

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

MONDAY

18TH OF MARCH, 2019

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

UNREDACTED TRANSCRIPT

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1 **MONDAY**

2 **March 18, 2019**

3
4 -----

5 **THE COURT:** Good morning.

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

7 **THE COURT:** I hope you all had a lovely weekend.
8 Not much enthusiasm there. All right. Are we ready to
9 talk about jury instructions?

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

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

12 **THE COURT:** So you all should have hopefully the
13 same draft I do, draft dated March 13th, and what I do is
14 just go through sort of page by page. If you have an
15 issue, let me know. My first issue is at the bottom of
16 Page 3, and that yellow actually comes out. We shouldn't
17 have put it in because it contemplates instructions after
18 your arguments. In actually the last trial we had, the
19 lawyer argued something in closing that was the wrong law,
20 and I called everyone to sidebar and ended up giving an
21 instruction right after regarding the law. So if you mess
22 up the law bad enough, we'll deal with it. So that yellow
23 comes out.

24 I'm not sure why the instruction on Page 5 is in
25 yellow. I think that's a standard instruction. Stop me if

1 I've passed up something that you all have. Page 7, the
2 language about stipulations comes out. Judicial notice
3 stays in, since I think although the testimony -- you've
4 already -- the Government has had testimony that Memphis is
5 in the Western District already, so I'm not sure there's a
6 need for judicial notice. And actually you didn't ask me
7 to take judicial notice because you had the testimony. So
8 both the stipulation and the judicial notice line come out.

9 At the bottom of that, it is true that I did not
10 let you hear some answers. I don't think I ever excluded
11 an exhibit. Have I excluded an exhibit thus far?

12 **MR. FLOWERS:** The only thing I can think of was
13 the printout of the sheet at the very end of the case in
14 chief. There was a printout of either directions, but the
15 jury never saw it. So I don't think that would be an
16 issue.

17 **THE COURT:** Okay. So I'm going to take out I
18 ruled that some exhibits -- that the lawyers wanted you to
19 see I left out.

20 **MR. PERRY:** The attempt to -- I guess the ends on
21 a page or whatever, but it never was really -- it wasn't
22 introduced. I objected prior to it being published.

23 **THE COURT:** You know, they may -- that's right.
24 They may have kind of noticed that. Let me go ahead and
25 leave that in. And then I did order them to disregard

1 something they heard. I remember a comment Mr. Perry made.
2 I think there were others, but for sure that one. All
3 right. So none of that stuff comes out. The yellow will
4 come out at the bottom of that page.

5 My next issue would be on Page 14, that judicial
6 notice comes out. You all have anything before Page 14?

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

8 **THE COURT:** So judicial notice comes out.
9 Stipulations on the next page comes out. In the language
10 about inconsistent testimony, it was -- it's bracketed in
11 the pattern. I typically give it, whether I can think of
12 anything that was technically inconsistent or not. It's an
13 instruction I typically give. Any issues with that?

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

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

16 **THE COURT:** Okay. Lawyer's objection stays in.
17 All right. Anything through Page 20?

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

19 **THE COURT:** On Page 21 we've got both Defendants
20 testifying, correct?

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

22 **THE COURT:** All right. So we'll leave in, take
23 out the not testifying and leave in the testifying.
24 Page 22, I think it should say, you have heard evidence.
25 This is Mr. Abegunde -- about a statement that

1 Mr. Abegunde -- well, that they both made. They have --
2 they did make statements that come out -- came out in
3 evidence. Any issues with that?

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

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

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

7 **THE COURT:** Page 24, we had the two agents who
8 gave both fact and opinion testimony, correct?

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

10 **THE COURT:** Anyone else go in that category?

11 **MR. FLOWERS:** No, Your Honor. I think it was
12 just Special Agent Vance and Special Agent Palmer who
13 testified in that capacity.

14 **THE COURT:** Okay. Page 25, I don't think there
15 was any prior inconsistent statement under oath.

16 **MS. IRELAND:** Your Honor, if we could reserve
17 judgment on that until following testimony of the
18 Defendants, if they choose to testify.

19 **THE COURT:** Okay. So we'll leave that in yellow
20 for now.

21 Testimony of an accomplice, we've got --

22 **MR. FLOWERS:** Mr. Alimi and Ms. Caffey, so it's
23 wholly appropriate, I think, Your Honor.

24 **THE COURT:** Alimi and Caffey. Any issues, there?

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

1 **THE COURT:** So summary evidence, summaries
2 admitted into evidence, I don't think there were any.

3 **MR. FLOWERS:** No, Your Honor. We elected to use
4 demonstratives instead of summaries.

5 **THE COURT:** Okay. So Page 27 comes out. I'm
6 assuming that Defendants don't have anything like that
7 coming in?

8 **MR. PERRY:** I'd ask the Court to reserve right
9 now. We might possibly. There are -- I'm not sure.

10 **THE COURT:** Okay. So we'll leave in yellow for
11 now.

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

13 **THE COURT:** Other acts of Defendants, I'm not
14 sure what the cross may bear. Leave it in yellow for now,
15 Mr. Flowers?

16 **MR. FLOWERS:** Yeah. I think that's the safest
17 thing to do, Your Honor.

18 **THE COURT:** Okay. Transcriptions of recordings
19 stays in, correct?

20 **MR. FLOWERS:** We have translations here, Your
21 Honor. We don't have transcriptions. Translations have
22 been entered into evidence. So unless I think the
23 Defendants have transcriptions, I don't know if that would
24 be necessary to have that instruction.

25 **THE COURT:** Should it be changed to translations

1 of recordings?

2 **MR. FLOWERS:** Perhaps, Your Honor, but then it
3 would need to be translations that have been entered into
4 substantive evidence and can't be considered.

5 **THE COURT:** Right. Anything from the Defendants
6 on that?

7 **MR. GARRETT:** Judge, nothing on that particular
8 note. I just see the third sentence in the second
9 paragraph starts with they, not nitpicking, but...

10 **MR. FLOWERS:** Which one, Mr. Coleman? I'm sorry.

11 **MR. GARRETT:** Third sentence in the second
12 paragraph, the recordings.

13 **MR. FLOWERS:** Oh, they recordings. I see. Okay.

14 **MR. PERRY:** I'm fine with the language with that
15 proposed change. Transcript to translation.

16 **THE COURT:** So in the title and in the first
17 paragraph, the transcriptions would change to translations.
18 The translations, though, were offered into evidence and
19 were accepted as substantive evidence. So I think the
20 second paragraph just comes out and is replaced by a
21 sentence that says, these translations are admitted into
22 evidence. Does that make sense?

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

24 **THE COURT:** Or these translations are evidence in
25 this case.

1 All right. Page 30, I don't think we had
2 anything that was admitted as to one Defendant and not the
3 other, anything that specifically I said you can't consider
4 this against the other Defendant.

5 **MR. FLOWERS:** I don't recall anything like that,
6 Your Honor.

7 **THE COURT:** Does anyone think this instruction
8 needs to stay in?

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

10 **THE COURT:** All right. It's coming -- Page 30
11 comes out. Again, have I missed anything that you all
12 have?

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

14 **THE COURT:** Page 34, I'm not reading that
15 indictment again. It goes back to them. I send one copy
16 of the indictment and six copies of the instructions back
17 for the jury to have with them, but I don't see any reason
18 to read it again.

19 All right. I'm to Count 1. And on Page 38, we
20 have the bracketed language from the pattern. Do all of
21 the bracketed items stay in?

22 **MR. GARRETT:** I would request that it be removed,
23 Your Honor. I think it's redundant. I think it's not
24 necessary.

25 **MR. FLOWERS:** I think it's -- Your Honor, the

1 Government believes it's crucial clarifying information on
2 what exactly is meant by these individual elements and what
3 types of evidence can be considered and then interpreted
4 within the meaning of those. It just clarifies for the
5 jury's benefit.

6 **THE COURT:** Well, I mean, let's look at them
7 individually because the idea of jury instructions is that
8 they should match the proof. So the first -- all of the
9 details alleged concerning the precise nature and purpose
10 of the scheme, that is -- that does match the proof, I
11 mean, as a bracketed -- as more descriptive of this proof,
12 that does match it. Or that the material transmitted by
13 wire, radio or television communication was itself false or
14 fraudulent. Well, that -- I mean, the Government's theory
15 is that it was all false or fraudulent, right?

16 **MR. FLOWERS:** Yes. With regards to the
17 underlying wire fraud, Your Honor, yes, it was all
18 fraudulent.

19 **THE COURT:** So saying to the jury, you don't have
20 to find that the transmittal was false or fraudulent is not
21 necessary, right? Does that make sense?

22 **MR. FLOWERS:** Yes. I believe it does, Your
23 Honor, yes.

24 **THE COURT:** So that bracketed item comes out. Or
25 that the alleged scheme actually succeeded in defrauding

1 anyone.

2 **MR. FLOWERS:** And here, Your Honor, I don't think
3 it's really in dispute for purposes of either Defendant
4 that the schemes were successful. They were successful.
5 It's just my understanding of the arguments would be
6 everything after that is what they would be attacking. The
7 wire fraud seems to be fairly accepted in this case.

8 **THE COURT:** So that bracketed item would come out
9 as well?

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

11 **THE COURT:** Okay. Or that the use of the
12 communication was intended as the specific or exclusive
13 means of accomplishing the alleged fraud. I think the
14 Government's theory is there are other aspects of the
15 fraud.

16 **MR. FLOWERS:** Correct.

17 **THE COURT:** So that would stay in or that someone
18 relied on the misrepresentation or false -- well, you are
19 contending that people relied on it. So that would come
20 out.

21 **MR. FLOWERS:** Yes.

22 **THE COURT:** Correct?

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

24 **THE COURT:** Okay. Or that the Defendant obtained
25 money or property for his own benefit.

1 **MR. FLOWERS:** I think out of abundance of
2 caution, this one should probably stay in, depending on --

3 **THE COURT:** That one crosses over a little bit of
4 the proof. All right. Are we all -- anything from the
5 Defendants on what stays in and what stays out?

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

7 **THE COURT:** All right. We didn't swear in the
8 interpreter, I'm sorry. Can we stop and do that for a sec.

9 (Interpreters sworn in.)

10 **THE COURT:** Thank you. All right. The next
11 question, I assume, is on Page 43, deliberate ignorance.
12 It strikes me this is -- this is a case where the
13 deliberate ignorance instruction is appropriate. Anything
14 from Defendants on that?

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

16 **THE COURT:** Anything, Mr. Garrett?

17 **MR. GARRETT:** Judge, one moment, please. No,
18 ma'am. No problem.

19 **THE COURT:** Okay. All right. Wire fraud, same
20 paragraph with the bracketed item, so we'll follow same
21 changes as we just made.

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

23 **THE COURT:** Aiding and abetting, let me -- all
24 right. Aiding and abetting, anything on that? That was a
25 government-offered instruction. I guess this goes,

1 Mr. Garrett?

2 **MR. GARRETT:** Yes, ma'am. We're opposed to that
3 inclusion, Your Honor please. That is tantamount to
4 amending the indictment. Aiding and abetting is a
5 substantive crime.

6 **THE COURT:** I think he was charged with aiding
7 and abetting in the indictment.

8 **MR. FLOWERS:** He was, ma'am. Count 2, it's
9 Section 1343 and Section 2 included, and the Government
10 believes this is wholly appropriate because Mr. Ramos, we
11 believe the evidence has shown, was part of the network
12 that helped facilitate the frauds in question by moving the
13 money, thus obfuscating the source, the ultimate
14 perpetrators of the crime, while assisting in the crime
15 being committed in the first place through his activities,
16 and for those reasons, we think the aiding and abetting is
17 appropriate.

18 **THE COURT:** So in the language of Count 2, the
19 words aid and abet are not used. At the end of Count 2, it
20 says, all in violation of Title 18 Unites States Code
21 Sections 1343 and 2.

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

23 **THE COURT:** Which I had this come up before, and
24 I don't think that's a very artful way to direct a
25 defendant to -- Section 2 -- I mean, it's proper in terms

1 of the structure of the sentence, but it's -- it doesn't
2 stand out in my mind. You don't say aid and abet in the
3 language of Count 2.

4 **MR. FLOWERS:** That's correct, Your Honor.
5 Understanding the law is -- and forgive me, is that if you
6 charge the substantive crime, I believe there's a law in
7 the circuit that aiding and abetting is also implied in
8 that substantive count, and I apologize for not including
9 that specifically in the count, included in the language in
10 that count, but both the inclusion of Section 2 and the
11 facts in this case showing Mr. Ramos's role should make the
12 inclusion of that language appropriate.

13 **THE COURT:** Mr. Garrett?

14 **MR. GARRETT:** Once again, I note it's referenced
15 in the indictment. I don't think it's indicted as a
16 substantive crime there, but even if counsel is right, then
17 if we're going to have that -- if the jury is going to have
18 that as an option, should we not have a verdict form that
19 has that as an option?

20 **THE COURT:** Mr. Flowers, I've never seen a jury
21 form that notes --

22 **MR. FLOWERS:** Neither have I, Your Honor. I
23 would not be completely opposed to, I guess, a jury form if
24 Mr. Coleman would be willing to elaborate, but I think that
25 with the appropriate instruction on what aiding and

1 abetting is in connection with wire fraud, the jury is
2 presumed to be able to follow those instructions in
3 accordance with the indictment. That alone should be
4 sufficient, but we are open to at least hearing what
5 Mr. Coleman has to say in that regard.

6 **THE COURT:** Mr. Garrett.

7 **MR. FLOWERS:** Mr. Garrett. Yes, my apologies.

8 **MR. GARRETT:** If Your Honor please, what I have
9 to say is that this instruction shouldn't be given. That's
10 the bottom line from my perspective. It complicates the
11 situation, and it puts an option out there that there is no
12 answer to for the jury to consider.

13 **THE COURT:** Well, the indictment -- the
14 indictment does say all in violation of Title 18 Unites
15 States Code Section 2, and that's aid and abet. And so in
16 the indictment, he has been charged with aid and abet. So
17 I don't -- I don't see a reason why -- I don't see that the
18 Government -- that there's an argument that the language
19 should be stricken, since he's been charged with it in the
20 indictment. I personally don't think it's the most artful
21 way to charge him in the indictment, but that's not -- you
22 know, that's not my call. He has been charged with it. So
23 I think -- I think the instruction stays.

24 Page 48, I've got that typo in the first. It
25 should be the crime of money laundering rather than wire

1 fraud. And then my next issue is on Page 50. I don't need
2 to read all these things. So A stays in. B -- we haven't
3 had testimony, I think, of a commercial bank or trust
4 company. I'm not sure what a commercial bank is different
5 than an insured bank, but does that stay in as commercial
6 bank?

7 **MR. FLOWERS:** I don't believe it needs to stay
8 in, Your Honor.

9 **THE COURT:** Okay. Well, let me say, which stay
10 in? A does, I assume:

11 **MR. FLOWERS:** A does.

12 **THE COURT:** Which other ones?

13 **MR. FLOWERS:** Private banker does not, Your
14 Honor. D, Your Honor, the Government believes should stay
15 in.

16 **THE COURT:** Okay. Was there a credit union?

17 **MR. FLOWERS:** No, Your Honor. Nor was there a
18 thrift institution.

19 **THE COURT:** Or a broker dealer?

20 **MR. FLOWERS:** No, ma'am.

21 The I and -- I can likely be stricken, Your
22 Honor. K, the Government believes should stay, which is
23 redeemer or cashier of traveler's checks, checks, money
24 orders or similar institutions.

25 **THE COURT:** What about currency exchange?

1 **MR. FLOWERS:** Yes, ma'am. That should stay, in
2 the Government's eyes, respectfully.

3 **THE COURT:** Okay.

4 **MR. FLOWERS:** Out of an abundance of caution, I
5 think perhaps L should stay. Insurance company, no, I
6 don't think any of the others on this page. P, a loan or a
7 finance company, Whatcom Title is a title clearinghouse.
8 Whether it's a loan company, it's connected but not maybe
9 specifically in that.

10 **THE COURT:** So leave it?

11 **MR. FLOWERS:** Yes, ma'am. Travel agency, Your
12 Honor, no. The licensed sender of money, Your Honor, we
13 believe should stay. Telegraph company, Your Honor, can --
14 the Government submits can be stricken. T, business
15 engaged in vehicle sales perhaps should stay.

16 **MR. PERRY:** Your Honor, if T is going to stay
17 then, going back to the loan or finance company, one of
18 those need to be interchanged. I think the Government's
19 premise is that the --

20 **THE COURT:** You need to either stand up or sit or
21 mic.

22 **MR. PERRY:** I'm sorry. That if Whatcom is a real
23 estate company, which is described in T, I don't think it
24 needs to be referred -- well, the Government indicated, I
25 think, that letter --

1 **THE COURT:** It's actually U. We need to bring
2 that over. U is persons involved in real estate closings
3 and settlements. Is that the one you were talking about?

4 **MR. PERRY:** Yes, Your Honor. That it's redundant
5 if it's a -- where it says a loan or finance company.

6 **MR. FLOWERS:** Yeah. I'm not quite so sure that
7 that's -- the redundancy matters here. It just captures
8 facets of Whatcom's business.

9 **THE COURT:** Yeah. I'm not -- I'm not as
10 concerned about redundancy if it gets close. I think that
11 the idea of jury instructions is anything that is just not
12 the proof couldn't possibly prove needs to come out. And
13 that, I guess, coming back to T, a business engaged in
14 vehicle sales, doesn't that come out?

15 **MR. FLOWERS:** As of now probably. Perhaps we
16 should reserve it until after anticipated possible
17 testimony today, decide whether that's appropriate, Your
18 Honor, if the Government may submit that request.

19 **THE COURT:** That's fine. We can come back to it.
20 United States Postal Service?

21 **MR. FLOWERS:** We do have some proof of USPS
22 postal money orders being purchased. We believe that
23 should stay, Your Honor.

24 **THE COURT:** W?

25 **MR. FLOWERS:** We believe that one can be

1 stricken, Your Honor.

2 **THE COURT:** X certainly comes out, doesn't it?

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

4 **THE COURT:** Y?

5 **MR. FLOWERS:** Y can likely be taken out, Your
6 Honor.

7 **THE COURT:** Okay. When you say likely, I'm
8 taking it out.

9 **MR. FLOWERS:** Yes, it's fine. Using lawyerly
10 hedging language, Your Honor.

11 **THE COURT:** Z?

12 **MR. FLOWERS:** Government has no objection to
13 taking that -- to removing Z.

14 **THE COURT:** All right. Let me go back and say
15 which ones are staying in. I've got A, D as in dog, J, K,
16 L, P as in Paul, R, T is going to stay in in yellow for
17 now. U stays in. And V as in victor stays in. Any issues
18 there?

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

20 **MR. FLOWERS:** No, Your Honor. The only other
21 issue I think that you didn't mention this, Your Honor, on
22 the record is that U would need to be brought out.

23 **THE COURT:** Yeah. Yeah.

24 53, there's some language in yellow. I think the
25 proof is that that stays in.

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

2 **THE COURT:** Page 58 stays in.

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

4 **THE COURT:** 59 stays in. The next -- so the next
5 issue I've got is the Pinkerton liability. And let me tell
6 you all what I did, was rather than repeat the elements for
7 each of the counts, I combined it. So if you look at -- as
8 we go through the elements, I said second, that after he
9 joined the conspiracy and while he was still a member of
10 it, one or more of the other members committed the relevant
11 crime, for Count 1, the crime of wire fraud, for Count 3,
12 the crime of money laundering, for Count 4, the crime of
13 evading immigration law. So in other words, rather than
14 repeat all of those elements, you know, three different
15 times, I combined it into one instruction.

16 Any issues with the way we did that?

17 **MR. FLOWERS:** No, Your Honor. The Government is
18 fine with it.

19 **THE COURT:** Okay. Anything from the Defendants?

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

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

22 **THE COURT:** I think duration stays. I think -- I
23 mean, the rest of these are your -- actually, there were
24 only the two that were not your joint instructions.
25 Page 68, I would say the indictment -- hmm. Let me ask the

1 Government what should be plugged in there.

2 **MR. FLOWERS:** The indictment alleges the crimes
3 happened on or about July 25th, 2016 and on or about
4 October 3rd, 2016 for Count 1. Well, the conspiracy
5 language is on or about April 2014 through May 2018. Some
6 of the overt acts that are specifically listed are on or
7 about July 25th, 2016 and on or about October 3rd, 2016.
8 So the conspiratorial dates and their overt acts are
9 specifically mentioned in the indictment.

10 So for Count 1, it would be the crimes began on
11 or about April -- July 2014 until on or about -- I believe
12 it's May 2018, Your Honor. Or is it August? I can't
13 remember. Yeah, pardon me. Up until August 2018. My
14 apologies.

15 **THE COURT:** Well, is this -- is this instruction
16 necessary for a conspiracy?

17 **MR. FLOWERS:** So now you phrase it like that,
18 Your Honor, I'm not quite so sure. Maybe just a more
19 specific on or about language about what dates occur within
20 an indictment, so you may have heard that certain dates
21 occurred on or about a certain date.

22 **THE COURT:** Yeah. So what if we say, next I want
23 to say a word about the dates mentioned in the indictment.
24 Take out the first sentence of the second paragraph and
25 just say, the Government does not have to prove that the

1 crimes happened on those exact dates.

2 **MS. IRELAND:** I would say with the --

3 **THE COURT:** But the Government must prove that
4 the crime happened reasonably close to those dates.

5 **MS. IRELAND:** Yes, Your Honor.

6 **THE COURT:** Does that make sense to the
7 Defendants? Any issues?

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

9 **MR. PERRY:** No.

10 **THE COURT:** All right. That's all I have on the
11 instructions and the verdict form. Do you all have
12 anything?

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

14 **THE COURT:** Anything from the Government?

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

16 **THE COURT:** Mr. Garrett, anything else?

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

18 **THE COURT:** All right. We'll get a new draft for
19 you probably at lunch, and we'll deal with those couple
20 issues we've got after all the proof. Anything else before
21 we bring the jury back?

22 **MR. FLOWERS:** Not from the Government, Your
23 Honor.

24 **THE COURT:** Anything else from the Defendants
25 before we bring the jury back?

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

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

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

4 (Jury enters courtroom at 9:40 a.m.)

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

6 **THE JURY:** Good morning.

7 **THE COURT:** That was good, particularly for a
8 Monday morning.

9 Apologies for being late in bringing you in. We
10 did get done what we needed to get done. Everyone have a
11 great weekend?

12 **THE JURY:** Yes.

13 **THE COURT:** That's good. Ready to get going?

14 **THE JURY:** Yes.

15 **THE COURT:** And ready to cheer for the Tigers
16 again tomorrow night?

17 **THE JURY:** Yes, ma'am.

18 **THE COURT:** Yeah. There you go. All right.

19 Mr. Perry, do you have any evidence to offer?

20

21

22

23

24

25

TESTIMONY OF OLUFOLAJIMI ABEGUNDE

26

1 **MR. PERRY:** Yes, Your Honor. Defense calls
2 Mr. FJ Abegunde.

3 * * *

4
5 **OLUFOLAJIMI ABEGUNDE,**
6 **was called as a witness and having first been duly sworn**
7 **testified as follows:**

8 **DIRECT EXAMINATION**

9 **BY MR. PERRY:**

10 Q. Mr. Abegunde, I'm going to need you to speak up.
11 Sometimes you can be kind of quiet, and lean in with the
12 microphone and talk to the jury. Okay?

13 A. Yes, sir.

14 Q. All right. Please state your full name and spell it.

15 A. My full name is Olufolajimi Abegunde, and that's
16 spelled O-l-u-f-o-l-a-j-i-m-i, A-b-e-g-u-n-d-e.

17 Q. Mr. Abegunde, where are you from?

18 A. I'm from Ekiti States in Southwest Nigeria.

19 Q. Did you grow up in Nigeria?

20 A. Yes. I grew up for the most part in Nigeria, yes.

21 Q. Northern, southern?

22 A. So I was born in Northern Nigeria in Kaduna States.

23 So Nigeria is divided into the north and the south. The
24 northern part of Nigeria is predominantly Muslim, and the
25 southern part is predominantly Christian. So I was born in

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1 the northern part of Nigeria.

2 Q. And at some point you moved to the southern part of
3 Nigeria?

4 A. Yes. In or around 1990 there was a major religious
5 crisis in Nigeria where Christians were being persecuted in
6 the northern parts, and being a Christian and seeing the
7 massive onslaught on Christians in the northern part of
8 Nigeria at the time, we moved to the southern part of
9 Nigeria. We moved to Lagos, more specifically.

10 Q. And this is you and your family at that point?

11 A. Yes. At that point my father, my mom, my older
12 brother, me and my younger sister. I had two siblings. We
13 were a family of five, pretty much.

14 Q. And your father was a humanitarian?

15 A. Yeah, yeah. My father was a civil rights, a human
16 rights activity and a legal practitioner, a lawyer like,
17 like you and the Government representatives here.

18 Q. And you said that this would have been in the early
19 '90s?

20 A. Yes. So in 1990, yes, that's when we moved from
21 Kaduna States to Lagos, Nigeria.

22 Q. And you would have been around 4 or 5 years old at the
23 time?

24 A. I was around four. I was four at the time, yes.

25 Q. You end up coming to the southern part of Nigeria, and

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1 were you educated in that area?

2 A. Yes. I went to Mosrian Primary School in Lagos,
3 Nigeria. I went to a school called --

4 Q. You might need to step back just a little off the mic.

5 A. Oh, okay. I just wanted to make sure I was very
6 audible and so the jury could hear me, and everybody could
7 hear me.

8 Q. Push it just a little bit further. Push it up a
9 little bit further. Okay. Say something now.

10 A. Better now?

11 Q. Okay. Yes. You said you were educated in Southern
12 Nigeria?

13 A. Yes. I was educated in Southern Nigeria.

14 Q. What city is that?

15 A. In Lagos, yes. I went to Pampers Private School where
16 I did my Mosrian primary school with my older brother. My
17 younger sister was born in '89, and so she was about two
18 then. She hadn't started school. So I went to Pampers
19 Private School in Lagos, Nigeria, yes.

20 Q. And tell us something about your education process.

21 A. Okay. So in Nigeria we practice the 6-3-3-4 system.
22 So that means for primary school, you do six years in
23 primary school. Three years in junior secondary school.
24 Another three years in senior secondary school and
25 typically an average of four years in university. So the

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1 primary school was for six years.

2 And I, in Pampers Private School, I started -- when I
3 got to primary four, after primary four, I took the
4 secondary school test, and I -- I excelled in secondary
5 school test from primary four. So I skip two classes and
6 went straight to high school, to junior secondary school
7 from primary four. So I was about nine or thereabout when
8 I got into senior secondary school.

9 Q. What year did you finish high school?

10 A. In 2001, that's when I finished high school.

11 Q. Approximately how old were you at that point?

12 A. About 15 or -- yeah. I was turning 15. I wasn't 15
13 yet. I was 14.

14 Q. From there you went to college?

15 A. So unfortunately, at that point in time in my life, I,
16 you know, I was, you know, getting into puberty, and I
17 thought I knew everything, so I did not make -- I didn't
18 pass the university matriculation exams at the first
19 attempt, and so I had to stay back for one year to prepare
20 for the exams. And the following year I took the exams
21 again, and I excelled in flying colors, and I got admitted
22 to Babcock University in Ogun State Nigeria.

23 Q. And that's where you went to college, Babcock?

24 A. Yeah. I went to Babcock University. I got admitted
25 to study computer science. I always had a fascination for

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1 computers and, you know, for technology in general as a
2 kid. I wanted to be an aeronautical engineer, but
3 unfortunately, in Nigeria, we didn't have any facilities
4 for aeronautical engineering. So my next best thing was to
5 settle for computer science.

6 Q. And that was what your -- your major was in college?

7 A. Yes. I graduated with honors in 2006, computer
8 science.

9 Q. Did you work while you were in school?

10 A. Not in the real sense of the word. I -- from the time
11 when I was a kid, from when I was about four or five, I
12 always had the entrepreneurial drive, I always had a unique
13 ability to forecast and, you know, figure out ways to make
14 profits, to make, you know, something out of, you know,
15 situations I found myself in. So for example, as a young
16 kid when I was about five or six, we had uncles and uncles
17 around us who are older uncles and aunts around us that
18 used to send us on errands. So for example, I had, you
19 know, the uncles that would send us to buy cigarettes. I
20 don't know if that's permissible in the U.S., but in
21 Nigeria at the time, it was permissible. So my uncle would
22 say buy me five sticks of cigarettes, and you know, I run
23 off to the store, buy five sticks of cigarettes and bring
24 it back. And on one occasion, I went to the store, and I
25 asked the salesman --

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1 **MS. IRELAND:** Objection, Your Honor, narrative
2 response.

3 **MR. PERRY:** He's giving background, but I'll
4 break it into a question.

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

6 **BY MR. PERRY:**

7 Q. You said you went to the store, and you figured out a
8 way to sell cigarettes?

9 A. Yes. So instead of making multiple trips, multiple
10 round trips to the store and back to my uncle, I just
11 figured out that if I broke my piggy bank and buy the whole
12 pack for myself or buy two packs for myself, I could sell
13 the cigarettes to my uncle individually and not have to go
14 to the store as often. And I figured out that I made a 30
15 percent profit by doing that, you know, without doing
16 anything. So I just kept on doing that, and I was making
17 money with all my savings as a kid.

18 So in Babcock, when I got to Babcock, I was seeking
19 entrepreneurial opportunities, not in the sense of a job,
20 so I approached the food services department in Babcock
21 University to find out what raw materials they might need
22 for the production of the food products that they made,
23 like bread, like cake, like loaves of different pastries.
24 And I succeeded in speaking with the finance director to
25 give me a contract to supply the food services department

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1 some raw materials.

2 And so I supplied him wheats and flour, and over that
3 period I had -- because the deal was, you don't get paid
4 until about two to three days after delivery. So I had to
5 seek the funds. I approached the rich kids on campus,
6 people, kids -- their parents were senators, governors and
7 the like. So I went to my mom, who raised me some money
8 too. So I was able to come up with initial capital
9 requirements, and through that I was making a reasonable
10 amount. And you know, just before that, I don't know if I
11 mentioned it, my father died in 1992 in a hit-and-run
12 accident. He got --

13 **MS. IRELAND:** Your Honor, objection to relevance
14 and narrative.

15 **THE COURT:** Mr. Perry, it's all over the place.
16 If you can break it down a little bit.

17 **BY MR. PERRY:**

18 Q. Going back to your college days, when you were in
19 college, you had the ability to engage in business?

20 A. Yes. This was -- the reason why I was bringing up my
21 father's death was because I was -- I had my mom. My mom
22 was a single parent. She never married after my dad died,
23 and it was really hard raising two kids at the time, and my
24 school, my college fees were very expensive. They were the
25 most -- I went to the most expensive school in all of

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1 Nigeria, and I was trying not to put additional pressure on
2 my mom. That's why I was seeking these entrepreneurial
3 opportunities. That's the point I was trying to bring up.

4 Q. And while you're in school, in other words, you're
5 working and you're getting contracts with the school while
6 you're a student?

7 A. Yes, sir. Yes, sir.

8 Q. Did you -- what is the situation as far as graduating
9 as a senior? Are you required to do projects or anything
10 like that?

11 A. Yes. So in your final year in college in Nigeria,
12 typically every graduating student has to submit and
13 present a thesis, a graduating project. And yes, so at the
14 time you have -- each student has to submit six copies of a
15 typical hundred-page document that shows -- it's like a
16 capstone. It shows what you actually accomplished over the
17 four years in school.

18 Q. Did you see any opportunity in that?

19 A. Well, I did. I saw a huge opportunity in that, and I
20 capitalized on that. So Nigeria, unlike the U.S., is a
21 developing country or maybe I should call them undeveloped
22 country. The most basic things I found in the U.S. are not
23 really found in Nigeria like, you know, you have to go and
24 queue up in line to print out documents. You have to
25 struggle to get access to internet at the time.

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1 So I came up with a business plan to assist students
2 to print out their final year projects and spiral bind
3 them, and in order to achieve this, I bought through my
4 savings from the supply of flour and wheat, I bought a
5 bunch of computers in school and put them in different
6 dormitories on campus and contacted -- I drew a list of all
7 the graduating students, send them text messages, spoke
8 with, you know, the close friends I had at the time and
9 told them I could print out their final projects in a
10 seamless manner such that I would, you know, come up and
11 pick up their flash drives or their disks, bring them to
12 our bases where we operated from. Print them out, spiral
13 bind them and make sure that they were delivered in time
14 for their final representations.

15 Q. So by that point that's a few different businesses you
16 had engaged in, correct?

17 A. Yes. I also engaged in some other small-time
18 businesses in school with -- I don't want to be all over
19 the place like the Honorable Judge said, so I won't go into
20 that.

21 Q. We won't let you get all over the place, and I know
22 she won't.

23 **THE COURT:** Well, and let me say, Mr. Abegunde.
24 It's not meant to restrict what you say. It's just it has
25 to be done in the question/answer format.

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

2 **THE COURT:** So I think Mr. --

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

4 **THE COURT:** Okay. You may proceed.

5 **MR. PERRY:** Thank you.

6 **BY MR. PERRY:**

7 Q. You then graduate from Babcock?

8 A. Yes, sir.

9 Q. What year was that?

10 A. I graduated in June of 2006.

11 Q. And from June 2006, did you go to work?

12 A. So in Nigeria after I graduated from college, you are
13 under an obligation to serve the country for one year.

14 It's called the National Youth Service Corps, where people
15 get posted to any of the 36 states in the country with the
16 exception of your state of origin, your state of residence
17 and the state where you went to school. So you have to go
18 through a three-week paramilitary training program, after
19 which you have to serve, like go into local communities
20 and, you know, use all the skills you acquired in school to
21 benefit the local communities.

22 So in 2006, 3 months after I graduated, I was posted
23 to -- I was posted back to Northern Nigeria, where I worked
24 in the local government in a very, very rural community.
25 And when I got there, it was something I've never

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1 experienced before. There was a lot of poverty in the
2 land. You know, it was ridiculous. And so I had to, you
3 know, figure out a way to impact the local community there.

4 Q. What did you do there?

5 A. So my primary assignment was to work in the local
6 government. They had a bunch of hard copies of documents,
7 paperwork. So I assisted in converting those documents
8 into electronic format, and secondarily work with the local
9 community, I set up a -- what I call a nonprofit to assist
10 farmers through loans, through very low interest loans to
11 help them produce more, pretty much.

12 But it was -- at the time it was a paradox, for lack
13 of a better word, because, you know, the poverty was
14 unexplainable. You have a man, a man that has about 20, 30
15 children and, you know, so no matter how much they produce,
16 there was really never enough to take care of their
17 children. So it was a dilemma for me. But for the
18 one-year period that I was there, I continued with the
19 humanitarian efforts as well as my professional
20 responsibilities in the local government.

21 Q. Did you start working once you left your year of
22 service?

23 A. So I didn't start working. I was already used to
24 being an entrepreneur from my days in college, where I
25 didn't have to make the amounts from money for my mom. I

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1 could buy basic things, all the things I needed to survive
2 on my own. I didn't have to report or -- I didn't have any
3 boss pretty much.

4 So I wanted to continue in that along those lines
5 after I graduated college and after I finished the NYSC
6 program. So after I go back to Lagos, Nigeria where I
7 resided, I attempted to seek other opportunities in
8 supplying raw materials to industries. So I found a
9 company in Lagos called Besofdenon. They needed palm
10 kernel. Palm kernel with a little bit of the shells to
11 produce products like coffee.

12 Q. Can you spell palm kernel for the benefit of the clerk
13 and explain what palm kernels are.

14 A. Okay. So it's p-a-l-m k-e-r-in-e-l, palm kernel. So
15 the palm kernel is gotten from palm fruits, so the palm
16 fruits contain some oily stuff around it, and inside the
17 shell of the palm fruit, you have the seeds. The seeds of
18 the palm kernels pretty much, that's the palm kernel.

19 Q. And what are those seeds good for?

20 A. Yeah. So these seeds, so about 85 to 90 percent of
21 the seeds, with a small fraction of the shells, mixing
22 those things together can be used to produce a host of
23 other finished products, like most importantly coffee.
24 That's what they made with the palm kernel fruits mostly.

25 Q. And that was -- I guess I'm counting a fourth business

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1 that you had engaged in?

2 A. Tenth or I engaged in a lot more businesses than those
3 four.

4 Q. Did you start working for anybody during that time?

5 A. No, I did not. I didn't work for anyone over that
6 period. However, you know, I was very successful doing
7 what I was doing, and I was, you know, looking like going
8 to the next level. But as mentioned, I lost my dad when I
9 was six, and I lost my younger sister when I was -- I think
10 I was nine. My older brother and my younger sister have --
11 my younger sister had sickle cell. Sickle cell disorder
12 and so...

13 **MS. IRELAND:** Your Honor, may we approach?

14 **THE COURT:** Yes.

15 (Bench conference between the attorneys and the
16 Court.)

17 **THE COURT:** Thank you. I needed to stretch.

18 **MS. IRELAND:** This is not the time for the
19 Defendant to talk about every little thing in his life that
20 would humanize him or make the jury like him. He needs to
21 answer questions.

22 **MR. PERRY:** At this point, he's gone from
23 being -- from being born to 27 years old in ten minutes.
24 So I don't think it's that long. He's just giving
25 background to how he gets here. In six days the Government

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1 has tried to show through a lot of different transactions,
2 none of which the Government linked up as being illegal,
3 but somehow he was involved in a conspiracy. I think he
4 has the right to show that he's a business person and to
5 get to the United States and how he got here, and that's
6 all that he's doing. And he's not --

7 **THE COURT:** I'm -- well, any response?

8 **MS. IRELAND:** It still has to be relevant, and it
9 still has to be focused questioning.

10 **THE COURT:** So I -- you know, thus far all the
11 different businesses, I realize that's part of it . I'm
12 fine with that. I guess the last comment, I'm not sure the
13 relevance of the sister dying of sickle cell. So just try
14 and keep him focused on a little bit more, but frankly I
15 think most of it has been relevant and I'll allow it.

16 **MR. PERRY:** Yes, Your Honor. Thank you.

17 (Bench conference between the attorneys and the
18 Court concluded and the proceedings continued as follows:)

19 **BY MR. PERRY:**

20 Q. At some point did you get a conventional job?

21 A. Well, yeah. So my mom being a conservative, highly
22 conservative woman who thought it unusual for me to branch
23 out to business straight out of college was constantly, you
24 know, telling me I needed to get a job to get some kind of
25 formal structure in my life, and so I was forced to get a

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1 job in the biggest informational communication technology
2 firm in Nigeria, Computer Warehouse Group, in January of --
3 no, in December of 2007, shortly after my NYSC. I
4 completed the NYSC program and Youth Service Corps program
5 in August, and I started, I got the job in Computer
6 Warehouse Group in December of 2007.

7 Q. And you said -- what's the name of that company again?

8 A. It's called Computer Warehouse Group.

9 Q. And what were you doing for that company?

10 A. So I started off as a recurring business executive. I
11 worked in the unit. I was in charge of services sales. So
12 Computer Warehouse Group is -- was the sole IT
13 infrastructure from servers to desktops to laptops to
14 storage devices. And so after you sell to them, you know,
15 you're trying to sell additional services to these
16 companies like support services, like outsourcing agents,
17 pretty much.

18 So the goal at the time was to make businesses focus
19 on their core competencies, and since we had the IT
20 capacity, we supplied them the IT of their businesses. So
21 if you had a bank, instead of a bank hiring an IT
22 professional in house, you know, we provided -- we brought
23 in the IT personnel. So I was in charge of hiring,
24 recruiting skilled personnel that met the requirements of
25 the banks, and I was in charge of negotiating contracts

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1 with the companies. And I was in charge of signing support
2 contracts. Initially when I got it, that's what I did when
3 I got to Computer Warehouse Group initially when I started.

4 Q. And that is for a company that's putting in ATM
5 machines?

6 A. So the ATM revolution started in Nigeria in 2007.
7 There were no ATMs in Nigeria in 2007 because Nigeria can
8 be very conservative. People were very concerned about
9 fraud and things like that, but in 2006, 2007, that's when
10 the revolution started. And in 2008 I was placed in charge
11 of the ATM projects in -- for the company. So basically I
12 was in charge of negotiating the contracts with our
13 partners in Germany called Wincor Nixdorf. And they
14 manufactured and supported ATM machines.

15 So I was in charge of liaising the deals with Wincor
16 Nixdorf, putting the ATM machines on ships, getting them to
17 the ports in Nigeria, claiming them from the ports, putting
18 them in storage in Nigeria and warehouses in Nigeria,
19 delivering them to all our customers, which would be banks
20 in Nigeria, installing the ATM machines and supporting the
21 ATM machines for these banks.

22 Q. And how long did you work for that company?

23 A. For three years. I worked there for three years.

24 Q. Did you learn a lot?

25 A. I -- every, every -- from a structured -- so being an

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1 entrepreneur in an informal sector, it's totally different
2 from working in a structured environment. You know, I
3 learned the art of structure, the art of keeping records,
4 the art of, you know, sending e-mails, the art of making
5 sure every communication is contemporized, you know, it's
6 stored, you know, in perpetuity. I learned how to, you
7 know, build lasting, professional relationships. I think
8 everything I knew from a formal and professional standpoint
9 was learned in Computer Warehouse.

10 Q. And from there, you said you worked for how long?

11 A. For three years. I worked there for three years.

12 Q. What did you do when you left there?

13 A. Well, leading up to leaving there, I had this crisis
14 in my heart at the time. I met my boss -- my boss's people
15 that I reported to, you know, always told me about the
16 entrepreneurial drive, how they wanted to do this and
17 wanted to do that. You know, but unfortunately, you know,
18 they started, you know, having responsibilities, and, you
19 know, with responsibilities they had, they couldn't leave
20 the certainty of the fixed salary for the uncertainty of an
21 entrepreneurial job and, you know, they were stuck on their
22 jobs, and they couldn't leave any more.

23 So -- and I also saw the CEO, the CEO was a great, a
24 smart, a brilliant man. You know, to found a company on
25 its own, you know, from scratch, build it up to, you know,

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1 million dollar company and since then, I also realize he
2 didn't have two heads. He had one head just like me and,
3 you know, my drive at the time, you know, I thought to
4 myself I could, you know, start my own thing and nurture it
5 to become a big deal at Computer Warehouse Group myself.

6 So I tendered my resignation letter and I, you know, I
7 left. My boss said he wasn't going to accept my
8 resignation and told me to go home for two weeks and think
9 about it. And you know, I thought about it, and I came
10 back and I said to myself, that was the time to make the
11 move. I didn't have any kids. I didn't have any family at
12 the time. I was 22. You know, I had a long time to fill.
13 You know, I had about 80 years ahead of me to fill
14 possibly. And you know, if I didn't succeed, I already
15 acquired an education. I already acquired work experience.
16 I already built a network of contacts, who if I failed in
17 my entrepreneurship drive, you know, I could always fall
18 back on a regular job. So I took the step.

19 Q. When you left there, did you start any sort of a
20 business enterprise?

21 A. Yeah. So the famous F.J. Williams, Limited that we've
22 all heard about was started in 2010 when I left Computer
23 Warehouse Group. So I founded F.J. Williams, Limited at
24 the time, which I call a digital agency with the focus on
25 developing software applications, developing websites,

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1 developing web-site applications. We focus on corporate
2 identity development, corporate branding and merchandising
3 pretty much. That's what F.J. Williams, Limited's focus
4 was at the time.

5 Q. Did you get involved with any direct contracting with
6 F.J. Williams as it relates to merchandising and things
7 like that?

8 A. F.J. Williams started off on very humble notes, but at
9 the time I was winding down F.J. Williams, Limited, we had
10 hundreds and hundreds of clients. We had signed hundreds
11 and thousands and thousands of contracts. And the biggest
12 thing that we did with F.J. Williams was to build
13 affiliations and build partnerships with universities.
14 Since I went to private school in Nigeria, Babcock
15 University, I used my influence with Babcock University to
16 bring something I saw that was very prosperous and, you
17 know, would put us in the United States.

18 So in the United States, most universities have
19 apparels, college apparels, like shirts, ties, face caps,
20 jackets, hoodies, sweatshirts and things like that, but in
21 Nigeria, no university at the time had any apparel line.
22 So I took the concept of apparels to Nigerian universities,
23 and since I went to Babcock, I started with Babcock
24 University.

25 I approached the designated authorities there and, you

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1 know, told them that, you know, if the average --
2 hypothetically the average school fees is about \$5,000 per
3 session, so I told them, you know, we could work something
4 out where the school -- the school adds a hidden amount,
5 say like \$150, a hundred dollars, \$150 as, you know, an
6 additional cost. And with that addition, every student in
7 the school will get some kind of apparel, the same apparel
8 as I listed beforehand.

9 And the benefit of that was -- would have been every
10 student that, you know, wears something classy, something
11 that looks beautiful, you know, they could be on a plane to
12 the U.S. or to the UK and wearing, you know, with pride,
13 wear your university brand with pride anywhere in the world
14 would automatically bring some kind of brand equity, some
15 kind of brand awareness of our university all around the
16 world.

17 And the universities bought into my idea, and we
18 signed a contract with Babcock. We signed a contract with
19 a neighboring university. We signed several contracts all
20 around with universities in Nigeria to supply the schools.
21 So leveraging that initial contact with universities, we
22 also tried to introduce some reforms in the learning
23 process in schools, like in the U.S. where people can learn
24 electronically, where people can view their results online.
25 Where professors can post their lecture notes online. You

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1 know, we decided to do that for Babcock University and all
2 the other universities too. So we signed contracts to
3 build electronic learning management systems for
4 universities in Nigeria too.

5 Q. From your experience with working, et cetera, you
6 eventually wanted to come to the United States; is that
7 correct?

8 A. Well, so my coming to the United States was more --
9 was more focused on acquiring skills. I had this fear -- I
10 had a huge fear in my heart, you know, because I'd read
11 dozens of books, and I'd studied dozens of entrepreneurial
12 videos, found entrepreneurial videos of companies that, you
13 know, when a company is about to get to the next level, the
14 founding CEOs are always fired because they didn't have the
15 skills. You might have a bright idea, but to take the
16 company to the next level, you may not have the required
17 skills.

18 So I -- you know, I tried to acquire these required
19 skills by, you know, considering the idea of getting an MBA
20 from a leading school in the world. And I, you know,
21 looked at the best schools around the world, around the
22 U.S. at the time. I looked at Harvard, the Yales, the
23 Princetons, the Stanfords, and I also looked at Texas A&M
24 most specifically because the school had a huge alumni
25 network where I could build worldwide contacts. Texas A&M

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1 has a very small class size of 51, 52 students where it
2 would be easy to build relationships with professors and
3 fellow students too. And Texas A&M gave me the best offer,
4 you know, among all the schools I applied to. They gave me
5 about an 80 percent scholarship so I didn't really have to
6 spend a lot of money coming to school at the time. So I
7 eventually settled for Texas A&M.

8 Q. What year did you go to Texas A&M?

9 A. So I rounded off all my activities with F.J. Williams,
10 Limited in 2014 and then enrolled in Texas A&M in
11 July 2014.

12 Q. What year did you finish Texas A&M?

13 A. So I graduated with the class of 2016 in December
14 of 2015, Texas A&M.

15 Q. So your graduating class is reflected as 2016?

16 A. 2016, yes, class of 2016, but I graduated --

17 Q. But you actually finished with everything back in
18 December?

19 A. December, 2015, yeah. The only reason why I went to
20 Texas A&M was the speed of the program. It was a quick
21 program. So yeah, that's why.

22 Q. You've heard talk about banking while you're in the
23 United States and whether or not there were certain
24 accounts closed during that time frame. Can you explain to
25 the jury what's going on while you're banking in the United

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1 States?

2 A. So when I first came to the United States in 2014, I
3 opened a bank account with Wells Fargo. I used the account
4 at Wells Fargo to pay my tuition fees. I used it to pay my
5 living expenses and my rent and all those things. And I
6 run the account to Wells Fargo, you know, successfully
7 without any problems from 2014 to 2015, but in 2015, when I
8 came up with the concept or when a huge financial crisis
9 occurred in Nigeria, I approached Wells Fargo, and I told
10 them that in order to set up a money savings business, and
11 I told them everything.

12 I was open to them and I opened this account to Wells
13 Fargo. And I made business account. I opened the
14 business with -- I set up a business -- I cannot remember.
15 I think I set up a business -- I opened a business account,
16 but the minute I opened the business account, they shut
17 down my accounts instantly. And I told them I wanted it to
18 go into money savings business, the accounts were shut down
19 instantly, so...

20 Q. And during that time, was there anything going on with
21 markets over in Nigeria?

22 A. Okay. So yeah. I think this is very valuable. So in
23 2014, in late 2014, there was a global financial crisis
24 caused by the falling oil prices in the world, global oil
25 prices. So global oil prices fell from \$150, an all-time

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1 high of \$150 a barrel to \$55 a barrel. Now, I come from
2 Nigeria. Like I said, the underdeveloped country. In
3 Nigeria, Nigeria doesn't produce anything. We don't
4 produce pens. We don't even produce toothpicks. We don't
5 even produce pens. We produce nothing.

6 So Nigeria is an import dependent economy, and being
7 an import dependent economy that doesn't produce anything,
8 we were struck by what we call the Dutch disease. So it so
9 happens that Nigeria is the biggest oil producer in Africa,
10 we produce about two million -- 2.2 million barrels of oil
11 every day in Nigeria. So we were what you call a
12 supposedly rich country that produces oil in mass. So
13 because we produced a lot of oil and 95 percent of the
14 country's foreign exchange revenues came from the sale of
15 crude oil, every other industry was ignored.

16 So when the price of oil came down significantly,
17 there was a huge crisis in Nigeria. So in Nigeria, we
18 couldn't acquire a taste for imports anymore. So everybody
19 in Nigeria wants to buy stuff from abroad. The IT company,
20 like I said, Computer Warehouse Group brought its machines
21 from the U.S. NCR. ATM company, we bought from Wincor
22 Nixdorf in Germany.

23 So when you need to make all these payments for these
24 products, you need to convert the local currency to the
25 foreign currency, which would be the United States dollar

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1 is the global reserve currency for the world. So you know,
2 most transactions occur in dollar. But since the country
3 did not have any means of acquiring foreign exchange
4 revenues any more with the foreign global oil prices, there
5 was a sudden rush for the U.S. dollar. There was a -- so
6 everybody's trying to get the dollars.

7 Now, as a result of this, because of this single
8 action, the rush for dollar cost, the scarcity for dollars
9 in Nigeria and a corresponding devaluation of the currency.
10 So basic laws of demand and supply, when supply is low,
11 there's a scarcity and value increases. So the value of
12 the Nigeria naira was lost with respect to the dollar. So
13 the Nigerian naira in 2014 December sold for about \$160 --
14 160 naira to the dollar. By the time the financial crisis
15 was at its peak, it was about 520. So it lost about 300
16 percent of its value at the time.

17 So because of this singular act, people in Nigeria
18 were in a hurry to convert their currency to stable
19 currency. So if you are a millionaire in Nigeria, you
20 have, say, \$10,000, which was 1.6 million naira at the
21 time, right, at 160 naira to a dollar, right, you have --
22 with 1.6 million naira, you have \$10,000. But at 520 naira
23 to a dollar, you have less than \$3,000. So your net worth
24 depletes significantly.

25 So the reason people in Nigeria were figuring out ways

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1 to store the value of their assets by converting their
2 assets into dollars. Also, with the rising the -- or the
3 devaluation of the naira, people in the United States -- so
4 if you are in the United States and you send, you remit
5 money home on a regular basis, for example, hypothetically
6 you remit a thousand naira, if you remitted a thousand
7 naira in December 2014, you get a thousand dollars, you get
8 860,000 naira, but in the peak of the crisis, if you were
9 to remit \$1,000, you get 520,000 naira.

10 So people in the U.S. that remitted money to Nigeria
11 had an incentive to remit money to Nigeria at the time.
12 Because in basic laws of macroeconomics, in the short term,
13 prices are sticky. So in Nigeria, while the value of the
14 currency depreciated significantly, the prices of items in
15 Nigeria did not change with the same pace. So for example,
16 a piece of land that cost the value of \$1,000 still cost
17 the value of \$1,000 even with the financial crisis.

18 So a working man in the U.S., you know, that has plans
19 to return back to Nigeria is sending money back home, and
20 people realize, their family in Nigeria realize that the
21 currency has been devalued. So they are telling Uncle,
22 please send me a hundred dollars. A hundred dollars is now
23 52,000 naira, not 15,000 naira anymore. So I can do more
24 with that since in the short term, prices are sticky.

25 Q. And this is going on while you're in school down at --

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1 A. Yeah. While I was in school, yes. So this crisis was
2 going on while I was in school. While I was learning
3 macroeconomics and macroeconomics training in school, yes,
4 in Texas A&M, yes.

5 Q. Last week there were some documents that were showing
6 text communications between you and different people. Do
7 you remember that?

8 A. Yes. I do remember that.

9 Q. And for instance, Baja Fresh or is it Baja or Baja
10 Fresh? Do you remember the --

11 A. Yeah. His name is -- so it's JB, Baja Fresh, yes.
12 Right. Baja Fresh.

13 Q. Now, those communications seem to be during the period
14 after you had graduated; is that right?

15 A. I think -- I think so. It wouldn't be out of place
16 for those communications to happen after I graduated, yes.

17 Q. And at that time, you were shown just a few of those
18 documents?

19 A. Well, so you know, while I was sitting down there and
20 being shown all these documents --

21 **MR. PERRY:** Your Honor, may I approach?

22 **THE COURT:** Yes.

23 **BY MR. PERRY:**

24 Q. Can you look and see who it appears that you're
25 communicating with in that stream of information?

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1 **THE COURT:** What have you -- is there an exhibit
2 that you've showed him?

3 **MR. PERRY:** What I'm going to do in a moment is
4 to ask the Court to mark it, and I apologize. I can ask
5 you now to mark it if it's okay.

6 **THE COURT:** Yeah. Just ask him if he recognizes
7 it, and let's get it marked first.

8 **BY MR. PERRY:**

9 Q. Do you recognize this?

10 A. Yes. I do recognize it, yes.

11 **MR. PERRY:** Your Honor, I'd like to ask for this
12 to be marked for identification purposes. It's
13 communication between he and Baja Fresh. Last week those
14 communications were entered, but it was only portions of
15 them. I want just the entirety of those conversations that
16 were being relevant that were turned over to us, because I
17 am going to ask questions from those and at the appropriate
18 time ask the Court to allow them into evidence.

19 **THE COURT:** Is there any reason not to just allow
20 them into evidence now?

21 **MS. IRELAND:** No objection from the Government,
22 Your Honor.

23 **THE COURT:** He's identified them. They're
24 conversations he participated in. Let's -- when you get
25 that back, read the Bates stamp numbers for the document

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1 that -- you know, for the portion of the conversation
2 you're admitting.

3 **MR. PERRY:** Thank you.

4 **THE COURT:** Thanks. What is it?

5 **MR. PERRY:** It's 1211.

6 **THE COURT:** Hang on for a second. What exhibit
7 number was that, Mr. Warren?

8 **THE CLERK:** 92, Your Honor.

9 **THE COURT:** Okay. Exhibit 92. Thanks,
10 Mr. Perry.

11 (WHEREUPON, the above-mentioned document was
12 marked as Exhibit Number 92.)

13 **MR. PERRY:** Exhibit 92 is Bates stamped 1211, and
14 it goes all the way to 1421.

15 **THE COURT:** Okay. Any objection, Ms. Ireland?

16 **MS. IRELAND:** No objection, Your Honor.

17 **THE COURT:** Thank you.

18 **BY MR. PERRY:**

19 Q. This communication starting at 1211 appears to be a
20 communication between you and a friend or a business
21 cohort?

22 A. Yes.

23 Q. Do you recognize that?

24 A. Yes, I do.

25 Q. Who is that?

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1 A. His name is Shola Awilame. His profile name says Baja
2 Fresh.

3 Q. Is that the name of a company that he's engaged in?

4 A. Yes. That's the name of his business, yes.

5 Q. We're going to turn to Page 1230. If you start from
6 where my finger is, where it says Baja Fresh?

7 A. Yes, sir.

8 Q. Can you read the exchange between -- just go forward.

9 A. Okay. So that's me. I say Baja Fresh. I refer to
10 him by his business, and I say, "How far?" How far is a
11 way of saying hi. "What's going on?" Pretty much and he
12 responds by saying, "I'm fine." ID means I'm fine. And I
13 tell him I need \$15,000. I need to purchase \$15,000 from
14 him.

15 Q. And what does I will buy 15K mean?

16 A. It means I would like to buy -- I want to buy \$15,000
17 from him, from Mr. Shola .

18 Q. And then his reply?

19 A. His reply is okay. So he requests an account through
20 which he can send me the money.

21 Q. And the next reply?

22 A. So he says they will do it in two batches of 7500
23 each.

24 Q. And why does he do that?

25 A. So he's -- I have no idea why he does that, but he's

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1 probably -- he probably has the money from multiple
2 sources. So that's the most reasonable explanation why he
3 would do that.

4 Q. And then keep going.

5 A. So I -- so I say to him, I have only one account.
6 It's my Bank of America account.

7 Q. And keep going.

8 A. So he says, "Well, that means you get the money
9 twice."

10 Q. Is that all that you can see?

11 A. That's all I can see from here. Yes, sir.

12 Q. And then keep going.

13 A. He says, "I'll get the first batch today and the
14 second batch tomorrow."

15 Q. Okay. Now, can you explain to the jury what it means
16 by buying money?

17 A. Well, so like I said, with the -- with the financial
18 crisis in Nigeria and the taste of Nigerians for foreign
19 products, since there's no manufacturing industry in
20 Nigeria, Nigerians, in order to make purchases in the U.S.
21 or around the world, needed U.S. dollars to be able to make
22 these purchases. Since no firm in any of these countries
23 would take Nigerian local currency.

24 Q. Can you buy a television set with naira?

25 A. In Nigeria you can buy a television set with naira,

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1 only in Nigeria, but in the U.S., if you take the naira to
2 Best Buy or Walmart, you know, I'm pretty sure they will
3 call security, you know, and have you arrested.

4 Q. If you -- if you're attempting to buy products in
5 Nigeria, can you purchase those products with U.S. dollar
6 in Nigeria?

7 A. So like I stated, the U.S. dollar is the world reserve
8 currency. If you have the dollar in most countries in the
9 world, you can make direct purchases with the dollar.

10 Q. Let's go to 1321. Can you read at the top of the
11 page.

12 A. Yes. It says, "Holla at me if you need dollars," and
13 he quotes a price of 375 naira to \$1. So I think he -- the
14 initial price was 360. Okay. It says he has \$10,000 that
15 he wants to sell.

16 Q. And is that normally how he would engage if he's
17 trying to sell dollars?

18 A. Yes. He would alert me and say he has some dollars
19 he's trying to sell, yes.

20 Q. What kind of business was he in?

21 A. He sold cars or he sells cars until now.

22 Q. Were you aware of him doing anything illegal or
23 illicit to get his money?

24 A. Not to the best of my knowledge, no. I don't think
25 he's -- he did not.

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1 Q. Had he in any way ever discussed business e-mail
2 compromises with you or anything along that?

3 A. Never ever. Never ever.

4 Q. You were named -- last week there were a number of
5 people that you were engaging in conversations with?

6 A. Yes, sir.

7 Q. Similar to this?

8 A. Yes, sir.

9 Q. Can you tell the jury those individuals from the top
10 of your head the names that you heard read out.

11 A. Yes. So the key individual, I, you know, usually had
12 correspondence with, his name is Dr. Bode Akinsanya, he's a
13 medical doctor in Seattle. He's a general practitioner in
14 Seattle, Washington.

15 Q. And based on information you know, does he make a
16 pretty decent living?

17 A. So he earns at the minimum \$200,000 per annum in his
18 capacity as a medical doctor in Seattle. He's a man of
19 impeccable character. I don't think he would jeopardize
20 all he has ever worked for because he did seven years
21 studying medicine in Nigeria. He worked in Nigeria for a
22 couple of years, came here, did a residency for three
23 years, you know. After spending about 13 years acquiring
24 the qualifications to practice in the U.S., I doubt he
25 would be stupid enough to engage in any fraudulent

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1 activity.

2 Q. And in this -- in these conversations that have been
3 marked as exhibits, it seems to be a lot of the, I got 360,
4 can you give me the \$10,000 worth, et cetera.

5 A. Yes.

6 Q. How does that happen on a daily basis if you're trying
7 to sell money in Nigeria? How does that -- explain how
8 that exchange goes.

9 A. So like I said, people in the U.S. are trying to remit
10 money to Nigeria because there's more value for the
11 remittances. So if you send \$10,000 to Nigeria, if you
12 send \$10,000 to Nigeria in 2014, you got 1,600,000 naira,
13 but in the peak of the crisis when he was trying to sell me
14 the dollars at 375, if you send that money to Nigeria, you
15 get 3,750,000 naira. So 3,750,000, subtract it from
16 1,600,000, that's like twice. So you're getting twice the
17 value of what you'd have gotten. So you can buy two plots
18 of land instead of one plot of land. You can engage in
19 more things that you'd have been able to engage in
20 previously. So that's why people in the U.S. were in a
21 hurry to remit money to Nigeria at the time.

22 Q. And this was around the time that you would have been
23 coming out of school from the University of Texas?

24 A. Yeah. So in 2015, I interned with Cox Automotive in
25 Atlanta, Georgia. And that's when I started becoming aware

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1 of the major fluctuations in the currencies. And so that's
2 when I became engaged in, you know, what was going on. And
3 that's when I -- you know, because at the time I needed to
4 pay my tuition fees for the new semester, and I had naira.
5 I stored my currency in naira at the time.

6 So I needed to change my naira to dollars to pay my
7 tuition fees, and that's how I became aware of
8 Dr. Akinsanya. He sold me some dollars at the time because
9 he was probably trying to remit money to Nigeria. So
10 that's when I became aware of this in -- around the summer
11 of 2015, yes.

12 Q. And you saw an opportunity with it?

13 A. Yes. I did see an opportunity. I had been taking
14 classes in finance at Texas A&M. I learned about
15 arbitrage. I learned about brokerage.

16 Q. What is arbitrage?

17 A. So arbitrage is the process of taking advantage of
18 inconsistencies in foreign currency exchange values around
19 the world, pretty much. So if there are fluctuations in
20 the prices of currencies, you can buy low and sell high.
21 You can take either long positions or short positions on
22 the currencies. So in order to make profit, yes, that's
23 what arbitrage is, pretty much.

24 Q. You heard the proof regarding an individual that came
25 to visit you during the month of August of 2016. Do you

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1 remember that?

2 A. Yes, I do. I do remember that.

3 Q. And who was that individual?

4 A. So I'm from -- like I stated, I'm from Ekiti States in
5 Nigeria, in Southwest Nigeria. The person that came to
6 visit me is also my clansman from Ekiti States in Nigeria.
7 We went to Babcock University in Nigeria in 2002. At the
8 time of his visit in 2016, I had known him for 14 years.
9 He's my clansman. He was a friend, a good friend, a strong
10 friend that -- I don't really refer to anyone as a best
11 friend, but he was a very good friend of mine at the time
12 in 2016.

13 Q. What is his name?

14 A. His name is Ayodeji Ojo.

15 Q. And did he come alone when he came to visit you, or
16 who did he have with him?

17 A. He came with his pregnant wife and his infant
18 daughter, a two-year-old daughter.

19 Q. And how long did he stay with you?

20 A. So over the period -- so he stayed in the U.S. for
21 about 2 or 3 weeks. But he stayed maximum of about 7 to
22 10 days, 7 to 10 days. That's how much time he spent with
23 me.

24 Q. And as he stayed with you during that time, did he try
25 to get a bank account or?

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1 A. Yes. So when he came to me, when he came to my house,
2 he had a check in his possession. I think I now know it's
3 26,900, a check for the balance of 26,900 from Bank of
4 America, so he probably was one of the Nigerians that was
5 trying to change their -- convert their assets from nairas
6 to dollars. And for one reason or the other, his bank
7 account at Bank of America got closed.

8 So he had a check to redeem the cash from Bank of
9 America, and when he came to -- when he came to my house,
10 you know, since he was -- he came on Friday. So on Monday,
11 in order for him to have the required means to be able to
12 fund his trip, to be able to pay for all his expenses, had
13 a pregnant wife who came, had some medical requirements.
14 So I assisted him initially to get the cash. So we went to
15 about, you know, 15 Bank of America locations in the whole
16 of Atlanta, Georgia to cash the checks or to make -- to
17 get money order with, but in all the branches we went to in
18 the Bank of America, they said they didn't have \$26,900 in
19 cash in any of the branches.

20 And they said, you know, you have two options. Either
21 you drop the check and come back in about a week or two
22 weeks and we'll have all this money for you, or better
23 still, you can, you know, go to any other bank, open a new
24 account, deposit the check into the new account, and in
25 1 or 2 days, you have access to your funds.

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1 So we decided to go to a Wells Fargo branch, a stone
2 throw from where I resided at the time in Atlanta, Georgia.
3 And you know, when we got to Wells Fargo, they said -- he
4 told them he would like to open a new account. He had a
5 check he wanted to clear. When the bankers were evaluating
6 the check, you know, they were so, you know, enthusiastic
7 and, you know, he started to sound very obsequious towards
8 Ojo, you know. Come and sit down, you know. What do you
9 want? Do you want some coffee? Do you want some tea? And
10 all that.

11 So he started the process of opening the account. And
12 I just, you know, laid back, you know, I was just doing my
13 own thing while they were trying to open the account. And
14 so he got to a point where he came to me and said that the
15 banker needs a U.S. address to associate with his account
16 in order for him to be able to receive his debit card and
17 all the other bank correspondence, and he asked if he could
18 use my address. And I said sure, why not. He's only going
19 to be here for, you know, for -- your entire stint in the
20 U.S. will be about three weeks, and they can send you bank
21 checks and ATM cards and, you know, every other thing you
22 need. So I agreed.

23 So he came back again, and he said they don't accept
24 Nigerian telephone numbers, you know. He needed a U.S.
25 telephone number. I said sure, why not. Use my telephone

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1 number. That's okay. So he succeeded in opening the
2 account, and they gave him a temporary debit card. After I
3 put in the check, I think about \$200 or so was made
4 available to him instantly so he had a cushion. And you
5 know, from there on he was able to open an Uber account
6 and, you know, move around on his own.

7 Q. Did he give you a debit card?

8 A. No. He never gave me a debit card, no.

9 Q. Did you have any PIN number to that account?

10 A. No. I had no PIN number to the account, no.

11 Q. Was that the last that you had heard regarding that
12 account during that time frame that he was in town?

13 A. Yeah. So while he was in town, so I forgot to add, I
14 don't know if this was extrapolated. So because of the
15 fact that I skipped two classes in primary school, it just
16 happened that I was younger than most of my peers
17 throughout. So I'm 32 right now. Ojo is 35. You know, so
18 I didn't have any need to chaperone Ojo. You know, as soon
19 as he had his banking taken care of, I set him an Uber
20 account, and I left him to his devices pretty much. So I
21 had no, you know, no control of any of his accounts. I had
22 nothing to do with any of his accounts. I just set him up,
23 you know, and let him do whatever he needed to do.

24 Q. Did you end up getting a telephone call at any point
25 regarding his account?

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1 A. Yeah. So long, long, long after Ojo departed my house
2 in 2016, I got a call from a Wells Fargo representative
3 saying that he wanted to speak with Ojo. So I told him to
4 hold on. I was going to get Ojo on the line. So as one of
5 the exhibits that the Government played last week refers, I
6 had cause to -- because Ojo give them my phone number, I
7 had a lot of cause to be the bridge between Ojo and the
8 representatives of banks, Wells Fargo precisely.

9 And in one of those occasions I usually, just to make
10 sure nobody calls and says I, you know, stole the identity,
11 I always make sure I record those phone calls. So one of
12 those phone calls was when Ojo was on the phone, and
13 because it would have been awkward for Ojo to leave a
14 voicemail through a three way and because he has a thick
15 Nigerian accent, you know, I assisted him on a recorded
16 line so nobody would come and say I stole an identity
17 subsequently, so I recorded the conversation on the
18 recorded line while Ojo was on the phone.

19 Q. So one of the conversations that the Government played
20 for the jury last week --

21 A. Yes.

22 Q. -- was in fact your recording?

23 A. My recording.

24 Q. And when you got this call from Wells Fargo, what
25 happened?

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1 A. So the caller said there's a man named Alonso in the
2 branch named -- man named Luis Ramos-Alonso who made an
3 inadvertent deposit into Mr. Ojo's account, and Mr. Alonso
4 wants his money back. You know, so I said, "Hold on. Just
5 hold on. Let me get Ojo on the phone." So I said -- I had
6 to hang up because making international calls is a
7 cumbersome process. So I called Ojo on the phone.

8 I said, "Hey, I told you about, you know, running
9 accounts in the U.S. You have to be very careful about the
10 sources of funds. I understand they're trying to convert
11 your assets into, you know, foreign currencies and all
12 that, you know, but you have to be very careful. So you
13 know, they want their money back, right? And I don't want
14 to be a part of any -- of anything that, you know, because,
15 you know, I have your reputation to protect. I have my
16 integrity to protect. I don't -- I can't be part of
17 anything. That money must be returned, and it must be
18 returned now. Right? Do you agree to the money being
19 returned? Or, you know, let me do a three-way phone call
20 to them."

21 So I attempted a three-way phone call, you know, so
22 that Ojo could give the go-ahead, but the representative
23 didn't pick up the phone, but he called me back immediately
24 after. And this was already communicated that the -- we
25 had agreed to the immediate refund. I communicated the

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1 exact same thing to the bank representative that, you know,
2 he understands, Ojo understands that it was an inadvertent
3 deposit, and he fully authorizes a reversal of the
4 transaction, and that was that.

5 Q. Did you know anything at all regarding where money
6 came from or?

7 A. I had absolutely no idea of the sources of the funds
8 whatsoever. I had no idea. I just knew what I was told
9 was a certain man -- this is -- the conversation goes, this
10 is Mr. XYZ, I don't remember his name, from California. I
11 have a man named Luis Ramos-Alonso here who says he paid
12 money into Ojo's -- into an account controlled by
13 Mr. Ayodeji Ojo. He wants his money back, and I
14 facilitated the immediate reversal of the funds, and that
15 was that. I thought I had, you know, done my civic duty as
16 a responsible member of society.

17 Q. Do you remember approximately what month that
18 happened?

19 A. This was in October, October, I think, around like --
20 I don't remember the exact date, but it was in early
21 October, early October.

22 Q. Had you heard any -- did you get any more information
23 or inquiries regarding that account between October and
24 March?

25 A. Absolutely nothing. I didn't hear anything about any

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1 account, any deposits, anything about that account 'til
2 March of 2017.

3 Q. What happened in March?

4 A. So in March of 2017 on a beautiful morning, you know,
5 spring is kicking in in March. I had just come in from
6 Dubai. I went on, you know, F.J. Williams, Inc. is kicking
7 off. I went on a trip to carry out the feasibility study
8 on remittances in the United Arab Emirates. There's a huge
9 immigrant population --

10 **MS. IRELAND:** Objection to relevance, Your Honor.

11 **THE COURT:** Let's keep the focus on the questions
12 and answers.

13 **BY MR. PERRY:**

14 Q. What happened on that date?

15 A. So I just returned and, you know, so I had someone
16 banging on my door on that morning, and you know, I had
17 someone banging my door. And I went out and I saw, you
18 know, two guys, two FBI agents at my door.

19 Q. Did you know that they were FBI agents immediately?

20 A. No. I had no idea who they were. I was just
21 wondering, you know, if they were salesmen, or I didn't
22 know who they were. You know, but they introduced
23 themselves as FBI agents. One said his name was Kevin
24 Hall. The other said his name was Tyson Fowler.

25 And I told them, "Ooh, FBI, wow, what a pleasure, you

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1 know. I've never had any visit from the FBI before." You
2 know, and brought them in. I told them come in. You know,
3 "Sit down, make yourselves comfortable. Do you want tea?
4 Do you want coffee? Can I offer you a drink?" And they
5 said no, they were fine. And the next thing is they showed
6 me Ayodeji Ojo's, his -- the picture of his data page, his
7 passport data page that contains his identifying
8 information, and they asked me if I knew him. I said,
9 "Yes, I -- I know him. He's my friend of 14 years." You
10 know, I didn't have anything to hide, and I opened up to
11 them, so...

12 Q. And how long were they at your home?

13 A. They were at my home about 30 to 45 minutes. And it
14 was a very -- initially started very, very, very awkward.
15 One of the agents, I don't know if they were playing good
16 cop, bad cop. I don't know how their procedures work, you
17 know, but one of the agents was very, you know -- he wasn't
18 very courteous initially because he asked me two questions.

19 The first question he asked me is, you know, I don't
20 know which one came first, but he says, "Why do you
21 Nigerians like to defraud Americans? Why do you Nigerians
22 like to defraud Americans?" And I was taken aback by the
23 question about fraud and Nigerians defrauding Americans.
24 This is Tyson Fowler, not the gentleman that came here to
25 testify the other day. This is the other guy, Tyson Fowler

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1 is the one asking these questions. Why do you Nigerians
2 like to defraud Americans? You know, and I'm like, you
3 know, I was taken aback. I was like, you know, what does
4 that even mean, but I -- you know, I just chose to move
5 forward with the, you know, with the conversation.

6 Q. The gentleman that was here the other day, Special
7 Agent Hall?

8 A. Hall, yeah.

9 Q. What was his response during that time, or how did he
10 act?

11 A. So he was the note writer. He was taking notes. To
12 be honest, you know, to be honest, he didn't say much
13 during the interview. I can count the number of words he
14 uttered throughout. He didn't say -- he wasn't -- it was
15 the other agent that was doing most of the engaging, not
16 Mr. Hall.

17 Q. And at some point did there develop a conversation
18 regarding money laundering?

19 A. Yeah. So the conversation went from do I know Ojo,
20 how do I know Ojo, do I have any relationship with Ojo, do
21 I have any business relationship with Ojo. So I told them
22 about F.J. Williams, Inc. and how we were registered with
23 the Georgia Department of Banking and Finance. How we're
24 registered with the United States department of treasuries,
25 Financial Crimes Enforcement Network, where we intended to

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1 grow from, you know, humble beginnings to become a Western
2 Union or a MoneyGram or the likes.

3 You know, we had a very convivial discussion. There
4 were no arguments. And so that it was going around. You
5 know, the conversation was going around, you know, and they
6 asked me, you know, do I know if Ojo has anything to do
7 with fraud and things like that. Throughout the visit,
8 there was no mention of Alonso or Alonso making inadvertent
9 deposits. It was just -- they were just trying to figure
10 out who Ojo was and what Ojo's business was.

11 And you know, I told him everything I knew about Ojo,
12 how he was an investment banker, a role that requires the
13 highest amounts of integrity in Nigeria. In Nigeria, if
14 you are found getting in any act of fraud as an investment
15 banker, you spend 25 years in jail. You know, it's
16 something that's frowned upon in Nigeria, pretty much.

17 So I told him everything about Ojo. I told him how he
18 was helping me with F.J. Williams on the Nigerian end of
19 the thing. And again, the Fowler again brought up this
20 persistent question about why do Nigerians like to defraud
21 Americans. And I'm like, what do you mean by -- like, you
22 know, I start, you know, going after like, why are you
23 saying this thing. You know, no, no, no.

24 So Nigerians give, you know, the country a bad name,
25 but a few bad apples shouldn't poison the whole bunch.

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1 Then, you know, the conversation goes into money laundering
2 and, you know, sources of funds. I can't remember how he
3 went, but, I, you know, I have a weakness. I have a
4 weakness for debates. I have a weakness for engagements,
5 you know. I engage anybody like, you know, if I see a
6 little kid that is smart, you know --

7 **MS. IRELAND:** Objection, Your Honor, relevance
8 and narrative.

9 **THE COURT:** Let's keep the focus.

10 **THE WITNESS:** Yeah. So I engaged with Agent
11 Tyson Fowler, you know. We had this discussion about the
12 sources of funds, and he told me that if somebody obtained
13 funds fraudulently, you know, without -- this is without a
14 mention of a lawsuit. There was never any mention of a
15 lawsuit or a discussion. So he says if somebody engages in
16 fraud, right, and goes and spends the money, attempts to
17 spend the money, right, what he was suggesting was the
18 person that was receiving the funds for a service or a
19 product, you know, was automatically guilty of fraud if the
20 sources of funds were illegitimate. And on that very day
21 until this very day until tomorrow, I would forever
22 strongly disagree, you know, because how can a Walmart, for
23 example, if Mr. X steals money from somewhere and goes to
24 Walmart to buy something, will Walmart be responsible for
25 somebody -- responsible for the sources of the funds?

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1 Would Walmart automatically be responsible for stolen
2 funds? I strongly disagree with the narrative and the
3 argument. I said no, I don't agree.

4 **BY MR. PERRY:**

5 Q. When they left, did they ask you to -- if you could
6 get in touch with Ojo?

7 A. They told me -- so I gave them Ojo's contact details.
8 I gave them Ojo's contact details. I told them if they
9 have any, you know, additional questions, please feel free
10 to contact me. You know, I said I'm starting up a -- you
11 know, I knew you guys are, you know, you guys are, you
12 know, interested in, you know, minimizing fraud, and I
13 would like to even have a relationship with you guys, you
14 know, because I'm setting up a company that is very risky.
15 You know, I'd like to have a relationship with you guys to
16 be able to call you guys in case I was in a situation where
17 I needed some, you know, advice. You know, I'd like to
18 have some, you know, relationship. I was trying to, you
19 know, build a relationship with them as, you know, agents
20 of the FBI, you know.

21 Q. Did you call Mr. Ojo?

22 A. As soon as they left my house, not even as like as
23 soon as I shut the door, I got on the phone. I told him,
24 "Yo, I man, I warned you. I warned you about this thing.
25 FBI agents just left my house right now. I've been in the

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1 U.S. for three years or thereabout. No FBI agent has ever
2 come to knock on my door, right? Because of you, FBI
3 agents are at my door and came to see me today. Get on
4 your phone right now, like right now." I took a picture of
5 the agents' contact -- business contact cards. I took a
6 picture of the cards. I said, "Get on your phone right
7 now, contact these guys immediately. Right?"

8 Immediately after that, at every five-minute interval,
9 I was calling him to find out have you called them. Make
10 sure you call them and have this thing resolved instantly.
11 I won't stand for any of this. And he confirmed to me a
12 few moments after he confirmed to me that he had spoken
13 with the FBI agents and, you know, everything was resolved.
14 He told me, "Oh, it was the Alonso transaction of October
15 of 2016," and, you know, they wanted to find out, you know,
16 what happened.

17 So he told them that he paid a guy in -- a guy called
18 Leke Adenuga \$20,000 for Leke Adenuga to deposit into his
19 account, into his Wells Fargo account. And for some
20 reason, I don't know if Leke Adenuga knows Alonso. I don't
21 know if they knew each other or anything. You know, there
22 was some confusion, and he explained to them that it had
23 been resolved, that he had refunded the money. And that
24 was the end of the story as far as I was concerned. I
25 thought it was over.

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1 Q. And that was in what month and what year?

2 A. That was March 2017.

3 Q. When was the next time that you had any interactions
4 with the FBI or any agent of the Government?

5 A. So in February of 2018, I went to the airport.

6 Another weakness of mine is, you know, I don't leave money
7 on the table for whatever reason. I discovered that if you
8 go to the airport on the date of your flight, you will have
9 to pay the flight change fees. So for example, if the
10 price of a flight changes from \$200 to \$500 and you want to
11 change your flight, you would have to pay the 300 flight
12 change fee. You have to pay the flight change fee and the
13 difference in fares. So you have to pay about \$500 to
14 change out your flight. So I learned that technique about
15 a year before. So I go to the airport on the date of
16 travel if I have to change my flight. All I'm required to
17 pay is just the flight difference, just the difference.
18 You have to pay the \$200 flight change fees.

19 So on the 1st of February, I have booked a flight to
20 Dominican Republic a couple of months before, but I didn't
21 have -- I couldn't leave the United States unfortunately.
22 I had tried to change my immigration status in 2017 or
23 thereabout, and I didn't have the -- my application was
24 pending. So with the pending application, you can't leave
25 the U.S. So on the 1st of February, I went to change my

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1 flight in the hopes that to extend the flight by one week
2 to 7th of February. So I changed the flight to the 7th in
3 the hopes that I'll get my travel document, but on the 7th,
4 I still didn't have my travel document. So I went back to
5 the airport to change my flight. So I went there to the
6 counter. I changed the flight successfully without
7 incident.

8 I record my new itinerary. Since my flights, my
9 travel document had not arrived, I pushed my flight from
10 February to August of 2018. In the knowledge that in the
11 worst case scenario, my document will have arrived by
12 August of 2018. So I changed the flight.

13 I was on my way out of the airport when all of a
14 sudden some guys just accosted me and said ICE, ICE, ICE.
15 You're under arrest, you know. I said no, no, no. This
16 is -- you have the wrong identity. You have the wrong
17 person. I can't be under arrest. No. I don't have any
18 problems with ICE. Let me show you my -- you know, I had
19 this -- at the time I had one of my IDs, my military ID
20 card, my spousal benefits card. I said, let me show you my
21 military ID. You know, you can't be looking for me. It
22 can't be me. You know, I couldn't have done anything
23 wrong. And ICE, I had no problems with ICE at the time.
24 So he arrested me. He put me in handcuffs.

25 I was with my friend. I was supposed to travel to

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1 Dominican Republican with my friend, but since I didn't
2 have the travel documents, we had to abort the plan. So my
3 friend was there, right, right with me. And at this whole
4 drama thing I'm saying, no, you have the wrong person. And
5 I said no, it's you. So they bring out the warrant and
6 show me a warrant that charges me with conspiracy to commit
7 wire fraud, aggravated identity theft, money laundering and
8 aiding and abetting, four charges. And they say it was
9 issued in Western District of Tennessee, Memphis.

10 I said Memphis? Me? I've never been to Memphis in my
11 life. I've never talked to anybody in Memphis in my life.
12 I've never had any association with Memphis. I had nothing
13 to do with Memphis since I was -- I've never had any --
14 nobody has ever tried to sell me dollars from Memphis. I
15 know every single person I bought dollars from. Nobody has
16 tried to -- I have nothing association with Memphis.

17 So I was in a state of shock, despair, consternation.
18 What's going on? Me? You know, so I hand over -- so they
19 say I'm under arrest. I have to follow them somewhere. My
20 friend that is with me is in shock too, you know, because
21 he doesn't know what's going on.

22 So I say, okay, it is what it is right now. I needed
23 a lawyer right now, you know, to understand what's going
24 on. I handed over my laptop. I just bought a brand new
25 computer from, you know, from Dell for like \$1600 or

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1 thereabout, a powerful computer, brand new. I hadn't even
2 used it for up to a week. You know, so I handed over my
3 computer to my friend. I handed him my wallet. I was
4 trying to hand him all my personal items, you know, before
5 they arrested me.

6 And at the time these ICE guys arrested me, I think
7 they called the FBI agent, Agent, so they called him, and
8 he came to me, and he says that I have to give up my phone.
9 I said, "Why do I have to give up my phone? I'm giving up
10 my wallet. I'm giving up my car keys. I'm giving up
11 everything. Why can I give up my phone and my laptop too?"
12 He says that the laptop and the phones have to follow me,
13 you know. That the only thing they need from my wallet is
14 my ID. So they took my out my driver's license from my
15 wallet and allowed me to hand over my wallets, my car keys
16 to my friend. And they said all this other items are to
17 follow me.

18 Q. Were you trying to board a flight or anything on that
19 day?

20 A. I was on my way out of the airport. I was exiting the
21 airport. I was done. I had my -- they gave me receipts
22 for the flight change, and they gave my new itinerary for
23 August of 2018, and you know, so the agent, Agent says,
24 "Oh, why are you trying to flee the country?" I'm like,
25 where is all this coming from? First, I have a warrant for

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1 Western District of Tennessee, Memphis.

2 Q. Were you aware of any kind of warrant while you were
3 in the airport?

4 A. Absolutely, I had no knowledge whatsoever. I had
5 traveled out of the United States -- I met the FBI agency
6 in March of 2017. I had traveled out of the United States
7 in July of 2017. I went to the Bahamas in July of 2017. I
8 fly -- because of, you know, the F.J. Williams, I was
9 trying to get registered in Texas too. I was trying to get
10 registered in states that have a high immigrant presence of
11 Nigerians, right? So I flew to Maryland. I flew to Texas.
12 I flew to Union City, New Jersey to sue somebody to court.
13 I fly out of Atlanta airport on a regular basis. I flew
14 out of that airport a week or two before without any
15 incident.

16 So the whole concept of trying to flee was
17 devastating, and you know, I felt like, you know, up until
18 that point in time, I've never had any contact with law
19 enforcement in my life, never have I worn handcuffs. I
20 live in Atlanta. I moved to Atlanta in 2016, and this is
21 2018. I have never been pulled over by police in Atlanta
22 prior to that time. No -- absolutely no contact with the
23 law. So I was devastated. I was shocked. What's going on
24 here? Why am I, you know, facing all this?

25 Q. You end up going from Atlanta to Memphis at some

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1 point?

2 A. Yes. So they remanded me -- they initially went to
3 court. I went to court in Atlanta and, you know, that
4 was -- I was told that if I applied for a bond in Atlanta
5 and I was denied, you know, when I eventually get to the
6 Western District of Tennessee, I'll be entitled to a bond
7 hearing in the Western District of Tennessee. So I said
8 okay. No problem. I had no knowledge of, you know, how
9 getting arrested worked. I'd never been arrested before in
10 my life, you know, so I said okay. Let's go for the bond
11 hearing. If I lose, I'll get one in the Western District
12 of Tennessee. So I went for the bond hearing, and at the
13 bond hearing, you know, the lawyer --

14 Q. Don't go into all of the bond hearing. Just get to
15 the Western District of Tennessee.

16 A. Okay. So after ten days, they remanded me to Robert
17 Deyton Detention Facility in Atlanta for ten days. After
18 ten days they put me on a plane, you know.

19 **MS. IRELAND:** Your Honor, I'm going to object to
20 the relevance.

21 **THE COURT:** Mr. Perry, I don't know that any of
22 this is relevant.

23 **MR. PERRY:** Okay. I'm just trying to lay it all
24 out on how --

25 **THE WITNESS:** Yeah. So --

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1 **MR. PERRY:** Wait, wait. Hold on.

2 **THE COURT:** Mr. Abegunde.

3 **MR. PERRY:** Hold on. Let me ask you a question.

4 **THE WITNESS:** I'm sorry. My apologies.

5 **BY MR. PERRY:**

6 Q. When you're in the Western District of Tennessee,
7 you're housed out in Mason?

8 A. Yes. Mason, Tennessee.

9 Q. And at some point did you contact an Edchae Caffey?

10 A. Yeah. Edchae Caffey. That's my wife.

11 Q. And at what point were you married to Edchae Caffey?

12 A. So we got married in May of 2016. In May of 2016.

13 Q. And you had been married prior to that time?

14 A. Yeah. We were already married for close to two years.

15 Q. No. I'm saying you were married at one point to
16 Bunmi?

17 A. Yes, yes. I was married to -- yeah. To my ex-wife.
18 Her name is Bunmi.

19 Q. And you still have a relationship with Bunmi?

20 A. Yes. I have a wonderful relationship with her, yes,
21 we have.

22 Q. You all have children?

23 A. We have a daughter together.

24 Q. And you heard Ms. Caffey testify, correct?

25 A. Yes. I heard her testimony loud and clear.

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1 Q. And at some point did Ms. Caffey come to visit you in
2 Mason?

3 A. Yes. On the date of our second wedding anniversary on
4 May 6, 2018, she came to pay me a visit in Mason. She was
5 in Korea for a while, but as soon as she got back from
6 Korea, she came to visit me in Mason.

7 Q. Let's go back to the marriage. How did you come to
8 meet Ms. Caffey?

9 A. Yeah. So I met Ms. Caffey in or around January
10 of 2016. I met her through Ahmed Alimi at the time, and he
11 introduced us and, you know, we got talking. And after
12 this period, you know, I was made aware that, you know, she
13 was in dire straits, and she needed some money at the time.
14 You know, I'm like, okay, well, I can help, you know, and
15 at the time then Mr. Alimi told me about, you know, if I
16 had any -- I just -- at the time I just got divorced at the
17 time and, you know, so there was a -- you know, talk about,
18 you know, getting married, you know, in exchange for some
19 money.

20 And you know, at the time I initially -- I was, you
21 know, from a moral standpoint I thought there was
22 something, you know, morally bankrupt about the whole idea,
23 you know, but I did, you know, extensive research on it.
24 And I figured out that the only way to obtain immigration
25 status just like the immigration officer here testified was

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1 through marriage or through winning the visa lottery. I
2 was already in the U.S. at the time. I was very set up in
3 business in the U.S. at the time. So you know, the only
4 way for me to, you know, be able to permanently reside in
5 the U.S. would have been through marriage, you know.

6 A huge factor that, you know, came to my mind at the
7 time was my daughter, you know. I had a one-year-old
8 daughter at the time, a beautiful girl that I love and I
9 adore more than anything, more than anybody in this world,
10 more than anything. And you know, in Nigeria about three
11 years before, there was, you know, a kidnapping of girls in
12 Nigeria.

13 **MS. IRELAND:** Objection to relevance, Your Honor.

14 **THE COURT:** Mr. Perry.

15 **BY MR. PERRY:**

16 Q. Keep on. Once you married Ms. Caffey, you met
17 Ms. Caffey from Mr. Alimi that came and testified?

18 A. Yes, yes.

19 Q. And you married her, right?

20 A. Yes. I did marry her, yes.

21 Q. Was the sole purpose of your marriage immigration
22 status?

23 A. Well, at the time of my marriage, I didn't have any
24 problems with my immigration status. I had absolutely no
25 problems. I was legally authorized to live in the U.S., so

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1 the purpose of me getting married was not because of my
2 immigration status. The primary reason for my marriage
3 was, number one, you know, to ensure a secure future for my
4 daughter. That was the first thing.

5 The second thing was my business. I had registered
6 and launched a business that was headquartered in Atlanta,
7 Georgia. I was assimilated into the United States system.
8 In 2016 I had built a very, you know, impressive credit,
9 you know, credit score. I had received several credit
10 cards in the U.S. The living ways in Nigeria where I was
11 born is totally different than the U.S.

12 You know, there's stability. There's, you know, basic
13 things of life are available. There's internet. There's
14 electricity. In Nigeria, there was no electricity in
15 Nigeria. There's still no electricity in Nigeria. It
16 would enable me, you know, run my business efficiently. It
17 would enable me, you know, attain the goals I set out for
18 my life, you know, over a long period of time and most
19 importantly, in certain cultures in the world, you know, in
20 India, in Pakistan --

21 **MS. IRELAND:** Objection, Your Honor, to the
22 relevance.

23 **THE COURT:** Mr. Perry, strike that.

24 **MR. PERRY:** Just to the relevance. Okay.

25 **BY MR. PERRY:**

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1 Q. As it relates to the marriage with Ms. Caffey, was it
2 more than simply on the date of marriage for immigration?
3 That's all that I'm asking.

4 A. It wasn't on the date of -- it wasn't --

5 Q. Had you all developed a relationship, in other words?

6 A. Yes. We developed a relationship together. That's
7 what I'm trying to point out that there are cultures in the
8 world where people get married without even knowing each
9 other with the hopes of building a long relationship
10 together. And that's what happened between me and
11 Ms. Caffey. Eventually we built a, you know, a very
12 wonderful relationship.

13 Q. Were there discussions of you going to visit South
14 Korea?

15 A. Yes. We discussed, Ms. Caffey, my wife, you know,
16 talked to me about coming to join her in Korea. I acquired
17 a visa to go to Korea to, you know, visit with her in
18 Korea, but like I stated, I didn't have the required travel
19 documents. I put in my paperwork for immigration. I
20 couldn't leave the United States. I was stuck in the
21 United States. I got a visa to go to Korea, yes.

22 Q. And so weren't you all FaceTiming and doing anything
23 along those lines?

24 A. Yeah. We had -- we communicated on a regular basis.
25 We spoke on the phone on a regular basis. We had, you

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1 know, she shared pictures of her experience in Korea. You
2 know, we celebrated her promotion. We celebrated her
3 birthday in Korea. You know, we talked. We had video
4 chats, you know. We had, you know, an effective
5 communication.

6 Q. I believe the Government asked Ms. Caffey about a
7 gift. Did you send gifts to her?

8 A. Yes, I did send her. I sent her a gift on occasion.
9 I also, you know, supported her financially from time to
10 time too.

11 Q. Was it more support than the agreement?

12 A. Yes. So the agreement was just limited to a -- was a
13 one-time need, you know, for she had some dire straits.
14 She had some family problems that she needed to take care
15 of. Yeah. So that was -- I just saw that as, you know,
16 giving -- because I didn't make -- I was not making any
17 payments before the marriage, you know. All the money I
18 gave her was after the marriage, so I considered it to be
19 giving my wife money, you know, pretty much, and that was
20 it.

21 **MR. PERRY:** Your Honor, may I have just a moment?

22 **THE COURT:** Yes.

23 Mr. Perry, would this be a good time for a break?

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

25 **THE COURT:** Or are you almost finished?

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1 **MR. PERRY:** I think I have another line of
2 questions, so it probably would be another 15-20 minutes.

3 **THE COURT:** Yeah. Let's go ahead and take a
4 break. So it's just a couple of minutes after 11. Let's
5 come back at 11:15. Still not time to talk to anyone about
6 the case, including each other. Don't talk to people
7 involved in the case at all. You remember this from last
8 week. Keep that juror badge on and enjoy your break.
9 Thank you.

10 (Jury leaves at 11:03 a.m.)

11 **THE COURT:** And Mr. Abegunde, just don't talk to
12 anyone about your testimony during the break. Okay?

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

14 **THE COURT:** Thank you.

15 Do you all need anything before the break?

16 **MS. IRELAND:** Your Honor, we would just reurge
17 our motion in limine regarding narrative testimony.

18 **THE COURT:** I think we're breaking it up when we
19 can, and just, Mr. Abegunde, the idea is you've got to,
20 rather than just -- rather than just start talking about
21 whatever and sort of meandering, you've just got to respond
22 to his questions. That's, you know, the way a direct
23 testimony works.

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

25 **THE COURT:** So do your best to. Mr. Perry, you

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1 ask direct questions, and you respond to them. Okay?

2 **THE WITNESS:** I know you told me I would have an
3 opportunity. I'm waiting for forever for this to talk,
4 so...

5 **THE COURT:** I understand, Mr. Abegunde, but
6 there's a structure. He can ask lots of different
7 questions, but there's a structure to how it's done.

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

9 **THE COURT:** Okay. Thank you. All right. 11:15.
10 (Brief Recess.)

11 **THE COURT:** Anything before we bring the jury
12 back?

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

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

15 **THE COURT:** Okay. Bring them back.
16 (Jury returns at 11:18.)

17 **THE COURT:** You all may be seated. Mr. Abegunde,
18 just a reminder that you're still under oath.

19 **THE WITNESS:** Yes.

20 **THE COURT:** Thank you.

21 **BY MR. PERRY:**

22 Q. Thursday of last week, you heard a recording that was
23 from a conversation between you and Edchae --

24 A. Yes.

25 Q. -- from the jail. You heard certain things in that

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1 conversation.

2 A. Yes.

3 Q. Did you hear it?

4 A. Well, I only heard certain things. It wasn't the
5 full -- I didn't hear the full conversation. There was a
6 lot more in the conversation.

7 Q. But that -- from that conversation, you discussed the
8 fact that she was testifying or meeting with certain
9 individuals. Do you remember that?

10 A. Yes. She met with the Government on May 7, 2018, yes.

11 Q. What was your -- what was your perspective in that
12 conversation?

13 A. My perspective was you need effective assistance of
14 counsel, right? If you're going to talk to the Government,
15 you need to have a good lawyer. You need to have a capable
16 attorney that will offer you the best of advice, you know,
17 to make sure you don't put yourself in legal jeopardy.
18 That was the context of my discussion with her.

19 Q. Did you ever offer to pay her not to talk to anybody?

20 A. Never ever.

21 Q. Did you ever encourage her to not testify one way or
22 the other?

23 A. Never ever.

24 Q. Did you in fact offer her advice regarding counsel or
25 suggest that she talk to someone?

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1 A. The basis of my discussion with her was with the
2 context of how I had an interview with the FBI in March
3 of 2017 and how that had legal -- how that put me in a
4 terrible situation and how, you know, I thought it was
5 very, you know, potentially naive or unsafe, you know, to
6 go to the lion's den, you know, without effective
7 assistance of counsel. That was the context of my
8 discussion with her.

9 Q. Did you talk to agents without an attorney?

10 A. I did. I talked -- I was referring to that I talked
11 to agents without an attorney. I regrettably talked to
12 agents without an attorney, and see where I am today.

13 Q. You heard information regarding her receiving a
14 document. Do you remember that?

15 A. Yes. I remember clearly, very clearly.

16 Q. This has previously been introduced into evidence as
17 Exhibit 62. I want to show you on this overhead. Did you
18 send that document to Ms. Caffey?

19 A. No. I didn't send this document to her.

20 Q. And that's not from you as a part of the remainder of
21 this. And let me ask -- let me turn the page. Are you
22 familiar with this document?

23 A. Yes. I created this document from scratch in its
24 entirety, yes. I'm familiar with this.

25 Q. Now, did you send it directly to Ms. Caffey?

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1 A. No. I didn't send it directly to Ms. Caffey, no.

2 Q. And why did you create this document from scratch?

3 A. So I'm a legal immigrant from Nigeria. I've been in
4 the United States for justified reasons. I came to boost
5 my academic credentials, to boost my -- my network of
6 contacts, you know, to grow myself and, you know, to make
7 myself a better person.

8 Q. And were these -- at the top it has the word
9 reflections. Are these your reflections on the process
10 that got you over here?

11 A. Exactly. These are my reflections on my situation at
12 the time. I worked all my life to build the reputation,
13 you know, and all of a sudden everything was slipping away
14 from me because of reasons I did not understand at the
15 time. To this very day, I don't understand why I'm facing
16 what I'm facing.

17 **MS. IRELAND:** Your Honor, objection to narrative.

18 **THE COURT:** I'll allow it. He's describing his
19 thoughts behind this document.

20 **THE WITNESS:** So that's why -- those were the
21 factors that drew me to -- I'm sorry -- to write this
22 document and, you know, send it as far and wide as
23 possible, you know, because --

24 **BY MR. PERRY:**

25 Q. Look at the first page. Look where it says

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1 reflections in that first paragraph. Just kind of look at
2 it through yourself.

3 A. Yes. I can see, sir.

4 Q. Going through the first -- all the way down to the
5 paragraph where it has, Ojo chose. Read it to yourself.
6 Is there anything that you wrote in that that wasn't true
7 from your perspective?

8 A. There was nothing I wrote in this entire document
9 based on my knowledge that wasn't true.

10 Q. And going down to the bottom of it, is there anything
11 that's different than what you've testified or your
12 perspective in this case?

13 A. Only thing I didn't add is the FBI agent asked me how
14 I was able to afford my living expenses in the United
15 States. That's the only thing I may add to my testimony.

16 Q. And that would be down toward the bottom of it?

17 A. Yes, sir.

18 Q. The next page, same question. It seems at the
19 beginning, can you read just that first paragraph?

20 A. "So I thought the questions were strange, and they
21 bothered me at the time. I also thought the conduct of the
22 particular FBI agent that was" -- let me start this
23 sentence. "I also thought the conduct of this particular
24 FBI agent was unprofessional and uncalled for. However, I
25 chose not to make too much of the remarks. They asked me a

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1 few more questions, and we even got into a debate regarding
2 fraud. See Appendix A. Before the agents departed, they
3 handed me their business complimentary contact cards."

4 Q. And is that true, based on what you've -- and
5 consistent with what you've testified to?

6 A. Yes. Yes, sir.

7 Q. Keep reading down. Don't read out loud. Just look
8 through it. Go down to the third paragraph. Now, in that
9 second paragraph, you speak about contacting Ojo; is that
10 true?

11 A. Yes, sir.

12 Q. Read that third paragraph.

13 A. "A few hours after the FBI's visit, Ojo confirmed to
14 me that he had spoken with one of the FBI agents who made
15 him realize that the reason why the FBI agents visited my
16 home had to do with Luis Alonso's inadvertent deposit into
17 Ojo's Wells Fargo account. Ojo also confirmed to me that
18 he sent the FBI agents an e-mail that contained detailed
19 information regarding the origins of Alonso's transaction."

20 Q. And read that next paragraph, by creating.

21 A. "By creating a situation where the FBI and Ojo could
22 communicate directly between themselves, I assumed I had
23 done the right thing. I also assumed that the chapter was
24 closed. I was wrong."

25 Q. At the point that the FBI agents left, you contacted

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1 Mr. Ojo, correct?

2 A. Yes, sir.

3 Q. And after Ojo called you and told you he talked to the
4 FBI agents, were you satisfied that you were out of the
5 loop on any of this stuff?

6 A. Well, I thought I had done my civic duties as a
7 responsible resident of society, member of society.

8 Q. Keep reading down, just to yourself, and is there
9 anything based on what you're reading to yourself that
10 you'd like to change or to say that, hey, I got that wrong?

11 A. No, nothing.

12 Q. Now, this last paragraph, this is taking you all the
13 way until the date that you were arrested; is that correct?

14 A. Yes, sir.

15 Q. Next page. Where it's -- and you can just start at
16 the top. A few moments ago you testified to the four
17 things that you were initially charged with; was that
18 correct?

19 A. Yes, sir.

20 Q. And several of those charges have been dismissed at
21 this point?

22 A. Yes. Several of the charges -- two of the charges,
23 aggravated identity theft and the aiding and abetting
24 charge has been dropped. I'm very surprised about the
25 aggravated identity theft, you know, because the prosecutor

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1 said they found several other student identities in my
2 house. So I don't know how they found several other
3 student identities in my home.

4 Q. Did you ever have anybody's identity or try to pose as
5 anybody?

6 A. I've never ever attempted to pose as anybody. I've
7 never tried to defraud anybody. I've never had anything to
8 do with anybody's identity.

9 Q. When you meet a person, do you keep business cards?

10 A. I keep -- I definitely keep business contact cards all
11 the time.

12 Q. How many contacts would you say, if you had to guess?

13 A. Hundreds, hundreds of contacts.

14 Q. But never stolen identity, just yes or no, have you
15 ever stolen identity?

16 A. I've never -- I've never stolen identity. I've never
17 stolen -- I've never stolen identity. I'm sorry.

18 Q. Look at the -- look at the remainder of the document.
19 Is it still consistent with what your experience was?

20 A. Yes. Everything on this document is consistent with
21 my experience.

22 Q. Next page, starting at the top, read it to yourself.
23 Is there anything that you'd like to change in that or
24 offer a different perspective, rather?

25 A. No, nothing, sir.

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1 Q. And down toward the middle, you go back towards what
2 your memory of what took place back in October of 2016?

3 A. Yes. So this contains the contents, so I was indicted
4 in August of -- August 24, 2017. I was arrested eight
5 months after without any prior knowledge. And these are
6 the contents of the initial indictment that contain so many
7 inaccurate statements.

8 Q. Did you know that you had been indicted at all?

9 A. I had no clue. I had no idea I had been indicted.

10 Q. Next page. Now, as you're reading your indictment,
11 down here you talk about certain things in the indictment
12 and how you don't believe it, right?

13 A. Like the -- I'm sorry. Can you rephrase the question.

14 Q. Yes. It was a poorly phrased question. You're
15 talking about in this section, are you describing the legal
16 process that you're going through?

17 A. Yes. I'm describing the contents of the indictment
18 and the process I had been facing back when I was in
19 Atlanta up until the very moment I was writing this.

20 Q. And these are your reflections on what took place both
21 in Atlanta and then once you get to Memphis?

22 A. Yeah. These are my reflection on everything that
23 happened from when Ojo came to my house up until the time I
24 started to write this in Memphis, Tennessee.

25 Q. Next page. Same thing. As you read it, is there

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1 anything that has changed in your perspective since you've
2 been held?

3 A. No. Nothing has changed. I think things have
4 actually been turned out worse, right? You know, I've
5 lost -- at the time I wrote this, you know, I was still --
6 you know, this was about 2 months or 3 months into my -- to
7 being a detainee, you know, but one -- after 404 days, you
8 know, things have deteriorated significantly more.

9 Q. And these are more of your background information that
10 you described earlier, right?

11 A. Yes. Yes, sir.

12 Q. Just looking at it through yourself quickly, is there
13 anything that has changed regarding that?

14 A. Nothing has changed.

15 Q. Next page. Same question. Anything that you would
16 change or say that's -- I got it wrong on that?

17 A. No. Nothing is wrong here. This is me explaining how
18 I myself has been a serial victim of fraud. People have
19 defrauded me on several occasions, and in order to resolve
20 the issues, I've always followed the channels. You know, a
21 day before, a day or two before my arrest, I was at the
22 Cobb County sheriff's office to make a complaint about
23 someone that, you know, defrauded me of \$11,200. I also
24 stated that one of the Government witnesses had defrauded
25 me of \$15,000 and, you know, for some reason how somebody

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1 defrauded me would now become a witness, I just did not
2 understand. You know, so...

3 Q. You wrote this next page as well?

4 A. Yeah. This next page is highlighting my debates with
5 the FBI agents, how I was fully convinced that if somebody
6 received money from -- if somebody received money from
7 illegitimate sources and was totally oblivious of the fact,
8 you know, such a person could not have been complicit in --
9 in fraud. That was my argument.

10 Q. And you still -- same thing, don't desire to change or
11 alter anything that you wrote there?

12 A. No, no, no.

13 Q. Next page, same question, that's a continuation on
14 what you talked about earlier, regarding your perspective
15 in the communication that you had with the FBI agent.

16 A. Yeah. So this part is highlighting the fact that the
17 FBI agents, you know, instead of waiting for me to come
18 into the security area of the airport, they had, you know,
19 unfortunately jumped the gun and arrested me, you know,
20 without me intending to travel. Then the bottom part is
21 how the pretext for a search warrant to my home where I
22 issued my ex-wife a power of attorney to act on my behalf
23 while I was away, and since she accessed my bank account --
24 had the right to access my bank account.

25 So the Government claimed that because somebody

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1 accessed my bank account, someone I had authorized to
2 access my bank account was accessing my bank account from
3 my home while I was in detention, that was probable cause
4 to search my house. And that's what gave the Government
5 probable cause to find 50,000 documents in my house.
6 That's what I was describing.

7 Q. On this page, you talk about the relationship with
8 Mr. Ojo?

9 A. Yes.

10 Q. And Mr. Ojo had been listed on a document as
11 associated with F.J. Williams, correct?

12 A. Yes, yes.

13 Q. And did you ever hide that fact from anybody?

14 A. No. I didn't hide that fact from anybody, no.

15 Q. And he is a friend of yours?

16 A. He's a long-time friend of mine. My clansman, a very
17 good friend, someone I consider to be a man of timber,
18 caliber, high integrity, even to this very moment.

19 Q. Anything on this page that you would change after
20 looking at it?

21 A. No, nothing.

22 Q. Same thing on the bottom, have you gotten a chance to
23 look at the whole thing? I think that's where it stops.
24 Same thing, nothing to alter, right?

25 A. Let's see. Yeah. I'm just emphasizing how the dollar

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1 situation in Nigeria, you know, caused the massive demand
2 for dollars among students in the United States. Nigerian
3 students had to pay their tuition fees, medical expenses,
4 made purchases of cars and things like that.

5 Q. Now, you know Mr. Ojo well. Do you know his wife as
6 well as you know Mr. Ojo?

7 A. No. I don't know his wife as well as I know him, no.

8 Q. Do you know how many relatives she might have in the
9 Atlanta area or anything like that?

10 A. So this is a point I'd like to emphasize, right? Ojo
11 is three years older than me, right? I didn't chaperone
12 Ojo while he was in the United States. You know, I left
13 him to his devices. I don't know his associates, his
14 influences, who he talks to, who he talks to in Atlanta
15 over the period while he was here. So -- and I really know
16 little or nothing about his wife.

17 Q. Would you know definitively whether or not anybody
18 related to Mr. Ojo would have access to his account after
19 he's back in Nigeria, in other words, through an ATM or
20 anything along those lines?

21 A. So there were multiple locations when I was not with
22 Ojo while he was in the United States. You know, he made
23 friends. There are a bunch of -- in the apartment complex
24 where I live, there are Nigerians in the apartment complex.
25 There are open areas. I don't know if he associated with

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1 any other Nigerians there. I haven't -- the answer to your
2 question is there's no reason for me to know it.

3 Q. Did he give you his card?

4 A. No. He didn't give me his card.

5 Q. This appears to be a repeat from that last page, but
6 it was still stapled in here.

7 Next page, reading from the top. Where you say
8 there's no evidence that connects you to the perpetrators
9 of crimes in the indictment. You don't know anybody in the
10 indictment or do you?

11 A. The only person I know in the indictment is my
12 long-time friend, my clansman, a man of timber and caliber,
13 an investment banker in Nigeria, a man I've known for
14 14 years. That's the only person I know in the indictment.
15 I know absolutely no other person in the indictment.

16 Q. And that would be Mr. Ojo?

17 A. Mr. Ojo. Yes, sir.

18 Q. Reading down, is there anything you want to change?

19 A. No. There's nothing I want to change, no.

20 Q. Jump ahead a little to this -- this motion to dismiss
21 document.

22 A. Yes.

23 Q. Who wrote this?

24 A. I drafted it.

25 Q. Did you ever tell anybody that it was written by

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1 Mr. Massey?

2 A. I -- I -- so the -- is it -- would I be violating laws
3 by explaining the origins of this documents? Can I
4 explain?

5 Q. Sure. Go ahead.

6 A. Okay. So while I was in Mason, Tennessee in jail, you
7 know, I hired, you know, a -- someone that was presented to
8 me as the best attorney here. And in order to explain
9 my -- how, you know, urgent it was for me to get out of
10 here, you know, to face my business, you know, to take care
11 of my family, relative commitments, my personal
12 commitments, right, I looked at the indictment, and there
13 were so many, so many, so many wrong statements, inaccurate
14 statements, inconsistencies, things that doesn't add up on
15 the indictment, right?

16 So in order to summarize my situation and, you know,
17 reflect level of to my attorney, I drafted this document
18 based on the contents of the indictment, and I handed it
19 over to my attorney. And I told him we need to file this
20 motion to dismiss. I initially drafted a handwritten copy
21 to Mr. -- to the attorney, and he said he was going to ask
22 the Government for discovery, and if discovery didn't
23 contain any evidence, he would file it immediately. That
24 was the discussion with the attorney.

25 Q. Now, you realize that you're not an attorney, right?

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1 A. No. I'm not an attorney.

2 Q. And you simply were -- why did you write it as it
3 relates to you?

4 A. So I found myself in a totally unexplainable
5 situation. I had not committed anything fraudulent. I had
6 done absolutely nothing. I had assisted the FBI in an
7 investigation. I had, you know -- I have a strong
8 reputation to protect. I just founded a business, and I
9 was trying to take, you know, to the next level to become a
10 foremost national company.

11 Every single day I was spending in jail was, you know,
12 was counting against me. You know, I had obligations in
13 terms of debts, credit card debt, car payments, housing
14 payments. Everything was falling apart, and I was
15 desperate to get out. And the indictment itself, the
16 initial indictment didn't make any sense. So I was trying
17 to, you know, get the word out to my attorney to get me out
18 of jail as fast as possible.

19 Q. You weren't pretending, in other words, to be a lawyer
20 or anything, were you?

21 A. I never -- I never ever -- I never ever suggested that
22 I was Mr. Massey in that document, never.

23 Q. And have you ever tried to pay somebody not to testify
24 or talk to anybody against you?

25 A. I've never encouraged anyone not to testify. I've

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1 never had -- I've never even been in legal -- faced legal
2 jeopardy before, so...

3 Q. When you were talking to your wife on the phone, the
4 term "you could lose everything you got by talking without
5 an attorney," what did you mean by that?

6 A. I meant that I was in a situation that was brought
7 upon me by speaking with agents of the Government without
8 the presence of counsel, without an attorney. And I knew,
9 you know, with my situation, a man that, you know, came to
10 the United States, an MBA, you know, no history of any kind
11 of crime, you know, someone that has worked hard to meet
12 all the regulation requirements to run a business
13 effectively, you know, if they can spin words out of
14 context and, you know, put me in legal jeopardy, put me in
15 jail for three months without any cause in my view, right?
16 If you go and talk to the Government without counsel, it
17 would put you in legal jeopardy too. So the best thing you
18 can do is make sure you have effective counsel when you go
19 to the Government. Otherwise you'll find yourself losing
20 everything just like I was losing everything myself.

21 Q. And that was in your third month in custody, right?

22 A. That was in February, yeah. My third month in
23 custody, yeah.

24 Q. Did Ms. Caffey have a lot to lose from your
25 perspective?

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1 A. So Ms. Caffey enjoyed serving this great country,
2 serving the United States. You know, in 2017, 2016, 2017,
3 there were comments about fire and fury, you know, about
4 nuclear war.

5 **MS. IRELAND:** Objection, relevance, Your Honor.

6 **THE COURT:** Mr. Perry?

7 **BY MR. PERRY:**

8 Q. Just to the point of what she had -- did she have --
9 did she have things that she had worked for as it relates
10 to Army?

11 A. Exactly, she was in Korea over that period. She's
12 like if there was nuclear war, she would have been -- you
13 know, she would have been burned to nuclear ash. She made
14 all those sacrifices. I know how much she loved working
15 for the Army, and I told her, if you don't have assistance
16 of counsel and go to the Government, you have a high
17 chance of losing everything. And I was trying to get her,
18 please make sure you have effective assistance of counsel
19 before you go talk to the Government. That was my goal in
20 communicating with her.

21 Q. What is TranzAlert, the TranzAlert system?

22 A. So this whole trial, as we've seen in this whole
23 trial, right, there's concern about, you know, about fraud.
24 And there is a huge demand for U.S. dollars in Nigeria,
25 among Nigerians in the U.S., and there's also an urgent

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1 need for Nigerians in the U.S. to remit money back home.

2 So the TranzAlert system is a software application that was
3 developed as a proprietary application that was developed
4 in house by F.J. Williams, Limited. The basis of the
5 TranzAlert system is to make the process of remitting funds
6 from United States to Nigeria as efficiently, as
7 seamlessly, as fast as possible.

8 So over the years, we build this proprietary software
9 that has unique features. The features of the TranzAlert
10 system is built, in addition to the seamlessness, is built
11 to detect an element of fraud to the barest minimum, right?
12 So we spent many, many years, hundreds of thousands of
13 dollars, developing the TranzAlert system to build a system
14 where people can remit money from Nigeria simply by going
15 online or using their mobile app, you know, start the
16 process.

17 We have a robust KYC system in place to ensure that
18 the user that enters the information is the right user. We
19 have your location software that determines the exact
20 location with respect to the billing address where the
21 transaction is taking place from. So if there's a
22 distance, a significant distance between the address where
23 the transaction is taking place from and the billing
24 address, right, with the location software, we can
25 determine the setting parameter or setting distance. You

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1 know, we flag the transactions.

2 We put very robust systems in place just because we
3 wanted to ensure the total eradication of fraud. We put in
4 systems where if you come to use the TranzAlert system and,
5 you know, if there's any kind of suspicion, we ask you to
6 send us a selfie picture of you at the time. We compare
7 the selfie picture to your ID card on file. And if there's
8 any discrepancy between the ID card and the selfie, right,
9 we flag the transaction.

10 We also put systems in place where -- we also put
11 systems in place where if there's any flagging of a
12 transaction, as a last layer, we'll have a conference call
13 between the user in the U.S. that's trying to remit money
14 to Nigeria and the bank. A three-way call between the
15 bank, TranzAlert and the individual. We confirm the bank
16 verifies that, you know, the individual is indeed a
17 customer. They will allow the transaction to go through.
18 So that's the whole summary of the TranzAlert system.

19 **MR. PERRY:** Permission to approach, Your Honor?

20 **THE COURT:** Yes.

21 **BY MR. PERRY:**

22 Q. Hand you three different documents. If you'll turn
23 those documents to yourself. Are you familiar with those
24 documents?

25 A. Yes, sir. I'm familiar with these documents.

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1 Q. Look through them.

2 A. Yes. I'm fully familiar with these documents.

3 Q. Who authored those documents?

4 A. I did, sir. Yes, sir.

5 **MR. PERRY:** Your Honor, at this time I'd like to
6 have these marked for identification purposes. For the
7 sake of the record, these are -- one is a TranzAlert
8 business plan. The other is a roll-out plan. And the
9 other is policies, procedures and internal controls of his
10 company. They were turned over previously from the
11 Government in the discovery process, and I'd just like to
12 have them marked for ID at this point.

13 **THE COURT:** Are we not entering them into
14 evidence?

15 **MR. PERRY:** I can, Your Honor. I'm a technocrat.
16 I apologize.

17 **THE COURT:** Any objection?

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

19 **THE COURT:** We will mark -- what number are we
20 on, Mr. Warren?

21 **THE CLERK:** It would be 93. Are we doing them
22 collective or separate?

23 **THE COURT:** Separate. Exhibit 93, 94 and 95.

24 (WHEREUPON, the above-mentioned documents were
25 marked as Exhibit Numbers 93, 94 and 95.)

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1 BY MR. PERRY:

2 Q. Bring your attention to Exhibit 93. Are you familiar
3 with that document?

4 A. Yes, sir. I'm fully familiar with the document.

5 Q. What is that document?

6 A. So it's a anti money laundering policy. By regulation
7 we're required to have internal controls on how to guard
8 against terrorism financing and money laundering. So this
9 is the policy document.

10 Q. Who created the policies that are inside this
11 document?

12 A. I created the policy.

13 Q. This was based on your education and experience at
14 Texas A&M?

15 A. My experience in previous roles in Nigeria, in
16 Computer Warehouse Group and Texas A&M. My whole life
17 experience, my whole professional business experience, yes.

18 Q. Let's go to Page 2 of the document, where it has
19 general policy. Can you read that first paragraph.

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

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1 Q. Do you remember what month this -- month and date
2 that's -- you don't have to remember. You can read down
3 here. Do you see the month and date on this document?

4 A. Yes.

5 **THE COURT:** Mr. Perry, move it up a little bit.

6 **MR. PERRY:** Oh, I'm sorry.

7 **THE COURT:** That's all right. Thank you.

8 **THE WITNESS:** Yes. So we were working hard to
9 get our license with the Georgia Department of Banking and
10 Finance approved. So we had to put this in in
11 December 2016 to get approved for January 2017. So this
12 was created in December 2016.

13 **BY MR. PERRY:**

14 Q. And did you end up getting approved by the Georgia
15 Department of Banking and Finance?

16 A. Yes. We were approved on January 7, 2017 by the
17 Georgia Department of Banking and Finance. Yes, sir.

18 Q. Take your attention to Exhibit 94. Can you read that.

19 A. Yes, sir. So this is a requirement to establish
20 F.J. Williams Inc., the TranzAlert system with the Central
21 Bank of Nigeria. This is just one of about 50 requirements
22 to -- in terms of the requirements of the Central Bank of
23 Nigeria. This was a way, way, way more elaborate process
24 than the process in the United States.

25 Q. And did you author this document as well?

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1 A. Yes, sir. I did.

2 Q. Now, the date on this document seems to be different
3 than the previous document. What's going on at the time
4 that this roll-out plan comes into place?

5 A. So I scheduled a trip to Nigeria to meet with the
6 governor of the Central Bank. That's like the head of the
7 Nigerian version of the Federal Reserve Bank of New York.
8 So I had a meeting with him in January, and as part of the
9 requirements, I was to present this to the governor of the
10 Central Bank in Nigeria, he and 27 -- no, no, no, no, no,
11 no. I had -- we had applied for the license in Nigeria in
12 January 2017. Because of the bureaucratic challenges in
13 Nigeria, the license didn't get approved until late 2017,
14 and a final requirement to roll out was for us to give --
15 say that once you're approved, right, what is your roll-out
16 plan. How do you plan to roll out in Nigeria. So this was
17 like the final step of the approval process in Nigeria.

18 Q. You had to provide information regarding financial
19 projections, et cetera?

20 A. Exactly, yes, sir.

21 Q. Is that what this assumptions page is?

22 A. Yeah. This is assumptions. Yes, sir.

23 Q. And you had saved a substantial amount of money at
24 that point, correct?

25 A. Besides savings, we had capital injection from

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1 Nigeria, about \$150,000 in capital injection.

2 Q. Things seemed to be going pretty well at that time?

3 A. Well, everything was -- we put in a tremendous amount
4 of hard work, you know, to be able to launch in -- around
5 March of 2018, to launch the TranzAlert system. So
6 F.J. Williams is a conglomerate of -- you know, different
7 divisions. This is the TranzAlert system. This is the
8 software part. This is the seamless part of F.J. Williams,
9 Inc. And everything was working according to plan.

10 Everything was smooth up until February 2018 when this
11 devastating life-altering situation happened to me.

12 Q. This document seems to be a little bit different. Can
13 you explain what this document is, Exhibit 95.

14 A. So this is the business plan. This is like a version
15 of -- this is the version -- this is the first version of
16 the roll-out plan that was submitted to Central Bank of
17 Nigeria. This was created in November 2016 to meet the
18 requirements of the Georgia Department of Banking and
19 Finance to be licensed as a money savings business, a money
20 transmitter in the state of Georgia. We created this in
21 November of 2016 ahead of the licensing process for the
22 fiscal year 2017.

23 Q. At the time that you were arrested back in February of
24 last year, how many agencies and entities had you
25 registered with?

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1 A. We had registered with FINRA, that's the Canadian
2 Central Bank. We had registered with the Central Bank of
3 Nigeria. Through our partners and affiliations, we had
4 been licensed to operate in Ghana. At the time we were
5 working on launching in -- our huge target focus at the
6 time was India. India has a huge immigrant population in
7 the United States, you know, in Silicon Valley, you know,
8 highly successful people that are highly conservative and
9 remits about \$1,000 a month.

10 Q. Had you registered through FinCEN as well?

11 A. Yes, yes. I registered with FinCEN back in, I think,
12 October or November of 2016.

13 Q. Had you gone through any kind of background checks?

14 A. Well, the FBI -- the FBI conducted a criminal
15 background check on me. I submitted my prints, and I came
16 out clean, you know, in, I think, November of 2016. And
17 that was a major prerequisite to getting approved by the
18 Georgia Department of Banking and Finance.

19 Q. You heard the term shell company earlier?

20 A. Yes. I heard the term shell company earlier.

21 Q. Is this a shell company?

22 A. So like I said, F.J. Williams, Inc. is a conglomerate
23 of companies where we always look out for synergies in any
24 way possible. So F.J. Williams, Inc. is definitely not a
25 shell company. No. It's not a shell company.

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1 **MR. PERRY:** Your Honor, may I have just a moment?

2 **THE COURT:** Yes.

3 **MR. PERRY:** Your Honor, I pass the witness.

4 **THE COURT:** Mr. Warren?

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

6 **THE COURT:** No word on lunch? Let's keep going
7 then.

8 **CROSS-EXAMINATION**

9 **BY MS. IRELAND:**

10 Q. Mr. Abegunde?

11 A. Yes, ma'am.

12 Q. I have some questions for you.

13 A. Yes, ma'am.

14 Q. Most of them will be yes or no questions.

15 A. Yes, ma'am. Can I ask a question, ma'am?

16 Q. No, sir. Not at this time.

17 Did you pay --

18 **THE COURT:** Hang on.

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

20 **THE COURT:** Lunch is here.

21 **MS. IRELAND:** Okay.

22 **THE COURT:** It's on the way up.

23 **MS. IRELAND:** If we could then start after lunch.

24 **THE COURT:** I think that would be wise.

25 So ladies and gentlemen, still not time to talk

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1 to anyone about the case, including each other. Don't talk
2 to the people involved in the case at all. We're going to
3 come back at -- be ready to come back at 1:00 to come back
4 into the courtroom. Okay? Enjoy your lunch. Thank you.

5 Sorry about that, Ms. Ireland.

6 **MS. IRELAND:** That's all right, Your Honor.

7 **THE COURT:** Mr. Abegunde, during the break, you
8 are in the middle of your testimony, so you can consult
9 with your lawyer about certain things. Your lawyer knows
10 not to talk to you about your testimony itself. Okay?

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

12 **THE COURT:** All right. You all need anything
13 before break?

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

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

16 **THE COURT:** Okay. 1:00.

17 (Lunch break).

18 **THE COURT:** We're running copies of the revised
19 jury instructions now. Anything before we bring the jury
20 back?

21 **MS. IRELAND:** I don't think so, Your Honor.

22 (Jury enters at 1:05 p.m.)

23 **THE COURT:** You all may be seated. How was
24 lunch?

25 **THE JURY:** Good.

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1 **THE COURT:** Did y'all have some cookies too?

2 **THE JURY:** Yes.

3 **THE COURT:** I'm not yet aware of how good the
4 cookies were, but I will be soon.

5 Where were we? Ms. Ireland?

6 **MS. IRELAND:** Yes, Your Honor.

7 **THE COURT:** And Mr. Abegunde, just a reminder,
8 you're still under oath.

9 **THE DEFENDANT:** Yes, ma'am.

10 **THE COURT:** Thank you.

11 **MS. IRELAND:** Thank you.

12 **CROSS-EXAMINATION (resumed)**

13 **BY MS. IRELAND:**

14 Q. Mr. Abegunde, what day did you and Ms. Caffey get
15 married?

16 A. On May 6th, 2016.

17 Q. May 6th, 2016?

18 A. Yes, ma'am.

19 Q. I'm showing you, Mr. Abegunde, Exhibit 36F. Is this
20 the dissolution document for your marriage with Bunmi
21 Makinwa?

22 A. Yes, ma'am.

23 Q. What is the date of that petition?

24 A. 19th of January, 2016, ma'am.

25 Q. And you were married May 6th of 2016?

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1 A. Yes, ma'am.

2 Q. Exhibit 36G. This is marriage certificate for
3 Ms. Makinwa and Mr. Grundy, correct?

4 A. Yes, ma'am.

5 Q. And could you tell me what day that took place?

6 A. The 26th of April, 2016.

7 Q. Who is AJ?

8 A. AJ?

9 Q. AJ, is that your brother?

10 A. Yes.

11 **THE COURT:** If you would, speak into the mic a
12 little bit more. Maybe, there you go. Thank you, sir.

13 **MS. IRELAND:** May I approach the witness?

14 **THE COURT:** Yes.

15 **BY MS. IRELAND:**

16 Q. Mr. Abegunde, I'm showing you two pieces of paper.
17 Can you tell me, is that a chat between you and your
18 brother, AJ?

19 A. Yes, ma'am.

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

22 **THE COURT:** Any objection?

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

24 **THE COURT:** Exhibit 96.

25 (WHEREUPON, the above-mentioned document was

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1 marked as Exhibit Number 96.)

2 **BY MS. IRELAND:**

3 Q. Mr. Abegunde, I'm going to direct your attention to a
4 message that you sent to your brother on May 2nd, 2016.
5 Can you read that for me.

6 A. Yes, ma'am.

7 Q. Please read that.

8 A. So it says, "I still can't believe it. None of my
9 family members wished us a happy wedding anniversary."

10 Q. And you were no longer married at that time, correct?

11 A. I was no longer married at that time.

12 Q. To either Ms. Caffey or Ms. Makinwa?

13 A. I wasn't married at that time.

14 Q. But you did get married to Ms. Caffey?

15 A. Yes, ma'am.

16 Q. And as you mentioned, she proudly served in the U.S.
17 military?

18 A. Yes, ma'am.

19 Q. And that made you a proud U.S. military spouse, right?

20 A. Yes, ma'am.

21 Q. Exhibit 36B, you received a certificate of
22 appreciation for that status, didn't you?

23 A. Yes, ma'am.

24 Q. And it's written in -- to your name, correct?

25 A. Yes, ma'am.

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1 Q. And signed January 11, 2017?

2 A. Yes, ma'am.

3 Q. You also got this, didn't you?

4 A. Yes, ma'am.

5 Q. And did you use that as your identification for a
6 federal background check?

7 A. I think I attempted to use it for my federal
8 background check, but I'm not -- if I remember correctly,
9 it was rejected by the Georgia Department of Banking and
10 Finance. So I used something -- I used an alternate one.

11 Q. Now, you understand that a federal background check
12 only finds convictions, correct? It doesn't look into
13 every part of your life and all the things that you've
14 done?

15 A. Well, it says it was a criminal history check, so --

16 Q. Right.

17 A. -- I don't know what it entails.

18 Q. I'm going show you what's been marked as Document
19 Number 87. This is the signed background check form
20 authorization, isn't it?

21 A. Yes, ma'am.

22 Q. And that's your signature right here?

23 A. Yes, ma'am.

24 Q. Okay. And it says that you presented your military ID
25 as your identification.

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1 A. Yes, ma'am.

2 Q. And what is the date?

3 A. It's November 23, 2016.

4 Q. Now, you saw Ms. Caffey testify earlier, correctly?

5 A. Yes, ma'am. I did.

6 Q. Ms. Caffey sponsored you for immigration adjustment of
7 status so that you could remain here in the United States
8 as a lawful permanent resident, correct?

9 A. Yes, ma'am. Yes, ma'am.

10 Q. And that process was started while you were still here
11 on your student visa, wasn't it?

12 A. Yes, ma'am.

13 Q. And this is Exhibit 36C. Would you please read the
14 second box message from Chae to you?

15 A. Okay. So this is a message from Ms. Caffey, and it
16 reads, "If it doesn't get done by this Friday, July 8th, I
17 will cancel the interview, cut you off from everything and
18 file for divorce. If I can't cancel the interview, I'll go
19 there and show them the petition for divorce."

20 Q. And the box after that?

21 A. It says, "Nothing personal, just business."

22 Q. So what you had is a business arrangement, isn't it?

23 A. No, ma'am. Not a business arrangement, no.

24 Q. Why is she threatening to cut you off and file for
25 divorce and calling it business then?

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1 A. Unfortunately I don't have any idea of her state of
2 mind at the time. I can only speak for myself.

3 Q. She never went with you to an interview, though, did
4 she?

5 A. She never went with me to an interview, no.

6 Q. In fact you were hoping that she would get sent
7 overseas so that you could be excused from having the joint
8 interview with Ms. Caffey, weren't you?

9 A. No, ma'am. I wasn't hoping that she would go
10 overseas. In the course of our discussions, our getting to
11 know each other, it was clear to me that she wanted to go
12 overseas, and she was doing everything possible to get
13 herself put overseas.

14 Q. Now, Mr. Alimi told you though, didn't he, that he and
15 Bioye -- am I saying her name correctly, Ms. Osiberu?

16 A. Yeah. That's her name, yes.

17 Q. That they did not have to go to interviews because he
18 was on an overseas detail at that time, correct?

19 A. I don't recall that, no.

20 Q. That would made it a lot easier, right?

21 A. What would have made a lot easier?

22 Q. If you didn't have to worry about those interviews and
23 memorizing all the questions and answers?

24 A. I don't recall any conversation starting me about he
25 not attending the interview.

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1 Q. But you do recall the Q and As, though, don't you?

2 A. Vividly. Vividly.

3 Q. Number 61 in evidence, this is question and answer,
4 correct, that you put together?

5 A. 61. Yes, I put this together. Yes, ma'am.

6 Q. And in this question and answer, for immigration,
7 which is something so very important, in 2016, how did you
8 tell Ms. Caffey that you were employed, what type of work
9 did you say you did?

10 A. I said marketing.

11 Q. Two lines down, what type of work does your spouse do?
12 What does that say?

13 A. So it says currently setting up -- setting a startup
14 that sells used cars, self employed in parentheses.

15 Q. And then what is your spouse's salary, how did you
16 want her to answer that question?

17 A. Well, so --

18 Q. I'm asking you how you instructed her in this document
19 to answer that question.

20 A. So after speaking with my accountant, my accountant
21 says --

22 Q. Mr. Abegunde, that's not the question.

23 A. Okay. What's the question again, ma'am?

24 Q. The question is what did you tell Ms. Caffey to say
25 about your income?

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1 A. Still getting on his feet as an entrepreneur.

2 Q. I'm going to direct your attention to what's already
3 in evidence as Exhibit Number 32-A. Identified by
4 Ms. Caffey as chats between you and Ms. Caffey. Direct
5 your attention to one right here at the bottom of the page.
6 And its number is 6095. Could you read the date. It's in
7 the third column.

8 A. Yes, ma'am. So it says February 4, 2017.

9 Q. Okay. And what did you tell her about your income?

10 A. So I said I didn't make any income last year, however,
11 my accountant said it can be structured such that you get
12 something significant in tax returns.

13 Q. Would you agree with me that startups are tricky, it's
14 very difficult, requires a lot of work?

15 A. It's an intense amount of work. I don't know about
16 the tricky nature, but it requires a tremendous amount of
17 work.

18 Q. Isn't it true that you also planned to ask Bioye to
19 learn a certain story about how you and Ms. Caffey met?

20 A. I don't recall any of those such plans.

21 **MS. IRELAND:** May I approach the witness?

22 **THE COURT:** Yes.

23 **BY MS. IRELAND:**

24 Q. Mr. Abegunde, do you recognize this?

25 A. Yes, I do.

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1 Q. What is it?

2 A. So this is a note pad I used to take notes. I always
3 take notes of every occurrence just to keep a tune in my
4 memory.

5 Q. And you keep to-do lists also, don't you?

6 A. Yes, I do.

7 Q. Okay. You're very meticulous?

8 A. Very, very meticulous.

9 Q. Thought I'd turn to a particular page. Is that in
10 your handwriting?

11 A. Yes. This is my handwriting.

12 Q. And did you write that?

13 A. Yes, I did write this.

14 Q. Is one of the to-do lists, call Bioeye to discuss
15 story?

16 A. I didn't see that.

17 Q. Would you like me to direct your attention to it?

18 A. Yes, please. Yes. I wrote that, yes.

19 Q. Okay. And if I could also direct your attention to
20 the second paragraph of the middle of the page.

21 A. Do you want me to read it?

22 Q. No. I just want to know, are you talking about how
23 you met Ms. Caffey?

24 A. To be honest this was written, I don't even remember
25 when that was written, so I don't recall the exact

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1 circumstances surrounding the conversation.

2 Q. I'd like to direct your attention, Mr. Abegunde, to
3 something in Exhibit 32D.

4 A. Yes, ma'am.

5 Q. This has previously been entered as chats with you and
6 Bioye, Ms. Osiberu. I would like to direct your attention
7 to a message on 1-20-2017 at 14:14 in the time.

8 A. So it says, "We are expecting a baby soon. We are
9 expecting our baby soon." That was me referring to
10 Ms. Bioye about expecting her own baby, not my own baby.
11 Her own baby.

12 Q. And why does it say we are expecting our baby soon?

13 A. That's we. Bioye is part of we. Like, you know, in
14 Africa, we use we. We're expecting our baby, our own baby.
15 It's Bioye, our baby.

16 Q. Now, when Agent Hall was at your residence on
17 Brookwood Circle, he was there to assist with execution of
18 a search warrant. He said there was a pregnant lady there.
19 Wasn't that Ms. Makinwa?

20 A. Yes.

21 Q. Wasn't she carrying your second child?

22 A. I don't know if she was carrying my second child, but
23 I know she was pregnant.

24 Q. Tomorrow is the baby's birthday, isn't it?

25 A. Tomorrow is the -- yes. I believe so, yes.

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1 Q. Now, when you were married to Ms. Caffey, did you ever
2 travel with her?

3 A. No, we never.

4 Q. But you talked about going to visit her in Korea,
5 correct?

6 A. Yes, I did. I actually had a visa to go visit with
7 her in Korea.

8 Q. Did you or did you just have the approval of USCIS,
9 the citizenship organization that you could travel if you
10 got a visa?

11 A. I couldn't leave the United States. My -- I applied
12 for a renewal of my ED card and my travel permits, and it
13 was still pending while I was arrested. So there was no
14 way I could even leave the country. But I already got my
15 Korea visa, and after I was -- I planned to go to Korea
16 after getting my travel documents. It came through in
17 April of 2018, actually two months after I got arrested.
18 So I would have been able to make it to Korea.

19 Q. I'm going to direct your attention, Mr. Abegunde, to
20 Exhibit 32E already in evidence. These are chats between
21 you and wifey. Who is wifey?

22 A. So when I got married to Bunmi, I left her, I stored
23 her number as wifey, and I never changed it after I got
24 divorced and after I got married to Ms. Caffey, so...

25 Q. Turning to Page 2195 of chats with wifey. This is a

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1 message from your wife to you; is that right?

2 A. Ms. Makinwa is not my wife. Ms. Makinwa is my
3 ex-wife, and that's the message from --

4 Q. That's a message from your ex-wife to you?

5 A. Ex-wife, yes.

6 Q. And what does this message of 10-31-2017 at 16:26
7 read?

8 A. Can you point to the exact message. It says -- so
9 that's a message from my ex-wife, Ms. Makinwa, to me, and
10 it says, "Hope you haven't told your mom about the sex of
11 the baby yet."

12 Q. And how did you -- how did she continue?

13 A. She said, "I told her I will check this week, that I
14 haven't checked yet."

15 Q. Why would your mother care what kind of a baby your
16 ex-wife was having?

17 A. Those are conversations. If you look carefully there
18 was no response from me. I didn't respond to that. So I
19 don't know.

20 Q. So you don't know. That's what your testimony is, you
21 don't know?

22 A. To be honest, I don't know.

23 Q. Going back to that same page actually, right
24 afterwards, there's an awful lot of phone calls. Are you
25 telling me you didn't talk to her about this?

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1 A. So Ms. Bunmi is my ex-wife. I have an amazing,
2 wonderful relationship with her. I call her a tremendous
3 number of times. I would discuss many things. We have a
4 baby together. We could have been discussing our child.
5 So we talk a lot. I don't see anything wrong with that.

6 Q. Mr. Abegunde, I'm going to --

7 **MS. IRELAND:** May I approach the witness, Your
8 Honor.

9 **THE COURT:** Yes.

10 **BY MS. IRELAND:**

11 Q. -- show you two pictures. Do you recognize these?

12 A. Yes, I do.

13 Q. Okay. Are they fair and accurate depictions?

14 A. Yes. They're fair and accurate depictions, yes.

15 Q. Okay.

16 **MS. IRELAND:** Offer these as the next numbered
17 exhibits.

18 **THE COURT:** Any objection?

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

20 **THE COURT:** 97 and 98.

21 (WHEREUPON, the above-mentioned photographs were
22 marked as Exhibit Numbers 97 and 98.)

23 **BY MS. IRELAND:**

24 Q. Are these pictures of a cruise that you took to the
25 Bahamas?

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1 A. Well, it's a possibility. I've taken pictures like
2 that in Zanzibar, Tanzania before. So I'm not sure if it
3 was in Tanzania or...

4 Q. Well, in one of those e-mails that you sent to
5 Ms. Caffey, didn't you tell her that you were in the
6 Bahamas in July of 2017?

7 A. So ma'am, like you said --

8 Q. Yes or no question, Mr. Abegunde.

9 A. I don't recall. There are so -- too many -- I send so
10 many messages. I don't recall every single message I send,
11 unfortunately.

12 Q. Who is it in this picture with you?

13 A. That's me, my daughter Kitan in the middle, and that's
14 my ex-wife, Ms. Makinwa.

15 Q. Again, going back to 32E, there's another message that
16 I'd like you to take a look at between you and wifey.

17 A. Yes, ma'am.

18 Q. Okay. Directing your attention to Page 2231 of this
19 exhibit and the message on 12-10-2017. Can you read that.

20 A. So it says, "So the problem now is that we are broke,
21 right?"

22 Q. And that was in 2017?

23 A. I didn't see the date, unfortunately.

24 Q. That was in 2017?

25 A. Yes, ma'am.

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1 Q. The end of 2017?

2 A. The -- on the 10th of December actually.

3 Q. One final set of messages from this same exhibit, now
4 later on Page 2221. Is this a message again from about the
5 same time period? Let me move this up so you can see it.
6 Dated 12-9-2017. Can you read that, please.

7 A. So okay. Where your hand is at? So it says, "I have
8 as much rights as you -- I have as much right as you do in
9 this marriage."

10 Q. And that's your ex-wife?

11 A. Yes. That's my ex-wife, yes.

12 Q. Now, Mr. Perry asked you about a motion and a
13 reflections document; is that correct?

14 A. Yes, ma'am. He did.

15 Q. Now, you were here when Martins Alimi testified,
16 correct?

17 A. Oh, yes. I was here when Mr. Alimi testified, yes.

18 Q. And you heard some call snippets, correct?

19 A. Yes, I did.

20 Q. And currently in evidence are translations of some of
21 those calls. It's Exhibit Number 63. I'm going to turn
22 your attention to the call that is numbered 1 of 8 that
23 took place on February -- I'm sorry, April 15th of 2018.

24 A. Yes, ma'am.

25 Q. Okay. Just take a look at it.

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1 A. Yes, ma'am.

2 Q. Do you remember this?

3 A. From the testimony of Mr. Alimi, yes, I do.

4 Q. Do you remember the conversation itself?

5 A. This particular conversation, not particularly well,
6 but I think I -- if you refresh my memory, I think I'll be
7 in a good position to.

8 Q. There's a line here that reads, "well, it's you that
9 did all those things, or was it not done by that guy?"

10 What are you talking about there?

11 A. That was Mr. Massey, my previous attorney. The
12 question was whether it was done by me or whether it was
13 done by Mr. Massey. That guy is Mr. Massey.

14 Q. And at the very bottom, you responded that he said
15 that he would do it?

16 A. Yes. Mr. Massey said he would assess the motion to
17 dismiss after viewing discovery, yes.

18 Q. Okay. So just assessing it is what you're saying he
19 said?

20 A. He said he would file it, assess and file it. That's
21 what he told me.

22 Q. He said he would file it?

23 A. Yes. Mr. Massey said he would file it, yes.

24 Q. He said he would file it.

25 A. He said after viewing discovery, he said he would file

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1 it, yes.

2 Q. But he didn't write that document?

3 A. As soon as I wrote that document, I handed the
4 document to Mr. Massey. Mr. Massey on oath, under oath in
5 this court acknowledged that I handed over that exact same
6 document.

7 Q. That wasn't my question. He didn't write it, did he?

8 A. I wrote -- ma'am, I -- I -- I wrote the document. I
9 acknowledge writing it. I'm not denying writing a
10 document.

11 Q. I'm going to turn your attention to Page 3 of
12 Document 63.

13 A. Yes, ma'am.

14 Q. And just so you know where we are, this is the third
15 of the snippets. I don't know if we played this one, but
16 it is also from April 14th of 2018. Take a look at this.
17 Let me know when you're ready.

18 A. I'm reading it over.

19 Q. Okay. What are you talking about here?

20 A. I don't recall.

21 Q. You don't recall?

22 A. No, I don't.

23 Q. You don't recall talking to police and telling her
24 everything?

25 A. I don't recall this conversation, no.

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1 Q. She has to read all those things and digest them too.
2 That's not a reference to the motion and your reflections
3 letter?

4 A. So like I said, ma'am, I don't --I don't recall this
5 conversation. I've had thousands and thousands of
6 conversations since I've been in Mason, Tennessee. This
7 particular one, I don't recall.

8 Q. While we're on the subject, the first person you
9 designated on your call list when you got to Mason was
10 Bunmi Makinwa, correct?

11 A. Yes, ma'am.

12 Q. And your wife Edchae Caffey wasn't designated until
13 maybe four down the list, right?

14 A. So Ms. Caffey was in Korea at the time. Ms. Caffey,
15 there's little Ms. Caffey could have done to help me in my
16 situation. Ms. Makinwa was in Atlanta, Georgia at the time
17 in the United States. She was in a great position to
18 assist me in acquiring the services of a professional
19 attorney.

20 There is in Korea the time, there was a 13-hour time
21 difference between the United States and Korea, and
22 unfortunately, I didn't have Ms. Caffey's phone number in
23 my head. So the first thing to do is put in the number you
24 have of your heart on the list and use that as a point of
25 contact to acquire all the other numbers, so that's what I

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1 did. That's why I put Ms. Makinwa's number first.

2 Q. You didn't want the emotional support of the woman
3 you're married to?

4 A. The emotional support of the woman I'm married to was
5 something I eventually got, but I couldn't get it
6 immediately because I didn't have her number off the top of
7 my head.

8 Q. Okay. So you came to the United States in 2014,
9 correct?

10 A. Yes, ma'am.

11 Q. And you went to do an MBA program at Texas A&M in
12 College Station, Texas?

13 A. Yes, ma'am.

14 Q. Okay. And you finished it early?

15 A. I finished it in due course, like all my graduates and
16 colleagues. We finished in December of 2015 like everybody
17 else in the class.

18 Q. And you were the 2016 class, right?

19 A. Yes, ma'am.

20 Q. So you worked hard?

21 A. Very hard. Extremely hard. I don't think I've worked
22 as hard in my life.

23 Q. You're very well educated?

24 A. Very well educated. Yes, ma'am.

25 Q. Smart guy?

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1 A. I wouldn't -- I wouldn't like to blow my trumpet,
2 ma'am. No. I wouldn't say that.

3 Q. So now, Ms. Makinwa, she was going to go to Ohio State
4 University, wasn't she?

5 A. She went to Ohio State University. She enrolled in
6 Ohio State University when she came, yes.

7 Q. Did she take any classes or just enroll?

8 A. She just enrolled. She enrolled but she was in the
9 first or second trimester of her pregnancy, and the
10 pregnancy was taking a huge toll on her, so she chose to
11 defer her program.

12 Q. Okay. That makes sense. Now, so you finished your
13 master's program, and you testified earlier that you had a
14 boss or a supervisor that you had a great deal of respect
15 for, correct?

16 A. In Nigeria.

17 Q. Yes.

18 A. Yes.

19 Q. And you said you wanted to be the big man like him.
20 You wanted to follow his example, right?

21 A. Yes.

22 Q. Okay. And you are an entrepreneur?

23 A. Yes, ma'am.

24 Q. And in Nigeria you did a lot of things. You did
25 some -- you promoted management training courses that you

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1 could do, correct?

2 A. Yes, ma'am. Yes, ma'am.

3 Q. Okay. And you did marketing of apparel where you
4 could put peoples' logos on t-shirts and hats, right?

5 A. Yes, ma'am. Yes, ma'am.

6 Q. Okay. And you had big plans for what you were going
7 to do here?

8 A. Yeah. I had big -- I still have big plans for what
9 I'm going to do here.

10 Q. Okay. And one of those plans was to create a money
11 transmitting service, correct?

12 A. Yes, ma'am.

13 Q. And you were going to focus on what -- I think it's
14 the diaspora, is that the term that I want for people who
15 are living in this country or living outside of their own
16 countries but still tied to their home country?

17 A. Yes, ma'am.

18 Q. That's the word? Okay. And so you were going to
19 focus on those people so that they could make easy payments
20 home, right?

21 A. Yes, ma'am.

22 Q. Okay. Would you agree that it's difficult to do a
23 startup without seed capital?

24 A. Any -- launching any business, any kind of business is
25 difficult, you know, with or without seed capital.

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1 Launching any kind of business from scratch is difficult.

2 Q. Would you agree that you need something to live on
3 while you're trying to start up your business, you need
4 some kind of cash, some kind of money?

5 A. Yes. I agree with that, yes.

6 Q. Okay. Who provided the seed capital for your
7 fledgeling money transmittal service?

8 A. So prior to -- I had some money saved up for
9 F.J. Williams for the money transmittal business. I was
10 living on my savings for F.J. Williams, while I started
11 F.J. Williams, yes.

12 Q. Well, you mentioned that there was a \$150,000 in
13 capital that was put into --

14 A. Yeah. There was -- yes.

15 **THE COURT:** Hang on. You can only talk one at a
16 time, so you need to let her finish the question.

17 **THE WITNESS:** Okay. I sincerely apologize. I'm
18 really sorry about that, ma'am.

19 **BY MS. IRELAND:**

20 Q. So you testified earlier that there was a \$150,000
21 infusion of cash into F.J. Williams, didn't you?

22 A. Yes. I did testify to that, yes, ma'am.

23 Q. Okay. Wasn't Mr. Ojo the prime contributor?

24 A. Yes, ma'am. He was. Mr. Ojo, yes.

25 Q. You guys later fought about that, didn't you?

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1 A. Yes. We did fight. A big, ghastly, terrible fight.

2 Q. Now, you registered F.J. Williams in Texas, correct?

3 A. Yes, ma'am.

4 Q. And then when you got to Georgia, you also registered
5 it as a licensed business?

6 A. Yes, ma'am. I did.

7 Q. And with the secretary of state, you listed Ojo as
8 basically second in command at the business, correct?

9 A. I listed him as secretary, not second in command. We
10 had a placeholder that we had to fill out. And we filled
11 him in. Filled Ojo out on it.

12 Q. So you had a placeholder, and you just made up
13 something?

14 A. We -- the placeholder was to designate someone to a
15 title, so the title of secretary was designated to Ojo.

16 Q. Are you telling me you can't start a business without
17 a secretary?

18 A. You need to have a secretary to start a business.
19 That's what I'm saying, yes.

20 Q. You can't register a business unless you also
21 designate a secretary, is that what you're telling me?

22 A. We -- we -- we employed the services of an attorney,
23 and the attorney was the one that handled that. And, you
24 know, he told us that was a requirement, and we met the
25 requirements the attorney told us to meet.

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1 Q. So you just did what he told to you do?

2 A. Yes. That's what the attorney told me to do is what I
3 did, exactly. Yes, ma'am.

4 Q. Now, when were your student visas due to expire?

5 A. In June of 2018.

6 Q. January of 2018?

7 A. June 2018.

8 Q. '18 or '17?

9 A. '18. June 20, '18.

10 Q. I'm not talking about the extension of that while you
11 were applying for residency. I'm talking about your
12 original student visa.

13 A. June -- so if you -- my passport will assist for me if
14 you have access to my passport, you'll find that my student
15 visa expires in June of 2018.

16 Q. So then when Ruth Marquez was here with your file and
17 said it was January of 2017, that would be incorrect?

18 A. Well, my -- if we have a copy of my passport right
19 now, my passport will show that my student visa expires in
20 June of 2018. Now, the Government has access to my student
21 -- my passport. My passport was seized to limit my travel.
22 If you would open my passport right now, you'll find that
23 my --

24 Q. That wasn't my question. My question was --

25 A. I'm sorry, ma'am.

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1 Q. Ruth Marquez testified from your file that it expired
2 in January of 2017.

3 A. Well, I guess maybe there was a -- I don't know why
4 she said that, but if my passport is open right now, you
5 should have my student visa expired in June of 2018.

6 Q. So you've got plans to start a business. You finished
7 your MBA, and you don't have a lot of time, right, to get
8 things up and running?

9 A. Well, it depends. If you have the right operational
10 capacity, if you have the right resources and capabilities,
11 you can get things off the ground fast.

12 Q. Well, didn't you spend an awful lot of time going back
13 and forth with the developers of your web-site, the
14 TranzAlert web-site?

15 A. I spent an awful lot of time, yes.

16 Q. And weren't you unhappy with the pace of things?

17 A. I was very unhappy with the pace of things, very, very
18 unhappy.

19 Q. And weren't you unhappy with how long it was taking?

20 A. I was very unhappy with how long it was taking, yes,
21 very unhappy, very sad in fact.

22 Q. Yet you had a limited amount of time to get this done,
23 didn't you?

24 A. I didn't have -- so if you pay for services and you
25 sign a service level agreement with a partner with a

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1 business and he says the end date of a project is three
2 months and it takes more than one year, you're frustrated.
3 You're unhappy. You're sad, you know, because, you have a
4 board that you report to, you have projections, you have
5 timelines you have to meet. So when your developers fail
6 to meet their obligations, you get frustrated, you get
7 angry, you get sad.

8 Q. So TranzAlert was a DBA, a doing business as, correct?

9 A. Yes, ma'am.

10 Q. And it falls under F.J. Williams?

11 A. Yes, ma'am.

12 Q. Who is your compliance officer?

13 A. So my compliance officer, we've switched -- at the
14 founding stages it was Mr. Sonupe was the compliance
15 officer. Then I took the role as compliance officer
16 myself.

17 Q. And he was your compliance officer?

18 A. Initially Mr. Sonupe..

19 Q. And who was your compliance officer for all of the
20 legalities before Mr. Sonupe?

21 A. At the founding phase, it was Mr. Sonupe.

22 Q. It was him? Okay.

23 A. Yeah. I believe, yeah.

24 Q. Now, is this the same Mr. Sonupe whose name is on or
25 cited in the lease for Ms. Makinwa and Mr. Grundy's

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1 apartment?

2 A. Yes.

3 Q. Is that your friend too?

4 A. He's a friend of mine, yes.

5 Q. Okay. And he helped your ex-wife and her new husband
6 get an apartment?

7 A. Yes. He did, yes.

8 Q. Mr. Abegunde, you said you were very meticulous?

9 A. I'm sorry. If I may add, so Mr. Sonupe lived in Ohio
10 at the time, and Ms. Makinwa, my ex-wife, met Mr. Sonupe in
11 Ohio when they both lived in Ohio while she was in school,
12 so they have a friendly relationship too.

13 Q. And you made him the compliance officer for your
14 fledgeling financial business?

15 A. So if you -- Mr. Sonupe went to Babcock with me,
16 Babcock University, so I've known Mr. Sonupe for quite a
17 while.

18 Q. Does he also know Mr. Ojo?

19 A. Yes. He does know Mr. Ojo, yes.

20 Q. Okay. But you said earlier that you were very
21 meticulous.

22 A. I am very meticulous.

23 Q. And you learned how to keep records from the gentleman
24 that you referred to. You learned, quote, the art of
25 keeping records; is that correct?

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1 A. Yes, I did.

2 Q. But there are no records on your computer or in your
3 apartment indicating that you had identification documents
4 for your customers; is that correct?

5 A. So identification documents is in the 21st century
6 identification, so documents can mean anything. A social
7 security number, for example, can serve as an
8 identification documents. A bank verification number can
9 serve as verification documents. For all my customers that
10 I dealt with directly, I had a means and capability of
11 accessing the identifying documents, not physical pictures
12 but through their bank verification numbers, I had means of
13 identifying them.

14 Q. There's nothing on your computer either, is there?

15 A. On my computer, I'm pretty certain that I have some
16 bank -- I have -- so like I stated, right, the TranzAlert
17 platform is built in a very robust manner to help us
18 identify certain things. So I have partners all over the
19 world. I have partners in the U.S. I have partners in
20 Nigeria. Financial institutions, security operating
21 companies. So --

22 Q. Do they keep the records?

23 A. Yes. They keep the records, yes.

24 Q. So they keep the records so you don't have to?

25 A. Yes. Yes.

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1 Q. So you don't have to?

2 A. You don't have to, no. You don't have to keep the
3 records.

4 Q. Well, Ted Vlahakis was here from FinCEN, and according
5 to the rules, a duly licensed business has to maintain
6 records of their agents. Isn't that what he told you, what
7 he told all of us?

8 A. You said my customers. That's what you asked. Not my
9 agents.

10 Q. Well, I was getting to your agents.

11 A. You hadn't gotten there yet. I was answering your
12 question based on your line you were bringing in from. I
13 was answering your questions.

14 Q. You don't have a ledger that has their names; is that
15 correct?

16 A. So if you, like I stated, right, with our partners,
17 right, you have a -- if I do a transaction with you, if I
18 remit money on your behalf, right, I know the account that
19 the money is being wired to. There's a record of every
20 single wire that takes place on my behalf, right?

21 Q. So the wire is the record of customers; is that what
22 you're saying?

23 A. Yes. That's what I'm saying.

24 Q. So the identification is their account number,
25 correct?

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1 A. Yes. That's what I'm saying.

2 Q. That's what you're saying?

3 A. That's what I'm saying.

4 Q. That's a sufficient record?

5 A. The account number, my partners through an account
6 number, right? We can link the bank verification number,
7 the bank verification number says their social security
8 number. Through the social security number, we can track
9 anybody anywhere in the world. Anywhere at any time in the
10 world. Yes. So we have --

11 Q. Mr. Abegunde, what does know your customer mean?

12 A. KYC, know your customer.

13 Q. Not what it stands for. What does it mean?

14 A. So it means taking steps to be able to identify who
15 your customers are.

16 Q. So if you could trace a bank account, that's enough
17 for you?

18 A. With the bank account, we could identify the bank
19 verification number. With the bank verification number,
20 you have access to every single bit of information on that
21 customer, every single thing, from their address to their
22 phone number, to their passport data page, to identifying
23 information. Have access to every single piece of
24 information.

25 Q. Are you telling this jury that if you have someone's

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1 bank account number, you can get their passport?

2 A. With our resources and capabilities, yes.

3 Q. You personally can get their passport?

4 A. F.J. Williams, Inc. has the resources and capabilities
5 through an account number to ascertain peoples' bank
6 verification numbers which in turn gives us access to every
7 single bit of that identifying information. Yes, ma'am.

8 Q. Does that mean you're excused from keeping a ledger?

9 A. I have -- so the idea -- your initial question was I'm
10 very meticulous at keeping records, and the answer is yes,
11 I'm very meticulous at keeping records. The records in
12 question are in store. We have access to all these
13 records. They're not going anywhere. If an agent of the
14 FBI came to me and says do you know how to identify
15 personality X, instantly in less than a second, all we need
16 to do is just put a call to our partners, I will bring
17 every single piece of information that we need from
18 particular person. So we have a robust means of
19 identifying our customers. Yes, ma'am.

20 Q. What about the cash transactions, Mr. Abegunde?

21 A. So if -- what cash transactions?

22 Q. All the cash transactions that you referred to. You
23 saw the chats earlier in the trial, didn't you? How you
24 like that cash structure?

25 A. So we have -- so I like to believe that cash is a

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1 legal tender in the United States. Like there's nothing
2 wrong with doing business in cash in the United States.

3 Q. No, not at all. But how do you know the identity of
4 your customer if you're dealing in cash?

5 A. Because like you said, ma'am, while I was -- while --
6 so we have a list of people, right? We saw Baja Fresh,
7 Baja Fresh Autos, right? I know Baja Fresh Autos. You saw
8 Dr. Bode Akinsanya. I know Bode Akinsanya. I know him
9 directly. You saw different people. So if Bode Akinsanya
10 is trying to send me money, I have access to Bode
11 Akinsanya's bank verification number. I have access to his
12 contact details. I have access to every single piece of
13 information about Bode Akinsanya. So if Bode Akinsanya
14 sell me money and something happens along the line, I can
15 go back to Bode Akinsanya and say Mr. Bode Akinsanya,
16 something went wrong. This thing is under investigation,
17 and it does not follow the trail. It does not follow the
18 money. That's how it goes.

19 Q. Are you telling this jury that if you go and pick up
20 cash in hand and deposit it someplace, that's sufficient to
21 know your customer?

22 A. So the question is did I go and pick up cash in hand?

23 Q. No. That's not the question.

24 A. So if Mr. Bode Akinsanya wants to send me --

25 Q. That wasn't the question.

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1 A. Okay. What's the question?

2 Q. The question is are you telling the jury that it is
3 enough if you move cash from one person to another, that
4 that's knowing your customer?

5 A. In my situation I bought money from my customer, Bode
6 Akinsanya, a doctor that I know. I'm very, very
7 well-versed with. I bought money from Baja Fresh Autos, a
8 car dealer that I am very well-versed with. So if they
9 sell me money, right, I know who they are. I have access
10 to all their contact information. If the FBI are looking
11 for them, I can easily direct them to the FBI. So I -- to
12 the -- I don't think there's any -- I am fully aware of my
13 customer in that situation.

14 Q. I'm going direct your attention, Mr. Abegunde, to
15 what's been marked as Exhibit Number 75.

16 A. Yes, ma'am.

17 Q. Who is the person that you are speaking with in this
18 conversation?

19 A. So this is Dr. Bode Akinsanya.

20 Q. The person that you just said you testified you know
21 very well?

22 A. Very, very well, yes.

23 Q. And you do transactions with; is that right?

24 A. On a regular basis, yes.

25 Q. Turning to Page 10069, in fact, aren't you talking

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1 with him about the risk of your business?

2 A. Yes, ma'am.

3 Q. And aren't you telling him that you do not know your
4 customers?

5 A. I really don't know those guys. I don't really know
6 the guys. I don't know the context. I can't really
7 remember the context of this conversation, but if you -- if
8 you have a chance to go through the entire thing, I don't
9 know.

10 Q. Well, we can.

11 A. I don't know the context of this discussion. I'm not
12 very familiar.

13 Q. Okay. Let's see. This conversation begins on, looks
14 like 2-10. February 10th, 2017. And actually continues a
15 little. Looks like it got started the day before. So
16 we'll start there.

17 A. Yes, ma'am.

18 Q. Okay. 2-9-2017, right where my thumb is.

19 A. Yes, ma'am.

20 Q. Do you see that?

21 A. Big man, I see that big man. Yes, ma'am.

22 Q. Who wrote that message?

23 A. Yeah. That's from me.

24 Q. Okay. So you were reaching out to him?

25 A. Yes, ma'am.

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1 Q. Reaching out to your friend?

2 A. Yes, ma'am.

3 Q. And how did he respond to you reaching out?

4 A. So he says he didn't hear back from me. He didn't --
5 I don't see a response from him, no.

6 Q. Okay. Well, let's walk through it.

7 A. Okay.

8 Q. You reach out to him right here, say, big man?

9 A. Big man, okay, yes, ma'am. That's me again.

10 Q. And how far, does that mean how it's going?

11 A. How's it going. Yes, ma'am.

12 Q. And then you contact him again, tell him you haven't
13 heard from him in a while, right?

14 A. Yes, ma'am.

15 Q. Okay. That's pretty ordinary. But he responds with
16 what?

17 A. He says, "They said maybe tomorrow."

18 Q. And your answer to that is?

19 A. I said, "How will they get cash into a Chase?"

20 Q. So you knew exactly what he was talking about, right?

21 A. Yes, ma'am. I did.

22 Q. Now do you know what we're talking about here in this
23 conversation?

24 A. You say I know what he's talking about. So with
25 JPMorgan Chase bank, you can't pay cash into a Chase

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1 account. So that's what I was going om. So you can't pay
2 cash into any Chase bank account.

3 Q. Now, a conversation continues. So you're talking
4 about Chase accounts. What do you tell Mr. Bode?

5 A. So like I stated earlier, immediately I registered as
6 a money service business my accounts with Bank of America.

7 Q. Mr. Abegunde, that wasn't my question. I asked you
8 what you told him.

9 A. I told him that my Chase is all I got. That's what I
10 was trying to emphasize, ma'am.

11 Q. And then you followed up with what?

12 A. I says, I know.

13 Q. Right here?

14 A. He says, I know. He says, I know, yeah.

15 Q. And then you said?

16 A. So I said, "I can't afford to risk my account being
17 closed at Chase."

18 Q. So that's the nature of what you're talking about
19 here, right? How do you explain on the 10th of February,
20 "I really don't know these guys"?

21 A. So ma'am, that's a huge jump between our
22 conversations, like a lot of transactions -- a lot of
23 conversations took place between that and that, so I don't
24 know the context of knowing those guys. I don't know.

25 Q. Okay. Let's walk through it.

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1 A. Yeah.

2 Q. You said you only had a Chase account, right?

3 A. Yes, ma'am.

4 Q. And you can't afford to risk it, right?

5 A. Yes, ma'am.

6 Q. And you ask him if he has PayPal?

7 A. Yes, ma'am.

8 Q. What's his response?

9 A. So he says he does limited services, no. He's playing
10 the role of a full-time doctor. That's what he says.

11 Q. He responds to you, "Supply is short." What does that
12 mean?

13 A. It says so he doesn't have -- so he acquires, right?
14 People give him his -- people give him dollars, and he
15 gives them naira. He gives them the naira equivalent, but
16 he says supply is short, so he doesn't have enough people
17 supplying him right now.

18 Q. Okay. So his supply is short is at 6 minutes after
19 midnight on the 10th of February, right?

20 A. Yes, ma'am.

21 Q. And at 7 minutes after midnight, you're talking about
22 an appetite for risk; is that correct?

23 A. For my Chase account. I don't want my Chase account
24 to get shut down. That's what I was talking about.

25 Q. And in that same minute, you're talking about not

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1 knowing the guys you're doing business with, aren't you?

2 A. I'm not talking about the guys I don't know business
3 with.

4 Q. And you followed it up with, "They pay into accounts,"
5 right?

6 A. But they pay into -- it's obvious that I wrote that,
7 yeah.

8 Q. For some reason you wrote that.

9 A. I did write it, yes.

10 Q. "I really don't know the guys" right before it,
11 correct?

12 A. It's clear that I wrote that, yes.

13 Q. Now, this is still conversation with Bode, again,
14 still on the 10th of February, and this one is at 9 minutes
15 past midnight. What does Bode write to you?

16 A. It says, "Yeah. It was my supplier's client's
17 account."

18 Q. So the fact that you know Bode is enough to meet the
19 standards of know your customer. Is that what you're
20 telling this jury?

21 A. If I acquired dollars from Bode directly, all I need
22 to do is know Bode, and it's up to Bode to explain his
23 sources to law enforcement authorities any time.

24 Q. So it's like you told Agent Hall, if you didn't tell
25 the lie, it's all good?

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1 A. Tell which lie? I don't understand. What --

2 Q. The lie for funds derived from fraud; is that correct?

3 A. Tell which lie? What does that -- I don't -- can you
4 please rephrase. I don't --

5 Q. Well, you were here when Agent Hall testified, right?

6 A. I was here.

7 Q. Okay. And he said that you told him if you weren't
8 the first person in the chain that told a lie or committed
9 fraud, everything is good, down the line.

10 A. Ma'am, my discussions with Agent Hall and Tyson
11 Fowler, like I said, Mr. Hall said practically nothing
12 about our discussion. I spoke mostly with Mr. Fowler, and
13 the discussion was a very robust discussion that lasted
14 15 minutes, and it can't be really summarized into a yes or
15 no question.

16 Q. Directing your attention to February 10th at
17 10 minutes after midnight. Right here. You send Bode two
18 messages, don't you?

19 A. Yes.

20 Q. What's this first message here?

21 A. "Instead of paying cash into an account."

22 Q. And you followed up with what?

23 A. "Why can't they just hand over the cash?"

24 Q. That would make it lot easier, right?

25 A. Yeah. It was a suggestion. We're having -- we're

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1 exchanging views, yes.

2 Q. You're exchanging views?

3 A. Yes, ma'am.

4 Q. Directing you to the top of Page 10071 of Exhibit 63.
5 Now at 11 minutes past the hour, what message do you send
6 to Bode?

7 A. So I'm telling Bode that, you know, one has to be very
8 careful when receiving funds into accounts because from my
9 research and my investigations, it seems as though these
10 things are not legit.

11 Q. You're not referring to the transactions you're
12 talking to Bode about. You're talking to hypothetical
13 transactions?

14 A. Yes, ma'am.

15 Q. And so it's hypothetical that people use other
16 peoples' accounts as conduit; is that what you're saying?

17 A. Yes. That's what I'm saying. Hypothetical, yes.

18 Q. Who is your current source here at 15 minutes past the
19 hour?

20 A. That's not me. That's Mr. Bode talking, not me.

21 Q. You are correct. Thank you for fixing, for correcting
22 me on that, but do you know who his source is?

23 A. Unfortunately I have direct contacts with Mr. Bode.
24 Mr. Bode lives in Seattle, Washington. There's really no
25 means of me knowing his sources, unfortunately.

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1 Q. Exactly. And it's on you to find out, isn't it?

2 MR. PERRY: Objection, Your Honor.

3 THE WITNESS: From Bode's sources. How is it on
4 me?

5 THE COURT: Hang on, Mr. Abegunde.

6 MR. PERRY: Objection, Your Honor. It calls for
7 a legal conclusion, and it calls for him to draw a
8 conclusion. It's not that -- that hasn't been -- the
9 predicate for that hasn't been laid, and if we need to
10 sidebar on it, I can go into greater detail.

11 THE COURT: Let's sidebar.

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

14 MR. PERRY: Can I start?

15 THE COURT: Yeah.

16 MR. PERRY: He's answered the question, and the
17 question has been asked and answered several times. For
18 her to say that it is your obligation to find out XYZ,
19 that's not -- that calls for him to draw some legal
20 conclusion. I think that's what she wants from him, the
21 premises of that question, and I object based on those
22 grounds.

23 THE COURT: Isn't that what a whole bunch of
24 testimony has all been about, that the whole anti money
25 laundering program and what the -- what his program says.

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1 And I guess I'm confused at why you're taking this position
2 now.

3 **MR. PERRY:** Well, at this point he's established
4 that he knows his customer. His customer being that.
5 She's asking -- the way that she's asking it, he has to
6 know every customer that that customer deals with, and I
7 don't think that that's proper, and it draws for a legal
8 conclusion. Unless she knows or can point to that duty, I
9 don't think that asserting that through that question is
10 proper.

11 **THE COURT:** Ms. Ireland?

12 **MS. IRELAND:** Your Honor, we've had plenty of
13 testimony about the money -- anti money laundering programs
14 and from FinCEN and in documents produced by Mr. Abegunde
15 himself that you need to know the source. And if there's a
16 reason that you should suspect the source, you need to find
17 out more. It's in all the manuals that we've gone through
18 that are in evidence, and we've had testimony about it.

19 **THE COURT:** And I think this was the big -- I'm
20 trying to think what word. I don't want to characterize it
21 -- the discussion you and the agent were having when you
22 were crossing the agent, where you felt like he wasn't
23 answering what the source was. I'll allow it. I think
24 that's the heart of what this case is -- or the heart of
25 part of what this case is about, so I'll allow it.

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1 (Bench conference between the attorneys and the
2 Court concluded and the proceedings continued as follows:)

3 **BY MS. IRELAND:**

4 Q. So just to be clear, Mr. Abegunde?

5 A. Yes, ma'am.

6 Q. You don't need to know what your associates are doing;
7 is that your position?

8 A. So I need to know what my associates are doing with
9 respect to me. So if my associates -- if I buy something
10 from an associate, right, my knowledge of what my associate
11 does is really not my direct concern. My knowledge is what
12 my associate does directly. So if I can verify my
13 associate's contact details, my -- if I know my associate
14 have property, right, if anything happens I can always
15 refer to my associate directly, and the investigation can
16 take this from there.

17 Q. Mr. Abegunde, turning your attention now to
18 Exhibit 67. Is this also a conversation here with
19 Mr. Bode? Let's let that focus in there. Between you and
20 Mr. Bode.

21 A. I believe so, ma'am.

22 Q. Right at the top of the page on October 12th, 2016,
23 can you see that?

24 A. Yes, ma'am.

25 Q. Okay. Who is sending this message?

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1 A. That's me.

2 Q. Okay. What do you tell him?

3 A. So I tell Mr. Bode Akinsanya that I will supply him a
4 Bank of America account.

5 Q. Is it just any Bank of America account or a particular
6 customer's Bank of America account?

7 A. So if I may backtrack, if I may. Let me explain. So
8 people in Nigeria need U.S. dollars in the U.S.

9 Q. Yes. You've already explained that.

10 A. Yeah, no, no. But I broker -- I broker deals between
11 Mr. Bode and somebody that needs dollars in their account.
12 So if somebody has a Bank of America account and the person
13 is in Nigeria, as is the case, right, Mr. Bode has a
14 hundred dollars and he wants to sell the same hundred
15 dollars to somebody who has a Bank of America account,
16 right, I can broker the deal.

17 Q. So you're just brokering it with any B of A account,
18 some B of A account?

19 A. So somebody that has a Bank of America account, right,
20 needs dollars, so I'm telling him I have somebody that has
21 a Bank of America account that needs dollars in the
22 account. That's what I'm telling Mr. Bode right there.

23 Q. Doesn't Bode tell you there was a problem with the
24 account?

25 A. Problem with which account?

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1 Q. The account you provided for him from B of A?

2 A. I'm sorry. What is the question?

3 Q. 10-3-2016, you're offering him right here an
4 alternative account; is that right?

5 A. Yes, ma'am.

6 Q. Okay. Because the one you offered previously has
7 problems; is that right?

8 A. According to Mr. Bode in that chat. Yes, ma'am.

9 Q. So tell me how that's knowing your customer if it can
10 go into just any Bank of America account?

11 A. Ma'am, like I've stated, my customer here is Bode.
12 Bode is my customer. I'm buying dollars from Bode. I know
13 Bode, so his house, I have his phone number. I can
14 identify him directly. I know Bode. Bode is my customer
15 right there.

16 Q. So you're telling me you only do business with people
17 that you know personally?

18 A. I only do business with people I know personally.
19 Yes, ma'am.

20 Q. Turning your attention also with Mr. Bode, also part
21 of Exhibit Number 67. This is on Page 10053. Can you read
22 the date of this exchange.

23 A. That's the 14th of October, 2016.

24 Q. Is that a message from you to Mr. Bode?

25 A. Yes, ma'am.

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1 Q. Can you read that, please.

2 A. "So please tell your guys to pause on the B of A.
3 Someone already paid in money today. I don't want more
4 money going in there. However I can supply you another
5 Bank of America if you can generate ten thousand naira --
6 \$10,000."

7 Q. Are they interchangeable, just doesn't matter whose
8 account it is?

9 A. Like I said, ma'am, like I previously described, there
10 is a huge demand for U.S. dollars among Nigerians, and
11 several Nigerians contact me and say they need United
12 States dollars in the account. Mr. Bode sells United
13 States dollars. I buy the U.S. dollars from Mr. Bode on
14 behalf of these people. These people also supply me their
15 bank details. I know them, right? Mr. Bode, I know
16 Mr. Bode directly, right? I know him directly. So I would
17 have met the know your customer requirements there. Yes,
18 ma'am.

19 Q. So you are just randomly having people deposit money
20 into Bank of America accounts?

21 A. Bode is responsible for the deposits in the Bank of
22 America accounts. Bode is being paid.

23 Q. Oh, so they're not your customers?

24 A. Bode is my customer.

25 Q. Isn't Bode your agent?

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1 A. Bode is my customer. I buy from Bode. I buy from
2 Bode. He's not my agent.

3 Q. Turning your attention to Exhibit Number 73.

4 A. Yes, ma'am.

5 Q. Are these chats between you and Gboyega Ajayi?

6 A. Yes, ma'am.

7 Q. Did I pronounce that right?

8 A. Yes, ma'am.

9 Q. On Page 2013, directing your attention to a message on
10 6-24-2017.

11 A. Yes, ma'am.

12 Q. Will you read that message, please.

13 A. It says, "I won't withhold your money."

14 Q. And the one right below it? Oh, I'm sorry. That's my
15 fault. Here you go.

16 A. "I know it's a chain."

17 Q. And you're part of the chain here, right?

18 A. I'm not part of any chain. That's Mr. Bode -- I'm not
19 responsible for Mr. Ajayi's thoughts. I'm not part of any
20 chain.

21 Q. You're not part of any chain from --

22 A. No, I'm not.

23 Q. -- from naira to somebody to somebody else? To
24 dollars back to naira?

25 A. Ma'am, I'm not part of any chain. I can identify

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1 every single person I acquire United States dollars from
2 directly to the place of residence where they live. So if
3 need be, if there's any need to find these people, I can
4 find them.

5 Q. Mr. Abegunde, I'm going to direct your attention to
6 Exhibit Number 93.

7 A. Yes, ma'am.

8 Q. This is your company, F.J. Williams?

9 A. Yes, ma'am.

10 Q. The TranzAlert system?

11 A. Yes, ma'am.

12 Q. You produced this document in December of 2016?

13 A. Yes, ma'am.

14 Q. You said you authored it, you're responsible for it?

15 A. Yes, ma'am. I am.

16 Q. I'm going to turn to Page 22. Ask you to read this
17 paragraph, starting right at the top of the page.

18 A. So it says, "As part of its CIP procedures and
19 pursuant to specific BSA requirements, F.J. Williams
20 requires that senders of certain remittances be positively
21 identified. The BSA demands that all senders of \$3,000 or
22 more provide proof of identification. Identification for
23 purposes of this manual means that the sender must provide
24 documents that can reliably establish the identity of the
25 person sending funds and two, the address of where the

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1 person resides at the time of the transaction. If a
2 transaction is conducted on behalf of a third party and is
3 for an amount above the identification threshold, the
4 identifying information is required for the person
5 presenting the transaction and the owner of the funds. No
6 post office boxes are accepted as a residence."

7 Q. So you're saying a bank account number is enough
8 because you could go to the bank and get that information?

9 A. Well, that's not what I'm saying, ma'am. I'm saying
10 that, you know, the TranzAlert system is built such that we
11 have APIs that automatically verifies certain information.
12 So if you give us a bank number, right, the bank number
13 automatically generates a bank verification number. The
14 bank verification number stores every single contact
15 information of our customers. Through a bank number we
16 automatically know our customers. That's my point. That's
17 what I've been trying to say, ma'am.

18 Q. Now, you know when Mr. Vlahakis was here, he indicated
19 that F.J. Williams should have its own account, right, your
20 professional transactions account, correct?

21 A. I don't remember that, no.

22 Q. You don't remember that?

23 A. No.

24 Q. Moving on to another portion of Exhibit Number 73, I'm
25 going to direct your attention to a message on June 24,

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1 2017.

2 A. Yes, ma'am.

3 Q. Who is the speaker here? Who is the writer?

4 A. This is Ajayi.

5 Q. What does he write to you?

6 A. Says, "I'm sure it was a student account. I have
7 always been scared about the sources of these funds."

8 Q. That's you, right?

9 A. That's me, yeah.

10 Q. You've been scared about the source?

11 A. Yes.

12 Q. But you kept doing business with Mr. Gboyega?

13 A. So I'm skeptical about the sources of Mr. Ajayi's
14 funds, right? And I'm telling Mr. Ajayi, "Mr. Ajayi, what
15 is the source of your funds? I need to be sure the source
16 of your funds." And Mr. Ajayi assured me and reassured me
17 I know the sources are good, legitimate sources.

18 Q. The conversation continues with a message from
19 Mr. Gboyega. Would you read that, please.

20 A. I said, "Was any report made?"

21 Q. No, that wasn't you. Didn't he write that to you?

22 A. Ooh. So I'm sorry. What was your question, ma'am?

23 Q. I'm sorry, right here, the bottom two lines. Are
24 those from Gboyega to you?

25 A. Gboyega, yes, ma'am.

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1 Q. Okay. And what does he write to you?

2 A. He says, "FJ, I tell you back to back, my funds are
3 clean."

4 Q. So that's enough, you checked the box?

5 A. Yes, ma'am.

6 Q. If somebody tells you their funds are clean, doesn't
7 that make you wonder if some of the other ones are dirty?

8 A. No. It doesn't make me wonder.

9 Q. Doesn't make you wonder?

10 A. Not in any way, not in any way, shape or form, ma'am.

11 Q. You have to ask if they're clean?

12 A. So as Mr. -- the gentleman from FinCEN came, he says
13 you have to take, you know, steps to try to ensure that the
14 sources of your funds are clean. You know, just like
15 Walmarsts across the street. You know, the Walmart --
16 there's so much a Walmart can do. You know, people come
17 into Walmart every day to make purchases. You know,
18 Walmart cannot verify the sources of everybody's funds.
19 You know, so I tried -- I do my best. Like I said, if
20 anything goes down, I will simply hand Mr. Gboyega Ajayi to
21 the FBI, and Mr. Ajayi would have to explain the source of
22 his funds to the FBI. I know Mr. Ajayi, so his place of
23 residence.

24 **MS. IRELAND:** May I approach the witness, Your
25 Honor?

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1 **THE COURT:** Yes.

2 **BY MS. IRELAND:**

3 Q. Mr. Abegunde, do you recognize the participants in
4 that communication?

5 A. Yes. I do recognize, yes.

6 Q. Who is it between?

7 A. That's Mr. Gboyega and me.

8 Q. Mr. Adegua ?

9 A. Adegua, yes.

10 Q. Adegua. Does he also go by Money Guy Dejobo?

11 A. That's what his name was for reference to keep a
12 mental recollection of him, that's how I stored his name.

13 **MS. IRELAND:** We would offer this as the
14 next-numbered exhibit.

15 **THE COURT:** Any objection?

16 **MR. PERRY:** Your Honor, it doesn't appear that
17 that full page -- the full dates conversation is in that
18 one page, and so only for the rule of completeness to be
19 followed with that particular document.

20 **THE COURT:** Ms. Ireland, is there...

21 **MS. IRELAND:** That is the end of the
22 conversation, I believe. But I will have that verified
23 before we publish.

24 **BY MS. IRELAND:**

25 Q. Mr. Abegunde, I'm going to go to Exhibit Number 72.

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1 A. Yes, ma'am.

2 Q. Is this also a communication between you and Money Guy
3 Dejobo?

4 A. Yes, ma'am.

5 Q. Starting at the top of the page, 32317, who is sending
6 a message to who?

7 A. So that's me sending a message to Mr. Adegua.

8 Q. Okay. What do you tell him?

9 A. I tell him -- I tell him I want cash.

10 Q. Okay. Why do you want cash?

11 A. So I tell him I want cash because I'm very worried
12 about wires going into -- in and out of peoples' accounts.

13 Q. Why is that?

14 A. Because I don't know the sources of the funds.

15 Q. Right. Turning your attention to Exhibit Number 71,
16 Mr. Abegunde.

17 A. Yes, ma'am.

18 Q. Who are the participants in this communication?

19 A. So this is me and Mr. Ayodeji.

20 Q. Turning to a conversation in the middle of the page
21 dated March 15th, 2017.

22 A. Yes, ma'am.

23 Q. It's right after you spoke with Agents Hall and the
24 other agent that was with him, right?

25 A. Yes, ma'am.

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1 Q. What do you tell Mr. Ojo?

2 A. So I say, "Your name isn't F.J. Williams."

3 Q. What do you follow it up with?

4 A. I said, "I lied about that."

5 Q. Turning to Exhibit Number 74. Can you tell who the
6 participants are in this chat?

7 A. Mr. Gboyega Ajayi.

8 Q. And you?

9 A. Yes, ma'am.

10 Q. On Page 2083 of this exhibit, this conversation in the
11 middle of the page, can you tell me what the date is on
12 that? Get that focused. There we go.

13 A. So that's the 18th of July, 2017.

14 Q. Will you read that message, please.

15 A. So I say there, "I don't have an account of my own. I
16 have to beg, incentivize, lobby people to give me the
17 account. This oracle was supposed to have received 10K
18 since last week. The funds have still not been paid in
19 full. So it's difficult to keep looking for accounts where
20 we haven't exhausted what we have."

21 Q. Sounds like you need accounts to fill in gaps from
22 time to time?

23 A. So yeah. Let me -- let me explain. So like I said,
24 we received seed capital of \$150,000 in Nigerian naira,
25 right, so I didn't have a Bank of America account. I

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1 didn't have a Wells Fargo account. They have been closed.
2 Immediately we disclosed to them that we were running money
3 transmitting services.

4 So as a result of that, Mr. Akinsanya is in Seattle.
5 He wants to pay money to us, right? Because we need to pay
6 our vendors, our developers and all that. I don't have a
7 Bank of America account, you know, to change our naira that
8 we've acquired, the \$150,000 to -- the equivalent of
9 \$150,000 in naira to dollars, to convert that to dollars,
10 right? So because of the way that the currency fluctuates,
11 it's over this period, we're seeing currency fluctuate from
12 200 naira to 400 to 500 and all of that. So yeah. In a
13 hurry to acquire as much as you can acquire and to acquire
14 as much as you can acquire, right, without me having the
15 Bank of America account, I lobby people, I incentivize
16 people to please, you know, can I -- can you receive the
17 money we have this account.

18 Q. Mr. Abegunde, didn't you refer to this as a black
19 market?

20 A. So the definition of black market in American
21 parlance, you know, anything, you know, black, you know,
22 seems suspicious. However, black market is the parallel
23 market in Nigeria. If you open the news reports in
24 Nigeria, right, and you see official reads, the next thing
25 you see beside it is black market reads. The definition,

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1 the to define black markets is parallel market, the free
2 market.

3 So in the official market, it's the price control --
4 the price controls, the Government applies price controls,
5 but in the free market, it's free. It's the markets go
6 with the process of demand and supply. So the parallel
7 markets is the black market, so I like to substitute the
8 term parallel market for black market in this context.

9 Q. So that's what it means in Nigeria?

10 A. Yes, ma'am.

11 Q. We continue this conversation about not having a bank
12 account. There's a message on July 18th, again, to
13 Mr. Gboyega?

14 A. Yes, ma'am.

15 Q. Will you read that, please.

16 A. So it says, "There's a finite number of people that
17 are friendly to me and at the same time are willing to let
18 me use their account. I am working on growing the list."

19 Q. So you're putting money into accounts of people who
20 have not asked you to buy dollars or naira for them; is
21 that correct?

22 A. I'm putting money into people that have agreed that I
23 split, so that I lobby, I incentivize, I plead with, I beg
24 them to receive money on my behalf so I can pay my start-up
25 liabilities as a business. Yes, ma'am.

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1 Q. Now, you talked about Mr. Ojo earlier.

2 A. Yes, ma'am.

3 Q. You called him a man of integrity.

4 A. Yes, ma'am.

5 Q. And you also admitted that you guys have some
6 disagreements; is that correct?

7 A. Ghastly, terrible, very unfortunate disagreements.
8 Yes, ma'am.

9 Q. Okay. But you still maintain man of integrity?

10 A. Yes. I maintain man of integrity, yes.
11 Professionally, like professionally, he's, you know, he's a
12 very volatile person personally. But professionally,
13 work-wise, you know. Even though I don't get along with
14 him any more, you know, it would be wrong of, you know,
15 wrong of me to speak ill of him from a professional
16 standpoint.

17 Q. You said you didn't ever have control of his debit
18 card; is that correct?

19 A. Yes, ma'am.

20 Q. Did you ever have control of any other accounts?

21 A. I've never had any control of any accounts.

22 Q. Any kind of an account?

23 A. Like my account, I have control of my accounts.

24 **MS. IRELAND:** May I approach the witness?

25 **THE COURT:** Yes.

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BY MS. IRELAND:

Q. Mr. Abegunde, can you tell me who the participants are in that conversation?

A. This is Debo, Jerry. This is a -- his name is Debo .

Q. And who is Debo ?

A. A friend of mine.

Q. That's not Dejobo?

A. No, that's not Dejobo.

Q. Someone else, okay.

MS. IRELAND: If I can have just a moment, Your Honor.

THE COURT: Yes.

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

THE COURT: Any objection?

MR. PERRY: No objection, Your Honor.

THE COURT: What have we got, Mr. Warren?

THE CLERK: One hundred.

THE COURT: Exhibit 100.

(WHEREUPON, the above-mentioned document was marked as Exhibit Number 100.)

BY MS. IRELAND:

Q. Mr. Abegunde, I'm going to turn your attention to Page 4643. You said this was not Dejobo, it was Debo (pronouncing)?

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1 A. Debo.

2 Q. Debo, okay. Are you in the habit of giving out the
3 details about Mr. Ojo's accounts, even e-mail accounts?
4 Let me direct you to 10-3-2016. Whose e-mail address is
5 that?

6 A. That's Mr. Ojo's e-mail address.

7 Q. And are you sending it to bow ?

8 A. I don't know the context of this. I don't know the
9 context of this discussion. I'd like to understand the
10 context. I don't know -- I can't comment on something I do
11 not recollect the context.

12 Q. Well, did you send this message?

13 A. I would like to know the context of this discussion.
14 I don't recall this in any way, but if you show me the
15 context, I will be in a better position to recall it. I
16 don't recall. I can't comment on something where I can't
17 recall the context.

18 Q. I'm just asking a simple question.

19 A. And I'm sorry, ma'am. It will be difficult for me to
20 answer a question without knowing the context.

21 Q. I'm not asking you about the context. I'm asking you
22 whether you sent that message.

23 A. I don't recall. I don't recall the context through
24 which that message was sent, and if I don't understand the
25 context, it's difficult to answer the question, ma'am.

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1 Q. Okay. So it's your testimony that you don't know that
2 you sent his e-mail?

3 A. I would be -- for me to admit to sending the e-mail,
4 I'd like to know the context. I don't know the context of
5 this discussion. I can't -- this is a conversation that
6 spans about three or four pages on your --

7 Q. Or the passport or the password?

8 A. Ma'am, like I said, the context is critical. Is there
9 any reason why you don't want us to see context, ma'am?

10 **MS. IRELAND:** If I can have just one moment.

11 May I approach, Your Honor?

12 **THE COURT:** Yes.

13 **BY MS. IRELAND:**

14 Q. Who are the participants in this conversation?

15 A. So this is Mr. Showla with me and Baja Fresh.

16 **MS. IRELAND:** I would offer this as the
17 next-numbered exhibit.

18 **THE COURT:** Any objection?

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

20 **THE COURT:** Exhibit 101.

21 (WHEREUPON, the above-mentioned document was
22 marked as Exhibit Number 101.)

23 **BY MS. IRELAND:**

24 Q. Placing Exhibit 101 on the screen here, and
25 Mr. Abegunde, I'm going to direct your attention to a

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1 conversation of 4-13-2016. Okay?

2 A. Yes, ma'am.

3 Q. And you said Baja Fresh does sell vehicles, or Baja
4 Fresh sells vehicles; is that right?

5 A. Yes. Yes. Yes, ma'am.

6 Q. Okay. But here, you're talking about an exchange
7 rate, right?

8 A. Yes, ma'am.

9 Q. And that's the exchange rate on the black market,
10 right?

11 A. So this is not the exchange rate on the black market.
12 The black market is in Nigeria is the parallel market. So
13 there, it's the free market is determined by a process of
14 demand and supply. So for example, I have an item that I
15 want to sell --

16 Q. Mr. Abegunde?

17 A. Yes, ma'am.

18 Q. This is the exchange rate you're bargaining on, right?

19 A. Yes, ma'am.

20 Q. And who sent this message?

21 A. "Is that the best price?" Me. I sent that message.

22 Q. And the response?

23 A. "Yes."

24 Q. And what did you ask?

25 A. I'm asking if it's legitimate.

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1 Q. And what did he say?

2 A. He's being sarcastic by saying no.

3 Q. How do you know that's sarcasm?

4 A. Because it's obvious, he's laughing afterwards, he's
5 laughing afterwards, immediately afterwards.

6 Q. Because this is all really funny, isn't it?

7 A. Is what exactly, this my case being in jail for 404
8 days for something I know nothing about. Funny?

9 **MS. IRELAND:** I don't have any further questions,
10 Your Honor.

11 **THE COURT:** Thank you, Ms. Ireland.

12 Mr. Garrett, any questions?

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

14 **THE COURT:** Mr. Perry?

15 **MR. PERRY:** May I have just a moment?

16 **THE COURT:** Yes.

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

18 **THE COURT:** Thank you.

19 Mr. Abegunde, you may step down.

20 **THE WITNESS:** Thank you very much, Your Honor.

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

22 **THE COURT:** Yes.

23 (Bench conference between the attorneys and the
24 Court.)

25 **MR. PERRY:** I wanted her to make some evidentiary

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1 rulings while y'all -- I hate to -- I don't know if it's
2 something I ate or what, but can I go out in the hallway to
3 the restroom for a moment? I'll be back.

4 **THE COURT:** Yeah. Do we need a brief break?

5 **MR. PERRY:** If we can.

6 **THE COURT:** Okay. All right. Yes. That's fine.
7 That's fine.

8 **MR. PERRY:** Thank you.

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

11 **THE COURT:** We're going to go ahead and take a
12 break. Let's take a 15-minute break. It's about 25 after.
13 So -- I think -- on at least one of my clocks. Yeah. So
14 come back in at -- we're going to come back in at 20 'til
15 3. Okay? Still not time to talk to anyone about the case,
16 including each other. Don't talk to the people involved in
17 the case at all. Keep that juror badge on and enjoy your
18 break.

19 (Jury leaves at 2:26.)

20 **THE COURT:** All right. 20 'til and when we come
21 back, I want to talk briefly about kind of where we are.
22 Okay? Thank you.

23 (Brief Recess.)

24 **THE COURT:** Mr. Perry, are you okay?

25 **MR. PERRY:** Yes. Thank you.

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1 **THE COURT:** Okay. All right. Mr. Perry, do you
2 have other evidence you intend to offer?

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

4 **THE COURT:** Okay. Mr. Garrett, predictions that
5 I won't hold you to?

6 **MR. GARRETT:** Judge, I really don't know how to
7 answer that. Obviously, quite a bit of material to cover,
8 but 2 hours, 3 hours.

9 **THE COURT:** Okay. Kind of what you were thinking
10 about the other day?

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

12 **THE COURT:** Okay. Okay. All right. Anything
13 before we bring the jury back?

14 **MR. FLOWERS:** Then I guess, just, Your Honor,
15 this will probably be obvious since Mr. Garrett just said
16 that. Two hours, I mean, do you -- depends on how cross
17 lasts.

18 **THE COURT:** Let me say I guess the next question
19 is, does the Government -- at this point I know you've only
20 heard, you know, from one Defendant, but are you
21 anticipating any rebuttal?

22 **MR. FLOWERS:** We haven't decided yet now, Your
23 Honor, but we would guess not at this point.

24 **THE COURT:** Okay. Well, yeah. My thought is
25 that we may -- the question really is, are we going to --

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1 am I going to get in jury instructions this afternoon. I
2 don't really see how we can get in instructions and
3 closings, but I haven't completely given that up yet. I
4 will tell you I did -- my trial that was supposed to start
5 today and then I told them they were going to start
6 tomorrow, I've put off, thinking that we were at a place
7 where we may not -- I might not get it to the jury today.
8 Okay? Do you all need anything else for your schedules
9 from me on where we are?

10 **MR. FLOWERS:** Nothing from the Government, Your
11 Honor, nothing for the Government, I guess.

12 **THE COURT:** Okay. You've just moved to Memphis,
13 right, Mr. Flowers?

14 **MR. FLOWERS:** I have. I've been here for a
15 month. It's good to be back, so...

16 **THE COURT:** Okay. Good. It's good to have
17 people from out of town. Spend a lot of money. Yes, go
18 ahead and bring them back.

19 Yes, ma'am. Come to sidebar.

20 **INTERPRETER:** Perhaps before the jury comes,
21 we've been asking to get some decisions about how his
22 client is going to testify. We're not totally sure yet of
23 whether he wants to us interpret the questions and not the
24 answers or something. We need clarification of that.

25 **THE COURT:** So the interpreters were asking for

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1 clarification of how, Mr. Garrett, your examination of your
2 client was going to go. My understanding when we talked
3 before the trial was that Mr. Alonso was going to testify
4 in English. Is that still your plan?

5 **MR. GARRETT:** That is my intention, if Your Honor
6 please. Obviously if he has some difficulty on the stand,
7 then certain questions and what have you, if the
8 interpreters could step in and interpret a question or
9 questions along the way, but my intention is to ask him to
10 testify in English as best as he can.

11 **THE COURT:** Does that mean you do not want them
12 to interpret the questions for him either?

13 **MR. GARRETT:** Not unless he does not understand.

14 **THE COURT:** Okay. And if that's the case, then I
15 think we'll have a court reporter read back the question
16 and let the interpreter interpret it. Does that make
17 sense? Okay. All right.

18 **INTERPRETER:** Thank you, Your Honor.

19 **MR. GARRETT:** Your Honor please?

20 **THE COURT:** Yes, sir.

21 **MR. GARRETT:** It's not necessary.

22 (Jury returns at 2:46 p.m.)

23 **THE COURT:** All right. You all maybe seated.

24 Did you need anything else at sidebar,
25 Mr. Garrett?

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

2 **THE COURT:** Okay. All right. Mr. Perry, any
3 other evidence?

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

5 **THE COURT:** Okay.

6 **MR. PERRY:** Did you want to wait until the end?
7 I'll rest at the appropriate time.

8 **THE COURT:** Well, if you don't have any other --
9 excuse me. Let me try again. If you don't have any other
10 evidence on behalf of Mr. Abegunde, I would expect that you
11 would rest.

12 **MR. PERRY:** We rest.

13 **THE COURT:** Okay. Thank you.
14 Mr. Garrett, any evidence?

15 **MR. GARRETT:** Yes, Your Honor. Your Honor
16 please, if I may have permission to have Mr. Thomas to
17 assist me with the publishing of the anticipated exhibits.

18 **THE COURT:** Okay. That's fine.

19 **MR. GARRETT:** I call Mr. Ramos-Alonso.

20 **THE COURT:** Let me say, ladies and gentlemen,
21 Mr. Ramos-Alonso has chosen to testify in English.

22 * * *

23

24 **JAVIER IUIS RAMOS-ALONSO,**

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

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1 testified as follows:

2 THE COURT: And I'll add that if there is a
3 problem with Mr. Alonso understanding a question, he will
4 let us know, and the interpreter will step in to interpret
5 for him. Okay?

6 MR. GARRETT: May I proceed, Your Honor?

7 THE COURT: Hang on one second. Let us get
8 everyone settled over here. Yeah. Okay.

9 You're on, Mr. Garrett.

10 MR. GARRETT: Thank you. Thank you, Judge.

11 DIRECT EXAMINATION

12 BY MR. GARRETT:

13 Q. Mr. Ramos-Alonso, would you state your full name for
14 the jury, please, sir and spell your full name.

15 A. Yes. My name is Luis Javier Ramos-Alonso, spelled
16 L-u-i-s, J-a-v-i-e-r, R-a-m-o-s, A-l-o-n-s-o.

17 Q. And how old are you, Mr. Alonso?

18 A. I'm 29 years old.

19 Q. And what was your last address, please?

20 A. My last? Sorry. It's 918 Harcourt Avenue in Seaside,
21 California.

22 Q. Seaside, California?

23 A. Yes.

24 Q. And did you live in a -- did you live in a house, or
25 did you live in an apartment in California?

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1 A. It was a small apartment.

2 Q. And describe the apartment please. How small was it?

3 A. Just have a bedroom, a dining room and kitchen.

4 Q. And did anyone else live at that apartment with you?

5 A. Just my uncle.

6 Q. You and your uncle?

7 A. Yes.

8 Q. Can you tell the jury what your living arrangements
9 were in the apartment. Did you have your own bedroom?

10 A. I don't even have bedroom. I just live with two --
11 two...

12 Q. You slept with two blankets?

13 A. Yeah. I just put one on the floor and one for my
14 body.

15 Q. You did not have a bed?

16 A. No.

17 Q. How long did you live in that apartment under those --
18 under those conditions?

19 A. Five years.

20 Q. And were you employed during that period of time?

21 A. Yes.

22 Q. First let me ask you, how much education do you have?

23 A. I finished my middle school and the high school.

24 Q. And where did you finish high school?

25 A. Mexico.

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1 Q. After high school in Mexico, did you go to school
2 after that? Did you receive any further education?

3 A. Just adult school for English.

4 Q. And where did you go to adult school for English?

5 A. In Seaside, California.

6 Q. And how long did you go to adult school for English?

7 A. For nine months.

8 Q. And when you started your adult school, could you
9 speak English at all?

10 A. No, not well.

11 Q. So what is your first language?

12 A. My first language is Zapoteco. It's a Oaxaca, Mexico
13 language. It's a dialect.

14 Q. It's a dialect?

15 A. Yeah.

16 Q. In Mexico?

17 A. Yes.

18 Q. And what is your second language?

19 A. Spanish.

20 Q. And then English is your third language; is that
21 correct?

22 A. Yeah.

23 Q. When were you living in the apartment that you just
24 described, did you have TV?

25 A. Yes. TV, yeah.

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1 Q. Did you have a computer?

2 A. I have but I never used it.

3 Q. Did you have access to the internet?

4 A. No. Only on my phone.

5 Q. On your cell phone?

6 A. Yeah.

7 Q. Do you have a smart phone?

8 A. Yes.

9 Q. Now, what was your last place of employment,

10 Mr. Alonso?

11 A. At the restaurant, Crystal Fish.

12 Q. What was the name of the restaurant?

13 A. Crystal Fish.

14 Q. Crystal Fish?

15 A. Japanese restaurant.

16 Q. How long did you work for the Crystal Fish restaurant?

17 A. For ten years.

18 Q. And what was your job when you started to work there?

19 A. Dishwasher.

20 Q. Did you perform any other duties other than
21 dishwasher?

22 A. Yeah. Prep cook and cooking.

23 Q. So over a period of time, did you progress from a
24 dishwasher to a cook?

25 A. Yes.

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1 Q. Did you receive any special formal training for
2 cooking?

3 A. Just -- they teach me little bit, the same employers
4 did.

5 Q. Kind of on-the-job training?

6 A. Yeah.

7 Q. What was your last rate of pay as a cook at this
8 restaurant?

9 A. \$17.50.

10 Q. \$17. What was your starting rate of pay?

11 A. 8.50.

12 Q. Did you have any other income?

13 A. No.

14 Q. What was your overhead? What were your monthly
15 expenses like?

16 A. 500, 800.

17 Q. Did you save your money?

18 A. Yes.

19 Q. Prior to your involvement in this case, Mr. Alonso,
20 had you ever been arrested?

21 A. No, never.

22 Q. And you know that Mr. Abegunde is your codefendant in
23 this case, right?

24 A. Yeah.

25 Q. When is the first time you saw Mr. Abegunde?

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1 A. When he get in Mason, in the jail.

2 Q. In the jail?

3 A. Yeah.

4 Q. Have you ever spoken to him before that?

5 A. No, never.

6 Q. Had any communication with him whatsoever before that?

7 A. No, not nothing.

8 Q. Did you even know that he existed before that?

9 A. No.

10 Q. Mr. Alonso, did you ever meet someone by the name of
11 Tammy Dolan?

12 A. Yes.

13 Q. How did you meet Tammy?

14 A. On the internet, on dating site.

15 Q. On a dating site?

16 A. Yeah.

17 Q. Do you remember the name of this dating site?

18 A. No, no.

19 Q. Tell the jury at the time that you first went on this
20 dating site, what was your social life like?

21 A. Normal, with no problems.

22 Q. Did you have a girlfriend at that time?

23 A. Yeah. Like one years before.

24 Q. Had a girlfriend one year before that?

25 A. Yeah.

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1 Q. So you hadn't had a girlfriend in the year before you
2 went on the dating site?

3 A. No.

4 Q. What was the reason for going on the dating site,
5 Mr. Alonso?

6 A. Just to meet someone there.

7 Q. And who was the someone that you met?

8 A. Tammy.

9 Q. You met Tammy?

10 A. Yeah.

11 Q. Did you ever talk to Tammy on the telephone?

12 A. No. Just e-mails and text.

13 Q. Your only communication with Tammy Dolan was through
14 e-mails?

15 A. Yes.

16 **MR. GARRETT:** If I may have a moment, Your Honor?

17 **THE COURT:** Yes.

18 **MR. GARRETT:** May I approach the witness, Judge?

19 **THE COURT:** Yes.

20 **BY MR. GARRETT:**

21 Q. Mr. Alonso, let me ask you to look at that document
22 and see if you recognize those e-mails.

23 A. Yes.

24 Q. Are those e-mails that's been provided to you
25 previously that you've had an opportunity to go over?

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1 A. Yeah.

2 Q. You've had an opportunity to read them?

3 A. Yeah.

4 Q. And those are e-mails that -- where you and Tammy
5 Dolan communicated; is that correct?

6 A. Yes.

7 **MR. GARRETT:** Your Honor, I'd like to have that
8 marked as the next exhibit in this matter, please.

9 **THE COURT:** Any objection?

10 **MR. FLOWERS:** No, Your Honor. I mean, they are
11 already in evidence, I think, as Government's 3, but for
12 this specific exhibit, I guess there would be no objection.

13 **THE COURT:** Well, I'll allow it. Exhibit 102.

14 **MR. FLOWERS:** Yes.

15 (WHEREUPON, the above-mentioned document was
16 marked as Exhibit Number 102.)

17 **MR. GARRETT:** And if Mr. Thomas --

18 **THE COURT:** If we could -- if you could hand that
19 to Mr. Warren so he could --

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

21 **THE COURT:** Thank you. So you're going to
22 coordinate showing the e-mail on the --

23 **MR. THOMAS:** Yes, Your Honor.

24 **BY MR. GARRETT:**

25 Q. Mr. Alonso, let me direct you to the first page of the

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1 document that you have before you and ask you is that an
2 e-mail that you sent to -- that you placed on the internet?

3 A. Yes.

4 Q. And what did you -- the date on that is July the 6th,
5 2014, is it not?

6 A. Yes.

7 Q. And what did you say in that e-mail?

8 A. "How is your day?"

9 Q. How is your day?

10 A. Yeah.

11 Q. Did you get a response?

12 A. Yes.

13 Q. And was the response from Tammy?

14 A. Yes.

15 Q. Can you read what Tammy's response was, please.

16 A. Yeah. "Hi, dear. How are you and how was your night?
17 Thank you for the short message. I really appreciate it.
18 I'm sorry I didn't get back to you sooner. I have been
19 very busy. I am pretty new on there, and I don't know how
20 things work on there yet. I signed up the account a few
21 days back. I was told about the site some days back when I
22 came to California for a visit for two days, so I decided
23 to give it a trial.

24 Here is a little about me. I am 27 years old. 5-7
25 and average build. I live in Brockton right in

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1 Massachusetts, but currently in South Africa, Pretoria, to
2 be precise, for the past one week and should be back in the
3 state in less than a week from now. Maybe we can arrange a
4 meeting after getting to know one another if I will be
5 welcome there on my way back.

6 May I start to know you here, please. My father is
7 originally from Australia, Melbourne, to be precise.
8 Though he has been living in Melbourne all his life with me
9 before he brought me down to the United States about a year
10 ago, Brockton to be precise. Right here in Massachusetts
11 where I live until the day he died, and I still live here,
12 but he has worked with oil contractors in the U.S. and some
13 parts of Europe before he passed away. I was working with
14 him as his personal auditor while he was alive.

15 I'm here in South Africa to claim a particular luggage
16 that was kept with a security company here by my dad before
17 he died and should be done with it a few days from now and
18 head back to the state. I have been single since I caught
19 my fiancé red-handed in my room sleeping with my best
20 friend in my room and on my bed, but I have erased their
21 part from my heart. We took to meet in life.

22 Now am looking for a true love and serious
23 relationship. I have learned my lessons and gone through
24 so many problems in my past relationship, but I need a guy
25 to be with all time and be with for the rest of my life. I

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1 would like to ask you some questions below.

2 What do you like in a lady?

3 How many girls have you met on the site?

4 What's your favorite color?

5 Tell me more about yourself.

6 What's your bad and good experience in meeting a lady
7 on the internet?

8 How do you treat your woman?

9 What state and city do you live in?

10 What do you do for a living?

11 Attach a few pictures of me. I hope you will like
12 them and hope to read back from you soon."

13 Q. Thank you.

14 **MR. GARRETT:** Your Honor please, could we pass up
15 a copy for the Court's benefit, please. I have an
16 additional copy.

17 **THE COURT:** Sure, if you want to. Yes. Thank
18 you.

19 **MR. THOMAS:** May I approach, Your Honor?

20 **THE COURT:** Yes. Thank you.

21 **MR. GARRETT:** May I approach the witness, Judge?

22 **THE COURT:** Yes.

23 **BY MR. GARRETT:**

24 Q. Mr. Alonso, you mentioned at the end of the e-mail
25 that there was a reference to some pictures, was it not?

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1 A. Yes.

2 Q. Let me show you these, please, and ask you if you can
3 identify those.

4 A. Yeah.

5 Q. Tell us what those are.

6 A. The ones that she send.

7 Q. Those two pictures?

8 A. She sent five pictures.

9 Q. She sent five?

10 A. Yeah.

11 Q. Is that two of the five that she sent you?

12 A. No, that's different. She sent five and sent another
13 two.

14 Q. All right. This is not the ones that came with the
15 e-mail?

16 A. Yes.

17 Q. These are?

18 A. Yes.

19 **MR. GARRETT:** Your Honor please, one of them may
20 be into evidence already, but for continuity purposes,
21 could I have these marked as the next exhibits, please?

22 **THE COURT:** Any objection?

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

24 **THE COURT:** Exhibit 103 and 104.

25 (WHEREUPON, the above-mentioned photographs were

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1 marked as Exhibit Numbers 103 and 104.)

2 **MR. GARRETT:** May I have these published, please?

3 **THE COURT:** Yes.

4 **BY MR. GARRETT:**

5 Q. Now, Mr. Alonso, the Exhibit 103 on the screen, is
6 that one of the pictures that you received with that first
7 e-mail?

8 A. Yes.

9 Q. And who did you take that to be when you got that
10 picture?

11 A. She.

12 Q. Did you think that was Tammy?

13 A. Yeah.

14 Q. Did you ever doubt whether that was Tammy or not that
15 had sent the e-mail?

16 A. No.

17 **MR. GARRETT:** May we publish 104, please?

18 **BY MR. GARRETT:**

19 Q. That picture was included in the -- with the first
20 e-mail?

21 A. Yes.

22 Q. Well, tell the jury what you thought about that when
23 you first received that e-mail and those pictures. How did
24 you feel about it?

25 A. I liked the picture.

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1 Q. You did what?

2 A. I liked it.

3 Q. You liked that picture?

4 A. Yeah.

5 Q. Did you respond to that e-mail?

6 A. Yes.

7 Q. And is your response at the bottom of Page 2?

8 A. Yes.

9 Q. Would you read to the jury, please, what your response
10 was.

11 A. "Hi, thank you for message me back. I'm new to the
12 site too. I don't have much experience on that, so what
13 can I say about me? I'm just a normal guy. I'm living in
14 Monterey, California. I working Japanese restaurant for
15 five days a week, but I'm not Japanese. Okay. I am a
16 Latino. My parents are Latinos too. I'm looking for a
17 sweet girl, a true love. I want to be with me forever."

18 Q. What was that last statement?

19 A. Hmm?

20 Q. What was the last statement that you read? You want
21 what?

22 A. I want to be with -- want some girl to be with me
23 forever.

24 Q. You wanted someone to be with you forever?

25 A. Yeah.

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1 Q. Were you for real? I mean, were you telling the
2 truth?

3 A. Yes.

4 Q. And you like what you saw on the picture, right?

5 A. Yes.

6 Q. Did you receive another -- an e-mail from Tammy after
7 that?

8 A. Yes.

9 Q. Let me direct your attention to Page 6, please. Do
10 you see the e-mail there that's dated July the 8th, 2014?

11 A. Yes.

12 Q. Is that an e-mail from Tammy?

13 A. Yes.

14 Q. Could you read that, please, sir.

15 A. "Hi dear. How are you? How was your night? Thank
16 you for the e-mail. I really appreciate it. It's my great
17 pleasure to hear back from you. I really made my day with
18 the lovely e-mail you sent, and I like the way you answered
19 my questions for me. I like going to beach, watching
20 movies, shows, musical concerts and sometimes go for dinner
21 and taste a little coffee. I don't have time for playing
22 games around because it's very harmful when someone hurts
23 another good feelings. Well, relationships can mean two
24 things. One, it can mean that we have a connection, which
25 I think exists. Two, relationship also means to be

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1 romantically and sexually involved, and I think we are
2 aren't at that level.

3 I've been in several rapports where I was not fully
4 appreciated. In fact, many times I felt I was taken
5 advantage of and that hurts. I'd like to meet someone who
6 recognizes the little things I do for him and know how to
7 be appreciative. For instance, if I were to make breakfast
8 in bed or draw a bath for my man, he could thank me by
9 giving me a hug or a kiss or perhaps sending me a card for
10 no particular occasion, just to tell me thank you. I'm
11 very appreciative of what people do for me, and I will
12 reward them in my own little ways. To me it's the little
13 things that means a great deal to me.

14 What does it really mean to be affectionate? I love a
15 man who can display his affection for me any time and
16 anywhere without having to be shy. And a person who knows
17 how to be affectionate is a big plus. I love being
18 affectionate. This may be an odd one, but I have learned
19 that there are many men out there that are set in their
20 ways. They have one way of doing things and are never open
21 to suggestions or advice. A stubborn man are a major
22 turn-off for me. I like a man who is open to ideas,
23 thoughts and basically open-mind.

24 I think being receptive brings about sensitivity as
25 well. A man who is ignorant, mean and just plain

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1 insensitive is difficult to get along with. I would say
2 that I'm not afraid to display my emotions. I would like
3 someone who is sensitive and caring. If I'm sad, I'd like
4 for him to be available to comfort me and cheer me up. He
5 doesn't have to do much, but just knowing that he's there
6 solacing me is more than good enough. Have you ever had
7 someone not stand up for you? I was deeply hurt when
8 someone I once knew wouldn't not stand up for me even after
9 he told me he loved me. I would never allow someone to
10 hurt my boyfriend or my husband, and I would always stand
11 up for him, one thing I will always do for my man is to
12 protect him.

13 A perfect date to me will be a dinner for two, or we
14 could go for a coffee and just talk and talk. I am very
15 new to this online thing. You are the first I will meet
16 that I really had a long talk with, and I hope we can make
17 it work. No, I don't like sport, but I love to watch
18 tennis and golf, LOL. As I say earlier, I don't care about
19 looks. I care about the inside of a man. A good heart is
20 just what I want.

21 I don't have kids, but I would love to have one
22 someday soon. Romantic weekend away will be a very nice
23 guy like you. I just hope you don't let me down. Well, I
24 can't wait to hear from you soon. I hope you are thinking
25 about me. Hope to hear from you soon."

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1 Q. Mr. Alonso, how many times did you read those e-mails?

2 A. Two, three times.

3 Q. How many times and how often did you look at those
4 pictures?

5 A. Many times.

6 Q. What did you think when you read them and looked at
7 those pictures?

8 A. I love it.

9 Q. You loved it?

10 A. Yeah.

11 Q. Did you think she was serious?

12 A. Yeah.

13 Q. You thought she really existed?

14 A. Yes.

15 Q. Did you respond to that e-mail?

16 A. Yeah.

17 Q. And is your response on Page 8?

18 A. Yes.

19 Q. Read your response on Page 8, please.

20 A. "Hi sweetie. I'm good here. My day is going great.
21 I'm here all alone too. Oh, sorry for your mommy, and your
22 dad was a superman for taking good care of you. I'm really
23 love meeting with you. You will be welcome here in my town
24 any time you want. I have never been married too, and I
25 want to be. And I would like to be father of one boy and

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1 girl. Like you say, I like kids, playing with them.

2 I like girl to be honest with me. I was in a
3 relationship with someone, but that was a big mistake for
4 me because she just playing with me. And I was so sad for
5 a long time. I want to be honest with you. I don't want
6 to hurt you, and you do not hurt me too. I will give my
7 life one day if necessary."

8 Q. What did you mean when you say I will give my life one
9 day if necessary? What does that mean?

10 A. I just wanted her feel something for me.

11 Q. When you told her about being hurt in a past
12 relationship, is that the lady that you broke up with?

13 A. Yeah.

14 Q. And you had been without companionship for a year?

15 A. Yes.

16 Q. Then on same day, July the 8th, you received another
17 e-mail from Tammy, didn't you, starting at the bottom of
18 Page 8?

19 A. Yes.

20 Q. What did she say?

21 A. "How are you and how was your day going? Thank you
22 for your e-mail, and thanks for telling me about you. I
23 have been doing good here, just that I have been so lonely
24 here, all alone. I just hope you have been doing good
25 there. You seem like the man that I have been looking for

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1 all my life. I have been through a lot in the past. I
2 have been deceived a lot, and I would not want to be deceived
3 anymore. My mom died when I was just 11, and since then my
4 dad has been taking very good care of me since I'm the only
5 child. I really hope things work out for me here. I want
6 to set up something on my own and be my own boss, but I'm
7 not really sure what I want to do yet.

8 I always like a guy to be composed in everything he
9 does, honest and straightforward. I don't like beating
10 around the bush, LOL. I don't care about looks of a man.
11 I care about the inside of a man. I would describe myself
12 as a follower. I'm always happy for others to include me
13 and my opinions and then make a decision.

14 I would really love to meet up with you if you ensure
15 me that I will be welcome right there in your town after
16 getting to know you more. I have never been married, but I
17 want to get married soon. And I don't have any kids of my
18 own right now. I like listening to blues, rock and roll,
19 pop, basically I listen to all kind of music. I just need
20 a song to lift up my spirit. Now I think you've known much
21 about me, and I too will love to know more about you.

22 I love being with kids and want kids, at least one boy
23 and one girl. I don't know if that's what you like or
24 want. If you want to know anything about me, just feel
25 free to ask, and please tell me something that I don't know

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1 about you yet. Will be waiting to hear from you again.

2 Hugs and kisses, Tammy."

3 Q. Mr. Alonso, when you first got these e-mails or when
4 you were first communicating with Tammy, was your English
5 as good as it is now?

6 A. No.

7 Q. Did you have any problem with reading these e-mails?

8 A. Yeah.

9 Q. What did you do? How did you understand?

10 A. I download an app on my phone, a translator.

11 Q. You had to use a translation app?

12 A. Yeah.

13 Q. Once again, when you got these -- when you got this
14 last e-mail from Tammy, did you think she was serious?

15 A. Yes.

16 Q. How did you feel about the fact that she told you that
17 her mother died when she was 11 years old?

18 A. I feel bad for her.

19 Q. You feel sorry for her?

20 A. Yeah.

21 Q. Did you respond to that e-mail?

22 A. Yes.

23 Q. Let me direct your attention to Page 10. Middle of
24 the page, is that a response that you wrote?

25 A. Yeah.

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1 Q. E-mail dated July the 9th. Would you read it, please.

2 A. "Hi, sweetheart. How you been? I hope good. I slept
3 very happy thinking --

4 **THE COURT:** Hang on. I think, Mr. Garrett, could
5 you repeat your question.

6 **MR. GARRETT:** The question was, I'm sorry, Judge.
7 I asked did you respond to the e-mail that you got from
8 Tammy.

9 **THE WITNESS:** Yes.

10 **THE COURT:** And then you directed him to Page 11?

11 **MR. GARRETT:** To Page 10.

12 **THE COURT:** Page 10. Okay. Okay. Thank you.

13 **BY MR. GARRETT:**

14 Q. E-mail dated July the 9th, Mr. Alonso. Would you read
15 that, please, on Page 10.

16 A. Yes. "Hi, sweetheart. How are you been? I hope
17 good. I slept very happy thinking of you. You leave me
18 speechless, my love, but if you're sure of all that, I also
19 wish to do all that with you, have a good time together
20 with our family. Maybe I don't have much to offer you, but
21 my heart, my life, my love is all yours. I never use
22 drugs. I don't like smoke, but I'm drink sometimes once a
23 week. I wish you be here to spend some time with you.
24 Maybe go to the movies, take a dinner, walk hand in hand,
25 hug you, kiss you, many things to do with you. Look into

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1 your eyes and tell you how much I love you. Here I'll be
2 waiting for you when you decide to come here. I hope it's
3 soon."

4 Q. Is that the way you really felt?

5 A. Yeah.

6 Q. But you just met her, hadn't you?

7 A. Yeah. I know, but I just want -- I don't know why. I
8 just feel it.

9 Q. That's the way you felt?

10 A. Yeah.

11 Q. You thought she was real?

12 A. Yes.

13 Q. She responded to that e-mail, didn't she?

14 A. Yeah.

15 Q. Direct you to Page 11.

16 A. Yes.

17 Q. Do you see the e-mail entitled Stuffs I Wish to Do
18 With You At Some Point?

19 A. Yeah.

20 Q. What did she say?

21 A. "How are you doing this morning? Did you have a good
22 sleep overnight? Thank you for your message. I have been
23 thinking of you so much in the last few days. I should be
24 out of here between 2 and 3 days from now maximum. Anyway,
25 here is a little more about me. My dad died November 9th

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1 of last year. I have never used drugs, and I will never in
2 my life. I don't smoke but I drink occasionally. Do you
3 smoke, drink? Do you use drugs?

4 I'm coming back to the state in few days from now, but
5 meeting with you is the first thing I want to do once I
6 leave here is to meet up with you if since you assure me
7 that I will be welcome there to spend some time with you
8 before heading home. I don't have any reason to come back
9 here again once I solve this.

10 Here are a few things I wish to do with you at some
11 point in this lifetime. Be your best friend. Get caught
12 with you in the rain. Dance with you in the rain. Star
13 gaze on a clear night. Watch the sunset together. Spend
14 all day with you doing nothing. Moonlit walk on the beach.
15 And more proud of -- be proud of you than I already am at
16 this very moment. Go on a carriage ride through the park.
17 Do a crossword together. Go to brunch. Have a
18 disagreement (it could and will only make us stronger). Go
19 for a twilight horseback ride. Watch a bad movie together.
20 Spend the rest of my life with you. Have our picture taken
21 together. Eat ice cream with you. Make love to you
22 passionately. Go to a museum together. Talk to each other
23 using only body language. Give you space when you need it.
24 Accept you totally and completely, flaws and all. I
25 already do.

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1 Discuss current events in a heated debate. Have you
2 see the error of your ways from aforementioned heated
3 debate and make mad, torrid love to you in the mind of all
4 the passion. Carve our names into a tree/table. Go for a
5 walk at dusk together. Be one with you. Send you a
6 singing telegram. Spend all night thinking of 101 sweet
7 things to do for you. Hold you and gaze into your eyes and
8 realize how much I love you and tell you gently. Gently
9 run my hand across your neck and look into your eyes.
10 Blindfold you and take you somewhere romantic. Spend my
11 life making you happy. Spend my life making our family
12 happy. Feel your heartbeat. See our unborn children in
13 your eyes. Go roller/ice skating together. Give you a
14 back rub just because. Always being honest with each
15 other. Go hiking, camping together. Have our first fight,
16 make up and feel a stronger bond because we very
17 successfully weathered the storm together.

18 Marry you. Laugh at someone together. Share a plate
19 of spaghetti. Give you a stuffed animal just because. Go
20 on a fun family vacation and bring back the kind of
21 memories movies are made of. Treat you like my Lancelot.
22 Go on a road trip across America. Count thunder together
23 during a thunder storm. Envelope you in my soul. Cook
24 your favorite meal/meals. Know you better than you know
25 yourself. Go to a Renaissance fair.

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1 Plant a tree in our yard together. Look over at you
2 during an office military family party and have you know
3 without me saying a word that I love you. Be able to say I
4 love you in 89 different ways, in 89 different countries.
5 Hold you when you're at your saddest and comfort you when
6 you need it the most. Be the one you come to for that
7 comfort and holding. Wipe away the day's stress and issues
8 with just one hug/kiss. Grow old with you. I really can't
9 wait to meet you. Hugs and kisses. Tammy."

10 Q. Did you believe that?

11 A. Yeah.

12 Q. How did it make you feel?

13 A. Happy.

14 Q. Did you think she loved you?

15 A. Yes.

16 Q. Do you think that's normal?

17 A. Yeah.

18 Q. And you thought you were talking to the person whose
19 pictures you had in your presence, right?

20 A. Yes.

21 Q. And you all were in love?

22 A. Yeah.

23 Q. And you had known each other how long?

24 A. Less than a month.

25 Q. Just a few days, right?

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1 A. Yeah.

2 Q. But you were in love?

3 A. Yeah.

4 Q. You told her how happy she made you feel, didn't you?

5 A. Yes.

6 Q. Go to Page 13, bottom of the page. What did you tell
7 her?

8 A. "Hello, my love. How are you? Yes, I was working all
9 day, but I didn't stop thinking about you, my love. I want
10 you to know I'm feeling the same as you. You make me feel
11 so happy, but I can't explain that, I just feel it. You
12 are creating in my heart so much love that is growing very
13 fast and making me feel so strong. You might not believe
14 me, but I'm starting to love you so much, and I don't want
15 it to be over. All the time I think of you is to ask me if
16 you're okay, sweetie. This morning I wake up so happy, and
17 all my work friends tell me you look so happy today, but
18 they don't know why. I love you, my princess, and I want
19 you to know that. I'll be waiting for you. Take care."

20 Q. Did you think that she was coming to see you?

21 A. Yes.

22 Q. And is that what you just read, is that the way you
23 really felt?

24 A. Yeah.

25 Q. How long did you communicate with Tammy back and forth

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1 in these e-mails, over how long a period of time? This
2 went on for about three years, didn't it?

3 A. Yeah. Three years.

4 Q. During that three-year period, did she continue to
5 profess her love for you?

6 A. Yes.

7 Q. And you in return told her how much you cared about
8 her, right?

9 A. Yeah.

10 Q. And you believed her?

11 A. Yes.

12 Q. Were you willing to do things for her?

13 A. Yeah.

14 Q. What would you do for her?

15 A. I send money for her. She asked me for money, and I
16 send it.

17 Q. Now, on Page 15, she sent you an e-mail, right?

18 A. Yes.

19 Q. Do you see in the middle of the page, it says subject
20 P.S.?

21 A. Uh-huh.

22 Q. And in that e-mail, she told you about a couple of
23 meetings she had to attend, right?

24 A. Yes.

25 Q. What did she tell you those meetings were for?

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1 A. She tried to work for some secure company.

2 Q. To do what?

3 A. To get her luggage there.

4 Q. What was in the luggage?

5 A. What her father left for her. It's some kind of
6 money, I think.

7 Q. How much money?

8 A. She told me it was about five million, something.

9 Q. Did you believe that?

10 A. Yeah. Because she send me like a bank -- bank
11 statement.

12 Q. She sent you some paperwork?

13 A. Yeah.

14 Q. Showing that she had \$5 million in the bank?

15 A. Yes.

16 Q. And you believed her?

17 A. Yeah.

18 Q. And on Page 16 you sent her an e-mail, and you sent
19 her a picture of yourself, didn't you?

20 A. Yes, I send one.

21 Q. And in that e-mail you told her that you wanted to
22 grow old with her, didn't you?

23 A. Yes.

24 Q. And on Page 17, on July the 12th, she sent you an
25 e-mail. Once again she told you some of what she wanted to

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1 do with you when she met you, right?

2 A. Uh-huh, yes.

3 Q. Told you that the relationship with you was her
4 future, didn't she?

5 A. Yes.

6 Q. That she wanted to spend time with you, and she wanted
7 to grow old with you, right?

8 A. Yes.

9 Q. Did you believe that?

10 A. Yes.

11 Q. Did you seriously believe that?

12 A. Yeah.

13 Q. That didn't seem unusual to you?

14 A. No.

15 Q. Well, why -- why -- where was Tammy located?

16 A. In South Africa.

17 Q. If Tammy is in South Africa with \$5 million cash, why
18 would she need you?

19 A. Because she told me she have to pay to bring that
20 money in the United States.

21 Q. And you believed that too, didn't you?

22 A. Yes.

23 Q. And in this e-mail on July the 12th, she goes on to
24 tell you how she wants y'all to go skinny dipping in the
25 hotel pool, right?

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1 A. Yes.

2 Q. How y'all are going to be laughing when you go
3 streaking naked back to the hotel room and get caught,
4 right?

5 A. Yes.

6 Q. And when you fall into the hotel room falling over
7 each other, stripping down to nothing that you stumble on
8 to the bed, the kitchen counter, the balcony, the dining
9 room table, making love, right?

10 A. Yeah.

11 Q. And you believe that, right?

12 A. Yes.

13 Q. How many times did you read that e-mail?

14 A. Two or three times.

15 Q. You were in love?

16 A. Yes.

17 Q. The e-mail that I just referenced on Page 17, I want
18 you to go to Page 19, to the end of that e-mail and read
19 the portion in the middle that says, that starts with P.S.

20 A. "I told you I worked with my dad as his personal
21 auditor when he was alive. At present I don't work. I
22 need to get some issues sorted here with the security
23 company today, which I told you earlier. So after sorting
24 out the issues, I will know the time I will be out of here,
25 and I'm sure will keep you posted. It's actually two

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1 meetings that I have got. The first one with the security
2 company and another one with the hotel manager. It should
3 last for 2, 3 hours maximum. I definitely will keep you
4 posted once I am done with this meeting. I just want you
5 to know that I had never found someone I wanted to spend
6 the rest of my life with until I met you. I really am
7 crazy about you, everything about you. I have got two
8 pictures of me in this e-mail. I hope you will like them.
9 Love always, Tammy."

10 **MR. GARRETT:** May I approach, Your Honor?

11 **THE COURT:** Yes.

12 **BY MR. GARRETT:**

13 Q. Mr. Alonso, let me show you two pictures and ask you
14 if you can recognize those.

15 A. Yes.

16 Q. Are those the pictures that she sent you?

17 A. Yes.

18 Q. With that e-mail?

19 A. Yeah.

20 **MR. GARRETT:** If I could have these marked as the
21 next exhibit, Your Honor.

22 **THE COURT:** Any objection?

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

24 **THE COURT:** Exhibits 105 and 106. They are
25 already admitted? They were --

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1 **MR. FLOWERS:** They were part of a compilation, I
2 believe, maybe at 22. Does that sound right?

3 **MR. GARRETT:** Judge, I'm sure that they're
4 already into evidence as I indicated before, just for
5 continuity purposes for my proof in this case, I don't --

6 **THE COURT:** All right. We'll leave them at 105
7 and 106.

8 (WHEREUPON, the above-mentioned photographs were
9 marked as Exhibit Numbers 105 and 106.)

10 **MR. GARRETT:** Publish, Your Honor?

11 **THE COURT:** Yes.

12 **BY MR. GARRETT:**

13 Q. Exhibit 105, is that one of the pictures that she sent
14 you?

15 A. Yes.

16 Q. How does that make you feel?

17 A. Happy.

18 Q. You was in love?

19 A. Yeah.

20 Q. 106, please. Is that the other picture that she sent?

21 A. Yes.

22 Q. And you thought that was your Tammy?

23 A. Yeah.

24 Q. Willing to do anything for her, right?

25 A. Yes.

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1 Q. Now, Tammy sent you another e-mail dated July the
2 13th, starting at the bottom of Page 19. Let me direct
3 your attention to Page 20, starting in the middle of the
4 page. Do you see where it starts: I'm willing to come
5 there?

6 A. Yes.

7 Q. Read that, please.

8 A. "I'm willing to come there and meet you as soon as
9 possible, as the outcome of the meeting I had with the
10 security company was successful, and the luggage is ready
11 for me to pick up. I just need to know your nearest
12 airport so that I can change my flight route to you. I can
13 easily change my flight at the nearest agent.

14 And I'm having some real problems here right now as
15 regard the second meeting I had with the hotel manager. He
16 seized my passport and another traveling document, and he
17 said he would not release them until I pay his outstanding
18 bills. I found out that I'm short of cash when I wanted to
19 pay the outstanding bill. I'm so sad right now as I have
20 spent the major part of the cash I brought down here on
21 luggage and the part payment I made when I got to the
22 hotel. My total bill is around 1650 in U.S. dollars, and I
23 have paid 750 right now. I have about 900 U.S. dollar to
24 pay.

25 I only can access cash once I get back to my house,

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1 but I have to make this payment before I will be allowed to
2 leave here. I really need some help somewhere somehow as
3 right now I don't have anybody. As I told you, my mom died
4 when I was just 11, and I'm the only child. My other
5 family never care about me if I live or die because they
6 always believe I'm not part of them since my father died.
7 So I please need your help out, hon. I will be waiting to
8 hear from you soon. Thank you so much for the picture. I
9 love it so much as you are extremely good looking."

10 Q. What does she ask you for, Mr. Alonso?

11 A. For help.

12 Q. How much help?

13 A. For money.

14 Q. Look at Page 22. The e-mail dated July 13th, do you
15 see it at the top?

16 A. Yes.

17 Q. What does she say?

18 A. "Thank you for the intention to help me out on this
19 issue. All that I need to sort the bill is 900, and I will
20 be available to take the possession of my passport and be
21 available to leave here. Below is the detail you will need
22 to send the money by Western Union money transfer to the
23 hotel recipient. The first name" --

24 Q. Let me interrupt you right there. She wanted you to
25 send how much money?

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1 A. 900.

2 Q. Did you send the 900?

3 A. Yes.

4 Q. Where did you get it from?

5 A. From my savings.

6 Q. You didn't know you were being tricked?

7 A. No.

8 Q. Where did she tell you to send the 900 to?

9 A. Huh?

10 Q. Where did she tell you to send that money to?

11 A. Where? In Africa.

12 Q. As a matter of fact, she gave you a name and address
13 to send the money to, didn't she?

14 A. Yes.

15 Q. Gave you a first name and a middle name and an
16 address?

17 A. Yeah.

18 Q. She didn't tell you to send it to her. She told you
19 to send it to someone else, right?

20 A. Yeah. Because they have her passport, and she can't
21 pick up the money.

22 Q. They had her passport?

23 A. Yeah.

24 Q. So they could pick up the money for her?

25 A. Yeah.

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1 Q. And you believed that?

2 A. Yes.

3 Q. And you sent the money?

4 A. Yeah.

5 Q. From your savings?

6 A. Yes.

7 Q. Because you were in love with Tammy?

8 A. Yeah.

9 Q. You thought Tammy loved you?

10 A. Yes.

11 Q. Mr. Alonso, if I could direct your attention to
12 Page 26. I'm sorry. I'm sorry. Try page -- just a
13 moment. Yes, Page 26. When you sent Tammy the money, does
14 she ask \$900, was she able to get her luggage?

15 A. No. She had another problem, I think.

16 Q. She had another problem?

17 A. Yeah.

18 Q. And on July the 14th, she sent you another e-mail
19 telling you what the additional problem was, right?

20 A. Yeah.

21 Q. And in that e-mail she told you that she had a problem
22 because even though she got the \$900, she found out that
23 she had to pay a luggage clearance fee, didn't she?

24 A. Yes.

25 Q. And you believed her, didn't you?

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1 A. Yeah.

2 Q. And you sent her \$1700, additional dollars for luggage
3 clearance fee, didn't you?

4 A. Yes.

5 Q. You didn't know you were being scammed?

6 A. No.

7 Q. When you sent her the \$1700, Mr. Alonso, was she able
8 to get her luggage then?

9 A. No, no. But she asked me for a plane ticket, for
10 flight ticket.

11 Q. But when you sent her the \$1700, did she run into
12 another problem after you sent her that money?

13 A. Yeah.

14 Q. Let me direct your attention to Page 32. I'm sorry.
15 Look at Page 31. Bottom of Page 31, July 15, that's an
16 e-mail from Tammy to you?

17 A. Yes.

18 Q. What did she say?

19 A. "Honey, I just got out of the agent office, to my
20 greatest surprise, my return ticket lapsed two days back.
21 I was weeping all through in there when the agent confirmed
22 to me that I won't be available to fly on a ticket which
23 the supposed return date was yesterday. Honey, I have got
24 no other choice than to get to another ticket to fly to
25 Monterey airport, and he has got a ticket to that route

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1 tonight, but I have to pay for that ticket and seat.
2 Honey, I appreciate everything you have done for me, but
3 it's not complete until I pay for this ticket back to you.
4 Please do this final help to me, and I will make it up to
5 you, my love. I am right outside the agent's office in
6 tears right here as I need to get out of here tonight, but
7 can't until I make this payment. Please do this for me, my
8 love. I assure you all will be paid for on my arrival,
9 please."

10 Q. She's just outside crying because she wasn't able to
11 get her flight, right?

12 A. Yes.

13 Q. And you believed her, right?

14 A. Yes.

15 Q. So on Page 32, she tells you that the ticket is \$1500,
16 and the cash to reserve her seat so she can fly tonight is
17 \$800, and all she needed was \$2300, right?

18 A. Yes.

19 Q. That's on July the 15th?

20 A. Yes.

21 Q. So you sent her \$900 on July the 13th, right?

22 A. Yes.

23 Q. \$1700 on July the 14th, right?

24 A. Yes.

25 Q. And \$2300 on July the 15th?

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1 A. Yes.

2 Q. Is that correct?

3 A. Yes.

4 Q. You didn't see anything wrong with that?

5 A. No.

6 Q. Have you ever -- prior to meeting Tammy, had you given
7 people money like this before?

8 A. No. It's the first time.

9 Q. Had you ever been in love like this before?

10 A. No. It was different.

11 Q. It was different?

12 A. Yeah.

13 Q. Mr. Alonso, that \$2300 that she asked you for, matter
14 of fact, she told you that she would pay you \$6,000 upon
15 arrival in the states, right?

16 A. Yes.

17 Q. Now, on the next page, does she tell you how to send
18 the \$2300?

19 A. Yeah.

20 Q. What does she tell you to do?

21 A. To send it by Western Union and MoneyGram.

22 Q. And how does she tell you to break it down?

23 A. Split it in two section and one by MoneyGram or
24 Western Union.

25 Q. How much is each one of those transactions?

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1 A. It's 800, 700, 800.

2 Q. Did she explain to you why she wanted the money broken
3 down like that?

4 A. No.

5 Q. Didn't you think that that was unusual, there's
6 something wrong here?

7 A. No.

8 Q. You didn't know that you were being defrauded?

9 A. No.

10 Q. You didn't know that you were being tricked?

11 A. No.

12 Q. You didn't know that you were being scammed?

13 A. No.

14 Q. You thought it was real?

15 A. Yeah.

16 Q. Mr. Alonso, did you think that was normal?

17 A. Yeah.

18 Q. You weren't suspicious that you just couldn't send the
19 money to her?

20 A. No. I thought she needed help. She asked me for
21 help, so I just tried to help.

22 Q. So you got to go get three different money orders at
23 three different locations. Is that --

24 A. Yeah.

25 Q. And you didn't think something was wrong with that?

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1 A. No.

2 Q. Did anybody else know that you were doing this?

3 A. No, just me.

4 Q. You didn't tell anyone?

5 A. No.

6 Q. You didn't ask anyone's opinion?

7 A. No.

8 Q. Page 37, Mr. Alonso. July the 16th, you got an e-mail
9 from Mark Okri?

10 A. Yes.

11 Q. Who is Mark Okri?

12 A. She told me he's the private financial consultant.

13 Q. A financial consultant that she referred you to?

14 A. Yeah.

15 Q. Why, Mr. Alonso, why?

16 A. I don't know. He's the one who is going to help her
17 to bring her money to the state, something.

18 Q. And how did you communicate with him?

19 A. She gave me his e-mail.

20 Q. And did he e-mail you?

21 A. Yeah.

22 Q. And in the e-mail that's reflected on Page 37,
23 Mr. Okri says, "Dear Luis, I acknowledge the receipt of
24 your e-mail, Luis, content was well noted and understood.
25 After my meeting with the bank manager earlier on today, he

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1 informed me they noticed you the beneficiary has no power
2 of attorney, which will be obtained for \$6800." Is that
3 what he told you you needed?

4 A. Yeah.

5 Q. What did you say?

6 A. I don't know what -- I told him I don't know how to
7 get that.

8 Q. Well, first of all, did you understand why you would
9 need a power of attorney?

10 A. No.

11 Q. Did you ask him why?

12 A. No, no.

13 Q. You had to pay for a power of attorney that cost
14 \$6800?

15 A. Yeah.

16 Q. How much of that money did you send him?

17 A. I just send like 4,000, I think, and she told me he
18 was going to put some money -- some of his money in for it.

19 Q. You sent Mr. Okri \$4,000?

20 A. Yeah.

21 Q. You didn't understand that these people were taking
22 advantage of you?

23 A. No.

24 Q. Look at Page 39, Mr. Alonso. E-mail dated July 16,
25 2014, from Tammy. Would you read that one, please.

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1 A. "Hello, sweetheart. The good news was that I got my
2 ticket paid for, but I was made to realize that I won't be
3 available to fly with the luggage due to the fact that the
4 luggage is full of cash and currently held in an holding
5 account with Capitec Bank, which I went ahead to put in
6 last night for safety purpose.

7 I need your help to clear out my fund. All you need
8 to do for me now is working with my financial consultant
9 Mr. Mark Okri, as I have informed him about you already. I
10 have worked too long and too hard for me to give up on you.
11 Once the funds have been released and transferred to your
12 account, I will be available to fly out of here
13 immediately. The money is to the tune of U.S. five
14 million, and it will be accessible in your account once
15 it's transferred.

16 My love, I am sharing all about my life achievement
17 with you because I trust you, and please note that I have
18 just opened up everything to you. I love you so much. And
19 I just want to be your man forever regardless of how .
20 Kindly contact the financial consultant immediately so that
21 he can advise on the procedure on how the payment of the
22 funds will be executed immediately through a confidential
23 arrangement. His details are below. Please, I need you to
24 e-mail him the minute you receive this e-mail, and keep me
25 posted once you do that."

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1 Q. Now, did she tell you that these moneys are going to
2 be deposited in your account?

3 A. Yes.

4 Q. So were you at some point in time expecting moneys to
5 be deposited into your account?

6 A. Yeah.

7 Q. But this was her inheritance?

8 A. Yes.

9 Q. So were you doing this because she had \$5 million, or
10 were you doing this because you were in love with Tammy?

11 A. Because with love. I loved Tammy.

12 Q. You loved her?

13 A. Yeah.

14 Q. And you were trying to help her?

15 A. Yes.

16 Q. And you believed her?

17 A. Yes.

18 Q. Turn to Page 48, Mr. Alonso. At the bottom of
19 Page 48, you got an e-mail from Tammy, did you not?

20 A. Yes.

21 Q. Dated July 20th. Would you read that, please.

22 A. "Hi, baby. I'm really glad to read from you. Are you
23 back to work? I really care about you and want to be happy
24 with you from now to the end of time. Baby, what do you
25 think about what the consultant said? He's willing to give

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1 loan us 1800 if we could get 5,000 across. What do you
2 think about it? You are my only hope, baby. Please help
3 me out so things will be on the right track, and I will
4 have you paid back as soon as I get there."

5 Q. What was she asking you to do?

6 A. To help her with 5,000.

7 Q. And at the bottom of Page 49, did she tell you that
8 Mr. Okri had agreed to take half the money that he had
9 asked for?

10 A. Yes.

11 Q. And did she tell you how to send it?

12 A. Yes.

13 Q. What did she say in that e-mail on 49?

14 A. Split it into three places at different MoneyGrams
15 location.

16 Q. Mr. Alonso, why was she telling you to split it in
17 three parts and send it from three different locations?

18 A. I don't know. I'm not sure.

19 Q. Did you ask her?

20 A. No.

21 Q. Did you find it suspicious?

22 A. No.

23 Q. You didn't think there was anything wrong with it?

24 A. No. I just thought it was more easy to send it or
25 something.

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1 Q. Had you -- at this point had you heard of people being
2 scammed on the internet?

3 A. No.

4 Q. Have you heard of people being tricked out of all of
5 their savings, their life savings?

6 A. No.

7 Q. Did you know that this was a common type scam that
8 people lose everything with?

9 A. No.

10 Q. Never heard of that going on?

11 A. No.

12 Q. You thought all of this was legitimate?

13 A. Yeah.

14 Q. Page 55, Mr. Alonso. Once again, Tammy sending you an
15 e-mail at the bottom of Page 55 giving you instructions as
16 to how to send the money, right?

17 A. Yes.

18 Q. What does she tell you?

19 A. She told me to send the \$850 in three locations.

20 Q. And you have testified that you ended up sending
21 Mr. Okri, what, \$4,000?

22 A. Yeah.

23 Q. Now go to Page 82, please. You sent an e-mail to
24 Tammy?

25 A. Yes.

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1 Q. At the bottom of Page 82, dated October the 2nd. Do
2 you see the e-mail that says, "Hi baby, how are you doing?"

3 A. Yeah.

4 Q. Read that.

5 A. "Hi baby. How are you doing? My love, just to tell
6 you that I sent 500 only because I went to another place,
7 but the Western Union network was not working there and
8 didn't get more time to go another place. I will do it
9 tomorrow morning if I can. Okay? I love you."

10 Q. You were going from place to place to try to send this
11 money?

12 A. Yeah.

13 Q. And you didn't think there was anything wrong with it?

14 A. No.

15 Q. Didn't know that you were being taken advantage of?

16 A. No.

17 Q. Page 83, Mr. Alonso. You get an e-mail from Mr. Okri,
18 right?

19 A. Yes.

20 Q. What does he say?

21 A. "Another payment of 4,200 from you for complete of
22 this transaction, however I run into a little problem with
23 one of my who a check which bounce back. I want to use the
24 proceeds of that check to complete the payment, and now I'm
25 in a tight and to achieve this. I have been available to

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1 raise 800 U.S. now which now still leave us with 2200 to
2 complete this transaction. I have been trying to raise the
3 money because I know I will make some money from it, but I
4 haven't been available to get more than 800. I need to
5 inform you about this immediately."

6 Q. And then you send him an e-mail, do you not?

7 A. Yes.

8 Q. What do you tell him?

9 A. "But Tammy told me you had the money already, and you
10 just waiting for the 4200 for complete it. That is why I
11 told Tammy to make sure if you really can help us with
12 3,000 and she said yes, you are available with it. For
13 now, I can't do anything else for it. Maybe I can do it,
14 but until 1 or 2 months, I told Tammy I can't send money
15 for nothing if you not help with 3,000. And now you say
16 you can't help with it.

17 Now I feel like you are playing with me. Sorry. I
18 know you do a lot already for us, but I only depends on
19 that money now. Please tell me you can do something for
20 that. We will pay you back anyway. All money you spend on
21 us, you will have it back if you work on it. If not, you
22 can cancel that and recover some money from it if it's
23 possible because I'm done with this. I can't do anything
24 now, and like I said, I only can make money until 1 or
25 2 months."

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1 Q. So you told him, now I think you're playing with me?

2 A. Yeah. Because --

3 Q. So didn't you understand -- didn't you indicate that
4 you realized that there was a problem here, that somebody
5 was not being above board?

6 A. No. I -- no. I just thought because he already tell
7 me he can get 3,000, and then next day he say he only can
8 raise 800.

9 Q. So you ended up sending \$4200?

10 A. Yeah.

11 Q. But you used up all your savings at this point?

12 A. Yes.

13 Q. Is that why you told him before you couldn't do
14 anything for another 2 or 3 months?

15 A. Yeah.

16 Q. Where were you getting this money from that you were
17 sending to Tammy, Mr. Alonso?

18 A. From my work.

19 Q. Sending her your paycheck?

20 A. Yeah.

21 Q. What did you have left when you sent her your
22 paycheck?

23 A. Just 500, 600.

24 Q. Were you sending her most of the money that you were
25 making?

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1 A. Yeah.

2 Q. Because you loved her?

3 A. Yes.

4 Q. On Page 90, Tammy asked you for \$500, did she not?

5 A. Yes.

6 Q. And on Page 99, did you tell her that you couldn't
7 send any more money?

8 A. Yeah.

9 Q. At the bottom of Page 99, you sent Tammy an e-mail,
10 say, "I can't send it. Every time I try to send all my
11 information, it appeared there, and they will not let me
12 send it." Who wouldn't let you send it?

13 A. Western Union because I reach my limit to send the
14 money.

15 Q. Did somebody at Western Union tell you that this was
16 not a good idea what you were doing, that you were being
17 scammed?

18 A. No. They just told me how many times you send money
19 already. That's all they ask me, like that.

20 Q. And they wouldn't let you send any more?

21 A. No. Because I reached my limit.

22 Q. What's the limit?

23 A. I can't send more, I think. I don't know. They just
24 said you can't send money any more.

25 Q. Did they question you about whether you really knew

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1 what you were doing?

2 A. No.

3 Q. They just told you you couldn't send money any more?

4 A. Yeah.

5 Q. At Western Union?

6 A. Yeah.

7 Q. Do you think somebody was worried about you, sir?

8 A. Hmm?

9 Q. Do you think they were worried about you?

10 A. No.

11 Q. Let me direct your attention to Page 107, Mr. Alonso.

12 Would you read the e-mail at the bottom of Page 107 from

13 Tammy that's dated January 20, 2015.

14 A. "I want you to know that everything is going to be
15 fine. We have two option now, and we have to work on it
16 fast. So any of the two will be a kind of benefit of us.
17 The company in charge of the money are working on getting
18 the money directly to your account but not until we meet
19 with the charge, the bank will need before they transfer
20 the money, which must be paid before the transfer of the
21 big money starts. Now they said before they start the
22 process, we must make the payment so their representative
23 is trying to help us to loan some money on his name, and
24 the money will be paid to your account when the process is
25 complete. Once the moneys gets to your account, you will

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1 send it across down here so we can sort the charges they
2 need, and in less than 24 hours, the total big money will
3 be present in your account.

4 So they have started working on things, but I don't
5 know when the process will be complete. But I have give
6 them your account details for the process. Secondly, my
7 cousin got discharged today from the hospital, and after I
8 explained everything to him on the situation of things, he
9 said he could get a loan of 7,000 in 24 hours if he can get
10 500 as the application fee. He explained to me that he saw
11 a check of 280 in his postal box when he got home, so now
12 he is willing to get the loan for us if we can get 220 to
13 him. Honey, how can you get 220 to him so he can apply for
14 the loan today and get the 7,000 to your account before the
15 close of work tomorrow? Those are the two ways we have
16 right now, baby."

17 Q. So Tammy wanted you to send \$500 for the application
18 fee for the loan; is that correct?

19 A. Yes.

20 Q. And then they were going transfer moneys to your
21 account?

22 A. Yeah.

23 Q. Is that the first time that she talked about
24 transferring money to your account?

25 A. Yes.

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1 Q. Where did you think the money going into your account
2 was coming from?

3 A. The loan her cousin is going to apply for.

4 Q. Now, didn't they in fact deposit \$7,000 in your
5 account?

6 A. Yeah. But I think it never get in my account because
7 her cousin send it directly to Africa.

8 Q. But she told you that it was loan money that was going
9 to be sent, deposited in your account?

10 A. Yeah.

11 Q. You didn't think there was anything wrong with that?

12 A. No.

13 Q. On Page 111 -- by the way, on Page 10, on Page 10 at
14 the top of the page, there's an e-mail dated February 28th
15 that Tammy sent you; is that correct?

16 A. Yes.

17 Q. What does she say?

18 A. "Honey, I have been out all night in this very cold
19 weather as the manager of the hotel evict me out. I won't
20 get the loan until Tuesday, but I need a place to sleep
21 until then. Please get me hundred to pay to them 'til I
22 get the loan. Please, my love. You are my hope as you
23 know I have been without food since yesterday. Okay."

24 Q. So she needs a hundred dollars because she's out in
25 the cold?

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1 A. Yes.

2 Q. And you believed her?

3 A. Yeah.

4 Q. And she's sitting on \$5 million?

5 A. Yeah.

6 Q. Does that make sense to you? Did it at the time?

7 A. No.

8 Q. Did you understand that?

9 A. She needed help.

10 Q. You thought she was telling you the truth?

11 A. Yeah.

12 Q. At the bottom of Page 11, you got an e-mail from Tammy
13 that actually starts on Page 12. Read from the top of
14 Page 112.

15 A. "How are you doing this morning, my love? Did you
16 have a good sleep overnight? I got a message this morning
17 that your account will be credited this morning with about
18 5,400 or thereabout. You need to check up your account
19 first thing this morning so we could use it to short the
20 big money to make things happen. It's extremely urgent you
21 check it this morning and confirm to me once it's there.
22 Check your two accounts once you get up this morning. I
23 hope to read from you soon."

24 Q. So Mr. Alonso, was that \$5,400 deposited into your
25 account?

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1 A. Yes.

2 Q. Sir?

3 A. Yes.

4 Q. She told you it was coming, right?

5 A. Yeah.

6 Q. Where did you think it was coming from?

7 A. From a loan she made. She opened.

8 Q. Never crossed your mind that this was a fraudulent
9 scheme?

10 A. No.

11 Q. You thought it was coming from legitimate funds?

12 A. Yes.

13 Q. Why your account, Mr. Alonso? Why your account?

14 A. Because I'm only one who can help her.

15 Q. You thought you were the only one that can help her?

16 A. Yeah.

17 Q. What did she tell you to do with that money?

18 A. Send it to her.

19 Q. Read the following e-mail, Mr. Alonso, dated March the
20 3rd, 2015, from Tammy. Do you see where it says, "Hi baby,
21 how are you doing?"

22 A. Yeah. "I got your message this morning, and I tried
23 to text you but got no response from you. If the money
24 isn't in your account today, it will be reflect first thing
25 in the morning. So you should be on the lookout for it.

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1 Okay? Once the money show up, you will have to send it
2 right back to me directly at 950 each at different
3 location. Okay?"

4 Q. Mr. Alonso, she was having \$5400 deposited in your
5 account; is that correct?

6 A. Yes.

7 Q. And then told you that you got to send it right back
8 to her?

9 A. Yeah.

10 Q. But it's got to be broken down into smaller payments?

11 A. Yes.

12 Q. Didn't dawn on you that there's something wrong here?

13 A. No.

14 Q. Do you think that's normal?

15 A. Yeah.

16 Q. You trusted her?

17 A. Yeah.

18 Q. Why?

19 A. I love her.

20 Q. You loved her. And on Page 113 did you send her an
21 e-mail and told her, "Honey, the money is here"?

22 A. Yes.

23 Q. Is that what you did?

24 A. Yes.

25 Q. What did you do with that money?

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1 A. She want me to send money to her too.

2 Q. Did you distribute it or disburse it as she told you
3 to you do?

4 A. Yes.

5 Q. Do you remember how you did it?

6 A. No.

7 Q. Do you remember who you sent it to?

8 A. She give me different names.

9 Q. She gave you names?

10 A. Yeah.

11 Q. Did she give you e-mails?

12 A. No. Just names and the where the money going to.

13 Q. Did she give you account numbers?

14 A. No.

15 Q. Explain to the jury how you disbursed these funds that
16 was deposited into your account by Tammy Dolan.

17 A. She sent me the names and where the money's going in
18 Africa.

19 Q. In Africa?

20 A. Yeah.

21 Q. Was it more than one person?

22 A. Sometimes she give me two, two names or three names.

23 Q. You didn't realize that you had been used in a money
24 scam?

25 A. No.

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1 Q. You did like Tammy told you to do?

2 A. Yes.

3 Q. At some point on Page 115, told her that there's over
4 \$900 on deposit in your account; is that correct? Look at
5 Page 115.

6 A. Yeah.

7 Q. What happened to those funds?

8 A. I send it to her.

9 Q. Do I see on Page 115 someplace that it indicates that
10 there's money that's been mailed to your home?

11 A. Hmm? No. It was deposit in my account.

12 Q. It was deposited in your account?

13 A. Yeah.

14 Q. Did you ever receive any cash at your home?

15 A. No.

16 Q. Never?

17 A. Never.

18 Q. On Page 123 and -- 123 there's an e-mail starting at
19 the bottom of Page 123 dated March 23rd, 2015. At the top
20 of Page 124, would you read that, please.

21 A. "How are you doing?"

22 Q. Top of page -- the top of Page 124. 124.

23 A. "Hi, baby. Good morning to you. How was your night?
24 Did you get some good sleep? The company has been calling
25 you for a little over an hour, and they say you are not

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1 picking up. You need to keep the check with you for now
2 until I tell you how to go about cashing it later today or
3 tomorrow. The \$8,739 is already in your account as of this
4 morning.

5 So once you get up this morning, you should go ahead
6 and make a withdrawal of the total money from your account
7 and remove 500 from it today and send it to my -- and
8 remove 5,000 from it today and send it to my name. You
9 should have it send in this denomination. \$980 in five
10 places at different location. The receiver's name should
11 be Tammy Alonso as usually. Okay. And make sure you
12 change the sender's name as usual. You should use Luis
13 Javier Alonso for three transaction and two transaction
14 with Javier Alonso.

15 The company asked me to tell you to remove 400 to get
16 a cab for the running around. So you will keep the
17 remaining 3,000 with you at home and send it tomorrow
18 morning as soon as you get up. Please have things take
19 care on time so we could have the process started. Okay."

20 Q. She deposited \$8,730 into your account?

21 A. Yeah.

22 Q. Do you realize, Mr. Alonso, that the reason that
23 you're charged in this case is because the Government
24 believed that you knew what was going on?

25 A. No.

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1 Q. You don't understand that?

2 A. No.

3 Q. Do you know that the Government is charging you in
4 this case because they think that you are deliberately
5 trying to be ignorant about what's going on?

6 **MR. FLOWERS:** Your Honor, may we approach very
7 briefly?

8 **THE COURT:** Yes.

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

11 **MR. FLOWERS:** Mr. Garrett's speculating on the
12 Government's theory at this point seems to be a little
13 irrelevant. One, we think it's not just deliberate
14 ignorance for him to think that idea in the minds of the
15 jury would be improper. We believe that there's actually
16 explicit knowledge of Mr. Ramos knowing what he was doing
17 is wrong. So Mr. Garrett questioning him on that account
18 is improper.

19 **MR. GARRETT:** Judge, it's my understanding it's
20 the Government's theory. That's why they've got the
21 instructions that they're asking for with respect to
22 deliberate ignorance.

23 **MR. FLOWERS:** Certainly in the instructions.

24 **MR. GARRETT:** The response to my client while
25 he's on the witness stand as to what his mindset was or

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1 whether that is true or not.

2 **MR. FLOWERS:** Okay. I think I may have made a
3 mountain out of molehill here. I see what Mr. Garrett's
4 saying. I interpret that as being he was basically
5 planting the Government's theory in both the jury and in
6 the witness's mind. Well, I don't think that's what
7 Mr. Garrett was doing. So I apologize if I did
8 misunderstand.

9 **THE COURT:** My question is, to me and this may
10 not be what you're saying, but you're using legal terms
11 that I don't think the witness has indicated he has any
12 understanding of what you're asking. My issue has more to
13 do with just make sure you get something that he really
14 understands what you're asking.

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

16 **MS. IRELAND:** May we do one more thing? Just in
17 case there's a verdict of guilty and an appeal, I want it
18 to be clear on the record that the version that Mr. Garrett
19 is working from is a working copy that I created so that he
20 could read the e-mails more carefully, and it doesn't
21 necessarily perfectly match what's already in evidence. In
22 other words, I cut and pasted a bunch of things so that he
23 could have an easier way to read them and clearly said it
24 was work product, work in progress, not the final version.
25 And so things may be missing or dates may be out of whack,

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1 and I want it to be clear on the record that that's --

2 **THE COURT:** I've wondered about some of these
3 because it seems to me that a bunch of them don't have
4 dates on them.

5 **MS. IRELAND:** That's right.

6 **THE COURT:** It's mainly Alonso's responses to her
7 don't seem to have dates on them. So I can't follow
8 exactly whether -- I can't tell exactly whether all of
9 those dateless e-mails are actually responses to the ones
10 that they immediately follow.

11 **MS. IRELAND:** Exactly. And I wanted that to be
12 clear. It is a work product because Mr. Garrett was having
13 trouble reading it or format that made it readable, so I
14 want it to be very, very clear that that is not the final
15 version. It's a quick, fast, dirty cut and paste so
16 that --

17 **MR. FLOWERS:** In terms of substance, we don't see
18 any inaccuracies or anything like that, just to be clear,
19 in terms of substances.

20 **MR. GARRETT:** I appreciate the Government's
21 position and not only that, I do appreciate them providing
22 me with copies of these e-mails between these two parties.
23 They represent that that's what they are. I've represented
24 that that's what they are. My client testified that that's
25 what they are. And I appreciate what they have done, but I

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1 don't understand the problem. I mean, even these, what
2 they represent, either they are or they aren't.

3 **THE COURT:** I think it is that they are the
4 e-mails. I think there is at least some missing
5 information that I can see, but I haven't seen -- you know,
6 I have no knowledge of whether that creates an issue or
7 not. And I think what the Government's saying is they
8 don't perceive an issue, but just trying to make clear what
9 that compilation is.

10 **MS. IRELAND:** Exactly. The general substance of
11 the body is the same, but some dates may be off. They may
12 have been pulled from different places in a thread. It's
13 simply a working document to help make sense of it in a
14 cumbersome format that's not easily readable.

15 **MR. FLOWERS:** And the punctuation is off and all
16 that.

17 **THE COURT:** That's fine.

18 **MR. GARRETT:** But the Government put in during
19 its case in chief certain particular e-mails that they
20 contend that supported their theory of the case. I'm doing
21 the same thing with this set of e-mails, and we all know
22 that there was 929 e-mails. This may not be all of them.
23 There's still additional e-mails, and I'm not going to ask
24 the Court to let me read all 929 e-mails.

25 **THE COURT:** Thank you. Thank you.

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1 **MR. GARRETT:** But there are additional e-mails.
2 This is not all of them.

3 **MS. IRELAND:** We're not objecting.

4 **MR. GARRETT:** So they are picking out certain
5 ones that they think support their theory of the case. I'm
6 trying to highlight the ones that I think support the
7 Defense's theory of the case. That's all I'm doing.

8 **THE COURT:** That's fine.

9 **MS. IRELAND:** No objection to them.

10 **THE COURT:** Last thing is move your -- if you
11 would move your mic up on your tie.

12 **MR. GARRETT:** This mic doesn't like me.

13 **THE COURT:** Get it as close to your mouth. There
14 you go. All right. Anything else?

15 **MR. FLOWERS:** No, Your Honor. Thank you.

16 **THE COURT:** Thanks.

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

18 (Bench conference between the attorneys and the
19 Court concluded and the proceedings continued as follows:)

20 **BY MR. GARRETT:**

21 Q. Mr. Alonso, did it ever cross your mind when you were
22 disbursing these funds that Tammy had had deposited into
23 your account that it was a problem, that this was something
24 illegal about this?

25 A. No.

TESTIMONY OF JAVIER RAMOS-ALONSO

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1 Q. Did you think you were doing anything wrong?

2 A. No.

3 Q. Did you think Tammy was doing anything wrong?

4 A. No.

5 Q. Have you ever been involved in any circumstances like
6 this before?

7 A. No.

8 Q. Now, Mr. Alonso, let me direct you to Page 158,
9 please. Would you read the e-mail that's dated April
10 the 15th at the bottom of 158 that actually starts at the
11 top of 159.

12 A. "Honey, I asked you the money was supposed to be
13 4,000, the one in Chase and the one you just deposited.
14 How much will be the total?"

15 Q. And what did you respond?

16 A. "The total is \$10,584."

17 Q. What did Tammy tell you to do with that money?

18 A. She told me to put the money in an envelope and send
19 it by FedEx.

20 Q. Tell the jury in detail what she told you to do.

21 A. She told me to buy two -- one magazine and two
22 envelopes and put -- and split the money, 5,000 in one
23 envelope and another 5,000 in another, and mail it to
24 FedEx.

25 Q. Why?

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1 A. She told me to do that.

2 Q. Cash?

3 A. Yes.

4 Q. Basically told you to hide the cash in magazines,
5 didn't she?

6 A. Yeah.

7 Q. And conceal the money in magazines in certain
8 denominations, right?

9 A. Yeah.

10 Q. And to mail it with FedEx?

11 A. Yes.

12 Q. Did you see something wrong with that?

13 A. No.

14 Q. But have you ever seen anybody ship money like that
15 before?

16 A. No.

17 Q. Do you know where the money came from that you were
18 shipping?

19 A. The moneys she's supposed to be apply for a loan. The
20 money they send me in my account.

21 Q. You didn't know that this was money that someone was
22 stealing from innocent people?

23 A. No.

24 Q. If you had known that they were stealing, would you
25 have participated?

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1 A. No. Because she told me it's a loan .

2 Q. Well, if the money was legitimate, why did you have to
3 hide it in magazines and ship it by Federal Express?

4 A. That's how she told me to do it.

5 Q. I know she told you to do that, but I'm asking you
6 what was in your mind? What did you think at that time?

7 A. Just trying to help her because I feel something for
8 her, and I did what she told me.

9 **THE COURT:** Mr. Garrett, if I can interrupt you
10 for a minute. What sort of time constraints do we have
11 today? Do we have a 5:30 or a 6?

12 **THE JUROR:** 5:30.

13 **THE COURT:** That you need to leave the building?

14 **THE JUROR:** Yeah. I mean, we can closer to six.

15 **THE COURT:** Okay. I suggest we take a ten-minute
16 break because we've been sitting here, I think, for about
17 two hours and then come back and go until about a quarter
18 'til 6. Okay. All right. So a ten-minute break. Let's
19 come back at five to 5. Okay? Still not time to talk to
20 anyone about the case, including each other or the people
21 involved in the case at all. Have a good break. Thank
22 you.

23 (Jury leaves at 4:47.)

24 **THE COURT:** Mr. Garrett, it looked like that was
25 a good place to stop, as you were turning to another one.

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1 I hope that was a good prediction.

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

3 **THE COURT:** Mr. Alonso, don't talk to anyone
4 about your testimony during the break. All right. Ten
5 minutes.

6 (Brief Recess.)

7 (Jury returns at 4:58.)

8 **THE COURT:** You all may be seated.

9 And Mr. Alonso, just a reminder that you're still
10 under oath. Thank you.

11 Mr. Garrett, you may proceed.

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

13 **BY MR. GARRETT:**

14 Q. Mr. Alonso, let me direct your attention to Page 175,
15 please. There is an e-mail from you to Tammy, middle of
16 the page, that you said, "I'm going to put 2,000 in each
17 envelope." Do you see that?

18 A. Yes.

19 Q. Read that paragraph.

20 A. "I'm going to put 2,000 in each envelope. Okay. It
21 will be five envelopes. The total money I'm going to send,
22 it will be 10,000, and I'm going to use some of the rest
23 for paying them for the shipment and sending the rest by
24 Western Union. Okay."

25 Q. Did you do that?

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1 A. Yes.

2 Q. You didn't think it was anything wrong with that?

3 A. No.

4 Q. Is there anything suspicious about it in your mind?

5 A. That moment, no.

6 Q. Mr. Alonso, did you get paid for sending this money?

7 A. No. She -- sometimes she tell me to get -- to take
8 200, 400, 100 for pay the cab or to pay for sending money.

9 Q. How much money did you take out -- get out of these
10 moneys that you've talked about? How much did you have or
11 take for your personal use?

12 A. Nothing.

13 Q. You didn't get anything?

14 A. No.

15 Q. She told you on a couple occasions to take 200, 400?

16 A. Yeah. But she always ask me for more money, so that's
17 the same money I send to her.

18 Q. Look at Page 181, Mr. Alonso, at the bottom, please,
19 e-mail dated May 2nd, 2015. Did you send that e-mail?

20 A. Yes.

21 Q. Would you read it, please.

22 A. "Hi, baby. I'm just trying to be fine and worried
23 about things, hon. I miss you so much, and I'm tired here.
24 I just want things work out as soon as possible and be with
25 you."

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1 Q. And did you send the following e-mail?

2 A. Yeah.

3 Q. The next one?

4 A. Yes.

5 Q. What did you say?

6 A. "Hi, baby. How are you doing? Baby, why not ask your
7 cousin to ask someone there to pick up the money, and I
8 don't have to pick up the money and resend it? I can call
9 them to change the receiver's name. It will be easy for
10 me. Please can you try?"

11 Q. Why were you asking her to have someone else pick up
12 the money?

13 A. Because the person I send money first, she told me he
14 reach his limit to pick up the money. So she -- then I
15 told her to give me another name to send it to, just to
16 change the receiver's name.

17 Q. She had told you that somebody that's picking up the
18 money had reached their limit?

19 A. Yeah.

20 Q. They couldn't pick up any more money?

21 A. Yeah.

22 Q. So you suggested her cousin?

23 A. Yes.

24 Q. You still didn't know anything was wrong?

25 A. No.

TESTIMONY OF JAVIER RAMOS-ALONSO

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1 Q. Would you read the e-mail at the bottom of Page 183,
2 Mr. Alonso.

3 A. "How are you doing this morning, my time? Why will
4 you talk like that when I have enter into agreement with
5 the company? How do you expect me to tell them that I'm
6 leaving here, first of all? I can't leave here until we
7 have it settled. Try and understand that this is very
8 important to be sure so we could have the check and be
9 happy. I miss you too, and I want us to be happy once we
10 get together. This is what we have to got to do and be
11 happy together. Please make it happen, hon."

12 Q. Do you know what she's talking about when she says
13 that I have entered into agreement with the company?

14 A. The company, she told me the company give her her
15 check, the money she had there. They give it in a check.
16 So she tried to bring that check here.

17 Q. There was also some reference during the trial about
18 someone referred to as the doctor. Who is the doctor?

19 A. The doctor is the one who send money to her. When I
20 send money to the doctor name, he send money to her.

21 Q. You were sending -- you would send money to the doctor
22 for her?

23 A. Yeah. In his account and he send money to her.

24 Q. Who was he to her if you know? Did she tell you who
25 the doctor was?

TESTIMONY OF JAVIER RAMOS-ALONSO

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1 A. No.

2 Q. But you would send money to the doctor for her?

3 A. Yeah.

4 Q. Mr. Alonso, let me see if we can get to the bottom of
5 this. Did you continue to receive funds from Tammy Dolan
6 throughout this relationship?

7 A. Yes.

8 Q. Did she send moneys, have moneys deposited in your
9 account on numerous occasions?

10 A. Just -- yeah. Just three times, three or four times.

11 Q. Did she tell you what to do with that money?

12 A. Yeah.

13 Q. Did you ever have any reason in your mind to think
14 that it was anything illegal about what was going on?

15 A. No.

16 Q. Did you know that they were engaged, Tammy and
17 whomever she was associated with, people that you were
18 sending the money to, did you understand that this was some
19 kind of conspiracy to defraud people out of their money?

20 A. No.

21 Q. You had no idea?

22 A. No.

23 Q. Did you ever send Tammy moneys for a ticket to fly to
24 America?

25 A. Yeah. Couple of times.

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1 Q. How many times?

2 A. Maybe five, four.

3 Q. Four or five times?

4 A. Yeah.

5 Q. Did you pay for those tickets?

6 A. Yes.

7 Q. Did she come up with an excuse for not flying or not
8 coming on each one of those occasions?

9 A. Yes.

10 Q. You would have to send money again to try to make it
11 good so she could fly the next time?

12 A. Yes.

13 Q. Did it ever dawn on you that she was lying to you?

14 A. No.

15 Q. You sent tickets time and time again, and you still
16 thought that she was being truthful and she was coming?

17 A. Yes.

18 Q. How long would you allow that to go on? Let me ask
19 you, Mr. Alonso. When was the last time you sent Tammy
20 money for a ticket?

21 A. Around March 2017.

22 Q. March 2017?

23 A. Yeah, around March.

24 **MR. GARRETT:** May I have a moment, Judge?

25 **THE COURT:** Yes.

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BY MR. GARRETT:

Q. Let me direct your attention, Mr. Alonso, to Page 193. Looking at the bottom of the page, did you get an e-mail from Tammy?

A. Yes.

Q. Dated June 4, 2015?

A. Yes.

Q. Go to Page 194 and tell us what that says.

A. "Here is my ticket, hon."

Q. Is that what Tammy sent to you?

A. Yes.

Q. And what does that show on the next couple of pages?

A. It's the ticket she had.

Q. She sent you a ticket?

A. Yes.

Q. Copy of the ticket that she had?

A. Yeah.

Q. Did you send her the money for that ticket?

A. Yes.

Q. Showing that she was departing from Lagos?

A. Yeah.

Q. Flying to Houston, Texas?

A. Yes.

Q. From Houston, Texas to San Francisco, Page 195?

A. Yeah.

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1 Q. San Francisco to Monterey, California?

2 A. Yes.

3 Q. What's the nearest airport to Seaside, California?

4 A. The Monterey.

5 Q. Monterey?

6 A. Yeah.

7 Q. So she told you she was flying to you?

8 A. Yes.

9 Q. And you believed her?

10 A. Yes.

11 Q. And you did that on four or five different occasions?

12 A. Yeah.

13 Q. And you still didn't understand that you were being
14 taken advantage of?

15 A. No.

16 Q. Didn't understand that you were being lied to?

17 A. No.

18 Q. Didn't understand that you were being scammed out of
19 your money?

20 A. No.

21 Q. Didn't understand that there was some kind of fraud
22 scheme going on between these people?

23 A. No.

24 Q. Mr. Alonso, these e-mails contain numerous other
25 instances where you sent Tammy money, right?

TESTIMONY OF JAVIER RAMOS-ALONSO

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1 A. Yes.

2 Q. Your own money from your pocket?

3 A. Yes.

4 Q. When you sent her the ticket that we just looked at,
5 did she call you right back shortly after that and tell you
6 that she had a problem with her passport?

7 A. Yes.

8 Q. She needed \$2500 to get her passport cleared, right?

9 A. Yes.

10 Q. After you had sent her the money for the ticket?

11 A. Yes.

12 Q. You sent her \$2500 to get her passport cleared?

13 A. No, I didn't. I sent just half, I think, but I didn't
14 send all of that.

15 Q. Sent half of the money?

16 A. Yeah.

17 Q. Did she come to Monterey after you sent her money to
18 get her passport?

19 A. No.

20 Q. Did she give you a reason as to why she couldn't come
21 that time?

22 A. Yeah.

23 Q. Mr. Alonso, would you look at Page 207. At the bottom
24 of Page 207 and top of 208. Is that where she asked you
25 \$1300 to get her passport cleared?

TESTIMONY OF JAVIER RAMOS-ALONSO

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1 A. Yes.

2 Q. She still didn't show up, right?

3 A. No.

4 Q. Came up with another problem, right?

5 A. Yes.

6 Q. On Page 209, after you bought the ticket again, sent
7 her money for the ticket to get the ticket renewed, she had
8 a passport problem for \$1300?

9 A. Yeah.

10 Q. Then on Page 209, what does she tell you was the
11 reason she couldn't travel? Let me just, just looking at
12 209, middle of the top page, first paragraph, middle of the
13 paragraph, every traveler with an Australian transport must
14 pay a repatriation fee. Have you ever heard of a
15 repatriation fee?

16 A. No. It's the first time.

17 Q. How much money did you send her for the repatriation
18 fee?

19 A. 4,000.

20 Q. Mr. Alonso, did it dawn on you that Tammy was making a
21 fool out of you?

22 A. No.

23 Q. A repatriation fee, did you make any efforts to try to
24 figure out what that was?

25 A. No.

TESTIMONY OF JAVIER RAMOS-ALONSO

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1 Q. Just took her at her word?

2 A. No.

3 Q. You believed her?

4 A. Yeah.

5 Q. On Page 215, sent you an e-mail telling you that she
6 needed money to get the safe out of hock, didn't she?

7 A. Yeah.

8 Q. As a matter of fact, Page 221, how much money did she
9 tell you she needed that time? Look at the e-mail in the
10 middle of the page dated June 14, 2015.

11 A. 9,700.

12 Q. \$9,700, is that what she asked you for?

13 A. Yeah.

14 Q. What did you do?

15 A. I didn't send that money.

16 Q. You did not?

17 A. No. I didn't have that much, so I couldn't send.

18 Q. You didn't have that money. As a matter of fact,
19 Mr. Alonso, looking at the next page, 222, middle of the
20 page, didn't you tell her? Read the e-mail that you sent
21 to her in the middle of the page.

22 A. "You don't have to pay for something you paid already.
23 If you want to stay there, stay there, but please, don't
24 ask me for help any more because I will lose my job if I
25 not get the 3,000 back just because you can't do anything

TESTIMONY OF JAVIER RAMOS-ALONSO

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1 about to fly."

2 Q. What are you talking about?

3 A. Some of the money I asked for for my friend to loan
4 me. And I told her if I not get that money, I lost my job.

5 Q. Look at Page 225, Mr. Alonso, at the top. Did you
6 send Ms. Tammy an e-mail?

7 A. Yes.

8 Q. What did you tell her?

9 A. "So you going to stay there for life? I will not
10 waiting more longer for you. Okay. I'm tired. I gave you
11 all my life, and you just not helping me on nothing."

12 Q. Did you realize by now that you had been taken
13 advantage of?

14 A. No. I just told her because I don't have more money
15 to spend on her.

16 Q. Did you have any more money left?

17 A. At that moment, no.

18 Q. Go to 234, Mr. Alonso. What is that, sir?

19 A. It's another ticket.

20 Q. Did you send Tammy the money for that ticket?

21 A. Yeah.

22 Q. Do you remember how much you paid for it?

23 A. No. Maybe 900 and something.

24 Q. Did she come?

25 A. No.

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1 Q. Do you remember what excuse she gave?

2 A. No.

3 Q. Matter of fact, going back to Page 233, could you read
4 that e-mail at the bottom of the page from Tammy.

5 A. "How are you doing? So sorry about everything. It
6 took almost 48 hours to get the checks from the airport
7 safe. Guess what? As we speaking, I have my passport,
8 ticket and the two checks with me at the airport. I have
9 to be here 'til I fly tomorrow to avoid any problems from
10 the hotel management. Below is my flight details, but I
11 was clear that they will be a problem for me when they
12 would check in me tomorrow night in this airport. I was
13 told I have been in this country for a while, and I need
14 800 to clear myself at the immigration desk or else they
15 will not clear me at this departing and which is Murtala
16 Muhammed airport. And if they don't clear me, there is no
17 way I can get on plane from here. Okay.

18 I plead to Mr. Murray, and all he could send to me at
19 the airport is only 200. So you need to get 600 across to
20 the doctor's account so the doctor could send the money to
21 me as soon as possible or else I won't be cleared by the
22 immigration. This is the only thing needed, please.
23 Okay."

24 Q. And then she sent you a copy of the ticket that she
25 claimed to have?

TESTIMONY OF JAVIER RAMOS-ALONSO

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1 A. Yeah.

2 Q. And you believed her?

3 A. Yes.

4 Q. Did you send her money?

5 A. Yeah.

6 Q. Did you think she was coming?

7 A. Yeah.

8 Q. Page 240. Did you send her an e-mail?

9 A. Yes.

10 Q. What did you say?

11 A. "Hello, baby, how are you doing? Baby, I went to the
12 post office. They said the package is not there anymore.
13 They said I have to wait ten days or so and call them back,
14 and they will let me know if the package is ready to pick
15 up or not. Okay. Sorry."

16 Q. Mr. Alonso, I want to you read the top of Page 240,
17 the e-mail at the top of that page. You said that you were
18 expecting Tammy to arrive on this last ticket that you
19 purchased, right?

20 A. Yeah.

21 Q. At the top of the page, 240, what are you telling her?

22 A. "Tell me everything here. What's going on there? Why
23 you're not here yet. Are you still there?"

24 Q. Where were you when you sent that?

25 A. I'm in my apartment.

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1 Q. But you thought she was coming, right?

2 A. Yeah.

3 Q. Look at Page 245, Mr. Alonso. Had Tammy sent you
4 money or had money deposited into your Wells Fargo bank
5 account?

6 A. Yeah.

7 Q. It says, "Below is the account details to put the
8 money into at Wells Fargo Bank. Make it two deposits at
9 two different Wells Fargo Bank. Okay? Make sure it's cash
10 deposit. Okay?" Do you see that?

11 A. Yes.

12 Q. What was that? Did you understand that?

13 A. So that's the money -- yeah. She wanted me to deposit
14 the money in the Wells Fargo she give to me.

15 Q. Did she tell you why she wanted you to put cash into
16 the Wells Fargo account?

17 A. No.

18 Q. 259, Mr. Alonso. Mr. Alonso, I'm sorry. Look at
19 Page 251.

20 **MR. GARRETT:** Sorry, Mr. Thomas.

21 **BY MR. GARRETT:**

22 Q. What is that?

23 A. Another ticket.

24 Q. Did you buy that ticket?

25 A. Yeah.

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266

1 Q. Did she come?

2 A. No.

3 Q. Go to Page 259. Is that the same ticket, or is that
4 another ticket?

5 A. It's another ticket.

6 Q. Did you buy that one?

7 A. Yeah.

8 Q. Did she come?

9 A. No.

10 Q. That was in May of 2016, was it not?

11 A. Yes.

12 Q. Did Tammy make an excuse for not using that ticket to
13 come to America?

14 A. Yeah.

15 Q. And subsequently ask you for some more money?

16 A. Yes.

17 Q. On Page 277, did she tell you she needed another \$950?
18 270. Look at 274. Oh, no. Disregard that, Mr. Alonso.
19 Let me direct your attention, however, to the bottom of
20 Page 274. Did you send her an e-mail on January the 27th,
21 2017?

22 A. Yes.

23 Q. What did you tell her at the bottom of that page?

24 A. "This time you are picking me up at the airport. A
25 hundred percent and sure about it, my love. I will never

TESTIMONY OF JAVIER RAMOS-ALONSO

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1 do anything that will hurt you or your feelings."

2 **MR. THOMAS:** What page number?

3 **BY MR. GARRETT:**

4 Q. I'm looking at Page 274. Do you have 274?

5 A. Yes.

6 Q. Look at the bottom of 274 for the e-mail dated
7 January 27, 2017.

8 A. "You always lied to me, Tammy. You always leave me
9 like stupid waiting for you at the airport."

10 Q. Had you been waiting for her at the airport?

11 A. No. I just told her that I was waiting, but I was
12 waiting at the apartment.

13 Q. But you were waiting?

14 A. Yeah.

15 Q. And that's when she told you that she'll do anything
16 for you?

17 A. Yeah.

18 Q. On Page 280, Mr. Alonso, what is that? Or let me ask
19 you, did you send -- did you send Tammy another ticket?

20 A. Yes.

21 Q. When did you send that ticket?

22 A. Hmm?

23 Q. Was that in February of 2017?

24 A. Yes.

25 Q. And you still expected Tammy to come?

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1 A. Yes.

2 **MR. GARRETT:** Your Honor please, that's all of
3 the e-mails that I need to refer to. So Mr. Thomas can sit
4 down.

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

6 **BY MR. GARRETT:**

7 Q. Mr. Alonso, it appears that you sent Tammy the ticket
8 the last time in February of 2017; is that correct?

9 A. Yes.

10 Q. Now, had your bank accounts been cancelled or closed
11 before then?

12 A. Yeah.

13 Q. When were your bank accounts closed?

14 A. Around September or October, I think.

15 Q. All of your accounts were closed?

16 A. Yeah.

17 Q. And did you have a meeting or discussion with the bank
18 officials as to why your accounts were closed?

19 A. Yes.

20 Q. And what were you told as the reason for your bank
21 accounts being closed?

22 A. They told me there's something like fraud things
23 happening. The money they sent to me was stole to someone.

24 Q. Was stolen from someone?

25 A. Yeah.

TESTIMONY OF JAVIER RAMOS-ALONSO

269

1 Q. They told you that this was fraud?

2 A. Yeah.

3 Q. Did you have any knowledge of that before the bank
4 officials told you?

5 A. No.

6 Q. Did they close your account?

7 A. Yeah.

8 Q. Did you believe them when they told you that, about it
9 being fraudulent transactions?

10 A. No.

11 Q. They closed your account and told you that your
12 accounts were being used for fraudulent transactions, and
13 you still did not believe them?

14 A. Yeah.

15 Q. Why didn't you believe them?

16 A. Because I was believing more in Tammy than them.

17 Q. You thought Tammy was telling you the truth?

18 A. Yeah.

19 Q. When did you find out that Tammy had scammed you?

20 A. When the FBI came in my apartment.

21 Q. When did they come to your apartment?

22 A. From June, I think.

23 Q. Was it March?

24 A. Yeah, March. It was March.

25 Q. March the 14th, 2017?

TESTIMONY OF JAVIER RAMOS-ALONSO

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1 A. Yes.

2 Q. Does that sound right?

3 A. Yeah.

4 Q. Tell the jury what happened.

5 A. They asked me to give them information about what
6 happened, where the money came from.

7 Q. Did you cooperate with them?

8 A. Yes.

9 Q. Did you answer their questions?

10 A. Yes.

11 Q. How did they get these e-mails between you and Tammy?

12 A. They gave me a paper to sign to -- for me to give them
13 all the e-mail.

14 Q. Did you give them all of the e-mails that you had?

15 A. Yes.

16 Q. Did they tell you that you had been the victim of a
17 scam?

18 A. I'm not sure.

19 Q. That's when you found out that --

20 A. Yeah. That's when, when they told me about she's not
21 real and that she stole that money.

22 Q. What did they say about your involvement in all of
23 this?

24 A. They didn't say anything, just -- they just came for
25 information. That what they told me.

TESTIMONY OF JAVIER RAMOS-ALONSO

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1 Q. And when is the next time you saw the Feds?

2 A. After 2 months, 3 months, in September.

3 Q. What happened?

4 A. They came and arrest me.

5 **MR. GARRETT:** May I have a moment, Judge?

6 **THE COURT:** Yes.

7 **BY MR. GARRETT:**

8 Q. Mr. Alonso --

9 **MR. GARRETT:** Am I clear?

10 **THE COURT:** Yes.

11 **BY MR. GARRETT:**

12 Q. Mr. Alonso, after you talked to the federal agents in
13 March of 2017, did you have any further communication with
14 Tammy?

15 A. No.

16 Q. Your accounts were closed, right?

17 A. Yes.

18 Q. When was the last time you heard from Tammy?

19 A. Before the FBI came, like two days before.

20 Q. Two days before?

21 A. Yeah.

22 Q. What was said in that conversation?

23 A. I think she's asking me for money too.

24 Q. Say it again, please.

25 A. She asking me for more money.

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1 Q. She was asking you for more money?

2 A. Yeah.

3 Q. Did you intend to do anything wrong?

4 A. No.

5 Q. Did you intend to do anything illegal?

6 A. No.

7 Q. Did you make any moneys off these transactions?

8 A. No.

9 Q. Did you hear the witness from Wells Fargo Bank testify
10 regarding a telephone call that you had with him?

11 A. Yeah.

12 Q. Did you tell him that you had a job that you were
13 getting paid \$2,000 for?

14 A. I'm not sure because they called me two times. The
15 second time it was a lady called me, and she asked me to go
16 to the bank and try to collect the money, which I sent.

17 Q. She tried to ask you to do what now?

18 A. To collect the old money I sent to another account.

19 Q. She -- are you talking about trying to get the money
20 back that you had drawn out of the account?

21 A. Yes.

22 Q. And what did you do?

23 A. That was what I did. I just collect some money. They
24 helped me there, and they collect like 18,000.

25 Q. Did you give that 18,000 back to the bank?

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1 A. Yeah.

2 Q. But did you ever tell anybody that you had a job to
3 distribute this money that you were being paid \$2,000 for?

4 A. No, no.

5 Q. Did you ever have such employment?

6 A. No, no.

7 Q. Out of this whole scheme, how much money out of all
8 the moneys that was -- that were deposited in your account,
9 how much of that money did you use for your personal use?

10 A. Maybe hundred dollars, \$20, that's all.

11 Q. And finally, Mr. Alonso, how much money do you think
12 that you lost in this whole scheme of things? How much
13 money did you send Tammy of your own personal funds?

14 A. 25-, 30,000, I'm not sure.

15 Q. 25- to \$30,000?

16 A. Yeah.

17 Q. Because you believed Tammy?

18 A. Yeah.

19 **MR. GARRETT:** That's all, Your Honor.

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

21 Mr. Flowers, are you doing --

22 **MR. FLOWERS:** Yes.

23 **THE COURT:** Is your cross going to be longer
24 than, say, ten minutes?

25 **MR. FLOWERS:** In all likelihood, yes. I could

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1 just zoom through it if you'd like.

2 **THE COURT:** Tell me our hard stop.

3 **MS. IRELAND:** He can go ahead.

4 **THE COURT:** Okay. She says you can go ahead. I
5 don't mean -- Mr. Flowers, if it would be longer than that,
6 I don't mean to rush you.

7 **MR. FLOWERS:** It would be, but I'm also conscious
8 of the Court and the jury's time too. I just want to make
9 sure.

10 **THE COURT:** Okay.

11 **MR. FLOWERS:** Speed this along. So I may need a
12 moment to collect myself.

13 **THE COURT:** Okay. And if we get to a point where
14 you can't do it, then we'll break.

15 **MR. FLOWERS:** Thank you.

16 **CROSS-EXAMINATION**

17 **BY MR. FLOWERS:**

18 Q. Good afternoon, Mr. Alonso. Did Tammy start using
19 your last name at a certain point?

20 A. Just for open an e-mail account, I think.

21 Q. Were you engaged?

22 A. Not like just normal.

23 Q. Were you married?

24 A. No, not married.

25 Q. Did she also tell you to send money to her name as

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1 Tammy Alonso?

2 A. Yeah.

3 Q. And that didn't strike you as odd?

4 A. No.

5 Q. Why not?

6 A. Because she used her name too, Tammy Dolan.

7 Q. Okay. So Mr. -- is it Ramos or Ramos-Alonso, sir?

8 A. Ramos-Alonso.

9 Q. Ramos-Alonso. You testified during the direct
10 examination with Mr. Garrett that when you were putting
11 money in a magazine, you didn't think anything was wrong.
12 Do you remember that?

13 A. Yeah.

14 Q. Showing you what has been previously introduced as
15 part of Government's 22. Do you see where it starts with
16 okay?

17 A. Yeah.

18 Q. Could you please read that.

19 A. "Okay. I'm worried about it. How about if they check
20 in the magazine, hon?"

21 Q. So if you were worried, there was possibly something
22 wrong, right?

23 A. Yeah. Because she told me that -- to not let them see
24 it.

25 Q. Well, that should have been a big tip, shouldn't have

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1 been, that something was wrong?

2 A. I don't know. That's what she told me.

3 Q. And you just believed her, no matter what she said?

4 A. Yeah, yeah.

5 Q. Because you were so much in love?

6 A. Yes.

7 Q. Show you Page 116 of Government's 22 and I'm sorry,
8 you start with, baby. Could you just please read that,
9 sir.

10 A. "Baby, I have to prepare the package very well. Okay.
11 It's a lot of money for one magazine, but I found the way
12 to send it. I just have to split it in a couple of
13 magazines. Okay. Just wait if you want this work out.
14 It's a risk for me, and I have to do it very well. I don't
15 want to be in a problem here."

16 Q. So had you to prepare it very well because you didn't
17 want it to be found, right?

18 A. Yeah.

19 Q. Because deep down you really knew there was something
20 wrong here, didn't you?

21 A. Of course she told me first, don't let them see, then
22 I just tried to do it the best I can for her.

23 Q. Trying to do the best for her. I understand, sir.
24 You loved her, right?

25 A. Yes.

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1 Q. But it wasn't just Tammy, it was also -- she was rich,
2 wasn't she?

3 A. That was -- she had a...

4 Q. You were dreaming of a better life, weren't you?

5 A. That's what she told me.

6 Q. Now, one of the -- I want to show you Page 170 on
7 Government's 22. I'll just go ahead and point. Can you
8 see where my finger is, sir?

9 A. "And don't forget the check."

10 Q. That's from you, right?

11 A. Yes.

12 Q. You wanted her to bring money?

13 A. Yeah. That's what the money -- the initial I send
14 money to her to bring her money here in the United States.

15 Q. To bring her money. That leads me to my next point,
16 Mr. Alonso. This is Page 145 of Government's 22. You
17 remember this, don't you?

18 A. Yes.

19 Q. What is this?

20 A. That was the paper she sent to me.

21 Q. Now, this top line here, can you please read that,
22 sir.

23 A. "Consent letter for the release of 2.7 million in form
24 of check instrument."

25 Q. So Mr. Ramos-Alonso, she wasn't just -- you weren't

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1 just in love with her. You wanted her money, didn't you?

2 A. No. I just tried to help her because she asked me for
3 help. That's why I did it for her, and she used my name
4 there to put her money in .

5 Q. So every time we see a promise of big money, that did
6 not factor into your decisions at all, is that what we're
7 to understand from you?

8 A. I don't know exactly what that means.

9 Q. So Mr. Ramos-Alonso, just to clarify for the jury and
10 for the Court, you are not interested in Tammy's money at
11 all?

12 A. No. Because I told her that she can leave the money
13 there and come with me. I told her.

14 Q. Did you? So you never told her that you were
15 interested in any of the money?

16 A. No.

17 Q. Never at all, Mr. Ramos-Alonso?

18 A. No.

19 **MR. FLOWERS:** I may actually go over into
20 tomorrow now, Your Honor.

21 **THE COURT:** Okay.

22 **MR. FLOWERS:** Very briefly. Actually, you know
23 what, let me ask a few more questions and then be done. I
24 can save whatever else for summation.

25 **THE COURT:** Okay.

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1 BY MR. FLOWERS:

2 Q. Do you think of yourself as an intelligent man?

3 A. No.

4 Q. Do you know right from wrong?

5 A. No.

6 Q. At all?

7 A. Some things, yeah. But not like I don't have
8 experience like dealing with charges of fraud and
9 something, money laundering, something like that. I don't
10 know how to -- I don't have experience to see which -- how
11 it's work there.

12 Q. Do you see that, sir?

13 A. Yes.

14 Q. Do you see where it says deposit and other additions?

15 A. Yes.

16 Q. Do you see an amount of money?

17 A. Yeah.

18 Q. That's a lot of money, isn't it?

19 A. Yeah.

20 Q. That's the most money that has ever been in your
21 account, wouldn't you agree?

22 A. No.

23 Q. Oh, it's not. You've had more money than \$154,000?

24 A. Yeah.

25 Q. When did you have more money than \$154,000?

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1 A. No. This is the first money that she supposed to --
2 it's a loan she applied for. That's what she told me.

3 Q. Didn't you think that was strange?

4 A. No. Because I was thinking it's a loan.

5 Q. Pardon me, sir? I'm sorry?

6 A. I was thinking it's just a loan. It's not like stole,
7 she stole money, I didn't think.

8 Q. So it is your testimony that this money was a loan?

9 A. Yeah.

10 Q. But then you started taking the money out of the bank,
11 Mr. Ramos-Alonso?

12 A. Yes.

13 Q. Didn't you?

14 A. Yeah.

15 Q. And in fact, you didn't stop on July 26th. You
16 continued on July 27th, didn't you?

17 A. Yes.

18 Q. And even after that, you didn't just take the money
19 out, you redeposited that cash into other accounts, didn't
20 you?

21 A. Yes.

22 Q. And this was all supposed to be a loan?

23 A. Yeah.

24 Q. Tell the jury why they should believe you, please,
25 sir.

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1 A. Because that's what she told me, and I believe her.

2 Q. And you are a robot to love, is that your testimony?

3 A. Yeah.

4 Q. Do you know who Mark Dryer is?

5 A. Mark what?

6 Q. Dryer?

7 A. Mark Dryer? No.

8 Q. Do you know who John Hester is?

9 A. No.

10 Q. What would you say if I told you that those were
11 individuals who lost money because you accepted money that
12 was taken from them? What would you say to that?

13 A. I'm sorry. I didn't know that money was stole.

14 Q. Because you were so in love, right?

15 A. Yes.

16 Q. Because it's your testimony that you are not a smart
17 man; is that right?

18 A. Yes.

19 Q. And it's your testimony that in all things related to
20 Tammy, you don't know right or wrong?

21 A. No.

22 **MR. FLOWERS:** Your Honor, I think that's pretty
23 much all I have.

24 **THE COURT:** Thank you, Mr. Flowers.

25 Any redirect, Mr. Garrett?

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

2 **THE COURT:** All right. Mr. Garrett, any other
3 proof to offer?

4 **MR. GARRETT:** Defense rests, Your Honor.

5 **THE COURT:** Actually, Mr. Alonso, you may step
6 down.

7 Mr. Flowers, do you all have any rebuttal proof?

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

9 **THE COURT:** Okay.

10 **MR. FLOWERS:** No rebuttal.

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1 **THE COURT:** All right. So where we are, ladies
2 and gentlemen, is we are done for the day, first of all.
3 But we are done with the proof in the case. What we still
4 have to do is I give you instructions, the jury
5 instructions, and then the attorneys, excuse me, will
6 deliver their closing arguments. So that's what we're
7 going to start out with in the morning. At that point, you
8 will begin your deliberations. So remember when I said
9 you're not to talk to anyone, including each other until
10 deliberations. That means you're still not there. So
11 we're going to come back tomorrow, do jury instructions and
12 closings and then start deliberations.

13 Anyone have any questions? Probably what time
14 would be a question. We can start at 9 tomorrow morning.
15 So a little -- few minutes earlier than we have been
16 starting, so be ready to come into the courtroom at 9.
17 Okay?

18 Don't talk to anyone about the case, including
19 each other. Don't talk to anyone at home about the case.
20 Don't talk to the people involved in the case at all.
21 Again, I don't think there's any media, but if there is,
22 don't read it. Don't watch it. Don't listen to it. Get a
23 good night's sleep and be ready to come in at 9. Okay?
24 Thank you all. Have a good night.

25 (Jury leaves at 5:57.)

1 **THE COURT:** Let me -- you all -- if you all would
2 sit down for just two more minutes. Jury instructions, we
3 left a couple things in yellow, not very much. Page 22,
4 impeachment by prior inconsistent statement comes out.
5 Prior inconsistent statement not under oath, but I don't
6 think there was any.

7 **MR. FLOWERS:** I don't believe so, Your Honor.

8 **THE COURT:** All right. Page 22 comes out.
9 Page 24, there were no summaries admitted into evidence,
10 correct? I think that one was just in case the Defense had
11 something is my recollection, but -- so Page 24 comes out,
12 I do believe.

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

14 **THE COURT:** Correct? Page 25 out?

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

16 **THE COURT:** I think there's one other. Page 46,
17 H, a business engaged in vehicle sales including
18 automobile, that comes out as a definition of a financial
19 institution.

20 **MR. FLOWERS:** We think it can be stricken, yes.

21 **THE COURT:** That may be the last one. Do you all
22 know of any --

23 **MR. PERRY:** I believe that's it, Your Honor.

24 **THE COURT:** I think so too.

25 **MS. IRELAND:** That's it.

1 **THE COURT:** That's it? Okay. Anyone -- well,
2 look at the instructions again tonight if you choose, and
3 if you wish to raise something, be ready. Why don't you
4 all come back about 10 to 9 or so, and if there's any other
5 issues in the jury instructions, I'll expect to you bring
6 them up then because at that point we're going to go -- I'm
7 going to go right into instructions. Okay? Do you all
8 have anything else today?

9 **MS. IRELAND:** Not from the Government, Your
10 Honor.

11 **MR. PERRY:** No.

12 **THE COURT:** Okay. All right. We'll see you in
13 the morning. Thanks very much. Have a good evening.
14 We're in recess.

15 (Adjournment.)

C E R t I F I C a t e

I, LISA J. MAYO, do hereby certify that the foregoing 286 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 18th 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