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UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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United States of America,	)	
	)	File No. 22-cr-124
Plaintiff,	)	(NEB/DTS)
	)	
v.	)	
	)	
Abdiaziz Shafii Farah(1),	)	Courtroom 13W
Mohamed Jama Ismail(2),	)	Minneapolis, Minnesota
Abdimajid Mohamed Nur(4),	)	Friday, May 3, 2024
Said Shafii Farah(5),	)	9:00 a.m.
Abdiwahab Maalim Aftin(6),	)	
Mukhtar Mohamed Shariff(7),	)	
Hayat Mohamed Nur(8),	)	
	)	
Defendants.	)	

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BEFORE THE HONORABLE NANCY E. BRASEL  
UNITED STATES DISTRICT COURT DISTRICT JUDGE

**JURY TRIAL PROCEEDINGS - VOLUME IX OF XXX**

Court Reporter:                   RENEE A. ROGGE, RMR-CRR  
United States Courthouse  
300 South Fourth Street, Box 1005  
Minneapolis, Minnesota 55415

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Proceedings recorded by mechanical stenography;  
Transcript produced by computer.

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**IN OPEN COURT**

**(JURY PRESENT)**

THE COURT: You may all be seated, and good morning.

Agent Kary, you are still under oath.

THE WITNESS: Yes, Your Honor.

JARED KARY,

called on behalf of the government, was previously sworn, was further examined and testified as follows:

THE COURT: And, Mr. Schleicher, you may cross-examine.

MR. SCHLEICHER: Thank you very much, Your Honor.

CROSS-EXAMINATION

BY MR. SCHLEICHER:

Q. Good morning, Special Agent Kary.

A. Good morning.

Q. Sir, I'd like to start out with some basics about your background, training and experience in investigations.

Okay?

A. Yep.

Q. And so you've been a special agent for how many years?

A. 16.

Q. 16 years. You indicated that you have a business degree. That's your bachelor's; is that right?

A. Correct.

1 Q. You have a master's degree, a MBA; is that right?

2 A. Correct.

3 Q. Master's of business administration?

4 A. Yes.

5 Q. And you also have a significant amount of experience as  
6 an FBI agent. I take it, you've gone through the basic FBI  
7 training at Quantico; is that right?

8 A. Correct.

9 Q. And in the course of your experience, you have  
10 investigated a number of cases; is that right?

11 A. Yes.

12 Q. Have those been limited to financial cases or other  
13 types of cases?

14 A. For the most part financial cases. I've been involved  
15 in other cases to assist other squads, but I've been  
16 assigned only to a complex financial crimes squad.

17 Q. Would you agree with me that whether it's a complex  
18 financial case, a drug case or any other type of case,  
19 investigations follow, you know, sort of some fairly basic  
20 steps; is that right?

21 A. Yes.

22 Q. And you've been trained in those steps at Quantico, and  
23 you've received training and advice from your fellow agents  
24 and officers, true?

25 A. Correct.

1 Q. And basics with investigation, the purpose of an  
2 investigation is to uncover facts; is that right?

3 A. Yes.

4 Q. And facts that can be used as evidence in support of  
5 your theory of the case, true?

6 A. Yes.

7 Q. And there are a number of ways to gather facts in an  
8 investigation. One of the things that you do would be to  
9 make observations; is that right?

10 A. Yes.

11 Q. Observations can take a number of different forms. You  
12 can visit a place of interest, true?

13 A. Correct.

14 Q. You can drive by the place, correct?

15 A. Yes.

16 Q. You can enter the place?

17 A. Correct.

18 Q. You can do what's called surveillance. And that's a  
19 little different than a drive-by, isn't it?

20 A. Yes.

21 Q. Surveillance, would you agree, is when you take an  
22 extended period of time to make observations of a particular  
23 place.

24 A. Yes.

25 Q. It could be while you're sitting in your car, correct?

1 A. Correct.

2 Q. And there's also electronic tools that are available to  
3 conduct surveillance; is that right?

4 A. Yes.

5 Q. For example, remote cameras, correct?

6 A. Yes.

7 Q. I think they used to call them pole cameras. I don't  
8 know if that's what they still call it, pole cameras?

9 A. Yes.

10 Q. Pole camera is a camera that's set up -- spoiler  
11 alert -- on a pole, right? That's aimed at a particular  
12 place and records observations, true?

13 A. And it doesn't necessarily have to be a pole, but yes.  
14 In certain places, yes.

15 Q. That's why I was wondering about the pole portion of it.  
16 But you can set up a remote camera, and it can make  
17 recordings, true?

18 A. Yes.

19 Q. And you can monitor the camera, the remote camera, in  
20 realtime from your office, correct?

21 A. Yes.

22 Q. All right. And doing surveillance, you would agree, is  
23 a useful tool in an investigation to gather facts, true?

24 A. Yes.

25 Q. Now, when you conduct surveillance -- and we're going to

1 talk about a few different investigative steps, but when you  
2 conduct a surveillance, is it typical for you to write a  
3 report?

4 A. For surveillance for a long extended period of time,  
5 yes.

6 Q. And so if you're making observations that could have  
7 significance, and you understand that you could be  
8 testifying, as you are, to something that happened years  
9 before, it's helpful to write a report; isn't that right?

10 A. Correct.

11 Q. You make observations and you write the stuff down,  
12 true?

13 A. Yes.

14 Q. And in your report, in an FBI report, just for  
15 reference, if I call it a 302, it's called a 302, right?

16 A. Correct.

17 Q. All right. And so you will make a report. And when you  
18 make a report -- I notice that you've written a lot of  
19 reports in this case. Fair?

20 A. Yes.

21 Q. When you do something, say, interview a witness, I  
22 notice that you tend to write your report pretty soon after  
23 you have this encounter with the witness; is that true?

24 A. Correct.

25 Q. And you do that because it's important to write things

1 down and to make a detailed report close in time to the  
2 events as possible; isn't that right?

3 A. Correct.

4 Q. Because, generally speaking, as a matter of common  
5 sense, your memory is better the closer you are to the  
6 events, true?

7 A. Yes.

8 Q. And that's true for special agents, right?

9 A. Correct.

10 Q. All law enforcement?

11 A. I'd say so, yes.

12 Q. Right. And witnesses?

13 A. Well, writing report of a witness, yes.

14 Q. Well, I'm sorry, I should be a little bit more specific.  
15 I was asking a more generalized question.

16 In terms of a witness's ability to remember  
17 something, a witness generally has a better memory or better  
18 recall the closer in time they are to the event. Is that  
19 fair?

20 A. Yes.

21 Q. And so whether you are the witness, because you're  
22 conducting a surveillance, or there's some other witness,  
23 it's best to record things as close in time to the event as  
24 they happen. Fair?

25 A. Yes.

1 Q. And when you write a report as a special agent with the  
2 FBI, it's true that you try to make that report as detailed  
3 as possible; is that right?

4 A. Depends on the circumstance. If it's really  
5 substantive, yes. If it's not too substantive, there's not  
6 much detail.

7 Q. Well, let's talk about that a little bit.

8 So you're saying there are circumstances where you  
9 do not endeavor to make your report as detailed as possible?

10 A. Not necessarily, no. It depends on the occurrence.

11 Q. Okay. So depending on the occurrence, you might decide  
12 this may not be important and so you're going to write a  
13 report that is not detailed; is that right?

14 A. No.

15 Q. It's not right?

16 A. It's not right, no.

17 Q. Okay. Is it fair to say that you try as an agent when  
18 you write an official 302 that's going to be in the FBI's  
19 case file that you try to be as detailed as possible?

20 A. Correct.

21 Q. Okay. And take down and make sure that you've recorded  
22 what's important, true?

23 A. Yes.

24 Q. So in addition to making observations, perhaps visiting  
25 places, another thing that you do to gather facts is you

1 would gather records; is that right?

2 A. Correct.

3 Q. And those are generally paper or electronic records,  
4 correct?

5 A. Correct.

6 Q. Or other things, physical items that might be relevant  
7 to your investigation, true?

8 A. Yes.

9 Q. And when you gather these things, you make a report of  
10 it and you place it into evidence; is that right?

11 A. Yes, into our system, yes, of record.

12 Q. Because you're going to be working on a matter for a  
13 long time; and it, based on your experience, is usually a  
14 pretty good distance between the time you gather the facts  
15 and the time you would have to present them in court. True?

16 A. Yes.

17 Q. And so you need to rely as an investigator on the  
18 reports that you write in order to recall what happened,  
19 correct?

20 A. Correct.

21 Q. And you also need to be able to rely on the reports of  
22 others working on the investigation so that you're able to,  
23 you know, see what they observed and saw or seized or who  
24 they talked to and make decisions about the case; is that  
25 right?

1 A. Correct.

2 Q. So in addition to going places and making observations,  
3 writing reports, gathering records or other physical items,  
4 you also talk to people, true?

5 A. Yes.

6 Q. And you talk to people where you find people, right?  
7 You have to get out of your office and go out and talk to  
8 people and find witnesses, true?

9 A. Correct.

10 Q. And the witnesses that you find, if you believe that  
11 they have information that's important for the case, you  
12 will interview that person, correct?

13 A. Correct.

14 Q. And you will write down what they say, correct?

15 A. Correct.

16 Q. Paraphrased.

17 A. Yes.

18 Q. You don't write a verbatim transcript.

19 A. Correct, not a verbatim.

20 Q. All right. But you do your best to be detailed and  
21 write down all the important information that they give you.

22 A. Yes.

23 Q. But you also are trying to use your experience and  
24 training to analyze evidence too, correct?

25 A. Yes, I agree with that.

1 Q. And that includes analyzing what witnesses say, right?

2 A. Yes.

3 Q. And it's important not only to take down what they say,  
4 but to maybe make some notations about the circumstances  
5 under which they say it. Fair?

6 A. As far as notating that in a 302 --

7 Q. Sure. Let me give you an example. I'm sorry. Did I  
8 cut you off?

9 A. That's fine.

10 Q. Okay. I did, but that's fine?

11 A. Yeah.

12 Q. I apologize.

13 Let me give you an example. If someone was  
14 providing information to you in the context of them being a  
15 suspect in the very case you're interviewing, that might be  
16 something you would want to note; is that right?

17 A. Correct.

18 Q. Because that would be important information, true?

19 A. Yes.

20 Q. Because it's not just whether or not someone says they  
21 saw something, there may be different factors involved that  
22 would cause you as an investigator to be skeptical of that  
23 person. Fair?

24 A. Potentially.

25 Q. Potentially. And the circumstance that I just posed to

1 you that someone was a suspect in the very crime you're  
2 investigating, that might be something that could  
3 potentially color that person's account of events. Fair?

4 A. That's fair, yes.

5 Q. And as an investigator and a gatherer of facts, that's  
6 something you would want to note, true?

7 A. Yes.

8 Q. And you would also want to make observations about their  
9 ability to perceive and recall events, true?

10 A. Yes.

11 Q. The classic example of someone who needs glasses and  
12 they're not wearing their glasses at the time of the event,  
13 that might be an impediment to their ability to take in  
14 information. Fair?

15 A. Yes.

16 Q. Okay. Or if they were intoxicated at the time the  
17 events happened, that might be something you would want to  
18 note, correct?

19 A. Correct.

20 Q. Because all of these things can color not -- you know, a  
21 person's perception, a witness's perception, true?

22 A. Yes.

23 Q. And as an investigator and a gatherer of facts, you want  
24 to evaluate the credibility of the information that you are  
25 taking in and writing down, true?

1 A. Yes.

2 Q. Okay. Now, if someone professes to you circumstances  
3 which suggest that they have an interest in the outcome of  
4 the case, that's something you might view with some  
5 skepticism, true?

6 A. Yes.

7 Q. And in those circumstances where you would view them  
8 with some skepticism, you would agree that you would take  
9 other investigative steps to kind of test what they're  
10 saying, true?

11 A. Yes.

12 Q. We've talked about the concept of bias, that word  
13 "bias." If someone, a witness, who you were interviewing  
14 told you specifically that they had a bias against the  
15 person, they didn't like this person, that's something you  
16 would want to note, correct?

17 A. Correct.

18 Q. And that would cause you to maybe view the person with  
19 some skepticism, true?

20 A. Correct.

21 Q. Okay. And if the person professed to have a generalized  
22 bias against a particular group, that's something that would  
23 cause you to be skeptical of that person's information. Is  
24 that fair?

25 A. Potentially.

1 Q. Because potentially -- well, let me complete the  
2 hypothetical then, because if the person would profess to  
3 have a bias against a particular group and then say, And  
4 this group is the group doing all of these bad things I'm  
5 talking about, all right, so they connect the bias to the  
6 conduct, that would be something you would want to note,  
7 correct?

8 A. Yes.

9 Q. Because that would cause you to view the person's  
10 information with a degree of skepticism; is that true?

11 A. Yes. You'd look at things differently.

12 Q. I want to talk a little bit about the importance of  
13 report writing and doing so fairly close in time to the  
14 events.

15 If we could pull up Government Exhibit C-231.  
16 It's a picture of the Tot Park.

17 You recall this?

18 A. That's the picture of the Lexington Park.

19 Q. Oh, I'm sorry. Did I say Tot Park? Lexington Park.

20 Now, when you were testifying about this, this  
21 isn't a picture that you actually took, is it?

22 A. It is not.

23 Q. And you did a drive-by of Lexington Park, correct?

24 A. I did a drive-by of Tot Park.

25 Q. Okay. When you were describing your drive-by, I noticed

1 that you had a little bit of difficulty recalling some of  
2 the specifics. Is that fair?

3 A. Fair. We went to the Festival Foods first, where the  
4 site was indicated it was located, and then in close  
5 proximity was the park, which was that building under  
6 construction right there.

7 Q. How long ago did that event occur that you visited  
8 there?

9 A. It would have been in the fall of '21.

10 Q. The fall of '21. You didn't write a 302 regarding that  
11 observation, did you?

12 A. I did not.

13 Q. And you did not take a picture, did you?

14 A. I did not.

15 Q. Okay.

16 And you can take that down.

17 And so when you were testifying, if I recall, you  
18 weren't able to recall quite all of the details perfectly.

19 Is that fair?

20 A. Yes.

21 Q. Now, it may have been different if closer in time you  
22 would have written a report or taken a picture, and you  
23 could have used those items to refresh your recollection.  
24 Fair?

25 A. Fair.

1 Q. Okay. And we talked a little bit about the next step in  
2 the investigation. And that's actually analyzing the  
3 evidence, analyzing the information that you have, right?

4 A. Yes.

5 Q. Would you agree that as an investigator the quality of  
6 neutrality is important?

7 A. Yes.

8 Q. And it's important for an investigator to be neutral to  
9 avoid something called confirmation bias. Is that fair?

10 A. Yes.

11 Q. And you know what confirmation bias is.

12 A. Yes.

13 Q. Would you agree with me if I suggested a definition of  
14 "confirmation bias" would be that a person has a preset idea  
15 about something and they view then evidence only in the  
16 light to support that preset idea and ignore evidence to the  
17 contrary? Would you agree that's a fair definition of  
18 "confirmation bias"?

19 A. I would, yes.

20 Q. And so it's important then, you would agree, for an  
21 investigator, for an agent, to avoid confirmation bias when  
22 viewing and analyzing evidence?

23 A. Yes.

24 Q. Now, I want to revisit some of the testimony from  
25 yesterday.

1           When you talked about your hypothesis or your  
2 theory when you started the case, and I believe your  
3 testimony -- and I need you to correct me if I am saying it  
4 incorrectly. I believe you testified that you started with  
5 a hypothesis that a crime had occurred. Is that fair?

6           A. I think I recall what I said was something about, like,  
7 how could this be possible, something must have happened.  
8 We had articulable facts to predicate the opening of an  
9 investigation, so we believe that a federal crime could have  
10 occurred, yes. So I'd agree somewhat as far as I'm  
11 explaining what I recall I said and sort of what I believe  
12 to be the case.

13          Q. Let's -- let's just make sure you would agree that it's  
14 important when you are investigating a case to maintain  
15 neutrality and objectivity. Fair?

16          A. Fair.

17          Q. That you need to gather the facts to see whether there  
18 is evidence that a crime occurred; is that right?

19          A. Yes.

20          Q. And then you should let the evidence tell you whether or  
21 not you believe a crime in fact did take place. Fair?

22          A. Yes.

23          Q. All right. And so when you do that, when you start with  
24 the presumption of neutrality and objectivity and avoid  
25 confirmation bias, you need to view all of the documents

1 kind of on equal footing, don't you?

2 A. I guess it depends on the weight of the documents or  
3 what evidence I'm looking at, which way it --

4 Q. Okay. Let me take an example of something that you  
5 testified. You talked about looking at invoices; is that  
6 right?

7 A. Yes.

8 Q. And there were some invoices that you presumed to be  
9 valid. And those were from Sysco, correct?

10 A. Yes.

11 Q. But you didn't apply that same presumption to all of the  
12 invoices, did you?

13 A. No, not based on the investigation and individuals we --

14 Q. Well, what I'm asking you is whether or not you provided  
15 the same presumption to all of the documents, Sysco invoices  
16 and the other invoices?

17 A. Initially, when we received them, I didn't have any  
18 presumption until we furthered our investigation and  
19 gathered more facts to understand how to view other  
20 invoices, based on evidence we had gained and people we  
21 talked to.

22 Q. Well, the fact is you presumed those Sysco invoices were  
23 valid from the beginning, correct?

24 A. No, not each and every one of them, as I believe I said  
25 earlier about them. I'd seen some Sysco invoices. I would

1 see what was on some of them and look at the dollar amount  
2 and presume that, okay, that dollar amount, when I looked at  
3 it, seemed reasonable as to what was going on with the  
4 investigation. So I believed some of those Sysco invoices  
5 were credible, yes.

6 Q. So -- I'm sorry -- you say you looked at the numbers and  
7 decided for yourself whether or not they seemed reasonable?

8 A. As part of the investigation, we look at invoices; and  
9 some invoices would have astronomical numbers, typos and  
10 misspellings, versus the Sysco invoices we'd look at and  
11 we'd see numbers that were not as astronomical and detailed  
12 quantities, detailed weights.

13 Q. You're making some pretty big presumptions about the way  
14 a business is supposed to run, aren't you? For example,  
15 Sysco is a fairly large business, correct?

16 A. Correct.

17 Q. And a smaller business, a grocer run by one or two  
18 people, they might not have the same degree of  
19 sophistication and formality, true?

20 A. That's fair.

21 Q. So how big does a company have to be before you'll give  
22 a presumption of validity to their invoices? Does it have  
23 to be as big as Costco?

24 A. I wouldn't say the -- the presumption related to the  
25 documents is based on just looking at the document, about

1 the investigation, individuals we've talked to, about how  
2 invoices were obtained.

3 Q. But you didn't -- you didn't talk to Costco, did you?

4 A. I did not personally, no.

5 Q. Or Aldi's?

6 A. I did not, no.

7 Q. Or any other large grocer, like Cub?

8 A. We did subpoena various entities like Sysco, Sam's Club.

9 Q. You assumed that what their responses were were  
10 legitimate documents, true?

11 A. Coming from the corporations and requiring them to  
12 certify that the records are true and accurate, yes.

13 Q. And you understand that the individuals who were serving  
14 meals at the site, the vendors, they're free to get their  
15 groceries wherever they want? You understand that, correct?

16 A. As long as it's for -- related to this case?

17 Q. Related to this case, the individuals who were procuring  
18 the groceries are free to purchase the groceries from a  
19 grocer of their choice, true?

20 A. As long as it was U.S. based, yes.

21 Q. Talking about the grocer, not the source. Right? But  
22 U.S. based, I understand that. But as far as the grocers,  
23 they have a choice. They can purchase it from Costco or  
24 Aldi, correct?

25 A. That's my understanding, yes.

1 Q. Or Bushra, true?

2 A. Potentially, yes.

3 Q. I'd like to talk about some of the other investigative  
4 tools that are available to just give us some background and  
5 help understand what type of information you might analyze.

6 And you're familiar, I'm assuming, given your  
7 experience and training, with the evidence that's available  
8 in a smartphone, right?

9 A. Yes.

10 Q. Smartphones now can make calls, send text messages,  
11 direct messages like WhatsApp, Chats, Facebook, FaceTime.  
12 I'm sorry. A variety of ways people can communicate with  
13 each other, correct?

14 A. Absolutely, yes.

15 Q. And they also -- I mean, these phones are pretty  
16 amazing. You can also use it to get directions to just  
17 about anywhere, right?

18 A. Yes.

19 Q. If they're GPS enabled, right?

20 A. Correct.

21 Q. And they're also storage devices, true?

22 A. Correct.

23 Q. You can keep electronic files, pictures, all sorts of  
24 things in there, correct?

25 A. Yes.

1 Q. Now, the smartphone for law enforcement can be a  
2 valuable investigative tool, true?

3 A. Yes.

4 Q. One of the things that you're able to do with someone's  
5 smartphone is track GPS location in realtime. Fair?

6 A. In what context?

7 Q. In the context of you're able to get an order to track a  
8 person's GPS location as they're holding the phone in  
9 realtime and see everywhere they go, true?

10 A. Correct. Yes, via a court order. We can't just do that  
11 without the court's authority, yes.

12 Q. I think we're all a little relieved to hear you say  
13 that, but yes. With a court order, you can get the realtime  
14 tracking.

15 But you can also get a different kind of order.  
16 You can get a warrant to get stored location information; is  
17 that right?

18 A. Correct.

19 Q. And the type of location information you're able to  
20 retrieve from a cell phone can include an individual's  
21 precise location at any given time, depending on the storage  
22 available in the phone, correct?

23 A. Correct.

24 Q. And also the GPS, they have to be using that feature at  
25 the time, correct?

1 A. It depends on the provider, but in general, yes.

2 Q. And you're familiar with the term "metadata"?

3 A. Yes.

4 Q. Data about data?

5 A. Correct.

6 Q. All right. So these phones, they can take -- you can  
7 use them to take pictures and videos, true?

8 A. Yes.

9 Q. And sometimes if you look at the metadata that's saved  
10 on the phone, you can find precise GPS location of where the  
11 photograph was taken, correct?

12 A. Correct.

13 Q. And since we don't have to set our clocks anymore, it's  
14 all automatic, you can see the date and time that the  
15 photograph was taken, true?

16 A. Yes.

17 Q. It's not always the case. It depends on if the GPS is  
18 enabled, true?

19 A. Correct.

20 Q. All right. But many times you can find these things?

21 A. Yes, there's a number of factors, but it's potentially  
22 possible, yes.

23 Q. And sometimes the data is lost. If someone emails a  
24 picture to someone, that metadata, you can't always see

25 what's behind the picture. But at least if you have a phone

1 and you're looking at the data, you can -- or looking for  
2 the data, you can sometimes find it?

3 A. Correct.

4 Q. And that can be helpful, right?

5 A. It can be, yes.

6 Q. It can be useful because you can see where a person was.  
7 You can see how many telephone calls they've made, how many  
8 text messages they've sent or received. Correct?

9 A. Yes.

10 Q. And the dates and times that these messages were sent  
11 and received, true?

12 A. Potentially, yes.

13 Q. Get emails on these cell phones as well; is that right?

14 A. Yes. Depends on how you choose to store them, yes.

15 Q. And in just a little bit of background information on  
16 obtaining this sort of information from a cell phone, you're  
17 familiar with a process called a Cellebrite extraction?

18 A. Yes, I am.

19 Q. And that's a process by which -- it's an investigative  
20 tool, which you can download the contents of the phone that  
21 you're interested in, and it's a propriety program that will  
22 then create a report that will show you such things as call  
23 logs, true?

24 A. I would say I'm an end user of that, meaning I look at  
25 the Cellebrite. I'm not an agent that's certified to get

1 those -- that information, Cellebrite, but I do know what  
2 Cellebrite is and what you're describing is.

3 Q. And as an end user, have you ever seen call logs?

4 A. Yes.

5 Q. That you can use to conduct a toll analysis?

6 A. Yes.

7 Q. And photographs?

8 A. Yes.

9 Q. And videos?

10 A. Correct.

11 Q. And sometimes those videos have precise GPS location  
12 data, true?

13 A. Sometimes, yes.

14 Q. Date, time?

15 A. Correct.

16 Q. So I'd like to talk to you just back to the topic of  
17 reports and interviewing witnesses, if you don't mind.

18 You've been pretty busy working on this case.

19 Fair?

20 A. Fair, yes.

21 Q. Happy Friday to you.

22 A. Thank you.

23 Q. And all of us.

24 But you've had to interview quite a number of  
25 witnesses, true?

1 A. Yes.

2 Q. And quite a number of witnesses who you've interviewed,  
3 you've actually done in the last couple of months, true?

4 A. Typically follow-up interviews at this point, but some  
5 people first time, yes.

6 Q. Some of the witnesses that you have interviewed for the  
7 first time, and were this month or last month, were largely  
8 interviewing them about specific sites; is that right?

9 A. I think that's fair, yes.

10 Q. For example, you recall interviewing a Lexington,  
11 Minnesota, city administrator on March 19, 2024, about the  
12 Tot Park site?

13 A. I did not do that interview.

14 Q. Were you aware that that interview was conducted?

15 A. Yes.

16 Q. And it was conducted at that date and time, March 19,  
17 2024?

18 A. That sounds right.

19 Q. And the subject of the interview were observations made  
20 during the period of time during which you've alleged this  
21 conspiracy has taken place; is that right?

22 A. Correct.

23 Q. And let's put some dates on that. When, Agent Kary, do  
24 you allege that the criminal activity that you claim happen  
25 began?

1 A. Around beginning in April of 2020 time frame through  
2 until around January to February of 2022.

3 Q. Till January to February 2022 you say as an end time?

4 A. I guess in continuing from the end time would be we  
5 continue to investigate and discover movements of money and  
6 things of that nature, and we're attempting to forfeit  
7 assets still. So there's still --

8 Q. You continued -- you continued to investigate, but  
9 recalling the date January 20, 2022, you recall that date?

10 A. Yes.

11 Q. That's the date that all the simultaneous search  
12 warrants were executed; is that right?

13 A. Correct.

14 Q. And would you agree that the alleged fraudulent scheme  
15 you were investigating, I believe the phrase that was used  
16 in the opening, came to a screeching halt on that date?

17 A. Meaning, yes, to a degree, the Minnesota Department of  
18 Education stopped all payments, so.

19 Q. On January 21, 2022, correct?

20 A. It was -- yeah.

21 Q. That's when they stopped the payments?

22 A. Correct.

23 Q. And so you agree then, I think your answer is, that this  
24 fraudulent scheme came to a screeching halt on January 20,  
25 2022. Fair?

1 MR. THOMPSON: Objection. Misstates his  
2 testimony.

3 MR. SCHLEICHER: It does not.

4 THE COURT: The jury will recall the testimony.

5 THE WITNESS: As far as the -- when I say -- when  
6 it's described as screeching halt, there were still other  
7 activity that occurred after that. The payments came to a  
8 halt.

9 BY MR. SCHLEICHER:

10 Q. The payments came to a halt the next day on January 21,  
11 2020; is that right?

12 A. Based on what Ms. Honer said, yes. I was not aware of  
13 the intricacies of what took place at the Minnesota  
14 Department of Education. But the payments did stop, is my  
15 understanding.

16 Q. Now, back to some of these later interviews, are you  
17 aware that Coki Lopez, an employee of Laborforce NOW, was  
18 interviewed for the first time on March 21, 2024?

19 A. I'm not -- the name sounds familiar, but I'm not aware  
20 of that.

21 Q. Would it refresh your recollection to review the FBI  
22 302?

23 A. Yes, that would be helpful.

24 Q. All right. Well, it looks like you're not going to be  
25 able to refresh your recollection with that, so I will move

1 on.

2 So you're not aware of whether or not this person,  
3 Coki Lopez, was interviewed for the first time on March 21,  
4 2024?

5 A. I would -- I assume. I know the name, based on the  
6 witness list, but I was not involved in the interview. What  
7 you're saying sounds accurate.

8 Q. The Laborforce is now neighbors with the Somali  
9 Community Resettlement Center in Faribault; is that right?

10 A. Again, I'm not familiar with the details of that  
11 specific interview.

12 Q. But -- so you're not aware of whether or not Laborforce  
13 NOW is next to the Somali Community Resettlement Center in  
14 Faribault?

15 A. I am not.

16 Q. Okay. What about Janet Wolfe, St. Mary's Montessori,  
17 April 5, 2024? Are you familiar with that name?

18 A. I'm familiar with the name and the Montessori, yes. As  
19 far as me being involved in that interview, I was not.

20 Q. Would you have any reason to dispute that that interview  
21 didn't take place until April 5, 2024?

22 A. I would not dispute that.

23 Q. And the topic of these interviews are events that  
24 happened back in the time period that you allege this  
25 conspiracy occurred, correct?

1 A. That's fair, yes.

2 Q. Years ago? True?

3 A. Correct.

4 Q. That includes some of the people who are recently  
5 interviewed for the first time who are employees of sponsors  
6 like PIN, correct?

7 A. Correct.

8 Q. I'm going to just kill this last name. Edgar -- can you  
9 help me? Edgar Huichapa?

10 A. I would say Edgar H. Yes.

11 Q. Edgar H. Do you recognize this person to be a former  
12 Partners in Nutrition employee?

13 A. Yes.

14 Q. Okay. And he was interviewed on April 18, 2024; is that  
15 right?

16 A. Correct.

17 Q. Some of the first-time interviewees were also people  
18 working for companies from which the defendants purchased  
19 food, like Sysco, true?

20 A. Correct.

21 Q. Well, here's another one, Derek Czapiewski, C-Z-P-A --

22 A. That sounds correct, yes. An employee of Sysco, yes.

23 Q. All right. That interview took place on April 18; is  
24 that right?

25 A. That time frame sounds accurate, but I was not present

1 for that interview.

2 Q. Other people have been doing these interviews. In fact,  
3 the FBI has been doing interviews right even through the  
4 trial; is that right?

5 A. Correct.

6 Q. Since it started?

7 A. Yes.

8 Q. Last Friday Special Agent Travis Wilmer interviewed the  
9 property manager at Parkview Heights Townhomes; is that  
10 right?

11 A. That sounds correct.

12 Q. And, again, these people that are being interviewed are  
13 being asked to recall things that happened three to  
14 four years ago, true?

15 A. Three to four years ago? Potentially that long ago, but  
16 all the way up to the end of 2021 into 2022.

17 Q. One of the things -- one of the steps that you take as  
18 an investigator is to visit and conduct surveillance of  
19 potentially relevant places; is that right?

20 A. Correct.

21 Q. Because if you're being a neutral gatherer of facts, it  
22 would be important to see for your own eyes what may or may  
23 not be happening at a particular relevant place, correct?

24 A. That's fair, yes.

25 Q. And I'm talking about different sites. Some particular

1 sites of interest would include Bushra Wholesalers  
2 warehouse, for example. That would be a site of interest,  
3 wouldn't it?

4 A. It would potentially -- potentially, yes.

5 Q. Okay. Or Bushra Property Management would be another  
6 place that would be a potential site you would want to  
7 visit?

8 A. Correct.

9 Q. Okay. I have a list, and I want to talk to you about  
10 potential surveillance, what surveillance was or was not  
11 conducted. And I have a demonstrative here that I would  
12 like to show you. I also don't want to wreck the document  
13 camera.

14 Oh, no, I need my -- ah, this will work.

15 Give me just a moment. It's been a while since  
16 I've played with this. Okay.

17 Special Agent Kary, can you see that list in front  
18 of you?

19 A. I can, yes.

20 Q. Can I confirm that's being displayed to the jury as  
21 well? Yes? Okay. Thank you.

22 So this is a list of different locations, and I'd  
23 like to ask you some questions. First, please take a moment  
24 just to kind of read through the list, places, I guess, and  
25 people, residences, to yourself.

1 A. Okay.

2 Q. All right. And, sir, is this helpful to you to just  
3 kind of organize your thoughts about -- I'm going to ask you  
4 some questions about surveillance in these different places.

5 A. Okay.

6 Q. All right. First, as the case agent familiar with the  
7 facts and circumstances of this investigation, and you  
8 provided on the request of the government the summary to the  
9 jury about this case, can you tell me whether or not there  
10 was surveillance conducted at Bushra Wholesalers warehouse  
11 at 3004 Pillsbury Avenue in Minneapolis?

12 A. I can't recall if -- I can't recall specifically at this  
13 time.

14 Q. Had you or had someone from the FBI conducted physical  
15 surveillance at Bushra Wholesalers warehouse, do you think  
16 it would have been noted in a 302?

17 A. I do believe so, yes.

18 Q. Okay. And would you accept my representation that there  
19 is no 302 documenting any such physical surveillance at  
20 Bushra Wholesaler warehouse at 3004 Pillsbury Avenue in  
21 Minneapolis? Would you accept that representation?

22 A. I think someone was interviewed in that area, but I'm  
23 not a hundred percent sure. But as far as surveillance  
24 report, I would take that representation, yes.

25 Q. Okay. And so as you sit here today, is it true, Agent

1 Kary, that no one conducted physical surveillance in  
2 connection with this investigation at Bushra Wholesalers  
3 warehouse prior to the execution of the search warrant on  
4 January 20, 2022?

5 A. That would be correct.

6 Q. All right. Bushra Property Management, 1127 Humboldt in  
7 Minneapolis, same question. Physical surveillance there?  
8 Yes or no.

9 A. I don't believe so.

10 Q. Lafey Plaza LLC, 120 West Lake Street, Minneapolis,  
11 Minnesota, same question. Physical surveillance? Yes or  
12 no.

13 A. I don't believe so.

14 Q. Now, I'd like to ask you some questions -- these are  
15 Said Farah's businesses. Okay?

16 Now, I'd like to ask you some questions about some  
17 of the locations of the Somali Community Resettlement  
18 Services, which I have abbreviated here SCRS. Okay?

19 A. Okay.

20 Q. And you're aware that Somali Community Resettlement  
21 Services was one of the sites in question, true?

22 A. Correct.

23 Q. And there are various locations; is that right?

24 A. Yes.

25 Q. And you're familiar with these names based on your being

1 the case agent in this investigation, true?

2 A. I am familiar with them, yes.

3 Q. Okay. Same question as to the Somali Community  
4 Resettlement Services Minneapolis office on Minnehaha. Was  
5 that subject to physical surveillance?

6 A. No, it was not.

7 Q. The second office, SCRS second Minneapolis office on  
8 Stevens Avenue?

9 A. No surveillance.

10 Q. The Faribault office on Lyndale in Faribault, Minnesota?

11 A. Question of no surveillance? Yes, there was no  
12 surveillance.

13 Q. SCRS Willmar office in Willmar, Minnesota?

14 A. Again, same answer, no surveillance.

15 Q. Same answer to SCRS in Rochester?

16 A. Correct.

17 Q. Islamic Society of Marshall?

18 A. No surveillance.

19 Q. Somali Athletic Club on St. Germain -- I'm sorry --  
20 Germain Street in St. Cloud?

21 A. No surveillance.

22 Q. Okay. And let's talk about the last one, the address of  
23 Said Farah. He has a home that he lives at at 2713 Fifth  
24 Avenue South, correct?

25 A. Correct, yes.

1 Q. And you're aware there was some surveillance that was  
2 done there, wasn't there?

3 A. There was, yes.

4 Q. And that happened, what, a few days before the execution  
5 of the search warrant? Well, it had to have happened before  
6 the warrant was applied for, correct?

7 A. Correct.

8 Q. Can you describe the surveillance that took place?

9 A. I can't recall specifically at this point, but I know  
10 there would have been reports from surveillance agents. And  
11 we took pictures of the residence for the application for  
12 the search warrant. And I believe -- I can recall that  
13 Mr. Said Farah was seen coming and going from the residence.

14 Q. Yeah, his home.

15 A. Correct.

16 Q. He was seen coming and going from his home.

17 A. Yes.

18 Q. Did they see anyone else coming and going from the home?

19 A. I don't recall specifically.

20 Q. Did they note the presence of children coming and going  
21 from the home?

22 A. I don't remember the details of the surveillance report.

23 Q. Okay. Now, the surveillance report, if you don't  
24 remember the details, then perhaps you don't remember  
25 whether or not the agents just sat in the car and watched

1 the house or if they actually followed Mr. Farah to see  
2 where he was coming from and where he was going to.

3 A. Perhaps they did. I need to be refreshed. I can't  
4 recall the specific surveillance report related to that  
5 location.

6 Q. Well, if they would have followed him where he was going  
7 to, they would have probably been able to follow him to the  
8 Bushra Wholesalers warehouse on Pillsbury Avenue; isn't that  
9 right?

10 MR. THOMPSON: Objection. Calls for speculation.

11 THE COURT: Sustained.

12 BY MR. SCHLEICHER:

13 Q. The agent would have to actually follow the person in  
14 order to know specifically where they were going to,  
15 correct?

16 A. Correct.

17 Q. Okay. Would you agree with me, Special Agent Kary, that  
18 if you are investigating allegations of participation in  
19 fraud involving a federal food program, that a wholesalers  
20 warehouse would be at least relevant to the investigation?

21 A. Yes.

22 Q. That it would be a significant place for an agent to  
23 look for evidence, correct?

24 A. Correct.

25 Q. Because you might find food there, correct?

1 A. Yes.

2 Q. And that's what you're investigating, true?

3 A. We're investigating the claims related to the food and  
4 the food program, yes.

5 Q. And the absence or presence of a warehouse of food in an  
6 entire warehouse might be significant to making that  
7 determination. Fair?

8 A. Yes.

9 Q. But no surveillance was conducted there?

10 A. Not that I can recall.

11 Q. One surveillance was conducted on Mr. Said Farah. And  
12 unsurprisingly he entered and left the place where he lives,  
13 true?

14 A. I'm not sure about the total number, but I do know  
15 surveillance was done at that residence, yes.

16 Q. Well, if surveillance was done, and this was a  
17 significant investigative activity, would you agree that  
18 there would be an FBI 302 report documenting that fact?

19 A. Yes.

20 Q. And there isn't one, is there?

21 A. I'm not certain sitting here right now without reviewing  
22 the case file.

23 Q. You did review the case file in preparation for being  
24 able to testify as the case agent, true?

25 A. Correct. There's a large volume of information. It's

1 hard to remember it all.

2 Q. That is fair. So I'm just going to put a question mark  
3 here.

4 All right. In addition to physical surveillance,  
5 we talked about searches and that it's important to conduct  
6 searches at relevant places. Is that fair?

7 A. Yes.

8 Q. Because when you conduct a search warrant, you can  
9 gather evidence, facts, that you can later analyze and  
10 compare against what other people who might be telling you,  
11 true?

12 A. That's fair.

13 Q. Okay. And there were some searches that were done in  
14 this case; is that right?

15 A. Yes.

16 Q. I'm going to show you another list. I'm displaying that  
17 now. Okay.

18 If you would please just take a moment to look at  
19 that list, sir.

20 A. Okay.

21 Q. That went faster because it looks a lot like the other  
22 list, right?

23 A. Correct.

24 Q. Okay. So let's go through in terms of searches with  
25 relevant places. Did you conduct a search of Bushra

1 Wholesalers warehouse on Pillsbury Avenue?

2 A. No.

3 Q. Bushra Property Management on Humboldt?

4 A. No.

5 Q. Lafey Plaza LLC?

6 A. No.

7 Q. Somali Community Resettlement Services Minneapolis?

8 A. No.

9 Q. Second Minneapolis location on Stevens?

10 A. No.

11 Q. Faribault office?

12 A. No.

13 Q. Faribault office. I'm sorry.

14 Willmar?

15 A. No.

16 Q. Rochester?

17 A. No.

18 Q. Islamic Society of Marshall?

19 A. No.

20 Q. St. Cloud Somali Athletic Club?

21 A. No.

22 Q. Thank you.

23 Special Agent Kary, you knew the existence of each

24 and every one of those sites, as far as the Somali Community

25 Resettlement Center, the food service sites, you knew the

1 location of each and every one of those sites fairly soon  
2 after receiving the referral from the Minnesota Department  
3 of Education, true?

4 A. Me personally, when I would have known, it would be kind  
5 of starting in August, September time frame of --

6 Q. I'm so sorry. You're going to have to repeat that. I  
7 was --

8 A. As far as me knowing of those sites, yes, that  
9 information would have been provided by Minnesota Department  
10 of Education. I became involved in the case in August and  
11 September of 2021.

12 Q. And so you might not have specifically known at that  
13 time -- I don't know what your involvement was prior to the  
14 time you say that you took an active role, if you were just  
15 getting copied on emails or vaguely aware of the  
16 investigation.

17 A. I would describe more as vaguely aware of the  
18 investigation until September and August.

19 Q. Okay. All right. But by the time we get to executing  
20 search warrants in January of 2022, you knew this case,  
21 correct?

22 A. Yes.

23 Q. Okay. And so the investigation, the FBI investigation  
24 knew the location of each and every one of those sites while  
25 they were executing search warrants, right?

1 A. I would agree with that, yes.

2 Q. And prior to the execution of the search warrant, you  
3 knew the location of each and every one of those sites when  
4 you were just simply testing your hypothesis, correct?

5 A. Correct.

6 Q. Okay. Because Ms. Honer told us that not only did she  
7 provide the names of the sites, but they had precise GPS  
8 longitude and latitude location of these sites; is that  
9 right?

10 A. Correct.

11 Q. And it certainly wouldn't have been difficult to get in  
12 the car and drive to Willmar?

13 A. I'm trying to recall when I drove to Willmar.

14 Q. Have you ever been to Willmar?

15 A. Oh, yes.

16 Q. It takes about an hour and a half.

17 A. We went there as part of this investigation. I think it  
18 was after the search warrants, though.

19 Q. But during the time -- and, again, as you testified,  
20 things came to a halt after the search warrants in terms of  
21 the activity of the sites. You would have been able to make  
22 physical observations of any one of these sites, Willmar or  
23 anyplace else, during the course of your investigation prior  
24 to executing those warrants, true?

25 A. That's fair, yes.

1 Q. And what you may have witnessed at the sites was that  
2 people were there getting food in the numbers that were  
3 being claimed. That's a possibility, true?

4 A. I would not agree with based on the numbers that were  
5 being claimed. Again, I know I wasn't there --

6 Q. But, again, you weren't there. And what you're saying  
7 is you don't believe so, but that's just speculation, isn't  
8 it? You don't know if you're not there to lay your eyes on  
9 it, are you?

10 A. Correct.

11 Q. So, in fairness, it may have proved your preconceived  
12 hypothesis or it may have disproved it, true?

13 A. That's fair.

14 Q. But you didn't go there.

15 A. Not to each site, no.

16 Q. Not to any of the ones that I just listed.

17 A. Correct.

18 Q. Okay. All right. Just for a bit of a recap on  
19 understanding some of the different roles of the entities  
20 involved. We can switch gears a little bit here, maybe go a  
21 little more high level.

22 You are aware of an entity called Bushra  
23 Wholesaler LLC, true?

24 A. Yes.

25 Q. Okay. And that's Said's business, true?

1 A. Yes.

2 Q. Now, we've heard a lot about sponsors. Bushra  
3 Wholesalers LLC was not a sponsor, correct?

4 A. That's correct.

5 Q. The sponsors that we've talked about here are Feeding  
6 Our Future and Partners in Nutrition, or whatever they go  
7 by, PIN?

8 A. Correct.

9 Q. Okay. And it was the sponsors, the sponsors that were  
10 submitting the counts, the numbers of meals being claimed to  
11 the Minnesota Department of Education; is that true?

12 A. That's my understanding, yes.

13 Q. So that's sponsors.

14 Then there's something called a site. And I just  
15 showed you a list of a bunch of sites, like Somali Community  
16 Resettlement Center in Willmar and all the different ones  
17 that you've looked at. You know what a site is?

18 A. I do.

19 Q. A site is a place that delivers -- or that serves the  
20 food, correct?

21 A. Yes.

22 Q. Bushra Wholesalers LLC was not a site, true?

23 A. I would agree with that, yes.

24 Q. And the sites are responsible for reporting the numbers  
25 of meals to the sponsors, true?

1 A. Yes.

2 Q. And as we discussed -- well, the sites have different  
3 roles. There's something called a site supervisor; is that  
4 right?

5 A. Correct.

6 Q. And Bushra Wholesalers was not a site supervisor.

7 A. No.

8 Q. Said Farah was not a site supervisor.

9 A. I'd agree with that, yes.

10 Q. Now, as to -- we see these contracts entered into in  
11 CLiCS with food service management companies. Did you see  
12 any contracts between PIN and Bushra?

13 A. I don't believe so, no.

14 Q. Any contracts between Feeding Our Future and Bushra?

15 A. I don't believe so.

16 Q. And you understand, again -- oh, there's no contract  
17 between any sponsor, any sponsor that you saw, and Bushra,  
18 right?

19 A. I would -- as far as I know, that's right. Yes, I don't  
20 believe there's any.

21 Q. Bushra Wholesalers LLC is not sponsored by Feeding Our  
22 Future specifically.

23 A. I'd agree with that, yes. No.

24 Q. All right. And there's no contract between Said Farah  
25 personally and Partners in Nutrition or Feeding Our Future

1 that you're aware of?

2 A. Not that I'm aware of.

3 Q. And the sites themselves that serve the food, these food  
4 service management companies, again, they can buy their  
5 groceries where they want to buy their groceries, right?

6 A. Correct, as long as it's, I guess, U.S. based. Sourced,  
7 I guess.

8 Q. And you're aware that Bushra Wholesalers LLC sold  
9 groceries?

10 A. I'm not fully aware of that, but that's -- I mean, based  
11 on my knowledge, I never saw the grocery operation.

12 Q. We know you didn't go to the warehouse. But let's  
13 assume that if they were a grocer, right, not responsible  
14 for taking attendance, true?

15 A. If they were a grocer, they would not have to take  
16 attendance.

17 Q. Not responsible for rosters, correct?

18 A. That would be correct.

19 Q. Not responsible for submitting claims, true?

20 A. That would be correct.

21 Q. Somali Community Resettlement Center -- or Somali  
22 Community Resettlement was a food service management company  
23 that operated under the sponsorship of PIN; is that true?

24 A. I'm sorry. Could you repeat that? I'm sorry.

25 Q. I will. The Somali Community Resettlement, that

1 organization, that was a food service management company  
2 operating sites under the sponsorship of PIN?

3 A. I don't believe so.

4 Q. You don't think they were serving food, operating sites?

5 A. I'm sorry. I'm a little confused on the question again.  
6 I'm sorry. I'm sorry to have you repeat it again.

7 Q. Yeah. Was Somali Community Resettlement a food service  
8 management company operating sites under the sponsorship of  
9 PIN, if you know?

10 A. I'm not a hundred percent certain on that entity. But I  
11 do believe, based on the bank records, they were paid, so  
12 that would make sense that they would be, yes. Sorry about  
13 that.

14 Q. And that's okay. I know there's a lot of stuff, and I'm  
15 throwing out these acronyms.

16 But, anyway, SCRS, they can get groceries from  
17 Bushra or Costco or Aldi. They can buy them wherever they  
18 want to buy them, can't they?

19 A. Correct.

20 Q. Are you aware that then Somali Community Resettlement  
21 bought their groceries from Bushra Wholesalers?

22 A. I am not aware of that.

23 Q. Are you aware that Empire also sometimes bought food  
24 from Bushra?

25 A. I am aware of the money transfers, but I am not aware of

1 the actual food being purchased.

2 Q. Well, that's part of a purchase, isn't it? There's a --  
3 in exchange of usually cash or a cash equivalent for goods  
4 or services, right?

5 A. That's -- potentially, yes.

6 Q. And so if you're not aware of whether or not Empire  
7 sometimes bought food from Bushra, you can just say you're  
8 not aware. Is that the case?

9 A. I'm not aware. I didn't witness the food. I did review  
10 the bank records --

11 Q. Okay.

12 A. -- a little bit to understand the movement of money.

13 Q. Now, were you aware that since you didn't -- then maybe  
14 you've answered my next question. Since you didn't make  
15 these observations yourself and never went to the warehouse,  
16 you don't know that Empire sometimes stored food at the  
17 Bushra warehouse.

18 A. I don't know that.

19 Q. All right, sir. Based on your review of Bushra  
20 Wholesalers LLC, Bushra was a for-profit company, true?

21 A. Based on the Secretary of State records, yes.

22 Q. It's not a nonprofit organization?

23 A. Correct.

24 Q. Said Farah owned other companies as well, and that  
25 included Lafey Plaza LLC. Are you aware of that?

1 A. Yes.

2 Q. Bushra Property Management. Are you aware of that?

3 A. I'm aware of that, yes.

4 Q. I'd like to talk to you a little bit about your  
5 knowledge of different entities, business entities, that --  
6 you do have a business degree, a bachelor's degree, an MBA  
7 and significant experience investigating financial crimes  
8 within the Department of Justice in your role as a special  
9 FBI agent, true?

10 A. Yes.

11 Q. And so you're familiar -- I think you talked about what  
12 an LLC was yesterday, a limited liability company, right?

13 A. Correct.

14 Q. Which means that it's a way to get pass-through taxing  
15 and a liability shield, right?

16 A. That's fair, yes.

17 Q. And there's no requirement that somebody form an LLC in  
18 order to do business, correct?

19 A. Correct.

20 Q. You can just be Joe's business, and you don't have to  
21 form a limited liability company, do you?

22 A. Well, I guess to expand a little bit on that, in order  
23 to be a business, in order to have a bank account, you'd  
24 have to have an EIN number in order to get --

25 Q. Is that really true, though? In order to be a business,

1 in order to be a business, to run a business, that you have  
2 to have an EIN number? That's not true.

3 A. I guess -- well, what I would say, you can have the  
4 business, but in order to get a bank account, to know your  
5 customer roles --

6 Q. I know. I didn't ask you about bank accounts. I'm just  
7 talking about running a business. Anybody can run a  
8 business, right? You can run a business on Facebook  
9 Marketplace?

10 A. Correct.

11 Q. Right? Like there's no degree of formality that's  
12 required, true?

13 A. That's fair.

14 Q. If you choose to take care of the advantages of  
15 pass-through taxation and a liability shield, then you have  
16 to form an LLC, correct?

17 A. That's fair.

18 Q. Yeah. But if you don't, you don't.

19 And then in terms of registering with the  
20 Secretary of State, I mean, it's not like buying a firearm.  
21 There's no waiting period required between the time you  
22 start your business and file the name with the Secretary of  
23 State and then actually conducting transactions, is there?

24 A. When you're talking about conducting transactions, I  
25 guess --

1 Q. Conducting business. You don't have to wait any  
2 particular time after you file with the Secretary of State  
3 to start acting like a business, do you?

4 A. As far as, I mean, tax-wise, there's some tax  
5 implications --

6 Q. As far as doing business, you don't have to wait. You  
7 can start -- the day you file with the Secretary of State,  
8 you're an LLC. There's no waiting period?

9 A. Correct, yes.

10 Q. You don't have to wait six months or --

11 A. No, not that I'm aware of.

12 Q. Okay. And, you know, sometimes businesses don't always  
13 follow exactly the legal formalities or corporate  
14 formalities that you might expect as a student of business,  
15 do they?

16 A. Sometimes they don't.

17 Q. In real life sometimes people have informal transactions  
18 or start the business before they get the paperwork done,  
19 true?

20 MR. THOMPSON: Your Honor, I'm going to object to  
21 both foundation and beyond the scope.

22 MR. SCHLEICHER: I would argue there's --

23 THE COURT: Overruled. You may answer.

24 MR. SCHLEICHER: All right. Thank you.

25

1 BY MR. SCHLEICHER:

2 Q. Fair?

3 A. In general, yes, you can run your business, correct.

4 Q. Okay. And I also would like to talk to you about a term  
5 that's been used and been brought up a couple of times, and  
6 that term is "shell company."

7 Do you know what a "shell company" is?

8 MR. THOMPSON: Again, Your Honor, I'm going to  
9 object as beyond the scope. There was nothing on direct  
10 anything -- anywhere near this area.

11 MR. SCHLEICHER: Your Honor, if we can have a  
12 sidebar?

13 THE COURT: Let's have a sidebar.

14 **(Sidebar discussion)**

15 THE COURT: Mr. Schleicher.

16 MR. SCHLEICHER: Can you hear me, Your Honor?

17 THE COURT: I can. Thank you.

18 MR. SCHLEICHER: Thank you.

19 Your Honor, the term "shell company" is a term  
20 that's been used in the indictment, in the opening  
21 statement. I believe there was some testimony on direct  
22 from this agent about shell companies or companies set up to  
23 launder.

24 It's important that we understand what he believes  
25 a shell company is in terms of understanding whether or not

1 these in fact were shell companies. And I believe I'm  
2 entitled to ask him what he means when he says a "shell  
3 company" and whether or not that's just a made-up term.

4 THE COURT: It's true for the opening and the  
5 indictment.

6 On the direct, Mr. Thompson?

7 MR. THOMPSON: Your Honor, we absolutely did not  
8 cover that in the indictment. We covered the documents that  
9 were summarized and admitted.

10 The documents that were submitted to Partners in  
11 Nutrition and Feeding Our Future that caused the claims  
12 submissions through the CLiCS program, that was the extent  
13 of -- and then he went through the invoices, but there was  
14 nothing about the different entities. There was nothing  
15 about the financial transactions and the alleged money  
16 laundering.

17 This is far beyond. I let it go for a while  
18 because I think some of it's fair; but to ask the agent, who  
19 didn't testify as a summary agent at the end of the case, to  
20 comment on the opening, the government's opening statement,  
21 is improper.

22 THE COURT: I'm going to sustain the objection.

23 **(In open court)**

24 THE COURT: The objection is sustained.

25

1 BY MR. SCHLEICHER:

2 Q. Sir, are you aware that Lafey Plaza LLC is a commercial  
3 building?

4 A. I am not aware.

5 Q. That it's located at 120 West Lake Street?

6 A. Based on the address you showed me on that  
7 demonstrative, I believe it to be true, but I'm not a  
8 hundred percent sure.

9 Q. Would you agree that a commercial building is a  
10 significant asset?

11 A. I would.

12 Q. Not a nominal asset?

13 A. Correct.

14 Q. Are you aware that there are tenants who rent space in  
15 that building?

16 MR. THOMPSON: Objection. Beyond the scope.

17 THE COURT: Sustained.

18 BY MR. SCHLEICHER:

19 Q. And how about Bushra Property Management?

20 MR. THOMPSON: Objection. Beyond the scope.

21 THE COURT: Let's hear the question first.

22 BY MR. SCHLEICHER:

23 Q. Bushra Property Management, are you aware of what that  
24 entity is and does?

25 A. I am not.

1 Q. So you're not aware that Bushra Property Management is  
2 one of Mr. Farah's businesses?

3 A. I am aware of -- I'd have to look at the Secretary of  
4 State record. I'm pretty sure if you were to show me that,  
5 I would be able to confirm.

6 Q. Would you agree with me that a house is a significant  
7 asset?

8 A. Yes.

9 Q. Not a nominal asset?

10 A. Correct.

11 Q. And if Bushra Property Management LLC had a house, was  
12 an LLC that had a house, that would be a significant asset?

13 MR. THOMPSON: Objection. Both calls for  
14 speculation and also is beyond the scope. There was no  
15 testimony about this entity during the direct.

16 THE COURT: Sustained.

17 BY MR. SCHLEICHER:

18 Q. Okay. Well, what about Bushra Wholesalers LLC? Can we  
19 agree that Bushra Wholesalers LLC is directly relevant to  
20 your investigation, sir?

21 A. It is, yes.

22 Q. And I know you didn't visit it, but you're aware that  
23 this is a grocery business with a warehouse and the  
24 warehouse was at 3004 Pillsbury Avenue in Minneapolis?

25 A. Based on the investigation, that was confirmed, yes.

1 Q. Were you aware that food was shipped there?

2 A. I am not aware of the actual shipments specifically, no.

3 Q. Were you aware that food was stored there?

4 A. I was not.

5 Q. Were you aware that food was distributed from there?

6 A. I was not.

7 Q. Are you aware that Bushra Wholesalers LLC sold groceries  
8 to a number of customers?

9 A. I'm not -- I didn't observe that take place, no.

10 Q. And you didn't look, true?

11 A. We did not search that location.

12 Q. Or surveil it?

13 A. Correct.

14 Q. This was, were you aware, Bushra Wholesalers LLC  
15 location of operations?

16 A. That -- I guess what I'm aware of on that, from that  
17 location, is the number of businesses at a warehouse, which  
18 business was which. I don't -- I guess, kind of a warehouse  
19 and knowing that address, I'm not a hundred percent sure of  
20 what took place there.

21 Q. Not a hundred percent. Not at all.

22 A. That's fair.

23 Q. A hundred percent not sure.

24 A. Yes.

25 Q. Okay. The activities that I described, the shipment,

1 the transportation, the storage, the distribution of food,  
2 those would not be considered nominal activities, would  
3 they?

4 A. That's fair.

5 Q. Okay. I'd like to talk to you about some of the  
6 documents that you walked through with Mr. Thompson. Was  
7 that yesterday or the day before?

8 A. I think both days.

9 Q. Both days. Okay. You walked through quite a few. You  
10 testified about a lot of different documents with  
11 Mr. Thompson, and we've looked at literally thousands of  
12 pages of these documents. Is that right?

13 A. That's correct.

14 Q. I will not go through all of them with you, but I will  
15 go through a few.

16 If you would please pull up, it's Government  
17 Exhibit C-23. That's the -- that's the CLiCS website, the  
18 platform. That's the form from there; is that right?

19 A. That's correct.

20 Q. Okay. In this example, I believe this is for the Samaha  
21 Islamic Center; is that right?

22 Would you please enlarge that portion?

23 A. That's correct.

24 Q. Those are pretty good eyes.

25 Okay. If we look down below, it shows it has some

1 contact information for a Kara Lomen; is that right?

2 A. That's right.

3 Q. She's listed as the executive director?

4 A. Yes.

5 Q. This is the category of documents that are in the CLiCS  
6 site applications; is that right?

7 A. I'm sorry. Are you referring to a spot on the document?

8 Q. No. I'm just asking about this category of documents is  
9 typical of the CLiCS site application.

10 A. Yes.

11 Q. Looks like all the others that you've seen, just with  
12 different information?

13 A. Correct.

14 Q. Okay. Now, Bushra Wholesalers LLC, that company's name  
15 does not appear on this document, does it?

16 A. No, it does not.

17 Q. Or any other similar document in CLiCS of which you are  
18 aware, true?

19 A. I believe that's the case, yes.

20 Q. Could we pull up Government Exhibit C-24, please?

21 This is a contract. It's attached to and  
22 submitted with one of those CLiCS site applications; is that  
23 right?

24 A. Yes, it appears to be a contract.

25 Q. And this one here is for a contract for vended meals

1 with Partners in Nutrition and Empire Cuisine & Market; is  
2 that right?

3 A. Correct.

4 Q. And Bushra Wholesalers LLC is not listed anywhere on  
5 this, is it?

6 A. It is not.

7 Q. Said Farah's name is not listed anywhere on this  
8 document, is it?

9 A. No, I don't believe it would be.

10 Q. And of all of these documents, the example in C-24, in  
11 CLiCS, you did not find one that lists Said Farah, did you?

12 A. I don't believe so, no.

13 Q. Or Bushra Wholesalers LLC?

14 A. Correct, I don't -- didn't see that name.

15 Q. If we take a look at Government Exhibit C-40, site  
16 application supplement. We looked at some of these.

17 A. Correct.

18 Q. Is that right? And this one has -- it's listed a site  
19 name, the Al-Ihsan Islamic Center; is that right?

20 A. Correct.

21 Q. If you look down the document, you can see there's  
22 somebody listed as a site supervisor?

23 A. Correct.

24 Q. And that person's name purports to be Xavier Munoz?

25 A. Yes.

1 Q. What did the site supervisors do?

2 A. Review the information from the site and supposed to do  
3 visits and things of that nature.

4 Q. Said Farah's name is not on this document, correct?

5 A. Correct.

6 Q. Bushra Wholesalers Inc. is not on this document,  
7 correct?

8 A. Correct.

9 Q. And nor are either of those names on any similar  
10 document in CLiCS that you were able to find, true?

11 A. Yes.

12 Q. If you'd please pull up Government Exhibit C-232. It's  
13 another CLiCS form. And please go to page 4.

14 We can start to see some meal service information  
15 that was submitted through CLiCS. Do you see that?

16 A. I do.

17 Q. And to be clear, these are claims -- these claims were  
18 eventually approved by the Minnesota Department of  
19 Education; is that right?

20 A. I guess without looking at the specific details, the  
21 months, in general the answer would be yes.

22 There is an occasion where there would be some  
23 that were disapproved or disallowed. I would imagine based  
24 on the timing of this that it would have been approved and  
25 paid out; but without digging into the details, I wouldn't

1 know.

2 Q. If you take a look at calendar year, month, January,  
3 claim type, original, claim status, approved. It appears it  
4 was approved?

5 A. Yes.

6 Q. Okay. And that's just one example. But for all these  
7 meal service information, things that we have, you see  
8 Bushra Wholesalers on any of those documents?

9 A. I do not.

10 Q. Or Said Farah's name?

11 A. I do not.

12 Q. And take a look at Government Exhibit C-345, page 2.  
13 Weekly consolidated meal count documents.

14 Do you remember the testimony about the weekly  
15 consolidated meal counts, how those were gathered and to  
16 whom they were submitted?

17 A. I guess could you be a little more specific?

18 Q. Sure. This document -- it's a form. It has Department  
19 of Education on top. It says the sponsor's name. It  
20 appears to be reporting numbers of meals prepared and  
21 numbers of meals served to children, and it's signed by a  
22 site supervisor. Is that right?

23 A. Correct.

24 Q. And it lists all the days of the week, Sunday through  
25 Saturday, true?

1 A. Yes.

2 Q. And it has meal type, breakfast, lunch and dinner.

3 These are documents that were prepared on site; is that  
4 right?

5 A. I can't be a hundred percent sure of that.

6 Q. Okay. These are documents that were in fact in the  
7 CLiCS system, true?

8 A. I don't think they would be in the CLiCS system.

9 Q. Documents that were gathered by -- or collected by the  
10 sponsors -- I'm sorry -- to be then the information entered  
11 into the CLiCS system, true?

12 A. Correct.

13 Q. Okay. This one is an example from the Dar Al-Farooq  
14 site. The sponsor is listed as Feeding Our Future.

15 You don't see Bushra Wholesalers Inc. or LLC  
16 anywhere on this document, true?

17 A. That's correct.

18 Q. Or Said Farah's name?

19 A. I don't see his name, yes.

20 Q. And the same is true with respect to each and every  
21 weekly consolidated meal count document that you testified  
22 about, true?

23 A. I believe that's correct, yes.

24 Q. If you'd please pull up Government Exhibit C-346.

25 Looking at that, we looked at emails that were

1 sent to this email address.

2 Could you please blow up that? Thank you.

3 Claims@FeedingOurFutureMN.org?

4 A. Yes.

5 Q. Do you recognize that?

6 A. I do.

7 Q. And I think you testified that you were gathering  
8 emails, looking at things, and this is an email address that  
9 claims were submitted to Feeding Our Future?

10 A. Correct.

11 Q. And did you find any example of Bushra Wholesalers Inc.  
12 or Said Farah sending a claim to Feeding Our Future?

13 A. Without looking at all of it, I wouldn't be positive of  
14 that; but I would believe it unlikely that we would see an  
15 email from Mr. Said Farah to that email address.

16 Q. Because you have no evidence he ever submitted a claim,  
17 true?

18 A. That's true, yes.

19 Q. Okay. He similarly -- if you can take that down --  
20 never sent an email to Partners in Quality Care with meal  
21 counts either, did he?

22 A. I would believe that, yes.

23 Q. So I'd like to take a look at some of the documents you  
24 talked about that you found when you were searching through  
25 the Feeding Our Future site, when you executed that warrant.

1 Okay?

2 A. Okay.

3 Q. And if we can take a look at Government Exhibit C-359.

4 And that was one of those file folders you  
5 mentioned that you obtained while searching Feeding Our  
6 Future; is that right?

7 A. That's correct.

8 Q. And it contains a lot of files and information and  
9 things, right?

10 A. It does.

11 Q. If we can go to page 2 of the exhibit. Some  
12 consolidated meal count sheets, three, four. Summer Food  
13 Service site delivery receipts. Do you see these documents?

14 A. I do.

15 Q. Looks like on page 7 there's an invoice?

16 A. Correct.

17 Q. And talking about all the files that were taken that  
18 you've reviewed and presented and testified about in court,  
19 all these files that were taken from Feeding Our Future  
20 during that search warrant, none of the documents contain  
21 the name Bushra Wholesalers Inc., do they?

22 A. I don't believe so.

23 Q. And not one of them contains the name Said Farah?

24 A. I don't believe so.

25 Q. So I'd like to talk to you a little bit about emails.

1 A. Okay.

2 Q. If you would please pull up Government -- well, I guess  
3 it's exhibit -- is it Government Exhibit D -- D-57?

4 MR. SCHLEICHER: I think D should have been  
5 reserved for us, Your Honor, but D-57.

6 THE COURT: Your objection is noted.

7 MR. SCHLEICHER: Next time. Next time.

8 BY MR. SCHLEICHER:

9 Q. Okay. All right. Let's take a look at D-57. Would you  
10 please highlight the email addresses at the top here?

11 Okay. Cutting to the chase, Said Farah did not  
12 send Exhibit D-57, did he?

13 A. He did not.

14 Q. Nor did he receive it?

15 A. Correct.

16 Q. Okay. If you'd please pull up D-56 and highlight the  
17 addresses.

18 All right. Said Farah did not on January 12,  
19 2022, send Government Exhibit D-56, did he?

20 A. Did not.

21 Q. Okay. Nor did he receive it, did he?

22 A. That's correct.

23 Q. Now, if we could please take a look at Government  
24 Exhibit D-68.

25 And D-68, if you just take a moment to review,

1 that is a forward of the two emails that we just talked  
2 about; isn't that right?

3 A. That's correct.

4 Q. Okay. Now, that email was sent from the email address  
5 19anur@gmail.com, true?

6 A. Yes.

7 Q. Said Farah did not send that email, did he?

8 A. He did not send it, no.

9 Q. He was, if you take a look at the To line,  
10 sfarah198200@hotmail.com. That's an email address that  
11 you've associated with Mr. Said Farah, correct?

12 A. Correct.

13 Q. Okay. And so Said Farah on this email was the passive  
14 recipient, true?

15 A. He's the recipient, yes.

16 Q. He did not send the email.

17 A. He did not.

18 Q. You have no evidence that he caused the email to be  
19 sent, do you?

20 A. I do not.

21 Q. And I'm going to ask you if you have any idea what  
22 happened with this email after Said Farah received it?

23 And I'll get a little more specific. Do you have  
24 any evidence that Said Farah forwarded this email to anyone?

25 A. Not that I'm aware of.

1 Q. Do you have any evidence that Said Farah used the  
2 information in this email in support of a claim?

3 A. Not that I'm aware of.

4 Q. And so you're not aware of whether or not any of the  
5 attachments to this specific email were forwarded or  
6 provided in support of any claim to a sponsor?

7 A. That's correct.

8 Q. Or the Minnesota Department of Education?

9 A. Correct.

10 Q. Or the United States Department of Agriculture?

11 A. Correct.

12 Q. So there's no proof that Said Farah did anything with  
13 this email or the information in the email after receiving  
14 it, true?

15 A. That's fair.

16 Q. Or that he sent it or caused it to be sent, true?

17 A. Correct.

18 Q. And if we can take a look at the date of the email, that  
19 was sent on January 23, 2022; is that right?

20 A. Correct.

21 Q. That's three days after everything came to a screeching  
22 halt; isn't that right?

23 A. Correct.

24 Q. Okay. So you're aware that Mr. Said Farah has been  
25 indicted on Count 12 for wire fraud for receiving an email

1 that he didn't send or caused to be sent that took place  
2 about three days after everything supposedly came to a  
3 screeching halt that was never used to submit a claim or in  
4 support of a claim? Are you aware of that?

5 A. I wouldn't say not in support of a claim. I mean,  
6 the --

7 Q. Well, you just testified that you have no evidence that  
8 that information was used by Said Farah to support a claim.

9 A. For him submitting it to support a claim, that's  
10 correct.

11 Q. Well, you don't have any information that any of these  
12 documents were used to support a claim by anybody, do you?

13 A. To back up the support of the purchase of food, yes.

14 Q. But on a substantive wire fraud count, as in Count 12,  
15 nothing related to Said Farah.

16 A. He received the email.

17 Q. Three days after everything came to a screeching halt  
18 and an email that he didn't send or caused to be sent, true?

19 A. Again, he -- he did not necessarily cause it. I don't  
20 know what took place outside of him receiving this.

21 Q. You don't?

22 A. I don't.

23 MR. SCHLEICHER: Your Honor, I'm about to start a  
24 new line of questioning. This might be an opportune moment.

25 THE COURT: It is perfect. We will resume at

1 10:45.

2 I'm going to say 10:50, everybody. Okay? Thank  
3 you.

4 **IN OPEN COURT**

5 **(JURY NOT PRESENT)**

6 THE COURT: You may all be seated.

7 Mr. Mohring has an issue to raise.

8 MR. MOHRING: Yes, Your Honor. Thank you.

9 I want to talk about a line that was crossed this  
10 morning. In the con -- which is beyond the scope  
11 objections.

12 In the context of scheduling discussions that  
13 we've had both on and off the record with the court, and  
14 specifically in the setting of how long do we think this  
15 case is going to take, the defense on a number of occasions  
16 expressed the view that it will take less time if the  
17 defense is given at least -- it is given latitude with  
18 witnesses to establish and obtain evidence from them that  
19 they have that's relevant to the case at the time that  
20 they're on the stand regardless of who is calling them.

21 And in each of those conversations --

22 THE COURT: This is a conversation that you've had  
23 with the government, not the court.

24 MR. MOHRING: Even with the court in the context  
25 of discussing how long do we think the case is going to

1 last.

2 THE COURT: Well, I'm not recalling that  
3 conversation, but go ahead.

4 MR. MOHRING: I believe it was. But in each of  
5 those conversations in our -- that we have had collectively,  
6 the prosecution has said, of course.

7 I'm concerned now about what seem to be quite  
8 narrow and focused objections about going beyond the scope  
9 of the evidence and -- and I guess my main point is, is not  
10 just that we have discussed this, the prosecution certainly  
11 can change their approach. There was nothing binding in the  
12 representations that they made.

13 But even with those objections, the court has the  
14 discretion to allow latitude to the defense in the interest  
15 of efficiency and expediency based on the collective  
16 understandings that we have had.

17 I don't have the usual set of subpoenas here with  
18 me to hit witnesses with who are not allowed to testify so  
19 that we can bring them back, but all of that can be  
20 obviated. And having to bring witnesses back who are  
21 already on the stand and already here and already present  
22 and already sworn in to testify about stuff that they know  
23 that may well be beyond the scope would be the more  
24 efficient approach.

25 And so I just wanted to put that on the record. I

1 believe that we have discussed this; but whether we have --  
2 whether we have or not, I would ask that the court consider  
3 allowing some latitude in this circumstance, just to save us  
4 having to bring witnesses back.

5 Now, obviously, the case agent is going to be here  
6 with us, but I see this coming in the future with other  
7 witnesses who will not. And it would be better for us not  
8 to have to have subpoenas with us so that we can bring  
9 witnesses back, who, again, are already here and already  
10 testifying about the case.

11 THE COURT: My ruling on beyond the scope happened  
12 after a lot of latitude on things that weren't testified  
13 about, and we were getting into entities that were not  
14 testified about. So that's why I sustained.

15 If you all have an agreement -- I mean, there's a  
16 line that I can allow some latitude; but if we go into every  
17 single count, into every single case with a witness who did  
18 not testify about all of the counts, I'm not -- that's not  
19 appropriate, nor efficient, I think. And so that was the  
20 reason for my ruling.

21 So just to explain, I tried to give some latitude,  
22 and then there was a point at which I thought it was enough  
23 because, again, we were getting into an entity that the  
24 witness didn't testify about at all.

25 MR. MOHRING: And I'm not objecting to the ruling.

1 I'm not questioning the ruling. I'm just --

2 THE COURT: No. Well, it wasn't your -- right --  
3 it wasn't your cross.

4 But I guess my question is to the government,  
5 What's your view of where this line is? I think this is an  
6 important issue, with agents in particular. I don't imagine  
7 it will be raised with other witnesses whose scope of  
8 testimony is more narrow.

9 Mr. Thompson.

10 MR. THOMPSON: Thank you, Your Honor.

11 To try to give some latitude, he's obviously one  
12 of the case agents on the team, but his testimony was  
13 cabined to a different area.

14 And at some point they're asking about entities,  
15 and he didn't -- he didn't talk at all about money  
16 laundering or these other entities through which the fraud  
17 proceeds flowed. That wasn't his focus of the  
18 investigation. We have forensic accountants and others.  
19 Obviously, it was a big team here.

20 And I think at some point -- it was clearly beyond  
21 the scope in terms of as a technical matter, but at some  
22 point it's just inefficient to go run through and ask him  
23 about entities that he doesn't -- he's not -- he doesn't  
24 have significant knowledge of, he hasn't testified about,  
25 and it's not fruitful or productive.

1 In terms of Mr. Mohring saying we crossed the  
2 line, I'm surprised to hear that he didn't talk to me about  
3 that this morning or before this.

4 We didn't have an understanding that witnesses  
5 would be wide open. We're willing to give latitude,  
6 obviously; but showing witnesses documents they've never  
7 seen, crossing them about things far beyond their testimony  
8 where they don't know, is not productive. And, frankly,  
9 it's not fair to our witnesses.

10 The idea that a witness gets on the stand and he  
11 can be shown documents he's never seen and asked to opine on  
12 them and be made to look like he -- you know, the suggestion  
13 is being made that he ought to know or it's not -- it wasn't  
14 his testimony.

15 Clearly, the case with an agent, one of the case  
16 agents, there's more latitude given, and I think I did. And  
17 I didn't object until -- I guess you sustained my objection  
18 when I did object. That's what I'd say.

19 THE COURT: One of the reasons for my ruling was  
20 there was a -- I think Mr. Schleicher was asking about shell  
21 companies. One of the reasons for my ruling was that my  
22 belief that someone at some point is going to testify about  
23 shell companies and money laundering in general.

24 MR. THOMPSON: Correct, Your Honor.

25 THE COURT: And so my thought was that would be

1 the appropriate person for the cross that Mr. Schleicher was  
2 going to do.

3 I don't know whether anyone is going to use that  
4 term, but certainly on a money laundering it would be  
5 appropriate to use that term and do the cross that  
6 Mr. Schleicher I think was about to.

7 MR. THOMPSON: Correct, Your Honor.

8 And certainly we will have an agent or a forensic  
9 accountant up there to talk about money laundering and  
10 potential shell companies. And, clearly, they'll have wide  
11 latitude to cross on both the meaning of shell companies  
12 generally and specifically as to whether or not certain  
13 entities could be considered shell companies.

14 THE COURT: Okay. Mr. Schleicher, do you want to  
15 weigh in here?

16 MR. SCHLEICHER: Yes, Your Honor.

17 First, the scope of my cross-examination was  
18 completely tailored to the direct examination, both specific  
19 testimony and the inferences that have been raised.

20 And as far as this whole, you know, having the  
21 agent talk about different companies, entities, what they  
22 do, and shell companies in particular, they testified that  
23 these -- to put in all these Secretary of State documents to  
24 show the business, to raise the inference that you're  
25 supposed to have to have some kind of permission from the

1 government to start a business and talking about these --  
2 raising that as if it is something nefarious. They  
3 referenced shell companies in the opening. It's the  
4 equivalent of kicking sand and then running inside.

5 And the agent who has testified, and has testified  
6 generally to all of these things, is subject to full  
7 cross-examination. And if there's an issue with that, then  
8 that is a perfect topic for a redirect examination, which  
9 the government is perfectly capable of and will have  
10 permission to do.

11 I understand the court's ruling. I've made my  
12 record. But I will continue to cross-examine this witness  
13 within the scope of his direct examination. He was  
14 presented as a case agent. I believe the witness list said  
15 a summary witness; and, in any event, he sure testified like  
16 one.

17 THE COURT: All right. Thank you for the  
18 discussion. My ruling will stand.

19 THE CLERK: All rise.

20 (Recess taken 10:36 a.m. till 10:53 a.m.)

21

22 **IN OPEN COURT**

23 **(JURY PRESENT)**

24 THE COURT: You may all be seated.

25 Mr. Schleicher, you may continue.

1 MR. SCHLEICHER: Thank you very much, Your Honor.

2 BY MR. SCHLEICHER:

3 Q. Special Agent Kary, when we talked about the  
4 investigative process, one of the things we discussed is  
5 interviewing people, talking to people. Is that right?

6 A. Correct.

7 Q. And we talked about some of the witnesses who were most  
8 recently interviewed.

9 I need to ask you if you're familiar with the name  
10 Hadith Ahmed?

11 A. I am.

12 Q. Is he a person who you interviewed a number of times  
13 during the course of this investigation?

14 A. Yes.

15 Q. And for background purposes, I believe you testified  
16 that Hadith Ahmed was a person who was working at Feeding  
17 Our Future?

18 A. Correct.

19 Q. Okay. And Hadith Ahmed had set up a company called --  
20 is it Southwest Metro Youth?

21 A. Correct.

22 Q. Okay. And would have submitted meal counts for that  
23 site?

24 A. That's correct.

25 Q. And you've subsequently learned some information about

1 those meal counts that Hadith Ahmed submitted; is that  
2 right?

3 A. Yes.

4 Q. That they were false?

5 A. Correct.

6 Q. Okay. And if you could pull up just for the witness  
7 Government's Exhibit M-44.

8 And does Government Exhibit M-44, if you take a  
9 look at that -- I would just ask you the question whether or  
10 not you're aware, in general terms, about how much money  
11 Hadith Ahmed was able to collect or obtain in connection  
12 with submitting false claims to the government?

13 A. I am.

14 Q. Does M-44 help you with that?

15 A. It does. Thank you.

16 Q. All right. And how much is that?

17 A. Over \$1.1 million.

18 Q. All right. Thank you.

19 And you can take that down.

20 And Southwest Metro Youth, for the record, was  
21 sponsored by Feeding Our Future; is that right?

22 A. Yes.

23 Q. You've developed Hamad -- I'm sorry. Hadith Ahmed is  
24 cooperating with the government; is that right?

25 A. He is.

1 Q. Now, I know that you've written a lot of reports, and  
2 there's kind of a lot of stuff to go through, but I need to  
3 talk to you a little bit about the frequency of the contact  
4 that you've had with Hadith Ahmed. Okay?

5 A. Okay.

6 Q. All right. You've talked to him a lot; is that right?

7 A. I would say that, yes.

8 Q. And is it true that you first attempted to speak with  
9 him on June 1, 2022?

10 A. That sounds right.

11 Q. And then were able to actually make contact with him and  
12 have a discussion with him on June 22 -- June 22, 2022?

13 A. That sounds correct, yes.

14 Q. Okay. And that would have been the first interview  
15 report -- or first interview of Mr. Ahmed?

16 A. I believe that's the case. I think he came here and we  
17 had the interview in Minneapolis, yes.

18 Q. A number of people at that interview?

19 A. Correct.

20 Q. And that was what we call a proffer interview; is that  
21 right?

22 A. Yes.

23 Q. So that was an interview in which he was provided some  
24 protection for what he was going to say, so long as you  
25 believed it was helpful and credible, true?

1 A. Yeah, as long as he told the truth, yes.

2 Q. In your view.

3 A. The proffer letter says as long as he tells the truth,  
4 it won't be held against him.

5 Q. As determined by the government?

6 A. Correct.

7 Q. Okay. Now, you spoke with him again on June 29, 2022;  
8 is that right?

9 A. I -- presumably, yes. I would have to see the report.  
10 I know we've spoken to him a number of times.

11 Q. So what I'll do, I'm just going to give you some dates.  
12 And if you think that they are correct, say so; if you have  
13 reason to dispute, please say so. Okay?

14 A. Okay.

15 Q. So I mentioned June 29, 2022. And that would have been  
16 at 1:30 p.m., true?

17 A. That sounds right, yes.

18 Q. August 8, 2022, not sure what time.

19 A. That sounds correct.

20 Q. August 8, 2022, and I believe the entry is later in the  
21 evening. So same date, later in the evening.

22 A. That's correct.

23 Q. Would that have been a phone contact?

24 A. Most likely, I would assume that. If I saw the report,  
25 it would refresh my memory to know if it was a follow-on

1 phone call to finalize the report.

2 Q. Just to the -- I'm sorry -- just to the witness, please,  
3 if you would pull up report Bates stamp 107RPT. Do you want  
4 to blow up the reading portion, so it's a little easier?

5 A. Sorry. It's going back and forth between -- okay. Yes.

6 Q. Okay. Does that refresh your recollection?

7 A. It does.

8 Q. That Mr. Ahmed contacted you later in the evening on the  
9 same day as your interview?

10 A. Correct.

11 Q. Okay. And he reached out to you?

12 A. Yes.

13 Q. And this would have been by telephone?

14 A. Yes.

15 Q. You met with him again on September 9, 2022?

16 A. That sounds correct.

17 Q. And September 12, 2022?

18 A. Yes.

19 Q. September 28th, 2022?

20 A. That sounds correct, yes.

21 Q. February 13, 2023?

22 A. Don't recall -- I don't recall that one being --

23 Q. If you'd please, just to the witness, display what's at  
24 Bates RPT8970?

25 A. I do recall, yes.

1 Q. Okay. So February 13, 2023?

2 A. Correct.

3 Q. February 17, 2023?

4 A. That sounds right, yes.

5 Q. April 4, 2023?

6 A. Again, could you refresh my memory? I'm not --

7 Q. Yes. And for the record, we're showing the witness  
8 RPT8974.

9 A. Okay. Yes, I do recall.

10 Q. Okay. And April 13, 2023, at about 11:10 a.m. That's  
11 accurate? Is that one you just saw, or did I ask you about  
12 April 4?

13 A. April 4.

14 Q. Okay. So the April 4, 2023, time unknown, is accurate.  
15 What about April 23, 2023, at 11:10?

16 A. Again, I'd have to see the report to --

17 Q. Please show the witness RPT13938.

18 MR. THOMPSON: Your Honor, I'm going to object as  
19 beyond the scope.

20 THE COURT: Overruled.

21 THE WITNESS: Oh, I'm sorry. Can you --

22 BY MR. SCHLEICHER:

23 Q. Yeah.

24 A. Are you refreshing my memory?

25 Q. I was refreshing your memory. Are you done taking a

1 look at that? Does that refresh your memory? And was my  
2 question accurate?

3 A. I didn't see that dated report.

4 Q. April -- or April 13, 2023, RPT13938. Does that  
5 look not the right number? Yeah.

6 A. Correct, yes.

7 Q. Okay. And then last Sunday, April 28th, 2024; is that  
8 right?

9 A. That sounds correct, yes.

10 Q. So you've interviewed -- had contact with this witness,  
11 which we have reports for, about 13 times, true?

12 A. That sounds correct, yes.

13 Q. And then since he contacts you later in the evening,  
14 does Hadith Ahmed have your phone number?

15 A. He does have my FBI-issued cell phone number, yes.

16 Q. Your cell phone number. Okay.

17 A. Yes.

18 Q. And so he contacts you on your cell phone?

19 A. My work cell phone, yes.

20 Q. Your work cell phone.

21 A. Yes.

22 Q. Does he text you on your work cell phone?

23 A. Only logistics to coordinate meetings, yes.

24 Q. Only logistics to coordinate meetings?

25 A. Yes, a time and the meeting location. Nothing of

1 substance.

2 Q. And then I just have a few more questions with him.

3 You recall in this investigation whether or not  
4 his tax records were obtained?

5 A. I don't recall if they were.

6 Q. What about his cell phone? Did you do a Cellebrite  
7 download of Hadith Ahmed's cell phone?

8 A. We did not.

9 Q. Did you examine any records of incoming or outgoing  
10 calls with Hadith?

11 A. Not unless it touched off of somebody else's who we  
12 have. So none of his specific device.

13 Q. Didn't look at his device?

14 A. Correct.

15 Q. Didn't do a toll analysis of his device?

16 A. That's correct.

17 Q. You looked at his emails?

18 A. Correct.

19 Q. Text messages on his phone? You didn't download his  
20 phone. Did you see any other text messages?

21 A. Again, not his -- not of his device.

22 Q. WhatsApp messages?

23 A. Again, not of his device.

24 Q. Direct messages?

25 A. Same answer of not his devices.

1 Q. And then in viewing what you did take a look at with  
2 respect to Hadith Ahmed, did you find any evidence of  
3 communication during the time frame of the -- you allege the  
4 conspiracy happening, and ending on January 20, 2022,  
5 between Said Farah and Hadith Ahmed?

6 A. Did I see any between --

7 Q. Before the search warrant was executed, as of the date  
8 of the search warrant, do you have any text messages, phone  
9 calls, contact between Hadith Ahmed and Said Farah?

10 A. I can't recall at this point.

11 Q. I want to talk about some other evidence, just your  
12 analysis of it.

13 You're aware that agents seized Said Farah's cell  
14 phone when they searched his home on the day of the search  
15 warrant?

16 A. Yes.

17 Q. Was that telephone searched? Was that smartphone  
18 searched?

19 A. Yes, there was an extraction and a Cellebrite report.

20 Q. You were able to download the contents of text messages,  
21 files, images, et cetera; is that right?

22 A. I was not, but a member of the FBI did, yes.

23 Q. And, again, you're the consumer of the Cellebrite. You  
24 would look at that information; is that right?

25 A. Correct.

1 Q. Okay. And we already talked about the types of  
2 information, location, history, different things you can  
3 obtain when you look at a cell phone; is that right?

4 A. Correct.

5 Q. And in reviewing the Cellebrite information, as you sit  
6 here today, do you know whether or not there's any  
7 indication in Said Farah's cell phone that he had contact  
8 with Hadith Ahmed?

9 A. I don't believe so.

10 Q. Now, we talked a little bit about a business Bushra  
11 Wholesalers LLC. And I want to know whether or not you  
12 interviewed any employees of Bushra Wholesalers LLC.

13 A. I don't believe so.

14 Q. Or any other agent -- I'm sorry -- interviewed?

15 A. I don't believe so.

16 Q. Okay. The royal you.

17 And that includes Idriss Omar. Are you familiar  
18 with the name Idriss Omar?

19 A. I am. I am based on his name being on the witness list.  
20 I'm not fully aware of who he is.

21 Q. Were you aware that he was an employee of Bushra  
22 Wholesalers?

23 A. I was not.

24 Q. That he actually delivered food for them?

25 A. I don't know that.

1 Q. In the case of Idriss Omar, are you aware that he had a  
2 phone?

3 A. I'm not aware.

4 Q. And that that extraction, a Cellebrite extraction report  
5 was produced to the government. Did you ever have an  
6 opportunity to look at it?

7 A. Not -- me? No, I did not.

8 Q. Do you know if anybody looked at it?

9 A. Sitting here right now, I don't know.

10 Q. Okay. Looking at the date again January 20, 2022,  
11 you're aware that an application for a search warrant had  
12 been submitted for Said Farah's home; is that right?

13 A. That's correct.

14 Q. And a search was conducted pursuant to that application,  
15 and it was granted, right?

16 A. It was.

17 Q. The warrant was. And you applied for the search warrant  
18 because he was one of the owners of Bushra Wholesaler LLC;  
19 is that right?

20 A. That's one of the reasons, yes.

21 Q. Now, in the affidavit of search warrant indicates that  
22 you were looking for fruits of mail fraud, wire fraud,  
23 conspiracy and money laundering. Is that what you were  
24 looking for, what the agents were looking for?

25 A. Correct.

1 Q. Did you personally participate in that search?

2 A. I did not.

3 Q. Were you involved in the, I guess, the pre-search,  
4 pre-search conversations prior to executing the search  
5 warrant on this home?

6 A. I was.

7 Q. For all the locations, right?

8 A. Correct.

9 Q. You were the primary case agent?

10 A. One of them, yes.

11 Q. And so in conducting a search warrant in someone's home,  
12 that takes a significant amount of planning and preparation,  
13 true?

14 A. It does.

15 Q. And it's important because you have to brief a number of  
16 people who may have not otherwise had a lot of participation  
17 in the investigation, right?

18 A. That's fair, yes.

19 Q. And in the case of Said Farah's home, I believe there  
20 were ten different federal agents there. Does that sound  
21 about right?

22 A. It sounds about right, yes.

23 Q. Okay. And so all of those individuals had to be  
24 briefed. Were you the one who participated in briefing  
25 these individuals before executing the warrant?

1 A. I am one of the case agents that did the briefing, yes.

2 Q. And did you make any reports or complete any paperwork  
3 to talk about, you know, just planning for the search  
4 warrant?

5 A. We do an operational plan for each location, yes.

6 Q. Did you personally draft the operational plan?

7 A. Not for each location, no.

8 Q. Did you personally draft the operational plan for Said  
9 Farah's home?

10 A. No, I did not.

11 Q. Or participate in it?

12 A. As far as participation, yes, providing the information,  
13 meaning the affidavit, the search warrant, material, some of  
14 the surveillance. So I did participate in that sense to  
15 give them the data to ensure that they could safely execute  
16 the operation.

17 Q. You didn't write it, though?

18 A. I did not write it, no.

19 Q. Okay. Now, the search warrant application alleges that  
20 the defendant Mr. Farah misappropriated money and used it to  
21 purchase real estate, cars and luxury items. Is that what  
22 you all were looking for?

23 A. The application -- I think it said more than that, but  
24 in general, yes.

25 Q. Looking for fruits of -- evidence of a fraud scheme; is

1 that right?

2 A. Correct.

3 Q. It is common for agents to take pictures when executing  
4 a search warrant; is that right?

5 A. Correct.

6 Q. And as part of your analysis as a case agent, did you  
7 review the photographs that were taken during the execution  
8 of this search warrant?

9 A. I did.

10 MR. THOMPSON: Your Honor, I'm going to object as  
11 beyond the scope. This is far from anything that was  
12 covered on direct.

13 MR. SCHLEICHER: If we could have a brief sidebar,  
14 Your Honor. I think I know your ruling.

15 THE COURT: You can have a brief sidebar.

16 **(Sidebar discussion)**

17 THE COURT: Mr. Schleicher, what's your argument?

18 MR. SCHLEICHER: Can you hear me?

19 THE COURT: Yeah, I can.

20 MR. SCHLEICHER: Okay. Thank you so much.

21 Your Honor, I believe that he did testify that  
22 this was a location that was searched. And, again, as a  
23 general case agent, I believe I'm entitled to cross him on  
24 what evidence was found and what his conclusion, what his  
25 analysis of that was as part of the investigation.



1 A. I'm not aware.

2 Q. Okay. Were you aware of the date that Mr. Farah  
3 purchased his vehicles?

4 A. I am not without having the records in front of me.

5 Q. And are you aware that there were a couple of 2016  
6 Toyotas?

7 A. That does sound accurate.

8 Q. Are you aware of any analysis of any digital evidence  
9 taken from Said Farah's wife's Apple Watch?

10 A. I am not.

11 Q. Do you know if anyone ever even looked at it?

12 A. I don't believe so.

13 Q. Okay.

14 MR. SCHLEICHER: I have no more questions. Thank  
15 you very much.

16 THE COURT: Okay. Mr. Cotter.

17 CROSS-EXAMINATION

18 BY MR. COTTER:

19 Q. Good morning.

20 A. Good morning.

21 Q. A lot of lawyers; a lot of questions. The benefit of  
22 going later in the lineup is you've had a lot of questions  
23 posed to you already.

24 One of the areas that I need to cover is some  
25 testimony from earlier this morning and earlier this week

1 regarding the location at Tot Park. Do you recall that?

2 A. I do.

3 Q. Now, it's called Lexington Park, apparently?

4 A. Correct.

5 Q. And you recall that there was some questions about  
6 Mary's Montessori?

7 A. Yes.

8 Q. And I think you'd brought up a Festival Foods also as a  
9 location right next to the park; is that correct?

10 A. Correct. The address in the CLiCS submission is --  
11 comes back to the, you know, talk about the latitude,  
12 longitude, comes back to the Festival Foods.

13 Q. And how close is that to the park, the Festival Foods?

14 A. It's relatively close.

15 Q. Okay? And the Mary's Montessori, is that relatively  
16 close as well?

17 A. Yes. I think it's a little slightly south of the  
18 Festival Foods, and then the former Tot Park location is  
19 just east of that location.

20 Q. Are we talking within blocks, like a city block or two?

21 A. Correct.

22 Q. All right. And, again, the CLiCS, it's a longitude and  
23 latitude. It's a location where food is distributed.

24 That's what Ms. Honer testified to, correct?

25 A. Food is supposed to be distributed, yes.

1 Q. All right. And do you recall that you were asked a  
2 question about whether you had interviewed someone from  
3 Mary's Montessori by the name of Janet Wolfe or been  
4 involved in that?

5 A. Now that -- I am recalling now. I was -- I did  
6 participate in an interview of Janet Wolfe, yes.

7 Q. And, of course, you appreciate the jury needs to know  
8 the truth, right?

9 A. Correct, yes.

10 Q. And your testimony earlier this morning was you weren't  
11 involved in that interview. Do you recall that?

12 A. I was mistaken. Yes, correct.

13 Q. That's wrong.

14 A. I apologize. Yes, I forgot who Janet Wolfe was.

15 Q. All right.

16 A. I forgot that last name.

17 Q. And Janet Wolfe was someone that was working as a  
18 teacher or involved with Mary's Montessori, right? Some  
19 connection to it?

20 A. I'm starting to recall now.

21 Q. Well, let me ask you this: Would it refresh your  
22 recollection to look at a report?

23 A. It would, yes.

24 Q. And you worked with not only the FBI, but the  
25 United States Postal Service agents were involved in this

1 investigation?

2 A. Correct.

3 Q. IRS agents were involved in this investigation?

4 A. Yes.

5 Q. You basically for this investigation had the full weight  
6 of the federal government at your disposal to use for  
7 investigating this, correct?

8 A. I wouldn't say the full weight of the government. We  
9 had a lot of resources.

10 Q. A lot of resources. A lot of different governmental  
11 agencies that had agents involved, right?

12 A. Correct.

13 Q. And we talked about how when you do something important,  
14 a report is drafted so that people can testify about it  
15 years later, right?

16 A. Correct.

17 Q. In fact, we're finding out right now just how important  
18 it is, because within the last couple hours you forgot  
19 something and now you've recalled it, right?

20 A. Correct.

21 Q. All right. Would it refresh your recollection to review  
22 the report regarding Janet Wolfe that was drafted by a  
23 colleague of yours?

24 A. It would, yes.

25 MR. COTTER: May I approach the witness?

1 THE COURT: You may.

2 BY MR. COTTER:

3 Q. Agent, does that refresh your recollection regarding the  
4 interaction you were involved with with Janet Wolfe?

5 A. Yes, it does.

6 Q. And, in fact, this interview wasn't two or three years  
7 ago, was it?

8 A. It was not.

9 Q. This interview was less than a month -- less than  
10 30 days ago?

11 A. Correct.

12 Q. It happened on April 5th of 2024.

13 A. That's correct.

14 Q. All right. And in the course of this interview, you  
15 were personally present; is that correct?

16 A. Correct.

17 Q. Do you guys record these interviews, or is it just  
18 written notes that are taken?

19 A. Just written.

20 Q. Got it. And then you put it into this 302, we call  
21 them; is that right?

22 A. In that case it's a Postal Memorandum of Interview, but,  
23 yes, report.

24 Q. Got it. And you were specifically learning information  
25 about whether food was distributed at the Mary's Montessori

1 during the relevant time we've been talking about here the  
2 last couple weeks, right?

3 A. Correct.

4 Q. And you learned information that there was food  
5 distributed?

6 MR. THOMPSON: Objection. Hearsay.

7 THE COURT: Sustained.

8 BY MR. COTTER:

9 Q. This witness provided you important information, right?

10 A. She provided us information.

11 Q. It was put into a report.

12 MR. THOMPSON: Objection, Your Honor. Hearsay.

13 MR. COTTER: I'm just asking about what's in the  
14 report. I didn't ask about what she said, Your Honor.

15 THE COURT: You may answer the question, It was  
16 put into a report.

17 THE WITNESS: Yes, it was put into a report.

18 BY MR. COTTER:

19 Q. All right. Thank you.

20 Let's move on to -- my able colleague has gone  
21 over some of the investigative tools at your disposal, and  
22 I'm not going to re-go through all of those, but it is  
23 important.

24 The FBI and/or the federal government first became  
25 aware of concerns regarding these food programs

1 approximately 11 months before those search warrants were  
2 issued, correct -- or excuse me -- executed?

3 A. That's fair, yes.

4 Q. And it became an official investigation where it was an  
5 open file and active approximately nine months prior to the  
6 execution of the search warrants; is that correct?

7 A. That's correct.

8 Q. And at the time that you received the investigative  
9 material, you were provided CLiCS information. And so you  
10 had the various sites that were subject to scrutiny or that  
11 there was concerns about, correct?

12 A. Correct.

13 Q. And you knew the location and -- of those sites for that  
14 entire nine-month period before the execution of these  
15 warrants, correct?

16 A. Yes, that would be correct.

17 Q. All right. And so we've talked about physical  
18 surveillance. I won't go back through it. But that's one  
19 important tool that's available, correct?

20 A. Yes.

21 Q. We've talked about electronic surveillance, which can be  
22 cameras, correct?

23 A. Correct.

24 Q. We've talked about the importance of cell phone and  
25 basically location data that's able to be obtained with the

1 permission of the court during an investigation; is that  
2 correct?

3 A. Correct.

4 Q. And, of course, in this case you were investigating  
5 whether or not food was being transported from one location  
6 to another and distributed to children, right?

7 A. Yes.

8 Q. And you had information about some of the individuals  
9 that were allegedly providing the food and that you were  
10 concerned whether it was being done or not, right?

11 A. Correct.

12 Q. All right. And, of course, because you had certain data  
13 that had been provided, you were at least able to look into  
14 these individuals and potentially get warrants for their  
15 cell phones, either from a cell phone company or through  
16 what we call a trap and trace? Are you familiar with that  
17 term?

18 A. Yes.

19 Q. All right. And that can actually trap locations of  
20 where people are maneuvering, if they have their cell phone  
21 on, correct?

22 A. Correct.

23 Q. All right. We also -- you talked a little bit about  
24 going to the locations.

25 There's another tool that's available that is used

1 in investigations where undercover agents can go out and  
2 essentially pose as someone who might need food, for  
3 example, correct?

4 A. Possibly, yes.

5 Q. All right. And as an example, in some other kinds of  
6 cases, if you are trying to learn if someone is selling  
7 drugs, you might have an undercover agent go see if they can  
8 buy some drugs from them. That's a pretty common tool,  
9 right?

10 A. Yes.

11 Q. And in this case we're not even talking about something  
12 nefarious. This was whether or not food was being offered  
13 and distributed at a particular location. That was what you  
14 were trying to determine, right?

15 A. Yes.

16 Q. And an option would have been to have an undercover  
17 agent go out there, wouldn't even need to be undercover,  
18 basically a citizen go out to the location and see if food  
19 was actually being distributed and pick up a pack. You  
20 could have done that, right?

21 A. It was done at one location.

22 Q. Okay.

23 A. But not all of them.

24 Q. All right. Do you know specifically exactly what  
25 location?

1 A. I think it was the Crystal location.

2 Q. Is it any of the locations that's involved in this case  
3 right here right now?

4 A. No.

5 Q. All right. So it's not even relevant to what we're  
6 talking about in this courtroom, is it?

7 A. It's relevant to the food program and the overall  
8 investigation.

9 Q. But to any of the people in this room, you didn't have  
10 someone go out to the location and see if food was being  
11 distributed and take a package and see what was in it, did  
12 you?

13 A. Not for these individuals, no, or the individuals  
14 related to this case.

15 Q. That's kind of what I care about because that's what  
16 we're on trial for. Fair?

17 MR. THOMPSON: Objection. Argumentative.

18 MR. COTTER: I'll withdraw. I withdraw.

19 THE WITNESS: Okay. Thank you.

20 BY MR. COTTER:

21 Q. And you had a nine-month period where this would have  
22 been an opportunity for some agents to go do. Fair?

23 A. That's fair.

24 Q. All right. You did get -- and I'm not going to ask you  
25 specifics about the warrant or search of my client's home.

1 I'm sure that will come at a later date.

2 But my client Mohamed Ismail's cell phone was  
3 seized, right?

4 A. Correct.

5 Q. And so was some other computers, I believe? If you  
6 know.

7 A. I don't. I don't recall. I know the phone was, though.

8 Q. So, of course, there would have been an ability to do  
9 the Cellebrite we've talked about on my client Mr. Ismail's  
10 phone; is that right?

11 A. Yes.

12 Q. And that would have been able to extract all of the  
13 various types of information, potentially things like text  
14 messages, right?

15 A. Yes.

16 Q. Or social media apps, depending on the app and the  
17 ability to save it, right?

18 A. Yes, depends on the settings, but yes.

19 Q. And then certainly call logs as to who people talked to  
20 and so on and when they talked to them; is that right?

21 A. Correct.

22 Q. And if any photographs are saved, things of that nature,  
23 videos, that can be extracted on the Cellebrite report; is  
24 that right?

25 A. That's correct.

1 Q. And I'm not asking you as an expert in Celebrities. I'm  
2 just asking about your knowledge as an agent. Fair?

3 A. That's fair, yes.

4 Q. All right. So certainly any information that may have  
5 been relevant to this investigation from my client's phone  
6 is available to you and your fellow agents; is that correct?

7 A. That's correct, yes.

8 Q. With regard to emails, of course, that's -- there's been  
9 a lot of emails that have been put up over the last few  
10 days. Fair?

11 A. That's fair, yes.

12 Q. Email addresses I'm specifically talking about. And --  
13 Oops, I have the wrong person sitting there. Are  
14 you able to help me out?

15 MR. CARLSON: Yes.

16 MR. COTTER: Thank you.

17 I believe it's Government Exhibit G-55, but this  
18 would just be for the witness.

19 BY MR. COTTER:

20 Q. Showing you what's been previously admitted as G-55, can  
21 you take a look at that?

22 A. Yes.

23 Q. All right. And could we highlight the email and  
24 publish?

25 This was an email from May 20th. So at the very

1 beginning of the pandemic there was an email, and the sender  
2 was Mr. Farah, and there's -- the very last, there's a list  
3 of emails, the very last email, mahirismail3@gmail.com.

4 Did you confirm that that was the email  
5 relevant -- or that was registered to my client Mr. Ismail.

6 A. I believe so, yes.

7 Q. All right. And, of course, do you have any information  
8 from your own personal knowledge that his email is on any  
9 other documents submitted to the sponsor, other than this  
10 one time on May 20th, as you sit here today?

11 A. I'd have to look through more of the records, but I  
12 believe there is.

13 Q. Okay.

14 A. But I'm not --

15 Q. In any event, if there were any emails, transmissions or  
16 what we might call a wire, that would be this particular  
17 email that would be relevant to Mr. Ismail, correct?

18 A. This one would be, yes.

19 Q. All right. And, of course, it's a list of people that  
20 this was sent to. You don't have any information that  
21 Mr. Ismail even read this, do you, other than that his email  
22 is on the To column?

23 A. I see it on the To column, yes.

24 Q. So there's not a -- we don't know if there's a read  
25 receipt or anything like that that would indicate he even

1 read this email?

2 A. Here right now, I don't know that.

3 Q. All right. We can take that down. Thank you.

4 And are you aware that that particular email is  
5 the substantive count of wire fraud against my client?

6 A. I believe it is, yes.

7 Q. All right. Thank you.

8 As to -- I'm going to go over the business  
9 entities again just a little bit. Okay?

10 You talked about there was some kind of 101 on the  
11 formation of businesses. And you have your MBA and have  
12 some knowledge on that, correct?

13 A. Correct.

14 Q. In your experience, is it not true that sometimes the  
15 person who files a document with the Secretary of State  
16 might not be the only person that's an owner or involved in  
17 the business?

18 A. I'm sorry. Could you rephrase?

19 Q. Bad question.

20 A. Thank you.

21 Q. Just because your name's not on a document that's filed  
22 with the Secretary of State doesn't always mean you're not  
23 an owner in a business, right?

24 A. Again, I'm a little confused. But doesn't always mean  
25 that you're the actual owner?

1 Q. That you are an owner, a partner, have any interest in  
2 the business.

3 A. If your name's on it, it -- I mean, it's filed with the  
4 Secretary of State, so you'd be an owner.

5 Q. Do you have any experiences where sometimes a person's  
6 name is not on it initially?

7 A. Yes.

8 Q. And they're still an owner, have an interest in a  
9 business?

10 A. Yes.

11 Q. All right. And you talked -- and early on there was a  
12 discussion about the business Empire Cuisine & Market LLC,  
13 correct?

14 A. Correct.

15 Q. And that there was a filing of that business with the  
16 Secretary of State, I believe it was in April of 2020; is  
17 that correct?

18 A. That sounds right, yes.

19 Q. And as we -- you just testified, a business may be  
20 operating or started up before the actual filing occurs with  
21 the Secretary of State, correct?

22 A. Correct.

23 Q. That just is when that business, in this case Empire  
24 Cuisine & Market LLC, gained the legal protection of being  
25 an LLC, correct?

1 A. Correct.

2 Q. And were you aware in the course of the investigation  
3 that there had been a predecessor business involving  
4 Mr. Ismail, in particular called Empire Gas & Grocery LLC?

5 A. Yes.

6 Q. All right. And were you aware that there was a  
7 Secretary of State filing with Empire Gas & Grocery that  
8 occurred back in 2016?

9 A. I believe that was the time frame, yes.

10 Q. All right. May I pull up D2-2, please. Just for the  
11 witness.

12 Showing you Defense Exhibit D2-2, do you recognize  
13 this as a Secretary of State certificate of organization?

14 A. Yes.

15 Q. And Empire Gas & Grocery is the name of the business?

16 A. Correct.

17 Q. And this was -- it has a file number, Secretary of State  
18 file number?

19 A. Yes, it does.

20 Q. And it was -- the certificate was issued on 12/15/2016?

21 A. Correct.

22 Q. All right. And it appears to be an accurate copy of a  
23 Secretary of State certificate of organization to you?

24 A. Yes. I believe there would be more than one page,  
25 but --

1 Q. All right. So we can go to the next page.

2 This then goes through the name of Article I, the  
3 limited liability company; is that correct?

4 A. Correct.

5 Q. Has a registered agent with an address?

6 A. It does.

7 Q. Organizer and a signature at the bottom, right?

8 A. Correct.

9 Q. All right.

10 MR. COTTER: Move to admit D2-2.

11 MR. THOMPSON: No objection.

12 THE COURT: D2-2 is admitted.

13 BY MR. COTTER:

14 Q. All right. And were you aware that that particular  
15 business -- so when you have an LLC, you have to --  
16 essentially every year you have to let the Secretary of  
17 State know you're still in business and make sure that you  
18 stay current; is that correct?

19 A. Correct.

20 Q. All right. Are you aware that those filings were made  
21 with regard to the Empire Gas & Grocery LLC?

22 A. Not -- I believe we obtained records related to the  
23 investigation, yes; but the details of it, I'm not sure  
24 without looking at the document.

25 Q. Would it refresh your recollection to look at the

1 document?

2 A. It would.

3 MR. COTTER: May I approach the witness?

4 THE COURT: You may.

5 BY MR. COTTER:

6 Q. Does that refresh your recollection, agent?

7 A. It does.

8 Q. And did it appear that Empire Gas & Grocery was  
9 recertified each year in 2016, '18, '19, '20?

10 A. Yes.

11 Q. '21?

12 A. Excuse me. Yes.

13 Q. All right. And did you also note that the business was  
14 formally transferred in 2019 to Mr. Ismail?

15 A. Yes.

16 Q. All right. And, of course, that was well before the  
17 pandemic or anything relevant to this case, correct?

18 A. Correct.

19 Q. So did you happen to investigate and determine the  
20 location of that business or what the purpose of that  
21 business was?

22 A. Not specifically the location, but the bank records, but  
23 I didn't have knowledge of where the gas and grocery store  
24 was.

25 Q. Okay. But it was registered as a gas and grocery. And

1 then, of course, Empire Cuisine & Market was registered as a  
2 market and cuisine or restaurant, if you will. Fair?

3 A. That's fair.

4 Q. All right. And, of course, businesses can have more  
5 than one purpose, generally speaking. For example, you can  
6 be running a restaurant, but also be involved in catering or  
7 distributing food as well, correct?

8 A. Potentially.

9 Q. Yeah. There can -- a business can in fact have multiple  
10 different businesses going on under the same corporate  
11 entity, correct?

12 A. Yes.

13 Q. All right. Are you aware that Empire Cuisine & Market  
14 was in fact a grocery and a restaurant throughout the course  
15 of this investigation?

16 A. I'm sorry. Which one? Which entity?

17 Q. Now I'm talking about Empire. Did I say gas and  
18 grocery?

19 A. I think so.

20 Q. I probably mixed it up myself.

21 A. Okay.

22 Q. Empire Cuisine & Market.

23 A. The restaurant in Shakopee, yes.

24 Q. Yes. And it had essentially a market for selling goods,  
25 and it had a small restaurant, correct?

1 A. Correct.

2 Q. And you were able to obtain through a search warrant  
3 business records from the restaurant as well; is that  
4 correct?

5 A. Correct.

6 Q. Bank records?

7 A. We did.

8 Q. All right. Are you aware, did agents ever visit and  
9 spend any time at the grocery or market during that  
10 nine-month period between --

11 A. There was surveillance conducted to go to Empire. The  
12 specifics of it, I can't recall without seeing the reports.

13 Q. So you don't know when that happened?

14 A. I don't know specifically when, no.

15 Q. Okay. Were you also aware of a filing for MZ Market  
16 LLC?

17 A. Yes.

18 Q. All right. And do you recall when that occurred?

19 A. I don't without looking at the Secretary of State  
20 filings.

21 Q. Understood.

22 Can we put up D2-4, please. Just to the witness.

23 Agent, showing you Defense Exhibit D2-4, does this  
24 also look like a certification of organization?

25 A. Yes.

1 Q. And, again, the name is MZ Market LLC?

2 A. Correct.

3 Q. And this is a certificate issued June 18th of 2021?

4 A. Yes.

5 Q. All right. Second page.

6 And, again, it has the name and the registered  
7 agent, just has a location. And it looks like this is a  
8 LegalZoom document; is that correct?

9 A. LegalZoom as the organizer.

10 Q. Got it. Thank you.

11 You can take it down.

12 Ultimately, are you aware that another account was  
13 opened under MZ Market LLC?

14 A. I believe so, yes.

15 Q. All right. At that time in June of '21?

16 A. Again, without the records, I couldn't be certain on the  
17 timing, but that sounds accurate.

18 Q. All right. And the Empire Cuisine & Market actually  
19 became MZ Market LLC at some point, correct? If you know.

20 A. I don't know.

21 Q. All right. Get to it with another witness.

22 One moment.

23 A. Yes, sir.

24 Q. And, again, I'm just asking you within your knowledge  
25 and realm.

1           During that nine-month period where -- from the  
2 time you were -- "you" meaning the agency -- was put on  
3 notice of this and the file is open and the time of the  
4 search warrants, you can't specifically state with any  
5 degree of certainty whether food was being delivered at any  
6 particular location because you weren't there, were you?

7           A. I was not at each location, no.

8           Q. All right. And in fact you can't indicate when or how  
9 often food was being or meals were being distributed, can  
10 you?

11          A. I cannot.

12          Q. And you can't sit here and say that you followed  
13 delivery trucks or you have any idea of the transportation,  
14 the logistics, of food being transported from one location  
15 to the next during that time frame, can you?

16          A. I cannot.

17          Q. And you don't have any verification because you didn't  
18 go out to any of the warehouses to determine where food may  
19 have been stored that was relevant to this investigation,  
20 can you?

21          A. We went to some warehouses, yes.

22          Q. Okay. You didn't go to Bushra, correct?

23          A. Correct.

24          Q. All right. And did you -- when you say up you went to  
25 some warehouses, I'm talking about before the search

1 warrants were executed.

2 A. Correct.

3 Q. All right. Any of the warehouses that are directly  
4 related to this investigation?

5 A. I would say so, yes.

6 Q. All right. And which ones? I'm curious.

7 A. Off of Como Avenue, Afro Produce. \*

8 Q. Afro Produce. Okay. So that's actually a wholesaler.  
9 That's none of the -- that's not in any way any of the  
10 parties that are in this courtroom, right?

11 A. Afro Produce was on invoices that were in support of the  
12 claims that were filed. We saw some Afro Produce invoices  
13 yesterday.

14 Q. You didn't go to a warehouse in Owatonna, correct?

15 A. No, we did not.

16 Q. You didn't go to a location in Burnsville, the  
17 Southcross location, to determine whether food was being  
18 stored there, correct?

19 A. We did, and we conducted a search warrant at that  
20 location.

21 Q. After you had conducted search warrants. I'm talking  
22 about in the time frame leading up to the execution of  
23 search warrants.

24 A. We did go there to develop probable cause to search that  
25 location, yes.

1 Q. All right. Did you go there and actually go in and see  
2 all the food that was located there, or did you just talk to  
3 people around the area?

4 A. We observed. And, again, I'd have to refer to the  
5 surveillance reports, but we developed probable cause to  
6 search that location and went and we did see some food  
7 there, yes, when we searched.

8 Q. Did you -- did you inventory exactly all the amounts of  
9 food and create an inventory?

10 A. We didn't seize the food. We took pictures of it.

11 Q. All right. So you didn't inventory it and determine  
12 what its value was, correct?

13 A. We didn't determine the value, no.

14 Q. And you didn't make sure to ascertain exactly where all  
15 the various warehouses or locations were that food was being  
16 stored, correct?

17 A. Each location, no.

18 Q. All right. So we don't know how it was being  
19 transported during that nine-month period, and you don't  
20 have any personal knowledge as to whether -- when it was  
21 being handed out, whether it was being handed out or in what  
22 quantity it was being handed out?

23 MR. THOMPSON: Objection. Compound.

24 MR. COTTER: Then I'll break it into individuals.

25

1 BY MR. COTTER:

2 Q. When it was being handed out, how many times a week?  
3 You don't have direct knowledge because you weren't there,  
4 right?

5 A. Not at all the sites, no.

6 Q. You don't have direct knowledge of how much at each  
7 site?

8 A. That's correct.

9 Q. You don't have direct knowledge of how it got there?

10 A. Correct.

11 Q. All right. And you don't have direct knowledge to how  
12 it was accounted for during that time?

13 A. That's correct.

14 MR. COTTER: All right. No further questions.  
15 Thank you.

16 THE COURT: Thank you, Mr. Cotter.

17 Mr. Sapone.

18 MR. SAPONE: Yes. Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. SAPONE:

21 Q. Good morning, special agent. How are you?

22 A. Good. How are you?

23 Q. Well. Thank you.

24 So you know by now that I represent Abdimajid Nur.

25 Yes?

1 A. Yes.

2 Q. Do you recall yesterday and today, but yesterday for  
3 hours and hours, testifying about lots of meal count forms  
4 where on the form there was an electronic signature  
5 Abdimajid?

6 A. I do, yes.

7 Q. And those were entitled at the top Weekly Consolidated  
8 Meal Counts. Yes?

9 A. Yes.

10 Q. Could we pull up an example? Government F-1g, page 21.  
11 Can you see F-1g at page 21 on your screen, sir?

12 A. Yes.

13 THE COURT: Mr. Sapone, is this in evidence, and  
14 do you want it for the jury?

15 MR. SAPONE: I believe so, Your Honor.

16 THE COURT: All right. So is it --

17 Can you see it? All right. Thank you. Sorry.

18 MR. SAPONE: Thank you.

19 BY MR. SAPONE:

20 Q. So what I want to focus on, sir, is number of meals  
21 received/prepared, and it's under the title Meal Counts. Do  
22 you see that on the left?

23 A. I do.

24 Q. And you recall yesterday Mr. Thompson had put into  
25 evidence before the members of the jury many, many, many of

1 these, different ones, right?

2 A. Yes.

3 Q. Which had the electronic signature of Abdimajid. Yes?

4 A. Yes.

5 Q. And this is one example, which it's the week of  
6 February 14th to February 20th, 2020. Do you see that, Week  
7 Of, at the top?

8 A. Yes.

9 Q. All right. So here for number of meals received for  
10 Sunday it says a thousand, right?

11 A. Yes.

12 Q. And a thousand is listed for Monday through Saturday.  
13 Yes?

14 A. Correct.

15 Q. For each of those days, right?

16 A. Yes.

17 Q. And then there's a total of 7,000, right?

18 A. Yes.

19 Q. Okay. You cannot testify to the certainty of your oath  
20 today before these folks that you -- because you didn't get  
21 involved in the investigation until afterwards, in fairness  
22 to you, that you actually went there and saw the number of  
23 meals that were distributed, right?

24 A. Me personally, correct, yes.

25 Q. Okay. And that was true of this date because you didn't

1 get involved until the following year, right?

2 A. Correct.

3 Q. Okay. So you do not know as to this time period,  
4 February 14th, by way of example, to February 20th, Sunday  
5 through Saturday, the number of meals that were actually  
6 given to parents or guardians for their children, correct?

7 A. That's correct.

8 Q. And the same would be true of all of those forms that  
9 were testified to yesterday regarding Abdimajid. You do not  
10 know the number of meals on any of those days to any of  
11 those weeks during any of those time periods, true?

12 A. Not the exact number, no.

13 Q. You don't know the exact number, and you don't know any  
14 number as to those days, correct?

15 A. Correct.

16 Q. And, in fact, yesterday there was other evidence  
17 introduced before the members of the jury, other than weekly  
18 consolidated meal counts, which included emails, right?

19 A. Yes.

20 Q. And bills that went to the MDE from the sponsors, right?

21 A. Correct.

22 Q. And included in those documents was evidence of counted  
23 meals that were billed for, right?

24 A. Yes.

25 Q. And you do not have personal knowledge, because you were

1 never there, as to what the actual numbers of meals  
2 distributed were, correct?

3 A. Correct.

4 Q. Now, you've been with the FBI for 16 years, right?

5 A. Correct.

6 Q. And you're a special agent?

7 A. Yes.

8 Q. You have lots of training?

9 A. We do.

10 Q. I think it was cool that you said you were trained at  
11 Quantico?

12 A. Yes.

13 Q. And you learned lots there, right?

14 A. Correct.

15 Q. And in your 16 years out in the field, you've learned a  
16 lot about how to investigate to discover information to  
17 bring into courtrooms like this one, right?

18 A. Correct.

19 Q. And it was talked about, but I think it's important to  
20 lean into. One of the potentially valuable investigative  
21 tools at your disposal during this time period was physical  
22 surveillance, had you chosen to implement it, right?

23 A. Yes.

24 Q. And physical surveillance, again, is where you yourself  
25 or another agent of the FBI actually gets in a car, drives

1 to a location and observes what's going on. Yes?

2 A. Correct.

3 Q. You got involved in this investigation, I believe you  
4 said, in August of 2021, right?

5 A. Correct.

6 Q. And this all sort of came to an end in January of 2022,  
7 right?

8 A. Correct.

9 Q. So in August of 2021, at no time did you decide to get  
10 in your vehicle and go to any of the many sites at which  
11 food allegedly was distributed at and take a look to see  
12 what was happening at any of those sites, right?

13 A. I did go to some of the sites, yes.

14 Q. But in connection with these men on trial and the sites  
15 that are being testified to here.

16 A. Yes.

17 Q. Okay. And you did not go there and count any meals,  
18 right?

19 A. I didn't count the meals, no.

20 Q. And we talked about pole cams, right?

21 A. Yes.

22 Q. And that's where I think probably when it first started,  
23 they would go up on a pole in a public space and put some  
24 sort of electronic camera device to take a look at and  
25 record what was happening on the street, right?

1 A. Correct.

2 Q. But it's not limited to poles. It could be on other  
3 structures too, right?

4 A. Correct.

5 Q. All right. And so you didn't testify about any evidence  
6 as to pole cam evidence as to the men on trial here, right?

7 A. Correct.

8 Q. All right. But in August of 2021, you had the ability,  
9 had you chosen, to go out there and put such device on a  
10 pole or other structure, and you chose not to do it in  
11 August, right?

12 A. That investigative technique was not used for these.

13 Q. And it wasn't used in August of '21, and it wasn't used  
14 in any month at all until the thing came to an end in  
15 January of 2022, right?

16 A. Correct.

17 Q. And had you used -- I'm not asking you to speculate.  
18 I'm asking you to tell me based on your training and  
19 experience. Had you used a pole cam and had it recorded  
20 events going on, you could have reviewed that; and if it was  
21 valuable, you could have given it to Mr. Thompson and his  
22 team and it could have wound up here, right?

23 A. Correct.

24 Q. But we don't have any of that, right?

25 A. Correct.

1 Q. You were able to, during your investigation here, apply  
2 to a neutral magistrate or judge for search warrants, right?

3 A. Yes.

4 Q. And in fact you did that, didn't you?

5 A. Correct.

6 Q. And that's where you fill out an affidavit; you swear  
7 out certain facts to establish probable cause to the  
8 satisfaction of that judge in hopes, you hope, that they'll  
9 sign off on the search warrant, right?

10 A. Correct.

11 Q. And search warrants and searches could be a valuable  
12 tool in a case like this, right?

13 A. Yes.

14 Q. Did you apply for a search warrant at Abdimajid Nur's  
15 house?

16 A. We did not.

17 Q. Do you know what cell site records are?

18 A. Yes.

19 Q. In your 16 years, have you ever dealt with cell site  
20 records?

21 A. Yes.

22 Q. And that's, in laymen's terms, where cell site  
23 information as to a suspect's cell phone is gathered so that  
24 you know, more or less, where that phone is at a certain  
25 time, right?

1 A. Yes.

2 Q. And the way it works, loosely, is there is a signal from  
3 the phone to the nearest cell tower, and it pings off the  
4 tower, and then it records that information so you know,  
5 more or less, the area the individual is in by the cell site  
6 data, right?

7 A. Correct.

8 Q. Did you apply for that and get that as to Abdimajid Nur?

9 A. Not related to him, no.

10 Q. Do you know what LPR or license plate recognition is?

11 A. Yes.

12 Q. And that's basically when a car goes through a toll  
13 booth or some other way of getting the license plate. And  
14 that could be an investigative tool that you use in a case  
15 like this, right?

16 A. Yes.

17 Q. Do you have any LPR as to Abdimajid's vehicle?

18 A. We do not.

19 Q. And so you don't know on the dates where all that  
20 evidence came in yesterday as to the meal count forms  
21 whether or not he actually went to the site and did his  
22 supervisor duties?

23 A. As far as his location with the LPR reader, no, we  
24 don't, no.

25 Q. By the way, did you come to learn in your investigation

1 here what a site supervisor's duties are?

2 A. There was some description within the sponsor  
3 information, yes.

4 Q. Okay. And I don't want you to guess, but do you know?

5 A. I don't know the specific -- all the definitions of what  
6 the responsibilities are, but generally, yes.

7 Q. Okay. And we can agree that Abdimajid is not required  
8 to be at each site actually handing the food out, correct?

9 A. I would agree with that, yes.

10 Q. But data is given to him as to the number of meals  
11 given, and then he passes it along, and we saw that  
12 yesterday, right?

13 A. I can't speak to what his duties or roles were, but that  
14 seems accurate.

15 Q. And you saw him passing information along as to meal  
16 counts, right?

17 A. Yes.

18 Q. You saw emails about that, right?

19 A. Correct.

20 Q. And other documentation. Yes?

21 A. Yes.

22 Q. And so you cannot testify here that the number of meals  
23 that were listed on these documents were not given to Abdi,  
24 right?

25 A. I don't know what was given to him, correct.

1 Q. The entity that deals directly with the Minnesota  
2 Department of Education are the sponsors, correct?

3 A. Correct.

4 Q. And so Abdi did not deal, from what you could see in the  
5 investigation, directly with MDE, correct?

6 A. Yes.

7 Q. Meaning he didn't?

8 A. He didn't, correct.

9 Q. And then the sponsors have a contract with vendors,  
10 right?

11 A. Yes.

12 Q. The two sponsors are Feeding Our Future and Partners in  
13 Nutrition in this case, right?

14 A. Yes.

15 Q. And then Empire is one of the vendors. Yes?

16 A. Correct.

17 Q. And then you know that Abdi contracted with Empire to  
18 assist in the distribution of food under Nur Consulting LLC,  
19 right?

20 A. I know of Nur Consulting LLC, but I can't speak to what  
21 he did with the food distribution actually.

22 Q. And you know that that was incorporated in April of  
23 2021, correct?

24 A. I'd have to look at the document to confirm that.

25 Q. Does it sound accurate?

1 A. It does.

2 Q. And then, again, January of '22 is where there was an  
3 end to this, right?

4 A. That's when the search warrants occurred and the  
5 payments stopped, but I wouldn't say everything stopped.

6 Q. Sure. And then in between April of '21 and January of  
7 '22 is a ten-month period, right?

8 A. Yes.

9 Q. Now, in your investigation you found out details about  
10 Abdi, correct?

11 A. Yes.

12 Q. And you know that he was in the U.S. Army, right?

13 A. Yes.

14 Q. You know that he was a 20-year-old young man during this  
15 ten-month period that you and I just talked about, right?

16 A. Correct.

17 Q. And you know that he was still in the army at that  
18 point, right?

19 A. I do, yes.

20 Q. And he went in when he was 17 years of age, right?

21 A. I don't know that for sure.

22 Q. Does it sound about right?

23 A. I don't know about his enlistment, I don't.

24 Q. And you know he's still enlisted, right?

25 A. I don't know his current status.

1 Q. And you know he lives with his parents and siblings,  
2 correct?

3 MR. THOMPSON: Your Honor, objection. Beyond the  
4 scope.

5 MR. SAPONE: Withdrawn.

6 BY MR. SAPONE:

7 Q. Do you know where he lives?

8 A. At this point I do not, no.

9 Q. Are you aware that his parents own a townhome?

10 MR. THOMPSON: Objection. Foundation and beyond  
11 the scope.

12 MR. SAPONE: Withdrawn.

13 BY MR. SAPONE:

14 Q. With respect to the meals distributed, did you become  
15 aware in your investigation that if a parent or guardian  
16 came to get a meal for a child that they could walk away  
17 with seven meals, one for each day of the week?

18 A. The bundle, yes, I became aware of that.

19 Q. Okay. And so if, for example, if we were to pull back  
20 up, and maybe we could, the last exhibit and it had a  
21 thousand meals on let's say a Sunday, that's not a thousand  
22 kids for whom meals are given. It's a thousand meals,  
23 right?

24 A. It's meals, yes.

25 Q. And so if a woman, a parent or guardian went to a site

1 during this time period and they said, I'm here to pick up  
2 meals for my six children, they could walk away with 42  
3 meals, right?

4 A. Potentially, yes.

5 Q. And so if 100 of them were to come and give that  
6 information about their children and walk away with the  
7 bundle, how much would that be? How many meals?

8 A. 100 and how many --

9 Q. 42.

10 A. 420?

11 Q. And that's just for those numbers, correct?

12 A. Correct.

13 Q. And you know that meals were given out for hours and  
14 hours and hours each of those days, right?

15 MR. THOMPSON: Objection. Foundation.

16 MR. SAPONE: Sure.

17 BY MR. SAPONE:

18 Q. Did you learn in your investigation, when meals were  
19 distributed, for how many hours that was done?

20 A. Within the CLiCS data and the information, there was  
21 supposed to be a date and -- day of the week and a time  
22 window of when things were supposed to be handed out or the  
23 distribution was supposed to take place, but yeah.

24 Q. And you know it was each day hours, right?

25 MR. THOMPSON: Objection, Your Honor. Is he

1 asking the agent for when the fake meals were distributed?

2 MR. SAPONE: I object to that.

3 MR. THOMPSON: Lack of foundation.

4 THE COURT: Sustained as to foundation.

5 BY MR. SAPONE:

6 Q. So do you know the number of hours, or not, on any given  
7 day that the distribution was supposed to take place?

8 A. I do not know.

9 Q. Do you know how much food was bought between April of  
10 '21 and January of '22?

11 A. I do not know.

12 Q. Do you recall being asked questions yesterday and there  
13 was a Sysco invoice? Do you recall that?

14 A. I do.

15 Q. And do you know that Sysco was one of the food  
16 distributors where food was purchased in connection with  
17 this case?

18 A. Based on the bank records, I believe that did occur,  
19 yes.

20 Q. And Sysco was not the only one, right?

21 A. That's correct.

22 Q. Can you tell the members of the jury some of the other  
23 places?

24 A. Trying to think of -- related to this group or all?

25 Q. Yes.

1 A. Okay. I guess without the documents and looking at  
2 them, I do believe there was some -- I guess I don't want to  
3 guess. I'd rather see the document to know which vendors.  
4 It certainly wasn't just Sysco, but I don't want to just --  
5 because there's so many documents, so many different  
6 entities, I don't want to just guess. I won't do that.

7 Q. That's fair. It was Sysco plus others, right?

8 A. Correct.

9 Q. And you don't know the amount of food, right?

10 A. No.

11 Q. And you don't know the amount of number of meals that  
12 were packaged, right? Not given out, but packaged.

13 A. I do not know, no.

14 Q. You don't know how many parents during that time period  
15 of April '21 to January of '22 appeared at the various sites  
16 asking for food, right?

17 A. Correct.

18 Q. How many children they had?

19 A. That's correct.

20 Q. Or how much food they took?

21 A. Correct.

22 Q. Among electronic devices that an agent such as yourself  
23 could apply for a search warrant to search and seize include  
24 cell phones, right?

25 A. Yes.

1 Q. And in your 16-year career, we can agree that you have  
2 felt that a valuable piece of evidence in a financial crimes  
3 case or a white-collar case like this one could be a  
4 person's cell phone, right?

5 A. Correct.

6 Q. And another is computers, electronic devices such as  
7 computers, right?

8 A. Yes.

9 Q. And so can we agree that you never applied for any  
10 warrant to go and seize -- and you would ask with  
11 particularity for what you want to seize -- electronic  
12 devices such as those two as it relates to Abdi?

13 A. That's correct.

14 Q. Are you aware that boxed trucks were owned and used in  
15 connection with the distribution of food in this case?

16 MR. THOMPSON: Objection. Lack of foundation.

17 BY MR. SAPONE:

18 Q. Did you come to learn that in your investigation?

19 A. We learned of trucks that were purchased with funds from  
20 the Federal Child Nutrition Program, yes.

21 Q. In your investigation did you follow any trucks?

22 A. I did not, no.

23 Q. In your career, have you followed trucks to see whether  
24 or not items were picked up or delivered?

25 A. You say in my career?

1 Q. Yes. 16 years as an FBI agent. Have you ever done  
2 that?

3 A. I have not, no.

4 Q. But you know that you could have if you wanted to,  
5 right?

6 A. Yes.

7 Q. You talked about warehouses. Do you know how many  
8 warehouses were involved with this case?

9 A. With -- I do not know the number, no.

10 Q. It's more than one, right?

11 A. Correct. Yes.

12 Q. Another investigative technique, and you know this from  
13 your 16 years, is remaining at a location to see how many  
14 people go to a location and leave a location, correct?

15 A. Yes.

16 Q. So you've testified, I think yesterday, that there may  
17 be some internal issue with going into a religious  
18 institution, right?

19 A. I wouldn't say it's internal. I would just say as far  
20 as going in, I mean, potentially, yes.

21 Q. So is it your testimony that as an FBI agent you could  
22 not apply for permission to go into a religious institution  
23 to conduct surveillance?

24 A. I would say that we take an extra step of caution before  
25 we do something like that in an investigation and get extra

1       approvals. I would say it is possible; but typically in a  
2       financial crime case, we would not seek that permission.

3       Q. And you didn't -- so you could have, but you did not  
4       seek the permission here, right?

5       A. Correct.

6       Q. And that's related to going inside, let's say, a mosque,  
7       right?

8       A. Correct.

9       Q. But there are other ways, other techniques that you  
10      could have implemented here. For example, if food were  
11      distributed in the parking lot of a mosque outside, you  
12      could have, had you chosen, to go and perch at a location  
13      near there and watch to see the comings and goings of people  
14      as to the parking lot, right?

15     A. Correct.

16     Q. And you did not do that here, right?

17     A. I'm just trying to think if it relates to this group.

18     Q. To these men. This trial and these men.

19     A. No, I did not.

20     Q. So one of the sites that we spent a lot of time  
21     testifying about was the Samaha Center, right?

22     A. Correct.

23     Q. Where's that located?

24     A. Shakopee.

25     Q. Okay. And so that's one of the places you did not go to

1 to conduct physical surveillance, correct?

2 A. I did not.

3 Q. You testified about various sites in connection with  
4 this trial, right?

5 A. Yes.

6 Q. Some of them were in Minneapolis. Yes?

7 A. Yes.

8 Q. Shakopee?

9 A. Yes.

10 Q. Owatonna?

11 A. Yes.

12 Q. St. Paul?

13 A. Correct.

14 Q. Faribault?

15 A. Yes.

16 Q. Bloomington?

17 A. Yes.

18 Q. Circle Pines?

19 A. Yes.

20 Q. Apple Valley?

21 A. Yes.

22 Q. And so you chose not to conduct physical surveillance in  
23 connection with this case at any of those sites, correct?

24 MR. THOMPSON: Objection. That misstates his  
25 testimony.

1 MR. SAPONE: Well, I'm just asking, did you do it?

2 THE WITNESS: Some of those --

3 THE COURT: Hang on. Let me rule.

4 THE WITNESS: I'm sorry.

5 THE COURT: I will overrule the objection. The  
6 jury will recall the testimony.

7 MR. SAPONE: Okay.

8 BY MR. SAPONE:

9 Q. And so did you yourself go there to see how many meals  
10 were delivered?

11 A. I went to some of those locations. I would say I didn't  
12 stay there the entire time for any of them, an extended  
13 period of time, no.

14 Q. And so you don't have a meal count for us, right?

15 A. I do not.

16 Q. Do you know the number of residents in Minneapolis?  
17 Have you ever looked that up?

18 A. I know the general, I guess, combination of the metro  
19 area, I believe, of the Twin Cities, not just Minneapolis, a  
20 population of 3.2 million-ish.

21 Q. And you don't know how many of those 3.2 million-ish,  
22 just in that location, went to any of the various sites in  
23 connection with this case, right?

24 A. I do not.

25 Q. Do you know how many children they have?

1 A. I do not.

2 Q. Can we agree that the East African and Somali population  
3 locally is blessed generally with robust families, including  
4 lots of children?

5 MR. THOMPSON: Objection. Foundation and beyond  
6 the scope.

7 MR. SAPONE: If you know.

8 THE COURT: Sustained.

9 BY MR. SAPONE:

10 Q. We spent time on the Dar Al-Farooq site yesterday.  
11 Remember?

12 A. I do.

13 Q. That's located in Bloomington?

14 A. Correct.

15 Q. Can we agree that that is a very large mosque?

16 MR. THOMPSON: Objection. Foundation.

17 MR. SAPONE: If you know, in your investigation.

18 THE COURT: Overruled.

19 You may answer if you can.

20 THE WITNESS: I would say it's -- I guess I don't  
21 want to speculate if it's large or not. I've seen the  
22 building.

23 BY MR. SAPONE:

24 Q. Do you know whether or not it's one of the largest in  
25 the Twin Cities?

1 A. I do not know.

2 Q. Do you know that there was many contracts between  
3 sponsors and vendors as to the amount of meals that the  
4 vendors could provide?

5 A. I'm aware of the contracts. Could you --

6 Q. Sure.

7 A. -- be more specific?

8 Q. Yes. One thing in those contracts is how much money the  
9 sponsor will reimburse the vendor for each of the types of  
10 meals, including breakfast, lunch, snack and supper, right?

11 A. I have to look at the contracts, but I remember that  
12 being a general thing, yes.

13 Q. Meaning it's you know generally that the sponsor agrees  
14 in the contract to reimburse for those meals that the vendor  
15 gives out, right?

16 A. Yes, at a certain rate, yes.

17 Q. So it's a certain rate. And what's also contracted for  
18 is a certain number of meals, right?

19 A. I believe so.

20 Q. And so when we saw the numbers on all of the forms that  
21 we just talked about and that you spent hours testifying  
22 about yesterday, you can agree that those number of meals  
23 was contracted for in advance between the sponsor and the  
24 vendor, if you know from reviewing paperwork?

25 MR. THOMPSON: Objection as to which contract he's

1 talking about.

2 MR. SAPONE: In general --

3 THE COURT: You may answer if you can.

4 THE WITNESS: I would have to look at each  
5 contract; and depending on who the contract was between,  
6 whether it was Empire and another entity, I don't know.

7 BY MR. SAPONE:

8 Q. So do you know whether or not the number of meals that  
9 the vendor is allowed to provide was contracted for between  
10 the sponsor and the vendor?

11 A. I'd have to look at each contract to know which one.

12 Q. But not which one, just generally speaking, is that  
13 something that was contracted for, do you know?

14 A. I don't.

15 Q. One moment, please.

16 Do you know from your investigation that one way  
17 of recording the number of children for whom meals were  
18 gotten by a parent or guardian is to write down the name of  
19 the child? Did you come to learn that?

20 A. Again, I've seen rosters with that, but I don't know  
21 where those were taken or how.

22 Q. And do you know that another way is they didn't have to  
23 write down the names. They could use an actual clicker and  
24 click the number?

25 A. I do not know that.

1 Q. Did you see that data in all of the paperwork that you  
2 reviewed?

3 A. The data related to a clicker?

4 Q. Yes, and clicker counts.

5 A. I would see check marks on roster sheets.

6 Q. And did you learn in your investigation that that is  
7 resulting from the folks at the site getting the food out  
8 clicking as to the number of meals given?

9 A. I'm not certain related to these -- this case, being  
10 these specific individuals on trial.

11 Q. Have you seen that in the overarching investigation?

12 A. Yes.

13 Q. One moment, please.

14 Did you come to learn from reviewing paperwork in  
15 connection with this investigation that the sponsors that we  
16 talked about had certain responsibilities to the vendor?

17 MR. THOMPSON: Objection. Beyond the scope.

18 MR. SAPONE: If you know, if you've reviewed any  
19 such thing in your investigation.

20 THE COURT: One moment. Overruled.

21 You may answer if you can.

22 THE WITNESS: Sorry to ask to -- or could you  
23 repeat?

24 BY MR. SAPONE:

25 Q. Sure. Did you come to learn that sponsors had certain

1 obligations contractually with vendors?

2 A. My only understanding would be with what was on their  
3 contract between them. I don't know of any other  
4 responsibilities.

5 Q. Did you come to learn that one responsibility of a  
6 sponsor is to count the numbers of reimbursable meals?

7 A. I'd have to look at the -- in what context? Between the  
8 vendor or -- I'm sorry.

9 Q. Yes, between the sponsor and the vendor.

10 A. I'd have to look at the contract and which specific  
11 contract to know -- to know which that would apply to.

12 Q. Sure. Did you know that one of the other  
13 responsibilities of the sponsor, as between the sponsor and  
14 the vendor, is that the sponsor was responsible for claiming  
15 reimbursement from the Minnesota Department of Education?

16 A. That sounds accurate.

17 Q. And that it was the sponsor's responsibility to ensure  
18 that the food service operation was in conformance with the  
19 sponsor's agreement with the MDE?

20 A. That sounds accurate.

21 Q. And it was the sponsor that retained control of the  
22 service account and overall financial responsibility for the  
23 food service operation?

24 A. I believe that would be in the contracts, yes.

25 Q. It was the sponsor's responsibility to monitor provided

1 meals to ensure that the food service is in conformance with  
2 program regulations?

3 A. That sounds accurate.

4 Q. And the sponsor retained signature authority on the  
5 agreement that it had with the Minnesota Department of  
6 Education?

7 A. That sounds accurate.

8 Q. It was the sponsor's responsibility, was it not, to  
9 provide the vendor with a list of state agency approved food  
10 service sites?

11 A. According to the contract between the sponsor and the  
12 vendor still?

13 Q. Yes.

14 A. Yes, sounds accurate.

15 MR. SAPONE: No further questions. Thank you.

16 THE WITNESS: Thank you.

17 THE COURT: Mr. Garvis.

18 CROSS-EXAMINATION

19 BY MR. GARVIS:

20 Q. Agent Kary, good afternoon.

21 A. Good afternoon.

22 Q. Again, Andrew Garvis. I represent obviously Mr. Aftin,  
23 who is seated behind me, correct?

24 A. Yes.

25 Q. All right. I'm going to ask you some things associated

1 with this. And as many of my colleagues have already  
2 covered a gambit of this investigation, I'm not going to go  
3 back through that part. Okay?

4 A. Okay.

5 Q. All right. But as it relates to Mr. Aftin, I do want to  
6 go over some aspects.

7 You know, I know that Mr. Schleicher talked about  
8 Bushra. And as we're well aware, Mr. Aftin was an owner of  
9 Bushra for a period of time from 2021, correct?

10 A. Yes.

11 Q. Right. And, you know, I want to make sure that we don't  
12 go back over the concepts, but I know we put on the list --  
13 you know, we put a list up of places that you didn't search  
14 and you didn't do any surveillance at, correct?

15 A. Correct.

16 Q. Obviously, that was Bushra, right?

17 A. Yes.

18 Q. And Bushra, I think we know, is located at  
19 3004 Pillsbury Avenue. Fair statement?

20 A. As far as the company being -- the company's not  
21 registered there, but, yes, the warehouse, that's correct.

22 Q. And I apologize. The warehouse. Right?

23 And I guess let me do this first. Would you pull  
24 up D6-1, please.

25 So now could you -- is this a, is this a fair sort

1 of representation of the Minnesota Secretary of State  
2 certificate of organization?

3 A. It appears to be, yes.

4 Q. Similar to the Government's B-10?

5 A. Yes.

6 Q. Okay. Now, if, you know, if you would go to page --  
7 would you go to page 3? Or page 4. Apologize. So page 4.

8 MR. GARVIS: And, Your Honor, I would like to --  
9 I'd like to offer this exhibit.

10 THE COURT: What's the number of it?

11 MR. GARVIS: I'm sorry?

12 THE COURT: The number.

13 MR. GARVIS: I'm sorry. D6-1.

14 THE COURT: Thank you.

15 Any objection?

16 MR. THOMPSON: No, although I think this document  
17 is already in evidence, but that's fine. No objection.

18 MR. GARVIS: I apologize. I don't know that this  
19 portion of the document was in evidence. I'm not sure.

20 MR. THOMPSON: No objection.

21 THE COURT: All right. D6-1 is admitted and may  
22 be published.

23 BY MR. GARVIS:

24 Q. Now, so we're aware, let's actually go -- do me a favor.  
25 Would you go back to page 1? And then page 2.

1                   So page 2 obviously is that articles that stated  
2 when Bushra was created, right, on February 10th, 2021,  
3 right?

4           A.    Correct.

5           Q.    And it does say the organizers are Said Farah and  
6 obviously Abdiwahab Aftin, correct?

7           A.    Correct.

8           Q.    And then, of course, it has the address of obviously  
9 Mr. Farah's home, right?

10          A.    Yes.

11          Q.    Okay. Right. But obviously you know that is not where  
12 Bushra warehouse was actually physically located?

13          A.    Correct.

14          Q.    Okay. Good. Now, we also know that in September, if  
15 you go back to page 4, that there was an amendment, correct?

16          A.    It appears to be, yes.

17          Q.    Right. And that amendment, what it was was that  
18 Mr. Aftin gave basically all the shares to Bushra to  
19 Mr. Said Farah?

20          A.    I don't know that. I see this document, and it speaks  
21 for itself. I don't know about the shares.

22          Q.    Could you go to the last page?

23                   This is an agreement between those two that sort  
24 of memorializes what I just told you.

25          A.    Correct.

1 Q. Okay. Thank you.

2 You can take that down, please. Thank you.

3 So, Agent Kary, so we know you didn't go to do any  
4 surveillance or any searches associated with Bushra.

5 And I want to make sure that we have this  
6 conversation. You did no such surveillance of Mr. Aftin  
7 during this investigation?

8 A. That's accurate.

9 Q. Okay. You did no search warrants at his address,  
10 correct?

11 A. Correct.

12 Q. Now, obviously, during this investigation you didn't  
13 just pull financial records. You pulled people's driver's  
14 license?

15 A. Correct.

16 Q. You pulled people's travel documentation?

17 A. Correct.

18 Q. You pulled people's -- I mean, obviously, these  
19 individuals are all, you know, immigrants who came here for  
20 the United States. So you pulled immigration documents?

21 A. Correct.

22 Q. Okay. Would you pull up Government Exhibit H-3, please.

23 Now, agent, I'm showing you what is a U.S. Citizen  
24 and Immigration Services document and affidavit of support  
25 that, you know, that is a document that obviously the

1 government has put, you know, put in their document list  
2 that relates to the application for citizenship of my  
3 client.

4 A. Correct.

5 MR. GARVIS: Your Honor, I would offer H-3.

6 THE COURT: Any objection?

7 MR. THOMPSON: No objection, Your Honor.

8 THE COURT: Okay. H-3 is admitted and may be  
9 published.

10 BY MR. GARVIS:

11 Q. All right. Now, this document, Mr. Kary, is actually my  
12 client's application for citizenship from I believe 2014.

13 A. I'm looking for the date.

14 Q. It might be on page -- apologize. Page down. I'm  
15 sorry. 2013.

16 A. Correct.

17 Q. Okay. And this actually is the application that  
18 articulates that it was Mr. Said Farah and Mr. Abdiaziz  
19 Farah that actually sponsored my client.

20 A. Correct.

21 Q. So they sponsored him to come. And my client is  
22 actually from Kenya, correct?

23 A. Yes.

24 Q. Okay. You can take that down. Thank you.

25 So we know that they have a history. Fair

1 statement?

2 A. Based on the document, yes.

3 Q. Okay. Now -- and I say that because although the  
4 document that was at the Secretary of State articulated that  
5 maybe the organizers' address for Bushra was -- it basically  
6 gave both of their names at that address for Mr. Farah, my  
7 client was not living there. Is that fair?

8 A. I don't know that, but I think it's fair.

9 Q. Okay. Well, I mean, you did some surveillance of  
10 Mr. Farah's address, but my client wasn't there, right?

11 A. Correct.

12 Q. In fact, on his driver's license he actually lived in  
13 Minneapolis, right?

14 A. I'd have to see it, but that sounds right.

15 Q. Okay. Well, does it -- is it fair to say that maybe he  
16 was living above a business called Minnesota Foods?

17 A. I don't know that.

18 Q. Okay. Do you have any recollection whatsoever of that  
19 at all?

20 A. I don't.

21 Q. Okay. Any recollection of where Minnesota Foods was  
22 located?

23 A. Without looking at the -- no.

24 Q. Okay. Would it -- would it be possible that it was  
25 located on Lake Street?

1 A. I think that's accurate.

2 Q. Okay. And actually would it be maybe across the street  
3 from 3004 Pillsbury?

4 MR. THOMPSON: Objection. Foundation.

5 THE COURT: Overruled.

6 You may answer if you can.

7 THE WITNESS: I don't know for certain.

8 BY MR. GARVIS:

9 Q. Okay. Well, how about, do we know where Albright  
10 Townhomes were? And I apologize. It's not fair to just  
11 make you pull this from your head, but --

12 A. A lot of the -- I want to say Shakopee, but I could look  
13 at C-0 and tell you that right away.

14 Q. If I said it was 3018 Blaisdell in South Minneapolis,  
15 would that be Albright?

16 A. Yes, Albright is in South Minneapolis. Thank you.

17 Q. All right. And are you -- were you aware that actually  
18 Albright was within 500 yards of the Bushra Wholesalers  
19 warehouse?

20 A. Based on what you're describing, but I'm not -- I've  
21 been to the Albright homes, but I don't know the proximity  
22 of the warehouse in that location without looking at a map.

23 Q. Did you go to the Albright Townhomes prior to the search  
24 warrants?

25 A. I don't believe so.

1 Q. All right. Because I didn't recall seeing a 302 that  
2 indicated that. Okay.

3 A. It was -- never mind.

4 Q. I apologize. It wasn't a very good question. I was  
5 just making sure that that wasn't the case.

6 A. Is that a question?

7 Q. Well, a bad one. But you didn't go there prior to the  
8 search warrants?

9 A. I don't believe so, no.

10 Q. Okay. So we know we didn't go to Bushra Wholesalers.  
11 We didn't go to Albright Townhomes, and we didn't go to my  
12 client's address.

13 A. Correct.

14 Q. Okay. And there's not going to be any evidence in this  
15 case of taking a search warrant of my client's phone, right?

16 A. Correct.

17 Q. Won't be any evidence that you took a search warrant of  
18 my client's email address. I think we learned that  
19 yesterday, right?

20 A. Correct.

21 Q. There isn't going to be any, you know, testimony about a  
22 computer of my client's that you took, correct?

23 A. Correct.

24 Q. All right. So I do want to do -- and I realize that  
25 everybody is probably not wanting to go back over these meal

1 count issues, but I'm going to do it. And we might actually  
2 be seeing them in our sleep. But I need us to look at F-1n,  
3 page 10.

4 Now, do you remember this? Remember this from --  
5 it wasn't yesterday. Maybe it was the day before.

6 A. I do recall it, yes.

7 Q. Right. And this was when Mr. Thompson got up and, you  
8 know, he said, Ah, look, here's -- here's some meal counts  
9 that have basically the signature of Abdiwahab Aftin.  
10 Right?

11 A. What appears on the document, yes.

12 Q. Yeah. Well, and then he had you point him out in the  
13 courtroom, right?

14 A. Correct.

15 Q. Okay. I mean, you guys were sitting across from each  
16 other for like six days, but I understand.

17 MR. THOMPSON: Objection. Argumentative, Your  
18 Honor.

19 THE COURT: Mr. Garvis, withdraw.

20 MR. GARVIS: Fair enough, Your Honor. I'll  
21 withdraw.

22 BY MR. GARVIS:

23 Q. Agent Kary, would you agree with me that that is not my  
24 client's signature?

25 A. I don't know that for certain.

1 Q. Okay. Well, would you agree that it's not a signature?

2 A. I would agree it's a printed name.

3 Q. Fair enough. Would you do me a favor and pull up O-114,  
4 Government O-114.

5 Agent, is that -- is that sort of, I guess,  
6 identified as my client's Bridgewater Trust account, I guess  
7 the first page?

8 A. It appears to be, yes.

9 Q. Right.

10 MR. GARVIS: I'd like to publish that to the jury,  
11 Your Honor. I'd like to offer it.

12 THE COURT: Any objection?

13 MR. THOMPSON: No objection to offering O-114.

14 THE COURT: It is admitted and may be published.

15 BY MR. GARVIS:

16 Q. Now, on that page is actually my client's signature.

17 MR. THOMPSON: Objection. Foundation.

18 MR. GARVIS: Well --

19 THE COURT: You may answer if you can.

20 THE WITNESS: It appears to be a signature above  
21 his name and from the bank.

22 BY MR. GARVIS:

23 Q. Yeah. Thank you. All right.

24 Now, I'd like to go back to Government F-1n,  
25 page 10, 11.

1                   Now, we can agree that that is not the signature,  
2 correct?

3 A. Yes.

4 Q. I'm not trying to be argumentative; I'm just making  
5 sure.

6                   Now, do me a favor, when you blow up, if you  
7 could, the name for a second.

8                   Now, on this one you can see that that A has a  
9 slash, correct? Like the beginning of it, like a little  
10 upward mark going up like a -- it's like somebody started it  
11 and did a -- like a V. That make sense?

12 A. Yes.

13 Q. Okay. And maybe you could do that on the next one as  
14 well. And maybe on the next page as well.

15                   Now, I mean, agent, I'm going to -- I'm going to  
16 ask you this. I mean, that's kind of a distinctive A.  
17 Would that be fair?

18                   Maybe that's not a good question. Don't get up,  
19 Joe.

20                   Let me do it this way. Are you a college football  
21 fan?

22 A. I am.

23 Q. University of Alabama. Right? You know them?

24 A. I do.

25 Q. All right. Are you aware of their insignia for their A?

1 A. Yes.

2 Q. Does that look familiar?

3 A. I mean, I'd say that the A from the college football  
4 team is very thick. I don't know.

5 Q. Fair enough. But it's the same kind of swoop in the A,  
6 is what I'm getting at.

7 A. There is a swoop in the A.

8 Q. Would you pull up O-114, page 82.

9 Now, these are a series of checks that are in my  
10 client's account, and I'd like you to pull up the second  
11 one, if you could. If you could highlight the second -- the  
12 name on the second one.

13 And this is a check written by my client to a  
14 gentleman by the name of Abdifatah Duale. And it's  
15 A-B-D-I-F-A-T-A-H, D-U-A-L-E.

16 Now, agent, can you agree with me that that A is  
17 not similar to the A that we just saw on Government  
18 Exhibit F-n1 on page 10 or 11?

19 A. I would agree.

20 Q. Can you go back to F-n1, 10 or 11, please.

21 Now, the exercise in this was the concept that you  
22 don't know who signed these meal counts. Is that a fair  
23 statement?

24 A. That's fair.

25 Q. You obtained these meal counts from PIN through a grand

1 jury subpoena, right?

2 A. These, yes.

3 Q. Right. Now, it's not -- I'm not arguing that my client  
4 wasn't there; you understand that? I'm just arguing that  
5 you can't tell who signed this, and it was -- you can't say  
6 who did it, correct?

7 A. Correct. I was not there to witness it.

8 Q. Right. Now, there was a lot of conversations and  
9 testimony about who was running these sites, correct?

10 A. Correct.

11 Q. Terrible question, but I'll do it this way. The  
12 nonprofits were the ones that were supposed to be -- and I  
13 asked this of Ms. Honer -- educating, training and  
14 monitoring at the sites?

15 A. Yes.

16 Q. Right. And actually they were the ones that were having  
17 site supervisors, and I think Mr. Sapone just gave testimony  
18 about that. Is that a fair statement?

19 MR. THOMPSON: Your Honor, I'm going to object.  
20 This is proper cross-examination of Emily Honer, but now  
21 he's trying to cross Agent Kary on Emily Honer's testimony.

22 THE COURT: Would you get to your point,  
23 Mr. Garvis?

24 BY MR. GARVIS:

25 Q. Well, to get to my point is, is that the site

1 supervisors were employed by PIN, correct?

2 A. Correct.

3 Q. My client was not employed by PIN, correct?

4 A. Yes, that's correct.

5 Q. I mean, we talked about -- and I know Mr. Schleicher  
6 brought up a gentleman by the name of Edgar Huichapa,  
7 H-U-I-C-H-A-P-A, right?

8 A. Correct.

9 Q. He was a site supervisor for PIN, correct?

10 MR. THOMPSON: Your Honor, this is so far beyond  
11 the scope of the direct examination.

12 MR. GARVIS: Well, I mean, Your Honor, they've  
13 said that my client signed this document as a site  
14 supervisor, and he's not a site supervisor.

15 MR. THOMPSON: [Indiscernible].

16 COURT REPORTER: What did you say?

17 MR. THOMPSON: That's not what he said.

18 COURT REPORTER: I couldn't hear what you said,  
19 Mr. Thompson.

20 MR. THOMPSON. Sorry.

21 All I was pointing out is that the agent testified  
22 that the name is Abdiwahab Aftin. That's the extent of his  
23 testimony. He didn't testify about Xavier H. from -- I'm  
24 saying he didn't talk about the role of the sponsors. That  
25 was Ms. Honer's testimony.

1 THE COURT: Mr. Garvis, your question, please?

2 MR. GARVIS: Well -- all right.

3 BY MR. GARVIS:

4 Q. My question, and it might have already been answered, is  
5 you have no idea that -- whether or not my client actually  
6 signed this document?

7 A. I was not there. I do not know.

8 Q. Okay. Now, there was other testimony in this case  
9 about -- related to what was submitted to, you know, that  
10 was submitted to, I guess, you know, to PIN or to Feeding  
11 Our Future. Right?

12 Fair to say that my client did not submit any  
13 invoices or any claims whatsoever to PIN or Feeding Our  
14 Future?

15 A. I would say as to Bushra there is some information that  
16 goes to that location; but your client doing it, I don't see  
17 that.

18 Q. Okay.

19 THE COURT: Mr. Garvis, I'll ask you to come to a  
20 stopping point.

21 MR. GARVIS: Stop here.

22 THE COURT: Okay. All right. We'll come back at  
23 1:45, everyone.

24 All rise.

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**IN OPEN COURT**

**(JURY NOT PRESENT)**

THE COURT: All right. We'll be back at 1:45.  
We're in recess. And then we're going to go to 3:00 p.m.  
today and stop.

(Recess taken at 12:39 p.m. to 1:46 p.m.)

**IN OPEN COURT**

**(JURY PRESENT)**

THE COURT: You may all be seated.

And, Mr. Garvis, when you're ready, you may  
continue.

MR. GARVIS: Thank you, Your Honor.

BY MR. GARVIS:

Q. Agent, I only had a couple questions left for us. Okay?

A. Okay.

Q. I think as we talked about, as part of the  
investigation, you obviously got other documentation we  
talked about, correct?

A. Yes.

Q. Right. Driver's license and travel documentation,  
right?

A. Yes.

Q. All right. Were you aware that my client was overseas  
at the time of the formation of Bushra?

1 A. I know Mr. Aftin signed the bank signature card to start  
2 Bushra in February of 2021, so he would had to have been in  
3 the country sort of like for the formation.

4 Q. Right. As far as the Secretary of State document  
5 paperwork.

6 A. I guess I don't know the -- I think the specifics are  
7 some time around the same time of him coming back into  
8 country.

9 Q. Right.

10 A. I'd have to look at the records to know precisely  
11 everything.

12 Q. Fair enough. But you do know he was out of the country  
13 for a period of time prior?

14 A. Correct. The fall of 2020 until that time frame.

15 Q. And he was actually, fair enough to say, he was maybe  
16 out of the country at other times during this matter as  
17 well?

18 A. I'm pretty sure it was from the fall 2020 until February  
19 of 2021.

20 Q. Right.

21 A. Other than that, I'm not aware.

22 Q. Okay. What about at the time of the charges?

23 A. I believe he was in country.

24 Q. You believe that my client was actually in the  
25 United States?

1 A. I could be wrong.

2 Q. Okay. I mean, it could be that he was actually in  
3 Kenya?

4 A. Could be.

5 Q. And then he -- okay. And he came home -- he came back  
6 here, you remember, maybe voluntarily, if you know?

7 MR. THOMPSON: Your Honor, objection. Beyond the  
8 scope.

9 THE COURT: Sustained.

10 MR. GARVIS: All right.

11 BY MR. GARVIS:

12 Q. Agent, the last issue or last question relates to the  
13 fact that, you know, obviously in this case other people  
14 sort of asked, because you didn't obviously seize anything  
15 of my client, you're not trying to -- there was no  
16 forfeiture actions in this case?

17 MR. THOMPSON: Objection. Beyond the scope.

18 THE COURT: Sustained.

19 MR. GARVIS: All right. Nothing further.

20 THE WITNESS: Thank you.

21 THE COURT: Mr. Brandt.

22 MR. BRANDT: Thank you.

23 CROSS-EXAMINATION

24 BY MR. BRANDT:

25 Q. Good afternoon, Special Agent Kary. We haven't heard

1 much from me, so I will introduce myself again. My name is  
2 Michael Brandt, and I represent Hayat Nur in this matter.  
3 And as I'm sure you know, I've got some questions. Okay?

4 A. Yes. Good afternoon.

5 Q. Thank you. Now, when you started this investigation --  
6 I mean, I know you got, I guess, involved quite a bit back  
7 in September, somewhere around there, correct?

8 A. Correct.

9 Q. There were, I guess, some people that were right on the  
10 radar screen right away, right?

11 A. Correct.

12 Q. Like, for example, Aimee Bock?

13 A. Yes.

14 Q. Fair to say she was kind of a central person when you  
15 began this investigation, right?

16 A. Definitely fair, yes.

17 Q. And then I'm trying to think of a metaphor of how people  
18 came down. I'll use another example. Let's say like at the  
19 FBI, let's think like a funnel. Okay?

20 A. Okay.

21 Q. And at the top would be, I guess, Merrick Garland, the  
22 Attorney General of the United States?

23 A. Correct.

24 Q. Top of the -- and then down to the director of the FBI,  
25 correct?

1 A. Correct.

2 Q. And as that funnel narrows in terms of their  
3 responsibility, their capacity would get down; and somewhere  
4 as it narrows, you as a special agent would be in there,  
5 right?

6 A. Pretty far down, yes.

7 Q. Okay. And then somewhere down below you, there's  
8 probably some data entry clerk entering in the FBI crime  
9 data, correct?

10 A. Correct.

11 Q. I mean, the FBI keeps crime statistics, don't they?

12 A. Yes.

13 Q. All right. And so there's somebody, perhaps in some  
14 dark room, typing in data, right?

15 A. I'm sure there's someone typing in data.

16 Q. Okay. And they get that data from somewhere else,  
17 correct?

18 A. Yes.

19 Q. Okay. They don't create the data?

20 A. I would assume not, no, if they're getting it from  
21 elsewhere.

22 Q. Okay. Fair enough. All right. So like in this case  
23 here, in this case here, if we were to kind of, I guess, go  
24 down in just the structural organization of the entities  
25 involved, at the very top we've got the United States

1 Department of Agriculture, correct?

2 A. Correct.

3 Q. And then going down from there we're talking about the  
4 Minnesota Department of Education?

5 A. Correct.

6 Q. And then under there we had sponsors?

7 A. Yes.

8 Q. And then we had sites, correct?

9 A. Correct.

10 Q. And vendors down in under there?

11 A. I would -- equally maybe, tangentially.

12 Q. Sure.

13 A. I wouldn't say underneath, but yes.

14 Q. Okay. And under -- under sites and vendors there's  
15 probably employees, correct?

16 A. Correct.

17 Q. And along that funnel as we go down, I suppose  
18 different -- different people that are involved have  
19 different, I guess, different levels of knowledge about  
20 what's going on above them. Is that fair to say?

21 A. Different knowledge, different times, yes.

22 Q. For example, a truck driver from Sysco Foods may not  
23 know what his involvement is in terms of the food that's  
24 being delivered, correct?

25 A. I would assume they know what their load is, but other

1 than that, I'm not --

2 Q. Talking about their involvement in this -- in this whole  
3 situation, correct? They're bringing food that's ostensibly  
4 being delivered, correct?

5 A. Potentially.

6 Q. Okay. So, in any event, in this case then when we think  
7 about the funnel, if you will, of people involved, we can  
8 think at the top -- maybe fair to say Aimee Bock is at the  
9 top of that funnel?

10 A. I think that would be fair.

11 Q. And then as we go down -- and I know that there are  
12 numerous indictments that have nothing to do with this  
13 particular group, but in this group -- and we've heard it  
14 talked, and I'm sure in your investigation you could place  
15 different people in this room that are indicted at different  
16 levels along that funnel. Fair to say?

17 A. I would agree with that.

18 Q. And to some extent that is based upon some financial  
19 records, correct?

20 A. Yes.

21 Q. And I assume that was a large part of this  
22 investigation, in terms of getting those financial records,  
23 correct?

24 A. Yes.

25 Q. And we'll probably hear later, I assume, some of the

1 connections or the ties with the financial records, correct?

2 A. Correct.

3 Q. And so of the -- of the seven people that are indicted  
4 in this room, is it fair to say that the person who has the  
5 least financial connection here is my client Ms. Hayat Nur?

6 A. I would say that's fair.

7 Q. So she would be at the bottom of the funnel, correct?

8 A. Correct.

9 Q. Okay. So now in this case particularly here, we heard a  
10 lot of talk about search warrants and search warrant  
11 applications, and I'm not going to go through that. I think  
12 the jury has heard quite a bit about that.

13 But the question I have, and I think you were  
14 talking yesterday about your search warrants, and you -- if  
15 I remember correctly, you type these up yourself or create  
16 them yourself?

17 A. We create -- not create the affidavit. We provide the  
18 facts in certain paragraphs, provide it to the United States  
19 Attorney's Office --

20 Q. Sure.

21 A. -- to come up with a final product to present to the  
22 judge.

23 Q. And when you -- and I assume -- any idea how many search  
24 warrant applications you have made over the years?

25 A. I'm sorry?

1 Q. How many search warrant applications you have made?  
2 Over a hundred?

3 A. I wouldn't want to speculate, but quite a few, yes.

4 Q. More than ten?

5 A. Yes.

6 Q. More than 50?

7 A. I would say so.

8 Q. Okay. Now, is it pretty typical that some of the  
9 information that you provide to the U.S. Attorney's Office  
10 is information about your background, correct?

11 A. Correct.

12 Q. In other words, you will talk about your training,  
13 correct?

14 A. Correct.

15 Q. Your education, correct?

16 A. Not all the time. Sometimes.

17 Q. Your experience, correct?

18 A. Yes.

19 Q. And that's what I'm going to call, I don't know, kind of  
20 standard language?

21 A. That's fair, yes.

22 Q. Okay. And so -- and so if you were -- if you were going  
23 to type up a search warrant or present a search warrant, it  
24 would be kind of a waste of time to retype that every time.

25 Is that fair to say?

1 A. Oh, potentially, yeah.

2 Q. I mean, if it's the same language, you're not going to  
3 want to type it again, would you?

4 A. No.

5 Q. Okay. It's more efficient to keep it there, correct?

6 A. Correct.

7 Q. So you could create perhaps like a template with that  
8 language about your background, later you fill in the facts,  
9 right?

10 A. Correct.

11 Q. All right. So it's kind of a, I don't know, a shortcut,  
12 if you will?

13 A. Potentially, yes.

14 Q. I mean, a trick to cutting down on your workload,  
15 correct?

16 A. Yes.

17 Q. Okay. And so in this particular case, and I know we've  
18 heard a lot about from some of the other attorneys talking  
19 about the warrants and what wasn't done, we can agree that  
20 obviously no search warrants were executed on Ms. Hayat  
21 Nur's home, correct?

22 A. Correct.

23 Q. Her phone?

24 A. Correct.

25 Q. Okay. Now -- and there's some others I'm going to tick

1 off, and, again, this may be apparent. But, for example,  
2 we've heard a number of, I guess, a bit of testimony about  
3 different entities that were registered with the Minnesota  
4 Secretary of State, right?

5 A. Yes.

6 Q. Nothing like that with Ms. Nur, correct?

7 A. That's correct.

8 Q. All right. No claim that she made -- and I know you've  
9 used the term and it was bandied about -- the no shell  
10 corporation relating to her specifically?

11 A. That's correct.

12 Q. All right. As far as you know, she wasn't on the board  
13 of directors of any of these entities?

14 A. I would agree with that.

15 Q. When applications were made within CLiCS for new sites,  
16 okay, any information that you have, and if you don't  
17 remember, that's fair, but that she applied for any sites  
18 herself?

19 A. I don't have any information that she applied for the  
20 sites, no.

21 Q. Okay. Fair enough.

22 We saw different contracts. I think many of them  
23 were in attachments that were part of some of the CLiCS  
24 pages we looked at, correct?

25 A. Correct.

1 Q. Best of your knowledge, she never signed any contracts  
2 in that context?

3 A. To the best of my knowledge, yes, that's correct.

4 Q. All right. And I know that there was some discussion  
5 and I'm sure you investigated some of the use of these  
6 funds, correct?

7 A. Correct.

8 Q. And I think we've heard talk about buying luxury goods,  
9 right?

10 A. Yes.

11 Q. Cars, correct?

12 A. Correct.

13 Q. Nothing like that associated with Ms. Nur, correct?

14 A. A vehicle, yes.

15 Q. A vehicle that is the subject of one of the money  
16 laundering counts, right?

17 A. Correct.

18 Q. And we'll get back to that later. Okay?

19 A. Okay.

20 Q. But no -- did you know when that vehicle was purchased?

21 MR. THOMPSON: Objection. Beyond the scope.

22 THE COURT: Sustained.

23 BY MR. BRANDT:

24 Q. So in terms of Ms. Nur and how she came on the radar,  
25 okay, is it fair to say that she got associated with this

1 situation based on some emails? One way?

2 A. I don't know how she became associated with the group.

3 She's the brother [sic] of another defendant.

4 Q. Sure. But being a sibling in and of itself wouldn't

5 give you suspicion of that person, would it?

6 A. No.

7 Q. Okay. There had to be some connection, right?

8 A. Yes.

9 Q. And the connections you're aware of are emails, correct?

10 A. Correct.

11 Q. Some financial transactions, correct?

12 A. Correct.

13 Q. And those came about as part of your broader

14 investigation, right?

15 A. Yes.

16 Q. So she wasn't, I guess, one of the -- like we talked

17 about, she wasn't up here with the Aimee Bocks or going

18 down, correct?

19 A. Correct.

20 Q. All right. So -- and as far as her role, the

21 allegations against her in terms of what she did here, is

22 that she sent some emails, correct? That's one thing,

23 right?

24 A. She sent some emails that contained documents that were

25 fake, fraudulent, yes.

1 Q. That's what you're alleging, I understand. Correct?

2 A. Yes.

3 Q. Okay. That's your opinion that they're fake, correct?

4 A. Based on the evidence, yes.

5 Q. Right. But that's for the jury to decide ultimately,  
6 isn't it?

7 A. It is.

8 Q. Okay. So she sent emails that had invoices, some meal  
9 counts, correct? I understand you may claim they're fake,  
10 but they're meal counts, correct?

11 A. I do believe they're fake, yes.

12 Q. Meal counts and rosters, right?

13 A. Yes, I believe the rosters are fake as well.

14 Q. Sure, I understand that's your opinion. But that's the  
15 extent of her involvement in terms of -- in terms of her  
16 involvement with this enterprise, right?

17 A. Correct.

18 Q. Sending emails, right?

19 A. Emails containing --

20 Q. Sure.

21 A. -- fraudulent documents, I believe.

22 Q. Yeah, emails with attachments or with other entries in  
23 them, right?

24 A. Yes.

25 Q. Okay. Now, one of the things I don't think we got into

1 yesterday is a lot of those emails -- and if you don't  
2 remember, we'll talk about it later, but -- well, let me  
3 back up.

4           When you were investigating this case, I assume  
5 you and a number of other agents were reviewing emails,  
6 correct?

7 A. Yes.

8 Q. Matter of fact, you got a subpoena that you served on  
9 Google to get her emails from her gmail account, right?

10 A. Not a subpoena, but a search warrant.

11 Q. Okay. In any event, you got her records, right?

12 A. Correct.

13 Q. Okay. And once you got those records, like I said, you  
14 and other agents went through those, right?

15 A. Yes.

16 Q. Okay. And we talked about the fact that some emails  
17 were sent by her, correct?

18 A. Yes.

19 Q. And we also agree that many of those that were sent were  
20 in reaction to somebody else sending something to her?

21 A. Could you repeat that? I'm sorry.

22 Q. I'll give you an example.

23           Yesterday we looked at Exhibit D -- we looked at  
24 D-57. To refresh your memory, that was an email that had  
25 like a kind of a spreadsheet in it that said U.S. Bank at

1 the top --

2 A. Correct.

3 Q. -- had some dates, some amounts, some entities, that  
4 type of thing, correct?

5 A. Yes.

6 Q. Okay. And that was an email she had received, right?

7 A. Correct.

8 Q. And I think you said it yesterday that based on your  
9 training and based on your experience, it looks like the  
10 email she sent was in reaction to that email she received,  
11 correct? Creating the invoices?

12 A. Yes.

13 Q. Because I think you -- I think Mr. Thompson put them  
14 side by side on the screen and said, look, these are the  
15 same, correct?

16 A. Similar, yes, something to that nature.

17 Q. Okay. And so -- and so the email that she sent, okay --

18 A. Okay.

19 Q. -- appears to be in reaction to something that was sent  
20 to her, correct?

21 A. Reaction to, yes. She responds, yes.

22 Q. So that's at least one example, correct?

23 A. Correct.

24 Q. All right. And we've got a couple more we'll take a  
25 look at.

1           So we can agree that many of the emails she sent  
2           were in reaction to somebody sending her information?

3           A. I would say that many, yes.

4           Q. Okay. All right. Now, we've talked about your -- your  
5           training, your experience. I'm not going to belabor the  
6           issue here. Okay?

7                        But when you investigate various white-collar  
8           crimes, okay, I would -- I would assume that at different  
9           times you need to become familiar with whatever the entity  
10          is that you are investigating. Is that fair to say?

11          A. That's fair to say.

12          Q. And you got to become familiar with what their  
13          particular rules might be, correct?

14          A. That's fair.

15          Q. And what's proper and what's not proper within an  
16          entity, right?

17          A. Yes.

18          Q. For example, I assume you've dealt with FINRA in some  
19          financial investigations?

20          A. Yes.

21          Q. The SEC?

22          A. Yes.

23          Q. Mortgage lenders?

24          A. Correct.

25          Q. Banks, obviously?

1 A. Yes.

2 Q. Perhaps precious metals?

3 A. Yes.

4 Q. Cryptocurrency?

5 A. Yes.

6 Q. So when you investigate each of these, you kind of need  
7 to familiarize yourself what the norms are in each of these  
8 areas, right?

9 A. That's fair, yes.

10 Q. Well, because you're looking for things that are either  
11 illegal, correct?

12 A. Correct.

13 Q. Or out of the ordinary, correct?

14 A. Yes.

15 Q. Okay. And in this particular case here, had you ever  
16 investigated an entity that was accused of fraud with the  
17 USDA Food to Children Program?

18 A. No.

19 Q. So is it fair to say that to educate yourself about this  
20 you had to get up to speed on some of the intricacies,  
21 right?

22 A. Yes.

23 Q. I mean, how the program worked, correct?

24 A. Correct.

25 Q. And I think we've all learned here in the courtroom

1 about the, like I outlined earlier, kind of how it's  
2 distributed from the USDA to the mouths of children, right?

3 A. Correct.

4 Q. All right. But before you got involved here, fair to  
5 say you didn't know that whole line of, I guess, of  
6 transactions, did you?

7 A. I did not.

8 Q. All right. And you had to figure out what, I guess, the  
9 numbers mean, correct, in terms of let's say how many  
10 children are getting served, right?

11 A. I'm sorry.

12 Q. I'll -- I'll rephrase that.

13 A. Thank you.

14 Q. So when you -- when you started the investigation, okay,  
15 like I mentioned earlier, you had to figure out, well,  
16 what's normal here, right?

17 MR. THOMPSON: Objection. Beyond the scope.

18 THE COURT: Sustained.

19 BY MR. BRANDT:

20 Q. So when you -- so as you -- as you investigated this  
21 here, right, again, we -- we are dealing with the USDA, MDE  
22 into the two sponsors, correct?

23 A. Correct.

24 Q. All right. And there were certain things -- there were  
25 certain things in here that you, I guess, were finding

1 suspicious, correct?

2 A. Yes.

3 Q. After you kind of learned what might be suspicious,  
4 right?

5 A. I wouldn't say after I learned. Right away it was -- I  
6 thought the numbers were absurd.

7 Q. Okay. But there were other things like -- I think we  
8 heard about there's some claim that there's duplicate  
9 entries of names, right?

10 A. Yes.

11 Q. In some of the rosters, right?

12 A. Correct.

13 Q. Nonsensical names, correct?

14 A. Correct.

15 MR. THOMPSON: Your Honor, I don't believe the  
16 witness testified to this. This is beyond the scope.

17 THE COURT: I'll allow this as to the names on the  
18 rosters.

19 MR. BRANDT: Thank you.

20 BY MR. BRANDT:

21 Q. Now, when it comes to -- when it comes to Ms. Nur,  
22 okay -- strike that.

23 So when it comes to like monitoring the food  
24 sites, we've heard testimony about -- about who monitors it,  
25 correct? There's a site supervisor.

1 A. Correct, yes.

2 Q. All right. We don't have any evidence she was involved  
3 in that, do we?

4 A. No.

5 Q. I mean, no evidence she went to any vendors?

6 MR. THOMPSON: Your Honor, I'm going to object.  
7 This is beyond the scope. This is the second witness of the  
8 trial, not the last witness.

9 THE COURT: Sustained.

10 BY MR. BRANDT:

11 Q. Did your evidence -- did your investigation undercover  
12 any other evidence other than the emails and bank records?

13 MR. THOMPSON: Objection, Your Honor. Again, this  
14 is the second witness of the trial, not the last witness.

15 THE COURT: Sustained.

16 BY MR. BRANDT:

17 Q. Now, you talked a lot about emails, right?

18 A. Yes.

19 Q. With her? And is it fair to say, based on your  
20 recollection, the majority of those emails were between her  
21 brother and Mr. Abdiaziz Farah?

22 A. Correct.

23 Q. Do you recall any emails between her and Mahad Ibrahim?

24 A. I can't recall specifically.

25 Q. All right. How about Said Farah?

1 A. I don't believe so.

2 Q. Mukhtar Shariff?

3 A. I don't believe so.

4 Q. Abdiwahab Aftin?

5 A. Again, I don't believe so.

6 Q. Okay. Now, the -- and we've heard this testimony. The  
7 search warrants were executed on January 20th, 2022,  
8 correct?

9 A. Yes.

10 Q. And is it -- I can't remember we talked about this, but  
11 is it fair to say that the FBI tried to keep those secret up  
12 until they were executed?

13 A. We remained covert until we went overt on that day. So,  
14 yes, we try to keep things quiet.

15 Q. Sure. And I think you testified earlier that was  
16 because there was a concern if people knew you were coming  
17 they could get rid of evidence, right?

18 A. Correct.

19 Q. One of the reasons, right?

20 A. Yes.

21 Q. Okay. So we talked about -- we talked a little bit  
22 before about Exhibit D-57 and D-56, and I think those were  
23 sent on January 12th, 2022. Sound right?

24 A. That sounds correct, yes.

25 Q. Okay. And that was before the search warrants were

1 executed, right?

2 A. Yes.

3 Q. Before the public was made aware of this investigation,  
4 right?

5 A. Correct.

6 Q. Okay. Now, I want to -- I told you I'd come back to the  
7 issue having to do with the emails that Ms. Nur may have  
8 received, right? And we talked about her sending emails  
9 that appeared to be in reaction to those, correct?

10 A. For many of them, yes.

11 Q. Yep. Could you please bring up E-51? And this has been  
12 admitted. If you can just scroll down, please.

13 This is an email that contains numerous pages of  
14 names, correct?

15 MR. THOMPSON: Your Honor, I don't think this is  
16 in evidence yet.

17 I think a juror has a question also.

18 THE JUROR: Yeah, our screen isn't working. I  
19 tried turning it on, and it says it won't connect.

20 THE COURT: Okay. Just a minute. Let's go off  
21 the record.

22 **(Off-the-record discussion)**

23 THE COURT: All right. You may continue. Thank  
24 you.

25 MR. BRANDT: Thank you.

1 BY MR. BRANDT:

2 Q. So just to be clear, Special Agent, E-51 is in evidence.  
3 Okay?

4 And these are emails that you recovered from  
5 searching Ms. Nur's email account, correct?

6 A. Correct.

7 Q. All right. And as we scroll through, we can see there's  
8 a list of names, correct?

9 A. Correct.

10 Q. Appear to be handwritten?

11 A. It appears that way, yes.

12 Q. Okay. And if we can go back to the top, and if we can  
13 zoom in on the two up above.

14 So it looks like, No reply at Office Depot. And  
15 the subject is, Your Self Scan From Office Depot. Okay?  
16 Does it appear that that's a scan perhaps sent from Office  
17 Depot?

18 A. Yes.

19 Q. That somebody may have scanned those pages and sent them  
20 to Ms. Nur, correct?

21 A. I don't know if it could have been her or someone else,  
22 yes. I don't know.

23 Q. She was the recipient, is my point.

24 A. Correct.

25 Q. Okay. From an Office Depot email account?

1 A. Yes. I guess it could have been her as well. I  
2 don't -- if you go to Office Depot, anybody could send an  
3 email.

4 Q. Sure. Sure.

5 A. Sure.

6 Q. But you don't know?

7 A. I don't.

8 Q. Okay. And if we can go to E-75.

9 So now this is an email from Christine Twait. And  
10 we talked about her, correct?

11 A. Correct.

12 Q. And tell us again, refresh my memory who she is.

13 A. She is an employee of Partners in Nutrition, PIN.

14 Q. Do I remember right that she was one of the persons who  
15 made the first reports back in February of 2021?

16 A. She made a report to the FBI, yes.

17 Q. Okay. Do you know if she's still working there?

18 A. I don't know for certain, no.

19 Q. Okay. In any event, she sent an email on December 29,  
20 2021, to Ms. Nur saying, Children are missing a birth date,  
21 correct?

22 A. Correct.

23 Q. Okay. So she was seeking additional information for  
24 some reason, right?

25 A. Yes.

1 Q. Okay. If we could bring up E-76.

2 This is another one that's in evidence. And this  
3 is from Abdiaziz Farah, correct?

4 A. Correct.

5 Q. To Ms. Nur?

6 A. Yes.

7 Q. On December 29, 2021?

8 A. Yes.

9 Q. Regarding the Islamic Society of Marshall, correct?

10 A. Correct.

11 Q. And then if we could go to E-78.

12 Or wait. Keep that one up there.

13 And that was sent December 29th about 7:17 in the  
14 morning, right?

15 A. Yes.

16 Q. Okay. And if we go to E-78.

17 What's the subject of that one?

18 A. Subject is Islamic Society of Marshall.

19 Q. And that was sent when?

20 A. At 1:20 in the afternoon.

21 Q. On December 29th?

22 A. Correct.

23 Q. Please scroll down on that one.

24 And if we can go back to E-76 and scroll down.

25 So it appears that earlier in the day this list

1 was sent to her, correct?

2 A. I'm sorry. Earlier in --

3 Q. On --

4 A. Yes. Yeah. 29th, yes.

5 Q. I think 7:17 in the morning, correct?

6 A. Correct.

7 Q. And then it looks like she forwarded that or sent it  
8 later in the afternoon with that same table in it, correct?

9 A. It appears that way, yes.

10 Q. Okay. So it's another example of where she was passing  
11 on information provided to her from somebody, correct?

12 A. Correct.

13 Q. Okay. And if we can look at E-83, please.

14 E-83. This is another email from Abdiaziz Farah,  
15 correct?

16 A. Correct.

17 Q. December 30th, 2021?

18 A. Yes.

19 Q. 8:08 in the morning?

20 A. Yes.

21 Q. Regarding Albright and Crossing Valley, correct?

22 A. Correct.

23 Q. And if we could scroll down, please.

24 A list of names?

25 A. Yes.

1 Q. Appear to be sent to her by Abdiaziz Farah, correct?

2 A. Correct.

3 Q. All right. If we can go to E-86, please. And scroll  
4 down. Strike that. If we go back up.

5 This appears to be an email from Hayat Nur to  
6 Christine Twait, correct?

7 A. Correct.

8 Q. And, again, regarding Albright and Crossing Valley?

9 A. Yes.

10 Q. You can scroll down.

11 Again, a list of names?

12 A. Yes.

13 Q. Appear to be the same?

14 A. It appears that way, yes.

15 Q. So, again, this is an email she sent receiving  
16 information from someone else, correct?

17 A. Correct.

18 Q. Okay. If we go to E-90.

19 Again, an email from Abdiaziz Farah, correct?

20 A. Correct.

21 Q. Dated January 5, 2022, correct?

22 A. Yes.

23 Q. Looks like it's about 4:53 in the afternoon?

24 A. Yes.

25 Q. Regarding Islamic Society of Marshall, Minnesota, right?

1 A. Correct.

2 Q. If we can scroll down.

3 Again, a list of names?

4 A. Yes.

5 Q. And then if we can go to E-91, please.

6 And, again, this is an email from Ms. Nur to  
7 Christine Twait, correct?

8 A. Yes.

9 Q. January 6, 2022?

10 A. Correct.

11 Q. 9:00 in the morning?

12 A. Yes.

13 Q. And we can scroll down.

14 Again, appears to be an email with the same list  
15 of names, correct?

16 A. I would agree. And I'm not seeing the ends of the  
17 pages, so I'm just seeing the --

18 Q. Sure.

19 A. But yes.

20 Q. We can scroll through them all, if you would like.

21 A. I mean, just that first page, it's the same.

22 Q. Sure. Okay. In any event, again, it appears as that  
23 email was sent in reaction to the email that was sent to her  
24 with that information, correct?

25 A. Correct.

1 Q. So when I asked you earlier about a lot of the --

2 You can take that down. Thank you.

3 -- a lot of the emails that she sent, the  
4 information she passed on was information she received  
5 elsewhere, correct?

6 A. Correct.

7 Q. So we can agree that, I think you even may have said  
8 that, a lot of these emails, if not all of them, were in  
9 response to that, correct?

10 A. I don't know about all of them, but many, yes.

11 Q. Okay. All right. So beyond the -- beyond these emails,  
12 and I assume the bank records we'll hear later, that's the  
13 sum total of her involvement here?

14 MR. THOMPSON: Objection, Your Honor. Again, this  
15 is not a summary witness at the end of the trial. There's  
16 lots of evidence to come.

17 MR. BRANDT: I'll withdraw the question. Thank  
18 you.

19 THE WITNESS: Thank you.

20 THE COURT: Mr. Thompson.

21 MR. THOMPSON: Thank you, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. THOMPSON:

24 Q. Good afternoon, Agent Kary.

25 A. Good afternoon.

1 Q. A long couple days here.

2 A. It has been.

3 Q. All right. I remember there was a time where I stood  
4 before you for quite some time; is that right?

5 A. Yes.

6 Q. Yesterday and the day before?

7 A. Correct.

8 Q. AND you may remember I had big binders like this  
9 (indicating)?

10 A. Yes.

11 Q. And I strained everyone's patience, page after page,  
12 hour after hour.

13 MR. SCHLEICHER: Objection, Your Honor. Leading.

14 THE COURT: Overruled.

15 THE WITNESS: Yes.

16 BY MR. THOMPSON:

17 Q. And we went through meal counts; is that right?

18 A. Yes.

19 Q. Again, how many meal counts did we go through?

20 A. I don't know. Thousands or quite a few pages.

21 Q. And I notice you got crossed for hours and hours today  
22 and earlier. And did you guys talk a lot about meal counts?

23 A. Some.

24 Q. Okay. To be clear, the meal counts that you saw, do you  
25 think they're real?

1 A. I do not.

2 Q. Why not?

3 A. Based on the investigation, the funds were used for  
4 expenses for personal expenses and doesn't appear that --

5 MR. SCHLEICHER: Objection, Your Honor. Sidebar?

6 THE COURT: One moment.

7 **(Sidebar discussion)**

8 THE COURT: Mr. Schleicher:

9 MR. SCHLEICHER: Thank you, Your Honor.

10 Your Honor, this is beyond the scope of  
11 cross-examination. The government is not allowed to  
12 rehabilitate a witness in response to a cross-examination by  
13 asking a different set of questions, opinion questions,  
14 about whether or not he believes or doesn't believe the  
15 rosters or the meal counts were fake and the basis for doing  
16 so. He wasn't cross-examined on his opinion as to whether  
17 or not the meal counts were fake. He was merely  
18 cross-examined on the substance of what was presented.

19 This is improper rehabilitation of the witness,  
20 and I ask that the answer be stricken and that the  
21 questioning not be allowed.

22 MR. MOHRING: Your Honor, Andrew Mohring on behalf  
23 of Mr. Shariff. If I could add in, if I could be heard?

24 THE COURT: Yes.

25 MR. MOHRING: Thank you.

1 I think we are also into the territory of expert  
2 testimony and 701. The opinions that are being solicited  
3 and the conclusions that are being drawn and -- (audio  
4 feedback). I don't think that's from me. I'm sorry.

5 THE COURT: Everybody make sure that your --

6 MR. MOHRING: I'm turning down my volume. I  
7 think --

8 Anyway, they're also soliciting expert testimony.  
9 There's been no expert notice. We have not been through  
10 that process, as the court is aware. I won't try to get  
11 through that in any more detail, but it's also excludable  
12 under 701.

13 THE COURT: Mr. Thompson?

14 MR. THOMPSON: Your Honor, I'm certainly willing  
15 to rephrase the question. I find the beyond the scope  
16 objection a little ironic in light of the cross-examination  
17 of this witness, but I intend to be very brief and be done.

18 MR. ANDREW BIRRELL: Your Honor, I'm having a  
19 little -- electronics, so I'm -- can I say something?

20 THE COURT: Yes.

21 MR. ANDREW BIRRELL: I couldn't hear before. I  
22 think it's also objectionable under 704. It's opinion on an  
23 ultimate issue in the case.

24 THE COURT: That was my concern.

25 Can you rephrase, please?

1 MR. THOMPSON: Absolutely, Your Honor.

2 THE COURT: Thank you.

3 MR. THOMPSON: Thank you.

4 **(In open court)**

5 THE COURT: We're going to strike that answer and  
6 rephrase the question.

7 MR. THOMPSON: Thank you, Your Honor.

8 BY MR. THOMPSON:

9 Q. Agent Kary, when you first started investigating the  
10 case, did you find meal counts like this?

11 A. I did.

12 Q. And how did you find them?

13 A. From the Minnesota Department of Education provided  
14 them.

15 Q. Okay. This is the meal counts I'm talking about, not  
16 the CLiCS. I'm sorry. These things we went through  
17 yesterday?

18 A. Yes.

19 Q. Where did these come from?

20 A. From Partners in Nutrition.

21 Q. Okay. And when you looked at them initially, did you  
22 have concerns? Did they raise red flags for you?

23 A. They did, yes.

24 Q. And did you continue your investigation?

25 A. Yes.

1 Q. Okay. And we talked -- at some length we went through  
2 some of that investigation; is that right?

3 A. Correct.

4 Q. When you were on the stand? And among other things, we  
5 talked a little bit about rosters; is that right?

6 A. Yes.

7 Q. And you obtained rosters from email search warrants; is  
8 that correct?

9 A. Correct.

10 Q. And you didn't talk about the substance of those rosters  
11 much during your testimony, did you?

12 A. I did not.

13 Q. Is one of your colleagues going to take the stand, I  
14 think next week, and talk about --

15 MR. SCHLEICHER: Objection, Your Honor. This is  
16 improper.

17 THE COURT: Overruled, given the  
18 cross-examination.

19 THE WITNESS: Yes, someone else was focused on  
20 that and will speak about it.

21 BY MR. THOMPSON:

22 Q. Okay. And another thing that we went through at some  
23 length were these invoices, correct?

24 A. Correct.

25 Q. We paged through them one at a time?

1 A. Yes.

2 Q. Significant invoices in terms of dollar amounts?

3 A. Yes.

4 Q. Like how big are we talking?

5 A. Over \$2 million on some occasions.

6 Q. Okay. Now, you're not a forensic accountant, right?

7 A. I am not.

8 Q. I know there was considerable testimony about you having  
9 majored in business and undergrad?

10 A. Yes.

11 Q. How many years ago was that?

12 A. Back in -- graduated in, my MBA, 2003.

13 Q. Okay. So these invoices, I know you weren't  
14 cross-examined on them much. In fact, I don't think they  
15 were shown all that much; is that right?

16 A. That's right.

17 Q. But we talked about them. We put them on the screen and  
18 looked at them; is that right?

19 A. Correct.

20 Q. Now, part of the investigation involved the use of that  
21 money; is that right?

22 A. Yes.

23 Q. And was that the part of the investigation that you did?

24 A. No. I -- the forensic accountants did that.

25 Q. Okay. And what was -- generally, what did they find?

1 A. The use of funds was not for the food as much.

2 Q. What kind of stuff was bought, just generally?

3 MR. SCHLEICHER: Objection, Your Honor. Beyond  
4 the scope of cross and move to strike that last answer, as  
5 well as improper opinion.

6 THE COURT: Sustained.

7 MR. THOMPSON: Fair enough, Your Honor.

8 BY MR. THOMPSON:

9 Q. I agree, Agent Kary, actually with that objection  
10 because you're not the --

11 MR. SCHLEICHER: Objection, Your Honor. Sidebar?

12 THE COURT: We don't need a sidebar. Rephrase.

13 BY MR. THOMPSON:

14 Q. Agent Kary, who did -- did someone on the team  
15 investigate the use of the Federal Child Nutrition Program  
16 funds, the millions and millions of dollars in Federal Child  
17 Nutrition funds?

18 MR. SCHLEICHER: Objection, Your Honor. The  
19 question is argumentative. It's a summation. It's not  
20 designed to get information from the witness, but to deliver  
21 it to an audience, and it's improper.

22 THE COURT: Overruled. You may answer.

23 THE WITNESS: The forensic accountants from the  
24 FBI analyzed where all the funds were used.

25

1 BY MR. THOMPSON:

2 Q. And those questions about shell companies, who looked  
3 into whether or not there was shell companies that received  
4 some of these funds?

5 A. The forensic accountants again.

6 Q. Did they look into how the money was spent once it got  
7 to those companies?

8 A. Yes.

9 Q. And are those forensic accountants, one or more of them,  
10 going to testify later in the trial?

11 A. Yes.

12 Q. And they'll explain that evidence to the jury?

13 A. Yes.

14 MR. THOMPSON: Thank you. No further questions.

15 THE COURT: Mr. Mohring, you have a brief recross?

16 MR. MOHRING: Very brief, Your Honor. Thank you.

17 Clayton, could we have C-103 just for the witness?

18 I don't believe this is in evidence yet.

19 RECROSS-EXAMINATION

20 BY MR. MOHRING:

21 Q. It flashed for a minute. Do you see it?

22 A. I saw a flash.

23 Q. I'm not going to ask you about that yet.

24 THE COURT: The tech is apparently aware that it  
25 is Friday afternoon. Computers know.

1 MR. MOHRING: I may be able to do this without the  
2 visual, Your Honor. Should I try?

3 THE COURT: We have an ELMO.

4 MR. MOHRING: There we go.

5 THE COURT: We're good.

6 MR. MOHRING: Good.

7 BY MR. MOHRING:

8 Q. Agent Kary, I'm showing you what -- showing you what has  
9 been marked as C-103, Government Exhibit C-103.

10 A. Yes.

11 Q. There was a lot of questioning about the Dar Al-Farooq  
12 mosque?

13 A. Correct.

14 Q. Is this a picture of that mosque?

15 MR. THOMPSON: Your Honor, objection. Beyond the  
16 scope.

17 THE COURT: Not the scope of your examination, but  
18 scope of one of the other defense attorneys?

19 MR. MOHRING: I think it's -- I think this is --  
20 the site has been discussed. I just want to put the picture  
21 in evidence, Your Honor. I have one more question and then  
22 I'll move on.

23 THE COURT: All right. I'll allow it.

24 BY MR. MOHRING:

25 Q. Does this appear to be -- it's a government exhibit.

1 Does this appear to be a fair and accurate representation of  
2 one view of the mosque in winter?

3 A. Yes.

4 MR. MOHRING: I'd move the admission of C-103.

5 MR. THOMPSON: No objection, Your Honor.

6 THE COURT: C-103 is admitted.

7 MR. MOHRING: Thank you. And if we can publish  
8 that briefly to the jury, just so they can see what we've  
9 been talking about.

10 Okay. Thank you.

11 BY MR. MOHRING:

12 Q. You were asked on cross-examination about site visits.  
13 I'm not going to take you through all of that. But I think  
14 you were asked a question about how many sites you visited.  
15 And you said you had visited some?

16 MR. THOMPSON: Objection, Your Honor. That's far  
17 beyond the scope of the redirect.

18 THE COURT: Sustained.

19 BY MR. MOHRING:

20 Q. Mr. Thompson asked you just some questions very briefly  
21 just now about rosters and rosters as attachments to emails?

22 A. Correct.

23 Q. Is it your understanding of the program that lists of  
24 names could function under the program in two ways, one as a  
25 list of the people who may have received meals, but also as

1 a list of children who were participating in programs at  
2 whatever the site was that could take the place, serve the  
3 same function as a checklist of people who took meals?

4 MR. THOMPSON: Objection, Your Honor. Beyond the  
5 scope of the redirect. I believe he testified that someone  
6 else will come talk about the invoices -- or the rosters,  
7 that is.

8 THE COURT: Sustained.

9 BY MR. MOHRING:

10 Q. Two questions just about emails and email searches. I  
11 think our prosecution asked about emails also.

12 Were the emails and -- were the emails of  
13 Mr. Ibrahim obtained in the course of the investigation?

14 A. Mr. Mahad Ibrahim?

15 Q. Yes.

16 A. Yes.

17 Q. And were those obtained by subpoena or search warrant?

18 A. Search warrant.

19 Q. Were you the agent who wrote the warrant, signed off on  
20 the warrant application, or was that somebody else?

21 A. I was not the affiant on the warrant. I did participate  
22 in gathering information to obtain the search warrant.

23 Q. Information that made it into the affiant's statement?

24 A. Yes.

25 Q. Do you recall who the affiant was?

1 A. Special Agent Travis Wilmer.

2 Q. Okay. And will Mr. Wilmer be testifying, do we know?

3 A. I -- he's on the witness list.

4 Q. Okay. And last question. Do you know the time range  
5 of -- the warrant, a warrant for an email, a search warrant  
6 for an email from an email company, typically do those  
7 warrants set a time range of the emails that you're trying  
8 to get from the provider?

9 A. Yes.

10 Q. And for Mr. Ibrahim's emails, did that time range extend  
11 back to 2018, if you know?

12 A. I do not know.

13 Q. Do you know -- I mean, there were other email subpoenas  
14 or search warrants that were issued in the course of the  
15 investigation?

16 MR. THOMPSON: Objection. Beyond the scope, Your  
17 Honor.

18 MR. MOHRING: Just a foundational question, judge.

19 THE COURT: Sustained.

20 BY MR. MOHRING:

21 Q. Was there a set time frame as you were -- as you, the  
22 federal investigation in this case, was trying to get emails  
23 from email providers, email places, was there a time range  
24 that you were asking for from those providers?

25 MR. THOMPSON: Objection. Beyond the scope.

1 THE COURT: Sustained.

2 MR. MOHRING: Your Honor, I have no further  
3 questions.

4 THE COURT: Anyone else? All right. You may step  
5 down.

6 THE WITNESS: Thank you.

7 **(Witness steps down)**

8 THE COURT: The government may call its next  
9 witness.

10 MR. EBERT: Your Honor, at this time the  
11 government calls Bill Menozzi.

12 THE COURT: Thank you.

13 MR. EBERT: Your Honor, may we just have a moment  
14 to switch over the tech as well?

15 THE COURT: You may. Let's go off the record for  
16 a moment.

17 **(Off-the-record discussion)**

18 THE COURT: I'm going to have you take the oath,  
19 and then we'll make sure that the tech is set up and we'll  
20 go. Okay? Raise your right hand for me.

21 BILL MENOZZI,

22 called on behalf of the government, was duly sworn, was  
23 examined and testified as follows:

24 THE WITNESS: I do.

25 THE COURT: Thank you. You may have a seat in the

1 witness chair. And that microphone moves back and forth as  
2 you need it to, but I'll have you speak into the microphone.

3 And please state and spell both your first and  
4 last name for the record.

5 THE WITNESS: Bill Menozzi. B-I-L-L.  
6 M-E-N-O-Z-Z-I.

7 THE COURT: Thank you.

8 Mr. Ebert, you may inquire.

9 MR. EBERT: All right. Thank you, Your Honor.

10 DIRECT EXAMINATION

11 BY MR. EBERT:

12 Q. Good afternoon, Mr. Menozzi.

13 A. Good afternoon.

14 Q. How old are you, sir?

15 A. 40.

16 Q. Can you tell the jury where you work?

17 A. I work in the Shakopee School District.

18 Q. What is your position there?

19 A. I am the director of finance and operations in Shakopee.

20 Q. And we'll talk a bit more about that. First, what is  
21 your educational background?

22 A. I have my bachelor's degree in accounting and finance  
23 from Bethel University here in the Twin Cities.

24 Q. Can you tell the jury a little bit what you did after  
25 you first got your accounting degree?

1 A. I went to work for Deloitte as a staff auditor. I  
2 worked here in downtown Minneapolis for Deloitte; and then  
3 after a period of time there, I transitioned into the school  
4 finance industry. And I've been working in school finance  
5 now for 15 years.

6 Q. School finance. Generally, what does that mean?

7 A. Public school finance. So public education in the State  
8 of Minnesota. In administration, generally speaking, you  
9 have a superintendent. Often cases you have an assistant  
10 superintendent. And then my role, at least in Shakopee, is  
11 the director of finance and operations. So the way I  
12 explain that is that is everything except teaching and  
13 learning.

14 So my role is obviously finance to include budget,  
15 audit, levy, school district preparation in those areas, and  
16 then operations. So things like custodial, nutrition  
17 services or food services, district transportation, health  
18 and safety, things of that nature would fall under the  
19 operations umbrella of what I do.

20 Q. What was your first position in this space of school  
21 finance?

22 A. I worked in outstate Minnesota as a business manager for  
23 a company called School Management Services. So that's how  
24 I started my career in school finance. School Management  
25 Services is a contractor. They contract out for school

1 finance professionals in the metro area and outstate, where  
2 otherwise some school districts have a hard time finding  
3 people to fill that role.

4 Q. So in that first position, did you work with  
5 one district or multiple districts?

6 A. I did work with multiple school districts. Initially I  
7 worked with the Litchfield School District. I also worked  
8 with East Grand Forks, way up by Grand Forks, North Dakota.  
9 Those were my main two clients while I was with School  
10 Management Services.

11 Q. A moment ago you described a range of duties. Is that a  
12 fair summary?

13 A. Yes. Yes, with both of those school districts that  
14 would be a fair summary.

15 Q. Were you generally doing the types of things you  
16 testified about a moment ago?

17 A. Yes.

18 Q. How long did you have that position with that company?

19 A. I worked for School Management Services from 2010 to  
20 2013, at which time one of my clients, Litchfield Public  
21 Schools, had offered me a job to come on with them full  
22 time.

23 Q. Did you accept?

24 A. I did.

25 Q. What was the title that you had at Litchfield?

1 A. At Litchfield my title was business manager, which is a  
2 more common title for the type of work that I'm doing  
3 currently in outstate school districts.

4 Q. Generally, where is Litchfield?

5 A. Litchfield is about an hour, an hour west of the Twin  
6 Cities, just out on Highway 12. Nearby communities would be  
7 Willmar, Hutchinson, south of St. Cloud, in that area about  
8 an hour west.

9 Q. Roughly, what was the size of the Litchfield district?

10 A. Approximately 3,000 students.

11 Q. K through 12?

12 A. K through 12. Thank you.

13 Q. Where did your career take you next after Litchfield?

14 A. Yeah. So my next stop was in the St. Anthony/New  
15 Brighton School District, just north of downtown Minneapolis  
16 here. St. Anthony/New Brighton is where I went for 2013 to  
17 2017. And when I was in St. Anthony, my title was director  
18 of business services.

19 Q. Still in the school finance?

20 A. Still in the school finance phase, exactly.

21 Q. And how long did you stay with St. Anthony?

22 A. I was there for four years from 2013 to 2017.

23 Q. Where did you go next?

24 A. I had an opportunity to go to the Mahtomedi School  
25 District in the eastern metro area of the Twin Cities, and I

1 worked in Mahtomedi from 2017 to 2020.

2 Q. A larger district?

3 A. A larger district. Opportunity for career advancement.

4 Q. Similar role at Mahtomedi?

5 A. Yes, director of finance and operations.

6 Q. Now, at the outset of your testimony you said you worked  
7 for the Shakopee District; is that correct?

8 A. That's correct.

9 Q. Can you explain the transition from Mahtomedi to  
10 Shakopee?

11 A. Yeah. My last stop, and I'm in my fifth year in  
12 Shakopee, was the Shakopee School District as the director  
13 of finance and operations. I started my job in Shakopee in  
14 January of 2020, and so I am in my fifth year there.

15 And that was really a career move for myself and  
16 for my family nearby where we live, and I've really enjoyed  
17 my time there.

18 Q. So I want to ask you a few questions about Shakopee  
19 itself.

20 A. Sure.

21 Q. Can you explain to the members of the jury, first of  
22 all, where it's located?

23 A. Yeah. Shakopee is in the southwest part of the Twin  
24 Cities metro area. Shakopee is the county seat in Scott  
25 County in the Twin Cities.

1           The community of Shakopee is a population of about  
2           46,000. Our school district itself is approximately 7800,  
3           so just shy of 8,000 students. And, again, that's  
4           kindergarten through twelfth grade. We graduate  
5           approximately 700 students, and we're spread amongst ten  
6           buildings.

7           Q. So the ten buildings, these all comprise the public  
8           school district?

9           A. They do, yes.

10          Q. Okay. What are the ten buildings that are part of the  
11          school district?

12          A. We have five elementary schools that serve students in  
13          grades kindergarten through fifth grade. We have two middle  
14          schools, East Middle School and West Middle School, serving  
15          students in grades six through eight. And then we have  
16          Shakopee High School serving students in grades 9  
17          through 12.

18                 And then we have an alternative high school called  
19          Tokata Learning Center. There's 80 or 90 students at the  
20          alternative high school.

21                 And then we have -- our tenth building is Pearson  
22          Early Learning Center, which houses our early childhood  
23          students. So our youngest learners in the school district.

24          Q. So of the ten buildings, where -- where is your office  
25          on a day-to-day basis?

1 A. So my office is -- why I didn't include that in the ten,  
2 I'm in the district services center, which is at 1200 Town  
3 Square in Shakopee; and we actually lease that space, so  
4 it's not owned by the district, and it is in the Town Square  
5 Mall in Shakopee. So that would be the district office or  
6 district education center.

7 Q. Of the ten buildings, which one is the largest?

8 A. Shakopee High School.

9 Q. And about how students are at the Shakopee High School?

10 A. Grades 9 through 12, approximately 2700 students in the  
11 high school.

12 Q. On a typical day, do you know approximately how many  
13 students are fed by the high school at the high school?

14 A. Yeah, of the 2700 students, just about 1500 students  
15 will eat breakfast or lunch or a combination thereof every  
16 day at Shakopee High School.

17 Q. Is there a cafeteria there?

18 A. There is.

19 Q. Is there a cafeteria in each of the ten schools?

20 A. There is a cafeteria in nine of the ten schools. The  
21 Tokata Learning Center or alternative high school that has  
22 80 or 90 students does not have a cafeteria. There are  
23 lunch options for the students there, but it is delivered  
24 from a different building because there's not a cafeteria  
25 there.

1 Q. Can you describe the staff in place in the Shakopee  
2 public school system to feed students during the day at the  
3 buildings?

4 A. Sure. In our nutrition services team or our food  
5 service team is comprised of 58 employees. We have a food  
6 service manager, who is one of my staff, that oversees the  
7 department. And then there's a clerical employee. And then  
8 in each of the buildings we have what's known as a head cook  
9 position; and then we have various other line servers, dish  
10 washers, things of that nature. So 58 employees total over  
11 the ten buildings and then administrative.

12 Q. And you mentioned lunch; is that right?

13 A. Yes.

14 Q. And you mentioned another meal. Did I hear that right?

15 A. Yes, we serve lunch and breakfast every day in all of  
16 our buildings.

17 Q. Okay. And for how many years has that been the case, as  
18 far as you know?

19 A. For as long as I've been there, and before I was there  
20 too. We've served lunch and breakfast for a number of years  
21 now.

22 Q. All right. Now, I want to ask you some questions about  
23 the student body itself.

24 Generally, can you describe for the jury the  
25 demographics of the population of the Shakopee public school

1 system?

2 A. Yeah. Part of our strength in Shakopee is we are a very  
3 diverse community of learners. Over 80 languages are spoken  
4 in our school system, something that we're very proud of.  
5 And we are made up of 51 percent students of color. And so  
6 our highest percentages are Spanish, Somali, Vietnamese,  
7 Russian, and then obviously English as well. So in order to  
8 support that effort, we do have cultural liaisons.

9 Q. What's a cultural liaison?

10 A. Employees of the school district, they're employed by  
11 the school district for the specific purpose of aiding in  
12 conversations with students and families who are either new  
13 to country or need some assistance with their English  
14 proficiency. So we have cultural liaisons in Spanish,  
15 Somali, Vietnamese and Russian.

16 Q. And can you just elaborate a little bit more on what  
17 these cultural liaisons do within the district?

18 A. Yeah. They are often the go-between between teaching  
19 staff and students and families. If they need -- if there's  
20 either a language barrier or if there's some sort of  
21 assistance needed academically or related to transportation  
22 or nutrition services or just their academic progress in  
23 general, they're the go-between between the school, either  
24 the teacher, the principal, the support staff and the family  
25 itself.

1 Q. On the subject of languages, can you describe how the  
2 district communicates information to households in the  
3 district?

4 A. Sure. Our communications are sent out either on our  
5 social media channels or on our school district website or  
6 obviously sent home in English. And then we also make sure  
7 that our communications are sent in Somali and Spanish as  
8 well. So those three languages for our communications.

9 Q. And why does the district send out all communications in  
10 those three languages?

11 A. To make sure that we're meeting the need of our students  
12 and our families in terms of if they don't -- if they're not  
13 proficient in English, they can still gather and absorb the  
14 information in the language that's most familiar to them.

15 Q. So what types of things are communicated out to the  
16 district in those three languages?

17 A. Everything from food service, our nutrition services  
18 plan, to scheduled early releases or late starts, whether  
19 that be weather-related or scheduled late starts for teacher  
20 grading days, things of that nature. Just any  
21 organizational things of the school district that families  
22 need to know about.

23 Q. And for approximately how long has this been the case  
24 that the district communicates in this fashion?

25 A. For as long as I've been there. I don't have a start

1 date on that, but for as long as I've been there. And as  
2 I've mentioned, I'm in my fifth year.

3 Q. What measures, if any, does the district have for  
4 families who don't speak English or Somali or Spanish, as  
5 examples?

6 A. We do have a software system called Proprio that  
7 families can call in. And if their language is one of the  
8 80 that I mentioned that is lesser known in our school  
9 system, they can engage with that software system to  
10 communicate in their language of familiarity and have that  
11 translated for them. So we do have a software system  
12 ensuring that any language spoken in our school we can get  
13 through to our families.

14 Q. You've mentioned the number of buildings that comprise  
15 the district. Can you elaborate on how the demographics  
16 you're describing are reflected throughout the district?

17 A. Yes. There is a fairly even representation of all of  
18 our different demographics in our elementary, middle school  
19 and high school. And then within our school district, sort  
20 of a unique thing is our students are able to enroll in  
21 whatever school they would like.

22 So if I fall into the Jackson Elementary boundary,  
23 but I would like to attend Sun Path Elementary, I am able to  
24 do that through an open enrollment within the school  
25 district. So that assures equal distribution and also a

1 common demographic amongst all our buildings.

2 Q. Okay. So we've talked about the demographics of the  
3 district, and you've mentioned about the food that's  
4 provided.

5 On those notes, what measures, if any, does the  
6 district take in terms of offerings to its -- the student  
7 body by way of food and options for that?

8 A. So we want to make sure, first of all, that we're  
9 adhering as much as possible to allergies, allergy  
10 restrictions, by things like peanut allergies. Right? So  
11 serving things like SunButter in lieu of peanut butter for  
12 peanut allergies.

13 We also will serve things based off of foods that  
14 our students either can or cannot have based off of their  
15 background. And so as an example, if we are serving pork  
16 products for lunch, we ensure that there is a nonpork meat  
17 alternative served in our school.

18 Q. Why?

19 A. For any students that can't have pork products. And so  
20 a student comes through the line on a day that we're having  
21 a pulled pork sandwich, there's an option for a turkey  
22 burger or something like that. And we just let the students  
23 make the choice based off of their dietary restrictions or  
24 their preference.

25 Q. And is that true of all ten schools?

1 A. It is.

2 Q. Is that true of lunch at all ten schools?

3 A. Yes.

4 Q. As well as breakfast?

5 A. Yes, as well as breakfast. Now, during breakfast we  
6 tend to serve things like turkey sausage, turkey bacon. And  
7 then we actually use that as an educational opportunity to  
8 work with our kids on some dietary restrictions.

9 Q. What do you mean?

10 A. Talking to kids that may be hesitant to have turkey  
11 bacon as a learning opportunity that this is not a pork  
12 product, it's a turkey product, and therefore an educational  
13 opportunity.

14 Q. Can you remind the jury, what is the approximate  
15 enrollment of the district?

16 A. Yes.

17 MR. GOETZ: Objection, Your Honor. Duplicative.

18 THE COURT: Overruled.

19 BY MR. EBERT:

20 Q. Can you please remind the jury of the approximate  
21 enrollment of the district?

22 A. Approximately 7800, 7,800 students, which would be  
23 grades kindergarten through twelfth grade. So for those 13  
24 grades, kindergarten through twelfth grade.

25 Q. And, generally, what is the school's budget to feed 7800

1 children?

2 MR. GOETZ: Objection. 401, 402, Your Honor.

3 THE COURT: Overruled.

4 THE WITNESS: Approximately 4,500,000 per year,  
5 4.5 million in the food service fund.

6 BY MR. EBERT:

7 Q. Okay. And that dollar amount you mentioned,  
8 approximately how much of that goes towards food itself?

9 A. Just about half of it. Our food service budget, about  
10 half is food. The other half would be labor costs,  
11 utilities, equipment, things of that nature.

12 Q. All right. Mr. Menozzi, I want to direct your attention  
13 now to about two months after you started your job. March  
14 of 2020. Do you recall anything happening around that time?

15 A. Yes, I do. That was the start of the COVID-19 pandemic.

16 Q. Okay. Can you explain what your role was at the  
17 district when the pandemic hit in March of 2020?

18 A. Yes, I do remember leaving on a Friday, talking to some  
19 of my colleagues and wondering what school would look like  
20 that next week. And when it was notified to public school  
21 districts that we were going to need to move to distance  
22 learning, we all got together and kind of divided up roles  
23 and responsibilities. By "we," I'm talking about  
24 administrators of the Shakopee School District.

25 My role specifically, to answer your question, was

1 going to be our food services, how we were going to continue  
2 feeding our kids during the pandemic, and then also  
3 transportation logistics to get that done.

4 Q. What discussions, if any, were had about whether to  
5 discontinue food services during the pandemic?

6 A. We never considered discontinuing food services or  
7 serving meals to our kids.

8 Q. Why did you never consider discontinuing?

9 A. It's such an important part of our kids' day. We  
10 realized that before COVID, and we've realized that after  
11 COVID, but that was certainly true during COVID, is that  
12 that -- that meal for those students is a very important  
13 part of their academic day. And it was just never  
14 considered that we were going to take that away during the  
15 pandemic.

16 Q. Did the school come up with a plan?

17 A. Yes.

18 Q. Can you explain what that was?

19 A. Yes. So when we met initially, the plan was to develop  
20 sort of a two-part system.

21 Part one would be meal pickup, an opportunity for  
22 meal pickup. And that was at the high school, Shakopee High  
23 School. Shakopee High School, as I mentioned, is our  
24 largest site. And an opportunity for students to --  
25 students and their families to come pick up meals at the

1 high school.

2 And the second option was for our students and our  
3 learners that were not able to get to the high school, and  
4 for that we did meal delivery. And so we did meal delivery,  
5 identified ten low-income areas, whether those are mobile  
6 home parks, apartments, townhomes, to deliver meals to.

7 And so logistically to make that happen, we had  
8 the kitchen at our high school was open for making the meals  
9 for pickup at the high school. And then we had the kitchen  
10 open at one of our elementaries, Jackson Elementary. That  
11 was a food prep kitchen. And then also the kitchen open at  
12 East Middle School. So that was the second food prep  
13 kitchen.

14 So to summarize, the two food prep kitchens at  
15 Jackson and East prepped meals for delivery to those ten  
16 low-income areas, and then the food prep kitchen at the high  
17 school prepped meals for pickup at the high school.

18 Q. All right. So, Mr. Menozzi, I want to go back and break  
19 down some of the things you said.

20 You mentioned that there were two parts to this  
21 plan; is that right?

22 A. Yes.

23 Q. With respect to pickup at the high school, how often did  
24 this school offer pickup at the high school?

25 A. From March of 2020 through the summer of 2020, I don't

1 want to get ahead, it was five days a week. Monday through  
2 Friday every day of the week.

3 Q. And was it a -- was there a set time that this occurred?

4 A. Yes. It was late morning, usually a window of say 11:00  
5 to 1:00 or 10:00 to 2:00, in that late morning time frame.

6 Q. Can you explain the type of personnel who were involved  
7 with the high school pickup?

8 A. Sure. So we had labor costs or personnel for obviously  
9 our kitchens. We had food service workers prepping the  
10 meals. We also had paraprofessionals who are teacher  
11 helpers during normal school times that we transitioned a  
12 number of our paraprofessionals to ride the bus, the buses.

13 Q. And when you say paraprofessionals, can you explain what  
14 you mean?

15 A. Yeah. So paraprofessionals are professionals used in  
16 classrooms to help educate kids. And so those are the jobs  
17 of paraprofessionals, teacher helpers, either in education  
18 or general education in our school buildings.

19 So obviously when school was not in session  
20 physically, we transitioned a number of those  
21 paraprofessionals from in-person learning in the classroom  
22 to assisting with the labor of meal delivery.

23 Q. What types of meals was the district creating when the  
24 pandemic started in March 2020?

25 A. So we continued to provide breakfast and lunch

1 throughout the pandemic.

2 Q. What changes, if any, did the district make to the type  
3 of food that was offered at the pickup?

4 A. Yeah. I remember having conversations about needing to  
5 create meals that could be easily packaged and handed out.  
6 So things like Italian dunkers went by the wayside. And we  
7 would generally package, you know, SunButter sandwiches,  
8 peanut butter/jelly, that type of thing; turkey sandwiches,  
9 ham sandwiches that were always an option, either one or the  
10 other; and then a fruit or a vegetable, milk.

11 So we could make sure that the meals that we were  
12 serving were reimbursable, meaning they had an element of a  
13 fruit or a vegetable, a grain, carbohydrate and a protein.  
14 They were reimbursable meals.

15 Q. Reimbursable by whom?

16 A. By the federal government.

17 Q. Approximately, how many people would attend the daily  
18 pickup at the high school?

19 A. At the start of the pandemic it was -- that was our  
20 largest site by far. There was more pickup at the high  
21 school than there was at any of the delivery sites. And it  
22 would range between 300 and five or 600 a day, would be sort  
23 of an average range.

24 And it did vary pretty significantly based on  
25 weather. If we had a day that was pouring down rain, the

1 participation would go down. If we had a day on a Friday  
2 where it was like today, nice and sunny outside,  
3 participation would go up. And we came to understand that  
4 Friday was going to be a busy day.

5 Q. Why is that?

6 A. It was an important day for us and for our kids. Friday  
7 we would deliver meals, and then they wouldn't see us again  
8 often until Monday. And so that was an important time for  
9 our kids to be able to get those meals and get that healthy  
10 food before the long weekend.

11 Q. Now, I want to talk about the second part of the plan  
12 you mentioned. The sites that the district selected, how  
13 did the district go about picking those locations?

14 A. So it was a group effort. We worked with our leadership  
15 team, administrators in the school, our cultural liaisons  
16 were involved in that process, to identify sites based off  
17 of socioeconomic needs, largely our low-income areas, where  
18 we knew that we had students living that may not be able to  
19 get to the high school for various reasons for food pickup.

20 Q. So what plan, if any, was made to get the food to those  
21 places?

22 A. We had meal delivery. As I mentioned, we had those two  
23 prep kitchens at Jackson Elementary and East Middle School.  
24 And then we had food delivery utilizing school district  
25 buses, small buses to deliver the meals.

1 Q. And at any point did you participate in the delivery on  
2 the buses?

3 A. I did, yes. Just to put a wrap on the labor costs, I  
4 mentioned we had food service workers, paraprofessionals.  
5 We also had bus drivers to deliver the meals and then school  
6 district administrators. I was happy to participate and  
7 honored to participate. I was at all ten, personally at all  
8 ten of the food delivery sites multiple times.

9 Q. Why were you happy and honored to do that?

10 A. It was a rewarding process. Any time you're able to  
11 deliver food to kids and you fulfill a need, there's  
12 something very rewarding about why we work in public  
13 education. That's sort of why we do what we do, and I was  
14 happy to be a part of that.

15 Not only that, but it also helped us establish  
16 relationships with the managers in those areas, with the  
17 kids and the families that lived there, and those  
18 relationships have actually helped, even since the pandemic,  
19 some of those relationships that we built during COVID.

20 Q. Thank you.

21 MR. EBERT: Your Honor, if this is an acceptable  
22 time to stop?

23 THE COURT: This would.

24 We're going to bring you back on Monday morning.

25 THE WITNESS: Okay.

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THE COURT: All right. Can we go off the record?  
All rise for the jury.  
And we are off the record.

(Court adjourned at 3:02 p.m., 05-03-2024.)

\* \* \*

I, Renee A. Rogge, certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Certified by: /s/Renee A. Rogge  
Renee A. Rogge, RMR-CRR