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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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),)	Tuesday, May 7, 2024
Said Shafii Farah(5),)	10:30 a.m.
Abdiwahab Maalim Aftin(6),)	
Mukhtar Mohamed Shariff(7),)	
Hayat Mohamed Nur(8),)	
)	
Defendants.)	

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

JURY TRIAL PROCEEDINGS - VOLUME XI OF XXX

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

* * *

Proceedings recorded by mechanical stenography;
Transcript produced by computer.

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1 know, so I did levy an objection I think once under 701 and
2 702 that was overruled and once under 704 that was
3 overruled.

4 But I want to put a standing objection and
5 reassert my objection to that ultimate conclusion, Did it
6 happen, from each one of those witnesses yesterday and also
7 notice that I expect that this is going to be very similar
8 witnesses with very similar questions ongoing this morning.

9 And I object on behalf of Mr. Ismail to, Did it
10 happen. That's for the jury to decide ultimately. And as
11 the government said, when we were cross-examining Agent
12 Kary, we're still on the first part of this case. The jury
13 hasn't heard all the evidence as to how these meals are to
14 be counted, you know, whether it's individuals versus meal
15 counts and so on and so forth.

16 So to be asking them that ultimate question I
17 believe violates that rule, and I place that objection on
18 the record.

19 Thank you.

20 THE COURT: Does the government wish to respond?

21 Ms. Walcker.

22 MS. WALCKER: Your Honor, under Rule 701 a witness
23 can testify based on their observations and their knowledge.
24 That's all the government is asking of these witnesses, Your
25 Honor.

1 THE COURT: The objection was under 704, though.

2 MS. WALCKER: Right, Your Honor. The government
3 maintains that this is proper lay witness testimony. This
4 is not expert testimony. This is based on what their
5 observations and their experience are, Your Honor.

6 THE COURT: So my understanding -- 704 does apply
7 to experts. And my understanding of that question was a
8 summary of Did it happen based on your observation, because
9 that's what the witness was testifying about, was
10 observation.

11 I didn't take it as an ultimate issue question by
12 an expert. And so that's the reason for my ruling, is that
13 I thought in context it was a follow-on to, frankly, pushing
14 the witness past was it possible to, Did it happen in your
15 observation.

16 So I think it's fair to say, Did it happen in your
17 observation. And that would solve the issue. But that was
18 the reason for my ruling.

19 Mr. Cotter, does that make sense to you?

20 MR. COTTER: It does, but Did it happen in your
21 observation is a different question than Did it happen, and
22 it was asked in a way that made it very much conclusory. So
23 that's my objection.

24 MR. GOETZ: Your Honor, may I just join with a
25 different basis?

1 Following up on the court's comments, I mean,
2 basically you raise a 602 position, which I think, did it,
3 as Mr. Cotter pointed out, Did it happen is different than
4 Did it happen based upon your observation. The latter
5 satisfies 602's personal knowledge requirement.

6 The problem with the questions posed yesterday is
7 they didn't have that qualifier, they didn't have that
8 personal knowledge.

9 So absent that based upon your observation, I
10 would object on 602 grounds. The witnesses cannot say in
11 the totality Did it happen. And that's the question that
12 was asked. So I object to that on 602 as well.

13 THE COURT: I understand.

14 Again, the reason for my ruling was to me it was
15 obvious within the context of the way in which the questions
16 were being asked that we were not asking an ultimate
17 opinion, Did it happen at all ever. These witnesses had
18 very narrow observations that they testified to, and it was
19 at the end of a series of questions about their
20 observations.

21 That was the reason for my ruling, as I thought
22 that in context it did not ask an ultimate opinion, but I do
23 think it is appropriate to rephrase the question to make
24 that clear going forward.

25 All right. In addition, I've received a letter on

1 the video that was attempted to get into evidence yesterday.
2 I would like a response from the government, not now, but
3 I'd like a written response because there's case law,
4 et cetera, that is contained in this letter. I would expect
5 it to be filed, and a response by the government by
6 tomorrow.

7 Okay? All right. Thank you.

8 We'll check and see if all the jurors are here.

9 **(Off-the-record discussion)**

10 THE COURT: All right. I'll step off the bench
11 until we get that juror. I know she was just having trouble
12 parking today. Okay. Thank you.

13 You may remain seated, and we're in recess.

14 (Recess taken at 10:36 a.m. till 10:51 p.m.)

15
16 **IN OPEN COURT**

17 **(JURY PRESENT)**

18 THE COURT: You may all be seated. And good
19 morning.

20 We are on the record. And the government may call
21 its next witness.

22 MR. THOMPSON: Good morning, Your Honor. The
23 government calls Gretchen Hawk.

24 THE COURT: Good morning. You may come forward.
25 You're coming past the jury, and you're aiming up here to

1 the witness chair.

2 Would you raise your right hand?

3 GRETCHEN HAWK,

4 called on behalf of the government, was duly sworn, was
5 examined and testified as follows:

6 THE WITNESS: I do.

7 THE COURT: Thank you. You may have a seat in the
8 witness chair.

9 And when you're settled, please state and spell
10 both your first and last name for the record.

11 THE WITNESS: My name is Gretchen Hawk. It's
12 G-R-E-T-C-H-E-N. H-A-W-K.

13 THE COURT: Mr. Thompson, you may inquire.

14 MR. THOMPSON: Thank you, Your Honor.

15 DIRECT EXAMINATION

16 BY MR. THOMPSON:

17 Q. Good morning, Ms. Hawk.

18 A. Good morning.

19 Q. How are you?

20 A. I'm well. Thank you.

21 Q. Where are you from?

22 A. I am from all sorts of places in the south metro, but I
23 was born in St. Paul, but I moved to the Savage/Burnsville
24 area and grew up there.

25 Q. Where did you go to high school?

1 A. I went to high school in Burnsville.

2 Q. Okay. When did you graduate?

3 A. In 1990.

4 Q. Okay. What did you do after that?

5 A. I worked at McDonald's until I was about 21, and then I
6 was -- I started having kids, and I've been mom'ing ever
7 since.

8 Q. Okay. Where do you live currently?

9 A. I live in Shakopee, Minnesota.

10 Q. Okay. What do you do? Do you work?

11 A. I do. I am a building caretaker and groundskeeper at
12 Huntington Park Apartments in Shakopee, Minnesota.

13 Q. What are the Huntington Park Apartments?

14 A. We're affordable housing. We're not extremely
15 luxurious, but we're on about the medium end of apartment
16 living.

17 Q. Okay. And you said "we." You described yourself as the
18 resident caretaker?

19 A. Yes, I do.

20 Q. What does that mean?

21 A. Well, I live at Huntington Park, and I work there as
22 well.

23 Q. Okay. How long have you lived at the Huntington Park
24 Apartments?

25 A. For twelve years.

1 Q. And how long have you served as a resident caretaker
2 there?

3 A. Six years yesterday.

4 Q. Congratulations.

5 A. Thank you.

6 Q. As a resident caretaker, what do you do?

7 A. I walk the grounds and make sure that they're clean.
8 And we check all buildings and -- every morning to make sure
9 that there's nothing out of place, no trash or debris
10 anywhere, or that anyone has left anything that shouldn't be
11 there.

12 And I also clean apartments when people move out
13 and get them ready for the next people to move in.

14 Q. Great. And you said "we." Do you have colleagues that
15 also work for the Huntington Park Apartments?

16 A. I do. We're a team.

17 Q. And how --

18 A. Yeah, we have -- there's -- I'm a part-time caretaker,
19 but we also have a full-time caretaker and a maintenance
20 technician and our property manager also.

21 Q. You said you're part time. What are your general hours?

22 A. Typically, they are from 7:30 a.m. to noon Monday
23 through Friday.

24 Q. Ms. Hawk, can you kind of explain what's a basic day as
25 the resident caretaker at the apartments?

1 A. In the morning I -- the first thing we do, when we're
2 getting ready, is I take my son to school. He goes to
3 Shakopee East Middle School, which is about a mile away.
4 And so I take him to school and then come back.

5 And I punch in and get my coffee and go into the
6 office and make sure that I get the mail and make sure that
7 things in the office are set up for the day.

8 And then I go check my building, because we have
9 separate buildings, the caretakers do. Since I'm only part
10 time, I have a smaller building than the -- than the
11 full-time caretaker. Go over to that building and check it
12 out just to make sure that everything is on the up and up
13 and that nothing's out of place; and if there is, then tidy
14 it up.

15 And then go back to the office in the morning.
16 And by then the other caretaker and the office manager are
17 there, so we can figure out what we're -- what our plan is
18 for the day, whether it be working outside or working in an
19 apartment to clean or cleaning the common areas.

20 Q. Okay. And what kind of common areas does the
21 apartment -- the Huntington Park Apartments have?

22 A. We have in our larger building, the 1245 building, we
23 have a lobby that has two different seating areas. There's
24 three little tables set up where people can have coffee, and
25 then there's an area with a couch and a couple of chairs out

1 there. We have free Wi-Fi for the residents in that area,
2 so a lot of people will come down and use their laptop or
3 sit on the couch and wait for an Uber or something like
4 that.

5 And then we also have two small courtyard areas,
6 one in the back of the 852 building, 850 and 852 building,
7 and one in the back of the 1245 building.

8 Q. Okay. And, Ms. Hawk, I'd like to show you now what's
9 been marked, but not yet admitted, as Government
10 Exhibit C-277.

11 Do you see that on your screen there?

12 A. I do.

13 Q. It's a couple pages here.

14 A. Yes.

15 Q. Do you recognize this photo?

16 A. Yes. That is our entrance sign on Shakopee Avenue East,
17 and that is the west side of the 1245 building.

18 Q. And do those pictures contain a fair and accurate
19 representation of the Huntington Park Apartments?

20 A. Yes, they do.

21 Q. And has that changed over the course -- does that fairly
22 and accurately depict the apartments as they were back in,
23 say, 2021?

24 A. Yes, it does.

25 MR. THOMPSON: Your Honor, I'd moved move to admit

1 Government Exhibit C-277.

2 THE COURT: Any objection?

3 MR. ANDREW BIRRELL: No objection, Your Honor.

4 THE COURT: C-277 is admitted and may be
5 published.

6 MR. THOMPSON: Thank you, Your Honor.

7 BY MR. THOMPSON:

8 Q. All right. Ms. Hawk, now the jury can see the photo.
9 So, again, can you describe the first page of Government
10 Exhibit C --

11 A. Absolutely. The first page is -- that is our sign that
12 is -- it's probably about six to eight feet tall. It's on
13 Shakopee Avenue East to let people know that that's where
14 Huntington Park Apartments is. And then we're down a little
15 hill. It's a little hard to see from the road, but the
16 building is down in a little valley.

17 Q. And I'll turn to the second page of Government
18 Exhibit C-277. I think you said this describes -- or this
19 depicts one of the buildings?

20 A. Yes. That's actually the west side of the 1245 Shakopee
21 Avenue East building.

22 Q. Okay. And just -- could you tell us a little bit more
23 about the Huntington Park Apartments? I think you described
24 them as sort of a working-class apartment building; is that
25 right?

1 A. Yes, yes. We're categorized as affordable because we're
2 not -- we do have several low income people that live there,
3 and we also accept Section 8. As compared to a lot of the
4 apartments in our area, we do not have as high of rent as --
5 as other places around us.

6 Q. How many units are there in the Huntington Park
7 Apartments?

8 A. 125.

9 Q. And approximately how many people live there?

10 A. Between 350 and 400 people.

11 Q. Do you have a sense of how many kids live there?

12 A. Approximately 100, give or take.

13 Q. Okay. How about the demographic background? Is it a
14 diverse -- I know you mentioned it's kind of a working-class
15 place.

16 A. Yes.

17 Q. Is it diverse ethnically, racially?

18 A. It is, yes.

19 Q. Can you describe that for the jury?

20 A. We have about maybe 25 percent Hispanic in our community
21 and about 25 percent Somali and about 25 percent Caucasian,
22 and I would say the rest would be -- I would categorize as
23 other. It's just all -- all of the different ethnicities
24 and backgrounds from other countries.

25 Q. Okay. Now, you talked a little bit about the internal

1 common areas at Huntington Park Apartments.

2 A. Yes.

3 Q. And I know you did maintenance there, correct?

4 A. Yes.

5 Q. How about externally? Are there grounds?

6 A. There are courtyards, and they're in the back of the
7 buildings. But there's one table at my courtyard and behind
8 850 and 852, but there are some tables. There are, I would
9 say, about ten tables behind, in the courtyard behind the
10 1245 building.

11 Q. There's two buildings, is that --

12 A. Yes, yes.

13 Q. Okay. And do you do maintenance at -- in those common
14 outdoor areas with the picnic table?

15 A. Not maintenance, I do caretaking, but yes.

16 Q. What kind of caretaking?

17 A. Yes. Well -- and groundskeeping. We would -- I just
18 kind of pay attention to what's going on there and what is
19 in working order, what looks like it might need to be fixed,
20 things that are out of place, pick up trash, make sure that
21 the grounds look nice and neat.

22 Q. Great. Okay. Ms. Hawk, you said you work 7:30 to noon
23 or 12:30; is that right?

24 A. Yes, that's correct.

25 Q. After you clock off, you know, on a weekday, what do you

1 do then? Where do you go?

2 A. I go to my apartment.

3 Q. Okay.

4 A. And basically just wait for my son to come home from
5 school.

6 Q. All right. Okay, Ms. Hawk, I'd like to take you back to
7 COVID, the spring of 2020. You recall that time, I take it?

8 A. I do.

9 Q. Do you -- how did that affect your life when COVID first
10 hit in, you know, March, April, 2020?

11 A. My -- it affected my life because my son stayed home
12 from school then and did distance learning at home.

13 Q. And how old was your son at the time?

14 A. He was eight.

15 Q. Okay. So he started staying home?

16 A. Yes, he did.

17 Q. Okay. And did you -- how about at work? Did that
18 affect your work when COVID first hit?

19 A. I still worked. It didn't affect my hours at all. But
20 we did a lot more with sanitizing and wearing masks and
21 gloves more often and that kind of thing, yeah.

22 Q. Okay. Ms. Hawk, when you were working -- and you worked
23 throughout COVID there, correct?

24 A. Yes, I did.

25 Q. Did you see at any point -- well, let me ask you this.

1 Your son was doing distance learning you said, correct?

2 A. Yes.

3 Q. Previously when he -- he's in the Shakopee Public
4 Schools?

5 A. Yes.

6 Q. Where did he eat lunch?

7 A. He -- he would eat lunch at school.

8 Q. Okay. When COVID hit, where did he eat lunch when he
9 started doing distance learning?

10 A. He would eat lunch at home. We had a neighbor that
11 would go up to -- we have a preschool building that's about
12 half a block from -- from us on Shakopee Avenue East, and
13 the district would provide bag lunches for the kids if you
14 went and picked them up.

15 So we have a neighbor that lived on our floor
16 that -- she wasn't working. So she would take her kids up
17 there, and they would walk up, and they would get lunch, and
18 they would also pick up lunch for my son.

19 Q. For your son?

20 A. Yes.

21 Q. Okay. And you said that was at a nearby school?

22 A. Yes.

23 Q. What school -- what school was that where the
24 district -- the school district distributed meals?

25 A. It's called Pearson Early Learning Center. It's

1 formerly Pearson Elementary.

2 Q. Okay. How long did your son get meals through your
3 neighbor from the school district at Pearson Elementary?

4 A. I would say a few months, at least. I would say
5 probably more like six months they would -- that they
6 offered it for, yes.

7 Q. Okay. And did he get it every day?

8 A. Not every day.

9 Q. Why not?

10 A. There were days when I was -- or that she wasn't able --
11 my neighbor wasn't able to go up and pick them up from --
12 from the school.

13 Q. Okay. How about at Huntington Park Apartments itself?
14 Was there ever a time where meals were distributed at the
15 apartment complex?

16 A. There was --

17 MR. GOETZ: Your Honor, objection as to Mukhtar
18 Shariff. 401, 402, irrelevant.

19 THE COURT: Overruled. You may answer.

20 MR. GOETZ: Your Honor, may I have a standing
21 objection to this line of testimony on relevance grounds as
22 to Mukhtar Shariff?

23 THE COURT: Understood. Could we have a sidebar?

24 Sorry. Just one minute. Okay.

25 **(Sidebar discussion)**

1 THE COURT: Mr. Goetz, could you explain how this
2 relevance is different for him than for everyone else?

3 MR. GOETZ: Certainly, Your Honor.

4 He has absolutely nothing to do with this site.
5 He never submitted a claim for this site. He never was
6 involved with vending food to this site. He has actually --
7 absolutely no connection with this site whatsoever. So as
8 to him, it is irrelevant.

9 THE COURT: All right. Mr. Thompson?

10 MR. THOMPSON: Your Honor, he's charged with
11 participating in this broader conspiracy, so therefore it is
12 relevant to him because he's charged with participating in
13 the same conspiracy, even if his role was limited to certain
14 areas or certain sites. He's still charged with
15 participating in this conspiracy, and therefore it's
16 relevant.

17 THE COURT: All right. There will be a standing
18 objection that Mr. Goetz has for this line of questioning as
19 to relevance, but I'm overruling it and allowing the answer.

20 MR. GOETZ: Thank you, Your Honor.

21 THE COURT: Thank you.

22 **(In open court)**

23 BY MR. THOMPSON:

24 Q. All right. Ms. Hawk, I'm going to repeat my question,
25 if you don't mind.

1 A. Okay.

2 Q. At any point during COVID were there meals distributed
3 at the Huntington Park Apartment complex where you live and
4 work?

5 A. There was one instance where a pastor from Hosanna
6 Lutheran Church in Shakopee stopped by and asked whoever was
7 in the office at that time if it was okay if they
8 distributed meals to our residents in a day or two.

9 And the person in the office said that was okay
10 with them. And they said that they would come in a day or
11 two with -- with food and to spread the word to the
12 residents.

13 Q. This pastor at Hosanna Lutheran Church, did you know
14 him? Were you familiar with him?

15 A. We were -- or I was familiar with him because he has
16 been coming into our office to check on things, how things
17 are going at our property, and also to pray with us and also
18 to ask if we -- if there were any residents that needed
19 assistance with anything, like, for instance, we had a
20 resident at one point who is -- who was just moving in whose
21 apartment had burned down and she needed -- she didn't have
22 a Christmas tree or Christmas presents for her child. And
23 Hosanna -- we let them know that, and they provided her with
24 a tree and presents for her child.

25 Q. What was the name of the pastor from Hosanna Lutheran

1 Church?

2 A. His name is Pastor John. I'm not sure of his last name.

3 Q. Okay. And did you pray with him or meet with him when
4 he came to the apartment complex ever?

5 A. I have, yes.

6 Q. When was it -- well, after Pastor John came and asked if
7 Hosanna Lutheran Church could distribute meals at the
8 Huntington Park Apartments, did that happen?

9 A. I would say a day later. They just showed up with a big
10 white box truck in our parking lot and opened the back. And
11 there was many, many boxes of food that were prepackaged
12 that contained things like milk and eggs and bags of chili
13 and canned goods and things that you would receive typically
14 from a food shelf.

15 Q. Okay. Did you go there that day?

16 A. I did.

17 Q. And why did you go there?

18 A. To get some food.

19 Q. How long was Pastor John -- were there other people with
20 Pastor John that day?

21 A. There was another gentleman there, yes.

22 Q. How long were Pastor John and his colleague at the
23 apartments that day distributing food?

24 A. I would say about three hours at the longest.

25 Q. Okay. And did a lot of people go to take food?

1 A. I would say so.

2 Q. Approximately, how many people were there?

3 A. When I was there, there was about six or seven people
4 that were coming up to the truck to get food.

5 Q. Did Pastor John and Hosanna Lutheran Church ever come
6 back to distribute food?

7 A. They did not.

8 Q. And when was this, by the way?

9 A. This was about in the spring of 2021.

10 Q. And why do you remember that?

11 A. I just -- I remember because COVID was over and people
12 were starting to come out into -- into society again. And I
13 know that it wasn't in 2020 because my grandson was already
14 born when this happened, and he was born in 2020, so he was
15 a year old.

16 Q. Okay. Other than that one time where Pastor John from
17 Hosanna Lutheran Church came, did anyone else ever
18 distribute food at the Huntington Park Apartments, to your
19 knowledge?

20 A. No, never.

21 Q. Would you have been aware of it if they had?

22 A. I would have been aware of it, yes.

23 Q. Why is that?

24 A. Because part of my job is to pay attention to what goes
25 on there. And they call us as, as caretakers, they call us

1 the eyes and ears for the office, just to make sure that
2 everything is running smoothly and people are following
3 rules and just to know what's going on at all times.

4 Q. Did anyone else ever ask permission of you and your
5 colleagues who work at the Huntington Park Apartments to
6 distribute meals there, other than Pastor John?

7 A. No.

8 Q. I'd like to show you now what's been admitted as
9 Government Exhibit 275. And this is a claims form,
10 Ms. Hawk.

11 And I know you're not an expert in the Child and
12 Food Nutrition Program, but are you familiar with this, the
13 Huntington Park and this address 1245 Shakopee Avenue East?

14 A. Yes.

15 Q. What address is that?

16 A. That is my home and work.

17 Q. The Huntington Park Apartments?

18 A. Huntington Park Apartments, yes.

19 Q. Were you aware of anyone applying to open up a food
20 distribution site at the Huntington Park Apartments in the
21 spring of 2021?

22 A. No.

23 Q. And I'm showing you page 4. There's a claims form that
24 was submitted to the Minnesota Department of Education for
25 distributing meals to -- or 500 breakfasts and snacks -- or

1 I'm sorry -- snacks and suppers a day in March of 2021 at
2 the Huntington Park Apartments. Did you ever see anything
3 like that?

4 A. No, absolutely not.

5 Q. Did you ever get food during -- from a group like this?

6 A. No.

7 Q. Would you have gotten food if it was being distributed?

8 A. Yes.

9 Q. Why is that?

10 A. I only work part time, and I kind of have a low income,
11 so I -- I will take access to free food when I can get it.

12 Q. Did that ever happen?

13 A. That did not happen.

14 Q. You didn't get that food?

15 A. I did not.

16 MR. THOMPSON: Thank you, Ms. Hawk. No further
17 questions.

18 THE COURT: Mr. Birrell.

19 CROSS-EXAMINATION

20 BY MR. ANDREW BIRRELL:

21 Q. Good morning, ma'am.

22 A. Good morning.

23 Q. We're getting set up here, so just bear with me a
24 moment.

25 A. Yep.

1 Q. In the old days we used paper. It was a lot easier.

2 So my name is Andy Birrell. I represent Abdiaziz
3 Farah, who is the gentleman standing right there. Have you
4 met Mr. Farah?

5 A. Never.

6 Q. Thank you.

7 As I understand it, you met with the people from
8 the United States Government two times; is that right?

9 A. Yes.

10 Q. The first time was February 28th, 2024. Does that sound
11 right?

12 A. Yes.

13 Q. And that was the time when Agent Parks and Agent Pitzen
14 came to your Huntington Park Apartments; is that right?

15 A. Yes.

16 Q. And the first thing they did was they spoke with a
17 person named Nicole Erickson?

18 A. Yes.

19 Q. And who is Nicole Erickson?

20 A. Nicole is the property manager at Huntington Park
21 Apartments. She is my supervisor.

22 Q. Gotcha. And so there shortly came a time where
23 Ms. Erickson asked if you would come to meet with the
24 agents?

25 A. Yes.

1 Q. And she did that because she thought you were in a
2 better position to answer their questions?

3 A. Yes, because I was the only one who -- of our team that
4 worked there at the time.

5 Q. Because you were there and she wasn't.

6 A. Yes.

7 Q. Right? Okay.

8 And so the agents spoke with you for awhile.

9 A. Yes.

10 Q. And where did that happen?

11 A. In the office, in the rental office.

12 Q. So was your colleague Ms. Erickson there too?

13 A. Yes, she was.

14 Q. So it was you and she and the two agents?

15 A. Yes, correct.

16 Q. Sorry. I got to be careful. We can't talk at the same
17 time.

18 Was there anyone else there?

19 A. Not to my knowledge, no.

20 Q. Okay. And someone was taking notes?

21 A. Agent Pitzen and Agent Parks were taking notes.

22 Q. Okay. The agents were taking notes?

23 A. Yes.

24 Q. You were not taking notes?

25 A. I was not.

1 Q. All right. Nor was Ms. Erickson?

2 A. Correct.

3 Q. And how long were you visiting with the agents?

4 A. Maybe 30 minutes at the most.

5 Q. All right. And did they explain to you why they were
6 there?

7 A. They did.

8 Q. What did they tell you?

9 A. They -- well, they just asked to -- if there -- or they
10 told me that they were there to find out if people had
11 handed out meals.

12 Q. Okay. You and I have never met?

13 A. Correct.

14 Q. And I'm not trying to put you on the spot here, so just
15 bear with me.

16 Okay. So they came and they told you they were
17 working on a case.

18 A. Yes.

19 Q. All right. And the case involved meals.

20 A. Yes.

21 Q. And they were there three years later to see what you
22 remembered about meals being handed out in 2021; is that
23 right?

24 A. That's correct.

25 Q. Okay. And did you have any memory of any meals being

1 handed out?

2 A. I did. Just the one time that the pastor from Hosanna
3 Church came and handed out meals.

4 Q. All right. And at some point in the conversation the
5 agents showed you the document that you were just shown in
6 this trial here, right?

7 A. Yes.

8 Q. Okay. And that's -- let's see. What is that? I'll
9 find it. C-275. So let's put that up again.

10 So C-275 is a Minnesota Department of Education
11 document, right? It says that in the upper left-hand
12 corner.

13 A. Yes.

14 Q. It says CLiCS too?

15 A. Yes, correct.

16 Q. On the top here. So you haven't been here, but the jury
17 has heard, I will tell you, a bit about CLiCS.

18 A. Okay.

19 Q. Okay. And if we look at what Mr. Thompson showed you,
20 at the top there, this is an approval form for a site at
21 your address, Huntington Park address, right?

22 A. Yes.

23 Q. Okay. And if we look at the middle part of the form.

24 Maybe you could make that bigger so she can see
25 it. Now, I could never do this, but they can, so.

1 All right. So you can see that this site is one
2 that involves a person named Aimee Bock, who is at
3 FeedingOurFuture.org, right?

4 A. Yes.

5 Q. All right. And it says that Ms. Bock is the
6 founder/executive director, correct?

7 A. Yeah.

8 Q. Yeah. Have you ever met Ms. Bock?

9 A. I have not.

10 Q. All right. Let's go back to the next page.

11 How long did they show this form to you when they
12 met with you on February 28th?

13 A. Very briefly. Maybe a minute.

14 Q. Did they ask you questions about the form?

15 A. About the -- on one of the other pages.

16 Q. Well, let's look at the other page.

17 A. I think it's --

18 Q. This page?

19 A. Nope. It's the one that says --

20 Q. Before it, maybe?

21 A. Like 500. Yep, that's the one, right there.

22 Q. All right. Let's -- let's make that a little bigger.

23 So what they were asking you about was whether the
24 site gave out these meals to 502 people over 31 days, right?

25 A. Yes.

1 Q. And you told them no.

2 A. Correct.

3 Q. Because they didn't. Okay?

4 A. Yes. Exactly.

5 Q. Now this site -- well, we'll get to that in a minute.

6 So you met with the government people again. That
7 was April 12th?

8 A. Yes.

9 Q. And that was here at the courthouse?

10 A. Yes, it was.

11 Q. At the U.S. Attorney's Office?

12 A. Yes.

13 Q. All right. And there were a number of people there.

14 A. Yes, there were.

15 Q. You were there, of course? Mr. Thompson was there?

16 A. Yes.

17 Q. Ms. Walcker?

18 A. Yes.

19 Q. Excuse me.

20 A. I think.

21 Q. Should be Walcker, but it says Walker. The lady on the
22 end of the table.

23 A. Yes.

24 Q. All right. And then Travis Wilmer was there, FBI Agent
25 Wilmer?

1 A. Yes.

2 Q. And FBI Agent Parks?

3 A. Yes, correct.

4 Q. How long did you meet with the folks?

5 A. Maybe 30 minutes.

6 Q. Now, Mr. Thompson provided you with an overview of the
7 Feeding Our Future case, so you would understand why you
8 were there.

9 A. Yes, he did.

10 Q. All right. And did Mr. Thompson explain to you that
11 this site at Huntington Park Apartments was one that was run
12 by Feeding Our Future?

13 A. I'm sorry. Could you repeat the question?

14 Q. Sure. Did Mr. Thompson explain to you that this site at
15 Huntington Park Apartments was one that was run by Feeding
16 Our Future?

17 A. Yes.

18 Q. Pardon?

19 A. Yes.

20 Q. Okay. And did he explain to you that Mr. Farah's job
21 was not to run that site?

22 MR. THOMPSON: Objection. Assumes facts not in
23 evidence.

24 MR. ANDREW BIRRELL: We're entitled to ask what
25 she was told.

1 THE COURT: Overruled.

2 You may answer.

3 MR. ANDREW BIRRELL: Just lawyer talk. You can --

4 THE WITNESS: Oh, I didn't know anything about

5 Mr. Farah.

6 BY MR. ANDREW BIRRELL:

7 Q. All right. Did Mr. Thompson explain to you that

8 Mr. Farah's only obligation was to provide meals to the

9 sponsor?

10 A. No.

11 Q. Would you have liked to have known that?

12 A. It didn't really make any difference to me because he

13 didn't -- there were no other meals served at Huntington

14 Park.

15 Q. Right. But the issue in the case is whose

16 responsibility was it to provide the meals. Do you have any

17 information about that you can share with us today?

18 A. No.

19 Q. All right. And I wouldn't have expected you would.

20 Thank you for your time.

21 A. You're welcome.

22 THE COURT: Anyone else wish to cross-examine?

23 Mr. Sapone.

24 MR. SAPONE: Thank you, Your Honor.

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CROSS-EXAMINATION

BY MR. SAPONE:

Q. Good morning, ma'am. How are you?

A. Good morning. I'm well. Thank you.

Q. Ma'am, you testified on direct that your neighbor went to the school to pick up bags of meals for your son, right?

A. Yes, that's correct.

Q. And your neighbor was allowed to pick those meals up, even though she wasn't your son's parent or guardian, right?

A. Yes.

Q. Was it your understanding that she had to present ID?

A. No. You just had to bring the child with you.

Q. With no ID for herself, right?

A. Correct.

Q. And just went there, picked the bag up and went back home, right?

A. Yes, that's correct.

Q. Thank you, ma'am. Nothing further.

A. You're welcome.

THE COURT: Anyone else? Mr. Goetz.

MR. GOETZ: I have a few.

THE COURT: Mr. Goetz.

MR. GOETZ: Thank you, Your Honor.

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CROSS-EXAMINATION

BY MR. GOETZ:

Q. Good morning, Ms. Hawk.

A. Good morning.

Q. I want to -- my name is Frederick Goetz. I represent Mukhtar Shariff who is back there.

We have never met before, have we?

A. We have not.

Q. Okay. I won't be long. I just have a few follow-up questions touching on a few things that you talked about with some of the other lawyers.

Following up on what Mr. Sapone just asked you about, your son is 11 years old; is that right?

A. He is, yes.

Q. What's his first name?

A. Elijah.

Q. Elijah. So Elijah received meals for about six months approximately from the school; is that right?

A. Yes, that's correct.

Q. And your neighbor would take her kids and pick up meals, lunches and stuff from the school, and then bring them back and eat them at the apartment complex; is that right?

A. Yes, that's correct.

Q. And when she was there with her kids, would she also pick up a meal for Elijah?

1 A. Yes, she would.

2 Q. So Elijah wouldn't have to be there all the time. She
3 could sometimes just get a meal for him and bring it back
4 and drop it off at your house; is that --

5 A. Yes, that is correct.

6 Q. Okay. All right. And Mr. Birrell asked you some
7 questions about Exhibit 275, C-275.

8 If we could have that up.

9 As he indicated, there's a name on here. Aimee
10 Bock. At any time when you were meeting with the government
11 prosecutors and the government agents, did they present
12 anything to you in connection with the Huntington Park
13 Apartments that had the name Mukhtar Shariff on it?

14 A. No.

15 Q. At any time when the prosecutors and agents were meeting
16 with you about the Huntington Park Apartments, did they
17 present anything to you with the name Afrique Hospitality
18 Group on it?

19 A. No.

20 Q. And if we could look at C-276, please.

21 I don't know if they showed you this, but this is
22 another CLiCS application that's in evidence.

23 And let's highlight the address, please.

24 And, again, this is Huntington Park, and you
25 recognize that address; is that right?

1 A. Yes.

2 Q. Yes?

3 A. That's correct.

4 Q. That's your address, right?

5 A. That is my address.

6 Q. Your home?

7 A. Yes.

8 Q. And the name associated with this application, if we can
9 just go down, everyone can see it, but it's Aimee Bock,
10 correct?

11 A. Yes, that's correct.

12 Q. And the organization associated with this is Feeding Our
13 Future MN, correct?

14 A. Yes.

15 Q. Not Mukhtar Shariff, not Afrique Hospitality Group.
16 Would you agree?

17 A. I agree.

18 MR. GOETZ: Thank you. No further questions.

19 THE COURT: Any other defense attorney?

20 Mr. Thompson, any redirect?

21 MR. THOMPSON: No, Your Honor.

22 Thank you, Ms. Hawk.

23 THE COURT: All right. Thank you. You may step
24 down. Thank you.

25 **(Witness steps down)**

1 THE COURT: And the government may call its next
2 witness.

3 MS. WALCKER: Your Honor, the government calls
4 Bill Petracek.

5 THE COURT: Good morning, sir. You'll come right
6 by the jury box, and then you're aiming for this witness
7 chair up here.

8 THE WITNESS: Great.

9 THE COURT: Would you stand and take the oath?

10 BILL PETRACEK,
11 called on behalf of the government, was duly sworn, was
12 examined and testified as follows:

13 THE WITNESS: Yes.

14 THE COURT: You may have a seat.

15 And when you're settled there, could you please
16 state and spell both your first and last name for the
17 record?

18 THE WITNESS: William John Petracek.

19 P-E-T-R-A-C-E-K.

20 THE COURT: You may inquire, Ms. Walcker.

21 MS. WALCKER: Thank you, Your Honor.

22 DIRECT EXAMINATION

23 BY MS. WALCKER:

24 Q. Good morning, Mr. Petracek. How are you this morning?

25 A. Very good.

1 Q. Mr. Petracek, why don't you start by telling the jurors
2 what you do for a living?

3 A. I've been a city administrator for the last 25 years. I
4 currently am the city administrator in Lexington, Minnesota,
5 which is a community of about 2700 population. That's what
6 I'm currently doing.

7 Q. How long have you been a city administrator for the City
8 of Lexington?

9 A. Ten and a half years.

10 Q. Can you -- for jurors that have never been to the City
11 of Lexington, apart from the size, can you describe the city
12 a little bit for the jurors?

13 A. Lexington is a little burg up in the northern part of
14 the metro area. Very obscure. Usually we're confused with
15 Circle Pines. Everybody thinks we're Circle Pines because
16 it has -- every resident there has -- carries a Circle Pines
17 address, but we are a separate community. It's about a mile
18 by mile in size.

19 We've had a little bit of a growth spurt in the
20 last ten years. We've added a lot of multi-family housing
21 developments too, which added about a thousand people to our
22 population.

23 You know, it's -- if you ask anybody in Minnesota,
24 most of them will equate Lexington to being Circle Pines.

25 Q. And for jurors who are not familiar, where is Circle

1 Pines in relation to the City of Lexington?

2 A. We share a border. We're surrounded by Blaine and
3 Circle Pines.

4 Q. And I think you mentioned that the number of people that
5 currently live there is 2700; is that right?

6 A. Yes. That's the current Metropolitan Council estimate.

7 Q. And before the growth spurt you mentioned, was it lower
8 than that?

9 A. Yeah. I think U.S. census in 2010 put it at 2100.

10 Q. And you mentioned that you're a city administrator for
11 the City of Lexington. Is there more than one city
12 administrator in Lexington?

13 A. There is not.

14 Q. So you're the city administrator?

15 A. I am.

16 Q. Can you tell the jurors, what are your day-to-day
17 responsibilities as the city administrator in Lexington?

18 A. A city administrator's day-to-day responsibilities are
19 just to make sure that the services within the community are
20 carried out, that staff is doing their job.

21 Primarily -- in the smaller community, I wear a
22 lot of hats. I would be considered the human resource
23 director, economic development director, community
24 development director. There's just so many hats that I have
25 to wear, but for the most part I work with the city -- mayor

1 and city council to make sure that we maintain the community
2 and move it forward.

3 Q. What's your typical schedule to carry out all those
4 responsibilities?

5 A. I come in in the morning. You know, I meet with the
6 staff pretty routinely. They come into my office suite. We
7 talk about solving problems in the community.

8 And then, of course, then I'm responsible to the
9 mayor and city council, so I attend all city council
10 meetings, and I also attend all planning commission meetings
11 as well.

12 Q. You mentioned you have an office. Where is that office?

13 A. 9180 Lexington Avenue.

14 Q. Can you tell us, what's at that address you just
15 mentioned?

16 A. It's city hall.

17 Q. So your office is in the city hall building?

18 A. Correct.

19 Q. Okay. Do you work every day of the week at the city
20 hall?

21 A. I do.

22 Q. Okay. Mr. Petracek, I want to take you back to 2020.
23 Was there a park in Lexington called Tot Park at that time?

24 A. Yes, there was.

25 Q. Can you describe Tot Park for the jury?

1 A. Well, Tot Park, if you're a resident of Lexington, you
2 probably really wouldn't consider it a park. It was a small
3 area about, I think, less than a quarter of an acre that we
4 maintain. We own the property. We had some playground
5 equipment there, maybe a -- I think in the summertime we
6 would have a portable bathroom and a small -- like a picnic
7 table is there. And that was pretty much it.

8 Q. A small park, fair to say?

9 A. Yes, very small.

10 Q. Okay. Did it have a parking lot?

11 A. No, it did not.

12 Q. Does Tot Park still exist?

13 A. It does not.

14 Q. What happened with Tot Park? Tell the jury.

15 A. Early on -- so the land behind Northway Mall was
16 purchased by Norhart. Norhart Investments I guess is what
17 you call them. And they had worked with the city to plan a
18 355-unit housing -- multi-family housing development. So
19 that land -- during that process, we helped them with the
20 planning process, we sold Tot Park to Norhart for the
21 purpose of their ability to build this project.

22 Q. As part of that multi-unit development, did Tot Park no
23 longer cease to exist?

24 A. It did not.

25 Q. Okay. So it was removed as part of that construction

1 project?

2 A. Correct.

3 Q. Do you know approximately when that happened?

4 A. To the best of my knowledge, it was May of 2020.

5 Q. Do you know approximately how long that area was under
6 construction?

7 A. I would say the entire area with all three phases of the
8 project about four or five years.

9 Q. Okay. Could people use that area as a park during that
10 time?

11 A. They could not.

12 Q. And you mentioned earlier there's been a lot more multi
13 families in the area. Is this one of the multi-unit
14 developments in the area?

15 A. Correct. We've added -- we've had about five different
16 buildings that we've put up in the last six, seven years,
17 so.

18 Q. Mr. Petracek, is there -- as part of the new apartment
19 construction, was a new park built in the area?

20 A. Yes, there was.

21 Q. Approximately, when was that new park opened to the
22 public?

23 A. I believe 2022, somewhere around in that area. It
24 was -- it was -- you know, during the construction phase --
25 you know, they had completed phase 1, and during phase 2

1 then they completed the park. And we never -- you know, we
2 were very careful about allowing people to use the park,
3 even after the equipment was put in there, just because of
4 the fact that there was construction going on right next to
5 it, and so we didn't want -- we didn't want people
6 necessarily using the park during the day.

7 Q. And this may be obvious, but if there was construction
8 equipment right there, what was the concern about people
9 using the park during the day?

10 A. Just their safety.

11 Q. Safety reasons?

12 A. Yep.

13 Q. Do you know the name of that new park that was built
14 that opened around 2022?

15 A. Lexington City Park.

16 Q. Okay. How did Lexington City Park compare to what
17 had -- the previous park in Lexington, Tot Park?

18 A. It was a little bigger. It was definitely more of a
19 neighborhood-friendly park, just because we had installed
20 some -- a little better facilities for, you know, people
21 to -- we put in grills, permanent grills. We put in some
22 more picnic tables, bathrooms, things like that. And it was
23 just an extreme upgrade from the existing park.

24 Q. Okay. I'm going to show you what's been admitted as
25 Government Exhibit C-231a. Do you see that on the screen

1 before you?

2 A. I do.

3 Q. Was this the extreme upgrade from the park that had been
4 Tot Park in the City of Lexington?

5 A. It was -- or it is.

6 Q. Can you tell us, what are we seeing here in this
7 photograph?

8 A. So this would be the corner of Restwood and Dunlap
9 Avenue. And, you know, you can see the sign, of course,
10 Lexington City Park.

11 The equipment that was there was the old equipment
12 that was used in Tot Park. So when the developer bought out
13 the old Tot Park, then they -- of course, they bought this
14 property here. They tore down the house, and then they just
15 moved the equipment from the old Tot Park to Lexington City
16 Park.

17 And, of course, it's a process to go through,
18 naming the park, things like that, but you can kind of see
19 here even -- you know, with the severe drought in the last
20 three years during the summertime, we've had -- we've
21 struggled with having the grass look nice. So it's --
22 it's -- but it's still a major upgrade.

23 Q. Major upgrade. Where -- the location of the -- what had
24 been the Tot Park, where was that in comparison to this
25 Lexington City Park?

1 A. I'd say it was northwest of there about a thousand feet
2 maybe. A thousand, yeah.

3 Q. So fairly close by?

4 A. Fairly close by. Yeah, I would say if you looked at the
5 houses to the north there, probably three houses down, and
6 then it was right on the west side, just off -- off the --

7 Q. And this --

8 A. -- property line.

9 Q. Oh, I'm sorry. I didn't mean to interrupt.

10 A. That's all right.

11 Q. And this building here on the left side, what are we
12 seeing here?

13 A. That's phase 2 of Lexington Lofts.

14 Q. Is this the multi-unit family complex that was built at
15 the time?

16 A. It is.

17 Q. Okay. Are you familiar with the area surrounding what
18 had been Tot Park?

19 A. Very.

20 Q. Can you describe that area for the jurors?

21 A. When it was Tot Park, it was vacant land and it was
22 right behind Northway Mall. That whole area is I think it's
23 about six acres of land. When you look where Northway Mall
24 was and, of course, Mary's Montessori, and I think there's a
25 laundromat, all the land behind there was vacant, which made

1 it really prime real estate for development.

2 Q. You mentioned the Northway Mall a couple times. What is
3 the Northway Mall? What's in it?

4 A. It's a strip mall with -- you got Festival Foods.
5 You've got, oh, gosh, El Loro Mexican restaurant. We've got
6 Annie's Wok. We've got -- gosh, we've got a new -- couple
7 new businesses moving in there.

8 Q. Some restaurants?

9 A. Yes, correct.

10 Q. And you mention a Festival Foods. What is a Festival
11 Foods for the jurors?

12 A. It's a grocery store.

13 Q. Okay. Mr. Petracek, I'm showing you what's been
14 identified as Government Exhibit C-231b. I'll page here
15 through pages 1, 2 and 3 of this three-page document.

16 Are you familiar with this exhibit?

17 A. Yes, I am.

18 Q. Is it a fair and accurate depiction of the areas
19 depicted during those times?

20 A. It is.

21 MS. WALCKER: Your Honor, I offer Government
22 Exhibit C-231b.

23 MR. ANDREW BIRRELL: No objection.

24 THE COURT: C-231b is admitted and may be
25 published.

1 BY MS. WALCKER:

2 Q. All right. Now that the jurors can see this exhibit,
3 can you tell us, what are we seeing on the first page of
4 this exhibit?

5 A. So you're looking at kind of the center part of our
6 town. You can see Lake Drive there. You got Northway Mall
7 where Festival Foods is, and then, of course, the parking
8 lot to the north. And then you got Griggs Avenue, and then
9 across the street there is Mary's Montessori, which is a day
10 care facility. Behind that is the Maytag laundromat.

11 And of course, pre-construction, this whole
12 property, this whole land back there where Tot Park existed
13 was all vacant. It was arguably blighted area. And I think
14 the -- if you were a resident of Lexington, you'd probably
15 say Tot Park was a blighted park because we didn't take very
16 good care of it.

17 Q. What about the area on the right of Tot Park and the
18 mall you mentioned? What's over --

19 A. That's all residential along Lexington Avenue there
20 between the Northway Mall and, of course, Dunlap Avenue.
21 And then, of course, city hall is just up on the corner
22 there by Woodland Avenue and Lexington Avenue.

23 Q. Now, you actually -- you should be able to take your
24 finger and draw a circle on the map, if you could, of where
25 the city hall is, if you see it on the map.

1 A. (Indicating).

2 Q. And that's where you worked?

3 A. It is.

4 Q. And that's where you would have been working in 2020 at
5 this time?

6 A. Correct.

7 Q. And you mentioned the Lexington Avenue. Is that the
8 road right next to the city hall?

9 A. Yep.

10 Q. Okay. And you mentioned the Festival Foods and that
11 mall. Is this what's depicted right here (indicating) in
12 this area?

13 A. That is correct, yeah.

14 Q. Okay. And the Mary's Montessori, that was over here
15 (indicating)?

16 A. Correct.

17 Q. All right. And then you mentioned what had been Tot
18 Park, is that what we're seeing here (indicating)?

19 A. Yes, where the red dot is.

20 Q. Okay. And do you see the playground equipment here that
21 was -- some of it was reused in the new Lexington Park?

22 A. Yes.

23 Q. Can you circle that for the jurors?

24 A. Oh -- well, it really doesn't show up that well on this,
25 but I would say this would be the area, general area

1 (indicating).

2 Q. Where the red dot is?

3 A. Yeah.

4 Q. Okay. All right. Let's turn to the second page of that
5 exhibit.

6 So now we're looking at October of 2020. What are
7 we seeing here on page 2 of Government Exhibit C-231b?

8 A. So the land behind Festival Foods and Mary's Montessori
9 there, construction had begun. So the first phase of
10 Lexington Lofts right on the corner of Restwood and Griggs
11 Avenue is that construction.

12 Now, you can also see that that whole portion
13 of -- behind Northway Mall has been fenced off as a
14 construction site. You can see equipment sitting there,
15 which -- so basically once -- once a building permit, all
16 the plans have been approved and they deem it a construction
17 site, nobody's allowed into that construction site except
18 building inspectors, construction workers or vendors that
19 are delivering equipment and, you know, materials and
20 supplies for the project.

21 Q. Okay. And you mentioned that this area had been fenced
22 off. Is that what we're seeing here with some of the white
23 border areas here?

24 A. I would have to say that's pretty reasonable to expect
25 that, to think that's what that is.

1 Q. Okay. And what we're seeing here on the left side, is
2 this what would become part of this apartment complex?

3 A. Correct.

4 Q. And then the location of the old Tot Park, that was in
5 this area you mentioned (indicating)?

6 A. Yeah.

7 Q. That's under construction?

8 A. Yeah, that was actually where the job shack was right in
9 that area, and, of course, then they -- construction workers
10 would come in and park. And, of course, you know, that's
11 where they did most of their business right in that area.

12 Q. Were you familiar with the construction phases as part
13 of your role as city administrator?

14 A. Very familiar.

15 Q. Would you go to the construction site?

16 A. Yeah. You know, every day I eat at the Festival Foods
17 deli every day, and so I would always -- we had two
18 construction projects going on south of Restwood Avenue,
19 which is just, you know, like 500 to a thousand feet from
20 Lexington Lofts. So I would drive every day down South
21 Highway Drive after I'd get my lunch, and I'd run -- drive
22 down Restwood Avenue and then back down Griggs Avenue just
23 to see the progress of the project as well.

24 And sometimes I would, you know, I would drive
25 down Restwood Avenue towards Dunlap as well, just to kind of

1 check the whole area out and see how things are going.

2 Q. All right. Now, let's look at the third page of this
3 exhibit here. Turning to August of 2021. What are we
4 seeing here?

5 A. So you're seeing phase 2 of Lexington Lofts being built
6 down along Restwood Avenue there. And, of course, during
7 that period of time they then were in the process of
8 building Lexington Park as well.

9 Q. And let's zoom in here. So you mentioned the left --
10 the second phase is what you call this?

11 A. Yeah. First phase is along Griggs Avenue. Second phase
12 is along Restwood Avenue there.

13 Q. Okay. And here it looks like at least some of the
14 apartment complex appears to be finished or almost finished;
15 is that right?

16 A. Yeah. And I believe they were given a certificate of
17 occupan -- temporary certificate of occupancy, so they could
18 start renting and leasing out to people in the -- so they
19 could start moving in as well, and they could start making
20 money.

21 Q. And the right side here, August of 2021, what are we
22 seeing on this side of that construction site?

23 A. That would still be part of the construction project.
24 You know, that's where, again, where they would park
25 equipment, put supplies and materials for the construction

1 phase.

2 Q. Okay. And so this is where the Tot Park had -- had been
3 located?

4 A. Yes, correct.

5 Q. And then you mentioned the new park that was Lexington
6 Park?

7 A. Yes, correct.

8 Q. And is that what we're seeing here with the red dot?

9 A. Yep.

10 Q. So sort of across the street from where -- from the
11 construction area?

12 A. Yeah, right at the corner of Restwood and Dunlap Avenue.

13 Q. Okay. All right. Are you aware that Tot Park was
14 registered as a location for serving meals to children with
15 the State of Minnesota in 2021?

16 MR. GOETZ: Objection, Your Honor. 401, 402,
17 irrelevant as to defendant Mukhtar Shariff.

18 THE COURT: Overruled. You want a standing
19 objection, Mr. Goetz?

20 MR. GOETZ: Please, Your Honor. Thank you.

21 THE WITNESS: I was not aware of.

22 BY MS. WALCKER:

23 Q. I'm going to show you what's been admitted as Government
24 Exhibit C-230.

25 Let's start looking here under what's called the

1 Site Information section. Do you see that before you?

2 A. I do.

3 Q. Okay. And it says Sites, and there's a bunch of
4 numbers, and then it says Mind Foundry/Tot Park. Do you see
5 that?

6 A. I do.

7 Q. Does the name Mind Foundry mean anything to you?

8 A. Not at all.

9 Q. Ever heard of that name?

10 A. Never heard of it.

11 Q. Okay. Now, looking at the Site Address here, it says
12 9101 South Highway Drive, Circle Pines, Minnesota 55014. Do
13 you see that?

14 A. I do.

15 Q. Is that the address for Tot -- what had been Tot Park?

16 A. Tot Park did not have an address.

17 Q. Okay. Are you familiar with this address?

18 A. Up until -- I mean, I am because I believe that's
19 Northway Mall.

20 Q. Okay. This is where -- the area where you mentioned you
21 would have lunch every day?

22 A. Yeah.

23 Q. Okay. All right. And here it says Contact Information.
24 Do you see that?

25 A. I do.

1 Q. Do you recognize the name Kara Lomen or the name
2 Partners in Quality Care?

3 A. Not at all.

4 Q. Turning to the next page here. Looking at paragraph 9,
5 continuing on to 10. It says Method of Meal Preparation,
6 Meals Prepared on Site. Do you see that?

7 A. I do.

8 Q. Was there a pavilion or building at Tot Park in 2021?

9 A. No, there was not.

10 Q. Okay. And turning to paragraph 10A, B and C, claims
11 that after-school snacks and suppers would be served at Tot
12 Park in January through June and September as part of an
13 after-school program. Do you see that?

14 A. I do.

15 Q. Based on your knowledge of Tot Park status in 2021,
16 could after-school snacks and suppers be served during those
17 months at that location?

18 A. Absolutely not.

19 Q. And why is that?

20 A. Well, if it was in January and February and there was
21 snow in there -- our guys do not maintain the road, so there
22 would have been no way that they would have been able to
23 serve anything in that park.

24 Q. And I think you mentioned before that that park was also
25 closed off for construction for safety reasons; is that

1 right?

2 A. That is correct.

3 Q. So it was not open to the public?

4 A. Right. So it was a construction site.

5 Q. Okay. Let me ask you, as part of your responsibility as
6 the city administrator for Lexington, were you responsible
7 for reviewing and issuing park permits or city use permits?

8 A. Yes. All permits that are applied for go through my
9 office. They then -- it's my responsibility to make sure
10 they get on the city council agenda for city council
11 approval.

12 And of course, during that time I also make sure
13 that all background checks are done, are conducted through
14 my office to -- and the police department to make sure that
15 anybody issued a permit for a special event permit,
16 temporary vendors license, any kind of permits that need --
17 that the council approval would get -- go through my office.

18 Q. Would serving thousands of meals at a park location in
19 the City of Lexington, would that be something that would
20 require a permit application or an approval process?

21 A. Absolutely.

22 Q. And you mentioned the two part is, one, it's presented
23 to the city council; is that right?

24 A. First it goes to my deputy clerk, who she does all the
25 background stuff, make sure the application is filled out

1 appropriately. Then she and I work together to get it on
2 the city council agenda and making sure that the background
3 checks are conducted on the people that are applying.

4 Q. Okay. So in order to reserve a park in the City of
5 Lexington, you also need a background check conducted?

6 A. For something of this, for serving meals and things like
7 that, they would have needed a background check. If they
8 were just reserving the park for like maybe a family-type
9 gathering or something, they would just need city council
10 approval.

11 Q. Okay. If someone wanted to serve meals for children at
12 a park in Lexington during the pandemic, would they have
13 needed to get approval?

14 A. Absolutely.

15 Q. Okay. And do you recall anyone asking for permission to
16 use the location where the Tot Park had been at any point
17 during the pandemic?

18 A. No, not at all.

19 Q. Did anyone reach out to you as the city administrator
20 requesting to use the location where the Tot Park had
21 existed as a location for serving meals to children?

22 A. They did not.

23 Q. Are you aware of whether the City of Lexington ever
24 supported any program to provide meals to children at the
25 location where the Tot Park had previously existed?

1 A. I'm not aware of any of that.

2 Q. Did you hear about people serving meals to children at
3 the location where the Tot Park had existed in 2021?

4 A. We did not.

5 Q. Did you ever see or hear about any advertisements or
6 flyers telling people they could go to the location where
7 the Tot Park had existed to pick up free meals for children
8 during the pandemic?

9 A. Not at all.

10 Q. Never heard or saw anything about that?

11 A. No.

12 Q. If there were large groups of people going to the
13 location where the Tot Park had existed, would you have been
14 aware of that?

15 A. Absolutely.

16 Q. All right. Tell the jury about that. How would you
17 have been aware?

18 A. Well, we're a small community. And our public works,
19 police department, city staff, we're -- we keep a very close
20 eye on the whole community because it's -- it's easy to do
21 when you are only a mile by mile in size.

22 And so with the construction going on, our public
23 works, myself and the building inspectors were routinely
24 going to that site and that area pretty much on a daily
25 basis.

1 So if something like that would have happened,
2 and, of course, the police officers are patrolling after
3 hours as well, if we had that level of people doing anything
4 in our community to that level, whether it's in Memorial
5 Park or anyplace at all, our police officers would have
6 probably have stopped and questioned them, and I would have
7 been notified about it.

8 Q. And you mention a Memorial Park. Is that another park
9 we haven't talked about today?

10 A. It is.

11 Q. Is that another park in Lexington?

12 A. It's in the north end of town.

13 Q. Okay. Let me ask you, are you aware of any meals being
14 served for children at the Festival Foods at any point in
15 2021?

16 A. I am not.

17 Q. Is that something you would have noticed?

18 A. You know, the parking lot -- if they fill the parking
19 lot up, it would have been something we would have probably
20 noticed, but we wouldn't have thought anything of it, you
21 know, so.

22 Q. Well, did you see any of that happening when you were
23 going there every day to eat your lunch?

24 A. No, not anything other than normal traffic at Festival
25 Foods.

1 Q. As the city administrator for Lexington, are you
2 familiar with the day care you mentioned earlier, the Mary's
3 Montessori?

4 A. Very familiar.

5 Q. Based on your familiarity and your knowledge and
6 observations, can you describe Mary's Montessori during that
7 time frame in 2021 for the jurors?

8 A. Mary's Montessori has a little bit of -- has had some
9 problems in Lexington. We've questioned whether there's a
10 day care facility actually going on. The city council
11 suspended their business license at one point in time
12 because they weren't complying with our business license
13 ordinances and weren't providing us the information that was
14 necessary to allow them to operate as a day care facility.
15 And so, yes, we're -- it's one of the businesses in our
16 community that we're watching very closely.

17 Q. Do you know if it was operating as a day care in 2021?

18 A. Sort of. We're not sure. There's never been any --

19 MR. GOETZ: Objection at this point, Your Honor.
20 602, no personal knowledge.

21 THE COURT: Sustained. Could you rephrase?

22 MS. WALCKER: Yes.

23 BY MS. WALCKER:

24 Q. Do you know if the day care -- did you see any children
25 going to the day care in 2021?

1 A. Very few.

2 MR. COTTER: Objection. Vague.

3 THE COURT: Overruled. The answer will stand.

4 BY MS. WALCKER:

5 Q. What did you see about the Mary's Montessori during that
6 time period?

7 A. Not a lot of activity. Every once in a while we would
8 see a couple of kids in the back playing; but it had been a
9 day care facility for a long time, for as long as I've been
10 in Lexington. And there was a time where it was a very
11 vibrant day care facility, before it was sold to Mary's
12 Montessori, and we -- you know, we had kids playing there
13 all the time, parking lot was always full, and our water
14 usage was -- you know, we were making a lot of water revenue
15 off that facility. And since Mary's Montessori has taken
16 over, we have not seen any of that.

17 Q. You mentioned the water usage. Can you explain more
18 what you mean by that for the jury, what you were seeing?

19 A. Well, we provide water services to all of our residents
20 and businesses in Lexington, and, you know, we do the
21 billing. And, of course, we monitor their water usage
22 through a meter; and, of course, then we bill them on a
23 quarterly basis for that usage of water.

24 Q. Okay. How does the usage of water of the Mary's
25 Montessori compare to the vibrant day care that previously

1 was there?

2 A. I can't speak straight. I think my finance director
3 would be able to give you a better answer for that, but he
4 would tell you if he was here --

5 MR. COTTER: Objection. 602, hearsay,
6 speculative.

7 THE COURT: Sustained.

8 BY MS. WALCKER:

9 Q. Do you know when the day care changed from the vibrant
10 day care at that location to what is now Mary's Montessori,
11 approximately?

12 A. Three years ago, four years ago, maybe.

13 Q. And are you aware of any meals being served for children
14 at the Mary's Montessori in 2021?

15 A. I am not.

16 Q. All right. I'm going to show you what's been admitted
17 now as Government Exhibit N-60. Do you see that before you?

18 A. I do.

19 Q. So this is a summary chart for the meal claims at issue
20 in this case for what was claimed to be Tot Park between
21 January of 2021 through June of 2021. Do you see that?

22 A. I do.

23 Q. So starting with the first month of claims for that
24 location, did you see 8,000 after-school snacks and suppers
25 served over eight days in January of 2021 at the location

1 that had previously housed the Tot Park?

2 MR. COTTER: Objection. It's been asked and
3 answered. He --

4 THE COURT: Overruled. You may answer.

5 THE WITNESS: Absolutely not.

6 BY MS. WALCKER:

7 Q. Why do you say that? You say that definitively. Why do
8 you say it that way?

9 A. Well, I mean, you're talking about -- that's like for
10 8,000 people, and we're a community of 2700 people. And
11 there's no way -- first off, if Mary's Montessori was
12 operating like that, we -- our -- every street in our
13 community would have been full of cars.

14 Q. Did you see that many meals being served in what had
15 been the Tot Park area?

16 A. No, we did not.

17 Q. Okay. And do you live in Minnesota?

18 A. I do.

19 Q. Are you familiar with the water generally in January in
20 Minnesota?

21 A. I am.

22 Q. You mentioned the snow earlier. Would you have noticed
23 an uptick in vehicles in January of 2021 if folks were
24 getting that many meals?

25 A. Yeah, our public -- we would have probably started

1 ticketing and towing people, just because if there was that
2 many people utilizing our streets, especially if we're
3 plowing snow, they would have had to remove those vehicles
4 from the street.

5 Q. Let's turn to the next month, February. Oops. It looks
6 like there was no meals claimed for that month.

7 Turning to March of 2021. Did you see 155,372
8 after-school snacks and suppers being served at the location
9 where the Tot Park had existed in March of 2021 over
10 31 days?

11 A. Absolutely not.

12 Q. I think I heard you chuckle earlier. Can you tell the
13 jurors about your reaction to seeing this number?

14 A. It's absurd to think that 155,000 people would be in our
15 little community, even over a 31-day period.

16 Q. Turning to the next month, April of 2021. Similar
17 number. Did you see 150,360 meals for children being
18 distributed at the location where the Tot Park had
19 previously existed?

20 A. Absolutely not.

21 Q. Turning to May of 2021, it looks like the identical
22 number of meals that were claimed two months earlier. Same
23 exact number of snacks and suppers. Do you see that?

24 A. I do.

25 Q. Okay. Did you see any evidence of 155,372 after-school

1 snacks and suppers being served in May of 2021?

2 A. Absolutely not.

3 Q. Turning to June of 2021, did you see 55,132 meals being
4 served over only 11 days at the location where the Tot Park
5 had previously existed?

6 A. No, absolutely not.

7 Q. It looks like the average daily attendance here is 2506.
8 Do you see that?

9 A. Yeah.

10 Q. Are there even 2506 kids in Lexington during this time?

11 A. No, absolutely not. Not even close.

12 Q. And, finally, looking at the total number of meals that
13 were claimed to have been served for children at the
14 location where the Tot Park had existed, 524,236, more than
15 half a million meals, did you see any evidence of that being
16 served over those months at the location where the Tot Park
17 had previously existed?

18 A. Absolutely not.

19 Q. As the city administrator for Lexington, if that was
20 happening, would you have known about it?

21 MR. ANDREW BIRRELL: Objection. Vague.

22 THE COURT: Overruled.

23 You may answer.

24 THE WITNESS: Yeah, absolutely. I mean, again,
25 I'm going to point out we're a very small community, have a

1 very close relationship with our police department, our
2 public works department. I meet with those guys pretty
3 regularly. And if there's anything irregular on any level,
4 I'm told about it. I have city councilmen that live over in
5 that area; they would have told me about it.

6 But this just absolutely did not happen because
7 all you have to do is drive to Lexington, Minnesota, and you
8 look at this number compared to the size of our community,
9 and this is an absolutely absurd number to think that they
10 could serve that many --

11 MR. COTTER: Objection. Narrative, nonresponsive.

12 THE COURT: Overruled.

13 You may continue.

14 THE WITNESS: It's an absurd number to think that
15 this many meals could have been served in our little
16 community without me or any of my staff knowing about it.

17 MS. WALCKER: Thank you. No further questions.

18 THE COURT: Cross-examination? Mr. Cotter.

19 CROSS-EXAMINATION

20 BY MR. COTTER:

21 Q. Good morning.

22 A. Good morning.

23 Q. How are you doing?

24 A. I'm sorry. I didn't hear you.

25 Q. You doing all right?

1 A. I'm doing great.

2 Q. Okay. I just have a few questions for you.

3 A. Fire away.

4 Q. My name is Patrick Cotter.

5 You were showed that form -- I think it was a
6 Minnesota Department of Education form -- just a little bit
7 ago on the screen. Do you recall that?

8 A. I do.

9 Q. And they highlighted that the place was called Tot Park,
10 correct?

11 A. Correct.

12 Q. But the actual address that was put into that form
13 was -- excuse me -- the mall.

14 THE COURT: I'm sorry. I'm going to interrupt for
15 a moment.

16 Mr. Cotter, you're speaking quitely today.

17 MR. COTTER: I'll speak up.

18 THE COURT: There you go. Thank you. We had a
19 juror not able to hear you. Thank you.

20 MR. COTTER: I'm trying to change it up. I didn't
21 want anyone to think I'm an angry man.

22 THE COURT: Fair enough.

23 MR. COTTER: Got to lighten the mood a little.
24 It's a long trial.

25

1 BY MR. COTTER:

2 Q. So I'll speak louder.

3 The address on that form, if you recall it, was
4 actually for the mall; is that correct?

5 A. Yes.

6 Q. It wasn't for Tot Park?

7 A. It was not. Tot Park does not have an address.

8 Q. And, of course, on that form, the person that submitted
9 it was a Kara Lomen. Do you recall that?

10 A. I recall the name.

11 Q. All right. It certainly wasn't Mohamed Ismail or my
12 client. His name is nowhere on that form, right?

13 A. Correct.

14 Q. All right. And, of course, I need to understand. Is
15 part of the mall -- is Mary's Montessori part of the mall,
16 or is that kind of across the street from it?

17 A. It is. It is owned by Menlo Park.

18 Q. So it is part of the mall?

19 A. It is part of the mall.

20 Q. So ultimately Mary's Montessori would have that address
21 of the mall?

22 A. I believe they have a separate address.

23 Q. Okay. But it's the same a central location, longitude
24 and latitude?

25 A. Yes. And it's owned by the same company out of

1 California.

2 Q. Got it. The other -- a couple other questions I had was
3 you had -- you had been asked a lot of questions about
4 numbers. And, of course, you recall those questions about
5 8,000 or 55,000.

6 Did you understand that to be humans that were
7 coming to Lexington to pick up food?

8 A. Humans or even that level serving food, it doesn't
9 matter, it's a ridiculous number.

10 Q. So I understand that's your opinion. Do you have any
11 knowledge of how the Child and Adult Food Care Program was
12 operating in 2020?

13 A. I don't.

14 Q. Do you have any knowledge about how the Summer Food
15 Service Program was operating in 2020?

16 A. I don't.

17 Q. So you're just basically stating your opinion that that
18 seems like an absurd number, correct?

19 A. I don't think it's an opinion. I think it's my
20 knowledge of Lexington, Minnesota, and what goes on there.

21 Q. Okay.

22 MR. COTTER: No further questions. Thank you.

23 THE COURT: Mr. Birrell, cross.

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CROSS-EXAMINATION

BY MR. ANDREW BIRRELL:

Q. Good morning, sir. So you met with the government people twice?

A. The who?

Q. The people on my left here from the government twice?

A. Yes.

Q. All right. Once on March 19, 2024?

A. Seems reasonable. I don't know the exact date.

Q. Was it in March?

A. I'm not sure what you're asking because --

Q. I'm asking you a simple question. Did you meet with people from the United States Government in March 2024?

A. Well, if you're talking about me personally, I know they had talked -- I think an FBI agent stopped into city hall to talk to and had met with our administrative assistant Brenda Beaudet.

Q. Okay.

MR. ANDREW BIRRELL: May I approach the witness?

THE COURT: You may.

BY MR. ANDREW BIRRELL:

Q. Please read that to yourself and let me know when you're finished.

A. Okay. So --

Q. Just read it to yourself and let me know when you're

1 finished.

2 A. (Witness complies) Okay.

3 Q. Does that refresh your recollection?

4 A. Yes. I was getting my dates confused, so.

5 Q. Fair enough. So you met with the government people
6 March 19th, 2024.

7 A. Correct.

8 Q. That was the first time anyone talked to you about this
9 case?

10 A. Me directly, yes.

11 Q. Yeah, you, the guy in the witness chair.

12 A. Yes.

13 Q. Okay. Now, the next time you spoke with them was
14 April 18, 2024.

15 A. What is today? What's the date today? Yeah, I guess I
16 must have.

17 Q. Today is May 7th.

18 A. Okay.

19 Q. Sound right?

20 A. I think I talked to them on the phone, if I remember
21 correctly.

22 Q. Okay. But you talked to them. Those are the two dates
23 you talked to people.

24 A. Correct.

25 Q. Any other dates?

1 A. No.

2 Q. Okay. So I noticed that you reviewed the CLiCS data
3 with the lawyer for the government here today.

4 A. What's CLiCS data?

5 Q. I'll put it up for him.

6 A. Okay.

7 Q. This is Exhibit C-230.

8 A. Okay.

9 Q. Do you see on the top it says CLiCS?

10 A. I do. Yep.

11 Q. That's why I called it CLiCS data.

12 A. I'm not familiar with that.

13 Q. Fair enough. Was today the first time they showed that
14 to you?

15 A. Yes.

16 Q. Oh, okay. And so you're saying you never talked to a
17 person named Kara Lomen?

18 A. Never.

19 Q. Can we blow the top half up?

20 You see this is a site approval document?

21 A. I'm not familiar. This is a state form.

22 Q. All right.

23 A. So I don't -- this is not a city form.

24 Q. Well, you testified about it, so I thought you might
25 have seen it.

1 You see where it says Sponsor, Partners in
2 Nutrition?
3 A. Sponsor, Partners in Nutrition. Partners. Okay.
4 Q. Then you see the next thing it says Site?
5 A. Yep.
6 Q. It says Mind Foundry/Tot Park?
7 A. Okay.
8 Q. Do you remember you said you didn't know what Mind
9 Foundry is?
10 A. Never heard of it.
11 Q. Yeah, okay. And the site address is this 9101?
12 A. Correct.
13 Q. Which is not really Tot Park, apparently?
14 A. It is not.
15 Q. Okay. Then the next part talks about who is the contact
16 for the site. Kara Lomen?
17 A. Yep.
18 Q. Okay. Let's --
19 A. What do you want to know?
20 Q. I'm just navigating the document here.
21 A. Okay.
22 Q. And then we go to the next page, which is what you were
23 showed, I think.
24 A. Correct.
25 Q. All right. Then we go to the last page. And we'll blow

1 up this site application here.

2 A. Okay.

3 Q. This is where Ms. Lomen is making this representation?

4 A. Could be. Again, this is a state application. This is
5 not a city application. So I'm not familiar -- until seeing
6 this today, I don't know much about this application.

7 Q. All right. So you don't know how this enterprise of
8 giving out food was intended to work?

9 A. We don't regulate -- we did not regulate that at the
10 local level, so.

11 Q. Yeah, I'm just asking you. You don't know how it works?

12 A. I don't.

13 Q. You don't know who runs the sites?

14 A. Not at all.

15 Q. Yeah, all right.

16 I don't have any other questions. Thank you.

17 THE COURT: Anyone else? Mr. Sapone. And then
18 Mr. Goetz.

19 MR. GOETZ: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. SAPONE:

22 Q. Good afternoon already. Good afternoon, sir. How are
23 you?

24 A. Doing well.

25 Q. Sir, you testified about the location at Mary's

1 Montessori, right?

2 A. I guess so, yes.

3 Q. Do you recall the testimony?

4 A. Yes.

5 Q. And you said it was a day care center?

6 A. It is currently, supposedly.

7 Q. You testified that it was once a vibrant center with
8 lots of kids, right?

9 A. I did.

10 Q. And then you said not so many at a certain point, right?

11 A. Correct.

12 Q. Now, you were asked by agents to recall a time period of
13 2021, right?

14 A. I have been asked a lot of dates.

15 Q. But you recall specifically being asked about the year
16 2021, right?

17 A. Correct.

18 Q. And the first time you were asked about the year 2021
19 was three years later in 2024, correct?

20 A. Yep.

21 Q. And you said that a change over at Mary's occurred
22 around three or four years ago, right?

23 A. I would say when Mary's Montessori took over, yeah.

24 Q. Your testimony was it was around three or four years
25 ago, right?

1 A. Somewhere in there. It could have been five years,
2 because I know the previous day care had built a new
3 facility over in Lino Lakes, and so they moved out. And so
4 I don't know the exact time or approximation of when Mary's
5 took over. I would have to look back on our business
6 licensing process.

7 Q. And it could have been three or four years ago, as you
8 testified, right?

9 A. It could have been five years ago too. I just don't
10 recall.

11 Q. Either one, right?

12 A. Could have been.

13 Q. Now, you have lots of knowledge of the area around your
14 community, yes?

15 A. I do.

16 Q. And do you know that Blaine is around a nine-minute car
17 ride away?

18 A. It's not even that.

19 Q. And there are around, just based on your knowledge,
20 around 70,000 residents?

21 A. 70,000, correct.

22 Q. Lots of families?

23 A. Mm-hmm.

24 Q. Lots of children?

25 A. Sure.

1 Q. And you know based on your knowledge that Circle Pines
2 is around a four-minute car ride away. Yes?

3 A. It's not -- we share borders. It's right across the
4 border.

5 Q. And there are around, based on what you know, around
6 5,000 residents, right?

7 A. Correct.

8 Q. Lots of families?

9 A. 5,000 residents.

10 Q. Lots of children?

11 A. Could be.

12 Q. Mounds View, M-O-U-N-D-S, Mounds View is around eight
13 minutes away. Yes?

14 A. Could be, yeah.

15 Q. Around 12,000 residents?

16 A. Sure.

17 Q. Lots of families?

18 A. Mm-hmm.

19 Q. Lots of children?

20 A. I suppose.

21 MS. WALCKER: Your Honor, objection. Foundation.

22 MR. SAPONE: If you know.

23 THE WITNESS: Could be. I'm not familiar. I
24 mean, I don't go around checking to see if there's kids -- a
25 lot of kids in Mounds View.

1 BY MR. SAPONE:

2 Q. Approximately, based on what you know over the years,
3 fair?

4 A. Fair enough.

5 Q. And, finally, Spring Lake Park is around ten minutes
6 away, yes?

7 A. Somewhere in there, yeah.

8 Q. Around 7,000 residents?

9 A. Okay.

10 Q. Yes?

11 A. Correct.

12 Q. Lots of families?

13 A. Mm-hmm.

14 Q. Lots of children?

15 A. Sure.

16 MR. SAPONE: Nothing further. Thank you.

17 THE COURT: Mr. Goetz.

18 MR. GOETZ: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. GOETZ:

21 Q. Good afternoon, sir. We're almost done. All right?

22 A. Great.

23 Q. Yeah. First let me make sure I get the pronunciation of
24 your name correct. Is it Petracek?

25 A. Petracek, correct.

1 Q. All right. My name is Frederick Goetz. I represent
2 Mukhtar Shariff back there.

3 A. All right.

4 Q. I want to ask you first about communications regarding
5 Tot Park and the Tot Park site. We'll talk about that.

6 But at any time do you recall while you've been
7 serving as city administrator anybody from the Minnesota
8 Department of Education calling you and asking you any
9 questions about Tot Park?

10 A. Not at all.

11 Q. Okay. So the first time that you heard anything about
12 the Tot Park site in connection with meals and the
13 distribution of meals was on about March 19, when the agents
14 or the prosecutors contacted you, is that right, of this
15 year?

16 A. That was the first time they contacted me. But an FBI
17 investigator had contacted city hall I think a year earlier,
18 and that was when we all had started having conversations.
19 So we -- once the FBI investigator had talked to our -- my
20 administrative assistant, that was when we started finding
21 out what was happening.

22 Q. Okay. When you say "finding out what was happening,"
23 what did you do personally to find out what was happening?

24 A. I was just reading the newspapers.

25 Q. Ah. Okay. So anything beyond just reading media?

1 A. Yep, yep.

2 Q. Okay. You didn't contact Minnesota Department of
3 Education?

4 A. We were never contacted by the Department of Education.

5 Q. And you never reached out to them, apparently?

6 A. Not regarding this.

7 Q. Okay. And you never reached out to the FBI or the
8 postal inspectors or the U.S. Attorney's Office?

9 A. Not at all.

10 Q. Okay. So let's look at Exhibit C-230. On page 1,
11 please.

12 And as we've talked about, just blowing up at the
13 top -- and I understand you just saw this today, but this is
14 a --

15 Is that page 1? Okay.

16 This is an application, site maintenance
17 application, Partners in Nutrition. Site, Mind Foundry/Tot
18 Park. And the address you recognize as being in your
19 community, correct?

20 A. Correct.

21 Q. But you never heard of Mind Foundry, correct?

22 A. Never.

23 Q. Never heard of Partners in Nutrition, correct?

24 A. Not at all.

25 Q. And never heard of Kara Lomen, right?

1 A. Never, nope.

2 Q. Okay. You don't see the name Mukhtar Shariff on this
3 document, do you?

4 A. No, I do not.

5 Q. You don't see the name Afrique Hospitality Group on this
6 page of this document, do you?

7 A. I do not.

8 Q. Let's look at page 4, please.

9 So I understand these forms are new to you, but
10 this is a claims -- CACFP Claim Maintenance form. And at
11 the top, again, the sponsor is Partners in Nutrition,
12 correct?

13 A. Correct, yes.

14 Q. And can we just blow that up?

15 And the site is Mind Foundry/Tot Park, right?

16 A. Correct.

17 Q. And other than Tot Park, you don't recognize anything
18 else associated with this page of this document, right?

19 A. I do not.

20 Q. Page 6, please.

21 And this is another CACFP Claim Maintenance.

22 Again, just blow up the top.

23 Partners in Nutrition. Site, Mind Foundry/Tot
24 Park. Again, same information, right?

25 A. Correct.

1 Q. Page 8, blow it up. We'll try to go through this
2 quickly.

3 Same sponsor, correct?

4 A. Correct.

5 Q. Same description of the site, correct?

6 A. Correct.

7 Q. Page 10, please. Blow it up, please.

8 Same sponsor, correct?

9 A. Correct.

10 Q. Same description of the site, Mind Foundry?

11 A. Correct.

12 Q. And, lastly, page 12.

13 Again, this claim maintenance has consistently
14 been Mind Foundry/Tot Park. That's the site description,
15 correct?

16 A. Correct.

17 Q. And then let's go to N-60.

18 And these are the numbers that you told the jury
19 today that you thought were absurd, right?

20 A. They are. Very much.

21 Q. And the claim numbers as it reads at the top, meals
22 claimed for Mind Foundry/Tot Park, correct?

23 A. Correct.

24 Q. That's what it says, right?

25 A. Correct.

1 MR. GOETZ: No further questions. Thank you.

2 THE COURT: Ms. Walcker.

3 MS. WALCKER: I have no further questions. Thank
4 you, Your Honor.

5 THE COURT: You may step down, sir. Thank you.

6 THE WITNESS: Thank you.

7 **(Witness steps down)**

8 THE COURT: We'll take our lunch break at this
9 time, and we'll return at 1:30.

10 All rise for the jury.

11 **IN OPEN COURT**

12 **(JURY NOT PRESENT)**

13 THE COURT: All right. 1:30, everyone. We're in
14 recess.

15 (Recess taken at 12:23 p.m. till 1:33 p.m.)

16

17 **IN OPEN COURT**

18 **(JURY PRESENT)**

19 THE COURT: You may all be seated.

20 The government may call its next witness.

21 Mr. Jacobs.

22 MR. JACOBS: Thank you, Your Honor. The
23 United States calls Tammy Zaharia.

24 THE COURT: Good afternoon. You may come forward
25 up to the witness stand here, please.

1 I'll have you raise your right hand. Can you
2 stand for me, please?

3 THE WITNESS: Oh, sorry.

4 TAMARA ZAHARIA,
5 called on behalf of the government, was duly sworn, was
6 examined and testified as follows:

7 THE WITNESS: I do.

8 THE COURT: Thank you. You may have a seat.

9 And when you're settled there, I'll have you state
10 and spell both your first and last name for the record.

11 THE WITNESS: Tamara Zaharia. T-A-M-A-R-A.
12 Z-A-H-A-R-I-A.

13 THE COURT: Thank you.

14 Mr. Jacobs, you may inquire.

15 MR. JACOBS: Thank you, Your Honor.

16 DIRECT EXAMINATION

17 BY MR. JACOBS:

18 Q. Good afternoon, Ms. Zaharia. Could you introduce
19 yourself to the jury, please?

20 A. I'm Tamara Zaharia.

21 Q. And how old are you?

22 A. I'm going to be 50 this summer.

23 Q. Where do you live currently?

24 A. I currently live in Horace, North Dakota.

25 Q. And for those who might not know, where is Horace,

1 North Dakota?

2 A. About a mile south of Fargo.

3 Q. And how long have you been living there?

4 A. I just moved into my place on the 1st, but before that I
5 lived in West Fargo.

6 Q. And how long have you been in North Dakota for?

7 A. Two years.

8 Q. Before that, where did you live?

9 A. I lived in Faribault, Minnesota.

10 Q. And can you explain to the jury where Faribault is?

11 A. It's about an hour south on 35.

12 Q. Are you familiar with an apartment complex called
13 Heather Court?

14 A. Yes. I was a site manager there from July of '21 to
15 March of '22.

16 Q. Where is Heather Court?

17 A. Heather Court would be kind of the middle of Owatonna,
18 or it would be like south -- like east, but more south than
19 the main part.

20 Q. Okay. Well, let's start with Owatonna.

21 A. Okay.

22 Q. Tell the jury where Owatonna is.

23 A. Owatonna is about an hour and 15 minutes south on 35.

24 Q. Due south from here?

25 A. What?

1 Q. Due south from where we are right now?

2 A. Yes.

3 Q. Okay. And within Owatonna, where is the Heather Court
4 apartment complex?

5 A. You would take Bridge Street exit and then go over by
6 the movie theater, which is like -- it's like a mile and a
7 half off the 35.

8 Q. You said you were a site manager?

9 A. Yes.

10 Q. What did you do as a site manager at Heather Court?

11 A. I did everything from accept applications, to be the
12 first contact of any of the tenants that currently live
13 there. I would collect rent. I would let people know if
14 they were late on rent. I would take maintenance orders and
15 pass that along. I collected, you know, all the
16 applications, kept my waiting list.

17 Q. Did you field complaints from residents?

18 A. Yes.

19 Q. A lot of them?

20 A. More than I would like, yes.

21 Q. What kind of apartment complex is Heather Court?

22 A. It is subsidized housing. That means that any tenant
23 that lives there has to make under a certain amount of
24 money, and then their rent is 30 percent of their income.

25 Q. And when you were a site manager, where did you

1 physically work?

2 A. My -- I had three buildings that housed twelve
3 apartments each in kind of like an L shape. And then the
4 parking lot was like right in front of my office, but my
5 office was located in the middle of the building.

6 Q. Okay. You worked in Heather Court?

7 A. Yes.

8 Q. And what was your work schedule like when you worked at
9 Heather Court?

10 A. Monday, Fridays during the day and then Wednesdays in
11 the evening. But then I had the flexibility of working when
12 I wanted to, so sometimes instead of working on a Monday I
13 would go work on a Tuesday, depending on the needs of the
14 tenants and my needs of my personal life.

15 Q. Were you ever at Heather Court on the weekend?

16 A. Yes.

17 Q. Can you explain to the jury when you were at Heather
18 Court on the weekends?

19 A. Say I wanted to kayak all week, and I would take a day
20 off and then work on a Saturday. I also painted like a
21 bathroom on a weekend. I also had friends that live close.

22 So Heather Court, when I started there, did not
23 have the greatest rating, and my goal was to get it up there
24 a little bit better, and so I found just stopping in and
25 just driving by, making a presence noted that I was there.

1 Q. It was important to be present as part of your job?

2 A. Yes.

3 Q. I'm showing you what has been marked for identification
4 as Government's C-222.

5 A. Yes.

6 Q. Do you recognize that picture?

7 A. Yes.

8 Q. And what is it?

9 A. That's the view from -- and I forgot the road that it's
10 called, but that's the way to get to Owatonna Country Club.
11 And it's two of my buildings. The third is covered by the
12 far building.

13 MR. JACOBS: Your Honor, I'd offer Government's
14 C-222.

15 MR. IAN BIRRELL: Without objection.

16 THE COURT: C-222 is admitted and may be
17 published.

18 BY MR. JACOBS:

19 Q. Now, Ms. Zaharia, the jury is now looking at what you're
20 looking at on the screen. Can you explain to them what
21 we're seeing in this picture?

22 A. So you're seeing two buildings that housed 12 units
23 each. My office was actually in the farther building that
24 you see facing the parking lot that you don't see.

25 Q. Now, you mentioned that there were three separate

1 buildings?

2 A. Yes.

3 Q. How many units were in each building?

4 A. Twelve.

5 Q. So how many units total were there in Heather --

6 A. 36.

7 Q. 36 total units?

8 A. Yes.

9 Q. And approximately how many total residents lived in
10 Heather Court in the time you worked there?

11 A. I was trying to do my best guess. Anywhere from like 80
12 to 100. Some were like single moms or a family with a
13 couple kids, and some were just single people.

14 Q. And approximately how many of the residents at Heather
15 Court during that time were children?

16 A. Over half because of -- you know, say someone has three
17 kids, and I would have some units that would only have one
18 person in them. So I would say over half were children.

19 Q. I want to turn your attention now to food distribution.

20 A. Okay.

21 Q. I want to focus on the time period in 2021 that you
22 worked at Heather Court.

23 A. Okay.

24 Q. Can you remind the jury what time period that was?

25 A. I started in July. I want to say about the 17th of

1 July. And then I worked with my regional manager for the
2 first month that I went there.

3 Q. During 2021 did you ever see any food distribution take
4 place --

5 A. No.

6 Q. -- at Heather Court?

7 MR. GOETZ: Your Honor, Defendant Shariff objects.
8 401, 402, irrelevant as to this defendant.

9 THE COURT: Objection is overruled, noted and will
10 be a standing objection.

11 MR. GOETZ: Thank you.

12 THE COURT: And I'm going to have you repeat the
13 question.

14 And I'm going to just ask you to make sure you
15 wait until he's all done with his question --

16 THE WITNESS: Oh, sorry.

17 THE COURT: -- before you answer.

18 BY MR. JACOBS:

19 Q. All right. Ms. Zaharia, let me just repeat that for
20 you. Okay?

21 During 2021 did you ever see any food distribution
22 take place at Heather Court?

23 A. No.

24 Q. At the time that you worked at Heather Court, did
25 anybody ever ask you to distribute food at the apartment

1 complex?

2 A. No.

3 Q. Did you ever hear about food distribution occurring at
4 the Heather Court apartment complex?

5 A. No.

6 Q. Did you ever see flyers around the complex advertising
7 food distribution?

8 A. No.

9 Q. In the course of being a site manager, did you learn
10 about things that happened at Heather Court?

11 A. Oh, yeah.

12 Q. And how would you learn about that?

13 A. A lot of times through texts or phone calls. I had a
14 mother and son that lived in a corner unit of the middle
15 building where my office was, and they would tell me
16 everything that went on there, that they seen in the parking
17 lot. They would tell me about kids dumpster diving for,
18 say, a scooter that I throw away because the wheel was
19 broke, to cars being left there that didn't belong there.

20 Q. If there was a large-scale food distribution effort
21 taking place at Heather Court, do you think you would have
22 learned about it?

23 A. 100 percent.

24 Q. Why is that?

25 A. Because they would have told me that this was going on.

1 My regional manager would have also told me that this was
2 being allowed on our property, just due to insurance
3 purposes, having strange people or another company come to
4 our property. It just wouldn't be a good thing.

5 Q. Did you ever see food left out at Heather Court?

6 A. Yes.

7 Q. And can you describe that to the jury?

8 A. Every so often I would see a box of food. Say, someone
9 went to the food shelf in Steele County, and they would get
10 like a couple cans of chicken or off-box brand of like
11 macaroni and cheese, never a full box, and the box would be
12 like smaller than a banana box that you'd see at a grocery
13 store.

14 Q. And where would you see that food left out?

15 A. In the mail room when you first walk in.

16 Q. And how often would you see that?

17 A. Every couple months. There would be a little bit of
18 food just left in a box, and then I would have to take it
19 into the office because of rodents and just we can't keep
20 food out by the front door.

21 Q. And do you know where that food came from?

22 A. I was told by different residents it would be --

23 MR. COTTER: Objection. Hearsay.

24 THE COURT: Sustained.

25

1 BY MR. JACOBS:

2 Q. Other than the food that you're talking about being left
3 in the mail room, did you see any other food distribution at
4 Heather Court?

5 A. No.

6 Q. Did you ever have a conversation with any other
7 residents about food insecurity?

8 A. Yes.

9 Q. And can you explain that conversation to the jury?

10 MR. SCHLEICHER: Objection, Your Honor. Calls for
11 hearsay.

12 MR. JACOBS: Your Honor, it wouldn't be offered
13 for the truth of the matter.

14 THE COURT: If it's not offered for the truth,
15 I'll listen for it, but that's overruled.

16 You may answer the question.

17 THE WITNESS: Okay. I had a lady upstairs from my
18 office find out that she was like a month behind on rent,
19 just had a baby, and she was out of work. I pulled up the
20 food shelf address, because she wasn't quite sure where
21 exactly that was, and I gave her the times of the food
22 shelf.

23 BY MR. JACOBS:

24 Q. And when you say "food shelf," what are you talking
25 about?

1 A. Steele County has a food shelf pantry that is open
2 certain days, certain times. And as long -- I have never
3 actually used it there, but from my understanding, as long
4 as you have photo ID and a piece of mail with that address,
5 they would -- you would be able to be accepted into their
6 program.

7 Q. And when did this conversation take place?

8 A. It was in the fall of '21.

9 Q. Was this woman a resident of Heather Court?

10 A. Yes, she -- huh?

11 Q. Was she a parent?

12 A. Yes.

13 Q. And after you told this woman about the food shelf, what
14 was her reaction?

15 A. She seemed grateful to know exactly where it was.

16 Q. Pulling up what has already been admitted into evidence
17 as Government's Exhibit C-216.

18 Ms. Zaharia, I'm showing you a meal count claim
19 form, and I'm going to pull up the site address here. Do
20 you recognize this site address?

21 A. Yes.

22 Q. What is the site address?

23 A. 635 Hilltop Avenue, Owatonna, Minnesota, 55060, Steele
24 County.

25 Q. And do you know what's located at that address?

1 A. Heather Court.

2 Q. I'm pulling up page 28 of this meal claim data, and this
3 is meal claims for the month of July 2021.

4 Do you see that, Ms. Zaharia?

5 A. Yep.

6 Q. During July of 2021, did you ever see 7500 breakfast or
7 7500 lunch distributed at Heather Court?

8 A. No.

9 MR. COTTER: Objection. 602, foundation.

10 THE COURT: Overruled.

11 You may answer.

12 THE WITNESS: I can answer? Okay.

13 No, I've never seen people in July coming for
14 food.

15 BY MR. JACOBS:

16 Q. No people in July?

17 A. Nope.

18 Q. Going down to page 29 here, we're in August of 2021. Do
19 you see that?

20 A. Yeah.

21 Q. In August of 2021 did you ever see 15,333 meals
22 distributed at Heather Court?

23 A. No, no.

24 Q. Did you ever see any meals distributed?

25 A. No.

1 Q. Okay. Moving on to page 18 here, September 2021. Did
2 you see 16,000 meals distributed in September of 2021?

3 A. No.

4 MR. COTTER: Objection. 403, cumulative.

5 THE COURT: Overruled.

6 THE WITNESS: No, I've never seen.

7 BY MR. JACOBS:

8 Q. So let's move on ahead a couple months. Here I'm
9 pulling up the data from November of 2021. Under Average
10 Daily Attendance, what number is it?

11 A. 1,147.

12 Q. Did you ever see that many meals distributed every day
13 at Heather Court?

14 A. No.

15 Q. You laugh. Why do you laugh?

16 A. Because --

17 MR. COTTER: Objection.

18 THE COURT: Overruled.

19 You may answer.

20 THE WITNESS: -- I've never seen food distribution
21 there. In fact, if I would have, I'd probably been taking
22 part in it myself.

23 BY MR. JACOBS:

24 Q. I'm pulling up what has previously been admitted into
25 evidence as Government Exhibit D-32.

1 Ms. Zaharia, can you just read off the From and To
2 portions of this email?

3 A. Yes. From, a first name I can't pronounce -- I
4 apologize -- Nur 19anur@gmail.com. To, Kara Lomen,
5 kara@partnersinqualitycare.org. Subject, August summer meal
6 invoices. Date, Monday, 6 of September 2021 at 11:49:13 -
7 0500.

8 Q. Do you know either of those two people, either of the
9 people in the --

10 A. No.

11 Q. -- From or To?

12 A. I've never heard of them.

13 Q. Going down to the next page. And this document is an
14 invoice. Do you see that?

15 A. Yep.

16 Q. And who is this invoice sent from?

17 A. Empire Cuisines & Markets.

18 Q. To be clear, do you have any idea who Empire is?

19 A. Huh-uh.

20 THE COURT: Is that a no?

21 THE WITNESS: No. Sorry.

22 BY MR. JACOBS:

23 Q. So moving down here to the middle of the page that I'm
24 pulling up, this under Description, what is the entity
25 listed here?

1 A. Heather Court, 15,333, \$5.92, and that's \$90,771.36.

2 Q. In your time working at Heather Court, did you ever see
3 15,000 meals being distributed in a month?

4 A. No.

5 Q. I'm pulling up what has previously been admitted into
6 evidence as Government's Exhibit O-99.

7 Okay. I'm pulling up what -- excuse me. I'm
8 pulling up what has previously been admitted into evidence
9 as Government's O-017.

10 Ms. Zaharia, I'm pulling up the Memo line of this
11 check here. What does the Memo line say?

12 A. Heather Court, October.

13 Q. I'm pulling up the Pay to the Order here. What's that
14 entity?

15 A. Mind Foundry.

16 Q. Ever heard of Mind Foundry before?

17 A. No.

18 Q. Pulling up the dollar amount here. What's that dollar
19 amount?

20 A. \$79,637.52.

21 Q. Would it surprise you to know that an entity was paid
22 that much money for food delivery in October of 2021?

23 MR. SCHLEICHER: Object to the form of the
24 question and irrelevant.

25 THE COURT: Sustained.

1 MR. JACOBS: Your Honor, no further questions.

2 THE COURT: Cross-examination? Mr. Sapone.

3 MR. SAPONE: Yes. Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. SAPONE:

6 Q. Good afternoon, ma'am. How are you?

7 A. Good. How are you?

8 Q. I'm doing well. Thanks for asking.

9 I just have a couple of questions. Okay?

10 A. Okay.

11 Q. Back in 2021, did Heather Court have a parking lot?

12 A. Huge one.

13 Q. When was the first time you were contacted by federal
14 agents about this case?

15 A. It would have been either March or April of 2022.

16 MR. SAPONE: No further questions.

17 THE COURT: Anyone else? Mr. Birrell.

18 CROSS-EXAMINATION

19 BY MR. IAN BIRRELL:

20 Q. Good afternoon, Ms. Zaharia.

21 A. Good afternoon.

22 Q. Just to be clear, you were shown a lot of documents just
23 now with names you didn't recognize, right?

24 A. No, no.

25 Q. So you were shown the name Kara Lomen. You don't know

1 who that is?

2 A. No, I do not.

3 Q. You were shown state forms. You don't know what those
4 state forms were about?

5 A. No, I do not.

6 Q. You were shown a check written by someone or something
7 you had never heard of, right?

8 A. Exactly.

9 Q. Written to -- or signed by someone you'd never heard of,
10 right?

11 A. Correct.

12 Q. All you're saying is if food was -- was distributed, you
13 didn't see it distributed, right?

14 A. I had never seen it distributed.

15 Q. And ordinarily you were there Monday, Friday and
16 Wednesday; is that right?

17 A. Yes.

18 Q. You said you were there some Saturdays, but not all that
19 frequently. Is that fair?

20 A. I would drive -- do my drive-bys more where I wouldn't
21 stop, so I wouldn't really say I was there, but I -- no, not
22 as frequently as a Monday, Wednesday or Friday.

23 Q. Like how frequently would you guess?

24 A. I would say one-eighth of the time.

25 Q. And is there a particular time you'd go, or sometimes in

1 the morning, sometimes in the afternoon, just --

2 A. If it was nice out, I was kayaking.

3 Q. That's fair.

4 A. So, yeah, so if I did a kayaking run in the morning,
5 then I would go in the afternoon. If I was busy in the
6 morning -- I mean, it was -- Heather Court made my life
7 really easy doing what I wanted to do, as long as I made
8 those hours and kept the appointments of, you know, taking
9 applications and doing the paperwork.

10 Q. Okay.

11 A. I could work on Sundays if I wanted to.

12 Q. But usually you didn't work on Saturdays. That's --

13 A. Usually, no.

14 Q. Okay. Thank you.

15 MR. IAN BIRRELL: Nothing further, Your Honor.

16 THE COURT: Mr. Cotter.

17 CROSS-EXAMINATION

18 BY MR. COTTER:

19 Q. Hi.

20 A. Hi.

21 Q. Thanks a lot for coming all the way from North Dakota.

22 Just one question. Was there surveillance cameras
23 on the outside of the building towards the parking lot, do
24 you know?

25 A. There was not.

1 MR. COTTER: Okay. Thank you very much.

2 THE WITNESS: Yep.

3 THE COURT: Mr. Goetz.

4 MR. GOETZ: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. GOETZ:

7 Q. Good afternoon, Ms. Zaharia.

8 A. Good afternoon.

9 Q. Just because I'm curious, forgive me, but where do you
10 kayak in the Owatonna area?

11 A. There's a man-made lake on the south side called Lake
12 Kohlmeier.

13 Q. Okay. Great.

14 A. And then once in a while we would jump in on the river
15 and go all the way to Faribault.

16 Q. Oh, wow. Sounds great.

17 So let me just get right to the point then. Let's
18 look at Exhibit C-216, please.

19 So I didn't introduce myself, but my name is
20 Frederick Goetz. I represent Mukhtar Shariff in the back
21 there.

22 This Exhibit C-216, had you seen this document
23 before today?

24 A. No.

25 Q. All right. I'm just going to ask you a few questions

1 about it, but having that in mind.

2 At the top -- this is an application, I'll tell
3 you, for a food program, CACFP site maintenance. It's
4 called a CLiCS form. C-L-I-C-S. And there's a name at the
5 top of the sponsor. Do you see that?

6 A. Yes.

7 Q. And it's Partners in Nutrition. That's what it says,
8 right?

9 A. Okay.

10 Q. Do you agree with that?

11 A. Yeah, that's what it says.

12 Q. Okay. If we can just blow that up.

13 And then it's a site program name. Now, the name
14 of the complex that you know it to be where you were the
15 site manager was Heather Court, correct?

16 A. Yes.

17 Q. But the site program name here is Mind Foundry/Heather
18 Court, correct?

19 A. That's what the document says, yes.

20 Q. And you don't have any idea what this Mind Foundry part
21 is, correct?

22 A. None.

23 Q. But you do recognize the address, correct?

24 A. Yes.

25 Q. All right. It doesn't say Afrique Hospitality

1 Group/Heather Court, correct? That's not how it reads?

2 A. No.

3 Q. It doesn't read Mukhtar Shariff. In fact, his name is
4 not anywhere in this section I'm showing you here, correct?

5 A. Correct.

6 Q. The only name we see associated with this is Kara Lomen,
7 right?

8 A. Correct.

9 Q. Now, this is a somewhat lengthy exhibit. But if we look
10 at page 4, this is another type of document in the CLiCS
11 system that's called a claims form. You were shown some of
12 these a moment ago.

13 And at the top there's a name of a sponsor and a
14 site. And the sponsor is Partners in Nutrition, and the
15 site Mind Foundry/Heather Court. Do you agree with that?

16 A. Yes.

17 Q. And that's the same on page 6, if we can look at that.

18 Blow that up, please.

19 Same on page 8. Agree with that?

20 A. Yes.

21 Q. Same on page 10. Partners in Nutrition, Mind
22 Foundry/Heather Court?

23 A. Mm-hmm.

24 Q. Same on page 12?

25 A. Yes.

1 Q. Same on page 14?

2 A. Yes.

3 Q. Same on page 16?

4 A. Yes.

5 Q. Same on page 18?

6 A. Yes.

7 Q. Same on page 20?

8 A. Yes.

9 Q. Same on page 22?

10 A. Yes.

11 Q. Same on page 24?

12 A. Yes.

13 Q. Same on page 26?

14 A. Yes.

15 Q. Same on page 28?

16 A. Yes.

17 Q. And, lastly, same on page 29?

18 A. Yes.

19 Q. And I appreciate your patience in going through that.

20 But my point is, nowhere in the application for
21 Mind Foundry/Heather Court, that site or any of the claims,
22 did you see the name Mukhtar Shariff or Afrique Hospitality
23 Group, correct?

24 A. No.

25 Q. And then you were shown a check, and I want to go look

1 at that now. O-017, please.

2 Now, the prosecutor just jumped to page 308 of
3 that, but I want to look at page 1 to begin.

4 Do you see this is a signature card for a checking
5 account. Does that look what -- to be what it is?

6 A. I would assume so. I don't know what they look like.

7 Q. Sure. There's a name. If we can just look at the
8 account holder, can we just open that, please?

9 And that's Mahad Ibrahim?

10 A. Oh, yep.

11 Q. Do you see that name?

12 A. Yep.

13 Q. And the account title, do you see that?

14 A. Account title. The account holder's name or the account
15 number? Where are you seeing?

16 Q. Right at the top in gray.

17 A. Oh, I'm sorry. I looked everywhere but there. Sorry.

18 Q. That's okay. The account title is ThinkTechAct
19 Foundation, correct?

20 A. Yes.

21 Q. It's not a checking account for Afrique Hospitality
22 Group, correct?

23 A. Correct.

24 Q. And the account holder is not Mukhtar Shariff, is it?

25 A. Correct.

1 Q. And then let's jump then to page 4. O-017, O-17,
2 please.

3 So have you had a checking account?

4 A. Yeah.

5 Q. Okay.

6 A. This is a bank statement, yep.

7 Q. Okay. Do you remember kind of back before everything
8 was online, sometimes you get the bank statements in the
9 mail and you get the statement --

10 A. Yep.

11 Q. -- and then all the checks would be attached?

12 A. Yep.

13 Q. So this statement, the name of the account is
14 ThinkTechAct Foundation. And then it has an address in Lino
15 Lakes, correct?

16 A. Yep.

17 Q. All right. And it's within this large, lengthy
18 document, at page 308, please, that we find the check that
19 you were asked about.

20 A. Yep.

21 Q. Correct? This is the one with Heather Court.

22 A. Yep.

23 MR. GOETZ: Thank you. No further questions.

24 THE COURT: Any other defense counsel wish to
25 cross-examine?

1 Redirect?

2 MR. JACOBS: No redirect, Your Honor.

3 THE COURT: You may step down. Thank you.

4 THE WITNESS: Thank you.

5 **(Witness steps down)**

6 THE COURT: The government may call its next
7 witness.

8 MR. JACOBS: Thank you, Your Honor. The
9 government calls Erin Nelson.

10 THE COURT: Good afternoon. You may come forward,
11 around and up to the witness stand, please. Can you raise
12 your right hand?

13 ERIN NELSON,

14 called on behalf of the government, was duly sworn, was
15 examined and testified as follows:

16 THE WITNESS: I do.

17 THE COURT: Thank you. You may have a seat in the
18 witness chair.

19 And when you're settled, I'll have you state and
20 spell both your first and last name for the record.

21 THE WITNESS: It's Erin Nelson. E-R-I-N.
22 N-E-L-S-O-N.

23 THE COURT: Thank you.

24 Mr. Jacobs.

25 MR. JACOBS: Thank you, Your Honor.

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DIRECT EXAMINATION

BY MR. JACOBS:

Q. Good afternoon, Ms. Nelson.

A. Good afternoon.

Q. How old are you?

A. I am 34.

Q. And where do you currently live?

A. I live in Waseca, Minnesota.

Q. And what do you do for a living?

A. I'm a property manager for income-based houses in Owatonna, Minnesota.

Q. How long have you been doing that job for?

A. A little over five years now.

Q. Are you familiar with a complex called Parkview Heights?

A. That is where I am the property manager, yes.

Q. And can you tell the jury what Parkview Heights is?

A. Yeah. So Parkview Heights is an eight-building townhome complex. There are 48 units. Like I said, it is income-based.

Q. And can you tell the jury what income-based housing is?

A. Yeah. So it is like a government-funded property. So that means we go 30 percent of the household's income, and then the rent is based off of the household income, what that 30 percent is.

Q. What do you do as a property manager for Parkview

1 Heights?

2 A. Yeah. So I am like the first person of contact if
3 residents have any maintenance issues, questions about rent,
4 any changes with their income, that kind of thing. I'm the
5 first person that they will reach out to.

6 Q. So can you give the jury an example of some of the
7 issues that you deal with on a regular basis?

8 A. Yep. So I deal with all maintenance requests that are
9 not emergencies. So that could be anything from, you know,
10 locking themselves out or if they have questions on how much
11 their rent is going to be, that kind of stuff.

12 Q. And what are your typical hours at Parkview Heights?

13 A. So I am a part-time employee, but I do tend to set my
14 own hours. I try to go Monday through Thursday, but it can
15 vary just based on my schedule.

16 Q. And are you there on other days besides Monday to
17 Thursday?

18 A. I can be there Fridays, and occasionally I can go in on
19 the weekends if need be.

20 Q. I'm showing you what has been marked for identification
21 as Government's Exhibit C-254.

22 Ms. Nelson, do you recognize the photograph on the
23 screen in front of you?

24 A. Yes, I do. That is Parkview Heights where I am the
25 manager.

1 MR. JACOBS: Your Honor, I'd offer
2 Government C-254.

3 MR. IAN BIRRELL: No objection.

4 THE COURT: C-254 is admitted and may be
5 published.

6 BY MR. JACOBS:

7 Q. All right. Ms. Nelson, the jury is now looking at what
8 you're looking at on that screen. Can you explain to them
9 what we're seeing here?

10 A. Yes. So this is the north view of our property. My
11 property are the yellow townhomes to the right. And they do
12 extend all the way down and then all the way to the east.

13 Q. Now, as a property manager, where is your office?

14 A. Maybe the jury can see; but if you look kind of straight
15 back there by where the pine trees are, that is where my
16 office is located.

17 Q. So you're on site?

18 A. I am an on-site manager, yes.

19 Q. Okay. And you mentioned this a little bit earlier, but
20 how big is Parkview Heights?

21 A. So it is 48 individual townhomes. It consists of two
22 bedrooms, three bedrooms, and we have a couple four bedrooms
23 as well.

24 Q. And approximately how many residents lived at Parkview
25 Heights in 2021?

1 A. I would probably say between 200 or 220 at that time.

2 Q. And of the approximately 200 or 220 residents, how many
3 of those residents were children?

4 A. I would say probably a little bit more than half. So
5 anywhere a little bit over 100.

6 Q. At some point in 2020 did somebody come to Parkview
7 Heights to discuss food distribution at that site?

8 A. Yes. I did have an African American gentleman stop into
9 my office with a flier asking if he could distribute some
10 food to the property.

11 Q. What was the outcome of that conversation?

12 A. So I reached out to my regional manager, just, again, it
13 was kind of COVID time to start, so I wanted to
14 double-check, make sure that was all right. She said that
15 should be fine. And we were going to go ahead with having
16 the food distribution.

17 Q. During 2021 did you observe any food distribution taking
18 place?

19 A. I saw one instance of an unmarked white box truck pull
20 up to the property. It backed in close to my office. I did
21 see what looked like big bags of like rice, maybe some
22 canned goods.

23 Q. And when was this?

24 A. Sometime in 2021. I can't recall the exact date.

25 Q. I'm going to pull back up Government C-254. Can you

1 explain to the jury where you saw the truck distributing
2 food on that occasion?

3 A. So where, again, my office is, where those pine trees
4 are, it's going to be off to the left there. You can kind
5 of see that yellow building. It was probably in front of
6 that building, or there's another one next to it. So it was
7 somewhere in between those two buildings.

8 Q. On that occasion did you observe a lot of people coming
9 and picking up food?

10 A. Honestly, I probably saw maybe half a dozen people kind
11 of just walking up that were residents of my property.

12 Q. Apart from that one occasion, did you ever observe food
13 being distributed at Parkview Heights?

14 A. No, never.

15 Q. And apart from that one conversation, did you talk to
16 anybody else about distributing food at Parkview Heights?

17 A. No, I did not.

18 Q. Did you ever see flyers around the property talking
19 about food distribution?

20 A. I did not.

21 Q. Did you ever see remnants of food distribution around
22 the property?

23 A. No, I did not.

24 Q. And in the course of being a property manager, did you
25 learn the comings and goings of the property?

1 A. Yeah. Part of being a property manager is having good
2 communication with your residents. And I'd like to pride
3 myself that I have a pretty good rapport with my residents,
4 and they are usually pretty open with their lives in
5 general. So I had not heard anything about any of that.

6 Q. Were you plugged into what was happening at Parkview
7 Heights?

8 A. Yes.

9 Q. Did you ever hear about people receiving food?

10 A. I did not, no.

11 Q. Did you ever hear about food distribution happening?

12 A. I did not.

13 Q. If there was a large-scale food distribution effort at
14 Parkview Heights in 2021, do you think you would have heard
15 about it?

16 A. Definitely, yes.

17 Q. And why is that?

18 A. Again, like I had stated, I was very -- it's a very
19 small knit community. There's a lot of people who have been
20 there 10, 15, 20 years. Like I said, I have a really good
21 rapport. A lot of them are families, and they reach out to
22 me for a lot of things. And I have never heard anything
23 about food distribution on the site.

24 Q. I'm showing you what has been admitted into evidence as
25 Government's Exhibit C-248.

1 Ms. Nelson, this is a meal claim form, and I'm
2 pulling up the site address here. Can you read out the
3 address?

4 A. 429 St. Paul Place, Owatonna, Minnesota 55060.

5 Q. What's at that address?

6 A. That is my office's address.

7 Q. I'm going down to page 4 here of the claim sheet, and
8 this is for the month of January 2021. Do you see that?

9 A. Yes, I do.

10 Q. During that period of time, were you working at Parkview
11 Heights?

12 A. Yes, I was.

13 Q. Over an eight-day period in January, did you ever see
14 4,000 meals distributed?

15 A. I did not.

16 MR. SCHLEICHER: Objection, Your Honor. It's
17 asked and answered. And I'd like a standing 403 objection
18 based on cumulativeness.

19 THE COURT: Could we have a sidebar, please.

20 **(Sidebar discussion)**

21 THE COURT: Counsel, it is asked and answered, and
22 it does seem we're getting cumulative and inefficient here.

23 Can you give me a reason for going through every
24 single month, when the witness has stated that she's seen no
25 meals delivered?

1 MR. JACOBS: Your Honor, we're tasked with proving
2 the negative here. So I think a little latitude to walk
3 through thoroughly each and every month is necessary because
4 at the end of the day we have to prove each and every month
5 food wasn't distributed.

6 MR. SCHLEICHER: Your Honor, if I may respond.

7 THE COURT: You may.

8 MR. SCHLEICHER: I think the latitude has been
9 given; and we're getting to the point now where when a
10 witness has been asked repeatedly the overall question and
11 then portions of the question over and over again, the risk
12 of unfair prejudice outweighs whatever minimal probative
13 value it would serve at this point.

14 And so I ask the court to sustain my objection and
15 I have a standing objection to this line of questioning for
16 this classification of witnesses going forward.

17 THE COURT: All right. The standing objection
18 will be noted.

19 There's no unfair prejudice here. I'm simply
20 asking from a matter of efficiency, and it is the
21 government's burden.

22 MR. JACOBS: Thank you, Your Honor.

23 **(In open court)**

24 BY MR. JACOBS:

25 Q. Ms. Nelson, I'm going to show you one more month here.

1 March 2021. Do you see that?

2 A. Yes, I do.

3 Q. You were working at Parkview at that time?

4 A. Yes, I was.

5 Q. March of 2021, did you ever see 34,000 meals
6 distributed?

7 A. I did not, no.

8 Q. I'm going to pull up what has already been admitted into
9 evidence as Government's Exhibit O-246. And I'm going to
10 page 75.

11 This is an invoice. Do you see that?

12 A. Yes, I do.

13 Q. And what date was it submitted for?

14 A. January 5th, 2022.

15 Q. And who is the company that is sending this invoice?

16 A. Empire Cuisines & Markets.

17 Q. I'm going to highlight for you one of the entries under
18 Description. What entity do you see on the left-hand side?

19 A. I see Parkview Heights.

20 Q. And in the period for this invoice, did you see
21 34-some-odd-thousand meals distributed?

22 A. I did not, no.

23 MR. JACOBS: Your Honor, nothing further for this
24 witness.

25 THE COURT: Cross-examination. Mr. Birrell?

CROSS-EXAMINATION

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BY MR. IAN BIRRELL:

Q. Good afternoon, Ms. Nelson.

A. Hello.

Q. You mentioned that someone came to you with a flier, an African American gentleman; is that right?

A. Yes.

Q. And asked if food could be contributed at Parkview, right?

A. That is correct.

Q. Do you remember what the flier looked like?

A. From what I remember, it was like a one-page flier, had the name of the company and kind of something along the lines of, you know, COVID effort -- COVID, that kind of thing, and then was regards to food distribution.

Q. Do you remember the name of the company?

A. I do not, no.

Q. Or do you remember the name of the man?

A. I do not, no.

Q. Okay. And then you said you took that information and passed it along to your regional manager; is that right?

A. Yes, I did.

Q. Is that a woman named Kelly?

A. Yes, it is.

Q. Kelly Krick?

1 A. Yep.

2 Q. Okay. And do you know whether there was a form that she
3 signed, do you know that?

4 A. I honestly cannot recall, but I do know that I just
5 double-checked with her to make sure that it was all right
6 to do so.

7 Q. And she did authorize that food distribution, right?

8 A. Yes.

9 Q. Okay. And you said you saw food distributed one time
10 only, right?

11 A. Yes.

12 Q. From that box truck?

13 A. Yes.

14 Q. Do you remember how long the truck was there?

15 A. Maybe an hour to two.

16 Q. Okay. Do you remember what day of the week it was?

17 A. It was during the week because it was during my regular
18 hours, but I can't be specific on what day of the week.

19 Q. Because you testified you were there very rarely on the
20 weekends; is that right?

21 A. That is correct.

22 Q. Once in a blue moon?

23 A. I'd say maybe like once a week. I do live close by, so
24 I would swing through every once in a while, just to kind of
25 check on the property, that sort of thing.

1 Q. Okay. So how many -- how many -- on a typical Saturday,
2 how long would you be at the property?

3 A. 10, 15 minutes, just to kind of usually drive through,
4 check my drop box, that kind of thing.

5 Q. Okay. And some Saturdays you would be there, some you
6 wouldn't?

7 A. Correct.

8 Q. Okay. And if we could pull up Exhibit C-248 again.

9 Now, this -- aside from earlier today, have you
10 seen this document before?

11 A. No, I have not.

12 Q. Or have you seen a document similar to this before?

13 A. No.

14 Q. Okay. Then I'm not going to ambush you too much with
15 it, but there's a name listed in the contact information --

16 A. Mm-hmm.

17 Q. -- section of the document. Do you see that?

18 A. Yes.

19 Q. It's a person named Kara Lomen who is apparently the
20 executive director at PartnersinQualityCare.org; is that
21 right?

22 A. That is what it says, yes.

23 Q. Do you have any idea who that is?

24 A. I have no idea who that is.

25 Q. Do you have any idea what her role in this distribution

1 program was?

2 A. Aside from what it says here, no.

3 Q. Okay. And if we can page through the document quick.

4 Do you know if there are -- do you see any other
5 names listed on this document? That's page 4, page 5. And
6 just stop if you see --

7 A. I mean, it is pretty quick, but not that I am seeing off
8 the bat, no.

9 Q. Okay. And it's about a 28-page document, I believe.

10 A. Yeah, I'm not seeing any other names.

11 Q. All right. You didn't see any other names, right?

12 A. No, I did not.

13 Q. And if you could zoom in at the certification on the
14 bottom.

15 There's apparently a certification that whoever is
16 clicking the buttons is taking full responsibility for
17 ensuring the claim is accurate. Do you see that?

18 A. Yes, I do.

19 Q. And you wouldn't know that much about it, because you
20 don't know anything about this document, right?

21 A. That is correct.

22 Q. But the only name you saw on the document, as we flipped
23 through, was that one Kara Lomen; is that fair?

24 A. That is true.

25 Q. Okay.

1 MR. IAN BIRRELL: Thank you, Your Honor. I have
2 no further questions.

3 THE COURT: Mr. Cotter.

4 CROSS-EXAMINATION

5 BY MR. COTTER:

6 Q. Good afternoon.

7 A. Hello.

8 Q. Is it fair to say that you are not familiar with the
9 Child and Adult Care Food Program administered by the USDA?

10 A. Since I've been called as a witness, I've done a little
11 bit more research, but not much before that.

12 Q. Got it. And how about the Summer Food Service Program?
13 You certainly back in 2021 didn't have any knowledge about
14 that program?

15 A. At that time, no, I did not.

16 Q. You didn't have any knowledge about how meals were
17 defined, correct?

18 A. No.

19 Q. So when you were just shown that form that had 34,000
20 meals, you have no idea how that's actually calculated, do
21 you?

22 A. No, I do not.

23 MR. COTTER: No further questions. Thank you.

24 THE COURT: Mr. Goetz.

25 MR. GOETZ: Thank you, Your Honor.

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CROSS-EXAMINATION

BY MR. GOETZ:

Q. Good afternoon, Ms. Nelson.

A. Hello.

Q. My name is Frederick Goetz. I represent Mukhtar Shariff. I'll try to be very short.

I want to just jump back to C-248. You were asked some questions about this by the prosecutor and Mr. Birrell.

If we look at the top half of this document, fair to say the only thing you recognize is the address, 429 St. Paul Place, Owatonna, correct?

A. That is correct, and the Parkview Heights is the name of my property, yes.

Q. But the name of your property is Parkview Heights. It's not Mind Foundry:Parkview Heights, correct?

A. That is correct.

Q. That's something -- the way it's written there is foreign to you, correct?

A. The first part is.

Q. Right. And Mind Foundry, you have no idea of who that's associated with or what it is. Fair to say?

A. I do not.

Q. You don't see the name Mukhtar Shariff in this portion of this document, do you?

A. I do not.

1 Q. And you don't see the name Afrique Hospitality Group on
2 this document?

3 A. I do not.

4 Q. I'm going to just jump to one other page. There's
5 29 pages. We're not going to go through them, but just the
6 example that Mr. Jacobs showed you. Page 8, please.

7 This is what's called a Claim Maintenance form or
8 claims form.

9 Again, at the top the sponsor, Partners in
10 Nutrition. And the site, the name is Mind Foundry/Parkview
11 Heights, correct?

12 A. That is correct.

13 Q. Not Shariff/Parkview Heights, correct?

14 A. Correct.

15 Q. Not Afrique Hospitality Group/Parkview Heights, correct?

16 A. That is correct.

17 MR. GOETZ: Thank you. No further questions.

18 THE COURT: Mr. Schleicher.

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

20 CROSS-EXAMINATION

21 BY MR. SCHLEICHER:

22 Q. Let me ask, When did you start as the apartment manager?

23 A. I believe it was July of 2019.

24 Q. 2019?

25 A. Yes.

1 Q. And so you would have been employed there in April of
2 2021?

3 A. Yes, I was.

4 Q. It's my understanding that this apartment complex had
5 security cameras; is that right?

6 A. Yes, it does.

7 Q. And I believe when you spoke with law enforcement -- and
8 they first approached you in June of 2022. Does that sound
9 about right?

10 A. Yeah, I would say that sounds about right, yes.

11 Q. June 13, 2022?

12 A. That sounds about right.

13 Q. And I believe at the time you described the security
14 system, a video security system; is that right?

15 A. Yes.

16 Q. And was that security system the same one that would
17 have been in place around April of 2021?

18 A. Yes, it was the same system.

19 Q. Same system?

20 A. Mm-hmm.

21 Q. And that system, my understanding, it only retains the
22 footage for a certain period of time?

23 A. That is correct, yes.

24 Q. Do you recall what the retention period is?

25 A. I believe it's three months.

1 Q. Three months.

2 A. Given the amount of data that's on it.

3 Q. All right. So by the time they approached you in June
4 of 2022, they could have only gone back three months from
5 there?

6 A. That is correct.

7 Q. But if they would have approached you in April of 2021,
8 you would have been able to give them surveillance footage
9 from April back three months 2021?

10 A. That is correct, yes.

11 Q. Or May, June, July. I won't go through all the months,
12 but three months back from there?

13 A. Yes, that is correct.

14 Q. But with that retention period being only three months,
15 the footage is gone and it's not coming back; is that right?

16 A. That is correct.

17 Q. So we have no footage to view?

18 A. Not from that time frame, no.

19 Q. All right. Thank you so much for your time.

20 A. Thank you.

21 THE COURT: Any other cross-examination?

22 Mr. Jacobs?

23 MR. JACOBS: No redirect, Your Honor. Thank you.

24 THE COURT: You may step down.

25 THE WITNESS: Thank you.

1 THE COURT: Thank you.

2 (Witness steps down)

3 THE COURT: And the government may call its next
4 witness.

5 MR. EBERT: The government calls Julia Garcia.

6 THE COURT: Hello. You may come forward all the
7 way past the jury to the chair by me.

8 If you can stand to take the oath. Would you
9 raise your right hand?

10 JULIA GARCIA,

11 called on behalf of the government, was duly sworn, was
12 examined and testified as follows:

13 THE WITNESS: Yes.

14 THE COURT: Thank you. You may have a seat.

15 And when you're settled, please state and spell
16 both your first and last name for the record.

17 THE WITNESS: Julia Garcia. J-U-L-I-A.

18 G-A-R-C-I-A.

19 THE COURT: So I'm going to have you scoot up to
20 the microphone and speak right into that microphone, if you
21 would. Thank you.

22 THE WITNESS: Julia Garcia. Julia, J-U-L-I-A.

23 Garcia, G-A-R-C-I-A.

24 THE COURT: Mr. Ebert, you may inquire.

25 MR. EBERT: Thank you, Your Honor.

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DIRECT EXAMINATION

BY MR. EBERT:

Q. Good afternoon, Ms. Garcia.

A. Good afternoon.

Q. How old are you, ma'am?

A. 39.

Q. Where do you live?

A. West St. Paul.

Q. Where are you from originally?

A. I was born in Texas.

Q. Okay. When did you make your way to Minnesota?

A. When my parents brung me up here a while ago.

Q. How far did you go in school?

A. I got an associate's degree in criminal justice.

Q. Are you working currently?

A. Yes.

Q. Where do you work?

A. Level 10 Management.

Q. What's that?

A. It is a property management group.

Q. How long have you been in property management?

A. Over five years.

Q. Are you familiar with a property called Shamrock Court
Apartments?

A. Yes. Through Thies & Talle.

1 Q. I'm sorry?

2 A. Yes.

3 COURT REPORTER: What did you say, though, after
4 "yes"?

5 THE WITNESS: Through Thies & Talle.

6 MR. EBERT: I'm sorry. I didn't catch that.

7 THE COURT: I didn't either. And I'm going to
8 have you just do your best to speak up. Thank you.

9 THE WITNESS: Okay. So I said, yes, Shamrock
10 Court was through Thies & Talle.

11 BY MR. EBERT:

12 Q. Is that a company that you worked for?

13 A. Yes.

14 Q. Okay. Can you tell the jury a little bit about what
15 Shamrock Court Apartments is?

16 A. Shamrock Court Apartments is a property that is
17 approximately 151 units. It is a lower demographic for
18 housing. And then -- so it's basically like affordable
19 housing.

20 Q. And you worked there; is that right?

21 A. Yes.

22 Q. What was your position at Shamrock Court Apartments?

23 A. I was the property manager there.

24 Q. Where is it located?

25 A. It is in the Battle Creek area of St. Paul, Lower Afton

1 Road.

2 Q. And can you tell the jury approximately when did you
3 work there as a property manager?

4 A. I worked there approximately November 2020 through
5 July 29th, 2022.

6 Q. Okay. I'm going to show you an item up on your screen
7 that is not yet in evidence, and this is Exhibit C-16.

8 Do you see that on the screen?

9 A. Yes.

10 Q. Do you recognize the photos?

11 A. Yes. That's Shamrock Court Apartments. That's the
12 front side.

13 Q. Are those true and accurate depictions of Shamrock
14 Court?

15 A. Yes.

16 MR. EBERT: Your Honor, at this time the
17 government offers Exhibit C-16.

18 MR. IAN BIRRELL: No objection.

19 THE COURT: C-16 is admitted and may be published.

20 MR. EBERT: Thank you, Your Honor.

21 BY MR. EBERT:

22 Q. Okay. Now, Ms. Garcia, the jury is able to see these
23 photos. Can you describe what we see on the first photo of
24 Exhibit C-16?

25 A. So this photo is the front property. That is where the

1 playground is and then that would be the side that is Lower
2 Afton Road.

3 Q. And now we're looking at the third page of this exhibit.
4 Can you describe what we see here?

5 A. So that is the office side of the property.

6 Q. And you said that you worked on location; is that
7 correct?

8 A. Yes.

9 Q. Where did you work?

10 A. So my office was located on the second floor on
11 property.

12 Q. Okay. And then the final picture here, can you describe
13 what we see?

14 A. So this photo is of the front of the property. That's
15 one of the only entrances to the building, like to the
16 property.

17 Q. Okay. So I want to ask a little bit more about your job
18 duties.

19 A. Okay.

20 Q. After you began in -- was it November of 2020?

21 A. Yes.

22 Q. Can you describe what types of things you did on site as
23 the property manager?

24 A. So the day-to-day operations of Shamrock, all invoices,
25 all vendor inquiries, bids, things like that, anything to do

1 with Section 8, CDA, any voucher holder stuff, supervise
2 maintenance staff and my assistant as well, amongst other
3 things.

4 Q. Throughout the time you worked there, about how many
5 people were on staff?

6 A. When we were fully staffed for maintenance, it was
7 approximately three to four people, not including the
8 supervisor who I would staff. So probably about six. They
9 would not all be there every day because we were a sister
10 property and would share maintenance, so we really just had
11 two staff members who were fully on site.

12 Q. And you were fully on site; is that right?

13 A. Yes.

14 Q. Did you have a set schedule?

15 A. Yes. It was approximately 8:30, but we didn't open the
16 doors until 9:00, until 5:00.

17 Q. Which days of the week?

18 A. Monday through Friday.

19 Q. As part of your job as the property manager, did you
20 have any sort of role with respect to the outside of the
21 property?

22 A. In regards to, like --

23 Q. Did you do -- were you only inside, or were you
24 sometimes outside?

25 A. So daily, as part of my routine, I would walk the

1 property, not every floor, just the main floor, and then
2 check laundry sections. There was two. So I would check
3 the right wing and left wing and then go from there.

4 Q. Now, I've gone back to the very first page of
5 Exhibit C-16. Do we see part of a parking area here?

6 A. Yes.

7 Q. Okay. Can you tell us a little bit about how parking
8 worked at Shamrock Court Apartments during the time you
9 worked there?

10 A. Yes. So this photo is of the front area of the
11 property. That is the location -- or the entry point, where
12 you can see that little curb stuff. That's the entry point
13 for one of the entries. The other one would be located on
14 the opposite end of the building or property.

15 Q. And who is able to park in these spots?

16 A. So for our residents, it was restricted only. So just
17 people who were residents who had a permit.

18 Q. What happens if you were not a resident and you tried to
19 park?

20 A. So there was parking enforced beyond a certain time when
21 staff wasn't on property, and that was overseen by our tow
22 company.

23 Q. And then a few moments ago when I was asking you about
24 your job duties, I believe you mentioned something about
25 vendors. Did I hear you correctly?

1 A. Yes, yes.

2 Q. Can you explain a little bit more about what you meant
3 by vendors?

4 A. Yes. So anybody who was working on property, as far as
5 HG Supply bringing like things to the property, maybe like
6 an appliance being dropped off, things like that, that would
7 get kind of sent to the maintenance area, things like that.

8 Q. And would that happen where parties like that would come
9 to bring supplies, for example?

10 A. Yes.

11 Q. And when that would occur, where would those vehicles
12 go?

13 A. They would be sent to the maintenance area, which is
14 located between 2236 and the other building. It's right in
15 the middle.

16 Q. And were you generally aware when vendor vehicles like
17 that would come into the lot?

18 A. Yes.

19 Q. How was it that you would know they were coming?

20 A. Most of the time I would get either a text or phone call
21 or there would be some type of communication saying that
22 this was going to be happening this time.

23 Q. During the time you worked there, were there occasions
24 where sort of an unexpected vendor would show up in a
25 vehicle?

1 A. Yes. Sometimes they would be seasonal vendors, kind of
2 like roofing, things like that, to drop off bids or things
3 like that.

4 Q. And did you have to do anything special when they would
5 arrive?

6 A. If they were in my parking lot blocking an area, because
7 it's kind of restricted, we would have to kind of have them
8 move right away.

9 Q. All right. I want to direct your attention to the
10 spring of 2020. At that point were you working when the
11 pandemic started?

12 A. No, because I started working there November 19th-ish,
13 2020. So the spring wouldn't have been included.

14 Q. Okay. Well, then let's flash-forward to the beginning
15 of 2021.

16 A. Okay.

17 Q. At that point were you working on site?

18 A. Yes.

19 Q. Were you -- did you remain on location with your normal
20 work schedule?

21 A. We did with restrictions.

22 Q. What type of restrictions?

23 A. So we would have to follow Fair Housing law, which they
24 send out information regarding the CDA stuff. So we had to
25 have masks, we had to be fully masked, all the PP stuff,

1 things like that.

2 Q. Okay. But you otherwise went to your job every day on
3 site?

4 A. Yes.

5 Q. So now I want to direct your attention specifically to
6 February of 2021 until December of 2021. Okay?

7 A. Okay.

8 Q. During that time period, based on your observations, are
9 you aware of any meal distributions that took place for
10 children at Shamrock Court Apartments?

11 MR. GOETZ: Your Honor, objection. 401, 402,
12 irrelevant as to defendant Mukhtar Shariff.

13 THE COURT: Overruled, and a standing objection
14 will lie.

15 MR. GOETZ: Thank you.

16 THE COURT: You may answer.

17 THE WITNESS: What was the question again?

18 BY MR. EBERT:

19 Q. Between February in 2021 and December of 2021, based on
20 your observations of working there, were you aware of any
21 meal distributions, food for children at Shamrock Court?

22 A. Yes.

23 Q. Can you describe that, please?

24 A. Yes. The school would drop off to several of the units
25 some food.

1 Q. Okay. And when you say "the school," what types of
2 things did you see?

3 A. So the bus would pull up, and there was people with
4 badges on and a wagon, and then they would put like a few
5 boxes on there, I don't know how many, and then take them
6 directly to the units where the children lived.

7 Q. What, if anything, do you recall about the badges that
8 the people had?

9 A. They were school badges. They were like white ISD
10 something. I don't recall it specifically, but I know it
11 was ISD something.

12 Q. And you mentioned a bus would come; is that right?

13 A. Yes.

14 Q. Was it a school bus?

15 A. Yes.

16 Q. And about how many people would come with the school bus
17 to deliver the food?

18 A. The driver, the -- approximately three to four.

19 Q. Okay. And about how many, from what you could observe,
20 about how many items of food did you see being handed out?

21 A. I know they were like little boxes. I don't know how
22 big.

23 Q. Okay.

24 A. Several on a red wagon, just --

25 Q. Aside from the school bus delivery that you mentioned a

1 moment ago, besides that, did you ever see an organization
2 delivering food to children at Shamrock Court Apartments?

3 A. No.

4 Q. Aside from the school delivery, did you ever see any
5 vehicle pull up and deliver food to children?

6 A. No.

7 Q. Did you ever see lines of people getting food --

8 A. No.

9 Q. -- at Shamrock Court? At any point did you see signs
10 posted at Shamrock Court about free food for children?

11 A. There was one time where I did see one sign. It was on
12 the second door to the 223 side, but it was piggy-banked off
13 of the sign I had on my door already, so I just pulled it
14 off.

15 And I pulled it off for two reasons, just because
16 it wasn't aesthetically aligned and everything, and the
17 second was because it wasn't authorized or I didn't know
18 what it was for.

19 Q. And when you say "it wasn't authorized," can you explain
20 a little more what you mean by that?

21 A. Yep. So anything that has to be -- like signage-wise
22 has to be approved by my regional manager. And if she
23 didn't approve it, then it would go higher; but it wasn't
24 approved, so it wasn't something we could put up.

25 Q. At any point do you recall anyone asking for permission

1 to deliver food to children at Shamrock Court in 2021?

2 A. No.

3 Q. And are you aware of whether Shamrock Court ever
4 participated in a free meal program for children in 2021?

5 A. No.

6 Q. Okay. I'm showing you on the screen what's in evidence
7 as Exhibit C-13. Can you see that?

8 A. Yes.

9 Q. All right. And I'm going to enlarge the top part so
10 it's a little easier to read.

11 At the very top, do you see where it says Site?

12 A. Yes.

13 Q. And what is listed as the site?

14 A. Shamrock Court Apartments.

15 Q. And below it do you see an address?

16 A. Yes.

17 Q. And what is the address listed?

18 A. 2236 Lower Afton Road, St. Paul, Minnesota 55119.

19 Q. Is that an address you recognize?

20 A. Yes.

21 Q. How so?

22 A. That is one of the addresses associated with Shamrock
23 Court Apartments.

24 Q. And then beneath that, do you see where it says Site
25 Program Name?

1 A. Yes.

2 Q. Can you read what you see, please?

3 A. Mind Foundry/Shamrock Court Ap.

4 Q. Have you ever heard of Mind Foundry?

5 A. No.

6 Q. Does that mean anything to you?

7 A. No.

8 Q. And beneath that for Contact Information, do you see a
9 person listed as Kara Lomen?

10 A. Yes.

11 Q. Is that a name that means anything to you?

12 A. No.

13 Q. Now, I moved down to the second page of this exhibit.

14 Do you see a section in bold lettering where it
15 says Method of Meal Preparation?

16 A. Yes.

17 Q. And is there a selection that has been checked?

18 A. Meals prepared on site.

19 Q. Do you have any awareness of meals for children being
20 prepared on site in 2021 at Shamrock Court?

21 A. No.

22 Q. Based on your observations and your work there, was such
23 a thing even possible?

24 A. No.

25 Q. Why not?

1 A. Because there was no empty units available for outside
2 people to come and cook on site for anybody.

3 Q. So was there any type of common area inside for people
4 to use?

5 A. That property has no amenities.

6 Q. Is there any sort of space on the outside?

7 A. There is a playground. That's it.

8 Q. Did you ever observe anything happening in the
9 playground during the time you worked there with respect to
10 food being provided to children?

11 A. No.

12 Q. Now, I'm showing you what's in evidence as Exhibit C-15.
13 And at the very top do you see what the title is of that
14 document?

15 A. Yes.

16 Q. Could you read that, please?

17 A. "Child and Adult Care Program Contract For Vended
18 Meals."

19 Q. And then beneath that, do you see where it reads
20 "Purpose and Authority"?

21 A. Yes.

22 Q. And then can you read the parties that are listed there
23 as this contract?

24 A. "This contract, between center or sponsoring
25 organization: The Free Minded Institute Cyber-Linked

1 Interactive Child Nutrition System Sponsor ID Number."

2 Q. And then beneath that do you see where it says, "and
3 Vendor"?

4 A. Yes.

5 Q. What party is listed there?

6 A. Empire Cuisine & Market.

7 Q. Have you ever heard of Empire Cuisine & Market?

8 A. No.

9 Q. Did anyone from Empire Cuisine & Market ever reach out
10 to you at any point about providing food where you work?

11 A. No.

12 Q. Are you familiar with The Free Minded Institute?

13 A. No.

14 Q. Did you have any awareness of anyone from The Free
15 Minded Institute attempting to provide meals to children?

16 A. No.

17 Q. Did you ever observe that happening?

18 A. No.

19 Q. Okay. Directing your attention to page 7 of this
20 document, do you see where it says Signatures?

21 A. Yes.

22 Q. What's listed after Center Name?

23 A. The Free Minded Institute.

24 Q. And do you see an authorized representative below that?

25 A. Yes.

1 Q. What's listed there?

2 A. Julius Scarver.

3 Q. Does that name mean anything to you?

4 A. No.

5 Q. Did you have any interactions or communications with
6 such a person?

7 A. Not that I can recall, no.

8 Q. Do you recall having any communications with Julius
9 Scarver about food being provided at Shamrock Court?

10 A. No.

11 Q. And then directing your attention below that, do you see
12 an authorized representative listed for Empire Cuisine &
13 Market?

14 A. Yes.

15 Q. What name do you see?

16 A. Abdiaziz Farah.

17 Q. And then does that person have a title written below?

18 A. Possibly manager. I don't know.

19 Q. Does the name Abdiaziz Farah of Empire Cuisine &
20 Market -- do you recognize that?

21 A. No.

22 Q. So no communications with that person as well?

23 A. No.

24 Q. Do you have any awareness about Abdiaziz Farah providing
25 any food to children where you worked in 2021?

1 A. No.

2 Q. Now, I'm showing you on the screen Exhibit F-1k. Do you
3 see that?

4 A. Yes.

5 Q. And at the very top do you see the title of this
6 document?

7 A. Yes.

8 Q. And what is that?

9 A. Weekly Consolidated Meal Counts.

10 Q. And do you see the name of where you worked on the
11 document?

12 A. Yes.

13 Q. As the site and supervisor name?

14 A. Yes.

15 Q. Okay. And then beneath that, do you see numbers with
16 respect to meal counts?

17 A. Yes.

18 Q. And on this example, how many do you see as a total?

19 A. 3,000.

20 Q. And at the very bottom, do you see more total of meals
21 that were supposedly served?

22 A. 7,000.

23 Q. Okay. And at the very top under the Week Of, do you see
24 some dates that are listed?

25 A. Yes.

1 Q. Do you see April 4th through April 10th?

2 A. Yes.

3 Q. On those dates in 2021 did you observe 7,000 meals being
4 served where you worked?

5 A. No.

6 MR. SCHLEICHER: Objection, Your Honor. Asked and
7 answered, cumulative, 403.

8 THE COURT: Overruled.

9 You may answer.

10 THE WITNESS: No.

11 MR. COTTER: Your Honor, may I make another
12 objection? 602. And may I have a sidebar?

13 THE COURT: You may.

14 **(Sidebar discussion)**

15 MR. COTTER: Can you hear me?

16 THE COURT: I can, but Mr. Ebert isn't on yet.
17 Just a minute.

18 Go ahead.

19 MR. COTTER: Thank you.

20 The basis of the objection is each one of these
21 witnesses and this one included is being asked about meals,
22 and yet none of them have laid foundation about what the
23 definition of a meal was under these particular programs,
24 which has been -- is a significant factor.

25 So when they're describing meals, I don't think

1 there's sufficient knowledge, personal knowledge of how that
2 was defined under the CACFP or the SFSP programs, which is
3 what's relevant to these particular documents.

4 And for that reason, I'd object to her just
5 listing off what the meal counts were.

6 THE COURT: Mr. Ebert.

7 MR. EBERT: Can you hear me now, Your Honor?

8 THE COURT: Now I can.

9 MR. EBERT: I think that respectfully misconstrues
10 the purpose of the testimony. I don't think she's being
11 asked to opine on the contents of the meals and whether
12 there's a grain and a milk and a vegetable.

13 We're simply asking her factually did she observe
14 meals, food of any sort, being handed out to children. And
15 I think that's a pretty basic concept and point that simply
16 asks her to recall her own factual observations and nothing
17 more.

18 THE COURT: It's an appropriate matter for cross,
19 but it's not a reason to keep the testimony out. So I'm
20 overruling the objection.

21 **(In open court)**

22 THE COURT: Will you repeat the question, please,
23 Mr. Ebert?

24 MR. EBERT: All right. Thank you, Your Honor.
25

1 BY MR. EBERT:

2 Q. And I believe the last question posed, Ms. Garcia, is
3 with respect to the date range that we see here, April 4th
4 through April 10th of 2021, did you observe 7,000 meals that
5 were being received at Shamrock Court?

6 A. No.

7 Q. Based on the nature of your job, do you think you would
8 have known if such a thing had occurred?

9 A. Yes.

10 Q. Why is that?

11 A. Because there was at least a minimum 16 monitors on
12 property, and I would check those daily. In addition to
13 that, we had several maintenance staff, along with my
14 assistant on property. If it was reported, I mean, I would
15 have known about it.

16 Q. And it never was?

17 A. Never was.

18 Q. And you never saw it?

19 A. Never saw it with my own eyes.

20 Q. At the very bottom of this document, do you see where it
21 says Signature of a Site Supervisor?

22 A. Yes.

23 Q. And do you see a name that's written there?

24 A. Yes.

25 Q. Is that a name you recognize?

1 A. No.

2 Q. Okay. Did you ever see any type of site supervisor with
3 respect to food being handed out?

4 A. No.

5 MR. SCHLEICHER: Objection. Foundation as to site
6 supervisor.

7 THE COURT: Sustained. Can you lay more
8 foundation for that definition?

9 BY MR. EBERT:

10 Q. Did you see anyone handing out food during April 4th
11 through April 10th?

12 MR. SCHLEICHER: Objection. Asked and answered.

13 THE COURT: Overruled.

14 You may answer.

15 THE WITNESS: No.

16 MR. EBERT: Thank you.

17 BY MR. EBERT:

18 Q. I'm going to direct your attention back to Exhibit C-15.

19 And on the very back, do you see Shamrock Court
20 listed?

21 A. Yes.

22 Q. And do you see where it indicates a day of the week?

23 A. Yes.

24 Q. And what does that say?

25 A. "Thursday."

1 Q. Okay.

2 A. "Seven days" in parenthesis.

3 Q. And then in the final column under Time of Delivery, do
4 you see a time?

5 A. 9:45 a.m.

6 Q. Does that mean anything to you, that date and that time,
7 with respect to food delivery for children?

8 A. No.

9 Q. Did such a thing ever occur that you observed on that
10 date and time?

11 A. No.

12 Q. All right. I'm showing you what's in evidence as
13 Exhibit O-17. And here on page 162 of that exhibit, do you
14 see a copy of a check?

15 A. Yes.

16 Q. And what do you see on the memo line of that check?

17 A. Shamrock Court Feb.

18 Q. And do you see a dollar amount?

19 A. Yes.

20 Q. What is that dollar amount on the check?

21 A. \$113,246.

22 Q. And who was that check paid out to?

23 A. Mind Foundry.

24 Q. Have you ever heard of Mind Foundry?

25 A. No.

1 Q. Okay. And in the very upper left corner, who is the
2 payor of the check?

3 A. Partners in Nutrition.

4 Q. Have you ever heard of Partners in Nutrition?

5 A. No.

6 Q. Do these names mean anything to you with respect to food
7 or anything at Shamrock Court?

8 A. No.

9 Q. Now, I'm showing you Exhibit 1 -- excuse me -- O-141.
10 And we'll enlarge this, being the 45th page of this exhibit.

11 Another check; is that right?

12 A. Yes.

13 Q. And what do you see on the memo line, Ms. Garcia?

14 A. Shamrock Oct.

15 Q. And is this the same payor in the upper left corner?

16 A. Yes.

17 Q. Partners in Nutrition?

18 A. Yes.

19 Q. And who received money on this check that you can see?

20 A. The Free Minded Institute.

21 Q. And what's the date in the upper right corner?

22 A. 11/8/21.

23 Q. And is it a check for approximately \$38,000?

24 A. That's correct.

25 Q. Do you know anything about a payment to The Free Minded

1 Institute for that dollar amount involving Shamrock Court
2 Apartment?

3 A. No.

4 MR. EBERT: I have no further questions. Thank
5 you.

6 THE COURT: Cross-examination? Mr. Birrell.

7 CROSS-EXAMINATION

8 BY MR. IAN BIRRELL:

9 Q. Good afternoon, Ms. Garcia.

10 A. Good afternoon.

11 Q. So you were just shown a bunch of checks and contracts
12 that you had never see before; is that fair?

13 A. Yes.

14 Q. Do you have an understanding of what the definition is
15 of a meal under the CACFP program?

16 A. Yes.

17 Q. What is your understanding of the definition of a meal
18 under the CACFP?

19 A. It's a free, warm meal provided by an institution.

20 Q. All right. And do you know which institution was
21 providing these meals?

22 A. The Free Minded one, I guess.

23 Q. Well, are you guessing or do you know?

24 A. The one that's on there. I don't know the full title.
25 The Free Minded Institute.

1 Q. So your understanding is The Free Minded Institute was
2 providing meals or was billing for meals?

3 A. Yes.

4 Q. And what was Partners in Nutrition's role in this, as
5 you understand it?

6 A. They were distributing, is what I'm --

7 Q. Well --

8 A. -- guessing.

9 Q. Well, I don't want you to guess. And the answer might
10 be that you don't know. So do you know --

11 A. I don't know their complete role, I mean.

12 Q. Okay. Let me go back then. Is it fair to say you don't
13 know The Free Minded Institute's role in whatever was going
14 on here?

15 A. No.

16 Q. You're just looking at these contracts that you just saw
17 for the first time today?

18 A. That I just don't know, yeah.

19 Q. Okay. And you don't know Partners in Nutrition's role?

20 A. I don't.

21 Q. You don't know Mind Foundry's role?

22 A. No.

23 Q. You don't know Empire Cuisine & Market's role?

24 A. No.

25 Q. You don't know who -- you were shown some names. You

1 don't know who these people are?

2 A. I don't.

3 Q. Do you know if Kara Lomen is in court today?

4 A. No.

5 Q. Do you know what she was supposed to be doing in this
6 program?

7 A. I don't know.

8 Q. Okay. And, I mean, you were shown pages 1 and 7 of the
9 contract that you just saw for the first time today, right?

10 A. For the first time today? Well, I've seen some of these
11 before.

12 Q. You saw them before when the government came and talked
13 to you?

14 A. Yes.

15 Q. Okay. And the first time they came and talked to you
16 was about a month or two ago; is that right?

17 A. Approximately.

18 Q. Give or take? And they showed you these contracts and
19 asked you what was going on, right?

20 A. Yes.

21 Q. And you talked to them about some of the same things
22 you've talked about today.

23 A. Yes.

24 Q. Fair? One of the things you talked about was the
25 surveillance system at Shamrock Court, right?

1 A. Yes.

2 Q. Do you know how many cameras there are at Shamrock
3 Court?

4 A. I know there's 16 monitors. I don't know for sure how
5 many cameras are on property, but I know there was 16
6 monitors on the screen that I could view from.

7 Q. So at least 16 cameras; is that fair?

8 A. Minimum, yeah.

9 Q. Okay. And the cameras recorded what was going on,
10 right?

11 A. On site, yes.

12 Q. And did you or anyone at Shamrock ever work with the
13 police when a crime was committed, like vandalism, robbery,
14 break-ins?

15 A. Yes.

16 Q. And you would be happy to show the footage to the local
17 police if they had asked for it, right?

18 A. Yes.

19 Q. When the FBI came and talked to you, did any of them ask
20 for any of the camera footage?

21 A. No.

22 Q. Do you know, would the cameras -- I mean, we're talking
23 about 2021 now, right?

24 A. Correct.

25 Q. Would the cameras still maintain their footage on what

1 happened in 2021, or is it deleted after a certain period of
2 time?

3 A. They would only hold information for approximately
4 15 days.

5 Q. 15 days. Okay. Did anyone from the FBI ask questions
6 like this?

7 A. Not that I remember.

8 Q. So you talked to them about the cameras, and they didn't
9 ask to see what was on the cameras; is that fair?

10 A. Yes.

11 Q. Okay. And there were times when you saw like large
12 white box trucks parked somewhere at Shamrock, right?

13 A. Yes.

14 Q. And you would see that on the cameras, right?

15 A. Yes.

16 Q. And when you saw it, sometimes you would ask them to
17 move, right?

18 A. Yes.

19 Q. Because there were these parking issues that you talked
20 about on direct examination, right?

21 A. Yes.

22 Q. In talking about parking a little bit -- so you work
23 8-hour shifts, right?

24 A. Yes.

25 Q. So when you go there to Shamrock, you're parked there

1 for at least 8 hours, right?

2 A. Yes.

3 Q. And if you go park at your house, you're parked at your
4 house for often an extended period of time, overnight or a
5 while, right?

6 A. Correct.

7 Q. Do you ever order takeout, like takeout food?

8 A. Yes.

9 Q. Like if you order a pizza, say, right? So let's say you
10 go to Dominos, order pizza -- or call up Dominos, order
11 pizza for takeout, right, or do it on your computer? You
12 tracking my question?

13 A. Yes.

14 Q. When you do that and you go park at Dominos, pick up
15 your pizza and leave, is it fair so say you're parked there
16 for one or two or maybe three minutes?

17 A. I wouldn't order Dominos personally, so.

18 Q. Well, fair enough. What kind of takeout would you
19 order?

20 A. Definitely not Dominos.

21 Q. Well, you understand the question I'm asking, though,
22 right?

23 A. Yes.

24 Q. And is that a fair characterization of how long it would
25 take to pick up something that you ordered that was already

1 prepared, right?

2 A. Yes.

3 Q. Okay. Okay. You mentioned something about the sign
4 with free food that you took down.

5 A. Yes.

6 Q. Do you know what was on that sign?

7 A. I do not.

8 Q. Do you remember any names of any people?

9 A. No.

10 Q. Any names of any organizations?

11 A. No.

12 Q. Do you remember what it looked like, a color scheme or
13 anything like that?

14 A. No.

15 Q. You said it wasn't, you know, aesthetically pleasing.

16 A. Correct.

17 Q. I'm just trying to see if there's anything that you can
18 remember, trying to jog your memory here.

19 A. I know when I opened the door, I seen it on the second
20 door. And my sign was right in the middle, and this sign
21 was like hanging on the bottom, like they had piggy-banked
22 off my tape and just kind of like stuck it at an angle, not
23 really -- so I literally just pulled it off.

24 Q. And you just thought that's not something I know
25 anything about --

1 A. Right.

2 Q. -- so I'm going to take it down, right?

3 A. Yes.

4 Q. Do you know -- is your manager a person -- a woman named
5 Taylor Coenen?

6 A. No. She was my assistant.

7 Q. She was your assistant?

8 A. Mm-hmm.

9 Q. Do you know whether she gave any permission to
10 distribute food at Shamrock?

11 A. She wouldn't have.

12 Q. She wouldn't have? Did you ever talk with her about
13 food being distributed?

14 A. No.

15 Q. Nothing came up one way or the other?

16 A. No.

17 Q. Okay. And just to be clear, you were shown a number of
18 names that you don't -- don't recognize. Julius Scarver,
19 right? You don't know who that is?

20 A. I don't.

21 Q. Mahad Ibrahim, you don't know who that is?

22 A. I don't.

23 Q. Okay. You don't think you've ever talked to any of
24 these people, right?

25 A. No.

1 MR. IAN BIRRELL: Thank you, Your Honor. I have
2 nothing further.

3 THE COURT: Mr. Goetz.

4 MR. GOETZ: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. GOETZ:

7 Q. Good afternoon, Ms. Garcia.

8 A. Good afternoon.

9 Q. My name is Frederick Goetz. I represent Mukhtar
10 Shariff.

11 We have never met before, have we?

12 A. No.

13 Q. Have you ever met any folks on this side of the
14 courtroom?

15 A. The gentleman with the green tie. I met him like on the
16 11th.

17 Q. Okay.

18 MR. GOETZ: May the record reflect the witness has
19 identified Mr. Ebert.

20 THE COURT: The record will so reflect.

21 BY MR. GOETZ:

22 Q. And you've talked to federal agents before?

23 A. Yes.

24 Q. Do you remember they actually came to your home? Do you
25 remember that?

1 A. Yes.

2 Q. That was on March 19 of 2024?

3 A. Yes.

4 Q. And they asked you questions that had happened -- about
5 events that happened three, two and a half years ago,
6 correct?

7 A. Yes.

8 Q. And you're here today telling us about the same events,
9 correct?

10 A. Yes.

11 Q. And I just need to get a better understanding of how
12 well you remember some of the things.

13 A. Okay.

14 Q. Okay? You told us today, if I remember your testimony,
15 and please correct me if I have it wrong, that you never
16 recalled anyone asking you permission to distribute food at
17 Shamrock Court.

18 Is that what you told us just a moment ago?

19 A. Yes. Directly like in a full conversation, no.

20 Q. But the reason I ask is because when you were talking to
21 the agents on March 19, 2024, a couple months ago, you told
22 them that a Somali male had come to your office and told you
23 he could bring free food to distribute at Shamrock Court.

24 Do you remember telling them that?

25 A. Yes.

1 Q. Okay.

2 A. But it wasn't a full conversation.

3 Q. All right. The question you were asked, though, is
4 asking permission.

5 A. Yes.

6 Q. And would you agree now to clarify for this jury that
7 someone did come to you and ask permission to distribute
8 food at Shamrock Court?

9 A. Yes.

10 Q. Okay. And that was a Somali male, correct?

11 A. Yes.

12 Q. And the signs that you were -- or the sign that you were
13 talking about just a moment ago, you also remember that sign
14 being in English and also possibly Somali; is that right?

15 A. A different language.

16 Q. You told the agents you thought it was possibly Somali,
17 right?

18 A. Somali or Oromo. And I say that because that was our
19 demographic.

20 Q. Okay. The report that I'm looking at indicates that you
21 told the agents possibly Somali. Would you dispute that
22 that's what you said?

23 A. No.

24 Q. Okay. And as you were just asked by Mr. Birrell, you do
25 remember telling the agents seeing a box truck on the

1 premises, correct?

2 A. Yes.

3 Q. On multiple occasions, correct?

4 A. Yes.

5 Q. Now, I just have a few more questions for you.

6 You indicated you left Shamrock Court on July 29,
7 2022. Why do you remember that date so particularly?

8 A. Because I had put in my two-week notice, and August 1st
9 was the Monday that I started my new job.

10 Q. Okay. Same company or different company?

11 A. Different company.

12 Q. Okay. Why did you leave that position at Shamrock Court
13 with that first company?

14 A. With Thies & Talle?

15 Q. Yeah.

16 A. Just growth.

17 Q. Okay. So, lastly, if we could look at C-13, please. I
18 want to look at that just quickly.

19 And this is a document that you don't recognize it
20 being associated with your work at all, correct?

21 A. Correct.

22 Q. These are something the -- this is something the agents
23 showed you, right?

24 A. Yes.

25 Q. If we could just blow up the top part of that.

1 The site program name, you recognize the Shamrock
2 Court Ap? Short for apartments, I assume. You recognize
3 that, correct?

4 A. Yes.

5 Q. But you don't recognize Mind Foundry, correct?

6 A. Correct.

7 Q. Do you remember ever seeing any document that the agents
8 showed you with the name Afrique Hospitality Group
9 associated with Shamrock Court Apartments?

10 A. No.

11 Q. Do you remember ever seeing the name Mukhtar Shariff
12 that the agents showed you in any document associated with
13 Shamrock Court Apartments?

14 A. The documents that they showed me had that name on
15 there, I believe. I don't -- I don't recall right now.

16 Q. Okay. Do you see it on this document?

17 A. Shariff is not on this document.

18 Q. Yeah, the only name we have on this document is Kara
19 Lomen, correct?

20 A. Correct.

21 Q. And let's look at some of the other documents you were
22 shown. 0-17, please, or, rather, 0-17.

23 This is the first page of a document you were
24 shown, a later page a particular check, but you see the
25 account title there. It's ThinkTechAct Foundation, correct?

1 A. Yes.

2 Q. And then below it, there's a name associated with that
3 as the account holder. Can you just read to the jury what
4 that name is, please?

5 A. Mahad Ibrahim Joo.

6 Q. Not Mukhtar Shariff, correct?

7 A. Correct.

8 Q. And let's look at the other exhibit, O-141, please.

9 And the account title at the top, The Free Minded
10 Institute, correct?

11 A. Correct.

12 Q. And the account holder, the name is Julius Scarver,
13 correct?

14 A. Correct.

15 Q. Not Mukhtar Shariff, would you agree?

16 A. Yes.

17 MR. GOETZ: Thank you. I have no further
18 questions.

19 THE COURT: Mr. Sapone.

20 MR. SAPONE: Yes. Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. SAPONE:

23 Q. Good afternoon, ma'am. How are you?

24 A. Good afternoon. Good.

25 Q. Ma'am, I want to invite your attention please to

1 August 30th of the year 2021. Okay?

2 A. Okay.

3 Q. On that date you were a Shamrock property manager,
4 correct?

5 A. That's correct.

6 Q. You were the property manager. Yes?

7 A. Correct.

8 Q. And on August 30th of 2021 you knew a person by the name
9 of Taylor Coenen, correct?

10 A. That's correct.

11 Q. And the last name is C-O-E-N-E-N?

12 A. Correct.

13 Q. Taylor was your assistant, correct?

14 A. Correct.

15 Q. Now, you testified earlier, did you not, that you don't
16 remember anyone seeking permission to deliver food on
17 Shamrock property in 2021, correct?

18 A. Yes.

19 Q. And on that date, August 30th of 2021, Taylor was still
20 your assistant, right?

21 A. Yes.

22 Q. How long have you known Taylor?

23 A. Since approximately March of 2021.

24 Q. And so you would recognize Taylor's signature, correct?

25 A. Yes.

1 Q. As Shamrock property manager back in 2021, you were
2 generally aware of authorization forms signed authorizing
3 events on the property you were managing, Shamrock, correct?

4 A. Correct.

5 Q. I'd like to please have shown to you, but not the jury,
6 what I'd like marked as Defendant's D4-1.

7 Do you see that, ma'am?

8 A. Yes.

9 Q. You recognize it as a form signed by Taylor back on
10 August 30th of 2021, correct?

11 A. I want to say yes, that looks like her writing.

12 Q. And does it appear to be altered in any way?

13 A. No.

14 MR. SAPONE: I offer it.

15 THE COURT: Any objection?

16 MR. EBERT: Objection, Your Honor. Lack of
17 foundation.

18 THE COURT: Overruled. D4-1 is admitted.

19 MR. SAPONE: Now, could I please have it published
20 to the jury?

21 THE COURT: Yes.

22 BY MR. SAPONE:

23 Q. Ma'am, please take a look at Defendant's D4-1 now in
24 evidence. Do you see it?

25 A. Yes.

1 Q. It says that ThinkTechAct Foundation is a nonprofit
2 organization that provides STEM educational programming and
3 nutritious meals to youth in low income and vulnerable
4 communities, correct?

5 A. Correct.

6 Q. And that TTA is a sponsor under the Minnesota Department
7 of Education Child Nutrition Program, right?

8 A. Yes.

9 Q. And as a sponsor, we're tasked -- or we tasked with
10 delivering food service programs to promote the health and
11 well-being of children in communities that need it most.

12 It says that, correct?

13 A. Correct.

14 Q. That the purpose of this form is to give TTA
15 authorization to deliver CACFP food service programming and
16 your location.

17 Correct?

18 A. Yes.

19 Q. Then it says, Please complete all fields below and
20 return to TTA representative. Right?

21 A. Correct.

22 Q. Tell the members of the jury what's the name of the site
23 on this form now in evidence.

24 A. It says Shamrock Court Apartments.

25 Q. What address does it have listed as the site address?

1 A. 2236 Lower Afton Road, St. Paul, Minnesota 55119.

2 Q. Back in 2021, what was the address of Shamrock Court?

3 A. 2236 Lower Afton Road.

4 Q. It says Printed Name of Site Authorized Representative.

5 You see that, right?

6 A. Yes.

7 Q. Tell the members of the jury what's the name on the
8 form?

9 A. Taylor Coenen.

10 Q. Is it signed at the bottom?

11 A. Yes.

12 Q. Is it dated?

13 A. Yes.

14 Q. Whose signature and what date?

15 A. Taylor Coenen, 8/30/21.

16 MR. SAPONE: No further questions.

17 THE COURT: Any other defense cross?

18 Mr. Ebert.

19 MR. EBERT: Yes, Your Honor.

20 REDIRECT EXAMINATION

21 BY MR. EBERT:

22 Q. Ms. Garcia, you were just shown a document a moment ago
23 that said ThinkTechAct. Do you recall that?

24 A. Yes.

25 Q. Prior to a moment ago, have you ever heard of

1 ThinkTechAct?

2 A. No.

3 Q. At any point in 2021, did anyone from ThinkTechAct reach
4 out to you?

5 A. To me, no.

6 Q. At any point in 2021, did you observe anyone with that
7 organization, ThinkTechAct, serving food to children at
8 Shamrock Court Apartment?

9 A. No.

10 MR. EBERT: I have no further questions, Your
11 Honor.

12 THE COURT: Thank you.

13 You may step down.

14 **(Witness steps down)**

15 THE COURT: We'll take our afternoon break, and
16 we'll come back at 3:35.

17 Thank you, everyone.

18 THE CLERK: All rise.

19 **IN OPEN COURT**

20 **(JURY NOT PRESENT)**

21 THE COURT: 3:35, everybody. We're in recess.

22 (Recess taken at 3:22 p.m. till 3:36 p.m.)

23

24 **IN OPEN COURT**

25 **(JURY PRESENT)**

1 THE COURT: You may all be seated.

2 And the government may call its next witness.

3 MR. EBERT: Thank you, Your Honor. The government
4 calls David Hamilton.

5 THE COURT: Hello. You may come forward and
6 around. You are aiming for this witness chair up by me.

7 And would you stand and take the oath, please.

8 DAVID HAMILTON,

9 called on behalf of the government, was duly sworn, was
10 examined and testified as follows:

11 THE WITNESS: I do.

12 THE COURT: Thank you. You may have a seat in the
13 witness chair.

14 And when you're settled, I'll have you state and
15 spell your first and last name for the record right into the
16 microphone.

17 THE WITNESS: David Hamilton. D-A-V-I-D.
18 H-A-M-I-L-T-O-N.

19 THE COURT: Thank you.

20 Mr. Ebert, you may inquire.

21 MR. EBERT: Thank you, Your Honor.

22 DIRECT EXAMINATION

23 BY MR. EBERT:

24 Q. Good afternoon, Mr. Hamilton.

25 A. Good afternoon.

- 1 Q. How old are you, sir?
- 2 A. I'm 58 years old.
- 3 Q. Where do you live?
- 4 A. Minneapolis. Or the address?
- 5 Q. Not the address, but where do you live?
- 6 A. I live in Minneapolis.
- 7 Q. How long have you lived in Minneapolis?
- 8 A. Most of my life, except for when I traveled abroad for a
- 9 few years when I was young.
- 10 Q. Okay. Can you tell us a little bit about your
- 11 educational background?
- 12 A. I went to undergraduate at Macalester. I have a BA in
- 13 political science and a master's from the University of
- 14 Minnesota in history.
- 15 Q. What do you do for a living, sir?
- 16 A. I do nonprofit leadership work. I'm currently an
- 17 executive director of a nonprofit.
- 18 Q. What's the name of the nonprofit?
- 19 A. Youth Farm.
- 20 Q. What does Youth Farm do?
- 21 A. Urban farming and youth leadership work.
- 22 Q. Working in nonprofits, has that been a part of your
- 23 career?
- 24 A. For the most of the last 25-plus years, yes.
- 25 Q. Here in Minnesota?

1 A. Yes.

2 Q. Okay. Are you familiar with a place or an organization,
3 rather, called The Cedar Cultural Center?

4 A. Yes.

5 Q. What is that?

6 A. That is a nonprofit performance center that does music
7 performances, and it also does some community programming
8 funded by the State of Minnesota.

9 Q. How is it that you're familiar with The Cedar Cultural
10 Center?

11 A. I was the executive director from August 2018 until
12 February 2022.

13 Q. Where is it located?

14 A. 416 Cedar Avenue South, Minneapolis.

15 Q. Which neighborhood in Minneapolis is it?

16 A. That's the Cedar-Riverside neighborhood.

17 Q. So just a couple miles from downtown?

18 A. Yes.

19 Q. Have heard of the West Bank?

20 A. Yes. It's also called the West Bank, yeah.

21 Q. Is it near the University of Minnesota campus?

22 A. Exactly, yes.

23 Q. And what does it mean to have been the executive
24 director? Can you explain that?

25 A. I was responsible for all -- I was responsible for the

1 oversight of the organization and the leadership of the
2 organization. So I made overall artistic direction. And I
3 also -- like I would meet with the finance committee and
4 approve. I was the signature for checks. I met with the
5 outside accountant and handled all of the financial
6 businesses and worked with the finance committee.

7 Q. Were there staff members that worked for you?

8 A. Yes.

9 Q. About how many?

10 A. We had about 12 FTE, 9 actual full-time staff, and we
11 had -- the other 3 FTE were made up of part-time stage
12 folks.

13 Q. And when you say FTE, does that mean full-time
14 equivalent?

15 A. Yes.

16 Q. Okay. And did all of these people work at the location?

17 A. Yes.

18 Q. And you as well?

19 A. Yes.

20 Q. All right. I'm going to show you some items up on the
21 screen.

22 A. Okay.

23 Q. This is an exhibit that has not been entered in
24 evidence. Exhibit C-264.

25 Do you recognize the photos in this exhibit?

1 A. Yes, I do.

2 Q. And what do you recognize them to be?

3 A. Well, that's The Cedar Cultural Center.

4 Q. Are these true and accurate depictions of where you used
5 to work?

6 A. Yes.

7 MR. EBERT: At this time, Your Honor, the
8 government offers Exhibit C-264.

9 MR. IAN BIRRELL: Without objection.

10 THE COURT: C-264 is admitted and may be
11 published.

12 MR. EBERT: All right. Thank you, Your Honor.

13 BY MR. EBERT:

14 Q. And so now going back to the very first page.

15 Now that the jury is able to see this, can you
16 describe what we see on the screen?

17 A. This is the plaza area of The Cedar Cultural Center,
18 which The Cedar owned.

19 Q. And there's a brick building in the foreground. What is
20 that?

21 A. The brick building is The Cedar Cultural Center.

22 Q. Including where there's a mural on the wall?

23 A. Yeah. That's the performance venue area. The window up
24 here, that was my office, the blue window, the blue framing
25 to the right.

1 Q. Right there (indicating)?

2 A. Yeah. Yeah, that office right there, that window.

3 Q. That's where you worked on site?

4 A. Yes.

5 Q. Okay. All right. Now, on the second page, can you
6 describe this view?

7 A. Yeah. That's across the street looking at The Cedar.
8 And there's a restaurant there I'm not that familiar with.
9 I'm not sure when this pic was taken. But that's the awning
10 or whatever you call it, the marquee with the shows that
11 would --

12 Q. And there's a series of doors underneath Cedar Cultural
13 Center?

14 A. Mm-hmm.

15 Q. Is that the main entrance?

16 A. Yes, it is.

17 Q. Was this a --

18 A. It's the only entrance.

19 Q. It's the only entrance?

20 A. Yeah. There's also an entrance onto the plaza area, but
21 that was only open when we would do events on the plaza.

22 Q. Okay. The doors that we see here, was this building
23 generally open to the public?

24 A. No, it was not open to the public.

25 Q. Can you explain that?

1 A. Well, despite being called a cultural center, we were
2 only open for performances or events that were scheduled and
3 agreed upon, but we were not open to the public.

4 So usually we would open at night for the public,
5 but during the day staff would be in the offices, which were
6 upstairs. It's an old movie theater.

7 Q. And now I'm on the third page of this exhibit. Do you
8 see some vehicles in the foreground?

9 A. Mm-hmm.

10 Q. What is the street that we see here?

11 A. This is Cedar.

12 Q. And for people who aren't familiar, can you provide a
13 little sense of Cedar Avenue?

14 A. Okay. Cedar Avenue is a very busy avenue. And I
15 actually lived across the street when I was in graduate
16 school, when The Cedar opened in 1989, so I'm very familiar
17 with the neighborhood.

18 This is a very busy street. There is one lane in
19 each direction that vehicles can drive on, and then there's
20 parking on both sides with meters. So it's pretty -- it's
21 pretty busy.

22 Q. Now, you mentioned there are times when there is a
23 performance or a show; is that right?

24 A. Yes.

25 Q. On those types of occasions, what did you observe with

1 respect to parking?

2 A. Well, parking, even when there was not shows, it was
3 difficult, but it was very difficult when there was shows at
4 night.

5 I mean, there's a lot of high-rises and buildings,
6 and people would park there in the evenings, you know, who
7 lived there, but it was very difficult to get parking in the
8 evenings on the street.

9 Q. And I'm sorry. I didn't mean to interrupt you.

10 Did you say it was difficult to park generally,
11 even when there wasn't a show?

12 A. Yes.

13 Q. How so?

14 A. All the meters would be taken.

15 Q. And the final view here, can you just describe what we
16 see?

17 A. Yeah. So these -- this sign that says No Parking,
18 that's where -- it was an unloading space for The Cedar. So
19 some bands would unload there, but other like beer -- a lot
20 of the beer trucks that we had come would park there and
21 unload there.

22 Q. Okay. Now, this plaza space that we can see enlarged
23 here, who owned that plaza space?

24 A. It was -- it was owned by The Cedar Cultural Center.

25 Q. Okay. What types of activities occurred on the plaza

1 space?

2 A. Well, when we had some shows during the summer, we would
3 open up and we put actually a fence around the plaza. So we
4 wouldn't let people just walk onto the plaza. They would
5 have to have entered through the front door. Then they
6 could exit through the side and go on the plaza with their
7 beverage, with alcoholic beverage.

8 We did allow some neighborhood events to occur.
9 You know, we allowed like Eid to occur, you know, the Somali
10 breaking of the fast, or some other events where people
11 would ask us to use our plaza. And we did do some
12 performances during COVID out on the plaza.

13 Occasionally, somebody would ask us to table on
14 the plaza, to set up a table and do something.

15 Q. What do you mean by "table"?

16 A. They would set up a table and give away information.

17 Actually, one time somebody set up a table and was
18 handing out information. And I got a message from the West
19 Bank Business Association that someone had been setting up
20 in the evening when we were closed during COVID, because we
21 weren't always there in the evening, of course. And I went
22 there in the evening to see who it was and I met the people.
23 I don't remember their names, but they had -- and then I
24 told them, well, they should have asked permission, and we
25 gave them permission to sit out there.

1 Q. And this example you're describing, what were they
2 doing?

3 A. They were just sitting out there. They were trying to
4 work with the youth. There was a lot of youth that would
5 hang out in the plaza when we were closed or open during the
6 day, because we had -- even though The Cedar owned it, we
7 didn't have no No Trespassing signs up. We allow people
8 just to hang out. We wanted to be a community space for
9 people to use.

10 Q. I want to direct your attention to the pandemic. So if
11 you can just kind of go back mentally in time to when the
12 pandemic started in 2020.

13 A. Mm-hmm.

14 Q. Did you remain on site for work in 2020?

15 A. Well, we closed I think it was around March 14th, 2020,
16 and we closed the venue to shows. I still went there almost
17 every day right after the pandemic started to check the mail
18 and to check the building.

19 Within about a month after the close, the
20 pandemic, I had to lay off about 80 percent -- or 75 percent
21 of staff. So I -- and -- so I became the person who would
22 go and check the building all the time and check the mail.

23 Q. All right. Now, I want to direct your attention further
24 ahead from about March of 2021 to about December of 2021.

25 A. Okay.

1 Q. At that time were you going to your office at the
2 Cultural Center?

3 A. Yes. What happened in February 2021 is I hired an
4 operations director. The other one had left before, before,
5 actually, before COVID. So I hired a new operations
6 director to assist me to kind of -- kind of refurbish the
7 building.

8 So during the time of 2021, and we were at The
9 Cedar daily during -- during February through December, we
10 put a -- we hired people to put a new roof on. We
11 completely revamped the back guest, I mean, the back band --
12 they call it the green room where the bands, you know, hung
13 out before performing. We redid the floors. We redid the
14 bar. We pulled up the carpet. We redid the bathrooms. We
15 spent that year fixing up The Cedar.

16 Q. Why that year?

17 A. Because we were closed to shows and we had the time and
18 energy to do it.

19 Q. Okay. During this time period that we're talking about
20 in 2021, are you aware of any meal distributions, food for
21 children, that occurred at Cedar Cultural Center?

22 A. No.

23 MR. GOETZ: Your Honor, objection. 401, 402,
24 irrelevant as to Mukhtar Shariff.

25 THE COURT: Overruled, and you will have a

1 standing objection.

2 THE WITNESS: I'm sorry. Say that again?

3 BY MR. EBERT:

4 Q. In the time period of 2021, are you aware of any food
5 distribution for children that occurred at Cedar Cultural
6 Center?

7 A. No.

8 Q. Did you ever see any lines of vehicles waiting to get
9 food in 2021?

10 A. I did not, nope.

11 Q. What about lines of people in 2021 at Cedar Cultural
12 Center to get food?

13 A. Nope.

14 Q. Did you ever see trucks delivering food in 2021 at Cedar
15 Cultural Center?

16 A. Nope.

17 Q. Any type of unloading from a truck with respect to food?

18 A. No, absolutely not.

19 Q. With the layout of the building, generally, when trucks
20 would come to unload, where would that occur?

21 A. Well, when I pointed to the No Parking signs in the
22 front of the building, that's where the trucks would pull up
23 to deliver food -- I mean, sorry, not food, beverages, beer
24 trucks to The Cedar Cultural Center.

25 Other vehicles would block the lane on the other

1 side, and then cars would have to go down the middle, and
2 deliver like to the other businesses --

3 Q. And is that what we see here?

4 A. -- grocery store, like the grocery store or something
5 across the street. There would be trucks that would deliver
6 there maybe.

7 Q. And what you're describing, is that what we see here on
8 page 4 of Exhibit C-264?

9 A. We see in terms of what?

10 Q. In terms of what you were describing where trucks would
11 deliver things.

12 A. Yes. So next to the vehicle closest to my view, across
13 the street from The Cedar was where maybe a truck would
14 stop. Sometimes they would stop in the middle lane, and
15 cars would go on each side of them.

16 Q. Okay. But to be clear, at any point did you see trucks
17 that were unloading or delivering food for children?

18 A. No, no, there was no food delivered. That would have
19 been way too dangerous. That was -- that was drivers taking
20 food to the grocery store or to the restaurants.

21 Q. At any point in 2021, did you ever see signage that was
22 posted in the plaza or on the Culture Center itself
23 concerning distribution of food for children?

24 A. Nope.

25 Q. Are you aware whether at any point Cedar Cultural Center

1 was registered in a food distribution program in Minnesota?

2 A. I am not aware of that.

3 Q. I'm showing you what is in evidence as Exhibit C-262.

4 A. Mm-hmm.

5 Q. And in the middle do you see where it lists a site
6 address?

7 A. Yes.

8 Q. What is the site address?

9 A. That's 416 Cedar Avenue, which is the address of The
10 Cedar Cultural Center.

11 Q. Okay. And at the very top, does it list Cedar Cultural
12 Center as the name of the site?

13 A. It is spelled wrong. "Culture" is not spelled with an E
14 for The Cedar, and we don't even use the word "culture." We
15 use "cultural." Cedar Cultural. And we use The Cedar
16 Cultural Center as the official name or, in short, The
17 Cedar.

18 So we definitely would not use that spelling of --
19 or the wrong spelling of the wrong word or sign anything or
20 have any official document with anybody with that name.

21 Q. And at the top do you see a sponsor listed as Partners
22 in Nutrition?

23 A. Yes, I see that.

24 Q. Does that name mean anything to you?

25 A. Nothing. Absolutely nothing.

1 Q. Did anyone from that organization ever reach out to you?

2 A. Nope.

3 Q. And specifically reach out to you about providing food
4 to children at 416 Cedar Avenue?

5 A. Nope.

6 Q. Directing your attention to the second page of
7 Exhibit C-262, do you see numbers that are listed for
8 Licensed/Approved Capacity and Estimated Daily Enrollment?

9 A. Would that be for the plaza, are they saying?

10 Q. Or do you see two numbers that are listed --

11 A. Yeah, I see 2500.

12 Q. Okay. Is that a number that generally could fit inside
13 the center?

14 A. No. The Cedar Cultural Center would seat at the time
15 around 412 people; and if we pulled the chairs up, it
16 would -- standing room was 620. And the plaza would maybe
17 hold 200 people, 250.

18 Q. Next I'm showing you what's in evidence as Exhibit D-16.

19 A. Mm-hmm.

20 Q. And could you read aloud who this email message is from?

21 A. It says Abdi Nur.

22 Q. And what's the email address for Abdi Nur?

23 A. 19anur@gmail.com.

24 Q. Okay. And who is the recipient of the message from Abdi
25 Nur?

1 A. Abdiaziz Farah at aazizfarah@gmail.com.

2 Q. And then what do we see on the Subject line?

3 A. Forward CACFP.

4 Q. Does CACFP mean anything to you?

5 A. No.

6 Q. And what's the date of Mr. Nur's message to Abdiaziz
7 Farah?

8 A. Sunday, April 4th, 2021.

9 Q. And moving ahead to the fifth page, do you see an
10 invoice?

11 A. Yes.

12 Q. And at the very top, is there a party that appears to
13 have generated the invoice that is listed at the top?

14 A. Mind Foundry Learning Foundation.

15 Q. Does Mind Foundry Learning Foundation mean anything to
16 you?

17 A. Mind Foundry does. I don't know if it was called
18 Learning or Education, but I -- we were referred from Mind
19 Foundry to do some music mentoring in the Cedar Square
20 Towers. We had a grant from the state, and we -- they
21 referred us because they, I guess, had some involvement.

22 So we didn't have any financial transactions with
23 Mind Foundry or any MOA, a memorandum of agreement, or any
24 letter of intent, but we -- we went into the Cedar Square
25 Towers, which is right behind The Cedar, and did some music

1 mentoring.

2 When I say "we," it was two contracted music
3 mentors, who were not employees of The Cedar, did education
4 to school-aged children there.

5 Q. Okay. Was this during the pandemic?

6 A. It started before the pandemic, and it stopped during
7 the pandemic, and then it started up again for a while
8 during the pandemic.

9 Q. With respect to that entity, did you ever have any
10 arrangement whereby food would be provided at the location
11 where you worked?

12 A. No, no.

13 Q. That never came up?

14 A. No. And the music mentoring was after school. It was
15 after -- I think it was around 3:00 or something like that
16 for an hour or two; but, no, there was never any food
17 transaction or involvement with us for that.

18 Q. So moving to the final page of this Exhibit D-16.

19 A. Mm-hmm.

20 Q. Do you see Cedar Cultural Center listed there?

21 A. Yes. And that is more of the correct spelling without
22 the "The." So Cedar Cultural Center is --

23 Q. Are you aware of 31,000 units of food being provided in
24 the time frame of this invoice for over \$125,000?

25 A. I'm aware of no food being provided that had anything to

1 do with The Cedar Cultural Center.

2 Q. At any point?

3 A. No. We specifically were not serving food at The Cedar
4 Cultural Center, because that came up and we weren't -- we
5 didn't have the licenses to do so internally.

6 So when we had bands, they would order out food,
7 but we couldn't provide it in there, because we had a
8 discussion once about could we sell food, and we didn't have
9 the right licenses either.

10 Q. Okay. And now I'm showing you Exhibit D-36. Do you see
11 that on the screen?

12 A. Yes.

13 Q. Directing your attention to the top. Who is the sender
14 of this message?

15 A. It's from Abdimajid Nur.

16 Q. @19anur?

17 A. Yeah, anur@gmail.com.

18 Q. And are there two recipients?

19 A. Yes. To Abdiaziz Farah at aazizfarah@gmail.com and
20 thefreemindedinstitute@gmail.com.

21 Q. And what's the subject?

22 A. FMI Invoice.

23 Q. And do we see a date of the message?

24 A. Monday, October 11th, 2021.

25 Q. With respect to any food being distributed where you

1 worked in 2021, does the name Abdimajid Nur mean anything to
2 you?

3 A. No.

4 Q. Did you ever interact with that person with respect to
5 food where you work?

6 A. No. No.

7 Q. What about with respect to Mr. Abdiaziz Farah?

8 A. Never. Nope. I don't know either of those names. I
9 don't know that name.

10 Q. And have you heard of The Free Minded Institute?

11 A. No, I haven't.

12 Q. No dealings with them?

13 A. Nope.

14 Q. Have you ever heard of something called Empire Cuisine?

15 A. I haven't.

16 Q. And on the second page, do we see an invoice?

17 A. Yes.

18 Q. What is the submitted date at the top?

19 A. October 1st, 2021.

20 Q. And do you see where it says the Invoice For?

21 A. Yes.

22 Q. What's listed beneath that?

23 A. Partners in Quality Care.

24 Q. And this is an invoice from The Free Minded Institute?

25 A. Yes.

1 Q. Okay. Are you aware in the range of this invoice of
2 24,000 approximately meals being provided at Cedar Cultural
3 Center?

4 A. Absolutely not.

5 Q. Why do you say "absolutely not"?

6 A. Meaning we just didn't have anything to do with any
7 meals or distribution of meals.

8 Q. Okay. I'm showing you what's in evidence as
9 Exhibit O-9, specifically page 42. Do we see a check?

10 A. Yes.

11 Q. And in the upper left corner, who is the payor of this
12 check?

13 A. Partners in Nutrition, d/b/a Partners in Quality Care.

14 Q. And what do you see on the memo line?

15 A. Cedar Culture.

16 Q. Is there a date range provided on the memo line?

17 A. May/June.

18 Q. Okay. And in the upper right corner, what is the date
19 handwritten on this check?

20 A. 8/4/21.

21 Q. And if I didn't ask this, who is receiving this check?

22 A. It says Pay to the Order of Empire Cuisine & Market.

23 Q. For how much money?

24 A. \$178,500.

25 Q. With respect to where you worked, Cedar Culture, do you

1 know anything about a transaction with Empire Cuisine &
2 Market for \$178,500?

3 A. I do not.

4 Q. Up on the screen, sir, is another check. This is from
5 page 73 of Exhibit O-141. Same questions. First, in the
6 upper left-hand corner, who is the payor listed?

7 A. It's Partners in Nutrition, doing business as Partners
8 in Quality Care.

9 Q. In the upper right, do we see a date?

10 A. 1/11/22.

11 Q. And who is receiving this check?

12 A. The Free Minded Institute.

13 Q. Is that the same party that you testified about a moment
14 ago that was on the email?

15 A. Yes.

16 Q. And you don't know anything about that organization?

17 A. I do not.

18 Q. How much money was The Free Minded Institute receiving
19 on this January 2022 check?

20 A. \$142,977.85.

21 Q. And what do you see listed on the memo line?

22 A. Cedar Culture, December.

23 Q. Do you know anything about a payment of this magnitude
24 of over 142,000 involving Cedar Culture to be paid to The
25 Free Minded Institute?

1 A. Absolutely not. Nope. We did not have any payments or
2 anything to do with them.

3 Q. I'm showing you Exhibit N-76, which is in evidence, and
4 first directing your attention to March of 2021.

5 Can you remind the jury what life looked like for
6 you and for the culture center in March of 2021.

7 A. Well, the neighborhood was pretty bleak after, you know,
8 because of COVID and the murder of George Floyd. And we
9 would just go to The Cedar and show up daily and to work on
10 the facilities, to work on the building, myself and the
11 operations director.

12 Q. In the course of going there daily, did you ever observe
13 62,000 food servings being provided at your place of
14 business in the month of March 2021?

15 A. No.

16 Q. Did you ever observe an average daily attendance of
17 1,000 people in March 2021 where you worked?

18 A. No.

19 Q. Do you have a reaction to those numbers?

20 A. That's just too many people for that area in the
21 neighborhood. In general, there just was never that many
22 people around. This idea of serving food in that busy area
23 or people coming there is just kind of outlandish.

24 Q. You never saw it?

25 A. Nope.

1 Q. And then ultimately do you see these numbers continuing
2 on through the end of the year all the way to December 2021?

3 A. I do see the numbers.

4 Q. With varying amounts; is that fair?

5 A. Yeah, I see the different amounts.

6 Q. For example, do you see approximately 64,000 food
7 servings in the month of December 2021?

8 A. I do.

9 Q. Whereas there's approximately 60,372 in the month of
10 October 2021. Do you see that?

11 A. I do.

12 Q. Are those figures things that you saw and observed?

13 A. I did not.

14 Q. Ultimately, between March and December of 2021, did you
15 see 365,622 food servings occur for children where you
16 worked?

17 A. No, no.

18 Q. Do you have a reaction to that number, 365,000?

19 MR. SCHLEICHER: Objection. Asked and answered.

20 THE COURT: Overruled.

21 You may answer.

22 THE WITNESS: I just don't even think there was
23 that many people around in the neighborhood or on campus,
24 which, you know, we were nearby, because of COVID and what
25 was going on in the neighborhood. There was just never

1 anywhere near that many people. It was pretty desolate.

2 BY MR. EBERT:

3 Q. Given your role and your duties, do you think if such
4 food servings, over 365,000, had occurred, it's the type of
5 thing you would have known about or seen?

6 A. I definitely would have known about it and heard about
7 it.

8 Q. How so?

9 A. Well, I was going to The Cedar Cultural Center daily. I
10 was on a neighborhood app with all the businesses. I was
11 part of the West Bank Business Association. The businesses,
12 we would mail -- we would message each other about daily
13 happenings on the plaza.

14 I had gotten a message at midnight one time from a
15 neighbor across the street who said someone is banging on
16 The Cedar Cultural doors; or when there was a shooting, I
17 got messages about it.

18 So we were -- we were keeping tabs and
19 communicating daily on happenings in the Cedar area,
20 particularly because, you know, there had been a lot more
21 problems after the -- many of the businesses closed. I
22 think the app was called Telegram.

23 Q. And based on all of that, did you ever see a single meal
24 being served to a child where you worked in 2021?

25 A. I didn't see a meal. I never heard about any meal

1 service.

2 MR. EBERT: All right. Thank you. I have no
3 further questions.

4 THE COURT: Cross-examination? Mr. Birrell.

5 CROSS-EXAMINATION

6 BY MR. IAN BIRRELL:

7 Q. Good afternoon, Mr. Hamilton.

8 A. Good afternoon.

9 Q. Thank you for being here today.

10 A. Yes.

11 Q. There is a mural on the -- is it the south side of The
12 Cedar? I'm not too good with my directions.

13 A. It would be east side.

14 Q. On the east side of The Cedar. And it's a pretty
15 distinctive mural with --

16 A. Yes.

17 Q. -- the flags on the perimeter, right?

18 A. Yes.

19 Q. And then it would be the -- then on the south side would
20 be a red brick wall.

21 So if you're looking at the mural, on the left
22 side of it, if you were to keep going around, would be a red
23 brick wall and an alleyway; is that right?

24 A. Yeah, that's correct.

25 Q. Do you recall seeing a box truck parked there with

1 people lined up outside the box truck?

2 A. No.

3 Q. If I may show just for the witness a series of six
4 photographs.

5 And I'd like you to look at these. So just take a
6 second to look at these to yourself for about 5 to
7 10 seconds each.

8 Okay. You can clear off the screen.

9 And did that jog your memory or give you any kind
10 of --

11 A. I have no --

12 Q. Just speaking -- just speaking --

13 A. No, no, no, it didn't jog any memory.

14 Q. Okay. So just speaking from your recollection, you
15 don't have any recollection of seeing people out in the
16 alley?

17 A. I never saw that, and I would walk around that area
18 oftentimes because I parked in the back of the building.

19 Q. Could you see that alleyway from the blue window of your
20 office that you oversaw?

21 A. I could see the plaza area of that; but also what's
22 important for me to say is that I would park in the back of
23 the building and walk around, around that side to the front
24 of the building during the day.

25 Q. So if food was distributed, you never saw it?

1 A. No.

2 Q. And if food was distributed after work, after you left
3 work and went home, you may not have known about it; is that
4 fair?

5 A. I probably would have known about it. I don't know when
6 those pictures were taken, but during those times I would --
7 as I stated earlier, I think I would have known about it,
8 given the communication that was happening.

9 Q. And just going back to those pictures briefly, you said
10 you don't know when they were taken, right?

11 A. I do not.

12 Q. Do you know who took the pictures?

13 A. I do not.

14 Q. Have you seen the pictures until just now?

15 A. I haven't seen those before.

16 Q. Okay. And you can't say whether or not those pictures
17 accurately reflect the state of the neighborhood? Is
18 that -- is that fair to say?

19 A. Accurately reflect the state of the neighborhood in
20 terms of -- I mean, they are the neighborhood, and they are
21 part of the mural.

22 Q. Okay. So it -- okay.

23 A. If, actually, if I can see that again with, one of the
24 pictures, with the mural, actually.

25 Q. Yeah. Pull up the first one, I believe.

1 A. Okay. Yeah.

2 Q. Okay. And then you can take them down.

3 Okay. So it accurately reflected the mural; is
4 that fair to say?

5 A. Mm-hmm.

6 Q. But you don't know -- you don't remember seeing
7 something like what was depicted in those pictures. Okay.

8 Okay. And you said a little bit about -- about
9 Mind Foundry.

10 A. Mm-hmm.

11 Q. And you or your organization had some interactions with
12 Mind Foundry, but it didn't have anything to do with food,
13 right? It had to do with music?

14 A. Nothing to do with food.

15 Q. In 2021, 2022, that time frame, did you deal with a
16 person named Mahad Ibrahim?

17 A. I knew a Mahad, yes. And that was the person -- I met
18 him once, and we had a couple of conversations because of
19 the Towers. And also he referred the -- after the Towers
20 were losing students, he referred the instructors over to
21 someplace on Lake Street to go and teach some students, so.

22 Q. Okay. Was it your understanding that this Mahad was the
23 leader of Mind Foundry?

24 A. Yeah, yeah, it was my understanding.

25 Q. Okay. What -- what was your impression of Mahad? What

1 else can you tell us about Mahad?

2 A. Well, it was our development director who had written
3 the grant and had written -- and knew Mahad and introduced
4 me to him at one point. And I think I only met him once.

5 So, I mean, I guess I could say, oh, great,
6 somebody's running an educational support. I don't remember
7 what they did, but they did -- they did some type of
8 education support or work with youth. So, I mean, a
9 business owner doing that? Sure, sounds good.

10 Q. And fair to say you didn't understand or have any
11 knowledge of the inner workings of his program, right?

12 A. I think they provided STEM education and also made an
13 argument for the arts to be included in that and helpful
14 with the STEM, if I remember correctly.

15 Q. What you were generally supportive of; fair?

16 A. Oh, yeah, yeah.

17 Q. Okay. When's the last time you spoke with Mahad? Was
18 it just that one time or just a handful of times?

19 A. Probably in 2021 sometime. Or was it -- it was -- well,
20 it could have been before -- I don't really remember. There
21 may have been -- yeah, I don't have clear memory exactly,
22 but it probably was sometime last in 2021.

23 Q. Which is a few years ago; fair?

24 A. Yeah, it's obviously a few years ago.

25 Q. Yeah. Do you recall meeting with a person, a man named

1 Abdirahman, I think the last name might have been Mukhtar,
2 about a food partnership in 2021?

3 A. I knew a guy named Mukhtar, Abdi Mukhtar. I knew a
4 guy -- I knew a guy named Abdi. And then later someone said
5 his name was Mukhtar, I should go by the name of Mukhtar,
6 and he used to work with the youth. Is this the same
7 person?

8 Q. Is this the person you met with at the restaurant The
9 Red Sea a few years back?

10 A. I -- I think we didn't meet -- yeah, we did have lunch
11 at The Red Sea once, yeah, I believe so, yeah.

12 Q. Okay. And he had some kind of food partnership with the
13 youth; is that right?

14 A. I wouldn't say food partnership. He was someone who
15 worked in the neighborhood, and we allowed him to use our
16 plaza. And he would sometimes get pizzas, but this was
17 pre-COVID mostly, and hand out pizzas and work with, you
18 know, talk with the youth. And we thought that was great,
19 and we were really happy to -- to --

20 Let me think. And then, yeah, this -- yeah, there
21 was somebody during COVID who was giving away support money,
22 and I think we directed a thousand dollars to him to support
23 his work or something like that.

24 Q. Okay.

25 A. Yeah, that was it.

1 Q. Do you recall, was that the same person or was that
2 someone else?

3 A. There was a guy named Mukhtar, but I never -- you know,
4 I don't believe I remember his -- yeah, because during COVID
5 there was some COVID support money to support people in the
6 neighborhood who were doing services to help the
7 neighborhood.

8 Q. Okay.

9 A. And so there was like some graffiti artist, and we said,
10 you know, we can -- there was an attempt to give out money
11 to support people.

12 Q. And the names Abdi and Mukhtar are fairly common names,
13 is that fair to say, in the Somali community?

14 A. I'm not as familiar with Mukhtar, but Abdi is --

15 Q. Okay.

16 A. -- more of a name I would hear.

17 Q. Do you know -- the person -- the person you talked to
18 isn't here in court today, is that -- to your knowledge?

19 A. I'm sorry?

20 Q. The Mukhtar person and the Abdi person, these people
21 aren't here in court today to your --

22 A. I haven't looked around very closely to see. I do not
23 see the Mukhtar that I knew, I don't believe.

24 Q. Okay. That's what I expected, but just wanted to make
25 sure that we were clear there.

1 A. Yeah. Yeah.

2 Q. Do you know if Mahad Ibrahim is here in court today?

3 A. I am -- I don't really recall his face that well, so I
4 don't even know if I do see him.

5 Q. Okay.

6 A. The Mukhtar I knew went on to work for the state, and I
7 knew him to be a really legit person doing work with youth.

8 Q. Okay. Okay. Well, thank you for your time. I have
9 nothing further right now.

10 THE COURT: Mr. Cotter.

11 CROSS-EXAMINATION

12 BY MR. COTTER:

13 Q. Good afternoon, Mr. Hamilton.

14 A. Good afternoon.

15 Q. You recall you were just shown a series of numbers
16 regarding meals; is that correct?

17 A. Yes.

18 Q. You're not an expert in the Child and Adult Care Food
19 Program, are you?

20 A. No.

21 Q. You're not intricately familiar with the summer food and
22 nutrition program administered through the United States
23 Department of Agriculture or the Minnesota Department of
24 Education, are you?

25 A. No.

1 Q. You don't have specific knowledge as to how a meal was
2 defined by those organizations during the pandemic, correct?

3 A. That is correct.

4 Q. You don't have specific knowledge about how those meals
5 could be calculated and what factors would go into
6 calculating meals during that time frame pursuant to the
7 rules that those organizations promulgated, correct?

8 A. I do not.

9 Q. So when you were shown those numbers, you are
10 essentially just recite -- you know, answering to a number
11 that you have no real context for, correct?

12 A. Well, I have a context to say that if a meal was one --
13 something, an item handed out to a person, I can't imagine
14 there being that many people, so.

15 Q. Right. Bingo. And you've been asked about people quite
16 a bit, so I want to also --

17 Do you recall that you were shown that form and
18 there was a capacity and it said 2500? Do you recall that?

19 A. Mm-hmm.

20 THE COURT: Is that a yes?

21 MR. COTTER: Is that a yes?

22 THE WITNESS: Yes, yes.

23 BY MR. COTTER:

24 Q. And do you remember that you testified there's no way
25 that that many people could fit in that area on the plaza?

1 A. I did say that.

2 Q. So your belief when you saw that is that that capacity
3 was referencing the number of people, correct?

4 A. Yes.

5 Q. And that's because you don't know anything about that
6 form that you were showed, other than you were showed it and
7 it recited a number, correct?

8 A. That's correct.

9 Q. All right. As it pertains to that time frame -- if I
10 may go back to 2020 and 2021. Were you living right in the
11 Riverside area, right there at Cedar-Riverside?

12 A. I was not at that time.

13 Q. Okay. And I don't need your address, but what part of
14 town were you living in?

15 A. I was living in southeast Minneapolis.

16 Q. Southeast Minneapolis. How many miles were you living
17 from the location of The Cedar Cultural Center?

18 A. It was about two and a half miles, three miles at the
19 most.

20 Q. Two and a half, three miles?

21 A. Yeah, three miles, yeah.

22 Q. Do you drive to work or bike to work, walk to work?

23 A. I would normally bike.

24 Q. Okay.

25 A. I'm sorry. I drive. I don't know why I said "bike."

1 Q. You probably wished you biked, huh?

2 A. I biked a couple of times, but --

3 Q. We all should bike more.

4 A. I regularly drove.

5 Q. So is it fair to say you weren't at The Cedar Cultural
6 Center seven days a week every single week during 2021,
7 correct?

8 A. No. I was there usually five days a week.

9 Q. Five days. And was it generally the business days,
10 Monday through Friday?

11 A. Generally, yes.

12 Q. Okay. And was it generally kind of business hours
13 during the day?

14 A. Yes, yes. That's correct.

15 Q. And what were your hours generally? I think I saw a
16 report. It might have been around 9:00 to 10:00 a.m. you'd
17 get in?

18 A. I'd get in around, yeah, usually by 10:00 or so and
19 maybe leave around 4:00, 3:00 or 4:00. The operations
20 director would usually stay around till 5:00 or so.

21 Q. Yeah. You had quite a bit of flexibility on when you
22 came in and left, right?

23 A. Yes, yes.

24 Q. All right. And, of course, you weren't there on the
25 weekends generally, correct?

1 A. No, no.

2 Q. So unless someone alerted you to what was happening on
3 the plaza through the app, you wouldn't know from personal
4 knowledge exactly what was going on on the weekends, would
5 you?

6 A. No, not unless somebody --

7 Q. Somebody alerted you.

8 A. Yeah, yeah.

9 Q. Fair?

10 A. Yeah.

11 Q. All right. And just out of curiosity, that area, it's
12 kind of almost a well-known part of the Minneapolis skyline,
13 right? There's two very large apartment towers right there
14 at that plaza, correct?

15 A. Yes.

16 Q. Do you actually know how many residents, do you have any
17 idea, live in each one of those towers?

18 A. I know a lot of people live in those towers, probably
19 thousands, because I was familiar somewhat with some of the
20 residents. And I know -- I had conversations about how many
21 people lived in those towers who never left, because a lot
22 of the -- the elders did not leave, a lot of times did not
23 leave the apartments I was told by some of the youth. I
24 was -- I did communicate with a lot of the Somali youth in
25 the neighborhood on the plaza.

1 Q. And you just said Somali youth. Is it fair to say that
2 those towers are highly populated from people from Somalia?

3 A. They are.

4 Q. And also other East African countries?

5 A. Correct.

6 Q. And is it fair to say that there's a lot of families
7 that live in those towers?

8 A. I don't know how you're defining families, but --

9 Q. I meant there being actually multi-generational.

10 A. Yes, yes, there are.

11 Q. So there's children?

12 A. Yes.

13 Q. Adults?

14 A. Yes.

15 Q. And elderly people?

16 A. Yes.

17 Q. All living together in those apartments?

18 A. Yes.

19 Q. And, of course, you don't have any real direct knowledge
20 about the Child and Adult Care Food Program, correct?

21 A. No.

22 Q. And, of course, you were asked some questions about
23 parking around there; is that right?

24 A. Yes.

25 Q. Because the towers are there with thousands of people

1 living in them, a lot of those people actually don't have
2 cars, do they?

3 A. I don't know if they don't have cars. I would assume
4 maybe a lot of them don't have cars. I know parking was a
5 huge issue in the neighborhood.

6 Q. Right. And, in any event, if anyone was trying to just
7 walk out the door from those apartments to go to a
8 restaurant, go to a store, go into the plaza to walk across
9 the street, they wouldn't need to park a car, would they?

10 A. No.

11 Q. All right. They --

12 A. If they walk from those towers, yeah.

13 Q. Sorry.

14 A. Yeah.

15 Q. You had mentioned that there was, you know, there was a
16 neighborhood app because there was vandalism and sometimes
17 some crime that occurs in that area. Fair statement?

18 A. Yes.

19 Q. Is it true or fair, to your knowledge, that there would
20 be any camera -- surveillance cameras that would have been
21 directed towards the plaza area?

22 A. I don't know if directed towards the plaza area. I know
23 a gentleman who owned a storefront across the street had
24 cameras and often -- one time showed me the video when
25 somebody broke a window.

1 Q. So you were able to actually look at a surveillance
2 camera from the business across the street from the plaza
3 and see some vandalism going on?

4 A. Well, he showed me vandalism at his place and his front
5 window.

6 Q. And his front window?

7 A. Yes. I don't know if -- I don't think it directed
8 across the street. I don't know how he had those cameras
9 pointed.

10 Q. Do you know if The Cultural Center itself has any
11 cameras?

12 A. We did not.

13 Q. Do you know if the apartment buildings that we just
14 described, the large towers, have any surveillance cameras
15 towards the outside of their buildings?

16 A. I do not know that.

17 Q. Mr. Hamilton, am I correct that the first time anybody
18 from the FBI or law enforcement spoke to you is March 13th
19 of 2024?

20 A. It was during that month. I don't know the exact date.

21 Q. So sometime in March of 2024?

22 A. Yeah, March, April, May, yeah, yeah.

23 Q. And do you recall, did they come speak to you in person
24 or did they give you a call on the phone?

25 A. They called me on the phone.

1 Q. Okay. Would it sound about right if it sounded like
2 they talked to you for less than a half an hour, maybe
3 25 minutes at the most?

4 A. We met at a coffee shop and talked around, yeah, around
5 that time or so, yeah.

6 Q. Oh, you met at a coffee shop?

7 A. Yeah.

8 Q. Okay. Would it sound like a Caribou?

9 A. Yes.

10 Q. On Washington?

11 A. Yes.

12 Q. And maybe met for about a half an hour or less?

13 A. It could have been a half an hour. It could have been
14 40 minutes. I don't remember.

15 Q. Got it. And then did you have a chance to meet with
16 Mr. Ebert in the green tie prior to your testimony here this
17 afternoon?

18 A. I did meet with him once, yes.

19 Q. When did you last meet with him?

20 A. It was a few weeks ago. I don't remember the exact
21 date, but I came down to this -- to this -- to this building
22 to speak with him.

23 Q. Gotcha. And did he show you any notes or documents,
24 photographs, anything in preparation for your testimony?

25 A. He asked me questions. I don't -- yeah, I remember

1 seeing some documents, because I noticed the name was
2 spelled wrong, so I did see some documents.

3 Q. In 2021, between April of 2021 and December of 2021, did
4 anybody -- were you aware of anybody from the FBI showing up
5 in the Cedar area asking questions about food distribution
6 in the area?

7 A. I was not.

8 Q. That never came up amongst any of the businesses in the
9 area?

10 A. No.

11 Q. Never came up on that app where you guys talked about
12 the comings and goings and what was happening in the plaza?

13 A. No.

14 Q. All right. So, to your knowledge, the first time you've
15 had any knowledge that the FBI was interested in this issue
16 was in March of '24, correct?

17 A. Yes.

18 Q. I don't have any further questions for you. Thank you
19 very much.

20 A. Yeah.

21 THE COURT: Mr. Sapone or Mr. Goetz? Mr. Goetz.

22 MR. GOETZ: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. GOETZ:

25 Q. Good afternoon, Mr. Hamilton.

1 A. Good afternoon.

2 Q. Have you lived in Minneapolis, other than your travels,
3 all your life, most of your life?

4 A. Yes, yes.

5 Q. Okay. You went to Macalester over in St. Paul, right?

6 A. Yes.

7 Q. Attended grad school at the University of Minnesota,
8 right? West Bank, East Bank, where was your program
9 located?

10 A. I was on the -- I was on the West Bank.

11 Q. Okay. Just so I can get a sense of your familiarity
12 with the city, where did you go to high school?

13 A. I went to South Minneapolis, but before that I went to
14 Marshall-University, which was in Dinkytown. That closed in
15 1982.

16 Q. You went to Marshall-U High?

17 A. Yes.

18 Q. Okay. All right. So then you would have graduated from
19 South?

20 A. Yes.

21 Q. Okay. And South is down by Lake Street?

22 A. Yes.

23 Q. Minnehaha area?

24 A. Yeah.

25 Q. Down there. Okay.

1 So I take it through all your years, particularly
2 at Marshall-U High, you have a good familiarity with the
3 West Bank area, the Cedar-Riverside area?

4 A. I lived in the Blue Goose Co-ops, which is right behind
5 what was the Five Corners Bar on Cedar, for ten years about.
6 I owned a house on 20th Avenue in the West Bank for seven
7 years or so. So I've lived on the West Bank for almost
8 20 years or something, 17 years, yeah.

9 Q. Okay.

10 A. I was very familiar with the neighborhood.

11 Q. All right. And the reason I'm going through this is --
12 or many people from our jury are from all over Minnesota, so
13 they may not or are not as familiar with this neighborhood
14 as you are.

15 It's changed over the years in terms of, you know,
16 who --

17 A. Yes.

18 Q. -- who lives there, right?

19 A. Exactly.

20 Q. Can we have C-264 come up?

21 Now, Mr. Cotter just talked about some of the
22 apartment complexes that are part of the Cedar-Riverside
23 complex per se. And we see one here behind The Cedar
24 Cultural Center, correct?

25 A. Yes.

1 Q. That's part of the apartment complex?

2 And if we can go to the next.

3 And then we see another building here on the left.
4 That's an even taller high-rise, correct?

5 Next page. Next page.

6 And then a couple more large high-rise buildings,
7 high-rise buildings in the immediate area of The Cedar
8 Cultural Center, correct?

9 A. Mm-hmm.

10 THE COURT: Is that a yes?

11 THE WITNESS: Yes. I'm sorry. Yes.

12 BY MR. GOETZ:

13 Q. And you indicated that they have a large Somali
14 population just in those immediate buildings, correct?

15 But if we dial back a bit on the neighborhood,
16 say -- and the street we see here, this is Cedar, correct?

17 A. Yes.

18 Q. Now, if we dial back a bit, Riverside intersects with
19 Cedar maybe just --

20 A. To the right.

21 Q. -- a half a block down to the right, correct?

22 A. Yes.

23 Q. And if we go down Riverside, there's a number of other
24 large apartment complex down there, correct?

25 A. Go down Riverside, large apartment complex?

1 Q. Towards the hospital, towards Fairview?

2 A. I don't -- I'm not -- in my head, I'm not recalling
3 large apartment complexes going down that way.

4 Q. All right. Well, let's keep going. If you go down
5 Riverside, say you cross the highway, you get into the
6 Seward area around --

7 A. If you get on Franklin, there is one or two. Yeah,
8 there's a couple over there, yes.

9 Q. And that entire area has a large Somali population.
10 Would you agree with that?

11 A. It has -- now it does have more of a Somali population.
12 I'm not sure as how large or -- yeah.

13 Q. And I don't mean this in the pejorative way, but have
14 you ever referred -- heard that area referred to as Little
15 Mogadishu?

16 A. Yes. I've heard this Cedar Cultural area, not the other
17 area, but yeah.

18 Q. Sure. But right around the area right where The Cedar
19 Cultural Center is --

20 A. Yes, yes.

21 Q. -- it's in what's called Little Mogadishu?

22 A. Yes, it's a very large Somali population.

23 Q. And Cedar Avenue, there's buses that go down Cedar
24 Avenue, right?

25 A. Yeah, I guess there's probably buses. I mean -- oh, you

1 mean like a city bus or a school bus?

2 Q. City bus.

3 A. Yeah, yeah, there are city -- yeah, there are buses.

4 Q. Cedar buses go -- excuse me. City buses go up and down
5 Riverside as well, correct?

6 A. Yes.

7 Q. And there's -- in fact, isn't there a mosque right
8 across the street from The Cedar Cultural Center?

9 A. There was a mosque in what used to be the 400 Bar, 400
10 Cedar. I don't know if there's a mosque across the street
11 from The Cedar, but there is -- there was a mosque there.
12 There's a mosque also around -- there was also a mosque
13 around the corner in the back, Cedar. At the end of the
14 block there was a mosque there too, which I have been in,
15 so.

16 Q. Okay. So the next thing I want to talk to you about --
17 I just have three topics to cover. I just want to clarify
18 the name Mukhtar.

19 The name Mukhtar that you remember, the person
20 associated with that name, it was their last name, correct?
21 Was it Abdi Mukhtar, Mukhtar being the last name?

22 A. I'm not completely sure because we had this discussion
23 on staff one time. I was calling them Abdi; and someone
24 said, no, that's not their name, their name is Mukhtar.

25 Q. Okay. So whether Mukhtar was a first name, first name,

1 last name --

2 A. Yeah, I was told to call the person Mukhtar.

3 Q. Okay. But you don't know whether that was a first name
4 or last name?

5 A. I'm not a hundred percent sure, no.

6 Q. Okay. And as was just clarified, you don't see the
7 person you knew as Mukhtar, first or last name, in this
8 courtroom today?

9 A. I do not.

10 Q. Okay. And, lastly, I just want to focus on
11 Exhibit O-141. You were shown a check, and we'll get to
12 that in a second, at page 73, but let's look at the top.

13 This is a checking account signature card. The
14 account title The Free Minded Institute, correct?

15 A. Yes.

16 Q. And the account holder name is Julius Scarver, correct?

17 A. Yes.

18 Q. Now, if we back out of that, there's a signature down
19 on -- an example signature at the bottom. Do you see that?

20 A. Yes.

21 Q. Now, you don't know this Mr. Julius Scarver, correct?

22 A. I do not.

23 Q. You don't know his signature, correct?

24 A. No, I do not.

25 Q. And if we can go to the next page.

1 Again, under Signature Specimen, next to the name
2 Julius Scarver, this is what we see, correct?

3 A. Yes.

4 Q. Now, if we can go to page 73.

5 On the back where it's endorsed, do you recognize
6 that signature?

7 A. I do not.

8 Q. Whether it's the same as Julius Scarver, I take it you
9 don't know one way or the other, correct?

10 A. No.

11 MR. GOETZ: Those are all the questions I have.

12 THE COURT: Mr. Sapone.

13 MR. SAPONE: Yes. Thank you, Your Honor.

14 THE WITNESS: May I have some of this water here?

15 THE COURT: Yes.

16 THE WITNESS: Okay.

17 CROSS-EXAMINATION

18 BY MR. SAPONE:

19 Q. Good afternoon, sir. How are you?

20 A. Good afternoon. Thank you. Good. Thank you.

21 Q. Sir, you testified that you were the executive director
22 of The Cedar Cultural Center. Yes?

23 A. Correct.

24 Q. And that was, I think you said, August of 2018 to
25 February of 2022, right?

1 A. Yes.

2 Q. You testified that you also have owned properties in
3 that neighborhood. Yes?

4 A. Correct, yes.

5 Q. I think you said two?

6 A. No. I only owned one property.

7 Q. Okay. And you also had lived there. Yes?

8 A. I lived in a co-op, yes, a building, yes, apartment.

9 Q. How many years?

10 A. I lived in the co-op for about 10 or 11.

11 Q. And what about in the neighborhood? How many years?

12 A. Probably at least 16, 17, might be up to 18, yeah.

13 Q. So given your positions that you testified to and the
14 ownership and where you lived, is it fair to say that as to
15 the year 2021 that you have some general knowledge of the
16 demographics of the residents of the neighborhood?

17 A. Yes. And I can add a point to that. When I worked at
18 Augsburg College for the Center for Global Education, I
19 worked with the service -- what did they call them? They
20 were called the Center for Service and Learning. And I
21 conducted Somali immersions with one of the directors in the
22 department. We did numerous immersions in the Native
23 American and also the Somali community.

24 So that's how I was in the mosque and knew people.

25 So I knew various people in the community, in the Somali

1 community.

2 Q. And all of that leads us to the conclusion that you have
3 lots of knowledge of the demographics of the folks living
4 there in 2021. Yes?

5 A. Yes.

6 Q. Now, you testified that thousands of people live in
7 those towers that we saw photos of, thousands of people live
8 there alone, just in the towers, right?

9 A. Yes.

10 Q. And there's a large Somali population, right?

11 A. Yes.

12 Q. And that's true of the neighborhood itself, not just the
13 towers, but the whole neighborhood, right?

14 A. And let me clarify. I don't know the actual number of
15 people who live in there. I know a lot of people live in
16 there, so I mean --

17 Q. But your estimation when you testified earlier was
18 thousands. Yes?

19 A. Yeah. Well, yeah, it could be. I mean --

20 Q. Now, lots --

21 A. A little exaggerating, but I just don't know because --
22 I say that because people would tell me that often they knew
23 of a lot of people living in every apartment, so -- and
24 there's a lot of -- I knew people who lived in that
25 apartment decades ago. So there's a lot of people that live

1 in that apartment. If it's 800, I don't know. Is it 2,000?
2 I don't know. But a lot of people live in that apartment.
3 Q. And that's fair enough. And I'm inviting your attention
4 again to 2021. Okay?
5 A. Yes.
6 Q. Lots of families live in the neighborhood?
7 A. I would say this. I knew of youth who were -- see, this
8 was the tricky part. I knew a lot of people lived there. I
9 would see the elders during the day sometimes. They would
10 come out and sit on the plaza. But I would see the youth
11 day and night. And I knew a lot of the elders had issues
12 with the youth and the neighborhood businesses, so -- and
13 what I'm saying is there's a lot of people living in the
14 towers who apparently never came out.
15 Q. But the youth certainly would come out often, right?
16 A. Yes, yes.
17 Q. And that's what I want to focus on, the youth. Okay?
18 A. Okay. Yeah.
19 Q. Lots of children lived in the neighborhood in 2021?
20 A. I don't mean lots. I mean, like there was like 30 or so
21 that I would see daily and know. I knew a couple of them by
22 name, and we would talk.
23 Q. In terms of the demographics of what you testified
24 you're generally aware, are you aware that in 2021,
25 according to the Cedar-Riverside neighborhood statistics,

1 23.4 percent of the neighborhood were children?

2 A. I'm not aware of that.

3 MR. EBERT: Objection, Your Honor. Lack of
4 foundation.

5 MR. SAPONE: You said you don't know?

6 THE COURT: You may answer if you know.

7 THE WITNESS: I'm sorry. I'm a little confused.

8 BY MR. SAPONE:

9 Q. Sure. Do you know, if I may, if in terms of those
10 demographics that you testified to earlier, if in 2021
11 23.4 percent of residents of the neighborhood were children
12 ages 5 to 14?

13 A. I did not know that, no.

14 Q. Does that number sound accurate?

15 A. I don't think I saw what was represented, and I didn't
16 see youth that young. Those weren't the youth hanging out
17 in the plaza. I don't know. I mean, maybe I'd see a school
18 bus with younger kids get in and out, but I wasn't really
19 exposed to those -- to that population in that way because
20 like that -- was that like South 5th that those school buses
21 would -- you know, I just don't know how many children were
22 going in and out of there or see them.

23 Q. Regardless of the number of children, you certainly saw
24 school buses. Yes?

25 A. I did see school buses.

1 Q. Now, in terms of the statistics, there's one for race
2 and ethnicity, right?

3 A. There's --

4 Q. A statistic for race and ethnicity. Are you aware of
5 that?

6 A. No.

7 THE COURT: One moment.

8 MR. EBERT: Objection, Your Honor, as to lack of
9 foundation as to this witness's awareness of these
10 statistics.

11 MR. SAPONE: Only if you know.

12 THE WITNESS: I don't know.

13 THE COURT: Hang on. It is sustained. You don't
14 need to answer.

15 MR. SAPONE: Sure.

16 BY MR. SAPONE:

17 Q. New question. Do you know, again in 2021, if Black or
18 African Americans made up 55.6 percent of the population of
19 the neighborhood?

20 A. Do I know if Black or African Americans made up
21 55 percent of the population?

22 Q. Yes.

23 A. Are we describing Blacks not to be people of African
24 descent?

25 Q. Okay.

1 A. I mean of, you know, recent African descent or African
2 immigrants? Because the Somalis I knew wouldn't describe
3 themselves or identify themselves as Black.

4 Q. Sure. Were the residents about half Black or African
5 descent, minus the Somalis?

6 A. I don't think it was that high in the last -- during
7 those years.

8 Q. And then there was also a statistic on folks from East
9 Africa or Somalia. Yes?

10 MR. EBERT: Your Honor, objection to this line of
11 questions about statistics. I think he's not equipped to
12 answer these.

13 THE COURT: Sustained.

14 BY MR. SAPONE:

15 Q. Do you know about household income in 2021?

16 A. I do not.

17 Q. Do you know whether or not in 2021 48 percent of the
18 residents lived below the poverty line?

19 MR. EBERT: Objection, Your Honor. Object to
20 these entire line of questions.

21 THE WITNESS: I don't know that and --

22 THE COURT: Hang on. I need to rule.

23 Below the poverty line is the question?

24 MR. SAPONE: Yes.

25 THE COURT: I'm going to overrule the objection.

1 You may answer if you know.

2 THE WITNESS: I do not know. I mean, I know
3 that -- I've got to say no. I mean, I guess there was not
4 the assumption that the majority of the population was well
5 off socioeconomically, but I do not know, and I wouldn't
6 want to make a judgment, but, you know --

7 MR. SAPONE: That's my last question. Thank you.
8 No further questions.

9 THE COURT: Any other cross-examination?
10 Redirect, Mr. Ebert?

11 MR. EBERT: No, Your Honor. Thank you.

12 THE COURT: All right. Thank you.

13 Sir, you may step down.

14 THE WITNESS: Thank you.

15 **(Witness steps down)**

16 THE COURT: May I have a sidebar, briefly.

17 **(Sidebar discussion)**

18 THE COURT: Counsel, do we have another witness
19 here?

20 MR. EBERT: Yes, we do, Your Honor, and we are
21 prepared to do whatever the court would prefer at this
22 point. We do have another witness.

23 THE COURT: We're not going to complete that
24 witness today?

25 MR. EBERT: We are not, and I think we would only

1 just be getting started.

2 THE COURT: All right. My thought is we'll break
3 for the day. Anybody have an objection?

4 That makes more sense, as long as they have to
5 come back anyway.

6 MR. EBERT: Your Honor, if I might, while we're
7 all on this, to let folks know in case they don't, the next
8 witness is Special Agent Richie Frank.

9 THE COURT: All right. Okay. Thank you.

10 (In open court)

11 THE COURT: I'm told that the next witness we
12 can't get through before 5:00. So I'm just going to break
13 for the day and release you all and have you back at 9:00
14 tomorrow morning.

15 All rise.

16 IN OPEN COURT

17 (JURY NOT PRESENT)

18 THE COURT: Anyone have anything for the record?

19 All right. Everyone, have a nice evening. We'll
20 see you at 9:00 tomorrow morning. Thank you. We're in
21 recess.

22 (Court adjourned at 4:48 p.m., 05-07-2024.)

23 I, Renee A. Rogge, certify that the foregoing is a
24 correct transcript from the record of proceedings in the
above-entitled matter.

25 Certified by: /s/Renee A. Rogge
Renee A. Rogge, RMR-CRR