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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),)	Friday, May 10, 2024
Said Shafii Farah(5),)	10:00 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 XIV 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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IN OPEN COURT**(JURY NOT PRESENT)**

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2
3 THE COURT: Good morning, everyone. You may be
4 seated.

5 We are on the record out of the presence of the
6 jury. My understanding is that the parties have something
7 for the record.

8 Mr. Goetz.

9 MR. GOETZ: Thank you, Your Honor. Good morning.

10 I've been thinking about the court's remarks at
11 the end of the day yesterday, and I just wanted to briefly
12 say I've given it a lot of thought. I apologize for my loss
13 of temper. I want to take responsibility of that, in the
14 interest of regrouping and moving forward. I've known the
15 court for a long time, and I just want to say I'm sorry.

16 THE COURT: Thank you.

17 My remarks weren't intended at any one person. I
18 just wanted to make sure that we were all clear about the
19 rules going forward, but I appreciate that and thank you.

20 I do have a motion to exclude evidence that is
21 from the government.

22 And I think it is, Mr. Schleicher, your client's
23 children that are the issue of that motion. It's Document
24 No. 509 that was -- do you want to respond now or --

25 MR. SCHLEICHER: Your Honor, and I did file a

1 response, although --

2 THE COURT: I have not received that yet.

3 MR. SCHLEICHER: -- it's hot off the press,
4 probably.

5 THE COURT: Okay.

6 MR. SCHLEICHER: And so we can respond now or
7 maybe just a -- I think a different agent is going to be
8 testifying initially.

9 MR. THOMPSON: Yes, that's right. I suspect the
10 agent that this relates to will go on after lunch, Your
11 Honor. Obviously, the only thing I would ask is if --
12 depending on the ruling, we might need a little bit of time
13 to tweak, but --

14 THE COURT: All right. I will take a look at your
15 hot-off-the-press response, and then we will go forward, and
16 I can address it at lunch.

17 The other question I had for you, while we're all
18 here, is whether you have all met and conferred on scope of
19 cross, given that I know we're having agents testify this
20 morning. I don't know the scope of their testimony, but I
21 want to avoid a repeat of the issue that we had with Agent
22 Kary about the scope of cross-examination.

23 And so if that is going to be an issue, I would
24 invite you to meet and confer while we wait for our last
25 juror.

1 MR. THOMPSON: Your Honor, we haven't met and
2 conferred on it, but I can, just so that -- I think the
3 parties know, and I've talked to a couple counsel, we do
4 intend to call several agents this morning who participated
5 in the execution of the search warrants.

6 I believe none of the agents who are going to be
7 testifying today were part of the investigation in any other
8 way, other than on the day of the warrants on January 20th.
9 As the court knows, we executed more than two dozen search
10 warrants that day. We had agents from all around the
11 country.

12 So their testimony will be limited to testifying
13 to the fact of the search and introducing exhibits that they
14 were -- that they found during the search. To the extent
15 the exhibits are published, they will just be stating what
16 they are. I don't think they'll be drawing any connections
17 beyond that.

18 THE COURT: All right.

19 Mr. Mohring.

20 MR. MOHRING: Your Honor, I don't anticipate going
21 beyond the scope of that, except to establish with the
22 agents on the stand the scope of their involvement. I think
23 that would be permissible, but --

24 THE COURT: Yes, I'm not going to pre-rule. I
25 just wanted to flag that issue because it had boiled up in

1 the first instance. And I believe there will be agents
2 coming later about the actual investigation.

3 So I'll take each objection as it comes, if it
4 comes; but I just wanted to make sure that if you all needed
5 to confer, that you had the opportunity to do that.

6 All right. Thanks, everybody. We're going to see
7 if we have all the jurors.

8 Do we? We do? All right.

9 COURTROOM DEPUTY: Well, I checked. We were
10 missing one, but I will check.

11 THE COURT: All right. I will step off. We will
12 be right back. Thank you, all.

13 THE CLERK: All rise.

14 (Recess taken at 10:04 a.m. till 10:06 a.m.)

15

16

IN OPEN COURT

17

(JURY PRESENT)

18

19

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

20

The government may call its next witness.

21

22

MR. BOBIER: Your Honor, the United States calls
Richard Frank.

23

THE COURT: Thank you, Mr. Bobier.

24

25

You may come forward. Good morning, sir. I'll
have you stand before me to take the oath.

1 THE WITNESS: Okay.

2 RICHARD FRANK,

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

5 THE WITNESS: I do.

6 THE COURT: Thank you. You may be seated.

7 And when you're seated, please state and spell
8 both your first and last name for the record.

9 THE WITNESS: Richard Frank. R-I-C-H-A-R-D.
10 F-R-A-N-K.

11 THE COURT: Counsel, you may inquire.

12 MR. BOBIER: Thank you, Your Honor.

13 DIRECT EXAMINATION

14 BY MR. BOBIER:

15 Q. Good morning.

16 A. Good morning.

17 Q. How are you today, sir?

18 A. Very good.

19 Q. Could you start by introducing yourself to the jury and
20 telling them what you do for a living?

21 A. Sure. My name is Richard Frank. I'm a special agent
22 with the FBI assigned to the Minneapolis field office.

23 Q. How long have you been with the FBI?

24 A. I've been with the FBI since 2015.

25 Q. With the FBI, is there a specific type of crime or

1 investigation that you focus on?

2 A. Yes. Right now I'm assigned -- since 2019 I've been
3 assigned to the criminal cyber squad where we investigate
4 cyber intrusions, like basically hacking into systems to
5 steal intellectual property, funds, other matters. That's
6 what I investigate right now.

7 Q. Can you tell us about your educational background?

8 A. Sure. I received a bachelor's in criminal justice from
9 the University of Central Oklahoma. After that I received a
10 master's in public administration from the University of
11 Oklahoma. And then later I followed that with a bachelor's
12 of information technology, so IT, focusing on digital
13 forensics and network infrastructure from Oklahoma State
14 University.

15 Q. And I apologize if I didn't ask. Did you say you're a
16 special agent at the FBI?

17 A. Yes, I am.

18 Q. As a special agent at the FBI, have you received any
19 training on FBI policies and procedures?

20 A. Yes. When we become special agents with the FBI, we
21 first go to the FBI Academy in Quantico, Virginia, where we
22 receive approximately four to five months of training.

23 It's intensive training where we stay there day in
24 and day out, receiving training on legal matters, tactics,
25 firearms, that type of activity.

1 Q. And have you had any training as it pertains
2 specifically to the execution of search and seizure
3 warrants?

4 A. Yes. While at the Academy, for about a week or so we
5 receive special training from our emergency -- or I'm
6 sorry -- our evidence response team unit. They have an
7 off-site where we go and receive specialized training on how
8 to search houses, search vehicles, the proper documentation,
9 how to record things, how to seize -- search and seize
10 properly.

11 Q. You said evidence response team?

12 A. Yes.

13 Q. What is that?

14 A. Evidence response team. Every field office throughout
15 the United States has an evidence response team. It's a
16 collateral duty. What "collateral duty" means is we don't
17 get paid extra for it. It's volunteer. So we are -- we
18 volunteer for a team in our office.

19 We have to go through a selection process. And
20 once we are selected for that, we go for an additional two
21 weeks of training back to that same off-site for more
22 specific training, such as like latent prints, like how to
23 lift those, blood testing, things -- a little more specific
24 training.

25 Q. And is the evidence response team a voluntary duty for

1 which you have volunteered?

2 A. Yes, it is.

3 Q. And one for which you were selected?

4 A. Yes.

5 Q. Have you participated in the execution of search and
6 seizure warrants as a special agent with the FBI?

7 A. I have.

8 Q. About how many?

9 A. I've lost count, but dozens.

10 Q. And you're familiar from your training with the FBI
11 policy and procedures regarding the execution of those kinds
12 of warrants?

13 A. Yes.

14 Q. Now, I want to take a step back and give you a chance to
15 explain some pieces of that.

16 Can you tell the jury what a search warrant is?

17 A. Sure. A search warrant is a document that as FBI
18 agents, in conjunction with our attorneys at the
19 United States Attorney's Office, create, add to and submit
20 to a federal judge; and that federal judge will determine if
21 there's probable cause for us to search and/or seize
22 something that we believe is involved in a crime.

23 It contains a plethora of information for us, kind
24 of the totality of the circumstances that we've investigated
25 for that crime.

1 Q. How does law enforcement use search warrants?

2 A. Sure. We use search warrants to further our
3 investigations, in order to hopefully eventually bring
4 someone to justice or search or seize property or evidence.
5 We specifically use it, as I said, to further that
6 investigation.

7 Q. And you described this event. Can you tell us more
8 about how search warrants are prepared?

9 A. Sure. During our investigation we will gather facts,
10 like, for instance -- maybe an example is the best way to
11 describe this. For like a robbery of a bank, if we're
12 investigating that, we will talk to witnesses as law
13 enforcement, someone that saw it happen at the bank, and we
14 will take their interview and use some of their information.
15 We will look at surveillance tape, if there's -- if that's
16 available, and get descriptions of people that were
17 involved.

18 We will use that information. Maybe there was a
19 car that was seen or a person with a description that was
20 seen leaving the bank with the money in the bag with a
21 little dollar sign on it. And we will then use like law
22 enforcement databases or, you know, tax records, license
23 plate information to go try and find that person that
24 perpetrated that crime.

25 And if that leads us to like a house with that

1 same car that was used in that incident, maybe we will do
2 surveilliance there and record that information and see that
3 same vehicle that was seen by a witness at the bank at the
4 time of the robbery at that house. And we will kind of keep
5 following that -- that down and see if we can see that
6 person that matches the description that was seen.

7 And all of that information collected together, we
8 put in that document and describe why we believe that there
9 is evidence of a crime or instrumentalities or proceeds of a
10 crime, like the money bag and all the cash that was taken.

11 Q. Now, you said you take all of that information federal
12 agents gather and you put in a document?

13 A. Yes.

14 Q. Does that document have a name?

15 A. A search warrant affidavit.

16 Q. And who decides if a search warrant affidavit is thumbs
17 up, the federal agents can execute it, or thumbs down?

18 A. A federal judge.

19 Q. You mentioned a few words there. I think you said
20 "proceeds"?

21 A. Yes.

22 Q. What are "proceeds"?

23 A. It would be like the cash that was stolen from the bank.

24 Q. And as a special agent, are you familiar with the phrase
25 "fruits of a crime"?

1 A. Yes.

2 Q. Can you tell us based on your training and experience
3 what "fruits of a crime" are?

4 A. Sure. Fruits of a crime would be, just like it sounds,
5 like -- like the money that was stolen or what it was used
6 for. Say you bought an expensive vehicle or you bought
7 high-end jewelry or something like that that we can see
8 through bank records that might have traveled to that, then
9 that would be fruits of a crime.

10 Q. To be clear, when you as a special agent are executing a
11 search warrant, are you only authorized to search for
12 certain items or are you also authorized to seize what you
13 find?

14 A. Sure. The search warrant allows us to go in and search
15 that -- maybe that residence or that house for that evidence
16 or proceeds, but part -- obviously, that's not the only
17 thing, because if we find something related to it, we don't
18 just leave it there. The document -- the search warrant
19 gives seizure authorization for very specific items that we
20 list out that we believe are related to that crime.

21 Q. You've just described search warrants for us, right?

22 A. Yes.

23 Q. Is there also something called seizure warrants?

24 A. There is.

25 Q. What is a seizure warrant?

1 A. Seizure warrants would be slightly different in that the
2 same type of -- that probable cause or reasonable belief
3 that a crime has occurred, but we have belief that that --
4 those proceeds were used to purchase like a vehicle.

5 So we would have a seizure warrant for that
6 vehicle, because obviously we want to maintain that vehicle,
7 maybe later it's forfeited and recouped back to the victim.

8 Q. So if you're going to execute a search warrant on, say,
9 a residence, explain to us why you might use a seizure
10 warrant as opposed to only a search warrant for that
11 execution.

12 A. It's possible that when we -- when we're doing
13 surveillance or when we've done part of our investigation we
14 see like a vehicle tied to that residence. So we've seen
15 it, you know, come and go, park there in the driveway maybe
16 or park in the parking garage or the garage.

17 And in our investigation, when we look -- maybe
18 pull title records and determine where the funds came from,
19 like it was withdrawn from a bank account, maybe right after
20 significant funds were deposited the day of the robbery, for
21 instance, that would kind of start linking in that those --
22 those proceeds likely went to that purchase of the vehicle.

23 So we would just seize -- we would seize that
24 vehicle with that authorized seizure warrant.

25 Q. Special Agent Frank, you've explained to us what a

1 search warrant is, what a seizure warrant is, and you've
2 explained that affidavit in support of each.

3 After a judge signs off on one of these warrants,
4 what happens next?

5 A. Once the search warrant is -- or search or seizure
6 warrant is signed off by a judge, they give us a certain
7 amount of time, usually ten days, to effectuate that search
8 or seizure warrant. So we're usually pretty ready at that
9 point.

10 And we get a team together of agents and other
11 personnel to do what we call like an operational briefing
12 typically the day before, at least, if not more time, before
13 the actual search and seizure event, where we'll go over our
14 plan, you know, what we're going to do, how we're going to
15 do it, how many vehicles, how many people are going to be
16 there, what our roles are, what we think or believe the
17 occupants of the residence might look like, contingency
18 plans, go over like a photo of the house and any
19 surveillance that we've done, try and make sure that we're
20 going to the right place.

21 Q. I want to break that last part down just a little bit.

22 You were describing the operations briefing that
23 occurs before execution of a warrant; is that right?

24 A. Yes.

25 Q. You mentioned a few things that occur during that

1 briefing. One thing you said was briefing as to the
2 purpose?

3 A. Yes.

4 Q. Can you expand on that?

5 A. Sure. We're giving context. Usually a case agent for
6 the investigation will give us a briefing about what their
7 investigation is about.

8 For instance, a white-collar investigation for us
9 might be a little differently than like a gang
10 investigation, where we might encounter some sort of
11 violence and we need to have preparation on a contingency
12 plan for that.

13 So we get that information and it's shared with
14 us, including like the affidavit that's been signed by the
15 judge so we can read that and be familiar as much as we can
16 about the investigation, although limited.

17 Q. You also mentioned at the ops briefing -- can I call it
18 an ops briefing?

19 A. You can.

20 Q. You also mentioned at the ops briefing there's some
21 discussion of roles; is that right?

22 A. Yes.

23 Q. Can you expand on that a bit?

24 A. Sure. It's always good for us to know each person what
25 we're doing when we get there. So we might have a team that

1 is assigned to knock and announce our presence. We always
2 do that when we get to the door, you know, knock, FBI,
3 search warrant, come to the door, because we're announcing
4 our purpose, our presence, our legal authorization to be
5 there.

6 And we also outline roles, like team leader for
7 that event, for that site, photographer, photo logger,
8 sketcher, things that we probably should know what we're
9 doing, and also have material ready with us for that event.

10 Q. The third thing you mentioned about the ops briefing is
11 discussion of what individuals law enforcement expects might
12 be on the premises to be searched. Do I have that right?

13 A. Yes.

14 Q. Is that important?

15 A. It's important for us to know for many reasons.

16 We always want to know how many people might be
17 there, because it might make us think about plusing up our
18 team. If there's two people, maybe we have like a normal
19 size; if there's ten people, we might have to add more
20 agents just in case we run into some issues that we wouldn't
21 be aware of otherwise.

22 Q. During the pre-brief, do you also hear about the crimes
23 or suspected crimes under investigation?

24 A. We do.

25 Q. When you execute a search warrant on, say, a residence,

1 do you only search certain rooms in the house or do you
2 search the entire premises?

3 A. We search the entire premises that's talked about in the
4 search warrant.

5 There's an attachment that describes specifically
6 the property that we're allowed to search that the judge has
7 signed off on. So it will have a photo of the residence,
8 like the front usually, maybe an aerial photo, if we have
9 it, to describe what the property is, because sometimes
10 there's garages that are attached versus detached, there's
11 sheds in the back that things might be in that we want to
12 include in the search warrant.

13 And for the rooms specifically, we do that because
14 we don't know where the evidence might be. Everybody's
15 house is different, the layout, your pattern of living,
16 where you might put things versus me. So we want to search
17 all the rooms to make sure that we've covered everything.

18 Q. I'd like to direct your attention to January 20, 2022.

19 A. Yes.

20 Q. Is that date familiar to you?

21 A. It is.

22 Q. Why?

23 A. It was the date that we executed a search warrant and
24 seizure warrants for Abdiaziz Farah's residence.

25 Q. And was the execution of these warrants part of the

1 broader Feeding Our Future investigation?

2 A. It was.

3 Q. Special Agent Frank, are you a case agent on the Feeding
4 Our Future team?

5 A. I am not.

6 Q. What was your role in this investigation?

7 A. My role was to be assigned to this particular search
8 site to provide some of my expertise as an evidence response
9 team member, as well as I was familiar that there was
10 multiple sites throughout the metro area that we were
11 searching all at the same time. So it required many, many
12 bodies from our office, as well as other agencies that we
13 were partnering with.

14 Q. You said you participated in the execution of warrants
15 on Abdiaziz Farah's house on this date?

16 A. Yes.

17 Q. Do you remember the address of that house?

18 A. 15418 Hampshire Lane in Savage, I believe.

19 Q. What type of warrants were you executing that day, the
20 search warrants we discussed or seizure warrants we
21 discussed?

22 A. Search and seizure warrants.

23 Q. Was there, as you told us about earlier in the general
24 case, a pre-brief or ops planning session that occurred
25 before agents executed those warrants?

1 A. There was. There was one, I believe, the day before, as
2 well as the morning of. We always do a refresh the morning
3 that we execute the search warrants and seizure warrants.

4 Q. About how long were those sessions?

5 A. My estimate is probably an hour for the first one the
6 day before, and usually it's 30 minutes or so the day of.

7 Q. Was this a multi-agency effort?

8 A. It was.

9 Q. What can you tell us about the pre-brief?

10 A. I know that we talked about the house in particular that
11 we were searching, the likely occupants that were there, the
12 owners of the property, the vehicles that we believe were
13 there that we had seizure warrants for, and then planning
14 regarding that, like what we would all be assigned to do.

15 Q. Did you learn at the pre-brief what crimes were under
16 investigation?

17 A. Yes.

18 Q. And what were those?

19 A. I know it was money laundering, wire fraud, mail fraud
20 and conspiracy.

21 Q. Did you learn at the pre-brief what you were authorized
22 by warrant to search for?

23 A. Yes.

24 Q. Can you give us some categories of items you were
25 authorized to search for?

1 A. Yeah, there were several pages, so my memory isn't
2 exact, but it was like financial documents related to
3 certain businesses, passports, funds, devices, like
4 electronic devices, like laptops and phones, things of that
5 nature.

6 Q. And were you authorized also to search for fruits of a
7 crime?

8 A. Yes.

9 Q. Which is the phrase you defined for us a little earlier?

10 A. Yes.

11 Q. You mentioned at the pre-brief there was some discussion
12 about individuals law enforcement thought might be on the
13 scene; is that right?

14 A. Yes.

15 MR. MOHRING: Objection, Your Honor. Vagueness.
16 I wonder if we can clarify which of the briefings we're
17 talking about?

18 THE COURT: Sustained.

19 Can you clarify?

20 BY MR. BOBIER:

21 Q. You mentioned at the pre-briefs together that occurred
22 before execution of these warrants the agents in attendance
23 discussed the individuals that might be present on the
24 premises to be searched.

25 A. Yes.

1 Q. Were you shown in either of those briefings photos of
2 any individuals law enforcement expected might be present?

3 A. Yeah, it's common practice for us to do -- to go over
4 the occupants at both -- both briefings, because between one
5 day and another we may lose a person that something came up
6 or add a body because something that we weren't aware of
7 might have occurred.

8 So we go over photos of those individuals at both
9 briefings, and, yes, we went over both.

10 Q. Did you see any photos at either of those briefings of
11 Abdiaziz Farah?

12 A. I did.

13 Q. What time of the day were these warrants executed?

14 A. The search and seizure warrants were executed at
15 7:00 a.m.

16 Q. Do you remember about how long law enforcement were on
17 the scene that day?

18 A. I believe -- I'm not sure I have the minute right, but
19 it's right around 2:00 p.m., like 2:10 p.m., I believe that
20 we cleared the residence.

21 Q. Now, the address you gave us was 15418 Hampshire Lane;
22 is that right?

23 A. I believe so, yes.

24 Q. What's at that address?

25 A. The residence of Abdiaziz Farah.

1 Q. We're talking about a condo building, a house? What
2 does it look like?

3 A. Sure. It's a two-story residential property detached
4 from other properties. It's not like a townhome.

5 Q. Now, while executing the warrants at that location in
6 January 2022, did law enforcement take any photographs?

7 A. Yes.

8 Q. As part of your work on this investigation, have you had
9 a chance to review all of those photographs?

10 A. Yes.

11 Q. I'm pulling up what has been marked just for
12 identification Government's Exhibit H-1.

13 Special Agent Frank, do you see that on your
14 screen there?

15 A. I do.

16 Q. And I'll tab through a bit of this.

17 Do you recognize what I'm showing you here?

18 A. I do.

19 Q. What do these appear to be?

20 A. They appear to be the -- the first one was the front of
21 the residence, including the vehicle and street, the street
22 where the residence was located, as well as some other
23 photos of the inside of the house.

24 Q. And are these all photos that were taken by law
25 enforcement during the execution of the warrants at Abdiaziz

1 Farah's house in January of 2022?

2 A. Yes, they were.

3 Q. Do they truly and accurately reflect the premises as
4 they were on that day?

5 A. Yes, they do.

6 MR. BOBIER: Your Honor, the government offers
7 Exhibit H-1.

8 MR. IAN BIRRELL: Without objection.

9 THE COURT: H-1 is admitted and may be published.

10 BY MR. BOBIER:

11 Q. And, Special Agent Frank, I want to walk through a few
12 of those photos. Can you tell us what we're seeing in this
13 first one?

14 A. This is the front of the residence of 15418 Hampshire
15 Lane with the GMC vehicle that we seized.

16 Q. And before we walk through these in a little more
17 detail, I'd like to also pull up what's been marked for
18 identification as Government's I-1.

19 Do you see this photo?

20 A. I do.

21 Q. And is this another collection of photographs taken by
22 law enforcement officers during the execution of the warrant
23 we've been discussing?

24 A. Yes, they are.

25 Q. And including, you can see on the first page, some of

1 the same images from the set we've just looked at in
2 Government's H-1?

3 A. Yes, they are.

4 Q. Are these also true and accurate representations of the
5 way the premises appeared that day?

6 A. Yes, they are.

7 MR. BOBIER: Your Honor, the government offers
8 I-1.

9 MR. IAN BIRRELL: No objection.

10 THE COURT: I-1 is admitted and may be published.

11 MR. BOBIER: Thank you.

12 BY MR. BOBIER:

13 Q. Special Agent Frank, let's go back to Government's
14 Exhibit H-1. I want to just take you through a few of these
15 so you can describe for us what the house looked like, if
16 that's okay.

17 A. Sure.

18 Q. So here on the second page I see a street corner; is
19 that right?

20 A. It is.

21 Q. What are we looking at here?

22 A. If you went down that street, if you traveled towards
23 the horizon, would be where Abdiaziz Farah's residence is.

24 Q. On this street which is Hampshire Lane; is that right?

25 A. Yes.

1 Q. And here I see it looks like the inside of a room?

2 A. Yes.

3 Q. Going to page 6, can you tell us what we see here?

4 A. This is the living room on the first floor of the
5 residence.

6 Q. Page 7?

7 A. Same living room.

8 Q. Page 8?

9 A. Same living room.

10 Q. How would you describe this property?

11 A. How do you mean?

12 Q. Well, was it a stand-alone house; is that right?

13 A. Yes, it is.

14 Q. Was there a basement?

15 A. There was, yes.

16 Q. Was it finished?

17 A. I believe parts of it were finished and parts of it were
18 unfinished.

19 Q. Here I'm looking at page 9 of this same exhibit. Can
20 you tell us what that is?

21 A. It's the kitchen on the first floor, kind of connected
22 to the living room.

23 Q. Another angle on the same kitchen on page 10; is that
24 right?

25 A. Yes.

1 Q. And on page 11?

2 A. Same.

3 Q. Now, in executing the search warrant on these premises,
4 did federal agents seize any items?

5 A. Yes.

6 Q. Did you personally seize some of them?

7 A. Yes.

8 Q. Are you aware of the items seized by the other agents on
9 the scene, other than yourself?

10 A. Yes, I'm generally aware of those, yes.

11 Q. How are you generally aware of those?

12 A. We have a document called an evidence collected item
13 log, basically lists out all the things that we seized from
14 the property. That's for our internal documentation, as
15 well as a receipt for property that we give to the owner of
16 the property when we leave the premises.

17 Q. Can you spell out some categories of documents -- strike
18 that.

19 Can you spell out some categories of materials
20 that federal agents seized from Mr. Abdiaziz Farah's house
21 on this date?

22 A. I know we seized some phones, cash, passports, passport
23 card, financial documentation like tax returns, I believe,
24 as well as receipts and bank account information.

25 Q. I'd like to walk through each of those in a little more

1 detail.

2 Before we do, what did you do with the items that
3 FBI agents and other federal agents seized that day?

4 A. When we -- when we bag them and, you know, document all
5 the information, we take them back to our office where we
6 submit them to our evidence control room, where we have
7 dedicated personnel that maintains those evidence items, and
8 we log them in and make sure that they're safe and in
9 custody.

10 Q. Is that consistent with FBI policy and practice?

11 A. It is.

12 Q. One of the items you mentioned was cars, right?

13 A. Yes.

14 Q. You seized some cars from Abdiaziz Farah's house?

15 A. Yes.

16 Q. Let's talk about cars. Are there FBI policies and
17 procedures that govern how federal agents should go about
18 seizing cars you're authorized by warrant to seize?

19 A. Yes.

20 Q. Can you describe those for the jury, please?

21 A. Sure. When we seize a vehicle, we will take photos of
22 it, see what condition it is, because obviously like if it's
23 damaged between when we seized it and it shows up somewhere,
24 we want to make sure that it wasn't us that did it, it was
25 someone else, or maybe we document the condition it's in.

1 Also, we do like an inventory search of the
2 vehicle, of the interior, to make sure what's in it. For
3 our vehicles, we don't house them at the FBI field office.
4 We don't have room for it. So we contract with tow truck
5 companies to help us pick them up and take them to the
6 marshals -- sorry -- U.S. Marshal service for storage. So
7 we do an inventory to make sure that there's nothing that's
8 going to harm anybody or maintain that vehicle.

9 Q. When you do an inventory search on a vehicle you are
10 seizing, do you ever seize items found in the vehicle?

11 A. Yeah, we do.

12 Q. How does that work?

13 A. When we look at those items, depending on what they are,
14 if they're related, then we would seize those items.

15 Q. What do you mean "depending on if they're related"?

16 A. Related to the -- the investigation and the search
17 warrants.

18 Q. Now, in January of 2022 and the execution of the
19 warrants on Abdiaziz Farah's house, how many cars did
20 federal agents seize?

21 A. That day we seized four vehicles.

22 Q. Before you arrived on the scene, were there any vehicles
23 federal agents expected to find there?

24 A. I believe that we expected to find two vehicles there
25 for sure. The GMC Sierra that was parked in the driveway we

1 knew about and then one other vehicle, at least one other
2 vehicle.

3 The layout of the garage was different than I
4 think what I would have thought it was. It looks from the
5 photo that it was a -- like a two -- like a side-by-side
6 garage, it could just fit in two vehicles, but once we got
7 in there it was like an L. It actually -- you could park
8 two on one side and one on the other. So we didn't -- I
9 didn't expect that. So there was an additional vehicle that
10 we weren't aware of.

11 Q. I've pulled back up Government's Exhibit H-1 on the
12 first page.

13 A. Yes.

14 Q. Is that the garage you're talking about?

15 A. It is.

16 Q. Now, you mentioned a GMC Sierra truck?

17 A. Yes.

18 Q. Do you see that truck in this photo?

19 A. I do.

20 Q. I'm going to pull up the 20th page of that same --
21 strike that. Apologies. Let me pull up the 20th page of
22 that same exhibit.

23 Is that another angle of the same truck?

24 A. It is.

25 Q. Had law enforcement prepared a seizure warrant for this

1 truck?

2 A. We did.

3 Q. Had that been authorized by a judge?

4 A. It was.

5 Q. You told us a little bit about inventory searches
6 earlier. When the FBI seized this GMC Sierra, did federal
7 agents undertake an inventory search?

8 A. We did.

9 Q. Did agents seize any items found in the truck in the
10 course of that inventory search?

11 A. We did.

12 Q. We'll talk about those items in a minute. I want to
13 complete our discussion about cars first. Okay?

14 A. Okay.

15 Q. Did law enforcement officers seize any documentation
16 from the premises related to this GMC truck?

17 A. I don't remember on that one, unless you have something.

18 Q. Would it refresh your memory if I show you an image of
19 one of the documents seized from that house?

20 A. Yes.

21 Q. Just for identification purposes, we've marked H-32,
22 which I will pull up for you. Can you review that to
23 yourself for a moment?

24 A. Yes.

25 Q. Does that refresh your recollection as to whether agents

1 seized any documents from the premises related to a GMC
2 Sierra?

3 A. It does.

4 Q. And did they?

5 A. Yes.

6 Q. The document I have pulled up, Government's H-32, is
7 that a scan of one of the documents seized from the premises
8 during the warrant execution we're discussing?

9 A. Yes, it was.

10 Q. Is this a true and accurate copy of that seized
11 document?

12 A. Yes.

13 MR. BOBIER: Your Honor, the government offers
14 H-32.

15 MR. IAN BIRRELL: No objection.

16 THE COURT: H-32 is admitted and may be published.

17 MR. BOBIER: Thank you.

18 BY MR. BOBIER:

19 Q. Special Agent Frank, now that the jury can see this
20 document, can you explain to us what this appears to be?

21 A. This appears to be a State of Minnesota title for the
22 2021 GMC Sierra that was seized on January 20th.

23 Q. January 20th of 2022, right?

24 A. Yes. I'm sorry.

25 Q. What's the acquisition date stated on this title

1 document?

2 A. Oh, yeah, August 21st, 2021.

3 Q. So that's five or six months before the execution of the
4 warrant?

5 A. Yes, approximately.

6 Q. What is the odometer stated here?

7 A. Ten. I would assume that's ten miles.

8 Q. So what was the condition of the car when it was
9 purchased?

10 A. It says it's new.

11 Q. Now, on this title document, who is stated as the owner
12 of the car?

13 A. It appears the owner was Empire Cuisine & Market LLC
14 with a subline of Abdiaziz S. Farah.

15 Q. And what is the owner address?

16 A. Empire -- I'm sorry -- Empire Cuisine & Market LLC,
17 13825 Edgewood Avenue in Savage, Minnesota.

18 Q. Now, just remind us, is 13825 Edgewood the address of
19 the house that you were searching on this date?

20 A. It is not.

21 Q. So this is a different address?

22 A. It is.

23 Q. Did you seize -- strike that.

24 You told us you seized some other vehicles from
25 the premises that day?

1 A. Yes, we did.

2 Q. And you were describing a garage, I think, the nature of
3 which surprised you; is that fair?

4 A. Yes.

5 Q. Let me pull up what has been admitted -- it's the 16th
6 page of Government's H-1. Do you see that?

7 A. I do.

8 Q. What are we looking at?

9 A. We're looking at a Porsche Macan S.

10 Q. Where was this found?

11 A. This is what I was describing is that back part of that
12 garage, that kind of extra bay that I wouldn't have been --
13 I was surprised, anyway.

14 Q. Let me go to the 19th page of the same exhibit. Is this
15 another angle on the same vehicle?

16 A. It is.

17 Q. Let me also show you the 17th page. Does this portray a
18 little more of the angle of the garage you were describing?

19 A. Yes. You can see another vehicle parked behind the
20 Porsche and then the garage door right behind it, and then
21 to the left of that vehicle right next to the garage door
22 would have been another vehicle. So kind of three in an L.

23 Q. Did you seize any documents during your search of the
24 premises related to this Porsche vehicle?

25 A. Yes, I believe we did.

1 Q. Just for identification purposes, we've marked
2 Government's Exhibit H-29. Do you see that, Special Agent
3 Frank?

4 A. Yes, I do.

5 Q. Is this one of the documents you and law enforcement
6 officers seized during the execution of the warrants?

7 A. Yes, it is.

8 Q. Is it a true and accurate copy of the seized document?

9 A. It is.

10 MR. BOBIER: Your Honor, the government offers
11 H-29.

12 MR. IAN BIRRELL: Without objection.

13 THE COURT: H-29 is admitted.

14 MR. BOBIER: Thank you.

15 BY MR. BOBIER:

16 Q. Can you tell us what we're seeing here, Special Agent
17 Frank?

18 A. It looks like we're looking at an application for a
19 title, a Minnesota title, for a 2021 Porsche Macan, blue in
20 color.

21 Q. And from your work executing the warrant on -- and on
22 this investigation, do you understand this document to
23 relate to the Porsche we were just looking at in those
24 photos?

25 A. Yes, it was for that, that particular Porsche Macan.

1 Q. It looks like this was purchased down on Wayzata
2 Boulevard; is that right?

3 A. Yes, it appears that way, yes.

4 Q. What's the acquisition date?

5 A. July 31st, 2021.

6 Q. So, again, just half year, give or take, before
7 execution of the warrants?

8 A. Yes. A little over, a little less than six months, I
9 believe.

10 Q. And this document is an application to title; is that
11 right?

12 A. Yes.

13 Q. Do you see a paid stamp here in the middle of the first
14 page?

15 A. I do.

16 Q. Down in subsection D of the same document, what name is
17 printed here in the application for title?

18 A. Abdiaziz S. Farah.

19 Q. And the street address?

20 A. 13825 Edgewood Avenue in Savage, Minnesota.

21 Q. Had FBI agents or law enforcement officers prepared a
22 seizure warrant for this Porsche before arriving on scene?

23 A. Yes.

24 Q. And had a federal judge authorized it?

25 A. Yes, they did.

1 Q. Was this Porsche seized during the course of the
2 execution of the warrants?

3 A. Yes, it was.

4 Q. Let me pull up what's been marked for identification as
5 Government H-30. Is this another one of the docs seized on
6 the day we've been describing?

7 A. Yes, it is.

8 Q. True and accurate copy?

9 A. Yes.

10 MR. BOBIER: Your Honor, the government offers
11 H-30.

12 MR. IAN BIRRELL: Without objection.

13 THE COURT: H-30 is admitted.

14 BY MR. BOBIER:

15 Q. The last document we were looking at was an application
16 for title, correct?

17 A. Yes.

18 Q. For the Porsche?

19 A. Yes.

20 Q. And what do we have here?

21 A. This is the actual title that you get once you apply for
22 it and pay for it. So the State of Minnesota title for the
23 2021 Porsche Macan.

24 Q. And what was the condition of that Porsche when
25 purchased?

1 A. Again, new with an odometer of 25 miles.

2 Q. And, again, owner and owner address, Abdiaziz Farah?

3 A. Yes.

4 Q. All right. We've talked about the GMC Sierra truck
5 seized out front.

6 A. Yes.

7 Q. Talked about the Porsche Macan in the garage.

8 Were there any other vehicles you seized that day?

9 A. Yes, there were two other vehicles.

10 Q. And where were those located?

11 A. In the garage.

12 Q. Let me pull up what's been admitted as H-1, the 13th
13 page.

14 What do we have here?

15 A. I believe that's a Nissan Murano.

16 Q. Is that another vehicle found on the site that day?

17 A. It was.

18 Q. Was this also seized?

19 A. It was.

20 Q. Did you seize any documents related to this vehicle?

21 A. I believe so, yes.

22 Q. Pulling up what's been marked for identification as
23 H-33. Is this another document seized during execution of
24 the warrant?

25 A. It is.

1 Q. True and accurate copy?

2 A. It is.

3 MR. BOBIER: Your Honor, the government offers
4 H-33.

5 MR. IAN BIRRELL: No objection.

6 THE COURT: H-33 is admitted.

7 BY MR. BOBIER:

8 Q. This is another title document, true?

9 A. It is.

10 Q. And what car is represented on this document?

11 A. 2021 Nissan Murano.

12 Q. You understand that relates to the car we were just
13 looking at in the photo?

14 A. Yes, it was.

15 Q. When was this one purchased?

16 A. October 30th of 2021, in new condition with 14 miles.

17 Q. So, again, a handful of months before the execution of
18 the warrant, correct?

19 A. Yes.

20 Q. Who's the owner of this one, according to the title
21 document?

22 A. Empire Cuisine & Market LLC, with a subline of
23 Abdiaziz S. Farah.

24 Q. That's three cars. You mentioned four.

25 A. Yes.

1 Q. What was the fourth?

2 A. The fourth was a Tesla vehicle.

3 Q. I'm pulling up what's been admitted H-1. This is the
4 15th page.

5 Is that the Tesla you found in Abdiaziz Farah's
6 garage?

7 A. Yes, it is.

8 Q. Was this vehicle seized on the day we've been
9 discussing?

10 A. Yes, it was.

11 Q. Go back a page. This is page 14 of H-1. Is this a rear
12 of the same car?

13 A. Yes, it is.

14 Q. And it looks like, if you look at the back bumper,
15 there's some writing that appears in what is either dust or
16 salt on the back of the car. Can you see that?

17 A. Yes, I do.

18 Q. What does that read?

19 A. Abdiaziz with a heart emoji, is what I would call it,
20 heart emoji, Kawsar 4 ever.

21 Q. Did you seize any documents related to this vehicle?

22 A. Yes.

23 Q. Pulling up what's been marked for identification H-31.
24 Is this one of the documents seized during execution of the
25 warrants?

1 A. It is.

2 MR. BOBIER: Your Honor, the government offers
3 H-31.

4 MR. IAN BIRRELL: No objection.

5 THE COURT: H-31 is admitted.

6 BY MR. BOBIER:

7 Q. All right. What is this, Special Agent Frank?

8 A. This is a Tesla motor vehicle purchase agreement.

9 Q. Do you understand this to relate to the same vehicle
10 that was in the picture we just looked at?

11 A. Yes. Had the same VIN number, I believe.

12 Q. Who is the customer?

13 A. Abdiaziz S. Farah at the same address that we did the
14 search and seizure warrant at.

15 Q. Just looking at some of the items here, it looks like
16 this Tesla is the full driving capability; is that right?

17 A. Yes, it does.

18 Q. What did that cost?

19 A. \$10,000.

20 Q. It looks like it's got the all-wheel drive performance,
21 right?

22 A. Yes.

23 Q. How much did that cost?

24 A. \$22,000.

25 Q. It looks like we've got a solid black paint job, right?

1 A. Yes.

2 Q. That's another thousand?

3 A. Yes.

4 Q. And looks like this is the Model Y, right?

5 A. Yes.

6 Q. How much is that?

7 A. \$39,990.

8 Q. So all together with these options and add-ons, what's
9 our total here?

10 A. \$75,440.

11 Q. Which is one of those four cars that you seized?

12 A. Yes.

13 Q. On the next page we see that the purchaser had to pay
14 some taxes too? Do we see that?

15 A. Yes.

16 Q. Some fees?

17 A. Yes.

18 Q. Inclusive of tax, fees and all of the add-ons, how much
19 was this Tesla that you found and seized?

20 A. \$81,003.11.

21 Q. Did you have a specific seizure warrant for the Nissan
22 and the Tesla?

23 A. Not at the time that we entered the residence. We
24 didn't -- we weren't aware that those vehicles were there at
25 the residence. So once we became aware of them, we

1 contacted our case team, our case agents and secured seizure
2 warrants through a judge while we were on premises, so we
3 could seize those vehicles as well.

4 Q. You described earlier that law enforcement officers are
5 authorized to seize items -- strike that.

6 You described earlier that a seizure warrant
7 authorizes -- can you tell it's the morning? I apologize.

8 A. No worries.

9 Q. Special Agent Frank, you described earlier that a search
10 warrant authorizes federal agents to seize items found
11 during the execution of that warrant; is that right?

12 A. Yes, it does.

13 Q. Including you had said suspected fruits of a crime?

14 A. Yes.

15 Q. What did law enforcement do with these four vehicles?

16 A. I think, as I indicated earlier, after we had taken
17 photos of them, inventoried them, we contacted the tow truck
18 driver. We had four tow trucks that came out, little bit of
19 spacing of time, but they secured the vehicles, after we
20 were done with them; and they were taken, I believe, to the
21 marshal service for storage.

22 Q. They were all towed away?

23 A. They were.

24 Q. Do you know where Abdiaziz Farah was as these vehicles
25 were being towed out of his residence?

1 A. Yes. He was on the premises in the house.

2 Q. Separate and apart from these four cars, did law
3 enforcement find any evidence related to the purchases of
4 any other vehicles?

5 A. I believe so, yes.

6 Q. Pulling up what's been marked for identification as
7 Government's H-28. Is this another document seized on the
8 day in question?

9 A. Yes, it is.

10 MR. BOBIER: Your Honor, the government offers
11 H-28.

12 MR. IAN BIRRELL: No objection.

13 THE COURT: H-28 is admitted.

14 BY MR. BOBIER:

15 Q. What type of document is this, Special Agent Frank?

16 A. It looks like it's a bill of sale from Boyer Ford
17 Trucks, Incorporated, in Savage, Minnesota.

18 Q. And to whom is the bill addressed?

19 A. It's billed to A&E Logistics Incorporated at 13825
20 Edgewood Avenue in Savage.

21 Q. This is the Edgewood address we saw on some of those
22 earlier title documents; is that true?

23 A. Yes, it's the same.

24 Q. And the Ship to address is the same A&E Logistics?

25 A. Yes, it is.

1 Q. What is this a bill of sale for?

2 A. It appears it's a bill of sale for two used 2016 Ford
3 Transit -- I'm not sure if those are trucks or vans, but
4 vehicles.

5 Q. And how much is the first of these Ford vehicles?

6 A. \$32,400.

7 Q. And the second one?

8 A. \$34,884.50.

9 Q. For a net total of about 70 grand?

10 A. Yeah, just under 70 grand. 69,000.

11 Q. At the bottom we see a signature here; is that right?

12 A. Yes.

13 Q. Let me go down to page 4 of this same document.

14 What does this say at the top here? What's
15 written below the insignia?

16 A. Vehicle receipt and delivery verification.

17 Q. And can you read this statement here that appears above
18 the signature line?

19 A. "This will certify that we received the above-described
20 vehicle on the date indicated."

21 Q. And, again, the customer?

22 A. A&E Logistics Incorporated.

23 Q. And there's a signature?

24 A. There is.

25 Q. I'm pulling up what's been marked for identification

1 H-27. Is this another one of the materials seized during
2 the execution of the warrants?

3 A. It is.

4 Q. True and accurate copy?

5 A. It is.

6 MR. BOBIER: Your Honor, the government offers
7 H-27.

8 MR. IAN BIRRELL: No objection.

9 THE COURT: H-27 is admitted.

10 BY MR. BOBIER:

11 Q. Now, can you tell the jury what this one appears to be?

12 A. It looks like a bill from Apple Autos. Go ahead.

13 Q. What's the customer name?

14 A. Abdiaziz Farah.

15 Q. And what type of vehicle do we see described here?

16 A. It is a 2021 Jeep Wrangler, black in color.

17 Q. Did you find a Jeep Wrangler on the site that day?

18 A. Not at that site, no.

19 Q. Second page of the same document. What is this document
20 described as at the top here?

21 A. Vehicle service contract/application.

22 Q. From EasyCare?

23 A. Yes.

24 Q. Who's the customer?

25 A. Abdiaziz Farah.

1 Q. You see this email address?

2 A. I do.

3 Q. Are you familiar with that email address at all?

4 A. I am.

5 Q. How so?

6 A. It's the email that's been associated with Abdiaziz
7 Farah.

8 Q. One other question on this document.

9 What is stated as the vehicle purchase price of
10 this 2021 Jeep?

11 A. \$61,436.

12 Q. All right. Special Agent Frank, we've talked now about
13 vehicles. I want to talk about cash.

14 A. Yes.

15 Q. Did law enforcement officers find any cash at Abdiaziz
16 Farah's house?

17 A. We did.

18 Q. Did you seize the cash?

19 A. We did.

20 Q. Did you find any cash in the house?

21 A. Yes.

22 Q. Pulling up for identification purposes what's been
23 marked as I-2.

24 Let me pull up H-1, which is already in evidence.
25 This is the 65th page of that exhibit.

1 Can you tell the jury what we're seeing here?

2 A. Yes. It's a black purse with some gold in color
3 letters, YSL, with some cash next to it, with at least
4 hundred dollar bills.

5 Q. Let me show you a different page from the same exhibit.
6 Now, this is the third page from the same exhibit. I see
7 this yellow 25 in this image.

8 A. Yes.

9 Q. We saw that in the last image too, right?

10 A. Yes.

11 Q. What is that yellow 25?

12 A. The 25 are markers that we use for the evidence response
13 team, as well as other searches, to indicate like in
14 photographs what we were seizing, what we found and where we
15 found it, and also for just documentation purposes like
16 this, to match up photographs.

17 Q. To match up photographs?

18 A. Mm-hmm.

19 Q. So the fact that we saw the yellow 25 in the last
20 picture and also in this indicates what to you?

21 A. Indicates it's from the same item.

22 Q. Now, what do we see pictured here?

23 A. This is the cash that was discovered in that purse just
24 laid out a little bit more, so we can get an accurate photo
25 of it.

1 Q. Do you remember how much cash was found that is laid out
2 and pictured here, just in that purse?

3 A. I believe it was \$5500.

4 Q. Looks like mostly in 50s; is that right?

5 A. Yeah. I think it was mostly 50s and a couple of 100s
6 off to the side right below the 25.

7 Q. And actually I see now the purse is pictured behind that
8 yellow 25 here on the third page, correct?

9 A. It is. It is the same purse.

10 Q. Is this all the cash you found in the house?

11 A. No, it's not.

12 Q. Is it all the cash you found on the premises?

13 A. No, it's not.

14 Q. You mentioned earlier that you conducted an inventory
15 search of that GMC Sierra that we'd seen pictured in the
16 driveway, right?

17 A. Yes.

18 Q. Did law enforcement find any cash in that truck?

19 A. We did.

20 Q. Let me pull up what is in evidence as the 27th page of
21 H-1. What are we looking at here?

22 A. We're looking at a photo like above an open center
23 console of that GMC Sierra parked in the driveway, like when
24 you open up the little center console in your vehicle.

25 Q. I want to talk about this item next to the yellow 2. Do

1 you see that?

2 A. I do.

3 Q. What's this item next to the yellow 2?

4 A. That's a Chase envelope, like when you usually get money
5 or cash from withdrawing from your bank or Chase bank, they
6 put it in an envelope that you request.

7 Q. Did law enforcement open up this envelope and see what's
8 inside?

9 A. We did.

10 Q. On page 70 of the same exhibit.

11 A. Yes.

12 Q. What do we see here?

13 A. This is the cash. Again, it's the number 2 from that
14 same photo that was shown before. And this is generally how
15 we -- after we've counted it, stack it out, so that way we
16 can take a photo of it. So each one of these stacks would
17 be \$1,000, so easier for us to count and make sure we have
18 the right count.

19 Q. Okay. So that I understand this, this one stack I've
20 zoomed in --

21 A. Yes.

22 Q. -- it's got a hundred dollar bill on the top, right?

23 A. Yes.

24 Q. So consistent with the practice you've participated in
25 in executing search warrants, we should expect there are a

1 hundred -- there are ten \$100 bills in that stack; is that
2 right?

3 A. Yes, that would be accurate.

4 Q. So that's a thousand bucks?

5 A. Yeah.

6 Q. Second pile, same thing?

7 A. Yes.

8 Q. Third pile, same thing?

9 A. Yes.

10 Q. Fourth?

11 A. Yes.

12 Q. Fifth?

13 A. Same for all of the stacks for the first three lines.

14 And then kind of the extra that's not totaling a thousand
15 dollars we put -- we line it up, so you can see how many
16 individual hundred dollar bills there are.

17 Q. Do you remember how much money was in that Chase
18 envelope pulled out of the GMC Sierra in Abdiaziz Farah's
19 driveway?

20 A. I don't remember. I could probably count it from this,
21 but -- I mean, 17,000 something dollars, something like
22 that.

23 Q. Did you find any other cash in that truck?

24 A. Yes, we did.

25 Q. Pulling up what's in evidence H-1, page 28. Tell the

1 jury what we see here.

2 A. So this is -- that GMC Sierra is like a quad cab,
3 meaning like the two doors on the front, doors on the back
4 for passengers. So this would be in the rear, that rear
5 part of the vehicle in the passenger compartment, like on
6 the floorboard. And this is -- I would describe it as a
7 black, like, laptop-type bag or travel bag.

8 Q. Did you find any cash in this bag?

9 A. Yes. So as soon as we opened it, you can see some cash
10 right there or the ends of the bills. So that's why we put
11 the 4 there. So this is even before we took it out of
12 the -- the bag. We always want to show as much as possible
13 something in place as how we found it, so that's how we
14 documented this.

15 Q. So when you say we can see the ends of the bills here,
16 are you talking about --

17 A. Yes.

18 Q. -- these sort of edges next to the Number 4?

19 A. Yes.

20 Q. Did you open that up, count how much was inside?

21 A. Yes, we opened all that and counted it all.

22 Q. Let me show you another page of what's in evidence as
23 H-1. What are we looking at here?

24 A. So, again, that item number 4 from the same black bag
25 found in the GMC Sierra that we seized. This is the money

1 displayed in, again, \$1,000 stacks, so to speak, after we've
2 counted it.

3 Q. All right. So same as in the last picture, each stack
4 is a thousand dollars?

5 A. Yes.

6 Q. Let's just look at the first row here. Just in that
7 first row, can you count how many stacks we have?

8 A. Ten.

9 Q. Did you say ten?

10 A. Yes, ten.

11 Q. So how much money is just in this first row?

12 A. \$10,000.

13 Q. We've got a second row?

14 A. Yes.

15 Q. Of ten stacks?

16 A. Yes.

17 Q. Is that another ten grand?

18 A. It is.

19 Q. Third row?

20 A. Yeah, in the third row the 4 is kind of splitting up
21 that row a little bit, but those two to the right of the 4
22 would also be included in the -- and those are 50s, I think,
23 on the -- to the right of the 4, but in total that would be
24 another \$10,000.

25 Q. Just in that third row?

1 A. Yes.

2 Q. Another ten grand in the fourth row?

3 A. Yes. Again, those are like more 50s, 50 denomination, I
4 believe, but 10,000 total.

5 Q. It looks like most of these are in hundreds, but I guess
6 to break it up, there are also some 50s; is that right?

7 A. Yes.

8 Q. We've got some extra in the back here as well?

9 A. Yes.

10 Q. Do you remember how much total cash was found just in
11 this black bag?

12 A. I don't know the exact figure, but I believe it's around
13 \$49,000.

14 Q. Would it refresh your memory if I show you an 886?

15 A. Yes, it would.

16 Q. Let me show you what has been marked just for
17 identification purposes as I-2.

18 Does this refresh your memory as to how much cash
19 was seized?

20 A. Yes, it does.

21 Q. Pulling up H-1, the 41st page again, how much cash was
22 this?

23 A. This was \$42,550 in cash.

24 Q. In addition to the 17 or 18K found in the console?

25 A. Yes.

1 Q. All right. That's domestic U.S. currency, right?

2 A. Yes.

3 Q. During the execution of the search warrants, did you or
4 law enforcement personnel on site find any foreign currency?

5 A. Yes, we did.

6 Q. Let me pull up H-1, which is in evidence, page 44. I
7 see this yellow number 4 again.

8 A. Yes.

9 Q. Does that -- and I see a bag here in the photo as well,
10 right?

11 A. Yes.

12 Q. Is this the same bag that was next to the yellow
13 number 4 we looked at earlier?

14 A. It is.

15 Q. From which the U.S. currency we discussed was taken?

16 A. Yes, it is.

17 Q. If I go to page 46 of the same exhibit, is this a little
18 bit closer angle on the same set of materials?

19 A. It is.

20 Q. And I see some foreign currency here by the yellow 4.
21 Do you see that?

22 A. Yes.

23 Q. Are you able to tell us what nations that currency came
24 from?

25 A. Yes. I believe the stacks on the left and the right are

1 from Kenya, and the middle stack is United Arab Emirates,
2 U.A.E.

3 Q. While we're on that photo -- pull that back up, H-1,
4 page 46 -- are all the materials on this table items that
5 were seized from that bag in the GMC?

6 A. They are.

7 Q. I just want to draw your attention to this envelope
8 here. Can you tell us what that says on the envelope?

9 A. Yeah. Excuse me. In the upper left-hand corner there's
10 Partners in Quality Care with an address in St. Paul,
11 Minnesota, and on the center was written Mind
12 Foundry/Empire.

13 Q. All right. Special Agent Frank, you've told us about
14 cars?

15 A. Yes.

16 Q. You've told us about cash?

17 A. Yes.

18 Q. Let's talk about travel. Did you seize any documents
19 from Abdiaziz Farah's house related to travel?

20 A. Yes.

21 Q. Pulling up H-1 already in evidence, page 63. Do you see
22 the yellow 18 here?

23 A. Yes.

24 Q. And there's some language on the -- what looks like a
25 padfolio or a folder beneath that 18; is that right?

1 A. Yes.

2 Q. Can you read what that language says?

3 A. It says, At the Top, Burj Khalifa.

4 Q. Do you know what the Burj Khalifa is?

5 A. Yeah. I think it's one of the tallest skyscrapers in
6 the world located in Dubai, I believe, U.A.E.

7 Q. Same exhibit, page 74. What are we looking at here?

8 A. These -- I think this -- I believe this black folio or
9 folder is that same folder opened. And there's a photo of
10 what I have come to understand is the Burj Khalifa tower
11 right there, as indicated.

12 Q. This sort of shiny building I've zoomed in on on the
13 74th page, that's what you're referring to?

14 A. Yes.

15 Q. And that's in the U.A.E. you said?

16 A. Yes.

17 Q. What do these photos appear to be?

18 A. They appear to be an ATV occupied by Abdiaziz Farah
19 from -- in a sand location.

20 Q. We've got another photo here on the bottom right. Can
21 you tell us what that is?

22 A. Yeah, that's a photo, I believe, of Sadia Dubat holding
23 a bird.

24 Q. And who is Sadia Dubat?

25 A. The wife of Abdiaziz Farah.

1 Q. Did you seize any other documents related to travel?

2 A. Yes.

3 Q. Let me pull up what's been marked for identification
4 purposes Government's H-21.

5 Another one of the documents you seized at
6 Abdiaziz Farah's house?

7 A. Yes.

8 Q. True and accurate?

9 A. Yes.

10 MR. BOBIER: Your Honor, the government offers
11 H-21.

12 MR. IAN BIRRELL: No objection.

13 THE COURT: H-21 is admitted.

14 BY MR. BOBIER:

15 Q. What does this look like, Special Agent Frank?

16 A. It looks like an itinerary for plane travel.

17 Q. And where is the plane travel headed?

18 A. To Istanbul in Turkey.

19 Q. It's an international flight?

20 A. Yes, it appears to be. From Minneapolis to Chicago, and
21 then I think down a little bit below is the connecting
22 flight from Chicago to Istanbul.

23 Q. At the top here, who is this travel itinerary prepared
24 for?

25 A. It's prepared for Abdimajid Nur and Abdiaziz Farah.

1 Q. Do you have an understanding as to who Abdimajid Nur is?

2 A. Yes.

3 Q. What's that understanding?

4 A. One of the defendants in this case.

5 Q. Looks like on the second page we have some return
6 flights; is that right?

7 A. Yes, return flights from Turkish Airlines to -- from
8 Istanbul to Chicago and then Chicago to Minneapolis.

9 Q. Did you find any other travel records like this?

10 A. I believe so, yes.

11 Q. Let me pull up what's been marked for identification as
12 H-24. Is this the travel record you seized at Abdiaziz
13 Farah's house that you were just describing to us?

14 A. It is.

15 Q. True and accurate copy?

16 A. It is.

17 MR. BOBIER: Your Honor, the government offers
18 H-24.

19 MR. IAN BIRRELL: Without objection.

20 THE COURT: H-24 is admitted.

21 BY MR. BOBIER:

22 Q. All right. Now the last international travel we saw was
23 related to Turkey, right?

24 A. Yes.

25 Q. Where is this trip going?

1 A. To Nairobi, Kenya.

2 Q. And who is traveling?

3 A. Abdiaziz Farah.

4 Q. Down here can you tell us what cabin he is flying on?

5 A. First class.

6 Q. This first one is Minneapolis to Chicago, right?

7 A. It is.

8 Q. And we've got another leg of the trip. Where is this
9 going?

10 A. From Chicago to Amsterdam in the Netherlands.

11 Q. It looks like he's flying Royal Dutch Airlines?

12 A. It does.

13 Q. What cabin?

14 A. Business.

15 Q. Do you know what business class is?

16 A. It's higher than coach. I believe it's like considered
17 first class for international travel.

18 Q. Have you ever flown business class in international
19 travel?

20 MR. IAN BIRRELL: Object as to relevance.

21 THE COURT: Sustained.

22 BY MR. BOBIER:

23 Q. Let's go to the next page.

24 Where does he go after Amsterdam?

25 A. From Amsterdam to Nairobi, Kenya.

1 Q. And that's on June 3rd?

2 A. Yes.

3 Q. So then on June 2nd [sic], where's he going next?

4 A. June 22nd he went from Nairobi, Kenya, to Dubai, U.A.E.

5 Q. And remind us where the Burj Khalifa is.

6 A. Dubai, U.A.E.

7 Q. Now, on July 3rd, what's the last leg of the trip or the
8 next one, rather?

9 A. From Dubai, U.A.E. to Amsterdam, Netherlands.

10 Q. And for all this international trip itinerary we were
11 just discussing, Amsterdam to Kenya, Kenya to Dubai, Dubai
12 back to Amsterdam, what cabin is he sitting in each time?

13 A. Business.

14 Q. Finally, on July 3rd where does he go?

15 A. From Amsterdam, Netherlands, to Minneapolis, Minnesota.

16 Q. All right. Special Agent Frank, we've talked about
17 cars, we've talked about cash, we've talked about travel.

18 A. Yes.

19 Q. I want to talk about jewelry.

20 A. Yes.

21 Q. Did you seize any jewelry from Abdiaziz Farah's house?

22 A. We did.

23 Q. I'm going to show you H-1, which is in evidence,
24 page 64. Can you tell us what we're looking at here?

25 A. Yeah, we're looking at -- excuse me -- looking at three

1 jewelry boxes that were located in the residence that we did
2 the search and seizure at.

3 Q. It looks like there's something in, at least in this
4 photo, one or two of the boxes; fair?

5 A. Yes.

6 Q. Did you seize any documentation related to any jewelry?

7 A. We did.

8 Q. Let me pull up what's been marked for identification
9 H-25.

10 Is this one of the documents you seized?

11 A. It is.

12 Q. True and accurate copy?

13 A. It is.

14 MR. BOBIER: Your Honor, the government offers
15 H-25.

16 MR. IAN BIRRELL: Without objection.

17 THE COURT: H-25 is admitted.

18 BY MR. BOBIER:

19 Q. Can you tell us what we're seeing here, Special Agent
20 Frank?

21 A. Yeah, it's a -- excuse me -- a tax invoice from Gold
22 House Jewellery.

23 Q. What's Gold House Jewellery?

24 A. I believe that's one of the names on the boxes.

25 Q. That we just looked at together?

1 A. Yes.

2 Q. In Government's H-1, which I'll pull up next to this?

3 A. Yes, the one on the right, the dark red in color. Yep.

4 Q. Let me pull H-25 back up. Tax invoice. Okay. Who is
5 the customer name?

6 A. Sadia Dubat.

7 Q. And who is that?

8 A. The wife of Abdiaziz Farah.

9 Q. It looks like in this tax invoice in the second column
10 from the right we've got some description. Can you read
11 that?

12 A. Yes. It says 21K-21K gold jewellery.

13 Q. And a little bit below that, there's an amount written
14 next to the word "cash." Do you see that?

15 A. I do.

16 Q. What number is there?

17 A. 9,915.

18 Q. Is the currency identified in the text below that
19 number?

20 A. Yes. United Arab Emirates dirham.

21 Q. At the bottom here, is there a Paid stamp?

22 A. Yes.

23 Q. And to the right of the Paid stamp, confirmed on behalf
24 of what name?

25 A. Sadia Dubat.

1 Q. Let me pull up H-1 again, the photo we'd been looking
2 at. That was the Gold House Jewellery tax document, right?

3 A. Yes.

4 Q. There's another jewelry box here. Can you read that
5 company name?

6 A. Al-Romaizan Gold & Jewellery LLC.

7 Q. Did you seize any documents related to this company?

8 A. Yes, I believe we did.

9 Q. Pull up what's been marked for identification as H-26.
10 Is this one of the documents you seized?

11 A. Yes, it is.

12 Q. True and accurate?

13 A. Yes, it is.

14 MR. BOBIER: Your Honor, the government offers
15 H-26.

16 MR. IAN BIRRELL: No objection.

17 THE COURT: H-26 is admitted.

18 BY MR. BOBIER:

19 Q. Now that the jury can see this, can you tell us what we
20 see at the top here?

21 A. Yes, the same name Al-Romaizan Gold & Jewellery LLC, tax
22 invoice.

23 Q. And that's that same name that we just saw on the
24 jewelry box?

25 A. It is.

1 Q. The same sort of symbol here too in the top left?

2 A. It is.

3 Q. It looks like there's a name written on this tax
4 invoice. Can you read that?

5 A. Sadia Sahal Dubat.

6 Q. And it looks like we've got an amount over here on the
7 left. Can you read that?

8 A. Yes. 4,050, I believe U.A.E. dirham.

9 Q. At the very bottom here, is there an address provided
10 for the gold and jewelry company whose tax invoice this
11 appears to be?

12 A. Yeah. P.O. Box 81437 in Dubai, U.A.E.

13 Q. In Dubai?

14 A. Yes.

15 Q. All right. Special Agent Frank, you've told us about
16 cars, you've told us about cash, you've told us about
17 travel, you've told us about jewelry. I want to talk about
18 real estate.

19 A. Yes.

20 Q. At Abdiaziz Farah's house did you seize any materials
21 related to real estate transactions?

22 A. Yes, we did.

23 Q. Let me pull up what's already in evidence H-1. It's the
24 52nd page.

25 I'm seeing a number of documents on the table; is

1 that fair?

2 A. Yes.

3 Q. Can you describe -- I've zoomed in on the sort of top
4 center document. Can you describe what that is?

5 A. Yeah, it's a -- what appears to be a -- a plan of some
6 sort for a house.

7 Q. I know it's a small picture. Can you describe what kind
8 of house that looks like?

9 A. I mean, it looks like a three-story house built on a --
10 a hill of some sort with some retaining walls maybe,
11 something like that.

12 Q. Let me pull up page 57 of the same document in evidence.

13 All right. Do you see that, Special Agent Frank?

14 A. I do.

15 Q. If I zoom in on the center here, can you tell us what
16 the text is written in the middle of this sort of gray
17 shape?

18 A. Yes. "Proposed House."

19 Q. And to the extent you know, what does this appear to be?

20 A. This appears to be a plan for a proposed house built
21 somewhere in Minnesota -- to be built, I should say.

22 Q. Let me zoom in at the top. Next to the compass, this
23 North symbol, do you see that?

24 A. Yes.

25 Q. Is there some text written in gray?

1 A. Yes.

2 Q. What does that say?

3 A. Prior Lake.

4 Q. Now, if I zoom in at the bottom, below that proposed
5 house shape you showed us, there's a lot of text written in
6 light gray. Do you see that?

7 A. Yes.

8 Q. And, in particular, can you read us what this light gray
9 text says toward the bottom of the page?

10 A. Yes. South line of Lot 32, Candy Cove Park.

11 Q. Did you seize any other materials related to potential
12 real estate either on Prior Lake or in an area called Candy
13 Cove Park?

14 A. Yes, we did.

15 Q. Let me show you what's been marked for identification as
16 Government's H-40. Do you see that document?

17 A. Yes.

18 Q. One of the documents seized during the execution of the
19 warrant?

20 A. Yes.

21 MR. BOBIER: Your Honor, the government offers
22 H-40.

23 MR. IAN BIRRELL: No objection.

24 THE COURT: H-40 is admitted.

25

1 BY MR. BOBIER:

2 Q. What's written on the title of this document here?

3 A. "Members Unanimous Resolution."

4 Q. And I want to zoom in on the third paragraph and the
5 signature bar below. Could you just read that third
6 paragraph for us?

7 A. "Now, therefore, be it resolved, that Abdiaziz Farah as
8 the chief manager of Empire Enterprises LLC shall be
9 authorized and empowered to maintain ownership and to buy,
10 sell and mortgage real property on behalf of and in the name
11 of Empire Enterprises LLC and to execute and deliver any and
12 all documents required to do so."

13 Q. What's the date?

14 A. July 23rd, 2021.

15 Q. Remind us when you executed the search warrants.

16 A. January 20th, 2022.

17 Q. Now, below the text you just read, there's a name. What
18 name is that?

19 A. Abdiaziz Farah.

20 Q. And it looks like there's a DocuSign signature?

21 A. Yes, that appears to be.

22 Q. Was there still other documentation that you seized at
23 the house related to Prior Lake or -- I'm sorry. Let me
24 show you one more thing.

25 We just walked through this first page, correct?

1 A. Yes, we did.

2 Q. Let's look at the second page. What's the property
3 address?

4 A. It's 5594 and 5604 Candy Cove Trail Southeast in
5 Prior Lake, Minnesota.

6 Q. And at the bottom there's a purchaser identified; is
7 that right?

8 A. Yes.

9 Q. Who is the purchaser?

10 A. Empire Enterprises LLC.

11 Q. And there's a signature?

12 A. Yes.

13 Q. Now, were there other documents you seized related to
14 real estate on Prior Lake or Candy Cove Park?

15 A. Yes, there was.

16 Q. Let me show you what's been marked for identification as
17 Government's H-42. Is that another document seized during
18 execution of the warrants?

19 A. Yes, it is.

20 MR. BOBIER: Your Honor, the government offers
21 H-42.

22 MR. IAN BIRRELL: No objection.

23 THE COURT: H-42 is admitted.

24 BY MR. BOBIER:

25 Q. Okay. What do we see on the top here?

1 A. We see a settlement statement between the borrower and
2 buyer from Trademark Title Services, Incorporated, out of
3 Savage, Minnesota.

4 Q. And, again, what's the property address here?

5 A. 5594 and 5604 Candy Cove Trail Southeast in Prior Lake,
6 Minnesota.

7 Q. The buyer is Empire Enterprises?

8 A. It is.

9 Q. And you recognize this Hampshire Lane address?

10 A. I do.

11 Q. Why do you recognize it?

12 A. It's the same address that we did the search and seizure
13 warrants on January 20th, 2022.

14 Q. At Abdiaziz Farah's house?

15 A. Yes.

16 Q. There's a final sale price of this property. What's the
17 final sale price?

18 A. \$1,100,000.

19 Q. It look like the buyers already put down a deposit; is
20 that right?

21 A. Yes.

22 Q. How much?

23 A. \$60,000.

24 Q. And on the last page there's an acknowledgement
25 statement; is that right?

1 A. Yes, that appears to be.

2 Q. Empire is identified as the buyer?

3 A. It is.

4 Q. And this is signed?

5 A. It is.

6 Q. Let me show you what's been marked for identification as
7 H-35.

8 Is this another document seized during execution
9 of the warrants?

10 A. Yes, it is.

11 MR. BOBIER: Your Honor, the government offers
12 H-35.

13 MR. IAN BIRRELL: No objection.

14 THE COURT: H-35 is admitted.

15 MR. BOBIER: And what does this appear --
16 I'm sorry, Your Honor. Thank you.

17 BY MR. BOBIER:

18 Q. What does this appear to be?

19 A. It appears to be a cashier's check from U.S. Bank to the
20 order of Johnson-Reiland Builders for \$250,000.

21 Q. And on the top we can see that a U.S. Bank account is
22 identified; is that right?

23 A. Yes.

24 Q. Do you see a final four for the account number here?
25 Can you make that out?

1 A. Yes.

2 Q. Can you read those, please?

3 A. 9932.

4 Q. Let me pull up what is in evidence as O-007. This is in
5 evidence as O-007.

6 It is bank records from U.S. Bank with the account
7 title Empire Cuisine & Market. Do you see that?

8 A. I do.

9 Q. See the last four of an account number here?

10 A. I do.

11 Q. What are those?

12 A. 9932.

13 Q. It's the same numbers?

14 A. It is.

15 Q. On the next page of that same document, what are the two
16 names for the account holders?

17 A. Mohamed J. Ismail and Abdiaziz S. Farah.

18 Q. Do you have an understanding as to who Mohamed Ismail
19 is?

20 A. I might need my memory refreshed on that one.

21 Q. Would it refresh your memory to take a look at the
22 superseding indictment in this case?

23 A. It would.

24 MR. BOBIER: Your Honor, permission to approach?

25 THE COURT: Granted.

1 BY MR. BOBIER:

2 Q. Does that refresh your memory?

3 A. It does.

4 Q. Who is Mohamed Ismail, as far as you know?

5 A. One of the defendants in this case.

6 Q. Did you seize any other documents related to builders
7 during the execution of the warrants we've been discussing?

8 A. Yes, I believe so.

9 Q. I'm going to show you what's been marked for
10 identification as H-38. Is this another one of the
11 materials seized?

12 A. It is.

13 Q. True and accurate?

14 A. It is.

15 MR. BOBIER: Your Honor, the government offers
16 H-38.

17 MR. IAN BIRRELL: Without objection.

18 THE COURT: H-38 is admitted.

19 MR. BOBIER: Thank you, Your Honor.

20 BY MR. BOBIER:

21 Q. Now that the jury can see this, Special Agent Frank, is
22 this another cashier's check?

23 A. It is.

24 Q. Also paid to that Johnson-Reiland Builders from the last
25 check, correct?

1 A. Yes, it is.

2 Q. What's the amount of this one?

3 A. \$350,000.

4 Q. The first one was for 250, I think you said; is that
5 right?

6 A. Yes.

7 Q. Did you seize any other documents related to real estate
8 transactions?

9 A. I believe so, yes.

10 Q. Let me show you what's been marked H-39 for
11 identification.

12 Is this another one of the materials seized?

13 A. Yes, it is.

14 Q. Is it a true and accurate copy?

15 A. Yes.

16 MR. BOBIER: Your Honor, the government offers
17 H-39.

18 MR. IAN BIRRELL: Without objection.

19 THE COURT: H-39 is admitted.

20 MR. BOBIER: Thank you.

21 BY MR. BOBIER:

22 Q. Is this another Trademark Title Services document; is
23 that right?

24 A. It is.

25 Q. Let's see what's here. Who is the buyer on this one?

1 A. Empire Enterprises LLC.

2 Q. And what's the address?

3 A. 438 Stonewood Lane in Burnsville, Minnesota.

4 Q. So this is a separate property from the Prior Lake
5 mentioned in the earlier documents; is that right?

6 A. Yes, it is.

7 Q. What's the settlement date down here?

8 A. October 15th, 2021.

9 Q. What's the sale price on this one?

10 A. \$335,000.

11 Q. It looks like there's a deposit down, correct?

12 A. Yes, of \$4,000.

13 Q. There's an acknowledgement at the bottom, right?

14 A. There is.

15 Q. Empire Enterprises as the buyer?

16 A. Yes.

17 Q. Abdiaziz Farah, chief manager?

18 A. Yes.

19 Q. And is there a signature there?

20 A. There is.

21 Q. Let me pull up H-41 for identification purposes.

22 Is this yet another document seized during the
23 execution of the warrants at Abdiaziz Farah's house?

24 A. Yes.

25 Q. True and accurate copy?

1 A. Yes.

2 MR. BOBIER: Your Honor, the government offers
3 H-41.

4 MR. IAN BIRRELL: No objection.

5 THE COURT: H-41 is admitted.

6 Mr. Bobier, I'd like to take a brief break. Do
7 you want to ask questions about this one and then --

8 MR. BOBIER: That would be great, Your Honor.
9 Yes.

10 THE COURT: Go ahead.

11 MR. BOBIER: Thank you.

12 BY MR. BOBIER:

13 Q. All right. Special Agent Frank, quickly then, Trademark
14 Title Services at the top of this document?

15 A. Yes.

16 Q. What's the date?

17 A. May 20th, 2021.

18 Q. Who is this made out to here, directed to?

19 A. Abdiaziz Farah.

20 Q. And do you recognize the address?

21 A. I do.

22 Q. Why do you recognize the address?

23 A. The same address that we executed the search and seizure
24 warrants on January 20th, 2022.

25 Q. His house?

1 A. Yes.

2 Q. Let me go down to the 7th page of this same document.

3 I've pulled up Schedule A. Do you see that?

4 A. I do.

5 Q. It says at the top left, "Owner's policy of title
6 insurance." Is that right?

7 A. Yes.

8 Q. What's the amount of insurance on this property?

9 A. \$575,000.

10 Q. And that's for the house that you searched which we've
11 been discussing all morning, correct?

12 A. Yes, sir.

13 Q. What's the name of the insured?

14 A. Abdiaziz Farah.

15 Q. Thank you.

16 MR. BOBIER: Your Honor.

17 THE COURT: Thank you.

18 Let's take a break until 11:50, and then we'll
19 return and then we'll break for lunch about 12:35.

20 Thank you, everyone.

21 THE CLERK: All rise.

22 (Recess taken at 11:34 a.m. till 11:52 a.m.)

23

24

IN OPEN COURT

25

(JURY NOT PRESENT)

1 THE COURT: You may all be seated.

2 We are out of the presence of the jury. My
3 understanding is that the parties have something to place on
4 the record.

5 Mr. Bobier.

6 MR. BOBIER: Yes, Your Honor. Thank you.

7 Just to perhaps conserve the court and jury's
8 time, instead of doing the litany every time for all of
9 these documents seized --

10 THE COURT: I am all for that.

11 MR. BOBIER: I proposed to Mr. Birrell that we
12 enter a number of them by stipulation. And he at least, I
13 think, is in agreement through -- that would be H-1 through
14 H-46. I didn't speak to all the counsel in the room, but
15 given that it is his client's house, so.

16 THE COURT: Mr. Birrell?

17 MR. IAN BIRRELL: That's correct, Your Honor.

18 THE COURT: H-1 through H-46 are thus admitted by
19 stipulation.

20 MR. BOBIER: Thank you, Your Honor.

21 THE COURT: All right. Bring the jury in. Thank
22 you.

23 COURTROOM DEPUTY: All rise for the jury.

24 **IN OPEN COURT**

25 **(JURY PRESENT)**

1 THE COURT: You may all be seated.

2 Mr. Bobier, you may continue your inquiry.

3 MR. BOBIER: Thank you, Your Honor.

4 BY MR. BOBIER:

5 Q. Special Agent Frank, before the break we'd been talking
6 about the execution of the search warrant on Abdiaziz
7 Farah's house as part of the broader Feeding Our Future
8 investigation; is that right?

9 A. Yes.

10 Q. And you told us about some of the items you and law
11 enforcement had seized that day, correct?

12 A. Yes.

13 Q. You told us about cars?

14 A. Yes.

15 Q. Told us about cash?

16 A. Yes.

17 Q. Told us about evidence of travel?

18 A. Yes.

19 Q. Told us about jewelry?

20 A. Yes.

21 Q. Told us about real estate?

22 A. Yes.

23 Q. Now, you said at the beginning when federal agents
24 execute a search warrant, part of what you are authorized to
25 look for is evidence of crimes; is that right?

1 A. Yes.

2 Q. Can you describe what kind of evidence you might look
3 for in a money laundering case?

4 A. Yeah. We'd look for financial documentation, like bank
5 accounts, bank statements.

6 During the course of our investigation we may
7 become aware of certain accounts, but not all of them,
8 because they might be in different company names that we
9 weren't aware of or different people that we weren't aware
10 of that might be involved in the fraud scheme. So we're
11 definitely looking for that.

12 And wire transfer documentation, what the money
13 was used for, where it went, you know, like did it purchase
14 houses, cars, yachts, planes. You know, who knows what it
15 will be. We usually don't know all the time where all the
16 money went at that point. That's what part of that search
17 is for, is to uncover additional information.

18 Q. And in searching for the evidence of suspected crimes,
19 do you search for communications?

20 A. Yes.

21 Q. How do you do that?

22 A. Sure. Communications nowadays are a lot in your phone,
23 like texts, encrypted apps, Telegram, WhatsApp, Signal,
24 whatever the case may be. So we do, in the course of our
25 search, search for electronic devices like laptops, cell

1 phones, other electronic devices that might provide
2 information on communications.

3 Q. Can the seizure of phones be important?

4 A. Absolutely.

5 Q. Why is that?

6 A. Financial documentation is great. It shows, you know,
7 money moved from point A to point B, but not all -- it
8 doesn't tell us all the time why, what was the context
9 behind that.

10 So communications maybe surrounding that date and
11 a person talking to another person about that particular
12 financial transaction and what it was for or what it was not
13 for is very important for our investigation to determine
14 what the motive is and why they're doing it.

15 Q. Okay. So take us back to the scene. You're executing
16 these warrants on Abdiaziz Farah's house as part of the
17 broader Feeding Our Future investigation. Did law
18 enforcement personnel seize any phones there?

19 A. Yes.

20 Q. Did you come to know whose phones you had seized?

21 A. Yes.

22 Q. Whose phone did you seize?

23 A. One of the phones was Abdiaziz Farah's phone.

24 Q. Now, Special Agent Frank, I have here in my hand a
25 physical exhibit. It's been marked for identification as

1 Government's H-46. Do you see this here in my hand?

2 A. I do.

3 MR. BOBIER: Your Honor, may I approach with the
4 physical exhibit?

5 THE COURT: You may.

6 BY MR. BOBIER:

7 Q. Do you recognize what I've handed you, sir?

8 A. Yes.

9 Q. How is it that you recognize it?

10 A. I recognize the phone, particularly the serial number
11 that was recorded on the bag, and the model and the make of
12 the phone.

13 Q. And you say you "recognize the phone." But to be clear
14 for the record, can you describe what I handed you?

15 A. Sure. It's an Apple iPhone, black in color.

16 Q. And was that in an envelope when I placed it up there
17 with you?

18 A. It was. It was in a paper bag marked with iPhone 13
19 Pro.

20 Q. The phone I handed to you, is that in substantially the
21 same condition as when it was seized?

22 A. It is.

23 Q. Do you recognize whose phone that is?

24 A. By the serial number, yes.

25 Q. And whose phone is it?

1 A. Abdiaziz Farah's.

2 Q. Do you know if law enforcement extracted communications
3 from the phone now in your hand?

4 A. Yes.

5 Q. Did they?

6 A. We did.

7 Q. Is that an extraction that you personally handled, or
8 did someone else on the broader team handle that?

9 A. Yeah, I did not. Someone else did.

10 Q. All right. Thank you. You can put that to the side for
11 the moment.

12 Now, beyond discussing that phone that you seized
13 from Abdiaziz Farah's house, we've also discussed cars,
14 cash, travel, jewelry and real estate, correct?

15 A. Yes.

16 Q. Did you seize any banking records?

17 A. We did.

18 Q. Can those be important documents in an investigation
19 like the one here?

20 A. Yes.

21 Q. And why is that?

22 A. Again, it will show us transaction amounts between
23 certain, you know, accounts, different account numbers that
24 maybe we weren't familiar with, different banks we weren't
25 familiar with, like if, for example, if we knew about Chase,

1 but didn't know about, for instance, a Wells Fargo account.
2 I don't know about Wells Fargo in this particular case, but
3 just pick a bank. We may not know all the banks.

4 So finding that documentation would provide us
5 investigative leads to pursue what that was for, where money
6 went to out of that account, and was it related to the
7 broader fraud scheme.

8 Q. I want to talk to you about a few of the banking records
9 that you seized from Mr. Abdiaziz Farah's house.

10 MR. BOBIER: Before we do that, Your Honor, just
11 to clarify the record, move for admission of the physical
12 exhibit H-46 that Special Agent Frank has identified as
13 Abdiaziz Farah's house.

14 THE COURT: I thought 46 was already in evidence,
15 but it's admitted.

16 Unless you have an objection.

17 MR. IAN BIRRELL: If it's not in evidence, no
18 objection.

19 THE COURT: Fair enough.

20 MR. BOBIER: Thank you.

21 BY MR. BOBIER:

22 Q. Let's talk about business records. Let me pull up
23 what's in evidence as the 73rd page of H-1.

24 Are these some of the materials law enforcement
25 found during execution of the warrant at Abdiaziz Farah's

1 house?

2 A. Yes, they are.

3 Q. Let's take a look. What do these appear to be?

4 A. Appear to be receipts from U.S. Bank involving an
5 account ending with 9932.

6 Q. 9932?

7 A. Yes.

8 Q. Before we go further, let me pull up what's in evidence
9 as Government's 7 -- I'm sorry -- Government's O-7, the
10 second page.

11 We looked at this earlier. This is in evidence as
12 bank records of Empire Cuisine & Market?

13 A. Yes.

14 Q. Can you tell us the last four digits of the account
15 number on this U.S. Bank account?

16 A. 9932.

17 Q. Those are the same last four as on the images we were
18 just looking at; is that right?

19 A. They are.

20 Q. And, again, this 9932 U.S. Bank account, who are the
21 agents authorized to act for that account?

22 A. The owners are Mohamed Ismail and Abdiaziz Farah.

23 Q. Okay. Back to H-1.

24 You were telling us about this U.S. Bank receipt
25 that was seized at Abdiaziz Farah's house; is that right?

1 A. Yes.

2 Q. Same account, 9932?

3 A. Yes.

4 Q. What's the amount?

5 A. \$592,426.24.

6 Q. This appears to be for a deposit; is that right?

7 A. It does appear to be that way, yes.

8 Q. There's something written in, looks like maybe pen on
9 this as well. Can you see that?

10 A. Yes.

11 Q. Are you able to read what that line says?

12 A. It appears to be 78,279, with a dollar sign in the
13 front, and then Afrique.

14 Q. Do you have any understanding about what Afrique is?

15 A. I don't. I don't recall.

16 Q. Let's look at the one on the top left. Same account
17 number, 9932, correct?

18 A. Yes.

19 Q. This one looks like a withdrawal; is that right?

20 A. Yes.

21 Q. Five grand?

22 A. Yes.

23 Q. How about this one on the bottom right? Same account,
24 correct?

25 A. Yes.

- 1 Q. Looks like the same bank account, U.S. Bank?
- 2 A. Yes.
- 3 Q. Another deposit?
- 4 A. Yes.
- 5 Q. What's the deposit amount?
- 6 A. \$525,180.
- 7 Q. And it looks like there's some handwritten notes on this
8 one too. Can you read those to the extent you're able to
9 make them out?
- 10 A. To the extent, Dwatonna, \$79,256; again, Afrique,
11 \$69,396; and then Al-Ihsan, is my guess anyway on that part,
12 \$5,000.
- 13 Q. Just to position us, the one you were just reading,
14 that's August 2021, correct?
- 15 A. Yes.
- 16 Q. There's one more document on this page. On the bottom
17 left, what does this appear to be?
- 18 A. It's a -- bottom left or bottom --
- 19 Q. Yeah.
- 20 A. Oh, bottom left. I got it.
- 21 Q. Bottom left, what does this appear to be?
- 22 A. That's a business deposit ticket from U.S. Bank.
- 23 Q. What's the amount?
- 24 A. \$525,180.
- 25 Q. About half a million?

1 A. Yeah, a little over that. It looks like it's to the
2 same bank account number for the 9932, and the account title
3 is Empire Cuisine.

4 Q. In addition to these documents we just looked at, while
5 executing the search warrant as part of the broader Feeding
6 Our Future investigation, did you seize any invoices at
7 Abdiaziz Farah's house?

8 A. Yes, I believe so.

9 Q. Let me pull up what's been marked for identification as
10 H-4, H-4, which is in evidence already.

11 Do you see that, Special Agent Frank?

12 A. I do.

13 Q. What does that say at the top here?

14 A. Invoice. It's billed to Partners in Quality Care,
15 issued February 9th, 2021, from Empire Cuisine & Market.

16 Q. What's the address for Empire?

17 A. 232 Marschall Road in Shakopee, Minnesota.

18 Q. All right. So let's look at what we have in this
19 invoice. We have four columns; is that right?

20 A. Yes.

21 Q. Description, something called Unit Cost, Quantity and
22 Amount, right?

23 A. Yes.

24 Q. Look at these unit costs. Is it accurate that there are
25 only two different types of entries in this column?

1 A. Yes.

2 Q. What are those two different entries?

3 A. It appears \$3.52 for lunch and \$2.01 for breakfast.

4 Q. And every entry on this first page has one of those
5 entries or the other, correct?

6 A. Yes.

7 Q. If I go to the second page, which is the final page of
8 the doc, same entries, correct?

9 A. Yes.

10 Q. Let's look at the amounts. What's the lowest amount for
11 a single entry on this invoice on the first page?

12 A. It looks like the lowest amount is \$15,577.50.

13 Q. For a single entry?

14 A. Yes.

15 Q. What's the highest amount for a single entry on this
16 invoice?

17 A. \$218,240.

18 Q. So a range from 15,000 and change all the way up to
19 almost a quarter of a million?

20 A. Almost, yes.

21 Q. Let's look at the descriptions. A number of different
22 entries in the description column; is that right?

23 A. Yes.

24 Q. At the end of every entry are the same three letters; is
25 that true?

1 A. Yes.

2 Q. Can you read those three letters?

3 A. Jan.

4 Q. And what's the date of this invoice? Remind us.

5 A. February of 2021.

6 Q. Okay. I won't ask you to read every one of these. The
7 entries repeat. But could you read, please, one from each
8 pair in the description column?

9 A. Sure. Albright Townhomes, Autumn Holdings, Clifton
10 Townhomes, Crossings at Valley View, Four Seasons, Greenwood
11 Place, Heritage Hills, Highland Apartments, Lifestyle,
12 As-Sunnah and Samaha.

13 Q. Let me go to the second page. We have a few more
14 entries. Can you read the one that is -- did not appear on
15 the first page?

16 A. Winfield Townhomes.

17 Q. Now, for this invoice from Empire Cuisine & Market to
18 Partners in Quality Care, February of 2021, what's the total
19 invoiced amount?

20 A. \$1,242,867.50.

21 Q. Let me show you Government's H-5, which is in evidence.

22 Is this a similar appearing invoice to the one we
23 were just looking at?

24 A. Yes.

25 Q. And the last one was dated February of 2021; is that

1 right?

2 A. Yes.

3 Q. What's this one dated?

4 A. May 4th, 2021.

5 Q. A few months later?

6 A. Yes.

7 Q. Like in the last one, every entry in the description
8 column has the same last word; is that true?

9 A. Yes.

10 Q. And what's the last word that is shared with every
11 description entry on this invoice?

12 A. March.

13 Q. Tell us about the amounts. What is the lowest single
14 amount in this May 2021 invoice from Empire Cuisine to
15 Partners in Quality Care?

16 A. The lowest is \$15,577.50.

17 Q. And what's the greatest?

18 A. \$218,240.

19 Q. And, again, we've got a list of various entries in the
20 description column; is that right?

21 A. Yes.

22 Q. On the second page we have a total invoice amount for
23 this single invoice. And what is that figure?

24 A. \$1,465,686.50.

25 Q. Remind us whose invoice this is.

1 A. I'm sorry. I missed that.

2 Q. Remind us whose invoice this is.

3 A. Oh, Empire Cuisine & Market.

4 Q. And on this one it looks like there's some handwritten
5 notation on the second page; is that right?

6 A. Yes.

7 Q. Clifton paid 13,950 meals. Do you see that?

8 A. Yes, I do.

9 Q. Valley View paid 7,750 meals; is that right?

10 A. Yes.

11 Q. Lifestyle paid 10,850 meals, correct?

12 A. Yes.

13 Q. Autumn Holdings paid 9300 meals?

14 A. Yes.

15 Q. And Greenwood paid 7,750 meals?

16 A. Yes.

17 Q. I'm going to show you Government's H-9. Is this yet
18 another invoice?

19 A. It is.

20 Q. Appears to be substantially similar to the previous two
21 we've looked at; is that fair?

22 A. Yes, that would be fair.

23 Q. What's the date of this one?

24 A. January 13th, 2021.

25 Q. The other two that we've look at so far, those were also

1 in the first few months of 2021; is that right?

2 A. Yes, I believe so. February and May.

3 Q. February and May. This one is January of the same year?

4 A. Yes, it is.

5 Q. What's the invoice total on this invoice?

6 A. \$906,920.

7 Q. And to be clear, who's this invoice billed to?

8 A. Partners in Quality Care.

9 Q. And who is it coming from?

10 A. Empire Cuisine & Market.

11 Q. All right. Special Agent Frank, in addition to
12 invoices, did federal agents in executing the warrants at
13 Abdiaziz Farah's house as part of the broader Feeding Our
14 Future investigation seize any evidence of wire transfers?

15 A. Yes.

16 Q. Let me show you Government's H-37. What does this
17 appear to be?

18 A. This appears to be a wire transfer request from Old
19 National Bank.

20 Q. As your -- strike that. In your experience as a special
21 agent at the FBI investigating cyber matters and
22 white-collar crimes, do you have any awareness as to what a
23 wire transfer is?

24 A. Yes.

25 Q. Can you explain to us what a wire transfer is?

1 A. A wire transfer is a little bit different than like you
2 writing a check, like if you have -- back in the day when we
3 actually all wrote checks a little bit by hand. You're
4 asking like the bank to transfer the funds without you
5 writing anything. It's bank to bank, like an account to an
6 account. Sometimes they charge a small fee, but it's
7 usually quicker because they are verifying they have the
8 funds. There's no waiting for your check to clear. It's
9 bank to bank.

10 Q. So when you say "bank to bank," it's a method of
11 transferring funds; is that fair?

12 A. It is, yes.

13 Q. And what's a wire transfer receipt, to the extent that
14 you know based on your experience?

15 A. It's a receipt that that wire transfer occurred.

16 Q. What's the entity at the top?

17 A. Old National Bank.

18 Q. And what is our date?

19 A. December 28th, 2020.

20 Q. Wire transfer receipt, correct?

21 A. Yes.

22 Q. All right. Originating party is stated here on the top
23 left; is that right?

24 A. Yes.

25 Q. Who is the originating party?

1 A. Empire Cuisine & Market LLC.

2 Q. Where is this wire going?

3 A. It's going to a Wells Fargo account, specifically
4 Trademark Title Services Incorporated.

5 Q. How much money is Empire sending out via this wire?

6 A. \$313,777.93.

7 Q. I'm going to show you H-16. Now, the first page of H-16
8 is another wire transfer receipt; is that right?

9 A. It is.

10 Q. Again, Old National Bank?

11 A. Yes.

12 Q. The last one we looked at was December 2020. What's the
13 date on this one?

14 A. February 18th of 2021.

15 Q. Who's the originating party of the wire?

16 A. Empire Cuisine & Market LLC.

17 Q. What's the amount this time?

18 A. \$131,632.

19 Q. And where's this wire going?

20 A. So it's going to a China construction bank account,
21 specifically a beneficiary of Qingdao Safco Tire Company
22 Limited.

23 Q. So Empire is sending \$131,000 and change to a company in
24 China?

25 A. Yes, that's what it appears to be.

1 Q. I'm going to show you the second page of page 16.

2 The first page -- I'm sorry -- is February 18 at
3 10:07 a.m., correct?

4 A. Yes.

5 Q. 131,000 and change?

6 A. Yes.

7 Q. Let's compare that to the next page. Does this appear
8 to be a second wire transfer receipt?

9 A. Yes, it does.

10 Q. Same day?

11 A. Same day.

12 Q. About half an hour earlier, maybe 40 minutes?

13 A. Yes.

14 Q. How much more?

15 A. \$175,632.

16 Q. And, again, who is the originating party?

17 A. Empire Cuisine & Market LLC.

18 Q. This additional \$175,000, is it also going to China?

19 A. Yes.

20 Q. Looks like a bank there?

21 A. Yes.

22 Q. Let me show you Government's 15, H-15.

23 Yet another wire transfer receipt, correct?

24 A. Yes.

25 Q. What's the date this time?

1 A. March 1st of 2021.

2 Q. Very next month?

3 A. Yes.

4 Q. This is another wire from Empire Cuisine & Market; is
5 that right?

6 A. Yes.

7 Q. Where's this one going?

8 A. Going to Industrial and Commercial Bank of China, with a
9 beneficiary of Prinx Chengshan Shandon Tire Company Limited.

10 Q. Tire company?

11 A. That's what it says.

12 Q. What does it say under Other Information? What's
13 written there?

14 A. Brand new tires.

15 Q. So this wire transfer receipt says brand new tires sent
16 from Empire Cuisine. And how much money are they sending to
17 China related to this brand new tires wire transfer?

18 A. \$80,000.

19 Q. I'm going to show you H-17.

20 Yet another wire transfer receipt?

21 A. Yes.

22 Q. And this and all of the wire transfer receipts we've
23 been looking at so far, they're all documents that federal
24 agents seized from Abdiaziz Farah's house during the warrant
25 execution we've been discussing, correct?

1 A. Yes.

2 Q. What's the date on this one?

3 A. March 31st, 2021.

4 Q. Empire Cuisine & Market again?

5 A. Yes.

6 Q. Where's this one going?

7 A. Industrial and Commercial Bank of China. It appears to
8 be that same beneficiary.

9 Q. So to what appears to be the same beneficiary in China
10 from Empire Cuisine in March. Now how much money is going
11 out?

12 A. \$189,787.

13 Q. H-18. Yet another wire transfer receipt seized during
14 execution of the warrant, correct?

15 A. Yes.

16 Q. This one from May of 2021, correct?

17 A. Yes.

18 Q. A few months later?

19 A. Yes.

20 Q. And, again, from Empire, correct?

21 A. Yes, Empire Enterprises LLC.

22 Q. Empire Enterprises LLC?

23 A. Yes, that's what it says.

24 Q. Where is this one going?

25 A. To Industrial and Commercial Bank of China. It appears

1 to be the same beneficiary again.

2 Q. And how much is going out?

3 A. \$197,789.20.

4 Q. Now, Special Agent Frank, this one you mentioned was
5 Empire Enterprises LLC, right?

6 A. Yes.

7 Q. The others were Empire Cuisine & Market that we looked
8 at?

9 A. Yes.

10 Q. Do you see this address 2713 Fifth Avenue South? Do you
11 see that?

12 A. I do.

13 Q. Let me show you what is in evidence as Government's 107,
14 page 8.

15 This is in evidence as part of a collection of
16 bank records from Chase, bank records in the name Said
17 Farah. Do you see this document?

18 A. I do.

19 Q. Do you see an address stated there for Said Farah?

20 A. I do.

21 Q. 2713 Fifth Avenue South?

22 A. Yes.

23 Q. Is that the same address that we just saw on the wire
24 transfer receipt for Empire Enterprises LLC?

25 A. Yeah, it appears to be.

1 Q. Do you have an understanding of who Said Farah is?

2 A. Yes, he's one of the defendants in this case.

3 Q. Let's look at Government's H-20, which is in evidence.

4 Another wire transfer receipt, correct?

5 A. Yes.

6 Q. This one from a little later in May; is that right?

7 A. Yes.

8 Q. Empire Enterprises LLC again?

9 A. Yes.

10 Q. At that address we just saw in Said Farah's bank
11 records?

12 A. Yes, the same address.

13 Q. Now, this document, this wasn't found in Said Farah's
14 house, right?

15 A. It was not.

16 Q. This was found in Abdiaziz Farah's house?

17 A. It was.

18 Q. What's the amount this time on this wire?

19 A. \$227,582.

20 Q. And where is this wire going?

21 A. Agricultural Development Bank of China, Linyi Branch,
22 and the beneficiary is Junan Lishun Arts and Crafts Company
23 Limited.

24 Q. Okay. So this is about a quarter of a million dollars
25 going from Empire Enterprises LLC to some entity in China;

1 is that right?

2 A. Yes.

3 Q. I'm going to show you Government's H-36, which is in
4 evidence.

5 Another wire transfers receipt?

6 A. Yes.

7 Q. Who's it coming from?

8 A. Empire Enterprises LLC, same address as mentioned.

9 Q. And whose address was that?

10 A. Said Farah's.

11 Q. Where is this one going?

12 A. It's going to Absa Bank Kenya PLC. So a bank in Kenya.
13 The account beneficiary is Capital View Properties Limited.

14 Q. And what's the name -- thank you. So the last ones we
15 looked at most recently were going to China, right?

16 A. Yes.

17 Q. This one is going to Kenya?

18 A. Yes.

19 Q. What's the date/amount this time?

20 A. May 11th, 2021, for a transfer amount of \$300,000.

21 Q. I'm going to show you what's in evidence as H-19.

22 Yet another wire transfer receipt, correct?

23 A. Yes.

24 Q. Who is the originating party?

25 A. Empire Enterprises LLC.

1 Q. Whose address?

2 A. Same address, Said Farah's.

3 Q. Where's this going?

4 A. Bank is Absa Bank Kenya PLC. Again, beneficiary of
5 Capital View Properties Limited.

6 Q. And Capital View Properties also appears in part under
7 the "Other Information" entry on this document, correct?

8 A. It does.

9 Q. What else is stated there?

10 A. Capital View Properties shares purchase agreement.

11 Q. Give us the date, please, and the amount.

12 A. June 1st, 2021, for an amount of \$206,428.

13 Q. I'm going to show you one more. Government's H-34,
14 which is in evidence.

15 Now, the wire transfer documents we've been
16 looking at so far were from Old National Bank, right?

17 A. Yes.

18 Q. What bank is this wire transfer outgoing request from?

19 A. Chase.

20 Q. Let's look at the sender information. Who's sending
21 this out?

22 A. The sender is Abdiaziz S. Farah under the account name
23 Empire Cuisine & Market LLC.

24 Q. Do you recognize this 15418 Hampshire Lane stated in the
25 document as the street address?

1 A. I do. It's the same address that we did the search and
2 seizure warrant in January.

3 Q. The same address at which you seized all of the
4 materials we've talked about so far today, correct?

5 A. Yes, sir.

6 Q. Below that it states Wire Transfer Information. Does it
7 tell you what type of account the transfer is being
8 initiated from?

9 A. Yes, it appears a business checking account.

10 Q. For how much?

11 A. \$240,075.42.

12 Q. Where is this going?

13 A. It's going to a 21st Century bank account with the
14 account name West Title, LLC.

15 Q. All right. So, Special Agent Frank, we've talked about
16 a number of items you seized with other law enforcement
17 officers during the execution of warrants at Abdiaziz
18 Farah's house in January 2022, correct?

19 A. Yes.

20 Q. You said early in your testimony that an ops pre-brief
21 occurred before you executed these warrants, right?

22 A. Yes.

23 Q. And you indicated one of the things discussed during
24 that pre-brief was the broader purpose of the investigation,
25 fair?

1 A. Yes.

2 Q. Can you tell us again what that purpose was?

3 A. The purpose was to locate evidence related to mail
4 fraud, wire fraud, conspiracy and money laundering in the
5 investigation involving Feeding Our Future.

6 Q. Do you have any familiarity with the Federal Child
7 Nutrition Program?

8 A. I have some based on my review and reading of the
9 affidavit and authorizing us to do the search and seizures.

10 Q. Beyond reviewing the affidavit that was signed off by a
11 federal judge and authorized law enforcement to undertake
12 those warrant executions, do you have any detailed knowledge
13 about how the program works?

14 A. No, I don't.

15 Q. Let me show you what's in evidence as Government's H-10.

16 And as I pull that up, during the execution of the
17 warrants in Abdiaziz Farah's house, did federal agents seize
18 any materials that appeared to be related to the Federal
19 Child Nutrition Program?

20 A. Yes.

21 Q. I'm going to show you H-10. Do you see that document?

22 A. I do.

23 Q. This is a -- this appears to be a Minnesota Department
24 of Education meal count form; is that fair?

25 A. Yes, that's fair.

1 Q. Let me start on page 4 with you.

2 Can you tell us what week this appears to be for?

3 A. November 1st through November 7th of 2020.

4 Q. And, just briefly, do you see in that first row there's
5 an entry in the form for number of meals received/prepared?

6 Do you see that?

7 A. I do.

8 Q. And in each of the daily entries in that column, Sunday
9 through Saturday, there's a number written, right?

10 A. There is.

11 Q. And the number on every day is either 500 or 520?

12 A. Yes, it is.

13 Q. What's the total on this sheet for number of meals
14 received or prepared for just that week?

15 A. 3,560 meals.

16 Q. On the bottom here there's a date; is that right?

17 A. There is.

18 Q. And there's a signature, right?

19 A. There is.

20 Q. And what is the site identified here by site and
21 supervisor name? Can you read that?

22 A. It appears to be Winfield Townhomes.

23 Q. And who is the sponsor?

24 A. Partners in Quality Care.

25 Q. I'm going to show you just a few pages of this quickly.

1 Do you see the next page in this exhibit refers to the
2 following week, correct?

3 A. I do, yes.

4 Q. Same sponsor, Partners in Quality Care, right?

5 A. Yes, that's what it appears.

6 Q. Same site, Winfield?

7 A. Yes.

8 Q. Look at the first row again. What's our total?

9 A. 3,560.

10 Q. Exact same numbers on the preceding page?

11 A. Yes, it appears to be.

12 Q. Let me show you the third page. Looks like our totals
13 change slightly. What's our total for this week?

14 A. 3,650.

15 Q. But, again, every entry for that week Sunday through
16 Saturday is either 500 or 550, correct?

17 A. Yes.

18 Q. For the number of meals received or prepared?

19 A. Yes.

20 Q. Same sponsor, right?

21 A. Yes.

22 Q. Same site, right?

23 A. Yes.

24 Q. And this one just for the following week, correct?

25 A. Yes.

1 Q. One more page. We're back to 3560 is the total for the
2 week, correct?

3 A. Yes.

4 Q. The same reported total for the first week that we
5 looked at, right?

6 A. Yes.

7 Q. And the second week that we looked at, right?

8 A. Yes.

9 Q. Same sponsor, Partners in Quality Care?

10 A. Yes.

11 Q. Same site?

12 A. Yes.

13 Q. Special Agent Frank, do you have any awareness as to
14 whether the numbers on this meal count form were actually
15 submitted to Partners in Quality Care for reimbursement?

16 A. Say that again. I'm sorry.

17 Q. Do you have any awareness whether the numbers written on
18 this form that you seized in Abdiaziz Farah's house were
19 actually submitted to the sponsor Partners in Quality Care?

20 A. I believe they were submitted, yes.

21 Q. Let me pull up the document we were just looking at, as
22 well as what is in evidence as F-1e. I'll go to the 46th
23 page.

24 All right. Special Agent Frank, on the left side
25 of the page, on your screen rather, is Government's H-10.

1 Do you see that?

2 A. I do.

3 Q. Now, that's the document we just went through that you
4 and law enforcement seized at Abdiaziz Farah's house. Do
5 you see that?

6 A. I do.

7 Q. On the right I've pulled up F-1e, which is already in
8 evidence as the meal count form actually submitted to
9 Partners in Quality Care. Do you see that?

10 A. Yeah, I do.

11 Q. How do these two compare?

12 A. Those two appear to be the same.

13 Q. See any differences?

14 A. I don't see any differences.

15 Q. Appear to be identical?

16 A. They appear to be identical.

17 Q. And that's just the first page for Winfield Townhomes
18 the week of November 1 through November 7 of 2020, correct?

19 A. Correct.

20 Q. Let's go to the second page. The second page of each of
21 those two exhibits appear to be identical?

22 A. Yes, they appear to be identical.

23 Q. The third page?

24 A. Yes, again, appear to be identical.

25 Q. Here each of them claiming 3650 for meals received or

1 prepared in that week, correct?

2 A. Yes.

3 Q. Last page for Winfield of the month of November 2020.

4 As between Government's H-10 and Government's F-1e, F-1e

5 being the numbers actually submitted to Partners in

6 Nutrition and in evidence, these two figures appear to be

7 the same?

8 A. Yes, they appear to be the same.

9 Q. Appear to be identical?

10 A. They appear to be identical.

11 Q. Now, in the form we looked at together, Government's 10,

12 you and I just went through the pages in that exhibit

13 related to the site Winfield Townhomes; is that right?

14 A. Yes.

15 Q. If I go down to page 9, for example, there are other

16 sites represented in this stack of documents law enforcement

17 seized from Abdiaziz Farah's house as part of the broader

18 investigation, correct?

19 A. Yes.

20 Q. For example, on page 9 we see Clifton Townhomes; is that

21 right?

22 A. Yes.

23 Q. And I'll pull up next to it what's in evidence as

24 Government C-120, in evidence as a photo of Clifton

25 Townhomes. Do you see that photo?

1 A. I do.

2 Q. And on the form seized from Abdiaziz Farah's house just
3 for the first week of November 2020 and for this site,
4 what's the total number of meals claimed?

5 A. 2,400 meals.

6 Q. How about the second week of that month? What's our
7 total?

8 A. 2,950 meals.

9 Q. With either 400 or 450 reported meals received or
10 prepared every single day of that week, correct?

11 A. Correct.

12 Q. Round numbers?

13 A. Round numbers.

14 Q. The next week, Government's H-10 at page 11, what's our
15 total now?

16 A. 3,942.

17 Q. This time our figures change a bit, right?

18 A. They do.

19 Q. We've got 400 on Sunday, right?

20 A. Yes.

21 Q. And then for every day Wednesday through Saturday
22 exactly 648.

23 A. Yes.

24 Q. Special Agent Frank, do you know whether these figures
25 for Clifton Townhomes identified on the meal count forms you

1 seized from Abdiaziz Farah's house for November of 2020
2 match the numbers actually submitted to Partners in
3 Nutrition?

4 A. Yes, I believe so.

5 Q. Show you H-10 again. I just want to click through some
6 of the sites represented in these materials that you seized
7 from Abdiaziz Farah's house. Okay? First page we see,
8 what's the site name?

9 A. Albright Townhomes.

10 Q. This one we went through at some length. That's
11 Winfield, right?

12 A. Yes.

13 Q. This one we just looked at a photo of. What's the site
14 on these pages?

15 A. Clifton Townhomes.

16 Q. Here's another site. What's this one called?

17 A. Samaha Islamic Center.

18 Q. And as we're ticking through these, every one of these
19 has a signature at the bottom, correct?

20 A. It does.

21 Q. Here's one. What's written there as the site?

22 A. The Landing, Lions and Taylor Partnerships.

23 Q. Let me show you Government's 11, H-11, which is in
24 evidence.

25 We just looked at Government's H-10 in some

1 detail, and those were meal count forms federal agents
2 seized from Abdiaziz Farah's house, correct?

3 A. Yes.

4 Q. The ones we reviewed, those match the figures actually
5 submitted to Partners in Nutrition as far as we looked,
6 correct?

7 A. Yes.

8 Q. Are you aware of any significant disparities between the
9 figures presented on the forms seized and the ones actually
10 reported?

11 A. No.

12 Q. You didn't scrutinize these closely, though, did you?

13 A. No.

14 Q. Or was that someone else?

15 A. No, I did not.

16 Q. Do you know whether law enforcement as part of the
17 broader investigation made a close comparison of these two?

18 MR. IAN BIRRELL: Object. Leading and hearsay.

19 THE COURT: Overruled.

20 You may answer. The question is do you know.

21 THE WITNESS: I believe so, but I'm not a hundred
22 percent.

23 BY MR. BOBIER:

24 Q. Not something you did?

25 A. Nope.

1 Q. Let me click through a few more sites. Now we're in
2 Government's H-11. These are further meal count forms
3 seized from Abdiaziz Farah's house, correct?

4 A. Yes.

5 Q. What's the site on this one?

6 A. Faribault Site 1, 901 Greenwood Place.

7 Q. And for that one week, what's our total claimed?

8 A. 1,750.

9 Q. Looks like nice round numbers every day of the week,
10 correct?

11 A. Yes, 250 meals per day consistently.

12 Q. What's the site on these pages?

13 A. Faribault Site 3, Lifestyle Apartments.

14 Q. Total amount claimed for that week?

15 A. 2,100.

16 Q. And the next week another what?

17 A. 2,100.

18 Q. And the next week another what?

19 A. 2,100.

20 Q. The next week another what?

21 A. 2,100.

22 Q. 300 every day, correct?

23 A. Every day.

24 Q. The last week is only two days. So how many claims for
25 Faribault Site 3 on these documents for those last two days?

1 A. 600.

2 Q. What's this site?

3 A. Faribault Site 2, Four Seasons Apartments.

4 Q. What's our total?

5 A. 2,450.

6 Q. We have a signature?

7 A. Yes.

8 Q. Another Albright Townhomes set of meal count forms; is
9 that right?

10 A. Yes.

11 Q. All right. All right.

12 THE COURT: Mr. Bobier, are you at a stopping
13 place?

14 MR. BOBIER: This would be perfect, Your Honor.
15 Thank you.

16 THE COURT: We'll come back at 1:45. Take our
17 lunch break.

18 All rise.

19 **IN OPEN COURT**

20 **(JURY NOT PRESENT)**

21 THE COURT: Thanks, everyone. We're in recess.
22 1:45.

23 (Recess taken at 12:41 p.m. till 1:48 p.m.)
24
25

IN OPEN COURT**(JURY PRESENT)**

1 THE COURT: You may all be seated.

2 Counsel, you may continue your inquiry.

3 MR. BOBIER: Thank you, Your Honor.

4 BY MR. BOBIER:

5 Q. Special Agent Frank, welcome back.

6 A. Yes.

7 Q. Before the lunch break we were talking this morning
8 about the execution of federal warrants at Abdiaziz Farah's
9 house in January of 2022; is that right?

10 A. Yes.

11 Q. You were a part of that team, right?

12 A. I was.

13 Q. And right before the break, we were looking at some meal
14 count sheets that the federal team found in Mr. Farah's
15 house; is that right?

16 A. It is.

17 Q. I want to return to just one of those before we move on.
18 Let me show you what is in evidence as Government's H-10.

19 And we looked at this briefly before the break.
20 This is a meal count sheet, and the site identified there is
21 Clifton Townhomes. Do you see that?

22 A. I do.

23 Q. I've pulled up that same document. And I want to bring
24

1 up on the same screen next to it what is in evidence as
2 Government's F-1e. I'll show you page 11. Okay?

3 Do you see that?

4 A. I do.

5 Q. All right. So on the left side of the screen,
6 Government's H-10, that's the meal count form seized from
7 Abdiaziz Farah's house that we discussed a little earlier,
8 okay?

9 A. Yes.

10 Q. The document on the right half of the screen, F-1e,
11 that's in evidence as the meal count form actually submitted
12 to Partners in Quality Care for this site on this date. Do
13 you see that?

14 A. I do.

15 Q. I just wanted to direct your attention here. Do you see
16 the total for this first week November 1 to November 7 of
17 2020 on Government's H-10, which, again, is the one seized
18 from Abdiaziz Farah's house?

19 A. Yes, I do.

20 Q. What's that total?

21 A. 2400.

22 Q. Okay. When we look at the count actually submitted, is
23 that total slightly different?

24 A. It is.

25 Q. How much is it off by?

1 A. 400.

2 Q. And the one actually submitted is 400 higher, right,
3 2800?

4 A. Yes.

5 Q. Other than that difference, I see also in the top right
6 of the one actually submitted there's a number that appears
7 written perhaps in pen or pencil in the top right. Do you
8 see that?

9 A. I do.

10 Q. 13,442?

11 A. Yes.

12 Q. With the exception of those two distinctions, can you
13 identify any other difference between these two documents on
14 this first page?

15 A. I don't see another difference.

16 Q. If I show you the second page of each of those, so now
17 representing November 8 to November 14 of 2020, again, for
18 the Clifton Townhomes site, do you notice any differences?

19 A. No, I don't notice any differences.

20 Q. They appear to be the same?

21 A. They do.

22 Q. Look identical?

23 A. They do.

24 Q. Now, here on the third page, representing November 15 to
25 November 21 of 2020, here we've got a small difference as

1 well, right?

2 A. Yes.

3 Q. The total on the form at Abdiaziz Farah's house is 3942?

4 A. Yes.

5 Q. And the total slightly different on the one actually
6 submitted, correct?

7 A. Yes.

8 Q. How much different?

9 A. By 50.

10 Q. 50 out of almost 4,000?

11 A. Yes.

12 Q. And other than that 50 out of 4,000 difference, do you
13 see any other differences between the form found at Abdiaziz
14 Farah's house as shown on this page and the corresponding
15 page actually submitted to Partners in Quality Care?

16 A. No, I don't see a difference.

17 Q. Let's just close out the month.

18 We go to November, the week terminating in
19 November 28, 2020. Any differences between the two?

20 A. No, there appears to be no difference.

21 Q. How about the last page? Appear to be any differences
22 to you?

23 A. No, no difference.

24 Q. They look the same?

25 A. Yes.

1 Q. They appear to be identical?

2 A. They appear to be identical.

3 Q. Now, Special Agent Frank, the execution of these
4 warrants was as part of an investigation into a broader
5 issue you've described; is that right?

6 A. Yes.

7 Q. That being the Feeding Our Future investigation?

8 A. Yes.

9 Q. I want to ask you a few questions about that.

10 In your execution of these warrants, particularly
11 on Abdiaziz Farah's house on that Hampshire Lane address,
12 did law enforcement seize any documents that mentioned the
13 name Mahad Ibrahim?

14 A. I believe so, yes.

15 Q. Let me show you Government's 8, H-8, which is in
16 evidence.

17 These are a set of checks; is that accurate?

18 A. Yes.

19 Q. And these were seized during the execution of the
20 warrant on Abdiaziz Farah's house, right?

21 A. Yes.

22 Q. Let's look at the first one. Who made out this check?

23 A. MIB Holdings LLC, Mahad Ibrahim.

24 Q. Paid to the order of?

25 A. 1801 American Boulevard LLC.

1 Q. What's the memo line describe this as a payment for?

2 A. It looks like a down payment for 1801 American -- I
3 really can't tell what that said. B-U-N-D-E, maybe. It's
4 hard to read that.

5 Q. Down payment for 1801 American something?

6 A. Yes.

7 Q. What's written right above that memo line? What
8 financial institution is identified?

9 A. Spire Credit Union.

10 Q. Is this signed?

11 A. It does appear to be signed.

12 Q. And what's the amount of this check?

13 A. \$150,000.

14 Q. Now, if you're aware, who lives at the Hampshire Lane
15 address at the time that you executed that warrant?

16 A. Abdiaziz Farah and his wife Sadia Dubat.

17 Q. Did Mahad Ibrahim live there?

18 A. Not that I'm aware of.

19 Q. Where did you find this check?

20 A. I believe in the residence.

21 Q. In Abdiaziz Farah's house?

22 A. Yes.

23 Q. I'm going to show you another one. This is lower on the
24 page on the same exhibit. And you can see it's the very
25 next check in the checkbook, right? The one on top is 109.

1 The one on top is 110?

2 A. Yes.

3 Q. Who is the check from?

4 A. The same MIB Holdings LLC, Mahad Ibrahim.

5 Q. And who is this check made out to?

6 A. The Bureau USA LLC for -- okay.

7 Q. And what's the memo?

8 A. Escape room build out.

9 Q. Again, from this Spire Credit Union? Do you see that?

10 A. Yes.

11 Q. This appears to be signed?

12 A. It does.

13 Q. How much is this check for?

14 A. \$250,000.

15 Q. So these two checks that you found together were how

16 much?

17 A. \$400,000 total.

18 Q. \$400,000 checks apparently from MIB Holdings, Mahad

19 Ibrahim, correct?

20 A. Yes.

21 Q. And where did you find these?

22 A. In the residence.

23 Q. Whose residence?

24 A. Abdiaziz Farah's.

25 Q. Did you find any more documents in the execution of that

1 warrant that mentioned MIB Holdings?

2 A. I believe so, yes.

3 Q. Let me show you what's in evidence as Government's H-7.
4 Now, we looked at some wire transfer requests earlier. Do
5 you remember that?

6 A. Yes, I do.

7 Q. Including from Chase Bank?

8 A. Yes.

9 Q. This is one we didn't look at earlier. Does it appear,
10 again, to be a wire transfer request related to a Chase bank
11 account?

12 A. Yes, it does.

13 Q. Who's sending out this wire?

14 A. The sender is Abdiaziz S. Farah from account Empire
15 Cuisine & Market LLC from the same address that we did the
16 search and seizure warrants at.

17 Q. And who lives at that address, at least at the time that
18 you executed the warrants?

19 A. Abdiaziz Farah.

20 Q. Let's find out where this is going. Wire transfer
21 information. What kind of account?

22 A. It appears to be a business checking account.

23 Q. Where is this headed?

24 A. To MIB Holdings LLC.

25 Q. That's the same entity we just saw on the checks we

1 looked at, MIB Holdings, Mahad Ibrahim; is that right?

2 A. Yes, sir.

3 Q. What's the wire amount going from Empire Cuisine &
4 Market LLC on October 2021 to MIB?

5 A. \$314,729.

6 Q. And this is October 2021; is that right?

7 A. Yes.

8 Q. Let me show you Government's Exhibit H-6, which is in
9 evidence. Yet another Chase wire transfer request, correct?

10 A. Yes.

11 Q. Sender information, Abdiaziz Farah?

12 A. Yes.

13 Q. Account name?

14 A. Empire Cuisine & Market LLC.

15 Q. And that same street address that you recognize, right?

16 A. Yes.

17 Q. And why do you recognize it?

18 A. It's the same address that we did the search and seizure
19 warrants at, Abdiaziz Farah's house.

20 Q. Let's see where this one is going. What's the date of
21 this one?

22 A. December 7th, 2021.

23 Q. Again, from a checking account?

24 A. Yeah, business checking account.

25 Q. And where is this wire going sent out by Empire?

1 A. MIB Holdings LLC.

2 Q. How much is this one for?

3 A. \$289,742.

4 Q. The last one we looked at was October 2021, I believe,
5 right?

6 A. Yes.

7 Q. This is two months later?

8 A. Yes.

9 Q. Or maybe a month and a half.

10 A. Yes.

11 Q. Almost \$300,000, right?

12 A. Almost.

13 Q. And at the bottom here, receiving bank information.
14 What's the receiving bank?

15 A. Spire Credit Union.

16 Q. Do you remember the financial institution identified on
17 those checks we looked at that federal agents seized at
18 Abdiaziz Farah's house and were checks from MIB Holdings,
19 Mahad Ibrahim?

20 A. Yes, they were Spire Credit Union.

21 Q. Same as here?

22 A. Yes.

23 Q. During the execution of the search warrants we've been
24 discussing at Abdiaziz Farah's house, did federal agents
25 seize any documents that mention the name Abdimajid Nur?

1 A. Yes.

2 Q. Do you have an understanding as to who Abdimajid Nur is?

3 A. Yes.

4 Q. What's that understanding?

5 A. He's a defendant in this case.

6 Q. Let me show you Government's 12, which is in evidence.

7 H-12, excuse me.

8 What does it say at the top here?

9 A. Account Agreement.

10 Q. And what's the institution name and address?

11 A. Old National Bank, Burnsville.

12 Q. This morning we spent a lot of time going through wire
13 transfer requests and wire transfer receipts. Do you
14 remember that?

15 A. Yes.

16 Q. Was Old National Bank one of the institutions that
17 appeared on a lot of those materials?

18 A. It was.

19 Q. Whose name appears in the owner or signer information on
20 this document?

21 A. Abdimajid Mohamed Nur.

22 Q. Did Abdimajid Nur live at the Hampshire Lane address at
23 the time you executed the search warrants, so far as you are
24 aware?

25 A. Not that I'm aware of.

1 Q. At that time who lived there?

2 A. Abdi -- Abdiaziz Farah and his wife.

3 Q. And at whose house did you find this document? It's a
4 bank record with Abdimajid Nur's on it -- name on it.

5 A. Abdiaziz Farah's house.

6 Q. Now, there's more information about the owner of this
7 account on this document, right?

8 A. Yes.

9 Q. It also states Non-Individual Owner Information. Do you
10 see that?

11 A. Yes.

12 Q. What name is written there?

13 A. Nur Consulting LLC.

14 Q. Nature of business is stated as consulting. Do you see
15 that?

16 A. Yes, I do.

17 Q. Okay. And at the bottom of the second page of
18 Government's H-12, there's a signature on this form; is that
19 right?

20 A. There is.

21 Q. Can you read the name written below that signature above
22 Authorized Signer?

23 A. Abdimajid Mohamed Nur.

24 Q. Did you find any other documents during the execution of
25 these warrants that mentioned Nur Consulting?

1 A. Yes, I believe so.

2 Q. Let me show you Government's H-13.

3 So zoomed in on the top, what does this document
4 appear to be?

5 A. This appears to be a Department of Treasury/Internal
6 Revenue Service document assigning an employer
7 identification number.

8 Q. Let me pause you. Do you have any understanding from
9 your experience working on financial crime investigations,
10 white-collar investigations, as to what an employer
11 identification number is?

12 A. Yes. Sometimes when you create a company, it needs to
13 be assigned a number, almost like a social security number
14 for individuals, but for entities or companies, so that way
15 you can report tax information to the IRS.

16 Q. And are you an expert in the tax code, or do you just
17 have a general understanding of EINs?

18 A. No, I'm not. Just an understanding of what EINs are.

19 Q. So this IRS document states, "We assigned you an
20 employer identification number." Did I read that right?

21 A. Yes.

22 Q. And who is this letter going to?

23 A. To Nur Consulting LLC, Abdimajid Nur, sole MBR.

24 Q. Could I ask you to read just that top paragraph of the
25 letter for us, please?

1 A. "Thank you for applying for an Employer Identification
2 Number, EIN. We assigned you EIN 86-3039236. This EIN will
3 identify you, your business accounts, tax returns and
4 documents, even if you have no employees. Please keep this
5 notice in your permanent records."

6 Q. Special Agent Frank, let me pull up that document again
7 on the left side of the screen, and I want to pull up on the
8 right side of the screen a document that's in evidence.

9 The document on the right is in evidence as an IRS
10 letter assigning an EIN to whom?

11 A. To Mizal Consulting, Hadith Ahmed, sole MBR.

12 Q. Now, the dates on these two documents are different; is
13 that correct?

14 A. They are.

15 Q. The one on the left is April 2021, right?

16 A. Yes.

17 Q. The one to Mizal Consulting, Hadith Ahmed, which is
18 Government's Q-23, that's November 2020; is that right?

19 A. Yes.

20 Q. Other than the person or entity that these letters are
21 directed to and the date, do you see any other substantial
22 differences between the two of these?

23 A. No, I do not.

24 Q. Let me pull up Government's H-14. What does this
25 document appear to be?

1 A. It's Office of Minnesota Secretary of State, certificate
2 of organization.

3 Q. Is this a document you seized during the execution of
4 the warrants at Abdiaziz Farah's house related to the
5 broader Feeding Our Future investigation?

6 A. It is.

7 Q. With the exception of me showing you the superseding
8 indictment this morning, isn't it true that all of the
9 materials I've shown you today were materials or copies of
10 materials law enforcement seized from Abdiaziz Farah's home?

11 A. Yes.

12 Q. This Secretary of State certificate of organization, who
13 is it made out to, in whose name is?

14 A. Nur Consulting LLC.

15 Q. And what's the date?

16 A. April 4th, 2021.

17 Q. On the next page we see the organizers identified of Nur
18 Consulting LLC; is that right?

19 A. Yes.

20 Q. What name do we see there?

21 A. Abdimajid Nur.

22 Q. And, again, who is Abdimajid Nur, as far as you know?

23 A. One of the defendants in this case.

24 Q. Was it his house you searched?

25 A. No, it was not.

1 Q. Whose house did you search?

2 A. Abdiaziz Farah's house.

3 Q. And that's where you found this document?

4 A. It is.

5 Q. On the subject of Abdimajid Nur, I want to show you one
6 more document. This is in evidence as H-1. I think you'll
7 recognize it. And we looked at this picture a lot earlier.
8 Do you remember that?

9 A. I do.

10 Q. You helped us understand how the FBI typically lays out
11 money that is seized when a photo like this is taken so that
12 someone reviewing the photo later can easily identify how
13 much currency is pictured, right?

14 A. Yes.

15 Q. We walked through each stack in each row, remember?

16 A. Yes.

17 Q. All right. I want to ask you a little bit about this
18 document, this what appears to be a Chase receipt. Fair
19 description?

20 A. Yes.

21 Q. That is pictured alongside all of this, all of these
22 funds. Okay?

23 A. Okay.

24 Q. Let me go to the next page in this exhibit. This is
25 page 42. Is that a zoom-in of that same check?

1 A. Yes, it is.

2 Q. You can see the same sort of distinctive table in the
3 back in both of those photos; is that right?

4 A. Yes.

5 Q. Okay. What bank is this from?

6 A. Chase.

7 Q. And what does this appear to be?

8 A. It appears to be a receipt involving a deposit of funds.

9 Q. Checking deposit?

10 A. Yes.

11 Q. What's the amount of the checking deposit as indicated
12 on this Chase bank receipt?

13 A. \$46,200.

14 Q. Remind us about how much money was in Government's
15 Exhibit H at page 41 with all those stacks of hundreds.

16 A. I believe it was about that much.

17 Q. And, finally, on page 42 of Government's H-1, in this
18 Chase bank account, what are the last four digits of this
19 account number?

20 A. 1616.

21 Q. 1616. And what's the date, month and year, please?

22 A. September 15th, 2021.

23 Q. 16 --

24 A. Although I think that's the date when the amount's
25 available. The date of the receipt is lower.

1 Q. Thank you. What's the date of the receipt?

2 A. Looks like September 11th, 2021, just above that.

3 Q. Let me show you what's already in evidence as
4 Government's O-100. And I will show you the 16th page.

5 This is in evidence as a Chase Bank account bank
6 record for Abdimajid Nur. Do you see that?

7 A. I do.

8 Q. Remind us what month and year were of the check receipt
9 we were just looking at.

10 A. September of 2021.

11 Q. Same date as on these bank records from Abdimajid Nur;
12 is that correct?

13 A. From the same range, yes.

14 Q. From the same branch.

15 Let's look at the next page of this same document.
16 Now, zoomed in on the transactions reported in this bank
17 record for Abdimajid Nur's Chase account September 13th of
18 2021. Do you see that?

19 A. I do.

20 Q. Do you see a deposit line here?

21 A. I do.

22 Q. What's the amount?

23 A. \$46,200.

24 Q. That number seem familiar?

25 A. Yes.

1 Q. Why?

2 A. The same number as on the receipt.

3 Q. Now, to be clear, we're looking right now -- I'll go up
4 one more page in Government's O-100. We're looking right
5 now at Abdimajid's bank records, right?

6 A. We are.

7 Q. Did you search Abdimajid Nur's house at that Hampshire
8 Lane address?

9 A. No, we did not.

10 Q. As far as you know, at that time did he live there?

11 A. Not that I'm aware of.

12 Q. Who lived there?

13 A. Abdiaziz Farah and his wife.

14 Q. In executing the warrant in January of 2022, did you
15 seize any documents that stated the name Abdiwahab Aftin?

16 A. Yes, I believe so.

17 Q. Do you have any awareness as to who that is?

18 A. Yes, he's another defendant in this case.

19 Q. Let me show you Government's Exhibit H-3, which is in
20 evidence.

21 Now, we heard testimony about this document
22 earlier. You weren't here. Can you tell us what this
23 document is entitled as at the top?

24 A. It says Department of Homeland Security Form I-134,
25 affidavit of support.

1 Q. And who is the name identified here at the top of the
2 form?

3 A. Abdiaziz Shafii Farah.

4 Q. Now, this address written in the document next to
5 Abdiaziz's name, 2713 5th Avenue, that's not the address you
6 searched, is it?

7 A. It is not.

8 Q. The address you searched Abdiaziz Farah's house was on
9 Hampshire?

10 A. It was.

11 Q. Have we seen this address today?

12 A. We have.

13 Q. Do you remember whose address that is?

14 A. I know we've mentioned it, but I don't remember the
15 name.

16 Q. Let me show you Government's Exhibit O-107. This is in
17 evidence as a Chase bank record of Said Farah. Do you see
18 that document?

19 A. Yes.

20 Q. Do you see the address stated in his bank records?

21 A. I do.

22 Q. What's that address?

23 A. The same address.

24 Q. Same address as appeared on the immigration form we were
25 just reviewing that law enforcement seized from Abdiaziz

1 Farah's house?

2 A. Yes.

3 Q. Let me pull Government's H-3 up again, which is in
4 evidence. All right. So on this form we see Abdiaziz
5 Farah's name, correct?

6 A. Yes.

7 Q. We see Said Farah's address, right?

8 A. Yes.

9 Q. And then on behalf of what individual is this affidavit
10 executed?

11 A. Abdiwahab Aftin.

12 Q. What is stated as the relationship between Abdiaziz, the
13 name at the top of the document, and Abdiwahab Aftin?

14 A. Family friend.

15 Q. Okay. Special Agent Frank, we've talked today all
16 throughout the morning about the search warrant you executed
17 as part of the broader Feeding Our Future investigation,
18 right?

19 A. Yes.

20 Q. Search warrant executed at that Hampshire Lane address,
21 correct?

22 A. Yes.

23 Q. On Abdiaziz Farah's house?

24 A. Yes.

25 Q. We talked about cars, didn't we?

1 A. Yes.

2 Q. And cash?

3 A. Yes.

4 Q. Travel documents?

5 A. Yes.

6 Q. And jewelry?

7 A. Yes.

8 Q. Real estate records?

9 A. Yes.

10 Q. Bank records?

11 A. Yes.

12 Q. And a phone?

13 A. Yes.

14 Q. We'll talk about one more category. You mentioned at
15 the beginning, I believe, that you seized some passports?

16 A. Yes, we did.

17 Q. Did you come to know whose passports you had seized?

18 A. We seized Abdiaziz Farah's passport card and passport
19 book.

20 Q. Passport card and passport book?

21 A. Yes.

22 Q. What's a passport book?

23 A. I think the best way to describe it is a passport book,
24 might have seen it. It's like a -- probably has a blue
25 cover, kind of multiple pages in it. You open it up and it

1 has your -- your photo ID and what your -- who you're a
2 citizen of and then a bunch of pages in the back for like
3 when you travel and you get it stamped going in and out of
4 countries, kind of proves that you came in and came out
5 legitimately. And that is issued through the State
6 Department for you to internationally travel to any country
7 that's willing to accept us, anyway, a U.S. citizen.

8 And then a passport card is a little bit
9 different. It kind of looks like a Minnesota state driver's
10 license, if you will. And it's just like a laminated card
11 or a card that's printed out, and it has a limited scope of
12 where you can travel. You can travel like Canada, Mexico,
13 some Caribbean islands, but you can't travel like to Europe
14 on it. And so it's a little limited. I'm not sure if it's
15 easier to get, but it's just a limited version of your
16 passport book.

17 Q. Who issues passport cards, if you know?

18 A. Department of State.

19 Q. And you said the State Department issues the booklets as
20 well, right?

21 A. Yes. They issue both of them.

22 Q. Let me show you what's in evidence as H-1, page 27.

23 Now, we looked at this photo earlier. We talked
24 about it a little bit. Do you remember that?

25 A. Yes.

1 Q. This Chase envelope was the focus then. That's the one
2 that had all those hundreds that we counted out on the table
3 and you described to us, correct?

4 A. Yes.

5 Q. What's next to Item 1?

6 A. That's a passport book.

7 Q. Let me show you page 72, the same exhibit. Is this a
8 close-up of the inside page of that same passport book?

9 A. It is.

10 Q. What's the name in this book?

11 A. Abdiaziz S. Farah.

12 Q. And there's a photo here. You said during the pre-brief
13 before you executed these warrants you were shown a photo of
14 Mr. Farah. Do you remember that?

15 A. Yes, we were.

16 Q. Do you recognize the person pictured in this photo of
17 this passport book you seized?

18 A. I do.

19 Q. Who is that?

20 A. Abdiaziz Farah.

21 Q. And to be clear, why does law enforcement have a photo
22 of this passport booklet?

23 A. We found it in the vehicle, so we took a photo of it.

24 Q. Did you seize it?

25 A. We did.

1 Q. You mentioned passport card, right?

2 A. Yes.

3 Q. Did you find a passport card during the execution of the
4 warrant at Abdiaziz Farah's house?

5 A. Yes.

6 Q. Let me show you I-1, page 12. This is also in evidence.

7 What are we looking at in Government's I-1 at
8 page 12?

9 A. This is the passport card that I described earlier.

10 Q. The one you found during the search of Abdiaziz Farah's
11 house?

12 A. Yes.

13 Q. And the one that federal agents seized?

14 A. Yes.

15 Q. What's the name stated there?

16 A. Abdiaziz S. Farah.

17 Q. And, again, do you recognize the photo on the card?

18 A. I do.

19 Q. Who is it?

20 A. Abdiaziz Farah.

21 Q. When you have completed the execution of warrants at a
22 location that you've been authorized by warrant to search,
23 how do you wrap up the process before federal agents depart
24 the scene?

25 A. Sure. We package all of our evidence into either boxes

1 or bags, like you saw earlier from the phone, seal all that
2 up, make sure all of our documentation as much as possible
3 can be completed there, take an accounting of all the rooms,
4 make sure we didn't miss anything.

5 We'll actually take exit photos, because initially
6 when we go into a search scene we will take photos of how it
7 was when we entered before we searched, and then we take
8 photos after that so that way people can see that we didn't
9 like damage anything or leave anything damaged or of that
10 nature.

11 And then we will -- in addition to our
12 documentation that we fill out for internal use, we provide
13 a -- what we call a receipt for property for the person
14 that's living at the residence. And that's for multiple
15 purposes. That's to give them a receipt of everything that
16 we took, so they are understanding of as much as possible
17 what we seized. And it protects them and it protects us in
18 case someone says later, you know, you took something that
19 you weren't supposed to take or you took too much money or
20 not enough money, the accounts don't show up right, whatever
21 that may be. So it shows that consistency, and they can
22 have that documentation to provide to either their legal
23 representation or themselves just understand what was taken.
24 Q. So let me ask you about that receipt document you just
25 described.

1 A. Yes.

2 Q. Is that a standard part filling out that receipt of how
3 FBI agents execute search warrants?

4 A. Yeah, it's standard, standard practice and policy to
5 provide that when we leave the residence.

6 Q. Is that something FBI agents do in the ordinary course
7 of executing search warrants?

8 A. Yes. And even if there is no one there at the
9 residence, like it was an empty residence when we were
10 there, we still leave it at like an accessible place that
11 they would note -- hopefully notice it, like on a kitchen
12 table or dining room table, and we take photos of it showing
13 that we left it there.

14 Q. Now, with respect to the searches we've been discussing
15 all morning and now into the afternoon --

16 A. Yes.

17 Q. -- the searches in which you participated of Abdiaziz
18 Farah's house at Hampshire Lane, did you follow these
19 standard practices and procedures regarding the receipt with
20 respect to that warrant execution?

21 A. Yes, we did.

22 Q. Let me show what has been marked for identification as
23 Government's I-5.

24 Do you see the document I've put in front of you
25 there?

1 A. I do.

2 Q. Scroll down to the third page. Do you recognize this?

3 A. I do.

4 Q. What is this?

5 A. That's the receipt for property -- or one of the
6 receipts for property that we left.

7 Q. You say "one of"?

8 A. Mm-hmm.

9 Q. Why do you say "one of"?

10 A. This was for the residence. We also had, I believe,
11 three others that covered the vehicles that we seized. So
12 we had separate receipts for those.

13 Q. Okay. So the document you're looking at right now is
14 not an exhaustive list of every item seized by law
15 enforcement at Abdiaziz Farah's house, it's partial; is that
16 right?

17 A. Yes.

18 Q. You described that receipts like this are kept in the
19 ordinary course of FBI search warrant execution; is that
20 right?

21 A. Yes.

22 Q. Is that true for this one also?

23 A. It is.

24 Q. Is this a true and accurate copy of the receipt that was
25 filled out by law enforcement during the search warrant

1 execution we've been discussing this morning?

2 A. It is.

3 MR. BOBIER: Your Honor, the government offers
4 Exhibit I-5.

5 MR. IAN BIRRELL: I object, Your Honor. May we be
6 heard?

7 THE COURT: You may.

8 **(Sidebar discussion)**

9 THE COURT: Mr. Bobier, can you hear?

10 MR. BOBIER: I can, Your Honor. Can you hear me?

11 THE COURT: Yes.

12 Mr. Birrell.

13 MR. IAN BIRRELL: Thank you, Your Honor.

14 I think there are a few issues here, including
15 foundation, that he said it's not an exhaustive list, every
16 document seized makes it misleading, and I think it's
17 cumulative.

18 But the fundamental problem I think is the
19 document says it was given to Mr. Farah and that he refused
20 to sign it. I think that's putting his silence in front of
21 the jury, and I don't think that's appropriate.

22 THE COURT: Mr. Bobier.

23 MR. BOBIER: Yeah, Your Honor --

24 **(In open court)**

25 COURTROOM DEPUTY: Are you having trouble?

1 MR. MOHRING: Yeah, I think the battery is dead.
2 I can't get it fired up.

3 (Sidebar discussion)

4 THE COURT: Mr. Bobier.

5 MR. BOBIER: Thank you, Your Honor. Yeah, a few
6 quick responses.

7 So first as to the foundation point, the agent has
8 testified that this is a document kept in the regular course
9 and that the regular course was observed here, consistent
10 with FBI policy and practice. It's a government record, and
11 he's laid foundation for that.

12 As to it being non-exhaustive, he's explained that
13 as well. There were other receipts in addition to this one
14 that were left at the property, which is a cumulative whole,
15 represented all of the items seized at the site by law
16 enforcement.

17 Finally, Mr. Birrell's comment about the
18 refuse-to-sign component at the bottom of the page there,
19 well, the agent can testify to that too. What's being
20 described here is not any kind of silence being used against
21 the defendant problem here. There's no statement. This
22 document goes to notice.

23 Part of the passport fraud case at issue here is
24 whether Mr. Abdiaziz Farah was on notice that two months
25 prior to submitting a passport application claiming that his

1 had been lost or stolen, it in fact had been taken by
2 federal agents during the execution of this warrant. This
3 goes to notice for no other purpose. And for that reason, I
4 contend it would be admissible, Your Honor.

5 MR. IAN BIRRELL: Your Honor, if I may.

6 The fact that the agent can testify that Mr. Farah
7 declined to provide a statement, it's a testimonial
8 statement, being his signature. I don't think that helps
9 solve any problem. I think it magnifies the problem. This
10 violates his Fifth Amendment rights to remain silent, and
11 the implication is he should have said something if it
12 wasn't true.

13 MR. BOBIER: If I may, Your Honor.

14 The Fifth Amendment privilege is against
15 statements that are incriminating. The question here is
16 simply one of notice. The only issue is whether he is aware
17 that the items taken from his house were taken. Here,
18 that's what the agent's testimony is going to speak to.

19 THE COURT: Objection is overruled.

20 **(In open court)**

21 MR. BOBIER: Your Honor, the government offers
22 Exhibit I-5.

23 THE COURT: It is admitted.

24 MR. BOBIER: Thank you.

25

1 BY MR. BOBIER:

2 Q. Do you see that exhibit, Special Agent Frank?

3 A. I do.

4 Q. Is this -- now that the jury can see it, is this the
5 kind of receipt for property you were discussing earlier?

6 A. Yes.

7 Q. And this is the -- well, strike that.

8 Tell us again why it is important that the FBI
9 leave these types of documents.

10 A. It's again for accountability and for both sides to
11 understand what was seized and taken and then also to
12 provide information to the court about what we took.

13 Q. And this particular receipt for property, it pertains to
14 what search?

15 A. This search for Abdiaziz Farah's house at
16 15418 Hampshire Lane.

17 Q. On January of 2022; is that right?

18 A. Yes.

19 Q. Now, I want to ask you a little bit about this document
20 and how the federal agents at the end of executing those
21 warrants left the scene.

22 A. Yes.

23 Q. At the end of executing the warrants, did you have an
24 occasion to speak with Mr. Farah?

25 A. I did.

1 MR. IAN BIRRELL: Your Honor, I would object to
2 this line of questioning on the same grounds and request a
3 standing objection.

4 THE COURT: I'd like a sidebar, please.

5 **(Sidebar discussion)**

6 THE COURT: Mr. Birrell.

7 MR. IAN BIRRELL: And, Your Honor, I -- part of it
8 is I want to preserve this issue for the record. Part of
9 this is that in the previous litigation in this case they
10 represented to us that they weren't going to use any
11 statements made by Mr. Farah. We didn't make any motions to
12 suppress.

13 THE COURT: That's why I wondered why this wasn't
14 in the motion of a motion in limine or a motion to suppress.
15 Mr. Bobier.

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

17 THE COURT: I can.

18 MR. BOBIER: Your Honor, I believe I can simplify
19 this significantly. I'm happy to retract this line of
20 questioning and make it a lot more simple.

21 I can just simply asked the agent if the receipt
22 was an item that he left. I won't go into any statements.
23 And then I will simply point out a few items that appear on
24 the form. I believe that should not run into loggerheads
25 with the issue Mr. Birrell was raising.

1 THE COURT: Agreed. My guess is that Mr. Birrell
2 still wants to maintain an objection to the form itself.

3 MR. IAN BIRRELL: Correct, on the grounds of a
4 standing objection.

5 THE COURT: And can you identify again your
6 concern and whether a limiting instruction would assist
7 here? I understand you probably don't think it cares, but I
8 would like to know what your thoughts are.

9 MR. IAN BIRRELL: Your Honor, I'm -- I'll think
10 about the limiting instruction. My worry is that it might
11 highlight it rather than diminish it for the jury.

12 My concern is that Mr. Farah's writing the
13 signature -- am I still coming through?

14 THE COURT: You are.

15 MR. IAN BIRRELL: Okay. -- Mr. Farah's writing a
16 signature or not writing a signature is a testimonial act.
17 If he writes a signature, that is used against him; if he
18 doesn't write a signature, that is used against him, and
19 it's used against him as in he should have signed it. He
20 was on -- whether he's on notice or not, that's commenting.
21 That's putting before the jury that he's declining to make a
22 testimonial statement.

23 MR. THOMPSON: Your Honor, this is Mr. Thompson.
24 If I may address this issue.

25 I talked to Andy Birrell. And obviously

1 Mr. Bobier wasn't in the office when this all happen. If we
2 can have a brief recess, I think that we can work this out
3 in a way that will probably prevent a lot of issues down the
4 road. Maybe just a five-minute recess.

5 THE COURT: Let's do that. Thank you.

6 **(In open court)**

7 THE COURT: We're all going to take a five-minute
8 recess. So stay in the jury room, and we'll come and get
9 you. All right?

10 All rise for the jury.

11 (Recess taken at 2:32 p.m. till 2:40 p.m.)

12

13 **IN OPEN COURT**

14 **(JURY NOT PRESENT)**

15 THE COURT: You may all be seated.

16 We are on the record out of the presence of the
17 jury.

18 Mr. Bobier, have you come to a resolution --

19 MR. BOBIER: We have.

20 THE COURT: -- with Mr. Farah's counsel? What is
21 it?

22 MR. BOBIER: We have, Your Honor. Thank you.

23 We spoke with Mr. Birrell. The simplest thing is
24 we've agreed that we'll withdraw the government's offer of
25 I-5. We will not offer that into evidence.

1 And then Mr. Thompson, Mr. Ian Birrell and I spoke
2 briefly with the witness, all of us together, just to make
3 clear what the parameters of that agreement were going to
4 be.

5 I'm not going to elicit any testimony about what
6 Mr. Farah said or did not say, what he signed or did not
7 sign with respect to this document. I'm simply going to ask
8 if a receipt was created, itemized and left. And I think
9 counsel is in alignment with that proposal.

10 THE COURT: Mr. Birrell?

11 MR. IAN BIRRELL: That's correct, Your Honor.
12 Thank you.

13 THE COURT: All right. I-5 is now withdrawn from
14 the record.

15 So could you then take it down as well?

16 MR. BOBIER: Of course, Your Honor.

17 THE COURT: Thank you.

18 MR. BOBIER: Thank you.

19 THE COURT: All right. Mr. Ebert, do you want to
20 put some exhibits on the record while we're at this?

21 MR. EBERT: So long as we're taking a break, if
22 this works for Your Honor, while the jury is not here.

23 THE COURT: It does.

24 MR. EBERT: So, Your Honor, through the next
25 witness, who will be Shane Ball, the government will

1 introduce a series of exhibits.

2 I've spoken with Patrick Cotter and with Ian
3 Birrell; and with their consent, they agree to the entry of
4 the following items:

5 First, evidence from Mohamed Ismail's residence.
6 This is Exhibits H-62 through H-69 and then H-70a through
7 H-70v as in Victor.

8 And then the next batch will come from the search
9 of the Empire Cuisine & Market, and those are Exhibits H-119
10 through H-129.

11 THE COURT: Mr. Birrell or Mr. Cotter, any
12 objection?

13 MR. COTTER: Not on behalf of Mr. Mohamed Ismail.
14 We so stipulate to the admission of those exhibits.

15 THE COURT: Thank you. Thank you.

16 Mr. Birrell.

17 MR. IAN BIRRELL: Yes, Your Honor. We have no
18 objection. I wasn't sure if it was through v or through u.
19 I'd seen v in one place and u in the other, so.

20 MR. EBERT: It should be, on the first series that
21 I mentioned, it should be H-70a through H-70v as in Victor.

22 THE COURT: All right. I'm not sure that was the
23 understanding. Do you want to check out and make sure that
24 H-70v is unobjectionable?

25 (Counsel confer)

1 MR. IAN BIRRELL: We have no objection, Your
2 Honor.

3 THE COURT: Thank you.

4 MR. COTTER: No objection.

5 MR. EBERT: Thank you.

6 THE COURT: Thank you.

7 H-62 through H-69, H-70a through H-70v, H-119
8 through H-129 are admitted.

9 COURTROOM DEPUTY: All rise for the jury.

10 **IN OPEN COURT**

11 **(JURY PRESENT)**

12 THE COURT: You may all be seated.

13 Mr. Bobier, you may continue your questioning.

14 MR. BOBIER: Thank you, Your Honor.

15 BY MR. BOBIER:

16 Q. Special Agent Frank, we were talking about the manner
17 that FBI agents, pursuant to policy and protocol, leave the
18 site at which a search warrant has been executed. Do you
19 remember that?

20 A. Yes.

21 Q. We had been talking about the FBI policy and practice of
22 leaving receipts of all of the evidence that had been seized
23 from a location. Do you remember that?

24 A. Yes.

25 Q. Did you and the law enforcement agents you were with in

1 the execution of the warrants on Abdiaziz Farah's house fill
2 out a receipt like that one?

3 A. Yes, we did.

4 Q. You said you filled out multiple receipts, right?

5 A. Yes.

6 Q. And together those receipts reflected the items that law
7 enforcement had seized?

8 A. Yes.

9 Q. Was one of the items on that receipt Abdiaziz Farah's
10 passport?

11 A. Yes.

12 Q. That being the passport we reviewed together and looked
13 at some photos of, right?

14 A. Yes.

15 Q. I'm talking about the passport book, the sort of
16 blue-covered book you described to us, correct?

17 A. Correct.

18 Q. Did those receipts also itemize that law enforcement
19 personnel had seized Abdiaziz Farah's passport card?

20 A. Yes, it did.

21 Q. And that was the sort of smaller State Department-issued
22 document. You, I think, described it as looking like a
23 Minnesota driver's license sort of?

24 A. Yes.

25 Q. That was also itemized on the receipt?

1 A. That was, yes.

2 Q. What did the FBI do with those receipts after they were
3 completed at the search of Abdiaziz Farah's house?

4 A. We placed it on the dining room table.

5 Q. Inside the residence?

6 A. Yes.

7 Q. You left copies?

8 A. Yes, we did.

9 Q. Thank you.

10 MR. BOBIER: No further questions, Your Honor.

11 THE COURT: Thank you.

12 Mr. Birrell.

13 CROSS-EXAMINATION

14 BY MR. IAN BIRRELL:

15 Q. Good afternoon, Agent Frank.

16 A. Good afternoon, sir.

17 Q. I want to start by talking a little bit about the
18 similarities and differences between executing a search
19 warrant and issuing a grand jury subpoena.

20 In both of these two items, executing a search
21 warrant and issuing a grand jury subpoena, are different
22 ways of obtaining potential evidence in a case, right?

23 A. Yes.

24 Q. And by "potential evidence," I mean evidence that could
25 contradict or could support a theory of prosecution; is that

1 fair?

2 A. That's fair, yes.

3 Q. And you testified you'd participated in dozens of search
4 warrant executions, right?

5 A. Yes.

6 Q. Is it fair to say you also have participated in dozens
7 of grand jury subpoena issuances?

8 MR. BOBIER: Your Honor, I'd object beyond the
9 scope. I didn't ask anything about grand jury items.

10 THE COURT: Overruled.

11 You may answer.

12 THE WITNESS: Yes, hundreds of subpoenas.

13 BY MR. IAN BIRRELL:

14 Q. And a subpoena is a directive to a person or entity to
15 produce items to law enforcement, right?

16 A. Yes.

17 Q. And they respond over a period of time rather than
18 immediately, right?

19 A. Yes. Typically days to weeks to months.

20 Q. And sometimes the response uses a lawyer as an
21 intermediary, right?

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

23 Q. Sometimes in responding the company that receives or the
24 institution that receives the grand jury subpoena uses a
25 lawyer to facilitate the response, true?

1 A. Some do, yes.

2 Q. And in this case you used a search warrant rather than a
3 grand jury subpoena, right?

4 A. Yes, we used a search warrant for the residence.

5 Q. And you didn't tell anyone that you were coming there
6 ahead of -- well, you didn't tell Mr. Farah that you were
7 coming there ahead of time, right?

8 A. No. That would defeat the purpose of the search
9 warrant.

10 Q. Why would it defeat the purpose of the search warrant?

11 A. In our -- in my training and experience, people that
12 know that a search warrant is impending, they sometimes --
13 not all the time, but sometimes can destroy evidence.

14 Q. Or hide evidence, right?

15 A. Yes, sir.

16 Q. Or could choose what information is available to you and
17 try to conceal other information, right?

18 A. Yes, sir.

19 Q. So in this case you didn't tell Mr. Farah, hey, we're
20 coming at 2:00 p.m. You just came, right?

21 A. Correct. Yes, sir.

22 Q. And you executed the search, right?

23 A. Yes. Along with my team, yes.

24 Q. And we talked a little bit about roles. Your role was a
25 searcher in the case, right?

1 A. I had a number of roles, but, yes, that was one of my
2 roles.

3 Q. And you were not responsible for reviewing the evidence,
4 for the most part, correct?

5 A. How do you mean by that?

6 Q. Well, your job was to look at the information, the
7 documents, the items, whatever is inside the house, right?

8 A. Yes.

9 Q. Decide does it -- is this item for each item listed on
10 the list of items to be seized, right?

11 A. Yes.

12 Q. And if it is listed on the list of items to be seized,
13 then it's potential evidence, right?

14 A. Yes.

15 Q. And then your job would be to identify it first, right?

16 A. Yes.

17 Q. Catalog it, right?

18 A. Fair.

19 Q. So we saw those yellow tabs. That's what that is,
20 right?

21 A. Yes, sir.

22 Q. Take pictures of it, right?

23 A. Yes, sir.

24 Q. And ensure -- well, and that happens so that everyone
25 knows where it came from, right?

1 A. Yes, sir.

2 Q. Everyone knows what it is, right?

3 A. Yes, sir.

4 Q. And as to the actual contents of these, so say you find
5 documents, you pass the documents onto someone else, right?

6 A. Yes, sir.

7 Q. The case agent in this case?

8 A. Case team, case agent, yes, sir.

9 Q. Case team. So someone whose role would not be primarily
10 to search the residence, but to review the evidence, right?

11 A. Yes, sir.

12 Q. And the reason we have these different -- or the reason
13 you have these different roles is to make sure nothing slips
14 through the cracks; is that fair?

15 A. Yeah, it's fair. I think, if I can say --

16 Q. Sure.

17 A. -- with roles, the roles sometimes fluctuate a little
18 bit on -- during the event. While I'm not doing photography
19 or dealing with certain issues, I would also attempt an
20 interview. I've searched. I've helped other people with
21 paperwork. I helped bag the evidence.

22 Q. So you go from role to role within some small
23 parameters?

24 A. Yes. I believe that's fair to say.

25 Q. Okay. And when you see an item and you make an

1 assessment on, should I -- is this potential evidence or
2 not -- you tracking me?

3 A. Yes.

4 Q. You're not supposed to use your independent judgment to
5 say, Is this important or not, right?

6 A. I think it's like, based on my training and experience,
7 we have a number of individuals that are there, some that
8 might have more experience with white-collar crimes than
9 cyber crimes; like, for instance, on a cyber investigation
10 that I was involved in, I brought a specialist involving
11 computers because they could see things that I couldn't.

12 Q. Sure.

13 A. So I think it's fair to say sometimes we do use a little
14 bit of our training and experience that's individual
15 judgment.

16 Q. But primarily what you're supposed to do is look at the
17 item and decide is it on this list of items to be seized?

18 A. Yes, that's fair.

19 Q. And that's the -- talked a little bit about this --
20 that's part of the warrant that's approved by the magistrate
21 judge, right?

22 A. Yes.

23 Q. So not Her Honor, but a different kind of federal judge,
24 right?

25 A. Yes.

1 Q. Okay. And the warrant lists out these items to be
2 seized in pretty substantial detail, right?

3 A. Yes.

4 Q. And you -- did you review the list of items to be seized
5 in this case before you executed the search warrant?

6 A. I did, yes.

7 Q. And the goal when you're then conducting the search is
8 to see the items; if it's on the list, seize it. Right?

9 A. Yes.

10 Q. Identify it, catalog it and pass it along to someone
11 else to look at the contents. Fair?

12 A. Yeah, it's fair. There are some instances with like
13 large amount of documents that that becomes very difficult
14 for us to do, like with boxes and boxes of documents. We
15 only have a certain amount of time that we can be at the
16 residence and take that, you know, residence kind of away
17 from the occupants.

18 So we do our best, like a reasonable effort, to
19 look through those documents and determine those could be
20 seized, but we don't go through them page by page. We would
21 be there for days.

22 Q. And what you do instead pretty much is you grab all the
23 documents that you think would be responsive, seize them and
24 then review them at a later date; is that fair?

25 A. I think it's fair to say that we look for documents that

1 pertain to the search warrant and make a reasonable judgment
2 to take those documents.

3 Q. And in this case you know generally it was a
4 white-collar case, right?

5 A. Yes, sir.

6 Q. And you knew generally it was -- or could be a
7 document-intensive case?

8 A. Yes.

9 Q. And the warrant directed law enforcement to seize
10 essentially all documents relating to the Federal Child
11 Nutrition Programs in any way; is that fair?

12 A. Yeah, it's fair.

13 Q. So all applications, claims, invoices, records,
14 reimbursements, contracts, site locations, right?

15 A. Yes.

16 Q. All correspondence between -- well, anyone and the
17 Minnesota Department of Education, Partners in Nutrition,
18 Feeding Our Future, right?

19 A. Yes.

20 Q. All personal financial documents you could find, right?

21 A. Whatever was stipulated on the search warrant, yes.

22 Q. Right. All bank documents, all tax records, right?

23 A. Yes.

24 Q. And is it -- I mean, is it fair to say basically every
25 piece of paper relating to the Federal Child Nutrition

1 Programs?

2 A. I think it's fair to say those would be documents we
3 would seize, yes.

4 Q. Yeah. And you did seize every piece of paper that you
5 could see relating to the Federal Child Nutrition Programs?

6 A. As far as I'm aware, yes.

7 Q. Okay. And, likewise, the warrant directs you to seize
8 electronic devices, right?

9 A. Yes.

10 Q. And that's something that you're also familiar with from
11 your kind of more day-to-day work as -- on the cyber squad,
12 right?

13 A. Yes, sir.

14 Q. So the idea is documents are not always contained in
15 paper, but are contained in computers, cell phones, right?

16 A. Yes, sir.

17 Q. And you were directed to seize all electronic devices
18 that could store information, right?

19 A. Yes, sir.

20 Q. So all central processing units, all desktops, laptops,
21 notebook, tablets, computers, right?

22 A. Yes.

23 Q. All PDAs, all wireless communication devices, cell
24 phones, right?

25 A. Yes.

1 Q. Pagers, beepers, right?

2 A. Yes.

3 Q. Hard drives, flash drives, right?

4 A. Yes.

5 Q. And you or someone on your team did seize all the
6 electronic devices that you saw that could hold information,
7 right?

8 A. As far as I'm aware of, yes. We didn't take the TV or
9 anything, but like we took all the electronic devices that
10 would have reasonable information on them.

11 Q. Right, because they fell under the search warrant,
12 right?

13 A. Yes.

14 Q. So it's not like you have much of a choice. You can't
15 see this and say, well, it falls under the search warrant,
16 but I'm not going to seize it, right?

17 A. Right.

18 Q. That wouldn't be appropriate?

19 A. Correct.

20 Q. Do you recall seizing or someone on your team seizing an
21 Apple Watch in this case?

22 A. Yes.

23 Q. And that would fall under that sort of digital device
24 mandate, correct?

25 A. Yes.

1 Q. Okay. So you seized all the documents that seemed to
2 relate to the Federal Child Nutrition Program and all the
3 electronic devices that could hold information, right?

4 A. Yes.

5 Q. And in your -- in your execution of dozens of search
6 warrants, have you seen documents hidden in a wall or in a
7 floorboard or something like that?

8 A. I haven't trained on it. Honestly, I don't think I've
9 seen it like in real -- realtime, although we're always
10 attune to that possibility, but I haven't seen it
11 personally.

12 Q. Well, then the answer to this is probably going to be
13 pretty clear. But nothing in this case was hidden in a
14 floorboard or behind a wall or some secret compartment,
15 right?

16 A. Not that I was aware of.

17 Q. It was all either in one of the vehicles, right?

18 A. Yes.

19 Q. Or out in the open?

20 A. Yes.

21 Q. Or in somewhere like a cabinet?

22 A. Yes.

23 Q. Okay. And you saw those documents, retrieved them,
24 cataloged them as best you could and passed them along,
25 right?

1 A. Yes.

2 Q. You were shown a document with the name Hadith Ahmed, do
3 you remember that, during your direct examination?

4 A. I believe so, yes.

5 Q. That document was not found in Abdiaziz Farah's home,
6 right?

7 A. You have to refresh my memory on the documents. I
8 looked at a lot of them today.

9 Q. Okay.

10 A. Sorry.

11 Q. Well, let me see if I can grab it and pull it up here.
12 But you recall you were shown two different documents with
13 two different EINs, right?

14 A. Yes.

15 Q. Okay.

16 A. Okay. I remember that.

17 Q. And --

18 A. The one on the right was not the one that we seized, the
19 one on the left was.

20 Q. So you seized one document with an EIN in Mr. Farah's
21 home?

22 A. Yes.

23 Q. And do you recall the name on that document?

24 A. No. It's -- I'd have to look at it.

25 Q. Well --

1 MR. IAN BIRRELL: Just one second, Your Honor.

2 BY MR. IAN BIRRELL:

3 Q. Well, we will come back to that. But you recall the two
4 documents with the two EINs side by side?

5 A. Yes.

6 Q. And you were drawing a comparison between one of the two
7 and the other, right?

8 A. Yes.

9 Q. And your recollection is that one of the two was found
10 in Mr. Farah's home and the other one was not, right?

11 A. Correct.

12 Q. Okay. And we'll get -- see if we can get the documents
13 pulled up here.

14 You also testified a bit about -- you were asked
15 about these meal count sheets, right?

16 A. Yes.

17 Q. And you remember seeing those documents, right?

18 A. I do.

19 Q. And you remember seizing those documents from
20 Mr. Farah's home?

21 A. Yes.

22 Q. And you seized them because they were the kind of
23 business records contemplated by the subpoena. Fair? Or,
24 excuse me, by the search warrant. Fair?

25 A. By the search warrant, fair. Yes.

1 Q. And you testified about the nice round numbers in there.

2 Do you remember that?

3 A. I do.

4 Q. Do you know where those numbers came from?

5 A. I would imagine they -- I believe they came from the
6 person filling out the form.

7 Q. So you imagine the person filling out the form had
8 picked those numbers, right?

9 A. It's possible.

10 Q. So you don't know if the person filling out the form
11 picked them; is that fair?

12 A. I wasn't there when the form was filled out, so no.

13 Q. Do you know if there are contracts between different
14 agencies that set that form -- or excuse me -- contracts
15 between different agencies that establish what those numbers
16 are supposed to be?

17 A. No, I don't have any knowledge of that.

18 Q. Do you know anything about waivers in this case?

19 A. No.

20 Q. Do you know anything about waivers that allow meals to
21 be distributed in seven-day batches?

22 A. No, I have no familiarity with that.

23 Q. Okay. Or any other waivers of any kind in this case?

24 A. No knowledge of that. Sorry.

25 Q. It's okay. And that's because your role was to search

1 the house, gather the evidence that you were directed to
2 gather, and turn it over to someone else to review it,
3 right?

4 A. Yes.

5 Q. Okay. I'm just going to pull up quick document H-3,
6 which is this immigration form, if you remember.

7 A. Yes, sir.

8 Q. Okay. And if we could flip to -- well, first you
9 remember testifying about this document just 30 minutes or
10 so ago?

11 A. I do, yes.

12 Q. And if we can flip to page 2.

13 Did you take note of the time or the date this
14 document was created?

15 If you could enlarge the oath or affirmation of
16 sponsor section.

17 A. November 29, 2013.

18 Q. Okay. Thank you.

19 And you can clear this. And if you could pull up
20 Exhibit Q-22.

21 Which is this EIN form for Mr. Hadith Ahmed at
22 Mizal Consulting. Do you see that?

23 A. I do.

24 Q. And do you recall whether this document was seized from
25 Mr. Farah's house?

1 A. I don't recall that, and I think that was the comparison
2 document that was shown.

3 Q. So you believe the other document, the other similar EIN
4 for a different name, different person, different company,
5 was seized from Mr. Farah's house?

6 A. I'd have to see both documents together that were shown
7 to me.

8 Q. Do you have the other one?

9 A. I'd have to see both documents that were seen.

10 Q. Well, we can pull up the other one.

11 Okay. So for the record Government Exhibit H-13
12 is portrayed on the right side of the screen and Q-22 is on
13 the left side of the screen.

14 And your recollection is that H-13 was seized from
15 the house, correct?

16 A. Yes.

17 Q. So the Hadith Ahmed document was not seized from
18 Mr. Farah's house?

19 A. Not to my recollection, no.

20 MR. IAN BIRRELL: Thank you. I have nothing
21 further.

22 THE COURT: Thank you, Mr. Birrell.

23 Mr. Cotter.

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CROSS-EXAMINATION

BY MR. COTTER:

Q. Good afternoon, agent. My name is Patrick Cotter. I represent Mohamed Ismail.

A. Good afternoon, sir.

Q. Just going to cover a couple of topics with you.

Do you recall there was some conversation about some bank accounts, a bank account for an Empire Cuisine & Market, and you were shown some bank statements?

A. Yes.

Q. Okay. Could we pull up O-7, please? And go to the second page first, please.

I'm showing you what's been previously admitted as O-7. Now, you see that this was the opening of a U.S. Bank account, and that is for -- it lists two account holders, correct?

A. Yes.

Q. Mohamed Ismail and Abdiaziz Farah?

A. Yes.

Q. All right. And then on top it said Empire Cuisine & Market LLC. That was the account title?

A. Yes, sir.

Q. All right. Thank you.

And then if you move up to -- well, I'll stop.

Do you recall, is there a date as to when this

1 account was opened? It looks like in that first paragraph.

2 A. May 12th, 2020.

3 Q. Thank you.

4 If you want to go to the first page.

5 Do you see this page 1 of 0-7 indicates it's a
6 signature card addendum. It's removing a signer or
7 signatory on this account?

8 A. Yes, sir.

9 Q. And then, again, that account title is Empire Cuisine &
10 Market LLC?

11 A. Yes, sir.

12 Q. And it removed Mohamed Ismail as a signer on this same
13 account; is that correct?

14 A. Yes, sir, that's what it appears to do.

15 Q. Do you remember they highlighted -- excuse me --
16 Mr. Bobier highlighted the account number and it had ending
17 9932?

18 A. Yes.

19 Q. And this is that same account number, correct?

20 A. Yes, it appears so.

21 Q. And do you see the date that this was executed?

22 A. June 5th, 2020.

23 Q. Okay. Thank you.

24 So approximately one month after the Empire
25 Cuisine & Market account was opened in the name of

1 Mr. Ismail and Mr. Farah, Mr. Ismail was removed as a signer
2 it appears from this document 0-7; is that correct?

3 A. Yes, that's what it appears.

4 Q. And is it your understanding that means he would no
5 longer have the ability to access or do business on the
6 account?

7 A. Yeah, sign on the account or have access to it, as far
8 as I understand.

9 Q. Thank you.

10 As to -- can we pull up H-40, please?

11 This was admitted into evidence previously as a
12 document found during the search. Do you recall this
13 document?

14 A. I do.

15 Q. And this document identified a company called Empire
16 Enterprises LLC; is that correct?

17 A. It is.

18 Q. And to your understanding the only signatory or
19 individual on this document is Mr. Farah. Mr. Ismail is not
20 part of Empire Enterprises LLC, correct?

21 A. The only signature listed is Abdiaziz Farah.

22 Q. And the reason I'm saying that is sometimes the word
23 "Empire" has been used. In fact, I think it was even used
24 in direct. And Empire Cuisine & Market and Empire
25 Enterprises LLC are not the same companies, are they?

1 A. That's fair.

2 Q. All right. Thank you.

3 A. I think that's correct.

4 Q. I just want to then move on to a comment you made when
5 you were describing the importance of collecting electronic
6 evidence during a search. Do you recall that?

7 A. Yes, sir.

8 Q. And you specifically, if I recall correctly, said it's
9 important because context behind money transfers is very
10 important. Do you remember saying that?

11 A. Yes.

12 Q. In fact --

13 A. Just generally.

14 Q. -- context in general in assessing evidence and how it
15 should be interpreted is extremely important. Is that fair
16 to say?

17 A. Yes.

18 Q. All right. And so in this instance you were able to
19 obtain a lot of different documents. And some of those
20 documents, do you recall, were in the names of individuals
21 that you believed may not have been living at the residence?
22 Do you recall those questions?

23 A. Yes, sir, I do.

24 Q. So you were asked some questions about whether or not,
25 for example, Nur -- Abdimajid Nur had lived at this

1 Hampshire address. And you indicated no, you believed only
2 Mr. Farah did. Do you recall that?

3 A. Yes, Mr. Farah and his wife, yes.

4 Q. Am I mistaken or did you just really get involved in
5 this case to assist in executing the search warrants?

6 A. That's accurate.

7 Q. All right. So you weren't a case agent during the full
8 investigation of this case, were you?

9 A. I was not, no.

10 Q. All right. And was the extent of your involvement
11 essentially being involved in the meetings to prepare to
12 execute the warrant and the execution of the warrant itself?

13 A. Yes, sir.

14 Q. And then you were done and went back to other jobs,
15 correct?

16 A. Yes, to my normal duties.

17 Q. So when you were testifying who lived where and so on,
18 you don't really know other than what you may be assuming
19 because of who was at the residence when you went there, do
20 you?

21 A. I was assessing based on that day that we encountered
22 those two individuals. There didn't appear to be any other
23 people living there. No one said that there was any other
24 people living there. So that's what I'm going off of.

25 Q. I appreciate that, but you understand we just talked

1 about context. And to say that only Mr. Farah and his wife
2 lived there, based on the limited knowledge you have, would
3 be a pretty significant jump, wouldn't it?

4 A. It's a snapshot of that day, yes, sir.

5 Q. But it could come off -- excuse me -- it could come off
6 like you're stating that you knew that for certain, fair?

7 A. I don't think I said I knew it for certain.

8 Q. Okay. In any event, you don't have any knowledge about,
9 for example, whether other people had stayed at that
10 residence or visited that residence or may have even left
11 items at that residence, do you?

12 A. I don't have any knowledge of that, no.

13 Q. And you don't have any knowledge of the relationship
14 between various individuals in this case, correct?

15 A. I understood that some were family members and some were
16 acquaintances or friends. That's about my limited knowledge
17 of that.

18 Q. Right. So you had very limited knowledge about the
19 relationships, right?

20 A. Yes, sir, that's fair.

21 Q. Not going to spend a lot of time on this, but you were
22 just asked some questions about search warrants.

23 Law enforcement and the FBI, if you develop what's
24 called probable cause, you can go apply for a search warrant
25 at any time to go and try to secure what you believe to be

1 evidence, correct?

2 A. What do you mean by "any time"?

3 Q. Any time you believe you've established probable cause
4 to search a place, you have the option to go to a judge and
5 get a search warrant by applying to do so, correct?

6 A. Yes, sir.

7 Q. You don't have to wait. As soon as you have probable
8 cause, you have the option to go to a judge and get a search
9 warrant, correct?

10 A. Yes.

11 Q. And so if you believe that there may be criminal
12 activity going on at various locations, you as an FBI agent
13 at any point in time could take the evidence that you have,
14 fill out an application, sign as the sworn statement that
15 this is what we believe we'll find in that place, and go and
16 get a warrant to search, correct?

17 A. Yes, that's fair.

18 Q. All right. Were you aware that there was an ongoing
19 investigation for arguably 11 months, if not at least nine
20 months, before these warrants were executed on January 20th,
21 2022?

22 A. I was aware of it, yes.

23 Q. All right.

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

25 THE COURT: Mr. Mohring.

1 MR. MOHRING: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. MOHRING:

4 Q. Good afternoon, agent.

5 A. Good afternoon, sir.

6 Q. I'm Andrew Mohring, and I represent Mukhtar Shariff in
7 the case. I don't think we've met before.

8 A. I don't think so, sir.

9 Q. So I've got a couple questions. I want to set the
10 stage, though, as my colleague was just asking you.

11 Your focus, your engagement with this
12 investigation was at least primarily to help in conducting a
13 search --

14 A. Yes, sir.

15 Q. -- on January 20th, '22 --

16 A. Yes, sir.

17 Q. -- of 15418 Hampshire --

18 A. Lane.

19 Q. -- Lane in Savage, Minnesota, right?

20 A. Yes, sir.

21 Q. You said you were aware of the investigation. But when
22 did your actual involvement in the investigation begin?

23 A. Probably a week or two prior to the search warrants.

24 Our office canvasses -- like I said, there was multiple
25 sites that day being searched, like a lot of them. So the

1 office canvassed for additional agents to volunteer. I did
2 and I got a little bit of information about what we might be
3 looking at and what that would require.

4 Q. Okay. So a call came out, look, we need folks to help
5 with a large number of searches that we're going to -- we
6 use strange words. Searches are executed, right? Number of
7 searches that were going to be conducted by federal agents
8 on January 20th --

9 A. Yes.

10 Q. -- '22, right?

11 A. Yes, sir.

12 Q. I saw the number in a document this morning that said
13 over two dozen searches that day. Does that sound within
14 the ballpark?

15 A. I don't know the exact number. It sounds in the
16 ballpark, but I don't know the exact number.

17 Q. And the search that you participated in was just of --
18 just one search, just this one residence, right?

19 A. It was one search including the seizure warrants, yes,
20 sir.

21 Q. And can you tell us how many other agents there were or
22 how many agents there were total who were involved just in
23 that one search? I'm not going to ask about all two dozen,
24 but --

25 A. Oh, I think about eight or -- I mean, I would have to

1 look at like the sign-in log. We also plus up some -- what
2 we call professional staff that aren't law enforcement
3 officers, but also can help us do searches and logging and
4 things of that nature.

5 Q. I'm looking at a 302 -- that's a FBI form that records
6 investigative activities, investigation activities, right?

7 A. Yes, sir.

8 Q. I'm looking at a 302 of the search dated January 20th,
9 not written by you, but it does list personnel. If I showed
10 that to you, would that help you remember --

11 A. Yes, sir.

12 Q. -- all the people?

13 A. Yes, sir.

14 MR. MOHRING: May I approach, Your Honor?

15 THE COURT: You may.

16 BY MR. MOHRING:

17 Q. So, agent, the form that I'm showing you, there are two
18 categories of individuals, and it goes on into a following
19 page. There are entry personnel and then search personnel?

20 A. Yes, sir.

21 Q. It looked to me like all the entry personnel also are
22 listed as search personnel, but if you would just take a
23 minute and look at that to yourself and see if that helps
24 you remember the number of agents who were just a part of
25 that one search of that one home.

1 A. Yeah, there were seven FBI agents and then two postal
2 inspector agents as well.

3 Q. And then there are some -- on the following page there
4 are also some other people identified?

5 A. Yes. As far as the search personnel, yes, sir.

6 Q. So a total number of law enforcement personnel at that
7 one house for that one search, can you -- does that help
8 you --

9 A. Oh, yeah.

10 Q. -- remember the total number? I counted 14, but --

11 A. Yes, sir. That's accurate.

12 Q. 14 people?

13 A. Yes, sir, as far as I can tell.

14 Q. Okay. I'll let you hang on to that.

15 Okay. I've got a couple questions about search
16 warrants and the interface between search warrants and the
17 actual search that was done.

18 I counted I think -- you mentioned in talking
19 about the process through which search warrant and search
20 warrant applications are developed that investigation goes
21 on, right?

22 A. Yes, sir.

23 Q. And one of the -- I counted three times that you
24 mentioned surveillance as being an investigative tool that
25 is used, among other things, to help you get information to

1 put together a search warrant application?

2 A. Yes. That's one of the tools, yes.

3 Q. Surveillance. I think you mentioned identifying
4 vehicles, cars that might be there?

5 A. Yes, sir.

6 Q. People that might be there?

7 A. Yes, sir.

8 Q. Activities that might be going on at the location that
9 you're hoping to ultimately search?

10 A. Yes, sir.

11 Q. And ultimately that information, working with people
12 from the U.S. Attorney's Office, gets put into a document
13 and application for a search warrant, right?

14 A. Yes, sir.

15 Q. And also a draft of the search warrant itself that
16 you're hoping will get approved?

17 A. Generally, yes.

18 Q. Okay. And in that -- in that application -- those
19 application materials, I want to ask about two components of
20 that.

21 Several times over the course of your testimony
22 the words "probable cause" have been used, right?

23 A. Yes, sir.

24 Q. And from a legal standpoint, again, strange language
25 that we use, what the application is -- hopes to be able to

1 do is persuade a judge that there's probable cause to allow
2 the search, right?

3 A. Yeah. It's for like -- the intent is for a reasonable
4 person to be able to look at it, based on the totality of
5 the circumstances, to determine if there would be enough to
6 go and search that person, that place or that thing. So,
7 yes, like a judge would make that final decision, of course.

8 Q. Okay. And the legal words that we use are "probable
9 cause" for the level that that evidence has to cross in
10 order to allow the search, right?

11 A. Yes, sir.

12 Q. But it's really just a reasonable suspicion that
13 evidence like that that's been identified would be found at
14 that location in the time frame that you're looking, right?

15 A. I don't believe so.

16 THE COURT: Wait, wait.

17 MR. BOBIER: I object. Beyond the scope at this
18 point, Your Honor.

19 THE COURT: Denied as to beyond the scope.

20 MR. BOBIER: And foundation, Your Honor.

21 THE COURT: Sustained.

22 BY MR. MOHRING:

23 Q. How many warrants have you participated in the process
24 of building the warrants, the application?

25 A. I don't understand the question.

1 Q. So you described on direct examination a process where
2 agents, in trying to put together the material for a search
3 warrant --

4 A. Yes, sir.

5 Q. -- will identify evidence and information and
6 collaborate with federal prosecutors or federal
7 investigators --

8 A. Yes.

9 Q. -- federal investigations to put together the
10 documentation that is ultimately offered to a United States
11 magistrate judge. At least that's how it goes in the
12 District of Minnesota, right?

13 A. Yes, sir.

14 Q. And in assembling that information, what you're trying
15 to do is to show the magistrate that there is reason to
16 believe that the type of evidence that you're looking for
17 would be found in the location that you're looking -- or
18 that you're hoping to get authorization to search, right?

19 A. Yes, sir.

20 Q. So probable cause is one aspect of it.

21 Have you testified in jury trials before?

22 A. No. This is my first one, actually.

23 Q. Okay.

24 A. COVID hurt a lot of things for us, so.

25 Q. Okay. And you said you've been with the FBI since 2015?

1 A. 2015 I was an intelligence analyst. So it's not a time
2 where I would have been called to testify. I didn't become
3 an agent until 2019.

4 Q. Okay.

5 A. I got here. Then, as we all know, COVID hit and shut
6 down courts for about a year, year and a half, almost two
7 years. And then, yeah, so this is my first jury trial to
8 testify.

9 Q. Okay. You understand that the level of proof, the
10 standard of proof in a jury trial is something very
11 different than probable cause, is proof beyond a reasonable
12 doubt, right?

13 A. I understand --

14 THE COURT: Wait, wait.

15 MR. BOBIER: Objection, Your Honor. Foundation
16 and calls for a legal conclusion.

17 THE COURT: Sustained.

18 You don't need to answer.

19 BY MR. MOHRING:

20 Q. Probable cause is one thing we've been talking about,
21 but there's another aspect of the search warrant application
22 process that I want to ask about which is, there's the
23 warrant itself, right? The document that says this is the
24 premises and these are the things that you can search for.
25 That's a part of the application, right?

1 A. Yes, there are --

2 Q. Go ahead.

3 A. There are attachments to the affidavit, so like
4 there's -- we call it Attachment A and Attachment B.
5 Attachment A describes the place or the person or whatever.
6 So that's why I described earlier the photo and -- of the
7 residence. And then we'll actually like write out a
8 paragraph, like this is a two-story house with, you know,
9 brown shades and a number of -- the number of the address on
10 the door, and it was on the mailbox, and this is what the
11 garage door was painted.

12 And then Attachment B goes into what we can seize
13 more particularly, like the passports or the money or the
14 financial documents.

15 Q. Okay. So we'll get into that in a minute. But those
16 are all part of the -- we call it the affidavit, the
17 statement that's offered in support of the application for
18 the search warrant, right?

19 A. Yes, sir.

20 Q. And somebody signs that affidavit, right?

21 A. Yes.

22 Q. Typically -- typically an FBI agent or a federal agent
23 signs it?

24 A. For this case?

25 Q. Would it help to look at it?

1 A. I don't need to look at it. I read it. It's a FBI
2 agent that would sign it.

3 Q. Okay. And they sign that under oath, right?

4 A. Yes, sir. Always under oath.

5 Q. Same oath or same concept as the oath that you took
6 before testifying here?

7 A. Yes, sir.

8 Q. Okay.

9 A. Which is very familiar.

10 Q. So probable cause, but signed under oath by an agent,
11 right?

12 A. Yes. Sworn before a judge.

13 Q. Okay. So you're talking about Attachment A and
14 Attachment B. I want to discuss those things.

15 So among the -- part of the application is an
16 Attachment A that describes the location that you want to
17 search?

18 A. Yes, sir.

19 Q. Sometimes pictures, street address?

20 A. Yeah. Photos are good, as well as the description of
21 the location.

22 Q. And as a part of the -- you said that you attended two
23 briefings before actually participating in the search on
24 January 20th, '22?

25 A. Yes.

1 Q. As a part of that -- those briefings, you received some
2 instruction about the case, right?

3 A. Yes.

4 Q. Did you also receive access to the affidavit and the
5 warrant itself, that by that point had been approved?

6 A. Yes.

7 Q. Do you recall when they were approved?

8 A. I don't recall the exact date. It was probably days or
9 maybe a couple days before that.

10 Q. Okay.

11 A. I don't remember the exact date.

12 Q. Would it help to look at it?

13 A. Yes, it would.

14 Q. Actually, I've got it right here. We can pull it up on
15 the screen.

16 MR. MOHRING: May I approach?

17 THE COURT: You may, but if it's on the screen.

18 MR. MOHRING: It would be easier.

19 THE COURT: Is this in evidence?

20 MR. BOBIER: Your Honor, I'm sorry. I'm not sure
21 which document he's describing for the refresh.

22 MR. MOHRING: It is the search warrant for the
23 search of 15418 Hampshire Lane.

24 MR. BOBIER: I don't believe the warrant itself is
25 in evidence, Your Honor.

1 THE COURT: All right. To refresh recollection.

2 MR. MOHRING: Right.

3 BY MR. MOHRING:

4 Q. So showing you a multi-page document. But does that
5 appear to be the search warrant that you participated in the
6 search?

7 THE COURT: Mr. Mohring.

8 MR. MOHRING: Sorry.

9 THE COURT: We just need the microphone. That's
10 all.

11 THE WITNESS: Yes. This isn't all of it.

12 BY MR. MOHRING:

13 Q. Right.

14 A. This is a very small portion of the document that you're
15 describing, but yes.

16 Q. The cover page, it says search warrant?

17 A. Application for a search warrant. It is not -- yes,
18 that's true.

19 Q. Okay. And is it dated?

20 A. Yes, it is.

21 Q. What's the date?

22 A. January 11th, 2022.

23 Q. Okay. Does that refresh your memory? Does that help
24 you remember when the warrant itself was authorized, was
25 approved?

1 A. It appears it was approved -- says subscribed and sworn
2 before me by reliable electronic means January 11th. It's
3 signed by the Honorable Tony N. Leung. Hopefully, I don't
4 mispronounce that.

5 Q. Okay.

6 A. And FBI Special Agent Travis Wilmer.

7 Q. Okay. So the warrant was obtained on January 11th, was
8 executed on January 20th. The search was actually done on
9 January 20th?

10 A. It was.

11 Q. Okay. Okay. In addition to the description,
12 Attachment A, that you were talking about of the place that
13 the search is going to happen, there's also a description of
14 the items, the things that you can look for and seize,
15 because you said this was not just a search warrant. It was
16 a search and seizure warrant, right?

17 A. Yes. A search warrant that allows us to seize certain
18 items.

19 Q. Okay. And so there's a description that appears as a
20 part of the collective warrant paperwork that identifies the
21 types of things that you expect to find and the types of
22 things that you can seize, if you do, right?

23 A. Items that we have reason to believe might be at the
24 residence, yes.

25 Q. Okay. And I counted about -- the description of what

1 you can seize, that goes on for pages -- page after page
2 after page, right? A number of pages?

3 A. It's a number of pages. I don't remember how many,
4 three or four.

5 Q. Okay.

6 A. Maybe.

7 Q. Can we pull up S03, please, just for the witness? And
8 can we go to page 41?

9 Okay. Is this the first page of the list of
10 things to be seized, the description of things that you
11 think might reasonably -- you have reason to believe would
12 be there, that if you find them you can take into evidence?

13 A. Yes, if this is for the -- that residence, yes.

14 Q. Okay. We can go back to the first page, if -- if that
15 will help.

16 A. I'm just assuming it's from the same, yes.

17 Q. Can we? Okay. Does that help?

18 A. Yes, sir.

19 Q. Okay. Can we go back to page 41? And can we scroll
20 through the next six pages, please?

21 Still in Attachment B, right, agent?

22 A. Yes, sir.

23 Q. Okay. So I count seven pages of descriptions. Does
24 that sound right?

25 A. Yes, sir.

1 Q. In connection with your briefings, the two briefing
2 sessions in preparation for the search that you've been
3 testifying about that you participated in, that you helped,
4 was this the only warrant and warrant application document
5 that you saw or did you see -- and were other ones presented
6 as a part of that training?

7 A. This one, as well as the two seizure warrants that we
8 started off with --

9 Q. Okay.

10 A. -- for the vehicles.

11 Q. Okay.

12 A. Which -- yeah. I didn't see other site search warrants
13 or anything like that.

14 Q. Was -- and though the warrants that you actually did
15 see, were there -- was there overlap in the information, in
16 the material that was presented in the affidavits, do you
17 recall?

18 A. Overlap how?

19 Q. Cut and pastes. You know, there's an overview of the
20 case that appears in the same form in multiple documents?

21 A. I don't know. I'd have to -- you'd have to show me like
22 a comparison or something like that.

23 Q. Have you seen that happen where -- in an investigation
24 like this where in this case two dozen -- more than two
25 dozen searches on that day, that the information in the

1 various documents for those searches, that there would be
2 substantial amount that is the same or overlapping from one
3 document to the next?

4 MR. BOBIER: Objection, Your Honor. Relevance at
5 this point.

6 THE COURT: Overruled.

7 You may answer.

8 THE WITNESS: I've seen like the -- like a portion
9 of the probable cause to be the same, like we're not going
10 to change the description of how the investigation started
11 from search warrant to search warrant. It doesn't make any
12 sense for us, for efficiency or expediency purposes.

13 I mean, I've had many search warrants that I've
14 written myself that include probable cause, that they start
15 the same; and then when they talk about different
16 residences, they go into different residences and they talk
17 about how it's linked to different cases -- or the different
18 crimes, different people, different surveillance. So it
19 begins to drastically change.

20 But the beginning of the case, I'm not -- I'm
21 usually not going to change that. I wouldn't expect other
22 people to either.

23 BY MR. MOHRING:

24 Q. Okay. Well, let's talk about the -- let's talk about
25 the beginning. And I asked you about language that is in

1 this warrant, the warrant that you participated in, the
2 search that it authorized. Would it help to see that?

3 A. Sure.

4 Q. Can we do the same document, S03, page 3, paragraph 7.

5 Okay. Do you see that, agent?

6 This actually -- it has page number 4 at the
7 bottom of the page.

8 A. Yes, sir, I do.

9 Q. And did you see the first page, that this is the
10 application for the search that you participated in? Would
11 you like to see that again?

12 A. No, I don't need to see that.

13 Q. Okay.

14 A. Seems familiar.

15 Q. This is -- this paragraph is -- has the caption
16 Overview, right?

17 A. It does.

18 Q. And in that Overview towards the bottom of the
19 paragraph, do you see the claim made "almost none of this
20 money was used to feed children." Do you see that?

21 A. Yes, sir, I do.

22 Q. Okay. You were asked some questions on direct
23 examination, at least this morning, maybe it stretched into
24 the afternoon, where you were asked to compare meal count
25 documents, ones that you found in this search to ones that

1 were not found in the search. Do you recall that?

2 A. I do.

3 Q. And in looking at those documents that were not found in
4 the course of the search, I believe that you said that you
5 understood them to be -- there's some similarities and some
6 differences between the forms. Do you remember, right?

7 A. Yes, there were a couple that were -- that had
8 differences and some that appeared identical, yes.

9 Q. Okay. So focusing on the documents that you were shown
10 that were not from the search, you were asked and testified,
11 I believe, that it was your understanding that those --
12 those forms were submitted as part of claims?

13 A. That's my understanding, yes.

14 Q. How do you know that?

15 A. It had a grand jury -- it looked like it had a grand
16 jury marking at the bottom of the form, so I assumed it was
17 taken from the -- the -- it was obtained from the Minnesota
18 Department of Education. That was my understanding.

19 Q. So at the bottom of the form there's -- we call them a
20 Bates number. That goes way back to when the Bates Company
21 made stamps.

22 But when I say "Bates number," you know what I'm
23 talking about?

24 A. Mm-hmm.

25 Q. At the bottom of the page of the documents that were not

1 the ones that you found in the search or that were found by
2 you, by the agents collectively, you said that there was a
3 grand jury subpoena marking on the document?

4 A. I thought there -- it appeared to be.

5 Q. Okay. And was that just the numbers at the bottom of
6 the page that you're talking about?

7 A. I -- I'd have to lay it again. I looked at a number of
8 documents today.

9 Q. Okay. Are you saying, though, that --

10 A. A lot of numbers. A lot of accounting numbers.

11 Q. I'm sorry. I don't mean to interrupt you, and we will
12 get into trouble if I do.

13 So are you saying that you saw some indication on
14 the documents that you did not find in the search that
15 suggested to you that those documents were obtained in
16 connection with a grand jury subpoena? Is that what you're
17 saying?

18 A. It appeared to me.

19 Q. And you went all the way from this was a grand jury
20 subpoena to these were submitted to the Minnesota Department
21 of Education?

22 A. That's what I -- that's what I felt like it was marked
23 on the document.

24 Q. On your own you made those leaps? I mean, you did that
25 yourself. Those were conclusions that you draw -- drew from

1 an indication on the piece of paper that it was a grand jury
2 subpoena that that was how it was obtained?

3 MR. BOBIER: Objection. Foundation, Your Honor.

4 THE COURT: Overruled.

5 You may answer.

6 THE WITNESS: I've looked at the grand jury
7 markings, and that's what I went off of.

8 BY MR. MOHRING:

9 Q. Okay. Fair enough.

10 Okay. Are you familiar with the part of the
11 investigation that identified that a collection of four of
12 the defendants' entities purchased \$5.09 million in food?
13 Is that a part of the investigation that you have had any
14 access with?

15 MR. BOBIER: Objection, judge. Beyond the scope.

16 THE COURT: Let me hear the answer, and then we'll
17 see how far this goes, but I'm going to overrule it for now.

18 And you can answer. The question is, Are you
19 familiar.

20 THE WITNESS: Can I get the -- repeat the detail
21 part of the question?

22 BY MR. MOHRING:

23 Q. Sure. So are you familiar with the investigation and
24 its determination that a collection of four entities
25 associated with some of these men bought over \$5 million in

1 food?

2 A. I'm not familiar with that without --

3 Q. Are you familiar with the investigation that identified
4 that Mukhtar Shariff, one of the defendants in the case --
5 yes? You recognize the name?

6 A. I do.

7 Q. -- that Mukhtar Shariff and Afrique Hospitality Group
8 bought somewhere between 980,000 and one and a half million
9 dollars of food from one vendor? Are you familiar with
10 that --

11 MR. BOBIER: Your Honor.

12 Q. -- information?

13 MR. BOBIER: Objection again. It's beyond the
14 scope and to foundation.

15 THE COURT: Sustained.

16 You do not need to answer.

17 BY MR. MOHRING:

18 Q. Are you aware from your work -- so I'm focusing now back
19 on the day of the search and the days after that. Okay? So
20 back January 20th and 21st, 22nd, the days following the
21 searches, 2022. Right?

22 A. Mm-hmm.

23 Q. Are you aware that there was significant publicity
24 generated around the searches in the warrants?

25 MR. BOBIER: Your Honor, same objections.

1 THE COURT: Overruled.

2 You may answer.

3 THE WITNESS: Am I aware a \$250 million fraud
4 scheme had a lot of publicity? Yes, I was.

5 BY MR. MOHRING:

6 Q. I'm asking about the searches and the search warrants.
7 Are you aware that there was significant media attention on
8 the searches that were conducted and the search warrant
9 documentation? Were you aware of that?

10 A. Yes, the search warrants related to the \$250 million
11 fraud scheme, yes.

12 Q. How many of the searches that you have participated in
13 were performed and orchestrated in a way that generated
14 media attention other than this one?

15 A. Repeat that question. I'm sorry.

16 Q. So we talked about searches were executed. The searches
17 and the search warrants and the search warrant documentation
18 were the subject of significant publicity in this case.

19 A. Publicity by who?

20 Q. Media.

21 A. Media, okay. Got it.

22 Q. The documents were released to the media; the media
23 picked up on them. Right?

24 A. Okay.

25 Q. How many other searches of the searches that you have

1 been engaged in and had an interface with as an FBI special
2 agent were -- were done in such a way as to generate that
3 publicity --

4 A. We don't --

5 MR. BOBIER: Your Honor, objection --

6 THE COURT: Wait.

7 MR. BOBIER: -- to relevance.

8 THE COURT: Let's have a sidebar.

9 **(Sidebar discussion)**

10 MR. BOBIER: Am I coming through, Your Honor?

11 THE COURT: You are.

12 Mr. Mohring, what's the relevance? Wait. I
13 don't hear you.

14 MR. MOHRING: Your Honor, I would proffer to the
15 court and make an offer of proof that what was done and the
16 publicity that the agent has acknowledged happened in this
17 case is highly unusual and it sets the context. It's
18 evidence of bias. It's evidence of the nature of the focus
19 and concern and how the case and the investigation of the
20 case was conducted.

21 THE COURT: Evidence of bias of this witness?

22 MR. MOHRING: Bias of the investigation, within
23 which this witness was a part.

24 THE COURT: Mr. Bobier.

25 MR. BOBIER: Yeah, Your Honor, it seems that

1 counsel is interested in presenting his closing argument
2 here. I'd submit that that's not the time nor the place for
3 it.

4 This agent has testified very clearly, including
5 on cross, that he had a very limited role with respect to
6 this investigation. He executed one set of warrants at one
7 location and attended a pre-brief only with respect to that
8 one particular site.

9 To the extent that counsel is interested in
10 examining any purported biases in a broader investigation,
11 we're going to have summary agents on the stand later in
12 this case presentation. This agent is not the witness who
13 has the foundation for that type of testimony, and it's just
14 not relevant or within the scope to what he testified to on
15 direct, Your Honor.

16 THE COURT: Okay. Thank you.

17 **(In open court)**

18 THE COURT: The objection is sustained.

19 You do not need to answer.

20 BY MR. MOHRING:

21 Q. You were asked, agent, some questions about your
22 training.

23 A. I'm sorry. I couldn't hear that.

24 Q. You were asked some questions about your training as an
25 FBI agent?

1 A. Yes.

2 Q. You said four to five months at Quantico?

3 A. Yes, sir.

4 Q. In order to become a special agent in the FBI, right?

5 A. Yes, sir.

6 Q. You had been an employee of the Federal Bureau of
7 Investigation before that?

8 A. I was, yes.

9 Q. To become a special agent, you're trained. Are there
10 any non-special agents?

11 A. Non-special agents? Yes, there's more than one special
12 agents in the FBI. We have forensic accountants,
13 intelligence analysts like I was, tactical --

14 Q. But those -- sorry for interrupting. Those aren't
15 agents, right? They don't have the title Agent?

16 A. No, they do not, sir.

17 Q. Okay. In the four to five months that you were trained
18 in Quantico, did you receive training in the Somali
19 language?

20 A. Did I receive training in the Somali language?

21 Q. Right.

22 A. No, I've never received training in the Somali language.

23 Q. At any point in your work as an FBI special agent?

24 A. No.

25 Q. Or as an employee of the FBI before you became a special

1 agent?

2 A. No.

3 MR. BOBIER: Your Honor, objection. Beyond the
4 scope.

5 THE COURT: Sustained.

6 BY MR. MOHRING:

7 Q. Have you received any training in, as an FBI agent, in
8 East African cultures or business practices?

9 MR. BOBIER: Same objection, Your Honor.

10 THE COURT: Sustained.

11 MR. MOHRING: If I may make an offer of proof,
12 Your Honor?

13 THE COURT: You may.

14 **(Sidebar discussion)**

15 THE COURT: Mr. Mohring.

16 MR. MOHRING: Can you hear me?

17 THE COURT: I can.

18 MR. MOHRING: Thank you.

19 Your Honor, I believe the answer was no. On
20 direct examination the agent was asked about his training
21 and qualifications in connection with his work, including on
22 this case and including in the search. I think -- I'm just
23 asking follow-up questions on that.

24 THE COURT: What is the relevance of his training
25 in Somali languages or African cultures?

1 MR. MOHRING: Again, it -- it describes the
2 knowledge base and the limits of the knowledge base within
3 which he as a representative of this investigation and the
4 search conducted that search.

5 THE COURT: What does that have to do with the
6 case itself?

7 MR. MOHRING: It is -- he is -- he is a specific
8 example of a lack of knowledge and training in the culture
9 of the people that are being investigated and prosecuted.

10 THE COURT: And what does that -- where are we
11 going with that? I understand what you're saying.

12 MR. MOHRING: Just -- that's the end of the
13 questioning about that. That's --

14 THE COURT: All right. I'm sustaining it.

15 **(In open court)**

16 THE COURT: The objection is sustained.

17 BY MR. MOHRING:

18 Q. Just a couple more questions about the search.

19 As a part of the searches that were conducted that
20 day and the briefing that you -- that you attended, are you
21 aware of any warrants that were sought to search any
22 property associated with Mukhtar Shariff?

23 A. I don't recall.

24 Q. Okay. So not that you recall?

25 A. Not that I recall, but there was many searches that day.

1 I was focused on my team and making sure we were safe, the
2 occupants were safe, we did what we needed to do.

3 Q. And so you identified several things that were seized
4 as -- I think the questions that were presented to you on
5 direct examination talked about the fruits of -- of the
6 offense conduct?

7 A. Yes.

8 Q. Or fruits?

9 A. Yes.

10 Q. So some of the things that you seized that day at that
11 search of that house, were those seized as things that were
12 believed to be fruits?

13 A. Yes.

14 Q. Are you aware of any forfeiture -- or fruit seizures
15 that were conducted in connection with Mukhtar Shariff?

16 A. Any fruit seizures?

17 Q. Let me -- that was a bad question. Let me -- in your
18 search of the residence that you searched, was any property
19 of Mukhtar Shariff, to your knowledge, seized?

20 A. Not that I recall.

21 Q. Okay.

22 MR. MOHRING: Could I have a moment, Your Honor?

23 THE COURT: Yes.

24 BY MR. MOHRING:

25 Q. On direct examination you were asked some questions

1 about invoices. Do you remember?

2 A. Yes.

3 Q. Big dollar numbers at the end, but then you were asked
4 about a number of the columns in the searches?

5 A. Yes.

6 Q. I'm sorry. In the invoices?

7 A. Yes.

8 Q. And one of the columns that you were asked about was a
9 column that had dollar numbers. I think there was \$3.52 was
10 one common number in that column and \$2.01 was another
11 common number in that column. Do you remember that?

12 A. I do.

13 Q. Do you know what those numbers reflect?

14 A. A meal purchase price. Meal. That's what the column
15 said, but other than that, no.

16 Q. Okay. Do you know how those numbers were set or by
17 whom?

18 A. No.

19 MR. MOHRING: I have nothing further, Your Honor.
20 Thank you.

21 THE COURT: Thank you.

22 Mr. Garvis.

23 CROSS-EXAMINATION

24 BY MR. GARVIS:

25 Q. Agent, good afternoon.

1 A. Good afternoon, sir.

2 Q. My name is Andrew Garvis. I represent Abdiwahab Maalim
3 Aftin.

4 And I'm just going to narrow my focus to this.
5 And Mr. Bobier asked you, after he went through the litany
6 of the various places that you searched or things that you,
7 you know, you went through searching and seizing, like the,
8 you know, the jewelry and the cars and all those things, he
9 then went and asked you about aspects of whether or not
10 there were other things related to other people in the
11 house. Correct?

12 A. Yes.

13 Q. Okay. And he asked you whether or not there was any
14 documents of Mr. Aftin. Do you remember that?

15 A. Yes, sir.

16 Q. And I'm going to take it as sort of a misstatement.

17 Could you pull up H-3 for me, please?

18 This is the document that he referred to you, this
19 H-3, which was this -- a document that he indicated was a
20 document of Mr. Aftin's, correct?

21 A. Say that again. I'm sorry.

22 Q. He referenced this as the document of Mr. Aftin's.

23 A. That wasn't my recollection. I believe it was this is,
24 yeah, like this is Abdiaziz Shafii Farah filling out this
25 document. I was born on December 20th, 1988. I am familiar

1 with that being the date of birth of Mr. Farah, not
2 Mr. Aftin.

3 Q. Okay.

4 A. And I'm taking that as he's filling that out.

5 Q. Okay. So I guess -- and I wanted to make sure that we
6 were clear on it. This might be a document that relates to
7 Mr. Aftin. Is that a fair statement?

8 A. That's a fair statement, yes, sir.

9 Q. And it's actually an affidavit of Abdiaziz Farah as far
10 as an application for sponsorship for him to come to the
11 United States.

12 A. That's what it appears to be, yes, sir.

13 Q. And this actually was from 2013, correct?

14 A. I believe the date on the next page was 2013, but I'd
15 have to see it, but I believe that's correct.

16 Q. And we don't need to go back over that.

17 A. That's fine.

18 Q. I just wanted to make sure we're clear on it that this
19 is actually an actual document of Abdiaziz Farah, correct?

20 A. From what I can tell, yes.

21 Q. And it might be reasonable that if it's his affidavit,
22 you might find it in his own house?

23 A. I think it's reasonable.

24 MR. GARVIS: Nothing further, Your Honor.

25 THE COURT: Mr. Sapone.

1 MR. SAPONE: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. SAPONE:

4 Q. Good afternoon, sir.

5 A. Good afternoon, sir.

6 Q. How are you?

7 A. Very good. You?

8 Q. Very well. Thank you.

9 Did you say this was your first time testifying as
10 a federal agent?

11 A. My first time testifying in a jury trial. I've
12 testified in some other matters, but not in a jury trial.

13 Q. How's it going so far?

14 A. Pretty good, I guess.

15 Q. Good.

16 A. I don't know.

17 Q. You were shown some IRS forms?

18 A. Yes, sir.

19 Q. And some Department of Treasury forms?

20 A. Yes, sir.

21 Q. And you testified that you have some experience with
22 those forms, right?

23 A. Yes, sir.

24 Q. And that's from your experience as an agent, right?

25 A. Yes, sir.

1 Q. You were asked to compare two, I think it was, IRS form
2 letters. You did it side by side. Remember?

3 A. Yes, the EIN pages, yes.

4 Q. It was I think Q-22 and H-13. Am I right? Whatever.

5 A. Numbers --

6 Q. There were two, right?

7 A. There were two, yes.

8 Q. Sure. And I think one was an EIN form letter for Mizal
9 or Mizal Consulting. Remember?

10 A. That sounds familiar, yes.

11 Q. And the other was for Nur Consulting, right?

12 A. Sounds familiar, yes.

13 Q. But we can agree those are just standard form letters,
14 right?

15 A. What do you mean, "standard form letters"?

16 Q. They're just generated by the IRS or whatever entity
17 generates them, and they get automatically mailed out,
18 right?

19 A. Yeah, they're generated by an application generally.
20 You have to apply for an EIN to get one. So there's an
21 action to receive that document, but yes.

22 Q. And it says on the top, We have assigned you an EIN.

23 A. Yes.

24 Q. So they're generated when an EIN is assigned, right?

25 A. Yes.

1 Q. Now, Nur Consulting is an LLC, right?

2 A. I believe so, yes. It appeared to be an LLC.

3 Q. Which is incorporated with the Secretary of State of the
4 State of Minnesota, right?

5 A. I believe so, yes.

6 Q. And you found Mr. Nur's, I think, IRS documents and
7 maybe a bank document, a bank record. Remember that?

8 A. Sounds familiar.

9 Q. But you have no personal knowledge as to when they were
10 left there, right?

11 A. No, I do not.

12 Q. Or why?

13 A. I do not.

14 Q. You testified that you have some knowledge of the
15 federal food programs, right?

16 A. Yes.

17 Q. You testified about meal count forms. Remember?

18 A. Yes.

19 Q. They were put up on the screen for you?

20 A. Yes, sir.

21 Q. And you were asked about meal count numbers, right?

22 A. Yes, sir.

23 Q. But you just read the numbers off the forms, right?

24 A. I answered the question that I was asked, yes, sir.

25 Q. Do you recall reading the numbers off the forms for the

1 day or the week?

2 A. I do.

3 Q. You have no personal knowledge about the meals, right?

4 A. Personal knowledge of whether the -- like I don't
5 understand the question.

6 Q. Those numbers, you have no idea how many meals were
7 served, right?

8 A. I do not, no.

9 Q. Or when?

10 A. No.

11 MR. SAPONE: Nothing further. Thank you.

12 THE COURT: Mr. Schleicher.

13 MR. SCHLEICHER: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. SCHLEICHER:

16 Q. Sir, I need to talk to you about Exhibits H-18, H-19 and
17 H-20. They're the Old National Bank records that you
18 reviewed. Do you recall that?

19 A. Yes.

20 Q. And, first, do you recall who lives at 2713 Fifth Avenue
21 South, Minneapolis?

22 A. It was Said Farah.

23 Q. Okay. And if you can take a look -- if you pull up
24 H-18 -- and you can see the Old National Bank record.

25 If you can blow up the address, please.

1 Now, you were asked about that address. And you
2 indicated that that address belonged to Said Farah and that
3 you knew Said Farah to be one of the defendants in this
4 case; is that right?

5 A. I believe the address was linked to that other address
6 that received mail for Said Farah, yes.

7 Q. Well, I mean -- what do you mean by "linked"?

8 A. Well, the other documents said Said Farah and listed
9 that address.

10 Q. Which other document are you talking about?

11 A. Another document that's been shown to me.

12 Q. Let's go -- let's go back --

13 A. There was a lot of documents that's been shown to me
14 today.

15 Q. Wait. Let's go back to the question. 2713 Fifth Avenue
16 South in Minneapolis you testified is the address of Said
17 Farah, correct?

18 A. Yes.

19 Q. Okay. Now, you also testified that you know Said Farah
20 to be one of the defendants in this case, true?

21 A. Yes.

22 Q. And you know that based upon reviewing the indictment,
23 correct?

24 A. Yes.

25 Q. Fair to say that you've had what I think I totalled you

1 said about two, two and a half hours of review that you did
2 in this matter before the January 20, 2022, search warrants;
3 is that right?

4 A. That's fair.

5 Q. Okay. And so you didn't have deep personal knowledge of
6 Mr. Said Farah, his residence, prior residences,
7 codefendants, relatives or prior residences of those
8 relatives, true?

9 A. True.

10 Q. Okay. Now, you testified --

11 If you can un-enlarge that, but just leave the
12 document up.

13 And, again, we're talking about the same
14 account --

15 Would you please flip to H-19?

16 Take a look at that. Do you want to --

17 THE COURT: I think -- let's do this. Let's just
18 take about a ten-minute break and return. Thank you for
19 letting me interrupt. Let's do that.

20 MR. SCHLEICHER: I'm sorry.

21 THE COURT: Thank you. All rise.

22 (Recess taken at 3:58 p.m. till 4:10 p.m.)

23

24

IN OPEN COURT

25

(JURY PRESENT)

1 THE COURT: You may all be seated.

2 Mr. Schleicher, you may continue.

3 MR. SCHLEICHER: Thank you very much.

4 BY MR. SCHLEICHER:

5 Q. And, Special Agent Frank, you remain under your oath.

6 I was talking to you about Exhibits H-18, H-19 and
7 H-20.

8 You can leave H-19 up, I suppose, as an example.

9 This is the Old National Bank records.

10 Do you recall on direct examination testifying as
11 to some wire transfers that took place in -- through that
12 account?

13 A. Yes, sir.

14 Q. All right. Now, and I do appreciate the statement that
15 you made to the jury about the importance of context. And I
16 want to ask you some context questions related to these
17 documents, if I may.

18 And, sir, you were not trying to create the
19 impression that my client wired money from this account,
20 Said Farah, were you?

21 A. No, I -- this particular account --

22 Q. You were not trying to create that impression?

23 A. No.

24 Q. Thank you. And if we can take a look and pull up what
25 has been received into evidence as Exhibit 0 -- I'm sorry --

1 O-11.

2 All right. This is an account agreement for Old
3 National Bank. I don't know if you've seen this document
4 before.

5 A. I don't think so, but --

6 Q. Could you agree, though, if you take a look at the
7 last -- is it 6442? The last four digits of the account
8 number.

9 A. Okay.

10 Q. And then if you flip back to let's say Exhibit H-20,
11 that one hasn't gotten any attention.

12 Would you enlarge the account number?

13 Do you see the last four digits, 6442?

14 A. Yes.

15 Q. Can we agree that this is the same account?

16 A. As far as I know, yes.

17 Q. And so back to the opening documents in O-11, you would
18 agree based on your experience and training as an FBI agent,
19 as a financial investigator, and as a person who's been
20 alive for some period of time, that in order to take money
21 out of a bank, you need to be authorized to do so, correct?

22 A. Correct.

23 Q. And the opening documents --

24 If you can move to the next page, please.

25 And see the authorized signer on this account is

1 not Said Farah, correct?

2 A. Correct.

3 Q. And if you take a look --

4 If you can take that down. Go to the next page,
5 please.

6 And you can see there are two owner/signer pieces
7 of information there. Owner/signer information 1?

8 Owner/signer information 2?

9 A. Yes.

10 Q. Do you see that? And we can agree that neither are Said
11 Farah, correct?

12 A. Yes.

13 Q. Okay. So in addition to you not trying to create the
14 impression that Mr. Said Farah made a wire transfer out of
15 these accounts, he couldn't have, true?

16 A. For those particular ones, yes.

17 Q. That particular account and those three particular
18 exhibits that you testified to, H-18, H-19 and H-20,
19 correct?

20 A. Yes.

21 Q. Thank you.

22 And then for some additional context, we've been
23 picking on Exhibit H-3.

24 If you can, please, pull that up.

25 That's the I-390 document, sir. Do you have some

1 idea of what this document is used for?

2 A. It's usually used for supporting someone immigrating
3 into the country.

4 Q. Or visiting the country?

5 A. Could be, yes.

6 Q. And so the I form, I-390 -- or I-134 -- I'm starting to
7 recite highways. It's getting late in the day. It is an
8 affidavit of support. This is a document that one would
9 file to sponsor someone traveling to or immigrating into the
10 United States, true?

11 A. Yeah, that's true.

12 Q. And what the purpose of this document is, is to have
13 someone who agrees to be financially responsible for someone
14 traveling into this country, true?

15 A. That I'm not sure of on the financial part.

16 Q. All right. Well, I guess the document, you can read it.

17 A. Unless it specifically says so.

18 Q. I won't have you do that for us. It's already in
19 evidence.

20 But if you can take a look at the first line --
21 sorry, I don't need that -- the first line which has the
22 address.

23 Sir, was this the other document, H-3, the other
24 document that you were talking about that had Said Farah's
25 address?

1 A. There is this document, as well as a document that was a
2 bank statement that had his name at the top with that
3 address.

4 Q. During your direct examination you testified as to three
5 documents. Three of them were for the Old National Bank,
6 and we just talked about those, H-18, H-19, H-20. Those are
7 three.

8 This is the fourth document with that address that
9 you discussed during your direct examination. So by process
10 of elimination, this would be that other document, true?

11 A. True.

12 Q. Okay. Now, the address you've noted, 2713 Fifth Avenue
13 South, you testified both on direct and on cross-examination
14 that that is the address of Said Farah, correct?

15 A. Yes.

16 Q. All right. If we can go to the second page.

17 And, again, you can see that this document has
18 nowhere been signed by Said Farah, true?

19 A. True.

20 Q. And the date that it was signed was November 29, 2013,
21 correct?

22 A. I'm confused. You said it wasn't signed or it was
23 signed?

24 Q. It wasn't signed by Said Farah, but it was signed by
25 somebody or filled out by somebody else, and it's dated

1 November 29, 2013. True?

2 A. I thought your question was about that it was signed.
3 It's not signed.

4 Q. My question is about the date.

5 A. Okay. Yeah, it's dated 11/29/2013.

6 Q. We can agree that's well before the COVID-19 pandemic,
7 true?

8 A. Yes.

9 Q. Good. Now, do you have any idea where Said Farah was
10 living on that date?

11 A. Not to my knowledge, no.

12 Q. And do you have --

13 If you can back up, please.

14 Any of the other names on that form. Abdiaziz
15 Farah, do you know where he was living on that date?

16 A. I'm not familiar with that, no, sir.

17 Q. Are you familiar at all with the relationship between
18 Said Farah and Abdiaziz Farah?

19 A. Other than family friend, I don't have any other
20 knowledge.

21 Q. No, that's the other person on the form, is the family
22 friend.

23 A. Oh, I'm sorry.

24 Q. The two Farahs are brothers.

25 A. Yes, yes, yes. I'm sorry. I thought you were referring

1 to this one.

2 Q. And did you know, based on your review of the
3 investigation, that Abdiaziz Farah once lived with Said
4 Farah? Did you know that?

5 A. I don't think I knew that, no. Not to my knowledge.
6 I'm not aware of that.

7 Q. And that Abdiaziz Farah is Said Farah's little brother?
8 Did you know that?

9 A. Brother --

10 MR. BOBIER: Objection. Beyond the scope and
11 relevance.

12 THE COURT: Overruled.

13 You may answer.

14 THE WITNESS: Brothers. I don't know the --
15 honestly, I don't know the date of birth for Said Farah. So
16 if I had his date of birth, I would probably say that it was
17 his little brother, but I have no idea.

18 BY MR. SCHLEICHER:

19 Q. All right. And it wouldn't be unusual for a family
20 member, a younger family member, to reside with another
21 family member for some period of time, would it?

22 A. Generally speaking, no.

23 Q. No.

24 MR. SCHLEICHER: Thank you.

25 THE COURT: Did I miss any defense attorneys

1 who --

2 MR. BRANDT: Your Honor, we have no questions for
3 this witness. Thank you.

4 THE COURT: Okay. Thank you.

5 Redirect, Mr. Bobier.

6 MR. BOBIER: No redirect. Thank you.

7 THE COURT: Sir, you may step down.

8 THE WITNESS: Thank you.

9 **(Witness steps down)**

10 THE COURT: Can we have a brief sidebar with
11 counsel?

12 **(Sidebar discussion)**

13 THE COURT: Counsel, I'm willing to break for the
14 day or go on to another witness. I am willing to do both.
15 Did you all discuss?

16 MR. SCHLEICHER: One thing, Your Honor. We still
17 do have that motion to take -- the motion in limine to take
18 care of, and so if you wanted to do that.

19 THE COURT: I do have a couple questions on that,
20 so I can do that.

21 MR. SCHLEICHER: I have no preference.

22 THE COURT: Anyone else?

23 MR. THOMPSON: Your Honor, I think a quorum agreed
24 that we should just end for the day and pick it up Monday
25 morning.

1 THE COURT: All right. We'll do that. And
2 there's a couple things outside the presence of the jury to
3 take up.

4 MR. THOMPSON: Your Honor, one more thing. I
5 wonder if you want to just remind the jury not to view any
6 press coverage of the case.

7 THE COURT: I will.

8 MR. THOMPSON: Thanks.

9 **(In open court)**

10 THE COURT: We're going to end here for the day
11 and pick it up on Monday morning at 9:00.

12 I just -- you know I don't give you that recess
13 instruction that I had given you at the beginning of the
14 case every time we recess, but I will remind you, since this
15 is on a Friday, that you are to follow that recess
16 instruction, and that includes not to do any investigation
17 on your own and not to view any media at all.

18 Thank you.

19 All rise.

20 **IN OPEN COURT**

21 **(JURY NOT PRESENT)**

22 THE COURT: You may all be seated.

23 The government filed a motion to admit -- sorry.
24 The government filed a motion to preclude admission of
25 photographs of defendant Said Farah's children. A couple of

1 those photographs taken during the search warrant were shown
2 during openings. They are Exhibits D5 -- I think it's
3 Exhibit D5-311. There's 24 photographs, according to the
4 government's response in that exhibit.

5 Mr. Schleicher, you filed a response, and I had a
6 couple of questions for you about it.

7 MR. SCHLEICHER: Yes, Your Honor.

8 THE COURT: Could you come to the podium?

9 MR. SCHLEICHER: Yes, Your Honor.

10 THE COURT: So I'm trying to determine the
11 relevance, because the objection is to 403.

12 And you say they will be shown as part of the
13 narrative to describe how the search was conducted and
14 they're probative of circumstances surrounding the search.
15 And then you say what the agents found, what they didn't
16 find, they're an important and part of the narrative without
17 which there will be a conspicuous gap.

18 I don't understand how they're part of the
19 narrative. What narrative are you building?

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

22 Your Honor, the execution of the search warrant at
23 Said Farah's home is an important part of the narrative of
24 the entire case. And these photographs, the manner in which
25 the search was conducted, what they found and what they

1 didn't find, is an important part of the narrative of the
2 case as to Said Farah, in particular his state of mind.

3 With respect to the photographs themselves -- and
4 first, Your Honor, as we've gone through an entire day of a
5 special agent walking the jury through photographs of a
6 search warrant in an unrelated place, we can see that a
7 picture is sometimes worth a thousand words.

8 The government was allowed to show multiple views
9 of the front and the side of the house, three different
10 angles of a Porsche, ostensibly to show the configuration of
11 the L-shaped garage. All of that is part of the narrative
12 of how in fact the search warrant was executed and what they
13 found there, a much different picture with respect to the
14 warrant executed at Said Farah's home.

15 Said Farah -- although all of the defendants in
16 the opening statement of the government have been portrayed
17 as living this sort of high-flying lifestyle, fueled by
18 fraud money, Said Farah is a family man who lives in a
19 modest home with five children that he takes care of, all of
20 whom were at the residence at home at the time of the search
21 warrant.

22 The officers came in, they conducted the search
23 warrant, and they took these photographs of the people
24 present. Okay. Without the photographs and the mention of
25 the presence of children, one could assume, perhaps the jury

1 would assume, that Mr. Said Farah is living some sort of
2 high lifestyle, and he certainly was not. He was just an
3 average guy home on a school morning with a bunch of
4 toddlers and school-aged children to go and send them off to
5 school. That is an important part of the narrative. That's
6 an important part of the picture of his case.

7 I would also say that there are two, I guess,
8 distinct time periods related to Said Farah with respect to
9 the government's charges here. There's the conduct before
10 the search warrant, of which they have very little, if any,
11 evidence. And then there is allegations that are made after
12 the search warrant, after a person was confronted by ten law
13 enforcement officers in his pajamas at 7:00 in the morning
14 in front of his five kids.

15 And I submit that those circumstances are highly
16 probative of his state of mind and could have alternative
17 explanations as to what actions he did or didn't take after
18 the warrant.

19 The government's position is that anything he did,
20 any conduct he did after the warrant is somehow evidence of
21 consciousness of guilt, and they're going to ask the jury to
22 make that assumption. It is not. I think there's an
23 alternative theory.

24 THE COURT: Can you describe the conduct after the
25 search warrant that --

1 MR. SCHLEICHER: As alleged by the government? As
2 alleged by the government and through a fairly questionable
3 witness, Hadith Ahmed, right? He --

4 THE COURT: Well, I'm not here to decide that.
5 I'm here to decide if the children are relevant.

6 MR. SCHLEICHER: They allege that they met and
7 they agreed to prepare false documents, to back-date
8 documents, which evidence really didn't materialize to any
9 significant degree during that testimony.

10 THE COURT: Right.

11 MR. SCHLEICHER: Someone who is in this
12 circumstance, the circumstance of Said Farah, may want to be
13 able to obtain documents, look at documents and talk to
14 people about what happened after the search warrant, because
15 they're afraid, they've just been raided and they want to
16 know what's going on. And that's the inference that we
17 think that we would be able to raise with the jury, and
18 that's the inference that the photographs help us raise.

19 I would also state, and I think I stated in my
20 responsive papers, Your Honor, we had a meet and confer
21 order.

22 THE COURT: That I understand.

23 MR. SCHLEICHER: Right.

24 THE COURT: That issue I understand, that they
25 were shown during opening, there was no objection to them

1 being shown during opening.

2 MR. SCHLEICHER: That's correct, Your Honor.

3 To the extent -- and the fact that they are
4 children and Mr. Farah's children, they were present in the
5 house. All of the circumstances of the search, the manner
6 in which he was living, if the expenditure of proceeds is
7 relevant evidence, the condition of his home and the people
8 who were in it are also.

9 THE COURT: All right. Thank you.

10 Mr. Thompson.

11 MR. THOMPSON: Yes, Your Honor.

12 Well, Your Honor, what Mr. Schleicher just said
13 there bears very little resemblance to what he told the jury
14 during opening statements where he suggested the agents were
15 mistreating his family or Mr. Farah's family. And that's
16 the furthest thing from the truth.

17 As we explained in our motion, January 20th was
18 one of the coldest days of the year in 2022. It was
19 17 below that morning and impacted the execution of all of
20 the search warrants, including the search of his home.

21 It's not true that his was the only house where
22 there were other residents, where there was wives or
23 children at home. That happens all the time during search
24 warrants. It did here.

25 The standard procedure, as you know, is to ask the

1 occupants of a home to step outside while agents clear the
2 home, for safety reasons, presence of weapons, other people,
3 safety for both the occupants and the agents, and then take
4 entry photos to document the condition of the home upon
5 entry.

6 On January 20th they did not ask Mr. Said Farah
7 and his family to step outside because of the extreme cold.
8 That was a reasonable thing for them to do, and it shouldn't
9 be used against them now.

10 It really puts the government in this impossible
11 situation because we're obviously not -- normally, we would
12 just -- if there was something like this, we would put it up
13 on direct and explain what happened, sort of take the sting
14 out of the cross, but we're not going to put pictures of the
15 defendant's minor children in evidence. We'd be monsters
16 either way. Of course, this has nothing to do with the
17 case.

18 The argument that he lives in a modest home and he
19 has a family, that can certainly come out during testimony,
20 whether it's direct and/or cross-examination. Photos of his
21 home can and will come into evidence. There's just no
22 reason for photos of his children to come into evidence.

23 THE COURT: So why didn't you make an objection
24 for openings?

25 MR. THOMPSON: Well, we didn't know he was going

1 to use those. The exhibit that he cited -- as Your Honor
2 may recall at the pretrial conference, there was a
3 suggestion -- or an instruction from the court that we
4 identify the exhibits we're going to use in our
5 PowerPoint -- or in any opening statements. And as you
6 recall, I think it was Mr. Schleicher who said we don't have
7 to -- to be clear, we don't have to share our PowerPoints,
8 just the exhibits.

9 He sent us a list of exhibit numbers. The exhibit
10 number here was D5-311, which is a list of -- a stack of all
11 the search warrant photographs. It never occurred to us he
12 was going to put pictures of the defendant's children up on
13 the screen and mis-describe what happened that day.

14 In any event, it's not relevant to this case. And
15 any possible relevance in terms of the defendant's situation
16 in not living a high-flying lifestyle is far outweighed by
17 the danger of unfair prejudice, which is exactly what
18 Rule 403 prescribes.

19 THE COURT: Thank you.

20 Mr. Schleicher?

21 The objection is just to the photographs of the
22 children, correct, not to the photograph, for example, of
23 the search of the -- one of the girl's bedrooms?

24 MR. THOMPSON: Correct, Your Honor.

25 THE COURT: Just the children themselves?

1 MR. THOMPSON: And certainly not the fact that he
2 lives with his children and they were present that day,
3 that's fair enough.

4 THE COURT: All right.

5 MR. SCHLEICHER: Look, Your Honor, the government
6 could just simply state the dollar amount of the cash they
7 found in a house. They don't have to show photographs of
8 stacks and stacks of it. But sometimes a photograph is more
9 probative and a better means of explaining something than a
10 description.

11 Now, here -- and in terms of the disclosure of the
12 exhibit before trial, I believe there are, what, 24
13 pictures? I mean, this wasn't a massive exhibit. I
14 complied with the court's directive. I disclosed the
15 exhibits that I proposed to use during the opening
16 statement. I gave them an opportunity to object. I used
17 the photographs that I said I was going to use, all or
18 portions of that exhibit. I think it would have been fairly
19 obvious.

20 And they didn't object during the opening
21 statement. They didn't make an objection after the opening
22 statement or a record of that. And I in no way
23 mischaracterized what happened in the execution of that
24 search warrant.

25 During my opening statement I stated that the

1 agents came in, they executed a search warrant at his home
2 instead of the Bushra Warehouse, that they detained his
3 family, which they did. It's right there in the 302.
4 There's no misrepresentation whatsoever.

5 Now, in terms of the policies and procedures and
6 how difficult it might have been for law enforcement and
7 it's cold outside, they can say all of that on their direct
8 examination, if they want the witness -- their witness to
9 explain their conduct through their perspective. But my job
10 is to try to paint a picture of the perception through the
11 defendant Mr. Said Farah. And the presence of his children
12 and the photographs of his children are critical to that.

13 I would also state that since I've used the
14 photographs now in my opening statement, to exclude them now
15 would put me in a very difficult position with the jury, who
16 have been displayed the photographs, but they won't see them
17 in evidence. And I think it would undermine my credibility
18 and put me in a very difficult position in closing.

19 THE COURT: Okay. Thank you.

20 One of the questions that I had is you did use
21 just now and also in your response the word "detained."

22 MR. SCHLEICHER: Correct.

23 THE COURT: It's your position that the children
24 were detained, and that's what you're going to argue?

25 MR. SCHLEICHER: It is the FBI agent who wrote the

1 302's position that the children in the house were detained.
2 The quote was "all were detained." Everyone, all the
3 occupants, were detained; however, the children were
4 eventually allowed to go to school. So that was their word,
5 not my word. I'm just parroting it back.

6 MR. THOMPSON: Your Honor, if I may address that.

7 THE COURT: Go ahead.

8 MR. THOMPSON: They weren't detained, Your Honor.
9 It was just explaining what happened, which is that not --
10 it wasn't the normal course where all the occupants of the
11 home are asked to leave. In fact, the agent who was there
12 that day will explain this is only the second time in his
13 career he hasn't fully cleared the home and asked everyone
14 to leave before clearing for safety reasons. And the only
15 other time he did that was when one of the occupants was
16 nonambulatory, couldn't walk, couldn't move around, and then
17 they made allowances.

18 THE COURT: All right.

19 MR. THOMPSON: Same thing here.

20 One other thing I would suggest, Your Honor, about
21 this, you know, it's not true that we can fully explain the
22 reason we have -- the FBI has these policies.

23 The clearance process is no small thing. Agents
24 get shot every day. Mohamed Ismail had a little arsenal in
25 his home of assault rifles that they found when they cleared

1 the home. We don't get to put that in. It's not fair.

2 THE COURT: Mr. Cotter, no.

3 MR. THOMPSON: It's exactly what we can't do at
4 trial because it's not fair. And we shouldn't be forced to
5 like put that out there in a way that's misrepresenting when
6 we can't explain the full context.

7 MR. SCHLEICHER: If I may approach, Your Honor,
8 and provide you the 302.

9 THE COURT: Yes, please.

10 MR. SCHLEICHER: And for the record, this was
11 disclosed as RPT8480 through 8481.

12 THE COURT: All right. Thank you.

13 I'm going to let the jury sort it out. I'm
14 denying the government's motion to preclude on 403, and I'll
15 let you do the direct on it.

16 MR. SCHLEICHER: Thank you, Your Honor.

17 THE COURT: Thank you.

18 I'll take each objection as it comes with relation
19 to the conduct of officers at the search warrant.

20 Is there anything else we needed to raise?

21 You did. You wanted something before the end of
22 the day?

23 MR. THOMPSON: There is one more thing I would
24 like to raise, Your Honor, and it's --

25 THE COURT: Nope. Sorry. Mr. Cotter was first.

1 He was walking up as we were speaking.

2 MR. COTTER: I didn't think this was an issue
3 until what I just heard. I'm assuming that there's not
4 going to be some insinuation that my client was violent
5 during the execution, because tomorrow morning -- or the
6 next witness is --

7 THE COURT: Okay. You all should talk about that
8 and meet and confer before you raise it with me, but fair.

9 MR. COTTER: This is the first it came up, so
10 that's fine.

11 THE COURT: What I heard him say was, We don't get
12 to, which I think means he's not going to.

13 MR. COTTER: All right.

14 THE COURT: Mr. Thompson.

15 MR. THOMPSON: Your Honor, I'm happy to raise
16 something now or I can wait till next week, if you prefer.

17 THE COURT: We're on a roll. Let's go.

18 MR. THOMPSON: Okay. Thanks.

19 Your Honor, I wanted to come back to an issue you
20 raised earlier today with respect to the scope of
21 cross-examination.

22 I think the government shares your concerns about
23 the scope of the cross of these witnesses. These are agents
24 that were not involved in the investigation, as I thought
25 Agent Frank made clear. His sole involvement in the

1 investigation of this case was executing a search on
2 January 20th of 2022. In light of the large number of
3 warrants, we had agents from literally all around the
4 country help execute those warrants.

5 I don't think it's fair to the agents to be
6 cross-examined about details of the investigation for which
7 they have no knowledge. I don't think it's fair to be
8 cross-examining them on the contents of a search warrant
9 affidavit that they've reviewed one time.

10 And I just -- I share the court's concern. We put
11 these guys up there in good faith to testify based on their
12 knowledge. We have not been feeding them information in
13 prep sessions about other aspects of the details of the
14 investigation so they would be prepared to answer questions
15 on cross about them.

16 And so I think -- I mean, we're going to be here
17 for a long time otherwise, but there's -- Agent Frank
18 testified to the search of Abdiaziz Farah's home.
19 Obviously, his lawyers appropriately had cross-examination.
20 He went through a couple documents with a couple other
21 defendants' names on them. It would make sense that there
22 would be some cross on that, and there was.

23 But some of the cross that we heard today was far
24 beyond the scope of that cross and suggesting that, you
25 know, based on his knowledge of the investigation, which is

1 admittedly almost nothing, it puts us in a tough situation
2 to try to object, as if we're trying to hide something here,
3 but the agent doesn't know anything. And you can see them
4 up there trying -- they don't know what to say because they
5 weren't involved in the investigation. I think that's
6 unfair to those agents.

7 THE COURT: Does anyone want to respond?

8 MR. ANDREW BIRRELL: Sure.

9 THE COURT: All right. Mr. Birrell.

10 MR. ANDREW BIRRELL: I guess the guiding principle
11 isn't what's fair to the agents. The guiding principle is
12 what the Constitution provides and commands, which is the
13 right to cross-examine your accusers.

14 And if the government thinks that a question is
15 beyond the scope, then they should object to it, and that
16 the court, in my view, would probably be better not trying
17 to restrict cross-examination in advance. I think that
18 would be potentially a grave error here.

19 The government sort of tries to elicit some
20 testimony that opens doors; and if they would be more
21 careful, I think some of these scope issues would -- would
22 go away.

23 And I share what I think is everyone's concern to
24 have a speedy, orderly process here. I just think it's a
25 very dangerous thing to try to cut off a defendant's

1 constitutional right to cross-examine witnesses in advance.

2 Thank you.

3 THE COURT: Anyone else?

4 MR. MOHRING: Your Honor, in addition to all of
5 that, the prosecution sets the scope in their direct
6 examination.

7 And I was quite surprised after the introduction
8 that the scope of that direct included discussions about the
9 briefing session, discussions about search warrants and how
10 they're obtained, about the investigation that leads to
11 search warrants, about the process through which search
12 warrants and search documentation was assembled. All of
13 that was in their direct examination.

14 In addition, the agent was asked to opine and
15 testify about documents that were not found and about the
16 significance and his understanding of those documents.

17 So if his testimony had been limited to, I was
18 there and I did a search and here's what I found, that would
19 be different. But they opened significant doors in the
20 course of direct, and that's their choice and that's their
21 prerogative; but having done so, that's -- that defines the
22 scope of what's permissible.

23 THE COURT: Anyone else?

24 Mr. Sapone.

25 MR. SAPONE: Yes, Your Honor.

1 I just want to add that the agent also talked
2 about the meal count forms. And I understand he found them
3 there, but it wasn't limited to just he found them there.
4 He then started to go into the forms, and on Monday -- you
5 know, I'm making this up -- 1500 meals were served and at
6 the end of the week 7500 meals were served.

7 And so it then puts us in a position, What are we
8 supposed to do? Just ask nothing? So now we have to ask
9 about those numbers. And it seemed that it was just getting
10 a little broader than we had thought initially, most
11 respectfully. In other words, we thought it was just the
12 search of that day, but now we're talking about meal counts.

13 THE COURT: Right. I don't think I restricted
14 anything on meal counts.

15 MR. SAPONE: You didn't. It's just what I
16 thought.

17 THE COURT: Understood.

18 Mr. Schleicher, anything else?

19 MR. SCHLEICHER: No.

20 THE COURT: All right. Look, I'm not pre -- I'm
21 not going to pre-judge anything. I will take each objection
22 as it comes. I will listen carefully to the scope of the
23 direct examination, I will see what doors are open, and I
24 will determine an objection on cross-examination or on
25 outside the scope as they come. That is what I will do.

1 That is what I intend to do next week.

2 So thank you all for providing that input.

3 Have a good weekend, everyone. We will see you at
4 9:00 Monday morning. Thank you.

5 THE CLERK: All rise. The court is in recess.

6 (Court adjourned at 4:42 p.m., 05-10-2024.)

7 * * *

8 I, Renee A. Rogge, certify that the foregoing is a
9 correct transcript from the record of proceedings in the
10 above-entitled matter.

11 Certified by: /s/Renee A. Rogge
12 Renee A. Rogge, RMR-CRR

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