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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,)	
)	File No. 22-cr-124
Plaintiff,)	(NEB/DTS)
)	
v.)	
)	
Abdiaziz Shafii Farah(1),)	Courtroom 13W
Mohamed Jama Ismail(2),)	Minneapolis, Minnesota
Abdimajid Mohamed Nur(4),)	Tuesday, May 28, 2024
Said Shafii Farah(5),)	9:11 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 XXIV OF XXX

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

* * *

Proceedings recorded by mechanical stenography;
Transcript produced by computer.

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* * *

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IN OPEN COURT

(JURY PRESENT)

THE COURT: You may all be seated.

Ms. Blackwell is on the stand.

And you are still under oath, ma'am.

LACRA BLACKWELL,

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

THE COURT: Cross-examination.

MR. SAPONE: Yes, Your Honor. Good morning.

THE COURT: Good morning. Mr. Sapone.

CROSS-EXAMINATION

BY MR. SAPONE:

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

A. Good morning. Good. How are you?

Q. Doing well. Nice weekend?

A. Yes. Thank you.

Q. So I'd like to start today where you had ended on
Friday. Do you recall testifying about photographs of a
trip to the Maldives?

A. Yes.

Q. And, by the way, I represent Abdimajid Nur.

And those photographs were presented here in court
on Friday. Yes?

A. Yes.

1 Q. Now, you are a financial person?

2 A. Yes.

3 Q. Forensic accountant?

4 A. Forensic accountant.

5 Q. And you reviewed bank records in connection with this
6 case?

7 A. Yes.

8 Q. Emails and text messages?

9 A. That included.

10 Q. And a Google Drive recording or recordings. Yes?

11 A. Yes.

12 Q. You also made demonstrative aids. Yes?

13 A. Correct.

14 Q. You were trained in the United States?

15 A. I was.

16 Q. Is that Quantico?

17 A. It was.

18 Q. You know from your training and your investigation in
19 this case that that trip was from July 22nd, 2021, to
20 July 28th, 2021. Yes?

21 A. I believe so.

22 Q. Do you know how many hours the flight is from
23 Minneapolis?

24 A. I'm not sure, but I know it takes a long time.

25 Q. Fair to say that one day could be just for travel?

1 A. I believe that's correct.

2 Q. Which means if we subtracted two days on the end, that's
3 five actual days in the Maldives according to that trip
4 plan. Yes?

5 A. Sounds about right.

6 Q. And you know from your investigation that that was
7 Abdi's honeymoon. Yes?

8 A. I did.

9 Q. And he went with his new bride, right?

10 A. I would think so, yes.

11 Q. Well, you saw that he went with a female, right?

12 A. Yes.

13 Q. And you testified about these water huts. Do you recall
14 those huts that were up on the screen?

15 A. Those what? I'm sorry.

16 Q. Water huts. Hut, H-U-T.

17 A. The villas?

18 Q. Yes.

19 A. Yes. Sure.

20 Q. Okay. That's where he stayed with his bride for his
21 honeymoon, right?

22 A. Yes.

23 Q. You testified that he took a seaplane on the trip. Yes?

24 A. The mode of transportation that was quoted in the
25 communications was seaplane, yes.

1 Q. Meaning in order to get to the villa that he was staying
2 in with his bride, he had to take a seaplane, right?

3 A. Right.

4 Q. Because -- and I'm not being smart, but he couldn't
5 drive there, right?

6 A. Correct.

7 Q. Do you know how much he paid for the seaplane?

8 A. I do not.

9 Q. Do you recall him paying \$45 for the seaplane?

10 A. I don't remember that.

11 Q. Are you aware of any evidence that he did not pay \$45
12 for the seaplane?

13 A. No.

14 Q. I'm not saying there's anything wrong with flying first
15 class, but you saw no payment in any credit card statement
16 that Abdi paid first class for that trip with his bride,
17 right?

18 A. I believe that the charges for airline tickets to
19 American Airlines were made from his checking account, not
20 with a credit card.

21 Q. And that was economy or coach, right?

22 A. I can't recall that.

23 Q. So you have certainly no recollection that it was
24 anything other than coach, right?

25 A. I believe it was coach, but I can't -- I don't recall

1 that specifically. It's not something that I looked for
2 specifically. That's what I mean.

3 Q. By the way, you are not testifying as an expert witness,
4 are you?

5 A. I'm testifying as a forensic accountant.

6 Q. A fact witness?

7 A. Correct.

8 Q. And when you testified on direct, there was a video of a
9 bottle popping with the cork flying into the pool. Do you
10 recall that?

11 A. I do.

12 Q. Do you remember the government saying in its opening
13 statement that it was champagne?

14 A. I was not present for the opening comments.

15 Q. You are not saying it was champagne, right?

16 A. I don't know what was in the bottle. It was a bottle.

17 Q. And so you don't know -- I'm sorry?

18 A. It was a bottle.

19 Q. And you don't know whether it was grape juice, because
20 he does not drink alcohol. You wouldn't know that, right?

21 A. I'm pretty sure it was carbonated, because I heard the
22 bottle pop; but other than that, I don't know.

23 Q. So you don't know if it was carbonated grape juice,
24 right?

25 A. I don't know that to be true.

1 Q. Do you know the cost of the bottle?

2 A. No.

3 Q. When you testified at the very beginning of your direct,
4 you testified that Abdimajid Nur was an owner of Empire
5 Cuisine. And then, in fairness, you immediately fixed it,
6 and you said he was not an owner. Do you recall that?

7 A. I do recall that, yes.

8 Q. Just for clarity, was he an owner of Empire?

9 A. No, he was not.

10 Q. But then you said he was not an owner, but he was a
11 signer on the account. Remember?

12 A. I do.

13 Q. And you had a chart. Remember that chart, that
14 demonstrative aid that you were testifying from?

15 A. I do.

16 Q. And that on the demonstrative aid was U.S. Bank checking
17 account, right?

18 A. I believe so.

19 Q. We can agree that Abdimajid Nur was not a signer on the
20 U.S. Bank checking account, right?

21 A. I would have to take a look at that account. There were
22 several accounts opened by Empire entities.

23 Q. So as you are testifying now, you have no recollection
24 that he was a signer on the U.S. Bank checking account,
25 right?

1 A. I know that he was a signer on two Empire accounts.

2 Q. But are you saying it was the U.S. Bank checking
3 account?

4 A. I would have to take a look at the opening documents.

5 Q. You testified about a bank account for The Free Minded
6 Institute. Recall?

7 A. Could you remind me of the context?

8 Q. Sure. Let me ask you this. You are not saying that
9 Abdimajid was a signer on any bank account connected with
10 The Free Minded Institute, are you?

11 A. No.

12 Q. Do you recall testifying about ThinkTechAct?

13 A. I do.

14 Q. He was not a signer on any account to do with -- having
15 to do with ThinkTechAct, correct?

16 A. No.

17 Q. Do you recall testifying about a development project
18 involving an apartment complex?

19 A. I do.

20 Q. I'm not saying there's anything wrong with investing in
21 an apartment complex, but Abdimajid Nur did not invest in
22 that development project for that apartment complex, right?

23 A. His name was not on the documents, no.

24 Q. Do you recall testifying about a \$200,000 and \$300,000
25 wire, two separate wires in those amounts?

1 A. In what context?

2 Q. Just in any. Do you recall that testimony?

3 A. I testified about several wires.

4 Q. And it is not your testimony that Abdi was involved in
5 the 200,000 or \$300,000 wires, correct?

6 A. Could you specify the dates and the originators?

7 Q. If you remember.

8 A. There were several wires. I --

9 Q. So as you testify now, do you have a recollection of
10 which wires Abdi was involved in?

11 A. As an account signer, yes. There were several wires, at
12 least three, that originated from Empire accounts to
13 Nairobi, Kenya.

14 Q. And none were the two I mentioned, correct?

15 A. Could you repeat the amounts, please?

16 Q. 200,000 and 300,000.

17 A. I'd like to know the dates.

18 Q. Do you recall testifying about a Wings check in the
19 amount of \$11,504?

20 A. Wings Financial Credit Union?

21 Q. Yes.

22 A. Yes, I do.

23 Q. And that was for a car payoff, right?

24 A. It was. That's what the memo line said, yes.

25 Q. Now, Abdi was involved in that transaction. Yes?

- 1 A. Yes, he was.
- 2 Q. And he used a Nur Consulting check, right?
- 3 A. I believe so.
- 4 Q. He was the principal of Nur Consulting, right?
- 5 A. Correct.
- 6 Q. He was the only principal of Nur Consulting, right?
- 7 A. Correct.
- 8 Q. He was the only one with signing power for Nur
- 9 Consulting?
- 10 A. I believe so.
- 11 Q. It was his signature on the check, right?
- 12 A. It was his signature.
- 13 Q. Not saying there's anything wrong with U.S. cash
- 14 currency, but he didn't use cash in that transaction, right?
- 15 A. It was a check payment.
- 16 Q. Do you know what a straw man is?
- 17 A. A straw man?
- 18 Q. Have you heard that concept in your work --
- 19 A. I have.
- 20 Q. -- as a forensic accountant?
- 21 A. I have.
- 22 Q. There was no straw man involved in that transaction,
- 23 right?
- 24 A. I don't think so.
- 25 Q. Meaning using someone's name when they have nothing to

1 do with it.

2 A. No.

3 Q. There was no third party used in that transaction?

4 A. No.

5 Q. Nur Consulting had real bank accounts. Yes?

6 A. Correct.

7 Q. In real banks, right?

8 A. Wings Financial Credit Union is also a real bank, yes.

9 Q. Right here in Minneapolis. Yes?

10 A. Correct.

11 Q. It was his signature on that check. Yes?

12 A. It appears that it was his signature. It was not
13 returned for a noncompliant signature.

14 Q. There was no bank in Switzerland or the Cayman Islands
15 involved in the transaction?

16 A. No.

17 Q. It was just bank to bank. Yes?

18 A. Yes.

19 Q. So when you testified regarding that car payoff, you saw
20 no evidence in the financial records of concealment. True?

21 A. Concealment of?

22 Q. He didn't try to conceal his signature or his name or
23 his account in any way, right?

24 A. No.

25 Q. You testified about a \$64,000 check. Recall?

1 A. I do.

2 Q. And that was to Dodge of Burnsville?

3 A. Correct.

4 Q. No proof that Abdi tried to conceal that transaction.
5 True?

6 A. True.

7 Q. You testified about a \$30,000 wire to Farhia,
8 F-A-R-H-I-A, Jewellery, misspelled, in Dubai. Do you
9 recall?

10 A. Yes.

11 Q. And you know that the purchase didn't involve one
12 \$30,000 piece of jewelry, but eight separate pieces, right?

13 A. I don't know that to be true.

14 Q. Do you know it not to be true?

15 A. I know that a payment was made to what appears to be a
16 jewelry store that maintains a presence in Dubai, yes.

17 Q. And you do not know how many pieces of jewelry were
18 purchased, right?

19 A. I do not.

20 Q. Do you know that Farhia is a wholesale jewelry store?

21 A. It could very well be.

22 Q. And did you see evidence that pieces of jewelry were
23 then sold retail after being purchased wholesale?

24 A. Maybe. I don't know that.

25 Q. You testified about a check to Morrie's, M-O-R-R-I-E-S,

1 394 Hyundai. Do you remember that?

2 A. I do.

3 Q. Any evidence of concealment on Abdi's part?

4 A. I don't think so.

5 Q. You testified that Abdi bought Timberwolves tickets,
6 right?

7 A. Yes.

8 Q. Which basketball team do you like?

9 A. The one in Atlanta. Sorry.

10 Q. I like the Timberwolves. Thank you.

11 MR. SAPONE: No further questions.

12 THE COURT: Thank you, counsel.

13 Mr. Cotter.

14 CROSS-EXAMINATION

15 BY MR. COTTER:

16 Q. Good morning.

17 A. Good morning.

18 Q. I represent Mohamed Ismail. Welcome back to the stand.

19 With regard to Mr. Ismail and some of the
20 transactions, you recall testifying, probably Friday --

21 A. It was Friday.

22 Q. -- a transaction involving a payoff of a mortgage? Do
23 you recall that?

24 A. I do.

25 Q. And you recall that that mortgage was obtained or

1 purchased in the year 2014 by Mr. Ismail?

2 A. That is correct.

3 Q. And, to your knowledge, it was not delinquent in any way
4 when it was paid off? There had been regular payments made
5 on that mortgage?

6 A. He was current on payments, yes.

7 Q. And it was with an international bank, U.S. Bank, the
8 mortgage, correct?

9 A. The mortgage was with U.S. Bank, that's right.

10 Q. All right. And you agree that Mr. Ismail, in order to
11 pay that off, had to -- actually went into a store,
12 presented identification and obtained a cashier's check,
13 correct?

14 A. A branch, yes.

15 Q. And then there was a direct transfer of that cashier's
16 check to the mortgage, correct?

17 A. Correct.

18 Q. All right. Similarly, you testified about a couple of
19 wires that were completed by Mr. Ismail. Do you recall
20 that?

21 A. Could you specify them? There was so many.

22 Q. I'll make it more specific. Thank you.

23 Do you recall that about -- excuse me --
24 testifying about a wire that occurred in March of 2021 in
25 the amount of \$199,785 to what appeared to be a company in

1 Jiangxi, China?

2 A. I did not testify to that. I'm generally aware that
3 Mr. Ismail engaged in several foreign wire transfers.

4 Q. Okay. Well, let's just specifically with regard to
5 those, there was a summary chart put up or -- I believe.

6 In any event, those wires were conducted from
7 Mr. Ismail's personal checking account, correct?

8 A. I believe that my testimony did not cover Mr. Ismail's
9 foreign wires.

10 Q. Okay. With regard to the -- well, let's look at -- let
11 me just make sure I'm on the right --

12 With regard to the testimony about the Capital
13 View Properties, Mr. Ismail also was not involved in
14 anything related to the Capital View Properties in Kenya,
15 correct?

16 A. I did not encounter Mr. Ismail's name in the
17 documentation, no.

18 Q. And with regard to -- I believe there was some testimony
19 about a property in Kentucky. Mr. Ismail's name was not
20 directly involved in that transaction, correct?

21 A. No, not directly.

22 Q. In any of your review of Mr. Ismail's accounts, did you
23 see any effort by him to engage in any attempt to conceal
24 what he was doing with his finances, more specifically,
25 multiple wires at one time? Did you see anything like that?

1 A. I do remember that Mr. Ismail signed for one or two
2 vehicles purchased from Boyer Trucks.

3 Q. And those vehicles, you understand, were used in the
4 transportation of food in this case, correct?

5 A. I know that he signed for them as they were purchased by
6 A&E Logistics Inc.

7 Q. Correct. And A&E Logistics Inc. was a company that was
8 involved in transporting food in this case, correct?

9 A. A&E Logistics Inc. seems to be created to be a logistics
10 company.

11 Q. Got it. So I'll go back to my question.

12 Did you see any evidence that Mr. Ismail engaged
13 in -- I'll break it down -- multiple wire transfers at one
14 time to conceal how money was being transferred from his
15 personal accounts?

16 A. I am generally aware that overall Mr. Ismail executed
17 wire transfers of over \$500,000, but I, I did not testify to
18 those.

19 Q. My question was, You don't have any evidence that
20 Mr. Ismail engaged in multiple wire transfers at one time in
21 order to conceal where the proceeds were coming from and
22 where they were going to, correct?

23 A. You are asking me about details about transactions that
24 I did not testify to.

25 Q. So then the answer is no, you don't have any evidence of

1 that, correct?

2 MR. EBERT: Your Honor, I'm going to object as
3 asked and answered.

4 THE COURT: Sustained.

5 BY MR. COTTER:

6 Q. You don't have any indication that Mr. Ismail engaged in
7 any attempt to use a straw purchaser, as he was just
8 described in the previous testimony, to purchase anything,
9 correct?

10 A. As I said earlier, I know that Mr. Ismail signed
11 documents related to the purchase of one or two trucks --

12 Q. The Boyer Trucks. Other than that --

13 A. -- from Boyer Trucks.

14 Q. -- you don't have any indication that he used a third
15 party person to attempt to purchase any real estate or items
16 whatsoever, correct?

17 A. We have not learned that from the investigation, no.

18 Q. All right. And with regard to Mr. Ismail, you didn't
19 see any luxury purchases, for example, of fine jewelry,
20 correct?

21 A. No.

22 Q. You didn't see any purchases of elaborate vacations?

23 A. Actually, Mr. Ismail did travel to --

24 Q. All right. He did travel. And you understand he had
25 family --

1 A. -- with other defendants to Istanbul.

2 Q. Okay. You didn't have any evidence that Mr. Ismail
3 purchased things like lakefront properties, things of that
4 nature, personally, correct?

5 A. No. His residence was, was not a lakefront property,
6 no.

7 Q. In fact, it was a relatively modest townhouse in Savage,
8 correct, that he paid off his mortgage on?

9 A. He did use money from the food program to pay off that
10 mortgage loan. That is correct.

11 Q. My question was, It was a relatively modest townhouse in
12 Savage that he paid off his own mortgage on, correct?

13 MR. EBERT: Object as asked and answered.

14 THE COURT: Overruled.

15 You may answer the question.

16 THE WITNESS: I think "modest" is a relative
17 concept. It depends on, you know, who you compare it to, I
18 mean, what property you compare it to. To some people it
19 may be a very nice home; to others it may be modest.

20 BY MR. COTTER:

21 Q. Fair enough. But it was a home he had already purchased
22 seven years earlier and had a mortgage on, right?

23 A. On which he had made regular payments every month up
24 until the moment that he paid off \$137,000 on.

25 Q. Thank you. I have no other questions.

1 THE COURT: Thank you, counsel.

2 Ms. Kettwick.

3 CROSS-EXAMINATION

4 BY MS. KETTWICK:

5 Q. Good morning, Ms. Blackwell.

6 A. Good morning, Ms. Kettwick.

7 Q. I believe you know this; but along with my co-counsel
8 Michael Brandt, we represent Hayat Nur.

9 For purposes of my questions, I'm going to refer
10 to Hayat Nur as Hayat and her brother Abdimajid Nur as
11 Abdimajid, just to keep them separate. Okay?

12 A. Sounds good.

13 Q. And as long as you are not a Mavericks basketball fan,
14 I'm going to limit my questions to only two topics today.
15 Okay?

16 The first is Abdimajid's Nissan, and then the
17 second is Hayat's vehicle. And I'd like to first start with
18 Abdimajid's Nissan. Okay?

19 A. Yes, go ahead.

20 Q. Could you please pull up J-106, and this is admitted in
21 evidence.

22 I'd just first like to set the stage for a
23 timeline.

24 Could you please go to page 4, Ms. Falk.

25 So page 4 of J-106, this goes over the contract

1 for the loan on the Nissan Altima; is that correct?

2 A. Yes.

3 Q. And it looks like on the top right-hand portion of the
4 page, this was obtained November 11th of 2020. Right?

5 A. Right.

6 Q. Okay. And it looks like there was a \$3,000 down
7 payment, which left approximately \$13,000 left to be paid on
8 this vehicle. That would be the loan portion, right?

9 A. To define it, that is correct.

10 Q. All right. And that was broken up into \$235 monthly
11 installments, approximately, right?

12 A. Right.

13 Q. And Hayat did not put the \$3,000 down on that vehicle,
14 did she?

15 A. I don't believe so.

16 Q. And it looks like this was a used Altima. It had about
17 37,000 miles when it was purchased. Does that look right?

18 A. That's what the odometer mileage field says, yes.

19 Q. Okay. And are you aware that at the time this was
20 purchased Abdimajid Nur was 19 years old?

21 A. Yes.

22 Q. And his sister Hayat, she cosigned the loan, right?

23 A. She did.

24 Q. And he was the one applying for the loan, "he" being
25 Abdimajid, and Hayat was the cosigner; is that right?

1 A. The primary was Abdimajid Nur.

2 Q. And you've reviewed the financial records relating to
3 this vehicle and the loan, correct?

4 A. I did.

5 Q. And you are aware that Abdimajid paid every single car
6 payment, right?

7 A. I believe so.

8 Q. Hayat did not make any car payments towards this
9 vehicle?

10 A. No.

11 Q. And all of the payments, that includes the last payment,
12 which you testified about, that was the \$11,000, \$11,504
13 check, right?

14 A. Right.

15 Q. And this was a check from Nur Consulting, right?

16 A. From Nur Consulting, that's correct.

17 Q. And I believe you just testified about this, but that
18 check from Nur Consulting was signed by Abdimajid, correct?

19 A. Correct.

20 Q. He was the principal of Nur Consulting, you said, right?

21 A. He was.

22 Q. There was no third party used in the transaction, you
23 said, correct?

24 A. Correct.

25 Q. And that means Hayat was not involved in that

1 transaction either?

2 A. She was not.

3 Q. In your work, did you also learn that Abdimajid, when he
4 applied for this loan, opened a savings account with Wings
5 Financial Credit Union?

6 A. Yes.

7 Q. And Hayat was not on the savings account with that,
8 correct?

9 A. I don't believe so.

10 Q. Could you please pull up J-106, page 11.

11 And this is Hayat Nur's driver's license, correct?

12 A. Yes.

13 Q. And it was her valid driver's license?

14 A. At the time, yes.

15 Q. Could you please go to page 15 of J-106.

16 And it looks like this was a pay stub from Hayat;
17 is that correct?

18 A. From Bridges Minnesota, yes.

19 Q. And did you verify with her bank records that she
20 actually got paid? This was a legitimate pay stub?

21 A. Yes.

22 Q. And indeed it was valid, correct?

23 A. It appears so.

24 Q. And she deposited that same amount on this pay stub,
25 \$1,790.38, into her checking account on November 6th of

1 2020, correct?

2 A. I don't recall that specific transaction.

3 Q. Could you please pull up O-129, which is in evidence,
4 and go to page 158.

5 And can you see here about the middle of the page
6 the deposit from Aldrich Boarding of \$1,790.38?

7 A. Yes, I do.

8 Q. Okay. And so that verifies the pay stub she submitted,
9 correct?

10 A. It sure does.

11 Q. All right. Could you please go back to J-106, page 1.

12 All right. And it looks like here on page 1 there
13 was an insurance policy from Progressive for this Nissan
14 Altima?

15 A. Yes.

16 Q. And that was for Abdimajid, correct?

17 A. I see two signatures on the customer signature line.

18 Q. And whose name is on purchaser name?

19 A. The purchaser name lists Abdimajid Nur.

20 Q. Okay. And who paid for the insurance?

21 A. I believe it was Abdimajid Nur.

22 Q. Okay. Do you know who paid for oil changes related to
23 the vehicle?

24 A. The maintenance? Probably also Abdimajid Nur.

25 Q. Okay. Gas for the vehicle?

1 A. I don't recall that.

2 Q. Okay. What about tabs or registration? Do you know who
3 paid for that?

4 A. I don't recall those specific transactions either.

5 Q. Are you aware of any investigation relating to who drove
6 the vehicle?

7 A. I am aware of I believe one 302, one report regarding
8 this specific vehicle, Nissan Altima, 2019 Nissan Altima.

9 Q. Okay. And Hayat Nur did not drive that vehicle, did
10 she?

11 A. I don't believe so.

12 Q. All right. I'd like to switch gears now and talk about
13 Hayat's car. Does she have a car?

14 A. She does have a 2018 RAV4.

15 MS. KETTWICK: Okay. And, Your Honor, I believe
16 the government has stipulated to Exhibits D8-49 and D8-54.

17 THE COURT: Mr. Ebert?

18 MR. EBERT: That's right, Your Honor. No
19 objection.

20 THE COURT: D8-49 and D8-54 are admitted.

21 BY MS. KETTWICK:

22 Q. All right. And can you please pull up D8-49.

23 And, Ms. Blackwell, have you had a chance to
24 review this document?

25 A. I have.

1 Q. Thank you. This is another application for a loan
2 related to this 2018 Toyota RAV4, correct?

3 A. Yes.

4 THE COURT: You don't see it?

5 Thank you.

6 BY MS. KETTWICK:

7 Q. And the person applying for this loan was Hayat Nur,
8 correct?

9 A. I see two applicants.

10 Q. Okay. And the second applicant, do you know who that
11 is?

12 A. I believe it is Ms. Nur's brother.

13 Q. Her older brother? And do you know how old she was when
14 she applied for this vehicle?

15 A. I don't recall --

16 Q. Okay.

17 A. -- her age.

18 Q. Would you have any reason to dispute she was 21 years
19 old?

20 A. I mean, if you show me the driver's license again, it
21 would be quick and easy math, but I believe that's correct.

22 Q. Okay. And did you verify any of the payments on this
23 vehicle to Hayat's bank records?

24 A. Yes.

25 Q. Okay. And she made the payments on this vehicle,

1 correct?

2 A. I could see three payments, yes.

3 Q. Only three payments or you just -- that's what you
4 looked for?

5 A. That's what I recall, specifically the last one that was
6 captured in the bank records that I reviewed of about \$3,000
7 in August 2021, which I was able to trace to Federal Child
8 Program Fund.

9 Q. Was that on the summary chart you talked about earlier?

10 A. It was not because I did not create a summary chart for
11 her RAV4.

12 Q. Okay. And before I gave you those exhibits, were you
13 aware she had this vehicle?

14 A. I was generally aware she had another vehicle, yes.

15 Q. Okay. So you did do some investigation into the vehicle
16 she drove?

17 A. Absolutely.

18 Q. Were there any documents you obtained in gathering that
19 information?

20 A. No.

21 Q. So you found out this information, but did not gather
22 any documents?

23 A. They were already available.

24 Q. What was available?

25 A. The \$3,000 payment that I just mentioned.

1 Q. I'm asking about the information about the car.

2 A. No.

3 Q. So what did you learn about the car in your
4 investigation?

5 A. That it belonged to Ms. Nur.

6 Q. But you didn't gather any paperwork about it?

7 A. It was not something that we focused on specifically,
8 no.

9 Q. Okay. So the vehicle she drove and owned you did not
10 focus on. Is that what you are saying?

11 A. It was not a money laundering count, so, no, I did not
12 focus on it.

13 Q. Okay. And are you aware, when she applied for this
14 vehicle in 2018, she put \$15,000 down to purchase the
15 vehicle?

16 A. Yes.

17 Q. And she made payments from 2018 to when she paid it off;
18 is that correct?

19 A. I believe so.

20 Q. And she's still driving that vehicle today?

21 A. I don't know that.

22 Q. Because that wasn't your investigation, right, what she
23 was driving?

24 A. No.

25 Q. Okay. And back to the Nissan Altima, do you have any

1 evidence whatsoever that Hayat did anything related to the
2 Nissan Altima, other than cosign the loan?

3 A. She assumed the financial obligations. She was a
4 cosigner and a co-owner. And her name also appears on the
5 vehicle registration records. So other than that, no.

6 Q. But that was by applying for the loan, correct, that she
7 assumed?

8 A. Yeah.

9 Q. Thank you.

10 MS. KETTWICK: No further questions.

11 THE COURT: Thank you, counsel.

12 Mr. Goetz.

13 MR. GOETZ: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. GOETZ:

16 Q. Good morning, Ms. Blackwell.

17 A. Good morning.

18 Q. Frederick Goetz. We met last week.

19 I want to ask you a few questions about your
20 background, if that's okay, just to find out a bit more how
21 you developed your expertise as a forensic accountant.

22 Okay?

23 A. Sure.

24 Q. So as I understand, you began your training in forensic
25 accountancy in Romania; is that right?

1 A. No.

2 Q. Okay. But you were --

3 A. In the U.S.

4 Q. Okay. That's helpful. You did mention you worked for
5 the Romania National Police; is that right?

6 A. I did.

7 Q. Okay. Was that under the Ceausescu regime or
8 afterwards?

9 A. It was afterwards.

10 Q. Okay. And I don't mean to date you or anything like
11 that, but Ceausescu was a former leader of Romania. But you
12 worked for the National Police after that regime was gone;
13 is that right?

14 A. Yes.

15 Q. When did you work for the Romania National Police then?

16 A. Between 1999 and 2011.

17 Q. And what was your role with the Romania National Police?

18 A. From 1999 to 2006, 2005, 2006, I worked for the fraud
19 investigations service. I was a financial crimes
20 investigator.

21 And then from 2006 all the way through 2011 I
22 worked with the Office of International Affairs, also for
23 the Romania police, dealing mainly with organized crime
24 cases and related issues.

25 Q. Now, as I recall, you have legal training. You are a

1 law school graduate in Romania?

2 A. Correct.

3 Q. So was your work for the Romania National Police, was it
4 in sort of a legal capacity as a legal analyst?

5 A. I was an investigator.

6 Q. Okay. All right. Without any formal training in
7 accountancy, did that come when you moved to the U.S.?

8 A. I did take accounting classes in college.

9 Q. In Romania?

10 A. Yes.

11 Q. Okay. But it is since you've come to the United States
12 in 2011 that you have gained your expertise in forensic
13 accountancy; is that right?

14 A. Correct. I'm also a certified fraud examiner.

15 Q. Okay. And is that certification also in the
16 United States?

17 A. Yes. It is maintained with Association For Certified
18 Fraud Examiner Board.

19 Q. Do you have any international certifications in fraud
20 investigation or examination?

21 A. Other than the certified fraud examiner qualification.

22 Q. Okay. So let's talk then about something specific with
23 this case. All right? Let's first look at N-135a, please.

24 And this is a demonstrative exhibit, but is this
25 something that you prepared?

1 A. Yes.

2 Q. And the theory behind this chart is that Partners in
3 Nutrition funds flowed into the Afrique Hospitality Group
4 project. In a nutshell, is that what the theory behind this
5 chart is?

6 A. It's not a theory. It's a fact.

7 Q. Well, that's what your testimony is, right?

8 A. Correct.

9 Q. Okay. You understand you are here to answer questions
10 to explore the basis of what you testified to last week,
11 right?

12 A. Of course.

13 Q. Okay. So, as I understand it, as we look at this, your
14 testimony is that we start with Partners in Nutrition funds
15 between October 15 and November 20 of 2021, totaling
16 \$1,170,155.53, correct?

17 A. Correct.

18 Q. And those are the food program funds, correct?

19 A. They are.

20 Q. And your theory or fact, as you claim, is that that
21 money flowed to Mahad Ibrahim and the ThinkTechAct
22 Foundation, correct?

23 A. Correct.

24 Q. And your further theory or fact, as you claim, is that
25 484,000 of those dollars on November 18, 2021, flowed to

1 Empire Cuisine & Market. Is that right?

2 A. That is correct.

3 Q. And your theory or fact is that of that money, almost
4 six, seven weeks later, \$240,075 on January 5, 2022, went
5 from Empire Cuisine & Market to West Title and there into
6 the Afrique project. Do I have that correct?

7 A. You do.

8 Q. Can we look at O-20, please.

9 So these are the Afrique Hospitality Group bank
10 records. You've looked at these, along with other
11 documents, in forming the basis for your testimony; is that
12 right?

13 A. Correct.

14 Q. And if we could go to page 116. And could you please
15 highlight the sixth entry from January 14 of 2022, the
16 second of these, please.

17 So this shows from the Afrique Hospitality Group
18 bank records that there was a withdrawal on January 14,
19 2022, in the amount of \$447,102.42 from Afrique to Empire
20 Enterprises LLC. That's what that shows, right?

21 A. It does.

22 Q. Back to N-135a, please.

23 So nine days after you have the money from Empire
24 Cuisine & Market, there was money going out from the Afrique
25 project in the amount of four -- well, 447,000, correct?

1 A. Yes.

2 Q. But you didn't put that on your chart, did you?

3 A. No, I did not.

4 Q. Take that down, please. And if we can look at N-135b.

5 So this is another chart that you prepared,
6 correct?

7 A. Correct.

8 Q. And, again, the theory or, as you term it, fact is that
9 ultimately food program money flowed into the Afrique
10 Hospitality Group project, correct? That's what you are
11 trying to show here.

12 A. Overwhelmingly.

13 Q. Ms. Blackwell, listen to the questions carefully and try
14 to just answer my questions. Okay?

15 A. I'll do my best.

16 Q. This is what you were trying to show here, correct? Is
17 that a "yes"?

18 There's no button to record nods of the heads. I
19 thought you nodded your head. I just wanted the record
20 to reflect --

21 A. I'm sorry. Could you restate the question?

22 Q. Sure. What you are trying to show in this chart here is
23 that funds, federal program funds, federal food program
24 funds flowed into the Afrique Hospitality Group project,
25 correct?

1 A. What I'm trying to show here is what sources the funds
2 come from.

3 Q. Correct. And ultimately the reason you are on this
4 witness stand in this case is that those sources are federal
5 food program sources, right?

6 A. As they are shown on the very top of the chart, yes.

7 Q. Right.

8 A. The sources are Feeding Our Future and Partners in
9 Nutrition, which are sponsors of the Federal Child Nutrition
10 Food Program.

11 Q. Right.

12 A. You are correct.

13 Q. Okay. We're on the same page.

14 So let's look at M-6, please.

15 So this is another chart prepared by your
16 colleague Ms. Roase in the back of the courtroom here. Have
17 you seen this before?

18 A. Yes, I have.

19 Q. This is a chart showing sources and uses of funds. And
20 this is related to the Afrique Hospitality Group LLC
21 account. Do you see that?

22 A. I do.

23 Q. And one of the sources in this exhibit, this chart --
24 you see the line Investment Income?

25 A. I do.

1 Q. \$886,000, correct?

2 A. Correct.

3 Q. There's been testimony that was not food program money.
4 Would you agree with that?

5 A. I would agree with that.

6 Q. Thank you. Take that down, please.

7 A. May I?

8 Q. I'm sure Mr. Ebert can ask you any questions if he wants
9 to clarify. All right?

10 A. It was related to the chart that you showed, so that's
11 why.

12 Q. That's okay. Sorry. I don't want to lose my train of
13 thought.

14 A. That's okay.

15 Q. Have you always, in terms of your career in accountancy,
16 have you always worked in the public sector? Have you ever
17 worked in the private sector?

18 A. I have not worked in the private sector.

19 Q. Okay. Have you ever been involved in a commercial
20 build-out project?

21 A. Personally, no.

22 Q. Okay. Do you know the concept of a landlord improvement
23 allowance?

24 A. Yes, I do.

25 Q. All right. Correct me if I am wrong, but in a

1 commercial build, if the tenant negotiates a lease with a
2 landlord, there might be a provision in that lease wherein
3 the landlord will make a contribution to the cost of capital
4 improvements, renovations, et cetera, for the space. That's
5 how it works, right?

6 A. Correct.

7 Q. And in the lease agreement the landlord might agree to
8 kick in X amount of dollars towards the cost of that
9 build-out, right?

10 A. Right.

11 Q. Okay. Are you aware that in the case of Afrique
12 Hospitality Group the landlord agreed to at least 300,000 in
13 tenant improvement allowance for the space for 1701 American
14 Boulevard East?

15 A. Yes, I am.

16 Q. Okay. That landlord improvement allowance, that wasn't
17 included on your chart as a source of funds, was it?

18 A. No, it was not.

19 Q. The investment income, that was not included on your
20 chart as a source of funds, was it?

21 A. It was not because it didn't need to.

22 Q. Your question was it was not -- your answer was it was
23 not. And you've answered the question.

24 A. Sure.

25 Q. Okay. Thank you.

1 So money. I want to talk about money for a
2 second. Money is fungible, right?

3 A. It is.

4 Q. So if you put a pot of money together from multiple
5 sources, just looking at the funds itself, you are not going
6 to be able to tell what money came from where, correct, if
7 it's all pooled together?

8 A. If it comes at the same time, no.

9 Q. And I believe the -- so when you did your source
10 analysis in the case, you applied a methodology, correct?

11 A. Correct.

12 Q. And the methodology that you chose to use in this case
13 was first-in, first-out or FIFO, correct?

14 A. Correct.

15 Q. There's other -- under GAAP, general accounting
16 principles. So there's other methodologies that you could
17 have applied, for example, LIFO, last-in, first-out,
18 correct?

19 A. Correct.

20 Q. But using your analytical experience and training, you
21 chose to use FIFO to conduct the source analysis in this
22 case, right?

23 A. Correct.

24 Q. So if I had a pot of money, all right, \$1600 say -- I'm
25 just picking a number at random -- and half of that money,

1 \$800, came from the Federal Child Nutrition Program. Okay?
2 And the other half, the other 800 came from, say, an
3 investment. Somebody gave me \$800 to invest. And I had a
4 project, and that project costs \$732.

5 You are not going to be able to tell where that
6 money came from, whether that was investment income or
7 Federal Child Nutrition Food Program funds, correct?

8 A. Yes, I am. I am able to, I am able to tell. If the
9 investment came in first, then the source of the funds for
10 the project that you describe, 732, is the investment money.

11 Q. Under FIFO, correct?

12 A. Under first-in, first-out. First dollars deposited into
13 the account gets spent first.

14 Q. Sure. But if you took, say, a LIFO approach, last-in,
15 first-out, your result is going to be completely different,
16 right?

17 A. It could be; but based on the underlying facts of the
18 case, this was the most appropriate method to use.

19 Q. That wasn't my question. I was talking about my pot of
20 money. Okay?

21 You are aware that the Federal Child Nutrition
22 Program is a reimbursement program, correct?

23 A. Correct.

24 Q. So if an entity used money to purchase food for meals
25 that were distributed to children, that entity would be out

1 the money, correct, until they were reimbursed ultimately --
2 I won't go through the chain; the jury is familiar with
3 that -- until ultimately they were reimbursed the cost of
4 those meals. That's how it works, right?

5 A. This is how it's supposed to work, yes.

6 Q. So the entity would have to carry that financial
7 responsibility until they're reimbursed and then their
8 coffers are replenished, so to speak, correct?

9 A. That's how reimbursement works.

10 Q. Looking back to 0-20, if we could pull that up, did
11 you -- how carefully did you review these bank records from
12 Afrique Hospitality Group? Did you review these records?

13 A. I would say pretty carefully.

14 Q. Okay. And I'm just trying to short-circuit things, make
15 things a little more efficient.

16 Did you note that between the period when this
17 account was opened and the end of June of 2021 that Afrique
18 Hospitality Group spent \$135,821.18 towards Sysco?
19 S-Y-S-C-O. Did you see that?

20 A. I would have to take a look at the chart, but I believe
21 you are generally correct.

22 Q. Okay. And if that money was all spent on food that was
23 distributed under the Federal Child Nutrition Program to
24 children, then that would be a reimbursable expense, would
25 it not?

1 A. I would think so, yes.

2 Q. So let's look at J-178, please.

3 So this was a document you went through with
4 Mr. Ebert last week; but I believe your testimony last week
5 was that if we look at the Afrique Hospitality Group
6 project, the total cost of that project was about
7 \$1.9 million. Does that sound right?

8 A. I believe in the end it exceeded that amount, but as of
9 June 2021, yes, this was, this was the amount disbursed for
10 the project.

11 Q. And we see that amount -- if we could just blow that up,
12 the Posted Receipts. That's where that 1.9 million comes
13 from; is that right?

14 A. Correct.

15 Q. Thank you.

16 So we've had a lot of talk in this case about
17 sources and uses. And I want to look at this document
18 because it does give us, in essence, that, right? It gives
19 us sources of funds and then uses of funds relative to the
20 Afrique Hospitality Group project, correct?

21 A. Correct.

22 Q. In this document we have the word "receipts" and
23 "payer." So "receipts," that would be in this case
24 synonymous with "sources," correct?

25 A. Correct.

1 Q. Now, if we could just blow up the top few lines under
2 "Receipts."

3 So the first receipts from this project come from
4 Bridgewater Bank. Did you do any investigation to determine
5 whose bank account that was?

6 A. I know whose bank account that was.

7 Q. Whose bank account was it?

8 A. The owner, the landlord of the property.

9 Q. And the money from that account is not Federal Child
10 Nutrition Program funds, are they?

11 A. It is not.

12 Q. As far as you know?

13 A. It is not.

14 Q. Thank you.

15 And so to begin with, entry after entry after
16 entry, payment after payment after payment is from the
17 Bridgewater Bank, the landlord's account, correct?

18 A. Until January 22, yes.

19 Q. And that's where we have Afrique Hospitality Group for
20 two payments, correct?

21 A. Correct.

22 Q. And I'll come back to those.

23 But after we see the two from Afrique, again we
24 have Bridgewater Bank.

25 Could you just highlight that, please?

1 And, again, this is money from the landlord,
2 right?

3 A. Yes.

4 Q. And then go below that, please.

5 The next several entries are from an entity 1701
6 American Blvd LLC.

7 And if we could take a look, just to digress for
8 one second, let's look at J-176.

9 So this document is in evidence. It tells us who
10 1701 American Blvd LLC is, correct?

11 A. Correct.

12 Q. You okay?

13 A. I was drinking water. Yes, I'm fine.

14 Q. Okay. I know sometimes --

15 A. I'm fine.

16 Q. So the entities in this LLC, we have a number of names
17 at the top paragraph. These are all individuals and
18 entities affiliated with the ownership of that building,
19 right?

20 A. Correct.

21 Q. So 1701 American Blvd LLC is sort of another name for
22 this landlord group, if you will, generally speaking,
23 correct?

24 A. That is correct.

25 Q. So any money, would you agree, that comes from

1 1701 American Blvd LLC is not Federal Child Nutrition
2 Program money.

3 A. It is not.

4 Q. Thank you.

5 Going back to J-178. So let's look at these
6 Afrique Hospitality Group LLC then.

7 So the total amount from these two payments that
8 we see was put into the project by Afrique Hospitality Group
9 LLC appears to be, according to this document, \$440,075.42;
10 is that right?

11 A. That's correct.

12 Q. Thank you.

13 Now let's go to a different topic. I want to look
14 at J-177.

15 And this relates again to the Afrique Hospitality
16 Group project, but this is a -- correct me if I'm wrong, but
17 this is a contract that was entered into by Afrique
18 Hospitality Group and the Design Firm who, you know, did the
19 concept and the layout and the design for the Afrique
20 project; is that right?

21 A. It's a contract for architectural services, yes.

22 Q. And if we look to page 3, please.

23 The owner of Afrique Hospitality Group is listed
24 as Mahad Ibrahim, CFO. Do you see that?

25 A. I do see this spelled out Mahad Ibrahim, CFO, and

1 signature, yes.

2 Q. And the owner, if we looked at page 14, of Afrique
3 Hospitality Group, the signature under that is electronic
4 this time, but, again, it's Mahad Ibrahim, CFO, correct?

5 A. Chief financial officer, yes.

6 Q. And the owner Mahad Ibrahim, Afrique Hospitality Group,
7 also on page 21. If we can look at that. Same thing,
8 right?

9 A. Same thing.

10 Q. So as far as this document tells us, in these three
11 instances Mahad Ibrahim is the owner or an owner of Afrique
12 Hospitality Group.

13 A. As chief financial officer, it makes sense to enter into
14 financial -- to make financial decisions and sign financial
15 documents, yes.

16 Q. Because that's what a CFO does, right? They are
17 responsible for the financial operations of a company.

18 A. I believe so.

19 Q. And that's what Mr. Mahad Ibrahim's general duties and
20 responsibilities would have been as CFO of Afrique
21 Hospitality Group, right?

22 A. Correct.

23 Q. Now, if we look at page 22, this time we have Mukhtar
24 Shariff as CEO, correct?

25 A. Correct.

1 Q. And page 24, Mukhtar Shariff without any title, correct?

2 A. No title.

3 Q. And, lastly, page 25, this time the name Mohamed Omar
4 appears as owner with the title Chairman, correct?

5 A. Correct.

6 Q. Thank you.

7 Can we look at P-3? Do you recognize this
8 individual?

9 A. I do.

10 Q. It's Mahad Ibrahim, right?

11 A. That is Mr. Mahad Ibrahim, yes.

12 Q. And the photo gallery that Mr. Ebert showed you last
13 week included Mr. Ibrahim, correct?

14 A. Correct.

15 Q. But he's not one of the defendants in this courtroom
16 today, is he?

17 A. Today is not Mr. Ibrahim's day in court, no.

18 Q. Right. Let's look at a different topic now. If we can
19 look at L-15.

20 So this is a check that you testified to. It's a
21 cashier's check, and the jury is familiar with it. We've
22 had another witness testify from Bank of America.

23 But this is from the Afrique Hospitality Group
24 checking account to an individual Ikram Mohamed, correct?

25 A. Correct.

1 Q. In the amount of \$250,000, correct?

2 A. \$250,000.

3 Q. And the remitter is Mukhtar Mohamed Shariff, right?

4 A. Yes.

5 Q. Now, you note the date the check is drawn, June 9 of
6 2021. Do you see that?

7 A. I do.

8 Q. Did you note that the date the check was negotiated or
9 deposited was August 5 of 2021?

10 A. Correct.

11 Q. All right. If we can, what is not in evidence, but for
12 the witness only, Government's Exhibit O-219. Have you
13 reviewed these records from Bank of America --

14 A. Yes.

15 Q. -- as part of your analysis in this case?

16 And you understand these to be records obtained by
17 the prosecution team as part of its investigation?

18 A. Yes.

19 Q. And if we can jump to the last page. You noted the
20 certification from the custodian that these are true and
21 correct copies of records kept in the ordinary course of
22 business by Bank of America? Did you note that?

23 A. By Bank of America, correct.

24 MR. GOETZ: I would offer Government's
25 Exhibit O-219, Your Honor.

1 MR. EBERT: No objection.

2 THE COURT: O-219 is admitted and may be
3 published.

4 BY MR. GOETZ:

5 Q. So if we can go first to page -- well, first of all, can
6 we just highlight at the bottom the date, the date of the
7 signature, when the account was opened? Maybe just blow
8 that up.

9 So this would indicate that the account was opened
10 on or about August 5 of 2021 by Ikram Yusuf Mohamed. Would
11 you agree with that?

12 A. I would.

13 Q. And if we could look to page 16, please. I'm sorry.
14 One up.

15 So this for context -- we're going to have to go
16 up one more page. So this is the \$250,000 check we were
17 just looking at, correct?

18 A. Yes.

19 Q. So we're all on the same page here now, this is a copy
20 of the check appearing in Ms. Mohamed's bank account records
21 with Bank of America, right?

22 A. On the deposit side, sure.

23 Q. On the deposit side. Thank you.

24 And going to the next page, that was negotiated as
25 we saw August 5, 2021. Fits with the opening of this

1 account, right?

2 A. Yes.

3 Q. And if we could please go up to page 13.

4 Did you note that there was a check, cashier's
5 check taken out by Ikram Yusuf Mohamed on April 9, 2022, to
6 the Afrique Hospitality Group?

7 A. Yes.

8 Q. And it says "loan repayment," correct?

9 A. Correct. This is what the document says.

10 Q. All right. Thank you.

11 Let's go to my last topic I want to cover with
12 you. It's about those purchases of those trucks from Boyer
13 Ford.

14 A. Sure.

15 Q. Okay? Are you from the -- you are not from the Twin
16 Cities, are you?

17 A. I think we established that.

18 Q. No, I wasn't -- I knew you were a Hawks fan, but I --
19 Atlanta Hawks, but I wasn't sure if you lived -- so you live
20 in Atlanta; is that right?

21 A. I did. I worked for the Georgia Bureau of
22 Investigation, so that means I lived in Atlanta.

23 Q. Okay. All right. The only reason I ask is because Bill
24 Boyer Ford has been around a heck of a long time. You are
25 not independently familiar with that, are you?

1 A. No.

2 Q. Okay. So they're a big Ford dealership. And your
3 testimony here concerned a few of their trucks, starting
4 with J-120.

5 Mr. Mukhtar -- have you reviewed all of the
6 documents or the pages in this Exhibit J-120?

7 A. I did.

8 Q. Mukhtar Shariff's signature doesn't appear anywhere in
9 connection with this purchase of this vehicle, does it?

10 A. I don't believe so. I believe only Mr. Abdiaziz Farah
11 and Mr. Mohamed Ismail's signatures are.

12 Q. And if we can just scroll down.

13 A. There should be an invoice. There should be more
14 documents.

15 Q. Stop there. This is not a check from Afrique
16 Hospitality Group, is it?

17 A. No.

18 Q. Not a check from A&E Logistics, is it?

19 A. It is not.

20 Q. We can scroll down. So let's look at J-121.

21 And, again, these are documents associated with
22 the purchase of another truck from Boyer Trucks?

23 A. Two trucks, actually, yes.

24 Q. Thank you. Two trucks.

25 Mr. Mukhtar Shariff's name does not appear on the

1 first page of this document, does it?

2 A. It does not.

3 Q. If we go then to the next page. His name doesn't appear
4 on this page, does it? Mukhtar Shariff? We don't see that?

5 A. No.

6 Q. Next page. Keep going.

7 This is not a check from Afrique Hospitality
8 Group, correct?

9 A. It is not.

10 Q. It is not a check from A&E Logistics, is it?

11 A. Not at all.

12 Q. Let's go to 122, J-122, please.

13 And, again, Mr. Mukhtar Shariff's signature does
14 not appear on the purchase documents associated with these
15 trucks, does it?

16 A. No.

17 Q. Next page. Again, the check is not from A&E Logistics,
18 correct?

19 A. It is not.

20 Q. And it's not from Afrique Hospitality Group, correct?

21 A. Nope.

22 Q. And the last thing I want to cover with you then --
23 thank you -- Mr. Ebert showed you Government Exhibit O-49.
24 These are bank records concerning the A&E Logistics account.

25 And here we do see the name Mukhtar Mohamed

1 Shariff, correct?

2 A. Correct.

3 Q. And while Mr. Ebert asked you questions about this
4 document in the context of those Bill Boyer Ford truck
5 purchases, no money came out of this account for the
6 purchase of any of those trucks, did it?

7 A. Correct.

8 Q. Thank you.

9 MR. GOETZ: No further questions.

10 THE COURT: At this time we're going to take our
11 morning break, and we will return at 10:45.

12 All rise for the jury.

13

14

IN OPEN COURT

15

(JURY NOT PRESENT)

16

THE COURT: 10:45, everyone. Thanks.

17

(Recess taken at 10:23 a.m. till 10:48 a.m.)

18

19

IN OPEN COURT

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(JURY PRESENT)

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THE COURT: You may all be seated.

22

Mr. Ebert, redirect.

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MR. EBERT: All right. Thank you, Your Honor.

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REDIRECT EXAMINATION

BY MR. EBERT:

Q. Good morning, Ms. Blackwell.

A. Good morning.

Q. You were asked a number of questions this morning. I want to circle back first to some items you were asked about by Mr. Sapone on behalf of his client Abdimajid Nur.

A. Okay.

Q. First of all, do you recall you were asked about wire transfers involving Abdimajid Nur?

A. Yes.

Q. And I want to show you what has been -- I want to show you what has been marked, but not admitted, as Exhibit L-29.

And do you recognize that, Ms. Blackwell?

A. I do.

Q. What is that?

A. This is a wire transfer of \$206,428 on June 1st, 2021, from the account of Empire Enterprises to Capital View Properties in Nairobi, Kenya.

Q. And is this a true and correct copy of a portion of bank records obtained in the investigation?

A. It is.

MR. EBERT: Your Honor, at this time the government offers L-29 into evidence.

THE COURT: Any objection?

1 MR. SAPONE: No objection.

2 THE COURT: L-29 is admitted.

3 MR. EBERT: Thank you, Your Honor.

4 BY MR. EBERT:

5 Q. All right. Now that the jury can see it, I just want to
6 focus in at the very top.

7 First of all, what is the dollar amount?

8 A. \$206,428.

9 Q. And at the top, who is the party making this payment?

10 A. Empire Enterprises.

11 Q. And do we see a date for this wire transfer?

12 A. We do. It is June 1st, 2021.

13 Q. And at the bottom what's the receiving beneficiary?

14 A. The beneficiary is Capital View Properties Limited in
15 Nairobi, Kenya.

16 Q. Thank you.

17 Now, I'm showing you what's in evidence as
18 Government Exhibit O-11. Do you recognize that?

19 A. I do.

20 Q. What is this?

21 A. These are account opening records for the opening of
22 Empire Enterprises LLC at Old National Bank.

23 Q. And do we see two signers for this account?

24 A. We do.

25 Q. Who are they?

1 A. Abdiaziz Farah and Abdimajid Mohamed Nur.

2 Q. And is there a date on when this account was opened?

3 A. Yes.

4 Q. Directing your attention to the very first page of
5 Exhibit O-11.

6 A. Oh, absolutely. It is April 6, 2021, the top left.

7 Q. April 6, 2021?

8 A. Correct.

9 Q. And then on page 4, do we see the names and signatures
10 of the account?

11 A. Yes.

12 Q. Signatories. What do we see?

13 A. Authorized signers, Abdiaziz Farah and Abdimajid Mohamed
14 Nur.

15 Q. Now, a moment ago you just testified about an
16 Exhibit L-29, a wire transfer; is that right?

17 A. Correct.

18 Q. At the time that wire transfer was sent to Capital View
19 Properties, who were the two signatories on that account?

20 A. Both Abdiaziz Farah and Abdimajid Mohamed Nur.

21 Q. And L-29, does that correspond with Count 29, a money
22 laundering count in the indictment?

23 A. It does.

24 Q. Were these two individuals also signatories when the
25 wire occurred in L-25?

1 A. L-25 being?

2 Q. Up on the screen is Exhibit L-25. Is this another wire
3 transfer?

4 A. Yes. Given the fact that the wire is dated August 10,
5 2021, the answer is yes.

6 Q. Thank you.

7 I want to direct your attention to Hayat Nur. You
8 were asked a series of questions about a Nissan Altima. Do
9 you recall that?

10 A. I do.

11 Q. Showing you Exhibit J-103, is this a Department of
12 Public Safety record concerning that vehicle?

13 A. Yes, it is.

14 Q. And are there individuals listed as owner of the
15 vehicle?

16 A. Yes, there are two individuals listed.

17 Q. Who is listed?

18 A. Abdimajid Mohamed Nur and Hayat Mohamed Nur.

19 Q. And is it that vehicle, the Nissan Altima, that's the
20 subject of Count 34 in the indictment?

21 A. It is. It's the 2019 Nissan Altima.

22 MR. EBERT: Could I have one moment, Your Honor?

23 THE COURT: You may.

24 BY MR. EBERT:

25 Q. And next I want to ask you a few questions about Mukhtar

1 Shariff and Afrique. Okay?

2 A. Okay.

3 Q. First of all, do you recall that Mr. Goetz asked you
4 about approximately \$886,000 in investment money?

5 A. Yes.

6 Q. And were you going to provide additional information
7 about that investment money in one of your answers?

8 A. Yes.

9 Q. Can you please explain?

10 A. Yes. I was going to point out the chart on the right in
11 the same page where there was a return of investment funds
12 to the amount of about 200 and -- over \$200,000, which
13 would, which would make the total investment money,
14 investment funds into the Afrique account to approximately
15 \$600,000, not \$800,000.

16 Q. And are you referring to Demonstrative N-135b on the
17 screen?

18 A. I can see 135b, yes.

19 Q. Is that what you were referring to in the chart or a
20 different document?

21 A. A different document. The sources and uses of Afrique
22 Hospitality.

23 Q. In M-6?

24 A. Correct.

25 Q. And to be clear, approximately, how much money did you

1 trace going to the Afrique Center coming from the child food
2 program?

3 A. \$732,195.

4 Q. And that's reflected in Demonstrative N-135b?

5 A. Correct.

6 Q. And then is there an additional amount that we see in
7 N-135a?

8 A. Yes. It's \$240,075 coming out of the Empire Cuisine &
9 Market account.

10 Q. So approximately \$900,000?

11 A. \$973,000, yes.

12 Q. And is it your testimony that aside from that there are
13 additional sums of money that went toward the construction
14 of Afrique?

15 A. Yes.

16 Q. Such as investor money?

17 A. Correct.

18 Q. Would that also include any financial amount that was
19 from the landlord?

20 A. Absolutely.

21 Q. But your charts focus on what, specifically?

22 A. My charts focus on disbursements towards the remodel of
23 Afrique's Event Center that are traced to Federal Child
24 Nutrition Program funds.

25 Q. Which is how much in total?

1 A. Over \$973,000.

2 MR. EBERT: Thank you. I have no further
3 questions.

4 THE COURT: All right. Thank you.

5 Mr. Sapone, do you have a recross?

6 MR. SAPONE: Yes. Thank you.

7 THE COURT: Go ahead.

8 MR. SAPONE: I don't want to jump ahead of anyone,
9 Your Honor.

10 RECROSS-EXAMINATION

11 BY MR. SAPONE:

12 Q. Okay. Still good morning. How are you?

13 A. Still doing good.

14 Q. That's good.

15 You were just asked questions by Mr. Ebert
16 concerning a \$206,428 wire. Do you recall that a few
17 minutes ago?

18 A. I do.

19 Q. I think the date was June 1st, 2021?

20 A. Correct.

21 Q. That wire was from a Minnesota bank to a bank in Kenya,
22 correct?

23 A. Correct.

24 Q. There was no third bank involved, right?

25 A. There was a correspondent bank involved.

1 Q. But it was a direct wire, right?

2 A. Sure.

3 Q. And there was no third party in the middle, right?

4 A. No.

5 Q. No straw man, as we said?

6 A. No straw man, as we said.

7 Q. I'm not saying there's anything wrong with wires, but he
8 did not, Abdi Nur, initiate the wire. True?

9 A. As an account signer.

10 Q. There's a difference, is there not, between being an
11 account signer and initiating a wire. Fair?

12 A. Fair.

13 Q. Did he initiate the wire?

14 A. Empire Enterprises LLC initiated the wire.

15 Q. Did Abdi Nur do it?

16 A. He's an account signer on the account.

17 Q. Did he initiate the wire?

18 A. I don't know that to be true.

19 Q. And he was not the beneficiary of the wire.

20 A. The beneficiary of the wire, no.

21 Q. The wire was not in any way concealed.

22 A. It was not.

23 Q. You also saw up on the screen a \$300,000 wire. Yes?

24 A. I did.

25 Q. There again he did not initiate the wire, right?

1 A. The originator of the wire is the entity.

2 Q. Not Abdi Nur?

3 A. Not him personally.

4 Q. And he was not the beneficiary.

5 A. He was not the beneficiary.

6 Q. And that transaction was in no way concealed?

7 A. It doesn't appear so, no.

8 MR. SAPONE: No further questions.

9 THE COURT: Any other recross?

10 MR. GOETZ: Not as far as we're concerned.

11 THE COURT: All right. Thank you.

12 I see no one.

13 Mr. Ebert, any redirect?

14 MR. EBERT: No, Your Honor. Thank you.

15 THE COURT: Thank you.

16 Ms. Blackwell, you may step down. Thank you.

17 Mr. Thompson.

18 MR. THOMPSON: Your Honor, the government rests

19 its case.

20 THE COURT: Thank you.

21 Members of the jury, we're going to excuse you for
22 a bit, and I'll come back and report -- Ms. Wegner will come
23 back and report and let you know when we're coming back. My
24 guess is that this is going to be a long lunch break for
25 you. All right?

1 All rise for the jury.

2 11:01 a.m.

3 **IN OPEN COURT**

4 **(JURY NOT PRESENT)**

5 THE COURT: You may all be seated.

6 Before I ask the defendants about their case, are
7 there any matters to come before the court?

8 Mr. Birrell.

9 MR. IAN BIRRELL: Yes, Your Honor.

10 On behalf of Mr. Abdiaziz Farah, we move for
11 judgment of acquittal pursuant to Rule 29 of the Federal
12 Rules of Criminal Procedure as to all counts in the
13 indictment on the record before the court.

14 THE COURT: Thank you.

15 Mr. Cotter.

16 MR. COTTER: Your Honor, on behalf of Mohamed
17 Ismail, I also move the court for a judgment of acquittal
18 pursuant to Rule 29 of the Federal Rules of Criminal
19 Procedure on all counts pertaining to Mr. Ismail on the
20 record before the court.

21 Thank you.

22 THE COURT: Thank you.

23 Mr. Sapone.

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

25 I respectfully make the same motion on behalf of

1 Abdimajid Nur for a judgment of acquittal under Rule 29 as
2 to all counts in the indictment.

3 THE COURT: Thank you.

4 Mr. Schleicher.

5 MR. SCHLEICHER: Thank you, Your Honor.

6 On behalf of defendant Said Farah, we similarly
7 make a motion for judgment of acquittal pursuant to Rule 29
8 as to all counts.

9 I would like the court to particularly focus for
10 the purpose of our discussion today on Count 12, which is
11 the substantive wire fraud count against Mr. Said Farah.

12 I believe that the evidence has been established
13 that the particular communication that was sent was sent
14 three days following the execution of the search warrant.
15 The execution of the search warrant is the time that the
16 government has identified when, in their opening statement
17 and through witnesses who have testified throughout this
18 trial, that the case came to a screeching halt.

19 I would also note for the court the substance of
20 this particular communication. It was a communication that
21 was not sent by Said Farah. It was not initiated by Said
22 Farah. There is no evidence that it was requested by Said
23 Farah. He was merely a passive recipient of an email
24 containing some invoices three days after the search
25 warrant.

1 In the sworn testimony of the case agent, in this
2 case the very first witness, the under-oath testimony was
3 that he did not cause, did not transmit or cause to be
4 transmitted this particular communication. Further, there
5 is no evidence that this communication was in any way used
6 to further or advance the alleged scheme here.

7 Even under the standard of review for a Rule 29,
8 that is, the evidence in the light most favorable to the
9 prosecution, Count 12 completely and utterly fails, and I
10 ask the court to dismiss it.

11 THE COURT: Thank you.

12 Mr. Garvis.

13 MR. GARVIS: On behalf of Defendant 6, Abdiwahab
14 Maalim Aftin, Your Honor, I ask the court to enter a
15 judgment of acquittal pursuant to Rule 29 as it relates to
16 the three counts that he is, he is facing.

17 I don't believe that the evidence established that
18 my client had knowledge of any conspiracy whatsoever in this
19 case, and I'd ask the court to enter that judgment.

20 THE COURT: Thank you.

21 Mr. Goetz.

22 MR. GOETZ: Thank you, Your Honor.

23 Your Honor, I want to take a little more time with
24 respect to, in particular, Counts 13 and 15, the bribery
25 counts, but for the record Mr. Mukhtar Shariff does move for

1 judgment of acquittal pursuant to Federal Rule of Criminal
2 Procedure 29 on all counts.

3 The court is very familiar with the deferential
4 standard that must be applied at this case. The issue or
5 the standard is only when no reasonable jury could have
6 found the defendant guilty beyond a reasonable doubt is a
7 judgment of acquittal appropriate.

8 The evidence must be viewed in the light most
9 favorable to the government, and all inferences from the
10 evidence must be resolved in the government's favor.

11 Nonetheless, Your Honor, when we apply that
12 standard to Counts 13 and 15 with respect to defendant
13 Shariff, there's nothing here for the jury to decide, there
14 absolutely isn't, because there is no evidence that
15 Mr. Shariff was a member of any conspiracy, knowingly
16 participated in any conspiracy to bribe anybody with respect
17 to the federal food program, nor specifically that \$250,000
18 cashier's check with respect to Ikram Mohamed, that that
19 meets the requirements for bribery under 18 U.S.C.
20 Section 666.

21 The jury instruction that we have before us as a
22 proposed instruction has two elements that I think are --
23 well, as to the conspiracy, the element where the proof
24 isn't sufficient is that the defendant voluntarily and
25 intentionally joined in the agreement either at the time it

1 was first reached or at some later time it was still in
2 effect.

3 Specifically, as to the substantive bribery count,
4 the element that is insufficient are two. First, that Ikram
5 Mohamed was an agent of Feeding Our Future and, second, that
6 Mukhtar Shariff corruptly gave, offered or agreed to give
7 \$250,000 to Ikram Mohamed in connection with the Feeding Our
8 Future program sponsoring his and his co-conspirators'
9 fraudulent participation in the Federal Child Nutrition
10 Program.

11 One case I would like to provide to the court that
12 I think is helpful in analyzing what is required here in a
13 bribery count is *U.S. versus Redzic*, 627 F.3d 683, Eighth
14 Circuit from 2010. It is a bribery case.

15 In that case there was a -- it's a federal program
16 bribery. There was an official in Missouri who gave
17 commercial driver's license examinations. And a trucking
18 company, in essence, gave this official a series of bribes
19 so he would give their drivers better scores.

20 The Eighth Circuit was clear that to prove the
21 payment of an illegal bribe the government must present
22 evidence of a quid pro quo, but an illegal bribe may be paid
23 with the intent to influence a general course of conduct.
24 It was not necessary for the government to link any
25 particular payment to any particular action undertaken by

1 Parr, the official, but there is this quid pro quo
2 requirement, but the evidence must show a course of conduct
3 of favors and gifts flowing to a public official in exchange
4 for, and that's italicized, a pattern of official actions
5 favorable to the donor.

6 Let's look then at the evidence that was presented
7 with respect to that \$250,000 check.

8 First, we know it was from Ikram Mohamed. We know
9 it was from Afrique/Mukhtar Shariff. That's right on the
10 check. But what we don't know, and there certainly has been
11 no proof of, is whether Ikram Mohamed was even employed by
12 Feeding Our Future at the time the check was presented.

13 Hadith Ahmed's testimony was all over the place in
14 terms of the time frame when he left. He said he left at
15 some point; and when he left, then Ikram Mohamed took his
16 place. We don't know when that was, however. It is not
17 clear.

18 And it certainly has not been established that
19 Ikram Mohamed was even employed by Feeding Our Future at the
20 time of that check on June 5. It was presented on June --
21 I'm sorry. June 9 I think it was presented, and then it was
22 cashed on August 5, but obviously it's the date of
23 presentment that's important.

24 But also remember, Your Honor, Hadith Ahmed's
25 testimony as to Ikram Mohamed's modus operandi in terms of

1 how you receive bribes. And this is the only evidence we
2 have, because we didn't hear from Ikram Mohamed. We didn't
3 hear from anybody else at Feeding Our Future. She always
4 received her bribes in cash. They never went to her
5 directly. That's what Ahmed said. They always went through
6 this ayuuto system that somebody would pay somebody, who
7 would pay somebody, and then it would get to Ikram Mohamed.
8 That was how she received her bribes, her kickbacks in this
9 scheme. That's not what the \$250,000 cashier's check was.
10 It was directly to her. It was a check. So it doesn't fit
11 that pattern at all.

12 So simply put, Your Honor, there has been no
13 evidence presented by the government in this case that that
14 \$250,000 is associated with any quid pro quo. The quid
15 pro --

16 I see the court has a question.

17 THE COURT: No, no. Keep going.

18 MR. GOETZ: The quid pro quo, we don't have that.
19 We don't have her position as even an agent at that time,
20 nor do we have any evidence that that payment was in
21 exchange for her doing something. We know what their theory
22 is under Hadith Ahmed, but there's no evidence for that,
23 that this was a kickback for Ikram Mohamed. She never
24 present -- she never testified nobody else from Feeding Our
25 Future ever did that.

1 THE COURT: Is there any testimony or evidence
2 that you can recall about what it might be for if not a
3 kickback?

4 MR. GOETZ: The evidence that we have, Your Honor,
5 just through agent or Forensic Accountant Blackwell alone --
6 and I say that because Ikram Mohamed's bank records show
7 that she made an attempt to repayment. There was a \$59,000
8 check that said "loan repayment." That's the only evidence
9 that we have before this jury of what that payment was for.
10 It was a loan from Afrique to Ikram Mohamed.

11 The last point that I would ask in terms of, you
12 know, looking at all the evidence circumstantial in this
13 case, was this a bribe, what inferences can we deduce from
14 the evidence, the government's theory that this was a
15 pay-to-play scheme, that bribes were made to Feeding Our
16 Future employees, so sites and vendors could be under their
17 sponsorship.

18 The record I think is clear that from November of
19 2020, December 2020, well into the spring of 2021,
20 Dar Al-Farooq was trying to get away from Feeding Our
21 Future. They were trying to transfer that site to Partners
22 in Nutrition. There was no pay-to-play. They wanted to get
23 away. So it was right in that time frame that this, this
24 payment was made. So the facts don't support it directly,
25 and the broader facts don't support it circumstantially.

1 So I would ask the court to grant defendant
2 Shariff's motion for judgment of acquittal as to all counts,
3 but absolutely as to Counts 13 and 15.

4 Thank you, Your Honor.

5 THE COURT: Thank you.

6 Mr. Brandt.

7 MR. BRANDT: Thank you, Your Honor.

8 Your Honor, on behalf of Ms. Hayat Nur, we would
9 move for judgment of acquittal in respect to her on Count 1,
10 Count 4, Count 10, Count 11 and Count 34.

11 As to Counts 1, 4, 10 and 11, we would rest on the
12 record that's before the court. As to Count 34, I do have
13 some additional argument as to that count.

14 That count specifically charges Ms. Nur with money
15 laundering, which effectively requires the government to
16 prove -- element number 1 is the one I will be focusing
17 on -- that she knowingly caused a payment for the 11,000 and
18 change for the payoff of the Nissan Altima.

19 Now, the record before the court shows effectively
20 that she was basically on this -- had anything to do with
21 this car as a cosigner. As a matter of fact, we just heard
22 testimony from Ms. Blackwell who indicated that it would
23 appear her only role in this case was as a cosigner.

24 Mr. Abdi Nur made all the payments. He's the one
25 who applied for the loan. The documents support that. The

1 insurance was paid by him. I believe Ms. Blackwell
2 basically said everything to do with that car was with
3 Mr. Nur alone.

4 At that same time Ms. Nur had her own vehicle that
5 she was driving, that she was making payments for, and so it
6 makes no sense that she would be buying a second vehicle at
7 that time. The only logical inference would be that it was
8 his vehicle.

9 There are records in the court right now,
10 specifically Mr. Nur's bank records, that show directly the
11 payments from his accounts to Wings Financial Credit Union,
12 including the payoff at the end that we heard testimony
13 about today.

14 Included in the documents, particularly in
15 Exhibit 103, included in that are statements for each month
16 of that car loan. The statements are a loan in
17 Mr. Abdimajid Nur's name. Nothing to do with Ms. Hayat Nur.
18 It shows the payments. It also shows that he had a savings
19 account at the same time. And that's what the records
20 eventually showed once that was paid off.

21 So, again, the element that we're focusing on here
22 is whether the government has proved that she knowingly
23 caused the payment for approximately 11,000 and change.

24 I think of an analogy in this situation where if,
25 let's say, that a parent lends a child money. And

1 unbeknownst to the parent -- or the parent cosigns the loan
2 for a child -- and unbeknown to the parent, there's an
3 allegation that the money is being paid off by the child due
4 to some illegal activity. We certainly can't hold the
5 parents accountable for what happened over there.

6 And under the theory right now is that, the
7 government's theory, is that this was illegal money and that
8 it was used in some way by her or to benefit her, which it
9 has not.

10 And for those reasons, Your Honor, we would ask
11 that the court enter judgment of acquittal on Counts 1, 4,
12 10, 11 and, in particular, Count 34.

13 Thank you.

14 THE COURT: Thank you.

15 Government response, please. And I would like you
16 to, in particular, focus on Counts 12, 13, 15, and 34.

17 MS. WALCKER: Yes, Your Honor. Thank you.

18 Your Honor, the government has presented
19 overwhelming evidence that establishes each and every
20 element of all the charged counts to sustain a conviction
21 against all seven of the defendants in this case, including
22 those counts that were identified by the defendants' counsel
23 this morning.

24 Over the past four weeks, the government has
25 presented an avalanche of evidence establishing all of these

1 counts beyond a reasonable doubt. The government has called
2 more than 30 witnesses to testify about each and every one
3 of these counts and has admitted close to 1300 exhibits.

4 I'll focus on specifically those counts that you
5 asked me to, Your Honor, that were identified by defense
6 counsel this morning, starting with Said Farah's counsel
7 Count 12.

8 Your Honor, first, I would note this specific wire
9 fraud count incorporates by reference all of the allegations
10 and facts alleged in the conspiracy count.

11 With respect to whether it was in furtherance of
12 the fraud, this particular wire -- substantive wire fraud
13 count, Your Honor, first, I'd note that the indictment
14 alleges that the scheme and conspiracy lasted into or about
15 2022, not when the search warrant was executed in this case.

16 THE COURT: I'm sorry. Did you say "lasted into
17 or about 2022"? It doesn't give a month.

18 MS. WALCKER: That's correct, Your Honor.

19 THE COURT: Okay. Thank you.

20 MS. WALCKER: Did not list January, when the
21 search warrants were executed.

22 In addition, Your Honor, this particular wire
23 fraud count was followed by the creation and circulation of
24 a number of fake invoices. So the fraud was certainly
25 continuing and didn't end at this point.

1 With respect to Mukhtar Shariff's counsel,
2 allegations as to the Counts 13 and 15, Your Honor, first of
3 all, I'll note that Mukhtar Shariff was listed -- he's the
4 CEO of Afrique. He was listed as the remitter or the
5 purchaser of this.

6 The purpose of this, there was extensive testimony
7 by Hadith Ahmed over several days with respect to the
8 pay-to-play scheme and, specifically, his predecess -- the
9 woman that followed him at Feeding Our Future, Ikram
10 Mohamed, that he testified extensively about her role. He
11 explained about that she would also similarly receive bribes
12 and kickbacks in exchange for Feeding Our Future to
13 facilitate sponsorship of various sites, including the
14 participation of Afrique.

15 Your Honor, in addition to Hadith Ahmed's
16 extensive testimony that expands several days, there was
17 also text message communications regarding Ikram Mohamed's
18 specific participation in the kickback and the bribery
19 scheme. One of those examples, only one was H-54i. These
20 are text message communications regarding Ikram taking
21 bribes in this case, Your Honor. So there's certainly --

22 Your Honor.

23 THE COURT: Could you be more specific and remind
24 me what that exhibit shows?

25 MS. WALCKER: It's a text message exchange that

1 discusses -- I can pull it up here on my computer, Your
2 Honor.

3 THE COURT: Would you, please?

4 MS. WALCKER: Yeah.

5 i, I think. It's i. And I believe this is
6 page 54.

7 Is that right, Matt?

8 Just one moment, Your Honor.

9 Your Honor, I'll read that exhibit, this Ikram
10 Mohamed in a text, where it states, "Mahad and Hadith have
11 no option. It was more money than they get. For Ikram, she
12 eats on all sides. She did all that was requested of her."
13 This is dated April 2021. "After seeing Feeding Our Future,
14 whatever Kara got" -- Kara Lomen -- "is a piece of cake
15 participant. Eidleh," who also receives kickbacks,
16 "apparently eats too. I love that you found this out."

17 The key cited -- well, first, and I will also
18 note, Your Honor, there's been no evidence of any objective
19 purpose for these large amounts of kickbacks, these payments
20 of \$250,000, this round number.

21 The case cited by Mr. Goetz, *U.S. v. Redzic*, it
22 does state that it needs to be quid pro quo, but that quid
23 pro quo can be generally to influence. It's a general
24 proposition.

25 I'll also note that the court denied the motion

1 for acquittal in that case, found that the mere fact that
2 there was this presumed innocent explanation of the behavior
3 was insufficient to grant a motion for acquittal, given the
4 standard and the government's presentation of evidence to
5 the contrary.

6 With respect to the Count 34, Ms. Nur's counsel's
7 statement regarding the money laundering, I'll just note
8 briefly, Your Honor, that, of course, she wasn't just a
9 cosigner, as Mr. Brandt stated. She was also a co-owner of
10 the vehicle.

11 We had extensive testimony from the forensic
12 accountants at FBI with respect to this particular count, as
13 well as the demonstrative -- the physical evidence as well,
14 J-103, lists the DVS records that she is a co-owner. They
15 are both listed on the application for title. Ms. Nur
16 signed it as well.

17 Your Honor, in this case the government does not
18 believe it's a close call. Viewing the evidence in the
19 light most favorable for the government, the motions should
20 be denied.

21 THE COURT: Can you go back to one thing, which is
22 Mr. Schleicher noted on Count 12 not just that the
23 communication occurred three days after the execution of the
24 search warrant, but also that Mr. Farah was the recipient of
25 invoices and whether passive receipt could constitute the

1 basis for the wire fraud count.

2 MS. WALCKER: Yes, Your Honor.

3 The government does believe that that can
4 constitute that, a passive receipt, particularly in the
5 context of this scheme, that many of the participants would
6 receive these, receive emails, and it was all part of this
7 scheme. Some of them had different roles in this scheme,
8 but certainly receiving an email like this is sufficient to
9 establish participation in the wire fraud scheme, especially
10 considering the totality of the record, Your Honor.

11 THE COURT: All right. Thank you.

12 MS. WALCKER: Thank you, Your Honor.

13 THE COURT: One moment.

14 Mr. Brandt, I noticed that you also filed a motion
15 for judgment of acquittal, and I haven't looked at it. I
16 just note that it's been filed.

17 Is there anything that's contained in that motion
18 that is different from what you've said orally here today?

19 MR. BRANDT: Essentially no. Just further
20 explication.

21 THE COURT: Well, I would like to consider the
22 motion now. So if you have further explication, I need to
23 read it.

24 Having considered all of these arguments and, in
25 particular, have considered the specific arguments made as

1 to specific counts, I'm applying the Rule 29 standard and
2 viewing the evidence in the light most favorable to the
3 government. So the court is finding sufficient evidence for
4 a guilty verdict on all counts and, thus, denies all
5 motions.

6 With that, we are ready to begin the defense case.

7 Mr. Birrell, can you give us some --

8 MR. ANDREW BIRRELL: If it please the court, I
9 would like to have a colloquy with my client.

10 THE COURT: Okay.

11 MR. ANDREW BIRRELL: May I do that?

12 THE COURT: You may.

13 My first question, though, is whether your client
14 is going to be testifying, and we'll do that colloquy, or
15 whether there are other witnesses that are going to come
16 first.

17 MR. ANDREW BIRRELL: No.

18 THE COURT: No. Okay.

19 Mr. Schleicher had indicated that you had -- I
20 mean, I know you have subpoenaed witnesses, and last week
21 you'd indicated there were some witnesses that you didn't
22 think should be here on Friday, and I agreed to that. So I
23 just -- if this is what's coming first from the defense,
24 then let's handle it now. Thank you.

25 Mr. Birrell, go ahead.

1 MR. ANDREW BIRRELL: Thank you. I'm sorry if I
2 confused you.

3 THE COURT: No. I just wanted to proceed in an
4 orderly manner here. Thank you.

5 MR. ANDREW BIRRELL: Thank you. As do I.

6 Mr. Farah, you and I have had many discussions
7 about whether you should testify in this case; is that
8 right?

9 DEFENDANT ABDIAZIZ SHAFII FARAH: That's correct.

10 MR. ANDREW BIRRELL: And do you think that you
11 have had enough time to talk with me about that question?

12 DEFENDANT ABDIAZIZ SHAFII FARAH: That's correct.

13 MR. ANDREW BIRRELL: And you understand that some
14 of the decisions in the case I make as your lawyer, but the
15 decision whether to testify is a decision personal to you.

16 DEFENDANT ABDIAZIZ SHAFII FARAH: That's correct.

17 MR. ANDREW BIRRELL: And that you are free to
18 testify or not regardless of what advice I may give you.

19 DEFENDANT ABDIAZIZ SHAFII FARAH: That's correct.

20 MR. ANDREW BIRRELL: And it's my understanding
21 that after having carefully considered the matter and talked
22 with me you have decided that you do not wish to testify in
23 this case; is that right?

24 DEFENDANT ABDIAZIZ SHAFII FARAH: That's correct.

25 THE COURT: Mr. Farah, you understand that this is

1 your decision and your decision alone?

2 DEFENDANT ABDIAZIZ SHAFII FARAH: Yes, Your Honor.

3 THE COURT: All right. And you obviously take
4 advice from your attorney, but this is one of the decisions
5 that you get to make. Do you feel like you are in a good
6 place to make that decision?

7 DEFENDANT ABDIAZIZ SHAFII FARAH: That's correct,
8 Your Honor.

9 THE COURT: Do you have a clear head today?

10 DEFENDANT ABDIAZIZ SHAFII FARAH: Yes, Your Honor.

11 THE COURT: Under the influence of any drugs or
12 alcohol?

13 DEFENDANT ABDIAZIZ SHAFII FARAH: No, Your Honor.

14 THE COURT: Anything else that impairs your
15 judgment?

16 DEFENDANT ABDIAZIZ SHAFII FARAH: No, Your Honor.

17 THE COURT: All right. And it's your decision to
18 give up your constitutional right to testify and instead
19 invoke your constitutional right to remain silent?

20 DEFENDANT ABDIAZIZ SHAFII FARAH: Yes, Your Honor.

21 THE COURT: All right. Do you need any more time
22 to consider the options?

23 DEFENDANT ABDIAZIZ SHAFII FARAH: No, Your Honor.

24 THE COURT: All right.

25 MR. ANDREW BIRRELL: Also, Your Honor.

1 You and I have talked about the Model Jury
2 Instruction 3.08, which talks about the judge instructing
3 the jury that, in essence, you have a right not to testify
4 and they're not allowed to consider or even discuss it,
5 right?

6 DEFENDANT ABDIAZIZ SHAFII FARAH: Yes.

7 MR. ANDREW BIRRELL: Okay. And you are agreeing
8 with me that we should and are requesting that Her Honor
9 give that instruction to the jury; is that right?

10 DEFENDANT ABDIAZIZ SHAFII FARAH: That's correct.

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

12 THE COURT: So I will give the instruction that
13 the jury is not to consider your decision.

14 All right. Thank you.

15 Mr. Cotter.

16 MR. COTTER: Thank you, Your Honor.

17 If I may, I'd call my client forward as well at
18 this time.

19 THE COURT: Absolutely.

20 Mr. Ismail, you may come forward.

21 MR. COTTER: May I, Your Honor?

22 THE COURT: You may.

23 Hi.

24 MR. COTTER: Mr. Ismail, you and I have been
25 working together on this case for a very long time; is that

1 correct?

2 DEFENDANT MOHAMED JAMA ISMAIL: That's correct.

3 MR. COTTER: And we've obviously -- we're now in I
4 believe our sixth week of a trial in this case.

5 DEFENDANT MOHAMED JAMA ISMAIL: That's correct.
6 That's correct.

7 MR. COTTER: And you and I have met and discussed
8 the evidence and discussed the rights that you have and
9 discussed all aspects of your case many times. Is that a
10 fair statement?

11 DEFENDANT MOHAMED JAMA ISMAIL: Yep. Yes.

12 MR. COTTER: All right. And the reason I'm asking
13 you that is because, as you just saw, a lot of decisions are
14 made by lawyers, but there's one decision that is absolutely
15 yours and that is the decision to take the witness stand and
16 testify in your own defense. Do you understand that?

17 DEFENDANT MOHAMED JAMA ISMAIL: Yes, I understand,
18 yeah.

19 MR. COTTER: Similarly, you have the absolute
20 right under our Constitution to not take the witness stand,
21 and no one can force you to or subpoena you to take the
22 witness stand. Do you understand?

23 DEFENDANT MOHAMED JAMA ISMAIL: Yes, I understand.

24 MR. COTTER: And you understand that I can't make
25 that decision for you. I can only give you my advice, and

1 we've talked about it a lot. Is that a fair statement?

2 DEFENDANT MOHAMED JAMA ISMAIL: Yes.

3 MR. COTTER: All right. Is it your free and
4 voluntary decision to invoke your right to remain silent, to
5 essentially not take the witness stand in this case?

6 DEFENDANT MOHAMED JAMA ISMAIL: That's correct.

7 MR. COTTER: And you are doing that with full
8 understanding of what you are doing and why you are doing
9 it, is that true?

10 DEFENDANT MOHAMED JAMA ISMAIL: That's true.

11 MR. COTTER: Do you feel like you've had enough
12 time to talk to me about this really incredibly important
13 decision in your life?

14 DEFENDANT MOHAMED JAMA ISMAIL: Yes.

15 MR. COTTER: All right. And have I made any
16 comments to you that made you feel like you had to make a
17 certain choice, or is it, again, your free decision to not
18 testify here in this trial?

19 DEFENDANT MOHAMED JAMA ISMAIL: That's correct.

20 MR. COTTER: It's your decision?

21 DEFENDANT MOHAMED JAMA ISMAIL: That's my
22 decision, yes.

23 MR. COTTER: All right, Your Honor. Nothing
24 further on that aspect.

25 THE COURT: All right. So let me just make this

1 really clear. Do you want to testify or not testify?

2 DEFENDANT MOHAMED JAMA ISMAIL: Not testify.

3 THE COURT: And do you have a clear head today?

4 DEFENDANT MOHAMED JAMA ISMAIL: Yes, Your Honor.

5 THE COURT: Under the influence of any drugs or
6 alcohol?

7 DEFENDANT MOHAMED JAMA ISMAIL: No, Your Honor.

8 THE COURT: Nothing else that impairs your
9 judgment today?

10 DEFENDANT MOHAMED JAMA ISMAIL: No, Your Honor.

11 THE COURT: And you've had enough time to talk to
12 Mr. Cotter about your decision?

13 DEFENDANT MOHAMED JAMA ISMAIL: That's correct.

14 THE COURT: And you understand it's your decision
15 and your decision alone?

16 DEFENDANT MOHAMED JAMA ISMAIL: Yes.

17 THE COURT: All right. As to the instruction,
18 Mr. Cotter.

19 MR. COTTER: Thank you.

20 Mr. Ismail, you just heard there is a Jury
21 Instruction 3.08. That's the law that's presented to the
22 jury that they must consider in deciding this case, and that
23 would advise them of your right not to testify and that they
24 have -- they absolutely cannot take that into consideration
25 in making their decision while they deliberate. Do you

1 understand that instruction?

2 DEFENDANT MOHAMED JAMA ISMAIL: Yes, I understand.

3 MR. COTTER: And we've talked about that as well;
4 is that correct?

5 DEFENDANT MOHAMED JAMA ISMAIL: That's correct.

6 MR. COTTER: And is it your decision to request
7 that that instruction be given?

8 DEFENDANT MOHAMED JAMA ISMAIL: What was that?

9 MR. COTTER: I probably asked -- would you like
10 that Instruction 3.08 advising the jury they cannot consider
11 your right not to testify?

12 DEFENDANT MOHAMED JAMA ISMAIL: No.

13 MR. COTTER: Give me a second.

14 (Mr. Cotter confers with client)

15 MR. COTTER: I'll try this again. Would you like
16 Instruction 3.08 to be given to the jury?

17 DEFENDANT MOHAMED JAMA ISMAIL: Yes.

18 MR. COTTER: And, again, that's the instruction
19 advising the jury that you have the right not to testify and
20 they cannot consider that in their decision. Do you
21 understand?

22 DEFENDANT MOHAMED JAMA ISMAIL: I understand, yes.

23 MR. COTTER: All right.

24 THE COURT: Thank you.

25 MR. COTTER: Nothing further.

1 THE COURT: Mr. Sapone.

2 And, Mr. Nur, would you come forward too? Thank
3 you.

4 MR. SAPONE: Thank you, Your Honor.

5 May I ask some questions?

6 THE COURT: You may.

7 Hello.

8 MR. SAPONE: Mr. Nur, have we discussed your right
9 to testify or not testify at this trial?

10 DEFENDANT ABDIMAJID MOHAMED NUR: Yes, we did.

11 MR. SAPONE: Did I give you legal advice about
12 that subject?

13 DEFENDANT ABDIMAJID MOHAMED NUR: Yes, you did.

14 MR. SAPONE: Have you had enough time to consider
15 it?

16 DEFENDANT ABDIMAJID MOHAMED NUR: Yes.

17 MR. SAPONE: Whose decision is it whether or not
18 you testify at your trial?

19 DEFENDANT ABDIMAJID MOHAMED NUR: Mine.

20 MR. SAPONE: What's your decision?

21 DEFENDANT ABDIMAJID MOHAMED NUR: To not testify.

22 MR. SAPONE: Are you aware of Model Rule 3.08?

23 DEFENDANT ABDIMAJID MOHAMED NUR: Yes.

24 MR. SAPONE: Have we discussed it?

25 DEFENDANT ABDIMAJID MOHAMED NUR: Yes.

1 MR. SAPONE: Including your right not to testify
2 and the jury not considering the fact that you are not
3 testifying. Yes?

4 DEFENDANT ABDIMAJID MOHAMED NUR: Correct.

5 MR. SAPONE: And are you asking Her Honor to give
6 that instruction?

7 DEFENDANT ABDIMAJID MOHAMED NUR: Yes.

8 MR. SAPONE: Nothing further.

9 THE COURT: Do you have a clear head today?

10 DEFENDANT ABDIMAJID MOHAMED NUR: Yes.

11 THE COURT: Under the influence of any drugs or
12 alcohol?

13 DEFENDANT ABDIMAJID MOHAMED NUR: No.

14 THE COURT: Nothing else impairing your judgment?

15 DEFENDANT ABDIMAJID MOHAMED NUR: Nope.

16 THE COURT: And you've had enough time to talk
17 with Mr. Sapone, and you understand it's your own decision?

18 DEFENDANT ABDIMAJID MOHAMED NUR: Yes.

19 THE COURT: All right. I'm satisfied.

20 MR. SAPONE: Thank you, Your Honor.

21 THE COURT: Thank you.

22 Mr. Schleicher.

23 MR. GOETZ: Your Honor, could I just jump in just
24 logistically, a question for, I guess, everybody.

25 We're seven. I assume if counsel don't indicate

1 to the contrary, they're not putting on any case, but I'm
2 not sure about that, if they're going to call any other
3 witnesses besides their clients.

4 THE COURT: I'm going to let you all confer after
5 we go through these.

6 Does that make sense, or do you need it before to
7 make a decision?

8 MR. GOETZ: No. I just was wondering because I
9 know Mr. Birrell talked about witnesses and his client and
10 the other counsel just talked about their client. So I was
11 just trying to get an idea of who is going to be putting on
12 a case or not.

13 THE COURT: I would like to get that idea as well,
14 but let's go through these, unless you need something
15 different.

16 MR. GOETZ: No.

17 THE COURT: Okay. All right. Fair enough.

18 Mr. Schleicher, you may come forward with
19 Mr. Farah.

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

21 THE COURT: Go ahead.

22 MR. SCHLEICHER: Said, we've been working together
23 on this case for a couple of years now; is that right?

24 DEFENDANT SAID SHAFII FARAH: Yes.

25 MR. SCHLEICHER: And we've had many opportunities

1 to talk about the case and discuss the evidence; is that
2 right?

3 DEFENDANT SAID SHAFII FARAH: Yes.

4 MR. SCHLEICHER: And you understand that you have
5 an absolute right to testify in your defense in this case;
6 is that right?

7 DEFENDANT SAID SHAFII FARAH: Yes.

8 MR. SCHLEICHER: You also understand that you have
9 an absolute right to remain silent; and if you do not
10 testify in the case, we can request the court instruct the
11 jury to not hold that against you. Do you understand that?

12 DEFENDANT SAID SHAFII FARAH: Yes.

13 MR. SCHLEICHER: And based upon our conversations,
14 you've come to a conclusion as to whether or not to testify
15 today; is that right?

16 DEFENDANT SAID SHAFII FARAH: Yes.

17 MR. SCHLEICHER: And what is your decision?

18 DEFENDANT SAID SHAFII FARAH: Not to testify.

19 MR. SCHLEICHER: All right. And do you feel like
20 you've had enough time with me to discuss this important
21 decision?

22 DEFENDANT SAID SHAFII FARAH: Yes.

23 MR. SCHLEICHER: And do you have any other
24 questions for me that you would like me to answer before
25 your decision is final?

1 DEFENDANT SAID SHAFII FARAH: No.

2 MR. SCHLEICHER: And you understand that this is a
3 final decision today, the decision to not testify; is that
4 right?

5 DEFENDANT SAID SHAFII FARAH: Yes.

6 MR. SCHLEICHER: All right.

7 THE COURT: Mr. Farah, do you have a clear head
8 today?

9 DEFENDANT SAID SHAFII FARAH: Yes.

10 THE COURT: Your head is clear?

11 DEFENDANT SAID SHAFII FARAH: Yes.

12 THE COURT: You are able to make good decisions?

13 DEFENDANT SAID SHAFII FARAH: Yes.

14 THE COURT: Not under the influence of any drugs
15 or alcohol?

16 DEFENDANT SAID SHAFII FARAH: No.

17 THE COURT: And you've had enough time to talk
18 with your counsel about your decision?

19 DEFENDANT SAID SHAFII FARAH: Yeah.

20 THE COURT: You have?

21 DEFENDANT SAID SHAFII FARAH: Yeah, I have. Yes.

22 THE COURT: Okay. And you understand this is your
23 decision and your decision alone?

24 DEFENDANT SAID SHAFII FARAH: Yes.

25 THE COURT: All right. As to the instruction,

1 Mr. Schleicher?

2 MR. SCHLEICHER: Your Honor, we do request the
3 instruction.

4 Mr. Farah, as we've discussed, we can ask the
5 judge to instruct the jury to not hold the fact that you are
6 not going to testify against you. We could also ask the
7 judge to not make that instruction.

8 Is it your decision to request that instruction,
9 that the jury be instructed to not hold you not testifying
10 against you?

11 DEFENDANT SAID SHAFII FARAH: Yes.

12 MR. SCHLEICHER: Okay.

13 THE COURT: All right. I will do so. Thank you.
14 And I'm satisfied.

15 Mr. Garvis.

16 And, Mr. Aftin, you will come forward too, please.

17 MR. GARVIS: Your Honor.

18 THE COURT: Go ahead.

19 MR. GARVIS: Thank you.

20 Mr. Aftin, we've obviously been involved in this
21 case for the last couple of years, correct?

22 DEFENDANT ABDIWAHAB MAALIM AFTIN: Yes.

23 MR. GARVIS: We've had lots of opportunities to
24 discuss the evidence in this matter and as well as whether
25 or not you want to take the stand in this case, correct?

1 DEFENDANT ABDIWAHAB MAALIM AFTIN: Yes.

2 MR. GARVIS: And I think you've sat here and
3 listened and I think you understand that this right is your
4 right and your right alone as to whether or not you get on
5 the stand and give any testimony. Do you understand that?

6 DEFENDANT ABDIWAHAB MAALIM AFTIN: Yes.

7 MR. GARVIS: And with that knowledge and
8 understanding, do you want to do so?

9 DEFENDANT ABDIWAHAB MAALIM AFTIN: No.

10 MR. GARVIS: No. Okay. You have the right
11 obviously to have the court obviously give an instruction as
12 well, and I know the court's going to ask us that. Do you
13 want the court to give the instruction as it relates to
14 3.08?

15 DEFENDANT ABDIWAHAB MAALIM AFTIN: Yes.

16 THE COURT: All right. Mr. Aftin, you've had
17 enough time to talk with Mr. Garvis about what you want to
18 do here?

19 DEFENDANT ABDIWAHAB MAALIM AFTIN: Yes.

20 THE COURT: You understand that the decision of
21 whether to testify is yours and yours alone?

22 DEFENDANT ABDIWAHAB MAALIM AFTIN: Yes.

23 THE COURT: You have a clear head today?

24 DEFENDANT ABDIWAHAB MAALIM AFTIN: Yes.

25 THE COURT: You under the influence of any drugs

1 or alcohol?

2 DEFENDANT ABDIWAHAB MAALIM AFTIN: No.

3 THE COURT: Anything else impairing your judgment?

4 DEFENDANT ABDIWAHAB MAALIM AFTIN: No.

5 THE COURT: All right. I'm satisfied. Thank you.

6 MR. GARVIS: Thank you.

7 THE COURT: And, Mr. Goetz, with Mr. Shariff.

8 MR. GOETZ: Your Honor, at this time we're not
9 prepared to make a record today.

10 THE COURT: Okay. So I need to know what
11 witnesses are coming from the defense.

12 Oh, first I need Mr. Brandt to come forward or
13 Ms. Kettwick.

14 Come on forward, Ms. Kettwick. And you may go
15 forward.

16 MS. KETTWICK: Thank you, Your Honor.

17 Ms. Nur, I know you've heard everyone else answer
18 these questions, but I want to ask you a few questions to
19 get to the question of whether you choose to testify or
20 remain silent and whether we are requesting the jury
21 instruction that everyone's talked about. Okay?

22 DEFENDANT HAYAT MOHAMED NUR: Okay.

23 MS. KETTWICK: First of all, have you had enough
24 time to discuss your options with both me and Mr. Brandt?

25 DEFENDANT HAYAT MOHAMED NUR: I did.

1 MS. KETTWICK: Is this something we've been
2 talking about for quite a while now?

3 DEFENDANT HAYAT MOHAMED NUR: Yes, we did.

4 MS. KETTWICK: And you understand you have the
5 right to either remain silent or testify on your own behalf?

6 DEFENDANT HAYAT MOHAMED NUR: I understand.

7 MS. KETTWICK: Do you have any questions about
8 what that means?

9 DEFENDANT HAYAT MOHAMED NUR: No.

10 MS. KETTWICK: And what is your decision? To
11 remain silent or to testify on your own behalf?

12 DEFENDANT HAYAT MOHAMED NUR: To remain silent at
13 this time.

14 MS. KETTWICK: And as far as the jury instruction
15 that has been discussed before us, do you understand what
16 that instruction is?

17 DEFENDANT HAYAT MOHAMED NUR: I do.

18 MS. KETTWICK: And would you like to request that
19 the judge instruct the jury about that?

20 DEFENDANT HAYAT MOHAMED NUR: Absolutely.

21 MS. KETTWICK: Okay.

22 THE COURT: All right. Ms. Nur, you said, "To
23 remain silent at this time." I just want to make really
24 clear this is your time. Right? You either testify or you
25 don't, and that decision is final. Do you understand that?

1 DEFENDANT HAYAT MOHAMED NUR: Yes, Your Honor.

2 THE COURT: Okay. And anything impairing your
3 judgment today?

4 DEFENDANT HAYAT MOHAMED NUR: No, Your Honor.

5 THE COURT: Are you under the influence of any
6 drugs or alcohol?

7 DEFENDANT HAYAT MOHAMED NUR: No, Your Honor.

8 THE COURT: And you have a clear head today?

9 DEFENDANT HAYAT MOHAMED NUR: Yes, Your Honor.

10 THE COURT: You've had enough time to talk with
11 your lawyers?

12 DEFENDANT HAYAT MOHAMED NUR: Yes, Your Honor.

13 THE COURT: All right. Thank you. I'm satisfied.

14 As to defense witnesses, Mr. Goetz, I'm assuming
15 that you want to know whether there are any other witnesses
16 who are going to testify before you can make a record; is
17 that correct?

18 MR. GOETZ: Exactly, and start presenting our
19 case.

20 THE COURT: Okay. So we need to know who is
21 coming.

22 MR. ANDREW BIRRELL: Well, I thought I was clear,
23 but we are going to rest.

24 THE COURT: Okay.

25 MR. COTTER: On behalf of Mr. Ismail, we are also

1 resting at this time.

2 THE COURT: Okay. And I don't want you to rest
3 now. I just want you to -- because you want to do that in
4 front of the jury.

5 MR. COTTER: Right.

6 THE COURT: But I just want to know planning, and
7 this is the best way to do it with seven of you in the
8 courtroom.

9 So thank you. All right.

10 MR. SAPONE: Abdimajid Nur will not call
11 witnesses.

12 THE COURT: All right. Thank you.

13 MR. SAPONE: Yes.

14 THE COURT: Mr. Schleicher.

15 MR. SCHLEICHER: Thank you, Your Honor. Said
16 Farah will not call witnesses.

17 THE COURT: All right. And Mr. Garvis.

18 MR. GARVIS: Mr. Aftin will not be calling any
19 witnesses, Your Honor.

20 THE COURT: All right. And Ms. Kettwick.

21 MS. KETTWICK: Ms. Nur will not be calling any
22 witnesses as well.

23 THE COURT: Thank you.

24 Mr. Goetz.

25 MR. GOETZ: Well, Your Honor, at the risk of being

1 the odd man out, we will be calling witnesses.

2 THE COURT: That's all right. You have every
3 right to do so. So who are you going to call?

4 MR. GOETZ: I've provided -- we've provided the
5 government with a pared-down list last night, but our
6 initial witness would be Dr. Paul Vaalar from the University
7 of Minnesota, and then we have a series of witnesses after
8 that. I can tell the court basically some categories.

9 There will be witnesses talking about the Afrique
10 Hospitality Group project. We have a lawyer from Larkin
11 Hoffman, Jake Steen, who will testify about that.

12 We will have some investors testify, investors in
13 the Afrique Hospitality Group project. One of those or both
14 of those investors will need an interpreter, Somali
15 interpreter. So I'd ask -- I know we can't have one here
16 today, I assume, but we will have to make arrangements for
17 that.

18 We also will be calling a representative from
19 Sysco. Derek -- I'm not even going to try to pronounce his
20 last name -- Czapiewski.

21 And then we will have some representatives from
22 the Dar Al-Farooq mosque testify.

23 And, finally, then we will get to the point where
24 Mr. Shariff will decide whether or not he testifies.

25 THE COURT: All right.

1 MR. GOETZ: I would ask that we be able to start
2 our case tomorrow. The reason is that we are Defendant
3 Number 7; and while we do have our witnesses that we've been
4 in communication with, given the holiday weekend, we do --
5 and we're not prepared to call them starting this afternoon.
6 We can have and will have them down here first thing
7 tomorrow and then in sequential after that.

8 With one exception. Our last witness, who I
9 didn't mention in the earlier roster, was -- or is Jill
10 DeSanto. She's our forensic accountant. Her testimony is
11 going to be limited to basically doing a meal count
12 breakdown, I'll put it, in terms of looking at the food
13 produced and then opining -- or not opining, but laying out
14 how many meals that might result in, given USDA formulas.
15 She is not available to testify until Monday.

16 So I understand that, you know, we'll be done with
17 our case. I think it will take about two days. But
18 Ms. DeSanto then would be available Monday.

19 So that is our request, Your Honor.

20 THE COURT: What would you anticipate the court do
21 this afternoon?

22 MR. GOETZ: I would ask the court break until
23 tomorrow and let us call our first witness tomorrow.

24 And the only thing I can say, Your Honor, is I
25 know the government's had a long time to present their case.

1 We were anticipating the defense case in total, with all the
2 defendants, taking about two weeks. Now that's going to be
3 chopped down to about two days. And we're the only
4 defendant who is going to be -- and this is not a slight on
5 anybody, but we find ourselves in the position of now kind
6 of being moved up from Defendant Number 7 or 6, because we
7 lost Mr. Ibrahim, but Number 6 to Number 1 to present the
8 case.

9 So I understand it's an indulgence that we're
10 requesting of the court and counsel, as well as the jurors;
11 but given the length of the case, the complexity of the
12 case, and just with all the defendants' scheduling
13 witnesses, that's what we're asking, is that we start
14 tomorrow morning.

15 THE COURT: Are you saying that Dr. Vaaler is not
16 available, that you have no witnesses available this
17 afternoon?

18 MR. GOETZ: That's correct, Your Honor. I don't
19 believe -- Mr. Mohring's been working directly with
20 Dr. Vaaler, but he would be available first thing tomorrow
21 morning. And then we will have all the witnesses
22 immediately after that, with the exception is Ms. DeSanto.

23 And I apologize for that, Your Honor. It's just,
24 it's a position of what -- I don't know what else we could
25 do, you know. We --

1 THE COURT: Well, you didn't talk this over the
2 weekend about what the plan was for today?

3 MR. GOETZ: Your Honor, we had some discussions
4 yesterday about generally where we're going. We didn't get
5 our confirmation, frankly, that nobody else was going to be
6 presenting any kind of case until just now.

7 And I would note -- you know, it's no excuse, but
8 the reality is this was a holiday weekend. I was in Ohio
9 watching my son graduate from college, so.

10 THE COURT: Congratulations.

11 MR. GOETZ: Thank you. It was a nice, nice event.

12 But the point is life was happening in other ways,
13 and it was a very difficult time to get ahold of people and
14 get them here in the eventuality that actually nobody else
15 would present a case. Now we find that eventuality has
16 happened.

17 THE COURT: All right. Let me have a sidebar with
18 counsel, please.

19 **(Sidebar discussion)**

20 THE COURT: It's either that or I call you all
21 back to chambers, so we're going to do it this way.

22 Okay. Do I have everybody? Yes. All right.

23 Here's my -- I'm not happy about this, but here's
24 my issue. The jury isn't happy with the short days, and the
25 jury is my number one concern, frankly, or at least high up

1 there.

2 I was going to break tomorrow to go to Judge
3 Bryan's investiture. I can skip that. We can have a full
4 day tomorrow.

5 Does anybody object to that? I know that you
6 hadn't planned on it. All right.

7 You all know that we're not going to have court on
8 June 5, 6 and 7. Everybody has known that. There's nothing
9 I can do about that.

10 And so I have some concern about the timing here.
11 I am willing to start tomorrow morning, but I need your
12 final witness here, the one that was going to appear Monday,
13 I need her here before that. I can't have you go two days
14 and skip Friday and then start Monday. It just can't
15 happen.

16 MR. GOETZ: Understood, Your Honor.

17 THE COURT: Can you make it happen?

18 MR. GOETZ: If we can't, we will not call her.
19 That's all we can do.

20 THE COURT: I mean, I just -- I can't do that. I
21 can't continue to interrupt the jury's time like this.

22 We'll take this afternoon and look at jury
23 instructions so that we have those all ready to go, and that
24 will make some time of this afternoon for charge conference,
25 and then we'll just roll through.

1 So you should be ready to close Friday, if not
2 before, depending on how long your case is, Mr. Goetz.

3 MR. GOETZ: Understood, Your Honor. Thank you.

4 THE COURT: Okay? Everybody, all right? Okay.

5 **(In open court)**

6 THE COURT: All right. We are going to break for
7 the day. I'll let the jury go. We're going to spend this
8 afternoon on jury instructions and charge conferences.

9 You can let them know.

10 And then the defense will start their case
11 tomorrow morning at 9:00, and we'll have a full day
12 tomorrow. And then court will also be in session all day
13 Thursday and all day Friday, all day Monday the 3rd and
14 Tuesday the 4th.

15 All right. Anything else for the record?

16 MR. MOHRING: Apologies, judge. I may have missed
17 it. So all day tomorrow or --

18 THE COURT: All day tomorrow.

19 MR. MOHRING: Okay.

20 THE COURT: So I'd like the attorneys to take a
21 lunch break and come back for a charge conference.

22 Let's go off the record, and we can discuss the
23 timing of that.

24 **(Off the record)**

25 THE COURT: Thank you. Court is adjourned for the

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day.

(Court adjourned at 11:55 a.m., 05-28-2024.)

* * *

I, Renee A. Rogge, certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Certified by: /s/Renee A. Rogge
Renee A. Rogge, RMR-CRR