

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION
3 HONORABLE STEPHEN V. WILSON
4 UNITED STATES DISTRICT JUDGE PRESIDING

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6 United States of America,)
7 PLAINTIFF,)
8 VS.) NO. CR 20-579 SVW
9 Richard Ayvazyan, et al.,)
10 DEFENDANT,)
_____)

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13 REPORTER'S TRANSCRIPT OF PROCEEDINGS

14 LOS ANGELES, CALIFORNIA

15 JURY TRIAL - DAY THREE

16 VOLUME 1 - A.M. SESSION

17 THURSDAY, JUNE 17, 2021
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1 LOS ANGELES, CALIFORNIA; WEDNESDAY, JUNE 16, 2021

2 9:00 A.M.

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6 (The following proceedings were held outside the
7 presence of the jury:)

8 THE COURT: We are present with the parties and
9 counsel. I just wanted to take up the matter of the
10 government's renewed motion, motion for reconsideration
11 on my prior pretrial ruling in limine to bar the
12 introduction of the gold coins and the watch.

13 The court has reconsidered, and I will give
14 the defense an opportunity to speak, but my thinking is
15 that at the time I made the ruling I didn't know how the
16 case would progress. And I certainly didn't know what
17 appears to be defendant Terabelian's defense or at least
18 a part of it as stated in the opening statement that she
19 was a housewife who didn't know business or finance and
20 just took direction from her husband, Richard Ayvazian.

21 There was no question ever in my mind that
22 physical evidence was not admissible. It is admissible.
23 I just thought it was unnecessary at the time, but, given
24 the nature of the defense and also some rethinking based
25 upon my rereview of the Old Chief case, I am thinking

1 that it ought to be received. And I don't think it is
2 momentous either way, but that is my view.

3 If the defendant wants to make some argument,
4 I will hear it.

5 MR. LITTRELL: May I be heard briefly?

6 THE COURT: Yes.

7 MR. LITTRELL: I will step to the lecturn.

8 THE COURT: Yes.

9 MR. LITTRELL: Your Honor, I would respectfully
10 ask the court to stick with its original ruling. I think
11 the issue that the government raised essentially is that
12 it intends to rebut a defense that Ms. Terabelian was not
13 involved or didn't know what was happening based on the
14 fact that gold and jewels were found in the house.

15 Now, as the court noted, the gold and jewels
16 and gold coins are admissible in their physical form. No
17 one disputes that. My concern is that a photograph could
18 create the impression which is exactly what the
19 government wants that Ms. Terabelian knew about them or
20 saw them. Unless those photographs were taken in the
21 exact place where these items were found in the first
22 place, they have no probative value and, in fact, tend to
23 create the false impression that she was aware of and saw
24 these items.

25 THE COURT: Well, let me focus on what you just

1 said. The government intends to introduce that evidence
2 through photographs; is that correct?

3 MR. FENTON: No, your Honor. The physical
4 evidence.

5 THE COURT: The actual gold coins.

6 Now, I was doing a rough calculation. The
7 price of gold -- I never bought any gold, but
8 occasionally I will look at the metric, and it is
9 somewhere around, you know, 15-, 16-, \$1800 an ounce, and
10 the gold coins were -- how many kilos? \$120,000 worth.
11 So 120,000, I was trying to do the calculation. And it
12 seemed to me that that was somewhere around four-pounds
13 or four-and-a-half pounds, something like that given the
14 price of gold that I mentioned.

15 And is there any evidence about where the gold
16 coins and the watch were found in the house?

17 MR. FENTON: Yes, your Honor.

18 THE COURT: Where were they found?

19 MR. FENTON: They were found in the bedrooms.

20 THE COURT: In the where?

21 MR. FENTON: Bedrooms.

22 THE COURT: Bedrooms.

23 MR. FENTON: Yes.

24 THE COURT: I see.

25 Last word.

1 MR. LITTRELL: I just wanted to make sure that
2 someone could testify that they actually recovered and
3 photographed them in the bedrooms, and that is not going
4 to be brought in through a hearsay witness.

5 THE COURT: Well, I mean, it seems to me we are
6 going to hear I thought from the agents who conducted the
7 search; right? I would think they would know.

8 Any event, that is going to be the ruling.
9 Let's get the jury.

10 MR. LITTRELL: Your Honor, there is another issue
11 about an exhibit that is Exhibit No. 67.

12 THE COURT: What is it, 67?

13 MR. LITTRELL: That is a picture. I will see if I
14 can show it on the screen.

15 MR. LITTRELL: I'm sorry. It is 16B. Exhibit 16B
16 is a screen shot of an image that the government contends
17 came from Ms. Terabelian's phone.

18 THE COURT: I am not seeing that on my screen.

19 MR. LITTRELL: Hopefully, it should be with you
20 shortly. So this is an exhibit that the government
21 intends to introduce. And I think what they intend to --
22 this microphone needs to get looked at, but, your Honor,
23 this is an image that the government I think intends to
24 introduce. It was actually found on Ms. Terabelian's
25 phone. The problem is we later found out through looking

1 at the forensic report associated with this image that
2 this image was actually captured in 2018 which is two
3 years before the scheme alleged in the indictment began.

4 So whereas we previously were under the
5 impression this was a photograph taken during the time of
6 the alleged conduct in this case, we now know from the
7 forensic reports that it was taken two-and-a-half years
8 earlier.

9 THE COURT: Let me get the government's response.
10 I don't know what all that means. The only thing that I
11 recognize is Fiber One Media on the bottom.

12 MR. FENTON: That's correct, your Honor. So the
13 phone that that photograph was contained on is a phone
14 that was in Ms. Terabelian's possession on the date of
15 the search on November 5th, 2020, which means that she
16 had that picture in her possession at a relevant time
17 period. So it is not like it is an older photograph that
18 was not in her possession during the time of the
19 conspiracy.

20 The other thing that I would note is that --

21 THE COURT: Well, just briefly, tell me what is it
22 that you understand Mr. Littrell to be saying about its
23 creation in 2018.

24 MR. FENTON: My understanding is that Mr. Littrell
25 is arguing that because the photograph was created in

1 2018 that it could not have relevance during the 2020
2 time period, but the relevance of the document is that it
3 shows that Ms. Terabelian had a link and knowledge and
4 awareness of Fiber One Media which was one of the
5 companies that was used to apply for many PPP loans
6 including in the name of Victoria Kauichko.

7 MR. LITTRELL: Just to be clear, it is not just a
8 relevance objection. It is also a 404(b) objection.
9 This is actually other acts evidence because it actually
10 took place in 2018.

11 So that has significance in two ways: One is
12 it is other acts evidence, and the government was
13 required to give written notice of its intention to
14 introduce other acts evidence under Federal Rule of
15 Evidence 404(b)(3). It is actually a new version of the
16 rule. So there was no written notice of that. Second,
17 it goes to the 403 balancing analysis. The government
18 has just told that you it intends to use this image to
19 prove that Ms. Terabelian had knowledge that it was on
20 her phone, but, in fact, 44,000 images were found on her
21 phone. Most of those images were from years before, and
22 what happened apparently is that her iCloud account which
23 is a cloud-based repository of data just dumped right
24 back on her phone when she got a new known. The evidence
25 is also going to show that this is an iPhone 12 which

1 wasn't even created until 2020 in October.

2 THE COURT: When is this intended to be
3 introduced?

4 MR. LITTRELL: I would ask the court to exclude
5 it.

6 THE COURT: Well, I mean I want to think about
7 that because that is a new issue for me. Is it going to
8 be introduced by a witness coming up?

9 MR. FENTON: Yes, your Honor. It is going to be
10 introduced as digital evidence from the phone, and the
11 evidence from the phones will be introduced this
12 afternoon.

13 THE COURT: Okay. Well, we have a little time to
14 think about that. I will think about Mr. -- Let's get
15 the jury.

16 So the ruling is the government can use the --
17 introduce the gold coins and the watch.

18 MR. FENTON: Thank you, your Honor.

19 MR. LITTRELL: If that is in their physical form;
20 correct?

21 THE COURT: Physical form. Yes.

22 (The following proceedings were held in the
23 presence of the jury:)

24 THE COURT: Good morning, members of the jury.
25 Thank you once again for being on time. It really helps.

1 I know it takes a special effort, and the parties and the
2 court appreciate your effort.

3 We are going to continue with trial. I felt
4 we were at the point where we were going to have
5 cross-examination of the last witness, Ms. Robinson.

6 Am I correct?

7 MR. RAM: Yes, your Honor.

8 THE CLERK: You are reminded that you are still
9 under oath.

10

11 CROSS-EXAMINATION

12 BY MR. RAM:

13 Q Good morning, Ms. Robinson?

14 A Good morning.

15 Q Are you familiar with the concept of six degrees of
16 separation?

17 A Yes.

18 Q And what is it?

19 A That -- I don't have a technical definition, but I
20 guess what comes to mind is that individuals or parties
21 are somehow connected between each other within so many
22 connection points.

23 Q Okay. And does your analysis, the chart you
24 prepared at Government Exhibit 115 that we talked about
25 yesterday, does that take into account this concept of

1 six degrees of separation?

2 A I am not sure what exhibit is Government Exhibit
3 115. I don't have the numbers memorized.

4 Q Sure. Let's pull up 115. This is the summary
5 chart you said you prepared; right?

6 A Yes.

7 Q And does this summary chart take into consideration
8 the concept of six degrees of separation?

9 MR. FENTON: Objection, your Honor. This is very
10 confusing.

11 THE COURT: It is not clear to the court the
12 relationship between some phrase, six degrees of
13 separation, and what this witness testified to. If you
14 intend to link it up, I will give you the opportunity,
15 but, at this point, it isn't clear.

16 MR. RAM: I will make it clear, your Honor.

17 Q So, for example, did you consider how money moved
18 before PPP and Covid existed in March of 2020 between
19 some of the same individuals and parties?

20 A I was asked to summarize the activity from when the
21 funds arrived in the accounts, the PPP and EIDL loan
22 funds arrived in the account and follow it through. I
23 did have records of prior activity.

24 Q So the answer to the question would be you had
25 records to do that, but you didn't?

1 A It is -- the starting point of tracking where the
2 loan funds go starts when they arrive in the account. So
3 although I had the activity prior to that, all I need to
4 know is the account balance the day before the funds
5 arrive to show where the money goes.

6 Q I want to make sure you understand my question. I
7 understand the exercise you conducted. It is just simply
8 asking did you take into consideration and analyze how
9 money moved between these entities and individuals on the
10 summary chart you prepared before Covid, so before March
11 of 2020 and PPP.

12 Did you consider whether, for example, it is
13 the exact same pattern of transactions and money flowing
14 between the parties. Did you consider it?

15 A So I looked at the prior banking activity, and you
16 don't see transactions like this in large amounts, in
17 flat amounts like 20,000, 50,000, hundred thousand
18 between these parties really before this PPP and EIDL
19 funds come in.

20 Q Let's talk about that. So how far back did you
21 look to see whether there were transactions, for example,
22 of \$30,000 moving between some of the same parties listed
23 here?

24 MR. FENTON: Objection, your Honor. This is
25 beyond the scope of Ms. Robinson's testimony.

1 THE COURT: I mean, it is beyond the scope because
2 her testimony as she said was with regard to the transfer
3 of the PPP loans to various accounts and then her tracing
4 those monies through the accounts as she testified. But
5 I will let you continue, and I take it you are getting to
6 a point.

7 MR. RAM: I am, your Honor, and I can even
8 directly relate this to the significance.

9 Q So you were asked to prepare a summary chart you
10 said to summarize voluminous data so it would be helpful
11 to the jury; right?

12 A Yes.

13 Q So I want to talk to you about the context of what
14 you looked at and what you didn't look at; right? So if
15 you remember, my first question to you was this concept
16 of how everybody is connected within six degrees of
17 separation in some way.

18 And so my question to you is, for example, did
19 you look at the fact that the individuals that exist that
20 are on this chart and some of the same entities are, for
21 example, part of the Armenian community in LA?

22 Is that something you considered to assess and
23 relate the information in your chart? And that is a
24 yes-or-no question. Did you consider that?

25 MR. FENTON: Objection, your Honor. This assumes

1 facts not in evidence. It is confusing because it ties
2 back to the six degrees of separation.

3 THE COURT: I will sustain the objection.

4 Q BY MR. RAM: Okay. Let's take a look at what we
5 have on the screen. It is page 1 of Exhibit 115, and it
6 identifies the -- let's see the first, second, fourth,
7 sixth column over.

8 THE COURT: Let me just say this: And this -- I
9 am not even going say it. Go ahead at this point.

10 MR. RAM: Okay.

11 THE COURT: I just censored myself. I think that
12 is a good ability, isn't it.

13 MR. RAM: Thank you, your Honor.

14 Q Let's take a look at that first account there,
15 Secureline Realty and Funding. That was an account
16 opened in December of 2013; is that right?

17 A Yes.

18 Q And how far back did you review the bank records
19 for Secureline Realty and Funding?

20 A January of 2020.

21 Q Okay. So you didn't go into anything before that;
22 is that fair to say?

23 A Yes.

24 Q Let's take a look at the next row. It is another
25 Secureline Realty account, and the open date is

1 November 20th, 2014. How far back did you go on that
2 account?

3 A January of 2020.

4 Q Okay. I think we can streamline this then. Is it
5 fair to say for all these accounts, even the ones opened
6 years before 2020, you didn't look back at the bank
7 statements before January of 2020?

8 A That is a fair statement.

9 Q Okay. And is it equally fair, then, if there were
10 transactions between these same parties in various
11 amounts before January of 2020, you didn't take that into
12 consideration for this chart?

13 A Well, I would say it is not going to be applied to
14 every single account that January 20 date. As you can
15 see on line 10, the Iuliia Zhadko account shows the time
16 period as going back to September of 2019. So there are
17 instances where I was provided records that went back
18 earlier.

19 Q So for some of these accounts, you did go before
20 January of 2020 in your analysis?

21 A The column on the right indicates the time period
22 that I reviewed.

23 Q Okay. Let's look at that together. I will clear
24 the screen. Just so that is clear for the jury, you are
25 referring to this time period, these two columns here?

1 A Yes.

2 Q For the record, I am indicating the column called
3 time period. Now, help me here, other than the account
4 in row 10 which you just referenced, is there any account
5 for which you looked at transaction data before January
6 of 2020?

7 A Not on this page. This is a two page Exhibit.

8 Q Okay. Let's go to the next page.

9 Q Now, for all of these accounts on this page, is
10 there any -- and I see some of these accounts were
11 opened, all of them were opened after January 20 on this
12 page -- is there any account information that you looked
13 at to see if they were related.

14 Let me give you one example. So Runyan Tax
15 Services, we heard -- well, Runyan Tax Services, this is
16 one account for Runyan Tax Services; right?

17 A Correct.

18 Q Did you look for other accounts for Runyan Tax
19 Services that existed five, six, seven years ago?

20 A That was beyond the scope of the work I was
21 performing.

22 Q Fair enough. And that is what I am just trying to
23 understand. So the answer is, no, you didn't look at
24 other accounts related to Runyan Tax Services?

25 A I suppose it is possible I had an account for

1 Runyan, but it wasn't related to the actual following the
2 funds, the loans received and where those monies went.
3 So I suppose it is possible there is another Runyan
4 account that may have been provided to me but it wasn't
5 relevant to the ultimate review of records associated
6 with the receipt and following the funds exercise.

7 Q Okay. And that is because the government didn't
8 tell you to look at those other accounts; right?

9 A It is because those accounts were not associated
10 with the activity I was reviewing. I mean, you are
11 looking at all the activity where money is going and if
12 those accounts aren't involved, then --

13 Q Well, let me clarify that for the jury. Did you
14 decide which accounts you would look at, or did the
15 government dictate to you which accounts you would
16 review?

17 A Well, the process was I reviewed the loan files to
18 identify where the loan money was to be deposited. There
19 is a place on the form when you apply for a loan that
20 says send the money here once I am approved. I went
21 through those files and identified where the money was
22 scheduled to go.

23 Then, the government provided me those
24 accounts, and I reviewed those accounts and, then, any
25 accounts that I saw funds going to from there that were

1 needed to complete the review of the records.

2 Q And to be clear, the loans literally didn't start
3 till there was Covid, right, in March of 2020?

4 A That is correct.

5 Q So if there is account activity before March or
6 let's go even January of 2020 you are not analyzing it;
7 right?

8 MR. FENTON: Objection. Asked and answered
9 multiple times.

10 THE COURT: Sustained.

11 MR. RAM: Okay.

12 Q Now, let's break down -- I think we have been
13 talking a little bit about your charge and what you did,
14 and is it fair to say your instructions came from the
15 government?

16 A Yes. The government retained me and asked me to
17 summarize voluminous information in this case.

18 Q And the government provided you with certain
19 materials to look at; right?

20 A Yes.

21 Q Specifically, they gave you loan files and bank
22 accounts; is that right?

23 A Those were two of the items, yes.

24 Q Okay. Go ahead and tell us what else the
25 government shared with you to review.

1 A Escrow documents associated with the closing of the
2 three properties. There were documents provided by some
3 of the entities where purchases were made.

4 Q Anything else?

5 A I think that would cover -- I am not thinking of
6 any other sources.

7 Q Okay. Fair enough. And let's take a look at the
8 loans identified on Government Exhibit 115. Is it fair
9 to say this chart, these two pages, captures 24 total
10 bank accounts -- excuse me. I misspoke. 24 total bank
11 accounts that you reviewed and analyzed for purposes of
12 your chart?

13 A Yes.

14 Q But, in reality, the government actually provided
15 you with at least 153 bank accounts; isn't that true?

16 A I don't know the precise number, but there were
17 other bank accounts provided.

18 Q Okay. And that was the government who gave you
19 those 153 bank accounts, not any other party, and you
20 didn't indepently search for bank accounts.

21 Is that fair to say?

22 MR. FENTON: Objection. Misquotes the witness'
23 testimony.

24 THE COURT: Well, she can answer however she
25 wishes. I mean, do you understand the question?

1 THE WITNESS: Can I have the question read back.

2 Q BY MR. RAM: Yes. Of course. It is just a
3 foundational question. So the government gave you the
4 153 bank accounts. In other words, you didn't go around
5 pulling bank accounts independent of the government and
6 the information they shared with you; is that right?

7 A Any bank accounts I had in my possession were
8 provided to me by the government.

9 Q Okay. And do you dispute that you were provided
10 with actually 153 bank accounts?

11 A I just don't know the precise number so I rather --
12 my testimony is that I received additional bank accounts.

13 Q Okay. And I think I might be able to show you
14 something that will help you jog your memory but give me
15 a second.

16 Is it also fair to say that only 54 of the 153
17 bank accounts the government shared with you had any PPP
18 loan funds in them?

19 A Really, that is beyond the scope of the testimony
20 that I was prepared for today and my slides and
21 everything. So I just don't know -- I don't know that
22 number.

23 Q Sure. Let me -- would it refresh your memory if I
24 shared with you correspondence you had with the
25 government talking about the number of accounts, bank

1 accounts that you would review and how many accounts
2 actually had PPP loan funds in them?

3 MR. FENTON: Objection, your Honor. This is
4 beyond the scope for the reasons that the witness just
5 testified.

6 THE COURT: Well, it may, and it is not for me to
7 say, have some relevance in another way. So I will let
8 it proceed for a while.

9 MR. RAM: If it is possible for Mr. Cruz to turn
10 on just the witness' screen so the jury cannot see what I
11 am putting up. It has not been admitted in evidence.

12 So I am showing the witness only -- all right.
13 I am pulling up what has been previously marked as
14 Defense Exhibit 28 for identification purposes only which
15 should only be displayed on the witness' screen.

16 Q I am going to have you review the document
17 including the last page and ask you if that refreshes
18 your memory on how many accounts the government asked you
19 to look at and whether only 54 of those accounts had any
20 PPP loan funds in them.

21 Can you see the document on your screen,
22 Ms. Robinson?

23 A Not yet.

24 MR. RAM: Mr. Cruz.

25 (Pause in proceedings.)

1 MR. RAM: Mr. Cruz, can we get the exhibit to only
2 show on the witness' screen. I apologize. Just on the
3 witness' screen; is that right? Thank you so much.

4 Q Ms. Robinson, if you like I am going to click
5 through the pages for you. The summary is going to be on
6 the last page. Just read it to yourself, and then I will
7 ask you the last question.

8 A Okay.

9 Q All right. Did that -- we can take that down off
10 the screen. Did that refresh your recollection as to the
11 fact that the government asked you to review 153 bank
12 accounts?

13 A It refreshed my recollection, yes, but I would say
14 that those loans may not all be related to entities in
15 this case.

16 Q That is actually the point, but my first question
17 is does this refresh your recollection that you were
18 asked to review 153 bank accounts?

19 A I think it is probably that we were provided. I
20 don't know if we reviewed all of them, you know, but I
21 can acknowledge that there were 153 there.

22 Q Okay. And can you also acknowledge that only 54 of
23 those 153, roughly a third, you are an accountant, but
24 roughly a third only had PPP funds in them?

25 MR. FENTON: Objection. That misstates the

1 document.

2 MR. RAM: There is no document pending, your
3 Honor.

4 THE COURT: Don't talk to each other. I don't
5 know what is in these documents. So if the witness is
6 able to answer the question, she can. If she can't, she
7 can say so.

8 THE WITNESS: Can you put the summary back up on
9 my screen?

10 MR. RAM: Of course. Mr. Cruz, I apologize it is
11 on? Okay. Defense Exhibit 28, last page.

12 MR. FENTON: Your Honor, for the record, the
13 defense has not provided the government a copy of this
14 document.

15 MR. RAM: For the record, your Honor, this is from
16 the government, and I can give them the discovery page.

17 THE COURT: All right.

18 THE WITNESS: Can I see the e-mail about it?

19 MR. RAM: Your Honor, may I approach the witness
20 with a physical copy of the document Exhibit 28?

21 THE COURT: Yes.

22 MR. RAM: I am also providing a copy to the
23 government. This might make it easier.

24 THE WITNESS: Okay.

25 Q BY MR. RAM: All right. Let's try that again. So

1 did that refresh your recollection that only 54 of the
2 153 bank accounts that you looked at contained, quote,
3 accounts with PPP SBA income?

4 MR. FENTON: Objection, your Honor. Again, it
5 misstates the document.

6 THE COURT: She was asked the question, and she
7 has looked at the document to refresh her recollection.
8 If she has a recollection that enabled her to answer the
9 question, she can. That is all -- that is all there is
10 before us now.

11 THE WITNESS: So I would say this summary
12 represents, at that time, which you know at this moment
13 in time when this e-mail was sent in February of 2021 --

14 MR. RAM: Objection, your Honor. I move to
15 strike. The e-mail is not in evidence. That was simply
16 to refresh the witness' memory. The question is
17 simply -- I will pause on that before I continue if you
18 like, your Honor.

19 THE COURT: Well, let her answer. You asked her a
20 question, and are you going to answer?

21 MR. RAM: Sure. And may I also take back the
22 document, your Honor?

23 THE COURT: Not right now.

24 MR. RAM: Okay.

25 THE COURT: If you have an answer, you can give

1 it, Ms. Robinson. If not, we can go to another question.

2 THE WITNESS: So all I was going to say is, you
3 know, this is a schedule that was prepared at a moment in
4 time, and it represents that at that time for the
5 accounts that we had received that may be related to a
6 much broader set of parties not just those related
7 specific here, there were -- those were totals associated
8 with the SBA and EIDL loans that had been identified in
9 those bank accounts.

10 Q BY MR. RAM: Okay. And is it also fair to say that
11 those 54 bank accounts was further reduced to only 24
12 bank accounts that ultimately made it into your summary
13 chart?

14 A It is possible that the 24 are a piece of the 54 or
15 53, whatever the number you used was. I can't say with
16 certainty that it is like all 24. I would have to review
17 the list. We would have to do a side-by-side comparison
18 to confirm that all 24 are part of that group.

19 Q Okay. And I actually want to jump on something you
20 just said when I asked you about the reduction from 153
21 bank accounts to 54 bank accounts to now 24. You said
22 those other bank accounts meaning the delta, the
23 difference between 153 and 54 relate to other cases,
24 other cases that are under investigation, not this case?

25 MR. FENTON: Objection, your Honor. This is way

1 beyond the scope of Ms. Robinson' testimony.

2 THE COURT: Well, now, I think it is drifting in
3 that regard. I mean it is for the jury to determine, but
4 the witness seems to be testifying that she prepared the
5 summary charts based upon only documents that the
6 government provided to her and asked her to perform a
7 specific task. I have allowed some of the questions for
8 a different reason, but that is the starting point.

9 So if you are getting into other
10 investigations, I think that is beyond this case.

11 MR. RAM: Yes, your Honor. May I ask one question
12 to follow-up on the witness' statement about other,
13 meaning loans and accounts not related to this case?

14 THE COURT: I don't know what the question is.
15 Ask it.

16 MR. RAM: Okay.

17 Q So did you understand that what we will call a
18 narrowing exercise from 153 to 54 to now the 24 we see in
19 the exhibit, were those accounts narrowed down to fit the
20 government's narrative of one conspiracy in this case?

21 MR. FENTON: Objection, your Honor. This
22 misquotes the witness's testimony and misstates the
23 document.

24 THE COURT: Before you do that, I think you ought
25 to ask some preliminary questions. I mean, it is up to

1 you to do whatever you want, but you ought to at least
2 start out with what her instruction was.

3 MR. RAM: Thank you, your Honor. Very helpful.

4 Q Let me take a few steps back. So your accounting
5 firm is called -- can you say the full name for me?

6 A Stout Risius Ross.

7 Q Is it okay if I refer to that as Stout?

8 A Yes.

9 Q Now, Stout provides a broad range of services for
10 the Department of Justice; is that right?

11 A We provide a variety of services, yes.

12 Q And you work on investigations all over the
13 country?

14 A They can be around the country, yeah.

15 Q And is it true that Stout performed work on
16 suspected fraudulent loans in Southern California, even
17 loans completely unrelated to this case?

18 A Yes.

19 Q Okay. And did you and your firm -- sorry. So do
20 any of those other cases involve the use of synthetic
21 identities?

22 A I don't have -- I don't know.

23 Q I am only referring to cases you worked on?

24 A Yeah. I mean I don't have knowledge of any -- I am
25 not involved directly in any matters where I would know

1 that -- know if that is the case.

2 Q Okay.

3 A I have no information to share to answer that.

4 Q Understood. Understood. So let's bring it back to
5 your chart which we saw at Government Exhibit 115. Does
6 your chart account for potentially overlapping synthetic
7 identities from this case and let's say another case in
8 Southern California?

9 MR. FENTON: Objection. This is a confusing
10 question.

11 THE COURT: Well, she said she doesn't know about
12 the details of any other investigation, and so the
13 objection is sustained.

14 MR. RAM: Sure. Let me try it this way.

15 Q So you do an analysis in this case of flow of
16 funds, right, so how money moved from different people
17 and entities; right?

18 A Correct.

19 Q Did you do that analysis for other bank accounts
20 and loans in Southern California?

21 A I have not performed any -- like the testimony I
22 gave yesterday related to following the funds and showing
23 that the PPP funds were used for a specific purpose. I
24 have not conducted that exercise for any other case.

25 Q Okay. And I am not referring to the summary chart,

1 just more generally, have you looked at bank accounts and
2 loans for other alleged fraud cases in Southern
3 California that have nothing to do with this one?

4 MR. FENTON: Objection. Asked and answered.

5 THE COURT: Sustained.

6 MR. RAM: Okay.

7 Q Now, let's go back. We are on Government Exhibit
8 115, and we are talking about the information you relied
9 on in putting this chart together. Is it fair to say you
10 have exchanged several drafts with the government before
11 you arrived at this end product which contains 24
12 different bank accounts?

13 A Yes.

14 Q Okay. Would it surprise you if I told you you
15 exchanged 12 different drafts with Mr. Fenton?

16 A That sounds reasonable.

17 Q Okay. And in each of those drafts, the government
18 and you discussed making certain changes to this chart;
19 is that right?

20 A Sometimes one chart might change and, you know, all
21 the other charts would stay the same. So if we are
22 talking about just this chart, I mean, I just don't know
23 in all the 12 instances that there were discussions of
24 changes to this chart.

25 Q Sure. Let me just -- one step back. So there is

1 changes being made. So every time you exchange a draft
2 by definition something is changing in that draft; right?

3 A Potentially, yes.

4 Q So, in other words, it wouldn't be one of the 12
5 drafts if you just sent the same document again,
6 identical document; right?

7 A Yes.

8 Q And you have been working with Mr. Fenton since
9 December of 2020 in connection with this case in
10 preparing your work product here?

11 A Yes.

12 Q That is approximately seven months?

13 A Yes.

14 Q Okay. And I may have asked this, and I apologize
15 if I did, but did you independently review any discovery
16 in this case other than the items that you specifically
17 identified at the outset of your testimony?

18 A No.

19 Q Now, let's take a closer look at your chart. If we
20 can pull up slides -- pages 3 and 4. We can start with
21 page 3.

22 THE CLERK: Are these only for the witness?

23 MR. RAM: For everyone. I apologize.

24 Government's Exhibit 115, page 3 to start. This is in
25 evidence as Government's Exhibit 115.

1 Q Okay. Did you have access to a database provided
2 by the government to PPP loan applications submitted in
3 Southern California?

4 A I did not.

5 Q Okay. Let's take a look at slides -- actually,
6 while we are here, did you see any loan or any loan in
7 this case, PPP or EIDL, that had my client Richard
8 Ayvazian's name on it?

9 MR. FENTON: Objection, your Honor. That is a
10 vague question.

11 THE COURT: Sustained.

12 MR. RAM: Okay. I will try it a different way.

13 Q So you reviewed some actual loan applications in
14 connection with your work here; isn't that right?

15 A Yes. I reviewed the 27 that are on this exhibit.

16 Q Okay. Let's focus on those 27 on this exhibit. Do
17 any of those 27 contain or refer to my client Richard
18 Ayvazian?

19 A The applicant is listed on this chart in the second
20 column for each of the loans. Out of this first page, I
21 don't see Richard's name listed.

22 Q Okay. And for the record, I am highlighting the
23 third column on page 3 of Exhibit 115 titled individual
24 applicant. And the question is do you see Richard
25 Ayvazian's name on any of those entries 1 through 13?

1 A I do not.

2 Q Okay. And you understand that means he was not the
3 individual applicant for any of these 13 loans; is that
4 right?

5 A That's correct.

6 Q Okay. Let's look at the next page, please. Page
7 4. Same questions for the loans identified in rows 14
8 through 27, is Richard Ayvazian the individual applicant
9 for any of those loans?

10 A He is not.

11 Q Okay. Now, let's look at slide 7 of this exhibit.
12 And I believe you testified yesterday that this is an
13 example of your analysis of PPP funds moving from
14 different entities and accounts; is that right?

15 A Yes. EIDL and PPP funds.

16 Q Thank you. Now, is it fair to say your analysis
17 did not account for the reason or explanation for any of
18 these transfers on this page; is that right?

19 A That's correct.

20 Q Okay. And on this page, to be clear, we are on
21 page 7 of Exhibit 115, the arrows point to Encore Escrow,
22 the family residence of Richard and Marietta Terabelian;
23 is that right?

24 A Yes.

25 Q Now, there is a lot of numbers on this page, and we

1 don't have to go item by item, but is it fair to say that
2 only a portion of the PPP funds detailed in these
3 accounts on the left hand side of this page end up in the
4 escrow account?

5 A That's correct. 639,807 end up in the escrow.

6 Q Okay. And you note here that the purchase price
7 was 3.25 million?

8 A Correct.

9 Q Are you aware that the escrow was approximately
10 1.2 million, meaning like the down payment, you know,
11 whatever lingo you use?

12 A Right. Yes. That would be the sum of the three,
13 the four black numbers. The 110, the 93, the 565 and the
14 500. So, yes, that is the down payment.

15 Q So, in other words, the PPP funds based on your
16 analysis used for purposes of the escrow are only roughly
17 half of the total down payment; is that right?

18 A That may be roughly half. Yes.

19 Q Okay.

20 A We will go with that.

21 Q Just so it is clear for the record that my math is
22 bad. So roughly 639,807 which you highlighted as the PPP
23 amount divided by the total amount of the down payment
24 which you are saying is roughly 1.2 million. That is
25 roughly half; yes?

1 A Yes.

2 Q Now, is it fair to say you didn't review any
3 evidence suggesting that PPP funds were being used or are
4 being used to pay the monthly mortgage payments on this
5 property; right?

6 A That was not something I was asked to look at.

7 Q So the answer is no, you didn't do that?

8 A That's correct.

9 Q Or, independently, are you aware of any evidence
10 suggesting that PPP was used?

11 MR. FENTON: Objection, your Honor. She just
12 answered that question.

13 THE COURT: Sustained.

14 MR. RAM: Okay.

15 Q Let's take a look at slide 10. I believe yesterday
16 you testified that this summary was a little different
17 than the other summary pages because the funds sat in
18 this account longer. It wasn't transferred out
19 immediately or within a short period of time; is that
20 right?

21 A Yes, that's correct.

22 Q So we are looking at page 10 of Exhibit 115. Just
23 to confirm that point, the PPP loan proceeds come into
24 the Zhadko chase account ending in 5268 around
25 August 25th, 2020; is that right?

1 A Yes.

2 Q Okay. And similar question for the EIDL loan.
3 That comes into the same account for Zhadko on
4 August 12th, 2020; is that right?

5 A Yes.

6 Q Okay. And the money, approximately four months
7 later, is transferred to another Zhadko Chase account; is
8 that right?

9 A Yes.

10 Q Okay. And is it fair to say that you didn't look
11 into what was the basis for this transfer or why it was
12 held in the account longer than a short period of time?

13 MR. FENTON: Objection, your Honor. This is a
14 confusing and vague question.

15 MR. RAM: I can rephrase it, your Honor.

16 MR. FENTON: How could Ms. Robinson testify to the
17 purpose of the transfer?

18 THE COURT: Let me hear your objection. What
19 objection are you making?

20 MR. FENTON: Mr. Ram is asking if the witness
21 understands why the money remained in the account. There
22 is no way that she could speak to that.

23 THE COURT: I mean, I am allowing the
24 cross-examination to deal with her accuracy,
25 completeness, bias, anything you want to question her

1 about. But it does seem that unless you want to probe
2 further, you can, that her testimony is she was given
3 some things from the government documents to look at, she
4 looked at -- she used those documents and didn't make any
5 conclusions; is that correct?

6 THE WITNESS: Yes. I made no conclusions.

7 THE COURT: I mean she is not offering an opinion
8 about anything more than these are the records that I was
9 shown. This is where bank records, according to her
10 testimony which can be accepted or rejected, demonstrated
11 where the funds moved.

12 You are asking her questions about what else
13 she investigated. Maybe she did, but she said she
14 hasn't. If you want to probe on that, and you believe
15 that she has done more than she says she did, you can go
16 ahead.

17 MR. RAM: No, your Honor. I can phrase it from a
18 biased standpoint as well. We can run that route, and I
19 will lay lay a foundation for it.

20 Q You are familiar with the concept of forensic
21 accounting, Ms. Robinson?

22 A Yes.

23 Q What is that? Tell the jury.

24 A I think it is generally described as applying
25 specialized knowledge in the field of accounting to

1 analyze financial transactions.

2 Q Okay. And analyze them for what purpose or
3 purposes generally?

4 A Could be all kinds of purposes. I mean, it could
5 be for providing expert testimony. It could be
6 providing, you know, reconstructing financial records for
7 some purpose. You know, analyzing -- I mean, the list is
8 sort of pretty extensive.

9 Q Sure. I'm sorry. Go ahead.

10 So is it fair to say you did not conduct a
11 forensic analyze of the Zhadko, either of the Chase
12 accounts here, to see if there is evidence that, for
13 example, there was a cash crunch for an individual in
14 December that would have required the transfer of these
15 funds. You didn't do that; right?

16 MR. FENTON: Objection, your Honor. Lacks
17 foundation.

18 THE COURT: Objection sustained.

19 Q BY MR. RAM: Did the government ask you to conduct
20 an analysis of the -- a forensic analysis of these
21 accounts to determine who or why these proceeds moved in
22 December of 2020? That is a yes-or-no question.

23 A No.

24 Q The government did not ask you to do that; is that
25 correct?

1 A Not to -- the government did not ask me. I think
2 you are going at intent. I was not asked to look at the
3 intent of a transaction.

4 Q Okay. But you are aware as an accountant that you
5 could conduct an analysis of this very account, 6822, for
6 evidence of why a transfer was made and who made it;
7 true?

8 A That would require drawing a conclusion or offering
9 an opinion. I wasn't asked to do that here.

10 Q Correct. The government did not ask to you do that
11 specifically; right?

12 A That's correct.

13 Q Okay. Now, let's talk about the -- we can take the
14 exhibit down. Let's talk about some of the limitations
15 on the bank statements you reviewed, and I think you just
16 said it for us, but it is fair to say that the chart does
17 not speak to what anyone knew or understood about any
18 given transfer? Is that an accurate statement?

19 A That's correct.

20 Q Okay. And so beyond the initial funding of an
21 account with the PPP loan; right? So someone gets a
22 transfer from someone else, is it fair to say there is
23 nothing in the bank statement that that person would
24 receive or that you reviewed that would suggest that the
25 funds were from a PPP or EIDL loan on the face of the

1 bank statement?

2 A So you are saying the funds come into the receiving
3 account. It says on the bank statement, you know, SBA or
4 EIDL or PPP. So it does say that on the first --

5 Q On the first one; right?

6 A -- first account.

7 Q In other words, the entity receiving a PPP or EIDL,
8 that entity may know that that is from the SBA or it is a
9 PPP loan; right? But my question is, on these transfers,
10 these next lines in the chart that lead to something,
11 none of those other transactions on the bank statement
12 would reflect that that is a PPP or EIDL loan; correct?

13 A Yes. I don't think I saw any instances where that
14 was indicated.

15 Q Okay. And typically when you make a bank transfer,
16 it doesn't state what the underlying funds came from;
17 right?

18 A Depends on if someone writes something in the memo
19 of a check or in the memo of a wire, that could be the
20 case.

21 Q But you didn't see that in this case; correct?

22 A I did not. I saw references to escrow.

23 Q Okay. But I didn't -- my question is specifically
24 on PPP or EIDL loans, did you see any reference in
25 subsequent transfers referencing PPP or EIDL loan

1 proceeds?

2 A I did not.

3 Q Okay.

4 Q We talked a little earlier about your accounting
5 firm and the work it does for the Department of Justice;
6 right?

7 A Yes.

8 Q Okay. You are the managing director at Stout?

9 A I am.

10 Q And as part of your responsibilities as managing
11 director, do you have responsibility for developing and
12 maintaining business for your firm?

13 A Yes.

14 Q And DOJ is a very big client for you; is that
15 correct?

16 A Yes. It is a big client for our practice.

17 Q And you personally; right?

18 A Yes.

19 Q So, for example, your firm was paid \$6 million in
20 the last two years on the matters you worked on with DOJ;
21 isn't that true?

22 A Yes.

23 Q And you testified yesterday that 50 percent or half
24 of your time is spent working on DOJ matters; true?

25 A Yes, I did.

1 Q And DOJ paid you approximately \$350,000 specific to
2 your, basically, the charts you prepared in this case;
3 right?

4 MR. FENTON: Objection, your Honor. That is
5 misquoting the facts.

6 MR. RAM: It is a question.

7 THE COURT: It is a question. The objection is
8 overruled. She can answer the question.

9 THE WITNESS: I am not paid directly by the
10 Department of Justice for any of the work I performed.
11 My firm is compensated for the work that I perform.

12 Q BY MR. RAM: Okay. And you bill your work at a rate
13 of \$395 an hour; is that right?

14 A Yes.

15 Q So all things equal, you would want to keep the DOJ
16 a happy client, fair to say?

17 A I want to keep all of my clients happy.

18 MR. RAM: No further questions, your Honor.

19 THE COURT: Okay.

20 MR. RAM: From this defendant.

21

22 CROSS-EXAMINATION

23 BY MR. LITTRELL:

24 Q Good morning, Ms. Robinson.

25 A Good morning.

1 Q My name is John Littrell, I represent Mary
2 Terabelian the defendant at the end of the table there. I
3 am going to try to plug in something here.

4 Can everybody see that on the screen? Now,
5 Ms. Robinson, this is Exhibit 115; correct?

6 A Yes.

7 Q And that is the chart that you prepared of the bank
8 accounts that you actually reviewed; right?

9 A Yes.

10 Q And Ms. Terabelian's name appears on this chart in
11 one place; is that correct? Actually I am referring to
12 just this first page. Do you see that?

13 A Yes.

14 Q And that is at column 6; correct?

15 A Row 6. Yes.

16 MR. LITTRELL: Can everybody hear me okay? I will
17 speak up.

18 Q And Ms. Terabelian is different from some of the
19 other defendants in that there is no corporate entity
20 attached to her name; right?

21 A Yes, it is a personal account.

22 Q But there is a lot of corporate accounts on this
23 chart also; right?

24 A There is some corporate, some personal. It is a
25 mix.

1 Q Now, turning your attention to page 2 of Exhibit
2 115. You testified yesterday about Mod Interiors. Do
3 you recall that?

4 A Yes.

5 Q And that was a bank account that you reviewed;
6 correct?

7 A Yes.

8 Q In fact, you reviewed all of the bank accounts on
9 this chart?

10 A Correct.

11 Q You reviewed them thoroughly?

12 A Yes.

13 Q And this chart indicates that a Nazar Terabelian was
14 the signer on that account; correct?

15 A Correct.

16 Q Yesterday, I believe you made a mistake and you may
17 have said that Mary Terabelian was the signer on this
18 account; is that true?

19 A That was my testimony? Or was it on a chart?

20 Q Why don't I just ask you to clarify now. The
21 signer on this account for Mod Interiors is not Mary
22 Terabelian; correct?

23 A Yes, that's correct.

24 Q It is Nazar Terabelian?

25 A Yes.

1 Q Turning your attention to the seventh slide if I
2 can get there. Can everyone see that?

3 Ms. Terabelian appears right at the middle of
4 the slide. Do you see that?

5 A Yes.

6 Q And, again, her name appears all by itself with no
7 corporate entity attached. Do you see that?

8 A Yes.

9 Q And she is actually in the third column from the
10 left; right?

11 A Yes.

12 Q Which means that she did not -- there is no
13 evidence that you reviewed that Ms. Terabelian received
14 any funds from a bank; right? I'm sorry. From a lender?

15 A She did not directly receive funds from a lender.

16 Q So according to this chart, these entities on the
17 second column here, see if I can draw on this. These
18 entities in the second column here applied for the PPP
19 loans; right?

20 A They received the PPP funds and EIDL funds.

21 Q Right. But Ms. Terabelian didn't directly receive
22 any PPP funds or EIDL funds according to your research;
23 correct?

24 A Correct. The funds to her account came through
25 other entities.

1 Q Another unusual thing here. If you see most of the
2 transactions on this page, you concluded that the entire
3 amount of the transaction was PPP loan proceeds; is that
4 correct?

5 A Yes.

6 Q But this one transaction here, the sole transaction
7 for Ms. Terabelian looks like only about half of that
8 money you concluded was PPP loan funds; correct?

9 A Yes. On Marietta Terabelian's account had a
10 negative balance before the funds start to come in on it
11 on June 17th and June 19th. So she receives several
12 deposits. I am showing you just two of the deposits.

13 And, then, on June 22 nd just a few days
14 later, she uses those funds. She sends out a total of
15 565,000, and I am showing that 249,807 of that is derived
16 from the transfer she received from Redline Auto
17 Collision and G&A Diamonds.

18 Q Now, you weren't asked to testify about your
19 opinion about who controls these accounts; right?

20 A I was asked to review the signature cards, identify
21 who was the signatory.

22 Q Right. But you just said Ms. Terabelian sent money
23 to Encore Escrow. Is that what you just said?

24 A Her account sent money to Encore Escrow.

25 Q Right. That is not the same as saying she sent it;

1 isn't that correct?

2 A The signatory is the one who, you know, authorizes
3 transactions on an account.

4 Q Let's take a look at Ms. Terabelian's account.
5 Now, you reviewed -- it is at Exhibit 89. So this is the
6 account we are talking about; right?

7 A Yes.

8 Q It is a 97-page document; right? Is that correct?

9 A Yes.

10 Q And you reviewed all 97 pages?

11 A Yes.

12 Q In fact, you recall today there was a negative
13 account balance at some point in June?

14 A Correct.

15 Q So you followed the transactions within this
16 account pretty closely?

17 A I followed transactions on all 24 accounts very
18 closely.

19 Q That is a big job, though, to memorize all of that.
20 In this case, again, it is a personal account for
21 Ms. Terabelian, and you mentioned the signature card. I
22 am going to direct your attention to page 1 of this
23 account. That is the signature card that you are talking
24 about; right?

25 A Yes.

1 Q And that reflects that Ms. Terabelian showed up to
2 the bank and applied for an account in her own name on or
3 about January 16, 2018; is that right?

4 A I don't have --

5 MR. FENTON: Objection, your Honor. That is
6 beyond the scope.

7 THE COURT: I will allow it.

8 MR. LITTRELL: Your Honor, she reviewed every page
9 of this bank statement. I need to go through this.

10 THE COURT: You are just asking her about the
11 things that she looked at and what dates and amounts and
12 so forth is on those things; right?

13 MR. LITTRELL: Yes.

14 THE COURT: You can do that.

15 Q BY MR. LITTRELL: Now, turning your attention again
16 in Exhibit 89 to page 23 of that. See if I can get
17 there. Do you see this page?

18 A 23. Yes.

19 Q Now, that top line there refers to online banking
20 transfers. Do you see that?

21 A Yes.

22 Q So this is an account that is available online;
23 correct?

24 A My understanding is that the transfer is made --
25 yes. Online.

1 Q Talking about online banking; right?

2 A Yes.

3 Q And online banking is a process where you set up an
4 account so you can access it from your computer; right?

5 A I mean that sounds like a good characterization of
6 it. You can often make transactions in the branch, at an
7 ATM and online.

8 Q I am just asking you this is an account that is
9 online; right?

10 A It is -- I couldn't log into her account. So I
11 don't know what rights she has or doesn't have. I know
12 what this account shows me the activity. So this shows
13 that a transfer occurred. Someone made an online
14 transfer to her account. That is what I see.

15 Q And when you have an online account, you access it
16 with a user name and password; right?

17 A Yes.

18 Q Now, in this case, one of the transactions that you
19 focused on, see if I can clear this, were wires that came
20 into that account on June 19th; correct?

21 A Yes.

22 Q And these are some of the wires that you focused on
23 in your chart; right?

24 THE COURT: Your voice is trailing off.

25 MR. LITTRELL: I will try to stay here.

1 Q These are the transactions you focused on, right,
2 in your chart?

3 A Yes.

4 Q And these are the ones that you used to reach your
5 conclusion about the flow of funds from Ms. Terabelian's
6 bank account; right?

7 A The flow into her account.

8 Q That's right. Now, and those were on June 19th,
9 2020; right?

10 A Yes.

11 Q Now, this portion of that bank statement refers to
12 withdrawals from the account; right?

13 A Yes.

14 Q And one of the more -- the withdrawals that you
15 were focused on was this wire out of Ms. Terabelian's
16 account in the amount of \$565,000. Do you see that?

17 A Yes.

18 Q And that was also reflected in your chart; correct?

19 Q And that was made three days after the wires that
20 came in; right?

21 A It was.

22 Q And those incoming wires on June 19th and the
23 outgoing wire on June 22nd are the only wires that you
24 concluded were relevant to your analysis; correct?

25 A These are related to her account?

1 Q That's correct?

2 A Yes.

3 Q New, but you did look at this account generally;
4 correct?

5 A Yes.

6 Q And it was not within the scope of your work to
7 sort of characterize who was using it or what the account
8 was used for generally; right?

9 A Yes.

10 Q But just taking a look at this account, you can see
11 it is used for things like Postmates; right? Do you see
12 that?

13 A Yes, I do.

14 Q And it is used for, at the gas station ; right?

15 A Yes.

16 Q Now, directing your attention to Government's
17 Exhibit No. 1P. Now, this is the signature card for
18 another bank account; correct?

19 A Yes. For Runyan Tax Service, account ending 9700
20 at Bank of America.

21 Q Who is the signer for that account?

22 A Victoria Kauichko.

23 Q And you reviewed the signature card for that
24 account as well; correct?

25 A Yes.

1 Q And this is the signature card, and this is
2 Victoria Kauichko's signature; correct?

3 A As represented on this document.

4 Q Fair enough. And it is sort of vertical and tilted
5 to the right; correct?

6 A Yes.

7 Q Showing you what has been marked and admitted as
8 Government's Exhibit 1F. This is another account that
9 you reviewed; correct?

10 A Yes. This is Top Quality Contracting, Wells Fargo
11 account.

12 Q And this is essentially the equivalent of a
13 signature card for that account; right?

14 A Yes.

15 Q And this account is in the name of Ulia Zhadko;
16 correct?

17 A Yes.

18 Q And this is the signature of Ulia Zhadko; correct?

19 MR. FENTON: Objection, your Honor. Lacks
20 foundation.

21 THE COURT: Well, I mean, the objection is
22 sustained. If you are asking that the signature of
23 Zhadko appears there, that would be permissible. Is that
24 what you are asking?

25 MR. LITTRELL: That is all I am asking.

1 THE COURT: All right. You may answer.

2 THE WITNESS: This is the signature provided on
3 the -- on the account opening document for Iuliia Zhadko.

4 MR. LITTRELL: Very well. No further questions.
5

6 CROSS-EXAMINATION

7 BY MR. JOHNSON:

8 Q Good morning, Ms. Robinson.

9 A Good morning.

10 Q I represent Vahe Dadyan here. I would like to ask
11 you about Exhibit 115, and that is the summary chart that
12 you created. What we are going to do is we are going to
13 focus on page 1 of that chart related to Voyage Limo.

14 Do you see that in front of you?

15 A Yes.

16 Q And at line 9, that is Voyage Limo?

17 A Yes.

18 Q And what you said on cross-examination earlier is
19 that you looked at the accounts related to Voyage Limo
20 and that, if I am reading this correctly, there is an
21 account at Wells Fargo; correct? And you reviewed that
22 account?

23 A Yes.

24 Q And that account was opened in August of 2019;
25 correct?

1 A Yes.

2 Q Were you able to look at some of the bank records
3 available for that company since August of '19?

4 A The period summarized here says March, 2020.

5 Q But in order to create the chart, you did notice
6 that you -- this account was opened in 2019; correct?

7 A Correct.

8 Q And is it -- is it fair to state when you looked at
9 the documents there was at least some transactions since
10 2019, August of 2019, in the -- in that account; correct?

11 A I am not -- I can't say that I saw activity before
12 March. This summary here shows that I reviewed the
13 period March 2nd, 2020, through November. And consistent
14 with, you know, what I was asked to do which was to look
15 at when the funds from the loan were received, I did not
16 need to be looking at activity in the earlier time
17 period.

18 Q I understand. And so the government didn't ask you
19 to look at earlier periods?

20 A Correct.

21 Q But you did look at the period from March of 2020
22 and studied and reviewed those bank records; correct?

23 A Yes.

24 Q What I would like do is I will go through the chart
25 and then I will come back to the actual bank records

1 because it will be easier?

2 A Okay.

3 Q So I will go to, now, page 4, and that is at
4 line 26. Now, Voyage Limo, there was one single loan
5 taken out by Vahe Dadyan; isn't that correct?

6 A Yes.

7 Q And you went back and you looked at that single
8 loan, and the bank records indicated Vahe Dadyan's name;
9 correct?

10 A Yes.

11 Q The company Voyage Limo; correct?

12 A Yes.

13 Q And that the Celtic loan application, that single
14 loan, matched the bank records; correct?

15 A Correct.

16 Q Now, I would like to look at -- and that was the
17 only loan in Voyage Limo with Vahe Dadyan's name;
18 correct?

19 A It is the only loan I looked at for preparation of
20 my testimony. I don't -- I don't know if there could be
21 some other loan application or loan out there, but this
22 is the one that I know about.

23 Q So you only know about this single loan?

24 A Correct.

25 Q So I would like to turn to page 5 of the Exhibit

1 115, and what I would like to focus on is this area right
2 here. Do you see that?

3 A Yes.

4 Q Now, what that area represents is that the loan
5 funds were -- came from Celtic Bank in the amount of
6 \$157,500 and went into the bank account of Voyage Limo;
7 correct?

8 A Yes.

9 Q And that was easy to follow?

10 A Yes.

11 Q And then there was, in Voyage Limo, there was a --
12 there was \$155,000 that was later transferred out?

13 A Yes.

14 Q And what we have here is that these funds were
15 deposited May 20th, 2020, and they remained in
16 Mr. Dadyan's account, the Voyage Limo account for 44
17 days; isn't that correct?

18 A That sounds about right. Yes.

19 Q From May 20th to July 3rd; correct?

20 A Uh-huh.

21 Q And when we looked at some of the other loans,
22 there was an immediate or very quick transfer of PPP
23 funds outside of -- transferred outside of the account;
24 isn't that correct?

25 A In several instances those transfers occurred

1 within days, but I think we went over this morning, there
2 are other instances where funds sat in an account.

3 Q But in several instances the funds moved quickly
4 out of that account?

5 A Agreed.

6 Q And the during those 44 days, were you able to
7 determine whether -- now, there was no conversion into
8 cash; right?

9 A No. It just it sat in the account.

10 Q It sat in the account. So there was no movement
11 outside of the account. It just sat in that account?

12 A There were a handful of transactions in this
13 account, additional, but they were smaller amounts.

14 Q Okay. So at that point, then, on July 3rd, then it
15 was transferred into Runyan Tax; correct?

16 A Correct.

17 Q And you stated earlier that you weren't asked to
18 look at the intent of any of the transactions; correct?

19 A That's correct.

20 Q That means you are not asked to determine whether
21 the -- anybody, Mr. Dadyan, knew, knowingly transferred
22 these funds out with the intent to defraud anybody;
23 correct?

24 A I have no position on that. You know, I don't know
25 anything about intent.

1 Q But you do render that opinion in other cases for
2 the Department of Justice; isn't that correct?

3 A I could.

4 Q You could. And you have done so in the past with
5 the Department of Justice; correct?

6 A Well, this is the first time I have testified for
7 the Department of Justice.

8 Q My question is that you have rendered an opinion as
9 to whether the funds would have been maybe used for money
10 laundering in the past for the Department of Justice?

11 MR. FENTON: Objection, your Honor. Asked and
12 answered.

13 THE COURT: You can answer.

14 THE WITNESS: I personally have not testified for
15 the government. Today is my first time testifying for
16 them.

17 MR. JOHNSON: I'm sorry.

18 Q I am not asking whether you have testified. I am
19 simply asking whether you rendered an opinion or have
20 been hired or consulted by the Department of Justice to
21 render an opinion regarding whether funds would have been
22 intentionally moved for the purpose of money laundering.

23 A Can we unpack that a little bit. So there is
24 consulted, rendered. Are we talking about written
25 reports? Can you break that down for me?

1 Q Have you ever consulted with the Department of
2 Justice to render an opinion just to say, hey, this is
3 money laundering, this is not?

4 A You know --

5 MR. FENTON: Objection, your Honor. It is a
6 confusing question, and the witness has asked for
7 clarification.

8 THE COURT: Well, I mean if you don't understand
9 the question, you could always ask to rephrase. Do you
10 want it rephrased? Rephrase the question.

11 Q BY MR. JOHNSON: Have you ever looked at a document
12 that is given to you by the Department of Justice and --
13 let me rephrase it and probably make it very clear
14 hopefully.

15 Has the Department of Justice ever given you a
16 document and said, Ms. Robinson, does this look like
17 money laundering to you?

18 A I just -- I don't think my work has been like posed
19 in that manner. I guess.

20 Q You are a forensic accountant?

21 A Yes.

22 Q And what does a forensic accountant do?

23 A A forensic accountant can do a variety of things in
24 the area of consulting on accounting, but, as I said
25 earlier, it is generally described as applying a

1 specialized knowledge to sort of analyze financial
2 transactions.

3 Q So has the Department of Justice ever asked you to
4 analyze financial transactions to determine whether you
5 see money laundering?

6 A I would say, yes, I have been asked to look at
7 those.

8 Q Thank you. And, in this particular case, you were
9 not asked for that opinion?

10 A Correct. I am not offering an opinion.

11 Q I would like to now look at exhibit -- I am going
12 to go back to the bank records that you reviewed in March
13 of 2020. Well, you didn't review them in March of 2020.
14 They are from March of 2020. Let me erase that.

15 So what I want to do is go through this.
16 These are the records that you did, in fact, review;
17 correct? Do you recognize that?

18 A Yes. This page of the statement doesn't give you
19 the account number and account names so maybe just if you
20 move up a page or two, it would orient.

21 Q This is the first page of the document. Do you
22 recognize that?

23 A Yes.

24 Q And that is what we are talking about in terms of
25 the opening of the bank; correct?

1 A Yes.

2 Q It says that there is a Voyage Limo?

3 A Yes. I see that.

4 Q Okay. And there we go. We have Voyage Limo, and
5 then that is Vahe Dadyan. That is his name, and we have
6 the date of the opening is up in the top right hand
7 corner. It is 8/20/2019?

8 A Yes.

9 Q Now, you said that you didn't review the earlier
10 periods from September, but you did review March?

11 A Yes.

12 Q I would like to go to a transaction history related
13 in March, and that is at page 39. Okay. So this is part
14 of the transaction history. It is the beginning of 3/2,
15 March 2nd.

16 So these are some of the records that you
17 reviewed; correct.

18 A Yes.

19 Q And PPP loans were intended for legitimate
20 businesses; correct?

21 A I believe that to be true.

22 Q And you also believe it to be true that you, as you
23 are examining these records, you would look for
24 legitimate business transactions; correct?

25 MR. FENTON: Objection, your Honor.

1 THE COURT: Sustained.

2 MR. FENTON: Beyond the scope.

3 THE COURT: Sustained. It is beyond the scope.

4 MR. JOHNSON: Based upon these records here --
5 and, your Honor, I would like to explore the legitimate
6 business transactions that are in this March, 2020, bank
7 account.

8 THE COURT: Well, you say legitimate. I don't
9 know what that means. Do you know legitimate? Do you
10 know?

11 THE WITNESS: Do you want to give me a working
12 definition of legitimate?

13 THE COURT: I mean, that is your word, I don't
14 know what it means in terms of what this witness is
15 testifying about.

16 I mean, she is -- she is not -- she said it
17 many times. She is not making any, giving any opinion
18 about what is legitimate, not legitimate. She is just
19 tracing funds from one account to another and preparing
20 it in a chart. So you will have to clarify the question.

21 MR. JOHNSON: Understand. I will strike
22 legitimate. I will just talk about the transactions.
23 All right.

24 Q When you are looking there at the transactions, I
25 will look at 3/3. And there it is, a transaction for

1 \$2,650.81. Did the government give you documents to show
2 you what that might be for?

3 A This document speaks on its face as to what that is
4 for. It shows it is a deposit from Uber.

5 Q And Voyage Limo is, in fact, a -- do you know what
6 Voyage Limo actually does?

7 A I think it is on its loan application, it indicates
8 it is a transportation company or somewhere along those
9 lines.

10 Q And then the next line, there is a Capital Premium
11 Insurance for Voyage Limo?

12 A Yes.

13 Q And the next line there is auto financing for
14 Voyage Limo; correct?

15 A For \$1,040, payment to Audi Financial?

16 Q Yes.

17 A Yes.

18 Q Then the next line, there is a check for \$2.076?

19 A Yes.

20 Q Did the government provide you bank records related
21 to what that check might be?

22 A I should have those records.

23 Q Why don't I --

24 MR. JOHNSON: Your Honor, I am offering Defense
25 Exhibit 801. The government has a copy of the records

1 and --

2 THE COURT: What is it just generally?

3 MR. JOHNSON: It is the actual checks from the
4 bank records.

5 THE COURT: Okay. Then it is received.

6 MR. JOHNSON: May I approach the witness?

7 THE COURT: What time is it.

8 THE CLERK: It is 10:30, your Honor.

9 THE COURT: How much longer do you have?

10 MR. JOHNSON: I am happy to take a break now.

11 THE COURT: Okay. Let's take the morning break,
12 10 or 12 minutes, and then get back at it. Thank you.

13 (Recess from 10:29 to 10:42 a.m.)

14 (The following proceedings were held in the
15 presence of the jury:)

16 THE COURT: Okay.

17 Q BY MR. JOHNSON: Good morning, again, Ms. Robinson.

18 May I approach the witness to present Defense
19 Exhibit 801 that the court just admitted into evidence.

20 THE COURT: Yes.

21 Q BY MR. JOHNSON: Ms. Robinson, I handed you Defense
22 Exhibit 801. And that is -- isn't it correct that that
23 is a -- those are Voyage Limo checks with a bank account
24 number that corresponds to the bank account that you have
25 been examining?

1 A Yes. The checks indicate it is the account ending
2 7900.

3 Q And the entire packet represents checks that the
4 first one is 9/18/2019, but we will move straight to the
5 March one that we are referring to.

6 A Okay.

7 Q Now, it is correct that, here, on 3/6, if we looked
8 at the check number here we would be able to correspond,
9 that would correspond with the checks that are from the
10 account; correct?

11 A Yes.

12 Q So let's move to that check number which is 1013,
13 and that is on page 31 of Exhibit 801?

14 A Yes.

15 Q And before you on the display is the -- a copy of
16 what you see in front of you; correct?

17 A Yes.

18 Q The check number is 1013?

19 A Yes.

20 Q It is written to a -- difficult to pronounce but a
21 town car, is that the end?

22 A Yes.

23 Q For \$2,076. And the memo says driver?

24 A I see all that.

25 Q So this would be a Voyage Limo check written to a

1 driver?

2 A Yes.

3 Q Now, I would like to go down to some of the other
4 expenses. If we go down a little further on 3/13, there
5 are -- there is a business-to-business transaction here
6 on 3/13. If you can highlight that for me. That says
7 Franchise Tax Board payment, doesn't that?

8 A Yes, it does.

9 Q And that would be for \$780?

10 A Correct.

11 Q Can you describe for a jury what a Franchise Tax
12 Board is?

13 A I think it is an entity specific to California, but
14 businesses pay taxes to that entity. I have seen it, you
15 know, before.

16 Q And, forgive me, I know you are from Baltimore. I
17 apologize. So businesses -- that would make sense that
18 it would be a tax payment; correct?

19 A Yes.

20 Q And now we move to the next line is -- it is a
21 check for 1053 and it is for \$500. Do you recognize
22 that?

23 A Yes, I see that.

24 Q And if we wanted to find out what that check is
25 for, we would go then to our document 801 and look at the

1 checks; correct?

2 A Yes.

3 Q And if we looked at that, we have up in the right
4 hand corner 1053; correct?

5 A Yes.

6 Q It is a check for \$500, and it is a check that is
7 the same memo. It says driver; correct?

8 A Yes.

9 Q So if the jury wanted to take the bank records and
10 connect them to Document 801, they would be able to see
11 the -- if there was a blank area, they didn't know what
12 the check was for, they would be able to see the actual
13 check in 801; isn't that correct?

14 A Yes.

15 Q So with that, I am not going to go through every
16 check, but I do want to highlight on 3/23, there was a US
17 Bank loan payment; correct? And there is a Capital
18 Premium Insurance payment down at 3/31.

19 A Yes. I see that.

20 Q And this is just for March of 2020; correct?

21 A Yes.

22 Q You didn't look at the rest of the documents, the
23 bank records from September?

24 A I didn't look at the earlier activity.

25 Q The earlier activity, but, in this exhibit, and

1 that is Exhibit 1M, all of the bank records are in there
2 for anyone to look at?

3 A Yes.

4 Q Okay.

5 MR. JOHNSON: I have no further questions.

6 THE COURT: All right. Any further? Is it
7 redirect? Is that what you are getting at.

8 MR. FENTON: Yes, your Honor, but the government
9 has no questions.

10 THE COURT: No questions. All right.

11 Thank you, ma'am. You are excused.

12 And now we call the next witness.

13 MR. PAETTY: Your Honor, the United States calls
14 Artur Hakopyan.

15 THE CLERK: Please step forward.

16 (The witness was sworn.)

17 THE CLERK: Please be seated. Please state your
18 name and spell it for the record.

19 THE WITNESS: My name is Artur Hakopyan.

20 A-R-T-U-R, H-A-K-O-P-Y-A-N.

21

22 DIRECT EXAMINATION

23 BY MR. PAETTY:

24 Q Good morning, Mr. Hakopyan.

25 A Good morning.

1 Q What do you do for a living?

2 A I am a self-employed freelance interpreter, slash,
3 translator.

4 Q How many years have you been working professionally
5 as a translator and interpreter?

6 A Over 25 years.

7 Q What languages do you translate?

8 A I work between English, Armenian and Russian
9 languages.

10 Q Can you please describe your educational
11 background?

12 A Yes. I have two diplomas. One is diploma of
13 interpreter.

14 THE COURT: Can you speak a little more loudly.

15 THE WITNESS: So I have two graduate degrees. One
16 is diploma of interpreter or translator and the other one
17 is legal. I have my JD and LLM.

18 Q BY MR. PAETTY: So taking you to the translator
19 degree, where was that from?

20 A It was from Yerevan State University in Armenia.

21 Q And how long was that program?

22 A Three years.

23 Q What was some of the course work in that program?

24 A Language, literature were the main two courses,
25 and, then, of course, the technique of doing translation

1 or verbal interpretation including simultaneous.

2 THE COURT: Including what?

3 THE WITNESS: Including simultaneous interpreting.

4 Q BY MR. PAETTY: And what is simultaneous
5 interpreting?

6 A Well, if you have seen like in the United Nations
7 so when I talk along with the speaker so I am not waiting
8 for someone to finish his or her word and then translate
9 it into the target language, I am basically talking
10 alongside with the speaker. That is called simultaneous
11 interpreting which is done verbally, of course.

12 Q What is your level of proficiency with the Armenian
13 language?

14 A I am a native speaker. I was born and grew up in
15 Armenia.

16 Q Where were you born?

17 A The city of Yerevan. That is the capital of
18 Armenia.

19 Q How long did you live in Armenia?

20 A Up until 1999.

21 Q How did you learn English?

22 A Well, it started in my school, elementary school.
23 I was born in a country that was called Soviet Union back
24 then. Armenia was a part of it. And according to the
25 system of education, foreign languages started to be

1 taught in schools in grade 4. So that is, from 4 to 10,
2 I started English, and then I also took English in my
3 university years.

4 Q And you live in the United States now?

5 A Yes. Since 1999.

6 Q You described yourself as a translator and
7 interpreter of the Armenian language. What does it mean
8 to be a translator?

9 A Well, translator and interpreter are basically two
10 terms that -- they are conditional terms to describe, to
11 describe two sides of the same coin. When I translate in
12 writing, that is in my line of work is called
13 translation. When I translate from one language into
14 another verbally, that is called interpreting. So these
15 are conditional denominations.

16 Q And approximately how many times have you worked as
17 a professional interpreter from Armenian into English?

18 A Hundreds if not thousands.

19 Q Who are some of the clients you have worked for?

20 A Well, I have both government agencies like United
21 States Department of State is my biggest government
22 client, but most of them are just private clientele, you
23 know, nonprofits or just private organizations,
24 corporations. I translated for schools, hospitals,
25 private companies.

1 Q Approximately how many times have you worked as a
2 professional translator from Armenian into English?

3 A Again, thousands. I have translated thousand
4 times.

5 Q Who are some of those clients?

6 A Again, government agencies and private, you know,
7 banks, corporations, anyone who needs a document as short
8 as one page or as long as hundreds of pages to be
9 translated from one language into another can hire me and
10 that is what do.

11 Q Approximately how many translations or rrecordings
12 in the Armenian language have you done?

13 A Hundreds.

14 Q Did you translate two recordings in connection with
15 this case?

16 A Yes, I did.

17 Q What languages are heard on those rrecordings?

18 A So the audio tape, recording, it has English and
19 Armenian.

20 Q Did you also transcribe those recordings?

21 A Yes.

22 Q And what does it mean to transcribe a recording?

23 A Well, so in this particular assignment, I am given
24 an audio recording, so I first put on the paper verbatim
25 everything that is on the recording in the language it is

1 spoken. So if part of the sentence is in English,
2 another part in Armenian, that is how I put it on the
3 paper in one column. And then in the other column, I
4 translate the Armenian parts into English.

5 Q And what equipment do you use to do that?

6 A My computer, my notebook, and I use a pair of good
7 headphones.

8 Q So turning your attention now to Government's
9 Exhibit 50A, do you recognize that?

10 A Yes, I do.

11 Q How do you recognize it?

12 A I put my initials and the date on this disk.

13 Q What is it?

14 A It is a disk that contains an audio recording.

15 Q Did you listen to the audio recording on the disk?

16 A Yes, I did.

17 Q And did you translate the call -- did you translate
18 the recording on Government's Exhibit 58?

19 A Yes, I did. I first transcribed it, and then I
20 translated it.

21 Q Is Exhibit 50A a true and accurate copy of the
22 recording that you translated with certain portions
23 redacted?

24 A Yes, it is.

25 THE CLERK: Are you admitting that into evidence?

1 MR. PAETTY: Not yet, Mr. Cruz.

2 Mr. Cruz, can I show on the document camera
3 a -- have the come camera go just to the witness for the
4 moment.

5 THE CLERK: Okay.

6 MR. PAETTY: Thank you.

7 Q So, Mr. Hakopyan, I will show you what has been
8 marked as Government's Exhibit 50B for identification.

9 Do you recognize this document?

10 A Yes, I do.

11 Q And what is 50B?

12 A It is a document that contains transcription and
13 translation of that audio recording.

14 Q And how do you recognize it?

15 A I put my initials and dated it after authenticating
16 it.

17 Q So is this a true and accurate copy of the
18 translation and transcription that you conducted on
19 Exhibit 50A?

20 A Yes, it is.

21 MR. PAETTY: Your Honor, the government moves
22 Exhibit 50A and 50B into evidence.

23 THE COURT: Received.

24 Q BY MR. PAETTY: Turning your attention now to
25 Exhibit 50D as in David. Do you recognize 50D?

1 A Yes, I do.

2 Q How do you recognize that?

3 A Again, I initialed and dated this disk.

4 Q And what is the disk?

5 A It is a disk that contains audio recording.

6 Q Is this the second recording that you reviewed?

7 A Yes.

8 Q And is Exhibit 50D a true and accurate copy of the
9 recording that you reviewed transcribed and translated
10 with certain portions redacted?

11 A Yes, it is.

12 Q So turning your attention now to Exhibit 50E, do
13 you recognize that?

14 A Yes, I do.

15 Q How do you recognize it?

16 A I put my initials and I dated it.

17 Q And what is it?

18 A It is the transcription and translation of that
19 second disk.

20 Q And is this a true and accurate copy of the
21 recording -- of the translation and transcription of the
22 recording in 50D?

23 A Yes, it is.

24 Q In this translation, did you include a translator
25 note?

1 A Yes. I have a note in one of those, yes.

2 Q In this one?

3 A If you show it to me.

4 A Yes. I have. Uh-huh. This is the one.

5 Q What is a translator note?

6 A When there is a word that I am translating that can
7 have a number of different meanings, and the interpreter
8 wants to make sure that you include a note when it is
9 important that, you know, one -- the note is included
10 when interpreter wants to explain the meaning of the word
11 that is being translated because, as we know, different
12 languages have their own peculiarities. So one word can
13 have different connotations, but, in this context, I
14 included the note to explain the meaning of that word
15 that applies in this case.

16 Q Was this the only translator note that you included
17 in your translations?

18 A Yes. Yes.

19 Q And is Exhibit 50E a fair and accurate copy of the
20 translation and description that you conducted on the
21 recording in 50D?

22 A Yes, it is.

23 MR. PAETTY: Your Honor, the government moves
24 Exhibits 50D and 50E into evidence.

25 THE COURT: Received.

1 MR. PAETTY: And, at this time, your Honor, the
2 government would like to read a stipulation entered by
3 the parties.

4 THE COURT: Okay. You can do that.

5 MR. PAETTY: "The parties stipulate and agree as
6 follows: The voice you hear in government's Exhibit 50A
7 and 50D after the automated greeting is the voice of
8 Marietta Terabelian. The Broward County Sheriff's Office
9 Department of Detention records all outgoing calls from
10 its jails except calls between the inmate and his or her
11 counsel. Marietta Terabelian was advised prior to making
12 the calls in Government's Exhibit 50A and 50D that her
13 calls would be recorded."

14 Your Honor, at this time, the government
15 requests permission to play Exhibit 50A and 50D alongside
16 the translations.

17 THE COURT: All right.

18 (Audio played.)

19 MR. PAETTY: No further questions for this
20 witness, your Honor.

21 MR. LITTRELL: Just a few questions, your Honor.

22

23 CROSS-EXAMINATION

24 BY MR. LITTRELL:

25 Q Good morning, Mr. Hakopyan.

1 A Good morning.

2 Q Thank you for being here. You testified that you
3 have been interpreting from Armenian to English for a
4 long time.

5 A Yes. And from English into Armenian. Any
6 direction.

7 Q And one of the things that you said is that
8 language can have multiple meanings sometimes?

9 A Words, yes.

10 Q And that nuance matters?

11 A Yes.

12 Q And that context matters?

13 A Yes.

14 Q And you are not here to testify about what
15 Ms. Terabelian meant when she spoke on that call; right?

16 A What she meant?

17 Q Yes. Well, the process of interpreting or
18 translation indirectly involves that and that, you know,
19 that is why I put my translator's note to describe the
20 meaning of the word, that particular word "caught," the
21 meaning that was meant in that context. So, in a way,
22 yes.

23 Q And the reason you wanted to add that note is
24 because that word is capable of multiple meanings?

25 A Of course. Just like many other words.

1 Q And you didn't want to create a misleading
2 impression for the jury about what she meant; right?

3 A Yes. Juror or anyone. Back then I didn't know it
4 was going to be in front of jury.

5 Q But you wanted to be clear that there was two
6 different ways to interpret that word; right?

7 A Yes. And I included the note to explain the
8 meaning in that context.

9 Q And what is the word for apprehended in Armenian?

10 A For apprehended?

11 Q Uh-huh.

12 A Well, just like in English, there are you know
13 formal and informal, so when she used that "caught," that
14 is like informally saying apprehended or arrested, taken
15 into custody. (Armenian word.) That is the word she
16 didn't use. (Armenian word.) The word, it is the proper
17 word for apprehended. Not caught.

18 Q And, now, the word -- you also translated
19 Ms. Terabelian's words to have the word "clean" in it.

20 Do you recall that?

21 A Yes. Clean the house.

22 Q Clean the house. Now, there are many words in
23 Armenian for clean; right?

24 A Many words? No. Meanings.

25 Q Many different meanings but, for example, clean is

1 an adjective sometimes; right?

2 A Yes.

3 Q Sometimes it is a verb?

4 A Yes.

5 Q The word, and I am going to try something that -- I
6 am going to try to speak some Armenian. Okay. So just
7 bear with me. The word makur(Phon.), that means clean?

8 A That means clean.

9 Q The word surt(Phon.), that means clean?

10 A I don't recognize a word like that.

11 Q The word ambit(Phon.)?

12 A Ambit.

13 Q That means clean?

14 A Ambit is more impeccable or something.

15 Q The word ambare(Phon.), ambare. Blame me.

16 A All right.

17 Q The word katarion(Phon.), katarion?

18 A Katarion, you mean?

19 Q Katarion.

20 A Well, katarion means perfect.

21 Q The word chezabor,(Phon.). Chekavor(Phon.).

22 A Chekavor?

23 Q That means clean also.

24 A No. That chekavor means poor.

25 Q Okay. Those are the adjective forms. We are going

1 to try some verbs okay. The word sowpow(Phon.).

2 A Sowpow. Wipe.

3 Q That means wipe, like clean?

4 A Wipe.

5 Q The word negel(Phon.) can mean clean?

6 A I don't recognize that word.

7 Q The word that was used in this case was the word
8 makrel(Phon.); right?

9 A Makrel. Yes.

10 Q Makrel also means clean?

11 A Verb, as a verb.

12 Q In this case, the form that was used was makrel
13 which means a command?

14 A Yes. You. You clean, as a verb.

15 Q So in order to determine how to translate the word,
16 you have to consider the context; right?

17 A Yes. You have to know the language and the
18 context. Of course.

19 Q You have to know when are the words uttered, right
20 when is the person speaking and why?

21 A Yes.

22 Q Where the person might be could be relevant?

23 A Could be, yes.

24 Q And what the person knows could be relevant?

25 A What person? The one that speaks?

1 Q Yes.

2 A Yeah. But I don't know what the person knows. I
3 am just hearing that person's voice on the tape.

4 Q And you don't know what the person intends when she
5 is speaking either, do you?

6 A No.

7 MR. LITTRELL: No further questions

8 THE COURT: Anything further?

9 MR. PAETTY: No, your Honor.

10 THE COURT: Thank you, sir. You are excused.

11 Call the next witness.

12 MR. FENTON: The government calls Spencer Kim.

13 THE CLERK: Please step forward.

14 (The witness was sworn.)

15 THE CLERK: Please be seated.

16 Please state and and spell your full name for
17 the record.

18 THE WITNESS: My name is Spencer Kim, last name
19 KIM.

20

21 DIRECT EXAMINATION

22 BY MR. FENTON:

23 Q Good morning, Special Agent Kim.

24 Can you tell us where do you work?

25 A Yes. I am a special agent with the FBI currently

1 assigned to Los Angeles division.

2 Q And how long have you been a special agent with the
3 FBI?

4 A I have been a special agent with the FBI for
5 approximately two years.

6 Q And as a special agent, did you receive training on
7 how to execute search warrants?

8 A Yes.

9 Q And during the few years that you have been a
10 special agent with the FBI, approximately how many search
11 warrants have you executed?

12 A Approximately 10.

13 Q Did there come a time where you conducted a search
14 of an apartment at 6150 Canoga Avenue, Unit 337?

15 A Yes, sir.

16 Q And approximately when was that?

17 A It was November 5th, 2020.

18 Q What were your duties in connection with the search
19 of the Canoga Avenue apartment?

20 A I was assigned as a team leader.

21 Q And can you please describe for the jury what does
22 it mean to be a team leader when you are executing a
23 search warrant?

24 A Team leader is an agent that assigns different
25 roles to the participating agents, creates an operation

1 plan and oversees the operation.

2 Q Now, as team leader, were you physically on the
3 property the day the search warrant was executed?

4 A Yes, sir.

5 Q And what did you observe when you first entered the
6 apartment?

7 A It was a two-bedroom unit apartment. The unit
8 barely had any items. There was nobody there at the
9 residence. Some of the items we saw was letters and
10 mail, a shredder with shredded paper, gift cards and
11 membership cards and some few pieces of clothing.

12 Q Okay. Going to show you what has been previously
13 marked Government Exhibit 54A.

14 MR. FENTON: And, Mr. Cruz, can we just show this
15 to the witness.

16 Q Special Agent Kim, do you recognize this photo?

17 A Yes, sir.

18 Q And do you recognize -- can you tell us what does
19 this photo depict?

20 A It is a photo of a kitchen drawer.

21 Q And is this photo a true and accurate depiction of
22 the items that you saw at Canoga?

23 A Yes, sir.

24 MR. FENTON: The government would move to admit.

25 THE COURT: Received.

1 MR. FENTON: Permission to publish.

2 THE COURT: Yes.

3 Q BY MR. FENTON: Special Agent Kim, can you please
4 tell us what is the name on that card on the silver dish
5 in that drawer?

6 A The name is Manuk Grigoryan.

7 MR. FENTON: All right. Mr. Cruz, I would like to
8 show another exhibit just to the witness.

9 Q Special Agent Kim, we are showing you what has been
10 previously marked Government's Exhibit 54B.

11 Do you recognize this photo?

12 A Yes, sir.

13 Q And what does this photo show?

14 A It is a photo of post-it notes with handwritten
15 notes.

16 Q And is this photo a true and accurate depiction of
17 it?

18 A Sure.

19 THE COURT: I can't hear you.

20 THE WITNESS: Sure.

21 Q BY MR. FENTON: I'm sorry, Special Agent Kim. What
22 does this picture show?

23 A It is a photo of a post-it note with handwritten
24 notes.

25 Q And is this photo a true and accurate depiction of

1 an item that you saw at Canoga during your search?

2 A Yes, sir.

3 MR. FENTON: The government moves to admit?

4 THE COURT: Received.

5 MR. PAETTY: Permission to publish.

6 THE COURT: Yes.

7 Q BY MR. FENTON: And, Special Agent Kim, can you just
8 read on the left there just the names of the companies
9 here on the left?

10 A Yes. VLA, C&C, CBD, DOBE, Hupp, GAZ, EM, Accel

11 Q Third from the bottom, does that say Sabala?

12 A Yes.

13 Q All right. Let me show you another exhibit.

14 MR. FENTON: Mr. Cruz, I would like to show this
15 again just to the witness.

16 Q Showing you what has been previously marked
17 Government Exhibit 54D.

18 Do you recognize this photo?

19 A Yes.

20 Q And what does this photo show?

21 A It is a photo of a checkbook, and it has Leonard
22 Hupp listed on the checkbook.

23 Q Is this photo a true and accurate depiction of what
24 you found during the search of your Canoga apartment?

25 A Yes.

1 MR. FENTON: The government moves to admit, your
2 Honor.

3 THE COURT: Received.

4 MR. FENTON: Permission to publish.

5 Q Special Agent Kim, can you just provide a little
6 more detail in terms of what this picture depicts in
7 terms of the checks?

8 A It is a checkbook listed Leonard Hupp DBA Hupp
9 Construction listed on it, and it is a list of empty
10 checkbooks.

11 Q So this is actually a checkbook?

12 A Yes, sir.

13 MR. FENTON: All right. Mr. Cruz, I would like to
14 show one more exhibit just to the witness.

15 THE CLERK: Counsel, just for clarification, the
16 three exhibits were 54A, the second one was 54B as in
17 boy, and the third one was now, 54?

18 MR. FENTON: 54D as in delta.

19 THE CLERK: Thank you. Go ahead.

20 Q BY MR. FENTON: Special Agent Kim, I am showing you
21 what has been previously marked Exhibit 54F as in fox.

22 Do you recognize this photo?

23 A Yes, sir.

24 Q And what does this photo show?

25 A It is a photo of an envelope.

1 Q And is this photo a true and accurate depiction of
2 an item that you found during your search of Canoga?

3 A Yes, sir.

4 MR. FENTON: The government moves to admit, your
5 Honor.

6 THE COURT: Proceed.

7 MR. FENTON: Permission to publish.

8 THE COURT: Yes.

9 MR. FENTON: Can we zoom in here on the right.

10 Q All right. Thank you, Special Agent kim.

11 MR. FENTON: No further questions?

12 THE WITNESS: Thank you.

13 THE COURT: Cross-examination.

14

15 CROSS-EXAMINATION

16 BY MR. KEOUGH:

17 Q Good morning.

18 A Good morning, sir.

19 Q Thanks for coming in today. So you were involved
20 in the execution of the search warrant as you testified
21 at 6150 Canoga Avenue, Unit 337?

22 A Yes, sir.

23 Q And fair to say that when you executed that search
24 warrant, you found some stuff?

25 A Yes, sir.

1 Q Items that hasn't been removed prior to your
2 arrival?

3 A Yes.

4 Q And you would also agree that for a period of time
5 a man named Manuk Grigoryan lived in the apartment at
6 Unit 337?

7 A Could you repeat that question one more time.

8 Q Yes. You would agree that for a period of time
9 there was a man named Manuk Grigoryan who lived in the
10 apartment at 6150 Canoga Avenue?

11 A Yes, sir.

12 Q And you would also agree that there is no evidence
13 that a man named Richard Ayvazian was a leaseholder or
14 otherwise lived at that apartment?

15 MR. FENTON: Objection, your Honor. Lacks
16 foundation.

17 THE COURT: Sustained. Don't get into that type
18 of questioning.

19 MR. KEOUGH: Yes, your Honor.

20 Q I would like to bring up an exhibit that you just
21 discussed with the government. I just want to ask you
22 one question about it.

23 If we could bring up Exhibit 54B, okay,
24 exhibit 54B which is in evidence, and if we could just
25 zoom in a bit to highlight the piece of paper. Okay.

1 Now, you read out the list of names when you
2 were questioned by Mr. Fenton. I just want to ask you
3 about one of them. You see the first one says VLA. Do
4 you see that there on the left-hand side?

5 A Yes, sir.

6 Q Now, if you count down to the fourth row, one, two,
7 three, four, do you agree that that word says Jobe?

8 A Yes, sir.

9 Q Thank you. And my last question is as part of the
10 search warrant that you executed, are you aware of any
11 fingerprint evidence was collected or taken during that
12 search warrant?

13 A No, sir?

14 MR. KEOUGH: No further questions.

15 MR. MESEREAU: May I, your Honor?

16 THE COURT: Yes, please.

17 MR. MESEREAU: Thank you.

18

19 CROSS-EXAMINATION

20 BY MR. MESEREAU:

21 Q Mr. Kim, my name is Tom Mesereau, and I speak for
22 Artur Ayvazian.

23 A Good morning.

24 Q In the items you have described and identified
25 today, nothing refers to Artur Ayvazian; correct?

1 A No, sir.

2 Q And in the items you described and identified
3 today, nothing refers to a company called Allstate Towing
4 and Transport; correct?

5 A Correct, sir.

6 MR. MESEREAU: No further questions, your Honor.

7 THE COURT: Anything else?

8 MR. FENTON: No, your Honor.

9 THE COURT: Thank you, sir. Thank you.

10 Agent Kim, you are excused.

11 Call the next witness.

12 MS. AHN: Your Honor, the government would like to
13 call Special Agent Caitlin Bowdler, B-O-W-D-L-E-R.

14 THE CLERK: Please step forward.

15 (The witness was sworn.)

16 THE CLERK: State your full name and spell it for
17 the record.

18 THE WITNESS: Caitlin Bowdler. C-A-I-T-L-I-N,
19 B-O-W-D-L-E-R.

20

21 DIRECT EXAMINATION

22 BY MS. AHN:

23 Q Good morning, Special Agent Bowdler.

24 A Good morning.

25 Q Are you employed?

1 A Yes, I am.

2 Q With what organization?

3 A The FBI.

4 Q What is your position at the FBI?

5 A Special Agent.

6 Q How long have you been employed as an FBI Special
7 Agent?

8 A Since March, 2017.

9 Q Did you receive training to be a Special Agent?

10 A Yes, I did.

11 Q Did you receive specific training in the collection
12 of evidence?

13 A Yes, I did.

14 Q As part of your duties, do you assist in search
15 warrants?

16 A Yes, I do.

17 Q As part of your duties at FBI, did you become aware
18 of an investigation into Richard Ayvazian and Marietta
19 Terabelian?

20 A Yes, I did.

21 Q Did you collect evidence as part of this
22 investigation?

23 A Yes, I did.

24 Q What location?

25 A I was at the 4910 Topeka location.

1 Q Is that in Tarzana, California?

2 A Yes.

3 Q Did you take on a particular role with respect to
4 the search of the Topeka property?

5 A I eventually became the evidence custodian at that
6 location.

7 THE COURT: I am having trouble hearing you. Can
8 you put the microphone a little lower.

9 THE WITNESS: I took on the role of evidence
10 custodian at that location.

11 Q BY MS. AHN: Could you define for the jury what an
12 evidence custodian does?

13 A So the evidence custodian takes all the evidence
14 items and writes them on the evidence collected item log
15 and bags the items, tags them and eventually takes them
16 back to the FBI space for processing.

17 Q What do you mean by bag and tag?

18 A So that means you take the item of evidence, you
19 put it in a plastic, paper or box depending on the size
20 of the item and then you tag it with information written
21 on the tag such as where it was found, the date, the
22 location, who it was found by, that type of information.

23 Q The number that you put on the tag on the field,
24 does that remain its permanent number?

25 A No. So it is an evidence item number in the field,

1 and that is translated into a 1B number when it gets back
2 to evidence in FBI space.

3 Q And who assigns the 1B number?

4 A The evidence technicians.

5 Q You mentioned that you eventually became the
6 evidence custodian. Did you take on additional duties or
7 previous duties at the Topeka residence?

8 A Yes. I initially started searching in some of the
9 garage space of the residence.

10 Q Did you seize digital devices from the garage area?

11 A Yes, I did.

12 Q What did you seize?

13 A We seized a phone, laptop and a flash drive.

14 Q Can you generally describe the area from which you
15 seized those devices in the garage?

16 A Yes. It was set up as a desk-type space, like to
17 be a work area.

18 Q Was there anything in that area that indicated a
19 name?

20 A Yes. There was a Mastercard with the last name
21 Ayvazian.

22 Q Was there a first name?

23 A Richard.

24 Q So you mentioned that you found and seized a phone.
25 Could you identify the 1B number for the phone seized

1 from the garage area?

2 A I believe that is 1B85.

3 Q So once you took the phone, what did you do with
4 it?

5 A I take the phone, once we had our evidence
6 custodian area set up. I take it there to put on the
7 evidence collected item log where it is determined where
8 the item was found. That is written down in that log as
9 well as who found it and who observed it. And it was
10 eventually put in a bag with a tag on it describing all
11 of that information.

12 Q Did that get assigned a 1B number?

13 A Yes.

14 Q So I am showing you -- I am going to show you what
15 has been marked as Government's Exhibit 27 for
16 identification. Hold on a moment. Let me grab it.

17 MS. AHN: Your Honor, may I approach the witness?

18 THE COURT: Yes.

19 Q BY MS. AHN: Have you had sufficient time to look at
20 the item?

21 A Yes.

22 Q Is that item labeled?

23 A Yes, it is.

24 Q What is it labeled?

25 A Item No. 1B85.

1 Q Do you recognize what that is?

2 A Yes, I do.

3 Q What is it?

4 A A black iPhone.

5 Q Is that the iPhone you found?

6 A Yes.

7 MS. AHN: May I approach the witness to receive
8 the item back?

9 THE COURT: Yes.

10 MS. AHN: Your Honor, move to admit physical item
11 Government Exhibit 27.

12 THE COURT: Received.

13 MS. AHN: Permission to publish.

14 THE COURT: Yes.

15 Q BY MS. AHN: Special Agent Bowdler, do you see what
16 is on your screen?

17 A Yes, I do.

18 Q Is that the phone that you seized from the garage?

19 A Yes, it is.

20 Q After you searched the garage, you mentioned that
21 you became the evidence custodian; is that correct?

22 A That's correct.

23 Q Can you explain for the jury how that relates to
24 evidence found by other agents?

25 A So the evidence custodian, all other agents will

1 come to me and bring me the evidence items that were
2 found on the property, tell me where they found it, who
3 was with them and any information that I need to put on
4 the evidence collected item log.

5 Q And then what did you do?

6 A Then I filled out the evidence collected item log
7 with whatever they specified.

8 Q Would you bag and tag the item?

9 A Yes, I would.

10 Q Would you tag it with a unique item number?

11 A Yes.

12 Q And where were you located when you set up as
13 evidence custodian?

14 A We set up a table in the driveway of the property.

15 Q After that point were you wandering around the
16 residence?

17 A No.

18 Q Were there other digital devices that were found?

19 MR. LITTRELL: Objection. Foundation.

20 MS. AHN: Your Honor, she was the evidence
21 custodian, your Honor.

22 THE COURT: Well, the question I think should be
23 did she receive other phones from other agents?

24 MS. AHN: Yes, your Honor.

25 Q Did you receive phones from other agents?

1 A Yes, I did.

2 Q Did that include an item marked as No. 10?

3 A Yes, it did.

4 MS. AHN: Your Honor, may I approach?

5 THE COURT: Yes.

6 MS. AHN: Your Honor, may I approach the witness?

7 THE COURT: Yes.

8 Q BY MS. AHN: Have you reviewed or looked at the
9 item?

10 A Yes.

11 Q Do you recognize that item?

12 A Yes, I do.

13 Q What is it?

14 A It is a teal iPhone or light green iPhone.

15 Q Is that an item that you, as you say, bagged and
16 tagged?

17 A Yes.

18 Q What was the item number?

19 A 10.

20 Q Was that assigned a 1B number?

21 A Yes. 1B81.

22 MS. AHN: May I approach, your Honor?

23 THE COURT: Yes. You don't have to ask me every
24 time in this examination. If this is what you intend to
25 do, it is permissible.

1 MS. AHN: Thank you, your Honor.

2 Q Special Agent Bowdler, is this item 1B81?

3 A Yes, it is.

4 Q Is this one of the items that was handed to you
5 during the search of the Topeka residence?

6 A Yes, it was.

7 MS. AHN: My apologies, your Honor, I neglected to
8 request admission and publication.

9 THE COURT: It is received. You can publish it.

10 MS. AHN: Thank you, your Honor.

11 Q Special Agent Bowdler, were valuables brought to
12 you for evidence collection during the search?

13 A Yes.

14 Q Can you generally describe what those valuables
15 were?

16 A There was cash as well as jewelry and gold coins.

17 Q Did that also include a watch?

18 A Yes.

19 Q Special Agent Bowdler, have you looked at the item
20 I just handed you?

21 A Yes.

22 Q Was it assigned a field number?

23 A Yes. 32.

24 Q And was it assigned a 1B number?

25 A Yes. 1B67.

1 MS. AHN: I am marking this as Government Exhibit
2 56 for identification. I would like to mark it as
3 Government Exhibit 56L for identification.

4 Do you recognize what this is?

5 A I can't see.

6 Q Oh. The item in front of you.

7 A The watch.

8 Q What is it?

9 A It is a watch.

10 Q Is this the item that was brought to you for
11 evidence collection at the Topeka residence?

12 A Yes, it was.

13 Q And how do you know that?

14 A I can tell that is my handwriting on the label and
15 that it was also my handwriting in terms of sealing it.

16 MS. AHN: Your Honor, move to admit Government
17 Exhibit 56L.

18 THE COURT: I can't see anything on the screen.

19 MS. AHN: I will publish it in a moment, your
20 Honor?

21 THE COURT: You can seeking to admit the item the
22 agent has in her hand?

23 MS. AHN: Yes, your Honor.

24 THE COURT: Received.

25 MS. AHN: Permission to publish, your Honor.

1 THE COURT: Yes.

2 Q BY MS. AHN: Do you see that item on your screen,
3 Agent Bowdler?

4 A Yes, I do.

5 Q Can you generally describe what you are seeing?

6 A A Rolex watch.

7 Q You mentioned that gold coins were brought to you;
8 is that correct?

9 A Yes.

10 Q Have you had a chance to look at the item I just
11 handed to you?

12 A Yes.

13 MS. AHN: And I am going to mark that as 56M for
14 identification.

15 Q Do you recognize the item in your hand?

16 A Yes.

17 Q What is it?

18 A Item No. 45. Gold Canadian coins.

19 Q Was that assigned a 1B number?

20 A Yes. 1B60.

21 MS. AHN: Your Honor, move to admit Government
22 Exhibit 56M.

23 THE COURT: Received.

24 MS. AHN: Permission to publish.

25 THE COURT: Yes.

1 Q BY MS. AHN: I am not sure I was able to fit all the
2 gold coins on there, but, generally, do you recall how
3 many gold coins were seized?

4 A Approximately 60.

5 Q I am just going to hand you four bags.

6 So I just handed you four bags, Special Agent
7 Bowdler. Let's just start with the first bag which I
8 will mark for identification as 56N.

9 Do you recognize just the first bag I handed
10 you. Do you recognize what that is?

11 A Yes.

12 Q Is that an item that you bagged and tagged?

13 A Yes.

14 Q What is the item number associated with that bag?

15 A Item No. 10.

16 Q And was it assigned a 1B number?

17 A 1B105.

18 MS. AHN: Move for admission, your Honor?

19 THE COURT: Received.

20 Q BY MS. AHN: So the second item I just handed you,
21 do you recognize what that is?

22 A Yes.

23 Q How do you recognize it?

24 A It is a watch.

25 Q Did you bag and tag that watch?

1 A Yes.

2 Q Was it assigned an item number?

3 A Item No. 9.

4 Q And the 1B number?

5 A 104.

6 MS. AHN: For identification, I am going to
7 identify that as 56M. Your Honor, move for admission?

8 THE COURT: Received.

9 MS. AHN: Clarification. That should have been
10 56N.

11 Q The third item I gave you. Do you recognize that?

12 A Yes.

13 Q Did you bag and tag that item?

14 A Yes.

15 Q What is in it?

16 A It is a watch.

17 Q Was it assigned an item number?

18 A Item 8.

19 Q 1B number?

20 A 1B97.

21 Q And then the fourth item I handed you which I will
22 mark as Government Exhibit P as in Paul, do you recognize
23 that item?

24 A Yes.

25 Q Was it given to you during the search?

1 A Yes, it was.

2 Q Did you bag and tag that item?

3 A Yes.

4 Q Was it given an item number?

5 A Item No. 2.

6 Q A field -- excuse me. A 1B number?

7 A 1B63.

8 MS. AHN: Your Honor, move to admit 56O and 56P?

9 THE COURT: Received.

10 MS. AHN: Your Honor was correct in saying this is
11 a very long courtroom.

12 Q I am going to go ahead and put items 56 -- items
13 56N1, 56N2, 56O and 56P. So are these the four watches,
14 minus the first watch that we discussed, that were handed
15 to you from the Topeka residence?

16 A Yes.

17 Q I am not sure you are going to be able to see this
18 one. Can you identify the type of watch this is?

19 A Royal Oaks.

20 Q How about this one?

21 A Royal Oaks.

22 Q How about this one?

23 A Royal Oak.

24 Q This one?

25 A Royal Oak.

1 Q Do you have particular expertise in watches,
2 Special Agent Bowdler?

3 A I do not.

4 Q Are you just reading the names off the watch?

5 A Yes.

6 Q All right. So in addition to the 60 gold coins and
7 five watches, four of which are displayed on the screen,
8 did agents bring you any cash to bag and tag?

9 A Yes, they did.

10 Q What did you do with the cash?

11 A We put in a box to transport back to FBI space.

12 Q Do you normally put items in a box?

13 A We put them in a box if they don't fit in plastic
14 bags, paper bags that we have on site.

15 Q Was there too much cash to fit in the bags?

16 A Yes.

17 Q Was it assigned an item number?

18 A Yes.

19 Q What item number?

20 A Can you --

21 Q Do you remember the item number for the cash?

22 A That I had for the cash.

23 Q Do you remember bagging and tagging cash?

24 A Putting it in the box, yes, and putting it on the
25 collected evidence item log. If I recall, evidence item

1 27.

2 Q Would it help to refresh your recollection with
3 your evidence log?

4 A Yes.

5 MS. AHN: Permission to approach, your Honor?

6 THE COURT: Yes.

7 Is it 12:00 o'clock now.

8 THE CLERK: It is, your Honor.

9 THE COURT: Okay.

10 (Court and counsel confer.)

11 THE COURT: Maybe we should keep going then. I am
12 informed that Mr. Cruz gets notification of when the
13 jurors' lunch arrives and he hasn't received that. So I
14 am going to keep on going until he gets word that lunches
15 have arrived, and then I will take the break.

16 Is that okay with the jury? Okay. All right.
17 We will keep going.

18 MS. AHN: May I approach the witness, your Honor?

19 THE COURT: Yes.

20 Q BY MS. AHN: Is your memory refreshed?

21 A Yes.

22 Q Would you mind just turning it over and putting it
23 to the side. Thank you.

24 Do you recall the item number associated with
25 the cash that you found?

1 A Item 29.

2 Q Do you recall the --

3 MS. NEWCOMER: Objection, your Honor. This
4 evidence has been excluded.

5 THE COURT: I don't know what is coming up here.
6 Would you approach.

7 MS. AHN: Yes, your Honor.

8 (The following proceedings were held at sidebar
9 outside the presence of the jury:)

10 THE COURT: Let me ask you, what are you intending
11 to do?

12 MS. AHN: I am not physically bringing the cash,
13 just introduce the fact that they found cash at the
14 residence.

15 THE COURT: But what cash?

16 MS. AHN: It was the subject of your ruling this
17 morning, your Honor.

18 THE COURT: Well, I am not -- wait. Wait. Don't
19 jump in. Let me just ask each person to speak at one
20 time.

21 THE COURT: What are you intending to do with this
22 witness at this point? What are you going to ask?

23 MS. AHN: Just I was done with my inquiry as to
24 cash, and then I was going to --

25 THE COURT: Well, what about the cash? You are

1 just going to leave it at that?

2 MS. AHN: Yes, your Honor.

3 THE COURT: Not the amount or anything like that?

4 MS. AHN: I was going to inquire as to the amount,
5 your Honor.

6 THE COURT: Well, didn't I -- I thought I did make
7 a ruling in limine regarding the 450,000.

8 MS. AHN: Oh. Yes, your Honor. I apologize, your
9 Honor.

10 THE COURT: That came up with Terabelian allegedly
11 tossing it in some shrubbery.

12 MS. AHN: We are not going to introduce that into
13 evidence.

14 THE COURT: But the essence of the ruling was that
15 looking at all the records, the cash, as my late partner
16 used to say, didn't have a mother and a father.

17 MS. AHN: Yes, your Honor. I apologize. I
18 misunderstood this morning's ruling.

19 THE COURT: So if it doesn't have a mother and a
20 father, it is not admissible.

21 MS. AHN: Yes, your Honor.

22 (The following proceedings were in the presence of
23 the jury:)

24 THE COURT: Lunch is here. That is good for
25 everybody.

1 All right. Let's have lunch and come back at
2 about 10 after. Thank you.

3 (Luncheon recess from 12:03 to 1:10 p.m.)
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CERTIFICATE

I hereby certify that pursuant to Section 753, Title 28,
United States Code, the foregoing is a true and correct
transcript of the stenographically reported proceedings held
in the above-entitled matter and that the transcript page
format is in conformance with the regulations of the
Judicial Conference of the United States.

Date: June 17, 2021

/s/ Katie Thibodeaux, CSR No. 9858, RPR, CRR

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