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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),)	Thursday, May 9, 2024
Said Shafii Farah(5),)	9:48 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 XIII 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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* * *

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IN OPEN COURT

(JURY PRESENT)

THE COURT: You may all be seated.

I'll note that we are missing one attorney, but I think he's coming right in, so give me one minute.

I think we're going to go ahead. And so, Mr. Schleicher, I'll let you -- or do you want to wait? Mr. Cotter's not here yet. One minute. I can see the back of the courtroom.

(Mr. Cotter enters courtroom)

THE COURT: Mr. Schleicher, you may inquire.

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

HADITH AHMED,

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

CROSS-EXAMINATION (Resumed)

BY MR. SCHLEICHER:

Q. Mr. Ahmed, yesterday we ended your testimony discussing the proffer letter, the proffer agreement between you and the government that took, that was entered into on June 22, 2022.

Do you remember that discussion yesterday?

A. I do remember having that discussion with you yesterday.

Q. All right. And we were talking about some of the terms of that agreement yesterday. And I want to clarify some of

1 your testimony, if I may.

2 The agreement that you entered into with the
3 government before sitting down with them on June 22, 2022,
4 that agreement was contained in a formal written letter; is
5 that right?

6 A. I didn't have any agreement until I sit down with the
7 government.

8 MR. SCHLEICHER: And so at this time I'd like you
9 to pull up the proffer agreement, please.

10 And I'm going to ask that this be marked as
11 D5-313.

12 THE COURT: We will mark it.

13 MR. SCHLEICHER: Please display it to the witness
14 only.

15 BY MR. SCHLEICHER:

16 Q. Sir, do you recognize this document?

17 A. There was a document that I signed when I met the
18 government. I don't know if this was the same one.

19 Q. Okay. Go to the second page of the document, please.

20 You can see that this document is signed by an
21 Assistant United States Attorney; is that right?

22 A. Correct.

23 Q. One of the people who you met with, true?

24 A. Correct.

25 Q. All right. And this letter was provided to you before

1 your meeting on June 22, 2022.

2 A. I saw this document when I met with the government.

3 MR. SCHLEICHER: Okay. At this time I'd offer
4 D5-313.

5 THE COURT: Any objection?

6 MR. JACOBS: No objection, Your Honor.

7 THE COURT: D5-313 is admitted and may be
8 published.

9 MR. SCHLEICHER: And before you publish that, if
10 you can blank it.

11 BY MR. SCHLEICHER:

12 Q. Now, you recall our discussion yesterday about what you
13 would be allowed to do in accordance with this agreement,
14 and that is provide information to the government and that
15 the government agreed not to use that information to charge
16 you, to prosecute you or even at your sentencing.

17 Do you recall that?

18 A. I do not.

19 Q. Okay. And please display D5-313. And if you would
20 please highlight paragraph 2.

21 Sir, the proffer letter -- and if I can start,
22 "Except as" -- paragraph 2 -- "Except as otherwise provided
23 in paragraphs 3, 4 and 5 herein in the above-captioned case
24 and in any other prosecution that may be brought against you
25 by this office, the government will not offer in evidence in

1 its case in chief, or in connection with any sentencing
2 proceeding for the purpose of determining an appropriate
3 sentence, any statements made by you at the meeting."

4 Is that what the document says?

5 A. Yep.

6 Q. And this was what was provided to you before you even
7 started speaking with the government, true?

8 A. The document that I signed, when I met with the
9 government, was to tell the truth.

10 Q. Okay. The document that I just showed you and read to
11 you explained that you could make any statement to the
12 government and they weren't going to use it against you to
13 prosecute you or even in connection with a sentencing, isn't
14 that true?

15 A. This document says that, but when I met with the
16 government --

17 Q. My question is, Is that true? I think your answer is,
18 The document says it. So it is true, correct?

19 A. To what?

20 Q. That the government told you before you started meeting
21 with them that they would not offer in evidence in its case
22 in chief or in connection with any prosecution of you or
23 even to determine your appropriate sentence any statement
24 made by you during this meeting.

25 Is that what it says?

1 A. During that meeting all we talked about was --

2 Q. Wait. Object to nonresponsive. Stop.

3 I need you to listen to the question that I ask
4 and answer that question and only that question.

5 A. Correct.

6 Q. Can you do that?

7 A. I can do that.

8 Q. All right. Then I want to ask you for a fourth time.
9 Did the government in this document before you started
10 speaking with them inform you that they would not offer in
11 evidence in their case in chief in a prosecution of you or
12 in any sentencing proceeding for the purpose of determining
13 an appropriate sentence any statements made by you at the
14 meeting?

15 A. I don't remember.

16 Q. All right. Now, that meeting took place on June 22,
17 2022, correct?

18 A. I don't remember the date.

19 Q. And it doesn't refresh your recollection to look at --

20 If you could highlight the date on D5-313?

21 Does that refresh your recollection at all?

22 A. I'm sorry? Say that again.

23 Q. Does it refresh your recollection to look at the date on
24 the document, which is Exhibit D5-313, that's sitting in
25 front of you right now?

1 A. I don't remember the date that I met with the
2 government, the exact date.

3 Q. But you do remember that you received this letter on
4 that same date; is that right?

5 A. I don't remember.

6 Q. You don't remember that either.

7 A. I don't remember if it was the same date.

8 Q. Okay. Now, you testified yesterday and again today that
9 what the government -- your deal with the government was for
10 you to tell the truth; is that right?

11 A. Say that again, please.

12 Q. You testified yesterday and again today that your deal
13 with the government was for you to tell the truth; is that
14 right?

15 A. Correct.

16 Q. But your understanding is that the government gets to
17 decide whether or not you've told the truth; isn't that
18 right?

19 A. That's not right.

20 Q. If you could turn to the next page, please.

21 And so if you take a look at paragraph 5, it says,
22 "Your complete truthfulness and candor are expressed
23 material conditions to the undertaking of the government set
24 forth in this letter."

25 Do you see that?

1 A. Mm-hmm.

2 Q. Yes?

3 A. Yes, I do.

4 Q. And you remember that?

5 A. I don't remember.

6 Q. The next sentence says, "Therefore, if the government
7 should ever conclude that you knowingly withheld material
8 information from the government or otherwise have not been
9 completely truthful and candid, the government may use
10 against you for any purpose, including sentencing, any
11 statements made or information provided to you during the
12 meeting." Do you see that?

13 A. Yes.

14 Q. All right. And so the government does get to conclude
15 whether or not you've been truthful; is that right?

16 A. No.

17 Q. That is what paragraph 5 of the letter says, though,
18 isn't it?

19 A. That's what it says, but the judge.

20 Q. All right.

21 A. Can tell if I tell the truth or not.

22 Q. I'm going to ask you again to confine your answer to the
23 specific question that I'm asking. Okay?

24 A. Your question is very confusing, sir.

25 Q. All right. Well, that's a matter of opinion, but I will

1 again remind you to listen to the question and answer the
2 question and answer it truthfully. Okay?

3 A. Correct.

4 Q. But only that question.

5 A. Yep. If I understand.

6 Q. All right. So, again, as you can see in paragraph 5, it
7 is the government, if the government should conclude that
8 you withheld information or otherwise not been truthful and
9 candid, then the government may use against you for any
10 purpose, including statements, any statements -- I'm
11 sorry -- including sentencing, any statements made or other
12 information provided by you.

13 That's what it says; is that right?

14 A. That's what it says, correct.

15 Q. Thank you. You can take that down.

16 Now, during this meeting that took place, this
17 first meeting with the government on July 22, 2022, you
18 provided information to the government; is that right?

19 A. That's not right.

20 Q. Okay. If you could please pull the report. I think
21 it's RPT -- what's that? 108? And just for the witness.

22 And, sir, I'd like you to take a look at an FBI
23 report. And if you take a look at the bottom date.

24 If you could just highlight the bottom date,
25 investigation on.

1 And it says June 22, 2022; is that right?

2 A. Correct.

3 Q. And you can unhighlight that. And highlight the first
4 paragraph.

5 And just read that first paragraph to yourself,
6 and please let me know when you are done.

7 A. Yep.

8 Q. All right. Now that you've read the first paragraph and
9 you've seen the date, does that refresh your recollection as
10 to whether or not you provided information to law
11 enforcement in a meeting that took place on June 22, 2022?
12 Does that refresh your recollection?

13 A. Say that again, please.

14 Q. Sure. Now that you've read the date of the report and
15 that first paragraph, does that refresh your recollection as
16 to whether or not you had a meeting with law enforcement on
17 that date and provided them information?

18 A. I don't remember the exact date that I met with the
19 government.

20 Q. Okay. Do you remember providing the government with
21 information in a meeting that took place with Mr. Thompson,
22 Mr. Jacobs, Mr. Ebert, Ms. Walcker, the agents? Do you
23 remember that?

24 A. I remember meeting with them, but I did not provide any
25 information other than my information.

1 Q. Okay. So as you sit here today and under oath as you
2 are, you are saying you do not remember providing any
3 information to law enforcement other than your own
4 information on that day?

5 A. Correct.

6 Q. Do you deny --

7 MR. JACOBS: Objection, Your Honor. Could we have
8 a brief sidebar?

9 THE COURT: You may.

10 **(Sidebar discussion)**

11 THE COURT: Mr. Jacobs.

12 MR. JACOBS: Your Honor, I'm concerned there's a
13 language barrier here and there's just a misunderstanding.

14 He's saying he didn't provide information except
15 for the information that he provided. That's a little bit
16 circular, but I think he's misconstruing the testimony in
17 terms of thinking he didn't provide any information.

18 MR. SCHLEICHER: No, I don't think that my
19 question can be any more clear. And I think that if there
20 is any sort of impediment to his comprehension, that's
21 something that Mr. Jacobs can address on redirect.

22 I think I'm asking the questions clearly, fairly
23 and plainly, and I don't know how much more simple I can
24 make it.

25 THE COURT: I'm trying to figure out a different

1 way to say it.

2 There may well be a language barrier, but I think,
3 Mr. Jacobs, you're going to have to figure it out on -- or
4 ask on redirect, unless there is a different suggestion that
5 you have.

6 MR. JACOBS: Well, Your Honor, it's to the form of
7 the question here. He's saying that he didn't say he
8 provided any information, when his testimony was he didn't
9 provide any information except for the information he
10 provided.

11 MR. SCHLEICHER: About himself, right? I mean, he
12 clearly understands. He understands words like "kickback."
13 He understands --

14 THE COURT: Well, wait, wait, wait, wait, wait.
15 We're not going to argue his credibility right now on the
16 record. That's not appropriate.

17 So I'm not seeing an objection to the form of the
18 question. I do think there may be a comprehension, but I'll
19 let you sort it out on redirect.

20 MR. JACOBS: Thank you, Your Honor.

21 **(In open court)**

22 BY MR. SCHLEICHER:

23 Q. All right. This first meeting, this initial meeting
24 that you had with law enforcement, you testified yesterday
25 about agents showing you the paper trail.

1 Do you recall that testimony?

2 A. I don't recall that testimony, but I was shown, when I
3 had the first meeting, I was shown all my paper trail.

4 Q. Okay. So you recall at this meeting the agents showed
5 you documents that were relevant to the crimes that you had
6 committed; is that right?

7 A. At the first meeting, yes.

8 Q. Okay. And they showed you a number of those documents,
9 correct?

10 A. Correct.

11 Q. Including the meal count documents, right?

12 A. I don't remember there was -- if there was a meal count
13 included in those document.

14 Q. They talked to you about your fake company, Southwest
15 Metro, correct?

16 A. Correct.

17 Q. And they -- based on what they showed you and told you,
18 you knew that they had gathered a significant amount of
19 information against you; isn't that right?

20 A. Yes.

21 Q. And at that point you knew that you were in serious
22 trouble, didn't you?

23 A. I knew, yep.

24 Q. And this was your opportunity to cooperate with the
25 government to provide them information about the crime,

1 correct?

2 A. When I was shown the paper trail, I pleaded guilt.

3 Q. But that meeting was your opportunity to provide
4 information, to talk about people to the government. True?

5 A. That's not true.

6 Q. That wasn't the purpose of the meeting?

7 A. To talk about other people?

8 Q. Right.

9 A. No.

10 Q. That wasn't stated clearly in the proffer letter I just
11 showed you; you were going to be providing information?

12 A. That meeting was all about me.

13 Q. All about you?

14 A. And whoever I had a contact with, but basically they
15 just told me --

16 Q. And whoever you had contact with. And whoever you had
17 contact with in committing crimes.

18 A. People that got kickback.

19 Q. All right. And so you were talking about other people
20 in this meeting.

21 A. I was -- we were not.

22 Q. So you deny providing the government information about
23 anybody beside yourself during that first meeting?

24 A. That meeting I did not provide any people other than my
25 informations and the checks that was laid out to me.

1 Q. Okay. You provided some general information to law
2 enforcement as well, correct?

3 A. Some information?

4 Q. Yes. Some general information that wasn't specific to
5 people, correct?

6 A. During when?

7 Q. Well, let me just ask you this. Are you familiar with
8 the Hawiye?

9 A. No.

10 Q. H-A-W-I-Y-E?

11 A. You mean Hawiye?

12 Q. Hawiye? Am I pronouncing that correctly?

13 A. Yeah.

14 Q. Okay. You are familiar with that group of people?

15 A. It's a tribe.

16 Q. Okay. It's a Somali ethnic group from Mogadishu,
17 correct?

18 A. Not only from Mogadishu.

19 Q. But it's a tribe that you are familiar with?

20 A. Correct.

21 Q. Do you know how large it is?

22 A. Yeah, large.

23 Q. And fair to say it has more than 800,000 people?

24 A. I don't know.

25 Q. Do you recall providing information to law enforcement

1 about the Hawiye in that meeting?

2 A. That's not true.

3 Q. If I could please have you pull up and show the witness
4 report number at 111. And please highlight the relevant
5 portion.

6 Sir, I would like you to just read that, those
7 three paragraphs to yourself, and let me know when you are
8 done.

9 A. I read what is in here.

10 Q. All right. You finished reading, sir?

11 A. Correct.

12 Q. All right. So I'm just going to ask you some specific
13 questions.

14 During the meeting that we've been discussing, did
15 you tell law enforcement that the Hawiye tribe is a gangster
16 tribe?

17 A. I don't remember.

18 Q. Did it refresh your recollection to read the FBI report
19 that discussed what you told them in that meeting?

20 A. I mean, I can read what it says here, but I don't
21 remember me saying that.

22 Q. You don't remember or you deny saying it?

23 A. I do not remember.

24 Q. Do you remember telling law enforcement that the
25 cultures surrounding the desire for money is clear within

1 the Somali tribe. Do you remember saying that?

2 A. I don't remember saying that.

3 Q. Do you remember saying that the individuals who are in
4 this tribe are hardened individuals who are not afraid to go
5 to jail?

6 MR. JACOBS: Objection, Your Honor. Improper
7 impeachment.

8 THE COURT: Sustained.

9 THE WITNESS: I don't remember saying that.

10 THE COURT: You don't need to answer.

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

13 THE COURT: You may.

14 **(Sidebar discussion)**

15 THE COURT: Mr. Jacobs, would you explain your
16 objection as improper impeachment?

17 MR. JACOBS: Your Honor, counsel's just reading
18 from this 302 and putting it into evidence. It's improper
19 impeachment.

20 I'd note that there are several individuals in the
21 courtroom here that feels like it's bordering on
22 intimidation.

23 THE COURT: Several individuals meaning? I'm
24 sorry. I don't understand that.

25 MR. JACOBS: People in the gallery of the

1 courtroom, while asking questions about the Hawiye tribe,
2 I'm concerned that this is bordering on intimidation of the
3 witness. And that's the purpose of this -- of the questions
4 here, is to bring out information about the Hawiye tribe.

5 THE COURT: Well, the impeachment is proper as
6 long as you are not obviously reading from the document.

7 That was my concern, Mr. Schleicher. Make sense?

8 MR. SCHLEICHER: That does make sense. I
9 apologize, Your Honor.

10 (In open court)

11 MR. SCHLEICHER: All right. Sir, I think I need a
12 ruling on the last objection.

13 And I think you instructed him he didn't have to
14 answer. I don't know what's --

15 THE COURT: Could you re-ask the question? I
16 think that will help us along.

17 MR. SCHLEICHER: I appreciate that, Your Honor.

18 BY MR. SCHLEICHER:

19 Q. Sir, I just need to ask you whether or not you told law
20 enforcement that the members of the Hawiye tribe are
21 hardened individuals who are not afraid to go to jail.

22 Do you remember saying that?

23 A. I decide not to answer, and all this is nothing to do
24 with the food program.

25 THE COURT: Sir, you need to answer the question

1 if he asks it. It doesn't mean -- the document is only to
2 refresh your recollection. The question is whether you
3 remember saying it. And you need to answer that one.

4 THE WITNESS: I don't remember.

5 BY MR. SCHLEICHER:

6 Q. And I want to pick up on something that you just said in
7 your extraneous answer to my question.

8 You said, I think, that this, meaning the
9 discussion about the Hawiye tribe, has nothing to do with
10 the food program. Is that your testimony?

11 A. No. The tribes is nothing to do with food program.

12 Q. But do you remember telling law enforcement during that
13 meeting that most of the individuals involved in the food
14 program fraud were members of the Hawiye tribe?

15 A. I don't remember.

16 Q. Would you agree the Hawiye tribe is probably about
17 800,000 members?

18 A. I will not agree with that.

19 Q. Okay. You certainly haven't met all of them, have you?

20 A. I did not.

21 Q. And you would agree that statements like this are unfair
22 overgeneralization and a stereotype, wouldn't you?

23 A. What statement?

24 Q. A statement about associating criminal activity with a
25 particular tribe would be an unfair stereotype and an

1 overgeneralization. Can we agree to that?

2 A. We agree on that. It's inappropriate.

3 Q. Inappropriate.

4 A. Inappropriate.

5 Q. Thank you.

6 Now, some time after your meeting with the
7 government, months later -- and I think you testified that
8 you've met with the government a number of times; is that
9 right?

10 A. I met with the government many times, yep.

11 Q. Many times. And would it -- if I said it was between 12
12 and 13 times, do you think that would be a fair estimate?

13 A. I don't recall the exact number.

14 Q. When's the last time you've met with the government?

15 A. Three, four days ago.

16 Q. Did you have any contact with them last night?

17 A. No.

18 Q. So three or four days ago is the last time you spoke
19 with them.

20 A. Correct.

21 Q. And you have access, you are able to contact the FBI if
22 you want to; isn't that right?

23 A. I have an access to my attorney.

24 Q. I understand you have access to an attorney, but I was
25 asking about an FBI agent. You have access to an FBI agent

1 if you need to contact them; is that right?

2 A. Correct.

3 Q. That's Special Agent Kary, correct?

4 A. Correct.

5 Q. You have his mobile phone number, correct?

6 A. A number, yes. I have a number.

7 Q. For him that you use to call him, correct?

8 A. I never called him.

9 Q. You've never called Special Agent Kary on his phone?

10 A. When he call me -- I never called him.

11 Q. Have you ever texted him?

12 A. We did.

13 Q. So sometime after this meeting the government made a
14 plea agreement with you, didn't they?

15 A. We had a plea agreement, but I don't remember the exact
16 date.

17 Q. All right. And at this time I'd like to show you what
18 I'd like marked for -- well, first, please display the plea
19 agreement.

20 I'd like the plea agreement marked for
21 identification as D5-314.

22 If you could turn to the last page.

23 First, if you'd take a look at the agreement, the
24 document itself, do you recognize that as the plea agreement
25 that you entered into with the United States?

1 A. Yes.

2 Q. Okay. And if you can take a look at the very last page
3 of the agreement, you can see it has your signature; is that
4 right?

5 A. Correct.

6 Q. And it contains the date; is that right?

7 A. 10/13.

8 Q. So October 13, 2022. I'm sorry. I was looking at the
9 wrong page.

10 October 13, 2022. That's when you entered into
11 the plea agreement. That's when you pled guilty in court;
12 is that right?

13 A. That is the date that I signed this document. I don't
14 remember where I did.

15 Q. Well, you can see, if you take a look at the top, see
16 that blue printing, the date it was filed. That's also
17 October 13, 2022; is that right?

18 A. That's right.

19 Q. All right. Assuming for the sake of argument that's the
20 date that you entered into the plea agreement, that
21 obviously took place several months after this meeting with
22 the government; is that right?

23 A. I don't remember.

24 Q. Now, you recall that you were charged with and pled
25 guilty to a single count of conspiracy to commit wire fraud;

1 is that right?

2 A. I plead guilt in the fraud kickback, yeah.

3 Q. If you could take -- pull the first page, please. I'd
4 like to display paragraph 1 to the witness.

5 Do you agree that you pled guilty to one count of
6 an information that charged you with conspiracy to commit
7 wire fraud? Is that what you pled guilty to?

8 A. I pled guilt, fraud, participating in the Feeding Our
9 Future food scam.

10 Q. All right. Thank you.

11 And you are aware that the crime you pleaded
12 guilty to had a statutory maximum penalty of five years; is
13 that right?

14 A. Four to five years.

15 Q. All right. I'm talking about the maximum penalty is
16 five years.

17 A. I don't know if it is the maximum of five years.

18 Q. All right. You also understand that the guideline
19 range, and I think this might be what you are thinking
20 about, is your sentencing guideline range is between 46 and
21 57 months' imprisonment.

22 A. Four to five years, yes.

23 Q. So four to five. And that was your understanding when
24 you pleaded guilty; is that right?

25 A. Mm-hmm. Yes.

1 Q. Now, during this meeting with law enforcement where you
2 shared information about your own crime -- right?

3 A. Correct.

4 Q. And you talked about -- you said receiving kickbacks,
5 right?

6 A. Correct.

7 Q. You talked about spending the money that you made in
8 this --

9 A. I don't remember if we talked about the money that I
10 spent.

11 Q. Well, after giving them all the information about
12 yourself that you'd provided, you were not charged with wire
13 fraud under 18 United States Code 1343. Were you?

14 A. I was charged.

15 Q. The crime you were charged with has a five-year maximum.
16 Do you understand that?

17 A. I don't, I don't know if that is the maximum.

18 Q. You were not charged with a count of wire fraud that has
19 a 20-year maximum, were you?

20 A. Not being charged. It says in my document.

21 Q. It says in your document that it's a five-year maximum,
22 right?

23 A. No. It says that I been charged in wire fraud too.

24 Q. With a, with a crime that carries a five-year maximum,
25 correct?

1 A. That's what the document said, yeah.

2 Q. You were not charged with a crime that has a 20-year
3 maximum, were you?

4 A. I been charged in wire fraud, sir.

5 Q. And the question is, You were not charged with a crime
6 that has a 20-year maximum, were you?

7 A. I been charged in a wire fraud, but I don't -- I don't
8 know the statutes, how long it is.

9 Q. You weren't charged with money laundering conspiracy,
10 were you?

11 A. I have been.

12 Q. Take a look at your plea agreement again, paragraph 1.
13 The single count that you pled guilty to was conspiracy to
14 commit wire fraud, true?

15 A. It says here, but I was also charged other stuff.

16 Q. By who?

17 A. It says on the document, if I recall.

18 Q. You weren't charged with money laundering conspiracy.
19 You weren't charged with any count of money laundering, were
20 you?

21 A. I have been.

22 Q. You weren't charged with bribery, were you?

23 A. Kickbacks.

24 Q. You were not charged with a single count of bribery,
25 were you?

1 A. I don't know what bribery is.

2 Q. Well, didn't you tell law enforcement in your meeting
3 with them that you were taking bribes?

4 A. Kickback.

5 Q. And you said the word "bribe" too, though, didn't you?

6 A. I don't remember.

7 Q. You don't know what that word means, "bribe"?

8 A. I don't remember telling that in my meeting with the
9 government.

10 Q. Do you deny it?

11 A. I don't remember.

12 Q. But do you deny it?

13 A. Deny what?

14 Q. Saying that you were receiving bribes.

15 A. I don't remember saying that.

16 Q. Do you say that you didn't say it? Do you deny it?

17 A. I don't remember saying that.

18 Q. Okay. And you weren't charged with a single count of
19 bribery, not by way of conspiracy or any stand-alone count
20 of bribery for any check that you received, isn't that true?

21 A. I have been charged wire transfer, wire bribery,
22 kickbacks, and participating in the food program.

23 Q. In a single count, you weren't charged with a count of
24 bribery that carries a 10-year statutory max, were you?

25 A. I been charged participating in the food program,

1 getting kickbacks.

2 Q. The fact is you were disappointed that you were charged
3 at all, weren't you?

4 A. I wasn't. I wasn't disappointed.

5 Q. All right. Do you recall ever telling an FBI agent that
6 you were disappointed that you were charged?

7 A. I don't remember.

8 Q. And if I could please pull up report 7365. And if you
9 would highlight the last paragraph, please.

10 And just read that to yourself.

11 A. I read the document.

12 Q. Okay. Does that refresh your recollection as to whether
13 or not you ever told an FBI agent that you were disappointed
14 that you were being charged as a result of your conduct?

15 A. I was disappointed that I was charged, that I was in the
16 food program, in the fraud food program.

17 Q. All right. Did you tell the agent that you were
18 disappointed that you were being charged with a crime?

19 A. I was disappointed that I was charged in the Feeding Our
20 Future fraud scheme.

21 Q. All right. And you told the agent that, in fairness,
22 correct?

23 A. I'm sorry?

24 Q. And you told the agent that. You told the FBI agent
25 that. Special Agent Kary.

1 A. I don't remember if I told him, but I know that I
2 disappointed that I was involved in the Feeding Our Future
3 fraud scheme.

4 Q. I note yesterday you testified that you regret that you
5 were involved. I was asking you whether or not you were
6 disappointed that you got charged with an offense, with a
7 crime.

8 A. I committed the crime. Why would I be disappointed?

9 Q. All right. Now, the plea agreement -- if you could pull
10 that down, please -- the plea agreement that you'd entered
11 into -- and I think you've testified and we've showed you
12 that that plea was entered -- you pleaded guilty on
13 October 13, 2022; is that right?

14 A. That's the date that I sign the document, yeah.

15 Q. And in the plea agreement itself -- it's like 11 pages
16 long, more or less; is that right?

17 A. I didn't count how many page it is.

18 Q. In the plea agreement there's some agreements as to
19 sentencing recommendation; is that right?

20 A. Four to five years.

21 Q. If you could please pull up D5-314 and highlight
22 paragraph 11.

23 Agreements as to sentencing recommendation. Is it
24 true the parties -- so you would be a party and the
25 government would be another party -- are free to recommend

1 whatever sentence they deem appropriate? Is that right?

2 A. Yep, I read the document.

3 Q. All right. And so there's -- the document says that the
4 parties are free to recommend whatever sentence they deem
5 appropriate. True?

6 A. The parties are free to recommend whatever sentence they
7 deem appropriate.

8 Q. Thank you. So it is true.

9 And there's some other provisions in this plea
10 agreement as well. If you could take a look at
11 paragraph 13, there's a restitution agreement. Is that
12 right?

13 A. Yep.

14 Q. And you can see the last sentence of that paragraph. It
15 says you agree that you owe restitution in the amount of
16 \$1,380,000, more or less?

17 A. Correct.

18 Q. Okay. And if you could go to page 9, please, and
19 highlight the full paragraph after (d). I'm sorry. Where
20 it says "In addition," that paragraph.

21 And you are consenting to a judgment being entered
22 against you for forfeiture in the amount of \$1,380,043; is
23 that right?

24 A. I read the document.

25 Q. Okay. And you agree that you consented to the entry of

1 a money judgment forfeiture in the amount of \$1,380,043,
2 true?

3 A. Yes.

4 Q. Okay. Now, if I recall -- you can take that down -- if
5 I recall your testimony from yesterday, didn't you testify
6 in front of this jury that you made over \$2 million?

7 A. Yes.

8 Q. Now, this plea agreement that I just showed you, that
9 wasn't the entire agreement between you and the government,
10 was it?

11 A. That was the document that I signed, the plea agreement.

12 Q. I think I might have asked that in a confusing manner.

13 But there was another agreement that was signed
14 after that agreement -- in addition to that agreement, but
15 at the same time. Do you remember that second agreement?

16 A. I don't remember.

17 Q. If I could please display for the witness the
18 cooperation letter.

19 And I'd like that marked as D5-315.

20 And if you could show that to the witness.

21 And you see the document that's dated August 29,
22 2022. I'd like to -- wait -- show you the very last page of
23 the document, yes.

24 You see there's a signature that's dated
25 October 5, 2022?

1 A. I see that.

2 Q. And it has your name on it. Is that your signature on
3 this document?

4 A. Correct.

5 Q. So if you could go back to the first page.

6 Then this document, D5-315, cooperation letter,
7 that's another agreement that you entered into with the
8 government, isn't it?

9 A. I signed this document with my lawyer prior, before I
10 met with the government.

11 Q. Before you pleaded guilty?

12 A. Before I met the government.

13 Q. All right. Well, I'll let the dates speak for
14 themselves.

15 But, in any event, you recognized this letter and
16 the terms contained in the letter?

17 A. My attorney told me about this letter, yep.

18 Q. Okay. And I want to make sure --

19 Can we have a sidebar real quick?

20 THE COURT: You may.

21 **(Sidebar discussion)**

22 THE COURT: Mr. Schleicher.

23 MR. SCHLEICHER: Yeah, Your Honor, it's not my
24 intent to elicit from this witness any attorney-client
25 privileged communications. And I don't know if it would be

1 an appropriate break time to just let him know that. Don't
2 tell me what his attorney said. I'm not asking it, but I'm
3 kind of concerned that he volunteered it.

4 THE COURT: I can just warn him on the record.
5 That makes sense. Thank you.

6 **(In open court)**

7 THE COURT: Mr. Ahmed, anytime that he asks you a
8 question, if what is in your head is what your attorney told
9 me or what your attorney told you, you aren't to disclose
10 that.

11 So he's not asking you what you said to your
12 attorney or your attorney said to you, and you aren't -- you
13 should not disclose that.

14 Does that make sense?

15 THE WITNESS: Yes.

16 THE COURT: Okay. Thank you, Mr. Schleicher.

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

18 All right. At this time I offer D5-315.

19 THE COURT: Any objection?

20 MR. JACOBS: No objection.

21 THE COURT: D5-315 is admitted.

22 BY MR. SCHLEICHER:

23 Q. Now, this separate agreement that's in addition to the
24 plea agreement says that you agree and wish to continue to
25 cooperate with law enforcement in this matter; isn't that

1 right?

2 A. Wish to agree plea agreement, yes.

3 Q. I'm sorry. I didn't catch that.

4 A. Wish to agreeing guilty.

5 Q. The language itself says, "Hadith Ahmed, herein the
6 defendant, has cooperated and wishes to continue to
7 cooperate with law enforcement." Correct?

8 A. Correct.

9 Q. "Including by pleading guilty in the above-referenced
10 matter." Is that right?

11 A. Correct.

12 Q. If we can turn to the second page, please, and highlight
13 the paragraph that begins "In return."

14 And the letter says, In return for the
15 defendant -- that's you -- your specific performance of all
16 obligations under this agreement, "the government agrees
17 that it will bring to the court's attention at the time of
18 sentencing the nature and extent of the defendant's
19 cooperation or lack of cooperation."

20 Is that what it says?

21 A. Correct.

22 Q. And that's what you agreed to, correct?

23 A. I agree the government to tell the truth.

24 Q. And the government gets to decide whether or not they
25 believe you are telling the truth, don't they?

1 A. The judge decides.

2 Q. The judge decides your sentence, but the government gets
3 to decide whether or not it believes you have rendered
4 what's called substantial assistance, isn't that true?

5 A. The judge decides if I tell the truth or not.

6 Q. But you need to listen to the question that I'm asking.

7 A. Mm-hmm.

8 Q. I understand that you have a point that you want to
9 make, and I'm sure you will be allowed to make it at some
10 point on redirect.

11 MR. JACOBS: Objection, Your Honor.

12 Argumentative.

13 THE COURT: Sustained.

14 BY MR. SCHLEICHER:

15 Q. But it's important that you listen to the question that
16 I'm asking you and answer that question. Can you do that?

17 A. I can do that if I understand the question, sir.

18 Q. Okay. So my question is, Isn't it true that if through
19 his continued -- and as I'm reading the letter -- if through
20 his continued full and truthful cooperation the defendant
21 renders what the government determines in its sole
22 discretion is "substantial assistance" to the government,
23 the government will move for a downward departure under the
24 Sentencing Guidelines Section 5K1.1 at the time of
25 sentencing?

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

2 Q. I'm going to go on. If you take a look at the
3 paragraph -- I'm sorry -- where it says the government, not
4 the court, if you could -- okay. There we go.

5 And it further says, "The government, not the
6 court, however, will decide whether the defendant has
7 rendered substantial assistance for the purpose of making
8 any substantial assistance motion for a downward departure."

9 Is that what the document says?

10 A. That's what the document says.

11 Q. And that's what you agreed to, isn't it?

12 A. That's what the document says, sir.

13 Q. And that's what you agreed to?

14 A. My plea agreement -- this is not my plea agreement.
15 This is a prior document that I signed.

16 Q. All right. And in the document you understand the
17 government has indicated that it will decide whether or not
18 you provide substantial assistance through continued
19 cooperation for the purpose of bringing a motion for a
20 downward departure before this court. True?

21 A. That's what the document says, sir.

22 Q. And I believe you testified yesterday that in addition
23 to being here because you wanted to tell the truth that you
24 were hoping to get a break from the government. True?

25 A. Correct.

1 Q. And when we say "a break from the government," this is
2 specifically what we're talking about, is this potential
3 cooperation. Correct?

4 A. When I say the government, I mean the judge has to
5 decide. The judge will decide.

6 Q. All right. But the government, and not the court, will
7 decide whether or not to bring a motion for a downward
8 departure based on substantial assistance, which they get to
9 decide in their sole discretion. True?

10 A. That's what the document says, sir.

11 Q. Meaning the government might ask the court to give you
12 even more time off your sentence. True?

13 A. I don't know if they can ask that.

14 Q. I didn't hear you.

15 A. I don't know if they can ask that or not.

16 Q. Well, that's what the document says, isn't it?

17 A. The government determines in its sole discretion.
18 That's what it says.

19 Q. And, in fact, you have not been sentenced, despite
20 pleading guilty, correct?

21 A. My sentence hasn't been yet, yep.

22 Q. You and the government have agreed to put off your
23 sentencing until your cooperation has been completed. Is
24 that right?

25 A. Say that again.

1 Q. You and the government have agreed to delay your
2 sentencing until your cooperation has been completed. True?

3 A. That's what the document said, yes.

4 Q. And you've never been arrested for this offense; is that
5 right?

6 A. I've been taken a photo, but I haven't been arrested
7 yet.

8 Q. You haven't spent a day in jail, have you?

9 A. No.

10 Q. And you hope to not spend any time in jail, don't you?

11 A. I hope not.

12 Q. You talked about regretting what you've done. Is it
13 fair to say that you would trade all of that money to not
14 get to go to prison? You'd give it all back to not have to
15 face prison, wouldn't you?

16 A. I will tell the truth, and then the judge will decide.

17 Q. And you stated that the -- that you regret having
18 participated. But it sounds like you regret getting caught.
19 Isn't that more fair?

20 A. That's not fair.

21 Q. And, again, you never contacted law enforcement to
22 express any of this regret until this first meeting with
23 them in which they showed you documents that showed to you
24 that you had clearly committed a crime.

25 A. I never contact the government before.

1 Q. Now, I'd like to take a look at a couple of -- if you
2 could take that down, please -- take a look at a couple of
3 different exhibits.

4 But before I do that, I'm just trying to
5 understand some time frame, if you can tell the jury, if you
6 can recall as best you can.

7 You testified that at some point in 2021 you were
8 fired from Feeding Our Future; isn't that right?

9 A. Correct.

10 Q. Now, it wasn't really clear to me exactly when that was.

11 Do you have any recollection as to the approximate
12 date or month that you were fired?

13 A. I don't remember the exact date, but it was between,
14 between June to August.

15 Q. Okay. So you were fired sometime between June and
16 August of 2021.

17 A. Correct.

18 Q. All right. Now, I'd like to show you what's been
19 received into evidence as O-224 at page 59.

20 Thank you.

21 I understand that the printing is kind of small,
22 but if you'd take a look at the entries for December 17.
23 And I think you testified yesterday about some money that
24 you had spent on dump trucks; is that right?

25 A. Yep.

1 Q. Okay. And the two -- and the transactions that we're
2 seeing here, with the exception of the Popeyes' transaction,
3 the two transactions for the 17th, those transactions
4 related to your purchase of dump trucks from a company in
5 China?

6 A. No. I was buying someone that was in Kenya.

7 Q. Okay. But the company -- all right. Were you buying
8 dump trucks?

9 A. I was.

10 Q. Real trucks?

11 A. Dump trucks.

12 Q. Okay. That were real?

13 A. Yep.

14 Q. Not fake?

15 A. Not fake.

16 Q. And the dump trucks were to be apparently shipped to or
17 used in Kenya, right?

18 A. I was buying from Kenya.

19 Q. You were not charged with money laundering based on
20 these transactions, were you?

21 A. I was.

22 Q. You were not?

23 A. I was.

24 Q. Okay. Well, we've been through your plea agreement a
25 few times now. And fair to say that what you were charged

1 with and what you pled guilty to is contained right in the
2 agreement? People can read it for themselves.

3 A. I'm sure I saw my plea agreement that I been charged
4 also wire fraud.

5 Q. Money laundering.

6 A. Money laundering.

7 Q. I asked you about money laundering.

8 A. Money laundering.

9 Q. You weren't charged with money laundering. It's not in
10 the plea agreement.

11 A. I'm sure it says in my plea agreement.

12 Q. Are you as sure about that as you are about anything
13 that you've testified to?

14 A. I'm sure if I read it, I will find it.

15 Q. Okay. You spent -- you put money down to purchase a
16 home; isn't that right?

17 A. Correct.

18 Q. Were you charged with money laundering for the money
19 that you put down to purchase a home?

20 A. I've been charged money laundering, and it says in my
21 plea agreement.

22 Q. And you're as positive about that as you are about any
23 testimony that you've provided thus far; isn't that right?

24 A. If I see it, I am sure I will find it.

25 Q. You are positive?

1 A. We look at it, I'm sure we'll find it.

2 MR. JACOBS: Objection, Your Honor. He's not
3 looking at the plea agreement.

4 THE COURT: Noted.

5 BY MR. SCHLEICHER:

6 Q. All right. You used a term, "shell company," to
7 describe some companies that you purchased trucks from,
8 isn't that right, companies from China?

9 A. The people that I was buying the truck, they told me to
10 deposit money to that account.

11 Q. You used the term "shell company" to describe the
12 companies. Do you recall your testimony from yesterday?

13 A. That's the company.

14 Q. Say again?

15 A. That is the company they told me to deposit money to.

16 Q. You used the term "shell company" yesterday during your
17 testimony to describe that very company. Do you remember
18 that testimony?

19 A. I don't remember.

20 Q. Okay. From yesterday?

21 A. I remember yesterday, but I don't remember if I exactly
22 pick on those company.

23 Q. Okay. Well, do you remember using the term "shell
24 company" at all?

25 A. I remember saying fake companies, but not shell

1 companies.

2 Q. But you don't recall using the term "shell company"?

3 A. I don't recall.

4 Q. Those aren't your words, "shell company"?

5 A. I don't recall that I said yesterday.

6 Q. Do you know what a shell company is?

7 A. Fake company.

8 Q. A fake company. That's what that phrase means to you?

9 A. That's how I understood shell and fixing.

10 Q. Did you ever use the term "shell company" before your
11 meeting with the prosecutors?

12 A. I don't remember.

13 Q. All right. You testified that you were the supervisor,
14 you were the supervisor of site supervisors at Feeding Our
15 Future.

16 Do you recall that testimony?

17 A. Yep, for a short time.

18 Q. And you didn't attend these sites, did you?

19 A. I did not. Which sites?

20 Q. Well, any of the sites.

21 A. I did not.

22 Q. Okay. Thank you for clarifying that.

23 And that was generally Feeding Our Future's mode
24 of operation, right? They just didn't go to the sites.

25 A. The site supervisors, some of the site supervisors,

1 including me, didn't go to the sites.

2 Q. I'm sorry. Didn't or did?

3 A. Did not go to the sites that were getting kickback from.

4 Q. Okay. And you would, of course, agree it was the site
5 supervisor's job to supervise the sites, right?

6 A. Correct.

7 Q. And it was your job to supervise the people who were
8 supposed to be supervising the sites, true?

9 A. Correct.

10 Q. But because you weren't at the specific sites, you
11 really don't know whether any specific site served any
12 meals, do you?

13 A. We don't know.

14 Q. Because you weren't there.

15 A. Yep.

16 Q. You know yourself you were inflating meal counts at your
17 site; is that right?

18 A. Correct.

19 Q. And when you started working for Partners in Nutrition,
20 after you were fired by Feeding Our Future, you worked for a
21 mobile home park; is that right?

22 A. Correct.

23 Q. And you actually went to that site as a site supervisor,
24 didn't you?

25 A. Correct.

1 Q. And there was another person at that site who was
2 recording meal count numbers; isn't that right?

3 A. I wasn't a site supervisor. I was site manager for
4 those sites.

5 Q. Site manager. And there was another individual, a man I
6 believe you said, who was recording meal count numbers?

7 A. No. He was taking meal counts, attendance.

8 Q. Taking attendance?

9 A. Yep.

10 Q. Okay. And you did not take attendance yourself; isn't
11 that right?

12 A. I did not.

13 Q. But you submitted those counts based on the information
14 he provided you; isn't that right?

15 A. Mm-hmm. Yes.

16 THE COURT: Is that a yes?

17 MR. SCHLEICHER: Thank you.

18 BY MR. SCHLEICHER:

19 Q. Now, I'd like to ask some questions about some of the
20 checks you were shown yesterday.

21 A. Okay.

22 Q. At this time I'd like to please display Exhibit O-106.

23 THE COURT: Just to be clear and picky, this is
24 O-106, because the first number is alphabetical and I want
25 to make sure that the record is clear. Thank you.

1 MR. SCHLEICHER: Sorry about that.

2 BY MR. SCHLEICHER:

3 Q. O-106. And this is at page 2390. It's a check in the
4 amount of \$12,435; is that right?

5 A. \$12,435. \$12,435 check.

6 Q. All right. Thank you.

7 Now, sir, you were not present when this check was
8 written, were you?

9 A. I wasn't.

10 Q. And you were not handed this check by Said Farah, were
11 you?

12 A. I don't remember who give it to me.

13 Q. You can't testify that Said Farah gave you this check,
14 can you?

15 A. I don't remember if he gave me this check by hand.

16 Q. And you see the date. February 15, 2021; isn't that
17 right?

18 A. February 15, '21, yes.

19 Q. Okay. You can take that down for a moment.

20 Sir, you don't really know much about Said Farah,
21 do you?

22 A. That's correct.

23 Q. And, in fact, you recall when the search warrants took
24 place in this case, right, in January of 2020?

25 A. Correct.

1 Q. Did I say 2020?

2 A. 2022.

3 Q. 2022. Thank you.

4 And you didn't meet Mr. Said Farah before the
5 search warrants were executed, did you?

6 A. I did not. I don't recall.

7 Q. Well, you do recall telling law enforcement that you had
8 not met Said Farah until after the search warrants were
9 executed, true?

10 A. I met Said face to face after the search warrants.

11 Q. Okay. And not before?

12 A. I don't remember I met him, yep. I don't think I did.

13 Q. Now, if you could pull that exhibit up again.

14 And you can see the "for" line; is that right?

15 A. I'm sorry?

16 Q. The memo? "For"?

17 A. Yep.

18 Q. Can you read what that says?

19 A. I think it says loan.

20 Q. And that appears to be crossed out, doesn't it, the
21 word?

22 A. Yep.

23 Q. All right. And you can take that down.

24 Now, I'd like to show you Q-31. A \$65,000 check
25 and it's dated July 25, 2021?

1 A. Correct.

2 Q. And, again, you weren't present when this check was
3 written, true?

4 A. I wasn't.

5 Q. You don't know who wrote the check?

6 A. I don't know who wrote the check, yep. That's correct.

7 Q. And you were not given this check by Said Farah, were
8 you?

9 A. I don't remember he gave it to me.

10 Q. Well, again, that would have taken place before the
11 search warrant. And you hadn't met him until after the
12 search warrant, right?

13 A. That's correct.

14 Q. Now if you could pull up Q-33.

15 This is a \$35,000 check that's dated September 9,
16 2021; is that right?

17 A. Correct.

18 Q. You don't know who wrote this check.

19 A. I don't know.

20 Q. Who wrote the check, because you weren't there at the
21 time.

22 A. Correct.

23 Q. And Said Farah did not give you this check, did he?

24 A. I don't think he did.

25 Q. Q-34, please.

1 It's a \$20,000 check dated October 11, 2021,
2 correct?

3 A. October 11, 2020, yes.

4 Q. I think it's 2021. If you could take a look again.

5 A. Yeah, October 11, 2021.

6 Q. All right. Thank you.

7 Okay. You weren't there when this check was
8 written. You don't know who wrote the check. Correct?

9 A. That's correct.

10 Q. And Said Farah did not give you this check?

11 A. That's correct.

12 Q. And at the time -- is it fair to say at the time that
13 you would have received this check you were no longer
14 working at Feeding Our Future?

15 A. That's correct.

16 Q. You'd been fired by this point?

17 A. Correct.

18 Q. And so this not have been intended to give someone VIP
19 treatment. It couldn't have been used for that, because you
20 weren't working at Feeding Our Future, were you?

21 A. This check has nothing to do with working at Feeding Our
22 Future.

23 Q. I think you testified when you were asked -- if you
24 could take that down. You were asked on direct examination
25 about Bushra, Bushra Wholesalers?

1 A. Yeah.

2 Q. And do you recall your testimony that Bushra Wholesalers
3 was a grocery store?

4 A. Correct.

5 Q. And can you please explain what you mean by that?

6 A. It's a halal store. It's a halal store.

7 Q. A halal store. Okay. And where is it?

8 A. Lake Street.

9 Q. How many times do you think you've been there?

10 A. Maybe three to four times.

11 Q. And you are sure it's on Lake Street?

12 A. The store that I went to grab the checks is in Lake
13 Street.

14 Q. Now, if we could pull up Q-15.

15 Now, you were asked some questions about Q-15
16 yesterday. And if we could turn to the second page. Do you
17 recognize this as a consulting agreement?

18 A. Yes.

19 Q. You heard some -- we heard some testimony from you about
20 this yesterday. I just want to clarify. Said Farah did not
21 send this document to you, did he?

22 A. He did not.

23 Q. And Said Farah never asked you for this document, did
24 he?

25 A. He did not.

1 Q. Said Farah did not contact you in advance of you
2 getting -- or you sending this agreement, true?

3 A. Nope. That's true.

4 Q. Said Farah did not send you a form of any kind, did he?

5 A. That's correct.

6 Q. In fact, you and Said Farah have never spoken on the
7 phone, have you?

8 A. I believe we did not.

9 Q. Or exchange text messages?

10 A. We never exchange text message.

11 Q. Or WhatsApp messages or any other messages?

12 A. No.

13 Q. Okay. And you don't know the person who emailed it to
14 you, true?

15 A. Correct.

16 Q. And then you used this form to create a contract, true?

17 A. The contract was already created.

18 Q. The form -- I thought your testimony yesterday was that
19 the form was provided, but that you'd filled it out.

20 A. No.

21 Q. Is that incorrect?

22 A. The contract was emailed. And I just put my name, the
23 company name and changed the date.

24 Q. But not provided to you by Said Farah. True?

25 A. The email was not from Said Farah.

1 Q. And this contract was not from Said Farah, was it?

2 A. It wasn't from Said Farah.

3 Q. All right. If you could take that down, please.

4 Because I think, as you testified, you don't
5 really know Said Farah at all, do you?

6 A. I don't know a lot, but all I know is that --

7 Q. You don't know his family. You don't know his wife or
8 his children.

9 A. I don't know. I don't know.

10 Q. You've never been to his home.

11 A. Never been.

12 Q. All right. Now, I'd like to talk to you about Q-38,
13 page 2. And you recognize Q-38.

14 And Q-38 -- and I'm looking at page 2. It says
15 after-school meal counts clicker. This is one of the
16 documents that you testified that you submitted in support
17 of claims; isn't that right?

18 A. Correct.

19 Q. Now, I just want to clarify. You testified -- you
20 claimed, what, 2,417 meals a day, correct?

21 A. This document says 1,642.

22 Q. 1,642. Okay. Well, is this the one that you indicated
23 was inflated by a thousand?

24 And just to back up and give you some context.

25 I'm trying to understand. Yesterday when you testified, you

1 talked about fake claims being submitted, but I think your
2 testimony is that they were not all fake. Is that true?

3 A. This meal counts, we did not provide all this much meal
4 counts, meals.

5 Q. And I thought your testimony yesterday was that you
6 inflated, you added a thousand people to the meal count.

7 A. We inflated thousands.

8 Q. You did it thousands of times. But I think when you
9 were testifying yesterday, when Mr. Jacobs was asking you
10 about when you first started up the Southwest Metro Youth,
11 you said that the first week you were serving hot meals from
12 a restaurant; is that right?

13 A. The first week we started as hot meals.

14 Q. And then you switched to dry grocery goods; is that
15 right?

16 A. Switched to dry grocery, correct.

17 Q. Okay. And then Mr. Jacobs asked you about one meal
18 claim where you were submitting approximately 2,500 meals
19 per week. And you said that those were inflated by 1,000
20 and that you were actually serving 1500 meals a day.

21 Do you recall that testimony?

22 A. I inflated the numbers thousands.

23 Q. All right. But in that testimony yesterday you said
24 that the, that the food count was inflated by 1,000.

25 A. I don't remember for specific document.

1 Q. Let's go to -- can you find the week of February 27th,
2 please. Well, it would be worse if I tried doing it, so.

3 All right, sir. Q-38. And you see that in front
4 of you?

5 A. Yes.

6 Q. Can you take a look -- I see. All right. Do you recall
7 from your testimony yesterday indicating that you actually
8 did serve thousands of meals per week at that site,
9 Southwest Metro?

10 A. We claim that we served thousands, but we never served
11 anywhere that is close to at Southwest Metro Youth.

12 Q. You said anywhere close to. And I'm just trying to get
13 you to tell me some numbers. Okay?

14 So is it your testimony under oath today that
15 every single one of the meals that you were claiming to have
16 served, that they were all fake? Is that your testimony?

17 A. No, they were not all fake.

18 Q. Okay. And so you served some meals, correct?

19 A. Some, yes.

20 Q. And you recall your testimony yesterday, and we can let
21 people's memories, you know, speak for themselves, but that
22 you said that you added 1,000 meals to the count per day.

23 MR. JACOBS: Objection, Your Honor. Asked and
24 answered.

25 THE COURT: Overruled. You may answer.

1 THE WITNESS: We exaggerate numbers by thousands
2 of the grocery food that we distributed.

3 BY MR. SCHLEICHER:

4 Q. Do you recall testifying yesterday that you inflated the
5 meal counts by 1,000?

6 A. I don't remember.

7 Q. Yesterday.

8 A. Yes, I don't remember.

9 Q. Okay. Well, as to the meals that you served, you,
10 actually, you had to get the food. You had to buy the food
11 in order to serve it; isn't that right?

12 A. We will buy some. We will exaggerate the numbers.

13 Q. Okay. I'm asking you about the food that you served.
14 You served some food, correct?

15 A. We did.

16 Q. And in order to serve some food, you had to buy some
17 food, correct?

18 A. That's correct.

19 Q. And to buy some food -- it didn't just magically appear,
20 right? You had to purchase it from a place, correct?

21 A. Some foods, yes.

22 Q. Yeah, some food. And you had to purchase it from a
23 store, correct?

24 A. From wholesaler.

25 Q. From a wholesaler.

1 A. Correct.

2 Q. Like a grocery store.

3 A. We never bought any from grocery store.

4 Q. Like a Sam's Club.

5 A. Sam's Club, correct.

6 Q. Or a Costco.

7 A. Correct.

8 Q. You had to buy it. And you would buy it, and they would
9 sell it to you, correct, because you had to get it from
10 somewhere.

11 A. Yep, we will buy from them, yeah.

12 Q. From a supplier, like a wholesaler, like a grocery
13 store.

14 A. I shop from Costco, Sam's Club and a wholesaler.

15 Q. And those wholesalers, Costco, Sam's Club or wherever
16 you got the food, they didn't know that you were
17 exaggerating the meal counts, did they?

18 A. That's correct.

19 Q. Because -- all right.

20 MR. SCHLEICHER: I have nothing further. Thank
21 you.

22 THE COURT: Thank you.

23 Let's go ahead and take a morning break, and we'll
24 go to -- we'll come back at 11:25.

25 All rise for the jury.

1 (Recess taken at 11:09 a.m. till 11:27 a.m.)

2

3

IN OPEN COURT

4

(JURY PRESENT)

5

THE COURT: You may all be seated.

6

Mr. Sapone, you may inquire.

7

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

8

CROSS-EXAMINATION

9

BY MR. SAPONE:

10

Q. Good morning, sir.

11

A. Good morning.

12

Q. Sir, federal agents first contacted you in 2022,
13 correct?

14

A. Yep, 2022.

15

Q. And you remember that the agents had gone to a residence
16 that you had had located in Eden Prairie, right?

17

A. When I got a call from agent, my uncle told me that an
18 agent came to my -- the place that I was staying at.

19

Q. And they had gone to Eden Prairie, right?

20

A. Correct.

21

Q. But you were not there, correct?

22

A. I wasn't.

23

Q. That contact that they tried to make with you, you took
24 that very seriously, right?

25

A. Yep, I got a call from agent, yes.

1 Q. And that was scary for you, right?

2 A. I was waiting for it. I knew I will get called in.

3 Q. You were concerned. Yes?

4 A. Yeah, you can say that, yes.

5 Q. And the fact that they wanted to speak with you, you
6 took that seriously too, correct?

7 A. I knew this was coming.

8 Q. And, therefore, you took it seriously, right?

9 A. Correct.

10 Q. Now, one of the agents left a voicemail message for you,
11 right?

12 A. No. I got a call from my uncle.

13 Q. Do you remember also receiving a voicemail message on
14 your telephone?

15 A. I don't remember.

16 Q. Could we pull up 302 dated 6/2/22, please.

17 Sir, I'd like you to take a look at what's on the
18 screen. And for ID, D4-2. Please take a look at that and
19 let me know whether or not it refreshes your memory that you
20 got a voicemail call left by the agents.

21 A. I don't remember a voicemail that was left on my phone.

22 Q. You came to learn, did you not, that they wanted to talk
23 to you about misused federal funds, right?

24 A. I got call from my uncle. He told me that an FBI was
25 looking for me.

1 Q. And then you came to learn that it had to do with
2 misused federal funds, right?

3 A. Me and my attorney talked to an agent.

4 Q. You became aware that the subject matter about which
5 they wanted to talk to you had to do with federal funds that
6 were misused, correct?

7 A. The person at FBI was looking for misuse because I was
8 part of the Feeding Our Future fraud scheme.

9 Q. Which had to do with federal funds that were misused,
10 correct?

11 A. Feeding Our Future fraud scheme.

12 Q. Did it have to do with federal money?

13 A. Correct.

14 Q. And it had to do with food nutrition programs, right?

15 A. Correct.

16 Q. It was so serious for you that you had a lawyer to
17 represent you, right?

18 A. At that time I didn't have a lawyer.

19 Q. You got one, right?

20 A. I got after.

21 Q. And you told the agents that you had a lawyer, right?

22 A. I told the agent my lawyer will contact you.

23 Q. Meaning you had one. Yes?

24 A. At that time I didn't have one.

25 Q. But you told them you did and he would call them. True?

1 A. Correct. Yes.

2 Q. By the way, do you know who I represent?

3 A. No.

4 Q. I represent Abdimajid Nur.

5 A. Okay.

6 Q. How many times have you and I met?

7 A. Only today.

8 Q. But you did meet with members of the government,
9 U.S. Attorney's Office and federal agents more than a dozen
10 times, right?

11 A. Correct.

12 Q. You met with them in 2022. Yes?

13 A. 2022.

14 Q. Correct?

15 A. Correct.

16 Q. In 2023, right?

17 A. Correct.

18 Q. And also in 2024. Yes?

19 A. Correct.

20 Q. And agents had showed you documents concerning crimes
21 that you committed, right?

22 A. Yes.

23 Q. You knew there was a mountain of evidence against you,
24 right?

25 A. Correct.

- 1 Q. And you decided to cooperate with the government, right?
- 2 A. I decided to cooperate.
- 3 Q. Thank you. You wanted to get as much benefit as
- 4 possible, correct?
- 5 A. I cooperate to tell the truth, sir.
- 6 Q. I know that's what you are saying. My question is
- 7 different. You wanted to get as much benefit through
- 8 cooperation as you could, right?
- 9 A. Correct.
- 10 Q. And you still want to do that, right?
- 11 A. Correct.
- 12 Q. You're hoping to be sentenced eventually to not one day
- 13 in jail, aren't you?
- 14 A. Correct.
- 15 Q. Now, I'm not interested in what you and your lawyer said
- 16 to each other. Okay?
- 17 A. Okay.
- 18 Q. So don't tell me any of that. All right?
- 19 A. Okay.
- 20 Q. But you did speak with your lawyer when you first hired
- 21 him, right?
- 22 A. Correct.
- 23 Q. You had lots of questions for him?
- 24 A. I did.
- 25 Q. And without telling us what he said, he gave you lots of

1 information, right?

2 A. Me and my lawyer, we spoke, yeah.

3 Q. Okay. You came to learn that you had three choices in
4 your situation. One, fight the case and maybe wind up at a
5 trial like this one; two, a straight guilty plea; or, three,
6 plead guilty and cooperate with the government. You came to
7 learn that those were your three choices, right?

8 A. Not right.

9 Q. Did you have a fourth choice?

10 A. I only had one choice.

11 Q. So in your mind you could not fight the case? You
12 weren't allowed?

13 MR. JACOBS: Objection, Your Honor. Could we have
14 a sidebar?

15 THE COURT: You may.

16 **(Sidebar discussion)**

17 THE COURT: Mr. Jacobs.

18 MR. JACOBS: Your Honor, I'm concerned that these
19 questions are diving into attorney-client confidentiality
20 and issues there. I mean, he's asking him about what his
21 options were and what his choices were around that, and that
22 is squarely in the zone of attorney-client relationship
23 there. So that's my concern, and that's the basis of my
24 objection.

25 THE COURT: Mr. Sapone.

1 MR. SAPONE: I made it clear that I don't want to
2 know anything that his lawyer said to him. I just want to
3 know what he understood.

4 THE COURT: The only basis for his understanding
5 would have been his discussions with his lawyer.

6 MR. SAPONE: And also, Your Honor, it's important
7 for me to lay the foundation that he had three choices,
8 which we all know is true, and that he chose cooperation and
9 why. So for me to be able to make that argument, I need to
10 have him say he knew what his choices were.

11 THE COURT: I'm concerned about the only three
12 choices being attorney-client information. I think you can
13 easily say, You could have done something else, You could
14 have done something else, You could have done something
15 else.

16 MR. SAPONE: Sure.

17 THE COURT: But to say he only had three choices
18 is a legal conclusion, and I'm concerned about the
19 attorney-client. Does that make sense?

20 MR. SAPONE: Yes, I'll do it that way.

21 THE COURT: Mr. Jacobs, do you have any objection
22 to that approach?

23 MR. JACOBS: No, Your Honor. Obviously not to the
24 question delving into the why, though. That would be my
25 concern, but I think we're past that.

1 THE COURT: All right. Okay. Thank you.

2 (In open court)

3 THE COURT: I'll ask Mr. Sapone to rephrase.

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

5 BY MR. SAPONE:

6 Q. Sir, you could have, you could have fought the case and
7 maybe winded up at a trial one day. You knew that, right?

8 A. The paper trail that I had in front of me was clear that
9 I was guilty.

10 Q. Is it your testimony that you could not have fought your
11 case?

12 A. What I did was wrong, sir.

13 Q. My question was different. Were you allowed to persist
14 in a not guilty plea and fight your case? Were you allowed
15 to do that?

16 A. I had the option. I had the choice to plead guilty or
17 not.

18 Q. Okay. And so had you chosen not to plead guilty, that
19 meant you would have fought the case, right?

20 A. Because I know what I did, I plead guilty, sir.

21 Q. Regardless of that, by pleading not guilty would have
22 meant you were fighting the case, right?

23 A. It was clear what I did, sir.

24 Q. I'm not asking that. I want to know if by pleading
25 guilty in your mind it meant you would be fighting the case.

1 A. If I plead not guilty, I would be fighting.

2 Q. Okay. You didn't want that choice, right?

3 A. I did not.

4 Q. You also could have entered a straight guilty plea
5 without cooperation, correct?

6 A. I pleaded guilty to tell the truth, sir.

7 Q. I didn't ask you that. You could have entered a guilty
8 plea and not cooperated. True?

9 A. That was my part of my plea agreement, sir.

10 Q. Could you have pled guilty and decided that you're going
11 to plead guilty and you are not going to cooperate? Could
12 you have done that?

13 A. I don't know.

14 Q. Is it your position that you were forced to cooperate?

15 A. I wasn't, I wasn't forced.

16 Q. So then you didn't have to, right?

17 A. It was my choice to decide.

18 Q. And the reason you chose it is of the choices to fight
19 the case, to enter a straight guilty plea without
20 cooperation or to plead guilty and cooperate, you were
21 trying to avoid prison and that's why you chose the last
22 one, to cooperate, true?

23 A. That's not true, sir.

24 Q. But you were trying to avoid prison, right?

25 A. I was trying to avoid prison.

1 Q. We spoke about June of 2022 when the agents approached
2 you, right?

3 A. I don't remember the exact date that they approached me.

4 Q. Can we agree that there was an information, that is,
5 charges filed on September 29th of 2022 against you? Do you
6 remember that?

7 A. Search warrants occurred January 2022, sir.

8 Q. There was an information containing a charge against you
9 filed in the court September 29, 2022. Do you recall that?

10 A. I don't remember.

11 Q. Could we please have the information? Okay.

12 So please take a look at, for the record,
13 Defendant's D4-3.

14 Do you see that?

15 A. I see this document, yes.

16 Q. Okay. And please read it to yourself and let me know
17 when you are done.

18 A. I read it.

19 Q. Okay. And could we go to the next page, please? Okay.

20 Do you see that that document is signed?

21 A. I don't see any signature, sir.

22 Q. Please look at the bottom, bottom right. Do you see
23 that?

24 A. I don't see any signature, sir.

25 Q. Do you see an S slash with a name after it?

1 A. Yes.

2 Q. And that's Mr. Thompson, correct?

3 A. Correct.

4 Q. And other prosecutors. Yes?

5 A. Other people's name, yes.

6 Q. And we can agree that that is the information containing
7 the charge against you, correct?

8 Let's go to page 1.

9 A. Hear the question again. Ask the question one more
10 time.

11 Q. Sure. That is what's called an information, and it
12 contains the charge against you, correct?

13 A. This document says that --

14 Q. Without telling us what it says, can we agree that it
15 has one count and it's a count or a charge against you?

16 A. That's what document said, yes.

17 MR. SAPONE: I offer it.

18 THE COURT: Any objection?

19 MR. JACOBS: No objection, Your Honor.

20 THE COURT: D4-3 is admitted.

21 BY MR. SAPONE:

22 Q. The one charge against you in this one-count information
23 is conspiracy to commit wire fraud, correct?

24 A. That's what it says the document.

25 Q. All right. In this information, which contains that

1 charge against you, do you see any other charges listed
2 against you?

3 A. I do.

4 Q. Okay. So let me ask you this. Do you see where it says
5 Count 1?

6 A. Yes.

7 Q. Do you see anywhere it's saying Count 2?

8 A. No.

9 Q. Do you see anywhere it's saying Count 3?

10 A. No.

11 Q. So the only count in the information against you is
12 Count 1, correct?

13 A. That's what the document said, yes.

14 Q. That's what the information that's now in evidence says,
15 correct?

16 A. That's what the document said, yes.

17 Q. This does not contain a charge against you of money
18 laundering, correct?

19 A. It doesn't say here, yes.

20 Q. Well, that's what I'm talking about, this document.
21 This document does not contain a charge against you of
22 conspiracy to commit money laundering. True?

23 A. It says in my plea agreement, sir.

24 Q. I'm asking about this one. All right?

25 It doesn't have a charge of conspiracy to commit

1 money laundering against you in the information that's now
2 in evidence, correct?

3 A. It says under my name all those charges, under Hadith
4 Yusuf Ahmed.

5 Q. Let's read it. It says Hadith Yusuf Ahmed -- which is
6 you, right?

7 A. Correct.

8 Q. Conspired with others known and unknown. Yes?

9 A. Correct.

10 Q. To devise a scheme and artifice to defraud and to obtain
11 money. Right?

12 A. Mm-hmm. Yes.

13 Q. By materially false and fraudulent pretenses. Yes?

14 A. Correct.

15 Q. Representations and promises. True?

16 A. Correct.

17 Q. And for the purpose of executing such scheme and
18 artifice. Right?

19 A. Correct.

20 Q. Transmitted or caused to be transmitted. Yes?

21 A. Yes.

22 Q. Writings, signs, signals, pictures or sounds. Right?

23 A. Yes.

24 Q. By means of wire, radio or television communication.
25 Right?

1 A. Yes.

2 Q. In interstate or foreign commerce. True?

3 A. Correct.

4 Q. In violation of Title 18, United States Code, Sections
5 371 and 1343. That's what it says, right?

6 A. Yes.

7 Q. And you know -- and I'm inviting your attention up a
8 bunch of lines -- under Count 1 it says conspiracy to commit
9 wire fraud, right?

10 A. Under Count 1 that's what it says, yes.

11 Q. Yes. And that is the only count listed in this
12 information against you. True?

13 A. By looking at here, that's the only thing that is
14 listed, yes.

15 Q. You are not charged in the information against you with
16 bribery, right?

17 A. I've been charged in kickbacks.

18 Q. I'm asking you if in this document that we are reading
19 that is in evidence if you are charged with a count of
20 bribery. You are not, correct?

21 A. I've been charged all of those, sir.

22 Q. I'm only asking about the document, sir. The document
23 does not list a count against you of bribery. True?

24 A. I don't see it here.

25 Q. The reason you don't see it is because it's not there,

1 right?

2 A. I pleaded guilty.

3 Q. I'm not asking you that. I'm asking you if it is not
4 there.

5 A. The only thing that I see is wire fraud under Count 1.

6 Q. And you know that the statutory maximum under that
7 count, the one count, is five years, correct?

8 A. I don't know the statute of that.

9 Q. But you know that what you are facing is up to five
10 years, correct?

11 A. Four to five years, correct.

12 Q. You are not facing 20 years in there, are you?

13 A. I don't see 20 years here.

14 Q. You are not facing 40 years, pursuant to the document,
15 are you?

16 A. I don't see here.

17 Q. You are not facing consecutive sentences for multiple
18 counts in the one-count information, are you?

19 A. I don't see that here.

20 Q. You were asked yesterday by Mr. Jacobs about your
21 decision to cooperate. Do you recall that?

22 A. I remember mister -- that attorney. I don't know her,
23 her --

24 Q. The prosecutor asked you questions yesterday, right?

25 A. Yesterday. I remember, yeah.

1 Q. And you said that you agreed to cooperate to tell the
2 truth, right?

3 A. Correct.

4 Q. And then the prosecutor asked you if you got a break.
5 Remember that?

6 A. They asked me the reason that I cooperate, if I wanted
7 to get a break from the government.

8 Q. And the answer to that question is yes?

9 A. Yes.

10 Q. Right?

11 A. Yes, yes.

12 Q. You know that the folks that will tell your sentencing
13 judge one day about the extent and nature of your
14 cooperation are the folks sitting at this table. True?

15 A. Correct.

16 Q. For the record, the government table, right?

17 A. Correct.

18 Q. And while the length of your sentence is up to Her
19 Honor, the information concerning what you've done for the
20 government will be communicated to Her Honor by government
21 prosecutors. True?

22 A. That's true.

23 Q. And so you knew throughout this whole process of
24 cooperating with them that the more information you give to
25 them, maybe one day it would go to Her Honor and maybe you

1 would get a break. Fair statement?

2 A. If I say only thing that is true.

3 Q. I'm not asking about truth or lies. I'm asking about
4 information.

5 You knew throughout this cooperation process that
6 the more information you give, maybe they will communicate
7 it to Her Honor at your sentencing. True?

8 A. It wasn't anything to do with more.

9 Q. You're hoping that the information that you have given
10 to them during these years will make its way to Her Honor at
11 the time of your sentencing. You are hoping that, right?

12 A. Hoping by pleading guilty, not informations.

13 Q. But you want the information to go to the court, don't
14 you?

15 A. No. To tell the truth, sir.

16 Q. I'm not asking about truth or lies. My question is
17 simpler than that.

18 A. Mm-hmm.

19 Q. You want the prosecutors to take the information that
20 you have given them during these years and at your
21 sentencing you want communicated to Her Honor. Is that
22 true?

23 A. That's not true, sir.

24 Q. So you don't want them to tell Her Honor all the
25 information that you gave them, right?

1 A. I do want them to tell Her Honor.

2 Q. So then it's true. Yes?

3 A. To tell the truth, sir.

4 Q. I'm not asking about truth or lies. I'm asking about
5 the information.

6 MR. JACOBS: Objection, Your Honor. Asked and
7 answered.

8 THE COURT: Sustained.

9 MR. SAPONE: Well, okay.

10 BY MR. SAPONE:

11 Q. Do you know what a 5K1 letter is?

12 A. No at this time.

13 Q. Are you hoping that at the time of your sentencing under
14 United States Sentencing Guidelines Section 5K1.1 the
15 government will make a motion to the court asking for a
16 downward departure for you from the sentencing guidelines?

17 A. Correct.

18 Q. And you want that 5K1 motion to be made by the
19 government to Her Honor, right?

20 A. Correct.

21 Q. And you know it's in the 5K1 letter or motion that the
22 information that you've given them will be communicated to
23 Her Honor, right?

24 A. I don't know if that's in the letter.

25 Q. You are hoping that the downward departure goes from

1 four or five years down to zero years, right?

2 A. I hope.

3 Q. And you knew during this process of cooperation if you
4 had just entered a straight guilty plea without cooperation,
5 there would be no 5K1 motion at the time of your sentencing,
6 correct?

7 A. I didn't know anything about that that time.

8 Q. Did you believe that had you entered a straight guilty
9 plea, the government would make a motion for a downward
10 departure at sentencing for you?

11 A. Say that again, please.

12 Q. Did you believe that had you entered a straight guilty
13 plea, that 5K1 motion would have been made to the court?
14 Did you believe that?

15 A. I don't know. I don't know anything about that.

16 Q. You testified on direct, did you not, that you were --
17 and you said, "I was put on child support." Do you remember
18 saying that? "I was put on child support"?

19 A. Yeah.

20 Q. What you meant by that is that a court ordered you to
21 support your children. Yes?

22 A. I meant I didn't. That was the first time that I heard.

23 Q. A court ordered you to support your children, right?

24 A. Correct.

25 Q. You testified on direct that you were a supervisor for

1 site supervisors for Feeding Our Future. Recall?

2 A. Correct.

3 Q. Abdi Nur was not employed by Feeding Our Future,
4 correct?

5 A. Correct.

6 Q. You were not Abdi's site supervisor, true?

7 A. Correct.

8 Q. You testified on direct, did you not, that you committed
9 a fraud with Mr. Eidleh, right?

10 A. I committed a fraud with Mr. Eidleh, correct.

11 Q. Please tell the members of the jury, what's the fraud
12 you committed with Mr. Eidleh?

13 A. Me and Eidleh, we exaggerated the number of meal count
14 that we submitted under Southwest Metro Youth, and we were
15 both also got kickbacks, and we shared the profit as a
16 kickback.

17 Q. You knew that exaggerating meal counts was wrong, right?

18 A. Correct.

19 Q. You knew it was illegal, true?

20 A. True.

21 Q. And you did it to receive a benefit, right?

22 A. Got rich, yes.

23 Q. I'm sorry?

24 A. To make money, yes.

25 Q. The benefit that you hoped to receive by doing that was

1 to make money. True?

2 A. To make money, yes.

3 Q. You put your interests by doing that above the law.

4 Fair statement?

5 A. Correct.

6 Q. And you did it for money, right?

7 A. Correct.

8 Q. You knew that there was a chance you would be caught,

9 right?

10 A. Correct.

11 Q. And you disregarded that risk and did it anyway, right?

12 A. Correct.

13 Q. You testified on direct that you got involved in the

14 federal food program because you wanted to get rich, right?

15 A. Right.

16 Q. Is that a true statement?

17 A. I got rich, yes.

18 Q. I'm sorry?

19 A. I got rich, yes.

20 Q. And that's the reason you did it, right?

21 A. That was the reason that I did it.

22 Q. How much money did you receive in all of your

23 criminality from 2020 to 2022, the total amount of money?

24 A. Over 2 million.

25 Q. Did you pay tax on it?

1 A. I don't recall.

2 Q. You don't remember whether or not you paid income tax on
3 \$2 million?

4 A. I don't recall.

5 Q. Did you file income tax returns in the year 2021 for the
6 income you earned in 2020?

7 THE COURT: Could we have a sidebar, please?

8 MR. SAPONE: Yes.

9 **(Sidebar discussion)**

10 THE COURT: I don't believe the witness's attorney
11 is in the courtroom, and I don't know what the agreement
12 with the government is as to any tax fraud filings. So I'm
13 concerned about his rights.

14 It's really a question for the government.

15 MR. THOMPSON: Your Honor, if I may speak. This
16 is Mr. Thompson.

17 THE COURT: Yes.

18 MR. THOMPSON: I'm sorry. Sorry, Your Honor.

19 So this is always a tricky one with many
20 defendants. The defendant -- or Mr. Ahmed made the bulk of
21 the money he made in this fraud scheme during 2021, as he
22 testified to today. Those taxes wouldn't have come due till
23 at the earliest April of 2022, for the 2021 tax year.

24 That's after the search warrant was executed and most of the
25 money had been seized by the government.

1 So the question of whether or not he, similarly to
2 the co-defendants, owed taxes on that money after it had
3 been seized by the federal government is a very convoluted
4 one. I'm not that level of tax lawyer. I can't speak to
5 it.

6 But in my experience defendants, once
7 investigations have become overt or targets of
8 investigations and funds are seized, don't routinely file
9 tax returns. Whether they get extensions or not, I don't
10 know, but they consult with probably not only criminal
11 counsel, but also tax counsel. It's a very convoluted area
12 of the law.

13 Clearly, he doesn't know the answers to these
14 questions, I would suspect.

15 THE COURT: Mr. Sapone, I'm going to have you back
16 up a little.

17 MR. SAPONE: Yes.

18 THE COURT: I'm afraid if you are near the other
19 microphone, anybody might hear you. Go ahead, sir.

20 MR. SAPONE: Ed Sapone for Abdimajid Nur.

21 I don't have to ask him about tax returns. I will
22 just ask him about --

23 (Reporter clarification)

24 MR. SAPONE: -- whether or not he paid on the
25 income in '20 and on the income in '21. Is that fair?

1 THE COURT: I think if you leave it there, it's
2 fair. It doesn't sound like there's a right to counsel
3 issue here. And so I think if you ask him that, then that's
4 fair. That was my concern.

5 MR. SAPONE: Okay. Thank you.

6 THE COURT: Thank you.

7 **(In open court)**

8 BY MR. SAPONE:

9 Q. Sir, just to become oriented, we can agree that you
10 didn't pay income taxes in the year 2021 for the income you
11 earned in 2020, true?

12 A. I don't remember, sir.

13 Q. And you did not pay income tax in 2022 for the 2021
14 income that you received, right?

15 A. I don't remember.

16 Q. And so as you sit here and testify today, you have no
17 recollection of paying income taxes in 2021 or 2022 for
18 \$2 million, true?

19 A. The bank was seized, so I don't remember, sir.

20 Q. You have no recollection having written a check to the
21 IRS for income taxes for \$2 million of income, right?

22 A. I don't remember.

23 Q. You testified yesterday that you committed a fraud using
24 Southwest Metro Youth, right?

25 A. Correct.

1 Q. Please tell the members of the jury, what was that fraud
2 that you committed?

3 A. I exaggerated the meal counts. I got a kickback. We
4 created fake invoices.

5 Q. You knew that was wrong and illegal, right?

6 A. Correct.

7 Q. You did it to get a benefit. Yes?

8 A. To make money, sir.

9 Q. That was your benefit, right?

10 A. To make money, yes.

11 Q. You put your interests above that of the law, correct?

12 A. Correct.

13 Q. You knew that there was a chance you would be arrested,
14 right?

15 A. Correct.

16 Q. And you disregarded that risk. True?

17 A. Correct.

18 Q. You did that for money, right?

19 A. I did that for money.

20 Q. You testified yesterday that you got an EIN number for
21 Southwest to make it look like something, right?

22 A. Correct.

23 Q. To make it look legitimate, right?

24 A. The company, yes.

25 Q. Because it was not legitimate, right?

1 A. Yes.

2 Q. But you wanted to trick them into thinking that it was
3 legitimate, right?

4 A. In order to open nonprofit, you need EIN number, sir.

5 Q. You tricked them, didn't you?

6 A. Tricked who, sir?

7 Q. The folks that you submitted the paperwork to.

8 A. In order to create a name, you need an EIN number, sir.

9 Q. But you knew that the company was going to be used for
10 fraud, right?

11 A. Correct.

12 Q. And you knew that any dollar you got would be ill-gotten
13 gains, right?

14 A. It would be a fraud, yes.

15 Q. And so by setting that whole thing up to make it look
16 legitimate, you were tricking whoever it was that was going
17 to pay you, right?

18 A. Correct.

19 Q. But you put your interests above theirs too, right?

20 A. Above the law.

21 Q. And above the folks that were going to be cutting the
22 checks to you, right?

23 A. Which folks you talking about, sir?

24 Q. The MDE. You knew the money was coming from the MDE,
25 right?

1 A. Correct.

2 Q. You were tricking them. Yes?

3 A. The whole Southwest Metro was fraud.

4 Q. And, therefore, you were being dishonest with the MDE,
5 right?

6 A. Correct.

7 Q. You did that because you wanted something, right?

8 A. To make money, sir.

9 Q. You listed Singletree Lane as the address for Southwest,
10 correct?

11 A. That's correct.

12 Q. And that's located in Eden Prairie, isn't it?

13 A. Correct.

14 Q. That was your home, wasn't it?

15 A. At that time it wasn't my home.

16 Q. Did there come a point in time where it was?

17 A. The same address, no.

18 Q. Nearby, right?

19 A. At that time I wasn't living in Eden Prairie, sir.

20 Q. But you did at some point, right?

21 A. I lived before, sir, in Eden Prairie.

22 Q. But you knew you needed an address to participate,
23 right?

24 A. You need an area eligibility to participate in the fraud
25 scheme.

- 1 Q. And an address, true?
- 2 A. And an address, correct.
- 3 Q. There were Articles of Incorporation for Southwest,
4 true?
- 5 A. Correct.
- 6 Q. And it listed the purposes of the organization, right?
- 7 A. Correct.
- 8 Q. Your organization, true?
- 9 A. Me and Eidleh's organization, correct.
- 10 Q. You are not saying it wasn't yours, right?
- 11 A. It was me and Abdikerm Eidleh.
- 12 Q. So you were included. Yes?
- 13 A. Correct.
- 14 Q. And one of the purposes was to prevent community
15 deterioration, right?
- 16 A. That's what it say.
- 17 Q. Did you do anything to prevent that?
- 18 A. We didn't do anything.
- 19 Q. You were stealing, right?
- 20 A. Correct.
- 21 Q. You testified yesterday that in the first week of
22 Southwest being incorporated you billed for 150 meals,
23 right?
- 24 A. At the beginning, yes.
- 25 Q. And then you quickly started claiming 2500 meals, right?

1 A. At the end, yes.

2 Q. All of that was fraud, right?

3 A. Most of them was fraud.

4 Q. The numbers, the real numbers were nowhere near that,
5 were they?

6 A. We provided some, but nowhere close to that.

7 Q. So the real numbers versus the numbers submitted were
8 not even close, right?

9 A. That's correct.

10 Q. Each time you submitted one of those extra meal counts,
11 you were being dishonest, right?

12 A. 90 percent of the meal count that I submitted was fake.

13 Q. And fake is dishonest, isn't it?

14 A. That is correct.

15 Q. But you were willing to be dishonest because you wanted
16 to get some benefit, right?

17 A. To get some money.

18 Q. Which was the benefit, true?

19 A. Money, sir.

20 Q. Was it your benefit?

21 A. It was benefit to me.

22 Q. Meaning it was your benefit, right?

23 A. Benefit to me, sir.

24 Q. You testified yesterday that no site supervisor would
25 visit Southwest, right?

1 A. Correct.

2 Q. And what you meant by that was no site supervisor of
3 Feeding Our Future, right?

4 A. Correct.

5 Q. And that's because -- tell the members of the jury the
6 reason you believed that no one would visit.

7 A. It was my site, and I was supervising, the site
8 supervisor, and I didn't want them to go to the site and
9 find out that I was lying to the government.

10 Q. So you used your job, your employment to perpetrate your
11 fraud, right?

12 A. That's correct.

13 Q. Because had a supervisor visited, they would have seen
14 that these meal count numbers had no relationship to the
15 truth, right?

16 A. Correct.

17 Q. And you charged those fake meal count numbers week after
18 week after week, right?

19 A. Correct.

20 Q. All of that time being dishonest. Yes?

21 A. Correct.

22 Q. All of that time doing it so that you would get a
23 benefit, right?

24 A. I will make money, sir, yes.

25 Q. You testified that you didn't want to raise any

1 suspicion, right?

2 A. Sorry?

3 Q. You testified yesterday that you did not want to raise
4 any suspicion. Remember that?

5 A. I don't remember.

6 Q. Did you want to raise suspicion concerning your fraud?

7 A. I didn't want it. I did not want it.

8 Q. Why didn't you want to raise suspicion?

9 A. Because I was -- I wanted to make money.

10 Q. And you wanted to get away with it, right?

11 A. Of course.

12 Q. And you were taking a chance, weren't you?

13 A. Correct.

14 Q. A big risk. Yes?

15 A. I was defrauding the government, sir.

16 Q. And that's a big risk, isn't it?

17 A. Correct.

18 Q. You were willing to take that risk for money, right?

19 A. To get rich, yes.

20 Q. Excuse me?

21 A. To get rich, yes.

22 Q. Do you recall the organization Hope Suppliers?

23 A. Yes.

24 Q. What's Hope Suppliers?

25 A. It's a fake food vendor that Abdikerm created.

1 Q. And were you connected in any way with Hope Suppliers?

2 A. I was connected to Abdikerm.

3 Q. And, therefore, you were connected with Hope Suppliers,
4 right?

5 A. It was a fake company, sir.

6 Q. It was a shell company. Yes?

7 A. Fake company, yes.

8 Q. And did you use that in any way to get rich?

9 A. We used that to send fake invoices to Feeding Our
10 Future.

11 Q. Meaning in addition to others, you used it, right?

12 A. Abdikerm used it and I -- we used it at Southwest.

13 Q. And so by "we using it," you used it. Yes?

14 A. Correct.

15 Q. To get rich, right?

16 A. Correct.

17 Q. Did you testify that Hope Suppliers was buying food?

18 A. They did not buy food, sir.

19 Q. But in the paperwork it claimed that pounds and pounds
20 of potatoes were purchased. Do you remember that from
21 yesterday?

22 A. In the paperwork, yes.

23 Q. But in reality it wasn't true, was it?

24 A. In reality, Hope Supply never buy any food for
25 Southwest.

1 Q. But those false entries were made so that you would get
2 rich, right?

3 A. Correct.

4 Q. Do you recall Bridge Consulting?

5 A. Correct.

6 Q. What's Bridge Consulting?

7 A. Fake company just like Hope Supplier.

8 Q. A fake company?

9 A. Fake vendor just like Hope Supplier.

10 Q. And fraudulent invoices were included?

11 A. Created fake invoices, yes.

12 Q. And you participated in that?

13 A. We used that to send to Feeding Our Future, sir.

14 Q. Does "we" include you?

15 A. Yes.

16 Q. You did that for a purpose, right?

17 A. Correct.

18 Q. The purpose was?

19 A. To make money.

20 Q. And?

21 A. To get rich.

22 Q. You knew that you could get caught, right?

23 A. At some point, yes.

24 Q. You were willing to disregard that risk to achieve your
25 purpose, right?

- 1 A. Correct.
- 2 Q. How long did that go on?
- 3 A. Less than a year.
- 4 Q. Did you claim in connection with that vendor to have
5 bought thousands of pounds of goat meat?
- 6 A. They never bought -- we never bought anything from
7 Bridge or Hope Supplier.
- 8 Q. Did you claim it?
- 9 A. Yeah, we wrote it on the invoice, yes.
- 10 Q. Thousands of pounds of goat meat, right?
- 11 A. Correct.
- 12 Q. How many pounds of goat meat were actually purchased?
- 13 A. Less than 100 packs of 55 pound.
- 14 Q. And fake invoices were sent to Feeding Our Future,
15 right?
- 16 A. Correct.
- 17 Q. Your employer, right?
- 18 A. Correct.
- 19 Q. And you bought some food to make it look like you were
20 serving the food that you were claiming, right?
- 21 A. Correct.
- 22 Q. It was all part of your scheme to get rich, right?
- 23 A. Correct.
- 24 Q. To deceive, right?
- 25 A. Correct.

1 Q. To get away with something to which you were not
2 entitled?

3 A. Correct.

4 Q. It was all risky business?

5 A. It was all fraud, sir.

6 Q. And it was risky fraud, wasn't it?

7 A. It was a fraud, sir.

8 Q. Were you taking a risk by doing that?

9 A. I wasn't taking a risk, sir.

10 Q. Could you have been caught?

11 A. At that time, no.

12 Q. In your mind you couldn't have been caught?

13 A. At that time, no.

14 Q. Why not?

15 A. Site supervisors were not coming to my site, sir.

16 Q. So you used your position in your employment to help get
17 away with it, right?

18 A. Correct.

19 Q. Was that honest or dishonest?

20 A. That was a lie.

21 Q. It was a lie to achieve a benefit?

22 A. To make money, yes.

23 Q. You deposited in a bank over a million dollars in fraud
24 proceeds, correct?

25 A. Which account, sir?

- 1 Q. Wells Fargo.
- 2 A. Which Wells Fargo, sir?
- 3 Q. Any Wells Fargo. Did you do that?
- 4 A. I used two Wells Fargo account, sir.
- 5 Q. You deposited in the two Wells Fargo's accounts over a
6 million dollars of money derived from fraud, correct?
- 7 A. Both accounts, yes.
- 8 Q. Those were your accounts. Yes?
- 9 A. One was -- both of them, yes.
- 10 Q. It was your fraud that you participated in, right?
- 11 A. Correct.
- 12 Q. Were you charged with bank fraud?
- 13 A. I don't remember.
- 14 Q. Do you recall seeing the one-count information that
15 included only wire fraud?
- 16 A. I do.
- 17 Q. There was no bank fraud in there, right?
- 18 A. In that document that you show me, no.
- 19 Q. Were you charged with conspiracy to commit bank fraud?
- 20 A. I was charged conspiracy to commit wire fraud, sir.
- 21 Q. Which is not conspiracy to commit bank fraud, right?
- 22 A. I did not see in that one document that you showed to
23 me, sir.
- 24 Q. You were lying to the bank, right, Wells Fargo?
- 25 A. Lied about what, sir?

1 Q. Did you tell Wells Fargo that you were depositing fraud
2 money in their bank?

3 A. I did not tell them.

4 Q. And that is something that you knew they'd want to know,
5 right?

6 A. They don't have to know if I don't tell them, sir.

7 Q. It's your position today in court that Wells Fargo
8 didn't have to know because you didn't tell them?

9 A. They didn't have to know if I tell them the truth or
10 not. We just deposit the money to the account.

11 Q. And for you, it was totally fine that you deceived them,
12 right?

13 A. They didn't care.

14 Q. Wells Fargo didn't care that you deposited over a
15 million dollars of fraud money?

16 A. I did not deposit \$1 million at one time, sir.

17 Q. Over time you did it, right?

18 A. Yes.

19 Q. It's your position that Wells Fargo didn't care?

20 A. Do they have to know where the money come from, sir?

21 Q. I guess that's for them to know, right?

22 A. It's up to them, sir.

23 Q. But they didn't have that choice to know because you
24 kept it from them, right?

25 A. Sir, I'm not Wells Fargo, sir. I don't know the rules,

1 sir.

2 Q. Did you know that that was against the rules to deposit
3 over a million dollars over time in fraud money?

4 A. Anything that's fraud money, it is illegal, sir.

5 Q. Which is against the rules, right?

6 A. Correct.

7 Q. So it is against the rules, right?

8 A. It is against the rules, sir.

9 Q. You testified yesterday, did you not, about a check in
10 the amount of \$230,417.33. Do you recall that?

11 A. I'm sorry, sir?

12 Q. You testified yesterday, did you not, about a check in
13 the amount of \$230,417.33. Do you recall that?

14 A. I don't remember the check, sir. I don't remember.

15 Q. Do you recall receiving a check in an amount more than
16 \$230,000 for fake claims that were submitted?

17 A. I don't remember the exact amount, sir.

18 Q. Is that an approximate number?

19 A. How much was it again, sir?

20 Q. \$230,000.

21 A. It could be around that, sir.

22 Q. That was for fake claims, right?

23 A. Submitted to Feeding Our Future.

24 Q. That check went to you, right?

25 A. It went to Southwest account, sir.

1 Q. Southwest was who? Whose company?

2 A. Me and Abdikerm, sir.

3 Q. Did that check make its way to Wells Fargo?

4 A. Yes.

5 Q. You testified yesterday that in February of 2021 you
6 received a check in the amount of \$100,000 derived from fake
7 claims. Do you recall that testimony?

8 A. I don't remember, sir. I don't have the check in front
9 of me.

10 Q. Do you deny having received a check in the amount of
11 \$100,000 in 2021 that was derived from fake claims?

12 A. I don't deny, nor do I -- I don't have the check in
13 front of me, sir.

14 Q. Do you recall testifying yesterday about a Southwest
15 Metro check in the amount of \$305,819.27?

16 A. I don't have the check in front of me, sir.

17 Q. Do you recall the testimony about a check in the amount
18 of more than \$305,000?

19 A. I don't recall it, sir.

20 Q. Do you deny that you got that check?

21 A. I don't deny, nor -- I don't have the check in front of
22 me, sir.

23 Q. What is the total amount of money that you got by
24 operating Southwest Metro Youth?

25 A. Over a million dollars, sir.

1 Q. And that "over a million dollars" was the proceeds of
2 fraud, right?

3 A. Correct.

4 Q. And that "over a million dollars" of fraud money went
5 into Wells Fargo, right?

6 A. Wells Fargo account, and we deposited it, yes.

7 Q. "We" includes you, right?

8 A. Correct.

9 Q. And the Wells Fargo account was your account, right?

10 A. That's the Southwest account, yes.

11 Q. Southwest was your company, right?

12 A. Correct, sir.

13 Q. What's Great Lakes?

14 A. The Great Lakes, sir?

15 Q. I'm sorry?

16 A. What are you referring to? What are you referring to?

17 Q. Is there any entity that you testified to yesterday with
18 the name Great Lakes?

19 A. I don't remember, sir.

20 Q. You got \$10,000 in cash from Metro Area Catering to
21 bring to Ms. Bock. Do you remember testifying to that
22 yesterday?

23 A. Say that again, sir.

24 Q. You got \$10,000 in cash from Metro Area Catering to
25 bring to Ms. Bock. Do you remember saying that yesterday?

1 A. I don't remember say that, sir.

2 Q. Did you do that? Did you get the \$10,000 in cash?

3 A. I don't remember saying that, sir, yesterday.

4 Q. So I have a new question.

5 A. Okay.

6 Q. Did you in 2021 pick up \$10,000 in cash from Metro Area
7 Catering for the purpose of you bringing it to Ms. Bock?

8 A. I don't remember, sir.

9 Q. Could we have 302 June 29, 2022, shown to the witness?

10 Mark it for ID, please, Your Honor. D4-4.

11 Sir, please take a look at D4-4 for
12 identification. And to help you, I'd invite your attention
13 to page 6. Let me know when you are there.

14 Just one moment, Your Honor.

15 (Confer)

16 Sir, please take a look at D4-4. I invite your
17 attention to the highlighted paragraph. Please read it to
18 yourself, and let me know when you are finished.

19 A. I read it, sir.

20 Q. Okay. We can agree that on or about June 29, 2022, you
21 met with members of the government, including prosecutors
22 and agents. Recall?

23 MR. JACOBS: Objection, Your Honor.

24 THE COURT: Wait, wait, wait.

25 MR. JACOBS: Could we have a sidebar, please?

1 THE COURT: You may.

2 (Sidebar discussion)

3 THE COURT: Mr. Jacobs.

4 MR. JACOBS: Your Honor, I'd object to this line
5 of questioning as improper impeachment as it's outside the
6 scope of his testimony yesterday.

7 He's now being impeached on, on his statement that
8 he doesn't remember testifying about this yesterday with the
9 302. He was asked if he remembers it; he said he doesn't;
10 and now he's being impeached on it.

11 It's outside the scope of what he testified
12 yesterday. So for that basis, we'd object to this line of
13 questioning.

14 THE COURT: Are you asking him to refresh his
15 recollection by looking at the 302?

16 MR. SAPONE: I changed my question to, Did he do
17 it, Did he pick up \$10,000. He says he doesn't remember.
18 And I'm going to refresh his memory with the 302 in which he
19 says that's what happened.

20 THE COURT: So you're going to use it for
21 refreshing recollection --

22 MR. SAPONE: Yes.

23 THE COURT: -- not reading a document or putting
24 in new evidence, right?

25 MR. SAPONE: Correct.

1 THE COURT: Okay. And, Mr. Jacobs, do you have
2 any objection to that line of questioning?

3 MR. JACOBS: I don't, Your Honor, except for the
4 fact that he was just asked if he remembers it and his
5 answer after reading it is no. So I think that question is
6 now asked and answered.

7 THE COURT: I don't think he's answered that
8 question after -- he might have, but you can ask it, Again,
9 after reading it, is your recollection refreshed.

10 MR. SAPONE: Okay.

11 THE COURT: That's proper.

12 MR. SAPONE: So I just want to first set it up
13 that he met with the government. Can I ask a few questions
14 about that? He met with them? He spoke to them?

15 THE COURT: You can, but, again, it's refreshing
16 recollection.

17 MR. SAPONE: Right. Yes.

18 **(In open court)**

19 THE COURT: You may continue, Mr. Sapone.

20 BY MR. SAPONE:

21 Q. Sir, you remember having met with members of the
22 government, prosecutors and agents, on or about June 29,
23 2022, right?

24 A. I don't think I met them on that time, sir.

25 Q. You certainly had many proffer sessions or meetings with

1 the government, didn't you?

2 MR. JACOBS: Objection, Your Honor.

3 THE COURT: Overruled. You may answer.

4 THE WITNESS: I don't think I met at this time,
5 sir.

6 BY MR. SAPONE:

7 Q. My question is, Did you meet with the government
8 numerous times?

9 A. I met the government numerous times, but not around this
10 time, sir.

11 Q. Okay. Now, did you read the paragraph that I invited
12 your attention to?

13 A. I did, sir.

14 Q. Having read it, does that refresh your memory that you
15 told members of the government, agents and prosecutors, that
16 on one occasion you got \$10,000 in cash from Metro Area
17 Catering to bring to Bock?

18 A. I remember getting the cash from somebody.

19 Q. So now you remember, right?

20 A. Yep.

21 Q. Isn't it true that you picked up the money from Mohamoud
22 Warsame --

23 A. Correct.

24 Q. -- at his child care business near Taylor Street and
25 Central Avenue?

1 A. I don't recall the location, sir.

2 Q. In Minneapolis. Yes?

3 A. I don't recall it, sir.

4 Q. You picked that up from him, right?

5 A. Me and him, we were together, but I don't know where we
6 were, sir.

7 Q. And you drove the money to Ms. Bock's residence in
8 Rosemount, right?

9 A. Correct.

10 Q. You also took \$10,000 in cash for yourself during the
11 same transaction, right?

12 A. That's not correct, sir.

13 Q. You also took \$10,000 in cash during the same
14 transaction, didn't you?

15 A. I don't think I took \$10,000 cash, sir.

16 Q. Could you please take a look at D4-4? Read the
17 highlighted section to yourself, and let me know whether
18 that refreshes your memory.

19 A. I remember taking the \$10,000 cash to Aimee Bock, sir.

20 Q. You knew that was illegal, right?

21 A. That's correct, sir.

22 Q. Why was it illegal?

23 A. It was a kickback.

24 Q. You did that because you wanted to derive some benefit,
25 right?

1 A. I did that because I was told to give it to Aimee, sir.

2 Q. You didn't have to do it, did you?

3 A. I could have said I don't want to take it, but at that
4 time I was participating in the fraud scheme, sir.

5 Q. And you chose to do it, right?

6 A. Correct.

7 Q. And you did it to continue in the fraud scheme to get
8 rich, right?

9 A. That's correct.

10 Q. Near the end of 2018 you started to work for a company
11 named Delta Learning & Child Care Center, right?

12 A. Around 2018, yes.

13 Q. Your cousin and another guy owned it when you started
14 working there, right?

15 A. Correct. No.

16 Q. Could we have 302 dated July 7, 2022, please?

17 Sir, please take a look at Defendant's D-5, which
18 I'd like to mark for identification. And I'm going to
19 invite your attention please to page 3, page 3 of 22.

20 A. Can you highlight it for me, please?

21 Q. Sure. I'm inviting your attention to the end of the
22 first line on page 3 of 22 --

23 A. Okay.

24 Q. -- and that first sentence. Please read the first
25 sentence, and tell us whether it refreshes your memory that

1 your cousin and another guy owned it when you started.

2 A. Okay, sir. Give me a second.

3 Q. Yes.

4 A. I read the document, sir.

5 Q. Does that refresh your memory that your cousin and
6 another guy owned it when you started?

7 A. They didn't own, my cousins, at that time, sir.

8 Q. Do you remember meeting with members of the government?

9 A. I met couple times with the government, sir.

10 Q. And you were asked questions, and you told them that
11 your cousin and another guy owned the day care, correct?

12 A. My uncle bought a share, and then I started working.

13 Q. Did you tell the government that?

14 A. I believe I did, sir.

15 Q. So does that refresh your memory then that your cousin
16 and another guy owned it?

17 A. When I started, they didn't own it, sir.

18 Q. But did there come a point when they owned it?

19 A. Correct.

20 Q. Partners in Nutrition was a sponsor for Delta's
21 participation in the food program, right?

22 A. I'm sorry, sir?

23 Q. Partners in Nutrition was a sponsor for Delta's
24 participation in the food program, right?

25 A. At the beginning, yes.

1 Q. And that was supposed to include programming and
2 distribution reimbursements, right?

3 A. Just, just meal reimbursements.

4 Q. But, in fact, Partners in Nutrition was doing nothing to
5 help Delta, right?

6 A. Correct.

7 Q. You had assumed that Partners in Nutrition would be
8 providing training so that folks could understand the food
9 programs, right?

10 A. I was hoping they would provide a training to me.

11 Q. But they essentially did nothing, right?

12 A. They did nothing, sir.

13 Q. You started to work for Feeding Our Future in June or
14 July of 2020, didn't you?

15 A. That's when I get paid, sir.

16 MR. SAPONE: Your Honor, should we take a break
17 for lunch or keep going?

18 THE COURT: You're not close?

19 MR. SAPONE: Okay.

20 THE COURT: My only question is, You're not close?

21 MR. SAPONE: Oh, no, Your Honor.

22 THE COURT: All right. Then we'll take a break
23 for lunch.

24 MR. SAPONE: Thank you.

25 THE COURT: And we'll come back at 1:30.

1 (Recess taken at 12:30 p.m. till 1:32 p.m.)

2

3

IN OPEN COURT

4

(JURY PRESENT)

5

THE COURT: You may all be seated.

6

Mr. Sapone, you may continue.

7

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

8

BY MR. SAPONE:

9

Q. Sir, before lunch we started to talk about you being

10

hired at Feeding Our Future. Do you recall that?

11

A. Correct.

12

Q. So you started working at FOF in June or July of 2020,

13

right?

14

A. Yeah, physical I started on the end of September,

15

beginning of October.

16

Q. But you were hired --

17

A. Correct.

18

Q. -- in June or July of 2020. Yes?

19

A. Around July, correct.

20

Q. Then you went to Kenya that summer, right?

21

A. Correct.

22

Q. And while you were in Kenya, you were still being paid

23

by Feeding Our Future, right?

24

A. That's correct.

25

Q. You liked the fact that you were being paid, but didn't

1 have to work. Yes?

2 A. I'm sorry?

3 Q. You liked the fact that you were being paid, yet you
4 didn't have to work, right?

5 A. It was great, yes.

6 Q. You testified yesterday that you realized right away
7 that there was fraud happening at Feeding Our Future.

8 Remember that?

9 A. Right after couple, couple weeks, yes.

10 Q. And you got involved in it. Yes?

11 A. I got involved at, yes.

12 Q. I now would like to invite your attention to some of the
13 kickback payments that you received. Okay?

14 A. Okay.

15 Q. In 2021 you got a kickback check from Community
16 Enhancement Services Inc. to Mizal, your consulting company,
17 in the amount of \$33,000. Remember that?

18 A. What was the company I got from?

19 Q. Community Enhancement Services.

20 A. I remember the company, but I don't remember the exact
21 amount.

22 Q. Could we please go to 302 dated July 7, 2022, page 11,
23 the bottom.

24 Ask that this be marked as Defendant D4-6 for
25 identification.

1 Sir, please take a look at D4-6 for
2 identification. I invite your attention to the last
3 paragraph on page 11. Please read it to yourself, and let
4 me know if that refreshes your memory.

5 A. Yep, I read the document.

6 Q. All right. Does that refresh your recollection that you
7 got a kickback check from Community Enhancement Services to
8 Mizal, your consulting company, in the amount of \$33,000?

9 A. That what it says here, but I don't have the check right
10 in front of me, sir.

11 Q. Do you recall Community Enhancement Services Inc. giving
12 you a kickback check in the same month of June, 2021, in the
13 amount of \$30,000?

14 A. I don't have the check right in front of me, sir.

15 Q. Please take a look at the first paragraph on the next
16 page, page 12. Read it to yourself, and let us know if that
17 refreshes your memory.

18 A. I read the document, sir.

19 Q. Does that refresh your memory that you got a \$30,000
20 check in June of 2021 from Community Enhancement Services
21 Inc.?

22 A. I'm not sure the exact date or the amount, sir.

23 Q. Is it about that, roughly?

24 A. I don't have the check right in front of me, sir.

25 Q. You also received a kickback check on July 2nd, 2021,

1 from the same company, Community Enhancement Services Inc.,
2 in the amount of \$72,500; isn't that right?

3 A. I don't have the check right in front of me, sir, so I
4 don't remember the time, the date or the month.

5 Q. Please take a look at the second paragraph on page 12.
6 Read it to yourself, please, and let us know if that
7 refreshes your memory.

8 A. I'm looking at the same one that I read earlier.

9 Q. Does that refresh your memory that on July 2nd, 2021,
10 Community Enhancement Services Inc. gave you a kickback
11 check in the amount of \$72,500?

12 A. I got a kickback from Community Enhancement, but I don't
13 remember the exact time, date and amount.

14 Q. Do you recall roughly in 2021 getting a check, roughly,
15 in the amount of \$72,500?

16 A. I don't have the check right in front of me, sir.

17 Q. Are you saying you didn't get it or you just don't
18 remember?

19 A. I don't remember the amount.

20 Q. Would you confirm, please, that you got lots of kickback
21 checks from that company in the year 2021, Community
22 Enhancement Services Inc.?

23 A. I don't remember the exact amounts or how many checks
24 that I got from Community Enhancement.

25 Q. You certainly did get kickback checks from that company

1 in 2021, true?

2 A. From Community Enhancement, yes.

3 Q. That was a company operated by Liban, L-I-B-A-N,
4 Alishire.

5 A. Correct.

6 Q. And Liban Alishire paid you lots of kickback checks to
7 fraudulently participate in the food program. Remember
8 that?

9 A. I don't remember the exact amount, sir, yes.

10 Q. Not the exact amount, but that that individual gave you
11 lots of kickback checks to participate in food program
12 fraud, right?

13 A. He gave me money, yes.

14 Q. The site ran by Liban Alishire was located on East Lake
15 Street in South Minneapolis. Remember that?

16 A. I'm sorry?

17 Q. The site run by Liban was located on East Lake Street in
18 South Minneapolis. Do you recall that?

19 A. I never went to, I never been to his sites.

20 Q. Not that you've been there, but that that's where the
21 site was located. You know that, right?

22 A. I have never been to his site, sir.

23 Q. Whether or not you went there physically, you have
24 knowledge that Liban's site was located there, true?

25 A. I don't remember where it's located, sir.

1 Q. Can you please take a look at the third paragraph of the
2 same exhibit on page 12, and I invite your attention to the
3 second sentence. Please read it to yourself and see if that
4 refreshes your memory.

5 A. That's what the document said, yes, but I have never
6 been to his sites. I don't know where it's located at.

7 Q. So it does not refresh your memory, right?

8 A. I don't remember where it's located, sir.

9 Q. Liban Alishire was working with also Partners in
10 Nutrition and Idleh. Remember that?

11 A. I don't remember.

12 Q. Please take a look at the same document, the very next
13 sentence, see if that refreshes your memory.

14 A. That's what it says on the document, but I don't
15 remember him working with Partners in Quality.

16 Q. What about with Idleh?

17 A. He made the introduction, but I don't know if he was
18 working with him.

19 COURT REPORTER: Can you say that again?

20 THE WITNESS: He introduced me, but I don't know
21 if he was working with him or not.

22 BY MR. SAPONE:

23 Q. But that was by whom the introduction was made, right?

24 A. I'm sorry?

25 Q. That's who made the introduction. Yes?

1 A. Correct.

2 Q. You also got a kickback check in June of 2021 from
3 Northside Wellness Center Corporation in the amount of
4 \$26,000, right?

5 A. I don't remember the months, but I recall the company.

6 Q. Please take a look at the second paragraph on page 14 of
7 the same document. Please be kind enough to read it to
8 yourself, and let us know if that refreshes your memory.

9 A. I read it.

10 Q. Does that refresh your memory?

11 A. I remember the company, but I don't remember the exact
12 date, the amounts.

13 Q. Do you remember Northside Wellness Center Corporation
14 giving you kickback checks?

15 A. Northside Wellness Center paid me, yes.

16 Q. Paid you for honest work or dishonest work?

17 A. Dishonest work.

18 Q. Liban Alishire also wrote you a check in the amount of
19 \$45,000 in May of 2021, correct?

20 A. I don't have the check in front of me, sir.

21 Q. Please take a look at the third paragraph on page 14 of
22 the same document. Please read it to yourself, and tell us
23 whether or not that refreshes your memory as to that \$45,000
24 check.

25 A. I read it.

1 Q. Does that refresh your memory?

2 A. I don't remember the exact amount or the date, sir.

3 Q. Do you remember a check for tens of thousands of dollars
4 written to you as a kickback?

5 A. From this company, yes.

6 Q. And the reason for that check being given to you was so
7 that that company could be in the food program under the
8 sponsorship of Feeding Our Future and be able to submit fake
9 invoices for reimbursement, isn't that true?

10 A. That's correct.

11 Q. ACE Interpretation Services Inc. was Liban Alishire's
12 company, right?

13 A. I believe so.

14 Q. ACE wrote you a check in 2021 in the amount of \$15,000
15 as another kickback related to the food program, right?

16 A. I don't remember the exact amount, sir.

17 Q. Please take a look at the third paragraph on page 14 of
18 the same document, and tell us whether that refreshes your
19 memory as to that \$15,000 check.

20 A. I do not remember the exact amount.

21 Q. Do you remember a check roughly in that amount of
22 \$15,000?

23 A. If I have the check in front of me, I will confirm, but
24 I don't remember the exact amounts.

25 Q. Do you remember the check being disguised as translation

1 services even though it wasn't translation services? Do you
2 remember that?

3 A. I don't remember, sir.

4 Q. Please be kind enough to take a look at the last
5 sentence in the third paragraph on page 14 of the same
6 document, and tell us whether that refreshes your memory.

7 A. If I have the check in front of me, I would remember,
8 sir.

9 Q. Does it not refresh your memory?

10 A. If I have the check, I would remember, but here --

11 Q. Do you recall lots of kickback checks being given to you
12 and in the memo fake information being put in there to
13 disguise the true nature of the check, which was a kickback?
14 Do you remember generally that happening?

15 A. Say that one more time, please.

16 Q. Do you remember being given kickback checks and fake
17 things were put in the memo to disguise the true nature of
18 the checks?

19 A. Consulting, loan, stuff like that, yes.

20 Q. In March of 2021 a \$12,000 check was given to you by
21 Eidleh as a kickback. Do you remember that?

22 A. I don't remember, sir.

23 Q. I invite your attention, please, to page 14, fifth
24 paragraph. Please take a look at it, and tell us whether or
25 not it refreshes your memory.

1 A. I remember the company name, but I don't remember the
2 exact amount, sir.

3 Q. You remember the company giving you kickback checks in
4 2021, right?

5 A. I don't remember -- I don't remember the date, sir.

6 Q. You remember the company giving you kickback checks,
7 right?

8 A. Correct.

9 Q. How many years were you getting kickback checks?

10 A. Less than a year.

11 Q. What year was that?

12 A. At the end of '20 until in the middle 2021.

13 Q. And so that kickback check was given to you either in
14 2020 or in 2021. True?

15 A. It could be in between. I don't have the check in front
16 of me, sir.

17 Q. In May of 2021 a \$64,890 check from Hope Suppliers LLC
18 was given to you as a kickback, right?

19 A. I don't know if it is the exact same, sir.

20 Q. Roughly.

21 A. I don't have the check in front of me, sir.

22 Q. Please take a look at that next paragraph, which is
23 paragraph 6, on page 14 of the same document, and tell us
24 whether that refreshes your memory.

25 A. I remember the company name, but I don't remember the

1 date or the amounts.

2 Q. Do you remember a check being given to you in 2021 from
3 that company, Hope Suppliers, and in the memo it said
4 equipment purchase, yet there was no equipment. Do you
5 recall that?

6 A. So the check is not right in front of me, so I cannot, I
7 cannot say what it was.

8 Q. But that equipment purchase being put in a memo of a
9 kickback check would have happened in 2021, right?

10 A. If the check was right in front of me, I will confirm
11 it.

12 Q. You were also given a check in June of 2021 in the
13 amount of \$42,509 from Delta Food Services as a kickback.
14 Do you recall that?

15 A. I don't have the check right in front of me, sir, so I
16 don't recall.

17 Q. Please take a look at the sixth paragraph, page 14, of
18 the same document. Please read it to yourself, and tell us
19 if that refreshes your memory.

20 A. I don't recall it, sir.

21 Q. Do you recall being given a check around the amount of
22 \$42,000 and food supplies being put in the memo, yet there
23 were no food supplies? Do you remember that?

24 A. I don't remember the same amount or the date, sir.

25 Q. Do you remember food supplies being put in the memo, yet

1 there were no food supplies?

2 A. The check's not right in front of me, sir.

3 Q. Do you deny being given such a check?

4 A. I'm not denying it.

5 Q. You were given a check in August of 2021 in the amount
6 of \$26,875 from Hope Supplies -- Suppliers as a kickback,
7 remember?

8 A. I don't remember.

9 Q. Please take a look at paragraph 7, page 14, of the same
10 document, and let us know if that refreshes your memory.

11 A. I remember the company, but, again, I don't remember the
12 amount or the date.

13 Q. Do you remember a check roughly in that amount?

14 A. The check's not right in front of me, sir.

15 Q. Do you deny that it was given?

16 A. I'm not denying anything, sir.

17 Q. Do you recall in 2020 and 2021 -- withdrawn.

18 Do you recall in 2021 receiving multiple
19 high-dollar amount checks from Feeding Our Future as
20 kickbacks?

21 A. Say that again, sir.

22 Q. Do you recall in 2021 receiving multiple high dollar
23 amounts of checks from Feeding Our Future as kickbacks?

24 A. Feeding Our Future never paid me kickbacks, sir.

25 Q. What about fraud money?

1 A. The fake meal count that we submitted, yes.

2 Q. The checks were around \$900,000 and a million dollars.

3 Do you recall that?

4 A. I don't know the total, but I know Southwest was over a
5 million dollar.

6 Q. Do you recall a man by the name -- I'm sorry
7 withdrawn -- a person by the name of Ayan paying you a
8 kickback of \$127,000 and then \$200,000 in the year 2021?

9 A. What's Ayan's last name?

10 Q. Any person with the first person Ayan. Do you recall
11 those checks?

12 A. The check is not right in front of me, sir.

13 Q. I invite your attention, please, same document, page 15,
14 third paragraph. Please read it to yourself, and let us
15 know if that refreshes your memory.

16 A. Yep, I remember Ayan Abukar, yes.

17 Q. And do you remember kickback checks in the amount of
18 \$127,000 and \$200,000 being given to you?

19 A. I don't remember the exact amount, sir.

20 Q. Do you recall six-figure kickback checks being given to
21 you in that year?

22 A. I don't have the checks right in front of me, sir.

23 Q. Without the checks being in front of you, do you recall
24 receiving six figures, meaning \$100,000 and over that, as
25 kickbacks? Do you recall those quantities of checks?

1 A. As a total, yes.

2 Q. Not as a total. I'm talking individual checks, not all
3 of them, some of them, in amounts of six figures, meaning at
4 least \$100,000. Do you generally recall that?

5 A. No, I don't recall, sir.

6 Q. Are you denying that it happened?

7 A. I'm not denying it.

8 Q. You received a check in January of 2021 for \$10,000, and
9 that was just one of the payments that you received from
10 Ayan Abukar. Do you recall that?

11 A. I do not recall it.

12 Q. I invite your attention, please, to page 15 of the same
13 document, the last two sentences of the fifth paragraph,
14 Number 5. Please take a look at that, and let us know if it
15 refreshes your memory.

16 A. I remember the company and then the person, but I don't
17 remember the exact amounts and the dates, sir.

18 Q. But you do remember getting a kickback, right?

19 A. From that company, yes.

20 Q. And more than one. Yes?

21 A. Correct.

22 Q. How many?

23 A. I don't remember the exact amount.

24 Q. Isn't it true that with money that you derived from
25 criminality, that is, fraud and kickbacks, you made a

1 \$50,000 payment to Pulte Homes as a down payment on the
2 building of a home in Savage. Do you recall that?

3 A. I remember putting down 55,000 for Pulte Homes in
4 Savage, yes.

5 Q. And the source of the money was unlawful activity and
6 you knew it, right?

7 A. It was from the fraud that I committed, yes.

8 Q. Were you charged with money laundering in connection
9 with that?

10 A. I'm sorry?

11 Q. Were you charged with money laundering in connection
12 with that money?

13 A. I'm not sure.

14 Q. You sent \$53,000 to China and Kenya for the purchase of
15 a dump truck? You testified to that already, right?

16 A. Yes.

17 Q. The dump truck was to be used in Kenya, right?

18 A. Yes.

19 Q. Were you charged with money laundering in connection
20 with that money?

21 A. I don't remember, sir.

22 Q. Isn't it true that the reason you don't remember is
23 because you never remembered being charged with money
24 laundering because you weren't?

25 A. I'm sorry?

1 Q. The reason you don't remember is because you were never
2 charge with money laundering because they didn't charge you
3 with that. That's why you don't remember, right?

4 A. I don't have the plea agreement right in front of me,
5 sir.

6 Q. Do you recall in April or May of 2021 a person by the
7 name of Ikram Mohamed handing you \$5,000 cash in a bag?

8 A. Ikram Mohamed never handed me cash.

9 Q. I invite your attention, please, to page 18 of the same
10 document, fifth paragraph, first sentence. Please read it
11 to yourself, and tell us whether or not that refreshes your
12 memory that you were handed \$5,000 cash in a bag.

13 A. I read the document, sir, but this is not correct.

14 Q. You were interviewed by federal agents, right?

15 A. I'm sorry?

16 Q. You were interviewed by federal agents, right?

17 A. Interviewed, yes.

18 Q. And isn't it true that that's what you told them?

19 A. No.

20 Q. When you were speaking with them, they were taking
21 notes, right?

22 A. I'm not sure.

23 Q. We talked about Ayan. And isn't it true that Ayan paid
24 you kickbacks and bribes to have you continue to provide
25 Ayan with smooth access to fraudulently submitted claims to

1 Feeding Our Future?

2 A. Ayan paid me kickbacks to participate in the Feeding Our
3 Future food scam.

4 Q. And you did that to receive a benefit, right?

5 A. I got a kickback from her, yes.

6 Q. And the benefit that you received was money, right?

7 A. She paid me kickbacks, yes.

8 Q. And you hoped to get rich from those kickbacks, didn't
9 you?

10 A. I made a lot of money, yes, in kickbacks.

11 MR. SAPONE: I have nothing further. Thank you.

12 THE COURT: Mr. Birrell.

13 MR. ANDREW BIRRELL: Thank you.

14 CROSS-EXAMINATION

15 BY MR. ANDREW BIRRELL:

16 Q. Good afternoon, Mr. Ahmed.

17 A. Good afternoon, sir.

18 Q. My name is Andy Birrell. I represent Abdiaziz Farah.

19 A. Okay.

20 Q. I'm going to refer to him as Abdi, so we have a common
21 language. Okay?

22 A. Okay.

23 THE COURT: And that's simply because there are
24 two Mr. Farahs in the trial.

25 MR. ANDREW BIRRELL: Exactly correct. Thank you,

1 Your Honor.

2 BY MR. ANDREW BIRRELL:

3 Q. So Mr. Sapone has been asking you some questions and
4 showing you police reports to try to help you remember
5 things; is that right?

6 A. There was no police reports, sir.

7 Q. He showed you some typed documents?

8 A. I saw documents, sir.

9 Q. Yeah, on the screen there in front of you?

10 A. There's no document right now here.

11 Q. I'm sorry. I didn't hear you.

12 A. There's no document right in front of me right now.

13 Q. Okay. But when the other lawyer was asking you
14 questions just now?

15 A. Yeah. And he showed me a couple documents, yes.

16 Q. And those you understood to be police reports, right?

17 A. I don't know where they came from, sir.

18 Q. Well, what did you think they were when you read them?

19 A. I'm not sure.

20 Q. Didn't he tell you those were things the agents had
21 written down while you were visiting with the agents?

22 A. That's what he said, yes.

23 Q. All right. And a lot of things that you read were not
24 correct; is that right?

25 A. That's not right, sir.

1 Q. It's not right?

2 A. It's not right, sir.

3 Q. So it was all correct?

4 A. What I said was -- what I said was all true, yes.

5 Q. Okay. So let's start over. Tell me if you don't
6 understand what I'm asking you.

7 A. Okay.

8 Q. Because I want to be straight with you, and I want you
9 to be straight with me. All right?

10 A. Sounds good.

11 Q. Okay. Were the things in the documents that you read
12 correct?

13 MR. JACOBS: Objection, Your Honor. Foundation.

14 THE COURT: Overruled. You may answer if you can.

15 THE WITNESS: I don't know.

16 BY MR. ANDREW BIRRELL:

17 Q. Well, the other lawyers said people were writing down
18 what you said. Do you remember that?

19 A. Some of the document that he showed me was not true.

20 Q. Okay. So some of the things that people said you said
21 was not correct? Is that what you are saying?

22 A. Some of what was in the document.

23 Q. That were supposed to be things that you said, right?

24 MR. JACOBS: Objection, Your Honor. Foundation.

25 THE WITNESS: I don't know, sir.

1 THE COURT: Overruled. The answer will stand.

2 BY MR. ANDREW BIRRELL:

3 Q. All right. Let's you and me make a little timeline.

4 Okay?

5 A. Okay.

6 Q. Do you know how to do that?

7 A. Sorry?

8 Q. Do you know how to do that?

9 A. How to do what?

10 Q. Make a timeline? Do you understand what I am talking
11 about?

12 A. Yeah.

13 Q. Yeah? All right. So you met Abdi in 2018; is that
14 right?

15 A. That's not right.

16 Q. Okay. When did you meet him?

17 A. Some time after September 2020.

18 Q. Didn't you guys used to play soccer together?

19 A. No.

20 Q. You didn't play soccer. All right.

21 So tell me when you say you met him.

22 A. I met -- first time I met Abdiaziz was when I met --
23 when I was with Abdikerm Eidleh.

24 Q. When you were what?

25 A. When I was with Abdikerm Eidleh.

1 Q. When was that?

2 A. After September 2020.

3 Q. So September 2020.

4 A. After September 2020.

5 Q. Well, okay, when after?

6 A. I can't give you the exact day, sir.

7 Q. Give me the best date you got. I don't want to play
8 games here. When was it?

9 A. I'm not playing any games, sir.

10 MR. JACOBS: Objection, Your Honor.

11 Argumentative.

12 THE COURT: Sustained.

13 BY MR. ANDREW BIRRELL:

14 Q. When was it?

15 A. Between September 2020 until April 2021.

16 Q. So that's when you -- somewhere in there is when you met
17 him?

18 A. That was the first time that I met him, yes.

19 Q. And it was within, what, seven months? That's what you
20 are saying?

21 A. I'm not saying that. It was in between.

22 Q. Okay. What?

23 A. It was in between that timeline.

24 Q. Okay. So where in between that timeline did you meet
25 Abdi?

1 A. I don't remember the exact date.

2 Q. Okay. Tell me your best memory of what date it was.

3 A. I don't remember the exact date, sir.

4 Q. Okay. What is your best answer to my question? And "I
5 don't know" isn't one of them.

6 A. I met Abdiaziz between September 2020 until April 2021.

7 Q. All right. Let's put up Q-23, which is already in
8 evidence. Let's go to the Secretary of State.

9 Do you see that Secretary of State document,
10 Mr. Ahmed?

11 A. Yes.

12 Q. This is your incorporation of Mizal Consulting?

13 A. Correct.

14 Q. And what date was it incorporated?

15 A. The date that was being issued is December 1st, 2020.

16 Q. 12/01/2020, right?

17 A. December 1st, 2020.

18 Q. So as of that date Mizal was active, right?

19 A. After that date, correct.

20 Q. Yeah. All right. Now, you told Mr. Sapone you wanted
21 to see some checks, so let's look at some checks. Let's go
22 to O-224 starting on page -- I think it's 76.

23 Okay. You recognize that check?

24 A. Yes.

25 Q. What is it?

1 A. A check from Action for East African People to Mizal
2 Consulting.

3 Q. For \$100,000. No. 10,000? How many thousand?

4 A. That's a 10,000.

5 Q. All right. So what date was this?

6 A. January 9, 2021.

7 Q. Action for East African People. Ten grand. Mizal
8 Consulting is getting the check, right?

9 A. Action for East African is giving me the check.

10 Q. Okay. The entity, the company getting the check is
11 Mizal Consulting?

12 A. I am getting.

13 Q. Can you read the check?

14 A. Yes.

15 Q. You read ten languages, right?

16 A. I can read the check, sir.

17 Q. Okay. It Pays to the Order of Mizal Consulting, right?

18 A. That's correct, sir.

19 Q. Not Hadith Ahmed?

20 A. That's correct.

21 Q. All right. Next check.
22 Recognize that check?

23 A. Yes.

24 Q. This is a check from Actioncare, right?

25 A. Correct.

- 1 Q. Dated 3/27/21.
- 2 A. Correct.
- 3 Q. For \$127,000.
- 4 A. That's correct.
- 5 Q. Payable to Mizal Consulting.
- 6 A. Correct.
- 7 Q. Your company.
- 8 A. Yes.
- 9 Q. Just yours or somebody else in there with you?
- 10 A. Mizal, just mine.
- 11 Q. Okay. Next check. We can blow it up.
- 12 This is a check dated May 20th.
- 13 A. Correct.
- 14 Q. 2021.
- 15 A. Correct.
- 16 Q. From Liban Alishire.
- 17 A. That's correct.
- 18 Q. Who is that?
- 19 A. He's the owner of, he was a part of Feeding Our Future
- 20 food scam.
- 21 Q. He was a part of Feeding Our Future what?
- 22 A. Fraud scheme.
- 23 Q. Yeah, but where does he work?
- 24 A. He has his own nonprofit, sir.
- 25 Q. What's the name of it?

- 1 A. One was Community Enhancement something.
- 2 Q. Community Enhancements?
- 3 A. Yep, something.
- 4 Q. All right. And this is \$45,000.
- 5 A. That's correct.
- 6 Q. Payable to Mizal Consulting.
- 7 A. That's correct.
- 8 Q. Not Hadith Ahmed.
- 9 A. That's correct.
- 10 Q. The reason you are doing that is to hide the fact that
- 11 you are getting the money, right?
- 12 A. That's correct.
- 13 Q. All right. Next check.
- 14 So this is a check from May -- also May 20th,
- 15 right?
- 16 A. Correct.
- 17 Q. From ACE Interpretation Services.
- 18 A. That's correct.
- 19 Q. For \$15,000.
- 20 A. Yes.
- 21 Q. Paid to the order of Mizal Consulting.
- 22 A. Yes.
- 23 Q. Right?
- 24 A. Yes.
- 25 Q. Okay. Next check.

1 This is a check from May 1st, 2021.

2 A. Yes.

3 Q. For \$64,890.

4 A. Correct.

5 Q. From Hope Suppliers.

6 A. Correct.

7 Q. Whose company is that?

8 A. Eidleh's.

9 Q. Eidleh's?

10 A. Eidleh's.

11 Q. Eidleh's?

12 A. Yep.

13 Q. That's your pal over at Feeding Our Future?

14 A. That was my partner.

15 Q. Your partner at Feeding Our Future?

16 A. Colleague at Feeding Our Future.

17 Q. Colleague. All right. Where is he now?

18 A. I have no idea.

19 Q. Do you have any reason to believe he's in Kenya?

20 A. I don't know.

21 Q. Have you talked to him?

22 A. Nope.

23 Q. When's the last time you talked to him?

24 A. I don't remember the exact date.

25 Q. Well, give me your best estimate.

1 A. Before the search warrants.

2 Q. Before the search warrants?

3 A. Yep.

4 Q. So after they came in and did all these search warrants,
5 you didn't talk to your colleague Eidleh or Eidleh? Is that
6 what you are saying?

7 A. I'm saying last time I talked to him was before
8 January 20, 2022.

9 Q. Okay. Next check.

10 Okay. Another check from May. This one May 30,
11 2021, right?

12 A. Yes.

13 Q. For \$26,000.

14 A. Yes.

15 Q. From Northside Wellness, right?

16 A. Yes.

17 Q. What's that?

18 A. It's a company owned by someone that was also involved
19 in the food scam.

20 Q. Does this person have a name?

21 A. I don't remember the, her name.

22 Q. Do you remember the name?

23 A. I don't remember her name, yes.

24 Q. Okay. She gave you a check for \$26,000, and you don't
25 remember her name?

1 A. I don't recall her name, sir.

2 Q. Okay. You are in a cooperation agreement. Do you
3 understand that?

4 A. Yeah.

5 Q. You understand cooperating means answering my questions
6 too?

7 A. Yes, sir.

8 Q. All right. Okay. This one was made to Mizal
9 Consulting.

10 A. That's correct.

11 Q. Not Hadith Ahmed.

12 A. That's correct.

13 Q. Okay. Next check.

14 This is a check for \$33,000, right?

15 A. Yes.

16 Q. From Community Enhancement Services?

17 A. Yes.

18 Q. And what's that?

19 A. It's a kickback, sir.

20 Q. Yeah, well, what's, what's Community Enhancement
21 Services?

22 A. It's a nonprofit that was also involved in the Feeding
23 Our Future fraud scheme.

24 Q. Who is involved in that company?

25 A. Liban Alishire.

1 Q. Who?

2 A. Liban Alishire.

3 Q. All right. They made this to Mizal Consulting.

4 A. I'm sorry?

5 Q. Sure. They made the check payable to Mizal Consulting.

6 A. Yes.

7 Q. Because that's what you told them to do, right?

8 A. Yes.

9 Q. Okay. Next check.

10 Okay. So this is a second check from June 2nd,
11 2021, right?

12 A. 06/02/21, yes.

13 Q. And this one was also for \$30,000.

14 A. Yes.

15 Q. This one is also from Community Enhancement Services,
16 right?

17 A. Yes.

18 Q. And this one is also made to Mizal --

19 A. That's correct.

20 Q. -- Consulting, Mizal Consulting.

21 A. Correct.

22 Q. Right?

23 A. Correct.

24 Q. Okay. Next check.

25 This is June 1, 2021, right?

1 A. Yes.

2 Q. It's a check for \$73,000.

3 A. Yes.

4 Q. From Great Lakes Inc.

5 A. Yes.

6 Q. And what is Great Lakes Inc.?

7 A. Was a company owned by someone who was involved in
8 the --

9 Q. Who? Who owned the company?

10 A. I believe his name was Sade. I believe his name was
11 Sade.

12 Q. Can you spell it?

13 A. S-A-D-E.

14 Q. Okay. And this check is also payable to Mizal
15 Consulting.

16 A. Yes.

17 Q. Okay. Next check. Thanks.

18 Okay. This is a check dated July 2nd, 2021.

19 A. Yes.

20 Q. In the amount of \$72,500.

21 A. Correct.

22 Q. And this is from Community Enhancement Services, right?

23 A. Yes.

24 Q. And we talked about them a couple of checks ago, right?

25 A. Correct.

1 Q. And this one's made to Mizal Consulting too.

2 A. Yes.

3 Q. Because that's what you told them to do, right?

4 A. Yes.

5 Q. Okay. Next check.

6 This is a check from June 23rd, 2021, right?

7 A. Correct.

8 Q. In the amount of \$42,509.11.

9 A. Correct.

10 Q. So what is Delta Food Services?

11 A. I think it was a company owned by Abdikerm Eidleh.

12 Q. Who?

13 A. Abdikerm Eidleh.

14 Q. How do you spell the last name?

15 A. E-I-D-L-E-H.

16 Q. Was that your colleague over at Feeding Our Future, or
17 is this a different person?

18 A. Colleague at Feeding Our Future.

19 Q. Okay. And this check was Delta. This was also made to
20 Mizal, right?

21 A. Correct.

22 Q. Okay. Next check.

23 This is a check from July 1, 2021.

24 A. Yes.

25 Q. Right? In the amount of \$71,500.

1 A. Correct.

2 Q. Right?

3 A. Yes.

4 Q. Okay. Great Lakes. Did we talk about Great Lakes? Oh,
5 that's S-A-D-E, right?

6 A. Yes.

7 Q. Is there an actual business there at 920 East Lake?

8 A. I don't recall the address, sir.

9 Q. Well, it's on the check.

10 A. I'm sorry?

11 Q. It's on the check. Do you recognize that address?

12 A. I don't remember where the address is at, sir.

13 Q. Did you go to their business?

14 A. Business who?

15 Q. Did you go to Great Lakes Inc. business at 920 East Lake
16 Street, Suite 134, Minneapolis, Minnesota 55407?

17 A. I don't recall this address, sir.

18 Q. So you didn't go there?

19 A. I don't remember going to this address. I don't know
20 where it is located, sir.

21 Q. Okay. And this too was made to Mizal. What do they
22 write there? I can't even tell. Mizal Consultant? Is that
23 what they wrote?

24 A. I believe so, sir.

25 Q. Okay. Okay. Next check.

1 Here's a check 6/21/21, right?

2 A. Yes.

3 Q. \$26,000.

4 A. Yes.

5 Q. From Northside Wellness Center.

6 A. Yes.

7 Q. Which we talked about before, right?

8 A. Yes.

9 Q. Also made to Mizal Consulting.

10 A. Yes.

11 Q. Okay. Next one.

12 Okay. Here's one from Bushra, right? You saw
13 that already?

14 A. Yes.

15 Q. What's that date? 7/25/21?

16 A. Correct.

17 Q. 62 -- 65,250?

18 A. Yes.

19 Q. Payable to Mizal Consulting.

20 A. Correct.

21 Q. Okay. Next one.

22 Urban Learning -- okay. Let's start with the
23 date. 7/29/21, right?

24 A. Yes.

25 Q. For \$9,609?

1 A. Yes.

2 Q. What is Urban Learning Center?

3 A. It's a childcare center, sir.

4 Q. Childcare? All right.

5 A. Childcare center.

6 Q. Thank you.

7 Payable to Mizal Consulting.

8 A. That's correct.

9 Q. Because that's what you told them to do, right?

10 A. Correct.

11 Q. Because you were using Mizal Consulting to conceal your
12 identity, right?

13 A. To conceal --

14 Q. Your identity.

15 A. They knew people -- the people that pay me, they knew
16 me.

17 Q. Right. That's not what you were thinking about, though.
18 You were thinking about other people looking at the checks,
19 right?

20 A. No.

21 Q. No? Okay. Why did you form, why did you form Mizal
22 Consulting then?

23 A. To get paid from Feeding Our Future and get paid as
24 kickbacks.

25 Q. Yeah, okay, but why did you form the company Mizal

1 Consulting?

2 A. I didn't want to deposit in my personal account.

3 Q. You didn't want anyone to know who was getting the
4 money, right?

5 A. No.

6 Q. All right. Next check.

7 Okay. This is a check from 8/5/21?

8 A. Correct.

9 Q. In the sum of \$26,875.

10 A. Yes.

11 Q. From Hope Suppliers.

12 A. Yes.

13 Q. To Mizal Consulting LLC.

14 A. Yes.

15 Q. Okay. Hope Suppliers is what?

16 A. Was a fake company that Abdikerm created.

17 Q. Who? Oh, this Eidleh guy?

18 A. Yes.

19 Q. Okay. Your colleague there over at Feeding Our Futures?

20 A. Yes.

21 Q. Yeah, okay. Next check. No more? That's all right if
22 there's not.

23 So you were looking to see some checks. You've
24 seen enough checks for a while?

25 A. I did, yep.

1 Q. Okay. So let's look at the check that you wrote.

2 The ten-grand check. I don't know. Is it this
3 one?

4 (Counsel confer)

5 He's going to look for the number.

6 While he's doing that, let me ask you a question.

7 Oh, here it is. It's Q-28. Remember this check?

8 A. Yes.

9 Q. This check is dated 2/1/2021, right?

10 A. Yes.

11 Q. And it's from Empire Cuisine & Market?

12 A. Yes.

13 Q. It's for \$10,000?

14 A. Yes.

15 Q. And it's payable to you, Hadith?

16 A. Correct.

17 Q. Not Mizal, right?

18 A. That's correct.

19 Q. And Mizal had been in business up and running for over a
20 year when this check was written, right?

21 A. Less than a year, yes.

22 Q. All right. Whatever. It was well on your way by then,
23 right?

24 A. Correct.

25 Q. So you could have had it written for Mizal if you had

1 wanted to do that?

2 A. Correct.

3 Q. But that's not the way this was handled, was it?

4 A. Correct.

5 Q. It was handled differently than all these other checks?

6 A. Correct.

7 Q. All right. Let's look at another check. Q-29, which is
8 in evidence, I believe. Yeah. All right.

9 Do you recognize that check?

10 A. Yes.

11 Q. That check is dated May 3rd, 2021.

12 A. Correct.

13 Q. And it's for \$139,000.

14 A. Yes.

15 Q. And it's payable to Empire Enterprises.

16 A. Correct.

17 Q. And your understanding was that Empire Enterprises was
18 Abdiaziz's real estate company, right?

19 A. I wasn't sure at that time it was Abdiaziz's real estate
20 company.

21 Q. Okay. Well, let's think about this for a minute. You
22 gave a cashier's check for \$139,000 --

23 A. Yes.

24 Q. -- to Empire Enterprises.

25 A. Correct.

1 Q. And I'm assuming you're not claiming it's a bribe,
2 right?

3 A. It's not a bribe.

4 Q. It's not a kickback?

5 A. It's not a kickback.

6 Q. What is it?

7 A. It's money that I asking if he can -- if he can give it
8 to me in Kenya to buy land.

9 Q. So you were asking him to help you buy land in Kenya?

10 A. That's correct.

11 Q. Okay. That's all it is?

12 A. That's all it is, yes.

13 Q. Now, what did you buy in Kenya?

14 A. Land and dump trucks.

15 Q. Wait a minute. The dump trucks were a different deal,
16 right?

17 A. I'm sorry?

18 Q. The dump trucks were a different deal?

19 A. Yes.

20 Q. So this isn't about the dump trucks here on exhibit
21 whatever it is?

22 A. Yes, this is just land.

23 Q. Okay. The dump trucks were some idea you had to buy
24 dump trucks and take them to Kenya, right?

25 A. Buy from Kenya, sir.

1 Q. Okay. Let's start over. You thought it would be a good
2 business idea to have dump trucks in Kenya.

3 A. Correct.

4 Q. Because you could rent them out and make money.

5 A. Correct.

6 Q. Okay. And so what you learned was -- and you didn't
7 learn this from Abdi. Somewhere you learned that buying
8 dump trucks in Kenya was very expensive. Right?

9 A. I learned that --

10 Q. Just answer my questions. Come on.

11 MR. JACOBS: Objection, Your Honor.

12 THE WITNESS: Say the question one more time, sir.

13 MR. JACOBS: He's trying to answer the question.

14 MR. ANDREW BIRRELL: Sure, I'll say it again.

15 THE COURT: One moment. I need to rule on the
16 objection.

17 Can you restate it, please?

18 MR. JACOBS: I'm just asking that the witness have
19 an opportunity to answer the question.

20 THE COURT: Can you finish your answer, please,
21 sir?

22 THE WITNESS: Yeah, can you ask me the
23 question one more time, sir?

24 MR. ANDREW BIRRELL: Should I?

25 THE COURT: Go ahead.

1 BY MR. ANDREW BIRRELL:

2 Q. Okay. You learned that it was less expensive to buy
3 dump trucks outside of Kenya and then bring them into Kenya
4 than it was to buy them in Kenya in the first place.

5 A. That's not correct, sir.

6 Q. Okay. You tell me what you did.

7 A. It was nothing to do about whether it was expensive or
8 not. It was all about buying the trucks in Kenya.

9 Q. Okay. So were you trying to buy the trucks in Kenya?

10 A. Correct.

11 Q. Where did you buy them?

12 A. In Kenya.

13 Q. Where did they end up?

14 A. Border in between Kenya and Uganda.

15 Q. Didn't they get stuck in Uganda?

16 A. I'm sorry?

17 Q. Didn't they get stuck in Uganda?

18 A. The border, yes.

19 Q. I read that in the 302s. So were they coming into
20 Kenya?

21 A. They were supposed to come into Kenya.

22 Q. So where did you actually buy them?

23 A. The people that I bought was from Kenya, sir.

24 Q. The people you bought them from were in Kenya, but where
25 were the trucks?

- 1 A. The trucks at this currently?
- 2 Q. No. Where were they?
- 3 A. I don't know.
- 4 Q. Did they have to go through Ethiopia to get into Kenya?
- 5 A. I'm not sure, sir.
- 6 Q. Did they ever make it to Kenya?
- 7 A. Not at this moment, sir.
- 8 Q. All right. Well, when did you buy them?
- 9 A. A while ago. A long time ago, sir.
- 10 Q. Like when?
- 11 A. Before the search warrants, sir.
- 12 Q. So a couple years ago?
- 13 A. Yes.
- 14 Q. They are not there yet?
- 15 A. Correct.
- 16 Q. Okay. So let's go -- so, but this \$139,000 check has
- 17 nothing to do with that, right?
- 18 A. Nothing to do with the trucks, yes.
- 19 Q. All right. This is about buying what?
- 20 A. Land.
- 21 Q. Raw land or what?
- 22 A. Raw land, yes.
- 23 Q. Did you buy some?
- 24 A. Yes.
- 25 Q. How much did it cost?

1 A. Around amount -- most of this amount, sir.

2 Q. Well, how much close to the amount? I mean, you bought
3 it. What did it cost you?

4 A. The whole amount was 140 that I needed to send.

5 Q. 140 plus what?

6 A. 140 plus that I wanted to send.

7 Q. Okay. I'm trying to get this straight. The land you
8 bought cost \$140,000 plus how much more?

9 A. There was no much more, sir.

10 Q. Was there a fee for the agent?

11 A. Yes.

12 Q. What was that?

13 A. It was included everything, sir.

14 Q. Do you have any papers about this?

15 A. No, sir.

16 Q. All right. Okay. So let's go back to some more
17 timeline. So when did you start working at Feeding Our
18 Future?

19 A. I got the job offer between June, July. I started
20 working when I came back from Kenya, sir.

21 Q. Okay. So June, July of 2020 or 2021?

22 A. 2020.

23 Q. And then you came back and started working at, what,
24 October 1?

25 A. At the end of September or the first week of October,

1 sir.

2 Q. So let's say about October 1? Fair?

3 A. I don't remember the exact date, sir.

4 Q. All right. So you were over in Kenya for -- one, two,
5 three, four months -- four months?

6 A. Less than two months, sir.

7 Q. When did you go to Kenya?

8 A. In the middle or at the end of August.

9 Q. Oh. So what did you do up until then?

10 A. I stayed in Minnesota.

11 Q. So you were on the payroll starting in June or July?

12 A. I'm sorry?

13 Q. You were on the payroll at Feeding Our Future starting
14 in June or July.

15 A. I don't remember the exact date that they started paying
16 me, Feeding Our Future, but I was getting paid until --
17 before I came back and started working at the office.

18 Q. You were getting paid when you were in Kenya, right?

19 A. I was.

20 Q. How much did you get paid, by the way, at Feeding Our
21 Future?

22 A. Between 3,000 to 7,000 a month.

23 Q. So did it change from month to month?

24 A. Yes.

25 Q. What changed? How did it work?

- 1 A. We get -- I got raise.
- 2 Q. Sorry?
- 3 A. I got raise.
- 4 Q. You got raises?
- 5 A. I got raise, yep.
- 6 Q. Okay. So you started around October 1. And when did
7 you leave Feeding Our Future?
- 8 A. June or July of 2021.
- 9 Q. And when you left, you were making 7,000 a month?
- 10 A. I wasn't getting paid from Feeding Our Future, sir.
- 11 Q. When you left Feeding Our Future, were you getting paid
12 right before you left?
- 13 A. I was getting paid before I left, yes.
- 14 Q. And you were getting paid \$7,000 a month?
- 15 A. I believe it was more than that.
- 16 Q. Well, okay, what was it?
- 17 A. I believe it was 10,000 or more a month.
- 18 Q. How much more?
- 19 A. I'm not sure exact how much.
- 20 Q. You don't know what you were getting paid?
- 21 A. I don't recall the exact amount when I left I was
22 getting paid.
- 23 Q. So 10,000 or more?
- 24 A. 10,000 or more a month for the last couple months.
- 25 Q. So 15,000?

1 A. I don't think so.

2 Q. 14,000?

3 A. I don't think so.

4 Q. 13,000?

5 A. I'm not sure, sir.

6 Q. All right. Somewhere between 10 and 13,000 a month?

7 Sound right?

8 A. Somewhere between 10 to 12,000, maybe.

9 Q. 10 to 12. All right. And when you started, it was

10 3,000 a month?

11 A. Between 3 to 7,000.

12 Q. The first month?

13 A. I don't remember the exact amount that I get the first

14 month.

15 Q. All right. Okay. So before you went to work at Feeding

16 Our Future in June or July 2020, you were working at a

17 day-care center?

18 A. The day care was closed at that time, sir.

19 Q. Okay. What was the job you had before you went to work

20 at Feeding Our Future?

21 A. Director for a childcare center.

22 Q. All right. But that was closed, you said?

23 A. I'm sorry?

24 Q. You just told me it was closed. That's why I asked.

25 A. Yes.

1 Q. When did it close?

2 A. In the middle of 2020 we didn't have any kids left at
3 that time.

4 Q. So it closed in June, at the middle of 2020, you mean?

5 A. I don't remember the exact date.

6 Q. Well, give me the best date.

7 A. I don't remember, sir.

8 Q. When did you start working at the day care? Do you
9 remember that?

10 A. It was in the middle of 2018.

11 Q. All right. And you were a manager? Is that what you
12 were?

13 A. I was a director, yes.

14 Q. So was that the head man, head person at the day care,
15 the director?

16 A. It had owners and me as a director.

17 Q. Were you an owner?

18 A. I wasn't.

19 Q. Okay. So you worked for the owners?

20 A. I worked for the owners, yes.

21 Q. Who was the owner?

22 A. Mohamed Yusuf.

23 Q. Mohamed Yusuf?

24 A. Ahmed Yusuf.

25 Q. Ahmed Yusuf. So what ended up happening was that when

1 the pandemic hit in around March of 2020, kids couldn't
2 come, right?

3 A. I don't remember the exact date, sir.

4 Q. Do you remember the pandemic?

5 A. I remember the pandemic, yes.

6 Q. Okay. And do you remember it was in about March or
7 April of 2020 when everything started to shut down?

8 A. It was around those times, yes.

9 Q. Around those times. And was that when your day care
10 shut down?

11 A. Around that time, yes.

12 Q. Okay. And because the day care shut down, you had no
13 money.

14 A. Correct.

15 Q. All right. And you have families to support, right?

16 A. Correct.

17 Q. Two of them, actually, right?

18 A. Correct.

19 Q. Now, while you were working at the day care, you had had
20 somebody from Partners in Nutrition come over to teach
21 people, right?

22 A. No.

23 Q. No?

24 A. I didn't have any person from Partners in Quality.

25 Q. All right. Let's start with -- well, you had Aimee Bock

1 come over. Do you remember that?

2 A. Yes.

3 Q. You testified about that.

4 A. Yep. I met Aimee Bock at Delta, yes.

5 Q. Delta is the childcare.

6 A. Correct.

7 Q. Aimee Bock came over to do what?

8 A. At the beginning to train the teachers, sir.

9 Q. All right. And was she not working at Partners in

10 Quality Care then?

11 A. She wasn't at that time.

12 Q. She was over at Feeding Our Future?

13 A. Yes.

14 Q. Well, what had happened was that Aimee Bock originally

15 worked at Partners in Quality Care, right?

16 A. That's what she told us, yes.

17 Q. And then what happened was she got fired and started

18 Feeding Our Future, right?

19 A. That's what she said, yes.

20 Q. All right. And so Feeding Our Future -- and did she

21 take people with her? Did she tell you that?

22 A. I'm sorry?

23 Q. When Ms. Bock started Feeding Our Future, did she take

24 people with her from Partners in Nutrition?

25 A. I don't recall, sir.

1 Q. Who was running Feeding Our Future when you were over
2 there?

3 A. Aimee Bock.

4 Q. Aimee Bock.

5 A. Aimee Bock was the executive director.

6 Q. All right. She's running the show, right?

7 A. And then there was a gentleman called Shafii and a
8 gentleman called Colee [phonetic].

9 Q. Okay. And do you know whether those two gentlemen came
10 from Partners in Quality Care?

11 A. I'm not sure they came from Partners in Quality Care.

12 Q. All right. And Partners in Quality Care and Partners in
13 Nutrition are the same thing, right?

14 A. Yes, sir.

15 Q. All right. Kara Lomen ran Partners in Nutrition?

16 A. That's correct.

17 Q. She's the one that threw Bock out at Partners in
18 Nutrition, as you understand it.

19 A. I don't know how she -- Aimee Bock left. I don't know
20 who threw Aimee Bock.

21 Q. Well, she wasn't too happy about leaving. You know
22 that, right?

23 A. I'm not sure, sir.

24 Q. Well, when you were working at Feeding Our Future, there
25 was basically an open warfare between Partners in Nutrition

1 and Feeding Our Future, right?

2 A. That's true. That's true, yes.

3 Q. And we're talking economic war, right?

4 A. I don't know, sir.

5 Q. Okay. Well, economic would have to do with money,
6 right?

7 A. We wanted all the sites to come under Feeding Our
8 Future, sir.

9 Q. Okay. What was going on was Feeding Our Future wanted
10 every site in Minnesota under Feeding Our Future's umbrella,
11 right?

12 A. The more sites, the more money, yes.

13 Q. Well, just -- I know, but answer my question. Work with
14 me a little bit here.

15 What Feeding Our Future wanted was every single
16 site in Minnesota under Feeding Our Future, right?

17 A. Not right.

18 Q. Not right?

19 A. Not right.

20 Q. All right. What's wrong with that?

21 A. Saying "every single site."

22 Q. They wanted all the sites they could get, right?

23 A. They wanted big sites that were under Partners,
24 specifically childcare centers, adult day cares.

25 Q. All right. Let's try this another way.

1 The way that Feeding Our Future was supposed to
2 make money was they were supposed to take an administrative
3 fee from the money that they got from MDE, right?

4 A. Yes.

5 Q. And that was 15 percent of all the money that went from
6 MDE through them, right?

7 A. I don't know if it was 10 percent or 15 percent, sir.

8 Q. It was one of those percents. Okay?

9 A. That's correct.

10 Q. And so the way the money was supposed to go was from MDE
11 through Feeding Our Future to the site, right?

12 A. That's correct.

13 Q. And the way that fees would be generated is the sites
14 would send bills up through Feeding Our Future to MDE,
15 right?

16 A. Correct.

17 Q. And these were bills for food and educational services
18 and that sort of thing, right?

19 A. The foods that they claimed that they give out, yes.

20 Q. Food. Well, also educational services, right?

21 ThinkTechAct, Mind Foundry. They're supposed to be
22 providing educational services. And they get paid for those
23 too, right?

24 A. I don't know, sir.

25 Q. All right. So the more sites that Feeding Our Future

1 had sending them bills that they would administer and send
2 to MDE, the more money Feeding Our Future would make, right?

3 A. Yes.

4 Q. Right?

5 A. Yes.

6 Q. Okay. You are kind of a soft voice.

7 So as a business model, it's correct, isn't it,
8 that they wanted to get as many sites billing they could
9 work with as possible, right?

10 A. The more sites, the more money for Feeding Our Future,
11 yes.

12 Q. All right. On the other side of the street, we have
13 Partners in Nutrition, right?

14 A. Correct.

15 Q. And they're trying to do exactly the same thing, right?

16 A. That's correct.

17 Q. And Aimee Bock and Kara Lomen hated each other, right?

18 A. At that time, yes.

19 Q. Well, they probably still do, but they did then, right?

20 A. Correct.

21 Q. I mean, they despised each other, right?

22 A. They had a grudge on each other, yes.

23 Q. Okay. And they were competing for dollars?

24 A. Sites, yes.

25 Q. Well, sites is dollars, though, right?

1 A. I would say sites, sir.

2 Q. Okay. Well, in this business model that we're
3 discussing, sites means dollars, right?

4 A. More sites, more money at the end, yes.

5 Q. All right. So talking about your idea about VIP club.

6 Are you reading something up there, by the way?

7 A. No, sir.

8 Q. Okay. Thank you.

9 VIP club. Do you remember that? You were talking
10 about that?

11 A. VIP club?

12 Q. Whatever. What did you call it? VIP something?
13 Treatment?

14 A. Correct.

15 Q. Okay. Was that, was that a term that was used over
16 there at Feeding Our Future?

17 A. For an organization that had many sites, yes.

18 Q. Did they use that term at Feeding Our Future?

19 A. Yes.

20 Q. Who thought that term up?

21 A. Me and Aimee.

22 Q. You and Aimee?

23 A. Correct.

24 Q. Okay. Now, as a practical matter, what Feeding Our
25 Future wanted was the biggest dollar sponsors, to put their

1 bills on top of the pile, right?

2 A. The biggest sites that's making more money to come onto
3 Feeding Our Future, yes.

4 Q. And those were the sites, bills, invoices, whatever you
5 want to call them, that Aimee Bock wanted on the top of the
6 pile.

7 A. Correct.

8 Q. And the reason for that is that if the site is billing
9 let's just say \$1 million, she's getting \$150,000, right, if
10 it's 15 percent?

11 A. If 15 or 10 percent, yes.

12 Q. Still if it's 10 percent, it's \$100,000.

13 A. Yes.

14 Q. Right? And nobody but Aimee Bock was submitting bills
15 to MDE over at Feeding Our Future, right?

16 A. That's correct.

17 Q. She was the one.

18 A. She was the only one.

19 Q. You weren't.

20 A. I wasn't.

21 Q. You didn't have access to CLiCS, did you?

22 A. I wasn't.

23 Q. What?

24 A. I didn't.

25 Q. All right. Just Aimee.

1 A. Just Aimee.

2 Q. All right.

3 A. And her staff.

4 Q. Well, Aimee had to make it go, right?

5 A. Correct.

6 Q. Nothing happened over there that Aimee Bock didn't say
7 was okay.

8 A. Correct.

9 Q. All right. So what happens -- let's keep working on our
10 timeline here, wherever it went.

11 So you left Feeding Our Future in July of 2021.

12 Is that what you said?

13 A. June or July. I don't remember the exact date.

14 Q. June or July. You did say that.

15 A. Yes.

16 Q. All right. When was this lawsuit against MDE?

17 A. There was a couple lawsuits.

18 Q. Well, Feeding Our Future sued MDE; is that right?

19 A. They sued multiple times, yes, sir.

20 Q. All right. And they went to court over in Ramsey
21 County, St. Paul.

22 A. I wasn't around at that time, sir.

23 Q. Did you hear that at work?

24 A. I heard after they won.

25 Q. Who won? Feeding Our Future won.

1 A. Yes.

2 Q. That was before you left.

3 A. Correct.

4 Q. And would you say it was about March 2021?

5 A. I don't know the exact date, sir. I wasn't at --

6 Q. I know you don't know any exact dates. But does that
7 sound about right?

8 MR. JACOBS: Objection, Your Honor.

9 Argumentative.

10 THE COURT: Sustained.

11 MR. ANDREW BIRRELL: Sorry.

12 THE COURT: The jury will disregard.

13 So now you can ask your question.

14 MR. ANDREW BIRRELL: Excuse me, Your Honor. I got
15 carried away.

16 BY MR. ANDREW BIRRELL:

17 Q. March 2021. Does that sound about right?

18 A. I don't remember the exact date, sir.

19 Q. Okay. Well, when the lawsuit was filed and after
20 Feeding Our Future won, but before they won, there was a
21 stop pay, right?

22 A. There was a stop pay at the beginning of 2021, yes.

23 Q. That's what started the lawsuit going, right?

24 A. She was suing before, even before that, sir.

25 Q. Okay. What happened was MDE started looking into

1 Feeding Our Future, and so there was a stop pay order issued
2 by MDE.

3 A. That's correct.

4 Q. And then what happened was Aimee Bock went to court and
5 sued MDE and said that they should pay Feeding Our Future,
6 right?

7 A. Correct.

8 Q. Okay. When that happened or when the stop pay came out,
9 that's when you guys at Feeding Our Future decided to go out
10 and collect backup information, right? You know what I mean
11 "backup information"?

12 A. It was when they put stop pay and then requested to send
13 receipts and invoices.

14 Q. Okay. So what happened was MDE puts a stop pay at the
15 Feeding Our Future.

16 By the way, Abdi was working with Partners in
17 Nutrition, right?

18 A. At that time he was in Feeding Our Future.

19 Q. He was not there, right. Okay.

20 So MDE puts out this stop pay, and we want the
21 backup documents, right?

22 A. MDE requested invoices, yes.

23 Q. Okay. So when I said "backup documents," what I meant
24 was the documents that would support the bills that Feeding
25 Our Future had approved through the CLiCS system.

1 A. Correct.

2 Q. Okay. Ordinarily what happened was Feeding Our Future
3 would collect the documents and retain them, not send them
4 to MDE, right?

5 A. I'm not sure if she retained, but all I know was MDE
6 requested and we were collecting them.

7 Q. So when they requested them, that's when Aimee Bock
8 issued this order everybody needs to send in their
9 documents, right?

10 A. Correct.

11 Q. And you testified that they didn't care what was on the
12 documents and you never looked at them.

13 A. We never looked at them, yes.

14 Q. Okay. So it could be that there weren't any proper
15 documents for some particular person's vendor, right?

16 A. I'm sorry?

17 Q. It could be for one vendor there were not the correct
18 documents, right?

19 A. Everyone was sending --

20 Q. Not everyone. Just listen.

21 It could be that some vendors did not have the
22 correct documents, right?

23 A. Correct.

24 Q. It could be that some vendors had perfect documents,
25 right?

1 A. Could be, yes.

2 Q. And nobody looked at them.

3 A. Nobody looked at them, yes.

4 Q. All right. Okay. Right before you left Feeding Our
5 Future in June or July of 2021, you and Ms. Bock had an
6 argument; is that right?

7 A. Correct.

8 Q. And she actually fired you, right?

9 A. She fired me, but we didn't have an argument before.

10 Q. You didn't have an argument before?

11 A. We did not have an argument before.

12 Q. Okay. Well, I thought you said that there was some
13 discussion with you and she and some lawyer about -- it
14 sounded like an argument. What was that about?

15 A. The lawyer was threatening me.

16 Q. Her lawyer?

17 A. Her lawyer.

18 Q. Aimee Bock's lawyer?

19 A. Yep. Yep, he was making threats while we talking.

20 Q. What's his name?

21 A. I don't remember his name, sir.

22 Q. The lawyer threatened you, and you don't remember his
23 name?

24 A. If I see business card, I would remember.

25 Q. None of the lawyers here.

1 A. I don't believe so.

2 Q. Or here.

3 A. No sir.

4 Q. I mean, these people don't work for Aimee Bock, right?

5 No.

6 What did this lawyer tell you?

7 A. He threaten me that --

8 Q. With what? What did he say to you?

9 A. That if I talk about Feeding Our Future, that they
10 have -- that they know that I get kickbacks and that they
11 will ruin my life.

12 Q. Well, was the lawyer a little more specific than that or
13 was that it?

14 A. I'm sorry?

15 Q. Did the lawyer -- I mean, did the lawyer say -- was this
16 an in-person thing or phone?

17 A. It was over the phone. It was a three-way call.

18 Q. Three-way call. How did the call start?

19 A. Aimee called me while she had, while she had her lawyer
20 on the line.

21 Q. Had you ever met this lawyer before?

22 A. Not face to face.

23 Q. Well, okay, so how did you meet him?

24 A. There was a video that he was with a lawsuit with MDE
25 that I saw on a Zoom call.

1 Q. Okay. You were on a Zoom call with the lawyer and Bock,
2 Aimee Bock?

3 A. MDE and Feeding Our Future were on Zoom call with MDE.

4 Q. Okay. I just want to make sure I got this straight.
5 There was a Zoom call between MDE and Feeding Our Future.

6 A. Lawyer, yes.

7 Q. And you were on -- you watched?

8 A. I wasn't -- yeah, we watched, yes.

9 Q. Oh, you weren't really on it, but you were watching from
10 the side or something?

11 A. The staff are watching the lawsuit, yes.

12 Q. Okay. Was this Zoom -- was this about a court
13 proceeding?

14 A. It was, it was a court, yes.

15 Q. All right. So you are watching the court proceeding
16 between MDE and Feeding Our Future that was Zoomed.

17 A. Correct.

18 Q. And it was Zoomed because it was COVID time.

19 A. Because that attorney was not from Minnesota.

20 Q. Ah. I see. So this threatening lawyer is not from
21 here.

22 A. He's not from here.

23 Q. Is that the only other time you saw this lawyer?

24 A. I think I saw a couple times, two times on the Zoom,
25 when he was on Zoom with MDE.

1 Q. I see. All right. So Aimee Bock called you up, and she
2 had the lawyer on the phone. And was this before you were
3 fired or after?

4 A. The morning before I was locked out from Feeding Our
5 Future accounts, and then I got a call from Aimee.

6 Q. I see. You were locked out of the computer?

7 A. Computer account, yes.

8 Q. All right. So you went to do your work and couldn't get
9 into the computer.

10 A. No, I didn't go at that time. When I saw --

11 Q. How did you know you got locked out?

12 A. I got notification on my --

13 Q. Ah. I see. All right. Fair enough.

14 And so then she called you up and told you you're
15 fired, and the lawyer was there as a witness?

16 A. I asked her, What has happened. And she said, When you
17 come in, my lawyer want to talk to you. I said, Then I'm
18 not coming in.

19 Q. I see. She wanted you to come to work and talk to the
20 lawyer?

21 A. She wanted me to come to the office and talk to her
22 lawyer.

23 Q. All right. And you said no?

24 A. I said no, I'm not going to talk to her lawyer, your
25 lawyer.

1 Q. Okay. And then did the lawyer -- is that when he
2 threatened you?

3 A. No. It was after she called me.

4 Q. How did you come to speak with the lawyer after that
5 call?

6 A. After that call, text message, Aimee called me and she
7 had her lawyer on her, on line.

8 Q. And what happened?

9 A. And then he started threatening me.

10 Q. I didn't hear what you said.

11 A. And we started -- and he started threatening me.

12 Q. And what did you do?

13 A. I told him not to threaten me.

14 Q. Okay. When's the last time you talked to Aimee Bock?

15 A. I believe that was last time I spoke with her.

16 Q. The call about she and the lawyer?

17 A. I think I met her one more time.

18 Q. Where was that?

19 A. It was right after that phone calls, a week or couple
20 weeks later.

21 Q. And what did she say? Do you remember?

22 A. I don't remember what we talk about; but it was all
23 about leave me alone, I leave you guys alone.

24 Q. That's what she said?

25 A. That's what I told them.

1 Q. You told her, Leave me alone, I'll leave you guys alone?

2 A. Yeah.

3 Q. Okay. And so then it was about one year after that that
4 you met with the FBI for the first time?

5 A. I met after the search warrant. Yeah, I met with the
6 FBI.

7 Q. Okay. Well, let's see about this now.

8 The search warrants were January 20th, 2022,
9 right?

10 A. Correct.

11 Q. And then what I understood you said -- and I want you to
12 correct me if I am wrong -- is that you met with the FBI in
13 June of 2022.

14 A. I don't believe I say that, sir.

15 Q. Okay. When did you first meet with the FBI?

16 A. I met the FBI after. I talked to the FBI, and I spoke
17 with my lawyer, yeah.

18 Q. The conversation earlier was that was June of 2022.

19 A. I don't remember the exact date, sir.

20 Q. Does that sound right? If you don't know, just say "I
21 don't know."

22 A. I don't know, sir.

23 Q. All right. But June 2022 would be about one year after
24 you left Feeding Our Future, which you said you left in June
25 or July --

1 A. June or July.

2 Q. -- 2021.

3 A. Correct.

4 Q. Okay. When you met with the FBI about one of the first
5 times, you told them you knew Abdi, right?

6 A. I'm sorry, sir?

7 Q. Sure. When you met with the FBI one of the first times,
8 you told them that you knew Abdi, right?

9 A. I don't remember we -- I don't believe we talked about
10 Abdiaziz our first meeting, sir.

11 Q. You don't remember telling them he was a hard-working,
12 good businessman? Didn't you tell them that?

13 A. I don't remember if it was the first meeting, sir.

14 Q. Did you say what I just said, though?

15 A. That he's hard-working?

16 Q. Yeah.

17 A. He's hard-working, yes.

18 Q. And a good businessman?

19 A. Yes.

20 Q. Yeah. All right. Do you remember all these checks we
21 talked about that were made to Mizal?

22 A. I remember the checks that I saw here, sir.

23 Q. Today I showed you the checks, right?

24 A. The checks that you showed me, yes, sir.

25 Q. Yeah. And none of those companies got anything to do

1 with Abdiaziz Farah.

2 A. I'm sorry, sir?

3 Q. None of those companies have anything to do with
4 Abdiaziz Farah.

5 A. Empire Cuisine, sir.

6 Q. Okay. Other than that, that's fair?

7 A. Yes.

8 Q. None of the other ones?

9 A. Correct.

10 Q. Did you want to say something?

11 A. No.

12 Q. Okay. Thank you very much.

13 A. Thank you.

14 THE COURT: Mr. Goetz.

15 MR. GOETZ: Your Honor, I do have a bit. Is this
16 a good time for a break?

17 THE COURT: We could go ahead till 3:15. So let's
18 return at 3:15. Thank you.

19 MR. GOETZ: Thank you.

20 (Recess taken 2:58 p.m. till 3:19 p.m.)

21

22 **IN OPEN COURT**

23 **(JURY PRESENT)**

24 THE COURT: You may all be seated.

25 And, Mr. Goetz, you may inquire.

1 MR. GOETZ: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. GOETZ:

4 Q. As-salam alaykom, Mr. Ahmed.

5 A. As-salam, sir.

6 Q. How are you?

7 A. Doing good.

8 Q. I want to start by showing you a document, D7-189,
9 please, for identification.

10 Can you see that document on the screen?

11 A. Yes. Yes.

12 Q. This is an email that you sent to Aimee Bock; is that
13 correct?

14 A. Yes.

15 Q. And you know that because this is your Feeding Our
16 Future signature block, Hadith Ahmed, program support staff,
17 with the Feeding Our Future number for the office, the fax
18 and then the website, correct?

19 A. Yes.

20 MR. GOETZ: Offer D7-189, Your Honor.

21 THE COURT: Any objection?

22 MR. JACOBS: Your Honor, I'd object as hearsay.

23 MR. GOETZ: It's not for its truth, Your Honor.

24 THE COURT: Overruled. D7-189 is admitted.

25

1 BY MR. GOETZ:

2 Q. Now I'm introducing this exhibit, Mr. Ahmed, because I
3 want to try to help you remember some dates. There's been a
4 lot of questions about time and timelines, and I want to
5 help you get a little more precise. All right?

6 A. Okay.

7 Q. So you told us just a moment ago that you realized you
8 were fired from Feeding Our Future because you went into
9 your -- or you got a notice that you had been locked out of
10 your accounts, right?

11 A. Correct.

12 Q. So when you are locked out of your accounts, you can't
13 send emails on your Feeding Our Future email account,
14 correct?

15 A. Yes, that's correct.

16 Q. This is an email, as we've established, from your
17 Feeding Our Future email account, correct?

18 A. I don't see my Feeding Our Future email here, sir.

19 Q. Do you see Hadith Ahmed, program support staff, office,
20 fax? That's your official Feeding Our Future, the way you
21 signed your Feeding Our Future emails, right?

22 A. That's my titles, but I don't see my email here, sir.

23 Q. The date of this email is Thursday, July 29, 2021,
24 correct?

25 A. That's what it says here, yes.

1 Q. So fair to say that you were terminated some time after
2 July 29, 2021? Can you agree?

3 A. June or July, sir.

4 Q. Sure. But if you can send emails as you did on July 29,
5 2021, from your Feeding Our Future account on that day and
6 you realized you were fired when you were locked out,
7 meaning you couldn't send emails, you would have to then
8 have been fired some time after July 29, 2021, correct?
9 Doesn't that make sense?

10 A. I don't see my email here, sir.

11 MR. GOETZ: May I approach, Your Honor?

12 THE COURT: You may.

13 BY MR. GOETZ:

14 Q. Showing you another copy of the same email, does that
15 help?

16 A. Yes.

17 Q. So D7-189 was sent while you were -- before you got
18 fired, right? This exhibit, this email was sent before you
19 got fired.

20 A. The document says here, yes.

21 Q. So I want to ask you some questions now -- we'll come
22 back to the timeline, but I want to ask some questions about
23 Ikram Mohamed. You know Ikram Mohamed, correct?

24 A. Correct.

25 Q. You were asked some questions about money to and from

1 Ms. Mohamed.

2 But it's true, is it not, that you never witnessed
3 any -- you never saw for yourself any payments to her or
4 kickbacks to her, correct?

5 A. I never saw in my face that she was getting the
6 kickbacks.

7 Q. Right. But Ikram Mohamed did tell you about that,
8 right, tell you that she was receiving payments or, as you
9 put it, kickbacks?

10 A. Yes. Me and Aimee, yes.

11 Q. She told you that she would never accept a check from
12 somebody as a kickback, correct?

13 A. She said she will not get a kickback as a cash -- as a
14 check.

15 Q. Only cash. It must be cash. That's what she told you,
16 right?

17 A. At that meeting, yes.

18 Q. And as far as you knew, she was getting her kickbacks in
19 cash, correct?

20 A. That's what she told us, yes.

21 Q. And she, in fact, gave you a kickback through Aimee Bock
22 in cash, right?

23 A. Aimee gave me cash that she give it to Aimee.

24 Q. When Aimee gave you the cash, it was \$5,000, right?

25 A. Correct.

1 Q. And she said it was from Ikram Mohamed, right?

2 A. Correct.

3 Q. And she said, well, something to the effect of, if you
4 don't take this, you can't be my friend anymore, something
5 like that?

6 A. Something like that.

7 Q. So being the nice, friendly person that you are, you
8 took the \$5,000, right?

9 MR. JACOBS: Objection, Your Honor.
10 Argumentative.

11 THE COURT: Overruled. It will stand.

12 BY MR. GOETZ:

13 Q. Right?

14 A. I took the cash from Aimee, yes.

15 Q. And Ikram Mohamed, in terms of what she told and what
16 you knew about how she accepted the kickbacks, she used a
17 system called ayuuto. A-Y-U-U-T-O. You are familiar with
18 that system, right?

19 A. I know that system, yes.

20 Q. And the ayuuto system, the way it works is basically
21 there's a series of people or entities that you might pay
22 money to and it kind of goes around and then comes back to
23 the person the money was originally intended for, right?

24 A. Correct.

25 Q. So that's how Ikram Mohamed received her kickbacks.

1 Somebody would give a payment to, say, an entity called
2 Durdur, D-U-R-D-U-R, right?

3 A. That's what she, that's what she, me and Aimee, told us,
4 yes.

5 Q. Right. This is how she explained she did it.

6 So Ikram Mohamed -- somebody would give money to
7 Durdur; and then Durdur might give the, say, \$5,000 to
8 somebody else; and that other person then would give it to
9 Ikram Mohamed, correct?

10 A. I don't believe we talked about any site. We just talk
11 about in general how she will get money.

12 Q. Exactly. And that's all I'm asking you.

13 In general, how she would get money, it would go
14 through a series of entities, this ayuuto, before it would
15 get to her, correct?

16 A. She would get cash from several people, yes.

17 Q. To be clear, because we need to -- it will go much
18 quicker, sir, and you will be off that witness stand if you
19 just answer my questions directly, right?

20 And I'm just asking you this. The payment would
21 not go directly to Ikram Mohamed. It would go through a
22 series of people or entities before it would be given to
23 her. Correct?

24 A. She said she will get cash as ayuuto.

25 Q. And ayuuto is this series of entities. It goes

1 through one entity to another entity and then to Ikram
2 Mohamed, right?

3 A. Person to person to person, sir.

4 Q. Person to person to person to Ikram, right?

5 A. Correct.

6 Q. And Ikram Mohamed, you told this jury a number of times,
7 she took your spot at Feeding Our Future, correct?

8 A. Correct.

9 Q. So if you're fired from Feeding Our Future some time
10 after July 29, 2021, it was some time after that, say some
11 time in August, that Ikram Mohamed took your spot. Can we
12 agree on that?

13 A. No, sir.

14 Q. Well, you are not fired until some time after July 2021.
15 We just went through that, didn't we?

16 A. I was fired June or July, sir.

17 Q. You keep saying that, but we've established and you
18 agree that you could not have sent that email on July 29,
19 2021, that's in evidence as Exhibit D7-189 if you are still
20 working -- if you are fired, right?

21 A. But the document you showed me, I did not see my email
22 on it, sir.

23 Q. Okay. You are denying that's an email from Hadith Ahmed
24 to Aimee Bock with your Feeding Our Future title and
25 everything on that?

1 A. I'm not denying it. I'm just saying that it didn't say
2 my name on it, sir.

3 Q. It didn't say Hadith Ahmed on it?

4 A. My company email, Feeding Our Future, it didn't say.

5 Q. Okay. And what I showed you had your company email on
6 it, didn't it?

7 A. On the top one, yes.

8 Q. Yeah. And that's the exact same thing that we have in
9 evidence as Exhibit D7-189, right?

10 A. I'm not sure if it was the same document, sir.

11 Q. But it was after you're fired that Ikram Mohamed takes
12 your spot, right?

13 A. No, sir.

14 Q. I'm sorry. I thought you told us that at least two or
15 three times already.

16 A. She took over my spot while I was at Feeding Our Future,
17 sir.

18 Q. When did she take over your spot?

19 A. I don't remember the exact date; but when she took over
20 to be site supervisor for site supervisors, I switched my
21 role into just childcare, nothing to do with the food
22 program, and I stayed for I think a month or two month.

23 Q. So then if you are fired -- and you said, you said a
24 couple times June, July, June, August.

25 If you are fired some time in August, then it was

1 some time in, what, late June when she took over your spot?

2 A. I was fired June or July. She took over before June or
3 July, sir.

4 Q. Let's talk about somebody else. Well, actually, let's
5 talk about your termination.

6 As I understand your testimony, you were fired
7 because, even though you'd been engaged in breaking rules
8 and breaking laws for a long time, all of a sudden somebody
9 came to you with new sites, and you felt they had to be
10 inspected first, and they objected, and that's why you were
11 fired? Is that --

12 A. No, sir.

13 Q. Why were you fired? Why do you claim you were fired?

14 A. Somebody submitted sites that did not operate for almost
15 a year, and she wanted me to help submit those get
16 reimbursement.

17 After Aimee find out that -- she talked to her
18 staff and she found out that nobody know those sites were
19 operating, she said Hadith knew about it. I was called. I
20 told Aimee and the owner of the sites, the sites, that I
21 have never seen those sites operate, why don't you just keep
22 them and continue as an after-school. Then she said that
23 Ikram is helping other people, why can't you not help me.

24 Q. Okay. So all of a sudden you were concerned about
25 following the rules, and that's why these sites didn't get

1 approved? Is that what you want us to believe?

2 A. No. You need to believe that the sites -- when I was
3 asked if the sites were operating for the last year, I told
4 the truth they were not and I have never seen them operate.

5 Q. All right. And that's why you contend you were fired?

6 A. Couple days later, yes, I was fired.

7 Q. Okay. Wasn't it because you were fired because you were
8 stealing from the company?

9 A. Nope, sir.

10 Q. Were you fired because you were sexually harassing
11 employees?

12 A. No, sir.

13 Q. Are you laughing?

14 A. I am laughing with that, yes.

15 Q. Okay. You know a woman by the name of Genesis Alonso?

16 A. I know Genesis, yeah, Genesis, yep.

17 Q. Do you think sexual harassment is funny?

18 A. I don't believe it is funny. It's how you are accusing
19 me it makes me funny.

20 Q. Ah, because you would never do something like that.

21 A. I would never do something like that.

22 Q. Genesis Alonso is a woman who you supervised while you
23 were at Feeding Our Future, correct?

24 A. I was not supervising her.

25 Q. She was working at Feeding Our Future while you were

1 there. Can we agree on that?

2 A. We can agree on that.

3 Q. And you would make comments about her breasts, would you
4 not?

5 A. That's inappropriate, sir.

6 Q. It is inappropriate; but you did it, didn't you?

7 A. I did not, sir.

8 Q. Didn't you make sexual comments to Genesis Alonso?

9 A. That's a lie, sir.

10 Q. Were you aware that Genesis Alonso had mentioned that
11 you had engaged in that conduct to federal officers?

12 A. I'm sorry, sir?

13 Q. Were you aware that Genesis Alonso had made statements
14 that you made sexually inappropriate comments about her
15 breasts and made sexual comments about her and she told
16 federal agents that you had engaged in that conduct? Were
17 you aware of that?

18 A. First time I heard is from your mouth, sir.

19 Q. So at all the times that you met with the federal
20 prosecutors and the federal agents, they never once
21 questioned you about this inappropriate -- this allegation
22 that you had engaged in inappropriate conduct?

23 A. It's false, sir.

24 Q. That wasn't my question. In all the times that you've
25 met with the federal prosecutors and the federal agents,

1 they never once brought this to your attention that somebody
2 had accused you of engaging in sexually inappropriate
3 behavior at work?

4 A. That is a false allegation, sir.

5 Q. You are not answering my question, sir. Listen
6 carefully. I will try to make it clear. All right? So
7 just listen. Okay? Here's my -- just listen.

8 My question is, In all the years of meetings that
9 you have had with the federal prosecutors and the federal
10 agents, they never told you that Genesis Alonso had accused
11 you of sexually inappropriate behavior at work? They never
12 told you that?

13 A. It never happened, and they never told me.

14 Q. I want to ask you about somebody else. Mahad Ibrahim.
15 You know Mahad Ibrahim?

16 A. Correct.

17 Q. He's somebody that you've described as the genius guy.
18 Do you remember using something like that?

19 A. I don't remember using that word, sir.

20 Q. But you would agree with that, right? Mahad Ibrahim is
21 a genius guy, PhD, right?

22 A. I would agree he's smart, educated.

23 Q. Okay. Somebody who you have noted knows the food
24 program, right?

25 A. I don't think he knew about the food program, sir.

1 Q. Do you remember -- I know there's been a lot of dates,
2 but you've met with the federal agents -- and I'm going to
3 give you a date from a report -- July or, sorry, June 29,
4 2022.

5 If there's a report that has that date on it,
6 would you disagree that you met with federal agents on that
7 day?

8 A. I will not disagree or agree, sir.

9 Q. Why not? It's a simple question.

10 A. Because I don't remember the dates, sir.

11 Q. Okay. But that's not my question.

12 My question is, If there's a report that has that
13 date on it where the agents say this is when we met with
14 Mr. Ahmed, Mr. Hadith Ahmed, would you dispute that date?

15 A. I will not dispute because I don't remember, sir.

16 Q. And if that report indicates that during that meeting --
17 and when you go into these meetings, you want to tell the
18 truth as you believe it to be to these federal prosecutors
19 and these federal agents, right?

20 A. The truth, yes.

21 Q. You are not there to lie to them, are you?

22 A. To tell the truth.

23 Q. And you want to say whatever you can to try to get as
24 much benefit as you can ultimately down the road, right?

25 A. To tell the truth, sir.

1 Q. And what you told them, right, was that you referred to
2 Mahad Ibrahim as a genius guy who knows the food program and
3 has worked with large nonprofits before?

4 A. I don't recall me saying that, sir.

5 Q. But would you dispute that you said that?

6 A. I will not agree or disagree, sir.

7 Q. Is there any reason that you have difficulty answering
8 questions for defendants' counsel when you didn't with the
9 prosecutor?

10 A. Yes.

11 MR. JACOBS: Objection, Your Honor.

12 Argumentative.

13 THE COURT: Overruled.

14 You may answer.

15 THE WITNESS: How you put the question is very
16 confusing, sir, and it is not correct.

17 BY MR. GOETZ:

18 Q. Okay. Well, let me try to ask it again. And if there's
19 a report that indicates that you told the agents that Mahad
20 Ibrahim is the genius guy who knows the food program and has
21 worked with large nonprofits before, would you deny saying
22 that?

23 A. I will not deny or agree, sir, because I don't remember.

24 Q. Did something happen to you last night that causes you
25 not to be able to remember things today? And I'm seriously

1 asking --

2 MR. JACOBS: Objection, Your Honor.

3 MR. GOETZ: I'm seriously asking that question.

4 MR. JACOBS: Objection, Your Honor.

5 THE COURT: I'm going to overrule it.

6 Can you answer the question?

7 THE WITNESS: I will not answer that question,

8 sir.

9 MR. GOETZ: You have to answer.

10 THE COURT: Sir, I'm sorry, the question was, Did
11 something happen to you last night? That's all that --

12 THE WITNESS: No.

13 THE COURT: All right. Continue, please.

14 BY MR. GOETZ:

15 Q. If we can have E-28, please.

16 Showing you what's in evidence as Exhibit E-28,
17 you recognize this?

18 A. Yes.

19 Q. And this is an email that you got from Mahad Ibrahim,
20 the genius guy, concerning Dar Al-Farooq counts on March 4
21 of 2021, right?

22 A. It's an email from Mahad to me and Aimee, sir.

23 Q. Right.

24 A. Yes.

25 Q. You are copied on this email?

1 A. Yes.

2 Q. Can we look at E-29, please.

3 This is another email that you got from Mahad
4 Ibrahim, correct?

5 A. Correct.

6 Q. And this, again, concerned the Dar Al-Farooq site,
7 correct?

8 A. Correct.

9 Q. We'll come back to that one again later, but let's look
10 at Exhibit E-30.

11 And this is an email within an email. It's an
12 email chain. But do you see that Mahad Ibrahim again sent
13 you an email and Aimee on March 4, 2021, concerning -- this
14 again concerned Dar Al-Farooq, correct?

15 A. Correct.

16 Q. Thank you.

17 Now, you never went to any site while you were
18 with Feeding Our Future, correct, in your supervisory role?

19 A. I been to couple, couple sites.

20 Q. But you never went to the Dar Al-Farooq site, did you?

21 A. I did not as a site.

22 Q. And you do not know if they were distributing food there
23 or not, based upon your personal knowledge, correct?

24 A. I do not.

25 Q. So week in, week out, you don't know how many meals were

1 distributed there at all, do you?

2 A. Other than seeing the meal counts.

3 Q. From your personal knowledge, seeing the food, you don't
4 have any personal knowledge one way or the other how much
5 food was distributed at Dar Al-Farooq, correct?

6 A. I never been to Dar Al-Farooq sites, sir.

7 Q. But you do know that as a mosque the Dar Al-Farooq is a
8 large mosque, correct?

9 A. That's correct.

10 Q. Are you a practicing Muslim?

11 A. Alhamdulillah.

12 COURT REPORTER: Say that again, please.

13 THE WITNESS: Alhamdulillah.

14 BY MR. GOETZ:

15 Q. As you describe it, that's a high-traffic area, correct?

16 A. Correct.

17 Q. Can we have D7-23, please.

18 Showing you what's in evidence as Exhibit D7-23,
19 you talked about fake invoices, sir, but --

20 And if we can just scroll down slowly page after
21 page after page.

22 This is not a fake invoice, is it?

23 A. I don't believe it is, sir.

24 Q. So I want to now talk about -- a couple questions about
25 what you actually did when you were a site supervisor.

1 Part of your job as a site supervisor includes
2 training for the sites under your supervision, right?

3 A. Correct.

4 Q. The Federal Child Nutrition Program during the pandemic,
5 which is the only time you were working in it, was
6 incredibly complex. Would you agree with that?

7 A. No, sir.

8 Q. Were you aware that there were 113 waivers issued by the
9 U.S. Department of Agriculture concerning the food program?

10 A. I wasn't aware.

11 Q. So whether or not there were waivers about congregate
12 dining or allowing parents to pick up meals for children or
13 allowing sites to submit a list of attendees, rather than
14 names of people who actually pick up meals, you don't know
15 one way or the other, do you?

16 A. I know that.

17 Q. You are not, apparently, you are not aware of 113
18 waivers, but you know these things?

19 A. When extension happens, Aimee will tell us, yes.

20 Q. Okay. So you are relying upon Aimee Bock to tell you
21 this information, correct?

22 A. To tell us what is happening, yes.

23 Q. The woman you claimed was consumed by this lawsuit that
24 she was involved in with MDE.

25 A. Correct.

1 Q. That's who you are relying on, right?

2 A. Correct.

3 Q. And then, in turn, all the sites, the vendors, the
4 people who actually have to get the food out there that are
5 under Feeding Our Future sponsorship, are relying on you,
6 right, and the site supervisors to tell them what they have
7 to do to follow the rules?

8 A. We just tell them how to give out food and how to take
9 meal counts.

10 Q. It's kind of hard to tell them that, though, when you
11 never go to the sites, isn't it?

12 A. I been to couple sites, but not all of them, yes.

13 Q. And, in fact, I think you told us in great detail that
14 you really didn't care about going out to the sites and you
15 didn't care about having the people that you supervise going
16 out to the sites. That's the way it was at Feeding Our
17 Future, wasn't it?

18 A. That's correct.

19 Q. So you didn't care that the people who were actually
20 doing the work knew how to do it.

21 A. We'll tell them how to take the meal counts, what food
22 to buy, but we didn't care how many meals that they giving
23 out because I was getting paid kickbacks.

24 Q. And you didn't care if you even went out to the site and
25 make sure they were doing it correctly, answer any

1 questions, because that never happened, did it?

2 A. I will not go to a site that I was getting kickback
3 from.

4 THE COURT: Sir, I'm going to interrupt you for a
5 moment. Mr. Goetz asked you whether you were a practicing
6 Muslim?

7 THE WITNESS: Yes.

8 THE COURT: And you answered, and I don't believe
9 your answer was in English.

10 THE WITNESS: It wasn't.

11 THE COURT: Could you please give the English
12 translation for the court reporter on the record?

13 THE WITNESS: Praise to God.

14 MR. GOETZ: Thank you, Your Honor.

15 BY MR. GOETZ:

16 Q. So I want to ask you some more questions now, a little
17 different topic, but about Feeding Our Future.

18 You said basically everyone at Feeding Our Future
19 was in on it, everyone taking kickbacks. Do you remember
20 that testimony?

21 A. All of our site supervisors, yes, sir.

22 COURT REPORTER: Would you say that again, please?

23 THE WITNESS: All of our supervisors, yes.

24 BY MR. GOETZ:

25 Q. Was everyone at Feeding Our Future in on it, what you

1 were doing?

2 A. All the site supervisors, yes, sir.

3 Q. Norma Cabadas. C-A-B-A-D-A-S. Do you know her?

4 A. I know Norma, yes.

5 Q. There's a couple Normas. So Norma Cabadas, the one who
6 was a supervisor at Feeding Our Future. You know who I am
7 talking about?

8 A. There was two Normas, but I don't think either one was a
9 supervisor.

10 Q. Norma Cabadas. Was she -- did she commit fraud?

11 A. I don't know, sir.

12 Q. Was she taking kickbacks?

13 A. I haven't seen her taking kickbacks.

14 Q. Genesis Alonso. We've talked about her?

15 A. Correct.

16 Q. Was she committing fraud?

17 A. She wasn't a site supervisor, sir.

18 Q. So was she taking kickbacks?

19 A. I don't know.

20 Q. Norma Lopez, the other Norma. Do you know her?

21 A. I do, sir.

22 Q. Was she committing fraud?

23 A. She wasn't a site supervisor.

24 Q. Was she taking kickbacks?

25 A. I don't know.

1 Q. Cole Flynn. Do you know him?

2 A. I do.

3 Q. Was he committing fraud?

4 A. I don't know.

5 Q. Was he taking kickbacks?

6 A. I don't know.

7 Q. So Ikram Osman. Do you know her?

8 A. I believe I do.

9 Q. Was she committing fraud?

10 A. I don't know.

11 Q. Was she taking kickbacks?

12 A. I do not know.

13 Q. These were all people you worked with at Feeding Our
14 Future. Yes?

15 A. That's correct.

16 Q. I want to move to a different topic. We're going to
17 talk about some of your forms, just a few questions, with
18 Southwest Metro Youth.

19 Could we have Q-38, please.

20 So as I understood your testimony -- and if we can
21 go to the second page -- these meal counts were documents
22 either you or Mr. Eidleh, your partner, would submit so you
23 could get reimbursed, correct?

24 A. I will write it down, and then one of us will submit it,
25 yes.

1 Q. So either you would complete it or he would complete it,
2 correct?

3 A. Correct.

4 Q. So there's a name here where it says supervisor?

5 A. Correct.

6 Q. At the top.

7 A. Correct.

8 Q. Could we just blow it up, please?

9 That was a fake name?

10 A. It was an employee that was a packaging, food packaging
11 employee.

12 Q. But you put their name there, right?

13 A. Correct.

14 Q. And down at the bottom, if you completed these
15 documents, you would agree then that this is what you filled
16 out. You wrote that employee's name for them.

17 A. That's correct.

18 Q. And the next page. Again, the name, the signature at
19 the bottom, that's a forgery.

20 A. That's correct.

21 Q. And if we go to Q-39, please. Page -- the next page. I
22 don't know if we can rotate that, unless everybody can just
23 (indicating). There we go. Thank you.

24 Again, this is a -- it's not a signature, but in
25 the signature line that's something you or Mr. Eidleh

1 forged, right?

2 A. Correct.

3 Q. Go to Q-42, page -- Exhibit Q-42, please. Page 2,
4 please.

5 So this is a different name, Mohamed Hassan, but,
6 again, the signature line at the bottom -- if we can just
7 blow that up -- that, again, is a forgery, correct?

8 A. Correct.

9 Q. So each and every time on these meal count forms we see
10 the name of a site supervisor, that is a forgery?

11 A. Correct.

12 Q. I want to ask you a follow-up question about Mr. Eidleh.
13 Mr. Birrell just asked you some questions about that, and I
14 was just curious.

15 So January 20th of 2022, around that period, that
16 was a big time in your life, right?

17 A. That was when the search warrant happened, yes.

18 Q. Right. So you've been involved in this fraudulent
19 conduct. All these search warrants are executed. And
20 you're concerned that you are going to be maybe some day
21 before a federal judge or a judge having to answer for what
22 you did, right?

23 A. I knew what I was doing even before that, sir.

24 Q. Sure. But on that day you thought, to use an old
25 phrase, the jig must be up or you might be caught, right?

1 That's what you thought as of June -- sorry -- January 20th
2 of 2022. That's what you were feeling, right?

3 A. I knew something will happen.

4 Q. That certainly got your attention. You knew that
5 this -- the search warrants were being executed, correct?

6 A. Correct.

7 Q. And there was a lot of publicity.

8 A. That's correct.

9 Q. And you knew that your partner in crime was Mr. Eidleh,
10 right?

11 A. Correct.

12 Q. And as I understand your testimony under oath before
13 this jury, you never like picked up the phone and said, hey,
14 these search warrants just got executed, I think we might be
15 in trouble. You never had any kind of contact with him
16 about what was happening here in Minnesota.

17 A. At the search warrant, no, we did not.

18 Q. And at no time -- even when you got that call from the
19 FBI in June of 2022, you never called Mr. Eidleh and said,
20 oh, man, the jig must be up here, we're in trouble. You
21 never called your partner.

22 A. He wasn't in the country, sir.

23 Q. That's not what I'm asking. You can call all over the
24 world these days. You know that, right?

25 A. I don't think so, sir.

1 Q. You don't -- it's your testimony under oath before this
2 jury that you don't know you can place international phone
3 calls?

4 A. I can use WhatsApp if we have the same numbers, yes.

5 Q. Sure. And you can make a phone call, right?

6 A. I didn't have his number, yes, sir.

7 Q. Your partner, who you had had all this conduct with way
8 back to 2020, you didn't have his number?

9 A. I had it before. After that, I didn't.

10 Q. Did you make any effort to contact him after the search
11 warrants were executed to let him know what was going on
12 here in Minnesota?

13 A. No.

14 Q. Why not?

15 A. Because I know what I did was wrong.

16 Q. Yeah, but what about your partner? Did you want to tell
17 him?

18 A. I would not.

19 Q. And you said you knew what you did was wrong in January
20 of 2022, but you'd never went then down to the FBI then
21 until months later after they contacted you, right?

22 A. Pretty sure he was aware of it.

23 Q. How do you know if you didn't talk to him?

24 A. We were all taking a kickback, sir.

25 Q. All right.

1 MR. GOETZ: If I may just have a moment to check
2 my notes, please, Your Honor. I don't have much more.

3 THE COURT: You may.

4 BY MR. GOETZ:

5 Q. Did the -- at any time, Mr. Ahmed, when you met with
6 these federal agents and prosecutors, did they ever ask to
7 see your cell phone?

8 A. No.

9 Q. Did you ever volunteer to show them your cell phone so
10 they could look at the contents and see who you'd been
11 communicating with?

12 A. No.

13 Q. They never asked?

14 A. I believe they never did.

15 Q. Was your cell phone ever searched?

16 A. I believe my work phone, yes.

17 Q. But not your personal phone?

18 A. Not the new number that I have.

19 Q. So I just have a few final topics, just to clarify. You
20 were asked a lot of questions about some documents. And,
21 again, you had difficulty remembering dates, but just to
22 look at D5-313, which is in evidence.

23 So you looked at this document with Mr. Schleicher
24 this morning. You remember looking at it before?

25 A. I do remember looking at it before, yes.

1 Q. And right at the top it says, "This office has been
2 advised that you," because it's addressed to you, "wish to
3 meet with the government for the purpose of making a proffer
4 in connection with the above-referenced matter."

5 Did I read that correctly?

6 A. Yes.

7 Q. "The interview will take place under the following terms
8 and conditions." And then there are terms and conditions
9 that you reviewed with Mr. Schleicher.

10 Did I read that portion correctly?

11 A. Yes, you did.

12 Q. Now, please go to page 3.

13 And you see a signature line that says Hadith
14 Yusuf Ahmed?

15 A. Yes.

16 Q. Is that your name?

17 A. Correct.

18 Q. Is that your signature?

19 A. Yes.

20 Q. And what is the date?

21 A. 6/22/22.

22 Q. June 22nd of 2022, correct?

23 A. Correct.

24 Q. And before you signed that, you attested, as it says,

25 "I, Hadith Yusuf Ahmed, have read the agreement" -- could we

1 just blow that up, please -- "read the agreement contained
2 in this letter and have carefully reviewed it with my
3 attorney. I understand it and I voluntarily, knowingly and
4 willingly agree to it without force, threat or coercion."

5 You read it, and then you signed it, right?

6 A. I read it with my attorney, yes.

7 Q. And then you sat down to talk to the government,
8 correct?

9 A. I believe I did meet them after that, yes.

10 Q. Can we please have page -- or Exhibit D5-315, please.

11 And this is the cooperation letter that is
12 addressed to your lawyer, right? You recognize that name
13 Richard Dansoh?

14 A. Yes.

15 Q. And if we can go to the third page of this document --
16 the fourth page. I'm sorry.

17 And, again, you see your name?

18 A. Yes.

19 Q. You see your signature?

20 A. Yes.

21 Q. And it's the same language. If we can just blow this
22 up. "I, Hadith Yusuf Ahmed, have read this letter fully and
23 have carefully reviewed it with my attorney. I understand
24 it and I voluntarily, knowingly and willingly accept its
25 terms without force, threat or coercion."

1 Did I read that correctly?

2 A. Correct.

3 Q. And you signed this with your lawyer on October 5 of
4 2022, correct?

5 A. Correct.

6 Q. And if we can go to D5-314, which I will now offer.

7 THE COURT: You're offering D5-314?

8 MR. GOETZ: Yes, please, Your Honor.

9 THE COURT: Any objection? I don't see it on the
10 screen.

11 MR. GOETZ: Plea agreement.

12 MR. JACOBS: Your Honor, it's in evidence already,
13 but no objection.

14 MR. GOETZ: I don't think it had been offered,
15 Your Honor.

16 THE COURT: Okay. D5-314 is admitted.

17 BY MR. GOETZ:

18 Q. So this is the plea agreement that we've talked about,
19 right?

20 A. Correct.

21 Q. And you see on page, on paragraph 1 -- if you just blow
22 that up -- "defendant agrees to plead guilty to Count 1 of
23 the Information, which charges the defendant with conspiracy
24 to commit wire fraud, in violation of 18 U.S.C. Section 371.
25 The defendant fully understands the nature and elements of

1 the crimes with which he has been charged."

2 Did I read that correctly?

3 A. Yes, you did.

4 Q. And you reviewed the information with Mr. Sapone? You
5 were asked about the information earlier today. Do you
6 remember that?

7 A. I believe so, yes.

8 Q. Okay. Now let's go to paragraph 18, please.

9 And above or just below paragraph 18, you again
10 see your name Hadith Yusuf Ahmed, right?

11 A. Correct.

12 Q. And you again see your signature, correct?

13 A. Correct.

14 Q. And the date on this is October 13th of 2022, correct?

15 A. Correct.

16 Q. And in paragraph 18, it says this is the complete
17 agreement. "Defendant acknowledges that he has read this
18 plea agreement and has carefully reviewed each provision
19 with his attorney."

20 Did I read that correctly?

21 A. Yes, you did.

22 Q. "The defendant further acknowledges that he understands
23 and voluntarily accepts every term and condition of this
24 plea agreement."

25 Did I read that correctly?

1 A. Correct.

2 Q. And after you signed that plea agreement, you appeared
3 before Her Honor, Judge Brasel, correct? You were in court,
4 right?

5 A. If it was the same day, yes.

6 Q. At some point you were before Judge Brasel.

7 A. Yes.

8 Q. Right?

9 A. Yes.

10 Q. And Judge Brasel carefully reviewed this very same
11 document with you to make sure you understood it completely,
12 correct?

13 A. I believe she did, yes.

14 Q. Just a miscellaneous question.

15 You had difficulty remembering the name of the
16 lawyer for Feeding Our Future. Was that Rhyddid -- and I'm
17 butchering the first name, but Mr. Watkins? Does that sound
18 familiar?

19 A. That's correct.

20 Q. He's a lawyer out of Colorado?

21 A. Correct.

22 Q. And the first name R-H-Y-D-D-I-D. But you remember
23 that's the lawyer, right?

24 A. Correct.

25 Q. The last thing I want to review with you, Mr. Ahmed, is

1 you told the jury yesterday -- as I understood your
2 testimony, you contend that you helped transfer the
3 Dar Al-Farooq site to Feeding Our Future. That's what you
4 told us yesterday, right?

5 A. Correct.

6 Q. That testimony, when you looked at the jury and told
7 them that, was a lie, wasn't it?

8 A. It wasn't a lie.

9 Q. Well, let's look at that.

10 C-97, please.

11 This is in evidence. Have you ever seen a form
12 like this?

13 A. On the CLiCS, yes.

14 Q. Okay. So this CLiCS 2 form, C-97, indicates that the
15 site, Dar Al-Farooq Islamic Center under ThinkTechAct, was
16 approved by the Minnesota Department of Education with a
17 sponsor, Feeding Our Future, as of September 2020. Do you
18 see that?

19 Can you blow that up, please.

20 A. September 2020 to April 2021.

21 Q. The effective date, as of September 2020, Dar Al-Farooq
22 Islamic Center, ThinkTechAct, was approved as a site under
23 the sponsorship of Feeding Our Future, right?

24 A. Dar Al-Farooq was pre-approved as a site under Feeding
25 Our Future, yes.

1 Q. Before you even came to work at Feeding Our Future,
2 Dar Al-Farooq was already approved as a site under Feeding
3 Our Future sponsorship, correct?

4 A. That's correct.

5 Q. So your testimony that you had to transfer the site was
6 a lie.

7 A. That wasn't a lie, sir.

8 Q. Let's look at C-93, please.

9 Again, this is another CLiCS document, correct?

10 A. Correct.

11 Q. Showing that Dar Al-Farooq Islamic Center, ThinkTechAct,
12 is approved as a site under the sponsorship of Feeding Our
13 Future beginning January of 2021, right, renewing that,
14 correct?

15 A. Dar Al-Farooq Islamic Center under ThinkTechAct approved
16 on January 2021 until September 2021.

17 Q. And who is the sponsor?

18 A. Can you go down a little bit?

19 Q. Go to the top, please.

20 A. Feeding Our Future.

21 Q. And if we can look at C-320, please.

22 You were shown this yesterday. This is an email.
23 It's in evidence. C-320. This is from Mukhtar Shariff to
24 aimee@feedingourfuturemn.org.

25 And you know that to be the email address of Aimee

1 Bock, correct?

2 A. Yes.

3 Q. So as of December 18, 2020, Mukhtar Shariff -- "Hi,
4 Aimee. This is Mukhtar Shariff, assistant director at
5 Dar Al-Farooq. It's a pleasure to e-meet you. I've
6 attached the site transfer request form for your reference.
7 When do you think you will have a chance to get this
8 complete on your end? I'd love to get this completed
9 today."

10 As of December 2020 -- December 18, 2020, they
11 were trying to get the Dar Al-Farooq site away from Feeding
12 Our Future, isn't that right, transfer it away?

13 A. I don't believe that's correct.

14 Q. Why would you -- if you can explain this to us, please
15 do.

16 We've established that Feeding Our Future was
17 already the sponsor for Dar Al-Farooq at this very same
18 time. Why would you need to transfer something to
19 somebody -- to someplace it was already there?

20 A. Because it wasn't under ThinkTechAct. It was under
21 another program.

22 Q. Please let's go back. And remember you are under oath.

23 A. Of course.

24 Q. C-97. Just blow up the top.

25 See where it says "Site"?

1 A. Yes.

2 Q. After the numbers, I want you to read that.

3 A. Dar Al-Farooq Islamic Center-ThinkTechAct.

4 Q. Let's look at Exhibit E-29, please.

5 So the government went through E-28 with you. I
6 want to go through the next exhibit, which is this one,
7 E-29.

8 This is from Mahad Ibrahim. And you are copied on
9 it, correct?

10 A. Correct.

11 Q. And it says, "Hi, Aimee and Hadith" -- we can just blow
12 that up, please -- "See below for documentation that
13 Dar Al-Farooq transfer was kicked back by MDE."

14 Do you see that?

15 A. I see that.

16 Q. And if we could please scroll all the way down to the
17 end of this exhibit.

18 This email chain starts with a request from Kara
19 Lomen. And you know she's the executive director of
20 Partners in Quality Care, a/k/a PIN, correct?

21 A. Correct.

22 Q. "We have three sites that are pending transfer since
23 December" --

24 And you remember that email we just looked at with
25 Mr. Shariff. That was in December, right?

1 A. Correct.

2 Q. -- "(almost three months) and are waiting on the
3 processing of their claims. I have sent several emails to
4 MDE about these sites, and the program themselves has called
5 and emailed MDE."

6 And what -- the first site listed is what?

7 A. Dar Al-Farooq.

8 Q. So do you still contend, Mr. Ahmed, that you were
9 working to get Dar Al-Farooq transferred to Feeding Our
10 Future?

11 A. We were bringing Dar Al-Farooq under ThinkTechAct under
12 Feeding Our Future.

13 Q. The sponsor and the entity it had been under since
14 December of 2020. Isn't that the reality of it, sir?

15 A. As a site, two sponsors can use into three different or
16 five nonprofits. At this time there was a Feeding Our
17 Future site that was on a different company. Dar Al-Farooq,
18 ThinkTechAct, they wanted to transfer under their ThinkTech.
19 And I process and help them take out the other company and
20 ThinkTechAct to take the Dar Al-Farooq site.

21 Q. The site that it had already had since September of
22 2020, at least. Do you need to look at the exhibit again?

23 A. If you look at the document they showed to me, the site
24 program was not Dar Al-Farooq. The site program was
25 different company.

1 Q. You are under oath.

2 Let's look at C-97 again. 97.

3 Sponsor, Feeding Our Future. Did I read that
4 correctly?

5 A. Yes, you did.

6 Q. Site, Dar Al-Farooq Islamic Center-ThinkTechAct. Did I
7 read that correctly?

8 A. You need to see site program.

9 Q. Did I read that correctly?

10 A. You need to see the site program, sir.

11 Q. Did I read that correctly?

12 MR. JACOBS: Objection, Your Honor.

13 THE COURT: Mr. Goetz.

14 MR. GOETZ: I'm sorry.

15 BY MR. GOETZ:

16 Q. Just answer the question. Did I read that correctly?

17 A. You did. The site was operating under --

18 Q. Answer the question, sir.

19 MR. JACOBS: Objection, Your Honor. Can the
20 witness finish his answer?

21 MR. GOETZ: Not if it's --

22 THE COURT: Sir, I will have you --

23 It's an appropriate matter for redirect. The
24 answer stands.

25 MR. GOETZ: And I'm apologizing. I'm losing my

1 composure. I apologize.

2 THE WITNESS: It's okay, sir.

3 MR. GOETZ: I have one last question.

4 THE WITNESS: It's okay.

5 MR. GOETZ: The approval effective date range, it
6 starts September 2020. Did I read that correctly?

7 THE WITNESS: That's what you read, yes.

8 MR. GOETZ: I have no further questions.

9 THE COURT: Mr. Cotter.

10 MR. COTTER: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. COTTER:

13 Q. My name is Patrick Cotter.

14 A. Hi.

15 Q. Hi. I don't have much for you.

16 Do you recall yesterday when you testified --
17 strike that. Would you agree with me that the pandemic that
18 struck the entire world occurred and took hold here in
19 Minnesota on approximately March of 2020?

20 A. At the beginning of 2020, yes.

21 Q. All right. Do you recall testifying yesterday that
22 there was a clicker? Do you remember using that term
23 "clicker"?

24 A. Yes.

25 Q. And you just used your finger like this clicker

1 (indicating), right?

2 A. Yep.

3 Q. All right. Do you recall testifying that it wasn't
4 until April of 2021 that you at Feeding Our Future, the
5 sponsor, were told there would be a change in the rules
6 where you had to actually take down names, right?

7 A. At some point, yes, in 2020.

8 Q. You said yesterday specifically it was in April of 2021
9 that was the first time at the sponsor level you were aware
10 that names had to be taken down at the sites when delivering
11 food, correct?

12 A. I believe at that time there was a stop pay at Feeding
13 Our Future.

14 Q. Do you recall yesterday testifying that that was in
15 April of 2021?

16 A. I do not recall.

17 Q. You don't recall what you said yesterday?

18 A. I do not recall if I said it was April 2021.

19 Q. All right. Par for the course.

20 Would you agree that that would be about a year
21 after the start of the pandemic, if it was around April of
22 2021?

23 A. If the COVID started 2020, '20, it would be after a
24 year, yes.

25 Q. All right. You do recall at least at some point in 2021

1 at the sponsor level there was a change where you had to
2 start taking down names, but before that you just had a
3 clicker, right?

4 A. Correct.

5 Q. All right. A couple last questions. We can do this the
6 easy way or the hard way.

7 Is it fair to say that up until you met with
8 police officers you were very comfortable lying on a regular
9 basis?

10 A. I did not meet police officers.

11 Q. In June of 2022 you did, and it's already been
12 established.

13 Is it fair to say that up until that point you
14 were very confident in the lying?

15 A. I did not meet police officers, sir.

16 Q. The FBI? They're police officers, law enforcement.
17 It's already been established.

18 So up until June of 2022, is it fair to say that
19 you were comfortable lying?

20 A. I did not lie.

21 Q. Prior to meeting with law enforcement, you didn't lie?

22 A. I did not lie.

23 Q. Oh, okay. Okay. Is it fair to say that you were
24 comfortable bragging about all the money you stole before
25 you met with police officers?

1 A. I wasn't bragging about.

2 Q. Didn't you testify yesterday you'd brag on Facebook and
3 everything about all the money you were stealing?

4 A. That's a lie.

5 Q. Oh, you didn't testify to that yesterday?

6 A. I testified, but I didn't say that.

7 Q. You said you put on Facebook that you would brag about
8 the money you stole.

9 A. That's a lie.

10 MR. COTTER: All right. No further questions.
11 The jury will decide that.

12 THE COURT: Any other defense attorney wish to
13 cross-examine?

14 MR. BRANDT: No further questions from us, Your
15 Honor.

16 THE COURT: Thank you.

17 Mr. Jacobs.

18 REDIRECT EXAMINATION

19 BY MR. JACOBS:

20 Q. Mr. Ahmed, just a few questions for you. Okay?

21 A. Okay.

22 Q. You were just asked a question about whether you
23 testified yesterday that you bragged on Facebook or social
24 media. Did you brag on Facebook or social media?

25 A. I never did.

1 Q. What did you testify yesterday?

2 A. To tell the truth.

3 Q. But what did you testify, who bragged on social media?

4 A. A lot of people were bragging on social media.

5 Q. Was that your testimony yesterday?

6 A. I don't recall if I say that.

7 Q. Now, you were asked some questions about Mr. Eidleh and
8 whether or not you had communications with him after the
9 search warrant. Do you remember those questions?

10 A. I do.

11 Q. Did you know that Mr. Eidleh had left the country to
12 Mogadishu prior to the search warrant being executed?

13 A. I knew he left the country, yes.

14 Q. Been gone for months?

15 A. Correct.

16 Q. Is that why you didn't reach out to him?

17 A. Yes.

18 Q. I'm showing you Government Q-38, which is already in
19 evidence, and I'm going down to the second page.

20 You were asked several questions about meal count
21 sheets and the people who signed them and submitted them.
22 And you were asked a question about Ayan Liban. Do you
23 remember that?

24 A. Correct.

25 Q. And whether that was Ayan Liban's signature on the meal

1 count sheet?

2 A. Correct.

3 Q. Is it Ayan Liban's signature?

4 A. I signed it.

5 Q. Did Ayan Liban get paid millions of dollars in
6 fraudulent proceeds?

7 A. No.

8 Q. I'm pulling up Government's C-93. You were just asked a
9 bunch of questions about this document. Do you remember
10 those?

11 A. Yes.

12 Q. And questions about when Feeding Our Future and
13 ThinkTechAct got involved with the Dar Al-Farooq site.

14 A. Correct.

15 Q. And there was an insinuation --

16 MR. SCHLEICHER: Objection, Your Honor.

17 THE COURT: Overruled.

18 BY MR. JACOBS:

19 Q. There was an insinuation that it was back in September
20 of 2020. Do you remember that?

21 A. Yes.

22 Q. When did Dar Al-Farooq come under the sponsorship of
23 Feeding Our Future under ThinkTechAct?

24 MR. GOETZ: Objection. Foundation, Your Honor.

25 THE COURT: Overruled.

1 You may answer if you can.

2 THE WITNESS: Before February or January 2021.

3 BY MR. JACOBS:

4 Q. Now, I'm showing you what's already in evidence as
5 Government's Exhibit C-94. Do you recognize this document?

6 A. That was the site that was operating at Dar Al-Farooq.

7 Q. Explain that to the jury.

8 A. The site is NAYSE at Dar Al-Farooq. The address. The
9 vendor is Hilltop Grocery and Meat Market. Under
10 sponsorship of -- I don't see the sponsor. It's documents
11 that is saying that NAYSE was operating the Dar Al-Farooq
12 address site.

13 Q. Is that ThinkTechAct?

14 A. No.

15 Q. And what's the date of this document?

16 A. September 8, 2020, till September 8, 2021.

17 Q. So in September of 2020 who was the sponsor of the
18 Dar Al-Farooq site?

19 MR. GOETZ: Objection, Your Honor. Foundation.

20 THE COURT: Overruled.

21 You may answer if you can.

22 THE WITNESS: NAYSE was using the Dar Al-Farooq
23 site under Feeding Our Future.

24 BY MR. JACOBS:

25 Q. So you were just asked some questions on

1 cross-examination about whether ThinkTechAct was the site --
2 was the sponsor of Dar Al-Farooq in September 2020. Were
3 they?

4 A. No, they were not.

5 Q. Who was?

6 A. NAYSE.

7 Q. On cross-examination you were shown a series of checks
8 that were made out to Mizal Consulting. Do you recall
9 those?

10 A. Correct.

11 Q. And check after check after check to Mizal. Do you
12 remember that?

13 A. Yes.

14 Q. What were those checks for?

15 A. Most of them were kickbacks.

16 Q. You were also shown a check made out to you personally.
17 Do you remember that?

18 A. Yes.

19 Q. I'm showing you Government's O-225.

20 Mr. Ahmed, what account is this?

21 A. My Wells Fargo account.

22 Q. Personal or Mizal Consulting?

23 A. Personal.

24 Q. Now, I'm going to page 145. Is this the account that
25 that \$10,000 Empire check that was written to you personally

1 was directed to?

2 A. I'm sorry?

3 Q. Is that the account that the Empire check for \$10,000
4 was written to you personally was deposited into?

5 A. I deposit it to my personal Wells Fargo account.

6 Q. Okay. Going down to page 155, is this the same account?

7 A. I deposited this check to my personal account, yes.

8 Q. What is this check?

9 A. A check from Hope Supplier, amount of \$19,675.88.

10 Q. And who is it made out to?

11 A. To Hadith Ahmed.

12 Q. And what's in the memo line?

13 A. I believe it is loan payment.

14 Q. Was this check for a loan payment?

15 A. No.

16 Q. What was it?

17 A. It was my share of the money that I stole under
18 Southwest Metro Youth.

19 Q. Okay. Going down to page 157. Same bank account.
20 What's this check?

21 A. A check from Hope Supplier to Hadith Ahmed.

22 Q. To you personally?

23 A. To my personal account.

24 Q. For how much?

25 A. 25,000.

- 1 Q. And what is the memo line here?
- 2 A. Loan payment.
- 3 Q. What was this check for?
- 4 A. It was a share of the fraud scheme under Southwest Metro
5 Youth.
- 6 Q. Did you have another Wells Fargo personal account?
- 7 A. No.
- 8 Q. I'm showing you what is in evidence as O-226. Do you
9 recognize this account?
- 10 A. That's my personal account.
- 11 Q. Different Wells Fargo personal account?
- 12 A. Yes.
- 13 Q. All right. Going to page 85. What's this check?
- 14 A. Check from SAFA Child Care & Learning Center.
- 15 Q. Who is it made out to?
- 16 A. To Hadith Ahmed.
- 17 Q. What account did you deposit it into?
- 18 A. To my personal account.
- 19 Q. A check for \$127,000?
- 20 A. Correct.
- 21 Q. What's the memo line say?
- 22 A. Consultant.
- 23 Q. What was this check for?
- 24 A. Kickback.
- 25 Q. Going to page 86. Same bank account?

1 A. Yes.

2 Q. What's this check?

3 A. Check from Great Lakes Inc. to my personal account,
4 Hadith Ahmed.

5 Q. \$10,000 check?

6 A. Yes.

7 Q. Memo line?

8 A. Consulting exp.

9 Q. What was this check for?

10 A. Kickback.

11 Q. All right. Going down to page 93. Same account, same
12 bank account?

13 A. Yes.

14 Q. Your personal Wells Fargo account?

15 A. Correct.

16 Q. What's this check?

17 A. Check from Action For East African People.

18 Q. Made out to?

19 A. Hadith Ahmed.

20 Q. And what bank account did you deposit it into?

21 A. To my personal account.

22 Q. How much is this check for?

23 A. 200,000.

24 Q. What was that money for?

25 A. Kickback.

1 Q. Kickback?

2 A. Correct.

3 Q. Personal account?

4 A. Yes.

5 Q. I'm pulling up what was admitted into evidence as
6 Defendant's Exhibit D5-314.

7 And, Mr. Ahmed, this is your plea agreement. Do
8 you remember you were asked a number of questions about your
9 plea agreement?

10 A. Yes.

11 Q. Spent a lot of time being asked questions about the
12 first page of your plea agreement?

13 A. I'm sorry?

14 Q. You were asked a lot of questions about the first page
15 of your plea agreement?

16 A. Correct.

17 Q. I'm going to enlarge the first paragraph, Charges.
18 Mr. Ahmed, what were you charged with and what did you plead
19 guilty to?

20 A. I plead guilt Feeding Our Future fraud scheme, getting
21 kickbacks, wire transfer, wire fraud.

22 Q. Okay. So the charge is conspiracy. And if you had to
23 explain that conspiracy, how would you explain it?

24 A. That I help other people commit fraud in the fraud
25 scheme, the Feeding Our Future fraud scheme.

1 Q. What else?

2 A. Getting kickback and wire transfer.

3 Q. Now, you were asked a lot of questions about this first
4 paragraph, the charges. Is there a lot of other information
5 in this plea agreement?

6 A. I'm sorry?

7 Q. You were asked a lot of questions about this first page
8 and the charges. Is there a lot of other information in
9 this plea agreement?

10 A. I believe, yes.

11 Q. Going down to the second page, let's just read this.
12 Okay?

13 A. Okay.

14 Q. Go ahead. Read that paragraph.

15 A. Out loud or --

16 Q. Out loud.

17 A. "Ahmed was an employee of Feeding Our Future. In that
18 role, he was responsible of monitoring and supporting
19 Federal Child Nutrition Program sites that were sponsored by
20 Feeding Our Future. Feeding Our Future operated a
21 pay-to-play system that required sites under its sponsorship
22 to kick back a portion of the federal funds received to
23 Feeding Our Future employees. In exchange, Feeding Our
24 Future sponsored sites and submitted their fraudulent claims
25 to federal reimbursement to Minnesota Department of

1 Education."

2 Q. Is it true?

3 A. Yes.

4 Q. Part of your plea agreement?

5 A. Yes.

6 Q. Let's keep going. Okay? Read that paragraph.

7 A. Out loud?

8 Q. Out loud.

9 A. "Ahmed solicited and accepted kickback payments from a
10 number of sites under the sponsorship of Feeding Our Future.
11 Ahmed created and used a shell company, Mizal Consulting
12 LLC, to receive and conceal the kickback payment. Many of
13 the kickbacks to Ahmed were disguised as consulting fees to
14 the defendant's shell company in order to conceal the true
15 nature of kickback payments and make them appear legitimate.
16 In all, Ahmed solicited and received more than million
17 dollar in bribe and kickback payment from individuals and
18 companies involved in the scheme under the sponsorship of
19 Feeding Our Future."

20 Q. Is it true?

21 A. That's true.

22 Q. Part of your plea agreement?

23 A. Correct.

24 Q. And then this last part here, it talks about creating a
25 site.

1 A. Correct.

2 Q. Do you see that? Southwest Metro Youth. Do you see
3 that?

4 A. Yes.

5 Q. Claimed to be serving meals to thousands of kids a day.
6 Do you see that?

7 A. Yes.

8 Q. That was a lie?

9 A. We claimed that we were feeding it to thousands.

10 Q. Was it a fraud?

11 A. Yes.

12 Q. Part of your plea agreement?

13 A. Yes.

14 Q. And when you say that you pled guilty to everything, to
15 money laundering, to the fraud, is this what you are talking
16 about contained in your plea agreement?

17 MR. SCHLEICHER: Objection. Leading.

18 THE COURT: Sustained.

19 THE WITNESS: When I said that I believe --

20 MR. SCHLEICHER: Objection.

21 THE COURT: You don't need to answer.

22 BY MR. JACOBS:

23 Q. Mr. Ahmed, what did you plead guilty to?

24 A. I plead guilty to getting kickbacks, submitting fake
25 claims under Feeding Our Future, wire transfer, all of

1 those.

2 Q. All the things we just read?

3 A. Yes.

4 Q. Why are you cooperating and testifying today?

5 A. To tell the truth and get a break from -- and to get a
6 break.

7 Q. Get a break in your sentence?

8 A. Yes.

9 Q. Who will decide if you told the truth in the past two
10 days of testifying?

11 A. The judge.

12 Q. Who will decide what your ultimate sentence will be?

13 A. The judge.

14 Q. Now, you testified earlier that you hoped you won't go
15 to jail; is that right?

16 A. I hope so.

17 Q. Do you think you will?

18 MR. GOETZ: Objection, Your Honor. Foundation.

19 THE WITNESS: I believe I will.

20 THE COURT: Overruled.

21 You may answer.

22 THE WITNESS: I believe I will.

23 BY MR. JACOBS:

24 Q. Why?

25 A. Because of what I did and all the fraud that I

1 committed.

2 MR. JACOBS: No further questions, Your Honor.

3 THE COURT: Any recross?

4 MR. SCHLEICHER: No, Your Honor.

5 MR. ANDREW BIRRELL: I have some.

6 THE COURT: Mr. Birrell.

7 MR. ANDREW BIRRELL: Thank you, Your Honor.

8 225 and 145.

9 RECROSS-EXAMINATION

10 BY MR. ANDREW BIRRELL:

11 Q. So I just want to clarify a few things here.

12 This check you were asked about that went into one
13 of your -- why do you have two personal bank accounts?

14 A. I only have one personal account, sir.

15 Q. They showed two different Wells Fargo accounts, and you
16 said they were your personal accounts.

17 A. I believe it was only one account, sir.

18 Q. Hmm. All right. All right. So this was
19 10/20 -- 10/31/20?

20 A. Correct.

21 Q. That's before Mizal was even incorporated, right?

22 A. I believe so, yes.

23 Q. Well, you said -- we went over the papers. And Mizal
24 was incorporated December 1, 2020, right?

25 A. At the end of 2020, yes.

1 Q. You agree with me that that's after the date of this
2 check?

3 A. This is before I created Mizal account.

4 Q. Okay. Another way of saying it.

5 So you couldn't have had it payable to Mizal
6 account, right, because there was no Mizal?

7 A. This check is from the childcare that I worked.

8 Q. All right. The check is payable to Hadith Ahmed, right?

9 A. Correct.

10 Q. It's dated October 31, 2020, right?

11 A. Correct.

12 Q. Mizal was incorporated December 1st, 2020?

13 A. At the end of 2020, yes.

14 Q. So at the time this check was written, there was no
15 Mizal corporation, right?

16 A. That's correct.

17 Q. Okay. Now let's talk about this plea agreement for a
18 minute.

19 You can take it off.

20 This plea agreement you were talking about with
21 Mr. Jacobs -- can you look at me -- it was 11 pages long,
22 right?

23 A. I didn't count the number, sir.

24 Q. Okay.

25 MR. ANDREW BIRRELL: Can I approach the witness?

1 THE COURT: You may.

2 MR. ANDREW BIRRELL: Thank you.

3 BY MR. ANDREW BIRRELL:

4 Q. Here it is. Read it to yourself. You don't have to
5 read the whole thing.

6 A. Eleven pages.

7 Q. It's an 11-page document. And that was given to you by
8 the United States Attorney's Office, right? One of the
9 prosecution lawyers?

10 A. I believe my lawyer give it to me, yes.

11 Q. He said he got it from the government lawyers, right?

12 A. He got it from the government lawyers.

13 Q. They wrote it, right?

14 A. I believe they did.

15 Q. They wrote every single word in that document, right?

16 A. I believe they did, sir.

17 Q. And they told you if you wanted to deal, you had to sign
18 it, right?

19 MR. JACOBS: Objection, Your Honor.

20 THE WITNESS: I'm sorry?

21 THE COURT: Overruled.

22 You may answer that question.

23 BY MR. ANDREW BIRRELL:

24 Q. The government lawyers told you if you wanted the deal,
25 you needed to sign the paper, right?

1 A. No. This is my plea agreement, what I did.

2 Q. The plea agreement is a deal that you made with the
3 government, right?

4 A. No. This lays out what I did, sir.

5 Q. Okay. Put it up. It's in evidence at some number.

6 It's up. It's in evidence. Everybody can see it.

7 Plea Agreement. That's the name of the document,
8 right?

9 A. Correct.

10 Q. Agreement is a deal, right?

11 A. I wouldn't translate that way.

12 Q. I'm asking the questions. Is an agreement "the deal"?

13 Is that what that word means?

14 A. I wouldn't translate that way to myself.

15 Q. What?

16 A. I wouldn't translate that way to myself.

17 Q. The title of the document is Plea Agreement and

18 Sentencing Stipulations. Right?

19 A. That's what it says, yes.

20 Q. The first line says, "The United States of America and
21 defendant Hadith Yusuf Ahmed, hereinafter referred to as the
22 defendant, agree to resolve the case on the terms and
23 conditions that follow." Right?

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

25 Q. That means this is the deal the United States is making

1 with you, right?

2 A. This is my plea agreement, sir.

3 Q. Yeah, I know that, but I want you to answer my question.

4 This document is telling us and everyone that this
5 is the agreement that you are making with the government to
6 settle your case, right?

7 MR. JACOBS: Objection, Your Honor. It's been
8 asked and answered, and the agreement speaks for itself.

9 MR. ANDREW BIRRELL: He hasn't answered it.

10 THE COURT: Sustained.

11 MR. ANDREW BIRRELL: Okay.

12 BY MR. ANDREW BIRRELL:

13 Q. In this plea agreement it says exactly what is going to
14 happen, right?

15 A. It's talking about what I did.

16 Q. It's talking about what you did. And then it says, on
17 page 3, it says Waiver of Indictment. Do you see that?

18 A. I see that, yes.

19 Q. That's after you say what you did. It says, "The
20 defendant," that's you, "waives" -- "waives" means gives up,
21 right? Do you understand that word?

22 A. "Waives the right to be charged by indictment."

23 Q. Right. So you are part -- first thing is you are giving
24 up your right to be indicted by a United States Grand Jury,
25 right?

1 A. The document says, "The defendant waives the right to be
2 charged by indictment," sir.

3 Q. Yeah. Right. And that's what you are giving up, right?
4 "Waiver" means give up.

5 A. Correct.

6 Q. So you are giving up your right to be indicted, right?
7 That's part of your agreement, your deal, right?

8 A. I believe I have been indicted, sir.

9 Q. Okay. If you've been indicted, why are you giving up
10 your right to be indicted in your plea agreement?

11 A. Because I pleaded guilty, sir.

12 Q. Did you understand this document when it was presented
13 to you?

14 MR. JACOBS: Objection, Your Honor. We're getting
15 into plea negotiations and his change of plea hearing at
16 this point.

17 THE COURT: Sustained.

18 BY MR. ANDREW BIRRELL:

19 Q. The next thing you are doing is giving up your right to
20 make pretrial motions, right?

21 A. That's correct.

22 Q. Then it says Waiver of Constitutional Trial Rights,
23 right?

24 A. That's what it says, the document, yes.

25 Q. This is the document you signed, right?

1 A. Correct.

2 Q. So you are giving up your trial rights, right?

3 A. Correct.

4 Q. Then the next thing it says is, it advises you there are
5 additional consequences if you plead guilty, right?

6 A. Yes.

7 Q. Can't have a firearm. Can't vote. Can't hold public
8 office. Right?

9 A. Correct.

10 MR. JACOBS: Your Honor, I'd object at this point.
11 We're well beyond the scope of redirect.

12 THE COURT: Sustained.

13 BY MR. ANDREW BIRRELL:

14 Q. Okay. So one of the things you were asked about on
15 redirect was you were asked to read out loud the facts you
16 agreed to in the plea agreement. Do you remember that?

17 A. Yes.

18 Q. And those were the important facts that were in the plea
19 agreement. And you read them all here to the jury, right,
20 just now with Mr. Jacobs?

21 A. Yeah, I read what was on my plea agreement, yes.

22 Q. Yeah. And there wasn't one word in there about Abdiaziz
23 Farah, was there?

24 A. I'm sorry?

25 Q. There's not one word in here about Abdiaziz Farah, is

1 there?

2 A. That's correct.

3 MR. ANDREW BIRRELL: Thank you.

4 MR. GOETZ: Briefly, Your Honor.

5 THE COURT: Yes, Mr. Goetz.

6 MR. GOETZ: Oh, I'm sorry.

7 MR. SAPONE: It's okay. You are there. I'm here.

8 MR. GOETZ: I'll be quick.

9 RECROSS-EXAMINATION

10 BY MR. GOETZ:

11 Q. I want to show you a document that you just reviewed.

12 Well, actually, before we pull up that document, you were

13 shown a document, and we're going to talk about that, but

14 you were asked some questions by Mr. Jacobs about site

15 transfers. Right? Do you remember -- do you know what a

16 site transfer is?

17 A. Yeah.

18 Q. Okay. And the only entity who can approve a site

19 transfer, the people with the power to approve a site

20 transfer are the Minnesota Department of Education, correct?

21 MR. JACOBS: Objection, Your Honor. Beyond the

22 scope.

23 MR. GOETZ: This --

24 THE COURT: Overruled.

25 You may answer.

1 THE WITNESS: The only people that can approve a
2 site is MDE, yes.

3 BY MR. GOETZ:

4 Q. Minnesota Department of Education?

5 A. Yes.

6 Q. Now let's look at the document that Mr. Jacobs went
7 through with you. C-94, please.

8 This is a contract for vended meals, correct?

9 A. Correct.

10 Q. Between -- it's a contract between the center and the
11 vendor, correct?

12 A. Between the site and the vendor, yes.

13 Q. Well, it says "center." Do you see that word "center"?

14 A. Yes.

15 Q. So it's not a contract with the Minnesota Department of
16 Education, is it?

17 A. No.

18 Q. There's a CLiCS sponsor ID on the right. Do you see
19 that? It's a long number.

20 A. Yes.

21 Q. I'm going to read it out. 2000010264. Did I read that
22 correctly?

23 A. 2000010264.

24 Q. Do you know that CLiCS sponsor ID, what sponsor it is
25 associated with?

1 A. No.

2 Q. Can we look at C-97, please?

3 So C-97, this is a Minnesota Department of
4 Education document, correct?

5 A. No. This is a Feeding Our Future software.

6 Q. What does it say in the upper left-hand corner of this
7 document?

8 A. MDE, Minnesota Department of Education.

9 Q. All right. And it says -- do you see below it, if we
10 could just blow it up, it says Applications, SFSP Site
11 Maintenance, correct?

12 A. Correct.

13 Q. And do you see the sponsor?

14 A. Feeding Our Future.

15 Q. And the number 2000010264. Correct?

16 A. Correct.

17 Q. And the site -- we've been through this, but
18 Dar Al-Farooq Islamic Center-ThinkTechAct, correct? Did I
19 read that correctly? That's what it says.

20 A. Yes, you read that correctly, yes.

21 Q. Can we go down to paragraph 3?

22 See where it says Site Participation at the
23 bottom?

24 A. Yes.

25 Q. And then just scroll down, please, to the next page.

1 Start Date. Do you see that date?

2 A. Yes.

3 Q. The Start Date, if we could blow that up, please, that's
4 September 1, 2020, correct?

5 A. Correct.

6 Q. And if we can go down to Section 4, please.

7 It says Opening Date, September 1, 2020; is that
8 correct?

9 A. That's correct.

10 MR. GOETZ: That's all the questions I have.

11 Thank you.

12 THE COURT: Anyone else?

13 MR. SAPONE: Just quickly, Your Honor. I
14 understand it's the end of the day. This will be very fast.

15 THE COURT: Mr. Sapone.

16 RECROSS-EXAMINATION

17 BY MR. SAPONE:

18 Q. Sir, you were just asked questions by Mr. Jacobs, were
19 you not, about meal count forms and whether Ayan Liban
20 signed them. Do you recall those questions?

21 A. Correct.

22 Q. In fact, the forms were not signed by Ayan Liban, right?

23 A. Correct.

24 Q. Because you signed them. Yes?

25 A. Yes.

1 Q. You signed as Ayan Liban, right?

2 A. Correct.

3 Q. But you are not Ayan Liban, are you?

4 A. I am not.

5 Q. Were you charged with aggravated identity theft?

6 A. I believe I was not.

7 Q. And you are aware that aggravated identity theft carries
8 a mandatory, meaning it has to be, minimum two-year
9 sentence, correct?

10 A. I don't know how long it is.

11 Q. But you do know that you're not facing any mandatory
12 two-year term of incarceration, are you?

13 A. I don't know, sir.

14 MR. SAPONE: Nothing further.

15 THE COURT: Mr. Jacobs.

16 MR. JACOBS: Far be it for me to get in the way of
17 the end of the day. No further questions, Your Honor.

18 THE COURT: I'm going to get in the way.

19 Though I may have --

20 Sir, you may step down. Thank you.

21 **(Witness steps down)**

22 THE COURT: Though I may have already given or may
23 give you in the future one or more of these instructions,
24 I'm going to repeat them for you now.

25 One is entitled Witness Who Has Pleaded Guilty.

1 You have heard that Mr. Ahmed pled guilty to a crime which
2 arose out of the same events for which the defendants are on
3 trial here. You must not consider that guilty plea as any
4 evidence of these defendants' guilt. You may consider the
5 witness's guilty plea for the purpose of determining how
6 much, if at all, to rely upon his testimony.

7 In addition, as you know, there are seven
8 defendants on trial here. Each defendant is entitled to
9 have his or her case decided solely on the evidence which
10 applies to him or her. Much of the evidence in this case
11 will apply only to one specific defendant. You must not
12 consider that evidence against other defendants to whom it
13 does not directly apply.

14 And then, finally, as to the credibility of a
15 cooperating witness, you've heard evidence that Mr. Ahmed
16 hopes to receive a reduced sentence on criminal charges
17 pending against him in return for his cooperation with the
18 prosecution in the case.

19 This witness entered into a plea agreement with
20 the prosecution that provides, among other things, an
21 agreement that the prosecution will recommend a less severe
22 sentence than the witness would have faced if they had not
23 cooperated.

24 The court has no power to reduce a sentence for
25 substantial assistance unless the prosecution, acting

1 through the United States Attorney, files a motion for a
2 downward departure. If such a motion is filed, then it is
3 up to the court to decide whether to reduce the sentence at
4 all and, if so, how much to reduce it.

5 You may give the testimony of this witness such
6 weight as you think it deserves. Whether or not the
7 testimony of a witness may have been influenced by their
8 hope of reducing -- a reduced sentence is for you to decide.

9 We'll end there for the day. I'll have the
10 attorneys stay, and I'll have you all back at 9:00 tomorrow
11 morning.

12 Thank you. Have a good evening.

13 THE CLERK: All rise.

14 MS. WALCKER: Your Honor, can we clarify the time?

15 THE COURT: What time did I say?

16 COURTROOM DEPUTY: You said 9:00.

17 THE COURT: It's 10:00. It's 10:00.

18
19 **IN OPEN COURT**

20 **(JURY NOT PRESENT)**

21 THE COURT: You may all be seated.

22 I just want to cut something off before it becomes
23 a problem.

24 I during this testimony have given you all some,
25 but not all, latitude with what I would call a disrespectful

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tone. I am loath to correct you in front of the jury, but I've given you some latitude, again, not all.

I do not want to say anything in front of the jury. What I won't give you latitude for and I won't tolerate is a disrespectful tone to the court. So I just want to make sure you are all aware of that going forward.

Thank you.

And as Mr. Birrell would say, as we now say in our household, motion to regroup.

Thank you all. We will see you tomorrow morning.

(Court adjourned at 4:58 p.m., 05-09-2024.)

* * *

I, Renee A. Rogge, certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Certified by: /s/Renee A. Rogge
Renee A. Rogge, RMR-CRR