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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,)	
)	File No. 22-cr-124
Plaintiff,)	(NEB/TNL)
)	
v.)	
)	
Abdiaziz Shafii Farah(1),)	Courtroom 13W
Mohamed Jama Ismail(2),)	Minneapolis, Minnesota
Abdimajid Mohamed Nur(4),)	Friday, May 31, 2024
Said Shafii Farah(5),)	2:07 p.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 XXVII OF XXX - P.M. SESSION

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

* * *

Proceedings recorded by mechanical stenography;
Transcript produced by computer.

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I N D E X

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* * *

IN OPEN COURT**(JURY PRESENT)**

1 THE COURT: You may all be seated.

2 Mr. Sapone, you may proceed.

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

4 At the beginning of this case we, on this side of
5 the courtroom, we told you that this case is about food, not
6 fraud. The government respectfully told you that there was
7 little to no food.

8 What we saw for the last six weeks was millions
9 and millions and millions and millions and millions of
10 dollars used to buy food and even more food unfortunately
11 not paid for. The bank records showed what was spent on
12 food, and it was many, many, many millions of dollars. It's
13 all in the evidence in the M series; please look at it, as
14 Mr. Birrell suggested. And invoices, which do not show what
15 was spent, but what was gotten and just not paid for, which
16 was even more. Are all those millions of dollars little to
17 no food?

18 The government drew an early, wrong conclusion
19 about what happened in 2021, and they built a case around
20 it. They say that it's fraud because the numbers are high.
21 They say it's fraud because the meal count numbers are high.
22 But it's high only if what? Only if there is little to no
23 food. It is not high if the food was delivered. I hope we
24
25

1 can all agree on that.

2 And so that is the battleground here; that's the
3 question in the case. Not all those meal count forms that
4 the government kept putting up on the screen to show the
5 numbers, 3500, 1500, 3500; that's not the issue. That's a
6 red herring. That's designed to evoke, if not sympathy,
7 certainly something built upon passion, which is not how
8 decisions are made. And the judge will tell you something
9 about that. We use common sense. We don't make decisions
10 based on passion. Millions of dollars, millions of dollars
11 equals the numbers are not high.

12 The case has always been about food and not fraud,
13 but the government focused in the wrong way and, like an old
14 warship, it never turned around. They kept just going
15 forward with the same theory, and the theory is wrong.
16 They've always been looking in the wrong place.

17 I want to pause to say hello now. It's felt very
18 weird passing you each day and not saying hello. So hello.
19 It's nice to see you.

20 You may remember my name is Ed Sapone. My mother
21 calls me Edward; my friends call me Ed. And for the last
22 six weeks I have not helped around the house, I am in the
23 doghouse, so we won't say what my wife is calling me, but
24 here we are.

25 Now, it's been fabulous to share a courtroom with

1 everybody, from an amazingly intelligent judge, to very nice
2 people at this table. You may have noticed we actually get
3 along. It's not like Law and Order.

4 To my colleagues, who are not only hard-working,
5 but brilliant, thank you, folks.

6 Very respectful, family-oriented seven defendants
7 and their very family-oriented family, who have been here
8 every day and other members of the public to show support.
9 Even the media has been great.

10 It's been very nice to be here with everybody, but
11 most especially you, and I think you know why. I think
12 every morning the alarm clock has rung or your smartphones,
13 and you had to get in the car early and get here on time;
14 and you have done it without fail for six weeks, coming up
15 on six weeks. It's amazing. I saw how you've paid
16 attention, all the note taking. It's just incredible the
17 work that you've done. And one thing you will never know is
18 just how much we appreciate you, and that's a fact. Thank
19 you.

20 But let's get to the evidence and the lack of
21 evidence. The case is about what? Food, not fraud. That's
22 what the evidence has shown.

23 For Abdi Nur -- it's been an honor to represent
24 you, young man -- this boils down to a fraud case and a
25 money laundering case.

1 As to the fraud charges, the government says that
2 he knowingly, intentionally and willfully engaged in a
3 scheme to defraud. As to the substantive money laundering
4 counts, that is not the conspiracy, but the actual counts
5 that they claim are money laundering, the government says
6 that he knowingly wired the proceeds are fraud. And as to
7 the conspiracy to commit money laundering, concealment. And
8 that's what it boils down to for Abdimajid Nur.

9 In a nutshell, and I'll get to it right now, the
10 evidence has shown that there was no scheme to defraud.
11 There was a scheme to deliver food, which happened. And so
12 it's not fraud because they actually delivered the food.
13 And it's not money laundering because they actually
14 delivered the food. And so there's no proceeds of a fraud,
15 and there's no concealment.

16 We are here because the government immediately --
17 and this is back in 2021 -- they immediately concluded three
18 things.

19 Empire looked like Safari. They believed that
20 Safari was committing fraud. Empire looked just like Safari
21 to them. Small restaurant run by certain owners.
22 Incidentally, no connection. No one here owns Safari. But
23 it looked like it. So they immediately concluded what?
24 That Empire was committing fraud like Safari. They
25 concluded that was the first thing.

1 The second, the meal count numbers were just too
2 high.

3 And, third, the folks behind me made too much
4 money.

5 We are here because the government concluded those
6 three things. And from there, the investigation and, from
7 there, the prosecution was hatched and they never looked
8 back. They kept steamrolling straight ahead with that
9 initial theory before they had any proof whatever, and to
10 this moment they haven't looked back. Little to no food
11 they say.

12 And we are here because the government then did
13 three things. They concluded three things, and then they
14 did three things.

15 They followed what? In a federal food case, they
16 followed food? No. They followed money.

17 They failed to investigate in 2021, the only time
18 that it mattered. That's the second thing they did that
19 leads us here.

20 And they did in 2024, a few months before this
21 very trial, and, quite frankly, during the trial, what they
22 should have done in 2021. Do you accept that?

23 And now, respectfully, they're engaged in circular
24 reasoning. They're obsessed with meal count forms. Meal
25 count forms do not prove themselves to be fraud, but if you

1 think about it -- and it's so easy to be fooled. I'm not
2 saying that in a mean way. It's so easy to be taken in by
3 all of it, isn't it? You see the meal count forms on your
4 TV screens. The numbers look high, and you're thinking they
5 are too high.

6 And I said -- I hope I said in my opening
7 statement -- that this trial is like a tennis match. The
8 ball goes to and fro. And don't make a decision until you
9 have found all the facts, all the evidence and lack of
10 evidence, and you apply it to the law as the judge will give
11 you. In other words, until you're in that special room
12 deliberating.

13 So if looking at those meal count forms and
14 numbers and meal count forms and numbers, if you had -- and
15 no one is blaming anyone -- made a decision, get rid of it.
16 Wipe the slate clean. It's not right. That time hasn't
17 come yet. And meal count forms with numbers do not prove
18 themselves to be fraud. That requires more.

19 Presume Abdimajid Nur to be innocent for a moment.
20 Presume that for this moment. Presume he's innocent and
21 that he was helping to deliver food. Presume that the meals
22 counted were actually delivered, or another way to say it is
23 served, given out to the people, to the children. Presume
24 that for a moment, that it was a food distribution business
25 and that they've distributed food so that the meal count

1 numbers are correct. If the meals were served pursuant to
2 the numbers recorded, then what does it matter that
3 Abdimajid Nur sent a lot of emails?

4 I see you nodding. I can see the look changing.
5 We were taken in by lots and lots of evidence of lots and
6 lots of emails because the young man worked hard and did his
7 job and sent the emails as he was asked to, but that doesn't
8 prove fraud. Because if anyone had a job and was asked to
9 send emails and attach certain important documents to the
10 emails, that's what we all would do and that's what we all
11 do do. I can tell you are of that ilk, that you work hard
12 and you do your job.

13 So what is it that Abdimajid Nur sent lots of
14 emails with attachments such as meal count forms? Of course
15 he did that. Why wouldn't he?

16 The better question is, How did he do it? Did he
17 use a fake email address so that no one would detect that it
18 was him sending the emails, or did he just send emails with
19 impunity because he was working?

20 The question is not whether or not that young man
21 sent a lot of emails and what was attached to the emails,
22 it's how he did it. And he did it in an above-board, honest
23 way. And he worked hard day and night, like I told you in
24 the beginning you would learn.

25 So what is it that not only did meal count forms

1 get attached to the emails that Abdi sent, but invoices got
2 attached? Why wouldn't they?

3 And so what, that while the man for whom he worked
4 over at Empire is traveling in Kenya and he's away and Abdi
5 is here in Minnesota and he is trusted enough to do things
6 such as banking? What is it that Abdi sent checks to people
7 who were owed money, because they participated in the food
8 distribution? Of course he did that. Why wouldn't he? And
9 why shouldn't people be paid for the work that they did?

10 This is circular reasoning. Don't be taken in by
11 it. He did nothing wrong.

12 And why shouldn't he get paid for the work he did?
13 He certainly worked enough hours. And it makes perfect
14 sense why he would be chosen to do the job. Let's make no
15 mistake about it, folks. He didn't have experience as a
16 supervisor. As the government correctly points out, he had
17 just incorporated Nur Consulting. He wasn't like some of us
18 with a lot of white hair and gray hair and years of
19 experience.

20 He's still in the Army, and he comes home and it's
21 his first, I say, real job, because it's the first job where
22 he's toiling and breaking his back and working. And he's
23 actually getting paid very well. And why shouldn't he? Why
24 should everyone else make money and not him? Because he was
25 20 years of age? So he devoted his life to this job, and he

1 got paid handsomely. Why wouldn't he get paid?

2 But it's only a problem if you're taken in by the
3 circular reasoning. Oh, he sent emails; and, oh, there were
4 attachments to those emails. And look at the checks, look
5 at the wires. Right, look at them. Why wouldn't he do it?

6 So none of that proves what the government wants
7 it to prove, which is fraud. But what it does is it grabs
8 you by the heart because you get taken in by the fact that,
9 oh, there's another email, there's another meal count form
10 that you attached. How dare you send an invoice.

11 I want you to presume, please, that Abdimajid Nur
12 was excited to get married and assume that he went on a nice
13 honeymoon. Why is that so bad?

14 You know, there's a thing in our business -- and
15 the government knows this -- it's called primacy and
16 recency. We know from years of experience communicating
17 with folks like you that what we do first and what we do
18 last is what you remember and you sort of forget the stuff
19 in the middle. Not your fault. We forget too. It's just
20 human nature.

21 Why is it that in the government's presentation
22 they end with beautiful photographs of the Maldives? What
23 are they trying to do?

24 So then, you know, we peel back the layers of that
25 onion because, as Mr. Birrell said, that's what we do. We

1 don't just take things at face value. We don't just skim
2 the surface of things. We look deeply.

3 So the young man traveled for a day on the
4 beginning part of the trip and traveled for a day on the end
5 part of the trip. And how long was his honeymoon? So
6 presume that the young man was excited to get married and
7 wanted to take his bride to a nice place, so he took her on
8 a honeymoon for five days. And somehow that's supposed to
9 be fraud? Or was it offered for a different purpose?

10 Don't be taken in by that, folks. And I don't say
11 that with any meanness. It's just true. Don't be taken in
12 by that. That's not evidence of fraud.

13 Presume that the seaplane didn't cost thousands of
14 dollars, but it cost \$45. And it wasn't a private seaplane
15 for two people, but lots of people were on it because we
16 can't walk on water and had to get to the heart of the
17 bungalow, whatever you want to call it, where he was staying
18 with his new wife. Is a \$45 seaplane evidence of fraud, or
19 was it put up on the TV for a different reason?

20 You know, the judge is going to tell you that what
21 you don't do is you don't abandon your common sense and
22 reason at the revolving doors of the courthouse. You know
23 what happened with that, and you know why, and you know that
24 that is not evidence of fraud.

25 Presume for a moment that that bottle where the

1 cork was popped and it went flying into the pool was grape
2 juice, because he doesn't drink alcohol. Is a young man
3 popping a carbonated bottle of grape juice on his five-day
4 honeymoon evidence of fraud? Why was that so important?
5 Why did the government end the day with that? What were
6 they trying to do? Don't be taken in by that, folks.

7 Presume that Abdi Nur is innocent and he sees in
8 his community older men and women -- we saw this -- as
9 entrepreneurs. And as Paul Vaaler explained, it just so
10 happens that in that community everyone is an entrepreneur.

11 And, you know what, God bless you.

12 And the \$30,000 of jewelry that was purchased, did
13 the government prove anything more than that? I mean, we
14 spent so much time with graphs and charts and all this other
15 stuff. So they throw out the \$30,000 and where it was
16 purchased. And the question is why? Was it one expensive
17 piece of jewelry that he wore himself or gave to his mother
18 or his wife, or was it eight pieces of jewelry bought at
19 wholesale and sold at retail? Because he sees other people
20 as entrepreneurs.

21 So what they want to do is what? Show you half of
22 the story, but you don't see the other? And infer what?
23 Are you supposed to get angry at him because he bought
24 jewelry and where he bought it? It's like, you know what,
25 complete the narrative. Don't do that.

1 But that's what you're here for. That's what
2 you're here for. Because it's certainly not I that decide
3 who's guilty or not guilty, and it's also not the
4 government. It's you. But don't be taken in by it, and I
5 say it respectfully. I'm not being mean.

6 Presume that he comes home. He's in the Army,
7 never made real money. He's excited because he's making
8 money now, and he treats himself to Timberwolves tickets
9 because he likes the Timberwolves. Who doesn't like the
10 Timberwolves? Oh, some of us like the Atlanta team.

11 Is she here?

12 So, yeah, it's an expensive purchase perhaps, but
13 I could imagine worse things. You know, spending money on
14 worse things than going to see the Timberwolves win. But
15 why was it offered? Why do you think it was offered? Don't
16 be taken in by it. It's not evidence of fraud.

17 And he bought cars. Did the government bother to
18 check the mileage in the eight months or less that he had
19 those vehicles to see how much -- how many miles were on it?
20 Because maybe that would show something about what beyond
21 the purchase? It would show that maybe he's working himself
22 to the bone driving to all the sites. And you'd see the
23 mileage on the vehicles and what they were purchased for.
24 So it's less nefarious. But they didn't. All they wanted
25 you to know was he made purchases and somehow you would rush

1 to judgment and you would conclude: Bought things, you're a
2 criminal, I'm going to convict you. Don't be taken in by
3 it, folks.

4 How many witnesses sat in that seat and were
5 asked, with the meal count forms up on your TV screens, to
6 go through the meal count forms and how high the numbers
7 were, quote, unquote, and they had no clue what the numbers
8 were? And why didn't they have a clue as to what the
9 numbers were? Because none of them were there.

10 So it couldn't be that the government kept putting
11 them up on the screen and asking about the meal count forms
12 to all these witnesses, it couldn't be -- the reason
13 couldn't be because they offered anything important about
14 them, because half of them didn't even know what they were.
15 They could speak and read English, and they understood what
16 a number looks like, so they said 3500. But so what? What
17 probative value does that lend for you all that they can
18 read off of a form that they've never seen and they weren't
19 there? Why was it done so much? I think you know. Don't
20 be taken in by it. It's circular reasoning.

21 So I want to make this easy for you, because we
22 talked about those seats never having been featured in
23 Architectural Digest, yet being the most beautiful seats in
24 the country. It's not easy to sit in those seats, and we
25 know that.

1 So I'm going to give you my top ten reasons for
2 you to doubt, because what my learned counsel who preceded
3 me have told you is so true. This case is not about kids.
4 It's about the government has a burden to fulfill, a job to
5 do, and that is prove each element beyond a reasonable doubt
6 as you're presuming him innocent. That's what this is
7 about. It's whether or not they will sustain their burden,
8 the highest burden in American jurisprudence.

9 So let's go through. And there are many more, any
10 one of which should lead to you respectfully taking your
11 pen -- and you either have or will have a verdict sheet --
12 and checking "not guilty" for every charge. Any one of
13 these should lead to that. But let's go through the top ten
14 list of reasons to doubt.

15 The Bible says that a house built on sand will
16 fall. Will fall. This investigation, this case, this
17 prosecution was built on sand, and it only takes a little
18 bit of wind to make it fall.

19 The agent was looking and the numbers people, the
20 forensic accountants, were looking through the lens of
21 guilt. Because, as I said, Safari was the first restaurant
22 they looked at. They did not like what they saw. They
23 admitted on the witness stand that they thought right off
24 the bat it was fraud. And through the same lens, as they're
25 looking at Safari, what did they say they did right after

1 that? Who did they say they investigated right after that?
2 Empire.

3 Now, let's look at what they did as a result of
4 that. Maybe take the glasses off, put them down and don't
5 look through a lens of fraud and give it a fair shake. And
6 do your job. Respectfully, do your job because it is
7 important that you do your job. I'm not saying a lot of
8 hours weren't put in, but they're not the right hours and
9 here's why.

10 Did they go -- because they knew about this, I'll
11 say, they knew about this in 2021. Did they go and
12 interview people at the sites? No. We didn't hear any
13 testimony about that. No one said, I went to one of those
14 50 sites, I pulled my police vehicle over, my agent car,
15 which is unmarked, and I was in a nice suit with a nice
16 smile and I went and I talked to someone with a bag in her
17 hand.

18 Why not? And do you accept that? Because not for
19 nothing, it could be anyone sitting in that seat and that
20 seat and this and the rest of them. It could be anyone.
21 This is important. You had a suspicion. You didn't like
22 what you saw with Safari. You're looking through
23 fraud-colored glasses at Empire. Get in the car and go and
24 talk to people. And for the life of me, I don't know why
25 they didn't. Go to the sites, count the lines of cars

1 waiting to pick up food. And let's have a chart about that,
2 because we know that that happened.

3 And I want you to ask yourselves, please, right
4 now, is there any question in your mind that there were
5 lines of cars involved here of people, of parents and
6 guardians pulling up to grab a bag during the pandemic? Why
7 is there no flow chart about that?

8 They don't need a search warrant to stand on the
9 sidewalk and count people. The testimony was cute, I say;
10 Well, we don't like to get search warrants for mosques. I'm
11 sorry. This would not be the first time in American history
12 that that's happened.

13 But let's say you didn't want to go through the
14 trouble. Footnote, you got 300-some odd search warrants.
15 What's another one? Get a search warrant for Dar Al-Farooq,
16 one of the largest mosques around, with so many meals being
17 delivered. Go see what the story is.

18 But guess what? You don't have to get a search
19 warrant. Park your car, walk over on the sidewalk and look.
20 But they did not do that. And the question is, Why? And
21 the better question is, Do you accept that in a matter this
22 important? Why didn't they do it?

23 And as the people are leaving -- by the way, it
24 was in the parking lot of the mosque where the food was
25 delivered outside, so you don't even need to go inside and

1 disturb anything. But as they're leaving, ask them for
2 permission to talk to them. There's nothing wrong with
3 that. And say, May I look inside your bag? It looks like
4 you have food there. How many kids do you have? Oh, you're
5 picking up seven meals for the week? Cool.

6 Why not do it in a food case? The answer is
7 because they immediately concluded that this was fraud.
8 They immediately concluded that this was money laundering.
9 And what they did with all of those hours and days and weeks
10 and months of investigation, what they did is they just
11 focused where they wanted to on the money, on the bank
12 accounts. And it's not right, and it's dangerous. And
13 there are seven people sitting in this courtroom. And you
14 know of how big this is and how important this is. And it
15 could be anyone sitting in those seats. And wouldn't you
16 want it done if it were someone important to you?

17 It's unbelievable to me that that wasn't done.
18 And I say, Don't accept it. And I say, Check the line for
19 "not guilty" as a result of it. Reasons to doubt, top ten
20 list, this is one of them, and I'm not even done with it.
21 And, yeah, it might not be easy, but it's that simple. And
22 that's justice.

23 And guess what? They talked about other
24 indictments and other people. It's not their day in court
25 yet. Then learn something from it and do it right the next

1 time. And that's justice.

2 Why not go and conduct what we call physical
3 surveillance? Take pictures so that we could see back in
4 2021, as they now claim, that there were three people on a
5 line, not 30 or 300. Take a picture from across the street.
6 You're not invading the mosque. Not one picture? Take
7 video. But we're going to go there in 2024 and look at a
8 site? Do you accept that? What is the probative value of
9 that? Why would you go to a site in 2024 instead of in
10 2021? It's remarkable. It's unacceptable.

11 We talked about pole cams. You're too busy? You
12 don't want to talk to people? You don't want to look inside
13 bags? You don't want to count cars on line? Set up a pole
14 cam across the street, point it in that direction of the
15 parking lot and go home, and then have someone come and
16 retrieve it and see what happened. What does that take?
17 Why didn't they do it? How do you feel about that? In a
18 matter this important, how do you feel about that?

19 Cell site records. We've seen cases. We could
20 apply common sense and experience. You could imagine that
21 someone says that they're going to sites to work as a
22 supervisor to make sure that their operation is running. By
23 the way, he's not in the weeds with a pencil and a
24 calculator checking every meal. Okay? It's bigger picture,
25 sort of aerial view, just making sure they're doing it.

1 And he's handed information, Abdi is, and he's
2 passing it along. Normal. That's what teamwork is. You
3 got volunteers doing that stuff, probably young kids,
4 teenagers, younger than Abdi, helping. God bless them, by
5 the way.

6 And so to combat what a defendant might say, that
7 is, I got in the new car that I bought and I went to the
8 sites every day, and, look, I put 18,000 miles on the car
9 in, you know, three months. And then you could say, if
10 you're the government, well, I got your cell site records
11 and you were pinging off the tower near your house. It
12 looks like you were sleeping all day, not going to the
13 sites, so you're lying.

14 That happens all the time, cell site records. Why
15 didn't it happen here? Is there something about these seven
16 people, six men and a woman, that they don't deserve it? Do
17 you accept that?

18 License plate recognition or LPR. Right? These
19 days -- I read a book when I was young, George Orwell's
20 1984, Big Brother's watching. And I don't say this to be
21 cruel, but it sort of came to fruition. There's cameras
22 everywhere, right? You go through a toll booth, your
23 license plate gets picked up, and it happens at
24 intersections. It is very easy to get license plates these
25 days, LPR.

1 They would have seen if whether he went to the
2 sites to do his work or he was just collecting a fat check.
3 Why didn't they do LPR? Do you accept that? Were these
4 seven people not worth it?

5 The 300-some odd search warrants, other people's
6 homes, businesses, et cetera. Why not Abdi's home? Maybe
7 you could get the computer. So instead of relying on the
8 cloud, you would have his computer. You could have IP and
9 all that other fancy stuff that I don't -- I'm not very good
10 at that, which is why there is no PowerPoint. Okay? But
11 did they do that? Why not?

12 Who knows who put what on a cloud or when or when
13 it was edited. There was not even any testimony about that.
14 But I know from my daughters, who are great with that stuff,
15 you can tell who makes the edits and who adds to the cloud
16 and all that and when and all of that. Get the computer so
17 we don't have to rely on that stuff in like outer space.
18 Why didn't they do it?

19 Get Abdi's cell phone. Right? They were talking
20 about the WhatsApp messages that largely Abdiaziz and Abdi,
21 as to those group of the WhatsApp messages put into
22 evidence, about like the nature of those text messages on
23 WhatsApp. And it was largely like banking and checks and
24 such. But maybe if you got Abdi Nur's phone, his cell
25 phone, you would see other kinds of communication.

1 So if the government gets like sort of one group
2 of it and says they're not talking about enough food, well,
3 maybe Abdiaziz felt comfortable that those operations were
4 running smoothly enough, but there was no one to write the
5 checks or pick them up and go deposit them and send wires
6 and entrust the 20-year-old Abdi Nur to do it. So now in
7 addition to everything else Abdi Nur is doing, running
8 around like a chicken without a head, now he's got to do
9 banking and checks and wires. Why wouldn't he?

10 They talked to people in 2024, and what I say
11 about that is this: Too little, too late. Reject it.
12 You're the jury. Reject it as too little, too late.

13 And now let's juxtapose their witnesses who were
14 basically spoken to three years after the fact. And they
15 were asked to recall back to the craziest time, certainly in
16 my memory and some argue the craziest time since the Spanish
17 flu, they were asked to recall back to that time and do you
18 remember food being delivered or given out like near where
19 you were paying attention, if you were.

20 You're asking people three years after the fact.
21 What about ask them in 2021? How about that for an idea?
22 Do you accept that? And they're putting those witnesses on
23 the stand, whom they questioned three years later, some of
24 them right before the trial, to ask them to remember what
25 they think they remember from 2021. And that's a proper

1 investigation? When you're talking about the highest
2 standard in American jurisprudence, all the time and effort
3 that was put into this, but they didn't do that? I say
4 don't accept it. I say reject it.

5 But juxtapose all of that with our witnesses, the
6 defense witnesses. And, incidentally, you heard from
7 witnesses on the defense side after the government rested,
8 then it comes out through the defense witnesses who have no
9 burden to prove anything. We could lean back and count the,
10 you know, the light bulbs in the ceiling. We have no burden
11 to do anything. But what did those witnesses tell you?
12 They told you, I was there in 2021. I was there on those
13 days. And they stood behind the numbers on the meal count
14 forms.

15 So which evidence is more probative? People that
16 have nothing to do with the food distribution who were just
17 asked to remember from three years ago what they think they
18 recall about something that had nothing to do with them or
19 people who actually are there, who watched it or who did it?

20 Mukhtar didn't have to take the witness stand, but
21 he did. He told you. He stands behind those numbers. So
22 what do you say about that, members of the jury? Are you
23 going to decide a case based on witnesses who were asked the
24 questions three years late and who had nothing to do with
25 the food distribution what they think they remember, or are

1 you going to credit the witnesses who were there and did it?
2 And not just one; multiple. And if the answer is, as you
3 juxtapose those kinds of witnesses and you want to credit
4 the ones who were there and who did it and who knew and who
5 saw, then reflect it in your verdict. And not only is there
6 no shame in that, that's commendable. That's justice.

7 They all stood behind the numbers on the meal
8 count forms.

9 By the way, that very nice woman who worked in
10 the -- in the school, Dinna or Dina, 1,000 versus 3,000, if
11 you recall that testimony, and she sent the email, I don't
12 think there were that many, I remember it being like a
13 thousand. Mukhtar cleared that up, right? If you add the
14 two sites, which is the school and Dar Al-Farooq, then it
15 comes out to the numbers reflected on the meal count forms.
16 And there was certainly enough food and enough personnel and
17 it was happening, and he stands behind the numbers. She
18 didn't know. And if she knew anything and remembered
19 anything with accuracy, it was her school, which was half
20 the story. And actually if you look at numbers, less than
21 half. But you really wouldn't have known that unless
22 Mukhtar took the stand.

23 Too little, too late. Not fair, not right.
24 Unacceptable.

25 The government claimed that Empire was just too

1 small to have delivered those numbers of meals like they
2 argued Safari was. We saw Empire. It was just too small.
3 And what did the government do throughout the trial? More
4 of the same as they were doing with other things, other
5 photos and other emails, for like, I don't know, like a
6 quick bang impression. But when you look past the top layer
7 and you peel back the layers of the onion, there's a
8 different story exposed. What do I mean by that?

9 They say that Empire was too small, and they kept
10 putting up the picture of Empire. And I guess the reason
11 they were doing it is so that you look at Empire and you
12 don't look -- you don't think it looks that impressive, and
13 you think it looks small. And how could that many meals be
14 delivered through a small restaurant like that? Was the
15 government right about that?

16 Let's put a pin in that before I tell you. I want
17 you to recall at this moment that Paul Vaaler talked about
18 the diaspora. He talked about this community of people.
19 And he talked about what? Not only entrepreneurs as we just
20 discussed, but they trust each other. And they work
21 together and they band together. And a lot of times they
22 don't even need contracts; they just do the work together.
23 For example, they buy food together or they rent a warehouse
24 or a box truck together. They work together.

25 So I want you to please keep that in mind, and

1 let's just quickly talk about the pandemic.

2 Crazy time, life changing, shutdowns. Very sadly
3 people died. People out of work. Kids were out of school.
4 There was food insecurity because people lost jobs. They
5 couldn't put the right meals on the table, and there was a
6 need for food, and there was a scramble. And as a
7 community, as a society, we all scrambled to do what we
8 could, and different people had different ideas. And life
9 was very strange at that time, very strange. And there was
10 no blueprint for it. We did our best, and it was imperfect
11 at best. And I know you know that.

12 So now I'll answer the question. In that context,
13 in that framework, the government was right; Empire was too
14 small for that number of meal counts. But what the
15 government failed to realize, and I know they realize it
16 now, is that this wasn't a case about Empire delivering all
17 those meals. And think about Paul Vaaler for a moment and
18 think about what you've learned. What did they do? What
19 did these seven and others, not even indicted, what did they
20 do during that crazy time?

21 The government says that they got together and
22 formed a conspiracy. What the evidence showed is that they
23 got together, they banded together, and they did this
24 together. This was not a situation where it's Empire
25 delivering all those meals. And, oh, like Safari, Empire is

1 just too small, so we know the numbers are too large, the
2 argument goes, because Empire is not big enough.

3 But that is shortsighted. When we peel back all
4 the layers of the onion and look at it, it wasn't Empire
5 alone. It was lots of people banding together and getting
6 it done. And they formed LLCs to do it the right way. And
7 they got warehouses, millions of dollars of food purchases
8 and other invoices, and box trucks. And they organized, and
9 they put meals together, and they distributed meals, and
10 they packaged meals, and they handed them out.

11 So, respectfully, it is a bit misleading to say
12 and keep putting up on the TV screen the size of Empire,
13 because that's besides the point. This wasn't an Empire
14 situation. It was a large group who banded together and got
15 it done. And I know they made mistakes. I know it was an
16 imperfect process. There's no doubt about that. But what
17 was perfect back then?

18 And, you know, I don't want to blame other people,
19 but did the sponsors have any responsibility here? What
20 were they supposed to do, the sponsors? Educate, explain
21 things, how do you do it, what's the most efficient way.
22 These guys had no experience with this stuff. They're just
23 doing the best they can. And were the sponsors there to
24 help? Not one iota of help. Not one iota of guidance. And
25 I don't want to blame MDE, but were they helping? Was

1 anyone helping?

2 So they did the best they could, and they made
3 mistakes, and it was imperfect for sure, but that does not
4 equal fraud. Size of meal count forms doesn't equal fraud,
5 and mistakes doesn't equal fraud. And the fact that a
6 restaurant looks small on the outside, but when you look at
7 the life and the world within, it is much larger than it
8 appears, and that's what matters.

9 Lots of food. If you don't like the food supply
10 companies like, I don't know, U.S. Halal or Omaar Tuna,
11 that's your business. I think there's nothing wrong. You
12 don't have to be a Sysco or a Costco to be a real food
13 supplier. And especially with many people who like certain
14 kinds of food, maybe these other suppliers are even better
15 than Sysco. But you got your Sysco, your Costco, Omaar
16 Tuna, U.S. Halal, Afro Produce, Sam's Club, and the list
17 goes on. All real companies who really gave these folks
18 food, sold these folks food, and so much of it.

19 They formed LLCs. They got sites, the warehouses
20 and the trucks. And the millions, not only for food, but
21 the millions for overhead, because an organization like that
22 costs money. It's not just, I'm spending money to buy the
23 food. I have to pay people. I got to put gas in the box
24 truck. There's rent. There's leases. You folks know how
25 expensive things are. So millions and millions and millions

1 of dollars used to buy food, real food from real food supply
2 companies, and millions and millions and millions of dollars
3 used for overhead like vehicles and warehouses and gas and
4 salaries and everything, other supplies.

5 So there was this terrible thing that happened.
6 We got hit with this pandemic. And it reached us
7 eventually. We knew it would from the news. It was just a
8 matter of time. And I am sorry if people don't like the
9 idea that sometimes something good could come from something
10 bad. In other words, yes, you have an entrepreneurial mind
11 and you're thinking, What can I do during this time to do
12 something positive.

13 So the plan is hatched to deliver food during the
14 pandemic. And you might say, well, you shouldn't capitalize
15 on that because it's a bad time. And I understand that, but
16 that's emotional, isn't it? There's nothing wrong with
17 that. And what an idea to get involved in that, because
18 there was experience in the restaurant business and with
19 food already, but certainly not big enough, but because the
20 relationships of all these people, they banded together.
21 They got it done. I think it was fabulous, masterful. And
22 I'm sorry that it was during that time that the idea was
23 hatched to deliver the food, but it was an opportunity,
24 especially with that entrepreneurial mindset.

25 Mr. Thompson is right; people were desperate. And

1 people were not only desperate, but they had a lot of kids.
2 And you didn't need witnesses to tell you that, that in
3 certain communities they are blessed with lots of children.
4 And what did it take for a mother, a single mother, to come
5 to the line and say, I need a week's worth of food for my
6 five kids? And 5 times 7 is 35. And that's just breakfast.
7 And what about lunch? And now you're at 70.

8 And so when we talk about the clicker, I really
9 respectfully think it was disingenuous to play that and show
10 that to you. Click, click, click, click, click, click,
11 click, click. So that you could get what? Angry that
12 someone is just clicking with impunity? But then you go to
13 realize you're trying to catch up on the clicker because
14 someone might have gotten 35 meals. So you're going click,
15 click, click, click to get to 35 because there's another
16 person on the line.

17 But is it nefarious or is it life? Dealing with
18 the situation, doing the best they can as imperfectly as
19 they did it.

20 Abdi Nur, I understand his title is supervisor. I
21 understand there's the electronic signature Abdimajid on all
22 the forms. I know you saw so much of that. But Abdimajid,
23 as I said, is not in the weeds with a pencil and a
24 calculator counting meals. There's too much to do. Use
25 your common sense, I ask you, respectfully. There's too

1 much to do as a, quote, unquote, supervisor. Supervisor, he
2 never had a job like that. He came home from the army. But
3 you know what, he could get up at 5:00 in the morning
4 because he's got that army sort of ability to rise early and
5 work and push through. So he was the perfect candidate.
6 Young and smart and hard working. But he's not counting the
7 numbers or even the names.

8 Mukhtar told you, as it related to him, he's given
9 things and he's sending them off, and there's nothing bad
10 about that. That's what teamwork is.

11 So, you know, you got these young volunteers and
12 people are coming up on the line, a single mother with a
13 bunch of kids, or so she says. Oh, your name is not on the
14 list, but it is. And my kid -- and what are they doing?
15 It's during the pandemic. They're given the bag. And in
16 their minds -- you know, in the summer program the names
17 didn't even matter. And in the other one, they didn't
18 matter for a long time, and then all of a sudden they want
19 names. So, okay, let's do our best to try to recreate it
20 and get the names of who it was.

21 Do you think for one moment -- and I want to lean
22 into this later -- but do you think for one moment that they
23 meant, these folks here, meant to send to the MDE, you know,
24 the rosters with those names like to get over on the MDE?
25 Unique Problem. Do you think for one moment they thought

1 that that was going to fly well? Or was that a note that
2 someone wrote on the roster, some volunteer, we got a unique
3 problem here or a big problem or whatever kind of problem,
4 and then all of a sudden it's counted as a name? That's
5 ridiculous. No one, I argue, no one would think that that's
6 going to fly.

7 So it wasn't meant for fraud. It wasn't meant to
8 deceive. But I believe at the presentation in court it is.
9 And asking an agent, Did you go in the roster of the
10 Minneapolis Public School system and did you see a person
11 with the name of Unique Problem? I checked, but I didn't
12 see it. And have you ever known someone with that name?
13 No, I can't say I do. Up until now, have you found who that
14 child is? No, but I'm still looking. I mean, it's a little
15 insulting. There's a better use of time. It wasn't meant
16 for that.

17 So the rosters are not so nefarious after all.
18 People are scrambling. You know what they knew and you know
19 what mattered? That the meals were delivered. Because
20 these names and these faces and these people grabbing food
21 left and right and bags and breakfast and lunch and snacks
22 and suppers, what mattered was the food was given. The rest
23 of the stuff was after the fact. It was immaterial. It
24 didn't matter.

25 But what do people do when all of a sudden after

1 the fact you're asked? Now you're trying to scramble to go
2 and like count your time and count and get and things are
3 being handed. And it's not nefarious because it wasn't sent
4 in a nefarious way. Abdi emailed it from his email, like
5 abdinur19@aol or whatever it was. He's not trying to hide.
6 And doesn't that speak volumes?

7 So the first reason to doubt is the inadequate
8 investigation. And if you agree with me, that anyone
9 sitting in these seats deserve better and that any jury
10 deserves better, and they can maybe learn from the
11 inadequacies, then you'll reflect that in your verdict. And
12 not only is there nothing wrong with that, that's justice.

13 The second reason to doubt is that the
14 government's theory makes no sense. Little to no money
15 spent on food, which then morphed into food was bought just
16 to make it look good. I'm sorry, if you're buying a few
17 bags of groceries and a few oranges to make it look good,
18 that's one thing. But do you think for one moment that a
19 government theory, that whatever food they did buy was just
20 to make it look good, you accept that as a theory when
21 they're spending millions of dollars on food? And what a
22 large operation with all the accoutrements, that's just to
23 make it look good? That is nonsense.

24 As Mr. Birrell told you, M-13z, I invite you to
25 look at it, M-13z, M-48. And while you're at it, just for

1 good measure, all the M exhibits. And you tell us and
2 yourselves whether you think that all of that effort and all
3 of that money was just to make it look good. But if the
4 premise is wrong, how can the conclusion be right? If this
5 is the way this thing started, something as important as
6 this, how could the conclusion be right? It's not right.
7 None of this is right.

8 I have a fear that one day artificial intelligence
9 will replace jurors. That's not your problem. But I say
10 that no robot is as smart as the collective mind of the
11 jury. Because you all, when you band together and you
12 interject and deliberate with your individual life
13 experiences and you bounce things off of each other, that
14 twelve is the most brilliant being alive. Much more
15 brilliant than AI could ever be. It's that experience that
16 matters.

17 Think, folks, what self-respecting fraud ring
18 spends so many millions of dollars? Think, what scheme to
19 defraud has so many vehicles, excuse the pun, that are real?
20 The warehouses, the box trucks and everything. What scheme
21 has all that and is spending the money on all that? I think
22 two of those trucks, which were used, was more than a
23 \$100,000. Why would you buy it? You didn't have to buy it.
24 It's a reimbursement program. You could just sit back and
25 do nothing and collect the money. No one would know if you

1 have three box trucks or no box trucks. Why do it? And all
2 the warehouses and everything. Why? The answer is because
3 it's not what these folks are saying. They distributed the
4 food and millions of dollars of it.

5 So when you put it in that context, which is the
6 truth, then all of a sudden the meal count numbers don't
7 look so high. And if the meal count numbers are not so
8 high, and as everyone who actually knew accepted those
9 numbers, and as each of the seven by their pleas of not
10 guilty are standing behind the meal count numbers, folks
11 that were actually there, then it's not fraud. And the rest
12 of the things that were done in front of you so that maybe
13 you'd be a little upset. Oh, another email, Abdi. Another
14 invoice. You sent another meal count form. Then it doesn't
15 look bad because it's not.

16 So the second reason to doubt is that the
17 government theory makes no sense. And I ask you to reject
18 it, and I ask you to check the lines "not guilty" for each
19 and every allegation, because the theory makes no sense.

20 The third reason to doubt is that not one
21 government witness was there. How many times did we have to
22 ask them, You're talking about meal count forms and you're
23 opining about numbers, Were you there? No. And it harkens
24 back -- and all of this is connected, you know. It harkens
25 back to the first reason to doubt, which is there's no

1 reason for that. You should have just gone there and talked
2 to people and looked. And now it's going to be our problem
3 that you didn't do it? Because of the way things look? Is
4 that right? When they're presumed innocent? So that you
5 didn't go there and check it out so that you would know that
6 the meal count numbers were accurate, and now you're going
7 to come back three years later and ask people three years
8 after the fact and now it's their problem, right?

9 So it's not one government witness was there
10 versus on the defense side, that side of the courtroom,
11 multiple people were there, and they told you they stand
12 behind the numbers. So I suggest that you throw out the
13 testimony of the people who, what? Weren't there or were
14 asked -- it's not their fault. They were asked three years
15 later. They don't think it's possible. There wasn't enough
16 garbage for there to have been food delivered. Or maybe if
17 you went there back then, you would see that it was not
18 right there that the food was delivered, maybe around the
19 corner or caddy corner or whatever. It was a crazy time.
20 It wasn't like every T was checked and I was dotted. T was
21 crossed. It wasn't like that. But we'll never know because
22 they didn't do it and they waited and they go there now.

23 The government witnesses fall into three
24 categories. They weren't there; they were asked questions
25 about what they think they recall; they were asked three

1 years later or they went to the sites three years later.
2 That's the government witnesses as to the meal count
3 numbers, which is so sad to me because it's the whole crux
4 of the case. That's what the case is. So you're going to
5 count up dollars and cents and you're going to tell me on a
6 chart how many wires went to Kenya and if someone put money
7 into an investment project? But you're not going to tell me
8 that someone went there to look at the numbers? Please
9 don't accept it, folks.

10 Now I'm getting like Cotter; I'm getting a little
11 hot under the collar.

12 Abdi, would you give me a cup of water, please?

13 Her name was Dinna Wade-Ardley, by the way, the
14 nice teacher from the school.

15 Excuse me.

16 MR. COTTER: I know why you need it.

17 MR. SAPONE: The fourth reason to doubt is that
18 the case is built on speculation. And, listen, I'm not here
19 to give you the legal instructions because I'm only a
20 lawyer. That's Her Honor's job. She's going to give you a
21 very voluminous set of legal instructions, and you're going
22 to apply the facts as you find them because you're sort of
23 the judges of the facts, and you're going to apply them to
24 the law.

25 And one of those laws, one of those instructions

1 is, you cannot speculate. But it's a little strange because
2 the whole case is built on speculation. It's built on must
3 haves and couldn't haves. The forms must have been inflated
4 because Empire was so small. It couldn't have delivered the
5 food. Must haves and couldn't haves. But they weren't
6 there. And I know I keep saying it, but I can't help it. I
7 have to keep saying it, because it's true and there's
8 nothing more important.

9 When we analyze whether or not the government can
10 meet its burden of proof, that very high burden, it matters
11 that they weren't there. And it's killing me that they
12 could have been. And that's unacceptable. So you can get
13 upset about something and know it's wrong, but what are you
14 going to do about it? And you know what I think you should
15 do about it. That's justice.

16 Something is missing because big doesn't equal
17 bogus. It's not just throw it all in there and keep putting
18 it up on the TV screen and hope it sticks.

19 So what, things were bought? Any business person
20 earns money. What do they do with it? This isn't like
21 these purchases were nefarious. So you're going to invest
22 in real estate and vehicles and that's a big deal? So Abdi
23 went on a couple of trips, you know, with his boss and
24 that's a big deal? And it matters how you fly? Well, if it
25 matters how you fly, how did you fly for your honeymoon?

1 Coach. But that wasn't highlighted. Why? Because we're
2 talking about the elaborate trip to the Maldives. Why not
3 highlight that?

4 You cannot prove a fraud case backwards. What
5 they're trying to do is look at what they bought, and really
6 what it is is look at the fact that they bought things.
7 Because there's nothing wrong with what they bought. And
8 there's nothing wrong with these kinds of investments, and
9 none of them were intended to conceal. They were wires bank
10 to bank, traditional bank to traditional bank, and real
11 checks from real accounts signed by the people who are the
12 account holders. So you're going to try to prove the fraud
13 case backwards because look at what they bought and so they
14 must be fraudsters. It's circular, it's backwards, it's
15 inappropriate, and it's another reason to reject the case.

16 The fifth reason to doubt is CLiCS. So you
17 remember in a nutshell that CLiCS was that computer system
18 that you used to send meal count numbers, the sponsors do,
19 to MDE. And then from there eventually reimbursement money
20 is sent back to the sponsor, and then the sponsor pays out.
21 Right? CLiCS.

22 Did Abdi have access to CLiCS? Who were the only
23 ones who had access to CLiCS? The sponsors. Was Abdi the
24 one with direct contact to the MDE? Who had the direct
25 contact with the MDE? The sponsors. Did Abdi get the

1 reimbursement money from the MDE? Who got the reimbursement
2 money from the MDE? The sponsors. Did Abdi get 10 to
3 15 percent of all of the reimbursement money from the MDE?
4 Who got 10 to 15 percent on every meal that was paid out by
5 the MDE? Who got 10 to 15 percent? The sponsors.

6 Where were the people in this trial sitting right
7 there who did the CLiCS? How many people the government
8 called who did the CLiCS and put the meal counts in so we
9 can ask them a few questions? Zero. Not one. Why not?
10 Where is Kara Lomen? This is a gaping hole in this
11 prosecution, and it's another reason to doubt. It's
12 unacceptable.

13 We cross-examined the IRS criminal investigations
14 agent about this. And I just wanted to make the point, but
15 he couldn't give it to me. He said, well, I don't know who
16 had access to CLiCS. I said, but it's the sponsors only,
17 only the sponsors have access to that system. Go from the
18 sponsors right to the MDE, that's the line. Well, I don't
19 know if anyone else had access. Come on. That's not
20 honorable. The sponsors were the ones with the access to
21 CLiCS and the MDE.

22 And then I think I asked, Well, as you testify
23 now, do you have any knowledge that anyone else had access
24 to CLiCS? No. Please. That was an easy one, but for some
25 reason just didn't want to give it. This CLiCS is a

1 problem.

2 The sixth reason to doubt is Hadith Ahmed, because
3 he's Mr. I Know Everything on direct, yet I remember nothing
4 on cross. And, you know, you can ask for his testimony.
5 And if you do, I invite you to ask not only for the direct
6 examination, but someone's testimony is direct and cross.
7 And if you do ask for it, do you know what you're going to
8 learn? He said on cross-examination, "I don't remember," "I
9 don't know" or "I don't recall" 85 times. Did he say that
10 85 times on direct?

11 It was a beautiful tennis match back and forth
12 with the government. He knew everything on direct. And
13 then the minute we get on cross, he starts giving Ian
14 Birrell a hard time and Steve Schleicher a hard time, and he
15 never stopped giving a hard time. And he wanted to answer
16 the questions he wanted to answer, and he didn't want to
17 answer how Mr. Goetz was just, please answer the question.
18 Why?

19 You know, when you judge someone's credibility as
20 they testify under oath as a testifying witness, that
21 matters. The body language matters. The 85 times "I don't
22 recall" on cross-examination matters. Yet, like taking
23 candy from a baby, on direct everything was perfect. And I
24 say he lied. And there's a charge, falsus in unum, which is
25 if you think someone lied about one thing, you could either

1 reject that one thing they lied about or you could throw
2 their whole testimony in the garbage. And that's where I
3 think his belongs, because he wasn't honest.

4 And that's a person who admittedly was involved in
5 so much fraud over and over and over, and he didn't even try
6 to say that, that all of that fraud in his life and what he
7 did was connected here, because that man had his hands in a
8 lot of pots. So put these folks aside for a moment. Would
9 you trust that man to even buy a vacuum cleaner from him?
10 But you're going to trust him in a matter this important?

11 And he has a motive. You see, his motive to
12 commit all those crimes and all that fraud was -- and he
13 admitted it -- I wanted money. Now, his money is clearly
14 important to him, but don't you think that his liberty is
15 even more so?

16 So when you have a witness like this, and this is
17 why we put in, over here, we put in the plea agreement, the
18 cooperation agreement, the information, I ask you to look at
19 those things. Because he was ready, he was ready for us.
20 Well, I have to tell the truth. Oh, so you've been a liar
21 your whole life, you're stealing and cheating, and now all
22 of a sudden you're supposed to be believed? Why is that?
23 Because I have to, it's the agreement. And of course it
24 says that. Do you think the government is going to offer an
25 agreement that doesn't say you have to tell the truth?

1 But it's up to the government to determine that.
2 The judge determines sentencing, what his sentence should
3 be. And whether or not to take that cooperation agreement
4 and rip it up and throw it in the garbage, that sits at this
5 table. It's up to them, and it's up to them to write what
6 to Her Honor? A 5K1 letter. Do you remember what that was?
7 That's the government motion at the time of sentencing which
8 tells the court all the kernels of information, all the
9 wonderful things that the cooperator gave to the government
10 to provide, quote, unquote, "substantial assistance" in the
11 investigation or prosecution. And whether or not to write
12 the 5K1 letter is at this table. It's the government that
13 decides it.

14 And what were his three choices? He got nailed,
15 right, so he's arrested. He's staring down the barrel of
16 decades in prison for the dishonest crimes that he
17 committed, all the fraud crimes, and he knows that. He gets
18 a lawyer. He lawyers up. He's got three choices: Take it
19 on the chin and take a plea. Fight the case, right? You
20 think you're not guilty, fight the case and wind up at a
21 trial like this one. Or plea with cooperation.

22 But he doesn't take a lot to conclude that his
23 choice to cooperate was because that was his way of trying
24 to avoid jail. Because he knew he would get blown away at a
25 trial, and he knew that a straight plea wasn't going to get

1 him across the finish line on a sentence. He would plead
2 guilty, nice, there would be some benefit for that, and he
3 would go to prison, federal prison. So his only way was to
4 try to cooperate.

5 Now, if he sat down at that first proffer with the
6 government, or any proffer for that matter, and that is a
7 meeting between the government and the subject, and said, I
8 understand there's a trial coming up, these guys are
9 indicted, they didn't do anything wrong, it was other
10 people, the other 80 people or 70 people that are indicted.
11 Let's focus over there. He's not going to get credit for
12 that. He's not going to get credit for telling the
13 government that people did not do something, and he knows
14 that. So everyone is getting thrown into the pot.

15 But do you believe the word of someone like that?
16 In a matter this important in your own lives, would you
17 trust the word of someone like that, an admitted fraudster
18 who is doing it all because he loves money? What about
19 freedom? And you will see that he can say all he wants, he
20 can say until the cows come home, I have to tell the truth.
21 But if he gets caught, he's in no worse position, minus
22 maybe they would blame him for lying. But what would happen
23 is they would rip up his cooperation agreement or he
24 wouldn't get one. So he took his shot and he wound up here
25 and he's testifying and he is doing that because he wants to

1 avoid jail and he had to admit as much.

2 And so I wouldn't believe a thing he said. He
3 doesn't all of a sudden become honest because he winds up in
4 this courtroom after a life of lying and stealing and
5 cheating.

6 The seventh reason to doubt is that in our
7 business there's like an old joke, that when the law is on
8 your side, you pound the law. When the facts are on your
9 side, you pound the facts. And when neither are on your
10 side, you pound the table. But if the government started
11 pounding the table, they might get in trouble, so they've
12 resorted to gimmicks.

13 And I am arguing to you that the reason they did
14 that is because they know they didn't meet their burden, and
15 they're doing these things, some of the things that I
16 mentioned already, because they know that. So they're
17 trying to nail these guys. Nice people, by the way, but
18 let's look at what they did.

19 They said that the only reason that people took
20 photographs of food and the food distribution is because
21 they were sort of setting up a defense so that if they were
22 ever caught one day, they would have the photos. But what
23 came out when Mukhtar testified? No, we're actually doing
24 that because we wanted to get more volunteers and we were
25 putting it on the internet. There was a photographer. But

1 could you imagine if you believed what was told to you, that
2 that's the reason -- the only reason they took photos, or
3 even the reason, where would that leave these seven? And
4 that wouldn't have come out unless Mukhtar testified, which
5 he had no burden to do. What about that?

6 Question. Have you ever met anyone in your life
7 with the name Friday Donations or Unique Problem or Serious
8 Problem? We already covered it. I think it's,
9 respectfully, it's ridiculous to suggest that anyone wanted
10 those names to go to the MDE to be paid out on, to be
11 reimbursed for. That makes no sense at all. Those were
12 notations on paper that wound up in the bunch. Because
13 people aren't going through with a fine tooth comb to make
14 sure, because there's nothing nefarious, they're just
15 getting and sending.

16 Then the question and answer -- Getsaname Hester
17 was the name. Getsaname Hester was the name. And the
18 question was, Is that child enrolled in the Bloomington
19 Public School District? No. And there was a whole back and
20 forth about that. I mean, why? It feels like mocking.

21 So what about the mug shot style photos that the
22 government kept putting up? You know, the seven faces in
23 the box? What I noticed about that is that the seven have a
24 frown, and it looks like mug shot style photos. Yet when
25 they put up Hadith Ahmed's photo, he's smiling, a handsome

1 young man. And again, why? What's the probative value to
2 keep putting up the mug shot style photos?

3 What wasn't put up repeatedly was the wedding
4 photo. Remember that? That was sort of in the bunch, and
5 then we sort of cherry-picked that one out. That was when
6 Abdi went to a wedding, and it's a bunch of nice, handsome
7 men in suits and they're celebrating a wedding. But it's
8 those kinds of photos that are not put up repeatedly, and
9 the question is why? What's so probative about the mug shot
10 style photos? And the pictures of the Maldives at the end
11 of the day and the bottle popping and the seaplanes and Abdi
12 bought a house?

13 The government told you today that Abdi bought a
14 house. Abdi did not buy a house. Abdi did not buy a house.
15 He put a down payment on a house, which he lost, but he did
16 not buy a house. But what if you believe that? I say it
17 respectfully. What if you put stock into that statement
18 that Abdi bought a house? Isn't it dangerous?

19 And what about the photos of the rotten orange?
20 It was mentioned, but I can't help myself. What is the
21 probative value of showing you photographs of a rotten
22 orange? Do you know how many oranges were in the crates?
23 But, of course, that one makes its way into the gallery of
24 photos. Why?

25 You heard -- and, again, it's -- oftentimes it

1 happens here, half the story, right? I think there might
2 have been a WhatsApp message about a million dollars in
3 cash. There's no million dollars in cash. And I think I
4 suggested at the beginning, let's see if that surfaces,
5 because it won't and it didn't. Where's the photo of that?
6 There is none because it didn't exist.

7 And the government talks about round numbers.
8 They want you to believe that there's fraud because the
9 numbers on the meal count forms were round. 1500, 3500.
10 But -- but they are forgetting something very important.
11 And when you recall what I'm about to tell you, it makes the
12 round numbers silly.

13 There was a contract contracted for numbers of
14 meals based on what they thought would be needed for the
15 sites between the sponsor and the vendor. And so that was
16 worked out contractually beforehand. And so it was
17 contracted beforehand. For example, I think we're going to
18 need 3500 meals each day. Okay. What do you have to
19 support that? And then whatever they do, they do. And then
20 it's contracted for. So that is the number because it's
21 contracted for.

22 Now, there would be a problem for these seven if
23 they didn't hand them out, but the -- which we already
24 covered and we'll continue to until I sit down. But the
25 fact that they're round is a red herring. It's, as I say, a

1 gimmick. Because of course they're round, those are the
2 round numbers contracted for.

3 But if I didn't say this just now, where would you
4 be left? And could you imagine a mistake could happen?
5 Like a bad one. And you know what I mean, right? I don't
6 even want to say it.

7 What about during closing argument, an easy trick?
8 The easy trick email between the brother and sister, Abdi
9 and Hayat, right? I have an easy trick for you. And it's
10 presented to you in a way that is nefarious, and the way
11 it's made to look is that it's like fraud because the word
12 "trick" is there.

13 But brother and sister are talking, and they're
14 busy and they're rushing around. And the brother says to
15 the sister, I have an easy trick for you. And it is not
16 nefarious, because if the contracted-for number of meals is
17 the same between, let's say, two different sites, and you
18 have to fill out a bunch of stuff, why not leave the
19 pertinent information that applies to the next one, if it's
20 the same, and then just change the name and the location and
21 the dates? Why wouldn't you do that? So, yes, it's an easy
22 trick, but not a bad trick. It's what we all do, if you
23 have volume that you have to do on the computer or with any
24 document.

25 I don't think there's a lawyer in this courtroom

1 that has authored an original letter in the last 30 years.
2 We pull up the last letter. We pull up the last letter. We
3 change the date. If I want to write a letter to Her Honor,
4 I have the judge's name and, you know, The Honorable and the
5 address. I change the case name and then whatever I'm going
6 to say. And the bottom, Respectfully submitted, Edward D.
7 Sapone, that all stays. Right? And I just -- I use that as
8 a model for a new one.

9 So there was nothing wrong with that, quote,
10 unquote, trick, an easy trick. But the way it was presented
11 to you is how? Like it's nefarious, and it's not.

12 The eighth reason to doubt is hiding the ball. So
13 not only are these things respectfully misleading, but the
14 government also hid the ball. They put the Sysco guy on the
15 stand, which makes me believe that they spoke with Sysco.
16 They interviewed Sysco. They knew everything there is to
17 know about Sysco. And if that's true, if you can reasonably
18 infer that what I am saying is accurate, then they knew that
19 it was millions of dollars more, much more, spent on food
20 over knowing Sysco alone. Much more, and they knew it.

21 And they knew that like when Mukhtar took the
22 stand and there's those lines, all the videos of the people
23 and all the bags that were organized, I have to believe that
24 in their investigation, which was extensive, they knew that
25 too.

1 But the Sysco guy takes the stand. He's on and
2 off. And you'd never know all this during the government's
3 case. And if it weren't for Mukhtar, we wouldn't have any
4 of that information of all the preparation and the bags and
5 the people and everything. Why? It's hiding the ball. We
6 were forced to wait to get that until after the government
7 rested. It's a reason to doubt and a big one.

8 There's a thing in the law called consciousness of
9 guilt where someone like Scott Peterson, back in the old
10 days -- I think he dyed his hair, it was orange or blond --
11 and headed to the Mexico border with cash. O.J. Simpson in
12 the Bronco. That a person acts the way they act because
13 they're guilty. It's the way a guilty person acts. But
14 there's also consciousness of innocence.

15 And so when we talk about the LLCs, picture being
16 Abdi Nur. You're 20 years old, you're still in the army,
17 you come home, you're going to get involved in this big food
18 distribution program. You see everyone else forming LLCs.
19 It's for work, it's for business, so you form an LLC. Why
20 is that bad? And if you -- you didn't need an LLC. He did
21 not need one to engage in this work. So if you are doing
22 something wrong -- it's his first shot at a real career. He
23 wants to be professional. If you're doing something wrong,
24 why would you form an LLC?

25 Is it an LLC with a fake name? Is it an LLC with

1 a fake address? Is he flying under the radar or above
2 board? He gave the State of Minnesota his real name, his
3 real address. As Mr. Birrell said, tax identification
4 number or EIN. Once you do that, what are you going to do
5 for the business? You're going to open bank accounts.
6 There's bank regulations. There's KYC, know your customer.
7 Tax compliance. Now the IRS is tricked -- or triggered.

8 Think about this: The biggest modern American
9 criminal, John Gotti. You know I had to throw someone from
10 New York in, right? So John Gotti has a headquarters in
11 Manhattan in Little Italy. And what does he name it? The
12 Ravenite Social Club. And he has a hangout in Ozone Park,
13 Queens, and he calls that the Hunt -- the Bergin Hunt and
14 Fish Club. Now, did he call it the John Gotti Club in
15 Little Italy or in Ozone Park? No, he's not going to put
16 his family name on something that is nefarious or criminal.

17 Why would Abdimajid Nur -- and you know the
18 closeness, you've heard a lot of testimony about it, and you
19 know that the last name for Abdi Nur comes from his
20 grandfather's first name. And there are folks that share
21 that last name, his mother, his sister, sisters and
22 brothers. It is a family name, Nur. Do you think for one
23 moment that he is going to incorporate and expose all of his
24 information with his name and address and his family name
25 and put that on a fraud ring, or would it be called XYZ LLC?

1 Consciousness of innocence. It's because it wasn't for
2 fraud; it was for work. It wasn't for fraud; it was for
3 food.

4 And ten, the tenth reason to doubt, is the money
5 laundering counts. The alleged substantive money laundering
6 counts, money derived from fraud is what they have to prove.
7 Here it was derived from food. I suggest not guilty.

8 The alleged conspiracy money laundering. They
9 need to prove concealment. And what did Blackwell,
10 Ms. Blackwell, the forensic accountant, the last witness for
11 the government, say on cross-examination? Either Abdi Nur
12 didn't initiate the wires, meaning he didn't send them, was
13 not the recipient or beneficiary, he didn't receive the
14 wires, or there's no concealment because it was bank to
15 bank, Minnesota bank to any other bank.

16 And it could be in Africa. So what? Are people
17 not allowed to wire money to Kenya? Is there something
18 wrong with that? Where the gentlemen have family and want
19 to start a real estate investment? So what.

20 No straw man, no third party, no weird banking.
21 Bank to bank. Abdi's name. Even the checks, his signature,
22 his account, or he's on the account. Everything above
23 board. No concealment. No concealment equals no
24 conspiracy. No money laundering conspiracy. Not guilty.

25 I did not want to waste my time, folks, showing

1 you more exhibits, because you saw them throughout the
2 trial. They've already been presented during closing
3 arguments, and they will be.

4 What I wanted to do was no fancy charts, just
5 old-fashioned talking. I wanted to connect with you and
6 share my thoughts about what the evidence showed and what it
7 didn't show and the import of it and why things went down
8 the way they did, all equalling not guilty.

9 There is something bigger than what Abdimajid Nur
10 did or didn't do. There's something bigger than the seven
11 people on trial and all the people in this courtroom. And
12 what is bigger than all of that is our system of justice.
13 That is not a gimmick, that is not just fancy talk. It is
14 as true as any other statement you will ever hear. Our
15 system of justice is bigger than all of this. It is more
16 important than all of this.

17 And only you have the power to do justice. Only
18 you have the power to follow the judge's instructions and
19 apply the facts, the evidence and the lack of evidence as
20 only you have found. And when you deliberate, apply those
21 facts to that law and do justice. Her Honor is going to
22 give you the law when we're done.

23 And it reminds me, growing up in the Bronx in the
24 1970s, we used to eat a lot of pasta. My grandmother, as
25 she would say, would strain the macaroni, which means put

1 the boiling pasta in the colander. And the colander or the
2 strainer, as she would call it, would separate the good
3 stuff from the bad stuff. The bad stuff was the starchy,
4 cloudy water that runs through the colander down the sink.
5 And the good stuff was what? The pasta that we as a family
6 back then every Sunday, the good old days, we would eat
7 pasta, and it would separate. The law acts like the
8 colander; it separates the good from the bad.

9 Here's the question. I'm not going -- I'm not
10 going to define "beyond a reasonable doubt." It's not my
11 job. But I want to ask you something. Would this evidence
12 and lack of evidence cause you to hesitate to act in a
13 matter of this importance in your own life? In other words,
14 a matter as important as a federal trial like this one.
15 Would the evidence, lack of evidence and the things that we
16 talked about now, would it cause you to hesitate? And if it
17 would cause to you hesitate, but listen to the judge, that's
18 your reasonable doubt. There's reasonable doubt all over
19 the place, not just these ten reasons to doubt. It's all
20 over the place.

21 And had you jumped to a conclusion as things are
22 being thrown on a TV screen, the wrong result gets -- is
23 made. Take your time, deliberate honestly and fairly, like
24 I know you will, remember that colander, and send in a
25 verdict of not guilty to each charge in the indictment as it

1 relates to Abdimajid Nur.

2 I can't thank you enough for your time. It was
3 wonderful being in front of you.

4 THE COURT: Thank you, counsel.

5 At this time we're going to take a 15-minute
6 break, and we'll come back at 5 minutes to 4:00. 3:55,
7 everyone.

8 All rise for the jury.

9 **IN OPEN COURT**

10 **(JURY NOT PRESENT)**

11 THE COURT: All right, everyone. 3:55.

12 (Recess taken at 3:41 p.m. till 3:57 p.m.)

13

14 **IN OPEN COURT**

15 **(JURY PRESENT)**

16 THE COURT: You may all be seated.

17 And, Mr. Schleicher, you may proceed.

18 MR. SCHLEICHER: Thank you, Your Honor.

19 May it please the court, counsel.

20 Members of the jury, Said Farah is not guilty of
21 any of the crimes the government has accused him of. He's
22 not. There's no evidence that he committed fraud. Said
23 Farah did not bribe anyone, he did not launder money, and he
24 did not conspire or enter into an agreement of any kind to
25 bribe, to launder money or to commit wire fraud or anything

1 else. He is not guilty, and you must find him not guilty.

2 Members of the jury, before I begin the bulk of my
3 comments, I really do wish to thank you at this time for
4 your jury service, for the time and for the attention that
5 you have put in this case. I have watched you not just pay
6 attention, lean forward, take notes somewhat incessantly,
7 but I've watched you show respect to every single person, to
8 the court, to all the counsel and to every witness who
9 testified. And you showed your respect by leaning forward
10 and taking notes incessantly and paying attention to what
11 they said, both sides, no matter who called them. And I
12 deeply appreciate that. On behalf of Said Farah, we deeply
13 appreciate that.

14 Frankly, we need you jurors. You may wonder about
15 that, why are you here. You may have thought that to
16 yourself, as you make the trek here early in the morning to
17 show up for court and you walked through those doors,
18 through the courthouse. Why do they need us at all? Why
19 can't they just figure this out? Well, the secret is, the
20 truth is, jurors are the lifeblood of this entire system.
21 You're the life, you're the breath, you're the heart, you're
22 the soul, you're what makes it actually work.

23 Now, when you walked into the courthouse for the
24 first time to begin your jury service, maybe it was the
25 first time you ever came into this courthouse, maybe, maybe

1 you've been here more than once, I don't know, but you get
2 through security, and you look at that big green slab of
3 marble as you walk in. And what does it say? Four words.
4 It says "Equal Justice Under Law."

5 Now, I've walked through the front doors of this
6 courthouse more times than I can remember. I can't remember
7 all the times. I can't forget the very first time I walked
8 into this courthouse. I'll never forget that. I was -- I
9 was young, a new lawyer, and I was being sworn into federal
10 court.

11 I remember coming up to the front, to just kind of
12 appreciating the size and the magnitude of this place and
13 being pretty intimidated. I remember walking into a
14 courtroom just like this to take the oath, hoping to God the
15 judge didn't ask me anything beyond my name and to say yes
16 because, quite frankly, I thought I would probably screw
17 both of those up, right, at that time.

18 This is an amazing place, just the depth and
19 magnitude of it. You walk through and you see those four
20 words. I remember seeing those four words when I was sworn
21 in. "Equal Justice Under Law."

22 This is a multi-use building, right? We're in a
23 criminal trial. There's civil trials. There's other sorts
24 of hearings. Sometimes you'll see people taking a different
25 oath, new immigrants, new Americans being sworn in as new

1 citizens to this country. They'll come, they'll start,
2 they'll begin their journey in this very building and raise
3 their right hand to take that oath to begin their journey.

4 And those four words are there for all of us when
5 we walk through the courthouse and we see that. And they're
6 not just words. It's not a slogan. It's not a jingle.

7 Equal Justice Under Law is a promise. It's a promise that
8 we make ourselves in our self-government, in this experiment
9 in democracy, in taking ordinary people like you away from
10 your ordinary situation, away from your family, away from
11 your employment, away from what else you might be doing, to
12 bring you here into this place because we give you the power
13 to make our most important decisions.

14 And, folks, the decision you're going to be making
15 in this case, those are the most important decisions we
16 have. Those are the decisions that we reserve for the
17 people.

18 Now, Equal Justice For All, that promise, there
19 are other words that are also important. You hear them
20 spoken. Burden of proof. Presumption of innocence. Proof
21 beyond a reasonable doubt. Equal Justice For All means that
22 all of us, no matter who we are or where we come from or
23 what station we are in life, all of us are promised those
24 things, to be presumed innocent of a crime unless and until
25 the government meets its burden of proving guilt beyond a

1 reasonable doubt. We all have that promise. But without
2 you, the jury, really those are just words that we say.

3 You are the ingredient that brings life to those
4 words, to decide what they mean and to keep that promise
5 that we made to ourselves. That's your responsibility. And
6 it's a heavy responsibility.

7 You know, you have been working hard paying
8 attention. It's hard sitting there paying attention, taking
9 notes and listening to every witness. It's hard, and it's
10 not really going to get any easier. As you begin this next
11 phase of your work, it's just as much work. You're just not
12 going to have us there. And maybe that will be a good
13 thing. Maybe you would like some help.

14 It's my opportunity now -- oop. Is it not
15 working?

16 JUROR: Let me try it.

17 MR. SCHLEICHER: You know, at this point in the
18 trial I kind of trust you to fix it more than -- than
19 anybody.

20 JUROR: Got it.

21 MR. SCHLEICHER: Once again, I'm right. I want
22 you to keep that in mind throughout my comments.

23 All right. So, you know, this is my opportunity
24 to speak to you, talk to you about the evidence. It's my
25 only opportunity, it really is, because after I'm done other

1 attorneys are going to speak. The government's going to be
2 able to get up and speak. They have the last word. They
3 also have the burden of proof. Fair enough.

4 But this is my one chance to talk to you about the
5 evidence. And so I beg of you -- I know it's been a long
6 day, and I know it's been a long trial, and I really
7 appreciate your willingness to go to 7:30 tonight. That was
8 great news when the judge told me, and so thank you for
9 that.

10 But I -- and I also will say that attorneys have
11 different styles. We all have different styles. I couldn't
12 adopt another attorney's style by this point if I tried.

13 And so I will talk to you about the presumption of
14 innocence. I'm going to talk to you about some of the jury
15 instructions, and I'm going to show you some of the jury
16 instructions, because that's just my approach. It doesn't
17 mean that anybody else's was incorrect. It just means that
18 this is the way I do it. And I'm an old dog, and I can't
19 learn new tricks.

20 And so the first thing I want to talk to you about
21 is that presumption of innocence and what it means. Because
22 of all the instructions that you're going to receive from
23 the judge, that presumption of innocence and the
24 instructions about proof beyond a reasonable doubt, quite
25 frankly, it's the most important because you need to apply

1 it. You need to use it when you consider every single
2 charge.

3 You heard a little bit about elements, charges and
4 elements. There's offenses and elements. You hear about
5 different parts. An element is composed of three
6 different -- or a charge is composed of three different
7 elements or four different elements.

8 Think of it like a table, and the elements are the
9 legs of the table. And the government must prove each
10 element beyond a reasonable doubt or the entire charge
11 collapses, like a table if the leg is missing. It's gone.
12 And that is as to each and every defendant, each and every
13 crime charged and each and every element.

14 You've heard talking about kind of lumping things
15 together, painting a broad brush. You know, we can't do
16 that here. The promise is Equal Justice For All. It means
17 individual justice for all. It means that each one of the
18 defendants, Said Farah, is entitled to your individual
19 consideration as to each of his charges and each element.
20 And you have a lot to get through, and I understand that;
21 but to do your duty, to do your duty as jurors, you have to
22 give him individual consideration and apply this presumption
23 of innocence.

24 And I like to talk about the presumption of
25 innocence, that the defendant is presumed innocent, and look

1 at it in terms -- the presumption in terms of this other
2 thing you hear about is the burden of proof. Burden of
3 proof being proof beyond a reasonable doubt. You're going
4 to get some definitions. I'm going to talk to you about
5 some definitions, but I think it's helpful to kind of just
6 see it, sketch it out, as I imagine it.

7 There's -- imagine you see the presumption of
8 innocence over on your left. That's what applies here. And
9 so you're -- think about that. You're starting from the
10 presumption that nothing the government said is true about
11 Said Farah. A little bit different than how, you know, the
12 investigation happens, but remember you're not
13 investigators, you're jurors. It's a completely different
14 role.

15 Maybe the investigators are going to start out
16 with sort of the hypothesis, as you heard, that a crime was
17 committed and they're going to look for evidence of that.
18 That's not your role. And it's not to check a block and see
19 if there's some evidence that fits each element of the case.
20 It's proof beyond a reasonable doubt as to all of them.
21 It's a high standard, the highest standard we have in the
22 legal system.

23 So imagine a spectrum, a circumstance where at the
24 very bottom there's no proof at all, nothing, and at the
25 very top there is no doubt.

1 Now, I want to be very clear, the government is
2 not required to prove its case beyond no doubt or any doubt.
3 It's a reasonable doubt. Okay. And so I don't want to
4 overstate their burden of proof, but I don't want to
5 understate it either.

6 So you think about and you heard there are
7 different standards in our legal system. One of those
8 standards is reasonable suspicion. Reasonable suspicion.
9 There's proof that can give you a reasonable suspicion that
10 there's some reason to believe that something may be going
11 on. Right? So what do you get for reasonable suspicion?

12 Reasonable suspicion actually is enough evidence
13 for the police to pull your car over. Reasonable suspicion.
14 Suspicion based on reason. More than just a hunch.
15 Reasonable suspicion might be a reason to open an
16 investigation, to start really looking at something. That's
17 what a reasonable suspicion will get you in the legal
18 system. It's more important than, you know, your desire to
19 get from point A to point B. They can stop your car for
20 that.

21 There's another legal standard if we're looking at
22 proof, and that's probable cause. Probable cause. You
23 heard a little bit about probable cause. Probable cause is
24 more than reasonable suspicion. It's a fair probability
25 that some crime has happened or that there's evidence that's

1 located in a particular place. That's a probable cause.

2 Probable cause, it's more than reasonable
3 suspicion. And if the police have probable cause, if they
4 have probable cause, they can search your house. They can
5 literally go into your house with probable cause with a
6 search warrant and search every room and take pictures and
7 photograph every room and take things that they think might
8 be evidence. That's what probable cause will get you.

9 Your privacy, your cell phone. If they have
10 probable cause, they can go through your phone. That's like
11 going through your mind a little bit. Right? They can
12 search your email account if they have probable cause.
13 That's amazing what they can do with that standard of
14 evidence.

15 And recall with probable cause the testimony of
16 the Case Agent Jared Kary when asked why he didn't search
17 Said Farah's email account. He testified he didn't think
18 they had probable cause to search Said Farah's email
19 account. So not a reason to believe that there was evidence
20 of a crime or that it would be there. That was his
21 response. So that's probable cause.

22 There's another standard of proof. It's called
23 preponderance of evidence. It's the civil standard.
24 50 percent plus one that you heard about. Under -- if you
25 can prove your case in a civil court, you sue somebody and

1 you prove your case by a preponderance of evidence, it's
2 more likely than not that the thing happened, you can take
3 your opponent's money, you can take their stuff, their
4 things. That's what a preponderance of evidence will get
5 you. 50 percent plus one.

6 So they can stop your car with reasonable
7 suspicion. They can look in your house or your phone with
8 probable cause. They can take your stuff by preponderance
9 of the evidence.

10 There's another standard as you heard, special
11 legal proceedings, clear and convincing evidence. Clear and
12 convincing is higher than preponderance of evidence. Clear
13 and convincing evidence is one of those special proceedings
14 that can be a termination of parental rights. If they have
15 clear and convincing evidence, they can take your kids.

16 But the burden of proof in a criminal case is much
17 higher than that. The burden of proof in a criminal case is
18 proof beyond a reasonable doubt, the highest legal standard
19 there is. Because if you're going to convict somebody of a
20 crime -- and, jurors, only you can convict anyone of a
21 crime. You have that power. You cannot do so unless the
22 government has proved its case beyond a reasonable doubt.
23 Not that they say they have, not that they think they have,
24 and not that they wished they had, but that they actually
25 did, that they actually proved it. They have to bring that

1 kind of evidence, proof beyond a reasonable doubt.

2 Because before you convict somebody of a crime,
3 you have to understand, that's the most serious thing we can
4 do in this -- in this building, in this place. It's more
5 important than your privacy. It's more important than your
6 phone. It's more valuable than your valuables. It's even
7 more important than your children. Before you convict
8 someone of a crime, there must be proof beyond a reasonable
9 doubt. That's the way our system is set up. That's what
10 we've decided. And that, members of the jury, is precisely
11 why you're here. Because what this means is up to you.
12 You're the ones who decide what proof beyond a reasonable
13 doubt is. You're the ones who breathe life into the system
14 and give words meaning or not.

15 Reasonable doubt, as the court will instruct you,
16 it's a doubt based upon reason and common sense, not doubt
17 based on speculation. It's proof of such a convincing
18 character that a reasonable person, and you were selected
19 because we all believe that you're reasonable people, that a
20 reasonable person after careful consideration would not
21 hesitate, would not hesitate to rely and act upon that proof
22 in life's most important decisions. And you're going to
23 make one of the most important decisions of Said Farah's
24 life when you deliberate in this case and you render your
25 verdict.

1 Proof beyond a reasonable doubt must leave you
2 firmly convinced that the defendant is guilty. And if the
3 government has not met its standard, that standard, you must
4 find him not guilty. You must find him not guilty.

5 Now, what exactly is the government's theory of
6 the case? Because it has changed from the time of opening
7 statement all the way up through closing argument. But I
8 think that the articulation of their theory happened a
9 little bit later in the case, probably during the testimony
10 of Ms. Roase, and that is that there was -- that the
11 government believes that people submitted false claims and
12 that those false claims -- they submitted false claims by
13 exaggerating meal counts and that those exaggerated meal
14 counts were supported by fake rosters, in a nutshell.

15 This is not really a no-food case. It's a padding
16 case. And you'll see some just sort of inherent problems
17 with even trying to figure out where and how much the fraud
18 is when you take a look at their acknowledgement that food
19 was served, a little bit late in the game, but it really
20 started with the testimony of their star witness Hadith
21 Ahmed.

22 Recall -- and perhaps that testimony was a bit of
23 a surprise, but when shown a meal roster with let's say 2500
24 claims, Hadith claimed that a thousand of those -- only a
25 thousand of those a day were exaggerated. All right. And

1 so we're in a situation where it's two-thirds, one-third,
2 what's the legitimate part of the claim, what's the
3 fraudulent part of the claim? I don't know that we worked
4 that out with Mr. Ahmed, as we'll discuss later. He
5 wouldn't agree with me that 4 times 10 is 40. Wouldn't
6 agree to much of anything. And so we couldn't really figure
7 that part of it out.

8 We do know that, and if you take a look at his
9 plea agreement, he ended up being able to keep a little bit
10 more money than they initially say that he took. Perhaps
11 that was part of it.

12 But this is a padding case. But at the heart they
13 say there were claims, and those claims were padded based on
14 fraudulent meal counts submitted by rosters.

15 But as to Said Farah, you will recall the
16 evidence, Said Farah never submitted a claim ever. No
17 evidence that Said Farah submitted a claim. Claims were
18 submitted by sponsors and to sponsors. Said Farah was not a
19 sponsor. That's either Feeding Our Future or Partners in
20 Nutrition. He did not submit the claims at Partners in
21 Nutrition or Feeding Our Future dot whatever, right, the
22 email addresses that they would use. Never, not one
23 instance of Said Farah submitting a claim.

24 Said Farah never submitted a meal count. To the
25 extent that the government believes there's something wrong

1 with the counts, which they have not proved by proof beyond
2 a reasonable doubt certainly, not with the witnesses they
3 put on, not with the evidence that they failed to gather,
4 but even if they had, there's no evidence that Said Farah
5 was ever at a site, that he was a site supervisor, that he
6 was a site operator, that he ever set foot on a site, that
7 he was responsible in any way for taking attendance or
8 submitting a meal count. It's just not there. It didn't
9 happen.

10 And the rosters. You've already heard a lot of
11 discussion about these rosters. And to the extent that the
12 government believes there's something wrong with these
13 rosters, they still have not made a connection with Said
14 Farah, because Said Farah did not construct any rosters. He
15 did not take attendance. He did not take down names. It
16 wasn't his responsibility. Didn't do it. Nor did he send a
17 roster to anyone else. Never submitted a roster in support
18 of a claim or a meal count.

19 And so the entirety, the entire basis of the
20 government's theory of fraud here of what they say happened
21 with these defendants, it just doesn't apply to Said Farah.
22 It just doesn't. There's no evidence, no evidence, much
23 less proof beyond a reasonable doubt.

24 What were the facts? The fact was that Bushra
25 Wholesalers supplied food. That's what they did. And there

1 was acknowledgement of that.

2 Bushra Wholesalers, Bushra named for Said Farah's
3 first-born daughter, was not a sponsor. Not a sponsor.
4 They were not a site. They didn't operate a site. They
5 weren't even an official vendor. What were they? They're
6 simply a supplier. A supplier a food.

7 Now, I'm going to talk a little about the
8 government's -- I'll call it innuendo; a suspicion, sure;
9 supposition, yes; speculation, definitely -- about the
10 connections and why it is that Said Farah -- they think that
11 his brother did something wrong and since they're brothers,
12 since everybody shares a mind with their brother, right, or
13 a sibling or a cousin or whatever, that must be something
14 wrong.

15 Do you remember during the testimony,
16 cross-examination, a question was asked by the prosecutor,
17 Didn't you know that Abdi Farah and Said Farah were
18 brothers? Yeah. And you -- is that just a coincidence?
19 What does that even mean? A lot of people have siblings.
20 You're not accountable criminally for your sibling. All the
21 government can say is you're related and draw some sort of
22 innuendo, and it's just -- it's not fair, but it's done in
23 an attempt to fluff up the lack of evidence in other places.

24 But Bushra Wholesalers, you know, it was a real
25 company. It was. And there was acknowledgement of that.

1 They bought and sold food.

2 You recall Special Agent Brian Pitzen from the IRS
3 testifying. I simply asked him the question, Is it true
4 that Bushra Wholesalers sold food? And he said, Yeah, they
5 sold some food. I said, Didn't this entire group sell food,
6 provide something? He said, Yes, some food. Well, if it's
7 some food, it has to come from somebody, someplace, somehow,
8 somewhere. That's what Said Farah was doing. He was
9 supplying food through his company Bushra Wholesalers.

10 What makes his company different than -- his
11 invoices different than Sysco? Right? The government picks
12 winners and losers? They pick whose receipts get the
13 presumption of validity? Small business, no. Large
14 corporation, sure. Won't even question it. Won't even
15 question Costco's or Sysco's or some other big-box supplier
16 that they've decided is worthy of simple belief without so
17 much as a glance. Right?

18 You know, based on their theory that food money is
19 food money is food money and it never changes, the character
20 of it never changes, it's food money when it's reimbursed,
21 it's food money when the person who is reimbursed spends it.
22 Sysco guy better watch out. Right? They got a lot of food
23 money. And isn't that suspicious? No.

24 A presumption of validity to those large corporate
25 companies; but a presumption of guilt, a presumption of

1 invalidity to a small business owner like Said Farah. Maybe
2 the government did that, but that's not what you can do. If
3 you're going to keep the promise of equal justice under law,
4 a presumption of innocence, that's not what you do. No.
5 One company's invoices does not have a presumption of
6 validity over another. And it's wrong to make that
7 assumption.

8 We know that Bushra Wholesalers was a real
9 company, that they had employees, that they had a warehouse,
10 that they had significant operations. Bushra Wholesalers
11 was not a shell company. And that's important. Arguments
12 of counsel, statements of attorneys, not evidence.

13 But words matter and the words we say matter. And
14 in its opening statement the government stood at this very
15 podium and looked each of you in the eye and said that
16 Bushra Wholesalers was a shell company. They said that.
17 And that statement was false. It was false when they said
18 it, and you can assume that they knew it was false when they
19 said it because of the people who were in the courtroom at
20 the time that statement was made, right back there.

21 Special Agent Jared Kary, the case agent in this
22 matter, he was asked a series of questions. Did Bushra
23 Wholesalers have operations? Did they only have nominal or
24 cash-only assets? And he said no. Every one of the answers
25 to those questions refutes the notion that Bushra is a shell

1 company.

2 And if you don't believe that, Ms. Roase stated it
3 even more clearly. I asked her, using that same definition,
4 if she would agree with -- and, by the way, it's the
5 Securities and Exchange Commissions' definition of what a
6 shell company is -- if Bushra Wholesalers was a shell
7 company. And she said no, it is not a shell company. It
8 was not a shell company. That statement was false.

9 The statement, a pallet of rice here, a few
10 gallons of milk there, that was at least certainly an unfair
11 statement when that statement was made by the government in
12 their opening. It was certainly unfair. And we know that
13 because when I talked to Special Agent -- IRS Agent Brian
14 Pitzen, I asked him if that was fair. Would it be fair to
15 characterize the food in this case as a few bags of rice, a
16 pallet of rice here and a few gallons of milk there? And he
17 said no, that would not be fair. But the government said
18 it. They said it. And that matters.

19 And I want to talk about that a little bit. In
20 some of the statements that people make, and sometimes
21 people make statements because they're mistaken, sometimes
22 they make statements because they wish it were true, or
23 sometimes maybe you just get so caught up because you're
24 trying to do your job and you begin to believe it. And
25 that's why we have you to make sure that you go through all

1 of this evidence very, very carefully and hold the
2 government to their burden, to their requirement of proving
3 this case beyond a reasonable doubt.

4 I think we need to talk a little bit about what I
5 will term -- I'll call it the investigation. Look, a lot
6 has been said about the investigation and the manner in
7 which this investigation was conducted already. I would
8 like to repeat a few points. All right?

9 50 sites, none of them visited, none of them
10 surveilled. No physical surveillance, no video
11 surveillance. No attempt to gather existing security
12 footage. Waiting so long to even check, right, that much of
13 the security footage that would have been there, that could
14 have provided exonerating information for these defendants,
15 was gone because they just didn't collect it. They just
16 didn't collect it.

17 They didn't search sites, anything. They didn't
18 search any homes or businesses until after going overt in
19 January of 2022, recalling that they had the case since
20 spring. So that's, what, ten months of nothing, of not
21 gathering what at the time would have been easy.

22 Now, why is that? Well, I can't believe it's
23 because they're incompetent, and I can't believe it's
24 because they're nefarious, because I just can't and won't.
25 But I will say that they missed some opportunities and

1 perhaps -- and we'll talk about this a little bit. You've
2 heard about confirmation bias, that that was so set in that
3 they just didn't think they had to look. But they do have
4 to look. Because -- because fitting a pattern is not
5 evidence. Fitting a pattern might be suspicion. Fitting a
6 pattern might get you a search warrant. But fitting a
7 pattern is not proof of anything. Right?

8 If you're fitting a pattern, first you better make
9 sure that the first one that you've discovered is that you
10 got that locked down. Right? Safari. And we don't know
11 that to be the case. And then you're just going to sort of
12 copy that pattern to round up the usual suspects, to lump
13 everybody in to some sort of group of collective
14 responsibility? No. No. Be as suspicious as you want, but
15 you still have to be diligent. Even if you really believe
16 it, even if that belief is sincerely held, you have to.

17 And the main complaint would be, on behalf of Said
18 Farah -- and we've talked about all of the different things
19 that weren't done that could have been done, but one of the
20 things that should have been done, and had to have been
21 known, was the failure to search the Bushra warehouse. They
22 didn't search it. Why? Why didn't they search it? Let's
23 talk about that.

24 Now, I submit that their entire case is built upon
25 three things. Suspicion. Fair enough. Supposition and

1 speculation. They are asking you to infer things out of
2 thin air that do not exist based on different actions that
3 have occurred.

4 I don't care how many checks they pile up. They
5 can pile up check after check after check, wire transfer
6 after wire transfer, bring a banker's box full of them and
7 dump them on the floor. It doesn't matter. Right? Without
8 context, without evidence of an agreement -- remember they
9 charged this as a conspiracy case. A conspiracy case
10 requires evidence of an agreement and some overt act in
11 furtherance of the agreement. Evidence of the agreement.
12 Okay. Remember that. Not suspicion, not speculation, not
13 they must have agreed because they're brothers or cousins or
14 in the same community. That's not evidence. That's not
15 sufficient evidence. It's certainly not proof beyond a
16 reasonable doubt, and it's not something that you should
17 rely on.

18 So why is it they relied on that? I'm going to
19 talk a little bit about bias. You have been instructed
20 already on bias. Unconscious bias. You know, there's
21 different types of bias. Bias, I don't like somebody
22 specifically, I don't like that person. Let's say their
23 name is Andy.

24 I'm kidding.

25 I don't like lawyers. Right? I don't like a

1 group of you.

2 Really sorry.

3 It's all of you, right? Or the other one is
4 unconscious. I don't know it, but I don't like lawyers.
5 But in my interactions with them I have behaviors that would
6 suggest I don't. Unconscious bias. Or just having simple
7 preferences.

8 Now, I am not arguing that this case by the
9 government was the product of active bias or even some sort
10 of hidden prejudice. I'm talking about a different sort of
11 bias. Because read this definition of unconscious bias.
12 "Biases are stereotypes, attitudes or preferences that
13 people may consciously reject but may express without
14 conscious awareness or control or intention."

15 The kind of bias that infected this case was
16 confirmation bias. And Agent Kary, when he testified, very
17 candidly told you about conscious bias -- I'm sorry --
18 confirmation bias. And it's something that he in his
19 conscious belief would reject confirmation bias. He told
20 you that it's something to be avoided.

21 Remember the definition. I asked him if he
22 agreed, and he said yes. It would be going in with a
23 preconceived notion, viewing the evidence only in the light
24 most favorable to that preconception and ignoring evidence
25 to the contrary. That's what confirmation bias is. You

1 expect something, you see something, so you see it, but you
2 refute that which would tend to negate it.

3 And there are examples of that and examples and
4 examples in this case of confirmation bias. And I was
5 talking about the Bushra Wholesaler warehouse. This was
6 incredible. So, a warehouse, they have documentation of it.
7 Right? They're doing all of these search warrants. They're
8 doing this coordinated effort. You heard that they did a
9 search warrant on Said Farah's home. You did not hear
10 evidence that they did a search warrant at Bushra
11 Wholesalers. And why is that? I asked about that. And
12 Ms. Roase said, We didn't need to look.

13 We didn't need to look? In a warehouse? In a
14 food warehouse in a food investigation case? That's --
15 that's just not true. It's not diligent. It's not
16 conducting an investigation that's unbiased. It's simply we
17 didn't need to look there. In the warehouse? There
18 wouldn't be books and records in the warehouse? There
19 wouldn't be things that you could view other than food in
20 the warehouse? You couldn't take a look and see that there
21 were shelves full of it, food?

22 Bushra Wholesalers invoices for food. Again,
23 Ms. Roase, I didn't consider them. She did the calculations
24 here. She added up a bunch of numbers. We'll talk about
25 her analysis and the flawed nature of it a little bit later.

1 But, you know, one of the -- the largest ones here. "I
2 didn't consider them." That's astounding, and that's
3 confirmation bias.

4 And why didn't she consider them when we're
5 talking specifically about the invoices of -- and I will
6 butcher the pronunciation -- of Manmabuyu, I believe. She
7 didn't need to consider them because it didn't happen.
8 Okay. Well, wouldn't you need to consider them before
9 making the decision, the determination that it didn't
10 happen? You would. You will. When you're deliberating,
11 when you're considering the quality of the evidence you have
12 and considering whether the government has met that standard
13 of proof that's higher than would be required to take away
14 your children, you're going to be looking at them.

15 Remember we're talking about those WhatsApp -- I
16 call them emails, and then people roll their eyes at me.
17 They're chats, whatever they are. Messages back and forth.
18 And remember you were being shown on direct examination
19 those chats with Special Agent Pitzen. And they zipped
20 right through this here thumbnail right in the chat,
21 embedded in the chat between Said and his brother.

22 And on cross-examination, did you look at the
23 video? I mean, these are -- these are -- I know there are a
24 lot of messages, but these were messages that were reviewed,
25 messages that were reviewed and displayed, blew right by

1 that, click the thumbnail.

2 Here's what we're not looking at. (Video
3 recording played) A warehouse of food. Yeah, I'll join my
4 colleagues in their assessment that the thought that --
5 wait, did that restart -- the thought that those videos and
6 pictures were taken during the -- the time they were
7 distributing food as some sort of a cover story, and it's
8 just nonsense. That doesn't comport with any sort of
9 realistic view of the world. Why would anyone do that? It
10 doesn't make any sense.

11 It's just an example of the confirmation bias.
12 Keeping in mind it's their burden, right? They have to
13 prove this case, and they're so tied to the result that they
14 can look at a picture of food and say that's fake. It has
15 to be a part of the cover story. And we're not going to
16 look at the invoices because we know they're not right, and
17 we're not going to look in the place where the evidence
18 might be in the first place because we've made this
19 determination. That's the flaw.

20 And you'll see that all of the facts and all of
21 the evidence and all of the calculations that they've done
22 to analyze this case just simply was done to confirm their
23 preexisting idea that these defendants committed a crime,
24 that Said Farah committed a crime.

25 Now, before we talk about the elements of the

1 offense, I've talked a little bit about the different types
2 of elements the government's going to have to prove. You
3 know, all of the charges have what's called a mental state.
4 Some have two, some just have one. It's either knowledge or
5 intent or both. Knowledge or intent or both.

6 And so -- and particularly with respect to the
7 conspiracy charges, there's conspiracy to commit wire fraud,
8 conspiracy to commit federal programs bribery, conspiracy to
9 commit money laundering. All of those conspiracy charges
10 require evidence of knowledge of an agreement, not just an
11 agreement. Not just an agreement.

12 First of all, there has to be actual evidence of
13 an agreement, and there's none here. Like, no one testified
14 we had an agreement. I know it doesn't have to be written
15 down in a formal contract. This is our criminal agreement.
16 It can be an oral or verbal understanding. We don't even
17 have testimony to support that. Not proof beyond a
18 reasonable doubt of an agreement.

19 But then even if there were an agreement, they
20 have to prove -- they have to prove beyond a reasonable
21 doubt that Said Farah knew of the agreement and
22 intentionally joined it, and they haven't. They just assume
23 so. And they assume so based on really the poorest of
24 reasons.

25 And this is where I think it's important to really

1 differentiate between some different terms the court's going
2 to talk to you about and maybe think about things in a
3 little bit different way.

4 You know, people talk a lot about common sense,
5 right? It's this great thing, common sense. I'm going to
6 caution you, common sense has some limitations. Common
7 sense, the root word -- I like the sense part. The root
8 word, though, is common.

9 Common sense is maybe a set of expectations you
10 might have from common experiences, of people you may know.
11 You can understand what's going on in your immediate
12 household pretty easily because you have these common
13 experiences, you have these different ways of communicating
14 with each other.

15 I can see with my family with an eyebrow whether
16 I'm talking too much. I'm looking for all of you too.
17 Thankfully, I'm not able to detect that yet. I am sure it
18 will come.

19 But you have this sort of shared experience,
20 common experience. And that, you know, can go beyond your
21 immediate family into your extended family or into your
22 community. You can have these different, common
23 experiences.

24 And so your set of assumptions, your set of
25 assumptions, as a jury of Said Farah's peers, you have to

1 accept they may be different than what his assumptions would
2 be, because maybe you don't have that same common
3 experience. You probably have a lot, but not all.

4 And so when you're evaluating the evidence, and
5 particularly when you're reviewing -- and I'm thinking about
6 mental state, knowledge and intent. You're going to presume
7 a man had criminal intent. Try to appreciate a little bit
8 about what his experience may have been before you're able
9 to believe that you can infer the worst about a man without
10 really having that common experience or knowing who he is.
11 Right?

12 And so many of us have the common experience of
13 having a sibling. Right? That common experience might be
14 similar or not. Some of us love our siblings, some of us
15 love our siblings most of the time, some siblings are
16 estranged. Right? There are different kinds of
17 relationships. You're certainly not responsible for the
18 thoughts, the unexpressed thoughts of your sibling or their
19 conduct. Right? Unless you know about it and you're
20 intentionally joining in it. Right? I mean, that's fair.
21 But it's not fair to make the assumption, is it? Not at
22 all.

23 But even more, remember Dr. Vaalar when he was
24 testifying and giving you just a little glimpse into the
25 experience of the Somali community and the recent immigrants

1 from Somalia living here in Minneapolis, and remember
2 there's some limits to his testimony. He was only able to
3 talk to you about kind of a historical perspective and as a
4 matter of academic study. Hasn't reviewed the facts of this
5 case.

6 And I'm not going to say that you should accept
7 his testimony as proof of a mental state, but what I am
8 asking you to do is to strongly consider his testimony
9 before you presume the worst about the intentions of a man.
10 Before you consider that, think about what his experience
11 would look like. Coming from Somalia, coming from a refugee
12 camp in Kenya on his background, based on his background.
13 The closeness of the immediate family, the need for
14 community, the shared experience of the people in this
15 community. How it's a community built on trust, you know.

16 And then the religious aspect of it, how that
17 affects the culture as well, that they tend not to enter
18 into agreements and where there's an interest being charged
19 because of their Muslim faith, a community where as a part
20 of their culture --

21 You know, you've heard maybe the saying, an oral
22 contract isn't worth the paper it's written on. Well, they
23 don't feel that way in that community. That's a community
24 where trust is critical. It's so important. Your word,
25 your word is your bond. And trust is central to business

1 transactions, to conducting -- and the financing
2 transactions. Informal business is conducted without
3 contracts all of the time. And cash-based financing between
4 family members and community members is very common. But
5 that's their experience.

6 And so as you're considering a mental state -- and
7 think about this, the government has you look at some of
8 these transactions and they can -- they can draw wiring
9 diagrams showing money flowing from point A to point B until
10 they run out of ink. Okay? They can. It doesn't matter.
11 They don't understand that just because transactions might
12 look unusual to them -- and, by the way, there's been
13 absolutely no testimony before you in this trial as to what
14 typical business transactions are supposed to look like, is
15 there? No.

16 Okay. So law enforcement, not in business. And
17 they quickly distance themselves from their, you know,
18 business training. Don't talk about the MBA that was
19 12 years ago. They say this looks funny to them. Well,
20 what do they know from funny? They don't.

21 And that's with business in general and doing
22 business and transactions within this community in
23 particular. So you can't look at transactions and say this
24 looks unusual, unless you know what usual looks like and
25 unless you look at it and view it from the perspective of

1 this particular population, which is entrepreneurial,
2 multiple businesses, jobs, side jobs, businesses, side
3 businesses, things start, things go, they have partners,
4 they buy shares, there are no contracts. It might look
5 funny. It might give an accountant a headache, right? But
6 it doesn't look funny to them. And, most importantly, it
7 wouldn't be evidence of criminal intent, not at all.

8 Now, the Paul Vaalar testimony and the testimony
9 establishing that Said and Abdiaziz were brothers, again,
10 cannot be held against them and cannot be viewed as some
11 sort of evidence or substitute for knowledge or intent. All
12 right? There's no mind meld that occurs.

13 The government can't prove there was fraud. They
14 can't prove money laundering, and they can't prove there's a
15 conspiracy. But even under their theory, there's no
16 evidence that Said Farah ever agreed to participate in any
17 criminal act or knew or believed that he was.

18 And so let's talk about some of that. And I'll
19 show you some of the statutory language in a bit, but, like,
20 knew means knew. Right? They have to prove beyond a
21 reasonable doubt that he knew. Not that they -- that he
22 could have been suspicious, not that he had probable cause,
23 not that the government thinks that he should have known,
24 should have known. "Should have known" is not the standard.
25 The standard is "knew." And if the government can't prove

1 beyond a reasonable doubt that Said Farah knew of any
2 criminal purpose or criminal plan, then he's not guilty.
3 He's not guilty.

4 And so I need to talk about this willful blindness
5 instruction. That's sort of the last fallback of the
6 various fallback positions that the government's been
7 presenting here. There's no food, there's little food.
8 Okay, there's some food. Okay, there's millions of dollars
9 of food. They knew -- well, now we're going to say you can
10 infer knowledge because they're brothers and they were
11 willfully blind. No.

12 Willful blindness also has a specific definition,
13 and words matter. Okay? Willful blindness would require
14 that someone take affirmative steps to avoid learning the
15 truth. That's what they would have to do. They would have
16 to take some sort of action. You have to have an action
17 verb next to the defendant to say he did X, which allowed
18 him to avoid learning that there's something wrong. That's
19 what willful blindness is. It has to be some sort of
20 affirmative conduct, and there's no evidence of that here at
21 all.

22 You can't negligently join a conspiracy. You
23 can't carelessly join a conspiracy. You can't even
24 recklessly join a conspiracy. And willful blindness
25 requires some action.

1 Now, I want to talk to you a little bit about the
2 government's analysis of evidence here in terms of the bank
3 accounts. And you've heard some different things about the
4 bank accounts and why, frankly, taking a look at that sort
5 of evidence is just wrong-headed in an investigation like
6 this.

7 So let's take a look at Exhibit M-10. Now, even
8 by their calculations, Bushra Wholesalers spent \$622,000
9 plus on food, which it's ridiculous to think that was part
10 of a cover story. But \$622,000 is a lot of money, okay?
11 And that's even if you're assuming all of these different,
12 you know, inputs that they have and that it's all tied to
13 federal nutrition and it's all the product of fraud. But
14 that's how much.

15 But what they don't count, as we've talked about
16 before, are the Manmabuyu invoices, a company from which
17 they purchased food. And their response to that is, no,
18 they didn't, but we don't need to look at those because it
19 didn't happen. Because apparently six months later or
20 something somebody who is employed or associated with
21 Manmabuyu bought a car? That doesn't make any sense.

22 And what is this? Like, you can just simply make
23 \$463,000 worth of food disappear? Well, numbers -- you
24 know, there was testimony numbers don't lie. Well, the
25 thing is, is that depending on your subjective

1 categorization of those numbers, by no acceptable
2 methodology whatsoever you can just sort of make that
3 disappear.

4 The same with transportation and logistics. They
5 count \$170,900 in transportation and logistics, but they
6 don't count Diis Transportation in transportation and
7 logistics because they just decide there's something wrong
8 there; but they didn't present you any evidence, other than
9 some elaborate link chart that indicates that people who
10 were working in the same community had different businesses
11 and they did transactions with each other.

12 That's just innuendo. That's just speculation.
13 That's just supposition. That's not evidence. And applying
14 that as sort of a means of analyzing accounts? And to make
15 the claim that Said Farah profited by a million dollars, I
16 think the term was "in his pocket." Well, you know that
17 kind of analysis wasn't done.

18 I think Pauline Roase testified she didn't do it.
19 She looked at bank accounts at a particular snapshot in
20 time. Has no idea as to what credit agreements that would
21 have existed for them to procure food in the first place,
22 has no idea if there are other accounts.

23 They assume that they know about all the accounts
24 and all the arrangements, but this is the same investigative
25 team that didn't bother to search the warehouse. So they

1 don't know everything. And they can't tell you that. And
2 they don't know under what circumstances other food was
3 procured, and they only know what has been paid, and they
4 don't know what's owed. And so to even make the statement
5 that this shows how much they spent on food, to the extent
6 that's even relevant of anything, is nonsense. It's just
7 nonsense.

8 And to say they can calculate the profitability of
9 an individual or person without examining the books and
10 records, which she admitted she did not do, without looking
11 at income tax statements, without applying generally
12 acceptable accounting practices, without calculating the
13 EBITA of the company, a measure of profitability and loss,
14 no methodology whatsoever, what is that? Math-a-magic.
15 It's just guesswork. It doesn't have meaning. It's not
16 evidence that you can rely upon in your most important
17 affairs, not in Said Farah's most important affairs either.

18 So besides the incomplete investigation, the
19 flawed analysis, the confirmation bias and all of this, the
20 government tries to glue all of this together with their
21 star witness Hadith Ahmed. You met him. He's no star. And
22 you know that. He is not a person who is worthy of belief.

23 Hadith Ahmed, some business model, was telling
24 lies, making false claims to the government in exchange for
25 a benefit. And the cost was cheap. He would tell a lie for

1 four bucks, and he'd tell another one for four more, and
2 he'd tell another one for four more. He told thousands and
3 thousands and thousands of lies.

4 And he got caught red-handed. And when he did,
5 what did he do? He just changed up his -- same business
6 model, different -- different customer, different government
7 agency. He started making false claims because he perceived
8 a benefit. And unfortunately, you know, the government was
9 eager to get that witness, because maybe by this time they'd
10 believe anybody. They put him on, he testified. You know
11 why he's testifying. And if you don't think that a person
12 is willing to lie to you when their entire business practice
13 has been telling lies for a benefit.

14 And when you evaluate the credibility of
15 witnesses -- and the court's going to give you different
16 instructions about evaluating witnesses and different
17 characteristics you can look at, what they stand to gain,
18 what they stand to lose.

19 You know, I always tell people I think that
20 evaluation can pretty much be contained within the oath
21 itself. Did they tell you the truth? Did they tell you the
22 whole truth? Did they tell you nothing but the truth?
23 Think about that with Hadith Ahmed. He absolutely did not.
24 He absolutely did not. And that is the person, the person
25 who told thousands of lies, that the government put up as a

1 witness to testify as to evidence that there was a
2 conspiracy at all.

3 You should reject his testimony completely. Don't
4 just pick out the parts that you think plausibly could
5 support some of the government's theories, because frankly
6 it's just not what you can rely upon in your most important
7 affairs. Should not be relied upon in something as this
8 important for Said.

9 I want to talk a little bit about some of the
10 specific allegations here with respect to wire fraud.
11 You're going to learn, as I indicated, a wire fraud
12 conspiracy consists of an agreement by two or more people to
13 commit the crime of wire fraud that the defendant, that Said
14 Farah, voluntarily and intentionally joined the agreement
15 and at the time that he knew the purpose of the agreement.

16 Now, a verbal or oral understanding can be
17 sufficient evidence of the agreement. Doesn't need to be
18 written down. But you need to have something, some
19 evidence, and there is none here of any verbal or oral
20 understanding of any criminal purpose to commit wire fraud.

21 And there certainly was no evidence that Said
22 Farah was aware of it, if there was one, and knowingly
23 participated in it. Where's that evidence? It's all
24 inferred. It's all speculation and suspicion and
25 supposition, but it is not evidence. Those are not facts.

1 A person knows the purpose of the agreement, that
2 they're aware of the agreement, okay, and doesn't
3 participate in it through ignorance or mistake or
4 carelessness or negligence or accident. Before you presume
5 the very worst about this man, that because he knew other
6 people, because he happens to be related to his brother, who
7 they haven't proved anything against, that -- that he must
8 have known?

9 What was he doing? He was selling food. What
10 was -- what cars was he driving? Where's their evidence of
11 all they show of the jewelry and cash and the fancy houses
12 and all those things? You didn't see any of that with Said
13 Farah, because he lives a modest life with his family. And
14 they've shown you nothing to indicate otherwise.

15 It's not enough that the defendant or others met
16 or discussed matters of common interest or even acted in
17 ways that may have helped each other. They have to have
18 criminal intent. They didn't have criminal intent here.

19 All it shows that they had overlapping businesses,
20 restaurants, that helped each other. That's what they've
21 shown. Warehouses, where sometimes food would be stored in
22 one place, sometimes food would be stored in another.
23 Empire might buy food from Bushra; Bushra might buy food
24 from Empire. Informal agreements. Very consistent with
25 what Dr. Vaaler told you would probably be happening here.

1 You know, when some other witnesses who were from
2 the community testified, that was supported, wasn't it? You
3 learned about how they have multiple businesses and they
4 rely upon each other and the relationships are built on
5 trust.

6 To be convicted, the defendant must have known of
7 the existence and purpose of the agreement. It's not that
8 he must have known, it's not that he should have known, it's
9 not that they think he should have known or asked more
10 questions or done more. It's that he knew. That's what
11 they are required to prove beyond a reasonable doubt, and
12 they can't because he didn't.

13 Without knowledge, he cannot be guilty of
14 conspiracy even if his actions helped. So even under their
15 wild theory that they're delivering millions of dollars of
16 food, to somehow cover up for not delivering millions of
17 dollars of food, I haven't quite figured it out, it wouldn't
18 matter if he helped with that part, unless he knew there was
19 some other part that was illegal. And they can't prove it
20 because it didn't happen, and they don't have the evidence.

21 So as to conspiracy to commit wire fraud on each
22 defendant, as to each count, if they do not prove one
23 element, one or more element, you must check the "not
24 guilty" block. And we ask on conspiracy to commit wire
25 fraud as to Said Farah, you check the "not guilty" block.

1 Talk a little bit about wire fraud. This is the
2 substantive act, right? The conspiracy is you're guilty if
3 you agree and there's an overt act. Wire fraud is the
4 completed act. They have to show that the defendant Said
5 Farah voluntarily and intentionally devised or made up a
6 scheme to defraud or participated in this scheme to defraud,
7 that he acted with intent to defraud, and that he used or
8 caused to be used an interstate wire communication.

9 A statement is false when it's untrue when it's
10 made, and the falsehood has to be somehow capable of
11 influencing a decision of a reasonable person to engage in a
12 transaction.

13 So let's take a look at Count 12, wire fraud.
14 This is unbelievable. They have -- they have indicted Said
15 Farah for wire fraud for receiving an email from someone
16 else with rosters attached to it.

17 And you see Exhibit L-12. Wow. You can create a
18 lot of defendants with a gmail account, couldn't you? Not
19 sending, not using, not forwarding, not submitting, no
20 action verbs, just the passive receipt of an email with
21 invoices attached.

22 And what's the date? January 23, 2022. Oh, my
23 gosh, three days after the execution of the search warrant.
24 Three days after the time the government stated in its
25 opening that everything came to a screeching halt.

1 You remember the testimony that claims stopped as
2 of I think it was November, December-ish? This email was
3 after the fact. He received it; he didn't send it. It went
4 nowhere. Wasn't used in support of a claim whatsoever. The
5 email, that anyone acted upon the email or did anything with
6 any of the attachments in the email. None, nothing.

7 Certainly not that Said Farah did anything with
8 this email that he received. He didn't cause to be
9 received, didn't ask for it, didn't send. And that's the
10 basis of a wire fraud charge. That's incredible.

11 Special Agent Kary, the case agent, I asked, So
12 you have no evidence that Said Farah -- this very email from
13 this count -- that Said Farah sent this email, caused the
14 email to be sent to him, do you? Answer, No. Said Farah
15 did not send this email or cause this email to be sent. And
16 you have no evidence that Said ever did anything with these
17 attached invoices? He never forwarded them or submitted
18 them to anyone? Correct.

19 So what in the world did he do? What in the world
20 did they even think he did? Whatever it is, they don't have
21 any evidence to support it. That count is nonsense, and you
22 must find him not guilty on Count 12.

23 Talk about the federal bribery, programs bribery
24 allegations. Federal programs bribery, again, this is
25 centering on Hadith Ahmed, the man who told a thousand lies,

1 the star witness of the prosecution, the one they believe
2 enough to put on the stand.

3 They must prove that Hadith Ahmed was an agent of
4 Feeding Our Future. The term "agent" means a person
5 authorized to act on behalf of Feeding Our Future for
6 administrating funds in connection with the Federal Child
7 Nutrition Program. And they have to prove that Said Farah
8 corruptly gave, offered or agreed to give these different
9 check amounts that they've alleged through Mizal Consulting
10 in connection with Feeding Our Future, sponsoring his and
11 his co-conspirators fraudulent participation in the child
12 nutrition program. Okay? It's a bit of a mouthful.

13 Okay. "Corruptly" means that he acted voluntarily
14 and intentionally, at least in part, to induce Hadith Ahmed
15 to cause or reward his causing Feeding Our Future to sponsor
16 Said Farah, the court will instruct you, and his
17 co-conspirators' fraudulent participation in the child
18 nutrition program. Great.

19 Said Farah was not sponsored by Feeding Our
20 Future. Bushra Wholesalers was not sponsored by Feeding Our
21 Future. Never was. No evidence that he was. Didn't run a
22 site. Simply supplied food. Never sponsored. Sponsor has
23 a specific meaning. This isn't it.

24 Okay. They have a check, right? They talk about
25 this first check, the personal check. This is Exhibit O-106

1 on page 279. Now, keep in mind this check is not charged as
2 a stand-alone bribery count. It's not. It's not mentioned
3 in any of the counts. I'm going to talk about it here.

4 I think that the prosecution mentioned it when he
5 was talking about the so-called conspiracy to bribe Hadith
6 Ahmed. There's this personal check from Said Farah that's
7 written out, and we've seen this a few times, and you can
8 see the term "loan" in the memo.

9 A little bit about the stuff in the memo. Okay?
10 You can write anything you want in a memo. Sometimes the
11 government will even say, yes, we agree with what you've
12 written in the memo, unless they decide they don't agree
13 with what you've written in the memo because it doesn't
14 support their case and then they don't. And that seems to
15 be the standard that they've applied, not the standard that
16 you should apply.

17 Here you can see that it was originally written as
18 a loan, and it was clearly signed by Said Farah. And we're
19 going to talk a little bit about that. When you take a look
20 at that signature and you look at some of the opening
21 documents on his bank accounts, you will see that signature
22 is the same. It's a valid signature. Said Farah made this
23 check out as a loan.

24 Remember Hadith Ahmed's testimony. He never
25 received a check from Said Farah. He never even met the

1 guy. Didn't know anything about him. Didn't meet him until
2 after the execution of the search warrants, after January 20
3 of 2022. And this check is dated in February. Now, what is
4 that consistent with? And keep in mind the way business is
5 transacted in this community and among this family.

6 This is consistent with Said Farah making a check
7 out as a loan to whomever he was requested to make the check
8 out for as a loan. Not a bribe. There's no evidence that
9 he had any reason to know or believe that he was bribing
10 anybody named Hadith Ahmed. He didn't even know who Hadith
11 Ahmed was. And Hadith Ahmed testified he sure didn't know
12 who Said Farah was. Okay?

13 The brothers, the different people involved in
14 this entity would make informal transactions between them
15 all of the time. And the documentation might not make sense
16 to you or to an accountant, but it makes sense to them. And
17 there's no evidence to suggest otherwise.

18 These other checks to Mizal Consulting, you can
19 see they're charged in Counts 16, 17 and 18. I'd like you
20 to consider a couple of things here first on these checks.

21 Okay. First, the timeline of bribery doesn't
22 really make sense. And you'll see the checks and when
23 they're dated. You got 7/25, 9/9, 10/11. Hadith Ahmed
24 starts working at Feeding Our Future in June of 2020. Said
25 opens Bushra Wholesalers February of 2021.

1 Remember, Said left for Kenya. He's out of the
2 country for an extended period of time. You recall that
3 from the airline ticket. Again, not that there's anything
4 wrong with flying first class, but he flew economy. And he
5 was gone. Said was gone from May 29 until August 31. He
6 was out of the country.

7 But what's interesting about that is, well, if you
8 take a look at some of the checks that are written, one of
9 the checks was written on July 25. That's at a time where
10 Said is out of the country. Notice the signature there. It
11 doesn't look like the other signatures. It's clear. And
12 you will take a look at some of the others. You can see for
13 yourself. Said would not have been able to sign a check
14 when he's out of the country, and he clearly didn't sign any
15 of these three. He returned from Kenya on August 31.

16 And then there's two other checks that happened
17 afterwards in forming the basis of Count 18 and Count 19.
18 September 9, 2021; October 11, 2021. Well, wait a minute.
19 Hadith was fired by Feeding Our Future in June, by June 20
20 of 2021 or thereabouts. Certainly well before these checks
21 were written.

22 Okay. So he'd already been fired by Feeding Our
23 Future for these -- for these alleged bribes, and we know
24 that. People discussed the fact that he was fired. He
25 talked about it. He wasn't able to pin it down between June

1 or July. I mean, we knew he was fired.

2 Well, being an agent of Feeding Our Future is a
3 required element of the crime. You can't bribe someone as
4 an agent, as a Feeding Our Future employee who doesn't work
5 at Feeding Our Future.

6 And I understand the court's going to instruct you
7 about dates and that things can happen on or about, but what
8 you have to pay attention is when -- when were the checks
9 written. At the time were they written -- they were
10 written, even if you assume the worst, even if you assume
11 that Said Farah was in on some sort of a conspiracy to bribe
12 this person he's never met with a check of all things, even
13 if you assume that, he wasn't an employee of Feeding Our
14 Future. Hadith wasn't. He can't bribe him. That's not
15 bribery. Not on a substantive count by any means.

16 You recall that Said was out of the country when
17 those last two checks were written. I'd ask you to take a
18 look at the exhibits, the banking records. You can see
19 different samples of Said Farah's actual signature, and you
20 can compare those with the signatures that were on the
21 checks, and you can see that while he was out of the country
22 he wasn't actually signing checks.

23 There's no evidence that he signed the checks,
24 wrote the checks. There's no evidence that he gave a single
25 check to Hadith Ahmed. Hadith Ahmed actually even agrees

1 with that.

2 And the payments themselves are not consistent
3 with bribes. As was discussed before, these are consistent
4 with loans because the payments that were made end up
5 getting remitted back by Hadith. Right? They give him
6 money; he gives the money back. Is that consistent with a
7 bribe or a kickback, or is that consistent with a loan?

8 So as to the conspiracy to commit federal programs
9 bribery, Said Farah is not guilty. And as to each of the
10 substantive bribery counts, he is also not guilty. Didn't
11 write the checks, wasn't in the country, and Hadith was not
12 employed by Feeding Our Future.

13 Counts 20, 21 and 40, the money laundering
14 allegations, again, money laundering requires that there be
15 a criminal agreement to do what? To conceal the true nature
16 and purpose of the funds.

17 And I join my colleagues in pointing out that all
18 of this stuff was done under people's actual names, their
19 real names, real entities. There's no effort to conceal.
20 And just because they write something in the memo line that
21 they think is inconsistent, that doesn't make sense to the
22 government, doesn't make sense to the government, is not
23 proof beyond a reasonable doubt. That isn't. It just
24 isn't.

25 And it certainly isn't trying to conceal. And

1 starting an LLC is not trying to conceal. That's just
2 running a business, and people do it all the time.

3 But no matter what -- and what I will focus on and
4 with respect to Said Farah, there's just simply no evidence
5 that he joined any sort of criminal conspiracy, that he knew
6 about a criminal agreement, agreed to participate in a
7 criminal agreement, joined a criminal agreement. There's
8 just simply no evidence of it, to conceal or otherwise.

9 Again, ignorance, mistake, carelessness,
10 negligence, that doesn't count. Knew, they should have
11 known, I believe he should have known, that doesn't count.
12 And willful blindness requires some sort of affirmative
13 steps. That doesn't count. It's just not here. That
14 fall-back position doesn't work.

15 It's that he must have known. And without that
16 knowledge, without proof beyond a reasonable doubt of that
17 knowledge, they simply cannot convict him.

18 And these wire transfers -- they talked about wire
19 transfers. You recall the testimony there, the wire
20 transfers. Those wire transfers were pretty common. You
21 can see here an example, before the conspiracy, wire
22 transfers that happened out of Said Farah's account before
23 any of this had been occurring. Wire transfers were fairly
24 common. Sometimes even large wire transfers.

25 You're going to presume that somebody's involved

1 in money laundering, has conspired to launder money because
2 their brother sends them money and they do a wire transfer?
3 You have to presume then that he believed the money was
4 illegal, and there's nothing illegal about doing a wire
5 transfer.

6 You know, you could presume something else. As
7 long as they're asking you to infer complete criminal
8 conduct through a pile of checks and transactions, which are
9 meaningless, and this familial relationship, you could
10 presume this:

11 How about from the evidence you have before you,
12 presume that Said Farah admired his brother, his younger
13 brother.

14 How about you presume that Said Farah admired his
15 success, that he respected him and that he trusted him
16 implicitly and would never believe he would do anything
17 wrong, and that any money that he would receive from his
18 brother has that same presumption of validity that the
19 government is willing to give Sysco or Walmart or whoever
20 else they decide word is worthy of belief and is valid.

21 Make that presumption, because that's the world
22 Said Farah lives in. That's the world he's in. That's his
23 community. He, his community, his brother, his family,
24 they're all each other have. And if his brother asked him
25 to send him money and asked him to wire it, Said Farah would

1 do that. And presume it's valid and there is no crime
2 there.

3 That's not willful blindness. That's twisting the
4 trust and love that one brother has for another into
5 something that it isn't, because it doesn't fit the
6 government's theory. And it's wrong, and you shouldn't do
7 it, and you should find him not guilty on that count.

8 Said Farah would have to have known the money was
9 the proceeds of unlawful activity as to these checks from
10 Bushra -- I'm sorry -- to Bushra from Empire on the other
11 Counts 21 and 40. These are checks from Empire to Bushra
12 for groceries. These guys were -- were moving a lot of
13 groceries, okay? You saw the pictures, at least what they
14 had.

15 The government didn't go into the warehouse,
16 didn't look at the invoices. They don't have any legal
17 basis to dispute these, these checks.

18 And why would Said Farah, who is -- you recall the
19 WhatsApp chats and they're going back and forth. Said Farah
20 is just texting names of people, names of entities, dollar
21 amounts owed. Not huge dollar amounts, not round figures.
22 Right? The ever-suspicious round figures. No. This is
23 notes of people he owes money to.

24 And in the context of this WhatsApp exchange, you
25 see Said providing this information to his brother over and

1 over and over. And that's when his brother responds by
2 showing these invoices, things had been submitted to
3 Partners in Nutrition. What's that consistent with? That's
4 consistent with, hey, brother, I owe a lot of people a lot
5 of money because I went out of pocket on this reimbursement
6 program. Look, here's all the people I owe money to. And
7 the brother responding, hey, we've submitted this. You
8 know, it's a reimbursement program. That's all that shows.
9 That doesn't show anything nefarious. That doesn't show
10 some sort of criminal conspiracy. That's just simple
11 communication.

12 And if this was something as kind of a scheme to
13 defraud, why in the world would Said Farah bother to write
14 all of those numbers down in the first place and text them?
15 If it's all fake, why keep track? You'd just make it up.
16 Because it wasn't made up. Because, as Agent Pitzen said,
17 there was some food delivered. He will at least acknowledge
18 that. It has to be procured by somebody, delivered by
19 somebody, transferred by somebody, and that somebody was
20 Said Farah.

21 There's no evidence of money laundering. I don't
22 care how many times -- I'm not saying that Ms. Roase added
23 the numbers wrong. I'm saying she added the wrong numbers.
24 Right? She doesn't know about credit agreements. She
25 doesn't know about other sources. She doesn't know about

1 accounts she doesn't know about. And so as to money
2 laundering, the defendant should similarly be found not
3 guilty on all counts, on all counts, because he isn't.

4 Now, folks, I'm nearly out of time. Definitely
5 out of ties. I'm nearly out of time. It's been a long
6 trial, and I just -- I want to ask you -- because, again,
7 this is my last and only chance to talk to you. I'm not
8 going to get to speak to you again. And so I'm going to ask
9 you, please, as a reminder of what I've said and the
10 comments I've made, when you walk through the doors of the
11 courthouse and you get past security and you come in to
12 deliberate every time, even on a lunch break or whenever,
13 just please, please look at that big green slab of marble.
14 Equal Justice Under Law.

15 And I ask you to look at that as a reminder and a
16 reminder of what that is. It's not a slogan. It's not a
17 saying. It's not a catch phrase. It's a promise. It's a
18 promise that we all have made to each other, and it's a
19 promise that we all deserve, and it's a promise I'm begging
20 you to keep. Because that's a promise of a presumption of
21 innocence, a real presumption of innocence, a real holding
22 of the government to their burden of proof beyond a
23 reasonable doubt. I ask you to look at those words.

24 And I also ask you this, this situation. You go
25 home tonight, and you're met by a person you care about the

1 most. Maybe it's your spouse or your partner or your best
2 friend or maybe your parents, I don't know, kids. And
3 they're very excited to see you because they haven't seen
4 you for a while, because you've been stuck here, but they're
5 excited to see you. And they say the reason why they're
6 excited is because they've been given this opportunity, this
7 amazing opportunity, and they're just busting.

8 And they say to you, Listen, I have this business
9 opportunity. It's unbelievable. We could double everything
10 we have, all we have, the house, our cars, our bank account,
11 our life savings, our 401K, literally everything, we could
12 double it if we take this opportunity.

13 But there is a catch. If we don't, we lose
14 everything. We lose all of it. The house, the cars, our
15 life savings, everything we've ever worked for, everything
16 we've ever put any effort into, everything we've ever tried.
17 The very clothes off our back. In fact, we won't even get
18 to spend time with each other if we lose; but if we don't,
19 if it works out, we're going to double everything.

20 And you look at them and you say, Wow, sounds
21 exciting. It sounds risky, a little bit of a gamble. Have
22 you checked this out?

23 And they say, Well, you know, yeah, sort of. I
24 mean, there's a lot of stuff missing. There's some gaps. I
25 didn't really consult an expert. I kind of eyeballed it and

1 I added up some numbers. Not really the right numbers.
2 There's a lot of information missing. But don't worry,
3 Hadith Ahmed told me it was a sure thing.

4 What do you say to your partner, to your spouse,
5 to your parent, to your friend?

6 Members of the jury, if you would hesitate,
7 hesitate to take that wager for yourself, for your spouse,
8 for the person you hold most dear, then you have a
9 reasonable doubt.

10 And you can't bet everything that Said has and has
11 worked for and is in his future. You can't bet it on the
12 same thing. Because if you do, then you're not applying the
13 presumption of innocence and you're not keeping the
14 protection, the promise of equal justice under law. And we
15 can only count on you to do that. Only you. Not anyone
16 else here.

17 And if that promise is not kept, then those words
18 are just words. Equal justice under law, presumption of
19 innocence. And they're just a pile of words without
20 meaning. And this is just another building, just a pile of
21 bricks and mortar, with marginal elevator service. That's
22 all it is. And don't let that happen. I know you won't let
23 that happen. I know you won't let that happen. Justice
24 requires that Said Farah be found not guilty of all counts.

25 I thank you for your time and your attention.

1 THE COURT: Thank you, counsel.

2 Members of the jury, we're going to adjourn for
3 the day and for the weekend.

4 Because we're adjourning for the weekend, I will
5 remind you again of the instruction that I've given you in
6 the past, which is to avoid all media and to make sure that
7 you're not doing any investigation and you're following the
8 recess instruction that I've given you before.

9 We're going to start at 8:30 on Monday morning for
10 the remaining of closing arguments.

11 Have a good weekend, everyone.

12 All rise for the jury.

13 **IN OPEN COURT**

14 **(JURY NOT PRESENT)**

15 THE COURT: Thanks, everyone.

16 We'll resume at 8:30 Monday morning with you,
17 Mr. Garvis. All right? Thank you.

18 Have a good weekend everyone.

19 (Court adjourned at 5:34 p.m., 05-31-2024.)

20 * * *

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

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