Any objection?

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

13 **THE COURT:** Are those page numbered?

14 **MR. FLOWERS:** Yes, Your Honor, they are.

15 **THE COURT:** Thank you very much. Exhibit 58.

16 (WHEREUPON, the above-mentioned document was
17 marked as Exhibit Number 58.)

18 **MR. FLOWERS:** And Your Honor, I hate to do this,
19 but may I have a moment to have a drink of water?

20 **THE COURT:** Yes.

21 **BY MR. FLOWERS:**

22 Q. So Mr. Alimi, I'm going to be putting some pages on
23 the screen. I'll announce what page number they are. When
24 I'm doing that, it's solely for the record. So here, this is
25 at Page 4989, and I'll specifically direct your attention to

TESTIMONY OF AHMED ALIM

236

1 a message on 4-13-2016 at 10:07 UTC. Do you see that
2 message, sir?

3 A. Yes, sir.

4 Q. And right now you do have the capability, Mr. Alimi,
5 to touch the screen, and it will make a mark. So if you'd
6 like to try that now, can you please just point at the
7 message to show that you see where it is. Very good.

8 Now, before the message was crossed out, what did it
9 say?

10 A. Oh, this is FJ from Bioye.

11 Q. And Bioye, who is Bioye in that message?

12 A. That's my ex-wife.

13 Q. And it says FJ, are you familiar with an FJ?

14 A. Yes.

15 Q. And who is FJ?

16 A. That is -- that's him.

17 Q. When you say that is him, we have a record here.
18 Could you please state who it is.

19 A. I don't really remember his name all the time.

20 Q. Is it -- you said Mr. Abegunde earlier?

21 A. Abegunde.

22 Q. Is that familiar?

23 A. Yes, Mr. Abegunde.

24 Q. So -- and now Mr. Haley, I believe -- it's cleared.
25 Thank you, sir.

TESTIMONY OF AHMED ALIM

237

1 Now I'll now turn your attention to 4991. I'll direct
2 your attention to a message on April 13th, 2016. Are you
3 familiar with these messages, sir?

4 A. Yes.

5 Q. At 11:29 UTC, what does Mr. Abegunde say?

6 A. "I was speaking with Bioye earlier."

7 Q. Okay. And if you go down three messages to the
8 message starting at 11:29, what does Mr. Abegunde then say?

9 A. "And she said it has to be done on the weekday."

10 Q. Now, they use the word it. What does it refer to?

11 A. The marriage between Caffey and Edchae.

12 Q. Now, at this point had Ms. Caffey to your knowledge
13 ever met Mr. Abegunde?

14 A. No.

15 Q. And when you said earlier that you were speaking or he
16 was speaking with Bioye, is that because they're arranging
17 the circumstances for the wedding?

18 A. Yes, I believe.

19 Q. So Mr. Alimi, and again this is on page, for the
20 benefit -- the purpose of the record, 4992. The first
21 message that appears on the screen, could you please read it.

22 A. "I haven't talked to her."

23 Q. And will you read the next one, please.

24 A. "I always go through you."

25 Q. So what does it mean or what did you interpret the

TESTIMONY OF AHMED ALIMI

238

1 statement going through you, what does that mean?

2 A. That referred to the communication between Caffey and
3 Edchae.

4 Q. Was it the role that you played?

5 A. Yes.

6 Q. Okay.

7 **MR. FLOWERS:** Sorry. I think I -- I got out of
8 order, Your Honor. My apologies.

9 **BY MR. FLOWERS:**

10 Q. Now, Mr. Alimi, do you see a message on April 21st,
11 2016 at 11:16? Do you see that message, sir?

12 A. Yes.

13 Q. And what does Mr. Abegunde ask?

14 A. "Should I come on the 5th and leave on the 11th?"

15 Q. So this is in April. What is being planned right now?

16 A. The marriage between Caffey and Edchae.

17 Q. And was the marriage to take place in early May?

18 A. I don't recall.

19 Q. Don't recall?

20 So when Mr. Abegunde came in for the marriage, to get
21 married to Ms. Caffey, where did he stay?

22 A. At my place.

23 Q. And I've shown you a document or from the messages on
24 Page 5000. Do you recognize that address on the screen?

25 A. Yes.

TESTIMONY OF AHMED ALIMI

239

1 Q. Whose address is that?

2 A. That's my address.

3 Q. Now, at this point I would like you to note the date.

4 On or about what date did this exchange occur? On what date
5 did you provide your address, sir?

6 A. That was on May 4th, 2016.

7 Q. Now, for the actual marriage of Mr. Abegunde and
8 Ms. Caffey, what role did you play?

9 A. I was a witness. I took a picture.

10 Q. And did he stay at your apartment?

11 A. And he stay at my apartment.

12 Q. Now, after the marriage, did you continue to be a
13 go-between for communications?

14 A. Yes.

15 Q. Between Ms. Caffey and Mr. Abegunde?

16 A. Yes.

17 Q. And why were you doing that?

18 A. Because I don't want to deal with any trouble like
19 later on, going to be like issue between them.

20 Q. When you say issue, what do you mean by issue?

21 A. I mean when they would go come to me as the one who
22 refer Caffey to him, and she would do the same. So I would
23 be like the middleman, try to solve issue for like both
24 sides.

25 Q. Now, Mr. Alimi, I'm going to show you a message on

TESTIMONY OF AHMED ALIM

240

1 Page 5001 of these messages. Do you see a message beginning
2 at 7:52 UTC on that particular date, sir?

3 A. Yes.

4 Q. What do you say?

5 A. "And she will pick you up to open the account and get
6 a license."

7 Q. So let's break that down. The account, what are you
8 referring to when you say the account?

9 A. So that's the account they will use for like
10 immigration purpose.

11 Q. Is it a bank account?

12 A. Bank account, yes.

13 Q. And did you have a similar bank account when you were
14 in your own fraudulent marriage?

15 A. Yes.

16 Q. And when you were in your fraudulent marriage, why did
17 you have that bank account?

18 A. To help with like immigration paper.

19 Q. So the second part of that is to get the license. Do
20 you remember what you're referring to when you say the
21 license there?

22 A. Marriage license.

23 Q. So I have an additional question, Mr. Alimi. Are you
24 familiar with military identification cards?

25 A. Yes.

TESTIMONY OF AHMED ALIM

241

1 Q. What role, if any, do military identification cards
2 play in fraudulent marriages involving the Army?

3 A. So the ID is pretty much part of document that you
4 provide to like the immigration.

5 Q. And does it --

6 A. To make it seem -- to make it seem like a true
7 marriage.

8 Q. And to your knowledge, did Mr. Abegunde obtain a
9 military ID for that purpose?

10 A. Yes.

11 Q. So I'll direct your attention to the second message on
12 the screen. Could you please read the second message
13 starting with and?

14 A. "And that exactly what I told her that you might be
15 coming down here for the ID 'cause she is leaving soon."

16 Q. So within this message, what is the ID that's -- that
17 you're referring to?

18 A. Military ID.

19 Q. And do you remember what you referred to by she is
20 leaving soon?

21 A. She was getting deployed to Korea.

22 Q. To your knowledge was she ever deployed to Korea?

23 A. Yes.

24 Q. And could you please note the date on that particular
25 message.

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1 A. May 20, 2016.

2 Q. Now, the following message that also begins with and,
3 could you please read that, sir.

4 A. "And for her to sign the form."

5 Q. Now, do you have a recollection of what is being
6 referred to by the forms?

7 A. No, I don't. No.

8 Q. Do not. Now at this moment, I'll take a brief break
9 from messages to ask you about your relationship with
10 Ms. Caffey. Did you have a relationship with Ms. Caffey?

11 A. Yes, I did.

12 Q. Can you please describe the nature of that
13 relationship.

14 A. Sexual relationship.

15 Q. So at the time that Mr. Abegunde married Ms. Caffey,
16 were you engaged in a sexual relationship with her?

17 A. Yes.

18 Q. Did that sexual relationship continue after
19 Mr. Abegunde and Ms. Caffey were married?

20 A. Yes.

21 Q. Now, to clarify the nature, was it purely sexual, or
22 were you also dating?

23 A. Sexual.

24 Q. My apologies, wrong one.

25 Now starting at -- on June 4th, 2016 at 19:36 UTC,

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1 what does Mr. Abegunde say? Well, first of all, I'll pause
2 and give you an opportunity to identify that message. Do you
3 see that message, sir?

4 A. Yes.

5 Q. So very briefly, what does Mr. Abegunde say?

6 A. "Hope you didn't tell Chae that I give you any
7 heads-up."

8 Q. And then the next message, what does he say?

9 A. "Because she's not responding to my message."

10 Q. Now, at this point I'll ask some additional questions
11 about the nature of the relationship between Mr. Abegunde and
12 Ms. Caffey. To your knowledge were they living together at
13 this point?

14 A. No.

15 Q. To your knowledge have they ever lived together?

16 A. Never.

17 Q. So after they were married, did Mr. Abegunde go back
18 to where he was?

19 A. Yes.

20 Q. So on June 5th, 2016 at 6:18 UTC, do you see a message
21 beginning with hey?

22 A. Yes.

23 Q. Can you please read that clearly for the court
24 reporter, please.

25 A. "Hey, how is it going? Sure you enjoying your

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1 surprise weekend. Please, what is Everett's date of birth?
2 Also what is the date of your previous marriage? Date and
3 place of previous marriage."

4 Q. Now, was it your understanding that Mr. Abegunde was
5 actually sending that message to you, or was he sending it to
6 someone else?

7 A. That was sent to Caffey.

8 Q. And in some of the things that are in there, with
9 regards to date of birth or date of previous marriage, is
10 that -- are those the types of information that are important
11 for immigration purposes?

12 A. Yes.

13 Q. Before I go, I will ask an additional question. The
14 message that's second from the bottom starting with she said.
15 Could you please read your response again.

16 A. "She said that she contacted you already with the
17 info."

18 Q. So was this after they had gotten married, Mr. Alimi?

19 A. Yes.

20 Q. And are you still acting as a go-between with
21 Mr. Caffey and Ms. Abegunde?

22 A. Yes.

23 Q. Pardon me, Ms. Caffey and Mr. Abegunde. My apologies.
24 So I'll direct your attention now to a message July 6, 2016
25 at 12:53, starting with, if it. Have you located that

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1 message, sir?

2 A. Yes.

3 Q. Could you please read it.

4 A. "If it does not get done by Friday July 8th, I will
5 cancel the interview. Cut you off from everything and file
6 for divorce. If I can't cancel the interview, I will go to
7 there and show them the petition for divorce."

8 Q. Now, was it your understanding that Mr. Abegunde was
9 sending this message, or was it Ms. Caffey?

10 A. That's Ms. Caffey.

11 Q. Now, let's break down the component parts here. Now,
12 there's a reference to the interview. What is your
13 understanding about the interview?

14 A. That's immigration interview.

15 Q. And what would be the effect of cancelling the
16 interview, from your own experience?

17 A. So he won't be able to go forward with his -- to
18 adjust his immigration status.

19 Q. So you had your own immigration interviews as part of
20 your fraudulent marriage, right?

21 A. No, I did not.

22 Q. You did not have interviews as part of the marriage.
23 Are you familiar with what the interviews are as part of the
24 immigration process?

25 MR. PERRY: Objection, Your Honor. He's

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1 bringing -- first, he's not tendered as an expert. He
2 doesn't have firsthand knowledge. He just answered that
3 question.

4 **MR. FLOWERS:** I'll withdraw, Mr. Perry and thank
5 you for the speaking objection.

6 **THE COURT:** Thank you.

7 **BY MR. FLOWERS:**

8 Q. Okay. I'll direct your attention to Page 5018. This
9 is a longer message, the first one that you see. Could you
10 please take a moment to familiarize yourself with this
11 message, Mr. Alimi, and then when you've had an opportunity
12 to read it, please let me know, and we will answer some
13 questions.

14 A. I've read it.

15 Q. I'll give just a moment for others in the courtroom.
16 Now, is it your understanding that this is what Mr. Abegunde
17 was intending to send?

18 A. Yes.

19 Q. Okay. So directing your attention to Paragraph 5.

20 **MR. PERRY:** Your Honor, permission to approach?

21 **THE COURT:** Yes.

22 (Bench conference between the attorneys and the
23 Court.)

24 **MR. PERRY:** It seems like he's asking questions
25 from this witness regarding communications to Ms. Caffey

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1 directly to Ms. Caffey and now let him get away with it on
2 the previous question alone, but he's going into state of
3 mind and things like that about you're meaning to send this
4 to Ms. Caffey. He's not the appropriate witness for this
5 information to be read through at all.

6 **THE COURT:** I keep looking on the line, and it
7 looks like he's on these messages too, as I understand it. I
8 guess it's a group think on WhatsApp.

9 **MR. FLOWERS:** Yes, Your Honor. It's Mr. Alimi
10 and Mr. Abegunde in that particular message. Mr. Abegunde is
11 sending what he wants his response to be to Ms. Caffey, and
12 if you read two or three down, he says, "That's what I'm
13 thinking of sending her."

14 **THE COURT:** Yeah. He's sending it to -- he is
15 sending it to this witness. Now, do be careful about, you
16 know, this witness can testify as to what Mr. Abegunde would
17 have expressed to him, but unless he expressed something to
18 him about what he was thinking or doing, he can't testify, so
19 just be careful about asking this witness about speculation.

20 **MR. FLOWERS:** Yes, Your Honor. Thank you. I
21 appreciate that.

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

23 (Bench conference between the attorneys and the
24 Court concluded and the proceedings continued as follows:)

25 **BY MR. FLOWERS:**

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1 Q. So actually, I will direct your attention to a
2 different paragraph first, Mr. Alimi. Starting with
3 Paragraph 3 -- well, actually no, pardon me, Paragraph 2.
4 Could you please read Paragraph 2 into the record.

5 A. "I promised to pay at the end of each month for the
6 next three months, which I promise I intend to keep. It hurt
7 me more than that you didn't receive your money. I don't
8 know if it meant anything to you, but the moment I realized
9 that I couldn't get the money to the USAA from Nigeria, the
10 money was paid into Hameed account within seconds."

11 Q. So -- and then could you also please read Paragraph 3
12 as well.

13 A. "I moved to Atlanta on the 20 of June, and I got here
14 on a promo where I get the first month free. My utility are
15 not due until the end of July, beginning August. We need a
16 joint account for the purpose of making all these payment.
17 That is why we have the USAA."

18 Q. Now, Mr. Alimi, I will direct your attention to the
19 fifth paragraph. Could you please start reading with
20 however.

21 A. "However, I got a sense that you feel you are doing me
22 a favor. Let me state it clearly as possible that you are
23 not doing me a favor. There are benefit for both party, and
24 when you resort to threat and unilateral action, saying you
25 will close the account, trust me, it does not help, and it

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1 destroy the respectful relationship we have built so far. I
2 know all this would not have happened if I got your money to
3 you as promised. As such, I promise that you will get your
4 money in the first day of the coming months."

5 Q. And on Paragraph 6, solely for the record, could you
6 please read that paragraph into the record.

7 A. "Finally, just to let you know, I have not filed the
8 paperwork yet. I don't like being threatened. If we cannot
9 have a respectful and multilateral decision-making
10 relationship, I am willing to walk away, provided I get a
11 full refund."

12 Q. And then I'll direct you -- you respond to that with a
13 question. What do you ask Mr. Abegunde?

14 A. "Is that what you sent her?"

15 Q. And how does he respond?

16 A. "Not yet."

17 Q. And please continue.

18 A. "I am thinking about it."

19 Q. Mr. Alimi, could you take a moment to read these
20 messages to yourself, and then let me know when you're ready
21 to answer questions.

22 A. I'm ready.

23 Q. So that first message on the screen, you referred to
24 an it. What are you talking about with it?

25 A. The bank account.

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1 Q. And Mr. Abegunde a few messages down at 10:52 UTC,
2 what does he say to you?

3 A. "I don't like her attitude."

4 Q. And within the context of that conversation, who did
5 you understand him to be referring to as her?

6 A. Caffey Edchae.

7 Q. And then what do you tell him to do?

8 A. I told him to stop texting her and to leave her alone.
9 I got it.

10 Q. When you say it, what did you mean by it, you have it?

11 A. Like I will talk to her about any issue going on.

12 Q. Now Mr. Alimi, I'm going to direct your attention to
13 5020. Starting at 7-20-2016. Could you read the message you
14 sent that starts with bro.

15 A. "Make sure you pay her on time, please."

16 Q. And how does he respond?

17 A. "Sure."

18 Q. Now, when you're referring to pay her, what are you
19 referring to in terms of payment?

20 A. The payment for the contract marriage.

21 Q. And if you go down to the last message on the page on
22 7-20-2016 at 16:26, what does Mr. Abegunde say?

23 A. He said, "I have put some money inside the USAA
24 account already."

25 Q. Do you see the first message on that page, sir?

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1 A. Yes, sir.

2 Q. What does Mr. Abegunde say here?

3 A. "You can take out one thousand from the USAA account
4 on Monday. I will appreciate if you don't take it out in one
5 full swoop. That is, I will appreciate if you took it out
6 like gradually."

7 Q. And then what does he say for his next message?

8 A. "That's what I am about to send her."

9 Q. Now, on 7-29 at 10:28, do you see the message that
10 starts with see, that you sent?

11 A. What time?

12 Q. At 10:28 on 7-29-2016, starting with she?

13 A. Oh, "She will be like it's my money."

14 Q. And then how does Mr. Abegunde respond?

15 A. "It's so that there is no suspicion."

16 Q. Now, on the first message on that screen, do you see
17 that, sir? I'm sorry to ask you a question before you were
18 there. Do you see the first message on the screen, sir?

19 A. Yes.

20 Q. And what does Mr. Abegunde say?

21 A. "I should not send it."

22 Q. And what do you say in response?

23 A. "Give it to her in full."

24 Q. And could you please continue reading.

25 A. "She will be offended because you said don't take it

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1 out in full."

2 Q. Now, in the context of that conversation, in the first
3 statement that you read, you used the word it. What are you
4 referring to when you say give it to her in full?

5 A. That was the payment for the marriage.

6 Q. And in the second sentence there, starting with she,
7 you use the word it again. To what are you referring to by
8 it, sir?

9 A. The money.

10 Q. The money for what?

11 A. For the marriage.

12 Q. And two messages down, it's the last full message on
13 the screen, what does Mr. Abegunde say?

14 A. "It's in the account."

15 Q. Do you see those messages on the screen, sir?

16 A. Yes.

17 Q. So on February 3rd, 2017, on the first message on the
18 screen, what does Mr. Abegunde say?

19 A. "My interview has been scheduled."

20 Q. And please continue.

21 A. "It is for the 27th of February."

22 Q. And then finally?

23 A. "But Chae says she won't be available because of the
24 Soldier of the Quarter Board."

25 Q. So a few questions, Mr. Alimi, what did you interpret

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1 as receiving that message he to be referring to by my
2 interview?

3 **MR. PERRY:** Objection, Your Honor. He can
4 testify to what he sees.

5 **MR. FLOWERS:** May we see each other at sidebar,
6 Your Honor?

7 (Bench conference between the attorneys and the
8 Court.)

9 **MR. FLOWERS:** So Your Honor, I just thought it
10 would be more -- we would oppose doing that at sidebar rather
11 than in front of the jury.

12 **THE COURT:** You know, there's some objections
13 that can be done in front of the jury, and I'm not sure this
14 wasn't one that could be, but you were going to say?

15 **MR. PERRY:** He's interpreting for -- on behalf of
16 what was said to him. He can say I heard John Perry say X,
17 Y, Z. He can't give his own interpretations on what he's
18 saying this for and what was his belief that he was saying at
19 that particular point in time.

20 **MR. FLOWERS:** I respectfully disagree.

21 **THE COURT:** He can't say he knows what
22 Mr. Abegunde meant. He can say what his interpretation --
23 his own interpretation of what Abegunde meant was, and I
24 think that was the -- what was the question was.

25 **MR. FLOWERS:** Yes, Your Honor. I can try to

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1 think of a way to make it clearer by phrasing to Mr. Alimi if
2 that would appease Mr. Perry because that was what I intended
3 was to get the effect on the listener sort of what he
4 interpreted at the end of that conversation. And I can try
5 to make that clearer, if you'd like, if Mr. Perry would like.

6 **THE COURT:** I mean, that's allowed. He can't
7 testify to what was in Mr. Abegunde's head. But he can
8 testify as to how he interpreted the message.

9 **MR. PERRY:** I got one other --

10 **THE COURT:** Yeah. Sure.

11 **MR. PERRY:** I know we're getting close to where
12 that juror is saying --

13 **THE COURT:** Yeah. We are. How much more do you
14 think you have for him?

15 **MR. FLOWERS:** He will bleed over into tomorrow,
16 Your Honor.

17 **MR. PERRY:** Okay.

18 **THE COURT:** So how much more do you think you
19 have with him?

20 **MR. FLOWERS:** My guess will be an additional
21 45 minutes, perhaps, 30 to 45 minutes, probably more towards
22 45 minutes.

23 **THE COURT:** All right. How much more of the
24 WhatsApp stuff do you have?

25 **MR. FLOWERS:** I have to go count now. My

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1 apologies.

2 **THE COURT:** Well, let's just look for a good
3 stopping point. Keep going with the WhatsApp stuff for now,
4 and we'll see when you're done or whether we have to just
5 break off before you're done with that.

6 **MR. FLOWERS:** Okay. Yes, Your Honor, thank you.

7 (Bench conference between the attorneys and the
8 Court concluded and the proceedings continued as follows:)

9 **BY MR. FLOWERS:**

10 Q. Mr. Alimi, do I need to repeat the question I just
11 asked, or do you remember my question?

12 A. Repeat the question, please.

13 Q. So being in this conversation with Mr. Abegunde, what
14 did you interpret or what did you hear when he said my
15 interview?

16 A. That's the interview for immigration.

17 Q. And also for the benefit of the jury, the final
18 message, there's a mention of a Soldier of the Quarter Board.
19 You're in the military. What's a quarter board?

20 A. So that's pretty much like your board where you get
21 like your award and promotion.

22 Q. Mr. Alimi, do you see the first message on this
23 screen?

24 A. Yes.

25 Q. Could you please read it?

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1 A. "I have accepted my fate."

2 Q. And then, is this Mr. Abegunde speaking?

3 A. Yes.

4 Q. And is he also speaking in the next message?

5 A. "I want Chae to go ahead and file the taxes anyhow she
6 chooses."

7 Q. And what do you ask him at this point?

8 A. "What do you mean?"

9 Q. And what does he say?

10 A. "But I don't know if she's holding me for ransom."

11 Q. Now, do you remember this particular conversation,
12 sir?

13 A. Yes.

14 Q. And what was, to your knowledge, going on at the time
15 in the background in this conversation?

16 A. So they were like conflict about how to file tax
17 because that's part of document that we have to provide for
18 immigration. So they have to file jointly.

19 Q. So Mr. Alimi, do you see the messages on the screen?

20 A. Yes.

21 Q. In the first message, what does Mr. Abegunde say to
22 you?

23 A. "I will appreciate if you can talk to her in person."

24 Q. And then how does he continue?

25 A. "You can get like sentimental by saying stuff like it

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1 will affect my little baby if she doesn't show up."

2 Q. And then the next message, please.

3 A. "My whole family is in panic mode."

4 Q. And then finally.

5 A. "You can also play the D trump card about
6 deportation."

7 Q. And then what do you say? Do you see the final
8 message on the screen, sir?

9 A. No. Don't -- oh, yeah, sorry. I say, "Nah, don't do
10 that. I will talk to her in person."

11 Q. Do you see the first message on this screen?

12 A. Yes.

13 Q. What's Mr. Abegunde saying here?

14 A. "I remember before we signed up for this thing. I
15 kept on asking if she's sane. If she won't act crazy and
16 hold me to ransom in the middle."

17 Q. Okay. So Mr. Abegunde is using some language here.
18 It says, for this thing. As you were participating in this
19 conversation, how did you interpret this thing in the first
20 sentence?

21 A. No, that's for the marriage.

22 Q. And then in the second message on the screen, could
23 you please read that, sir?

24 A. "You assure me that she would be professional."

25 Q. And then finally?

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1 A. "This is madness."

2 Q. So the first message on the screen, sir, on
3 February 26, 2017, what does Mr. Abegunde say?

4 A. "I don't understand what is going on."

5 Q. And then please continue.

6 A. "Who does she think she is?"

7 Q. And then finally, please.

8 A. "You really need to speak with her."

9 Q. Now, at this point are you still acting as sort of a
10 middleman in these relationships?

11 A. Yes.

12 Q. And then slide up the screen just a little bit. Can
13 you please read the first message on that screen.

14 A. "Because we might just end up destroying the
15 reputation of everyone involved."

16 Q. And continue, please.

17 A. "All of us are trying to build our career and lives."

18 Q. And then continue.

19 A. "Her stupidity may bring everything we have all worked
20 for to total destruction."

21 Q. And then finally.

22 A. "She must realize that no one is immune."

23 Q. Now, as a participant in this conversation, there's a
24 reference to her. Who did you interpret to be meant by her?

25 A. Caffey Edchae.

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1 Q. Do you see the first message on the screen, sir?

2 A. Yes.

3 Q. Can you please read it.

4 A. "From what I can deduce, you have developed the cold
5 feet about a interview. That's fine. Can you get some kind
6 of memo from your commander stating that you are on
7 deployment status, and you have to be within 150 miles of
8 Fort Bragg. I need this document by 9 a.m. tomorrow
9 morning."

10 Q. Now, as a participant in this conversation, was he
11 sending that message -- did you interpret him as sending that
12 message to you as him?

13 A. He sent a message to Caffey and send me like one copy.

14 Q. So -- and then further down the screen, still on
15 February 26th -- my apologies. On February 26th at 20:16 UTC
16 in the middle of the screen, starting with however, what does
17 Mr. Abegunde say there?

18 A. "I just read that if I show up alone, it raise a flag,
19 and they can commence deportation proceeding against me."

20 Q. And then finally.

21 A. "Please help me to use your influence and all you can
22 do to get that memo."

23 Q. At 2-27-2017 at 8:04, what did Mr. Abegunde say?

24 A. "Your lack of communication is driving me crazy. How
25 can I make plan when you are not saying anything? This is

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1 absolutely ridiculous. The interview is less than five hours
2 away, and I don't even know where I stand just because you
3 cannot respond to a simple SMS."

4 Q. And then what does he say?

5 A. "That is what I just sent her."

6 Q. And how do you respond?

7 A. "I am calling too."

8 Q. Now, Mr. Alimi, at this point are you married to
9 Ms. Caffey?

10 A. No.

11 Q. Why would you be calling her in this situation?

12 A. Because I was the middleman between both of them.

13 Q. 2-27-2017 at 8:23, what does Mr. Abegunde ask you?

14 A. "Any luck on that end?"

15 Q. And then what do you tell him?

16 A. "Still not responding."

17 Q. And what does Mr. Abegunde?

18 A. "Stupid bitch."

19 Q. Do you see the first message on March 9th, 2017?

20 A. Yes.

21 Q. What does Mr. Abegunde say?

22 A. "Hope she's leaving on April 10th."

23 Q. And as a participant in this conversation, who did you
24 interpret him to be meaning by she?

25 A. Caffey.

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1 Q. And then how do you respond to that message?

2 A. "Oh, that is what she said."

3 Q. The first message on the screen, July 6, 2017, what
4 does Mr. Abegunde say?

5 A. "I am literally in limbo."

6 Q. And what do you say?

7 A. "Really?"

8 Q. And then what does he say?

9 A. "Oh, thanks to your girl."

10 **THE COURT:** Mr. Flowers, where are you?

11 **MR. FLOWERS:** I'm thinking this may be -- I
12 respectfully submit this may be a logical stopping point.

13 **THE COURT:** Right now or?

14 **MR. FLOWERS:** Yes. In looking at the questions,
15 I think this may be a logical stopping point. I'm not
16 finished with the witness, Your Honor, but for purposes of
17 today where you asked the question earlier.

18 **THE COURT:** Yes. Okay.

19 All right. I think to make our time deadline and
20 find a good spot to stop, we're going to go ahead and stop
21 now.

22 As you know, it's still not time to talk to
23 anyone about the case, including each other. Still can't
24 talk to the people involved in the case at all. Get a good
25 night's sleep, and I'll tell you that tomorrow I'm concerned

1 that my morning matter, I think, is going to go a little
2 long, so we're not going to start until 9:30. So again, you
3 know, get here to pick out your lunch and all that kind of
4 stuff, and be ready to come into the room at 9:30. Okay?

5 If there's any media, don't watch it. Don't
6 listen to it. Don't read it. And grab a juror badge, put on
7 to come in. And that's all I've got. Thank you so much.
8 See you in the morning.

9 (Jury leaves at 5:07.)

10 **THE COURT:** Mr. Alimi, you're in the middle of
11 your testimony, so you shouldn't talk to the folks involved
12 in the case at all overnight.

13 He can talk to his lawyer. No restriction there.

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

15 **THE COURT:** All right. Anything, counsel, before
16 we break?

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

18 **THE COURT:** You may step down.

19 Nothing?

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

21 **THE COURT:** With all this extra time because
22 we're really breaking early in my book, I know you'll have a
23 chance to read -- review the jury instructions, right?

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

25 **MR. PERRY:** Correct.

1 **THE COURT:** All right. Thank you all. See you
2 at 9:30.

3 (Adjournment.)
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C E R T I F I C A T E

I, LISA J. MAYO, do hereby certify that the foregoing 264 pages are, to the best of my knowledge, skill and abilities, a true and accurate transcript from my stenotype notes of the JURY TRIAL on 13th day of March, 2019, in the matter of:

United States of America

vs.

OLUFOLAJIMI ABEGUNDE

Dated this 12.06.19.

S/Lisa J. Mayo

LISA J. MAYO, LCR, RDR, CRR
Official Court Reporter
United States District Court
Western District of Tennessee