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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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|-----------------------------|---|-------------------------|
| United States of America, |) | |
| |) | File No. 22-cr-124 |
| Plaintiff, |) | (NEB/DTS) |
| |) | |
| v. |) | |
| |) | |
| Abdiaziz Shafii Farah(1), |) | Courtroom 13W |
| Mohamed Jama Ismail(2), |) | Minneapolis, Minnesota |
| Abdimajid Mohamed Nur(4), |) | Wednesday, May 15, 2024 |
| Said Shafii Farah(5), |) | 9:04 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 XVII OF XXX

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

* * *

Proceedings recorded by mechanical stenography;
Transcript produced by computer.

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1 **IN OPEN COURT**

2 **(JURY PRESENT)**

3 THE COURT: You may all be seated.

4 Good morning, everyone.

5 At the agreement of all the parties and with the
6 approval of the court, we're interrupting Agent Pitzen's
7 testimony to accommodate some witnesses who are from out of
8 town or otherwise have scheduling. So we're going to have a
9 few witnesses and then resume Agent Pitzen's testimony.

10 So the government may call its next witness.

11 Mr. Jacobs.

12 MR. JACOBS: The government calls Robert [sic]
13 Amenta.

14 THE COURT: Good morning, sir. You are going to
15 come up here to take the oath. Raise your right hand.

16 ROBERTO AMENTA,
17 called on behalf of the government, was duly sworn, was
18 examined and testified as follows:

19 THE WITNESS: Yes.

20 THE COURT: Thank you. You may be seated in the
21 witness chair.

22 And when you are settled, I'll have you state and
23 spell both your first and last name for the record.

24 THE WITNESS: Sure. It's Roberto. And the last
25 name is Amenta. A-M-E-N-T-A.

1 THE COURT: You may inquire, Mr. Jacobs.

2 MR. JACOBS: Thank you, Your Honor.

3 DIRECT EXAMINATION

4 BY MR. JACOBS:

5 Q. Mr. Amenta, can you introduce yourself to the jury,
6 please.

7 A. Sure. As I mentioned, my name is a Roberto Amenta. I'm
8 an employee of the Federal Reserve Bank of New York.
9 Specifically, I'm an associate managing director of their
10 financial intelligence and investigations unit.

11 Q. Can you briefly explain what the Federal Reserve Bank
12 is?

13 A. Sure. The Federal Reserve is the central bank of the
14 United States. I think most folks, when they think of the
15 Federal Reserve, think of monetary policy and Chairman
16 Jerome Powell, but it's also a bank supervisor. So it
17 examines banks that are state member banks of the Federal
18 Reserve system, and it also provides financial products to
19 the banking industry.

20 Q. Where are you headquartered?

21 A. I'm headquartered in New York. So I'm an employee of
22 the Federal Reserve Bank of New York.

23 Q. How long have you worked for the Federal Reserve?

24 A. I've worked for the Federal Reserve 31 years.

25 Q. And you mentioned this a moment ago, but what is your

1 current position there?

2 A. My current position is associate managing director.

3 Q. And as an associate managing director, what are your
4 responsibilities?

5 A. So we have several responsibilities. One includes
6 subpoena compliance with a product called Fedwire Funds
7 transfer.

8 Q. We'll talk about Fedwire in a moment, but do you also
9 serve as a records custodian?

10 A. Yes, with regards to Fedwire Funds transfers.

11 Q. And can you explain to the jury what that means?

12 A. So in response to subpoenas, as records are created, I
13 will attest that those records were created at the time that
14 the transaction happened.

15 Q. Have you testified in court before?

16 A. I have.

17 Q. Approximately, how many times?

18 A. A dozen or so.

19 Q. Now, you mentioned Fedwire a couple of times. Can you
20 explain to the jury what Fedwire is?

21 A. Sure. So Fedwire is an electronic communication. Let
22 me take a step back.

23 When an individual or a corporation wants to send
24 funds to another individual or corporations, one thing that
25 they can use is an electronic wire transfer. Fedwire is one

1 such payment rail. Fedwire does between 400-500,000
2 transactions a day and the amount is \$4 trillion.

3 Q. So could you give the jury an example, a hypothetical
4 example, of how someone might use Fedwire?

5 A. So financial institutions that are domestic or a foreign
6 bank that has a presence in the United States will ask the
7 Federal Reserve -- will ask for a master account agreement
8 at the Federal Reserve. The Federal Reserve will review it
9 and possibly grant that master account agreement.

10 And one of the products that they can use is this
11 Fedwire Funds transfer. So if a financial institution has
12 access to that Fedwire, their customers or correspondent
13 relationships that they have could use that wire transfer
14 system to facilitate a payment.

15 Q. So in other words, if I want to wire money to somebody
16 else, either domestically or internationally, would Fedwire
17 be a product that could be used to facilitate that transfer?

18 A. It's one of the products that you could use, yes.

19 Q. Can you explain to the jury where the electronic
20 communications that you referenced pass through in terms of
21 servers geographically?

22 A. Sure. So as of April 27th of 2009, Fedwire Funds
23 transfers requires two processing centers for all
24 transactions, not either or. Both have to be involved in
25 the processing of the transaction. Those centers are

1 located in New Jersey and Texas. So any Fedwire Funds
2 transfer that is dated April -- post-April 27, 2009, require
3 going through our processing centers in Texas and
4 New Jersey.

5 Q. And you mentioned this a few times, the word or the
6 phrase "electronic communication." Can you explain to the
7 jury what an electronic communication is in this context?

8 A. Sure. It's like a -- so it's like going to the bank and
9 asking the bank to create an electronic wire to go through
10 systems. And so it's not at the branch level, but that bank
11 then sends it to -- using fiber optics, are sending it to
12 another location.

13 With regards to Fedwire, those two locations from
14 a bank, whether it's the originator or beneficiary, will be
15 through Texas and New Jersey for that time period.

16 Q. So a wire transfer would be an example of an electronic
17 communication?

18 A. Correct.

19 Q. I'm showing you what has been marked for identification
20 as Government's Exhibit L-43.

21 MR. JACOBS: Your Honor, this is a late-breaking
22 exhibit, so it's not loaded on to the computer.

23 Permission to use the document camera for these
24 purposes?

25 THE COURT: You may do so.

1 MR. JACOBS: Thank you, Your Honor.

2 BY MR. JACOBS:

3 Q. Mr. Amenta, I'm showing you what is --

4 I'd ask to be marked for identification as
5 Government's Exhibit L-43.

6 Do you recognize that document?

7 A. Yes.

8 Q. And I'll flip through a couple pages here.

9 What is that document?

10 A. It's a certification that we prepared in response to our
11 request for this matter.

12 Q. And are the records contained in there created
13 contemporaneously with the processing of electronic funds
14 that we just talked about?

15 A. Correct.

16 Q. And are they kept in the custody and control of the
17 New York Fed in the course of regularly conducted business?

18 A. Correct.

19 Q. And are they true and correct copies of those records?

20 A. Yes.

21 MR. JACOBS: Your Honor, I would offer Government
22 Exhibit L-43.

23 THE COURT: Any objection?

24 MR. IAN BIRRELL: No objection.

25 MR. SCHLEICHER: May I see the exhibit, please?

1 No objection.

2 THE COURT: L-43 is admitted and may be published.

3 BY MR. JACOBS:

4 Q. Mr. Amenta, we're looking at a table in the middle of
5 this page. It's page 2 of L-43.

6 Can you explain to the jury what that table is?

7 A. So those are a few fields that are found in a Fedwire
8 Funds transfer.

9 The significance of the first column and IMAD
10 input message accountability data is that that is a unique
11 fingerprint for that transaction. Only Fedwire uses the
12 terms "IMAD." And so that is a unique identifier for that
13 transaction. It's year, month, day, and then a sequence of
14 letters and numbers that reference the bank's location. And
15 then it is what message for that day, for that financial
16 institution.

17 The second column is the date of the wire
18 transfer, and you see it references the beginning of the
19 IMAD.

20 And then the third column is the amount of the
21 transaction.

22 Q. Were you asked to provide information about these
23 transactions?

24 A. We were asked to provide the actual wire transfers, yes.

25 Q. I want to walk through that information now. Okay?

1 All right. Mr. Amenta, we're now looking at
2 page 3 of that document, and at the top I see Fedwire Funds
3 Message.

4 Can you explain to the jury what we're looking at
5 here?

6 A. You're looking at a Fedwire Funds transfer.

7 Q. And can we walk through the information in this -- in
8 this fund transfer, please?

9 A. Sure. So earlier in my testimony I made a reference to
10 financial institutions that have access to Fedwire Funds
11 transfer. You will find that in field tags 3100 and 3400.
12 So that is the sender and the receiver financial
13 institutions that make this transaction happen.

14 And so in this wire transfer, the originator, the
15 sender of the wire transfer, which is found in field tag
16 5000, is Empire Enterprises LLC and in an account ending in
17 442. And their financial institution is Old National.
18 That's the sender ABA routing number, reference number.
19 That's the same as like sort of their account number in
20 Fedwire. And so that zero eight number references Old
21 National.

22 So Empire Enterprises banks with Old National.
23 This is a wire that is dated April 15th of 2021. And it is
24 a 398 wire transfer for that financial institution on that
25 day. It is in the amount of \$575,000. That's in field tag

1 2000.

2 And then when you bring it back to who's receiving
3 the money, that's the beneficiary, and that's in field tag
4 4200 -- I'm sorry -- 4200. And the receiver of the wire
5 transfer is Trademark Title Services in an account ending in
6 1899. And their financial institution, that's the receiver,
7 in the 3400, that's Wells Fargo.

8 Q. Okay. So I want to walk through a little bit of that
9 information.

10 First, I see here it says OMAD. We've talked
11 about IMADs. Can you explain what an OMAD is?

12 A. So OMAD is Output Message Accountability Data. Again,
13 this references the receiving financial institution.

14 So it's year, month, day, letters and numbers that
15 reference that financial institution's site. It is the
16 24,042, 42 message for Wells Fargo in this case, and then it
17 repeats the month and day. And then it gives you the time
18 of that transaction. It's 1556.

19 And then it makes reference to FT03. So earlier
20 in my testimony I mentioned that Fedwire goes through Texas
21 and New Jersey. FT03 is Texas. FT01 is New Jersey.
22 However, FT01 -- FT03 in this transaction is that it goes --
23 the primary sites that it goes into is Texas, and then Texas
24 sends a replica message to New Jersey for confirmation.

25 Q. Okay. So this transaction went through two states, but

1 the primary one is Texas?

2 A. Correct.

3 Q. And that's the FT03 designation that we see up here in
4 the top right?

5 A. That's correct.

6 Q. There are a few more terms that I want to ask you about
7 here. You see Sender and Receiver ABA?

8 A. Correct.

9 Q. Can you explain to the jury what an ABA is?

10 A. American Bankers Association gives you a number to a
11 financial institution, and so that's sort of like an account
12 number for a bank.

13 Q. So can you, as someone with experience here, look at an
14 ABA and know at least some of the financial institutions?

15 A. Yeah. And so for these two, the 086300012, Old
16 National; and then the 121000248, that's Wells Fargo.

17 Q. Okay. And then marching through, next we see the amount
18 here. Can you explain to the jury what that is?

19 A. That's the amount of the transaction. That's how much
20 was wire transferred on that day: \$575,000.

21 Q. Okay. Moving on, originator information. The
22 originator means the individual or entity that sent the
23 transfer?

24 A. That is correct.

25 Q. And here the originator is?

1 A. Enterprise -- Empire Enterprises LLC.

2 Q. And then, finally, the beneficiary information? What's
3 the beneficiary?

4 A. That's either the individual or corporation that
5 receives it.

6 Q. And in this case the beneficiary is?

7 A. Trademark Title Services.

8 Q. Now, this was a domestic transaction; is that right?

9 A. Correct.

10 Q. And can you explain what a domestic transaction is?

11 A. Well, where the funds are flowing within the
12 United States. So there's no international or correspondent
13 relation component to it.

14 Q. Now, I'm going to show you what has previously been
15 admitted into evidence as Government's Exhibit 0-11 and
16 page 35. This is the wiring underlying Count 23 in this
17 indictment.

18 Is this the same wiring that we've just been
19 talking about?

20 A. Yes. As the IMAD number reflects, the IMAD number in
21 the first wire transfer.

22 Q. All right. I want to move along to Count 24 of the
23 indictment.

24 Now, you just mentioned domestic wire transfers.
25 Can you explain to the jury the difference between a

1 domestic and an international wire transfer?

2 A. So there are -- there are times where foreign financial
3 institutions will want access to the U.S. banking system;
4 and they call that correspondent banking, where a bank in
5 the United States will provide services to a foreign bank.
6 That bank is called a respondent. And the bank in the
7 United States is called the correspondent bank.

8 Q. Okay. Can you explain how the respondent and the
9 correspondent banks are used to facilitate an international
10 wire transfer?

11 A. Sure. So as I mentioned earlier, the financial
12 institutions that have access to Fedwire have to be a
13 domestic institution or a foreign bank with a domestic
14 presence. And so a foreign bank will not have the access to
15 Fedwire unless it gets -- gets access through a bank in the
16 U.S.

17 Q. So let's walk through this transaction. Okay?

18 A. Yes.

19 Q. Can you tell the jury the basic details of date and time
20 for this transaction?

21 A. Sure. And so this transaction -- and if you look at the
22 IMAD, or OMAD number, but if you look at the IMAD number,
23 which is field tag 1520, this is a transaction that happened
24 on May 4th of 2021, and it is the 95th message of the day
25 for that financial institution.

1 If you look at the 3100 and the 3400 fields,
2 that's the sender ABA and the receiver ABA, those relate to,
3 on the sending side, Old National Bank. Old National Bank
4 is sending it on behalf of the originator. In this case in
5 field tag 5000, it's Empire Enterprises LLC. The receiving
6 bank and the ABA routing number under 3400 is Wells Fargo
7 again.

8 And the recipient this time is Capital View
9 Properties, but Capital View Properties does not have a
10 banking relationship with Wells Fargo. They have a banking
11 relationship with Absa Bank Kenya PLC. And Abs -- Absa Bank
12 Kenya PLC uses Barclays Bank of Kenya to get it to the
13 United States.

14 So, sorry, it sounds very confusing, but Wells
15 Fargo is the bank in the United States that has access to
16 the Fedwire Funds transfer system. Their customer is
17 Barclays Bank. Barclays Bank's customer is Absa Bank Kenya
18 for the ultimate beneficiary of Capital View Properties
19 Limited.

20 Q. Okay. So let's walk -- excuse me -- walk through that.
21 So starting at the top, I see the FT3 designation again.

22 A. Correct. So that's the IMAD number. So that is the
23 4,232nd message of the day for Wells Fargo. And the
24 reference to FT03 is -- our primary site for that Fedwire
25 Funds transfer was Texas.

1 Q. And this is a wire transfer of \$204,795?

2 A. Correct. The amount on the Fedwire Funds transfer is
3 found in field tag 2000, and in this case it's 204,795.

4 Q. And the originator here is Empire Enterprises LLC?

5 A. That is correct.

6 Q. Same entity as the last one we looked at?

7 A. Correct.

8 Q. And then you've already explained, but that's
9 transferred through two correspondent banks, Barclays and
10 Absa, and then the final beneficiary here is --

11 A. Capital View Properties Limited.

12 Q. And that's an entity in Nairobi, Kenya?

13 A. That is correct.

14 Q. I'm showing you what has already been admitted into
15 evidence as Government O-11, page 36. Is this that same
16 transaction that we just looked at?

17 A. Okay. So this IMAD ends in 398.

18 May I ask you to go back to the prior exhibit?

19 So this -- this -- that was not the same exact.

20 The amount was different, and the IMAD is different.

21 Q. Okay. Let me pull up -- okay. Now we're looking at
22 page 36 of that same exhibit. Is this the transaction with
23 that same IMAD number?

24 A. Correct. As mentioned, the IMAD's a very unique
25 fingerprint for that transaction.

1 Q. All right. Moving on to Count 25, I'm going to show you
2 page 5 of Government's Exhibit L-43.

3 Can you walk us, again, through this Fedwire
4 transfer?

5 A. Sure. So this is a Fedwire Funds transfer by the
6 reference of IMADs and OMAD identifying numbers.

7 This is -- if you look at the IMAD field tag 1520,
8 this is a transaction that happened on May 11th of 2021.
9 The amount in field tag 2000, this is a \$300,000 wire
10 transfer.

11 When you flip it to the sending side, you will
12 look at the originator, which is field tag 5000. This is a
13 wire transfer from Empire Enterprises LLC.

14 Again, if you look at the sender ABA number, the
15 3100, Empire Enterprises LLC banks with Old National. And
16 then when you flip it to the receiving side, the beneficiary
17 in the 4200 is Capital View Properties Limited.

18 Again, the bank that has access to Fedwire on the
19 receiving side is Wells Fargo. And Wells Fargo does this on
20 behalf of Barclays Bank and Absa Bank in Kenya.

21 Q. Okay. So, again, at the top we see FT3. That means a
22 server in Texas was the primary server?

23 A. Correct. And so all processing -- so wire transfers in
24 this time frame require Texas and New Jersey; and this one,
25 the primary site is Texas.

1 Q. Okay. The originator Empire Enterprises LLC?

2 A. Correct.

3 Q. Same account as the last two that we've looked at?

4 A. Correct.

5 Q. And the wire in this case is a \$300,000 wire?

6 A. Correct.

7 Q. And the beneficiary?

8 A. Is Capital View Properties Limited.

9 Q. In Nairobi, Kenya?

10 A. That's right.

11 Q. I'm showing you Government Exhibit O-11, page 38.

12 Is this the same wire that we just talked about?

13 A. That is. The IMAD number ends in 185.

14 Q. All right. Moving on to Count 27, I'm showing you
15 another Fedwire Funds transfer.

16 Can you walk the jury, again, through this one?

17 A. So the references to IMAD and OMAD makes this a Fedwire
18 Funds transfer. Looking at either field, you'll see that
19 this is a wire from May 17th of 2021. The amount in field
20 tag 2000 is \$200,000.

21 This is a wire transfer from -- my apologies with
22 the name -- Abdiwahab Aftin and the sender ABA. So the bank
23 that has access to Fedwire to send it is TruStone Financial
24 Federal Credit Union. And then on the receiving side under
25 beneficiary, which is field tag 4200, it's Capital Views --

1 Capital View Properties.

2 Here, the bank that has access to Fedwire on the
3 receiving side is now Citibank, and Citibank has access
4 to -- has correspondent relationship with Absa Bank of
5 Kenya.

6 Q. Okay. So let's walk through that one. Again, FT03
7 designation at the top, that means this was primarily
8 transferred through a server in Texas?

9 A. Correct.

10 Q. The amount of funds transferred here \$200,000?

11 A. That is correct.

12 Q. The originator Abdiwahab Aftin?

13 A. Correct.

14 Q. And based on that sender ABA number, it was from a
15 TruStone Financial account?

16 A. That is correct.

17 Q. Okay. I see here line 1. What does that say?

18 A. So that's information supplied by the originating -- or
19 originator. And it says -- so originator beneficiary
20 information on field tag 6000, it says "Supplies for Bushra
21 Wholesale." Bushra Wholesale.

22 Q. Okay. Supplies for Bushra Wholesale. And then the
23 beneficiary information, who was this \$200,000 --

24 A. To the ultimate recipient, the beneficiary in this
25 transaction, is Capital View Properties.

1 Q. All right. Marching on to Count 29. I'm going to pull
2 up page 7 of this document.

3 Can you again walk the jury through the
4 transaction in Count 29 of the indictment?

5 A. Sure. It's a Fedwire Funds transfer referenced by the
6 IMADs and OMADs. This is a transaction that happened on
7 June 1st of 2021. The amount of this transaction is
8 206,428.

9 The originator of this transaction is Empire
10 Enterprises LLC. The bank that they used to send it in 3100
11 is Old National. The recipient of this transaction is
12 Capital View Properties Limited. And the bank that they use
13 in the United States is Wells Fargo through Barclays Bank
14 and Absa Bank in Kenya.

15 The IMAD reference is FT03, which means that Texas
16 was the primary and New Jersey was the secondary on this
17 transaction.

18 Q. Okay. FT03, Texas is the primary server?

19 A. Correct.

20 Q. The sender information in this case is Empire
21 Enterprises LLC?

22 A. That is correct.

23 Q. And then the information in line 1 and line 2, what does
24 that say?

25 A. So the originator to beneficiary information, 6000

1 again, Capital View Properties shares. And then line 2 says
2 "purchase agreement."

3 Q. And then the beneficiary of that \$206,000 wire transfer
4 is?

5 A. Capital View Properties Limited.

6 Q. In Nairobi, Kenya?

7 A. That is correct.

8 Q. And moving on to Count 42 of the indictment, I'm going
9 to show you a final Fedwire transfer form. Can you walk the
10 jury through this last one?

11 A. So it's a Fedwire Funds transfer, again, referenced by
12 the IMADs and OMADs. This is a transaction that happened on
13 October 12th of 2021. The amount is \$334,632.51.

14 The originator is Empire Enterprises LLC, using
15 their financial institution, and in this case it's
16 JPMorganChase, to the beneficiary Trademark Title Services
17 Inc. And in this case, in this wire transfer, their
18 financial institution is Bremer Bank, Bremer NA.

19 In the OMAD, you see this references FT03. So
20 Texas is the primary site for this transaction, and
21 New Jersey would be the secondary site.

22 Q. Okay. So this is a domestic transfer?

23 A. That is correct.

24 Q. FT03, primary in Texas?

25 A. Correct.

1 Q. The originator or sender of this wire is who?

2 A. Empire Enterprises LLC.

3 Q. And the amount of this transfer is for how much?

4 A. 334,632.51.

5 Q. And the beneficiary or the receiver of this electronic
6 funds transfer is?

7 A. Is Trademark Title Services Inc.

8 Q. Were all of the transfers that we just discussed
9 processed through a Fedwire -- processed through Fedwire in
10 an exchange of electronic communications in Federal Reserve
11 facilities in New Jersey and Texas?

12 A. Correct.

13 MR. JACOBS: Your Honor, nothing further from this
14 witness.

15 THE COURT: Cross-examination?

16 Mr. Mohring.

17 MR. MOHRING: Just a couple questions.

18 CROSS-EXAMINATION

19 BY MR. MOHRING:

20 Q. Good morning, Mr. Amenta.

21 A. Good morning.

22 Q. Everything that you've been talking about, am I right,
23 is -- involves a process of money transfers as facilitated
24 by and through the Federal Reserve System?

25 A. Correct. The Fedwire Funds transfers is a specific

1 payment rail through the Federal Reserve.

2 Q. Okay. Is that the only game in town, or is there other
3 ways that if I wanted to send money to somebody in Minnesota
4 or in some other state or some other country it could go?

5 A. Sure. So there's The Clearing House, CHIPS. There are
6 plenty of other payment rails that could be used.

7 Q. Does the Federal Reserve charge for these services? Do
8 you take a bite?

9 A. It does.

10 Q. How large?

11 A. I don't know. I think it's pennies.

12 Q. Okay. But multiplied by a large -- you said 400 to
13 500 --

14 A. In \$4 trillion.

15 Q. Okay. A day?

16 A. A day.

17 Q. Yow.

18 The records that you were being asked about --
19 let's see -- Exhibit L-43 that they were showing you on the
20 ELMO here, are those records that you prepared?

21 A. Yes, in response to a subpoena.

22 Q. Based on data and access that you have to the Federal
23 Reserve --

24 A. Correct.

25 Q. -- System, right?

1 So you got a subpoena, they asked you to prepare
2 those records, and you did?

3 A. Yes.

4 Q. And you sent those documents to the prosecution in this
5 case. I saw date of April 22nd of this year. Does that
6 sound right?

7 A. Correct.

8 Q. Last questions that I have. You said that at least
9 since, I think it was, April 27th of 2009 all of these
10 transfers, domestic or international, are routed through two
11 processing centers?

12 A. Correct.

13 Q. One in Texas; one in New Jersey?

14 A. That is correct.

15 Q. Was there just one center before that?

16 A. It was, in New Jersey.

17 Q. And so with routing through two centers -- you
18 identified Texas as, I think you said, the primary center --

19 A. Mm-hmm.

20 Q. -- for all of the transfers that we talked about here?

21 A. Yes.

22 Q. So one's a primary, one's a secondary, but every
23 transfer since 2009 goes through each?

24 A. Both are required, yeah.

25 Q. And so even a transfer from New Jersey to New Jersey,

1 there's an interstate nexus that's established because now
2 everything has to go through two, right?

3 A. That's correct. So the example would be, you know, even
4 two banks in Texas, and even where Texas is the primary,
5 New Jersey would be involved in a transaction.

6 Q. Thereby creating an interstate --

7 A. Yes.

8 Q. -- component to the transfer? Even if it's Texas to
9 Texas?

10 A. Correct.

11 MR. MOHRING: I have nothing further. Thank you,
12 Judge.

13 THE COURT: Any other cross-examination?

14 Mr. Birrell.

15 CROSS-EXAMINATION

16 BY MR. IAN BIRRELL:

17 Q. Just very briefly, sir. Good morning?

18 A. Good morning.

19 Q. You're here today to explain the logistics of how these
20 money transfers work, right?

21 A. Correct.

22 Q. And you're not suggesting or opining either way on if
23 the transfers or funds were legal or illegal, legitimate or
24 illegitimate, right?

25 A. Correct.

1 MR. IAN BIRRELL: Nothing further. Thank you.

2 THE COURT: Any other cross-examination?

3 Any redirect, Mr. Jacobs?

4 MR. JACOBS: No, Your Honor. Thank you.

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

6 THE WITNESS: Thank you.

7 **(Witness steps down)**

8 THE COURT: And the government may call its next
9 witness.

10 MR. BOBIER: Your Honor, the government calls
11 Dolores Rieta.

12 THE COURT: Good morning. You're coming up here
13 to aim for the witness chair here.

14 Would you stand to take the oath for me.

15 MARIA (DOLORES) RIETA,

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

18 THE WITNESS: I do.

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

20 And when you are settled, please state and spell
21 both your first and last name for the record.

22 THE WITNESS: My name is Maria Rieta. First name
23 is M-A-R-I-A; last name is R-I-E-T-A.

24 THE COURT: Mr. Bobier, you may inquire.

25 MR. BOBIER: Thank you.

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DIRECT EXAMINATION

BY MR. BOBIER:

Q. Ms. Rieta, I introduced you as Dolores. Do you go by Dolores?

A. Yes, I do.

Q. Could you start by introducing yourself to the jury and telling them where you work?

A. I am Maria Dolores Rieta. I've worked with JPMorganChase since February 5th of 2001, which is over 23 years, in wire transfer investigations. I'm a payment life cycle associate.

Q. And in your 23 years with Chase, what is it specifically that you do as an associate?

A. As an investigator, we receive inquiries regarding wire transfers. It could be not receiving the wire transfer, locating the funds, seeing what the problem was and making sure that the error doesn't occur again.

Q. Are you local? Out of Chase, are you based out of the Twin Cities?

A. No, I'm not. I'm from Florida.

Q. Good time to get out of Florida. Thank you for coming.

A. Yes. You're welcome.

Q. At Chase, given your responsibilities and your over 20 years there, are you familiar with how wire transfers work?

1 A. Yes, I am.

2 Q. How so?

3 A. Daily I review wire transfers for inquiries to find out
4 exactly what the client needs. Sometimes they're claiming
5 the recipient didn't receive the funds. They may have made
6 a mistake in inputting the information. I locate the funds
7 and do my best to get them back and make sure that the same
8 error doesn't occur again.

9 Q. And given that investigative role you have at Chase, are
10 you familiar with Chase bank records concerning wire
11 transfers?

12 A. Yes, I am.

13 Q. Now, the jury just heard some background about wire
14 transfers and what those are.

15 Is it fair to say a wire transfer is an electronic
16 means of transferring funds between financial institutions?

17 A. Yes.

18 Q. I want to ask you a little bit today about how a Chase
19 bank customer would make a wire transfer. Is that a process
20 you're familiar with?

21 A. It is, because I am a Chase customer as well, so...

22 Q. Keep it in the family.

23 A. Yes.

24 Q. Okay. Is the process for initiating a wire transfer at
25 Chase different if the wire is domestic as opposed to

1 international?

2 A. The process is the same. The information is different.

3 You would have more information for international wires.

4 Q. Let's talk about that a bit. Let's start with domestic
5 transfers.

6 A. Okay.

7 Q. Could you just walk us through the process at a high
8 level? If a Chase Bank customer walks into a branch and
9 wants to initiate a wire, how does that happen?

10 A. Well, if I go into the branch to -- enter and want to
11 ask them to send a wire for me, they would require photo
12 identification, driver's license or a passport. They would
13 require my account number.

14 They would require the recipient or beneficiary,
15 also known as beneficiary -- recipient and beneficiary are
16 the same -- the full account number, the bank of the
17 recipient. It's not necessary, but occasionally they have
18 the reason for the payment in there as well.

19 Q. You mentioned the bank would require passport or other
20 identification?

21 A. Yes, so it would be picture ID.

22 Q. What's the purpose of requiring that?

23 A. That is to identify the sender. If you're a walk-in,
24 you would have to have that in order to send a wire.

25 Q. You mentioned that that information is gathered by --

1 can I say teller? Is that right? The teller at the Chase
2 Bank?

3 A. Usually for wire transfers there's an initiator, the
4 person who inputs the information given to them, and then
5 there's a separate verifier of that wire before its
6 released. And it would be them, they would gather the
7 information. It may be a teller. I don't know.

8 Q. And the initiator and the verifier, those are both Chase
9 employees, right?

10 A. Yes, they are.

11 Q. So these Chase employees take that information from the
12 person requesting the wire. And what do they do with all
13 that information?

14 A. They would input the information into the system to
15 initiate the wire.

16 Q. Into a Chase system?

17 A. Yes, it would be. JPMorgan Access.

18 Q. After the Chase employees enter the information into the
19 Chase system, where does the information go?

20 A. It goes into the server that's in use at the time, and
21 it generates the wire transfer, fund transfer. It could be
22 a Fed or a CHIP.

23 Q. When you say the information goes into a server, are you
24 referring to Chase servers?

25 A. Yes, I am.

1 Q. Do you know how many servers Chase has that service wire
2 transfers?

3 A. There are two currently.

4 Q. Are either of those servers in the State of Minnesota?

5 A. No.

6 Q. In 2021, do you know if Chase had any servers in the
7 State of Minnesota --

8 A. No.

9 Q. -- that serviced wire transfers?

10 A. No, there weren't any.

11 Q. So as a general matter, if a Chase customer walked into
12 a branch location in Minnesota and sent out a domestic wire,
13 would that wire necessarily travel outside of Minnesota to
14 reach its destination?

15 A. Yes, it would need to.

16 Q. Is that true even if the ultimate destination, the
17 ultimate beneficiary, is also in Minnesota?

18 A. Yes.

19 Q. Because the information has to go through one of the
20 servers you mentioned, which is outside the state, correct?

21 A. That's correct.

22 Q. So that's how a domestic wire is handled at Chase,
23 right?

24 A. Yes.

25 Q. Could you walk us through the international wire

1 process?

2 A. For an international wire, the information from the
3 client would be -- the recipient or beneficiary would have
4 an account with a bank that is overseas.

5 And so what would happen is the wire would be
6 initiated and -- from Chase, then it would go through a
7 clearinghouse, either CHIPS or Fed, a New York bank, and
8 then it would go to the foreign bank, overseas bank.

9 Q. You mentioned the process going through either CHIPS or
10 Fed.

11 A. Yes.

12 Q. Can you tell us what each of those is?

13 A. CHIPS is Clearing House Interbank Payment Systems. It's
14 a netting, a clearinghouse. It mostly deals with higher
15 value payments and very quickly and less expensive than Fed
16 payments.

17 Fed payments go through the Federal Reserve.
18 They're much more cost-effective, and actually they happen
19 realtime as opposed to CHIPS.

20 Q. When you talk about the Federal Reserve System, is that
21 Fedwire?

22 A. Yes, that would be a Fedwire.

23 Q. Now, I want to ask you about a few wires in particular.
24 Okay?

25 A. Okay.

1 Q. Let me show you what's been admitted already as
2 Government's O-12.

3 Can you see that document, Ms. Rieta? I'll make
4 it a little larger for you?

5 A. Yes, please. Okay.

6 Q. Do you see that now?

7 A. That's much better. Thank you.

8 Q. Now, this is in evidence as part of a collection of bank
9 records from a Chase account in the title of Empire
10 Enterprises LLC.

11 Do you see that title on this document?

12 A. Yes. Yes, I see that.

13 Q. And you see that this is a Chase document as well?

14 A. Yes, I do.

15 Q. If we look further down on the document, is there an
16 authorized user on this account?

17 A. Yes, there's a single authorized user.

18 Q. Can you read us that name, please?

19 A. Abdiaziz S. Farah.

20 Q. Okay. Let me show you page 18 from Mr. Farah's bank
21 records in this same exhibit for the Empire Enterprises LLC
22 account.

23 All right. So now we're looking at page 18. And
24 I want to direct your attention in this exhibit to the text
25 at the very top here under "Electronic Withdrawals."

1 Do you see that language?

2 A. Yes, I do.

3 Q. And this appears to be for October 12, 2021. There is
4 an entry; is that right?

5 A. That's correct.

6 Q. Can you describe to us what you see here in the
7 description column?

8 A. It states it's a domestic wire transfer via Bremer NA,
9 which is a fed bank, for an account called Trademark Title
10 Services. There is a federal IMAD number, which identifies
11 it as an IMAD fed payment. And there is a proprietary TRN
12 number ending in Es, which identifies it as a JPMorganChase
13 transaction.

14 Q. All right. Now, the jury actually heard a little bit
15 about this wire this morning, so I just want to ask you a
16 few questions about this wire to the extent Chase's records
17 have information on it. Okay?

18 A. Sure.

19 Q. Now, you mentioned this is a domestic wire; is that
20 right?

21 A. Yes.

22 Q. And this is coming from Chase, from the same Empire
23 Enterprises LLC account; is that right?

24 A. That's correct.

25 Q. Now, you mentioned this text transfer via Bremer. Can

1 you tell us what that means?

2 A. That tells us which bank, which fed bank it actually --
3 it was paid through.

4 Q. And do you know where this Bremer Bank is located?

5 A. That bank is located in Minnesota.

6 Q. Okay. And what's the ultimate beneficiary here of this
7 wire transfer?

8 A. That's Trademark Title Services, is the ultimate
9 beneficiary.

10 Q. Do you understand this document to describe this wire as
11 relating to some real estate?

12 A. Well, it has -- it's going to Trademark Title Services,
13 and then in the payment information, the payment details, it
14 has an address.

15 Q. You're talking about this 438 Stonewood Lane in
16 Burnsville; is that right?

17 A. Yes, that's what I'm speaking of.

18 Q. And what does that suggest to you, as someone familiar
19 with these types of documents and transactions?

20 A. That would suggest that this wire would be involved in
21 purchasing property.

22 Q. What's the amount represented by this wire for the
23 purchase of property?

24 A. 334,632.51.

25 Q. Ms. Rieta, do you know who initiated this wire?

1 A. I looked at this wire, I researched it, and it was done
2 as a walk-in to a branch here in Minnesota.

3 Q. Meaning a customer physically walked into a brick and
4 mortar building?

5 A. Yes.

6 Q. And initiated the wire from that brick and mortar
7 building?

8 A. Yes, and requested it, yes.

9 Q. In Minnesota, right?

10 A. In Minnesota.

11 Q. Do you know who that individual was?

12 A. This is a fed -- I believe the last name was Farah, but
13 I'm not sure of the full name.

14 Q. I can take us back to the first page of this same
15 exhibit.

16 You mentioned the last name Farah?

17 A. Was Farah.

18 Q. The name on the first page of this set of bank records
19 is Abdiaziz S. Farah. Is that the name you identified in
20 the --

21 A. Yes. Yes, that is the name.

22 Q. Thank you.

23 And I appreciate your response. Just to help our
24 court reporter, I would just ask that you wait for me to
25 finish before you --

1 A. Oh, I'm sorry.

2 Q. Quite all right. It's a little artificial way of
3 talking here.

4 Is Abdiaziz S. Farah the name that you identified
5 in your research of Chase records as the individual that
6 requested this wire?

7 A. Yes, it is.

8 Q. I'll go back to the 18th page again.

9 All right. So you've told us Mr. Farah walked
10 into a brick and mortar building in Minnesota to initiate
11 this transfer, correct?

12 A. Correct.

13 Q. And you told us the destination or the beneficiary,
14 rather, was also a bank in Minnesota, correct?

15 A. Correct.

16 Q. You described for us earlier whether wire transfers
17 initiated at Chase from Minnesota that have an ultimate
18 destination in Minnesota have to go outside our state's
19 boundaries. Can you remind us how that works?

20 A. That's correct. For example, even if you were in France
21 and you initiated a wire to someone in New York, the server
22 in use at the time would be where the transaction would go
23 through.

24 Q. And the servers you're referring to are the Chase
25 servers, correct?

1 A. Exactly, yes.

2 Q. And in October 2021 were there any Chase servers used
3 for this purpose in the State of Minnesota?

4 A. No, there were not.

5 Q. Does that mean that for this wire transfer, as
6 represented in this document, to have occurred an electronic
7 communication had to travel in interstate commerce?

8 A. That's correct.

9 Q. Meaning it had to cross state lines?

10 A. Had to cross -- yes.

11 Q. I want to talk to you about just one other wire, if I
12 could.

13 A. Sure.

14 Q. This one is represented on Government's O-30, which is
15 already in evidence.

16 Can you see that in front of you, Ms. Rieta?

17 A. Yes, I can.

18 Q. Now, this is in evidence as a Chase Bank record for an
19 account entitled Nur Consulting LLC. Do you see that?

20 A. Yes, I do.

21 Q. It's a checking account; is that right?

22 A. Yes. That's correct.

23 Q. And if we go down a bit, can you tell us if there are
24 any authorized signers on this account?

25 A. I only see one.

1 Q. And what's that name, if you can make it out?

2 A. Abdimajid Mohamed Nur.

3 Q. Let me take you to the 13th page of this same exhibit.

4 All right. Now, once again, I'd like to direct
5 your attention to the very top of this page where we see
6 Electronic Withdrawals; is that right?

7 A. That's correct.

8 Q. And the date on this one is September 1 of 2021,
9 correct?

10 A. Correct.

11 Q. Could you tell us what is signified to you by the
12 language in the description column of this transfer from the
13 Nur Consulting LLC account on September 1 of 2021?

14 A. This is an international wire transfer. And it was paid
15 through Mashreq Bank in New York from a branch 0174 for
16 further credit to Mashreq Bank in Dubai, United Arab
17 Emirates. Beneficiary was Farhia Jewellery LLC in Deira,
18 Dubai, with the full IMAD provided. The payment reason is
19 PMS.

20 Q. So this one is an international wire; is that right?

21 A. That's correct.

22 Q. While the last one was domestic?

23 A. Yes.

24 Q. Do you know who initiated this wire?

25 A. From reviewing the records, the last name was Nur, I

1 believe, but I don't know the full name.

2 Q. If we go back up to the first page of this exhibit, the
3 name you'd identified as the authorized signer was Abdimajid
4 Nur.

5 Is that the name you identified in your research
6 of the Chase records as the person who requested the wire
7 we're discussing?

8 A. Yes, it is.

9 Q. Back down to page 13 quickly.

10 Okay. Can you tell what the purpose of this wire
11 was?

12 A. Well, the payment reason provided is PMS, but that
13 doesn't really describe the purpose of the payment.

14 Q. Is there any other information written in the
15 description that signifies where the money is ultimately
16 headed?

17 A. No.

18 Q. I see here there's a description after the bank that
19 says Dubai, United Arab Emirates. Do you see that?

20 A. Yes.

21 Q. What does that mean to you?

22 A. That means that the beneficiary's bank was Mashreq Bank
23 in Dubai, United Arab Emirates.

24 Q. And to be clear, that's a foreign country?

25 A. Yes, that's correct.

1 Q. I see the "Ben:" Is that beneficiary?

2 A. That's beneficiary, yes.

3 Q. And Farhia Jewellery LLC with what looks like a Dubai
4 address; is that right?

5 A. That's correct.

6 Q. That's the ultimate recipient of this wire; is that
7 right?

8 A. Yes. That's -- description of beneficiary is the
9 recipient.

10 Q. What's the amount of this wire?

11 A. This one is 30,000 even.

12 Q. Now, you told us Mr. Nur initiated this wire.

13 Do you know how he did that? Was it an in-person
14 request or a mobile request?

15 A. It was done at a branch. It provides the branch number
16 on here. It was a walk-in.

17 Q. Do you know where that branch was located?

18 A. In Minnesota.

19 Q. And after the wire transfer was initiated in person in
20 Minnesota, you've told us that the transfer ended up in
21 Dubai, correct?

22 A. That's correct.

23 Q. Meaning the communication representing this wire
24 transfer had to travel across Minnesota state lines, true?

25 A. Yeah, that's true.

1 Q. And travel in interstate commerce?

2 A. Yes.

3 Q. Thank you, Ms. Rieta.

4 MR. BOBIER: I have nothing further.

5 THE WITNESS: Thank you.

6 THE COURT: Any cross-examination?

7 Mr. Birrell.

8 CROSS-EXAMINATION

9 BY MR. IAN BIRRELL:

10 Q. Good morning, Ms. Rieta.

11 A. Good morning.

12 Q. Just very briefly, you're here to talk about the
13 logistics of how these wire transfers were sent within the
14 Chase operation, right?

15 A. Correct.

16 Q. And you testified that you did some research on these --
17 on that wire sent by Abdiaziz Farah, right?

18 A. Yes.

19 Q. And you learned that he walked into the bank branch in
20 person and executed or initiated the wire from an in-person
21 interaction with the bank employee, right?

22 A. Yes.

23 Q. And when that happens, the process is the person
24 initiating the transfer has to produce their identification,
25 right?

1 A. Correct.

2 Q. So in your research you learned that that's what
3 happened, right?

4 A. Right, yep.

5 Q. And in your research, did you see that there was no
6 evidence or information that Mr. Farah was trying to conceal
7 his identity?

8 A. I'm not able to see that in any wire transfer.

9 Q. Okay. But to initiate the transfer, he had to show his
10 driver's license or some other form of identification?

11 A. Yes.

12 Q. Okay. And so you're just here talking about the
13 logistics of how these transfers work, correct?

14 A. Correct.

15 Q. And you don't have an opinion one way or the other on
16 whether these transfers were proper or improper. Is that
17 fair?

18 A. That's correct.

19 Q. Thank you.

20 MR. IAN BIRRELL: I have nothing further.

21 THE COURT: Any other cross-examination?

22 Mr. Carlson.

23 CROSS-EXAMINATION

24 BY MR. CARLSON:

25 Q. Good morning, Ms. Rieta.

1 A. Good morning.

2 Q. Just briefly. You just talked about how Mr. Farah,
3 Mr. Abdiaziz Farah needed to provide an ID when he initiated
4 that transfer, right?

5 A. That's correct.

6 Q. So if I, as a customer, wanted to initiate a wire, I
7 couldn't just like call the bank and say, Hey, I need you to
8 wire money from A to B, right?

9 A. If you did, there would be what's called authentication,
10 and you would be authenticated.

11 Q. And --

12 A. You would be required to provide information that only
13 you would have.

14 Q. And that's -- I assume that is related to -- would you
15 have to set that up with the bank beforehand?

16 A. That's correct.

17 Q. Okay. So if I didn't have that set up beforehand, I
18 would need to show up to the bank and show my ID?

19 A. Yes. Picture ID, specifically.

20 Q. Thank you.

21 A. You're welcome.

22 THE COURT: Any other cross-examination?

23 Mr. Bobier, any redirect?

24 MR. BOBIER: No redirect, Your Honor.

25 THE COURT: You may step down. Thank you for

1 being here.

2 THE WITNESS: You're welcome.

3 **(Witness steps down)**

4 THE COURT: And the government may call its next
5 witness.

6 MS. WALCKER: Thank you, Your Honor. The
7 government calls Luke Morris.

8 THE COURT: Good morning, sir. I will have you
9 come up to the witness chair and stand to take the oath.

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

13 THE WITNESS: I do.

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

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

18 THE WITNESS: Sure. My name is Luke Morris.

19 L-U-K-E. M-O-R-R-I-S.

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

21 MS. WALCKER: Thank you, Your Honor.

22 DIRECT EXAMINATION

23 BY MS. WALCKER:

24 Q. Good morning, Mr. Morris.

25 A. Good morning.

1 Q. Why don't you start by telling the jury where you live.

2 A. Sure. I live in Brooklyn, New York.

3 Q. What's your educational background?

4 A. I went to the University of Florida, where I received my
5 degree in political science and criminology.

6 Q. Where do you work?

7 A. I work at Google.

8 Q. Is that in New York?

9 A. Yes. That's the office where I'm based at.

10 Q. How long have you worked for Google?

11 A. I've been at Google for about five years now.

12 Q. What's your title or position at Google?

13 A. Sure. I'm a policy specialist on Google's legal
14 investigations team, and I also serve as a custodian of
15 records.

16 Q. What does it mean to be a custodian of records?

17 A. That means that we basically are able to -- we pull data
18 from Google's servers, and we're able to verify that the
19 data that we are pulling and producing to law enforcement is
20 authentic.

21 Q. Now, Mr. Morris, as part of your job duties, were you
22 asked to review specific emails at issue in this trial?

23 A. Yes, I was.

24 Q. Do you understand that some gmail emails are charged as
25 wire fraud counts in this case?

1 A. Yes.

2 Q. Mr. Morris, have you previously reviewed what's been
3 identified as Government Exhibits L-2 through L-12?

4 A. Yes.

5 Q. Are you familiar with those records?

6 A. Yes, I am.

7 Q. And those were produced by Google in response to a
8 federal search warrant?

9 A. Yes.

10 MS. WALCKER: Your Honor, I offer Government
11 Exhibits L-2 through L-12.

12 THE COURT: Any objection?

13 MR. IAN BIRRELL: No objection.

14 THE COURT: L-2 through L-12 are admitted and may
15 be published.

16 MS. WALCKER: Thank you, Your Honor.

17 BY MS. WALCKER:

18 Q. Mr. Morris, I'm going to show you some emails on the
19 screen before you, and I'm going to try to do that
20 efficiently here.

21 I'm going to show you first what's been admitted
22 as Government Exhibit L-2.

23 A. Okay.

24 Q. Do you see that before you?

25 A. Yes, I do.

1 Q. Okay. And, Mr. Morris, I'll highlight to make it easier
2 for you to read.

3 What is the date on this email?

4 A. It's June 1st of 2020.

5 Q. And can you read here, who is this email from?

6 A. The email is from the gmail address
7 aazizfarah@gmail.com.

8 Q. Is there a name in front of that email address?

9 A. Yes, there is.

10 Q. Can you please read that name?

11 A. Yes, I'll try my best. It's an Abdiaziz Farah.

12 Q. Thank you. And is that a gmail account?

13 A. Yes. The gmail address is indicated by the @gmail.com.

14 Q. I'm going to show you now what's been admitted as
15 Government Exhibit L-3.

16 A. I see that, yes.

17 Q. Can you please tell us, what is the date of this email,
18 which is --

19 I should note this is the email at issue in
20 Count 3. The email we just looked at is the email at issue
21 in Count 2 of the indictment.

22 So looking at the email at issue in Count 3, what
23 is the date on this email?

24 A. It's June 21st of 2021.

25 Q. And looking at the From line here, do you see that?

1 A. Yes, I do.

2 Q. Can you please read what is next to the From line?

3 A. Sure. The name is Abdi Nur, and the gmail address is
4 19anur@gmail.com.

5 Q. Is that a gmail account as well?

6 A. Yes.

7 Q. Turning to the next exhibit, L-4, which is the email at
8 issue in Count 4 of the indictment, what is the date of this
9 email?

10 A. The date is June 21st of 2021.

11 Q. And can you tell us who is the recipient of this email?
12 What does it say there?

13 A. Sure. It says hayatnur861@gmail.com.

14 Q. Is that also a gmail account?

15 A. Yes.

16 Q. I'm going to show you what's been admitted as Government
17 Exhibit L-5, which is the email at issue in Count 5 of this
18 case.

19 Can you please tell us here, looking at the second
20 email here, what is the date of this email?

21 A. The date is August 2nd, 2021.

22 Q. I'm going to highlight the From line. Can you please
23 tell us, what does it say is From here?

24 A. Yes. It says from Abdiaziz Farah, and the gmail address
25 is aazizfarah@gmail.com.

1 Q. And do you see another email address in this CC line
2 that I've highlighted here?

3 A. Yes, I do.

4 Q. Can you please reads what it says there in the CC line?

5 A. Yes. The name is Mahad Ibrahim, and the gmail address
6 is mahad.ibrahim@gmail.com.

7 Q. Are both of those email addresses also Google gmail
8 accounts?

9 A. Yes.

10 Q. Thank you.

11 Turning to Government Exhibit L-6, which is the
12 email at issue in Count 6.

13 First, what is the date of this email, please?

14 A. August 16th, 2021.

15 Q. And can you please tell us, what does it say on the
16 lines next to both From and To of this email?

17 A. Yes. The name on the From line is Abdimajid Nur and the
18 email address is 19anur@gmail.com. And the To -- the "To"
19 line says Abdiaziz Farah, and the gmail address is
20 aazizfarah@gmail.com.

21 Q. Are those both Google gmail accounts?

22 A. Yes.

23 Q. Thank you.

24 Turning to Government Exhibit L-7, which is the
25 email at issue in Count 7. First, what is the date of this

1 email?

2 A. October 18th, 2021.

3 Q. And what does it say here in the From and To lines of
4 this email in Count 7?

5 A. The From line says Abdiaziz Farah, and the gmail address
6 is aazizfarah@gmail.com.

7 And the To line says Mahad Ibrahim, and the gmail
8 address is mahad.ibrahim@gmail.com.

9 Q. Are both of those email addresses also Google gmail
10 accounts?

11 A. Yes, they are.

12 Q. Turning to Exhibit L-8, which is the email at issue in
13 Count 8 of the indictment. First, can you please tell us
14 the date of this email?

15 A. Yes. The date is October 21st, 2021.

16 Q. And do you see on the BCC line here, what does it say
17 there?

18 A. Yes. The BCC is mahad.ibrahim@gmail.com.

19 Q. Is that a Google gmail account?

20 A. Yes, it is.

21 Q. Turning to Government Exhibit L-9, which is the email at
22 issue in Count 9 of the indictment. What is the date of
23 this email?

24 A. The date is November 1st, 2021.

25 Q. And can you tell us, who is the sender of this email?

1 A. Sure. The From line says Abdiaziz Farah, with the gmail
2 address aazizfarah@gmail.com.

3 Q. And who is copied cc'd here on this email?

4 A. Mahad Ibrahim, gmail address mahad.ibrahim@gmail.com.

5 Q. Are both of those email addresses Google gmail accounts?

6 A. Yes, they are.

7 Q. A few more here. Turning to Government Exhibit L-10,
8 which is the email at issue in Count 10 of the indictment.

9 First, what is the date here, sir, of this email?

10 A. January 5th, 2022.

11 Q. Who is the sender of this email?

12 A. The sender is Hayat Nur with the gmail address
13 hayatnur861@gmail.com.

14 Q. And can you please tell us what is listed here on the To
15 line?

16 A. Sure. Abdiaziz Farah, aazizfarah@gmail.com.

17 Q. Are both of those Google gmail accounts?

18 A. Yes, they are.

19 Q. Turning to Government Exhibit L-11, which is the email
20 at issue in Count 11. What is the date of this email, sir?

21 A. January 12th of 2022.

22 Q. Who is the sender and recipients of this email?

23 A. Sure. The sender is Hayat Nur with the gmail address
24 hayatnur861@gmail.com. And the To, it was to Abdiaziz
25 Farah, aazizfarah@gmail.com.

1 Q. And do you see who is listed here under the CC line?

2 A. Yes.

3 Q. Can you please tell the jury?

4 A. Sure. It was cc'd to Abdi Nur with the gmail address
5 19anur@gmail.com.

6 Q. And are each of those accounts Google gmail accounts?

7 A. Yes, they are.

8 Q. Finally, I'm going to show you what's been admitted as
9 Government Exhibit L-12, which is the email at issue in
10 Count 12 of the indictment.

11 First, what is the date of this email, sir?

12 A. January 23rd, 2022.

13 Q. And who is the sender of this email?

14 A. It's from Abdimajid Nur with a gmail address
15 19anur@gmail.com.

16 Q. Is that also a Google gmail account?

17 A. Yes.

18 Q. Okay. Thank you.

19 Are you familiar with whether the internet is used
20 to transmit Google gmail emails?

21 A. Yes, it is.

22 Q. Are you familiar with the location of Google's gmail
23 servers during the time period of those charged emails of
24 June of 2020 through January of 2022?

25 A. Yes.

1 Q. Did Google have gmail servers in the State of Minnesota
2 for the date range of June of 2020 through January of 2022?

3 A. No. When we conducted a search, we found no servers in
4 Minnesota for that time range.

5 Q. Do you have an understanding of what that means with
6 regard to the gmail emails that are charged as wire fraud
7 counts in this case?

8 A. Yes. That means if an email was sent from Minnesota, it
9 would have to travel out of state to one of our servers in a
10 different state and then transmit back to the recipient in
11 Minnesota.

12 Q. They would have had to travel across state lines?

13 A. Yes.

14 Q. Okay.

15 MS. WALCKER: No further questions, Your Honor.

16 THE COURT: Cross-examination?

17 Mr. Mohring.

18 MR. MOHRING: Thank you.

19 CROSS-EXAMINATION

20 BY MR. MOHRING:

21 Q. Good morning, Mr. Morris.

22 A. Good morning.

23 Q. Have you testified before?

24 A. Yes, I have.

25 Q. Ever in Minnesota?

1 A. Yes, I have.

2 Q. Okay. Well, welcome back.

3 A. Thank you.

4 Q. I've just got a few questions.

5 One of the job functions, I think, or titles that
6 you used was custodian of records?

7 A. That's correct.

8 Q. Is that a part of your -- your work, to be a custodian
9 of records?

10 A. Yes.

11 Q. And I think you mentioned that among the things that a
12 custodian of records does is to pull data from servers and
13 verify that data?

14 A. Yes, that's correct.

15 Q. Sometimes in response to subpoenas, asking Google to
16 produce information?

17 A. Yes. Google will produce information in response to a
18 subpoena, a court order, or a search warrant.

19 Q. Okay. Actually, I'm glad you said that.

20 So I want to ask you some questions about the
21 warrant and documents that were obtained for some of the
22 addresses that you were just testifying about. Okay?

23 A. All right.

24 Q. Would it help if you had a copy of that warrant to look
25 at?

1 A. Sure.

2 MS. WALCKER: Your Honor, objection. Outside the
3 scope.

4 THE COURT: Is this a warrant that you've reviewed
5 before?

6 THE WITNESS: Um, well, I'm one of the custodians
7 of records. I didn't personally pull the data for this
8 warrant, but we are cross-trained, and we -- we testify to
9 the records and practices because they're the same across
10 all of our specialists who work on the data disclosure.

11 THE COURT: Thank you.

12 May I please have a sidebar?

13 **(Sidebar discussion)**

14 THE COURT: Mr. Mohring.

15 MR. MOHRING: Your Honor, I just -- I just want to
16 establish that one of the email addresses that he has been
17 highlighting was the subject of a search warrant. And I
18 have two exhibits that were produced that are from that
19 email as well that I'll be seeking to introduce as exhibits.

20 THE COURT: Ms. Walcker.

21 MS. WALCKER: Thank you, Your Honor.

22 Your Honor, this is not the appropriate witness
23 for him to do so, I believe. And I fully anticipate that he
24 will say he is not the -- while he does serve, as part of
25 his responsibilities, as a custodian of records, he is not

1 the person responsible for producing those records in
2 response to the search warrants at issue in this case.

3 He reviewed -- his function for today was simply
4 to review the emails at issue in the charged wire fraud
5 counts and confirm the accuracy that those were produced in
6 response.

7 I don't think -- I mean, anything beyond that is
8 going to be outside the scope of his personal knowledge and
9 responsibility in this case, Your Honor.

10 MR. MOHRING: Your Honor, just by way of offer of
11 proof, I'm going to ask him the same questions the
12 prosecution did about emails, just about two other emails
13 that are not the ones that he has testified about. It's
14 true they're not the same emails, but from the same
15 accounts, same address, same subpoena.

16 THE COURT: And so in order to get them in, if you
17 didn't have this witness, how would you do so?

18 MR. MOHRING: I guess we would call the case agent
19 or the agent who signed off on the subpoena. I believe that
20 that is Travis Wilmer. He's an FBI agent.

21 THE COURT: Is he going to testify?

22 MR. MOHRING: They've been vague about that in my
23 questions, Your Honor, but we can certainly call him.

24 MR. THOMPSON: Your Honor, I don't expect him
25 necessarily to testify. We're not done --

1 I'm sorry. This is Joe Thompson on behalf of the
2 United States.

3 Obviously, he can lay -- we would stipulate to the
4 foundation of any emails that were obtained pursuant to a
5 search warrant. Obviously, there's other potential
6 admissibility concerns, but there's no need to do that
7 through a Google records custodian or a case agent.

8 THE COURT: Okay. It is outside the scope, so I'm
9 going to sustain the objection.

10 (In open court)

11 THE COURT: The objection is sustained.

12 MR. MOHRING: No further questions.

13 THE COURT: All right. Thank you.

14 Any other cross-examination of this witness?

15 Mr. Brandt.

16 CROSS-EXAMINATION

17 BY MR. BRANDT:

18 Q. Good morning.

19 A. Good morning.

20 Q. I've got a couple questions for you here.

21 You testified today about some exhibits that you
22 were shown that had some gmail addresses in them, correct?

23 A. Right.

24 Q. Apart from what you saw in there, I assume, and based on
25 your training and experience, there's other metadata

1 associated with an email address, correct?

2 A. Yes, that's correct.

3 Q. For example, I don't know how much data Google keeps --
4 I hear it's quite a bit. In any event, there could be
5 metadata showing what the IP address is from which that
6 email was sent, correct?

7 A. Yes, that's correct.

8 Q. And to be clear, an IP address is a unique identifying
9 number that shows where that -- or excuse me -- from what
10 location, potentially, that was sent from, correct?

11 A. Yes.

12 Q. In other words, you could look at an IP address, find
13 out who -- what internet provider had that IP address, who
14 it was given to, and you could find out exactly where that
15 was, correct?

16 A. It depends on the IP address.

17 Q. Sure. But we don't have any of that information here,
18 correct, based on the records you saw today?

19 MS. WALCKER: Your Honor, objection. Beyond the
20 scope.

21 THE COURT: Overruled.

22 You may answer.

23 THE WITNESS: The IP addresses were not listed on
24 the exhibits.

25

1 BY MR. BRANDT:

2 Q. So we don't have them in those records you were shown,
3 correct?

4 A. No, I suppose not.

5 Q. Okay. So I think you testified that there's a -- you
6 checked the records, and Google did not have a server in
7 Minnesota?

8 A. During the time range that was on the subpoena, correct.

9 Q. Okay. Do you know if during that time range there was a
10 server in Wisconsin?

11 A. I am not sure, no.

12 Q. What about Iowa?

13 A. I do not know.

14 Q. North Dakota?

15 A. I'm not sure. The subpoena only requested Minnesota, so
16 that is the state that we looked in.

17 Q. Okay. And so I think what you're saying is if somebody
18 sends an email from Minnesota in that time period, it would
19 have to leave Minnesota because it would have to find a
20 Google server in another state, correct?

21 A. That's correct.

22 Q. If you send an email within a state that has a Google
23 server to a recipient within that state, would that stay
24 within the state?

25 A. It should, yes.

1 Q. Okay. So that wouldn't go into interstate commerce?

2 A. No.

3 Q. Okay. Does the, also, does the information that we have
4 here today -- if somebody sends me an email to my gmail
5 address, right, it doesn't show whether I opened that email
6 or not, does it?

7 MS. WALCKER: Your Honor, objection. Beyond the
8 scope.

9 THE COURT: Overruled.

10 THE WITNESS: I'm not sure what exactly you're
11 asking.

12 BY MR. BRANDT:

13 Q. You were shown some exhibits, correct?

14 A. Right.

15 Q. They were emails, right?

16 A. Right.

17 Q. They were from -- some of them were from gmail to gmail,
18 correct?

19 A. That's correct.

20 Q. So if -- let's say I'm the recipient of that gmail,
21 right?

22 A. Okay.

23 Q. And I have a gmail account, which I do. The information
24 that you had doesn't show whether I would have opened that
25 email; is that correct?

1 A. I'm not sure I can -- depending on the software that's
2 used to open the files that we produce, it kind of mimics a
3 user's inbox, and the emails will be shown in the folder
4 that -- it would kind of display if you were looking at your
5 own email address, which would include whether or not, I
6 guess, it was open or not, depending on if it was in the
7 unread folder, for example.

8 Q. And so what you're saying, though, is there's some other
9 information that might be on Google's servers somewhere that
10 could provide that information, correct?

11 A. Well, that information would be provided when we produce
12 the documents to law enforcement.

13 Q. And based on the documents you saw today, was any of
14 that information in those documents?

15 A. No. The documents were just showing the body of the
16 email, not the folders that the emails were in.

17 Q. Sure. Thank you.

18 MR. BRANDT: Nothing further.

19 THE COURT: Any other cross-examination?

20 MR. MOHRING: Your Honor, can we return to
21 sidebar? I'd just like to put something additional on the
22 record.

23 **(Sidebar discussion)**

24 THE COURT: Mr. Mohring.

25 MR. MOHRING: Thank you, Your Honor.

1 I just would ask the court to reconsider in light
2 of Rule 611(b), which does allow the court to exercise its
3 discretion to allow questioning that goes beyond the scope
4 of direct examination. We've been accommodating in allowing
5 these witnesses to come in. I'm just asking for a little
6 commensurate accommodation. I'm asking you to reconsider.

7 THE COURT: Ms. Walcker, I do have discretion to
8 do it. My concern is simply what the right witness is for
9 the emails that he wishes to get into evidence.

10 MS. WALCKER: Your Honor, I certainly don't
11 question the court's discretion; however, this is not the
12 witness to do so.

13 He doesn't have foundation. He's never read the
14 search warrant. He can't be crossed on the full scope of
15 Google's records. He only has reviewed these emails. He
16 wouldn't even recognize whatever other emails were at issue.
17 He's only reviewed those for purposes of his testimony
18 today.

19 So I just -- I think it's beyond the scope of what
20 he's here to do today, Your Honor.

21 THE COURT: All right. Thank you.

22 My ruling is going to stand.

23 **(In open court)**

24 THE COURT: Any redirect?

25 MS. WALCKER: No, Your Honor. Thank you.

1 THE COURT: You may step down. Thank you for
2 being here, sir.

3 THE WITNESS: Thank you.

4 **(Witness steps down)**

5 THE COURT: And the government may call its next
6 witness.

7 MR. THOMPSON: Thank you, Your Honor. Agent
8 Pitzen will be returning to the stand.

9 THE COURT: All right. Thank you.
10 I'm sorry. It's 10:30. Do you all want a break?
11 All right. Let's take a morning break.

12 Sorry, Agent Pitzen. He's about to come through
13 those doors.

14 10:45 we're going to come back. Thank you.

15 All rise for the jury.

16 (Recess taken at 10:27 a.m. till 10:47 a.m.)

17

18 **IN OPEN COURT**

19 **(JURY PRESENT)**

20 THE COURT: You may all be seated.

21 And we'll resume the testimony of Agent Pitzen,
22 who remains under oath.

23 BRIAN PITZEN,

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

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

2 MR. THOMPSON: Thank you, Your Honor.

3 DIRECT EXAMINATION (Resumed)

4 BY MR. THOMPSON:

5 Q. Welcome back, Agent Pitzen.

6 A. Thank you.

7 Q. When we left off at the end of the day yesterday, we
8 were going through some of the text messages that were
9 extracted or found on Abdiaziz Farah's phone; is that right?

10 A. Correct.

11 Q. And, specifically, we were talking about excerpts from a
12 WhatsApp messaging thread between Abdiaziz Farah and
13 Abdimajid Nur; is that right?

14 A. Correct.

15 Q. Two of the defendants in this case?

16 A. Correct.

17 Q. All right. I want to pick up where we left off.

18 And I think a lot of what we saw yesterday was
19 discussions of how to distribute money from the food
20 program; is that right?

21 A. Correct.

22 Q. And I assume you found more texts about that topic --

23 A. I did, yes.

24 Q. -- during your review of Abdiaziz Farah's phone?

25 A. Correct.

1 Q. I show you now what's been marked as H-51c. And is this
2 a text thread beginning on June 7th?

3 A. It is. 2021.

4 Q. 2021?

5 A. Yes, it is.

6 Q. Again, between Abdimajid Nur and Abdiaziz Farah?

7 A. Correct.

8 Q. Okay. I want to start just on page 2 here. Again,
9 Abdimajid Nur is in blue; is that right?

10 A. That is correct.

11 Q. Okay. And it starts, "Bro."

12 Do you want to go first?

13 A. Sure. "Bro."

14 Q. "What's up? About to knock out."

15 A. "Do you have an update on the amounts of the checks?"

16 Q. "Call Mahad, please. He told me he will work on it,
17 bro. So just give him time, bro?"

18 Beginning on page 3, in blue is Abdimajid Nur
19 again?

20 A. It is, yes. And it appears to be -- he's messaging over
21 what appears to be a screenshot.

22 Q. It's not letting me zoom here.

23 (Sotto voce discussion between counsel)

24 BY MR. THOMPSON:

25 Q. All right. I'm going to zoom in on this screenshot,

1 which is -- this is June 7th of 2021; is that right?

2 A. That is correct.

3 Q. Okay. All right. So this image that Abdimajid Nur
4 sends to Abdiaziz Farah appears to be a screenshot; is that
5 right?

6 A. It does, yes.

7 Q. What kind of screenshot?

8 A. It appears to be a screenshot of a text string on his
9 phone.

10 Q. And who's the string with? Who is the other
11 participant?

12 A. It lists Mahad. And then on top above that it says
13 "MI."

14 Q. Is there a Mahad I. in this case?

15 A. Mahad Ibrahim.

16 Q. Okay. And it starts -- if I'm reading this correctly,
17 the right side would be Abdimajid Nur in blue; is that
18 right?

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

20 Q. So he said, "558,000 to Empire Enterprises LLC; 248,000
21 Empire Cuisine & Market; \$200,037.77 to Empire Cuisine &
22 Market; 84,000, Nur Consulting."

23 Is that right?

24 A. Correct.

25 Q. And remind us again, we know Empire Cuisine & Market,

1 correct?

2 A. We do, yes.

3 Q. And Empire Enterprises, whose entity is that?

4 A. That is Abdiaziz Farah's entity.

5 Q. How about Nur Consulting?

6 A. That is Abdimajid Nur's entity.

7 Q. Okay. On this image here, how does Mahad Ibrahim
8 respond?

9 A. "Actually, that doesn't add up. A good chunk of the
10 money received doesn't go to Empire."

11 Q. "Where does it go? We still need to pay Plymouth."

12 A. "None of the Tot Park billing should be included."

13 Q. "Who was doing it? Tot Park was food that was going to
14 Plymouth."

15 A. "No."

16 Q. "Were you able to figure it out with Aziz?"

17 A. "He's supposed to send an update."

18 Q. Okay. And then Abdiaziz Farah responds to that image;
19 is that right?

20 A. Correct.

21 Q. And he says, "Let him have Tot Park. No worries.
22 What's the total remaining, bro?"

23 A. "Okay, bro. I'll have to do the math. I'm at Apple
24 RN."

25 Q. "Bro, just wait to hear back from Mahad, bro. Don't

1 worry."

2 I'm now going to show you Government
3 Exhibit H-51d. And is this another text thread between
4 Abdimajid Nur and Abdiaziz Farah?

5 A. It is.

6 Q. Again, Abdimajid Nur is in blue?

7 A. Correct.

8 Q. Do you want to read his portion? And I'll read Abdiaziz
9 Farah's.

10 A. "And Old National called me. They want an appointment
11 with us about Texas on the -- or something."

12 Q. "About what?"

13 A. "I told them I'll call them back. I'm busy RN."

14 Q. "RN" being right now?

15 A. Correct.

16 Q. "Texas? Who is that?"

17 A. "Tax, taxes."

18 Q. "What taxes, bro? Call them back, bro, and inquire."

19 A. "IDK. I'll call them back, bro."

20 Q. "Yeah, ask them, bro, and let me know. They just left
21 me a vmail."

22 A. "Okay, bro."

23 Q. "But I can't fall -- or call."

24 A. "NP, bro. I'll call."

25 Q. "Let me know what the F they want, bro. I am super

1 curious, bro."

2 A. "Okay, bro."

3 Q. "I talked to them."

4 A. "What'd they want?"

5 Q. "They need some info on our accounts and funding
6 sources. It's a long process, bro. They are asking us why
7 we have personal expenses on the business accounts. It just
8 needs to stop, bro.

9 "Also, if Mahad gives you checks, hold on. Don't
10 deposit anything yet, bro. Just make sure one check has
11 \$203,585 to Empire Cuisine & Market. That one needs to go
12 to U.S. Bank, and I will send the account number.

13 "The rest can go to Empire Cuisine & Market, bro.
14 No need for anything to Nur Consulting, bro."

15 A. "Okay, bro."

16 Q. "They just don't want to do personal spending, and it
17 will stop, and also transfers. I told them I will meet with
18 them second week of July, bro."

19 A. "Okay, bro."

20 Q. Now, to be clear at the beginning, on page 1 of this
21 Exhibit H-51d, Abdimajid Nur says Old National called him.
22 Do you know what Old National is?

23 A. I'm assuming he's referring to Old National Bank.

24 Q. That's a bank?

25 A. It is, yeah.

1 Q. And so this conversation is discussing what the bank
2 wanted and concerns that the banks raised?

3 A. That's my understanding, yes.

4 Q. Okay. I'm going to show you now what's been admitted as
5 H-51e, which is another text message thread between
6 Abdimajid Nur and Abdiaziz Farah. Okay?

7 A. Okay.

8 Q. And this one's on June 8th, 2021; is that right?

9 A. Correct.

10 Q. And, again, the discussion is the distribution of
11 Federal Child Nutrition Program funds?

12 A. Correct, checks.

13 Q. And I'll start by reading Abdiaziz Farah.

14 "Bro, checks are ready. Give the Bushra check to
15 Abdiwahab."

16 A. Abdimajid Nur responds, "I'm going to pick up right
17 after I'm done with Rashad, bro. So I'm picking up three
18 checks?"

19 Q. "Just two, bro."

20 A. "Okay, bro."

21 Q. And just to remind the jury, what's Bushra?

22 A. Bushra is an entity that's controlled by Said Farah and
23 Abdiwahab Aftin.

24 Q. "Bushra, Empire Cuisine & Market deposit into U.S. Bank.
25 I will text the account number."

1 A. "Okay, bro."

2 Q. "Can you call Hadith and do his request, bro?"

3 A. "Can you send me Hadith's number? Because I feel like I
4 have wrong number or something."

5 Q. And then there's a number listed; is that right?

6 A. Correct.

7 Q. Now, there's a Hadith involved in this case; is that
8 right?

9 A. There is.

10 Q. And what's his name?

11 A. Hadith Ahmed.

12 Q. And where did he work?

13 A. At Feeding Our Future.

14 Q. I'm going to show you now what's been marked, but not
15 admitted, as Government Exhibit P-9.

16 Do you recognize Government Exhibit P-9?

17 A. I do. That is a driver's license photograph of Hadith.

18 Q. Hadith Ahmed?

19 A. Correct.

20 Q. I'm going to show you another one. There's another
21 employee at Feeding Our Future named Aimee Bock; is that
22 right?

23 A. There is. She's the executive director there.

24 Q. And is Government Exhibit P-12 a photograph of Aimee
25 Bock?

1 A. It is, yes.

2 MR. THOMPSON: Your Honor, I move to admit
3 Government's Exhibits P-9 and P-12.

4 THE COURT: Any objection?

5 P-9 and P-12 are admitted and may be published.

6 BY MR. THOMPSON:

7 Q. All right. First, P-12, that's a picture of Aimee Bock;
8 is that right?

9 A. Correct.

10 Q. And P-9?

11 A. Hadith Ahmed.

12 Q. The Hadith Ahmed who testified previously in this trial?

13 A. That's my understanding, yes.

14 Q. All right. Now you found more -- did you find more
15 discussion, text message discussions, between Abdiaziz Farah
16 and Abdimajid Nur about Hadith Ahmed?

17 A. I did, yes.

18 Q. I'm going to show you one excerpt. Government
19 Exhibit H-51f.

20 Same setup here. Abdimajid Nur in blue; Abdiaziz
21 Farah in green?

22 A. Correct.

23 Q. And when does this text message exchange begin?

24 A. June 11th, 2021.

25 Abdimajid Nur begins by saying, "Did you ever talk

1 to Hadith? Okay. I talked to Anshur. Told him we are just
2 waiting on a day to start from MDE and we have the
3 sponsorship from Partners. He is asking about the May
4 money?"

5 Then there's a missed voice call. "And what's
6 your gateway email?" And another missed voice call.

7 Q. "Bro."

8 A. "My guy. Miss you, bro."

9 Q. "Miss you too, bro. Tell him he will get paid next week
10 as soon as we collect. Inshallah."

11 A. "Okay, bro. I will do that."

12 Q. Who's getting paid next week?

13 A. It looks like Abdimajid Nur.

14 MR. SAPONE: Objection.

15 MR. THOMPSON: Oh, sorry.

16 MR. SAPONE: Speculation.

17 THE COURT: Sustained.

18 BY MR. THOMPSON:

19 Q. Okay. Page 51g is another text message thread?

20 A. Correct.

21 Q. Is this a conversation on June 16th of 2021?

22 A. It is.

23 Q. Again, a discussion about the distribution of Federal
24 Child Nutrition Program funds?

25 A. Correct.

1 Q. I'll begin with Abdiaziz Farah in green.

2 "Bro, can you get the following out of Mahad ASAP,
3 please?"

4 And again, Mahad Ibrahim, what company does he
5 control?

6 A. ThinkTechAct, also known as Mind Foundry.

7 Q. That's the nonprofit that purported to run the sites?

8 A. Correct.

9 Q. Then there's a list of checks that he wants out of Mahad
10 or from Mahad; is that right?

11 A. Correct.

12 Q. "Empire Cuisine & Market, \$371,879.75. U.S. Bank.
13 Empire Cuisine & Market, \$689,218.44. Old National Bank.
14 Nur Consulting, \$47,890. Bushra Wholesale LLC, \$289,750.
15 Take it to Abdiwahab. Bushra Wholesale LLC, \$228,950. Take
16 it to Abdiwahab. I will come up with a plan for the
17 balance, bro."

18 A. Abdimajid Nur responds, "Okay, bro. Will do it right
19 away."

20 Q. And to be clear, these entities, are these -- whose
21 entities are these?

22 A. These are all entities that are controlled by the
23 defendants in this case.

24 Q. "Also, can you go to Taaj and sign the receipt, bro?"

25 Agent Pitzen, do you know what "Taaj" is?

1 A. Generally, yes, I'm aware. It's a money transfer type
2 of a business.

3 Q. And was there a Taaj outlet at or near Empire Cuisine &
4 Market?

5 A. There was. I've seen stickers on the door there
6 indicating Taaj.

7 Q. Okay.

8 "They haven't approved. They need a signed
9 receipt."

10 A. "Oh, okay, bro. I thought they would by now."

11 Q. "Where did you send it from, bro? They need to upload
12 it to the Dropbox. They should know it, but they didn't."

13 And to be clear, when you said "money transfer,"
14 that's a company that you can use to send money abroad; is
15 that right?

16 A. Correct.

17 Q. Remittances or other things, correct?

18 A. Correct.

19 Q. Moving down to page 2 of Government Exhibit H-51g.

20 A. "Bro, I'm going to Taaj right now. I'm just meeting
21 Mahad first at Maple Groove and then heading to Minneapolis.
22 I will go see what's up."

23 Q. And then Abdiaziz Farah texts to Abdimajid Nur what
24 appears to be a screenshot of a calculator?

25 A. Correct.

1 Q. That reads 171,735.83, correct?

2 A. Correct.

3 Q. And then he says, "Get that amount of check to Empire
4 Enterprises, bro."

5 And, again, whose entity is Empire Enterprises?

6 A. Abdiaziz Farah.

7 Q. "Thanks, bro."

8 A. "Okay, bro. Will do."

9 Q. "What did Taaj do?"

10 A. "Haven't gotten to it, bro. Sorry, busy day. But it's
11 on my list. I'll get to it today. Don't worry, bro."

12 Q. "Okay, bro."

13 A. "It's good to go, bro. It's sent. Got the check 17K
14 from Mahad, will deposit first thing tomorrow morning.
15 Deposited the other checks earlier today. Went by your
16 house couple times this week. No movement yet on land
17 scale. Scape. Text me the guy's number again, please."

18 Q. "Bro, did you make any deposits to Empire Enterprise?
19 Landscaping Company?"

20 A. "Not yet, bro. Today."

21 Q. "Inshallah. Also, did Abdiwahab get the checks from
22 you?"

23 A. "Yes, he did. Yesterday. Miss you, bro."

24 Q. "Me too, bro."

25 A. "Can you give me the contact number for breakfast

1 delivery for summer school?"

2 Q. And Abdiaziz Farah texts a phone number; is that right?

3 A. Correct.

4 "Thanks, bro. Spoke to the landscape guy today.
5 They're started on the 24th. If there's no weather delays.
6 Inshallah.

7 "What's the deal with Al-Ihsan? They want May
8 payments and waiting on word for the food. I know
9 everything didn't go through with Partners.

10 "One more thing. Yesterday I deposited the 371K
11 check into Empire Cuisine at Old National Bank accidentally.
12 I fixed it this morning and wrote a check of the full 371K
13 to the Empire Cuisine at U.S. Bank.

14 "Mohamed called me wondering if Mahad gave another
15 check for Empire except the 371K that he saw on the account.
16 I told him no and that he just gave me the 371K for Empire
17 and just the supplier's checks. I didn't mention the 689K
18 and the 171K and the 47K. Sorry for blowing up with texts.
19 Trying to keep you updated. Have fun, bro."

20 Q. "No worries, bro. Thank you for everything. I
21 appreciate it. I appreciate it a lot.

22 "For Al-Ihsan, tell them we are still waiting on
23 word from Partners on start date. We can't start without
24 approved applications, and they should have received the
25 email from Kara. We have completed all the paperwork on our

1 end, bro.

2 "As for payment, nothing has hit our account yet.
3 So hopefully Monday or Tuesday next week, inshallah."

4 And then there's a phone number.

5 "Also, call the Al-Sunnah imam and just tell him
6 that you deposited the checks and I will stop by Monday to
7 drop off checks for the Al-Sunnah mosque."

8 A. "Okay. I will do that, bro."

9 Q. And, Agent Pitzen, are you familiar with Al-Ihsan and
10 Al-Sunnah from the investigation?

11 A. I am, yes.

12 Q. How so?

13 A. They were set up as site -- food distribution sites.

14 Q. Finally, this continues on page 7, I believe. No, it
15 doesn't.

16 That's the end of Government Exhibit H-51g; is
17 that right?

18 A. I believe so, yes.

19 Q. Okay. I want to show you now H-51h, which is another
20 text thread involving checks and Hadith Ahmed. Okay?

21 A. Okay.

22 Q. Again, the participants, Abdimajid Nur in blue and
23 Abdiaziz Farah in green?

24 A. That's correct.

25 Abdimajid Nur starts by saying on June 18th, 2021,

1 "Bro, St. Cloud lady called, Somali Athletic Club lady. She
2 got the checks. Doesn't know where to take them. 127K
3 available for May, and the other will come Tuesday."

4 Q. "Make it out to Bushra Wholesale LLC. Also, can you
5 pick up checks from Hadith's office?"

6 Agent Pitzen, before we go on, St. Cloud Somali
7 Athletic Club, are you familiar with that?

8 A. I'm familiar that it was also set up as an alleged food
9 distribution site.

10 Q. All right. So after "Also, can you pick up checks from
11 Hadith's office," Abdiaziz Farah continues, "Today if you
12 are in Minneapolis. His office. I don't know if you know
13 it."

14 A. "Which checks? The St. Cloud lady?"

15 Q. "It's at the front desk. Ask for Aimee. It's one for
16 Madina and one for Dar Al-Farooq."

17 A. "Oh, okay. At Feeding Our Future?"

18 Q. "The Dar Al-Farooq goes to Mahad's U.S. Bank account,
19 and the one is made out to Empire. Yes, bro. Just let me
20 know of the amounts."

21 A. "The St. Cloud lady to the checks to Abdiwahab, BTW.
22 Okay?"

23 Q. "The St. Cloud lady to the checks to Abdiwahab, BTW.
24 Already dropped off or?"

25 A. "Yes. She was on her way to Minneapolis when she called

1 me. I told her we'll sort you 55 percent later when the
2 checks go through, because he can't write you a different
3 check today."

4 Q. "Okay, bro. Good call. Tell Abdiwahab he needs to talk
5 to me before he writes a check."

6 A. "Okay, bro."

7 Q. "Thanks, bro?"

8 And Abdiwahab Aftin, what company is a related to?

9 A. Bushra.

10 Q. All right. We've heard -- we've read through several
11 text messages talking about the Dar Al-Farooq site; is that
12 right?

13 A. Correct.

14 Q. Remind us again where that site's located.

15 A. That's located in Bloomington, Minnesota.

16 Q. Okay. And are there other text messages where they talk
17 about that Dar Al-Farooq site?

18 A. There is, yes.

19 Q. Including potential problems there?

20 A. Correct.

21 Q. I want to show you what's been marked as H-51i.

22 All right. So this is a text thread between
23 Abdiaziz Farah and Abdimajid Nur; is that right?

24 A. Correct.

25 Q. And what's the date?

1 A. June 20th, 2021.

2 Q. And this is a conversation about issues at the
3 Dar Al-Farooq site; is that right?

4 A. Correct.

5 Q. Abdimajid Nur begins; is that right?

6 A. He does.

7 Q. Go ahead.

8 A. "Bro, these Dar Al-Farooq kids are crazy. LOL. Did you
9 hear about what's going on with them? On*."

10 Q. "That's so crazy, bro. What happened to them, bro? Why
11 is Feeding Our Future closed?"

12 A. "Idk, bro. Their building was closed."

13 Q. And I'm going to skip ahead. There's some extraneous
14 conversation.

15 And then the thread continues a few minutes later.
16 Still on June 20th; is that right?

17 A. Correct.

18 He continues on, "There are so many more
19 "allegations" according to those boys."

20 Q. "That's so crazy, wallahi. Who is going this stuff? I
21 think they are after Afrique and UADEEG."

22 A. "Bro, there are more."

23 Q. Continuing on page 4, Abdimajid Nur sends a couple
24 screenshots; is that right?

25 A. Correct.

1 Q. What kind of screenshots are these? Are these --

2 A. Appears to be something like off his phone or --

3 Q. Okay. All right. So there's two and they're kind of
4 out of order here, but the one at the bottom of page 4 is
5 marked 1 of 2; is that right?

6 A. Correct.

7 Q. And it begins, "Attention parents: Reality is that this
8 was a hidden agenda to help collect the names of
9 participants of this basketball program. Along with this,
10 they have collected the names of every player's siblings'
11 names which had nothing to do with basketball. These names
12 were used to con the federal government of a federal budget
13 through a federal COVID-19 food program relief, a/k/a
14 UADEEG."

15 And then there's another one above that; is that
16 right?

17 A. Correct.

18 Q. What does it say there?

19 A. "Parents, your children have been exploited and used.
20 These kids are all minors, and these people cannot ask for
21 information without a parent consent. They took advantage
22 of the point that you guys may not be English speakers and
23 that it's simply just a basketball program to help your kid.

24 "Please check your names for any of your kids with
25 the government or ask these two men personally to confirm."

1 THE COURT: Members of the jury, you've just heard
2 and saw evidence of text messages that contain a complaint
3 by someone. That evidence is admitted to explain
4 defendants' notice of involvement of the alleged fraud. You
5 may not use this text message in the black there on the
6 exhibit as evidence of the truth of the allegations.

7 You may continue.

8 MR. THOMPSON: Thank you, Your Honor.

9 BY MR. THOMPSON:

10 Q. Agent Pitzen, after Abdimajid Nur sent these allegations
11 to Abdiaziz Farah, did they then exchange text messages or
12 WhatsApp messages discussing the allegations?

13 A. There was messages after that point, yes.

14 Q. And directing your attention here to a text at -- on
15 June 20th, 2:25 a.m., which is just a few minutes later,
16 right?

17 A. Correct.

18 Q. Abdiaziz Farah responds, "Deep stuff."

19 A. Abdimajid Nur responds, "Getting out of hand. And
20 they're trying to get influencers to try to share posts.
21 Instagram."

22 Q. "They are after Mukhtar and Arab. I needed to get that
23 check. Hahaha."

24 Do you know who Mukhtar is?

25 A. Mukhtar Shariff.

1 Q. And what site was he related to?

2 MR. MOHRING: Objection, Your Honor. Calls for
3 speculation.

4 THE COURT: Overruled. The answer will stand.

5 BY MR. THOMPSON:

6 Q. Do you know what site Mukhtar Shariff was related to?

7 A. Dar Al-Farooq.

8 Q. Continuing, Abdiaziz Farah says, "Feeding Our Future is
9 playing games."

10 A. "Who's the point fo contact, since Hadith is gone?"

11 Q. H-51j is more text messages exchanged between Abdiaziz
12 Farah and Abdimajid Nur the following day on June 21st,
13 2021; is that right?

14 A. Correct.

15 Q. And it begins -- Abdiaziz Farah begins with a long list
16 of checks that he wants written; is that right?

17 A. Correct.

18 Q. It begins, "ASC, bro. Hope you are doing well. When
19 you get a chance, please write the following checks to
20 As-Sunnah Islamic Center, \$70,250. Don't answer any
21 questions; and if he has concerns, he can talk to me. Make
22 sure to put program supplies on the check memo."

23 Again, Agent Pitzen, are you familiar with the
24 As-Sunnah Islamic Center?

25 A. I am, yes. It's an alleged food distribution site that

1 was established down in Shakopee.

2 Q. Then it continues, "MIB Holdings LLC, \$159,000. That's
3 to Mahad from Empire. MIB Holdings LLC, \$189,000. Please
4 have Abdiwahab write a check from Bushra LLC. Tell Mahad
5 the remaining balance I will write to him from another
6 company. 28,000, Al-Ihsan Islamic Center. You can give it
7 to Canshur or Fowzi, bro."

8 Agent Pitzen, are you familiar with the Al-Ihsan
9 Islamic Center?

10 A. I am, yes.

11 Q. How so?

12 A. It's another place that was set up as an alleged food
13 distribution site.

14 And just to make the record clear, before I stated
15 that As-Sunnah was in Shakopee. That's incorrect. It's
16 actually, I believe, in St. Paul, so.

17 Q. Okay. Do you know why Abdiaziz Farah, the owner of
18 Empire Cuisine & Market, was writing checks to these
19 centers?

20 MR. IAN BIRRELL: Objection. Calls for
21 speculation.

22 THE COURT: Overruled.

23 You may answer if you can.

24 THE WITNESS: I do not know why he'd be sending
25 money to these centers.

1 BY MR. THOMPSON:

2 Q. The centers at which he claimed to be serving meals?

3 MR. COTTER: Objection. Leading.

4 THE COURT: Sustained.

5 BY MR. THOMPSON:

6 Q. "No checks to any staff members or payroll for this
7 month. Please pick up DAR and Al-Madina check. Make sure
8 Al-Madina check is made out to Empire Enterprises. When you
9 get Al-Madina, please write a check to Mahir Transportation,
10 \$25,000; Mahad Abdulle, \$23,000. The Mahir check and Mahad
11 Abdulle check goes to Abdullahi at Faribault, inshallah.

12 "Also, did we pay Owatonna and Plymouth folks?
13 Confirm with Mahad. Also, please ask Mahad why Plymouth
14 didn't submit billing so that we can get paid for May, bro.
15 If anything doesn't make sense, please let me know, bro."

16 Is that right?

17 A. That's what it says, yes.

18 Q. Now, Agent Pitzen, I want to go back to these checks
19 that Abdiaziz Farah wants written to the As-Sunnah Islamic
20 Center and the Al-Ihsan Islamic Center.

21 Just to be clear, those were distribution sites;
22 is that right?

23 A. Correct.

24 Q. So what supposedly was going to be happening there?

25 A. It's my understanding that they would be providing meals

1 as part of the Federal Child Nutrition Program.

2 Q. And that's what their -- their claims to MDE claimed
3 that they did, correct?

4 A. Correct, using those as sites to distribute food.

5 Q. And those were sites under Mind Foundry or ThinkTechAct?

6 MR. IAN BIRRELL: Objection. Leading.

7 THE COURT: Sustained.

8 BY MR. THOMPSON:

9 Q. Were they?

10 A. They were, yes.

11 Q. What was -- Abdiaziz Farah, what company did he own?

12 A. Empire Enterprises.

13 Q. And what was -- or Empire --

14 A. Cuisine & Market and Empire Enterprises.

15 Q. And what was Empire Cuisine & Market's role with respect
16 to these alleged food distribution sites?

17 A. It was the alleged vendor.

18 Q. And what does that mean?

19 A. Like the -- the vendor of the food that would have been
20 provided.

21 Q. So, in theory, the sites or the nonprofit was paying
22 Empire Cuisine & Market for food?

23 MR. IAN BIRRELL: Object. Leading.

24 THE COURT: Overruled.

25 You may answer.

1 THE WITNESS: Can you restate the question?

2 BY MR. THOMPSON:

3 Q. So if they're the vendor, who should be paying who?

4 A. The -- the nonprofit should be paying the vendor to
5 provide the food.

6 Q. Okay. Is there a reason or do you have any idea why the
7 vendor would be paying the site?

8 MR. IAN BIRRELL: Object. Calls for speculation.

9 THE COURT: Overruled.

10 You may answer if you can.

11 THE WITNESS: I do not.

12 BY MR. THOMPSON:

13 Q. All right. How does Abdimajid Nur respond to this
14 request to write all these checks?

15 A. "Okay, bro. Got it. I'll let you know, bro."

16 Q. "Okay, bro. Thanks a lot."

17 A. "OFC, bro. Bro."

18 Q. Continuing on page 2, Abdiaziz Farah responds, "What's
19 up, bro?"

20 A. "I'm at Feeding Our Future. Aimee is not here. But
21 they looking forward checks in her office."

22 Q. "It's at the front desk."

23 A. "Both checks?"

24 Q. "Yes, bro."

25 A. "Okay, bro. Well check. I'll keep you updated."

1 Q. "Tell them to call Aimee."
2 A. "Okay, bro."
3 Q. "I can text if they can't find it."
4 A. "Okay, bro. I'll let you know. So many people here. I
5 think they doing some training or something. Are we under
6 Midwest?"
7 Q. "No, bro. Madina. Dar Al-Farooq. Madina check needs
8 to be made out to Empire Enterprise."
9 A. Is it Al-Madina or Madina? And Dar Al-Farooq they are
10 saying May is not ready. Aimee is not answering her phone."
11 Q. "Madina made out to Empire."
12 A. "Madina Academy? So many Madinas."
13 Q. "Madina Grocery. Bro, check should say Al-Madina."
14 A. "Dar Al-Farooq check for May is nothing here."
15 Q. "Should say Empire Enterprise."
16 A. "Okay, bro. They are checking Madina. Dar Al-Farooq
17 will be ready Friday."
18 Q. "Check Madina."
19 A. "They have one for Empire Cuisine check."
20 Q. "How much?"
21 A. "But they don't know what it is. It just says Empire
22 Cuisine."
23 Q. "It's for Madina. Take that one, bro."
24 A. "Okay, bro. Just take as it is?"
25 Q. Continuing on page 5.

1 A. "Or should they redo it as Empire Enterprise?"

2 Q. "It's fine, bro."

3 A. "Okay, bro. Bro, they are saying they can't give me the
4 check."

5 Q. "WTF?"

6 A. "Aimee has to approve it."

7 Q. "How much is it?"

8 A. "And she not answering calls. She went home. It's in
9 envelope."

10 Q. "We will come back, bro. No worries."

11 A. "Okay, bro. She said Aimee will call me tomorrow."

12 Q. "Okay, bro. That's crazy. I sent her a text."

13 A. "We went through all that trouble trying to find the
14 check just to say they can't give it to me. That's crazy,
15 bro. But I'm heading to Abdufadi RN."

16 Q. "It's fucked up. Sorry, bro."

17 A. "It's not your fault, bro. Hopefully Aimee calls back
18 today and I can get it later."

19 Q. "No problem, bro. She will text me, bro."

20 A. "Okay. And Dar Al-Farooq wasn't even there. They said
21 it wasn't ready."

22 Q. "That's messed up."

23 All right. Government Exhibit H-51k is a further
24 discussion of the Dar Al-Farooq check; is that right?

25 A. Correct.

1 Q. On June 21st. So later that day?

2 A. Correct.

3 Q. And Abdimajid Nur begins this conversation; is that
4 right?

5 A. He does. He begins by saying, "Bro."

6 And then, again, there's a screenshot, which
7 appears to be from his phone, that he's sending to Abdiaziz
8 Farah. Again, it appears to have come from Mahad Ibrahim.

9 Q. Okay. And if I'm reading this correctly, Abdimajid Nur
10 would be in blue on this one?

11 A. Correct.

12 Q. He "just had some MIB Holdings checks for you."

13 A. "Can you deposit? Did you go to FOF?"

14 Q. "Yeah. They messed me up today."

15 A. "You asked the wrong thing. You should have looped me
16 in."

17 Q. "I was told they were ready and they just need to be
18 picked up. Did you get in contact with them?"

19 A. "They reached out. Said someone was asking for a
20 change. But the check shouldn't be written to Empire. It
21 should go to TTA."

22 Q. Do you know what TTA is?

23 A. ThinkTechAct.

24 Q. That's Mahad's company?

25 A. Correct.

1 Q. And then Abdiaziz Farah responds by sending a screenshot
2 of his own text message conversation with Mahad Ibrahim; is
3 that right?

4 A. Correct.

5 Q. And it says Abdiaziz -- it appears that Abdiaziz is
6 saying to Mahad Ibrahim the following: "FOF is confused,
7 bro. DAR check is always made out to TTA. They lied to
8 you. The check that should be made out to Empire is the one
9 for Al-Madina Grocery, which I am a vendor for. That's all.
10 Anyway, it's all good. I will let you figure out. The DAR
11 should and has always been made to TTA."

12 Is that right?

13 A. Correct.

14 Q. And who's saying -- is that Mahad Ibrahim talking,
15 maybe?

16 A. It appears that it might be Abdiaziz Farah because he
17 says, I'm the "vendor for that. That's all."

18 Q. Okay. Continuing on the second page of Government
19 Exhibit H-51k.

20 "Mahad is always crying about stuff. It's all
21 good now."

22 A. "Okay, bro. Get some sleep, man."

23 Q. "The Madina check is supposed to go to Empire, and
24 that's no-brainer. Madina Grocery & Restaurant,
25 ThinkTechAct Foundation, Dar Al-Farooq."

1 A. "Okay, bro."

2 Q. Agent Pitzen, are you familiar with Madina Grocery &
3 Restaurant?

4 A. I am, yes.

5 Q. How so?

6 A. That was a grocery store/market that was set up as an
7 alleged food distribution site down in Faribault, Minnesota.

8 Q. I'm going to show you now Government Exhibit H-511.

9 Is this a further text exchange between Abdimajid
10 Nur and Abdiaziz Farah on June 23rd of 2021?

11 A. It is, yes.

12 Q. And it starts with Abdiaziz forwarding another
13 screenshot; is that right?

14 A. Correct. That's what it appears to be.

15 Q. And this is a screenshot from Jodie Luzum, the director
16 of operations of Partners in Quality Care?

17 A. Correct.

18 Q. To Mahad Ibrahim and Abdiaziz Farah?

19 A. That's what it says, yes.

20 Q. And what's the subject line?

21 A. Al-Ihsan Check.

22 Q. And the body reads, "Good morning. We have a check for
23 Al-Ihsan for April and May. Would you like to come to the
24 office to pick this up? Thanks."

25 How does Abdimajid Nur respond after he receives

1 that screenshot?

2 A. "Yeah, bro. Mahad is not here? What checks?"

3 Q. "When is he coming back?"

4 A. "Next week."

5 Q. "The Al-Ihsan checks, when they are ready."

6 A. "Okay, bro."

7 Q. "Total Al-Ihsan will be \$271,385. Bushra Wholesaler,
8 \$171,385. Empire Cuisine & Market, \$100,000."

9 He seems to be splitting up the money; is that
10 right?

11 A. That's the way it appears.

12 MR. SCHLEICHER: Objection. Leading.

13 THE COURT: Sustained.

14 BY MR. THOMPSON:

15 Q. What appears to be going on there, mathematically?

16 A. It appears as though they are taking kind of the checks
17 that they receive from the federal nutrition program from
18 Partners in Nutrition and kind of splitting out the cuts.

19 Q. And here what's the split of this \$271,385 for food
20 purportedly distributed at the Al-Ihsan site?

21 A. So Bushra Wholesale would be getting \$171,385, Empire
22 Cuisine & Market \$100,000.

23 Q. "Also, any news on Madina and Dar Al-Farooq?"

24 A. "Nope. I was told Friday. Which Empire Cuisine?
25 U.S. Bank or Old National?"

1 Q. "The U.S. Bank."

2 A. "Okay. And, bro, this week those stupid questions need
3 to be answered because that guy is bugging. Also, your
4 landscape is almost finished. Today or tomorrow. And I'll
5 be watering them till you get here. And you have couple of
6 chairs coming tomorrow."

7 Q. "Thank you so much, bro."

8 Continuing on page 3 of Government Exhibit H-511,
9 Abdiaziz Farah continues, "I will answer those questions
10 Friday, bro, for sure. Yo, bro."

11 A. "Yeah, bro."

12 Q. "Don't forget Al-Ihsan check, bro. Inshallah."

13 All right. I'm going to -- we have at least one
14 more exchange here about the checks, correct?

15 A. Correct.

16 Q. H-51m. This is June 25th of 2021; is that right?

17 A. Correct.

18 Q. And Abdimajid Nur begins this text exchange with a
19 photo; is that right?

20 A. Correct.

21 Q. And what's the photo of?

22 A. The photo is of two checks that were written from
23 Feeding Our Future. One was written to ThinkTechAct
24 Foundation for \$478,016, and the second check was written
25 from Feeding Our Future to Empire Cuisine in the amount of

1 \$396,924.

2 Q. And those checks are both dated June 17th of 2021; is
3 that right?

4 A. They are, yes.

5 Q. Who are they signed by?

6 A. It appears to be signed by Aimee Bock.

7 Q. And Abdiaziz continues by instructing Abdimajid Nur what
8 to do with the money; is that right?

9 A. Correct.

10 Q. "Thanks, bro. TTA goes to Mahad, U.S. Bank, and the
11 other one to Old National Bank, Empire Cuisine, bro."

12 A. "Will do, bro."

13 Q. "Did the Faribault guy get his check?"

14 A. "Yes."

15 Q. "That's awesome, bro."

16 A. "Miss you, bro."

17 Q. "Total Al-Ihsan will be \$271,385. Bushra Wholesale,
18 \$171,385. Empire Cuisine & Market, \$100,000, U.S. Bank.
19 Miss you, bro, for real."

20 A. "Okay. I have to wait till Mahad gets back. He'll have
21 to write checks to us."

22 Q. "No worries at all."

23 A. "Okay, bro."

24 Q. All right. Agent Pitzen, I want to change gears for a
25 second here, if you don't mind.

1 A. Sure.

2 Q. I'm sure you don't.

3 The text messages we've been going through, both
4 this morning and yesterday afternoon, were taken based on a
5 review of Abdiaziz Farah's phone; is that right?

6 A. Correct.

7 Q. And that was obtained during the execution of a search
8 warrant on his residence?

9 A. That is correct.

10 Q. On January 20th of 2022?

11 A. Correct.

12 Q. That day agents also searched Mohamed Ismail's home; is
13 that right?

14 A. They did, yes.

15 Q. And did they recover a phone from him?

16 A. They did, yes.

17 Q. Was that phone processed by Vicki Klemz, the FBI tech
18 person, in a similar manner to which Abdiaziz Farah's phone
19 was processed?

20 A. It was, yes.

21 Q. And did you look at that Cellebrite extraction data --

22 A. I have, yes.

23 Q. -- of that phone?

24 A. Yes.

25 Q. And could you tell us just a little bit generally about

1 what you did?

2 A. So essentially what I did is the same -- same type of
3 thing we did with Abdiaziz Farah's phone.

4 Ms. Klemz from FBI, who is the computer
5 investigative specialist, would have done kind of the
6 processing/imaging of the phone, converted the information
7 into the Cellebrite report, which is similar to Mr. Abdiaziz
8 Farah's phone, and then taken excerpts out of that
9 Cellebrite report and put it into a more readable, legible
10 format, similar to what we did with Abdiaziz Farah's phone.

11 Q. Okay. And you reviewed that material?

12 A. I have, yes.

13 Q. Again, for similar information?

14 A. I have, yes.

15 Q. I want to talk about just first off -- well, you found
16 on that a long WhatsApp text message thread between Abdiaziz
17 Farah and Mohamed Ismail; is that right?

18 A. It was quite long, yes.

19 Q. Okay. Before I get to that portion, I want to ask you
20 what's the relationship of those two?

21 A. So they're both business partners in Empire Cuisine &
22 Market.

23 Q. Partners in that enterprise?

24 A. Correct.

25 Q. Okay. And I want to admit or show you what's been

1 marked, but not admitted, as Government Exhibit P-2.

2 Do you recognize that photo?

3 A. I do. It's a driver's license photo of Mahad Ismail.

4 MR. THOMPSON: Your Honor, I'd move to admit
5 Government Exhibit P-2.

6 MR. COTTER: No objection.

7 THE COURT: P-2 is admitted.

8 MR. THOMPSON: Thank you, Your Honor.

9 BY MR. THOMPSON:

10 Q. That's Mr. Ismail on the screen?

11 A. It is.

12 Q. One of the defendants in the case?

13 A. Correct.

14 Q. Okay. And you said he and Abdiaziz Farah were partners
15 in Empire Cuisine & Market; is that right?

16 A. That is correct.

17 Q. You looked at their rather lengthy WhatsApp thread; is
18 that right?

19 A. I have, yes.

20 Q. And it's really long, correct?

21 A. Correct.

22 Q. We're going to look at just a few excerpts. But can you
23 give us a sense of generally what they discussed?

24 A. Yeah. So this particular WhatsApp message dated back
25 well before this alleged scheme, back 2018, 2019. So it was

1 over a several-year time period. There was quite a bit of
2 conversation messaging back and forth regarding kind of the
3 day-to-day operations of Empire Cuisine & Market.

4 Q. When you say "the day-to-day operations of Empire
5 Cuisine & Market," what do you mean?

6 A. It would be anything from staffing issues, supplies,
7 ordering supplies, items that market or cuisine was out of,
8 kind of a whole host of operational-type conversation.

9 Q. Staffing issues, you said. What do you mean by that?

10 A. Like employees, who was going to be there when, timing,
11 who was going to be working when.

12 Q. People calling in sick, stuff like that?

13 A. Correct.

14 Q. You said supplies issues. What do you mean by that?

15 A. Well, like supplies to run the market, so -- or the -- I
16 guess the restaurant side of it, so whether that be, hey,
17 barbecue sauce, out of barbecue sauce, or, you know, just
18 specific type of food items or other items that the cuisine
19 and market would have been running low on or out of.

20 Q. Okay. That doesn't seem super similar to what we saw
21 when you looked at Abdi -- the text between Abdiaziz Farah
22 and Mahad Ibrahim and also Abdiaziz Farah and --

23 MR. SCHLEICHER: Objection. Leading,
24 argumentative.

25 THE COURT: Can you --

1 MR. THOMPSON: Just trying to direct him, Your
2 Honor.

3 MR. SCHLEICHER: Could we have a sidebar, Your
4 Honor?

5 THE COURT: You may.

6 **(Sidebar discussion)**

7 THE COURT: Mr. Schleicher.

8 MR. SCHLEICHER: Thank you.

9 Your Honor, I guess at this point I just have to
10 ask for a standing objection to the manner of questioning
11 that's being conducted by the government in these witnesses.

12 They're perpetually leading, argumentative. It's
13 essentially testimony by the questioner. And I would -- it
14 would be impossible for me to stand up and lodge an
15 objection to each and every time that it happens. I mean,
16 the record will speak for itself. This is a pattern that's
17 developed over the last several days.

18 And we're getting to the point where I believe
19 that it's depriving my client of a fair trial. I don't know
20 whether I'm going to be cross-examining the witness or the
21 prosecutor, given the information that's being supplied to
22 the jury through the form of the question.

23 And I ask that the court admonish the prosecutor
24 to phrase the questions in an appropriate direct examination
25 fashion. When an exhibit is being published, to simply

1 publish the exhibit and read it; and if he needs to follow
2 up on it, do so after the fact. But this manner of
3 questioning, it's just impossible to respond to.

4 THE COURT: Mr. Thompson.

5 MR. THOMPSON: Your Honor, I'm not sure I
6 understand the objection.

7 The question here was trying to direct him. It
8 was, I think, a 15- or 1600-page-long text message thread
9 between Abdiaziz Farah and Mahad Ismail. Obviously asking
10 him, What did you see in the text thread is rather
11 open-ended. He could talk for hours about it. And I'm
12 trying to direct him to the relevant portions to get through
13 this testimony.

14 With respect to the text -- and I don't think
15 that's objectionable. Just because a question asks for a
16 yes-or-no answer doesn't mean it's inherently leading. And
17 certainly directional questions are appropriate and make the
18 proceedings more efficient.

19 And this question, in particular, I don't think is
20 argumentative or inflammatory in any way. If anything, it's
21 good for Mahad Ismail, and it's important to get it out
22 there, and I can't get it out there unless I direct the
23 agent to what I'm asking about.

24 With respect to the text messages, we're trying to
25 read them. I'm trying to do a limited amount of commentary.

1 And I ask some follow-up questions, but I haven't been
2 asking highly objectionable questions and adding snark in.
3 And that's for a reason. I'd love to add snark, but I know
4 that's not appropriate.

5 MR. SCHLEICHER: It isn't.

6 I just want to address the last question, which
7 wasn't a question. What the prosecutor did was note his
8 opinion that these texts are dissimilar than other evidence
9 that we've seen. I mean, it's clearly improper. It's
10 clearly leading and argumentative.

11 THE COURT: All right.

12 MR. SCHLEICHER: And it just needs to stop.

13 THE COURT: A standing objection in the manner
14 that you're asking for, Mr. Schleicher, isn't available
15 under the Rules of Evidence. It isn't proper. And I don't
16 know how I would manage the courtroom with it.

17 I have taken every leading objection as it comes,
18 and I have sustained when they're appropriate, and that's
19 what I'll continue to do.

20 You're going to have to make every objection to
21 the questions. There just isn't a standing objection that's
22 appropriate in what you're saying. If you wish to make
23 every objection for every question, you're going to have to
24 do that.

25 MR. SCHLEICHER: Thank you, Your Honor.

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(In open court)

THE COURT: The objection to the last question is sustained.

Rephrase, please.

BY MR. THOMPSON:

Q. Agent Pitzen, we just talked at some length and reviewed emails between Abdiaziz Farah and Mahad Ibrahim about their involvement in the child nutrition program; is that right?

A. Correct. WhatsApp messaging, yes.

Q. WhatsApp messaging. And, generally, what kind of matters did they discuss with respect to the program?

MR. COTTER: Your Honor, I just want to object.

I think you said Mahad Ibrahim. Are we still talking about Mohamed Ismail?

MR. THOMPSON: Right now I'm talking about Mahad Ibrahim.

MR. COTTER: We are?

MR. THOMPSON: Yup.

THE WITNESS: Can you rephrase the question one more time? Sorry.

BY MR. THOMPSON:

Q. When Abdiaziz Farah and Mahad Ibrahim was talking about the food program, what did they talk about most?

A. They were talking about checks, divvying up money.

Q. How about when Abdiaziz Farah and Abdimajid Nur

1 discussed their involvement in the food program? What did
2 they discuss most?

3 A. The discussion there was about where the money was going
4 to go, how the checks were going to be split.

5 Q. When Abdiaziz Farah and Mohamed Ismail discussed the
6 operation of Empire Cuisine & Market, that store in
7 Shakopee, what did they discuss most?

8 A. They discussed most the operations of the store.

9 Q. What kind of operations of the store?

10 A. Day-to-day operations of running Empire Cuisine &
11 Market, the retail location, ordering food, arranging for
12 employees, you know, dealing with sick employees who were
13 calling in sick, things of that nature.

14 Q. How often did Abdiaziz Farah and Mohamed Ismail message
15 each other about logistics of running the Empire Cuisine &
16 Market, the actual market itself?

17 A. It was quite frequent.

18 Q. There are some texts between Abdiaziz Farah and Mohamed
19 Ismail about the food program; is that right?

20 A. There was, yes.

21 Q. Not a ton?

22 A. I think that's fair to say.

23 Q. I'd like to show you -- well, let me just tell you.

24 There's government exhibits -- well, I'll show you.

25 These are not in evidence yet, Your Honor.

1 H-73h, H-73i, H-73k, H-73l, and H-73m. Are they
2 excerpts of WhatsApp messages between Abdiaziz Farah and
3 Mohamed Ismail?

4 A. They are.

5 Q. And were these exhibits created in the same manner in
6 which the other ones were?

7 A. They were.

8 MR. THOMPSON: Your Honor, I'd move to admit
9 Government Exhibits H-73h, H-73i, H-73k, H-73l and H-73m.

10 THE COURT: Any objection?

11 MR. COTTER: No objection.

12 MR. IAN BIRRELL: No objection to their being
13 conditionally admitted.

14 THE COURT: These exhibits are conditionally
15 admitted.

16 MR. THOMPSON: Thank you, Your Honor.

17 BY MR. THOMPSON:

18 Q. Agent Pitzen, I'm showing you now what's been -- what's
19 Government Exhibit H-73h. Okay.

20 And this is another WhatsApp message thread; is
21 that right?

22 A. Correct.

23 Q. And who are the participants to this thread?

24 A. It is Abdiaziz Farah in the blue, and then Mohamed
25 Ismail in the green.

1 Q. And in the upper right, there's some -- there's an email
2 account and some other information there. Can you describe
3 that for us?

4 A. Correct. So that's an email address associated with
5 Mr. Ismail and then obviously in parenthesis there Mohamed
6 Ismail.

7 Q. And this is -- other than the parenthesis, this other
8 stuff is what showed up actually in the phone itself; is
9 that correct --

10 A. Correct.

11 Q. -- on the WhatsApp thread?

12 Abdiaziz Farah is in blue?

13 A. Correct.

14 Q. And Mohamed Ismail in green?

15 A. Correct.

16 Q. Why don't you read Abdiaziz Farah's part?

17 A. "You ready?"

18 Q. "Yes."

19 A. And then Abdiaziz Farah sends a link to a MBUSA with a
20 vehicle -- a link to a specific Mercedes-Benz vehicle.

21 "What do you think? I picked up 536,000 from Kara
22 and waiting on 287,980 next week. Inshallah."

23 Q. "That's what's up."

24 A. "Inshallah."

25 Q. "We can go to Haj for."

1 A. "Haha. Hahaha. Let's not go there now."

2 Q. And that's on March 10th of 2021; is that right?

3 A. Correct.

4 Q. There's a further discussion in Government
5 Exhibit H-73i. And this is on May 6th of 2021; is that
6 right?

7 A. Correct.

8 Q. And Abdiaziz Farah sends a series of messages to Mohamed
9 Ismail, his business partner; is that right?

10 A. He does.

11 Q. First one is an image, correct?

12 A. That is correct.

13 Q. Could you describe the image?

14 A. It appears to be a U.S. Bank deposit slip in the amount
15 of \$462,861 dated May 6th, 2021.

16 He then also responds by messaging, "We are
17 missing \$78,950 from Kara for summer. She is processing it.
18 Also 1506, Dar Al-Farooq from Mahad. That's just for March.
19 April, inshallah, next week will be processed. So we should
20 have close to 1.5M by end of May, bro. Inshallah."

21 Q. And again, Agent Pitzen, you're familiar -- we talked
22 about Dar Al-Farooq earlier; is that right?

23 A. Correct.

24 Q. 1506, are you familiar with that?

25 A. I'm familiar with a 1501, but the number 1506 I don't

1 know for certain.

2 Q. Okay. H-73k is an additional text message exchange on
3 June 3rd; is that right?

4 A. Correct.

5 Q. Between Abdiaziz Farah and Mohamed Ismail?

6 A. Correct.

7 Q. Abdiaziz Farah is in blue?

8 A. Correct.

9 Q. Go ahead.

10 A. "He hates his job, bro."

11 Q. "I know, but he's better than Shafi."

12 A. "Shafi made you a multimillionaire, bro. Remember when
13 we started the food at Empire? Be smart. Don't be like
14 Asiya. Jks."

15 Q. H-73l. Additional texts between these two, Abdiaziz
16 Farah and Mohamed Ismail, on August 19th of 2021?

17 A. Correct.

18 Q. Mohamed Ismail begins with a list of names and numbers;
19 is that right?

20 A. Correct.

21 Q. Or dollar amounts?

22 A. Correct.

23 Q. "Clifton, 4500; Istar, 2,000; deposit truck, 2500; Wells
24 Fargo, MZ Market, \$35,000; Bank of America, \$15,000;
25 Owatonna, \$79,000; Afrique, \$69,000; Al-Ihsan, \$5,000;

1 Abdimajid, \$5,000; Afro Produce, \$22,875. Mahad? Aziz,
2 \$100,000; Moha, \$100,000. That's what I have so far."

3 A. "Thanks, bro. Let's get payroll stuff situated."

4 Q. H-73m is an additional text exchange a couple days later
5 on August 21st of 2021; is that right?

6 A. Correct.

7 Q. And these are -- I say "exchange." But they're texts
8 from Abdiaziz Farah to Mohamed Ismail; is that correct?

9 A. That is correct.

10 Q. Could you read what Abdiaziz Farah texted to Mohamed
11 Ismail that day?

12 A. "Just a head's up, bro. Here's what I did with my
13 \$100,000. 12,000, Abdiwahab; \$25,000, check; \$62,500, GMC.
14 My money is done except the \$10,000 check I gave you to MZ
15 today. We can do that math later. Inshallah. I also wrote
16 a check for Afro Produce and Afrique. Only person left is
17 Mahad and Abdimajid, bro. I am headed home now. Inshallah.
18 Holla whenever you can, bro.

19 "Clifton Townhomes approved in CLiCS. We need a
20 roster from this site so that we can get you set up in
21 software.

22 "Bro, we are good to go for Clifton. We need
23 names ASAP. So put your H to work, bro."

24 And then Abdiaziz Farah sends over an attachment
25 titled atriskblankroster.xlsx to Mohamed Ismail.

1 Q. Agent Pitzen, are you familiar with something called
2 Clifton from the investigation?

3 A. I am, yes. That was another one of the alleged food
4 distribution sites.

5 Q. Clifton Townhomes?

6 A. Correct.

7 Q. Agent Pitzen, I want to show you some of the sites. You
8 said that you've been to a bunch of the sites; is that
9 right?

10 A. I've been to a fair number of them, yes.

11 Q. And yesterday you told us about sites in Faribault,
12 Minnesota; is that right?

13 A. Correct.

14 Q. How many sites did this group have in Faribault,
15 Minnesota?

16 A. There was six sites in Faribault.

17 Q. Okay. I'm going to show you now photos of several of
18 them. Okay?

19 A. Sure.

20 Q. Starting with --

21 And these are not in evidence, Your Honor.

22 C-146, Agent Pitzen, do you recognize this
23 photograph?

24 A. I do, yes.

25 Q. And what is it?

1 A. This is a photograph of Four Seasons Apartments in
2 Faribault, Minnesota.

3 Q. Couple pictures here; is that right?

4 A. Correct.

5 MR. THOMPSON: Your Honor, I'd move to admit
6 Government Exhibit C-146.

7 MR. MOHRING: Objection. Vagueness.

8 Can we get a time frame, please?

9 THE COURT: Sustained.

10 Can you provide additional foundation?

11 MR. THOMPSON: Yes, Your Honor.

12 THE WITNESS: Time frame as far as when this
13 picture was taken?

14 BY MR. THOMPSON:

15 Q. Correct.

16 A. What are -- we are in May now? So that would have been
17 March, I believe, of this year.

18 Q. This year.

19 MR. THOMPSON: Your Honor, I'd move to admit
20 Government Exhibit C-146.

21 THE COURT: Any objection?

22 C-146 is admitted and may be published.

23 MR. THOMPSON: Thank you, Your Honor.

24 BY MR. THOMPSON:

25 Q. All right. Agent Pitzen, what are we looking at here?

1 A. This right here is kind of the sign in front of one of
2 the buildings at Four Seasons Apartments. Again, this is an
3 apartment complex that has -- I believe there's five
4 buildings total, four of which are actually like apartment
5 buildings. And then there's also an office location kind of
6 in the middle.

7 This is on, I guess, the -- I would say the west
8 side of Four Seasons Apartments. And the east side, the
9 other parking lot, is the site location where they had set
10 up the alleged food distribution site called Autumn
11 Holdings.

12 Q. And I think we saw some pictures of Autumn Holdings
13 yesterday; is that correct?

14 A. Correct.

15 Q. And page 2 is another photo of this complex; is that
16 right?

17 A. That's correct.

18 So this here is where the leasing office is for
19 Four Seasons Apartments. And this is the address that was
20 listed on the applications in the CLiCS system as the
21 alleged food distribution site at Four Seasons.

22 Q. And how many meals a day were being claimed at the two
23 sites at the Four Seasons Apartments?

24 A. Between those two locations, Autumn Holdings and Four
25 Seasons, for a period of time it was a thousand meals per

1 day.

2 Q. I'm going to show you now what's been marked as
3 Government Exhibit C-154.

4 Well, you said there was other sites nearby here;
5 is that correct?

6 A. Correct.

7 Q. What were they called?

8 A. So there was a site across the street that was called
9 Greenwood Place Apartments, and then one kind of around the
10 corner from Greenwood Place that was called Life Style
11 Apartments.

12 Q. I'm showing you now Government Exhibit C-154. Do you
13 recognize this photograph?

14 A. Yes. It's a photograph of Life Style Apartments.

15 Q. And when was this taken?

16 A. A similar time frame, approximately March of this year.

17 Q. This spring?

18 A. Correct.

19 MR. THOMPSON: Your Honor, I'd move to admit
20 Government's Exhibit C-154.

21 THE COURT: Any objection?

22 C-154 is admitted and may be published.

23 BY MR. THOMPSON:

24 Q. Agent Pitzen, can you describe what's depicted here?

25 A. So this is a picture taken from the street of kind of

1 the -- the front building, the main entrance of Life Style.

2 Q. At the Life Style Apartments?

3 A. Correct.

4 Q. And where was this located?

5 A. Faribault, Minnesota.

6 Q. Okay. Near the other ones?

7 A. Correct.

8 Q. Thank you.

9 All right. There were other sites in Faribault,
10 is that right, that were not in this sort of
11 townhome/apartment complex area? Is that right?

12 A. Correct.

13 Q. What were they called?

14 A. There was one alleged food distribution site, the Somali
15 Community Resettlement Services, and then another one at
16 Madina Grocery & Market.

17 Q. And we have photos of those sites as well; is that
18 right?

19 A. We do, yes.

20 Q. I'm going to show you what's been marked, but not
21 admitted, as Government Exhibit C-272.

22 Do you recognize Government Exhibit C-272?

23 A. I do.

24 Q. What is it?

25 A. This is a photo of the -- I guess the main entrance, the

1 front of Madina Market in Faribault.

2 Q. And when was this photo taken?

3 A. Similar time frame, this spring.

4 MR. THOMPSON: Your Honor, I'd move to admit
5 Government Exhibit C-272.

6 THE COURT: Any objection?

7 C-272 is admitted and may be published.

8 MR. THOMPSON: Thank you, Your Honor.

9 BY MR. THOMPSON:

10 Q. Agent Pitzen, can you describe the Madina grocery?

11 A. Yes. I mean, basically, you can see this is kind of
12 like an older downtown area in Faribault, Minnesota, where
13 there's -- I guess it's a connected building, but there's
14 maybe -- I guess I'd call them like office suites in there.

15 So like you can see, I don't know, probably about
16 like that line to that line that I've drawn on the screen is
17 kind of the footprint withinside this building that Madina
18 Market used.

19 Q. Okay. You see there's a sign showing there's some --
20 there's a restaurant there still, correct?

21 A. Correct.

22 Q. Madina Grocery & Market there?

23 A. Correct.

24 Q. Do you see page 2?

25 A. I do, yes.

1 Q. What's this?

2 A. This is a picture taken from standing at the back door
3 of Madina Grocery & Market into the parking lot behind
4 the -- that unit.

5 Q. Okay. It's in like a -- what kind of building is it in?

6 A. It's an older downtown. It's like a, kind of a, I don't
7 know, an older brick building with multiple different
8 offices withinside of it, all accessible from the sidewalk.

9 So rather than, you know, going in one main
10 entrance for multiple places, this is -- you would enter
11 each individual business through -- right from the sidewalk.

12 Q. Okay. So this is like the downtown/main street area of
13 Faribault?

14 A. Correct.

15 Q. Okay. You said there's another one in Faribault called
16 Somali Community -- how many meals were purportedly being
17 distributed at -- or how many children were being served at
18 Madina Grocery?

19 A. For a period of time, it was 3,000 meals per day were
20 allegedly being distributed from this site location.

21 Q. I'm going to show you now what's been marked as
22 Government Exhibit 212.

23 Is this a picture of the Somali Community
24 Resettlement Services building in Faribault?

25 A. It is, yes. It's a picture of the outside entrance.

1 This is located inside the Faribault Town Square Mall, I
2 believe it was called, and Somali Community Resettlement
3 Services is one of the tenants withinside that building.

4 Q. Okay. And this picture was from this spring?

5 A. That is correct.

6 Q. And the second page is a picture of the door, I believe;
7 is that right?

8 A. That is correct. It's a picture taken -- once you walk
9 inside in the hallway, that would be like the entrance off
10 kind of the public area into that actual suite.

11 Q. That's the actual suite of Somali Community Resettlement
12 Services?

13 A. That is correct, yes.

14 MR. THOMPSON: Your Honor, I move to admit
15 Government Exhibit C-212.

16 THE COURT: Any objection?

17 C-212 is admitted and may be published.

18 BY MR. THOMPSON:

19 Q. All right. Agent Pitzen, you said this was a -- it's in
20 a larger building; is that right?

21 A. That is correct.

22 Q. This larger building. And it has a small sign in the
23 front? Somali Community Resettlement Services?

24 A. Correct.

25 Q. Page 2. What does page 2 of Government Exhibit C-212

1 show?

2 A. So this is the photo I was describing before. In that
3 prior photo, under the awning there, if you walk into those
4 doors, you'd be walking straight ahead into the -- kind of
5 the -- like a typical mall. You'd be walking down a
6 hallway.

7 On the right-hand side, this is -- that's where
8 this photo was taken from -- there's a wall there with a
9 door, kind of an entrance door, to get into their specific
10 suite. On the left side across the hall is a separate
11 tenant.

12 Q. Okay. And, again, the door, Somali Community
13 Resettlement Services; is that right?

14 A. Correct. That's what the sign on there indicates, yes.

15 Q. Okay. I'm going to show you now what's been marked, but
16 not admitted, as Government Exhibit 289.

17 Do you recognize Government Exhibit 289?

18 A. I do, yes.

19 Q. Sorry. C-289.

20 A. I do recognize this, yes.

21 Q. What is this?

22 A. So this is a picture of a sign at Sunrise Mobile Home
23 Park, which was another site location in Faribault,
24 Minnesota.

25 Q. And this was taken this spring?

1 A. It was.

2 MR. THOMPSON: I'd move to admit Government
3 Exhibit C-289.

4 THE COURT: Any objection?

5 C-289 is admitted and may be published.

6 BY MR. THOMPSON:

7 Q. Do you see this photo?

8 A. I do, yes.

9 Q. And that's the mobile home -- the entrance to the home
10 mobile home park?

11 A. That's the sign for the entrance, as you would kind of
12 enter down the main drive into the mobile home park.

13 Q. And this is the location of one of the sites?

14 A. Correct.

15 Q. And page 2, what does that show?

16 A. So this shows what appears to me to be a mobile home
17 with the number 25N listed on it and then like a little shed
18 next to it.

19 So this was the address or the location that was
20 the alleged food distribution site during -- I don't know
21 the exact time frame, but it was late 2021.

22 Q. 25N was?

23 A. Correct.

24 Q. Is it a large mobile home park? Or how big is it?

25 A. I would say there's two streets in it, so -- and each

1 street is maybe, I don't know, a few hundred yards long or
2 so. Well, it may be, maybe, up to a quarter mile, you know,
3 an eighth of a mile to a quarter mile long. Two streets
4 kind of -- from what I recall, you go in and then it loops
5 around up the other side.

6 Q. C-302, which is not yet in evidence, is a photo of
7 another site located at a mobile home; is that correct?

8 A. Correct. This was a picture of the sign located at
9 Cannon River -- Cannon River Mobile Home Park.

10 Q. And was there a site located there?

11 A. There was.

12 Q. This picture is from this spring?

13 A. Correct.

14 MR. THOMPSON: Your Honor, I'd move to admit
15 Government Exhibit C-302.

16 THE COURT: Any objection?

17 C-302 is admitted and may be published.

18 MR. THOMPSON: Thank you, Your Honor.

19 BY MR. THOMPSON:

20 Q. And again, Agent Pitzen, can you just describe for the
21 jury, now that they're looking at it, what we have here?

22 A. Sure. So this is, I guess, similar to the Sunrise park,
23 mobile home park. It's a pretty standard mobile home park.

24 This here picture is essentially kind of the main
25 entrance into it, or I believe this one had two entrances.

1 So this is I guess -- I'm assuming the main entrance, that's
2 where the sign was, to kind of advertise this location.

3 Q. Okay. Agent Pitzen, there were also some sites located
4 in Minneapolis; is that right?

5 A. There was a handful there, yes.

6 Q. And I'll show you a photo of some of those. C-5,
7 Government Exhibit C-5. That's a photo of one of the
8 purported sites; is that right?

9 A. It is, yes. This is a photograph of a site that I -- it
10 was called Plymouth Academy, was the name of this particular
11 site location.

12 Q. We've, I think, read some text messages about this site;
13 is that right?

14 A. Correct.

15 Q. Where is this site located?

16 A. This is located kind of in the North Minneapolis area.

17 Q. About a mile from here?

18 A. Yeah.

19 Q. This picture was taken this spring?

20 A. It was, yes.

21 MR. THOMPSON: Your Honor, I'd move to admit
22 Government Exhibit C-5.

23 THE COURT: Any objection?

24 C-5 is admitted and may be published.

25

1 BY MR. THOMPSON:

2 Q. Now that the jury can see it, Agent Pitzen, can you
3 describe it, please?

4 A. Yeah. So this is a picture looking at the, you know,
5 from the street of the parking lot and building of the
6 address that was registered in the CLiCS system as the
7 address for Plymouth Academy, the alleged food distribution
8 site.

9 Q. Thank you.

10 We've seen text messages about something called
11 Bet'el Afaan Oromo Church; is that right?

12 A. Correct.

13 Q. Was that site in Minneapolis?

14 A. It was, yes.

15 THE COURT: Mr. Thompson, could you spell, please.

16 MR. THOMPSON: Yes, Your Honor. B-E-T,
17 apostrophe, E-L. A-F-A-A-N. And then Oromo, O-R-O-M-O.

18 THE COURT: Thank you.

19 BY MR. THOMPSON:

20 Q. Although, Agent Pitzen, if I'm correct, you see it
21 spelled in various ways on the paperwork; is that correct?

22 A. I have seen various different spellings of it, yes.

23 Q. Is this a picture of the Bet'el Afaan Oromo Church from
24 this spring?

25 A. It is, yes.

1 MR. THOMPSON: Your Honor, I'd move to admit
2 Government Exhibit C-201.

3 THE COURT: Any objection?

4 C-201 is admitted and may be published.

5 BY MR. THOMPSON:

6 Q. Agent, can you describe it for us here?

7 A. Sure. This is a picture taken from the street of the
8 Bet'el Afaan Oromo Church kind of from the outside.

9 If you look in the middle of it, it's the -- kind
10 of the main entrance is kind of like right there
11 (indicating).

12 And then over kind of on the back left side over
13 here, there's a parking lot associated with this -- with
14 this church.

15 Q. Okay. Now, Agent Pitzen, this was a rather sizeable
16 site; is that right?

17 A. As far as the number of claims being submitted from
18 there?

19 Q. That's right.

20 A. It was, yes.

21 Q. I'm going to show you what's already been admitted as
22 Government Exhibit F-1k at page 7.

23 And are these -- these are some of the meal counts
24 that have been admitted that we talked about earlier in the
25 trial. Are these for the Bet'el Afaan Oromo Church?

1 A. They are, yes.

2 Q. What were the meal count claims for the week of May 2nd
3 of 2021?

4 A. So this indicates 1500 meals per day.

5 Q. Okay.

6 A. For a total of 10,500 during that week.

7 Q. Snacks and suppers?

8 A. Correct.

9 Q. Signed by -- the signature there -- the name that
10 appears after the signature of the site supervisor?

11 A. Yeah. The name listed there is Abdimajid.

12 Q. Okay. Is there another site in Minneapolis called Mind
13 Foundry Learning - Minneapolis?

14 A. There is, yes.

15 Q. I'm going to show you what's been marked as Government
16 Exhibit C-244. Do you recognize this exhibit?

17 A. I do, yes.

18 Q. What is it?

19 A. So this is a photograph that I took this spring of the
20 1501 Plymouth Avenue, I believe was the address, which was
21 the address associated with this Mind Foundry Learning
22 Center site.

23 Q. And that was taken this spring, you said?

24 A. Correct.

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

1 Government Exhibit C-244.

2 THE COURT: Any objection?

3 MR. SAPONE: No objection.

4 THE COURT: C-244 is admitted and may be
5 published.

6 MR. THOMPSON: Thank you, Your Honor.

7 BY MR. THOMPSON:

8 Q. Could you describe it now that it's on the screen, Agent
9 Pitzen?

10 A. Sure. So this is a pretty standard two-story building
11 located in North Minneapolis off of Plymouth Avenue.
12 There's a -- kind of around the back, there's a parking lot
13 that may be, maybe, ten parking spots on the backside that
14 you can't see in this photo.

15 Q. Okay.

16 A. Oh, there we go.

17 Q. Page 2 shows the parking in the back?

18 A. Sure, yep. So you can see there's a little ramp that
19 you would drive up here if you wanted to get in here. I
20 believe right over in this area there's kind of a rear
21 entrance door. And then back here, there's approximately
22 ten parking spots or so (indicating).

23 Q. Thank you.

24 Agent Pitzen, you talked about a site called
25 Somali Community Resettlement Services in Faribault. Was

1 there also a site called Somali Community Resettlement in
2 Minneapolis?

3 A. Yes. There was actually two of those. One of them was
4 on 27th Avenue in Minneapolis.

5 Q. I'm going to show you what's been marked as Government
6 Exhibit C-296.

7 A. Yes. So that's the photograph of the address that was
8 listed as Somali Community Resettlement. 27th Avenue was
9 the, kind of, the site name. Just said Somali Community
10 Resettlement Services and then, parentheses, 27th Avenue.

11 Q. From this spring?

12 A. It was taken this spring, correct.

13 MR. THOMPSON: Your Honor, I'd move to admit
14 Government Exhibit C-296.

15 THE COURT: Any objection?

16 MR. COTTER: No objection.

17 THE COURT: C-296 is admitted and may be
18 published.

19 BY MR. THOMPSON:

20 Q. Agent Pitzen, can you describe it now that the jury can
21 look at it?

22 A. Sure. So this is kind of a, I guess, larger building in
23 an industrial area. Right here is the main entrance to the
24 building. So there's numerous different tenants inside this
25 building, but the vast majority -- I think there's a

1 couple -- couple different entrances here, but that's where
2 you'd walk in and then access the different suites for
3 different tenants.

4 Q. Okay. There were also sites in St. Paul?

5 A. There was.

6 Q. Related to this group?

7 A. Correct.

8 Q. One of them we've seen. We've seen several references,
9 I think, in the text messages to an As-Sunnah and an
10 Al-Ihsan; is that correct?

11 A. That's correct.

12 Q. I'd like to show you photos of those. Okay?

13 A. Okay.

14 Q. So C-57, is that a photo of the As-Sunnah site?

15 A. It is, yes.

16 Q. And that's taken this spring?

17 A. That's correct.

18 MR. THOMPSON: Your Honor, I'd move to admit
19 Government Exhibit C-57.

20 THE COURT: Any objection?

21 C-57 is admitted and may be published.

22 BY MR. THOMPSON:

23 Q. And, Agent Pitzen, could you describe the location of
24 the As-Sunnah site as depicted--

25 A. Sure.

1 Q. -- in this photo?

2 A. Yeah. So this is -- you can see this is taken from the
3 parking lot in front.

4 As you drive into the As-Sunnah site location,
5 there's kind of a row that goes down and then there's
6 parking on both the left side and the right side of where
7 you would drive down. So that's either -- as you drive in,
8 you can either kind of pull off to the right to park or pull
9 off to the left. And there's a series of spots kind of on
10 both sides of that kind of one road that goes in there.

11 Q. I think that's shown on the third page; is that right?

12 A. There you go. Sure.

13 Q. How would you describe the building it's located in?

14 A. It's kind of like maybe an older strip mall type
15 building.

16 Q. The As-Sunnah is this unit kind of on the left of the
17 building; is that right?

18 A. Correct. Yeah, it's pictured there.

19 Q. On page 1?

20 A. Yeah. So right there you can see the -- that's -- kind
21 of right here is the main entrance to go in there
22 (indicating).

23 Q. Okay. And that, again, that's one of the -- a larger
24 site, you'd say; is that correct?

25 A. It was, yes.

1 Q. I'm going to show you what's been admitted as Government
2 Exhibit F-1n at 13. And these have been admitted into
3 evidence.

4 And they are meal count sheets related to the
5 As-Sunnah Islamic Center; is that right?

6 A. That is correct.

7 Q. What's the date range on these meal counts?

8 A. It appears to be August 8, 2021, to August 14th of 2021.

9 Q. And the total number of meals purportedly served that
10 week?

11 A. 13,230 meals.

12 Q. And there's a name that's listed after signature of site
13 supervisor. Do you see what name that is?

14 A. I do. That name says Mohamed Ismail.

15 Q. Okay. It looks like turning to the next page, page 14,
16 there's similar meal counts for the rest of the month of
17 August 2021; is that right?

18 A. That's correct.

19 Q. At the As-Sunnah Islamic Center?

20 A. Correct.

21 Q. And, again, the name after signature of site supervisor
22 is?

23 A. Mohamed Ismail.

24 Q. There's another large site in St. Paul called Al-Ihsan;
25 is that right?

1 A. I'm familiar with it, yes.

2 Q. And I'm showing you what's been marked as Government
3 Exhibit C-42.

4 Do you recognize Government Exhibit C-42?

5 A. I do.

6 Q. Is that a picture of the site, the Al-Ihsan site?

7 A. It is, yes.

8 Q. And that was taken this spring?

9 A. I think, yeah, I think that was -- I mean, there's some
10 snow on the ground, but I know I was there this spring, and
11 I did take some pictures of it this spring.

12 Q. You recognize what it looks like?

13 A. I do.

14 Q. That fairly depicts it?

15 A. It does.

16 MR. THOMPSON: Your Honor, I'd move to admit
17 Government Exhibit C-42.

18 THE COURT: Any objection?

19 C-42 is admitted and may be published.

20 BY MR. THOMPSON:

21 Q. Agent Pitzen, now that the jury can see Al-Ihsan site,
22 could you describe it, please?

23 A. Sure. So this was a site location that was located in
24 kind of the northern part of St. Paul, kind of north of
25 Highway 94. You can see it has the name of it obviously

1 there, Al-Ihsan Islamic Center.

2 Over here in this corner here is the -- that's the
3 main entrance for it. And then there's a parking lot,
4 standing in the parking lot looking towards the front of it.

5 Q. Okay. I note that's another sizeable site; is that
6 right?

7 A. Correct.

8 Q. In terms of claims?

9 A. That's correct.

10 Q. And I'm going to show you what's been admitted as
11 Government Exhibit F-1n at page 13. And are these meal
12 counts sheets?

13 A. They are, yes.

14 Q. Sorry. I've got the wrong page here.

15 Well, do you recall the size of the meal counts
16 for this site?

17 A. Like any of the sites, they varied, but it was, you
18 know, in excess of a thousand, thousand-plus meals per
19 month, given certain -- during certain months.

20 Q. Okay. Per day you mean?

21 A. Per day, correct. Per day, every day for the entire
22 month would be in that range.

23 Q. Okay. Great.

24 There was some sites in Bloomington; is that
25 right?

1 A. There was, yes.

2 Q. Now, we've talked a lot about -- or some about the
3 Dar Al-Farooq site; is that correct?

4 A. Correct.

5 Q. That one was located in Bloomington, correct?

6 A. Correct.

7 Q. But there were others there?

8 A. There was.

9 Q. I'm showing you now Government Exhibit C-175, which is
10 not yet in evidence.

11 Is this another Bloomington site?

12 A. It is, yes.

13 Q. What's this one called?

14 A. This is, I believe, Hyland's.

15 Q. Okay. And is this a picture from the spring of the
16 Hyland's site in Bloomington?

17 A. It is, yes.

18 MR. THOMPSON: Your Honor, I'd move to admit
19 Government Exhibit C-175.

20 THE COURT: Any objection?

21 C-175 is admitted and may be published.

22 BY MR. THOMPSON:

23 Q. Agent Pitzen, could you describe the Hyland site for me?

24 A. Sure. So, again, this is an apartment building that was
25 located in Bloomington, Minnesota. You can kind of see the

1 brown awning here in the middle; that's the main entrance.
2 And then you can see the parking lot associated with this
3 apartment building.

4 I'm standing kind of on the sidewalk. There's
5 a -- there's a little sidewalk over here; and then behind
6 that would be a street, like a city street. So this is kind
7 of looking over the parking lot in front of the building.

8 Q. Okay. There was another site in Bloomington called the
9 Crossings at Valley View; is that right?

10 A. That's correct.

11 Q. I'm showing you what's been marked, but not admitted, as
12 Government Exhibit C-184.

13 A. Yes, I recognize that.

14 Q. And is that a photo of the Crossings at Valley View from
15 this spring?

16 A. It is, yes.

17 MR. THOMPSON: Your Honor, I'd move to admit
18 Government Exhibit C-184.

19 THE COURT: Any objection?

20 C-184 is admitted and may be published.

21 MR. THOMPSON: Okay. Thank you.

22 BY MR. THOMPSON:

23 Q. Agent Pitzen, could you describe what we're looking at
24 here?

25 A. Sure. This is -- in this particular photograph, we're

1 looking at the front entrance. Crossings at Valley View is
2 a newer-style apartment building in the Bloomington area,
3 and this is the front entrance of it.

4 Q. And is there another photo on page 2?

5 A. Sure. There's some additional photos. They're just
6 trying to show -- show the building and then also kind of
7 the parking lot, parking situation there.

8 Q. Okay. And I'm showing you now what's been admitted as
9 Government Exhibit F-1j at page 78.

10 Are these meal count sheets for that Crossings at
11 Valley View site?

12 A. They are, yes.

13 Q. And what do they indicate in terms of the meals being
14 served?

15 A. So this particular one indicates that during the week of
16 April 4th through April 10th there was, I guess, 550
17 breakfasts and 550 lunches served per day for a total of
18 38,500 [sic].

19 Q. And what name appears after signature of site
20 supervisor?

21 A. Abdimajid.

22 Q. There were multiple sites in Burnsville, Minnesota; is
23 that right?

24 A. There was.

25 Q. And where is Burnsville, Minnesota?

1 A. That's pretty much directly south of the Twin Cities.

2 Q. Okay. Just south of the river from Bloomington?

3 A. South of the river, yeah.

4 Q. Okay.

5 A. 15, 20 miles south of here.

6 Q. I'm going to show you a picture, what's been marked as
7 Government Exhibit C-292.

8 Do you recognize this exhibit?

9 A. I do, yeah. This is a picture of the Andrew's Pointe
10 Townhomes, which was listed as another site location.

11 Q. Okay.

12 A. This is a picture that I took this spring as well.

13 MR. THOMPSON: Your Honor, I'd move to admit
14 Government Exhibit C-292.

15 THE COURT: Any objection?

16 C-292 is admitted and may be published.

17 BY MR. THOMPSON:

18 Q. Agent Pitzen, can you describe the Andrew's Pointe site
19 as depicted here?

20 A. Sure. So this is taken kind of from the corner of the
21 site. This is a -- kind of like a townhome complex. And so
22 what you're looking at here is kind of just the main
23 entrance sign going into it.

24 Q. Page 2?

25 A. Yep. So this is another picture as you're driving

1 past -- now you've driven past the sign. Now you're driving
2 kind of into the parking lot area.

3 Q. And then here's a couple more here --

4 A. Yep.

5 Q. -- as we scroll through; is that right?

6 A. Correct.

7 Q. We mentioned Southcross; is that right?

8 A. Correct.

9 Q. That's also a site in Burnsville?

10 A. That's correct.

11 Q. I'm showing you what's been marked as C-195. Is this a
12 photo of the Southcross site?

13 A. It is, yes.

14 Q. From the -- when was this taken? This spring?

15 A. This was taken this spring, yes.

16 MR. THOMPSON: Your Honor, I'd move to admit
17 Government Exhibit C-195.

18 THE COURT: Any objection?

19 C-195 is admitted and may be published.

20 BY MR. THOMPSON:

21 Q. Agent Pitzen, can you describe this? I'll scroll
22 through here, the photos.

23 A. Sure. So this is kind of -- kind of your typical
24 suburban strip mall type setting. I believe on one end of
25 it, kind of the corner unit, is a gas station/market and

1 then on the far left side of it -- you're moving on me.

2 Q. Oh.

3 A. That's all right.

4 Q. Is this the one you want?

5 A. Yeah, that will work. So, yeah, I believe like over --

6 Q. I need to stop touching the mouse. I'll take a step
7 back and let you talk about it.

8 A. Sure. So this -- this actually here is -- there's a day
9 care here; and then the Southcross site, the address for
10 that is actually like right over here (indicating).

11 Q. Okay. Is this the location of the site there?

12 A. Right there.

13 Q. This door?

14 A. That one there is, yeah.

15 Q. Okay. That was another sizeable site; is that correct?

16 A. Correct.

17 Q. Okay. And we've -- there was several sites in Shakopee
18 as well; is that correct?

19 A. There was, yes.

20 Q. I'm going to show you what's been marked as Government
21 Exhibit C-274. Is this one of those Shakopee sites?

22 A. It is, yes. This is -- I recognize this as the
23 Arlington Ridge Apartments, which was also listed as a food
24 distribution site location.

25 Q. Thank you. And was this picture taken this spring?

1 A. It was.

2 MR. THOMPSON: Your Honor, I'd move to admit
3 Government Exhibit C-274.

4 THE COURT: Any objection?

5 C-274 is admitted and may be published.

6 MR. THOMPSON: Thank you, Your Honor.

7 BY MR. THOMPSON:

8 Q. Agent Pitzen, could you describe the Arlington Ridge
9 site for us down in Shakopee?

10 A. Sure. So this picture is taken as you're entering the
11 Arlington Ridge Apartment. As you drive in, if you kind of
12 go over here to the left, that's -- you'd be driving into
13 their -- the main, kind of, doors to get into the apartment
14 complex are where I just placed the X.

15 Q. Okay. Great.

16 A. And that's a picture of the office associated with the
17 apartment building.

18 Q. On page 2?

19 A. Correct.

20 Q. And then page 3 looks like it's a photo from inside; is
21 that correct?

22 A. Correct. So this is a photograph taken inside the
23 office of that apartment building.

24 Q. Okay. Looks like there's a little stove there, is that
25 correct, on page 4?

1 A. Correct.

2 Q. Thank you, Agent Pitzen.

3 MR. THOMPSON: Your Honor, I see it's 12:25. I'm
4 about to change gears. I don't know if you want to break
5 now or I can plow on.

6 THE COURT: All right. We'll do that, and we'll
7 return at 1:30 after lunch.

8 We're also going to take our afternoon break at
9 2:30 today.

10 MR. THOMPSON: Great. Thank you.

11 THE COURT: All rise.

12 12:24 p.m.

13 **IN OPEN COURT**

14 **(JURY NOT PRESENT)**

15 THE COURT: All right. Thanks, everybody. 1:30.
16 (Recess taken at 12:25 p.m. till 1:34 p.m.)

17
18 **IN OPEN COURT**

19 **(JURY PRESENT)**

20 THE COURT: You may all be seated.

21 Mr. Thompson, you may continue.

22 MR. THOMPSON: Thank you, Your Honor.

23 BY MR. THOMPSON:

24 Q. Good afternoon, Agent Pitzen.

25 A. Good afternoon.

1 Q. Welcome back.

2 Before the break we were talking about some of the
3 child nutrition program sites involved in this case; is that
4 right?

5 A. Correct.

6 Q. And you mentioned that -- there was four sites in a
7 cluster in Faribault; is that right?

8 A. Correct.

9 Q. We walked through photos of three of those sites, but I
10 think we didn't do the fourth one; is that right?

11 A. Correct.

12 Q. I'm going to show you now what's been marked as
13 Government Exhibit C-171. And is that a photo of the fourth
14 site in Faribault?

15 A. It is, yes.

16 Q. What's that one called?

17 A. This is called Greenwood Place.

18 Q. And that's a photo from this spring?

19 A. It is, yes.

20 MR. THOMPSON: Your Honor, I'd move to admit
21 Government Exhibit C-171.

22 THE COURT: Any objection?

23 C-171 is admitted and may be published.

24 BY MR. THOMPSON:

25 Q. Agent Pitzen, can you just briefly describe the

1 Greenwood Place site down in Faribault?

2 A. Sure. Greenwood Place is an apartment-style complex. I
3 believe all the units are a single level. And you're kind
4 of looking at the northwest corner of the property, looking
5 down on to it here, and then kind of the main entrance to
6 drive into it is right down there (indicating).

7 Q. Okay. Thank you.

8 All right. Agent Pitzen, we've gone through
9 several WhatsApp message chains; is that right?

10 A. Correct.

11 Q. Was there also -- when you looked at Abdiaziz Farah's
12 phone or the Cellebrite extraction of it, did you also find
13 a WhatsApp message thread between Abdiaziz Farah and his
14 brother Said Farah?

15 A. There was one of those, yes.

16 Q. And is that something you pulled off the phone?

17 A. Correct.

18 Q. I'm going to show you now what's been marked as
19 Government's Exhibit H-59.

20 What is Government Exhibit H-59?

21 A. Government Exhibit H-59 is the -- essentially did the
22 same thing here as the other ones, where we took the
23 information in the Cellebrite report, that WhatsApp message
24 string, and transferred it into a more legible,
25 easier-to-read format.

1 Q. Okay. And it identifies the two speakers; is that
2 right?

3 A. It does, yes.

4 MR. THOMPSON: Your Honor, I'd move to admit
5 Government Exhibit H-59.

6 MR. SCHLEICHER: No objection to the conditional
7 receipt.

8 THE COURT: H-59 is conditionally admitted.

9 BY MR. THOMPSON:

10 Q. Agent Pitzen, I'm going to direct your attention to this
11 exhibit. Okay?

12 And again, just as before, let's orient everyone
13 to the participants and the color scheme. Can you explain
14 that, please?

15 A. Sure. Yeah. So on the left here, you have the blue; so
16 all the texts in blue is coming from Mr. Said Farah. And
17 then on the right you have the green, and so that would be
18 the information coming from Abdiaziz Farah.

19 Q. And this is about 73 pages long; is that right?

20 A. Correct.

21 Q. 75? And this is the entire text thread; is that right?

22 A. That is correct.

23 Q. Okay. It begins here on December 21st of 2020; is that
24 right?

25 A. Correct.

1 Q. Who begins this conversation?

2 A. Said Farah does.

3 Q. And how does it begin here?

4 A. It begins with a series of messages with what appear to
5 be names of apartments.

6 Q. Okay. And --

7 A. Would you like me to read them?

8 Q. That's okay. Why don't we just -- you can see them on
9 the screen.

10 Page 2 similar?

11 A. Correct.

12 Q. List of apartments? Where are the locations of these
13 apartments?

14 A. Most of them appear to be in St. Cloud, Minnesota.

15 Q. I also see --

16 A. Waite Park, Minnesota.

17 Q. Do you know where Waite Park is?

18 A. It's nearby St. Cloud.

19 Q. Okay. And those continue on to page 3 of this exhibit;
20 is that right?

21 A. That is correct.

22 Q. And then Abdiaziz Farah responds to that list of
23 apartments; is that right?

24 A. He does.

25 Q. And he says, "I need top 5, Abtii, please. Please. I

1 will file tonight."

2 Is that right?

3 A. Correct.

4 Q. How does Said Farah respond?

5 A. He messages back and says, "One, La Cruz Community,
6 1505 6th Avenue South, St. Cloud, Minnesota. Two, Park
7 Meadows Appointment Homes, 408 Park Meadows Drive,
8 Waite Park, Minnesota. Three, Newbury Apartment, 3105
9 1st Street South, St. Cloud, Minnesota.

10 Q. Agent Pitzen, are you familiar with La Cruz?

11 A. I am, yes. That was one of the site locations in this
12 investigation.

13 Q. Now I'm directing your attention to page 4. Said Farah
14 sends an invoice, it looks like; is that correct?

15 A. That's what it appears to be, yes.

16 Q. From Sahal Dairy?

17 A. Correct.

18 Q. It looks like the total is \$180, perhaps.

19 A. Yeah, I don't -- little fuzzy, but --

20 Q. And then on page 5 there's, on January 3rd, there's a
21 list of -- well, why don't you describe it for us.

22 A. Sure. So it appears to be a piece of paper with --
23 written on with blue and black pen with dates, potentially
24 some names on there, and then some dollar amounts behind
25 those.

1 Q. And roughly the dollar amounts, what kind of figures are
2 we talking here?

3 A. Mostly double digits, like \$50, \$52.49, \$77.92. That
4 looks like that might be the highest one. \$19.62.

5 Q. Okay. Page 6 of Government Exhibit H-59, Said Farah
6 sends another invoice; is that right?

7 A. Correct.

8 Q. And it looks like it's from Sahal Wholesaler to
9 Minnesota Grocery?

10 A. Correct. That's what it says, yes.

11 Q. And what kind of stuff is the subject of the invoice?

12 A. It appears as though it's a list. There's some -- it
13 looks like maybe rice, tuna, angel hair, and spaghetti.

14 Q. Pasta?

15 A. Correct.

16 Q. And then on page 7 there's another invoice from that
17 Sahal Dairy?

18 A. Correct.

19 Q. Looks like 4, \$500?

20 A. Approximately, yes.

21 Q. Okay. All right. And then on page 8 there's another
22 list from Said Farah; is that correct?

23 A. Correct.

24 Q. Can you describe it for us?

25 A. Sure. So he messages and says, "Sahal Dairy, \$796; Afro

1 Produce LLC, \$3,471; Sahal Wholesales, \$4,800; Minnesota
2 Food Grocery, \$684.30; labor for packaging, \$200; Saciido
3 salary, \$1,000; gas for car, \$50; total, \$11,001.30."

4 And then following that, there's a missed voice
5 call.

6 Q. And then Abdiaziz Farah responds, "Thank you, Abtii. I
7 appreciate it. I will file everything tomorrow morning or
8 tonight, inshallah."

9 Correct?

10 A. Correct.

11 Q. Okay. And then Abdiaziz Farah says he's leaving Atlanta
12 and will be back in Minneapolis that night?

13 A. Correct.

14 Q. Okay. After Abdiaziz explains that he had a delay in
15 France, but is back -- back on track to arrive in Minnesota,
16 Abdiaziz sends him another list; is that right?

17 A. Said Farah sends another list to Abdiaziz Farah.

18 Q. Thank you. And just can you generally describe the
19 list?

20 A. It's similar to the list that we saw prior. Sahal
21 Dairy, Minnesota Food Grocery. Then there's -- looks like
22 the numbers are similar. The \$11,001.30 appears to be the
23 same. And then maybe a couple additional things below that.

24 Q. And what's the total amount?

25 A. \$13,201.30.

1 Q. And then he sends a photo of a food distributor business
2 card?

3 A. Correct.

4 Q. And it looks like Said Farah then sends on the 26th and
5 28th of January and 29th a few more lists; is that right?

6 A. Correct.

7 Q. Similar amounts?

8 A. Correct.

9 Q. Okay. And then, again, at the top of page 11, there's
10 another list of payments totalling \$8400; is that correct?

11 A. Correct.

12 Q. How does Abdiaziz respond to those texts with those
13 amounts?

14 A. He responds, "I will write you check when our money
15 clears Friday or Monday, inshallah."

16 Q. And then on February 11th, Abdiaziz Farah sends his
17 brother Said an invoice; is that right?

18 A. Correct.

19 Q. Can you describe this invoice here?

20 A. Sure. In the upper right corner it says, "Commercial
21 Invoice." Looks like it's from Hongtyre International FZE,
22 issued to Global Real Miles Limited. It says the port of
23 loading is somewhere in China and port of destination
24 Mombasa, Kenya.

25 Q. Okay. And what's the description of the goods being

1 ordered from Hongtyre International?

2 A. It appears to be Roadshine brand truck tires. And it
3 appears as though the total price of this invoice is
4 169,250 USD.

5 Q. Okay. And there's some bank information to wire the
6 payment; is that right?

7 A. Correct.

8 Q. Which bank is listed as the beneficiary's bank?

9 A. Say that one more time. The beneficiary's bank?

10 Q. Yeah. Sorry. I'll zoom in here.

11 A. Yeah. So it says China Construction Bank.

12 Q. In Qingdao, China?

13 A. Correct.

14 Q. And then there's a list -- the beneficiaries listed
15 below. What's the beneficiary -- who's the beneficiary and
16 what's the address listed?

17 A. It lists Hongtyre International FZE, with a P.O. Box in
18 Dubai, UAE.

19 Q. United Arab Emirates?

20 A. That's my understanding.

21 Q. And you said at the top here there was information about
22 where these tires were going to be loaded and shipped, the
23 port that they were going to be loaded from and shipped to.
24 What are those?

25 A. So according to the invoice, they were going to be

1 loaded in Qingdao, China, and going -- port of destination
2 would be Mombasa, Kenya.

3 Q. Said Farah then sends a photo to his brother Abdiaziz;
4 is that right?

5 A. Correct.

6 Q. What's this photo of?

7 A. It appears to be a photo of a fund -- Funds Transfer
8 Request Authorization from Bank of America.

9 Q. And whose -- whose account is --

10 A. It lists Said Farah.

11 Q. To transfer the money?

12 A. Correct.

13 Q. And it has some wire instructions. Can you read the
14 type of wire there?

15 A. It says international.

16 Q. Okay. The wire amount in U.S. dollars?

17 A. Appears to be 200,000.

18 Q. And then who is the recipient, according to this fund
19 transfer request?

20 A. It's Hongtyre International FZE.

21 Q. And that's the -- is that the same entity that was
22 listed on that invoice?

23 A. Correct.

24 Q. It lists down below -- and the address is in China,
25 Qingdao, China, correct?

1 A. That is correct.

2 Q. Here it says Purpose of Payment. What's listed as the
3 purpose of payment?

4 A. It says "operating expenses."

5 Q. And the signature?

6 A. Yeah, there's a signature line there. And it looks like
7 the date is February 13, 2021, potentially the name "Said."

8 Q. And that's the account from which the funds were being
9 transferred?

10 A. Correct.

11 Q. Okay. Abdiaziz responds to that -- that photo, correct?

12 A. He does.

13 Q. And I'll read this one. It says, Name, Prinx Chengshan
14 (Shandong) Tyre Company, Limited, with an address in
15 Shandong, China; is that correct?

16 A. Correct.

17 Q. Then there's a bank account number listed?

18 A. There is.

19 Q. Which bank is listed after that?

20 A. Industrial and Commercial Bank of China Rongcheng.

21 Q. And then directing your attention to page 13, Abdiaziz
22 Farah sends a photo of an invoice --

23 A. Correct.

24 Q. -- to that same entity; is that right?

25 A. That is correct.

1 Q. And, again, at the top what company is listed on the
2 invoice?

3 A. The same name. Prinx Chengshan.

4 Q. The tire company?

5 A. Correct.

6 Q. And it says they're listed as the seller on this
7 invoice?

8 A. Correct.

9 Q. What is being sold?

10 A. It appears to be some Chengshan brand tires, is what's
11 indicated on this invoice.

12 Q. From Qingdao, China?

13 A. Correct.

14 Q. And what's the payment for these tires?

15 A. It says \$80,000.

16 Q. Is that -- is that U.S. dollars there?

17 A. Correct.

18 Q. Port of delivery?

19 A. That is Qingdao, China.

20 Q. And what's the destination port?

21 A. Dar es Salaam.

22 Q. Is that in Tanzania in East Africa?

23 A. I believe -- actually, I don't -- I'm not certain on
24 that.

25 Q. Okay. And the beneficiary, again, is Prinx Chengshan

1 (Shondong) Tire Company --

2 A. That's what it lists, yes.

3 Q. -- correct?

4 Okay. There's a delivery date on here. Do you
5 see that?

6 A. I do, yes.

7 Q. What's the proposed delivery date?

8 A. It says before May 31st, 2021.

9 Q. Okay. There's no response to that, it doesn't look
10 like; is that correct?

11 A. Not directly to that, no.

12 Q. Okay. A day later Said Farah sends a business card; is
13 that right?

14 A. Correct.

15 Q. Could you describe the business card?

16 A. Sure. It appears to be a business card of a property
17 manager at Heritage Hills Apartments.

18 Q. Are you familiar with Heritage Hills?

19 A. Yes. I believe that was one of the site locations.

20 Q. Okay. And then Said Farah and Abdiaziz continue their
21 discussion of these tires; is that right?

22 A. Correct.

23 Q. What does Said Farah say?

24 A. "They need organization's information about what we
25 doing, basically more about what we doing. Please call them

1 or email about all information. After that, they will go
2 ahead."

3 Q. "I will do that. Don't worry. I will take care of it,
4 inshallah, ASAP."

5 A. "Okay. Thanks."

6 Q. And then a day later, Abdiaziz Farah texts that
7 information about that tire company in China again?

8 A. Correct.

9 Q. And a photo of that invoice; is that right?

10 A. Correct.

11 Q. For tires?

12 And then Said Farah responds with a picture; is
13 that right?

14 A. Correct. It appears to be a similar picture of a funds
15 transfer request authorization from Bushra Wholesaler LLC.

16 Q. Okay. And is that to that same tire company in China?

17 A. It appears to be the same, yes.

18 Q. There's a signature on that?

19 A. There is.

20 Q. Can you describe what -- what appears on this signature
21 portion?

22 A. Sure. It again appears to say Said, similar to the
23 prior authorization form.

24 Q. Except the date is February 23rd, 2021?

25 A. Correct.

1 Q. Okay. On March 1st, moving forward here, on page 16,
2 there's a continued discussion between Said and Abdiaziz
3 Farah; is that correct?

4 A. Correct.

5 Q. How does Said Farah begin?

6 A. "Abtii total expenses \$20,309.37."

7 Q. "I will call you, Abtii, in a little bit. Still Zoom
8 meeting. Also, you didn't send me the remaining balances
9 from the checks and also expense for Albright and all the
10 other sites. Not Idriss sites."

11 A. Said Farah responds, "\$20,000 balance from wire,
12 \$10,000, 40,000; total, 70,000; less \$25,650 check; less
13 2500 qaraan; balance, \$41,850."

14 Q. Abdiaziz Farah responds, "Thank you."

15 A. And then Said Farah responds, "Albright plus other
16 sites, \$20,309.37."

17 Q. Abdiaziz says, "Send me Idriss sites when you have it.
18 Inshallah."

19 Said Farah on March 3rd sends a photo of several
20 checks. What account are they drawn on?

21 A. Correct. It appears these are drawn on the Empire
22 Cuisine & Market LLC account at U.S. Bank.

23 Q. And they appear to be payroll check?

24 A. Based on the memo line, that looks right.

25 Q. They say "payroll 1099"?

1 A. Correct.

2 Q. And then what does Abdiaziz -- what does Said Farah say
3 after of that?

4 A. "Albright plus other sites, \$20,309.37; plus \$220 times
5 100 pieces Muufo; total, \$20,529.37."

6 Q. Okay. On March 4th Abdiaziz Farah sends a text titled
7 Bushra Invoice 1; is that right?

8 A. Correct.

9 Q. Can you describe the invoice, who it's from and who it's
10 to?

11 A. Sure. This invoice indicates it's from Spice Bar LLC,
12 New York, bill to Bushra Wholesale LLC.

13 Q. That's Said Farah's company?

14 A. Correct.

15 Q. What's -- and what's on this invoice?

16 A. It appears to be some beans, pasta, pinto beans, and
17 rice.

18 Q. What's the balance due listed?

19 A. \$163,639.60.

20 Q. Then on March 8th Abdiaziz Farah sends some pictures of
21 what here?

22 A. I believe it's bags of rice, parboiled basmati rice.

23 Q. Does it say what kind of -- "Produce of Pakistan"? Is
24 that what it says on the bottom?

25 A. I believe so, yes.

1 Q. And then there's another picture here. Similar bags of
2 rice?

3 A. Correct.

4 Q. At the bottom of page 19?

5 A. Correct. And I believe that one says "Produce of
6 India," potentially.

7 Q. On March 8th Said Farah responds with the price of the
8 rice; is that right?

9 A. He does, yes.

10 Q. What does he say?

11 A. "The brown bag is \$6 cases, \$24. The white bag is \$8
12 cases, priced \$32. I can talk them more discount still."

13 Q. On the top of page -- on March 20th here on the top of
14 page 21, there's a discussion of dollar figures; is that
15 right?

16 A. Correct.

17 Q. What do we see?

18 A. It says, "Old balance, \$41,850. Less 1800 Saciido.
19 Less \$5200 Taaj. Less \$2,200 Culusow Feb. Total equals
20 9200. New balance, \$32,650."

21 Q. Then Said Farah sends a screenshot to Abdiaziz Farah; is
22 that correct?

23 A. Correct. It appears to be a screenshot of a real estate
24 listing for a 38.71-acre parcel of land in Anoka-Hennepin
25 School District.

1 Q. Then Abdiaziz Farah responds on the top of page 22,
2 "It's not in the market anymore," correct?

3 A. Correct.

4 Q. On March 28th Said Farah sends another list of dollar
5 figures; is that right?

6 A. He does.

7 Q. Could you generally describe the nature of it?

8 A. It appears to be a list of names, Afro Produce, Sahal
9 Wholesalers, with dollar amounts. \$5,418. Labor, Josey and
10 Heyman, \$400. Total, \$16,947.70. And then it says, "That's
11 Mind Foundry sites. Sahal Dairy, \$2,792."

12 Q. Then there's a photo of a list of stuff, correct?

13 A. Correct.

14 Q. On March 29th Said Farah sends a text to Abdiaziz
15 saying, "March breakdown"; is that right?

16 A. Correct.

17 Q. Okay. And then immediately thereafter, Abdiaziz Farah
18 responds with a photo; is that right?

19 A. He does.

20 Q. What's the photo of?

21 A. It appears to be an invoice, Somali Community
22 Resettlement Services, invoice for Kara Lomen -- Kara Lomen,
23 Partners in Quality Care.

24 Q. And how much is -- the invoice is to Partners in Quality
25 Care; is that right?

1 A. That is correct.

2 Q. What's the project there?

3 A. Project says CACFP sites.

4 Q. And are these some of the Somali Community Resettlement
5 Services sites that we talked about earlier?

6 A. Correct. Minneapolis, Faribault, Rochester, St. Cloud.

7 Q. What's the amount of the invoice to Partners in Quality
8 Care?

9 A. \$633,334.95.

10 Q. On page 24 here, March 31st, Abdiaziz Farah sends
11 another photo to Said Farah, correct?

12 A. Correct.

13 Q. This is another invoice to Partners in Quality Care?

14 A. Correct.

15 Q. Who's it from?

16 A. It says Islamic Society of Marshall, Minnesota.

17 Q. And what's the amount being claimed for reimbursements
18 to Partners in Quality Care here?

19 A. \$41,779.80.

20 Q. Okay. I'm going to direct your attention now to the top
21 of page 25 of Government Exhibit H-59. And Abdiaziz sends a
22 text to Said on April 3rd, 2021; is that right?

23 A. Correct.

24 Q. And it reads, "Abdimajid is going to bring you \$210,000
25 cashier's check. 10,000 for you, 10,000 for Abdiwahab.

1 190,000 please wire for me through Said Amana. It's due
2 Tuesday or Wednesday in Kenya."

3 Agent Pitzen, do you know what Amana is?

4 A. I'm familiar with it. It's an international money wire
5 entity.

6 Q. Then there's a missed call from Said Farah. And
7 Abdiaziz Farah continues; is that right?

8 A. Correct.

9 Q. "Can you write the rent check for last month and this
10 month to Naima Ahmed, 5,000. Inshallah. Give it to Qodow
11 or whoever, please."

12 A. Then there's a missed voice call.

13 Q. And Abdiaziz Farah says, "\$190,000, please, for Tuesday,
14 please. I need invoice made out to Bushra Wholesale LLC."

15 A. And then Said Farah responds, "To Empire, right?"

16 Q. There's an audio file. And how does Said Farah respond?

17 A. "To Empire, right?"

18 Q. Said Farah then on the top of page 26 sends an invoice
19 to Abdiaziz Farah; is that correct?

20 A. Correct.

21 Q. Then Abdiaziz Farah says, "Please send me the receipt."

22 A. Correct.

23 Q. Then on page 27 there's a clearer version of this
24 invoice; is that right?

25 A. Correct.

1 Q. Let's take a look at it. First off, who's this invoice
2 from?

3 A. It appears to be from a linen company.

4 Q. And --

5 A. In China.

6 Q. Jiangxi Enda Linen Company?

7 A. Correct.

8 Q. And that's in Jiangxi Province, China, according to the
9 invoice?

10 A. That's what it says, yes.

11 Q. Who's the invoice written to?

12 A. Bushra Wholesale LLC.

13 Q. Okay. And how much is Bushra Wholesale being charged by
14 Jiangxi Enda Linen Company?

15 A. It states here 190,000 U.S. dollars.

16 Q. And what is being purchased?

17 A. This is textile material.

18 Q. And is there information about how to pay this invoice
19 from Jiangxi Enda Linen Company in China?

20 A. There is.

21 Q. What bank is listed?

22 A. Agricultural Development Bank of China.

23 Q. And the address is in China?

24 A. Correct.

25 Q. And then there's account information, correct?

1 A. There is.

2 Q. Turning to page 28, what happens at the top of the page
3 here?

4 A. There's a missed call, couple missed calls. And then at
5 the bottom of the page, there's another image that's sent
6 from Said Farah to Abdiaziz Farah.

7 Q. And what's this image of?

8 A. This is another funds transfer request authorization
9 from Bank of America.

10 Q. What company is requesting a fund transfer?

11 A. Bushra Wholesalers.

12 Q. Whose company is that?

13 A. Said Farah's.

14 Q. And the requester name here?

15 A. It lists Said Farah.

16 Q. Okay. The wire type, what kind of wire is this?

17 A. International.

18 Q. And it says it's being requested in person; is that
19 right here?

20 A. Correct.

21 Q. And then what does it say for ID verification type?

22 A. U.S. driver's license.

23 Q. Okay. What's the wire amount here?

24 A. \$190,000.

25 Q. Who is it going to?

1 A. It looks like the linen company in China.

2 Q. The same one that was listed on that invoice?

3 A. That's correct.

4 Q. And the purpose of payment, according to this transfer
5 request?

6 A. Looks like it says "goods."

7 Q. On April 6th here, on the top of page 29, Said Farah
8 says to Abdiaziz, "Abtii, I sent you check. Let me know if
9 any questions."

10 Is that right?

11 A. Correct.

12 Q. And then later that day Abdiaziz Farah sends an image to
13 Said; is that correct?

14 A. Correct.

15 Q. And just generally what's -- I think we've seen this
16 image before; is that right?

17 A. Correct, or one very similar to it, but generally the
18 same information, related to the Somali Community
19 Resettlement Services, invoice to Partners in Quality Care.

20 Q. And then on page 30 there's the same -- an image of the
21 same invoice yet again, correct?

22 A. Correct.

23 Q. Okay. On page 31 Abdiaziz Farah sends a menu to Said;
24 is that right?

25 A. Correct.

1 Q. Can you describe this menu?

2 A. Sure. This at the top says, Faribault CACFP At-Risk
3 7-Day Grocery Menu.

4 Q. Okay.

5 A. And then it lists Empire Cuisine & Market and Bushra
6 LLC.

7 Q. And in the upper right-hand corner, what does it say?

8 A. Meals provided by Empire Cuisine & Market and Bushra
9 LLC.

10 Q. And it looks like part of that's typed and part of
11 that's written in hand. Can you describe that?

12 A. Correct. It appears as though the portion that's typed
13 says, "Meals provided by Empire Cuisine & Market," and then
14 handwritten after that it says, "and Bushra LLC."

15 Q. I'm showing you the next page. On April 6th there's
16 that same image from Abdiaziz of the invoice from the
17 Islamic Society of Marshall; is that right?

18 A. Correct.

19 Q. What about on page 33 here of Government Exhibit H-59?
20 Could you describe what we're looking at?

21 A. Sure. Said Farah sends to Abdiaziz Farah a handwritten
22 sheet of paper listing, it appears, February and March and
23 then totaling up some figures, Gold Star, Upper Lakes, Afro
24 Produce on -- that's in February. Then there's a sticky
25 note below it. And then on the right side, March is

1 similar-type writing below that.

2 Q. Okay. On page 34 of Government Exhibit H-59, Said Farah
3 sends an image to Abdiaziz on -- a photo, that is, on
4 April 22nd of 2021; is that right?

5 A. Correct.

6 Q. What's that?

7 A. This says it's a ThinkTechAct site authorization form.

8 Q. For what site?

9 A. For Albright Townhomes.

10 Q. I'm going to skip ahead a few pages.

11 On page 36 we see a similar list, is that right,
12 of payments?

13 A. Correct.

14 Q. The one at the bottom is -- it talks about the Mind
15 Foundry sites; is that correct?

16 A. Correct.

17 Q. And at the top of page 37, Said Farah sends a text
18 titled Bet'el Oromo Youth Activities to Abdiaziz Farah; is
19 that correct?

20 A. That is correct.

21 Q. Can you generally describe what the image depicts?

22 A. It generally depicts a calendar for May 2021. It looks
23 like it has Sunday, Monday, Tuesday, Wednesday, Thursday,
24 Friday, Saturday. And then it looks like it lists of
25 various activities, songs, reading, play, rhymes, writing,

1 science, math.

2 Q. And then Abdiaziz Farah on May 14th sends a -- it looks
3 like a menu for the Somali Community Resettlement Services
4 Faribault site.

5 Similar to the one we saw before?

6 A. Correct.

7 Q. At the top of page 38 there's a -- Abdiaziz sends a
8 photo of a 7-day meal pack; is that right?

9 A. Correct. A list, 7-day meal pack, CACFP at-risk.

10 Q. And then there's a series of texts about some travel
11 documents; is that right?

12 A. That's correct.

13 Q. I'm going to skip ahead here to page 40 of Government
14 Exhibit H-59.

15 Do you recognize this image that Abdiaziz Farah
16 sent to his brother Said on May 17th of 2021?

17 A. I do, yes. I've seen that before. It's related to a
18 bank account that was opened.

19 Q. And where was that bank account opened?

20 A. Absa Bank in Kenya.

21 Q. What's the name of the account?

22 A. Capital View Properties Limited.

23 Q. What's the date on which the account -- this letter
24 about the application to open the account was sent by Absa
25 Bank?

1 A. March 11, 2021.

2 Q. And you said you saw this before; is that right?

3 A. I have. We've gone through it in some of the other text
4 strings, yes.

5 Q. And I'm going to show you H-51a. H-51a at page 4 is a
6 text string that we looked at earlier between Abdiaziz Farah
7 and Abdimajid Nur; is that right?

8 A. That is correct.

9 Q. And on May 29th of 2021 Abdiaziz Farah sends a copy of a
10 letter to Abdimajid Nur; is that right?

11 A. Correct.

12 Q. What is it?

13 A. It appears to be the same bank account opening letter.

14 Q. For opening the account in the name of Capital View
15 Properties at Absa Bank in Nairobi, Kenya?

16 A. Correct.

17 Q. All right. We'll go back to Government Exhibit H-59,
18 page 40.

19 After this, there's some more travel documents; is
20 that right?

21 A. That is correct.

22 Q. And one of them here at the bottom of page 42 relates to
23 Said Farah; is that correct?

24 A. That is correct.

25 Q. Can you describe what we're looking at here at the

1 bottom of page 42?

2 A. It appears to be information related to a Delta airline
3 flight.

4 Q. And who's --

5 A. Said Farah.

6 Q. I'll zoom in here. Can you tell where this flight
7 was -- Said Farah's flight is going?

8 A. So it looks like it's going from Minneapolis to
9 Amsterdam and then from Amsterdam on to, looks like -- looks
10 like Nairobi.

11 Q. Nairobi, Kenya?

12 A. Correct.

13 Q. Okay. And the date of that flight is May 30th, 2021?

14 A. Correct.

15 Q. And there's a return flight on this image as well,
16 correct?

17 A. There is, yes.

18 Q. And what was the date on Said Farah's return flight from
19 Nairobi back to Minneapolis?

20 A. According to this, it's August 31st of 2021.

21 Q. A three-month-long trip?

22 A. Approximately, yes.

23 Q. The top of page 43 it looks like he sends a -- Said
24 Farah sends a picture of his passport to Abdiaziz; is that
25 right?

1 A. Correct.

2 Q. And now, agent, I'd like to skip ahead now a few pages.
3 Okay?

4 And here on page 47 there's some discussion about
5 being in Kenya; is that correct?

6 A. Correct.

7 Q. That's on June 2nd, 2021?

8 A. Correct.

9 Q. And on page 49 of Government Exhibit H-59, Abdiaziz
10 Farah sends a text to Said on June 3rd, 2021; is that right?

11 A. Correct.

12 Q. And what's the image depicted here?

13 A. It's says, "Somali Resettlement Meal Counts and
14 Invoice."

15 Q. And what was the location listed for these Somali
16 Resettlement counts?

17 A. Sure. It appears to be PDF attachments related to
18 Faribault, three of them from Faribault and then three of
19 them from Minneapolis.

20 Q. And then it looks like there's a couple of spreadsheets;
21 is that right?

22 A. Correct. It appears that there's a Faribault attendance
23 from March to May spreadsheet and then a Minneapolis
24 attendance March to May.

25 Q. And Said Farah explains he's on the way to the airport;

1 is that right?

2 A. Correct.

3 Q. Okay. At the bottom of page 51, there's a couple texts
4 from Said Farah, correct?

5 A. That is correct.

6 Q. Can you describe them?

7 A. So this appears to be a confirmation of some
8 transactions. It says, "Confirmed. KSH 37,000 paid to
9 Pronto - St. Ellis on August 6, 2021."

10 Q. And KSH, do you understand what that is?

11 A. Yeah, I'm familiar with it as a Kenyan shilling.

12 Q. He's in Kenya at the time, I assume.

13 A. Correct.

14 Q. And at the top of page 52, it looks like Pronto is
15 perhaps a restaurant in Nairobi?

16 A. It appears that way, yes.

17 Q. And that's Abdiaziz sending that restaurant information
18 to Said?

19 A. Correct.

20 Q. On June 10th?

21 A. Correct.

22 Q. Okay. There's fewer texts through the summer of 2021;
23 is that right?

24 A. Correct.

25 Q. You see here there's some missed phone calls on

1 June 16th on page 54; is that right?

2 A. There is, yes.

3 Q. Again, on June 21st, here on page 55, this is a few
4 texts back and forth; is that correct?

5 A. Correct.

6 Q. More discussion of travel on June 30th?

7 A. Correct.

8 Q. Phone calls on July 5th?

9 A. Correct. Missed phone calls, yes.

10 Q. On -- this is page 56, correct?

11 A. Correct.

12 Q. Okay. I'm going to skip ahead a couple pages here to
13 the top of page 59.

14 And Abdiaziz Farah sends a text to Said on
15 August 3rd of 2021; is that right?

16 A. Correct.

17 Q. What's the title of the text?

18 A. Regarding Somali Community Resettlement Minneapolis
19 March. The title says, "Good News From Minneapolis."

20 Q. And then attached to this Good News From Minneapolis
21 text is a screenshot; is that right?

22 A. Correct. It appears to be a screenshot of an email.

23 Q. And who is the email from?

24 A. From Kara Lomen to Abdiaziz Farah.

25 Q. And the subject line is Re: Somali Community

1 Resettlement Minneapolis March, correct?

2 A. Correct.

3 Q. What does Kara Lomen say to Abdiaziz Farah on this
4 email?

5 A. "They got submitted on Friday, finally. They will also
6 have a check to pick up on Thursday. Sorry, my email got
7 away from me today."

8 Q. And how does Said Farah respond to that news, Good News
9 From Minneapolis?

10 A. "ASC Abtii. That's good. It's late. I think you
11 slept. Inshallah. We talk tomorrow."

12 Q. And Abdiaziz responds, "It's May, not March, so that we
13 can do the math and leave those guys alone."

14 Is that right?

15 A. Correct.

16 Q. Now, there's some lines here, irrelevant stuff, taken
17 out, correct?

18 A. That is correct.

19 Q. And the conversation picks up on page 60 on August 11th,
20 2021; is that right?

21 A. Correct.

22 Q. And Abdiaziz Farah states, "Abtii, how many sites did we
23 have last summer? Highland, Valley View Park, The Crossings
24 at Valley. I don't remember the other one. I want to apply
25 for at-risk, inshallah. Heritage. I got it. Never mind."

1 Do you recognize those things that he's listing?

2 A. I do. Those are site locations. Some of them we talked
3 about earlier today.

4 Q. Then there's a -- on the next page there's a series of
5 missed voice calls; is that correct?

6 A. Correct.

7 Q. And then at the top of page 62, Said Farah sends a --
8 another screenshot to Said Farah, correct?

9 A. That is correct.

10 MR. SCHLEICHER: Other way. I think you read the
11 wrong -- you read the wrong name.

12 MR. THOMPSON: Oh, sorry. Okay.

13 BY MR. THOMPSON:

14 Q. Bring it back up. Okay. So we're back on page 62.
15 It's green. So who's green?

16 A. This is Abdiaziz Farah sending this.

17 Q. And the text he sends on August 24th of 2021?

18 A. Correct.

19 Q. What's the image that he's sending to Said?

20 A. It's an image of what appears to be a text string.

21 Q. And how does the text string begin here?

22 A. It says, "Al-Sunnah. Salaam, everyone. I hope you are
23 doing well. You are cordially invited to a meeting at
24 Somali Community Office in Minneapolis."

25 It provides the date of August -- Friday,

1 August 27, 2021, with an agenda to finalize the last
2 payments.

3 There's a subsequent text that says, "Abdiaziz,
4 can you add Saciid to this group? I have lost" -- "I have
5 lost his number. The meeting is strictly restricted to
6 people who are invited only. Please confirm."

7 And then it repeats the same information above.

8 Q. The meeting?

9 A. About the meeting date and time, yes.

10 Q. And, again, are you familiar with Al-Sunnah?

11 A. Yes, I am.

12 Q. How so?

13 A. One of the site locations.

14 Q. And how does Said Farah respond to that message?

15 A. He says, "ASC, Abtii, I can't make that meeting because
16 traveling back on 31st from Nairobi."

17 Q. Abdiaziz says, "No problem. We will let them know.
18 Inshallah."

19 Correct?

20 A. Correct.

21 Q. Page 63. Abdiaziz Farah sends an image to Said on
22 September 2nd of 2021; is that right?

23 A. Correct.

24 Q. Can you describe the image?

25 A. Yes. It appears to be a screenshot of the calculator

1 function on a phone, and it lists 46,209.

2 Q. And Said Farah responds?

3 A. "58,886."

4 Q. And then on page 64, Said Farah sends an image; is that
5 correct?

6 A. That's correct.

7 Q. What's the image?

8 A. It appears to be a piece of paper with handwriting on it
9 listing Albright site, July, 14 days, with some totals.

10 Q. And what's the math that's done here?

11 A. It says 300 kids times 3.92 times 14 days. Total:
12 \$16,464. Then it says minus \$9,425 expenses. Then it says
13 bal profit, \$7,039.

14 Q. Okay. On page 65, Said Farah sends a message on
15 September 10th; is that right?

16 A. He does.

17 Q. What does that say?

18 A. "ASC, Abtii. Abdullahi Marshall call me. He received
19 the money. Need hisaab."

20 Q. Okay. And Abdiaziz Farah then later says, "I will call
21 you after prayer," and sends an image with a similar
22 calculation involving Albright, correct?

23 A. Correct.

24 Q. And then it ends with check -- a \$7,039 check, correct?

25 A. That's what the piece of paper says, yes.

1 Q. And how -- does Said Farah then talk more about that
2 money on page 66?

3 A. He does. He -- Said Farah then sends a message saying,
4 "\$7,039, Minnesota Food Grocery LLC."

5 And then there's a missed call.

6 He says, "Just write down 7,000. It's okay."

7 Q. On page 67 there's an image from Abdiaziz Farah to Said
8 Farah, correct?

9 A. Correct.

10 Q. What is that?

11 A. This is a Partners in Quality Care permission slip for
12 home meal delivery during COVID-19.

13 Q. Then he sends another calculation; is that right?

14 A. Abdiaziz Farah sends a calculation to Said Farah on a
15 note card that lists 31 days, rate \$5.62, times 376. It
16 appears to equal \$65,506.72. And then it says minus 10
17 percent Nur Consulting \$6,550.67. Bal \$58,956.48. And then
18 below that it says, FC, 11,656, and then a total 47,300.

19 Q. Skip to the middle of page 69. There's a text message
20 from Abdiaziz Farah in green here; is that right?

21 A. Correct.

22 Q. And what does it say?

23 A. It says, "Al-Ihsan. Albright. Daily meals 500 times
24 4.21, equals 2105, times 30, equals 63,150, minus
25 15 percent, equals 53,677.50. No food expenses charged for

1 this month."

2 Q. Okay. I want to direct your attention to page 71, which
3 is a series of messages from Abdiaziz Farah to Said Farah;
4 is that correct?

5 A. Correct.

6 Q. And these are on January 19th of 2022?

7 A. That is correct.

8 Q. Can you describe -- the first one is titled, 5/26/21,
9 Diis Transportation; is that right?

10 A. Correct.

11 Q. Can you describe the image that's sent?

12 A. This appears to be an invoice from Diis Transportation
13 to Bushra Wholesalers LLC. And it says the project CACFP
14 Transportation Contracted Services.

15 Q. What's the amount that's being invoiced?

16 A. \$58,292.

17 Q. And this is from Diis Transportation to Bushra
18 Wholesalers, correct?

19 A. That's what this invoice indicates, yes.

20 Q. And then almost simultaneously Abdiaziz Farah sends a
21 second invoice to Said Farah, correct?

22 A. Correct.

23 Q. Can you describe this invoice?

24 A. So this one says it's an invoice from Moonlight
25 Investment for Bushra Wholesalers. Project, similar, CACFP

1 Transportation Contracted Services. And that has a total of
2 \$10,000.

3 Q. Could you describe the -- could you -- how would you
4 describe the two invoices?

5 A. They appear to be identical in format with just
6 different content in them, but the formatting of the
7 invoices appear to be the same.

8 Q. Despite coming from, purportedly, different companies?

9 A. Purportedly, it's from different companies, yes, but the
10 information on there looks like it's laid out the same.

11 Q. And there's a second version of the Moonlight Investment
12 invoice on page 72; is that right?

13 A. That's correct.

14 Q. And, again, on page 73 there's a second invoice from
15 Diis Transportation with a later date of September 8th of
16 2021; is that right?

17 A. Correct.

18 Q. From Diis Transportation?

19 A. Correct.

20 Q. To?

21 A. Bushra Wholesalers LLC.

22 Q. And what's this one for?

23 A. Same thing. CACFP Transportation Contracted Services.

24 Q. Okay.

25 A. For a total of \$36,806.

1 Q. And what's the address listed for Diis Transportation?

2 A. 2310 James Avenue North, Minneapolis.

3 Q. Going back a page, what's the address listed for
4 Moonlight Investment?

5 A. 2310 James Avenue North, Minneapolis.

6 Q. Same address?

7 A. Correct.

8 Q. Now directing your attention to page 74 of Government
9 Exhibit H-59, Abdiaziz Farah sends a photograph to Said
10 Farah on that same day, correct?

11 A. He does, yes.

12 Q. And can you describe this photograph?

13 A. Sure. This is a photograph of a W-9 request for
14 taxpayer identification number and certification.

15 Q. It appears to be taken from like a draft form on a
16 computer; is that right?

17 A. Appears to be, yeah. A picture of a computer screen.

18 Q. And what's the company listed?

19 A. Diis Transportation Inc.

20 Q. And what's the address listed?

21 A. 2310 James Avenue North, Minneapolis.

22 Q. On page 75, Abdiaziz Farah shortly thereafter sends
23 another image to his brother Said; is that right?

24 A. That is correct.

25 Q. And what's in this image?

1 A. Again, this is a W-9 request for taxpayer identification
2 number and certification related to Moonshine Investment
3 Group LLC.

4 Q. And what's the address listed for Moonshine Investment
5 Group LLC?

6 A. 2310 James Avenue North in Minneapolis.

7 Q. And it's Moonshine Investment here on the W-9?

8 A. That's what it says, yes.

9 Q. What's a W-9?

10 A. A W-9 is a way for an entity to request an
11 identification number and EIN.

12 Q. Okay. And this is an EIN request for Moonshine
13 Investment, correct?

14 A. That's what it indicates, yes.

15 Q. Let's go back a couple pages. The invoices that
16 Abdiaziz sent earlier that day, same address. What's the
17 company listed as on the invoice?

18 A. Moonlight Investment.

19 Q. And going back to page 74, the photo of the EIN W-9
20 request for Diis Transportation. If you could describe the
21 top of this image here.

22 A. It appears to be an internet search search bar. And
23 then it says -- it looks like a gmail inbox, Google
24 calendar, board agenda, and fed nutrition program.

25 Q. Okay. Can you read the start of that gmail address

1 right there?

2 A. It appears to say Aazizfa.

3 Q. Do you recognize that email address?

4 A. I do, yes.

5 Q. Whose email address is that?

6 A. Abdiaziz.

7 Q. Farah's?

8 A. Correct.

9 Q. Thank you, Agent Pitzen.

10 THE COURT: Are you done?

11 MR. THOMPSON: Yes.

12 THE COURT: All right. Thank you.

13 We're going to take our afternoon break. We are
14 ending at 4:00 today. I know you all know that.

15 And we'll come back at 2:45. Thanks, everyone.

16 THE CLERK: All rise.

17 (Recess taken at 2:30 p.m. till 2:50 p.m.)

18

19 **IN OPEN COURT**

20 **(JURY PRESENT)**

21 THE COURT: You may all be seated.

22 And, Mr. Thompson, you may continue.

23 MR. THOMPSON: Thank you, Your Honor.

24 BY MR. THOMPSON:

25 Q. Welcome back, Agent Pitzen.

1 A. Thank you.

2 Q. We talked -- you testified some about Kenya, Nairobi,
3 Kenya, before the break; is that right?

4 A. Correct.

5 Q. When you reviewed Abdiaziz Farah's cell phone, did you
6 find any WhatsApp messages between Abdiaziz Farah and people
7 or someone in Kenya?

8 A. I did, yes.

9 Q. I'm going to show you what's been marked as Government
10 Exhibit H-52a.

11 And is that the first of a series of excerpts of a
12 text message or WhatsApp message conversation between
13 Abdiaziz Farah and someone in Nairobi, Kenya?

14 A. It is, yes.

15 Q. And who is this WhatsApp conversation with?

16 A. An individual by the name of Ahmednaji Maalim Aftin.

17 Q. Do you have a sense, is he related to anyone in this
18 case?

19 A. I do. Abdiwahab Aftin is his brother.

20 Q. Agent Pitzen, Government Exhibits H-52a through H-52z
21 and H-52aa through H-52zz are excerpts of this text message
22 conversation between Abdiaziz Farah and Ahmednaji Maalim
23 Aftin in Kenya, correct?

24 A. Correct.

25 Q. And that includes both text messages and also documents

1 that were sent via the WhatsApp messaging system; is that
2 correct?

3 A. That is correct.

4 MR. THOMPSON: Your Honor, I'd move to admit
5 Government Exhibits H-52a through H-52z and H-52aa through
6 H-52zz.

7 MR. IAN BIRRELL: No objection to their
8 conditional admission.

9 THE COURT: The court will conditionally admit
10 those exhibits.

11 MR. THOMPSON: Thank you, Your Honor.

12 BY MR. THOMPSON:

13 Q. Agent Pitzen, let's start with H-52a.

14 Again, can you orient the jury to what we are
15 looking at here?

16 A. Sure. Similar to the other ones we've gone through, on
17 the right side in green you will see -- those are WhatsApp
18 messages coming from Abdiaziz Farah. And in blue on the
19 left side would be the messages coming from Ahmednaji Aftin.

20 Q. And the first of these excerpts begins on July 3rd of
21 2021; is that right?

22 A. Correct.

23 Q. Ahmednaji Aftin is in blue?

24 A. Correct.

25 Q. Abdiaziz Farah in green?

1 A. Correct.

2 Q. Can you start reading with Ahmednaji Maalim Aftin's
3 portion?

4 A. Sure. "Save journey, bro. MCN. Love you too."

5 Q. "Inshallah, bro. We are six hours now, inshallah. Free
6 wifi here, bro. Only text. Love you too, bro."

7 And then Abdiaziz Farah sends a couple pictures.

8 Can you describe this first one on page 2?

9 A. Sure. It appears to be taken on an airplane.

10 Q. And then another one on page 3?

11 A. Similar.

12 Q. Delta flight?

13 All right. The conversation picks up or continues
14 on page 5 of Government Exhibit H-52 that same day,
15 July 3rd, 2021; is that right?

16 A. Correct.

17 Q. And Abdiaziz Farah says, "Miss you, bro. You are gonna
18 be the richest 25-year-old, inshallah. My brother, I love
19 you so much."

20 A. Mr. Aftin responds, "Reply: You are gonna be the
21 richest 25-year-old, inshallah. Inshallah. I love you so
22 much."

23 Q. Okay. And to be clear, that's Ahmednaji Maalim Aftin,
24 not Abdiwahab Maalim Aftin?

25 A. Correct.

1 Q. Page 52b is another excerpt between these two, correct?

2 A. Correct.

3 Q. A couple days later on July 5th of 2021; is that right?

4 A. Correct.

5 Q. And it looks like Ahmednaji Aftin sends an image or a

6 document to Abdiaziz Farah; is that correct?

7 A. Correct.

8 Q. Can you describe this document?

9 A. This appears to be a funds transfer application from

10 First Community Bank.

11 Q. And what's the date on the application?

12 A. July 2nd, 2021.

13 Q. And the amount of this funds transfer application?

14 A. 2,362,500 Kenyan shillings.

15 Q. Okay. And what entity or what bank account is that

16 money being transferred to?

17 A. Capital View Properties Limited with -- at Absa Bank

18 Kenya.

19 Q. Absa Bank. Are you familiar with that?

20 A. I am, yes.

21 Q. How so?

22 A. This was similar to the bank letter we saw earlier that

23 Abdiaziz Farah had been sending to various individuals.

24 Q. And there's more information here on the foreign bank

25 charges; is that correct?

1 A. Correct.

2 Q. And it's stamped from First Community Bank in Nairobi,
3 correct?

4 A. Correct.

5 Q. And then directing your attention down to page 2,
6 Ahmednaji Aftin sends a message to Abdiaziz Farah later that
7 day?

8 A. Correct.

9 Q. What does he say?

10 A. "Maya, bro. I still didn't receive any calls from
11 Amana."

12 Q. Abdiaziz Farah responds, "Bro."

13 What's Amana?

14 A. It's an international money transfer service.

15 Q. Now, this entity we're looking at is called Capital View
16 Properties; is that right?

17 A. Correct.

18 Q. And we've seen several letters related to opening an
19 account at that entity in Nairobi, Kenya, correct?

20 A. Correct.

21 Q. I want to show you now what's been marked, but not yet
22 admitted, as Government Exhibit J-160.

23 Agent Pitzen, during the investigation did the
24 government obtain documents related to this entity, Capital
25 View Properties Limited?

1 A. We did, yes.

2 Q. And is Government Exhibit J-160 some of those documents?

3 A. It is, yes.

4 MR. THOMPSON: Your Honor, I'd move to admit
5 Government Exhibit J-160.

6 MR. GARVIS: No objection.

7 MR. MOHRING: Objection. Vagueness. Time frame,
8 please.

9 THE COURT: Can you add additional foundation?

10 MR. THOMPSON: As to --

11 BY MR. THOMPSON:

12 Q. Agent Pitzen, this is related to the creation of this
13 entity. Well, there's documents on page 3 here, a sales
14 agreement; is that right?

15 A. Correct.

16 THE COURT: Is there a date on that agreement?

17 MR. THOMPSON: I'll look, Your Honor. I think
18 there is at the end.

19 BY MR. THOMPSON:

20 Q. The purchase agreement here, do you see the date?

21 A. I do, yes.

22 Q. What's the date?

23 A. The 17th of June, 2021.

24 Q. And then there's some board minutes from a board
25 meeting. What's the date of the board meeting?

1 A. Appears to be June 3rd, 2021.

2 MR. THOMPSON: Your Honor, I'd move to admit
3 Government Exhibit J-160.

4 THE COURT: Any objection?

5 MR. GARVIS: No objection.

6 THE COURT: J-160 is admitted and may be
7 published.

8 MR. THOMPSON: Thank you, Your Honor.

9 BY MR. THOMPSON:

10 Q. Agent Pitzen, I'm showing you the first page of
11 Government Exhibit J-160.

12 And is this some of the materials that were
13 obtained related to Capital View Properties Limited?

14 A. It is, yes.

15 Q. Can you describe the first page of this brochure?

16 A. Sure. This appears to be like a flyer-style document
17 for Capital View Apartments in the name of Capital View
18 Properties Limited. It lists an address of Nairobi, Kenya,
19 and addresses 3- and 4-bedroom apartment.

20 Q. Okay. And there's a picture of an apartment building on
21 the front of the document, the brochure; is that right?

22 A. That is correct.

23 Q. Page 2 of this exhibit is more information about this
24 apartment building; is that right?

25 A. Correct.

1 Q. What does it say?

2 A. It indicates it's a -- there's four units per floor, and
3 then it has kind of a price breakdown. It says booking as
4 low as 100,000 Kenyan shillings and then talks about deposit
5 amounts, construction, and how much is due upon completion.
6 So a breakdown of how much is kind of due upfront, how much
7 is due two years in, and how much is due at the end.

8 Q. When the building's been constructed and built?

9 A. Correct.

10 Q. And, again, the address listed?

11 A. Yes, is a P.O. Box in Nairobi, Kenya.

12 Q. Okay. I'm directing your attention to page 3 of this
13 document. There's a sales agreement; is that right?

14 A. Correct.

15 Q. And who's this contract or agreement between?

16 A. It's between Capital View Properties Limited and
17 Abdiaziz Shafii Farah.

18 Q. What does the agreement relate to?

19 A. The sale and purchase of five units of four-bedroom
20 apartments erected on Land Reference Number 209/5182.

21 Q. And it looks like some sort of law firm was involved in
22 creating this contract; is that right?

23 A. It appears to be that way, yes.

24 Q. Where is that firm located?

25 A. It looks like, based on this, they're located in

1 Nairobi, Kenya.

2 Q. Okay. What's the date on this agreement here between
3 Capital View Properties and Abdiaziz Farah?

4 A. It appears to be the 30th day of April, 2021.

5 Q. And Abdiaziz Farah, do you recognize the address listed
6 after his name?

7 A. I do, yes.

8 Q. What address is that?

9 A. I believe that's the address of Mohamed Ismail.

10 Q. 13825 Edgewood Avenue in Savage, Minnesota?

11 A. Correct.

12 Q. Then this document describes the property; is that
13 correct?

14 A. That's correct.

15 Q. Okay. I direct your attention to -- on page 5 of this
16 document, is there the purchase price listed here?

17 A. It lists a purchase price of five units at 14,500,000
18 Kenyan shillings per unit.

19 Q. And on page 6 is there a purchase price?

20 A. There is. It look like total purchase price 72,000 --
21 or 72,500,000.

22 Q. And that's Kenyan shillings; is that right?

23 A. Correct.

24 Q. Do you have a sense of what the exchange rate between
25 Kenyan shillings and U.S. dollars was back in this time

1 frame?

2 A. In this time frame I believe it was approximately a
3 hundred to one.

4 Q. Okay. So let's do the math here. If it's 72 million
5 Kenyan shillings, how many U.S. dollars would that be?

6 A. Would that be 72,500?

7 Q. I think it would be 700,000.

8 A. Yeah, maybe 725,000.

9 Q. Yeah. Okay. So it's \$725,000, U.S. dollars?

10 A. Yeah, that seems right.

11 Q. Okay. And there's some information about where that
12 money would go. What bank is listed?

13 A. Correct. Absa Bank Kenya.

14 Q. So let me go down a few pages. If we go to page 16.

15 And there's a document here on page 16 that says a
16 little bit -- that tells a little bit more about Capital
17 View Properties; is that right?

18 A. Correct.

19 Q. And could you describe the top? What information is
20 contained on this document?

21 A. This appears to be a Memorandum For a Company With Share
22 Capital, related to Capital View Properties Limited.

23 Q. And then it says, "Each subscriber to this memorandum of
24 association wishes to form a company under The Companies Act
25 2015 and agrees to become a member of the company and to

1 take at least one share."

2 Is that right?

3 A. Correct.

4 Q. And if we go down, does it list the shareholders of
5 Capital View Properties?

6 A. It does.

7 Q. It looks like there's four people listed there; is that
8 right?

9 A. Correct.

10 Q. Who's the first person listed?

11 A. Zeitun Garat Abdinoor.

12 Q. Second person?

13 A. Abdullahi Maalim Aftin, Abdiwahab Maalim Aftin, and
14 Abdifatah Maalim Aftin.

15 Q. And what are they all listed as in terms of their
16 professions?

17 A. Nairobi business people.

18 Q. Okay. Now, you're familiar with one of the names on
19 this; is that right?

20 A. I am, yes.

21 Q. Who is that?

22 A. Abdiwahab Maalim Aftin.

23 Q. And that's the defendant in this case?

24 A. One of them, yes.

25 Q. Okay. Now, these, these names -- do you have an

1 understanding, Agent Pitzen, and I know you're not an
2 expert, on how Somali -- the Somali naming conventions, how
3 they work?

4 A. Generally. Very generally.

5 Q. So, for example, in the United States where do I get my
6 last name?

7 A. It would come -- your last name would come from your
8 parents' last name.

9 Q. In Somali culture, how do names generally work?

10 A. So the father's first name is used as your middle name.
11 And then your grandfather's first name is used as your last
12 name. And then your first name is a given name.

13 Q. Okay. So Abdull -- what does that tell us about
14 Abdullahi Maalim Aftin, Abdiwahab Maalim Aftin, and
15 Abdifatah Maalim Aftin?

16 A. That they have the same father and grandfather.

17 Q. And does it say anything about the shares in this
18 company?

19 A. It indicates the number of shares taken per person.

20 Q. Okay. Okay. I'm going to direct your attention down to
21 the next page, Government Exhibit 17.

22 This is a document dated June 4th of 2021; is that
23 right?

24 A. Correct.

25 Q. What is -- could you describe what this says?

1 A. Sure. It indicates that two of the shareholders, the
2 directors of Capital View Properties Limited, with a Post
3 Office Box number in Nairobi, acknowledge the receipt of
4 200,000 U.S. dollars from Abdiwahab Maalim Aftin, being part
5 of his contribution and a share in 48-unit apartment to be
6 erected at South C off Ole Shapara Road on Land Reference
7 Number 209/5182.

8 Q. South C. That's a neighborhood or district in Nairobi,
9 correct?

10 A. Correct.

11 Q. And the next document is another -- well, why don't you
12 describe page 18 of Government Exhibit J-160.

13 A. Sure. So this is a business registration service letter
14 to the directors of Capital View Properties Limited in
15 Nairobi related to The Companies Act 2015.

16 Q. And what company does this relate to in Kenya?

17 A. Capital View Properties Limited.

18 Q. With an address in South C in Nairobi?

19 A. That is correct.

20 Q. Who are listed as the directors and shareholders of
21 Capital View Properties in Kenya?

22 A. The same individuals we saw on the previous page.
23 Zeitun Garat Abdinoor, Abdullahi Maalim Aftin, Abdiwahab
24 Maalim Aftin, and Abdifatah Maalim Aftin.

25 Q. Page 17 indicated that Abdiwahab Aftin purchased his

1 share in the company for 200,000 U.S. dollars, correct?

2 A. Correct.

3 Q. On June 4th of 2021?

4 A. Correct.

5 Q. I'm showing you now page 19 of Government Exhibit J-160.

6 Could you describe what's shown here?

7 A. Sure. This is a Combined Payment Disclosure. A wire
8 request for \$200,000 will be debited from the account, which
9 is listed there on the left side. The originator is
10 Abdiwahab Aftin. And then the beneficiary side is on the
11 right side there, and it shows a transfer total of
12 200,000 U.S. dollars going to the beneficiary Absa Bank
13 Kenya.

14 Q. And Absa Bank is where the bank account is. Who's the
15 actual beneficiary of this 200,000 U.S. dollars transfer?

16 A. The beneficiary bank is Absa Bank. And then the
17 individual within -- or that has an account at that bank
18 would be Capital View Properties.

19 Q. So the money is being transferred to Capital View
20 Properties in Nairobi?

21 A. That is correct, yes.

22 Q. Who sent \$200,000 to Capital View Properties here?

23 A. That would be Abdiwahab Aftin.

24 Q. What information did he list as the purpose of this wire
25 transfer?

1 A. It says supplies for Bushra Wholesale.

2 Q. And what's the date of this transfer?

3 A. May 26, 2021.

4 Q. All right. I want to show you another document that's
5 attached to -- it's at page 15 of Government Exhibit J-160.
6 There purport to be board minutes for the Capital View
7 Properties Limited; is that right?

8 A. Correct.

9 Q. Can you explain the title of the document?

10 A. Sure. This indicates it's an extract minutes of board
11 meeting held at the boardroom of Capital View Properties
12 Limited head office at 9:00 on June 3rd, 2021, with --

13 And here it indicates that the registered office
14 is at 7th Floor, IPS building, and then on June -- June 3rd,
15 2021.

16 Q. And what does it say the board resolved at that board
17 meeting on June 3rd, 2021, in Nairobi?

18 A. That Capital View Properties Limited received \$200,000
19 from Mr. Abdiwahab Maalim Aftin on May 18th, 2021; that the
20 above funds were meant to procure and ship supplies, mainly
21 food stuffs, from Kenya to U.S.A.; that due to COVID-19
22 restrictions and lockdown in Kenya, we could not meet the
23 deadline for delivery schedule; that Mr. Abdiwahab Maalim
24 Aftin, who is one of the directors, opted to convert the
25 received funds to share contribution as part of his

1 investment in the construction project.

2 Q. And who signed these board minutes?

3 A. It appears as though all of the board members signed,
4 signed this document.

5 Q. And this board meeting was on June 3rd of 2021?

6 A. That's what it indicates, yes.

7 Q. All right. Let's go back up to the sales document.

8 What's the date on this purchase agreement between
9 Capital View Properties and Abdiaziz Farah?

10 A. It looks like it is April 30th of 2021.

11 Q. So about six weeks before that board meeting?

12 A. Correct.

13 Q. And, again, how much is -- what is Abdiaziz Farah
14 purchasing, according to this agreement, and how much is he
15 paying?

16 A. It appears as though he's purchasing five units for
17 72,500,000 Kenyan shillings, which, I think we did the math
18 earlier, is 725,000 U.S. dollars, approximately.

19 Q. And this is signed on behalf of Capital View Properties
20 Limited, is that right, the seller?

21 A. It is, yes.

22 Q. And signed by the purchaser as well?

23 A. It is. It appears to be, yes.

24 Q. What's the date?

25 A. June 17th, 2021.

1 Q. All right. Agent Pitzen, did you -- when you were going
2 through the text chain between Abdiaziz Farah and Ahmednaji
3 Maalim Aftin, did you find additional text messages about
4 real estate purchases in Nairobi, Kenya?

5 A. I did, yes.

6 Q. I'm going to show you now what's been admitted as
7 Government Exhibit H-52b -- sorry -- H-52c.

8 This is a text chain beginning on July 14th of
9 2021; is that right?

10 A. Correct.

11 Q. Abdiaziz Farah begins in green; is that right?

12 A. Correct.

13 Q. What is the first text in this thread?

14 A. It appears to be like a rendering of an apartment
15 building.

16 Q. Okay. And then on the second page, on July 14th he
17 sends a document to Ahmed Maalim Aftin in Kenya, correct?

18 A. Correct.

19 Q. What's the title of this document?

20 A. It says Zanzibar Road March 13, 2021.

21 Q. It's a PDF document; is that right?

22 A. Correct.

23 Q. What does the PDF document say?

24 A. It says, Proposed Andalusia Heights Apartments on Plot
25 3748, Zanzibar Road, Nairobi County.

1 Q. And this PDF document is actually embedded in the
2 WhatsApp message, correct? It was sent --

3 A. Correct.

4 Q. -- the full document?

5 And this document has been admitted as H-52gg. Is
6 this it?

7 A. It is, yes.

8 Q. And it's a proposed apartment complex?

9 A. Correct.

10 Q. What's the location listed?

11 A. Zanzibar Road, Nairobi County.

12 Q. And could you just describe the picture?

13 A. It appears to be a city location with some commercial
14 buildings and apartment buildings.

15 Q. Okay. And the date on the document?

16 A. March 16th, 2021.

17 Q. And I'll scroll through page 2. It's titled Location
18 Plan. Could you describe it?

19 A. Yeah. So this appears to be a kind of aerial or
20 satellite view, looking down on a neighborhood. And then in
21 the middle, you can see here there's a place where it says
22 the proposed site with a plat number of 3748.

23 Q. And that's the one that's indicated as the location on
24 the document itself?

25 A. Correct.

1 Q. Page 3. What information is -- this is the basement
2 floor plan for this proposed Andalusia Heights Apartments?

3 A. That's correct. It appears to be a floor plan diagram
4 showing where the elevator, the stairs are, and then it
5 appears to be a parking structure in the basement floor.

6 Q. And then page 4, the ground floor plan?

7 A. So, again, it appears as though on this it's a diagram.
8 Again, it appears as though there's parking on the ground
9 floor, with some ramps, a generator room, and some stairs
10 and elevator bank.

11 Q. Does the document, this proposed Andalusia Heights
12 Apartments plan, continue on page 5 of Government
13 Exhibit H-52gg?

14 A. It does. This appears to be the first floor plan for
15 this unit.

16 Q. For the building here?

17 A. For the building, yes.

18 Q. Again, at the bottom there's something called Binaa
19 Consultants; is that right?

20 A. That's what it indicates, yes.

21 Q. And what's the city located on their address?

22 A. Nairobi.

23 Q. Okay. I'm going to go back to H-52c. I think we left
24 off on the second page.

25 That was that document that Abdiaziz Farah sent on

1 July 14th, 2021, correct?

2 A. Correct.

3 Q. And then he sends another text with a link to a website.

4 Do you recognize the entity listed there?

5 A. I do. It indicates binaaconsultants.com.

6 Q. And then he says, "Nice design, bro."

7 A. Correct.

8 Q. How does Ahmednaji Maalim Aftin respond?

9 A. "Nice. Mashallah."

10 Q. This thread continues on July 14th on page 4, correct?

11 A. Correct.

12 Q. And what does Abdiaziz Farah -- he sends a series of
13 images; is that right?

14 A. Correct.

15 Q. Could you describe them as we go here?

16 A. Sure. So this first image that's sent appears to be
17 like a three tower -- appears to be an apartment building
18 with a swimming pool outside of it.

19 Q. And on page 5?

20 A. Another picture of the building, more from ground level,
21 a rendering, says Acton Park, appears to have a gated
22 entrance to it.

23 Q. Page 6 is that same image of three apartment towers?

24 A. Correct.

25 Q. Page 7?

1 A. Page 7 is -- it looks like kind of the grounds,
2 including the pool, and then looking up the side of the
3 building with the balcony units.

4 Q. Page 8?

5 A. Again, this appears to be a couple different side views
6 of the proposed building.

7 Q. And, again, these texts are all from Abdiaziz Farah to
8 Ahmednaji Maalim Aftin?

9 A. That is correct.

10 Q. All right. On page 8 Abdiaziz Farah sends that same day
11 another image; is that right?

12 A. Correct.

13 Q. Could you describe it?

14 A. Sure. This appears to be a flier-type or piece of
15 marketing material for a place called Luxury -- Acton Park
16 Luxury Apartments and with a list of amenities below it.

17 Q. And that contains -- the brochure contains the same
18 images of that three-tower apartment complex?

19 A. Correct.

20 Q. And then on the left side, is there some information
21 provided about the complex?

22 A. It does. It's like a summary of what the complex is.
23 It says, The New Standard of Living.

24 Q. Luxury Living?

25 A. Correct.

1 Q. How does Ahmednaji Maalim Aftin respond?

2 A. "Nice. WLH."

3 Q. And Abdiaziz Farah says, "I like the colors, but not the
4 balcony, bro."

5 And then on page 10 does he send another image or
6 a screenshot?

7 A. He does. Abdiaziz Farah sends a side image of this and
8 appears to have circled kind of the balcony structure on the
9 one side of the building.

10 Q. This text message chain, we've seen real estate. Was
11 there also discussion of sending money to Kenya?

12 A. There is, yes.

13 Q. I'm going to show you H-52d. Is that one of the
14 examples of that?

15 A. It is, yes.

16 Q. Again, this is a text chain between Abdiaziz Farah in
17 green and Ahmednaji Maalim Aftin in blue, correct?

18 A. Correct.

19 Q. You want to start with the blue, Ahmednaji Maalim Aftin?

20 A. "Should I deduct the expenses from the money?"

21 Q. "Yes, bro, but I also wanted Abdiwahab to send it to
22 you."

23 A. "From the \$45,000 I have picked up from Amana?"

24 Q. "He has my money. Yes, do that, bro."

25 A. "No worries, bro. Will wait this one."

1 Q. "Inshallah, bro. No worries, bro."

2 A. "\$12,000. Total figure. Tell Jiska Okochas send that
3 money or send \$15,000, since you are my boos. Jiska has so
4 many checks at his disposal. \$15,000 will be appropriate
5 and great gesture."

6 Q. And, again, Agent Pitzen, remind us again what Amana is?

7 A. It's an international money transfer service.

8 Q. I'm going to direct your attention to Government
9 Exhibit H-52e. Is this another text thread between Abdiaziz
10 Farah and Ahmednaji Maalim Aftin?

11 A. It is, yes.

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

13 A. It appears to be August 8th, 2021.

14 Q. And Abdiaziz Farah begins by sending an image to
15 Ahmednaji Maalim Aftin; is that right?

16 A. That is correct.

17 Q. And what is -- it's titled Donholm Proposal Aftin
18 Proposal 01; is that right?

19 A. That is correct.

20 Q. Do you know what Donholm is?

21 A. I believe that's a region/neighborhood in Kenya or on
22 the outskirts of it.

23 Q. Okay. And it says Proposed Development at Donholm. Can
24 you describe what's depicted in this rendering?

25 A. Sure. Yeah, this appears to be -- it indicates it's a

1 ground floor plan. Looks to me like it was put together by
2 Binaa Consultants.

3 Q. And Abdiaziz asks, "What do you think, bro?"

4 A. Correct.

5 Q. And then in blue, what does it indicate on the Ahmednaji
6 Maalim Aftin side of the conversation?

7 A. That there was a missed group voice call.

8 Q. I'm showing you now Government Exhibit H-52f, which is
9 another text thread between Abdiaziz Farah and Ahmednaji
10 Maalim Aftin; is that right?

11 A. Correct.

12 Q. And it begins on August 13th of 2021?

13 A. Correct.

14 Q. In green, Abdiaziz Farah starts by sending a screenshot;
15 is that right?

16 A. Correct.

17 Q. Could you describe the screenshot?

18 A. It's a screenshot, which appears to be a screenshot of a
19 text message string with an individual named Uthman H.

20 Q. And can you describe the messages on this image?

21 A. Sure.

22 He says, "I have talked to my contact, and he says
23 we can try the eighth floor later on. Mashallah. Is 12th
24 Floor a go in South C?

25 "We will approve G plus 11 first, then 12th later.

1 That way it's easier to fast-track. I have just talked to
2 the guy. He says we can resubmit ground plus eight for
3 Donholm, but he needs 750K for facilitation."

4 He then responds, "ASC, bro. Sorry that I didn't
5 respond to you on time. Let me run it by my brothers and
6 get back to you. Hope you are doing well. Any update on
7 the South C plan?"

8 Q. So South C being another neighborhood in Nairobi; is
9 that right?

10 A. Correct.

11 Q. On page 2 of this exhibit, Abdiaziz Farah sends another
12 image of more text conversation with Uthman H; is that
13 right?

14 A. Correct.

15 Q. Could you read that into the record for us?

16 A. Sure.

17 "Waaleikum salaam. Still working on it. Trying
18 to fit seven units. Any news on the title transfer? We had
19 no power in the office yesterday, so bear with me for a day
20 delay regarding Donholm 3D's. I'm trying to get you two
21 options for the elevations. I have talked to the
22 civil/structural engineer and mechanical/electrical engineer
23 about the quote for Donholm. Will send it to you later.
24 Then you can give me a time that we can chat. Inshallah."

25 Q. When he asks, "Any news on the title transfer," does

1 this conversation continue with a message containing a
2 title?

3 A. It does.

4 Q. Okay. And this is on page 3. Abdiaziz Farah sends a
5 document or a text that's Copy of Title Capital View; is
6 that right?

7 A. Correct.

8 Q. And this is actually a PDF attachment, correct?

9 A. Correct.

10 Q. And the full image to this attachment has been admitted
11 as Government Exhibit 5211; is that right?

12 A. Correct.

13 Q. Can you explain to us what we're looking at?

14 A. So this appears to be a Certificate of Title.

15 Q. Okay.

16 A. And it says, "I hereby certify that Hassan Maalim Aftin
17 of Nairobi in the Republic of Kenya pursuant to a transfer
18 registered as number" -- and then it lists a string of
19 numbers -- "now the registered proprietor as owner for an
20 estate in fee simple of all that piece of land situate in
21 the City of Nairobi."

22 Q. It's signed by the Registrar of Titles; is that right?

23 A. Correct.

24 Q. And then under Memorandum, it says, The provisions of
25 the Government Lands Act?

1 A. Correct.

2 Q. And on the second page there's some information about
3 the title to this land being transferred; is that right?

4 A. There is.

5 Q. The first one says, "The following instrument has been
6 registered against the title." And what does it say?

7 A. It says, "Charge to National Bank of Kenya Limited."

8 Q. Okay. And then what's the date of that?

9 A. That appears to be September 13th of 2013.

10 Q. And it's listed in the European style; is that right?

11 A. Correct.

12 Q. Date, then month, then year?

13 A. Correct.

14 Q. Below that is a second entry onto the title; is that
15 right? What does it say?

16 A. It says, "Discharge of change entry no" about -- "no 2
17 above." And it looks like that's August 10th of 2021.

18 Q. And what's the last entry on the title documents for
19 this property in Nairobi, Kenya?

20 A. It says, "Transfer to Capital View Properties Limited."
21 And it appears that's August 10th, 2021.

22 Q. Going back to Government Exhibit H-52f-3, when does
23 Abdiaziz Farah send that -- that new title to Ahmednaji
24 Maalim Aftin?

25 A. August 13th, 2021.

1 Q. So three days later?

2 A. Correct.

3 Q. On page 4, he sends another document; is that right?

4 A. Yes.

5 Q. Abdiaziz Farah does, that is.

6 A. He does, yes.

7 Q. And what's this title, this --

8 A. This is, again, an attachment, a PDF attachment that
9 indicates Transfer Capital View.

10 Q. Okay. And what is it?

11 A. It's a transfer of interest in land from Hassan Maalim
12 Aftin to Capital View Properties Limited.

13 Q. And the full document has been admitted in evidence as
14 H-52kk. Is this the full PDF that was -- that Abdiaziz
15 Farah sent to Ahmednaji Maalim Aftin?

16 A. It is, yes.

17 Q. I direct your attention -- let's just walk through the
18 document here.

19 Page 3. What do we have here?

20 A. So this says, Republic of Kenya, the Land Registration
21 Act, Transfer of Interest in Land.

22 Q. And the date of the transfer?

23 A. Is listed as July 27th, 2021.

24 Q. Who is transferring the property?

25 A. Would be Hassan Maalim Aftin of Nairobi.

1 Q. And who is the transferee? Who is receiving the land?

2 A. Capital View Properties Limited.

3 Q. And what's the payment?

4 A. Looks like 110,000,000 Kenyan shillings.

5 Q. Again, how many U.S. dollars would that be, roughly?

6 A. 110,000.

7 Q. And there's, on page 5 here, there's a photo of the
8 person transferring the property; is that right?

9 A. It appears that way, yes.

10 Q. And who's that?

11 A. It indicates it's Hassan Maalim Aftin.

12 Q. And who is --

13 A. It -- say the question again.

14 Q. Sorry. I'm just directing your attention down here
15 (indicating). Who is witnessing this transfer here?

16 A. It appears as though it's Zeitun Garat Abdinoor and
17 Abdullahi Maalim Aftin.

18 Q. Okay. Let's go back to H-52f at page 5, which is this
19 text message thread between Abdiaziz Farah and Ahmednaji
20 Maalim Aftin; is that right?

21 A. Correct.

22 Q. We can skip to the next one.

23 All right. H-52g is the next exhibit I want to
24 show you. Okay? Government Exhibit H-52g.

25 A. Okay.

1 Q. Is this another text message thread?

2 A. It is, yes.

3 Q. Abdiaziz Farah in green?

4 A. Correct.

5 Q. Ahmednaji Maalim Aftin in blue?

6 A. Correct.

7 Q. And it begins with Abdiaziz Farah saying, "How much,
8 bro?"

9 A. Correct. And then Ahmednaji Maalim Aftin responds,
10 "3.2m."

11 Q. What does Abdiaziz Farah then send?

12 A. He texts him a screenshot of a text string with Uthman H
13 indicating -- which says, "I will send you the list of the
14 items soon. Inshallah."

15 He responds, "Inshallah."

16 And then below that is a picture of what appears
17 to be an apartment building was sent.

18 And then "Muthaiga Square Apartments."

19 He responds, "Love the design."

20 Q. Okay. Directing your attention to the second page,
21 Abdiaziz Farah on August 15th then sends an image. Could
22 you describe that image?

23 A. Yeah. On August 16th there's an image that's sent. It
24 appears to be a rendering of some sort of an apartment
25 building.

1 Q. And how does -- and then Ahmednaji Maalim Aftin sends a
2 text on August 16th?

3 A. He does. He says, "\$50,000 from Amana. Today, bro."

4 Q. "Thank you, bro. What do you think of the design?
5 Istaqfurullah. Is the design good to go? For Donholm?"

6 A. "The design is great. I like it."

7 Q. Now I'm showing you Government Exhibit H-52h.

8 Additional conversation between Abdiaziz Farah and Ahmednaji
9 Maalim Aftin on August 17th, 2023 [sic]; is that right?

10 A. Correct.

11 Q. How does Ahmednaji Maalim Aftin begin?

12 A. "South C away, bro. Sodir. Fake waayo kaan."

13 Q. "Bro, wait. It will come. Those are just samples."

14 And then what does Abdiaziz Farah send?

15 A. A rendering of an apartment building.

16 Q. And then he sends a number of images after this,
17 starting on page 2; is that right?

18 A. Correct.

19 Q. Can you just describe them as we go page by page
20 starting on page 2?

21 A. Sure. Again, there's two photographs here, a rendering
22 of an apartment building kind of from street level.

23 Q. Page 3?

24 A. Same thing.

25 Q. Page 4?

1 A. One is a street-level view, and the other is kind of
2 looking up towards some of the balconies of the proposed
3 apartment.

4 Q. Page 5?

5 A. There's kind of a side view of the same rendering and
6 then a picture of an individual.

7 Q. And the picture comes from Ahmednaji Maalim Aftin?

8 A. That's correct.

9 Q. Appears to be a selfie-style picture?

10 A. It does.

11 Q. All right. Agent Pitzen, I want to show you another
12 exhibit, Government H-52i. More text messages between
13 Abdiaziz Farah and Ahmednaji Maalim Aftin?

14 A. Correct.

15 Q. WhatsApp messages, actually?

16 A. Correct.

17 Q. What's the date on these?

18 A. August 18th, 2021.

19 Q. And it begins with Abdiaziz Farah asking, "Any update
20 from Amana?"

21 A. "WCS, bro. MCN. FCN. Mashallah."

22 And then there's an attachment, an audio file
23 attachment.

24 Q. Then Abdiaziz Farah texts some dollar amounts, "\$75,000,
25 \$52,000, \$65,000."

1 A. And Ahmednaji responds, "Okay, bro. MCN."

2 Q. Abdiaziz Farah says, "\$192,000 total. For now and then,
3 inshallah, more, bro."

4 A. "Mashallah, bro."

5 Sends another audio file attachment.

6 Q. "Love you too, bro. I will call you in a little bit."

7 A. "SWA, bro."

8 And then he sends a link to a fb.watch, and then
9 there's a missed voice call.

10 Q. And continuing on page 2 of this exhibit, it looks like
11 Ahmednaji Maalim Aftin sends some images to Abdiaziz Farah
12 on August 19th of 2021?

13 A. Correct.

14 Q. Could you describe those images?

15 A. Sure. These appear to be, again, renderings of a
16 different -- different type of apartment building.

17 Q. How about on page 3?

18 A. It appears to be renderings of that same different
19 apartment building.

20 Q. Page 4?

21 A. Again, renderings of an apartment complex.

22 Q. Page 5?

23 A. Page 5 starts off with Ahmednaji sending a rendering of
24 an apartment building to Abdiaziz Farah, and then Abdiaziz
25 Farah later responds with a rendering of a different

1 building.

2 Q. And when you say "a rendering," what do you mean by
3 that?

4 A. I mean it's not like an actual building that's already
5 constructed. It's like this is a proposal. This is what
6 the building would look like when it's built.

7 Q. Done by an architect or a designer?

8 A. Something like that, yes.

9 Q. Page 6?

10 A. Additional images sent from Abdiaziz Farah to Ahmednaji.

11 Q. Containing more renderings of apartment buildings?

12 A. Correct.

13 Q. Page 7?

14 A. More renderings are being sent by Abdiaziz.

15 Q. Page 8?

16 A. More renderings being sent by Abdiaziz.

17 Q. And then Abdiaziz says, "Donholm."

18 A. Correct.

19 Ahmednaji responds, "It's okay. I love it, bro."

20 And then there's a missed voice call.

21 Q. Agent Pitzen, I'd like to show you some more text
22 message threads about money transfers. Okay?

23 A. Sure.

24 Q. Starting with Government Exhibit H-52j, which is a text
25 thread between Abdiaziz Farah in green and Ahmednaji Maalim

1 Aftin. Okay?

2 A. Okay.

3 Q. It begins with Abdiaziz Farah saying, "At the bank,
4 bro."

5 And then he sends a picture that appears to be
6 taken at Choice Bank; is that right?

7 A. That's what it appears.

8 And Ahmednaji responds, "Okay, bro. MC."

9 Q. "How's life, bro? Did Amana call you?"

10 Continuing on page 2.

11 A. "Yes, bro. For 70,000. And they will pay in Kenyan
12 shillings."

13 Q. \$70,000, is that?

14 A. Correct.

15 Q. Okay. "ASC. When, bro?"

16 A. "Tomorrow. Inshallah."

17 Q. "Please do that."

18 A. And then there's an audio attachment. And then
19 Ahmednaji sends a photograph of a pair of shoes.

20 Q. And Abdiaziz Farah says, "Thanks, bro. I appreciate
21 you. I will call you in like an hour."

22 A. "SWA, bro. MCN. I love you so much."

23 Q. And then what does Ahmednaji Maalim Aftin send?

24 A. It says, "Maalaftin Road Trank 1." There's an
25 attachment PDF.

1 Q. And the attachment's embedded in the WhatsApp
2 conversation; is that right?

3 A. Correct.

4 Q. I'm zooming in on it. Could you describe the letterhead
5 on this document?

6 A. It says Maalaftin Company Limited, Nairobi, Kenya.

7 Q. It appears to be some sort of invoice; is that right?

8 A. It does. To Road Trank Tyres, Nairobi, Kenya.

9 Q. The date?

10 A. May 24th, 2021.

11 Q. And is there a description of a transaction?

12 A. It says, "Deposit of 1 unit of 4-bedroom apartment at
13 South C at Capital View Apartments."

14 Q. And what's the price?

15 A. 18 million.

16 Q. There's -- is there information about how to make
17 payments on this invoice?

18 A. There is. It indicates to make payments to Absa Bank
19 Kenya in the account name Capital View Properties Limited.

20 Q. And who's listed at the bottom as the director of the
21 company?

22 A. Abdikani Aftin Maalim.

23 Q. And that's the Maalaftin Company?

24 A. Correct.

25 Q. There it is.

1 Okay. And the next page looks like Ahmednaji
2 Maalim Aftin sends an image of the same document; is that
3 right?

4 A. It appears that way, yes.

5 Q. Abdiaziz Farah continues or responds on page 5, "ASC,
6 bro. What is this for?"

7 A. And then Ahmednaji has a missed voice call and then
8 sends a document, a picture of a document, an Application
9 For Funds Transfer.

10 Q. And can you recognize the beneficiary name there?

11 A. Looks like it says Maalaftin Company Limited.

12 Q. And the person sending the money? It's a little hard to
13 tell.

14 A. Yes. I believe it's that Trank Tyres Company.

15 Q. Okay. It's stamped by a bank in Kenya?

16 A. Correct.

17 Q. All right. Ahmednaji then -- after he sends that image,
18 he continues; is that correct?

19 A. He does.

20 Q. What does he say?

21 A. "9,927,000. \$90,000 and they will pay in Kenyan
22 shillings." Missed voice call.

23 Q. "Can you text me what you got from Amana this week,
24 bro?"

25 A. A couple voice -- missed voice calls. And then he says,

1 "Today they gave me \$90,000 in Kenyan shillings, which is
2 equivalent to 9,927,000, and I have 185,000 in USD dollars,
3 bro. They converted it at 110.3 rate. So \$90,000 times
4 110.3 equivalent to 9,927,000."

5 Q. This conversation continues on page 7; is that right?

6 A. Correct.

7 Q. And Abdiaziz Farah sends another PDF document; is that
8 right?

9 A. Correct.

10 Q. What's the document called?

11 A. This is a Construction Permit Invoice. It appears to be
12 issued by Nairobi City County Development Control
13 Department.

14 Q. And this actual document has been admitted as H-5200, I
15 believe; is that right?

16 A. It appears so, yes.

17 Q. Okay. And can you tell us about this Construction
18 Permit Invoice? What does it say?

19 A. Sure. So it indicates a name of Athman Noorein Mohamed;
20 with a registration number; developer name Abdifatah Maalim
21 Aftin; the name of area/estate, Donholm Phase 8 in Nairobi.
22 The plot number is in Nairobi. And it looks like the date
23 of invoice issue is August 26, 2021, and it expires
24 October 25th, 2021.

25 Q. And there's more information about the location of this

1 construction permit that expires in October of 2021?

2 A. Correct. It indicates a plot number, Nairobi, with a
3 block number; sub county Embakasi East; ward, upper Savannah
4 ward; and then estate/locality/area of Donholm Phase 8.

5 Q. And then there's some information about the -- the fees
6 involved in this application; is that right?

7 A. That is correct.

8 Q. Development application fees, site construction board
9 fee, site construction board fee. Is that right?

10 A. Correct.

11 Q. Total of 120,000 Kenyan shillings?

12 A. It appears that way, yes.

13 Q. Go back where we left off, which was page 7 of
14 Government Exhibit H-52j.

15 After sending that construction permit invoice to
16 Ahmednaji Maalim Aftin, Abdiaziz Farah continues by saying,
17 "Mariam Ahmed Siad. Please send \$1,000 to Mogadishu Bakara.
18 Text me the receipt ASAP, bro."

19 A. And then Ahmednaji Maalim Aftin sends a message over, a
20 receipt voucher, it appears.

21 Q. And what is that receipt for?

22 A. It appears it was for a thousand dollars.

23 Q. U.S. dollars?

24 A. That's correct.

25 Q. And who's the money being sent to?

1 A. Mariam Ahmed Siad. It says agent Mogadishu Bakaaro.
2 Customer details are listed as Hassan Adan Sheikh; address,
3 Mandera.

4 Q. And just going up a page, that's what Abdiaziz Farah had
5 asked Ahmednaji Maalim Aftin to do?

6 A. Correct.

7 He then responds, Ahmednaji Maalim Aftin responds,
8 "111,000. In Kenya shillings, bro." Then there's a missed
9 voice call.

10 Q. All right. I'm going to show you now Government
11 Exhibit H-52k, which is more text message conversation about
12 money transfers; is that right?

13 A. Correct.

14 Q. This time on August 28th of 2021?

15 A. Correct.

16 Q. Ahmednaji Maalim Aftin in blue; Abdiaziz Farah in green?

17 A. Correct.

18 Q. How does Ahmednaji Maalim Aftin begin?

19 A. There's a confirmation, 70,000 Kenyan shillings sent to
20 Abdullahi Aftin on August 27th, 2021, at 3:40 p.m.

21 Q. Is there a second transaction right below that?

22 A. There is. There's a second confirmed, 68,000 Kenyan
23 shillings sent to Abdullahi Aftin on August 27, 2021.

24 Q. And then Ahmednaji Maalim Aftin then sends another image
25 to Abdiaziz Farah; is that right?

1 A. Correct.

2 Q. What's this image?

3 A. This is a property rates payment request from Nairobi
4 City County Customer Services Office.

5 Q. Okay. So they have property taxes in Nairobi too?

6 A. It appears that way, yes.

7 Q. Okay. Abdiaziz Farah responds, "Unlimited BBC, bro"?

8 A. Ahmednaji Maalim Aftin responds, "\$15,000 plus; \$1,010
9 to Mariam Somalia; and \$150 for Madarasa teacher."

10 Q. And then Ahmednaji says what?

11 A. "9,927,000-138,000."

12 Q. And then he sends an image. What's in the image that
13 Ahmednaji Maalim Aftin sends to Abdiaziz Farah?

14 A. He sends an image of what appears to be stacks of
15 hundred dollar -- U.S. dollar bills laying on a bed.

16 Q. Big stacks? Just describe the stacks, how about.

17 A. Sure. It appears as though there's significant stacks
18 that are kind of bound together, maybe with rubber bands.
19 You can see there's some that are stacks of hundred dollar
20 bills. There's also, it looks like, some \$20 bills.

21 There's some other kind of looser dollar amount, like
22 hundred dollar bills, maybe just a few of them, that are
23 folded together, a few \$10 bills in there.

24 Q. And what does -- after sending that image, what does
25 Ahmednaji Maalim Aftin say to Abdiaziz Farah?

1 A. "\$15,000 plus; \$1,010 to Mariam Somalia; and \$150 for
2 Madarasa teacher."

3 Q. Turning to the next page of Government Exhibit H-52k,
4 which is page 4, Ahmednaji Maalim Aftin then sends an image
5 to Abdiaziz Farah; is that right?

6 A. Correct.

7 Q. What's in the photo?

8 A. It appears to be a U.S. passport in the name of Said
9 Farah.

10 Q. Abdiaziz Farah's brother?

11 A. Correct. And then he sends another message indicating
12 sfarah198200@hotmail.com.

13 Q. Turning to the page 5 of this exhibit, Abdiaziz Farah
14 then states on August 30th, "Please send \$1,000 only through
15 Taaaj to Mogadishu Bakaara and send me receipt."

16 And then he lists a couple of potentially account
17 numbers; is that right?

18 A. Correct.

19 Q. How does Ahmednaji Maalim Aftin respond?

20 A. "Okay, bro."

21 Q. And Abdiaziz Farah says, "Please send me the receipt
22 ASAP." And does he do that?

23 A. He does. He then sends a picture of a receipt voucher.
24 Beneficiary, Mahad Abdi Woosh. Customer details are listed
25 as Hassan Adan Sheikh. There's -- the amount is listed as

1 \$500.

2 Q. And what's the country listed for the beneficiary?

3 A. Country is listed as SOM, which I believe to be Somalia.

4 Q. And then there's another receipt on the next page; is
5 that right?

6 A. There is, yes. It appears to be similar, again, for
7 \$500.

8 Q. And this one here is the -- there's a date August 30 of
9 2021; is that right?

10 A. Correct.

11 Q. And is there a time on this one?

12 A. There is. 18:34.

13 Q. Just to be clear, the one on the earlier page is --

14 A. I believe it's 18:32, so.

15 Q. Two \$500 money transfers to Somalia?

16 A. Correct. It appears they were two minutes apart.

17 Q. How does the conversation continue?

18 A. There's a missed call. He then -- Ahmednaji Maalim
19 Aftin sends an attachment, an audio file, and says, "I miss
20 you so much."

21 Q. Okay. Then it ends.

22 Okay. H-521 is another text thread dated
23 September 3rd, 2021; is that right?

24 A. Correct.

25 Q. Again, Ahmednaji Maalim Aftin in blue; Abdiaziz Farah in

1 green?

2 A. Correct.

3 Q. Begins with a message -- an image being sent from
4 Ahmednaji Maalim Aftin; is that correct?

5 A. Correct.

6 Q. Can you describe that image?

7 A. It's an Application For Funds Transfer dated March 9,
8 2021, with the customer details listed as Road Trank Tires
9 Limited. And the beneficiary is listed as Maalaftin Company
10 Limited, Equity Bank of Kenya. It looks like the amount is
11 4,416,000 U.S. dollars.

12 Q. And what's the purpose of this transfer?

13 A. It says, "purchase of land."

14 Q. The conversation goes on. Abdiaziz Farah says, "Don't
15 tell Sadam anything at all."

16 A. Ahmednaji responds, "40,000 times 110.4 equals
17 4,416,000. Write down, bro."

18 Q. Conversion between U.S. dollars and Kenyan shillings; is
19 that right?

20 A. Correct.

21 Q. Directing your attention to page 2 of Government
22 Exhibit H-521, Ahmednaji Maalim Aftin then sends an image to
23 Abdiaziz Farah?

24 A. Correct.

25 Q. What is this image?

1 A. This appears to be a document from U.S. Department of
2 State, Nonimmigrant Visa Application for Abdiaziz Maalim
3 Aftin.

4 Q. And what's his -- is there information about where he's
5 from or where he lives?

6 A. It lists Mandera, Kenya.

7 Q. After sending that image, does Ahmednaji Maalim Aftin
8 send another message to Abdiaziz Farah?

9 A. He does. He says, "\$135,000/\$50,000/\$90,000/40,000 so
10 far from Amana for August months, bro."

11 Q. And then he sends an image here on September 7th at
12 page 3, correct?

13 A. He does, yes.

14 Q. Can you describe this image?

15 A. Sure. It's a handwritten piece of paper. And it says
16 on there, "1 million KSH given by Ahmednaji; 600,000 KSH
17 given by" -- I can't quite indicate who that's given by --
18 and then "200,000 KSH given by Ahmednaji," it appears,
19 "Total 1,800,000 KSH." Kenyan shillings.

20 Q. Does the second name say Abdiwahab?

21 A. It may.

22 Q. And then Abdiaziz Farah sends a picture. Do you
23 recognize generally where this picture is taken from?

24 A. It appears this is generally somewhere around
25 Minneapolis.

1 Q. Do you see 35W there?

2 A. I do, yep.

3 Q. And then there's various expressions of affection.

4 A. Correct.

5 Q. Okay. I'm going to go back to that exhibit for a
6 second.

7 On the bottom of page 7 of Government
8 Exhibit H-521, is there information about more money
9 transfers?

10 A. There is.

11 Q. And again on page 8 and 9?

12 A. There is, yes.

13 Q. Okay. All right. Agent Pitzen, Government
14 Exhibit H-52m is another text exchange; is that right?

15 A. WhatsApp exchange, yes, between Ahmednaji Maalim Aftin
16 in blue and Abdiaziz Farah in green.

17 Q. And how does it -- it begins with a document being sent
18 by Ahmednaji Maalim Aftin; is that correct?

19 A. That's correct. He sends over a Sale Agreement -
20 Mohamed Adan Omar.

21 THE COURT: Mr. Thompson, I'd like to start with
22 52-m on Friday morning, if that's agreeable to all of you.

23 MR. THOMPSON: Very well, Your Honor. Thank you.

24 THE COURT: Thank you.

25 Members of the jury, I won't see you again until

1 Friday morning. So I want to just reiterate to you I'm not
2 giving you that recess instruction every time, as we've
3 discussed, but the recess instruction that I gave you at the
4 very beginning of the case governs you throughout the case,
5 including this short gap that we have until Friday. So
6 amongst the other instructions that I gave you, please
7 ensure that you do not do any investigation or look at any
8 media, including social media, about this case.

9 Thanks, everyone. We'll see you Friday morning.

10 THE CLERK: All rise.

11 3:58 p.m.

12 **IN OPEN COURT**

13 **(JURY NOT PRESENT)**

14 THE COURT: Thanks, everybody. I wouldn't have
15 stopped so abruptly, but I have another hearing.

16 MR. THOMPSON: That's okay.

17 THE COURT: So thank you, everyone. We will see
18 you Friday morning.

19 (Court adjourned at 3:59 p.m., 05-15-2024.)

20 * * *

21 I, Renee A. Rogge, certify that the foregoing is a
22 correct transcript from the record of proceedings in the
23 above-entitled matter.

24 Certified by: /s/Renee A. Rogge
25 Renee A. Rogge, RMR-CRR