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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,)	
)	File No. 22-cr-124
Plaintiff,)	(NEB/DTS)
)	
v.)	
)	
Abdiaziz Shafii Farah(1),)	Courtroom 13W
Mohamed Jama Ismail(2),)	Minneapolis, Minnesota
Abdimajid Mohamed Nur(4),)	Monday, May 20, 2024
Said Shafii Farah(5),)	8:58 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 XIX OF XXX

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

* * *

Proceedings recorded by mechanical stenography;
Transcript produced by computer.

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1 talked to him this morning. He's looking at it. I think
2 there's 37 new pivot tables from the accounting people. 37
3 new summary exhibits, 37.

4 I haven't had time to review 37 new summary
5 exhibits. And as the court knows, I'm sure they're not just
6 summary exhibits, there's underlying data that is used to
7 make the pivot tables.

8 It seems to me, Your Honor, that at some point the
9 method of disclosure here violates my client's fair trial
10 due process rights, and I think we're there.

11 I can't review these documents in time to
12 cross-examine an accountant today, tomorrow. It's not going
13 to happen. It just isn't possible. As hard as I can work,
14 I haven't had a chance to review them with my expert yet.
15 So my client's right to confront his accusers under the
16 Sixth Amendment is being violated. His right to the
17 effective assistance of counsel, me, is being violated.

18 And I think that given the history and
19 circumstances of these disclosures, and particularly the
20 disclosures that came at 8:09 p.m. last night, require the
21 court's intervention.

22 And my suggestion is either to exclude them
23 entirely because, you know, we have rules of discovery,
24 Rule 16, which the court entered an order years ago, two
25 years ago. And this court entered an order about exhibits,

1 they were to be filed and -- served and filed, registered,
2 whatever. I think it was two weeks before trial, maybe a
3 week. But, you know, eight, nine weeks ago. So this is --
4 this is just not fair at all.

5 So what I'm asking the court to do is exclude
6 them. And in the alternative what I'm asking the court to
7 do is to give us time to analyze them before we are forced
8 to cross-examine this witness or these two witnesses. I say
9 two witnesses, Your Honor, because I think there may be two
10 accountants, so I'm assuming some of these summary charts
11 would go with each. I don't know that. I haven't had a
12 chance to look at them, but I assume that's what it is.

13 So I'm concerned about our fair trial rights. I
14 mean, these are very important witnesses. There's no reason
15 this stuff shouldn't have been disclosed before. There was
16 a suggestion, as I took it, in the government's email that
17 some of these summary charts or all of them, I don't know,
18 are reconfigured. Well, so what. They're still the summary
19 charts they intend to put before the jury, and we need to be
20 able to cross-examine the witness about many things about
21 them and we need to understand them in order to do that.

22 THE COURT: Is the underlying -- do you know
23 whether the underlying data for the summary chart is new or
24 whether these are new summary charts based on underlying
25 data that had already been disclosed?

1 MR. ANDREW BIRRELL: I don't know because I
2 haven't had time to look.

3 THE COURT: Okay.

4 MR. ANDREW BIRRELL: I just don't know.

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

6 MR. ANDREW BIRRELL: Thank you, Your Honor.

7 THE COURT: Mr. Thompson.

8 MR. THOMPSON: Thank you, Your Honor.

9 To answer your -- to start with your question,
10 these summary charts are based on exhibits, financial
11 records that were admitted at trial weeks ago. This is the
12 O series of bank records.

13 THE COURT: That had already been admitted at
14 trial?

15 MR. THOMPSON: Had already been admitted in the
16 trial.

17 These aren't new summary charts. These are -- the
18 bulk of them are charts that are pivot tables, which are
19 essentially spreadsheets that analyze bank accounts with the
20 sources, the money flowing into the account, and then the
21 uses of how the money goes out of the account.

22 These have been turned over weeks ago for many of
23 the entities. What we had is they had multiple bank
24 accounts, so we had one sort of pivot table of all the
25 accounts put together with the underlying data behind there,

1 and then further down in the exhibit we had individual --
2 similar tables for the individual bank accounts. For
3 example, there might be one at Wells Fargo, and then that
4 account, its sources and uses analysis. And then further
5 down, if there was a U.S. Bank account, a similar one.

6 And what we did, we just break those out into
7 separate exhibits with letters afterwards, so M-13a, M-13b,
8 stuff like that, just to break them out to make it easier to
9 use, because the underlying data, which is attached to them,
10 is lengthy. It's just spreadsheets of the financial -- or
11 of the money into and out of the account. Like I said,
12 that's been turned over.

13 So this isn't new -- not only is this not new
14 information, these charts for the most part have been turned
15 over. There's a few other subcharts that sort by the
16 columns as a category on the chart of the type of, like, how
17 we categorize it, whether it's a food expense or a
18 defendant's bank account or real estate transaction that
19 just breaks it down for those types of transactions for each
20 account.

21 Again, that's based on the underlying data. All
22 it is is taking -- is just running and filtering by a
23 certain type of category based on the charts that were
24 already turned over to the defense in advance of trial.

25 THE COURT: And how many charts are new?

1 MR. THOMPSON: Well, I mean, there's like about
2 two dozen total, Your Honor. But the bulk of them, the main
3 ones are -- were already there. We just renumbered them
4 essentially and broke them into sub-exhibits.

5 In terms of new exhibits, there's two exhibits
6 that we marked that were defense exhibits that we want to
7 introduce. And I assume there will be no objection. And
8 then there's six new email exhibits that relate to defendant
9 Hayat Nur. And then there's one exhibit that we just made a
10 change to, reordered the document, but otherwise it's the
11 same.

12 So I don't think that this is a -- well, there's
13 no due process issue, first off. You know, we've had some
14 new exhibits throughout trial as we always do. During trial
15 a lot of the changes that have been uploaded to USAfx have
16 been tweaked to existing exhibits, as we kind of hone them
17 for trial. It hasn't been wholesale.

18 And these summary charts, to be clear, were
19 disclosed to the defense in advance of trial along with
20 spreadsheets, and their analysts can sort them as they see
21 fit.

22 THE COURT: What witness is going to testify to
23 these charts?

24 MR. THOMPSON: Ms. Roase will testify to them.

25 THE COURT: When?

1 MR. THOMPSON: I assume she will take the stand
2 tomorrow. I guess it's possible she would get on the stand
3 late in the day today; but if so, she won't get to those
4 charts today.

5 THE COURT: All right. It's hard for me to tell
6 what the differences are without seeing them. And so I
7 guess I'd like to see what you've disclosed and what you
8 disclosed previously that is close so that I can see what
9 the differences are and whether relief is warranted.

10 MR. THOMPSON: We can do that, Your Honor.

11 THE COURT: Okay. Mr. Schleicher.

12 MR. SCHLEICHER: Thank you, Your Honor.

13 Thank you, Your Honor.

14 On behalf of defendant Said Farah, I join
15 Mr. Birrell's objections and requests for relief. And I
16 wish to point just to one additional issue.

17 There is a proposed exhibit that was disclosed
18 last night, which is an 18-page exhibit, J-186. And so in
19 addition to the issues that have been raised, I'm unable to
20 discern the source of this exhibit. There are no Bates
21 stamp numbers on it, so it's unclear to me whether it has
22 ever been previously disclosed. And so I want to raise that
23 as a separate concern.

24 THE COURT: Okay. Mr. Goetz.

25 MR. GOETZ: May I?

1 Your Honor, on behalf of Mr. Shariff, we join in
2 this objection and also want to add the following:

3 That last Thursday, amongst the series of
4 disclosures Mr. Birrell mentioned, there were four exhibits,
5 50 -- H-50a through d. We got those Thursday night. We
6 asked when the government might introduce those. We didn't
7 hear back. It turns out they were introduced Friday morning
8 through Agent Pitzen.

9 And it's not -- you know, Mr. Thompson has the
10 benefit of knowing what these exhibits are about and
11 analyzing them. We don't when we just get them at night,
12 potentially being used the next day. We have to take the
13 time to analyze them and figure out are they the same.

14 So it's not simply something where the government
15 can say, oh, they're the same, they're broken down. We have
16 to confirm that. We have our independent obligations to our
17 clients, and this is right in the middle of a very lengthy
18 trial. So this pattern of late discovery has to stop.

19 I would also note it extends also to some
20 witnesses. There's a witness that the government is going
21 to call today. Lonnie Mills. We received a Word document
22 yesterday. He's the vice-president of the Bank of America.
23 It's not in the nature of a 302. It's an informal document.
24 I don't know who the agent is. I asked, and I know counsel
25 was busy, but I don't know who the agent is. I don't know

1 exactly when this statement was taken. So we have a lot of
2 information there that we don't know about.

3 I also have some, just looking at this, objections
4 to the substance of it, because it appears this witness is
5 going to testify that our client Mukhtar Shariff personally
6 appeared at a bank in Edina. I don't know how this agent --
7 or this bank representative, rather, has personal knowledge
8 of that. I don't think he does.

9 There has been no underlying documents that would
10 be produced in the way of business records that I can
11 identify that would show he had an independent basis for
12 this from a business records perspective. So that's all
13 part of this late disclosure, Your Honor.

14 But as to Lonnie Mills, we do have an objection
15 under 602 in addition to what's been stated for him to
16 testify that Mukhtar Mohamed Shariff physically appeared at
17 a Bank of America branch in Edina and purchased a cashier's
18 check.

19 THE COURT: Thank you.

20 Mr. Thompson, can you respond to those two
21 additional objections?

22 MR. THOMPSON: Your Honor, with respect to Lonnie
23 Mills, that's a records custodian from U.S. Bank who will
24 testify. And they've been noticed for weeks, not by name.
25 U.S. Bank finally gave us a person, Lonnie Mills, who we

1 talked to over the weekend, I believe, about his or her
2 knowledge of their records and interstate nexus. Obviously
3 in most cases people stip to this. It's fine that they
4 didn't here. But we disclosed him as a records custodian.
5 Lonnie Mills is essentially a fungible U.S. Bank employee
6 who is testifying about their business records.

7 We've turned over the information from the report
8 via email because the 302 has -- there's a process to
9 getting one drafted and then formalized for production.

10 I know Mr. Goetz emailed about which agent was
11 present, and Mr. Jacobs responded either this morning or
12 last night -- this morning to that request.

13 With respect to the text messages, there was a
14 handful that we had added on Thursday related to
15 Mr. Shariff, I think four totaling about 13 pages. So it
16 was not some huge document dump on Mr. Shariff or Mr. Goetz
17 or Mr. Mohring.

18 THE COURT: And the additional information that --
19 is Lonnie Mills a male?

20 MR. THOMPSON: I don't know.

21 Mr. Jacobs?

22 MR. JACOBS: He's a male.

23 MR. THOMPSON: Yes.

24 THE COURT: -- that Mr. Mills is going to testify
25 to about personal appearance by Mr. Shariff at --

1 MR. THOMPSON: Your Honor, I wasn't at the prep
2 session. I assume -- I'll defer to Mr. Jacobs. I assume
3 that's based on knowledge of the business records.
4 Obviously, he's not going to say he saw Mr. Shariff do it.

5 I assume based on the bank records he can show
6 that it was -- he would testify that it's -- it was made
7 personally at a branch and you'd have to show ID. I suspect
8 that's the extent of what he could, absent some sort of
9 surveillance video.

10 THE COURT: Mr. Jacobs, does that sound right to
11 you based on your conversation?

12 MR. JACOBS: That's correct, Your Honor. That
13 they followed all policies and procedures that required an
14 ID.

15 THE COURT: Okay. Mr. Brandt.

16 MR. BRANDT: Can I make a record, Your Honor?

17 THE COURT: Yes.

18 MR. BRANDT: Thank you, Your Honor.

19 And on behalf of Hayat Nur, we have not had a
20 chance to review the new disclosures. I think Mr. Thompson
21 just mentioned some new emails. Our assistant, as we speak,
22 is downloading those from the government.

23 And so I don't know which witness is going to be
24 introducing those with the government, but certainly we
25 would like a chance to review those before they're

1 introduced.

2 I don't know if Mr. Thompson --

3 THE COURT: Which witness is going to introduce
4 those new emails?

5 MR. THOMPSON: I believe Ms. Roase. And, again,
6 it won't be today. It might be at the earliest tomorrow.

7 THE COURT: All right. Mr. Garvis?

8 MR. GARVIS: I just want to make sure, Your Honor,
9 that, you know, that all the defendants are joining in this
10 objection.

11 THE COURT: I hear this objection to be on behalf
12 of all defendants.

13 What I don't know is what remedy, other than not
14 putting them in, which I think you could do one by one,
15 depending on what they are. You haven't had a chance to
16 review them yet, and that's understandable. They were
17 disclosed at 8:00 last night.

18 But the question is what time I need to give you
19 to review them to see if they are indeed objectionable,
20 because if they're very similar to what was disclosed before
21 or if they're defense exhibits or if they are a resort that
22 is fairly easy to understand, then that's one thing. And
23 another possibility is that they're completely new and
24 I'm -- you need to tell me that and I need to review it
25 maybe myself to determine what the remedy is.

1 So if you need more time, let's talk about more
2 time and when -- when that might be appropriate. We could,
3 for example, take Mr. Pitzen and -- or Agent Pitzen --
4 excuse me -- and finish his testimony and then break. And
5 you can all go through -- and I'm hoping that the
6 prosecution will meet with you and take you through what was
7 disclosed so that you have a -- we can narrow what might be
8 significant issues or perhaps get rid of any issues
9 altogether.

10 MR. THOMPSON: Your Honor, if I may, I've just
11 requested the team do some sort of page-by-page comparison,
12 so we can show where in the old M exhibits these new ones
13 were broken out from.

14 THE COURT: What team? What do you mean?

15 MR. THOMPSON: Our prosecution team. So hopefully
16 we can get the defense something and the court that shows
17 here's the original exhibit and here's the broken out
18 version with a page comparison, so they know where it came
19 from.

20 THE COURT: Yes.

21 MR. THOMPSON: Hopefully that will help expedite
22 things.

23 THE COURT: That would be -- but you need time to
24 do that, so I'm asking what time is best to do that.

25 Mr. Birrell.

1 MR. ANDREW BIRRELL: Well, I haven't reviewed them
2 so I --

3 THE COURT: I know.

4 MR. ANDREW BIRRELL: -- I'm at a bit of a loss.

5 My suggestion, if you're asking for one, is that
6 we can finish Special Agent Pitzen, and they've got a couple
7 of records custodians. Then the next -- then we can take a
8 break, look at these things and see what we can give the
9 court for information.

10 THE COURT: Fair. Okay. Let's do that. Let's
11 see where we are after the lay witnesses -- after Agent
12 Pitzen and after the lay witnesses today.

13 It doesn't sound with respect to the custodian of
14 records from U.S. Bank, Mr. Mills, that -- I think the
15 personal -- the personal knowledge objection could come or
16 not, depending on what he says. So I hear that, and I will
17 be watching for that, but we will take that as it comes.

18 But I think it makes sense to give you some more
19 time to talk today about what was disclosed yesterday and to
20 make sure that the defense is ready for cross-examination or
21 for handling Ms. Roase's testimony.

22 Am I saying that right, Ms. Roase, and am I using
23 your correct title?

24 MS. ROASE: Yes.

25 THE COURT: Okay. Not agent?

1 MS. ROASE: Not agent.

2 THE COURT: Because you're a forensic accountant?

3 MS. ROASE: Yes.

4 THE COURT: Okay. Fair enough. I just want to
5 make sure.

6 All right. Let's bring the jury in.

7 MR. COTTER: Judge, just one other thing.

8 THE COURT: Oh, yes, Mr. Cotter.

9 MR. COTTER: I just had a witness that was a
10 subpoena return. Could we just advise her that she'll still
11 be under subpoena and I'll let her know?

12 THE COURT: Sure. Do you want her to come in and
13 I'll tell her that?

14 MR. COTTER: Just stand up. She's in the back.

15 THE COURT: Oh, she's here.

16 Hello. Thank you for being here and for
17 responding to the subpoena. We're not ready for you yet.

18 Mr. Cotter, are you in contact with her?

19 MR. COTTER: Yes, we have --

20 THE COURT: Okay. So you remain under subpoena,
21 and Mr. Cotter will let you know when he's ready to have
22 you -- or when we are all ready to have you testify.

23 Does that sound all right?

24 UNIDENTIFIED SPEAKER: Yeah.

25 THE COURT: Okay. And over the next week or two,

1 do you have plans to go out of town? Are you around?

2 UNIDENTIFIED SPEAKER: I'm around.

3 THE COURT: Okay. I'll have Mr. Cotter let you
4 know when we're ready for you. Okay?

5 UNIDENTIFIED SPEAKER: Okay.

6 THE COURT: Thank you very much again for
7 responding.

8 UNIDENTIFIED SPEAKER: You are welcome.

9 MR. COTTER: Thank you.

10 **IN OPEN COURT**

11 **(JURY PRESENT)**

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

14 And Agent Pitzen remains on the stand and under
15 oath and is ready for cross-examination.

16 Mr. Brandt.

17 MR. BRANDT: Thank you.

18 BRIAN PITZEN,

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

21 CROSS-EXAMINATION

22 BY MR. BRANDT:

23 Q. Good morning, Agent Pitzen. My name is Michael Brandt;
24 and along with my co-counsel Nicole Kettwick, we represent
25 Hayat Nur. Okay? I've got just a couple brief questions

1 for you here this morning.

2 You spent a good deal of last week reading text
3 messages with Mr. Thompson that were recovered from a cell
4 phone that was taken into possession by the government,
5 correct?

6 A. Correct.

7 Q. And the format, if you will, on those emails wasn't how
8 it would appear on a screen on the phone, is it?

9 A. Correct. I mean, it's similar I guess to how messaging
10 would be, but it's --

11 Q. The content is similar, but the format is different,
12 correct?

13 A. I mean, I would describe it as like similar. When you
14 see text messages coming through, it seems kind of like it
15 was.

16 Q. That's fine. We're good.

17 I'm going to show you a document, and I'm going to
18 ask you to have a leap of faith with me here. Okay?

19 A. Sure.

20 Q. And the leap of faith is that this is a message that was
21 from that cell phone extraction, only in a different format
22 how it would appear on the cell phone. Okay?

23 Could you please bring up D8-36 for the witness
24 only?

25 I'm showing you a screenshot of a text message

1 that is marked as D8-36. I'm going to ask you to trust me
2 here that this came off of that cell phone. Can we do that
3 for just a brief moment?

4 A. Sure.

5 Q. Thank you.

6 MR. BRANDT: Offer D8-36.

7 THE COURT: Any objection?

8 MR. THOMPSON: No objection.

9 THE COURT: D8-36 is admitted.

10 MR. BRANDT: And then if you could please bring up
11 D8-25.

12 BY MR. BRANDT:

13 Q. And, again, I'm showing you a screenshot of a text
14 message. Again, can we -- can we agree for a moment here
15 that this indeed is from that cell phone?

16 A. I don't have personal knowledge that it was, but I can
17 agree if you say so.

18 Q. Thank you.

19 MR. BRANDT: Offer D8-25.

20 MR. THOMPSON: No objection.

21 THE COURT: D8-25 is admitted.

22 MR. BRANDT: You can take that down. Thank you.
23 Thank you. Nothing further.

24 THE COURT: Mr. Schleicher, cross-examination.

25 MR. SCHLEICHER: Thank you, Your Honor.

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CROSS-EXAMINATION

BY MR. SCHLEICHER:

Q. Good morning, Agent Pitzen.

A. Good morning.

Q. I represent Said Farah. And I need to ask you some questions first regarding Said Farah's cell phone.

Did you review the contents of the Cellebrite report of Said Farah's cell phone?

A. Not related to his phone, no. My focus was on Abdiaziz Farah's phone.

Q. Okay. So is it your testimony that you have never reviewed Said Farah's cell phone or the Cellebrite report associated with it?

A. That's correct, yes.

Q. Okay. I want to talk to you about some of the text messages that you received -- sorry -- that you reviewed and testified to about earlier.

If we can take a look at H-59, which has been accepted into evidence.

And you see here on H-59, page 1 of the exhibit and then page 2, page 3. All right. You see these are a number of apartments that are listed for a St. Cloud address; is that right?

A. I see that, yes.

Q. And I believe your testimony on direct examination -- or

1 cross-examination was that not all of these apartments
2 became sites ultimately; is that right?

3 A. I think that's correct, yes.

4 Q. In fact, would you accept that only one of the apartment
5 complexes ever became a site and that was the La Cruz, the
6 one that's listed at the bottom that's dated 12/22/2020?

7 A. I know La Cruz did become a site. The other ones, I
8 don't have independent knowledge that they did or did not.

9 Q. Thank you.

10 I also want to focus your attention on page 42 of
11 H-59, if we can. You see here this was a series of text
12 messages regarding some travel and flight information; is
13 that right?

14 A. Correct.

15 Q. And if you can, please, on page 42 zoom into the ticket,
16 see if we can make that a little larger.

17 Can you see that?

18 A. I can, yes.

19 Q. It's a little fuzzy, though. But can you see that this
20 is a Delta flight information pertaining to Said Farah; is
21 that right?

22 A. Correct.

23 Q. And based on the flight information, at least according
24 to the ticket, the departure date was -- was it May 29; is
25 that right?

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

2 Q. Okay. May 29, 2021. And then the return date would be
3 what?

4 A. It appears to say Monday, August 30th, 2021.

5 Q. So at least if the travel was consistent with the plans
6 on the ticket, Mr. Farah would have been out of country for
7 that period of time, out of this country?

8 A. Correct.

9 Q. Okay. And you see the class of ticket here, I think, if
10 you can point. Does that appear to be an economy ticket?

11 A. That's what this ticket -- or that's what this says,
12 yes.

13 Q. Okay. Page 43. And then you see a -- that's
14 Mr. Farah's passport or appears to be a picture of that,
15 that he is texting to Abdiaziz Farah; is that correct?

16 A. That's what it appears, yes.

17 Q. And then there's some Delta check-in information that's
18 texted back.

19 And if you can go to page 44, you see there's some
20 message having to do with taking a COVID test?

21 A. Correct.

22 Q. Okay. And are you aware that at this particular time
23 COVID tests were generally required before people could get
24 on airplanes?

25 A. I'm generally aware of that. I don't remember the exact

1 time frame, but generally yes.

2 Q. Now, during your cross-examination I believe that you
3 stated, and I quote, that there's no question that, quote,
4 "some food was distributed" in connection with this case; is
5 that correct?

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

7 Q. Okay. And so if some food was distributed, you would
8 agree that it stands to reason that some food had to come
9 from someplace, correct?

10 A. Correct.

11 Q. And purchased by somebody, right?

12 A. I suppose they could have been given it, but, yes, I
13 think that's fair.

14 Q. Or could have been given it. It had to have a source.
15 It had to be transported and perhaps temporarily stored.
16 Fair?

17 A. Fair.

18 Q. Packaged and ultimately delivered to the sites to which
19 it was delivered for some food?

20 A. For sites where there was food delivered to.

21 Q. And are you aware that at least according to, I guess,
22 analysis that had been conducted in this case that the
23 dollar amounts of the food totaled in the millions, is that
24 right, in purchased food?

25 A. Again, that was like the generally, but the actual, I

1 guess, tracing of the money and the fine details of that
2 wasn't really what I focused on.

3 Q. Not your focus, not your responsibility?

4 A. Correct.

5 Q. Okay. But what was your focus and responsibility was
6 reviewing the various text messages of Abdiaziz Farah; is
7 that right?

8 A. Correct. That and, you know, doing visits to various
9 sites and conducting interviews of people at those sites.

10 Q. Let's focus on the text message review at this
11 particular point, just because I recall both on direct
12 you -- through you was introduced a number of photographs of
13 food, correct?

14 A. Correct.

15 Q. And you were shown some videos of food distribution; is
16 that right?

17 A. Correct.

18 Q. And you also testified that this was a sample or
19 examples of different photos you saw, but there were other
20 photos that you saw in the phone in reviewing the
21 Cellebrite, correct?

22 A. There was, yes.

23 Q. And it would be fair to say that, you know, it was more
24 than just a few pallets of rice and a few gallons of milk;
25 is that right?

1 A. I think that's fair to say, yeah. I mean, there was
2 bulk quantities of some onions, peppers, potatoes, some
3 fruits.

4 Q. And it would be unfair to characterize what was shown as
5 just a few pallets of rice and a few gallons of milk. Fair?

6 A. I think that's fair.

7 Q. Okay. And then based on your general understanding, and
8 I believe you testified to this on cross-examination, this
9 was a reimbursement program, the food program, right?

10 A. I'm not an expert, but that's my understanding, yes.

11 Q. And just in simple terms, "reimbursement" means that
12 somebody had to put the money out and procure the food
13 before they could be reimbursed for it later, correct?

14 A. Well, I guess if food was provided for -- I don't know
15 the chicken came before the egg. I guess I don't know that.
16 But the way it was supposed to work would be that you would
17 provide some meals, you would submit claims and then would
18 be reimbursed, yes.

19 Q. That makes sense. You wouldn't get the money from the
20 government up front and then get to purchase food and then
21 have that cycle continue if it's a reimbursement program,
22 right?

23 A. Correct.

24 Q. Okay. And then are you aware based on your familiarity
25 with this investigation generally that there was a stop pay

1 issued by the Minnesota Department of Education some time
2 around April of 2021?

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

4 Q. And that that stop pay wasn't lifted until approximately
5 June of the same year?

6 A. I don't know if I recall exactly when it was, but that
7 sounds feasible to me.

8 Q. In that general time zone?

9 A. Yes.

10 Q. So there necessarily would have been a delay, a gap from
11 which time someone would have procured food and then been
12 reimbursed?

13 A. I think that's fair. But I don't know, again, the money
14 flow, when -- when -- if money continued to flow or when
15 that stopped or started up again, but I am generally aware
16 of the idea.

17 Q. Thank you.

18 Well, just in that context, I would like to take a
19 look at a couple of additional text messages that you've
20 testified about.

21 If we could take a look at H-59, page 19.

22 H -- I'm sorry -- H-59, page 19, shows some
23 different bags of brands of rice; is that right?

24 A. That's the way it appears, yes.

25 Q. All right. And if you could go to page 20.

1 You see that there's some additional discussion
2 about the costs of these bags of rice. Is that fair?

3 A. I see that, yes.

4 Q. And then there's some messages from Said Farah's phone
5 giving the prices of the rice by the case and then saying,
6 "I can talk them more discount still," right?

7 A. I see where it says that, yes.

8 Q. That appears to be at least some discussion about
9 obtaining a discount from the rates that are listed here for
10 the rice?

11 A. Correct.

12 Q. Okay.

13 Go to page 31, please. So page 31, could you
14 enlarge that?

15 You were shown this CACFP At-Risk 7-Day Grocery
16 Menu. And you see the word "Faribault" written above that?

17 A. I do.

18 Q. And you see that there's some different items that are
19 listed on the menu, different things circled such as cheddar
20 Goldfish and pasta and rice. Do you see that?

21 A. I do see that.

22 Q. Okay. And that appears then to be consistent with items
23 that were eventually procured and distributed at different
24 sites, right, like rice, for example?

25 A. I would say there was photographs of some rice at some

1 of the sites, yes.

2 Q. Okay. And with the stop pay and the reimbursement
3 nature of this matter in mind, I'd like to talk to you about
4 some additional invoices and expense-related text messages
5 or WhatsApp messages between Mr. Said Farah and Abdiaziz
6 Farah.

7 If you could turn to page 4 of the exhibit,
8 please.

9 And you see this appears to be an invoice. If you
10 could blow up the -- what does that read? Sahal Dairy
11 Foods; is that right?

12 A. I believe so.

13 Q. Are you familiar with that distributor?

14 A. I'm not. I do not have any independent knowledge of
15 that particular distributor, no.

16 Q. All right. Can you make out the amount of the invoice
17 there? And if you can, maybe you're better than I am.

18 A. Right. It's a little fuzzy, but it looks like it's 200
19 and some dollars.

20 Q. And if you could back up, I just want to -- and can you
21 confirm that the date of that exchange is January 3, 2021?

22 A. Can you zoom in on kind of the upper right corner there?

23 Oh, sorry, the exchange. Yes, I see that.

24 Q. All right. Thank you.

25 A. Sure.

1 Q. Turn to page 5, please.

2 All right. And you see this -- these appear to be
3 some handwritten notes; is that right?

4 A. Correct.

5 Q. They have names and amounts and dates next to them,
6 right?

7 A. Correct.

8 Q. And those dates all appear to correspond with the dates
9 in December of 2020?

10 A. That's the way it appears, yes.

11 Q. Let me ask you just in terms of looking at Bushra
12 Wholesalers, were you aware of or did you interview any
13 employees of Bushra Wholesalers?

14 A. I personally did not, no.

15 Q. Do you know if anyone on the team did? Do you have
16 knowledge of that, if anyone on the team did?

17 A. I do not.

18 Q. Okay. Page 6, please. And if you could zoom in on that
19 again, please.

20 Again, this appears to be an invoice to Bushra
21 Wholesalers from Sahal. I can't read the bottom part. For
22 \$4,800?

23 A. Correct. Billed to Minnesota Grocery, it appears, yep.

24 Q. Do you know anything about Minnesota Grocery?

25 A. I do not.

1 Q. Okay. All right. But you also see Bushra Wholesaler on
2 the top; is that right? Above where it says Invoice?

3 A. Maybe you can point my -- it says Bushra Wholesalers?

4 Q. Make it yellow.

5 MR. SCHLEICHER: Oh, I'm sorry. Did I read that
6 incorrectly?

7 MR. CARLSON: Yeah.

8 MR. SCHLEICHER: I apologize.

9 BY MR. SCHLEICHER:

10 Q. All right. So Minnesota Wholesalers. And the amount of
11 4,800; is that right?

12 A. That's correct.

13 Q. And this is, again, on January 3, 2021?

14 A. That is correct.

15 Q. Go to page 6, please.

16 All right. And another invoice; is that right?

17 A. Correct.

18 Q. And this is on January 3, 2021?

19 A. Correct.

20 Q. Page 7?

21 A. Correct.

22 Q. Page 7 shows sort of a breakdown of what appear to be
23 different food suppliers; is that right?

24 A. It appears to be a breakdown of amounts, amounts of
25 money from some of those invoices.

1 Q. Okay. So there's Sahal Dairy, and it lists 796. These
2 are a little easier to read than those invoices, aren't
3 they?

4 A. Fair enough.

5 Q. Afro Produce LLC, 3,471, and so forth, correct?

6 A. Correct. I don't know if there's -- I guess some of
7 these numbers I didn't see invoices for prior, but I see
8 what you're saying.

9 Q. Okay. And then it says labor for packaging. It lists
10 \$200; is that right?

11 A. Correct.

12 Q. And then you see a name or what appears to be a name,
13 Saciido, Saciido?

14 A. I see that.

15 Q. And then it says salary, 1,000?

16 A. I see that, yes.

17 Q. Gas for the car, \$50 dollars. And a total of
18 \$11,001.30; is that right?

19 A. I see that, yes.

20 Q. Again, sent on January 3, 2021, correct?

21 A. Correct.

22 Q. And if you could go to the next page, please.

23 On January 13, 2021, you see an entry that sort of
24 repeats some of the entries you've seen before; is that
25 right?

1 A. That's the way it appears, yes.

2 Q. But there are some additional entries made here. And
3 the total changes from \$11,001 to \$13,201.30; is that right?

4 A. I see that, yes.

5 Q. Page 9.

6 Okay. Then on the 26th, some of these dollar
7 amounts are again repeated.

8 And to be clear, the lists and the distributor
9 names and the dollar amounts, these are being texted by Said
10 Farah to Abdiaziz Farah, correct?

11 A. Correct.

12 Q. So similar lists on the 26th. Some additional items
13 added and some additional names you can see at the bottom?

14 A. Correct.

15 Q. And increased totals?

16 A. Correct. It appears to be kind of like a running tally.

17 Q. A running tally. Okay.

18 Then if you could go to page 18, please.

19 And you see there's another invoice here. There's
20 an invoice here. And this is on March 4, 2021. And this
21 appears to be a Bushra invoice that's being texted to Said
22 Farah by Abdiaziz; is that right?

23 A. I see the invoice, yes.

24 Q. And you acknowledge that the -- that's the flow, I
25 guess, of the invoice exchange?

1 A. That is correct.

2 Q. Okay. And if you could zoom in on the total there.

3 So at this point the balance here is \$163,639.60,
4 correct?

5 A. That's what's listed on this piece of paper. I don't
6 know if that was paid or not paid, but that's what's listed
7 on this piece of paper.

8 Q. Well, at least according to the piece of paper, it's
9 balance due. So ostensibly it has not been paid, right?

10 A. Correct.

11 Q. Okay. Now page 23, you can see this is a --

12 If you could zoom in on that, please.

13 And we see this a couple of times, this same
14 invoice, this \$633,334.95 invoice pertaining to Somali
15 Community Resettlement Services. Do you see that?

16 A. I do.

17 Q. And this invoice, this is something that at least under
18 the program would be submitted to a sponsor; is that right?

19 A. I guess -- I believe that's what it represents, but I
20 don't have any, I guess, independent knowledge that this is
21 the actual thing that was submitted, but I think that sounds
22 right.

23 Q. But it certainly wouldn't show some amount of money that
24 Bushra owes Empire or Said Farah owes Abdiaziz Farah, right?

25 A. I, yeah, I don't believe that would be on this type of

1 piece of paper.

2 Q. And if you could back out of that one, please, and --
3 well, you can see on the -- could you highlight the red
4 writing on the top there, the Submitted?

5 You see there's a submitted date where it says
6 Submitted 3/31/2021?

7 A. I see that, yes.

8 Q. All right. And if you can back out of that, we can take
9 a look. Skip to page 29, please.

10 So the prior one we saw was March 29, 2021.

11 Page 29 is April 6, 2021; is that right?

12 A. I see that, yes.

13 Q. And it's the same -- this is actually a little clearer.
14 But it's the same invoice, correct?

15 A. I believe that's correct.

16 Q. Okay. And, again, this is being transmitted from
17 Abdiaziz Farah to Said Farah. It's in April. This is a
18 reimbursement program. We're getting into the period of
19 time where there's a stop pay in place, correct?

20 A. I don't remember the exact date that the stop pay went
21 into place, but around -- sometime around there.

22 Q. All right. And then I'd like to back up to page 24,
23 please. This is going back in time to March 31, 2021.
24 Different invoice, but this also -- and you see this is an
25 amount. And it says Islamic Society of Marshall, Minnesota.

1 This is a different site, right?

2 A. There was a site there, yes.

3 Q. And different than the other -- not included within the
4 600 and some thousand dollar invoices we saw before?

5 A. I believe that's correct.

6 Q. And this amount is \$41,779.80; is that right?

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

8 Q. And, again, same flow of information, Abdiaziz Farah to
9 Said Farah, during a time period before there had been any
10 reimbursements to Bushra? Do you know that?

11 A. Can you say that one more time for me?

12 Q. Yeah. The time period that these invoices that are
13 shown that -- different amounts these invoices had been
14 submitted, ostensibly submitted to the sponsor, these are
15 being transmitted to Said Farah during a period of time
16 before he had been reimbursed for any of the food that he
17 purchased?

18 MR. THOMPSON: Objection. Foundation.

19 MR. SCHLEICHER: Are you aware of that?

20 THE COURT: You may answer.

21 THE WITNESS: I'm not aware.

22 MR. SCHLEICHER: Okay. Fair enough.

23 BY MR. SCHLEICHER:

24 Q. And then there's -- if you could go to page 33, again,
25 in the same time period.

1 Another list of handwritten notes with names and
2 dollar amounts; is that right?

3 A. I do see that, yes.

4 Q. The date of this is April 8th, 2021, correct?

5 A. Correct.

6 Q. If you could zoom in on that, please.

7 And this appears to reflect the names of
8 suppliers, Golden Star and Upper Lakes, correct?

9 A. Correct.

10 Q. And there's also some names that are listed with dollar
11 amounts next to them?

12 A. I think that's right, yes.

13 Q. And these are being transmitted from Said Farah to
14 Abdiaziz Farah, correct?

15 A. Correct.

16 Q. And this would have been during the -- around the time
17 of the stop pay?

18 A. I don't know exactly when it, yeah, took in or started.

19 Q. Okay. But at least it's kind of consistent with that
20 time period, based on your knowledge?

21 A. Around the general time, yes.

22 Q. Okay. Thank you.

23 I'm going to change gears a little bit and talk
24 about some tax terms. And I understand that you testified
25 that you're not an expert in IRS form W-9?

1 A. Correct.

2 Q. Okay. But are you aware of the general function of IRS
3 form W-9? That's something that people who use a vendor and
4 they pay them more than \$600 have to file this document? Is
5 that right?

6 A. I don't know. I think it has multiple purposes. That
7 may be one of them. I know it can also be used to obtain --
8 for filing returns for people that have ITINs. I don't know
9 all the various purposes of it, but --

10 Q. Help us out here too then. ITIN?

11 A. What does it stand for?

12 Q. And if you don't know the acronym, could you just
13 describe it? It's a number, right?

14 A. A taxpayer identification number.

15 Q. Then there's another taxpayer identification number
16 called a TIN, which is taxpayer identification number,
17 right?

18 A. Correct.

19 Q. That's for individuals. At least they made that acronym
20 a little bit easier to figure out. And then there's an EIN,
21 correct?

22 A. Correct.

23 Q. And that's employer identification number?

24 A. Correct.

25 Q. Okay. And we haven't talked about IRS form 1099, but

1 are you generally familiar or aware that that's something
2 that you would give to an independent contractor, for
3 example?

4 A. Correct.

5 Q. And in order to be square on your taxes, when you're
6 running a business, you have to file such things as 1099s
7 and W-9s for reporting purposes, true?

8 A. There are requirements, yes.

9 Q. And you also, in order to fill those forms out, you need
10 certain information such as the -- either the tax
11 identification number for an individual or employee
12 identification number for a business or vendor, correct?

13 A. Yeah, correct. I know for individuals you'd have to. I
14 don't know as far as the business side of it, but generally
15 yes.

16 Q. All right. Given your role in this case, I need to ask
17 you, were you involved in obtaining any tax return
18 information from any prospective witness or target of your
19 investigation?

20 A. I did not.

21 Q. Okay. And by "tax return information," I mean a return
22 for an individual or for a business through the process of
23 obtaining a court order, but ex parte court order for tax
24 returns?

25 A. I did not personally participate in that, no.

1 Q. All right. Do you know if anyone on the prosecution
2 team did?

3 A. I believe there were some ex parte early in the
4 investigation, but, again, I didn't have any part of that.

5 Q. And are you aware of whether or not they obtained the
6 tax returns, either personal or business, for -- associated
7 with Hadith Ahmed?

8 A. I don't have any independent knowledge one way or the
9 other.

10 Q. All right. All right, sir. I need to talk to you a
11 little bit about your knowledge of Bushra Wholesalers.

12 And you can take that down, please.

13 All right?

14 A. Sure.

15 Q. And so for Bushra Wholesalers, first I need to ask you,
16 are you familiar with any addresses associated with that
17 business, Bushra Wholesalers LLC?

18 A. I would potentially recognize them, but not -- I
19 wouldn't be able to recite them.

20 Q. Okay. Do you recognize 2713 South 50th Avenue in
21 Minneapolis?

22 A. It's my understanding that's the residence of Said
23 Farah.

24 Q. So that's Said Farah's home, correct?

25 A. That's what I understand, yes.

1 Q. And did you participate in any way in the search of Said
2 Farah's home?

3 A. I did not.

4 Q. And so you do not know who was there present when Said
5 Farah's home was searched?

6 A. I do not.

7 Q. Not aware of any records, books or documentation taken
8 in association with that search warrant, do you?

9 A. I do not.

10 Q. You don't know generally the condition of the home?

11 A. I do not.

12 Q. You don't know what was found, and you don't know what
13 was not found; is that right? Fair to say?

14 A. Correct. I was not there, and I have not reviewed
15 anything related to that.

16 Q. So that's one address associated with Bushra Wholesalers
17 LLC.

18 And now I'd like to ask you if you're aware of the
19 address or recognize the address 3004 Pillsbury Avenue?

20 A. It sounds familiar, but I don't know for certain.

21 Q. Would you recognize that to be the address of the
22 warehouse rented by Bushra Wholesalers LLC?

23 A. It could be, but I don't know for certain, I guess. I
24 didn't -- that wasn't really my part of this. I never went
25 there or had anything to do with that, so.

1 Q. So if you didn't go to that address, the warehouse
2 address, you wouldn't be aware of whether there was any food
3 stored there, correct?

4 A. I never went there, correct.

5 Q. Or made any observations of any distribution operation
6 happening at that address, correct?

7 A. Again, I wasn't on the investigation at that time and
8 wasn't really my role.

9 Q. And regarding the business of Bushra Wholesaler -- well,
10 I guess you testified I believe on cross-examination that
11 you are not an expert at setting up businesses; is that
12 true?

13 A. That's fair.

14 Q. Okay. And you have never examined the books and records
15 of Bushra Wholesaler LLC, true?

16 A. True.

17 Q. You have not reviewed invoices from food suppliers other
18 than what you've shown us on these text messages; is that
19 right?

20 MR. THOMPSON: Objection. Beyond the scope.

21 THE COURT: Overruled.

22 You may answer.

23 THE WITNESS: I have not.

24 BY MR. SCHLEICHER:

25 Q. Okay. And nor have you identified any W-9 information

1 to suppliers or 1099 information to employees, true?

2 A. I did not review that. That was not my role.

3 Q. Nor have you interviewed any employer -- employees, I
4 guess, of Bushra Wholesalers, true?

5 A. I personally have not.

6 Q. Including Idriss Omar, you've never interviewed him?

7 A. Correct.

8 Q. And you have not reviewed Bushra Wholesalers' corporate
9 tax returns, correct?

10 A. I have not.

11 Q. You did not obtain Bushra Wholesalers' corporate tax
12 returns?

13 A. I personally did not, and I don't know if they were
14 obtained or not.

15 Q. All right. And so given your limited knowledge of
16 Bushra Wholesalers, would it be fair to say that you know
17 very little about the company?

18 A. I think -- I think that's fair that I don't know much
19 about Bushra Wholesalers as an entity. I know more about
20 generally the claims that were submitted in this case.

21 Q. All right. And none of which were submitted by Bushra
22 Wholesalers, you understand that, right?

23 A. I don't know if I know that for certain.

24 Q. Now, I'd like to go back to a -- one of the text
25 messages.

1 Is it H-59? And I believe it's on page 20?

2 So H-59, page 20, you see there's an exchange at
3 the bottom. Abdiaziz texts something on 3/11. It says,
4 "Okay. Perfect. Thank you." Is that right?

5 A. I see that, yes.

6 Q. And then there's an image. 3/12/2021. Do you see that
7 image?

8 A. I do see an image there, yes.

9 Q. That's a little bit blurry, isn't it?

10 A. That's fair to say.

11 Q. But it appears to be what's known as a thumbnail; is
12 that right?

13 A. It could be. I don't know for certain.

14 Q. Well, when you reviewed the text messages that you
15 testified about, and this was one of the exhibits offered by
16 the government, did you click on that thumbnail image to see
17 what it showed when you were reviewing the text messages?

18 A. I don't specifically recall on that one if that was --
19 the images, I guess, are stored in a separate spot. So you
20 wouldn't just like click on it through the report. So I
21 don't know with that specific one.

22 Q. Through the Cellebrite report? So you can click on that
23 image, and it will show the video? You can find the video
24 associated with this on the Cellebrite?

25 A. I think you could find it, yes, but I don't know,

1 specifically this one, I don't know if I clicked on it or
2 not.

3 MR. SCHLEICHER: At this time I would like to show
4 just the witness, and not the jury, what has been marked for
5 identification as D5-318. Make sure the sound is off. And
6 I'd like to show this to the witness.

7 (Video recording played)

8 BY MR. SCHLEICHER:

9 Q. All right. Did you have an opportunity to review that
10 video?

11 A. I did, yes.

12 Q. All right. And would you agree that that is the video
13 that's associated with the thumbnail image on the exhibit
14 that we just looked at?

15 A. I couldn't say independent -- I don't know for certain
16 that that's true or not.

17 Q. Okay.

18 MR. SCHLEICHER: I'll offer D5-318.

19 THE COURT: Any objection?

20 MR. THOMPSON: Your Honor, foundation. We haven't
21 seen this, and the witness doesn't know independently.

22 MR. SCHLEICHER: Very well.

23 BY MR. SCHLEICHER:

24 Q. Because you've never seen this video?

25 A. I don't recall specifically seeing this video. Seen

1 others like it, but I don't know that I've -- I may have
2 seen it, but I don't specifically recall as I sit here right
3 now to say for certain I've seen this specific video, but I
4 have seen ones like it.

5 Q. Okay. Well, let's go back to the thumbnail then, and if
6 you could enlarge the thumbnail.

7 This appears to be an image of different boxes
8 stacked on top of each other?

9 A. That's the way it appears, yes.

10 Q. In some sort of a building?

11 A. Potentially. I see it appears to be boxes.

12 Q. Boxes of what?

13 A. I believe it looks like bananas. I don't know what the
14 other -- the other boxes are, looking at this particular
15 picture.

16 Q. Generally boxes of food, right?

17 A. Correct.

18 Q. Okay. In a building. And you don't recognize the
19 building because it's a building you've never been in.

20 Fair?

21 A. Fair.

22 Q. Okay.

23 MR. SCHLEICHER: I have no further questions.

24 Thank you.

25 THE COURT: Mr. Thompson, redirect?

1 MR. THOMPSON: Yes, Your Honor.

2 REDIRECT EXAMINATION

3 BY MR. THOMPSON:

4 Q. Good morning, Agent Pitzen.

5 A. Good morning.

6 Q. I'm going to put back up on the screen Government
7 Exhibit 59a -- H-59a and go through some of the text
8 messages that counsel just went through with you. Okay?

9 A. Okay.

10 Q. First off, page 4 of Government Exhibit H-59 is an
11 invoice from Sahal Dairy Foods; is that right?

12 A. That's what it appears, yes.

13 Q. I know it was hard to read, but roughly what was the
14 amount of that invoice?

15 A. I believe it was 200 and some dollars.

16 Q. And then on page 5 there was a list of dollar figures;
17 is that right?

18 A. Correct.

19 Q. That counsel showed you?

20 A. Correct.

21 Q. What was the general range of the dollar figures listed
22 here on page 5 of Government Exhibit H-59?

23 A. It appears they range from around \$19 to \$77.

24 Q. Page 6 there's another invoice?

25 A. Correct.

1 Q. And what's that amount?

2 A. It appears to be \$4800.

3 Q. Page 10 there's another list of payments from
4 January 2021; is that right?

5 A. That's the way it appears yes.

6 Q. Now counsel didn't show you all the text messages on
7 this thread, did he?

8 A. He did not.

9 Q. In fact, if we go one page down to page 11, there's an
10 invoice to a company in China; is that right?

11 A. That's what it appears, yes.

12 Q. And what's that for the purchase of it?

13 A. It indicates Roadshine brand truck tires.

14 Q. And what's the cost of the tires from this Chinese
15 company?

16 A. This invoice indicates \$169,250.

17 Q. Where is it supposed to be shipped to?

18 A. This indicates Mombasa, Kenya.

19 Q. How would you compare the amount of this invoice to the
20 amount of those invoices for food?

21 A. This invoice is clearly significantly higher.

22 Q. On page 25 of H-59 there's another text message about
23 checks; is that right?

24 A. I see that, yes.

25 Q. Could you describe it for us?

1 A. This says that Abdimajid is going to be bringing checks,
2 \$210,000 cashier's check, to Said Farah.

3 Q. And does he have a breakdown of that money?

4 A. He does. It lists "\$10,000 for you, \$10,000 for
5 Abdiwahab, and "\$190,000 please wire for me through Said
6 Amana." Said Amana.

7 Q. And directing your attention down to page 27 of this
8 exhibit, is there an invoice that appears to be related to
9 that text?

10 A. There is, yes.

11 Q. Could you describe it, generally?

12 A. This is an invoice looks like for the purchase of
13 textile material for \$190,000.

14 Q. From China?

15 A. Correct.

16 Q. How would you compare this invoice for the purchase of
17 textile material in China to those invoices you were just
18 seeing related to the purchase of food?

19 A. This appears to be significantly more.

20 Q. And on page H-59 -- I'm sorry. At Government
21 Exhibit H-59 at page 23, there's an invoice submitted to
22 Partners in Nutrition; is that right?

23 A. I believe that's what this was used for, yes.

24 Q. And what's the amount of the invoice that's being
25 charged to Partners in Nutrition?

1 A. This indicates \$633,334.95.

2 Q. How would you compare that invoice to those invoices for
3 food that you were shown?

4 A. Significantly larger.

5 Q. I want to show you some of the other text messages that
6 we looked at the other day. This first one, H-54f, which is
7 a text exchange between Abdiaziz Farah and Mahad Ibrahim; is
8 that right?

9 A. Correct.

10 Q. The owner of ThinkTechAct?

11 A. Correct.

12 Q. Could you describe this text message that I've
13 highlighted on April 2nd, 2021?

14 A. This appears to be a breakdown of funds. Empire
15 Cuisine, \$587,000 approximately; Empire Cuisine, 78,000
16 approximately; Empire Enterprise LLC, 486,000 approximately;
17 and Abdiwahab Aftin, \$36,000 approximately.

18 Q. How would you describe those figures in comparison to
19 those invoices for the purchases of food that you were shown
20 earlier?

21 A. They're, again, significantly larger.

22 Q. Showing you now Government Exhibit H-54k, which is
23 another text exchange between Abdiaziz Farah and Mahad
24 Ibrahim on May 7th, 2021; is that right?

25 A. That's correct.

1 Q. What does Abdiaziz Farah text to Mahad Ibrahim on May 7,
2 2021?

3 A. Again, it's a breakdown of money. Empire Cuisine &
4 Market, 428,000; Empire Enterprises, \$348,950; Empire
5 Cuisine & Market, \$202,750.

6 Q. And then he says, "I think I deposited close to
7 1.4 million or even more"?

8 A. Correct.

9 Q. Agent Pitzen, how does the figures in that text message
10 compare to those invoices you were shown for the purchase of
11 food?

12 A. Significantly higher.

13 Q. I'm showing you now what's been admitted as Government
14 Exhibit H-51g, which is a text exchange between Abdiaziz
15 Farah and Abdimajid Nur; is that right?

16 A. Correct.

17 Q. On June 16, 2021?

18 A. Correct.

19 Q. Could you read the first two texts here? Or just
20 summarize what they show, what Abdiaziz Farah texts.

21 A. Sure. He says, "Bro, can you get the follow out of
22 Mahad ASAP please?"

23 And then it's a list of dollar amounts. Empire
24 Cuisine & Market, \$371,000, U.S. Bank; Empire Cuisine &
25 Market, \$689,218.44, Old National Bank; Nur Consulting,

1 \$47,890; Bushra Wholesale LLC, \$289,750, take it to
2 Abdiwahab; Bushra Wholesale LLC, \$228,950, take it to
3 Abdiwahab. I will come up with a plan for the balance,
4 bro."

5 Q. Agent Pitzen, how would you describe a comparison
6 between those figures and those invoices for food that you
7 were shown a few minutes ago?

8 A. Significantly higher.

9 Q. I'm showing you now what's been admitted as H-52u.

10 A. Correct.

11 Q. At page 5. And this is a text message exchange between
12 Abdiaziz Farah and Ahmednaji Maalim Aftin in Kenya; is that
13 correct?

14 A. Correct.

15 Q. I'm then directing your attention to texts that Abdiaziz
16 Farah in green sends on -- or sent on October 21st of 2021.

17 A. Correct.

18 Q. How much money does he describe sending to Mr. Aftin?

19 A. He says, "You should get \$800,000 before end of November
20 from various people."

21 Q. How would you compare that figure to those invoices for
22 food that you were asked about earlier?

23 A. Significantly higher.

24 Q. Showing you now Government Exhibit H-52aa, which is
25 another text message exchange between Abdiaziz Farah and

1 Ahmednaji Maalim Aftin.

2 A. Correct.

3 Q. There's a couple of money transfer forms; is that right?

4 A. That's correct.

5 Q. And they show -- what do they show, Agent Pitzen?

6 A. So here it shows the beneficiary is Ahmednaji Maalim,
7 date of 12/16/2021, sender Abdiaziz Farah for the amount of
8 300,000.

9 Q. And then there's another text later that day?

10 A. Correct.

11 Q. How much cash was deposited into this account?

12 A. 210,000.

13 Q. U.S. dollars?

14 A. Correct.

15 Q. How does that \$210,000 figure that was sent to Kenya
16 compare to those food invoices you were shown earlier?

17 A. It's significantly higher.

18 Q. I'm showing you now what's been admitted as H-52z.

19 Again, text messages between Abdiaziz Farah and Ahmednaji
20 Maalim Aftin in Kenya, correct?

21 A. Correct.

22 Q. Can you describe what's texted here on December 9th of
23 2021?

24 A. It's a picture of what appears to be a shoebox full of
25 U.S. currency, and then it has a note below it that says

1 "\$270,000."

2 Q. How does that box full of \$270,000 in cash compare to
3 those food invoices that you were asked about earlier?

4 A. Significantly higher.

5 Q. Now I'm showing you what's been admitted as Government
6 H-52u at page 5. More texts between Abdiaziz Farah and
7 Ahmednaji Aftin; is that right?

8 A. It is, correct.

9 Q. And what does Mr. Farah say on October 21st?

10 A. He says, "You should get \$800,000 before end of November
11 from various people."

12 Q. Agent Pitzen, how does that \$800,000 figure being sent
13 to Kenya compare to the food invoices you were asked about
14 earlier?

15 A. Significantly higher.

16 MR. THOMPSON: Thank you. No further questions.

17 THE COURT: Any recross? Mr. Birrell.

18 MR. IAN BIRRELL: Just briefly, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. IAN BIRRELL:

21 Q. Going back to your role in this investigation, Agent
22 Pitzen, one of your roles was to analyze text messages that
23 you were just talking about, right?

24 A. Correct.

25 Q. And then you had a couple other roles that we've been

1 over, right?

2 A. Correct.

3 Q. And you were shown some invoices embedded in those text
4 messages, right?

5 A. Correct.

6 Q. But you know there were other invoices in the case that
7 were not embedded in those text messages, right?

8 A. I believe that's fair, yes.

9 Q. So there were invoices that were emailed, for example.
10 You know that, right?

11 A. I don't know if I have any independent knowledge of
12 that.

13 Q. I suppose because your role wasn't to look at the emails
14 and to analyze them, right?

15 A. Again, we had a large team of people and other people
16 were kind of in charge of that portion of it.

17 Q. Yeah. So if an invoice was emailed, you wouldn't know
18 one way or the other, right?

19 A. Correct.

20 Q. How about if an invoice was physically mailed, that
21 wouldn't show up in a text message, right?

22 A. Correct.

23 Q. Do you know how many total suppliers were providing
24 invoices to Empire Cuisine & Market?

25 A. I do not, no.

1 Q. Do you know the total dollar amount of the invoices that
2 suppliers were providing to Empire Cuisine & Market?

3 A. I do not.

4 Q. That's because that wasn't part of your role, right?

5 A. Correct.

6 MR. IAN BIRRELL: Thank you. Nothing further,
7 Your Honor.

8 THE COURT: Any other recross?

9 MR. SCHLEICHER: Your Honor, if I have a sidebar,
10 please?

11 THE COURT: You may.

12 **(Sidebar discussion)**

13 THE COURT: Mr. Schleicher.

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

15 THE COURT: Barely.

16 MR. SCHLEICHER: Barely? How about now? Any
17 better?

18 THE COURT: That's better.

19 MR. SCHLEICHER: Better. All right. Thank you so
20 much.

21 Your Honor, during the cross-examination of this
22 witness, I offered an exhibit and there was an objection on
23 foundation grounds. This is Exhibit D5-318, which is a
24 video that is associated with the thumbnail that the
25 witness -- that the government introduced, introduced in its

1 main exhibit, H-59.

2 Outside of the presence of the jury, Your Honor, I
3 ask that I be allowed to publish that exhibit based on
4 Federal Rule 106, rule of completeness. This was -- this
5 video was a part of the text chain, and I believe that it
6 should, in fairness, be played now.

7 I do need to tell the court, however, that the
8 video itself that's proposed by the defense is not taken
9 from this particular cell phone of Abdiaziz Farah. It was
10 taken from Said Farah's Cellebrite report. But,
11 nonetheless, I can represent it's -- it's the thumbnail.

12 And so if I can offer it now; otherwise, I'm going
13 to have to recall this witness and others to offer it in my
14 case.

15 THE COURT: It's the same video? No question?

16 MR. SCHLEICHER: It's the same video.

17 MR. THOMPSON: Your Honor, I generally don't have
18 an objection to it coming in. My only concern was the lack
19 of foundation. And, of course, these Celebrities are
20 enormous, and Agent Pitzen wasn't certain if that's what it
21 came from. And I'm not either sitting here independently.
22 If Mr. Schleicher is representing it is, I will take his
23 word for it. It's just hard to do it on the fly.

24 THE COURT: Understood.

25 All right. Let's -- I'll bring it in under the

1 rule of completeness, and you may recross.

2 MR. SCHLEICHER: Thank you, Your Honor.

3 THE COURT: Thank you.

4 **(In open court)**

5 MR. SCHLEICHER: Just a few more hours.

6 Sir, we've made an agreement, the defense and the
7 government, that the exhibit that I was asking you about in
8 the video, D5-318, in fact is what it purports to be. And
9 so you don't have to worry about this being from your
10 personal knowledge.

11 So at this time under Federal Rule 106, defense
12 offers D5-318.

13 MR. THOMPSON: No objection as noted, Your Honor.

14 THE COURT: D5-318 is admitted.

15 MR. SCHLEICHER: Thank you, Your Honor.

16 And at this time I seek permission to publish.

17 THE COURT: You may.

18 (Video recording played)

19 RECROSS-EXAMINATION

20 BY MR. SCHLEICHER:

21 Q. And that was a little bit easier to see than that little
22 tiny thumbnail; is that right?

23 A. Fair to say, yes.

24 Q. And so when you see the video in its entirety that you
25 saw, it's more than just a few boxes of bananas. You see

1 several cases of bananas next to each other, other food
2 products, onions, potatoes, a fairly full warehouse; is that
3 right?

4 A. I don't know if I would describe it as a warehouse or
5 fairly full, but there's several -- certainly several boxes
6 there.

7 MR. SCHLEICHER: All right. Thank you very much.

8 THE COURT: Mr. Cotter.

9 RECROSS-EXAMINATION

10 BY MR. COTTER:

11 Q. Good morning.

12 A. Good morning.

13 Q. Just one area. You saw that there was a text message
14 that had a box full of cash you referenced; is that correct?

15 A. I recall that, yes.

16 Q. And you're aware that Empire Cuisine & Market had an
17 Amana or a hawala money transfer?

18 A. I know they had the Taaj money transfer.

19 Q. So, in other words, part of their business was being
20 able to transfer other people's money overseas, correct?

21 A. Correct.

22 Q. All right. And you don't actually have independent
23 knowledge of the exact source of the cash in that box, do
24 you?

25 A. I do not.

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

2 THE COURT: Any other recross?

3 And redirect?

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

5 THE COURT: You may step down, sir.

6 THE WITNESS: Thank you, Your Honor.

7 THE COURT: Thank you.

8 **(Witness steps down)**

9 THE COURT: And the government may call its next
10 witness. Mr. Jacobs.

11 MR. JACOBS: Thank you, Your Honor. The
12 government calls Bri Van Horn.

13 THE COURT: Good morning.

14 THE WITNESS: Good morning.

15 THE COURT: Come on up here to the witness chair,
16 and I will have you stand to take the oath.

17 THE WITNESS: Okay.

18 THE COURT: Would you raise your right hand.

19 BRIANNA VAN HORN,

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

22 THE WITNESS: Yes.

23 THE COURT: Thank you. You may have a seat in the
24 witness chair.

25 And when you're settled, I will have you state and

1 spell both your first and last name for the record.

2 THE WITNESS: Okay. Brianna Van Horn.

3 B-R-I-A-N-N-A. Last name Van Horn, V-A-N, space,
4 capital H-O-R-N.

5 THE COURT: Thank you.

6 Mr. Jacobs, you may inquire.

7 MR. JACOBS: Thank you, Your Honor.

8 DIRECT EXAMINATION

9 BY MR. JACOBS:

10 Q. Good morning, Ms. Van Horn.

11 A. Good morning.

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

14 A. Sure. I work for Old National Bank. I am a community
15 banking operations partner lead. So what that is is I
16 partner with -- and I cover all of the Minnesota locations
17 for Old National Bank.

18 I also oversee four direct reports throughout the
19 midwest of other Old National Bank. CBOPs we call
20 ourselves. And I am the liaison for all front team line
21 members to all the back support team members.

22 I work with all of the lines of business partners
23 throughout the organization as well and serve as a subject
24 matter expert in our policies and procedures.

25 Q. Okay. And can you explain to the jury what you mean

1 when you say you work as a liaison between the front and the
2 back office?

3 A. Sure. I'm the middleman. I communicate from our
4 bankers, our tellers, our managers to our back office, the
5 behind-the-scenes team members -- excuse me -- who are
6 conducting and monitoring our account opening or wire
7 transfers and just help them communicate and better, yeah,
8 better help them with issues.

9 Q. How long have you worked for Old National Bank?

10 A. 15 years.

11 Q. Are you familiar with the processes through which checks
12 that are written by Old National Bank account holders are
13 processed?

14 A. Yes.

15 Q. And can you explain how that works to the jury?

16 A. Sure. So when an Old National Bank check is presented
17 to another financial institution, that institution submits
18 images of those checks to their network exchange. Network
19 exchange, for example, is the Federal Reserve, or there are
20 other companies out there like Endpoint Exchange. Old
21 National utilizes both of those.

22 Old National then receives an X9 formatted file.
23 That processes through our FIS image center platform, which
24 those servers are located in our Little Rock, Arkansas,
25 location. And then Old National processes that information

1 through our core system to debit a client's account.

2 Q. Okay. So you said a couple things. I want to unpack
3 that a little bit.

4 You said that checks are processed through a
5 network exchange?

6 A. Mm-hmm.

7 Q. What's a network exchange?

8 A. The middleman between one financial institution and
9 another.

10 Q. Okay.

11 A. They don't directly go back and forth.

12 Q. Okay. You also mentioned that the checks are sent as
13 X9 files?

14 A. Yes. So it is the required format by the Federal
15 Reserve that -- it's more like a text file with images.

16 Q. So that's when a check is scanned, that is the file
17 format in which --

18 A. Yes.

19 Q. And then you mentioned an entity called FIS?

20 A. Yes.

21 Q. What is FIS?

22 A. So it is a company. It is Fidelity Information
23 Services. And they provide services for financial
24 institutions to provide security and that extra channel for
25 all of our checks to process through Old National.

1 Q. So when checks are processed through Old National, are
2 they processed through FIS servers?

3 A. Yes.

4 Q. And where are FIS servers located?

5 A. In Little Rock, Arkansas.

6 Q. Outside the State of Minnesota?

7 A. Correct.

8 Q. Prior to testifying today, did you have a chance to
9 review Government's Exhibit L-21, L-22, L-26 and L-32?

10 A. Yes, I did.

11 Q. And what generally were those items?

12 A. Old National Bank checks.

13 MR. JACOBS: Your Honor, I'd offer Government's
14 L-21, L-22, L-26 and L-32.

15 THE COURT: Any objection?

16 MR. IAN BIRRELL: No objection, Your Honor.

17 THE COURT: Those exhibits are admitted and may be
18 published.

19 MR. JACOBS: Thank you, Your Honor.

20 BY MR. JACOBS:

21 Q. I'm pulling up what is now in evidence as Government
22 Exhibit L-21. And this corresponds to Count 21. Okay?

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

24 A. Looks like an Old National Bank check drawn off of a
25 business called Empire Cuisine & Market LLC. Looks to be

1 made to the order of Bushra Wholesales LLC for a total of
2 \$118,258.04 for groceries.

3 Q. Date of the check is March 11th of 2021?

4 A. Yes.

5 Q. And you mentioned earlier that this is an Old National
6 Bank check.

7 And begging the obvious question, how do you know
8 that this is an Old National Bank check?

9 A. The name, but the routing number that is located on the
10 bottom of the check also is and corresponds with Old
11 National Bank's routing number.

12 Q. Can you confirm that this check was actually deposited?

13 A. Yes. On the back of the check you can see that there is
14 the stamp for crediting to the account of, and that is a
15 Bank of America stamp.

16 Q. In order for this check to have been deposited, would it
17 have to access the servers that we just discussed in
18 Arkansas?

19 A. Yes.

20 Q. I'm pulling up Government Exhibit L-22, and this
21 corresponds to Count 22.

22 Ms. Van Horn, can you again walk us through what
23 we're seeing in Government Exhibit L-22?

24 A. Yes. Looks like another Old National Bank check,
25 written off of a business Empire Cuisine & Market LLC, paid

1 to the order of Johnson-Reiland Builders & Rem, potentially
2 remodel because as in the memo line it says
3 construction/remodel. It is for \$500,000 and written on
4 March 15th, 2021.

5 Q. Do you know whether this check was actually deposited?

6 A. It appears to be, yes. The Pay to the Order stamp on
7 the back is for 1st United Bank for deposit only.

8 Q. And, again, in order for this check to be deposited,
9 would it have to access the system that we talked about with
10 the servers in Arkansas?

11 A. That is correct.

12 Q. Okay. Moving on to Government Exhibit L-26, and that
13 corresponds with Count 26.

14 Can you again tell the jury what we're looking at
15 here?

16 A. So this check does appear to be an Old National Bank
17 check; but unlike the others, it looks to be a starter check
18 potentially for a brand-new account. It was paid to the
19 order of Johnson-Reiland Builders, dated 5/15/2021, for
20 \$250,000 for construction.

21 Q. Okay. And when you say "starter check," you mean the
22 pack that they hand you when you open an account?

23 A. Yep. When you open a brand-new account, you get a few
24 extra checks that do not have the actual owning account name
25 on them.

1 Q. In this case, how do you know which account this check
2 came from?

3 A. At the bottom you will see our routing number, which is
4 always 086300012. The second set of numbers is the account
5 number.

6 Q. Okay. And that's the number ending in 442?

7 A. Correct.

8 Q. I'm pulling up what's already in evidence as
9 Government's Exhibit 0 -- excuse me -- O-11.

10 Do you recognize this document?

11 A. Yes. Those are definitely our account agreements.

12 Q. Okay. And this is for the account number ending in
13 what?

14 A. 6442.

15 Q. Same account?

16 A. Yes.

17 Q. And in this case who is the account owner of this
18 account for which that check was drawn?

19 A. Abdiaziz Farah.

20 Q. All right. Going back to Government Exhibit L-26, same
21 question, do you know whether this check was actually
22 deposited?

23 A. It appears to be deposited into 1st United Bank.

24 Q. And, again, in order for that to happen, would this
25 check have had to access the same system and servers located

1 in Arkansas?

2 A. Correct.

3 Q. Okay. Finally moving on to Government Exhibit L-32, and
4 that corresponds with Count 32.

5 This one is a little bit different. Can you tell
6 the jury what we're seeing with this check?

7 A. Yes. So this would be an Old National Bank cashier's
8 check. These are located on hand at our banking centers.

9 This one specifically was issued through Branch
10 Number 638, which is in our Burnsville location. It appears
11 to be purchased by the business Empire Enterprises on
12 July 7th, 2021, paid to the order of Trademark Title
13 Services. The note of line for the Candy Cove Trail could
14 be a property purchased for \$1,041,986.08.

15 Q. Okay. And cashier's checks, fair to say, slightly
16 different than a regular check?

17 A. Yes. A client, an authorized signer, of course, from
18 that business would be required to provide identification.
19 The funds would have to be available in the account in order
20 to withdraw it.

21 Q. Can you confirm that this cashier's check was actually
22 deposited?

23 A. On the back, yes, it is stamped for paying to the order
24 of Wells Fargo Bank for Trademark Title Services account.

25 Q. And for cashier's checks like this one, in order for it

1 to be actually deposited, would it have to access that same
2 system using servers located in Arkansas?

3 A. That is correct. All checks, whether cashiers or
4 personal checks, yes.

5 Q. So for the last four checks that we just saw, for each
6 and every one of those checks, did they have to access
7 servers located outside the State of Minnesota?

8 A. Correct.

9 MR. JACOBS: Your Honor, nothing further from the
10 government for this witness.

11 THE COURT: Thank you.

12 Any cross-examination? No cross? All right.

13 Thank you. You may step down.

14 THE WITNESS: Thank you.

15 **(Witness steps down)**

16 THE COURT: And at this point we'll take our
17 morning break and come back at 10:45. Thank you, everyone.

18 All rise for the jury.

19 **IN OPEN COURT**

20 **(JURY NOT PRESENT)**

21 THE COURT: All right, everybody. We're in
22 recess. 10:45.

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

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IN OPEN COURT

(JURY PRESENT)

THE COURT: You may all be seated.

The government may call its next witness.

MR. JACOBS: Thank you, Your Honor. The United States calls Lonnie Mills.

THE COURT: Good morning.

THE WITNESS: Good morning.

THE COURT: Sir, I'll have you stand before me to take the oath.

LONNIE MILLS,

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

THE WITNESS: Yes, Your Honor.

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

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

THE WITNESS: My name is Lonnie Mills. That's L-O-N-N-I-E. Mills, M-I-L-L-S.

THE COURT: Okay. Mr. Jacobs, you may inquire.

MR. JACOBS: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. JACOBS:

Q. Good morning, Mr. Mills.

A. Good morning.

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

3 A. Good morning, everyone. I work for Bank of America
4 National Association. I am assistant vice-president of the
5 bank, and I also serve as a corporate representative and
6 case resolution specialist.

7 Q. Can you briefly explain to the jury what it means to be
8 a corporate representative and case resolution associate?

9 A. Specialist.

10 Q. Specialist. Excuse me.

11 A. Yeah. So for corporate representation, I attend legal
12 settings, depositions, trials, and I testify on behalf of
13 the bank.

14 And as a case resolution specialist, we manage
15 cases that are in litigation. Any time the bank is involved
16 in the litigation, we manage that case from inception all
17 the way to resolution for various cases.

18 Q. How long have you worked for Bank of America?

19 A. I've been with the bank for seven years.

20 Q. Are you familiar with how cashier's checks are drawn on
21 accounts open with Bank of America?

22 A. Yes.

23 Q. Can you explain to the jury briefly and generally how
24 that works?

25 A. Well, Bank of America only issues cashier's checks to

1 account holders. So you must have a checking or savings
2 account in order to request a cashier's check from Bank of
3 America.

4 That process is you would go up to a local branch
5 to the teller, and you would present your identification.
6 And once you are properly verified and identified, then
7 there's a withdrawal slip process, because what's happening
8 is when you request a cashier's check, your funds are being
9 taken out of your account to guarantee the cashing of that
10 check.

11 And then the teller will ask you who -- who are
12 you paying with the check, who it's paid to the order of,
13 and then they print that name, print out the check, and then
14 they give you the physical copy of the check.

15 Q. In drawing a cashier's check on a Bank of America
16 account, are servers implicated outside of the State of
17 Minnesota?

18 A. Yes, there are servers engaged.

19 Q. And those servers are outside of the State of Minnesota?

20 A. Yes.

21 Q. Can you walk the jury through how an individual with a
22 Bank of America account would deposit or cash the cashier's
23 check?

24 A. So the person or the payee, as you would call it, who is
25 the person that the check is written out to, would take the

1 check to a local branch. And, you know, a lot of times the
2 check is endorsed on the back. Then they give it to the
3 teller. And the teller inputs some information to the
4 system and deposits the check, credits the account.

5 Q. And in that process, again, are servers outside of the
6 State of Minnesota implicated in that transaction?

7 A. Yes.

8 Q. I'm showing you what has been marked for identification
9 as Government's Exhibit L-31. Do you recognize this
10 document?

11 A. Yes.

12 Q. And generally what is it?

13 A. This is a credit copy of the transaction involving this
14 particular cashier's check.

15 MR. JACOBS: Your Honor, the government would
16 offer L-31.

17 THE COURT: Any objection?

18 MR. GOETZ: No objection, Your Honor.

19 THE COURT: Thank you.

20 L-31 is admitted and may be published.

21 BY MR. JACOBS:

22 Q. Now, Mr. Mills, can you explain to the jury what we're
23 seeing here in Government's Exhibit L-31 that corresponds
24 with Count 31?

25 A. Okay. So any time there is a transaction, if you will,

1 such as depositing a check, there is a trail of paperwork,
2 if you will, information that is printed on these documents.

3 So what we can see here is that this particular
4 check in the amount of \$250,000 was deposited on June 9th,
5 2021, as you can see the date reflected on the check.

6 It also shows who purchased the check, and it also
7 shows who the check is payable to the order of. And then,
8 finally, there's also information concerning the location of
9 where the check was drawn or issued.

10 Q. Okay. So let me ask you a couple follow-up questions.

11 In order to purchase this cashier's check, would
12 an individual have to follow those same policies and
13 procedures you just talked about?

14 A. Absolutely.

15 Q. And would that include showing identification?

16 A. Yes.

17 Q. And could anybody who is not the account holder obtain a
18 cashier's check drawn on that account?

19 A. No.

20 Q. I'd like to walk through some of the details of this
21 check.

22 You testified that it was -- the check was issued
23 on June 9th of 2021?

24 A. That is correct.

25 Q. And the amount here is 250,000?

1 A. Correct.

2 Q. Who is the remitter of this check?

3 A. The remitter, which is also the purchaser, is -- the
4 name is Mukhtar Mohamed Shariff.

5 Q. And that would be the account holder?

6 A. That is correct.

7 Q. And who is this check paid out to or made out to?

8 A. The check is made out to Ikram Y. Mohamed.

9 Q. Do you know if this check was actually deposited?

10 A. Yes.

11 Q. And based on your research, do you know where it was
12 deposited?

13 A. Yes. Well, it was purchased at one branch, and then it
14 was deposited at another. So where it was deposited would
15 be the Uptown branch here in Minnesota.

16 Q. And where was it purchased?

17 A. It was purchased at another branch here in Minnesota,
18 the Edina branch.

19 Q. And in purchasing this \$250,000 cashier's check, did
20 that transaction implicate servers located outside of the
21 State of Minnesota?

22 A. Yes.

23 Q. And in depositing this \$250,000 cashier's check, did it,
24 again, implicate servers located outside of the State of
25 Minnesota?

1 A. Yes, it did.

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

3 THE COURT: Cross-examination?

4 MR. GOETZ: Yes, please, Your Honor.

5 THE COURT: Mr. Goetz.

6 CROSS-EXAMINATION

7 BY MR. GOETZ:

8 Q. Good morning, Mr. Mills.

9 A. Good morning.

10 Q. My name is Frederick Goetz. I represent Mukhtar Shariff
11 in the back.

12 You've never met Mr. Shariff, have you?

13 A. I have not.

14 Q. Okay. Are you based in Minnesota, or where are you
15 based?

16 A. I'm based in the State of Florida.

17 Q. All right. So you traveled to Minnesota for your
18 testimony today?

19 A. Yes, sir.

20 Q. Good thing it was May, rather than January. Welcome.

21 I just have a few questions for you. I want to go
22 through the check, all right, and help -- you testified a
23 lot of information. And I want to try to pinpoint what it
24 was on the check that was allowed you to testify to those
25 things you testified to about. Okay?

1 Can we pull up L-31, please?

2 So you testified that the check has a remitter or
3 purchased by, an individual who it was purchased by. Where
4 do you see that information on the check?

5 A. When you look just below the Pay to the Order of area,
6 just below it it says "Remitter (Purchased by)," and then
7 there's a name.

8 Q. Okay. If we could blow that up, please.

9 All right. So as I understand it, looking at
10 that, that tells you that an individual, Mukhtar Mohamed
11 Shariff, consistent with that gentleman's name right back
12 there, would have had to show identification confirming that
13 he was that person and that's how his name gets put on this
14 cashier's check. Is that right?

15 A. Not necessarily. I mean, a form of identification could
16 also be using your account card that you have the account
17 with. You can, you know, put in the card, enter your PIN,
18 and that can also work as a form of identification.

19 And I believe in my research here, this was of a
20 business account for Afrique -- I can't remember the full
21 name, but, yes, he was the signer on that particular
22 business account.

23 Q. Okay. And you jumped ahead. You anticipated some of my
24 questions. You've obviously done this before. But let me
25 just -- so he has to present some identification to confirm

1 that he is a signer on that account?

2 A. That is correct.

3 Q. Okay. And you said this check was purchased at a branch
4 in Edina; is that right?

5 A. That is correct.

6 Q. Edina, Minnesota. And that's a suburb of Minneapolis.

7 Take that down, please.

8 Where do you get that information from? What is
9 it -- sorry -- looking at L-31, that allows you to tell this
10 jury that this check was purchased in Edina?

11 A. Well, my testimony does not only come from this document
12 itself. It also comes from my internal research when I was
13 assigned this case and reaching out to our business partners
14 and other lines of business.

15 But for this check, as you can see, at the very
16 top of the check, above the Pay to the Order of line, you
17 see Edina. That's printed on the check.

18 Also, when you look below to the bottom, if you go
19 down to the -- almost to the bottom center of the exhibit,
20 you see four lines of information. And that last line that
21 says BC, for banking center, it says Edina. And Edina is
22 identified by a call center number, which is MN2-506.

23 Q. Did I just underline the correct place there?

24 A. Yes.

25 Q. Okay. Can we just blow that up, please? All right.

1 Thank you.

2 And so what that information tells us is that
3 on -- and the date that the check was purchased, we know
4 that from the upper right-hand corner of the exhibit right
5 here, correct? June 9, 2021, at 1:37:33 p.m., correct?

6 A. Correct.

7 Q. So what we can glean from this information is that
8 Mukhtar Mohamed Shariff on June 9 of 2021 walked into the
9 Bank of America branch in Edina, provided some type of
10 identification, and said, "I would like a check for
11 \$250,000," in sum, right?

12 A. That is correct.

13 Q. Okay. And the payee, the Pay to the Order of, that is
14 an individual. And their name is also on this check,
15 correct?

16 A. That is correct.

17 Q. Could you just point out to the jury where that is and
18 just read the name into the record, please?

19 A. Excuse me. On the Pay to the Order of? Sorry.

20 Q. I think there's some water up there.

21 A. Acid reflux.

22 THE COURT: There's water right there.

23 THE WITNESS: On the Pay to the Order of line,
24 there's a name that's listed that is printed on the check,
25 and it states Ikram Y. Mohamed.

1 BY MR. GOETZ:

2 Q. And did I just underline that portion of the check on
3 L-31?

4 A. Yes.

5 Q. Could we just blow that up, please, for the jury?

6 All right. So it's clear who the check was
7 purchased by. Mukhtar Shariff. It's clear who the check
8 was made payable to. Ikram Mohamed.

9 The check -- I think you said it was deposited on
10 June 9, 2021. But did you misspeak? I think the day of
11 deposit is actually later than that.

12 Is there a way to tell looking on the exhibit, and
13 perhaps we need to go to page 2, what day the check was
14 deposited?

15 A. I never stated that the check was deposited on June 9th,
16 2021. In fact, the check was deposited some time in August
17 of 2021.

18 Q. Okay. I must have misheard your testimony then. Let's
19 go -- because we want to confirm -- I want to confirm the
20 day it was deposited.

21 Let's -- we don't have the second page?

22 Is there -- well, we don't have it on this exhibit
23 here. But how were you able to confirm that this check was
24 deposited on August -- on a date in August of 2021?

25 A. Because I reviewed documentation in preparation for this

1 trial. I engaged our business partners and other lines of
2 business, and we all work together, and I was able to review
3 records that are kept and maintained by Bank of America
4 concerning this account. And I recall that the check was
5 deposited some time in August of 2021.

6 Q. All right. And if I just may have a moment. I think we
7 have another copy of this check that we can pull up. I will
8 just get the exhibit number.

9 Could we please pull up for the witness Q-30,
10 Government Exhibit Q-30.

11 Mr. Mills, I'm showing you what has been marked
12 for identification as Government Exhibit Q-30. Do you
13 recognize this document?

14 A. Yes, I do.

15 Q. And is this a true and correct copy of the front and the
16 back of the check that you've been discussing with us this
17 morning at L-31?

18 A. Yes.

19 MR. GOETZ: Offer Government Exhibit Q-30, Your
20 Honor.

21 THE COURT: Any objection?

22 MR. JACOBS: No objection.

23 THE COURT: Q-30 is admitted.

24 BY MR. GOETZ:

25 Q. So from the back of this check, are you able to tell

1 then exactly on what day in August of 2021 this check was
2 deposited?

3 A. Yes.

4 Q. And please tell us how you're able to do that.

5 A. Because you see on the top for capture date it says
6 August 5th, 2021.

7 Also, when you look on the back of the check,
8 there's a sequence, there's a batch, and then there's a
9 date, and that date is August 5th, 2021.

10 And then at the very bottom, there's a date for
11 electronic endorsements for August 5th, 2021.

12 Q. Okay. So just if I can make sure we have the correct
13 places. Capture date at the top right here (indicating).
14 Batch date in the middle of the exhibit right here
15 (indicating). And at the bottom we again have the date of
16 August 5, 2021.

17 Do I have all three places you just testified to?

18 A. Yes.

19 Q. And then in terms of where the check -- what account
20 this check was deposited into, can you tell from this
21 document what account this check was deposited into?

22 A. I can't identify the account by account number; but when
23 you look at the endorsement, the endorsement says, "Credited
24 to the account of the within named payee, endorsement
25 guaranteed, Bank of America, NA."

1 Q. So can you conclude from that, based upon your
2 experience, that this check was deposited into an account
3 for Ikram Mohamed?

4 A. That is correct.

5 Q. And the last question I have -- well, two questions.
6 You have no knowledge of why it took two months to deposit
7 this check, correct?

8 A. No.

9 Q. Last question then is you've already indicated, but what
10 account was this check -- the funds drawn from? What
11 account? Where did the money come from for this account --
12 for this check, what account?

13 A. The money came from the account holder who requested the
14 cashier's check, the remitter's account.

15 Q. And you indicated that was a business account under the
16 name Afrique Hospitality Group? Does that sound right?

17 A. That's it. LLC, yes.

18 Q. Okay. Thank you, Mr. Mills. I have no further
19 questions.

20 A. Thank you.

21 THE COURT: Any other cross-examination?

22 Redirect, Mr. Jacobs?

23 MR. JACOBS: Very briefly, Your Honor.

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REDIRECT EXAMINATION

BY MR. JACOBS:

Q. Mr. Mills, when this cashier's check was purchased in June of 2021, did the purchase of this check require the interaction with servers outside of the State of Minnesota?

A. Yes.

Q. And, separately, when it was deposited in August of 2021, did that transaction separately require the interaction with servers outside of the State of Minnesota?

A. Yes.

Q. Both transactions in the purchase and the deposited?

A. Both transactions, yes.

MR. JACOBS: Nothing further, Your Honor.

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

THE WITNESS: Thank you, judge.

(Witness steps down)

THE COURT: May we have a sidebar with counsel, please?

(Sidebar discussion)

THE COURT: The next witness is?

MR. EBERT: Your Honor, the next witness is Special Agent Joshua Parks. He's downstairs.

My understanding is we were taking a break after these two witnesses. And if I misunderstood, my apologies.

1 THE COURT: No, that's fine.

2 Let's just take a 20-minute break to discuss our
3 options here.

4 MR. EBERT: Okay.

5 THE COURT: All right.

6 **(In open court)**

7 THE COURT: Members of the jury, I have legal
8 matters to discuss with counsel. So I'm going to give you a
9 20-minute break, and then we'll come back to you with a
10 plan. All right? Thank you.

11 All rise for the jury.

12 **IN OPEN COURT**

13 **(JURY NOT PRESENT)**

14 THE COURT: You may all be seated.

15 Does the -- my understanding is that the next
16 witness is Special Agent Joshua Parks.

17 Are you using any of what was disclosed last
18 evening with Agent Parks? Mr. Ebert?

19 MR. EBERT: No, Your Honor.

20 THE COURT: All right. So any objection to going
21 forward with Mr. Parks -- sorry -- Special Agent Parks?

22 MR. ANDREW BIRRELL: I have no objection, Your
23 Honor.

24 THE COURT: All right. And how long do we
25 anticipate Special Agent Parks's direct to be?

1 MR. EBERT: I want to provide a number. I may
2 regret the number I give, that it's probably going to be
3 inaccurate, but I think it could be a couple hours, Your
4 Honor.

5 THE COURT: All right. So in that case I guess
6 what I would say is let's go ahead with him and
7 cross-examine him. And then we'll see where we are in terms
8 of the discussion of the exhibits that were produced last
9 night. And if we need to break early today, again, I am
10 willing to do that.

11 The other possibility would be --

12 Is the next -- you're the next witness, Ms. Roase,
13 I think? Yes?

14 MR. THOMPSON: Yes, Your Honor. That's my
15 expectation.

16 THE COURT: Yes, she is? Okay. Okay.

17 And the other option would be just to start with
18 her to get a background and some preliminary out of the way,
19 and that wouldn't -- as long as that wouldn't impact and no
20 objection to that. So we could do that as well. I want to
21 make sure that we are making use of the jury's time.

22 But with that, we just came to agreement and gave
23 them 20 minutes. So you've got an extra 20 minutes to
24 discuss -- and I would really like you to get together and
25 discuss what you really need with respect to the exhibits

1 that were produced last night. So if you want to take some
2 time now to do that, that's great.

3 We'll start with Special Agent Parks at 11:30.
4 Okay? Thank you.

5 THE CLERK: All rise.

6 (Recess taken at 11:12 a.m. till 11:30 a.m.)

7
8 **IN OPEN COURT**

9 **(JURY PRESENT)**

10 THE COURT: You may all be seated.

11 And, Mr. Ebert, the government's next witness.

12 MR. EBERT: Thank you, Your Honor. The government
13 calls Special Agent Joshua Parks.

14 THE COURT: Good morning. I will have you come up
15 to the witness chair and stand to take the oath. Would you
16 raise your right hand?

17 JOSHUA PARKS,

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

20 THE WITNESS: I do.

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

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

24 THE WITNESS: Yeah. My name is Joshua Parks.
25 It's J-O-S-H-U-A. Last name is Parks, P-A-R-K-S.

1 THE COURT: Thank you.

2 Mr. Ebert, you may inquire.

3 MR. EBERT: Thank you, Your Honor.

4 DIRECT EXAMINATION

5 BY MR. EBERT:

6 Q. What is your title, sir?

7 A. I am a special agent.

8 Q. With which agency?

9 A. IRS criminal investigation.

10 Q. Okay. How long have you been with IRS?

11 A. I joined IRS in July of 2023, and then I immediately
12 joined training for six months, and I graduated from
13 training in February of 2024.

14 Q. Where is training for IRS?

15 A. Yeah, it's at the Federal Law Enforcement Training
16 Center, which is in Glynco, Georgia, so south Georgia along
17 the coast.

18 Q. Okay. So you signed up last summer?

19 A. Yep.

20 Q. And when did you begin in earnest as a special agent
21 after your training was finalized?

22 A. This February.

23 Q. What did you do before you joined IRS?

24 A. Yeah, so I spent ten years in the private sector. My
25 first six years of my career were spent in public

1 accounting, so serving clients and providing them with
2 accounting services; and I spent four years in investment
3 banking, so I sold and bought companies for clients.

4 Q. Can you tell us a little bit about your educational
5 background?

6 A. Yeah, I have a bachelor's degree in accounting from the
7 University of North Dakota, which is located in Grand Forks,
8 North Dakota.

9 I also have a master's degree in business
10 administration from Northwestern University, which is
11 located in Chicago. And then I also am a certified public
12 accountant.

13 Q. All right. So now I want to direct your attention to
14 this case.

15 A. Yep.

16 Q. Can you explain to the jury how and when you became
17 involved in this case?

18 A. Yeah, I joined this case as a new agent in February of
19 this year. And my role has really been to assist others in
20 this investigation, right, because I am still in the
21 training status, I'm new, but I definitely have been helping
22 agents kind of on an as-needed basis.

23 Q. And I want to direct your attention to an aspect of this
24 case involving rosters. Okay?

25 A. Yeah.

1 Q. Is that something that you have been looking at as part
2 of your role in this case?

3 A. Yes, I have looked at rosters.

4 Q. And we'll turn to this in a moment, but, generally
5 speaking, can you explain what a roster is in the context of
6 what you've seen in this case?

7 A. Yeah. Rosters are essentially long lists of children's
8 names. Most of the time the files that I found have been
9 titled Attendance Rosters of some sort, and so these rosters
10 are used to facilitate the claims reimbursement process.
11 They're submitted alongside claims for reimbursement.

12 Q. Okay. So I want to direct your attention to some items
13 in evidence involving rosters.

14 A. Okay.

15 Q. And we'll take a look at them on the screen here.

16 First, I want to direct your attention to what's
17 been admitted as Government Exhibit G-136. I'm going to
18 enlarge the top.

19 Can you explain what this is?

20 A. Yeah. So this is an email message. It was sent by Kara
21 Lomen, and it was sent to two individuals, Mahad Ibrahim and
22 Abdiaziz Farah. And there's a carbon copy to three other
23 individuals, Jodie, Julius and Adeline. The subject of the
24 email is Update on Sites. And you will notice that there's
25 an attachment to this email, procurement template.

1 Q. Dated January 21st of 2021; is that right?

2 A. That's correct, yep.

3 Q. And are you aware in this case of a certain point when
4 search warrants were executed by agents?

5 A. Yes.

6 Q. Approximately, when did that occur, if you know?

7 A. January of 2022.

8 Q. So in the context of that, when was this email sent?

9 A. Approximately one year before the search warrants.

10 Q. At the very end we see the signature block of Kara
11 Lomen?

12 A. Yes, that is Kara Lomen's signature block.

13 Q. And just remind the jury, what is her -- the title in
14 her organization?

15 A. She is the executive director with Partners in Quality
16 Care, also known as Partners in Nutrition.

17 Q. Is it fair to say there's a series of points that are
18 written in this message from Ms. Lomen?

19 A. Yes.

20 Q. I want to direct your attention to the bottom portion,
21 and I'm going to enlarge that on the screen.

22 Do you see where it says, "All sites"?

23 A. I do.

24 Q. Could you read the first bullet point aloud, please?

25 A. "All sites need to turn in daily attendance with meal

1 counts. This can be done using your own attendance system.
2 Meal counts and daily attendance need to match in numbers."

3 Q. And I would direct your attention to the third bullet
4 point.

5 THE COURT: Mr. Ebert, this is not in evidence.

6 MR. EBERT: I was just reminded. My apologies,
7 Your Honor.

8 BY MR. EBERT:

9 Q. Have you reviewed certain messages that have been
10 produce in response to email providers?

11 A. I have, yes.

12 Q. And does that include specifically ones that have been
13 provided by Google?

14 A. Yes.

15 Q. Is what you've seen before you in Government
16 Exhibit G-136 a true and accurate copy of one of those
17 items?

18 A. Yes, it is.

19 MR. EBERT: Your Honor, at this time the
20 government offers Exhibit G-136.

21 THE COURT: Any objection?

22 G-136 is admitted.

23 MR. EBERT: Thank you, Your Honor.

24 BY MR. EBERT:

25 Q. And we're going to turn back to the portion that you

1 were reading in a second.

2 Just as a reminder, this was sent to two
3 individuals on the To line; is that correct?

4 A. Correct. Abdiaziz Farah and Mahad Ibrahim.

5 Q. And who is Abdiaziz Farah?

6 A. It's a defendant in this case.

7 Q. Okay. And I would, again, direct your attention and
8 have you read the third bullet point aloud, please.

9 A. "I need rosters or list of children enrolled at each
10 site (first name, last name, age). I have one for Winfield,
11 Albright and Success."

12 Q. Have you seen other communications involving, issues
13 like this, involving rosters in the evidence you reviewed?

14 A. Yes, I have.

15 Q. Next I want to direct your attention to Exhibit H-531,
16 which is in evidence.

17 And is this a portion of a text exchange?

18 A. Yes, it is.

19 Q. And can you identify the parties who are at issue in
20 this text exchange?

21 A. Yeah, there are two individuals in this text exchange.
22 The messages in blue are sent by Kara Lomen, and the
23 messages in green are sent by Abdiaziz Farah.

24 Q. And moving to the second page of Exhibit H-531, do we
25 see dates at the very top?

1 A. We do.

2 Q. What is that?

3 A. September 13th, 2021.

4 Q. And would you be able to read aloud the initial message
5 from Mr. Abdiaziz Farah?

6 A. "You won't believe this, but promise not to tell
7 anyone."

8 Q. And does Ms. Lomen respond, "Oh, no, what?"

9 A. Yes.

10 Q. And could you read the response? And then I will follow
11 up with the Kara Lomen text. Okay?

12 A. Sure. "Like it's going to be life line to survive the
13 madness."

14 Q. "What is it?"

15 A. "So I have mastered the rosters with all the necessary
16 info you need. Andrew's Pointe, Winfield, Cliff Hills,
17 Clifton Townhomes. The apartment manager got me all the
18 current residents with all details. All minors with DOB.
19 Now that's an intelligent move. Albright is next. The
20 mosques should not be an issue, so now that's life."

21 Q. Before we move on, Special Agent Parks, there are a
22 series of names who are mentioned here. At the top, among
23 others, Winfield, Clifton Townhomes; is that right?

24 A. Yes.

25 Q. And are you familiar with what those are?

1 A. Yes, I am.

2 Q. Can you explain that to the jury, please?

3 A. Yeah, those are purported meal distribution sites in
4 this case.

5 Q. And there's another name that you just read aloud.
6 Albright?

7 A. Yes, it is.

8 Q. What is that?

9 A. That is a purported meal distribution site in
10 Minneapolis.

11 Q. And does this text chain continue onto the following
12 page?

13 A. Yes.

14 Q. And how does it continue?

15 A. "Don't tell one, cuz it's going to be a shit show."

16 Q. And does Ms. Lomen respond, "LOL"?

17 A. Yes.

18 Q. Does she go on to say, "I am working on your duplicate
19 roster email now to you guys. I have been doing this all
20 day"?

21 A. Yes.

22 Q. And does he respond?

23 A. "That's so crazy. I am so sorry. I am working on
24 sending you new rosters. So how will that work?"

25 Q. And do we see a series of response texts from Kara

1 Lomen?

2 A. Yes.

3 Q. Does she write, "For every site? Right now you have a
4 lot of kids that are on both Parkview and Cedar Run. So I
5 just want you to pick which one you want them on. You also
6 have a handful of kids at Albright that are enrolled and
7 already claiming with one of my child care centers."

8 Did I read that correctly?

9 A. Yes, you did.

10 Q. And does she go on to say, "And there are a few you have
11 that may be on someone else's rosters. Do you want me to
12 hold off?"

13 A. Yes.

14 Q. Now, before we move forward, Special Agent Parks, in the
15 second text that we just read aloud, do you see the names
16 Parkview and Cedar Run?

17 A. I do.

18 Q. In the context of this case, are you familiar with what
19 those are?

20 A. Yes, those are purported meal distribution sites in
21 Owatonna, Minnesota.

22 Q. And does their text chain continue on page 4 of
23 Exhibit H-531?

24 A. Yes.

25 Q. And is the first message from Kara Lomen?

1 A. Yes.

2 Q. Does she write, "I feel really good about how we are
3 protecting all of you, though, so that is worth it"?

4 A. Yes.

5 Q. And can you read the response from Abdiaziz Farah?

6 A. "Would you be kind enough to give me an hour to go over
7 everything? I will also present you my new rosters ASAP."

8 Q. And does she respond, "I'm almost done. I will send it
9 just to you how about, and I won't remove anything yet"?

10 A. Yes.

11 Q. And can you read aloud his response?

12 A. "I appreciate it. So how do we enter the meal counts
13 for the sites we haven't but given out food."

14 Q. And I'm going to enlarge the rest of their conversation.

15 A. "Albright, Faribault sites, Owatonna, all mosques last
16 week. October will be smooth, but September I am losing my
17 hair over it cuz this new. Everyone is trained now, thank
18 God."

19 Q. And does Kara Lomen respond, "Okay. I sent it to just
20 you. The overlap for the ones that we" could delete --
21 "that we would delete," rather, "are all with one specific
22 child care, and they are claiming meals for them."

23 Did I read that correctly?

24 A. Yes, you did.

25 Q. The conversation continues on to the fifth page of this

1 exhibit; is that correct?

2 A. Yes.

3 Q. Does Ms. Lomen continue, "I will turn off the errors so
4 you can enter the meal counts and info, but we need to get
5 them in ASAP before anyone notices. LOL"?

6 A. Yes.

7 Q. And how does Mr. Farah respond?

8 A. "How many days do I have? Hahah. I will get them for
9 sure by end of day Saturday."

10 Q. "As long as nobody notices but me. LOL."

11 All of these messages that are being read aloud,
12 is it correct that these are all part of this same chain
13 from September 13th, 2021?

14 A. Yes, that's correct.

15 Q. Continuing on, does Ms. Lomen write further, "Then just
16 make sure that sites are doing them at point of service
17 before monitoring starts. LOL"?

18 Did I read that correctly?

19 A. Yes, you did.

20 Q. In this context, do you have an understanding of what
21 "LOL" means?

22 A. Laugh out loud.

23 Q. Does Mr. Farah respond?

24 A. "Sounds like a plan. I promise I will do that. So how
25 many total kids are at Albright now? We signed up plenty.

1 Got your roster. We will clean it up ASAP."

2 Q. And does she respond, "Thanks. It's hard FR"?

3 A. Yes.

4 Q. A moment ago you looked at an email message that was in
5 Exhibit G-136. Do you recall that?

6 A. Yes.

7 Q. Now I'm going to show you two additional messages that
8 are marked as Exhibits E-115 and E-122, but are not admitted
9 into evidence, and ask you to take a look at those.

10 Do you see on the screen Exhibit E-115?

11 A. Yes, I do.

12 Q. And do you recognize that as part of a production of
13 email messages in this case?

14 A. Yes, I do.

15 Q. Specifically, a message provided by Google in response
16 to a search warrant?

17 A. Abdi Nur.

18 MR. EBERT: Your Honor, at this time the
19 government offers Exhibit E-115.

20 THE COURT: Any objection?

21 MR. SAPONE: No objection.

22 THE COURT: E-115 is admitted.

23 MR. EBERT: Thank you, Your Honor.

24 BY MR. EBERT:

25 Q. Similarly, I'm showing you what is identified, but not

1 yet marked into evidence, as Exhibit E-122 and have you take
2 a look at that. Okay?

3 And do you see that just on your screen? I just
4 want to clarify with the court, I'm showing you E-122, which
5 has been offered, but not yet admitted.

6 Do you see that, Special Agent Parks?

7 A. I do, yes.

8 Q. Do you recognize that?

9 A. Yes, I do.

10 Q. What is that?

11 A. That is an email message from Abdimajid Nur to Kara
12 Lomen. Subject of the email is Plymouth roster.

13 Q. And is this also a true and correct copy of a record
14 produced by Google in this case?

15 A. Yes.

16 MR. EBERT: Your Honor, at this time the
17 government offers Exhibit E-122 as well.

18 THE COURT: Any objection?

19 MR. SAPONE: No objection.

20 THE COURT: E-122 is admitted.

21 MR. EBERT: Thank you.

22 BY MR. EBERT:

23 Q. All right. So let's take a look at what's on the screen
24 now that the jury can see it as well. Let's look at the top
25 first. Okay?

1 Can you read aloud the sender?

2 A. Abdimajid Nur.

3 Q. And who is that?

4 A. That is a defendant in this case.

5 Q. Sending it to Kara Lomen; is that correct?

6 A. Yes.

7 Q. And who is on the CC line?

8 A. Abdiaziz Farah.

9 Q. What's the subject and the date?

10 A. The subject of the email is Plymouth roster, dated
11 October 19, 2021.

12 Q. And does it indicate there's an attachment?

13 A. Yes. There's an attachment for Plymouth roster.

14 Q. Can you read aloud Mr. Abdimajid Nur's message to Kara
15 Lomen?

16 A. "Hello, Kara. Attached below is the roster for Plymouth
17 that's about 1500 names. Can it get updated in the My Food
18 system ASAP, please. Only about 700 names are in the
19 system. Thank you so much."

20 Q. We're looking at a couple of examples. Are there other
21 items you reviewed that involve communications involving
22 rosters?

23 A. Yes, I reviewed other emails and records from the
24 sponsors.

25 Q. Directing your attention to Exhibit G-241, which I

1 believe is in evidence.

2 THE COURT: One moment. I don't think it is.

3 MR. EBERT: All right. Thank you, Your Honor.

4 BY MR. EBERT:

5 Q. I'm going to show you up on your screen and your screen
6 alone Exhibit G-241.

7 And do you recognize that?

8 A. Yes, this is an email that I've read before.

9 Q. Okay. And is this a true and correct copy of a record
10 produced by Google?

11 A. Yes.

12 Q. And before I offer that, I'm going to show you and you
13 alone two more exhibits as well. Okay?

14 A. Okay.

15 Q. Do you see on the screen what's been marked as
16 Government Exhibit G-250?

17 A. Yes.

18 Q. And what is that?

19 A. That is another email message from Abdiaziz Farah.

20 Q. And is that a true and correct copy of a record produced
21 in this investigation by an email provider?

22 A. Yes.

23 Q. Okay. And, lastly, while we're on it, I'm just going to
24 show you and you alone Exhibit G-255.

25 Do you recognize that?

1 A. I do, yes.

2 Q. What is that?

3 A. That is an email message from Hayat Nur to Hayat Nur.

4 Q. Also produced by email provider Google in this
5 investigation?

6 A. Yes.

7 Q. Is that a true and correct copy of a record produced by
8 that party?

9 A. Yes.

10 MR. EBERT: Your Honor, at this time the
11 government offers Exhibits G-241, 250 and 255.

12 THE COURT: Any objection?

13 Hearing none, G-241, 250 and 255 are admitted.

14 MR. EBERT: All right. Thank you, Your Honor.

15 BY MR. EBERT:

16 Q. So directing your attention to Exhibit G-245 [sic], at
17 the very top what is the date of this message?

18 A. It's dated December 2, 2021.

19 Q. Okay. And who sent it?

20 A. Abdiaziz Farah.

21 Q. And there are several people on the To line; is that
22 correct?

23 A. That is correct, yes.

24 Q. Directing your attention, do we see Abdi Nur?

25 A. Yes, we do.

1 Q. Defendant in this case?

2 A. Yes.

3 Q. In the third row, do you see an email address that's a
4 Yahoo address preceded by the name Aftin?

5 A. Yes.

6 Q. And, specifically, does it read nameabdiwahabaftin?

7 A. Yes.

8 Q. Who is that?

9 A. That is a defendant in this case.

10 Q. And if we scroll below, do we see a message being
11 forwarded?

12 A. Yes.

13 Q. And who sent a message?

14 A. Kara Lomen.

15 Q. On December 2nd, 2021?

16 A. Yes.

17 Q. And is it correct that, in turn, Abdiaziz Farah
18 forwarded that message from Ms. Lomen to some of the
19 individuals you just identified a moment ago?

20 A. That's correct, yes.

21 Q. All right. Let's take a look at the message here from
22 Ms. Lomen.

23 Could you read aloud for the jury where it begins
24 with "Hello"?

25 A. "Hello. This is a reminder of our process for roster

1 updates and meal counts that was covered in your initial
2 food program training.

3 "You should only be serving meals to children that
4 are enrolled in your after-school program and on your
5 roster. If a child is not on your roster, you should not be
6 serving them meals. Please do not request roster updates at
7 the end of the month to go back and add additional meal
8 counts. It is a federal requirement that meal counts are
9 taken at point of service or when the meals are distributed.
10 Meal counts not taken at point of service are not eligible
11 for reimbursement.

12 "If a family or child is not on your initial
13 roster and if families show up at your site or ask to enroll
14 in your programming, remember the programming comes first,
15 you can take their information, provide your programming and
16 let them know that next week they will be able to get the
17 meals. Again, families should be signing up for the
18 after-school programming, not just meals."

19 Q. And does she go on to write a few more paragraphs below
20 what you just read aloud?

21 A. Yes.

22 Q. Can you read aloud what we see enlarged on the screen?

23 A. "When you send us roster updates, it can take up to
24 seven days for those children to be entered. All roster
25 updates should be sent clearly labeled with your specific

1 program/site name as an Excel spreadsheet with the child's
2 first name, last name, date of birth and parent name.
3 Rosters with missing information or in an incorrect format
4 will take longer than seven days. Also, please be careful
5 when sending rosters. We are seeing several sites that are
6 serving children over the age of 18 or under the age of
7 12 months. Those meals are not eligible for reimbursement
8 and will be disallowed. To avoid that, please make sure you
9 carefully check your roster for dates of birth as well as
10 for duplicates prior to sending it to us.

11 "Once children are on your roster, you can begin
12 serving them."

13 Q. Now, this message in G-241, did you just testify about
14 another message involving rosters sent by Kara Lomen?

15 A. Yes.

16 Q. And do you recall the approximate time frame of the
17 previous message from Ms. Lomen?

18 A. January of 2021.

19 Q. So this is approximately one year later; is that right?

20 A. Approximately, yes.

21 Q. And now I'm showing you Exhibit G-250. Do you see a
22 sender on the top line?

23 A. Yes. Abdiaziz Farah.

24 Q. And there are two recipients; is that correct?

25 A. That's correct.

1 Q. One of them with a ThinkTechAct email domain; is that
2 correct?

3 A. Correct.

4 Q. And then do you see one on the CC line?

5 A. Yes. Hayat Nur.

6 Q. Who is Hayat Nur?

7 A. Hayat Nur is a defendant in this case.

8 Q. And can you read aloud what Abdiaziz Farah wrote to the
9 recipient as well as to Hayat Nur?

10 A. "We only have 380 kids on Al-Ihsan roster. Are you able
11 to get us an updated one ASAP?"

12 Q. What's the date of this message?

13 A. December 19, 2021.

14 Q. This mentions Al-Ihsan. Are you familiar with what that
15 is?

16 A. Yes. That is a mosque in St. Paul, Minnesota, and also
17 one of the purported meal distribution sites.

18 Q. Now I'm showing you Exhibit G-255. Is this another
19 email message involving Al-Ihsan?

20 A. Yes.

21 Q. And who sent it; who received it?

22 A. It is an email message from Hayat Nur to Hayat Nur with
23 the subject of Al-Ihsan add more.

24 Q. And this is dated December 23rd, 2021?

25 A. Yes.

1 Q. Approximately two days after the previous exhibit you
2 just looked at, Exhibit G-250?

3 A. Correct.

4 Q. And is there an attachment?

5 A. Yes, there is an attendance roster attached to this
6 message.

7 Q. Now I'm showing you what is in evidence as Exhibit E-79.
8 Can you explain what this is, please?

9 A. Yes, this is an email message from Hayat Nur sent to
10 christine@myfoodprogram.com, with a copy to Abdiaziz Farah,
11 with the subject title Additional for Al-Ihsan. And there's
12 an attachment, Additional for Al-Ihsan roster 12.23.21.

13 Q. And the date of Hayat Nur's email here in this exhibit
14 is what?

15 A. December 29, 2021.

16 Q. And what did Hayat Nur write in her email?

17 A. "Christine, here is the additional list that was sent to
18 Kara last week for Al-Ihsan. Please update roster."

19 Q. So, Special Agent Parks, we've looked at a series of
20 communications that in some way touch upon rosters; is that
21 correct?

22 A. Correct.

23 Q. They generally span the time frame of early January 2021
24 through the end of December 2021?

25 A. Yes.

1 Q. Did the investigation look into and investigate rosters
2 that were submitted and used as part of this case?

3 A. Yes.

4 Q. Why?

5 A. The case involves fraud. And it's clear that the
6 rosters are being used and sent between the defendants to
7 others and have lists of children's names that seem
8 sometimes unusual, sometimes duplicated across many sites.

9 And so the investigation looked into the rosters
10 to see if they made sense and whether they could help prove
11 or disprove the government's case.

12 Q. What types of things did investigators do to investigate
13 these rosters?

14 A. The investigation obtained school district -- school
15 district enrollment records and made comparisons from the
16 attendance rosters to those school district enrollment
17 records.

18 The investigation selected certain rosters at a
19 specific site and compared kind of over time to see what
20 happened with those rosters. You know, essentially a
21 January 2021 comparison to an October of 2021 comparison for
22 that same site.

23 The investigation took multiple site rosters at a
24 single point in time. For example, April 2021. And they
25 looked to see the use of names across multiple sites at that

1 same exact point in time.

2 And then the investigation looked at certain
3 peculiar names that appeared across many rosters and just
4 looked at the use of those very unusual names across those
5 rosters and found them to be kind of prevalent throughout.

6 Q. And, in part, will your testimony today involve aspects
7 of each of these investigative steps that you've just
8 described?

9 A. Yes.

10 Q. So I think one of the items you mentioned was, as an
11 initial step, the investigation gathered school district
12 enrollment records; is that right?

13 A. That's right.

14 Q. All right. And what was the purpose of doing that?

15 A. The purpose of doing that was to obtain the school
16 district enrollment records of known children and to make
17 comparisons from the attendance rosters to see if those
18 children were actually enrolled in local school districts.

19 Q. And we'll turn to that in a moment.

20 You also mentioned that a comparison was done of
21 sites used at different rosters. Did I state that
22 correctly?

23 A. Correct.

24 Q. Generally speaking, what, if anything, did you observe
25 after making such a comparison?

1 A. Yeah. As part of that comparison, we noticed that names
2 were consistently held across time and really only added to
3 across time. And so essentially a child enrolling in
4 January would still be enrolled, you know, week after week,
5 month after month in that same site.

6 Q. And then did you also mention that an investigative step
7 was to look at the use of certain names or rosters across
8 different site locations?

9 A. Yes. Yes, we did.

10 The names, if you were to pick a point in time,
11 you would see the exact same name obtaining meals or
12 attending at different sites in the same week even or in the
13 same month.

14 Q. So I want to go back to the first item you mentioned,
15 which was the school district enrollment records.

16 Have you had an opportunity to review prior to
17 today Government Exhibit E-111?

18 A. Yes.

19 Q. And do those contain records produced by various
20 Minnesota public school districts?

21 A. Yes.

22 Q. Can you generally describe for the jury the type of data
23 that is contained within Government Exhibit E-111?

24 A. Yeah, that exhibit has long lists of enrolled student
25 names from approximately 20 school districts.

1 Q. And approximately how many student names are included in
2 the data on Exhibit E-111?

3 A. In total, approximately 193,000.

4 Q. And are those records contained on a thumb drive that
5 will be available for the jury that is marked with the
6 exhibit sticker E-111?

7 A. Yes.

8 Q. And you said you've reviewed the data that's been placed
9 on that drive; is that correct?

10 A. That's correct.

11 Q. Is that -- I'm sorry. Continue.

12 A. Yes, that's correct. I've had a chance to review that
13 data.

14 Q. And does it consist of true and accurate school district
15 records provided to investigators by some Minnesota public
16 school districts?

17 A. Yes.

18 MR. EBERT: Your Honor, at this time the
19 government offers Government Exhibit E-111.

20 THE COURT: Any objection?

21 E-111 is admitted.

22 BY MR. EBERT:

23 Q. And, Special Agent Parks, have you created a chart that
24 summarizes the data that is contained on Exhibit E-111?

25 A. Yes.

1 Q. And I'm going to show you what has been marked, but not
2 admitted into evidence, as -- and it's Government
3 Exhibit N-124.

4 Do you see that up on your screen?

5 A. I do.

6 Q. Can you explain what that is, briefly?

7 A. Yes. This is a summary schedule of school district
8 enrollment that I created.

9 Q. How did you create it?

10 A. I aggregated the data on Exhibit E-111 into a single
11 database and then used built-in functionality with the
12 database to summarize it, summarize enrollment data by
13 school district.

14 Q. Does the chart N-124 fairly and accurately summarize the
15 school information data that's on Government Exhibit E-111?

16 A. Yes.

17 Q. And to be clear, that Exhibit E-111 includes
18 approximately 193,000 names, among other things; is that
19 right?

20 A. That is correct.

21 Q. But would it be helpful to the jury in understanding
22 that evidence and the evidence in this case by using your
23 summary?

24 A. Yes.

25 MR. EBERT: Your Honor, at this time the

1 government offers Exhibit N-124.

2 THE COURT: Any objection?

3 N-124 is admitted.

4 MR. EBERT: Thank you, Your Honor.

5 BY MR. EBERT:

6 Q. All right. Special Agent Parks, now that this is
7 available for the jury, let's take a look at what you've
8 summarized here.

9 So, first of all, the title, Summary Schedule of
10 School District Enrollment; is that correct?

11 A. Correct.

12 Q. On the left column do we see a series of school
13 districts?

14 A. Yes. These are the school districts that we obtained
15 records from.

16 Q. And is there a rhyme or a reason to how they are listed
17 in the left-hand column that's now highlighted?

18 A. Yeah, these districts are sorted based on their
19 respective enrollment size. So the top district,
20 Minneapolis, is the largest, had the most enrolled students.

21 Q. And can you read aloud the school districts that are
22 summarized in this chart?

23 A. Yes. Minneapolis, St. Paul Public, Rochester,
24 Bloomington, St. Cloud, Shakopee, Eden Prairie, Mankato,
25 Hopkins, Prior Lake-Savage, Centennial, Burnsville ISD 191,

1 Owatonna, Willmar, Faribault, Albert Lea, Marshall,
2 St. Peter, Pelican Rapids and Medford.

3 Q. And the next column, does that describe the time period
4 of student enrollment records?

5 A. That's correct.

6 Q. Provided by each respective school district?

7 A. That's correct.

8 Q. What is the third column?

9 A. The third column represents the age and/or grade range
10 included within the enrollment records from the respective
11 school district.

12 Q. And, generally speaking, what is the highest level
13 that's indicated by the school districts?

14 A. Generally 12th grade. There are some where there were
15 up to 21-year-olds included in the data; however, I think
16 those are 12th graders.

17 Q. And then do we see some districts that provided records
18 for children younger than kindergarten?

19 A. Yes.

20 Q. Can you explain that and identify some for the jury?

21 A. Yes. Certain districts offer early child or
22 enrollment -- early child enrollment, preschool or other
23 different programs. And so, for example, the St. Paul
24 Public District had children under the age of one. The
25 Bloomington District had an early child program. And those

1 districts included those names within the enrollment records
2 that they provided.

3 Q. And, in fact, as we look at the third column, is it
4 correct that the only district that appears to have provided
5 only kindergarten on above is Medford at the bottom?

6 A. That's correct.

7 Q. And now you mentioned that they were sorted here by
8 enrollment; is that correct?

9 A. Correct.

10 Q. Looking to the final column, what is the enrollment for
11 the largest district Minneapolis?

12 A. Minneapolis had 33,251 students enrolled within that
13 district.

14 Q. Followed by St. Paul; is that right?

15 A. That's correct.

16 Q. Continuing all the way down until Medford at the bottom?

17 A. Correct.

18 Q. And what is the bottom line exact number total of
19 student enrollment records for these 20 Minnesota school
20 districts?

21 A. 193,249.

22 Q. Are some of the school districts in the left-hand column
23 urban districts here in the metro area?

24 A. Yes, I would point out Minneapolis and St. Paul as being
25 large urban districts.

1 Q. Do you also see examples of Twin Cities suburbs?

2 A. Yes, I would point out Bloomington, Shakopee, Eden
3 Prairie, Hopkins, Prior Lake-Savage, Centennial, Burnsville
4 ISD 191.

5 Q. And then, lastly, do you see instances of school
6 districts that are outside of the Twin Cities metro area?

7 A. Yes, and I would point out Rochester, St. Cloud,
8 Mankato, Owatonna, Willmar, Faribault, Albert Lea, Marshall,
9 St. Peter, Pelican Rapids and Medford.

10 Q. All right. Thank you, Special Agent Parks. And we're
11 going to return to those in a moment.

12 I want to direct your attention to a message that
13 has been marked and entered into evidence as Exhibit E-15.

14 Do you recognize that exhibit?

15 A. Yes, I do.

16 Q. Let's enlarge it at the top.

17 Who sent it?

18 A. Abdi Nur.

19 Q. And who received it?

20 A. Abdiaziz Farah.

21 Q. And is there a subject to the message?

22 A. The subject is Names.

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

24 A. February 15, 2021.

25 Q. Are there a series of attachments?

1 A. Yes, there are five attachments. One for St. Cloud,
2 St. Peter, Rochester, Willmar and Minneapolis.

3 Q. The names you've just read aloud, do some or all of
4 those also concern school districts that provided school
5 records in your chart Exhibit N-124?

6 A. Yes.

7 Q. Moving on to Exhibit E-33. Is this another email
8 message?

9 A. Yes.

10 Q. Does this also concern rosters?

11 A. Yes.

12 Q. Who sent this message in E-33?

13 A. This message is from Abdi Nur.

14 Q. And can you describe the recipients of Abdi Nur's email?

15 A. Yeah, the email was sent to Kara, Kara Lomen at Partners
16 in Quality Care, with a copy to Said Farah.

17 Q. And who is -- I'm sorry to interpret you.

18 A. With a copy to Said Farah, a defendant in the case, and
19 Abdiaziz Farah, also a defendant in the case.

20 Q. Once again, does this indicate there are attachments to
21 the message?

22 A. Yes, Willmar attendance March, Rochester attendance
23 March.

24 Q. Are those districts that are reflected in your summary
25 chart in N-124?

1 A. Yes.

2 Q. And this message was sent April 1st of 2021; is that
3 correct?

4 A. Correct.

5 Q. Now, scrolling down, this is -- is it fair to say this
6 is a multi-page attachment, this roster?

7 A. Yes.

8 Q. Two rosters, rather; is that correct?

9 A. Correct.

10 Q. And do you see a series of check marks with respect to
11 each of the columns?

12 A. Yes.

13 Q. And I will enlarge at the top the columns that show a
14 date range; is that right?

15 A. Yes. Each column represents a week, in this case a week
16 in March 2021.

17 Q. And have you had an opportunity to look through this and
18 other rosters at these items that show check marks?

19 A. Yes.

20 Q. And is it significant in any way to the case, these
21 check marks?

22 A. Yes, it is. Every -- every name on this attendance
23 roster in every week has a check mark. And I thought that
24 was significant because I wouldn't expect a child to attend
25 every single week whatever program or meal distribution is

1 purported here. You would expect illness, you would expect
2 vacation, time off, somebody to miss something. So to see
3 every single box checked seemed unusual.

4 Q. And is it correct that as we scroll down on these
5 spreadsheets attached to Exhibit E-33, that in fact every
6 item for every name is checked?

7 A. Yes.

8 Q. Without fail?

9 A. Without fail.

10 Q. Is this the only example of this that you've seen with
11 rosters in this case?

12 A. No. I have seen many.

13 Q. Showing you Exhibit E-96. Is this another email
14 message?

15 A. Yes, it is.

16 Q. And who sent it?

17 A. Hayat Nur.

18 Q. Who are the recipients?

19 A. Christine Twait from My Food Program, with a copy to
20 Abdiaziz Farah.

21 Q. And can you describe for the jury what else is reflected
22 in this exhibit?

23 A. Yes. The subject of the email is Samaha Site January.

24 And there's an attachment, Samaha Updated. This email was
25 sent January 10th, 2022.

1 Q. Is that approximately ten days before search warrants
2 were executed in this case?

3 A. Yes.

4 Q. What is Samaha?

5 A. Samaha is a mosque located in Shakopee, Minnesota. It's
6 also a site for the purported meal distribution.

7 Q. And this one also has an attached roster; is that
8 correct?

9 A. Correct.

10 Q. And you said that Samaha was located where?

11 A. Shakopee.

12 Q. So, Special Agent Parks, we've just looked at a few more
13 email messages involving rosters.

14 To be clear, are these the only rosters you've
15 reviewed in this case?

16 A. No. I have reviewed many rosters in this case.

17 Q. Do you know approximately how many you reviewed that are
18 part of the evidence in the case?

19 A. I've reviewed at least 120.

20 Q. Have you created some charts that summarize the
21 information that's contained in records you've reviewed?

22 A. Yes.

23 Q. And I'm going to show you what has been marked, but not
24 admitted, as Government Exhibit N-125 and ask you to take a
25 look at that. Okay?

1 A. Okay.

2 Q. And do you recognize that chart?

3 A. Yes. This is a chart that I created.

4 Q. And can you just briefly describe how you went about
5 creating this chart?

6 A. Yes. There are three sections to this chart.

7 The first section is a summary of the email
8 message shared amongst the defendants or amongst others.
9 And within that email there was an attachment, so I've
10 identified that attachment in this list. And then there was
11 also a number of names within that attachment, so I
12 summarized the actual number within those rosters.

13 There's a second section with school district
14 enrollment record data, with a summary of the enrolled
15 students in those respective school districts.

16 And then, finally, there's a third section which
17 compares the number of roster names per the emails that
18 actually match the name of a student enrolled within that
19 respective school district.

20 Q. In simple terms, is this comparing the school district
21 enrollment records with the names that you've seen on some
22 of the rosters at issue in this case?

23 A. Yes.

24 Q. Does the chart N-125 fairly and accurately summarize the
25 information contained within those underlying records?

1 A. Yes.

2 Q. Voluminous records?

3 A. Yes.

4 Q. Would it be helpful to the jury in understanding the
5 evidence?

6 A. Yes.

7 MR. EBERT: Your Honor, at this time the
8 government offers Exhibit N-125.

9 THE COURT: Any objection?

10 N-125 is admitted.

11 BY MR. EBERT:

12 Q. Okay. All right. Special Agent Parks, now that the
13 jury is able to see this exhibit, let's just take a walk
14 through and explain what's here. Okay?

15 A. Sure. So the first column has a reference to an actual
16 exhibit, E-1 through E-96, in this left-most column. Again,
17 that represents the email message exchange that was sent
18 either between the defendants or between the defendants and
19 another party.

20 And then you've got a date column. That
21 represents the date in which the email was actually sent.

22 Q. So starting at the top with 1 in January 8th, 2021; is
23 that right?

24 A. Correct.

25 Q. The final one on this chart being the 10th of January,

1 2022; is that correct?

2 A. That's correct.

3 And I'll also note this list is sorted
4 chronologically. So the top one is the first message in
5 this summary chart.

6 Q. Okay. And then let's look at the next series of
7 columns. We see a From and a To line; is that right?

8 A. Yes. The From line represents the sender of the email
9 message. The To represents who the message was sent to.

10 Q. And then if someone was copied on that message?

11 A. Yes. CC represents carbon copy. And so the person
12 identified or people identified would have also received
13 that message.

14 Q. And to be clear, these are all messages you've looked at
15 that contained an attachment; is that right?

16 A. Correct.

17 Q. An attachment containing some form of a roster; is that
18 right?

19 A. Correct.

20 Q. And can you explain what we see enlarged on the
21 following column in your summary chart?

22 A. Yes. This is the specific Excel spreadsheet that was
23 selected for the comparison process here. And you will note
24 that the name of the spreadsheet is exactly as it matches
25 from the email's attachment.

1 Q. So directing your attention to the third entry here, do
2 you see where it says Owaronna?

3 A. Yes.

4 Q. Your typo?

5 A. Not my typo.

6 Q. Purportedly meant to reference a town called Owatonna?
7 Is that your understanding?

8 A. Agreed.

9 Q. Okay. Now, I'm going to enlarge the next column. Can
10 you explain what the numbers are here?

11 A. Yes. The right-most column, Number Roster Names, this
12 represents the number of children's names included within
13 the attendance roster attachment that's referenced.

14 Q. And obviously the numbers are there to read. Can you
15 provide a sense of the range of numbers, largest to biggest,
16 perhaps?

17 A. Yeah, there's a wide range presented here. I think the
18 smallest is St. Peter attendance with 146 students -- or
19 sorry -- not students, names. And then there's a large
20 roster, Dar Al-Farooq, with 3,308 names.

21 Q. The one that's now highlighted; is that right?

22 A. Yes.

23 Q. Otherwise, are there a series of ones that range above
24 1,000 that I've just highlighted?

25 A. Yes. Shakopee, Al-Ihsan and St. Cloud.

1 Q. Okay. So what we've now done is gone through every
2 column that is on the left-hand side; is that correct?

3 A. Correct.

4 Q. And now there's three more columns on the right-hand
5 side; is that right?

6 A. Yes.

7 Q. Can you explain what those are?

8 A. Yes. So the School District, that lists the school
9 district in which would relate to the attachment and the
10 enrollment or the enrolled student count within that
11 respective school district.

12 Q. So the Enrollment Number that's enlarged here, this is
13 the data that was produced in Government Exhibit E-111 from
14 the 20 different school districts?

15 A. That's correct.

16 Q. For example, Minneapolis with over 33,000 students,
17 correct?

18 A. Yes.

19 Q. And then what is the final column in orange?

20 A. The final column represents the summary comparison. If
21 you were to take the attendance roster, the names in that
22 roster and comparing that to the actual student or the
23 school district enrollment records, you will see the number
24 of names from the roster that actually represent names
25 enrolled at that respective school district.

1 Q. And in a moment are we going to turn to some of the
2 examples that are listed here in N-125?

3 A. Yes.

4 Q. And have you created a separate single row summary that
5 repeats some of the data from N-125 into smaller subset
6 exhibits?

7 A. Yes.

8 Q. And prior to today, you had an opportunity to look at
9 those summary charts that you created?

10 A. Yes.

11 Q. And are those identified as Exhibits N-125a through, I
12 believe, N-125h?

13 A. Yes.

14 Q. And to be clear, those are simply line-by-line
15 duplicates of some of the data in N-125; is that correct?

16 A. Correct.

17 Q. Did you prepare those using the same system that you
18 just testified about a moment ago?

19 A. Yes.

20 Q. And does it accurately summarize the underlying
21 voluminous data?

22 A. Yes.

23 MR. EBERT: Your Honor, at this time the
24 government offers Exhibits N-125a through N-125h.

25 THE COURT: Any objection?

1 N-125a through h are admitted.

2 MR. EBERT: And then, Your Honor, if it's the
3 court's preference, I am at a stopping point. I can
4 continue if you would like or if this would be an ideal time
5 to break.

6 THE COURT: Let's go ahead and do that.

7 And we'll return at 1:30, everyone.

8 Thank you, Mr. Ebert.

9 All rise for the jury.

10 **IN OPEN COURT**

11 **(JURY NOT PRESENT)**

12 THE COURT: You may all be seated. Just a moment.

13 You may step down, sir. And then at 1:30 you can
14 just be in the chair. Okay? Thank you.

15 The exhibits that were admitted through Special
16 Agent Parks included emails. I just wanted to flag and
17 request that you let me know whether those should be
18 conditionally admitted or fully admitted. Not clear to me,
19 but I wanted to flag the issue. Because I'll have those as
20 a list at the end to examine my *Bell* findings. All right?

21 So just take a look, and you can let Ms. Ortleb
22 know. She's keeping that list.

23 Okay. Thanks, everybody. 1:30.

24 THE CLERK: All rise.

25 (Recess taken 12:27 p.m. till 1:30 p.m.)

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IN OPEN COURT
(JURY PRESENT)

THE COURT: You may all be seated.

Mr. Ebert, you may continue.

MR. EBERT: All right. Thank you, Your Honor.

BY MR. EBERT:

Q. All right. Special Agent Parks, before we broke for lunch, you were explaining this summary of comparisons you made; is that right?

A. Yeah, that's right.

Q. And to be clear, these are comparisons of school enrollment records with some of the rosters at issue in this case?

A. That's correct.

Q. And now I want to turn your attention to some of the entries that are on this list. Okay?

A. Okay.

Q. So, for example, is the second row a reference to an Exhibit 3?

A. Yes.

Q. Up on the screen do we see Exhibit E-3?

A. Yes.

Q. What is Exhibit E-3?

A. E-3 is an email from Mukhtar Shariff directed to Mahad

1 Ibrahim.

2 Q. Who is Mukhtar Shariff?

3 A. Mukhtar Shariff is a defendant in this case.

4 Q. And what's the date of this email from Mukhtar Shariff
5 to Mahad Ibrahim?

6 A. The email is dated January 29, 2021.

7 Q. Approximately, one year before the search warrants were
8 executed?

9 A. Yes.

10 Q. And is there an attachment?

11 A. There is. The attachment is titled Food Distribution,
12 Bloomington Schools.

13 Q. And what is the subject listed?

14 A. Bloomington school list.

15 Q. And is it fair to say this is a multi-page attachment?

16 A. Yes.

17 Q. With a series of names of apparent children; is that
18 right?

19 A. Yes. 999 names on this list.

20 Q. And on the left, once again, do we see that same Exhibit
21 E-3?

22 A. Yes.

23 Q. And on the right, what is N-125a?

24 A. N-125a is just the single row summarized from N-125, and
25 that's specific to this email E-3.

1 Q. Okay. And so it's got the same date, correct?

2 A. Yes.

3 Q. All right. And how many names appear on the roster that
4 was attached in Mukhtar Shariff's email?

5 A. 999 names.

6 Q. Did you do a comparison of those 999 names?

7 A. Yes. I took those 999 names, and I looked to see if
8 those are names of enrolled children within the Bloomington
9 School District.

10 Q. And how many children were enrolled in the district of
11 Bloomington during this time frame?

12 A. 10,302 students.

13 Q. What was the result of your comparison of the enrollment
14 with this roster in Exhibit E-3?

15 A. Only four names from the 999 per the attachment were
16 actually enrolled within the relevant school district.

17 Q. Was that fact, 4 of 999, significant to the
18 investigation?

19 MR. GOETZ: Objection, Your Honor. Improper
20 opinion testimony.

21 THE COURT: You may answer that question.

22 THE WITNESS: Yes, I thought it was significant
23 because the --

24 MR. GOETZ: Objection. Nonresponsive at this
25 point, Your Honor.

1 THE COURT: The question is, yes, it was
2 significant?

3 BY MR. EBERT:

4 Q. Can you explain why it was significant that 4 matched of
5 999?

6 MR. GOETZ: Objection. Improper opinion
7 testimony.

8 THE COURT: Overruled.

9 You may answer.

10 THE WITNESS: The attachment was titled
11 Bloomington schools. The subject of the email was
12 Bloomington schools' list. And so the fact that I found 4
13 of 999 was surprising. I would expect there to be quite a
14 few more actually enrolled within that school district.

15 BY MR. EBERT:

16 Q. Directing your attention to Exhibit E-37, another email
17 message; is that right?

18 A. Yes.

19 Q. What's the date of this message?

20 A. April 6, 2021.

21 Q. And who is the sender?

22 A. Abdi Nur.

23 Q. And the recipient?

24 A. Abdiaziz Farah.

25 Q. Do we see a subject and an attachment that both read

1 Shakopee Attendance?

2 A. Yes.

3 Q. Did you do a comparison of any names on that attendance
4 roster?

5 A. Yes, I did.

6 Q. And on the left do we see Exhibit E-37?

7 A. Yes.

8 Q. And on the right is N-125b?

9 A. Yes.

10 Q. What is N-125b?

11 A. That is the summary comparison for the Shakopee roster.

12 Q. Okay. How many names were on the Shakopee roster sent
13 by Abdi Nur to Abdiaziz Farah?

14 A. 1,556 names.

15 Q. And you compared those to the Shakopee enrollment
16 records; is that correct?

17 A. Yes.

18 Q. How many children were part of those Shakopee enrollment
19 records?

20 A. 40 of the 1,556.

21 Q. And how many children were in the Shakopee enrollment
22 records?

23 A. 9,688.

24 Q. And of 9,688, 40 matched out of the roster that was
25 attached?

1 A. Correct.

2 Q. Moving on to Exhibit E-41, is this an email message?

3 A. Yes, it is.

4 Q. And who sent it?

5 A. Abdi Nur.

6 Q. Can you point out the recipients?

7 A. Yes. This was an email message sent by Abdi Nur to Kara
8 Lomen with a carbon copy to Abdiaziz Farah.

9 Q. Subject of Al-Ihsan updated attendance?

10 A. Yes.

11 Q. What's the date?

12 A. April 26, 2021.

13 Q. Can you remind the jury where Al-Ihsan is located?

14 A. Yes. It's located in St. Paul, Minnesota.

15 Q. And as I scroll down, do we again see an attachment with
16 check marks after each name?

17 A. Yes.

18 Q. It continues on for multiple pages?

19 A. Yes. And, again, the check marks represent weeks.
20 Those are what the columns represent.

21 Q. And now on the right do we see Exhibit N-125c?

22 A. Yes.

23 Q. Can you point out what's contained there?

24 A. Yes. This is a summary of that email message, along
25 with the number of names found within the roster.

1 Q. How many names were on that roster in E-41?

2 A. 1,094.

3 Q. Did you compare them to the St. Paul Public School
4 District?

5 A. Yes, I did.

6 Q. What did you find out?

7 A. 62 names of the 1,094 represented names of enrolled
8 students.

9 Q. And, in total, how many enrolled students did you get
10 from the public school records for the City of St. Paul?

11 A. 32,317 students.

12 Q. And you said 62 match?

13 A. That's right, yep.

14 Q. In the upper right-hand of your screen, do you see an
15 image?

16 A. Yes.

17 Q. And that's what's already been entered as
18 Exhibit C-231a. Do you recognize that?

19 A. Yes. This is an image of Lexington Park, which is
20 located very near where the old Tot Park was located.

21 Q. Can you remind the jury what Tot Park was in this case?

22 A. Yeah. Tot Park was a purported meal distribution site
23 incorrectly identified as in Circle Pines, Minnesota. It's
24 actually located in Lexington, Minnesota.

25 Q. And on the left do we see Exhibit E-47?

1 A. Yes.

2 Q. What is E-47?

3 A. E-47 is an email sent by Abdi Nur to Kara Lomen with a
4 copy to Mahad Ibrahim.

5 Q. And what's the subject?

6 A. Circle Pines, March through April meal counts,
7 attendance and invoices.

8 Q. And can you read aloud the date?

9 A. May 20, 2021.

10 Q. Once again, as we scroll through, is it fair to say
11 there are multiple pages of names attached --

12 A. Yes.

13 Q. -- to that attendance roster?

14 Did you do a comparison of the names on the roster
15 sent for the Tot Park site by Mr. Abdi Nur?

16 A. Yes, I did.

17 Q. And do we see that now in Exhibit N-125d?

18 A. Yes.

19 Q. First of all, how many names are on the roster sent by
20 Abdi Nur that we see on the left?

21 A. 2,505 names.

22 Q. And this food site that we see for Tot Park, what school
23 district would that be located in, do you know?

24 A. Yes. That would be the Centennial School District,
25 which students from Blaine, Centerville, Lino Lakes, Circle

1 Pines and Lexington all attend.

2 Q. And directing your attention to Exhibit N-125d, what was
3 the enrollment number for the Centennial Public School
4 District?

5 A. 7,731 students.

6 Q. And of the 7,731 students, how many of those appeared on
7 the Abdi Nur email roster that had 2,505 names for Tot Park?

8 A. Seven.

9 Q. And, Special Agent Parks, did you have occasion to
10 review some of the names that were listed in the roster
11 attached to E-047?

12 A. Yes, I looked through the names.

13 Q. On the left do we see excerpts of those, some of the
14 names attached to that roster?

15 A. Yes.

16 Q. Was one of the names listed on that roster from Abdi Nur
17 John Doe?

18 A. Yes. There were actually three John Does of different
19 ages within that roster.

20 Q. One highlighted as being under 18; is that right?

21 A. Yes.

22 Q. Another John Doe who is supposedly 11; is that right?

23 A. Yes.

24 Q. And you said a third one?

25 A. Yes. A John Doe 15 years old.

1 Q. All listed in this same roster in Exhibit E-47?

2 A. Yes. I will also point out a Jeffery Dharmer, age 10.

3 Q. Where do you see that?

4 A. Right below on the right-hand side, John Doe.

5 Q. Did you do a comparison of the name John Doe with the
6 Centennial Public School records?

7 A. Yes.

8 Q. What was the result of that?

9 A. There is no John Doe enrolled within Centennial Public
10 School District.

11 Q. What about Jeffery Dharmer?

12 A. No.

13 Q. Did you do a comparison of the names Jeffery Dharmer and
14 John Doe with all of the school districts at issue that had
15 193,000 and specifically that are at issue in your
16 Exhibit N-124?

17 A. Yes.

18 Q. What was the result of that comparison?

19 A. These are names of people that are not enrolled within
20 the 193,000 students.

21 Q. So that would include places like Minneapolis?

22 A. Correct.

23 Q. St. Paul?

24 A. Correct.

25 Q. Among other examples?

1 A. Yes.

2 Q. On the left, is this Exhibit E-53?

3 A. Yes.

4 Q. And do you see a sender of the email in E-53?

5 A. Yes. Hayat Nur.

6 Q. And who is the recipient?

7 A. Abdi Nur and another individual from ThinkTechAct.

8 Q. And is there a subject?

9 A. All Names mines the repetitive ones.

10 Q. What's the date of this email?

11 A. July 5, 2021.

12 Q. And does it indicate that there are attachments?

13 A. Yes. There are three attachments, one of which is all
14 names.

15 Q. On the right I'm showing you Exhibit N-125e. What is
16 that?

17 A. That is a summary comparison of All Names to all of the
18 names within the 20 school district enrollment records.

19 Q. And so, first, looking at the middle portion of your
20 summary in N-125e that we see highlighted, that was the name
21 of the attached spreadsheet in the exhibit; is that correct?

22 A. Yes.

23 Q. How many names were listed in the All Names spreadsheet
24 attachment?

25 A. 3,027 names.

1 Q. Did you do anything with those 3,027 names?

2 A. Yes. I checked those 3,027 names against all of the
3 school district records that we received, and I identified
4 177 of those 3,027 actually represent names enrolled within
5 those public schools.

6 Q. In other words, the 177 -- the 177 that are the same out
7 of 193,249 names?

8 A. Yes.

9 Q. Moving on, do we see another exhibit in E-55 on the
10 screen on the left?

11 A. Yes.

12 Q. Let's get that enlarged.

13 Okay. Who is the sender and the recipient?

14 A. The sender is Abdi Nur, and the email was sent to
15 Abdiaziz Farah.

16 Q. Can you read aloud the subject and the date?

17 A. The subject is Somali resettlement. The email was sent
18 July 10, 2021.

19 Q. Now, there appear to be multiple attachments; is that
20 correct?

21 A. Correct.

22 Q. Is one of those attachments one that reads Faribault
23 attendance March, June?

24 A. Yes.

25 Q. And there are others, correct?

1 A. Yes.

2 Q. And on the right hand, do you see Exhibit N-125f

3 A. Yes.

4 Q. Can you explain what that is?

5 A. That is a summary comparison of the attachment from that
6 email on the left.

7 Q. And so, first of all, with respect to the Faribault
8 attendance that was attached on this message from Abdi Nur
9 to Abdiaziz Farah, how many names were on the Faribault
10 roster?

11 A. 1,983.

12 Q. And then directing your attention over to the right, you
13 obtained records from the Faribault Public School District?

14 A. Yes.

15 Q. What was the enrollment from that district?

16 A. 4,235.

17 Q. Of 4,235, did you see any name matches on the roster of
18 1,983 names?

19 A. Yes. There was 266 matches.

20 Q. All right. Moving on to some of the other messages. Do
21 you see on the screen Exhibit E-110?

22 A. Yes.

23 Q. This is an email sent by Abdimajid Nur?

24 A. Yes.

25 Q. Who is the recipient?

1 A. Mukhtar Shariff.

2 Q. Can you read the date and the subject of the message?

3 A. Yeah. This email was dated October 20 of 2021 with a
4 subject FOF claims and invoice.

5 Q. And among the attachments in E-110, was there a
6 Dar Al-Farooq attendance roster?

7 A. Yes.

8 Q. Specifically, one that indicates it was for September?

9 A. That's correct.

10 Q. Okay. And then do you see Exhibit N-125g on the right?

11 A. Yes.

12 Q. Can you explain what that is?

13 A. Yes. It's a comparison of the email attachment for
14 Dar Al-Farooq for September.

15 Q. How many names were on the roster for Dar Al-Farooq for
16 September?

17 A. 3,308.

18 Q. And as we see on the right, did you compare those with
19 the Bloomington Public School records?

20 A. Yes. And 170 of the 3,308 names represented names that
21 were enrolled within the school district.

22 Q. So 170 of 10,302 enrolled students --

23 A. Yes.

24 Q. -- appear on that roster?

25 A. Yes.

1 Q. Is that significant to the investigation?

2 A. Yes. I would expect more given the location of
3 Dar Al-Farooq within Bloomington.

4 Q. On the left showing you Exhibit E-83.

5 First of all, directing your attention to the
6 bottom, do you see an email sent at the bottom of what's
7 enlarged?

8 A. Yes.

9 Q. Who sent it?

10 A. Abdiwahab Aftin.

11 Q. A defendant in this case?

12 A. Yes.

13 Q. And what's the date of Abdiwahab Aftin's email message?

14 A. December 30, 2021.

15 Q. And who did he send his message to?

16 A. Abdiaziz Farah.

17 Q. What's the subject of Abdiwahab Aftin's email?

18 A. Albright and Crossing Valley.

19 Q. And did he write a message to Abdiaziz Farah?

20 A. Yes. He said, "Hello. I have attached both sites
21 roster, Albright Townhomes and Crossing Valley."

22 Q. And in the context of this case, do you recognize those
23 names?

24 A. The names represent defendants in this case.

25 Q. Specifically, the Albright that's referenced in the body

1 of the message?

2 A. Yes, those are two of the purported meal distribution
3 sites. Albright is located in Minneapolis.

4 Q. And looking back at the top, did Mr. Farah do anything
5 with this message?

6 A. Yes. He forwarded the message to Hayat Nur.

7 Q. On the same date?

8 A. On the same date.

9 Q. And did he write a message to Hayat Nur?

10 A. Yes. He wrote, "FYI, need to be updated ASAP. Thank
11 you."

12 Q. And when that message was forwarded by Mr. Farah to
13 Hayat Nur, did it include attachments?

14 A. Yes, it had two attachments, one for Albright and one
15 for Crossing Valley.

16 Q. Okay. I'm showing you on the right Exhibit N-125h. Can
17 you explain to the jury what that is?

18 A. Yes. This is a summary of the email message. And you
19 will see the From and the To is the first message and then
20 the second one, Abdiaziz to Hayat Nur.

21 And, again, a comparison was made with the
22 Albright roster, which had 810 names, to the Minneapolis
23 Public School District, which had 33,251 names. And of
24 that, 138 names matched a name of a student within
25 Minneapolis Public Schools.

1 Q. Of the 33,000 and some?

2 A. Yes.

3 Q. On the left, I'm showing you Exhibit E-87. I'll enlarge
4 that. Was this sent by Hayat Nur?

5 A. Yes.

6 Q. Sent to Christine Twait; is that correct?

7 A. Yes.

8 Q. And who are the CC recipients?

9 A. Abdiaziz Farah and Abdi Nur.

10 Q. What's the subject?

11 A. La Cruz Additional Names, December.

12 Q. This is dated January 3rd, 2022?

13 A. Yes.

14 Q. Does it indicate there are two La Cruz attachments?

15 A. Yes.

16 Q. And, specifically, does the word "Names" appear in those
17 attachments?

18 A. Yes.

19 Q. Can you read aloud the message from Hayat Nur?

20 A. "Hi, Christine. Please update La Cruz's roster for
21 December with these additional names. I emailed Kara a
22 couple weeks ago, and I don't think she got a chance to do
23 it. We need this urgently as we will be submitting
24 December's billing soon. Thank you."

25 Q. And on the right do we see an enlarged portion of

1 Exhibit N-125?

2 A. Yes.

3 Q. Can you explain what's enlarged on the screen from that
4 exhibit?

5 A. Yes. It's a comparison of the names from one of the
6 attachments from that email against the St. Cloud Public
7 School District records.

8 Q. And so of the names that were attached on Hayat Nur's
9 email message, how many of those matched with the 10,008
10 names of the St. Cloud Public School records?

11 A. 11 names out of the 169 from the roster.

12 Q. All right. So we walked through several examples of
13 comparisons that you've done that are reflected in this
14 Exhibit N-125?

15 A. Yes.

16 Q. And to be clear, have we gone through every single
17 comparison that's summarized here?

18 A. No.

19 Q. All right. I'm going to switch gears a bit and direct
20 your attention to the Dar Al-Farooq site.

21 On the screen is Exhibit C-103. Do you recognize
22 that?

23 A. I recognize the picture, yes.

24 Q. What is that a picture of?

25 A. Dar Al-Farooq.

1 Q. And in what city is that located?

2 A. Bloomington, Minnesota.

3 Q. I'm now showing you Exhibit N-24. Is this summarizing
4 the meals that were claimed for the Dar Al-Farooq site?

5 A. Yes.

6 Q. And then does it indicate a total of approximately
7 1.9 million that were claimed January through November of
8 2021?

9 A. Yes.

10 Q. As part of your review of the records, did you review
11 some of the attendance rosters concerning this site at
12 Dar Al-Farooq in Bloomington?

13 A. Yes, I did.

14 Q. For example, I'm showing you Exhibit E-13. Is that one
15 that you reviewed?

16 A. Yes.

17 Q. Can you explain this email?

18 A. Yes. This is an email from Abdi Nur to Mahad Ibrahim
19 with a subject of Daily Attendance. The email was sent on
20 February 8th, 2021. There were a number of attachments,
21 including one for Dar Al-Farooq.

22 Q. And, among others, is there one for -- appears to be for
23 Plymouth, another that indicates 1501 Broadway, St. Cloud as
24 well?

25 A. Yes.

1 Q. Showing you Exhibit E-22. Is this another email
2 message?

3 A. Yes.

4 Q. Can you explain what we see here?

5 A. Yes. This is an email message sent by Abdi Nur to
6 Abdiaziz Farah, subject Billing and Attendance. The email
7 was sent February 28th, 2021. And, again, there are
8 multiple attachments, including Dar Al-Farooq, Plymouth,
9 Owatonna, Sharing & Caring and 1501 Broadway.

10 Q. Is this about 20 days later in time than the exhibit we
11 just looked at?

12 A. Yes.

13 Q. Now, moving forward, do we see an email in Exhibit E-45?

14 A. Yes.

15 Q. What's the date?

16 A. May 6, 2021.

17 Q. Sent from Abdi Nur to Abdiaziz Farah; is that right?

18 A. Yes.

19 Q. And what's the subject?

20 A. Feeding Our Future.

21 Q. Can you describe the attachments?

22 A. Yes. There's one attachment to this email. It's
23 Dar Al-Farooq attendance, March through April.

24 Q. And it appears to be a .xlsx at the end. Do you see
25 that?

1 A. Yes.

2 Q. Do you know what that is?

3 A. Yes. That is the file extension or the indicator of
4 what kind of file that is. It's an Excel file, Microsoft
5 Excel.

6 Q. And then if we scroll down, once again, do we see that
7 same type of attached Excel spreadsheet with the names
8 listed?

9 A. Yes.

10 Q. Page after page?

11 A. Yes.

12 Q. Moving several months forward in time, do we see
13 Exhibit E-62?

14 A. Yes.

15 Q. What is E-62?

16 A. It's an email message from Abdi Nur to Mahad Ibrahim,
17 subject DFC Attendance. And that email was sent
18 November 17, 2021.

19 Q. And for DFC Attendance, are there documents attached?

20 A. Yes. There are two spreadsheets attached.

21 Q. And what do they say?

22 A. Dar Al-Farooq attendance, October; Dar Al-Farooq
23 attendance, September.

24 Q. And those are attached to this exhibit?

25 A. Yes.

1 Q. Another example on the screen, Exhibit E-61; is that
2 correct?

3 A. Yes.

4 Q. Is this another message sent from Abdi Nur to Mahad
5 Ibrahim?

6 A. Yes.

7 Q. Dated November 17th, 2021?

8 A. Yes.

9 Q. And is there a subject and an attachment?

10 A. Yes. The subject is DFC attendance, October; and the
11 attachment is Dar Al-Farooq Attendance, October.

12 Q. All right. Special Agent Parks, we just walked through
13 about four or five examples of these Dar Al-Farooq
14 attendance rosters.

15 Have you created a chart that summarizes the
16 information that's contained in those Dar Al-Farooq rosters?

17 A. Yes, I did.

18 Q. All right. I'm going to show you something that has
19 been marked, but not admitted into evidence, as
20 Exhibit N-126 and have you take a look at that.

21 N-126. Is that another summary chart you created?

22 A. Yes, it is.

23 Q. Can you briefly describe how you created it?

24 A. Yes. I opened the attachment from the five emails that
25 we just previously showed, and I copied all five of those

1 rosters into a single file, and then I just compared the
2 names across them.

3 Q. Does the chart in N-126 fairly and accurately summarize
4 the information contained in those exhibits?

5 A. Yes.

6 Q. Voluminous exhibits?

7 A. Yes, very long.

8 Q. Would it be helpful to the jury in understanding the
9 evidence contained in those?

10 A. Yes.

11 MR. EBERT: Your Honor, at this time the
12 government offers Exhibit N-126.

13 THE COURT: Any objection?

14 MR. SAPONE: No objection.

15 THE COURT: N-126 is admitted.

16 BY MR. EBERT:

17 Q. All right. Now that the jury can see this on their
18 screens, I want to just take a minute and walk through
19 N-126.

20 First of all, let's take a look just at the very
21 top. Can you describe what's there?

22 A. Yes. The top row or Exhibit row has a reference to the
23 specific email that we had just walked through. Each email
24 essentially has its own reference.

25 Q. Okay. And then beneath the Exhibit, do you see where it

1 says Time?

2 A. Yeah. So Time represents the time period in which the
3 roster relates.

4 Q. Based on its name?

5 A. Based on its name, correct. And also the column header
6 within the actual files. If you recall, there are weeks
7 listed; and this header would represent those weeks.

8 Q. So I want to focus first on the left two columns, and
9 I'll enlarge some of that.

10 All right. Can you describe what we see enlarged
11 on the screen?

12 A. Yes. This is the listing of names as the rosters showed
13 the names within the files. The first one is for January of
14 2021, and that list had 1,082 names. And then there's
15 another one here for February of 2021 having the exact same
16 1,082 names.

17 Q. Now, when you say "exact names," what do you mean?

18 A. The names are exact matches.

19 Q. Okay. And do they appear in the same order?

20 A. Yes. There was no changes to the file by me as far as
21 like ordering or sorting. The files are essentially exact
22 copies of one another, except for the date range.

23 Q. Was that significant to the investigation?

24 A. Yes. It appears that the list was reused week after
25 week, month after month here.

1 Q. Even though it's a different time period?

2 A. Yes.

3 Q. Were all of the boxes checked for every entry for every
4 name in both rosters in E-13 and E-22?

5 A. Yes.

6 Q. Now, there are three other columns to the right; is that
7 correct?

8 A. Yes.

9 Q. Enlarge those. Can you describe what's contained in
10 these?

11 A. Yes. These are the rosters for Dar Al-Farooq at later
12 points in time. And, again, the first 1,082 names match
13 those of that in January and February. And then these lists
14 are actually longer, though. They go to approximately 3500
15 or 3600 names.

16 Q. And so across time, is it correct that the first 1,082
17 names are identical in the same order?

18 A. Yes.

19 Q. Whether it's January, February, March-April, September
20 or October?

21 A. Correct.

22 Q. Now, the final three have additional names; is that
23 correct?

24 A. Yes.

25 Q. Can you explain how those names appeared in those longer

1 lists?

2 A. It appears that those names were just added to the very
3 bottom of the long lists.

4 Q. In other words, they pick up at name 1,083?

5 A. 83.

6 Q. Is that right?

7 A. Yes.

8 Q. Is that significant to the investigation?

9 A. Yes. It appears that the names were just replicated
10 across time.

11 Q. All the boxes checked?

12 A. All the boxes checked, yes.

13 Q. For every entry?

14 A. Yes.

15 Q. For every name?

16 A. Yes.

17 Q. All right. I want to direct your attention to some of
18 the names that appear in these rosters that are summarized
19 in Exhibit N-126. This specifically is page 17 of
20 Exhibit N-126.

21 Directing your attention to line 582, do you see
22 someone with the purported name Friday Donations?

23 A. Yes.

24 Q. And that appeared in the January roster; is that
25 correct?

1 A. Yes.

2 Q. Did it appear elsewhere?

3 A. Yes, it also appeared in the February, March-April,
4 September and October rosters.

5 Q. And then do we see a series of names immediately above
6 and immediately below the supposed name Friday Donations?

7 A. Yes. The names above and below are the same names.

8 Q. In the same order?

9 A. In the same order.

10 Q. Month after month?

11 A. Yes.

12 Q. Significant to the investigation?

13 A. Yes. It would be unusual to see the same names month
14 after month.

15 Q. So this person in 582, Friday Donations, did that name
16 appear anywhere in the Bloomington Public School enrollment
17 records?

18 A. No.

19 Q. And you said in total of the 20 districts for which you
20 have enrollment records, there's approximately 193,000
21 enrolled names; is that right?

22 A. That's right.

23 Q. Of the 193,000 names, at any point do you see a child
24 enrolled in those schools with the name Friday Donations?

25 A. I do not.

1 Q. Significant to the investigation?

2 A. Yea, it was significant in that the name doesn't appear
3 to be enrolled within any school district that we have.

4 Q. Have you ever met anyone in your life named Friday
5 Donations?

6 A. I have not.

7 Q. All right. Moving on to this same exhibit now on
8 page 23. Let's take a look at the top.

9 With respect to the January roster for
10 Dar Al-Farooq, can you describe some of the entries we see
11 here on page 23 of N-126.

12 A. Yes. We have a Sumaya Mohamud/Asthma. We have a Hanan
13 Ahmed 4; Inactive; Active but don't know class; Unique
14 Problem (read comment); and Serious Problem.

15 Q. Followed by two names with the last name of Farah; is
16 that correct?

17 A. Yes.

18 Q. I take it, the names Unique Problem and Serious Problem
19 were searched as well?

20 A. Yes.

21 Q. Did they appear anywhere in 193,000 enrolled student
22 names?

23 A. They did not.

24 Q. Now, you've just looked at the January list. Did these
25 same entries, including Active and Unique Problem and

1 Serious Problem, do they appear again?

2 A. Yes. They appeared for February, March-April, September
3 and October.

4 Q. All in the same order?

5 A. Yes.

6 Q. Concerning, is it six different months for
7 Dar Al-Farooq?

8 A. Yes.

9 Q. All throughout the year 2021, correct?

10 A. Yes, correct.

11 Q. Next I want to draw your attention to a site that's
12 depicted in Exhibit C-5.

13 And is this a photo of the Plymouth Academy site
14 located in Plymouth, Minnesota?

15 A. It's located in Minneapolis, but, yes, this is the
16 Plymouth Academy.

17 Q. And do you know approximately how far away the Plymouth
18 Academy site in Minneapolis is from the Dar Al-Farooq site?

19 A. Yeah. It's just over ten miles.

20 Q. And Exhibit E-009, is this an instance of the emailing
21 of a roster yet again?

22 A. Yes. This is an email from Abdi Nur to Mahad Ibrahim
23 with the subject Plymouth Daily Attendance.

24 Q. Concerning the Plymouth Academy site we just looked at
25 in that photo?

1 A. Yes.

2 Q. As part of your review of some of the rosters in this
3 case, did you do a comparison of the names attached to this
4 Plymouth roster with rosters submitted for the Dar Al-Farooq
5 site ten miles away?

6 A. Yes.

7 Q. Why make that comparison?

8 A. I made that comparison to see if the names from the
9 Plymouth roster were also names used at the Dar Al-Farooq
10 roster. As I was opening the attachments, some of the names
11 stuck out as if they are being reused or duplicated across
12 many sites.

13 Q. Have you created a chart that summarizes the information
14 contained in this Plymouth roster, E-009, as well as the
15 Dar Al-Farooq roster contained in Exhibit E-45?

16 A. Yes.

17 Q. I'm showing you what has been marked, but not entered
18 into evidence, as Exhibit N-127.

19 Is that a chart that you created?

20 A. Yes.

21 Q. And does it summarize the information contained in those
22 two Exhibits E-9 and E-45?

23 A. Yes.

24 Q. Once again, are those voluminous exhibits with those
25 multiple-page attachments?

1 A. Yes.

2 Q. Would it be helpful to the jury in understanding the
3 evidence?

4 A. Yes.

5 MR. EBERT: Your Honor, at this time the
6 government offers Exhibit N-127.

7 THE COURT: Any objection?

8 MR. SAPONE: No objection.

9 THE COURT: N-127 is admitted.

10 BY MR. EBERT:

11 Q. Okay. So now Exhibit N-127 is on the screen. Can you
12 explain to the jury what you did in this summary?

13 A. Yes. I took the Plymouth site roster, and I sorted it A
14 to Z, and then I made comparisons of the 519 names included
15 within that Plymouth roster to see if those names also
16 appeared at the Dar Al-Farooq March through April roster.

17 Q. And enlarged on the screen is just a small portion; is
18 that right?

19 A. Yes.

20 Q. But is this an example of how some of the information
21 appears in both of those rosters, Dar Al-Farooq, March-April
22 2021, and Plymouth, January 2021 on the left?

23 A. Yes.

24 Q. So, for example, row 3, that person has a last name of
25 MATios; is that correct?

1 A. Correct.

2 Q. And in both rosters is the second letter of the last
3 name A capitalized?

4 A. Yes.

5 Q. In both rosters is person number 8 Alan?

6 A. Yes.

7 Q. In this same order?

8 A. Alan appears in both rosters.

9 I will clarify that the rosters had been jumbled
10 or mismatched. You know, the names appeared somewhat at
11 random across both lists.

12 Q. And they're sorted alphabetically; is that correct?

13 A. Correct.

14 Q. And for those that are identical entries, what did you
15 find out?

16 A. The identical entries show that the Plymouth names were
17 also used in the Dar Al-Farooq roster.

18 Q. And what was the percentage result?

19 A. Yeah, 514 of the Plymouth names, out of the 519 in
20 total, were also in the Dar Al-Farooq roster, which is
21 99 percent match.

22 Q. Was that significant to the investigation?

23 A. Yes. It appears that the Plymouth names were copied
24 directly into the Dar Al-Farooq roster.

25 Q. 99 percent?

1 A. Yes.

2 Q. For sites that are ten miles apart, correct?

3 A. Yes.

4 Q. I want to switch gears and direct your attention to the
5 Cedar Cultural Center.

6 Up on the screen is Exhibit 264. Do you recognize
7 that image?

8 A. Yes.

9 Q. And what is that?

10 A. That is an image of the Cedar Cultural Center site.

11 Q. Located here in Minneapolis?

12 A. Yes.

13 Q. Sort of on the West Bank near the University of
14 Minnesota? Is that your understanding?

15 A. Correct.

16 Q. Do you know approximately how far Cedar Cultural Center
17 is from the Dar Al-Farooq location in Bloomington?

18 A. It's approximately eight or nine miles.

19 Q. Showing you Exhibit E-115, can you explain what that is?

20 A. Yes. That is an email from Abdi Nur to Kara Lomen with
21 a copy to Abdiaziz Farah. Subject of the email is Cedar
22 Cultural PDF documents.

23 Q. Dated July 27th, 2021; is that right?

24 A. Yes.

25 Q. And there appear to be a series of attachments. Do you

1 see that?

2 A. Yes.

3 Q. Is one of them, or at least one of them, something
4 that's titled Attendance?

5 A. Yes. There is a Cedar Cultural attendance, April
6 through June attachment.

7 Q. And on that note, I want to show you another item that's
8 been marked, but it has not been admitted.

9 And I'm showing you alone Exhibit C-419. Do you
10 recognize that?

11 A. Yes.

12 Q. What is that?

13 A. That is the attendance roster for the Cedar Cultural
14 Center. This is a record that was obtained from one of the
15 sponsors.

16 Q. And is this a true and accurate copy of the record
17 produced by the sponsor Partners in Nutrition?

18 A. Yes.

19 MR. EBERT: Your Honor, at this time the
20 government offers Exhibit C-419.

21 THE COURT: Any objection?

22 MR. SAPONE: No objection.

23 THE COURT: C-419 is admitted and may be
24 published.

25 MR. EBERT: Thank you, Your Honor.

1 BY MR. EBERT:

2 Q. And just as a quick housekeeping matter, I'm also going
3 to show you another one that is marked, but not admitted, as
4 Exhibit C-429. Do you recognize that?

5 A. Yes, I do.

6 Q. Is this another attendance roster?

7 A. Yes, it is.

8 Q. Okay. Is that a -- can you explain what's contained in
9 C-429?

10 A. Yes. This is an attendance roster for one of the sites
11 out of Owatonna, Minnesota.

12 Q. Is it produced by one of the sponsors, Partners in
13 Nutrition?

14 A. Yes.

15 Q. True and accurate copy of what they produced?

16 A. Yes.

17 MR. EBERT: At this time the government offers
18 Exhibit C-429.

19 THE COURT: Any objection?

20 MR. SAPONE: No objection.

21 THE COURT: C-429 is admitted.

22 MR. EBERT: All right. Thank you, Your Honor.

23 BY MR. EBERT:

24 Q. So now I want to jump back to what we were talking about
25 with the Cedar Cultural site in Minneapolis. Okay?

1 And on the left, do we see Exhibit E-115; is that
2 right?

3 A. Yes.

4 Q. And then it had a series of documents attached to it, as
5 you testified a moment ago; is that correct?

6 A. Yes.

7 Q. And among those, is there an attendance roster for Cedar
8 Cultural in Minneapolis?

9 A. Yes.

10 Q. And on the right, do we see another attendance roster?

11 A. Yes.

12 Q. What is on the right in Exhibit C-419?

13 A. C-419 is the attendance roster for April 2021, and that
14 is the record obtained from the sponsor.

15 Q. So the one on the left is attached to the email
16 messages. Correct?

17 A. Yes.

18 Q. The one on the right is a copy of a Cedar Cultural that
19 was contained in the records of sponsor Partners in
20 Nutrition?

21 A. Yes.

22 Q. As part of your review of rosters, did you do a
23 comparison between Dar Al-Farooq rosters for attendance and
24 some of these that we see on the screen now involving the
25 Cedar Cultural site?

1 A. Yes, I did.

2 Q. Why make such a comparison?

3 A. Again, there were names as I was reviewing the different
4 attachments that appeared unusual and seemed to be
5 replicated across multiple sites. And so I made the
6 comparison for Cedar Cultural to Dar Al-Farooq because some
7 of those names appeared on both lists.

8 Q. And have you created a chart for that?

9 A. Yes, I did.

10 Q. All right. I'm showing you what's been marked, but not
11 admitted into evidence, as -- excuse me -- as Exhibit N-128.
12 And I'll have you take a look at that.

13 Is that a chart you created?

14 A. Yes, it is.

15 Q. And did you create it in the same way as the chart you
16 just testified about a moment ago involving the
17 Plymouth/Dar Al-Farooq comparison?

18 A. Yes.

19 Q. And what exhibits are summarized in N-128?

20 A. Exhibit C-419 and Exhibit E-45.

21 Q. Both voluminous? Is that fair to say?

22 A. Yes.

23 Q. And does your summary N-128 fairly and accurately
24 summarize that underlying data?

25 A. Yes.

1 Q. Would it be helpful to the jury in understanding that
2 evidence?

3 A. Yes.

4 MR. EBERT: Your Honor, at this time the
5 government offers Exhibit N-128.

6 THE COURT: Any objection?

7 MR. SAPONE: No objection.

8 THE COURT: N-128 is admitted.

9 MR. EBERT: Thank you, Your Honor.

10 BY MR. EBERT:

11 Q. And now that the jury is able to see this, let's just
12 kind of start from the top and point out what your chart
13 entails.

14 A. Yes. The top row shows the exhibit for reference. So
15 C-419, again, is the Cedar Cultural Center roster obtained
16 from the sponsor. E-45 is the email sent with Dar Al-Farooq
17 roster information. And the location is presented for
18 reference. Cedar Cultural Center is in Minneapolis;
19 Dar Al-Farooq is in Bloomington.

20 Q. All right. And then directing your attention down
21 below, did you do a comparison between the two rosters?

22 A. Yes, I did.

23 Q. Okay. And what did you find out?

24 A. I found that from the list of Cedar Cultural names, or
25 1,001 names, that there were 733 identical names at

1 Dar Al-Farooq.

2 Q. And what is the time period that you're talking about
3 when you say that there were identical names?

4 A. April 2021.

5 Q. So to be clear, the same names appear on the
6 Dar Al-Farooq list in April 2021 and then some of those same
7 names appear at the same time elsewhere, correct?
8 Specifically where?

9 A. At Cedar Cultural Center.

10 Q. And to the right of your summary chart, there's a result
11 with a percentage; is that right?

12 A. Yes.

13 Q. Can you explain what that means?

14 A. Yes. 73.2 percent of the Cedar Cultural names are also
15 found within the Dar Al-Farooq roster.

16 Q. And are you familiar with the particular type of meals
17 that were being claimed in April of 2021 for Cedar Cultural
18 and for Dar Al-Farooq?

19 A. Yes. Both sites were claiming snacks and suppers.

20 Q. So it's the same names that you're testifying about
21 receiving the same supposed snacks; is that right?

22 A. Yes.

23 Q. As well as the same suppers?

24 A. Yes.

25 Q. At the same time?

1 A. Yes.

2 Q. How many miles apart are these sites?

3 A. Slightly over -- or about eight to nine miles.

4 Q. Okay. So significant to the investigation that these
5 same names appear for the same snacks and for the same meals
6 at the same time?

7 A. Yes. We wouldn't expect the same names to be showing up
8 at the same time for the same meals.

9 Q. And I want to take a look at some of the names that are
10 on this list. Did you review some of the names?

11 A. Yes, I did.

12 Q. So, for example, on page 11, sort of in the middle, do
13 we see a series of names, rows 301 through 306? Do you see
14 that?

15 A. Yes.

16 Q. These are all names that appear on both the
17 Dar Al-Farooq and Cedar Cultural at the exact same time,
18 correct?

19 A. Correct.

20 Q. Line 303, do you see a name there of Fortunata
21 Mozotomas?

22 A. Yes.

23 Q. Did you run that name against the Minneapolis Public
24 School records?

25 A. Yes.

1 Q. Was there a child with such a name?

2 A. There was not.

3 Q. Did you run that name against the Bloomington Public
4 School records?

5 A. Yes.

6 Q. What was the result of that?

7 A. There were -- there was no child named Fortunata
8 Mozotomas in Bloomington School District records.

9 Q. What about in the 193,000 school records for all 20 of
10 the districts for which you had records, did you find that
11 name?

12 A. I did not find that name in those records.

13 Q. So now we're looking at another example, same exhibit,
14 page 28. Do you see line 783?

15 A. Yes.

16 Q. What's that apparent child's name?

17 A. Rgian Pumqr.

18 Q. Same questions. Did you find an Rgian Pumqr in
19 Bloomington Public School records?

20 A. No.

21 Q. Minneapolis?

22 A. No.

23 Q. Did you find that name anywhere in 193,000 child names
24 for Minnesota school districts?

25 A. I did not. And I also tried to think of what this name

1 should have been, and I -- for example, I ran Regan Pumper
2 or some other names similar, and I was not able to find a
3 match.

4 Q. I'm going to direct your attention to another site at
5 issue in this case, which is in Scott Park.

6 Showing you Exhibit C-247, do you recognize that?

7 A. Yes.

8 Q. Do you recall where Scott Park -- where that site was
9 located?

10 A. Apple Valley, Minnesota.

11 Q. And do you know, approximately, how far is the Scott
12 Park location in Apple Valley from Dar Al-Farooq in
13 Bloomington?

14 A. It's roughly ten miles.

15 Q. And did you review evidence concerning the Scott Park
16 site?

17 A. Yes.

18 Q. Showing you Exhibit E-43, what is that?

19 A. That is an email message from Abdi Nur to Kara Lomen
20 with a copy to Abdiaziz Farah. The subject of the email was
21 Apple Valley Attendance.

22 Q. What's the date?

23 A. April 27, 2021.

24 Q. And what's the name of the attachment listed?

25 A. Apple Valley Attendance, January to March.

1 Q. Similar to what you've described with respect to the
2 Plymouth site and with respect to the Cedar Cultural site,
3 in your review of rosters, did you also compare the Apple
4 Valley Scott Park site with Dar Al-Farooq rosters?

5 A. Yes.

6 Q. And have you created a chart that summarizes that
7 information?

8 A. Yes.

9 Q. I'm showing you what has been marked, but not admitted,
10 as Exhibit N-129. Is that a copy of the chart you prepared?

11 A. Yes.

12 Q. And does it summarize rosters that were contained in
13 Exhibits E-43 and E-45?

14 A. Yes.

15 Q. Would it be helpful for the jury in understanding the
16 evidence contained in those voluminous records?

17 A. Yes.

18 Q. And does it fairly and accurately summarize that
19 underlying data?

20 A. Yes.

21 MR. EBERT: Your Honor, at this time the
22 government offers Exhibit N-129.

23 THE COURT: Any objection?

24 MR. SAPONE: No objection.

25 THE COURT: N-129 is admitted.

1 BY MR. EBERT:

2 Q. All right. Now that the jury can see it, let's take a
3 look at what this exhibit is.

4 A. This is a very similar comparison to the one already
5 shown for Plymouth and for Cedar Cultural.

6 Again, the top row is the exhibit reference or
7 essentially the email sent. The site identifies the site
8 that is being summarized, so Apple Valley against
9 Dar Al-Farooq, and the location is provided for reference.

10 Q. And then beneath that, does it show the time period and
11 the number of names for each?

12 A. Yes. The Apple Valley attendance roster was for January
13 through March 2021. And the Dar Al-Farooq roster was for
14 March through April 2021.

15 Q. And I'm just going to take a quick moment. Each of
16 these that you've been testifying about in these last
17 comparisons, series of comparisons, rather, they are all
18 related to this Exhibit E-45; is that correct?

19 A. Correct.

20 Q. For Dar Al-Farooq? Is that for Dar Al-Farooq?

21 A. Yes, it is.

22 Q. And E-45, as a refresher, that is an email that was sent
23 May 26 [sic], 2021, correct?

24 A. Yes.

25 Q. From Abdi Nur to Abdiaziz Farah; is that right?

1 A. Yes.

2 Q. All right. So let's go back to the comparison that you
3 have for Apple Valley and Dar Al-Farooq.

4 What was the result of looking at these two
5 different rosters?

6 A. Yes. The Apple Valley attendance roster had 1,003 names
7 listed on it; and of those 1,003 names, 734 of them were
8 identical names to that shown in Dar Al-Farooq's roster.

9 Q. Is this another instance of the same names supposedly
10 eating the same food at the same time?

11 A. The same food, yes; the same time, from March of 2021,
12 yes.

13 Q. Significant to the investigation?

14 A. Yes.

15 Q. Why?

16 A. We wouldn't expect to find the same exact names eating
17 ten miles apart the same time period.

18 Q. And it's the same snacks, correct, being --

19 A. Same snacks and the same suppers, the same food program,
20 yes.

21 Q. Let's take a look at some of the names on these rosters.

22 Directing your attention to page 34 of
23 Exhibit N-129 and line 957, what do we see here?

24 A. Unique Problem (read comment).

25 Q. The similar entry that we've seen before; is that right?

1 A. Yes.

2 Q. Except at this time it now appears in the Apple Valley
3 roster as well?

4 A. Yes.

5 Q. And, of course, this is just one, one example; is that
6 correct?

7 A. Correct.

8 Q. Ultimately, there are approximately how many identical
9 names across these two rosters at the same time?

10 A. 734 names.

11 Q. Okay. I want to direct your attention for a moment to
12 Exhibit E-54. Can you describe what that is?

13 A. That is an email message from Abdi Nur to Mahad Ibrahim
14 with the subject Owatonna attendance.

15 Q. What's the date?

16 A. July 8th, 2021.

17 Q. And then what are the attachments?

18 A. There are four attachments, Cedar Run, Woodbridge,
19 Heather Court and Parkview, all which represent purported
20 meal distribution sites within Owatonna.

21 Q. Do you know where Owatonna is located?

22 A. Yes. It's about 60 miles south of here.

23 Q. And is Owatonna one of the public school districts for
24 which investigators obtained enrollment records?

25 A. Yes.

1 Q. I'm just enlarging that.

2 About how many children were enrolled during that
3 time at the Owatonna district?

4 A. 5,412.

5 Q. Now, have you also done an additional comparison with a
6 chart that summarizes information with the Dar Al-Farooq
7 roster, as well as some of the other sites you've testified
8 about, Cedar Cultural, in relation to Owatonna sites?

9 A. Yes.

10 Q. All right. I'm showing you what's been marked, but not
11 admitted, as Exhibit N-130. Do you recognize that?

12 A. Yes. This is a summary chart that I created.

13 Q. And does it -- what does it summarize?

14 A. It summarizes the 122 names found at five different
15 selected sites, the sites being Dar Al-Farooq, Cedar
16 Cultural, Parkview, Woodbridge and Cedar Run, and all at the
17 same time, April 2021.

18 Q. And does Exhibit N-130 fairly and accurately summarize
19 the voluminous data contained in the underlying
20 Exhibits E-45, C-419, as well as E-54?

21 A. Yes.

22 Q. Helpful to the jury in understanding that evidence?

23 A. Yes.

24 MR. EBERT: Your Honor, at this time the
25 government offers Exhibit N-130.

1 THE COURT: Any objection?

2 MR. SAPONE: No objection.

3 THE COURT: N-130 is admitted.

4 BY MR. EBERT:

5 Q. Okay. So you talked about this a moment ago, Special
6 Agent Parks, but now that the jury can see it, let's
7 highlight and enlarge the top part and explain what is
8 summarized in N-130.

9 A. Yes. The top row shows the exhibit, which is just a
10 reference to the email or the source of the file in the case
11 of C-419.

12 The next row below that shows the site at
13 reference, so Dar Al-Farooq, Cedar Cultural, Parkview,
14 Woodbridge and Cedar Run. I also show the reference as a
15 point of comparison.

16 And you will note that the identical period is
17 April of 2021 across all five rosters.

18 And the summary or the count shows 122 names,
19 which follow below, and those are the names that were
20 exactly the same across the rosters.

21 Q. So you've testified earlier about same names showing at
22 Dar Al-Farooq and one other site; is that correct?

23 A. Yes.

24 Q. So what do we see in this chart? How many sites are you
25 seeing the same names supposedly being served food at the

1 same time?

2 A. This shows five different locations, five different
3 rosters, same time period, same names, same meals.

4 Q. Ultimately being submitted for reimbursement; is that
5 correct?

6 A. Yes.

7 Q. And these are the same meal programs at issue across all
8 the exhibits summarized in this summary?

9 A. Yes.

10 Q. And you said Owatonna is how far from Cedar Cultural and
11 Dar Al-Farooq?

12 A. It's approximately 60 to 65 miles.

13 Q. But as this chart summarizes, these are supposedly
14 children that are eating the same snacks and same meal
15 servings at the same time at three different Owatonna
16 locations?

17 A. Yes.

18 Q. While also supposedly eating at Cedar Cultural in
19 Minneapolis?

20 A. Yes.

21 Q. While also doing what?

22 A. Also at Dar Al-Farooq in Bloomington, Minnesota.

23 Q. All being submitted as claims to get reimbursed?

24 A. Yes.

25 Q. Is that significant to this investigation?

1 A. Yes. It would appear that the rosters are being
2 replicated across many sites.

3 Q. To support reimbursement claims?

4 A. To support reimbursement, yes.

5 Q. All right. Now let's take a look at some of the names
6 in this, these series of rosters.

7 At the very bottom -- I'll enlarge this here in a
8 second -- among other names in common, do we see the name of
9 Aisha Barakoba?

10 A. Yes.

11 Q. And is that a name you see anywhere in Owatonna school
12 records?

13 A. Yes. All right. I do not see it in the Owatonna school
14 records. I see it in the Owatonna attendance records shown
15 here.

16 Q. Okay. Did you cross reference that name with the school
17 enrollment records for Minneapolis?

18 A. Yes, I made that comparison to the school district
19 records.

20 Q. And did you see that name anywhere in the Minneapolis
21 public school enrollment records?

22 A. I did not.

23 Q. What about Bloomington?

24 A. I made the same comparison to Bloomington School
25 District records, and I did not see that name within those

1 records.

2 Q. And then directly beneath that name of Aisha Barakoba,
3 is there someone with the apparent name of Aisha Barakoed?

4 Do you see that?

5 A. Yes, I do.

6 Q. Did that name appear anywhere in your search of public
7 school records?

8 A. No, it did not.

9 Q. Now, you've testified about the appearance of the
10 wording of Unique Problem in other rosters; is that right?

11 A. Yes.

12 Q. Directing your attention to the bottom of page 3 of
13 Exhibit N-130, does that same language appear on rosters for
14 three different sites at the same time in Owatonna?

15 A. Yes.

16 Q. And this is all for claims for the time period of
17 April 2021?

18 A. Yes.

19 Q. Does that same phrasing Unique Problem, followed by
20 (read comment) in parenthesis, does that also show up in the
21 Dar Al-Farooq roster for claims in April of 2021?

22 A. It does.

23 Q. And then, lastly, does it show up in Exhibit C-419,
24 which is the roster file contained in the records of
25 Partners in Nutrition for April 2021?

1 A. Yes.

2 Q. I'm going to show you another exhibit that's been
3 marked, but has not been admitted into evidence, as
4 Exhibit G-353.

5 And do you recognize that?

6 A. Yes, I do.

7 Q. Is that a copy of records that were produced by Google
8 in this case in response to a warrant?

9 A. Yes.

10 Q. Is that a true and accurate copy of that production of
11 records?

12 A. Yes.

13 MR. EBERT: Your Honor, at this time the
14 government offers Exhibit G-353.

15 THE COURT: Any objection?

16 G-353 is conditionally admitted.

17 BY MR. EBERT:

18 Q. All right. I want to direct your attention to the name
19 of -- the last name of Hester. Is that a name that you have
20 identified in these rosters?

21 A. Yes. Getsaname Hester has been found across many
22 records.

23 Q. And I'm showing you another exhibit that has been
24 marked, but not admitted into evidence. This is
25 Exhibit N-139.

1 And do you recognize that?

2 A. Yes.

3 Q. Is that a copy of a summary chart you created involving
4 this apparent name of Getsaname Hester?

5 A. Yes.

6 Q. And does it summarize a series of exhibits within it?

7 A. Yes.

8 Q. And are those all documented within your summary chart?

9 A. Yes.

10 Q. And does it fairly and accurately summarize the
11 information contained in those underlying exhibits?

12 A. Yes.

13 Q. Would it be helpful to the jury in understanding that
14 underlying data?

15 A. Yes.

16 MR. EBERT: Your Honor, at this time the
17 government offers Exhibit N-139.

18 THE COURT: Any objection?

19 N-139 is admitted.

20 BY MR. EBERT:

21 Q. Okay. So now that the jury is able to see this, I'm
22 going to enlarge the top.

23 You mentioned the name. But now that they can see
24 it, can you explain exactly what we're looking at with
25 Getsaname Hester?

1 A. Yeah. So Getsaname Hester is the name of a child on
2 many of the rosters found across this investigation. And so
3 we took that name Getsaname Hester and searched for it
4 across all the different records that we have. This summary
5 chart shows the instances where that name appears.

6 Q. And to be clear, did you see any indication that this
7 supposed child name appears anywhere in the Minnesota public
8 school records?

9 A. No. Getsaname Hester is not enrolled in any of the 20
10 public school district records that we obtained.

11 Q. And enlarged on the top, do we see a use of that name in
12 Exhibit E-3?

13 A. Yes.

14 Q. And what was that one?

15 A. Yes. There's an email from Mukhtar Shariff to Mahad
16 Ibrahim with an attachment, Food Distribution, Bloomington
17 schools, and that attachment has the name Getsaname Hester
18 within it.

19 Q. And this continues on below. For example, there's
20 another one on March 1st, 2021, with this same Getsaname
21 Hester name, right?

22 A. Yes.

23 Q. Who sent that one?

24 A. Mukhtar Shariff to Mahad Ibrahim.

25 Q. And I'm going to scroll down to the end.

1 How many different entries do you see that are
2 summarized in this exhibit where the name Getsaname Hester
3 appears as a supposed child name?

4 A. 16 entries.

5 Q. And are these in date order?

6 A. Yes, it's chronologically arranged.

7 Q. And some of these are email messages; is that correct?

8 A. Correct.

9 Q. But not all of them are email messages; is that right?

10 A. Correct. Some of the instances were from the -- from
11 rosters directly held by the sponsors.

12 Q. So, for example, enlarged on the screen, do you see 5 at
13 the top?

14 A. Yes.

15 Q. Can you explain what that is?

16 A. Yes. That is a handwritten packet of rosters printed
17 out and obtained from Feeding Our Future search warrants.

18 Q. And does that indicate that that name appeared in FY21
19 for Dar Al-Farooq, May?

20 A. Yes.

21 Q. Beneath that, does the name appear again in Feeding Our
22 Future records for Dar Al-Farooq in June?

23 A. Yes.

24 Q. Followed by FY21?

25 A. Yes.

1 Q. And beneath that, what's another example of the use of
2 this supposed name Getsaname Hester?

3 A. There was an email from Abdi Nur to Mukhtar Shariff,
4 Dar Al-Farooq Attendance for September.

5 Q. And what's the example beneath that one that you just
6 testified about?

7 A. An email from Mukhtar Shariff to
8 claims@feedingourfuturemn.org, with a copy to Abdi Nur, the
9 file Dar Al-Farooq Attendance, September.

10 MR. EBERT: Your Honor, would this be a sufficient
11 time to take a break?

12 THE COURT: Let's keep going.

13 MR. EBERT: Okay.

14 THE COURT: If that's all right.

15 BY MR. EBERT:

16 Q. Now, you're summarizing that each of these entries in
17 Exhibit N-139 involve this, is it fair to say, peculiar name
18 of Getsaname Hester?

19 A. Yes.

20 Q. However, to be clear, is that the only name that appears
21 in common amongst all of the different items that are
22 summarized in Exhibit N-139?

23 A. No. In general, I used the Getsaname Hester as a
24 reference point. There were actually large blocks of names
25 surrounding Getsaname Hester that were also found across

1 these instances.

2 Q. In other words, being used over time?

3 A. Correct.

4 Q. Appearing in different emails amongst some of the
5 parties like we've talked about?

6 A. Correct.

7 Q. As well as in the actual records of the receiving
8 sponsor; is that correct?

9 A. Correct.

10 Q. All in support of claims for reimbursement?

11 A. Correct.

12 Q. All right. I'm showing you another exhibit that has
13 been marked, but not admitted. It's Exhibit N-140.

14 Is that a summary chart you created?

15 A. Yes, it is.

16 Q. And what's at issue in this summary chart?

17 A. Yes. It's a very similar chart to Getsaname Hester, but
18 instead the name Angel Albino was used to identify all the
19 instances where that name appears within records.

20 Q. One name of others; is that correct?

21 A. Correct.

22 Q. And did you create this summary chart in the same way
23 that you just testified with respect to Exhibit N-139?

24 A. Yes.

25 Q. Is it a fair and accurate summary of the underlying

1 data?

2 A. Yes.

3 Q. Once again, these voluminous roster spreadsheets?

4 A. Yes.

5 Q. Would it be helpful to the jury in understanding that
6 data?

7 A. Yes.

8 MR. EBERT: Your Honor, at this time the
9 government offers Exhibit N-140.

10 THE COURT: Any objection?

11 N-140 is admitted.

12 BY MR. EBERT:

13 Q. So, first of all, this name of Angel Albino, did you do
14 any comparisons with school district records concerning that
15 name?

16 A. Yes. I searched for that name within the public school
17 district records, and I was not able to find that name as
18 being a child enrolled.

19 Q. Not in Bloomington?

20 A. No.

21 Q. Not in Minneapolis?

22 A. No.

23 Q. As we go to page 1 of this exhibit, do we see other
24 sites where this name Angel Albino is being submitted in
25 support of a claim?

1 A. Yes. We see Plymouth. We see St. Cloud. We see Apple
2 Valley, Cedar Cultural, Dar Al-Farooq.

3 Q. And did that name show up in locations like Apple Valley
4 or St. Cloud or anywhere else that you looked?

5 A. No, I did not find that name in any of the school
6 district records.

7 Q. And in addition to that name Angel Albino appearing
8 throughout all of these items, once again, did you see other
9 names that recurred throughout them?

10 A. Yes. Again, I saw blocks of names replicated across
11 many of these records.

12 Q. And I'll enlarge some of these.

13 Looking at 11 at the top, this name Angel Albino,
14 was that associated with an email message sent by Abdi Nur
15 on October 20th, 2021?

16 A. Yes.

17 Q. And who was the recipient?

18 A. Mukhtar Shariff.

19 Q. And moving on to other examples, does it appear, for
20 example, in line 17 in yet another email message?

21 A. Yes.

22 Q. And what do we see there?

23 A. We see an email from Abdi Nur to Mukhtar Shariff. And,
24 again, the attachment is for Dar Al-Farooq Attendance,
25 November.

1 Q. And, in total, it appears in 17 different items; is that
2 correct?

3 A. Correct.

4 Q. Significant to this investigation?

5 A. Yes.

6 Q. How so?

7 A. It appears that the name Angel Albino is being used
8 across many different lists across the state, and that name
9 doesn't appear in the school district records.

10 Q. And to be clear, being used in support of claims for
11 reimbursement?

12 A. Yes.

13 Q. Directing your attention to an item that you've
14 prepared. It's marked as Exhibit N-141, which is not in
15 evidence.

16 Do you recognize that?

17 A. Yes. This is a summary schedule that I've prepared in
18 the same way as Getsaname Hester and Angel Albino, except
19 this time I used the name Britishy Melony.

20 Q. Why did you do a summary chart of this name Britishy
21 Melony?

22 A. I saw the name being used across many of the files that
23 I was looking at.

24 Q. And did you prepare N-141 in the same manner as the
25 previous two summaries?

1 A. Yes.

2 Q. And does it accurately summarize the underlying data
3 contained in the summarized exhibits?

4 A. Yes.

5 Q. Would it be helpful to the jury to understand that
6 evidence?

7 A. Yes.

8 MR. EBERT: Your Honor, at this time the
9 government offers Exhibit N-141.

10 THE COURT: Any objection?

11 MR. SAPONE: No objection.

12 THE COURT: N-141 is admitted.

13 BY MR. EBERT:

14 Q. Special Agent Parks, let's take a look at the top. Does
15 it follow the same format as these last two summaries that
16 we've walked through?

17 A. Yes.

18 Q. And, once again, are these in chronological order in
19 which they appear in the evidence?

20 A. Yes.

21 Q. So what was the first instance that we see at the top?

22 A. An email from Abdi Nur to Mahad Ibrahim for the Plymouth
23 site.

24 Q. Dated February 5th, 2021?

25 A. Yes.

1 Q. And is that that Plymouth Academy site in Minneapolis?

2 A. Yes.

3 Q. And after that, are there a series of other email
4 communications that all appear to reference Plymouth?

5 A. Yes.

6 Q. For example, in entry number 3, is that an email from
7 Abdi Nur to Mahad Ibrahim?

8 A. Yes.

9 Q. Dated two days later, February 8th, 2021?

10 A. Yes.

11 Q. And beneath that, what do we see in sections 4 and 5?

12 A. Again, for Plymouth, except in number 4 and 5 it's for
13 the month of February; whereas, in instances 1, 2 and 3 it
14 was for the month of January.

15 Q. But beyond this Plymouth site, do we see rosters
16 involving this supposed Britishy Melony name for other site
17 locations in support of reimbursement claims?

18 A. Yes. We see it also for Apple Valley, Dar Al-Farooq and
19 Cedar Cultural Center.

20 Q. So next enlarged on the screen, what do we see in item 6
21 and 7?

22 A. Emails. Number 6 is an email from Abdi Nur to Kara
23 Lomen with a copy to Abdiaziz Farah. Attachment, Apple
24 Valley Attendance, January through March.

25 And number 7, which is another email dated

1 May 6th, 2021, from Abdi Nur to Abdiaziz Farah, attachment
2 Dar Al-Farooq Attendance, March through April.

3 Q. Britishy Melony. Have you ever met a Britishy Melony in
4 your life?

5 A. I have not.

6 Q. Did you check that name across some of the school
7 districts where these sites are located, for example,
8 Bloomington and Apple Valley?

9 A. Yes, I searched for that name in the school district
10 enrollment records.

11 Q. What did you find out?

12 A. I did not find a Britishy Melony enrolled.

13 Q. Did you do a search across all 193,000 school enrollment
14 names for which investigators have records for Minnesota
15 public schools?

16 A. Yes.

17 Q. What was the result of that?

18 A. I did not find a Britishy Melony enrolled.

19 Q. Does the search continue?

20 A. Yes.

21 Q. Moving on to the next page, what do we see here in
22 items 8 and 9?

23 A. 8 is the Cedar Cultural Center attendance roster
24 obtained from Partners in Nutrition. And then 9 is an email
25 message from Abdi Nur to Kara Lomen, CC Abdiaziz Farah.

1 Attachment, Cedar Cultural Attendance, April through June.

2 Q. And that one is dated July 27th, 2021; is that right?

3 A. Yes.

4 Q. And then in the following entry do we see an email
5 summarized here that's dated October 2nd, 2021?

6 A. Yes.

7 Q. What's that one?

8 A. That's an email from Abdi Nur to Mukhtar Shariff.

9 Attachment, Dar Al-Farooq Attendance, September.

10 Q. And, again, these instances of this recurring use of a
11 person supposedly named Britishy Melony continue on for
12 entry after entry; is that right?

13 A. Yes.

14 Q. All the way until the end here on page 3, what do we
15 see?

16 A. We see an email from Abdi Nur to Mukhtar Shariff with an
17 attachment Dar Al-Farooq Attendance, December. And then we
18 also obtained a Dar Al-Farooq December attendance roster
19 from Feeding Our Future. And in both of those instances
20 Britishy Melony appears.

21 Q. Yet again?

22 A. Yes.

23 Q. All right. Now, I want to direct your attention to
24 Exhibit N-142, which is not admitted into evidence, and have
25 you take a look at that.

1 Is this another summary chart you prepared?

2 A. Yes. It is a summary chart I've prepared, much like the
3 three that I've just talked through, except this time the
4 name Serious Problem.

5 Q. Okay. And did you follow the same steps that you did in
6 the previous two or three summaries we've looked at over the
7 last few minutes?

8 A. Yes.

9 Q. And to be clear, within these are you summarizing
10 voluminous attached rosters?

11 A. Yes.

12 Q. Does it fairly and accurately summarize that
13 information?

14 A. Yes.

15 Q. And would it be helpful to the jury in understanding
16 that evidence?

17 A. Yes.

18 MR. EBERT: Your Honor, at this time the
19 government offers Exhibit N-142.

20 THE COURT: Any objection?

21 MR. SAPONE: No objection.

22 THE COURT: N-142 is admitted.

23 BY MR. EBERT:

24 Q. All right. Special Agent Parks, we've looked at several
25 different examples already today where items like Serious

1 Problem or Unique Problem have appeared?

2 A. Yes.

3 Q. And this is simply a summary of some of that evidence;
4 is that correct?

5 A. Correct.

6 Q. And so what's generally the time frame where you observe
7 Serious Problem appearing in rosters amongst some of the
8 defendants and other parties?

9 A. Serious Problem was the most prevalent name that I found
10 beginning in January of 2021 and I believe going all the way
11 through December of 2021.

12 Q. And starting at that beginning point, you said
13 January 2021?

14 A. Yes.

15 Q. Highlighted, what do you see as entry number 1?

16 A. An email from Mukhtar Shariff to Mahad Ibrahim.
17 Attachment is Food Program Names.

18 Q. And what's the next entry after that?

19 A. An email from Mahad Ibrahim to Abdi Nur. Attachment,
20 Food Program Names.

21 Q. Now, item number 3 is not an email; is that correct?

22 A. Correct.

23 Q. What is that one?

24 A. That is records obtained from Feeding Our Future.

25 Q. Records in support of a claim for reimbursement?

1 A. Yes. With a handwritten title on it, FY21

2 Dar Al-Farooq, Jan.

3 Q. And did these continue in date order after that? So,
4 for example, is the next one an email February 4th, 2021?

5 A. Yes.

6 Q. From whom to whom?

7 A. From Abdi Nur to Mahad Ibrahim. Attachment,
8 Dar Al-Farooq.

9 Q. And then, once again, does that same name appear in
10 Feeding Our Future records as part of claims for
11 reimbursement?

12 A. Yes, it's found with a handwritten title FY21
13 Dar Al-Farooq, Feb.

14 Q. And this use of this supposed child named Serious
15 Problem, does this continue for entry after entry on four
16 pages in this exhibit?

17 A. Yes.

18 Q. So moving on to the second page. Once again, for
19 example, does it appear in entry number 9?

20 A. Yes.

21 Q. And where was it found?

22 A. Feeding Our Future. And it was specifically relevant
23 for March of 2021.

24 Q. And after that entry in 9, where does the name Serious
25 Problem appear with attendance rosters?

1 A. Apple Valley. And then back to Dar Al-Farooq for March
2 through April.

3 Q. And for Apple Valley, what's the date?

4 A. The email was sent on April 27. And the date range
5 included within the attendance roster was January through
6 March.

7 Q. And it's sent to which person?

8 A. It was sent to Kara Lomen.

9 Q. And do you know where Kara Lomen works?

10 A. Partners in Nutrition or Partners in Quality Care.

11 Q. Attached as part of a claim for reimbursement?

12 A. Yes.

13 Q. And then fast-forwarding in time a bit, do we see the
14 name appearing after April for Partners in Nutrition and
15 Apple Valley with being part of a Dar Al-Farooq submission?

16 A. Yes.

17 Q. Directing your attention to entry number 12, what do we
18 see there?

19 A. Entry number 12 is the Dar Al-Farooq May attendance
20 rosters obtained from Feeding Our Future.

21 Q. And we're obviously -- I'm asking you questions about
22 this entry of, quote, unquote, "Serious Problem."

23 But to be clear, is that the only name that
24 appears in common in the rosters that are all summarized in
25 this Exhibit N-142?

1 A. No. There are other names that accompanied Serious
2 Problem that were also shared across many of these same
3 records.

4 Q. That's just an example?

5 A. Yes.

6 Q. All right. You talked about a couple different
7 locations and time periods. Now let's take a look at 13,
8 14, 15.

9 Now, what do we see with respect to this supposed
10 child name of Serious Problem?

11 A. Yes. We obtained the Cedar Cultural Center April
12 attendance roster from Partners in Nutrition. We also
13 obtained the Heather Court March through June attendance
14 roster, also from Partners in Nutrition. In both of those,
15 Serious Problem was present. And, again, those are both
16 sites with purported meal distribution.

17 Q. And the ones in 14 and 15 are located where?

18 A. Cedar Cultural Center is in Minneapolis. Heather Court
19 is located in Owatonna.

20 Q. And what about the items in 15?

21 A. In 15 there are three specific sites, Heather Court,
22 Parkview and Woodbridge. All three of those are located in
23 Owatonna.

24 Q. And who sent the Owatonna ones that are in item 15?

25 A. From Abdi Nur.

1 Q. To which party?

2 A. Mahad Ibrahim.

3 Q. On July 8th, 2021?

4 A. Yes.

5 THE COURT: Mr. Ebert, we can take our break at
6 this time.

7 MR. EBERT: Okay. Thank you, Your Honor.

8 THE COURT: All right. We will return at 3:20.

9 All rise.

10 **IN OPEN COURT**

11 **(JURY NOT PRESENT)**

12 THE COURT: We're in recess. 3:20.

13 (Recess taken at 3:08 p.m. till 3:23 p.m.)

14

15 **IN OPEN COURT**

16 **(JURY PRESENT)**

17 THE COURT: You may all be seated.

18 And, Mr. Ebert, you may continue.

19 MR. EBERT: All right. Thank you, Your Honor.

20 BY MR. EBERT:

21 Q. Special Agent Parks, I want to jump back to something we
22 discussed earlier in your testimony, and this concerns your
23 comparisons of some of the rosters in this case with some of
24 the school districts' enrollment records. Okay?

25 A. Okay.

1 Q. And, specifically, on the left do you see Exhibit E-53?

2 A. Yes.

3 Q. And is that an email message that was sent by Hayat Nur
4 to Abdi Nur?

5 A. Yes.

6 Q. On July 5th, 2021; is that correct?

7 A. Yes.

8 Q. And does the subject indicate, All Names Mines the
9 repetitive ones?

10 A. Yes.

11 Q. And as you testified, there was an attachment included;
12 is that correct?

13 A. Correct. Attachment entitled All Names.

14 Q. And just refreshing everyone's memory, that All Names
15 list from Hayat Nur to Abdi Nur had how many names on the
16 roster?

17 A. 3,027 names.

18 Q. And you compared those 3,000 names to 193,000 school
19 district names of enrollment records in total, correct?

20 A. Yes.

21 Q. And the end result was that 177 of those matched; is
22 that correct?

23 A. That's correct.

24 Q. And did you have occasion to look at some of the names
25 that were listed on this list of 3,027 names from Hayat Nur

1 to Abdi Nur?

2 A. Yes, I looked through the names.

3 Q. And is that -- are there approximately 158 pages of
4 names attached?

5 A. Yes.

6 Q. And as much as we might have liked to go through all of
7 them, I'm just going to jump to one page in particular.

8 Directing your attention to the bottom of page 46
9 and the top of 47, among other names within these 3,027
10 names from Hayat Nur, do we see a family all with the last
11 name, once again, of Doe?

12 A. Yes.

13 Q. Now, you testified before about the appearance of John
14 Doe; is that right?

15 A. Correct.

16 Q. And that was on which roster?

17 A. That was on the Tot Park/Circle Pines roster.

18 Q. In support of a claim submitted by Abdimajid Nur; is
19 that right?

20 A. Yes.

21 Q. And does the name John Doe appear on this list from
22 Hayat Nur?

23 A. It does.

24 Q. Along with several other supposed Doe family members; is
25 that right?

1 A. Yes. There's a Patience Doe and a Flavor Doe.

2 Q. As part of your search of school enrollment records for
3 Minnesota Public Schools obtained in this case, did you see
4 a Flavor Doe or a Patience Doe anywhere?

5 A. I did not.

6 Q. Minneapolis?

7 A. No.

8 Q. St. Paul?

9 A. No.

10 Q. Bloomington?

11 A. No.

12 Q. Willmar?

13 A. No.

14 Q. In any of the 20 districts?

15 A. Correct, I did not see that name within the 193,000
16 school district record names.

17 Q. And just before the break, Special Agent Parks, we were
18 looking at this Exhibit N-142. Do you remember that?

19 A. Yes.

20 Q. And you were walking through the various items where the
21 entry "Serious Problem," quote, unquote, appeared, correct?

22 A. Yes.

23 Q. And I believe your testimony culminated with these two
24 items at the bottom, but just in case I will point them out
25 now.

1 What are the final two entries that are contained
2 in this chronological summary involving Serious Problem?

3 A. Dar Al-Farooq attendance rosters for the month of
4 December 2021.

5 Q. And what's the date in item 26?

6 A. It was an email message sent on January 3rd, 2022.

7 Q. Sent from Abdi Nur to Mukhtar Shariff; is that correct?

8 A. Yes.

9 Q. Copied to Mahad Ibrahim?

10 A. Yes.

11 Q. And what's in item 27?

12 A. Item 27 was the Feeding Our Future records that we
13 obtained. And that was a handwritten packet of information,
14 which included attendance rosters for Dar Al-Farooq for
15 December of '21.

16 Q. All containing?

17 A. Serious Problem.

18 Q. A supposed child?

19 A. Yes.

20 Q. I'm showing you what's in evidence and it's marked as
21 Exhibit C-346. Do you see that?

22 A. Yes.

23 Q. This is yet another email message?

24 A. Yes. This is an email message from Mukhtar Shariff to
25 claims@feedingourfuturemn.org.

1 Q. And beneath that, do you see where it says BCC?

2 A. Yes.

3 Q. Do you have an understanding of what BCC means?

4 A. Yes. It stands for blind carbon copy, which means the
5 individual here, Abdi Nur, would have received the email
6 message, but the claims@feedingourfuturemn.org would not
7 know that that name had received this email.

8 Q. Does Mukhtar Shariff's email have a subject?

9 A. Yes. Claims and invoice, September 2021.

10 Q. And what is the date of Mukhtar Shariff's email message?

11 A. October 21, 2021.

12 Q. Are there attachments to Mukhtar Shariff's email
13 message?

14 A. Yes. There are multiple attachments to this, including
15 Dar Al-Farooq Attendance, September.

16 Q. And did Mukhtar Shariff write a message to
17 claims@feedingourfuturemn.org?

18 A. Yes. He wrote, "Please attached. Thank you."

19 Q. And there are a series of attachments to Mukhtar
20 Shariff's email message, correct?

21 A. Yes.

22 Q. In fact, approximately 140 some pages; is that right?

23 A. Yes.

24 Q. Things like some of these meal counts that we see?

25 A. Yes.

1 Q. For example, on page 4 of this exhibit?

2 A. Yep.

3 Q. And do they continue on to page 5?

4 A. Yes.

5 Q. And 6 as some examples?

6 A. Yes.

7 Q. And are there amounts that are handwritten for these
8 number of meals cited on these forms?

9 A. Yes.

10 Q. What do we see?

11 A. I see 3,500 meals claimed Sunday through Thursday in
12 this example, for a total of 17,500.

13 Q. And you said there were additional examples besides just
14 this particular page, page 6; is that right?

15 A. Yes.

16 Q. And did you have occasion to total those up?

17 A. I did.

18 Q. And do you recall what the total was?

19 A. Yes. It was 92,400 meals.

20 Q. And before we turn to that number, 92,400 meals, I want
21 to direct your attention to some of the other pages that are
22 attached to Mukhtar Shariff's email. Okay?

23 Starting on page 13, do we see an attached
24 attendance roster?

25 A. Yes.

1 Q. Do you know approximately how many names are attached on
2 this attendance roster to Mukhtar Shariff's email?

3 A. Approximately 3,500 names.

4 Q. And is that similar to a number you just testified about
5 a moment ago?

6 A. Yes, that is the same as the weekly meal counts.

7 Q. And did you look at some of the names that were included
8 in this email message from Mukhtar Shariff to Feeding Our
9 Future?

10 A. Yes. I saw many of the same names that we've already
11 gone through.

12 Q. Did you see the name Getsaname Hester, for example?

13 A. Yes.

14 Q. Within these pages, did you see the name Angel Albino?

15 A. Yes.

16 Q. Did you see the name Britishy Melony?

17 A. Yes.

18 Q. What about one of the other names you testified about,
19 Rgian, spelled R-G-I-A-N, last name Pumqr, P-U-M-Q-R?

20 A. Yes.

21 Q. You've testified at length about this recurring entry
22 of, quote, "Serious Problem," unquote; is that right?

23 A. Yes.

24 Q. Did you see that yet again on this email from Mukhtar
25 Shariff to claims@feedingourfuture?

1 A. Yes.

2 Q. Directing your attention to page 143. Is this an
3 invoice that was included in Mukhtar Shariff's email to
4 claims@feedingourfuture?

5 A. Yes.

6 Q. And what date does it indicate it was submitted on?

7 A. It was submitted on October 18, 2021.

8 Q. And it's an invoice for Feeding Our Future; is that
9 right?

10 A. Yes.

11 Q. And in the top left does it indicate ThinkTechAct
12 Foundation?

13 A. Yes.

14 Q. With an Edina address?

15 A. Yes.

16 Q. Under Description, do we see Dar Al-Farooq?

17 A. Yes.

18 Q. Under Quantity, is there a number?

19 A. Yes.

20 Q. What is it?

21 A. 92,400.

22 Q. Did you just testify about that number?

23 A. Yes. That was the total meal claims that was shown
24 before.

25 Q. And then there's a series of dollar amounts on the

1 right; is that correct?

2 A. Yes.

3 Q. Ultimately, on just this one invoice, how much is being
4 claimed in this email from Mukhtar Shariff to
5 claims@feedingourfuture?

6 A. \$489,468.85.

7 Q. And that email message you're testifying about in
8 Exhibit C-346 from Mukhtar Shariff, that was sent on
9 October 21st, 2021; is that correct?

10 A. Yes.

11 Q. Is that also referenced in Exhibit L-8?

12 A. Yes.

13 Q. Corresponding to Count 8 of this indictment?

14 A. Yes.

15 MR. EBERT: Thank you. I have no further
16 questions.

17 THE COURT: Cross-examination. No cross?

18 All right. Thank you.

19 We will take a break at this time.

20 And I will have you step down, sir.

21 **(Witness steps down)**

22 THE COURT: So let me just take a ten-minute break
23 and talk with the attorneys about where we're going next.

24 Thank you.

25 All rise.

1 that if there's any hiccup to that, that we are informed and
2 have enough time to inform the jury. I don't want them to
3 come and then not have their time used.

4 So I am assuming we will be starting with
5 Ms. Roase at 9:00 in the morning. And if we hear
6 differently from you on a motion or something else, then we
7 will address it at that time.

8 MR. ANDREW BIRRELL: When would the court need to
9 have the information?

10 COURTROOM DEPUTY: Some jurors come at 7 a.m.

11 THE COURT: They come at 7.

12 Yeah, we would need to have it this evening.

13 MR. ANDREW BIRRELL: Okay.

14 THE COURT: Okay? All right. Thank you.

15 All right. Ms. Roase, we will see you tomorrow
16 morning then on the stand.

17 All right. Thanks, everyone. Have a good
18 evening. We are in recess.

19 (Court adjourned at 3:40 p.m., 05-20-2024.)

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