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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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| United States of America, |) | |
| |) | File No. 22-cr-124 |
| Plaintiff, |) | (NEB/DTS) |
| |) | |
| v. |) | |
| |) | |
| Abdiaziz Shafii Farah(1), |) | Courtroom 13W |
| Mohamed Jama Ismail(2), |) | Minneapolis, Minnesota |
| Abdimajid Mohamed Nur(4), |) | Thursday, May 30, 2024 |
| Said Shafii Farah(5), |) | 9:05 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 XXVI OF XXX

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

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Proceedings recorded by mechanical stenography;
Transcript produced by computer.

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IN OPEN COURT

(JURY PRESENT)

THE COURT: You may all be seated.

Mr. Goetz.

Members of the jury, before we start this morning, I've been informed that we have a witness who is going to appear out of order. So we're going to interrupt Mr. Shariff's testimony at some time this morning and take that witness, because of witness scheduling issues, and then return to Mr. Shariff's testimony.

MR. GOETZ: Thank you, Your Honor.

THE COURT: Mr. Goetz, you may continue your inquiry.

MR. GOETZ: Thank you.

MUKHTAR MOHAMED SHARIFF,

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

DIRECT EXAMINATION (Resumed)

BY MR. GOETZ:

Q. Good morning, Mr. Shariff.

A. Good morning.

Q. When we ended the day yesterday, we were talking about Wadani Consulting and the legitimate work you had done for years before with that entity before you moved to Minnesota.

Do you remember that --

1 A. I do.

2 Q. -- testimony where we left off?

3 A. That's right.

4 Q. All right. So let's talk about Wadani Consulting then
5 kind of when you came to Minnesota. And we'll get back to
6 your move to Minnesota in a minute.

7 But since we're talking about Wadani, let's just
8 close that subject by looking at Government Exhibit B-7. So
9 you recognize this document?

10 A. I do.

11 Q. If we can go to the second page.

12 So this is your company, right, Wadani Consulting
13 LLC?

14 A. It is.

15 Q. It looks like it was registered on January 6th of 2021;
16 is that right?

17 A. That's right.

18 Q. And if we look at the next page, that's your name
19 with -- what is the address there? Can you tell us what
20 that is associated with?

21 A. That's the apartment I was living in when I first moved
22 to Bloomington.

23 Q. Okay. So the question I have, Mr. Shariff, is -- so
24 Wadani Consulting had been up and running as a name anyway
25 for at least two years, if not longer, before you registered

1 it in the State of Minnesota. Why did you decide to
2 register it in the State of Minnesota?

3 A. So I moved to Minnesota at the end of 2020; and because
4 of my work in the diaspora and the consulting work I was
5 doing for the Federal Government of Somalia, a lot of people
6 in Minnesota wanted me to do work for them. So it made
7 sense to try and open an office and register the company
8 locally here, so I could serve more people in the state.

9 Q. And SNABPI, you mentioned that yesterday. That's the
10 Somali young professional networking group, I'll just call
11 it. I'm not going to try to decipher the acronym. I want
12 to talk about that a little bit.

13 Can we have for the witness only Exhibit D7-78.

14 (Video recording played)

15 MR. GOETZ: Just for the witness only. Kate, is
16 there any way you can show an image without playing the
17 video?

18 COURTROOM DEPUTY: I can --

19 MR. GOETZ: All right. So we have the volume.

20 BY MR. GOETZ:

21 Q. Now, just showing you, Mr. Shariff, what's been marked
22 as D7-78, do you recognize this?

23 A. Yes, I do.

24 MR. GOETZ: Did we blow a fuse?

25 COURTROOM DEPUTY: No. I think -- go ahead.

1 MR. GOETZ: Okay. Great.

2 BY MR. GOETZ:

3 Q. What are we looking at in D7-78?

4 A. This is an interview I did talking about SNABPI and some
5 of the work I was doing in the Somalia diaspora.

6 Q. And were you doing work with SNABPI under or through
7 Wadani Consulting?

8 A. I was.

9 Q. The entity the government claims is a shell?

10 A. Yes.

11 Q. Okay. And is this a true and correct copy then of that
12 video where you are talking about the work you did with
13 SNABPI and this Somalia diaspora conference?

14 A. It is.

15 MR. GOETZ: Offer D7-78.

16 MR. THOMPSON: Objection. Hearsay and relevance.

17 MR. GOETZ: I can speak to both of those, Your
18 Honor.

19 THE COURT: Let's take a little sidebar.

20 **(Sidebar discussion)**

21 THE COURT: Mr. Goetz.

22 MR. GOETZ: Your Honor, I'm surprised by the
23 government's objections.

24 As to relevance, the government has claimed all
25 along that Wadani Consulting is a shell. It had nothing to

1 do other than to take food program money. This evidence
2 shows that it's absolutely not. This is the work that
3 Mr. Shariff was doing through that company for years. So it
4 directly rebuts that argument by the government.

5 Furthermore, the money trail that the government
6 has been focusing on in terms of the account, the Wadani
7 account in particular, includes work that Mr. Shariff did
8 for the Somali Diaspora Conference. \$26,000 of the funds
9 that the government says was spent by Mr. Shariff for
10 transportation, the inference being this was some kind of
11 luxury cruise or something like that, was spent on buses for
12 this very conference. We want to show that this conference
13 is real.

14 This video is not offered for its truth at all, to
15 get to the hearsay objection. It is simply to show that
16 this was something that was in existence and real. What
17 these people say is not material, but it is simply to
18 establish the reality that Mr. Shariff was involved in
19 legitimate work with Wadani, with Somali Diaspora
20 Conference, contrary to the government's claims heretofore.

21 MR. THOMPSON: Your Honor, that doesn't come close
22 to getting over a hearsay objection. It is an out-of-court
23 statement offered for the truth.

24 I'd object also on relevance. He can testify to
25 his involvement in SNABPI. We, the government, didn't talk

1 about SNABPI at all. It's just not true. We went through
2 the bank records and the money that flowed into and out of
3 that account. He's welcome to testify about the work he did
4 elsewhere.

5 We don't have witnesses or defendants put in
6 videos of them laughing and talking with other people out of
7 court. That's what hearsay is for, and that's also wildly
8 irrelevant. He can testify to it. We don't need to have
9 videos being played.

10 MR. GOETZ: Your Honor, hearsay is defined as
11 evidence offered for the truth. The statements made in this
12 video are not offered for their truth. So it's not hearsay
13 by definition.

14 Further, as I said, the government is complaining
15 that -- or claiming that \$46,000 of the Wadani funds are
16 bogus. They're to live a high life-style. \$26,000 of that
17 is absolutely legitimate, and we can show it's related to
18 this conference, a conference that was real. This
19 establishes the reality of the conference.

20 THE COURT: What are the statements in the video?

21 MR. GOETZ: They're, they're nothing. They're
22 basically talking about, you know, the work that Mr. Shariff
23 has done, who he is. They're --

24 THE COURT: If they're talking about the work that
25 he's done, isn't that offered for the truth?

1 MR. GOETZ: No.

2 THE COURT: He's doing the work?

3 MR. GOETZ: No. It's in a very general sense,
4 just that he's known or something. It's not specifics.
5 It's nothing specific.

6 THE COURT: Okay. Well --

7 MR. GOETZ: And we can -- I would not object to
8 the court instructing the jury that this -- whatever is said
9 on this video is not offered for the truth.

10 MR. THOMPSON: Your Honor.

11 THE COURT: Who was just going to say? Was that
12 you, Mr. Thompson?

13 MR. THOMPSON: It was me, Your Honor.

14 THE COURT: Go ahead.

15 MR. THOMPSON: I think, again, this is classic
16 hearsay. It's also irrelevant, and there's a 403 issue.
17 He's putting in a video. The defendant, my understanding,
18 has a podcast. He's trying to put a video in of him talking
19 about some other thing unrelated to this case, where he's
20 smiling and other people are smiling and laughing. He's
21 welcome to testify to his involvement.

22 I don't know what Mr. Goetz is talking about
23 suggesting that things were nefarious in terms of
24 transportation or the Somali Diaspora Conference not
25 happening. We didn't talk about the Somali Diaspora

1 Conference for SNABPI at all in our case in chief, to my
2 recollection.

3 MR. GOETZ: And that's the problem. They didn't.
4 They tried to hide the fact that \$26,000 of transportation
5 expenses were for this conference.

6 THE COURT: Okay.

7 MR. GOETZ: We need to talk about it.

8 THE COURT: You can talk about it.

9 The video can come in as a still picture, but I'm
10 concerned about the statements in -- if they're talking
11 about his work, then that is hearsay about his work. So it
12 can come in as a still picture, and he can talk about it.

13 MR. GOETZ: Thank you, Your Honor.

14 **(In open court)**

15 MR. GOETZ: Your Honor, I believe is the
16 objection --

17 THE COURT: I'm sorry.

18 I am partially sustaining the objection. The
19 exhibit, which is D7-78, is coming in as a still picture and
20 not a video. And we will modify that when it comes back to
21 the jury.

22 So you can show the picture, but not play the
23 video. Thank you.

24 MR. GOETZ: Thank you, Your Honor.

25 So if everybody is able to see D7-78?

1 BY MR. GOETZ:

2 Q. So, Mr. Shariff, tell us what we're looking at here.

3 A. This is an interview from I believe August 2022. It is
4 a conversation -- I was being interviewed to talk about my
5 work with SNABPI, the upcoming Somali Diaspora Conference,
6 which was being organized by my consulting company.

7 Q. Wadani Consulting?

8 A. That's right.

9 Q. And is that Somali Diaspora Conference an event that
10 happened earlier as well? Was it a recurring event?

11 A. It is.

12 Q. How many times have you held that Somali Diaspora
13 Conference?

14 A. I've been holding it since 2019.

15 Q. And did you use -- there's been some testimony here
16 about your Wadani Consulting checking account.

17 A. Yes.

18 Q. Did you use that account for expenses related to the
19 Somali Diaspora Conference?

20 A. I did. My d/b/a was actually Somali Diaspora
21 Conference, one of the d/b/as from my consulting company.

22 Q. For Wadani Consulting?

23 A. Yes, for Wadani Consulting.

24 Q. And do those transportation expenses include buses, for
25 example?

1 A. Yes.

2 Q. Thank you.

3 You have another entity the government has talked
4 about. Nomadic Group. I want to ask you some questions
5 about that.

6 Could we look at Government Exhibit B-5, please.

7 Do you recognize this document?

8 A. I do.

9 Q. And if we can go to the second page.

10 This is the registration for Nomadic Group with
11 the Minnesota Secretary of State; is that right?

12 A. That's right.

13 Q. And it was issued on November 2nd of 2020; is that
14 right?

15 A. That's correct.

16 Q. And if we look at the next page.

17 Again, we have your name, correct?

18 A. Yep.

19 Q. As the incorporator with -- I think you've established
20 that's your apartment where you were living at the time.

21 A. Yes.

22 Q. Can you tell us, Mr. Shariff, why you registered the
23 entity Nomadic Group in Minnesota in November of 2020?

24 A. Yeah. So I started a podcast in 2019 called Nomadic
25 Hustle. It's a podcast I've been doing for a while. And

1 I -- when I moved to Seattle, I was looking to open a studio
2 and kind of expand the multimedia capabilities of the
3 podcast, bring on, you know, maybe documentary-styled
4 videos, do other work besides just like a podcast out of
5 somebody's office. So I registered Nomadic Group to be able
6 to continue that work here in Minnesota.

7 Q. So Nomadic Group is related to your podcasting
8 enterprises, which are named Nomadic Hustle? Is that the
9 name of your --

10 A. That was the name of the podcast, yes.

11 Q. So the government has claimed that Nomadic Group, again,
12 is one of the shell entities set up solely to receive food
13 program money. Was that the reality?

14 A. Absolutely not.

15 Q. Let's take a look for the witness only, please, at
16 Exhibit D7-77.

17 So do you recognize what is in front of you as
18 Exhibit D7-77?

19 A. I do.

20 Q. What is it, generally?

21 A. This is one of the interviews I conducted as part of my
22 podcast.

23 Q. And how do you -- what's the name of that podcast again?

24 A. It's called Nomadic Hustle.

25 Q. And how do you recognize this as being one of those

1 podcasts?

2 A. I recognize it because the logo in the top right corner
3 and also the guest.

4 MR. GOETZ: Offer D7-77, Your Honor.

5 MR. THOMPSON: Objection. Hearsay. Relevance.

6 THE COURT: It will be admitted as a still picture
7 and not a video.

8 MR. GOETZ: Permission to publish, Your Honor?

9 THE COURT: Permission to publish the still photo.

10 BY MR. GOETZ:

11 Q. So now that the jury can see this image, tell us, again,
12 everybody, what we're looking at here.

13 A. This is, I think, was the most popular interview I did.
14 It received I believe hundreds of thousands of views across
15 YouTube and some other platforms.

16 And the guest, I was asking her about her
17 experience as a trauma surgeon in Florida. She's a mother
18 of six who completed her studies, had children and then got
19 board certified, and she was sharing her story to inspire
20 others.

21 Q. Okay. And you mentioned the logo. Can you just point
22 that out for the jury? I think it's plain, but let's just
23 be clear for the record where your logo is.

24 A. The logo is in the top right corner.

25 Q. Nomadic Hustle?

1 A. Yes.

2 Q. The name of your podcast, right?

3 A. That's right.

4 Q. The name, at least partially, of your LLC that you set
5 up in Minnesota in November of 2020?

6 A. Yes, it is.

7 Q. Thank you.

8 So let's talk then about your move to Minnesota.
9 We had your background in Seattle. We went as far back as
10 Somalia yesterday, but let's talk about your move to
11 Minnesota. You said you made some trips here when you were
12 younger, played basketball and other things.

13 When did you actually move to Minnesota?

14 A. I moved to Minnesota in October 2020.

15 Q. And why did you move to Minnesota?

16 A. I moved here during COVID. As many people did, my job
17 went remote, which means I was no longer confined to
18 Seattle. So I could essentially move to whatever state I
19 wanted to move to. And I had a ton of family here in
20 Minnesota. So my wife and I decided to relocate here to
21 Minnesota.

22 Q. And when you say "family," are you talking about
23 immediate family, broader family? Can you help us
24 understand your family connections?

25 A. Yeah. So extended family, cousins, uncles, aunts. In

1 Seattle, it was just my immediate family, parents, siblings,
2 nieces and nephews.

3 Q. So was that an easy decision for you and your family?

4 A. It was not an easy decision. As I mentioned yesterday,
5 I had a newborn. So my son was born in July 2020. Moving
6 with a newborn is very difficult, even in COVID.

7 My family in Seattle had lived very close to each
8 other. So my siblings and I were like a mile apart, meaning
9 everybody lived within one square mile. You had grandma,
10 grandpa and you had like my daughter and thirteen of her
11 cousins all living next to each other.

12 So in 2020, when things shut down, a lot of my
13 siblings started moving out of Washington state to other
14 places, some out of the country. So we would have been one
15 of the only people left in Seattle, so we decided to move to
16 Minnesota.

17 Q. Okay. And what was it in particular besides family, if
18 anything, that attracted you to moving to Minnesota?

19 A. Yeah. So I started getting a lot of inquiries from
20 Minnesota to do consulting work, to do -- you know, maybe
21 the Somalia Diaspora Conference would be bigger here in
22 Minnesota. The community here is larger. The opportunities
23 to network here were greater. And the cost of living, quite
24 frankly, is much lower than Seattle, than it is -- in
25 Minnesota than it is in Seattle.

1 Q. So you moved to Minnesota. Then where did you first
2 reside? What community?

3 A. Yeah. So I moved here -- I initially wanted to live in
4 Minneapolis. And then I connected with the Bloomington
5 community, and I felt like that was the right place for us.

6 Q. And did you find a spiritual home here in Minnesota when
7 you moved?

8 A. I did. I started attending the Dar Al-Farooq mosque.
9 And this address you saw in Bloomington is just five minutes
10 from the mosque.

11 Q. Okay. And why did you choose Dar Al-Farooq?

12 A. Dar Al-Farooq is unique in the sense that it's one of
13 the largest Islamic Centers I believe in the entire midwest
14 region. It has football fields, soccer, two playgrounds. I
15 mean, I have two small children. It has an indoor
16 basketball court. It has courses for children all the way
17 to adults, a lot of different programs going on there.

18 So when I moved there to Bloomington, it just
19 became the right place for me and my family, too, to attend.

20 Q. Beyond attending Dar Al-Farooq, did you become involved
21 in any other activities or programs in that community?

22 A. Yeah. So as I've done before in Seattle, any time I
23 move to a community I try to help out in whatever capacity
24 that may be. And so in Seattle I taught coding at the
25 mosque, in the centers.

1 In Bloomington I started to help out, you know,
2 with basketball programs, with some coding programs and even
3 overall, like the center operations, seeing where I can help
4 them make things more efficient.

5 Q. So you moved in October of 2020, you said.

6 Were you in Minnesota then continually after that
7 or did you take any trips anywhere after you first moved?

8 A. Yes. When I moved here in October, I traveled a little
9 bit throughout the month of October; and then I think at
10 least the second half of November to the first half of
11 December I was out of the country.

12 Q. Okay. Where were you?

13 A. I was in Kenya, Nairobi.

14 Q. Why were you in Kenya?

15 A. So at the -- I think around mid November 2020 we had a
16 health scare for my father. He was in a village about six
17 hours outside of Nairobi, and he got COVID. So my older
18 brother is a doctor, and we flew right away to like get
19 there and try to help out and get him some medical
20 attention.

21 Q. So your father obviously had traveled back from the
22 United States to Kenya and became ill, and that's why you
23 went there?

24 A. Yes.

25 Q. So getting back to Minnesota, through Dar Al-Farooq and

1 that community, did you meet anybody that has relevance to
2 this case?

3 A. Yeah. So when I got back in --

4 Q. So who --

5 A. Oh, yes. Sorry.

6 Q. Who was that?

7 A. When I got back in December 2020, I met Dr. Mahad.

8 Q. You call him Dr. Mahad. His full name is what, though?

9 A. Oh. Mahad Ibrahim.

10 Q. And how were you first introduced to Dr. Mahad?

11 A. I was introduced to him in one of the conference rooms
12 at the Islamic Center. I was still working as a consultant
13 for my company in Seattle, so I would work in that room
14 remotely, and sometimes people would come in and have
15 meetings. So I met him while I was working there.

16 Q. And please remind us of the name of the company you were
17 working with in Seattle still at that time.

18 A. Yeah. So at that time I was working with Slalom
19 Consulting.

20 Q. Slalom Consulting. All right.

21 So Dr. Mahad. What was your first impression of
22 him?

23 A. My first impression of him -- I mean, I was really
24 impressed with his background. He has a PhD from Berkeley,
25 and he was very highly regarded in the community. Everybody

1 trusted him. Everybody worked with him. They consulted
2 with him. And he was actually there to consult some
3 individuals, kind of community members at the mosque. And
4 so I was, you know, I -- I mean, my first message to him
5 was, like, I want you to be my mentor, because he's done so
6 much work.

7 Q. Okay. So he made a favorable impression on you?

8 A. Absolutely.

9 Q. And so help us understand what was the context of the
10 meeting in the conference room? Was there a purpose to it
11 or --

12 A. Yes.

13 Q. What was the purpose?

14 A. Yeah. So I was, I mean, I was just working there. I
15 wasn't there for the meeting per se. And I guess Dr. Mahad
16 came to me with some community leaders. I didn't know who
17 they were at the time. I have known one of them. And they
18 were discussing a new project at 1701 American Boulevard,
19 which is a building that was just acquired by some investors
20 in the community.

21 Q. And what was that project?

22 A. It was the Afrique project.

23 Q. All right. And so you struck up a conversation and
24 just -- we'll get back to, obviously, Afrique in more
25 detail, but just tell us about that initial conversation

1 about Afrique. How did it go?

2 A. Yeah. So the initial conversation was around what to do
3 with this space. That building was sold during COVID. It
4 was very empty. The investors were looking to see how they
5 could occupy half of it. Half of it was already offices.
6 People were using it. The other half was empty. So it was
7 just a lot of ideas on what do we do with 20,000 square feet
8 of space.

9 Q. And so when you heard that discussion and those ideas,
10 how did that impact you? What did you think about that?

11 A. I thought it was a great opportunity to do something
12 that hasn't been done before in our community, I mean, you
13 know, taking a project on that could exceed all expectations
14 and become something big.

15 Q. Mohamed Omar. Did you meet that individual?

16 A. I did.

17 Q. And tell us about that, how you met him.

18 A. I met him at the Islamic Center, and he's one of the
19 leaders in the community.

20 Q. Okay. Did he have anything to do with those initial
21 discussions about -- I'll just call it the Afrique project.

22 A. Yes. So my understanding was he was involved with the
23 ownership group of the building. So he was in contact with
24 the building investors and owners to try to figure out what
25 to do with it. This building is only a few minutes from the

1 mosque, so it would impact the overall community.

2 Q. So you had this initial discussion. At the end of that
3 discussion, was there any talk of you becoming involved in
4 the project?

5 A. Yes.

6 Q. How did that come about?

7 A. So they, they thought that I could help with -- given my
8 background in the diaspora and getting the word out about
9 the project, they felt like I could lead the project, that I
10 could attract a lot of attention to the project and
11 essentially become the face of the project to the world.

12 Q. Now, you're new to the community at this point, correct?

13 A. Yes.

14 Q. You're new to these individuals, right?

15 A. I am.

16 Q. Why did you decide to take that on, that leadership
17 role?

18 A. I thought it was different from my, I guess, day job.
19 Right? I was working as a consultant. I was in tech. I
20 felt like I wanted to try something new, right, take on a
21 new challenge.

22 I've never done a construction project before
23 this. I had some restaurant experience in Seattle. And I
24 just really liked the challenge of, like, taking something
25 that doesn't exist and creating it.

1 Q. So in order to have that creation happen, let's look at
2 a couple of documents. All right?

3 Return first to Government Exhibit B-8.

4 We've looked at this document many times. This is
5 the corporate filing for Afrique; is that right?

6 A. It is.

7 Q. And if we can look at the next page. Afrique
8 Hospitality Group LLC. Certificate issued on November 6 of
9 2021.

10 Look at the next page. So the organizer is Mahad
11 Omar. Who is Mahad Omar?

12 A. I believe Mahad Omar is one of the community members
13 that was there at the time during the conversations. There
14 were multiple Mahads.

15 Q. All right. And 1701 American Boulevard East. That's
16 what address?

17 A. That is the newly-acquired building where Afrique was
18 going to be.

19 Q. And the email for official notices. What email is that?

20 A. That's my email.

21 Q. And why is your email on these organizing documents?

22 A. They just wanted me to keep up with the communications;
23 so if the state sent something, it would come to my email
24 and I would follow up.

25 Q. So at this point you've had some initial conversations

1 about Afrique. You've taken the steps to have it be an LLC.

2 What was -- tell the jury about the vision. What
3 was -- you know, nothing, you know, no shovels had been in
4 the ground yet. But what was the vision for Afrique? What
5 was it going to be at this point?

6 A. At this point it was -- in the initial conversations, is
7 that what you are referring to, before we developed further
8 on the concept or do you mean the full concept?

9 Q. At this point in time here in early January of 2021,
10 what was your vision or the collective vision for Afrique?

11 A. The collective vision was to establish a cultural center
12 that encompassed a restaurant, cafe, an event space, an
13 indoor playground for children/child care concept, a
14 business incubator, so allowing people to, you know, start
15 businesses and helping them and getting the resources, and a
16 coworking space, library. That was one of the initial
17 concepts discussed. And so that was phase one of the
18 project.

19 Q. All right. So where was the money going to come from?

20 A. We were going to get the money from investors.

21 Q. All right. And in order to do that, did you have to
22 obviously make a presentation so the investors would have an
23 idea of what they'd be investing into?

24 A. Yes.

25 Q. So if we can go back and look at Government

1 Exhibit G-110.

2 So we've talked a lot about this email over the
3 last month or so. Do you recognize this email?

4 A. Yes.

5 Q. Tell the jury what it is.

6 A. This is an email that Mahad Ibrahim sent to me, a pitch
7 deck that he had created.

8 Q. Did you at all, as we scroll down, contribute any
9 content to this pitch deck?

10 A. Yes.

11 Q. What did you contribute?

12 A. I contributed the information about my background. So
13 the slides about my background and what I do and my
14 experience.

15 Q. Can we look at page 14?

16 So "Meet the CEO, Mukhtar Shariff." What did you
17 contribute on this page?

18 A. I just gave Mahad, Dr. Mahad information about myself,
19 what I was studying back when I was in Seattle, my
20 background in tech, software engineer, and just things I've
21 done before.

22 Q. Did you prepare the slide or just provide the
23 information?

24 A. I provided the information.

25 Q. And if we look at the next page. Did you provide that

1 information?

2 A. Yeah, I did.

3 Q. If we look at the next page. Did you provide this
4 information about SNABPI?

5 A. I did.

6 Q. If we look at the next page, page 18, did you provide
7 this information?

8 A. Yes.

9 Q. And the photograph, you provided that photograph?

10 A. Yeah, I did.

11 Q. And who's shown in that photograph?

12 A. This is a photograph with the President of Somalia.

13 Q. And you?

14 A. And myself.

15 Q. Do you know who the -- just identify for those of us who
16 are not familiar with the President of Somalia, who is that
17 and who else do we see in this photograph?

18 A. So this is President Farmaajo. He was President in
19 Somalia from 2017 up until I believe 2021, head of the
20 state.

21 Q. So you can just put an X on the screen there. It
22 will --

23 A. I'll put a circle.

24 Q. All right. And do you know -- and we see you. Who's
25 the third gentleman?

1 A. The third gentleman is one of the individuals that was
2 working with SNABPI. His name is Mohamed.

3 Q. Okay. Is he a -- I'll call him an expat. Somebody from
4 Somalia who lives in the United States as well?

5 A. He is. He does a lot of work with the diaspora.

6 Q. Okay. So getting back to the pitch deck, I want to look
7 at the pages about the revenue model that the government has
8 focused on. Page 4, please.

9 Did you put together any of this language on this
10 page?

11 A. I didn't.

12 Q. The pitch for the revenue model, who wrote that?

13 A. Dr. Mahad wrote that.

14 Q. What was your understanding when it talks about
15 "restaurant and delivery/take-out operation to build brand
16 awareness, catering and events to maximize profits," but
17 then we have at the top "hedge risk and volatility of
18 hospitality business with large, consistent revenues from
19 food service contracts (CACFP and SFSP)?"

20 Did you know what that was talking about?

21 A. When I received the email with this slide, I had no idea
22 what CACFP or SFSP meant.

23 Q. Did you ask or come to have some understanding of what
24 that part of the revenue model proposal was?

25 A. I asked him, yes.

1 Q. What was your understanding then when this -- you know,
2 your Afrique project has a proposed revenue model. It has
3 this piece, food program.

4 What was your understanding of how that piece of
5 the revenue stream would work as proposed by Dr. Mahad?

6 A. Yeah. Dr. Mahad proposed that we'd have a huge high-end
7 kitchen providing meals to schools, like charter schools,
8 child cares, other day cares, hot meals every single day,
9 getting, you know, catering vans to deliver these meals.

10 Q. So the food program involvement that we've been hearing
11 about for the last four, five weeks with, you know, the
12 distribution of bulk food items, was that the type of
13 involvement that you understood Afrique Hospitality Group
14 was going to be having once Afrique project was up and
15 running, the cultural center?

16 A. No.

17 Q. Let's look at page 9 of this, please.

18 So this is the part of the pitch deck that
19 specifically talks about the involvement in the food
20 program, right?

21 A. That's right.

22 Q. And it has four bullet points. The government focused
23 on the first three. But the fourth one is what? Can you
24 just read that for us?

25 A. This one is the "Presence of a high-end commercial

1 kitchen makes catering delivery easy and efficient."

2 Q. All right. And is that what you were just talking
3 about, your understanding?

4 A. That's correct.

5 Q. Page 12, if we can look at that.

6 So this is the revenue or revenue projections,
7 profit and loss projections. You understood -- did you have
8 an understanding that food service was not included in that?

9 A. I did.

10 Q. Let's look at page 10.

11 Just to go over the people on the team. Mukhtar
12 Shariff. That's you. What was your role going to be in the
13 Afrique project?

14 Again, this document is sent to you as part of a
15 draft of a pitch to investors, right?

16 A. Yes.

17 Q. So what was your role going to be then in this Afrique
18 project?

19 A. My role was going to be to execute on the vision of
20 Afrique. So to take it from a pitch deck to reality.

21 Q. Mohamed Omar. Who is that individual?

22 A. Mohamed Omar is a leader in the Bloomington community,
23 and he is one of the Afrique investors.

24 Q. And Mahad Hassan. Who is that?

25 A. Mahad Hassan I think is another leader in the community.

1 He -- I met him through Mahad Ibrahim.

2 Q. How well do you know Mahad Hassan?

3 A. I didn't know him very well.

4 Q. Okay. And Mahad Ibrahim. Is that Dr. Mahad?

5 A. It is.

6 Q. What was Dr. Mahad's role going to be in the Afrique
7 Hospitality Group project?

8 A. So Dr. Mahad has extensive experience in food service.
9 He had been in this business for years, you know, back in
10 New York City, all the way to Minnesota. So anything food
11 service related was going to be on him.

12 Q. Were you going to have a title?

13 A. Yes.

14 Q. What is that title for Afrique?

15 A. I was going to be the CEO.

16 Q. Was Dr. Mahad going to have a title?

17 A. Yes.

18 Q. What was his title?

19 A. He was going to be the CFO.

20 Q. Chief financial officer?

21 A. That's right.

22 Q. We heard Ms. Blackwell give a definition of chief
23 financial officer. Somebody who is responsible for all the
24 financial operations of a company. Would you agree with
25 that definition?

1 A. I do.

2 Q. Was that his role, Dr. Mahad's role?

3 A. Yes, it was.

4 Q. So let me ask in terms of the idea of Afrique -- just
5 look at a couple things very quickly. D7-198.

6 Showing you what's been marked for identification
7 as D7-198, do you recognize this?

8 A. I do.

9 Q. I believe it's maybe in evidence already.

10 So this is, as I understand it, an email
11 forwarding, but from Eugene Tawiah to Mahad Ibrahim about
12 Eat Afrique Hospitality. Is that right?

13 A. That's right.

14 Q. If we can just scroll down, take a look at these pages.

15 So this limited liability company agreement dated
16 April 4, 2019, did you have any part of this?

17 A. No, I did not.

18 Q. All right. You talked about, well, Dr. Mahad having
19 previous experience or connections in New York related to
20 food and food distribution. Is this kind of what you were
21 thinking of?

22 A. Yes.

23 Q. And D7-199. So July 21, 2020, is the date of this email
24 from Mahad Ibrahim to Bette Mengesha. Subject, brand for
25 the Afrique project. So -- and it's dated back to

1 November 26, 2018, the forwarded email.

2 Did you have any involvement or even knowledge of
3 an Afrique project as far back as 2018?

4 A. No.

5 Q. When is the first time you ever became aware of the
6 Afrique project?

7 A. The end of December of 2020.

8 Q. In that conference room in the mosque?

9 A. That's right.

10 Q. So let's look then at D7-001 for the witness only,
11 please.

12 So, Mr. Shariff, what are we looking at here?

13 A. We're looking at the operating agreement of Afrique
14 Hospitality Group LLC.

15 Q. And how do you recognize it as such?

16 A. That's the title on the agreement.

17 Q. And is this a document that you have personal knowledge
18 of?

19 A. Yes.

20 Q. If we look at page 29 of this document, just for
21 identification purposes, do you see your signature on that
22 page?

23 A. Yes, I do.

24 Q. And having reviewed this, is this a true and accurate
25 copy of that agreement?

1 A. Yes.

2 MR. GOETZ: Offer D7-01, Your Honor.

3 MR. THOMPSON: No objection.

4 THE COURT: D7-01 is admitted and may be
5 published.

6 BY MR. GOETZ:

7 Q. So let's go to the first page. So just tell the jury
8 what we're looking at here.

9 A. This is the, I think, one of the first operating
10 agreements we made, as we were developing the Afrique
11 concept and trying to get investors to invest their money in
12 the project.

13 Q. And did you have investors at this point?

14 A. We did.

15 Q. And let's look at page 29 again.

16 There's a number of signatures on this page.
17 Could you just circle your signature?

18 A. (Witness complies).

19 Q. And who else do you recognize that signed this document?

20 A. I recognize Dr. Mahad and Mohamed Omar and also my
21 investors Raaho and Sulekha.

22 Q. Raaho Adan?

23 A. Yeah.

24 Q. Right there?

25 A. Yeah. So Raaho, Sulekha. And then DFC LLC was going to

1 be an entity that comprised a group of investors.

2 Q. Okay. So you had basically at least three. What about
3 Mohamed Omar? Was he an investor?

4 A. Yes.

5 Q. Okay. So you have you as CEO signing this agreement,
6 correct?

7 A. That's right.

8 Q. Dr. Mahad signing it as CFO, correct?

9 A. That's correct.

10 Q. And then your four investors or one being an investment
11 group; is that right?

12 A. That's right.

13 Q. Dated January 15, 2021, right?

14 A. That's right.

15 Q. So at this point you have an idea. Have you raised --
16 you've raised some capital?

17 A. Yes.

18 Q. And so did you start?

19 A. Yes, we started.

20 Q. So let's talk about that.

21 If we could look at Government Exhibit M-6a,
22 page 4.

23 So this has some of the summaries of the
24 investments. Does this appear to be to you an accurate
25 summary of some of the investment you received at the early

1 stages of the Afrique Hospitality Group project?

2 A. Yes, it does.

3 Q. And we see Ms. Adan's name on here, correct?

4 A. We do.

5 Q. We see Ms. Hassan's name on there, correct?

6 A. Yes.

7 Q. A few times?

8 A. That's correct.

9 Q. Correct?

10 A. Yes.

11 Q. And we see an entity Iska Inc., correct?

12 A. That's right.

13 Q. And another entity Compassion Adult Day Services,
14 correct?

15 A. Yes.

16 Q. All right. All investors?

17 A. Yes.

18 Q. All nonfood program money, correct?

19 A. That's correct.

20 Q. We can take that down, please.

21 THE COURT: Mr. Goetz, that was not in evidence.

22 MR. GOETZ: Oh, I thought it was. I'm sorry.

23 Let's have that up again.

24 Thank you, Your Honor.

25

1 BY MR. GOETZ:

2 Q. So is this an accurate summary then of voluminous bank
3 records?

4 A. It is.

5 Q. And it accurately shows what we've gone through, the
6 investors in the early stages in the Afrique project?

7 A. That's right.

8 MR. GOETZ: Offer M-06a, page 4, Your Honor.

9 MR. THOMPSON: Objection. Lack of foundation.

10 THE COURT: Sustained.

11 BY MR. GOETZ:

12 Q. Mr. Shariff, do you have personal knowledge of the
13 investment into Afrique Hospitality Group project?

14 A. Yes, I do.

15 Q. And have you also in the course of the case reviewed
16 some bank records and showing checks that reflect
17 investments in the project?

18 A. Yes.

19 Q. And does this summary chart accurately reflect those
20 investments?

21 A. Yes, it does.

22 MR. GOETZ: Offer M-6a, page 4, Your Honor.

23 MR. THOMPSON: Objection. Lack of foundation.

24 If this is a 1006 summary, I don't think the
25 witness created it, and I don't think he verified its

1 accuracy.

2 MR. GOETZ: It just needs to be accurate summary,
3 Your Honor. He doesn't have to create it.

4 THE COURT: He can testify to the contents. I'm
5 not letting the document in at this point.

6 MR. GOETZ: All right.

7 BY MR. GOETZ:

8 Q. Fair to say, though, that you would agree that there was
9 at least, at the early stages, \$676,000 invested in Afrique?

10 A. Yes.

11 Q. Let's look at something that is in evidence then,
12 Government Exhibit O-21.

13 Do you recognize this document, Mr. Shariff?

14 A. Yes, I do.

15 Q. These are bank records for Afrique Holdings LLC; is that
16 right?

17 A. Yes, it is.

18 Q. True and accurate records?

19 A. Yes.

20 Q. You see your signature above the line Mukhtar Shariff,
21 correct?

22 A. I do.

23 Q. And this is records with Virginia Partners Bank, right?

24 A. That's right.

25 Q. Another bank account that Afrique -- an Afrique-related

1 entity had, right?

2 A. Yes.

3 Q. Can we look at page 29, please?

4 On June 30 there's a -- I'm sorry. On June 15
5 where it says Deposits and Additions, could you just
6 highlight that, please, or blow it up?

7 What are we looking at here?

8 A. This is the initial funding of the account from one of
9 our investors.

10 Q. All right. And is this an additional \$150,000 that
11 wasn't reflected in the government's summary chart that is
12 in evidence that has that \$886,000?

13 A. That's right.

14 Q. And if we can look at page 35 of this document, please.

15 And this, a statement from August 31, 2022, what
16 are we looking at here?

17 A. This is a transfer from August 2nd of \$100,000 of
18 investment from one of our investors in the Afrique project.
19 Below that there's a memo that says "100K of 750K_350K."

20 Q. What does that mean, from your understanding?

21 A. So from my understanding, I pitched this investor, and
22 we were looking to get \$750,000 in investment to complete
23 the Afrique project. The investor would make transfers and
24 put in the memo how much the investment was, 100K, how much
25 his commitment was, 750K, and then underscore 350, which

1 means how much they had invested so far.

2 Q. So this is another investment from August 2nd of 2022
3 that's not included in the government's summary of the
4 investment income into Afrique; is that right?

5 A. That's correct.

6 MR. THOMPSON: Your Honor, I'd object. I think
7 he's talking about a summary chart that he tried to admit,
8 but was not admitted into evidence.

9 MR. GOETZ: No. It's another summary chart that's
10 in evidence, Your Honor.

11 THE COURT: All right.

12 BY MR. GOETZ:

13 Q. So let's look then at another Afrique-related document.
14 Can we look at D7-03, please?

15 Do you -- this is not in evidence. Do you
16 recognize this document?

17 A. Yes. This is a lease agreement between 1701 American
18 Boulevard LLC, the landlord, and Afrique Hospitality Group.

19 Q. And how do you recognize it as such?

20 A. This was our lease agreement.

21 Q. This is a document you have personal familiarity with?

22 A. Yes.

23 Q. And does it appear to be --

24 We can just scroll through some pages. Why don't
25 we jump to page 27.

1 Do you see your signature on this document?

2 A. I do.

3 Q. Is this a true and accurate copy of that lease
4 agreement?

5 A. Yes.

6 MR. GOETZ: Offer D7-03, Your Honor.

7 MR. THOMPSON: No objection.

8 THE COURT: D7-03 is admitted and may be
9 published.

10 MR. GOETZ: Thank you, Your Honor.

11 Could we go to page 2, please.

12 BY MR. GOETZ:

13 Q. So the jury saw some schematic drawings yesterday about
14 the Afrique project. But just to kind of get some of the
15 documents to support the idea, this lease agreement
16 contemplated a space, right? You were going to take over
17 that space you talked about?

18 A. That's right.

19 Q. And the premises is described in the lease agreement,
20 correct?

21 A. Yes.

22 Q. Can we just blow that up?

23 So it has the suite numbers, but the total
24 rentable space looks like 15,482 square feet. Is that
25 right?

1 A. That's right, initially, yes.

2 Q. And if you can think of that -- if you remember that
3 schematic drawing we were looking at with Mr. Steen
4 yesterday, is that the Afrique space that is covered by this
5 lease agreement?

6 A. Yes.

7 Q. So if we look at page 27 then, whose signatures do we
8 see on this page?

9 A. So starting from the top, we see the landlord's
10 signature and then below that is the tenant's. So I sign on
11 behalf of Afrique, title CEO. And then Mohamed Omar, the
12 investor, was the board chair of the Afrique board.

13 Q. And it looks likes Rustam Muharamov is on behalf of
14 1701 American Boulevard LLC?

15 A. Yes.

16 Q. The landlord, right?

17 A. Yeah.

18 Q. Okay. And January 15, 2021, correct?

19 A. That's correct.

20 Q. The same date that I think there was another group that
21 we looked at on Exhibit D7-01 where you signed the founding
22 document for Afrique Hospitality Group LLC, correct?

23 A. Yes.

24 Q. So when you got the space, was this what we call a
25 turnkey situation where you could just get the key, open the

1 door and, voila, you have a cultural center?

2 A. No.

3 Q. What did you have to do?

4 A. So when we got the space, it was a mix of office and
5 warehouse space; and we would have to essentially demolish
6 all the square footage and reconstruct.

7 Q. So expensive, right?

8 A. Yes.

9 Q. Expensive project. Where were you going to get the
10 funding for that?

11 A. The funding sources initially were from two places. One
12 is our investors, primarily, and then we had negotiated
13 tenant improvements. So any time you take on a big project,
14 you would ask the tenant to chip in; and in return they
15 raise your lease over a certain number of years.

16 Q. So let's look at page 21.

17 So this has the section on tenant improvements; is
18 that right?

19 A. That's right.

20 Q. Can we just blow that up?

21 So it appears that the landlord and tenant agree
22 that if the tenant kicks in \$600,000 towards improving the
23 space, that the landlord would kick in then \$300,000 towards
24 capital, of capital towards improving the space.

25 A. That's correct.

1 Q. Okay. So that was another funding source from the
2 landlord?

3 A. Yes.

4 Q. To make the dream a reality, did you hire a design firm?

5 A. Yes, we hired a design firm.

6 Q. And if we can just look quickly, refer back to
7 Government Exhibit J-177.

8 This is in evidence. Do you recognize this
9 document?

10 A. I do.

11 Q. This is the agreement where Afrique Hospitality Group
12 hired who?

13 A. We hired a company at the time. It was 292 Design
14 Group, I believe their name was.

15 Q. And we see their name on the front page of this exhibit?

16 A. Yes, we do.

17 Q. Can we just blow that up, please?

18 And what were they going to do, 292 Design Group?

19 A. They were going to, you know, talk to us, consult us on
20 what we were trying to do, and then take the floor plans and
21 create architectural drawings, renderings.

22 Q. All right. And if we can just scroll down.

23 So this document, obviously a legal document,
24 setting forth the design firm's responsibilities and the
25 owner's responsibilities, correct?

1 A. Yes.

2 Q. If we can scroll down.

3 And the owner of Afrique is who, under this
4 document?

5 A. Under this document it was Dr. Mahad.

6 Q. CFO?

7 A. Yes.

8 Q. You hired a law firm, correct?

9 A. Yes, we did.

10 Q. Larkin Hoffman. And you worked with Mr. Jacob Steen?

11 A. Yes, I did.

12 Q. We heard his testimony yesterday about the zoning
13 changes that you went through?

14 A. That's correct.

15 Q. You hired a contractor; is that right?

16 A. We did.

17 Q. Can we look at D7-11, please.

18 What are we looking at here, Mr. Shariff?

19 A. This is a cost-plus contract for the Afrique community
20 center business at the property.

21 Q. And how do you recognize it as such?

22 A. This is a contract we entered into for construction.

23 Q. And this contract is between what entities?

24 A. It's between Afrique Hospitality Group and Contract
25 Design, which is our contractor.

1 Q. And you're personally familiar with this document?

2 A. I am.

3 Q. Does it appear to be a true and accurate copy of that?

4 A. It does.

5 MR. GOETZ: Offer D7-11, Your Honor.

6 MR. THOMPSON: No objection.

7 THE COURT: D7-11 is admitted.

8 BY MR. GOETZ:

9 Q. And if we can just look at page 2.

10 It looks like this has the scope of work defined,
11 correct, in the third paragraph?

12 A. Yes, it does.

13 Q. Just highlight that or blow it up, please.

14 So it defines basically in very legalistic terms
15 everything the contractor is going to do, right?

16 A. Yes.

17 Q. And the next paragraph, cost-plus contract price. Can
18 we just blow that up?

19 So the contract price at least at this stage was
20 \$1,391,236.74, correct?

21 A. That's correct.

22 Q. All right. But it does provide, as anybody who's ever
23 remodeled a home or built a house, sometimes there are cost
24 overruns. And this contract provided for that, right?

25 A. Yes.

1 Q. Okay. So that's fine.

2 So we're not going to go through all the
3 construction. But ultimately Afrique Hospitality Group, in
4 terms of at least the idea, became a reality, right?

5 A. Yes, it did.

6 Q. And we saw that video yesterday; is that right?

7 A. Yes.

8 Q. It's not called Afrique Hospitality Group anymore,
9 though, is it?

10 A. It's not.

11 Q. How do you feel, Mr. Shariff, having put in all that
12 work, to now have somebody else under the name Zawadi have
13 that project?

14 A. I mean, it's, it's -- I mean, it was definitely
15 devastating for us to have to essentially go into bankruptcy
16 and have someone else take over the project and complete it,
17 but I'm happy that it did, you know, end up being a
18 beneficial project for the community.

19 Q. Did the video that we saw yesterday capture what you had
20 dreamed about in terms of this cultural center coming into
21 life?

22 A. Yes, it did.

23 Q. All right. Let's shift gears here now and talk about
24 the Federal Child Nutrition Program. All right?

25 A. Okay.

1 Q. We talked a little bit about in the pitch deck that
2 Dr. Mahad sent to you on New Year's Eve of 2020. But when
3 did you first hear anything about the Federal Child
4 Nutrition Program?

5 A. I think it was when I got back into the country in
6 December of 2020.

7 Q. And what was it that you heard about?

8 A. So I heard that Dr. Mahad and some other individuals
9 were working together to establish a food program or meal
10 program at the center, at Dar Al-Farooq center.

11 A lot of community members had lost their jobs as
12 a result of COVID. I mean, there's an airport there. It
13 was essentially shut down, a lot of the hotels, a lot of
14 Uber. So they wanted to provide these services at the
15 center.

16 Q. Okay. And why did they mention this to you?

17 A. So when they were discussing this, Mahad -- I mean, I
18 met him, Dr. Mahad, I met him at the mosque, but he doesn't
19 live in Bloomington. He lives like 45 minutes away. So he
20 was asking me essentially to help out and get some of the
21 paperwork sorted away and help people at the mosque get some
22 of that stuff for him.

23 Q. He asked you to do what?

24 A. So the first thing he asked me to do was follow up on a
25 site transfer request. So Dr. Mahad was looking to transfer

1 the site at Dar Al-Farooq from Feeding Our Future to
2 Partners in Nutrition. So he essentially sent me a form and
3 wanted me to follow up on that form.

4 Q. All right. So site transfer request, Feeding Our
5 Future, Partners in Nutrition. Did you know anything about
6 really what that involved or who these other entities were
7 that you were dealing with?

8 A. At that time, no.

9 Q. All right. So could we look at Government
10 Exhibit C-320.

11 So this is an email, right?

12 A. Yes, it is.

13 Q. That you wrote?

14 A. Yes.

15 Q. To Aimee Bock, correct?

16 A. That's correct.

17 Q. Why did you write this email?

18 A. I wrote this email at the request of Dr. Mahad to
19 essentially just follow up with them and send over the site
20 transfer request.

21 Q. So, as I understand it, you had been in Minnesota for
22 barely a month at this point, right?

23 A. Yes.

24 Q. You just met Dr. Mahad at the mosque, impressed by him,
25 but you just barely got to know this guy, right?

1 A. That's correct.

2 Q. Why did you send this email?

3 A. I sent the email to just honestly be helpful. Right?

4 So he wasn't there. The community members at the mosque,

5 they weren't well-versed in, you know, these type of

6 communications. So I told them I would follow up. Right?

7 So he sent me the form. I emailed it out. And I would

8 essentially forward those communications to him.

9 Q. All right. And so if we could scroll down.

10 This is the site transfer request, correct?

11 A. It is.

12 Q. There's the email admin@daralfarooq.com. Whose email is

13 that?

14 A. I'm not sure whose email that is.

15 Q. Okay. You see your name there?

16 A. I do.

17 Q. Is that correct? Did you put your name there?

18 A. Yes.

19 Q. There's the Signature of Site Authorized Representative.

20 Did you type your name in there in the italicized writing?

21 A. Yes.

22 Q. And there's a date November 24, 2020. Did you put that

23 date on there?

24 A. No, I did not.

25 Q. Let's jump to page 1.

1 So this email that you sent was dated December 18,
2 2020, correct?

3 A. Yes.

4 Q. So with respect to the form, what did you do?

5 A. I sent it off.

6 Q. Okay. And what was your understanding of why, if you
7 had an understanding, of why you were sending this document?
8 What was to be accomplished by sending this document?

9 A. My understanding was this document would allow a meal
10 program to help out the community. So Dr. Mahad said they
11 needed to transfer the site and allow this program to start
12 taking place.

13 Q. All right. Was food being distributed at the mosque at
14 this point in December, December 18, 2020?

15 A. Not to my knowledge.

16 Q. So let's talk about food distribution then at
17 Dar Al-Farooq. When did that start, to your knowledge?

18 A. To my knowledge, it started in January 2021.

19 Q. And were you involved in that at all?

20 A. Yes.

21 Q. What was your involvement?

22 A. So I was in the community. My involvement was to help
23 package and distribute the meal to the site. So everything
24 that has to do with the food.

25 Q. When you say "everything that has to do with the food,"

1 does that mean ordering the food?

2 A. Oh, no, I was not ordering the food.

3 Q. Who ordered the food?

4 A. Dr. Mahad would be the person ordering the food.

5 Q. So January of 2021 was food provided then for you to
6 package and distribute?

7 A. Yes, it was.

8 Q. Do you know where that food came from exactly?

9 A. My -- in January, I didn't know exactly where it was
10 coming from, no.

11 Q. So what did you do then to distribute food at the mosque
12 in January of 2021?

13 A. We, "we" being myself and a group of volunteers and some
14 other employees, would get the food at the warehouse. And
15 Dr. Mahad would send a, like, a menu through Bianca, I
16 believe at the time, and that menu would be posted at the
17 packaging location. Follow the menu, make the packs,
18 deliver it to the site.

19 Q. Okay. Bianca. Is that Bianca Scott?

20 A. I think so, yes.

21 Q. Okay. So were you doing this as a volunteer or were you
22 doing it in another capacity?

23 A. I was not doing it as a volunteer at first, no.

24 Q. Were you doing it under the auspices of Afrique?

25 A. In January 2021 not yet.

1 Q. So was there discussion, though, with you, Dr. Mahad
2 about Afrique being involved in the Federal Child Nutrition
3 Program?

4 A. After around January, yes, there was discussion about
5 that.

6 Q. And what was, what was that discussion? How was Afrique
7 going to be involved in that program?

8 A. So the Afrique project we knew would take some time. In
9 the pitch deck you see that we initially thought by June it
10 would be ready. By the time we talked to architects, got
11 started and talked to construction, we knew it would be much
12 longer than that. And we had just signed a lease for a huge
13 space.

14 So the idea was to leverage the lease and the
15 building that we had and establish a buying relationship
16 with Sysco, who was going to be our main vendor once we
17 opened. So start getting terms with them, meaning favorable
18 terms, 60 days, 90 days, and establish those relationships
19 with vendors while we wait for the building to open.

20 Q. All right. So let's jump back. But that all happened
21 when? When you are talking about Afrique being involved,
22 establishing a relationship with Sysco, can you tell us
23 roughly when that started?

24 A. I think that was around January.

25 Q. Around January? Do you know the precise date?

1 A. I can't recall the exact date, no.

2 Q. Okay. But did you ever place the -- did you initially
3 establish the relationship with Sysco?

4 A. Myself, no.

5 Q. All right. Who did that?

6 A. Dr. Mahad.

7 Q. So we heard yesterday that the first Sysco order through
8 Afrique was February 11, 2021. Does that sound about right?

9 A. That sounds right.

10 Q. So let's jump back a little bit and look at something
11 else about the food program and the Dar Al-Farooq site. All
12 right?

13 Can we look at Government, just for the witness
14 only, Exhibit G-111.

15 Do you recognize this document?

16 A. I do.

17 Q. And how do you recognize it?

18 A. It was an email that I received.

19 Q. And who did you receive it from?

20 A. I received it from Dr. Mahad.

21 Q. And you see his email on there?

22 A. Yes, I do.

23 Q. You received -- you see your email on there?

24 A. Yes, I do.

25 Q. True and correct copy?

1 A. It is.

2 MR. GOETZ: Offer Government's Exhibit G-111, Your
3 Honor.

4 MR. THOMPSON: Objection. Hearsay.

5 THE COURT: Can we have a sidebar, please?

6 **(Sidebar discussion)**

7 THE COURT: Mr. Goetz.

8 MR. GOETZ: Your Honor, this is not offered for
9 the truth at all. This is merely a formatting example.

10 This email was sent to Mr. Shariff by Dr. Mahad to
11 show how he should format rosters. The names here are
12 inconsequential. It's just the formatting. So it is not
13 being offered for the truth.

14 THE COURT: Any response, Mr. Thompson?

15 MR. THOMPSON: That's fine, Your Honor.

16 THE COURT: All right. Thank you.

17 **(In open court)**

18 THE COURT: G-111 is admitted, not offered for the
19 truth, but, rather, offered for the purposes that Mr. Goetz
20 will go through.

21 MR. GOETZ: Thank you, Your Honor.

22 Permission to publish?

23 THE COURT: Yes.

24 MR. GOETZ: Thank you.

25

1 BY MR. GOETZ:

2 Q. If everyone can see G-111, Mr. Shariff, please tell the
3 jury what we're looking at.

4 A. Yes. So G-111 is an email that Dr. Mahad sent to me
5 regarding the formatting of the names that were needed.

6 Q. And did Dr. Mahad tell you -- he gave you this format,
7 but did he tell you anything about why he needed names?

8 A. Yeah. So he wanted to ensure that the Islamic Center
9 had capacity. So he wanted to get an understanding of, you
10 know, how many kids might be enrolled in programs, an
11 understanding of the type of programming that was happening
12 and the overall, like, population of, like, the weekend
13 programs.

14 Q. That's what he told you?

15 A. Yeah.

16 Q. So what were you supposed to do then with respect to
17 names in relation to the mosque?

18 A. Yeah. So I was essentially his point of contact with
19 the mosque. As I mentioned, he lived, I think, a while
20 away. He wasn't a regular at the mosque. And so he asked
21 me to essentially talk to the mosque leadership and some of
22 the people there and get the list from them.

23 Q. And if we can look at, for the witness only, Government
24 Exhibit E-3.

25 Do you recognize this?

1 A. I do.

2 Q. And what is it?

3 A. This is an email I sent to Dr. Mahad with the subject
4 Bloomington schools list on January 29th, 2021.

5 Q. True and correct copy?

6 A. It is.

7 MR. GOETZ: Offer Government Exhibit G -- I'm
8 sorry -- E-3.

9 MR. THOMPSON: Objection. Hearsay.

10 THE COURT: Scroll down, please.

11 MR. GOETZ: Not for the truth.

12 MR. THOMPSON: Never mind. It's in evidence.

13 THE COURT: That's what I thought.

14 Shall I pull it out of evidence?

15 MR. THOMPSON: No.

16 THE COURT: All right. E-3 is in evidence. It
17 may be published. And you may continue.

18 BY MR. GOETZ: Let's not undo anything in this
19 trial.

20 THE COURT: Fair. And you may inquire.

21 MR. GOETZ: Thank you.

22 BY MR. GOETZ:

23 Q. So, Mr. Shariff, this is a list of names, Bloomington
24 School District. It appears you sent it to Dr. Mahad; is
25 that right?

1 A. It's a list of Bloomington -- a Bloomington schools
2 list.

3 Q. Sure. Where did you get these, as we scroll down, where
4 did you get these list of names?

5 A. This was the end of January. So by this time, the
6 mosque had a partnership already with delivering and
7 distributing food at the Bloomington School District, Oak
8 Grove. There were several individuals at the mosque who
9 were kind of leading this partnership and managing that
10 relationship.

11 And so Mahad wanted, Dr. Mahad wanted to get an
12 idea of kind of a combined participation. And one of the
13 individuals in the mosque put it together and gave it to me.

14 Q. Do you remember, because I was just asking where you got
15 the list of names --

16 A. Yes.

17 Q. So where did you get the list? Who was that from?

18 A. I can't remember exactly who it was. This is actually
19 my first full month in Minnesota. January. I just moved
20 there. I met dozens of new individuals. I don't know
21 exactly who it was.

22 Q. So do you remember the process, if you know, that was
23 used to get this list of names?

24 A. I don't.

25 Q. Do you know who put it together?

1 A. No.

2 Q. In terms of a request for the list of names being
3 generated, though, did you generate that request?

4 A. No.

5 Q. Who asked for the list of names?

6 A. Dr. Mahad asked for the names.

7 Q. And how is it that it got to you and then you sent it to
8 Dr. Mahad?

9 A. It was -- I'm not sure it was shared with me. Maybe in
10 like a doc, doc share. And I downloaded it and sent it off.

11 Q. Okay. But there's no dispute, is there, that you sent
12 this list of names to Dr. Mahad?

13 A. There's no dispute in that, no.

14 Q. And Government Exhibit E-4, which I believe is in
15 evidence. This gives the Dar Al-Farooq names. If we can
16 just look at the list, just a few pages.

17 You recognize this list of names?

18 A. I do.

19 Q. So if we can go to the first page, again, please.

20 So this is an email that you sent to Dr. Mahad on
21 January 29, 2021. Where did you get this list of names that
22 you then sent to Dr. Mahad?

23 A. So this list came from one of the weekend
24 administrators, I believe, at the time, meaning the people
25 running the weekend Islamic programs at the mosque.

1 Q. All right. You told us earlier about, with respect to
2 the, what I'll call the template email, Government
3 Exhibit E-3, from Dr. Mahad to you, that your task was to
4 reach out to people at the mosque and get names of children
5 involved in programs, school, et cetera.

6 Is this the result of that?

7 A. It is.

8 Q. Do you know who compiled this list of names?

9 A. I don't.

10 Q. Did you do anything to vet the names, to check for their
11 accuracy or anything?

12 A. No. That wasn't my role.

13 Q. What did you just do?

14 A. I got the list as was requested and sent it.

15 Q. All right. So let's talk then about food distribution
16 at Dar Al-Farooq. And focusing at the time then, you know,
17 kind of in conjunction with the invoices we went through
18 yesterday, say the February, well, January, February, that
19 period forward up until June of 2021. I want to just focus
20 on that period.

21 So tell the jury how it would go relative to food
22 being distributed at Dar Al-Farooq. First of all, when was
23 food distributed at Dar Al-Farooq?

24 A. Food distribution began, to my knowledge, in
25 January 2021.

1 Q. And what day of the week was food distributed at
2 Dar Al-Farooq?

3 A. Mostly Saturdays.

4 Q. And was there another location for the Dar Al-Farooq
5 site where food was distributed?

6 A. Yes. The second location was Oak Grove Middle School,
7 part of the Bloomington School District.

8 Q. So how did it -- and when was food distributed at Oak
9 Grove Middle School? What day of the week?

10 A. The same day, Saturday.

11 Q. So how did it go then? Just take the jury through the
12 process of how the food actually gets out to people. What
13 happens?

14 A. Yeah. So starting in January, initially before we
15 started purchasing from Sysco, there were deliveries by
16 other vendors. And so when the deliveries get to the
17 warehouse, there'd be employees that would package.

18 Q. Okay. So I have to stop you --

19 A. Yes.

20 Q. -- because the food just doesn't appear magically,
21 right?

22 A. It does not.

23 Q. So take us back. Who's the purchasing agent? Who does
24 the ordering, deciding what to order and all that?

25 A. Okay. So the full picture, there is -- Mondays and

1 Tuesdays Dr. Mahad would make an order, based on the menus
2 that were prepared, with vendors, one of them being Sysco.

3 Q. And who would prepare the menus?

4 A. The menus, to my knowledge, I believe Bianca was
5 responsible --

6 Q. Okay.

7 A. -- for the menus.

8 Q. But you didn't prepare the menus?

9 A. No.

10 Q. So Dr. Mahad would prepare the ordering, make the order
11 in line with the menus Mondays and Tuesdays. Then what
12 would happen?

13 A. Yeah. So Mondays and Tuesdays. Once the orders are in,
14 they would start arriving at the warehouse on Wednesday.

15 Q. And if we were there at a warehouse -- and at the
16 initial stages, which warehouse are we talking about? What
17 was the address?

18 A. Initially, it was 1701 American Boulevard, the new
19 building that we just leased.

20 Q. So if we were all there in that warehouse on a
21 Wednesday, say, January 15, 2021, if that happened to be a
22 Wednesday, what would we see?

23 A. You'd see a Sysco truck pull up. Initially, Sysco did
24 one delivery per week. You would see other vendors, such as
25 Empire would come a lot of times with their vans and trucks.

1 They would deliver. And employees will unload the trucks
2 and organize the warehouse.

3 Q. Do you remember other vendors?

4 A. The one vendor I do recall is Empire we did a lot of
5 work with. There were other ethnic vendors that brought
6 things like rice and tuna and papayas, stuff that generally
7 you don't find at a Sysco. So I think Omar Tuna is one of
8 them and some other distributors at the time.

9 Q. So the food would be brought to the warehouse. And what
10 would we see then?

11 A. So once the food gets there -- usually they'd come
12 around like noon, 1:00 p.m. -- there was several employees,
13 take their pallet jacks, put everything where it needed to
14 be, and then in the afternoon the packaging team would
15 arrive.

16 Q. All right. And tell us about the packaging team. How
17 would that work?

18 A. So the packaging team would use menus prepared by Bianca
19 Scott. She would either send a menu or print it. Sometimes
20 she would actually come there herself, put a menu down, and
21 it would be a packing list. It would tell everybody exactly
22 what needed to go in the bag.

23 Q. And were these prepared meals, or was it bulk food?

24 A. It was bulk.

25 Q. And how was it determined how much food of what

1 particular items to put in a bag?

2 A. It was on the menu.

3 Q. And was there any determination or guidance given as to
4 how many meals would be in a bag or how many people would be
5 served by a bag?

6 A. So the menu would sometimes say two kids per bag, and
7 then it would list all the items that would equal two kids
8 per bag. And depending on the size of the bag, you could
9 fit more than that. So you would just do the math on
10 whatever was on the menu and put it in the bags.

11 Q. Okay. And would the bags be delivered as well as all
12 the food?

13 A. Yes.

14 Q. Was there ever a time, just looking at kind of big
15 picture for just a second, when Afrique, to your knowledge,
16 when you were involved in food distribution for the Federal
17 Child Nutrition Program, that Afrique was ever involved in
18 distributing prepared meals?

19 A. No.

20 Q. It was always bulk?

21 A. Yes.

22 Q. So you've talked about the menus that you got from
23 Bianca Scott, the ratios and stuff like that.

24 Did you ever receive guidance, to your knowledge,
25 from Feeding Our Future or the Minnesota Department of

1 Education about any specific USDA requirements? Did you
2 have any training on that?

3 A. Personally, no, I didn't handle any of that.

4 Q. So during the months -- and you've talked about the
5 process then. The food would be assembled into bags. What
6 would happen then?

7 A. Yeah. So the packaging would be Wednesday through
8 Fridays, based on the menu in the packing list. And then
9 Saturdays, Saturday mornings drivers would come, pick up the
10 bags and deliver them.

11 Q. And the logistics, who arranged for the logistics? Did
12 Afrique own its own trucks?

13 A. Yes, we did. I mean, we leased in the beginning some
14 trucks.

15 Q. All right. You leased some trucks?

16 A. Yeah.

17 Q. And tell us -- the drivers would come with the trucks.
18 And what would happen?

19 A. Yeah, so the drivers come. Mahad would organize any,
20 like, other food that needed to go anywhere else. So
21 drivers would come, and they would pick it up.

22 And in the mornings on Saturdays the food would
23 arrive at the school, at the Bloomington school, Oak Grove.
24 They liked to get their food early because families were
25 already waiting.

1 And once that was done, the drivers would return
2 to the warehouse and grab the food for the mosque to be
3 there by the afternoon prayer, which is around 1:30 p.m.,
4 when families are getting out of the programs and people are
5 leaving.

6 Q. All right. And would that happen pretty much every
7 Saturday?

8 A. Every single Saturday, yes.

9 Q. How long?

10 A. It happened I think till around February 2022.

11 Q. Now, were you there kind of hands on each and every
12 Saturday during that period?

13 A. No.

14 Q. But how often would you go there?

15 A. So if there were any issues, if somebody calls out, I
16 would help with deliveries. If they need help packaging, I
17 would help. If they need help giving out bags, I would
18 help. But my main concern was kind of overseeing each part
19 of that, so making sure the stuff gets there.

20 Q. All right. The logistics once the food is delivered to
21 the warehouse?

22 A. Yes.

23 Q. All right. And at the time that you were doing this,
24 were you also still involved in seeing your dream of Afrique
25 become a reality?

1 A. Yes, yes. Absolutely.

2 Q. Okay.

3 MR. GOETZ: Your Honor, is this a good time?

4 THE COURT: It is.

5 Let's take our morning break until 10:45.

6 All rise for the jury.

7

8

IN OPEN COURT

9

(JURY NOT PRESENT)

10 THE COURT: Where are we on our next witness?

11 MR. GOETZ: I was just going to say, Your Honor,
12 they are here. So we would propose to interrupt after the
13 break.

14 THE COURT: All right. Let's do that then. Thank
15 you.

16 (Recess taken at 10:30 a.m. till 10:47 a.m.)

17

18

IN OPEN COURT

19

(JURY PRESENT)

20 THE COURT: You may all be seated.

21 And we will take this next witness out of
22 sequence.

23 Mr. Goetz, you may call the next witness.

24 MR. GOETZ: Thank you, Your Honor. Defendant
25 Shariff calls Ms. Sulekha Hassan.

1 THE COURT: And we have an interpreter for this
2 witness.

3 And so I will have you come up here. Stay
4 standing.

5 SULEKHA HASSAN,

6 called on behalf of the defendant Mukhtar Mohamed Shariff,
7 was duly sworn, was examined and testified as follows:

8 THE WITNESS (through the interpreter): Yes.

9 THE COURT: Thank you. You may be seated.
10 And I'll have the interpreter sworn.

11 COURTROOM DEPUTY: Please raise your right hand.

12 (Oath administered to interpreter)

13 THE INTERPRETER: Yes, I do, Your Honor.

14 COURTROOM DEPUTY: Thank you.

15 THE COURT: Thank you.

16 Ma'am, are you able to understand the interpreter?

17 THE WITNESS (through the interpreter): Yes.

18 THE COURT: Let me know if you can't. All right?

19 THE WITNESS (through the interpreter): Okay.

20 THE COURT: Can you state and spell both your
21 first and last name for the record.

22 THE WITNESS: Sulekha Hassan. S-U-L-E-K-H-A.
23 Hassan, H-A-S-S-A-N.

24 THE COURT: Thank you.

25 Mr. Goetz, you may inquire.

1 MR. GOETZ: Thank you, Your Honor.

2 DIRECT EXAMINATION

3 BY MR. GOETZ:

4 Q. Good morning, Ms. Hassan.

5 A. Good morning to you.

6 Q. Did you invest money in the Afrique Hospitality Group?

7 A. Yes.

8 Q. Did any of that money come from the Federal Child
9 Nutrition Program?

10 A. No. It was my own money.

11 Q. Let's talk a little bit about your background. Okay?

12 Where were you born?

13 A. I was born Somalia, Kismayo.

14 Q. And when did you move to the United States?

15 A. I came to this country on December 11th of 2002.

16 Q. You remember that date very well, it sounds like.

17 A. No, I will never forget that day because of the cold
18 weather when I arrived in Atlanta.

19 Q. Okay. Well, then how about Minnesota? How was it when
20 you moved to Minnesota?

21 A. Yes, I was -- I came here that same night. I was in
22 transit in Atlanta that same night. So that cold weather
23 here that night is seared in my mind. It's something that's
24 in my mind I will not get -- not get off my mind.

25 Q. All right. But you still live here all these years

1 later.

2 A. Yes, I am -- I'm used to the cold now. I have been here
3 long enough to get used to it. At the time no one warned me
4 about the cold weather. So I came from Africa. I wasn't
5 dressed for the weather, so I wasn't really prepared for the
6 kind of cold weather that I encounter here.

7 Q. Okay. Well, I'm glad you are used to it now. It takes
8 a while.

9 A. Thank you.

10 Q. Did you, did you come here by yourself or did you come
11 with family?

12 A. My mother sponsored me to come to here, but I came with
13 my children, so I came with my own children.

14 Q. How many children do you have?

15 A. I have a number of children right now; but at the time
16 when I came, I had two children. I was also pregnant. I
17 was almost ready to give birth.

18 Q. Okay. How many children do you have now?

19 A. I have seven children.

20 Q. And when you came to Minnesota, did you ultimately start
21 any businesses?

22 A. No. At first I began doing regular job. I began
23 working for Target for about eleven years, maybe nine and a
24 half years, working overnight shift. So at the time I
25 didn't have enough money to invest, so I did not start

1 owning businesses right away.

2 Q. So you saved your money, though, from working the
3 overnight shift at Target?

4 A. I wasn't only working for Target at the time. I also
5 had a second job. When I got off work at Target at
6 8:00 a.m., I would start work at another location working at
7 store near or at the lobby of my apartment building. So
8 that was a second job that I was holding.

9 So I had two jobs, and that's how I was able to
10 save a little bit of money to be able to get into
11 businesses.

12 Q. So tell us about that. That money that you saved to get
13 into business, what type of business did you get into?

14 A. Yeah, the first opportunity for me to own a business
15 interest came along. The store that I was working near my
16 apartment building, was at the lobby of my apartment
17 building, some of the owners of that store, some of the men
18 who owned shares, decided to sell their shares. So I bought
19 shares from that same store.

20 Q. So you were part owner of a market, a small market?

21 A. Yes. After a while, yes.

22 Q. And did you start any other businesses after the market?

23 A. Yes, I -- I bought a share or I bought a business, an
24 adult day care business. So I bought that business back in
25 2008 and own it until 2021.

1 I was -- I had partners, people that I was working
2 with that owned also part of the business, that adult home
3 business.

4 MR. GOETZ: Your Honor, I wonder if his microphone
5 is not --

6 THE INTERPRETER: Yeah, Your Honor, it's not
7 working. I'm not sure what went wrong.

8 THE COURT: Just a minute. We may have a backup.

9 MR. GOETZ: There we go.

10 COURTROOM DEPUTY: Let's try this one.

11 (Pause while microphones exchanged)

12 BY MR. GOETZ:

13 Q. All right. So you had the market. You had the adult
14 day care business. Did you have any other businesses that
15 you started?

16 THE COURT: I would say don't bring it quite so
17 close to your face.

18 COURTROOM DEPUTY: Turn her microphone.

19 THE COURT: Yes, there you go.

20 THE WITNESS (through the interpreter): Can you
21 repeat the question, please?

22 MR. GOETZ: Sure.

23 BY MR. GOETZ:

24 Q. I'm just asking about your businesses.

25 A. Yes.

1 Q. You had the market. You had the adult day care
2 business. Any other businesses?

3 A. Yes. Yes. Myself and four, five, five of us, five
4 ladies, bought a building, a property together. So I own
5 interest in that business. I also own a restaurant, but I
6 no longer own that restaurant. I sold the restaurant
7 recently.

8 Q. All right. And as a result of those businesses, were
9 you able to save money to maybe invest in other projects or
10 business ventures?

11 A. Yes. I have always been -- I was always someone looking
12 for opportunities. So whenever I find, come across an
13 opportunity, a business opportunity, I would try to get into
14 that business.

15 Q. How did you find out about the business opportunity for
16 Afrique Hospitality Group?

17 A. Okay. So myself and a couple other friends, the ladies,
18 we were looking for opportunities. We were trying to find a
19 location to rent. So somehow we were able to get in touch
20 with people that were renting this place, and that's how we
21 were able to get in touch with them.

22 Q. Do you remember any of the people that you met to begin
23 with for that project, the Afrique project?

24 A. Yes.

25 Q. Who did you meet?

1 A. I met, I met Mahad, Mukhtar, Mohamed Omar, and us.

2 Q. All right. And what was your understanding of the
3 opportunity? What was the business going to be?

4 A. Yes. Our overall business ideas or plans were for
5 assemble to open a restaurant, coffee shop, a wedding hall,
6 as well as a location for entertainment for children or for
7 a children's playground of some kind.

8 Q. And was there any information given to you about how
9 this project was going to make money?

10 A. So this was, yeah, this was a business. So you prepare,
11 you know, for any eventuality when you get into business
12 ventures.

13 So for us, the idea was to open this restaurant.
14 It was a prime location. There weren't any other Somali
15 restaurants nearby. It was close by the airport, also close
16 to the mall. So we thought this was a prime location for us
17 to open this restaurant and the other facilities.

18 Q. Do you remember anything, Ms. Hassan, about when the
19 project was presented that the Federal Child Nutrition
20 Program would be part of the revenue that the project would
21 earn?

22 THE INTERPRETER: Can you repeat that question
23 again, please, for me? I'm sorry.

24 MR. GOETZ: Sure.

25

1 BY MR. GOETZ:

2 Q. Do you remember, Ms. Hassan, that the Federal Child
3 Nutrition Program -- let me start again. Was it told to
4 you, Ms. Hassan, that the Federal Child Nutrition Program
5 would be part of the revenue for the Afrique project?

6 A. I don't understand about the question.

7 Q. Okay. Do you remember being told anything about the
8 Federal Child Nutrition Program in connection with Afrique?

9 A. I wasn't aware that the program had existed at the time.
10 I learned the program subsequent through media reports.

11 Q. Okay. But when you were initially investing money, you
12 didn't -- it wasn't communicated to you about Federal Child
13 Nutrition Program, nothing like that?

14 A. No, I did not hear any of that.

15 Q. But you did -- you thought the, as you understood it,
16 you thought the project would be a good opportunity for you
17 and your friends?

18 A. Yes. The way the project was explained to us, yes, we
19 thought we would make money and hopefully be successful in
20 this venture.

21 Q. So if we could look at D7-01, please, which is in
22 evidence.

23 A. All right.

24 Q. And if we can go to page 29, please.

25 Do you see your name on this page?

1 A. Yes.

2 Q. Could you just touch the screen and draw a circle around
3 your name and signature.

4 A. (Witness complies).

5 Q. Do you recognize any of the other names on this page?

6 A. Yes, I see some names. I see a name -- I don't know
7 what the DF stands for, but I see Raaho, Mukhtar, Mohamed.

8 Q. And who is Raaho?

9 A. Raaho is a business partner. She and I own the
10 building, but I've been in partnership with her since 2004.
11 Whatever business ventures that I go, she also goes with me.

12 Q. Okay. And if we can look at Government Exhibit O-20,
13 please, what is in evidence, and specifically page,
14 page 183, please.

15 Do you recognize this check?

16 A. Yes.

17 Q. What is it?

18 A. Yeah, you can see it says "investment" in the memo line.
19 It's an investment that I put in for the business venture.

20 Q. And it looks like the check was written on the same day
21 you signed the agreement, January 15, 2021. Does that seem
22 right?

23 A. That's correct, yes.

24 Q. And if we can just look at page 182, please. And go up
25 one page.

1 Do you recognize, yeah, do you recognize the name
2 on this check?

3 A. Yes. Raaho.

4 Q. Your business partner?

5 A. Yes.

6 Q. Did she also invest in Afrique Hospitality Group?

7 A. Yes.

8 Q. The same day she signed the agreement?

9 A. That's correct, yes.

10 Q. And if we could look at page 227.

11 Is this another check you wrote as an investment
12 in Afrique Hospitality Group on June 16, 2021?

13 A. Yes.

14 Q. If we could look at page 229, please.

15 Is this also a check that you wrote investing in
16 Afrique Hospitality on June 21, 2021, \$10,000?

17 A. Yes.

18 Q. Page 232, please. Go to the next page.

19 And is this another check you wrote investing in
20 Afrique Hospitality in the amount of \$15,000?

21 A. Yes.

22 Q. So as I add up those checks, Ms. Hassan, it looks like
23 you alone, just you, invested \$460,000 into the Afrique
24 Hospitality Group project. Does that sound right?

25 A. That's correct, yes.

1 Q. Do you still -- are you still an investor in the
2 project?

3 A. I'm sorry. Say that again, please.

4 Q. Do you still have an investment in the project?

5 A. Yes, yes.

6 Q. Have you been to the project now that it's open?

7 A. Yes, I go there. Yeah, I go there from time to time. I
8 think the last time I was there was during the holy month of
9 Ramadan. I'm a mom. I'm busy. I have other commitments,
10 but I do go there on occasions, yes.

11 Q. Can you tell the jury just what it was like after all
12 that time to see the project open and be real?

13 A. Yes, we, we feel like, you know, our plans and what we
14 felt about the project, when we were getting into it, we're
15 making progress. We're making gains. We feel better about
16 the project. And we, God willing, we will succeed and, and
17 reach our goals.

18 Q. Thank you. I have no further questions.

19 THE COURT: Cross-examination?

20 MS. WALCKER: Just one moment, Your Honor.

21 THE COURT: Before you first inquire, any defense
22 counsel wish to inquire? All right. Thank you.

23 Ms. Walcker, you may go ahead.

24 MS. WALCKER: Thank you, Your Honor.

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CROSS-EXAMINATION

BY MS. WALCKER:

Q. Good morning, Ms. Hassan.

A. Good morning to you.

Q. Just a few questions.

To be clear, you had no involvement in the child food program, correct?

A. No, that's not -- I have nothing to do with it.

Q. I'm sorry. Can you repeat that?

A. I'm sorry. I have nothing to do with it.

Q. Nothing to do with the food program?

A. No, none whatsoever.

Q. Okay. And you have no idea what claims were submitted as part of that program, correct?

A. Yes, I have no knowledge about that.

Q. Are you aware that Afrique received millions of dollars in federal funds meant to feed children?

MR. GOETZ: Objection, Your Honor. Misstates the evidence.

THE COURT: The jury will recall the evidence.

You may answer.

THE WITNESS (through the interpreter): No, I know nothing about that.

BY MS. WALCKER:

Q. Are you aware that defendant Mukhtar Shariff received

1 hundreds and thousands of dollars in federal food funds?

2 MR. GOETZ: Objection, Your Honor. Misstates the
3 evidence.

4 THE COURT: And the jury will recall.

5 You may answer.

6 THE WITNESS (through the interpreter): No, I know
7 nothing about it. I invested money in the project. I know
8 nothing else about anything else.

9 BY MS. WALCKER:

10 Q. Did you get any money back for the almost half a million
11 dollars you invested over three years ago in Afrique?

12 A. No, I have not, I have not gotten any money back from
13 the investment. But for two years the project -- the site
14 was under construction, so it began to work recently, and
15 we, God willing, we will get some returns, but we haven't
16 gotten returns as of now.

17 Q. Okay. So you haven't gotten a penny back, correct?

18 A. No, none.

19 Q. Ms. Hassan, do you have a company that's called Mimi's
20 Bakery?

21 A. I open that business, but it was not successful, so it's
22 no longer open or functioning.

23 Q. Did you open that company on December 10th of 2021?

24 A. Yes.

25 Q. And one month later did you get an investment check for

1 \$250,000?

2 A. No, it was not an investment. It was money that I
3 borrowed from that individual.

4 Q. Well, were those funds from a federal food program from
5 a company called Feeding Our Youth?

6 A. I know nothing about the food program. I went to this
7 individual asking for a loan, and then he wrote that check
8 for me.

9 Q. So just to be clear, your testimony today is that
10 \$250,000 investment was not from a company called Feeding
11 Our Youth that was federal food program funds?

12 MR. GOETZ: Objection, Your Honor. Misstates the
13 testimony.

14 THE COURT: Overruled.

15 You may answer.

16 BY MS. WALCKER:

17 Q. Is that your testimony today, Ms. Hassan?

18 MR. GOETZ: Same objection, Your Honor.

19 THE WITNESS (through the interpreter): I borrow
20 this money from an individual. I don't know what that
21 individual was doing. I don't know where that money came
22 from. I asked for a loan, and he wrote that check for me.
23 It was a personal check, and he gave that check to me.

24 All I know is that he wrote a check for me. I
25 don't know what company he owned or where the money came

1 from or anything about the money itself.

2 BY MS. WALCKER:

3 Q. Who wrote the check?

4 A. The check was brought to me by a lady by the name of
5 Anab, but I think she got the check from another individual.

6 Q. Anab Awad?

7 A. I really don't know her last name. I know her by the
8 name of Anab.

9 Q. Was the other individual Mohamed Omar?

10 A. About what money?

11 Q. Hamdi Omar? I am sorry. Was the other individual Hamdi
12 Omar?

13 A. I don't know the last name, the last names of those
14 individuals. She goes by the name of Hamdi. She also goes
15 by the name of Anab. I don't know anything about her last
16 name.

17 Q. Are you aware that their company is called Feeding Our
18 Youth?

19 MR. GOETZ: Your Honor, object at this point on
20 scope.

21 THE COURT: Overruled.

22 THE INTERPRETER: I'm sorry, Your Honor. Can I
23 have the question repeated?

24 BY MS. WALCKER:

25 Q. Are you aware that those individuals ran a company

1 called Feeding Our Youth?

2 A. I do not know what they were in, what they were involved
3 in.

4 Q. Last question, Ms. Hassan. Are you aware that Hamdi
5 Omar has been indicted as part of his role in the Federal
6 Child Nutrition Program investigation?

7 MR. GOETZ: Objection. Scope, Your Honor.

8 THE COURT: Overruled.

9 THE WITNESS (through the interpreter): I don't
10 know about her, but I was told that there were a number of
11 people that were indicted. I don't know if she is one of
12 them. And I have heard this through the local media. I
13 have no first-hand knowledge.

14 MS. WALCKER: No further questions. Thank you.

15 THE COURT: Mr. Goetz?

16 MR. GOETZ: No questions, Your Honor.

17 THE COURT: You may step down. Thank you for
18 being here.

19 Thank you, sir, for coming.

20 Mr. Shariff, you may retake the stand. And you
21 are just continuing to be under oath. Okay?

22 THE WITNESS: Sure.

23 MUKHTAR MOHAMED SHARIFF,

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

1 THE COURT: All right. Mr. Goetz, you may, when
2 he's settled, continue your inquiry.

3 DIRECT EXAMINATION (Resumed)

4 BY MR. GOETZ:

5 Q. Thank you, Mr. Shariff.

6 Before the break we were talking about the period
7 of January through June of 2021. All right? I just have a
8 few more questions about that time period.

9 We've talked about the food that you were involved
10 with packaging, distributing, getting it to the sites and
11 then passing it out.

12 During that period of time did you have any
13 involvement in preparing any of the claims that we've seen
14 in evidence in this case with respect to the Dar Al-Farooq
15 site for that period January through June of 2021?

16 A. No.

17 Q. Were you involved at all in submitting any of the claims
18 under the Federal Child Nutrition Program for Dar Al-Farooq
19 during the period of January through June 2021?

20 A. I was not.

21 Q. Were you involved at all in preparing any document in
22 support of any claim with respect to the Dar Al-Farooq site
23 during the period of January through June 2021?

24 A. No.

25 Q. Any billing or invoice?

1 A. No.

2 Q. Any weekly meal count sheets?

3 A. No.

4 Q. Let's look -- you've described some of the things that
5 were happening; and just to bring that to life a little bit,
6 let's just look at some exhibits.

7 D7-37, please, for the witness.

8 Do you recognize D7-37?

9 A. Yes.

10 Q. And what do we see, generally?

11 A. Generally, this is part of the food packaging operation
12 at the warehouse.

13 Q. Is this a fair and accurate depiction of what you
14 observed with respect to that food packaging at the
15 warehouse?

16 A. It is.

17 Q. And D7-38. Again, is this another photograph showing
18 food packaging at the warehouse?

19 A. Yes.

20 Q. True and accurate depiction of that scene?

21 A. Yes, it is.

22 Q. D7-39. Another photograph showing food distribution --
23 food packaging at the warehouse?

24 A. Yes.

25 Q. True and accurate depiction of that scene?

1 A. It is.

2 Q. D7-40. Another photograph showing food packaging at the
3 1701 American Boulevard warehouse?

4 A. Yes.

5 Q. True and accurate depiction of that scene?

6 A. Yes.

7 Q. D7-42. Is this also a photograph showing another step
8 in the distribution process related to food from the
9 1701 American Boulevard warehouse?

10 A. Yes.

11 Q. Is this a true and accurate depiction of this scene,
12 that part of the process?

13 A. Yes.

14 Q. D7-44, please. Is this another photograph showing part
15 of the food distribution process at the Afrique warehouse?

16 A. Yes, it is.

17 Q. True and accurate depiction of this scene?

18 A. Yes.

19 Q. And, lastly, for the series D7-46, please. Is this
20 another photograph showing a different stage of the food
21 packaging process at the 1701 American Boulevard warehouse?

22 A. Yes, it is.

23 Q. True and accurate depiction of this scene?

24 A. Yes.

25 MR. GOETZ: Offer D7-37, 38, 39, 40, D7-42, D7-44

1 and D7-46, Your Honor.

2 THE COURT: Any objection?

3 MR. THOMPSON: No objection.

4 THE COURT: Those exhibits are admitted and may be
5 published.

6 BY MR. GOETZ:

7 Q. Let's start with D7-46. So you talked about trucks
8 coming to the warehouse and dropping off food, Mr. Shariff.
9 What do we see here?

10 A. So we see part of the warehouse, and we see pallets and
11 pallets of food.

12 Q. So this is this stage, correct me if I'm wrong, but, you
13 know, when food has been now shipped to the warehouse. You
14 talked about kind of a timeline. Things would happen on
15 Monday, Tuesday, Wednesday, Thursday, Friday and then
16 Saturday. So what part of that timeline are we at here?

17 A. So this would be around Wednesday.

18 Q. And what do we -- we are looking at food, but where is
19 this food from, not specific distributors, but just where
20 does it come from generally?

21 A. Generally comes from other vendors, and it would be
22 delivered to our warehouse.

23 Q. And if we can look at D7-37. What do we see here?

24 A. This would be the packaging operation. Food laid out on
25 tables. We had many different tables, different stations,

1 depending on the different foods, based on the menus that
2 were provided.

3 Q. And why would you arrange stations?

4 A. We found that it was just more efficient to have
5 different stations. So then baggers will come around with
6 the bags and pick up the food from each station and move --
7 and then finally load the truck afterwards.

8 Q. Look at D7-38. What are we looking at here?

9 A. So we see -- usually before the distribution happens,
10 there's like a quick meeting with a mix of employees and
11 people who wanted to just volunteer from the community to
12 help get food out, so this would be one of those kind of
13 prep sessions.

14 Q. D7-39. What are we looking at here?

15 A. Yeah. So there's an individual with a bag, and there
16 would be somebody else on the other side of the table, and
17 the person with the bag comes and it gets filled with food
18 per the menu.

19 Q. And D7-40. Another step in the assembly process?

20 A. It is.

21 Q. D7-44. What do we see here?

22 A. So before the food goes into the trucks, we lay it out
23 in the bags to get a sense of, you know, how many bags were
24 there and keep going until the menu is satisfied.

25 Q. And D7-42. What do we see here?

1 A. We see the -- one of the box trucks. We see carts. On
2 one side it would be the bags all stacked in those carts.
3 And then I believe in front of the other cart there is some
4 milk and then a vegetable station inside of there, and
5 people loading the truck.

6 Q. And then this is the truck that would go where?

7 A. This is the truck that would go to the two locations,
8 the mosque and the Oak Grove Middle School location.

9 Q. All right. And looking at D7-34, D7-35 and D7-36, they
10 are video clips; is that right?

11 A. Yes.

12 Q. And before coming to court today, have you had a chance
13 to review them?

14 A. Yes, I have.

15 Q. And do they all truly and accurately depict in video
16 form some of the same things that we were just looking at
17 here with these still photographs?

18 A. Yes, they do.

19 MR. GOETZ: Offer D7-34, D7-35, and D7-36, Your
20 Honor.

21 MR. THOMPSON: No objection.

22 THE COURT: D7-34, 35 and 36 are admitted and may
23 be published.

24 MR. GOETZ: Thank you.

25 Let's all look together at D7-34, please.

1 BY MR. GOETZ:

2 Q. And we don't have any sound. Just narrate what we are
3 looking at here, Mr. Shariff.

4 A. Yep. So this looks like the vegetables station, fruits
5 and veggies station and some flour. And each table usually
6 would have a paper of what needs to go there, and we would
7 organize sort of like an assembly line type of thing, and
8 people would help out and put food where it needs to go.

9 (Video recording played)

10 Q. And D7-35.

11 (Video recording played)

12 Q. What are we looking at here?

13 A. This would be early on in the process. Some of the food
14 would get delivered to like a storage space at the mosque,
15 and it would be prepared there.

16 Q. Okay. Can you help us understand why we're looking at
17 food at the mosque as opposed to food at the warehouse?

18 A. Yeah. So before we had the warehouse, the food was
19 getting delivered to the mosque. So for a few weeks before
20 we were able to sign that lease, the mosque -- I mean, it's
21 a massive space. There's some storage spaces in the back,
22 and volunteers and some people were able to go in the back
23 and package there.

24 Q. Okay. And D7-36, please.

25 (Video recording played)

1 Q. What are we looking at here?

2 A. It looks like a time-lapse video of one of the sessions
3 where I think some volunteers and a mix of people who were
4 working at the warehouse, putting it together, like a
5 packaging operation.

6 Q. And is this at the 1701 American Boulevard warehouse?

7 A. Yes, this is in the warehouse space.

8 Q. All right. Thank you.

9 So I just want to ask a few questions about
10 warehouses.

11 Yesterday when we were viewing the summary Sysco
12 document with Mr. Czapiewski, there were different
13 addresses, different delivery addresses over time. Do you
14 know why the delivery addresses changed with respect to the
15 Sysco account?

16 A. Yeah. So in the beginning, meaning January till
17 June 2021, we used 1701 American Boulevard until we're able
18 to get our construction permits. And after June, we got a
19 construction permit and we had to demolish the space, which
20 means it was no longer a space that you could package food.
21 It was dusty, and it was a construction site. Then we moved
22 for the summer operations to Owatonna.

23 Q. Was there a Lake Street delivery address in between?

24 A. Yeah. So that wasn't a warehouse. It was a, kind of
25 like an office storage space. Some deliveries were made

1 there to streamline clients, I believe, that we were serving
2 there.

3 Q. All right. And who chose that delivery address?

4 A. I think Dr. Mahad chose it.

5 Q. Okay. But was that still food then that went to be
6 distributed in part at Dar Al-Farooq?

7 A. Sometimes, yes.

8 Q. Okay. So we talked about American Boulevard, Lake
9 Street and then Owatonna. Why was Owatonna used?

10 A. So we didn't know exactly when demolition would begin.
11 As you know, the city process takes a lot of time; and when
12 they got back to us, we kind of scrambled to find a suitable
13 warehouse with, like, a cooling system.

14 Dr. Mahad already had, you know, operation and
15 connections in Owatonna. And so he proposed that we do
16 there -- do the packaging and distribution out of that
17 warehouse for the summer until we can find another warehouse
18 in Bloomington.

19 Q. And did you find another warehouse in Bloomington?

20 A. We did.

21 Q. And where was that?

22 A. It was 9124 Grand Ave. It's a warehouse in Bloomington.

23 Q. All right. So that's why we see different addresses on
24 that Sysco summary document?

25 A. Yes, that's right.

1 Q. All right. Let's look at just some more exhibits.

2 D7-135, please.

3 What are we looking at here in D7-135?

4 A. This would be bags of food. This would have been at the
5 mosque.

6 Q. True and accurate depiction of that scene?

7 A. Yes.

8 Q. D7-145 for the witness only, please.

9 What are we looking at here?

10 A. This is the -- it looks like the warehouse and looks
11 like they're getting ready to load the bags into the truck.

12 Q. Do you know which warehouse this is that we're looking
13 at at D7-145?

14 A. I think this is the Bloomington warehouse, the 1701.

15 Q. All right. D7-155. Oh, sorry. D7-145, was that a true
16 and accurate depiction of that scene?

17 A. Yes.

18 Q. D7-155, please. What are we looking at at D7-155?

19 A. This would have been early on in 2021. This would be --
20 that's me in the picture on the left helping distribute
21 meals at the mosque.

22 Q. True and accurate depiction of this scene?

23 A. Yes.

24 Q. D7-157, please. Is this another photograph showing part
25 of the assembly process?

1 A. Yes.

2 Q. And where is this?

3 A. This would be at the mosque itself in one of the big
4 rooms.

5 Q. True and accurate depiction of this scene?

6 A. It is.

7 Q. D7-158, please. Another part of a photograph showing
8 part of the assembly process?

9 A. Yes.

10 Q. True and accurate depiction of that scene?

11 A. It is.

12 Q. D7-161, please. Another photograph showing food
13 assembly at the mosque?

14 A. Yes.

15 Q. True and accurate depiction of that scene?

16 A. Yes.

17 Q. D7-49, please. And what does D7-49 show?

18 A. This shows part of a packaging operation from the
19 Bloomington 9124 Grand Ave. warehouse.

20 Q. True and accurate depiction of this scene --

21 A. Yes.

22 Q. -- in the video?

23 D7-50, please. And we can stop it there.

24 What are we looking at D7-50?

25 A. This seems to be a video of food pallets and pallets of

1 food from the Bloomington 9124 Grand Ave. warehouse.

2 Q. True and accurate depiction of that scene?

3 A. Yes.

4 Q. And, finally, D7-51. Is this another short video clip
5 of food distribution at the, what I'll call the Grand Avenue
6 warehouse?

7 A. This one is actually Owatonna. So the time in the
8 summer where we had some operations in Owatonna at the
9 warehouse there, this would be like the beginning of a
10 packaging process.

11 Q. True and accurate depiction of that scene?

12 A. Yes.

13 MR. GOETZ: Offer D7-135, D7-145, D7-155, D7-157,
14 D7-158, D7-161, D7-49, D7-50 and D7-51.

15 THE COURT: Any objection?

16 MR. THOMPSON: Your Honor, I'd just ask for some
17 foundation as to who took these photos and whether or not he
18 was present at the time. I know for at least one of them he
19 was.

20 THE COURT: Mr. Goetz, additional foundation.

21 MR. GOETZ: Sure.

22 BY MR. GOETZ:

23 Q. Do you have personal knowledge of each and every scene
24 depicted in these photographs?

25 A. I do.

1 Q. And are they true and accurate depictions of what we see
2 in those photographs or video clips?

3 A. Yes.

4 Q. Were you personally present at these distribution
5 scenes?

6 A. Yes.

7 Q. Do you know who took these respective photographs or
8 videos?

9 A. I know the photographs in the beginning were taken by
10 our photographer that we hired at the time, and the videos I
11 took them.

12 MR. GOETZ: Offer them, Your Honor.

13 THE COURT: D7-135, 145, 155, 157, 158, 161 and
14 the videos at 49, 50 and 51 are all admitted.

15 MR. GOETZ: Thank you, Your Honor. If I may
16 publish?

17 THE COURT: You may.

18 BY MR. GOETZ:

19 Q. We will start with D7-135. And we will go through these
20 quickly; but just to get an idea, tell us what we're looking
21 at here in D7-135.

22 A. So this is bags of food. You see some rice. And then
23 inside the food is just food meals, according to the meal
24 pattern and the menu that was provided. So it would -- it's
25 winter, because we would keep them here. It's too cold to

1 stand outside. And as people pulled up, people would take
2 these bags and put them in the cars.

3 Q. So in terms of the timeline that we're talking about,
4 when food was being distributed that Afrique was involved
5 in, is this early in that process or later?

6 A. This is early.

7 Q. So roughly when are we talking about?

8 A. This would have been winter 2021.

9 Q. So January, February?

10 A. Around January, February, yes.

11 Q. Okay. D7-145, please. What are we looking at here?
12 Part of bags of food being assembled? And where are they
13 being assembled?

14 A. This is 1701. So it would be between January and
15 June 2021 while we used that location.

16 Q. All right. D7-155. So who do we see in this
17 photograph?

18 A. That's me on the left. Further down in that room would
19 probably be some people from the mosque helping distribute
20 food.

21 Q. Can you just, just so we're clear and the record is
22 clear, just circle --

23 A. This is me.

24 Q. Okay. With an arrow. That's fine. All right.

25 And what are you doing?

1 A. So this is one of the days I came by to help with the
2 distribution of the meals.

3 Q. So can you tell the jury what part of the process we're
4 looking at here?

5 A. This -- so that looks like some juice boxes. So this
6 would be going in that other room, and then they would go
7 into bags, and then they would be served to families.

8 Q. All right. D7-157, please. So where is this assembly
9 process taking place we see here at D7-157?

10 A. This looks like the same, same time, time frame. This
11 would be at the mosque in the back rooms. And then you
12 notice these are some kind of menus that --

13 Q. I'm going to ask you about that, just --

14 A. Okay. Sorry.

15 Q. We'll get there.

16 So when did you use the mosque then to do your
17 packaging?

18 A. Early on.

19 Q. Before you had the 1701 American Boulevard space
20 available?

21 A. Yes.

22 Q. So in the back here, what you circled, tell us about
23 that.

24 A. Yeah. So there would be some guidance a lot of times
25 from Bianca or somebody that worked with her, and they would

1 tell us what needs to go in the bags.

2 At this time we were just writing it down and
3 putting it on the walls and then organizing around those
4 signs. So that sign would tell you what you need to grab
5 from under it.

6 Q. D7-158, please. Same place, different view. Do we see
7 these organizational charts?

8 A. Yes, we do.

9 Q. D7-167. I'm sorry. 161. Same place, different part of
10 the distribution process?

11 A. Yes.

12 Q. Again, we see the, what I'll call menu sheets on the
13 back wall there?

14 A. Yeah.

15 Q. And then finally with this section, let's look at some
16 videos. D7-49. We'll just play it, and if you can just
17 narrate for the jury what we're looking at.

18 A. Yeah. This is a video from the warehouse in
19 Bloomington. It's 9124 Grand Ave., one of the warehouses we
20 used. It's a combination of seeing some of the food that
21 was there and the packaging operation by the employees at
22 the warehouse.

23 Q. So all those bags, what happens with those bags? What
24 goes in those bags?

25 A. So, yeah, the food comes off the truck just like that,

1 and it would go into the warehouse. They would take the
2 bulk food, break it down per the packing list, and put food
3 in those bags.

4 Q. And those bags would go, go where?

5 A. Then they would go to Dar Al-Farooq. They would go to
6 Oak Grove. They would also go to any other sites that were
7 needed.

8 Q. And who controlled -- I mean, what were you involved in?
9 What locations or sites were you involved in?

10 A. So my direct involvement was with the Dar Al-Farooq site
11 and the Oak Grove Middle School. Dr. Mahad had tried to
12 kind of consolidate operations.

13 Q. Just what were you involved in?

14 A. Just those two.

15 Q. All right. So in terms of the food that you needed for
16 those sites, how would you, how would you take -- from all
17 those bags that we saw, how would that work?

18 A. So Bianca would send an email, Bianca Scott, and it
19 would say the menu, the packing list and the number of bags
20 that need to go to the place.

21 Q. Okay. And then you would take care of that and get them
22 on their way?

23 A. That's right.

24 Q. And make sure they're distributed?

25 A. Yep.

1 Q. All right. D7-50, please. What are we looking at here?

2 A. This is a short video showing some of the wholesale
3 products, pallets of food, that were at the warehouse. That
4 is one of our warehouse managers. Arturo.

5 Q. And which warehouse are we looking at here?

6 A. This would be the 9124 Grand Ave. warehouse.

7 Q. And there was just a short view, but, again, we saw
8 bags?

9 A. Yeah. So this would happen on Wednesday, Thursday and
10 Friday.

11 Q. Okay. Last, D7-51. Let's just take a look at that
12 video, and tell us what we're looking at.

13 A. This is a video of the Owatonna warehouse that we used
14 during the summer of 2021. And there's some packaging that
15 was going on back there. On the right side there was a big
16 cooler. And on the left side here, where people are facing,
17 there's a truck coming in to make a delivery.

18 Q. All right. So let's shift gears now. And those videos
19 covered what period of time?

20 A. The whole year.

21 Q. All right. But let's shift gears now. We were
22 initially focusing on the period from January through June
23 of 2021. Now I want to talk about July of 2021 and the
24 SFSP, the Summer Food Service Program. All right?

25 A. Yes.

1 Q. Was Afrique involved in the Summer Food Service Program
2 with respect to the Dar Al-Farooq site in the summer of
3 2021?

4 A. Yes. This is when we first started in the food program.

5 Q. Were you involved in that yourself?

6 A. Yes.

7 Q. Looking at Government Exhibit C-102. We've seen this
8 document many times before, but you recognize it?

9 A. I do.

10 Q. And if we look at page 8, is that your signature?

11 A. It is.

12 Q. And did you write your name above your signature?

13 A. Yes, I did.

14 Q. Why did you sign this document?

15 A. I signed this document because Afrique was entering into
16 the food program, and Dr. Mahad asked me to go and sign on
17 behalf of the company.

18 Q. And what was your understanding of why Afrique was going
19 into this vendor contract directly with Feeding Our Future
20 in June -- or at the end of June, June 30 of 2021?

21 A. So I'm not sure exactly why we transitioned from being
22 like a subcontractor essentially before this period to being
23 a direct contractor in the food program. We felt that we
24 had enough operation at this time and could support the
25 capacity.

1 Q. And why did you sign this document?

2 A. I only signed the document because Mahad, Dr. Mahad was
3 not able to.

4 Q. Did you -- was this document presented to you for your
5 review before you signed it?

6 A. No. I went in and I just -- I went ahead and I signed
7 it.

8 Q. All right. Did you review the document before you
9 signed it?

10 A. I mean, generally, I looked through the document. I'm
11 not sure what I'd be looking for. I didn't have much
12 knowledge of the program.

13 Q. Okay. So it's kind of risky just signing a document
14 without knowing what you are signing up for. Why did you do
15 that?

16 A. I, I had a partner, CFO Dr. Mahad, who had extensive
17 knowledge about the food service program, regulations,
18 waivers, and I relied on his knowledge to, you know, explain
19 things to me.

20 Q. All right. What was your understanding of what Afrique
21 then was undertaking by you signing this vendor contract on
22 June 30 of 2021?

23 A. My understanding that is Afrique would now be receiving
24 reimbursements, meaning we would have to actually bill and
25 receive a reimbursement for the meals, instead of being a

1 subcontractor in the program who has nothing to do with
2 reimbursements.

3 Q. You yourself, though, at that time -- once you signed
4 this contract, did you then take on the role of preparing
5 invoices or submitting invoices or anything with that claims
6 process?

7 A. Oh, no. I -- my role was still the logistics and
8 operation of the food.

9 Q. So everything that we've talked about so far in terms of
10 what you did, and what we saw in all these photographs and
11 videos about the preparation, the gathering, the organizing,
12 the distribution, did you keep that as your role?

13 A. Yes.

14 Q. Did that practical reality of what you are doing change
15 at all after you signed this vendor contract?

16 A. No.

17 Q. So let's look at Government Exhibit C-362.

18 So this is in evidence. This is from, as we've
19 heard, Feeding Our Future files that were seized pursuant to
20 the search warrant. Dar Al-Farooq, meal claims, attendance,
21 menu, July 2021, and July 2021 attendance record.

22 Let's -- if we could look at pages 88 to 90,
23 please. These Meal Count Form - Clicker Counts. Just page
24 through them.

25 You see these are for the Dar Al-Farooq site?

1 A. I do.

2 Q. Did you have any involvement in preparing these
3 documents?

4 A. No, I did not.

5 Q. Pages 91 to 92. Site Delivery Receipt, Summer Food
6 Service Program, Dar Al-Farooq, Bloomington.

7 There's a number of meals received for the date
8 and time July 31, 2021. Do you see that?

9 A. I do.

10 Q. Can you just blow that up, please?

11 The Site Supervisor says Mukhtar. Do you see
12 that?

13 A. I see that.

14 Q. Did you put your name down?

15 A. No, I did not.

16 Q. And look at page 92. Again, July 17, 2021. Site
17 Supervisor, the name is Mukhtar. Did you put that down?

18 A. No.

19 Q. July 24, 2021, again, Site Supervisor. Tell the jury
20 what it says.

21 A. Looks like it says Mukhtar, but --

22 Q. Did you write that name?

23 A. No, I did not.

24 Q. Irrespective -- and so did you prepare --

25 Let's get those documents back up, please. 91,

1 92.

2 So did you prepare any of these claims?

3 A. No. That wasn't my role.

4 Q. But your role was you were involved with the food
5 itself, right?

6 A. That's right.

7 Q. And did you know how many number of bags were
8 distributed? I mean, roughly, you had a sense of the -- did
9 you have a rough idea of how many bags you were preparing
10 and distributing?

11 A. Yes, I did.

12 Q. And did you have a sense of how many children were
13 served by each bag of food?

14 A. Yeah, based on the packing list and the menus we
15 received, yeah.

16 Q. And did you have an idea between the two locations of,
17 you know, the distribution levels at both sites?

18 A. Yes.

19 Q. And the number of people served at both sites?

20 A. Yes, I did.

21 Q. So when, for example, we see here July 17, 2021, there's
22 a number of meals received, 2,050, do you think that's
23 reasonable or unreasonable?

24 A. I think between the two locations it was reasonable.

25 Q. And what about for July 24, 1,950. Do you think that's

1 reasonable or unreasonable?

2 A. It was reasonable.

3 Q. And if we look at page 92. For July 31, 1,960. Do you
4 think that was reasonable or unreasonable?

5 A. I think it was reasonable.

6 Q. And if we jump back -- well, let's look at Government
7 Exhibit G-336.

8 So we've had some testimony about this at various
9 points of the trial, including yesterday.

10 If we could just blow up the top, please.

11 So you recognize this email that you sent to Dinna
12 Wade-Ardley July 23, 2021, 11:29 a.m., where you wrote,
13 "I'll explain via phone in a minute"?

14 A. Yeah.

15 Q. And do you dispute at all that you sent that email and
16 you wrote that text?

17 A. I don't.

18 Q. We'll come back to that in a second, but if we could
19 just go down.

20 So this email from Khalid Omar to Dinna
21 Wade-Ardley, did you have anything to do with this portion
22 of that email?

23 A. No, I didn't.

24 Q. It says in the email, "We routinely serve up to 3,000
25 children through this partnership," talking about the

1 Dar Al-Farooq Center/Oak Grove Middle School.

2 Based upon your personal knowledge of the food
3 that was being distributed at the Dar Al-Farooq site, two
4 locations at this period of time, July of 2021, do you think
5 3,000 children was a reasonable or unreasonable estimate
6 about the number of children being served at those two
7 locations?

8 A. I felt that was reasonable for those two locations.

9 Q. So let's jump back to page 1 of Government Exhibit 336.

10 "I'll explain via phone in a minute." Did that
11 conversation take place?

12 A. Yeah, it did.

13 Q. And what do you remember telling Dinna Wade-Ardley --
14 she indicates, "Maybe 1,000 each week." 1,000 children each
15 week. What did you explain via phone when you had that
16 conversation with Dinna Wade-Ardley?

17 A. Dinna called me. She thought that the email was
18 referring to just her school of being over, you know, up to
19 3,000 children there.

20 And I explained to her that it was both the
21 Dar Al-Farooq site, so about two-thirds of the community was
22 already coming there, and the rest of the 1,000 that she
23 said was at her site was just for her, her site.

24 Q. So what did you then tell her about the 3,000 children
25 number in the initial email that we looked at?

1 A. I told her between the two sites that was reasonable.
2 She understood that there was about 1,000 children that were
3 being served to her, according to her and her team. And we
4 understood from our community and the size of the community
5 and all the programs that were going on that the rest were
6 at the mosque.

7 Q. So the government makes the suggestion you were trying
8 to mislead Dinna Wade-Ardley. Were you trying to mislead
9 her at all?

10 A. No, I was not trying to mislead here.

11 Q. Did you believe what you were saying was true?

12 A. Yes, I do.

13 Q. Did you have any reason to believe 3,000 children was
14 not a reasonable estimate?

15 A. No.

16 Q. So if we could look at Government Exhibit D-35.

17 I want to go through some of these rather quickly,
18 but just to hit upon a few things that have come up over the
19 course of the weeks of this trial.

20 This was an email that you were sent by a
21 codefendant in this case, correct?

22 A. That's correct.

23 Q. Did you, if we scroll through it, did you prepare any of
24 the documents in the attachments to this email?

25 A. No. That wasn't my role.

1 Q. If we could stop here, looking at page 3157 of this
2 document, there's a Site Supervisor/Staff and a name above
3 that. What does it say?

4 A. It looks like what might be Mukhtar.

5 Q. Did you write that?

6 A. No.

7 Q. Is your name spelled correctly?

8 A. I -- it's hard to tell.

9 Q. Okay. But that's not your signature?

10 A. No, it's not.

11 Q. And if we can go to page 3 of this document.

12 Site Supervisor, it reads Mukhtar, correct?

13 A. Yeah, it does.

14 Q. Did you write that name?

15 A. No, I did not.

16 Q. So did you prepare any of these documents even where --
17 on these weekly consolidated meal counts or the site
18 supervisor documents, did you ever sign a document like that
19 with your name?

20 A. No.

21 Q. The numbers, though, when you see your name above or
22 below a number, say for 1,960 children served, and then they
23 have the multiple meals and the totals, but the 1,960
24 children served at the Dar Al-Farooq sites, the two
25 locations, in August of 2021, based upon your personal

1 observations, do you believe those numbers are reasonable or
2 unreasonable?

3 A. I felt they were reasonable.

4 Q. Okay. Now, you are not keeping track yourself, right?

5 A. No, I was not.

6 Q. And are you telling this jury you know exactly how many
7 children were served each and every week at the
8 Dar Al-Farooq mosque?

9 A. I don't know exactly how many children were served. I
10 believe that there was a lot of food, and I believe this was
11 reasonable.

12 Q. So why were you sent, going to the top of this exhibit,
13 why were you sent this email, do you know?

14 A. So after Afrique became a contractor in the food
15 program, I was the point of contact. So Dr. Mahad by this
16 time had moved to Ohio. So any inquiries coming from the
17 sponsor, I was their contact for that information, and I
18 would be the person forwarding them over the information
19 that they needed.

20 Q. And Dr. Mahad had asked you to sign that vendor contract
21 that we saw earlier?

22 A. That's right.

23 Q. So let's look at Government Exhibit C-345, please.

24 So October 20, 2021, another email from another
25 defendant in this case to you, correct?

1 A. That's correct.

2 Q. It has a lot of attachments, including Dar Al-Farooq
3 attendance, right?

4 A. Yes.

5 Q. Did you, if we just look at some of the attachments, did
6 you prepare any of the attachments to this document?

7 A. No, I did not.

8 Q. Looking at page 3, in particular, is this your signature
9 with respect to the site delivery receipt for the
10 Dar Al-Farooq site?

11 A. No, it's not.

12 Q. But based upon your personal knowledge of the amount of
13 food that was being distributed at the Dar Al-Farooq site in
14 September of 2021, do you believe that that number is
15 reasonable or unreasonable?

16 A. I believe it's reasonable.

17 Q. So going to the first page of this, what were you
18 supposed to do then with the attachments that you received?

19 A. So as the point of contact, I was to forward them to
20 claims@feedingourfuture.

21 Q. Now, the documents, the attachments are much more than
22 just the Dar Al-Farooq site, correct?

23 A. They are.

24 Q. They included the Waseca roster, right?

25 A. Yeah.

1 Q. Were you personally involved in distributing food in
2 Waseca?

3 A. Personally, I was not.

4 Q. The Medford roster, correct?

5 A. Yep.

6 Q. Were you personally involved in distributing food in
7 Medford?

8 A. Personally, no.

9 Q. Why did -- well, then let's look at D7-346. I'm sorry.
10 It's not D7-346. Government Exhibit C-346.

11 So tell the jury what we're looking at here then,
12 Mr. Shariff.

13 A. So this is an email from me to
14 claims@feedingourfuturemn.org sent on the 21st of October,
15 2021, one day after I had received this email.

16 Q. So is it based -- is this you forwarding what we saw in
17 Government Exhibit C-345 to claims@feedingourfuture?

18 A. Yes, it is.

19 Q. Why did you do that? Why did you send this email?

20 A. I sent the email because this was part of the process
21 for reimbursement and I was the point of contact for the
22 sponsor. I didn't handle the preparation of the documents,
23 but I was to send the documents over to the sponsor; and if
24 they had any questions, I would move those along to
25 Dr. Mahad.

1 Q. Now, you're the point of contact for the Dar Al-Farooq
2 site, right?

3 A. Yes.

4 Q. But you are submitting more than Dar Al-Farooq claim
5 documents, correct?

6 A. That's correct.

7 Q. Why did you send this whole packet?

8 A. Honestly, I usually don't look too deep into the email
9 and the attachments. Right? I'm not the person who
10 prepares them. I wouldn't know exactly what to even be
11 looking for.

12 So this email happened to have two other
13 attachments I wasn't necessarily aware of, but I had no
14 reason to, you know, believe there was an issue, because if
15 there is an issue, they would get back to me and I would
16 forward that information.

17 Q. Why did you have no reason to believe there was any
18 problem with what you were sending?

19 A. We had a large-scale food operation. We were
20 distributing food. I mean, there was tons and tons of food
21 coming in. So I had no reason to believe there was any
22 food-related issues that these meals were not being
23 delivered.

24 Q. Tons and tons of food with respect to what site that you
25 knew of from your firsthand knowledge?

1 A. My firsthand knowledge of the food comes from
2 Dar Al-Farooq and the Bloomington school.

3 Q. Okay. All right. So let's -- we're going to turn to a
4 few other topics now and do our best to close before the
5 lunch break. All right?

6 Ikram Mohamed. Do you know her?

7 A. I do.

8 Q. How do you know her?

9 A. So I met Ikram I think around March 2021. Dr. Mahad
10 wanted me to pitch her to become an investor in Afrique.

11 Q. Did she become an investor?

12 A. So, no, she did not.

13 Q. Did you discuss, though -- and I mean you personally --
14 with Ikram Mohamed any broader involvement either in the
15 Afrique project or anything related to the Afrique project?

16 A. Yes, I did.

17 Q. What was that that you talked about with her?

18 A. So we had conversations March, April, May about her
19 joining Afrique at first as a silent partner. That didn't
20 work out. So then we pivoted to trying to see if there's an
21 opportunity for partnership somewhere in South Minneapolis.

22 Q. And when you say "we," who was involved in these
23 discussions?

24 A. Myself. Dr. Mahad was too.

25 Q. And --

1 A. And Ikram.

2 Q. Okay. And what was the broader involvement that you
3 were talking about?

4 A. Yeah. So knowing that construction is going to take a
5 long time, we wanted to see if we could open one of the
6 businesses we had intended to open. So there were strong
7 cafe, event space, child care/play area. The child
8 care/play area concept we thought would work really well in
9 South Minneapolis.

10 Q. And why talk to Ikram Mohamed about that?

11 A. So what I understood through Dr. Mahad, they had already
12 been working together for months or years. She's a
13 consultant for other child cares. She knows, you know,
14 presumably hundreds of families. She's built and sold many
15 child cares. This is kind of like the information that I
16 had. And she would be a great partner in that type of
17 endeavor.

18 Q. So was an agreement reached then to, between Afrique and
19 Ikram Mohamed, to form a partnership or partner in that kind
20 of endeavor?

21 A. Yes, it was.

22 Q. And can we look at Government Exhibit Q-30, please,
23 which I don't believe is in evidence. Well, actually, this
24 is in evidence.

25 Do you recognize this?

1 A. Yes, I do.

2 Q. And what is it?

3 A. This is a \$250,000 cashier's check from the Afrique
4 Hospitality Group bank account with me as the remitter.

5 Q. Is there any dispute before this jury that you're the
6 one who walked into the Bank of America branch in Edina and
7 got this cashier's check?

8 A. There is no dispute about that.

9 Q. And what is -- and this is a check that you got with
10 your name on it?

11 A. Yes.

12 Q. And it has Ikram Mohamed's name on it too, right?

13 A. It does.

14 Q. What's the purpose of this \$250,000 cashier's check?

15 A. The purpose of the check was to jump-start this project
16 in South Minneapolis, to see if we could find a location for
17 the child care/play area business we had been intending to
18 start in Afrique.

19 Afrique wasn't going to open anytime soon. We
20 thought this was a way to generate revenue a little bit
21 quicker. And permitting was a little bit easier in
22 Minneapolis, and our construction would take a long time.

23 Q. Can we look at D7-62, please, just for the witness.

24 Do you recognize the document here at D7-62?

25 A. Yes.

1 Q. How do you recognize it?

2 A. So this was an agreement, kind of a basic agreement we
3 signed -- "we" being Afrique Hospitality Group and Ikram
4 Mohamed -- to sort of document.

5 Q. And if we can turn to the signature page, please?

6 Do you see your signature on this document?

7 MR. THOMPSON: Your Honor, I'd object to reading
8 from a document not in evidence.

9 MR. GOETZ: It's just for foundation, Your Honor.
10 It's how he recognizes it.

11 THE COURT: Go ahead.

12 BY MR. GOETZ:

13 Q. Do you see your signature on this document?

14 A. Yes, I do.

15 Q. Is this a true and accurate copy of this document?

16 A. It is.

17 MR. GOETZ: Offer D7-62, Your Honor.

18 MR. THOMPSON: Objection. Hearsay.

19 MR. GOETZ: It's not for the truth, Your Honor.

20 THE COURT: I would like a sidebar, please.

21 **(Sidebar discussion)**

22 THE COURT: Ms. Falk, can you go back one page?

23 Mr. Goetz.

24 MR. GOETZ: Your Honor, this is a -- the
25 government has claimed that this \$250,000 payment is a

1 bribe. This is a contemporaneously executed document that
2 shows there was a small business loan agreement taken out.
3 The terms of this document are immaterial. They are not
4 offered for the truth.

5 Furthermore, to the extent that it is hearsay,
6 which it's not, it comes in as a business record exception.
7 This fell within the scope of that business, which was to
8 make this investment.

9 And to prohibit this document, given the claims by
10 the government, as to what that \$250,000 payment was about
11 is going to deny this defendant his right to present a
12 defense.

13 THE COURT: Anything further, Mr. Thompson?

14 MR. THOMPSON: Your Honor, it's self-serving
15 hearsay. This is papering up a kickback payment to a
16 Feeding Our Future employee.

17 And I would add that we've looked at Ikram
18 Mohamed's bank records as to how she used this \$250,000.
19 She did not use it to kick-start a day care project. She
20 just used it for her own personal spending and drained down
21 her account through ATM withdrawals and debit card purchases
22 of a personal nature.

23 THE COURT: And is that in evidence?

24 MR. GOETZ: Your Honor, that's immaterial to this
25 argument. That goes to the weight, but it doesn't go to the

1 admissibility of this document. They can argue that till
2 the cows come home, but that doesn't make this document
3 inadmissible.

4 THE COURT: My question was to Mr. Thompson
5 whether that was in evidence.

6 MR. THOMPSON: Your Honor, I'm not certain sitting
7 here right now.

8 THE COURT: Thank you.
9 I'm overruling the objection and letting it in.

10 (In open court)

11 THE COURT: Exhibit D7-62 is admitted.

12 MR. GOETZ: If I may publish, Your Honor?

13 THE COURT: You may.

14 BY MR. GOETZ:

15 Q. Looking at D7-62, Mr. Shariff, just tell the jury what
16 we're looking at.

17 A. We're looking at a small business loan agreement. The
18 parties are: The borrower, Ikram Mohamed. Lender is
19 Afrique Hospitality Group. The amount is \$250,000.

20 And the loan is for the shares in DFC LLC, and it
21 explains that how much is for the start-up capital, and it
22 would last about two to three years to put up a child care
23 with a play space in Minneapolis.

24 Q. And if we can turn to page 2, the date of this agreement
25 is?

1 A. This date is June 9th, 2021.

2 Q. So six months and a week or so before any search
3 warrants were executed in this case?

4 A. That's correct.

5 Q. Was this \$250,000 payment to Ikram Mohamed a bribe so
6 Afrique Hospitality Group could play in Feeding Our Future's
7 enterprises?

8 A. No, it was not.

9 Q. What did Ikram Mohamed do with the \$250,000 loan or
10 payment? Did you -- what did she do with the money, do you
11 know?

12 A. So, to my knowledge, I went -- I visited like a
13 warehouse and a space in South Minneapolis I think towards
14 the end of the summer to see, you know, any progress or
15 what's going on. And I saw, you know, some play equipment,
16 child care equipment, and the process was ongoing to look
17 for a location.

18 Q. Did she ever open what you had envisioned and given the
19 payment for?

20 A. No, it never opened.

21 Q. Do you know what she did with all this money that was
22 given, each and every penny?

23 A. I don't.

24 Q. Did you ever have any communication with Ms. Mohamed
25 about paying this money back when the project that you

1 envisioned never happened?

2 A. Yeah. So -- yes, I did.

3 Q. And if we can look at what's in evidence as O-219,
4 page 10, Government Exhibit O-219.

5 Is this a check as part of that repayment?

6 A. It is.

7 Q. 59,000.

8 A. Yes.

9 Q. All right. Thank you.

10 I'm going to just hit on a few topics quickly.

11 I don't want you to pull it up, but there was --
12 do you remember all those WhatsApp messages that we looked
13 at?

14 A. Yeah, I do.

15 Q. H-50a. Actually, let's pull that up.

16 On page 2 of this communication that you had with
17 another defendant in this case, there's a check. Was there
18 any share purchase agreement ever executed with respect to
19 this check?

20 A. It wasn't executed, no.

21 Q. All right. Let's look at page 4 of Government
22 Exhibit H-50a.

23 There was talk about property and all of that.

24 Did you ever invest in any property in Kenya?

25 A. No, I did not.

1 Q. Let's look at page 9.

2 So there was discussion at this page of the
3 WhatsApp communication about "half the dugsi people went on
4 field trip today." Do you see that beginning there?

5 A. Yes.

6 Q. And we learned yesterday that dugsi -- that's the
7 Islamic school at Dar Al-Farooq, right?

8 A. That's right.

9 Q. So then there's discussion. "So we doing 6,000 this
10 month? Dumpster, bro, I got 200 more myself."

11 And then you reply what?

12 A. I replied, "LOL not this month."

13 Q. Then there's a reply. "Okay. Coz we are getting crazy
14 bills. That's why."

15 And then what do you say?

16 A. I said, "Yeah, bro, we are."

17 Q. And then there's the reply. "At least we should hit
18 4000, bro."

19 And then what do you say?

20 A. I said, "That should be reasonable."

21 Q. What is that conversation there about? What are you
22 saying?

23 A. From the top, or how do you -- which part of the
24 conversation you want me to --

25 Q. Just what we read about, say, for the -- "So we doing

1 6,000 this month" to "That should be reasonable."

2 A. So what I recall is the Dar Al-Farooq site with the two
3 locations was approved by MDE, because of their data and
4 their information, to be eligible to distribute up to 6,000
5 meals, instead of the around 3,000 that was already
6 happening there.

7 Q. So when you said, "LOL not this month," what are you
8 talking about?

9 A. I meant that we didn't have capacity at the warehouse,
10 our operations, to reach that level of distribution.

11 Q. So what did you think about the 4,000 number?

12 A. So I felt 4,000 would be reasonable if the demand was
13 there, meaning if that was needed, I could scale up, you
14 know, hire more staff and get more packaging, if that's what
15 was needed.

16 Q. And when you are having this conversation about numbers
17 and children that you can serve, what do you -- what are you
18 basing this conversation on? Where is your knowledge base
19 coming?

20 A. So we're basing the knowledge on the sites would
21 communicate. So as the year went on, there's communications
22 going out to the city and people are coming. So if there's
23 a lot more people, then it would tell us.

24 Q. So I guess I'm -- I didn't ask the question clearly.

25 When you are basically saying, no, not 6,000,

1 4,000 is reasonable, how were you coming up with that
2 position? What are you basing that on?

3 A. That's based on our capacity at the warehouse, the
4 amount of food I think we could process with the resources
5 that we had.

6 Q. So real numbers that you felt you could support?

7 A. Yes.

8 Q. If we could look at Government Exhibit 50d.

9 So this -- what does this WhatsApp chain concern
10 here?

11 A. This is concerning a draw request payment that we needed
12 to cover as Afrique.

13 Q. So how did that happen? Was it covered?

14 A. It was.

15 Q. And was that money paid back?

16 A. Yes, it was.

17 Q. So let's look at a few other topics.

18 So there was Gusto. There was some evidence
19 introduced, Mr. Shariff, about you receiving payments from
20 Gusto. Can you just explain that to the jury, please?

21 A. Yeah. So Gusto was set up by our CFO. It was our
22 payroll system. So we paid salaries for Afrique and
23 contractors for Afrique through Gusto.

24 Q. And did you receive money through the Afrique account
25 via Gusto?

1 A. I did.

2 Q. And what was that money for that went into your pocket?

3 A. Yeah. So I received money for my salary. So when I
4 left my 9-to-5 job as a consultant, I came over to Afrique.
5 The agreement with investors was I would be receiving a
6 salary.

7 And any work that my consulting company did for
8 Afrique, in terms of branding and marketing and designs and
9 all of those things, I also received payments there.

10 Q. Was that separate? For example, did you receive
11 separate payments, other than through Gusto, from Afrique or
12 any other entity associated with this case?

13 A. Can you repeat the question?

14 Q. Sure. Other than money that went from Afrique to you
15 through Gusto, did you receive any other funds from either
16 Afrique or anybody else associated with this case for some
17 of the work that you did?

18 A. Yes.

19 Q. And, for example, through Wadani Consulting, did you
20 receive funds?

21 A. I did.

22 Q. What was that work for, generally?

23 A. So I received funds as Wadani Consulting whenever I
24 helped with operations. So if one of my, I guess, clients
25 needed like to help with logistics and distribution with the

1 knowledge that I had, anything that needed -- they needed me
2 to do, I would do it. I would set it up for them, maybe set
3 up their warehouse, make their operations more efficient so
4 they can operate better.

5 Q. And did that include an \$80,000 check from Empire?

6 A. Yes, it does.

7 Q. As well as additional payments for Empire?

8 A. Yes.

9 Q. Now, the government contends consulting -- it was just a
10 ruse to, you know, to cover money. Did you do consulting
11 work for these other entities?

12 A. I did.

13 Q. Describe the consulting work that you did for these
14 entities to the jury.

15 A. Yeah. So I learned a lot both in my professional
16 experience as a consultant and also like while I was doing
17 food program work on how to streamline.

18 So you saw like the setting up the warehouse,
19 setting up the logistics operation, the most efficient way
20 to get food from the warehouse to sites, helping onboard
21 staff, helping onboard anybody that's going to be working.
22 So I used my knowledge, previous knowledge in consulting to
23 help entities.

24 Q. Could we look at what's in evidence as Government
25 Exhibit 119, please -- I'm sorry -- N-119. Okay. Let's

1 pull that up for the witness, please, N-119, at page 12.

2 So you're aware, Mr. Shariff, that the government
3 claims that you received over \$1 million --

4 A. I'm aware.

5 Q. -- through this. Is that accurate?

6 A. No, it's not accurate.

7 Q. Why do you dispute that you yourself received that much
8 money through this?

9 A. I don't dispute the underlying data, like the numbers
10 are the numbers, but I dispute the way the data is
11 categorized.

12 The money that actually went to me is the money
13 that I acknowledge, you know, for the work that I did. Some
14 of this is, is not money that went directly in my bank
15 account.

16 Q. So, for example, there's been some questions and
17 testimony about Coinbase, money in Coinbase. Can you
18 explain to the jury what your involvement is with respect to
19 Afrique and Coinbase?

20 A. Yeah. So I tried to set up a Coinbase account for
21 Afrique as an entity. It became incredibly difficult and
22 complex. And we were a new company. That became hard. And
23 so --

24 Q. Just to -- I'm going to interrupt you.

25 A. Go ahead.

1 Q. Just to keep it simple, why did you set up the Coinbase
2 account? What was the purpose of that?

3 A. Yeah. So in 2021 there was a lot of news around crypto.
4 People were getting, you know, a lot of returns on it.

5 Afrique, we had some money in the account. And
6 construction wasn't going to start for quite sometime. I
7 was worried about basically, you know, we can't get
8 traditional loans. Right? So I thought this would be an
9 outlet to maybe get some investment return for the company.

10 Q. All right. Consistent with Sharia law and Islamic
11 principles of an investment?

12 A. That's right.

13 Q. And if we could look at what's been marked for
14 identification as Exhibit D7-58, please.

15 Do you recognize this?

16 A. I do.

17 Q. What is it?

18 A. This is my personal taxes.

19 Q. For the year 2021?

20 A. Yes.

21 Q. True and accurate copy of this document?

22 A. It is.

23 MR. GOETZ: Offer -- oh, scroll through it,
24 please.

25 MR. THOMPSON: Your Honor, objection. Hearsay.

1 I think maybe a sidebar would be appropriate.

2 THE COURT: All right.

3 **(Sidebar discussion)**

4 THE COURT: Mr. Goetz, what's the hearsay
5 exception?

6 MR. GOETZ: Your Honor, it certainly comes in
7 under the business record exception.

8 This is a, as the court well knows, this is a form
9 by the IRS. It's a form by the Minnesota Department of
10 Revenue. It's kept in the ordinary course of business of
11 any individuals submitting their tax returns. It also
12 includes schedules with respect to Wadani Consulting and
13 that business. So it's all of his business income for this
14 year reflected in that tax return.

15 The government has contended that this is all
16 about money laundering, about hiding money, and this is
17 important to show that it is not that at all.

18 And it's not necessarily for the truth,
19 additionally, Your Honor, because whatever the number is, is
20 not the point. The point is that he filed and declared tax
21 returns on money from both of these sources.

22 MR. THOMPSON: Well, Your Honor, that's not a
23 hearsay exception, first off.

24 This is obviously hearsay if he's using it to show
25 that he didn't get -- the government has him receiving more

1 than \$1.3 million during this scheme. It's not relevant to
2 show that or is hearsay to show that.

3 I would also add that this was filed after the
4 case was overt and after the defendant hired Mr. Goetz and
5 Mr. Mohring, in the wake of the search warrants in January
6 of 2022. So it has even less reliability in there. And,
7 frankly, the cross would open the door to their retention
8 shortly after the search warrants were executed.

9 MR. GOETZ: Your Honor, I don't think that opens
10 that door at all. I mean, this is simply his tax returns
11 that he filed.

12 THE COURT: No. It does open that door. I'm not
13 letting it in.

14 MR. GOETZ: All right.

15 **(In open court)**

16 THE COURT: The objection is sustained.

17 BY MR. GOETZ:

18 Q. Then finally, Mr. Shariff, we've talked about a lot of
19 things the last few days, and we've reviewed a lot of
20 evidence in this case.

21 You don't dispute that you sent emails in
22 connection with the Federal Child Nutrition Program, do you?

23 A. I don't.

24 Q. In any of those emails that you sent, did you ever
25 knowingly make any false statement?

1 A. No.

2 Q. Did you ever submit any bribe to anybody --

3 A. Absolutely not.

4 Q. -- in connection with the Federal Child Nutrition
5 Program or anything else?

6 A. No, sir.

7 Q. And do you, before this jury, contest the assertion that
8 Afrique received a lot of money from the Federal Child
9 Nutrition Program?

10 A. I don't contest that.

11 Q. All right. But based upon what you knew and what you
12 saw and what you lived, did you have any reason to believe
13 that those funds were the result of any criminal activity or
14 anything that was not legitimate?

15 A. Absolutely not.

16 MR. GOETZ: No further questions.

17 THE COURT: Thank you, counsel.

18 We'll take our lunch break here. Let's come back
19 at 1:35 for --

20 Why don't you all confer to see whether you have
21 questions so that we know what the next step is. Okay?
22 Thank you.

23 **IN OPEN COURT**

24 **(JURY NOT PRESENT)**

25 THE COURT: We're in recess until 1:35.

1 (Recess taken at 12:37 p.m. till 1:42 p.m.)

2

3

IN OPEN COURT

4

(JURY PRESENT)

5

THE COURT: You may all be seated.

6

Mr. Thompson, cross-examination.

7

MR. THOMPSON: Thank you, Your Honor.

8

CROSS-EXAMINATION

9

BY MR. THOMPSON:

10

Q. Good afternoon, Mr. Shariff.

11

A. Good afternoon.

12

Q. So if I understand correctly, you moved to Minnesota in
13 around October of 2020; is that right?

14

A. That's right.

15

Q. When you first moved here, you were traveling some; is
16 that right?

17

A. Yes.

18

Q. You went to Mexico in October?

19

A. True.

20

Q. With Imam Kariye? Kariye.

21

A. He might have been one of the people, yeah.

22

Q. A group?

23

A. Yeah.

24

Q. Cabo?

25

A. Yes.

1 Q. For fun?

2 A. Yeah.

3 Q. Okay. And then you got back, and then you went in
4 November to Kenya; is that right?

5 A. That's right.

6 Q. To Nairobi?

7 A. That's right.

8 Q. And so you finally ended up in Minnesota sort of full
9 time in middle of December of 2020; is that right?

10 A. That's correct.

11 Q. If I understand you correctly, you got involved in
12 Dar Al-Farooq essentially right away?

13 A. I started praying there when I moved in October.

14 Q. Okay. And when you got back in December, you were at a
15 meeting you said that was discussing Afrique; is that right?

16 A. That's right.

17 Q. That was in late December?

18 A. Around that time.

19 Q. Okay. And you said you were just, you just happened to
20 be at the meeting. You weren't necessarily invited. Is
21 that right? You were just around?

22 A. That's right.

23 Q. Is that right?

24 A. That's right.

25 Q. And you said you tried to help out; is that right?

1 A. That's fair.

2 Q. And during that meeting you were appointed CEO of
3 Afrique; is that right?

4 A. No.

5 Q. You became the CEO?

6 A. Not at that meeting, no.

7 Q. Shortly thereafter?

8 A. After several meetings.

9 Q. Okay. And ultimately when the company was incorporated
10 on January 6th, 2021, you were the CEO at that point; is
11 that right?

12 A. That's right.

13 Q. So sometime in that two-week period you became the CEO
14 of this new entity?

15 A. That's true.

16 Q. Is that right? Was that meeting the first time you had
17 heard about Afrique?

18 A. Yes, it was.

19 Q. Okay. I want to go to -- I'm going to show you
20 Government Exhibit 110, which is that PowerPoint we've
21 looked at so much. Government Exhibit G-110.

22 Now, this PowerPoint that we talked about had the
23 pitch for the Afrique idea; is that right?

24 A. It did.

25 Q. And you said, looking on page 3 or 4 here, there's

1 discussion of the CACFP and SFSP; is that right?

2 A. There is.

3 Q. I think you testified this morning that before this --
4 before receiving this, you had no idea what those were; is
5 that right?

6 A. That could be right.

7 Q. You had never been involved in the food program before?

8 A. I don't recall ever being in the food program.

9 Q. You didn't know what he was talking about when you
10 received this? Is that --

11 A. I didn't know what those acronyms meant.

12 Q. Okay. You hadn't talked to him about -- I think you
13 said you hadn't talked to him about the food program before
14 this email?

15 A. I'm not sure if I had. I mean, CACFP, SFSP, I was not
16 aware what those things were when he sent me this email.

17 Q. You were aware, though, after receiving this email that
18 part of the business model of Afrique was to be involved in
19 this school nutrition program; is that right?

20 A. I was aware that we would have a kitchen that would
21 serve meals to schools.

22 Q. Okay. But, of course, you didn't have a kitchen at that
23 point, right?

24 A. We didn't.

25 Q. You hadn't even incorporated the company?

- 1 A. Not yet.
- 2 Q. You didn't have a bank account?
- 3 A. No.
- 4 Q. You didn't have a kitchen?
- 5 A. No. The plan was to build a kitchen.
- 6 Q. Okay. But that was six months or more down the line?
- 7 A. Yeah.
- 8 Q. That was the idea?
- 9 A. That was.
- 10 Q. Okay. And look here on page -- I think it's page 8.
- 11 There's a discussion in this PowerPoint of serving 2500 kids
- 12 a day under the school nutrition program; is that right?
- 13 A. That's what it says.
- 14 Q. That was your understanding of the plan for Afrique?
- 15 A. No, that was not my understanding. I understand this
- 16 was part of the plan.
- 17 Q. This was part of the plan of Afrique?
- 18 A. This slide was one of the slides that I reviewed.
- 19 Q. Okay. Part of the plan was to serve meals to 2500 kids
- 20 a day, correct?
- 21 A. No. That was just the slide.
- 22 Q. The slide of the plan for Afrique, correct?
- 23 A. Yes. That Mahad created.
- 24 Q. Okay. But this was part of the plan. You agree? No?
- 25 A. I agree it was part of our business model.

1 Q. Okay. Part of your business model was to have the
2 consistent revenues from the school nutrition program to
3 cover the overhead of this large Afrique project, correct?

4 A. That's what it says.

5 Q. Okay. That's what you planned, correct?

6 A. I mean, I'm not the person who created it. I wasn't the
7 person who came up with the plan. It was presented to me in
8 this PowerPoint, and that's what it says.

9 Q. And you accepted it as the CEO, correct?

10 A. I was not the CEO when I received the PowerPoint.

11 Q. You became the CEO seven days later?

12 A. I don't know exactly when.

13 Q. On January 6th when the company was incorporated?

14 A. Yes.

15 Q. That's seven days after this PowerPoint?

16 A. That's fair.

17 Q. Okay. So seven days later you accepted this plan,
18 correct?

19 A. This was part of the plan.

20 Q. Okay. And it was an ambitious plan, Afrique, correct?

21 A. Yes, it was.

22 Q. You guys wanted to build an entire cultural center,
23 correct?

24 A. That's true.

25 Q. An event center?

1 A. Sure.

2 Q. For weddings?

3 A. Yeah.

4 Q. A restaurant or multiple restaurants?

5 A. Yeah.

6 Q. A business incubator?

7 A. Yep.

8 Q. As part of this project?

9 A. It was.

10 Q. A library?

11 A. Yes.

12 Q. An art space?

13 A. That's right.

14 Q. A playground or some sort of day care facility, correct?

15 A. Yes.

16 Q. Playground? Is that I think my understanding?

17 A. Yes.

18 Q. Correct? And these are for-profit entities, correct?

19 A. They were.

20 Q. They were designed to make money?

21 A. The library wasn't designed to make money.

22 Q. The playground was, though?

23 A. The playground, yes, it was.

24 Q. And this was a for -- you had to pay to use this

25 playground, correct?

1 A. That's true.

2 Q. That was the plan of Afrique?

3 A. Yes.

4 Q. But on December 31st, 2020, it was just -- I think you
5 called it a dream, correct?

6 A. That's correct.

7 Q. You want to take the -- make the dream a reality; is
8 that right?

9 A. That's right.

10 Q. Or take it, take it from a pitch deck to reality, I
11 think is the way it was said this morning, correct?

12 A. Yes.

13 Q. That was the plan?

14 A. It was.

15 Q. And part of that plan was to use school nutrition money
16 to do it, correct?

17 A. No.

18 Q. Isn't that what it says?

19 A. I mean, this is talking about the pitch deck for what
20 the business would be doing once it's up and running. It
21 wasn't talking about serving meals to make the plan a
22 reality. This was -- this is once we have the business
23 open, here is the activities we plan to engage in.

24 Q. Okay. Let's talk about what actually happened here.

25 This email that Mahad Ibrahim, your CFO, sent to

1 you was sent on December 31st of 2020; is that right?

2 A. That's right.

3 Q. Now, it's my understanding that it was literally the
4 following day that that Dar Al-Farooq site that was under
5 your control started distributing food or submitting claims
6 anyway; is that right?

7 A. I don't know when claims were started for that site, and
8 it wasn't under my control.

9 Q. I'm going to show you what's been admitted as Government
10 Exhibit C-361, at page 2, which is records from Feeding Our
11 Future, from a search of Feeding Our Future.

12 And this is meal counts for the Dar Al-Farooq
13 site; is that right?

14 A. You said it's from Feeding Our Future?

15 Q. It was recovered during the search warrant executed at
16 Feeding Our Future.

17 A. Okay. I mean, it says meal count. I see it.

18 Q. Okay. And the date the meals started here January 1st,
19 2021?

20 A. Yes. It says Partners in Quality Care. I'm not sure if
21 there's like a mixup or -- but it says January 1st.

22 Q. Okay. So the first claims to Feeding Our Future for
23 this Dar Al-Farooq site were submitted for the following day
24 after that email, correct?

25 A. I don't know when the first claims were submitted.

1 Q. You don't see this right here?

2 A. I see this here, I mean, but I don't know when the first
3 claims were submitted.

4 Q. Okay. So you were, you -- I think there's testimony
5 been that you essentially ran the Dar Al-Farooq site; is
6 that right?

7 A. I did not run the site.

8 Q. You didn't run the site?

9 A. No.

10 Q. You didn't handle logistics for the site?

11 A. I did.

12 Q. Okay.

13 A. But that's --

14 Q. You were -- you had a big role there, right?

15 A. Yeah. I was not part of the site. I was part of the
16 logistics and food distribution.

17 Q. But you heard witness after witness say Mukhtar was
18 involved in the Dar Al-Farooq site, correct?

19 A. I heard that, yes.

20 Q. Okay. They weren't lying?

21 A. No, they weren't lying.

22 Q. Okay. You are not disavowing the site?

23 A. No, I'm not.

24 Q. Okay. All right. Let's talk a little bit more about
25 the food program, because I'm a little confused.

1 So I'm going to show you now Government
2 Exhibit C-320, which is an email that I think you discussed
3 this morning that you sent, correct?

4 A. That's correct.

5 Q. And this email you sent to aimee@feedingourfuture,
6 correct?

7 A. That's correct.

8 Q. That's Aimee Bock, correct?

9 A. It is.

10 Q. The Aimee Bock?

11 A. Sure.

12 Q. The executive director of Feeding Our Future?

13 A. Sure. Yeah.

14 Q. So you sent this email to her on December 18th of 2020,
15 correct?

16 A. That's correct.

17 Q. And it talks about you are the assistant director at
18 Dar Al-Farooq and you want to -- you are submitting a site
19 transfer form, correct?

20 A. That's correct. That's what it says.

21 Q. For the Dar Al-Farooq site?

22 A. That's correct.

23 Q. This is two weeks before those meal counts were
24 submitted, correct?

25 A. It is.

1 Q. So, clearly, you had some involvement in the
2 Dar Al-Farooq site going back to at least December 18th of
3 2020, correct?

4 A. I mean, beyond this email, no.

5 Q. No. I think you testified this morning that someone
6 just asked you to send this email; is that right?

7 A. That's right.

8 Q. Even though you had no -- I mean, is it your testimony
9 you had no understanding what this email was all about?

10 A. I mean, I understand this to be a site transfer request
11 form.

12 Q. And you wanted to transfer the site from Feeding Our
13 Future to Partners in Nutrition; is that right?

14 A. I was, yes, I was asked to help in that process.

15 Q. And you did it, correct?

16 A. I sent the email, yes.

17 Q. As the assistant director at the Dar Al-Farooq center?

18 A. That was a volunteer thing I was doing.

19 Q. And a couple weeks later you became the CEO of Afrique,
20 correct?

21 A. That's correct.

22 Q. The entity whose business model involved serving meals
23 at Dar Al-Farooq, correct?

24 A. That wasn't in our business model.

25 Q. It was in your pitch deck, correct?

1 A. Dar Al-Farooq was not in our business model.

2 Q. It was a different site you were talking about?

3 A. We were not -- the business model didn't mention any
4 sites.

5 Q. It mentions serving 2500 kids a day, correct?

6 A. That's what it said.

7 Q. In order to help fund the Afrique Cultural Center,
8 correct?

9 A. No.

10 Q. All right. So here at Dar Al-Farooq, the site transfer
11 form, your name is on it, Mukhtar Shariff, correct?

12 A. That's correct.

13 Q. As the authorized representative of the Dar Al-Farooq
14 site?

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

16 Q. And the date on -- that's your e-signature, correct?

17 A. Yes.

18 Q. And the date that you listed on there?

19 A. That's the date on the form. 11/24/2020.

20 Q. That's the date you listed next to your signature?

21 A. I didn't list the date.

22 Q. You signed it with the date next to it?

23 A. Yes.

24 Q. And that date being November 24th of 2020?

25 A. That's correct.

1 Q. Okay. And then you sent that form to Aimee Bock on
2 December 18th?

3 A. That's correct.

4 Q. I got that right?

5 A. That's the email. It was sent on the 18th of December,
6 correct.

7 Q. And then this site starts a couple weeks later on
8 January 1st, 2021; is that right?

9 A. I'm not sure if that's when it starts or if it had
10 already been going.

11 Q. 2,000 kids a day right away; is that right?

12 A. What's that?

13 Q. Those first claims were 2,000 children a day, correct?

14 A. That's what the paperwork says.

15 Q. That's what the claims that were submitted, correct?

16 A. Those -- that's the meal count sheet you showed me.

17 Q. Okay. Well, let's talk about some meal count sheets.

18 You submitted meal count sheets later to Feeding
19 Our Future; is that right?

20 A. I think the first meal count sheet was much later, yes.

21 Q. But you did submit one. Is that a yes?

22 A. I forwarded an email with meal count sheets.

23 Q. Okay. And they were some pretty big numbers; is that
24 right?

25 A. That's -- I mean, there were some numbers in there.

1 Q. They were big numbers, right?

2 A. There could be.

3 Q. Let's look. This one's Government Exhibit C-346.

4 These are meal counts that you submitted; is that
5 right?

6 A. These are -- this is an email from me to
7 claims@feedingourfuture.org with the subject claims and
8 invoice.

9 Q. So claims that you submitted to Feeding Our Future?

10 A. This is a set of documents that I forwarded to Feeding
11 Our Future.

12 Q. With the subject line that you included? Claims and
13 invoice September 2021?

14 A. That's the subject line.

15 Q. Okay. That's what the email contained?

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

17 Q. Okay. Good.

18 All right. Page 2 here. You submitted meal
19 counts; is that right?

20 A. I didn't submit these meal counts.

21 Q. I'm sorry. Let me go back to the first page. This is
22 the attachment to the email that you submitted on
23 October 21st of 2021. No?

24 A. Yeah, I forwarded these meal counts. I was not the
25 person who prepared these meal counts.

1 Q. Yeah, but you submitted them to Feeding Our Future,
2 correct?

3 A. I sent the email to Feeding Our Future, correct.

4 Q. Containing these claims. No?

5 A. Containing these meal counts, yes.

6 Q. Okay. And the meal counts that you submitted for
7 Dar Al-Farooq, 3500 a day, correct?

8 A. That's what this sheet says.

9 Q. The sheet that you sent to Feeding Our Future.

10 A. This is a sheet that I forwarded to Feeding Our Future,
11 yes.

12 Q. And the email you submitted it to was called
13 claims@feedingourfuture, correct?

14 A. That's correct.

15 Q. You understand that this was a claim, correct?

16 A. I don't understand exactly the nature of the content of
17 the email. I forwarded the email, and I believe the
18 information in the email to be correct.

19 Q. Okay. So you are not disavowing it?

20 A. No, I'm not.

21 Q. Okay. And you knew that it was asking for money,
22 correct?

23 A. I knew there was an invoice.

24 Q. A sizeable invoice?

25 Directing your attention to page 143. Is this the

1 invoice that was attached to your email that you submitted
2 to Feeding Our Future?
3 A. This is the invoice that was attached to the email.
4 Q. And this was a claim, correct?
5 A. I, I don't know if this was a claim or not.
6 Q. It was an invoice.
7 A. This is an invoice, yes.
8 Q. Asking for money?
9 A. This is an invoice from ThinkTechAct Foundation to
10 Feeding Our Future.
11 Q. Asking Feeding Our Future to pay them, correct?
12 A. This seems to be the invoice for reimbursement.
13 Q. And the claim of reimbursement is \$489,468.85, correct?
14 A. That's what it says, yes.
15 Q. But you asked Feeding Our Future to pay ThinkTechAct
16 \$489,000 and change in this email, correct?
17 A. In the email that I forwarded, yes.
18 Q. Okay. And that was for three different sites. No?
19 A. That's correct.
20 Q. Dar Al-Farooq?
21 A. Yep.
22 Q. That was the site that you were involved in?
23 A. That's correct.
24 Q. And two others. Waseca and Medford?
25 A. That's right.

1 Q. Okay. Let's go back to these meal counts. I'm going to
2 direct your attention to page 3.

3 This is a site delivery receipt that was attached
4 to your email?

5 A. I don't know anything about this paper. It was in the
6 email, yes, but I can't speak to the nature of this paper.
7 I did not prepare that.

8 Q. Okay. Well, you emailed it to Feeding Our Future, so
9 bear with me here. Okay? I'm going to ask you some
10 questions about it.

11 A. You can ask me some questions, sure.

12 Q. Okay. Let's read what it says here.

13 It says that -- it lists the number of meals
14 received; is that right?

15 A. That's what it says.

16 Q. And your name appears to be under there, correct?

17 A. That appears to be Mukhtar, yes.

18 Q. Okay. Which is your name?

19 A. That's my name, yes.

20 Q. And it's attached to the email that you sent, correct?

21 A. I mean, I did not sign it.

22 Q. Okay. But you emailed it to Feeding Our Future.

23 A. I forwarded the email to Feeding Our Future, that's
24 correct.

25 Q. Okay. So let's look at the number of meals received.

1 It's saying here that there's 3500 breakfasts, correct?

2 A. That's what it says.

3 Q. And 3500 lunches; is that right?

4 A. That's what it says.

5 Q. So when we look here at this meal count sheet at page 2,
6 if I'm reading this correctly, it says -- when it says
7 number of meals received and prepared, it lists 3500 a day,
8 correct?

9 A. That's what it says.

10 Q. And then both breakfast and lunch are clicked, correct,
11 or checked?

12 A. That's what this sheet says.

13 Q. So it's 3500 breakfasts being served and 3500 lunch, or
14 that's the claims that are being submitted?

15 A. I didn't prepare the documentation, but that's what this
16 sheet says.

17 Q. That's what it's asking Feeding Our Future to -- that's
18 what you were asking Feeding Our Future to reimburse for in
19 this email, correct?

20 A. This is what the documentation says.

21 Q. That you sent?

22 A. In the email that I forwarded, yes.

23 Q. That's the claim that's being submitted, right?

24 A. That's not what I understand a claim to be.

25 Q. Okay. Down here at page 4, there's meal counts for the

1 following week, September 8th, 2021; is that right?

2 A. That's the date.

3 Q. 3600 a day?

4 A. That's what the document says.

5 Q. This one is snacks and suppers?

6 A. Looks like that's what's checked.

7 Q. Okay. That's what's checked in the email that you sent.

8 And then it goes down here on page 5 more of
9 these, correct?

10 A. That's correct.

11 Q. 3200, correct?

12 A. Yep.

13 Q. Okay. Now, there's a bunch of these emails that were
14 sent, correct, some that you sent yourself?

15 A. I sent some emails, yes.

16 Q. And some that were sent by other people that you were
17 just on, correct?

18 A. That's fair.

19 Q. And I want to be clear. Sitting here today, you are not
20 vouching for the accuracy of these numbers; is that right?

21 A. I'm not vouching for the exact numbers. I have no
22 reason to believe they are inaccurate.

23 Q. You had no reason to believe they are -- you have no
24 reason to believe they are inaccurate? Is that what your
25 testimony is?

1 A. Yeah, it is.

2 Q. Okay. You had no reason to question the numbers that
3 were being submitted?

4 A. No.

5 Q. Okay. Let's talk about that. There are rosters
6 attached to the email that you submitted to Feeding Our
7 Future; is that right?

8 A. It looks like a list of names.

9 Q. And these rosters were submitted in support of those
10 claims for reimbursement, correct?

11 A. I don't know what the purpose of the rosters were.

12 Q. You don't know what the purpose of the rosters were?

13 A. In this context, no.

14 Q. You didn't -- you aren't aware that rosters were
15 required in support of the submissions for reimbursements?

16 A. I didn't handle the specifics of the program and the
17 regulations.

18 Q. You just submitted the paperwork.

19 A. I forwarded the paperwork that was sent to me.

20 Q. As the CEO of Afrique?

21 A. I was CEO of Afrique during this time, that's right.

22 Q. Okay. So you are the chief executive officer of the
23 company, correct?

24 A. That's correct.

25 Q. A company that had no revenue. Correct?

1 A. That's correct.

2 Q. Outside of the Federal Child Nutrition Program, right?

3 A. They participated in the food program.

4 Q. And that's your only source of revenue, correct?

5 A. For that year, yes.

6 Q. Okay. Back when you were the CEO, that was the only
7 source of revenue?

8 A. That's correct.

9 Q. I'm not talking about when you weren't CEO. When you
10 were CEO, correct?

11 A. That's correct.

12 Q. And you were submitting a claim for half a million
13 dollars in reimbursement?

14 A. I was forwarding the email with documentation, which
15 included an invoice.

16 Q. Okay. And I take it -- actually, there's a couple
17 invoices here. A huge amount of money?

18 A. That's -- that is a lot of money.

19 Q. Significant to Afrique, correct?

20 A. Sure.

21 Q. No?

22 A. I mean, it's revenue, reimbursements for work and food,
23 yes.

24 Q. Okay. That's actually really the only money that came
25 into the company, correct?

1 A. I would disagree. We had other money that came in.

2 Q. From investors early on?

3 A. That's correct.

4 Q. But beyond the investors and food money, that was it?

5 A. Yeah, we had quite a bit of investment that came into
6 the company.

7 Q. Well, let's look. All right. So this is Government
8 Exhibit O-20, which is the Afrique Hospitality bank account;
9 is that right?

10 A. That's right.

11 Q. And it was opened in January of 2021; is that right?

12 A. It was.

13 Q. On January 20th, something like that?

14 A. That's right.

15 Q. That's a few weeks after that Dar Al-Farooq site claimed
16 to start to be serving 2,000 meals a day or 2,000 kids a
17 day, correct?

18 A. It's two weeks after that earlier date.

19 Q. Okay. No bank account at that time?

20 A. Not to my knowledge, no.

21 Q. Okay. I want to walk through every single check that
22 was deposited into the Afrique Hospitality account while you
23 were CEO in 2021. Okay?

24 A. Sure.

25 Q. All right. Let's start here at page 181 of Government

1 Exhibit O-20. This is the first check into the account,
2 correct?

3 A. It is.

4 Q. January 15th?

5 A. Sure. Yeah.

6 Q. This is an investor?

7 A. It looks like it's a check from one of our investors.

8 Q. And that's for \$50,000, correct?

9 A. Yes.

10 Q. And then here on page -- I think it's 183, we have
11 another investor check for \$50,000?

12 A. That's right.

13 Q. That's the same one.

14 There are -- Ms. Hassan who testified earlier
15 today, this morning, she also had an investment check?

16 A. She made a payment, yes.

17 Q. 210,000?

18 A. That's correct.

19 Q. Okay. And then here on page 185, we got Compassion
20 Adult Day Services?

21 A. That's right.

22 Q. Is that another investor?

23 A. It is.

24 Q. An adult day care invested?

25 A. Yes.

1 Q. Khalid Omar wrote a check for \$14,000 here in January;
2 is that right?

3 A. That's right.

4 Q. I think he testified yesterday; is that right?

5 A. I believe so.

6 Q. And then Iska Inc. wrote a check for \$210,000?

7 A. That's right.

8 Q. What's Iska?

9 A. I don't know who they are.

10 Q. Is it a home health care company?

11 A. I'm not sure.

12 Q. All right. That takes us to February 2nd, two weeks
13 after the bank account was opened; is that right?

14 A. This would be two weeks later, yes.

15 Q. And then there's, at page 191, there's a check from
16 Empire Cuisine & Market; is that right?

17 A. That's what the check says, yes.

18 Q. You are familiar with Empire Cuisine & Market?

19 A. I am.

20 Q. It's involved in the Federal Child Nutrition Program; is
21 that right?

22 A. That's right.

23 Q. In fact, it got, what, over \$30 million in Federal Child
24 Nutrition Program funds; is that right?

25 A. I don't know how much money Empire got.

1 Q. Lots of millions, though. You know that, don't you?

2 A. I don't know exactly how much they got.

3 Q. But you know it was a lot?

4 A. I know they received money.

5 Q. Okay. Abdiaziz Farah, who is one of the owners of that
6 company; is that right?

7 A. That's right.

8 Q. You know him?

9 A. I do.

10 Q. Mohamed Ismail, the other owner?

11 A. I don't know --

12 Q. You know him?

13 A. -- at this point.

14 Q. Okay. They send \$49,000. So that's food money, you
15 will agree, correct?

16 A. I wasn't the CFO. There was an individual that handled
17 all the payments and the checks. That wasn't my role.

18 Q. That's Mahad Ibrahim?

19 A. It is.

20 Q. He was involved in the food program, correct?

21 A. Dr. Mahad handled the payments, that's correct.

22 Q. And he had another company called ThinkTechAct; is that
23 right?

24 A. Dr. Mahad was involved in ThinkTechAct, yes.

25 Q. That was a nonprofit, correct?

1 A. It was.

2 Q. And its really sole purpose was to run Federal Child
3 Nutrition Program sites; is that right?

4 A. I don't know what their sole purpose was.

5 Q. It got over \$20 million in Federal Child Nutrition
6 Program funds in 2021; is that right?

7 A. I can't speak for ThinkTechAct and their activities.

8 Q. Well, you certainly can speak to some of their
9 activities, right, because ThinkTechAct ran the
10 Dar Al-Farooq site, correct?

11 A. They did.

12 Q. Or its d/b/a Mind Foundry; is that right?

13 A. That's right.

14 Q. Okay. So you are aware of that?

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

16 Q. You are aware that ThinkTechAct and Mind Foundry had
17 dozens of Federal Child Nutrition Program sites?

18 A. I was not aware of that.

19 Q. You were not aware of that?

20 A. No.

21 Q. You and Mahad Ibrahim never discussed that?

22 A. I didn't discuss ThinkTechAct-related activities with
23 him.

24 Q. Never. You didn't discuss that Afrique as a for-profit
25 entity couldn't just participate in the program back in

1 January of 2021, could it?

2 A. I didn't know any specifics about the food program or
3 how it worked in January.

4 Q. The site itself had to be under the name of a nonprofit,
5 correct?

6 A. I wouldn't know that.

7 Q. You didn't know that?

8 A. At the time, no.

9 Q. Did you ever know that?

10 A. I'm not sure if I ever did know that.

11 Q. All right. All right. Here at page 190, \$49,000 from
12 Empire Cuisine & Market.

13 Then -- well, there's ThinkTechAct here. On
14 page 193, a check for \$95,000; is that right?

15 A. That's a check for 95,000, yes.

16 Q. That's from Mahad Ibrahim's company, correct?

17 A. It's from ThinkTechAct.

18 Q. ThinkTechAct. That's his company?

19 A. I mean, at this point I don't even know what -- whose
20 company that was.

21 Q. You didn't know? When you, as the CEO of Afrique, when
22 you got a \$95,000 check, were you aware of it?

23 A. I mean, I was aware that we got a \$95,000 check, but I
24 wasn't coordinating these payments.

25 Q. Did you know where the money was coming from?

1 A. I did not.

2 Q. Did you know what it was for?

3 A. I knew it was for food and services that Afrique was
4 providing.

5 Q. Okay. To ThinkTechAct sites?

6 A. I didn't have the specifics of what the sites were or
7 how ThinkTechAct handled their activities.

8 Q. Okay. Were you aware that Abdiaziz Farah was on the
9 board of directors of ThinkTechAct at some point?

10 A. I was not.

11 Q. You didn't discuss that?

12 A. No, I did not.

13 Q. Okay. Then here on page 195 there's another check from
14 an entity called Active Mind's Youth. Are you familiar with
15 that company?

16 A. I'm not.

17 Q. It was also involved in the Federal Child Nutrition
18 Program; is that right?

19 A. I'm not sure about their activities either.

20 Q. It cut a check for \$44,000 to your entity Afrique
21 Hospitality Group, correct?

22 A. It did.

23 Q. While you were CEO?

24 A. Yes.

25 Q. Memo line says food expense?

1 A. That's what it says.

2 Q. And you are saying you don't know what that money is
3 for?

4 A. I know the money was for food and services we did for
5 many different clients, different people in that time
6 period. I didn't handle the financial aspect. I wasn't the
7 one requesting payments or processing the payments, sending
8 invoices. I was doing the work on the ground.

9 Q. At Active Mind's Youth?

10 A. What's the question?

11 Q. Were you doing work on the ground at Active Mind's
12 Youth?

13 A. I was working in Afrique-related work --

14 Q. Okay.

15 A. -- which is at our warehouses.

16 Q. But not for Active Mind's Youth?

17 A. No.

18 Q. All right. And here's another one. Just page 197 of
19 Government Exhibit O-20. Inspiring Youth and Out Reach LLC
20 to Afrique Hospitality; is that right?

21 A. That's what the check is.

22 Q. \$84,000?

23 A. That's right.

24 Q. For food expense?

25 A. That's what it says.

1 Q. Are you familiar with this entity?

2 A. I'm not familiar with the entity. I'm familiar with it
3 was an entity we received payment from, yes.

4 Q. Okay. And it was involved in the Federal Child
5 Nutrition Program?

6 A. At the time I didn't know what they were involved in.

7 Q. As the CEO of Afrique, you didn't know what they were
8 involved in?

9 A. I didn't handle the payments.

10 Q. That was Mahad Ibrahim?

11 A. Dr. Mahad was our CFO, yes.

12 Q. And I know he's not here today, right?

13 A. He's not.

14 Q. He's not here in this trial. But he's charged in this
15 case, correct?

16 A. That's correct.

17 Q. He's charged as a coconspirator here, correct?

18 A. I mean, he's indicted, yes.

19 Q. Okay. All right. Now, looking at page 199 is a check,
20 Active Mind's Youth, another one of these entities, correct?

21 A. Yeah, that's another check.

22 Q. \$33,000?

23 A. Yes.

24 Q. Food expense?

25 A. That's what the memo says.

1 Q. Active Mind's Youth was involved in the Federal Child
2 Nutrition Program; is that right?

3 A. At this point I don't know the nature of these payments.

4 Q. All right. You must know this one. Page 201. \$89,000
5 from ThinkTechAct Foundation?

6 A. This is a check from ThinkTechAct, yes.

7 Q. For \$89,000?

8 A. Yes.

9 Q. For food?

10 A. I mean, it's for food and services, I would assume, yes.

11 Q. You were the CEO. You tell me. What was it for?

12 A. We provided services, food, distribution, logistics,
13 warehousing, packaging. Those are the things that I was
14 involved in.

15 Q. Okay. Page 203. United Youth of Minneapolis, another
16 Federal Child Nutrition Program site.

17 A. I mean, that's what it says on the check.

18 Q. \$47,000?

19 A. That's the amount.

20 Q. You are familiar with this entity?

21 A. I'm familiar that we received a payment from this
22 entity.

23 Q. You are familiar with their involvement in the Federal
24 Child Nutrition Program?

25 A. I didn't handle any of the payments or deal with these

1 clients.

2 Q. Another one from ThinkTechAct here, \$107,000. That's
3 for the Federal Child Nutrition Program; is that right?

4 A. It's a check from ThinkTechAct, yes.

5 Q. CACFP food. Certainly by this time you knew what that
6 meant, CACFP, correct?

7 A. I mean, that's what the memo says.

8 Q. But at this point you were aware that's the Federal
9 Child Nutrition Program, correct?

10 A. I knew there was a food program. That's what I referred
11 to it as.

12 Q. Here's another one from Empire Cuisine & Market. May
13 11th, \$106,000, correct?

14 A. That's correct.

15 Q. More Federal Child Nutrition Program funds, correct?

16 A. It's a check from Empire.

17 Q. ThinkTechAct Foundation, CACFP, \$112,000, correct?

18 A. Yeah, it's a check for 112,000, yes.

19 Q. As we scroll through here, Active Mind's Youth, at
20 page 211, that's Federal Child Nutrition Program money,
21 correct?

22 A. It's another check from Active Mind's Youth LLC. Again,
23 I didn't handle clients or payments or checks. I didn't
24 know where they were coming from. I just -- we provided
25 services and food to a lot of different vendors.

1 Q. Let's talk about that, because we talked about -- you've
2 heard testimony in this trial about invoices, correct?

3 A. I have.

4 Q. And how much, how much money -- or how much food was
5 purchased from Sysco; is that right?

6 A. I did.

7 Q. And I think the suggestion was, if I heard it correctly,
8 that there was enough food purchased from Sysco to feed all
9 the children supporting the claims for reimbursement at the
10 Dar Al-Farooq site; is that right?

11 A. I wasn't the person purchasing the food --

12 Q. Okay.

13 A. -- or working on the meal plans.

14 Q. So you don't know.

15 A. I mean, I wasn't the person working on the food or the
16 meal plans or the menus or anything like that.

17 Q. Because I'm asking if Afrique was supporting all these
18 other sites, Active Mind's Youth, United Youth of
19 Minneapolis, Empire Cuisine & Market, Inspiring Youth and
20 Out Reach, there's certainly -- at some point there's just
21 not enough food to go around, correct?

22 A. Afrique provided many services to these companies. One
23 of them was selling them food, a lot of it was not.

24 Q. Okay. All right. That's your testimony here.

25 Inspiring Youth and Out Reach here, \$84,000. Star

1 Distribution, \$98,000. You are familiar with Star
2 Distribution?

3 A. Again, this is another vendor that Afrique did work
4 with.

5 Q. And you sold them -- it looks like they paid you
6 \$98,000, your company, correct?

7 A. Yes.

8 Q. For food supplies.

9 A. That's what the memo says, yes.

10 Q. But to the extent that memo is accurate, that was food
11 that wasn't served to children at the Dar Al-Farooq site,
12 you would agree?

13 A. Can you repeat the question?

14 Q. To the extent that memo line accurately reflects the
15 nature of the payment, would you agree with me that the food
16 that Afrique Hospitality sold to Star Distribution could not
17 have been served to children at Dar Al-Farooq?

18 A. I can't speak to the payments or the nature of the
19 payments. I'm not the person who accepted these payments or
20 requested them. I did not handle that part of the business.
21 We had a CFO that handled that.

22 Q. Mahad Ibrahim?

23 A. Dr. Mahad, yes.

24 Q. But you were the CEO, correct?

25 A. I was CEO, yes.

1 Q. But it was the CFO's fault.

2 Here, May 25th, \$185,000 from Empire Cuisine &
3 Market for food service; is that right?

4 A. That's what it says.

5 Q. On page 221, \$175,000 from the St. Cloud Somali Athletic
6 Club; is that right?

7 A. That's what the check says.

8 Q. That's a Federal Child Nutrition Program site, correct?

9 A. I can't speak to these checks. I was not the person who
10 requested them. Dr. Mahad took care of the payments.

11 Q. So you don't know whether or not Afrique Hospitality
12 Group sold supplies to the St. Cloud Somali Athletic Club?

13 A. The memo says supplies. I know generally we provided
14 some food, and we provided services to a lot of different
15 clients. I didn't deal with them directly.

16 Q. You can't say one way or the other about the St. Cloud
17 Somali Athletic Club, correct?

18 A. Say what?

19 Q. What services were provided or what food was provided to
20 that site, correct?

21 A. I can say we provided services and food to that site.

22 Q. Okay. \$175,000 worth?

23 A. I wasn't the person who put these together.

24 Q. Okay. It looks like Empire Cuisine & Market bought into
25 Afrique Hospitality, correct?

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

2 Q. This is Abdiaziz Farah?

3 A. That's correct.

4 Q. He wanted to buy an ownership stake in Afrique?

5 A. That's what the check says.

6 Q. I mean, you're the CEO. Is that what happened?

7 A. Abdiaziz wanted to invest, yes.

8 Q. Okay. And I think he sent you a text via WhatsApp of a
9 photo of this check, correct?

10 A. That seems to be the same check, yes.

11 Q. And there's the woman who testified this morning,
12 Ms. Hassan, correct?

13 A. Where is it? Oh.

14 Q. Another investment from her?

15 A. That's a check, yes, from Sulekha, yes.

16 Q. All right. And then we got the checks from Feeding Our
17 Future here.

18 In the summer you said you had a contract directly
19 with Feeding Our Future; is that right?

20 A. This summer was the first time that Afrique participated
21 directly in the food program.

22 Q. Prior to that, it was participation via ThinkTechAct,
23 correct?

24 A. Prior to that, we were a subcontractor with various
25 people.

1 Q. Including ThinkTechAct?

2 A. That's correct.

3 Q. Mahad Ibrahim and Abdiaziz Farah's nonprofit?

4 A. I don't know who all is on the board of those companies.

5 Q. Do you know whether your CFO was the --

6 A. I know Mahad was part of ThinkTechAct, yes.

7 Q. Okay. \$184,000 here to Afrique from Feeding Our Future,
8 correct?

9 A. Yes, that's a check for 184,000 to Afrique.

10 Q. And this payment was made after you submitted claims to
11 Afrique, correct -- or to Feeding Our Future?

12 A. I don't know if I submitted claims for this specific
13 check.

14 Q. Here's another one. August 16, 2021, Afrique
15 Hospitality from Empire Cuisine & Market, correct?

16 A. That's correct.

17 Q. For groceries?

18 A. That's what the memo says.

19 Q. And then here, \$122,000 from Cosmopolitan Business
20 Solutions. Do you see that?

21 A. I see that.

22 Q. You are familiar with Cosmopolitan Business Solutions;
23 is that right?

24 A. At the time I was not.

25 Q. Are you familiar with it now?

1 A. I have a general idea.

2 Q. They ran Safari Restaurant; is that right?

3 A. That's what I came to know.

4 Q. One of the largest, if not the largest, Federal Child
5 Nutrition Program site back in this time frame?

6 A. I don't know that.

7 Q. You didn't know that?

8 A. I did not.

9 Q. They wrote you a check for \$122,000, correct?

10 A. They did.

11 Q. Your company?

12 A. They wrote a check to Afrique, yes.

13 Q. You didn't know anything about them at the time?

14 A. I didn't know the nature of their operations through
15 their size or what they did, no.

16 Q. Here's another one. \$116,000 from Cosmopolitan Business
17 Solutions. Two in a row there, right?

18 A. That's another check, yes.

19 Q. You weren't aware, though, at the time what the check
20 was for?

21 A. I knew generally what the checks were for.

22 Q. We have another one from Cosmopolitan Business
23 Solutions, \$110,000; is that right?

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

25 Q. On July 31st of 2021?

1 A. That's correct.

2 Q. I direct your attention to page 245 of Government
3 Exhibit O-20. Another check from Feeding Our Future; is
4 that right?

5 A. Yes, it is.

6 Q. For \$275,000?

7 A. That's what the amount is.

8 Q. A big check?

9 A. It's a considerable amount of money.

10 Q. A significant amount of money to Afrique Hospitality
11 Group, correct?

12 A. I mean, it's a check to Afrique, yes.

13 Q. That otherwise had no revenue, Afrique, correct?

14 A. We still had not opened.

15 Q. Okay. And the memo line on this check says July
16 Southcross; is that right?

17 A. That's what it says.

18 Q. Now, Southcross is a different site; is that right?

19 A. I mean, I don't, I don't know.

20 Q. You don't know. It's not the Dar Al-Farooq site,
21 correct?

22 A. It's not Dar Al-Farooq, no.

23 Q. Southcross is a site in Burnsville; is that right?

24 A. I mean, that's one of the sites.

25 Q. That claim to be serving meals to thousands of kids a

1 day?

2 A. I don't know about the Southcross claims.

3 Q. You don't know. You just got the check, correct?

4 A. I mean, this is a check from Feeding Our Future, yes.

5 Q. To Afrique Hospitality?

6 A. That's correct.

7 Q. The next check is from Bushra Wholesalers. Do you
8 recognize that entity?

9 A. I do.

10 Q. It's for \$69,000, correct?

11 A. That's the amount.

12 Q. For groceries?

13 A. I'm not sure what that says.

14 Q. You can't read that?

15 A. I mean, it looks like it's scribbled.

16 Q. You familiar with Bushra Wholesalers?

17 A. Generally.

18 Q. That's Said Farah and Abdiwahab Aftin's company,
19 correct?

20 A. At the time I didn't know who they were.

21 Q. You didn't know who they were?

22 A. No. I didn't handle the clients and the checks or
23 anything like that.

24 Q. Did you know that that was Abdiaziz Farah's brother?

25 A. I did not.

1 Q. You didn't know that at the time?

2 A. No.

3 Q. Just a coincidence.

4 MR. GOETZ: Objection. Argumentative, Your Honor.

5 THE COURT: Overruled. It will stand.

6 BY MR. THOMPSON:

7 Q. And then there's another one from Empire Cuisine &
8 Market for groceries; is that right?

9 A. That's another check, yes.

10 Q. Lots and lots of checks. You would agree that all these
11 entities were involved at the time in the Federal Child
12 Nutrition Program; is that right?

13 MR. GOETZ: Objection. Vague, Your Honor. "All."

14 THE COURT: Overruled.

15 You may answer.

16 THE WITNESS: Can you repeat the question?

17 BY MR. THOMPSON:

18 Q. Were you aware that these entities were involved in the
19 Federal Child Nutrition Program?

20 A. I wasn't handling communication with these entities
21 or -- so I wouldn't be aware of what the extent of their
22 operations were, what they were doing.

23 Q. You weren't aware that they were involved in the Federal
24 Child Nutrition Program?

25 A. I was aware that that could be something they were

1 involved in. I wasn't aware of the extent of their
2 operations, no.

3 Q. Well, you knew that people were getting rich, right?

4 A. No.

5 Q. You didn't know that?

6 A. No, I did not.

7 Q. Did you know that Abdiaziz Farah had bought two
8 side-by-side lots on Prior Lake?

9 A. I don't know what Abdiaziz does with his money.

10 Q. For more than \$1 million? You didn't know that?

11 A. I don't know what he does with his money. That's up to
12 him.

13 Q. Did you know -- I didn't ask whether it was up to him.
14 I asked what you knew.

15 A. I don't think I knew.

16 Q. Did you know that he was paying two and a half million
17 dollars to build a custom home on those two side-by-side
18 lots on Prior Lake?

19 A. No.

20 Q. You didn't know that?

21 A. No.

22 Q. How about your friend Mahad Ibrahim? Were you aware
23 that he was building a custom home in Columbus, Ohio?

24 A. Dr. Mahad shared with me that he was moving to Ohio.

25 Q. Did he share with you that he was building a home?

1 A. He shared with me that he sold both of his homes and was
2 going to build a new one.

3 Q. Okay. Did he tell you it was going to cost around a
4 million dollars?

5 A. He didn't share details.

6 Q. Custom built? You didn't discuss it?

7 A. I mean, I knew he was building a home in Ohio,
8 generally.

9 Q. You knew that people were investing money abroad; is
10 that right?

11 A. I don't know what people were investing in.

12 Q. You weren't aware of that?

13 A. Not at the time.

14 Q. Okay. We'll come back to that.

15 Let's talk about you, because you've said a lot
16 about how you didn't know what was going on, and I want to
17 talk a little bit about your consulting companies. Okay?

18 A. Sure.

19 Q. You talked yesterday about a company you had called
20 Wadani Consulting; is that right?

21 A. Yes.

22 Q. Now, you talked a little bit about using it before. But
23 to be clear, it was only registered as an entity in January
24 of 2021; is that right?

25 A. I registered in January 2021.

1 Q. And this is, Government Exhibit B-7, is the
2 incorporation paperwork; is that right?

3 A. That's right.

4 Q. Wadani Consulting. And that's you?

5 A. It is.

6 Q. And on page 2 -- you registered this company on
7 January 6th of 2021; is that right?

8 A. I did.

9 Q. Now, that's the same day that Afrique Hospitality Group
10 was registered with the Minnesota Secretary of State; is
11 that right?

12 A. That's right.

13 Q. Okay. So two companies registered on the same day; is
14 that right?

15 A. That's right.

16 Q. Okay.

17 A. I didn't register both of them.

18 Q. You registered Wadani Consulting, though?

19 A. Yeah, my consulting firm I registered in Minnesota.

20 Q. Okay. And then you opened a bank account; is that
21 right?

22 A. That's right.

23 Q. In February of 2021?

24 A. I wouldn't dispute that.

25 Q. Okay. And then you started putting money in it,

1 correct?

2 A. I got paid.

3 Q. You got paid. You got paid by Afrique Hospitality; is
4 that right?

5 A. I'm not sure exactly who paid me first, but I did
6 receive a payment.

7 Q. Okay. You got paid from a number of entities; is that
8 right?

9 A. Yes, my consulting company got paid from several
10 entities.

11 Q. Afrique Hospitality Group?

12 A. That's one of them.

13 Q. You got over \$200,000 from Afrique Hospitality Group
14 paid to Wadani Consulting in 2021; is that right?

15 A. That's right.

16 Q. In actually ten months from February to December of
17 2021; is that right?

18 A. That's right.

19 Q. And that was for your services as CEO? Correct?

20 A. Can you clarify the question?

21 Q. Were those payments for your service as the chief
22 executive officer --

23 A. Through Wadani?

24 Q. -- for Afrique Hospitality Group? Yes.

25 A. No.

1 Q. They were different payments to you from Afrique?

2 A. Yes.

3 Q. Consulting payments?

4 A. Part of it, yes.

5 Q. Okay. So you were getting a salary, correct?

6 A. That's correct.

7 Q. From Afrique Hospitality Group? You got around 200
8 grand in salary from Afrique; is that right?

9 A. My salary at Afrique?

10 Q. Yeah.

11 A. It was around maybe 140,000.

12 Q. \$140,000 in salary?

13 A. That's right.

14 Q. You had another \$200,000 in consulting payments from
15 Afrique Hospitality Group?

16 A. That would be fair.

17 Q. Okay. And did you decide to make those payments as the
18 CEO of the company?

19 A. No.

20 Q. Someone else decided to pay that money?

21 A. Afrique paid me the money.

22 Q. I understand that checks came from Afrique, but you were
23 the CEO. Did you cause the payments to be made?

24 A. No. I mean, we had a payroll person.

25 Q. Okay. Did that payroll person decide to pay you

1 \$200,000 in consulting payments?

2 A. I was paid throughout 2021 for work that I did.

3 Q. Okay. You also got paid by other entities; is that
4 right?

5 A. That's right.

6 Q. Empire Cuisine & Market?

7 A. That's right.

8 Q. And I'll show you. Government Exhibit O-53 is Wadani
9 Consulting's bank records; is that right?

10 A. It is.

11 Q. And if I'm reading this correctly, you opened the bank
12 account on February 15th of 2021?

13 A. That's true.

14 Q. And it was that same day that you opened the account you
15 got a check from Empire Cuisine & Market; is that right?

16 A. I'd already been working up to that point, and that's
17 the day I got paid.

18 Q. Okay. And did you open the account to deposit the
19 check, or is that just a coincidence?

20 A. I opened the account because my business needed an
21 account.

22 Q. Okay. To deposit this check from Empire Cuisine &
23 Market?

24 A. This check and subsequent checks.

25 Q. Okay. And this check is for \$25,000, correct?

1 A. It is.

2 Q. As of February 15, 2021; is that right?

3 A. That's right.

4 Q. I'm just doing my math. You'd been in Minnesota, what,
5 three-ish months, four months at that point?

6 A. Around that.

7 Q. And when did you start consulting for Empire Cuisine &
8 Market?

9 A. So this was for consulting operations. I was helping
10 them throughout January and February.

11 Q. Okay. At the same time you were helping Dar Al-Farooq
12 and you'd become CEO of Afrique; is that right?

13 A. That's around the same time.

14 Q. So earlier when you were talking about Empire Cuisine, I
15 think you said, I don't know about the nature of these
16 entity's operations; is that right?

17 A. I only have direct knowledge of the things I dealt with.

18 Q. Okay. So when you get a check for consulting and
19 operations, you don't know much about the company beyond
20 that? Is that what you are saying?

21 A. I know the work that I do for the companies that pay me
22 for the work that I did.

23 Q. Okay. So when you said before you weren't familiar with
24 Empire Cuisine & Marketing, that was not quite true?

25 MR. GOETZ: Objection. Argumentative, Your Honor.

1 Misstates the evidence.

2 THE COURT: Overruled.

3 You may answer.

4 THE WITNESS: What's the question?

5 BY MR. THOMPSON:

6 Q. I said earlier when you told the jury that you weren't
7 really familiar with the nature of Empire Cuisine & Market's
8 business, that wasn't quite true. You had actually been
9 consulting for them, correct?

10 A. It depends the context of what the earlier question was
11 in.

12 Q. But you do know something about Empire Cuisine & Market?

13 A. I know the work I was doing for Empire.

14 Q. And you knew whose company it was, correct?

15 A. I knew who ran the company.

16 Q. You knew they were cutting you a check for 25 grand in
17 February, correct?

18 A. I knew I received payment for work that I did in
19 February.

20 Q. Okay. And here, less than a month later, on March 12th
21 you got another check from Empire Cuisine & Market; is that
22 right?

23 A. That's right.

24 Q. More consulting?

25 A. More consulting work, yes.

1 Q. Does this have to do with the Federal Child Nutrition
2 Program?

3 A. I mean, I did warehouse operations for them, yes.

4 Q. Related to the Federal Child Nutrition Program?

5 A. Yes.

6 Q. Okay. So you do know something about the Federal Child
7 Nutrition Program; is that right?

8 A. I knew the food operation business I was helping out
9 with.

10 Q. Okay. So earlier I thought maybe you suggested you
11 didn't understand the program or you didn't understand the
12 Federal Child Nutrition Program, but that's not true. You
13 understood it, correct?

14 A. I understand the food operations. I don't understand
15 the specifics at this time of the program and all its
16 regulations.

17 Q. And you weren't aware that Empire Cuisine & Market took
18 in over \$30 million in Federal Child Nutrition Program funds
19 back in this time frame?

20 A. I don't know how much money Empire was getting in their
21 business at this point.

22 Q. Okay. Now, you've been sitting through this trial,
23 correct?

24 A. I've been here.

25 Q. Yeah. And this first check here on page 136 is in

1 February of 2021.

2 As you recall, that's when ThinkTechAct really
3 started getting a lot of money; is that right?

4 A. I don't know ThinkTechAct's schedule.

5 Q. Okay. You don't know about that.

6 A. I don't know what they did when.

7 Q. Do you remember those text messages where Mahad Ibrahim
8 and Abdiaziz Farah were talking about getting rich?

9 A. I can't speak to other people's text messages.

10 Q. When they talked about that this food program is really
11 the "golden ticket"; is that right?

12 MR. GOETZ: Your Honor, I have an objection. Can
13 we have a sidebar, please?

14 THE COURT: You may.

15 **(Sidebar discussion)**

16 THE COURT: Mr. Goetz.

17 MR. GOETZ: Your Honor, I object to this line of
18 questioning. It's implying that the defendant has had the
19 opportunity to sit here throughout the trial and is now
20 somehow tailoring his testimony to fit the evidence or
21 adjust the evidence or has to reflect his state of mind
22 based upon the evidence.

23 I think that's completely improper. I think it
24 impacts his ability to present a defense. I think it's
25 unfairly prejudicial. I think it deprives him of his right

1 to due process and a fair trial.

2 So on evidentiary grounds, I object on 401, 402,
3 403 and also 602 as a basis of knowledge and also on the due
4 process clause, Your Honor, because I think it does
5 implicate -- it's somehow suggesting he's tailoring, and it
6 impacts his right to testify.

7 He has to be at this trial. He's had no choice
8 but to sit here in this trial. And now to say and hold that
9 against him because he's taken the stand I think is grossly
10 unfair.

11 MR. THOMPSON: Your Honor, I don't think I'm doing
12 that in any way. I'm certainly questioning his credibility
13 when he testifies that he wasn't aware that his close friend
14 Dr. Mahad made millions and millions of dollars in the
15 Federal Child Nutrition Program, that people that were
16 paying him tens or hundreds of thousands of dollars of
17 consulting payments to a company that he created for the
18 specific purpose of getting -- receiving those payments,
19 that he doesn't know anything about their operations or the
20 fact that they became fabulously wealthy.

21 That goes to his credibility, and it's certainly
22 fair game to cross. He decided to take the stand, and he
23 gets subject to cross-examination.

24 THE COURT: I'm not hearing anything that suggests
25 tailoring or punishing him for being here at trial. I

1 understand the point, I think, and I'll listen for it, but
2 thus far I haven't heard it.

3 MR. GOETZ: Respectfully, Your Honor, the question
4 that counsel just now asked --

5 THE COURT: Tell me what you mean.

6 MR. GOETZ: -- I think that would be -- not on the
7 record, but in our colloquy here, that was proper. If he
8 wants to cross-examine him about what he knew about Mahad
9 Ibrahim's wealth, that's fine.

10 But when he's questioning about text messages or
11 email or, you know, WhatsApp communications, whatever they
12 were, and how he's supposed to know about those and what
13 those two people were saying between themselves and that
14 somehow shows, you know, now he knows how wealthy they are,
15 that's what's improper.

16 MR. THOMPSON: Your Honor, if I may, I think I can
17 address this.

18 I'm happy to couch my questioning as best I can in
19 "Did you have similar conversations" and try to steer clear
20 of the issue Mr. Goetz raises. I'll do my best.

21 THE COURT: All right. I'll watch for it.

22 MR. GOETZ: Thank you, Your Honor.

23 THE COURT: Thank you.

24 **(In open court)**

25 THE COURT: The objection is overruled.

1 You may continue, Mr. Thompson.

2 BY MR. THOMPSON:

3 Q. Mr. Shariff, Abdiaziz Farah and Mahad Ibrahim, your
4 partners, business colleagues, talked openly about getting
5 rich off the Federal Child Nutrition Program. Were you
6 aware of that?

7 A. No.

8 Q. Did they have similar conversations with you?

9 A. I don't recall those conversations.

10 Q. You don't recall them?

11 A. I don't, I don't think we did.

12 Q. Did you ever hear either of them refer to the Child
13 Nutrition Program as a "golden ticket"?

14 A. No.

15 Q. Did you ever hear them talk about becoming
16 millionaires --

17 A. No.

18 Q. -- through the program? Never heard that?

19 A. No, I have not.

20 Q. And despite the fact that you were consulting for Empire
21 Cuisine & Market, you are saying you weren't aware that that
22 entity made more than \$30 million?

23 MR. GOETZ: Objection, Your Honor. Repetitive.

24 This is the third time we've had that question.

25 MR. THOMPSON: It's cross, Your Honor. I'd ask

1 for a little leeway.

2 THE COURT: Overruled.

3 You may answer.

4 THE WITNESS: Can you ask the question again?

5 BY MR. THOMPSON:

6 Q. Despite the fact that you had a consulting arrangement
7 or received consulting payments from Empire Cuisine &
8 Market, is it your testimony that you were not aware that
9 entity received more than \$30 million of Federal Child
10 Nutrition Program funds in 2021?

11 A. I've done consulting for a lot of different companies
12 over my years, and I don't concern myself with their
13 revenue.

14 Q. I'm showing you now page 145, which is another check
15 that you deposited into your Wadani Consulting account; is
16 that right?

17 A. That's right.

18 Q. This one is in October of 2021?

19 A. Yes.

20 Q. It's a check from -- for \$80,000, correct?

21 A. That's, that's an \$80,000 check, yes.

22 Q. From Empire Enterprises?

23 A. That's right.

24 Q. Are you familiar with Empire Enterprises?

25 A. I am.

1 Q. That's another company started by Abdiaziz Farah; is
2 that right?

3 A. I believe so.

4 Q. And Abdimajid Nur I believe was also a signatory on the
5 bank account? Were you aware of that?

6 A. I only spoke with Abdiaziz.

7 Q. Okay. And you provided services for Empire Enterprises;
8 is that right?

9 A. I provided services for Empire overall.

10 Q. Empire Enterprises?

11 A. That's true.

12 Q. Were you aware that Empire Enterprises received -- was
13 opened and created in April of 2021?

14 A. I don't know when it was created.

15 Q. Do you know that money was transferred into it from
16 Empire Cuisine & Market and other entities involved in the
17 food program?

18 A. I don't know what came in their accounts.

19 Q. When you did work for them -- when you did work for
20 them, that didn't come up?

21 A. I generally don't ask my clients about their accounts.

22 Q. You weren't aware?

23 A. Was not aware about their accounts.

24 Q. Were you aware that Abdiaziz Farah and Abdimajid Nur
25 wired hundreds of thousands of dollars, over a million

1 dollars from the Empire Enterprises' bank account abroad?

2 A. I was not aware of any wires abroad from Empire
3 Enterprises, no.

4 Q. That wasn't part of your work for Empire Enterprises; is
5 that right? Is that what your testimony is?

6 A. What -- can you repeat the question?

7 Q. That wasn't part of your work for Empire Enterprises?

8 A. What wasn't part of my work? I just want to understand.

9 Q. Wiring money to Kenya and China.

10 A. That's not what I did as a consultant.

11 Q. You had several other LLCs; is that right?

12 A. That's right.

13 Q. I know this morning you were asked about a company
14 called Nomadic Group; is that right?

15 A. That's correct.

16 Q. And I think the questioning suggested that the
17 government had sort of gotten it wrong with respect to the
18 Nomadic Group; is that right?

19 A. Are you asking me about a question?

20 Q. Yes.

21 A. What's the question?

22 Q. I think that Mr. Goetz asked you about the government's
23 implications about Nomadic Group LLC.

24 A. I remember Mr. Goetz asked me about Nomadic Group LLC,
25 yes.

1 Q. Now, Nomadic Group is actually not the company that the
2 government had talked about earlier in the case. Are you
3 aware of that?

4 A. I'm not sure.

5 Q. The government was asking about another entity that you
6 created called Nomadic Ventures LLC. Are you familiar with
7 that?

8 A. I am.

9 Q. That's another company that you created?

10 A. Yes.

11 Q. According to Government Exhibit B-28, it looks like you
12 registered it with the Minnesota Secretary of State on
13 September 20th of 2021; is that right?

14 A. That's right.

15 Q. This is a different entity than Nomadic Group, correct?

16 A. It's a different entity, yes.

17 Q. Nomadic Group, that was the podcast that you -- we heard
18 about this morning, correct?

19 A. That's right.

20 Q. This is different; is that right?

21 A. This is another entity.

22 Q. And you opened up a bank account in the name of this
23 entity; is that right?

24 A. I do.

25 Q. And I'm showing you now what's been admitted as

1 Government Exhibit O-51. Is that the signature card for
2 Nomadic Ventures LLC?

3 A. It is.

4 Q. It looks like it was -- is that your brother on it with
5 you?

6 A. It is.

7 Q. October 15, 2021?

8 A. Yeah.

9 Q. Let me direct your attention now to page 82 of
10 Government Exhibit O-51.

11 It looks like you received more payments from
12 Empire Cuisine & Market to your other LLC, Nomadic Venture
13 LLC; is that right?

14 A. That's right.

15 Q. \$80,000?

16 A. That's a check, yes.

17 Q. For \$80,000?

18 A. It is.

19 Q. For program management?

20 A. The memo isn't entirely correct, but that's the check
21 that I received from Empire.

22 Q. A good amount of money?

23 A. Yes.

24 Q. Into another one of your entities, correct?

25 A. Yeah, it's a check into one of my entities.

1 Q. And this one is Nomadic Ventures?

2 A. That's correct.

3 Q. Now, you talked a lot about -- and this, again, Empire
4 was involved in the food program, correct?

5 A. It was.

6 Q. You talked this morning about other entities that you'd
7 been involved in before, correct?

8 A. Sure.

9 Q. Other podcasting, correct?

10 A. Yes.

11 Q. Consulting?

12 A. That's right.

13 Q. It seems like this was the most lucrative one, correct,
14 the food program?

15 A. This is the most -- the one I did the most work with.

16 Q. And you certainly made the most money on, correct?

17 A. I did, yes.

18 Q. Okay. Do you find that odd that it's -- you used to be
19 a tech consultant; is that right?

20 A. That's correct.

21 Q. Business consultant?

22 A. Yes.

23 Q. That it's a Child Nutrition Program that's the most
24 lucrative? Do you find that odd?

25 A. I find that the most work I did was in 2021, and I feel

1 like I was compensated for that work.

2 Q. Fairly?

3 A. Fairly, yes.

4 Q. I think you said earlier that you took home more than a
5 million dollars that year; is that right?

6 A. I didn't say that earlier, no.

7 Q. You got \$140,000 in salary, correct?

8 A. That's correct.

9 Q. Another \$200,000 in consulting payments from Afrique?

10 A. That's correct.

11 Q. About \$160,000 in consulting payments from Empire
12 Cuisine & Market, something like that, more than 100,000?

13 A. That's correct.

14 Q. \$80,000 from Empire Enterprises?

15 A. That's correct.

16 Q. That's a lot of money.

17 A. Yeah, it's a lot of money, yeah.

18 Q. You had a Coinbase account; is that right?

19 A. I did.

20 Q. And you transferred over a million dollars into it, I
21 think, in 2021; is that right?

22 A. I don't, I don't recall the exact amount I transferred
23 into Coinbase.

24 Q. Out of Afrique Hospitality Group?

25 A. I invested in Coinbase for Afrique, yes.

1 Q. For Afrique.

2 A. Yeah.

3 Q. But is this in your own name?

4 A. Yeah, I held the Coinbase account.

5 Q. And as CEO, it was your prerogative, I guess, to
6 transfer it to your own Coinbase account?

7 A. My investors and everybody trusted me, and I worked with
8 them on it.

9 Q. You worked with them on it?

10 A. They understood.

11 Q. Okay. They understood.

12 Okay. Let's talk a little bit about the videos
13 that you went through this morning. Okay?

14 A. Sure.

15 Q. I want to talk to you -- we talked earlier today about
16 those, those meal counts; is that right?

17 A. Sure.

18 Q. And you said that you hadn't seen them before, correct?

19 A. Which ones?

20 Q. The ones that we looked at earlier. I'll pull them back
21 up.

22 A. I saw some of the meal counts. It depended on which
23 time frame you were asking me about.

24 Q. Well, we'll go to Government Exhibit C-346. This is the
25 one that you -- one of the ones that you emailed to Feeding

1 Our Future; is that right?

2 A. Yeah, this is one of the emails that I sent.

3 Q. Okay. And, again, there's meal counts here in
4 September, 3600 kids a day, correct?

5 A. That's what the meal count says, yes.

6 Q. And if I understood you correctly, you were saying that
7 you didn't write this down, correct?

8 A. I did not.

9 Q. You can't vouch for the numbers, their accuracy,
10 correct?

11 A. I can't vouch for them, no.

12 Q. You didn't have a clicker?

13 A. I wasn't the person taking the meal counts.

14 Q. Okay. And on the site delivery receipt, although your
15 name appears claiming that there was 3500 breakfasts and
16 3500 lunch received each day, you can't vouch for that
17 either, correct?

18 A. I have no reason to dispute the numbers. I was not the
19 person who signed the sheet, but I see that it's there.

20 Q. You are saying you didn't review it, though, before you
21 submitted it to Feeding Our Future?

22 A. I did not review these numbers, no.

23 Q. You didn't review the numbers.

24 And that's for Medford and Waseca too? You didn't
25 review the numbers?

1 A. No.

2 Q. You just forwarded them along?

3 A. That's correct.

4 Q. This roster that's attached, correct?

5 A. That's correct.

6 Q. Now, you said earlier -- I think you described them as a
7 reasonable estimate; is that right?

8 A. I did.

9 Q. But, of course, these claims aren't estimates, right?
10 They appear to list very specific numbers?

11 A. They have numbers on them, yes.

12 Q. Specific numbers.

13 A. Yes, they do.

14 Q. They're all relatively high, but they sometimes change,
15 correct?

16 A. Looks like that.

17 Q. And there's a list of -- a roster of kids, correct?

18 A. There's lists of names, yes.

19 Q. And purporting to list all the kids that got meals,
20 correct?

21 A. I don't know the nature of the, the claims and the
22 documentation that goes with them.

23 Q. And I'm just scrolling through here on pages 20, 21, 22
24 of Government Exhibit C-346. There's actually check marks
25 by all the names, correct?

1 A. There's a check mark there, yes.

2 Q. Specifically indicating that that specific name received
3 food at your Dar Al-Farooq site, correct?

4 A. I wasn't handling the documentation. That's what the --
5 this document shows.

6 Q. Okay. You weren't handling the paperwork?

7 A. I wasn't.

8 Q. Okay. You did, however, though, take pictures; is that
9 right?

10 A. I guess we had some pictures.

11 Q. You hired a photographer?

12 A. So there was some social media pictures posted, and
13 there was a photographer for the volunteers, yes.

14 Q. Okay. So you didn't keep track of the numbers, correct?

15 A. I did not.

16 Q. You didn't review the claims, correct?

17 A. No.

18 Q. You didn't review the invoices, correct?

19 A. No, I did not.

20 Q. You didn't know anything about the checks that were
21 coming to the company, correct?

22 A. I wasn't the person responsible for that, no.

23 Q. You don't know anything about ThinkTechAct; is that
24 right?

25 A. I'm generally familiar with them.

1 Q. But you hired a photographer to take pictures?

2 A. I wasn't the person who hired the photographer, no, but
3 there was a photographer there.

4 Q. To document this.

5 A. To get volunteers to join and help out, post it on
6 social media. It was regular at the mosque.

7 Q. Let me show you here. This is defense exhibit -- it's
8 D7-123.

9 This is one of the photos that was taken by this
10 photographer; is that right?

11 A. Yes.

12 Q. Okay. And it shows someone putting a bunch of bananas
13 into a bag?

14 A. That's what it shows.

15 Q. Correct? And then in the upper right-hand corner
16 there's a -- this is the menu? Is that what you are talking
17 about?

18 A. This is what was posted for the packing list.

19 Q. Okay. So this is the, this is the menu here for this?
20 Each bag?

21 A. I would believe so. I don't know if it's each bag, but
22 those are the directions that were given.

23 Q. Juice boxes, Goldfish, one muffin, one cinnamon stick,
24 one box of cereal. Breakfast?

25 A. That's what it says.

1 Q. Then a bag of rice, a bag of potatoes, 10 onions, 2
2 oranges, 7 tomatoes and 3 bananas?

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

4 Q. That's food for a week for a kid?

5 A. I'm not the person who put the menu together. This is
6 just what goes in the bags.

7 Q. You don't know. Okay.

8 So there was some talk -- there's been lots of
9 talk in this trial about each bag containing meals for
10 multiple kids; is that right?

11 A. That's true.

12 Q. One bag, a week's worth of meals, multiple meals,
13 correct? Breakfast and lunch or supper and snack, correct?

14 A. Whatever is on the menu.

15 Q. But for multiple kids, correct?

16 A. If that's on the menu, yes.

17 Q. I mean, it looks here like you couldn't stuff a bag
18 full -- a bunch of these in one bag, could you?

19 A. This is what was posted. Bianca and her team brought
20 it. This is what was posted, and that's what was put in the
21 bags.

22 Q. Okay. Each bag contained one set of this; is that
23 right?

24 A. I don't know exactly what each bag contained. These are
25 just directions posted for people to put items in bags.

1 Q. Okay. You would agree you couldn't fit -- I heard
2 testimony at some point in the trial that maybe there was
3 one bag containing meals for seven days for seven different
4 kids.

5 You would agree you couldn't do that, correct, not
6 with this menu?

7 A. I would agree that the menu was set and bags were
8 created, based on that menu, and that was followed and those
9 were delivered.

10 Q. Okay. But the suggestion that each bag could have meals
11 for seven different kids, you would agree you couldn't fit
12 70 onions in a bag, correct?

13 A. I don't know the specifics of what would fit in a bag or
14 the size of the bag. It depends. But I would say that we
15 had a menu, the menu was followed, and those items were
16 taken for distribution.

17 Q. But you are not suggesting that it was each bag
18 contained 70 onions, are you, or 40 onions? No?

19 A. I don't know how many onions would be in a bag. It
20 depends on the menu.

21 Q. Well, it says 10 here, correct?

22 A. It says 10 onions.

23 Q. That's a lot of onions.

24 A. It is, I guess.

25 Q. More than one a day?

1 A. Yes.

2 Q. For a week?

3 A. It'd be more than one a day, if you spread it out over a
4 week, that's correct.

5 Q. Okay. All right. So I'm just wondering because it
6 looks like, when I looked at the claims, that those
7 rosters -- you are not saying those rosters are real, are
8 you?

9 A. I'm saying those rosters came from the centers.

10 Q. Yeah. You are not saying that they're real, though?
11 You're not vouching for them, correct?

12 A. I did not verify the names on these rosters against
13 anything.

14 Q. But they were submitted along with the claims, correct?

15 A. I'm not sure what was done with the rosters.

16 Q. And that was to support the claims, right?

17 A. I wasn't part of that process, no.

18 Q. Certainly you knew that in the spring of 2021, actually
19 before that, that the Minnesota Department of Education was
20 cracking down on this program, right?

21 A. I don't know what MDE was doing.

22 Q. You weren't aware that MDE had done a stop pay at some
23 point?

24 A. I was generally aware that there was a stop pay, yes.

25 Q. Because they were concerned about fraud in the program?

1 A. I don't know why they did their stop pay.

2 Q. You weren't aware. Certainly, it was a significant
3 event for Afrique Hospitality Group, correct?

4 A. The stop pay?

5 Q. Yeah.

6 A. We weren't in the food program at the time, so it didn't
7 impact us --

8 Q. Well, all the entities that you were dealing business
9 with. ThinkTechAct, correct?

10 A. We did business with them, yes.

11 Q. They were involved in the food program?

12 A. They were.

13 Q. Empire Cuisine & Market?

14 A. They were.

15 Q. Involved in the food program?

16 A. Fair.

17 Q. Active Mind's Youth?

18 A. These entities, I can't speak for all of them, but I
19 guess it's fair to say.

20 Q. Yeah. So if this food program stopped, that was going
21 to trickle down to your entity, correct?

22 A. It was never our intention to just be a food program
23 entity. We had construction starting soon, and we were
24 going through a permitting process, so --

25 Q. Your intention was to use the money you earned through

1 the food program to fund this other entity, this for-profit
2 business, correct?

3 A. Our intention was to raise funds from our investors and
4 complete the project, yes.

5 Q. Okay. Let's go back to these rosters. So I think we
6 agree you don't know what's on them, correct?

7 A. I do not verify these rosters one by one, no.

8 Q. You don't know if they are real?

9 A. I don't know the nature of the rosters.

10 Q. You saw some -- you've seen some of the names on some of
11 the exhibits. I think Britishy Melony. You don't think
12 that's a real person, correct?

13 A. I don't know who that is.

14 Q. Serious Problem? Not a real person?

15 A. Are you asking me if that's a person I know?

16 Q. Yeah.

17 A. I don't know anyone named Serious Problem.

18 Q. Flavor Dough?

19 A. I don't know that person either.

20 Q. Okay. So these rosters -- my point is this. These
21 rosters were submitted along with the claims to Feeding Our
22 Future, correct?

23 A. I don't know the nature of these rosters.

24 Q. Well, they were submitted along with them. They were
25 attached to the email, along with the invoice, correct?

1 A. Can you give me a time period?

2 Q. My time period is October 21st of 2021. Okay?

3 A. Okay.

4 Q. Which is the date that you sent an email to Feeding Our
5 Future titled Claims and Invoice September 2021, right?

6 A. That's the email, yes.

7 Q. Okay. And attached to the email that you sent were meal
8 counts, correct?

9 A. Attached to the email that I forwarded, there were some
10 meal counts, correct.

11 Q. Purporting to -- this was identifying the number of
12 meals purportedly served at the Dar Al-Farooq site, correct?

13 A. I wasn't the person who prepared the documentation; but
14 if that's what it says, I don't dispute it.

15 Q. And the site delivery receipt purporting to document
16 that 3500 breakfasts and 3500 lunches were delivered,
17 correct?

18 A. That's what it says.

19 Q. Okay. And more meal counts. And then there was this
20 big invoice for \$489,000, correct?

21 A. That's an invoice, yes.

22 Q. Asking Feeding Our Future to pay that money to
23 ThinkTechAct, correct?

24 A. That's an invoice, yes.

25 Q. And then there was rosters alongside there, correct?

1 A. There were lists with names, yes.

2 Q. Purporting to list the names of the children who got
3 meals, correct?

4 A. This is an email that I forwarded. I didn't create the
5 documentation. I'm not the person who put it together. So
6 I wouldn't know the nature of every single document
7 contained in the email.

8 Q. You're generally aware that these materials, these
9 documents were submitted in support of the claims, correct,
10 backing them up?

11 A. I'm aware that these are documents that went along with
12 the rest of those other documents.

13 Q. Like you've been a consultant before, correct?

14 A. That's correct.

15 Q. You submit an invoice to the person you are doing work
16 for, right?

17 A. That's right.

18 Q. Sometimes there's an itemization, a list of the things
19 that you did, correct?

20 A. At times.

21 Q. Documenting what you did?

22 A. Sometimes.

23 Q. Supporting your invoice?

24 A. I mean, in tech it's more, it's more like hours.

25 Q. Documenting the number of hours that you did, correct?

1 A. That's correct.

2 Q. Because if you're asking someone to pay you, they often
3 want to know what it is you did for them. Why am I paying
4 you, correct?

5 A. That's true.

6 Q. Like you go to Target and you buy something, you get a
7 receipt, correct?

8 A. That's right.

9 Q. Similar here.

10 A. I mean, this is an email with an invoice, so.

11 Q. And supporting documentation.

12 A. And some documentation, correct.

13 Q. All right. So you submitted documentation, roster, meal
14 counts, supporting the invoice, correct?

15 A. I forwarded documentation that was prepared to Feeding
16 Our Future.

17 Q. Okay. And you were also supporting the claims that you
18 took photos, correct?

19 A. I also did what?

20 Q. You took photos. You hired a photographer.

21 A. I'm not the person who hired a photographer.

22 Q. Someone hired a photographer.

23 A. There was a photographer who went out, took pictures, so
24 we can get volunteers to come. This is part of the mosque's
25 initiative.

1 Q. Took videos. You took the videos, correct?

2 A. I took some videos.

3 Q. Documenting what was going on?

4 A. I mean, when you work in a warehouse, you might take

5 some pictures and videos here and there.

6 Q. Is that really true?

7 A. As a business owner.

8 Q. Okay. Isn't it true that you took these videos and

9 these photos, just like you created -- or other people

10 created fake rosters, to support the claims to Feeding Our

11 Future?

12 A. That's not true.

13 Q. In case Feeding Our Future or, I guess, MDE balked and

14 asked for supporting documentation? No?

15 A. No.

16 Q. That's not true?

17 A. Not true.

18 Q. Not true of the photos?

19 A. What you just said isn't true.

20 Q. Not true of the videos?

21 A. What's your question, Mr. Johnson -- Mr. Thompson?

22 Q. Is it true of the videos?

23 A. Is what true?

24 Q. That they were taken to support the fraudulent claims

25 submitted?

1 A. Absolutely not.

2 Q. The rosters certainly were, you would agree?

3 A. I would not agree.

4 Q. You would not agree? You think they are legitimate
5 rosters?

6 A. I can't speak to verification of the rosters. I believe
7 they were given to me and I passed them on.

8 Q. Okay. One of the videos you looked at was in Owatonna;
9 is that right?

10 A. That's right.

11 Q. Now, there was, there was a warehouse in Owatonna,
12 right?

13 A. Yes.

14 Q. It was a decent amount of bags out there, correct?

15 A. Sure.

16 Q. I think I looked and there was about 500 bags; is that
17 right?

18 A. I mean, I wouldn't disagree.

19 Q. Okay. So there was a lot.

20 Mind Foundry, ThinkTechAct's alter ego, had
21 actually four sites, distribution sites in Owatonna; is that
22 right?

23 A. I mean, I wouldn't know what their sites were.

24 Q. Or submitted claims on behalf of four different sites.

25 A. I don't know about ThinkTechAct's sites and operations.

1 I wasn't involved in them.

2 Q. You weren't involved in ThinkTechAct?

3 A. No.

4 Q. I mean, you had some involvement. They paid Afrique
5 hundreds of thousands of dollars, \$1.7 million.

6 A. I mean, I've done work for a lot of different people
7 over my career. I'm not involved in their businesses.

8 Q. Just looking at Afrique here, it looks like, when I look
9 at the sources and uses, the single biggest source of funds
10 into Afrique Hospitality Group was ThinkTechAct Foundation;
11 is that right?

12 A. That's what it says, yeah.

13 Q. \$1.7 million.

14 A. That's true.

15 Q. That's a lot of money.

16 A. It's a lot of money.

17 Q. More money than Afrique got from anything else.

18 A. I would agree.

19 Q. More than twice as much as Afrique got from investors,
20 correct?

21 A. It depends on the time frame.

22 Q. Back in 2021.

23 A. At this time, yes.

24 Q. Okay. So you certainly know something about
25 ThinkTechAct, right?

1 A. I mean, my CFO was also involved in ThinkTechAct.

2 Q. Okay. So there was -- Mind Foundry had four Federal
3 Child Nutrition Program sites in Owatonna. Heather Court,
4 were you aware of that?

5 A. I'm not familiar with Mind Foundry's sites. I was not
6 involved with them.

7 Q. Okay. And they claimed in 2021 to serve 2.4 million
8 meals at those four sites in Owatonna. Were you aware of
9 that?

10 A. I was not.

11 Q. Do you know that ThinkTechAct claimed and received more
12 than \$5.9 million in Federal Child Nutrition Program
13 funds --

14 A. I was not.

15 Q. -- for meals purportedly served to children in Owatonna
16 alone in 2021?

17 A. I was not aware of that.

18 Q. You weren't aware of that?

19 A. No.

20 Q. So that's a lot of meals, correct, you would agree?
21 Correct?

22 A. If that's a lot of meals?

23 Q. Yeah.

24 A. It's, I mean, it's a lot of meals, sir.

25 Q. \$5.9 million is a lot of money?

1 A. I would agree.

2 Q. So that warehouse down there, was that for Owatonna
3 sites or Dar Al-Farooq sites or do you have any idea?

4 A. The warehouse, as far as I was concerned, the work that
5 I did, I was doing with for the Dar Al-Farooq site.

6 Q. Okay. So the food was down in Owatonna, but was brought
7 to Bloomington?

8 A. That's correct.

9 Q. Not served to the sites in Bloomington -- or in
10 Owatonna.

11 A. There were other operations there. I don't know which
12 sites they were supporting. It was a big warehouse.

13 Q. You don't know anything about the Owatonna sites?

14 A. I don't.

15 Q. You are not vouching for the validity of those sites, I
16 take it?

17 A. I don't know anything about those sites.

18 Q. Okay. And let's talk a little bit more about
19 documentation. Okay?

20 A. Sure.

21 Q. Dinna Wade-Ardley, you testified about her; is that
22 right?

23 A. I did.

24 Q. And she worked for the Bloomington Public School
25 District; is that right?

1 A. She did.

2 Q. And back in July of 2021, Khalid Omar emailed her asking
3 her to send an email to Feeding Our Future, is that right,
4 or someone here?

5 A. There were a series of emails, and I think this is one
6 of them.

7 Q. Okay. And is it true that Khalid Omar -- or you asked
8 him to send this email?

9 A. Like I said, there were a series of several different
10 emails. This is just one of them.

11 Q. Yeah, but I'm asking about this one. Did you ask him to
12 send this to Dinna Wade-Ardley?

13 A. I don't recall exactly if this was the one I asked him
14 to send.

15 Q. You did ask her -- you are clear that -- so you asked
16 him to send some email to Dinna Wade-Ardley; is that right?

17 A. I think it would be fair to go back and see the series
18 of emails, to get better context. I mean, I can't recall
19 exactly starting in the middle.

20 Q. Well, let's look at page 1 of this exhibit. You
21 remember her sending you an email saying she's not sure
22 about the validity of this email?

23 A. It says, "I'm not sure that 300 is the correct number,
24 maybe 1,000 each week." That's what it says.

25 Q. Okay. She's questioning it. Does that jog your memory?

1 A. Of what?

2 Q. Of asking Khalid Omar to send this email to her?

3 A. No.

4 Q. You don't. So yesterday he testified -- let's assume
5 that he testified that you asked him to send this email to
6 her. Was he lying? Was he mistaken?

7 A. I'm not sure what he testified yesterday. I can't
8 remember everything he said.

9 Q. You disagree with that?

10 A. Like I said, I can't remember exactly what he said
11 yesterday. I can't speak to his testimony.

12 Q. And I take it that you wanted her to send this email as
13 documentation of meals purportedly served at the
14 Dar Al-Farooq site; is that correct?

15 A. No.

16 Q. No? That wasn't what this email was for?

17 A. I mean, if you showed me the other emails, I can get
18 more context, but, I mean, just looking at one email isn't
19 going to. I can't just speak about just one email.

20 Q. You don't remember? Is that what you are saying? You
21 don't remember?

22 A. I'm saying there's context that's needed there. I know
23 there were other emails before this and that it would be
24 important context.

25 Q. Okay. You agree it's not true that 3,000 meals a day

1 were served or a week were served at Oak Grove Middle
2 School?

3 A. At the middle school itself?

4 Q. Yeah.

5 A. I believe that the combination of the middle school and
6 the Dar Al-Farooq that would be reasonable.

7 Q. Okay. Not at the middle school itself?

8 A. I believe between the two locations it would be
9 reasonable.

10 Q. Let's talk about Ikram Mohamed. Okay?

11 A. Sure.

12 Q. Ikram Mohamed was a Feeding Our Future employee; is that
13 right?

14 A. I don't know where she was working at the time.

15 Q. You aren't aware that she worked at Feeding Our Future?

16 A. I don't know where she was working exactly at the time.

17 Q. Well, you not exactly answered my question.

18 My question is this: Were you aware that Ikram
19 Yusuf Mohamed worked at Feeding Our Future?

20 A. I was aware that some time in 2021 that she was a
21 contractor with Feeding Our Future, but that's the extent
22 of --

23 Q. Okay.

24 A. I became aware.

25 Q. You became aware?

1 A. That's right.

2 Q. Are you aware of her position as the sort of the
3 supervisor of the site supervisors at Feeding Our Future?

4 A. No.

5 Q. That's a position that previously had been held by
6 Hadith Ahmed; is that right?

7 A. I'm not sure what position he held.

8 Q. You knew he worked at Feeding Our Future?

9 A. From his testimony?

10 Q. From back in the day.

11 A. I didn't know who he was at that time.

12 Q. You didn't know Hadith Ahmed?

13 A. I don't think I knew him.

14 Q. You knew some employees at Feeding Our Future, correct?

15 A. Maybe.

16 Q. Maybe?

17 A. I mean, are you asking me about a specific person?

18 Q. I am not. Did you know employees at Feeding Our Future?

19 A. I came to know Ikram later on in the year.

20 Q. Okay. And Ikram Mohamed you said -- and we've heard
21 testimony in this trial. I've heard testimony. Were you
22 aware that she's -- allegations that she was soliciting and
23 receiving kickbacks while she worked at Feeding Our Future?

24 A. No.

25 Q. And those kickbacks were for providing special treatment

1 to sites under the sponsorship of Feeding Our Future?

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

3 Q. Not conducting site visits or sites under the
4 sponsorship of Feeding Our Future?

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

6 Q. You are not aware of that?

7 A. No.

8 Q. You wrote her a check for \$250,000; is that right?

9 A. Afrique, yes.

10 Q. Afrique. And that's the company you were the CEO of?

11 A. That's correct.

12 Q. Okay. You wrote the check?

13 A. I got the cashier's check, yes.

14 Q. And you gave it to her?

15 A. I did.

16 Q. Now, you said earlier today that the \$250,000 was a
17 loan?

18 A. It was a loan.

19 Q. To jump-start a day care?

20 A. Child care/play area.

21 Q. So you were the CEO of a, I guess, a start-up event
22 center; is that right?

23 A. Afrique.

24 Q. Afrique?

25 A. Sure.

1 Q. You were in the start-up phase, correct?

2 A. That's right.

3 Q. You had no operations?

4 A. We didn't.

5 Q. Your building was under construction?

6 A. Not yet.

7 Q. It wasn't even under construction yet?

8 A. Not yet, no.

9 Q. Okay. You had some investor money?

10 A. We did.

11 Q. You had a bunch of money from the Federal Child
12 Nutrition Program, correct?

13 A. We had some money, yes.

14 Q. A lot of that was coming in from sites sponsored by
15 Feeding Our Future; is that right?

16 A. I don't know who was sponsoring the sites.

17 Q. Essentially all of it came from sites sponsored by
18 Feeding Our Future?

19 A. I don't know. I wasn't handling that.

20 Q. And you decided that your start-up company that had no
21 revenue, outside of the Federal Child Nutrition Program, was
22 going to give \$250,000 to a Feeding Our Future employee to
23 start a day care?

24 A. That's not what happened.

25 Q. I know that's not what happened, but is that what your

1 testimony was?

2 A. No. I'm saying, I mean, the way you are phrasing it, I
3 wouldn't agree with that.

4 We had a project in Afrique. As Jake testified
5 yesterday, we didn't get our permitting till August 2022.
6 When we realized the city wasn't going to provide all the
7 permitting, we decided to pivot and see if we could do
8 something in South Minneapolis where it was a little bit
9 easier to start the business.

10 Q. It was easier to do business in Minneapolis?

11 A. As opposed to waiting two and a half years, I thought
12 that would be a little bit easier.

13 Q. Okay. So you gave her \$250,000 to start a day care.
14 That's your testimony?

15 A. Afrique invested and went into that agreement with Ikram
16 as a business.

17 Q. Now, are you aware that she did not do that? That is
18 not how she spent the \$250,000?

19 A. I'm not sure how she spent it. I understand that after
20 the search warrants were executed, there were a lot of
21 issues, and Afrique had some issues, and we had to reconcile
22 some issues.

23 Q. Are you aware that she used that money for
24 walking-around money?

25 A. I don't know what she did with the money.

1 Q. Fast-food restaurants, personal spending? You are not
2 aware of that?

3 A. No.

4 Q. You didn't talk to her about what she was going to do
5 with the \$250,000?

6 A. We did.

7 Q. That was a lot of money.

8 A. It was.

9 Q. Did you talk to your investors about that?

10 A. Generally.

11 Q. The one who testified earlier today, did you talk to her
12 about it?

13 A. She was a silent investor.

14 Q. Okay. So she didn't know about it?

15 A. No.

16 Q. Okay. Now, this morning you were shown -- this is
17 Government Exhibit O-219 at page 10, which is a check that
18 was later written from Afrique Hospitality -- or from Ikram
19 Mohamed to Afrique Hospitality Group; is that right?

20 A. That's what it is.

21 Q. On April 9th, 2022?

22 A. That's right.

23 Q. That's, what, three months after this case -- this
24 investigation became overt?

25 A. It would be.

1 Q. Search warrants executed on Feeding Our Future and other
2 places?

3 A. True.

4 Q. And this check is for \$59,000, correct?

5 A. That's the amount.

6 Q. And it says loan repayment.

7 A. That's correct.

8 Q. And the check, the earlier check to Ikram Mohamed was
9 for \$250,000, correct?

10 A. The demand was for \$250,000, and 59,000 of that was
11 attempted to be repaid.

12 Q. And it wasn't -- you say "attempted." It actually
13 wasn't repaid, was it?

14 A. It was not.

15 Q. Why not?

16 A. At this time Afrique was on the verge of bankruptcy, and
17 so we had to find funding sources and see if it would even
18 survive.

19 Q. Okay. So this check was actually returned, correct?

20 Not used for purpose intended. It didn't work, correct?

21 A. We were never able to get the check.

22 Q. It wasn't really a loan repayment, was it?

23 A. It was.

24 Q. It wasn't. The payment didn't go through, correct?

25 A. I mean, like I said, we were going through bankruptcy

1 filings and prepping documentation, and I had strict
2 instructions not to speak with anybody. We obtained legal
3 counsel, right. So this is a very difficult time for
4 Afrique; and because of that, I didn't talk to anybody.

5 Q. So this check looks good, but it actually is no loan
6 repayment at all, is it?

7 A. It's a loan repayment check.

8 Q. That wasn't funded, correct?

9 A. What's the question?

10 Q. The loan -- the check wasn't funded.

11 A. I wasn't able to go and get the check because of the
12 legal restrictions.

13 Q. Okay. So no payments were made, correct?

14 A. Not at that time, no.

15 Q. Okay. I want to talk, Mr. Shariff, just a little bit
16 more about your life in 2021. Okay?

17 Now, I asked you before and I think you said you
18 weren't aware that Abdiaziz Farah was buying real estate all
19 over in 2021; is that right?

20 A. I wasn't aware of the specifics of deals he was entering
21 into.

22 Q. Were you aware of the cars that he was buying?

23 A. No, not really. I mean, I knew he had some cars.

24 Q. He bought a Porsche?

25 A. Not -- I mean, I don't know the specifics. I knew he

1 had some cars.

2 Q. Bought a Tesla? You aware of that?

3 A. I'm not sure exactly what he bought. I mean --

4 Q. A lot of travel abroad? Is that fair to say?

5 A. For?

6 Q. For you.

7 A. I traveled some a little bit, yeah.

8 Q. In 2020 and 2021?

9 A. That's fair.

10 Q. I know we talked about going to Mexico and Kenya in the
11 fall of 2020; is that right?

12 A. I mean, my wife works for an airline, so we travel quite
13 a bit.

14 Q. And then you went to Dubai in April of 2021; is that
15 right?

16 A. Yes. For a friend's event.

17 Q. Did you go to Paris at some point? France?

18 A. You'd have to give me timeline. I transited there
19 before.

20 Q. Did you go to Kenya in the fall of 2021?

21 A. I went to Kenya fall of 2021 to visit my father-in-law,
22 who had ALS at the time.

23 Q. Okay. And while you were in Kenya, you looked into some
24 of the real estate that some of your codefendants were
25 buying over there in Kenya; is that right?

1 A. I asked Abdiaziz if he had real estate and to go see it.

2 Q. But you knew that Abdiaziz was investing in real estate
3 in Kenya in the fall of 2021?

4 A. I was generally aware that he was an entrepreneur and
5 did many different things.

6 Q. And one of those things was a company called Capital
7 View Properties?

8 A. I wouldn't know exactly which companies. I mean, he
9 shared a lot of information. I mean, he's an entrepreneur.
10 These are text messages about stuff he was involved in.

11 Q. Okay. I guess you saw where I was going with this. You
12 texted him about these real estate purchases; is that right?

13 A. We exchanged texts, as people do do business.

14 Q. Okay. And this wasn't just any business. This was
15 buying property and building an apartment building in Kenya,
16 correct?

17 A. What's -- can you ask me the question again?

18 Q. Abdiaziz Farah?

19 A. What about him?

20 Q. He had bought some property in Nairobi?

21 A. Abdiaziz was involved in a lot of different things. I
22 mean, what he does is his business.

23 Q. But that's one of the things he was involved in,
24 correct?

25 A. I would say sure.

1 Q. Okay. Abdiwahab Aftin, he was involved in it too?

2 A. I don't know what Abdiwahab Aftin was involved in.

3 Q. Okay. And this is -- I'm showing you now Government
4 Exhibit H-50b at page 3.

5 This is some of your text messages between you and
6 Abdiaziz Farah; is that right?

7 A. That's right.

8 Q. He sent you pictures of some of the renderings of the
9 buildings that he intended to build in Kenya, correct?

10 A. He shared a lot of different renderings of buildings in
11 Kenya.

12 Q. It's a notable thing, correct?

13 A. I mean, this is very common.

14 Q. Building a 12-story apartment building in --

15 A. No. Renderings in Kenya and Nairobi. People,
16 entrepreneurs sharing them with friends on WhatsApp. I
17 mean, it happens.

18 Q. Okay. And we talked about Capital View Properties. And
19 I think you said you weren't aware of it or -- then you
20 mentioned the text message here at page 4 of Government
21 Exhibit H-50b.

22 He actually texted you a share purchase agreement
23 for Capital View Properties on May 25th of 2021; is that
24 right?

25 A. I mean, that's what it shows. I have nothing to do with

1 that property.

2 Q. You had nothing to do with it?

3 A. I mean, that's a share purchase agreement he shared with
4 me in a text message in a conversation, amongst many other
5 conversations.

6 Q. Okay. And he said right afterwards, at the top of
7 page 5, "I will get you and Mahad on the next one"; is that
8 right?

9 A. That's what he said, yes.

10 Q. He was going to get you involved in his next Kenyan real
11 estate venture?

12 A. No. This is just a conversation about business in Kenya
13 and Nairobi and --

14 Q. Well, he talked about -- he said he had "two lands" that
15 he can develop, correct?

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

17 Q. Talked about calling them the Afrique Apartments,
18 correct?

19 A. I mean, yes. That's right.

20 Q. And the Empire Apartments?

21 A. I think these are private messages that -- right? It's
22 not an actualization thing. Right? I think it's a
23 conversation about him sharing ideas with me. I mean,
24 friends share ideas all the time via text message.
25 Entrepreneurs share ideas.

1 Q. And this idea, in particular, was to build two apartment
2 buildings in Kenya, correct, in Nairobi?

3 A. This is about real estate in Nairobi.

4 Q. Okay. And one of them was going to be called Afrique,
5 correct? That was his proposal?

6 A. This is just a text that says Afrique Apartments.

7 Q. And Afrique was your entity that was -- whose sole
8 revenue was the Federal Child Nutrition Program back in May
9 of 2021; is that right?

10 A. Afrique did some work in the food program, yes.

11 Q. And Empire Apartments was his proposal for the other
12 apartment building in Nairobi, correct?

13 A. I mean, this is a text that he's sending.

14 Q. And that was his entity that was involved in the Federal
15 Child Nutrition Program; is that right?

16 A. It says Empire Apartments.

17 Q. Okay. But you'd agree that's his entity that was
18 involved in the program?

19 A. That's his entity.

20 Q. Okay. So yours is Afrique Apartments. His is Empire
21 Apartment, Nairobi, Kenya. Correct?

22 A. It's a text message that he sent to me.

23 Q. And then you ask where the land is, correct?

24 A. Yes, I did.

25 Q. And he described it's in "South C"; is that right?

- 1 A. That's what the text message says.
- 2 Q. That's a neighborhood in Nairobi, correct?
- 3 A. I would say it is.
- 4 Q. You know it is, right? You've been there?
- 5 A. I've been to Nairobi.
- 6 Q. You've been to South C?
- 7 A. I've been to many different neighborhoods, South C
- 8 included.
- 9 Q. Okay. So you know it's a neighborhood in Nairobi?
- 10 A. I do.
- 11 Q. Did you go check out his property over there while you
- 12 were in Kenya?
- 13 A. I wanted to check it out. I never got to see it.
- 14 Q. Okay. He talks about it's a "prime area. Just the land
- 15 for 1.1 million, so I can give it up to you and the team.
- 16 One plot to you guys." Is that right?
- 17 A. That's what he says. This never actually happened, and
- 18 these are just text messages.
- 19 Q. Okay. If we go to the next page, you say it "would be a
- 20 great opportunity," though. Certainly, you weren't saying
- 21 no. Fair?
- 22 A. I would consider real estate to be a great opportunity.
- 23 Q. Real estate in Nairobi?
- 24 A. Real estate anywhere is a great opportunity.
- 25 Q. And here on page 8, this is another series of texts

1 between you and Abdiaziz; is that right? This is in
2 September of 2021?

3 A. That's the date, yes.

4 Q. And you are in Kenya at the time?

5 A. I was in Kenya visiting a sick family member, yes.

6 Q. And you said you "wanted to see those apartments your
7 bros were building"; is that right?

8 A. Yeah, he shared with me that his family was involved in
9 some real estate. I wanted to check it out.

10 Q. Those are the apartments we are talking about?

11 A. I don't know which apartments they were, just general.

12 Q. More than one? More than one apartment?

13 A. I don't, I don't -- I mean, I don't know what this text
14 is referring to.

15 Q. Okay. And then he sends you a series of renderings,
16 correct?

17 A. That's correct.

18 Q. And then he says -- and you respond, "Amazing building.
19 Wow." Correct?

20 A. Yeah, it looked like a nice building.

21 Q. Okay. And you guys, again, go on to talk about doing
22 it; is that right?

23 A. Are you referring to a specific text?

24 Q. Yeah, I am. You say, "Amazing building." He describes
25 where it is, correct?

1 A. Yeah, I said it's an "Amazing building."

2 Q. You talk about how you were staying there recently,
3 correct?

4 A. Yeah, I stayed in that area.

5 Q. South C was going crazy, good investment opportunity,
6 good location?

7 A. I meant there's a lot of construction in that area.

8 Q. And then you ask on page 18, "When are you going to
9 bring me and Mahad into the apartment deal? LOL." Is that
10 right?

11 A. Yeah, I'm generally -- I would like to be in a real
12 estate deal. I mean, I'm an entrepreneur.

13 Q. You wanted to invest in building an apartment building
14 in Kenya?

15 A. This is a text message that says, "When are you going to
16 bring me" in on a deal. It's just -- it's a joke. It said
17 LOL at the end.

18 Q. You think this is a joke?

19 A. I knew it wasn't actually a -- it wasn't a request.

20 Q. It wasn't a joke to Abdiaziz, correct?

21 A. I don't know if he took it as a joke.

22 Q. Well, he was building an apartment building in Nairobi,
23 correct?

24 A. I don't know what he's doing in Nairobi. That's his
25 business.

1 Q. You're not aware. Well, you know -- I mean, I know it's
2 his business, but you're aware of it, correct?

3 A. I'm aware he's an entrepreneur. He does business in a
4 lot of different places.

5 Q. And you're an entrepreneur too, right?

6 A. I am.

7 Q. And you wanted to do business all over as well?

8 A. If I see a good opportunity and -- I would like to.

9 Q. Is that what you saw in the Federal Child Nutrition
10 Program?

11 A. We did work in the Federal Child Nutrition Program. We
12 fed a lot of people. It benefited the community, and I'm
13 proud of that work.

14 Q. It benefited you even more, didn't it?

15 A. Thousands of people benefited.

16 MR. THOMPSON: No further questions, Your Honor.

17 THE COURT: Mr. Goetz, cross-examination --
18 or redirect?

19 MR. GOETZ: Would the court like me to do that
20 now? It would be short, but it's up to you, Your Honor.

21 THE COURT: What did you just say? I'm sorry.

22 MR. GOETZ: I said, Would the court like me to do
23 redirect now? It will be brief.

24 THE COURT: Yes.

25 MR. GOETZ: All right.

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REDIRECT EXAMINATION

BY MR. GOETZ:

Q. Mr. Shariff, how are you doing?

A. Good.

Q. You doing all right?

A. I'm all right.

Q. You with me? You can answer a few more questions?

A. I'm still here, yes.

Q. Okay. Good. Just a few more and then we're done. All right?

A. Thanks.

Q. Pending perhaps more questions by the government, but we'll see how that goes.

Mr. Thompson went through a lot of checks deposited into the Afrique account. Do you remember -- we're not going to look at them all, but do you remember all those checks from Empire and ThinkTechAct, correct?

A. I do.

Q. And then there were checks from Active Mind's Youth, Inspiring Youth and some other entities, correct?

A. I remember those, yes.

Q. And it seemed to say that -- you seem to say that there was a lot of those checks where you didn't know the details. You didn't know exactly what they were for, other than perhaps might be referenced in the memo line, correct?

1 A. That's correct.

2 Q. So the question is, Mr. Shariff, how, as the CEO, did
3 you know not -- did you not know all the details about what
4 all those checks were about and where all that money was
5 coming from?

6 A. I was focused on the food. We had a CFO. I mean,
7 Dr. Mahad is a PhD from Berkeley. He was handling the
8 financials, and he was more than capable of doing that.

9 Q. Speaking of focus, at the time the checks were deposited
10 that we looked at together -- this is the spring of 2021 --
11 beside this Federal Child Nutrition Program that Afrique was
12 involved in, did you have any other focuses with respect to
13 Afrique?

14 A. We were involved in the architectural work of the
15 Afrique project, trying to get permitting completed,
16 several, many different meetings with the planning and use
17 lawyers and the city, so that a lot of the focus went into
18 that.

19 Q. So Mr. Steen described it yesterday as if it was your
20 full-time job, just getting that Afrique project up on the
21 ground. Would you agree with that?

22 A. It was an incredible amount of work. I would agree with
23 that.

24 Q. So just so the jury understands where your focus was at
25 this time, with respect to all the checks and the money

1 coming into the account, where was your focus?

2 A. My focus was on getting Afrique the permitting it needed
3 to begin construction and to make this a reality.

4 Q. So let's talk quickly about some of the specific checks,
5 just for clarification.

6 There was some checks shown from Empire Cuisine.
7 Could you just -- in the February 15, 2021, March 12, 2021.
8 Can you just help us understand a little bit the consulting
9 work you were doing for Empire Cuisine at that time?

10 A. So Empire, I was helping them kind of scale their
11 operations. I worked with them on strategy managing, kind
12 of setting up better, more efficient systems for the work
13 that they were doing.

14 Q. When you say "systems," what kind of systems?

15 A. More efficient in their delivery, more efficient in like
16 the setup of the warehouses. I found that a lot of times
17 things took longer, deliveries were delayed because of the
18 setup. So we reconfigured the entire space, helped him have
19 a more streamline operation.

20 Q. All right. Now, you also did consulting work for -- I
21 think it was Starbucks, through the company you were working
22 for?

23 A. Slalom.

24 Q. Slalom?

25 A. Yes.

1 Q. And that was in 2019, 2020, roughly?

2 A. Around 2019, I would say.

3 Q. So as a consultant for Starbucks, can you tell this jury
4 how much money Starbucks made in 2019?

5 A. I don't know how much they made. They made a ton of
6 money.

7 Q. You were a consultant for them --

8 A. Yes.

9 Q. -- and you didn't know where all of their money was
10 coming from?

11 A. No. That wasn't my concern.

12 Q. The last, let's look at -- you were asked about these
13 photographs. And the implication the government wants to
14 leave the jury with is that this is all a coverup, that the
15 photographs were just a coverup for fraud.

16 But I want to -- your testimony I believe was
17 you -- some of the photographs were taken to get volunteers
18 to help with the food distribution; is that right?

19 A. That's correct.

20 Q. Showing for the witness only D7-41.

21 Do you recognize this?

22 A. Yes.

23 Q. And how do you recognize it?

24 A. So this is a flyer. I mean, I'm in the picture in the
25 middle.

1 Q. Does it include some of the photographs that you were
2 talking about with Mr. Thompson?

3 A. It does.

4 Q. And is this a true and accurate copy of this flier?

5 A. It is.

6 MR. GOETZ: Offer D7-41, Your Honor.

7 MR. THOMPSON: No objection.

8 THE COURT: D7-41 is admitted.

9 BY MR. GOETZ:

10 Q. So, Mr. Shariff, we see photographs here. What are
11 those photographs of?

12 A. So the photographs are of the distribution and the
13 packaging process at the warehouse.

14 Q. Are these the photographs that were taken by the
15 photographer that you spoke about with Mr. Thompson?

16 A. They are.

17 Q. And you're in the center of this photograph, right?

18 A. That's me in the middle.

19 Q. And in terms of the purpose of these photographs and the
20 context of this document, can you tell the jury what the
21 purpose is?

22 A. So the mosque had a volunteer group, and they wanted to
23 create a flier to get the word out there about volunteering
24 to help package and distribute meals to people in need.

25 Q. That's the purpose of the flier?

1 A. Yes.

2 Q. That's the purpose of the photographs?

3 A. That's correct.

4 MR. GOETZ: No further questions.

5 THE COURT: Mr. Thompson, any recross?

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

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

8 Mr. Goetz.

9 MR. GOETZ: Your Honor, subject to an offer of
10 proof, defendant Mukhtar Shariff rests.

11 THE COURT: Thank you.

12 Any rebuttal case, Mr. Thompson?

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

14 THE COURT: Okay. We're going to take our
15 afternoon break at this time. We do have a number of things
16 to address.

17 Let me have you wait for 15 minutes, and then
18 we'll give you further instructions on where we're going.
19 All right?

20 Thank you, everyone.

21 All rise for the jury.

22 (Recess taken at 3:28 p.m. till 3:50 p.m.)

23

24

IN OPEN COURT

25

(JURY NOT PRESENT)

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

2 All right. We have a few matters then to take up
3 for the record.

4 The first is that, Mr. Goetz, you wanted to be
5 heard -- or Mr. Mohring -- on an offer of proof.

6 MR. MOHRING: Thank you, Your Honor.

7 So if allowed, on Mr. Shariff's behalf, we intend
8 to call and intended to call Jill DeSanto. Ms. DeSanto is
9 an accountant. All the information, all of her information
10 was disclosed in a timely manner under the schedule set by
11 the court's order.

12 If called, she would testify about her analysis of
13 the Sysco invoices, in particular. And she would testify
14 that she, looking through the invoices, made totals for each
15 category of food outlined in the United States Department of
16 Agriculture formula that appears in the Code of Federal
17 Regulations that has been admitted as Defendant's
18 Exhibit D7-29.

19 So she took the invoices, totaled up the
20 categories of food, divided by the volume per meal to reach
21 totals of the numbers of meals worth of food that Afrique
22 purchased from Sysco. Those numbers for fruit, 723,000,
23 under the adult formula, 723,000 and change; meals for
24 grain, 957,000; for milk, 1,692,622 servings worth of milk
25 bought by Afrique from Sysco; vegetables, 428,126.

1 And then she would also testify -- so those are
2 under the adult portions.

3 The portions for children are the same as adults
4 for milk; but for children ages 13 to 18, the servings are
5 smaller, so those numbers would go up. Same number for
6 milk, 1,692,000 servings worth of milk purchased by Afrique
7 from Sysco; but for grain that number jumps under the child
8 ages 13 to 18 to 1,915,000; for fruit, 1,447,000 servings
9 worth of food. So that would be her testimony.

10 As explained previously, she's not available.
11 She's out of the country. She won't be here until -- she
12 will be able to testify on Monday morning. I'm not going to
13 revisit those questions. As Defendant Number 6 out of 7, we
14 made the mistake and calculation that that would be okay.
15 And she's out of the country. I don't know that we'd have
16 the -- it's not a subpoena -- to force her back.

17 But that's the offer. That's what, if called and
18 if allowed to testify, that would be her testimony.

19 THE COURT: Thank you.

20 I had considered that; and just given the notice
21 and the opportunity to get the witness here, I cannot give a
22 two-day recess. I think everybody understands that. And so
23 that would be what would be required to do. So she's unable
24 to testify here.

25 Mr. Thompson, anything you would want to state for

1 the record?

2 MR. THOMPSON: Yes, Your Honor.

3 Perhaps unsurprisingly, the government has a
4 different view of Ms. DeSanto's proposed testimony. We
5 think it would be subject to rigorous cross-examination on
6 several grounds, including, as people heard today, Afrique
7 Hospitality Group purported to be providing food for a
8 number of entities that were involved in the Federal Child
9 Nutrition Program, not just the Dar Al-Farooq site.

10 The defendant talked about being involved in the
11 sites for Empire, United Youth in Minneapolis, Inspiring
12 Youth and Out Reach, the various ThinkTechAct sites.
13 Owatonna alone, I think there was 2.4 million meals
14 purportedly distributed in 2021, and that's one of the
15 videos. Ms. DeSanto's analysis, in my mind, appears to
16 apportion all of the meals to the Dar Al-Farooq site.

17 I think there's other issues with it too in terms
18 of the way she did the, the counting of individual servings.
19 For example, if you have I think a Goldfish, you can't count
20 it as a fractional serving because you can only distribute
21 the actual packet itself; or, similarly, a gallon of milk,
22 if you are handing out a gallon of milk, it's a gallon of
23 milk. You are not pouring it into little cups.

24 I just want to put on the record that we would
25 have significant cross-examination of this witness.

1 THE COURT: All right. I don't need anything
2 more. I don't know that it's -- I understand that you both
3 have different views of the testimony. I think it's
4 sufficient on the record.

5 I am also prepared to make findings as to the
6 alleged coconspirator statements that were conditionally
7 admitted.

8 Does anyone wish to make a record about those
9 statements or those conditional admissions? No. Okay.

10 So all of the exhibits that were conditionally
11 admitted were -- some of them were conditionally admitted as
12 an out-of-court statement offered for the truth of the
13 matter asserted, not hearsay if made by a party's
14 coconspirator during and in furtherance of the conspiracy.

15 For that to be admissible, the government must
16 prove by a preponderance of the evidence that, number one, a
17 conspiracy existed; number two, the defendant and the
18 declarant were members of the conspiracy; three, the
19 declaration was made during the course and in furtherance of
20 the conspiracy.

21 And in determining whether a conspiracy existed, I
22 can consider the coconspirator's statement itself, but an
23 otherwise inadmissible hearsay statement cannot provide the
24 sole evidentiary support for its own admissibility. So we
25 looked for other evidence in the record besides the

1 coconspirator statements to make the findings that I am
2 about to make.

3 The following exhibits were conditionally admitted
4 under what is the *Bell* procedure, *United States v. Bell*, 573
5 F.2d 1040. They are:

6 C-330 and 337.

7 D5, 40, 44 through 46, 48, 49, 50, 51, 54, 59.

8 E-115 and 112.

9 F6 and 7.

10 G-78, 207, 294, 295 and 353.

11 H-50, a and b, H-51a through r, H-52a through z,
12 H-52aa through zz, H-53a through t, H-54a through s, H-55a,
13 H-59, H-73h, i, k, l, m.

14 And then J-142 through 151.

15 N-124 through 127, N-125a through h, N-139
16 through 142.

17 There were also -- of those exhibits, the
18 following exhibits are admissible under other rules.

19 G-78 that I've determined is admissible as an
20 adoptive admission.

21 J-142, 143, 145 through 147 and 150 were not
22 offered for their truth and, therefore, they are not
23 hearsay.

24 N-124 through 127, 125a through h, 139 through 142
25 were admissible as summary charts.

1 So the remaining conditionally admitted exhibits
2 are admitted as coconspirator statements.

3 As to the first *Bell* finding, I'm finding that by
4 a preponderance of the evidence the conspiracy existed. A
5 conspiracy requires two or more persons conspiring to commit
6 an unlawful act; two, that the defendant knew the purpose of
7 the conspiracy; and, three, the defendant intentionally
8 joined the conspiracy.

9 The government has proven these elements by a
10 preponderance of the evidence that a conspiracy existed.

11 As to the second *Bell* finding, the government has
12 met its burden that the declarants in the above-mentioned
13 exhibits were members of the conspiracy. That includes the
14 defendants, along with Ahmednaji Aftin, Hadith Ahmed, Mahad
15 Ibrahim and Kara Lomen.

16 And, finally, as to the third *Bell* finding, the
17 government has proven by a preponderance of the evidence
18 that the declaration was made during the course of and in
19 furtherance of the conspiracy. This element and case law
20 has been interpreted broadly.

21 The court notes while the defendants had a
22 standing objection to coconspirator statements, they did not
23 specifically object to any particular statement on any
24 particular grounds or with any particular argument.

25 I've reviewed the record, and I conclude that the

1 conditionally admitted exhibits by coconspirators were made
2 during and in furtherance of the conspiracy.

3 I'll note that the conspirator names that I just
4 listed are the names that are relevant to the exhibits. So
5 I am not finding by a preponderance of the evidence that
6 additional coconspirators were members of this conspiracy.
7 There's no need for me to do so. I am just limiting it to
8 the names that are in the exhibits that I find that the
9 government proved by a preponderance of the evidence were
10 members of the conspiracy.

11 That means that all conditionally admitted
12 exhibits are hereby admitted, and they will go back to the
13 jury.

14 We'll get to the charge conference in a minute.
15 What I'd like to do is to go off the record so that we can
16 discuss the length of closings, so that we get some idea of
17 a schedule for tomorrow. And then if anybody has
18 objections, we will go back on the record. And then we will
19 be back on the record for a charge conference.

20 All right. We're off.

21 **(Off the record)**

22 THE COURT: Let's go back on the record.

23 Mr. Birrell, you had a motion.

24 MR. IAN BIRRELL: Yes, Your Honor.

25 THE COURT: Go ahead, sir.

1 MR. IAN BIRRELL: As we've reached the close of
2 evidence, we would renew our motion for judgment of
3 acquittal under Rule 29 for all counts as to Abdiaziz Farah.

4 THE COURT: Thank you.

5 Any other defendants wish to renew motions?

6 MR. COTTER: Your Honor, on behalf of Mohamed
7 Ismail, I would also move for a judgment of acquittal now
8 with the close of the case.

9 THE COURT: Thank you.

10 MR. COTTER: Thank you.

11 MR. SAPONE: May I?

12 THE COURT: Yes, you may, Mr. Sapone.

13 MR. SAPONE: Thank you, Your Honor.

14 On behalf of Abdimajid Nur, I make a Rule 29
15 motion for a judgment of acquittal, and that's as to each
16 count in the indictment, for the reasons stated in my first
17 motion.

18 THE COURT: Thank you.

19 MR. SAPONE: Thank you.

20 THE COURT: Mr. Schleicher.

21 MR. SCHLEICHER: Your Honor, on behalf of Said
22 Farah, we also move for a judgment of acquittal pursuant to
23 Rule 29. We renew our prior motion and all arguments made
24 in that motion and including with particularity Count 12.

25 THE COURT: Thank you.

1 And Mr. Garvis.

2 MR. GARVIS: Yes, Your Honor.

3 On behalf of Mr. Aftin, I too also move for a
4 Rule 29 motion and renew, based upon the previous argument
5 that was made, on all counts.

6 THE COURT: Thank you.

7 Mr. Goetz or Mr. Mohring? Mr. Goetz.

8 MR. GOETZ: Your Honor, defendant Mukhtar Shariff
9 renews his Rule 29 motion incorporating and restating all
10 the grounds previously stated as to all counts, in
11 particular, Counts 13 and 15.

12 THE COURT: Thank you.

13 Mr. Brandt or Ms. Kettwick?

14 MR. BRANDT: Thank you, Your Honor.

15 And on behalf of Hayat Nur, we would renew our
16 motions for judgment of acquittal under Rule 29, in
17 particular, to the money laundering count.

18 THE COURT: Thank you.

19 Do any of the defendants -- are any of the
20 defendants planning on submitting memoranda in addition to
21 what you have just provided to the court?

22 All right. Thank you.

23 Does the government wish to respond?

24 MR. THOMPSON: No, Your Honor.

25 THE COURT: All right. The court's ruling as to

1 the initial Rule 29 motions has not changed. There is
2 sufficient evidence to establish guilty verdicts on all
3 counts of the indictment, and, therefore, I'm denying the
4 Rule 29 motions renewed here today.

5 MR. THOMPSON: Your Honor, if I may, I assume
6 we're going to begin the charge conference soon. I was
7 wondering if I could be excused and defer to my colleagues
8 for that portion.

9 THE COURT: You can. I have one more thing to do
10 before the charge conference; and then for those of you who
11 wish to be excused, you may. That one thing is that I would
12 like to be able to tell the jury that they may bring the
13 chart of counts into the closings to help them keep track of
14 the counts.

15 In addition, it would be my proposal that they
16 could bring the verdict form into the closings, again, to
17 help them keep track of the many counts that they are going
18 to be required to deliberate on.

19 Any objection to those two documents coming into
20 the room with the jurors during closings?

21 MR. THOMPSON: No, Your Honor.

22 THE COURT: Okay. Seeing none, then I will do
23 that.

24 You do have a copy of the verdict form.

25 We'll go forward with the charge conference.

1 As we do this, and then as we move to closings
2 tomorrow morning, I may repeat it after closings, but I
3 wanted to repeat something that I had said during voir dire
4 and that is that we have -- now we have sat here for six
5 weeks. There are times that we have been -- and I'm really
6 talking to the government, the agents who have worked on the
7 case, the defendants who are here and charged, that there
8 are times that we have been more casual than you might
9 expect a courtroom to be at all times, and I don't view
10 closings as part of that. Closings are a really important
11 part of the case. All of this is important.

12 Again, whenever we were more casual, it is because
13 we are all in an uncomfortable situation. I know that's
14 true for those of who you don't work in a courtroom every
15 day. And so I don't want to in any way take away from the
16 seriousness of the case to all parties.

17 And I want you also all to know, the government
18 and the defendants too, what I think you should know
19 already, which is that you've all been extraordinarily
20 represented in this case. The quality of lawyering here is
21 just extraordinary. And so I wanted to compliment you all
22 on your lawyering throughout these long six weeks.

23 All right. Thank you.

24 I'll excuse anyone who does not wish to be present
25 for the jury charge conference, and then we'll go forward

1 with that charge conference. Thank you.

2 (Short break while people exit courtroom)

3 THE COURT: All right, everybody. I think what I
4 would like to do is just be off the record for a little
5 while and tell you what changes have been made, since
6 yesterday, and then you can be on to argue.

7 Does that make sense, everybody? All right.

8 **(Off the record)**

9 THE COURT: Now let's go on the record, because
10 I'm going to give you some of the --

11 These are the rulings that I have made or the
12 changes that were made since your informal charge
13 conference. So they would be reflected in what you got
14 yesterday, but I wanted to put my reasoning on the record.
15 And then you are welcome to object and then bring up
16 anything else.

17 First of all, as to Instruction Number 4,
18 credibility of witnesses, the sentence, "You should judge
19 the testimony of the defendant in the same manner as you
20 judge the testimony of any other witness," we're leaving
21 that in because Mr. Shariff did testify.

22 As to Instruction Number 7, Rule 1006 summary
23 charts, there was a request to add that the accuracy of the
24 summary charts was challenged. I'm not including that.

25 The reasoning for that is that they weren't

1 challenged within the meaning of the jury instruction; and
2 within the meaning of the jury instruction is a
3 pre-admission challenge, which is different from typical
4 cross-examination of a witness who prepared the chart. That
5 most certainly happened here. So it was challenged in the
6 sense that the witness who prepared the chart was subject to
7 cross-examination, but there was no pre-admission challenge.
8 The rule summary charts, Rule 1006 charts went in without
9 objection.

10 In *United States v. King*, which is cited in the
11 model instruction comments, the objection or challenge was
12 at the introduction of the evidence. Here, there was no
13 challenge at the introduction of the evidence.

14 All right. As I read these, I might be reading
15 the wrong number, but that was the Rule 1006, my ruling on
16 that request.

17 The next request that I noted was in description
18 of charges, indictment not evidence. This was on page 15.
19 I talked about the chart that we provided to the jurors, and
20 I said in that chart -- or in the instruction, note that the
21 chart did not include Count 43, but you still have to decide
22 guilt or innocence. I think everybody agreed to delete that
23 sentence, so we're deleting it. It unnecessarily highlights
24 and might be confusing.

25 As to the instruction on wire fraud conspiracy,

1 there was a request to have the underlying crime, that is,
2 wire fraud, defined within the wire fraud conspiracy count.
3 That isn't part of the model jury instructions. And later I
4 do define the wire fraud counts and give the elements of
5 that count.

6 I don't think it's confusing to not include it
7 within the conspiracy count. Again, it's defined later.
8 And I say, as the model says, that the wire fraud -- the
9 elements of wire fraud I will give you in a moment or
10 something to that effect.

11 One moment.

12 Okay. As to the instruction for wire fraud
13 itself, which is Counts 2 through 12 of the indictment,
14 there was a request to include an addition stating that, In
15 order to prove wire fraud, the prosecution must prove beyond
16 a reasonable doubt that the defendant wrongly deprived
17 another of a property interest.

18 I am not including that proposed addition. It is
19 not in the model instruction. Case law does not support
20 putting it in this instruction. And the property interest
21 is referenced in the definition of scheme to defraud.

22 Also in the wire fraud instruction, there was a
23 sentence that -- it is not necessary that the defendant
24 himself contemplate the use of an interstate wire
25 communication or that the defendant send or receive the

1 actual interstate wire communication. Part of that sentence
2 has been deleted by agreement of the parties.

3 In addition, there is a sentence about lulling
4 victims into a false sense of security. That has also been
5 stricken by agreement of the parties.

6 And there is also a sentence that says, Each
7 separate wire transfer or email sent in furtherance of the
8 scheme to defraud constitutes a separate offense. The
9 defendants objected to that. They wanted to strike it. So
10 I have agreed, and it is stricken.

11 There was a typographical error in many -- all of
12 the federal programs bribery counts, and that has been
13 corrected.

14 In the conspiracy to commit money laundering
15 count, I did include elements of money laundering at the end
16 of that instruction. And that instruction is now --

17 MR. GARVIS: Page 44.

18 THE COURT: Thank you. Is it now page 44? Thank
19 you. Page 44. I'm working off an old paper draft. Okay.

20 So we did take a stab at those elements to include
21 in the conspiracy count.

22 And then, in addition, in the first money
23 laundering count, because there are many of them, we have
24 included -- and this is Instruction Number 28, the money
25 laundering as to Said Farah -- we included the sentence,

1 "For all money laundering counts, the following rules and
2 definitions apply," and then we list them, and that way they
3 aren't repeated in every money laundering count.

4 Every money laundering count now says "wire
5 transfer" rather than "payment." I think one of them, the
6 jury instruction for Count 23, Abdiaziz Farah, said
7 "payment." They all now say "wire transfer." So they are
8 all the like.

9 There was a typographical error on the money
10 laundering count with respect to Count Number 37 as to the
11 date of that. It's now been changed to August 21st, 2021.

12 False statement in a passport application. That
13 count comes from the First Circuit and the Eleventh Circuit.
14 It makes clear that both willfully and knowingly are
15 required. I believe there was a request to separate out
16 those two as separate elements. I think it's clear that
17 both are required. And while the Eighth Circuit does not
18 necessarily have a pattern instruction here, I am finding
19 persuasive the First and Eleventh Circuits' use of these
20 elements.

21 The instruction as to good faith, there was a
22 request that it be expanded from wire fraud to include all
23 crimes alleged in the indictment. The model instruction
24 just doesn't read that way. The remainder of the
25 instruction is specific to wire fraud.

1 So I believe it would be confusing to change it to
2 all crimes alleged in the indictment, when the rest of the
3 instruction is specific to wire fraud. So I'm leaving it as
4 is, as is in the pattern instruction.

5 As to the deliberate ignorance/willful blindness
6 instruction, I am leaving it in, but I would like to hear
7 from the government on the evidence supporting giving that
8 instruction.

9 I believe those are all the comments I had after
10 your informal charge conference.

11 How about the government going first as to any
12 objections or changes.

13 MR. BOBIER: No objections, Your Honor.

14 We do have one or two small nits to propose. If
15 Your Honor would entertain those now, I'm happy to tick
16 through those. There are just two of them.

17 THE COURT: Go ahead.

18 MR. BOBIER: Thank you.

19 The first is in Instruction 23 in the latest
20 numbering, I believe.

21 MR. MOHRING: What page?

22 MR. BOBIER: It is --

23 MR. IAN BIRRELL: 38, I believe.

24 MR. BOBIER: 38 is right. Thank you.

25 THE COURT: Yes.

1 MR. BOBIER: In the third line, Julius Scarver is
2 the sponsor of -- was an agent of Sponsor A. That's the
3 language from the original indictment. We should have
4 caught that earlier.

5 We propose changing "Sponsor A" to "Partners in
6 Nutrition," to be consistent with both the language that's
7 been used in the course of the case and the presentation the
8 jury will be familiar with.

9 THE COURT: Okay. This is --

10 MR. BOBIER: That's the Instruction Number 23,
11 federal programs bribery.

12 THE COURT: Is it still Number 23? Okay. Just a
13 minute.

14 38, page 38?

15 MR. BOBIER: Yes, Your Honor.

16 (Court and law clerk confer)

17 THE COURT: All right. To change to? Say again?

18 MR. BOBIER: From Sponsor A.

19 THE COURT: To Partners in Nutrition?

20 MR. BOBIER: That's right. And Sponsor A is
21 mentioned maybe three or four times throughout that
22 instruction, five.

23 THE COURT: And so you want it changed every time?

24 MR. BOBIER: Yes, please.

25 THE COURT: All right. Next nit.

1 MR. BOBIER: Instruction 19. I'm sorry to go a
2 bit out of order. That's page 31.

3 THE COURT: All right.

4 MR. BOBIER: So there's a line, "The prosecution
5 must convince you beyond a reasonable doubt that the
6 defendant was a member of the conspiracy."

7 We propose, just for sake of clarity, that this
8 read, "The prosecution must convince you beyond a reasonable
9 doubt that each of the defendants named above," those being
10 the three defendants recited in the preceding paragraph,
11 that way we avoid the jury confusion problem of them getting
12 to this count and having to contend with whether every
13 single defendant in the case was a member of this
14 conspiracy. That's not required. It would just be those
15 three defendants.

16 THE COURT: Any objection?

17 Good catch. All right.

18 MR. BOBIER: And then the final proposed nit, Your
19 Honor, would be the same change for Instruction 27. It's
20 the other conspiracy -- it's the other single conspiracy
21 instruction. So we just propose, again, adding that "each
22 of the defendants named above" language.

23 THE COURT: I'm sorry. Which instruction?

24 MR. BOBIER: This is I believe 27 --

25 THE COURT: Thank you.

1 MR. BOBIER: -- which is on page 49.

2 THE COURT: "Each of the defendants named above"?

3 MR. BOBIER: That's right.

4 THE COURT: Any objection? Okay.

5 MR. BOBIER: And that's it.

6 THE COURT: And then as to willful blindness, the
7 government request that instruction. I believe the
8 defendants have objected. Am I correct?

9 MR. GOETZ: Yes.

10 THE COURT: Yes.

11 So I'd like to hear from the government as to the
12 evidence and the reasoning behind the willful blindness
13 instruction being given.

14 MR. BOBIER: Yes, Your Honor.

15 In this case good faith has been a recurring theme
16 from the defendants' cases. We have heard that most
17 recently from the defendant that took the stand this
18 afternoon and this morning.

19 But the two instructions, the good faith defense,
20 which Your Honor has included here and the parties have
21 agreed on, and the willful blindness instruction, are two
22 sides of the same coin.

23 The contention that good faith is a complete
24 defense to fraud is nullified if that good faith is
25 undermined by the facts, that facts and circumstances are

1 present such that a reasonable actor in the defendant's
2 shoes would have known or would have been on inquiry notice
3 of possible fraudulent conduct, but did not take steps to
4 inquire as to whether that conduct was in fact occurring.

5 We heard that a number of times. Just most
6 recently, to call out an example, there was testimony today
7 about forwarding emails and forwarding all of the supporting
8 materials we heard days and days of testimony on that
9 support these purported fraudulent claims, the rosters, the
10 invoices, the meal counts.

11 I think here, as elsewhere, this is really
12 emblematic of why the instruction is key for the jury's
13 consideration. They need to be advised of the law in the
14 Eighth Circuit, which is a defendant who willfully closes
15 his eyes to wrongdoing that would be patently obvious were
16 his eyes not willfully shut is criminally liable.

17 THE COURT: All right. Thank you.

18 All right. Who wants to go from the defense
19 first? Mr. Cotter.

20 MR. COTTER: One of the challenges with a
21 multi-defendant case, especially one of this magnitude, is
22 what might apply to one doesn't apply to all.

23 And in this particular instance what's bothering
24 me about this instruction and why for the record I object,
25 on behalf of Mr. Mohamed Ismail, to the inclusion of the

1 willful blindness instruction, because a willfully blind
2 defendant is one who takes deliberate actions to avoid
3 confirming a high probability of wrongdoing and who can
4 almost be said to have actually known the critical facts.
5 The portion is to "take deliberate actions."

6 While there has been certain folks that have
7 forwarded emails and been on certain emails, the theory as
8 to Mr. Ismail is that he knew what he was doing and was
9 involved in it. There was I don't think any deliberate
10 actions, any emails, any forwards of emails, that he was
11 just passing on that he, you know, took a blind eye to.

12 And I understand you're probably going to say,
13 well, Mr. Cotter, you can argue that to the jury, but, you
14 know, that's -- you know, the cat's already out of the barn,
15 so to speak. And so I object on behalf of Mr. Ismail.

16 THE COURT: Thank you.

17 MR. IAN BIRRELL: And, Your Honor, just briefly,
18 first, as a housekeeping matter. I would propose we operate
19 under the -- continue to operate under the approach that an
20 objection by one defendant --

21 THE COURT: All right.

22 MR. IAN BIRRELL: -- is an objection by all, which
23 I think the government is in agreement with too.

24 THE COURT: Yes. So I don't need you all to get
25 up and say that. I understand.

1 MR. IAN BIRRELL: Right. So for the record I also
2 object, of course.

3 THE COURT: Okay.

4 MR. IAN BIRRELL: But there's some Eighth Circuit
5 precedent that is pretty, I think, clear that the willful
6 blindness instruction should not be given where the evidence
7 points to either there was actual knowledge or there was no
8 knowledge. And I think that's the record that is most
9 clearly before the court here. It's not that the evidence
10 isn't that someone was burying their head in the sand, but,
11 rather, that either they knew or they didn't know, so --

12 And I'm just going to grab a case here. For
13 example, in *U.S. v. Fletcher*, 946 F.3d 402, a 2019 case,
14 citing *U.S. v. Hernandez-Mendoza*, 600 F.3d 971, a 2010
15 Eighth Circuit case. So I'd propose that is the factual
16 universe we have in this case.

17 THE COURT: Mr. Garvis.

18 MR. GARVIS: Obviously, without, again, noting an
19 objection, Your Honor, you know, obviously for Mr. Aftin, I
20 have an issue because my client's only facing conspiracy for
21 money laundering and conspiracy for wire fraud.

22 And if it's really the opposite coin as it relates
23 to good faith and this court's only going to apply good
24 faith to the substantive wire counts, then, I mean, that's
25 not really the two sides of the same coin.

1 And so for me, Your Honor, I would ask that if the
2 court's even going to entertain that, then the court should
3 entertain that good faith be expanded to basically for all
4 charges.

5 THE COURT: What's the -- I understand your
6 argument. What's the authority for including a good faith
7 instruction? I mean, I'm a little concerned about shifting
8 the burden here. Right? What is the authority for a good
9 faith instruction on the charges other than wire fraud?

10 MR. GARVIS: Well, I mean, outside of the -- I
11 realize the Eighth Circuit hasn't done it, but we do have
12 Eleventh Circuit case law. There has been other case law
13 that the defense has that would allow it, but, I mean, you
14 know -- and, again, I sort of reiterate what, you know, what
15 Mr. Birrell also just gave, which is, you know, this is
16 really either a knowledge or a no knowledge case.

17 I mean, I'm also confronted with, you know, not a
18 really willful blindness component as it relates to the
19 evidence against my client, but allowing that to come in
20 allows a blanket to be applied to him that I don't think is
21 appropriate.

22 THE COURT: All right. Thank you.

23 Mr. Sapone.

24 MR. SAPONE: So, Your Honor, I've seen a good
25 faith charge applied in a variety of cases outside of just

1 mail and wire fraud. For example, I've seen it in 66 cases
2 in tax cases. But, admittedly, until this case, the case
3 before Your Honor, I haven't encountered it in the context
4 of a money laundering case, until I did legal research late
5 at night and found *United States versus Martinelli*, which is
6 an Eleventh Circuit case. The cite I have here is *U.S.*
7 *versus Martinelli*, 04-13977, Eleventh Circuit, 2006.

8 And I can just tell Your Honor that in this case,
9 at the trial court level, the defendant asked for a good
10 faith charge, and the court did not give it. And when the
11 Eleventh Circuit took the case, they said that Martinelli
12 was right at the trial court level because the threshold is
13 so low for a defendant to, you know, get the charge, that if
14 there's some evidence in the record --

15 THE COURT: Sorry.

16 MR. SAPONE: -- that a defendant acted in good
17 faith, then that defendant should, should reap the benefit
18 of it.

19 The Eleventh Circuit, however, did not reverse on
20 that ground for another reason, which is it was covered
21 somewhere else. If the charge is covered elsewhere in a
22 voluminous charge, then the circuit court is not going to
23 disturb what the trial court did. That does not mean that
24 it was correct in the first instance.

25 And if Your Honor would read it, I could point you

1 to the sort of language, it's in Roman numeral III, where
2 the court goes into it. And basically, in my opinion, what
3 the court is saying is, yeah, that should have been given,
4 but I'm not going to disturb it at this point, so.

5 THE COURT: Sure.

6 MR. SAPONE: Just throw that in there, and we
7 learn something new every case.

8 THE COURT: All right. Thank you.

9 MR. SAPONE: Sure.

10 THE COURT: I'm going to take that one under
11 advisement, and we will email you tonight, all right, as to
12 the good faith charge.

13 MR. BOBIER: Your Honor, if I may add one thing to
14 that point?

15 THE COURT: Yes, I would like you to.

16 MR. BOBIER: Thank you.

17 So, just quickly, if Your Honor is reaching for
18 authority on this, I can provide guidance. The Eighth
19 Circuit has done that. *U.S. v. Whitehill*, 532 F.3d 746.
20 This is an Eighth Circuit case. It is a money laundering
21 case. And it is one in which the Court of Appeals both
22 affirms the willful blindness instruction having been given
23 and affirms that the trial court refused to give the good
24 faith instruction.

25 So I may have been overly charitable, as

1 Mr. Garvis pointed out earlier, in calling them both sides
2 of the same coin. The fact remains here willful blindness
3 is apt based on the facts and sort of presentations as this
4 case has rolled along.

5 You know, we've heard from the counsel
6 representing those defendants that acted as vendors in this
7 case that the criminal responsibility really lies elsewhere,
8 it's not with the vendors, they were just providing food and
9 aren't sort of responsible for opening their eyes to how
10 that food was used or whether the amount of food provided
11 was meeting the qualifications.

12 We've heard from counsel representing the
13 defendants that acted as site operators to sort of take a
14 different, but similar tact, saying that, well, you know, it
15 was really the sponsor's obligation to provide training, to
16 provide clarity, to provide instruction on how the
17 Department of Agriculture and MDE's requirements could be
18 met.

19 We've seen this sort of from all corners here.
20 And the government is just concerned that absent this
21 pattern instruction from the Eighth Circuit the jury will be
22 ill-equipped to match the law to the facts that they've
23 heard now over the past six weeks.

24 THE COURT: Without the willful blindness
25 instruction, is what you are saying?

1 MR. BOBIER: Yes. Thank you.

2 THE COURT: What do you think the harm is in
3 giving the good faith instruction as to all counts?

4 MR. BOBIER: Well, I think our concern is only the
5 way the pattern instruction is drafted. It, as Your Honor
6 pointed out, reiterates from the Eighth Circuit the
7 attention to the wire fraud count, in particular. And
8 sitting here, I just don't feel equipped in the case law to
9 say that the Eighth Circuit has expanded the application of
10 that instruction beyond wire fraud counts. I just don't
11 know.

12 THE COURT: Could you remind me, someone from the
13 defendants, whether there was a proposed good faith
14 instruction that covered all counts?

15 MR. GARVIS: Yes.

16 THE COURT: Thank you.

17 Mr. Mohring.

18 MR. MOHRING: I will speak to that, if you wish,
19 Your Honor.

20 THE COURT: I do wish.

21 MR. MOHRING: We offered a proposed instruction I
22 think in the iteration where we merged all of our
23 instructions with the government's or where the government
24 was kind of enough to do that. It was Instruction
25 Number 61.

1 THE COURT: Okay.

2 MR. MOHRING: And it was imperfect in this.

3 So in that instruction the first paragraph was --
4 took the Eighth Circuit's approved wire fraud good -- or
5 fraud good faith instruction and modified the first
6 paragraph to encompass all of the counts.

7 I neglected to do the same for the third
8 paragraph, but it's a really -- it's a simple edit, and it
9 can be as simple as --

10 I had it right here. I'm sorry.

11 (Court confers with law clerk)

12 MR. MOHRING: Here we go.

13 THE COURT: All right.

14 MR. MOHRING: If I may.

15 So the first sentence, "One of the issues in this
16 case is whether defendants acted in good faith. Good faith
17 is a complete defense to the crimes charged," period.
18 Because it is simply inconsistent with a finding that the
19 defendant had the specific intent alleged in the charges. I
20 think that would be sufficient. We don't need to go through
21 the laundry list.

22 And then, if I'm making sense, then in the third
23 paragraph, The prosecution has the burden of proving beyond
24 a reasonable doubt that each defendant acted with criminal
25 intent, period.

1 I think those, those edits more straightforward
2 than what we submitted -- apologies for that -- would
3 accomplish the task of making the good faith instruction
4 apply to the charges in the indictment, as the case law we
5 believe indicates that it does or should and as the Eighth
6 Circuit's instruction does not yet do.

7 Beyond that, I would just join in the view that,
8 that if good faith is the reason for willful blindness and
9 to refute that, that willful blindness should either -- that
10 the good faith instruction should either apply to all or the
11 willful blindness instruction should be limited, likewise,
12 to wire fraud, if that's the link.

13 THE COURT: All right.

14 MR. MOHRING: And I can, if the court wishes, I
15 can do this edit fairly quickly once we're done and
16 circulate that draft around to the parties and the court.

17 THE COURT: My issue is that the model instruction
18 talks about fraudulent intent, which is a different intent
19 than other criminal intent for the other crimes in the case.
20 That's why I'm hesitating.

21 I don't know that it's as simple as just
22 changing -- I mean, the language, yes, just a simple, but
23 I'm not sure under the law. I'd like to take another look
24 at the Eleventh Circuit case and the Eighth Circuit case and
25 consider the issue. That's what I'd like to do.

1 The willful blindness instruction is staying in.
2 I see abundant evidence of an argument for willful blindness
3 here.

4 Mr. Birrell.

5 MR. IAN BIRRELL: Your Honor, I don't have a case
6 on this, but just briefly on the good faith.

7 I think, in my eyes, the good faith applies to
8 wire fraud because it negates the intent to defraud. And I
9 think the same logic would apply for the federal programs
10 bribery counts, because I don't see any way a person can act
11 in good faith and also act corruptly.

12 THE COURT: What do you think about money
13 laundering?

14 MR. IAN BIRRELL: And the money laundering, the
15 language is know that the check or wire transfer, whatever,
16 involved the proceeds of the criminal offense. So I think
17 the same logic applies there. I just -- I don't see any way
18 a juror or a person could kind of hold those two in their
19 head at the same time.

20 THE COURT: Because the money laundering is sort
21 of a parasitic count?

22 MR. IAN BIRRELL: Right.

23 THE COURT: All right.

24 MR. BOBIER: Your Honor.

25 MR. IAN BIRRELL: But I don't have a case, so.

1 THE COURT: Mr. Bobier.

2 MR. BOBIER: If I may.

3 Government tech took me a second to be able to
4 pull up the pattern instruction here, but now that I have
5 it. So I'm reminded, Your Honor --

6 THE COURT: Which -- I'm sorry. Good faith or
7 willful blindness?

8 MR. BOBIER: Good faith.

9 THE COURT: Go ahead.

10 MR. BOBIER: I'm reminded, Your Honor, that in the
11 committee comments, the notes, it does talk about a
12 converse, but it explains it better than I had attempted to.
13 It says, "Since a good faith instruction is essentially a
14 converse of the intent to defraud instruction, courts have
15 held adequate instructions on intent to defraud are
16 sufficient to present the issue to the jury." And it goes
17 on from there.

18 The reason I point that out is the scienter for
19 these counts is different. You are right that mail fraud is
20 a parasitic count, but the jury need not find fraudulent
21 intent on the mail fraud, in particular, to return a guilty
22 verdict on that count.

23 THE COURT: You mean on the money laundering?

24 MR. BOBIER: I'm sorry. Say again?

25 THE COURT: You mean on the money laundering?

1 MR. BOBIER: I do, Your Honor.

2 THE COURT: All right.

3 MR. BOBIER: A long day. I apologize.

4 THE COURT: No, that's all right.

5 MR. BOBIER: So my concern is muddying the waters
6 on different scienter requirements, which I think is why at
7 some length the committee notes on the good faith
8 instruction direct actually with particular attention -- the
9 very first footnote is see Instruction 618.1341, which
10 defines intent to defraud in the context of mail fraud.
11 That instruction is tethered explicitly to a particular
12 statutory scienter requirement, which is a field of the
13 scienter requirement in the other counts.

14 I think that is consistent with the way the Eighth
15 Circuit drafted this instruction, which is to cabin it
16 particularly to mail and wire fraud, and I'd propose that's
17 how the court should apply that instruction here as well.

18 THE COURT: All right. All right. Thank you.

19 MR. MOHRING: Just one additional point, judge,
20 and I promise I will be brief.

21 THE COURT: That's all right.

22 MR. MOHRING: Thank you.

23 So I would also in the court's considerations ask
24 specifically that the court, in making these assessments,
25 also consider the defendant's right to present a theory of

1 defense instruction.

2 The scienter requirements may differ from these,
3 but that doesn't rise or doesn't equate to the fact that
4 good faith is not a defense to each of these. And we're
5 just asking for that instruction also in the spirit of a
6 theory of defense instruction.

7 THE COURT: All right. Thank you.

8 Any other issues with respect to the jury
9 instructions, aside from this good faith and willful
10 blindness issue?

11 Mr. Cotter.

12 MR. IAN BIRRELL: Go ahead. You are standing up.

13 MR. COTTER: I'm sorry, judge. I know this --

14 THE COURT: Reading Westlaw on your phone? Is
15 that what you are doing?

16 MR. COTTER: Yes.

17 THE COURT: That's impressive. My eyes aren't
18 that good, so I'm impressed.

19 MR. COTTER: Actually, this is Google. I just
20 have FindLaw, to be honest with you.

21 This guy is so much far superior to me, it's kind
22 of embarrassing me right now.

23 But, in any event, this is on the willful
24 blindness. You are giving the instruction. And I'll cite
25 the case *U.S. v. Hansen*, Eighth Circuit. And since it's a

1 FindLaw, I have it at 14-2188, 2015.

2 All I'm asking the court to consider, in that case
3 they upheld, you know, the willful blindness instruction,
4 but the instruction that was given to the jury in that case
5 was specifically cited, and I think it's apropos to this
6 case, the last sentence.

7 So I'm asking that the last sentence be changed
8 to, You may not find the defendant acted "knowingly" if you
9 find -- let me just pull up the exact words. Just hold on a
10 second. Gol dang it.

11 THE COURT: Did it add "reckless"?

12 MR. COTTER: Excuse me. I have it.

13 -- "knowingly" if you find the defendant acted
14 negligent, careless -- negligent, careless, reckless, or
15 believed in an inaccurate position.

16 That's how it was stated in that case that was
17 upheld. It was a -- and I think that it more
18 specifically -- you know, part of what's been presented here
19 in this case, one side of the coin, again, is that you were
20 willfully blind. The other side is you were believing in
21 inaccurate information, you know. And that's still for the
22 jury to decide. I think it states it a little bit more
23 succinctly, and it does add the work "reckless" in, and I'm
24 asking that that sentence be changed.

25 THE COURT: It's in there.

1 MR. COTTER: Is it the new one? Did I read off
2 the old one? Well, I apologize.

3 THE COURT: I added "reckless."

4 MR. COTTER: Well --

5 THE COURT: Because of your advocacy.

6 MR. COTTER: I'm going to go -- I'm going to sit
7 down.

8 Well, do you want me to do my last nit while I'm
9 up here?

10 THE COURT: Yes, please.

11 MR. COTTER: And then I promise I'll sit down for
12 the rest of the time.

13 THE COURT: Yes, please.

14 MR. COTTER: This was on the conspiracy to commit
15 money laundering and page 46. The paragraph before it goes
16 into the elements of money laundering says, "A person" --
17 excuse me -- "To help you decide whether the defendant
18 agreed." I'd ask, propose that it said "To decide." Take
19 out "help you." I don't think that we're helping the jury
20 decide. You know, that's the specific predicate elements of
21 the offense of money laundering.

22 So "To decide whether the defendant agreed to
23 commit the crime money laundering, you should consider," and
24 the elements, instead of "To help you."

25 THE COURT: Any objection?

1 MR. BOBIER: No position on that, Your Honor.

2 MR. COTTER: Thank you.

3 THE COURT: Well, I think that makes sense.

4 Mr. Mohring.

5 MR. MOHRING: Thank you. I'm not revisiting
6 anything.

7 I raise a concern about the conspiracy to commit
8 money laundering instruction in -- and I'm looking at the
9 version that I got last night or yesterday, B-3. And at
10 least in what I printed out, it's Court's Jury Instruction
11 Number 27, but it's the conspiracy to commit money
12 laundering.

13 THE COURT: And now it's Number 26 --

14 MR. MOHRING: Okay. Got it.

15 THE COURT: -- because we dropped one.

16 MR. MOHRING: So the indictment charges
17 concealment money laundering conspiracy. It does not charge
18 concealment money laundering substantive counts. And so I
19 appreciate the court's effort.

20 And there is in what was to me the highlighted
21 section further down a discussion of concealment money
22 laundering in the form of the elements of money laundering,
23 which the court can -- which the jury can consider in
24 connection with -- and in the assessment of conspiracy to
25 money launder.

1 I'm asking that the court consider adding
2 concealment to the actual elements of the conspiracy as
3 those are stated; and unless I am missing it, it's not
4 there.

5 What I would ask is that the first -- the court
6 consider -- it seems to me the first element would be the
7 place to do it and that the court consider adding, one --
8 for element one of the actual conspiracy elements, two or
9 more people reached an agreement to commit the crime of
10 concealment money laundering or money laundering to conceal.
11 It seems to me that that would be the, that would be the
12 element where the concept of concealment would fit best.

13 And I do think that because it's concealment money
14 laundering that the prosecution has elected to charge in the
15 indictment, that actually having the concept concealment in
16 the actual elements of the conspiracy is appropriate.

17 THE COURT: So it is in element four, the attempt
18 to conceal.

19 MR. MOHRING: Not in the iteration that I'm
20 looking at, Your Honor, so apologies if it is.

21 MR. IAN BIRRELL: I think the proposal is to
22 basically change the name of conspiracy to commit money
23 laundering to conspiracy to commit concealment money
24 laundering, to sort of distinguish it from the substantive
25 money laundering counts that follow, so to avoid kind of the

1 mixing of the two names.

2 THE COURT: Say that again, Mr. Birrell.

3 MR. IAN BIRRELL: So it's down lower.

4 MR. MOHRING: Okay.

5 THE COURT: You wanted to change the title? Is
6 that what you are saying?

7 (Counsel confer)

8 THE COURT: You can go off the record, Renee.

9 **(Off the record)**

10 THE COURT: All right. Let me take that into
11 consideration.

12 MR. MOHRING: The concern that I have, and I
13 appreciate that, Your Honor, is that the substantive
14 elements that appear later on -- they do talk about
15 concealment, but that's offered up as just in deciding this
16 you may consider these as opposed to something that the
17 government actually has to prove, which is an undertaking
18 that the government took on by charging concealment money
19 laundering, not just money laundering, but --

20 THE COURT: Okay. Thank you.

21 MR. MOHRING: That's one.

22 THE COURT: Yep.

23 We're back on the record, Renee. Thank you.

24 **(On the record)**

25 THE COURT: I'm sorry. You said that's one. I

1 was ready for two.

2 MR. MOHRING: I'm sorry.

3 THE COURT: I just wasn't looking at you.

4 MR. MOHRING: I didn't want to --

5 So the second thing I would like to put on the
6 record is a request on the Rule 1006 summary chart
7 instruction.

8 It's true and I'm not -- there's a comment or
9 there's an optional chunk of the instruction that follows
10 what is in the court's instruction. The first sentence of
11 that talks about a challenge to accuracy. There is no
12 challenge to accuracy.

13 We would ask that the court replace that sentence
14 with language saying, *However, the characterization*
15 *decisions of certain summary charts has been challenged,*
16 *which I think is true.*

17 Whether that is done or not, I would ask that the
18 court include the rest of that instruction, which says, *It*
19 *is for you to decide how much weight, if any, you will give*
20 *to them. In making that decision, you should consider all*
21 *the testimony you heard, about the way in which they were*
22 *prepared.*

23 So I'm asking -- we're asking for all of that, but
24 at least the section that begins after the Eighth Circuit's
25 instruction's discussion of challenges to accuracy.

1 THE COURT: Mr. Bobier.

2 MR. BOBIER: Your Honor, the Eighth Circuit
3 pattern instruction sort of answers this inquiry, I think.
4 Both of those two sentences, the one Your Honor has already
5 said won't be included and the second sentence Mr. Mohring
6 described, those all appear in the same brackets. Those
7 aren't two alternative options, the way the Eighth Circuit
8 is presenting it. Either the switch is on, meaning there
9 was a challenge prior to admission of 1006 summaries, in
10 which case that entire block may be considered, or the
11 switch is off. There was no challenge timely made and the
12 entire set, both sentences, should be excluded.

13 THE COURT: I've ruled on this issue, so I
14 appreciate the record. Thank you.

15 MR. MOHRING: Okay. The next thing that I have is
16 to make a request that the court consider and use, on the
17 wire fraud instructions, defendant's proposed 38 and 39. I
18 know you ruled on -- I believe you ruled on this.

19 I just want to state for the record that I believe
20 the law in this area is changing and that those changes are
21 reflected in the instructions proposed by the defense in 38
22 or 39 -- and 39. The law is changing in terms of elevating
23 the definitions of intent and also the notion in the
24 Eleventh Circuit and Second Circuit, in particular, about
25 the requirement of a deprivation of property.

1 And so I think this is a situation where, again,
2 the law is changing. That change has not reached a
3 published and controlling decision of the Eighth Circuit,
4 but it's coming, I believe and hope. And so that was the
5 basis for the request for those instructions, instead of the
6 now one wire fraud instruction elements that the court has.

7 I have two --

8 THE COURT: One moment. I have ruled on this as
9 well, but I am -- and whether the model changes and whether
10 the Eighth Circuit states this more clearly, the way I ruled
11 was that the -- (a) I'm following the pattern and (b) the
12 pattern does include a statement that a scheme to defraud
13 includes a plan or course of action intended to deceive or
14 cheat another out of money or property. And, therefore, I
15 believe it covers the case law.

16 MR. MOHRING: Two more.

17 THE COURT: Yep.

18 MR. MOHRING: We proposed an instruction on
19 pretrial publicity. It is the second to the last
20 instruction that we proposed. I did not see that, and
21 apologies if I missed it, but I would ask that the court
22 consider adding that.

23 THE COURT: Does the government object to the
24 pretrial publicity instruction?

25 MR. BOBIER: Could we -- do you have a copy,

1 Mr. Mohring?

2 MR. MOHRING: I've got too many copies, is what I
3 have.

4 THE COURT: I think our thinking was that it was
5 covered extensively in voir dire.

6 MR. BOBIER: This was the basis of some contingent
7 during the motion in limine phase, Your Honor, and I
8 remember voir dire being the chief --

9 (Counsel confer)

10 MR. BOBIER: Yeah, Your Honor, it's not an Eighth
11 Circuit pattern. But, in any event, you know, the
12 government's position is that this was well-handled, ably
13 and rather extensively, through an entire week of jury
14 selection to ensure that we had a panel unaffected by any
15 pretrial publicity of this case. So we'd submit that this
16 is not a necessary instruction.

17 THE COURT: That was my ruling before trial, and
18 we did cover it quite extensively in the week of voir dire.
19 So I'm not going to include it. I don't think this jury
20 needs it. They've been instructed on media a number of
21 times.

22 MR. MOHRING: Very last request --

23 THE COURT: Go ahead.

24 MR. MOHRING: -- is that in the special verdict
25 forms the court reverse the sequence and have it say "not

1 guilty" or "guilty."

2 THE COURT: Okay. Mr. Birrell.

3 MR. IAN BIRRELL: I have three nits, Your Honor.

4 On Jury Instruction Number 6, page 6, of the
5 newest version, the 1006 summary charts --

6 THE COURT: Yes.

7 MR. IAN BIRRELL: -- the clause, "even though the
8 underlying documents and records are not here." I think
9 many of the underlying documents and records are in
10 evidence. So I'd replace "even though" with "even if."

11 THE COURT: I could also say "even if all of
12 the" --

13 MR. IAN BIRRELL: Yes.

14 THE COURT: Government object?

15 MR. BOBIER: No objection.

16 THE COURT: That makes more sense. Thank you.
17 "Even if all of the." All right. Thank you.

18 MR. IAN BIRRELL: And then on Jury Instruction
19 Number 8, page 8 --

20 THE COURT: Yes.

21 MR. IAN BIRRELL: -- the first sentence in the
22 second paragraph, The witness's "guilty plea cannot be
23 considered by you as any evidence of this defendant's
24 guilt," I think should be "these defendants' guilt."

25 THE COURT: Agreed. All right.

1 MR. IAN BIRRELL: And then Jury Instruction
2 Number 10, on page 10, it's the same change, coming up in
3 the second to last sentence, third line from the bottom,
4 spilling over into the second line from the bottom.

5 THE COURT: Yes.

6 MR. IAN BIRRELL: And then my last item. I just
7 wanted to make clear for the record -- I know the court has
8 ruled on the passport fraud elements issue, but I just
9 wanted to make clear for the record that we request the
10 court follow the process approved by the, I believe,
11 California court in *U.S. v. Ahumada*, 13-cr-221, that the
12 court -- that we previously provided to the court and the
13 court received and considered.

14 We think the current construction collapses two
15 separate elements, willfully and knowingly, into one element
16 of willfully and knowingly. And I know the court has
17 considered that and disagrees with our conclusion, but just
18 wanted to make that clear.

19 THE COURT: All right. Thank you.

20 Mr. Carlson.

21 MR. CARLSON: Thank you, Your Honor. And just
22 one.

23 On page 22 of the new instructions, Instruction
24 Number 17, we would just request for element three, "the
25 defendant used, or caused to be used, an interstate wire

1 communication," we'd request that language be changed to the
2 statutory language from 18 U.S.C. 1343, which is
3 "transmitted or caused to be transmitted."

4 We think that's more precise, and we think that
5 "used, or caused to be used" could be interpreted
6 differently than what the statute intends.

7 THE COURT: This has been considered by the court.
8 I do find it odd that the pattern instruction doesn't track
9 the statute. Let me consider that.

10 MR. CARLSON: Thank you, Your Honor.

11 THE COURT: Does the government want to respond?

12 MR. BOBIER: No, Your Honor.

13 I'd just point out that the Eighth Circuit
14 committee is usually putting these out based on a
15 composition of case law having interpreted the statute.
16 Sitting here, I don't have a response based on that case
17 law. My expectation is it was a change made for a reason.

18 THE COURT: Thank you.

19 Anyone else?

20 All right. We will email you all with final jury
21 instructions. You are, if you wish, able to use the final
22 jury instructions in closing, if you wish to do so.

23 The jury will not have printed copies of the final
24 jury instructions until I start reading them at the end of
25 closings. I don't want them to be distracted from your

1 closings, and so that's my typical practice, but it is my
2 practice to give them copies of the instructions while I
3 read them.

4 They will have, as I mentioned, the verdict forms
5 with them during closings to help them track the counts.

6 I will also, when we email final instructions, I
7 will email a rough schedule of closings for tomorrow now
8 that I know your approximate timings so that those of you
9 who are closing will have an idea of that.

10 Again, I won't keep anyone on a timer, but I think
11 what you've all indicated is what I expected and what's
12 reasonable for the case.

13 Anything further? All right. We'll see you all
14 tomorrow morning. Thank you. We're adjourned.

15 (Court adjourned at 5:07 p.m., 05-30-2024.)

16 * * *

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

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

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