UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- v.-

ADEDAYO ILORI,

Defendant.

S1 21 Cr. 746 (MKV)

PARTIES' PROPOSED EXAMINATION OF PROSPECTIVE JURORS

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The Government respectfully requests the Court to include the following questions in its examination of prospective jurors pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure.

The Court is requested to pursue more detailed questioning at the sidebar or in the robing room if a particular juror's answer reveals that further inquiry is appropriate and, in such an instance, to conclude with an inquiry as to whether the particular fact or circumstance would influence the juror in favor of or against either the Government or the defendant, or otherwise affect the juror's ability to serve as a fair and impartial juror in this case.

INTRODUCTION

This is a criminal case. The defendant on trial, ADEDAYO ILORI, has been charged with the commission of federal crimes in an Indictment filed by a Grand Jury sitting in this District, the Southern District of New York.

The Indictment is not evidence itself. It simply contains the charges against the defendant. The defendant is presumed innocent and has not pleaded guilty to the charge. The

Government is required to prove each charge to the satisfaction of the trial jury beyond a reasonable doubt. Those of you selected to sit on this jury will receive a detailed explanation of the charges at the conclusion of the case, but I would like to give you a brief summary of the charges so that we can determine whether you have any personal knowledge, or if there is anything about the charges that would make it impossible or difficult for you to sit as a fair and impartial juror.

The defendant in this case is ADEDAYO ILORI. The Indictment in this case contains six counts, or "charges."

Count One of the Indictment charges that, from at least in or about August 2020 through at least in or about October 2021, ADEDAYO ILORI violated the federal criminal law prohibiting major fraud against the United States. Specifically, ILORI is charged with engaging in a scheme to obtain and attempt to obtain Government, or Government-guaranteed, loans through loan programs of the United States Small Business Administration (the "SBA") designed to provide relief to small businesses during the novel coronavirus/COVID-19 pandemic, namely the Paycheck Protection Program (the "PPP") and the Economic Injury Disaster Loan ("EIDL") Program, and is further charged with obtaining more than $1 million in those loans.

Count Two of the Indictment charges that, from at least in or about August 2020 through at least in or about October 2021, ADEDAYO ILORI conspired with others—that is, agreed with others—to violate the federal criminal laws prohibiting obtaining money and property by means of false and fraudulent pretenses, and defrauding a financial institution insured by the Federal Deposit Insurance Corporation (the "FDIC"). Specifically, ILORI is charged with conspiring to commit wire fraud and bank fraud by engaging in a scheme to obtain Government-guaranteed loans through the PPP and the EIDL Program by making false statements and submitting fraudulent documents in support of loan applications, and by making false and fraudulent representations to banks insured by the FDIC to obtain money controlled by those banks.

Count Three of the Indictment charges that, from at least in or about August 2020 through at least in or about October 2021, ADEDAYO ILORI committed wire fraud by obtaining, and attempting to obtain, loans from the PPP and EIDL Programs by making false statements and submitting fraudulent documents in support of loan applications.

Count Four of the Indictment charges that, from at least in or about August 2020 through at least in or about October 2021, ADEDAYO ILORI committed bank fraud by making false and fraudulent representations to banks insured by the FDIC to obtain money controlled by those banks.

Count Five of the Indictment charges that, from at least in or about August 2020 through at least in or about October 2021, ADEDAYO ILORI violated the federal criminal law prohibiting the unauthorized use of another person's identification during and in relation to a felony. Specifically, ILORI is charged with using the names and identities of multiple real people in connection with the submission of fraudulent loan applications and supporting documentation to multiple financial institutions during and in relation to the fraud offenses charged in Counts One through Four of the Indictment.

Count Six of the Indictment charges that, from at least in or about August 2020 through at least in or about October 2021, ADEDAYO ILORI conspired with others—that is, agreed with others—to violate the federal criminal law prohibiting money laundering. Specifically, ILORI is charged with conducting and attempting to conduct financial transactions involving the proceeds of the fraud offenses charged in Counts Three and Four of the Indictment, which transactions were designed to conceal and disguise the nature, location, source, ownership, and control of the fraud proceeds.

QUESTIONS

General Ability to Serve as a Juror

1. Do you have any difficulty speaking, understanding or reading English?
2. Would sitting as a juror in this trial cause you any personal or financial hardship?
3. Do you have any problem with your hearing or vision, or any other medical problem that would prevent you from giving your full attention to all of the evidence at this trial, or that might otherwise interfere with your service as a juror?
4. Do you have any religious, philosophical or other beliefs that would make you unable to render a verdict based on the law and the evidence?
5. Before you came into the courthouse, you answered a number of questions about COVID, symptoms, tests and exposures, in order to be allowed to come into the courthouse. In the next three weeks, do you anticipate having different answers to those questions or otherwise being denied entry to the courthouse based on our COVID security protocols?

Case Related Matters

6. You will hear evidence in this case about COVID-relief loans, including Paychck Protection Program (or "PPP") loans and Economic Injury Disaster Loans (or "EIDL"), which were offered by the Small Business Administration. Do you have any familiarity with the COVID-relief loan programs?

7. Have you applied for or received any COVID-relief loans, including through the PPP or EIDL Program? Do you have close relatives or friends who applied for or received any COVID-relief loans?
8. Have you had any experiences or do you hold any opinions concerning COVID-relief loans, federal and local governments' response to the COVID-19 pandemic, or the COVID-19 pandemic more generally, that would affect your ability to render a fair verdict?
9. You will hear evidence in this case about the Small Business Administration, known as the SBA. Do you have any views about the SBA that would affect your ability to render a fair verdict?
10. You will hear evidence in this case about an alleged scheme to defraud banks. Do you work for a bank? Do you have close relatives or friends who work for a bank?
11. You will hear evidence concerning an alleged scheme involving the laundering of fraud proceeds. Does the fact that the charges in this case involve fraud and money laundering affect your ability to render a fair verdict?
12. You will hear evidence in this case about the unauthorized use of real people's identities in connection with the alleged fraud. Have you ever been a victim of identity theft? Do you have close relatives or friends who have been the victims of identity theft?
13. Do you have strong views about the crimes charged in the indictment that would make it difficult for you to follow my instructions on the law and to base your verdict solely on the evidence in this case?

14. Do you have any opinions about the enforcement of federal criminal laws relating to conspiracy that might prevent you from being a fair and impartial juror in this case?
15. Have you formed an opinion that the actions charged in the Indictment, as I have described them to you, should not be crimes or should not be prosecuted federally?
16. Have you seen or heard or read anything, including in any news articles, about this case, an investigation into COVID-relief loan fraud, or any of the prosecutors, the lawyers, the law enforcement officers or the defendant in this case?
17. Have you been involved – as a defendant, victim, witness, or in any other way – in any prosecution for fraud?

Parties to the Case

18. The Government is represented here, as in all cases where it is a party before the Court, by the United States Attorney for the Southern District of New York, and that United States Attorney is Damian Williams. The conduct of the trial in this case will be in the immediate charge of Assistant United States Attorneys Daniel Nessim and Juliana Murray. Do you know any of Mr. Nessim, Ms. Murray, or Damian Williams, who is the United States Attorney?
19. Joining the United States Attorneys in the courtroom are Isabel Loftus, paralegal with the U.S. Attorney's Office, and Special Agents Kerwin John and Harry Lidsky. Do you know any of Ms. Loftus or Special Agents John or Lidsky?
20. The defendant in this case is ADEDAYO ILORI. Do any of you know Mr. Ilori? Have you or your relatives or close friends had any dealings, directly or indirectly, with Mr. Ilori, or with any of Mr. Ilori's relatives, friends or associates?

21. Mr. Ilori is represented at this trial by Peter Brill from the law firm Brill Legal Group, P.C. Do you know Mr. Brill?

22. Does any juror know or has he or she had any dealings, either directly or indirectly, with any of the following individuals or companies whose names may come up during the trial, or who may be witnesses in this case:

[The Government will provide the Court with a list of its prospective witnesses and other names that may be mentioned during the trial. The Court also is requested to read the names of witnesses included on any lists provided by the defendant.]

23. Certain conduct at issue in this case took place at the following locations, does any juror know of any of the following locations:

[The Government will provide the Court with a list of relevant places that may be mentioned during the trial.]

Experience and/or Association with Criminal Justice System

24. Do you know me or anyone associated with the Court?

25. Do you work for or have any relatives or close friends who work for any federal, state or local law enforcement or governmental agency, such as the SBA; the FDIC; the Federal Bureau of Investigation, known as the FBI; the U.S. Immigration and Customs Enforcement Department of Homeland Security Investigations, known as HSI; the Department of Justice Office of the Inspector General, known as DOJ-OIG; or the United States Attorney's Office?

26. Do you work for, or have any relatives or close friends who work for, a criminal defense lawyer?

27. Do you work for, or have any relatives or close friends who work for, a private investigator?

28. Are you, or do you have any relatives or close friends who are or were, a judge, a law clerk, a court attendant, a court clerk or other type of court personnel, probation officer or persons connected with any correctional institution, jail or penitentiary?

29. Have you, either through any experience you've had or anything that you've seen or read, developed any bias or prejudice, either for or against, the United States Attorney's Office or any other federal state or local law enforcement or regulatory agency?

30. Have you followed any criminal trials in the newspapers, magazines, on the Internet or on TV? Do you have any opinions or beliefs as a result of watching those trials which would make it difficult for you to evaluate the evidence in this case fairly and impartially in accordance with the Court's instructions?

31. Have you ever been involved in, or do you expect to become involved in, any legal action or dispute with the United States or any agency, officer or employee of the United States, including the SBA, the FDIC, the FBI, HSI, the DOJ-OIG, or do you have any financial interest in any such dispute?

32. Have you, or any of your relatives or close friends, ever been involved in, appeared as a witness, subpoenaed, or been questioned or interrogated in any investigation regulatory enforcement, disciplinary action, investigation or accusation by a federal or state grand jury, any licensing authority, or any governmental agency, including federal, state, or

local law enforcement, such as the United States Attorney's Office for the Southern District of New York, the SBA, the FDIC, the FBI, HSI, or the DOJ-OIG?

33. Have you ever been a witness or a complainant in any federal or state prosecution?
34. Have you, or any member of your family, any close friend or any associate, ever been charged with a crime?
35. Have you, or has any member of your family or close friend, been a victim of a crime?
36. The witnesses in this case may include, among other people, special agents from the Department of Justice Office of the Inspector General, the Federal Bureau of Investigations, or the Department of Homeland Security, Homeland Security Investigations. Do you have any strong feelings, impressions or opinions that would prevent you from evaluating the testimony of a law enforcement officer fairly and impartially?
37. Have you ever been a juror in a civil or criminal case or served on a grand jury, either state or federal? [For prospective jurors who indicate thay have had jury experience, the Court is respectfully requested to inquire what type of jury experience, and for petit jury experience, whether a verdict was reached.]
38. Have you ever been a plaintiff or a defendant in a civil lawsuit, meaning have you ever sued somebody, or have you ever been sued?

Ability to Follow Court's Instructions

39. Do you have any expectations about the type of evidence that the government might present in criminal trials?
40. Some of the evidence in this case was obtained through searches conducted by law

enforcement officers. This evidence was obtained lawfully. Do you have any beliefs or experiences that would interfere with your ability to fairly evaluate this evidence along with all of the other evidence that will be introduced at this trial?

41. As a juror, you would be the sole judges of facts, and nothing the Court or the attorneys say or do could properly intrude in any way on your role as the exclusive finder of fact. However, when it comes to the law, you are to take your instructions from the Court, that's me, and you're bound by those instructions. You may not substitute your ideas of what the law is or what you think the law should be. At the conclusion of this case, your job would be to determine whether or not the defendant is guilty as charged in the indictment. Do you have any difficulty with this principle or any problem in accepting and following the instructions on the law which I will give in this case?

42. Will you have any problem accepting the proposition that the question of punishment is for the Court alone to decide, and the possible punishment must not enter into your deliberations as to whether the defendant on trial here is guilty or not guilty?

Catch-All

43. Separate and apart from these specific questions that I've asked you, do you have the slightest doubt in your own mind, for any reason whatsoever, about your ability to conscientiously, fairly and impartially serve in this case and to render a true and just verdict without fear, favor, sympathy or prejudice and according to the law as it will be explained to you?

INDIVIDUAL JUROR'S BACKGROUND

The Government respectfully requests that the Court ask each juror to state the following information:

a. the juror's age;

b. the juror's family status (including whether the juror has any children or grandchildren and, if so, the ages of the children);

c. the county in which the juror resides;

d. the juror's educational background, including the highest degree obtained;

e. the juror's occupation;

f. the name and general location of the juror's employer, the period of employment with that employer, and whether they are salaried employees, work on commission, or both;

g. the same information concerning other employment within the last five years;

h. the same information with respect to the juror's spouse and any working children (only current employer);

i. what sources does the juror typically use to follow the news, if any, and how often the juror reads refers to such publications or sources;

j. the websites that the juror reads regularly and/or posts comments or information on;

k. what television programs the juror regularly watches; and

l. the juror's hobbies and leisure-time activities.

INSTRUCTIONS FOLLOWING IMPANELING JURY

1. From this point on until you retire to deliberate on your verdict, it is your duty not to discuss this case and not to remain in the presence of other persons who may be discussing this case. This rule about not discussing the case with others includes discussions even with members of your own family and your friends.

2. If at any time during the course of this trial, any person attempts to talk to you or to communicate with you about this case, either in or out of the courthouse, you should immediately report such an attempt to me through my deputy clerk. In this regard, let me explain to you that the attorneys and the defendant in a case are not supposed to talk to jurors, even to offer a friendly greeting. So if you happen to see any of them outside this courtroom they will, and should, ignore you. Please do not take offense. They will only be acting properly by doing so.

3. Just as you must not have any in-person communications about this case, you must not communicate with anyone about the case by cellphone, through email, Blackberry, iPhone, text messaging or Twitter, through any blog or website, through any internet chat room, or by way of any other social networking websites, including Facebook, Instagram, LinkedIn, or YouTube. Similarly, you must not use these tools to post any information about the case on the internet. Do not do any research or make any investigation on your own about any matters relating to this case or this type of case. This means, for example, that you must not consult reference works or dictionaries, search the internet, websites, blogs, or use any other electronic tools to obtain information about this case, this type of case, the parties in this case, or anyone else involved in this case. You must decide this case based only on the evidence presented in the

courtroom and my instructions about the law. It would be improper for you supplement that information on your own.

Dated: New York, New York
June 22, 2022

Respectfully submitted,

DAMIAN WILLIAMS
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By: /s/
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